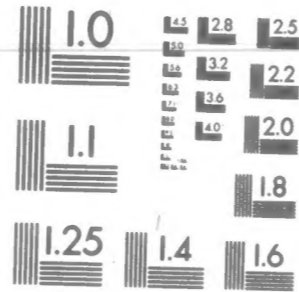
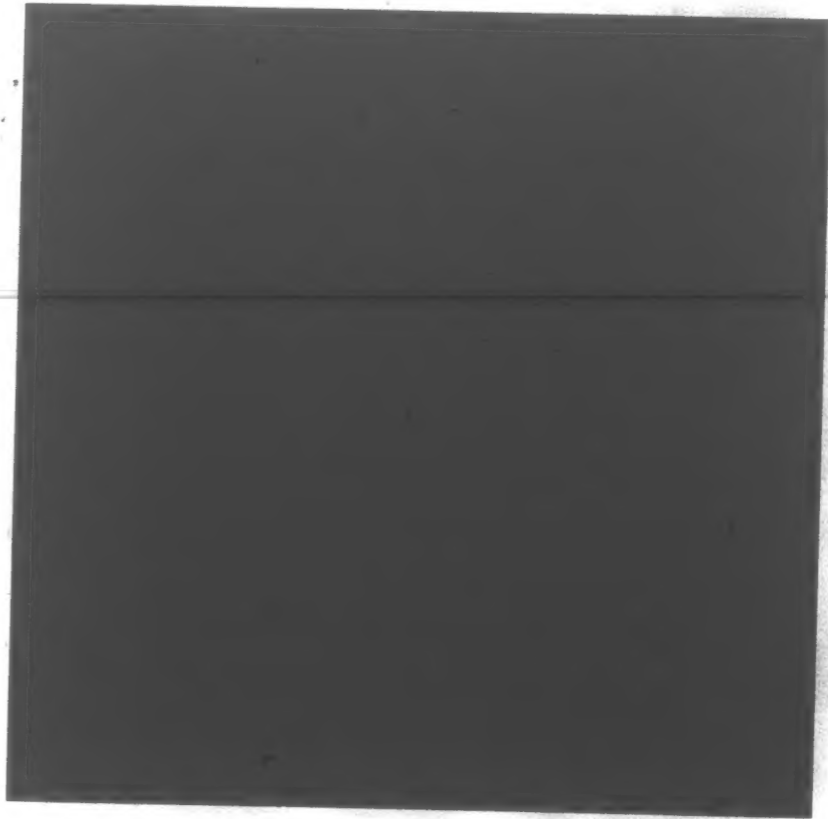
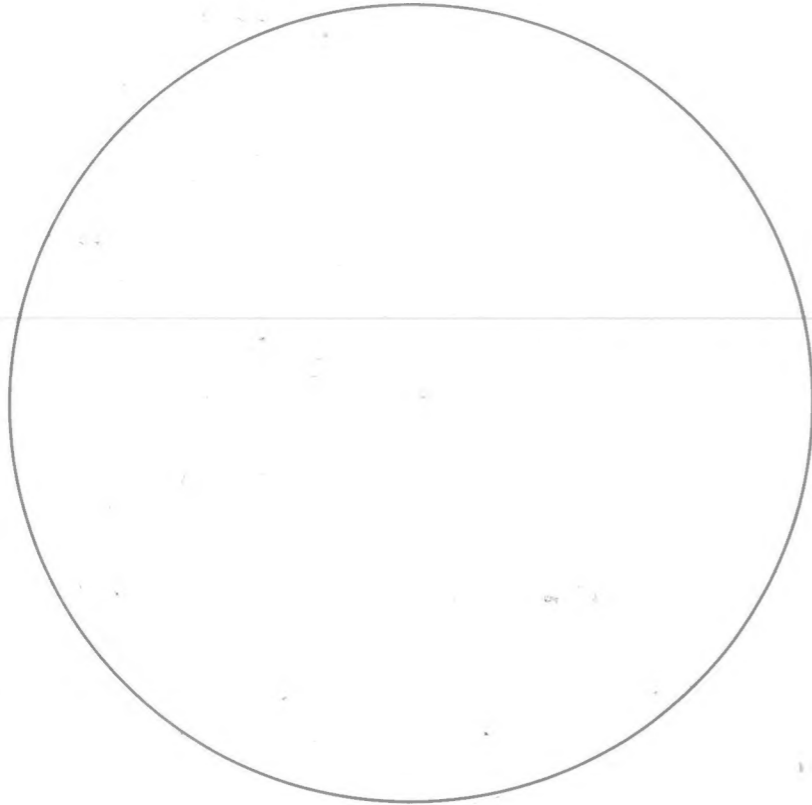
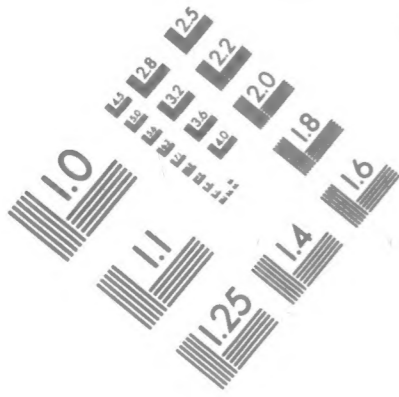
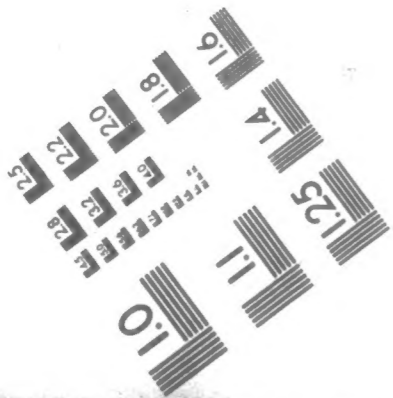


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APPLICATIONS FOR ENROLLMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
1898 - 1914

ROLL 394

CHEROKEE FREEDMEN R1034 - R1057

**THE NATIONAL ARCHIVES  
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GENERAL SERVICES ADMINISTRATION**

**WASHINGTON: 1983**

Cher. Fr. R. 1034

Trans. from C. Fr. D. 953

Cher. Fr. R. 1034

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

In the matter of the application for the enrollment of  
 Katie Ridge, et al., as Cherokee Freedmen, consolidating the ap-  
 plications of:

Katie Ridge,	Cherokee Freedmen	D 295
Cornelius Ridge, et al.,	" "	D 506
Phoobe Johnson, et al.,	" "	D 589
Henry C. Ridge,	" "	D 638
Ida Jones, et al.,	" "	D 647
Ary Lynch,	" "	R 70
Elmera Vann,	" "	R 113
Maud Riley, et al.,	" "	D 591
Rosa Vann, et al.,	" "	D 594
William Townsend,	" "	D 656
Mollie Townsend, et al.,	" "	D 651.
Dennis Hicks, Sr., et al.,	" "	D 355
Joshua Holt, et al.,	" "	D 344
Callie Miller,	" "	D 646
Mary Johnson,	" "	D 854
Meth Vann, et al.,	" "	D 666
Frank Johnson, et al.,	" "	D 876
Eliza Hawkins, et al.,	" "	D 358
Joseph Hicks, et al.,	" "	D 360
Katie Hicks,	" "	D 361
James A. Hicks,	" "	D 362
Frances Johnson, et al.,	" "	D 676
Anna Butler, et al.,	" "	D 979
Howard Bushyhead,	" "	D 987
Fatie Davis,	" "	D 953
Jesse Riley, et al.,	" "	D 258
Andrew Riley, et al.,	" "	D 260
Jesse Riley, et al.,	" "	D 261
Frank Riley, et al.,	" "	D 262
Jerry Riley, et al.,	" "	D 263
Fannie Scott, et al.,	" "	D 266
Deillah Johnson, et al.,	" "	D 267
Lettie Johnson, et al.,	" "	D 268
Jane Riley,	" "	D 600
Denial Thompson,	" "	D 606
Elick Ward, et al.,	" "	D 603
Sandy Thompson,	" "	D 603

Ruth Riley, et al.,	Cherokee Freedmen D 579
Hannah Riley,	" " D 569
Charles Landrum,	" " D 601
Fettie McIntosh,	" " D 903
William Riley,	" " D 603
Carrie Gibson,	" " D 704
Cora J. Wagner, et al.,	" " D 577
Arthur Riley,	" " D 571
Elizabeth Felton, et al.,	" " D 441
Julius Curls,	" " D 269
Riley Curls, et al.,	" " D 270
Ophelia Thompson, et al.,	" " D 271.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Katie Ridge for herself; by Cornelius Ridge for himself and wife, Laura Ridge (by intermarriage), and minor children, Pearl, Jesse and Myrtle Ridge; by Phoebe (Milton) Johnson for herself and minor children, Joseph, Percy, Herbert, Serena and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and minor children, Lee, Eddie and Stella Martin; thereafter, on June 27, 1902, there was filed with the Commission an affidavit showing the birth, on June 3, 1902, of Cornelius Jones, child of the applicant, Ida Jones; by Charles T. Lynch for, among others, his wife, Ann Lynch (by intermarriage), the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Walter Vann for, among others, his wife, Elvira Vann; the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Paul Riley for herself and minor child, Jesse Barnett; thereafter, on April 9, 1902, there was filed with the Commission an affidavit showing the birth, on October 26, 1901, of John C. Riley, child of the applicant, Paul Riley; by Rosa Vann for herself and minor child, Josephine Vann; by William Townsend for himself; by Nellie Townsend for herself and minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks, Sr., for himself (by intermarriage), and wife, Bettie Hicks and minor children, Leroy, Dennis Jr., Delana, Ethel and Elmer Hicks; by Joshua Holt for himself and wife, Jane Holt, and minor stepchildren, Laura and Ella Fesson, and minor children, Jessie Villard, Clifford and Lucelia (Cecelia) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chinnet. for

herself and minor children, Martha and Lillie Chinnett; subsequent to filing her application herein and prior to September 1, 1902, the applicant, Ruth Chinnett, was married to one George Vann, and she will now be listed for enrollment as Ruth Vann; by Frank Johnson for himself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 7, 1902, of Luella Johnson, child of the applicant, Frank Johnson; by Eliza Hawkins for herself and minor child, Tyndle E. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage), and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and minor children, Nettie, Katie, Clarence and Wilde Johnson; by Anna Butler for herself and minor child, Esther Owen; by Anna Butler for her adult brother, Howard Bushyhead; by Katie Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and minor child, Nathaniel Riley; by Jesse Riley for himself and minor children, Joseph, Ollie, Viola, Mabel, Elnora, Ideller and Luther D. Riley; by Frank Riley for himself and minor children, Lottie, Fannie, James, Ralph, Arizona and Inola Riley; thereafter, on June 12, 1902, there was filed with the Commission an affidavit showing the birth, on November 30, 1901, of Earl E. Riley, child of the applicant, Frank Riley, and on June 28, 1902, there was filed with the Commission an affidavit showing the birth, on December 31, 1901, of Clarence Riley, an illegitimate child of the applicant, Lottie Riley; by Jerry Riley for himself and minor children, Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley; by Fannie Scott for herself and minor children, Charles Wesley Miller, and Bessie and Jimmie Scott; by Delilah Johnson for herself and minor children, Allie, Luman, Jesse, Alfred, Nola, Della, Ella and Harrison Johnson; by Lottie Johnson for herself and minor children, Rebecca, LuFord, Wilbert and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Ellick Ward for himself and wife, Amanda Ward, and minor children, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse and Mable Ward; by Sandy Thompson for himself; by Ruth Riley for herself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on January 22, 1902, of Lenora Odine Riley, child of the applicant, Ruth Riley; by Hannah Riley for herself; by Charles Landrum for himself; by Bettie McIntosh for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Wagner for herself; thereafter, on October 3, 1901, there was filed with the Commission an affidavit showing the birth, on August 24, 1901, of Oval Wagner, child of the applicant, Cora J. Wagner; by Arthur Riley for himself; by Elizabeth Melton for herself and minor child, Elnora Melton; by Julius Curles for himself; by Riley Curles for himself and minor children, Willie, Edward, James, George, Stephenia and Clarence Curles; thereafter, on July 1, 1902, there was filed with the Commission an

affidavit showing the birth, on February 13, 1902, of Beatrice Curle, child of the applicant, Riley Curle; and by Ophelia Thompson for herself and minor children, Alpha, Libbie, Hirschel, Harvey and Clyde Thompson.

Copies of the following testimony, decisions, and Departmental letters are filed herewith and made a part of the record in this case: Its decision rendered by the Commission on March 5, 1904, and Departmental letter of May 17, 1904 (I.T.D. 3470-04), in the case of Ed Vann, C.F.D. 660; its decisions rendered by the Commission on July 10, 1903, and June 23, 1904, and of Departmental letters of May 11, and November 12, 1904 (I.T.D. 2412, 3594-04), in the cases of Jesse Vann et al., C.F.D. 254 (R 302), and Erma Purtle C.F.D. 265; its decisions rendered by the Commission on March 5, and April 20, 1904, and of Departmental letters of June 2, 23, and 25, 1904 (I.T.D. 4380, 5020-5034-04), in the cases of Esther Holt, C.F.D. 645 (R 443), Tecurseh Holt, C.F.D. 653 (R 399), William Holt, C.F.D. 694 (R 396), and Moses Holt, C.F.D. 185; its decision rendered by the Commission on March 5, 1904, and Departmental letter of June 21, 1904 (I.T.D. 4733-04); in the consolidated case of Katie Thornton et al., C.F.D. 578 et al., (R. 410-R 411-R 412-R 413-R 414); of the testimony taken at Chelsea, Indian Territory, June 8, 1901, its decision rendered by the Commission on April 20, 1904, and of Departmental letter of October 31, 1904, (I.T.D. 8130-04), in the consolidated case of Katie Blackwell, et al., including, among others, the application of Mary Riley, C.F.D. 624; of its decision rendered by the Commission on November 23, 1904, in the consolidated case of Andrew T. Watie, C.F.D. 502, et al., and of the testimony taken at different times and places in the cases of Edward Derrick, C.F.D. 818, Aaron Webber C.F.D. 216, Elizabeth Weigs, et al., C.F.D. 391, Samuel Beck, et al., C.F.D. 775, David Johnson, C.F.D. 356, Abraham Ward, C.F.D. 607 (R 233), and of Peter Ward, C.F.D. 613, (R 282).

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Mattie Ridge, is the mother of the applicants, Cornelius Ridge and Phoebe Johnson, and of one Jesse Ridge, and one Mary Ridge (later Hicks, former wife of Dennis Hicks Sr., D 350, infra.), both deceased; that the said applicants and the said Jesse and Mary Ridge, deceased, were the 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; that the applicants, Laura Ridge and Ary Lynch, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicant Cornelius Ridge and to the said Jesse Ridge, deceased; that the applicants, Pearl, Jennie, Myrtle and Henry C. Ridge, and Ida Jones, are children of the said



applicants, Cornelius and Laura Ridge, were born since 1866, and possess no rights to enrollment other than as descendants of their said parents; that the applicants, Joseph, Percy, Herbert, Serena and Pearl Milton, Maud Riley, Rosa Vann, and William Townsend, are children of the applicant Phoebe Johnson, were born since 1866, and possess no rights to enrollment other than as descendants of their said mother; that the applicants, Lee, Eddie, and Stella Martin and Cornelias Jones, are children of the applicant Ida Jones, were born since 1880, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said applicants Lee, Eddie and Stella Martin, possess any rights to enrollment other than as descendants of their said mother, and the applicant Cornelias Jones, possesses no rights to enrollment other than as his mother's descendants; that the applicant Linora Vann, is a child of the applicant Ary Lynch, and the said Jesse Ridge, deceased, was born since 1890, and possesses no rights to enrollment other than as a descendant of her said parents; that the applicant Jesse Barnett, is a child of the applicant Maud Riley, was born since 1890, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said Jesse Barnett possesses any rights to enrollment other than as a descendant of his said mother, and that the applicant John C. Riley, is a child of the said applicant Maud Riley, and one William Riley, (said William Riley's rights to enrollment are considered below, C.F.D. 253), was born since 1897, and possesses no rights to enrollment other than as a descendant of his said parents; that the applicant Josephine Vann, is a child of the said applicant Rosa Vann, was born since 1880, and possesses no rights to enrollment other than as a descendant of her said mother (In C.F.D. 560, the Commission found that one Ed Vann, father of the said applicant Josephine Vann, possesses no rights to enrollment as a Cherokee freedman, and on May 17, 1904, Departmental letter T.T.D. 3470-04, said finding was approved by the Department); that the applicant Mollie Townsend, is a daughter of one Jesse Vann, and one Anna Purtle, was born since 1868, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 254 and 255 the Commission found that the said Jesse Vann and Anna Purtle possess no rights to enrollment as Cherokee freedmen; and on May 11, and November 12, 1904, Departmental letters T.T.D. 3412-3594-04, said findings were approved by the Department); and that the applicants, Rosa, George and Arthur Townsend, are children of the said applicants William and Mollie Townsend, were born since 1890, and possess no rights to enrollment other than as descendants of their said parents.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicants, Dennis Hicks Sr., and Susie Hicks, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicants Fattie and Joseph Hicks; that the applicants Fattie Hicks, Joshua Hicks

and Sallie Miller, (children of One Esther Holt), and Anderson Johnson, deceased, Buck Bushyhead, deceased, and Nettie Downing, deceased, were the 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 Whitmire decree, supra., for the return of freedmen to the Cherokee Nation; that the applicants, Leroy, Dennis Jr., Delana, Mabel, and Elmer Hicks, Jane Holt, Laura and Ella Peeson, Jessie, Willard, Clifford and Maucelia (Marcellia) Holt, Mary Johnson, Ruth Vann, Martha and Lillie Chinnett, Frank and Luella Johnson (In C.F.D. 855 the Commission found that one Charlotte Beck, mother of the applicant, Luella Johnson, possesses no rights to enrollment as a Cherokee freedman, and on July 21, 1904, its finding was approved by the Department), Elize and Tyndle E. Hawkins, Joseph, Otto A., Katie and James A. Hicks, Frances, Nettie, Katie, Clarence and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, and Katie Davis, were born since the commencement of the rebellion, are descendants of the said applicants, Dennis Hicks Sr., Bettie and Susie Hicks, Joshua Holt and Sallie Miller, and of Anderson Johnson, deceased, Buck Bushyhead, deceased, Nettie Downing, deceased, and Mary Ridge, deceased, (In re Mary Ridge see preceding paragraph), and possess no rights to enrollment as Cherokee Freedmen other than as such descendants.

THE EVIDENCE FURTHER SHOWS: That one Riley McNair and one Maria McNair, both deceased, were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lottie Johnson, and of Millie McNair, deceased; that the said Riley, Maria and Millie McNair, all deceased, and the said applicants, Moses, Andrew, Jesse and Jerry Riley, Fannie Scott and Lottie Johnson, and the applicants, Jane Riley, Daniel Thompson, Elick and Amanda Ward and Sandy Thompson, and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree, for the return of Cherokee freedmen to said Nation; that the applicant, Ruth Riley, is a daughter of Henry Thornton, deceased, and Katie Thornton, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 578, 580 and 581, the Commission found that the said Katie Thornton and one Maggie Curtis and one Joseph Thornton, full sister and brother of the said applicant, Ruth Riley, possess no rights to enrollment as Cherokee Freedmen, and on June 21, 1904, its finding was approved by the Department); that the applicant, Hannah Riley, was born prior to the commencement of the rebellion, and was the slave of a non-citizen of the Cherokee Nation at the commencement of the rebellion; and that the applicants, Lillie



Nathanial, Joseph, Ollie, Viola, Mabel, Elnora, Ideller, Luther  
D., Frank, Lottie, Fannie, James, Ralph, Arizona, Inola, Earl E.,  
Clarence. (In C. F. D. 624, the Commission found that one Mary  
wife of the applicant Frank Riley, and mother of the applicants,  
Lottie, Fannie, James, Ralph, Arizona, Inola and Earl E. Riley,  
and grandmother of the applicant, Clarence Riley, possesses no  
rights to enrollment as a Cherokee freedman, and on October 31,  
1904, its finding was approved by the Department), Samuel, James  
A., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley,  
Charles Wesley Miller, Bessie and Jimmie Scott, Delilah, Allie,  
Susan, Jesse, Alfred, Nola, Della, Ella, Harrison, Rebecca, Irvin,  
Wilbert and Arch Johnson, Henrietta, Irvin, Harry, Roy, Dan, Effie,  
Troy, Jesse and Mable Ward, Lenora Odine Riley, Charles Landrum,  
Nettie McIntosh, William Riley, Carrie Gibson, Cora J., and Oval  
Fasoner, Arthur Riley, Elizabeth and Elnora Helton, Julius, Riley,  
Willie, Edward, James, George, Stephenia and Peatrice Curls,  
(One Nancy Curls, C.F.D. 429, who was denied enrollment by the  
Commission is the mother of the six last mentioned applicants),  
Ophelia, Alpha, Libbie, Mirschel, Harvey, and Clyde Thompson,  
were born since the commencement of the rebellion, are descendants  
of the said applicants, Moses, Andrew, Jesse, Jerry, Jane, Ruth  
and Hannah Riley, Fannie Scott, Lottie Johnson, Daniel and Sandy  
Thompson, and Ellok and Amanda Ward, and of the said Riley McNair,  
deceased, Maria McNair, deceased, and Millie McNair, deceased,  
Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus  
Rogers, deceased, and possess no rights to enrollment other than  
as such descendants.

None of the applicants herein born during or prior to  
the first below mentioned year, nor the ancestors of any of the  
said applicants herein born during or subsequent to the said first  
below mentioned year, can be identified on the Cherokee authenti-  
cated tribal roll of 1880, and none of the applicants herein can  
be identified on the Cherokee census roll of 1896.

THE EVIDENCE HEREIN FURTHER SHOWS: That the applicants  
Ethel Townsend and Clarence Curls, died prior to September 1, 1902,  
Affidavits to that effect are filed herewith and made a part of  
the record herein.

Section twenty-five of the Act of Congress approved  
July 1, 1902 (32 Stat., 716), provides:

"The roll of citizens of the Cherokee Nation shall  
be made as of September first, nineteen hundred and two,  
and the names of all persons then living and entitled to  
enrollment on that date shall be placed on said roll by  
the Commission to the Five Civilized Tribes."

The applicants, Katie and Cornelius Ridge and Encobe  
Johnson, testify that they, together with Mary and Jesse Ridge,

both deceased, returned to the Cherokee Nation in 1863, remained a few months, and then removed to Joplin, Missouri, where they resided for a number of years. That they returned to the Cherokee Nation in 1866 is controverted by the testimony of witnesses who were in a position to know the matters of which they testify. In view of the fact that the burden of proof is on the applicants, and they must show by satisfactory evidence that their rights to enrollment are perfect, it is considered that these applicants have wholly failed in this, and that their applications come within the rulings of the Department in the cases of Eliza Bryans, et al. (I.T.D. 544-04), William Rector (I.T.D. 1460-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers, (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04), Martha Albert et al., (I.T.D. 4752-04), and Moses Ross (I.T.D. 6056-04); and, granting that said above named parties did return to the Cherokee Nation in 1866, as contended, it is further considered that they did not establish such a residence in said Nation as was contemplated by the treaty of 1866, and are, therefore, within the rulings of the Department in the cases of Martha Gales and Susan Brown (I.T.D. 1850-04), and Thomas Mayfield et al. (I.T.D. 5960-04).

The testimony in re return to the Cherokee Nation, after the rebellion, of the applicants, Bettie Hicks, Joshua Holt, and Sallie Miller, and of the said Buck Bushyhead, deceased, and Fattie Downing, deceased, is contradictory in itself, and contradicted by the testimony of witnesses in behalf of the Cherokee Nation, hence, it is unsatisfactory, and the first above mentioned rulings of the Department are considered applicable. In this connection attention is called to the cases of Esther Holt, C.F.D. 645, Tecumseh Holt, C.F.D. 653, William Holt, C.F.D. 694, and Moses Holt, C.F.R. 185, mother and brothers of the three applicants first named in this paragraph. The material facts as established by the evidence in the several cases embracing this family, are practically the same, and the Commission found that the said Esther, Tecumseh, William and Moses Holt, possess no rights to enrollment as Cherokee freedmen, and its findings were duly approved by the Department. Granting that the applicants, Bettie Hicks, Joshua Holt and Sallie Miller, and the said Buck Bushyhead and Fattie Downing, deceased, returned to the Cherokee Nation during the interval between the close of the rebellion and February 11, 1867, they must have remained but a short time, as, by the testimony of the applicants themselves, and that of disinterested witnesses, it is shown that during a period beginning immediately subsequent to the year 1867, they, for a number of years, continuously lived outside the limits of the Indian Territory, consequently, the ruling of the Department in the cases of Martha Gales, Susan Brown and Thomas Mayfield, et al., supra., is also applicable to them.

Sam Wubber, Lewis Whitnair, and Daniel and Raubon Sanders, testify that Anderson Johnson returned to the Cherokee Nation with them in the summer of 1866, but for reasons more fully set out below, it is not considered that their testimony is either convincing or satisfactory. That these four witnesses complied with

the treaty stipulations of 1866, there is no doubt that Anderson Johnson was admitted to citizenship by the Chambers Court, and a name was placed on the 1880 roll. Without calling attention to the fact that in the case in which the above named witnesses have been successfully impeached and repeatedly impeached, it is considered by the Commission that, after hearing the testimony of numerous witnesses who are impartial, disinterested, and after the examination of the exhibits filed and made a part of the record in freedom cases, it can identify each and every member of the party of freedmen known as the Webber-Whitmire-Sanders detachment, or colony, who complied with the treaty stipulations of 1866, and it is fully convinced that Anderson Johnson was not a member of that party. In support of this position attention is called to the fact that the personnel of the above mentioned party was thoroughly gone into by the Chambers Court, in 1878-9, and numerous witnesses, among other, the said Lewis Whitmire, examined on behalf of both parties and that, too, at a time when the facts must have been fresh in their minds, and no particular advantage was to be had by mere recanting who were included in said party, with one accord testify as to who composed this colony of freedmen, and the said Anderson Johnson is never named as one of them. By reason of changed conditions, the experience of the former Commission and of this office, in their investigations relative to the personnel of said colony of freedmen, has been somewhat different from that of the Chambers Court, but generally the conclusions reached have been the same. It seems to have been the policy of those witnesses appearing before the Commission, who were members of the above mentioned colony of freedmen, to add to said colony as occasion required, but after an examination of a great number of freedmen cases in which the above named witnesses testified, it cannot be found that they ever included Anderson Johnson as a member of this colony until they were called upon as witnesses in behalf of his descendants, although they were often asked to, and as often did name those who returned with them in 1866.

As to the return of Riley McNair, deceased, to the Cherokee Nation after the rebellion. Moses Hardrick, in behalf of the descendants of the said Riley McNair, testified that after the rebellion, he and Riley McNair returned to the Cherokee Nation together. In C.F.D. 314, the Commission found that the said Moses Hardrick did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on October 17, 1904, its finding was approved by the Department. It was found that after the above indicated trip before Riley McNair moved his wife and family to the Cherokee Nation. One Emma Purtle, daughter of the said Riley and Maria McNair, removed from the Cherokee Nation during, and returned thereto after, the rebellion, with her father's family. In C.F.D. 265, the Commission found that the said Emma Purtle did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on November 10, 1904, its finding was approved by the Department. The said Columbus Rogers, deceased, returned to the Cherokee Nation after the rebellion, with the said McNair-Riley family.

The applicant, Jane Riley, testifies that she returned to the Cherokee Nation in 1865, and is corroborated by her witness, Jack Landrum. No credit can be given the testimony of the said Jack Landrum, as he has been repeatedly contradicted and impeached, (See, in particular, C. F. D. 493-D 664 and D 963). In C. F. D. 578 ( R 410 ), he swore, point blank, that Katie Thornton, applicant therein, and her husband, Henry Thornton, deceased, returned to the Cherokee Nation during the winter of 1865, and that he hauled logs to help build their house. In this case it was conclusively shown by the testimony of disinterested witnesses, that the said Katie and Henry Thornton did not leave Garnett, Kansas, after the rebellion, prior to March 1, 1871, and on this testimony the Commission denied the applicant, Katie Thornton, the right to enrollment, and its action was duly approved by the Department. Attention is further called to the fact that the said applicant, Jane Riley, and one Ben Landrum, deceased, are the parents of the applicants Charles Landrum and Fattie McIntosh, and that the said two last named applicants were born in 1867 and 1868, respectively. It is shown by the testimony of several disinterested witnesses, and a certified copy of the record of certain proceedings had before the District Court of Woodson County, Kansas, that the said Ben Landrum, continuously lived near Garnett, Kansas, during the years 1865, '67 and '68.

The applicant Daniel Thompson, testifies that on his return to the Cherokee Nation after the rebellion, he found his son, Andrew Watie, at Fort Gibson. In C. F. D. 502, the Commission found that the said Andrew Watie did not return to the Cherokee Nation after the rebellion within the time specified in the Whitaire decree. The applicants Sandy Thompson and Amanda Ward, returned with their father, the said Daniel Thompson.

In connection with those applicants herein who claim through Jess Ridge, deceased, and the applicants, Cornelius Ridge, Henry Ridge, Daniel Thompson, and Robert Foster, attention is called to the fact that the Commission on Cherokee Citizenship of 1878-9, decided that the said Jess Ridge, since deceased, and the four applicants last above named, were not entitled to Cherokee citizenship, a certified copy of the proceedings of said Commission in re above named parties, being filed herewith and made a part of the record herein.

The applicant, Elick Ward, swears that he was raised by one Peter Ward, and after the rebellion returned to the Cherokee Nation with the said Peter Ward and one Abraham Ward. In C. F. D. 313 ( R 202 ), and D 607 ( R 283 ), the Commission found that the said Peter and Abraham Ward did not return to the Cherokee Nation after the rebellion, within the time specified in the Whitaire decree, and on April 29, 1904, its findings were approved by the Department.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, following the ruling of the Department in the case of Leasuel Welcome (I. T. D. 5843, 11776-04), under the provisions of the Act of Congress approved June 26, 1898 (30 Stat., 493), Laura Ridge, by Lynch, Deane Hicks Sr., and Susie Hicks, are not entitled to enrollment

as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that under the provisions of Section Twenty-one of the Act last above noted Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, and Myrtle Ridge, Phoebe (Milton) Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, and Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, and Stella Martin, Cornelias Jones, Elnora Wann, Maud Riley, Jesse Farnett and John C. Riley, Rosa Wann and Josephine Wann, William Townsend, Mollie Townsend, Rosa Townsend, George Townsend, and Arthur Townsend, Tettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt and Maucelia (Marcella) Holt, Sallie Miller, Mary Johnson, Ruth Wann, Martha Chinnett and Lillie Chinnett, Frank Johnson and Luella Johnson, Eliza Hawkins and Tyndie B. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathaniel Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertie Riley, Ada Riley, and Leona Riley, Fannie Scott, Charles Wesley Miller, Sessie Scott, and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Ellick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Trey Ward, Jesse Ward and Faine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley, and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Core J. Wagoner and Oval Wagoner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and Beatrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Mirachel Thompson. Harvey Thompson and Clyde Thompson, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

AND IT IS FURTHER ORDERED AND ADJUDGED: That the applications for the enrollment of Ethel Townsend and Clarence Curls, be, and the same are, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716).

(Signed) Tom R. Kirby

COMMISSIONER.

Wash at Muskogee, Indian Territory.

Oct. 23. 1905.





To be filed with case of Katie Davis, C. F. D. #953.

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

In the matter of the application of Sallie Miller for the enrollment of herself and one granddaughter as Cherokee freedmen; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A Sallie Miller.  
Q How old are you? A I am 59 years old.  
Q What is your post office address? A Vinita.  
Q In what district do you live? A Cooweescoowee.  
Q Do you want to be enrolled as a Cherokee freedman? A Yes, sir.  
Q Do you want to enroll anyone besides yourself? A Yes, sir.  
Q One grand daughter? A Yes, sir.  
Q What is her name? A Katie Hicks.  
Q How old is she? A 20.  
Q Is she an orphan? A Yes, sir.  
Q Have you no children of your own? A They are all old enough to apply for themselves.  
Q Have you no husband? A He is a state man.  
Q Did he get out a Cherokee license to marry you? A No, sir.  
Q How long have you lived in the Cherokee nation? A I have lived here pretty much all my life excepting about 6 or 7 years at different times.  
Q Where were you born? A In Flint district, near Stilwell.  
Q Were you a slave when the war broke out? A Yes, sir.  
Q To whom did you belong? A William and Nellie Holt.  
Q Were both of them Cherokee citizens? A Yes, sir.  
Q Where did they live.  
Q They first lived in Flint and then they moved from Flint district to Webbers Falls. That was where we was living when the war broke out.  
Q Where did you go when the war broke out? A From Webbers Falls we went to Baxter Springs.  
Q In Arkansas? A No sir, it is in Kansas.  
Q When did you come back? A I come back in the fall of '65.  
Q Have you lived in the Cherokee Nation ever since you come back in the fall of '65? A Yes, sir, this has been my home ever since excepting when my husband died I went out and worked and took my children to school.  
Q Where did you go when you went to work? A Fort Scott.  
Q When was that, in what year was that? A The first time I went it was in '68, I took my children to school, my two oldest children by pick Whitmire.  
Q How long did you stay there with those children? A About 3 months.  
Q Did you leave the children there then? A Yes, sir.  
Q Where did you go then? A Come back and went up on Big Creek, to Rachel Whitmires.  
Q Did you have a home in the Cherokee nation all that time?  
A Yes, sir.  
Q When did you go out of the Cherokee nation the first time?  
A In '75, is when I went back up to Kansas, after that.  
Q What did you go up there for that time for? A I went up there to see my children they were working there then.  
Q How long did you stay there? A Went up in the fall of '75 and staid there until July, '76.  
Q Did you try to come back to the Cherokee Nation? A Yes, sir.  
Q When did you go out again? A I went up there in June, my husband got sick and was unable to work; he had been an old soldier and he went up to apply for a pension, that was about the 15 or 20th of June '76.  
Q Where did you go then? A To Fort Scott.  
Q How long did you stay there? A I staid there until the spring of '79.

- Q Where did you go then? A To Fort Scott.
- Q How long did you stay there? A I said there until the spring of '79.
- Q Then what did you do? A Went to my aunt Darkeys on Fourteen Mile Creek.
- Q When did you go out the Cherokee Nation the next time?  
A I stay with aunt Darkeys and Mary Rogers a year.
- Q What did you do then? A I had no husband then and went about and worked.
- Q You had two children up in Kansas then? A No, sir, the boy I don't know where he was the n, the girl she had come back to Big Creek with Lewis Whitmires.
- Q What was the two children you first took up there? A Yes, sir.
- Q What years was that? A That was after '80.
- Q You worked then in Kansas? A Yes, sir.
- Q How long did you stay there that time? A About a year.
- Q What kind of work did you do then? A Laundry work.
- Q Where did you go after you had done laundry work there for a year?  
A Came down on Big Creek.
- Q When did you have again? A I don't remember exactly, I went back in '83 or 4.
- Q How long did you stay that time? A 5 or 6 months I guess, not longer.
- Q Then what did you do? A Come back on Big Creek to my cousin Rachel Webbers.
- Q When did you go out the next time? A I come back in '85, I got married in '84.
- Q Where have you lived since '84? A In Vinita.
- Q Ever since '84? A Yes, sir, I got married and my husband promised to come down here and we come and he staid here to days and one night and I never seed him for three years again.
- Q And you continued to live there then until he came back again?  
A Yes, sir.
- Q Have you lived there ever since he came back three years after he had first been there a day and two nights? A Yes, sir.
- Q And you on the roll of 1880? A I don't know, I was here then.
- Q Give me the name of your father? A Jack Miller.
- Q Is he dead? A Yes, sir.
- Q Give me the name of your mother? A Raster Holt.
- Q Is she dead, A No, sir.
- Q She is living is she? A Yes, sir.
- Q Where? A In Vinita.
- Q Is her name Holt now? A Yes, sir.
- Q How long has your father been dead? A 17 or 18 years.
- Q Was he a Cherokee Freedman? A No, sir, a Cherokee full blood.
- Q Was your mother a Cherokee Freedman? A Yes, sir.
- Q Did your mother come back with you when you come back after the war? A No, sir.
- Q You were married and come by yourself? A No, sir, we had separated.
- Q But you had been married? A Yes, sir.
- Q And you wasn't with your mother? A No, sir.
- Q Give me the name of this granddaughter? A She goes by the name of Kate Davis.
- Q You say she is 20 years old? A Yes, sir.
- Q Give me the name of her mother? A Nettie Holt.
- Q She is dead is she? A Yes, sir.
- Q How long has she been dead? A She died I wasn't here with her when she died, I was down to aunt Darkey's.
- Q Well when did she die? A In '78 I guess.
- Q Was Nettie got your daughter? A Yes, sir.
- Q Where was Nettie Holt born? A At Webbers Falls.
- Q After the war? A No, sir, before the war.
- Q Did she belong to the same people that you belonged to?  
A Yes, sir.



- Q Did she go out with you during the war? A Yes, sir.
- Q Did she come back with you after the war? A Yes, sir.
- Q Did she live in the Cherokee nation from the time she came until she died? A No, sir, she went to Cort Scott to school part of the time.
- Q How long did she go to school there? A 4 or 5 years.
- Q Did she stay in the Cherokee nation all the time from the time she came back with you right after the war excepting the time she was out to school? A Yes, sir.
- Q Give me the name of the father of this child Matie Davis?
- Q She told me that Katie's father was named Douglas Putman.
- Q Was Nettie ever married to Putman? A If she was I don't know it, he was a postal clerk on the M. K. & T. railroad.
- Q He was a state man? A Yes, sir.
- Q How many times have you been married? A 3 times.
- Q Who was the first man you ever lived with as husband and wife?
- A Dick Whitmire.
- Q Did you and he take up as man and wife before the war?
- A No, sir, we were married by the district clerk of Flint district.
- Q After the war? A No, sir, before the war.
- Q You and he were married then when the war began? A Yes, sir.
- Q How long did you and he live together? A About 8 years.
- Q When was it you parted, during the war? A Yes, sir.
- Q You went north? A Yes, sir.
- Q Where did he go? A He came north.
- Q But you had been parted? A No, sir; they took him in the army and he run off in '63.
- Q But you parted in war times? A Yes, sir.
- Q Who was the next man you lived with? A Buck Bushyhead.
- Q When were you married to him? A In the Winter of '65.
- Q Where at, in Kansas? A No, sir, in Fort Gibson.
- Q After you got back? A Yes, sir.
- Q How long did you live with him? A Until 77.
- Q Is he dead? A Yes, sir.
- Q Did you live with him until he died? A Yes, sir.
- Q Who did you next live with? A Stephen Miller.
- Q When did you marry him? A I think it was in '64.
- Q Is he living? A Yes, sir.
- Q He is a state man is he? A Yes, sir.
- Q You married him in Kansas? A Yes, sir, in Fort Scott.
- How long after you married him before you come to the Cherokee Nation? A About 6 months I come back to Fort Gibson.
- Q Did he come with you? A No, sir.
- Q Where were you when he come down and staid a night and two days?
- A At Vinita.
- Q And then he left you? A Yes, sir.
- Q When did he come back to you in the Nation? A About 3 years after.
- Q And you had never seen him in that time? A No, sir, he is in Vinita now.
- Q How long has he been in Vinita? A 8 or 9 years.
- Q Have you and he been living together those 8 or 9 years?
- A Yes, sir.
- Q How did this grand daughter get the name of Davis? A She is married.
- Q Is her husband living? A Yes, sir.
- Q Why don't he apply for her? A He don't know nothing about her at all.
- Q What is the name of her husband? A John Davis.
- Q When did she marry him? A Some time in March, this last March.
- Q Is he a Cherokee freedman? A Yes, sir.
- Q What was this woman's name before she married Davis? A She went by the name of Putman.

Q You were never married to Putman? A No, sir, this is my daughter's child by Putman, she is my granddaughter, not my child; my daughter had her by a man named Putman.

Q What name did you go by in 1880? A Bushy head.

Applicant cannot be found on the 1880 or 1896 rolls.

Q Did you draw Cherokee strip money? A No, sir, only drew this bread money.

Applicant not found on the Kern-Clifton or Wallace rolls.

Q You are not on any of these rolls, is your grand daughter Katie Davis in the same fix that you are? A I think she is enrolled with her grand father.

Q What was his name? A Dick Whitmire.

Q Is she the grand daughter of your first husband Whitmire?

A Yes, sir.

Q Her mother, Nettie, was a child of Whitmire's? A Yes, sir.

Q And you think this child Katie Davis is on the roll as Whitmire?

A No, sir, I think it is on as Putman, but that her grandpa Whitmire enrolled her.

Q Did she draw Cherokee strip money? A No, sir, I think her grand father drew it for her.

The applicant's grand daughter not found on the Kern-Clifton roll, upon examination of same.

The Wallace roll of the Cherokee Nation examined and the name of the applicant's grand daughter found as follows: Page 146, No. 3047, Katie Putman, Cooweescoowas district.

The applicant's grand daughter not found on the 1880 or 1896 rolls upon an examination of same.

Q Have you any one here who knows when you came back after the war?

A Yes, sir.

Q Who have you here? A Polly Nivens, Baster Grimmett, Darkey Buffington.

The continuation of this case taken by Bruce C. Jones.

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

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 22d day of June, 1901 at Nowata, I. T.

(Signed) T. B. Needles,

Commissioner.

Sallie Miller et al.

Continued from testimony taken by Chas. von Weise, June 10, 1901.

SALLIE MILLER, recalled and examined by Commissioner, testified as follows:

Q You say you and Dick Whitmire were married before the war?

A Yes, sir, before the war.

Q Where was it that you and he parted during the war? A He started in Going Snake district and I lived at Webbers Falls time of the war.

Q How did you happen to part, did he go one way and you go another, or did you quarrel and part? A No, sir, I was living at the Falls and he lived up in Flint District; Going Snake district, and I went out, the soldiers came and got us there and took me to Baxter Springs, and he came after that, I don't know where he came from.

Q Did he come after that while the war was still going on?

Q Yes, sir.

Q Had you married in the mean time? A No, sir.

Q Well, he was still your husband at that time? A Yes, sir, he was my husband.

Q You hadn't parted then down to that time? A No, sir.

Q Were you and he husband and wife up in Kansas during the war, at Baxter Springs? A Yes, sir.

Q Well, what became of him after that? A He got away from there in '63.

Q And how long was it that you saw him after that? A I never seen him till the fall of '65.

Q Had you married again in the meantime? A No, sir, I wasn't married when I first saw him.

Q When you saw him in the fall of '65 you hadn't married? A No, sir.

Q Had he married? A I don't know, he was living with a woman.

Q Did he claim you and live with you as his wife? A No, sir.

Q That was, you say, in the fall of '65? A Yes, sir.

Q Now Buck Bushyhead, you say you married him in the winter of '65?

A Yes, sir, in the winter of '65.

Q Well, most of the winter of '65 was a long time before the fall of '65? A '65; now I made a mistake, I came back, that is in '65, Dick Whitmire was living with a woman.

Q Before you married Bushyhead? A Yes, sir.

Q When you married Bushyhead he didn't any longer claim you as his wife? A Yes, sir.

Q Dick Whitmire was living as man and wife with another woman, and no longer claimed you as his wife? A No, sir.

Q And then you felt free to marry Buck Bushyhead? A Yes, sir.

Q And you lived with Buck Bushyhead until he died? A Yes, sir.

Q And after that you married Stephen Miller? A Yes, sir.

Q And you are living with him now? A Yes, sir.

POLLY NIVENS, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Polly Nivens.

Q How old are you? A About 56.

Q What is your post office? A Fort Gibson.

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

Nivens was out.

Q Were you out then during the war? A Went out about five weeks.

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

A Yes, sir.

Q To whom did you belong? A Joe Nivens, or Mose Nivens, it is all the same.

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

Q Did you know her during the war? A Yes, sir.

Q Who was it she belonged to? A Old Mrs. Holt, at the Falls.

Q At Webbers Falls? A Yes, sir.

Q Nellie Holt, was it? A Yes, sir, Mrs. Nellie Holt.

Q How far did this woman live from you in that day? A She lived at Webbers Falls, and I lived at Fort Gibson at Nivens Ferry.

Q How far is it apart? A I don't know exactly how far.

Q Is it very far? A No, sir, it is not very far.

Q Did you know her husband back in that day? A No, sir, I didn't know him, I just knew her, when her mistress would come to our camp to see them.

Q Did you know her down to the time the war broke out? A Yes, sir.  
Q Did she have any children in that day? A When I seen her she just had two.

Q Do you remember their names? A No, sir, I don't remember their names.

Q Did she ever have a daughter named Nettie, or do you know that?

A No, sir, I don't know about that.

Q Do you know anything about where this woman went during the war?

A No, sir, I don't know where she went during the war.

Q When did you first see after the war? A Why I saw her right at Fort Gibson.

Q When was that? A That was when the refugees was drawing rations you can count back from this, I can't.

Q Do you know what year that was in? A No, sir, I don't.

Q It was when the refugees were drawing government rations?

A Yes, sir, just after peace was made.

Q Do you know how long she had been back then? A She said she had just come back a short time before that when we first met, hadn't long come back.

Q Had peace been made then? A Yes, sir, peace was made.

Q How long was that after peace was made before you saw her, do you know? A No, sir, I can't tell that exactly.

Q Well, what do you know about her from that day to this, have you been seeing her all the time? A No, sir, I can't locate her all the time, she stay a while in Gibson and said she was going away from there, and I asked her where she was going and she said I am going to take my children back to school and said, there is nothing here for them but badness, and I said, you had better come back down here.

Q Did you ever know this child Nettie after the war? A No, sir, she just had two children with her and I never paid no attention to them at all.

Q Well, have you seen much of her from that day to this?

A No, sir, I haven't seen her for a good while until I met her here again; I heard of her but I haven't seen her.

Q Did you remember and recognize her distinctly? A Yes, sir.

Q As the woman you knew before the war? A Yes, sir, knew her the minute I set my eyes on her.

Q The same woman you knew in Fort Gibson? A Yes, sir, same woman; I was glad to meet her alive.

Q You don't know anything about her marriages since the war time?

A No, sir, don't know anything about her marriage at all.

Q Now these people that this woman belonged to, the Holts, were they well known and recognized Cherokee citizens? A Yes, sir.

Q And you knew her as their slave, did you? A Yes, sir.

Q She passed as such in the neighborhood? A Yes, sir, she called her mistress, she would be waiting on her everywhere she would go.

Mr. Davenport: How long before the war broke out had it been that you had seen her, Aunt Polly? A I can't tell you how long exactly because they just came to my home on a visit.

Q That was some years before the war began? A Yes, sir, some years before the war began, but not so very long, though.

EASTER WILLIAMS, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Easter Williams, now.

Q Did you name used to be Grimmett? A Yes, sir.

Q How old are you? A I guess I am about 32, I guess.

Q What is your post office? A I get my post office here while I am here.

Q At Chelsea? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A I have been here all my days.

Mr. Smith: Do you know this applicant here, Sallie Miller?

- A Yes, sir.
- Q How long have you known her? A Ever since the war.
- Q Did you know her before the war, or not until after?
- A Not until after the war.
- Q Where did you first meet her after the war? A Met her in Fort Gibson.
- Q When? A The time they brought the refugees back in there.
- Q Do you know what date that was, what year it was? A No, sir, I don't know what date it was they brought us back to Gibson; I can't tell you just what date that was.
- Q Where did you see her, where was she when you first saw her?
- A At Fort Gibson.
- Q What was she doing there? A Working, among the refugees.
- Q Do you know whose daughter she was, did you know her mother?
- A Yes, sir, paster Holt.
- Q Have you known her since? A Well, I have seen her since then, of course where I saw her at Fort Gibson and I have met her here since then.
- Q What do you mean by here, what place in the Cherokee Nation have you seen her since '66? A She was in Fort Gibson in '66, she went by Bushyhead at that time, she was living in Gibson.
- Q Did you know her husband? A Yes, sir.
- Q Do you know whether or not he died? A Yes, sir, he died.
- Q When did he die? A I can't tell you just when he died.
- Q Do you know whether she was married again or not? A Yes, sir.
- Q Who did she marry? A Mr. Miller.
- Q Do you know who Sallie belonged to before the war? A Yes, sir. I knew her before the war, Billie Holt and Nellie Holt.
- Q Were they Cherokee Indians? A Yes, sir.
- Q Do you know how many children Sallie had when you saw her in '66?
- A Yes, sir, she had two.
- Q Do you remember their names? A Kate was one.
- Q Do you remember the other? A Nettie.
- Q What has become of Nettie? A She died.
- Q Did Nettie have any children? A Yes, sir, Katie Putnam.
- Q Was Nettie married? A I don't know that, but I know she had one child.
- Q Do you know where that child is now? A In Vinita.
- Q Do you know who the child lives with? A Sallie Miller.
- Q Her grandmother? A Yes, sir.
- Mr. Davenport: How far were you living from Aunt Gallie when the war broke out? A They brought us up to Fort Gibson, we were all there during the war, and I was cooking for the officers.
- Q Was Gallie brought to Fort Gibson with you? A Yes, sir, from Neosho, they brought us as refugees from Neosho.
- Q Before the war broke out I am talking about now, not about the refugee time? A We lived in Flint.
- Q You don't know anything about where she was living when the war broke out? A No, sir.
- Q Do you know to whom she belonged when the war broke out?
- A She belonged to old man Holt, her mother belonged to old Holt.
- Q That was before the war began? A Yes, sir.
- Q You don't know anything of them after they left Flint district and went to Canadian, up to the time the war began? A I seen her in Gibson.
- Q Not before the war? A No, sir, but after we came in scattered during the soldiers, we all met at Gibson, they brought us to Gibson, carried us to where we first went, to Neosho, and back.
- Q Holt before that moved down about Webbers Falls sometime before the war began? A There is where she lived I guess before the war broke out.
- Q They moved away then from where you were living? A Yes, sir.
- Q And you don't know anything more about them until after the war began, do you? A No, sir.
- Q And you don't know where they went during the war, do you?



A No, sir, don't know where she went.

Q All you know about it is she came back to Fort Gibson sometime before the close of the war or about the close? A Yes, sir.

Q You don't know where she has been living since the war closed?

A No, sir, I can't place her where she has been living since.

Q There would be several years at a time you didn't hear of her?

A Of course I don't know only here she went.

Q Where do you live? A I live at Big Creek.

Mr. Smith: Do you know how long Sallie Miller, the applicant, was at Fort Gibson when you saw her at the time the refugees were there A We were all there about three years.

DORCAS BUFFINGTON, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Dorcas Buffington.

Q How old are you A I am 78 years old, according to that Mr. Bushyhead told me.

Q What is your post office? A Melvin.

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

Q Did you come here with the Cherokees in old times? A Yes, sir.

Q Have you lived here ever since? A I have lived here ever since; of course my folks hired me out once in a while in the state but that was when I was small.

Q Went out during the war? A No, sir.

Q Here during the war? A Yes, sir, all during the war.

Q Were you here when the war began? A Yes, sir, right here.

Q Who was it you belonged to? A I belonged to Mr. Bushyhead, that lady's (indicating) husband's father.

Q The father of Chief Bushyhead A Yes, sir.

Mr. Smith: Do you know this applicant, Sallie Miller?

A Yes, sir, she married in my town.

Q How long have you known Sallie A I been knowing her, I can't exactly tell you, but it has been long before the war.

Q You knew her before the war, A Yes, sir.

Q You know whether she was a slave or not? A I know she was a slave, I don't just think it, I know it.

Q Who did she belong to? A She belonged to old Mrs. Holt, old Mrs. Temple Holt, she married a Whitmire.

Q Were the Holts citizens of the Cherokee Nation? A Yes, sir, citizens.

Q Where did they live? A They lived down there in Flint, I can't tell you exactly the place.

Q When did you first see Sallie in the Cherokee Nation after the war? A Well, I can't tell you exactly the time I seed her, but then she came to my house and stayed with me when they put out work about the negroes must come back to the old country, and she came to my house and stayed there for a week or so, and then she went off to Mr. Rogers, and I don't know how long she stayed there.

Q Where were you living? A I was living on Fourteen Mile Creek.

Q Did you go out of the Nation during the war? A No, sir.

Q Not at all? A No, sir, not at all, only when I was traveling with the army waiting on the Cherokees.

Q Do you know what year it was you saw her A Not clear, I can't tell you that part, I never kept the dates of the years, I never thought nothin about it.

Q Where did this man Rogers that you spoke of live? A He lived between Grand river and I lived on Fourteen Mile Creek.

Q Do you know whether she had been to Fort Gibson, or whether she went to Fort Gibson after you saw her? A She went to Gibson, said she was going when she went from my house.

Q What was her name then? A Her name was Sallie Walker, Charlie Walker married her.

- Q Was she ever married after that to anybody else? A I can't tell you that, I know before she married Charlie Walker she lived with a man named Dick Whitmire, one of the Whitmires, and I believe she had some children by him; I don't know, I never seen the children.
- Q Did Whitmire ever go by any other name? A No, sir.
- Q Who did he belong to? A He was a free man, he was a Cherokee the Whitmires was.
- Q He wasn't a colored man at all? A No, sir, he owned slaves; Tempie Holt married Johnson Whitmire, and you know Tempie was a fine lady, she wouldn't want a nigger.
- Q When did Gallie marry Miller, her present husband? A I don't know sir, I don't know that.
- Q How many children did Gallie have, if she had any children, at the time you speak of her coming to your house? A She had two.
- Q Do you know what their names were? A I think one was named Annie and the boy I disremember what that child's name was right now, but she had two children.
- Q Do you know whether Gallie has been married more than once? A No, sir, I don't, I don't know nothing about her whether she was married jore than once or not, but I know she was married once and that was to Charlie Walker.
- Q What was he a colored man? A He was a colored man, he was my sister's son, and you know I am colored.
- Q Was Charlie Walker a slave? A That is what he was, a slave of the same people I was.
- Q Did they sometimes call Charlie Walker Charlie Bushyhead? A Yes, sir, got the Charlie Walker from his father.
- Q His father's name was Walker and his mother's name was Bushyhead. A No, sir, it isn't that way; after the darkies got free, he went by the name of his father, and when he was a slave we all went in the name of our masters.
- Q What was that? A Bushyhead.
- Q Charlie Walker, the man who married Gallie, his name was Walker? A Yes, sir.
- Q And his mother's name was Bushyhead, is that right? A No, sir, that isn't right yet; Charlie Walker he went by the name of the man that his father belonged to, after he got free, and when he lived at home why he went by the name of Bushyhead.
- Q Then he went by two names? A Of course, after he got free.
- Q What were they? A When he got free, he went by the name of Walker, and when he was living at home at Bushyhead's, he went by the name of Charlie Bushyhead.
- Q That was this woman's husband? A That was her husband.

Mr. Smith: If the Court please, in making this record, I would like to have a reference to the case of Joshua Holt, D-644. Joshua Holt was this woman's brother.

SALLIE MILLER, recalled, testified:

Commissioner: Did you have a brother named Joshua?

- A Yes, sir.
- Q A full brother? A No, sir.
- Q Not a full brother? A No, sir, brother on my mother's side.
- Q Is he older or younger than you? A Younger.
- Q How much younger? A I guess he must be 10 years younger, I am 59 and I think he is 52 or 53.
- Q Was he with you during the war? A Yes, sir.
- Q Did he come back with you when the war closed? A No, sir.
- Q You didn't come back with him? A No, sir.
- Q Did you and he belong to the same people when the war broke out? A Yes, sir.

Mr. Davenport: Now, Sarah, did you ever apply to the Bob Daniels, of Chambers Court to establish your right after your return to the Cherokee Nation? A No, sir, I never was but one, went to Tahlsquah, I think it was somewhere in Ninety, when I didn't get the Wallace money.

- Q You applied to the Kern-Clifton Commission? A Yes, sir.
- Q Now where were you living when your husband, Dick Bushyhead, died? A Buck Bushyhead you mean; why he died in Fort Scott.
- Q Where were you living at that time? A On Big Creek.
- Q You were down on Big Creek when he died in Fort Scott? A Yes, sir, he went up there to apply for his pension, he was there two weeks.
- Q You had been in Fort Scott during the war? A Yes, sir.
- Q You went from Baxter Springs? A Yes, sir.
- Q You stayed there a few months, and then came back, and you and your husband went to Fort Scott? A Yes, sir.
- Q Do you know the times when you were in Fort Scott? A No, sir, not before he died.
- Q When were you and your present husband, Miller, married, in what year? A In 1884.
- Q Where were you living at the time? A I was living in Fort Scott.
- Q Miller was a resident of Fort Scott too, wasn't he? A Yes, sir.
- Q Now then you and Miller lived there some time after you married before you came back to the Cherokee Nation? A I stayed about six months.
- Q You stayed there first and last all together about seven years? A No, sir, I never stayed in Fort Scott seven years at one time.
- Q I mean first and last? A Yes, sir, about that first and last since the war.
- Q About that first and last since the war close? A Yes, sir.
- Q Now you are not a full sister of Joshua Holt? A No, sir.
- Q Both had the same mother, but not the same father? A Yes, sir.
- Q Easter Holt is your mother, isn't she? A Yes, sir, Raster Holt.
- Q Did you and Raster Holt and your half brother go out of the Cherokee Nation together during the war? A Yes, sir.
- Q Well, who returned first? A Why I returned first.
- Q When did your mother and Joshua return? A Why then -- now I can't say they did --.
- Q Do you know really when they returned? A Yes, sir, they came back when they had that fight up here at Horse Creek.
- Q They came back the year of the Horse Creek fight did they? A It seems to me, I can't say positively.
- Mr. Smith: Are you the daughter of Raster Holt, who applied for enrollment this morning over there; did you see her over there?
- A Yes, sir.
- Commissioner: When did you marry your husband Buck Bushyhead?
- A In Fort Gibson.
- Q Was he a Cherokee Freedman? A Yes, sir.
- Q Dorcas Buffington stated that your being at her house on Thirteen Mile Creek? A It is Fourteen Mile Creek.
- Q What time was that after the war? A It was in '79.
- Q That was a long time after the war? A Yes, sir.
- Q She doesn't know anything about when you came back? A Well now I don't know ~~whether~~ whether she did or not, because I stayed in Gibson.
- Q Before you saw her after the war closed before '79? A Yes, sir, I seen her then in Fort Gibson, at the sutler's store, Mr. Percival run the store and Buck Bushyhead worked at the store.
- Q You spoke of going to Tahlequah once to see about getting your rights? A Yes, sir.
- Q What did you go there? A I went down there and I seen Mr. Thompson, W. A. Thompson.
- Q Did you apply to any Court? A Yes, sir, there at Tahlequah.
- Q And what did the Court do? A They told me that I was readmitted.
- Q Did you apply to be recognized or readmitted? A Yes, sir, they said all them they could find the names on the 1880 roll to go down there with proof and they would put them on the roll, and I went, and I thought I knowed him in time of the war, at Fort Gibson and I thought I would get him and he would



- Q Did you appear before the Court? A Yes, sir.
- Q You give in your testimony? A Yes, sir.
- Q Did you have any witnesses? A Yes, sir.
- Q And the Court heard your case? A Yes, sir.
- Q Did the Court pronounce a decision in your case? A They said the chief would have a ten days session and then he would attend to it.
- Q Did you ever get any notice of what that decision was? A No, sir.
- Q In what year was that, as near as you can remember? A It has been, I guess, six years ago.
- Q Was that the only application you ever made to any Court or Commission or authority to have your fights fixed? A No, sir, went before the Wallace Court, and went before the Clifton and Kerns.
- Q Why wouldn't they put you on the Wallace roll? A I don't know.
- Q Why didn't they put you on the Kern-Clifton roll? A I don't know, unless it was because I didn't have a whole lot of money to pay out, they asked me for some money and I told them I didn't have any.
- Q Who asked you for money? A Turner, he wanted ninety dollars, and I told him I didn't have ninety cents.
- Q Well, your rights ought not to depend upon your having money; how about the roll of 1880? A I was at Fourteen Mile Creek at that time when the 1880 roll was made.
- Q Were you at Dorcas Buffington's at that time? A Yes, sir.
- Q What about they making that roll? A They didn't come, and I got Uncle Harry to go down to see Mr. Lipe, I believe old man Lipe had something to do with that, and he went there, and said Mr. Lipe said it was all right, and that was the reason I didn't bother anything about these rolls, I thought I was all right till it came around and I didn't get any money.
- Mr. Davenport: I would like to object to that hearsay part about what that fellow went down there and said Mr. Lipe said.
- Mr. Smith: What did you state was the occasion, or why did you go to Tahlequah in the nineties to, see about your citizenship?
- A They had a notice in the paper to all them didn't appear on the 1880 roll to go down there and with sufficient proof and they would put them on the roll.
- Q Who had the notice? A It was in the paper, in the Vinita paper.
- Q And you went to Tahlequah? A Yes, sir.
- Q Who did you go to when you went to Tahlequah? A I went to this Mr. Thompson.
- Q W. A. Thompson? A Yes, sir.
- Now you spoke of going before some Court or Commission; what Court did you ever go before? A Before the Wallace Court and before this Clifton and Kern.
- Q But when you went to Tahlequah? A The Council was going on, the Council was in session at that time.
- Q You didn't go before the Council did you? A Yes, I guess it was, Stick Ross was one of the Councilmen, and Spade was one of the Councilmen.
- Q What ever became of that W. A. Thompson you went to see?
- A They said he was died.
- Q He died? A I never seen him since.
- Q Now as a matter of fact, do you know whether you went before any Court or not down there? A There was eight or ten men in a room, they said they was.
- Q Did you pay Thompson? A Yes, sir, gave him \$10.
- Q Do you know of your own knowledge whether there were any applications made, of your own knowledge, outside of what Thompson told you? A No, sir, I don't, I just had faith in him, and he knew me doing the war at Fort Gibson and I thought sure he would do what he told me.

Mr. Davenport: You hadn't heard at that time about Thompson going back to Georgia and having a friend to write hom to his mother that he was dead and having his mother send money to pay his funeral expenses? A Yes, sir, I heard about that afterwards, and I never tried to see anything more about it.

Commissioner: Did you ever apply to the Dawes Commission in 1896 to have your rights recognized? A No, sir, I don't think I ever went before them.

Commissioner: The applicant applies for the enrollment of herself and one grandchild. The applicant is not identified upon the roll of 1880 or on the Wallace roll or on the Kern-Clifton roll or on the roll of 1896. It appears from the testimony that she was in the Cherokee Nation at the breaking out of the Civil War, and was the salve of a Cherokee citizen. There is considerably testimony to the effect that she returned to the Cherokee Nation in 1865, and is living in the Cherokee Nation at this time, and has been so living for a number of years past, but it appears that altogether, for six or seven years, but not in a continuous way, she has since the war been absent from the Cherokee Nation and in the state of Kansas. In the light of her omission from the rolls, what she has to say in connection therewith, the testimony of her return to the Cherokee Nation within the time prescribed by the treaty of 1866, though so far quite definite and reasonably satisfactory, requires to be carefully considered, and some attention should be given to the testimony relating to her subsequent residence to determine whether or not she has abjured her citizenship. It appears that she made application at Tahlequah for recognition before some Court or the Council of her rights as a Cherokee citizen, and that her application was not granted. The testimony in this particular is not very definite. Her change of name arising from marriage is established in a reasonably satisfactory manner. She will, under the conditions stated, be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her post office address.

As for her grandchild, her application will not be considered at this time, inasmuch as she is said to have been born in 1878, or prior thereto, and to be now married, but the examination with reference to her rights has been quite carefully made, as this child can only claim through its mother and when she does apply it will be desirable to file the grandmother's testimony with the application. It appears that the mother of this grandchild, called by the applicant

Nettie Holt, died in 1878, and was the daughter of her first husband, Dick Whitmire, a slave in the Cherokee Nation at the time of the breaking out of the war, and with whom the applicant continued to live until about the time of the close of the war. It further appears that this Nettie Holt returned with the applicant from Kansas and so far as the applicant's rights in that particular may be concerned, acquired all the rights of her mother; and also, it appears that this Nettie Holt, after her return to the Cherokee Nation about the time of the close of the Civil War, was never out of the Nation except some four years when she was at school. This daughter, now known as Katie Davis, is shown to be Nettie Holt's daughter by a non-citizen. Therefore, when the facts of her own residence be duly established in the Cherokee Nation, her rights apparently will turn exclusively upon the

date of the return of the applicant, her grandmother, to the Cherokee Nation, with reference to the treaty of 1866. As indicated, the application for this grandchild was not continued further at this time than simply to develop the testimony through the grandmother, upon which that application must rest when it is made in its regular order.

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

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 18th of June, 1901.

(Signed) R. B. Needles,  
Commissioner.

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J. O. Rosson, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript in the above case.

*J. O. Rosson*

Subscribed and sworn to before me this September 3d, 1901.

*[Signature]*

Commissioner.

Supl. C.F.-D.#648.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I.T., OCTOBER 5th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
SALLIE MILLER as a Cherokee Freedman, introduced on behalf of  
Cherokee Nation:

APPEARANCES:

Mr. Mellette, of Counsel for applicant;  
Mr. Davenport, of Counsel for Cherokee Nation.

SIMON MCKENZIE, being duly sworn by Commissioner Needles,  
testified as follows on behalf of Cherokee Nation:  
MR. DAVENPORT: What is your name? A Simon McKenzie.

Q Where do you live? A I live up Pryor Creek, about five miles  
north of Prior Creek.

Q What is your age? A I am 59.

Q How long have you lived in the Cherokee Nation? A Been living  
here all my life, only few times I have been out of the Nation.

Q Well, you were out of the Nation; when you were out of the Nation  
what places were you in? A When I was out of the Nation I lived at  
Fort Scott, Kansas.

Q About what year did you live in Fort Scott, Kansas? A I lived  
from 1865 down to 1866, '67 and down to spring of '68.

Q During the years you lived there did you become acquainted with  
Sallie Miller, or Holt, or Walker? A Yes, sir, I was acquainted  
with one lady named at that time Sallie Holt.

Q Well, did you know her family at that time, her mother?

A Yes, sir.

Q What was her mother's name? A Aunt Easter Holt.

Q Did you know any of her brothers? A Tecumseh and I forget  
the other one's name, was another one.

Q Do you know whether it was Mose or Joshua? A Yes, sir, Mose and  
Joshua.

Q Did you know any of her sisters? A Yes, sir, but I forget their  
names.

Q Now, where were they living, if you know, during the years you  
lived at Fort Scott? A They lived in an old Government building  
right in Fort Scott.

Q You went there in 1866? A In '65

Q How long had you been there before you knew these people, or got  
acquainted with them? A I was there about a month or two or three  
months, I could not state the time.

Q Well, where were they living when you left Fort Scott, Kansas,  
if you know? A Well, Aunt Easter was living in an old Government  
building.

Q Have you seen any of them since that time? A No, sir.

MR. MELLETTE: Now, Mr. McKenzie you don't know that the woman  
who is an applicant here for enrollment is the woman whom you say  
you saw up at Fort Scott, Kansas, at the close of the war, do you?

A I don't know the woman.

Q You don't know that that is the same woman? A In the same name.

Q It is not the same name? A The name Holt.

Q Well, you don't know that this is the same woman that you know  
up there, do you? A Well, it was a daughter of Easter Holt, it  
was a Sallie woman.

Q Well, you don't know anything about this applicant, you have  
never seen this applicant here? A I haven't seen her here.

- Q Well, you have never seen her since she has made application here for enrollment have you? A No, sir.
- Q Now, when did you leave Fort Scott, Kansas? A I left there early in '68, in the spring.
- Q In the spring of '68? A Yes, sir.
- Q What were you doing up there at Fort Scott? A I was working there at Fort Scott, for Billy Shanahan, stone mason, doing public work there.
- Q Did you keep track of these colored people? A All I saw.
- Q Did you ever testify in this case before? A I guess I did.
- Q When? A Not long ago at Fort Gibson.
- Q You give testimony up at Fort Gibson? A I think I did.
- Q How long ago? A I don't know exactly whether it was last month.
- Q How old are you, Mr. McKenzie? A I am 59.
- Q Well, it has been 35 or 6 years ago then since you saw them up there at Kansas? A Yes, sir, I guess so, I never kept count of the time.
- Q Well say 35; well, Mr. McKenzie, can you remember just about the time you saw these people up there 35 years ago? A Well, I guess I could remember it, I stated before.
- Q There is no reason why you paid particular attention to them?
- A No, just seeing them pass and repassing about.
- Q You left there in the spring of '68? A Yes, sir.
- Q Well, they could left there a year before that and you not remember it 35 years afterwards? A Didn't I saw they back and forth all the time I was up there, off and on.
- Q Well, now, off and on there, you saw them? A Every week
- Q Can you remember 35 years ago you saw these people every weeks?
- A I guess so, I wouldn't be here if I didn't thought I could testify nothing.
- Q Well, you feel because you are here you have to testify something?
- A I don't know.
- Q Well, I want to know if you can remember 35 years ago you saw these people every week? A I did while I was living in Fort Scott most every week.
- Q Is it possible they might have left there a year before you did?
- A If they did they went back in a short time.
- Q What were you paying so particular attention to those people for?
- A I could not tell you.
- Q You just watched them? A Well, just seeing them pass and pass every day.
- Q Who else did you see up there at Fort Scott? A Why I see good many.
- Q What other colored people? A Good many. Good many other colored people, but I don't know their names.
- Q Well, now, give the name of some other colored person you saw up there except this family? A I could not give their name.
- Q There were a great many colored people in Fort Scott?
- A Yes, sir.
- Q And of all the colored people that was in Fort Scott this family is the only one you remember the names? A Yes, sir; of course I was passing there and some lived out in the country.
- Q Well, who else lived in the Government building there?
- A Good many families.
- Q Good many families? A Yes, sir.
- Q Why don't you remember the names of the other colored people?
- A Because the boys I remember them, and part lived in town.
- Q Why can't you remember the names of some other colored people you saw there some time? A Well, I could if I wanted to state the whole thing I can, there was Bill Thompson.
- Q Who is Bill Thompson? A There is a (pointing to a man in the audience.)



- Q And who else was there? A Bill was blacksmith; Tom Brown.
- Q Was it Tom Brown or Bill Brown? A Tom Brown
- Q when did they leave there? A I don't know.
- Q Were they there when you left? A I don't know; they lived out at the edge of town; of course when I left town I went out about three miles of town and a family lived there by the name of Campbell, worked right there at Fort Scott. I know the whole generation if you will give me time to call the name over, the whole generation of them.
- Q what makes you remember seeing these people there all the time you were there? A I saw them off and on, because I was working in town; Tom Brown was a blacksmith, worked in town.
- Q When was the last time you remember seeing this Sallie Miller?
- A Well, I saw when I left Fort Scott.
- Q Did you see her the day you left? A No, sir; I didn't see her the day before I left.
- Q How long before you left did you see her? A Oh, short time, maybe a week or two weeks.
- Q You remember then of seeing her two weeks before you left?
- A Yes, might have been two weeks, and maybe longer and not so long.
- Q Maybe a year too? (No response.)
- Q Was it a year? A No, sir, I don't think it was a year; if she left there at all she went west, went towards Mapleton.
- Q How do you know she went to Mapleton? A Well, if she left at all.
- Q What makes you think that? A That was the talk.
- Q How was that? A That is why I found out by talking with her brother.
- Q You got a letter? A No, sir, talking with her brother.
- Q You are testifying to what her brother told you?
- A That is how I found out where she went, if she went off at all.
- Q That is the reason you are swearing that she was there all the time you were there? A No, sir; I know it.

WILLIAM MARGRAVE, being duly sworn by Commissioner Needles, testified as follows:

- MR. DAVENPORT: What is your name? A William Margrave.
- Q what is your age, Mr. Margrave? A My age is -430--about 82; I am away along in the 83 year.
- Q where do you live, Mr. Margrave? A Fort Scott, Kansas.
- Q How long have you lived at Fort Scott, Kansas? A Since 1854.
- Q Since you lived at Fort Scott, Kansas, did you become acquainted with a colored family by the name of Holts or Holt? A Yes, sir.
- Q You know the old lady's name? A Yes, sir; do you mean the mother?
- Q Yes, sir; what was her name? A Easter Holt.
- Q How many of the children do you remember, Mr. Margrave? A Let's see, there was Mose, Emah, Sallie and Josh.
- Q When did you become acquainted with the family? A I am not positive, I think they came there along towards the close of the Civil war, if they didn't they came there very shortly afterwards.
- Q Well, now, where did they live with reference to where your home was? A Well, most of the time they lived in, I should judge, about a hundred yards, except Mose he lived, after he married, he lived about 50 yards.
- Q Well, now, where is Mose Holt living now, do you know?
- A Lives right there by me in Fort Scott.
- Q Do you know where Josh is living? A I do not, he has been away from there a good many years, I don't know how long.
- Q Well, about how many years has it been since Josh moved away from there? A Of course that would be from guess work, something I never took no count of; I don't think he has made his home in Fort Scott for the last 15 years, I might not be correct about it.

Q About how long has it been since Tecumseh moved away from there?

Q That maybe all the way from five, sir, seven or eight years, not longer than that.

Q Well, when did Bettie leave there, about when did she leave?

A That is quite a while ago, I could not tell that.

Q Well, did Gallie Holt marry while she was up there? A Yes, married twice.

Q What was her first husband's name? A Walker he died and then she married a Miller.

Q Do you know what Miller's first name was, or what he was known by up there? A Stepney I believe it is.

Q Have you seen Gallie Miller, the applicant, since you been down here? A I saw her this morning, spoke to her.

Q Did you recognize her as the same woman you knew up there as Sallie Holt? A Well, she lived right there near me for I expect 30 years, I don't know that it was that long; of course I knew her as well as I knew anybody in Fort Scott.

Q About how long ago was it since Gallie left Fort Scott?

A Well, now, I can't tell you.

Q Well, you came from there in -? A Seven, eight or ten years.

Q Do you know where Aunt Raster Holt is living now, whether she is living or dead? A I saw her I think about a year ago up in Fort Scott, I have never heard of her dying.

Q When did she move away, if at all, from Fort Scott, Kansas?

A It comes to those dates-

Q About how long? A I would think it was six or seven years ago.

Q You got acquainted with this family as I understand you, sometime about the close of the war? A Yes, sir, I knew them by sight and afterwards got acquainted with them.

Q They afterwards lived right near you? A Yes, sir. It was right close to me, I don't think it was over a hundred yards from where I now live.

Q And they lived there then in your neighborhood from the time you got acquainted with them up until a few years ago? A Yes, just as I stated.

MR. MELLETTTE: Now, where was Gallie Miller in the fall of '65?

A I don't think I could tell just that because-

Q Well, now, where was she in '66? A The family was there, I am satisfied they were in Fort Scott in '66.

Q I am talking about Gallie Miller now? A I know you do; one of the family might have went away.

Q You can't say that Gallie Miller, or Gallie Holt, was not here in the Cherokee Nation in 1866 can you? A No, sir, I cannot; I know the family was living up there at that time. One of the family could go off and I would not know anything about that; go off and return again.

Q Isn't it a fact that she was down here in '66, and didn't go back up to Kansas for a couple of years after '66, about '68?

A No, I don't know.

Q You don't know? A No.

Q That might be true, might it not? A Yes, the family was there, I know they didn't all come here; might be such a thing as she did, of course not looking for a thing of that kind I might not know.

Q Well, these people might have come down in the Territory from time to time without you knowing their business, might they not, 36 years ago? A You were not at the time?

Q Yes, or two at the time? A Of course they might.

Q Gallie Miller's husband died by there, one of them? A Walker.

Q Didn't she take some children back from here the first time she went back? A Children; I don't know anything about it.

JOHN FORBES, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A John Forbes.

- Q What is your age, Mr. Forbes? A 58.
- Q Where do you live? A Fort Scott, Kansas.
- Q How long have you lived in Fort Scott, Kansas? A 33 years.
- Q Since you have been living at Fort Scott, Kansas, did you get acquainted with a colored family by the name of Holts? A Yes, sir.
- Q What was the old lady's name, if you know Mr. Forbes? A I don't exactly know what the old lady's name was.
- Q What was the children's names? A I have heard the names; well there was Mose and Josh and Mrs. Walker; well, there was one or two others.
- Q Do you know whether her name was Sallie Walker or what her first name was? A Her name was Sallie Walker.
- Q Did she marry a man by the name of Walker? A Yes, sir.
- Q Where was Walker at the time of his death, if you know?
- A I don't know where he died, but I was informed that he died; that I don't know where he died, away or whether he died in Fort Scott.
- Q Well, do you know whether or not she married after Walker's death?
- A Yes, sir.
- Q Who did she marry that time? A Man by the name of Miller.
- Q Do you remember his first name? A Well, I have heard it called Step Miller.
- Q What business did he follow? A Shoemaker.
- Q Well, did you know any of her brothers or sisters that you remember the names of? A Well, there was Bet or Bit, I think that is it; and there was Mose and Josh.
- Q Any one else you remember? A I think there was more than that.
- Q Do you know where Mose Holt is living now? A Living at Fort Scott.
- Q Do you know anything about where Josh is living? A No, sir.
- Q About when did Josh Holt move away from Fort Scott, Kansas?
- A Well, he moved away from there good many years ago, I don't know very well; I wasn't very well acquainted with him on that account.
- Q Well, when did the applicant, Sallie Miller now, formerly Sallie Holt, move away from there? A I could not say, I think the best of my judgment it was eight or ten years ago, but I could not--after I got acquainted with them in '70, when I was personally acquainted with them after that.
- Q Was the mother of them living there and keeping house when you got acquainted with them in '70? A I am not sure whether the mother was there, but she was there afterwards.
- Q Do you know what became of Bettie whether she is living up there or alive? A No, I do not.
- Q You don't remember what year they left but they left there a number of years after you got acquainted with them? A Yes, sir.
- MR. MELLETT: Mr. Forbes, you don't know where these people, any of them, were in 1866, '67 or '8, do you? A No, sir.
- Q Isn't it a fact that they came, after you knew them, that they came back and forth down here in the territory and back up to Kansas?
- A I didn't know anything about that; I think I heard some of them talking about going down to Fort Smith or going from Fort Smith, or something when I got acquainted with them.
- Q Fort Smith down here on the border? A Yes, sir; I wouldn't be positive of that; some little recollection in my mind but I wouldn't be positive.

JAMES BRIGHTON, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A James Brighton.

- Q Where do you live, Mr. Brighton? A Fort Scott, Kansas.



- Q How long have you lived in Fort scott, Kansas? A 20 years.
- Q Since you have been living at Fort scott, Kansas, have you become acquainted with a family of colored people by the name of Holt?
- A Yes, sir.
- Q What members of the family are you acquainted with? A I know Mose, Mose lives there now, well I think anyother one, George Maybe.
- Q Did you ever know any of the girls? A Oh, I have seen them, I don't know.
- Q You are not very well acquainted with them? A I knowed Mose well and knowed where they lived well; no, I am not well acquainted with the lady folks.
- Q Did you ever know the mother? A No, sir.
- MR. MELLETTE: You don't know where the women folks made their homes, whether they made it here and visited up there, or where they really, belonged, do you? A No, sir.

WILLIAM SEXTON, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:

- MR. DAVENPORT: what is your name? A William Sexton.
- Q where do you live, Mr. Sexton? A Fort scott, Kansas.
- Q How long have you lived at port scott, Kansas? A I have lived at Fort scott ever since '69.
- Q Well, since you came to Fort scott, Kansas, did you get acquainted with a colored family by the name of Holts? A I did.
- Q Did you know the mother, the old lady, or reputed mother of the family? A Yes, sir.
- Q What was her name? A Her name was Easter Holt.
- Q what were the names of the children, or as many as you can remember? A There was one by the name of Mose, Josh, and Cumsh and Jennie and Sallie; that's as many as I recollect.
- Q Well, did you know Sallie Holt, if she was a grown woman?
- A Sallie she was a woman when I got acquainted with her.
- Q Josh, was he grown when you got acquainted with him?
- A No, sir, he was a young man.
- Q would you know Sallie Holt if you would see her now?
- A Yes, sir.
- Q I wish you would look back through the audience and see if you see her? A Yes, sir.
- Q You recognize her as being the same woman, Sallie Holt, you knew?
- A same woman.
- Q Did she marry while she was living up at port scott? A She was married when I got acquainted with her.
- Q Do you know what her husband name was? A Her husband's name was Walker.
- Q Do you know whether Walker is living or dead? A He died.
- Q Well, did she marry again? A She did.
- Q Do you know who she married? A She married a man by the name o. Miller.
- Q Do you know his first name? A Stepney.
- Q what was his business? A He was a shoemaker up there.
- Q You knew Josh too up there did you? A Yes, sir.
- Q And Tecumseh? A Tecumseh.
- Q Did you know any other girls of the family, was there any other girls that you remember? A I do not.
- Q Do you know whether or not there was a girl by the name of Bettie?
- A I wouldn't be positive but it appears to me there was.
- Q were they living in Fort scott when you went there in '69, Mr. Sexton? A Yes, sir.
- Q Well, about how long after you went there did they continue to live in Fort scott? A Now, I could not say; I didn't pay particular attention, sometimes they would leave and sometimes they was there.

- Q Did they keep house while they were there? A Yes, sir.  
Q Did Sallie live there with Walker when he was living?  
A Yes, sir.  
Q Where is Mose living now? A Moses is living up there now.  
Q About how long has it been since you remember of Josh and then living in Fort Scott? A Josh hasn't been there for some considerable time.  
Q Well, about how long? A It has been, I should judge, some ten or 12 years.  
Q Well, how long has it been since Tecumseh has been living there?  
A She has lived there to the best of my recollection, it has been that long since I seen him there.  
Q Do you know where he went when he left there? A No, sir.  
Q You don't know whether he went to Kansas City or not?  
A No, sir, I do not.  
Q Well, how long has it been since Sallie has been living there?  
A I don't know.  
Q Has she lived there any since she and Miller married? A Yes, sir.  
MR. BELLETTE: Well, how long do you think it has been since Sallie Miller lived there regularly? A Well, now, I could not say positive, it has been since she left there regularly.  
Q Well, isn't it a fact that she was back and forth ever since you have known her, to the Territory and back to Kansas, would come down here a stay a while and go back to Kansas? A Yes, sir.  
Q That is true? A Yes, sir.  
Q You don't know where any of these people were in '66? '67 or '68?  
A No, sir; I came to Scott in '69.  
MR. DAVENPORT: And they were living there when you came?  
A They was there when I came.

Com'r Needles: This testimony will be made part of the record in Freedmen doubtful cases #953, #979, #980, #645, and in case of Bettie Hicks.

---ooo000ooo---

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

J. O. Rosson

Subscribed and sworn to before me this October 15th, 1901.

[Signature]

Commissioner.

...of the Court of Claims on the Council of the Cherokee Nation as desired by the...

...The Commission... 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, the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

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

88423

1805

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.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERCY ADAMS for enrollment  
as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by  
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified  
copy of the decree of the Court of Claims in the case of  
Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,  
No. 17209, filed in the Mariah Hayden case P D 498, a part of the  
record in this case and the cases hereinafter mentioned by refer-  
ence to the said case of the said Mariah Hayden, and if it be deemed  
necessary that a copy of the said decree be filed in this case and  
in the following cases, to-wit:

**Katie Davis, D 953;**

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-  
duction of the decree because, First: It does not tend to show  
that the applicant was a slave of the Cherokee Nation at the  
beginning of the war, nor that he returned within the time specified  
in the treaty of 1835, or that he had been a continuous resident of  
the Cherokee Nation since that time, or that he is a descendant of  
such a person. Second: Because the same is incompetent, irrele-  
vant and immaterial, and does not tend to prove an issue in this  
case. Third: Because the Commission will take judicial knowledge  
of all laws, treaties and decrees necessary for the determination  
of the right of any person who makes application for citizenship.  
Fourth: The Cherokee Nation objects to the filing of a certified  
copy of this decree in the case of an applicant unless the name  
is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be  
sustained 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 moves that as to the above named  
cases including the Mariah Hayden case that counsel for the appli-  
cants be allowed within the time to file any of the proof of any  
or all of the cases other than the decree already referred to

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

W. W. Hastings:

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

The Commission:

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

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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.

-----

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.

C.F.B.

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

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

Sallie Miller-----Cherokee freedman D 648  
Anna Butler and Esther Owen-----Cherokee freedman D 979  
Howard Bushyhead-----Cherokee freedman D 980  
Katie Davis-----Cherokee freedman D 953.

DECISION

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Sallie Miller for herself; by Anna Butler for herself and minor child, Esther Owen; by Howard Bushyhead for himself and by Katie Davis for herself. The records further show that the applications for the enrollment of the above named persons were consolidated with the case of Katie Ridge, et al. C.F.D. 295, et al., and that on October 13, 1905, the Commissioner to the Five Civilized Tribes rendered his decision in said consolidated case, denying all the applicants therein the right to enrollment as Cherokee freedmen, and that said decision was duly forwarded the Department for review; that thereafter on July 9, 1906 (I.T.D.17884-85), motions to reopen said cases having been filed with the Department, the Secretary of the Interior remanded said consolidated case to this office for further hearing and readjudication with instructions that said consolidated case be divided into groups according to the three places from which it is alleged the applicants returned to the Indian Territory after the war. It having been determined by this office that the cases of Sallie Miller, C.F.D. 648, Anna Butler and Esther Owen, C.F.D. 979, Howard Bushyhead, C.F.D. 980 and Katie Davis, C.F.D. 953 should constitute one of these groups, further proceedings in the matter of said applications were had at Muskogee, Indian Territory, December 20, 1906, and at Vinita, Indian Territory, December 26, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Sallie Miller, was a slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the progress of said rebellion she left the Cherokee Nation, and did not return thereto and establish an actual personal bona fide residence therein after the close of the war until subsequent to February 11, 1867.





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

ALLISON L. AYLESWORTH,  
SECRETARY

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

Muskogee, Indian Territory, Aug 26, 1901

Received of the Commission to the Five Civilized  
Tribes one copy of the testimony in the matter of the  
application of Walter Daniels for en-  
rollment as Cherokee Freedman.

Cherokee Freedman #

2953

Michael S. Smith  
Witness for applicant

F. 958

F. D.

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the within notice on

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

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

Marshal for the Cherokee Nation.

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

day of 190  
Attorney for applicant.

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

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

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE CHEROKEE TRIBES

F.  
SEP 21

W. H. HARMAN

## NOTICE!

IN THE MATTER OF the application of Katie Davis  
for enrollment as Cherokee Freedmen:  
Case No. F. D. 953

To Katie Davis or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 9th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

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

*L. B. Bell*

*W. W. Hastings*  
*J. S. Sampson*  
Attorneys for the Cherokee Nation.

Cherokee Freedmen

D-295, et al.

Muskogee, Indian Territory, October 13, 1905.

Edgar Smith,

Attorney for Katie Ridge, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 12, 1905, rejecting the applications for enrollment as Cherokee freedmen and as citizens by intermarriage of ~~the~~ Cherokee Nation in the consolidated applications of Katie Ridge, et al., Cherokee freedmen D-295, et al. 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 action of the Secretary as soon as this office is informed of the same.

Respectfully,

(Signed) **Sam Doby**  
Commissioner.

Incl. S-222

Register

George Freedmen

D-203, et al.

October 13, 1905

Haskell, Indian Territory, October 13, 1905.

Wells, Hastings & Goodrich,

Attorneys for the Cherokee Nation,

Haskell, Indian Territory.

Gentlemen:

Enclosed herewith a copy of the decision of the Commission on the Five Civilized Tribes, dated October 13, 1905, rejecting the application for citizenship as Cherokee Freedmen and their issue by the Cherokee Nation in the consolidated application of Kate Reed, et al., Cherokee Freedmen D-203, et al.

The opinion, together with the record of proceedings had in the case, has been transmitted to the Secretary of the Interior, Washington, D.C. You will be advised of the action of the Secretary as soon as you advise us of the date.

Very respectfully,

(Signed) [Name]

Yours truly,

Commissioner.



Muskogee, Indian Territory, October 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of September 25, 1905, (I.T.D. 2218, 7024-1905), there is herewith transmitted the record of proceedings had in the matter of the consolidated applications for enrollment as Cherokee Freedmen and as citizens by intermarriage of the Cherokee Nation, of Katie Ridge, et al., Cherokee Freedmen D 205, et al., including the decision of the Commissioner to the Five Civilized Tribes dated October 13, 1905, rejecting the applications of Laura Ridge, Ary Lynch, Dennis Hicks et al., and Susan Hicks, as citizens by intermarriage of the Cherokee Nation, and of Katie Ridge, Cornelius Ridge, Pearl Ridge, Jessa Ridge and Myrtle Ridge, Phoebe (Elton) Johnston, Joseph Milton, Harry Milton, Herbert Milton, Serena Milton and Beulah Milton, Mary C. Ridge, Ma Jones, Lee Martin, Edna Martin and Cecelia Martin, Cornelius Jones, Minora Vann, Hans Wiley, Jennie Vann and John C. Wiley, Rosa Vann and Josephine Vann, William

Secretary--2.

Townsend, Mollie Townsend, Rosa Townsend, George Townsend  
and Arthur Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks  
Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt,  
Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard  
Holt, Clifford Holt and Nauvelia (Marcelia) Holt, Sallie Miller,  
Mary Johnson, Ruth Vann, Martha Chinnett and Lillie Chinnett,  
Frank Johnson and Luella Johnson, Eliza Hawkins and Tyndle B.  
Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A.  
Hicks, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence  
Johnson and Wilda Johnson, Anna Tutler, Esther Ann Howard  
Bushman, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley,  
Nathaniel Riley, Jesse Riley, Joseph Riley, Mabel Riley, Viola  
Riley, Mabel Riley, Elnora Riley, Ideller Riley, Luther D. Riley,  
Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph  
Riley, Arizona Riley, Inola Riley, Earl B. Riley, Clarence  
Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley,  
M. Leah Riley, Maggie Riley, Calvin Riley, Martha Riley,  
Ada Riley and Lenna Riley, Fannie Scott, Charles Wesley  
Miller, Fessie Scott and Jennie Scott, Delilan Johnson, Allie  
Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Julia  
Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie

Secretary--5.

Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Ellick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. Wagner and Oval Wagner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Scephonia Curls and Featrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson, Harvey Thompson, and Clyde Thompson, for enrollment as Cherokee Freedmen, and dismissing the applications for enrollment as Cherokee Freedmen of Ethel Townsend and Clarence Curls.

In connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedman, case No. D 535, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Buech Daniels, et al., Cherokee Freedman No. 1426, formerly Cherokee Freedman D 218, wherein, in its do-

cision rendered on July 5, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57605-04), and affirmed by the Department on October 22, 1904 ( I.T.D. 7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1868, to enrollment as a Cherokee freedman was based upon the theory that her father the said Cornelius Ridge had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman

Secretary--5.

citizenship, the case of Enoch Daniels, et al., Cherokee Freedman 1429, formerly Cherokee Freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee Freedman citizenship, be reversed.

Respectfully,

Through the

Commissioner of Indian Affairs.

Commissioner

Incl. F 16.  
LMB



Cherokee Freedmen

COPY

D-953.

Muskogee, Indian Territory, October 13, 1905.

Katie Davis,

Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

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

Respectfully,

SIGNED

*Tame Eixby*  
Commissioner.

Incl. 8-103  
Register

--Copy--

Land  
83607-91889-1905.  
91821-91843-1905  
91492-101897-1905.

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

JPA

December 22, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated October 13, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Katie Ridge for herself; by Cornelius Ridge for himself and wife Laura Ridge (by intermarriage) and his minor children, Pearl, Jesse, and Myrtle Ridge; by Phoebe Milton Johnson for herself and her minor children, Joseph, Percy, Herbert, Berena, and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and her minor children, Lee, Eddie, Stella, and Cornelius Jones; by Charles J. Lynch for his wife, Amy Lynch (by intermarriage) by Walter Vann for his wife, Elzora Vann; by Maud Riley for herself and her minor children, Jesse Barnett and John C. Riley; by Rosa Vann for herself and her minor child, Josephine Vann; by William Townsend for himself; by Nellie Townsend for herself and her minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks for himself (by intermarriage) and wife Bettie Hicks and his minor children, Leroy, Dennis, Jr., William Ethel, and Elmer Hicks; by Joshua Holt for himself and wife,

Jane Holt and minor step-children, Laura and Ella Deeson and minor children, Jessie, Willard, Clifford and Marcella (Marcella) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chinnett and for herself and her minor children, Martha and Little Chinnett; by Frank Johnson for himself and his minor child, Liella Johnson; by Eliza Hawkins for herself and her minor child, Tynelle E. Hawkins; by Joseph Hicks for himself and wife, Gusie Hicks (by intermarriage) and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and her minor children, Nettie, Katie, Clarence, and Wilda Johnson; by Anna Butler for herself and her minor child, Esther Owen, and her adult brother, Howard Bushyhead; by Katie Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and his minor child, Nathaniel Riley; by Jesse Riley for himself and his minor children, Joseph, Ollie, Viola, Mabel, Elmer, Idella, and Luther D. Riley; by Frank Riley for himself and his minor children, Lottie, Fannie, James, Ralph, Arizona, Clarence, Inola and Earl E. Riley; by Jerry Riley for himself and his minor children, Samuel, James E., Amanda, Mariah, Maggie Calvin, Bertha, Ada, and Leona Riley; by Fannie Scott for herself and her minor children, Charles Wesley Miller, and Beegie and Jimmie Scott; by Delilah Johnson for herself and her minor children, Allie, Luman, Jesse, Alfred, Wela, Della, Ella and Harrison Johnson; by Lottie Johnson for herself and her minor children, Rebecca, Luford, Wilbert, and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Eliza Ward

V V

for himself and wife, Amanda Ward, and his minor children, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse, and Waine Ward; by Sandy Thompson for himself; by Ruth Riley for herself, and her minor child, Lenora Odine Riley; by Hannah Riley for herself; by Charles Landrum for himself; by Bettie McIntosh for herself; by William Riley for himself; by Carrie Gibson for herself; by Cera J. Wagoner for herself and her minor child, Oval Wagoner; by Arthur Riley for himself; by Elizabeth Walton for herself and her minor child, Elmore Walton; by Julius Curis for himself; by Riley Curis for himself and his minor children, Willie, Howard, James, George, Stephenia, Clarence, and Beatrice Curis; and by Ophelia Thompson for herself and her minor children, Alpha Libbie, Herschel, Harvey, and Clyde Thompson.

October 13, 1903, the Commissioner decided adversely to all the applicants.

The record shows that the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge, Phoebe Johnson, Jesse Ridge, deceased, and Mary Ridge (later Hicks, former wife of Dennis Hicks, Sr.), deceased; that they were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation during the War, and did not return thereto on or before February 11, 1867; that the applicants, Laura Ridge, and Amy Lynch neither claim nor possess any rights to enrollment other than those obtained by marriage to the applicants, Cornelius Ridge and Jesse Ridge, deceased; that the applicants, Dennis Hicks, Sr., and Lucie Hicks neither claim nor possess

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any rights to enrollment other than by virtue of their marriage to Nettie and Joseph Hicks; that the applicants, Nettie Hicks, Joshua Holt and Sallie Miller (children of one Esther Holt), and Anderson Johnson, deceased, Buck Bushyhead, deceased, and Nettie Downing, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion; were taken out of the Cherokee Nation during the War, and did not return on or before February 11, 1867; that one Riley McVair and one Maria McVair, both deceased were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lottie Johnson, and of Willie McVair, deceased; that the said Riley, Maria, and Willie McVair, all deceased, and Moses, Andrew, Jesse, and Jerry Riley, Fannie Scott and Lottie Johnson, and Jane Riley, Daniel Thompson, Rick and Amanda Ward, and Sandy Thompson and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867; that all the other applicants were born since 1866, are descendants of the foregoing and possess no rights to enrollment except as such descendants, or have failed after ample opportunity afforded to establish such a right. None is identified on the 1896 authenticated Cherokee roll, or the Cherokee census roll of 1896, nor can an ancestor be so identified.

is also enclosed a letter from the Commission, Cherokee Tribes transmitting a notice in which



of the applicants and three communications from G. F. Fogie  
concerning notices in their behalf which have been carefully  
considered.

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

Very respectfully,

G. F. Larrabee,  
Acting Commissioner.

JFJR

DEPARTMENT OF THE INTERIOR, LLB  
Washington.

D.C.29336.

I.T.D.17884-1905.

July 9, 1906.

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

Sir:

On October 13, 1905, you transmitted the record, together with your decision of the same date, in the matter of the consolidated applications for enrollment as Cherokee freedmen of Katie Ridge et al. (Cherokee freedmen D. 295). Said decision was adverse to all the applicants.

Reporting December 22, 1905, the Indian Office concurs in your decision. A copy of its letter is inclosed.

The attorneys for the applicants have filed a number of motions and briefs in this case, and the attorney for the Cherokee Nation has filed his answer.

A consideration of these motions, together with the record, leads the Department to the opinion that the case should be remanded for a further hearing.

The Department considers that this consolidated case should be divided, and that if possible the division should divide this large family into groups according to the three places from which

it is alleged they returned to the Indian Territory, under article 9 of the treaty of 1866, being first those persons and their descendants who returned from the neighborhood of Joplin, Mo.; second, those who returned from near Fort Scott, Kans., and third, those who returned from Garnett, Kans.

Having divided this case along the lines indicated, you will permit the attorneys for the applicants and for the nation to submit such proper evidence as they may see fit regarding the rights of these applicants for enrollment as Cherokee freedmen.

The record is returned.

Respectfully,

(Signed) Thos Ryan  
Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inclosure.

Cherokee Freedman  
D 298 et al.

Muskogee, Indian Territory, August 6, 1906.

Edgar Smith,

Attorney for Katie Ridge, et al,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman enrollment cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. The Department directs that this consolidated case be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that in accordance with this division, the following cases will be consolidated.

D 340	Dennis Hicks, et al,
D 344	John Helt, et al,
D 348	Sallie Miller,
D 354	Mary Johnson,
D 356	Ruth Vann, et al,
D 375	Frank Johnson, et al,
D 388	Eliza Hawkins, et al,
D 390	Joseph Hicks, et al,
D 391	Katie Hicks,
D 392	James A. Hicks,
D 396	Frances Johnson, et al,
D 399	Ann Butler, et al,
D 400	Howard Bushyhead,
D 403	Katie Davis.

The records of this office show that you are the attorney of record in the following cases;

D 355	Dennis Hicks, et al,
D 348	Sallie Miller,
D 375	Frank Johnson, et al,
D 358	Miss Hawkins, et al,
D 340	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 376	Frances Johnson, et al,
D 383	Katie Davis;

that Louis T. Brown is the attorney in the following cases;

D 364	Mary Johnson,
D 346	Ruth Vann, et al,
D 379	Anna Butler, et al,
D 380	Howard Bushhead;

and that Blue and Bulger are the attorneys for Joshua Holt, et al, D 644.

You are advised that before a date will be set for a hearing in this case, the applicants will be required to furnish this office with a list of the names and addresses of all the witnesses they propose to introduce in their behalf. Upon receipt of this information the attorney for the Cherokee Nation will be notified thereof, and a date set for a hearing in the case, of which all parties at interest will be advised.

Blue and Bulger, Baxter Springs, Kansas, and Louis T. Brown, Muskogee, Indian Territory, have this day been advised of the Department's action, and of what will be required of the applicants, and before submitting the

list of the names and addresses of the witnesses, it is suggested that you communicate with them and submit at one time a list of all of the witnesses expected to be introduced.

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

Respectfully,

M.A.

Encl. 6-1.

Commissioner.



Cherokee Freedman  
D 298 et al.

Muskogee, Indian Territory, August 6, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman consolidated cases of Katie Ricks, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. In accordance with the Department's direction, the following cases will be consolidated:

D 280	Dennis Hicks, et al,
D 644	Joshua Holt, et al,
D 648	Sallie Miller,
D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 875	Frank Johnson, et al,
D 288	Elise Hawkins, et al,
D 289	Joseph Hicks, et al,
D 261	Katie Hicks,
D 262	James A. Hicks,
D 876	Frances Johnson, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushwood,
D 933	Katie Davis,

The applicants in these cases and their attorneys have this day been advised of the Department's action and of the consolidation of these cases, and notified that before a date would be fixed for a hearing in the cases.

they will be required to furnish this office with a list of the names and addresses of the witnesses they propose to introduce in their behalf. Upon receipt of this information you will be advised thereof, and a date will be set for a hearing in the cases, of which action all parties at interest will be advised.

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

Respectfully,

Encl. V.A.4-1.

Commissioner.

Cherokee Freedman  
D 953.

Muskogee, Indian Territory, August 6 1906.

Katie Davis,

Vinita, Indian Territory.

Dear Madam:

In connection with your Cherokee freedman case, you are advised that this office is in receipt of Departmental letter of July 9, 1906, remanding the same to this office for a rehearing. The Department directs that the consolidated case of Katie Ridge, et al, which includes your application, be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that under this division the following cases will be consolidated.

D 355	Dennis Hicks, et al,
D 644	Joshua Holt, et al,
D 648	Sallie Miller,
D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 875	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead,
D 953	Katie Davis.

Your attorney, Edgar Smith, Muskogee, Indian Territory, has this day been advised of the Department's action, and of the consolidation of the above cases, and also requested to advise this office at the earliest practicable date the names and addresses of all the witnesses it is proposed to introduce on behalf of applicants in this case. When this information is furnished, the Attorney for the Cherokee Nation will be advised thereof, and a date will be set for a hearing in the case, of which action all parties at interest will be advised.

Respectfully,

E.A.

Register.

Commissioner.

C O P Y .

Vinita, I.T. Aug. 11, 1906

The Honorable,

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

Dear Sir:

Enclosed herewith find request from Sallie Miller and Anna Petersen for us to represent them in the matter of their application for enrollment as Cherokee Freedmen together with the applications of Esther Owens, F. D. 979 and Howard Bushyhead, F.D. 980 who belong to the same family. We also represent the other daughter of Sallie Miller whose name is Katie Davis, F.D. 983 and we will send in an authority from her next week as we have done in the other cases.

These cases are really independent cases of their own all depending practically upon the return of Sallie Miller and her husband Buck Bushyhead to the Cherokee Nation after the close of the war of the rebellion. It is contended by the principal applicant, Sallie Miller, that she and her former husband, Buck Bushyhead were living together as husband and wife in Ft. Gibson in the late fall of 1865 and that they continued to live there for a number of years when they went to Big Creek and improved a farm. It is claimed in the cases of the heirs that they came to the Cherokee Nation in 1866. We have your letter of Aug. 6, 1906 addressed to Hise and Bulger, Attorneys for Joshua Helt, at Baxter Springs, Kansas and we notice that the Sallie Miller

case is consolidated with the case of Dennis Hicks, et al., F.D. 355 and we note that there is also a part of the Ridge case consolidated with this Dennis Hicks case. We represent all of the Ridges and all of the Helts and a part of the Hicks that belongs to the Ridge case and we will have each of them to sign a statement to file with you as we have in the Sallie Miller case showing that we represent them. We desire to know if the Sallie Miller case could be tried to itself. It is as follows:-

F D 648, Sallie Miller,

F. D. 979 Annie Butler (now Peterson and Daughter  
Esther Owens,

F.D. 980 Howard Bushyhead,

F. D. 953, Katie Davis.

These cases could be consolidated with the applications for the enrollment of Sallie Miller and we earnestly request that we be granted separate trial in these cases. If we could try this case separately from the others we would be ready for trial at once. The testimony in this case would not apply to any other case in the list as we know of.

Wherefore we earnestly request that Sallie Miller and her descendants as above indicated be given a separate trial.

Respectfully,

~~Starr & Patten~~  
~~ATTORNEYS FOR SALLIE MILLER~~



Cherokee Freedman  
D 648 et al.

Washago, Indian Territory, September 1, 1906.

Starr and Patten,

Attorneys for Sallie Miller, et al,  
Vinita, Indian Territory.

Gentlemen:

This office is in receipt of your letter of August 11, enclosing notices signed by Sallie Miller and Anna Peterson that you have been employed to represent them in their Cherokee freedman cases. You request that the Cherokee freedman cases of Sallie Miller, Anna Peterson, et al, Howard Bushyhead and Ettie Davis, be consolidated and heard separate from the Cherokee freedman case of Dennis Hicks, et al, with which they are at present consolidated.

In reply you are advised that you have been entered as attorneys of record for said applicants. Upon an examination of the record had in the Cherokee freedman case of Sallie Miller, et al, it is not desired at this time to separate them from the consolidated case of Dennis Hicks, et al.

Respectfully,

H.A.

Acting Commissioner.

C O P Y .

F.D. 648

TO THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES:

You are requested to enter STARR & Patten of Vinita, Indian Territory, as my sole attorneys representing me in the matter of my application for the enrollment of myself and those I represent as citizens of the Cherokee Nation.

You are advised that the authority heretofore given any other attorney to represent me is hereby revoked.

Witnesses to mark.

Anna Peterson.  
Jessie Patten.

her  
Sallie K Miller,  
mark. Applicant.

Dated at Vinita, Indian Territory,  
this 10th day of August, 1906.

C O P Y .

F.D. 979.

TO THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES:

You are requested to enter STARR & PATTEE of Vinita, Indian Territory, as my sole attorneys representing me in the matter of my application for the enrollment of myself and those I represent as citizens of the Cherokee Nation, Esther Owens F.D. 979 and Howard Bushyhead F.D. 980.

You are advised that the authority heretofore given any other attorney to represent me is hereby revoked.

Anna Petersen.  
Applicant.

Dated at Vinita, Indian Territory,  
this 10th day of August, 1906.

(C O P Y ).

Vinita, I. T.

November 7th 1906.

The Honorable,  
The Commissioner to the Five Civilized Tribes,  
Muskegee, I. T.

Dear Sir:

In the consolidated Cherokee Freedmen enrollment cases of  
Dennis Hicks et al we desire to submit in behalf of the applicants  
Sallie Miller; Anna Butler (Peterson) et al, Howard Bushyhead and  
Katie Davis et al the following as a list of their witnesses:

- 1---- Applicants.
- 2---- Joshua Ross, Muskegee, I. T.
- 3---- Stick Ross, Muskegee, I. T.
- 4---- Nelson Moore, Ketchum, I. T.
- 5---- John B Sharp, Tahlequah, I. T.
- 6---- Levi Gritts, Tahlequah, I. T.
- 7---- Rev. L. Robson, Eureka, I. T.
- 8---- N. V. Benge, Ft. Gibson, I. T.
- 9---- Lincoln England, Westville, I. T.
- 10---- Frank Paek, Tahlequah, I. T.
- 11---- G. W. Willey, Ft. Gibson, I. T.

Respectfully,

(Signed)

Starr & Patten,  
J.C.S.  
Attorneys for Sallie Miller et al.

Cherokee Freed.  
D 648-953-979-980.

Muskogee, Indian Territory, November 28, 1906.

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

Dear Sir:

It is hereby ordered that the Cherokee freedmen cases of Sallie Miller, Anna Butler, et al., Howard Bushyhead and Katie Davis be separated from the consolidated case of Dagnia Hicks, et al., and that they be consolidated and heard separate from the Hicks case.

There is enclosed a copy of a letter, dated November 7, 1906, from Starr & Patten, Vinita, Indian Territory, Attorneys for applicants, submitting a list of the names and addresses of the witnesses they propose to introduce on behalf of the applicants. The principal applicants and their Attorneys have this day been notified that they will be permitted to appear before the office of the Commissioner at nine o'clock A. M. on Thursday, December 20, 1906, and introduce the testimony of the witnesses whose names and addresses they furnished. The Cherokee Nation will also be permitted to appear on that day and introduce in rebuttal such testimony as it desires in the case.

Respectfully,

Encl. W-1.  
S. W.

Commissioner.

Cherokee Freed.  
D 953.

Muskogee, Indian Territory, November 28, 1906.

Katie Davis,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that your Attorneys, Starr & Patten, Vinita, Indian Territory, have this day been notified that they will be permitted to appear before the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, at nine o'clock . M. on Thursday, December 24, 1906, and introduce on your behalf the testimony of the witnesses whose names and addresses they have furnished this office in their letter of November 7, 1906.       ♦

The Cherokee Nation will also be permitted to appear on that day and introduce in rebuttal such testimony as it desires in your case.

Respectfully,

S.W.

Commissioner.



Cherokee Freed.  
D 648-953-979-940.

Muskogee, Indian Territory, November 28, 1906.

Starr & Patten,  
Attorneys for Sallie Miller, et al.,  
Vinita, Indian Territory.

Gentlemen:

This office is in receipt of your letter of November 7, 1906, submitting a list of the names and addresses of the witnesses you expect to introduce on behalf of applicants, in the Cherokee freedmen cases of Sallie Miller, Anna Butler, et al., Howard Bushyhead and Katie Davis. You have heretofore requested that these cases be consolidated, and that they be heard separate from the freedmen consolidated cases of Dennis Hicks, et al., and you were advised by this office September 1, 1906, that it was not at that time desired to separate the cases.

Anna Butler and Howard Bushyhead are children of said Sallie Miller, and Katie Davis is a grand-daughter of Sallie Miller. Upon a further examination of the record in the case of Sallie Miller, it is found that she was born prior to the war of the rebellion, and that she did not return to the Cherokee Nation after the war at the same time the principal applicants in the case of Dennis Hicks, et al., claim to have returned.

It is hereby ordered that the cases of Sallie Miller, Anna Butler, et al., Howard Bushyhead and Katie Davis be separated from the consolidated case of Dennis Hicks, et al., and that they be consolidated and heard separate from said case. The applicants will be permitted to appear before the office of the Commissioner at Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, December 20, 1906, and introduce the testimony of the witnesses whose names and addresses you furnished this office in your letter of November 7, 1906.

Respectfully,

S. V.

Commissioner.

Cherokee F.  
D-953

Muskogee, Indian Territory, February 23, 1907.

Katie Davis,

Vinita, 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, 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 this case, and there has been forwarded them this day a copy of the Commissioner's decision.

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

Respectfully,

SIGNED *Wams R. Dick*  
Commissioner.

Encl. No. 16  
JME

Register.

Muskogee, Indian Territory, February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Sallie Miller, et al. (D 648 et al.), as Cherokee freedmen, together with the decision of the Commissioner, dated February 23, 1907, denying the applications for the enrollment of Sallie Miller, Anna Butler, Mother Owen, Howard Bushyhead and Katie Davis as Cherokee freedmen.

Respectfully,

SIGNED *James Smith*

Commissioner.

Encl. B-18  
JMH

Through the Commissioner  
of Indian Affairs.

Cherokee F.  
D 648 et al.,

Muskogee, Indian Territory, February 23, 1907.

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

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the applications for the enrollment of Sallie Miller, et al., as Cherokee freedmen.

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

Respectfully,

SIGNED *Carroll S. Stacey*  
Commissioner.

Encl. N-17  
JMH

Cherokee F.  
D 648 et al.

Muskogee, Indian Territory, February 23, 1907.

Starr & Patten,  
Attorneys for Sallie Miller, 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 23, 1907, rejecting the applications for the enrollment of Sallie Miller, et al., as Cherokee freedmen. You have heretofore been furnished 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. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. N-16 1/2  
JMI

Commissioner.



Land  
20926-1907.  
21140-1907.

COPY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON. March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Sallie Miller, et al., as Cherokee freedmen, including the decision of Commissioner Bixby, dated February 23, 1907, denying the applications for the enrollment of Sallie Miller, Anna Butler, Esther Owen, Howard Bushyhead, and Katie Davis, as Cherokee freedmen.

There is also enclosed an appeal filed by Starr and Pat-ten, attorneys at law of Vinita, I. T., from the decision of Commissioner Bixby, dated February 23, 1907, adverse to the applicants in the case of Sallie Miller, et al.

The decision of Commissioner Bixby has been examined, is found to be correct, and its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

ERV-LCAW

D.C.13269

COPY

W.H.V.

JP

DEPARTMENT OF THE INTERIOR,  
I.T.D. 7148-1907. WASHINGTON.  
7902, "

IRS

March 4, 1907.

DIRECT.

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

Sir:

Your decisions in the following Cherokee freedmen 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.
Anna Glass, et al.,	February 23, 1907.
Sallie Miller, et al.,	February 23, 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,

Acting Secretary.

2 enclosures, and  
5 enclosures to Ind. Of.,  
with copy hereof.

Vol. 3-5-07

Cherokee F.  
D 953.

COPY

Muskogee, Indian Territory, March 23, 1907.

Katie Davis,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

SIGNED *James Bixby.*  
Commissioner.

LMC

Cherokee F.  
D 648.

308

Muskegee, Indian Territory, March 23, 1907.

Starr & Patten,  
Attorneys for Sallie Miller, et al.,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the application for the enrollment of Sallie Miller, et al., as Cherokee freedmen, 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,

CHIEF OF BUREAU

Commissioner.

Encl. C-79  
LMC

Cherokee P.  
D 648.

COPY

Muskogee, Indian Territory, March 23, 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 23, 1907, rejecting the application for the enrollment of Sallie Miller, et al., as Cherokee freedmen, 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,

W. W. Hastings,  
Commissioner.

Encl. C-60  
LMC

D

54.153

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
JUN 29 1901

  
ACTING CHAIRMAN

CHEROKEE FREEDMEN.

Date *June 29, 1901*  
Post Office *Smith St.*  
District *600*

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

Parents:

Father ..... Citizenship .....  
Mother ..... Citizenship .....

2. Name of wife *Katie Harris* Age *22*  
Owner's name ..... Citizenship .....  
Year *Wallace* Page *146* No. *3047* District *600*

Parents:

Father ..... Citizenship .....  
Mother *Little Brooming - dead* Citizenship .....

Names of Children:

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

*None*

Application made by *Ms.* Stenographer *O. Arson*

*On Wallace roll as Katie Putnam*

*X Ref. D 648*

*Represented by Mullett and Smith*



MAR 10 1880

*Wm. Prof. S. S. CHAMBERLAIN*

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

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

### **MUSKOGEE, IND. TER.,**

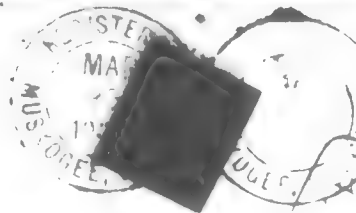
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

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. Katie Davis,  
Vinita, I. T.  
Cherokee F-D-953  
Register.

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



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Register No. *469*  
*361*

RECEIVED  
DEPT. OF THE INTERIOR  
MUSKOGEE, IND. TER.

Mrs. Katie Davis  
Vinita, Indian Territory.

Return to Writer  
U.S. ...

TER

Cher. Fr. R. 1035

Trans. from C. Fr. D. 955

Cher. Fr. R. 1035

Richard Towers, Doubtful Cherokee Freedman.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Shelton, I.T., June 1, 1901.

In the matter of the application of Wilson Towers for the enrollment of himself and wife as Cherokee Freedmen.

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

WILSON TOWERS, being duly sworn, and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your name? A Wilson Towers.  
Q How old are you? A I can't tell you, I am called about 30 or 40 when the war come up.  
Q What is your postoffice? A Centralia.  
Q In what district do you live? A Cooweescoowee I think.  
Q Do you want to apply for enrollment as a Cherokee Freedman?  
A Yes, sir.  
Q Do you want to have anybody enrolled besides yourself? A Yes, sir.  
Q Who all is it; have you got a wife? A I have got a wife.  
Q You want to apply for your wife do you? A Yes, sir.  
Q How many children have you got? A I have one boy.  
Q Is he over 21 years of age? A No, sir, about 10 years old; he is an adopted child.  
Q Is that all? A A sister.  
Q Is your sister 21 years of age? A Yes, sir.  
Q She must apply for herself; who else in your family do you want to apply for? A That is all; just me three.  
Q How long have you lived in the Cherokee Nation? A I was raised in the Cherokee Nation.  
Q Were you a slave in the Cherokee Nation when the war came on?  
A Yes, sir.  
Q Do you claim to have lived here all your life? A Yes, sir.  
Q Give me the name of your master? A Ellis Towers.  
Q Was he a well known Cherokee citizen? A Yes, sir.  
Q Where did he live? A He lived in Going Snake until the war came up.  
Q Is he dead now? A Yes, sir.  
Q Give me the name of your wife? A Annie Towers.  
Q How old is your wife? A She is about 40 years old, I expect.  
Q Is she a Cherokee Freedman of her own right? A Yes, sir.  
Q How long has she lived in the Cherokee Nation? A Born in the Cherokee Nation, in Georgia.  
Q When was she brought here? A Brought here in the fall of '66, somewhere along there.  
Q From Georgia? A No, sir, she had been here in the Territory.  
Q When did she come from Georgia? A Yes, she came from Georgia.  
Q When? A I can't tell you that, been years, she came here with the old Cherokee Freedmen.  
Q Well she must be over 40 years? A Well she has lived here 40 years, yes, sir, in the Territory, she was born here in the Territory.  
Q You are not giving answers to my answers, you evidently don't understand them; how old is your wife? A I tell you I thought she was about 40 years old I think.  
Q Well, where was she born? A In Georgia.  
Q When did she come from Georgia to the Cherokee Nation?  
A I can't tell you what time of the month or what year, I have got no education.

Q Was she a slave in the Cherokee Nation when the war came on?

A Yes, sir.

Q To whom did she belong? A Ellis Towers.

Q Did she belong to the same man you belonged to? A Yes, sir.

She first was an Eaton and then she married into the Towers family.

Q Did your wife belong to the same Ellis Towers that you belonged to when the war came on? A Yes, when the war came up.

Q When did you marry your wife? A I can't tell you, been about 30 or 40 years I guess.

Q And yet she is only 40 years old? A I can't say, I don't know how long that has been.

Q Were you married to her when the war came up? A Yes, sir.

Commissioner: The old man is evidently greatly mistaken as to his wife's age.

Q Is your wife as old as you are? A No, sir, I am a little older, as well as I can guess at it.

Q Have you and she lived together ever since you were first married? A Yes, sir.

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

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

The Kern-cliften roll examined, and the applicants identified thereon, as follows:

Wilson Towers on page 142, No. 3524, Cooweescoowee district

Annie Towers on page 142, No. 3525, Cooweescoowee district

The wallace roll examined and the applicants identified thereon as follows:

Wilson Towers on page 141, No. 2960, Cooweescoowee district

Annie Towers on page 186, No. 3412, district not given.

Mr. Mallett Wilson, where did you go during the war? A Went to Kansas after the war, before the war stayed with the soldiers about a year and then went to Kansas.

Q When did you come back to the Indian Territory? A I came back the fall of '66 as well as I can recollect.

Q To the Cherokee Nation? A Yes, sir.

Q Who did you come with? A Sam Webber and old man Sanders.

Reuben Sanders, and then I don't know how many others, I don't just know.

Q Have you lived in the Cherokee Nation since you came back in '66? A Yes, sir.

Q Did you ever vote in the Cherokee Nation? A Yes, sir.

Q How many times? A I voted I don't know how many times, three or four times I know of.

Q How many elections did you ever vote at? A Three or four times I know.

Q Ever vote for chief? A No, sir, I never voted for chief; I have voted for chief two or three times I know.

Q You own a place in the Cherokee Nation on the public domain, or have you ever owned a place? A Yes, sir, I own a place now.

Q Got a place now? A Yes, sir.

Q How many acres in cultivation? A I have got something over 100 acres.

Q In cultivation? A Yes, sir.

Q Where is it located? A Big Creek.

Q How long have you owned that place? A Bought it ever since '66, came here and went right to work on it.

Is it the same place you located on when you first came back?  
Yes, sir.

Q Still living on it? A Yes, sir.  
Q Did you want it, or to get cultivate it, or for I been  
renting it since I got so old I can't work on it, I have a tenant  
on it now.

Q Is the Commission ever issue you any permits to go in  
of the Commission? A Yes, sir.

Q Have you got any? A I might have one of the; I  
can't read nothing. (H. J. Hastings, Jr., )

Mr. Mellette: I desire to offer in evidence a permit  
issued to the applicant by John Lullet, Clerk of Coowascoowee  
district, Char. of the 1<sup>st</sup> day of February, 188,  
authorizing him to employ non citizens to work upon his  
place.

Commissioner: This is filed here with.

Mr. Hastings: There if you marry your present wife? I married  
her down south here.

Q Before the war? A Yes, sir.

Q Were you with her after you quit the army during the war?

Yes, sir.

Q Were you with her just after the war closed? A I was with her  
before the war.

Q Were you with her just after the war closed? A Yes, sir.

Q And you have lived with her ever since? A Yes, sir.

Q Where she has lived you have lived? A Yes, sir.

Q What is her name? A Annie Towers.

Q Where and what place you in Kansas just before you came back  
here? A Fort Scott.

Q Do you know when you left Fort Scott? A I left it in '66 as  
well as I recollect, the fall of '66.

Q You are not positive about that? A Well I am positive about  
that too.

Q Was it in the early fall or winter; was winter coming on? A It  
was getting cold weather as well as I recollect.

Q Do you know anything about dates? A No, sir, I don't.

Q When was your first child born? A Long before the war.

Q Do you know what year? A No, sir.

Q How many children have you had born to you and your wife?  
About six, five or six.

Q Do you know any of the years any of them were born? A No, sir,  
I don't know any dates at all.

Q You don't know anything about dates or years? A No, sir,  
hardly know the days of the week.

Q You know the months? A No.

Q Do you know what month this is? A No, I don't, to tell the  
truth.

Q Do you know what year this is? A No, I don't, I don't know  
what year this is.

Q Did you bring your wife back with you when you came after the  
war? A Yes, sir.

Q She came with you, did she? A Yes, sir.

Q Did you bring all the children you had? A Yes, sir.

Q How many children did you have then? A I had my sisters  
children, two I believe.

Q Did you have any of your own children? A I had one and he died  
after I came down here.

Q What was his name? A George Towers.

Q Was he born in Kansas or before the war? A Before the war; he  
was nearly grown when he came down here.

Q Now you are living on the same place now that you came and  
made in 1866? A Yes, sir.

Q You have lived there ever since? A Yes, sir, I have lived there  
ever since.



Q Do you know Wat West? A Yes, sir, I have saw him.  
Q Where did you last see him? A I saw him yesterday.  
Q Did you have any talk with him yesterday? A No, sir, no more than with old acquaintances knowing one another.  
Q Did you see him in Fort Scott, Kansas, after the war? A He said he saw me, but I didn't recollect him, seeing him there.  
Q Did you have any conversation yesterday with him about it?  
A No, just talking about old times principally  
Q Well, did you tell him yesterday that you saw him up there?  
A No, I told him I couldn't recollect him, that is what I first told him, and he made known when I saw him last.  
Q He made himself known? A Yes, sir.  
Q And then you remembered seeing him when he made himself known?  
A No, he said he came to my house and I wasn't at home.  
Q Where did you say you were? A My wife told me he came there and I wasn't there, he said I must have have stayed at home because I was there, but I was gone somewhere, but he didn't recollect.  
Q That was at Fort Scott? A Yes, sir.  
Q Did you come home in a wagon? A Yes, sir.  
Q Did you ever see Jim McLaughlin in Fort Scott Kansas after the war? A Not that I know of I didn't.  
Q Did you ever see Simon McKirzie up there? A Not that I know of, I wouldn't know him now if I were to see him.  
Q Did you ever see James Foreman up there? A No, sir, I didn't see him.  
Q About how many years after the war had closed until you came down here? Until you came down to Big Creek? A I can't tell you how many years that was.  
Q As much as three or four? A Well, you know when Mr. Ross came down? A No, I don't know. A Well, we met him as we were coming down here; he asked us were we coming home boys, and I says yes, and he says that's right, you in plenty good time; that is all I can tell you about it.  
Q After the war closed you made a crop up in Kansas? What did you do? A I rented a crop up there the first year about the time the war closed.  
Q Did you raise one the next year? A No, sir.  
Q How many crops did you raise in Kansas? A I never raised but one, that was after we went there.  
Q You lived in town after that? A I was living in town then; I had to go to work or starve.  
Q Did you come when Mr. Webber came and moved his family?  
A Yes, sir, we all came together, old man Webber and Uncle Martin, and God knows how many of us came.  
Q It was getting cold weather in the fall of '66? A As well as I recollect, I can't certify it unless I can tell.  
Q Were there any houses up on Big Creek at that time?  
A I never seed none but the Osage camps, I never seed no Cherokees or any white men.  
Q There wasn't any colored people had houses there? A Yes there was.  
Q Who? A I had one.  
Q I mean when you first came? A Oh no, I never saw none, I saw Jim Martin's old house.  
Q How far did you locate from Jim Martin? A About five or six miles from where I am living now.  
Q Well Jim Martin was living near you at the time you were living there? A He wasn't living here when I came here.

Q You said you saw his house? A I seen his old house, where he had lived, him and Bill both, and when we come down here the chief told us we mustn't settle on any old claims, and went from Snow Creek clear down to Coody's Bluff.

Q You didn't find any houses along there? A I found some old places.

Q Whose old places did you find? A Found James Martin's and I can't tell you how many we found, there was a whole crowd of us and we were hunting places.

Q Well there were no new places made at that time? A I never saw them.

Q Sam Webber didn't have any place? A No, I don't recollect that he did.

Q None of the rest of them that came with you; they all made their places did they? A Yes, sir.

Q How far do you live from Jim Martin now? A About four miles from where he lives, maybe five.

Q Was he living at that place when you came there? A No, sir, I saw his old house, looked like it had been built before the war to me.

Q How far was his old house from where you are living now? A About five or six miles, above.

Q Well how far is he living now from where the old house was? A I don't know how far it is.

Q About how far to your best judgment? A I never noticed how far it was.

Mr. Mellette: Did you ever get any other permits from the Cherokee Nation except the one introduced in evidence here? A Yes, sir, I got three or four but my renters got them this year.

Q What became of the other permits that you got? A I don't know what became of them hardly, I might find them about home somewhere.

Commissioner: Your son George Towers is he living? A No, sir, he is dead.

Q How long has he been dead? A He died about eight or nine years ago I guess.

Q Was he a man of family? A No, sir, he wasn't hardly of age, just a young man.

Q Did you say he came with you from Kansas? A Yes, sir.

Q The first time you came? A Yes, sir.

Q Did he die after the Wallace Roll was made? A Must have been before I guess.

Q You say he was been dead eight or nine years? A Yes, sir, about the time, I think he died the old settlers'--- I can't tell exactly what time it was when he died.

Q You think he died before the Wallace roll was made? A I think he died as well as I can recollect.

Q Was he old enough to vote when he died? A No, sir, he wasn't hardly of age, I don't think he voted.

Q Anybody in your family named John Towers? A No, sir.

Q Do you know of any roll that your son George was put on?

A No, sir, I think he died before the first enrollment as well as I can recollect.

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

Sworn to and subscribed before me this 1st of June 1901.

(Signed, E. B. Needles, Commissioner.)

Continued, June 1st, 1901.

SAM webber, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

- Q Give me your ~~is~~ full name? A Sam Webber.  
 Q Give me your age? About 58.  
 Q What is your postoffice? A Nowata.  
 Q How long have you lived in the Cherokee Nation? A Ever since '66.  
 Q Were you in the Cherokee Nation when the war came on? A Yes, sir.  
 Q Were you a slave in the Cherokee Nation at the time the war broke out? A Yes sir.

- By Mr. Mellette: Attorney for Applicant: Are you on the roll of 1880 as a Freedman citizen of the Cherokee Nation? A Yes, sir.  
 Q Do you know Wilson Towers, the applicant? A Yes, sir.  
 Q Do you know when he returned to the Cherokee Nation? A Yes sir.  
 Q When? A We came down in the latter part of July, and built some shanties and went back, and moved in the fall here of '66.  
 Q Did Wilson Towers make both those trips with you? A He made both of those trips. He surely made both of those trips as I know him.  
 Q Where did Wilson Towers locate when he came down? A Right there on Big Creek.  
 Q Where has he lived since that time? A Right at the first place he took.

- W. W. Hastings: Did he bring his wife with him when he come in the fall of '66? A Yes sir, he brought her with him.  
 Q Who else did he bring? A He brought a girl, his sisters daughter, called Cindy, and a boy, they called-- we called him Dick, they called him Richard sometime, and he had a son that died. I can't call his name? He died shortly after they come here.  
 Q Are you positive he come in the fall of '66? A Yes, sir, I know it.  
 Q About what time in the fall? A Some time along in the fall when we moved.  
 Q And he located there and been there ever since, he and his family? A Yes sir, been right there ever since.

LEWIS WRIGHT, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full name? A Lewis Wright.  
 Q Give me your age? A I am 62 years old, as near as I can recollect.  
 Q What is your post office? A Hayden, I.T.  
 Q How long have you lived in the Cherokee Nation? A I have lived here all my life.  
By Mr. Mellette: Are you upon the roll of 1880 as a Cherokee Freedman? A Yes, sir.  
 Q Do you ~~know~~ know the applicant, Wilson Towers? A Yes, sir, I know him.  
 Q Do you know when he came back to the Cherokee Nation after the war? A Yes, sir, I know when he come back.  
 Q When did he come back? A He come back ~~later~~ along in the fall of '66.  
 Q How do you know it? A I seed him.  
 Q Did you come with him? A I didn't come with him; I was here when he come; I seen him on Big Creek.  
 Q You saw him on Big Creek? A He and Nose. He was moving his things when he come.  
 Q You had already come in had you? A Yes, sir.

Q And you saw him as he was moving in in the fall of 1866? A Yes sir.

By W. W. Hastings: You swear that positively, do you now? A I do as near as I can recollect.

Q That is just as near as you can remember? A Yes sir.

Q Who was with him when he moved in? A There was a whole lot of them; I don't know them all now, they are scattered around; I forgot about them.

Q A great many people were coming along in that time and a few years after the war? A Yessir, a good many were coming in then.

Q You had a house built then? A I hadn't built no house when I seen him at that time, but I built a house in the spring after that when the sap came up in the timber so I could get this ~~big~~ big elm.

Q Where were you living at that time? A I was camping on Lightning Creek on the place where I live now.

Q Were there any houses on Big Creek when you went up there?

Q Only two was all I knowed of.

Q What two? A Old Uncle Peter Meigs and old Uncle Sam Webber.

Q Those were the only houses you saw? A They were the only ones I saw.

Q What year did you come back? A I come back that same year.

Q In the early spring? A Yes sir.

Q Did this man's family come with him? A His family wasn't with him when he first come; he come to build a house, and we went back and then come afterwards.

Q Did you see him when he come to build a house? A That was the time I seen him.

Q What time of the year was that? A That was along early in the fall of '66.

Q When did you see his family? A I seen his family in the winter after that I don't know exactly what time.

W. W. Hastings, Representative of the Cherokee Nation, desires to introduce at this time a witness on behalf of the Cherokee Nation.

WALTER A. WEST, being sworn and examined by Commissioner

C. R. Breckinridge, testified as follows:

Q Give me your full name? A Walter A. West.

Q How old are you? A 61 years old.

Q What is your postoffice? A Spavinaw.

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

By W. W. Hastings: Mr. West, do you know the applicant there, a colored man, Wilson Towers? A Yes, sir, I used to be acquainted with him.

Q Did you know him before the war? A Yes sir.

Q Do you know his wife, Ann Towers? A Yes, sir, I did know her.

Q Did you know her before the war? A Yes sir.

~~Q Did you ever see either him or his wife since the war? A I saw him wife and children since the war, but I never saw him until yesterday.~~

Q Where did you see his wife and children? A It was at Fort Scott, Kansas.

- Q Were they living there? A Yes, sir.
- Q At the time you saw them? A Yes sir.
- Q When was that you saw them? A In '67.
- Q What time in '67? A Along in September, I think it was, as well as I can recollect.
- Q Do you know where he was at the time? A I asked his wife---  
Mr. Mellette objects to anything his wife says.  
Com'r Breckinridge: The objection is overruled and he can state the conversation he had with his wife.
- Mr. Hastings: Answer the question? A I asked his wife where her husband wils was and she said he had gone to Mapleton, a little town about Fort Scott somewhere.
- Q And you know that was in 1867? A Yes sir.
- Q You are positive about that? A I am as positive about that as anything else I know.
- Q You knew this woman before the war too? A Yes sir.
- Q How long did you stay there? A I stayed there about two or three hours, I talked with them. I hadn't seen them since the war and I heard they were there and I went to see them as I had to stop there at Fort Scott.
- Q Have you had any conversation with Wilson Towers about his return since? A Well, I and he was talking yesterday evening, but I never said anything about his return. I asked where he was the day I was at his house and he said he went up after his folks; he told me who they were but I don't remember.
- Q They were living there at the time? A Yes sir.
- By Mr. Mellette: In what capacity, Mr. West, are you here attending this Commission, as a witness? A I presume so.
- Q You are held here as a witness in any case which you may know anything about? A Yes, sir, that is about all, I reckon.
- Q Now, when did you come back from Kansas after the war? A I came back from the south after the war.
- Q What year? A '66.
- Q What time in '66? A I Left Red River February 1st, '66.
- Q What time did you get in the Nation? A I passed through the nation and went to Fort Scott where mother was living.
- Q And you got up in Kansas in the Spring did you? A Yes, February.
- Q How long did you stay in Kansas? A Until about the first of May.
- Q And then what did you do? A Came in by Neosho River.
- Q In the Cherokee Nation? A Yes, sir.
- Q Did you ever go back to Kansas anymore? A Yes sir, occasionally to go to Fort Scott and buy provisions, that I was trading on; groceries and such as that.
- Q Had you seen Wilson Towers since he moved into the territory until, this time yesterday? A No sir.
- Q Had you ever been a witness in this case before? A I believe I had.
- Q When? A Before the Kern-Clifton Court.
- Q Did you swear the same thing before the Kerns Clifton Commission that you swear here? A Yes, I think I did.
- Q Did you swear positively that it was in '67 you saw them up there? A I think I did, as well as I remember.
- Q When you were a witness before the Kerns Clifton Commission is that the first time you had been called to testify to that fact as to about seeing these people up there in the fall of '67?

A It seems to me I was called in at Claremore, the first time, after the Court passed on it at Claremore.

Q That was about six years ago - five years ago- that the Clifton Commission sat? A I think it was.

Q Up to that time had you seen Wilson Towers or his wife since the war? A No sir, I never seen them since I left there.

Q Then up to the time that Clifton Commission met your attention or recollection has never been called to the fact that you saw these people up there in Fort Scott, Kansas, had it? A I have talked about it, but I don't remember.

Q How did the question happen to come up? A Inquiry, just like this Court business.

Q You said you were never called on as a witness? A No, not as a witness, I thought you meant civil conversation.

Q Well you swear that it wasn't in the fall of '67 you saw those people up there? A I won't swear any other time, only I think it was in the fall of '67.

Q You were up to Fort Scott in the fall of '66? A Yes, I have been up there several times.

Q You were at Fort Scott in the fall of '66? I don't remember. I was there in the summer time. I was buying groceries and bringing them to the military road selling to men on the road.

Q You were in Fort Scott in the fall of '66, weren't you? A I don't exactly remember it.

Q Why don't you remember where you were in the fall of '66? A I was here in '66 on the road lower down, in the fall.

Q You say you were in Fort Scott in the summer of '66? A I went to Fort Scott and got provisions and come back here.

Q Don't you know you might have an idea that you run across Wilson Towers and his family in '66 when you were there? A I might have an idea, but I didn't meet them.

Q Do you swear positively that you didn't see him in '66; that you didn't see his wife and family? A Yes, sir, I will swear positively that it was in '67.

Q How do you remember that? A Because of my transaction of business.

Q You had been transacting business all the time from the spring of '66? A Not all the time; every once in a while I would go to Fort Scott. I will tell you I went after a load of goods for another party and as for my individual concerns, I got most of my supplies back here in the spring.

Q You first arrived at Fort Scott in February, '66? A I didn't stay in Fort Scott at all; ~~know~~ I was this side eleven miles, where my mother was living then.

Q Did you go up there frequently in the summer? A Frequently in the spring.

Q Fort Scott was a small place, was it? A Yes, sir, tolerably small.

Q Did you see anybody else up there you knew at Fort Scott? A I saw Jesse Bushyhead when I was there.

Q When did you see him? A Sometime in '66; he went to Kansas after some goods and I met with him there.

Q Did you see any colored people up there? A I saw a great many colored people but I wasn't acquainted with them.

Q Anybody else you know? A No, I wouldn't have seen them, but I inquired about them, and they told me ~~where~~ he was there.

Q Who told you that? A I don't know.

Q Who do you think? A It is out of the question; I can't think of that now.



- Q Why couldn't you have seen him in '66 or '67 as well? A If I had run across him I could have seen him then as well as in '66 as in '67, but I didn't see them then.
- Commissioner: What was the occasion of your first visit to Kansas after the war? A My mother lived in Drywood this side of Fort Scott.
- Q How far? A Eleven miles.
- Q When was it you went there the first time after the war? A On February first I left Red River.
- Q In what year? A In 1866.
- Q How long did you stay there on that visit? A Until about the 1st of May.
- Q In the same year? A Yes sir.
- Q And then what did you do? A I came to Neosho River and set up a trading post of groceries and some stuff.
- Q How long was it before you went back to Kansas? I would go back to Baxter Springs and sometimes I would go to Fort Scott, but never kept any particular date or time.
- Q Did you go back to Fort Scott several times before the following Christmas, the Christmas of '66? A I made more trips when they were in Drywood from the time I left the first time than any other time.
- Q You came back on your first trip in May of '66? A Yes sir, from Kansas; it was about the 1st of May as far as I remember.
- Q In '66? A Yes sir.
- Q Then you came back from your first visit from your mothers? OA Yes sir.
- Q Have you any distinct recollection of your visits back to Fort Scott between that time and Christmas of 1866? A I don't remember exactly the dates and days.
- Q Were you there several times? A Yes, I was there several times to get a few groceries from Baxter Springs and got started up. I remember of one day going back to buy a barrel of salt and had to pay nine dollars for it, and I made a kick on it.
- Q Did you go back to Fort Scott more than once during the year 1867? A I passed through there.
- Q Did you pass through there several times? A Yes sir.
- Q Had you been to points north and beyond Fort Scott? A I have been to Kansas City.
- Q Did you hear of this man Wilson Towerson any of those visits before the fall of '67? A Yes sir, I heard of them directly after I got there; my folks knew them and they told me about them, but that was the first time I seen them.
- Q You heard of them in February '66? A Yes sir, I heard of them before then.
- Q Have you a distinct recollection however, that you didn't see him until the fall of '67? A No sir, I camped there in the fall of '67; I was hauling goods for myself and other parties, and particularly for myself.
- Q Well, You didn't see him at all in the fall of '67? A No, sir, I didn't see him at all; I saw his family.
- Q Did you see his family any time previous to that? A No sir.
- Q Did you see his family any time after that? A No sir, never saw them from that time until this.
- Q You were at his house only once? A Just once, yes sir.
- Q What was the occasion of your going to his house? A Just simply to see them, I was there knocking around after I camped, and I had nobody that I was acquainted with, and I thought I would to see Wils and Ann. I understand that they were living near a Spinning Factory and I went there and inquired where Wils was and stated he went to Napleton. I asked him yesterday what his business was, and he said at that time he went after his folks.



Q How did you happen to know where they lived? A I was told they lived down by the factory.  
Q You made inquiry for them? A Yes sir, just the same as I would here in Chelsea, ~~but~~ if I didn't know where anybody lived.

The applicant applies for the enrollment of himself and wife. The applicant is identified on the Wallace Roll and on the Kerns Clifton Roll, but not upon the roll of 1860 or upon that of 1896. The testimony shows that he was a slave in the Cherokee Nation at the time of the breaking out of the ~~the~~ Civil war, and that he has lived in the Cherokee Nation all his life, except his absence in Kansas incident to the war. In regard to the date of his return from Kansas, the testimony is conflicting, the applicant claiming that he first returned in the fall of 1866, some of his witnesses claiming that he came in the previous July to make provisions for the return of his family, and that then he returned in the fall of 1866, while the testimony introduced by the Cherokee Nation definitely located his family at Fort Scott, Kansas, in the fall of 1867, and apparently accounts for the applicant as being at that time temporarily absent from home, and in the state of Kansas. For the further consideration of the testimony, the applicant will be listed for enrollment as a Cherokee Freedman on a doubtful card and the final decision of the Commission will be made known to him at his post office address. As regards his wife Annie, she is identified on the Kerns Clifton Roll and the Wallace Roll, but not upon the rolls of 1860 or 1896. The testimony in her case is substantially that as in the case of her husband, there being at this time no dispute that she was a slave in the Cherokee Nation, and that a slave like ~~like~~ her husband of a Cherokee citizen at the breaking out of the Civil war; and she and her husband it appears were married prior to the Civil war, and have lived together as husband and wife ever since. She will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her post office address.

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

Signed, E. G. Rathenberger,  
Subscribed and sworn to before me this 4th day of June, 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

copied the foregoing, and that the above is a true and correct copy from the original.

Signed, Bruce C. Jensen/  
Sworn to and subscribed before me this the 27th of July, 1901.

Signed M. D. Green,  
Notary Public.

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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 correct copy of a document on file with the Commission in Cherokee Freedmen D-955.

*Edith L. Morey*

Subscribed and sworn to before me this the 27 day of July 1904.

*Charles H. Sawyer*

Notary Public.

COMMISSION OF THE INTERIOR,  
BUREAU OF LAND MANAGEMENT,  
WASHINGTON, D. C. 20250

*[Handwritten signature]*  
ATTORNEY GENERAL

RECEIVED AT THE BUREAU OF LAND MANAGEMENT, WASHINGTON, D. C. JUN 20 1961

REFERRED, as to child, Mary Bell:

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
NOWATA, I.T., JUNE 29th 1901.

In the matter of the application of Richard Towers for the enrollment of himself and two children as Cherokee Freedmen; said Towers being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Richard Towers.  
Q How old are you? A About 40.  
Q What is your post ~~xxx~~ office address? A Wimer.  
Q Do you apply to be enrolled as a Cherokee Freedman?  
A Yes, sir.  
Q Who do you want to enroll besides yourself? A Edward Towers.  
Q How old is Edward? A Edward is 15.  
Q The next child? A Mary Bell.  
Q How old is she? A She is 12.  
Q Is your name on the roll of 1880? A No, sir.  
Q Is it on any of the rolls of the Cherokee Nation?  
A On the Wallace roll and Clifton roll.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Maggie.  
Q What was her name before you married her? A Maggie Sales.  
Q Is she living? A Yes, sir.  
Q Are you living with her? A Yes, sir.  
Q Do you apply for her enrollment? A No, sir.  
Q She is a state woman? A No, sir, she is a Claimant.  
BY MR. W.W. HASTINGS, Cherokee Representative:  
Q Did you apply to the Kern-Clifton Commission five years ago?  
A My uncle did for me.  
Q What was his name? A Henry Towers.  
BY COM'R NEEDLES:  
Q What is your father's name? A I don't know, sir.  
Q Your mother's name? A I don't know for certain, they tell me her name was Rose Towers.  
Q Is she living? A No, sir.  
Q Were you born a slave? A That is what they tell me.  
Q What do you say about it? A I don't know.  
Q Well, who did they tell you you belonged to? A They told me that my mother belonged to Ellis Towers.  
Q Is he a citizen? A Yes, sir; that is what they said.  
Q Where were you born? A I was born in the Cherokee Nation somewhere, I could not tell you where.  
Q Well, were you taken out of the Cherokee Nation during the war?  
A I was taken to Kansas, I guess, I don't know when it was.  
Q Do you know when you returned from Kansas? A I come back with Wilson Towers, he brought me back to the Nation.  
Q What relation is Wilson Towers to you?  
A He is my Uncle.  
Q Is he living? A Yes, sir.  
Q Have you got Wilson Towers here as a witness? A He had to go back home Wednesday.  
Q Your understanding is that he brought you back?  
A Yes, sir.  
Q Do you know when? A They tell me it was '66, I don't know.  
BY MR. J. S. DAVISPOPE, Cherokee Representative:  
Q Now, Richard, you don't remember your former owner do you?  
A No, sir, I don't.  
Q Well, where were you living when you can first remember?  
A The first remembrance it was in Kansas.  
Q How old were you then? A I could not tell you, don't know my age for certain now.  
Q How long did you stay there until you come back to this country?  
A I cannot tell you that.

Q Do you know who you came back to the Nation with?  
A Wilson Towers.  
Q But you don't know when that was? A No, sir.  
Q Wilson Towers was your reputed uncle? A Yes, sir.  
Q Where were your parents? A They were dead.  
Q Do you remember their names? A I don't for certain; they tell me my mother's name was Rose Towers, my father, I don't know anything about.  
Q Your mother died in Kansas did she? A I think she died in time of the war.  
Q You are 30 years of age? A As near as I can tell you.  
Q Did you ever go by the name of Dick Jordan? A Yes, sir, I go by that name yet at home.

SAM WEBBER, being sworn and examined by Commissioner T. B. Needles testified as follows:

Q What is your name? A Sam Webber.  
Q How old are you? A About 56.  
Q post office Newata? A Yes, sir.  
Q Are you a recognized Freedman of the Cherokee Nation?  
A Yes, sir.  
Q Do you know the applicant here, Richard Towers? A Yes, sir.  
Q How long have you known him? A I got acquainted with him when Towers brought him to this country.  
Q Do you know whether he was a slave or not? A No, sir, I could not tell you that.  
Q You don't know? A No, sir.  
Q Where did you first see Richard Towers the applicant to know him?  
A Fort Scott.  
Q Kansas? A Yes, sir.  
Q When was that? A That was in time of the Rebellion.  
Q During the Civil war? A Yes, sir.  
Q Do you know when he returned to the Cherokee Nation?  
A Yes, sir.  
Q When? A He came down in the fall of '66, Towers brought him along.  
Q How do you know that? A He came with me.  
Q Who was with him, or who had charge of him?  
A Wilson Towers and Aunt Ann Towers, his wife.  
Q Did Wilson Towers claim any relationship to Dick?  
A Claimed to be his uncle.  
Q Have you known Richard Towers since? A Yes, sir.  
Q Has he always lived to your knowledge in the Cherokee Nation since he returned in 1866? A Yes, sir.  
Q Where does he live now? A Right there by Towers'.  
Q Is he married? A Yes, sir.  
Q Do you know his wife's name? A I did know, but I forgot what her name is.  
Q Do you know his children, Mr. Webber? A No, sir; I don't know his children.

BY MR. DAVENPORT:

Q Now, sir, Wilson Towers went to the State of Kansas during the war and was in the State of Kansas during the war?  
A Yes, sir.  
Q You were not acquainted with Wilson Towers before the war?  
A I have seen him lots of times.  
Q You don't know the parents of this boy? A No, sir.  
Q But the first time you ever saw the boy he was with Wilson Towers at Fort Scott? A That is right.  
Q Now, when did Wilson Towers bring his family back to the Cherokee Nation? A In the fall of '66.  
Q Isn't it a fact that Wilson Towers family was living near Fort Scott in May, 1867? A Yes, sir.  
Q Do you know Watt West? A Yes, sir.  
Q Did you ever see Watt West at Fort Scott Kansas?  
A Never in my life.

Richard Teters, et al.--2.

Q You are sure they came back in '66? A I know it because they came with me.

Q Did you ever know Jim McLaughlin? A I don't know him.

Q Well, he was mixed up some way or another with this Richard Teters at one time? A I don't know.

Q You never knew anything about his belonging to McLaughlin or being mixed up with him before the war? A No, sir.

Q That is all you know about it, that his uncle, or claimed to be his uncle as you claim brought him down here in 1866? A Yes, sir.

BY GEN'R NEEDLES:

Q You don't know this boy's mother? A No, sir, she died before I got acquainted with her.

Q So you don't know of your own knowledge whether Richard was a slave or not? A No, sir.

Remainder of application taken by Stenographer Bruce C. Jones.

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

J. G. Rosson

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



Commissioner.

Richard Towers et al.

June 29, 1901. Continued from testimony taken by Stenographer  
J. O. Rosen.

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

- Q What is your name? A Lewis Whitmore.  
Q What is your age? A 63.  
Q Your postoffice? A Hayden.  
Q You know the applicant here, Richard Towers? A Yes, sir.  
Q How long have you known him? A I have known him ever since  
he was a baby.  
Q Did you know his mother? A Well, I was acquainted with her  
somewhat.  
Q Know whether his mother was a slave or not? A Yes, sir, she  
was a slave.  
Q Who did she belong to? A Ellis Towers.  
Q Do you know whether Richard was taken out of the Cherokee Nation  
during the war or not? A Yes, sir, he was taken out with his  
mother.  
Q Was his mother with him, his mother and he taken out together?  
A Yes, sir.  
Q Well, do you know when they returned to the Cherokee Nation?  
A Yes, sir.  
Q When? A They came back when Sam Webber moved back.  
Q When was that? A It was along in the fall of '66.  
Q Richard said his mother both? A No, his mother didn't come,  
she was dead, she died in Kansas, old man ~~Wilson~~  
Wilson brought this boy.  
Q Old man Wilson Towers? A Yes, sir, that is the man brought him.  
Q Claimed to be his uncle? A Yes, sir, he was his uncle.  
Q Where has Richard lived since that? A He has been living  
with his uncle ever since till he married, and since that I  
haven't seen him many times, he was living on his own place on  
Big Creek.  
Q Do you know his family? A I am some little acquainted with his  
wife, he hasn't been married very long, his wife I can tell you who  
she is, but I am not right well acquainted with her.  
Q Know his children? A I don't know his children.  
Q Don't know how many he has? A No, sir, don't know how many  
he has.  
Mr. Davenport: Now Lewis, you didn't know much about this family  
or anything until you heard them talking about them; where did they  
live when the war broke out? A They lived in Delaware right in  
the corner of Delaware on Flint Creek.  
Q What corner? A Well I can't tell you exactly what corner but  
it was in Delaware.  
Q Who did they live with when the war broke out? A They lived  
with Ellis Towers.  
Q How far did they live from McLaughlin place? A I can't tell  
you how far they lived from there.  
Q Did you know the McLaughlin family at that time? A I was  
some acquainted with the family.  
Q How where did you live? A About 12 miles from there.  
Q In what country? A In Going Snake.  
Q You remember distinctly now that Wilson Towers brought this  
boy back down here in '66? A Yes, sir, I remember it well.  
Q Did Wilson Towers ever live in the State of Kansas in or near  
Fort Scott? A Yes, sir, he lived there.  
Q Wasn't Wilson Towers living in the State of Kansas with his fam-  
ily, near Fort Scott, in May, 1867? A No, sir.



Richard Towers - 2.

Q Are you positive he wasn't there with his family? A He came back here when old man Sam Webber came, and this young Sam.

Q You didn't come with them? A I came with them, yes sir.

Q And you state positively then this family wasn't in Kansas about Fort Scott in '67? A No, sir.

George Meigs, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A George Meigs.

Q What is your age? A About 64 I guess.

Q What is your postoffice? A Wimer.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q A Freedman? A Yes, sir, c'aint.

Q Do you know Richard Towers, the applicant? A Yes, sir.

Q How long have you known him? A I have been knowing him a long time, been knowing him ever since before we left Fort Scott.

Q Did you know his mother? A Why I have never seen her, but she was Wils Towers' sister.

Q So you heard? A Yes, sir.

Q Where did you first become acquainted with Richard, the applicant? A I got acquainted with him up there near Fort Scott and then after we moved to the country we were together you might say all the time.

Q Do you know when he returned to the Cherokee Nation from Fort Scott? A Yes, sir, returned with his uncle when he came.

Q When did his uncle come? A He came in the fall of '66.

Q Well, has he been living in the Cherokee Nation ever since that time? A Yes, sir.

Q You know that he returned in the fall of '66 with his uncle?

A Yes, sir.

Q Do you know whether he was a slave or not? A Yes, sir.

Q To whom did he belong? A Belonged to a man they called Moleughlin, that is who his mother belonged to.

Q Do you know anything about his father? A No, sir.

Mr. Davenport: George, how old did you say you were? A I can't tell you exactly, but the way I guess at my age is about 64 I guess.

Q Is Richard as old as you are? A No, sir, can't be.

Q About what is the difference in your ages? A I can't tell you that now.

Q How old was Richard when he came back here? A I can't tell you that but he wasn't nothing but a boy.

Q About what size boy, about what age? A Well, I can't tell you nothing about his age, I have told all I know, I can't tell you his age.

Q Was he something like grown? A No, sir.

Mr. Hastings: 13 years old? A I tell you in this way, why of course he wasn't hardly big enough to plow, wasn't, you might say, big enough to plow when he came to the country.

Q Think he was between ten or twelve or fifteen? A Well, he might have been about that.

Q That your best judgment? A Yes, sir.

Commissioner: You a farmer? A Yes, sir.

Q You got boys of your own? A Yes, sir.

Q How old are your boys before you put them to plowing? A I can't tell you that, that is something I don't pay much attention to.

Q Your own boys? A I can't tell you just when they get big enough to hold up a plow, I was always trying them.

Q Would they have to be ten or twelve years old to do that?

A Yes, sir, they would.

Q Well this boy wasn't big enough to plow when he came back?

A No, sir.

Richard Towers - 3.

- Q Pretty hard to get some of your boys to plow at any age, isn't it? A Well I don't know, it wasn't about mine.  
Q Well, has he lived here to your knowledge ever since that?  
A Yes, sir.

Richard Towers, recalled, testified as follows:

- Commissioner: Who was the mother of Edward, your son? A Maggie Towers.
- Q Who was the mother of Mabel, was she? A No, sir.  
Q Who is the mother of Mabel? A Mahaley Ward.  
Q You married to her? A No, sir.  
Q You have never been married but once? A That is all.  
Q You never married to the mother of Mabel? A No, sir.  
Q Mabel was born while you were to Maggie? A Yes, sir.  
Q And you come up here and ask that that child be enrolled? A Well I claim it is mine, I am taking care of it.  
Q How do you know it is yours? A Well, I just claim it, I have had it with me taking care of it.  
Q Did you draw what is known as the Kern-Clifton money? A Yes, sir.  
The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.  
The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.  
The Kern-Clifton roll examined and the applicants identified thereon as follows:  
Richard Towers on page 142, No. 3529, Coowesscoowee district.  
Q Did you draw for these two children? A I drew for Edward.  
Edward Towers on page 142, No. 3527, Coowesscoowee district.  
Q Was the mother of Mary Bell Towers a citizen? A No, sir.  
Q You don't apply for your wife Maggie? A No, sir, I don't.  
Q Is she a citizen or a non citizen? A Just a claimant.  
Q Were you married to her? A Yes, sir.  
Q She the mother of Edward? A Yes, sir.  
Q Have you any proof of your marriage? A Nothing more than witnesses.  
Q Have you got any witnesses, anybody here that knows you are married.

George Meigs, recalled, testified:

- Commissioner: Do you know Richard Towers' wife, Maggie? A Yes, sir.  
Q Know whether they were married or not? A Yes, sir, they married, or he was living with me and after they went back to old man Duffin's and got married.  
Q You didn't see them married? A No, sir, I didn't see them.  
Q They have been living together as man and wife since that? A Yes, sir.  
Q Was Edward born while they were living together as man and wife?  
A Yes, sir.  
Q Living together as man and wife now? A Yes, sir.  
Q About how long was ago was that they went up to old man Duffin's?  
A Been a long time, I can't tell you.

Richard Towers, recalled, testified:

- Commissioner: Who married you and Maggie? A Nathan Duffin.  
Q Was he a preacher? A Yes, sir.  
Q You have been living with Maggie ever since you married her?  
A Yes, sir.

Commissioner: No

Richard Towers - 4.

Commissioner: Richard Towers applies for the enrollment of himself, his child Edward, and his child Mabel. He avers that he is married to one Maggie Sales, who is the mother of his child Edward. He avers that he was never married to the mother of Mabel; that Mabel was born while he was living with his wife Maggie; but he was never married to the mother of said Mabel. He avers he is the child of Rosa Towers, and that he was the slave of one Ellis Towers. The proof shows that the said Richard Towers was taken to the State of Kansas during the war with his mother, she there died, and that he returned with his uncle, Wilson Towers, in the year 1866, and has been living here since. He is duly identified upon the Kern-Clifton roll. His son Edward is also identified upon the Kern-Clifton roll according to page and number as indicated in the testimony. They cannot be identified upon any other roll of the Cherokee Nation, except the Wallace roll. The attorneys for the Nation ask that the testimony taken in the matter of the application of Willie Towers, on D card 468, be made part of the record in the case at bar, and a copy of said testimony will be filed herewith. Satisfactory proof is made as to residence, consequently Richard Towers and his son Edward Towers will be listed for enrollment as Cherokee Freedmen upon a doubtful card; the testimony showing that the child Mabel is illegitimate, the application of said Richard Towers for the enrollment of his child Mabel will be refused, and the name of said child does not appear upon any of the rolls of the Cherokee Nation. Applicant will be notified by mail of the action of the Commission when arrived at.

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



Sworn to and subscribed before me this the 12th of July, 1901.



Commissioner.

File with Cherokee Freedman D-955, Richard Towers.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Vinita, I. T., October 1, 1901.

In the matter of the application of Wilson Towers for  
enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

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

SIMON MCKENZIE, being duly sworn by Commissioner Breckinridge,  
testified as follows.

Commissioner: Give me your name please? A Simon McKenzie.

Q What is your age? A 59

Q What is your postoffice? A Pryor Creek

Mr. Hastings: Mr. McKenzie, how long have you lived at Pryor Creek?  
A I have lived at Pryor Creek, I guess about 12 or 13 months.

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

Q You have been enrolled by the Commission? A I have never been  
enrolled by the Commission, but I was born a Cherokee by blood.

Q Do you know a colored man by the name of Wilson Towers? A Well  
yes I used to know him when I lived in Fort Scott, I lived in Fort  
Scott in '66 and '67, at the time when I lived in Fort Scott I knew  
Wilson Towers in the year '66 and '67; I left there early in '68  
in April.

Q Was this in Fort Scott, Kansas? A Fort Scott, Kansas Bourbon  
County.

Q Well now when did you move to Fort Scott, Kansas? A I came  
when I was mustered out from the army from Fort Leavenworth, when I  
came back I stopped there at Fort Scott, and I just remained there.

Q Well now how long did you stay there until you got acquainted  
with Wilson Towers? A Well, after I got acquainted, he was driving  
a public truck, that is how I came to be acquainted with Wilson  
Towers, he was hauling rock and one thing and another around in  
town where I worked.

Q About how long had you been there before you met him? A I  
expect I had been there along about, well I guess about, well I think  
two or three years, because I worked away from town when I came to  
town first, before I moved away from town.

Q Well now how long after you were mustered out of the army after  
the Civil War, was it you went down to Fort Scott? A It wasn't  
but a short time, we were mustered out, and when I left Fort Leaven-  
worth I came back to Fort Scott in August, '65

Q Now how long did you know Wilson Towers in Fort Scott, Kansas  
A I knew Wilson Towers the whole time I lived there.

Q During what years did you live there? A I came there in '65,  
'66, and I left there early in the spring of '67; no, '68, I moved  
away from there early in '68, in the spring.

Q Where was Wilson Towers when you left there? A He was right in  
Fort Scott, he lived right down on a lot by the old Fort Scott mill.

Q Did you know him all the time that you lived there in Fort Scott?  
A Yes, because I was working there on the public work all the time  
and he was hauling wood and water and sand.

Q Work with him? A No, sir, I was working for Billy Shanahan  
there.

Q About what age man was he when you first knew him there in '65?  
A I would judge about a middle aged man.

Q You know whether he was married or not? A Well, he had a woman

there, kind of a Cherokee looking woman, I don't know whether he was married or not, I can't say.

Q Have you ever seen this Wilson Towers down in the Cherokee Nation?  
A Never have seen Wils Towers.

Q You don't know where he lives now? A I don't know where he lives now; you see when I left it was early in '68, in the spring and I wnet back in '70 and when I went back he wasn't there

Q He was gone? A He was gone.

Q Did you know him there from '65 to '68. A Yes, sir, because me and him many a time got drunk together; of course when a man takes a drink together they are pretty well acquainted.

Q Do you know, from any conversation with him, what state he had come from? A I never did.

Mr. Smith: Mr. McKenzie, you were mustered out in what month?  
A August.

Q Of '65? A In '65.

Q At what place? A Fort Leavenworth.

Q Then how long did you stay in Fort Leavenworth before you went to Fort Scott? A I stayed after I was mustered out, I guess about a day I reckon and we came to Fort Scott.

Q In what month did you leave Fort Scott? A In August.

Q August of '65; how long had you been there before you first met Wilson Towers? A I hadn't been there very long.

Q Approximate the time as nearly as you can? A I can't say exactly the time because I had been there for some time, I was working away from town first, and when I came back to town to work.

Q Did you know him at all in that year? A Yes, sir, in '65, in the fall, because I was working in the town in the fall and that is where he was hauling rock

Q Were you married? A No, not when I came to Fort Scott.

Q Was he married? A I don't know whether he was married or not, he had a woman on his place.

Q Where did you first see him? A I saw him right there next to the old Fort Scott mill.

Q What kind of work was he doing? A He was driving a little mule team and hauling wood and water and rock and whatever he could haul.

Q That was in the fall of '65? A In '65.

Q Where did you live while you were working there? A I was just living out and boarding out when I was in town, I didn't live with anyone, I was just staying there.

Q How long did you stay there? A Stayed there till I got married.

Q That was when? A Along in '65.

Q Did you get married in '66; what time in '66? A I can't tell what time, I never kept no record of it.

Q Was it in the winter or spring or summer or fall of '66 you get married? A Well, the fall I guess.

Q You are not certain about the time you did get married? A No, I never kept no record of it.

Q Where did you marry, in Fort Scott? A In Fort Scott.

Q When you lived there how long after you were married? A I lived there till early in the spring of '68, in April.

Q You say you used to see a great deal of Wilson Towers? A Yes, sir, I used to see him there.

Q What did you say about his getting drunk with you? A I said we used to drink whiskey together and get drunk together.

Q That was before you got married wasn't it? A Well I didn't say anything about getting married.

Q I am asking you now if when you and Wilson was taking a drink that was before you got married? A Yes, before I was married I reckon.

Q Well, you didn't see much of him after you got married, did you?

A No, because I moved out in the country then, and came in once a week in town, and I saw Wils Towers every time I came in town.



- Q You know you met him every time he came in town? A No, sir, he worked in town, I lived in town, he was hauling.
- Q Fort Scott is a great big place? A It wasn't very big then.
- Q You think you saw him every time you came in town? A Yes, I think so.
- Q In that fall? A In '68.
- Q Living at the same place every time, was he? A Yes, living in a little shanty right on a hill in Fort Scott.
- Q All the time? A Yes, sir, all the time.
- Q Until you left there; well how long do you think it was, how long was it from the time you last saw him until you left Fort Scott yourself? A Well, that is about the time, in the year '68, in the early spring.
- Q How long had it been since you left there since you have seen Wils Towers? A I don't know, I never kept no record of it, I never have seen him from that day until this.
- Q You can't state how long it had been since you had seen Wilson Towers when you left Fort Scott? A No, I can't state it since I left Fort Scott, no I never have seen him since I left Fort Scott.
- Q What I asked you, when you did leave Fort Scott, how long had it been since you had seen Wils Towers? A Oh; it wasn't very long.
- Q Can you state how long? A Not more than a few days, I saw him a few days before I left Fort Scott.
- Q How long did you stay in Fort Scott from the time you came there until you left? A I came there in '65 and left there in '68
- Q Where did you go when you left there? A Came to the Cherokee nation.
- Q What part of the Nation? A Right there in Cooweescoowee district
- Q You remember what year it was when you came there? A In '68.
- Q Well now, Mr. McKenzie, can you state of your own knowledge where Wilson Towers was during all the fall of 1866? A I think I can, he was right there in Fort Scott.
- Q You think so? A I don't think so, I know so.
- Q Well why did you say you thought so? A Well, if you want me to say I thought so, I can say it.
- Q Well, you saw a good deal of him during the fall of '65? A Off and on all the time I was there, when I came to town, just as I say a while ago; Of course I didn't stay in town all the time.
- Q Where did you say you married, Fort Scott? A Married in Fort Scott.
- Q Were you ever away from Fort Scott from '65 to '68? A Didn't I say while ago I was out in the country; I came in town every week.
- Q I mean away from that neighborhood? A No, sir, till I left there and came to the Cherokee Nation.
- Q How far was the place you were living on from Fort Scott, during that time? A About two miles and a half, or three miles, I was just between the Narmataw and Fort Scott; if you need any other witnesses I can go there and get them and bring them down to you.
- Q You can't state of your own knowledge that Wilson Towers was in Fort Scott during all of the year of 1866, can you? A Well, as I said, I know he was in there every time I came to town during '68.
- Q You saw him there from time to time during '66? A Yes, he or his son was, I never heard he was gone.
- Q Him or his son? A Yes, I guess he was his son, he was a boy there, called him his son.

-4- Wilson Towers Sup.

Commissioner: This will be filed as supplemental testimony in Cherokee Freedman cases, D-466, and sets of the testimony will also be filed in Cherokee Freedmen doubtful cases D-467, D-483, and D-986.

+++++

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

( Signed ) Bruce C. Jones.

Sworn to and subscribed before me this the 11th of October, 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 complete, and correct copy of the original transcript.

V

Lucy M. Bowman

Charles H. Sawyer  
Notary Public

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 17, 1901.

In the matter of the application of Wilson Towers et al.  
for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicants:

Appearances:

Mellette & Smith, attorneys for the applicants;  
L. B. Bell, of counsel, for Cherokee Nation.

HARRY STILL, being duly sworn by Commissioner Needles,  
testified as follows:

My. Mellette: What is your name? A Harry still.

Q Where do you live? A Lightning creek.

Commissioner: Where is Lightning Creek? A Hayden.

Q In New York or Georgia? A Out west of here.

Q What Nation? A Cherokee Nation.

Mr. Mellette: Are you a freed an citizen of the Cherokee Nation?

A Yes, sir.

Q Do you know the applicant, Wilson Towers? A Yes, sir, I know him

Q How long have you known him? A I have knowed Wils since '62.

Q Where did you first get acquainted with him? A Fort Scott.

Q Fort Scott what? A Kansas.

Q Do you know when he returned to the Cherokee Nation after the  
war? A Yes, sir.

Q When did he come back? A I don't know the exact date, but in  
the winter of '66 when I was on Big Creek Wils Towers was there, I  
didn't come with him but when I went to Big Creek in the winter of  
'66 Wils Towers was living right on the place he lives now.

Q Big Creek, Cherokee Nation? A Yes, sir.

Q Where has he lived since that time? A Right there.

Q On the same place? A Yes, sir, living there now.

Q What was he living in? A Living in a regular hut, he had built  
a small log house like people there built when they would come in.

Q He has lived at that place ever since? A Yes, sir.

Q And he is living there now? A Yes, sir.

Mr. Bell: You say you came from home up there? A Yes, sir.

Q Where is that? A On Lightning Creek.

Q You went from Lightning Creek up to Big Creek, is that it? A  
Yes, sir, up to Big Creek

Q And you say he has been living right on that place ever since?

A Right there ever since.

Q How do you know? A I know he has, I never have missed six  
months at a time from seeing Wils from '66 till '73 continuously, I  
was always, I was as familiar with the people on Big Creek as I  
was those at home, they were my neighbors, and Wils Towers was  
there in the winter of '66 and has been ever since, this was up  
to that date I was as familiar with Wils as I was pretty near any  
man in the country.

Q He had a little house there? A Yes, sir, built him a little log  
house there.

Q Tell me right where on Big Creek that was? A Well, sir, he  
lives right at the head of one little prong, not the main prong  
but the prong that Tuck Sanders lives on, Tuck lives in the forks  
of it and Wils sorter at the head of one of the prongs, well not  
exactly, it is hardly a branch, but Wils was pretty near at the  
head of one prong of Big Creek.

Q Now how far was that from Tuck Sanders? A Well, sir, it was  
about a mile I guess, a short mile.

Q How far is that from where Jim Martin now lives? A It must  
be four or five miles from where Jim lives, above there.



Q You were living here at Lightning Creek all the time too were you? A Yes, sir, a good deal of the time, sometime of the time I would be down on Grand River xx a few days, but my home was at Lightning Creek all the time, yes, sir.

Q You never was away from there any? A Well no great length of time.

Q Well about how long was the longest you were ever away? A Well sir I never was away from there at any time over two weeks from '66 till '73, two or three weeks was the longest I ever was away from there to stay away.

Q Well from '73 up to now what was the longest time you were away from there? A I guess I was away from there as high as a year at a time.

Q Wasen't you away from there as much as five years at one time? A No, sir.

Q Nor four years? A No, sir.

Q Nor three? A No, sir, you know how long I was away.

Commissioner: This testimony will be made part of the record in the case at bar and also part of the record in Freedman D-407, D-483, and D-955.

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

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 8th day of November, 1901

(Signed) T. B. Needles,  
Commissioner.

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 correct copy of the original transcript.

*Edith L. Morey*

Subscribed and sworn to before me this the 22<sup>nd</sup> day of July 1904.

*Charles W. Sawyer*

Notary Public.

Freed D 880

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedmen:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Richard Towers, D 955;

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 appli-

cant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

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

The Commission:

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

-----

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

(Signed) E. E. Rothenberger.

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

(SEAL)

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

-----

I, E.C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing

is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

(Signed) E. C. Bagwell,

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

(SEAL)

(Signed) P. G. Reuter,  
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 a document on file with the Commission in Cherokee Freedmen D-880.

*Edith L. Morey*

Subscribed and sworn to before me this the 29<sup>th</sup> day of July, 1904.

*Charles W. Sawyer*  
Notary Public.

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

In the matter of the application of Richard Towers for the enrollment of himself and his minor son, Edward Towers, as Cherokee Freedmen.

-----:0:-----

DECISION:

The record in this case shows that on June 29, 1901, Richard Towers appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of himself and his minor son, Edward Towers, as Cherokee Freedmen. Copies of the testimony taken at various times in the matter of the application for the enrollment of Wilson Towers et al., as Cherokee Freedmen are made a part of the record herein.

The evidence shows that Richard Towers was the slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of the Cherokee Nation during the rebellion, and returned thereto with his uncle, Wilson Towers. The Commission has found in the above mentioned case of Wilson Towers et al., (Cherokee Freedmen D-466), that the latter did not return to the Cherokee Nation until after February 11, 1867, which decision was approved by the Department in its letter of April 25, 1904, (I.T.D. 2304-1904.)

The evidence further shows that Edward Towers is the son of Richard Towers, born since 1866, and has no right to enrollment except such as he may have derived through his father, Richard Towers. None of the names of the applicants herein are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Richard Towers and Edward Towers as Cherokee Freedmen should be denied under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495) and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

*See  
next  
page*

~~Chairman.~~  
~~Commissioner.~~  
Commissioner.

Muskogee, Indian Territory,

COPY.

Cherokee Freedmen

D-955.

Muskogee, Indian Territory, August 8, 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 Richard Towers for the enrollment of himself and his minor child, Edward Towers, as Cherokee freedmen, including the Commission's decision dated July 23, 1904, reflecting said application.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

Encl. S-20.

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen

COPY.

D-95b.

Muskogee, Indian Territory, August 8, 1904.

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

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting the application of Richard Towers for the enrollment of himself and minor child, Edward Towers, as Cherokee freedmen.

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

Respectfully,

*T. B. Needles.*

Encl. 8-19.

Commissioner in Charge.

COPY.

Cherokee Freedmen

D-985.

Muskogee, Indian Territory, August 8, 1904.

Richard Towers,  
Wimer, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your minor child, Edward Towers, as Cherokee freedmen, together with a copy of the Commission's decision dated July 2, 1904, rejecting your said application.

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

Respectfully,

*T. B. Needles.*

Encl. 8-18.

Commissioner in Charge.

Register.



( C O P Y )

DEPARTMENT OF THE INTERIOR,

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

WASHINGTON, September 19, 1904.

Land.

54672-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith, a report from the Commission to the Five Civilized Tribes, dated August 8, 1904, transmitting the record of the application for enrollment as Cherokee freedmen by Richard towers for himself and his minor son Edward Towers.

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

The record shows that Richard Towers was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he was taken out of the Cherokee Nation during the war and returned to the Nation with Wilson Towers; that the Department approved the rejection of the application of Richard Towers in its letter of April 25, 1904, (I. T. D. 2304-1904).

In view of the record and of the Departmental action cited, the approval of the decision of the Commission adverse to the applicants is recommended.

Very respectfully,

A. C. Tenner

M. M. M.

Acting Commissioner.

( C O P Y )

467

PHE

DEPARTMENT OF THE INTERIOR,

D. C. 38220-1904.

WASHINGTON, September 24, 1904.

I. T. D. 7602-1904.

Y.P:

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

Gentlemen:

August 8, 1904, you transmitted the record in the matter of the application of Richard Towers for the enrollment of himself and his minor child, Edward Towers, as Cherokee freedmen, including your decision of July 23, 1904, rejecting said application.

Reporting in the matter September 19, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen  
D--355

Muskogee, Indian Territory, October 25, 1904.

Richard Towers,  
Wimer, 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 and your son, Edward Towers, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on September 24, 1904.

Respectfully,

*James Dixby*  
Chairman.

COPY.

Cherokee Freedmen  
D---958

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 25, 1904, rejecting the application for the enrollment of Richard Towers and Edward Towers, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on September 24, 1904.

Respectfully,

(SIGNED) *Jame Dixby.*  
Chairman.

Cherokee Freedman

D-955

Muskogee, Indian Territory, May 28, 1906.

Richard Towers,  
Wimer, Indian Territory.

Dear Sir:

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

Respectfully,

Commissioner.

WMP

Muskogee, Indian Territory, May 28, 1906.

Blue & Bulger,

Attorneys for Eliza A. Arnold, et al.,

Vinita, Indian Territory.

Gentlemen:

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

Respectfully,

Commissioner.

MMP

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

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

Respectfully,

Commissioner.

LMC  
Incl. C-2



B

71 136

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED  
JUN 29 1901



ACTING CHAIRMAN

CHEROKEE FREEDMEN.

Date *June 29, 1901*  
Post Office *Maunus G.*  
District

1. Name *Richard Towers* Age *46*  
Owner's name ~~*John Towers*~~ Citizenship ~~*American*~~  
Year *18* Page *142* No. *3529* District *1003*

Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_  
Mother *Free Lewis - dead* Citizenship \_\_\_\_\_

Name of wife \_\_\_\_\_ Age \_\_\_\_\_  
Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_  
Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

Names of Children:

- 21. *Edward Towers* Year *16* Page *142* No. *3529* Dist. *1003*
- ~~22. *Mary* Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_~~
- 5. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_
- 6. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_
- 7. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_
- 8. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_
- 9. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_
- 10. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_
- 11. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_
- 12. \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

Application made by *Ms. 1* Stenographer *J. C. Ross*  
*Chas. Jones*

*X Ref D466*  
*ms.*

# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT.

SS

In the matter of the application of Richard  
Towers for enrollment as a Cherokee Freedman.

No. F. D. 955-

Henry Pack, of lawful age, being duly sworn on  
oath states that on the 20th day of September, A. D., 1901, he registered  
to Richard Towers whose postoffice is Wmner

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 5th day of October, 1901, he received the return  
card which is hereto attached, signed by the said Richard Towers, showing  
that he had received said notice.

Subscribed and sworn to before me on this the 5th day of Oct, A. D. 1901.

J. C. Starr  
Notary Public.

A

FD 955

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

**FILED**

5 1901



ACTING CHAIRMAN

## NOTICE!

IN THE MATTER OF the application of Richard Towers  
for enrollment as Cherokee Freedmen:

Case No. F. D. 955

To Richard Towers

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 9th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

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

*L. B. Bell*

*W. W. Hastings*  
*J. S. Davenport*  
Attorneys for the Cherokee Nation.

MAR

*Handwritten signature*

# **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 Towers,

Wimer, I. T.

Cherokee F-D-958

Registrar.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 1036

Trans. from C. Fr. D. 964

Cher. Fr. R. 1036



File with Cherokee Freedmen

Department of the Interior,  
Commission on the Five Civilized Tribes,  
Winnipeg, N. D., May 20, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A Elizabeth Meigs.  
Q How old are you? A I don't know my age.  
Q About how old are you? A I was four years old when we came here with the old soldiers.  
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.  
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.  
Q What is your post office? A Centralia.  
Q In what district do you live? A Cooweescoowee.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.  
Q Who do you want to have an office besides yourself? A My children.  
Q Have you any children under twenty-one years old? A No sir.  
Q They will have to apply for themselves then. A (No response).  
Q Have you a husband? A No sir he is dead.  
Q Then you only apply for yourself? A Yes sir.  
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.  
Q How long have you been called Meigs? A Ever since I was nothing but a girl.  
Q Were you married to a man named Meigs? A Peter Meigs.  
Q Is he dead? A Yes sir, five years ago in September.  
Q Was he a Cherokee Freedman? A Yes sir.  
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.  
Q To whom did you belong? A Reuben Sanders.

The 1830 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

- Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1830 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:

Page 175, No. 2658, Alice Sanders, Cooweescoowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant was found thereon.

- Q Did you draw your Cherokee stipend money? A Yes sir.

The Kerns-Clifford roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:  
Page 100 No. 2312, Eliza Meigs, Cooweescoowee district.

- Q Did you ever go by the name of Daniels? A Yes sir that was my others.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

- Page 32, No. 40, Elizabeth Daniel.  
NOTE: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:  
Page 131, No. 2748, Elizabeth Meigs, Cooweescoowee district.

- Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
- Q When did you come back? A In the winter of '66.
- Q What time in the winter? A Well it was in the winter.
- Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
- Q When did he bring you down? A In the winter after he went from here on Big Creek.
- Q He came ahead of you then? A Yes sir.
- Q What time did he leave Kansas? A I cannot tell you when he first came.
- Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
- Q Did he leave Kansas in the winter? A Yes sir.
- Q Was he down here when Christmas came? A Yes sir.
- Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
- Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
- Q How long after Christmas before you and he started down here together? A Directly after.
- Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.
- Q What members of your family came down with you and your husband? A These children.
- Q Did you bring your child Alice Sanders with you? A Yes sir.
- Q All the children? A Yes sir.
- Q Can you explain why you are not on the roll of 1860? A No sir.
- Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

- Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
- Q Where were you living in Kansas then? A Fort Scott.
- Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
- Q Was it as much as a couple or three weeks? A Yes sir I guess so.
- Q And then you started down here? A Yes sir.
- Q Was it in the spring of the year when you reached here? A No sir in the winter.
- Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there parent no buds nor nothing on the trees, it was winter I tells you.
- Q You all came in wagons did you? A Yes sir.
- Q Who came with your husband down here when he first come? A Old man Mike Sanders.
- Q Who else? A Reuben Sanders.
- Q Who else? A Daniel Sanders.

- Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.
- Q Any other Webber's? A Aaron Webber.
- Q Did any one else come down? A I dont remember any one else now.
- Q Were you there when they started down? A We all come together I am a telling you.
- Q But I mean when your husband come on in advance of you. Who come with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
- Q You were at port Scott then? A Yes sir.
- Q And they all started together? A Yes sir.
- Q These that you have named are all the you can think of at the present time? A Yes sir.
- Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
- Q And after Christmas you all came down did you? A Yes sir.
- Q Did you come in wagons then? A Yes sir.
- Q Did you come by a little place called Chetopa? A Yes sir.
- Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
- Q And you are living there yet? A Yes sir, that old house was built in '65.
- Q What house? A That one we is living in.
- Q And you are living at the same old place? A Yes sir, in the same old house.
- Q On what creek is that? A Fig Creek.
- Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
- Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
- Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
- Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
- Q You all came back together? A Yes sir.
- Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down, I am just a telling you what I know.
- Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
- Q Did Aaron Webber come? A Yes sir.
- Q And your family? A Yes sir.
- Q Are there any that I missed? A That is all that I gave you.
- Q Is that all that came? A Aaron Wright come with us.
- Q Who else? A (No response).
- Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
- Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
- Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
- Q Who? A Lunie Riley was there on Verdigris, but not where we was living.
- Q How far from where you settled? A I dont know how far.
- Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
- Q Were they the closest residents to you at that time? A Yes sir.
- Q Were there any Delaware Indians there when you came there? A No sir I never saw none.

- Q Any Osages? A No sir, never saw none.
- Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
- Q And you have been there ever since? A Yes sir, ever since we moved there.
- Q You say your husband Peter Reigs built a house there? A There a log house there and he bought the house and we moved to it.
- Q Who built the house if you know? A Henry Harold.
- Q Was he a colored man? A Yes sir.
- Q Is he living? A I dont know if he is or not.
- Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
- Q They didn't admit him then did they? A I don't know sir.
- Q You know he was disputed? A I dont know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

- Q Were you ever admitted by the Cherokee or United States court for Commission? A I dont understand what you say.
- Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.
- Q I mean in Court? A That is what I am a telling you.
- Q You know what a court is dont you? A Yes sir.
- Q What court do you know? A Kerns Clifton court.
- Q Any other court that you know of? A I know of the Wallace court.
- Q Any other? A No sir.
- Q Did he ever have anything done about his case by the Cherokee Council? A I dont know what was done, my man went there every year or two but I dont know what was done there.
- Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I dont know how long we were on the road.
- Q Have you any witnesses with you that you want to introduce? A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Brackinridge, testified as follows on the part of the applicant.  
(Examined by the Commission).

- Q What is your name? A Ruben Sanders.
- Q How old are you? A I suppose I am about 50.
- Q What is your post office? A Centralia.
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
- Q Who did you belong to? A James Sanders.
- Q Were you taken to Kansas during the war? A Yes sir.
- Q You have a wife named Alice have you? A Yes sir.
- Q How long have you and she been married? A About 30 years perhaps more.

The 1850 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified wherein it follows:

Page 175, No. 2897, Ruben Sanders, Gower's Cove district.

- Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
- Q What court? A The Chambers court.
- Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

- Q Where was it sitting? A At Tahlequah.  
Q In what year was that? A I cannot tell what year it was.  
Q Your citizenship had been disputed had it? A Yes sir.  
Q When was your right to citizenship first disputed? A It was during the time that Thompson was chief.  
Q Was that before the 1880 roll was made? A Yes sir.  
Q Did the court decide in your favor? A Yes sir.  
Q Was there any dispute made then about your being put on the 1880 roll? A No sir.  
Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.  
Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.  
Q Where did they take your name? A I was in Goodenock Bend, at the time.  
Q Do you know the applicant Elizabeth Hodge? A Yes sir.  
Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

- Q Peter Hodge's citizenship was disputed the same time yours was? A Yes sir.  
Q Did he go before the court at the same time? A No sir, I think not.  
Q His wife's citizenship was also disputed? A I judge so.  
Q Did she go down before that time? A Not to my knowledge.  
Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.  
Q Was Bob Daniels Chief Justice of that court? A Yes sir.  
Q Just a few years after the first? A Yes sir.  
Q In 1874 was it? A Yes sir.  
Q Were any other men in that court? A I don't know.  
Q You were not there yourself? A No sir.  
Q You were about 17 or 18 years old when you come back? A Yes sir I eyes so. I don't exactly know how old I was.  
Q You were not married then? A No sir.  
Q How long before you got back before you married? A Not very long after I got back.  
Q Did you marry on your way down here? A No sir.  
Q How long had you been here before you married? A I have been married twice.  
Q How long had you been here before you married the first time? A Not very long.  
Q As much as a year? A May be so.  
Q Is that your best judgment? A My best judgment is perhaps that it was that long.  
Q When were you married to your present wife? A Towards or 30 years, or so.  
Q How long did you live with your first wife? A Not very long, she died.  
Q A year? A Perhaps 10 months or a little longer.  
Q When you married your present wife? A Yes sir.  
Q When you came to the Cherokee nation how did you come the first time? A In wagons.  
Q The first time? A Yes sir.  
Q Who came with you? A Several were on horse-back, as far beyond the knowledge of the men there were.  
Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.  
Q Did you come in August? A Yes sir.  
Q Who came with you then? A Some of this family, Peter Hodge and his place, the heads of these families.



- Q. Who else came with you? A. My brother Dan and the Whimires.  
Q. Which ones? A. Several.  
Q. Which ones? A. Mose and Dennis, and the Webbers.  
Q. Name them? A. Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I dont know who else, I dont know who all come.  
Q. Who come when you come in October? A. I dont know who all come then, some of that same crowd and some more come in October.  
Q. Do you remember any additional persons? A. To the best of my knowledge the Smith family.  
Q. What was his first name? A. Old man Caesar Smit.  
Q. You come in both of the detachments yourself? A. No sir.  
Q. Which one did you come in? A. I come in August.  
Q. You didnt come in October then? A. Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.  
Q. On Big Creek? A. Yes sir.  
Q. Where Mrs Meigs lives? A. Yes sir.  
Q. And you returned in October, how long did you stay in October.  
Q. We all didnt return in October, we didnt all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.  
Q. When did you afterwards move here the last time? A. In the winter of '66 is when we come down here the last time.  
Q. What time in the winter? A. Long in January.  
Q. You mean in '67.  
Q. No in the winter of '66.  
Q. If you came here in the August and October of '66 and then returned to your families and came back here in the following winter, in the following January or February, that would be in '67? A. I dont understand you; we came here in the winter of '66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

- Q. You say you first came here in August of '66? A. Yes sir.  
Q. That was your first coming was it? A. Yes sir.

By the witness:

- Q. When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following?  
A. This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.  
Q. I dont mean only of that family, there were other families were there not? A. Old man Billie Forman.  
Q. Who else? A. He had several children.  
Q. The heads of families I mean? A. Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.  
Q. Were any of the Webbers along? A. Yes sir.  
Q. Old man Sam and young Sam? A. Yes sir,; I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I had forgotten them I dont think I can remember any of the others.

By the Commission:

- Q. Did old man Sam Webber come? A. Yes sir.  
Q. Did young Sam come? A. Yes sir.

Q Dont you remember any one else? A Rachel Webber.

Q Do you think of any one else? A No sir.

Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.

Q You know that there is a question about who came dont you? A Yes sir I guess I do.

Q You say you came to Big Creek? A Yes sir.

Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.

Q Did you cross the river there? A What river.

Q Neosho? A No sir.

Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.

Q You came through what is Chetopa and came on west through the prairie? A We may have.

Q You were in Wagons? A Yes sir.

Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.

Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.

Q Then the houses were not built before you moved there with your families? A Yes sir some were, there there were logs on some up 8 or 10 logs high.

Q Then there were none really completed until you moved there with your families? A No sir.

Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.

Q Do you know Jim Martin? A Yes sir.

Q How far does he live from you now? A 4, 5 or 6 miles.

Q Was he living there when you people moved there? A No sir.

Q He had a brother names William Martin? A Yes sir.

Q Was he living out there then? A No sir.

Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.

Q Was his name Dick Carter? A I think it was.

Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.

Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gilstrap ferry.

Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66?

A Yes sir.

Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.

Q You didn't bring your families with you then? A Only part of them and some things that we had.

Q Part came with their families and part came to prepare for their families? A Yes sir.

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Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you? A No sir.

Q Did Peter Meigs bring any of his family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Kansas? A I think with my father.

Q You came yourself in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q When you returned to the Cherokee Nation again in October? A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir, not all of them come in October.

Q Where was Peter Meigs in October? A He come with us at each trip.

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October? A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That made the second time that Peter Meigs had been here? A Yes sir.

Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I don't exactly know where he was in Christmas of '66.

Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.

Q How far apart? A Two or three hundred yards apart.

Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.

Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.

Q You stay here then? A Yes sir.

Q When did you come? A In the winter.

Q Was it in February? A Must have been in December.

Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.

Q Did your father come at that trip? A Yes sir.

Q Your mother? A Yes sir.

Q Peter Meigs? A Yes sir.

Q His wife? A Yes sir.

Q That was your third trip? A Yes sir.

Q Was that your last trip? A Yes sir.

Q When did your wife Alice come? A Come then.

Q On that third trip? A Yes sir.

Q You say Peter made all three trips with you? A Yes sir.

Q Every time you came he came? A Yes sir.

Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.

Q Did he get there by himself? A No sir.

Q Do you remember distinctly that you came here in August the first time? A Yes sir.

Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.

Q Do you remember distinctly that he come with his family when you made your third and last trip? A Yes sir.

Q With the family? A Yes sir.



By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make ~~further~~ further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

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

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at  
Chelsea, I. T.

F. B. Needles,

Commissioner.

SUPPLEMENTAL:

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;  
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.  
Q How old are you? A I am only about 50 past.  
Q You gave testimony just now in the case of Elizabeth Meigs?  
A Yes sir.  
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.  
Q How do you find out now it was January instead of February?  
A It was just after Christmas that we was on the road coming down.  
Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.  
Q Where did you say that killing took place? A In Kansas.  
Q Fort Scott? A Yes sir.  
Q And the man that was accused of the killing was named what? A Named Mackey.  
Q You remember his first name? A No.  
Q You remember the man who was killed, you get his first name? A No sir I don't.  
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.  
Q You know what county Ft. Scott is in? A No sir.  
Q Who called your attention to this ~~man's~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.  
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

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

M. D. Green

Subscribed and sworn to before me this May 23, 1901.

C. B. Breckinridge,

Commissioner.

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*[Handwritten Signature]*  
ACTING CHA RMAN

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I. T., June 29, 1901.

In the matter of the application of Columbus McNair for the enrollment of his wife, CHANEY, as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Columbus McNair.  
Q What is your age? A 51 years.  
Q What is your post-office address? A Vinita.  
Q What district do you live in? A Delaware.  
Q For whom do you apply for enrollment? A Just my wife now.  
Q What is your wife's name? A Chaney McNair.  
Q How old is she? A She is about 42 years old.  
Q What was her father's name? A Her name was Chaney Ratcliff; that was her maiden name.  
Q What was her mother's name? A I don't know, I have got a witness to prove that.  
Q Do they know your wife? A Yes sir.  
Q Was she ever married before she married you? A No sir.  
Q Were you ever married before you married her? A Yes sir.  
Q Was your first wife living when you married Chaney? A No sir, she was dead.  
Q You were a widower? A Yes sir.  
Q Chaney is your second wife? A Yes sir.

DAN SANDERS, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Dan Sanders.  
Q What is your age? A 56 past.  
Q Are you a recognized Freedman citizen of the Cherokee nation?  
A Yes sir.  
Q What is your post-office? A Centralia.  
Q You know Columbus McNair? A Yes sir.  
Q You know his wife, Chaney? A Yes sir.  
Q How long have you known Chaney McNair? A Ever since she was a little girl.  
Q What was her father named? A Bob Drew.  
Q What was her mother's name? A Viney Ratcliff.  
Q Was Bob Drew a slave? A Yes sir.  
Q Was Viney Ratcliff a slave? A Yes sir.  
Q Did they both belong to the same people? A Yes sir, Bob Drew used to belong to Dick Ratcliff before he died.  
Q And who did Viney belong to? A Dick Ratcliff.  
Q When were they married, do you know? A Don't know.  
Q Dick Ratcliff a Cherokee citizen? A Yes sir.  
Q Did they go out of the Cherokee Nation during the war? A No, old man Ratcliff was dead.  
Q I mean did Bob Drew and Viney? A I don't know, ~~about~~ Bob belonged to John Drew; I don't know where he did go; I think he was dead.  
Q Do you know anything about Viney? A Yes sir, she is dead.  
Q Was she taken out of the Cherokee Nation during the war? A No sir.  
Q Viney was Chaney's mother? A Yes sir.  
Q Did they both live in the Cherokee Nation during the war? A No sir, before the war.  
Q Were they taken out of during the war? A Chaney was.  
Q Where to? A I saw her at Ft. Scott.  
Q When did you see her at Ft. Scott? A Along in '65.  
Q Was she there in 1866? A Yes sir.  
Q How long after that did you know her? A She ~~started~~ started with us when we came down here, her and her sister.  
Q Where was her mother? A Dead.

Columbus McFair for wife Chaney 2

- Q Dies in Kansas I suppose? A No sir, she died in the Cherokee Nation.
- Q Who took Chaney out? A I don't know.
- Q She came back with you? A Yes sir, and with her sister.
- Q She resided at Ft. Gibson? A She went to Fourteen Mile creek, in there close to Tahlequah, with her brother-in-law and sister.
- Q You know when she married Columbus McFair? A No I don't.
- Q When did you lose sight of her after that time? A Well it had been a good while since I saw Chaney.
- I saw her I think once or twice before she was married, ~~but~~ I don't know just what year.
- BY MR. DAVENPORT, Cherokee Rep'ive:
- Q You don't know when Chaney got back to the Cherokee nation do you?
- A Yes sir.
- Q You said awhile ago she started with you people, did she come with you? A Yes sir, we left her right in there at Chatopa, and they went on down the military road toward Ft. Gibson.
- Q You don't know where they went? A I understood that's where they went.
- Q But you don't know of your own knowledge? A Andy Sanders went with them, I guess that's where they went.
- Q When did you next see them after you left them on that road?
- A I don't know exactly ~~how long~~ the year I saw her, it was sometime after her brother was killed down here.
- Q Well about how many years? A I don't know, it was several years.
- Q What time of the year '66 did you start back to the Cherokee Nation? A ~~I~~ Along in January.
- Q That was in January, '66? A '67.
- Q That's the time that Chaney started with you, January or February, '67? Are you positive that it was January '67 you started back? A I think it was.
- Q What time was it you went there in Kansas near Chatopa? A It was shortly after that.
- Q You had travelled from Ft. Scott down, made the trip that far?
- A Yes sir.
- Q It was winter time? A In the winter.
- Q You don't know how long that was coming from Ft. Scott there?
- A We was only three days.
- Q Now about how long after Christmas was it when you started?
- A It was quite a little while after Christmas.
- Q And you never ~~last~~ saw her after you left her there at Chatopa for several years? A Several years.
- BY COM'R NEEDLES:
- Q You left her at Chatopa? A This side of Chatopa.
- Q Did you leave her at Chatopa or in the Cherokee Nation? A In the Cherokee nation, going south.
- BY MR. DAVENPORT:
- Q What sized town was Chatopa then? A One house.

REUBEN SANDERS, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Reuben Sanders.
- Q You know Columbus McFair? A Yes sir.
- Q What is your age? A I am nearly 50.
- Q Are you a recognized Freedman citizen of the Cherokee nation?
- A Yes sir.
- Q You know Columbus' wife Chaney? A Yes sir.
- Q How long did you know her? A I know her before the war.
- Q Was she a slave? A Yes sir.
- Q Who did she belong to? A Reddick, as much as I know about it.

Columbus McHair for wife Chaney 3

- Q You know whether Chaney was taken out of the Cherokee nation during the war? A Yes sir, she went out.
- Q Where to? A Ft. Scott.
- Q You see her in Ft. Scott? A Yes sir.
- Q You know when she returned to the Cherokee nation? A Yes sir, she came with us when we was moving.
- Q What year? A In January.
- Q What year? A '67.
- Q Did you come into the Cherokee nation in January '67? A When I was moving.
- Q Isay did you move into the Cherokee nation? A We didn't move here in, but she came in Fanny Sanders's wagon.
- Q You were moving yourself? A Yes sir.
- Q You moved in in January, '67? A Yes sir.
- Q And Chaney came along with you? A With Fanny Sanders, yes sir.
- Q Where did you leave Chaney? A She left us.
- Q Where? A Some where down here in the Cherokee nation.
- Q In the Nation was it? A Yes sir.
- Q You know anything about her since that time? A Yes sir, I have seen her since that time.
- Q Where did you see her? A I saw her in Chetopa, in Vinita, and saw her out here on the Creek.
- Q How old was she when she came down with you? A She must have been 16 or 17 years old, no I don't know her age at all, but I would just judge that.
- Q You know where she has lived in the Cherokee Nation continuously since that time? A No sir, I don't know.
- BY MR. DAVENPORT:
- Q What date do you remember it was January, '67? A We came in January '67.
- Q How old was you then? A I don't know exactly my age, I was old enough to know Chaney.
- Q You was old enough to know what year it was? A Well I aint forgot that year.
- Q How old are you now? A I couldn't forget that year when we come so near starving to death.
- Q How old are you now? A I should think I am near about 50.
- Q That would make you about 13 years old then? A Well of course I am just judging at my age, because I had no record of it.
- Q You had stayed up there until after Christmas at Ft. Scott? A Yes we come in January.
- Q You remember distinctly it was in January; you moved down once before? A Yes sir, several times.
- Q You don't know which one of the trips it was she come do you? A She come with us when we come in January, yes sir, I know that.
- Q You know what year the Wallace roll was made? A I don't know as I know particular.
- Q You know what year the Kern-Clifton roll was made? A No, I adnt made no particular count of the Kern-Clifton roll.
- BY COM' R NEEDLES:
- Q You don't know what year Columbus discovered America, do you? A Yes sir, I think I do, I think I know that too, all right.
- Q When was it? A '76.

ANDERSON LYNCH, being sworn and examined by Com'r Needles, testified as follows:

- Q What is your name? A Anderson Lynch.
- Q How old are you? A 64.
- Q What is your post-office address? A Vinita.
- Q You know Columbus McHair? A Yes sir.
- Q You know his wife, Chaney? A I don't know her kinfolks, I just got acquainted with her.

Columbus McNair for wife Chaney 4

- Q When? A Just in time of the war, little before the war.  
Q Where? A At Sen Adams.  
Q Where did you see her after that? A I saw her up in Kansas at  
Pt. Scott.  
Q During the war? A Yes sir.  
Q You know when she returned? A No sir.  
Q What was the first time you saw her after the war? A In Vinita.  
Q When was that? A About 10 or 12 years ago.  
Q You saw her up in Kansas but you don't know when she got back?  
A No sir, I don't know when she got back.

Applicant, COLUMBUS McNAIR, re-called and further examined;

BY COM'R NEEDLES:

- Q Columbus, when were you married? A In '89.  
Q To Chaney? A Yes sir.  
Q Have you lived with her continuously since that time? A Yes sir.  
Q She has lived in the Cherokee nation since '89? A Yes sir, lived  
right there at Vinita.  
Q Is she on any rolls of the Cherokee nation? A On the Wallace  
roll and the Kern-Clifton.

Kern-Clifton pay roll of citizens of the Cherokee nation  
examined and applicant identified on  
page 116 #2892 Chaney McNair, Delaware District;  
Wallace roll of citizens of the Cherokee nation examined and  
applicant identified on  
page 184 #3380 Chanie McNair, No district given.

Applicant, Columbus McNair; Her sister is on the 1880 roll.

- Q What is her sister's name? A Patsy Sanders.  
Q Did her sister come at the same time she did? A Yes sir, they all  
come together.

REUBEN SANDERS, re-called and further examined;

BY COM'R NEEDLES:

- Q What is your name? A Reuben Sanders.  
Q When Chaney Ratcliff came back with you in January '67, did  
she have any brothers or sisters? A She had a brother by the name  
of, I don't know just recollect his name.  
Q Older than her? A Yes sir.  
Q Did he come back with his sister, Chaney? A Yes sir.  
Q Were there any other of the family besides this boy and Chaney?  
A I don't recollect.  
Q But her brother came back with you in January '67 at the same  
time Chaney did, is that so? A Yes sir, he is the one that got  
killed as near as I can recollect.

Applicant, COLUMBUS McNAIR, re-called and further examined;

BY COM'R NEEDLES:

- Q What is her brother's name? A Bob.

Witness, REUBEN SANDERS, re-called and further examined;

BY MR. BAYNEPORT:

- Q Did I ask you awhile ago how old Chaney was when she came back?  
A I think you did.  
Q About how old was she? A I don't know her age I told you, I  
give my best judgment, she was about 15 or 16 years old, I don't  
know her age, neither do mine.

TOOK SANDERS, re-called and further examined;



Columbus McNair for wife Chaney 5

BY COM'R NEEDLES:

- Q Mr. Sanders, did Chaney Ratcliff have any brothers or sisters?  
Q Had Patsy and Bob?  
Q Sister Patsy and brother Bob? A Yes sir.  
Q Were they with Chaney when she came from Kansas down? A Yes sir.  
Q They were all three together then? A Yes sir, and Herry Scates.  
Q You know whether they are living or not? A No sir.  
Q You don't know? A They are not living, the Creek killed Bob.  
Q What became of Patsy? A She is dead.  
Q Was Patsy older than Chaney? A Yes sir.  
Q Patsy wasn't married at that time? A Yes sir, she was Andy Sanders' wife.  
Q At that time? A Yes sir.  
Q Was Andy along? A Yes sir.  
Q You left her or she left you at the same place Chaney did? A Yes sir, I left them on the military road this side of Cr tops.

1880 authenticated roll of citizens of the Cherokee nation examined and applicants sister identified on page 806 #2099 Patsy Sanders, Tahlequah District, adopted col.

Com'r Needles: Columbus McNair applies for the enrollment of his wife, Chaney; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; but is fully identified upon the Kern-Clifton and the Wallace rolls; he avers that her maiden name was Chaney Ratcliff; he married her about the year 1889 and has lived with her continuously ever since from that time until this; the testimony shows that Chaney Ratcliff was a slave, belonging to the Ratcliff family, Dick Ratcliff; and that she was taken to the State of Kansas during the Civil War; the testimony produced is conclusive of the fact that she returned to the Cherokee Nation in January 1867, and that she has resided in the Cherokee Nation from that time until this. The Commission is of the opinion, from the testimony adduced, that Chaney McNair is entitled to be listed for enrollment as a Cherokee freedman. Comes the Cherokee Nation, and protests against her enrollment, averring that they can rebut the testimony offered, consequently Chaney McNair will be listed for enrollment as a Cherokee freedman on a doubtful card. Patsy Sanders, sister of Chaney McNair, name is found upon the authenticated roll of 1880; the testimony adduced shows that they married in the Cherokee Nation at the same time.

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

*M.D. Green*

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



Commissioner.





Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.  
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a mine in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-395, D-398, D-401, D-402, D-403, D-407, and D-775, and the sub-references.

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 29th day of November, 1901.

T. B. Hoelke,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for  
enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:

L. T. Brown, agent for applicants;  
L. E. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, tes-  
tified as follows:

By L. E. Bell: State your name? A Daniel Sanders.

Q What is your age? A About 59.

Q What is your present office address? A Centralia.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q How long have you lived upon the authenticated roll of 1880?

A I have lived

Q You know Elizabeth Meigs and George Meigs? A Yes, sir.

Q How long have you known George Meigs to Elizabeth Meigs? A Her son.

Q How long have you known him as being his life time? A Yes, sir.

Q Do you know Peter Meigs, Elizabeth Meigs, and George Meigs  
were out of the Cherokee Nation during the war? A Yes, sir.

Q When did they return to the Cherokee Nation? A They came in '66.

Q How did they come back? A They came with me and my father  
and the Meigs.

Q How long had a continuous residence in the Cherokee Nation ever  
since? A Yes, sir.

Q How long did you come to the Cherokee Nation yourself after the  
war? A In '68.

Q What time of the year? A First of December.

Q Was that the first time? A Yes, sir.

Q How long did you make your second trip? A Along in first part of  
January

Q This was January, 1867? A Yes, sir.

Q In which one of these trips was it that Peter and his family  
came with you? A They came both times.

Q Came both times? A Yes, sir, the old man came the first time and  
then the last time the family came.

Q Peter came with you alone the first time? A Yes, sir.

Q Then the second time he brought his family? A Yes, sir.

Q What did his family consist of? A Mary, George, Alice, Harry, Simon,  
and Perry.

Q Then was his children? A That was his children.

Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of  
the record in the case at bar and part of the record in D-394, D-396,  
D-398, D-401, D-402, D-404, D-407, D-475.

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

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

I. B. Needles,

Commissioner.

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

*Ray Palmer*

Subscribed and sworn to before me this the 8th day of August, 1902.

*J. H. Renter*  
Notary Public.

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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
SAMUEL BECK as a Cherokee freedman; introduced on part of the  
Cherokee Nation:

Appearances:

L. T. Brown, Vinita, I. T., Agent for Applicant;  
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on  
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A L. B. Bell.  
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.  
Q How long have you lived in and near Vinita? A Oh, since '67,  
including most of '67.  
Q Was there any railroad running in or through Vinita when you  
first moved into that community? A No, sir.  
Q When did the railroad first come through that country, Mr. Bell?  
A In 1871.  
Q You know this applicant, Sam Beck? A No, I don't know him.  
Q Don't know anything about him? A No, sir.  
Q Was you living in that country before the railroad started from  
Kansas through the Indian Territory; that is, the K. K. & T.?  
A Well, I will tell you what I know about the railroad; The rail-  
road come through the country in 1870, and on the application of  
the Cherokee Nation, a complaint to the Secretary of the Interior,  
they stopped building and during the session after 1870 of the  
National Council of the Cherokee Nation, they passed an Act there,  
it is dated the 14th of December, 1870, authorizing the furnishing  
of cross-ties to the railroad, and agreeing that the railroad could  
go through. The secretary hadn't determined which had the right-of-  
way. They had begun it in 1870 and the K. K. & T. got the right-of-  
way, and then they authorized the selling of cross-ties, and I went  
to Chetopa and made a contract with the Company for cross-ties  
enough to build from the Kansas line to Pryor Creek and sublet it.  
Mr. Martin was one I sublet to, that was in 1870 that contract  
was made, I don't recollect the exact date. Well, just a few days  
following that we began getting cross-ties and then worked on down  
to the Creek Nation. That was the first railroad built in the  
country and first cross-ties was put on the railroad in this  
country.  
Q You don't know anything about the wife of Beck or anything about  
them? A No, I don't.

G. D. MARCHAN, being duly sworn, testified as follows on  
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A G. D. Marchan.  
Q Where do you live? A At Tahlequah.  
Q How long have you lived in the Cherokee Nation?  
A I was born and raised here; never was out except during the war.

Q Where did you live before moving to Manisquam? A Lived on Grand river east of Choteau about ten miles.

Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.

Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.

Q Do you know about the year the M. K. & T. railroad built from Chotopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '8.

Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.

Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.

Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

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

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,  
Commissioner.

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I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the foregoing is a correct copy thereof.

*A. R. Cheever*

Sworn to and subscribed before me this 7th day of August, 1902.

*[Signature]*  
Notary Public.

Port Scott, when you were five years old? A Yes, sir, I remember it.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.  
(signed) M. D. Green.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above copy of the testimony of Nellie Lovings taken from the case of Beasley Webber, filed in D-4587 and that the same is a true and complete copy of the original.

Subscribed and sworn to before me this 14th day of April, 1903.

Notary Public.



R.  
C.F. D-435.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 5, 1902.

Supplemental testimony of behalf of Cherokee Nation, in the matter of the application of Becky Webber for the enrollment of herself as a Cherokee citizen.

Appearances:

Mr. Mellette, of Mellette & Smith, Vinita, I.T., attorneys for the applicant;  
W.W. Hastings, of attorneys for the Cherokee Nation.

Sallie Lovings, being first duly sworn and being examined testified as follows:

- Q What is your name? A Sallie Lovings.  
Q What is your postoffice? A Fort Scott, Kansas.  
Q What is your age? A Born in '61, in March.  
Q Born in March, '61, where were you born, Fort Scott? A Nevada, Missouri.  
Q When did you come to Fort Scott, Kansas? A '63.  
Q You were two years old? A Yes sir.  
Q Did you ever know a colored woman up there named Becky Webber?  
A Yes sir.  
Q Did she have any children, the Becky Webber you knew? A Yes sir.  
Q Give some of their names? A Well there's one, boy named Fobby.  
Q You know whether that was a nick name? A Yes sir, that was a nick name.  
Q What was his correct name? A Why I have forgotten now, Lewis.  
Q Did she have another one? A She had two girls.  
Q What were their names? A One of them was named Lydia and the other one was, the, eh I can't, sint that funny, I can't remember their names, Lydia and I can't think of the other one.  
Q You think of any other boys name besides Lewis? A Their names are on the end of my tongue, but I can't call it, it has been so long since I saw them; one of them's name was Lydia.  
Q Now think about the boys' names? A Lewis, called him Fobby, nick name.  
Q Any other boy you think of now? A No, if she had another one I don't remember it now.  
Q You remember a boy named Ellis, you remember? A I have heard the name.  
Q Do you remember him? A No sir.  
Q How long did you live in Fort Scott continuously? A From '63 until '69,  
Q Do you know where Becky Webber was when you left there in '69?  
A I think she was over across Mill Creek, lived near the magazine.  
Q How far was that from Fort Scott? A About a mile or such a matter I don't think it was any further.  
Q Did you afterwards come back to Fort Scott? A Come back in '72, yes sir.  
Q Was Rebecca Webber there then? A Yes sir.  
Q Well about when did she leave there? A Well she didn't leave there a great while ago, might have been in '80, '90 or '80 or '90 I think in there somewhere, to the best of my knowledge.  
Q Well did you live there after you came back in '72, continuously?  
A Yes sir.  
Q Where did they live in '72 when you came back over there, near the magazine, or had they moved? A No I don't know where they lived.  
Q You know whether any of these children attended school or not?  
A Yes sir.  
Q Did you go to school there too? A Yes sir.

- Q Go to school together? A Yes sir.
- Q That was after you got large enough to go to school? A Yes sir, went to school with them two or three years.
- Q You were born in March, 1861? A Yes sir.
- By Mr. Mellette:
- Q Are you a married woman? A Yes sir.
- Q How long have you been married? A Since 1877.
- Q How old were you when you were married? A I was 12 years old.
- Q 12 years old when you first married; you were married in '77, you are certain about that now, are you? A Yes sir.
- Q You say from '61 to '77 is 12 years do you? A Well that is when I was married.
- Q You remember when you were first married? A Yes, I do.
- Q When were you first married? A 5th day of September, '77.
- Q How old were you when you were first married? A I was 12 years old.
- Q That is all the knowledge you have of it is it? A Well that was the date that my mother's young master gave me, of course I was born in slavery; I was born in '61.
- Q Where were you born? A Nevada, Missouri; there is no colored people hardly ever asked in the early days about birth.
- Q Were you ever in jail? A Many a time, for fighting about my husband.
- Q How many times were you in jail? A I don't know; any time any woman got after him I whipped her; anybody will tell you that.
- Q Give us an idea of how many times you have been in? A I don't know; I never kept count; I was in jail nearly the whole four or five or six years while I lived with him.
- Q Have you ever been in jail since then? A No sir, only on false pretense, when he tried to get me to live with him and I beat him and I have got a witness for it; that is the only man I ever married.
- Q Have you any children? A Yes sir.
- Q How old are they? A My daughter is 27 years old.
- Q 27 years old? A Yes, she is 27 years old.
- Q She was born before you married then? A Yes.
- Q How long before you married your husband? A Well, she, was, I have got 2 children.
- Q You were married in '77? A I have got 2 children, both of my children were born before I was 17 and before I was married.
- Q You have been married then about, your daughter was born about how long, about two years before you were married, that right? A Yes sir.
- Q Then you wasn't but ten years old at the time your daughter was born, according to your testimony; you say you were married when you were 12? A Yes, I was.
- Q You stick to that do you? A Yes, as near as I was told.
- Q You came to Fort Scott in '63? A Yes sir.
- Q You were 2 years old at that time? A Yes sir.
- Q You remember the event well do you, when you came to Fort Scott? A Yes, I remember a little about it.
- Q You remember a little about when you were 2 years old? A Yes sir.
- Q You remember seeing Becky Webber as soon as you got there? A No, all I remember the government soldiers bringing them in there by the hundreds; she was with the rest of them.
- Q You lived there and left there in '65? A Yes, and stayed until '72.
- Q You were eight years old then when you left there? A In the neighborhood of that.
- Q You had seen Becky Webber frequently before you left there, and you remember her now? A Distinctly; I remember her distinctly, and all the rest of them.
- Q Ever seen her since then? A Yes, I have.
- Q Where was she in '66? A She was in Fort Scott.
- Q You remember that do you? A I am pretty certain she was.
- Q Do you remember she was in Fort Scott in '65? A If she come with the rest she was there, and she certainly come with the rest.
- Q Do you remember her being in Fort Scott in '65? A Yes sir.
- Q You swear she was there? A Of course I do.
- Q You were five years old at that time? A Yes sir.

Q And you saw her? A Yes sir, if I could remember her at two years I could remember her at five.  
Q Do you remember it at two? A Yes, I do; and there's lots of people in this house knows I do.  
Q How old a woman was Becky Webber in '66? A Well from the first time I saw her I judge her to be about 40 or 50 years old. She was an old woman then.  
Q You left Fort Scott in '68 and came back in '72? A Yes sir.  
Q Becky Webber was living in Fort Scott all the time you were there? A Yes sir.  
Q You remember that distinctly? A Yes sir.  
Q When were you first asked about this? A Last fall I think it was.  
Q Last fall was the first time you had your attention called to this matter? A Yes sir.  
Q You remember it then forty years back, seeing Becky Webber in Fort Scott, when you were five years old? A Yes, sir, I remember it.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.  
(signed) M. D. Green.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above copy of the testimony of Sallie Lovings taken from the case of Becky Webber, filed in D-438, and that the same is a true and complete copy of the original.



Subscribed and sworn to before me this 14th day of April, 1908.



Notary Public.

COMMISSION TO THE  
JULY 25  
This testimony will be filed with and made a part of the following Cherokee Freedmen cases: No. D-294, D-295, D-296, D-297, D-298, D-299, D-300, D-301, D-302, D-303, D-304, D-305, and in D-301, the same being the case at bar.

Arthur G. Croninger, being that day sworn, stated that he stenographer to the Commission to the Five Civilized Tribes is reported in all the testimony and proceedings in the above cases, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger

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

(Signed) Philip G. Reuter

Notary Public.

I, Arthur G. Davis, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and correct copy of the original notes filed with the Commission and the same was made by me.

Subscribed and sworn to before me this 23rd day of May, 1902.

(Signature)  
Notary Public

To be filed with P. D. 964.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May, 13, 1906.

In the matter of the application of Elizabeth Heigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.  
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testifies as follows:

- MR. HASTINGS: What is your name? A Mrs. Lydia Barton.  
Q What is your postoffice? A Fort Scott, Kansas.  
Q Do you hold any official position at the present time? A Yes, sir.  
Q What is it? A County Clerk.  
Q Of the county in which Fort Scott is located? A Yes, sir.  
Q Have you an official paper? A Yes, sir.  
Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.  
Q Do you know what your official paper was in December, 1867, up to and including March of 1867? A Yes, sir.  
Q What was it? A The Fort Scott Monitor.  
Q Are you required to keep files of this paper in your office? A We are.  
Q Have you a file of the official paper including December, 22, 1867 up to and including March of 1867? A Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 23, 1867, found on the second column of the editorial page, headed "Another Murder."

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

#### "Another Murder.

Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 22nd. inst., after dark, Mr. Dyer Hayford of this city was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. He missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started toward the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mill, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Hargrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. T. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and G. L. Phillips. The body of Mr. Hayford having been removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Herler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. The other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, as was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonso Cullin, (colored) sworn - Was at Hayford's store, evening, just after six o'clock, came on horseback, left by horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked if I was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right and left; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford; and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.



Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

J. D. I. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Leoney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Gullin told me he saw Mackey on the road towards home, and that Mackey heard he call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Wesley Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Byer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice McCreary, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.



and he was once before arrested here, for shooting at a man; before his trial came off the prosecuting witness left for a man unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.  
Murderer of Hayford Captured and Hung.

Tragical events connected with the affair. The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the House from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Hafford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since turned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

MR. HARRINGS: That's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '66, December? A I have lived there ever since '62.

Q Did you know Dyer Hayford? A Yes, sir.

Q Had you known him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q Who? A Eli Mackey.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called Deacon Jones.

Q That this other man here with you? A Yes, sir.

Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. From the time the shots fired I wouldn't it was more than twenty minutes.

Q Twenty minutes? A Yes, sir.

Q Had it become generally known at the time of the arrest? A No, sir.

Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.

Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.

Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.

Q Was he put in jail? A Yes, sir.

Q You remember how long he remained in jail? A Well about the twentieth, sometime in February, 26th I think it was.

Q Of February following, of '87? A Yes, sir.

Q Well did he make his escape? A He got away.

Q He got away? A Yes, sir. He got past the turnkey Ed Coe.

Q Ed Coe was the turnkey was he? A Yes, sir.

Q I will ask you then if there was any searching parties out for this man? Yes, sir.

Q For how long? I think he was killed on the 20th of March.

Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.

Q Well were there quite a number of people out searching for him? A Yes, sir.

Q Considerable excitement at that time? A Yes, sir.

Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched farms, they looked around for him, but failed to find him.

Q Up until that time? Yes, sir.

Q You say that was for about three weeks? A Yes, sir, something over three weeks.

Q From the 20th of February up until about the 20th of March? A Yes, sir.

Q Do you know whether this Ed Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.

Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.

Q What I want to get particularly from you was after or there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 20th of February? A There was no search made for Mackey until he broke jail.

Q No houses searched, nor no wagons, nor no nothing where he was first captured? A He was in jail. I don't think it was more than a half an hour, I don't think it was any more in jail in no more than half an hour after he shot Hayford; I heard the shot that killed Hayford.

Q And you helped to arrest him? A Yes, sir, I got to Hayford before he died, but he was too far gone. I lit a match and he was too far gone to speak.

Q You had never before that time? A Yes, sir, that and he was friends.

Q You was a friend of his? A Yes, sir.

R. C. Jones, being first duly sworn, testified as follows:

MR. FASTINGS: What is your name? A H. C. Jones.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q What is your age, please sir? A 66.

Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.

Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.

Q What office was that? A City marshal, called town constable.

Q You was a city policeman? A Yes, sir.

Q Did you assist in his first arrest? A I did.

Q Who assisted you in the arrest? A Mr. Benjamin Files.

Q This man Files's present here? A Yes, sir.

Q Did you hear the shots that killed Hayford? A I did.

Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?

A 20 or 25 minutes, inside of a half hour at most.

Q Very short time? A Yes, sir.

Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.

Q People didn't generally know it up to that time? A No, sir.

Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.

Q Well how long did he remain in jail, do you remember? A May I think something like six weeks or more.

Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.

Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.

Q He made his escape then? A He made his escape, yes, sir, at the time.

Q You know how long he was at large? A Well I put it something like three weeks.

Q I will ask you if there was any searches at that time made for him? A Yes, mean after?

Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.

Q Reward offered for him? A Yes, sir, reward offered.

Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.

Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.

Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

FASTINGS: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I know it was only a few days before Christmas when the killing was done.

Q '67? A In '66 the killing was done.

Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-216, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, and immaterial and not the best evidence, it being purely hearsay.

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

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775, and in D-391, the same being the case at bar.

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

(Signed) Arthur G. Croninger.

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

(Seal)

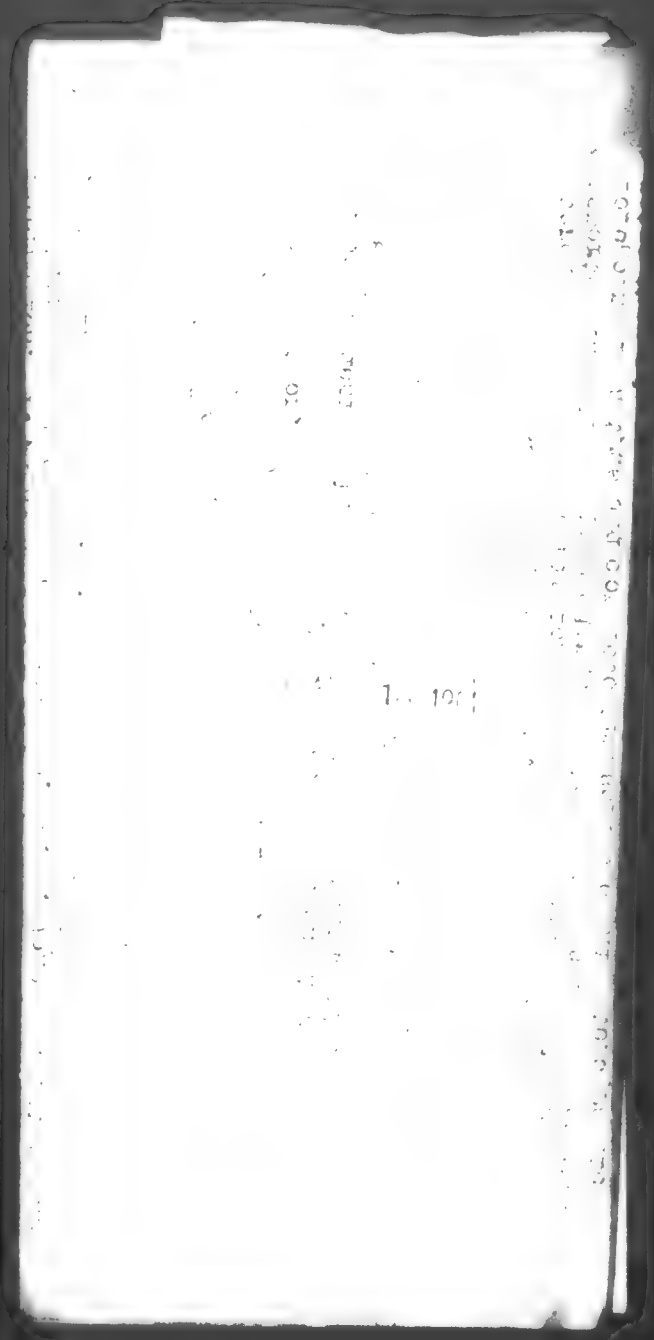
(Signed) Philip G. Reuter,  
Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

*Arthur G. Evans*

Subscribed and sworn to before me this 23rd day of July, 1902.

*Philip G. Reuter*  
Notary Public.



Supl. C. D. #818. Freedman,

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, T. S., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
EDWARD WRIGHT as a Cherokee Freedman, introduced as part of the  
Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory  
proof of service on E. R. Lanson, the attorney for the  
applicant in this case, that testimony would be introduced  
by the



representatives of the Cherokee Nation tending to disprove the right of said applicant, Ed and Wright to citizenship in the Cherokee Nation at the office of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation represented by its representative, L. B. Bell.

C. U. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

- Q Tell him your name? A C. U. Rogers.
- Q Age? A 63 years old.
- Q Place of residence? A Claremore.
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q How long have you been such? A All my life, a little over 63 years.
- Q Did you go out of the country during the war? A Yes, sir.
- Q When did you return? A '66.
- Q Where did you come to? A Come to Fort Gibson.
- Q And stayed there did you? A Yes, sir.
- Q Well what was your business? A After I come back?
- Q Yes? A I followed freighting for something over three years.
- Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
- Q Were you ever acquainted with a Freedman by the name of Moses Whitire? A Yes, I know him.
- Q Where did he belong before the war? A He belonged in Coaling Snake District.
- Q Do you know what particular Whitire he belonged?
- A I don't remember whether he belonged to George Whitire or Leo Whitire.
- Q If you did see him when did you first see Moses Whitire after the war, after your return to the Cherokee Nation?
- A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 26 wagons and I met them right on this side of the Neosho River; Dick Whitire, Moses Whitire and Aaron Whitire and old Major Wright is all I know in the outfit.
- Q Did you have any conversation with them, stop and talk with them?
- A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
- Q Did you ask them where they was going to? A They said they was moving back.
- Q Well this 25 or 30 or 40 wagons was loaded with people?
- A Yes, mostly every one had household goods in them.
- Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
- Q Well now that was; where you say it was? A It was right on this side of the Neosho River, between the old Hudson place and Neosho River.
- Q How far from the Neosho River? A I suppose half a mile.

- Q How far S on the north line of the Cherokee Nation?  
A I think the river is the line, about half a mile.  
Q And how far is that from the Kansas line? A The Neosho is the line, way I understand it.  
Q You had reference to where the military road crosses the Neosho river? A Yes, sir.  
Q At Jack McLain's ferry? A They called it Hudson ferry at that time.  
Q Hudson lived there? A Yes, sir, in about a half mile.  
Q And this Moses Whitire you met and talked with is the same one you knew in Going Snake and belonged to the Whitire family there?  
A Yes, sir.  
Q About how old a man was he when you met him? A He is an older man I think than I am.  
Q And you saw other with him you knew? A I think Aaron Whitire and Moses Whitire and old Major Wright is the old ones I know.  
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.  
Q Do you know where this man Whitire lives now, Moses Whitire you met?  
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

- Q Don't you know he lives on Salt Creek near Hydent? A No, I don't know for certain I know he lived on Big Creek. I don't know th ough where he lives, I have saw him ever since I have been here. I don't think I ever was at his house.

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I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(signed) J. O. Robson,

Stenographer.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 20, 1902

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:

Ben J. Scoville, representing E. B. Lawson, for applicant.  
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers com'n on citizenship," as follows

"No. 25 Edward Wright  
vs  
Cherokee Nation. (Ex. 7th of June.  
(Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same book as above page 57 of the same, the following:

"No. 29. Nager Wright  
vs  
Cherokee Nation. (Ex. June 7th, Statement filed  
on the 26 of June.  
1st July set, 1st Aug.  
set for trial.

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 28th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to try claims to Cherokee citizenship.

The undersigned claimant in the case of  
Lewis Whitmire

vs  
Cherokee Nation

respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under old classification five of claimants in the law creating this Commission, that he, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

claimant was at the time and place above said owned by George Whitnire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family ( they then being without one ) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1873.

Lewis Whitnire,  
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitnire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee citizenship.

In case of Moses Whitnire

vs

Cherokee Nation,  
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitnire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitnire as embracing the facts which the present claimant would submit to the commission as the grounds of his claim.

Respectfully submitted,  
Moses Whitnire.

June 26, 1873.

By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Cherokee Court, Book A," page 239, case No. 60, as follows:

"Case 60,

Aaron Whitnire )  
vs )  
Cherokee Nation. )

Tahlequah,  
July 3, 1870.

Mike Fields a witness for claimant called and sworn.  
I am I think I am about 47 years old. I live in Illinois District, D. N. As a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court.

Am a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - 21st or 22nd, 1863. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first come down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Moss, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting houses. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistence. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were some who come here were authorized by others to locate claims for them, one was by McKey requesting Abe Fields to locate for him. The original request filed.

**Cross Examined.**

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1863. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on this side of Ark. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left there there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me so could read.

I do not know myself that it was the month of Aug. When I come down first, but I was told it was that time.

**Re Direct.**

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Nick x Fields.

his mk.

Aaron Whitmire

vs

Cherokees Nation,  
called and sworn.

August 1, 1878.

Bluford Alberty, witness for claimant.

I reside in Cooperscowa District, C. H. I am a native Cherokee citizen. I left the Nation during the war; I returned to the Nation on the west side of Grand River, Cooperscowa District.

the end of September, 1866. I had occasion some time in the latter part of Oct., or the first of Nov, or probably it might have been late in the middle of November, to go to the Verdigris. While out there I fell in with a party of seven or eight persons who were camped with others near Sam Crouches. I did not go to the camp. They were colored people, I knew most of them. Their names were old Sam Webber, Aaron Whitire, and a younger brother and Lewis Whitire.

There was another person whom I was told was a Landman. I do not recollect any of the others and can not identify them. The Whitires were Johnson and George Whitire, Aaron, Lewis and the younger belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had got home. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves horses or make claims and that he was the leader of the company and the reason why Capt. Wright did not come was that he was an old man, but that he had come to look down to work for him and make him a claim. He then asked what chances there was to get provisions over on the river; I told him there was none there, but that there was a lot of condemned flour at Gibson and if they would go there they would get some. He also represented that they had come down to make claims for others, who had remained in Kansas, to build them homes and so fourth. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I carried out at night. I did not see any of these parties after this time, May, 1867. There were no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to make homes for themselves and families. They told me so at least. Capt. Wright belonged to Cornelius Wright before the war.

Cross Examined.

I would like to know more of them went back to Kansas. At the time I saw them I do not know whether their families were with them. I do not know how the Whitires look this party, but I am not certain of seeing Dennis or Nelson. I know there was four of the Whitire boys. They were owned in the Nation and needed here up to the middle part of the war.

B. W. Alberty.

Aaron Whitire  
vs  
Cherokee Nation.

I know Melissa Pattiff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Hanson Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at Holans's Ferry in 1866. The chief of the party who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had a long conversation with him.



About the middle of May 1867 I first saw this party with their families at their new homes. Chairman and others of this colored party told witness that they returned in March 1867 to the Nation.

I learned from John Coker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1868. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 in my information. It might have been July 29, 1866.

Witness went South during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Deputee and was Agent afterwards.

B. T. Liberty.

Attest  
D. L. Nicholson,  
Clerk.

Aaron Whittrine )  
vs )  
Cherokee Nation. )

Filed on May 10, 1878.

This day coroner John F. Lyons Atty for Cherokee Nation and denies all and avers the allegations of plaintiff contained in the above named case.

John F. Lyons,  
Atty for C. N.

Arthur C. Groninger, Notary Public sworn, states that as stenographer to the Commission to the Five Civilized Tribes he recorded 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. Groninger.

Subscribed and sworn to before me this 10th day of June, 1868.

(SEAL)

(Signed) P. S. Denton.

Notary Public.

I, Arthur C. Jones, a stenographer to the Commission to the Five Civilized Tribes, do hereby state that the above and foregoing is a true and complete copy of the original now on file with the Commission, in the name and sealed by me.

Arthur C. Jones

Subscribed and sworn to before me this 10th day of June, 1868.

David C. Jones  
Notary Public



F. D-284.

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

In the matter of the application of Chaney McHair for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL TO D-284.

APPEARANCES:

Lewis T. Brown for applicant.  
W. V. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that a copy of the testimony of Reuben Sanders, together with that introduced by the Cherokee Nation in Freedman D-281, also that in the case of Freedman Doubtful 218, be filed with and made a part of the record in this case.

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

Arthur G. Crossinger, 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. Crossinger

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

Deal

J. P. Roster  
Notary Public

Cherokee Freedmen D 984

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

*A. J. M. P.*  
*J. W.*

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

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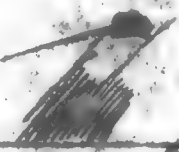
D E C I S I O N.


The record herein shows that on June 29, 1901, Columbus McNair appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of his wife, Chaney McNair, as a Cherokee Freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 3, 1902. A copy of the testimony of Sallie Lovings taken in re application of Becky Webber, Cherokee Freedman D 422, of Reuben Sanders and others, taken in the case of Elizabeth Meigs, Cherokee Freedman D 391, and of the witnesses on behalf of the Cherokee Nation in the case of Edward Derrick, Cherokee Freedman D 818, is filed herewith and made a part of the record in this case.

The evidence herein shows that the applicant, Chaney McNair, was the slave of a Cherokee citizen at the commencement of the Rebellion; that she was taken from the Cherokee Nation during said Rebellion, and returned thereto in the winter of 1865-69, with a colony of Cherokee Freedmen composed of the Webber, Meigs, Sanders, and other families. The Commission had heretofore found, in the cases of Elizabeth Meigs, et al., Cherokee Freedman D 391, George Meigs, Cherokee Freedman D 304, John Meigs, Cherokee Freedman D 306 and Fleming Meigs, Cherokee Freedman D 308, all of whom were members of the above mentioned colony, and returned to the Cherokee Nation on the trip above indicated, that they did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 1, 1894, in the case of Moses Whitmore, trustee, et al., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation. The applicant, Chaney McNair, cannot be identified on the 1890 authenticated tribal roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Chassey McHair as a Cherokee Freedman, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 25, 1898 (30 Stat., 493), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

Muskogee, Indian Territory,

this           MAR 16 1905



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

In the matter of the application for the enrollment of Chaney McNair  
Cherokee Freedmen F D 964.

Comes now the applicant, Chaney McNair, and moves that her case be remanded and that she be granted a rehearing in order that she be permitted to introduce the testimony of Robert Sanders, Lewis Sanders, John Sanders and others who were in the crowd and who came to the Cherokee Nation at the same time that she did and also to show that said parties were enrolled upon the authenticated roll of 1880 and are now enrolled upon the regular roll and have received their allotments of land in the Cherokee Nation, Indian Territory.

In support of this Motion there is attached ~~to~~<sup>two</sup> affidavits of parties who were in the crowd when Chaney McNair came to the Cherokee Nation and came to said Nation with her.

Respectfully,

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, deposes and says that he is one of the Attorneys for the applicant in the above entitled case and that the Motion is made in good faith, 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

My commission expires December 16, 1908.

NOTARY PUBLIC. 1

A F F I D A V I T.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY ( SS.  
NORTHERN DISTRICT )

ROBERT SANDERS, of lawful age, first duly sworn, do

deposes and says:-

"My name is ROBERT SANDERS.

My age is 48 years.

My Post Office is Verdigris Indian Territory.

I am acquainted with Chaney McNair, the wife of Columbus McNair. I was in the crowd with her when she returned from Ft. Scott, Kansas to the Cherokee Nation in the year of 1866. She came to the Cherokee Nation, Indian Territory and established her residence therein prior to February 11, 1867 and has lived in the Cherokee Nation continuously since that time."

his  
ROBERT SANDERS.  
mark

Witness to mark:

ALLEN SANDERS

STEPHE McKINNON

Subscribed and sworn to before me this 6th day of June, A. D., 1906.

W. J. DODGE,

NOTARY PUBLIC.

(SEAL)

My commission expires January 11, 1909.

A F F I D A V I T.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY ( SS.  
WESTERN DISTRICT )

LEWIS SANDERS, of lawful age, being first duly sworn, on his oath deposes and says:-

"My name is LEWIS SANDERS.

My age is 46 years.

My Post Office address is Melvin, Indian Territory.

I am acquainted with Chaney McNair, the wife of Columbus McNair. I was in the crowd with her when she returned from Ft. Scott, Kansas to the Cherokee Nation in the year of 1866. She came to the Cherokee Nation, Indian Territory and established her residence therein prior to February 11, 1867 and has lived in the Cherokee Nation continuously since that time."

WITNESSES ( WILLIAM ARNOLD.  
{ D. M. BUTLER.

HIS  
LEWIS x SANDERS  
MARK

Subscribed and sworn to before me this 11 day of June, A. D., 1906.

O. D. PETERS

NOTARY PUBLIC.

My commission expires Dec.-7-1908

(SEAL)



MISSOURI

1881

FILED

1881  
10  
10

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 Chaney McNair, P. D. 964.

Reply of the Cherokee Nation.

The record in this case shows that application was made for the enrollment of Chaney McNair by her husband, Columbus McNair, at Nowata, Indian Territory, on June 29, 1901, and that other witnesses were introduced from time to time in said case, including Reuben Sanders, Dan Sanders, and Anderson Lynch, whereas the Cherokee Nation introduced the testimony of Sallie Lovings and Richard Drake and also the testimony introduced in the case of Edward Wright, P. D. 818, which shows the date of the return of the Webbers and the Whitmire. Upon this testimony the Commission to the Five Civilized Tribes on March 16, 1905, rejected the applicant, using the following language:

"The evidence herein shows that the applicant Chaney McNair was the slave of a Cherokee citizen at the commencement of the Rebellion; that she was taken from the Cherokee Nation during said Rebellion, and returned thereto in the winter of 1866-67 with a colony of Cherokee freedmen composed of the Webbers, Meigs, Sanders and their families. The Commission has heretofore found in the case of Elizabeth Meigs, et al., Cherokee freedmen D 391, George Meigs, Cherokee freedmen D 394, John Meigs, Cherokee freedmen D 396, and Flemmings Meigs, Cherokee freedmen D 398, all of whom were members of the above mentioned colony, and returned to the Cherokee Nation on the trip above indicated, that they did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, et al., versus the Cherokee Nation for the return of Cherokee freedmen to the Cherokee Nation. The applicant Chaney McNair cannot be identified on the 1880 authenticated tribal roll of the Cherokee Nation."

For this reason the decision was adverse to and rejected the applicant. On June 25, 1906, this decision was affirmed by the Secretary of the Interior.

Attorneys for applicant now ask that the case be reopened in order that they might introduce the testimony of Robert and Lewis Sanders both of whom sign by ex mark; one of them lives at Verdigris, Indian Territory, and the other at Melvin, and I wish the department would compare these two affidavits. Now, the postoffice address of these two witnesses indicate that they live some 20 or 40 miles apart. Different Notaries

take the acknowledgements but the affidavits, after giving the name, age and post office address, are identical in language, which shows conclusively that they were prepared in the office of the attorneys for the application to treat ex parte witnesses to be acknowledged. We believe that this practice ought to be condemned and will be condemned. It will be noted that the affidavits state nothing but the effect of their testimony. The affidavits do not state to what point in the Cherokee Nation they returned and give no details whatever of their testimony. The age of Dan Sanders is now 46 and he was born therefore in 1860, and the other children in 1858, and were therefore six and eight years of age, respectively, in 1864. These ignorant colored witnesses could add nothing to the evidence here before introduced in this case because Dan Sanders was 17 years of age in 1861, and was therefore born in 1844, and Reuben Sanders was 20 years old and was therefore born in 1851 and Anderson Lynch was 23 years of age before born in 1847. These witnesses could not add anything whatever to the case being here before introduced.

In relation to the commission finding in the above cases when these colored and negroes returned to the Cherokee Nation we desire to also cite the case of Daniel Thibodeau, No. 2, 434, wherein the Commission found the same thing, which was approved by the Department, and in the judgment in this case the Commission went on to recite the fact when it had found that the Sanders and Webbers returned to the Cherokee Nation. It is true Dan and Reuben Sanders are enrolled upon the 1880 roll, but it was because they claimed that they, with their father, had returned to the Cherokee Nation in the fall of 1866 and made claims. But they did not move their families until the last of February or the first of March, 1867, and in order to show this the testimony introduced before the Chambers Court in 1878 and 1879 was introduced and made a part of the record in this case. There is another peculiar circumstance in this case and that is that Chaney wehair herself was never placed upon the stand, although an opportunity was given for five years to do so. Neither does she make an affidavit now to attach to this motion to reopen.

But lets examine the testimony introduced on behalf of the Cherokee Nation. Sallie Lovings knew her in Fort Scott, Kansas, from immediately after the war until a few years ago, some ten or twelve. Richard Drake went to Fort Scott, Kansas, about the year 1870 and found her there then and another there for about ten years thereafter, and he submit that ground on which she came down on the same as the last of February or the first of March, 1868, she did not establish permanent residence in the Cherokee Nation as required by section three of the reconstruction act approved April 8, 1868 (Public Law 151), which provides that persons to be enrolled as freedmen citizens of the Cherokee Nation must establish actual person bona fide residence in the Cherokee Nation on or before August 11, 1868, or return and establish such residence on or before December 11, 1868.

Under the decision of the Department in the Catherine case on May 21, 1906 (I.T.O. 9556-1906), wherein it was held that even if Catherine had come to the Cherokee Nation and thereafter resided in the State of Kansas, she would not be entitled to citizenship. Even if for the sake of argument it were granted that chance would have come to the Cherokee Nation, if she returned to Fort Scott and lived there continually as was testified to by both Sallie Lovings and Richard Drake, she would have adjured her citizenship in the Cherokee Nation and would not therefore be entitled upon that ground to be enrolled.

We submit that the motion for a rehearing should be denied:

First, because no diligence whatever has been shown, nor is there any showing of diligence in the motion why the other witnesses whose affidavits are attached could not have been gotten before the Commission to the Five Civilized Tribes years ago.

Second, the affidavits show that they are in the identical language and therefore prepared by one person and are not therefore trustworthy.

Third, the testimony if introduced would be cumulative to the former evidence.

Fourth, the testimony if introduced will not be liable to change the result of the decision of the Commissioner to the Five Civilized Tribes.

In support of this we desire to cite the decision of the Commissioner

1. The new Civilized Tribes in Cherokee Allotment Contest No. 711, where-  
in it was held:

"The rule is that a new trial or retrial 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:

(1) It must be such as could not have been discovered before the trial by the exercise of due diligence.

(2) It must be material to the issues.

(3) It must be such as could not have been discovered before the trial by the exercise of due diligence.

(4) It must be material to the issues.

(5) It must be such as could not have been discovered before the trial by the exercise of due diligence.

(6) It must not be merely impeaching or contradicting the former evidence."

2. The new Civilized Tribes in Cherokee Allotment Contest No. 711, where it was held:

"In motions for a new trial resting on newly discovered evidence it should be shown that such evidence could not be discovered by due diligence, and that the failure to bring such evidence should appear."

3. The new Civilized Tribes in Cherokee Allotment Contest No. 711, where it was held: In this case or alleged in this motion. In the case of Moore versus Jarney there is cited the following: 1 L. R. 9; 7 L. R. 136; 10 L. R. 453; 18 L. R. 31; 19 L. R. 207. These decisions uphold the decisions of the Supreme Court of Arkansas, the leading case being that of Harris versus Wise, 10 Ark. 271, which is a question of the requisites of a motion for a new trial in detail, and the foot notes to this decision show all of the collected decisions of the Supreme Court of the State of Arkansas up until a very recent date and abundantly sustain our contention as herein set forth, and the decisions in the case of Cherokee Allotment Contest No. 711 and Moore versus Jarney, case No. 49. In addition we desire to cite the following decisions of the Supreme Court of Arkansas which strengthen and strongly uphold all of these Arkansas contentions:

2 Ark. 85; 2 Ark. 346, and this is an exceptionally strong decision; 5 Ark. 256, wherein it was held:

"The newly discovered evidence being shown to be cumulative does not authorize a new trial."

So all the authorities laid down the doctrine and the point has been repeatedly so adjudged by this Court in a number of cases. That would be the testimony of these two boys, six and eight years of age, respectively, in 1846 and to that already heretofore introduced, and especially in view of the fact that it is shown that they both sign the affidavits attached



DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Chancy McHair  
as a Cherokee Freedman.

United States of America,

Indian Territory,

Northern District SS

Be It Remembered that on this 15th day of October 1906 personally appeared before me the undersigned Notary Public within and for the Northern District of the Indian Territory, Chancy McHair of lawful age who being by me duly sworn on her oath deposes and says:

"My name is Chancy McHair, my age is fifty three years and my post office is Vinita Indian Territory. At the commencement of the civil war I was the slave of William Penn Adair, a citizen of the Cherokee Nation and after the war commenced I went to Kansas with the Soldiers. I think it was about in July 1862 that I went to Kansas. I stopped at Fort Scott, Kansas and remained there until the war closed and after the war closed I remained at Fort Scott about one year and left there in the fall of 1866 and came to the Cherokee Nation. When I left Fort Scott Kansas to come to the Cherokee Nation I came along in the company with Patsy Sanders, who was my sister; Fanny Sanders, who was a sister-in-law to my sister Patsy Sanders; Fanny had two children with her at the time named Rachel Sanders and John Sanders. It is my understanding that John Sanders was enrolled on the 1860 roll in Tallapoosa district and is not the same John Sanders of Vinita who has been trying as I am told, to claim that 1860 enrollment for his own. There was also in that crowd Robert Sanders, Louis Sanders who are enrolled upon the 1860 roll. I located at Fort Smith Indian Territory in the fall of 1866 and stayed in the town for awhile and then went out to Fourteen Mile Creek and spent the winter out there with my sister Patsy Sanders and in the summer of 1867 I commenced to work out and hired out to work cooking where ever I could find work until I married my husband Columbus McHair in 1868



The Cherokee Nation has been my home and place of residence since I returned to it in the fall of 1866. I am now living in Vinita I T where I have been living since about the year of 1884.

It is my understanding that Fanny Sanders, Patsy Sanders, John Sanders, Rachel Sanders, Robert Sanders and Lewis Sanders, the people with whom I returned to the Cherokee nation are all duly identified upon the 1880 roll, with the exception perhaps of Rachel Sanders who went away with the Tenth Cavalary before 1880 and never did return and we have never heard of her since.

Witness to mark:

Ott A. Smith,

William C. Woodall.

Her

Charney-----E-McHair-----

Mark

Subscribed and sworn to before me this 15th day of October 1906.

-----  
O A Smith,

Notary Public.

Commission Expires  
Dec 4, 1906.

AFFIDAVIT OF PRINCIPAL APPLICANT IN SUPPORT OF MOTION FOR REHEARING.

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

BE IT REMEMBERED, That on this day personally appeared before me the undersigned Notary Public within and for the Northern District of the Indian Territory, duly commissioned and acting as such, Chaney Mc. Nair, of lawful age, who being duly sworn, on her oath deposes and says:

"My name is Chaney Mc. Nair, my age is 47 years, and my post office is Vinita, Indian Territory. I am the principal applicant in this case and I make this motion in good faith, not for the purposes of delay, but in order that justice may be done me. At the former trial of this case I procured all the testimony that I was able to procure after spending much time in search for the same. I made inquiry of the people whom I believed would know about the facts and circumstances connected with my case, and after much inquiry and diligent search and after visiting a great many people I was unable to find any more testimony than that procured at the former trial. After my case was tried I continued my efforts and have, since the decision in said case, discovered the testimony of the persons whose affidavits I have filed in support of my motion for a rehearing. This testimony is newly discovered and could not have been produced by due diligence at the former trial because I was diligent and made diligent search and diligent inquiry of my neighbors and people I thought ought to know about my case and was unable to procure the testimony, but after continued search and continued inquiry I have been able, since the trial of this case, to discover this testimony, and now ask that I be granted a rehearing in this case that I may introduce at the rehearing, this newly discovered testimony."

Witness to mark

Her  
Chaney X McNair  
Mark

F. K. Briscoe  
Subscribed and sworn to before me this 24th day of September, 1906.

F. K. Briscoe,  
Notary Public.

My Comm. Ex.  
June 24, 1906.

(Copy)

Cherokee Freedmen  
D-964.

Muskogee, Indian Territory, September 10, 1903.

Columbus McNair,

Vinita, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of your wife, Chaney McNair, as a Cherokee Freedman, you are hereby advised that further testimony is required as to whether or not she returned to and was residing in the Cherokee Nation on July 19, 1866, or within six months thereafter; and as to her residence since her return.

You are further advised that the Commission will be in Vinita, Indian Territory, on Wednesday, September 23, 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 points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen  
D-964.

Muskogee, Indian Territory, September 10, 1903.

Louis T. Brown,  
Agent for Chaney McNair,  
Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Chaney McNair, as a Cherokee Freedman, you are hereby advised that further testimony is required tending to show whether or not she returned to and was residing in the Cherokee Nation on July 19, 1866, or within six months thereafter; and also evidence as to her residence since her return to said Nation.

You are further advised that the Commission will be at Vinita, Indian Territory, on Wednesday, September 23, 1903, for the purpose of hearing ~~the~~ Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen

D-964.

Muskogee, Indian Territory, March 16, 1905.

Chaney McNair,

Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 16, 1905, rejecting the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Louis T. Brown, Tahlequah, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

Incl. S-136.

Register.

(SIGNED).

*Jams Dixby.*  
Chairman.

COPY.

Cherokee Freedmen

D-964.

Muskogee, Indian Territory, March 16, 1905.

Louis T. Brown,

Attorney for Chaney McNair,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 16, 1905, rejecting the application for the enrollment of Chaney McNair 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,

Incl. 8-137,  
Register.

(SIGNED) *James Lixby.*  
Chairman.

COPY.

Cherokee Freedmen

D-964.

Muskogee, Indian Territory, March 16, 1905.

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

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 16, 1905, rejecting the application for the enrollment of Chaney McNair 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. S-135.

(SIGNED) *Tams Bixby.*  
Chairman.



COPY.

Cherokee Freedmen  
D-984.

Muskogee, Indian Territory, March 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Chaney McNair as a Cherokee freedman, including the Commission's decision dated March 16, 1905, rejecting said application.

Respectfully,

Incl. S-138.

(SIGNED) *James Dixby.*  
Chairman.

Through the

Commissioner of Indian Affairs.

(COPY)

LAND:  
21231-1905

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

June 21, 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 March 16, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Chaney McNair.

March 16, 1905, the Commission decided adversely to the applicant.

The record shows that Chaney McNair 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. The applicant is identified on the Kern-Clifton and Wallace rolls but not on the 1880 authenticated Cherokee roll.

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.

M.H.M.  
V.

Cherokee Freedmen  
D 964

Muskogee, Indian Territory, June 5, 1906

Starr and Patten,  
Attorneys for Chaney McNair,  
Vinita, Indian Territory.

Gentlemen:

This office is in receipt of your letter of May 12, asking that you be entered as attorneys for Chaney McNair, Cherokee freedmen enrollment case D 964, and that you be advised the present status of her case.

In reply you are advised that you have been entered as attorneys of record for Chaney McNair, and will be advised of any further action in said case. You are further advised that the commission's decision dated March 16, 1906, rejecting the application for the enrollment of Chaney McNair as a Cherokee Freedman, is still pending before the Department.

Respectfully,

LMB

Commissioner

(COPY)

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

J.P.Jr.

D.C. 26611  
I.T.D. 7672-1905.

June 23, 1906.

L.R.S.

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

Sir:

March 16, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Chaney McNair as a Cherokee freedman.

Reporting June 21, 1905, the Indian Office recommended that the decision of the Commission, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision dated March 16, 1905, is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee Freedmen  
D 964

COPY,

Maskoges, Indian Territory, July 2, 1906

Starr and Patten,

Attorneys for Chaney McNair.

Vinita, Indian Territory.

Gentlemen.

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated March 16, 1906, rejecting the application for the enrollment of Chaney McNair as a Cherokee Freedman, was affirmed by the Secretary of the Interior on June 23, 1906.

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

Respectfully,

SIGNED.

*James Dixby.*  
Commissioner

L M B

Encl. B-96

Cherokee Freedman  
D 964

COPY.

Muskogee, Indian Territory, July 2, 1906

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

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 16, 1905, rejecting the application of Chaney McHair for enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior on June 23, 1906.

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

Respectfully,

SIGNED.

*James Dixby.*  
Commissioner

L M B

Encl. B 95

COPY.

Muskogee, Indian Territory, July 2, 1906

Chaney McFair,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five civilized Tribes, dated March 16, 1905, rejecting your application for enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior on June 23, 1906.

Respectfully,

SIGNED.

*Tamc Dixby.*  
Commissioner

L M B



..  
Cherokee Freedmen  
R 964,

Muskogee, Indian Territory, -August 31, 1906

Starr and Patten,  
Attorneys for Chaney McNair,  
Vinita, Indian Territory.

Gentlemen:

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

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

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, February 12, 1907

The Honorable,

The secretary of the Interior.

Sir:

There is enclosed a motion filed June 25, 1906, by Starr & Patten, Vinita, Indian Territory, for rehearing of the Cherokee freedman case of Chaney McHair. The reply of the Attorney for the Cherokee Nation to this motion filed July 26, 1906, is also enclosed. There was received on October 17, 1906, an affidavit by the applicant Chaney McHair, transmitted with letter of the Attorneys for applicants dated October 16, 1906, with the request that it be filed in support of their motion.

The decision of the Commission to the Five Civilized Tribes dated March 16, 1905, rejecting the application of Chaney McHair for enrollment as a Cherokee freedman, was affirmed by the Department June 23, 1906 (I.T.D. 7672-1906).

The motion is supported by the stereotyped affidavits of Robert and Lewis Sanders, aged in 1864, according

Secretary-2

to their affidavits , eight and six years , respectively. These affiants only state that they are acquainted with Chaney McHair, and that she returned with them from the state of Kansas, in the year 1866, and that she established a residence in the Cherokee Nation prior to February 11, 1867.

The record in the case shows that Chaney McHair returned to the Cherokee Nation at the time the Webber-Sanders-Whitmore colony of Cherokee freedmen brought their families from the state of Kansas to the Cherokee Nation after the war of the rebellion.

The Commission to the Five Civilized Tribes and the Commissioner have found in various cases, and have so reported to the Department, that no women or children returned to the Cherokee Nation with that colony of freedmen until subsequent to February 11, 1867. The fact that they did not is conclusively shown by the records of this office.

Secretary-8

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

Respectfully,

Through the

Commissioner of Indian Affairs.

Encl. 2-7

L M B

Commissioner

DEPARTMENT OF THE INTERIOR,

Land.  
93745-1906.  
15811-1907.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 26, 1907.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of June 23, 1906, (I.T.D. 7672-1906), transmitting the decision of the Commission to the Five Civilized Tribes, dated March 13, 1905, rejecting the application for the enrollment of Chaney McNair as a Cherokee freedman, I have the honor to transmit herewith communication from the Commissioner to the Five Civilized Tribes, dated February 11, 1907, enclosing a motion filed June 25, 1906, by Starr & Patten, Vinita, I. T., for a re-hearing; also reply of the attorney for the Cherokee Nation, filed July 22, 1906.

There was received in the Office of the Commissioner on October 17, 1906, an affidavit by Chaney McNair, the applicant, with the request that it be filed in support of the motion. The motion is supported by the affidavit of Robert and Lewis Sanders, who were aged eight and six years respectively in 1846.

The record in the case contradicts the affidavits in that it shows that Chaney McNair returned to the Cherokee Nation at the time of the Webber-Sanders-Whitwire Colony of Cherokee freedmen, who brought their families from the State of Kansas to

the Cherokee Nation after the war of the Rebellion.

The Commission to the Five Civilized Tribes in various cases has found that no families or children returned to the Cherokee Nation with that Colony until after February 11, 1867.

The Office concurs in the recommendation of the Commissioner that the motion be denied.

The record in the case is transmitted herewith.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

FVB--SD.

DEPARTMENT OF THE INTERIOR, L.L.B.

J.F. Jr.

D.C.12316-1907.  
I.T.D. 5568-1907.  
LRS.

WASHINGTON.

March 1, 1907.

DIRECT.

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

Sir:

The motion for rehearing of the Cherokee freedman case of Chaney McHair, received with your letter of February 12, 1907, and Indian Office letter of February 26, 1907 (Land 15811), 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 matter and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

JESSE E. WILSON,

Assistant Secretary.

1 inc. and 7 to Ind. Of.

A. F. No.

3-1-07.



Cherokee freed-  
man D 964

Muskogee, Indian Territory, April 2, 1907.

Chaney McNair,  
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed  
by your attorneys, Starr & Patten, for a rehearing in the  
Cherokee freedman enrollment case of yourself, was denied  
by the Secretary of the Interior March 1, 1907.

Respectfully,

MMP

Acting Commissioner.

Cherokee freed-  
man D 964

Muskogee, Indian Territory, April 2, 1907.

Messrs Starr & Patten,  
Attorneys for Chaney McNair,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing in the Cherokee freedman enrollment case of Chaney McNair, was denied by the Secretary of the Interior March 1, 1907.

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

Respectfully,

Incl.P-4-12  
MMP

Acting Commissioner.

Cherokee freed  
no. D 964

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 in the Cherokee freedman enrollment case of Chaney McHair, was denied by the Secretary of the Interior March 1, 1907.

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

Respectfully,

Incl. P-4-13  
MMP

*D. G. ...*  
Acting Commissioner.



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

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muscogee, I. 7/24/02

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

No. F. L. 9614

Louis T. Brown  
agt for applicant

NO. 7 D. 964

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

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

on the            day of            , A. D. 190

Subscribed and sworn to before me this

Notary Public.

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

Attorney for Applicant.

I the undersigned agent for the within named  
applicant, hereby accept service of the within notice

on this the *24* day of *May* 190*2*

*James H. Brown*  
Agent for Applicant.

## NOTICE.

In the Matter of the application of **Chaney McHair,**  
for enrollment as Cherokee citizens :

To **Chaney McHair, or L. T. Brown her attorney,**

**Vinita, I. T.**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on **May, 27,** A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this **May, 24, 1902.**

No. **J D 964.**

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

F. D. 964

20

719964

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 *Feb*, 190*7*  
*James Brown*  
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.

COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED  
MAR 1 1902



## NOTICE!

IN THE MATTER OF the application of Chaney McHair  
for enrollment as Cherokee Freedmen:  
Case No. F. D. 934  
To Chaney McHair, or L. T. Brown, her attorney:

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

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb. 28, 1902..

*L. B. Bell*

*W. W. Hastings*

*Jess Davidson*  
Attorneys for the Cherokee Nation.

70

104

DEPARTMENT OF THE INTERIOR  
 COMMISSION TO THE FIVE CIVILIZED TRIBES  
 DEPARTMENT OF THE INTERIOR  
 COMMISSION TO THE FIVE CIVILIZED TRIBES  
 FILED  
 JUN 26 1901  
 JUN 26 1901

## CHEROKEE FREEDMEN.

Date *May 29, 1954*  
 Post Office *Linda, S.C.*  
 District *Delaware*

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

## Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife *Shaney McNaair* Age *42*

Owner's name ..... Citizenship .....

Year *1866* Page *116* No. *2892* District *Delaware*

## Parents:

Father *Bob. Drew - dead* Citizenship *Cher. Freed*

Mother *Mrs. Ratchette - dead* Citizenship *Cher. Freed*

## 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. ....

*Roll # 116*

Application made by *Shaney McNaair* Stenographer *M. K. Green*

*1 On Wallace roll, P 184 \* 33 80 - Charie McNaair*

*X Ref 698 / (Shaney McNaair)*

1912

MAR 2 1912

*W. S. Chapman*  
W. S. CHAPMAN

# **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. Chaney McNair,  
Vinita, I. T.  
Cherokee B-D-964  
Registrar.

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

Cher. Fr. R. 1037

Trans. from Cher. Fr. D. 972

Cher. Fr. R. 1037



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

Mellette & Smith Attorneys for the applicant.  
James Davenport for the Cherokee Nation.

In the matter of the application of Jef Rowe for the enrollment of himself and three children as Cherokee Freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Jef. Rowe.  
Q How old are you? A 46.  
Q What is your post office? A Wymer.  
Q In what district do you live in? A Cooweescoowee.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Do you desire to have enrolled besides yourself? A Three children.  
Q Give me their names? A Grant.  
Q How old? A 9 years.  
Q Next? A Viola.  
Q How old? A 17 years.  
Q Next? A Leola.  
Q How old? A 16.  
Q Have you been recognized by the Cherokee authorities as a Cherokee freedman? A No, sir.  
Q Is your name on any of the rolls of the Cherokee nation?  
A On the 1896 roll and the Kern roll.  
Q Did you draw strip money? A Yes, sir.

Kern Clifton roll examined and the name of applicants found as follows:

Page 130 No. 3244, Jeff Rowe, Cooweescoowee district.  
Page 130 No. 3246, Grand Rowe "  
Page 130 No. 3247, Viola Rowe, "  
Page 130, #3248, Leola Rowe, "

- Q What is your father's name? A Dan Rowe.  
Q Is he living? A No, sir.  
Q Your mother's name? A Harriett Rowe.  
Q She living? A No, sir.  
Q By Mr. Smith: How old are you? A 46.  
Q Were you a born slave yourself? A Yes, sir.  
Q Who did you belong to? A Lewis Ross, Chief John Ross' brother.  
Q Was he a Cherokee citizen? A Yes, sir.  
Q Recognized citizen? A Yes, sir.  
Q Where were you after the war commenced? A On Grand river in the Cherokee Nation.  
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.  
Q Where to? A Kansas.  
Q When did you return her? A April of '65.  
Q Who was with you? A Some soldiers and an Indian by the name of Carter, I don't know his given name, seems like it was Dick.  
Q What year? A April, '65.  
Q What point did you come to then? A Fort Gibson.  
Q How long did you remain there? A Until in September.  
Q Where do you live now? A On Big Creek.  
Q How long have you lived there? A Since '65.  
Q Are those children you named all living with you? A Yes, sir.  
Q What is your wife's name? A My first wife was named Betty, she is dead.  
Q Was she the mother of all these children? A Yes, sir.  
Q Of all of them? A Yes, sir.  
Q Where were you and Betty married? A At Fort Smith on the steam boat, she was chamber maid and I was cabin boy.  
Q When were you married? A In '65.  
Q Were you married by a preacher? A Yes, sir.



Q Who? A Peter Conway, he is dead, he lived at van Buren.  
Q Have you a certificate of your marriage? A No, sir.  
Q Is there any one here who knew your first wife while you and she were living together? A Yes, sir.

By the Commission: What was your first wife's name when you married her? A Walker.

Q Was she a citizen? A No, sir, a state woman.  
Q What was your present wife's name when you married her?  
A Webber, Harriett Webber.  
Q Is she living? A Yes, sir.  
Q Is she a citizen? A Yes, sir.  
Q Has she been enrolled? A Yes, sir, we are separated now.

By Mr. Davenport: You come to Big creek in 1880 didn't you?  
A No, sir, I come there in '66.

Q When did you go there to live? A Latter part of November, '66.  
Q Have you been living there ever since? A No, sir.  
Q How long have you been living there the last time? A Ever since '79.

Q Before that you were in Fort Smith, Arkansas? A Yes, sir, near there and on the river.

Q And before that you lived in Camden, Arkansas? A No, sir.

Q What year were you married? A '74.

Q Were you not married at Camden, Arkansas? A No, sir.

Q You were at Little Rock after you were married, how long did you stay there? A I was there going to school, that was before married, I was there going to school three terms, I was there 9 months in '72, 9 months in '73 and 5 months in '74.

Q What school did you go to there? A the Freedman high school.

Q Before you went to Lightning Creek, where had you lived?

A Up until '69 I was in the Cherokee Nation, part of the time on Big Creek and on Coal Creek and in the Strip.

Q You have a daughter named Mary? A Yes, sir.

Q Where were you when she was born? A At Fort Smith, I was on the land there that was in the Cherokee Nation, right down where the Missouri Pacific Depot is now, near there, there is a saw mill or something there now, a place where they make furniture.

Q When your daughter Mary was born, had your wife lived in the Cherokee Nation at all? A Yes, sir.

Q What year was he born in? A '75.

Q Where had you lived in the Cherokee Nation between '74 and '99?

A We lived part of the time on this steam boat and part of the time at Fort Smith where the Cherokee Nation runs in there, there is a chair factory there, where the depot stands now, this side of Campbell LaFlore's.

By The Commission: Where were you born? A In the Cherokee Nation.

Q What Part? A On Grand river, in Saline district.

Q Your father took you out of the Cherokee Nation during there or did he? A Yes, sir.

Q You married the first time in '74? A Yes, sir, and the last time in '95.

Q How long did you run on the river after you married the first time?

A We was on the river when we married and was running on there until '79 off and on.

Q Did you then come to Big Creek? A Yes, sir.

Q You and your wife were running on the river together?

A Yes, sir, she was maid and I was the cabin boy.

Q On the Arkansas river? A Yes, sir.

Q What was the name of the boat? A The New Area, Captain Hocker's boat.

Q Was that your only occupation from '74 until '99? A Yes, sir, except cutting wood when the water was not high enough to run the boat.

Q Where was your wife living then, when you were cutting wood?

A In the Cherokee Nation, above of Fort Smith.

Q There Cherokee Nation don't run up to Fort Smith does it?  
 A Yes, sir, right back of the old garrison.  
 Q How much of it? A Yet much, the corner is right there some  
 where by Campbell InFlare's house:

By Mr. [unclear]:  
 Q Campbell InFlare's place is in the Chestaw nation isn't it?  
 A They join right there.  
 Q You't you know that there is not a place half as big as this  
 tent there in Fort Smith that is a part of the Cherokee Nation?  
 A There is quite a strip there.  
 Q And you lived right there on that strip did you? A Yes, sir,  
 I never paid any taxes at all, and I know I lived there in the  
 Cherokee Nation because I did not have to pay taxes.  
 Q The Chestaw Nation line is right there also? A Yes, sir.

By the Commission: If a steamboat man lived on the Arkansas  
 river and ran on the river all the time he didn't have to pay taxes  
 as a general rule did he? A No, sir, but I didn't pay taxes when  
 I was living in town.

By [unclear]: Yet many of the niggers down there pay taxes  
 do they? A I don't know.

By Smith: where did this steam boat run from? A Little Rock  
 to Fort Gibson; it run up to Fort Gibson whenever the river was  
 high enough.

Q What was the boat you were cabin boy on? A I run on several  
 the last boat I run on was the Border City and then I run on the  
 Jemie May and on the New Area.

By the Commission: Did you carry passengers on these boats?  
 A Yes, sir.

Q Stern wheel boats or side wheel? A Stern wheel.

Q How many cabin boys did they usually have on these boats?

A I was the only one that was on the ones I was on.

Q Didn't do much passenger hauling did they, more of a freight boat  
 wasn't it? A Yes, sir, and the time I was on the Border City I  
 was a deck hand.

Q You are more of a roost-about than a cabin boy then?

A Yes, sir.

ABRAHAM HAIR, called and sworn as a witness for the appli-  
 cant; By Smith:

Q What is your name? A Abraham Hair.

Q What is your age? A 77.

Q Where do you live? A At Waver.

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

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

Q How long have you known him? A Ever since he was a child.

Q Was he a slave? A His father was, he was too small, he was  
 born--

Q Who did he belong to before the war? A To Ross.

Q Which Ross? A I can't call his first name.

Q Where was he when he was a little boy before the war?

A They were down there in the Ross settlement.

Q When did you first see this applicant in the Cherokee Nation

by the war? A I saw him in '66, fall of '66, after the war.

Q Where? A Near on Grand river.

Q On what part of Grand river? A What settlement or neighborhood  
 down by Indians.

Q How long was he in the settlement? A Got very long, 2 or 3  
 weeks.

Q When did you next see him after that? A Well it was quite a  
 while after that that I saw him, long in the winter.

Q Where was he then? A At his father's on Big Creek.

Q Where was Big Creek and at what point on Big Creek? A Cherokee  
 Nation, and right where that Sanders lives now.

Q In the Cherokee nation? A Yes, sir.

Q Do you know where he lives now? A Yes, sir.  
Q Where? A Up there.  
Q How long has he been living there? A 15 years or more, I think.  
Q Do you know how long he has been living there? A Not absolutely the years, but about that I think.

By the Commission. Who was with him when you saw him in '66?  
A With some parties were in Price's raid.  
Q Was his father and mother with him then? A His father was.  
Q How old was Jess then? A You mean Jeff there?  
Q Yes, this fellow? A He was 5 or 7 years old then, not more than 8; he was a small boy in the Price's raid.  
Q Was his mother living up there on Big Creek? A No, sir, she was dead.

Q Were they living in a house? A Yes, sir.  
By Smith: Did you know this man's first wife? A Yes, sir.  
Q How long has she been dead? A 10 years.  
Q Did you know his children? A Yes, sir.  
Q Was his first wife the mother of them? A Yes, sir.  
Q Did she and this applicant live together there? A Yes, sir.  
Q They were man and wife, were they? A Yes, sir.

By Davenport: You don't know where his children were born?  
A One was born there.  
Q The others wasn't? A No, sir.  
Q There were several years after the war that you didn't know where he was? A Yes, sir, after this boy's father's going after him from Price's raid--he persuaded this boy and brought him back home.  
Q How far did you live from him up there? A Mile.

Q Are you on the roll of 1860? A I ought to be I don't know.  
By Commission: Do you know where he was taken to before the war?  
A On Red River.  
Q In Texas? A Yes, sir.  
Q Who took him there? A Price's raid.  
Q How do you know that? A I was after him and know it.  
Q You were after him? A Yes, sir, I was a soldier on the other side and when he made the raid we followed him.  
Q You didn't catch him did you? A No, sir, he took my sister and the boy with him and they sold her, if I had known it I would have gone after her then.

By Davenport: He gave you fellow a warm reception over the Arkansas line didn't he? A Yes, sir, he did.

MOSE HARRICK, called and sworn as a witness for the applicant: By Smith:

Q What is your name? A Mose Harrick.  
Q Where do you live? A On Fryer's Creek.  
Q How long have you lived there? A 18 years.  
Q How long have you lived in the Cherokee Nation? A All my life in the Cherokee Nation up to the war and then back here after the war and up to now I lived here ever since.  
Q How old are you? A About 71.  
Q Do you know this applicant here, Jef Rowe? A Yes, sir.  
Q How long have you known him? A Always.  
Q Was he a slave before the Civil war in the Cherokee Nation?  
A Yes, sir.  
Q Who was his owner? A Lewis Ross, an Indian.  
Q A citizen of the Cherokee Nation? A Yes, sir.  
Q Where was this applicant when the war commenced? A On Grand river.  
Q Who was he living with there? A Lewis Ross and Indian.  
Q Was he taken out of the Cherokee Nation during the war? A Yes, sir.  
Q When did you first see him in the Cherokee Nation after the war?  
A In the fall of '66 when his uncle brought him from Fort Gibson.  
Q Where did he bring him to? A Grand river to his place.  
Q How long did he stay there? A I don't know.  
Q When was the next time you saw him? A Quite a while after, he

left there to go to his father's.

Q You don't remember how long he staid there after the fall of '66 when he came, in that neighborhood? A No, sir, not a great while though, till his uncle taken him to his father's on Big Creek.

By the Commission; Did you know his wife? A No, sir.

Q You don't know his children? A No, sir, none but two.

Q Which two? A One called Mary and a boy, I has forgot his name.

Q Where was Mary born? A I don't know, sir.

Q Were you taken out of the Cherokee Nation yourself during the war? A Yes, sir.

Q Where to? A Fort Scott, Kansas.

Q Was any of General Price's force there? A Not then, I saw him in '64.

Q Who took this boy away do you know? A They said that one of Prices' Generals took him, one they called Soloman I believe; thay made a raid up there where the negros was and got him and a lot others.

Q Where was that? A Up in Kansas near Fort Scott.

Q Did you see him hp there? A Yes, sir.

By Smith: Where did this Price come in at, I didn't hear what you said about that? A He got him on Lost Creek above Fort Scott in '74.

Q Where did he take him to? A The last I saw of them was when we was chasing them down south.

Q Was Price running off a lot of slaves from up there? A Yes, sir, and this boy was one of them.

By Commission: Was Price fighting in Kansas in '64? A Yes, sir.

Q Was Price up around Fort Scott then? A I didn't see him to know him but General Blunt said it was General Price that was making the raid.

Q You were in Blunt's army were you? A Yes, sir.

Q There was not muh of a fight in Kansas between you and Price in '64 was there? A No, sir, not much.

Q This boy had been taken up to Kansas from the Cherokee Nation before the war and then Price made a raid up in through there and took him south, is that it? A Yes, sir.

Q And you fellows followed him? A Yes, sir.

Q Did General price charge on Fort scott? A No, sir.

Q Did he try to? A No, sir, he was just raiding around there.

Q And he got this boy while he was on the march? A Yes, sir.

Q Price went round and hunted him up and took him with him?

A Yes, sir.

By Smith: All that you know of it being General Price is what they told you at the time? A I saw him and his men, and the said it was General Price and his Generals and men.

Q You wasn't personally acquainted with Price were you?

A No, sir, I didn't know him.

By Commission: You didn't want to know him very well did you? A Well we followed him.

Q You didn't get him though did you? A No, sir.

Q The war wasn't over in '64? A No, sir.

By Davenport: Did ou ever see Jeff on the Stewart farm on the Marmaton river? A No, sir.

Q You don't know where Nelson Murrell was living then?

A He was with us fighting.

Q When you speak of '64 that he was taken south, do you mean 1864?

A Yes, sir.

Q He was then t aken south? A Yes, sir.

Q You don't know just where? A No, sir.

Q How did he got up there to Fort scott first? A They carried the Rosses and those negrees up there and took him to Fort Scott.

Q Which Rosses? A Chief John Ross, Lewis Ross, Allen Ross, and Bill Ross.

Q And they took them up there? A Yes, sir.

Q Did Chief John Ross stay there? A No, sir, they left the colored folks there for a few days and took Chief Ross to Leavenworth.  
 Q You don't know where this applicant has lived since the war?  
 A No, sir.

By Mr. Smith of the applicant:

Q What is your oldest child's name? A Mary.  
 Q Is she married? A Yes, sir.  
 Q Who to? A Jesse Beason.  
 Q Has she any children? A Yes, sir.  
 Q How many? A 4.  
 Q What are their names? A Sanford, Clifton, Mercy and I can't think of the baby's name.

By Com'r Needles: Jef Rowe applies for the enrollment of himself and three children, namely, Grant, Viola and Leola; their names are not found in the authenticated roll of 1880 or the census roll of 1896, but is identified on the Kern Clifton roll as well as his three children. He avers that he was a slave of one Lewis Ross, and was taken out of the Cherokee Nation during the war, and returned in the fall of 1866, and that he was married to one Betsy Webber, a non citizen, who was the mother of the three children for whom he applicant; she is now deceased and he has gain married. He present s no certificate of marriage but presents testimony in order to prove a common law marriage. He has no certificate of marriage but states that he was married by a preacher and makes no proof of marriage but presents personal evidence as to his having lived with his wife as man and wife, and through said cohabitation said three children were born. Consequently he and his said three children will be listed for enrollment as Cherokee Freedmen on a doubtful card and he will be notified in due course of mail by the Commission when they arrive at a final decision in this matter.

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 same is a full, true and correct transcript of his stenographic notes therein.  
 (Signed) Chas. von Weise.

Subscribed and sworn to before me this the 26th of June, 1901, at Nowata, I. T.  
 (Signed) T. B. Needles,  
 Commissioner.

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J. O. Rosson, 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 of the testimony and proceedings in the above case.

Subscribed and sworn to before me this August 24th, 1901.

*J. O. Rosson*  
 Commissioner.





To be filed with the case of John Beeson, C.F.D.#972.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
NOWATA, I.T., JUNE 19th, 1901.

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

- Q What is your name? A Mary Eaton.  
Q How old are you, Mary? A I don't know my age.  
Q Well, about how old? A About 50 I guess.  
Q What is your post office? A Centralia.  
Q What district do you live in? A In Cooweescoowee.  
Q Do you want to be enrolled as a Cherokee freedman? A Yes, sir.  
Q Who do you want to enroll besides yourself? A Three boys, children is all I have got.  
Q Are they under age? A No, sir, they are of age.  
Q All over age? A Yes, sir.  
Q Is your name on the roll of 1880? A I don't know, sir, whether it is or not.  
Q Is your name on any of the rolls of the Cherokee Nation?  
A Yes, sir, it is on the Wallace roll and Clifton roll.  
Q Are you married? A I ain't now, I have been.  
Q What was your husband's name? A My last husband?  
Q Yes. A His name was Peter Hudson.  
Q Are you Peter Hudson's wife now? A ~~Yes~~, No, sir.  
Q Is Peter Hudson living? A Yes, sir, but we don't live together.  
Q Did you draw this strip money while you were married to Peter Hudson? A Drawed money?  
Q Did you draw strip money? A Yes, sir, drewed the Wallace money.  
Q That is all the monty you ever drew? A Yes, sir.  
Q Under what name did you draw it? A Hudson.

The 1880 Authenticated, the 1896 census and the Kern-Clifton rolls of freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Wallace roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 117, #2461, Mary Hudson, Cooweescoowee District.

- Q Well, you haven't been married to anybody since you left Hudson?  
A No, sir.  
Q Well, your name is Mary Hudson? A Yes, sir, by my husband; but I thought you was asking me about my owners.  
Q Nor, Mary, were you a slave? A Yes, sir.  
Q To whom did you belong? A Susie Eaton.  
Q Was she a Cherokee citizen, Indian by blood? A Yes, sir.  
Q Where were you born? A I was born back in the old Nation.  
Q When did you come to the Cherokee Nation the first time?  
A Why, it was, I was small when they come, I was a baby, but I have heard my old Mistress say that they come as old Settler.  
Q You come along with your old Mistress when she come? A Yes, sir.  
Q Now, then, did you go out of the Cherokee Nation during the war between the North and South? A Yes, sir.  
Q Where did you go to? A I went South.  
Q How far South? A I was taken down there.  
Q Where to, Texas? A Yes, sir, down there about Bossy Depot.  
Q In the Chickasaw Nation? A Yes, sir.  
Q Well, when did you come back? A I come back in '58.  
Q Who did you come with? A I come with my Miss I had then but the man that we come out with I don't recollect his name there was a good many of them come out at that time, I don't recollect what their names was.  
Q Where did you come to? A I come, when I come they up in there I come to Fort Gibson.

- Q You come when you come from Boggy depot down there in the Choctaw Nation you come to Fort Gibson? A Yes, sir.
- Q Well have you been living in the Cherokee nation ever since that time? A Yes, sir.
- Q Fort Gibson is in the Cherokee Nation is it? A Yes, sir.
- Q Well, did you marry after that? A Yes, sir.
- Q Whom to? A Peter Hudson.
- Q Was Hudson the only man you were ever married to? A No, sir, my first husband that I have got his name was John Beason.
- Q Where did you marry John? A I married him wodnw south.
- Q That was during the war? A No, sir, just after the war.
- Q you married him before you come back to the Cherokee Nation? A Yes, sir.
- Q Did he come with you? A Yes, sir.
- Q Is he living? A I don't know, sir.
- Q Well, who did you marry after that? A Peter Hudson.
- Q Have you married anybody since you married Peter? A No, sir.
- Q just had two husbands? A yes, sir.
- Q Peter and you separated? A yes, sir.
- Q He has married ag in? A Yes, sir.
- Q Have you got any witnesses here? A Yes, sir.
- Q Who? A I got Mr. Grimmett and Abe Hair.

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

- Q Mary, where were you living when you can first recollect? A I lived in Going Snake district.
- Q Whom were you living with at that time? A I was living with Susie Bean.
- Q Well, did you ever live with any of the Hilderbrands? A Yes, sr, I lived up there at Hilderbrand's Mill with one of her daughters.
- Q Now, Hilderbrands didn't go south with you when you went south? A No, sir, I was sent south.
- Q Did you ever know a man by the name of Aldridge that lived south down in Texas? (No response.)
- Q This was just before the war broke out, a short time before the ar broke out; he lived somewheres about Grayson County, Texas? A I don't know.
- Q Well, did you know any Ezekiel Beck in the Cherokee Nation? A Yes, sir.
- Q Did you know that Ezekiel Beck had something to do with the winding up of the Hilderbrand estate? A No, sir.
- Q Don't you remember that Ezekiel Beck sold you to a man by the name of Aldridge and you were married off to the state of Texas before the war broke out? A No, sir.
- Q Did you know a man by the name of J. W. Ellis; he married Susan Eaton, a relative of the family here, Joshua Ellis? (No response.)
- Q Did you know that man Joshua Ellis? A I disremember.
- Q Well, did you ever live with a man or know anybody in Texas by the name of John Beason, as your husband in the Cherokee Nation? A Yes, sir.
- Q Well, now, I will ask you if you and John Beason didn't come to this country and wasn't you brought here by J. W. Ellis? A No, sir.
- Q Didn't you come with J. W. Ellis when he come to this country? A I don't know his name, sir.
- Q Didn't you come with a man by the name of Ellis? A I don't know his name; I am telling you the truth.
- Q Did you come with a white man to the Cherokee Nation back from Texas when you and John Beason came? A Yes, sir.
- Q John Beason came with you? A Yes, sir.
- Q You had three children at the time? A Yes, sir.
- Q Do you know about how old they were? A No, sir, I don't.



Q Well, now, did you and John Beeson have any children born at the breaking out of the war? A I had one.

Q Well, now, you remember living in Texas, don't you; where was that child born that you had born at the breaking out of the war?

A He was born down there.

Q Down where, Texas? A Down South, I don't know whether it was Texas.

Q You know when you lived in Texas? A I recollect it.

Q You remember you lived in Texas, whether it was Grayson County or not? A I don't know what county it was.

Q You don't know what town you ~~live~~ lived near? A No, sir.

Q Don't know where you got your mail? A No, sir.

Q You know that you and Beeson were living together as husband and wife when you came to the Cherokee nation? A Yes, sir.

Q And you were living with some white man when you came back to the Cherokee nation? A Yes, sir.

Q That was about the year 1871? A I don't know.

Q That was the first time you had been back to the Cherokee Nation, the time you came with Beeson and the white man? A I disremember, that has been a long time and I don't recollect; they told me it was '66, I don't know anything about it.

Q Have you ever made more than one trip from Texas up the Cherokee Nation since the war? (No response.)

Q Since you came up with that white man have you ever gone back after that? A No, sir.

BY COM'R NEEDLES: Now, Mary, you were married to John Beeson down there, down South? A Yes, sir.

Q Well, you were ~~marry~~ grown of course when you married him?

A Yes, sir.

Q Now, don't you recollect whether that was in Texas or not; recollect whether that was in the state or Texas? A Well, give me a little time, let me think back; I recollect I was to a place where Texas, but I don't recollect the County.

Q Was there where you were married to Beeson? A Yes, sir, I had him there.

Q Well, now, when you come up here to the Cherokee Nation the first time did you ever go back there? A No, sir.

Q You only come up once? A Yes, sir.

BY MR. DAVENPORT: Mary, did you know who the man's wife that came with you from Texas was before she was married? A No, sir.

Q You didn't know that she was Frankie Alberty before she was married? A No, sir.

Q And that she was a sister to Susie Eaton? A No, sir.

Q Didn't you know that the man's wife that came back with you from Texas was Frankie Alberty, a sister to Susie Eaton to whom you formerly belonged? A I don't know, no, sir.

BY COM'R NEEDLES: You did come back with a white man did you, Aunt Mary; you don't recollect what his name was? A No, sir.

Q Was he married? A Yes, sir.

Q Did he have a family? A Yes, sir, he was only coming out and I wanted to come and had wanted to come and I had no way to come, and this man was going, he sad where he lived and sad he was coming and John Beeson got him to bring me.

Q Did John come with you? A Yes, sir.

Q Is John dead? A I don't know.

ABRAHAM HAIR, being sworn and examined by Commissioner

T. B. Needles, testified as follows:

Q Mr. Hair, what is your name? A Abraham Hair.

Q Your post office? A Viner.

Q How old are you, Mr. Hair? A About 77 years old.

Q Are you a Cherokee Freedman? A Claim to be, sir.

Q Is your name on the roll of 188? A I don't know, sir.

Q Do you know Mary Hudson, the applicant, here, or Mary Eaton?

A Yes, sir.

- Q How long have you known her? A Well, I guess about 20 years or more.
- Q Did you know her before the war between the North and South? A No, sir, I knowed her mother.
- Q What was her mother's name? A Rachel Eaton.
- Q Where did her mother live? A Lived on Big Creek.
- Q In the Cherokee Nation? A Yes, sir.
- Q Do you know whether Mary Eaton here was a slave or not? A Yes, sir.
- Q To whom did she belong? A Belonged to Susie Eaton.
- Q She was a Cherokee citizen? A Yes, sir.
- Q Well, did Mary go out of the Cherokee Nation during the war? A Yes, sir.
- Q Where did she go to? A Went to Texas.
- Q Where did you first see her after the war? A After the war.
- Q Yes? A First saw her on Lightning Creek.
- Q In the Cherokee Nation? A Yes, sir.
- Q What year was that, do you know? A Winter of '66. Winter of 1866? A Yes, sir.
- Q Whom was she with when you saw her? A She was living there with some of her acquaintances, her man had left her.
- Q Her husband had left her? A Yes, sir.
- Q Who was he? A John Beeson.
- Q Did you know John Beeson? A No, sir.
- Q Didn't know John Beeson? A No, sir.
- Q He left her there on Lightning Creek? A Yes, sir.
- Q How do you know that was '66? A Only the statement I was all I had.
- Q Who made the statement? A The folks there.
- Q Said it was '66? A Winter of '66.
- Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
- Q Where did you go to? A Well, I went out with the soldiers, I went to Springfield, Missouri, and from Missouri to Kansas, and from Kansas back here and backwards and forwards up and down this road.
- Q What time did you land back here? A Well I was here the whole time.
- Q During the whole of the war? A Yes, sir.
- Q And you are confident you saw Mary Eaton here in 1866 on Lightning Creek? A Yes, sir.
- Q You knew her mother you say? A Yes, sir.
- Q What was her name? A Rachel.
- Q Was she a slave? A Yes, sir.
- Q To whom did she belong? A She belonged to Eaton.
- Q Was her mother taken out of the Cherokee Nation during the war, do you know? A That I don't know; I know she died here.
- Q How do you know that Mary was taken to Texas? A Well, she told me.
- Q Have you known her ever since that? A Yes, sir.
- Q Has she always lived in the Cherokee Nation ever since that time? A Yes, sir.
- Q Did you know of her going back to Texas after she come? A No, sir.
- BY MR. DAVENPORT: You didn't know her at all before the war, did you? A Not this woman.
- How did you know to whom she belonged to? A Her mother told me.
- Q I am not asking you what she told you, you don't know it of your own knowledge? A No, sir.
- BY COM' R NEEDLES: You say you didn't know Mary before the war? Knowed her mother.
- Q And you? didn't know her? A No, sir.
- BY MR. DAVENPORT: You didn't know whether Mary was living with her mother at the breaking out of the war or not? A No, sir, she was living with her owner her mother said.
- Q I am not asking you about what her mother said; her mother isn't living now? A No, sir.

Q You never saw Mary on Lightning Creek in 1866? A I saw her in '66, winter of '66.  
Q you knew when '66 come? A No, sir.  
Q Now on what part of Lighting creek did you know her? A Ransom Daniels'.  
Q Don't you know that Ransom Daniels didn't live there in 1866?  
A No, sir.  
Q Don't yo? know that Ransom Daniels didn,t more from Grand river over there? A No, sir.  
Q Now, when it was after Ransom Daniels moved from Grand river over there? A Yes, sir.  
Q You knew who her husband was? A No, sir.  
Q You knew John Beeson? A No, sir.  
Q When you first aw her how many children had she? A Wel , she had all she has got now, I forget how many there is, she had four or five children.

MARY HUDSON , the applicant, recalled: BY COM'R NEEDLES:

Q How many children you got living now? A Three.  
Q What are their names? A William and Jesse and the oldest two I got is Jonathan and Augustus.  
Q They are all living? A Yes, sir.

BEN GRIMMETT, being sworn and examined by Commissioner T. B. Needles, testified as follows:  
Q What is your name? A Ben Grimmatt.  
Q What is your age, Mr. Grimmatt? A I am about 60 or 65.  
Q What is your post office? A Nowata.  
Q Are you a recognized Cherokee freedman? A Yes, sir.  
Q Name on the roll of 1880? A Yes, sir.  
Q Do you know the applicant here, Mary Hudson, or Mary Beeson?  
A Yes, sir.  
Q How long have you known her? A Well, I have knowed her; I have been knowing her all the time.  
Q well, did you know her before the war between the North and South? A Yes, sir.  
Q Was she a slave? A Yes, sir.  
Q To whom did she belong? A Eaton.  
Q Was he a Cherokee citizen? A Yes, sir.  
Q Did you know her mother? A Yes, I have seen her.  
Q Did you know her mother's name? A No, I didn't know her but I have seed her.  
Q Where did Eaton live before the war? A lived in Goingsnake.  
Q Well, do you know whether Mary Beeson was taken out of the Cherokee nation before the war? A No, I don't know that, but she was taken out though.  
Q You heard she was taken out? A Yes, sir.  
Q you don't know where to? A Texas.  
Q Do you know whether she was ever married or not?  
A Yes, she married Hudson  
Q well do you know whether she was ever married before she married Hudson? A Well I have heard of it.  
Q Did you know a man by the name of John Beeson? A Yes, sir.  
Q Reputed to be her husband? A That is what it was said.  
Q Wel , now, when was the first time you saw Mary after the war, between the North and South? A The first time I seen her I seen her to her daddy's, Jim Beck, at Fort Gibson  
Q When was that? A Well, it was in the summer somewhere in the spring of '66.  
Q Was her father's name Jim Beck? A Yes, sir.  
Q You saw her at Fort Gibson in the summer of '66? A Yes, sir.  
Q you knew her before the war did you? A Yes, sir.  
Q Well, now, when you saw her in '66 did you know her and recognize her? A Yes, sir.

- Q Who was she with? A Well she was there to her daddy's, I don't know who she was with.
- Q Was her daddy living there? A Yes, he was living there.
- Q In a house? A Yes, sir.
- Q Well, have you known Mary since that time? A Yes, sir.
- Q Was she lived to your knowledge in the Cherokee Nation ever since '66? A Yes, sir.
- Q How did you know that it was '66, Ben. A Well the reason I know it, when I see people just after I come I know what time I come and pretty soon I seen her.
- Q You knew that you had come here in 1866? A Yes, sir.
- Q You didn't know anything about her while she was in the State of Texas? A No, sir.
- Q Don't know who took her to the State of Texas? A No, sir.
- BY MR. DAVENPORT: You don't know when she went to Texas either do you, Ben? A No, sir.
- Q You don't know where she was living when the war brokd out do you? A She was living in Goingsnake.
- Q Did you know that of your own knowledge? A She was living there.
- Q Well, I want you to say whether she was or was not positively or your own knowledge in Goingsnake district? A Well, she was there at the beginning of the war; must have been, I used to see her along, they was running the colored people so.
- Q How far did you live from them before the war? A I guess I lived about 15 miles I guess or maybe further.
- Q Where were you living? A I lived in Flint.
- Q At what place? A With Grimmett, Flint district.
- Q What Grimmett? A Billy Grimmett.
- Q Did you ever know a man by the name of Rzekiel Beck? A Yes, sir.
- Q He lived up there in that country didn't he? A Not as I know of, that Beck.
- Q Well, did you ever know a man by the name of Hilderbradn, Avra or such a name? A Yes, sir, I have heard of them.
- Q Now, this woman belonged to that estate at one time didn't she? A I could not tell you that.
- Q Well who did she belong to when you first saw her? A Eaton.
- Q What one of the Eatons? A I could not tell that, she went by the name of them.
- Q She belonged to Susie Eaton didn't she? A I guess she did.
- Q That was sometime before the war broke out wasn't it? A Yes, sir.
- Q Now, you never knew anything of this woman from the time the war broke out until you saw her at Fort Gibson? A No, sir.
- Q When you saw her at Fort Gibson did she have any children? A I could not tell that so many colored people there?
- Q You had a talk with her there about where she had been? A No, sir, I never asked her.
- Q Did she have a husband at that time? A She must have.
- Q I am asking you what you know about it? A I tell you the fact about it, I see a good many people coming in and we shake hands and didn't talk at all.
- Q You could be mistaken that it was in 1866? A No, I know it come in the spring of '66, and I thinks that about when I see anybody in side of the spring of '66 that is what I go by.
- Q Well, now did you ever know Joshua W. Ellis, before the war? A No, sir.
- Q And you don't know where this applicant went of your own knowledge? A No, sir.
- Q When was the next time you saw her after you claim to have seen her at Fort Gibson? A Well I tell you after that when I seed her I seed her on Big Creek.
- Q Well, how long was it after you saw her at Fort Gibson until you saw her on Big creek? A I could not say that for certain.
- Q Well, was it five years, six years, about how long? A About a year I guess, or maybe longer.

Q The fact is you don't know much about this case do you, Ben?

A Not a great deal.

Q You just wanted to fix it as '66 you saw her down there at Fort Gibson? A Yes, sir.

Q All you were driving at was that you saw her down here in '66?

A Yes, sir.

Q Now, you know that she was sold to a man by the name of Aldridge before the war didn't you? A No, sir.

Q You don't know who she belonged to before the war do you?

A No, sir.

Q And you don't know whether she was in the Cherokee Nation at the breaking out of the war or not, did you? A I don't know.

Q Ben, you are the fellow that has had some trouble down here at Tahoequah about the courts? A I could not tell you that; that is a thing I won't answer.

BY COM'R NEEDLES: Now, Mr. Grinnett, you knew the owner of Mary Hudson? A Yes, sir.

Q Did you know his slaves at that time? A She was a slave at the time.

Q Did she have other slaves? A Had a good many.

BY MR. DAVENPORT: Can you remember the names of any others slaves he owned but this woman? A No, I don't know anything about it.

Q How does it happen that you just remember this woman and don't remember any other ones of them? A I remember her, ut I don't know it was so long, I don't keep account, don't hardly know my own children.

MARY HUDSON, the applicant, is called:

BY MR. DAVENPORT: Mary, which is your oldest child? A Mariah.

Q Where was Mariah born? A She was born down south.

Q In Texas, Arkansas or where? A In Texas.

Q What was the next one? A These two children, do you want all of the children?

Q All of them I want to get their ages as near as I can?

A Well you can get their ages if you will look on the Wallace roll.

Q I would rather take your work for it than the Wallace roll?

A I don't know their ages.

Q The next one after Mariah where was it born and is its name?

A Well, now, I can't tell you, it was born south.

Q What is its name? A Jonathan Augustus.

Q He was born south? A Yes, sir.

Q Now, which is the next name to John? A Elizabeth.

Q Where was she born? A Down South.

Q Well where was William born? A I forgot.

Q Is the next one to William Jess? A No I had one next to Jess namee Susan and she died and Susan come next.

Q Where were you living when Susan was born? A I was living on Big Creek.

Q Where was Jess born? A Jess was born in Goingsnake.

Q Before or after the war? A After the war, all of them was born since peace.

BY COM'R NEEDLES: You say, Auntie, all of your children were born since peace? A Yes, sir.

Q But three of the oldest ones were born when yo' lived down south that was in the state of Texas? A I don't know what state it was.

Q You never lived in but one place down south did you? A No, sir.

Q And they called it Texas? A Yes, sir.

Q And your three oldest children were born there? A Yes, sir.

not far from Red river; you know there is an Indian Nation now, what do you want to say?

Q Choctaw nation? A Born not far from that on the south side of the Red river.



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

Q I would like if you can be positive where was Willie born?

A I can't think of it.

Q Do you know how old John is? A No, sir, I can't tell my children's age, I don't know how to count or anything like that.

Q How many children did you bring up with you from Texas when you came back after the war? A I think it was two, I think.

Q One died down there? A No, she, she died over on Big Creek, just before the Wallace, and three of them died.

BY COM'R NEEDLES: Did you ever have any to die in Texas?

A No sir, they all of them died on Big Creek.

COM'R NEEDLES: Mary Hudson applies for the enrollment of herself. She cannot be identified upon the authenticated roll of 1880 or census roll of 1890 or the Kern-Clifton pay roll, but is identified upon the Wallace roll according to the page and number of the roll as indicated in the testimony. She avers that she was a slave and that she returned to the Cherokee Nation in the year 1866. Reference is made to the testimony. She makes satisfactory proof as to residence and will now be listed for enrollment as a Cherokee Freedman upon a doubtful card awaiting further consideration of the Commission. The final decision of the Commission will be made known to her by mail.

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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 1st day of July, 1901.

(Signed) T. B. Needles,  
Commissioner.

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Supplemental, D-764, Cherokee Freedman.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I. T., June 19, 1901.

In the matter of the application of Mary Hudson et al. for enrollment as Cherokee freedmen.

Supplemental Testimony.

Appearances:

Applicant present in person;

J. S. Davenport, of Counsel for Cherokee Nation.

LUCY HILL, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Lucy Hill.

Q What is your age? A I guess I am about 50 years old.

Q What is your post office? A Nowata.

Q Are you a Cherokee Freedman? A Yes, sir.

Q Is your name on the roll of 1880? A Yes, sir.

Q Do you know Mary Hudson? A Yes, sir, she is my sister.

Q Was she a slave before the war between the North and South?

A Yes, sir.

Q To whom did she belong? A She belonged to the Eatons.

Q Did you and her belong to the same family? A No, sir, I belonged to the Becks.

Q Did she go out of the Cherokee nation during the war or before that time? A Yes, sir.

Q Where did she go? A I can't tell, but she went south.

Q You don't know whether she went into the state of Texas or not?

A No, sir, I don't know whether she did or not? A Did you ever hear? A I heard of her on Red River.

Q On which side of Red river? A This side of Red river.

Q When did she return to the Cherokee Nation? A I can't tell just when she returned.

Q When did you see her? A I seen her on Big Creek, about 25 years ago, I guess, or more.

Q Is that the first time you saw her after the war? A Yes, sir, that was the first time I see her, but then I heard of her being here often.

Q That was the first time you saw her after the war? A Yes, sr.

Q About 25 years ago on Big Creek? A Yes, sir.

MR. DAVENPORT: You don't know what time she went out before the war, do you, or whether she was in the country when the war began? A Yes, sir, I saw her in the nation time of the war, her mother and mine went to Texas together.

Q I am talking about this applicant; was she in the Cherokee Nation at the breaking out of the war? A Yes, sir, I think she was.

Q I want you to be positive? A I most know she was.

Q You don't really know where she was at the breaking of the war? A I saw her at home at the breaking out of the war, where my father was.

Q At whose place was she at the breaking out of the war?

A At the time we were getting ready to leave, I seen Mary at Becks old place, in 7 or 8 miles of Hilderbrands' Mill.

Q She at one time belonged to the Hilderbrand estate? A I don't know whose she belonged to only just the estate.

Q Did you ever know a man named Ezekiel Beck? A Yes, sir.

Q Don't you know now Eke Beck sold her to a man named Aldridge who took her to Grayson County, Texas, long before the war broke out? A I don't know, sir, about that.

Q You don't remember anything about that? A No, sir.

Q Did you ever know a Joshua W. Ellis? A No, sir.

Q In order that you can remember, he married a sister of Susan Eaton. A I have heard of ehm, but I don't know them.

Q You don't remember anything about that? A No, sir:

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

Sworn to and subscribed before me this the 26th of June, 1901.  
 (Signed) T. B. Needles?  
 Commission.

---ooo000ooo---  
 J. O. Rosson, being duly sworn, says that as stenographer to the Commission to the five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original.

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

*J. O. Rosson*  
*M. D. Jones*  
 Commissioner

SECRET

Mary Hudson - 11

In order that you can remember, he married a woman of the name of Mary Hudson. I have heard of that, but I don't know from where. You don't remember anything about that, do you?

\*\*\*\*\*

Prince J. Jones, being truly sworn, gave that as his testimony in the commission to the five civilized tribes in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I.T., June 19, 1901.

In the matter of the application of Mary Hudson et al. for  
enrollment as Cherokee Freedmen.

Supplemental testimony.

Appearances:

Applicant present in person.

J. S. Davenport, of counsel for Cherokee Nation.

Lucy Hill, being duly sworn and examined by Commissioner  
Needles, testified as follows:

- Q What is your name? A Lucy Hill.
- Q What is your age? A I guess I am about 50 years old.
- Q What is your post office? A Nowata.
- Q Are you a Cherokee Freedman? A Yes, sir.
- Q Is your name on the roll of 1880? A Yes, sir.
- Q Do you know Mary Hudson? A Yes, sir, she is my sister.
- Q Was she a slave before the war between the north and south?  
A Yes, sir.
- Q To whom did she belong? A She belonged to the Eatons.
- Q Did you and her belong to the same family? A No, sir, I belong-  
ed to the Becks.
- Q Did she go out of the Cherokee Nation during the war or before  
that time? A Yes, sir.
- Q Where did she go? A I can't tell, but she went south.
- Q You don't know whether she went into the State of Texas or not?  
A No, sir, I don't know whether she did or not? A Did you ever  
hear? A I heard of her on Red River.
- Q On which side of Red River? A This side of Red River.
- Q When did she return to the Cherokee Nation? A I can't tell  
just when she returned.
- Q When did you see her? A I seen her on Big Creek, about 25  
years ago, I guess, or more.
- Q Is that the first time you saw her after the war? A Yes, sir  
that was the first time I seen her, but then I heard of her being here  
often.
- Q That was the first time you saw her after the war? A Yes, sir.
- Q About 25 years ago on Big Creek? A Yes, sir.
- Mr. Davenport: You don't know what time she went out before the  
war, do you, or whether she was in the country when the war began?  
A Yes, sir, I saw her in the Nation time of the war, her mother  
and mine went to Texas together.
- Q I am talking about this applicant; was she in the Cherokee Nation  
at the breaking out of the war? A Yes, sir, I think she was.
- Q I want you to be positive? A I most know she was.
- Q You don't really know where she was at the breaking of the war?  
A I saw her at home at the breaking out of the war, where my  
father was.
- Q At whose place was she at the breaking out of the war? A At  
the time we were getting ready to leave, I seen Mary at Becks old  
place, in 7 or 8 miles of ~~xxxxxxxx~~ Hilderbrands' Mill.
- Q She at one time belonged to the Hilderbrand estate? A I don't  
know whose she belonged to only just the estate.
- Q Did you ever know a man named Ezekiel Beck? A Yes, sir.
- Q Don't you know now Zeke Beck sold her to a man named Albridge  
who took her to Grayson, County, Texas, long before the war broke out?  
A I don't know, sir, about that.
- Q You don't remember anything about that? A No, sir.
- Q Did you ever know a Joshua V. Elliot? A No, sir.

DEPARTMENT OF JUSTICE  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
JUL 13 1901

Mary Hudson - 2.

Q In order that you can remember, he married a sister of Susan Bates.  
A I have heard of them, but I don't know them.  
Q You don't remember anything about that? A No, sir.

\*\*\*\*\*

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

*Bruce G. Jones*

Sworn to and subscribed before me this the 26th of June, 1901.

*[Signature]*

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 20 1901

William Beeson - S.

The application of the said Mary H... will be made part of the record in the application of the... He will now be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting further consideration by the Commission. He will be notified by mail of the action of the Commission in the premises when... arrived at.

\*\*\*\*\*

Since C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I.T., June 19, 1901.

In the matter of the application of William Beeson for enrollment as a Cherokee Freedman.

William Beeson, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William Beeson.

Q What is your post office? A Centralia.

Q What district do you live in? A Cooweescoowee.

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

Q Who do you desire to enroll besides yourself? A I haven't got anyone but myself.

Q Is your name on the roll of 1880? A I don't know.

Q Is it on ~~the~~ any of the Cherokee rolls? A It is on the Wallace roll, yes, sir.

Q Where were you born? A I don't know, sir.

Q Where do you live now? A I live on Big Creek.

Q How old did you say you were? A I don't know sir, I don't know my age.

Q How old are you? A I don't know my age.

Q About how old? A I am between 20 and 30.

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

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

The Kern-Clifton roll examined and the applicant not identified thereon.

The Wallace roll examined, and the applicant identified thereon, page 117, No. 2454, Cooweescoowee district, as Wm. Beeson.

Q You say you don't know where you were born? A No, sir.

Q Where were you living when you can first recollect? A On Big Creek.

Q Cherokee Nation? A Yes, sir.

Q You lived there ever since? A Yes, sir.

Q Well, who do you claim your citizenship through? A My mother

Q What is your mother's name? A Mary Eaton.

Q Mary Hudson was enrolled a while ago? A Yes, sir.

Q You the son of Mary Hudson? A Yes, sir.

Q What was your father's name? A They say his name was John Beeson.

Mr. W.W.H. Hastings, Cherokee attorney: Where did your mother tell you you were born? A I don't know as she ever told me, if she did I don't recollect.

Q Nobody never told you where you were born? A No, sir, not as I know of, I don't recollect, I never did ask.

Q You never made any inquiry? A No, sir.

Commissioner: You knew you were living and it didn't make any difference where you were born? A Yes, sir, that is right.

Mr. Hastings: Where have you been living? A On Big Creek.

Q Ever been in Kansas? A No, sir.

Q Ever work up there? A No, sir.

Q Always stayed here? A Yes, sir.

Commissioner: William Beeson applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880, or the census roll of 1896 or the Kern-Clifton roll. He is identified upon the Wallace roll. He avers that he is the son of Mary Hudson, who has this day been listed for enrollment on doubtful card 2764, and the testimony in

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
JUN 25 1901

William Beason - 2.

the application of the said Mary Hudson will be made part of the record in the application of the applicant and a copy thereof will be filed herewith. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting farther consideration by the Commission. He will be notified by mail of the action of the Commission in the premises when arrived at.

\*\*\*\*\*

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

*Bruce C. Jones*

Sworn to and subscribed before me this the 25th of June, 1901.

*[Handwritten Signature]*

Commissioner.

*[Handwritten Signature]*

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COMMUNICATIONS SECTION  
U.S. DEPARTMENT OF JUSTICE  
WASHINGTON, D.C.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
NOWATA, I.T., JUNE 20th, 1901.

In the matter of the application of Jesse Beeson for the enrollment of himself, wife and four children as Cherokee Freedmen; said Beeson being sworn and examined by Commissioner T. P. Needles, testified as follows:

- Q What is your name? A Jesse Beeson.  
Q How old are you, Jesse? A 27.  
Q What is your post office? A Nowata.  
Q What district do you live in? A Coovees-coowee.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Who do you want to enroll besides yourself? A Mary Lowe.  
Q How old is she? A I don't know.  
Q Have you got any children? A Yes, sir.  
Q Do you want to enroll them? A Yes, sir.  
Q How many children have you? A Four.  
Q Give me their names? (Hands paper to Commissioner.)  
Q What is the oldest one, Sanford? A Yes, sir.  
Q How old is Sanford? A Seven years old I reckon.  
Q What is the next one, Clifton? A Yes, sir.  
Q How old is Clifton? A I don't know.  
Q About five years old; what is the name of the next one, Mercie?  
A Yes, sir.  
Q About four years old? A I guess so.  
Q The next one? A Christyann.  
Q She is two years old? A Going on three I believe.  
Q What is your father's name? A I don't know.  
Q What is your mother's name? A Mary Eaton.  
Q Is she living? A Yes, sir.  
BY MR. W. W. HASTINGS, Cherokee Representative:  
Q Named Mary Hudson now isn't she? A Yes, sir.  
BY COM'R NEEDLES:  
Q Is your name on the roll of 1880? A I don't know.  
Q What is your wife's father's name? A Jeff Rowe.  
Q Is he living? A Yes, sir.  
Q What is her mother's name? A I don't know her mother.  
Q Is your wife's name on the roll of 1880? A No, sir, I don't think.  
Q Is your wife's father been enrolled? A Yes, sir.  
Q Is Mary your first wife? A Yes, sir.  
Q Are you her first husband? A Yes, sir.  
Q Is Mary the mother of these children? A Yes, sir.  
Q Are they all living at this time? A Yes, sir.  
Q Where were you born? A Goingsnake District.  
Q Live there all your life? A No, sir.  
Q Where have you been living? A On Big Creek.  
Q Always lived in the Cherokee Nation? A Yes, sir.  
Q Where was your wife born? A I don't know.  
Q Has she always lived in the Cherokee Nation? A Ever since I knowed her.  
BY MR. HASTINGS:  
Q Where did you say you were born, Jess? A Goingsnake District.  
The 1880 Authenticated roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.  
BY COM'R NEEDLES:  
Q How long has your wife's mother been dead? A I don't know, sir.  
Q Did you ever see her? A Yes, sir.  
Q She has not been dead long has she? A I was a little bitty fellow.  
Q Has your wife's father here? A He was this morning, I guess he is yet.  
Q Did you draw any money from the Cherokee nation? A Yes, sir.



Jesse Beeson, et al.--2.

Q What money? A Wallace.

The Wallace roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 117, #2465, Jesse Beeson, Cooweescoowee District.

Q Did your wife, Mary ever draw? A Yes, sir.

Q What money did she draw? A This last money.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant's wife found thereon, page 130, #3245, Mary Rowe, Cooweescoowee District.

Q Did you draw for any of these children? A No, sir.

BY MR. HASTINGS:

Q What were your wife's brothers and sisters' names? A Grant, Viola and Leola.

COMMISSIONER: Jesse Beeson applies for the enrollment of himself, his wife, Mary, and four children, to-wit: Sanford, Clifton, Mercie and Christyann. His name cannot be identified upon the authenticated roll of 1880 or census roll of 1896 or the Kern-Clifton roll. He is identified upon the Wallace roll, and avers that he is a child of Mary Hudson who was listed for enrollment on Doubtful card #764, and the testimony taken in the matter of the application of Mary Hudson will be made a part of the record in the case at bar and a copy thereof will be filed herewith. He avers that his wife, Mary, is the child of Jess Rowe, who was listed for enrollment upon doubtful card #690, and the testimony taken in the matter of the application of Jess Rowe will be made a part of the record in the case at bar and a copy thereof filed herewith. He avers that as a result of said marriage he has four children, Sanford, Clifton, Mercie, and Christyann, whose names do not appear upon any of the rolls, consequently it will be necessary for him to file satisfactory proof of birth of said children. They make satisfactory proof as to residence, consequently Jesse Beeson and his wife, Mary Beeson, and his children as enumerated herein, will be listed for enrollment as Cherokee Freedmen. He will be notified by mail of the decision of the Commission in the premises.

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

*J. O. Reason*

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

*A. H. ...*

Commissioner



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
JUL 20 1901

*[Signature]*  
Acting Chairman

himself. He can be seen filed upon one of the rolls of

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
NOWATA, I.T., JULY 1st, 1901.

In the matter of the application of John Beeson for enrollment as a Cherokee Freedmen said Beeson being sworn and examined by Commissioner T. H. Needles, testified as follows:

- Q What is your name? A John Beeson.  
Q How old are you? A I am 32 years old.  
Q What is your post office address? A Hudson.  
Q What district do you live in? A Live in this district.  
Q Cooweescoowee district? A Yes, sir.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Is your name on any of the rolls of the Cherokee Nation?  
A I guess it is.  
Q What rolls? A Wallace Roll I guess.  
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.  
Q What is your father's name? A Father's name Beeson.  
Q Is that the only name he ever had? A Yes, sir.  
Q Is his name Bill, Jim, Dick or what? A Name is Bill.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Mother's name Mary.  
Q Is she living? A Yes, sir.  
Q Are they Cherokee Freedmen? A Yes, sir; my mother is.  
Q Do you claim your citizenship through your mother?  
A Yes, sir.  
Q Are you married? A No, sir, I have been married.  
Q Is that your wife that was her a while ago? A Yes, sir.  
Q You and her are not living ~~now~~ together? A No, sir.  
Q Have you any children? A No, sir.  
Q Where were you born? A I don't know, down about Fort Gibson somewhere.  
Q Have you lived in the Cherokee Nation all your life? A Yes, sir.  
Q Never lived out of it? A No, sir.  
Q Never lived in Kansas? A No, sir.  
Q Nor Arkansas? A No, sir.  
Q What have you been doing what kind of work? A Farming.  
Q Have you got a farm now? A No, sir, I haven't got one.

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

The Wallace Roll of freedmen of the Cherokee Nation examined and name of applicant found thereon, page 117, #2462, Jonathan Beeson, Cooweescoowee District

- Q Your mother's is Hudson now? A Yes, sir.  
Q How does her name happen to be Hudson? (No response.)  
BY MR. DAVENPORT: Cherokee Representative.  
Q You have been living in Kansas a while haven't you?  
A Yes, sir, I lived up where where I worked up there.  
Q How long did you work up there? A Sometimes two or three months.  
Q You lived sometimes about three years didn't you? A No, sir.  
Q Have you ever lived anywhere excepting while you were working in Kansas? A I lived anywhere where I ever worked.  
Q Where have you worked? A I have been here in the Cherokee Nation and when I wanted to I would go up on the line and work.  
Q How often have you wanted to? A I want when I got out of money I go up on the line and work.  
Q You lived up there quite a while before you married, how long was that? A Which do you mean, kept house and, sir, sometimes I would be up there working and of course I was living there.  
Q How long have you stayed up there, all told? A I would work up there sometimes may a week and sometimes may be two or three days and come home and sometimes a week.

John Beeson.--2.

- Q Never lived anywheres else? A No, sir.  
Q When you come home where did you come to? A Come down here in the Nation.  
Q To what place? A I lived up the Creek there.  
Q Who lived up there? A I had my mother living up there.  
Q How long did you stay in Texas that time you and your brother Will went down there? A I don't know anything about going to Texas.  
Q Didn't go with Will that time? A What Will?  
Q One that was over there about Ruby? A Yes, sir.  
Q Didn't you and he go to Texas and live a while? A No, sir.

VOLUNTARILY: John Beeson applies for the enrollment of himself. He cannot be identified upon any of the rolls of the Cherokee Nation except the Wallace roll. He avers that he has been married and is not now living with his wife.

- Q You married in the Cherokee Nation when you married?  
A Yes, sir.

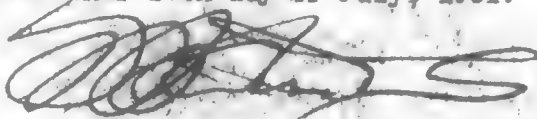
He avers that he is the son of Mary Hudson, who is listed for enrollment as a Cherokee Freedman upon doubtful card #864, and the testimony taken in the matter of the enrollment of Mary Hudson will be made part of the record in the case at bar and a copy thereof filed herewith. Said John Beeson will be listed for enrollment as a Cherokee Freedman upon a doubtful card. He has made satisfactory proof as to residence. He will be notified by mail of the action of the Commission.

---000.00---

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

*J.O. Rosson*

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



Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I. T., OCTOBER 23d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of MARY HUDSON as a Cherokee Freedman, introduced on part of the Cherokee Nation:

APPEARANCES:

Mr. A. S. McRea, Attorney for applicant;  
Mr. Davenport, of Counsel for Cherokee Nation.

ZEKE BECK, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A. Zeke Beck.

Q. Where do you live, Mr. Beck? A. I live at Long Prairie, Delaware district.

Q. What is your post office? A. Kansas, I. T.

Q. How old are you? A. I am in my 66th year.

Q. How long have you lived in the Cherokee Nation, Mr. Beck? A. All my life; that is, I was born in Georgia.

Q. And came here with the Cherokees, did you? A. Yes, sir.

Q. Do you know Mary Hudson, or who was formerly Mary Beeson, or Mary Eaton, the applicant in this case? A. I knew one Mary Eaton.

Q. When did you know her first? A. Well, now, I could not say, I have known her ever since I known anybody nearly.

Q. Well, to whom did she belong at the time you knew her?

A. She once belonged to my grandmother.

Q. Who was she? A. Susie Eaton.

Q. Well, who did she afterwards belong to? A. Ary Helterbrand.

Q. Where did Ary Helterbrand live? A. She lived in the Cherokee Nation.

Q. What became of the applicant, if you know, if she passed out of Ary Helterbrand's possession; just state what you know about it yourself? A. Well, Ary Helterbrand died and I administered on the estate and sold her out.

Q. What did you say? A. I said when Ary Helterbrand died in 1858 I sold her.

Q. To whom did you sell her? A. I sold her to a man by the name of Aldred.

Q. Where did Aldred live, Mr. Beck? A. He said he lived in Texas but what county I don't recollect.

Q. Do you know what his citizenship was, whether he was a citizen of the United States or Cherokee citizen? A. Well, I guess he was a citizen of the United States, I never knew him to live here in the Cherokee Nation.

Q. Well, do you know whether or not he took the applicant here, Mary, away from the Helterbrand place? A. Yes, he took her away from there.

Q. When did you next see her, if you have ever seen her?

A. I have never seen her since.

MR. McREA: I understand you to say, Mr. Beck, that the woman you knew was named Mary Eaton? A. Yes, sir.

Q. And she belonged to your aunt? A. Yes.

Q. Now, when was it that you sold her, or was she sold? A. Well, it was in the spring of '58.

Q. For how much did you sell her? A. I sold her for a thousand dollars.

Q. And you sold her to a man by the name of Aldred? A. Yes, sir.

Q. And you don't know what his citizenship was? A. He was a white man I guess, he claimed he lived in Texas.

- Q Now, did you know of your own knowledge he lived in Texas?  
A No, I didn't, only what he told me.
- Q Now, do you know of your own knowledge that the Mary Hudson that has applied for enrollment here before this commission is the same Mary that you sold in 1859? A I do not, I haven't seen her.
- Q Would you know that same girl that you sold in 1859 if you would see her? A I don't know whether I would or not, it has been a long time.
- Q Have you ever seen this Mary that you sold in 1859 in the Cherokee Nation since you sold her? A No, sir.
- Q And you are positive that this Mary that you sold to Mr. Aldred, that he carried her to the state of Texas? A He carried her off of my place.
- Q You don't know whether he carried her out of the Cherokee Nation or not? A No, sir.
- Q Or do you know whether he sold her to any citizen of the Cherokee Nation? A No, sir.
- COM'R NEEDLES: Did you know Susie Eaton? A Yes, sir.
- Q Who was she? A She was my grandmother.
- Q She was a Cherokee citizen? A Yes, sir.
- Q Did she own this girl? A Yes, sir.
- Q She was the woman whose estate you administered on? A No, sir, that was her daughter, Mary.
- MR. DAVENPORT: Did she have more than one girl named Mary?  
A No, sir.
- COM'R NEEDLES: You say you don't know what he did with her after you sold her? A No, sir.
- Q You don't know whether he resold her or not? A No, sir.

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

- MR. DAVENPORT: What is your name? A J. W. Alberty is the way I sign it.
- Q Where do you live, Mr. Alberty? A I live in goinganaka district.
- Q How old are you? A 67 years old.
- Q Did you ever know a colored woman, or girl, by the name of Mary Eaton? A Yes, sir.
- Q Did you ever know her by any other name, or you just knew her by Mary Eaton? A Yes, she was in the division of the property, she went to Mary Helterbrand.
- Q When was that, before or after the war? A Before the war.
- Q Well, do you know where she was at the breaking out of the war, Mr. Alberty? A Well, no, I could not say where she was at the breaking out of the war; she was not in our country or anywhere near about that.
- Q You spoke of a division or property what did you mean by division or property, division of what property is all I care for?  
A Of the darkey property.
- Q Of whose property? A Susie Eaton.
- Q And the daughter; she went to Mary Helterbrand? A Yes, sir.
- Q Well, have you ever seen Mary Eaton, or whatever her name might be, since the war? A Yes, sir.
- Q What was her name, if you know by that name she was known when you saw her after the war? A Mary Beason.
- Q Do you know whether she had a husband after the war? A Yes, sir.
- Q What was his name? A John Beason.
- Q Where did you first see her after the war? A The first I saw of her, I met Mr. Ellis--I had been in Texas and met him going and met him again coming back, and he hallowed and asked me if I knew that woman and he says she known you very well, and I went to the wagon and saw who it was.
- Q Who was it? A Mary Eaton, of Mary Helterbrand he called her

before she was married to a man by the name of Beeson, and he brought her up to our neighborhood and lived there three or four years.

Q That is the Beeson family or Mr. Ellis? A No, the Beeson family.

Q Did they have any children? A I think they had one or two, I don't recollect.

Q Now, when was that as near as you can tell, that you met Mr. Ellis? A It was in '72.

Q What was Mr. Ellis' first name? A J. W. Ellis.

Q Do you know his given name? A Josh Ellis.

R. McKEE: Mr. Alberty, when was it you say you first became acquainted with Mary Hudson? A Well, I don't know her by that name at all.

Q Mary Eaton? A Mary Eaton; well in, I first became acquainted with her, it must have been about 1847 or '8; '41 or '2, when I was just a boy, she was raised in the neighborhood right where I was and I was raised in the neighborhood right where she was.

Q Was she a grown woman in 1847? A No, sir, she wasn't near grown when I first knew her.

Q Did I understand you to say that you knew of her having been sold before the war? A No, sir.

Q That did you say became of her during the war? A Well, she was in the division of what I call the property, she went to Ary Helterbrand; she was willed from Susie Eaton to Ary Helterbrand.

Q Willed from Susie Eaton to Ary Helterbrand? A Yes, sir, Susie Eaton was Ary Helterbrand's daughter.

Q What was Susie Eaton's citizenship? A She was a Cherokee.

Q Was Ary Helterbrand a Cherokee? A Yes, sir.

Q Well, do you know what became of her after she went out of the hands of Ary Helterbrand? A No, sir, only what I heard.

Q When did the division of the estate? A Well, sir, it was in about '56.

Q How long after the division of the estate did Mrs. Sarah Helterbrand die? A Well, short time, it wasn't very long.

Q About the same year? A No, sir, only a short time, it was in '57 I guess.

Q Well, do you know who was the administrator of the estate, after her death? A Yes, sir.

Q Who? A Zeke Beck.

Q Well, was Mary, the applicant, still the property of the estate of Mrs. Helterbrand then, when Mr. Beck became administrator of the estate? A Yes, sir, I saw the advertisement, he made an advertisement to make a division of the estate.

Q After Mr. Beck became administrator of the estate you don't know what became of Mary? A No, sir, I saw he had her advertised for sale.

Q You don't know whether any sale took place? A No, sir, I guess there did, I never saw her any more.

Q That is your knowledge of it? A Yes, sir.

Q Now, where was it you first saw her after that in 1872?

A Well, you want me to tell the particular place?

Q Yes, sir. A Well, I met them on the road, on what is called the wort Gibson road, down below my house about six or eight miles and he was coming in from Texas and he was very familiar and he hollowed to know if I knew those people.

Q Now, do you know where Mary Eaton was in 1866? A No.

Q Do you know where she was in 1877? A Yes.

Q Where? A She was right there in Goingsnake district in 1872.

Q Now, first ask you in 1867, do you know where she was?

A No, I don't know.

Q Did you know where she was in 1868? A No, sir.

Q Well, have you seen her in the Cherokee Nation since 1872?

A Yes, I saw her right there, she has lived right there about three, four or five years after I first saw her, lived right there neighbor to me.

Q Mr. Alberty, have you ever been arrested for anything? A Yes, sir,



J. W. ELLIS, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

II. DAVENPORT: What is your name? A J. W. Ellis.

Q Where do you live, Mr. Ellis? A I live out here about ten miles on the Coffeville road.

Q What is your post office? A Vinita.

Q How old are you? A I am 77 years old.

Q Where were you living at the breaking out of the Civil war, Mr. Ellis? A I was living in Missouri.

Q Did you go south during the war? A Yes, sir.

Q To what state did you go? A I went into Wood County.

Q What state? A Texas.

Q How long did you reside in Texas after the war, Mr. Ellis?

A Well, let me see, I came back to Fayetteville, Arkansas, in '68, I think, sir, as well as I recollect.

Q Did you ever return to Texas after that time? A Yes, sir, several times. Q While you were in Texas or back and forth to Arkansas and Texas did you get acquainted with a colored family by the name of Beeson? A I did, sir.

Q Do you remember the husband's name? A John Beeson.

Q What was his wife's name? A I think he called her Mary as well as I recollect.

Q Where were they living when you first got acquainted with them, Mr. Ellis? A When I first got acquainted with John Beeson he was at the salt works in Texas, but his wife I never got acquainted with her until 1871 or '2, when I returned from Texas and I met John and he had this woman with him and he wanted me to bring her back to Arkansas.

Q Where did you meet them? A That was there in Hunt County, or Wood county.

Q Was his wife with him when you met him? A Yes, sir.

Q Now, where was the salt works that you speak of having known John prior to knowing his wife; what State or County? A It was in Texas.

Q About when did you first know John? A That was the first I knowed of him was in about '52, I made salt with him, I employed him to make salt.

Q When did you leave or move away from there, from where John was working? A I moved away from there in '68, about that time and went back with a load of fruit trees and found John on the road and he asked me to take him back, I knowed him very well and knowed his master.

Q Who was his master? A His name was Beeson.

Q Where did he live? A He lived in Missouri.

Q Do you know whether or not he lived in Missouri at the breaking out of the war? A Yes, sir.

Q Now, you met John and his wife down there, did they come back with you then? A They ~~was~~ came back with me then to Goingnake district.

Q That was in what year? A I think it was in '71 or '2.

Q Well, have you ever seen them since you brought them back?

A I have seen John often but I never have seen her.

Q Do you remember any of the children's names at that time, or has it been so long you have forgotten? A No, sir, I don't remember.

MR. MORRIS: Now, Mr. Ellis, you know a man down in Texas by the name of John Beeson? A Yes, sir.

Q And he had a wife by the name of Mary? A She seemed to be by the name of Mary, I seem them.

Q Now, is this Mary Eaton who made application for enrollment before this commission the same Mary that this John was the husband of that you knew in Texas? A I would not tell you for I hadn't seen her since, I don't know that I would know her if I would see her.

Q And you don't know to whom this Mary belonged before the war, do you? A No, sir, I don't.

Q You don't know where she was during the war, do you?

A No, sir.

Q You don't know of your own knowledge whether she ever went out of the Cherokee nation during the rebellion between the north and south, do you? A No, sir, I don't know anything about the applicant; I know that John Beeson-

Q I am not speaking about John Beeson; you don't know whether or not if she went out of the Cherokee Nation, whether or not she returned in the year 1866, do you? A No, sir, I don't know about that.

Q And that Mary that was the wife of this man, John Beeson, you don't know whether she is dead or alive do you? A No, sir.

MR. DAVENPORT: I wanted to ask you, Mr. Ellis, do you know Mr. Jack Alberty? A Yes, sir.

Q I will ask you if you remember at any time along the trips you were making there going to Texas or from Texas about the time these people came with you, of meeting him anywhere? A Yes, sir, I met Mr. Alberty as I was coming back from Texas and he asked me and I stopped to talk with him, and I asked him if he knew these negroes and he said he didn't know whether he did or not, and he went up to the wagon and said that was the negro woman that belonged to Eaton.

Q He recognized her as being the woman that belonged to Mary Eaton? A Yes, sir.

MR. McNEA: That was the Mary that was with you?

A Yes, sir.

Q You don't know whether that was the Mary or not that came back to the Cherokee nation and stopped down here about Roggy Depot?

A No, sir, I don't know anything about the Roggy Depot.

Com'r Needles: This testimony will be made part of the record in the original case and also part of the record in doubtful cases #766, #783, and #972.

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

*J. O. Rosson*

Subscribed and sworn to before me this November 11th, 1901.

*[Signature]*

Commissioner.



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

*Jae*  
*B*

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

Mary Hudson-----Cherokee Freedmen D 764,  
William Beeson-----Cherokee Freedmen D 766,  
Jesse Beeson et al.,-----Cherokee Freedmen D 783,  
John Beeson-----Cherokee Freedmen D 972.

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 Mary Hudson, for herself; by William Beeson, for himself; by Jesse Beeson, for himself, his wife, Mary Beeson, and minor children, Sanford, Clifton, Mercy and Christyann Beeson; and by John Beeson, for himself.

The evidence shows that the applicant, Mary Hudson, formerly Beeson, was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the commencement of the rebellion, and that she was not residing in the Cherokee Nation on July 19, 1866, nor at any time within six months thereafter.

The evidence further shows that the applicants, William, Jesse and John Beeson, have been born since 1866 and are descendants of and claim right to enrollment through the said Mary Hudson.

The evidence further shows that the applicant, Mary Beeson, nee Rowe, has been born since 1866 and is a descendant of and claims right to enrollment through one Jef Rowe; that the said Jef Rowe was the slave of a Cherokee citizen at the commencement of the rebellion; that, during said rebellion, he was taken out of the Cherokee Nation but returned thereto and established his residence in 1866.

The evidence further shows that the said minor applicants, Sanford, Clifton, Mercy and Christyann Beeson, are the minor children of the said Mary Beeson, by her husband, Jesse Beeson; that the said Mary Beeson was residing in the Cherokee Nation on and for sometime prior to June 28, 1898, and that said minor children have resided with their said mother since birth.

The names of the said Mary Hudson, William Beeson, Jesse Beeson and John Beeson are not found on the 1860 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Mary Hudson, William Beeson, Jesse Beeson and John Beeson, 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 further the opinion of this Commission that the said Mary Beeson, Sanford Beeson, Clifton Beeson, Mercy Beeson and Christyann Beeson should be enrolled as Cherokee Freedmen, in accordance with the provisions of said Section Twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

this JUL 22 1903

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

-000-

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

Jesse Reeson, Cherokee Freedmen D-783  
John Reeson, Cherokee Freedmen D-972

---: D E C I S I O N :---

It appears from the records of the Commission that on July 22, 1903, the Commission rendered its decision in the consolidated case of Mary Hudson, et al., Cherokee Freedmen D-764, wherein the applications for enrollment as Cherokee Freedmen of Jesse Reeson and John Reeson were denied. Thereafter the Department in its letter of April 28, 1904, (I.T.D. 2400-1904), affirmed the decision of the Commission relative to the applications of all the other applicants in the said consolidated case, and as to the rights of Jesse Reeson and John Reeson, as Cherokee Freedmen, no action was taken by the Department. The Department further stated that inasmuch as the Commission had not passed upon the rights of Jesse Reeson and John Reeson, as citizens by intermarriage of the Cherokee Nation, the case was remanded in order that proper action might be taken in the premises. As the Commission has heretofore passed upon the rights of Jesse Reeson and John Reeson, as Cherokee Freedmen, and the Department has taken no action therein, their rights as such will not be considered in this decision.

The record in said case shows that Jesse Reeson and John Reeson both married Cherokee Freedmen citizens.

It does not appear that either of said applicants herein are identified upon the 1860 Authenticated Cherokee Roll, nor does it appear that they have ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 321).

It is therefore the opinion of this Commission that following the ruling of the Department in the case of Lemuel Walcott, (I.T.D. 5248-1904, 11776-1904), Jesse Reeson and John Reeson are not entitled to be enrolled as citizens by intermarriage of the Cherokee Nation, and that their applications for enrollment as such should be denied under the provisions of the Act of Congress approved June 28, 1896, (30 Stat., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tame Bixby.

Chairman.

(SIGNED) I. B. Needles.

Commissioner.

(SIGNED) C. R. Breckinridge.

Assistant.

Wahbege, Indian Territory,

APR 10 1905

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

-00-

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

Jesse Beeson, Cherokee Freedmen D-783  
John Beeson, Cherokee Freedmen D-972

---: D E C I S I O N :---

It appears from the records of the Commission that on July 22, 1903, the Commission rendered its decision in the consolidated case of Mary Hudson, et al., Cherokee Freedmen D-764, wherein the applications for enrollment as Cherokee Freedmen of Jesse Beeson and John Beeson were denied. Thereafter the Department in its letter of April 28, 1904, (I.T.D. 2400-1904), affirmed the decision of the Commission relative to the applications of all the other applicants in the said consolidated case, and as to the rights of Jesse Beeson and John Beeson, as Cherokee Freedmen, no action was taken by the Department. The Department further stated that inasmuch as the Commission had not passed upon the rights of Jesse Beeson and John Beeson, as citizens by intermarriage of the Cherokee Nation, the case was remanded in order that proper action might be taken in the premises. As the Commission has heretofore passed upon the rights of Jesse Beeson and John Beeson, as Cherokee Freedmen, and the Department has taken no action therein, their rights as such will not be considered in this decision.

The record in said case shows that Jesse Beeson and John Beeson both married Cherokee Freedmen citizens.

It does not appear that either of said applicants herein are identified upon the 1850 Authenticated Cherokee Roll, nor does it appear that they have 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., 381).

It is therefore the opinion of this Commission that following the ruling of the Department in the case of Lemuel Welcome, (I.T.D. 6048-1904, 11772-1904), Jesse Beeson and John Beeson are not entitled to be enrolled as citizens by intermarriage of the Cherokee Nation, and that their applications for enrollment as such should be denied under the provisions of the Act of Congress approved June 22, 1896, (30 Stats., 493), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED: Jame Bixby  
Chairman

SIGNED: E. B. Needles  
Commissioner

SIGNED: C. B. Breckinridge  
Commissioner

Headquarters, Indian Territory,

APR 17 1905

COPY  
Cherokee F.D-764  
763-763-972

Muskogee, Indian Territory, July 27, 1903.

W. W. Hastings,

Attorney for the Cherokee Indians

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 22, 1903, rejecting the application for the enrollment of Mary Hudson and William, Jesse and John Beeson, and granting the application for the enrollment of Mary, Sanford, Clifton, Mercy and Christyann Beeson as Cherokee freedmen.

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

Respectfully,

Enc. D-97

Commissioner in Charge.

COPY.

Cherokee Freedman  
D978

Muskogee, Indian Territory, August 24, 1903

John Beeson,

Hudson, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated July 22, 1903, rejecting, among others, your said application.

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

Respectfully,

*T. B. Needles.*

Register

Aug. 24-03

Commissioner in Charge.

Refer in reply to  
the following:  
LAND.  
52265/1903.

COPY.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington.

March 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated August 24, 1903, transmitting the record relative to the application of Mary Hudson, et al. for enrollment as citizens of the Cherokee Nation.

Mary Hudson applied for the enrollment of herself, William Beeson applied for his enrollment and Jesse Beeson applied for the enrollment of himself, his wife, Mary Beeson, and their children, Sanford, Clifton, Mary and Christyann Beeson, and John Beeson applied for the enrollment of himself.

Mary Hudson, the record shows, was the slave of Susie Eaton at the commencement of the war. She left the Cherokee Nation during the war and did not return and permanently locate therein until about 1871. William, Jesse and John Beeson are descendants of Mary Hudson and claim right to enrollment through her. They were all born since 1866.

Mary Beeson, nee Rowe, wife of Jesse Beeson, was born since 1866 and is a descendant of Jeff Rowe. Jeff Rowe was the slave of a citizen of the Cherokee Nation at the commencement of the war. He



was taken out of the Nation during the war, but returned in 1866 and established his residence there.

Sanford, Clifton, Marey and Christyann Beeson are the minor children of Jesse Beeson and Mary Beeson. Mary Hudson, William Beeson, Jess Beeson and John Beeson are not identified by the 1880 roll.

On July 22, 1903, the Commission held that Mary Hudson, William Beeson, Jess Beeson and John Beeson were not entitled to enrollment as Cherokee Freedmen, not having complied with the provisions of the treaty and that Mary Beeson, wife of Jesse Beeson and their children, Sanford, Clifton, Marey (or Meroy) and Christyann Beeson, were entitled to enrollment by reason of the fact that Jeff Rowe, ancestor from whom they claim, complied with the requirements of the treaty of 1866.

An examination of the record shows the facts to be as found by the Commission and the approval of their decision is recommended.

Very respectfully,

(Signed) A. C. Tenner,

Acting Commissioner.

GAW-H



D C 14115-1904.

COPY.

J.P.

ITD 2400-1904.

DEPARTMENT OF THE INTERIOR,

CHIEF

L.R.S.

WASHINGTON.

April 28, 1904.

The Commission

to the Five Civilized Tribes.

Gentlemen:

March 17, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the application for enroll of Mary Hudson, William Beeson, Jesse Beeson, John Beeson, Mary Beeson, Sanford Beeson, Clifton Beeson, Mercy Beeson, and Christyann Beeson, as Cherokee Freedmen, and recommended that your decision of July 22, 1903, rejecting the applications of Mary Hudson, William Beeson, Jesse Beeson and John Beeson, and allowing the applications of Mary Beeson, Sanford Beeson, Clifton Beeson, Mercie Beeson, and Christyann Beeson, be concurred in.

The Department affirms your decision except as to Jesse and John Beeson, and as to them, as you have not passed upon the question of their rights by intermarriage, the case is remanded in order that proper action may be taken.

Your attention is called to the opinion of the Assistant Attorney General of March 22, 1904, upon questions presented by counsel for the Cherokee Nation, in which it is stated:-

\*The third question is not properly presented on the records before me. In the case of Henry C. Hayden this question is attempted

to be presented, but it was not the controlling question and may even be an immaterial one. It was found by the Commission that his wife, Maria Hayden, was not entitled to enrollment, and this judgment was concurred in by the Indian Office. That decision was affirmed by the Department November 28, 1902, without discussion of the question of intermarriage. The question is an important one, affecting many persons, and manifestly ought not to be considered by me upon a presentation alone by argument of counsel opposed to the applicant. I therefore deem it not proper at this time, and, as here presented, to form or express an opinion upon the question.

See also copy of Acting Commissioner of Indian Affairs' letter of September 30, 1902, in the Hayden case.

It is requested that at an early day, either in this case or some similar case, the question whether the applicant is entitled to enrollment as a Cherokee freedman by intermarriage be presented to the Department, with your views in the matter. The applicants and the Nation should be given an opportunity to file any arguments they may desire.

The testimony and papers attached in the case of Mary Hudson et al., are inclosed herewith, together with a copy of Indian Office letter of March 17, 1904.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

2 inclosures.

COPY.

Cherokee Freedmen  
D-972.

Muskogee, Indian Territory, April 19, 1905.

John Beeson,

Hudson, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 12, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

SIGNED, *Tams Birby*  
Chairman

Incl. 8-19  
Register

COPY.

Cherokee Freedmen  
D-783-972.

Muskogee, Indian Territory, April 19, 1905.

Pell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 19, 1905, rejecting the applications for the enrollment of Jesse and John Beeson as Cherokee citizens by intermarriage.

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

Respectfully,

SIGNED: *Tarne Bixby*  
Chairman.

Incl. B-21

COPY.

Cherokee Freedmen  
D-788-972.

Muskogee, Indian Territory, April 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Jesse Beeson, et al., including the Commission's decision dated April 19, 1905, rejecting the application for the enrollment of Jesse and John Beeson as Cherokee citizens by intermarriage.

Respectfully,

(SIGNED) *James Dixby*  
Chairman.

Incl. 8-22

Through the

Commissioner of Indian Affairs.

CHLOE FREEDMAN 20783.

20

*IN RE*

Application for Enrollment of

INFANT CHILD

Sanford Berson

citizen of

Nation

JUN 29 1901

Approved

190

*[Signature]*  
Commissioner

ON 10/10/1901

FILED

JUN 29 1901

*[Signature]*

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,  
of Sanford Beeson, born on the 9 day of April, 1894  
(Here insert name of child)  
Name of Father: Jesse Beeson, a citizen of the Cherokee Nation.  
Name of Mother: Mary Beeson, a citizen of the Cherokee Nation.  
Post-office, Nowata T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.

Notata INDIAN TERRITORY, }  
District. }

I, Mary Beeson, on oath state that I am 23  
years of age and a citizen, by adoption, of the Cherokee Nation;  
that I am the lawful wife of Jesse Beeson, who is a citizen, by  
adoption, of the Cherokee Nation, that a male child was  
(male or female)  
born to me on the 9<sup>th</sup> day of April, 1894, that said child has been  
named Sanford Beeson, and is now living.

WITNESSES TO MARK

(Must be Two  
Witnesses)

Richard Towers  
Kissy Ross

Mary Beeson  
mark

Subscribed and sworn to before me this 24<sup>th</sup> day of June, 1901.

J. P. Bludae  
NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA.

Notata INDIAN TERRITORY, }  
District. }

I, Mary Beeson, a midwife, on oath state that I  
attended on Mrs. Mary Beeson, wife of Jesse Beeson,  
on the 9 day of April, 1894, that there was born to her on  
said date a male child; that said child is now living and is said to have been  
named Sanford Beeson.  
(male or female)

WITNESSES TO MARK:

(Must be Two  
Witnesses)

Hipponia H. Blair  
Clayd Blair

Mary Beeson  
mark

Subscribed and sworn to before me this 28 day of June, 1901.

J. P. Bludae  
NOTARY PUBLIC.

CHEROKEE FRIEDMAN

0783

20

*IN RE*

Application for Enrollment of

INFANT CHILD

*Clifton Beeson*

as a citizen of

Nation

JUN 29 1901

190

*[Signature]*  
Commissioner

SECTION TO THE FIVE CIVILIZED TRIBES

FILED

JUN 29 1901

*[Signature]*



DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Cherokee* Nation,  
of *Clifton Buson*, born on the *15* day of *July*, 1896  
(insert name of child)  
Name of Father: *Jesse Buson*, a citizen of the *Cherokee* Nation.  
Name of Mother: *Mary Buson*, a citizen of the *Cherokee* Nation.  
Post-office, *Nowata I.T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

*North* INDIAN TERRITORY, District.

I, *Mary Buson*, on oath state that I am *23*  
years of age and a citizen, by *adoption*, of the *Cherokee* Nation;  
that I am the lawful wife of *Jesse Buson*, who is a citizen, by  
*adoption*, of the *Cherokee* Nation, that a *male* child was  
(male or female)  
born to me on the *15<sup>th</sup>* day of *July*, 1896 that said child has been  
named *Clifton Buson*, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

*Richard Towers*  
*Kissy Ross*

*Mary Buson*  
*mark*

Subscribed and sworn to before me this *29* day of *June*, 1901.

*J.P. Blodson*  
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

*North* INDIAN TERRITORY, District.

I, *Nancy Ross*, a *midwife* on oath state that I  
attended on Mrs. *Mary Buson*, wife of *Jesse Buson*,  
on the *15<sup>th</sup>* day of *July*, 1896 that there was born to her on  
said date a *male* child; that said child is now living and is said to have been  
(male or female)  
named *Clifton Buson*.

WITNESSES TO MARK:

(Must be Two Witnesses)

*Richard Towers*  
*Kissy Ross*

*Nancy Ross*  
*mark*

Subscribed and sworn to before me this *29* day of *June*, 1901.

*J.P. Blodson*  
NOTARY PUBLIC

THE JAMES FREEDMAN

0783

N

20

IN RE

Application for Enrollment of

INFANT CHILD

to *Luistyanie Benson*  
a citizen of

Nation

Approved JUN 29 1901 190

*[Signature]*  
Commissioner

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
JUN 29 1901

*[Signature]*  
ACTING CHAIRMAN

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

I, *RE* Application for Enrollment, as a citizen of the *Le Senne* Nation,  
of *Christy Anne Beeson* born on the *5* day of *July*, 18*99*  
Here insert name of child  
Name of Father: *Jesse Beeson*, a citizen of the *Le Senne* Nation.  
Name of Mother: *Mary Beeson*, a citizen of the *Le Senne* Nation.  
Post-office, *Nowata I.T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
*Nowata* INDIAN TERRITORY,  
District.

I, *Mary Beeson*, on oath state that I am *23*  
years of age and a citizen, by *adoption*, of the *Cherokee* Nation;  
that I am the lawful wife of *Jesse Beeson*, who is a citizen, by  
*adoption*, of the *Cherokee* Nation, that a *Female* child was  
(male or female)  
born to me on the *6<sup>th</sup>* day of *Aug.* 18*99* that said child has been  
named *Christy Anne Beeson*, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses) *Richard Towers* *Mary Beeson*  
*Kissy Ross* *mark*

Subscribed and sworn to before me this *29<sup>th</sup>* day of *June* 190*1*.  
*J. P. Blidsoe*  
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
*Nowata* INDIAN TERRITORY,  
District.

I, *W. H. Blair*, on oath state that I  
attended on Mrs. *Mary Beeson*, wife of *Jesse Beeson*,  
on the *6<sup>th</sup>* day of *July*, 18*99*; 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 *Christy Anne Beeson*.

WITNESSES TO MARK:

(Must be Two Witnesses) *H. M. Blair*  
*Lloyd Blair*

Subscribed and sworn to before me this *28<sup>th</sup>* day of *June* 190*1*.  
*J. H. Blair*  
NOTARY PUBLIC

CHEROKEE FREEDMAN 2783

20

*IN RE*

Application for Enrollment of  
INFANT CHILD

Mary Beeson  
- citizen of

Nation

Approved JUN 29 1901 1901

*[Signature]*  
Commissioner

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
JUN 29 1901

*[Signature]*  
A. T. C. H. P. W. G.

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,  
of Mercy Burson, born on the 14 day of Oct, 1897.  
Here insert name of child  
Name of Father: Jesse Burson, a citizen of the Cherokee Nation.  
Name of Mother: Mary Burson, a citizen of the Cherokee Nation.  
Post-office, Nowata I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
North ~~INDIAN~~ TERRITORY,  
District.

I, Mary Burson, on oath state that I am 23  
years of age and a citizen, by adoption, of the Cherokee Nation;  
that I am the lawful wife of Jesse Burson, who is a citizen, by  
adoption, of the Cherokee Nation, that a Female child was  
(male or female)  
born to me on the 14<sup>th</sup> day of Oct, 1897 that said child has been  
named Mercy Burson, and is now living.

WITNESSES TO MARK

(Must be Two  
Witnesses)

Richard Towers  
Hissy Ross

Mary Burson  
mark

Subscribed and sworn to before me this 29<sup>th</sup> day of June 1901.  
J. W. Blundie  
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
District.

I, [Signature], on oath state that I  
attended on Mrs. [Signature], wife of [Signature],  
on the 14 day of Oct, 1897; 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 Mercy Burson.

WITNESSES TO MARK:

(Must be Two  
Witnesses)

Dinosa J. Blair  
Alloyd Blair

[Signature]  
mark

Subscribed and sworn to before me this 28 day of June 1901.  
J. W. Blundie

# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT

ss

In the matter of the application of

*Beason*

*John*

for enrollment as a Cherokee Freedman.

No. F. D. *972*

*Henry Pack*

of lawful age, being duly sworn on oath states that on the *21st* day of *September*, A. D., 1901, he registered

to *John Beason* whose postoffice is *Hudson*

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 *1st* day of *October*, 1901, he received the return card which is hereto attached, signed by the said *John Beason*, showing that he had received said notice.

*Henry Pack*

Subscribed and sworn to before me on this *1st* day of *October* A. D. 1901.

*J. O. Starr*

Notary Public.

68972

PAID  
COMMISSION TO THE UNITED STATES  
**FILED**  
2 1901

*[Handwritten signature]*

## NOTICE!

IN THE MATTER OF the application of ..... John Benson.  
for enrollment as Cherokee Freedmen:  
Case No. F. D 872

To John Benson ..... Indian ..... I. S.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of ..... Ynita ..... Indian Territory, on Oct. 24th 1901 ..... or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

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

L. B. Bell

M. N. Hastings  
J. S. Dawkins  
Attorneys for the Cherokee Nation.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

JUL 1 1901



MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *7/11/31*  
Post Office *Hudson St*  
District *200*

1. Name *John Eason* Age *20*  
Owner's name *Wallace* Citizenship *200*  
Year *117* Page *24* No. *2* District *200*

Parents:  
Father *John Eason* - *own* Citizenship  
Mother *Mary Eason* - *own* Citizenship

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

Parents:  
Father  
Mother  
Citizenship  
Citizenship

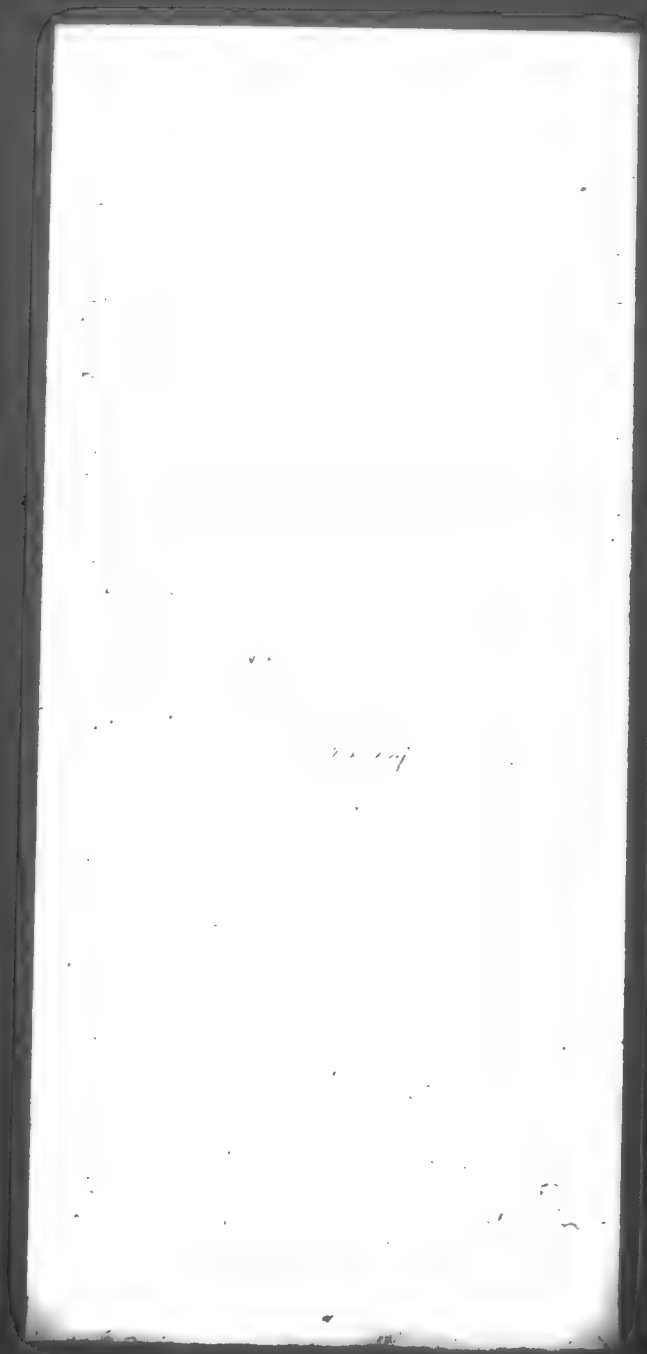
Names of Children:

~~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 *M. Eason* Monographer *J. C. Eason*

*Car Wallace, Johnathan Eason*

*Ref. D, 764*



# **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 Beason,  
Hudson, I. T.  
Cherokee F-D-972  
Register.

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

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

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

Mr. Jesse Beeson,

Mowata, I. T.

Cherokee 2-1-783

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

55265

25876

CHEROKEE  
CHEROKEE CASE

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

IN THE MATTER OF THE  
APPLICATION FOR ENROLLMENT

OF

*Mary Hudson*  
*William Beeson*  
*Glenn* " *etal*  
*John*

*2400*

*As* citizen of the Cherokee Nation

Muskogee, I. T., 190\_\_

Respectfully forwarded to the Secretary of the Interior  
for review.

Acting Chairman

*Em D. Holt*

Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

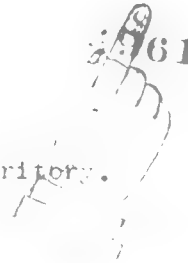
Reg No 69/70



NOV 1902  
IND

Mr. Jesse Beason,

Nowata, Indian Territory.





Cher Fr R 1038

Trans. from Cher Fr D976

Cher Fr R 1038

COMMISSIONER OF THE FIRE CIVILIZED  
JUL 20 1901

RECEIVED  
JUL 20 1901  
U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

TO THE SECRETARY OF THE INTERIOR  
WASHINGTON, D.C.

DEPARTMENT OF THE INTERIOR,  
COMMISSION ON TO THE FIVE CIVILIZED TRIBES,  
NOWATA, I.T., JULY 1st, 1901.

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

Q Which is x APPEARANCES:

Mr. L. T. Brown, Agent for Applicant.  
Mr. J. S. Davenport, for Cher. Nation.

Q What is your name? A Josiah Mayes .

Q How old are you? A 44

Q What is your post office address? A Centralia.

Q What district do you live in? A Cooweescoowee.

Q Do you apply to be enrolled as a Cherokee Freedman?

A Yes, sir.

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

BY MR. BROWN:

Q Where were you born, Mr. Mayes? A I was born in Going Snake District.

Q Do you know to whom you belonged at the beginning of the war?

A Yes, sir .

Q What was your father's name? A Johnson Whitmire.

Q Was Johnson Whitmire a Cherokee citizen? A Yes, sir.

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

Q When did you return? A Come back in '66.

Q Where have you lived since you returned to the Cherokee Nation in 1866? A Yes, sir.

Q Have you ever voted in the Cherokee Nation? A Yes, sir.

Q Own a farm or improvements upon the public domain of the Cherokee Nation? A Yes, sir.

Q You say you have lived here ever since you returned in 1866?

A Yes, sir.

BY COM'R NEEDLES:

Q Is your name on any of the rolls of the Cherokee Nation?

A Yes, sir, on the Clifton roll and Wallace roll.

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

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 137, #3418, Josiah Mays, Cooweescoowee.

APPLICANT: I think you will find it signed J. S. Mayes probably on the Wallace roll.

BY MR. DAVENPORT:

Q Josiah, where did you go during the war? A Kansas.

Q What part of Kansas? A Fort Scott.

Q How long did you stay there? A I don't know exactly how long I stayed there.

Q Well, when you returned to the Cherokee Nation when did you come with? A I come back with my father.

Q and mother? A No, my mother didn't come down that trip; my father brought me down and one of my sisters, when we come to locate and left us here.

Q Where did he leave you? A He left us on Big Creek with my brother.

Q What time of the year was it you came? A It was along in kinda cold weather.

Q When you came on Big Creek who was living there?

A My Webbers and ganders.

Q Was Webber? A Yes, sir.

Q Lewis Whitmire? A Yes, sir.

Q Was Harry still there? A Yes, sir .

Q Did they have any houses built at that time? A No, I didn't see any houses .

Josi ah Hayes.--2.

- Q Where were they living? A They was living there on Big Creek.
- Q What were you living living in? A Camps where we went to.
- Q Was it before or after Christmas you got there?
- A I don't recollect whether it wa after Christmas or before.
- Q You don't remember anything about that? A No, sir.
- Q When was the first time you saw Harry Still after you got down there? A I hadn't been there but a little while.
- Q When was the first time you saw Sam Webber? A Right away after I got down here.
- Q Did you know sam webber up in Kansas? A Yes, sir.
- Q How long did you stay down before you went back to where your mother was in Kansas? A I never went back at all.
- Q You never have went back? A No, sir.
- Q Never lived in Kansas? A No, sir, I have been there since.
- Q Have you ever lived in Arkansas? A No, sir.
- Q Texas? A No, sir.
- Q Where were you living when the Wallace roll was made?
- A There in the Cherokee nation, on Big Creek.
- Q When was that? A That was in, I believe it was in '89.
- Q Well, where were you living when the Kern-Clifton roll was made?
- A Right there on Big Creek.
- Q Where were you living when the 1880 roll was made?
- A On Big Creek.
- Q Are your father and mother on any of the rolls? A My father is on the Wallace roll and my mother is on the Kern- roll.
- Q When did your mother come back? A She come back in '67 along in the winter of '67.
- Q The winter of '67? A Yes, sir.
- Q Did yo7 r father go back and move her down? A Yes, sir.
- Q That was in '67? A Yes, sir.
- Q How long after you claim to have come first was it your father moved your mother down? A I don't know just how long it w s.
- Q Well, six months or a year? A No, it wasn't that long.
- Q Two or three months? A Yes, sir, somewhere along there.
- Q Your father came first to prospect? A Yes, sir, got him some logs and took him a claim.
- Q That was after the ~~Webbers~~ Webbers had come? A Yes, sir, they had been down here.
- Q They had moved their family down here? A When father come down?
- Q Yes. A I don't know whether they had moved their families down or not.
- Q Was their family down here on the Creek when you moved down here? A Yes, sir.
- Q Was Sam Webber's with him? A Yes, sir.
- Q Harry Still's family were they with him?
- A No, he didn't have any family.
- Q His mother wasn't there? A No, he didn't have any family.
- Q Where were you married? A I was married over here about Bluejacket.

Remainder of Application taken by Stenographer Bruce C. Jones.

---0000000000---

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

Subscribed and sworn to before me this July 18th, 1901.

  
Commissioner

Josiah Mayes

July 1, 1901. Continued from testimony taken by Stenographer  
J. O. Rosson.

\*\*\*\*\*

Harry Still, being duly sworn by Commissioner Needles, testified as follows:

L. T. Brown: State your name? A Harry Still.

Q Age? A 54.

Q Postoffice address? A Hayden.

Q Recognized citizen of the Cherokee Nation? A Yes, sir.

Q Know the applicant, Josiah Mayes? A Knewed him all his life, yes, sir.

Q To whom did he belong at the commencement of the Civil War?

A Johnson Whitmire.

Q Johnson Whitmire a citizen of the Cherokee Nation? A Yes, sir, a brother of my master, Johnson Whitmire.

Q Know whether or not Josiah Mayes went out of the country during the war? A Yes, sir.

Q When did he return? A Came back in the fall with the balance of these people on Big Creek, in '66.

Q Lived here ever since? A Ever since, yes sir.

Mr. Davenport: Who did he come back with, Harry? A He came back I think with some of these fellows, no he came back with his father, his father came down and I think one of his sisters, I am not certain, I didn't come with them, but when we were over to Lightening Creek I went up there and found old man Dave Mays there and this boy with him.

Q When was that, with reference to the time you all came back?

A It was the same fall.

Q Now do you know who came with you him? A No, old man Dave was up there and he had Joe with him and a daughter, but he had Joe.

Q You came back in what time in the fall? A Yes, sir, I came first in the spring, and next in the fall.

Q What month in the fall? A Along about the first of August or the first of September, when I came the last time.

Q You had been down here how long before you saw these people?

A I had been down here in the spring of '65 or '66.

Q Well, the last time you came? A It was along in the fall some-time in September.

Q How long had you been there before you saw old man Dave Mays?

A I had been on Lightening Creek I guess maybe two or three months before I went up there.

Q You had made some arrange,ents with reference to building a cabin, or something to line in, when they came? A Yes, sir, we all were fixing to build about the same time, they were over on Big Creek and we were over to Lightening Creek.

Q Where was Sam Webber when they came? A Sam Webber was up there.

Q How long had he been there? A I don't know just when Sam came, I think he came along about the same time.

Q You remember distinctly about seeing Uncle Dave there? A Yes, sir, I knew him all my life, I knew him good, and I saw him there.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

L. T. Brown: State your name? A Sam Webber.

Q Age? A About 55.

Q Postoffice address? A Hayden.

Q You are a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Know the applicant, Josiah Mayes? A Yes, sir.

Q How long have you known him? A He was up there a while before I

Josiah Hayes - 2.

knew him.

Q To whom did he belong at the beginning of the Civil war? A Well, he claimed Johnson Whitmire, I guess, I don't know that.

Q When did you see him the first time after the close of the war?

A I saw him during the war and then just after the close.

Q Where did you see him for the first time after the close of the war? A Up here on Big Creek in the Cherokee Nation.

Q Where has he lived ever since his father brought him? A About a mile or three quarters from where his father first settled.

Q In the Cherokee Nation? A Yes, sir.

Q In what year was it his father brought him here? A It was in the fall of '86.

Q Lived there ever since? A Yes, sir, right up there.

Mr. Davenport: How long had you been back when his father came?

A I hadn't been back many days.

Q You came back about what month in the year, the last time? A I don't know exactly just what month, it was along in the first part of the fall.

Q You have testified once or twice it was in November? A No, sir, I never decided on any certain month, because I don't know certainly.

Q What is your best judgment as to the time when you came back in the last time in '86? A I don't remember, in ~~plenty of time to put up hay, but it was burned up.~~

Q You mean when you brought your family down you came there before the hay season was over? A We could put up hay, it was kinder dry but we put it up to feed on there.

Q What were you doing down there on July when you first came down there? A Building houses.

Q Are you the man that came down with Peter Meigs and Nelson Murrell, and put up hay? A I didn't put up any hay, we built houses in August.

Q You had your houses built when this man Josiah Hayes' father came? A Yes, sir.

Q Not living in camps then? A We had some houses up and some was camping.

Q Well, you were living in a house, wasn't you? A Yes, sir, I had a house.

Q And you came down there in the fall, whenever you came, and put up hay? A Yes, sir, when we moved down.

Q Have you any idea at all how long after you had come down there in the fall until this party came? A Oh it wasn't a great while, it wasn't long.

Q A month or two months? A It was three or four weeks after we came there.

Q You had got through putting up hay in the fall before he came?

A We didn't put up much hay in those days, just a little.

Q You had put up some hay that fall? A Put up what little we needed for our horses.

Q Had you quit haying before they came? A I don't know whether we had or not, really, I can't just answer that.

Q Well, it was getting cold weather when they came, or winter?

A It was getting late.

Q He never come down there for some months after you camp, did he?

A Oh not some months.

Q Who was with the old man when he come; did man Dave Noy's, this boy, and who else? A That come with him; why him and his other daughter.

Q Who else? A Why he had two daughters.

Q And his wife? A His wife didn't come that trip.

Q About how old was his daughters when they come with him?

Josiah Mayes - 5.

A One of them was grown and the other was a good size girl.  
Q Well, did you see Blue Alberty up where when he came? A No, sir, I didn't see him then.  
Q Eli Dougherty? A I didn't ~~was~~ know him.  
Q Bill McGracken? A I didn't know him then.  
Q Tuck Bryant? A I didn't know ~~him~~ then.  
Q Alex Rider? A I didn't know him.  
Q Did you see them on the Verdigris River in the fall of '66, or either of these men I have named? A No, sir, I didn't.  
Commissioner: That is, you didn't know them? A I didn't know them, I didn't see them to know them of course.  
Mr. Davenport: When did this man's mother come to the Cherokee Nation? A She came along just a short while after Christmas when the old man went back and moved them down; his mother and another young boy stayed with her, and he went back and brought the things in and brought them.  
Q That was in '67 sometime? A Yes, sir, sometime the early part of '67 he brought his things here and brought them with him.

Josiah Mayes, recalled, testified:

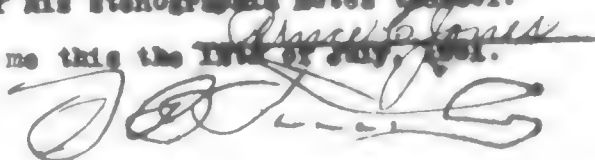
Commissioner: What was your father's name? A Dave Mayes.  
Q Is he living? A No, sir.  
Q What is your mother's name? A Susan Mayes.  
Q She living? A No, sir.  
L. T. Brown: Have you a brother, Mr. Mayes? A Yes, sir.  
Q What is his name? A Dave Mayes.  
Q Has he ever applied? A No, sir.  
Q Did he return to the Cherokee Nation at the same time you did? A No, sir, he came with my father when he moved last along in the early part of '67.  
Commissioner: You married? A Yes, sir.  
Q What is your wife's name? A Malissa.  
Q She a citizen? A No, sir.  
Q Got any children? A No, sir.

Commissioner: Josiah Mayes applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. He is fully identified upon the Kern-Glifton roll. He avers that he was a slave and owned by one Johnson Whitacre, that he left the Cherokee Nation during the war and returned in the year '66. He will now be listed for enrollment as a Cherokee Freedman upon a doubtful card ~~was~~ for the further consideration of the Commission. He will be notified by mail of the action of the Commission in the premises.

\*\*\*\*\*

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

Sworn to and subscribed before me this the 17th of July, 1901.



Commissioner.

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

FILED  
JUL 1 1901

  
Acting Commr.



MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *July 11 1861*  
Post Office *Centratia St.*  
District *Geo*

1. Name *Josiah Mayes* Age *44*  
Owner's name *James Whitmore* Citizenship *Cherokee*  
Year *1860* Page *127* No. *3412* District *Geo*

Parents:

Father *James Mayes - dead* Citizenship  
Mother *Susan " - dead* Citizenship

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

Parents:

Father  
Mother

Names of Children:

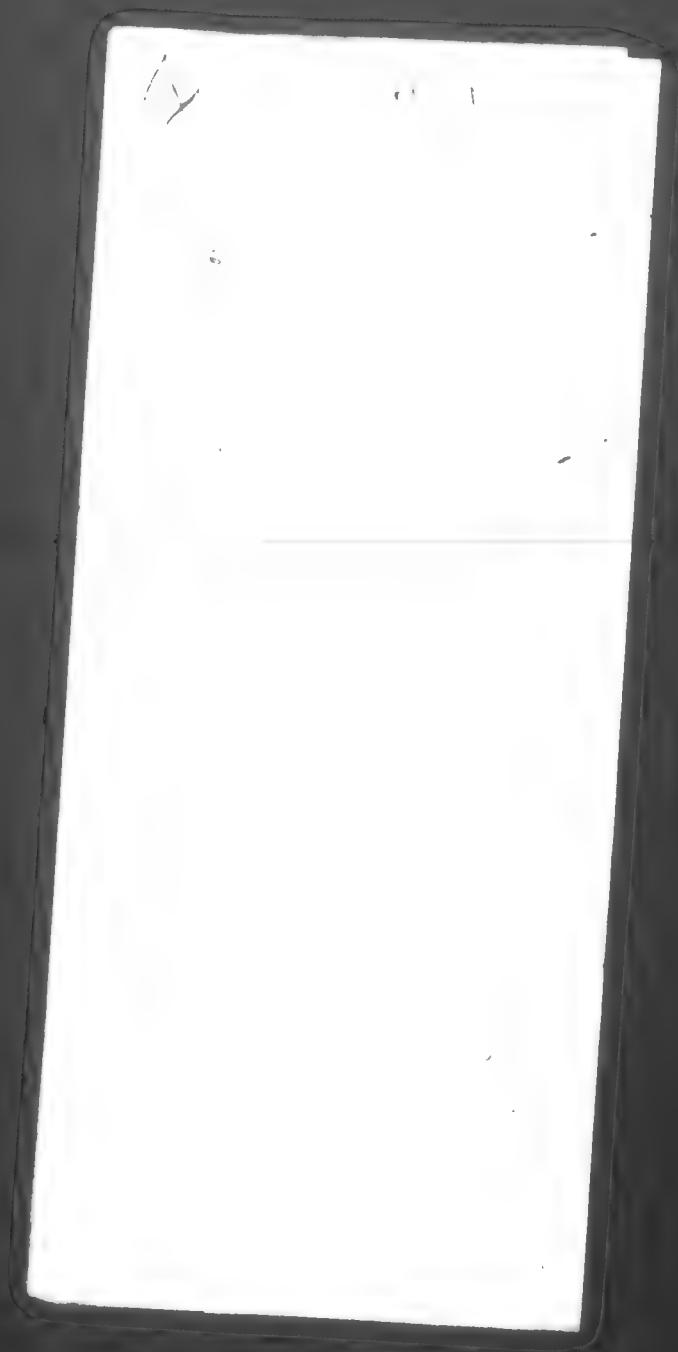
3. Year Page No. Dist.  
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8. Year Page No. Dist.  
9. Year Page No. Dist.  
10. Year Page No. Dist.  
11. Year Page No. Dist.  
12. Year Page No. Dist.

*Robert*

Application made by *W. B. 1* Stenographer *J. P. Cassin*

*In presence of Josiah Mayes*

*Represented by Louis T. Brown*



TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

File with C.F.D-976, Josiah Mayes.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Winita, I.T., October 3, 1901.

In the matter of the application of Josiah Mayes for enrollment  
as a Cherokee Freedman.

Appearances:

Mr. Mellette, of Mellette & Smith, Att'ys for applicant;  
Mr. W.W. Hastings, of attorneys for Cherokee Nation.

SAMUEL H. MAYES, being sworn by Commissioner Needles, testified  
as follows:

BY MR. HASTINGS:

- Q What is your name? A Samuel H. Mayes.  
Q What is your age? A 50.  
Q What is your post-office? A Pryor Creek.  
Q Are you a Cherokee citizen by blood? A I am.  
Q Where did you live before the war? A I lived down on Grand  
River not far from what is known as Pryor Creek.  
Q What was your father's name? A Named Sam.  
Q Did you or did your father own a slave by the name of David  
Mayes? A Yes sir.  
Q When the war come up? A Yes sir.  
Q Which one did he belong to, you or your father? A He belonged  
to my father.  
Q Your father was a citizen of the Cherokee Nation? A Yes sir.  
Q You know whether this man, Dave Mayes, had any colored woman for  
a wife before the war? A Yes, he had a wife; she belonged to one  
of the Whitmires.  
Q You know whether he had any children by her or not? A Yes, he  
had a good many children, I don't remember the number of children;  
there were several children though in the family?  
Q Do you remember any of their names? A I have heard the name  
but I don't remember them now; I knew their names but I don't  
remember them now.  
Q Did you ever own any other slave by the name of David other  
than this one? A No sir.  
Q What became of David Mayes during the war? A Well he went up  
into Kansas, during the war.  
Q When did you first see him after the war? A I saw him in the  
fall of 1868.  
Q Where? A I saw him down on the bank of the Grand River.  
Q Where had he been? A He had been down to Tahlequah.  
Q Did he tell you his business down there? A Yes sir.  
Q Now go ahead and tell that? A -

BY MR. MELLETTE: I object to the testimony of this witness,  
on the ground that a declaration of David Mayes is not mater-  
ial inquiry in the present case. The applicant here is Josiah  
Mayes, and is not the person with whom the witness claims to  
have had the conversation in '68.

COM'R NEEDLES: Note the objection.

A Well he came across the river, I thought I knew him when I saw  
him; I was standing up on the bank of the river, and I recognized  
him before he got to the bank, and I hailed him and spoke to him.  
That was David Mayes; and I asked him where he had been; said he had  
been down to Tahlequah to enroll; I talked with him quite a little  
bit and he told me he didn't enroll and I told him he ought to  
have come back sooner, and he said he couldn't get back; got back  
as soon as he could. That is about all the conversation particular  
that I remember.

Q Did he say why he didn't enroll? A No, he didn't state why he  
didn't enroll; said he didn't enroll.

Q Did he say where he was from? A Yes sir, said he come from Kansas;  
I asked him how long; I don't remember, but he hadn't been here very  
long.

Josiah Mayes 2

Q Hadn't been very long at that time? A No sir, that was in '68.

Q About what time in '68 do you think? A Well it was in the fall, I think, time Council was in session, in November.

Q Did you ever see him after that? A Yes sir, I was at his house in 1882 on Big Creek.

Q Did you have any conversation with him then with reference to his citizenship? A Yes, I talked with him some about it.

He asked me what I thought the Cherokee Nation would do with them said they always lived here and didn't know no other place to live, felt like this was their home and wanted to live here. I told him I didn't know what the Nation might do, they might be some provision made for them coming too late. Said he hoped they would.

Q He never contended then that he came in time? A Oh he admitted that he came too late.

Do you know this Josiah Ross, his son? A No sir, I don't know him; expect I would know him if I would see him; I have seen the boy.

Q Do you know whether he had a boy named Josiah? A No, I don't remember the names, I know he had several boys; I don't remember the names.

Q When you first saw him down here in 1868 did he say where he came from to Kansas? A No sir, I don't remember of him saying anything about that.

BY MR. MELLETTE:

Q Old man David Mayes was ~~ht~~ quite an ignorant man wasn't he? A No sir, he was quite an intelligent ~~markey~~.

Q When did you first make a statement, Mr. Mayes, about what David Mayes told you? At what time before any authority or before any commission? A It seems to me I made a statement in his case before the Clifton at Fort Gibson.

Q You don't pretend to know the applicant, Josiah? A No sir, I don't know him.

Q You are talking about a conversation you had with his father? A Yes sir.

Q This applicant claims to be 44 years old. A Well I have seen all the children, but I don't know their names.

Q If that is correct he was born before the war, you say you remember him before the war? A Old man David?

Q No, Josiah? A No sir, I don't say that.

BY MR. MELLETTE: Applicant asks to have the testimony of Mr. Mayes stricken from the record, on the ground that it is incompetent.

BY MR. HASTINGS: The Cherokee Nation contends that this is competent and relevant, for the reason that David Mayes, through whom this applicant claims, is his father; and the testimony and the record shows that this party claims to have come back, returned to the Cherokee Nation with David Mayes, his father.

BY MR. MELLETTE: The applicant says that the testimony does not show that Josiah Mayes is the son of the David Mayes that the witness has been talking about.

BY MR. HASTINGS: The Cherokee Nation contends that it does show that he was a son of David Mayes, and that David Mayes was a slave of Samuel H. Mayes, the father of the witness who left the stand.

WILLIAM MARTIN, being sworn by Commissioner Needles, testified as follows:

BY MR. HASTINGS:

Q What is your name? A William Martin.

Q What is your age? A 71 year's old.

Q Where do you live? A I used to live on Big Creek, I live on Big Creek now.

Q When you first came to the Cherokee Nation after the war where did you live? A I lived on Big Creek.

Josiah Mayes 3

Q In the Cherokee Nation? A Yes sir.

Q When did you come to Big Creek? A I came there in the fall of '67.

Q Did you ever know a colored man by the name of David Mayes, who located on Big Creek? A I know him now; I didn't know him then, when I come there.

Q How far did he locate from you? A His father, about nearly a mile.

Q You mean David Mayes himself? A Joe Mayes.

Q David Mayes? A David Mayes was about nearly a mile ~~back~~. I think.

Q Did you know Josiah Mayes, the applicant? A Yes sir.

Q Is he a son of this David Mayes you are talking about? A Claims to be.

Q Was David Mayes there on Big Creek when you came in the fall of '67? A No sir.

Q When did he locate there? A I saw him sometime in '68, I don't remember just what time; I know they kept moving in there; I was busy, I never went to see; sometime in '68 I think I saw him there, the family.

Q What kind of country was that where you lived then, prairie or timber? A All prairie, some timber on the creeks, it is all prairie only on the creeks.

Q He settled within a mile of you? A About one mile I guess.

Q You moved there in the fall of '67? A Yes sir.

Q Are you positive that David Mayes was not living there when you located there? A He was not in that country right there; I never saw him there; there was but very few families there when I come there.

Q Was he there near your place where he claims to have located? A No sir, he was not there.

BY MR. BELLETTE:

Q Well now, you don't know but what David Mayes was located on Big Creek when you came there? A Well it looks like I might have seen him.

Q ~~xxxx xxx right~~ Well you might have seen him and then might not have seen him? A Well I had a bunch of cattle around in the timber there and I headed them around there and I was in a circle of 5 or 6 miles, and I never saw him.

Q You don't mean to say that David Mayes couldn't have been in that country there and you not have seen him, do you? A He was not right there.

Q But I say you don't pretend to say that David Mayes was not in that Big Creek country when you came there do you? A Oh I don't know where he might have been; it was a big place.

Q Who was in there when you came there? A Dick Sanders, Peter Meigs, old man Sanders and old man Sam Webber, four families there on the north side of the creek, right south of me, was ~~old~~ William Foreman and Aaron Wright.

Q What time did you come in there, in '67? A About September or October.

Q Now you have named all the people that you knew? A That's all I know.

Q Was there anybody else in there? A Not that I know of.

Q You are talking about one neighborhood? A Yes sir.

Q How long is Big Creek? A 15 or 20 miles long.

Q It runs that far in the Cherokee Nation? A It runs east and west in the Cherokee Nation for about 15 miles.

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

Josiah Mayes 4

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. J. [unclear]*

Subscribed and sworn to before me this October 10th, 1901.

*[Handwritten Signature]*

Commissioner.

File with F. D. 976.

F. D-574.

Department of the Interior.  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., May 27, 1902.

In the matter of the application of Nancy Smith et al for  
enrollment as Cherokee Freedmen.

Supplemental to D-574.

APPEARANCES:

Mellette & Smith for applicants.  
W. W. Hastings for the Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced by the Cherokee Nation in the case of F. D-518, together with the testimony of Aaron Webber and the testimony introduced by the Cherokee Nation in the case of F. D-516, also the testimony of Reuben Sanders, together with the testimony introduced by the Cherokee Nation in Freedman Doubtful 391, be introduced and made a part of the record in this case.

MR. SMITH: The applicant objects to the introduction of the said matter for the reason that the testimony of the witnesses mentioned is immaterial and incompetent and as to this case hearsay, and to the introduction of the alleged documentary evidence for the reason that the same is not the best evidence; that it is incompetent in the manner and form offered and is hearsay.

MR. HASTINGS: The testimony is introduced by the Cherokee Nation for the purpose of showing the time that the Webbers and Whitmires returned to the Cherokee Nation, and that no women whatever returned with them, and that none were living in that section of the country in the winter of '66, and that none came earlier than the spring of '67, and to contradict the witnesses who testified for this applicant.

MR. SMITH: The applicant makes special objection that it is incompetent to contradict any witness by evidence of contradictory statements made at another time or place unless the proper foundation is laid by asking the witnesses upon the stand in this particular case whether or not they made such statement, which the record in this case shows was not done.

COMMISSIONER: This testimony will also be filed with and made a part of the record in the application of Sallie Crump, D-575, and in the case of Jackson Smith, D-576, in addition to the case at bar; also in the case of Josiah Hayes, D-976, and David Hayes, D-981. All the applicants in the above named cases are represented by Mellette & Smith.

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

(Signed) Arthur G. Croninger.

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

(Signed) P. G. Reuter,

(Seal)

Notary Public.



James O. Carr, being sworn, stated that he is a member of the Commission to the Peace Conference and that the copy now being going is a true and correct copy of the original transcript of said proceedings.

*James O. Carr*

Subscribed and sworn to before me this 1st day of August, 1900.

*Bruce Jones*  
Notary Public



Supl. C. D. #818. Freedmen.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Washoe, D. C., March 4, 1909.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
EDWARD WHIOMI as a Cherokee Freedman, introduced on part of the  
Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. E. Lawson, the attorney for the applicant in this case, that testimony should be introduced by the

representatives of the Cherokee Nation tending to disapprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the office of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1903, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation represented by its representative, L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on behalf of the Cherokee Nation.

MR. BELL:

- Q Tell him your name? A C. V. Rogers.  
Q Age? A 63 years old.  
Q Place of residence? A Claremore.  
Q Are you a citizen of the Cherokee Nation? A Yes, sir.  
Q How long have you been such? A All my life, a little over 63 years.  
Q Did you go out of the country during the war? A Yes, sir.  
Q When did you return? A '66.  
Q Where did you come to? A Came to Fort Gibson.  
Q And stayed there did you? A Yes, sir.  
Q Tell what was your business? A After I come back?  
Q Yes? A I followed freighting for something over three years.  
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.  
Q Were you ever acquainted with a Freedman by the name of Moses Whitire? A Yes, I know him.  
Q Where did he belong before the war? A He belonged in Coaling District.  
Q Do you know what particular Whitire he belonged?  
A I don't remember whether he belonged to George Whitire or Leo Whitire.  
Q If you did see him when did you first see Moses Whitire after the war, after your return to the Cherokee Nation?  
A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho River; Dick Whitire, Moses Whitire and Aaron Whitire and old Major Wright is all I know in the outfit.  
Q Did you have any conversation with them, stop and talk with them?  
A Yes, sir, and Col. Bill Rose passed while I was talking to them going to Fort Scott.  
Q Did you ask them where they was going to? A They said they was moving back.  
Q Well this 25 or more wagons was loaded with people?  
A Yes, mostly every one had household goods in them.  
Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.  
Q Well now that was; where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.  
Q How far from the Neosho River? A I suppose half a mile.

Q How far is the north line of the Cherokee Nation?  
A I think the river is the line, about half a mile.  
Q And how far is that from the Kansas line? A The Neosho is the line, way I understand it.  
Q You had reference to where the military road crosses the Neosho river? A Yes, sir.  
Q At Jack McLain's ferry? A They called it Hudson ferry at that time.  
Q Hudson lived there? A Yes, sir, in about a half mile.  
Q And this Moses Whitfire you met and talked with is the same one you knew in Going Snake and belonged to the Whitfire family there?  
A Yes, sir.  
Q About how old a man was he when you met him? A He is an older man I think than I am.  
Q And you saw other with him you know? A I think Aaron Whitfire and Moses Whitfire and old Major Fright is the old ones I know.  
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.  
Q Do you know where this man Whitfire lives now, Moses Whitfire you met?  
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know if anywhere he lives, I have saw him ever since I have been here. I don't think I ever was at his house.

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I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rossen.

Stenographer.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegee, I. T., May 20, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:

Ben J. Scoville, representing E. B. Lawson, for applicant.  
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers com'n on Citizenship," as follows

"No. 85 Edward Wright (Ex. 7th of June.  
vs Cherokee Nation. (Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 89. Major Wright (Ex. June 7th. Statement file  
vs Cherokee Nation. on the 26 of June,  
1st July set, 1st Aug.  
set for trial.

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to review claims to Cherokee citizenship.

The undersigned claimant in the case of  
Lewis Whitmire

vs  
Cherokee Nation

respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of classmate in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For  
 claimant was at the time and place above said owned by George Whitire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family ( they then being without one ) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the interval to see when they would subsist without discomfort and exposure until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation called by claimants for theirs and his home in the spring of 1867. Claimants rights have been called in question by competent authority, and as therefore presents them to the important examination of this Commission as are authorized so to do by law.  
 This June 26, 1878.

Lewis Whitire;  
 By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book continuing on the same page, the application of Moses Whitire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee Citizenship.

In case of Moses Whitire  
 vs  
 Cherokee Nation,

claiming Cherokee citizenship.  
 Claimant states under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitire as embracing the facts which the present claimant would submit to the Commission as the basis of his claim.

Respectfully submitted,  
 Moses Whitire.

June 26, 1878.  
 By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A." page 239, case No. 60, as follows:

"Case 60.

Aron Whitire  
 vs  
 Cherokee Nation. )  
 Tahlequah,  
 July 5, 1878.

Nike Fields a witness for claimant called and sworn.  
 I am I think I am about 47 years old. I live in Illinois  
 Pine Blot, S. N. Am a citizen of the Nation. I have been on the  
 doubtful roll but had my rights proven before the Supreme Court.

and citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first come down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Mose, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting houses. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsly settled and bare of subsistence. As I was coming down the first time we were authorized by the Cherokee Delegation. They were some who come here were authorized by others to locate claims for them, one was by Henry requesting Abe Fields to locate for him. The original request filed.

**Cross Examined.**

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on the side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself what it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Nick x Fields.

his mk.

Aaron Whitmire )  
 vs )  
 Cherokee Nation. ) August 1, 1878.  
 called and sworn. ) Bluford Alberty, witness for claimant,

I reside in Cooweescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Cooweescoowee District.





Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Meigs, Bill, Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brothers were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Man, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1866 to Kansas after coming to the Nation. Then witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Meigs and the families of those who had families all come as I did besides other not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first-time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry, Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,  
Clerk.

his  
Mose Whitmire,  
Mark.

Aaron Whitmire & family ) Case 63.  
vs )  
Cherokee Nation. ) Claiming citizenship.

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this



Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Verdigris River for himself and family's permanent residence.

He was thus making preparations for the removal of his family by providing for their habitation and subsistence at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Verdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty in that having no means to come to the other former citizens he did everything possible to constitute a return consistent with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,

Aaron Whitire,

By Atty Wm. P. Boudinot.

Aaron Whitire

vs

Cherokee Nation.

August 1st, 1878.

Wm. Martin, witness for claimant, called and sworn.

I live on Big Creek, Cooweespowee, C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I met him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having met claimant and Wm. Lewis, Dennis and Nelson, Whitire, Peter Higgs, Mike Sanders, Sam Webber, and Young Sam, Bill Foreran and others but I do not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kans, they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. Nelson gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they saw them on their way to select themselves horses.

It was after the Delegation returned that I met claimant and the others, spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas as I left there at Christmas or probably a few days before Christmas.

Case stated.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know the names before the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time.

I crossed them over the river. I set a ... their boat  
over the river a short time after they had ...  
and Dennis Whitmire and little Sam ...  
who crossed back but I can not place them now. I learned the names  
of the parties from conversation with them, but did not become  
particularly acquainted with their names at that time. I think  
there was one woman with the party, I think she was little ...  
though I would not be right positive that ...  
or not. I was positive there was no children as I never saw any.  
They had camped there long enough that were they ...  
children I would have known it. The next time I saw ...  
the fall of 1867 on Big Creek. I learned ...  
not there in March 1867. I know this from ...  
talked amongst themselves.

Re Direct.

At the present time the distance between ...  
about 5 miles. I recognize the claimant and ...  
spoken of. I have been there frequently since ...  
over the river. When I saw them in the fall of 1867 they had  
their families with them. The means of subsistence at the  
time I crossed in the country at that time ...

Witnessed and sworn to

Aaron Whitmire )  
Vs )  
Cherokee Nation. )

July 4<sup>th</sup> 1876.

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Nov. or Dec. 1866.  
Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which  
claimant said he was on his way to Going Snake his former home in  
the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before  
the war.

Attest: Wm. McCracken,  
B. L. Nicholson, Clerk.

Aaron Whitmire  
vs  
Cherokee Nation.

Bluford Alberty,

George Whitmire before the war lived in Going Snake ...  
this Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee  
Nation. The settlement before the war was sparse where claimant  
now resides. I would say the distance from where George Whitmire  
resided prior to the war, and claimant's present residence is 90 or  
100 miles. Witness states that he had a conversation with Sam  
Febber in which Febber assigned as a reason for settling where he had  
was that Agent Jones advised the colored people after their freedom  
to settle in colonies or as thickly as it was convenient to do in an  
unoccupied part of the country.

This was thought best for the colored man as they could have  
their own schools &c until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second  
conversation was in the spring of 1867. I saw several of their  
families in May, 1867 on Big Creek or Lightning Creek in the Nation.

place of claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave claimant and other colored men permission to occupy the old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire in the name of the other man, I also permitted to go on the old fields. The Spring of 1867 I saw Aaron and Louis Whitmire at work on the two fields spoken of. This settlement of colored folks has the character of quiet industrious and law abiding citizens as well as any in the Nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the fall of 1866 saw this colored party who settled on Big Creek afterwards on the neighborhood for the purpose as they said of selecting their homes. Several claims was then in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.

Aaron Jones was at the time advising said Col party. A Delegation for the Cherokee Nation at Washington. There were parties of witness learned from one of them who wished to expel or drive off the colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is herding wild cattle. I travelled a good deal in that neighborhood at what time spoken of.

"Continued on page 287."

Aaron Whitmire et al )  
 " )  
 Cherokee Nation. )

John Riley,

sworn as witness for Deft. I live in

Sevier Co. Dist. I first moved there in 1852 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I knew Aaron Whitmire. He returned or came to the Verdigris River to live in the month of March 1867. Also came at the same time Peter Weigs, Mike Sanders, Sam Webber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Whitmire. He had settled no other place before that.

Cross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Decr. 1866 to locate homes but I know of some who come in Sept. '66 for that purpose. I knew where Aaron Whitmire lived at this time. I was near Goody's Bluff in Decr. 1866. I live on the west side of the river. Claimant lives and settled on the east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of Blufford Alberty being in the part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmire was not along but Mike Sanders, Sam Webber, Colbert & perhaps Billy Foreman. Moses was not along. Dennis was not along as I know of not Mariah nor Major Wright nor Nelson Whitmire that I know of. If any such party had come down in Decr. 1866 I think certainly I would have known it.

Joseph Riley,  
 Joseph Riley.

(page 283)

About the middle of May 1867 I first saw this party with their families at their new homes. Claimant and others of this Colored party told witness that they returned in March 1867 to the Nation.

Re Direct

I learned from John Coker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 in my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. F. Alberty.

Attest

D. L. Nicholson,  
Clerk.

Aaron Whitire )  
vs )  
Cherokee Nation. )

Tahlequah May 10, 1878.

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,  
Atty for C. N.

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

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL)

(Signed) F. G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Subscribed and sworn to before me this 2nd day of Aug., 1902.

Arthur G. Evans  
Notary Public.

file with Cherokee freedman

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T. May 9, 1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Aaron Webber.  
Q How old are you? A 36 I think.  
Q What is your post office address? A Wymer, Cherokee Nation.  
Q What district do you live in? A Cooweescoowee district.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Do you want to enroll anybody besides yourself? A Just myself.  
Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes, sir, the Clifton Court and the Wallace Court.  
Q The you apply to any other Nation, the Creeks? A No, sir.  
Q Never drew any money from any other Nation? A No, sir, I didn't.  
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.  
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I ~~xxxx~~ come with my brother Sam Webber.  
Q Is your name on the roll of 1880? A No, sir.  
Q Did you ever drew your strip payment money? A Yes, sir.  
Q How much did you draw? A \$15.50, and then I drew this other payment, this last payment, I drew it.  
Q You drew the last payment? A Yes, sir.  
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.  
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.  
The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No. 315, Cooweescoowee district.  
Q Were you a slave before the war? A Yes, sir.  
Q Who did you belong to? A Takie Webber.  
Q Was she a Cherokee citizen? A Yes, sir.  
Q Where did you go during the war? A Went to Kansas.  
Q When did you come back from Kansas? A Came back in 1866.  
Q You been living here ever since? A Yes, sir.  
Q Are you married? A No, sir.  
Q Ever been married? A No, sir.  
Q Got no children then? A No, sir, I haven't.  
Q You are certain you came back in 1866? A Yes, sir, I did.  
Q Who did you come back with? A Sam Webber and my father.  
Q Why is your name not on the roll of 1880? A Why I can't tell you about that.  
Q Did you ever try to have it put on? A Yes, sir.  
Q They refused to do it? A Yes, sir, must have, for it aint there.  
Mr. W. W. Hastings; attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes, sir, I did.  
Q Did you come the first time he came out here? A Yes, sir, I did.  
Q What time of the year was it? A '66.  
Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.  
Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.  
Mr. Hastings: Was it the March after the treaty was made? A Yes, sir.  
Q You are certain of that? A Yes, sir, I am.  
Q And you came back with him at that time? A Yes, sir.  
Q Did he bring his family along then? A Yes, sir.  
Q His wife and children? A Yes, sir.  
Q He had already been out there and put up a house? A Yes, sir, I had come out before that and I come with him, and to put up a house and I came back with him in '66.



Q The first time you came back was in March after the treaty was made? A Yes, sir, that is when we moved there.

Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.

Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.

Q What kind of buildings did you put up? A We put up a log cabin.

Q Out on Big Creek? A Yes, sir.

Q How far from where Sam Now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.

Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.

Q Name some old citizen who lives at the place now where you located then? A Sam Webber.

Q Does Sam Webber live at that place now? A He did live there but he don't live there now.

Q Who lives at the place Sam and you came to? A The Meigs and Whitmires and Sanders, and a whole lot of them.

Q You have lived there ever since? A Yes, sir.

Q You came out in wagons the first time? A Yes, sir, because Sam Webber drove the ox wagon and I drove the horse wagon.

Q Do you know anything about dates? A I know when they say the year is out, and this year is in.

Q What year is this? A If I am not mistaken I think this is May.

Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.

Q You are satisfied in '66 you came here in March? A Yes, sir.

Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the march after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No, sir, I don't.

Q Have you got any witnesses? A Yes, sir, Sam Webber, and Abe Hare.

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

Q What is your name? A Sam Webber.

Q What is your age? A About 58, somewhere near about that.

Q What is your post office address? A Nowata.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Your name on the 1860 roll? A Yes, sir.

Q Do you know Aaron Webber? A Yes, sir.

Q Is he any relation to you? A He is my brother.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Takie Webber.

Q Was she a Cherokee citizen? A Yes, sir.

Q By blood? A Yes, sir.

Q Where was he during the war? A He was with us in Kansas.

Q When did he come back? A He came with us when we came back in July.

Q You came in July from Kansas and he came with you? A Yes, sir.

Q What year was that in? A In 1866.

Q He was a slave the same as you? A Yes, sir, same as me, with the same owners.

Q Ought to be entitled to the same rights you have got? A Yes, sir, have just the same right, belonged to the same parties too.

Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down.

Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overtook the delegates

at Fort Scott.

Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.

Q And you came on down and he came with you? A Yes, sir.

Q Did you bring your families at that time? A I didn't have any family then.

Q The rest of the people, they come along? A Yes, sir, I was small myself, I was with father, we came and built and went and moved some of them after that.

Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to get stumps and cut logs and build shanties.

Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day.

Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mount, said to be about twenty miles north of Fort Scott.

Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes, sir.

Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.

Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.

Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.

Commissioner: When Aaron says he came in March he is mistaken?

A He is mistaken, he don't know dates; he is not bright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Abraham Hare.

Q How old are you? A About 70.

Q What is your post office? A Wymer.

Q Are you a Cherokee Freedman? A Yes, sir, claim to be.

Q Your name is not on the roll of 1880, is it? A No, sir.

Q Were you a slave? A Yes, sir.

Q What was your owner's name? A Arlie Hare.

Q Do you know Aaron Webber? A Yes, sir.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Takie Webber.

Q Well, did you know Aaron Webber before the war? A Yes, sir.

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

Q Did you go out? A Yes, sir.

Q What made you colored people go out during the war? A We couldn't stay here.

Q Thought it was safer to go out? A Yes, sir, I had to go out.

Q Why couldn't you stay here? A They wouldn't let us.

Q Who wouldn't let you? A The Rebels and the Yankees neither one.

Q Where was Aaron Webber during the war? A He was with my father up in Kansas.

Q When did he come back? A He come back in the fall of '63.

Q How do you know? A I come with him.

Q And you came at that time? A Yes, sir.

Q Have you known Aaron Webber since that time? A Yes, sir.

Q Has he always lived in the Cherokee Nation? A Yes, sir, lives right by me now.

Mr. Hastings: Your rights are disputed? A Yes, sir, same as his.

Q You were in here this morning; your case was presented?

A Yes, sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

\*\*\*\*\*

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

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C. R. Brockbridge,

Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Winita, I. T. October, 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Hagg  
O. F. D. 360.

Appearances:

W. W. Hastings for the Cherokee Nation,  
Mellotte & Smith for the applicant.

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Brockbridge, testified as follows for the Cherokee Nation.  
(By the Commission.)

- Q Give me your full name? A Douglas Walker.
- Q How old are you? A 40.
- Q What is your post office? A Round Bay, Kansas.



(By Hastings)

Q How long have you lived in Mound City, Kansas? A Since May 1857.

Q What was your father's name? A James Walker.

Q What was your mother's name? A Miana Walker.

Q Was your father and mother here the first of the month? A Yes sir.

Q They testified in this matter at that time did they? A Yes sir.

Q Do you know Samuel Webber? A Yes sir.

Q Did you know his son Samuel Webber? A Yes sir.

Q Where did you know them? A Near Mound City, Kansas; in the neighborhood where I live.

Q Do you know the applicant here? Joe Ross? A I knew him as Joe Webber.

Q Is the the same fellow? (pointing) A Yes sir.

Q Where was he living at the time? A He lived with the older Sam Webber at the time.

Q You know this applicant here is the same party? A Yes sir.

Q Did you know a woman named Chlora? A Yes sir.

Q What relation was she to Joe Ross? A Sister.

Q Did you know Aaron Webber a little duck legged fellow? A Yes sir.

Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.

Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.

Q I mean in the year 1866? A My father bought the farm.

Q Of whom did he purchase the farm? A Of Flemmings.

Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.

Q Did he marry before or after he moved from that country? A Before he moved.

Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.

Q The date of the deed? A Yes sir.

Q What was that date? A The date of the deed is October '66.

(By Mr. Smith) Object to that if you have not the deed.

(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.

Q At that time, where was Sam Webber living? A On this farm that father purchased.

Q Where was young Sam living at the time he married? A On this farm on the same place.

Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and came to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.

Q Did they all move down at the same time? A All started together.

Q Left there together? A Yes sir.

(By Mr. Smith)

Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.

Q How did you know it? A I recognized his countenance as one man knows another.

Q How? A Well I saw him.

Q When? A Today.

Q Where? A On the street.

Q And you know him as Joe Webber? A No sir, the name Joe Ross was not used much.

Q When did you first become acquainted with old man Sam Webber? A In '63 he moved on that farm.

Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.

Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.

Q How do you know it was '63 that you became acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.

Q Did any come after '63? A Yes sir some came later and some came earlier, and I remember again by this farm, I remember how long they farmed it before we got it.

Q How long? A Three years--four years in the spring of '67.

Q They farmed it four years before your father got it? A They farmed from '63 to '67.

Q You say the reason you know that you know this man in '63 was because you know how long they worked this farm before your father got it? A Yes sir.

Q You say it was in September of 1867 that your father bought that farm? A In '66.

Q You are positive about that? A Yes sir we got possession the first of March '67.

Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.

Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '66? A I think not.

Q Don't you remember that they did and that the old man came back by himself one time? A If my memory serves me, it was in '66, late in the summer, or early in the fall of '66.

Q What was in the fall of '66? A That they came down here--started away from there.

Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.

Q What is your recollection as to how long they staid? A They came back I think in November or late in October.

Q Well which came back first? A Why I think the elder Sam Webber, came first.

Q How long do you think it was before you saw Sam Webber Jr. again? A Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.

Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.

Q Who helped him? A Then two and the little boys I think worked too; Aaron did, I don't know but as Joe did too, I don't remember much about that.

Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.

Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.

Q You have stated that it was a long time ago, do you think that you remember the date absolutely? A Not to the day or month exactly, but that is my best recollection.

Q Are you testifying to the best of your recollection? A Yes sir.

Q Do you remember of Sam Webber Jr. bringing any hides to that country? A Yes sir.

Q When was that? A In the fall or beginning of the winter of '66 and '67 he brought some hides and furs.

Q To refresh your memory, was it not in March? A March what?

Q '66? A No sir.

Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.

Q Was that the trip when he left Kansas and when old Sam returned first that you speak of a while ago? A Yes sir, that was the one, the same trip.

Q Do you remember of Sam Webber calling out a crew up here? A I don't.

Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.

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

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

Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

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

Roy Palmer

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

Wm. G. Jones  
Notary Public.

Before Commissioner Breckinridge, at Tahlequah, I.C., Supplemental C.F.D.-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O. Rosson, and afterwards dictated by him to stenographer M.D. Green.)

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HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Henry C. Short.  
 Q How old are you, Mr. Short? A 48.  
 Q What is your post office? A Mound City.  
 Q In the Cherokee Nation? A In Kansas.  
 BY MR. HASTINGS:  
 Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.  
 Q What was your father's name? A John Short.  
 Q Were you living there in the years '66 and '67? A Yes sir.  
 Q Were you living in town or in the country? A Living in the country.  
 Q Do you know Douglass Walker that left the stand? A Yes sir.  
 Q Did you know a colored man by the name of Sam Webber up there?  
 A Yes sir.  
 Q Do you know that young Sam Weber, his son? A Yes sir.  
 Q Do you know Joe Ross? A Yes sir.  
 Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.  
 Q Have you talked to him? A Just spoke to him.  
 Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.  
 Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir.  
 Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.  
 Q Did you live on the same place in the fall of '66? A Yes sir.  
 Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.  
 Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I won't say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.  
 Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoining farms of ours.  
 Q Were they living there when you moved? A That fall?  
 Q Yes sir? A They were living there then.  
 Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.  
 Q February now of what year? A Of '67, I would say that, but now I ain't certain, I ain't got no opinion about what time they left.  
 MR. SMITH: Now I move to strike out this testimony to that effect, because the witness says that is his opinion.  
 Commission: We will take it for what it is worth and let the Commission pass on it.  
 BY MR. HASTINGS:  
 Q That is your best judgement? A Yes, sir.  
 Q That is your best recollection? A (No response.)



Q You said I believe you knew they were there in the fall? A Yes sir, that is all I can state positively. I don't know how long they were there.

Q You know that by your move? A Yes sir, that is the one thing I have got you know.

Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed it was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you in '66? A About 13 years old, September 6, 1866.

Q Now when were you asked first as to the time when Sam Webber left that country? A When was I asked first.

Q Yes? A I think it was last Sunday.

Q Well you didn't know did you? A No, I don't know what day he left there at all.

Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.

Q Where was Sam Webber, Jr., in February 1866? A I don't know.

Q Where was he in October, 1865? A He was on the Creek.

Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.

Q That was in the fall of 1865 was it? A Fall of 1866.

Q I am talking about 1865? A Well they was there too.

Q Did you see him? A Yes, of course they was there.

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

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

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

Q That young Sam Webber? A Yes, sir.

Q You say you knew young Sam Webber, the younger of the two?

A Yes, sir; I knowed young Sam and old Sam too.

Q Did you know young Sam Webber, called Sam Webber, Jr.? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.

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

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

Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865?

A I think not, I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1866 and located.

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

Q Now you know only that they were there in 1866? A I know they were there in '66.

Q You don't know what time in '65 they were there? A They were there before '65.

Q Well I am talking about '65; were they there in the spring of '65?

A I couldn't say what time of the year; I think they were there all the time.

Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say they was.

Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '66 I think, directly after peace was made; they come down here and they went back together back up there in the fall.

Q Well did they ever come back together? A I don't know whether they did or not; Aaron didn't come back I don't think.

Q What about Sam Jr. did he come down with his father? A Yes sir, I don't know whether Aaron came back or not; I know Sam and the old man came back and got the family.

Q Do you know that they came back together? A Yes, I am pretty sure that they came back, I know I saw them afterwards.

Q Do you remember of Sam Webber Jr. ever bringing any hides into the country? A No sir, I don't remember; I remember Sam telling me he had his cabin up.

Q When did he tell you he had his cabin up? A In the fall of '66.

Q He had been down here in the fall of 1866 and had built a cabin? A Yes sir, he told me he had his cabin built.

Q And now that final move when they took all the people out you think was in what time? I don't know, but it runs in my mind as February or March, I won't say anything about that.

Q What year? A '67.

Q You say you won't say anything about that? A I don't know whether it was or not.

Q You don't know whether it was or not? A No sir, that is a fact; but it runs in my mind it was.

Q Where was Sam Webber during the winter of 1865 and '66, the winter that coincides with December, 1865 and ends with February 1866? A I think he was there.

Q Well, did you see him there? A Yes, I think he was there pretty much all the time.

Q Well do you know it? A I got no way to fix it; that's my opinion he was there.

Q You can't state it positively that he was or was not? A I know most of them was there and I believe he was too.

Q You can't state that positively? A No sir, not unless I got something to fix the date.

Q You won't say what? A No sir, sir.

Q Now can you remember about Sam Webber coming up there in the spring of 1866 and bringing some beef hides? A No sir, I can't remember; of course then dates is a long time ago; now I have got these things fixed in my head that was in the fall of '66 I was moving from one farm to the other, and that was in the fall.

Q You didn't go off of that farm? A No sir, just moved from the west to the east side.

Q And you were a boy about 15 years old? A Yes sir.

Q What is there in that to fix the date in your mind it was in 1865 any more than 1866 you moved? A I know we moved from the things that occurred; the death in the family of a young man that was there; I know it was '66.

Q Now about that now; about the death in the family? A There was a young man died in the family in '69, 3 years after we moved there it must have been from the things that he did when we moved from one house, but he didn't move in his house at all.

Q You don't seem to be positive about any of these dates you give? A Why I do, when the family moved over, remember that fact.

Q I want about Webber's movements? A They was all there in the fall of '66; they was all there in October or November end of the two months, because we moved then.

BY MR. HASTINGS:

Q Now you never missed them up there in 1866 did you? A No sir, MR. SMITH I object to that; it is not competent whether he missed them or not.

Q Did you ever miss them up until the coming of 1867? A No sir, I have no recollection of Sam being up there.

Q What is your first recollection? A Yes, sir, Mary A. Kelly, her name and address of residence at that time.

Subscribed and sworn to before me this 1st day of August, 1881.

Joe Ross (sup'1) 8

Q Give me your name, Madam? A Mary A. Hicks is the way I sign my name.

Q How old are you? A If I live to the 21st of next month I will be 67 years old.

Q What is your post office? A Mantay.

Q Is that in Kansas? A Yes sir.

BY MR. HASTINGS:

Q How far do you live from Mound City, Kansas, Mrs. Hicks? A I live 6 miles.

Q How long have you lived in that neighborhood? A Ever since the spring of 1857.

Q Were you living there then after the war? A Living there in the time of the war.

Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.

Q Do you know Mr. Short that left the stand here? A Yes sir.

Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.

Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.

Q Did you know his son, young Sam Webber? A Yes sir.

Q Well did you know a little short one called Aaron Webber? A Yes sir.

Q Did you know a boy called Joe Ross? A Yes sir.

Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.

Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.

Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.

Q What was the date of it? A The date of the death?

Q Yes, madam? A Well it was in October.

Q Did you make any record of it in your Bible? A Yes sir.

Q Is this your Bible? A -I reckon it is; if you will let me look I will tell you.

Q Look at it and see if this is your Bible? I think it is, but I can't read it, I haven't got my specs.

Q You haven't got your specs? A No sir.

Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1864." A Yes sir.

Q And under the column of deaths appears: "Died October 23, 1866"

A That is correct.

Q Who was Franklin Hicks? A He was my son.

Q Do you know where Sam Webber was when your son Franklin died?

A No sir, I could not tell you.

Q Don't know? A No I don't; you mean this Sam?

Q That man? A Oh the old gentleman; he lived up there by me I think; I am not positively he lived there then.

Q Do you know where his wife was? A His wife died there.

Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Sada, living.

Q She was living? A Yes, sir.

Q Was she a member of this family? A Yes sir, she lived there with them.

Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several time, and if it was a bad night and she saw me go down in she would come and sit up with me.

Q Did you know a sister of Joe's called Calora? A Yes, sir.

Q Now I would like to have your best judgment Mrs. Hicks as to the time Old Sam Webber moved with his family and children from that country? A



MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.

COMMISSION: I understand the question to be her best recollection.

A It has been a long time you know.

Q Well, answer the question? A About him being there?

Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A

OBJECTIONED to by applicant,

A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, or of the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.

Q Well now that would be February of what year? A It would be '67 wouldn't it?

Q You lived then about 175 yards from them? A Yes sir, I could hear them sing over there and hear them laugh and talk to my house.

Q On whose place were they living? A Well they was living on Mr. Walker's place then.

Q He had recently purchased it? A Yes sir.

Q Do you remember who he purchased it off? A I think it was a man by the name of Fleming; I think it was Flemings owned it.

BY MR. SMITH:

Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question.

Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while; I couldn't tell you.

Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mist aken.

Q And you know these Webbers were living on the Walker place?

A Yes, sir.

Q Well what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I want pretend to say anything I don't know; I dont want to muddle with, I didn't come down here to criticize or anything about it; I want to tell the truth as far as I know.

Q Where was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.

Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This was.

A Yes? A I don't know.

Q He was not there was he? A I don't know, I couldn't say as to that.

Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I wont be positive, I guess though it was in '66.

Q Well about how long was it ago, your best recollection, before this date in the fall that you had a walk off? A I don't know.

Q Don't know? A No I don't; but I remember about it, he brought me back spice wood and some other things.

Q Do you remember young Sam Webber and others coming in to the community?

A Yes, sir, I didn't charge by name with anything like that.

Q Well now give me some idea, Mrs. Hicks, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know; he came in the fall I reckon.

Q You don't know whether it was fall, summer or spring? A No sir, I don't.

Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.

Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.

Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.

Q You don't think that was? A No I can't, for several facts.

Q You can't state positively whether it was before or after Christmas, you can't swear it? A I wouldn't want to swear it either way.

Q Where did you move from to this place that you live? A Where did I move from?

Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '57.

Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.

Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.

Q You know of his coming one time? A I know him and his father and I think Aaron, and I don't know whether Joe was along or not.

Q Well is this Joe? A Well of course, oh that one, Joe Webber that one sitting there?

Q Yes? A I think it is.

Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.

Q Which one, the right one here, the black one? A Yes sir.

Q What is his name? A Joe we always called him.

Q And what is this man right here? A Sam, that is the way we always called him.

Q You think that is the man you knew up there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.

Q Youn don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has growed out of my knowledge.

Q You don't know where the old man Sam Webber was in July '66 do you? A No sir.

Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.

Q You don't know when they did come? A Why I think they come some time in the latter part of the winter, but I say I would not be certain what month it was, in February or March.

Q You wont be certain it was either of them? A I say they left, I was there and saw them start.

Q You would be certain it was either February or March? A I think they did.

Q You think so? A Yes sir.

BY MR. HASTINGS:

Q I was going to ask you if you know about young Sam Webber marrying? A They said he married; I didn't see it down.

Q Did you hear of his marrying up there? A Yes sir.

Q Was that before or after he left? A It was before they left.

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

- Q Give me your full name? A Jane Spears.  
Q How old are you? A I am 46 years old.  
Q What is your post office? A Mound City.  
Q In the State of Kansas? A Yes sir, Mound City, Kansas.  
BY MR. HASTINGS:  
Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?  
A Yes sir.  
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.  
Q And have you lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.  
Q You moved a mile north of your mother? A Yes sir.  
Q Do you know Douglass Walker? A Yes sir.  
Q Do you know Henry C. Short? A Yes sir.  
Q Do you remember at an early date just after the war some colored people that lived up there; one of them by the name of Sam Webber?  
A Yes sir.  
Q Do you remember his son Sam? A Yes sir, I know him.  
Q Were you living with your mother at that time? A Yes sir.  
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.  
Q Have you seen any of these parties since you have been here this time? A I met them to-day.  
Q Talked with them some? A Well I just spoke to Joe; Sam I did not.  
Q Did he recognize you? A Well he let on as though he did; I don't know that he did; I suppose he heard we were here.  
Q I will ask you if this is your mother's family Bible? A Yes sir.  
Q That is the family record of the births and deaths? A Yes sir.  
Q I will ask you if you had a brother by the name of Franklin Hicks?  
A Yes sir.  
Q Do you remember the date of his death? A Yes sir, October 23, 1866.  
Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.  
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.  
Q Short distance? A Yes sir.  
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.  
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A

BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.

PERMISSION: The counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and valid in regard to the facts.

- Q My best recollection is that it was in the spring of '67, either February or March.  
Q Did you know whether or not your Sam Webber married up there?  
A Yes sir.  
Q Did you know whether that was before or after Sam left there?  
A That was before they left there.

BY MR. SMITH:

- Q Mrs. Spears, did you know Sam Webber, leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mentioned? A I came in the fall I think, or some time and got a claim I think.

- Q Fall of what year? A '65, and then came back.
- Q Now do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for claims you speak of? A They came together.
- Q You are sure of that? A Yes sir.
- Q Where was Amos Webber, did he come back with them? A I don't remember very much about him.
- Q You don't remember whether he did or not? A No, I won't be positive whether he came with them or not, when they came after their claims.
- Q Do you know when the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
- Q Either summer or fall? A Yes sir, sometime along in the summer or fall.
- Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
- Q Made a crop in '68? A '65.
- Q What did he do with that crop? A I suppose he put it up here, disposed of it.
- Q Do you know whether he sold it or not? A No, I don't know whether he sold it or not, I think they fed it to their stock before they left.
- Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
- Q Where was he in January and February of '66? A January or February of '66, I can't say.
- Q Where was he in July of '66? A I don't know where.
- Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
- Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides of any kind of hides? A No sir.
- Q Where was old man Webber living in the year of 1865? A He was living there close to my mother's farm I speak of.
- Q In 175 steps of you? A Yes sir.
- Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts.
- Q Now what makes you think it was February or March of '67 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
- Q These darkey boys? A The Webber boys.
- Q And what? A Trapped for game that winter on the patch of cane, where we had left the seed on the corn.
- Q That the winter that commences in December and ends in February, December, '66 and February of '67? A It was all in the winter of course.
- Q Well the winter is pretty well over by the first day of January isn't it? A Not always it isn't.
- Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.
- Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have so much.
- Q So that as a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left; that is the best of my knowledge.
- Q Now in what way do you fix the date, you speak of your people then is that the way you fix the date, by that? A No sir, I fix it by the way of course that is the way by the people, of this child's name, they were there then; that is, the family here, I don't see

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.

Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.

Q When was that? A That was the first time they came down.

Q When was it? A That was in '66.

Q What month? A I don't know.

Q Can you state within two months of the time? A No I don't know as I could.

Q Can you remember that as well as you could the other time? A (No response).

Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.

Q What was it, sassafras roots? A Yes sir.

Q That must have been in the spring? A I don't know.

Q Well they don't make sassafras in the fall? A We used it for tea

Q It was not in the spring at all Sam Webber brought the sassafras?

A No sir, it was not; he didn't bring it at all; the old gentleman brought it.

Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.

Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.

Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.

Q Now who else was there? A Chlora was there.

Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.

Q Well now what I want to know, who was there except this woman, Rhoda? A I don't know anything about that.

Q You don't know? A No sir.

Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.

Q All you know of? A Yes sir.

Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.

Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?

Q Yes? A I don't know as it was, I suppose about the time.

Q Well about when, do you know who wrote that? A I know who wrote that?

Q That is what I am talking about? A This was drawn off from another Bible.

Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you?

A No sir.

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

Q Now who wrote that date, October 23, 1866? A Park Nichols.

Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.

Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.

Q It was in there long before any investigation came up wasn't it?



A Yes sir.

BY MR. SMITH:

Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.

Q If they came here you didn't miss them? A No sir.

MARY A FICKS, re-called for additional cross examination.

BY MR. SMITH:

Q Mrs. Ficks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.

Q Was it put there at or about the time he died? A Why it was not long after he died.

Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.

Q Well was it as much as a month? A I wont say sir.

Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.

Q I thought probably you might know better than I do, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.

Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.

Q What was his name? A His name was Nichols.

Q Do you remember how long after your child died before Nichols went to work for you? A No sir.

Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollect it, who wouldn't recollect it?

Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.

Q Do you think it was as much as two years? A No sir.

Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.

Q Was this the first place it was made where it was made here in this Bible? A Yes sir.

MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.

COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.

BY MR. HASTINGS:

Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.

Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.

Q You so stated? A Yes sir.

BY MR. SMITH: I object to that; it is leading.

BY MR. HASTINGS:

The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jeffers in Ross and others, Freedman D-872, be made a part of the record in this case.

COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedman Doubtful case 496, the same being the case of Chlera Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 316, the case of Aaron Webber, and in Cherokee Freedman doubtful case 350, the same being the case of Joe Ross.

It is further ordered that a set of all the testimony

Joe Ross (sup'1) 15

given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-300, of Joe Ross, and in Cherokee Freedman D-196, of Calbra Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him from the stenographic notes of JOHN G. Ross, by said Ross, 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 15th, 1901.

J. B. Starr,

Notary Public.

SEAL.

to be filed with \_\_\_\_\_

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY IN THE MATTER of the application of Joe Ross  
C.F.D. 350.

Appearances:

W.W.Hastings, for the Cherokee Nation.  
Mollette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedman D 872, be made a part of the record in this case.

COMMISSION - - - It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedman Doubtful case 972, the same being the case of Jefferson Ross be filed in the case Cherokee Freedman D 350, of Joe Ross, and in Cherokee Freedman D 496, of Chlora Grayson and in Cherokee Freedman D 216, of Aaron Webber.

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the  
ment of himself and four children as Cherokee Freedmen.

Appearances:

Mollette & Smith, attorneys for applicants;  
W. W. Hastings, of counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified  
as follows:

Mr. Smith: What is your name? A Sam Webber.

Q How old are you? A About 58.

Q Where do you live? A I live about two miles west of here.

Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.

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

Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.

Q When did you first know him? A I got acquainted with him just after the war.

Q Where? A Here in the Nation.

Q About what part of the Nation? A He came to my house there on Big Creek in the Nation.

Q What time? A Along in the spring of '67.

Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.

Q Do you know where he was living at the time he came to your house? A He had been working on Snow Creek he claimed and he was on his way hunting his sister.

Q Did you ever see after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightning Creek.

Q Did you see him after that at his sister's? A I saw him then often and on for near about two years I guess.

Q Where? A There at Lightning Creek.



- Q In the Cherokee Nation? A Yes, sir.
- Q Was he a married or a single man at that time? A He was a single man to my knowledge.
- Q Do you know where he is living now? A No, sir, I don't.
- Mr. Hastings: You saw him around here for about two years?
- A Yes, sir.
- Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
- Q How long after that? A Must have been six months of a year after that I met him again there.
- Q You know where he was married? A No, sir, I can't tell you.
- Q Was he married at that time? A If he was I didn't know it.
- Q Did you know his wife? A No, sir, I don't know his wife.
- Q Did you ever see his wife? A Not to know it was her.
- Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
- Q What was her name? A Katie Thornton.
- Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
- Q What is his occupation? A I can't tell you.
- Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.
- Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
- Q Has he got any special occupation like a carpenter? A Not as I know of.
- Q What is Katie Thornton's husband named? A Henry Thornton.
- Q Was that her husband at that time? A Yes, sir.
- Q With whom does this man stay now? A I don't know that.
- Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.
- Q Did he have any children when you saw him? A I never saw them if he did.
- Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:

- Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I don't remember what year.
- Q Before you came down here? A After I came down here.
- Q Well, about how many years after you come down here? A It wasn't year I guess after I came here.
- Q Well, you know what time of the year you were married? A I was married along in the winter.
- Q Was that the same winter you came, or the winter of '67? A It was along about, it throwed in '67, it was after Christmas.
- Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
- Q What was your wife named? A My wife at that time was Rinda Martin.
- Q When did you commence keeping house? A I went in my house when first came there.
- Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
- Q What time in the year did you and your wife move into that house? A We moved right in the house after we were married.
- Q And you don't remember when that was, what time of the year? A Along after Christmas; I was already in the house.

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

(signed) M. D. Green.

Subscribed and sworn to before me this November 16, 1901.

(Signed) J. C. Starr,  
Notary Public.

(SEAL)

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the forgoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

A. R. Cheever

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

J. C. Starr  
Notary Public.



The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:  
Page 182, No., 40, Elizabeth Daniel.  
NOTE: Wife of Peter Hodge.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:  
Page 131, No. 2748, Elizabeth Hoigs, Occawagawee district.

- Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.  
Q When did you come back? A In the winter of '66.  
Q What time in the winter? A Well it was in the winter.  
Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.  
Q When did he bring you down? A In the winter after he went from here on Big Creek.  
Q He came ahead of you then? A Yes sir.  
Q What time did he leave Kansas? A I cannot tell you when he first came.  
Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.  
Q Did he leave Kansas in the winter? A Yes sir.  
Q Was he down here when Christmas came? A Yes sir.  
Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.  
Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.  
Q How long after Christmas before you and he started down here together? A Directly after.  
Q He spent Christmas that year in the Cherokee Nation by himself?  
A Yes sir my husband did.  
Q What members of your family came down with you and your husband?  
A These children.  
Q Did you bring your child Aline Sanders with you? A Yes sir.  
Q All the children? A Yes sir.  
Q Can you explain why you are not on the roll of 1860? A No sir.  
Q Do you know why you are not in that roll? A No sir I dont know nothing about the rolls.

By E. N. Hastings, Cherokee Representative:

- Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with the family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.  
Q Where were you living in Kansas then? A Fort Scott.  
Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all came here.  
Q Was it as much as a couple or three weeks? A Yes sir I guess so.  
Q And then you started down here? A Yes sir.  
Q Was it in the spring of the year when you reached here? A No sir in the winter.  
Q The horses was not bucking out then on the track when you and your children and children got here? A No sir there weren't no bucking on the track, it was winter I tell you.  
Q The horses was in wagon did they? A Yes sir.  
Q How long after your husband came here when he first came? A All the children.  
Q How long? A Between Sanders.  
Q Was also? A Daniel Sanders.

Q Are there else that you remember? A There was little Sam Webber and little Sam Webber.

Q Are other Webber's? A Aaron Webber.

Q Did any one else come down? A I dont remember any one else now.

Q Were you there when they started down? A We all come together. I am a telling you.

Q Did I mean when your husband come on in advance of you. Who came with him then? Did these parties that you have named come with your husband when he first come down? A Yes sir.

Q You were at Fort Scott then? A Yes sir.

Q Did they all started together? A Yes sir.

Q Name that you have named are all the you can think of at the present time? A Yes sir.

Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.

Q And for Christmas you all came down did you? A Yes sir.

Q Did you come in wagons then? A Yes sir.

Q Did you stop by a little place called Chetopa? A Yes sir.

Q How long did you come to in the Cherokee Nation? A I come right when I was living yet when I come to the Cherokee Nation.

Q Are you still living there yet? A Yes sir, that old house was built in 1856.

Q What house? A That one we is living in.

Q And you are living at the same old place? A Yes sir, in the same old house.

Q In what creek is that? A Big Creek.

Q Was any one living on Big Creek when you came there besides your own family? A No sir, down on Verdigris there was some living.

Q Were there the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.

Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.

Q Did the people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.

Q You all came back together? A Yes sir.

Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down, I am just a telling you what I know.

Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.

Q Did Aaron Webber come? A Yes sir.

Q And your family? A Yes sir.

Q Are there any that I missed? A That is all that I gave you.

Q Is that all that come? A Aaron Wright come with us.

Q Who else? A (No response).

Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.

Q Did you come to the place that you are living at now did you? A Yes, sir and has lived there ever since.

Q Have you any Cherokee neighbors there now that were old residents? A Yes sir, there was some lived on Verdigris when we come there.

Q Was it? A Uncle Riley was there on Verdigris, but not where we was living.

Q How far from where you settled? A I dont know how far.

Q Was it as much as 4 or 3 miles? A As much as ten miles if you guess at it right.

Q Were they the closest residents to you at that time? A Yes sir.

Q Were there any Delaware Indians there when you come there? A No sir, I never saw none.

Q Any others? A No sir, never saw none.  
 Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.  
 Q And you have been there ever since? A Yes sir, ever since we moved there.  
 Q You and your husband Peter Meigs built a house there? A There a log house there and he bought the house and we moved to it.  
 Q Who built the house in you know? A Harry Harold.  
 Q Was he a colored man? A Yes sir.  
 Q Is he living? A I dont know if he is or not.  
 Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.  
 Q They didn't admit him then did they? A I dont know.  
 Q You know he was disputed? A I dont know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court for Commission? A I dont understand what you say.  
 Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled as before he died.  
 Q I mean in Court? A That is what I am a telling you.  
 Q You know what a court is dont you? A Yes sir.  
 Q What court do you know? A Kerns Clifton court.  
 Q Any other court that you know of? A I know of the Wallace court.  
 Q Any other? A No sir.  
 Q Did he ever have anything done about his case by the Cherokee Council? A I dont know what was done by man went there every year or two but I dont know what was done there.  
 Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I dont know how long we were on the road.  
 Q Have you any witnesses with you that you want to introduce?  
 A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant.  
 (Examined by the Commission).

Q What is your name? A Ruben Sanders.  
 Q How old are you? A I suppose I am about 20.  
 Q What is your post office? A Centralia.  
 Q How long have you lived in the Cherokee Nation? A All my life.  
 Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.  
 Q Who did you belong to? A James Sanders.  
 Q Were you taken to Kansas during the war? A Yes sir.  
 Q You have a wife named Alice have you? A Yes sir.  
 Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's non-identified ancestor as follows:

Page 173, No. 222, Ruben Sanders, Chickasaw district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.  
 Q What court? A The Chambers court.  
 Q Is that the only one? A Yes sir that is the only one; I was admitted by the Cherokee Court.



Q Where was it sitting? A At Tahlequah.  
 Q In what year was that? A I cannot tell what year it was.  
 Q Your citizenship had been disputed had it? A Yes sir.  
 Q When was your right to citizenship first disputed? A It was during the time that Thompson Okelita was chief.  
 Q Was that before the 1860 roll was made? A Yes sir.  
 Q Did the court decide in your favor? A Yes sir.  
 Q Was there any dispute made then about your being put on the 1860 roll? A No sir.  
 Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1862? A No sir.  
 Q Did they ask you any questions when you went to be enrolled in 1862? A No sir.  
 Q Where did they take your name? A I was in Gopsneck Bend, at the time.  
 Q Do you know the applicant Elizabeth Heigs? A Yes sir.  
 Q Your wife is her daughter? A Yes sir.

By W. C. Hastings:

Q Peter Heigs' citizenship was disputed the same time yours was? A Yes sir.  
 Q Did he go before the court at the same time? A No sir, I think not.  
 Q His wife's citizenship was also disputed? A I judge so.  
 Q Did she go down before that court? A Not to my knowledge.  
 Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.  
 Q Was Bob Daniels Chief Justice of that court? A Yes sir.  
 Q Just a few years after the war? A Yes sir.  
 Q In '71 wasn't it? A Yes sir.  
 Q Was any session taken in that court? A I don't know.  
 Q You were not there yourself? A No sir.  
 Q You came about 15 or 16 years old when you came back? A Yes sir.  
 Q I guess so, I don't exactly know how old I was.  
 Q You were not married then? A No sir.  
 Q How long long after you got back before you married? A Not very long after I got back.  
 Q Did you marry on your way down here? A No sir.  
 Q How long had you been here before you married? A I have been married twice.  
 Q How long had you been here before you married the first time? A Not very long.  
 Q As much as a year? A May be so.  
 Q Is that your best judgment? A My best judgment is perhaps that it was that long.  
 Q When were you married to your present wife? A Upwards of 20 years, or so.  
 Q How long did you live with your first wife? A Not very long, she died.  
 Q A year? A Perhaps it was, maybe a little longer.  
 Q Then you married your present wife? A Yes sir.  
 Q When you came to the Cherokee Nation how did you come the first time? A In wagon.  
 Q The first time? A Yes sir.  
 Q Who came with you? A Several were on horses back; it is beyond my knowledge how many there were.  
 Q Tell all you can remember? A We made a trip in August and she in October and then we moved here in the winter.  
 Q Did you come in August? A Yes sir.  
 Q Who came with you then? A Some of this family, Peter Heigs and the sons of these families.

- Q Who else came with you? A My brother Dan and the Whitmires.  
Q Which ones? A Several.  
Q Which ones? A Hose and Dennis, and the Webbers.  
Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I don't know who else, I don't know who all come.  
Q Who come when you come in October? A I don't know who all come then, some of that same crowd and some more come in October.  
Q Do you remember any additional persons? A To the best of my knowledge the Smith family.  
Q What was his first name? A Old man Caesar Smith.  
Q You come in both of the detachments yourself? A No sir.  
Q Which one did you come in? A I come in August.  
Q You didn't come in October then? A Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.  
Q On Big Creek? A Yes sir.  
Q Where Mrs Meigs lives? A Yes sir.  
Q And you returned in October, how long did you stay in October.  
Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.  
Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.  
Q What time in the winter? A Long in January.  
Q You mean in '67.  
Q No in the winter of '66.  
Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I don't understand you; we came here in the winter of '66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

- Q You say you first came here in August of '66? A Yes sir.  
Q That was your first coming was it? A Yes sir.

By Hastings:

- Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following?  
A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.  
Q I don't mean only of that family, there were other families were there not? A Old man Billie Foreman.  
Q Who else? A He had several children.  
Q The heads of families I meant? A Fannie Sanders; I don't recollect them all; I don't know as I can call the names of all of them.  
Q Were any of the Webbers along? A Yes sir.  
Q Old man Sam and young Sam? A Yes sir, I would not pretend to call them all over as I had forgotten those Webbers and so I can't remember for if I had forgotten them I don't think I can remember any of the others.

By the Commission:

- Q Did old man Sam Webber come? A Yes sir.  
Q Did his son Sam come? A Yes sir.



By V. W. Hastings:

- Q Dont you remember any one else? A Rachel Webber.
- Q Do you think of any one else? A No sir.
- Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.
- Q You know that there is a question about who came dont you? A Yes sir I guess I do.
- Q You say you came to Big Creek? A Yes sir.
- Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.
- Q Did you cross the river there? A What river.
- Q Neosho? A No sir.
- Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
- Q You came through what is Chetopa and came on west through the prairie? A We may have.
- Q You were in Wagons? A Yes sir.
- Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
- Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.
- Q Then the houses were not built before you moved there with your families? A Yes sir some were, there were logs on some up 6 or 10 logs high.
- Q Then there were none really completed until you moved there with your families? A No sir.
- Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
- Q Do you know Jim Martin? A Yes sir.
- Q How far does he live from you now? A 4, 5 or 6 miles.
- Q Was he living there when you people moved there? A No sir.
- Q He had a brother names William Martin? A Yes sir.
- Q Was he living out there then? A No sir.
- Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
- Q Was his name Dick Carter? A I think it was.
- Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.
- Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gillstrap ferry.
- Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

- Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66?
- A Yes sir.
- Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
- Q You didn't bring your families with you then? A Only part of them and some things that we had.
- Q Part came with their families and part came to prepare for their families? A Yes sir.

- - -

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you? A No sir.

Q Did Peter Meigs bring any of his family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Kansas? A I think with my father.

Q You came yourself in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q Then you returned to the Cherokee Nation again in October? A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir, not all of them come in October.

Q Where was Peter Meigs in October? A He come with us at each trip.

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October? A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That made the second time that Peter Meigs had been here? A Yes sir.

Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I don't exactly know where he was in Christmas of '66.

Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.

Q How far apart? A Two or three hundred yards apart.

Q Did he then go back to Kansas for his family after he made that first trip with you? A No sir he went back after something to do.

Q You stated that he brought his family the last time in February, that did he come back after his family? A The third time he brought his family.

Q You staid here then? A Yes sir.

Q When did you come? A In the winter.

Q Was it in February? A Must have been in December.

Q What about that February trip you spoke of? A It was in the winter time. Snow on the ground.

Q Did your father come at that trip? A Yes sir.

Q Your mother? A Yes sir.

Q Peter Meigs? A Yes sir.

Q His wife? A Yes sir.

Q That was your third trip? A Yes sir.

Q Was that your last trip? A Yes sir.

Q When did your wife Alice come? A Come then.

Q On that third trip? A Yes sir.

Q You say Peter made all three trips with you? A Yes sir.

Q Every time you came he came? A Yes sir.

Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.

Q Did he go there by himself? A No sir.

Q Do you remember distinctly that you came here in August the first time? A Yes sir.

Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.

Q Do you remember distinctly that he come with his family when you made your third and last trip? A Yes sir.

Q With his family? A Yes sir.

of her marriage, -

from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil War. She is identified on the Kerns-Clifford roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make ~~some~~ further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above 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 29th of May, 1901 at  
Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL:

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., May 22, 1901.

In the matter of the application of Elizabeth Heigs for enrollment as a Cherokee Freedman;  
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.  
Q How old are you? A I am only about 50 past.  
Q You gave testimony just now in the case of Elizabeth Heigs?  
A Yes sir.  
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.  
Q How do you find out now it was January instead of February?  
A It was just after Christmas that we was on the road coming down.  
Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas- a few days before Christmas there was a man got killed named Harford, and there was a gentleman killed him, a colored man killed that man Harford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.  
Q Where did you say that killing took place? A In Kansas.  
Q Fort Scott? A Yes sir.  
Q And the man that was accused of the killing was named what? A Named Mackey.  
Q You remember his first name? A No.  
Q You remember the man who was killed, you get his first name? A No sir, I don't.  
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.  
Q You know what county Fort Scott is in? A No sir.  
Q Was called your attention to this ~~error~~ error? A I thought so myself; I called my own attention to it, I was studying over it, I did.  
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Heigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

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

M. D. Green.

Subscribed and sworn to before me this May 23, 1901.

C. R. Breckinridge,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs

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

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;  
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Nineth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A Robert Meigs.

Q Where do you live? A I live five miles southwest of Tahlequah.

Q What is your postoffice? A Park Hill is my postoffice.

Q How old are you? A I am 56 my next birthday.

Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '65.

Q Did your people own any slaves before the war? A Yes sir.

Q Do you know whether they owned a woman by the name of Elizabeth?

A No sir.

Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.

Q Well, did you know Peter Meigs? A Yes sir.

Q Do you know what his wife's name was when the war broke out?

A Betsy, she called her.

Q Well, was she living, Betsy, at the time the war broke out?

A Yes sir.

Q Well, did you ever know her by any other name than Betsy?

A Bettie.

Q There was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.

Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.

Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.

Q Did you ever see Peter Meigs and his family after the war? A Yes, sir, saw Uncle Peter.

Q What year was that? A Sometime after '71.

Q What were the circumstances as to your seeing him or meeting him?

Q Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

tion with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.  
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

L. T. Brown: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

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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 7th of November, 1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:

L. T. Brown, agent for applicants;  
L. E. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.

Q What is your age? A About 59.

Q What is your postoffice address? A Centralia.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1880?

A I think it does.

Q You know Elizabeth Meigs and George Meigs? A Yes, sir.

Q What relation is George Meigs to Elizabeth Meigs? A Her son.

Q Did you know Peter Meigs during his life time? A Yes, sir.

Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.

Q When did they return to the Cherokee Nation? A They came in '68.

Q With whom did they return? A They came with me and my father and the Webbers.

Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '68.

Q What time of the year? A First of December.

Q That was the first time? A Yes, sir.

Q When did you make your second trip? A Along in first part of January.

Q That was January, 1867? A Yes, sir.

Q Now which one of these trips was it that Peter and his family came with you? A They came both times.

Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.

Q Peter came with you alone the first time? A Yes, sir.

Q Then the second time he brought his family? A Yes, sir.

Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.

Q Then was his children? A Them was his children.

Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

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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 7th of November, 1901.

T. B. Needles,  
Commissioner.



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

  
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Subscribed and sworn to before me this the 8th day of August, 1908.

  
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Notary Public.

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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
SAMUEL BECK as a Cherokee freedman; introduced on part of the  
Cherokee Nation:

Appearances:

L. T. Brown, Vinita, I. T., Agent for Applicant;  
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on  
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A L. B. Bell.  
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.  
Q How long have you lived in and near Vinita? A Oh, since '67,  
including most of '67.  
Q Was there any railroad running in or through Vinita when you  
first moved into that community? A No, sir.  
Q When did the railroad first come through that country, Mr. Bell?  
A In 1871.  
Q You know this applicant, Sam Beck? A No, I don't know him.  
Q Don't know anything about him? A No, sir.  
Q Was you living in that country before the railroad started from  
Kansas through the Indian Territory; that is, the M. K. & T.?  
A Well, I will tell you what I know about the railroad; The rail-  
road come through the country in 1870, and on the application of  
the Cherokee Nation, a complaint to the Secretary of the Interior,  
they stopped building and during the session after 1870 of the  
National Council of the Cherokee Nation, they passed an Act there,  
it is dated the 14th of December, 1870, authorizing the furnishing  
of cross-ties to the rialroad, and agreeing that the railroad could  
go through. The secretary hadn't determined which had the right-of-  
way. They had begun it in 1870 and the M. K. & T. got the right-of-  
way, and then they authorized the selling of cross-ties, and I went  
to Chatopa and made a contract with the Company for cross-ties  
enough to build from the Kansas line to Pryor Creek and sublet it.  
Mr. Martin was one I sublet to, that was in 1870 that contract  
was made, I don't recollect the exact date. Well, just a few days  
following that we began getting cross-ties and then worked on down  
to the Creek Nation. That was the first railroad built in the  
country and first cross-ties was cut on the railroad in this  
country.  
Q You don't know anything about the wife of Beck or anything about  
them? A No, I don't.

C. D. MARCHAM, being duly sworn, testified as follows on  
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A C. D. Marcham.  
Q Where do you live? A At Tahlequah.  
Q How long have you lived in the Cherokee Nation?  
A I was born and raised here; never was out except during the war.

Q Where did you live before moving to Chickasaw? A Lived on Grand river east of Choteau about ten miles.

Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.

Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.

Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '2.

Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.

Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.

Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

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

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,  
Commissioner.

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I, A. B. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the foregoing is a correct copy thereof.

A. B. Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

A. B. Cheever  
Notary Public.

To be filed with F. D. 976.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. May, 13, 1902.

In the matter of the application of Elizabeth Helgs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. V. Hastings.  
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

- MR. HASTINGS: What is your name? A. Mrs. Lydia Barton.
- Q What is your office? A. Fort Scott, Kansas.
- Q Do you hold any official position at the present time? A. Yes, sir.
- Q What is it? A. County Clerk.
- Q Of the county in which Fort Scott is located? A. Yes, sir.
- Q Have you an official paper? A. Yes, sir.
- Q What is it? A. Our official paper at the present time is the Republican but that changes you know from time to time.
- Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A. Yes, sir.
- Q What was it? A. The Fort Scott Monitor.
- Q Are you required to keep files of this paper in your office? A. We are.
- Q Have you a file of the official paper including December 22, 1866, up to and including March of 1867? A. Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 20, 1866, found on the second column of the editorial page, headed "Another Murder."

MR. BROWN: comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder."

Shooting of H. Hayford.

Testimony given before the coroner.

On Saturday night, the 22nd inst., after dark, Mr. H. Hayford, of this city, was found murdered. A colored man, named Ed H. Hokey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store, on the corner of Williams and Bigler streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them are these:

On Saturday, at or about dark, the sack of flour which Mr. Hayford had placed on a table, outside the door of his store, was stolen. Being missed almost immediately, and learning that Hokey had taken it, and was seen on his way with it, Mr. Hayford started towards the Scott Hill. He had gone some way or thirty minutes before he was shot. He fell on the ground, in the last agonies of death. He had received four shots from a person, evidently a

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Margrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and P. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Dr. J. S. Redfield and B. F. Hepler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had sold him with the flour; he was then told he had shot Hayford, and he said he had nothing to do with it. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.



Harry Lander, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey's. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon after I heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone talking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard the call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Vestly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Margrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated the Gen in the Nation, before he came to Fort Scott.

and he was once before arrested here, before his trial came off the prosecuting attorney was unknown, and Mackey was discharged without trial. He was tried for the offence with which he now stands charged and if guilty he should expiate his crime on the gallows."

**MR. HASTINGS:** I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Mr. Hayford, confined in our jail, to await his trial at the District Court, for murder in the first degree, and up to the time of going to press this morning, and heard of. A reward of two hundred dollars is offered for his apprehension."

**MR. HASTINGS:** The Cherokee Nation offers a reward of \$1000 from the Fort Scott Monitor of Wednesday, March 14, 1867.

#### "A Chapter of Horror"

Murderer of Hayford Captured

Tragical events connected with the affair

The history of our community for the past few weeks has been filled with horrors, such as will, for long days to come, be the hearts of our citizens with gloom.

A few weeks ago, we published an account of the capture of Eli Mackey, the black fiend, who last winter murdered Mr. Hayford. Ever since that time the officers of justice have been diligent with a view of his recapture, and on Wednesday, the 14th inst., Deputy Sheriff Wheaton, having learned that the murderer had been seen in his brother's house, about five miles northeast of this city, started, in company with his son, Charles F. Wheaton, who is now on duty on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, fired the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right shoulder, fell to the ground. For some time no hope was entertained of his recovery; but at the present writing his condition is improving, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Jefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation



and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their sufferings, the most of them, were among the best of our young men. As members of the police force of this city they have performed their duties with fidelity, generous and brave to a fault, the death of one and the injury to the other creates a spirit of sadness that cannot so easily be alleviated. The body of Mr. Coe was brought into the city on Friday and a funeral sermon by Mr. Irwin was escorted by a funeral procession, headed by the members of the Grand Army of the Republic to the cemetery where it was interred.

#### Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Henry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quiet was this done that few in the city except those who participated knew of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

Q. What is your name? A Benjamin Files.

Q. What is your postoffice? A Fort Scott.

Q. What State? A Kansas, yes, sir.

Q. Were you living there at the close of the war? A Yes, sir.

Q. Were you living there in '66, December? A I have lived there ever since '62.

Q. Do you know Dyer Hayford? A Yes, sir.

Q. Did you know him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q. Was he killed? A He was killed at Fort Scott.

Q. Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.

Q. About what time of the day was he killed? A He was killed just after dark, just dark.

Q. Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q. What? A Eli Mackey.

Q. Was he a colored man? A Yes sir, he was.

Q. Did you assist in his arrests? Yes, sir.

Q. Who arrested him? Myself and a man we called Deacon Jones.

- Q That this other man here with you? A Yes, sir.
- Q About how long after this reported killing? A I heard the shots fired, then run down there and ran over him; I lit a match and this man drew his breath twice. From the time the shots fired I wouldn't it was more than twenty minutes.
- Q Twenty minutes? A Yes, sir.
- Q Had it become generally known at the time of the arrest? A No, sir.
- Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
- Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
- Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
- Q Was he put in jail? A Yes, sir.
- Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 26th I think it was.
- Q Of February following, of '67? A Yes, sir.
- Q Well did he make his escape? A He got away.
- Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
- Q Ed Coe was the turnkey was he? A Yes, sir.
- Q I will ask you then if there was any searching parties out for this man? Yes, sir.
- Q For how long? I think he was killed on the 29th of March.
- Q From then about the 26th of February until the 29th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
- Q Well were there quite a number of people out searching for him? A Yes, sir.
- Q Considerable excitement at that time? A Yes, sir.
- Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched bands, they looked around for him; but failed to find him.
- Q Until that time? Yes, sir.
- Q You say that was for about three weeks? A Yes, sir, something over three weeks.
- Q From the 26th of February up until about the 29th of March? A Yes, sir.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee warlock or not? A Yes, sir, he was.
- Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
- Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
- Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail, I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
- Q And you helped to arrest him? Yes, sir; I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
- Q You had known Hayford prior to that time? A Yes, sir, him and he was friends.
- Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

Q. What is your name? A. H. C. Jones.

Q. What is your position? A. Fort Scott, Kansas? A. Kansas, yes, sir.

Q. What is your age, please sir? A. 33.  
Q. Were you holding any office in the town of Fort Scott, Kansas, in December of '86? A. I was.

Q. Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A. I was.

Q. What office was that? A. City Marshal, called town constable.

Q. You was a city policeman? A. Yes, sir.

Q. Did you assist in his first arrest? A. I did.

Q. Who assisted you in the arrest? A. Mr. Benjamin Files.

Q. This man that's present here? A. Yes, sir.

Q. Did you hear the shots that killed Hayford? A. I did.

Q. How soon after Hayford was killed was Mackey arrested, Eli Mackey?  
A. 20 or 25 minutes, inside of a half hour at most.

Q. Very short time? A. Yes, sir.

Q. Had any houses or wagons or anything of that kind been searched in the meantime? A. No, sir, there was no knowledge.

Q. People didn't generally know it up to that time? A. No, sir.

Q. Put in jail then? A. He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.

Q. Well how long did he remain in jail, do you remember? A. Why I think something like six weeks or more.

Q. Well the Fort Scott Monitor puts it about February 26th? A. I presume that was right, it was correct. It was hard for me to remember exactly.

Q. Well he remained in jail up to that time? A. Up till that time, he was not out of jail except while he was under guard.

Q. He made his escape then? A. He made his escape, yes, sir, at the time.

Q. You know how long he was at large? A. Well I put it something like three weeks.

Q. I will ask you if there was any searches at that time made for him?

A. You mean after?

Q. When he got away after February 26th? A. Oh yes, sir, there was considerable hunt for him at that time.

Q. Reward offered for him? A. Yes, sir, reward offered.

Q. People searched around in the country for him? A. There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.

Q. He was afterwards captured was he? A. Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.

Q. Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A. He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COMMISSIONER: You are positive about these dates? A. To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.

Q. '87? A. In '86 the killing was done.

Q. You days before Christmas of '87? A. Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-210, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and asks the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, and immaterial and not the best evidence, it being purely hearsay.

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

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-395, D-401, D-402, D-404, D-407, D-775, and in D-391, the same being the case at bar.

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

(Signed) Arthur G. Croninger.

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

(Seal)

(Signed) Philip G. Renter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

*Arthur G. Evans*

Subscribed and sworn to before me this 23rd day of July, 1902.

*Philip G. Renter*  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Washgton, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitacre, Trustee for the Freedmen, vs the Cherokee Nation, No. 17800, filed in the Marshall Hayden case F. D. 655, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Marshall 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:

Josiah Hayes, D 976;

By W. W. Hastings:

The Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, or that he returned within the time specified in the Treaty of 1846, 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.

Objection:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Marshall 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 G. of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

Mr. Mellette & Smith moves that as to the above named cases in which the Cherokee Nation has not objected and the decree of the Court of Claims be filed in the case of the said Marshall 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:

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

W. W. Hastings:

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

The Commission:

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

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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 above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

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

(SEAL)

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

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

*E. C. Bagwell*

Subscribed and sworn to before me this July 20, 1902.

*P. G. Reuter*  
Notary Public.



was given them all by agreement in March 1902 that the cause would  
be closed so far as testimony was concerned by the special per-  
mits of the firm of attorneys representing these applicants, or  
by the firm of attorneys representing the State of  
Texas on May, 1902, and the Commission on the 14th day of  
June, 1902, under the provisions of the act that  
in the agreement between the applicant and the State in  
the case of the cause of the above case, no proceeding or  
action should be granted in any case and no  
proceeding unless there is some specific and particular reason shown  
by the Cherokee Nation on the one side or the applicant  
on the other and an extension of time is necessary or issued

The Commission

The law provides that the records of the Cherokee freedmen shall  
made in strict compliance with the decree of the Court of the  
United States of Texas, 1897, and as the Commission must  
obtain a copy of the original roll of said Court and the pro-  
ceedings referred to the motion of the attorneys for applicants  
and the Commission to the records of the proceedings

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

(Signed) E. G. Rothberger.

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

(Signed) P. G. Neuter,  
Notary Public.

(SEAL)

I, E. G. 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. G. Bagwell*

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

*P. G. Neuter*  
Notary Public



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Washoe, D. C., May 31, 1902.

In the matter of the application of **PERCY ADAMS** for enrollment as a Cherokee Freedman:

Applicant appears by **Hallett & Smith**; Cherokee Nation, by **W. W. Hastings**:

By **Mr. Smith**:

The applicant moves the Commission to make a certified copy of the decree of the Court of Claims in the case of **Moses Whitwire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209** filed in the **Mariah Hayden** case **F D 498**, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said **Mariah Hayden**, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

**Joseph Hayes, D 976;**

By **W. W. Hastings**:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, **First**: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1863, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. **Second**: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. **Third**: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. **Fourth**: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

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

By **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 recovered unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

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

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

(Signed) E. G. Rothenberger.

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

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

(SEAL)

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

*E. C. Bagwell*

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

*P. G. Reuter*  
Notary Public.

ST. JOHN'S  
BAPTIST CHURCH  
1874

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 JOSIAH MAYES as a Cherokee Freedman.

Appearances:

J. S. Davenport and L. B. Bell, Attorneys for Cherokee Nation.

JOSIAH MAYES, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Josiah Mayes.  
Q How old are you? A Forty-six.  
Q What is your post office? A Centralia.  
Q What district do you live in? A Cooweescoowee.  
Q Who was your father? A David Mayes.  
Q Is he dead? A Yes sir.  
Q Who was your mother? A Susan Whitmire.  
Q Or Susan Mayes? A Yes sir.  
Q Is she dead? A Yes sir.  
Q Were you the slave of a Cherokee citizen at the commencement of the war? A Yes sir.  
Q Who did you belong to? A Johnson Whitmire.  
Q Was he a Cherokee citizen? A Yes sir.  
Q How old were you when the war commenced? A I don't know exactly, about six, five or six, somewhere along there. I was small.  
Q Were you taken out of the Cherokee Nation during the war?  
A Yes sir.  
Q When did you return? A I don't know exactly the date. Of course I was small and didn't know anything about dates then.  
Q Who did you come back with? A My father and my brother-in-law, Santa Ann Nivens, and three of his children. They said it was in the fall of '66, the time we first come down, that is. They left us and went back and brought my mother and the smaller child, David Mayes.  
Q You say you came back the same time your father, David Mayes, did?  
A Yes sir.  
Q Who else came with you besides your father? A Santa Ann Nivens, my brother-in-law.  
Q Anybody else? A No sir.  
MR. DAVENPORT: You came back with your father? A Yes sir.  
Q Who else? A Santa Ann Nivens.  
Q Where did you go to when you first came to the Cherokee Nation?  
A Right where I am living now, in Cooweescoowee District, on Big Creek.  
Q Your mother didn't come with you that time? A No sir, she didn't come that first trip we made.

JOHN LANDRUM, being first duly sworn, testified as follows on behalf of applicant:

BY COMMISSION: What is your name? A John Landrum.  
Q How old are you? A ~~Next~~ I am about sixty-four, not quite that, but will soon be that.  
Q What is your post office? A Hayden, Lightning Creek.  
1.

Q In what district do you live? A I live in Cooweescoowee.  
Q Do you know Josiah Mayes? A Know Josiah? I don't know him by that name. I know Jo Mayes.  
Q The man that was just in here? A That aint his name, it aint. Josiah. It is Joe Mayes.  
Q Who is the father of Joe Mayes, as you call him? A Dave Mayes.  
Q Who is his mother? A Her name was Sukey Mayes.  
Q Was she ever known as Susan Mayes? A Not that I know of.  
Q You always knew her by the name of Sukey? A Yes sir.  
Q Are both parents of Joe Mayes dead? A Yes sir, both dead.  
Q Was Joe Mayes born before the war? A Couldn't tell you about that. Couldn't tell you about him being born before the war.  
Q Did you know David Mayes before the war? A Yes sir, you mean the son?  
Q The father of Joe? A The old man, I saw him once before the war.  
Q When did you first see David Mayes after the war? A I saw him - what year, you mean?  
Q Yes? A It was in '67, I think I saw him, in the fall of '67. It was in the fall.  
Q You never saw him after the close of the war until the fall of '67?  
A No sir.  
Q You couldn't state of your own knowledge as to just when he returned to the Cherokee Nation? A No sir, couldn't do anything like that, because I wouldn't tell the truth.  
Q Do you know whether David Mayes was the slave of a Cherokee citizen at the commencement of the war? A It was so said that he was a slave.  
Q You didn't know him before the war yourself? A No sir.

MR. DAVENPORT: You went to Kansas during the war, didn't you?  
A Yes sir.  
Q What part of Kansas did you go to? A I went -- I stopped at a town way above Leroy, they call it. I forget the name it is way the other side of Leroy.  
Q When the war closed did you continue to live at that town?  
A Yes sir.  
Q Was that Neosho Falls? A It was the other side of Neosho Falls.  
Q That was the town you stopped at wasn't it? A No sir, I never stopped at Neosho Falls until I returned back.  
Q You lived at Neosho Falls just after the close of the war, didn't you? A No I lived the other side of Neosho Falls at Leroy.  
Q You lived east of Neosho Falls on the farm for awhile didn't you, or northeast? A No sir.  
Q You lived on old man Learned's farm for awhile just at the close of the war? A No sir, that ain't the question that you have to ask me, that is outside of your line. They asked me to witness for old man Dave and that's what I have come to do. I am not going to answer all those questions.  
Q How long after the war closed until you came back to the Cherokee Nation? A Just right after - after the peace, but I couldn't tell you just what day and month and year it was, it was just after the peace.  
Q You came the same year peace was made, did you? A No sir, just awhile after peace was declared.  
Q You didn't come the next year there did you? A I came the second year I reckon, I don't know just exactly, it has been so long, and that's outside your line anyhow.  
Q I ask you to answer my question? A That ain't right, you ain't treating me right at all.

BY COMMISSION: Answer the question. He wants you to tell where you  
A I have told him.

MR DAVENPORT: I will ask you this question, didn't you in 1868, with your family move upon and live on the farm of a Mr. Learned within about two miles of Neosho Falls, in the State of Kansas?

A No sir, I didn't, I am telling you the truth.

Q Wasn't your brother Jim living there at the same time?

A At that time? Yes sir, of course, I won't tell you no lie about that, he didn't live there I did. Me and him was apart. I lived there on Neosho right up th e river.

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Wm. Hutchinson, 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 correct transcript of his stenographic notes thereof.

Wm. Hutchinson

Sworn to and subscribed before me this 29th day of October , 1903.

Edward McCorrick  
Notary Public.

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**FILED**  
OCT 16 1903  
**COMMISSION TO FIVE TRIBES.**



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., OCTOBER 6, 1903.

In the matter of the application of Josiah Mayes for enrollment as a Cherokee Freedman.

APPEARANCES:

Applicant, Josiah Mayes, appears in person.  
No one appears for the Cherokee Nation.

ANN SANDERS, being first duly sworn, testified in behalf of the applicant as follows:

By the Commission:

Q What is your name? A Ann Sanders.

Q How old are you? A I am going on 51 now.

Q What is your postoffice address? A Hayden.

Q In what district do you live? A Cooweescoowee.

Q Do you know Josiah Mayes who is an applicant for enrollment as a Cherokee Freedman? A Yes, sir.

Q Who was his father? A David Mayes.

Q Who was his mother? A Sukey Mayes.

Q Was she also known as Susan Mayes? A Yes sir, we called her Sukey Mayes.

Q Susan and Sukey were the same person? A Yes, sir.

Q When did you first know David Mayes, the father of Josiah Mayes?

A Why, in '67.

Q What time of the year? A Along the first of September as well as I can tell.

Q You never knew David Mayes, this applicant's father, before September, 1867? A Yes, sir, I seen him in Fort Scott.

Q When? A It was in the winter of '66.

Q When was the next time you saw him after the time you saw him in Fort Scott? A I saw him on Big Creek, in '67.

Q That was in September, '67, when you saw him on Big Creek?

A Yes, sir, either the last of August or the first of September.

Q You don't know of your own knowledge whether he was ever in the Cherokee Nation before September, 1867, or not, do you? A I did not see him; I went out on a visit from Tahlequah and they had a small patch of corn in when I come up there on a visit; they said they had raised it that spring.

Q Do you know of your own knowledge whom David Mayes come down with from Kansas? A Yes; no, sir, I could not really swear who he come with. When we come through Fort Scott my uncle was camped, and they come; there were several parties. I think one was Peter Meigs and Sam Webber, said they had been down in Cooweescoowee and built some houses, and come back after their families; that is what I heard them tell my uncle. I was young, and I could not tell who they come back with, because I was at Tahlequah.

Q How long did Dave Mayes, this applicant's father, stay in the Cherokee Nation after the time you saw him in September, 1867.

A I went back to Tahlequah to my home. I did not stay there only about two weeks. I stayed at Tahlequah a year, and so when I come back they were still living at the same place, and I suppose had remained there, because they were building and making a farm. They were on the same place where I first saw them.

Josiah Hayes--2.

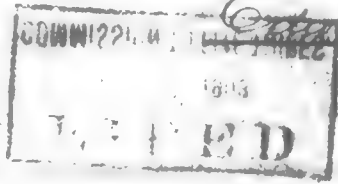
Henry M. Vance, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

*Henry M. Vance*

Sworn to and subscribed before me this the 24th day of October, 1903.

My Commission expires

\_\_\_\_\_



*Edward Morris*  
Notary Public.

2

of and to the fact I am very much surprised at the Commission

Freedmen cases I. D. # 892 (1891) & 897 (David & Susan of

Commission at Muskogee Indian Territory on October 23rd 1902 in Cherokee  
I am in receipt of a copy of testimony taken before the  
Gentlemen:

Muskogee I. T.

Commissioner of the Muskogee

Hastings, W. T.,  
Tahlequah, I. T.,  
Oct 15, 1903.

Protests against action of  
Commission in taking evidence  
in these cases, freedmen cases  
without notifying attorneys  
for Cherokee Nation.

October 12th 1903.  
Muskogee Freedmen # D 892.

Cherokee Freedman # D 976.

Tahlequah, Okla. October 18th 1903.

Commission to the Five Civilized Tribes

Muskogee I. T.

Gentlemen:

I am in receipt of copies of testimony taken before the Commission at Muskogee Indian Territory, on October 8th, 1903 in Cherokee Freedman cases F. D. # 976 Josiah Hayes and F. D. 981, David Hayes et al, and to say the least I am very much surprised at the Commission taking this testimony in the absence of a representative of the Cherokee Nation.

The Representatives of the Cherokee nation can not be at all times present at the different places where the Commission has offices but it has been our understanding that testimony in these contested citizenship cases would only be taken at the town of Tahlequah, Indian Territory, where the Cherokee Citizenship division of the Commission is located unless special notice was given us.

Only a few days ago we were notified to be present at Vinita when these same applicants were required to present themselves and introduce additional testimony in their cases. During the whole week a representative of the Cherokee nation was present during the sittings of the Commission at that place and we desire to say that we do not believe that it is fair to the Cherokee nation to take testimony in these contested cases without an opportunity first being afforded us of being present. We are not allowed to take a line of testimony in a single doubtful freedman case unless we first serve notice upon the applicant that we intend to take testimony upon that date in his case and we do not believe that it is fair to the Cherokee Nation that the commission take this testimony of these applicants many of which are known to be disreputable by the representatives of the Cherokee Nation without the representatives of the Cherokee nation being present to hear the testimony and to cross examine the witnesses. It is not sufficient that the Cherokee Nation be given an opportunity to introduce relevant testimony but the opportunity should be afforded the representatives of the Cherokee nation to be present and to cross examine those witnesses introduced by these applicants.

Respectfully,

N. W. Hoalings  
Atty for the Cherokee Nation

SERIES B.

(Act of November 5th, 1892.)

No. 1442

Cherokee Nation, Coowescoowee District.

Permission is hereby granted Josiah Mayes a citizen of the Cherokee Nation, to employ Eben Jones as a Farmer for the term of Three Months from this date.

"No permit shall be issued for a longer period than Dec. 31 of the year in which the permit is issued."

Given under my hand and seal of office, this the 18 day of Moh 1893

(Signed) H H Trott

(SEAL) 122  
Hudson

Clerk Coowescoowee District.


Countersigned: E E Starr

Treasurer Cherokee Nation.

0-0-0-0-0-0-0-0-0-0-0-0-0-0-0

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., November 27, 1903.

The undersigned, a member of the Commission to the Five Civilized Tribes, hereby certifies that the above and foregoing is a true and correct copy of the original "Permit" now on file in the office of the Commission.

  
Commissioner.

*Comm. Re*

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

In the matter of the application of Josiah Mayes, and others,  
for enrollment as Cherokee Freedmen, consolidating the applications  
of--

Josiah Mayes.	Cherokee Freedmen D-976.
David Mayes, et al.,	Cherokee Freedmen D-981.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Josiah Mayes for himself, and by David Mayes for himself and his two minor children, Jennetta C. and Richard H. Mayes. Copies of the testimony taken at various times in the cases of Ben Adams, Edward Wright and Aaron Webber are made a part of the record herein.

The evidence in this case shows that the applicants, Josiah Mayes and David Mayes, were the slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation, and when they returned thereto, one Sam Webber and his family were living in said Nation. The Commission has found in the case of Sam Webber, et al., Cherokee Freedmen 269, that the family of the said Sam Webber did not return to the Cherokee Nation until after February 11, 1867; therefore, the applicants, Josiah Mayes and David Mayes, did not return to the Cherokee Nation and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitwire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation. The applicants, Jennetta C. and Richard H. Mayes, are the minor children of the said David Mayes and have no right to enrollment except such as they may derive through their father.

It does not appear that the name of any of the applicants herein is identified on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Josiah Mayes, David Mayes, Jennetta C. Mayes and Richard H. Mayes as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the act

of Congress approved June 28, 1898, (30 stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

Commissioner.

*C. R. Beckwith*  
Commissioner.

Commissioner.

Muskogee, Indian Territory.

this APR 21 1904

RECEIVED  
APR 21 1904  
INDIAN TERRITORY  
MUSKOGEE



*Comm'n*

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

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In the matter of the application of Josiah Hayes, and others,  
for enrollment as Cherokee Freedmen, consolidating the applications  
of--

Josiah Hayes,  
David Hayes, et al.,

Cherokee Freedmen D-976,  
Cherokee Freedmen D-981.

DECISION.

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It does not appear that the name of any of the applicants herein is identified on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Josiah Hayes, David Hayes, Jennetta G. Hayes and Richard H. Hayes 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.

APPOINTED, Lame Kirby,  
Chairman.

APPOINTED, T. D. Needles,  
Commissioner.

APPOINTED, C. W. Brown, Esq.,  
Commissioner.

APPOINTED, \_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory.

this \_\_\_\_\_

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Josiah Hayes et al as Cherokee Freedmen, consolidating the applications of

Josiah Hayes C. F. D. 976

David Hayes et al C. F. D. 981.

On April 20th 1904 the Commission to the Five Civilized Tribes rendered a decision denying the applications for the enrollment of the applicants herein upon the ground that they did not return to the Cherokee Nation within the time prescribed by the treaty of 1866; but the Commissioner of Indian Affairs on September 24th 1904 ( Land 31042-1904) without going into details states:

"In view of the record it is recommended that the decision of the Commission adverse to the claimants be reversed and that all of the applicants be enrolled as Cherokee Freedmen."

No further reason is assigned by the Honorable Commissioner of Indian Affairs in the letter from which the above is quoted.

Josiah Hayes made application for enrollment on July 1st 1901 before the Commission sitting at Nowata I. T. and at that time gave his age at 44 years which would have made him been born in 1857 and was therefore probably nine years old in 1866 and it is hardly probable that his statement is correct, that a boy of his age would be taken away from his mother in the state of Kansas and come with his father to an unsettled portion of the Cherokee nation.

At the time of his application he introduced two standing witnesses in his behalf.

Harry Still is thoroughly well known to the members of the Commission; he has been before the Commission a great number of times and the members of the Commission well knew that he is entirely unworthy of belief and disreputable and the members of the Commission knew that he stood ready and willing and eager in a half drunken condition to testify for any and all applicants and the Commission has found in the Harry Still case that he himself did not return to the Cherokee nation in time and the

therefore not here in 1866 and the Commissioner of Indian Affairs and the Secretary of the Interior agreed with the Commission as to the facts in the Harry Still case but recently reversed the Commission because of the fact that Harry Still had been admitted to citizenship by the Cherokee authorities in 1871 but not because he had returned to the Cherokee Nation in time under the treaty of 1866.

The other witness was Sam Webber and we have had occasion to state that he has been upon a committee to represent Cherokee Freedmen and has testified in their behalf in a great number of cases and has given so much false testimony that the Commission itself must be satisfied that little if any weight can be attached to any statement that he might make.

There is considerable testimony introduced in this particular case not referred to by the Honorable Commissioner of Indian Affairs in his letter recommending the reversal of the decision of the Dawes Commission, the relevancy of which is not apparent unless especial attention is called to it.

We took occasion in our General freedmen brief to call attention to the testimony introduced in the case of Aaron Whitmire F. D. 216; Edward Wright F. D. 818; Elizabeth Weigs F. D. 391. If a map of the Cherokee Nation is consulted it will be found that Big Creek lies within the Cherokee Nation South and East of Coffeyville, Kansas; that Snow Creek is a branch of ~~Big Creek~~ <sup>the Verdigris River</sup> and a number of smaller streams also empty into Big Creek and the Verdigris river. All of this section of the country is open prairie lies south of the Kansas line and is in what is known as Cooweescoowee District in the Cherokee Nation, and lies North of the Frisco Railway and North of the Missouri, Kansas & Texas Railway which two railroads intersect each other at Vinita, Indian Territory.

To fully understand the weight that should be given the testimony introduced in the three freedmen cases herein above referred to it is really necessary for one to be acquainted with the geography of the Cherokee Nation and the members of the Commission to the Five Civilized Tribes have lived in the Indian Territory for a number of years, some longer than others and during the past four or five years have had occasion to travel all over it where sittings of the Commission have been held and

are therefore very familiar with all of the country. Now the Members of the Commission know that Sam Webber claims to have come back to Big Creek a short distance from the Kansas Line; that the Whitmires claim to have come back a little after some of the Webbers and that the Sanders family settled near where the Webbers did. These three families were the first to return to that section of the country or in fact to the whole of Coowee soowee District ; it is therefore pertinent to ascertain if possible when they returned to the Cherokee Nation. Because if they came first and they did not return in time, then as a matter of course those who followed, came too late to acquire rights to citizenship in the Cherokee Nation. Following this line of inquiry, the representatives of the Cherokee Nation endeavored by record testimony and such other testimony as could be found to fix as definitely as possible when the Webbers, Sanders and Whitmires came and the records in the old Application of Lewis Whitmire in their applications before the Chambers court in 1878 were found together with their statements made under oath and such witnesses as were introduced at that time. Their written applications were upon file, which showed that they at that time,, in 1878, only claimed that a few men came down to the Cherokee Nation in the fall of 1866, leaving their families in the State of Kansas, that they hunted out a location after which they returned to Kansas and that they did not bring their families back to the Cherokee Nation until the last of February or the first of March 1867.. Every witness introduced before the Chambers court by them on their behalf testified to this same state of facts. In fact none of them claim differently. It was then only a short time after the war and the exact date of their return could then be definitely fixed and was definitely fixed. There can be no question but that no Freedman, be he man or woman, wintered in all of this section of country herein above described in 1866, and when one of these witnesses so testified, he admits wilful perjury and the members of the Commission knew it, and by their decision in numerous cases rejecting these people have in fact so found.

In Freedman D 591 Member Sanders lets drop a remark that on their way to the territory that their wagons were searched for Eli Hatcher was

was charged with the murder of Dyer Hayford and that this was when they were moving to the Indian Territory. It then became important to know when Hayford was killed and at what time the officers were searching for Eli Mackey. In searching the files of the official county paper at Ft Scott Kansas where Hayford was killed it was found that he was killed on the 22nd day of December 1866 and the files of the paper show and the man who arrested him testified that Eli Mackey was arrested at once and that within a few ~~moments~~ moments and before it was general known Mackey was arrested and lodged in jail and another issue of the paper dated February 27th 1867 tells of Eli Mackey Breaking jail and escaping and that a reward of two Hundred dollars was offered for his apprehension and the next issue of the paper introduced was dated March 27th 1867 and this gives a long account of the ~~tragic~~ tragical killing and hanging of Eli Mackey and of a number of people being killed and mention is made in this long account of Benjamin Files who was introduced as a witness in the case and who gives a detailed account of the killing of Hayford by Mackey as was told by the newspaper accounts; but the newspaper accounts are important because they fix exact dates; they are records brought from the county clerks office in Fort Scott, Kansas and these records and the testimony of the witnesses conclusively show that the search that was made for Eli Mackey when the country was scoured, when a reward was offered and when in fact the wagons of the Sanders detachment was searched must have been from between February 27th 1867 and March 27th 1867.

These dates it seems to us are conclusive as to the time of the return of the first families to this great area of country in which Big Creek is located and where so many Freedmen families claimed to have returned and located after the war.

In addition to the testimony with reference to the Hayford case ~~and~~ ~~and~~ and in addition to the testimony herein above referred to in the white case before the Chambers court we have a number of witnesses from the State of Kansas from the vicinity that the Webbers came from including Douglas Walker; Henry C. Short; Miami Walker and her husband and all of these disinterested witnesses from the State of Kansas swear

positively and conclusively that the Webbers did not leave Kansas until the last of February or the first of March 1867; these witnesses are disinterested; they lived within a stones throw of the webbers; they have no interest in swearing falsely in these investigations. It seems to us that great weight should be given their testimony since they are completely corroborated by the record as herein above indicated. But in this case we do not have to rely wholly upon this general testimony but if we did it is entirely sufficient because the applicants themselves admit that the Webbers and Whitmires and Sanders families were all living on Big Creek in the Cherokee nation when they came there.

The Cherokee nation introduced as a witness S. H. Mayes, who, by the way is an ex chief of the Cherokee nation, is a man of high standing and his reputation can not be questioned and he testifies to meeting David Mayes the father of the two principal applicants herein, on the bank of the river in 1868; that David Mayes had been to Tahlequah; it was to the best of his recollection in November at least late in the fall and that he made inquiry of David as to his whereabouts; that this David Mayes was his fathers old slave that he recognized him and that David admitted that he had just returned from Kansas. A few years later he saw him again at his home on Big Creek where David Mayes and he again talked and that David admitted that he returned too late to be entitled to enrollment in the Cherokee nation. Now S. H. Mayes certainly has no ill feeling against his fathers old slave in fact he had the kindest feeling, and affectionate regard for all of his fathers old slaves. Inquiry was made by all of the Cherokee families as to the welfare of their old slaves as was quite natural for them to do.

William Martin was also introduced who testified that he lived on Big Creek; that he came there in 1867; that David Mayes was not there when he came but that he came some time afterwards and that according to the best of his knowledge it was in 1868.

The Members of the Commission understand the situation in the Cherokee nation they understand that all of these freedmen will testify that they returned in 1866; it makes no difference whether they return three months ago or thirty years ago they will testify to the same thing.



and more than that the members of the Commission well know that they can bring any number of freedmen witnesses to corroborate them.

It is a sad state of affairs but we feel compelled to call the attention of the department to the fact that these several standing witnesses making a business of following the Commission from place to place and are professional witnesses and the members of the Commission have found that their statements are at variance with the truth in such a great number of cases that little credence should be given to their statements.

These freedmen argue among themselves that they all ought to be admitted who were former slaves and they justify their various false swearing upon that ground whereas the Cherokee nation contends that only such as honestly complied with the treaty are entitled. There is a great deal at stake in these investigations and we submit that the burden of proof is upon the applicants who should be compelled to make out their cases by reputable witnesses.

The Commission's decision refers to the return of Sam Webber which has been found to be in the spring of 1867 in certain other cases and we submit that the Commission's decision upon these points taking into consideration the knowledge of the Commission upon the geography of the country and the further fact that they meet these witnesses face to face and see their demeanor upon the witness stand and see how they dodge questions and how willing they are to give certain testimony which can not be taken into consideration by the Department that the decision of the Commission is correct and should be affirmed.

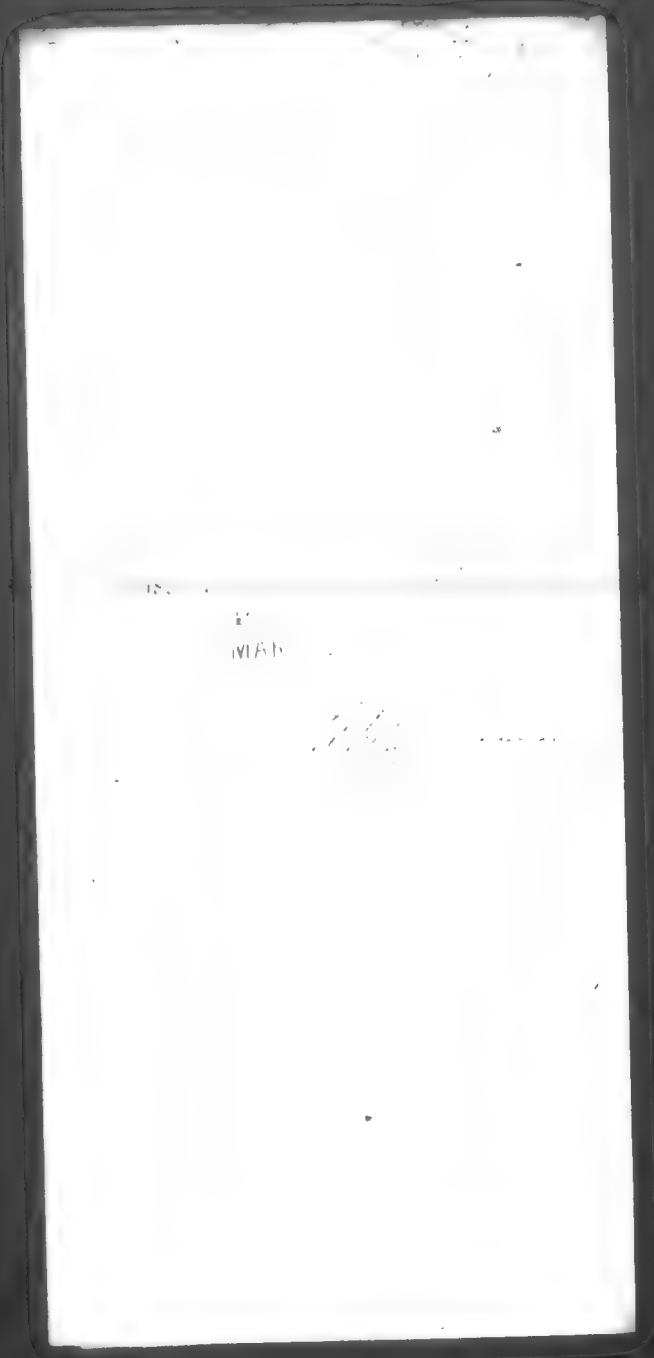
Respectfully,

Hell Hastings & Davenport,

Attys Cherokee nation

By

*J. Altair*



# **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. Josiah Mays,  
Centralia, I. T.  
Cherokee F-D-976  
Register.

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

Cherokee Freedmen  
D-976.

Muskogee, Indian Territory, September 11, 1903.

Josiah Mayes,

Centralia, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee Freedman, you are hereby advised that further testimony is required as to the date of the return of your father, David Mayes, to the Cherokee Nation after the War.

You are further advised that the Commission will be at Vinita, Indian Territory, on Wednesday, September 23, 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.

Cherokee Freedmen  
D-976.

Muskogee, Indian Territory, September 11, 1903.

Edgar Smith,

Attorney for Josiah Mayes,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Josiah Mayes as a Cherokee Freedman, you are hereby advised that further testimony is required as to the date of the return of his father, David Mayes, to the Cherokee Nation.

You are further advised that the Commission will be at Vinita, Indian Territory, on Wednesday, September 23, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen  
D 976-981.

Muskogee, Indian Territory, October 8, 1903.

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

Dear Sir:

There are herewith enclosed copies of testimony taken before the Commission at Muskogee, on October 6, in Cherokee freedmen D 976, Josiah Mayes, and D 981, David Mayes et al.

You are hereby advised that should you desire to submit rebuttal testimony in these two cases, you will be permitted to do so before the Commission at its offices in Muskogee, on October 30, 1903. You will be required to give the applicants fifteen days notice of the time and place of submitting such testimony.

Respectfully,

Enc. D-55.

Chairman.

Cherokee Freedmen  
D-976 & D-981

Muskogee, Indian Territory, May 4, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Josiah Hayes et al., including the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Josiah, David, Jennetta C. and Richard H. Hayes as Cherokee freedmen.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Chairman.

Enc. D-162.



Cherokee Freedmen  
D-976 & D-981.

Muskogee, Indian Territory, May 4, 1904.

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

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Josiah Mayes et al., rejecting the applications for the enrollment of Josiah, David, Jennetta C. and Richard H. Mayes as Cherokee freedmen.

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

Respectfully,

Enc. D-151.

*W. W. Hastings*  
Chairman.

Cherokee Freedmen  
D-976.

Muskogee, Indian Territory, May 4, 1904.

Josiah Mayes,

Centralia, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman. Your agent, Louis T. Brown, Vinita, 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. J. ...*  
Chairman.

Register

Enc. D-148.

Cherokee Freedmen  
D-976 & D-981.

Muskogee, Indian Territory, May 4, 1904.

Louis T. Brown,  
Agent for Josiah Mayes et al.,  
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Josiah Mayes et al., rejecting the applications for the enrollment of Josiah, David, Jennetta G. and Richard H. Mayes as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

Register  
Enc. D-150.

Chairman

( C O P Y )

DEPARTMENT OF THE INTERIOR,

Refer in reply  
to the following:  
Land.  
31042-1904

OFFICE OF INDIAN AFFAIRS,

WASHINGTON,

September 24, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated May 14, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Josiah Mayes for himself; and by David Mayes for himself and his two minor children, Jennetta C. and Richard H. Mayes.

April 20, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicants 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; that they were minors at the close of the war of the rebellion; that their father, Dave Mayes, 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 returned to the Nation prior to February 11, 1867, and established a home for himself and wife and the principal applicants. That the names of the principal applicants are not identified on the 1860 authenticated Cherokee roll, but are found on the Wallace and Kern-Clifton rolls.

The applicants, Jennetta C. and Richard H. Mayes are the minor children of the said David Mayes and have no right to enrollment except such as they derive from their father .

In view of the record it is recommended that the decision of the Commission adverse to the applicants be reversed and that all the applicants be enrolled as Cherokee freedmen.

Very respectfully

A. C. Tonner.

Acting Commissioner

M.M.M.  
W.

( C O P Y )

D.C. 41176-1904  
I.T.D. 7720-1904

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

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

October 24, 1904.

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

Gentlemen:

May 4, 1904, you transmitted the record in the consolidated Cherokee freedman case of Josiah Mayes, et al (F.D. 976 & 981) including your decision of April 20, 1904, rejecting the application for the enrollment of Josiah, David, Jennetta C. and Richard H. Mayes.

Reporting in the matter September 24, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be reversed and that all the applicants be enrolled.

You are requested to advise the applicants and the attorney for the Cherokee Nation of the Acting Commissioner's recommendation, and allow said attorney thirty days within which to file any argument he may desire in the matter, and the applicants 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

COPY:

Cherokee freedman  
D-376

Muskogee, Indian Territory, November 8, 1884.

Josiah Mayes,

Centralia, 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 October 24, inc. enclosing a copy of the Commissioner of Indian Affairs' letter of September 24, in which letter it is recommended that the Commission's decision rejecting your application, among others, be reversed, and that you be enrolled as a Cherokee freedman.

In accordance with the Department's instructions, the attorneys for the Cherokee Nation have this day been advised that they will be allowed thirty days from date hereof within which to file with the Commission, for transmission to the Secretary of the Interior, any arguments they may desire to submit in this case, a copy of which argument they will be required to furnish you.

You are advised that you will be allowed two days additional within which to file with the Commission for



-2-

transmission to the Secretary, a reply to said argument.

For your information there is herewith inclosed  
a copy of the Department's letter above referred to.

Respectfully,

Encl. 2-61

cc. *Tamm Dixby.*  
Chairman.

COPY.

Cherokee Freedmen  
D-976, D-981

Muskogee, Indian Territory, November 6, 1904.

Louis T. Brown,  
Attorney for Josiah Mayes et al.,  
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Josiah Mayes et al., as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of October 24, inclosing a copy of the Commissioner of Indian Affairs' letter of September 24, in which letter it is recommended that the Commission's decision rejecting said applications be reversed, and that the applicants be enrolled as Cherokee freedmen.

In accordance with the Department's instructions, the attorneys for the Cherokee Nation have this day been advised that they 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 they may desire to submit in this case, a copy of which they will be required to furnish the principal applicants.

COPY.

Cherokee Freedmen

D-976 - D-981.

Muskogee, Indian Territory, November 8, 1904.

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

Gentlemen:

In the matter of the application for the enrollment of Josiah Mayes, et al., as Cherokee freedmen, you are advised that the Commission is in receipt of departmental letter of October 24, inclosing the Commissioner of Indian Affairs' letter of September 24, in which letter it is recommended that the Commission's decision rejecting said applications, be reversed and that the applicants be enrolled as Cherokee freedmen.

In accordance with the Department's instructions, you are hereby advised that you will be given thirty days from date hereof within which to file with the Commission, for transmission to the Secretary of the Interior, any argument which you may desire to make in the matter of said applications, a copy of which you will be required to furnish the principal applicants.

For your information there is herewith inclosed a copy of the Department's letter above referred to.

Respectfully,

(SIGNED) *Tams Dixby*  
Chairman.

Encl. 2-49.

-2-

The applicants have this day been advised that they 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 referred to.

Respectfully,

Encl. B-50

(SIGNED) *Tamc Bixby.*  
Chairman

DEPARTMENT OF THE INTERIOR,

W. C. F.  
FHE

WASHINGTON. January 23, 1905.

D. C. 4512-1905.

I. T. D. 7720-1904.  
274 -1905.

L. R. S.

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

Gentlemen:

There is pending before the Department the Cherokee freedman case of Josiah Mayes, et al, in which case you rendered a decision April 29, 1904, rejecting the applicants.

You state in your decision that the applicants returned to the Cherokee Nation with one Sam Webber and his family, and that your Commission has found, in the case of Sam Webber, et al, that he did not return to the Cherokee Nation until after February 11, 1867.

There are also pending before the Department other cases in which reference is made to the case of Sam Webber, et al. It is therefore desired that you transmit the case of Sam Webber, et al, as early as practicable, and if there be any reason why said case should not be transmitted at an early date, you will report to the Department the reasons which prevent its transmittal.

Respectfully,

(Signed) Theo Ryan

Acting Secretary

D.C.51684

JLVr.

DEPARTMENT OF THE INTERIOR,      ILL  
WASHINGTON."

I.T.D.7720-1904.  
274-1905.  
8638- "

November 22, 1906.

LRS

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

Sir:

On September 24, 1904 (Land 31042), the Indian Office transmitted a report from the Commission to the Five Civilized Tribes dated May 14, 1904, forwarding the report in the consolidated applications for enrollment as Cherokee freedmen of Esqith Mays for himself and of David Mays for himself and his two minor children, Jennetta C. and Richard H. Mays, together with its decision, adverse to all of said applicants.

The Indian Office recommended that in view of the record the decision of the Commission, adverse to the applicants, should be reversed and the applicants enrolled as Cherokee freedmen.

On October 24, 1904, the Department directed the Commission to advise the applicants and the attorney for the Cherokee Nation of the recommendation of the Indian Office, and requested it to further inform them that the attorney for the nation would be allowed thirty days within which to file such argument as he might desire and the applicants ten days within which to reply to the

- 1 -

same. Said argument and reply were duly forwarded by the Indian Office on January 9, 1905 (Land 502).

On September 7, 1905, the attorneys for the applicants filed a motion for review in this case. Said motion upon examination presents no proper reason for favorable action, and is hereby denied.

The Commission in its decision in this case stated that the evidence shows that when Josiah and David Mays returned to the Cherokee Nation, one Sam Webber and his wife were living in said nation, and that as it had found in the case of Sam Webber that the applicants therein had not returned to the Cherokee Nation until after February 11, 1867, Josiah and David Mays could not have returned within the period set by the treaty of 1866. It also appears from the records of the Department that on May 31, 1906, in the consolidated Cherokee freedman case of Etta Manley et al., said Sam Webber was declared entitled to enrollment.

These facts, together with the arguments mentioned, have been considered by the Department in connection with the record, and it is considered that the preponderance of evidence clearly shows that the applicants, Josiah and David Mays, did not return to and take up their residence within the Cherokee Nation prior to February 11, 1867.

The decision of the Commission to the Five Civilized Tribes



dated April 20, 1904, denying the applications for the enrollment of Josiah Mays for himself and of David Mays for himself and his two minor children, Jennetta C. and Richard H. Mays, as Cherokee freedmen is hereby affirmed.

The papers have been returned for the files of the Indian Office.

Respectfully,

(Signed) Theo Ryan

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

8 inclosures.

Cherokee freedmen  
D976.

Muskogee, Indian Territory, December 5, 1906.

Josiah Mayes,  
Centralia, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, November 22, 1906, and a motion for review, filed by your attorneys September 7, 1906, denied.

Respectfully,

JMH

Acting Commissioner.

Cherokee freedmen  
D976.

Muskogee, Indian Territory, December 8, 1906.

Blue & Bulger,  
Attorneys for Josiah Mayes, et al.,  
Baxter Springs, Kansas.

Dear Sirs:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the applications for the enrollment of Josiah, David, Jennetta C. and Richard H. Mayes, as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 22, 1906, and your motion for review of said case, filed September 7, 1906, denied.

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

Respectfully,

Reel. H-41.  
JMH

Acting Commissioner.

Cherokee freedmen  
D976.

Muskogee, Indian Territory, December 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 April 20, 1904, rejecting the applications for the enrollment of Josiah, David, Jennetta C. and Richard H. Mayes, as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 22, 1906, and the motion for review of said case, filed September 7, 1905, denied.

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

Respectfully,

Encl. N-42.  
JMH

Acting Commissioner.

NO. 72710

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

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

on the            day of            , A. D. 190

Subscribed and sworn to before me this

Notary Public.

I, the undersigned attorney for the within named  
applicant, hereby accept service of the within notice  
on this the 24 day of May 1902  
Melleche S. Smith  
Attorney for Applicant.

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

Agent for Applicant.

## NOTICE.

In the Matter of the application of **Josiah Mayes.**  
for enrollment as Cherokee citizens :

To **Josiah Mayes, or Mellette & Smith his attorneys.**

**Vintia, I. T.**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on **May, 27,** A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this **May, 24, 1902.**

No. F. D. 976.

*L. B. Bell*

*Wm. W. Hastings*  
*Jess D. ...*  
Attorneys for the Cherokee Nation

35076

99

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
JUL 1 1901



ACTING CHAIRMAN



SERIES B.

ACT OF NOVEMBER 5TH, 1892.

No. 144 Cherokee Station, Cowasconowoc District.

Permission is hereby granted \$1.50 Josiah Mayes a citizen  
of the Cherokee Station to employ Obee Jones as a  
For one year for the term of Three Months from this date.

"No permit shall be issued for a longer period than Dec. 31 of the year in which the permit is issued."

Given under my hand and seat of office this the 18 day of March 1893

144  
Hudson

H H Pratt  
Clerk Cowasconowoc District.

Countersigned:

Treasurer Cherokee Nation.

9

N87D 976

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on .....  
by delivering a true copy thereof on the  
..... day of ..... A. D. 1901

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

.....  
Marshal for the Cherokee Nation.

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

*Melleck J. Smith*  
Attorney for applicant.

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

I do solemnly swear that I delivered a  
true copy of the within notice to .....  
on the ..... day of ..... A.D. 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 18 1901

*[Signature]*  
ACTING CHAIRMAN

## NOTICE!

IN THE MATTER OF the application of Joniah Hayes  
for enrollment as a Cherokee citizen:

Case No. D 275.

To Joniah Hayes or Hellette & Smith his Atty's.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of .....  
Indian Territory, on Oct. 7th ..... at 3 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

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

L B Bell  
W. W. Smith  
Attorneys for the Cherokee Nation.

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

*[Handwritten signature]*  
The Clerk

COMMISSIONER  
GEORGE L. BAKER,  
FRANK GIBBY,  
THOMAS B. STUBBS,  
C. B. BUCHANAN

ALLISON L. AYLERHOPE,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind. Ter., August 8th, 1901.

Received of the Commission to the Five Civilized Tribes,  
one copy of the original testimony of July 1st, 1901, in the  
matter of the application of Josiah Mayes for enrollment as a  
Cherokee Freedman.

*Louis J. Brown*  
Agent for Applicant.

Cherokee Freedman/D 976.

Cher Fr R 1039

Trans. from Cher Fr D 977

Cher Fr R 1039



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I.T., July 1, 1901.

In the matter of the application of Robert Moore for enrollment as a Cherokee Freedman.

Robert Moore, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Robert Moore.
- Q How old are you? A I am about 24 I guess.
- Q What is your postoffice address? A Why I am stopping in Muskogee now, I live at Lenapah.
- Q Well, where will your mail be sent? A Muskogee.
- Q What district do you live in? A In this district.
- Q What is its name? A Cooweescoowee.
- Q You want to be enrolled as a Cherokee Freedman? A Yes, sir, my mother enrolled here the other day.
- Q Who do you want to enroll besides yourself? A My two sisters and my brother.
- Q What are their names? A Why Mary Brown.
- Q Is she married? A Yes, sir.
- Q Well, she can enroll herself. Have you got any sisters or brothers that are not of age? A Why my mother enrolled my younger brother.
- Q You have got no brothers or sisters under 21 years of age?
- A No, sir.
- Q Are you married? A No, sir.
- Q Have you been married? A Yes, sir.
- Q Got any children? A Yes, sir, one.
- Q Do you want to enroll it? A Yes, sir.
- Q What is its name? A Gomez Moore.
- Q How old is it? A A little over four months old.
- Q Where is it? A It is in Muskogee.
- Q Who has got it? A Its mother has got it.
- Q Well, its mother can enroll it: is its mother a citizen?
- A No, sir.
- Q You living with your wife there? A Why yes sir, my wife died, this child isn't by my wife.
- Q This child is by another woman? A Yes, sir.
- Q Not a citizen? A No, sir.
- Q Don't you know that child isn't entitled to be enrolled? A No, sir.
- Q Well you know it now then. A I supposed this was the place to find out.
- Q You see if you were never married to the mother, you can't enroll it unless she was a citizen. A Yes, sir.
- Q What is your father's name? A Stewart Keely.
- Q Is he living? A No, sir, he is dead.
- Q What is your mother's name? A Winnie Moore.
- Q Is your mother living or dead? A She is living.
- Q Do you claim your citizenship through your mother? A Yes, sir.
- Q Has your mother been enrolled? A Yes, sir, she was enrolled here the other day.
- Q Where were you born? A There in Sequoyah district.
- Q Cherokee Nation? A Yes, sir.
- Q Well where have you lived all your life? A Well I have lived over there to Uncle Peter Edwards, and we lived there a while and we moved from there to Fort Smith, and lived there a while.
- Q Fort Smith, Arkansas? A Yes, sir.
- Q How long did you live there? A I don't know, I guess about three months or maybe two months and a half; my mother is married to Mackey now.
- Q Then where did you go to from Fort Smith? A We lived at Van



Robert Moore - 2.

Buren for about two or three years I believe, as near as I can remember.

Q Well, where e se? A I can't tell about that, I wan't raised with my mother all the time.

Q Have you got a brother named Andrew? A Yes, sir, the baby boy

Q Your name on any of the rolls of the Cherokee Nation? A Yes, sir.

Q What rolls? A Why it is on the Kern and Clifton roll and it is on the Wallace roll I think.

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

Q You never drew that money? if you did your name isn't on the roll? A Yes sir, I did, my name is on the roll as Bob Moore.

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

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

The Kern-Clifton roll examined, and the applicant identified thereon, Page 133, No. 3517, Illinois district, as Bob Moore.

Mr. J.S. Davenport, Cherokee attorney: About where were you living when you can first remember? A Why we were living at Uncle Peter Edwards when I first remember.

Q Where was that? A Sequoyah district.

Q How far from the Arkansas line? A I guess about maybe about thirty miles from the Arkansas line.

Q In Sequoyah district? A Yes, sir, up near Webbers' Falls.

Q Well, how long did you live at Fort Smith when you went there?

Q Lived there about six or eight months.

Q Now your mother was with you over there? A Yes, sir.

Q Are you the same boy that she spoke of having lived at Van Buren Arkansas? A Yes, sir.

Q How long did you live there? A I don't know just how long she lived there, I stayed there I guess about eight months and went from there to Elk Creek and stayed with Uncle Andrew Sullivan.

Q Where is that? A That is in the Creek Nation; ever since I have been big enough to work, I have been making my own living; I stayed with him more than a year.

Q When was it you lived at Van Buren, Arkansas? A I don't remember, I was quite small then.

Q How long since you lived there? A I don't remember just how long.

Q Been a year? A Oh my God, I guess about - -; well I don't know how long it has been.

Q For whom did you work at Van Buren? A Why I worked for Mr. Hosstetter in a barber shop.

Q You have never lived in the Cherokee Nation since you were big enough to remember, have you? A Well, I haven't been out of the Cherokee Nation for years.

Q I thought you said you lived in Muskegee right now? A I do.

Q You went to Elk Creek? A Yes, sir, I stayed on Elk Creek a while.

Q How long did you stay with your Uncle on Elk Creek? A He is no kin to me, I stayed with him I guess about three months.

Q When was that? A I don't know just what year it was in, I was I guess about 14 years old.

Q You went now, as I understand, from Van Buren to Elk Creek?

A Yes, sir.

Q You lived there a while? A Yes, sir, with Uncle Andrew Sullivan.

Q Where did you go when you left Uncle Andrew Sullivan? A Stayed around Muskegee a while and came back to my mother at Bragg Station.

Q Who was your mother living with at Bragg Station? A Living by herself.

Robert Moore - 3.

Q Near whom? A She was living near Jake Lewis.

Q How far from S. J. Patrick? A I don't know just how far it was from him.

Q How far did she live from Levi Cookson? A I don't know Levi Cookson.

Q How far does she live from H. L. Cookson, another man who runs a store there in Braggs? A I don't know him, I know Mr. Madden by name.

Q How far did she live from him? A I don't know where Mr. Tom ~~xxxxxxxxxxxxxxxx~~ Madden lives at now.

Q Did she live in town or out of town? A No, sir, she was living in the country.

Q Over in the Creek Nation, is that over in the Creek Nation?

A No, sir, lived in the Cherokee Nation.

Q Between the Valley Road and the river? A No, sir; do you have any idea where the school house is there? Well she lived right close to that.

Q She is near Charlie Pierce then? A Well, I don't know Mr. Pierce.

Q How long did you live at Braggs? A I was there a week visiting, I don't know how long she lived there.

Q Where did you go when you left there? A I came back up here to Fort Gibson.

Q How long did you stay in Fort Gibson? A I stayed at Fort Gibson I guess about four or five months.

Q Then you went back to Muskogee in the Creek Nation and been living there ever since? A No, I didn't go back to Muskogee in the Creek Nation, this is the first time I have stayed in Muskogee to amount to anything for years.

Q Well, where have you been living since that time? A I have stayed up here on Lightening Creek a while, and stayed at Claremont a while.

Q When were you at Lightening Creek? A I was there just before the last census taking.

Q From the time you left Fort Gibson up to that time where have you been? A I enrolled at Fort Gibson and went through across the country to Chelsea and from there to Lightening Creek.

Q Who did you work for at Lightening Creek? A Nobody, I came from Fort Gibson from the census taking to Pryor Creek to the enrollment and went from there across to Lightening Creek with Joe Howe.

Q What did you do after you left there? A I came back to Panther Creek and set up a candy stand at the enrollment.

Q After the enrollment what did you do? A I went to Fort Gibson and cooked for Mr. McBride and cooked for Mrs. Trent a while; I am a cook by trade, I came from there - - -

Commissioner: Robert Moore applies for the enrollment of himself. He cannot be identified upon the unauthenticated roll of 1888 or the census roll of 1890. He is identified upon the Kern-Gliffin roll according to page and number of the roll as indicated in the testimony. He avers that he is the child of Winnie Mackey, who is listed for enrollment as 3 card 900. The testimony taken in the matter of the application of Winnie Mackey will be made part of the record in the case at bar and a copy thereof will be filed herewith. Said Robert Moore being identified upon the rolls as the child of Winnie Mackey, will now be listed for enrollment as a Cherokee Freedman on a doubtful card. He will be notified by mail of the action of the Commission in the premises.

Robert Moore - 4.

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 the 12th of July, 1901.



Commissioner.

51 (111)

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
JUL 1 1901

*[Faint handwritten signature]*

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 15, 1961

Post Office Muskogee

District 600

1. Name Robert Moore Age 24

Owner's name

Year 1955 Page 33 No. 3317 District 600

Parents:

Father Steward Meely - dead

Mother Minnie Meely

2. Name of wife

Owner's name

Year Page No. District

Parents:

Father

Mother

Names of Children:

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

Application made by M.A. Stenographer R.L. Jones

In K.C. poll as Bob Moore

Xref 10899

Page 122 No. 2472, Andrew Moore  
 Page 123 No. 2473, Andrew Moore  
 Young person as follows -  
 Kern Clifton Holt examined and the  
 Applicant not found guilty  
 Cherokee Nations, A. Lee Pitt  
 Are just the first and last  
 How long ago was first? A. 1880  
 Where, A. Pennsylvania and  
 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025

DEPARTMENT OF THE INTERIOR  
 COMMISSION TO THE  
 AUG 20 1880

File with Cherokee Freedman D-

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

In the matter of the application of Winnie Mackey for the enrollment of herself and one child as Cherokee Freedman.

Winnie Mackey, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Winnie Mackey.  
Q How old are you? A I don't know how old I am.  
Q How old are you? A I don't know my age.  
Q About how old? A I am fifty something.  
Q What is your postoffice? A My postoffice is Wagoner now.  
Q In the Creek Nation? A Yes, sir.  
Q Where do you live? A Cooweescoowee.  
Q You apply for enrollment as a Cherokee Freedman? A Yes, sir.  
Q Who do you want to enroll besides yourself? A One child.  
Q What is the child's name? A Andrew.  
Q How old is Andrew? A Andrew is about 18.  
Q Andrew Mackey? A No, sir, Andrew Moore.  
Q Have you any witnesses? A Yes, sir.  
Q Who are they? A John Baldridge, Peter Grimmett and Polly Nivens.  
Q Is your name on any of the rolls of the Cherokee Nation? A It ought to be.  
Q Yes, but is it? A Yes, it is on the Clifton roll.  
Q Your name isn't on the roll of 1880? A It ought to be.  
Q Well is it? A I don't know whether it is or not.  
Q What was your father's name? A Robert Davis.  
Q Is he living? A No, sir, he is dead.  
Q What was your mother's name? A ~~Robert~~ Margaret Davis.  
Q Is she living? A No, sir, she is dead.  
Q How many times have you been married? A I have been married but once, I lived with a man once, I wasn't married to him.  
Q What was his name? A Stewart.  
Q Is he living? A No, sir, he is dead too.  
Q What was his first name? A His first name was Meelie.  
Q What was the next man you lived with? A Roswell Mackey.  
Q Is he living? A Yes, sir.  
Q Are you living with him? A No, sir, I am in Wagoner and he is in Braggs.  
Q This Andrew Moore, is he your child? A Yes, sir.  
Q You were not married to the father of that child? A No, sir.  
Q Now what name are you on the roll by? A I have got five children: I am just telling you the case I am enrolling on.  
Q You don't ask to enroll anybody but Andrew Moore? A No, sir, the rest is of age.  
Q What name are you on the Kern-Clifton roll by? A Moore.  
Q Were you a slave? A Yes, sir.  
Q What was your owner's name? A Jack Moore.  
Q Was he a Cherokee citizen? A Yes, sir.  
Q Where were you born? A I was born in the Cherokee Nation.  
Q Were you taken out of the Cherokee Nation during the Civil war?  
A Yes, sir.  
Q Where to? A Jack Moore taken us down to Texas.  
Q Jack Moore took you himself? A Yes, sir.  
Q When was that; that while the war was going on? A Yes, sir, I don't know the numbers now, I can't tell one year from another.  
Q You know the war was going on, you know about that? A Yes, sir.

- Q How long did you stay in Texas? A I can't tell that neither.
- Q When did you come back to the Cherokee Nation? A Well I came in here they said it was '66; not that I know of.
- Q They told you it was '66? A Yes, sir.
- Q Where did you come to? A Came to Fort Gibson.
- Q That is the first place you recollect after you came from Texas, of being in Gibson? A Yes, sir.
- Q Were you married then? A No, sir.
- Q Have you lived in the Cherokee Nation ever since? A Well, I have been out since that working around and about in places in the states.
- Q Kansas? A No, sir, never been to Kansas.
- Q Arkansas? A Yes, sir.
- Q Where were you married? A Where was I married, I was married in Braggs.
- Q Cherokee Nation? A Yes, sir.
- Q When were you married? A Married about five or six years ago.
- Q That was the first time you were lawfully married? A Yes, sir, I lived with a man and had children but I wasn't married to him.
- Q You lived with Stewart? A Yes, sir.
- Q Where were you when you lived with Stewart? A Part of the time I was in the Cherokee Nation and part of the time I was in Fort Smith.
- Q How many children did you have by Stewart? A All I got I got by him.
- Q Please give me the names of them? A Joe.
- Q Joe Stewart? A No, all of them goes by Moore.
- Q Joe Moore? A Yes, sir.
- Q How old is Joe? A I don't know, he is twenty something.
- Q Where was he born? A Joe was born down at Uncle Silly Edwards.
- Q Arkansas? A No, sir, Cherokee Nation.
- Q What is the next one named? A Bob.
- Q Where was Bob born? A He was born there too.
- Q What is the next one? A Amelia.
- Q Where was she born? A Down on Elk Creek.
- Q Was that in Arkansas or the Cherokee Nation? A If it wasn't in the Cherokee Nation, it was close by, close by Checotah.
- Q It might have been in the Creek Nation? A It might have been, I don't know.
- Q What is the next one named? A Maggie.
- Q Where was Maggie born? A She was born at Edwards.
- Q That in the Cherokee Nation? A Yes, sir.
- Q Same place Amelia was born? A No, sir.
- Q What is the next one named? A Andrew.
- Q Born in the Cherokee Nation? A Yes, sir.
- Q All your children then were born in the Cherokee Nation, were they, except Amelia might have been born in the Creek Nation down there close to the line? A Yes, sir.
- Q You have been living in the Cherokee Nation ever since you took up with Stewart? A No, sir, I went in the states some.
- Q Well, what state? A Worked around in Arkansas, in Fort Smith.
- Q Were you married when you were over there? A No, sir.
- Q You work in any other state besides Arkansas? A No, sir.
- Q Work anywhere else in Arkansas besides Fort Smith? A To Van Buren.
- Q Right along the line there? A Yes, sir.
- Q Sometimes in the Cherokee Nation and some times over in Arkansas?
- A Yes, sir.
- Q Is that as far as you have ever been out of the Cherokee Nation?
- A No, sir.
- Q How much further out did you go? A I went just about three



days before Christmas, I went in Kansas City, this last Christmas.

Q How long did you stay there? A Stayed there a little over a month.

Q Work there? A No, sir, I wasn't working.

Q Visiting up there? A Yes, sir.

Q And then came back? A Yes, sir.

Q That the only time you ever were in Kansas? A Yes, sir never was there in my life before.

Q How long were you in Oklahoma? A Never was there, don't know anything about Oklahoma.

Mr. J. S. Davenport, Cherokee attorney: Do you know to what point you went when you left the Territory during the war? A ~~Went~~ When I left the Territory I went down in Texas.

Q At whose place did you go to? A They hired me out when I went down there.

Q Don't you remember any one's name where you went? A They hired me to one man, I can't think of his name now to save my life, I am old and I can't remember things.

Q Who did you belong to now did you say? A I said I belonged to Jack Moore.

Q Well now where did Jack Moore live? A He lived down in Sequoyah district.

Q What kind of a house did he have? A He had a log house, hewed log house.

Q Who were your neighbors there, can you think of their names?

A There was a man lived close to us named Youngblood.

Q Anybody else you remember? A No, sir, I don't remember, I don't remember his given name.

Q Well you remember anything about John Gunter? A Well he might have been somewhere up there, I don't know, I forget.

Q You know what year you came back? A No, sir.

Q Now you lived on Elk Creek how long? A On Elk Creek, how long I lived on Elk Creek?

Q Yes? A I don't know, I lived there, I can't tell how long, I was just from one place to another.

Q When you came back to Elk Creek was there any railroad near there? A Any railroad there or not?

Q How long was it until you saw the railroad built near there?

A Well, I don't know, I will not tell it for the truth how long it was, because I can't tell you, I can't remember things like a young person.

Mr. F. W. Hastings, Cherokee attorney: I want to know where Jack Moore, your owner, lived in Sequoyah District, what part of the district, on what Creek.

Q What part, what Creek? I don't know: it was a branch we lived close by a branch.

Q Well, what was the name of that branch? A I forget the name of the place.

Q Jack Moore have a family? A Yes, sir.

Q What was his wife's name? A Nancy.

Q Was Jack a Cherokee himself? A Yes.

Q Was his wife a Cherokee? A Well I don't know that.

Q Did he have any children? A Well I believe, yes there was two boys.

Q What were their names? A One was named Bill I think.

Q What was the other one named? A I can't think of the other one's name to save my life.

Q Was Bill or the other one the older? which was the older of the two? A That is more than I can tell, I don't know which was the older.

Q Were they good size boys at the opening of the war? A Yes.

Q About grown? A They were good sized, I don't know how old

they were.

Q Were you living in the hills or in the prairie? A I was living kinder in the hills like.

Q What was your nearest town at that time? A I never went to town none, I don't know which was the nearest.

Q You never heard of any town? A I didn't say I never heard of any town.

Q Did you? A I don't know whether I did or not.

Q Was there any stores around there or anything around there? A I never went to any stores.

Q Do you know who had one? A No, sir, I don't know about the store part.

Q And this man Moore had a double log house did he, a hewed log house? A He had a log house, yes, sir.

Q Was it a double log house? A Yes, sir, I believe it was.

Q You have mentioned Mr. Youngblood, I want to know some of the others of your neighbors at that time? A I can't tell them, it has been so long and my head has been so confused I can't tell them.

Q You don't know any rivers or streams around there? A There was one river not so powerfully far.

Q Do you know in what direction it was? A It was this way (indicating.)

Q Was it north or south or east or west of your place, the river?

A Like here was the house and that would be the river, what would you call it?

Q I am asking you? A I can't tell you, I am showing you.

Q What sort of a farm did he have, big farm or little one?

A Wasn't a very big farm.

Q Have any more slaves besides you? A Yes, sir.

Q What was their names? A Had an old man named Tom.

Q Tom what? A Named Tom.

Q Have any other name? A That is all the name he went by then.

Q That the only one he had? A Had one named Nancy.

Q Do you know of any other neighbors of Moore's except Youngblood?

A No, I can't think of none right now.

Q Do you know of any town? A No, sir.

Q You can't think of any stream? A I told you where the river was.

Q How far from your place? A What, the river; I don't know how many miles it was out there.

Q Was it a short distance or a long one? A It was a tolerably long distance, not so very far.

Q Well, was it 15 miles? A No, sir, not quite 15.

Q Ten? A I don't know how far, I am not going to tell you how far the river was when I don't know.

Q I am trying to get you to tell the facts about it; I want a sufficient description of the place you lived before the war, we are disputing your ownership and I am trying to get you to testify as near as you can where you lived at? A Well, I lived in Sequoyah.

Q Now I want to know what part of Sequoyah district, if I can find out, east or west, or near some spring or some family so we can locate you? A Well I can't call it, I don't know; you say east or west you want to know?

Q What part of the district, tell that in your own way? A We lived out in that way (indicating) and I can't describe it exactly.

Q Did you ever see any of these witnesses of yours before the war?

A Yes, sir.

Q Who did you ever see? A I seen all of them.

Q Down at your place? A They have lived all around there.

Q Were they there at your place before the war? A No sir, none

of them at the place where I lived, John Baldrige, I had met him at a dance once.

Q Before the war? A Yes, sir.

Q At whose house? A At his aunt's house.

Q What was her name? A Her name, I forget her name, he can tell you.

Q How far was that from where you lived? A It was a good ways.

Q Twenty miles? A I don't know whether it was 20 miles or not.

Q How old do you say you are now? A I say I am fifty something. I never did know my age, that is what I said.

Q Who did you come back to the Nation with after the war? A Why I came back here in the Cherokee Nation with the Mayes and Sanders and Mackeys.

Q You came to Fort Gibson first? A Yes, sir.

Q Was your mother with you? A No, sir.

Q Where did you take up with this man Stewart? A I found him down in the Choctaw Nation.

Q Was that before you came up there? A No, it was afterwards.

Q Then you went back to the Choctaw Nation after you came up here? A I went back a little while and stayed there.

Q Who went back with you? A Who went back with me; I forget now who did go back with me.

Q You met him down there then? A Yes.

Q Near what place? A Why we went to an old man's house by the name of John.

Q And you commenced living with him there, did you? A Well I took him.

Q And he came up with you then? A Well we came back again.

Q How long did you live with him there before you came back again?

A Stayed down there a good little bit.

Q Eight or ten years? A No.

Q Five years? A Didn't stay that long.

Q About how long? A About two I reckon, however it might have been longer than that, I don't know just exactly how long.

Q Your oldest child was born down there was he? A No, he was born in the Cherokee Nation to Uncle Peter Edwards.

Q Where is that Edwards place that these children you say were born?

A It is over close to Fort Smith.

Q How far from Fort Smith? A Well, not far.

Q About how far? A Well, it is about three miles I reckon.

Q What direction from Fort Smith? A Back that way, they always called back that way north, it is about north.

Q Edwards a white man? A No, sir.

Q Colored man? A He was an Indian, mixed with Negro.

Q What side of the river did he live on, do you know? A He lived on this side, on the north side of the river, just some side his place was.

Q He farmed down there, did he? A No, he never had a farm, he was a doctor.

Q What sort of a house did he live in? A A little log house.

Q Did he have a family? A He had had a wife.

Q Didn't then? A No, sir.

Q Any children? A No, sir, no children.

Q Who were your neighbors around Edwards? A Why the closest neighbor we had there was an old lady by the name of Phoebe.

Q Phoebe what? A I don't know what her other name was, Phoebe Walker I think her name was.

Q You lived down there till six or eight children were born?

A No, I never had that many children.

Q Well, all but one? A Yes.

Q And that is the only neighbor you know? A No, I would go away and come back there.

Q What did you go down there for a living? A I done anything.

cooking.

Q Who did you work for?, A Anybody that wanted me.

Q Name somebody you worked for? A When I was out at Uncle Edwards I didn't do any work.

Q Didn't work for anybody in the Nation at all? A Not there I didn't.

Q Never had any house there of your own? A No, sir.

Q How far was Edwards from where you were born? A From where I was born; I don't know.

Q Were you ever back to the old home place since the war?

A No I haven't been back there.

Taking of testimony continued by stenographer Chas. von Weise.

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

Signed, Bruce C. Jones.

Sworn to and subscribed before me this the 10th of July, 1901.

Signed, T. B. Needles,  
Commissioner.

Continued from Stenographer Bruce C. Jones.  
Nowata, I.T., June 27th, 1901.

POLLIE NEVINS called and sworn as a witness for the applicant:-

By Com'r T. B. Needles-

Q What is your name? A Pollie Nevins.

Q What is your age? A 56.

Q What is your postoffice address? A Fort Gibson.

Q Are you a recognized Cherokee freedman? A Yes sir.

Q Do you know the applicant Winnie Mackey? A Yes sir.

Q How long have you known her? A Just the year, the first year peace was made.

Q Was she a slave during the war and before the war? A She was with her owners when I went to hire her.

Q Where was she then? A At Fort Gibson.

Q You went to hire her you say? A Yes sir for Mrs. Bowers where I was working at the hotel.

Q Who did you hire her from? A The Moores, they was her owners.

Q What year was that that you hired her? A The first year that peace was made - peace was made in the summer and that was in the fall.

Q You don't know whether it was '66 or not? A That was in '66 wasn't it.

Q How long have you known her since? A I have not seed her in a long time. She staid there a month with me at the hotel and then we let her go, she was not much good around there and Mrs. Bowers let her go.

Q Where did she go then? A I don't know, she was not a very good worker and I told Mrs. Bowers that she did not suit and let her go.

Q Well and you know where she went then? A She hired out in town there.

Q When did you next see her after that? A I never seed her any more for a good while.

Q Until now? A Oh sure? A Yes sir I seed her at Bragg when she married Uncle Russell Mackey.

Q You don't know where she lived before the war? A No sir.

By Hastings - (Cherokee representative)

Q Who were these people from whom you hired her? A Moores.

Q What were their first names? A I don't know.

Q Was there a man and wife there, I mean a Mr. and Mrs. Moore?

A Yes sir

Q Didn't you find out the first name of either of them? A No, sir, Mrs. Bowers wanted some one to help with the kitchen and asked me to look out for someone among the refugees that was coming around there and I went down into the camp where these people were and hired this one

Q Was the Mrs. Bowers you speak of, Joe Bower's wife? A Yes sir.

Q Yet never saw this woman Winnie Mackey before then? A No sir.

Q How old was she then? A 15 or 16 years old.

Q Was she married then? A No sir.

Q Not living with a man at that time? A No sir.

Q Had no children then? A No sir.

Q Was her mother there? A I don't know, I just went there and said I wanted to hire some one to work at the hotel and that there was three dollars a week for a good worker and she said she was a good worker and wanted to hire out and I took her, but she wasn't much good around there and Mrs. Bowers let her go.

By the Commission:

Q Were the Moores Indians? A Yes sir.

By Hastings:

Q What became of them? A I don't know, they all scattered out.

Q Did you witness for this woman before the Kern-Clifton Commission? A No sir.

Q What are you doing up here? A What are you doing up here yourself?

Q That is my business, you are a witness and I want you to tell me what you are doing up here? A I come up here to look after my kin folks friends and acquaintances just as far as I know and no farther, I am doing what is right and am telling the truth just as I know it.

EASTER WILLIAMS, called and sworn as a witness for applicant-

By Commission-

Q What is your name? A Easter Grinnette or Williams.

Q How old are you? A About in the 30's.

Q What is your postoffice address? A Ruby.

Q Are you a recognized Cherokee freedman? A Yes sir.

Q Do you know this applicant? A Yes sir.

Q How long have you known her? A It has been so long, I met her in Fort Gibson when she was a young girl and then she never had any children.

Q Did you see her in '66? A I didn't see her until I see her at Gibson and then I never see her any more until I see her at this enrollment.

Q You never saw her any between those times? A No sir.

Q Who did she belong to before the war? A She said she belonged to the Moores.

By Hastings-

Q Was the war still going on when you first saw this girl? A Yes sir

Q With whom was she living there? A She was working out.

Q Who for? A I don't know just who she said she was working out for.

Q You didn't see her owners yourself? A No sir.

Q You saw her after she was freed did you? A Yes sir, about that time.

Q You don't know what year it was? A I don't know the year, but it was the time the war was going on, just about time of peace.

Q Where did you next see her? A I see her at Gibson at the enrollment - I remember now I see her then.

Q Was that 2 or 3 months ago? A You know there has been several enrollments at Gibson? A No sir it was at the Kern Clifton Court.

JOHN BALDRIDGE, called and sworn as a witness for the applicant-

By the Commission:

Q What is your name? A John Baldridge.

Q How old are you? A I was born in 1880, born and bred then.



Q Born and bred in the same year? A Yes sir.

Q Are you a recognized Cherokee freedman? A Yes sir.

Q Is your name on the roll of 1880? A No sir these fellows knock-  
ed me off, only on election times they say I am all right.

Q When they want you to vote for them? A Yes sir.

Q Do you know the applicant here? A Yes sir.

Q When did you first know her? A I got well acquainted with her  
in '66.

Q Was she a slave? A So said she was.

Q Do you know her to have been a slave? A I say, so said, I dont  
know myself.

Q Was she taken out of the Cherokee Nation during the war? A I dont  
know.

Q Where did you first see her after the war? A In Fort Gibson in '66  
and then I have seen her off and on in Sequoyah district 2 or 3 times.

Q Was she married when you first saw her? A No sir.

Q Who was she with? A Some Cherokees.

Q Do you know their names? A Some of the Mayfields.

Q Are you satisfied this is the same woman you saw there? A Yes sir

Q You didn't know her father and mother? A No sir.

Q Where does she live now? A In Cooweescoowee district near Lemapah

Q Is she married now? A Yes sir, she was married to Roswell Mackey

Q Do you know her children? A I know Bob and Joe and Maggy and  
one girl I disremember.

Q Was she ever married before she married Roswell Mackey? A I dont  
know.

Q Is Roswell Mackey the father of these children? A I dont know.

Q Do you know Roswell Mackey? A Yes sir.

Q Were they living together as husband and wife when you knew  
them both? A Yes sir.

Q You was in Fort Gibson in '66? A Yes sir from '65 and was  
discharged as a soldier right there.

Q Was you a United States soldier or a Rebel? A I was with the  
Union I was fighting them other fellows.

By Hastings:

Q And they made it pretty hot for you too didn't they? A Yes  
sir sometimes.

Q You have been on a visit to Detroit Michigan haven't you? A Yes sir.

Q You were with the United States that time too? A (No response)

Q What did they give you that trip up for up there? A That is my  
business and it is your business to tend to these freedmens court  
and to ask things that is right.

Q Well that is what I am doing, now you were sent to the peniten-  
tiary up there? A I wont answer nothing that is not lawful, you has  
not got the constitution to ask that.

Q You refuse to answer that do you? A Yes sir, I will answer  
anything that you had a right to ask, but you has not got the con-  
stitution to ask that.

Q When did you come back from Detroit? A I am here aint I?

Q Well how long have you been here? A All my days.

Q Well you say you saw this applicant at Fort Gibson in '66? A Yes  
sir.

Q What was she doing there? A Just working at the hotel where  
Pollie Nevins was staying.

Q What time of the year was that? A Long in the spring.

Q You never saw her owners. A No sir.

Q Was she living with her mother then? A I never seed her mother.

Q At whose place in Sequoyah did you see this woman? A At Mayfields

Q Which one? A They used to live on the road going to Fort Smith.

Q When did you next see her? A Off and on ever since.

Q When did you next see her? A I cant give the day, week and year.

Q You never knew her to keep house in the Cherokee Nation did you?

A Yes sir.

Q Where? A Lenape and Chickasaw.  
Q How long ago was that? A More than five years ago.  
Q Was that the first time you ever knew of her keeping house in the Cherokee Nation? A Yes Sir.

Applicant not found on the 1880 and 1896 rolls.

Kern Clifton roll examined and the name of the applicant found thereon as follows-

Page 133 No. 3512, Winnie Moore, Illinois District.

Page 133 No. 3515, Andrew Moore, Illinois District.

By Com'r Needles-

Winnie Mackey applies for herself and a son named Andrew Moore; they are not identified on the authenticated roll of 1880 or the census roll of 1896; they are identified on the Kern Clifton roll, the applicant being there found as Winnie Moore and her son as Andrew Moore; she avers that she was a slave of one Jack Moore and went to Texas and returned in 1866; she avers that she has four older children; she also avers that she is now married to one Mackey; she will be listed for enrollment as a Cherokee freedman on a doubtful card and the Commission will notify her by mail of its final decision in her case.

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

Signed, Chas. von Weise.

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

Signed, T. B. Needles,

Commissioner.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 23rd of August, 1901.



Commissioner.

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Supl. C. R. D. #899

M. HASTINGS Q Did you ever have any talk with her about where she came from? A I never knew her until I came to Van Buren. I have heard she came from the old country.

Q You never talked to her about her being from South Carolina? A No, sir.

This testimony will be filed in the following cases: D.#977, Robert Moore; D.#978, Amelia Brown, D.#982, Maggie Doty; D.#984, Joseph Moore.

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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 October 5th, 1901.

*[Signature]*



Supl.C.F.-D.#899.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON, I.T., SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
WINNIE MACKEY as a Cherokee Freedman, introduced on the part of  
Cherokee Nation:

APPEARANCES:

Mr. L. B. Bell, of Counsel for Cherokee Nation.

Proof of service made and applicant fails to appear,  
either by attorney or in person.

JOHN KEETON, being duly sworn by Commissioner Needles,  
testified as follows on part of Cherokee Nation:

MR. BELL: Give me your name? A John Keeton.

Q Your age? A 66.

Q Your post office? A Alma, Arkansas.

Q Well, Mr. Keeton, this is a case of Winnie Mackey she calls her-  
self, called Winnie Moore or Steward, claiming to be a Cherokee  
Freedman, are you acquainted with her? A Yes, sir.

Q Where did you first know her? A In South Carolina.

Q When was that? A That was before the war, Civil War.

Q What was her name there? A Her name was Winnie.

Q How did you be come acquainted with her? A Well sir, the man  
that owned me was jailer at that time and I was staying there and  
she was put in jail there, a small girl.

Q How long did you stay in South Carolina after you saw her there?

A I was small and so was she and I stayed until I was a grown  
and free, until I come to Arkansas.

Q When did you go to Arkansas? A I have been here 12 years I  
think it is I have been here now.

Q Where did you stop? A I come to Van Buren, Arkansas.

Q Have you seen this Winnie Mackey since you come to Arkansas?

A Yes, sir.

Q Where did you see her first? A Van Buren.

Q What was she doing there? A She was living there.

Q Did she have a family there? A Yes, sir.

Q Husband? A Yes, sir.

Q What was his name? A Steward Moore.

Q How long did you know Winnie Moore there? A I  
knewed them several years.

Q What becoms of her husband? A He went to Africa.

Q About when? A It has been about six years ago, there was a  
great crowd and he went with the crowd.

Q Was he living there before he started? A Yes, yair. She was  
there, he just worked about, sometimes up there and sometime down  
about Alma.

Q How long did she stay in Van Buren, do you know, after he left  
there? A I could not say positive just how long she stayd after  
he left; I lived down below, Alma.

Q You missed her from there soon after he left? A Yes, sir, and  
I haven't seen her since he left there.

Q Do you know when she left South Carolina? A No, sir, I don't  
recollect exactly, she come before I did from there.

Q Did you learn from her whether she left there before the war or  
after? A After the war.

Q She was in Van Buren when you got there? A Yes, sir.

Q And had been there sometime, you don't know how long?

A No, sir, I could not say how long.

Q Do you know where she found this "Steward Moore"? A The fact

him in South Carolina and married.

Q When you first came here ten or 12 years ago, did she have them children that she claims to have? A Yes, sir.

Q Do you know anything about any of them; that is, where they were born? A They was born in south Carolina.

COX'S FREDER: You say you knew this woman, Winnie Mackey, in south Carolina? A Yes, sir.

Q When was that? A It was before the war.

Q Was she a slave there? A Yes, sir.

Q Who did she belong to? A I could not tell you who she belonged to.

Q How old was she when you knew her there? A I could not tell.

Q Well, about how old? A She was, I guess about ten or 12 years or maybe older.

Q You knew her in South Carolina before the war? A Yes, sir.

Q That was ten or 12 years old then? A Yes, sir.

Q But you don't know who belonged to? A No, sir, I do not know who she belonged to.

Q When did you come to the Cherokee nation; where do you live now?

A I live in Arkansas.

Q When did you come from South Carolina to Arkansas?

A I have been here 12 years, in Arkansas.

Q You left south Carolina and come to Arkansas 12 years ago?

A Yes, sir.

Q Was Winnie Mackey in south Carolina then? A No, sir, she left before I did.

Q About how long before that? A I don't know.

Q Do you know whether she left there before the war or not?

A She was there then, she was freed there.

Q Who did she belong to? A I told you I didn't recollect her owners, I could not tell you that.

Q Did you ever know a man by the name of Jack Moore? A No, sir.

Q Never knew a man, Jack Moore? A No, sir.

Q Did you ever know anything about this applicant being in the State of Texas, this Winnie? A No, sir.

Q Do you know that the Winnie Mackey you saw in south Carolina is the same Winnie Mackey that applies to be enrolled here as a Cherokee Freedman? A Yes, sir.

Q How do you know it? A It is, if it is Steward Moore's husband, if that is the one I know her.

Q How long after you left South Carolina did you see her, Winnie Mackey? A Well, I didn't know her by that name; she wasn't no Mackey when I knowed her.

Q What was she when you knowed her? A She was Winnie Moore, Steward Moore's wife.

Q Where, south Carolina? A Yes, sir.

Q Was she Steward Moore's wife when you saw her and knowed her in South Carolina? A Yes, sir.

Q He was married to her? A Yes, sir.

Q This Winnie was married to a man by the name of Steward Moore in south Carolina? A Yes, sir.

Q And had children there? A Yes, sir.

Q How many children? A There was two girls and three boys, if I make no mistake.

Q Do you know their names? A Yes, sir, I think so.

Q Please give their names? A Joe and a Son and a Maria and Ag.

Q Now, that was Winnie's children you knowed in south Carolina?

A Yes, sir.

Q And her name there was Winnie Moore? A Yes, sir.

Q She was a young woman and had children? A Yes, sir.

Q How you came from South Carolina to Arkansas? A Yes, sir.

- Q You left Winnie there? A No.
- Q She came first? A Yes, sir.
- Q Then when did you see her after you come from South Carolina, when did you first see Winnie? A It was her at Van Buren the first place I seen her after I come here.
- Q How long was it from the time you saw her last in South Carolina until you saw her in Arkansas, at Van Buren? A I could not recollect.
- Q Well, about how long? A I would not be positive about that.
- Q Well, you ought to know about how long; you know how long you lived in South Carolina and how long you lived in Arkansas, approximate it as near as you can? A I had been out here I think about two years before I seen her; as near as I can get at it.
- Q And how long had she been gone from South Carolina before you left South Carolina? A That's what I don't recollect now; not sir, she stopped, I think.
- Q But I know you saw her in South Carolina and she left before you did? A Yes, sir.
- Q Now, how long was it from the time you saw her in South Carolina the last time until you left South Carolina? A Several years, because she didn't live in the settlement.
- Q And then you were here two years before you saw her? A Yes, sir.
- Q Now, when you saw her did you recognize her as the same woman you saw in South Carolina? A Yes, sir, I talked with her.
- Q Had she any more children than she had when you saw her last? A No, sir.
- Q Same number of children? A Yes, sir.
- Q Were her children living with her when you saw her at Van Buren? A Yes, sir.
- Q Married? A Yes, sir.
- Q With her husband with her? A Yes, sir.
- Q The same husband she had in South Carolina? A Yes, sir.
- Q They were both there? A Yes, sir.
- Q His name was Steward Moore? A No, sir.
- Q You didn't know Jack Moore you said? A No, sir.
- Q Now, when you saw her at Van Buren was that after the war or before? A After the war.
- Q Do you know where she was during the war? A She was in South Carolina.
- Q During the war? A Yes, sir.
- Q Were you there? A Yes, sir, I was freed there.
- Q You saw her during the war? A Yes, sir.
- Q She was freed there? A Yes, sir.
- Q You didn't know her owner's name? A No, sir, I could not be positive about her owners.
- Q Did you know a man by the name of Mackey? A No, sir.
- Q Do you know how Winnie come to be named Mackey? A No, sir.
- Q You don't know then that Winnie Mackey is the same person you knew in South Carolina as Winnie Moore? A As I said a while ago I never knew her by that name.
- Q You never knew a Winnie called Mackey there? A No, sir.
- Q Did you ever know Winnie Mackey anywhere? A No, sir.
- MR. HARRINGS, of Counsel for Cherokee Nation:**
- Q Where was this Winnie married? A She was married in South Carolina.
- Q Was that before or after the war? A She was married before the war.
- Q Did you know her there after the war? A Yes, sir.
- Q For a number of years after the war? A Yes, sir, good while; she lived in another settlement of the country there, of course I didn't live right just next neighbor to her. She lived there in the

neighborhood a number of years after the war.

Q About how many years in your judgment? A I could not be positive about the number of years, I don't recollect, and if I was to say-

Q Do you know that she has lived there as much as five years after the war? A Yes, sir, I guess more.

Q Well, were these children you have mentioned here born there? A Yes, sir.

COMMISSIONER NEEDLES: You lived there five or ten years after the war did you? A Yes, sir.

ALBERT LATTIMER, being sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. BELL: Give your name? A Albert Lattimer.

Q Age? A Well, I am about 58.

Q Post office? A Alma, Arkansas.

Q Mr. Lattimer, this is a case of one Winnie Mackey, by that name now, that claims to be a Cherokee Freedman making application here with a lot of children, children named Moore she calls them; she is the wife of one Steward Moore, or Moore Steward; I don't know which? A Steward Moore, I guess.

Q Are you acquainted with her? A Well, I have seen her of course since I came to this State.

Q Where did you come from to Arkansas? A From South Carolina.

Q How long ago? A I come here in '87.

Q Are you acquainted with her in the State of South Carolina?

A No, sir, I wasn't.

Q Where did you first see this Winnie Moore or Mackey?

A Well, I saw her at Van Buren.

Q Van Buren, Arkansas? A Yes, sir.

Q About when? A Well, it has been ten years ago about.

Q About ten years ago? A Yes, sir.

Q What was she doing there? A Well, she was just staying there in the town at that time; I could not tell you what her occupation was, she was just staying there at that time.

Q What about her husband? A Yes, sir, he was at her house one time.

Q She was keeping house there? A Yes, sir.

Q Did she have any family? A Yes, sir, she had some children with her.

Q Have any husband? A Yes, sir, her husband was there.

Q What was her husband's name? A Steward Moore was his name.

Q Was he a Freedman? A Yes, sir.

Q Do you know what became of Steward Moore? A Went to Africa.

Q About how long ago? A Well, you may say, I believe he left here in '95, as well as I can remember; I think it was in '95.

Q How long did you know that woman in Van Buren? A Well, I think I knowed her there; well I never seen her in there but about twice, you see I come from the old country and stopped there a few days and I left there and went to Dora, Arkansas, that is below Van Buren, and I saw her some few times while staying around Van Buren.

Q Some few times after you left Van Buren? A Yes, sir.

Q Will, did you ever see her there about the time her husband left?

A I saw her there after that.

Q She was still there with her family with her husband gone?

A Yes, sir.

Q Did you ever have any talk with her about where she came from in Arkansas? A No, sir, I have not; no, sir.

Q You didn't ever hear the same part of South Carolina she came from?

A No, sir, she was there I suppose in different places.

MR. HASTINGS: Did you ever talk to her about South Carolina at all? A No, sir, of course I never knew her back there at all.

COM'R NEEDLES: All you know about this is you saw her there at Van Buren? A Yes, sir.

Q And her children? A Yes, sir.

Q You don't know whether she was ever a slave or not?

A No, sir, I don't know.

Q Don't know who she belonged to if she was a slave? A No, sir.

Q You never got acquainted with them until you came to Van Buren?

A No, sir.

LAURA LATTIMER, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee nation:

MR. BELL: Your name? A Laura Lattimer.

Q Age? A 48.

Q Your post office? A Alma.

Q Mrs. Lattimer we have got a case up here of Winnie Mackey, or Winnie Moore, or Winnie Steward, who claims to be a Cherokee Freedman and having been living in the Cherokee nation; do you know any woman of that name? A Yes, sir, Winnie Moore, the woman's name is Winnie Moore.

Q How long have you known her? A Well, it has been about eight or ten years I guess; I know the first I seen of her she was in Van Buren.

Q When did you first see her and where? A In Van Buren.

Q In Van Buren about eight or ten years ago? A Yes, sir.

Q What was she doing there? A She was living there.

Q Have any family? A Yes, sir.

Q What was her family? A Melia and Maggie and Joe and Bob and there is another one I didn't get acquainted with him at all; I have seen the other one.

Q Did she have a husband? A Well, at that time she had a husband, but wasn't living together exactly at that time.

Q What was his name? A Steward Moore.

Q Was she keeping house there? A Yes, sir.

Q How long did you know her after that? A After that he went off to Africa and I never seen her; she come to my house about a year, first seen her to my house on a visit and I never seen her any more, and after he went off I heard she went off; afterwards I heard she was in the Nation.

Q You saw her after her husband went to Africa? A No, sir.

Q You say she come to your house after you lived at Van Buren?

A Yes, sir.

Q Where were you living? A At Dire Arkansas.

Q How far is that below Van Buren? A Ten miles below Van Buren.

Q You are the wife of this Albert Lattimer? A Yes, sir.

Q Did you and he come from South Carolina together?

A Yes, sir, we was married and he come in the fall before me and I come in the January following.

Q You joined him then at Van Buren, or where? A We was married in South Carolina.

Q He come out here ahead of you and got a place? A Yes, sir.

A And you come on afterwards and joined him at Van Buren?

A No, sir, at Dire Station, we and my family.

COM'R NEEDLES: Do you know whether this woman was married after Moore went to Africa? A I heard it.

Q How long did she live in Van Buren after Moore went to Africa? A No, sir, I know she went to wagoner somewhere.

Q Did you know Steward Moore? A Yes, sir.

Q Was he a colored man? A Yes, sir.

Q Do you know a man by the name of Jack Moore? A No, sir.

Q Do you know whether Winnie Moore was a slave or no?

A No, sir, I don't know at all.



MR. HASTINGS: Did you ever have any talk with her about where she came from? A. I never knew her until I came to Van Duren. I have heard she came from the old country.  
Q. You never talked to her about her being from South Carolina?  
No, sir..

This testimony will be filed in the following cases:  
D. #977, Robert Moore; D. #978, Amelia Brown; D. #982, Maggie Doty; D. #984, Joseph Moore.

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J. C. 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. C. Rosson*

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



Commissioner.

Cherokee Freedmen  
D 154, et al.,

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
MUSKOGEE, I. T., JUNE 17, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Adeline Hampton, et al., as Cherokee Freedmen.

It appears that on May 11, 1904, the applicants, their agent and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 16, 1904, and then and there introduce further testimony touching the points mentioned in said letter. On motion of the attorney for the Cherokee Nation, this case was continued from June 16, to June 17, 1904, when the following testimony was introduced.

APPEARANCES:

Applicants represented by attorney, Frank J. Boudinot.  
Cherokee Nation by its attorneys, W. W. Hastings and  
L.B. Bell.

( Below is given so much of the testimony at this hearing as relates to the credibility of Polly Ross or Nivens.)

( C O P Y )

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.  
Q How far is that from Fort Gibson? A Ten miles.  
Q Have you lived nearer to Fort Gibson than that? A Yes, sir,  
I lived in Fort Gibson several years, nearly all my life. Born  
and raised there.  
Q Over at Fort Gibson more or less all the time? A Yes, sir.  
Q Do you know one Polly Nivens or Polly Ross? A Yes, sir.  
Q A colored woman over there? A Yes, sir.  
Q Large mulatto woman? A Yes, sir, I know her.  
Q Do you know her reputation for truth and veracity in the com-  
munity in which she resided?

Mr. Boudinot: We object.

Commission: Objection noted; witness will answer.

- A Yes sir.  
Q Is that good or bad? A Bad.  
Q I will ask you if it isn't notoriously bad? A Yes sir.  
Q Would you believe her under oath? A No sir.

( No cross-examination ).

GEROGE W. BERGE, being first duly sworn, testified as follows:

By Mr. Hastings:

- Q Your name is George W. Benge? A Yes, sir.  
Q Your postoffice is Tahlequah? A Yes, sir.  
Q How old are you? A 53.  
Q Did you ever live at Fort Gibson? A Yes sir.  
Q Your father lived near there and died there? A Yes, sir.  
Q Your brother is living over there now? A Yes, sir.  
Q Are you still down there frequently? A Yes, sir.  
Q Do you know Polly Ross, sometimes known as Polly Nivens?  
A Yes sir.  
Q Do you know her reputation for truth and veracity in the com-  
munity in which she lives? A I used to when I lived there.  
Q Is that good or bad? A Bad.  
Q I will ask you if it isn't notoriously bad? A I think so.  
Q Would you believe her under oath? A No, sir.  
( No cross-examination ).

By Mr. Hastings:

MC GOY SMITH, being first duly sworn,  
testified as follows:

- Q What is your name? A McGoy Smith.  
Q Your postoffice is Braggs? A Yes, sir.  
Q How far do you live from Fort Gibson? A Ten miles.  
Q Have you been in and around Fort Gibson quite a good deal?  
A Yes, sir, raised there.  
Q Do you know a mulatto woman by the name of Polly Ross and  
sometimes known as Polly Nivens? A Yes, sir.  
Q Do you know her reputation for truth and veracity in the com-  
munity in which she lives? A Yes, sir.  
Q Is it good or bad? A Not first-class.  
Q Is it good or bad? A I would call it bad.  
Q Would you believe her under oath? A No, sir.



(2)

( No cross-examination).

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 there? - A Since 1866 or '67.  
Q Do you know one Polly Ross, who is a witness in a great many freedmen citizenship cases, also known as Polly Nivens? 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.  
Q Would you believe her under oath? A No, sir.

( No cross-examination).

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H. M. Vance, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) H. M. Vance.

Subscribed and sworn to before me this the 12th day of July, 1904.

(Signed) Charles H. Sawyer  
Notary Public.

( S E A L )

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 26<sup>th</sup> day of August, 1904.

*Charles H. Sawyer*  
Notary Public.

PAID  
JUL 1904  
COMMISSION TO FIVE TRIBES.

Cherokee freedmen Ds 809,  
977, 978, 982, 983.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., JULY 27, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the applications for the enrollment of WINNIE MACKKEY, ET AL., ROBERT MOORE, AMELIA BROWN, ET AL., MAGGIE DOTY, and JOSEPH MOORE, et al., as Cherokee freedmen.

It appears that on July 5, 1904, the principal applicants and the attorney for the Cherokee Nation were notified that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 27, 1904, and then and there introduce further testimony touching the points mentioned in said letter.

APPEARANCES:

Applicant, Winnie Mackey, appears in person.  
Cherokee Nation by its attorneys, James S. Davenport and  
L. B. Bell.

WINNIE JOSEPHIN, being first duly sworn, testified as follows:

By the commission:

- Q What is your name? A Winnie Josephin now.  
Q How old are you? A I don't know.  
Q About how old? A I have been guessing at it for a long time; I think I am about 53 or 4.  
Q What is your postoffice address? A Wagoner.  
Q You are the person who applied to the commission for enrollment as a Cherokee freedman under the name of Winnie Mackey? A Yes, sir.  
Q You have since married one Josephin, what is his full name?  
A Robert Josephin.  
Q Is he a Cherokee freedman? A Yes—sir. No, sir.  
Q State name? A Yes, sir.  
Q When were you married to him? A I have been married something over a year.  
Q Were you the slave of a Cherokee citizen at the beginning of the war of the rebellion? A What do you mean by the rebellion?  
Q Were you the slave of a Cherokee when the war commenced? A Mr. Moore hired me out when I was a girl; I never was sold.  
Q Were you born a slave? A If I was a slave I don't know it.  
Q You don't know whether you were ever a slave? A No, sir, I was put out; hired out as a nurse.  
Q When you could first remember where were you living? A When I first remember I was living in the Cherokee Nation.  
Q What part of the Cherokee Nation? A Not far from Fort Smith.  
Q Who with? A I was on a place there close to a man by the name of Davenport.  
Q Who were you living with? A When I could first remember I was with a Davis.  
Q Davis family? A Yes, sir, Dr. Davis.  
Q Were they Cherokees? A Yes, sir, my mother lived with them.  
Q Was that before the war? A Yes, sir.  
Q Did you belong to them, you and your mother? A My mother did.  
Q You were their slaves? A I reckon we were slaves, I can't tell much about it, because I can't remember it.

Q Where were you when the war came up? A Down in Texas or Mississippi one, I can't tell you which, because I see so much trouble I can't.

Q Was your mother with you? A No, sir, I left my mother here.

Q Who were you with in Texas or Mississippi? A I was hired to a lady by the name of Miss Morgan, because I remember her; she pulled my ears so.

Q Who hired these you to this woman? A This Moore.

Q What Moore? A Jack Moore.

Q You said you belonged to Davis? A My mother belonged to Davis and this Moore took me from there.

Q Jack Moore took you from Dr. Davis? A Yes, sir.

Q And hired you to some person in one of the states? A Yes, sir.

Q Then when did you first return to the Cherokee Nation after the war? A I don't know.

Q You don't know anything about that? A I heard people say 1866, and I say 1868.

Q How long after the war was it when you came back? A Not very long.

Q To what point in the Cherokee Nation did you come to? A Went to Gibson.

Q Fort Gibson? A Yes, sir.

Q Who did you come back with? A With some people---Ganders.

Q Give the names of some of the people who were in that party?

A One was name Joe Ganders.

Q Was he a Cherokee freedman? A Yes, sir, I suppose, he called himself that.

Q Who else? A Henry; I never knewed many of them, because I had to come home the best way I could.

Q When you reached Fort Gibson, as you say in 1866, who did you stop with? A With a woman who was seeking for the soldiers.

Q What was her name? A Polly Nivona.

Q How old were you? A I don't know.

Q How big, were you grown? A I was a good big girl; maybe 15 or 16, maybe older, I don't know.

Q How long did you stay there at Fort Gibson? A I don't know, sir; didn't stay there very long.

Q Can you give any idea about how long? A No, sir, I can't; not very long.

Q Did you stay a year? A I don't think so.

Q Where did you go to then? A On Log town hill.

Q Where was that? A To Mr. Davensport's first and then to Log town hill.

Q Where was that? A In Van Buren.

Q Arkansas? A Yes, sir.

Q Do you know what year you went there? A No, sir.

Q How long did you stay in Arkansas? A Sometimes a good while.

Q Well, this time? A When I went that time, I don't know, I stayed there a good while.

Q Did you stay a year? A I don't know whether I stayed a year, but didn't stay a year till I went home.

Q What did you call going home? A Going back to the Cherokee Nation.

Q Where was your mother all this time? A When I got back my mother was dead.

Q Did she die before the war? A She died before it ended.

Q Did she go out of the Cherokee Nation at all? A Not as I know of.

Q Was your father? A I never seen my father.

Q You don't know whether he was a Cherokee freedman or not? A No, sir, they say he was a freedman, Cherokee man, but I never seen him.

Q After you stayed in Arkansas, near Van Buren, for a while where did you go then? A Came back to the Cherokee Nation.

- Q How long did you stay in the Nation that time? A Not very long till I went back to the state again; I was trying to raise some children then and went back; I worked for a man by the name of Dr. Dibrell.
- Q Where did he live? A In Van Buren.
- Q You just spent your time in Arkansas and the Cherokee Nation?
- A Yes, sir.
- Q How long did you keep that up? A A good while.
- Q Up until now? A No, sir.
- Q Well, how long? A I aint been there in several years.
- Q Have you ever lived in any other state besides Arkansas since the war? A I was down in Mississippi once.
- Q How long? A I wasn't grown good then.
- Q How long after the war was that? A I wasn't there very long; don't know just exactly how long.
- Q Did you ever live in North Carolina? A No, sir.
- Q Were you ever there? A No, sir.
- Q Were you ever in South Carolina? A No, sir, if I was, I was little and don't know it.
- Q How long have you been living in the Cherokee Nation continuously since the war all the time? A I have been living here about, I don't know, it has been several years, I couldn't tell you exactly how long.
- Q Five years? A That aint a patching to it.
- Q Well how long to the best of your knowledge? A I expect it has been, I don't know.
- Q 10 years? A More than that.
- Q 20 years? A Yes, sir, about that; I expect that is about it.
- Q When were you first married, how long after the war? A The first time I was married I was married to Roswell Macksey.
- Q Where? A In Braggs.
- Q Cherokee Nation? A Yes, sir.
- Q How long after the war was that? A That was a good while after the war, I lived with a man, though, and had some children.
- Q When did you first live with a man and have some children after the war? A I was young.
- Q Where were you living? A Lived with him in Van Buren.
- Q Was he a state man? A Yes, sir, I lived with him in the Nation, too.
- Q What was his name? A Stewart.
- Q How many children did you have by him? A I had four by him.
- Q What are their names? A One was named Joe Moore, Bob--
- Robert Moore? A Yes, sir.
- Q Any others? A Maggie, Amelia.
- Q Amelia Brown now? A Yes, sir.
- Q Any others? A Maggie.
- Q Maggie--- A Doty.
- Q They have applied to the Commission to be enrolled? A Yes, sir.
- Q Where was Joe born? A I can't tell you where my children were born.
- Q You can, too? A No, I can't.
- Q You don't remember where any of them were born? A I had one or two down here in the Cherokee nation.
- Q Which one? A Maggie or some of them.
- Q Where was Amelia born? A I can't tell you; I have been troubled so much I can't.
- Q Where was Robert born? A I don't know; my husband give me too much trouble; I can't tell.
- Q How long did you live with this man Stewart? A I don't know.
- Q How many of your children that you have named were born over in Van Buren? A None.
- Q How many were born in the State of Arkansas? A I don't know as I had any; Joe may have been born there.
- Q Is he the oldest one? A Yes, sir.

Q How many were born in Mississippi? A Didn't have any in Mississippi.

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

Q Once to Roswell Mackey--A I have been married three times; I was married to Roswell Mackey and he died, and I married a fellow by the name of Elude Haffin and he died, and this last man is named Bob Jostlin.

Q You never had children by any except Stewart? A Yes, sir, Andrew never belonged to Stewart.

Q How old is he? A About 18, I reckon.

Q He is living now and living with you, is he? A Yes, sir, he aint got good sense.

~~Q What is his father's name? A~~

Q What is his father's name? A Henry.

Q Henry what, did you not know his other name? A I never tried to know his other name.

By Mr. Davonport:

Q Now, Winnie, when Moore took you away how old were you? A I couldn't tell.

Q You were big enough to remember it? A I was about 10 or 11, I reckon.

Q Where was Moore living at that time? A In the Cherokee Nation.

Q At what place? A I couldn't tell exactly.

Q How far from Van Buren? A I don't know; it didn't seem to me like it was far.

Q Did Moore live with Dr. Davis at the time he took you away?

A No, sir.

Q Was he a man of family? A Yes, sir, I think so.

Q He wasn't a Cherokee, himself, was he? A Yes, sir.

Q Jack Moore? A Yes, sir, I think so.

Q Do you know whether he was or not? A They all called him Cherokee.

Q Did you ever see Jack Moore after he took you away that time?

A I don't know whether I did or not.

Q Where did he take you to when he took you away from the Cherokee Nation? A He took me down south to Texas.

Q Did you come back up near the the Cherokee Nation after that before the war began? A No, sir, I don't think I did.

Q Who were you living with when the war began? A I was hired out to a woman by the name of Miss Morgan, but I don't know whether it had begun then.

Q Where did Miss Morgan live? A In Texas.

Q Had you ever seen her before you were taken there? A No, sir.

Q Who do you claim you were a slave of when you could first remember? A Jack Moore; my mother belonged to Dr. John Davis.

Q Where did he live? A He lived somewhere in the Cherokee Nation, kindly up the country like.

Q From what place? A From Log Town.

Q Were you ever at Dr. John Davis' house? A When I was a child.

Q Was that before or after the war? A Before I was taken away.

Q Log Town was right at Van Buren, Arkansas, wasn't it? A Yes, sir, I reckon.

Q You speak awhile ago about living with or near a man by the name of Davonport, do you know what his first name was? A No, sir, I forget.

Q Where did he live with reference to Van Buren? A Out that way.

Q On Lee's creek? A Yes, sir.

Q What was that you lived near him, after or before the war? A After?

Q When you came back from Texas or Mississippi? A That was the time I went there, when I came back.

- Q Where did you first come when you came back from Texas after the war? A Came on to Fort Gibson.
- Q Then when did you go down to Van Buren, near where Davenport lived? A I don't know how long.
- Q How long did you stay at Fort Gibson before you went down there? A I don't know exactly, not as overly long.
- Q Had you ever known Davenport before the war? A No, sir.
- Q How long had you been back to the Cherokee Nation before you went to Davenport's? A I couldn't tell you.
- Q One or more years? A It might have been more than a year.
- Q Do you think it was as much as three years? A I couldn't tell you to tell you the truth.
- Q Did you know whether or not he had a family? A Yes, I think so. I think he had a wife; he had some colored people there.
- Q You didn't come from South Carolina with Captain Davenport and his father? A No, sir.
- Q Didn't Isaac Davenport, the father of Captain W. A. Davenport, bring your mother from South Carolina to Texas? A No, sir.
- Q And didn't you come from the State of Texas with Captain W. A. Davenport and his wife, who was a Miss Sumner, in 1874, to Van Buren, Arkansas? A No, sir, I threw this hand up to God I didn't.
- Q You can't tell me then how long you had been back to the Cherokee Nation until you went and lived near them? A No, sir.
- Q Did you ever live in the house with them or work for them? A Yes, sir, I worked some there; they had colored people and I worked some there.
- Q You don't know who was your owner when the war broke out? A No, sir.
- Q You said you were living in Texas? A I was carried there.
- Q You were there? A Yes, sir.
- Q Living with Mrs. Morgan? A Yes, sir.
- Q Was your mother living when you came back to this country? A No, sir, I ain't found her since.
- Q You don't know where she went during the war? A No, sir.
- Q You don't know whether she ever returned to the Cherokee Nation? A No, sir, I was told she died here.
- Q You never know who your father was? A They told me, but I forgot.
- Q You answered Mr. Green a while ago and said you couldn't tell where your children were born, were any of them born down there by Van Buren, on Lee's Creek? A I had Andrew and I had Maggie; they were born at old man Peter Edwards' and that ain't far from Lee's Creek.
- Q Where were you living there? A Over in the Cherokee Nation; old man Peter was a doctor and he waited on me.
- Q What Cherokees lived near you down there? A I don't know; I never stayed no longer than I could get down and up.
- Q Where are you living now? A I am in Wagoner now.
- Q How long have you been living there? A About seven years, I reckon.
- Q What was your mother's name? A Margaret Davis.
- Q She belonged to Dr. Davis of the Cherokee Nation? A Yes, sir.
- Q When was it you went to Mississippi, Winnie? A I went there with Miss Morgan.
- Q You went from Texas with Mrs. Morgan to Mississippi? A Yes, sir.
- Q Do you remember her first name? A No, sir, I can't think of it.
- Q What was your postoffice down there in Texas? A I think they called it Red Fork.
- Q Do you know what county it was in? A No, sir.
- Q When did you leave Texas to come up here? A I left Texas years, years ago.
- Q How long ago? A I can't know how long.
- Q Who did you come with? A With some people who was coming.
- Q What people? A Some were gentlemen.
- Q Were they white people? A Colored.



- Q Were they Cherokee freedmen? A They say so.
- Q They lived there where you did? A Yes, sir, they were there.
- Q How far from Red River were you? A I don't know.
- Q You don't seem to know anything about where you were? A It was down about Red Fork, not Red River.
- Q How long did it take you to get to the River from where you started? A I can't tell exactly how long, about two days, I believe.
- Q Who did these Sanders' live with? A I don't know who they were living with; they were all camping and me and some more people came to them, and they was coming on home and we come on together.
- Q Who were some more people? A I don't know their names.
- Q How did you get with them? A I went with them, like anybody would.
- Q Were you not with Mrs. Morgan? A No, sir, I had left her.
- Q Then you don't know who you come herewith? A One was named Joe and Henry Sanders.
- Q Did they tell you where they were going? A Said they were coming back to the Cherokee Nation.
- Q And they brought you to Fort Gibson? A I come with them.
- Q Where did they leave you? A I come on to Fort Gibson.
- Q Where did the Sanders' leave you? A They left me somewhere not far from Gibson.
- Q Didn't they leave you in Fort Gibson? A Not exactly.
- Q Wh did you go to stay with? A Polly Mivona.
- Q She was then cooking for the soldiers? A Yes, sir, she was cooking.
- Q Living up in the garrison or out in the edge of town? A Up in the garrison.
- Q How long did you stay with her? A Not long.
- Q Then where did you go? A Went on down to Lee's creek.
- Q Didn't you go to Log Town? A Not right then.
- Q Where did you stop at? A At Mr. Davenport's.
- Q Where did he live? A On Lee's Creek.
- Q In Arkansas? A No, in the Cherokee Nation.
- Q Are you certain they were living in the Cherokee nation? A I aint certain.
- Q Isn't it in Arkansas? A Where is Lee's Creek?
- Q In Arkansas. A Then there in where I went.
- Q Did you ever know a man by the name of John Keeton? A Yes, sir. I knowed a man to come to Van Buren at the time they were giving a supper there to make up money to go to Africa.
- Q Now, didn't your husband go to Africa in that crowd? A He didn't go in that crowd; he went after that.
- Q You say you knew John Keeton? A Yes, sir.
- Q They were making up that money to go to Africa? A Yes, sir.
- Q Didn't you know John Keeton in South Carolina? A No, sir.
- Q You never knew John Keeton in South Carolina? A No, sir.
- Q You never saw him before you saw him at that supper? A No, sir.
- Q I want to ask you if you really wasn't born and raised in South Carolina? A No, sir.
- Q Wasn't you put in jail there for-----A No, sir.
- Q You didn't know John Keeton in South Carolina when he helped the jailer there? A No, sir.
- Q The first you saw of John Keeton was when you were getting up that money to go to Africa? A The first time I saw him to know him.
- Q You didn't live in South Carolina, then, at all? A No, sir, never lived in South Carolina, unless I was small and didn't know it; they have carried me about a heap and I never knowed John Keeton until after he come to my house at the time of that supper.
- Q Didn't you run a boarding house in Van Buren? A No, sir.

By the Commission:

- Q About what time of the year was it when you reached Fort Gibson after the war, the first time? A I couldn't tell you, mister, the grass was growing and things.
- Q Was it warm weather? A Getting warm.



- Q Were you there at the time the colored cholera killed so many colored people? A No, sir, I wasn't there then, I was gone to Van Buren.
- Q Had you been there, since the war, before that time? A Yes, sir, I had been there.
- Q When did you first come to the Cherokee Nation to stay and live and acquire a home after the war? A I don't know; it has been about 20 years, I reckon.
- Q You never established a residence and never owned a place or home or anything in the nation until some 20 years ago? A I lived about with the people; I didn't have no home.
- Q Up until 20 years ago where did you spend the most of your time, just lived about from one place to another? A Yes, sir.
- Q Where were you the most of the time? A Over in Van Buren, Fort Smith, Little Rock, down to Mississippi and around.
- Q Were you in the Cherokee Nation the most of the time or the states? A In the Cherokee nation some of the time, too.

CHARLES WILSON, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Charles Wilson.
- Q How old are you, Charley? A 65 the 4th of this July passed.
- Q What is your post-office address? A Wagoner.
- Q Are you a Cherokee freedman? A I am.
- Q Have you applied to this Commission to be enrolled? A No, sir.
- Q You never have? A Over at Tahlequah.
- Q You have applied then to the Census Commission to be enrolled? A Yes, sir, I am enrolling, already enrolled.
- Q Do you know the applicant in this case, Winnie Mackey? A I do.
- Q When did you first get acquainted with her, Charley? A The first time I knowed her she was quite a small girl.
- Q Was that before the war? A No, sir.
- Q After the war? A Yes, sir.
- Q How long after the war? A About '66 or '67, somewhere along there.
- Q You don't remember what year it was in? A No, sir, I was in the war, myself.
- Q Where was she when you first saw her after the war, in 1866 or '67? A At Fort Gibson.
- Q About how big a girl was she then? A Well, as near as I can judge, she was about 14 or 15 years old, maybe more.
- Q Who was she living with there? A I don't know who at that time.
- Q How did you happen to see her there? A I knowed her people.
- Q You know her mother, did you? A Yes, sir.
- Q Before the war? A Yes, sir.
- Q What was her mother's name? A Margaret.
- Q Margaret what? A Margaret Davis.
- Q You didn't know this girl, Winnie, before the war? A No, sir, I did not.
- Q Did Winnie's mother belong to a Cherokee citizen before the war? A I couldn't tell whether she did or not, but they said so.
- Q You said you knew her? A Yes, sir, but I knowed her by her mother; she said she was a Cherokee.
- Q Her mother claimed to be a Cherokee by blood? A Yes, sir.
- Q Winnie's mother did? A Yes, sir.
- Q Do you know anything about where Winnie's mother went during the war? A No, sir, I couldn't tell you, because I was away myself.
- Q Did you ever see Winnie's mother after the war? A I did.
- Q Where at? A At Cowasseeconee district; at Biggs Prairie, near Vinita.
- Q How long after the war was that? A It was in '67; I come here with the 10th Cavalry and had to go off with it again; I was a soldier.
- Q Who was Winnie's mother living with up there? A I couldn't tell you.

Q You don't know anything about that? A No, sir, I couldn't tell you.

Q After you saw this woman, Winnie, here at Fort Gibson shortly after the war, what did you next see her? A I have been seeing her off and on ever since; he married down to Pagers--no, she married before she married down there; Moore's carried her here, that is what she says--

Q Tell what you know. A I saw her at Bragg.

Q When? A The last time I saw her was at Bragg.

Q When? A I couldn't tell you how long ago; not so long ago; she married down there a man by the name of Mackey, Howell Mackey.

Q Did you ever know this woman over in Arkansas? A I didn't.

Q Did you ever know her in Mississippi? A I didn't.

Q Do you know whether she has ever lived in Arkansas? A I couldn't tell you.

Q Do you know whether she ever lived in any other state? A Only in the Cherokee Nation and Creek nation.

Q You couldn't tell where she has been from the time you saw her at Fort Gibson up until 20 years ago? A No, sir, I couldn't.

Q How do you happen to remember having seen her at Fort Gibson?

A By my father-in-law, they were all together, and I have known the Davis'; my father said that was Winnie Davis, old man John or Margaret Davis' daughter.

Q Winnie was living there with your father-in-law in Fort Gibson?

A No, sir, I saw her there.

Q With whom? A Yes, sir, down to my father-in-law's house, but she wasn't living there, I couldn't say whether she was living in Coewassee or Illinois.

By Mr. Davenport:

Q You never knew Winnie's mother before the war? A No, sir.

Q You don't know to-day who this Winnie's mother was, of your own knowledge before or after the war? A Yes, sir, I knew her mother after the war.

Q Don't you know that Winnie's mother died during the war? A I don't.

Q Don't you know that Winnie, herself, swears in this case that she did? A I couldn't tell you.

Q You say you saw her in Begg's Prairie in Coewassee after the war? A Yes, sir, which I did.

Q What is her name? A Margaret Davis.

Q When did you talk with Winnie about being a witness in this case?

A Didn't talk with her.

Q How did she happen to know that you know anything about this case?

A How I come to know, we all live at Wagener, and she asked me, "You know all my people", and I says "Yes, an' the Davis people," and she says, "I have got to get witnesses before the war's Commission; they are trying to beat me out of my property," and I says "Anything I can do what is right, I will do," which I am.

Q You never saw Winnie until after the war? A No, sir.

Q All you know about Margaret Davis being her mother is what you have heard? A Is what her own people say, yes.

Q You don't know where Margaret Davis went during the war? A No, sir.

Q You don't know where Winnie was when the war broke out? A No, sir, the latter part of '61 I run away from home, from Grand river, five miles from Vinita, and went to Fort Scott and went in the army.

Q Had you seen Winnie at Fort Gibson before the war? A No, sir, after that.

Q How long after that? A I saw her in '66 or '7.

Q Can you name any other strange girl that you never had seen before, that you saw at Fort Gibson? A I know thousands of them that I hadn't seen before.

Q Were there any other strange people, not Cherokees?

Q There were any number of state people at Fort Gibson about that time? A Yes, sir.

Q After you saw Winnie there in 1866 or '67, where did you next see her? A At Lenapeh after I came out of the Army.  
Q You never saw her at all until after you came out of the Army, did you? A Yes, sir.  
Q What was she doing at Lenapeh? A Was a farmer.  
Q How long was that after you saw her at Fort Gibson in 1864 or '67?  
A Some eight or ten years.  
Q Wasn't it considerably longer than that? A No, sir.  
Q How long has there been a Lenapeh in the Cherokee Nation?  
A Ever since the Valley road went through.  
Q How long ago has that been? A About 12 or 13 years.  
Q You never saw Winnie from 1866 or '67, until after the Kansas and Arkansas valley railroad built from Fort Smith, Arkansas, to Gulfville, Kansas? A No, sir.  
Q You don't know anything about her when she was living in Van Buren?  
A No, sir.  
Q Fort Smith? A No, sir.  
Q Little Rock? A No, sir.  
Q And Mississippi? A No, sir, not that I know of at all.  
Q How many times has you ever seen Winnie's mother?  
A Once.  
Q How did you know it was her? A By the child.  
Q You had seen the child down there at Fort Gibson in 1864?  
Q You don't know her by the likeness of the child, by the look of the child? A No, sir, I knowed her.  
Q Then you don't know anything about whether she was a white or a black ever belonged to Davis except what she said? A I don't tell a thing about that.  
Q You never saw no white boy either of the name? A No, sir.  
Q You don't know the name family? A No, sir.  
Q You haven't lived in this country or since she was a white or a black not white, Davis, the son of Mr. Davis? A No, sir, I haven't met him.

By the commission? A Didn't you tell me that you knew Winnie's mother before the war? A I told you I saw her both after the war, in '66 or '67.  
Q You didn't tell me that you knew Winnie's mother before the war?  
A No, sir, I didn't.  
Q Didn't you say that you did know her and that she lived in the Davis' before the war? A No, sir, I didn't; I said after the war, between '66 and '67.  
Q You didn't know her any then that you knew Winnie's mother before the war, when I was asking you about it? A Yes, sir.  
Q You did mean to say that? A Yes, sir, that was in '64, '62, '63, yes, sir, Mr. Davis, yes, sir.  
Q Winnie's mother? A Margaret Davis, Winnie's mother.  
Q You knew her then before the war? A Yes, sir.  
Q How long before the war? A You first got acquainted with her?  
A My people saw her lived close to me before the war; I expect before I was born, couldn't say, but I was big enough to know.  
Q How big were you when you first knew her, how old were you? A I was a small sized boy.  
Q About 10 or 12 years old? A I expect I was, because I am 65 now, you can consider and count up; I was 65 the 4th of July, according to my mother used to belong to her.  
Q You say you have applied to the patent commission to be enrolled?  
A Yes, sir, and am already enrolled and got my land.  
Q Have you had your land allotted to you? A Yes, sir.  
Q Under what name did you apply? A Under Charley Davis.  
Q What are the names of your children? A Ella Davis, Lucy Davis, and Lillie Davis.  
Q Did you apply as a Cherokee freedman? A I did.

Q Do you remember whether you were put on a doubtful cart or a  
doubtful cart? A No, sir, if I had I couldn't have got so low  
whatever.

By Mr. Barrett:  
Q Now, sir, you are in the town of Gibson, Illinois dis-  
trict, I will have to tell you that I would not eleven  
years ago from now.

By Mr. Barrett:  
Q Now, you know the name of the great house? A I  
Q The name of the house? A I don't know. A Yes,  
Q Yes, sir. A Yes, sir.

By Mr. Barrett:  
Q Where did Mr. Davis, that you claim was the owner of the cart,  
live before the war? A I couldn't positively say, but I used to  
see him in Cooperswood district.  
Q What place in Cooperswood would that be? A Upon Grand-  
daddy's Prairie.  
Q Was Granddaddy's Prairie ever in Cooperswood district? A About it,  
near Lightning Creek.  
Q Above Lightning Creek? A No, it would come up above Lightning  
Creek.

Q Who lived on Lightning Creek at the time Mr. Davis came up there?  
A Wels Marrell.  
Q Did you ever see Mr. Davis before the war? A Yes, sir, I did.  
Q Did you see him at Wels Marrell's on Lightning Creek before the  
war? A Yes, sir, I did.  
Q Don't you know that Wels Marrell never lived on Lightning Creek  
until after the war? A Yes, sir, he must have come home; he  
was sent off to Texas and came here; that is my own understanding; you  
can't tell me nothing about it, because I know.  
Q Who else lived on Lightning Creek besides Wels Marrell when you  
saw Mr. Davis there? A So many people lived there I couldn't tell  
you.  
Q Wels Marrell never lived on Lightning Creek before the war, did  
he? A Yes, sir, and was moved to Star Creek.  
Q Where did Wels come live before the war? A At Tallapoosa,  
Mississippi.

By the court: Upon the answer of this witness while on  
the stand, and from the conflicting statements made by him in the  
course of his testimony in this case, it is considered by the court  
in charge of this hearing that the witness is of unsworn mind.

By Mr. Barrett: The representatives of the Cherokee nation  
desire to introduce as a part of the evidence a part of the testimony  
in this case the testimony of Frank Smith, George U. Long, Henry  
Smith and Jack Walker, taken on June 17, 1904, in the case showing  
Brethren doubtful U.S. Adeline Hayton, et al., as to the reputation  
of Polly Sivens, now Polly Ross.

Continued: The request of the Cherokee nation's attorney  
will be complied with and copies of the testimony referred to will  
be filed with and made a part of the record in this case.

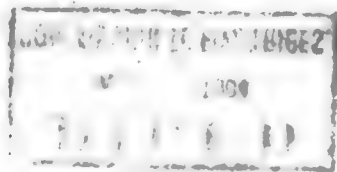


T. V. Vance, being first duly sworn, states that as attorney for  
to the commission to the five civilized tribes he reported the pro-  
ceed in the above entitled cause and that the above and foregoing is

in true and correct knowledge of his statements in the above

subscribed and sworn to before me this 15th day of July, 1900.

*Charles H. Sawyer*  
Notary Public



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

In the matter of the application of Winnie Mackey, et al.,  
for enrollment as Cherokee Freedmen, consolidating the appli-  
cations of --

Winnie Mackey, et al.,	Cherokee Freedmen D-899,
Robert Moore,	Cherokee Freedmen D-977,
Amelia Brown, et al.,	Cherokee Freedmen D-978,
Maggie Doty,	Cherokee Freedmen D-982,
Joseph Moore, et al.,	Cherokee Freedmen D-983.

--:--

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 Winnie Mackey for herself and minor child, Andrew Moore; by Robert Moore for himself; by Amelia Brown for herself and minor child, Robert Brown; by Maggie Doty for herself; and by Joseph Moore for himself and minor child, Annie Moore. A copy of the testimony of Frank Smith, George W. Benge, McCoy Smith and Jack Walker, taken at Muskogee, Indian Territory, June 17, 1904, in the case of Adeline Hampton, et al., Cherokee D 154, is filed herewith and made a part of the record in this case.

The evidence in this case shows that Winnie Mackey was neither the slave of a Cherokee citizen, nor a free colored person residing in the Cherokee Nation, at the commencement of the Rebellion. Neither does said proof show that she was living in the Cherokee Nation during the time necessary for the acquisition of freedmen rights under article nine, of the treaty of 1866.

The evidence further shows that all the other applicants herein are descendants of the said Winnie Mackey, born since 1866, and claim no rights to enrollment except through their said ancestor. None of the applicants herein can be identified on the authenticated Cherokee tribal roll of 1880.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Wilmie Maskey, Andrew Moore, Aecalia Brown, Robert Brown, Robert Moore, Joseph Moore, Mamie Moore and Maggie Doty, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1896, (30 Stat., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tom Bixby,  
Chairman.

(Signed) T. H. Needles,  
Commissioner.

(Signed) G. R. Breckinridge,  
Commissioner.

Muskogee, Indian Territory,

this Jan 14, 1905.

11

17  
MAY 12

*Handwritten signature*



# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

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

### **MUSKOGEE, IND. TER.,**

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

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

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

Mr. Robert Moore,

Muskogee, I.T.

Cherokee P-D-977

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE;

Commissioners.

Cherokee Freedmen

2- 977.

Muskogee, Indian Territory, July 5/1904.

Robert Moore,

Muskogee, 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 whether or not your mother Winnie Mackey 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.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 o'clock A. M., on Wednesday, July 27, 1904, and introduce testimony as above indicated.

Respectfully,

Register.

Commissioner in Charge.

Cherokee Freedmen  
D-222-577-578-  
922-525.

Muskogee, Indian Territory, July 5, 1864.

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

Dear sir:

In the matter of the applications for the enrollment of Winnie Mackey, et al., Robert Moore, Melia Brown, et al. Magie Doty and Joseph Moore et al., as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced tending to show whether or not Winnie Mackey 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 applicants have, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 o'clock A.M. on Wednesday, July 27, 1864, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as may be desired in rebuttal of that offered by the applicants.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedman  
D-977.

Muskogee, Indian Territory, January 16, 1905.

Robert Moore,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision dated January 16, 1905, rejecting, among others, your said application.

Respectfully,

*Jame Bixby.*  
Chairman.

Incl. S-56.

Register.

COPY.

Cherokee Freedmen

D-899, et al.

Muskogee, Indian Territory, January 16, 1905.

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

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 16, 1905, rejecting the applications for the enrollment of Winnie Mackey, et al., 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,

Incl. 8-60

SIGN

*Tame Eixson*  
Chairman.

COPY.

Cherokee Freedmen  
D-899, et al.

Muskogee, Indian Territory, January 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Winnie Mackey, et al., as Cherokee freedmen, including the Commission's decision dated January 16, 1905, rejecting said application.

Respectfully,

*Tame Bixby.*  
Chairman.

Incl. S-61.

Through the

Commissioner of Indian Affairs.

-COPY-

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

LAND  
5247-1905.

WASHINGTON,

March 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 16, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Winnie Mackey for herself and her minor child, Andrew Moore; by Robert Moore for himself; by Amelia Brown for herself and her minor child, Robert Brown; by Maggie Doty for herself; and by Joseph Moore for himself and his minor child, Mamie Moore.

January 16, 1905, the Commission decided adversely to all the applicants.

The record shows that Winnie Mackey 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. It is further shown that all the other applicants are descendants of Winnie Mackey, born since 1866, and claim no rights to enrollment except through her. None of the applicants is identified on the 1860 authenticated Cherokee roll.

-2-

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

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.  
W.



Cherokee Freedmen  
11-D-977.

Muskogee, Indian Territory, July 6, 1905.

Polly Young,

Fort Gibson, Indian Territory.

Dear Madam:

This office is in receipt of your letter of June 28, 1905, in which you ask as to the status of Robert Moore as a Cherokee freedman.

In reply you are advised that on March 27, 1905, the Commission to the Five Civilized Tribes rendered its decision in the matter of his application, and on the same day the record was forwarded to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner.

-COPY-

J.F.Jr.

DEPARTMENT OF THE INTERIOR,

LLB

D.C.21948  
I.T.D.2312-1905.

WASHINGTON.

L.R.S.

May 29, 1906.

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

Sir:

January 16, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated applications for enrollment as Cherokee freedmen by Winnie Mackey for herself and her minor child, Andrew Moore; by Robert Moore for himself; by Amelia Brown for herself and her minor child, Robert Brown; by Maggie Doty for herself, and by Joseph Moore for himself and his minor child, Mamie Moore.

Reporting March 7, 1905, the Indian Office recommended that the Commission's decision, adverse to the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision of the Commission dated January 16, 1906, is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:  
**Cherokee Freedman**  
**D. 927**

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

Muskogee, Indian Territory, June 8, 1906.

Robert Moore,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 16, 1906, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, May 29, 1906.

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

Respectfully,

Encl. A-84.  
M.A.

  
Commissioner.

Cherokee Freedmen  
# 899 et al.

COPY

Waukegee, Indian Territory, June 8, 1906.

Bell, Hastings & Devonport,  
Attorneys for the Cherokee Nation,  
Waukegee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 16, 1905, rejecting the applications for enrollment as Cherokee freedmen of Winnie Mackey for herself and her minor child, Andrew Moore; Robert Moore for himself; Amelia Brown for herself and her minor child, Robert Brown; Maggie Doty for herself, and Joseph Moore for himself and his minor child, Mamie Moore, was affirmed by the Secretary of the Interior May 29, 1906.

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

Respectfully,

Encl. A-88,  
M. A.

RECEIVED

Tame Bixby

Commissioner.

# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT

SS

In the matter of the application of Robt. Moore  
for enrollment as a Cherokee Freedman.

No. F. D. 2775

Henry Jack, of lawful age, being duly sworn on oath states that on the 18<sup>th</sup> day of September A. D., 1901, he registered to Robt. Moore whose postoffice is Muskogee Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Edt. Gibson Indian Territory; and that on the 24<sup>th</sup> day of September 1901, he received the return card which is hereto attached, signed by the said Robt. Moore, showing that he had received said notice.

Subscribed and sworn to before me on this the 24<sup>th</sup> day of Sept. A. D. 1901.

J. C. Starr

Notary Public.

510977

No. 10

INDIAN TERRITORY,  
CHEROKEE NATION

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

by delivering a true copy thereof on the  
day of A. D. 1901

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

Marshal for the Cherokee Nation.

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

Attorney for applicant.

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

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

on the day of A.D. 1901

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

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

FILED  
SEP 24 1901

  
ACTING CHAIRMAN

## NOTICE!

IN THE MATTER OF the application of Robt. Moore  
for enrollment as a Cherokee citizen:

Case No. D 977

To Robt. Moore 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 citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on Sept. 25th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

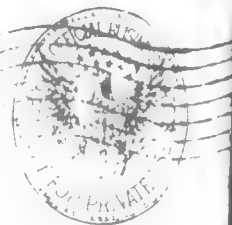
In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this

Sept. 17th 1901.

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

Department of the Interior. 1EF

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



Robert Moore,

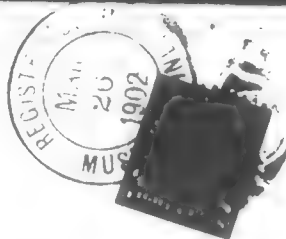
Muskogee, Indian Territory.

Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Mr. Robert Moore,

Muskogee, Indian Territory.



Department of the Interior.

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

March 9 1905



*Unclaimed*

*Returned to sender*

*Muskogee, Indian Territory*

REGISTERED

JAN 10 1905  
MUSKOGEE, IND. TER.

REGISTRY DIVISION,  
JAN 9 1905  
MUSKOGEE, IND. TER.

Muskogee, Indian Territory.

Department of the Interior.

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

15518



REGISTERED  
JAN 10 1905

Robert [unclear]  
Muskogee, Indian Territory.

Muskogee, Indian Territory.

Cher Fr R 1040

Trans. from Cher Fr D 978

Cher. Fr R 1040

THE FIVE CIVILIZED TRIBES.  
NO. 1, 1911  
JUL 26 1911

THE FIVE CIVILIZED TRIBES  
NO. 1, 1911  
JUL 26 1911

Department of the Interior,  
Commission to the Five Civilized Tribes  
Nowata, I.T., July 1, 1901.

In the matter of the application of Amelia Brown for the enrollment of herself and one child as Cherokee Freedman.

Amelia Brown, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Amelia Brown.  
Q How old are you? A 24.  
Q What is your postoffice? A It is Wagoner now.  
Q What district do you live in? A Goo-wee-swo-wee.  
Q Wagoner in the Creek Nation? A I suppose so.  
Q You want to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Who do you want to enroll besides yourself? A One child.  
Q What is its name? A Robert Brown.  
Q How old is he? A Seven.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A Wilson Brown.  
Q Is he a citizen? A No, sir.  
Q Is your name on the roll of 1880? A I don't think so, it is on the roll with my mother.  
Q What is your father's name? A Stewart Neeley.  
Q What is your mother's name? A Winnie Mackey.  
Q Are you a sister of Robert Moore? A Yes, sir.  
The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.  
The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.  
The Kern-Clifton roll examined, and the applicant identified thereon, page 183, No. 3313, Illinois district, as Melia Moore.  
Q You didn't draw money for Robert, did you? A No, sir.  
Q Where were you born? A I was born on Elk Creek.  
Q Where is that, what nation or state? A In Sequoyah district, isn't it; I don't know.  
Q Is it in the Cherokee Nation? A Yes, sir.  
Q Well, have you always lived in the Cherokee Nation? A Up until I was about 15 or 16 I think.  
Q Then where did you go? A My mother taken us to Van Buren then.  
Q How long did you live there then? A Two or three years.  
Q Where did you go then? A I married then and my mother moved back to Bragg's.  
Q You married in Van Buren? A Yes, sir.  
Q You stayed there then, did you? A No, sir.  
Q Did you go with your mother when she came to Bragg? A No, sir.  
Q Where did you go? A I went with my husband, he took me up to Lenapeh and I lived there a while.  
Q In the Cherokee Nation? A Yes, sir.  
Q Well, been living in the Cherokee Nation ever since that? A No, sir, he taken me over there to Osawatomie, Kansas.  
Q How long did you live in Kansas? A Lived in Kansas about two years.  
Q Then where did you go? A Then I came back to my mother and she lived at that time in Claremore.  
Q Where was Robert born? A My boy was born in Osawatomie, Kansas.  
Q Your husband is a state man, is he? A Yes, sir.  
Mr. J. S. Daymont, Cherokee attorney: Where is your husband now?  
A My husband and I are parted, he is somewhere up in St. Paul I think.  
Q How long since you and he separated? A Been separated for two years.

Q Where have you been living since you separated? A After we first separated I went to Lenapah and lived there a year with my mother, and then from there I went to Kansas City and stayed there three months and then I came back to my mother in Wagoner.

Q How long did your mother live at Lenapah? A I don't know sir just how long she did live there, she owns property there, she has got a home there.

Q You are mistaken about Elk Creek being in the Cherokee Nation, aren't you? A I didn't say positively it was because I don't know.

Q As a matter of fact you know it is in the Creek Nation, don't you? A I don't know sir, I won't say.

Q You were born on Elk Creek? A Yes, sir.

Q And that is in the Creek Nation in the southwest of Choctawhatchee?

A I think so.

Q You lived at Van Buren for a number of years, you and your mother and brothers? A No, about three or four years.

Q And you were living there in ~~1880 and '81 and '82~~ '80 and '81 and '82? A I think so, I will not be positive just what year they were.

Q What year were you married? A In '83.

Q You were living there then? A Yes, sir.

Q Your mother and brother Robert was living there at that time?

A Yes, sir, my brother Robert wasn't at home when I was married.

Q He had been home, hanging out around home? A Yes, sir.

Q And then after you and your husband married you say you came to Lenapah? A Yes, sir.

Q How long did you say about Lenapah before you went to Ossawatimie, Kansas? A About a year I guess.

Q Who did you live with up there? A Mother has got a home up there.

Q Your mother moved to Lenapah from Van Buren, that was about the time of the Kern-Clifton payment? A I don't know just what time that was; no the payment hadn't come off then.

Q Well, it was about the time the Kern-Clifton roll was made that your mother moved from Van Buren to Lenapah? A No, she was up here before then.

Q How long had she been here before that? A I don't know.

Q She was living in Van Buren when you married in '83? A Yes, sir.

Q She moved up there sometime between '83 and '86? A No, my mother moved to Braggs and I moved to Lenapah.

Q Your mother didn't move to Lenapah? A No, not the time I moved there.

Q Your mother then moved from Van Buren to Braggs sometime between '83 and the Kern-Clifton enrollment? A Yes, sir, I think so.

Q After you were married then you lived something like a year at Lenapah and then you and your husband went to Kansas and you lived there until you separated? A Yes, sir.

Q Then you came back to the Territory and worked a while and went to Kansas City and worked a while? A Yes, sir.

Q And then how long since you came from Kansas City? A I have been out of Kansas City in the fall two years.

Q Where have you been living? A I have been in Lenapah, and I live with my mother in Wagoner.

Q Where else have you been living? A I have been living in Claremore.

Q Where else? A Well, that is about all the places.

Q Been back to Kansas City since that time? A No, sir.

Commissioner: Anelia Brown applies for the enrollment of herself. She avers that she is now married to one Wilson Brown, a non citizen; that she is the daughter of Virginia Mackay.

Amelia Brown - 3.

She claims her citizenship through her mother. She cannot be identified upon any of the rolls of the Cherokee Nation except the Kern-Oliver rolls, and she is duly identified upon that roll. She avers that she has one child named Robert Brown. The testimony taken in the matter of the enrollment of her mother, Winnie Mackey, on D card 699, will be made part of the record in the case at bar, and a copy thereof will be filed herewith. It will be necessary for her to make proof of the birth of her child, Robert, its name not appearing upon any of the rolls of the Cherokee Nation. As to her residence, reference is made to the testimony. Said Amelia Brown and her son Robert will now be listed for enrollment as Cherokee Freedmen on a doubtful card. She will be notified by mail of the action of the Commission in the premises.

\*\*\*\*\*

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

*Bruce C. Jones*

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



Commissioner.

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

**FILED**  
JUL 1 1901

*[Handwritten signature]*

CHEROKEE FREEDMEN.

Date *July 1, 1961*  
Post Office *Madison St.*  
District *205*

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

Parents:

Father ..... Citizenship .....  
Mother ..... Citizenship .....

17. Name of wife *Samella Brown* Age *24*

Owner's name ..... Citizenship .....  
Year *20* Page *33* No. *33/3* District *20*

Parents:

Father *Stewart Mackey* Citizenship .....  
Mother *Minnie Mackey* Citizenship .....

Names of Children:

- 28. *Samuel Brown* 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 *Wesley* Stenographer *B. C. Jones*

*1. Aunt Le Rollas Melia Moore*  
*2. Birth cert. required.*

*Ref D, 899*



THE QUEROCOS NATION V. YEAH  
6 AND JUST THE FIRST TIME  
6 HOW LONG SHE WAS FIRST  
6 APPROX. V. PENALTY AND

ADDITIONAL NOT FOUND IN THE 1980 AND 1989

HERE IS NO. 2312, YUGRAH MOORE, ILLINOIS CIRCUIT,  
HERE IS NO. 2318, ANNE MOORE, ILLINOIS CIRCUIT,  
KANSAS CIRCUIT FOR EXAMINED AND THE NAME OF THE

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE PUBLIC LANDS,  
FILED  
AUG 28 1980

*[Handwritten signature]*

File with Cherokee Freedman D- 978, *Annalia Brown*

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

In the matter of the application of Winnie Mackey for the enrollment of herself and one child as Cherokee Freedmen.

Winnie Mackey, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Winnie Mackey.  
Q How old are you? A I don't know how old I am.  
Q How old are you? A I don't know my age.  
Q About how old? A I am fifty something.  
Q What is your postoffice? A My postoffice is Wagoner now.  
Q In the Creek Nation? A Yes, sir.  
Q Where do you live? A *sooweessoowee*.  
Q You apply for enrollment as a Cherokee Freedman? A Yes, sir.  
Q Who do you want to enroll besides yourself? A One child.  
Q What is the child's name? A Andrew.  
Q How old is Andrew? A Andrew is about 18.  
Q Andrew Mackey? A No, sir, Andrew Moore.  
Q Have you any witnesses? A Yes, sir.  
Q Who are they? A John Baldrige, Ester Grimmett and Polly Nivers.  
Q Is your name on any of the rolls of the Cherokee Nation? A It ought to be.  
Q Yes, but is it? A Yes, it is on the Clifton roll.  
Q Your name isn't on the roll of 1880? A It ought to be.  
Q Well is it? A I don't know whether it is or not.  
Q What was your father's name? A Robert Davis.  
Q Is he living? A No, sir, he is dead.  
Q What was your mother's name? A ~~Robert~~ Margaret Davis.  
Q Is she living? A No, sir, she is dead.  
Q How many times have you been married? A I have been married but once, I lived with a man once, I wasn't married to him.  
Q What was his name? A Stewart.  
Q Is he living? A No, sir, he is dead too.  
Q What was his first name? A His first name was Meellie.  
Q What was the next man you lived with? A Roswell Mackey.  
Q Is he living? A Yes, sir.  
Q Are you living with him? A No, sir, I am in Wagoner and he is in Braggs.  
Q This Andrew Moore, is he your child? A Yes, sir.  
Q You were not married to the father of that child? A No, sir.  
Q How what name are you on the roll by? A I have got five children: I am just telling you the ones I am enrolling on.  
Q You don't ask to enroll anybody but Andrew Moore? A No, sir, the rest is of me.  
Q What name are you on the Kern-Clifton roll by? A Moore.  
Q Were you a slave? A Yes, sir.  
Q What was your owner's name? A Jack Moore.  
Q Was he a Cherokee citizen? A Yes, sir.  
Q Where were you born? A I was born in the Cherokee Nation.  
Q Were you taken out of the Cherokee Nation during the civil war?  
A Yes, sir.  
Q Where to? A Jack Moore takes us down to Texas.  
Q Jack Moore took you himself? A Yes, sir.  
Q When was that: that while the war was going on? A Yes, sir, I can't know the numbers now, I can't tell one year from another.  
Q You knew the war was going on, you know about that? A Yes, sir.

- Q How long did you stay in Texas? A I can't tell that neither.
- Q When did you come back to the Cherokee Nation? A Well I came in here they said it was '66; not that I know of.
- Q They told you it was '66? A Yes, sir.
- Q Where did you come to? A Came to Fort Gibson.
- Q That is the first place you recollect after you come from Texas, of being in Gibson? A Yes, sir.
- Q Were you married then? A No, sir.
- Q Have you lived in the Cherokee Nation ever since? A Well, I have been out since that working around and about in places in the states.
- Q Kansas? A No, sir, never been to Kansas.
- Q Arkansas? A Yes, sir.
- Q Where were you married? A Where was I married, I was married in Bragg.
- Q Cherokee Nation? A Yes, sir.
- Q When were you married? A Married about five or six years ago.
- Q That was the first time you were lawfully married? A Yes, sir, I lived with a man and had children but I wasn't married to him
- Q You lived with Stewart? A Yes, sir.
- Q Where were you when you lived with Stewart? A Part of the time I was in the Cherokee Nation and part of the time I was in Fort Smith.
- Q How many children did you have by Stewart? A All I got I got by him.
- Q Please give me the names of them? A Joe.
- Q Joe Stewart? A No, all of them goes by Moore.
- Q Joe Moore? A Yes, sir.
- Q How old is Joe? A I don't know, he is twenty something
- Q Where was he born? A Joe was born down at Uncle Billy Edwards.
- Q Arkansas? A No, sir, Cherokee Nation.
- Q What is the next one named? A Bob.
- Q Where was Bob born? A He was born there too.
- Q What is the next one? A Amelia.
- Q Where was she born? A Down on Elk Creek.
- Q Was that in Arkansas or the Cherokee Nation? A If it wasn't in the Cherokee Nation, it was close by, close by Checotah.
- Q I might have been in the Creek Nation? A It might have been, I don't know.
- Q What is the next one named? A Maggie.
- Q Where was Maggie born? A She was born at Edwards.
- Q That in the Cherokee Nation? A Yes, sir.
- Q Same place Amelia was born? A No, sir.
- Q What is the next one named? A Andrew.
- Q Born in the Cherokee Nation? A Yes, sir.
- Q All your children then were born in the Cherokee Nation, were they, except Amelia might have been born in the Creek Nation down there close to the line? A Yes, sir.
- Q You have been living in the Cherokee Nation ever since you took up with Stewart? A No, sir, I went in the states some.
- Q Well, what state? A Worked around in Arkansas, in Fort Smith.
- Q Were you married when you were over there? A No, sir.
- Q You work in any other state besides Arkansas? A No, sir.
- Q Work anywhere else in Arkansas besides Fort Smith? A To Van Buren.
- Q Right along the line there? A Yes, sir.
- Q Sometimes in the Cherokee Nation and some times over in Arkansas? A Yes, sir.
- Q Is that as far as you have ever been out of the Cherokee Nation? A No, sir.
- Q How much further out did you go? A I went just about three

days before Christmas, I went in Kansas City, this last Christmas.

Q How long did you stay there? A Stayed there a little over a month.

Q Work there? A No, sir, I wasn't working.

Q Visiting up there? A Yes, sir.

Q And then came back? A Yes, sir.

Q That the only time you ever were in Kansas? A Yes, sir never was there in my life before.

Q How long were you in Oklahoma? A Never was there, don't know anything about Oklahoma.

Mr. J. S. Davenport, Cherokee attorney: Do you know to what point you went when you left the Territory during the war? A When I left the Territory I went down in Texas.

Q At whose place did you go to? A They hired me out when I went down there.

Q Don't you remember any one's name where you went? A They hired me to one man, I can't think of his name now to save my life, I am old and I can't remember things.

Q Who did you belong to now did you say? A I said I belonged to Jack Moore.

Q Well now where did Jack Moore live? A He lived down in Sequoyah district.

Q What kind of a house did he have? A He had a log house, hewed log house.

Q Were there any neighbors there, can you think of their names?

A There was a man lived close to us named Youngblood.

Q Anybody else you remember? A No, sir, I don't remember, I don't remember his given name.

Q Tell you remember anything about John Gunter? A Well he might have been somewhere up there, I don't know, I forget.

Q You know what year you came back? A No, sir.

Q Now you lived on Elk Creek how long? A On Elk Creek, how long I lived on Elk Creek?

Q Yes? A I don't know, I lived there, I can't tell how long, I was just from one place to another.

Q When you came back to Elk Creek was there any railroad near there? A Any railroad there or not?

Q How long was it until you saw the railroad built near there?

A Well, I don't know, I will not tell it for the truth how long it was, because I can't tell you, I can't remember things like a young person.

Mr. F. W. Hastings, Cherokee attorney: I want to know where Jack Moore, your owner, lived in Sequoyah District, what part of the district, on what creek.

Q What part, what creek? I don't know: it was a branch we lived close by a branch.

Q Well, what was the name of that branch? A I forget the name of the place.

Q Jack Moore have a family? A Yes, sir.

Q What was his wife's name? A Nancy.

Q Was Jack a Cherokee himself? A Yes.

Q Was his wife a Cherokee? A Well I don't know that.

Q Did he have any children? A Well I believe, yes there was two boys.

Q What were their names? A One was named Bill I think.

Q What was the other one named? A I can't think of the other one's name to save my life.

Q Was Bill or the other one the elder; which was the older of the two? A That is more than I can tell, I don't know which was the older.

Q Were they good size boys at the opening of the war? A Yes.

Q About grown? A They were good sized, I don't know how old

they were.

Q Were you living in the hills or in the prairie? A I was living kinder in the hills like.

Q What was your nearest town at that time? A I never went to town none, I don't know which was the nearest.

Q You never heard of any town? A I didn't say I never heard of any town.

Q Did you? A I don't know whether I did or not.

Q Was there any stores around there or anything around there? A I never went to any stores.

Q Do you know who had one? A No, sir, I don't know about the store part.

Q And this man Moore had a double log house did he, a hewed log house? A He had a log house, yes, sir.

Q Was it a double log house? A Yes, sir, I believe it was.

Q You have mentioned Mr. Youngblood, I want to know some of the others of your neighbors at that time? A I can't tell them, it has been so long and my head has been so confused I can't tell them.

Q You don't know any rivers or streams around there? A There was one river not so powerfully far.

Q Do you know in what direction it was? A It was this way (indicating.)

Q Was it north or south or east or west of your place, the river?

A Like here was the house and that would be the river, what would you call it?

Q I am asking you? A I can't tell you, I am showing you.

Q What sort of a farm did he have, big farm or little one?

A Wasn't a very big farm.

Q Have any more slaves besides you? A Yes, sir.

Q What was their names? A Had an old man named Tom.

Q Tom what? A Hewed Tom.

Q Have any other name? A That is all the name he went by then.

Q That the only one he had? A Had one named Nancy.

Q Do you know of any other neighbors of Moore's except Youngblood?

A No, I can't think of none right now.

Q Do you know of any town? A No, sir.

Q You can't think of any steam? A I told you where the river was.

Q How far from your place? A What, the river? I don't know how many miles it was out there.

Q Was it a short distance or a long one? A It was a tolerably long distance, not so very far.

Q Well, was it 15 miles? A No, sir, not quite 15.

Q Ten? A I don't know how far, I am not going to tell you how far the river was when I don't know.

Q I am trying to get you to tell the facts about it: I want a sufficient description of the place you lived before the war, we are disputing your suzerainty and I am trying to get you to testify as near as you can where you lived at? A Well, I lived in Sequoyah.

Q Now I want to know what part of Sequoyah district, if I can find out: want to know whether it was north or south, in what part of the district, east or west, or near some spring or some family so we can locate you? A Well I can't call it, I don't know; you say east or west you want to know?

Q What part of the district, tell that in your own way? A We lived out in that way (indicating) and I can't describe it exactly.

Q Did you ever see any of these witnesses of yours before the war?

A Yes, sir.

Q Who did you ever see? A I seen all of them.

Q How at your place? A They have lived all around there.

Q Were they there at your place before the war? A No sir, some

of them at the place where I lived, John Baldrige, I had met him at a dance once.

Q Before the war? A Yes, sir.

Q At whose house? A At his aunt's house.

Q What was her name? A Her name, I forget her name, he can tell you.

Q How far was that from where you lived? A It was a good ways

Q Twenty miles? A I don't know whether it was 20 miles or not.

Q How old did you say you are now? A I say I am fifty something, I never did know my age, that is what I said.

Q Who did you come back to the Nation with after the war? A Why I came back here in the Cherokee Nation with the Mayes and Sanders and Mackeys.

Q You come to Fort Gibson first? A Yes, sir.

Q Was your mother with you? A No, sir.

Q Where did you take up with this man Stewart? A I found him down in the Choctaw Nation.

Q Was that before you came up there? A No, it was afterwards.

Q Then you went back to the Choctaw Nation after you came up here? A I went back a little while and stayed there.

Q Who went back with you? A Who went back with me; I forget now who did go back with me.

Q You met him down there then? A Yes.

Q Near what place? A Why we went to an old man's house by the name of John.

Q And you commenced living with him there, did you? A Well I took him.

Q And he came up with you then? A Well we came back again.

Q How long did you live with him there before you came back again?

A Stayed down there a good little bit.

Q Eight or ten years? A No.

Q Five years? A Didn't stay that long.

Q About how long? A About two I reckon, however it might have been longer than that, I don't know just exactly how long.

Q Your oldest child was born down there was he? A No, he was born in the Cherokee Nation to Uncle Peter Edwards.

Q Where is that Edwards place that these children you say were born?

A It is over close to Fort Smith.

Q How far from Fort Smith? A Well, not far.

Q About how far? A Well, it is about three miles I reckon.

Q What direction from Fort Smith? A Back that way, they always called back that way north, it is about north.

Q Edwards a white man? A No, sir.

Q Colored man? A He was an Indian, mixed with negro.

Q What side of the river did he live on, do you know? A He lived on this side, on the north side of the river, ~~just~~ some side his place was.

Q He farmed down there, did he? A No, he never had a farm, he was a doctor.

Q What sort of a house did he live in? A A little log house.

Q Did he have a family? A He had had a wife.

Q Didn't then? A No, sir.

Q Any children? A No, sir, no children.

Q Who were your neighbors around Edwards? A Why the closest neighbor we had there was an old lady by the name of Phoebe.

Q Phoebe what? A I don't know what her other name was, Phoebe Walker I think her name was.

Q You lived down there till six or eight children were born?

A No, I never had that many children.

Q Well, all but one? A Yes.

Q And that is the only neighbor you know? A No, I would go away and come back there.

Q What did you go down there for a living? A I done anything.



cookbook.

- Q Who did you work for? A Anybody that wanted me.
- Q Name somebody you worked for? A When I was out at Uncle Edwards I didn't do any work.
- Q Didn't work for anybody in the Nation at all? A Not there I didn't.
- Q Never had any house there of your own? A No, sir.
- Q How far was Edwards from where you were born? A From where I was born; I can't know.
- Q Were you ever back to the old home place since the war?
- A No I haven't been back there.

Taking of testimony continued by stenographer Chas. von Weise.

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

Sworn to and subscribed before me this 10th of July, 1901.  
Signed, Bruce C. Jones.  
Signed, T. B. Needles,  
Commissioner.

Continued from stenographer Bruce C. Jones.  
Wetzel, I. T., June 27th, 1901.

POLLIE BOWERS called and sworn as a witness for the applicant:-

- By Commissioner T. B. Needles-
- Q What is your name? A Pollie Bowers.
- Q What is your age? A 56.
- Q What is your postoffice address? A Fort Gibson.
- Q Are you a recognized Cherokee freedman? A Yes sir.
- Q Do you know the applicant William Mackey? A Yes sir.
- Q How long have you known her? A Just the year, the first year peace was made.
- Q Was she a slave during the war and before the war? A She was with her owners when I went to hire her.
- Q Where was she then? A At Fort Gibson.
- Q You went to hire her you say? A Yes sir for Mrs. Bowers where she was working at the hotel.
- Q Who did you hire her from? A The Moores, they was her owners.
- Q What year was that that you hired her? A The first year that peace was made - peace was made in the summer and that was in the fall.
- Q You don't know whether it was '06 or not? A That was in '06 wasn't it.
- Q How long have you known her since? A I have not seen her in a long time. She staid there a month with me at the hotel and then we let her go, she was not much good around there and Mrs. Bowers let her go.
- Q Where did she go then? A I don't know, she was not a very good worker and I told Mrs. Bowers that she did not suit and let her go.
- Q Will you tell me where she went then? A She hired out in town.
- Q When did you hear her name after that? A I never heard her any more for a good while.
- Q Where did she go? A I don't know. A Yes sir I heard her staid when she married some man.
- Q Did you ever hear her name since then? A No sir.
- By Commissioner - (Business representative)
- Q Who were the people from whom you hired her? A Moores.
- Q What were their first names? A I don't know.
- Q Was there a man and wife there, I mean a Mr. and Mrs. Moore?

Q Didn't you find out the first name of either of them? A No, sir. Mrs. Bowers wanted some one to help with the kitchen and asked me to look out for someone among the refugees that was coming around there and I went down into the camp where these people were and hired this one.

Q Was the Mrs. Bowers you speak of, Joe Bower's wife? A Yes sir.

Q You never saw this woman Winnie Mackey before that? A No sir.

Q How old was she then? A 15 or 16 years old.

Q Was she married then? A No sir.

Q Not living with a man at that time? A No sir.

Q Had no children then? A No sir.

Q Was her mother there? A I don't know, I just went there and said I wanted to hire some one to work at the hotel and that there was three dollars a week for a good worker and she said she was a good worker and wanted to hire me and I took her, but she wasn't much good around there and Mrs. Bowers let her go.

By the Commission:

Q Were the Moores Indians? A Yes sir.

By Hastings:

Q What became of them? A I don't know, they all scattered out.

Q Did you witness for this woman before the Kern-Clifton Commission?

A No sir.

Q What are you doing up here? A What are you doing up here yourself?

Q That is my business; you are a witness and I want you to tell me what you are doing up here? A I come up here to look after my kin folks friends and acquaintances just as far as I know and no farther, I am doing what is right and am telling the truth just as I know it.

EASTER WILLIAMS, called and sworn as a witness for applicant.

By Commission:

Q What is your name? A Easter Williams or Williams.

Q How old are you? A About in the 50's.

Q What is your postoffice address? A None.

Q Are you a recognized Cherokee Freedman? A Yes sir.

Q Do you know this applicant? A Yes sir.

Q How long have you known her? A It has been so long, I met her in Fort Gibson when she was a young girl and then she never had any children.

Q Did you see her in '66? A I didn't see her until I see her in Gibson and then I never see her any more until I see her at this enrollment.

Q You never saw her any between those times? A No sir.

Q Who did she belong to before the war? A She said she belonged to the Moores.

By Hastings:

Q Was the war still going on when you first saw this girl? A Yes sir.

Q With whom was she living there? A She was working out.

Q Who for? A I don't know just who she said she was working out for.

Q You didn't see her owners yourself? A No sir.

Q You saw her after she was freed did you? A Yes sir, about that time.

Q You don't know what year it was? A I don't know the year, but it was the time the war was going on, just about time of peace.

Q Where did you next see her? A I see her at Gibson at the enrollment - I remember now I see her then.

Q Was that 2 or 3 months ago? A You know there has been several enrollments at Gibson? A No sir it was at the Kern Clifton court.

JOHN BALDRIDGE, called and sworn as a witness for the applicant.

By the Commission:

Q What is your name? A John Baldridge.

Q How old are you? A I was born in 1850, born and bred free.



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Q. ... and bred in the same year? A Yes sir.

Q. Are you a recognized Cherokee freedman? A Yes sir.

Q. Is your name on the roll of 1867? A No sir these fellows knock-  
ed you off, only on election times they say I am all right.

Q. When they want you to vote for them? A Yes sir.

Q. Do you know the applicant here? A Yes sir.

Q. When did you first know her? A I got well acquainted with her  
in '63.

Q. Was she a slave? A So said she was.

Q. Do you know her to have been a slave? A I say, so said, I dont  
know myself.

Q. Was she taken out of the Cherokee Nation during the war? A I dont  
know.

Q. Where did you first see her after the war? A In Fort Gibson in '66  
and then I have seen her off and on in Sequoyah district 2 or 3 times.

Q. Was she married when you first saw her? A No sir.

Q. Who was she with? A Some Cherokees.

Q. Do you know their names? A Some of the Mayfields.

Q. Are you satisfied this is the same woman you saw there? A Yes sir

Q. You didn't know her father and mother? A No sir.

Q. Where does she live now? A In Cooweescoowee district near LeZaPaH

Q. Is she married now? A Yes sir, she was married to Roswell Mackey

Q. Do you know her children? A I know Bob and Joe and Maggy and  
one girl I dont remember.

Q. Was she ever married before she married Roswell Mackey? A I dont  
know.

Q. Is Roswell Mackey the father of these children? A I dont know.

Q. Do you know Roswell Mackey? A Yes sir.

Q. Were they living together as husband and wife when you knew  
them both? A Yes sir.

Q. You was in Fort Gibson in '63? A Yes sir from '63 and was  
discharged as a soldier right there.

Q. Was you a United States soldier or a Rebel? A I was with the  
Union I was fighting them other fellows.

By Hastings--

Q. And they made it pretty hot for you too didn't they? A Yes  
sir sometimes.

Q. You have been on a visit to Detroit Michigan haven't you? A Yes sir

Q. You were with the United States that time too? A (No response)

Q. What did they give you that trip up for up there? A That is my  
business and it is your business to tend to these freedmens court  
and to ask things that is right.

Q. Well that is what I am doing, now you were sent to the peniten-  
tiary up there? A I wont answer nothing that is not lawful, you has  
not got the constitution to ask that.

Q. You refuse to answer that do you? A Yes sir, I will answer  
anything that you had a right to ask, but you has not got the con-  
stitution to ask that.

Q. When did you come back from Detroit? A I am here aint I

Q. Well how long have you been here? A All my days.

Q. Well you say you saw this applicant at Fort Gibson in '66? A Yes  
sir.

Q. What was she doing there? A Just working at the hotel where  
Folke Stevens was staying.

Q. What time of the year was that? A Long in the spring.

Q. You never saw her owners? A No sir.

Q. Was she living with her mother then? A I never seed her mother.

Q. At whose place in Sequoyah did you see this woman? A At Mayfields

Q. Which one? A They used to live on the road going to Fort Smith.

Q. When did you next see her? A Off and on ever since.

Q. When did you next see her? A I cant give the day, week and year.

Q. You never knew her to keep house in the Cherokee Nation did you?  
A Yes sir.

Q Where? A Lenoah and ...  
Q How long ago was that? A More than five years ago.  
Q Was that the first time you ever knew of her keeping house in the Cherokee Nation? A Yes sir.

Applicant not found on the 1880 and 1896 rolls.

Kern Clifton roll examined and the name of the applicant found thereon as follows-

Page 133 No. 3312, Winnie Moore, Illinois district.

Page 133 No. 3315, Andrew Moore, Illinois district.

By Com'r Needles-

Winnie Mackey applies for herself and a son named Andrew Moore; they are not identified on the authenticated roll of 1880 or the census roll of 1896; they are identified on the Kern Clifton roll, the applicant being there found as Winnie Moore and her son as Andrew Moore; she avers that she was a slave of one Jack Moore and went to Texas and returned in 1866; she avers that she has found older children; she also avers that she is now married to one Mackey; she will be listed for enrollment as a Cherokee freedman on a doubtful card and the Commission will notify her by mail of its final decision in her case.

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

Signed, Chas. von Weise.

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

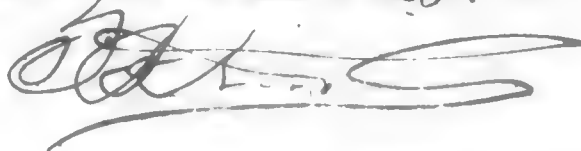
Signed, T. B. Needles,  
Commissioner.

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Blaise C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

*Blaise C. Jones*

Sworn to and subscribed before me this the 23rd of August, 1901.



Commissioner.



Supl.C.F.-D.#899.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON, I.T., SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
WINNIE MACKAY as a Cherokee Freedman, introduced on the part of  
Cherokee Nation:

APPEARANCES:

Mr. L. B. Bell, of Counsel for Cherokee Nation.

Proof of service made and Applicant fails to appear,  
either by attorney or in person.

JOHN KEETON, being duly sworn by Commissioner Needles,  
testified as follows on part of Cherokee Nation:

- MR. BELL: Give me your name? A John Keeton.
- Q Your age? A 66.
- Q Your post office? A Alma, Arkansas.
- Q Well, Mr. Keeton, this is a case of Winnie Mackey she calls her-  
self, calling Winnie Moore or Steward, claiming to be a Cherokee  
Freedman; are you acquainted with her? A Yes, sir.
- Q Where did you first know her? A In South Carolina.
- Q When was that? A That was before the war, Civil War.
- Q What was her name there? A Her name was Winnie.
- Q How did you become acquainted with her? A Well sir, the man  
that owned me was jailer at that time and I was staying there and  
she was put in jail there, a small girl.
- Q How long did you stay in South Carolina after you saw her there?  
A I was small and so was she and I stayed until I was grown  
and free, until I come to Arkansas.
- Q When did you go to Arkansas? A I have been here 12 years I  
think it is I have been here now.
- Q Where did you stop? A I come to Van Buren, Arkansas.
- Q Have you seen this Winnie Mackey since you come to Arkansas?  
A Yes, sir.
- Q Where did you see her first? A Van Buren.
- Q What was she doing there? A She was living there.
- Q Did she have a family there? A Yes, sir.
- Q Husband? A Yes, sir.
- Q What was his name? A Steward Moore.
- Q How long did you know Winnie Moore there? A I  
knewed them several years.
- Q What business of her husband? A He went to Africa.
- Q About when? A It has been about six years ago, there was a  
great crowd and he went with the crowd.
- Q Was he living there before he started? A Yes, sir. She was  
there, he just worked about, sometime's up there and sometime down  
about Alma.
- Q How long did she stay in Van Buren, do you know, after he left  
there? A I could not say positive just how long she stayed after  
he left; I lived down below, Alma.
- Q You missed her from there soon after he left? A Yes, sir, and  
I haven't seen her since he left there.
- Q Do you know when she left South Carolina? A No, sir, I don't  
recollect exactly, she come before I did from there.
- Q Did you learn from her whether she left there before the war or  
after? A After the war.
- Q She was in Van Buren when you got there? A Yes, sir.
- Q And had been there sometime, you don't know how long?  
A No, sir, I could not say how long.
- Q Where did she find this "Steward Moore"? A The second

him in South Carolina and married.

Q When you first come here ten or 12 years ago, did she have them children that she claims to have? A Yes, sir.

Q Do you know anything about any of them; that is, where they were born? A They was born in South Carolina.

COM'R NEEDLES: You say you knew this woman, Winnie Mackey, in South Carolina? A Yes, sir.

Q When was that? A It was before the war.

Q Was she a slave there? A Yes, sir.

Q Who did she belong to? A I could not tell you who she belonged to.

Q How old was she when you knew her there? A I could not tell.

Q Well, about how old? A She was, I guess about ten or 12 years or maybe older.

Q You knew her in South Carolina before the war? A Yes, sir.

Q That was ten or 12 years old then? A Yes, sir.

Q But you don't know who belonged to? A No, sir, I do not know who she belonged to.

Q When did you come to the Cherokee nation; where do you live now?

A I live in Arkansas.

Q When did you come from South Carolina to Arkansas?

A I have been here 12 years, in Arkansas.

Q You left South Carolina and come to Arkansas 12 years ago?

A Yes, sir.

Q Was Winnie Mackey in South Carolina then? A No, sir, she left before I did.

Q About how long before that? A I don't know.

Q Do you know whether she left there before the war or not?

A She was there then, she was freed there.

Q Who did she belong to? A I told you I didn't recollect her owners, I could not tell you that.

Q Did you ever know a man by the name of Jack Moore? A No, sir.

Q Never knew a man, Jack Moore? A No, sir.

Q Did you ever know anything about this applicant being in the State of Texas, this Winnie? A No, sir.

Q Do you know that the Winnie Mackey you saw in South Carolina is the same Winnie Mackey that applies to be enrolled here as a Cherokee Freedman? A Yes, sir.

Q How do you know it? A It is, if it is Steward Moore's husband, if that is the one I know her.

Q How long after you left South Carolina did you see her, Winnie Mackey? A Well, I didn't know her by that name; she wasn't no Mackey when I knowed her.

Q What was she when you knew her? A She was Winnie Moore, Steward Moore's wife.

Q Where, South Carolina? A Yes, sir.

Q Was she Steward Moore's wife when you saw her and know her in South Carolina? A Yes, sir.

Q He was married to her? A Yes, sir.

Q This Winnie was married to a man by the name of Steward Moore in South Carolina? A Yes, sir.

Q And had children there? A Yes, sir.

Q How many children? A There was two girls and three boys, if I make no mistake.

Q Do you know their names? A Yes, sir, I think so.

Q Please give their names? A Joe and a Bob and a Melia and Mag.

Q Now, that was Winnie's children you knew in South Carolina?

A Yes, sir.

Q And her name there was Winnie Moore? A Yes, sir.

Q She was a grown woman and had children? A Yes, sir.

Q Now you come from South Carolina to Arkansas? A Yes, sir.

- Q You left Winnie there? A No.
- Q She came first? A Yes, sir.
- Q Then when did you see her after you come from South Carolina, when did you first see Winnie? A It was her at Van Buren the first place I seen her after I come here.
- Q How long was it from the time you saw her last in South Carolina until you saw her in Arkansas, at Van Buren? A I could not recollect.
- Q Well, about how long? A I could not be positive about that.
- Q Well, you ought to know about how long; you know how long you lived in South Carolina and how long you lived in Arkansas, approximate it as near as you can? A I had been out here I think about two years before I seen her, as near as I can get at it.
- Q And how long had she been gone from South Carolina before you left South Carolina? A That's what I don't recollect now; not sir, she stopped, I think.
- Q But I know you saw her in South Carolina and she left before you did? A Yes, sir.
- Q Now, how long was it from the time you saw her in South Carolina the last time until you left South Carolina? A Several years, because she didn't live in the settlement.
- Q And then you were here two years before you saw her? A Yes, sir.
- Q Now, when you saw her did you recognize her as the same woman you saw in South Carolina? A Yes, sir, I talked with her.
- Q Had she any more children than she had when you saw her last? A No, sir.
- Q Same number of children? A Yes, sir.
- Q Were her children living with her when you saw her at Van Buren? A Yes, sir.
- Q Married? A Yes, sir.
- Q Was her husband with her? A Yes, sir.
- Q The same husband she had in South Carolina? A Yes, sir.
- Q They were both there? A Yes, sir.
- Q His name was Steward Moore? A No, sir.
- Q You didn't know Jack Moore you said? A No, sir.
- Q Now, when you saw her at Van Buren was that after the war or before? A After the war.
- Q Do you know where she was during the war? A She was in South Carolina.
- Q During the war? A Yes, sir.
- Q Were you there? A Yes, sir, I was freed there.
- Q You saw her during the war? A Yes, sir.
- Q She was freed there? A Yes, sir.
- Q You didn't know her owner's name? A No, sir, I could not be positive about her, owners.
- Q Did you know a man by the name of Mackey? A No, sir.
- Q Do you know how Winnie come to be named Mackey? A No, sir.
- Q You don't know then that Winnie Mackey is the same person you knew in South Carolina as Winnie Moore? A As I said a while ago I never knew her by that name.
- Q You never knew a Winnie called Mackey there? A No, sir.
- Q Did you ever know Winnie Mackey anywhere? A No, sir.
- MR. HASTINGS, of Counsel for Cherokee Nation:**
- Q Where was this Winnie married? A She was married in South Carolina.
- Q Was that before or after the war? A She was married before the war.
- Q Did you know her there after the war? A Yes, sir.
- Q For a number of years after the war? A Yes, sir, good while; she lived in another settlement of the country there, of course I didn't live right next door neighbor to her. She lived there in the

neighborhood a number of years after the war.

Q How many years in your judgment? A I could not be positive about the number of years, I don't recollect, and if I was to say-

Q Do you know that she has lived there as much as five years after the war? A Yes, sir, I guess more.

Q Well, were these children you have mentioned here born there? A Yes, sir.

Q How long did you live there? A You lived there five or ten years after the war did you? A Yes, sir.

ALBERT LATTIMER, being sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. BELL: Give your name? A Albert Lattimer.

Q Age? A Well, I am about 58.

Q Post office? A Alma, Arkansas.

Q Mr. Lattimer, this is a case of one Winnie Mackey, by that name now, that claims to be a Cherokee Freedman making application here with a lot of children, children named Moore she calls them; she is the wife of one Steward Moore, or Moore Steward; I don't know which? A Steward Moore, I guess.

Q Are you acquainted with her? A Well, I have seen her of course since I come to this State.

Q Where did you come from to Arkansas? A From South Carolina.

Q How long ago? A I come here in '87.

Q Are you acquainted with her in the State of South Carolina?

A No, sir, I wasn't.

Q Where did you first see this Winnie Moore or Mackey?

A Well, I saw her at Van Buren.

Q Van Buren, Arkansas? A Yes, sir.

Q About when? A Well, it has been ten years ago, about.

Q About ten years ago? A Yes, sir.

Q What was she doing there? A Well, she was just staying there in the town at that time; I could not tell you what her occupation was, she was just staying there at that time.

Q What about her husband? A Yes, sir, he was at her house one time.

Q She was keeping house there? A Yes, sir.

Q Did she have any family? A Yes, sir, she had some children with her.

Q Have any husband? A Yes, sir, her husband was there.

Q What was her husband's name? A Steward Moore was his name.

Q Was he a Freedman? A Yes, sir.

Q Do you know what became of Steward Moore? A Went to Africa.

Q About how long ago? A Well, you may say, I believe he left here in '95, as well as I can remember; I think it was in '95.

Q How long did you know that woman in Van Buren? A Well, I think I knowed her there; well I never seen her in there but about twice you see I come from the old country and stopped there a few days and I left there and went to Dora, Arkansas, that is below Van Buren, and I saw her some few times while staying around Van Buren.

Q Some few times after you left Van Buren? A Yes, sir.

Q Well, did you ever see her there about the time her husband left,

Q I saw her there after that.

Q She was still there with her family with her husband gone?

A Yes, sir.

Q Did you ever have any talk with her about where she come from to Arkansas? A No, sir, I have not; no, sir.

Q You didn't come from the same part of South Carolina she did.

A No, sir, we was there I suppose in different counties.



MR. HASTINGS: Did you ever talk to her about South Carolina at all? A No, sir, of course I never knew her back there at all.

COM'R NEEDLES: All you know about this is you saw her there at Van Buren? A Yes, sir.  
Q and her children? A Yes, sir.  
Q You don't know whether she was ever a slave or not?  
A No, sir, I don't know.  
Q Don't know who she belonged to if she was a slave? A No, sir.  
Q You never got acquainted with them until you came to Van Buren?  
A No, sir.

LAURA LATTIMER, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee nation:

MR. BELL: Your name? A Laura Lattimer.

Q Age? A 48.  
Q Your post office? A Alma.  
Q Mrs. Lattimer we have got a case up here of Winnie Mackey, or Winnie Moore, or Winnie Steward, who claims to be a Cherokee Freedman and having been living in the Cherokee nation; do you know any woman of that name? A Yes, sir, Winnie Moore, the woman's name is Winnie Moore.  
Q How long have you known her? A Well, it has been about eight or ten years I guess; I know the first I seen of her she was in Van Buren.  
Q When did you first see her and where? A In Van Buren.  
Q In Van Buren about eight or ten years ago? A Yes, sir.  
Q What was she doing there? A She was living there.  
Q Have any family? A Yes, sir.  
Q What was her family? A Melia and Maggie and Joe and Bob and there is another one I didn't get acquainted with him at all; I have seen the other one.  
Q Did she have a husband? A Well, at that time she had a husband, but wasn't living together exactly at that time.  
Q What was his name? A Steward Moore.  
Q Was she keeping house there? A Yes, sir.  
Q How long did you know her after that? A After that he went off to Africa and I never seen her; she come to my house about a year, first seen her to my house on a visit and I never seen her any more, and after he went off I heard she went off; afterwards I heard she was in the Nation.  
Q You saw her after her husband went to Africa? A No, sir.  
Q You say she come to your house after you lived at Van Buren?  
A Yes, sir.  
Q Where were you living? A At Dira Ar Kansas.  
Q How far is that below Van Buren? A Ten miles below Van Buren.  
Q You are the wife of this Albert Lattimer? A Yes, sir.  
Q Did you and he come from South Carolina together?  
A Yes, sir, we was married and he come in the fall before me and I come in the January following.  
Q You coined him then at Van Buren, or where? A We was married in South Carolina.  
Q He come out here ahead of you and got a place? A Yes, sir.  
A And you come on afterwards and joined him at Van Buren?  
A No, sir, at Dira Station, me and my family.

COM'R NEEDLES: Do you know whether this woman was married after Moore went to Africa? A I heard it.  
Q How long did she live in Van Buren there after Moore went to Africa? A No, sir, I know she went to Wagoner somewhere.  
Q Did you know Steward Moore? A Yes, sir.  
Q Was he a colored man? A Yes, sir.  
Q Do you know a man by the name of Jack Moore? A No, sir.  
Q Do you know whether Winnie Moore was a slave or not?  
A No, sir, I don't know at all.



Supl. C.F.D. #899.--6.

W. HASTINGS: Did you ever have any talk with her about where she came from? A I never knew her until I come to Van Duren. I have heard she come from the old country.  
Q You never talked to her about her being from South Carolina?  
A No, sir.

This testimony will be filed in the following cases:  
D.#977, Robert Moore; D.#975, Amelia Brown; D.#982, Maggie Doty; D.#984, Joseph Moore.

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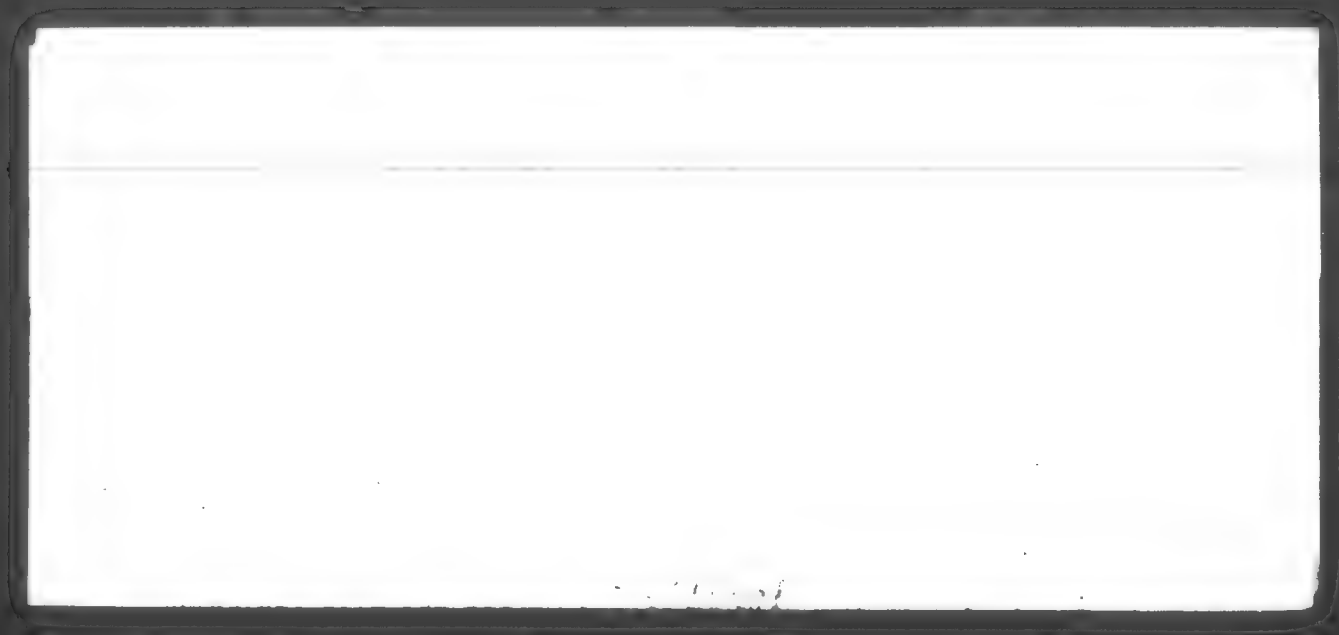
J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

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



Commissioner.



Cherokee Freedmen  
D 154 , et al.,

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T. JUNE 17, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Adeline Hampton, et al., as Cherokee Freedmen.

It appears that on May 11, 1904, the applicants, their agent and 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 office in Muskogee, Indian Territory, on June 16, 1904, and then and there introduce further testimony touching the points mentioned in said letter. On motion of the attorney for the Cherokee Nation, this case was continued from June 16, to June 17, 1904, when the following testimony was introduced.

APPRAISEMENTS:

Applicants represented by attorney, Frank J. Hendrick.  
Cherokee Nation by its attorneys, W. W. Hastings and  
L. R. Bell.

( Below is given so much of the testimony at this hearing as relates to the credibility of Polly Ross or Sivons.)

( COPY )

FRANK SMITH, being first duly sworn, testified as follows:

By MR. HASTINGS:

- Q What is your name? A S Frank Smith.  
Q How old are you? A 59  
Q What is your post office address? A Braggs.  
Q How far is that from Fort Gibson? A Ten miles  
Q Have you lived nearer to Fort Gibson than that? A Yes, sir  
I lived in Fort Gibson several years, nearly all my life. Born  
and raised there.  
Q Over at Fort Gibson more or less all the time? A Yes, sir.  
Q Do you know one Polly Hivens or Polly Boss? A Yes, sir.  
Q A colored woman over there? A Yes, sir.  
Q Large mulatto woman? A Yes sir I know her.  
Q Do you know her reputation for truth and veracity in the com-  
munity in which she resides?

Mr. Boudinot: We object.

Commission: Objection noted; witness will answer.

- A Yes, sir.  
Q Is that good or bad? A Bad.  
Q I will ask you if it is not notoriously bad? A Yes, sir  
Q Would you believe her under oath? A No sir.

( No cross-examination ).

GEORGE W. BINGE, being first duly sworn, testified as follows:

By Mr. HASTINGS:

- Q Your name is George W. Benge? A Yes, sir.  
Q Your post office is Tahlequah? A Yes, sir.  
Q How old are you? A 83.  
Q Did you ever live at Fort Gibson? A Yes, sir.  
Q Your father lived near there and died there? A Yes, sir.  
Q Your brother is living over there now? A Yes, sir.  
Q Are you still down there frequently? A Yes, sir.  
Q Do you know Polly Boss, sometimes known as Polly Hivens?  
A Yes, sir.  
Q Do you know her reputation for truth and veracity in the com-  
munity in which she lives? A I used to when I lived there.  
Q Is that good or bad? A Bad.  
Q I will ask you if it isn't notoriously bad? A I think so  
Q Would you believe her under oath? A No, sir.  
( No cross-examination ).

BY MR. HASTINGS:

McCOY SMITH, being first duly sworn  
testified as follows.

- Q What is your name? A McCoy Smith.  
Q Your postoffice is Braggs? A Yes, sir.  
Q How far do you live from Fort Gibson? A Ten miles.  
Q Have you been in and around Fort Gibson quite a good deal?  
A Yes sir, raised there.  
Q Do you know a mulatto woman by the name of Polly Boss and  
sometimes known as Polly Hivens? A Yes, sir.  
Q Do you know her reputation for truth and veracity in the com-  
munity in which she lives? A Yes, sir  
Q Is it good or bad? A Not first-class.  
Q Is it good or bad? A I would call it bad.  
Q Would you believe her under oath? A No, sir

(No cross-examination).

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 there? A Since 1966 or '67

Q Do you know one Polly Moss, who is a witness in a great many freedmen citizen cases, also known as Polly Hivens? 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.

Q Would you believe her under oath? A No, sir.

( No cross-examination).

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H. M. Vance being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

( Signed ) H. M. Vance.

Subscribed and sworn to before me this the 12th day of July, 1904.

(Signed) Charles H. Sawyer.  
Notary Public.

Lucy W. Bowman, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

*Lucy W. Bowman*

Subscribed and sworn to before me this 26 day of August, 1904.

*Charles H. Sawyer*  
Notary Public

Cherokee Freedmen Bk 669,  
677, 678, 682, 683.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., JULY 27, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the applications for the enrollment of WINNIE HACKETT, ET AL., ROBERT MOORE, ANNELIA BROWN, ET AL., MAGGIE DOTY, and JOSEPH MOORE, et al., as Cherokee freedmen.

It appears that on July 8, 1904, the principal applicants and the attorney for the Cherokee Nation were notified that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 27, 1904, and then and there introduce further testimony touching the points mentioned in said letter.

APPEARANCES:

Applicant, Winnie Hackett, appears in person.  
Cherokee Nation by its attorneys, James S. Davenport and L. B. Bell.

WINNIE JOEHLIN, being first duly sworn, testified as follows:

By the commission:

- Q What is your name? A Winnie Joehlin now.  
Q How old are you? A I don't know.  
Q About how old? A I have been guessing at it for a long time; I think I am about 53 or 4.  
Q What is your postoffice address? A Wagoner.  
Q You are the person who applied to the commission for enrollment as a Cherokee freedman under the name of Winnie Hackett? A Yes, sir.  
Q You have since married one Joehlin, what is his full name?  
A Robert Joehlin.  
Q Is he a Cherokee freedman? A Yes-sir. No, sir.  
Q State man? A Yes, sir.  
Q When were you married to him? A I have been married something over a year.  
Q Were you the slave of a Cherokee citizen at the beginning of the war of the rebellion? A What do you mean by the rebellion?  
Q Were you the slave of a Cherokee when the war commenced? A Mr. Moore hired me out when I was a girl; I never was sold.  
Q Were you born a slave? A If I was a slave I don't know it.  
Q You don't know whether you were ever a slave? A No, sir, I was put out; hired out as a nurse.  
Q When you could first remember where were you living? A When I first remember I was living in the Cherokee Nation.  
Q What part of the Cherokee Nation? A Not far from Fort Smith.  
Q Who with? A I was on a place there close to a man by the name of Davenport.  
Q Who were you living with? A When I could first remember I was with a Davis.  
Q Davis family? A Yes, sir, Mr. Davis.  
Q Were they Cherokees? A Yes, sir, my mother lived with them.  
Q Was that before the war? A Yes, sir.  
Q Did you belong to them, you and your mother? A My mother did.  
Q You were their slaves? A I reckon we were slaves, I can't tell much about it, because I can't remember it.

- Q Where were you when the war came up? A Down in Texas or Mississippi one, I can't tell you which, because I see so much trouble I can't.
- Q Was your mother with you? A No, sir, I left my mother here.
- Q Who were you with in Texas or Mississippi? A I was hired to a lady by the name of Miss Morgan, because I remember her; she pulled my ears so.
- Q Who hired this--me you to this woman? A This Moore.
- Q What Moore? A Jack Moore.
- Q You said you belonged to Davis? A My mother belonged to Davis and this Moore took me from there.
- Q Jack Moore took you from Dr. Davis? A Yes, sir.
- Q And hired you to some person in one of the states? A Yes, sir.
- Q Then when did you first return to the Cherokee Nation after the war? A I don't know.
- Q You don't know anything about that? A I heard people say 1866, and I say 1866.
- Q How long after the war was it when you came back? A Not very long.
- Q To what point in the Cherokee Nation did you come to? A Went to Gibson.
- Q Fort Gibson? A Yes, sir.
- Q Who did you come back with? A With some people--Ganders.
- Q Give the names of some of the people who were in that party? A One was name Joe Sanders.
- Q Was he a Cherokee freedman? A Yes, sir, I suppose, he called himself that.
- Q Who else? A Henry; I never knowed many of them, because I had to come home the best way I could.
- Q When you reached Fort Gibson, as you say in 1866, who did you stop with? A With a woman who was seeking for the soldiers.
- Q What was her name? A Polly Hivens.
- Q How old were you? A I don't know.
- Q How big, were you grown? A I was a good big girl; maybe 15 or 16, maybe older, I don't know.
- Q How long did you stay there at Fort Gibson? A I don't know, sir; didn't stay there very long.
- Q Can you give any idea about how long? A No, sir, I can't; not very long.
- Q Did you stay a year? A I don't think so.
- Q Where did you go to then? A On Leg town hill.
- Q Where was that? A To Dr. Davenport's first and then to Leg town hill.
- Q Where was that? A In Van Buren.
- Q Arkansas? A Yes, sir.
- Q Do you know what year you went there? A No, sir.
- Q How long did you stay in Arkansas? A Sometimes a good while.
- Q Well, this time? A When I went that time, I don't know. I stayed there a good while.
- Q Did you stay a year? A I don't know whether I stayed a year, but didn't stay a year till I went home.
- Q What did you call going home? A Going back to the Cherokee Nation.
- Q Where was your mother all this time? A When I got back my mother was dead.
- Q Did she die before the war? A She died before it ended.
- Q Did she go out of the Cherokee Nation at all? A Not as I know of.
- Q Who was your father? A I never seen my father.
- Q You don't know whether he was a Cherokee freedman or not? A No, sir, they say he was a freedman, Cherokee man, but I never seen him.
- Q After you stayed in Arkansas, near Van Buren, for a while where did you go then? A Come back to the Cherokee Nation.

- Q How long did you stay in the Nation that time? A Not very long till I went back to the state again; I was trying to raise some children then and went back; I worked for a man by the name of Dr. Dabrell.
- Q Where did he live? A In Van Buren.
- Q You just spent your time in Arkansas and the Cherokee Nation? A Yes, sir.
- Q How long did you keep that up? A A good while.
- Q Up until now? A No, sir.
- Q Well, how long? A I aint been there in several years.
- Q Have you ever lived in any other state besides Arkansas since the war? A I was down in Mississippi once.
- Q How long? A I wasn't grown good then.
- Q How long after the war was that? A I wasn't there very long; don't know just exactly how long.
- Q Did you ever live in North Carolina? A No, sir.
- Q Were you ever there? A No, sir.
- Q Were you ever in South Carolina? A No, sir, if I was, I was little and don't know it.
- Q How long have you been living in the Cherokee Nation continuously since the war all the time? A I have been living here about, I don't know, it has been several years, I couldn't tell you exactly how long.
- Q Five years? A That aint a patching to it.
- Q Well how long to the best of your knowledge? A I expect it has been, I don't know.
- Q 10 years? A More than that.
- Q 20 years? A Yes, sir, about that; I expect that is about it.
- Q When were you first married, how long after the war? A The first time I was married I was married to Maxwell Mackey.
- Q Where? A In Braggs.
- Q Cherokee Nation? A Yes, sir.
- Q How long after the war was that? A That was a good while after the war, I lived with a man, though, and had some children.
- Q When did you first live with a man and have some children after the war? A I was young.
- Q Where were you living? A Lived with him in Van Buren.
- Q Was he a state man? A Yes, sir, I lived with him in the Nation, too.
- Q What was his name? A Stewart.
- Q How many children did you have by him? A I had four by him.
- Q What are their names? A One was named Joe Moore, Bob--
- Q Robert Moore? A Yes, sir.
- Q Any others? A Maggie Amelia.
- Q Amelia Brown now? A Yes, sir.
- Q Any others? A Maggie.
- Q Maggie--- A Doty.
- Q They have applied to the Commission to be enrolled? A Yes, sir.
- Q Where was Joe born? A I can't tell you where my children were born.
- Q You can, too? A No, I can't.
- Q You don't remember where any of them were born? A I had one of two down here in the Cherokee nation.
- Q Which one? A Maggie or some of them.
- Q Where was Amelia born? A I can't tell you; I have been troubled so much I can't.
- Q Where was Robert born? A I don't know; my husband give me too much trouble; I can't tell.
- Q How long did you live with this man Stewart? A I don't know.
- Q How many of your children that you have named were born over in Van Buren? A None.
- Q How many were born in the State of Arkansas? A I don't know as I had any; Joe may have been born there.
- Q Is he the oldest one? A Yes, sir.



Q How many were born in Mississippi? A Didn't have any in Mississippi.

Q How many times have you been married? A Twice.

Q Once to Maxwell Mackey---A I have been married three times; I was married to Maxwell Mackey and he died, and I married a fellow by the name of Shado Saffin and he died, and this last man is named Bob Jackson.

Q You never had children by any except Stewart? A Yes, sir, Andrew never belonged to Stewart.

Q How old is he? A About 18, I reckon.

Q He is living now and living with you, is he? A Yes, sir, he ain't got good sense.

~~Q What is his father's name? A~~

Q What is his father's name? A Henry.

Q Henry what, did you not know his other name? A I never tried to know his other name.

By Mr. Davenport:

Q Now, Winnie, when Moore took you away how old were you? A I couldn't tell.

Q You were big enough to remember it? A I was about 10 or 11, I reckon.

Q Where was Moore living at that time? A In the Cherokee Nation.

Q At what place? A I couldn't tell exactly.

Q How far from Van Buren? A I don't know; it didn't seem to me like it was far.

Q Did Moore live with Dr. Davis at the time he took you away?

A No, sir.

Q Was he a man of family? A Yes, sir, I think so.

Q He wasn't a Cherokee, himself, was he? A Yes, sir.

Q Jack Moore? A Yes, sir, I think so.

Q Do you know whether he was or not? A They all called him Cherokee.

Q Did you ever see Jack Moore after he took you away that time?

A I don't know whether I did or not.

Q Where did he take you to when he took you away from the Cherokee Nation? A He took me down south to Texas.

Q Did you come back up near the the Cherokee Nation after that before the war began? A No, sir, I don't think I did.

Q Who were you living with when the war began? A I was hired out to a woman by the name of Miss Morgan, but I don't know whether it had begun then.

Q Where did Miss Morgan live? A In Texas.

Q Had you ever seen her before you were taken there? A No, sir.

Q Who do you claim you were a slave of when you could first remember? A Jack Moore; my mother belonged to Dr. John Davis.

Q Where did he live? A He lived somewhere in the Cherokee Nation, kindly up the country like.

Q From what place? A From Log Town.

Q Were you ever at Dr. John Davis' house? A When I was a child.

Q Was that before or after the war? A Before I was taken away.

Q Log Town was right at Van Buren, Arkansas, wasn't it? A Yes, sir, I reckon.

Q You spoke awhile ago about living with or near a man by the name of Davenport, do you know what his first name was? A No, sir, I don't.

Q Where did he live with reference to Van Buren? A Out that way.

Q On Lee's Creek? A Yes, sir.

Q Was that that you lived near him, after or before the war? A After.

Q When you came back from Texas or Mississippi? A That was the time I went there, when I came back.

- Q Where did you first come when you came back from Texas after the war? A Come on to Fort Gibson.
- Q Then when did you go down to Van Buren, near where Davenport lived? A I don't know how long.
- Q How long did you stay at Fort Gibson before you went down there? A I don't know exactly, not so overly long.
- Q Had you ever known Davenport before the war? A No, sir.
- Q How long had you been back to the Cherokee Nation before you went to Davenport's? A I couldn't tell you.
- Q One or more years? A It might have been more than a year.
- Q Do you think it was as much as three years? A I couldn't tell you to tell you the truth.
- Q Did you know whether or not he had a family? A Yes, I think so. I think he had a wife; he had some colored people there.
- Q You didn't come from South Carolina with Captain Davenport and his father? A No, sir.
- Q Didn't Isaac Davenport, the father of Captain W. A. B. Davenport, bring your mother from South Carolina to Texas? A No, sir.
- Q And didn't you come from the state of Texas with Captain W. A. B. Davenport and his wife, who was a Miss Summers, in 1874, to Van Buren, Arkansas? A No, sir, I throw this hand up to God I didn't.
- Q You can't tell me then how long you had been back to the Cherokee Nation until you went and lived near them? A No, sir.
- Q Did you ever live in the house with them or work for them? A Yes, sir, I worked some there; they had colored people and I worked some there.
- Q You don't know who was your owner when the war broke out? A No, sir.
- Q You know you were living in Texas? A I was carried there.
- Q You were there? A Yes, sir.
- Q Living with Mrs. Morgan? A Yes, sir.
- Q Was your mother living when you came back to this country? A No, sir, I aint found her since.
- Q You don't know where she went during the war? A No, sir.
- Q You don't know whether she ever returned to the Cherokee Nation? A No, sir, I was told she died here.
- Q You never knew who your father was? A They told me, but I forget.
- Q You answered Mr. Green a while ago and said you couldn't tell where your children were born, were any of them born down there by Van Buren, on Lee's Creek? A I had Andrew and I had Maggie; they were born at old man Peter Edwards' and that aint far from Lee's Creek.
- Q Where were you living there? A Over in the Cherokee Nation; old man Peter was a doctor and he waited on me.
- Q What Cherokees lived near you down there? A I don't know; I never stayed no longer than I could get down and up.
- Q Where are you living now? A I am in Wagoner now.
- Q How long have you been living there? A About seven years, I reckon.
- Q What was your mother's name? A Margaret Davis.
- Q She belonged to Dr. Davis of the Cherokee Nation? A Yes, sir.
- Q When was it you went to Mississippi, Winnie? A I went there with Miss Morgan.
- Q You went from Texas with Mrs. Morgan to Mississippi? A Yes, sir.
- Q Do you remember her first name? A No, sir, I can't think of it.
- Q What was your postoffice down there in Texas? A I think they called it Red Fork.
- Q Do you know what county it was in? A No, sir.
- Q When did you leave Texas to come up here? A I left Texas years, years ago.
- Q How long ago? A I can't know how long.
- Q Who did you come with? A With some people who was coming.
- Q What people? A Some were Germans.
- Q Were they white people? A Colored.

- Q Were they Cherokee freedmen? A They say so.
- Q They lived there where you did? A Yes, sir, they were there.
- Q How far from Red River were you? A I don't know.
- Q You don't seem to know anything about where you were? A It was down about Red Fork, not Red River.
- Q How long did it take you to get to the River from where you started? A I can't tell exactly how long, about two days, I believe.
- Q Who did these Sanders' live with? A I don't know who they were living with; they were all camping and me and some more people come to them, and they was coming on home and we come on together.
- Q Who were some more people? A I don't know their name.
- Q How did you get with them? A I went with them, like anybody would.
- Q Were you not with Mrs. Morgan? A No, sir, I had left her.
- Q Then you don't know who you come herewith? A One was named Joe and Henry Sanders.
- Q Did they tell you where they were going? A Said they were coming back to the Cherokee Nation.
- Q And they brought you to Fort Gibson? A I come with them.
- Q Where did they leave you? A I come on to Fort Gibson.
- Q Where did the Sanders' leave you? A They left me somewhere not far from Gibson.
- Q Didn't they leave you in Fort Gibson? A Not exactly.
- Q Who did you go to stay with? A Polly Nivens.
- Q She was then cooking for the soldiers? A Yes, sir, she was cooking.
- Q Living up in the garrison or out in the edge of town? A Up in the garrison.
- Q How long did you stay with her? A Not long.
- Q Then where did you go? A Went on down to Lee's creek.
- Q Didn't you go to Log Town? A Not right then.
- Q Where did you stop at? A At Mr. Davenport's.
- Q Where did he live? A On Lee's Creek.
- Q In Arkansas? A No, in the Cherokee Nation.
- Q Are you certain they were living in the Cherokee Nation? A I aint certain.
- Q Isn't it in Arkansas? A Where is Lee's Creek?
- Q In Arkansas. A Then there is where I went.
- Q Did you ever know a man by the name of John Keeton? A Yes, sir, I knowed a man to come to Van Buren at the time they were giving a supper there to make up money to go to Africa.
- Q Now, didn't your husband go to Africa in that crowd? A He didn't go in that crowd; he went after that.
- Q You say you knew John Keeton? A Yes, sir.
- Q They were making up that money to go to Africa? A Yes, sir.
- Q Didn't you know John Keeton in South Carolina? A No, sir.
- Q You never knew John Keeton in South Carolina? A No, sir.
- Q You never saw him before you saw him at that supper? A No, sir.
- Q I want to ask you if you really wasn't born and raised in South Carolina? A No, sir.
- Q Wasn't you put in jail there for-----A No, sir.
- Q You didn't know John Keeton in South Carolina when he helped the jailer there? A No, sir.
- Q The first you saw of John Keeton was when you were getting up that money to go to Africa? A The first time I saw him to know him.
- Q You didn't live in South Carolina, then, at all? A No, sir, never lived in South Carolina, unless I was small and didn't know it; they have carried me about a heap and I never knowed John Keeton until after he come to my house at the time of that supper.
- Q Didn't you run a boarding house in Van Buren? A No, sir.

By the Commission:

- Q About what time of the year was it when you reached Fort Gibson after the war, the first time? A I couldn't tell you, mister, the grass was growing and things.
- Q Was it warm weather? A Getting warm.

Q Were you there at the time the colored cholera killed so many colored people? A No, sir, I wasn't there then, I was gone to Van Buren.

Q Had you been there, since the war, before that time? A Yes, sir, I had been there.

Q When did you first come to the Cherokee Nation to stay and live and acquire a home after the war? A I don't know; it has been about 20 years, I reckon.

Q You never established a residence and never owned a place or home or anything in the Nation until some 20 years ago? A I lived about with the people; I didn't have no home.

Q Up until 20 years ago where did you spend the most of your time, just lived about from one place to another? A Yes, sir.

Q Where were you the most of the time? A Over in Van Buren, Fort Smith, Little Rock, down to Mississippi and around.

Q Were you in the Cherokee Nation the most of the time or the states? A In the Cherokee Nation some of the time, too.

CHARLES WILSON, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Charles Wilson.

Q How old are you, Charley? A 65 the 4th of this July passed.

Q What is your postoffice address? A Wagener.

Q Are you a Cherokee freedman? A I am.

Q Have you applied to this Commission to be enrolled? A No, sir.

Q You never have? A Over at Tahlequah.

Q You have applied then to the Dawes Commission to be enrolled? A Yes, sir, I am enrolling, already enrolled.

Q Do you know the applicant in this case, Winnie Mackey? A I do.

Q When did you first get acquainted with her, Charley? A The first time I knowed her she was quite a small girl.

Q Was that before the war? A No, sir.

Q After the war? A Yes, sir.

Q How long after the war? A About '66 or '67, somewhere along there.

Q You don't remember what year it was in? A No, sir, I was in the war, myself.

Q Where was she when you first saw her after the war, in 1866 or '77? A At Fort Gibson.

Q About how big a girl was she then? A Well, as near as I can judge, she was about 14 or 15 years old, maybe more.

Q Who was she living with there? A I don't know who at that time.

Q How did you happen to see her there? A I knowed her people.

Q You knew her mother, did you? A Yes, sir.

Q Before the war? A Yes, sir.

Q What was her mother's name? A Margaret.

Q Margaret what? A Margaret Davis.

Q You didn't know this girl, Winnie, before the war? A No, sir, I did not.

Q Did Winnie's mother belong to a Cherokee citizen before the war? A I couldn't tell whether she did or not, but they said so.

Q You said you knew her? A Yes, sir, but I knowed her by her mother; she said she was a Cherokee.

Q Her mother claimed to be a Cherokee by blood? A Yes, sir.

Q Winnie's mother did? A Yes, sir.

Q Do you know anything about where Winnie's mother went during the war? A No, sir, I couldn't tell you, because I was away myself.

Q Did you ever see Winnie's mother after the war? A I did.

Q Where at? A At Coowescoowee district; at Biggs Prairie, near Vinita.

Q How long after the war was that? A It was in '67; I come here with the 10th Cavalry and had to go off with it again; I was a soldier.

Q Who was Winnie's mother living with up there? A I couldn't tell you.

Q You don't know anything about that? A No, sir, I couldn't tell you.

Q After you saw this woman, Winnie, here at Fort Gibson shortly after the war, when did you next see her? A I have been seeing her off and on ever since; she married down to Braggs--no, she married before she married down there; Moores carried her here, that is what she says--

Q Tell what you know. A I saw her at Braggs.

Q When? A The last time I saw her was at Braggs.

Q When? A I couldn't tell you how long ago; not so long ago; she married down there a man by the name of Mackey, Roswell Mackey.

Q Did you ever know this woman over in Arkansas? A I didn't.

Q Did you ever know her in Mississippi? A I didn't.

Q Do you know whether she has ever lived in Arkansas? A I couldn't tell you.

Q Do you know whether she ever lived in any other state? A Only in the Cherokee Nation and Creek nation.

Q You couldn't tell where she has been from the time you saw her at Fort Gibson up until 20 years ago? A No, sir, I couldn't.

Q How do you happen to remember having seen her at Fort Gibson?

A By my father-in-law, they were all together, and I have known the Davis'; my father said that was Winnie Davis, old man John and Margaret Davis' daughter.

Q Winnie was living there with your father-in-law in Fort Gibson?

A No, sir, I saw her there.

Q With them? A Yes, sir, down to my father-in-law's house, but she wasn't living there; I couldn't say whether she was living in Cooweescoowee or Illinois.

By Mr. Davenport:

Q You never knew Winnie's mother before the war? A No, sir.

Q You don't know to-day who this Winnie's mother was, of your own knowledge before or after the war? A Yes, sir, I knowed her mother after the war.

Q Don't you know that Winnie's mother died during the war? A I don't.

Q Don't you know that Winnie, herself, swears in this case that she did? A I couldn't tell you.

Q You say you saw her in Begg's Prairie in Cooweescoowee after the war? A Yes, sir, which I did.

Q What is her name? A Margaret Davis.

Q When did you talk with Winnie about being a witness in this case?

A Didn't talk with her.

Q How did she happen to know that you knew anything about this case?

A How I come to know, we all live at Wagoner, and she asked me, "You know all my people", and I says "Yes, and the Davis people," and she says, "I have got to get witnesses before the Jones Commission; they are trying to beat me out of my property," and I says "Anything I can do what is right, I will do," which I am.

Q You never saw Winnie until after the war? A No, sir.

Q All you know about Margaret Davis being her mother is what you have heard? A Is what her own people say, yes.

Q You don't know where Margaret Davis went during the war? A No, sir.

Q You don't know where Winnie was when the war broke out? A No, sir, the latter part of '63 I run away from home, from Grand river, five miles from Vinita, and went to Fort Scott and went in the army.

Q Had you seen Winnie at Fort Gibson before the war? A No, sir, after that.

Q How long after that? A I saw her in '64 or '7.

Q Can you name any other strange girl that you never had seen before, that you saw at Fort Gibson? A I know thousands of them that I hadn't seen before.

Q Name them? A I know state people, not Cherokees

Q There were any number of state people at Fort Gibson about that time? A Yes, sir.



- Q After you saw Winnie there in 1866 or '7, where did you next see her? A At Lenapah after I come out of the Army.
- Q You never saw her at all until after you come out of the Army, did you? A Yes, sir.
- Q What was she doing at Lenapah? A Had a farm there.
- Q How long was that after you saw her in Fort Gibson in 1866 or '7? A Some eight or ten years.
- Q Wasn't it considerably longer than that? A Maybe.
- Q How long has there been a Lenapah in the Cherokee Nation? A Ever since the Valley road went through.
- Q How long ago has that been? A About 14 or 15 years.
- Q You never saw Winnie from 1866 or '7, until after the Kansas and Arkansas valley railroad built from Fort Smith, Arkansas, to Coffeyville, Kansas? A No, sir.
- Q You don't know anything about when she was living in Van Buren? A No, sir.
- Q Fort Smith? A No, sir.
- Q Little Rock? A No, sir.
- Q And Mississippi? A No, sir, nothing about that at all.
- Q How many times did you ever see Winnie's mother after the war? A Once.
- Q How did you know it was her? A By the child.
- Q You had seen the child down there at Fort Gibson and then when you met the mother you knew her by the likeness of the child, by the looks of the child? A No, sir, I knowed her by the name.
- Q Then you don't know anything about whether the mother of Winnie ever belonged to Davis except what she said? A I couldn't tell a thing about that.
- Q You never were at Davis' house where she was living? A No, sir.
- Q You don't know the Davis family? A No, sir.
- Q You haven't lived in this country ever since the war and never met Kinney Davis, the son of Dr. Davis? A No, sir, I haven't met him.
- By the Commission? A Didn't you tell me that you knew Winnie's mother before the war? A I told you I saw her mother after the war, in '66 or '7.
- Q You didn't tell me that you knew Winnie's mother before the war? A No, sir, I didn't.
- Q Didn't you say that you did know her and that she lived with the Davis' before the war? A No, sir, I didn't; I said after the war, between '66 and '67.
- Q You didn't mean to say then that you knew Winnie's mother before the war, when I was asking you about it? A Yes, sir.
- Q You did mean to say that? A Yes, sir, that was right in '64, '62, '63, yes, sir, Mrs. Davis, yes, sir.
- Q Winnie's mother? A Margaret Davis, Winnie's mother.
- Q You knew her then before the war? A Yes, sir.
- Q How long before the war did you first get acquainted with her? A By people and her lived close together before the war; I expect before I was born, couldn't say, but I was big enough to know.
- Q How big were you when you first knew her, how old were you? A I was a small sized boy.
- Q About 10 or 12 years old? A I expect I was, because I am 65 now, you can consider and count up; I was 66 the 4th of July, according to my mother used to belong to Ross.
- Q You say you have applied to the paves commission to be enrolled? A Yes, sir, and am already enrolled and got my land.
- Q Have you had your land allotted to you? A Yes, sir.
- Q Under what name did you apply? A Under Charley Hayes.
- Q What are the names of your children? A Ella Hayes, Lucy Hayes, and Lillie Hayes.
- Q Did you apply as a Cherokee freedman? A I did.

Q Do you remember whether you were put on a doubtful card or a straight card? A No, sir, if I had I wouldn't have got no land whatever.

By Mr. Davenport:

Q Where were you in 1880? A I was in Fort Gibson, Illinois district. I was bred and born in Cooweescoowee; I soldiered eleven years and four months.

By the Commission:

Q Do you know William and Margaret Naves? A I don't.

Q Did you ever go by any other name besides Naves or Wilson? A No, sir,

Q Never did? A No, sir.

By Mr. Davenport:

Q Where did Dr. Davis, that you claim was the owner of Margaret, live before that war? A I couldn't positively say, but she used to come up to Cooweescoowee and---

Q What place in Cooweescoowee would he come to? A Upon Grand--- Beggs Prairie.

Q Was Beggs Prairie ever in Cooweescoowee district? A Above it, above Lightning Creek.

Q Above Lightning Creek? A He used to come up above Lightning Creek.

Q Who lived on Lightning Creek at the time Dr. Davis come up there? A Nels Murrell.

Q Did you ever see Dr. Davis before the war? A Yes, sir, I did.

Q Did you see him at Nels Murrell's on Lightning Creek before the war? A Yes, sir, I did.

Q Don't you know that Nels Murrell never lived on Lightning Creek until after the war? A Yes, sir, he went away and come home; he was sent off to Kansas and come home; that is my own uncle; you can't tell me nothing about it, because I knew.

Q Who else lived on Lightning Creek besides Nels Murrell when you saw Dr. Davis there? A So many people lived there I couldn't tell you.

Q Nels Murrell never lived on Lightning Creek before the war, did he? A Yes, sir, and then moved to Snow Creek.

Q Where did Nels' owner live before the war? A At Tahlequah, Nathan Naves.

By the Commission: From the demeanor of this witness while on the stand, and from the conflicting statements made by him in the course of his testimony in this case, it is considered by the person in charge of this hearing that the witness is of unsound mind.

By Mr. Davenport: The representatives of the Cherokee nation desire to introduce and have made a part of the testimony- record in this case the testimony of Frank Smith, George W. Benge, McCoy Smith and Jack Walker, taken on June 17, 1904, in the case Cherokee Freedmen doubtful 154, Adaline Hampton, et al., as to the reputation of Polly Nivens, now Pelly Ross.

Commission: The request of the Cherokee nation's attorney will be complied with and copies of the testimony referred to will be filed with and made a part of the record in this case.

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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 prehad in the above entitled cause and that the above and foregoing is

a true and correct transcript of the stenographic notes thereof.

Subscribed and sworn to before me this 25th day of August, 1904.

*Charles H. Sawyer*

Notary Public.



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

In the matter of the application of Winnie Mackey, et al.,  
for enrollment as Cherokee Freedmen, consolidating the appli-  
cations of --

Winnie Mackey, et al.,  
Robert Moore,  
Amelia Brown, et al.,  
Maggie Doty,  
Joseph Moore, et al.,

Cherokee Freedmen D-899,  
Cherokee Freedmen D-977,  
Cherokee Freedmen D-978,  
Cherokee Freedmen D-982,  
Cherokee Freedmen D-983.

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 Winnie Mackey for herself and minor child, Andrew Moore; by Robert Moore for himself; by Amelia Brown for herself and minor child, Robert Brown; by Maggie Doty for herself; and by Joseph Moore for himself and minor child, Annie Moore. A copy of the testimony of Frank Smith, George W. Henge, McCoy Smith and Jack Walker, taken at Muskogee, Indian Territory, June 17, 1904, in the case of Adeline Hampton, et al., Cherokee D 154, is filed herewith and made a part of the record in this case.

The evidence in this case shows that Winnie Mackey was neither the slave of a Cherokee citizen, nor a free colored person residing in the Cherokee Nation, at the commencement of the Rebellion. Neither does said proof show that she was living in the Cherokee Nation during the time necessary for the acquisition of freedmen rights under article nine, of the treaty of 1866.

The evidence further shows that all the other applicants herein are descendants of the said Winnie Mackey, born since 1866, and claim no rights to enrollment except through their said ancestor. None of the applicants herein can be identified on the authenticated Cherokee tribal roll of 1866.

-2-

It is, therefore, the opinion of this Commission that the applications for the enrollment of Winnie Huskey, Andrew Moore, Amelia Brown, Robert Brown, Robert Moore, Joseph Moore, Annie Moore and Maggie Doty, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

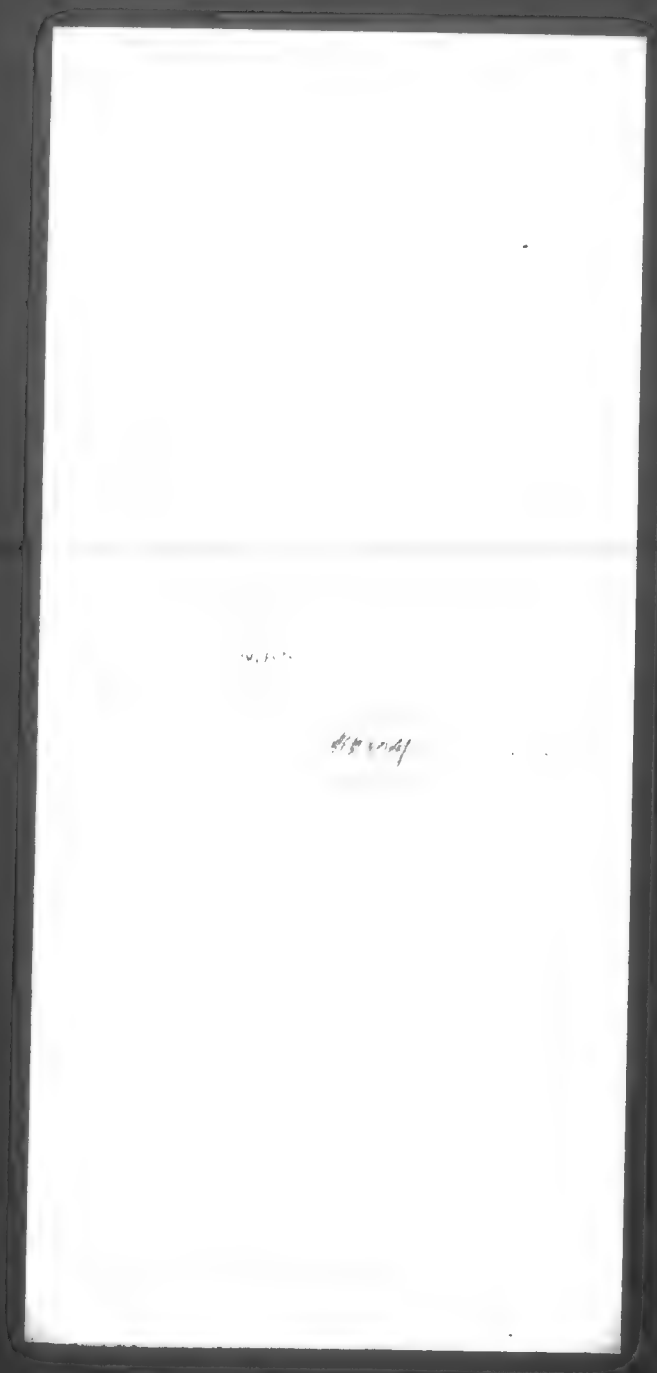
(Signed) James Bixby,  
Chairman.

(Signed) T. B. Needles,  
Commissioner.

(Signed) G. B. Breckinridge,  
Commissioner.

Muskogee, Indian Territory.

this Jan 16, 1908.



# **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. Amelia Brown,  
Wagoner, I.T.  
Cherokee F-D-978  
Register.

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

Cherokee Freedmen

D-978.

Muskogee, Indian Territory, July 5, 1904.

Amelia Brown,

Wagoner, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and others, 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 your mother Winnie Mackey 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.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 o'clock A. M., on Wednesday, July 27, 1904, and introduce testimony as above indicated.

Respectfully,

Register.

Commissioner in Charge.

Cherokee Freedmen  
D-978.

Muskogee, Indian Territory, January 16, 1905.

Amelia Brown,  
Wagoner, 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 child, Robert Brown, as Cherokee freedmen, together with a copy of the Commission's decision dated January 16, 1905, rejecting, among others, your said application.

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

Respectfully,

*Tamc Dixby*  
Chairman.

Incl. S-57.

Register.

Cherokee Freedmen  
D-899, et al.

Muskogee, Indian Territory, January 17, 1905.

Pell, Hastings & Davenport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 16, 1905, rejecting the applications for the enrollment of Winnie Mackey, et al., 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,

Incl. S-60

*Tamo Sibby*  
Chairman.

COPY.

Cherokee Freedmen  
D-899, et al.

Muskogee, Indian Territory, January 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Winnie Yackey, et al., as Cherokee freedmen, including the Commission's decision dated January 16, 1905, rejecting said application.

Respectfully,

*Tame Dixie*

Chairman.

Incl. 3-61.

Through the

Commissioner of Indian Affairs.



-COPY-

Land.  
5247-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 7, 1905.

The Honorable,  
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 16, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Winnie Mackey for herself and her minor child, Andrew Moore; by Robert Moore for himself; by Amelia Brown for herself and her minor child, Robert Brown; by Maggie Dety for herself; and by Joseph Moore for himself and his minor child, Annie Moore.

January 16, 1905, the Commission decided adversely to all the applicants.

The record shows that Winnie Mackey 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. It is further shown that all the other applicants are descendants of Winnie Mackey, born since 1866, and claim no rights to enrollment except through her. None of the applicants is identified on the 1880 authenticated Cherokee roll.

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

Very respectfully,

H.M.H.

G. F. Harrabee,

Acting Commissioner.

-COPY-

J. Y. Jr.

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

D. C. 21948  
I.T.D. 2312-1905.

May 29, 1906.

L.R.S.

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

Sir:

January 16, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated applications for enrollment as Cherokee freedmen by Winnie Mackey for herself and her minor child, Andrew Moore; by Robert Moore for himself; by Amelia Brown for herself and her minor child, Robert Brown; by Maggie Doty for herself, and by Joseph Moore for himself and his minor child, Mamie Moore.

Reporting March 7, 1905, the Indian Office recommended that the Commission's decision, adverse to the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision of the Commission dated January 16, 1905, is hereby affirmed.

Respectfully,

Jesse H. Wilson,  
Assistant Secretary.

1 inclosure.

Cherokee Freedmen  
# 899 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 January 16, 1905, rejecting the applications for enrollment as Cherokee freedmen of Wimmie Mackey for herself and her minor child, Andrew Moore; Robert Moore for himself; Amelia Brown for herself and her minor child, Robert Brown; Maggie Doty for herself, and Joseph Moore for himself and his minor child, Mamie Moore, was affirmed by the Secretary of the Interior May 29, 1906.

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

Respectfully,

Encl. A-88.  
M.A.

RECORDED James Fixby  
Commissioner.

REFER IN REPLY TO THE FOLLOWING:  
Cherokee Freedmen  
D. 978

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

Muskogee, Indian Territory, June 8, 1906.

Amelia Brown,  
Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 16, 1905, rejecting, among others, the application for the enrollment of yourself and child, Robert Brown, as Cherokee freedmen, was affirmed by the Secretary of the Interior, May 29, 1906.

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

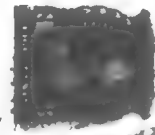
Respectfully,

Encl. A-85.  
M.A.

Commissioner.

Department of the Interior.

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



1024

Amelia Brown,

Wagoner, Indian Territory.

UNKNOWN

Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Mrs. Amelia Brown,

Wagoner, Indian Territory.

Reg. 2-2

Not called for

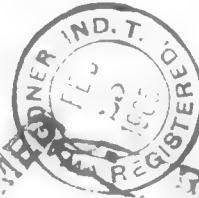
Wagoner, Indian Territory.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCOE, IND. TER.

141 10405-



REGISTERED  
JAN 27 1905  
MUSKOGEE, IND. TER.

FEB 26 1905

Amelia Brown,

Wagoner, Indian Territory.

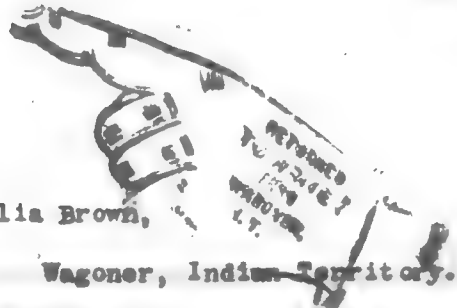
Department of the Interior.

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

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Amelia Brown,

Wagoner, Indian Territory.

Department of the Interior.

Cher Fr R 1041

Trans. from Cher Fr D 979

Cher Fr R 1041



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
JUL 1 1901

*[Handwritten Signature]*  
ATTORNEY GENERAL

31999

Ⓟ

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 19 1901  
Post Office Vinita, OK  
District 1000

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

Parents:

Father ..... Citizenship .....  
Mother Anna ..... Citizenship .....

Name of wife Hannah Butler Age 32

Owner's name ..... Citizenship .....

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

Parents:

Father Brack Bushyhead ..... Citizenship .....

Mother Sallie Miller ..... Citizenship .....

Names of Children:

No.	Name	Year	Page	No.	Dist.
3.	<u>Ether Covey</u>				
4.	<u>Howard Bushyhead</u>				
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

Application made by no. 1 Stenographer C. C. Jones

2 - Birth aff. required

Ref 2648

Represented by Louis T. Brown

CHEROKEE FREEDOM

COPY

88,7979

9,1081

D 3720

IN RE  
Application for Enrollment of  
INFANT CHILD

Esther Owen  
as a citizen of

CHEROKEE

Nation

Approved JUL 1 1901 190

A. . Needles

Commissioner

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE  
CIVILIZED TRIBES.

FILED

JUL 1 1901

Tams Bixby  
Acting Chairman.

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Esther Owen (Here insert name of child.) born on the 28 day of March 1890  
Name of Father: Earnest Owen a citizen of the U.S. Nation.  
Name of Mother: Anna Butler a citizen of the Cherokee Nation.  
Postoffice Vinita, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern DISTRICT.

I, Anna Butler, on oath state that I am 30 years of age and a citizen by adoption of the Cherokee Nation; that I ~~am~~ <sup>was</sup> the lawful wife of Earnest Owen who is a citizen, by of the United States Nation; that a female child was born to me on 28 day of March 1890; that said child has been named Esther Owen, and is now living.

Anna Butler

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 19 day of June 1901

Louis T. Brown Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern DISTRICT.

I, Anna Butler on oath state that the midwife who, on oath state that I attended on me when the above named child was born is dead and there attended on her is no other living witness, to said birth

on the day of 1901; that there was born to her on said date a child; that said child is now living and is said to have been named

Anna Butler

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 19 day of June 1901

(No Notary Seal)

Louis T. Brown Notary Public.

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FILE  
JUL 21 1901

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelsea, I.T., June 10th, 1901.

In the matter of the application of Sallie Miller for the enrollment of herself and one grand-daughter as Cherokee Freedmen; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A Sallie Miller.  
Q How old are you? A I am 59 years old.  
Q What is your postoffice address? A Vinita.  
Q In what district do you live? A Cooweescoowee.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Do you want to enroll anyone besides yourself? A Yes sir.  
Q One grand daughter? A Yes sir.  
Q What is her name? A Katie Hicks.  
Q How old is she? A 20.  
Q Is she an orphan? A Yes sir.  
Q Have you no children of your own? A They are all old enough to apply for themselves.  
Q Have you no husband? A He is a state man.  
Q Did he get out a Cherokee license to marry you? A No sir.  
Q How long have you lived in the Cherokee Nation? A I have lived here pretty much all my life excepting about 6 or 7 years at different times.  
Q Where were you born? A In Flint district, near Stillwell.  
Q Were you a slave when the war broke out? A Yes sir.  
Q To whom did you belong? A William and Nellie Holt  
Q Were both of them Cherokee citizens? A Yes sir.  
Q Where did they live? A They first lived in Flint and then they moved from Flint district to Webbers Falls. That was where we was living when the war broke out.  
Q You were belonging to them when the war broke out? A Yes sir.  
Q Where did you go when the war broke out? A From Webbers Falls we went to Baxter Springs.  
Q In Arkansas? A No sir, it is in Kansas.  
Q When did you come back? A I come back in the fall of '65.  
Q Have you lived in the Cherokee Nation ever since you come back in the fall of '65? A Yes sir, this has been my home ever since excepting when my husband died I went out and worked and took my children to school.  
Q Where did you go when you went to work? A Port Scott.  
Q When was that, in what year was that? A The first time I went out was in '68, I took my children to school, my two oldest children by Dick Whitmire.  
Q How long did you stay there with those children? A About 3 months.  
Q Did you leave the children there then? A Yes sir.  
Q Where did you go then? A Come back and went up on Big creek, to Rachel Whitmires.  
Q Did you have a home in the Cherokee Nation all that time?  
A Yes sir.  
Q When did you go out of the Cherokee Nation the first time? A In '75, is when I went back up to Kansas, after that.  
Q What did you go up there for that time for? A I went up there to see my children they were working there then.  
Q How long did you stay there then? A Went up in the fall of '75 and staid there until July '76.  
Q Did you then come back to the Cherokee Nation? A Yes sir.  
Q When did you go out again? A I went up there in June, my husband got sick and was unable to work; he had been an old soldier and he went up to apply for a pension, that was about the 15 or 16th of June '76.  
Q Where did you go then? A To Port Scott.  
Q How long did you stay there? A I staid there until the spring

of '79.

Q Then what did you do? A Went to my aunt Darkeys on Fourteen Mile Creek.

Q When did you go out of the Cherokee Nation the next time? A I staid with aunt Darkey and Mary Rogers a year.

Q What did you do then? A I had no husband then and went about and worked.

Q You had two children up in Kansas then? A No, sir, the boy I don't know where he was then, the girl she had come back to Big Creek with uncle Lewis Whitmire.

Q That was the two children you first took up there? A Yes sir.

Q What years was that? A That was after '80.

Q You worked then in Kansas? A Yes sir.

Q How long did you stay there that time? A About a year.

Q What kind of work did you do then? A Landry work.

Q Where did you go after you had done laundry work there for a year? A Came down on Big Creek.

Q When did you leave again? A I dont remember exactly, I went back in 83 or 4.

Q How long did you stay that time? A 5 or 6 months I guess, not longer.

Q Then what did you do? A Come back on Big Creek to my cousin Rachel Webbers.

Q When did you go out the next time? A I come back in 85, I got married in '84.

Q Where have you lived since '84? A In Vinita.

Q Ever since 84? A Yes sir I got married and my husband and my husband promised to come down here and we come and he staid here two days and one night and I never seed him for three years again.

Q And you continued to live there then until he came back again?

A Yes sir.

Q Have you lived there ever since he came back three years after he had first been there a day and two nights? A Yes sir.

Q Are you on the roll of 1880? A I dont know, I was here then.

Q Give me the name of your father? A Jack Miller.

Q Is he dead? A Yes sir.

Q Give me the name of your mother? A Easter Holt.

Q Isshe dead? A No sir.

Q She is living is she? A Yes sir.

Q Where? A In Vinita.

Q Is her name Holt now? A Yes sir.

Q How long has your father been dead? A 17 or 18 years.

Q Was he a Cherokee freedman? A Nosir, a Cherokee full blood.

Q Is your mother a Cherokee freedman? A Yes sir.

Q Did your mother come back with you when you come back after the war? A No sir.

Q You were married and come by yourself? A No sir, we had separated.

Q But you had been married? A Yes sir.

Q And you wasn't with your mother? A No sir.

Q Give me the name of this granddaughter? A She goes by the name of Kate Davis.

Q You say she is 20 years old? A Yes sir.

Q Give me the name of her mother? A Nettie Holt.

Q She is dead is she? A Yes sir.

Q How long has she been dead? A She died I wasn't there with her when she died, I was down to Aunt Darkey's.

Q Well when did she die? A In '78 I guess.

Q Was Nettie Holt your daughter? A Yes sir.

Q Where was Nettie Holt born? A At Webbers Falls.

Q After the war? A No sir before the war.

Q Did she belong to the same people that you belonged to? A Yes sir.

Q Did she go out with you during the war? A Yes sir.

- Q Did she come back with you after the war? A Yes sir.
- Q Did she live in the Cherokee Nation from the time she came until she died? A No sir, she went to Fort Scott to school part of the time.
- Q How long did she go to school there? A 4 or 5 years.
- Q Did she stay in the Cherokee Nation all the time from the time she came back with you right after the war excepting the time she was out to school? A Yes sir.
- Q Give me the name of the father of this child Katie Davis?
- A She told me that Katie's father was named Douglas Putman.
- Q Was Nettie ever married to Putman? A If she was I dont know it, he was a postal clerk on the M.K. & T. Railroad.
- Q He was a state man? A Yes sir.
- Q How many times have you been married? A 3 times.
- Q Who was the first man you ever ~~lived~~ lived with as husband and wife?
- A Dick Whitmire.
- Q Did you and he take up as man and wife before the war? A No sir we were married by the district clerk of Flint district.
- Q After the war? A No sir before the war.
- Q You and he were married then when the war began? A Yes sir.
- Q How long did you and he live together? A About 8 years.
- Q When was it you parted, during the war? A Yes sir.
- Q You went north? A Yes sir.
- Q Where did he go? A He came north.
- Q But you had been parted? A No sir they took him in the army and he run off in '63.
- Q But you parted in war times? A Yes sir.
- Q Who was the next man you lived with? A Buck Bushyhead.
- Q When were you married to him? A In the winter of '65.
- Q After you got back? A Yes sir.
- Q How long did you live with him? A Until 77.
- Q Is he dead? A Yes sir.
- Q Did you live with him until he died? A Yes sir.
- Q Who did you next live with? A Stephen Miller.
- Q When did you marry him? A I think it was in '84.
- Q Is he living? A Yes sir.
- Q He is a state man is he? A Yes sir.
- Q You married him in Kansas? A Yes sir in Fort Scott.
- Q How long after you married him before you come to the Cherokee Nation? A About 6 months I come back to Fort Gibson.
- Q Did he come with you? A No sir.
- Q Where were you when he come down and staid a night and two days?
- A At Vinita.
- Q And then he left you? A Yes sir.
- Q When did he come back to you in the Nation? A About 3 years after.
- Q And you had never seen him in that time? A No, sir, he is in Vinita now.
- Q How long has he been in Vinita? A 8 or 9 years.
- Q Have you and he been living together those 8 or 9 years? A Yes sir.
- Q How did this granddaughter get the name of Davis? A She is married.
- Q Is her husband living? A Yes sir.
- Q Why dont he apply for her? A He dont know nothing about her at all.
- Q What is the name of her husband? A John Davis.
- Q When did she marry him? A Sometime in March, this last March.
- Q Is he a Cherokee Freedman? A Yes sir.
- Q What was this woman's name before she married Davis? A She went by the name of Putman.
- Q You were never married to Putman? A No, sir, this is my daughter's child by Putman, she is my granddaughter, not my child.



- Q Did she come back with you after the war? A Yes sir.
- Q Did she live in the Cherokee Nation from the time she came until she died? A No sir, she went to Fort Scott to school part of the time.
- Q How long did she go to school there? A 4 or 5 years.
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- Q Was Nettie ever married to Putman? A If she was I don't know it, he was a postal clerk on the M.K. & T. Railroad.
- Q He was a state man? A Yes sir.
- Q How many times have you been married? A 3 times.
- Q Who was the first man you ever ~~marry~~ lived with as husband and wife?
- A Dick Whitmire.
- Q Did you and he take up as man and wife before the war? A No sir we were married by the district clerk of Flint district.
- Q After the war? A No sir before the war.
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- Q How long did you and he live together? A About 8 years.
- Q When was it you parted, during the war? A Yes sir.
- Q You went north? A Yes sir.
- Q Where did he go? A He came north.
- Q But you had been parted? A No sir they took him in the army and he run off in '63.
- Q But you parted in war times? A Yes sir.
- Q Who was the next man you lived with? A Buck Bushyhead.
- Q When were you married to him? A In the winter of '65.
- Q After you got back? A Yes sir.
- Q How long did you live with him? A Until 77.
- Q Is he dead? A Yes sir.
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- Q When did you marry him? A I think it was in '84.
- Q Is he living? A Yes sir.
- Q He is a state man is he? A Yes sir.
- Q You married him in Kansas? A Yes sir in Fort Scott.
- Q How long after you married him before you come to the Cherokee Nation? A About 6 months I come back to Fort Gibson.
- Q Did he come with you? A No sir.
- Q Where were you when he come down and staid a night and two days?
- A At Vinita.
- Q And then he left you? A Yes sir.
- Q When did he come back to you in the Nation? A About 3 years after.
- Q And you had never seen him in that time? A No, sir, he is in Vinita now.
- Q How long has he been in Vinita? A 8 or 9 years.
- Q Have you and he been living together those 8 or 9 years? A Yes sir.
- Q How did this granddaughter get the name of Davis? A She is married.
- Q Is her husband living? A Yes sir.
- Q Why don't he apply for her? A He don't know nothing about her at all.
- Q What is the name of her husband? A John Davis.
- Q When did she marry him? A Sometime in March, this last March.
- Q Is he a Cherokee Freeman? A Yes sir.
- Q What was this woman's name before she married Davis? A She went by the name of Putman.
- Q You were never married to Putman? A No, sir, this is my daughter's child by Putman, she is my granddaughter, not my child, my

daughter had her by a man named Putman.

Q What name did you go by in 1880? A Bushyhead.

Applicant cannot be found on the 1880 or 1896 rolls.

Q Did you draw Cherokee strip money? A No, sir, only drew this bread money.

Applicant not found on the Kern Clifton or Wallace rolls.

Q You are not on any of these rolls, is your grand daughter Katie Davie in the same fix that you are? A I think she is enrolled with her grandfather.

Q What was his name? A Dick Whitmire.

Q Is she the grand daughter of your first husband Whitmire?

A Yes sir.

Q Her mother, Nettie, was a child of Whitmire's? A Yes sir.

Q And you think this child Katie Davis is on the roll as Whitmire?

A No sir I think it is on as Putman, but that her grandpa Whitmire enrolled her.

Q Did she draw Cherokee strip money? A No sir, I think her grandfather drew it for her.

The applicant's grand daughter not found on the Kern Clifton roll, upon examination of same.

The Wallace roll of the Cherokee Nation examined and the name of the applicant's grand daughter found as follows-

Page 146 No. 3047, Katie Putnam, Cooweescoowee district.

The applicant's grand daughter not found on the 1880 or 1896 rolls upon an examination of same.

Q Have you anyone here who knows when you came back after the war?

A Yes sir.

Q Who have you here? A Polly Nivens, Easter Grimmett, Darkey Duffington.

The continuation of this case taken by Bruce C. Jones.

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

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 22nd day of June, 1901, at Nowata, I.T.

Signed, T. B. Needles,  
Commissioner.

Continued from testimony taken by Chas. von Weise; June 10, 1901.

SALLIE MILLER, recalled and examined by Commissioner, testified as follows:

Q You say you and Dick Whitmire were married before the war?

A Yes, sir, before the war.

Q Where was it that you and he parted during the war? A We lived in Going Snake district and I lived at Webbers Falls time of the war.

Q How did you happen to part, did he go one way and you go another, or did you quarrel and part? A No, sir, I was living at the Falls and he lived up in Flint District, Going Snake district, and I went out, the soldiers came and got us there and took me to Baxter Springs, and he came after that, I don't know where he came from.

Q Did he come after that while the war was still going on? A Yes, sir.

Q Had you married in the mean time? A No, sir.

Q Well, he was still your husband at that time? A Yes, sir, he

was my husband.

Q You hadn't parted then down to that time? A No, sir.

Q Were you and he husband and wife up in Kansas during the war, at Baxter Springs? A Yes, sir.

Q Well, what became of him after that? A He got away from there in '63.

Q And how long was it that you saw him after that? A I never seen him till the fall of '65.

Q Had you married again in the meantime? A No, sir, I wasn't married when I first saw him.

Q When you saw him in the fall of '65 you hadn't married? A No, sir.

Q Had he married? A I don't know, he was living with a woman.

Q Did he claim you and live with you as his wife? A No, sir.

Q That was, you say, in the fall of '65? A Yes, sir.

Q Now Buck Bushyhead, you say you married him in the winter of '65?

A Yes sir, in the winter of '65.

Q Well most o the winter of '65 was a long time before the fall of '65? A '65; now I made a mistake, I came back, that is in '65, Dick Whitmire was living with a woman.

Q Before you married Bushyhead? A Yes, sir.

Q When you married Bushyhead he didn't any longer claim you as his wife? A Yes, sir.

Q Dick Whitmire was living as man and wife with another woman, and no longer claimed you as his wife? A No, sir.

Q And then you felt free to marry Buck Bushyhead? A Yes, sir.

Q And you lived with Buck Bushyhead until he died? A Yes sir,

Q And after that you married Stepher Miller? A Yes, sir.

Q And you are living with him now? A Yes, sir.

POLLY NIVENS, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Polly Nivens.

Q How old are you? A About 56.

Q What is your postoffice? A Fort Gibson.

Q How long have you lived in the Cherokee Nation? A All my life, never was out.

Q Were you out then during the war? A Went out about five weeks.

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

A Yes, sir.

Q To whom did you belong? A Joe Nivens, or Mose Nivens, it is all the same.

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

Q Did you know her during the war? A Yes, sir.

Q Who was it she belonged to? A Old Mrs. Holt, at the Falls.

Q At Webbers Falls? A Yes, sir.

Q Nellie Holt, was it? A Yes, sir, Mrs. Nellie Holt.

Q How far did this woman live from you in that day? A She lived at Webbers Falls, and I lived at Fort Gibson, at Nivens Ferry.

Q How far is it apart? A I don't know exactly how far.

Q It is very far? A No, sir, it is not very far.

Q Did you know her husband back in that day? A No, sir, I didn't know him, I just knew her; when her mistress would come to our owner to see them.

Q Did you know her down to the time the war broke out? A Yes, sir.

Q Did she have any children in that day? A When I seen her she just had two.

Q Do you remember their names? A No, sir, I don't remember their names.

Q Did she ever have a daughter named Nettie, or do you know that?

A No, sir, I don't know about that.

Q Do you know anything a out where this woman went during the war?

- A No, sir, I don't know where she went during the war.
- Q When did you first see her after the war? A Why I saw her right at Fort Gibson.
- Q When was that? A That was when the refugees was drawing rations, you can count back from this, I can't.
- Q Do you know what year that was in? A No, sir, I don't.
- Q It was when the refugees was drawing government rations?
- A Yes, sir, just after peace was made.
- Q Do you know how long she had been back then? A She said she had just come back a short time before that when we first met, hadn't long come back.
- Q Had peace been made then? A Yes, sir, peace was made.
- Q How long was that after peace was made before you saw her, do you know? A No, sir, I can't tell that exactly.
- Q Well, what do you know about her from that day to this, have you been seeing her all the time? A No, sir, I can't locate her all the time, she stayed a while in Gibson and said she was going away from there, and I asked her where she was going and she said I am going to take my children back to school, and said, there is nothing here for them but badness, and I said, you had better come back down here.
- Q Did you ever know this child Nettie after the war? A No, sir, she just had two children with her and I never paid no attention to them at all.
- Q Well, have you seen much of her from that day to this? A No, sir, I haven't seen her got a good while until I met her here again; I heard of her but I haven't seen her.
- Q Did you remember and recognize her distinctly? A Yes, sir.
- Q As the woman you knew before the war? A Yes, sir, knew her the minute I set my eyes on her.
- Q The same woman you knew in Fort Gibson? A Yes, sir, same woman; I was glad to meet her alive.
- Q Do you know anything about her marriages since the war time?
- A No, sir, don't know anything about her marriages at all.
- Q Now these people that this woman belonged to, the Holts, were they well known and recognized Cherokee citizens? A Yes, sir.
- Q And you knew her as their slave, did you? A Yes sir.
- Q She passed as such in the neighborhood? A Yes, sir, she called her mistress, she would be waiting on her everywhere she would go.
- Mr. Davenport: How long before the war broke out had it been that you had seen her, Aunt Polly? A I can't tell you how long exactly because they just came to my home on a visit.
- Q That was some years before the war began? A Yes, sir, some years before the war began, but not so very long, though.

EASTER WILLIAMS, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your name? A Easter Williams, now.
- Q Did your name used to be Grimmett? A Yes, sir.
- Q How old are you? A I guess I am about 52, I guess.
- Q What is your postoffice? A I get my postoffice here while I am here.
- Q At Chelsea? A Yes, sir.
- Q How long have you lived in the Cherokee Nation? A I have been here all my days.
- Mr. Smith: Do you know this applicant here, Sallie Miller? A Yes, sir.
- Q How long have you known her? A Ever since the war.
- Q Did you know her before the war, or not until after? A Not until after the war.
- Q Where did you first meet her after the war? A Met her in Fort Gibson.
- Q When? A The time they brought the refugees back in there.
- Q Do you know what date that was, what year it was? A No, sir,

I don't know what date it was they brought us back to Gibson: I can't tell you just what date that was.

Q Where did you see her, where was she when you first saw her? A At Fort Gibson.

Q What was she doing there? A Working, among the refugees.

Q Do you know whose daughter she was, did you know her mother?

A Yes, sir, Easter Holt.

Q Have you known her since? A Well, I have seen her since then, of course where I saw her at Fort Gibson and I have met her here since then.

Q What do you mean by here, what place in the Cherokee Nation have you seen her since '66? A She was in Fort Gibson in '66, she went by Bishhead at that time, she was living in Gibson.

Q Did you know her husband? A Yes, sir.

Q Do you know whether or not he died? A Yes, sir, he died.

Q When did he die? A I can't tell you just when he died.

Q Do you know whether she was married again or not? A Yes, sir,

Q Who did she marry? A Mr. Miller.

Q Do you know who Sallie ~~Miller~~ belonged to before the war? A Yes sir I met her before the war, Billie Holt and Nellie Holt.

Q Were they Cherokee Indians? A Yes, sir.

Q Do you know how many children Sallie had when you saw her in '66?

A Yes, sir, she had two.

Q Do you remember their names? A Kate was one.

Q Do you remember the other? A Nettie.

Q What has become of Nettie? A She died.

Q Did Nettie have any children? A Yes, sir, Katie Putnam.

Q Was Nettie married? A I don't know that, but I know she had one child.

Q Do you know where that child is now? A In Vinita.

Q Do you know who the child lives with? A Sallie Miller.

Q Her grandmother? A Yes, sir.

Mr. Davenport: ~~They brought~~ How far were you living from Aunt Sallie when the war broke out? A They brought us up to Fort Gibson, we were all there during the war, and I was cooking for the officers.

Q Was Sallie brought to Fort Gibson with you? A Yes, sir, from Neosho, they brought us as refugees from Neosho.

Q Before the war broke out I am talking about now, not about the refugee time? A We lived in Flint.

Q You don't know anything about where she was living when the war broke out? A No, sir.

Q Do you know to whom she belonged when the war broke out? A She belonged to old man Holt, her mother belonged to old Holt.

Q That was before the war began? A Yes, sir.

Q You don't know anything of them after they left Flint District and went to Canadian, up to the time the war began? A I seen her in Gibson.

Q Not before the war? A No, sir, but after we came in scattered during the soldiers, we all met at Gibson, they brought us to Gibson, carried us to where we first went, to Neosho, and back.

Q Holt before that moved down about Webbers Falls sometime before the war began? A There is where she lived I guess before the war broke out.

Q They moved away then from where you were living? A Yes, sir.

Q And you don't know anything more about them until after the war began, do you? A No, sir.

Q And you don't know where she went during the war, do you?

A No, sir, don't know where she went.

Q All you know about it is she came back to Fort Gibson sometime before the close of the war or about the close? A Yes, sir.

Q You don't know where she has been living since the war closed?

A No, sir, I can't place here where she has been living since.

Q There would be several years at a time you didn't hear of her?  
A Of course I don't know only where she went.  
Q Where do you live? A I live at Big Creek.  
Mr. Smith: Do you know how long Sallie Miller, the applicant, was at Fort Gibson when you saw her at the time the refugees were there?  
A We were all there about three years.

Dorcas Buffington, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Dorcas Buffington.  
Q How old are you? A I am 78 years old, according to what Mr. Bushyhead told me.  
Q What is your postoffice? A Melvin.  
Q How long have you lived in the Cherokee Nation? A I was born in the Cherokee Nation, in Tennessee.  
Q Did you come here with the Cherokees in old times? A Yes, sir.  
Q Have you lived here ever since? A I have lived here ever since; of course my folks hired me out once in a while in the state, but that was when I was small.  
Q Went out during the war? A No, sir.  
Q Here during the war? A Yes, sir, all during the war.  
Q Were you here when the war began? A Yes, sir, right here.  
Q Who was it you belonged to? A I belonged to Mr. Bushyhead, that lady's (indicating) husband's father.  
Q The father of Chief Bushyhead? A Yes, sir.  
Mr. Smith: Do you know this applicant, Sallie Miller? A Yes, sir, she was married in my town.  
Q How long have you known Sallie? A I been knowing her, I can't exactly tell you, but it has been long before the war.  
Q You knew her before the war? A Yes, sir.  
Q You know whether she was a slave or not? A I know she was a slave, I don't know just think it, I know it.  
Q Who did she belong to? A She belonged to old Mrs. Holt, old Mrs. Temple Holt, she married a Whitire.  
Q Were the Hols citizens of the Cherokee Nation? A Yes, sir, citizens.  
Q Where did they live? A They lived away down here in Flint, I can't tell you exactly the place.  
Q When did you first see Sallie in the Cherokee Nation after the war? A Well, I can't tell you exactly the time I see her, but then she came to my house and stayed with me when they got out word about the negroes must come back to the old country, and she came to my house and stayed there for a week or so, and then she went off to Mr. Rogers, and I don't know how long she stayed there.  
Q Where were you living? A I was living on Fourteen Mile Creek.  
Q Did you go out of the Nation during the war? A No, sir.  
Q Not at all? A No, sir, not at all, only when I was traveling with the army waiting on the Cherokees.  
Q Do you know what year it was you saw her? A Not clear, I can't tell you that part, I never kept the dates of the years, I never thought nothing about it.  
Q Where did this man Rogers that you spoke of live? A He lived between Grand River and I lived on Fourteen Mile Creek.  
Q Do you know whether she had been to Fort Gibson, or whether she went to Fort Gibson after you saw her? A She went to School, said she was going when she went from my house.  
Q What was her name then? A Her name was Sallie Miller, that's Miller married her.  
Q Was she ever married after that to anybody else? A I can't tell you that, I know before she married that man she lived with a man named Dick Rogers, one of the soldiers, and I believe she had some children by him; I don't know, I never seen the children.



Q Did Whitmire ever go by any other name? A No, sir.

Q Who did he belong to? A He was a free man, he was a Cherokee the whitmires was.

Q He wasn't a colored man at all? A No, sir, he owned slaves; Temple Holt married Johnson Whitmire, and you know Temple was a fine lady, she wouldn't want a nigger.

Q When did Sallie marry Miller, her present husband? A I don't know sir, I don't know that.

Q How many children did Sallie have, if she had any children, at the time you speak of her coming to your house? A She had two.

Q Do you know what their names were? A I think one was named Annie and the boy I disremember what that child's name was right now, but she had two children.

Q Do you know whether Sallie had been married more than once? A No, sir, I don't, I don't know nothing about her whether she was married more than once or not, but I know she was married once and that was to Charlie Walker.

Q ~~What was he, a colored man?~~ A He was a colored man, he was my sister's son, and you know I am colored.

Q Was Charlie Walker a slave? A That is what he was, a slave of the same people I was.

Q Did they sometimes call Charlie Walker Charlie Bushyhead? A Yes, sir, got the Charlie Walker from his father.

Q His father's name was Walker and her mother's name was Bushyhead? A No, sir, it isn't that way; after the darkies got free, he went by the name of his father, and when he was a slave we all went in the name of our masters.

Q What was that? A Bushyhead.

Q Charlie Walker, the man who married Sallie, his name was Walker? A Yes, sir.

Q And his mother's name was Bushyhead, is that right? A No, sir, that isn't right yet; Charlie Walker he went by the name of the man that his father belonged to, after he got free, and when he lived at home with he went by the name of Bushyhead.

Q Then he went by two names? A Of course, after he got free.

Q What were they? A When he got free, he went by the name of Walker, and when he was living at home at Bushyhead's, he went by the name of Charlie Bushyhead.

Q That was this woman's husband? A That was her husband.

Mr. Smith: If the Court please, in making this record, I would like to have a reference to the case of Joshua Holt, B-644. Joshua Holt was this woman's brother.

SALLIE MILLER, recalled, testified:

Commissioner: Did you have a brother named Joshua? A Yes, sir.

Q A full brother? A No, sir.

Q Not a full brother? A No, sir, brother on my mother's side.

Q Is he older or younger than you? A Younger.

Q How much younger? A I guess he must be 10 years younger, I am 20 and I think he is 10 or 15.

Q Was he with you during the war? A Yes, sir.

Q Did he come back with you when the war closed? A No, sir.

Q You didn't come back with him? A No, sir.

Q Did you and he belong to the same plantation the war broke out? A Yes, sir.

Mr.avenport: Now Smith, did you ever apply to the not Justice, or Justice's Court to establish your right after you returned to the plantation? A No, sir, I never was but once, went to "abolition", I found it was considered in slavery, when I didn't get the wages money.

Q You applied to the Court-Justice Commissioner? A Yes, sir.

- Q Now where were you living when your husband Dick Bushyhead died?  
A Buck Bushyhead you mean; why he died in Fort Scott.
- Q Where were you living at that time? A On Big Creek.
- Q You were down on Big Creek when he died in Fort Scott? A Yes, sir, he went up there to apply for his pension, he was there two weeks.
- Q You had been in Fort Scott during the war? A Yes, sir.
- Q You went from Baxter Springs? A Yes, sir.
- Q You stayed there a few months, and then came back, and you had your husband sent to Fort Scott? A Yes, sir.
- Q Do you know the times when you were in Fort Scott? A No, sir, not before he died.
- Q When were you and your present husband, Miller, married, in what year? A In 1864.
- Q Where were you living at the time? A I was living in Fort Scott.
- Q Miller was a resident of Fort Scott, too, wasn't he? A Yes, sir.
- Q Now then you and Miller lived there some time after you married before you came back to the Cherokee Nation? A I stayed about six months.
- Q You stayed there first and last altogether about seven years?  
A No, sir, I never stayed in Fort Scott seven years at one time.
- Q I mean first and last? A Yes, sir, about that first and last since the war.
- Q About that first and last since the war closed? A Yes, sir.
- Q Now you are not a full sister of Joshua Holt? A No, sir.
- Q Both had the same mother, but not the same father? A Yes, sir.
- Q Easter Holt is your mother, isn't she? A Yes, sir, Easter Holt.
- Q Did you and Easter Holt and your half brother go out of the Cherokee Nation together during the war? A Yes, sir.
- Q Well, who returned first? A Why I returned first.
- Q When did your mother and Joshua return? A Why they -- now I can't say they did --
- Q Do you know really when they returned? A Yes, sir, they came back when they had that fight up here at Horse Creek.
- Q They came back the year of the Horse Creek fight did they?  
A It seems to me, I can't say positively.
- Mr. Smith: Are you the daughter of Easter Holt, who applied for enrollment this morning over there; did you see her over there?  
A Yes, sir.
- Commissioner: Where did you marry your husband Buck Bushyhead?  
A In Fort Gibson.
- Q Was he a Cherokee Freedman? A Yes, sir.
- Q Dorcas Buffington stated about your being at her house on Thirteen Mile Creek? A It is Fourteen Mile Creek.
- Q What time was that after the war? A It was in '78.
- Q That was a long time after the war? A Yes, sir.
- Q She doesn't know anything about when you came back? A Well now I don't know whether she did or not, because I stayed in Gibson.
- Q Before you saw her after the war closed before '78? A Yes, sir, I see her then in Fort Gibson, at the sutler's store, Mr. Percival run the store, and Buck Bushyhead worked at the store.
- Q You spoke of going to Tahlequah once to see about getting your rights? A Yes, sir.
- Q What did you do there? A I went down there and I seen Mr. Thompson, W. A. Thompson.
- Q Did you apply to any court? A Yes, sir, there at Tahlequah.
- Q And what did the court do? A They told me that I was readmitted and did you apply to be recognized or readmitted? Yes, sir, they said all them they could find the names on the 1860 roll to go down there with proof and they would put them on the roll, and I went, and I thought I knowed him in time of the war there at Fort Gibson and I thought I would get him and he would attend to it for me.



- Q Did you appear before the court? A Yes, sir.
- Q You give in your testimony? A Yes, sir.
- Q Did you have any witnesses? A Yes, sir.
- Q And the court heard your case? A Yes, sir.
- Q Did the court pronounce a decision in your case? A They said the chief would have a ten days session and then he would attend to it.
- Q Did you ever get any notice of what that decision was? A No, sir.
- Q In what year was that, as near as you can remember? A It has been, I guess, six years ago.
- Q Was that the only application you ever made to any court or commission or authority to have your rights fixed? A No, sir, went before the Wallace court, and went before the Clifton and Kerns.
- Q Why wouldn't they put you on the Wallace roll? A I don't know.
- Q Why didn't they put you on the Kern-Clifton roll? A I don't know, unless it was because I didn't have a whole lot of money to pay out, they asked me for some money and I told them I didn't have any.
- Q Who asked you for money? A Turner, he wanted ninety dollars, and I told him I didn't have ninety cents.
- Q Well, your rights ought not to depend upon your having money; how about the roll of 1880? A I was at Fourteen Mile Creek at that time when the 1880 roll was made.
- Q Were you at Dorcas Buffington's at that time? A Yes, sir.
- Q What about they making that roll? A They didn't come, and I got Uncle Harry to go down to see Mr. Lipe, I believe old man Lipe had something to do with that, and he went there, and said Mr. Lipe said it was all right, and that was the reason I didn't bother anything about these rolls, I thought I was all right till it came around and I didn't get any money.
- Mr. Davenport: I would like to object to that hearsay part about what that fellow went down there and said Mr. Lipe said.
- Mr. Smith: What did you state was the occasion, or why did you go to Tahlequah in the nineties to see about your citizenship?
- Q They had a notice in the paper to all them didn't appear on the 1880 roll to go down there and with sufficient proof and they would put them on the roll.
- Q Who had the notice? A It was in the paper, in the Vinita paper.
- Q And you went to Tahlequah? A Yes, sir.
- Q Who did you go to when you went to Tahlequah? A I went to this Mr. Thompson.
- Q W. A. Thompson? A Yes, sir.
- Q Now you spoke of some court or commission; what court did you ever go before? A Before the Wallace court and before this Clifton and Kern.
- Q But when you went to Tahlequah? A The council was going on, the council was in session at that time.
- Q You didn't go before the council, did you? A Yes, I guess it was, Stick Ross was one of the councilmen, and Spade was one of the councilmen.
- Q What ever became of that W. A. Thompson you went to see?
- A They said he died.
- Q Did he? A I never seen him since.
- Q Now as a matter of fact, do you know whether you went before any court or not down there? A There was eight or ten men in a room, they said they was.
- Q Did you pay Thompson? A Yes, sir, gave him \$10.
- Q Do you know of your own knowledge whether there were any applications made, of your own knowledge, outside of what Thompson told you?
- A No, sir, I don't, I just had faith in him, and he knew me during the war at Fort Gibson and I thought sure he would do what he told me.
- Mr. Davenport: You hadn't heard at that time about Thompson going

back to Georgia and having a friend to write home to his mother that he was dead and having his mother send money to pay his funeral expenses? A Yes, sir I heard about that afterwards, and I never tried to see anything more about it.

Commissioner: Did you ever apply to the Dawes Commission in 1896 to have your rights recognized? A No, sir, I don't think I ever want before them.

Commissioner: The applicant applies for the enrollment of herself and one grandchild. The applicant is not identified upon the roll of 1880 or on the Wallace roll or on the Kern-clifton roll or on the roll of 1896. It appears from the testimony that she was in the Cherokee Nation at the breaking out of the Civil War, and was the slave of a Cherokee citizen. There is considerable testimony to the effect that she returned to the Cherokee Nation in 1865, and is living in the Cherokee Nation at this time, and has been so living for a number of years past, but it appears that altogether, for six or seven years, but not in a continuous way, she has since the war been absent from the Cherokee Nation and in the State of Kansas. In the light of her omission from the rolls, what she has to say in connection therewith, the testimony of her return to the Cherokee Nation within the time prescribed by the treaty of 1866, though so far quite definite and reasonably satisfactory, requires to be carefully considered, and some attention should be given to the testimony relating to her subsequent residence to determine whether or not she has abjured her citizenship. It appears that she made application at Tahlequah for recognition before some court of the Council of her rights as a Cherokee citizen, and that her application was not granted. The testimony in this particular is not very definite. Her change of name arising from marriage is established in a reasonably satisfactory manner. She will, under the conditions stated be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her postoffice address.

As for her grandchild, her application will not be considered at this time, inasmuch as she is said to have been born in 1878, or prior thereto, and to be now married, but the examination with reference to her rights has been quite carefully made, as this child can only claim through its mother, and when she does apply it will be desirable to file the grandmother's testimony with the application. It appears that the mother of this grandchild, called by the applicant Nettie Holt, died in 1878, and was the daughter of her first husband, Dick Whitmire, a slave in the Cherokee Nation at the time of the breaking out of the war, and with whom the applicant continued to live until about the time of the close of the war. It further appears that this Nettie Holt returned with the applicant from Kansas and so far as the applicant's rights in that particular may be concerned, acquired all the rights of her mother; and also, it appears that this Nettie Holt, after her return to the Cherokee Nation about the time of the close of the Civil war, was never out of the Nation except some four years when she was at school. This daughter, now known as Katie Davis, is shown to be Nettie Holt's daughter by a man citizen. Therefore, when the facts of her own residence be duly established in the Cherokee Nation, her rights apparently will turn exclusively upon the date of the return of the applicant, her grandmother, to the Cherokee Nation, with reference to the treaty of 1866. As indicated, the application for this grandchild was not continued further at this time than simply to develop the testimony through the grandmother, upon which that application must rest when it is made in its

regular order.

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

Signed, Bruce G. Jones,

Sworn to and subscribed before me this the 18th of June, 1901.

Signed, T. S. Needles,

Commissioner

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Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

*Bruce G. Jones*

Sworn to and subscribed before me this the 30th of July, 1901.

*M. D. Green*  
Notary Public.

Supl. C.F.-D.#648.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I.T., OCTOBER 5th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
SALLIE MILLER as a Cherokee Freedman, introduced on behalf of  
Cherokee Nation:

APPEARANCES:

Mr. Mellette, of Counsel for applicant;  
Mr. Davenport, of Counsel for Cherokee Nation.

SIMON MCKENZIE, being duly sworn by Commissioner Needles,  
testified as follows on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A Simon McKenzie.

Q Where do you live? A I live up Pryor Creek, about five miles  
north of Prior Creek.

Q What is your age? A I am 59.

Q How long have you lived in the Cherokee Nation? A Been living  
here all my life, only few times I have been out of the Nation.

Q Well, you were out of the Nation; when you were out of the Nation  
what places were you in? A When I was out of the Nation I lived at  
Fort Scott, Kansas.

Q About what year did you live in Fort Scott, Kansas? A I lived  
from 1865 down to 1866, '67 and down to spring of '68.

Q During the years you lived there did you become acquainted with  
Sallie Miller, or Holt, or Walker? A Yes, sir, I was acquainted  
with one lady named at that time Sallie Holt.

Q Well, did you know her family at that time, her mother?

A Yes, sir.

Q What was her mother's name? A Aunt Easter Holt.

Q Did you know any of her brothers? A Tecumseh and I forget  
the other one's name, was another one.

Q Do you know whether it was Mose or Joshua? A Yes, sir, Mose and  
Joshua.

Q Did you know any of her sisters? A Yes, sir, but I forget their  
names.

Q Now, where were they living, if you know, during the years you  
lived at Fort Scott? A They lived in an old Government building  
right in Fort Scott.

Q You went there in 1865? A In '65.

Q How long had you been there before you knew these people, or got  
acquainted with them? A I was there about a month or two or three  
months, I could not state the time.

Q Well, where were they living when you left Fort Scott, Kansas,  
if you know? A Well, Aunt Easter was living in an old Government  
building.

Q Have you seen any of them since that time? A No, sir.

MR. MELLETT: Now, Mr. McKenzie, you don't know that the woman  
who is an applicant here for enrollment is the woman whom you say  
you saw up at Fort Scott, Kansas, at the close of the war, do you?

A I don't know the woman.

Q You don't know that that is the same woman? A In the same name.

Q It is not the same name? A She name Holt.

Q Well, you don't know that this is the same woman that you know  
up there, do you? A Well, it was a daughter of Easter Holt, it  
was a Sallie woman.

Q Well, you don't know anything about this applicant; you have  
never seen this applicant here? A I haven't seen her here.

- Q Well, you have never seen her since she has made application here for enrollment have you? A No, sir.
- Q Now, when did you leave Fort Scott, Kansas? A I left there early in '68, in the spring.
- Q In the spring of '68? A Yes, sir.
- Q What were you doing up there at Fort Scott? A I was working there at Fort Scott, for Billy Shanahan, stone mason, doing public work there.
- Q Did you keep track of these colored people? A All I saw.
- Q Did you ever testify in this case before? A I guess I did.
- Q When? A Not long ago at Fort Gibson.
- Q You give testimony up at Fort Gibson? A I think I did.
- Q How long ago? A I don't know exactly whether it was last month.
- Q How old are you, Mr. McKenzie? A I am 59.
- Q Well, it has been 35 or 6 years ago then since you saw them up there at Kansas? A Yes, sir, I guess so, I never kept count of the time.
- Q Well say 35; well, Mr. McKenzie, can you remember just about the time you saw these people up there 35 years ago? A Well, I guess I could remember it, I stated before.
- Q There is no reason why you paid particular attention to them?
- A No, just seeing them pass and repassing about.
- Q You left there in the spring of '68? A Yes, sir.
- Q Well, they could left there a year before that and you not remember it 35 years afterwards? A Didn't I saw they back and forth all the time I was up there, off and on.
- Q Well, now, off and on there, you saw them? A Every week.
- Q Can you remember 35 years ago you saw these people every weeks?
- A I guess so, I wouldn't be here if I didn't thought I could testify nothing.
- Q Well, you feel because you are here you have to testify something?
- A I don't know.
- Q Well, I want to know if you can remember 35 years ago you saw these people every week? A I did while I was living in Fort Scott most every week.
- Q Is it possible they might have left there a year before you did?
- A If they did they went back in a short time.
- Q What were you paying so particular attention to those people for?
- A I could not tell you.
- Q You just watched them? A Well, just seeing them pass and pass every day.
- Q Who else did you see up there at Fort Scott? A Why I see good many.
- Q What other colored people? A Good many. Good many other colored & black people, but I don't know their names.
- Q Well, now, give the name of some other colored person you saw up there except this family? A I could not give their name.
- Q There were a great many colored people in Fort Scott?
- A Yes, sir.
- Q And of all the colored people that was in Fort Scott this family is the only one you remember the names? A Yes, sir; of course I was passing there and some lived out in the country.
- Q Well, who else lived in the Government building there?
- A Good many families.
- Q Good many families? A Yes, sir.
- Q Why don't you remember the names of the other colored people?
- A Because the boys I remember them, and part lived in town.
- Q Why can't you remember the names of some other colored people you saw there some time? A Well, I could if I wanted to state the whole thing I can, there was Bill Thompson.
- Q What is Bill Thompson? A There he is (pointing to a man in the audience.)



- Q And who else was there? A Bill was blacksmith; Tom Brown.
- Q Was it Tom Brown or Bill Brown? A Tom Brown
- Q when did they leave there? A I don't know.
- Q Were they there when you left? A I don't know; they lived out at the edge of town; of course when I left town I went out about three miles of town and a family lived there by the name of Campbell, worked right there at Fort Scott. I know the whole generation if you will give me time to call the name over, the whole generation of them.
- Q What makes you remember seeing these people there all the time you were there? A I saw them off and on, because I was working in town; Tom Brown was a blacksmith, worked in town.
- Q When was the last time you remember seeing this Sallie Miller?
- A Well, I saw when I left Fort Scott.
- Q Did you see her the day you left? A No, sir; I didn't see her the day before I left.
- Q How long before you left did you see her? A Oh, short time, maybe a week or two weeks.
- Q You remember then of seeing her two weeks before you left?
- A Yes, might have been two weeks, and maybe longer and not so long.
- Q Maybe a year too? (No response.)
- Q Was it a year? A No, sir, I don't think it was a year; if she left there at all she went west, went towards Mapleton.
- Q How do you know she went to Mapleton? A Well, if she left at all.
- Q What makes you think that? A That was the talk.
- Q How was that? A That is why I found out by talking with her brother.
- Q You got a letter? A No, sir, talking with her brother.
- Q You are testifying to what her brother told you?
- A That is how I found out where she went, if she went off at all.
- Q That is the reason you are swearing that she was there all the time you were there? A No, sir; I know it.

WILLIAM MARGRAVE, being duly sworn by Commissioner Needles, testified as follows:

- MR. DAVENPORT: What is your name? A William Margrave.
- Q What is your age, Mr. Margrave? A My age is --430--about 82; I am away along in the 83 year.
- Q Where do you live, Mr. Margrave? A Fort Scott, Kansas.
- Q How long have you lived at Fort Scott, Kansas? A Since 1854.
- Q Since you lived at Fort Scott, Kansas, did you become acquainted with a colored family by the name of Helts or Holt? A Yes, sir.
- Q You know the old lady's name? A Yes, sir; do you mean the mother?
- Q Yes, sir; what was her name? A Easter Helt.
- Q How many of the children do you remember, Mr. Margrave? A Let's see, there was Hese, Quack, Sallie and Jack.
- Q When did you become acquainted with the family? A I am not positive, I think they came there along towards the close of the Civil war, if they didn't they came there very shortly afterwards.
- Q Well, now, where did they live with reference to where your home was? A Well, most of the time they lived in, I should judge, about a hundred yards, except Hese he lived, after he married, he lived about 50 yards.
- Q Well, now, where is Hese Helt living now, do you know?
- A Lives right there by me in Fort Scott.
- Q Do you know where Jack is living? A I do not, he has been away from there a good many years, I don't know how long.
- Q Well, about how many years has it been since Jack moved away from there? A Of course that would be from guess work, something I never took the count of; I don't think he has made his home in Fort Scott for the last 25 years, I might not be correct about it.

- Q About how long has it been since Tecumseh moved away from there?  
Q That maybe all the way from five, sir, seven or eight years, not longer than that.  
Q Well, when did Bettie leave there, about when did she leave?  
A That is quite a while ago, I could not tell that.  
Q Well, did Gallie Holt marry while she was up there? A Yes, married twice.  
Q What was her first husband's name? A Walker he died and then she married a Miller.  
Q Do you know what Miller's first name was, or what he was known by up there? A Stepney I believe it is.  
Q Have you seen Gallie Miller, the applicant, since you been down here? A I saw her this morning, spoke to her.  
Q Did you recognize her as the same woman you knew up there as Sallie Holt? A Well, she lived right there near me for I expect 30 years, I don't know that it was that long; of course I know her as well as I knew anybody in Fort Scott.  
Q About how long ago was it since Gallie left Fort Scott?  
A Well, now, I can't tell you.  
Q Well, you came from there in -? A Seven, eight or ten years.  
Q Do you know where Aunt Gaster Holt is living now, whether she is living or dead? A I saw her I think about a year ago up in Fort Scott, I have never heard of her dying.  
Q When did she move away, if at all, from Fort Scott, Kansas?  
A It comes to these dates-  
Q About how long? A I would think it was six or seven years ago.  
Q You got acquainted with this family as I understand you, sometime about the close of the war? A Yes, sir, I know them by sight and afterwards got acquainted with them.  
Q They afterwards lived right near you? A Yes, sir. It was right close to me, I don't think it was over a hundred yards from where I now live.  
Q And they lived there then in your neighborhood from the time you got acquainted with them up until a few years ago? A Yes, just as I stated.  
MR. MELLETTE: Now, where was Gallie Miller in the fall of '65?  
A I don't think I could tell just that because-  
Q Well, now, where was she in '66? A The family was there, I am satisfied they were in Fort Scott in '66.  
Q I am talking about Gallie Miller now? A I know you do; one of the family might want away.  
Q You can't say that Gallie Miller, or Gallie Holt, was not here in the Cherokee Nation in 1866 can you? A No, sir, I cannot; I know the family was living up there at that time. One of the family could go off and I would not know anything about that; go off and return again.  
Q Isn't it a fact that she was down here in '66, and didn't go back up to Kansas for a couple of years after '66, about '67?  
A No, I don't know.  
Q You don't know? A No.  
Q That might be true, might it not? A Yes, the family was there, I know they didn't all come here; might be such a thing as she did, of course not looking for a thing of that kind I might not know.  
Q Well, these people might have come down in the territory from time to time without you knowing their business, might they not, 25 years ago? A You mean one at the time?  
Q Yes, or two at the time? A Of course they might.  
Q Gallie Miller's husband died up there, one of them? A Walker.  
Q Didn't she take some children back from here the first time she went back? A Children, I don't know anything about it.

JOHN FORBES, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A John Forbes.

- Q What is your age, Mr. Forbes? A 56.
- Q Where do you live? A Fort Scott, Kansas.
- Q How long have you lived in Fort Scott, Kansas? A 33 years.
- Q Since you have been living at Fort Scott, Kansas, did you get acquainted with a colored family by the name of Holts? A Yes, sir.
- Q What was the old lady's name, if you know Mr. Forbes? A I don't exactly know what the old lady's name was.
- Q What was the children's names? A I have heard the names; well there was Mose and Josh and Mrs. Walker; well, there was one or two others.
- Q Do you know whether her name was Gallie Walker or what her first name was? A Her name was Gallie Walker.
- Q Did she marry a man by the name of Walker? A Yes, sir.
- Q Where was Walker at the time of his death, if you know? A I don't know where he died, but I was informed that he died; that I don't know where he died, away or whether he died in Fort Scott.
- Q Well, do you know whether or not she married after Walker's death? A Yes, sir.
- Q Who did she marry that time? A Man by the name of Miller.
- Q Do you remember his first name? A Well, I have heard it called Step Miller.
- Q What business did he follow? A Shoemaker.
- Q Well, did you know any of her brothers or sisters that you remember the names of? A Well, there was Bet or Bit, I think that is it; and there was Mose and Josh.
- Q Any one else you remember? A I think there was more than that.
- Q Do you know where Mose Holt is living now? A Living at Fort Scott.
- Q Do you know anything about where Josh is living? A No, sir.
- Q About when did Josh Holt move away from Fort Scott, Kansas? A Well, he moved away from there good many years ago, I don't know very well; I wasn't very well acquainted with him on that account.
- Q Well, when did the applicant, Gallie Miller now, formerly Gallie Holt, move away from there? A I could not say, I think the best of my judgment it was eight or ten years ago, but I could not--after I got acquainted with them in '70, then I was personally acquainted with them after that.
- Q Was the mother of them living there and keeping house when you got acquainted with them in '70? A I am not sure whether the mother was there, but she was there afterwards.
- Q Do you know what became of Bettie whether she is living up there or alive? A No, I do not.
- Q You don't remember what year they left but they left there a number of years after you got acquainted with them? A Yes, sir.
- MR. BRIGHTON: Mr. Forbes, you don't know where these people, any of them, were in 1866, '67 or '68, do you? A No, sir.
- Q Isn't it a fact that they came, after you knew them, that they came back and forth down here in the territory and back up to Kansas? A I didn't know anything about that; I think I heard some of them talking about going down to Fort Smith or going from Fort Smith, or something when I got acquainted with them.
- Q Fort Smith down here on the border? A Yes, sir; I wouldn't be positive of that; some little recollection in my mind but I wouldn't be positive.

JAMES BRIGHTON, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A James Brighton.

- Q Where do you live, Mr. Brighton? A Fort Scott, Kansas.



Q How long have you lived in Fort scott, Kansas? A 20 years.  
Q Since you have been living at Fort scott, Kansas, have you become acquainted with a family of colored people by the name of Holt?  
A Yes, sir.  
Q What members of the family are you acquainted with? A I know Mose, Mose lives there now, well I think anyother one, George Maybe.  
Q Did you ever know any of the girls? A Oh, I have seen them, I don't know.  
Q You are not very well acquainted with them? A I knowed Mose well and knowed where they lived well; no, I am not well acquainted with the lady folks.  
Q Did you ever know the mother? A No, sir.  
MR. BELLEFIE: You don't know where the women folks made their homes, whether they made it here and visited up there, or where they really belonged, do you? A No, sir.

WILLIAM SEXTON, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:

MR. DAVENPORT: what is your name? A William Sexton.

Q Where do you live, Mr. Sexton? A Fort scott, Kansas.  
Q How long have you lived at port scott, Kansas? A I have lived at Fort scott ever since '69.  
Q Well, since you came to Fort scott, Kansas, did you get acquainted with a colored family by the name of Holts? A I did.  
Q Did you know the mother, the old lady, or reputed mother of the family? A Yes, sir.  
Q What was her name? A Her name was Easter Holt.  
Q What were the names of the children, or as many as you can remember? A There was one by the name of Mose, Josh, and Cumsh and Jennie and gallie; that's as many as I recollect.  
Q Well, did you know gallie Holt, if she was a grown woman?  
A Sallie she was a woman when I got acquainted with her.  
Q Josh, was he grown when you got acquainted with him?  
A No, sir, he was a young man.  
Q would you know gallie Holt if you would see her now?  
A Yes, sir.  
Q I wish you would look back through the audience and see if you see her? A Yes, sir.  
Q You recognize her as being the same woman, Sallie Holt, you know?  
A Same woman.  
Q Did she marry while she was living up at port scott? A She was married when I got acquainted with her.  
Q Do you know what her husband name was? A Her husband's name was Walker.  
Q Do you know whether Walker is living or dead? A He died.  
Q Well, did she marry again? A She did.  
Q Do you know who she married? A She married a man by the name o. Miller.  
Q Do you know his first name? A Stephen.  
Q What was his business? A He was a shoemaker up there.  
Q You knew Josh too up there did you? A Yes, sir.  
Q and Tecumseh? A Tecumseh.  
Q Did you know any other girls of the family, was there any other girls that you remember? A I do not.  
Q Do you know whether or not there was a girl by the name of Bettie?  
A I wouldnt be positive but it appears to me there was.  
Q were they living in Fort scott when you went there in '69, Mr. Sexton? A Yes, sir.  
Q Well, about how long after you went there did they continue to live in Fort scott? A Now, I could not say; I didn't pay particular attention, sometime they would leave and sometimes they was there.

- Q Did they keep house while they were there? A Yes, sir.  
Q Did Sallie live there with Walker when he was living?  
A Yes, sir.  
Q Where is Mose living now? A Moses is living up there now.  
Q About how long has it been since you remember of Josh and then living in Fort Scott? A Josh hasn't been there for some considerable time.  
Q well, about how long? A It has been, I should judge, some ten or 12 years.  
Q well, how long has it been since Tecumseh has been living there?  
A She has lived there to the best of my recollection, it has been that long since I seen him there.  
Q Do you know where he went when he left there? A No, sir.  
Q You don't know whether he went to Kansas City or not?  
A No, sir, I do not.  
Q Well, how long has it been since Sallie has been living there?  
A I don't know.  
Q Has she lived there any since she and Miller married? A Yes, sir.  
MR. MELLETTE: Well, how long do you think it has been since Sallie Miller lived there regularly? A Well, now, I could not say positive, it has been since she left there regularly.  
Q Well, isn't it a fact that she was back and forth ever since you have known her, to the Territory and back to Kansas, would come down here a stay a while and go back to Kansas? A Yes, sir.  
Q That is true? A Yes, sir.  
Q You don't know where any of these people were in '66? '67 or '68?  
A No, sir; I came to Scott in '69.  
MR. DAVENPORT: And they were living there when you came?  
A They was there when I came.

Com'r Needles: This testimony will be made part of the record in Freedmen doubtful cases #953, #979, #980, #645, and in case of Bettie Hicks.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the five 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 15th, 1901.

*[Signature]*

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., AUGUST 15, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ANNA PETERSON ET AL., and HOWARD BUSHYHEAD, as Cherokee freedmen.

It appears that on July 15, 1904, the applicants and the representatives of the Cherokee Nation were advised by the Commission that the applicant would be permitted to appear before the Commission on August 15, 1904, and submit further testimony in the above entitled cause.

APPEARANCES:

Applicant, Anna Peterson, appears in person.  
Cherokee Nation by its representatives, W. W. Hastings and J. S. Davenport.

ANNA PETERSON, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Anna Peterson.  
Q What is your age? A 33 my next birth day.  
Q What is your post office address? A Claremore, Indian Territory, at the present time, my home is at Vinita.  
Q You have applied here for the enrollment of yourself and children as Cherokee freedmen? A One child, Howard Bushyhead is my brother.  
Q You applied under the name of Anna Butler? A Yes sir.  
Q You have since married? A Yes sir.  
Q What is your present husband's name? A Walter Peterson.  
Q Is he a Cherokee freedman? A No sir.  
Q State man? A Yes sir.  
Q When were you married to him? A A year ago the last 14th of April.  
Q What is the name of your father? A His name is Buck Bushyhead.  
Q What is the name of your mother? A Sarah Helt before she married.  
Q Are your parents living? A My mother is living.  
Q Your father is dead, is he? A Yes sir.  
Q How long has he been dead? A I couldn't tell you, I was small.  
Q What is your mother's present name? A Sarah Miller.  
Q Has she applied for enrollment as a Cherokee freedman? A Yes sir.  
Q Under the name of Sarah Miller? A I couldn't tell you, I don't know that.  
Q Does she go by that name now? A Yes sir.  
Q Where was you living when you can first remember? A The first of my remembrance I was at school.  
Q Where? A At Fort Scott.  
Q Kansas? A Yes sir.  
Q Where were your people living at that time, your parents? A My mother was here in the Cherokee Nation.  
Q Where was your father? A He was dead.  
Q He died when you was quite small, did he? A Yes sir.

- Q Have you any witnesses here who can testify as to your father's return to the Cherokee Nation? A Yes sir.
- Q This child Esther Owen is she living now and where? A Yes sir.

BY MR. DAVE DONT:

- Q Do you know anything Anna about when your father returned yourself? A No sir.
- Q You were not old enough to know anything about that? A No sir.
- Q Where was you born? A I think at Fort Gibson.
- Q Do you know? A No sir, I don't know.
- Q Where were your father and mother married, do you know? A No sir.
- Q You are how old now? A My next birth day I will be 33.
- Q Where were you when you could first remember? A In school at Fort Scott.
- Q Where was your mother at that time? A In the Cherokee Nation.
- Q And your father? A He was dead.
- Q Can you remember when your father or mother either were living in Fort Scott, Kansas? A No sir.
- Q Your mother married her last husband, Miller, in Fort Scott, didn't she not? A I couldn't tell you.
- Q You was old enough to remember? A I suppose so, but I wasn't there.
- Q You know where Miller was living? A Yes sir in Fort Scott.
- Q Wasn't your mother? A I don't know, I don't think so.
- Q Where was you living when your mother married Miller? A I was going to school there and come down here.
- Q How old were you when they married? A I don't know.
- Q How long did you go to school in Kansas? A I don't know.
- Q Did you go more than one year? A Yes sir.
- Q You are 33 now? A Will be next June.
- Q I will ask you if it isn't a fact that while you were going to school at Fort Scott, Kansas, your mother and her husband Miller lived there a part of or all of the time? A She didn't live there all of the time, no sir.
- Q What years were you in school at Fort Scott, Kansas? A I don't know sir.
- Q You don't mean to tell us you went to school and can't remember the years? A I went to school there, but to know the years, I don't.
- Q How old was you when you quit going to school there? A I suppose about 8 or 9 years old.
- Q You went how many years? A I don't know.
- Q You went more than one year? A I went more than one term.
- Q After you quit school in Kansas where did you go? A Came to Fort Gibson as near as I can remember.
- Q You was grown when you came to Fort Gibson? A No sir.
- Q How old were you? A I guess about 9 or 10 years old.
- Q Did you go to school any more after you came to Fort Gibson? A Yes sir.
- Q How much? A I don't know.
- Q When you came to Fort Gibson where was your mother? A She left Fort Gibson as near as I can remember, and said she was going to fourteen mile creek.
- Q Where did you next see her? A At Fort Gibson.
- Q How long after that? A I don't know sir, because I was too small.
- Q You cannot remember when you were ten years old, can you? A I can't remember everything.
- Q Can you remember seeing your father? A No sir.

This case was here continued until August 15, 1884, on notice of the Commission.

AUGUST 16, 1904.

In pursuance of continuance had yesterday, this cause was called for trial, and was resumed and concluded this August 16, 1904.

APPEARANCES:

Same as yesterday for both parties.

SALLIE MILLER, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Sallie Miller.  
Q What is your age? A 62.  
Q What is your post office address? A Vinita.  
Q You are the mother of Anna Butler, now Anna Peterson and Howard Bushyhead? A Yes sir.  
Q Buck Bushyhead was the father of these children? A Yes sir.  
Q He is dead? A Yes sir.  
Q When did he die? A He died in '77.  
Q Have you made application for enrollment as a Cherokee freedman?  
A Yes sir.  
Q Under the name of Sallie Miller? A Yes sir.  
Q Have you got any children enrolled with you? A No sir.  
Q Has the Commission taken any action in your case? A No sir.

The records of the Commission show that this witness has been listed for enrollment on Cherokee Freedmen Doubtful Card No. 648.

- Q Your parents names were Jack Miller and Raster Holt? A Yes sir, slave of William Holt, Raster was.  
Q Was Buck Bushyhead a Cherokee freedman? A Yes sir.  
Q When did you first get acquainted with him? A I was acquainted with him before the late rebellion.  
Q Before the war? A Yes sir.  
Q When were you married to him? A I don't remember just when it was, it was somewhere along in '67 or '68, I don't know just when it was, but we lived together the way people used to live together. We took up together in the fall of '68.  
Q Who did he belong to before the war? A To Mrs. Bushyhead, I don't remember her name now.  
Q Where did she live? A Somewhere on the line I think.  
Q What line? A The line of the Territory and Arkansas it seems to me, it was up about the Grove, I never was up to the house but he used to drive wagons from up there down to Fort Smith. He was hired to a man by the name of Joel Bryant and he used to stop at our house down at Webbers Falls, there is where I got acquainted with him.  
Q Was his owner a Cherokee citizen? A They say so, I don't know.  
Q Where did Buck Bushyhead go during the war? A He was a soldier at Fort Gibson in the third Indian regiment.  
Q Did he leave the Cherokee Nation? A He left here I think in '67, it was in '69 he went from Fort Gibson to Texas with a man that got the contract down there to furnish the soldiers beef in Jacksboro, Texas.  
Q What year was that? A In '69 when he left Fort Gibson and went to Texas.

- Q When did you saw you were married to him? A It seems to me it was '68 or '67.
- Q How long after the war? A It was a way after the war, I know he went up, to Fort Scott. My children were up there going to school, the Butchers hired him up there to work awhile, and told us the United States laws compelled everybody to get married, and we got married up there, I think we was up there about a month when we got married.
- Q Where did you go? A We come back down here to Fort Gibson.
- Q You think it was in '67 or '68 when you went up there? A I ain't sure just what year we were married, but we come back to Fort Gibson and he went from Fort Gibson to Texas.
- Q Do you know whether or not the trip to Fort Scott at the time you got married is the first time Bushyhead had ever been out of the Cherokee Nation? A No sir, I couldn't tell.
- Q How long about that? A No sir, but we lived in Gibson.
- Q Do you know whether or not Buck left the Cherokee Nation during the war at all? A No sir he never left during the war, he was a soldier.
- Q When is the first time he did leave to your knowledge? A When he went to Texas and we both went up to Fort Scott to take the children, I had two children and we took them to school. We went horse back, but we come right back, got an old lady by the name of Malinda Childs to take care of the children.
- Q How long did Buck stay in Texas on that trip? A He never come back to Fort Gibson I don't think until '71, because this woman that was before you yesterday she was born when he come back, she was born in '72, that woman that was before you yesterday.
- Q Anna Peterson, the applicant? A Yes sir.
- Q Where was she born? A At Fort Gibson.
- Q Is that the first child you had by Buck? A Yes sir.
- Q Where was this Howard born? A In Fort Scott.
- Q Fort Scott, Kansas? A Yes sir.
- Q How long had you been living up there when he was born? A I think I went up there in May and he was born on the 20th of July.
- Q How long did you continue to live up there after his birth? A I stayed there a little over a year, come back down to Big Creek. I stayed there and then when Buck Bushyhead went to Joplin, and he wrote for me to come up to Fort Scott, that was in the spring of '77 and his health was bad and he thought he would stay there and be doctored. That was in---I have been bothered so much my head---I will have to take my time---It was in the spring of '77 he wrote for me to come to Fort Scott, I was out on Big Creek to my uncle's, and I went to Fort Scott, and he come from Joplin and died. He was there just about five or six days, I don't know just how long, on the 28th of June.
- Q He died in Joplin? A No sir in Fort Scott.
- Q Fort Scott, Kansas? A Yes sir, he was there four or five days, and died on the 28th of June, 1877.
- Q How long had he been out of the Cherokee Nation at that time? A I don't think he was out a year to the best of my knowledge, we were both on Big Creek and he went from there to Joplin.
- Q How long before his death? A It was a year before his death.
- Q You don't know of your own knowledge you saw anything about the ownership of Buck Bushyhead before the war? A No sir, only what I heard.



- Q But you know he didn't go out of the Cherokee Nation during the war? A Yes sir I know that he didn't go out during the war.
- Q And the first time he went is when he went to Texas? A Yes sir.
- Q Except when you went to Fort Scott, Kansas? A Yes sir.
- BY MR. HASTINGS:
- Q You didn't draw any money from the Wallace court? A No sir.
- Q Didn't draw any from the Kern-Clifton roll? A No sir.
- Q You made application to all of them and they rejected you? A Yes sir.
- Q You testified in your own behalf at Chelsea on June 10, 1901, didn't you? A I don't remember that I applied there at Chelsea.
- Q You testified in your own behalf, didn't you? A Yes sir.
- Q Do you know Simon McKenzie? A Yes sir.
- Q Where did you know him? A I seen him in Vinita here, I don't know whether it was in the Clifton-Kerns--no it was in the rebuttal court.
- Q Do you know William Margrave? A Yes sir.
- Q Where did you know him? A In Fort Scott.
- Q When did you first know him in Fort Scott? A I got acquainted with him because my children boarded just a little ways from them.
- Q I am asking you when? A It was in '67 or '68, I guess I couldn't tell just when exactly, but it was in '67 or '68.
- Q Did you know John Forbes? A Yes sir.
- Q Where did you know him? A In Fort Scott.
- Q When did you get acquainted with him? A I expect it must have been about '73, '74 or '75, somewhere along there.
- Q Did you know James Brighton? A No sir.
- Q Did you know William Sexton? A Yes sir.
- Q When did you meet him and where? A I met him in Fort Scott.
- Q When did you meet him there? A I couldn't tell just what year it was.
- Q How long did you know him there? A I knew him there for quite awhile after my husband died we worked up there quite a good deal, and I knew him then.
- Q Which husband do you have reference to? A Buck Bushyhead.
- Q You were living with a man before you and Buck went to living together as husband and wife? A No sir.
- Q Never did? A No sir.
- Q Never lived with any person? A No sir.
- Q I don't mean regularly married, but didn't you have a man that you lived with as husband and wife before you and Buck lived together? A No sir.
- Q You swear that positively? A Yes sir.
- Q You are the same Sallie Miller that is found on Freedman Doubtful Card 648, and you testified before this Commission at Chelsea on June 10, 1901, three years ago? A Yes sir.
- Q Didn't you at that time testify that you and Dick Whitmire had been living together as husband and wife? A No sir, Dick Whitmire was my first husband way before the war, I have two children by him.
- Q That is what I am asking you, if you didn't have a husband before Buck Bushyhead? A Yes sir, Dick Whitmire.
- Q When did you and Dick quit living together as husband and wife? A In 1863.
- Q When did you and Buck commence living together? A In the fall of 1865.
- Q Where did you first meet Buck Bushyhead the first time? A The first time he was driving wagons from Fort Smith up to Joel Bryant's.

- Q When was that? A I don't know exactly, but before the war.
- Q When did you first go to Fort Scott, Kansas? A I think it was in '67, as near as I can remember.
- Q Who did you belong to before the war? A William Holt.
- Q Where did he live? A At Webbers Falls, he moved down there, we used to live in Flint District.
- Q Were you living at Webbers Falls when the war come up? A Yes sir
- Q What became of William Holt during the war? A I don't know, his daughter told me that they went to the Chectaw Nation.
- Q You didn't go with them? A No sir.
- Q Where did you go? A To Fort Scott.
- Q During the war? A Yes sir.
- Q What year during the war did you go to Fort Scott? A It was in '62.
- Q Why did you just now swear that you was never in Fort Scott until 1867? A I didn't know that you were going back to that time.
- Q Then you were in Fort Scott in '62? A Yes sir.
- Q And you have lived there until the present day, have you not?
- A No sir, I come to Fort Gibson in '65.
- Q You married Bushyhead in Fort Scott? A Yes sir.
- Q And you married Miller in Fort Scott? A Yes sir.
- Q And every child of yours was born in Kansas? A No sir, Mariah Wickett was born in Fort Gibson.
- Q How long had you been down in Fort Gibson when Anna was born?
- A She was born, I come back in '65 and Anna was born in '72, but I had took my oldest children to Fort Scott to school.
- Q You people along about that time, just after the war were plenty able to board children out and send them to school? A Buck worked all the time and helped me with the children.
- Q How many children did you have in 1865? A Five of Dick Whitmire's
- Q They were in Kansas going to school? A In '65.
- Q Yes? A No sir.
- Q Where were they? A They were in Kansas but not going to school.
- Q How old were they? A Nettie was born in '59 and Dick was born in '60.
- Q How does it look reasonable that when they were 5 and 6 years of age that you would leave them up in Kansas and you come here?
- A I left them with my folks.
- Q Who were your folks? A Esther Holt.
- Q Your mother? A Yes sir.
- Q And she was in Kansas? A Yes sir at that time.
- Q You continued to leave the children there? A She come to Big Creek in '66, that is when I went and got my children and brought them here to Fort Gibson, in the fall of '66.
- Q Just a little before Christmas? A It was cold weather.
- Q But you know it was in the fall? A Yes sir, I guess it was as well as I can remember.
- Q Then you brought these two children where? A To Fort Gibson.
- Q At whose home did you live in in Fort Gibson in '66? A With Mariah Wickett's.
- Q She is dead? A Yes sir.
- Q You didn't produce her as a witness did you? A No sir.
- Q How long did you live at Mariah Wickett's house? A I was there pretty near all of the time, lots of time we were camped, Buck and me.
- Q Camped? A Yes sir.
- Q You and Buck? A Yes sir.
- Q Was any of Buck's old people around Fort Gibson at that time, I mean the people to whom he belonged? A Yes sir, Jess Bushyhead was there, he got killed in Fort Gibson.



- Q What year,? A I don't know what year it was.
- Q Did you and Buck ever live in a house together at Fort Gibson?  
A Yes sir.
- Q Where? A On the south side of the railroad in a little old log house down there.
- Q On the south side? A Yes sir, and when the cholera broke out that spring on the old Shaw place and had a garden there, and that was in the spring of '67, the cholera broke out in Fort Gibson.
- Q Then where did you go? A After that when we moved back there to Fort Gibson, and right back to Mariah Wickett's in a tent close to her house.
- Q Then where did you go? A I believe the next spring is when we took the children to Fort Scott to school.
- Q In the spring of '68? A Yes sir, I think so.
- Q Who did you put them up there with? A Old Aunt Tildy Childs, an old lady I got acquainted with during the war.
- Q You just took these 8 or 9 year old children to an acquaintance and left them there? A Yes sir, during school.
- Q And you and Buck was so poor you had to live in a tent, but you took these children to school? A Yes sir.
- Q How long did you stay there at that time? A I don't think long.
- Q About a week? A Longer than that.
- Q Two weeks? A Yes, may be two months.
- Q Buck was along with you? A Yes sir.
- Q How did you go? A Horse back.
- Q Took the children? A Yes sir, he took one and I took the other.
- Q Then where did you go? A Back to Fort Gibson.
- Q Did you live in a house then? A Yes sir, the one I was telling you about.
- Q Who were your neighbors? A Charlotte Walker and old Aunt Nancy Thornton.
- Q They are both dead, arn't they? A Yes sir.
- Q You can't find anybody that was living? A Yes, I can't think of the names, John Naves, we were close neighbors to her.
- Q If that is true why didn't you bring some of them to Fort Gibson while we were there? A I didn't think I needed them because I thought everybody knew who I was.
- Q You knew that you wasn't enrolled by the Wallace court in 1889?  
A I thought it was through prejudice.
- Q You were not enrolled by the Kern-Clifton in 1896? A I have never drawn any money.
- Q If you never drew any money and were never enrolled by the Cherokees, and the Commission was setting there, didn't you think it was necessary to prove that you lived there during those years?  
A No sir, Aunt Nancy Thornton was there and tried to get me to go before you and she said she would tell you about me.
- Q You was advised that you were going to have a hard time? A Yes sir.
- Q Why didn't you bring some of the witnesses then? A I had been before the Kern-Clifton and thought it was all right.
- Q You didn't draw any money? A No but I thought I went before them and thought I was enrolled.
- Q Where was Anna Butler married? A In Vinita.
- Q When? A Something over a year ago.
- Q Was that her first marriage? A No sir.
- Q Where was she married first? A In Fort Scott, they tell me.
- Q She never saw Fort Scott, did she? A Yes sir.
- Q She was married in Fort Scott? A Yes sir, going to school there, and was married while she was going to school.

- Q What year was she married? A I don't know now, I was down in this country.
- Q Wasn't she married to a man by the name of Owen? A Yes sir.
- Q Has she got any children by Owen? A Yes sir, one.
- Q What is its name? A Esther.
- Q Where was Esther born? A In Fort Scott.
- Q What did her husband do up there? A I don't know, I didn't know him.
- Q Never saw him? A I have seen him, just passing, I went up there when Esther was born.
- Q Were they living there in Fort Scott? A No she was staying at Mr. Miller's.
- Q She was still going to school I reckon? A No sir.
- Q She had quit going to school? A Yes sir.
- Q Were they living in a house? A In Mr. Miller's house.
- Q Who was Mr. Miller? A My husband.
- Q He owned a house there, did he? A Yes sir.
- Q Where did you go from when you went up there? A Vinita.
- Q How long did Anna continue to stay up there after Esther was born? A I think about two months.
- Q Wasn't it about two weeks? A No sir two months, if not longer.
- Q Then where did she go? A Came to Vinita.
- Q Did her husband come with her? A No sir I never seen him but once.
- Q Where is her first husband? A I don't know.
- Q Is he living? A I don't know.
- Q Where is Howard Bushyhead? A He is dead.
- Q Where did he die? A He died in, I can't think the name of the place.
- Q Wasn't it in the Cherokee Nation? A No sir.
- Q Was he ever in the Cherokee Nation? A Yes sir, raised up here.
- Q When was he born? A In Fort Scott.
- Q In Fort Scott? A Yes sir.
- Q What year? A I believe it was '67.
- Q 1867? A Yes sir, as near as I can remember.
- Q You just now testified that you was at Fort Gibson during that year? A You are trying to get me mixed up. I have had catarrh and am trying to tell the truth. '76.
- Q 1876? A Yes sir.
- Q Are you certain about that? A Yes sir I am certain about that '76.
- Q He was born up there in 1876? A Yes sir.
- Q What year was you and Miller married? A It was as near as I can remember, it must have been '84 or '85, you can count it yourself, it was the first year that Cleveland was elected.
- Q You were not up there going to school that year? A I have never been to school in my life and you know it.
- Q What were you doing up there? A Working.
- Q Buck Bushyhead was dead? A Yes sir.
- Q What year did he die? A '77.
- Q Where did he die? A There in Fort Scott.
- Q In Fort Scott? A Yes sir.
- Q Living at a house, keeping house? A No I was in a house, Buck just come there, he was about 6 or 7 days before he died, he come from Joplin, Missouri.
- Q You were keeping house there? A I was staying at a house and working at a hotel.

- Q You continued to stay there and married Miller? A No sir, I come back down here between that time and the time Miller and me were married.
- Q Did you leave Howard here? A Yes sir.
- Q Did he ever see the Cherokee Nation? A Yes sir, of course he did, I think it is too bad for you to set there and question an old woman, you know I am telling the truth.
- Q When did you first bring Howard to the Cherokee Nation? A I guess he must have been about two years old.
- Q Where did you bring him? A Up on Big Creek.
- Q You didn't bring him back to Fort Gibson? A No sir because after his father died I worked out, just nothing but the truth, I had to work for my children and I don't deny being in Kansas. All I stayed in Kansas for was just while I was working.
- Q Are you and Miller living together now? A We are man and wife, but he aint here.
- Q Where is he? A In Alton, Illinois, with his son.
- Q When did you quit living together? A About three months ago.
- Q You quit up at Fort Scott then? A How could I quit in Fort Scott living right here in Vinita for 18 or 19 years.
- Q You have been living in Vinita for 18 or 19 years? A Yes sir.
- Q When did you and he marry? A I think in '84.
- Q How long did you stay there after marrying before coming to Vinita? A We stayed there about six months, Buck Bushyhead had a house built on Verdigris right where Steeve Looney lives.
- Q Wasn't Buck Bushyhead sometimes known as Charlie Walker? A Yes sir.
- Q Same fellow? A Yes sir he changed his name up on Big Creek, he got into trouble.

BY THE COMMISSION:

- Q You testified you were married to Buck Bushyhead at Fort Scott?  
A Yes sir.
- Q It seems that when you first made application to the Commission you stated that you was married to Buck Bushyhead at Fort Gibson in 1865? A We didn't marry, we called it marrying.
- Q Listen at this: "Who was the next man you lived with? Buck Bushyhead. When were you married to him? In the winter of '65. Where at, in Kansas? No sir, in Fort Gibson." A Yes sir that is when we took up together.
- Q But you were not legally married until after that? A No sir.
- Q How long had Buck Bushyhead been out of the Cherokee Nation when he died? A I guess after he went to Texas, it was '70, I guess when he left here and then he come back. No he was away from here I think a year because when he come back, this Anna Petersen was just about three weeks old when he come back from Texas.
- Q After the war up until Buck Bushyhead died, did you and he have any home in the Cherokee Nation? A Yes sir had this home that he made out here on Big Creek, the house he built there.
- Q When did he build that house? A I think it was, he went from Fort Gibson, I think in '67. He had some trouble down there and he went out there and built and that is how come him to change his name to Charlie Walker.

BY MR. HASTINGS:

- Q He died in 1876? A 1877.
- Q Then for ten long years you never saw this house on the Verdigris?  
A We lived in the house.

- Q You never did see it, did you? A Yes sir.
- Q Where was it? A You know where Steve Looney and his step-son, Dave Ross.
- Q You mean he just went out there and built a log house and never lived in it for ten years? A No sir.
- Q Any one else ever live in it? A Dave Ross took the house.
- Q Just moved into it and took it? A Yes sir.
- Q Always kept it? A I don't know.
- Q You never got it back? A No sir.
- Q What did you sawy that Buck Bushyhead went to Texas? A It must have been along in '71.
- Q I thought you said '67 awhile ago? A No sir, he was living right here in Fort Gibson then.
- Q You didn't go with him to Texas? A No sir.
- Q How long was he gone? A He must have been gone about a year, may be later, because Anna was about three weeks old when he come back.
- Q But you thought he was gone a year? A Yes sir.
- Q May be a little over? A I aint certain, I think so.
- Q When he come back Anna was about three weeks old? A Yes sir, about three weeks old.
- Q How long after that when you went to Fort Scott? A We went there to take the children before he went to Texas.
- Q When did you go after he come back from Texas? A I guess it must have been about five or six months after that, it was longer than that, I couldn't tell just exactly but it was in '77 when he died and he had went from Big Creek about four or five months to Joplin and then come to Fort Scott and died.
- Q Did you know Sam Bruner up there? A Yes sir, I think Buck worked for him.
- Q A number of years didn't he? A He might have.
- Q How could he work for him and not have been there according to your testimony? A I didn't say he stayed here all the time.
- Q How long did Buck Bushyhead live in Fort Scott, Kansas, to your knowledge prior to his death? A Pret near every time we went up there he would go to work. He was a butcher and they would hire him to work.
- Q You never did have any home in the Cherokee Nation before Buck's death? A None but the place I told you about.
- Q You never occupied it? A No sir, we had stock there.
- Q What stock? A Two cows.
- Q You don't mean to tell this Commission that as poor as you were that you had cows up there at that new place where you never stayed? A Yes sir.
- Q What become of those cows? A I don't know, and he had hogs there to.
- Q What become of your hogs? A I don't know.
- Q Did he have any there where he died? A I don't know.
- Q You have just stated that you come there directly after his death didn't you look after it? A I don't know.
- Q Why didn't you look after your property? A I never do look after any of the outside work.
- Q You were so reckless and extravagant with property that you never paid any attention to it? A No sir I never paid any attention to it.

BY THE COMMISSION:

- Q Do you want to make any explanation as to why you didn't live in this house? A He never finished it, a man got killed in Geffeyville, a white man, and a friend to this man Buck had trouble with in Fort Gibson, and they come up there and were watching him up there and that is why he left.

Q Was waylaying Buck? A Yes sir, and that is why he changed his name to Charlie Walker.

BY MR. HASTINGS:

Q Then you never lived out there any more because he was afraid to, is that correct? A No he never lived out there.

Q Never lived in the Cherokee Nation any more? A Yes sir, he did, but like a good many people he was always on his guard.

JANE MACKAY, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A Jane Mackey.

Q How old are you? A About 56.

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

Q Are you a Cherokee freedman? A Yes sir.

Q Do you know the applicant in this case, Howard Bushyhead and Anna Butler or Anna Peterson? A What Bushyhead.

Q Howard? A Yes sir, I knew Buck Bushyhead.

Q But you don't know these applicants, Howard Bushyhead and Anna Peterson? A Yes sir, I knew Howard.

Q When did you first get acquainted with Buck Bushyhead? A I knowed him all my days.

Q When did you first know him, when you could first remember?

A Yes sir.

Q Was that before the war? A Yes sir.

Q Where were you and Buck living then? A I was living in Flint District.

Q Flint District, Cherokee Nation? A Yes sir.

Q Where was Buck living? A Up above there somewhere, I don't know where, on old Mrs. Bushyhead's place, I guess, same district.

Q What Mrs. Bushyhead's? A She had a son named Dennis and Jess. They were Cherokee citizens? A Yes sir.

Q Was Buck a slave of that family? A Yes sir.

Q Do you know whether or not Buck went out of the Cherokee Nation during the war? A He was a teamster in the company with my father. My father was a soldier and he was a teamster.

Q Do you know whether Buck Bushyhead went out of the Cherokee Nation during the war? A No sir I don't know.

Q When did you first see him in the Cherokee Nation after the war?

A It was in '95.

Q You mean 1895? A I saw him, I couldn't---

Q About how long after the war was it? A It was n't very long after the war, my father died at the end of the war, the year of peace, surrendier, and Buck was there then because he helped bury my father. I remember that and then he went off, said he was going to Texas and when he come back said he was going up on Grand River, and after that I don't know where he went.

Q Where did your father die? A In Fort Gibson in the garrison.

Q Was Buck married then? A He had a wife, they called his wife.

Q Who was that? A Sallie Miller there.

Q This Sallie Miller who has just been on the stand? A Yes sir.

Q How long after that was it until Buck went to Texas? A I couldn't tell when Buck went to Texas, and couldn't tell when he come back, and he went on Grand River after he come back.

Q And you never saw him after he went up on Grand River? A No sir.

Q You don't know where he lived after that time? A No sir.

BY MR. HASTINGS:

- Q Did Buck ever live in a house at Fort Gibson? A Yes sir.
- Q Where? A In a house in the old town.
- Q On what side of the railroad track now? A Railroad on both sides now, where old Mariah Wickett's house was.
- Q What year did he live there? A I can't tell you, I don't remember.
- Q What year is this? A 1804 aint it.
- Q 1804? A Yes sir.
- Q When did this woman come and get you as a witness in this case? A Come week before last.
- Q There at Fort Gibson? A Yes sir.
- Q Come and tell you she wanted you as a witness? A Yes sir.
- Q Have you lived at Fort Gibson all the time since the war? A Yes sir, I have.
- Q How long did Buck Bushyhead live there after the war, three weeks? A Longer than that.
- Q Do you know? A I couldn't tell you, a good while.
- Q Your best judgment? A He was gone about a year to Texas.
- Q How long did he live at Fort Gibson? A He was there about two or three years I reckon, I guess---
- Q Do you know? A I saw him there about that long.
- Q Who was he living with when you saw him? A They lived awhile at the old Shaw place across the river.
- Q That wasn't in Fort Gibson? A That was a cross the river, but just about how long Buck stayed in town I couldn't tell.
- Q Did they have any children when they were there? A I recollect two little children.
- Q A boy and a girl? A Yes sir.
- Q Which is the older of these children, the boy or the girl? A I don't know, I can't tell you.
- Q Was there much difference in the age? A Yes sir I reckon, looks like, may be might be two or three differences in the age, small children.
- Q These were children of Bucks by this woman? A I don't know said to be Buck's children, they called him father.
- Q He recognized them as his children? A Yes sir.
- Q She recognized him as the father of them? A Yes sir.
- Q Do you know whether they called one Howard? A Yes sir, they called one Howard.
- Q Where was Howard born? A I don't know.
- Q What was while they were living at Fort Gibson? A Yes sir.
- Q You saw Howard living there with them and this girl? A I saw her two children there at Fort Gibson.
- Q Was one named Howard? A Yes sir.
- Q Did it ever occur to you that Howard wasn't born until twelve years after the war? A I can't tell you that.
- Q Then you are mistaken? A I guess if he was, I am mistaken.
- Q According to this record Howard Bushyhead was born in 1876 or 1877. Buck Bushyhead wasn't living there that late was he? A I don't know, I have told you as near as I can.
- Q You don't know do you? A No sir.
- Q You don't know where Howard was born do you? A No sir, I don't.
- Q You must be mistaken about seeing him then? A I saw the children all right.
- Q Were they living in the house there? A Yes sir, I don't know whether it was there house, it was when Mariah Wickett---
- Q They were living there with these children? A She had them children.



- Q At that time? A When she was there.
- Q If she swears that she didn't, she is mistaken isn't she, the mother? A I guess so, I am telling you as near as I know.
- Q Do you know where Anna was born? A No sir.
- Q You never saw her in your life until you come here to testify?
- A Yes sir, I did, after they left and went off, he said he was going up on Grand River, and I never saw them any more.
- Q How big was Howard when you last saw him? A A small child.
- Q Two or three years old? A If that is the child, it was.
- Q You said they called his Howard? A They did.
- Q Do you know what they called the others one, Anna? A They called her Pet I believe.
- Q You don't know where she was born? A No sir.
- Q Do you know which is the older, the boy or girl? A No sir.
- Q Did Buck Bushyhead ever go to Texas? A He said he was going to Texas, I don't know where he went.
- Q Did he take his wife and these two children with him? A I don't guess his wife knew he was gone.
- Q Why do you think that? A He left his wife and went away.
- Q Did he leave these two children there? A Yes sir.
- Q How long was he gone? A About a year I expect.
- Q How do you know he left his wife, did you see her? A Yes sir.
- Q While he was gone? A The way I know she stayed with mother.
- Q While Buck was gone to Texas? A He was gone, I don't know where.
- Q She said he was gone to Texas? A Yes sir.
- Q During part of this time, Sallie Miller now, stayed with your mother? A Yes sir sometimes, she stayed with several.
- Q You were with your mother at that time? A Yes sir.
- Q And she had these two children, did she? A She had one of them with her most of the time.
- Q Which one, Howard or Anna? A I disremember which one, she had one I remember that.
- Q You don't know whether it was a girl or boy? A No sir.
- Q You don't know whether it was Anna or Howard? A No sir.
- Q How long after the war was that? A It wasn't very long.
- Q About how many years? A It was about two or three years I expect.
- Q Is that your best judgment? A Yes sir.
- Q Don't you know that neither of them were born until about 6 or 7 years after the war? A It may have been longer, I might have been mistaken.
- Q But you know this man was gone to Texas? A He said so.
- Q You don't know now whether he left any children there or not, do you? A I know she had children.
- Q Were they his? A She said so.
- Q They were said to be his children? A Yes sir Buck Bushyhead.
- Q They had two children when he went to Texas? A I don't know she had only one was born after the father went away.
- Q One was born before hand and one after he went away? A I think so.
- Q How long was Buck gone to Texas? A About a year.
- Q Did he ever come back there? A Yes sir he come back and left again and went up on Grand River, I think it was Grand River.
- Q How long did he stay there when he come back? A He didn't stay but five or six months, because he said he was going up on Grand River to get a place.
- Q Did he get a place? A I never saw him any more.
- Q He never come back to Fort Gibson after that? A I didn't see him.
- Q What became of this woman, did he take her? A Sallie went off too.

- Q Did they go off together? A I didn't see them when they went off.
- Q How many children did she have by Buck Bushyhead when they went off? A I don't remember Mr. Hastings, how many they had, whether just two or not, I know she had two they said was Buck's.
- Q What year was it they left Fort Gibson after the war? A I couldn't tell you.
- Q Don't have any idea about that? A No sir.
- Q You don't know how many years after the war when it was they left Fort Gibson? A No sir.
- Q Can't you form any idea at all? A I couldn't and tell you the truth.
- Q I know you may not be absolutely correct or exact. Your best judgment as to how many years after the war it was before they left? A Might have been two or three years.
- Q Is that your best judgment? A Yes sir.
- Q That was the last time you saw them at Fort Gibson? A Yes sir.
- Q And that was two or three years after the war? A Yes sir.
- Q In the meantime Buck had been to Texas about a year? A Yes sir that is what he said.
- Q Before that this woman had two children born by him, Howard and Anna? A Yes sir.
- Q And they were both born there at Fort Gibson? A One was born there to my knowing.
- Q Was the other one born there? A I don't know sir.
- Q Both born when they left there? A Yes sir.
- Q Then if Sallie Miller says that they were born about ten years after that she is mistaken isn't she? A I guess so her or me one is bound to be mistaken.
- Q You never saw them upon the river, anywhere living up there?
- A No sir I never went up there.
- Q You never saw them at any gathering for two or three years after the war? A I never went to none.
- Q You never saw Buck Bushyhead back at Fort Gibson after that?
- A No sir.
- Q You never saw this woman back there after that? A Yes sir.
- Q When did you next see her? A A good while after that.
- Q After Buck's death? A No sir not till after he was dead.
- Q Until after she had married again? A I saw her before she married.
- Q Do you know where she married the last time? A No sir.
- Q Do you know where Buck died? A No sir, I don't know where he died.
- Q You never heard of him dying up at Fort Scott? A I might have.
- Q Well did you? A No sir not as I know of, I know---
- Q Sallie Miller never told you when she wanted you as a witness that Howard was born at Fort Gibson in 1876 or 1877? A No sir she never told me where none of them were born, I am telling you the truth Mr. Hastings.
- Q What is your father's name? A His name is Charles Timberlake.
- Q Where did he die? A In the garrison at Fort Gibson.
- Q During the war? A The end of the war.
- Q About the time the war closed? A Yes sir.
- Q Before peace was declared? A Yes sir.
- Q That was before the soldiers were disbanded? A Yes sir.
- Q Do you know where Buck Bushyhead and this woman was married?
- A No sir I don't know anything about that.
- Q When did you first see this woman during or after the war, Sallie Miller? A She was in Gibson just after the war, but was not in Gibson during the war.



- Q How long just after the war was it before you saw her? A I saw her just after war, she was there all of the time.
- Q She was living there with her mother? A I don't know her mother.
- Q Was she and Buck living there together during the war? A Yes sir
- Q Kept house together? A With Mariah Wickett.
- Q During the war? A Yes sir and after peace was declared too, just after the war.
- Q Don't you know she had another husband during the war by the name of Dick Whitmire? A I didn't know him.
- Q If she testifies that she never lived with Buck Bushyhead until after the war, she is mistaken is she? A She knows, I don't.
- Q Then do you know that she lived with Buck Bushyhead during the war? A Yes sir.
- Q Where at? A At Gibson, she says so, they was in a house with me.

BY THE COMMISSION:

- Q Do you know whether this woman had any children by Dick Whitmire? A No sir, I don't know that.

BY SALLIE MILLER:

- Q Do you remember that I lived there with your mother? A I told them that.
- Q I had two children? A You stayed awhile with us but Buck wasn't there, that is the time Buck was gone.
- Q And you know they were good size children? A That is what I told them.

THOMAS WALKER, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Thomas Walker.
- Q What is your age? A 50.
- Q What is your post office address? A Fort Gibson.
- Q Are you a Cherokee freedman? A Yes sir.
- Q Do you know Anna Peterson or Anna Butler, and her brother Howard Bushyhead, children of Sallie Miller and Buck Bushyhead? A I know Buck.
- Q Don't know the children? A No sir.
- Q When did you first get acquainted with Buck Bushyhead? A Time of the war at Fort Gibson.
- Q Were you living there then? A Yes sir.
- Q Was Buck living there? A Yes sir.
- Q Was Buck the slave of a Cherokee citizen? A I don't know sir.
- Q You didn't know him during slavery? A No sir.
- Q What was he doing when you first knew him during the war? A A teamster for the Union, he was with the army.
- Q How long did you continue to know him there at Fort Gibson during the war? A I got acquainted with him about '63 I reckon, from that or up until he left there, left Fort Gibson, I seen him all the time.
- Q When did he leave Fort Gibson? A He left about '71
- Q Do you know where he went? A No more than what I heard him say that he was going to Texas.
- Q That is the first time he left Fort Gibson to your knowledge? A Yes sir to my knowing.
- Q Did you ever see him again? A Yes sir when he come back.
- Q When was that? A Pretty shortly afterwards, I don't know exactly what year.

- Q About how long afterwards? A He left Fort Gibson after the war, he was working for a butcher and the butcher went to Texas and got killed and Buck come back and stayed here awhile and went to Kansas, and I haven't seen him since.
- Q Was he married when you first know him there in Fort Gibson?
- A Yes sir.
- Q Who was he married to? A His wife was now Gollie.
- Q This woman here, Gollie Miller? A I couldn't tell whether she is the woman or not, I was just a tot.
- Q You don't remember whether this woman was his wife or not? A No sir.
- Q Did they have any children at that time? A Yes sir.
- Q Boys or girls? A I remember I believe, two girls to the best of my knowledge.
- Q Do you remember there names? A No sir.
- Q Two girls and one boy? A I don't remember whether there was a boy or not, I remember seeing two girls.
- Q About how old were they? A They were small, smaller than I was.
- Q Did Buck Bushyhead own any home there in Fort Gibson when you knew him? A Not as I know of, he was working around there by daily labor by the month.
- Q About how long did his wife and children continue to live there?
- A I couldn't tell you that, I am not able to tell.
- Q Did they leave before Buck went to Kansas or afterwards? A Yes sir they left before he went to Kansas.
- Q Do you know where they went? A No sir.
- Q Did Buck go with them? A No sir.
- Q He stayed in Fort Gibson? A Yes sir.
- Q ~~Amn~~ Do you remember when Buck went to Kansas? A About the latter part of '71 I reckon or first of '72.
- Q And you know nothing about him since that time? A No sir.
- Q Don't know whether he is living or dead? A No sir.

BY MR. JASTINGS:

- Q Tom where did you live during the war? A I lived in Fort Gibson.
- Q Did you live there immediately after the war? A Yes sir.
- Q How long did you continue to live in Fort Gibson after the war? A I have been living there ever since the war.
- Q In the town? A No sir.
- Q Were you living in the town the first years after the war? A No I never lived in---I lived in town twomonths when I first come to Gibson, that is all I lived in town, I lived out on the edge and in the country like.
- Q How far do you live from town? A I have been living in a mile and a half of town.
- Q The first years after the war, in 1866, '67, and '68, where were you living? A I was living there close to Mr. Billy Ross's.
- Q How far from town? A I don't know whether that is in town or not.
- Q How far was it from the then town of Fort Gibson? A It was about 400 yards I reckon, quarter of a mile.
- Q Did you live there for three or four years? A Yes sir.
- Q When did you first see Buck Bushyhead with a wife? A I saw his wife but never saw him with her, we all lived close together out on the edge of the bottom, and an old Cherokee woman by the name of Mariah Wickett lived beyond us a little piece, and there was a woman there and I was told that that was Buck's wife.
- Q How long did she live there? A I don't know when she left.
- Q Your best judgment as to how long she lived there? A I don't know when she went to Aunt Mariah's, and I don't know when she left.

- Q How long did you know her to live there? A I saw her there lots of times.
- Q How long did you know her to be there? A To the best of my knowledge five or six months.
- Q That is all that you knew about her there? A Yes sir.
- Q Then she went away somewhere? A Yes sir.
- Q When did you know her there, what year? A It was in '65.
- Q You knew her there five or six months, and that was the last you saw of her? A Yes sir.
- Q Is that the year you saw Buck Bushyhead there? A Yes sir.
- Q You never saw him after that? A Yes sir lots of time after that.
- Q But you never saw this woman? A No sir.
- Q She wasn't there? A No sir.
- Q Did you understand that she had gone to Kansas? A No sir I never heard where she had gone.
- Q Buck never had any children by her in 1865 did he? A I don't know, I am not able to tell that.
- Q You know that Buck never lived with this woman around there after that? A No sir.
- Q You say Buck left about what time and went to Texas? A He left about that time in '71 I believe, '70 or '71.
- Q From 1865 up to 1870 or 1871 never saw this woman? A No sir.
- Q You never saw any children? A No sir.
- Q Buck never had any children there? A Not to my knowing.
- Q Do you think Buck stayed there all the time from 1865 to 1870 or 1871? A He might not have stayed there all of the time but I remember of seeing him often and on.
- Q But you never saw the woman? A No sir but he stayed there part of the time.
- Q When he left there in 1870 or '71, you never saw him any more?  
A He went to Texas and come back and I saw him.
- Q How long was he gone to Texas? A About a year I guess.
- Q You didn't see the woman there when he come back? A No sir.
- Q Where did Buck stay when he come back? A I don't know where he stayed, he didn't stay there long when he come back.
- Q About how long did he stay? A About a week or such a matter.
- Q And then just passed on? A Yes sir.
- Q Didn't you understand he went to Port Scott? A He went, he come back my mother borrowed a dollar from him and when he come back from Texas he come back by there for it about 7 or 8 o'clock in the evening, he told her he would like to have it, that he was going to Kansas.
- Q He didn't have a wife there with him then? A No sir.
- Q Did he say his wife was in Kansas? A I didn't hear him say anything about his wife.
- Q He went off to Kansas did he and you never say him after that?  
A No sir.

SALLIE MILLER recalled:

BY THE COMMISSION:

- Q Did you have any children by Dick Whitmire? A Yes sir.
- Q You were married to him when? A Before the war.
- Q When and where were those children born? A They were born at Webbers Falls.
- Q When? A One was born in '59 and the other was born in '61.
- Q You just had two children by him? A Yes sir.
- Q When and where were your children by Buck Bushyhead born? A The first one at Port Scott in '72.
- Q Those children by Dick Whitmire, did they continue to live with you until they were grown? A Yes sir they stayed with me in Kansas.

BY MR. HASTINGS:

- Q I thought in 1867 or 1868 you took them to Fort Scott? A While they were out of school they lived there in Fort Gibson with me.
- Q Were these boys or girls? A Girl and a boy.
- Q One named Howard? A No that was Bushyhead.

BY THE COMMISSION:

- Q When did Howard Bushyhead die? A It will be two years the 17th of this coming October.
- Q October, 1904? A Yes sir.

SIMON MCKINZIE, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY THE COMMISSION:

- Q What is your name? A Simon McKinzie.
- Q What is your age? A 63.
- Q What is your post office address? A Prior Creek.
- Q You are a citizen by blood of the Cherokee Nation? A Yes sir.
- Q Do you know the applicants in this case, Anna Butler or Anna Peterson, and Howard Bushyhead, children of Sallie Miller and Buck Bushyhead? A I knew Buck Bushyhead.
- Q When did you first know him? A In Fort Scott, Kansas.
- Q When? A I first got acquainted with him was when we got discharged in Fort Leavenworth, and come on back to Fort Scott in '65, in August.
- Q That is when you knew him? A Yes sir.

BY MR. HASTINGS:

- Q In what army were you, in the Union army? A Yes sir.
- Q You were discharged at Fort Leavenworth, Kansas? A Yes sir.
- Q When did you come to Fort Scott, Kansas? A In '65 in August.
- Q Did you know Buck Bushyhead at Fort Scott, Kansas? A Yes sir.
- Q Was he a colored man? A Yes sir.
- Q When did you first get acquainted with him? A Short time after I come to Fort Scott in August.
- Q About how long after you went there in August of 1865? A In a week or so, we went to work there.
- Q What was Buck Bushyhead doing when you knew him there? A He wasn't doing much of anything, he was then like the rest of them lived about part of the time and worked about town and took a little drink of whiskey.
- Q Did you understand that he was formerly owned by the Bushyhead's in the Cherokee Nation? A No sir.
- Q Didn't he tell you that he had been owned down here by Bushyhead before the war? A Never told who had owned him, I knowed he was a Cherokee darkie.
- Q How long did you continue to know him there in Fort Scott, Kansas? A From '65, that time, until '68, and he got to working for a butcher in Fort Scott, for Sam a butcher in Fort Scott.
- Q Sam Bruner? A Yes sir, driving a team for him, I passed right by the shop every night and morning.
- Q How much longer did you know him there? A Often and on until '68, '67, '68, and '69, I left there and come home and he was still there.
- Q Buck Bushyhead was still there was he? A Yes sir.
- Q You left him there? A Yes sir.

- Q Did you see him frequently then, between say 1865 when you first knew him until you left there in 1868? A Yes sir, often and on, passed right by the butcher shop every morning, I lived in the east of town and the butcher shop was in the west of town.
- Q You never missed him for any length of time? A No sir.
- Q You didn't know his wife? A No sir.
- Q You didn't know anything about his family? A No sir.
- Q Did you ever see him after that time, after you left and come off down here? A No sir, I don't recollect of seeing him any more.
- Q But you saw him frequently as you passed backwards and forwards? A Yes sir, during that time.
- Q Just like you saw any other man? A Yes sir, when I come back home I went out west, didn't come to Fort Gibson.
- Q What time did you leave Fort Scott in 1868? A Along it must have been during the spring of '68.
- Q And you swear that Buck Bushyhead was butchering there at that time? A Yes sir.
- Q He said he was a Cherokee darkie? A Yes sir, I knew him by the language, he talked it.
- Q You talked Cherokee and so did he? A Yes sir.
- Q And that made you talk a good deal together? A Yes sir.
- Q He talked Cherokee language, did he? A Yes sir.
- Q That is how you happen to know he was a Cherokee darkie? A Yes sir.
- Q Do you know whether or not he was in the war? A I don't know.
- Q About how old was he when you first knew him? A I don't believe I could give any idea.
- Q Was he older than you? A I think he was, I know he was.
- Q You first knew him there in what year? A In '65.
- Q And he continued to live there all the time until you left in 1868? A He was there all the time.
- Q After you left Fort Scott in 1868 did you ever see Buck Bushyhead any more? A No sir, I went out west when I come here and didn't go to Vinita or Gibson.
- Q Did you ever hear him say anything about having a family at that time? A No sir.
- Q Do you know where he come from when he come to Fort Scott? A I don't know but he come from the Cherokee Nation, because he was a Cherokee darkie.
- Q But you don't know where he come from? A No sir.

BY SALLIE WILLER:

- Q You say you were a soldier? A Yes sir.
- Q What regiment? A Second Kansas Battery, Light Artillery.

BY THE COMMISSION:

- Q Did this Buck Bushyhead ever go by any other name while he was there? A If he did I never heard of it.
- Q Did you ever hear of more than the one Buck Bushyhead? A No sir.
- Q Never knew any other darkie by that name? A No sir.

This case was here continued to September 21, 1904.

SEPTEMBER 21, 1904.

In pursuance of continuance heretofore had on August 16, 1904, this cause was on this date called for further hearing.

APPEARANCES:

Applicants by their mother, Sallie Miller, and attorneys, Blue & Bucger.  
Cherokee Nation by its representative, J. S. Davenport.

SALLIE MILLER, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A Sallie Miller.  
Q What is your post office address? A Vinita.  
Q How old are you? A 62.

BY MR. BULGER:

Q You are the mother of this Anna Butler and Howard Bushyhead?  
A Yes sir.  
Q Who is their father? A Buck Bushyhead.  
Q Was he a slave of a Cherokee at the commencement of the rebellion?  
A Yes sir.  
Q Whose slave was he? A Jess Bushyhead's.  
Q In what District did Jess Bushyhead reside? A I think in Goingsnake District near the line as near as I can remember, we were not married then.  
Q Were you acquainted with him at that time? A No sir I was just acquainted with him in passing by where I lived, they used to haul goods up from Fort Smith upon Grand River to Bryant's.  
Q When did you and Buck marry? A I don't know whether it was in '68 or '69.  
Q After the war? A Yes sir, when we were married legally.  
Q Had you been living together before that? A Yes sir.  
Q Was Anna Butler born before you and he were married? A No sir.  
Q Was Howard Bushyhead born before? A No sir.  
Q They were born after the war? A Yes sir.  
Q Did Buck Bushyhead go out of the Cherokee Nation during the war?  
A No sir he was a soldier and he was right here in the Territory.  
Q Where was he located as a soldier? A At Fort Gibson.  
Q All during the war? A Yes sir.  
Q How long did he remain at Fort Gibson after the war, if he did?  
A He remained there until '67 right in Fort Gibson.  
Q Was he in the Cherokee Nation in the year 1866, in August? A Yes sir, right in Fort Gibson.  
Q Did you see him at that time? A We were living together as man and wife, we took up together in the fall of '66.  
Q Did Buck Bushyhead go out of the Cherokee country after that time?  
A Yes sir, I think about '68 or '69, he went to Texas.  
Q Did he return to the Cherokee Nation? A Yes sir.  
Q About when? A When he came back from Texas he stepped over in Fort Gibson.  
Q When was that? A That was in '72.  
Q Did he ever leave the Cherokee Nation after that time? A Yes sir.  
Q Did he ever return after that? A No sir he died in '77 in Fort Scott, Kansas.



BY MR. DAVENPORT:

- Q Were you raised in the Cherokee Nation? A Yes sir.  
Q When did you return to the Cherokee Nation? A In the fall of '65.  
Q Who was with you? A My sister, Bettie, I come back with a man in a hack by the name of Sandy, he brought us from Fort Scott.  
Q How long did you stay before you went back to Kansas, if at all?  
A I went back in '68 I think.  
Q When did you return to the Cherokee Nation after 1868? A I don't know, I come back in '69.

BY THE COMMISSION:

- Q When did you first get acquainted with Buck Bushyhead? A I couldn't tell you just exactly when, but before the war I was living down to Webbers Falls.  
Q Who did you saw owned him at the beginning of the war? A Jess Bushyhead.  
Q Where did he live? A As near as I can remember it was in Going-snake District near the line.  
Q Was Jess Bushyhead a Cherokee Indian by blood? A Yes sir.  
Q Both Anna Butler and Howard Bushyhead were born in Kansas? A No sir, Anna was born here at Fort Gibson.  
Q When did you go to Fort Scott? A I think it was along about in '72 in the fall, cause Anna was a baby.  
Q How old is Anna now? A I think she is 32 years old.  
Q Which is the oldest, Anna or Howard? A Anna is the oldest.  
Q How old is Howard? A I think Howard would have been 27 the 20th of last June.  
Q When did Howard die? A The 18th of last December a year ago.  
Q 18th of December, 1902? A Yes sir, I sent an affidavit here.  
Q Where do you saw Howard was born? A In Fort Scott.  
Q How long did you live in Fort Scott? A I lived there, I don't know how long, I worked there after my husband died, I come down in the Nation and come down here to work after he died.

CHLORA FOREMAN, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Chlora Foreman.  
Q What is your age? A About 53.  
Q What is your post office address? A Vinita.  
Q Did you know a man by the name of Buck Bushyhead? A Yes sir.  
Q Was he a colored man? A He was part colored and part Indian.  
Q Was he a slave before the war? A I guess he was.  
Q Do you know? A Yes sir, he belonged to the Bushyheads'.  
Q Do you know that? A Yes sir.  
Q What Bushyhead did he belong to? A He belonged to Jess Bushyhead.  
Q Where did you live before the war? A On Cabin Creek.  
Q Were you living there when the war come up? A Yes sir.  
Q Where was Buck Bushyhead when the war come up? A I don't know where Buck Bushyhead was, when I met him he was at Gibson.  
Q When? A In the time of the war.  
Q Then you don't know anything about Buck Bushyhead before the war?  
A No sir.  
Q And you can't testify as to when he belonged to of your own knowledge? A No sir, only by hearing people say he belonged to Jess Bushyhead.  
Q It is merely hearsay on your part? A Yes sir.

BY MR. BULGER:

- Q You say you saw Buck Bushyhead during the war in Fort Gibson?  
A After the war.  
Q What was he doing in Fort Gibson? A When I first got acquainted he was driving for Mr. Percival.  
Q What was he doing? A Working in a store.  
Q Did Percival run a store in Fort Gibson? A Yes sir.  
Q What year was this that you knew Buck Bushyhead in Fort Gibson?  
A In '66.  
Q How long did you know him to work in that store at Fort Gibson after 1866? A I don't know sir just exactly it seems to me like he worked there a year or two years, I don't know which, I worked at the house and he worked at the store.  
Q Your worked for Percival yourself? A Yes sir.  
Q Was Buck Bushyhead working for Percival in August, 1866? A I couldn't tell the date.  
Q Well in the summer of 1866? A Yes sir.  
Q After that he worked a year or such a matter? A Yes sir.

BY MR. DAVENPORT:

- Q Did you know Jess Bushyhead's daughter, it is now Mrs. Quarrels and a sister of Aunt Liddie Alberty, who now lives at Tahlequah?  
A Yes sir, I used to know the children, but I forget the names it has been so long.  
Q Do you remember when one of the Bushyhead girls died in Fort Gibson just after the war? A Carrrie Bushyhead, I knowed her.  
Q Did you ever know anything about Jess Bushyhead's family before the war? A No sir.  
Q Who were you raised with and belonged to, if any one, when the war broke out? A I belonged to Dave Landrum.  
Q You lived in the northeastern part of the Cherokee Nation then?  
A Yes sir.  
Q And you don't know where Buck Bushyhead lived when the war broke out? A No sir.  
Q You are the wife of Luster Foreman? A Yes sir.  
Q When Percival commence his business at Fort Gibson, Indian Territory? A He had a store there at the close of the war.  
Q Are you positive that this man Percival who ran a store at Fort Gibson was in business in Fort Gibson in the year 1866? A Yes sir.  
Q How long had he been in business before that year? A I don't know sir.  
Q Don't you know that he didn't open up his business there until the year after the cholera broke out in Fort Gibson? A As far as I can remember it seems to me like it was before the cholera broke out.  
Q When did you go back to Fort Gibson? A I got back just when peace was declared.  
Q Did you go out during the war? A Yes sir.  
Q What year was it you worked for Percival? A I am not educated, it was in '66, when I and Buck worked for him, they said it was.  
Q How long had you been back to Fort Gibson before your worked for Percival? A A year.  
Q You had been back more than a year hadn't you? A I believe it was before I worked for Mr. Percival, two years, I was there before the cholera at Fort Gibson, just at the close of the war.  
Q You was back and say Buck and you both worked for Percival?  
A Yes sir, I worked at the house and he worked down at the store.  
Q Did percival have a family? A Yes sir.  
Q What was his wife's name? A Millie Pettit, was her name, Bill Pettit's sister.



- Q Where is she living? A She is dead.  
Q Did he have any other family? A No sir.  
Q Had you seen Buck Bushyhead in Fort Gibson before he commenced working for Percival? A Yes sir, I have seen him around there with the Cherokees, but I wasn't acquainted with him then.  
Q How old were you when the war closed? A I don't know sir.  
Q How old are you now? A They say I am about 53, my young mistress says.  
Q Were you a grown young woman when the war closed? A No sir, I was a young woman.  
Q What kind of work did you do at Percival's? A Cooked, it was before I married Luster, we were married in '67.

BY THE COMMISSION:

- Q Are you on the 1860 roll? A Yes sir.  
Q Your husband on the 1880 roll? A Yes sir, he is dead.  
Q Do you know when Buck Bushyhead married Sallie Miller? A No sir I don't know when they married, but I know she was his wife when he worked at Percival's, but I don't know when they married.  
Q When you first got acquainted with Buck Bushyhead he was married then? A Yes sir.  
Q And was working there at Percival's store? A Yes sir.  
Q And living with his wife there in Fort Gibson? A Yes sir he lived in a little log house.

BY MR. PULGER:

- Q Are you acquainted with Anna Butler and Howard Bushyhead? A Yes sir I know them.  
Q Were they the children of Buck Bushyhead? A Yes sir they were always called Buck Bushyhead's children.

BY MR. DAVENPORT:

- Q Howard Bushyhead was born at Fort Gibson wasn't he? A I don't know she had two little children.  
Q When they lived at Fort Gibson? A Yes sir, a girl and a boy.

This case was here adjourned for further hearing until tomorrow, September 22, 1904.

In pursuance of adjournment heretofore had, this cause was, on this September 22, 1904, called for further hearing.

APPEARANCES:

Applicants appear by their mother, Sallie Miller, and attorneys, Blue & Bulger.  
Cherokee Nation by its representatives, L. B. Ball.

TORR McINTOSH, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Tebe McIntosh.  
Q Where do you live? A Muskegee.  
Q How old are you? A About 68.  
Q Do you know Sallie Miller? A Slightly.  
Q Did you know a colored man by the name of Buck Bushyhead? A Well acquainted with him.  
Q When did you first know Buck Bushyhead? A At Fort Gibson.  
Q When? A During the war.  
Q Was he a slave at the commencement of the war? A Yes sir.  
Q To whom did he belong to? A Some of the Bushyhead's, I couldn't tell you the name.  
Q Were you a slave? A Yes sir.

- Q To whom did you belong to at the commencement of the war? A To McINTOSH.
- Q Where did you live at the commencement of the rebellion? A Lived at Broken Arrow.
- Q What Nation is that in? A Creek Nation.
- Q Where did Buck Bushyhead live at the beginning of the rebellion? A I couldn't tell you, I don't know where the Bushyheads lived at that time.
- Q Had you seen Buck Bushyhead before the war? A No sir, I adn't.
- Q Then you don't know who he belonged to of your own knowledge? A No sir only what he told me, he was his master.
- Q They didn't live anywheres close to you? A No sir they were in the Cherokee Nation and I was in the Creek Nation.
- Q When did you see Buck Bushyhead during the war? A I seen him in '62.
- Q Where? A At Fort Gibson.
- Q How long did he stay at Fort Gibson? A Until the war was ceased.
- Q Did he stay there after the war any? A After the war I seen him there in '62, and it was '67.
- Q Do you know when he married Sallie Miller? A No sir I don't know anything about that, he told me that was his wife and they had two little children, is all I know.
- Q He was living at Fort Gibson with Sallie Miller and had two children during the war? A Yes sir.
- Q How large were these children? A Quite small when I seen them.
- Q Do you know where he went to after he left Fort Gibson? A The last conversation he had with me, he told me he was going to a place in the Cherokee Nation near Oak Creek.
- Q Do you know when he went to Kansas? A Nosir.
- Q Do you know where he died? A No sir.
- Q You never saw him after he left Fort Gibson? A Never.
- Q You think that was in 1867? A Yes sir.

BY MR. RUEGER:

- Q Did you and Buck work for the same man at Fort Gibson? A No sir, I worked for Bushyhead and he worked for Percival.
- Q How close were these places together? A About across the street.
- Q Did you see Buck about every day? A Every day I met him.
- Q You know that you saw him there in 1866 and 1867? A Yes sir.
- Q What time of the year of 1867 do you remember that he went away? A I couldn't tell you it has been so long, a man can't remember it.

BY MR. REILLY:

- Q When did you see Buck Bushyhead last? A In '67.
- Q About what time of the year? A Along in the spring.
- Q What were you and him doing in 1866? A I was selling goods for Bushyhead and ~~and~~ he was working for Percival.
- Q William Percival? A Yes sir.
- Q The man that kept a store there a long while after that? A Yes sir.
- Q You knew Jess Bushyhead did you? A Yes sir, I knew him when he was killed.
- Q When was he killed? A I knew him before he was killed.
- Q When was he killed? I couldn't tell you, it has been so long, I couldn't remember.
- Q You recollect about him being killed? A Yes sir, that is all.
- Q But you can't recollect anything about the time? A No sir.

- Q You can recollect all about Buck though? A I recollect about him I don't recollect when he was dead, I heard of it.
- Q Where were you during the year 1867? A Right in Fort Gibson.
- Q Lived there all that year? A Stayed there all the time for four years.
- Q Where were you Christmas 1867? A I couldn't tell you.
- Q Were you in Fort Gibson then? A I couldn't tell you, it is too long for me to keep it in my brains, I might have been there.
- Q You were around about that country? A Yes sir, I couldn't tell you exactly.
- Q Where were you during the next year after 1867? A I couldn't tell you.
- Q The only thing you recollect definitely is the year 1866? A Yes sir.
- Q What time did you commence working there in Fort Gibson in 1866? A I tell you I couldn't tell you the date, I don't know.
- Q Was it in the spring, fall or winter? A Somewhere along in there I couldn't tell you exactly.
- Q Who did you say you were working for? A Jess Bushyhead.
- Q And you worked for him in 1866? A Yes sir.
- Q 1867 too? A Yes sir.
- Q And Buck was working for Percival during all that time? A Yes sir.
- Q In 1866 and 1867? A Yes sir, that is all I know.
- Q When did you see Buck Bushyhead last? A I believe that was in '67, if I aint mistaken.
- Q In the early, middle or latter part of the year? A It might have been the early or middle part of the year, I couldn't tell you all of them stories.
- Q Along after 1867 did you work for Jess Bushyhead any more? A No sir not after '67.
- Q Who did you work for there in Gibson after you quit Bushyhead? A Ross, William P. Ross.
- Q You was still in Fort Gibson after you worked for him. A Yes sir.
- Q Where did Buck Bushyhead live? A I couldn't tell you, in a little log cabin there whe he said his wife was, I never went up to the house.
- Q You never went to his house then? A No sir.
- Q During the time he was in Fort Gibson with you in 1866 and 1867? A No sir I never did go to his house.
- Q Where did you get acquainted with his wife? A By passing and talking and during the war, he was a soldier in the Union army, Indian regiment.
- Q You got acquainted with the woman before 1866 didn't you? A No sir couldn't tell you that.
- Q Were you acquainted with Sallie Miller before 1866? A No sir.
- Q Where did you see her? A In Fort Gibson.
- Q You didn't go to the house? A No sir.
- Q You just met her on the street? A Yes sir I met her and Buck sometimes on the street.
- Q And they had these two children? A No sir not all the time.
- Q They had the two children? A Yes sir.
- Q What age were they? A About that high (indicating).
- Q Look like they were three or four years old? A About three I guess, I couldn't tell you.
- Q One was bigger than the other? A Yes sir.
- Q Which did you think was the oldest? A I thought the girl was the oldest.
- Q You think the youngest could have been at least three years old? A Yes sir.

- Q You don't know anything about Buck marrying her? A No sir.  
Q The first time you ever saw her was on the streets of Fort Gibson in 1866 or 1867? A Yes sir.  
Q Buck then disappeared from Fort Gibson in 1867 so far as you know?  
A Yes sir.  
Q And he never saw him any more? A No sir.  
Q You don't know whether he went south or north? A No sir.  
Q And you stayed at Fort Gibson during the war? A Yes sir.  
Q And worked for Bushyhead until 1868 and then worked for Robbs?  
A Yes sir.  
Q And you don't know when Jess Bushyhead was killed? A No sir.

BY MR. WULGER:

- Q It has been a long time since 1866, what makes you remember so distinctly the years 1866 and 1867? A Guess we were right there in '66, I interpreted the Treaty of '66 is the reason I know so well.

BY MR. BELL:

- Q What Treaty of 1866? A The Creek Treaty.  
Q What time in 1866 did you meet there to interpret that Treaty?  
A In the fall.  
Q Whereabouts did you go? A To Fort Smith, we stayed there I think about two weeks and every nation come in there.  
Q In 1866? A Yes sir, Cherokees, Creeks, Choctaws, Osages and everything.  
Q Was there any Cherokees there? A Yes sir.  
Q Could you name any of them? A William Ross was there, Standwaitie was there, old man Hicks was there, and several of them.  
Q You are certain that was in 1866? A I might be mistaken in the year but I think that was the year the Treaty was ratified, in '66.  
Q You speak all about the Creek Treaty? A That is what I am talking about, I aint talking about no other Treaty.  
Q You didn't go down there to hear the Cherokee Treaty ratified?  
A No sir.  
Q Don't you think that when you went to Fort Smith it was in 1865?  
A It might have been, I may be mistaken, I can't remember way back, I am telling you what I think.  
Q You don't know anything about that only just sort of a recollection? A Yes sir.  
Q Wasn't the Creek Treaty really ratified out here at your seat of government by the Creek Council? A I don't know the time, we went there, it was cold and danger of bush whackers when we went to Fort Smith. We camped there and they said it was to ratify the Creek Treaty.  
Q Didn't they go there to make the Treaty? A We might have, I might have been mistaken, that was it.  
Q I want to ask you when you went to Fort Smith a come back, if it wasn't the next year you and Buck worked at Fort Gibson? A Yes sir when I come back and got employment there.  
Q You saw it was cold weather in 1866 when you went to Fort Smith?  
A Yes sir.  
Q And then you come back and the next year you hired to Jess Bushyhead in 1867? A Yes sir, that is right.

BY MR. WULGER:

- Q Did you know Buck Bushyhead before you went to Fort Smith that time? A Yes sir, during the war I knowed him.  
Q Do you know that he was in Fort Gibson while you were in Fort Smith? A Yes sir.

- Q Was he in Fort Gibson when you returned from Fort Smith? A Yes sir.
- Q How long did you remain in Fort Gibson after you got back? A I stayed there until Ross and Bushyhead broke up.
- Q How long was that? A I don't know.
- Q A year, six months or two years? A I stayed in Fort Gibson four years.
- Q Buck Bushyhead then you saw lived in Fort Gibson during the years 1866 and most of the year 1867? A Yes sir.

BY MR. BELL:

- Q Do you understand that Jess Bushyhead and Bill Ross were partners? A No sir, they were not.

This case was here continued to November 15, 1904.

It appears that on this November 15, 1904, in pursuance of continuance heretofore had this cause was called for further hearing.

APPEARANCES:

Applicants by their attorneys, Blue & Bulger,  
Cherokee Nation by its representative, J. S. Davenport.

S. H. MAYES, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. DAVENPORT:

- Q What is your name? A S. H. Mayes.
- Q Where do you live? A Prier Creek.
- Q You are a Cherokee citizen? A Yes sir.
- Q Did you ever know a colored man who belonged to the Bushyhead's by the name of Buck Bushyhead? A Yes sir.
- Q Did you know him before the breaking out of the rebellion? A Yes sir.
- Q Did you ever see him after the war? A I saw him in Fort Scott after the war.
- Q About what year did you see him in Fort Scott? A It was in '66.
- Q What was you doing at that time, what kind of business was you engaged in? A I was freighting from Fort Gibson to Kansas City.
- Q When did you return to the Cherokee Nation after the war? A I came here in June, 1866.
- Q You had known Buck Bushyhead before the war? A Yes sir.
- Q Did you ever see Buck Bushyhead in the Cherokee Nation after the war? A No sir.
- Q About how often did you see him in Hill around Fort Scott, Kansas, as you would be making the trips from Fort Gibson to Kansas City? A I would not be positive, but I think nearly every time I went through Fort Scott.
- Q How often would you make the trips? A About three times a year on an average.
- Q When you would be at Fort Gibson and around there, did you ever see Buck Bushyhead there after the war? A No sir.
- Q Do you know where the Bushyhead family was living then? A Yes sir.
- Q Where? A Carrie Bushyhead was teaching school there at Fort Gibson.

- Q Did you have any conversation with Buck Bushyhead at the time you saw him in Fort Scott, about where he was living? A I talked with him and he said he was living in Fort Scott, he talked something of coming back to the Cherokee Nation again.
- Q For whom were you freighting at that time, yourself or some one else? A It was a company store that belonged to Bryant, Percival and Bushyhead.
- Q And you began freighting for them about what year? A In 1868 I think.
- Q You don't know how long they had been in Fort Gibson in business before that? A No sir, I don't.
- Q Was Percival a Cherokee citizen or not? A He was a white man, an adopted citizen.
- Q Was he married before or after the war? A I think he married during the war.
- Q Do you know whether he went south during the war or left this section of the country? A Yes sir, he went south, he used to be in business in the Creek country.
- Q You don't know about what time they opened their business at Fort Gibson? A No sir.
- Q Do you know whether or not it was opened when you returned to the Cherokee Nation? A No sir they were not doing business there when I come back here in 1866.
- Q What year to your knowledge that they first opened their business there, when was you first there? A I commenced hauling for them in 1868.
- Q Did you know whether they established the business or bought out some business already established? A I don't remember, I would not be positive.
- Q Do you know when Jess Bushyhead died? A I recollect he was killed, but I don't recollect the date, it seems to me it was in '67, but I would not be positive, I remember it very well, but can't give the date.
- Q You saw Buck Bushyhead in Fort Scott, Kansas, several times as you was going back and forth to Kansas City? A Yes sir.
- Q But you didn't see him on any other trips you would make around Fort Gibson? A No sir I never saw him in Fort Gibson, I was around there frequently.
- BY MR. SULGER:
- Q This was in 1868 you saw Buck Bushyhead? A Yes sir, in 1869, and '70, I was freighting all along there, I met him there frequently.
- Q Do you know that was the same Bushyhead that you knew then that is now in controversy? A There wasn't but one Bushyhead that belonged to the family and I knew him well, he used to work for my brother.
- Q Do you know where Buck Bushyhead was in the summer and fall of 1866? A No sir.
- Q Do you know where he was in 1867? A In 1868 and 1867 I was here all through this country and I never saw Buck Bushyhead then.
- Q But you don't know where he was? A No sir, I only know him at Fort Scott at the time I mentioned.



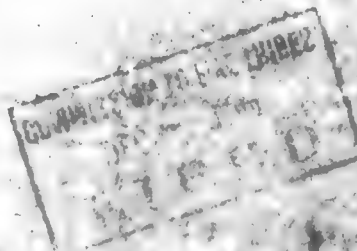
--27--

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 copy of his stenographic notes thereof.

*H. M. Vance*

Subscribed and sworn to before me this 16 day of December, 1904.

*Charles H. Hanger*  
Notary Public.



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

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

Sallie Miller-----	Cherokee freedman D 648
Anna Butler and Esther Owen-----	Cherokee freedmen D 979
Howard Bushyhead-----	Cherokee freedman D 980
Katie Davis-----	Cherokee freedman D 953.

DECISION

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Sallie Miller for herself; by Anna Butler for herself and minor child, Esther Owen; by Howard Bushyhead for himself and by Katie Davis for herself. The records further show that the applications for the enrollment of the above named persons were consolidated with the case of Katie Ridge, et al. C. F. B. 295, et al., and that on October 13, 1905, the Commissioner to the Five Civilized Tribes rendered his decision in said consolidated case, denying all the applicants therein the right to enrollment as Cherokee freedmen, and that said decision was duly forwarded the Department for review; that thereafter on July 9, 1906 (I. T. D. 17884-05), motions to reopen said cases having been filed with the Department, the Secretary of the Interior remanded said consolidated case to this office for further hearing and readjudication with instructions that said consolidated case be divided into groups according to the three places from which it is alleged the applicants returned to the Indian Territory after the war. It having been determined by this office that the cases of Sallie Miller, C. F. B. 648, Anna Butler and Esther Owen, C. F. B. 979, Howard Bushyhead, C. F. B. 980 and Katie Davis, C. F. B. 953 should constitute one of these groups, further proceedings in the matter of said applications were had at Muskegee, Indian Territory, December 20, 1906, and at Vinita, Indian Territory, December 26, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Sallie Miller, was a slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the progress of said rebellion she left the Cherokee Nation, and did not return thereto and establish an actual personal bona fide residence therein after the close of the war until subsequent to February 11, 1867.



Attention is here invited to "Council bill No. 10", entitled "an act to readmit B. W. Hane and children to citizenship in the Cherokee Nation", a certified copy of which is filed with and made a part of the record in this case, and the testimony introduced on behalf of the applicants herein attempting to show that one Mary Miller mentioned in said act, and the applicant herein, Sallie Miller, are one and the same person, but it is considered by this office that in this they have wholly failed, and that the evidence conclusively shows that Mary Miller mentioned in said act is not identical with the applicant herein, Sallie Miller. It is further shown that all the other applicants herein are descendants of the said Sallie Miller, were born since 1866, and neither claim nor possess any right to enrollment as Cherokee freedmen other than as such descendants. Excepting that the said Katie Davis is identified on the Wallace roll of Cherokee freedmen, no one of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Sallie Miller, Anna Butler, rather Owen, Howard Rushyhead and Katie Davis are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

Signed            Tans Rixby  
                         Commissioner.

Dated at Muskogee, Indian Territory.

this Feb 23 1907.

MAN

~~1870~~ 1870

# **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. Anna Butler,

Viola, I. T.

Cherokee F-D-979

Registrar.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

C.F.D-979.

C.F.D-980.

Muskogee, Indian Territory, June 30, 1904.

Anna Butler,

Vinita, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and child, and for the enrollment of your brother, Howard Bushyhead, as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the identity and citizenship of your father, Back Bushyhead.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock, on Saturday, July 16, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

C.F. D-979.

C.D. D-980.

Muskogee, Indian Territory, June 30, 1904.

Louis T. Brown,  
Agent for Anna Butler, et al,  
Vinita, Indian Territory.

Dear Sir:

In the matter of the application of Anna Butler, 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 as to the identity and citizenship of Buck Bushyhead, father of Anna Butler and Howard Bushyhead.

The principal applicant has this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Saturday, July 16, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

C.F.D-979.

G.F. D-990.

Muskogee, Indian Territory, June 30, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Anna Butler 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 as to the identity and citizenship of Buck Bushyhead, father of Anna Butler and Howard Bushyhead.

The principal applicant has this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Saturday, July 16, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and offer such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-979-980.

Muskogee, Indian Territory, July 15, 1904.

Anna Peterson,

Claremore, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of July 11, stating that you will be unable to appear on July 16, as directed by the Commission for the purpose of introducing further testimony in the matter of your application for enrollment as a Cherokee Freedman, and asking that the time for such appearance be extended.

In reply you are advised that in accordance with your request you will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, August 15, 1904, for the purpose of introducing the testimony heretofore requested.

Respectfully,

Chairman.

Cherokee Freedman

D-979-980.

Muskogee, Indian Territory, July 15, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Anna Butler, now Anna Peterson, for enrollment as a Cherokee freedman, which case was set for hearing before the Commission at its offices in Muskogee on July 16, you are advised that in accordance with the applicant's request this case has been continued to Monday, August 15, 1904, at nine o'clock A. M.

Respectfully,

Chairman.



Cherokee Freedmen  
D-979-280

Muskogee, Indian Territory, October 14, 1904

Anna Peterson,

Claremore, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself, your minor child, Esther Owen and your brother, Howard Bushyhead, as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, November 15, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

Register.

JNEDJ. *T. E. Needles.*  
Commissioner in Charge

COPY

Case No. 37  
D-976-240

Muskogee, Indian Territory, October 14, 1904

Mr. & Mrs. J. C. ...

Attorneys for Anna Peterson, et al.

Winita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Anna Peterson, her minor child, Walter Owen and her brother, Howard Bushyhead, you are advised that these cases will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, November 16, 1904.

You are further advised that said Anna Peterson has this day been notified that she will be permitted to appear on said date and introduce such testimony as she may desire in support of said application.

Respectfully,

Register,

Wm. T. B. Needles,  
Commissioner in Charge

Hastings, Indian Territory, December 19, 1904.

Hell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Winita, Indian Territory.

Gentlemen:

There are herewith enclosed copies of supplemental testimony taken at Hastings, Indian Territory, in the following

Cherokee Freedman cases:

Cherokee Freedman D-879 and 900, Anna Peterson, et al.

Cherokee Freedman E-3, George Ann Mayfield, et al.

Cherokee Freedman D-871, Elizabeth Huggan, et al.

Cherokee Freedman D-244, Louis A. Pool.

Cherokee Freedman D-742, David Johnson, et al.

Cherokee Freedman D-876, Joe Lynch, et al.

Cherokee Freedman D-888, Hannah Ross.

Respectfully,

*Tame Doby.*  
Chairman.

Encl. 08-07.

COPY.

Charles Freedom  
D-573.

McKeage, Indian Territory, February 17, 1906.

Walter Peterson,  
Claremore, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 12, 1906, asking to be advised as to the status of the application for the enrollment of Annie Peterson as a Cherokee freedman.

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

Respectfully,

SIGNED: *James Bisby.*  
Chairman.

George Washington

1787, et al.

October 12, 1787  
Philadelphia, United States, October 12, 1787.

Mr. [Name],  
Secretary of the Executive Council,  
Philadelphia, United States.

Sir,

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the proposed amendments to the Constitution of the United States, and to inform you that the same have been forwarded to the Convention for their consideration. I am, Sir, very respectfully,  
Your obedient servant,  
George Washington, et al.

The Convention, assembled at the City of Philadelphia, on the 17th inst., has taken into consideration the proposed amendments, and has resolved to refer the same to a select committee of the whole, consisting of the following members, to report thereon at the next meeting of the Convention, to wit: Mr. [Name], Mr. [Name], and Mr. [Name].

I am, Sir, very respectfully,  
Your obedient servant,

George Washington, et al.

Enclosure

Muskogee, Indian Territory, October 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of September 13, 1905, (I.T.D. 2814, 7024-1905), there is herewith transmitted the record of proceedings had in the matter of the consolidated applications for enrollment as Cherokee Freedmen and as citizens by intermarriage of the Cherokee Nation, of Katie Ridge, et al., Cherokee Freedmen D 295, et al., incident to the decision of the Commissioner to the Five Civilized Tribes dated October 13, 1905, rejecting the applications of Laura Ridge, Ary Lynch, Dennis Hicks et al., and Annie Hicks, as citizens by intermarriage of the Cherokee Nation, and of Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge and Myrtle Ridge, Phoebe (Alton) Johnson, Joseph Milton, Berry Milton, Herbert Milton, Serena Milton and Pearl Milton, Henry C. Ridge, Ma Jones, Lee Martin, Eddie Martin and Stella Martin, Cornelius Jones, Elmer Vann, Paul Riley, Jesse Larnett and John C. Riley, Ross Vann and Josephine Vann, William

Secretary --2.

Townsend, Nellie Townsend, Rosa Townsend, George Townsend  
and Arthur Townsend, Nettie Hicks, Leroy Hicks, Dennis Hicks  
Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joseph Holt,  
Jane Holt, Laura Henson, Ella Henson, Jessie Holt, Willard  
Holt, Clifford Holt and Paulina (Marcella) Holt, Fannie Miller,  
Mary Johnson, Ruth Vann, Martha Chinnett and Lillie Chinnett,  
Frank Johnson and Luella Johnson, Eliza Hawkins and Tyndie M.  
Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A.  
Hick, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence  
Johnson and Wilda Johnson, Anna Tutler, Esther Green, Howard  
Cushyhead, Fattie Davis, Lasse Riley, Lillie Riley, Andrew Riley,  
Nathaniel Riley, Jesse Riley, Joseph Riley, Riley, Viola  
Riley, Mabel Riley, Elnora Riley, Idella Riley, Luther D. Riley,  
Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph  
Riley, Arizona Riley, Inola Riley, Earl M. Riley, Clarence  
Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley,  
Mariah Riley, Maggie Riley, Calvin Riley, Martha Riley,  
Ada Riley and Leona Riley, Fannie Scott, Charles Wesley  
Miller, Bessie Scott and Jimmie Scott, Delilah Johnson, Allie  
Johnson, Leman Johnson, Jesse Johnson, Alfred Johnson, Mela  
Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie



Secretary--3.

Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson  
and Arch Johnson, Jane Riley, Daniel Thompson, Ellick Ward,  
Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward,  
Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Faine Ward,  
Sandy Thompson, Ruth Riley, Lenora Odine Riley and Hannah  
Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie  
Gibson, Cera J. Wagener and Oval Wagener, Arthur Riley,  
Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls,  
Willie Curls, Edward Curls, James Curls, George Curls, Ste-  
phenia Curls and Peatrice Curls, Ophelia Thompson, Alpha  
Thompson, Libbie Thompson, Hirschel Thompson, Harvey Thompson,  
and Clyde Thompson, for enrollment as Cherokee Freedmen, and  
dismissing the applications for enrollment as Cherokee Freed-  
men of Ethel Townsend and Clarence Curls.

In connection with the finding of this office rela-  
tive to the rights of Cornelius Ridge to enrollment as a  
Cherokee freedman, case No. D 535, the same being included  
in the consolidated case of Katie Ridge, et al., herewith  
transmitted, the attention of the Department is invited to  
the case of Encch Daniels, et al., Cherokee Freedman No.  
1429, formerly Cherokee Freedman D 219, wherein, in its de-

Secretary--4.

cision rendered on July 5, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57605-04), and affirmed by the Department on October 22, 1904 ( I.T.D. 7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1868, to enrollment as a Cherokee freedman was based upon the theory that her father the said Cornelius Ridge had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman

Secretary--5.

citizenship, the case of Enoch Daniels, et al., Cherokee Freedman 1429, formerly Cherokee Freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee Freedman citizenship, be reversed.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner

Incl. F 16.  
LMB

Cherokee Freedmen

D-295, et al.

COPY

Wuskogee, Indian Territory, October 13, 1908.

Edgar Smith,

Attorney for Katie Ridge, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1908, rejecting the applications for enrollment as Cherokee freedmen and as citizens by intermarriage of the Cherokee Nation in the consolidated applications of Katie Ridge, et al., Cherokee freedmen D-295, et al. 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 action of the Secretary as soon as this office is informed of the same.

Respectfully,

SIGNED

*James Bixby*

Commissioner.

Incl. B-222

Register

Freedmen  
D-979 et al.

291

Muskogee, Indian Territory, October 13, 1905.

Louis T. Brown,  
Attorney for Anna Butler, et al.  
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting, among others, the applications for enrollment of Anna Butler, et al, as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings in these cases.

The decision, together with the record of proceedings had in said 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 this office is advised of the same.

Respectfully,

SIGNED

*James Sixty*  
Commissioner.

Incl B-4  
Register.

Cherokee  
Freedmen D-979

Muskogee, Indian Territory, October 13, 1905.

Anna Peterson,  
Vinita, Indian Territory

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting, among others, your application for the enrollment of yourself and minor child, Esther Owen, as Cherokee freedmen. There have heretofore been furnished your attorneys, Edgar Smith, Vinita, Indian Territory, and Louis T. Brown, Muskogee, Indian Territory, copies of the record of proceedings, and there have this day been forwarded to them copies of the Commissioner's decision.

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

Respectfully,

Yours,

*Tama Bixby.*  
Commissioner,

Incl. 3-99  
Register.

--Copy--

LAND:

82007-91889-1908  
91882-91843-1908  
91493-101897-1908.

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

JPA

December 22, 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 October 13, 1908, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Katie Ridge for herself; by Cornelius Ridge for himself and wife Laura Ridge (by intermarriage) and his minor children, Pearl, Jesse, and Myrtle Ridge; by Theobald Milton Johnson for herself and her minor children, Joseph, Percy, Herbert, Geneva, and Pearl Milton; by Henry G. Ridge for himself; by Ida Jones for herself and her minor children, Lee, Katie, Stella, and Corcorina Jones; by Charles J. Lynch for his wife, Amy Lynch (by intermarriage) by Walter Vann for his wife, Elvira Vann; by Huel Riley for herself and her minor children, Jennie Barnett and John G. Riley; by Hosa Vann for herself and her minor child, Josephine Vann; by William Townsend for himself; by Nellie Townsend for herself and her minor children, Hosa, George, Arthur, and Ethel Townsend; by Dennis Hicks for himself (by intermarriage) and wife Bettie Hicks and his minor children, Percy, Dennis, Jr., William, Habel, and Elmer Hicks; by Joshua Hill for himself and wife,

Jane Holt and minor step-children, Laura and Ella Beeson and minor children, Jessie, Willard, Clifford, and Marcella (Marcella) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chinnett and for herself and her minor children, Martha, and Little Chinnett; by Frank Johnson for himself and his minor child, Liella Johnson; by Eliza Hawkins for herself and her minor child, Tyndle K. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage) and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and her minor children, Nettie, Katie, Clarence, and Wilda Johnson; by Anna Butler for herself and her minor child, Esther Owen, and her adult brother, Howard Bushyhead; by Katie Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and his minor child, Nathaniel Riley; by Jesse Riley for himself and his minor children, Joseph, Ollie, Viola, Mable, Elvera, Ideller, and Luther D. Riley; by Frank Riley for himself and his minor children, Lottie, Fannie, James, R<sup>h</sup>, Arizona, Clarence, Inola and Earl E. Riley; by Jerry Riley for himself and his minor children, Samuel, James L., Amanda, Mariah, Maggie, Calvin, Northa, Ada, and Leona Riley; by Fannie Scott for herself and her minor children, Charles Wesley Miller, and Bessie, and Jimmie Scott; by Delilah Johnson for herself and her minor children, Allie, Leman, Jesse, Alfred, Mela, Della, Ella and Harrison Johnson; by Lottie Johnson for herself and her minor children, Rebecca, Luford, Wilbert, and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Eliek Ward



3 V W Y

for himself and wife, Amanda Ward, and his minor children, Irvin, Harry, Roy, Oak, Effie, Troy, Jesse, and Waine Ward; by Sandy Thompson for himself; by Ruth Riley for herself, and her minor child, Lenora Odine Riley; by Hannah Riley for herself; by Charles Landrum for himself; by Nettie McIntosh for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Wagoner for herself and her minor child, Oval Wagoner; by Arthur Riley for himself; by Elizabeth Kelton for herself and her minor child, Elmore Kelton; by Julius Curle for himself; by Riley Curle for himself and his minor children, Willie, Edward, James, George, Stephenia, Clarence, and Beatrice Curle; and by Ophelia Thompson for herself and her minor children, Alpha Libbie, Herschel, Harvey, and Clyde Thom, son.

October 13, 1900, the Commissioner decided adversely to all the applicants.

The record shows that the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge, Phoebe Johnson, Jesse Ridge, deceased, and Mary Ridge (later Hicks, former wife of Dennis Hicks, Sr.), deceased; that they were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation during the War, and did not return thereto on or before February 11, 1867; that the applicants, Laura Ridge, and Amy Lynch neither claim nor possess any rights to enrollment other than those obtained by marriage to the applicants, Cornelius Ridge and Jesse Ridge, deceased; that the applicants, Dennis Hicks, Sr., and Susie Hicks neither claim nor possess

4

any rights to enrollment other than by virtue of their marriage to Nettie and Joseph Hicks; that the applicants, Nettie Hicks, Joshua Holt and Gallie Miller (children of one Luther Holt), and Anderson Johnson, deceased, Buck Bushyhead, deceased, and Nettie Downing, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion; were taken out of the Cherokee Nation during the War, and did not return on or before February 11, 1867; that one Riley McHair and one Maria McHair, both deceased were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lettie Johnson, and of Millie McHair, deceased; that the said Riley, Maria, and Millie McHair, all deceased, and Moses, Andrew, Jesse, and Jerry Riley, Fannie Scott and Lettie Johnson, and Jane Riley, Daniel Thompson, Elisk and Amanda Ward and Sandy Thompson and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867; that all the other applicants were born since 1866, are descendants of the foregoing and possess no rights to enrollment except as such descendants, or have failed after ample opportunity afforded to establish such a right. None is identified on the 1860 authenticated Cherokee roll, or the Cherokee census roll of 1896 nor can an ancestor be so identified.

There is also enclosed a letter from the Commissioner to the Five Civilized Tribes transmitting a notice in behalf

of the applicants and three communications from G. F. Fogie enclosing petitions in their behalf which have been carefully considered.

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

Very respectfully,

G. V. Larrabee,

Acting Commissioner.

KRM

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JWR  
LLB

DEPARTMENT OF THE INTERIOR,  
Washington.

D.C. 29336.

I.T.D. 17934-1905.

July 9, 1906.

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

Sir:

On October 13, 1905, you transmitted the record, together with your decision of the same date, in the matter of the consolidated applications for enrollment as Cherokee freedmen of Katie Ridge et al. (Cherokee freedmen D. 295). Said decision was adverse to all the applicants.

Reporting December 22, 1905, the Indian Office concurs in your decision. A copy of its letter is inclosed.

The attorneys for the applicants have filed a number of motions and briefs in this case, and the attorney for the Cherokee Nation has filed his answer.

A consideration of these motions, together with the record, leads the Department to the opinion that the case should be remanded for a further hearing.

The Department considers that this consolidated case should be divided, and that if possible the division should divide this large family into groups according to the three places from which

it is alleged they returned to the Indian Territory, under article 9 of the treaty of 1866, being first those persons and their descendants who returned from the neighborhood of Joplin, Mo.; second, those who returned from near Fort Scott, Kans., and third, those who returned from Garnett, Kans.

Having divided this case along the lines indicated, you will permit the attorneys for the applicants and for the nation to submit such proper evidence as they may see fit regarding the rights of these applicants for enrollment as Cherokee freedmen.

The record is returned.

Respectfully,

(Signed) Thos Ryan  
Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inclosure.

Cherokee Freedman  
D 648. and 980.

Muskogee, Indian Territory, August 5, 1906.

Sallie Miller,  
Vinita, Indian Territory.

Dear Madam:

In connection with the Cherokee freedman cases of yourself and your son, Howard Bushyhead, deceased, you are advised that this office is in receipt of Departmental letter of July 9, 1906, remanding the same to this office for a rehearing. The Department directs that the consolidated case of Katie Ridge, et al, which includes your applications, be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that under this division the following cases will be consolidated.

D 355	Dennis Hicks, et al,
D 644	Joshua Holt, et al,
D 648	Sallie Miller,
D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 875	Frank Johnson, et al,
D 888	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead,
D 988	Katie Davis.

Your attorney, Edgar Smith, Muskogee, Indian Territory, has this day been advised of the Department's action, and of the consolidation of the above cases, and also requested to advise this office at the earliest practicable date the names and addresses of all the witnesses it is proposed to introduce on behalf of applicants in this case. When this information is furnished, the Attorney for the Cherokee Nation will be advised thereof, and a date will be set for a hearing in the case, of which action all parties at interest will be advised.

Respectfully,

K.A.

Register.

Commissioner.

Cherokee Freedman  
D 298 et al. Muskogee, Indian Territory, August 5, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee Freedman consolidated cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. In accordance with the Department's direction, the following cases will be consolidated:

D 255	Dennis Hicks, et al,
D 344	Joshua Holt, et al,
D 348	Sallie Miller,
D 354	Mary Johnson,
D 356	Ruth Vann, et al,
D 375	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 376	Frances Johnson, et al,
D 379	Anna Butler, et al,
D 380	Howard Bushhead,
D 383	Katie Davis.

The applicants in these cases and their attorneys have this day been advised of the Department's action and of the consolidation of these cases, and notified that before a date would be fixed for a hearing in the cases,



they will be required to furnish this office with a list of the names and addresses of the witnesses they propose to introduce in their behalf. Upon receipt of this information you will be advised thereof, and a date will be set for a hearing in the cases, of which action all parties at interest will be advised.

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

Respectfully,

Encl. M.A.4-1.

Commissioner,

Cherokee Freedman  
D 295 et al.

Muskogee, Indian Territory, August 6, 1906.

Louis T. Brown,  
Attorney for Katie Ridge, et al,  
Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman enrollment cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. The Department directs that this consolidated case be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that in accordance with this division, the following cases will be consolidated.

D 355	Dennis Hicks, et al,
D 344	Joshua Holt, et al,
D 343	Sallie Miller,
D 344	Mary Johnson,
D 366	Ruth Vann, et al,
D 375	Frank Johnson, et al,
D 386	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 376	Frances Johnson, et al,
D 379	Ann Butler, et al,
D 380	Howard Bushyhead,
D 383	Katie Davis.

The records of this office show that you are the attorney of record in the following cases;

D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead;

that Blue and Bulger, Baxter Springs, Kansas, are the attorneys in the case of Joshua Holt, et al, D 644; and that Edgar Smith, Muskogee, Indian Territory, is the attorney in all the other cases.

You are advised that before a date will be set for a hearing in this case, the applicants will be required to furnish this office with a list of the names and addresses of all the witnesses they propose to introduce in their behalf. Upon receipt of this information the attorney for the Cherokee Nation will be notified thereof, and a date set for a hearing in the cases, of which all parties at interest will be advised.

Blue and Bulger, and Edgar Smith, have this day been advised of the Department's action, and of which will be required of the applicants, and before submitting the list of the names and addresses of the witnesses, it is suggested that you communicate with them and submit at one time a list of all of the witnesses expected to be introduced.

-2-

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

Respectfully,

M.A.

Encl. 6-2.

Commissioner.

Cherokee Freedman  
D 979.

Muskegee, Indian Territory, August 5, 1906.

Anna Butler, et al,

Vinita, Indian Territory.

Dear Madam:

In connection with your Cherokee freedman case, you are advised that this office is in receipt of Departmental letter of July 9, 1906, remanding the same to this office for a rehearing. The Department directs that the consolidated case of Katie Ridge, et al, which includes your application, be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that under this division the following cases will be consolidated.

D 358	Dennis Hicks, et al,
D 644	Joshua Holt, et al,
D 648	Sallie Miller,
D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 878	Frank Johnson, et al,
D 388	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead,
D 982	Katie Davis.

Your attorney, Louis T. Brown, Muskegee, Indian Territory, has this day been advised of the Department's action, and of the consolidation of the above cases, and also requested to advise this office at the earliest practicable date the names and addresses of all the witnesses it is proposed to introduce on behalf of applicants in this case. When this information is furnished, the Attorney for the Cherokee Nation will be advised thereof, and a date will be set for a hearing in the case, of which action all parties at interest will be advised.

Respectfully,

M.A.

Register.

Commissioner.

Cherokee Freedmen  
D 298 et al.

Washoe, Indian Territory, August 6, 1886.

Edgar Smith,

Attorney for Katie Ridge, et al,

Washoe, Indian Territory.

Dear Sir:

In connection with the Cherokee freedmen enrollment cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. The Department directs that this consolidated case be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1846. You are advised that in accordance with this division, the following cases will be consolidated.

D 288	Bennie Hicks, et al,
D 244	Johna Holt, et al,
D 248	Sallie Miller,
D 264	Mary Johnson,
D 266	Ruth Vann, et al,
D 272	Frank Johnson, et al,
D 280	Mina Hordine, et al,
D 282	Joseph Hicks, et al,
D 282	Katie Hicks,
D 242	James A. Hicks,
D 276	Frances Johnson, et al,
D 272	Anna Dellar, et al,
D 268	Howard Dandwood,
D 268	Katie Davis,

The records of this office show that you are the attorney of record in the following cases;

D 336	Dennis Hicks, et al,
D 648	Gullie Miller,
D 878	Frank Johnson, et al,
D 888	Miss Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 988	Katie Davis;

that Louis F. Brown is the attorney in the following cases;

D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 979	Anna Butler, et al,
D 988	Howard Bushyhead;

and that Blue and Bulger are the attorneys for Joshua Holt, et al, D 644.

You are advised that before a date will be set for a hearing in this case, the applicants will be required to furnish this office with a list of the names and addresses of all the witnesses they propose to introduce in their behalf. Upon receipt of this information the attorney for the Cherokee Nation will be notified thereof, and a date set for a hearing in the cases, of which all parties of interest will be advised.

Blue and Bulger, Baxter Springs, Kansas, and Louis F. Brown, Muskogee, Indian Territory, have this day been advised of the Department's action, and of what will be required of the applicants, and before submitting the



list of the names and addresses of the witnesses, it is suggested that you communicate with them and submit at one time a list of all of the witnesses expected to be introduced.

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

Respectfully,

H.A.

Encl. 6-1.

Commissioner.

44 J 9117  
111

TO THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES:

You are requested to enter STARR & PATTEN of Vinita,  
Indian Territory, as my sole attorneys representing me in the matter  
of my application for the enrollment of myself and those I represent  
as citizens of the Cherokee Nation, *Esther Owen 7.6 949 and Howard  
Burrhead 4.2.1880.*

You are advised that the authority heretofore given any  
other attorney to represent me is hereby revoked.

Anna Peterson  
APPLICANT

(Formerly Anna Butler)

Dated at Vinita, Indian Territory,

this 10<sup>th</sup> day of August, 1906.

C O P Y .

P.D. 648

TO THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES:

You are requested to enter STARR & Patten of Vinita, Indian Territory, as my sole attorneys representing me in the matter of my application for the enrollment of myself and those I represent as citizens of the Cherokee Nation.

You are advised that the authority heretofore given any other attorney to represent me is hereby revoked.

Witnesses to mark.

Anna Peterson.  
Jessie Patten.

her  
Sallie X Miller.  
mark. Applicant.

Dated at Vinita, Indian Territory,  
this 10th day of August, 1906.

C O P Y .

Vinita, I.T. Aug. 11, 1906

The Honorable,

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

Dear Sir:

Enclosed herewith find request from Sallie Miller and Anna Peterson for us to represent them in the matter of their application for enrollment as Cherokee Freedmen together with the applications of Esther Owens, F. D. 979 and Howard Bushyhead, F.D. 980 who belong to the same family. We also represent the other daughter of Sallie Miller whose name is Katie Davis, F.D. 953 and we will send in an authority from her next week as we have done in the other cases.

These cases are really independent cases of their own all depending practically upon the return of Sallie Miller and her husband Buck Bushyhead to the Cherokee Nation after the close of the war of the rebellion. It is contended by the principal applicant, Sallie Miller, that she and her former husband, Buck Bushyhead were living together as husband and wife in Ft. Gibson in the late fall of 1865 and that they continued to live there for a number of years when they went to Big Creek and improved a farm. It is claimed in the cases of the holts that they came to the Cherokee Nation in 1866. We have your letter of Aug. 6, 1906 addressed to Blue and Bulger, Attorneys for Joshua Holt, at Baxter Springs, Kansas and we notice that the Sallie Miller

case is consolidated with the case of Dennis Hicks, et al., F.D. 356 and we note that there is also a part of the Ridge case consolidated with this Dennis Hicks case. We represent all of the Ridges and all of the Holts and a part of the Hicks that belongs to the Ridge case and we will have each of them to sign a statement to file with you as we have in the Sallie Miller case showing that we represent them. We desire to know if the Sallie Miller case could be tried to itself. It is as follows:-

F. D. 648, Sallie Miller,

F. D. 979 Annie Butler (now Peterson and Daughter  
Esther Owens,

F.D. 980 Howard Bushyhead,

F. D. 953, Katie Davis.

These cases could be consolidated with the applications for the enrollment of Sallie Miller and we earnestly request that we be granted separate trial in these cases. If we could try this case separately from the others we would be ready for trial at once. The testimony in this case would not apply to any other case in the list as we know of.

Wherefore we earnestly request that Sallie Miller and her descendants as above indicated be given a separate trial.

Respectfully,

Starr & Patten  
ATTORNEYS FOR SALLIE MILLER

Cherokee Freedman  
D 648 et al.

Muskogee, Indian Territory, September 1, 1906.

Starr and Patten,

Attorneys for Sallie Miller, et al,  
Vinita, Indian Territory.

Gentlemen:

This office is in receipt of your letter of August 11, enclosing notices signed by Sallie Miller and Anna Petersen that you have been employed to represent them in their Cherokee freedman cases. You request that the Cherokee freedmen cases of Sallie Miller, Anna Peterson, et al, Howard Bushyhead and Katie Davis, be consolidated and heard separate from the Cherokee freedman case of Dennis Hicks, et al, with which they are at present consolidated.

In reply you are advised that you have been entered as attorneys of record for said applicants. Upon an examination of the record had in the Cherokee freedman case of Sallie Miller, et al, it is not desired at this time to separate them from the consolidated case of Dennis Hicks, et al.

Respectfully,

M.A.

Acting Commissioner.

Cherokee Freed.  
D 648-953-979-980.

Muskogee, Indian Territory, November 28, 1906.

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

Dear Sir:

It is hereby ordered that the Cherokee freedman cases of Sallie Miller, Anna Butler, et al., Howard Bushyhead and Katie Davis be separated from the consolidated case of Dennis Hicks, et al., and that they be consolidated and heard separate from the Hicks case.

There is enclosed a copy of a letter, dated November 7, 1906, from Starr & Patten, Vinita, Indian Territory, Attorneys for applicants, submitting a list of the names and addresses of the witnesses they propose to introduce on behalf of the applicants. The principal applicants and their Attorneys have this day been notified that they will be permitted to appear before the office of the Commissioner at nine o'clock A. M. on Thursday, December 20, 1906, and introduce the testimony of the witnesses whose names and addresses they furnished. The Cherokee Nation will also be permitted to appear on that day and introduce in rebuttal such testimony as it desires in the case.

Respectfully,

Encl. W-1.  
S. V.

Commissioner.

Cherokee Freed.  
D 979, 980.

Muskogee, Indian Territory, November 28, 1906.

Anna Butler,  
Vinita, Indian Territory.

Dear Madam:

In connection with the cases of yourself and brother, Howard Bushyhead, you are hereby advised that your Attorneys, Starr & Patten, Vinita, Indian Territory, have this day been notified that they will be permitted to appear before the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, December 20, 1906, and introduce on your behalf the testimony of the witnesses whose names and addresses they have furnished this office in their letter of November 7, 1906.

The Cherokee Nation will also be permitted to appear on that day and introduce in rebuttal such testimony as it desires in your case.

Respectfully,

S. W.

Commissioner.



Cherokee F.  
D 979

COPY

Muskogee, Indian Territory, February 23, 1907.

Anna Butler,

Vinita, 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, rejecting, among others, the applications for the enrollment of yourself and child, Esther Owen, as Cherokee freedmen. Your attorneys, Starr & Patten, Vinita, Indian Territory, have heretofore been furnished a copy of the record of proceedings had in this 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. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

Encl. N-14  
JMM

Register.

Cherokee F.  
B 648 et al.

Muskogee, Indian Territory, February 23, 1907.

Starr & Patton,  
Attorneys for Sallie Miller, 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 23, 1907, rejecting the applications for the enrollment of Sallie Miller, et al., as Cherokee freedmen. You have heretofore been furnished 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. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. N-16 1/2  
JMI

Commissioner.

Cherokee F.  
D 648 et al.

Muskogee, Indian Territory, February 23, 1907.

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

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the applications for the enrollment of Sallie Miller, et al., as Cherokee freedmen.

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

Respectfully,

SIGNED *Wams D...*

Commissioner.

Encl. H-17  
JMK

2  
Muskegee, Indian Territory, February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Sallie Miller, et al. (D 648 et al.), as Cherokee freedmen, together with the decision of the Commissioner, dated February 23, 1907, denying the applications for the enrollment of Sallie Miller, Anna Butler, Mather Owen, Howard Bushyhead and Katie Davis as Cherokee freedmen.

Respectfully,

SIGNED *Tams Bishop.*  
Commissioner.

Encl. H-18  
JMH

Through the Commissioner  
of Indian Affairs.

COPY.

Land  
20926-1907.  
21140-1907.

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

March 2, 1907.

The Honorable,

The secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Gallie Miller, et al., as Cherokee freedmen, including the decision of Commissioner Bixby, dated February 23, 1907, denying the applications for the enrollment of Gallie, Anna Butler, Esther Owen, Howard Bushyhead, and Katie Davis, as Cherokee freedmen.

There is also enclosed an appeal filed by Starr and Patten, attorneys at law of Vinita, I.T., from the decision of Commissioner Bixby, dated February 23, 1907, adverse to the applicants in the case of Gallie Miller, et al.

The decision of Commissioner Bixby has been examined and is found to be correct, and its approval is recommended.

Very respectfully,

C. W. Larrabee,

Acting Commissioner.

WLS-LCAW

D.C.13269

COPY

W.V.V. JP

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 7148-1907.  
7902, "

March 4, 1907.

IRS DIRECT.

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

Sir:

Your decisions in the following Cherokee freedmen 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.

Anna Glass, et al.,  
Callie Miller, et al.,

February 23, 1907.  
February 23, 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,

Acting Secretary.

2 enclosures, and  
5 enclosures to Ind. Of.,  
with copy hereof.

WCV  
3-5-07

Cherokee F.  
D 979

COPY

Muskogee, Indian Territory, March 23, 1907.

Anna Butler,  
Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the application for the enrollment of yourself and daughter, Esther Owen, as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

SIGNED *James S. [unclear]*  
Commissioner.

LMC

Cherokee F.  
D 648.

COPY

Muskogee, Indian Territory, March 23, 1907.

Starr & Patten,

Attorneys for Sallie Miller, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the application for the enrollment of Sallie Miller, et al., as Cherokee freedmen, 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,

SIGNED *Wm. C. Clegg*

Commissioner.

Encl. C-79  
LMC



Cherokee V.  
D 648.

XV.

Muskogee, Indian Territory, March 23, 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 23, 1907, rejecting the application for the enrollment of Sallie Miller, et al., as Cherokee freedmen, 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,

Commissioner.

Encl. C-80  
LMC

INDIAN TERRITORY

CHIEF OF JUSTICE

That by and with the consent of the within-  
and the said

by and with the consent of the within-  
and the said

Given under my hand and seal  
of the

Notary Public for the Chickasaw Nation.

I, the undersigned, attorney for the  
within and the said, hereby accept  
said of the within and the said, this the

2<sup>nd</sup> day of \_\_\_\_\_ 1901

Attest my hand and seal

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
GREEN DISTRICT.

I do solemnly swear that I delivered a  
true copy of the within and the said

of the \_\_\_\_\_ 1901

SUBSCRIBED AND SWORN TO before me  
this \_\_\_\_\_ 1901

Notary Public.

## NOTICE!

*IN THE MATTER OF* the application of Anna Butler  
for enrollment as a Cherokee citizen:

Case No. D 279

To Anna Butler or Mellette & Smith her Attys.

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

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

L. D. Bell  
N. W. Hastings  
Attorneys for the Cherokee Nation.

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F. B. 019

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE PUBLIC LANDS  
FILED  
AUG 16 1901

*[Handwritten signature]*  
ACT'G CH. F. MAIL

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

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 8th, 1901.

Received of the Commission to the Five Civilized Tribes,  
one copy of the original testimony of July 1st, 1901, in the matter  
of the application of Anna Butler et al for enrollment as Cherokee  
Freedmen; also one copy of the original testimony of June 10th,  
1901, in the matter of the application of Sallie Miller et al  
which has been made a part of the record in the Anna Butler case.

*Louis J. Brown*  
Agent for Applicants.

Cherokee Freedmen #D979.

Cher Fr R 1042

Trans. from Cher Fr D980

Cher Fr R 1042

October 1911.

foregoing, and that the same is a true and correct copy from the  
the Commission of the true and correct copy of the original copy of the  
since W. Jones, Peter and Mary Brown, who just as after the above, to

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Account of the Commission of the true and correct copy of the original copy of the

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DECLARATION OF THE NATIONAL  
COMMISSION TO THE  
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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelsea, I.T., June 10th, 1901.

In the matter of the application of Sallie Miller for the enrollment of herself and one grand-daughter as Cherokee freedmen; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A Sallie Miller.
- Q How old are you? A I am 59 years old.
- Q What is your postoffice address? A Vinita.
- Q In what district do you live? A Cooweescoowsee.
- Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
- Q Do you want to enroll anyone besides yourself? A Yes, sir.
- Q One granddaughter? A Yes sir.
- Q What is her name? A Katie Hicks.
- Q How old is she? A 20.
- Q Is she an orphan? A Yes sir.
- Q Have you no children of your own? A They are all old enough to apply for themselves.
- Q Have you no husband? A He is a state man.
- Q Did ~~he~~ get out a Cherokee license to marry you? A No sir.
- Q How long have you lived in the Cherokee Nation? A I have lived here pretty much all my life excepting about 6 or 7 years at different times.
- Q Where were you born? A In Flint district, near Stilwell.
- Q Were you a slave when the war broke out? A Yes sir.
- Q To whom did you belong? A William and Nellie Holt.
- Q Were both of them Cherokee citizens? A Yes sir.
- Q Where did they live?
- Q They first lived in Flint and then they moved from Flint district to Webbers Falls. That was where we was living when the war broke out.
- Q You were belonging to them what the war broke out? A Yes sir.
- Q Where did you go when the war broke out? A From Webbers Falls we went to Baxter Springs.
- Q In Arkansas? A No sir it is in Kansas.
- Q When did you come back? A I come back in the fall of '65.
- Q Have you lived in the Cherokee Nation ever since you come back in the fall of '65? A Yes sir, this has been my home ever since excepting when my husband died I went out and worked and took my children to school.
- Q Where did you go when you went to work? A Fort Scott.
- Q When was that, in what year was that? A The first time I went out was in '68, I took my children to school, my two oldest children by Dick Whitmire.
- Q How long did you stay there with those children? A About 3 months.
- Q Did you leave the children there then? A Yes sir.
- Q Where did you go then? A Come back and went up on Big Creek, to Rachel Whitmires.
- Q Did you have a home in the Cherokee Nation all that time?
- A Yes sir.
- Q When did you go out of the Cherokee Nation the first time? A In '75, is when I went back to Kansas, after that.
- Q What did you go up there for that time for? A I went up there to see my children they were working there then.
- Q How long did you stay there then? A Went up in the fall of '75 and staid there until July '76.
- Q Did you then come back to the Cherokee Nation? A Yes sir.
- Q When did you go out again? A I went up there in June, my husband got sick and was unable to work; he had been an old soldier and he went up to apply for a pension, that was about the 15 or 16th of June '76.
- Q Where did you go then? A To Fort Scott.
- Q How long did you stay there? A I staid there until the spring of '79.



- Q Then what did you do? A Went to my aunt Darkeys on Fourteen Mile Creek.
- Q When did you go out of the Cherokee Nation the next time? A I staid with aunt Darkey and Mary Rogers a year.
- Q What did you do then? A I had no husband then and went about and worked.
- Q You had two children up in Kansas then? A No, sir, the boy I don't know where he was then, the girl she had come back to Big Creek with uncle Lewis Whitmires.
- Q That was the two children you first took up there? A Yes sir.
- Q What years was that? A That was after '80.
- Q You worked then in Kansas? A Yes sir.
- Q How long did you stay there that time? A About a year.
- Q What kind of work did you do ~~what~~ then? A Laundry work.
- Q Where did you go after you had done laundry work there for a year? A Came down on Big Creek.
- Q When did you leave again? A I don't remember exactly, I went back in 83 or 4.
- Q How long did you stay that time? A 5 or 6 months I guess, not longer.
- Q Then what did you do? A Come back on Big Creek to my cousin Rachel Webbers.
- Q When did you go out the next time? A I come back in 85, I got married in '84.
- Q Where have you lived since '84? A In Vinita.
- Q Ever since 84? A Yes sir, I got married and my husband ~~and~~ promised to come down here and we come and he staid here two days and one night and I never seed him for three years again.
- Q And you continued to live there then until he came back again?
- A Yes sir.
- Q Have you lived there ever since he came back three years after he had first been there a day and two nights? A Yes sir.
- Q Are you on the roll of 1880? A I dont know, I was here then.
- Q Give me the name of your father? A Jack Miller.
- Q Is he dead? A Yes sir.
- Q Give me the name of your mother? A Easter Holt.
- Q Is she dead? A No sir.
- Q She is living is she? A Yes sir.
- Q Where? A In Vinita.
- Q Is her name Holt now? A Yes sir.
- Q How long has your father been dead? A 17 or 18 years.
- Q Was he a Cherokee freedman? A No sir a Cherokee full blood.
- Q Is your mother a Cherokee freedman? A Yes sir.
- Q Did your mother come back with you when you come back after the war? A No sir.
- Q You were married and, ~~come~~ by yourseof? A No, sir, we had separated.
- Q But you had been married? A Yes sir.
- Q And you wasn't with your mother? A No sir.
- Q Give me the name of this granddaughter? A She goes by the name of Kate Davis.
- Q You say she is 20 years old? A Yes sir.
- Q Give me the name of her mother? A Nettie Holt.
- Q She is dead is she? A Yes sir.
- Q How long has she been dead? A She died I wasn't here with her when she died, I was down to Aunt Darkey's.
- Q Well when did she die? A In '78 I guess.
- Q Was Nettie Holt your daughter? A Yes sir.
- Q Where was Nettie Holt born? A At Webbers Falls.
- Q After the war? A No sir before the war.
- Q Did she belong to the same people that you belonged to? A Yes sir.
- Q Did she go out with you during the war? A Yes sir.
- Q Did she come back with you after the war? A Yes sir.

Q Did she live in the Cherokee Nation from the time she came until she died? A No sir, she went to Fort Scott to school part of the time

Q How long did she go to school there? A 4 or 5 years.

Q Did she stay in the Cherokee Nation all the time from the time she came back with you right after the war excepting the time she was out to school? A Yes sir.

Q Give me the name of the father of this child Katie Davis? A She told me that Katie's father was named Douglas Putman.

Q Was Nettie ever married to Putman? A If she was I don't know it, he was a postal clerk on the M.K. & T. Railroad.

Q He was a state man? A Yes sir.

Q How many times have you been married? A 3 times.

Q Who was the first ~~man~~ you ever lived with as husband and wife? A Dick Whitmire.

Q Did you and he take up as husband and wife before the war?

A No sir we were married by the district clerk of Flint district.

Q After the war? A No sir before the war.

Q You and he were married then when the war began? A Yes sir.

Q How long did you and he live together? A About 8 years.

Q When was it you parted, during the war? A Yes sir.

Q You went north? A Yes sir.

Q Where did he go? A He came north.

Q But you had been parted? A No sir they took him in the army and he run off in '65.

Q But you parted in war times? A Yes sir.

Q Who was the next ~~man~~ man you lived with? A Buck Bashyhead.

Q When were you married to him? A In the winter of '65.

Q Where at in Kansas? A No sir in Fort Gibson.

Q After you got back? A Yes sir.

Q How long did you live with him? A Until 77.

Q Is he dead? A Yes sir.

Q Did you live with him until he died? A Yes sir.

Q Who did you next live with? A Stephen Miller.

Q When did you marry him? A I think it was in '84.

Q Is he living? A Yes sir.

Q He is a state man is he? A Yes sir.

Q You married him in Kansas? A Yes sir in Fort Scott.

Q How long after you married him before you come to the Cherokee Nation? A About 6 months I come back to Fort Gibson.

Q Did he come with you? A No sir.

Q Where were you when he come down and staid a night and two days?

A At Vinita.

Q And then he left you? A Yes sir.

Q When did he come back to you in the Nation? A About 3 years after.

Q And you had never seen him in that time? A No, sir, he is in Vinita now.

Q How long has he been in Vinita? A 8 or 9 years.

Q Have you and he been living together those 8 or 9 years? A Yes sir.

Q How did this granddaughter get the name of Davis? A She is married.

Q Is her husband living? A Yes sir.

Q Why don't he apply for her? A He dont know nothing about her at all.

Q What is the name of her husband? A John Davis.

Q When did she marry him? A Sometime in March, this last March.

Q Is he a Cherokee freedman? A Yes sir.

Q What was this woman's name before she married Davis? A She went by the name of Putman.

Q You were never married to Putman? A No sir, this is my daughter's child by Putman, she is my granddaughter, not my child: my daughter

had her by a man named Putman.

Q What name did you go by in 1880? A Bushyhead.

Applicant cannot be found on the 1880 or 1896 rolls.

Q Did you draw Cherokee strip money? A No, sir, only drew  
t his bread money.

Applicant not found on the Kern Clifton or Wallace rolls.

Q You are not on any of these rolls, is your granddaughter Katie  
Davis in the same fix you are? A I think she is enrolled with her  
grandfather.

Q What was his name? A Dick Whitmire.

Q Is she the granddaughter of your first husband Whitmire? A Yes  
sir.

Q Her mother, Nettie, was a child of Whitmire? A Yes sir.

Q And do you think this child Katie Davis is on the roll as Whit-  
mire? A No, sir, I think it is on as Putman, but that her grandpa  
Whitmire enrolled her.

Q Did she draw Cherokee strip money? A No, sir, I think her  
grandfather drew it for her.

The applicant's granddaughter not found on the Kern-Clifton  
roll upon examination of same.

The Wallace roll of the Cherokee Nation examined and the name  
of the applicant's granddaughter found as follows-

Page 146 No. 3047, Katie Putnam, Cooweescoowee district.

The applicant's granddaughter not found on the 1880 or 1896  
rolls upon an examination of same.

Q Have you anyone here who knows when you came back after the war?

A Yes sir.

Q Who have you here? A Polly Nivens, Easter Grimmett, Darkey  
Buffington.

The continuation of this case taken by Bruce C. Jones.

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

Signed, Chas. von Weise,

Subscribed and sworn to before me this the 22nd day of June, 1901, at  
Nowata, I. T.

Signed, T. B. Needles,  
Commissioner.

Continued from testimony taken by Chas. von Weise; June 10, 1901.

SALLIE MILLER, recalled and examined by Commissioner, testified  
as follows:

Q You say you and Dick Whitmire were married before the war? A Yes  
sir, before the war.

Q Where was it that you and he parted during the war? A He lived  
in Going Snake district and I lived at Webbers Falls since of the war.

Q How did you happen to part, did he go one way and you go  
another, or did you quarrel and part? A No, sir, I was living at  
the Falls and he lived up in Flint District; Going Snake district,  
and I went out, the soldiers came and got us there and took me to  
Baxter Springs, and he came after that, I don't know where he came  
from.

Q Did he come after that while the war was still going on? A Yes,  
sir.

Q Had you married in the mean time? A No, sir.

Q Well, he was still your husband at that time? A Yes, sir, he  
was my husband.

Q You hadn't parted then down to that time? A No, sir.

- Q Were you and he husband and wife up in Kansas during the war, at Baxter Springs? A Yes, sir.
- Q Well, what became of him after that? A He got away from there in '63.
- Q And how long was it that you saw him after that? A I never seen him till the fall of '65.
- Q When you saw him in the fall of '65 you hadn't married? A No sir
- Q Had he married? A I don't know, he was living with a woman.
- Q Did he claim you and live with you as his wife? A No, sir.
- Q That was, you say, in the fall of '65? A Yes, sir.
- Q Now Buck Bushyhead, you say you married him in the winter of '65? A Yes sir, in the winter of '65.
- Q Well, most of the winter of '65 was a long time before the fall of '65? A '65; ~~xxxx~~ now I made a mistake, I came back, that is in '65, Dick Whitmire was living with a woman.
- Q Before you married Bushyhead? A Yes, sir.
- Q When you married Bushyhead he didn't any longer claim you as his wife? A Yes, sir.
- Q Dick Whitmire was living as man and wife with another woman, and no longer claimed you as his wife? A No, sir.
- Q And you felt free to marry Buck Bushyhead? A Yes, sir.
- Q And you lived with Buck Bushyhead until he died? A Yes, sir.
- Q And after that you married Stepher Miller? A Yes, sir.
- Q And you are living with him now? A Yes, sir.

POLLY NIVENS, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your name? A Polly Nivens.
- Q How old are you? A About 56.
- Q What is your postoffice? A Fort Gibson.
- Q How long have you lived in the Cherokee Nation? A All my life, never was out.
- Q Were not out then during the war? A Went out about five weeks.
- Q Were you a slave in the Cherokee Nation when the war came on? A Yes, sir.
- Q To whom did you belong? A Joe Nivens, or Mose Nivens, it is all the same.
- Q Do you know the applicant here? A Yes, sir.
- Q Did you know her during the war? A Yes, sir.
- Q Who was it she belonged to? A Old Mrs. Holt, at the Falls at Webbers Falls? A Yes, sir.
- Q Nellie Holt, was it? A Yes, sir, Mrs. Nellie Holt.
- Q How far did this woman live from you in that day? A She lived at Webbers Falls, and I lived at Fort Gibson, at Nivens Ferry.
- Q How far is it apart? A I don't know exactly how far.
- Q Is it very far? A No, sir, it is not very far.
- Q Did you know her husband back in that day? A No, sir, I didn't know him, I just knew her: when her mistress would come to our owner to see them.
- Q Did you know her down to the time the war broke out? A Yes, sir.
- Q Did she have any children in that day? A When I seen her she just had two.
- Q Do you remember their names? A No, sir, I don't remember their names.
- Q Did she ever have a daughter named Nettief, or do you know that? A No, sir, I don't know about that.
- Q Do you know anything about where this woman went during the war? A No, sir, I don't know where she went during the war.
- Q When did you first see her after the war? A Why I saw her right at Fort Gibson.
- Q When was that? A That was when the refugees was drawing

rations, you can count back from this, I can't.

Q Do you know what year that was in? A No, sir, I don't.

Q It was when the refugees was drawing government rations?

A Yes, sir, just after peace was made.

Q Do you know how long she had been back then? A She said she had just come back a short time before that when we first met, hadn't long come back.

Q Had peace been made then? A Yes, sir, peace was made.

Q How long was that after peace was made before you saw her, do you know? A No, sir, I can't tell that exactly.

Q Well, what do you know about her from that day to this, have you been seeing her all the time? A No, sir, I can't locate her all the time, she stayed a while in Gibson and said she was going away from there, and I asked her where she was going and she said I am going to take my children back to school, and said, there is nothing here for them but badness, and I said, you had better come back down here.

Q Did you ever know this child Nettie after the war? A No, sir, she just had two children with her and I never paid no attention to them at all.

Q Well, have you seen much of her from that day to this? A No, sir, I haven't seen her for a good while until I met her here again; I heard of her but I haven't seen her.

Q Did you remember and recognize her distinctly? A Yes, sir.

Q As the woman you knew before the war? A Yes, sir, knew her the minute I set eyes on her.

Q The same woman you knew in Fort Gibson? A Yes, sir, same woman; I was glad to meet her alive.

Q You don't know anything about her marriages since the war time?

A No, sir, don't know anything about her marriages at all.

Q Now these people that this woman belonged to, the Holts, were they well known and recognized Cherokee citizens? A Yes, sir.

Q And you knew her as their slave, did you? A Yes, sir.

Q She passed as such in the neighborhood? A Yes, sir, she called her mistress, she would be waiting on her everywhere she would go.

Mr. Davenport: How long before the war broke out had it been that you had seen her, Aunt Polly? A I can't tell you how long exacty because they just came to my house on a visit.

Q That was some years before the war began? A Yes, sir, some years before the war began, but not so very long, though.

EASTER WILLIAMS, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Easter Williams, now.

Q Did your name used to be Grimmett? A Yes, sir.

Q How old are you? A I guess I am about 52, I guess.

Q What is your postoffice? A I get my postoffice here while I am here.

Q At Chelsea? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A I have been here all my days.

Mr. Smith: Do you know this applicant here, Sallie Miller? A Yes, sir.

Q How long have you known her? A Ever since the war.

Q Did you know her before the war, or not until after? A Not until after the war.

Q Where did you first meet her after the war? A Met her in Fort Gibson.

Q When? A The time they brought the refugees back in there.

Q Do you know what date that was, what year it was? A No, sir, I don't know what date it was they brought us back to Gibson; I can't tell you just what date that was.

Q Where did you see her, where was she when you first saw her?

- A At Fort Gibson.
- Q What was she doing there? A Working, among the refugees.
- Q Do you know whose daughter she was, did you know her mother?
- A Yes, sir, Easter Holt.
- Q Have you known her since? A Well, I have seen her since then, of course where I saw her at Fort Gibson and I have met her here since then.
- Q What do you mean by here, what place in the Cherokee Nation have you seen her since '66? A She was in Fort Gibson in '66, she went by Bushyhead at that time, she was living in Gibson
- Q Did you know her husband? A Yes, sir.
- Q Do you know whether or not he died? A Yes, sir, he died.
- Q When did he die? A I can't tell you just when he died.
- Q Do you know whether she was married again or not? A Yes, sir
- Q Who did she marry? A Mr. Miller.
- Q Do you know who Sallie belonged to before the war? A Yes, sir, I knew her before the war, Billie Holt and Nellie Holt.
- Q Were they Cherokee Indians? A Yes, sir.
- Q Do you know how many children Sallie had when you saw her in '66?
- A Yes, sir, she had two.
- Q Do you remember their names? A Kate was one.
- Q Do you remember the other? A Nettie.
- Q What has become of Nettie? A She died.
- Q Did Nettie have any children? A Yes, sir, Katie Putman.
- Q Was Nettie married? A I can't know that, but I know she had one child.
- Q Do you know where that child is now? A In Vinita.
- Q Do you know who the child lives with? A Sallie Miller.
- Q Her grandmother? A Yes, sir.
- Mr. Davenport: How far were you living from Aunt Sallie when the war broke out? A They brought us up to Fort Gibson, we were all there during the war, and I was cooking for the officers.
- Q Was Sallie brought to Fort Gibson with you? A Yes, sir, from Neosho, ~~they brought us as refugees from Neosho.~~ they brought us as refugees from Neosho.
- Q Before the war broke out I am talking about now, not about the refugee time? A We lived in Flint.
- Q You don't know anything about where she was living when the war broke out? A No, sir.
- Q Do you know ~~anything about where she was living when the war broke out?~~ ~~to whom she belonged when the war broke out?~~ A She belonged to old man Holt, her mother belonged to old Holt
- Q That was before the war began? A Yes, sir.
- Q You don't know anything of them after they left Flint district and went to Canadian, up to the time the war began? A I seen her in Gibson.
- Q Not before the war? A No, sir, but after we came in scattered during the soldiers, we all met at Gibson, they brought us to Gibson, carried us to where we first met, to Neosho, and back.
- Q Holt before that moved down about Webbers Falls sometime before the war began? A There is where she lived I guess before the war broke out.
- Q They moved away then from where you were living? A Yes, sir.
- Q And you don't know anything more about them until after the war began, do you? A No, sir.
- Q And you don't know where she went during the war, do you? A No sir, don't know where she went.
- Q All you know about it is she came back to Fort Gibson sometime before the close of the war or about the close? A Yes, sir.
- Q You don't know where she has been living since the war closed?
- A No, sir, I can't place her where she has been living since.
- Q There would be several years at a time you didn't hear of her?
- A Of course I don't know only where she went.



Q Where do you live? A I live at Big Creek.

Mr. Smith: Do you know how long Sallie Miller, the applicant, was at Fort Gibson when you saw her at the time the refugees were there?

A We were all there about three years.

DORCAS BUFFINGTON, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Dorcas Buffington.

Q How old are you? A I am 78 years old, according to what Mr. Bushyhead told me.

Q What is your postoffice? A Melvin.

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

Q Did you come here with the Cherokees in old times? A Yes, sir.

Q Have you lived here ever since? A I have lived here ever since; of course my folks hired me out once in a while in the state, but that was when I was small.

Q Went out during the war? A No, sir.

Q Here during the war? A Yes, sir, all during the war.

Q Were you here when the war began? A Yes, sir right here.

Q Who was it you belonged to? A I belonged to Mr. Bushyhead, that lady's (indicating) husband's father.

Q The father of Chief Bushyhead? A Yes, sir.

Mr. Smith: Do you know this applicant, Sallie Miller? A Yes, sir, she married in my town.

Q How long have you known Sallie? A I been knowing her, I can't exactly tell you, but it has been long before the war.

Q You knew her before the war? A Yes, sir.

Q You know whether she was a slave or not? A I know she was a slave, I don't just think it, I know it.

Q Who did she belong to? A She belonged to old Mrs. Holt, old Mrs. Tempie Holt, she married a white man.

Q Were the Holts citizens of the Cherokee Nation? A Yes, sir, citizens.

Q Where did they live? A They lived away down there in Flint, I can't tell you exactly the place.

Q When did you first see Sallie in the Cherokee Nation after the war? A Well, I can't tell you exactly the time I seed her, but then she came to my house and stayed with me when they put out word about the negroes must come back to the old country, and she came to my house and stayed there for a week or so, and then she went off to Mr. Rogers, and I don't know how long she stayed there.

Q Where were you living? A I was living on Fourteen Mile Creek.

Q Did you go out of the Nation during the war? A No, sir.

Q Not at all? A No, sir, not at all, only when I was traveling with the army waiting on the Cherokees.

Q Do you know what year it was you saw her? A Not clear, I can't tell you that part, I never kept the dates of the years, I never thought nothing about it.

Q Where did this man Rogers that you spoke of live? A He lived between Grand River and I lived on Fourteen Mile Creek.

Q Do you know whether she had been to Fort Gibson, or whether she went to Fort Gibson after you saw her? A She went to Gibson, said she was going when she went from my house.

Q What was her name then? A Her name was Sallie Walker, Charlie Walker married her.

Q Was she ever married after that to anybody else? A I can't tell you that, I know before she married Charlie Walker she lived with a man named Dick Whitire, one of the Whitires, and I believe she had some children by him; I don't know, I never seen the children.

Q Did Whitire ever go by any other name? A No, sir.

Q Who did he belong to? A He was a free man, he was a Cherokee the Whitires was.

Q He wasn't a colored man at all? A No, sir, he owned slaves; Tempie Holt married Johnson Whitmire, and you know Tempie was a fine lady, she wouldn't want a nigger.

Q When did Sallie marry Miller, her present husband? A I don't know sir, I don't know that.

Q How many children did Sallie have, if she had any children, at the time you speak of her coming to your house? A She had two.

Q Do you know what their names were? A I think one was named Annie and the boy I disremember what that child's name was right now, but she had two children.

Q Do you know whether Sallie has been married more than once?

A No, sir, I don't, I don't know nothing about her whether she was married more than once or not, but I know she was married once and that was to Charlie Walker.

Q What was he, a colored man? A He was a colored man, he was my sister's son, and you know I am colored.

Q Was Charlie Walker a slave? A That is what he was, a slave of the same people I was.

Q Did they sometimes call Charlie Walker Charlie Bushyhead?

A Yes, sir, got the Charlie Walker from his father.

Q His father's name was Walker and his mother's name was Bushyhead?

A No, sir, it isn't that way; after the darkies got free, he went by the name of his father, and when he was a slave we all went in the name of our masters.

Q What was that? A Bushyhead.

Q Charlie Walker, the man who married Sallie, his name was Walker?

A Yes, sir.

Q And his mother's name was Bushyhead, is that right? A No, sir, that isn't right yet; Charlie Walker he went by the name of the man that his father belonged to, after he got free, and when he lived at home why he went by the name of Bushyhead.

Q Then he went by two names? A Of course, after he got free.

Q What were they? A When he got free, he went by the name of Walker, and when he was living at home at Bushyhead's, he went by the name of Charlie Bushyhead.

Q That was this woman's husband? A That was her husband.

Mr. Smith: If the Court pleases, in making this record, I would like to have a reference to the case of Joshua Holt, D-644. Joshua Holt was this woman's brother.

SALLIE MILLER, recalled, testified:

Commissioner: Did you have a brother named Joshua? A Yes, sir.

Q Full brother? A No, sir.

Q Not a full brother? A No, sir, brother on my mother's side.

Q Is he older or younger than you? A Younger.

Q How much younger? A I guess he must be 10 years younger, I am 59 and I think he is 52 or 53.

Q Was he with you during the war? A Yes, sir.

Q Did he come back with you when the war closed? A No, sir.

Q You didn't come back with him? A No, sir.

Q Did you and he belong to the same people when the war broke out?

A Yes, sir.

Mr. Davenport: Now Sarah, did you ever apply to the Bob Daniels, or ~~Chambers Court~~ to establish your rights after you returned to the Cherokee Nation? A No, sir, I never was but once, went to Tahlequah. I think it was somewhere in ninety, when I didn't get the Wallace money.

Q You applied to the Kern-Clifton Commission? A Yes, sir.

Q Now where were you living when your husband Dick Bushyhead died?

A Buck Bushyhead you mean; why he died in Fort Scott.

Q Where were you living at that time? A On Big Creek.

Q You were down on Big Creek when he died in Fort Scott? A Yes, sir.



he went up there to apply for his pension, he was there two weeks.

Q You has been in Fort Scott during the war? A Yes, sir.

Q You went from Baxter Springs? A Yes, sir.

Q You stayed there a few months, and then came back, and you and your husband went to Fort Scott? A Yes, sir.

Q Do you know the times when you were in Fort Scott? A No, sir, not before he died.

Q When were you and your present husband, Miller, married, in what year? A In 1884.

Q Where were you living at the time? A I was living in Fort Scott.

Q Miller was a resident of Fort Scott too, wasn't he? A Yes, sir.

Q Now then you and Miller lived there some time after you married before you came back to the Cherokee Nation? A I stayed about six months.

Q You stayed there first and last altogether about seven years?

A No, sir, I never stayed in Fort Scott seven years at one time.

Q I mean first and last? A Yes, sir, about that first and last since the war.

Q About that first and last since the war closed? A Yes, sir.

Q Now you are not a full sister of Joshua Holt? A No, sir.

Q Both had the same mother, but not the same father? A Yes, sir.

Q Easter Holt is your mother, isn't she? A Yes, sir, Easter Holt.

Q Did you and Easter Holt and your half brother go out of the Cherokee Nation together during the war? A Yes, sir.

Q Well who returned first? A Why I returned first.

Q When did your mother and Joshua return? A Why they -- now I can't say they did --

Q Do you know really when they returned? A Yes, sir, they came back when they had that fight up here at Horse Creek.

Q They came back the year of the Horse Creek fight did they?

A It seems to me, I can't say positively.

Mr. Smith: Are you the daughter of Easter Holt, who applied for enrollment this morning over there: did you see her over there?

A Yes, sir.

Commissioner: Where did you marry your husband Buck Bushyhead?

A In Fort Gibson.

Q Was he a Cherokee Freedman? A Yes, sir.

Q Dorcas Buffington stated about your being at her house on Thirteen Mile Creek? A It is Fourteen Mile Creek.

Q What time was that after the war? A It was in '79.

Q That was a long time after the war? A Yes, sir.

Q She doesn't know anything about when you came back? A Well now I don't know whether she did or not, because I stayed in Gibson.

Q Before you saw her after the war closed before '79? A Yes, sir, I seen her then in Fort Gibson, at the sutler's store, Mrs Percival run the store, and Buck Bushyhead worked at the store.

Q You spoke of going to Tahlequah once to see about getting your rights? A Yes, sir.

Q What did you do there? A I went down there and I seen Mr. Thompson, W. W. Thompson.

Q Did you apply to any court? A Yes, sir, there at Tahlequah.

Q And what did the court do? A They told me that I was readmitted they said all them they could find the names on the 1880 roll to go down there with proof and they could put them on the roll, and I went and I thought I knowed him in time of the war there at Fort Gibson and I thought I would get him and he would attend to it for me.

Q Did you appear before the court? A Yes, sir.

Q You give in your testimony? A Yes, sir.

Q Did you have any witnesses? A Yes, sir.

Q And the court heard your case? A Yes, sir.

Q Did the court pronounce a decision in your case? A They said the chief would have a ten days session and then he would attend to it.

Q Did you ever get any notice of what that decision was? A No, sir.  
Q In what year was that, as near as you can remember? A It has been, I guess, six years ago.

Q Was that the only application you ever made to any Court or Commission or authority to have your rights fixed? A No, sir, went before the Wallace Court, and went before the Clifton and Kerns.

Q Why wouldn't they put you on the Wallace roll? A I don't know. Why didn't they put you on the Kern-Clifton roll? A I don't know, unless it was because I didn't have a whole lot of money to pay out, they asked me for some money and I told them I didn't have any.

Q Who asked you for money? A Turner, he wanted ninety dollars, and I told him I didn't have ninety cents.

Q Well, your rights ought not to depend upon your having money; how about the roll of 1880? A It was at Fourteen Mile Creek at that time when the 1880 roll was made.

Q Were you at Dorcas Buffington's at that time? A Yes, sir.

Q What about they making that roll? A They didn't come, and I got Uncle Harry to go down to see Mr. Lipe, I believe old man Lipe had something to do with that, and he went there, and said Mr. Lipe said it was all right, and that was the reason I didn't bother anything about these rolls, I thought I was all right till it came around and I didn't get any money.

Mr. Davenport: I would like to object to that hearsay part about what that fellow went down there and said Mr. Lipe said.

Mr. Smith: What did you state was the occasion, or why did you go to Tahlequah in the nineties to see about your citizenship?

A They had a notice in the paper to all them didn't appear on the 1880 roll to go down there and with sufficient proof and they would put them on the roll.

Q Who had the notice? A It was in the paper, in the Vinita paper.

Q And you went to Tahlequah? A Yes, sir.

Q Who did you go to when you went to Tahlequah? A I went to this Mr. Thompson.

Q W. A. Thompson? A Yes, sir.

Q Now you spoke of going before some Court or Commission; what Court did you ever go before? A Before the Wallace Court and before this Clifton and Kern.

Q But ~~xxx~~ when you went to Tahlequah? A The Council was going on, the Council was in session at that time.

Q You didn't go, before the Council, did you? A Yes, I guess it was, Stick Ross was one of the Councilmen, and Spade was one of the Councilmen.

Q What ever became of that W. A. Thompson you went to see? A They said he died.

Q Did he? A I never seen him since.

Q Now as a matter of fact, do you know whether you went before any Court or not down there? A There was eight or ten men in a room, they said they was.

Q Did you pay Thompson? A Yes, sir, gave him \$10.

Q Do you know of your own knowledge whether there were any applications made, of your own knowledge, outside of what Thompson told you?

A No, sir, I don't, I just had faith in him, and he knew me during the war at Fort Gibson and I thought sure he would do what he told me.

Mr. Davenport: You hadn't heard at that time about Thompson going back to Georgia and having a friend to write home to his mother that he was dead and having his mother send money to pay his funeral expenses? A Yes, sir, I heard about that afterwards, and I never tried to see anything more about it.

Commissioner: Did you ever apply to the Dawes Commission in 1890 to have your rights recognized? A No, sir, I don't think I ever went before them.

Commissioner: The applicant applies for the enrollment of himself and one grandchild. The applicant is not identified upon the roll of 1880 or on the Wallace roll or on the Kern-Clifton roll or upon the roll of 1896. It appears from the testimony that she was in the Cherokee Nation at the breaking out of the Civil War, and was the slave of a Cherokee citizen. There is considerable testimony to the effect that she returned to the Cherokee Nation in 1865, and is living in the Cherokee Nation at this time, and has been so living for a number of years past, but it appears that altogether, for six or seven years, but not in a continuous way, she has since the war been absent from the Cherokee Nation and in the State of Kansas. In the light of her omission from the rolls, what she has to say in connection therewith, the testimony of her return to the Cherokee Nation within the time prescribed by the Treaty of 1866 though not far quite definite, and reasonably satisfactory, requires to be carefully considered, and some attention should be given to the testimony relating to her subsequent residence to determine whether or not she has adjured her citizenship. It appears that she made application at Tahlequah for recognition before some court of the Council of her rights as a Cherokee citizen, and that her application was not granted. The testimony in this particular is not very definite. Her change of name arising from marriage is established in a reasonably satisfactory manner. She will, under the conditions stated, be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her postoffice address.

As for her grandchild, her application will not be considered at this time, inasmuch as she is said to have been born in 1878, or prior thereto, and to be now married, but the examination with reference to her rights has been quite carefully made, as this child can only claim through its mother, and when she does apply it will be desirable to file the grandmother's testimony with the application. It appears that the mother of this grandchild, called by the applicant Nettie Holt, died in 1878, and was the daughter of her first husband, Dick Whitmire, a slave in the Cherokee Nation at the time of the breaking out of the war, and with whom the applicant continued to live until about the time of the close of the war. It further appears that this Nettie Holt returned with the applicant from Kansas and so far as the applicant's rights in that particular maybe concerned, acquired all the rights of her mother; and also, it appears that this Nettie Holt, after her return to the Cherokee Nation about the time of the close of the Civil War, was never out of the Nation except some four years when she was at school. This daughter, now known as Katie Davis, is shown to be Nettie Holt's daughter by a man citizen. Therefore, when the facts of her own residence be duly established in the Cherokee Nation, her rights apparently will turn exclusively upon the date of the return of the applicant, her grandmother, to the Cherokee Nation, with reference to the treaty of 1866. As indicated, the application for this grandchild was not continued further at this time than simply to develop the testimony through the grandmother, upon which that application must rest when it is made in its regular order.

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 18th of June, 1901.

Signed, T. G. [unclear]  
[unclear]

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Bruce V. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he has copied the foregoing, and that the same is a true and correct copy from the original.

Bruce V. Jones

Sworn to and subscribed before me this July 21st, 1901.

M. Green  
Notary Public.

Supl. C.F.-D.#648.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I.T., OCTOBER 5th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
SALLIE MILLER as a Cherokee Freedman, introduced on behalf of  
Cherokee Nation:

APPEARANCES:

Mr. Mellette, of Counsel for applicant;  
Mr. Davenport, of Counsel for Cherokee Nation.

SIMON MCKENZIE, being duly sworn by Commissioner Needles,  
testified as follows on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A Simon McKenzie.

Q Where do you live? A I live up Pryor Creek, about five miles  
north of Prior Creek.

Q What is your age? A I am 59.

Q How long have you lived in the Cherokee Nation? A Been living  
here all my life, only few times I have been out of the Nation.

Q Well, you were out of the Nation; when you were out of the Nation  
what places were you in? A when I was out of the Nation I lived at  
Fort Scott, Kansas.

Q About what year did you live in Fort Scott, Kansas? A I lived  
from 1865 down to 1866, '67 and down to spring of '68.

Q During the years you lived there did you become acquainted with  
Sallie Miller, or Holt, or Walker? A Yes, sir, I was acquainted  
with one lady named at that time Sallie Holt.

Q Well, did you know her family at that time, her mother?

A Yes, sir.

Q What was her mother's name? A Aunt Easter Holt.

Q Did you know any of her brothers? A Tecumseh and I forget  
the other one's name, was another one.

Q Do you know whether it was Mose or Joshua? A Yes, sir, Mose and  
Joshua.

Q Did you know any of her sisters? A Yes, sir, but I forget their  
names.

Q Now, where were they living, if you know, during the years you  
lived at Fort Scott? A They lived in an old Government building  
right in Fort Scott.

Q You went there in 1865? A In '65.

Q How long had you been there before you knew these people, or got  
acquainted with them? A I was there about a month or two or three  
months, I could not state the time.

Q Well, where were they living when you left Fort Scott, Kansas,  
if you know? A Well, Aunt Easter was living in an old Government  
building.

Q Have you seen any of them since that time? A No, sir.

MR. MELLETTE: Now, Mr. McKenzie, you don't know that the woman  
who is an applicant here for enrollment is the woman whom you say  
you saw up at Fort Scott, Kansas, at the close of the war, do you?

A I don't know the woman.

Q You don't know that that is the same woman? A In the same name.

Q It is not the same name? A The name Holt.

Q Well, you don't know that this is the same woman that you knew  
up there, do you? A Well, it was a daughter of Easter Holt, it  
was a Sallie woman.

Q Well, you don't know anything about this applicant; you have  
never seen this applicant here? A I haven't seen her here.



- Q Well, you have never seen her since she has made application here for enrollment have you? A No, sir.
- Q Now, when did you leave Fort Scott, Kansas? A I left there early in '68, in the spring.
- Q In the spring of '68? A Yes, sir.
- Q What were you doing up there at Fort Scott? A I was working there at Fort Scott, for Billy Shanahan, stone mason, doing public work there.
- Q Did you keep track of these colored people? A All I saw.
- Q Did you ever testify in this case before? A I guess I did.
- Q When? A Not long ago at Fort Gibson.
- Q You give testimony up at Fort Gibson? A I think I did.
- Q How long ago? A I don't know exactly whether it was last month.
- Q How old are you, Mr. McKenzie? A I am 59.
- Q Well, it has been 35 or 6 years ago then since you saw them up there at Kansas? A Yes, sir, I guess so, I never kept count of the time.
- Q Well say 35; well, Mr. McKenzie, can you remember just about the time you saw these people up there 35 years ago? A Well, I guess I could remember it, I stated before.
- Q There is no reason why you paid particular attention to them?, A No, just seeing them pass and repassing about.
- Q You left there in the spring of '68? A Yes, sir.
- Q Well, they could left there a year before that and you not remember it 35 years afterwards? A Didn't I saw they back and forth all the time I was up there, off and on.
- Q Well, now, off and on there, you saw them? A Every week
- Q Can you remember 35 years ago you saw these people every weeks? A I guess so, I wouldn't be here if I didn't thought I could testify nothing.
- Q Well, you feel because you are here you have to testify something? A I don't know.
- Q well, I want to know if you can remember 35 years ago you saw these people every week? A I did while I was living in Fort Scott most every week.
- Q Is it possible they might have left there a year before you did? A If they did they went back in a short time.
- Q What were you paying so particular attention to those people for? A I could not tell you.
- Q You just watched them? A Well, just seeing them pass and pass every day.
- Q Who else did you see up there at Fort Scott? A Why I see good many.
- Q What other colored people? A Good many. Good many other colored
- Q ~~that~~ people, but I don't know their names.
- Q Well, now, give the name of some other colored person you saw up there except this family? A I could not give their name.
- Q There were a great many colored people in Fort Scott? A Yes, sir.
- Q And of all the colored people that was in Fort Scott this family is the only one you remember the names? A Yes, sir; of course I was passing there and some lived out in the country.
- Q Well, who else lived in the Government building there? A Good many families.
- Q Good many families? A Yes, sir.
- Q Why don't you remember the names of the other colored people? A Because the boys I remember them, and part lived in town.
- Q Why can't you remember the names of some other colored people you saw there some time? A Well, I could if I wanted to state the whole thing I can, there was Bill Thompson.
- Q Who is Bill Thompson? A There he is (pointing to a man in the audience.)

- Q And who else was there? A Bill was blacksmith; Tom Brown.
- Q Was it Tom Brown or Bill Brown? A Tom Brown
- Q when did they leave there? A I don't know.
- Q Were they there when you left? A I don't know; they lived out at the edge of town; of course when I left town I went out about three miles of town and a family lived there by the name of Campbell, worked right there at Fort Scott. I know the whole generation if you will give me time to call the name over, the whole generation of them.
- Q what makes you remember seeing these people there all the time you were there? A I saw them off and on, because I was working in town; Tom Brown was a blacksmith, worked in town.
- Q When was the last time you remember seeing this Sallie Miller?
- A Well, I saw when I left Fort Scott.
- Q Did you see her the day you left? A No, sir; I didn't see her the day before I left.
- Q How long before you left did you see her? A Oh, short time, maybe a week or two weeks.
- Q You remember then of seeing her two weeks before you left?
- A Yes, might have been two weeks, and maybe longer and not so long.
- Q Maybe a year too? (No response.)
- Q Was it a year? A No, sir, I don't think it was a year; if she left there at all she went west, went towards Mapleton.
- Q How do you know she went to Mapleton? A Well, if she left at all.
- Q What makes you think that? A That was the talk.
- Q How was that? A That is why I found out by talking with her brother.
- Q You got a letter? A No, sir, talking with her brother.
- Q You are testifying to what her brother told you?
- A That is how I found out where she went, if she went off at all.
- Q That is the reason you are swearing that she was there all the time you were there? A No, sir; I know it.

WILLIAM MARGRAVE, being duly sworn by Commissioner Needles, testified as follows:

- MR. DAVENPORT: What is your name? A William Margrave.
- Q what is your age, Mr. Margrave? A My age is --430--about 82; I am away along in the 83 year.
- Q where do you live, Mr. Margrave? A Fort Scott, Kansas.
- Q How long have you lived at Fort Scott, Kansas? A Since 1854.
- Q Since you lived at Fort Scott, Kansas, did you become acquainted with a colored family by the name of Holts or Holt? A Yes, sir.
- Q You know the old lady's name? A Yes, sir; do you mean the mother?
- Q Yes, sir; what was her name? A Easter Holt.
- Q How many of the children do you remember, Mr. Margrave? A Let's see, there was Mose, Gush, Sallie and Josh.
- Q When did you become acquainted with the family? A I am not positive, I think they came there along towards the close of the Civil war, if they didn't they came there very shortly afterwards.
- Q Well, now, where did they live with reference to where your home was? A Well, most of the time they lived in, I should judge, about a hundred yards, except Mose he lived, after he married, he lived about 50 yards.
- Q Well, now, where is Mose Holt living now, do you know?
- A Lives right there by me in Fort Scott.
- Q Do you know where Josh is living? A I do not, he has been away from there a good many years, I don't know how long.
- Q Well, about how many years has it been since Josh moved away from there? A Of course that would be from guess work, something I never seek no count of; I don't think he has made his home in Fort Scott for the last 15 years, I might not be correct about it.

- Q About how long has it been since Tecumseh moved away from there?  
Q That maybe all the way from five, sir, seven or eight years,  
not longer than that.  
Q Well, when did Bettie leave there, about when did she leave?  
A That is quite a while ago, I could not tell that.  
Q Well, did Sallie Holt marry while she was up there? A Yes, mar-  
ried twice.  
Q What was her first husband's name? A Walker he died and then  
she married a Miller.  
Q Do you know what Miller's first name was, or what he was known  
by up there? A Stepney I believe it is.  
Q Have you seen Sallie Miller, the applicant, since you been down  
here? A I saw her this morning, spoke to her.  
Q Did you recognize her as the same woman you knew up there as  
Sallie Holt? A Well, she lived right there near me for I expect  
30 years, I don't know that it was that long; of course I knew her  
as well as I knew anybody in Fort Scott.  
Q About how long ago was it since Sallie left Fort Scott?  
A Well, now, I can't tell you.  
Q Well, you came from there in -? A Seven, eight or ten years.  
Q Do you know where Aunt Master Holt is living now, whether she is  
living or dead? A I saw her I think about a year ago up in Fort  
Scott, I have never heard of her dying.  
Q When did she move away, if at all, from Fort Scott, Kansas?  
A It comes to those dates-  
Q About how long? A I would think it was six or seven years ago.  
Q You got acquainted with this family as I understand you, sometime  
about the close of the war? A Yes, sir, I knew them by sight and  
afterwards got acquainted with them.  
Q They afterwards lived right near you? A Yes, sir. It was  
right close to me, I don't think it was over a hundred yards from  
where I now live.  
Q And they lived there then in your neighborhood from the time you  
got acquainted with them up until a few years ago? A Yes, just  
as I stated.  
MR. MELLETTE: Now, where was Sallie Miller in the fall of '65?  
A I don't think I could tell just that because-  
Q Well, now, where was she in '66? A The family was there, I  
am satisfied they were in Fort Scott in '66.  
Q I am talking about Sallie Miller now? A I knew you do; one of  
the family might have went away.  
Q You can't say that Sallie Miller, or Sallie Holt, was not here  
in the Cherokee Nation in 1866 can you? A No, sir, I cannot;  
I know the family was living up there at that time. One of the fami-  
ly could go off and I would not know anything about that; go off  
and return again.  
Q Isn't it a fact that she was down here in '66, and didn't go  
back up to Kansas for a couple of years after '66, about '68?  
A No, I don't know.  
Q You don't know? A No.  
Q That might be true, might it not? A Yes, the family was there,  
I know they didn't all come here; might be such a thing as she did,  
of course not looking for a thing of that kind I might not know.  
Q Well, these people might have come down in the Territory from  
time to time without you knowing their business, might they not,  
25 years ago? A You mean one at the time?  
Q Yes, or two at the time? A Of course they might.  
Q Sallie Miller's husband died up there, one of them? A Walker.  
Q Didn't she take some children back from here the first time  
she went back? A Children; I don't know anything about it.



JOHN FORBES, being duly sworn by Commissioner Needles,  
testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A John Forbes.

- Q What is your age, Mr. Forbes? A 56.
- Q Where do you live? A Fort Scott, Kansas.
- Q How long have you lived in Fort Scott, Kansas? A 33 years.
- Q Since you have been living at Fort Scott, Kansas, did you get acquainted with a colored family by the name of Holts? A Yes, sir.
- Q What was the old lady's name, if you know Mr. Forbes? A I don't exactly know what the old lady's name was.
- Q What was the children's names? A I have heard the names; well there was Mose and Josh and Mrs. Walker; well, there was one or two others.
- Q Do you know whether her name was Sallie Walker or what her first name was? A Her name was Sallie Walker.
- Q Did she marry a man by the name of Walker? A Yes, sir.
- Q Where was Walker at the time of his death, if you know?
- A I don't know where he died, but I was informed that he died; that I don't know where he died, away or whether he died in Fort Scott.
- Q Well, do you know whether or not she married after Walker's death?
- A Yes, sir.
- Q Who did she marry that time? A Man by the name of Miller.
- Q Do you remember his first name? A Well, I have heard it called Step Miller.
- Q What business did he follow? A Shoemaker.
- Q Well, did you know any of her brothers or sisters that you remember the names of? A Well, there was Bet or Bit, I think that is it; and there was Mose and Josh.
- Q Any one else you remember? A I think there was more than that.
- Q Do you know where Mose Holt is living now? A Living at Fort Scott.
- Q Do you know anything about where Josh is living? A No, sir.
- Q About when did Josh Holt move away from Fort Scott, Kansas?
- A Well, he moved away from there good many years ago, I don't know very well; I wasn't very well acquainted with him on that account.
- Q Well, when did the applicant, Sallie Miller now, formerly Sallie Holt, move away from there? A I could not say, I think the best of my judgment it was eight or ten years ago, but I could not--after I got acquainted with them in '70, then I was personally acquainted with them after that.
- Q Was the mother of them living there and keeping house when you got acquainted with them in '70? A I am not sure whether the mother was there, but she was there afterwards.
- Q Do you know what became of Bettie whether she is living up there or alive? A No, I do not.
- Q You don't remember what year they left but they left there a number of years after you got acquainted with them? A Yes, sir.
- MR. BELLETTE: Mr. Forbes, you don't know where these people, any of them, were in 1865, '67 or '8, do you? A No, sir.
- Q Isn't it a fact that they came, after you knew them, that they came back and forth down here in the territory and back up to Kansas?
- A I didn't know anything about that; I think I heard some of them talking about going down to Fort Smith or going from Fort Smith, or something when I got acquainted with them.
- Q Fort Smith down here on the border? A Yes, sir; I wouldn't be positive of that; some little recollection in my mind but I wouldn't be positive.

JAMES BRIGHTEN, being duly sworn by Commissioner Needles,  
testified as follows, on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A James Brighten.

- Q Where do you live, Mr. Brighten? A Fort Scott, Kansas.

- Q How long have you lived in Fort scott, Kansas? A 20 years.
- Q Since you have been living at Fort scott, Kansas, have you become acquainted with a family of colored people by the name of Holt?
- A Yes, sir.
- Q What members of the family are you acquainted with? A I know Mose, Mose lives there now, well I think anyother one, George Maybe.
- Q Did you ever know any of the girls? A Oh, I have seen them, I don't know.
- Q You are not very well acquainted with them? A I knowed Mose well and knowed where they lived well; no, I am not well acquainted with the lady folks.
- Q Did you ever know the mother? A No, sir.
- MR. MELLETTTE: You don't know where the women folks made their homes, whether they made it here and visited up there, or where they really, belonged, do you? A No, sir.

WILLIAM SEXTON, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:

MR. DAVENPORT: what is your name? A William Sexton.

- Q where do you live, Mr. Sexton? A Fort scott, Kansas.
- Q How long have you lived at port scott, Kansas? A I have lived at Fort scott ever since '69.
- Q Well, since you came to Fort scott, Kansas, did you get acquainted with a colored family by the name of Holts? A I did.
- Q Did you know the mother, the old lady, or reputed mother of the family? A Yes, sir.
- Q what was her name? A Her name was Easter Holt.
- Q what were the names of the children, or as many as you can remember? A There was one by the name of Mose, Josh, and Cumsh and Jennie and gallie; that's as many as I recollect.
- Q Well, did you know Sallie Holt, if she was a grown woman?
- A Sallie she was a womgn when I got acquainted with her.
- Q Josh, was he grown when you got acquainted with him?
- A No, sir, he was a young man.
- Q would you know gallie Holt if you would see her now?
- A Yes, sir.
- Q I wish you would look back through the audience and see if you see her? A Yes, sir.
- Q You recognize her as being the same woman, Sallie Holt, you knew?
- A same woman.
- Q Did she marry while she was living up at port scott? A She was married when I got acquainted with her.
- Q Do you know what her husband name was? A Her husband's name was Walker.
- Q Do you know whether Walker is living or dead? A He died.
- Q Well, did she marry again? A She did.
- Q Do you know who she married? A She married a man by the name o Miller.
- Q Do you know his first name? A Stepney.
- Q what was his business? A He was a groemaker up there.
- Q You knew Josh too up there did you? A Yes, sir.
- Q And Tecumseh? A Tecumseh.
- Q Did you know any other girls of the family, was there any other girls that you remember? A I do not.
- Q Do you know whether or not there was a girl by the name of Bettie?
- A I wouldn't be positive but it appears to me there was.
- Q were they living in Fort scott when you went there in '69, Mr. Sexton? A Yes, sir.
- Q Well, about how long after you went there did they continue to live in Fort scott? A Now, I could not say; I didn't pay particular attent'on, sometime they would leave and sometimes they was there.

- Q Did they keep house while they were there? A Yes, sir.  
Q Did Sallie live there with Walker when he was living?  
A Yes, sir.  
Q Where is Mose living now? A Moses is living up there now.  
Q About how long has it been since you remember of Josh and then living in Fort scott? A Josh hasn't been there for some considerable time.  
Q well, about how long? A It has been, I should judge, some ten or 12 years.  
Q well, how long has it been since Tecumseh has been living there?  
A She has lived there to the best of my recollection, it has been that long since I seen him there.  
Q Do you know where he went when he left there? A No, sir.  
Q You don't know whether he went to Kansas Ci ty or not?  
A No, sir, I do not.  
Q Well, how long has it been since sallie has been living there?  
A I don't know.  
Q Has she lived there any since she and Miller married? A Yes, sir.  
MR. MELLETTE: Well, how long do you think it has been since Sallie Miller lived there regularly? A Well, now, I could not say positive, it has been since she left there regularly.  
Q Well, isn't it a fact that she was back and forth ever since you have known her, to the Territory and back to Kansas, would come down here a stay a while and go back to Kansas? A Yes, sir.  
Q That is true? A Yes, sir.  
Q You don't know where any of these people were in '66? '67 or '68?  
A No, sir; I came to scott in '69.  
MR. DAVENPORT: And they were living there when you came?  
A They was there when I came.

Com'r Needles: This testimony will be made part of the record in Freedmen doubtful cases #953, #979, #980, #645, and in case of Bettie Hicks.

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

J. O. Rosson

Subscribed and sworn to before me this October 15th, 1901.



Commissioner.

**FILED**  
DEC 1 1904  
**COMMISSION TO FIVE TRIBES**

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
WASHINGTON, I. T., AUGUST 15, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for enrollment of ANNA PETERSON ET AL., and HOWARD BUSHYHEAD, as Cherokee Freedmen.

It appears that on July 15, 1904, the applicants and the representatives of the Cherokee Nation were advised by the Commission that the applicant would be permitted to appear before the Commission on August 15, 1904, and submit further testimony in the above entitled cause.

APPEARANCES:

Applicant, Anna Peterson, appears in person.  
Cherokee Nation by its representatives, W. W. Hastings  
and J. S. Davenport.

ANNA PETERSON, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Anna Peterson.  
Q What is your age? A 33 my next birth day.  
Q What is your post office address? A Claesmore, Indian Territory, at the present time, my home is at Vinita.  
Q You have applied here for the enrollment of yourself and children as Cherokee freedmen? A One child, Howard Bushyhead is my brother.  
Q You applied under the name of Anna Butler? A Yes sir.  
Q You have since married? A Yes sir.  
Q What is your present husband's name? A Walter Peterson.  
Q Is he a Cherokee freedman? A No sir.  
Q State man? A Yes sir.  
Q When were you married to him? A A year ago the last 14th of April.  
Q What is the name of your father? A His name is Buck Bushyhead.  
Q What is the name of your mother? A Sarah Holt before she married.  
Q Are your parents living? A My mother is living.  
Q Your father is dead, is he? A Yes sir.  
Q How long has he been dead? A I couldn't tell you, I was small.  
Q What is your mother's present name? A Sarah Miller.  
Q Has she applied for enrollment as a Cherokee freedman? A Yes sir.  
Q Under the name of Sarah Miller? A I couldn't tell you, I don't know that.  
Q Does she go by that name now? A Yes sir.  
Q Where was you living when you can first remember? A The first of my remembrance I was at school.  
Q Where? A At Fort Scott.  
Q Kansas? A Yes sir.  
Q Where were your people living at that time, your parents? A My mother was here in the Cherokee Nation.  
Q Where was your father? A He was dead.  
Q He died when you was quite small, did he? A Yes sir.

- Q Have you any witnesses here who can testify as to your father's return to the Cherokee Nation? A Yes sir.
- Q This child Esther Owen is she living now and where? A Yes sir.
- BY MR. DAME PORT:
- Q Do you know anything, Anna about when your father returned yourself? A No sir.
- Q You were not old enough to know anything about that? A No sir.
- Q Where was you born? A I think at Fort Gibson.
- Q Do you know? A No sir, I don't know.
- Q Where were your father and mother married, do you know? A No sir.
- Q You are how old now? A My next birth day I will be 33.
- Q Where were you when you could first remember? A In school at Fort Scott.
- Q Where was your mother at that time? A In the Cherokee Nation.
- Q And your father? A He was dead.
- Q Can you remember when your father or mother either were living in Fort Scott, Kansas? A No sir.
- Q Your mother married her last husband, Miller, in Fort Scott, didn't she not? A I couldn't tell you.
- Q You was old enough to remember? A I suppose so, but I wasn't there.
- Q You know where Miller was living? A Yes sir in Fort Scott.
- Q Wasn't your mother? A I don't know, I don't think so.
- Q Where was you living when your mother married Miller? A I was going to school there and come down here.
- Q How old were you when they married? A I don't know.
- Q How long did you go to school in Kansas? A I don't know.
- Q Did you go more than one year? A Yes sir.
- Q You are 33 now? A Will be next June.
- Q I will ask you if it isn't a fact that while you were going to school at Fort Scott, Kansas, your mother and her husband Miller lived there a part of or all of the time? A She didn't live there all of the time, no sir.
- Q What years were you in school at Fort Scott, Kansas? A I don't know sir.
- Q You don't mean to tell us you went to school and can't remember the years? A I went to school there, but to know the years, I don't.
- Q How old was you when you quit going to school there? A I suppose about 8 or 9 years old.
- Q You went how many years? A I don't know.
- Q You went more than one year? A I went more than one term.
- Q After you quit school in Kansas where did you go? A Came to Fort Gibson as near as I can remember.
- Q You was grown when you came to Fort Gibson? A No sir.
- Q How old were you? A I guess about 9 or 10 years old.
- Q Did you go to school any more after you came to Fort Gibson?
- A Yes sir.
- Q How much? A I don't know.
- Q When you came to Fort Gibson where was your mother? A She left Fort Gibson as near as I can remember, and said she was going to fourteen mile creek.
- Q Where did you next see her? A At Fort Gibson.
- Q How long after that? A I don't know sir, because I was too small.
- Q You cannot remember when you were ten years old, can you? A I can't remember everything.
- Q Can you remember seeing your father? A No sir.

This cause was here continued until August 16, 1904, on motion of the Commission.

AUGUST 16, 1904.

In pursuance of continuance had yesterday, this cause was called for trial, and was resumed and concluded this August 16, 1904.

APPEARANCES:

Same as yesterday for both parties.

SALLIE MILLER, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Sallie Miller.  
Q What is your age? A 62.  
Q What is your post office address? A Vinita.  
Q You are the mother of Anna Butler, now Anna Peterson and Howard Bushyhead? A Yes sir.  
Q Buck Bushyhead was the father of those children? A Yes sir.  
Q He is dead? A Yes sir.  
Q When did he die? A He died in '77.  
Q Have you made application for enrollment as a Cherokee freedman?  
A Yes sir.  
Q Under the name of Sallie Miller? A Yes sir.  
Q Have you got any children enrolled with you? A No sir.  
Q Has the Commission taken any action in your case? A No sir.

The records of the Commission show that this witness has been listed for enrollment on Cherokee Freedmen Doubtful Card No. 648.

- Q Your parents names were Jack Miller and Easter Holt? A Yes sir, slave of William Holt, Easter was.  
Q Was Buck Bushyhead a Cherokee freedman? A Yes sir.  
Q When did you first get acquainted with him? A I was acquainted with him before the late rebellion.  
Q Before the war? A Yes sir.  
Q When were you married to him? A I don't remember just when it was, it was somewhere along in '67 or '68, I don't know just when it was, but we lived together the way people used to live together. We took up together in the fall of '69.  
Q Who did he belong to before the war? A To Mrs. Bushyhead, I don't remember her name now.  
Q Where did she live? A Somewhere on the line I think.  
Q What line? A The line of the Territory and Arkansas it seems to me, it was up about the Grove, I never was up to the house but he used to drive wagons from up there down to Fort Smith. He was hired to a man by the name of Joel Bryant and he used to stop at our house down at Wetters Falls, there is where I got acquainted with him.  
Q Was his owner a Cherokee citizen? A They say so, I don't know.  
Q Where did Buck Bushyhead go during the war? A He was a soldier at Fort Gibson in the third Indian regiment.  
Q Did he leave the Cherokee Nation? A He left here I think in '67, it was in '68 he went from Fort Gibson to some with a man that got the contract down there to furnish the soldiers beef in Jacksboro, Texas.  
Q What year was that? A In '68 when he left Fort Gibson and went to Texas.



- Q How did you see you were married to him? A It seems to me it was '65 or '67.
- Q How long after the war? A It was a way after the war, I know he went up to Fort Scott. My children were up there going to school, the butchers hired him up there to work awhile, and told us the United States laws compelled everybody to get married, and we got married up there, I think we was up there about a month when we got married.
- Q Then where did you go? A We come back down here to Fort Gibson.
- Q You think it was in '67 or '68 when you went up there? A I aint sure just what year we were married, but we come back to Fort Gibson and he went from Fort Gibson to Texas.
- Q Do you know whether or not the trip to Fort Scott at the time you got married is the first time Bushyhead had ever been out of the Cherokee Nation? A No sir, I couldn't tell.
- Q You don't know about that? A No sir, but we lived in Gibson.
- Q Do you know whether or not Buck left the Cherokee Nation during the war at all? A No sir he never left during the war, he was a soldier.
- Q When is the first time he did leave to your knowledge? A When he went to Texas and we both went up to Fort Scott to take the children, I had two children and we took them to school. We went horse back, but we come right back, got an old lady by the name of Malinda Childs to take care of the children.
- Q How long did Buck stay in Texas on that trip? A He never come back to Fort Gibson I don't think until '71, because this woman that was before you yesterday she was born when he come back, she was born in '72, that woman that was before you yesterday.
- Q Anna Peterson, the applicant? A Yes sir.
- Q Where was she born? A At Fort Gibson.
- Q Is that the first child you had by Buck? A Yes sir.
- Q Where was this Howard born? A In Fort Scott.
- Q Fort Scott, Kansas? A Yes sir.
- Q How long had you been living up there when he was born? A I think I went up there in May and he was born on the 20th of July.
- Q How long did you continue to live up there after his birth? A I stayed there a little over a year, come back down to Big Creek. I stayed there and then when Buck Bushyhead went to Joplin, and he wrote for me to come up to Fort Scott, that was in the spring of '77 and his health was bad and he thought he would stay there and be doctored. That was in---I have been bothered so with my head---I will have to take my time---It was in the spring of '77 he wrote for me to come to Fort Scott, I was out on Big Creek to my uncle's, and I went to Fort Scott, and he come from Joplin and died. He was there just about five or six days, I don't know just how long, on the 28th of June.
- Q He died in Joplin? A No sir in Fort Scott.
- Q Fort Scott, Kansas? A Yes sir, he was there four or five days, and died on the 28th of June, 1877.
- Q How long had he been out of the Cherokee Nation at that time? A I don't think he was out a year to the best of my knowledge, we were both on Big Creek and he went from there to Joplin.
- Q How long before his death? A It was a year before his death.
- Q You don't know of your own knowledge you say anything about the ownership of Buck Bushyhead before the war? A No sir, only what I heard.



- Q But you know he didn't go out of the Cherokee Nation during the war? A Yes sir I know that he didn't go out during the war.
- Q And the first time he went is when he went to Texas? A Yes sir.
- Q Except when you went to Fort Scott, Kansas? A Yes sir.

BY MR. HASTINGS:

- Q You didn't draw any money from the Wallace court? A No sir.
- Q Didn't draw any from the Kern-Clifton roll? A No sir.
- Q You made application to all of them and they rejected you? A Yes sir.
- Q You testified in your own behalf at Chelsea on June 10, 1901, didn't you? A I don't remember that I applied there at Chelsea.
- Q You testified in your own behalf, didn't you? A Yes sir.
- Q Do you know Simon McKennie? A Yes sir.
- Q Where did you know him? A I seen him in Vinita here, I don't know whether it was in the Clifton-Kerns--no it was in the rebuttal court.
- Q Do you know William Vargrave? A Yes sir.
- Q Where did you know him? A In Fort Scott.
- Q When did you first know him in Fort Scott? A I got acquainted with him because my children boarded just a little ways from there.
- Q I am asking you when? A It was in '67 or '68, I guess I couldn't tell just when exactly, but it was in '67 or '68.
- Q Did you know John Forbes? A Yes sir.
- Q Where did you know him? A In Fort Scott.
- Q When did you get acquainted with him? A I expect it must have been about '73, '74 or '75, somewhere along there.
- Q Did you know James Brighton? A Yes sir.
- Q Did you know William Sexton? A Yes sir.
- Q When did you meet him and where? A I met him in Fort Scott.
- Q When did you meet him there? A I couldn't tell just what year it was.
- Q How long did you know him there? A I knew him there for quite awhile after my husband died we worked up there quite a good deal, and I knew him then.
- Q Which husband do you have reference to? A Buck Bushyhead.
- Q You were living with a man before you and Buck went to living together as husband and wife? A No sir.
- Q Never did? A No sir.
- Q Never lived with any person? A No sir.
- Q I don't mean regularly married, but didn't you have a man that you lived with as husband and wife before you and Buck lived together? A No sir.
- Q You swear that positively? A Yes sir.
- Q You are the same Sallie Miller that is found on Freedman Beautiful Cayd 648, and you testified before this Commission at Chelsea on June 10, 1901, three years ago? A Yes sir.
- Q Didn't you at that time testify that you and Dick Whitmire had been living together as husband and wife? A No sir, Dick Whitmire was my first husband way before the war, I have two children by him.
- Q That is what I am asking you, if you didn't have a husband before Buck Bushyhead? A Yes sir, Dick Whitmire.
- Q When did you and Dick quit living together as husband and wife? A In 1863.
- Q When did you and Buck commence living together? A In the fall of 1863.
- Q Where did you first meet Buck Bushyhead the first time? A The first time he was driving wagons from Fort Smith up to Buck's place.

- Q When was that? A I don't know exactly, but before the war.
- Q When did you first go to Fort Scott, Kansas? A I think it was in '67, as near as I can remember.
- Q Who did you belong to before the war? A William Holt.
- Q Where did he live? A At Webbers Falls, he moved down there, we used to live in Flint District.
- Q Were you living at Webbers Falls when the war come up? A Yes sir.
- Q What became of William Holt during the war? A I don't know, his daughter told me that they went to the Choctaw Nation.
- Q You didn't go with them? A No sir.
- Q Where did you go? A To Fort Scott.
- Q During the war? A Yes sir.
- Q What year during the war did you go to Fort Scott? A It was in '62.
- Q Why did you just now swear that you was never in Fort Scott until 1867? A I didn't know that you were going back to that time.
- Q Then you were in Fort Scott in '62? A Yes sir.
- Q And you have lived there until the present day, have you not?
- A No sir, I come to Fort Gibson in '65.
- Q You married Bushyhead in Fort Scott? A Yes sir.
- Q And you married Miller in Fort Scott? A Yes sir.
- Q And every child of yours was born in Kansas? A No sir, Mariah Wickett was born in Fort Gibson.
- Q How long had you been down in Fort Gibson when Anna was born?
- A She was born, I come back in '65 and Anna was born in '72, but I had took my oldest children to Fort Scott to school.
- Q You people along about that time, just after the war were plenty able to board children out and send them to school? A Buck worked all the time and helped me with the children.
- Q How many children did you have in 1865? A Two of Dick Whitmire's.
- Q They were in Kansas going to school? A In '65.
- Q Yes? A No sir.
- Q Where were they? A They were in Kansas but not going to school.
- Q How old were they? A Bettie was born in '59 and Dick was born in '60.
- Q How does it look reasonable that when they were 5 and 6 years of age that you would leave them up in Kansas and you come here?
- A I left them with my folks.
- Q Who were your folks? A Bether Holt.
- Q Your mother? A Yes sir.
- Q And she was in Kansas? A Yes sir at that time.
- Q You continued to leave the children there? A She come to Big Creek in '66, that is when I went and got my children and brought them here to Fort Gibson, in the fall of '66.
- Q Just a little before Christmas? A It was cold weather.
- Q But you know it was in the fall? A Yes sir, I guess it was as well as I can remember.
- Q Then you brought these two children where? A To Fort Gibson.
- Q At whose house did you live in in Fort Gibson in '66? A With Mariah Wickett's.
- Q She is dead? A Yes sir.
- Q You didn't produce her as a witness did you? A No sir.
- Q How long did you live at Mariah Wickett's house? A I was there pretty near all of the time, lots of time we were camped, Buck and me.
- Q Camped? A Yes sir.
- Q You and Buck? A Yes sir.
- Q Was any of Buck's old people around Fort Gibson at that time, I mean the people to whom he belonged? A Yes sir, Jess Bushyhead was there, he got killed in Fort Gibson.

- Q What year,? A I don't know what year it was.
- Q Did you and Buck ever live in a house together at Fort Gibson?
- A Yes sir.
- Q Where? A On the south side of the railroad in a little old log house down there.
- Q On the south side? A Yes sir, and when the cholera broke out that spring on the old Shaw place and had a garden there, and that was in the spring of '67, the cholera broke out in Fort Gibson.
- Q Then where did you go? A After that when we moved back there to Fort Gibson, and right back to Mariah Wickett's in a tent close to her house.
- Q Then where did you go? A I believe the next spring is when we took the children to Fort Scott to school.
- Q In the spring of '68? A Yes sir, I think so.
- Q Who did you put them up there with? A Old Aunt Tildy Childs, an old lady I got acquainted with during the war.
- Q You just took these 8 or 9 year old children to an acquaintance and left them there? A Yes sir, during school.
- Q And you and Buck was so poor you had to live in a tent, but you took these children to school? A Yes sir.
- Q How long did you stay there at that time? A I don't think long.
- Q About a week? A Longer than that.
- Q Two weeks? A Yes, may be two months.
- Q Buck was along with you? A Yes sir.
- Q How did you go? A Horse back.
- Q Took the children? A Yes sir, he took one and I took the other.
- Q Then where did you go? A Back to Fort Gibson.
- Q Did you live in a house then? A Yes sir, the one I was telling you about.
- Q Who were your neighbors? A Charlotte Walker and old Aunt Nancy Thornton.
- Q They are both dead, arn't they? A Yes sir.
- Q You can't find anybody that was living? A Yes, I can't think of the names, John Hayes, we were close neighbors to her.
- Q If that is true why didn't you bring some of them to Fort Gibson while we were there? A I didn't think I needed them because I thought everybody knew who I was.
- Q You knew that you wasn't enrolled by the Wallace court in 1869?
- A I thought it was through prejudice.
- Q You were not enrolled by the Kern-Clifton in 1896? A I have never drawn any money.
- Q If you never drew any money and were never enrolled by the Cherokees, and the Commission was setting there, didn't you think it was necessary to prove that you lived there during those years?
- A No sir, Aunt Nancy Thornton was there and tried to get me to go before you and she said she would tell you about me.
- Q You was advised that you were going to have a hard time? A Yes sir.
- Q Why didn't you bring some of the witnesses then? A I had been before the Kern-Clifton and thought it was all right.
- Q You didn't draw any money? A No but I thought I went before them and thought I was enrolled.
- Q Where was Anna Butler married? A In Vinita.
- Q When? A Something over a year ago.
- Q Was that her first marriage? A No sir.
- Q Where was she married first? A In Fort Scott, they tell me.
- Q She never saw Fort Scott, did she? A Yes sir.
- Q She was married in Fort Scott? A Yes sir, going to school there, and was married while she was going to school.

- Q What year was she married? A I don't know now, I was down in this country.
- Q Wasn't she married to a man by the name of Owen? A Yes sir.
- Q Has she got any children by Owen? A Yes sir, one.
- Q What is its name? A Esther.
- Q Where was Esther born? A In Fort Scott.
- Q What did her husband do up there? A I don't know, I didn't know him.
- Q Never saw him? A I have seen him, just passing, I went up there when Esther was born.
- Q Were they living there in Fort Scott? A No she was staying at Mr. Miller's.
- Q She was still going to school I reckon? A No sir.
- Q She had quit going to school? A Yes sir.
- Q Were they living in a house? A In Mr. Miller's house.
- Q Who was Mr. Miller? A My husband.
- Q He owned a house there, did he? A Yes sir.
- Q Where did you go from when you went up there? A Vinita.
- Q How long did Anna continue to stay up there after Esther was born? A I think about two months.
- Q Wasn't it about two weeks? A No sir two months, if not longer.
- Q Then where did she go? A Come to Vinita.
- Q Did her husband come with her? A No sir I never seen him but once.
- Q Where is her first husband? A I don't know.
- Q Is he living? A I don't know.
- Q Where is Howard Bushyhead? A He is dead.
- Q Where did he die? A He died in, I can't think the name of the place.
- Q Wasn't it in the Cherokee Nation? A No sir.
- Q Was he ever in the Cherokee Nation? A Yes sir, raised up here.
- Q Whose was he born? A In port Scott.
- Q In Fort Scott? A Yes sir.
- Q What year? A I believe it was '67.
- Q 1867? A Yes sir, as near as I can remember.
- Q You just now testified that you was at Fort Gibson during that year? A You are trying to get me mixed up. I have had catarrh and am trying to tell the truth. '76.
- Q 1876? A Yes sir.
- Q Are you certain about that? A Yes sir I am certain about that '76.
- Q He was born up there in 1876? A Yes sir.
- Q What year was you and Miller married? A It was as near as I can remember, it must have been '84 or '85, you can count it yourself, it was the first year that Cleveland was elected.
- Q You were not up there going to school that year? A I have never been to school in my life and you know it.
- Q What were you doing up there? A Working.
- Q Buck Bushyhead was dead? A Yes sir.
- Q What year did he die? A '77.
- Q Where did he die? A Therein Fort Scott.
- Q In Fort Scott? A Yes sir.
- Q Living at a house, keeping house? A No I was in a house, Buck just come there, he was about 6 or 7 days before he died, he come from Joplin, Missouri.
- Q You were keeping house there? A I was staying at a house and working at a hotel.

- Q You continued to stay there and married Miller? A No sir, I come back down here between that time and the time Miller and me were married.
- Q Did you leave Howard here? A Yes sir.
- Q Did he ever see the Cherokee Nation? A Yes sir, of course he did, I think it is too bad for you to set there and question an old woman, you know I am telling the truth.
- Q When did you first bring Howard to the Cherokee Nation? A I guess he must have been about two years old.
- Q Where did you bring him? A Up on Big Creek.
- Q You didn't bring him back to Fort Gibson? A No sir because after his father died I worked out, just nothing but the truth, I had to work for my children and I don't deny being in Kansas. All I stayed in Kansas for was just while I was working.
- Q Are you and Miller living together now? A We are man and wife, but he aint here.
- Q Where is he? A In Alton, Illinois, with his son.
- Q When did you quit living together? A About three months ago.
- Q You quit up at Fort Scott then? A How could I quit in Fort Scott living right here in Vinita for 18 or 19 years.
- Q You have been living in Vinita for 18 or 19 years? A Yes sir.
- Q When did you and he marry? A I think in '84.
- Q How long did you stay there after marrying before coming to Vinita? A We stayed there about six months, Buck Bushyhead had a house built on Verdigris right where Steeve Looney lives.
- Q Wasn't Buck Bushyhead sometimes known as Charlie Walker? A Yes sir.
- Q Same fellow? A Yes sir he changed his name up on Big Creek, he got into trouble.

BY THE COMMISSION:

- Q You testified you were married to Buck Bushyhead at Fort Scott?
- A Yes sir.
- Q It seems that when you first made application to the Commission you stated that you was married to Buck Bushyhead at Fort Gibson in 1865? A We didn't marry, we called it marrying.
- Q Listen at this: "Who was the next man you lived with? Buck Bushyhead. When were you married to him? In the winter of '65. Where at, in Kansas? No sir, in Fort Gibson." A Yes sir that is when we took up together.
- Q But you were not legally married until after that? A No sir.
- Q How long had Buck Bushyhead been out of the Cherokee Nation when he died? A I guess after he went to Texas, it was '70, I guess when he left here and then he come back. He he was away from here I think a year because when he come back, this Anna Peterson was just about three weeks old when he come back from Texas.
- Q After the war up until Buck Bushyhead died, did you and he have any home in the Cherokee Nation? A Yes sir had this home that he made out here on Big Creek, the house he built there.
- Q When did he build that house? A I think it was, he went from Fort Gibson, I think in '67. He had some trouble down there and he went out there and built and that is how come him to change his name to Charlie Walker.

BY MR. HASTINGS:

- Q He died in 1876? A 1877.
- Q Then for ten long years you never saw this house on the Verdigris?
- A We lived in the house.

- Q You never did see it, did you? A Yes sir.
- Q Where was it? A You know where Steve Looney and his step-son, Dave Ross.
- Q You mean he just went out there and built a log house and never lived in it for ten years? A No sir.
- Q Any one else ever live in it? A Dave Ross took the house.
- Q Just moved into it and took it? A Yes sir.
- Q Always kept it? A I don't know.
- Q You never got it back? A No sir.
- Q When did you sawy that Buck Bushyhead went to Texas? A It must have been along in '71.
- Q I thought you said '67 awhile ago? A No sir, he was living right here in Fort Gibson then.
- Q You didn't go with him to Texas? A No sir.
- Q How long was he gone? A He must have been gone about a year, may be later, because Anna was about three weeks old when he come back.
- Q But you thought he was gone a year? A Yes sir.
- Q May be a little over? A I aint certain, I think so.
- Q When he come back Anna was about three weeks old? A Yes sir, about three weeks old.
- Q How long after that when you went to Fort Scott? A We went there to take the children before he went to Texas.
- Q When did you go after he come back from Texas? A I guess it must have been about five or six months after that, it was longer than that, I couldn't tell just exactly but it was in '77 when he died and he had went from Big Creek about four or five months to Joplin and then come to Fort Scott and died.
- Q Did you know Sam Bruner up there? A Yes sir, I think Buck worked for him.
- Q A number of years didn't he? - A He might have.
- Q How could he work for him and not have been there according to your testimony? A I didn't say he stayed here all the time.
- Q How long did Buck Bushyhead live in Fort Scott, Kansas, to your knowledge prior to his death? A Pret near every time we went up there he would go to work. He was a butcher and they would hire him to work.
- Q You never did have any home in the Cherokee Nation before Buck's death? A None but the place I told you about.
- Q You never occupied it? A No sir, we had steek there.
- Q What steek? A Two cows.
- Q You don't mean to tell this Commission that as poor as you were that you had cows up there at that new place where you never stayed? A Yes sir.
- Q What become of those cows? A I don't know, and he had hogs there to.
- Q What become of your hogs? A I don't know.
- Q Did he have any there where he died? A I don't know.
- Q You have just stated that you come there directly after his death didn't you look after it? A I don't know.
- Q Why didn't you look after your property? A I never do look after any of the outside work.
- Q You were so reckless and extravagant with property that you never paid any attention to it? A No sir I never paid any attention to it.

BY THE COMMISSION:

- Q Do you want to make any explanation as to why you didn't live in this house? A He never finished it, a man got killed in Coffeyville, a white man, and a friend to this man Buck had trouble with in Fort Gibson, and they come up there and were occupying his up there and that is why he left.



Q Was waylaying Buck? A Yes sir, and that is why he changed his name to Charlie Walker.

BY R. HASTING:

Q Then you never lived out there any more because he was afraid to, is that correct? A No he never lived out there.

Q Never lived in the Cherokee Nation any more? A Yes sir, he did, but like a good many people he was always on his guard.

JANE MACKAY, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A Jane Mackey.

Q How old are you? A About 56.

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

Q Are you a Cherokee freedman? A Yes sir.

Q Do you know the applicant in this case, Howard Bushyhead and Anna Butler or Anna Peterson? A What Bushyhead.

Q Howard? A Yes sir, I know Buck Bushyhead.

Q But you don't know these applicants, Howard Bushyhead and Anna Peterson? A Yes sir, I know Howard.

Q When did you first get acquainted with Buck Bushyhead? A I knowed him all my days.

Q When did you first know him, when you could first remember?

A Yes sir.

Q Was that before the war? A Yes sir.

Q Where were you and Buck living then? A I was living in Flint District.

Q Flint District, Cherokee Nation? A Yes sir.

Q Where was Buck living? A Up above there somewhere, I don't know where, on old Mrs. Bushyhead's place, I guess, same district.

Q What Mrs. Bushyhead's? A She had a son named Dennis and Jess.

Q They were Cherokee citizens? A Yes sir.

Q Was Buck a slave of that family? A Yes sir.

Q Do you know whether or not Buck went out of the Cherokee Nation during the war? A He was a teamster in the company with my father. My father was a soldier and he was a teamster.

Q Do you know whether Buck Bushyhead went out of the Cherokee Nation during the war? A No sir I don't know.

Q When did you first see him in the Cherokee Nation after the war?

A It was in '95.

Q You mean 1895? A I saw him, I couldn't--

Q About how long after the war was it? A It was n't very long after the war, my father died at the end of the war, the year of peace, surrender, and Buck was there then because he helped bury my father. I remember that and then he went off, said he was going to Texas and when he come back said he was going up on Grand River, and after that I don't know where he went.

Q Where did your father die? A In Fort Gibson in the garrison.

Q Was Buck married then? A He had a wife, they called his wife.

Q Who was that? A Sallie Miller there.

Q This Sallie Miller who has just been on the stand? A Yes sir.

Q How long after that was it until Buck went to Texas? A I couldn't tell when Buck went to Texas, and couldn't tell when he come back, and he went on Grand River after he come back.

Q And you never saw him after he went up on Grand River? A No sir.

Q You don't know where he lived after that time? A No sir.

BY MR. HASTINGS:

- Q Did Buck ever live in a house at Fort Gibson? A Yes sir.
- Q Where? A In a house in the old town.
- Q On what side of the railroad track now? A Railroad on both sides now, where old Mariah Wickett's house was.
- Q What year did he live there? A I can't tell you, I don't remember.
- Q What year is this? A 1864 ain't it.
- Q 1864? A Yes sir.
- Q When did this woman come and get you as a witness in this case? A Some week before last.
- Q There at Fort Gibson? A Yes sir.
- Q Come and tell you she wanted you as a witness? A Yes sir.
- Q Have you lived at Fort Gibson all the time since the war? A Yes sir, I have.
- Q How long did Buck Bushyhead live there after the war, three weeks? A Longer than that.
- Q Do you know? A I couldn't tell you, a good while.
- Q Your best judgment? A He was gone about a year to Texas.
- Q How long did he live at Fort Gibson? A He was there about two or three years I reckon, I guess---
- Q Do you know? A I saw him there about that long.
- Q Who was he living with when you saw him? A They lived awhile at the old Shaw place across the river.
- Q That wasn't in Fort Gibson? A That was a cross the river, but just about how long Buck stayed in town I couldn't tell.
- Q Did they have any children when they were there? A I recollect two little children.
- Q A boy and a girl? A Yes sir.
- Q Which is the older of these children, the boy or the girl? A I don't know, I can't tell you.
- Q Was there much difference in the age? A Yes sir I reckon, looks like, may be might be two or three differences in the age, small children.
- Q These were children of Bucks by this woman? A I don't know said to be Buck's children, they called him father.
- Q He recognized them as his children? A Yes sir.
- Q She recognized him as the father of them? A Yes sir.
- Q Do you know whether they called one Howard? A Yes sir, they called one Howard.
- Q Where was Howard born? A I don't know.
- Q That was while they were living at Fort Gibson? A Yes sir.
- Q You saw Howard living there with them and this girl? A I saw her two children there at Fort Gibson.
- Q Was one named Howard? A Yes sir.
- Q Did it ever occur to you that Howard wasn't born until twelve years after the war? A I can't tell you that.
- Q Then you are mistaken? A I guess if he was, I am mistaken.
- Q According to this record Howard Bushyhead was born in 1876 or 1877, Buck Bushyhead wasn't living there that late was he? A I don't know, I have told you as near as I can.
- Q You don't know do you? A No sir.
- Q You don't know where Howard was born do you? A No sir, I don't.
- Q You must be mistaken about seeing him then? A I saw the children all right.
- Q Were they living in the house there? A Yes sir, I don't know whether it was there house, it was when Mariah Wickett---
- Q They were living there with these children? A She had them children.



- Q At that time? A When she was there.
- Q If she swears that she didn't, she is mistaken isn't she, the mother? A I guess so, I am telling you as near as I know.
- Q Do you know where Anna was born? A No sir.
- Q You never saw her in your life until you come here to testify?
- A Yes sir, I did, after they left and went off, he said he was going up on Grand River, and I never saw them any more.
- Q How big was Howard when you last saw him? A A small child.
- Q Two or three years old? A If that is the child, it was.
- Q You said they called him Howard? A They did.
- Q Do you know what they called the others one, Anna? A They called her Pet I believe.
- Q You don't know where she was born? A No sir.
- Q Do you know which is the older, the boy or girl? A No sir.
- Q Did Buck Bushyhead ever go to Texas? A He said he was going to Texas, I don't know where he went.
- Q Did he take his wife and these two children with him? A I don't guess his wife knew he was gone.
- Q Why do you think that? A He left his wife and went away.
- Q Did he leave these two children there? A Yes sir.
- Q How long was he gone? A About a year I expect.
- Q How do you know he left his wife, did you see her? A Yes sir.
- Q While he was gone? A The way I know she stayed with mother.
- Q While Buck was gone to Texas? A He was gone, I don't know where.
- Q She said he was gone to Texas? A Yes sir.
- Q During part of this time, Sallie Miller now, stayed with your mother? A Yes sir sometimes, she stayed with several.
- Q You were with your mother at that time? A Yes sir.
- Q And she had these two children, did she? A She had one of them with her most of the time.
- Q Which one, Howard or Anna? A I disremember which one, she had one I remember that.
- Q You don't know whether it was a girl or boy? A No sir.
- Q You don't know whether it was Anna or Howard? A No sir.
- Q How long after the war was that? A It wasn't very long.
- Q About how many years? A It was about two or three years I expect.
- Q Is that your best judgment? A Yes sir.
- Q Don't you know that neither of them were born until about 6 or 7 years after the war? A It may have been longer, I might have been mistaken.
- Q But you know this man was gone to Texas? A He said so.
- Q You don't know now whether he left any children there or not, do you? A I know she had children.
- Q Were they his? A She said so.
- Q They were said to be his children? A Yes sir Buck Bushyhead.
- Q They had two children when he went to Texas? A I don't know she had only one was born after the father went away.
- Q One was born before hand and one after he went away? A I think so.
- Q How long was Buck gone to Texas? A About a year.
- Q Did he ever come back there? A Yes sir he come back and left again and went up on Grand River, I think it was Grand River.
- Q How long did he stay there when he come back? A He didn't stay but five or six months, because he said he was going up on Grand River to get a place.
- Q Did he get a place? A I never saw him any more.
- Q He never come back to Fort Gibson after that? A I didn't see him.
- Q What because of this woman, did he take her? A Sallie went off too.

Q Did they go off together? A I didn't see them when they went off.

Q How many children did she have by Buck Bushyhead when they went off? A I don't know whether Mr. Hastings, how many they had, whether just two or not, I know she had two they said was Buck's.

Q What year was it they left Fort Gibson after the war? A I couldn't tell you.

Q Couldn't have any idea about that? A No sir.

Q You don't know how many years after the war when it was they left Fort Gibson? A No sir.

Q Do you have any idea at all? A I couldn't and tell you the truth.

Q I know you may not be absolutely correct or exact. Your best judgment as to how many years after the war it was before they left? A Might have been two or three years.

Q Is that your best judgment? A Yes sir.

Q That was the last time you saw them at Fort Gibson? A Yes sir.

Q How long was two or three years after the war? A Yes sir.

Q At the meantime Buck had been to Texas about a year? A Yes sir that is what he said.

Q I know that this woman had two children born to him, Howard and Ann? A Yes sir.

Q And they were both born there at Fort Gibson? A One was born there to my knowing.

Q What's the other one born there? A I don't know sir.

Q Both born when they left there? A Yes sir.

Q Now if Ballie Miller says that they were born about ten years after that she is mistaken isn't she? A I guess at her or no one is bound to be mistaken.

Q You never saw them upon the river, anywhere living up there? A No sir I never went up there.

Q You never saw them at any gathering for two or three years after the war? A I never went to none.

Q You never saw Buck Bushyhead back at Fort Gibson after that? A No sir.

Q You never saw this woman back there after that? A Yes sir.

Q When did you next see her? A A good while after that.

Q After Buck's death? A No sir not till after he was dead.

Q Until after she had married again? A I saw her before she married.

Q Do you know where she married the last time? A No sir.

Q Do you know where Buck died? A No sir, I don't know where he died.

Q You never heard of him dying up at Fort Scott? A I might have.

Q Well did you? A No sir not as I know of, I know--

Q Ballie Miller never told you when she wanted you as a witness that Howard was born at Fort Gibson in 1876 or 1877? A No sir she never told me where none of them were born, I am telling you the truth Mr. Hastings.

Q What is your father's name? A His name is Charles Timberlake.

Q Where did he die? A In the garrison at Fort Gibson.

Q During the war? A The end of the war.

Q About the time the war closed? A Yes sir.

Q Before peace was declared? A Yes sir.

Q That was before the soldiers were discharged? A Yes sir.

Q Do you know where Buck Bushyhead and this woman was married? A No sir I don't know anything about that.

Q When did you first see this woman during or after the war, Ballie Miller? A She was in Gibson just after the war, yet was not in Gibson during the war.

- Q How long just after the war was it before you saw her? A I saw her just after war, she was there all of the time.
- Q Did she live there with her mother? A I don't know her mother.
- Q Was she and Buck living there together during the war? A Yes sir.
- Q Did she live together? A With Mariah Wickett.
- Q During the war? A Yes sir and after peace was declared too, just after the war.
- Q Did you know she had another husband during the war by the name of Dick Whitmire? A I didn't know him.
- Q If she testifies that she never lived with Buck Bushyhead until after the war, she is mistaken is she? A She knows, I don't.
- Q Do you know that she lived with Buck Bushyhead during the war? A Yes sir.
- Q Where at? A At Gibson, she says so, they was in a house with

BY THE COMMISSION:

- Q Do you know whether this woman had any children by Dick Whitmire? A No sir, I don't know that.

BY THE WITNESS:

- Q Do you remember that I lived there with your mother? A I told you that.
- Q Did you have children? A Yes stayed awhile with us but Buck wasn't there, that is the time Buck was gone.
- Q Are you know they were good size children? A That is what I told them.

THOMAS WALKER, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Thomas Walker.
- Q What is your age? A 30.
- Q What is your post office address? A Fort Gibson.
- Q Are you a Cherokee freedman? A Yes sir.
- Q Do you know Anna Peterson or Anna Butler, and her brother Howard Bushyhead, children of Sallie Miller and Buck Bushyhead? A I know her.
- Q Don't know the children? A No sir.
- Q When did you first get acquainted with Buck Bushyhead? A Time of the war at Fort Gibson.
- Q Were you living there then? A Yes sir.
- Q Was he living there? A Yes sir.
- Q Was Buck the slave of a Cherokee citizen? A I don't know sir.
- Q You didn't know him during slavery? A No sir.
- Q What was he doing when you first knew him during the war? A A teamster for the Union, he was with the army.
- Q How long did you continue to know him there at Fort Gibson during the war? A I got acquainted with him about '63 I reckon, from that on up until he left there, left Fort Gibson, I seen him all the time.
- Q When did he leave Fort Gibson? A He left about '71.
- Q Do you know where he went? A No more than what I heard him say that he was going to Texas.
- Q That is the first time he left Fort Gibson to your knowledge? A Yes sir to my knowing.
- Q Did you ever see him again? A Yes sir when he come back.
- Q When was that? A Pretty shortly afterwards, I don't know exactly what year.

- Q About how long afterwards? A He left Fort Gibson after the war, he was working for a butcher and the butcher went to Texas and got killed and Buck came back and stayed here awhile and went to Kansas, and I haven't seen him since.
- Q Was he married when you first knew him there in Fort Gibson?
- A Yes sir.
- Q Who was he married to? A His wife was now Gallie.
- Q This woman here, Gallie Miller? A I couldn't tell whether she is the woman or not, I was just a tot.
- Q You don't remember whether this woman was his wife or not? A No sir.
- Q Did they have any children at that time? A Yes sir.
- Q Boys or girls? A I remember I believe, two girls to the best of my knowledge.
- Q Do you remember their names? A No sir.
- Q Two girls and one boy? A I don't remember whether there was a boy or not, I remember seeing two girls.
- Q About how old were they? A They were small, smaller than I was.
- Q Did Buck Bushyhead own any home there in Fort Gibson when you knew him? A Not as I know of, he was working around there by daily labor by the month.
- Q About how long did his wife and children continue to live there?
- A I couldn't tell you that, I am not able to tell.
- Q Did they leave before Buck went to Kansas or afterwards? A Yes sir they left before he went to Kansas.
- Q Do you know where they went? A No sir.
- Q Did Buck go with them? A No sir.
- Q He stayed in Fort Gibson? A Yes sir.
- Q ~~Amn~~ Do you remember when Buck went to Kansas? A About the latter part of '71 I reckon or first of '72.
- Q And you know nothing about him since that time? A No sir.
- Q Don't know whether he is living or dead? A No sir.

MY MR. JASTINGS:

- Q Tom where did you live during the war? A I lived in Fort Gibson.
- Q Did you live there immediately after the war? A Yes sir.
- Q How long did you continued to live in Fort Gibson after the war? A I have been living there ever since the war.
- Q In the town? A No sir.
- Q Were you living in the town the first years after the war? A No I never lived in--I lived in town twomonths when I first came to Gibson, that is all I lived in town, I lived out on the edge and in the country like.
- Q How far do you live from town? A I have been living in a mile and a half of town.
- Q The first years after the war, in 1865, '67, and '68, where were you living? A I was living there close to Mr. Billy Ross's.
- Q How far from town? A I don't know whether that is in town or not.
- Q How far was it from the main town of Fort Gibson? A It was about 400 yards I reckon, quarter of a mile.
- Q Did you live there for three or four years? A Yes sir.
- Q When did you first see Buck Bushyhead with a wife? A I saw his wife but never saw him with her, we all lived along together out on the edge of the bottom, and an old Cherokee woman by the name of Mariah Wickett lived beyond us a little piece, and there was a woman there and I was told that that was Buck's wife.
- Q How long did she live there? A I don't know when she left.
- Q Your best judgment as to how long she lived there? A I don't know when she went to Aunt Mariah's, and I don't know when she left.

- Q How long did you know her to live there? A I saw her there lots of times.
- Q How long did you know her to be there? A To the best of my knowledge five or six months.
- Q That's all that you knew about her there? A Yes sir.
- Q Then she went away somewhere? A Yes sir.
- Q When did you know her there, what year? A It was in '65.
- Q You knew her there five or six months, and that was the last you saw of her? A Yes sir.
- Q Is that the year you saw Buck Bushyhead there? A Yes sir.
- Q You never saw him after that? A Yes sir lots of time after that.
- Q But you never saw this woman? A No sir.
- Q She wasn't there? A No sir.
- Q Did you understand that she had gone to Kansas? A No sir I never heard where she had gone.
- Q Buck never had any children by her in 1865 did he? A I don't know, I am not able to tell that.
- Q You know that Buck never lived with this woman around there after that? A No sir.
- Q You say Buck left about that time and went to Texas? A He left about that time in '71 I believe, '70 or '71.
- Q From 1865 up to 1870 or 1871 never saw this woman? A No sir.
- Q You never saw any children? A No sir.
- Q Buck never had any children there? A Not to my knowing.
- Q Do you think Buck stayed there all the time from 1865 to 1870 or 1871? A He might not have stayed there all of the time but I remember of seeing him often and on.
- Q But you never saw the woman? A No sir but he stayed there part of the time.
- Q When he left there in 1870 or '71, you never saw him any more?
- A He went to Texas and come back and I saw him.
- Q How long was he gone to Texas? A About a year I guess.
- Q You didn't see the woman there when he come back? A No sir.
- Q Where did Buck stay when he come back? A I don't know where he stayed, he didn't stay there long when he come back.
- Q About how long did he stay? A About a week or such a matter.
- Q And then just passed on? A Yes sir.
- Q Didn't you understand he went to Fort Scott? A He went, he come back by mother borrowed a dollar from him and when he come back from Texas he come back by there for it about 7 or 8 o'clock in the evening, he told her he would like to have it, that he was going to Kansas.
- Q He didn't have a wife there with him then? A No sir.
- Q Did he say his wife was in Kansas? A I didn't hear him say anything about his wife.
- Q He went off to Kansas did he and you never saw him after that?
- A No sir.

SALLIE MILLER recalled:

BY THE COMMISSION:

- Q Did you have any children by Dick Whitmore? A Yes sir.
- Q You were married to him when? A Before the war.
- Q When and where were those children born? A They were born at Webbers Falls.
- Q When? A One was born in '59 and the other was born in '61.
- Q You just had two children by him? A Yes sir.
- Q When and where were your children by Buck Bushyhead born? A The first one at Fort Gibson in '72.
- Q Those children by Dick Whitmore, did they continue to live with you?

BY MR. HASTINGS:

- Q I thought in 1867 or 1868 you took them to Fort Scott? A While they were out of school they lived there in Fort Gibson with me.
- Q Were these boys or girls? A Girl and a boy.
- Q One named Howard? A No that was Bushyhead.

BY THE COMMISSION:

- Q When did Howard Bushyhead die? A It will be two years the 17th of this coming October.
- Q October, 1904? A Yes sir.

SIMON McKENZIE, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY THE COMMISSION:

- Q What is your name? A Simon McKenzie.
- Q What is your age? A 63.
- Q What is your post office address? A Prior Creek.
- Q You are a citizen by blood of the Cherokee Nation? A Yes sir.
- Q Do you know the applicants in this case, Anna Butler or Anna Peterson, and Howard Bushyhead, children of Sallie Miller and Buck Bushyhead? A I knew Buck Bushyhead.
- Q When did you first know him? A In Fort Scott, Kansas.
- Q When? A I first got acquainted with him was when we got discharged in Fort Leavenworth, and come on back to Fort Scott in '65, in August.
- Q That is when you knew him? A Yes sir.

BY MR. HASTINGS:

- Q In what army were you, in the Union army? A Yes sir.
- Q You were discharged at Fort Leavenworth, Kansas? A Yes sir.
- Q When did you come to Fort Scott, Kansas? A In '65 in August.
- Q Did you know Buck Bushyhead at Fort Scott, Kansas? A Yes sir.
- Q Was he a colored man? A Yes sir.
- Q When did you first get acquainted with him? A Short time after I come to Fort Scott in August.
- Q About how long after you went there in August of 1865? A In a week or so, we went to work there.
- Q What was Buck Bushyhead doing when you knew him there? A He wasn't doing much of anything, he was then like the rest of them lived about part of the time and worked about town and took a little drink of whiskey.
- Q Did you understand that he was formerly owned by the Bushyhead's in the Cherokee Nation? A No sir.
- Q Didn't he tell you that he had been owned down here by Bushyhead before the war? A Never told who had owned him, I knowed he was a Cherokee darkie.
- Q How long did you continue to know him there in Fort Scott, Kansas? A From '65, that time, until '66, and he got to working for a butcher in Fort Scott, for Sam a butcher in Fort Scott.
- Q Sam Bruner? A Yes sir, driving a team for him, I passed right by the shop every night and morning.
- Q How much longer did you know him there? A Often and on until '65, '67, '68, and '69, I left there and come home and he was still there.
- Q Buck Bushyhead was still there was he? A Yes sir.
- Q You left him there? A Yes sir.



- Q Did you see him frequently then, between say 1865 when you first knew him until you left there in 1868? A Yes sir, often and on, passed right by the butcher shop every morning, I lived in the east of town and the butcher shop was in the west of town.
- Q You never missed him for any length of time? A No sir.
- Q You didn't know his wife? A No sir.
- Q You didn't know anything about his family? A No sir.
- Q Did you ever see him after that time, after you left and come off down here? A No sir, I don't recollect of seeing him any more.
- Q But you saw him frequently as you passed backwards and forwards? A Yes sir, during that time.
- Q Just like you saw any other man? A Yes sir, when I come back home I went out west, didn't come to Fort Gibson.
- Q What time did you leave Fort Scott in 1868? A Along it must have been during the spring of '68.
- Q And you swear that Buck Bushyhead was butchering there at that time? A Yes sir.
- Q He said he was a Cherokee darkie? A Yes sir, I knew him by the language, he talked it.
- Q You talked Cherokee and so did he? A Yes sir.
- Q And that made you talk a good deal together? A Yes sir.
- Q He talked Cherokee language, did he? A Yes sir.
- Q That is how you happen to know he was a Cherokee darkie? A Yes sir.
- Q Do you know whether or not he was in the war? A I don't know.
- Q About how old was he when you first knew him? A I don't believe I could give any idea.
- Q Was he older than you? A I think he was, I know he was.
- Q You first knew him there in what year? A In '65.
- Q And he continued to live there all the time until you left in 1868? A He was there all the time.
- Q After you left Fort Scott in 1868 did you ever see Buck Bushyhead any more? A No sir, I went out west when I come here and didn't go to Vinita or Gibson.
- Q Did you ever hear him say anything about having a family at that time? A No sir.
- Q Do you know where he come from when he come to Fort Scott? A I don't know but he come from the Cherokee Nation, because he was a Cherokee darkie.
- Q But you don't know where he come from? A No sir.

BY SALLIE MILLER:

- Q You say you were a soldier? A Yes sir.
- Q What regiment? A Second Kansas Battery, Light Artillery.

BY THE COMMISSION:

- Q Did this Buck Bushyhead ever go by any other name while he was there? A If he did I never heard of it.
- Q Did you ever hear of more than the one Buck Bushyhead? A No sir.
- Q Never know any other darkie by that name? A No sir.

This case was here continued to September 21, 1904.

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SEPTEMBER 21, 1904.

In pursuance of continuance heretofore had on August 16, 1904, this cause was on this date called for further hearing.

APPEARANCES:

Applicants by their mother, Sallie Miller, and attorneys,  
Blue & Bugger.  
Cherokee Nation by its representative, J. S. Davenport.

SALLIE MILLER, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A Sallie Miller.  
Q What is your post office address? A Vinita.  
Q How old are you? A 62.

BY MR. RULGER:

Q You are the mother of this Anna Butler and Howard Bushyhead?  
A Yes sir.  
Q Who is their father? A Buck Bushyhead.  
Q Was he a slave of a Cherokee at the commencement of the rebellion?  
A Yes sir.  
Q Whose slave was he? A Jess Bushyhead's.  
Q In what District did Jess Bushyhead reside? A I think in  
Coingsnake District near the line as near as I can remember, we  
were not married then.  
Q Were you acquainted with him at that time? A No sir I was just  
acquainted with him in passing by where I lived, they used to  
haul goods up from Fort Smith upon Grand River to Bryant's.  
Q When did you and Buck marry? A I don't know whether it was in  
'68 or '69.  
Q After the war? A Yes sir, when we were married legally.  
Q Had you been living together before that? A Yes sir.  
Q Was Anna Butler born before you and he were married? A No sir.  
Q Was Howard Bushyhead born before? A No sir.  
Q They were born after the war? A Yes sir.  
Q Did Buck Bushyhead go out of the Cherokee Nation during the war?  
A No sir he was a soldier and he was right here in the Territory.  
Q Where was he located as a soldier? A At Fort Gibson.  
Q All during the war? A Yes sir.  
Q How long did he remain at Fort Gibson after the war, if he did?  
A He remained there until '67 right in Fort Gibson.  
Q Was he in the Cherokee Nation in the year 1866, in August? A Yes  
sir, right in Fort Gibson.  
Q Did you see him at that time? A We were living together as  
man and wife, we took up together in the fall of '66.  
Q Did Buck Bushyhead go out of the Cherokee country after that time?  
A Yes sir, I think about '68 or '69, he went to Texas.  
Q Did he return to the Cherokee Nation? A Yes sir.  
Q About when? A When he came back from Texas he stopped over in  
Fort Gibson.  
Q When was that? A That was in '72.  
Q Did he ever leave the Cherokee Nation after that time? A Yes sir.  
Q Did he ever return after that? A No sir he died in '77 in  
Fort Scott, Kansas.



BY MR. DAVENPORT:

- Q Were you raised in the Cherokee Nation? A Yes sir.  
Q When did you return to the Cherokee Nation? A In the fall of '68.  
Q Who was with you? A My sister, Bettie, I come back with a man in a hack by the name of Sandy, he brought us from Fort Scott.  
Q How long did you stay before you went back to Kansas, if at all?  
A I went back in '68 I think.  
Q When did you return to the Cherokee Nation after 1868? A I don't know, I come back in '69.

BY THE COMMISSION:

- Q When did you first get acquainted with Buck Bushyhead? A I couldn't tell you just exactly when, but before the war I was living down to Webbers Falls.  
Q Who did you saw owned him at the beginning of the war? A Jess Bushyhead.  
Q Where did he live? A As near as I can remember it was in Coingsnake District near the line.  
Q Was Jess Bushyhead a Cherokee Indian by blood? A Yes sir.  
Q Both Anna Butler and Howard Bushyhead were born in Kansas? A No sir, Anna was born here at Fort Gibson.  
Q When did you go to Fort Scott? A I think it was along about in '72 in the fall, cause Anna was a baby.  
Q How old is Anna now? A I think she is 32 years old.  
Q Which is the oldest, Anna or Howard? A Anna is the oldest.  
Q How old is Howard? A I think Howard would have been 27 the 20th of last June.  
Q When did Howard die? A The 18th of last December a year ago.  
Q 18th of December, 1902? A Yes sir, I sent an affidavit here.  
Q Where do you saw Howard was born? A In Fort Scott.  
Q How long did you live in Fort Scott? A I lived there, I don't know how long, I worked there after my husband died, I come down in the Nation and come down here to work after he died.

CHLORA FOREMAN, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Chlora Foreman.  
Q What is your age? A About 53.  
Q What is your post office address? A Vinita.  
Q Did you know a man by the name of Buck Bushyhead? A Yes sir.  
Q Was he a colored man? A He was part colored and part Indian.  
Q Was he a slave before the war? A I guess he was.  
Q Do you know? A Yes sir, he belonged to the Bushyheads'.  
Q Do you know that? A Yes sir.  
Q What Bushyhead did he belong to? A He belonged to Jess Bushyhead.  
Q Where did you live before the war? A On Cabin Creek.  
Q Were you living there when the war come up? A Yes sir.  
Q Where was Buck Bushyhead when the war come up? A I don't know where Buck Bushyhead was, when I met him he was at Gibson.  
Q When? A In the time of the war.  
Q Then you don't know anything about Buck Bushyhead before the war?  
A No sir.  
Q And you can't testify as to whom he belonged to of your own knowledge?  
A No sir, only by hearing people say he belonged to Jess Bushyhead.  
Q It is merely hearsay on your part? A Yes sir.

BY MR. RULGER:

- Q You say you saw Buck Bushyhead during the war in Fort Gibson?  
A After the war.  
Q What was he doing in Fort Gibson? A When I first got acquainted he was driving for Mr. Percival.  
Q What was he doing? A Working in a store.  
Q Did Percival run a store in Fort Gibson? A Yes sir.  
Q What year was this that you knew Buck Bushyhead in Fort Gibson?  
A In '66.  
Q How long did you know him to work in that store at Fort Gibson after 1866? A I don't know sir just exactly it seems to me like he worked there a year or two years, I don't know which, I worked at the house and he worked at the store.  
Q You worked for Percival yourself? A Yes sir.  
Q Was Buck Bushyhead working for Percival in August, 1866? A I couldn't tell the date.  
Q Well in the summer of 1866? A Yes sir.  
Q After that he worked a year or such a matter? A Yes sir.

BY MR. DAVENPORT:

- Q Did you know Jess Bushyhead's daughter, it is now Mrs. Quarrels and a sister of Aunt Liddie Alberty, who now lives at Tahlequah?  
A Yes sir, I used to know the children, but I forget the names it has been so long.  
Q Do you remember when one of the Bushyhead girls died in Fort Gibson just after the war? A Carrie Bushyhead, I knowed her.  
Q Did you ever know anything about Jess Bushyhead's family before the war? A No sir.  
Q Who were you raised with and belonged to, if any one, when the war broke out? A I belonged to Dave Landrum.  
Q You lived in the northeastern part of the Cherokee Nation then?  
A Yes sir.  
Q And you don't know where Buck Bushyhead lived when the war broke out? A No sir.  
Q You are the wife of Luster Foreman? A Yes sir.  
Q When Percival commence his business at Fort Gibson, Indian Territory? A He had a store there at the close of the war.  
Q Are you positive that this man Percival who ran a store at Fort Gibson was in business in Fort Gibson in the year 1866? A Yes sir.  
Q How long had he been in business before that year? A I don't know sir.  
Q Don't you know that he didn't open up his business there until the year after the cholera broke out in Fort Gibson? A As far as I can remember it seems to me like it was before the cholera broke out.  
Q When did you go back to Fort Gibson? A I got back just when peace was declared.  
Q Did you go out during the war? A Yes sir.  
Q What year was it you worked for Percival? A I am not educated, it was in '66, when I and Buck worked for him, they said it was.  
Q How long had you been back to Fort Gibson before you worked for Percival? A A year.  
Q You had been back more than a year hadn't you? A I believe it was before I worked for Mr. Percival, two years, I was there before the cholera at Fort Gibson, just at the close of the war.  
Q You was back and saw Buck and you both worked for Percival?  
A Yes sir, I worked at the house and he worked down at the store.  
Q Did Percival have a family? A Yes sir.  
Q What was his wife's name? A Millie Pettit, was her name, Mill Pettit's sister.

- Q Where is she living? A She is dead.  
Q Did he have any other family? A No sir.  
Q Had you seen Buck Bushyhead in Fort Gibson before he commenced working for Percival? A Yes sir, I have seen him around there with the Cherokees, but I wasn't acquainted with him then.  
Q How old were you when the war closed? A I don't know sir.  
Q How old are you now? A They say I am about 83, my young mistress says.  
Q Were you a grown young woman when the war closed? A No sir, I was a young woman.  
Q What kind of work did you do at Percival's? A Cooked, it was before I married Luster, we were married in '67.

BY THE COMMISSION:

- Q Are you on the 1880 roll? A Yes sir.  
Q Your husband on the 1880 roll? A Yes sir, he is dead.  
Q Do you know when Buck Bushyhead married Sallie Miller? A No sir I don't know when they married, but I know she was his wife when he worked at Percival's, but I don't know when they married.  
Q When you first got acquainted with Buck Bushyhead he was married then? A Yes sir.  
Q And was working there at Percival's store? A Yes sir.  
Q And living with his wife there in Fort Gibson? A Yes sir he lived in a little log house.

BY MR. FULGER:

- Q Are you acquainted with Anna Butler and Howard Bushyhead? A Yes sir I know them.  
Q Were they the children of Buck Bushyhead? A Yes sir they were always called Buck Bushyhead's children.

BY MR. DAVENPORT:

- Q Howard Bushyhead was born at Fort Gibson wasn't he? A I don't know she had two little children.  
Q When they lived at Fort Gibson? A Yes sir, a girl and a boy.

This case was here adjourned for further hearing until tomorrow, September 22, 1904.

In pursuance of adjournment heretofore had, this cause was, on this September 22, 1904, called for further hearing.

APPEARANCES:

Applicants appear by their mother, Sallie Miller, and attorneys, Blue & Fulger.  
Cherokee Nation by its representatives, L. B. Ball.

TOBE McINTOSH, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Tobe McIntosh.  
Q Where do you live? A Muskogee.  
Q How old are you? A About 64.  
Q Do you know Sallie Miller? A Slightly.  
Q Did you know a colored man by the name of Buck Bushyhead? A Well acquainted with him.  
Q When did you first know Buck Bushyhead? A At Fort Gibson.  
Q When? A During the war.  
Q Was he a slave at the commencement of the war? A Yes sir.  
Q To whom did he belong to? A Some of the Bushyheads, I wouldn't tell you the name.  
Q Was you a slave? A Yes sir.

- Q To whom did you belong to at the commencement of the war? A To McIntosh.
- Q Where did you live at the commencement of the rebellion? A Lived at Broken Arrow.
- Q What Nation is that in? A Creek Nation.
- Q Where did Buck Bushyhead live at the beginning of the rebellion? A I couldn't tell you, I don't know where the Bushyheads lived at that time.
- Q Had you seen Buck Bushyhead before the war? A No sir, I hadn't.
- Q Then you don't know who he belonged to of your own knowledge? A No sir only what he told me, he was his master.
- Q They didn't live anywhere close to you? A No sir they were in the Cherokee Nation and I was in the Creek Nation.
- Q When did you see Buck Bushyhead during the war? A I seen him in '62.
- Q Where? A At Fort Gibson.
- Q How long did he stay at Fort Gibson? A Until the war was ceased.
- Q Did he stay there after the war any? A After the war I seen him there in '62, and it was '67.
- Q Do you know when he married Sallie Miller? A No sir I don't know anything about that, he told me that was his wife and they had two little children, is all I know.
- Q He was living at Fort Gibson with Sallie Miller and had two children during the war? A Yes sir.
- Q How large were these children? A Quite small when I seen them.
- Q Do you know where he went to after he left Fort Gibson? A The last conversation he had with me, he told me he was going to a place in the Cherokee Nation near Oak Creek.
- Q Do you know when he went to Kansas? A No sir.
- Q Do you know where he died? A No sir.
- Q You never saw him after he left Fort Gibson? A Never.
- Q You think that was in 1867? A Yes sir.

BY MR. FULGER:

- Q Did you and Buck work for the same man at Fort Gibson? A No sir, I worked for Bushyhead and he worked for Percival.
- Q How close were these places together? A About across the street.
- Q Did you see Buck about every day? A Every day I met him.
- Q You know that you saw him there in 1866 and 1867? A Yes sir.
- Q What time of the year of 1867 do you remember that he went away? A I couldn't tell you it has been so long, a man can't remember it.

BY MR. BELL:

- Q When did you see Buck Bushyhead last? A In '67.
- Q About what time of the year? A Along in the spring.
- Q What were you and him doing in 1866? A I was selling goods for Bushyhead and ~~xxxxxxx~~ he was working for Percival.
- Q William Percival? A Yes sir.
- Q The man that kept a store there a long while after that? A Yes sir.
- Q You know Jess Bushyhead did you? A Yes sir, I knew him when he was killed.
- Q When was he killed? A I knew him before he was killed.
- Q When was he killed? I couldn't tell you, it has been so long, I couldn't remember.
- Q You recollect about him being killed? A Yes sir, that is all.
- Q But you can't recollect anything about the time? A No sir.

- Q You can recollect all about Buck though? A I recollect about him I don't recollect when he was dead, I heard of it.
- Q Where were you during the year 1867? A Right in Fort Gibson.
- Q Lived there all that year? A Stayed there all the time for four years.
- Q Where were you Christmas 1867? A I couldn't tell you.
- Q Were you in Fort Gibson then? A I couldn't tell you, it is too long for me to keep it in my brains, I might have been there.
- Q You were around about that country? A Yes sir, I couldn't tell you exactly.
- Q Where were you during the next year after 1867? A I couldn't tell you.
- Q The only thing you recollect definitely is the year 1866? A Yes sir.
- Q What time did you commence working there in Fort Gibson in 1866? A I tell you I couldn't tell you the date, I don't know.
- Q Was it in the spring, fall or winter? A Somewhere along in there I couldn't tell you exactly.
- Q Who did you say you were working for? A Jess Bushyhead.
- Q And you worked for him in 1866? A Yes sir.
- Q 1867 too? A Yes sir.
- Q And Buck was working for Percival during all that time? A Yes sir.
- Q In 1866 and 1867? A Yes sir, that is all I know.
- Q When did you see Buck Bushyhead last? A I believe that was in '67, if I aint mistaken.
- Q In the early, middle or latter part of the year? A It might have been the early or middle part of the year, I couldn't tell you all of them stories.
- Q Along after 1867 did you work for Jess Bushyhead any more? A No sir not after '67.
- Q Who did you work for there in Gibson after you quit Bushyhead? A Ross, William P. Ross.
- Q You was still in Fort Gibson after you worked for him. A Yes sir
- Q Where did Buck Bushyhead live? A I couldn't tell you, in a little log cabin there whe he said his wife was, I never went up to the house.
- Q You never went to his house then? A No sir.
- Q During the time he was in Fort Gibson with you in 1866 and 1867? A No sir I never did go to his house.
- Q Where did you get acquainted with his wife? A By passing and talking and during the war, he was a soldier in the Union army, Indian regiment.
- Q You got acquainted with the woman before 1866 didn't you? A No sir couldn't tell you that.
- Q Were you acquainted with Gallie Miller before 1866? A No sir.
- Q Where did you see her? A In Fort Gibson.
- Q You didn't go to the house? A No sir.
- Q You just met her on the street? A Yes sir I met her and Buck sometimes on the street.
- Q And they had these two children? A No sir not all the time.
- Q They had the two children? A Yes sir.
- Q What age were they? A About that high (indicating)
- Q Look like they were three or four years old? A About three I guess, I couldn't tell you.
- Q One was bigger than the other? A Yes sir.
- Q Which did you think was the eldest? A I thought the girl was the eldest.
- Q You think the youngest could have been at least three years old? A Yes sir.

- Q You don't know anything about Buck marrying her? A No sir.  
Q The first time you ever saw her was on the streets of Fort Gibson in 1866 or 1867? A Yes sir.  
Q Buck then disappeared from Fort Gibson in 1867 so far as you know? A Yes sir.  
Q And he never saw him any more? A No sir.  
Q You don't know whether he went south or north? A No sir.  
Q And you stayed at Fort Gibson during the war? A Yes sir.  
Q And worked for Bushyhead until 1868 and then worked for Ross? A Yes sir.  
Q And you don't know when Jess Bushyhead was killed? A No sir.

BY MR. WULGER:

- Q It has been a long time since 1866, what makes you remember so distinctly the years 1866 and 1867? A Guess we were right there in '66, I interpreted the Treaty of '66 is the reason I know so well.

BY MR. DELL:

- Q What Treaty of 1866? A The Creek Treaty.  
Q What time in 1866 did you meet there to interpret that Treaty? A In the fall.  
Q Whereabouts did you go? A To Fort Smith, we stayed there I think about two weeks and every nation come in there.  
Q In 1866? A Yes sir, Cherokees, Creeks, Choctaws, Osages and everything.  
Q Was there any Cherokees there? A Yes sir.  
Q Could you name any of them? A William Ross was there, Standwaite was there, old man Hicks was there, and several of them.  
Q You are certain that was in 1866? A I might be mistaken in the year but I think that was the year the Treaty was ratified, in '66.  
Q You speak all about the Creek Treaty? A That is what I am talking about, I aint talking about no other Treaty.  
Q You didn't go down there to hear the Cherokee Treaty ratified? A No sir.  
Q Don't you think that when you went to Fort Smith it was in 1868? A It might have been, I may be mistaken, I can't remember way back, I am telling you what I think.  
Q You don't know anything about that only just sort of a recollection? A Yes sir.  
Q Wasn't the Creek Treaty really ratified out here at your seat of government by the Creek Council? A I don't know the time, we went there, it was cold and danger of bush whackers when we went to Fort Smith. We camped there and they said it was to ratify the Creek Treaty.  
Q Didn't they go there to make the Treaty? A We might have, I might have been mistaken, that was it.  
Q I want to ask you when you went to Fort Smith a come back, if it wasn't the next year you and Buck worked at Fort Gibson? A Yes sir when I come back and got employment there.  
Q You saw it was cold weather in 1866 when you went to Fort Smith? A Yes sir.  
Q And then you come back and the next year you hired to Jess Bushyhead in 1867? A Yes sir, that is right.

BY MR. WULGER:

- Q Did you know Buck Bushyhead before you went to Fort Smith that time? A Yes sir, during the war I knowed him.  
Q Do you know that he was in Fort Gibson while you were in Fort Smith? A Yes sir.



- Q Were he in Fort Gibson when you returned from Fort Smith? A Yes sir.
- Q How long did you remain in Fort Gibson after you got back? A I stayed there until Ross and Bushyhead broke up.
- Q How long was that? A I don't know.
- Q A year, six months or two years? A I stayed in Fort Gibson four years.
- Q Buck Bushyhead then you saw lived in Fort Gibson during the years 1866 and most of the year 1867? A Yes sir.

BY MR. WHELAN:

- Q Do you understand that Jess Bushyhead and Bill Ross were partners? A No sir, they were not.

This case was here continued to November 15, 1904.

It appears that on this November 15, 1904, in pursuance of continuance heretofore had this cause was called for further hearing.

APPEARANCES:

Applicants by their attorneys, Blue & Bulger.  
Cherokee Nation by its representative, J. S. Davenport.

S. H. MAYES, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. DAVENPORT:

- Q What is your name? A S. H. Mayes.
- Q Where do you live? A Prior Creek.
- Q You are a Cherokee citizen? A Yes sir.
- Q Did you ever know a colored man who belonged to the Bushyhead's by the name of Buck Bushyhead? A Yes sir.
- Q Did you know him before the breaking out of the rebellion? A Yes sir.
- Q Did you ever see him after the war? A I saw him in Fort Scott after the war.
- Q About what year did you see him in Fort Scott? A It was in '66.
- Q What was you doing at that time, what kind of business was you engaged in? A I was freighting from Fort Gibson to Kansas City.
- Q When did you return to the Cherokee Nation after the war? A I came here in June, 1866.
- Q You had known Buck Bushyhead before the war? A Yes sir.
- Q Did you ever see Buck Bushyhead in the Cherokee Nation after the war? A No sir.
- Q About how often did you see him in and around Fort Scott, Kansas, as you would be making these trips from Fort Gibson to Kansas City? A I would not be positive, but I think nearly every time I went through Fort Scott.
- Q How often would you make the trips? A About three times a year on an average.
- Q When you would be at Fort Gibson and around there, did you ever see Buck Bushyhead there after the war? A No sir.
- Q Do you know where the Bushyhead family was living then? A Yes sir.
- Q Where? A Carrie Bushyhead was teaching school there at Fort Gibson.

- Q Did you have any conversation with Buck Bushyhead at the time you saw him in Fort Scott, about where he was living? A I talked with him and he said he was living in Fort Scott, he talked something of coming back to the Cherokee Nation again.
- Q For whom were you freighting at that time, yourself or some one else? A It was a company store that belonged to Bryant, Percival and Bushyhead.
- Q And you began freighting for them about what year? A In 1868 I think.
- Q You don't know how long they had been in Fort Gibson in business before that? A No sir, I don't.
- Q Was Percival a Cherokee citizen or not? A He was a white man, an adopted citizen.
- Q Was he married before or after the war? A I think he married during the war.
- Q Do you know whether he went south during the war or left this section of the country? A Yes sir, he went south, he used to be in business in the Creek country.
- Q You don't know about what time they opened their business at Fort Gibson? A No sir.
- Q Do you know whether or not it was opened when you returned to the Cherokee Nation? A No sir they were not doing business there when I come back here in 1866.
- Q What year to your knowledge that they first opened their business there, when was you first there? A I commenced hauling for them in 1864.
- Q Did you know whether they established the business or bought out some business already established? A I don't remember, I would not be positive.
- Q Do you know when Jess Bushyhead died? A I recollect he was killed, but I don't recollect the date, it seems to me it was in '67, but I would not be positive, I remember it very well, but can't give the date.
- Q You saw Buck Bushyhead in Fort Scott, Kansas, several times as you was going back and forth to Kansas City? A Yes sir.
- Q But you didn't see him on any other trips you would make around Fort Gibson? A No sir I never saw him in Fort Gibson, I was around there frequently.
- BY MR. RULGER:
- Q This was in 1868 you saw Buck Bushyhead? A Yes sir, in 1869, and '70, I was freighting all along there, I met him there frequently.
- Q Do you know that was the same Bushyhead that you knew then that is now in controversy? A There wasn't but one Bushyhead that belonged to the family and I knew him well, he used to work for my brother.
- Q Do you know where Buck Bushyhead was in the summer and fall of 1868? A No sir.
- Q Do you know where he was in 1867? A In 1866 and 1867 I was here all through this country and I never saw Buck Bushyhead there.
- Q But you don't know where he was? A No sir, I only knew him at Fort Scott at the time I mentioned.
- oO-----



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 copy of his stenographic notes thereof.

*H. M. Vance*

Subscribed and sworn to before me this 16 day of December, 1904.

*Charles H. Camp*  
Notary Public.

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RESD

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

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

Sallie Miller-----	Cherokee freedman D 648
Anna Butler and Esther Owen-----	Cherokee freedmen D 979
Howard Bushyhead-----	Cherokee freedman D 980
Katie Davis-----	Cherokee freedman D 953.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Sallie Miller for herself; by Anna Butler for herself and minor child, Esther Owen; by Howard Bushyhead for himself and by Katie Davis for herself. The records further show that the applications for the enrollment of the above named persons were consolidated with the case of Katie Ridge, et al. C.F.D. 295, et al., and that on October 13, 1905, the Commissioner to the Five Civilized Tribes rendered his decision in said consolidated case, denying all the applicants therein the right to enrollment as Cherokee freedmen, and that said decision was duly forwarded the Department for review; that thereafter on July 9, 1906 (I.T.D.1788-05), motions to reopen said cases having been filed with the Department, the Secretary of the Interior remanded said consolidated case to this office for further hearing and readjudication with instructions that said consolidated case be divided into groups according to the three places from which it is alleged the applicants returned to the Indian Territory after the war. It having been determined by this office that the cases of Sallie Miller, C.F.D.648, Anna Butler and Esther Owen, C.F.D. 979, Howard Bushyhead, C.F.D.940 and Katie Davis, C.F.D.953 should constitute one of these groups, further proceedings in the matter of said applications were had at Muskogee, Indian Territory, December 20, 1906, and at Vinita, Indian Territory, December 26, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Sallie Miller, was a slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the progress of said rebellion she left the Cherokee Nation, and did not return thereto and establish an actual personal bona fide residence therein after the close of the war until subsequent to February 11, 1867.

Attention is here invited to Council bill No. 10, entitled "an act to readmit B. F. Bane and children to citizenship in the Cherokee Nation", a certified copy of which is filed with and made a part of the record in this case, and the testimony introduced on behalf of the applicants herein attempting to show that one Mary Miller mentioned in said act, and the applicant herein, Sallie Miller, are one and the same person, but it is considered by this office that in this they have wholly failed, and that the evidence conclusively shows that Mary Miller mentioned in said act is not identical with the applicant herein, Sallie Miller. It is further shown that all the other applicants herein are descendants of the said Sallie Miller, were born since 1866, and neither claim nor possess any right to enrollment as Cherokee freedmen other than as such descendants. Excepting that the said Katie Davis is identified on the Wallace roll of Cherokee freedmen, no one of the applicants herein can be identified on any roll of the Cherokee nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section Twenty-one of the Act of Congress approved June 23, 1898 (30 Stat. 495), Sallie Miller, Anna Butler, Wether Owen, Howard Bushyhead and Katie Davis are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

Signed Tams Fitzby  
Commissioner.

Dated at Muskogee, Indian Territory.

this Feb 23 1907.



## NOTICE!

*IN THE MATTER OF* the application of Howard Bushyhead  
for enrollment as a Cherokee citizen:

Case No. D 980

To Howard Bushyhead or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 8th 180 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

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

L. B. Bell  
W. H. Justice  
Attorneys for the Cherokee Nation.

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE ARIZONA TERRITORIES  
VOL. 1, P. 12  
AUG 1901

*[Handwritten signature]*

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

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 8th, 1901.

Received of the Commission to the Five Civilized Tribes,  
one copy of the original testimony of July 1st, 1901, in the  
matter of the application of Howard Bushyhead for enrollment as  
a Cherokee Freedman; also one copy of the original testimony from  
the case of Sallie Miller et al which has been made a part of  
the record in the case of Howard Bushyhead.

*Louis T. Brown*  
Agent for Applicant.

Cherokee Freedman #D980.

100

MAK 2

~~MAK 2~~ MAK 2



# **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. Howard Bushyhead,

Visita, I.T.

Cherokee, F-D-ORO

Registrar.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

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

In the matter of the application for the enrollment of  
Lattie Ridge, et al., as Cherokee Freedmen, consolidating the ap-  
plications of:

Katie Ridge,	Cherokee Freedmen	D 295
Cornelius Ridge, et al.,	" "	D 586
Phoebe Johnson, et al.,	" "	D 589
Henry G. Ridge,	" "	D 650
Ida Jones, et al.,	" "	D 647
Ary Lynch,	" "	R 70
Elmira Vann,	" "	R 113
Maud Riley, et al.,	" "	D 591
Rosa Vann, et al.,	" "	D 594
William Townsend,	" "	D 656
Mollie Townsend, et al.,	" "	D 651
Denise Kicks, Jr., et al.,	" "	D 356
Joshua Kolt, et al.,	" "	D 544
Lillie Miller,	" "	D 648
Mar. Johnson,	" "	D 864
Wash. Vann, et al.,	" "	D 266
Frank Johnson, et al.,	" "	D 875
Eliza Hawkins, et al.,	" "	D 250
Joseph Kicks, et al.,	" "	D 340
Fattie Kicks,	" "	D 361
James A. Kicks,	" "	D 362
Frances Johnson, et al.,	" "	D 876
Anna Tutler, et al.,	" "	D 879
Edward Neighborhood,	" "	D 907
Fattie Davis,	" "	D 953
Jesse Riley, et al.,	" "	D 255
Andrew Riley, et al.,	" "	D 260
Jesse Riley, et al.,	" "	D 261
Frank Riley, et al.,	" "	D 262
Jerry Riley, et al.,	" "	D 263
Fannie Scott, et al.,	" "	D 264
Delilah Johnson, et al.,	" "	D 267
Lettie Johnson, et al.,	" "	D 268
Jane Riley,	" "	D 800
Daniel Thompson,	" "	D 606
Eliak Ford, et al.,	" "	D 623
Landy Thompson,	" "	D 608

Beth Riley, et al.,	Cherokee Freedman	D 579
Emma Riley,	"	D 539
Charles Landrum,	"	D 641
Fattie McIntosh,	"	D 903
William Riley,	"	D 503
Carrie Gibson,	"	D 704
Corra F. Wagner, et al.,	"	D 571
Arthur Riley,	"	D 441
Kimberly Walton, et al.,	"	D 269
Julius Curie,	"	D 270
Riley Curie, et al.,	"	D 271
Ophelia Thompson, et al.,	"	D 271

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Katie Ridge for herself; by Cornelius Ridge for himself and wife, Laura Ridge (by intermarriage), and minor children, Pearl, Jesse and Lyrle Ridge; by Fannie (Milton) Johnson for herself and minor children, Joseph, Percy, Herbert, Corra and Frank Milton; by Henry C. Ridge for himself; by Ida Jones for herself and minor children, Lee, Eddie and Stella Martin; thereafter, on June 27, 1902, there was filed with the Commission an affidavit showing the birth, on June 3, 1902, of Cornelius Jones, child of the applicant, Ida Jones; by Charles F. Louch for, among others, his wife, Ann Lydia (by intermarriage), the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Walter Vann for, among others, his wife, Elvira Vann; the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Fred Riley for himself and minor child, Jesse Barnett; thereafter, on April 9, 1902, there was filed with the Commission an affidavit showing the birth, on October 26, 1901, of John C. Riley, child of the applicant, Fred Riley; by Ben Vann for himself and minor child, Josephine Vann; by William Townsend for himself; by Willie Townsend for herself and minor children, Ross, George, Arthur, and Ethel Townsend; by Dennis Hicks, Sr., for himself (by intermarriage), and wife, Lottie Linn and minor children, Loyoy, Donald Jr., Dolene, Rachel and Elmer Hicks; by Joshua Holt for himself and wife, Jane Holt, and minor children, Laura and Ella Veecey, and minor children, Pearl, Clifford and Rosella (Cornelia) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chiswell for

herself and minor children, Martha and Lillie Chinnett; subsequent to filing her application herein and prior to September 1, 1902, the applicant, Ruth Chinnett, was married to one Vann, and she will now be listed for enrollment as Ruth Vann; by Frank Johnson for himself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 7, 1902, of Luella Johnson, child of the applicant, Johnson; by Eliza Hawkins for herself and minor child, Eliza M. Hawkins; by Joseph Hicks for himself and wife, Sarah (intermarriage), and minor child, Otto A. Hicks; by James A. Hicks for himself; by Frances Johnson for herself and minor children, Nettie, Mattie, Clarence Johnson; by Anna Butler for herself and minor child, Anna Davis; by Anna Butler for her adult brother, Howard Bushyhead Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and minor child, Earl Riley; by Jesse Riley for himself and minor children, Ollie, Viola, Mabel, Elnora, Ideller and Luther D. Riley; by Frank Riley for himself and minor children, Lottie, Ralph, Arizona and Inola Riley; thereafter, on June 18, 1902, there was filed with the Commission an affidavit showing the birth, on November 30, 1901, of Earl R. Riley, child of the applicant, Frank Riley, and on June 28, 1902, there was filed with the Commission an affidavit showing the birth, on December 31, 1901, of Clarence Riley, an illegitimate child of the applicant, Lottie Riley; by Jerry Riley for himself and minor children, Samuel, James B., Amanda, Marian, Maggie, Calvin, Bertie, Ada and Leola Riley; by Fannie Scott for herself and minor children, Charles Wesley Miller, and Fessie and Jimmie Scott; by Delilah Johnson for herself and minor children, Allie, Luman, Jesse, Alfred, Ola, Della, Ella and Harrison Johnson; by Lottie Johnson for herself and minor children, Rebecca, Luford, Wilbert and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself, by Elick Ward for himself and wife, Amanda Ward, and minor children, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse and Earl Ward; by Sandy Thompson for himself; by Ruth Riley for herself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on January 22, 1902, of Edine Riley, child of the applicant, Ruth Riley; by Edine Riley for herself; by Charles Landrum for himself; by William Riley for himself; by Cora J. Wagener for herself; thereafter, on August 3, 1901, there was filed with the Commission an affidavit showing the birth, on August 24, 1901, of Oval Wagener, child of the applicant, Cora J. Wagener; by Arthur Riley for himself, by Beth Melton for herself and minor child, Elnora Melton; by Riley Curle for himself; by Riley Curle for himself and minor children, Willie, Edward, James, George, Stephenia and Clarence Curle; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on July 1, 1902, of

Affidavit showing the birth, on February 13, 1902, of Beatrice Curtis, child of the applicant, Riley Curtis; and by Ophelia Thompson for herself and minor children, Alpha, Libbie, Hirschel, Harvey and Clyde Thompson.

Copies of the following testimony, decisions, and Departmental letters are filed herewith and made a part of the record in this case: Its decision rendered by the Commission on March 1, 1904, and Departmental letter of May 17, 1904 (I.T.D. 3475-04), in the case of Ed Vann, C.F.D. 560; its decisions rendered by the Commission on July 10, 1903, and June 23, 1904, and of Departmental letters of May 11, and November 12, 1904 (I.T.D. 2412, 2594-04), in the cases of Jesse Vann et al., C.F.D. 251 (R 302), and Emma Purtle C.F.D. 265; its decisions rendered by the Commission on March 5, and April 20, 1904, and of Departmental letters of June 2, 25, and 25, 1904 (I.T.D. 4380, 5020-5034-04), in the cases of Esther Holt, C.F.D. 645 (R 443), Tecurseh Holt, C.F.D. 653 (R 399), William Holt, C.F.D. 694 (R 398), and Moses Holt, C.F.D. 185; its decision rendered by the Commission on March 9, 1904, and Departmental letter of June 21, 1904 (I.T.D. 4730-04); in the consolidated case of Katie Thornton et al., C.F.D. 570 et al., (R 410-F 411-F 412-R 413-R 414); of the testimony taken at Chelsea, Indian Territory, June 6, 1901, its decision rendered by the Commission on April 20, 1904, and of Departmental letter of October 31, 1904, (I.T.D. 8158-04), in the consolidated case of Katie Blackwell, et al., including, among others, the application of Mary Riley, C.F.D. 624; of its decision rendered by the Commission on November 23, 1904, in the consolidated case of Andrew T. Watie, C.F.D. 502, et al., and of the testimony taken at different times and places in the cases of Edward Derrick, C.F.D. 818, Aaron Webber C.F.D. 216, Elizabeth Weigs, et al., C.F.D. 391, Samuel Peck, et al., C.F.D. 775, David Johnson, C.F.D. 356, Graham Ward, C.F.D. 607 (R 235), and of Peter Ward, C.F.D. 615, (R 200).

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge and Schohe Johnson, and of one Jesse Ridge, and one Mary Ridge (later Hicks, former wife of Dennis Hicks Sr., D 350, infra.), both deceased; that the said applicants and the said Jesse and Mary Ridge, deceased, were the 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 residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmore, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; that the applicants, Laura Ridge and Ary Lynch, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicant Cornelius Ridge and to the said Jesse Ridge, deceased; that the applicants, Pearl, Jesse, Myrtle and Henry C. Ridge, and Ida Jones, are children of the said

applicants, Cornelius and Laura Ridge, were born since 1866, and possess no rights to enrollment other than as descendants of their said parents; that the applicants, Joseph, Percy, Herbert, Serena and Pearl Milton, Maud Riley, Rosa Wann, and William Townsend, are children of the applicant Phebe Johnson, were born since 1857, and possess no rights to enrollment other than as descendants of their said mother; that the applicants, Lee, Eddie, and Stella Martin and Cornelias Jones, are children of the applicant Ida Jones, were born since 1860, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said applicants Lee, Eddie and Stella Martin, possess any rights to enrollment other than as descendants of their said mother, and the applicant Cornelias Jones, possesses no rights to enrollment other than as his mother's descendants; that the applicant Elnora Wann is a child of the applicant Ary Lynch, and the said Jesse Ridge, deceased, was born since 1860, and possesses no rights to enrollment other than as a descendant of her said parents; that the applicant Jesse Barnett, is a child of the applicant Maud Riley, was born since 1860, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said Jesse Barnett, possesses any rights to enrollment other than as a descendant of his said mother, and that the applicant Tom S. Riley, is a child of the said applicant Maud Riley, and one William Riley, (said William Riley's rights to enrollment are considered below, C. F. D. 303), was born since 1861, and possesses no rights to enrollment other than as a descendant of his said parents; that the applicant Josephine Wann, is a child of the said applicant Rosa Wann, was born since 1860, and possesses no rights to enrollment other than as a descendant of her said mother (In C.F.D. 660, the Commission found that one Ed Wann, father of the said applicant Josephine Wann, possesses no rights to enrollment as a Cherokee freedman, and on May 17, 1904, Departmental letter I.T.D. 3470-04, said finding was approved by the Department); that the applicant Nellie Townsend, is a daughter of one Jesse Wann, and one Edna Purtle, was born since 1861, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 204 and 265 the Commission found that the said Jesse Wann and Edna Purtle possess no rights to enrollment as Cherokee freedmen, and on May 11, and November 12, 1904, Departmental letters I.T.D. 3112-3594-04, said findings were approved by the Department); and that the applicants, Rosa, George and Arthur Townsend, are children of the said applicants William and Nellie Townsend, were born since 1860, and possess no rights to enrollment other than as descendants of their said parents.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicants, Dennis Kicks Sr., and Susie Kicks, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicants Lottie and Joseph Kicks; that the applicants Nettie Kicks, Joshua Holt

and Sallie Miller, (children of One Esther Holt), and Anderson Johnson, deceased, Buck Bushyhead, deceased, and Nettie Downing, deceased, were the 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 Whitmire decree, supra., for the return of freedmen to the Cherokee Nation; that the applicants, Leroy, Dennis Jr., Delana, Mabel, and Elmer Hicks, Jane Holt, Laura and Ella Beeson, Jessie, Willard, Clifford and Paulcellia (Marcellia) Holt, Mary Johnson, Ruth Vann, Martha and Lillie Chinnett, Frank and Luella Johnson (In C.F.D. 855 the Commission found that one Charlotte Reck, mother of the applicant, Luella Johnson, possesses no rights to enrollment as a Cherokee freedman, and on July 21, 1904, its finding was approved by the Department), Elize and Tyndle E. Hawkins, Joseph, Otto A., Katie and James A. Hicks, Frances, Nettie, Katie, Clarence and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, and Katie Davis, were born since the commencement of the rebellion, are descendants of the said applicants, Dennis Hicks Sr., Bettie and Susie Hicks, Joshua Holt and Sallie Miller, and of Anderson Johnson, deceased, Buck Bushyhead, deceased, Nettie Downing, deceased, and Mary Ridge, deceased, (In re Mary Ridge see preceding paragraph), and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

THE EVIDENCE FURTHER SHOWS: That one Riley McNair and one Maria McNair, both deceased, were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lottie Johnson, and of Millie McNair, deceased; that the said Riley, Maria and Millie McNair, all deceased, and the said applicants, Moses, Andrew, Jesse and Jerry Riley, Fannie Scott and Lottie Johnson, and the applicants, Jane Riley, Daniel Thompson, Elick and Amanda Ward and Sandy Thompson, and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the 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, for the return of Cherokee freedmen to said Nation; that the applicant, Ruth Riley, is a daughter of Henry Thornton, deceased, and Katie Thornton, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 578, 580 and 581, the Commission found that the said Katie Thornton and one Maggie Curls and one Joseph Thornton, full sister and brother of the said applicant, Ruth Riley, possess no rights to enrollment as Cherokee freedmen, and on June 21, 1904, its finding was approved by the Department); that the applicant, Hannah Riley, was born prior to the commencement of the rebellion, and was the slave of a non-citizen of the Cherokee Nation at the commencement of the rebellion, and that the applicants, Lillie



Nathaniel, Joseph, Ollie, Viola, Mabel, Elnora, Ideller, Luther D., Frankl, Lottie, Fannie, James, Ralph, Arizona, Inola, Earl E., Clarence (In C. F. D. 624, the Commission found that one Mary, wife of the applicant Frank Riley, and mother of the applicant, Lottie, Fannie, James, Ralph, Arizona, Inola and Earl E. Pilby, and grandmother of the applicant, Clarence Riley, possesses no rights to enrollment as a Cherokee freedman, and on October 31, 1904, its finding was approved by the Department); Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley, Charles Wesley Miller, Bessie and Jimmie Scott, Delilah, Allie, Luman, Jesse, Alfred, Nola, Della, Ella, Harrison, Rebecca, Infon, Wilbert and Arch Johnson, Henrietta, Irvin, Harry, Roy, Dan, Bill, Troy, Jesse and Haine Ward, Lenora Odine Riley, Charles Landrum, Fattie McIntosh, William Riley, Carrie Gibson, Cora J., and Oval Wagoner, Arthur Riley, Elizabeth and Elnora Helton, Julius, Riley, Willie, Edward, James, George, Stephenia and Beatrice Curls, (One Nancy Curls, C.F.D. 429, who was denied enrollment by the Commission is the mother of the six last mentioned applicants), Ophelia, Alpha, Libbie, Mirschel, Harvey, and Clyde Thompson, were born since the commencement of the rebellion, are descendants of the said applicants, Moses, Andrew, Jesse, Jerry, Jane, Ruth and Hannah Riley, Fannie Scott, Lottie Johnson, Daniel and Sandy Thompson, and Elick and Amanda Ward, and of the said Riley McNair, deceased, Maria McNair, deceased, and Millie McNair, deceased, Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, and possess no rights to enrollment other than as such descendants.

None of the applicants herein born during or prior to the first below mentioned year, nor the ancestors of any of the said applicants herein born during or subsequent to the said first below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880, and none of the applicants herein can be identified on the Cherokee census roll of 1896.

THE EVIDENCE HEREIN FURTHER SHOWS: That the applicants Ethel Townsend and Clarence Curls, died prior to September 1, 1902, Affidavits to that effect are filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

The applicants, Katie and Cornelius Ridge and Phoebe Johnson, testify that they, together with Mary and Jesse Ridge,



both deceased, returned to the Cherokee Nation in 1867, remained a few months, and then removed to Joplin, Missouri, where they resided for a number of years. That they returned to the Cherokee Nation in 1866 is controverted by the testimony of witnesses who were in a position to know the matters of which they testify, in view of the fact that the burden of proof is on the applicants, and they must show by satisfactory evidence that their rights to enrollment are perfect, it is considered that these applicants have wholly failed in this, and that their applications come within the rulings of the Department in the cases of Eliza Tramm, et al. (I.T.D. 544-04), William Rector (I.T.D. 1460-04), Minnie Jean et al. (I.T.D. 1470-04), Samantha Chambers, (I.T.D. 2300-04), Ed Williams (I.T.D. 4250-04), Martha Albert et al., (I.T.D. 4762-04), and Moses Ross (I.T.D. 6056-04); and, granting that said above named parties did return to the Cherokee Nation in 1866, as contended, it is further considered that they did not establish such a residence in said Nation as was contemplated by the treaty of 1866, and are, therefore, within the rulings of the Department in the cases of Martha Sales and Susan Brown (I.T.D. 1800-04), and Thomas Mayfield et al. (I.T.D. 6960-04).

The testimony in re return to the Cherokee Nation, after the rebellion, of the applicants, Bettie Hicks, Joshua Holt, and Sallie Miller, and of the said Buck Tushyhead, deceased, and Bettie Downing, deceased, is contradictory in itself, and contradicted by the testimony of witnesses in behalf of the Cherokee Nation, hence, it is unsatisfactory, and the first above mentioned rulings of the Department are considered applicable. In this connection attention is called to the cases of Esther Holt, I.T.D. 645, Tecumseh Holt, C.F.D. 655, William Holt, C.F.D. 594, and Moses Holt, C.F.R. 185, mother and brothers of the three applicants first named in this paragraph. The material facts as established by the evidence in the several cases embracing this family, are practically the same, and the Commission found that the said Esther, Tecumseh, William and Moses Holt, possess no rights to enrollment as Cherokee freedmen, and its findings were duly approved by the Department. Granting that the applicants, Bettie Hicks, Joshua Holt and Sallie Miller, and the said Buck Tushyhead and Bettie Downing, deceased, returned to the Cherokee Nation during the interval between the close of the rebellion and February 11, 1867, they must have remained but a short time, as, by the testimony of the applicants themselves, and that of disinterested witnesses, it is shown that during a period beginning immediately subsequent to the year 1867, they, for a number of years, continuously lived outside the limits of the Indian Territory, consequently, the ruling of the Department in the cases of Martha Sales, Susan Brown and Thomas Mayfield, et al., supra, is also applicable to them. Sam Webber, Lewis Whitmira, and Daniel and Rouben Sanders, testify that Anderson Johnson returned to the Cherokee Nation with them in the summer of 1866, but for reasons more fully set out below, it is not considered that their testimony is either convincing or satisfactory. That these four witnesses complied with

the treaty stipulations of 1866, there is no doubt. They were admitted to citizenship by the Chambers Court, and are identified on the 1880 roll. Without calling attention to the many cases in which the above named witnesses have been successfully impeached and repeatedly impeached, it is considered by this office that, after hearing the testimony of numerous witnesses, interested and disinterested, and after the examination of many exhibits filed and made a part of the record in freedman cases, it can identify each and every member of the party of freedmen known as the Webber-Whitmire-Sanders detachment, or colony, who complied with the treaty stipulations of 1866, and it is fully convinced that Anderson Johnson was not a member of that party. In support of this position attention is called to the fact that the personnel of the above mentioned party was thoroughly gone into by the Chambers Court, in 1878-9, and numerous witnesses, among others, the said Lewis Whitmire, examined on behalf of both parties, and that, too, at a time when the facts must have been fresh in their mind, and no particular advantage was to be had by misrepresenting who were included in said party, with one accord testify as to who composed this colony of freedmen, and the said Anderson Johnson is never named as one of them. By reason of changed conditions, the experience of the former Commission and of this office, in their investigations relative to the personnel of said colony of freedmen, has been somewhat different from that of the Chambers Court, but generally the conclusions reached have been the same. It seems to have been the policy of those witnesses appearing before the Commission, who were members of the above mentioned colony of freedmen, to add to said colony as occasion required, but after an examination of a great number of freedmen cases in which the above named witnesses testified, it cannot be found that they ever included Anderson Johnson as a member of this colony, until they were called upon as witnesses in behalf of his descendants, although they were often asked to, and as often did, name those who returned with them in 1866.

As to the return of Riley McNair, deceased, to the Cherokee Nation after the rebellion: Moses Hardrick, in behalf of the descendants of the said Riley McNair, testifies that, after the rebellion, he and Riley McNair returned to the Cherokee Nation together. In C.F.D. 314, the Commission found that the said Moses Hardrick did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on October 13, 1901, its finding was approved by the Department. It was several months after the above indicated trip before Riley McNair moved his wife and family to the Cherokee Nation. One Emma Purtle, daughter of the said Riley and Maria McNair, removed from the Cherokee Nation during, and returned thereto after, the rebellion, with her father's family. In C.F.D. 265, the Commission found that the said Emma Purtle did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on November 12, 1904, its finding was approved by the Department. The said Columbus Rogers, deceased, returned to the Cherokee Nation after the rebellion, with the said McNair-Riley family.

The applicant, Jane Riley, testifies that she returned to the Cherokee Nation in 1866, and is corroborated by her witness, Jack Landrum. No credit can be given the testimony of the said Jack Landrum, as he has been repeatedly contradicted and impeached, (See, in particular, C. F. D. 493-D 664 and D 665). In U. S. F. D. 578 ( R 410 ), he swore, point blank, that Katie Thornton, applicant therein, and her husband, Henry Thornton, deceased, returned to the Cherokee Nation during the winter of 1866, and that he hauled logs to help build their house. In this case it was conclusively shown by the testimony of disinterested witnesses, that the said Katie and Henry Thornton did not leave Garnett, Kansas, after the rebellion, prior to March 1, 1871, and on this testimony the Commission denied the applicant, Katie Thornton, the right to enrollment, and its action was duly approved by the Department. Attention is further called to the fact that the said applicant, Jane Riley, and one Ben Landrum, deceased, are the parents of the applicants Charles Landrum and Bettie McIntosh, and that the said two last named applicants were born in 1866 and 1867, respectively. It is shown by the testimony of several disinterested witnesses, and a certified copy of the record of certain proceedings had before the District Court of Woodson County, Kansas, that the said Ben Landrum, continuously lived near Garnett, Kansas, during the years 1866, '67 and '68.

The applicant Daniel Thompson, testifies that on his return to the Cherokee Nation after the rebellion, he found his son, Andrew Watie, at Fort Gibson. In C. F. D. 502, the Commission found that the said Andrew Watie did not return to the Cherokee Nation after the rebellion within the time specified in the Whitaire decree. The applicants Sandy Thompson and Amanda Ward, returned with their father, the said Daniel Thompson.

In connection with those applicants herein who claim through Jess Ridge, deceased, and the applicants, Cornelius Ridge, Henry Ridge, Daniel Thompson, and Robert Foster, attention is called to the fact that the Commission on Cherokee Citizenship of 1873-9, decided that the said Jess Ridge, since deceased, and the four applicants last above named, were not entitled to Cherokee citizenship, a certified copy of the proceedings of said Commission in re above named parties, being filed herewith and made a part of the record herein.

The applicant, Elick Ward, swears that he was raised by the said Peter Ward, and after the rebellion returned to the Cherokee Nation with the said Peter Ward and one Abraham Ward. In U. S. F. D. 578 ( R 262 ), and D 607 ( R 283 ), the Commission found that the said Peter and Abraham Ward did not return to the Cherokee Nation after the rebellion, within the time specified in the Whitaire decree, and on April 29, 1904, its findings were approved by the Department.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, following the ruling of the Department in the case of Emanuel Welcome (I. T. D. 5943, 11776-04), under the provisions of the Act of Congress approved June 26, 1898 (30 Stat., 495), Laura Ridge, ex Lynch, Dennis Hicks Sr., and Susie Hicks, are not entitled to enrollment

as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that under the provisions of Section Twenty-one of the Act last above noted Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, and Myrtle Ridge, Phoebe (Milton) Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, and Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, and Stella Martin, Cornelias Jones, Elnora Vann, Maud Riley, Jesse Barnett and John C. Riley, Rosa Vann and Josephine Vann, William Townsend, Mollie Townsend, Rosa Townsend, George Townsend, and Arthur Townsend, Tettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delana Hicks, Mabel Hicks and Elmer Holt, Josiana Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt and Maucelia (Marcella) Holt, Callie Miller, Mary Johnson, Ruth Vann, Martha Chinnett and Lillie Chinnett, Frank Johnson and Luella Johnson, Eliza Hawkins and Tyndie D. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Lettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathaniel Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Idellar Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Martha Riley, Ada Riley, and Leona Riley, Fannie Scott, Charles Weasley Miller, Fessie Scott, and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lettie Johnson, Rebecca Johnson, Buford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Elick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley, and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Core J. Wagner and Oval Wagner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curle, Riley Curle, Willie Curle, Edward Curle, James Curle, George Curle, Stephenia Curle and Beatrice Curle, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson. Harvey Thompson and Clyde Thompson, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

AND IT IS FURTHER ORDERED AND ADJUDGED: That the applications for the enrollment of Ethel Townsend and Clarence Curle, be, and the same are, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716).

(Signed) Toms Sixby

COMMISSIONER.

Filed at Muskogee, Indian Territory,

Oct. 15, 1906.

27 E 150

HEROKEE FREEDOM

IN RE

THE DEATH OF

Howard Bushyhead

a citizen of the

Cherokee

Nation.

Approved



AUG 24 1904 190

Commissioner

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Howard Bushyhead  
(Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided at or near

Vinita, Ind. Ter., and died on the 17th. day of

(Here insert name of post office)

November, 1902.

AFFIDAVIT OF RELATIVE.

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

I, Sarah Hold Miller, on oath state that I am 62

years of age and a citizen, by blood, of the Cherokee Nation;

that my post office address is Vinita, Ind. Ter.; that I am

(Here insert name of post office.)

mother of Howard Bushyhead

(State relationship as: the father, an uncle, a cousin, etc.)

(Here insert name of deceased.)

who was a citizen, by blood, of the Cherokee Nation;

and that said Howard Bushyhead died on the 17 day of

(Here insert name of deceased.)

November, 1902.

Sarah Hold Miller

WITNESSES TO SIGN:

(Must be Two Witnesses.)

John B. Brown  
S. J. Parke

Subscribed and sworn to before me this 22nd day of August 1902.

S. J. Parke  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

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

I, \_\_\_\_\_, on oath state that I am \_\_\_\_\_

years of age, and a citizen, by \_\_\_\_\_, of the \_\_\_\_\_ Nation;

that my post office address is \_\_\_\_\_, Ind. Ter.;

(Here insert name of post office.)

that I was personally acquainted with \_\_\_\_\_

(Here insert name of deceased.)

who was a citizen, by \_\_\_\_\_, of the \_\_\_\_\_ Nation;

and that said \_\_\_\_\_ died on the \_\_\_\_\_ day of

(Here insert name of deceased.)

WITNESSES TO SIGN:

(Must be Two Witnesses.)

\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1902.

Notary Public.

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31460

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
JUL 1 1901

  
ACTING CHAIRMAN

## CHEROKEE FREEDMEN.

Date July 1, 1901  
 Post Office Winita, Ia.  
 District Co. 2

1. Name Howard Bushyhead Age 24

Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_

Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:

Father Jack Bushyhead Citizenship \_\_\_\_\_

Mother Sally Walker Citizenship \_\_\_\_\_

2. Name of wife \_\_\_\_\_ Age \_\_\_\_\_

Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_

Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_

Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

Names of Children:

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

Osohful

Application made by Anna Rutledge Stenographer W. L. Jones

1. In prison in Canada  
Represented by Louis F. Brown

Ref. 0648



Cherokee Freedmen

D-979-980.

Muskogee, Indian Territory, July 15, 1904.

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

Dear Sir:

In the matter of the application of Anna Butler, now Anna Peterson, for enrollment as a Cherokee freedman, which case was set for hearing before the Commission at its offices in Muskogee on July 16, you are advised that in accordance with the applicant's request this case has been continued to Monday, August 15, 1904, at nine o'clock A. M.

Respectfully,

Chairman.

Cherokee Freedmen

D-979-980.

Muskogee, Indian Territory, July 15, 1904.

Ann. Peterson,

Claremore, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of July 11, stating that you will be unable to appear on July 16, as directed by the Commission for the purpose of introducing farther testimony in the matter of your application for enrollment as a Cherokee Freedman, and asking that the time for such appearance be extended.

In reply you are advised that in accordance with your request you will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, August 15, 1904, for the purpose of introducing the testimony heretofore requested.

Respectfully,

Chairman

COPY.

Muskogee, Indian Territory, December 12, 1904.

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

Gentlemen:

There is herewith enclosed copies of supplemental proceedings had in the following Cherokee Freedman Enrollment Cases on the date indicated.

November 15, 1904.

Howard Bushyhead, Cherokee Freedman D-980.

Jacksie Ann Markham, et al., Cherokee Freedman R-346.

November 17, 1904.

Martha Washington, Cherokee Freedman R-343.

November 18, 1904.

Eliza A. Arnold, Cherokee Freedman D-74.

Rachael Graves, Cherokee Freedman D-1131.

John Lynch, Cherokee Freedman D-586.

Mary Gunter, et al., Cherokee Freedman R-166.

George Amos Mayfield, et al., Cherokee Freedman R-6.

November 19, 1904.

Daniel Roach, et al., Cherokee Freedman 48.

November 21, 1904.

Louis Rogers, et al., Cherokee Freedman R-37.

November 21, 1904.

Melvina Williams, et al., Cherokee Freedmen D-1073.

Calvin Coins, et al., Cherokee Freedmen R-179.

November 22, 1904.

Charlotte Potts, et al., Cherokee Freedmen R-338.

November 23, 1904.

Eliza Robinson, Cherokee Freedman D-161.

Nancy Fairchild, et al., Cherokee Freedmen R-326.

November 17, 1904.

Charley Rowland, et al., Cherokee Freedmen R-351.

Respectfully,

Encl. 19, 00.

SIGNED

*Tame Bixby.*

Chairman.

Muskogee, Indian Territory, October 15, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of September 13, 1905, (I.T.D 2210, 7024-1905), there is herewith transmitted the record of proceedings had in the matter of the consolidated applications for enrollment as Cherokee Freedmen and as citizens by intermarriage of the Cherokee Nation, of Katie Ridge, et al., Cherokee Freedmen D 295, et al., including the decision of the Commissioner to the Five Civilized Tribes dated October 13, 1905, rejecting the applications of Laura Ridge, Ary Lynch, Dennis Hicks Sr., and Susie Hicks, as citizens by intermarriage of the Cherokee Nation, and of Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge and Myrtle Ridge, Phoebe (Milton) Johnson, Joseph Milton, Mary Milton, Herbert Milton, Serena Milton and Pearl Milton, Mary C. Ridge, Ida Jones, Lee Martin, Belle Curtis and Stella Martin, Cornelius Jones, Elvira Vann, Mand Hiber, Jesse Garrett and John C. Riley, Rosa Vann and Josephine Vann, William

Secretar --2.

Townsend, Nellie Townsend, Rosa Townsend, George Townsend  
and Arthur Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks  
Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt,  
Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard  
Holt, Clifford Holt and Maucelia (Marcelia) Holt, Sallie Miller,  
Mary Johnson, Ruth Vann, Martha Chinnett and Lillie Chinnett,  
Frank Johnson and Luella Johnson, Eliza Hawkins and Tyndle E.  
Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A.  
Hicks, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence  
Johnson and Wilda Johnson, Anna Tutler, Esther Owen, Howard  
Duskyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley,  
Nathaniel Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola  
Riley, Mabel Riley, Elvora Riley, Ideller Riley, Luther D. Riley,  
Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph  
Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence  
Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley,  
Mariah Riley, Maggie Riley, Calvin Riley, Martha Riley,  
Ada Riley and Leona Riley, Fannie Scott, Charles Wesley  
Miller, Bessie Scott and Jimmie Scott. Delilah Johnson, Allie  
Johnson, Laran Johnson, Jesse Johnson, Alfred Johnson, John  
Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie

Secretary--3.

Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Elick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Haine Ward, Sandy Thompson, Ruth Riley, Lemora Odine Riley and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. Wagener and Oval Wagener, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and Featrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson, Harvey Thompson, and Clyde Thompson, for enrollment as Cherokee Freedmen, and dismissing the applications for enrollment as Cherokee Freedmen of Ethel Townsend and Clarence Curls.

In connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedman, case No. D 535, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Enoch Daniels, et al., Cherokee Freedman No. 1429, formerly Cherokee Freedman D 219, wherein, in its de-

Secretary--4.

cision rendered on July 5, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57605-04), and affirmed by the Department on October 22, 1904 ( I.T.D. 7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee freedman was based upon the theory that her father the said Cornelius Ridge had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman



Secretary--5.

citizenship, the case of Enoch Daniels, et al., Cherokee  
Freedman 1429, formerly Cherokee Freedman D 219, be reopened,  
and the decision therein, in so far as it grants to the said  
Laura Daniels, nee Ridge, the right to Cherokee Freedman  
citizenship, be reversed.



Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner

Incl. - 16.  
LST

Cherokee Freedmen

1888, 1889

Hastings, Indian Territory, October 13, 1905.

1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905

Well, Hastings & Swearingen,

Attorneys for the Cherokee Nation,

Hastings, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner of the Five Civilized Tribes, dated October 13, 1905, rejecting the applications for enrollment as Cherokee Freedmen and their citizens by intermarriage of the Cherokee Nation in the consolidated applications of John Ridge, et al., Cherokee Freedmen 1-100, et al.

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

Respectfully,

(Signed) John P. Fisher

Commissioner.

Encl. 1-100

Cherokee freedmen  
D-644 et al.

Muskogee, Indian Territory, October 13, 1905.

Blue & Bulger,  
Attorneys for Joshua Kelt, et al.,  
Vinita, Indian Territory.

Dear Sirs:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting the applications for enrollment as Cherokee freedmen and as citizens by intermarriage of the Cherokee Nation in the consolidated applications of Katie Ridge, et al., Cherokee freedmen D-896, et al. 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 action of the Secretary as soon as this office is informed of the same.

Respectfully,

SIGNED:

*James Dixby*

Commissioner.

Incl D-8  
Register.

Cherokee Freedmen

D-980.

Muskogee, Indian Territory, October 13, 1905.

Sallie Miller,

Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting, among others, the application for the enrollment of your son, Howard Bushyhead, deceased, as a Cherokee freedman. There has heretofore been furnished his attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

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

Respectfully,

(SIGNED)

*Tams Dixey*

Commissioner.

Incl. 8-121  
Register

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

JFA

December 22, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated October 13, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Katie Ridge for herself; by Cornelius Ridge for himself and wife Laura Ridge (by intermarriage) and his minor children, Pearl, Jess, and Myrtle Ridge; by Phoebe Milton Johnson for herself and her minor children, Joseph, Percy, Herbert, Serena, and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and her minor children, Lee, Eddie, Stella, and Cornelius Jones; by Charles J. Lynch for his wife, Amy Lynch (by intermarriage) by Walter Vann for his wife, Minora Vann; by Maud Riley for herself and her minor children, Jesse Barnett and John C. Riley; by Rosa Vann for herself and her minor child, Josephine Vann; by William Townsend for himself; by Nellie Townsend for herself and her minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks for himself (by intermarriage) and wife Bettie Hicks and his minor children, Leroy, Dennis, Jr., Delana Mabel, and Elmer Hicks; by Joshua Holt for himself and wife,

Jane Holt and minor step-children, Laura and Ella Beeson and  
 minor children, Jessie, Willard, Clifford and Mamalia (Marcella)  
 Holt; by Sallie Miller for herself; by Mary Johnson for herself;  
 by Ruth Chinnett and for herself and her minor children, Martha  
 and Little Chinnett; by Frank Johnson for himself and his minor  
 child, Liella Johnson; by Eliza Hawkins for herself and her  
 minor child, Tyndle E. Hawkins; by Joseph Wicks for himself and  
 wife, Susie Wicks (by intermarriage) and minor child, Otto A.  
 Wicks; by Katie Wicks for herself; by James A. Wicks for himself;  
 by Frances Johnson for herself and her minor children, Nettie,  
 Katie, Clarence, and Wilda Johnson; by Anna Butler for herself  
 and her minor child, Esther Owen, and her adult brother, Howard  
 Bushyhead; by Katie Davis for herself; by Moses Riley for  
 himself and minor child, Lillie Riley; by Andrew Riley for him-  
 self and his minor child, Nathaniel Riley; by Jesse Riley for  
 himself and his minor children, Joseph, Ollie, Viola, Mabel,  
 Minora, Idella, and Luther D. Riley; by Frank Riley for himself  
 and his minor children, Lettie, Fannie, James, Ralph, Arisema,  
 Clarence, Inola and Earl E. Riley; by Jerry Riley for himself  
 and his minor children, Samuel, James E., Amanda, Mariah, Maggie  
 Calvin, Bertha, Ada, and Leona Riley; by Fannie Scott for  
 herself and her minor children, Charles Wesley Miller, and Bessie  
 and Jimmie Scott; by Delilah Johnson for herself and her minor  
 children, Allie, Luman, Jesse, Alfred, Nola, Della, Ella and  
 Harrison Johnson; by Lottie Johnson for herself and her minor  
 children, Rebecca, Luford, Wilbert, and Arch Johnson; by Jane  
 Riley for herself; by Daniel Thompson for himself; by Eliza Ward

VV

for himself and wife, Amanda Ward, and his minor children, Irvin, Harry, Ray, Dan, Effie, Troy, Jesse, and Haine Ward; by Sandy Thompson for himself; by Ruth Riley for herself, and her minor child, Lemora Odine Riley; by Hannah Riley for herself; by Charles Landrum for himself; by Bettie McIntosh for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Wagener for herself and her minor child, Oval Wagener; by Arthur Riley for himself; by Elizabeth Melton for herself and her minor child, Elzora Melton; by Julius Curle for himself; by Riley Curle for himself and his minor children, Willie, Edward, James, George, Stephenia, Clarence, and Beatrice Curle; and by Ophelia Thompson for herself and her minor children, Alpha Libbie, Herschel, Harvey, and Clyde Thompson.

October 13, 1908, the Commissioner decided adversely to all the applicants.

The record shows that the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge, Phoebe Johnson, Jesse Ridge, deceased, and Mary Ridge (later Hicks, former wife of Dennis Hicks, Sr.), deceased; that they were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation during the War, and did not return thereto on or before February 11, 1867; that the applicants, Laura Ridge, and Amy Lynch neither claim nor possess any rights to enrollment other than those obtained by marriage to the applicants, Cornelius Ridge and Jesse Ridge, deceased; that the applicants, Dennis Hicks, Sr., and Susie Hicks neither claim nor possess

no rights to enrollment other than by virtue of their marriage to Bettie and Joseph Hicks; that the applicants, Bettie Hicks, Joshua Holt and Fallie Miller (children of one Esther Holt), and Anderson Johnson, deceased, Hugh Bushyhead, deceased, and Nettie Downing, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion; were taken out of the Cherokee Nation during the War, and did not return on or before February 11, 1867; that one Riley McNair and one Maria McNair, both deceased were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lottie Johnson, and of Willie McNair, deceased; that the said Riley, Maria, and Willie McNair, all deceased, and Moses, Andrew, Jesse, and Jerry Riley, Fannie Scott and Lottie Johnson, and Jane Riley, Daniel Thompson, Eliek and Amanda Ward, and Sandy Thompson and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867; that all the other applicants were born since 1866, are descendants of the foregoing and possess no rights to enrollment except as such descendants, or have failed after ample opportunity afforded to establish such a right. None is identified on the 1860 authenticated Cherokee roll, or the Cherokee census roll of 1896, nor can an ancestor be so identified.

There is also enclosed a letter from the Commissioner to the Five Civilized Tribes transmitting a motion in behalf



of the applicants and three communications from G. F. Fagle  
concerning motions in their behalf which have been carefully  
considered.

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

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

XMH

•

JWR

DEPARTMENT OF THE INTERIOR, LMB  
Washington.

D.C. 29336,

I.T.D. 17884-1905.

July 9, 1906.

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

Sir:

On October 13, 1905, you transmitted the record, together with your decision of the same date, in the matter of the consolidated applications for enrollment as Cherokee freedmen of Katie Ridge et al. (Cherokee freedmen D. 295). Said decision was adverse to all the applicants.

Reporting December 22, 1905, the Indian Office censures in your decision. A copy of its letter is inclosed.

The attorneys for the applicants have filed a number of motions and briefs in this case, and the attorney for the Cherokee Nation has filed his answer.

A consideration of these motions, together with the record, leads the Department to the opinion that the case should be remanded for a further hearing.

The Department considers that this consolidated case should be divided, and that if possible the division should divide this large family into groups according to the three places from which

it is alleged they returned to the Indian Territory, under article 9 of the treaty of 1866, being first those persons and their descendants who returned from the neighborhood of Joplin, Mo.; second, those who returned from near Fort Scott, Kans., and third, those who returned from Garnett, Kans.

Having divided this case along the lines indicated, you will permit the attorneys for the applicants and for the nation to submit such proper evidence as they may see fit regarding the rights of these applicants for enrollment as Cherokee freedmen.

The record is returned.

Respectfully,

(Signed) Thos Ryan  
Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inclosure.

Cherokee Freedman  
D 648 and 980

Muskogee, Indian Territory, August 5, 1906.

Sallie Miller, et al,

Vinita, Indian Territory.

Dear Madam:

In connection with the Cherokee freedman cases of yourself and your son, Howard Bushyhead, deceased, you are advised that this office is in receipt of Departmental letter of July 9, 1906, remanding the same to this office for a rehearing. The Department directs that the consolidated case of Katie Ridge, et al, which includes your applications, be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that under this division the following cases will be consolidated.

D 355  
D 644  
D 648  
D 864  
D 866  
D 875  
D 358  
D 360  
D 361  
D362  
D 676  
D 979  
D 980  
D 983

Dennis Hicks, et al,  
Joshua Holt, et al,  
Sallie Miller,  
Mary Johnson,  
Ruth Vann, et al,  
Frank Johnson, et al,  
Eliza Hawkins, et al,  
Joseph Hicks, et al,  
Katie Hicks,  
James A. Hicks,  
Frances Johnson, et al,  
Anna Butler, et al,  
Howard Bushyhead,  
Katie Davis.

Your attorney, Edgar Smith, Muskogee, Indian Territory, has this day been advised of the Department's action, and of the consolidation of the above cases, and also requested to advise this office at the earliest practicable date the names and addresses of all the witnesses it is proposed to introduce on behalf of applicants in this case. When this information is furnished, the Attorney for the Cherokee Nation will be advised thereof, and a date will be set for a hearing in the case, of which action all parties at interest will be advised.

Respectfully,

Register.

Commissioner.

Cherokee Freedman  
D 298 et al.

Muskogee, Indian Territory, August 6, 1906.

Edgar Smith,

Attorney for Katie Ridge, et al,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman enrollment cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. The Department directs that this consolidated case be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that in accordance with this division, the following cases will be consolidated.

D 368	Donnie Hicks, et al,
D 646	Joshua Holt, et al,
D 648	Willie Miller,
D 844	Mary Johnson,
D 846	Ruth Vann, et al,
D 878	Frank Johnson, et al,
D 880	Miss Hawkins, et al,
D 388	Joseph Hicks, et al,
D 341	Katie Hicks,
D 342	James A. Hicks,
D 876	Frances Johnson, et al,
D 879	Anna Butler, et al,
D 948	Howard Bushhead,
D 953	Katie Davis.

The records of this office show that you are the attorney of record in the following cases;

D 306	Dennis Hicks, et al,
D 648	Sallie Miller,
D 878	Frank Johnson, et al,
D 306	Eliza Hawkins, et al,
D 340	Joseph Hicks, et al,
D 361	Katie Hicks,
D 342	James A. Hicks,
D 676	Frances Johnson, et al,
D 953	Katie Davis;

that Louis T. Brown is the attorney in the following cases;

D 844	Mary Johnson,
D 846	Ruth Vann, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead;

and that Blue and Bulger are the attorneys for Joshua Helt, et al, D 644.

You are advised that before a date will be set for a hearing in this case, the applicants will be required to furnish this office with a list of the names and addresses of all the witnesses they propose to introduce in their behalf. Upon receipt of this information the attorney for the Cherokee Nation will be notified thereof, and a date set for a hearing in the case, of which all parties of interest will be advised.

Blue and Bulger, Baxter Springs, Kansas, and Louis T. Brown, Muskogee, Indian Territory, have this day been advised of the Department's action, and of what will be required of the applicants, and before submitting the

list of the names and addresses of the witnesses, it is suggested that you communicate with them and submit at one time a list of all of the witnesses expected to be introduced.

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

Respectfully,

N.A.

Incl. 6-1.

Commissioner.



Cherokee Freedman  
D 295 et al. Muskogee, Indian Territory, August 6, 1906.

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

Dear Sir:

In connection with the Cherokee freedman consolidated cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. In accordance with the Department's direction, the following cases will be consolidated:

D 355	Dennis Hicks, et al,
D 644	Joshua Holt, et al,
D 648	Sallie Miller,
D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 875	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead,
D 953	Katie Davis.

The applicants in these cases and their attorneys have this day been advised of the Department's action and of the consolidation of these cases, and notified that before a date would be fixed for a hearing in the cases,

they will be required to furnish this office with a list of the names and addresses of the witnesses they propose to introduce in their behalf. Upon receipt of this information you will be advised thereof, and a date will be set for a hearing in the cases, of which action all parties at interest will be advised.

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

Respectfully,

Encl. M.A.4-1.

Commissioner.

Cherokee Freedman  
D 648 et al.

Muskogee, Indian Territory, September 1, 1906.

Starr and Patten,

Attorneys for Sallie Miller, et al,  
Vinita, Indian Territory.

Gentlemen:

This office is in receipt of your letter of August 11, enclosing notices signed by Sallie Miller and Anna Peterson that you have been employed to represent them in their Cherokee freedman cases. You request that the Cherokee freedman cases of Sallie Miller, Anna Peterson, et al, Howard Buskyhead and Katie Davis, be consolidated and heard separate from the Cherokee freedman case of Dennis Hicks, et al, with which they are at present consolidated.

In reply you are advised that you have been entered as attorneys of record for said applicants. Upon an examination of the record had in the Cherokee freedman case of Sallie Miller, et al, it is not desired at this time to separate them from the consolidated case of Dennis Hicks, et al. F

Respectfully,

M.A.

Acting Commissioner.

C O P Y .

Vinita, I.T. Aug. 11, 1906

The Honorable,

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

Dear Sir:

Enclosed herewith find request from Sallie Miller and Anna Peterson for us to represent them in the matter of their application for enrollment as Cherokee Freedmen together with the applications of Esther Owens, F. D. 979 and Howard Bushyhead, F.D. 980 who belong to the same family. We also represent the other daughter of Sallie Miller whose name is Katie Davis, F.D. 953 and we will send in an authority from her next week as we have done in the other cases.

These cases are really independent cases of their own all depending practically upon the return of Sallie Miller and her husband Buck Bushyhead to the Cherokee Nation after the close of the war of the rebellion. It is contended by the principal applicant, Sallie Miller, that she and her former husband, Buck Bushyhead were living together as husband and wife in Ft. Gibson in the late fall of 1865 and that they continued to live there for a number of years when they went to Big Creek and improved a farm. It is claimed in the cases of the Helts that they came to the Cherokee Nation in 1866. We have your letter of Aug. 6, 1906 addressed to Blue and Bulger, Attorneys for Joshua Helt, at Baxter Springs, Kansas and we notice that the Sallie Miller

case is consolidated with the case of Dennis Hicks, et al., F.D. 355 and we note that there is also a part of the Ridge case consolidated with this Dennis Hicks case. We represent all of the Ridges and all of the Holts and a part of the Hicks that belongs to the Ridge case and we will have each of them to sign a statement to file with you as we have in the Sallie Miller case showing that we represent them. We desire to know if the Sallie Miller case could be tried to itself. It is as follows:-

F D 648, Sallie Miller,

F. D. 979 Annie Butler (now Peterson and Daughter  
Esther Owens,

F.D. 980 Howard Bushyhead,

F. D. 953, Katie Davis.

These cases could be consolidated with the applications for the enrollment of Sallie Miller and we earnestly request that we be granted separate trial in these cases. If we could try this case separately from the others we would be ready for trial at once. The testimony in this case would not apply to any other case in the list as we know of.

Wherefore we earnestly request that Sallie Miller and her descendants as above indicated be given a separate trial.

Respectfully,

Starr & Patten  
ATTORNEYS FOR SALLIE MILLER

C O P Y .

F.D. 648

TO THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES:

You are requested to enter STARR & Patten of Vinita, Indian Territory, as my sole attorneys representing me in the matter of my application for the enrollment of myself and those I represent as citizens of the Cherokee Nation.

You are advised that the authority heretofore given any other attorney to represent me is hereby revoked.

Witnesses to mark.

Anna Peterson.  
Jessie Patten.

her  
Sallie X Miller.  
mark. Applicant.

Dated at Vinita, Indian Territory,  
this 10th day of August, 1906.

C O P Y .

F.D. 979.

TO THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES:

You are requested to enter STARR & PATTEE of Vinita, Indian Territory, as my sole attorneys representing me in the matter of my application for the enrollment of myself and those I represent as citizens of the Cherokee Nation, Esther Owens F.D. 979 and Howard Bushyhead F.D. 980.

You are advised that the authority heretofore given any other attorney to represent me is hereby revoked.

Anna Peterson,  
Applicant.

Dated at Vinita, Indian Territory,  
this 10th day of August, 1906.

(C O P Y ).

Vinita, I. T.

November 7th 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee, I. T.

Dear Sir:

In the consolidated Cherokee Freedmen enrollment cases of Dennis Hicks et al we desire to submit in behalf of the applicants Sallie Miller; Anna Butler (Peterson) et al, Howard Bushyhead and Katie Davis et al the following as a list of their witnesses:

- 1---- Applicants.
- 2---- Joshua Ross, Muskogee, I. T.
- 3---- Stick Ross, Muskogee, I. T.
- 4---- Nelson Moore, Ketchum, I. T.
- 5---- Jeh N Sharp, Tahlequah, I. T.
- 6---- Levi Gritts, Tahlequah, I. T.
- 7---- Rev. L. Dobson, Hareka, I. T.
- 8---- M. V. Benge, Ft. Gibson, I. T.
- 9---- Lincoln England, Westville, I. T.
- 10--- Frank Pack, Tahlequah, I. T.
- 11--- G. W. Willey, Ft. Gibson, I. T.

Respectfully,

(Signed)

Starr & Patten,  
J. U. S.  
Attorneys for Sallie Miller et al.



Cherokee Freed.  
D 648-953-979-980.

Muskogee, Indian Territory, November 28, 1906.

Starr & Patten,

Attorneys for Sallie Miller, et al.,  
Vinita, Indian Territory.

Gentlemen:

This office is in receipt of your letter of November 7, 1906, submitting a list of the names and addresses of the witnesses you expect to introduce on behalf of applicants in the Cherokee freedmen cases of Sallie Miller, Anna Butler, et al., Howard Bushyhead and Katie Davis. You have heretofore requested that these cases be consolidated, and that they be heard separate from the freedmen consolidated cases of Dennis Hicks, et al., and you were advised by this office September 1, 1906, that it was not at that time desired to separate the cases.

Anna Butler and Howard Bushyhead are children of said Sallie Miller, and Katie Davis is a grand-daughter of Sallie Miller. Upon a further examination of the record in the case of Sallie Miller, it is found that she was born prior to the war of the rebellion, and that she did not return to the Cherokee Nation after the war at the same time the principal applicants in the case of Dennis Hicks, et al., claim to have returned.

It is hereby ordered that the cases of Sallie Miller, Anna Butler, et al., Howard Bushyhead and Katie Davis be separated from the consolidated case of Dennis Hicks, et al., and that they be consolidated and heard separate from said case. The applicants will be permitted to appear before the office of the Commissioner at Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, December 20, 1906, and introduce the testimony of the witnesses whose names and addresses you furnished this office in your letter of November 7, 1906.

Respectfully,

R. W.

Commissioner.

Cherokee Freed.  
D 648-953-979-980.

Muskogee, Indian Territory, November 28, 1906.

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

Dear Sir:

It is hereby ordered that the Cherokee freedmen cases of Sallie Miller, Anna Butler, et al., Howard Bushyhead and Katie Davis be separated from the consolidated case of Dennis Hicks, et al., and that they be consolidated and heard separate from the Hicks case.

There is enclosed a copy of a letter, dated November 7, 1906, from Starr & Patten, Vinita, Indian Territory, Attorneys for applicants, submitting a list of the names and addresses of the witnesses they propose to introduce on behalf of the applicants. The principal applicants and their Attorneys have this day been notified that they will be permitted to appear before the office of the Commissioner at nine o'clock A. M. on Thursday, December 20, 1906, and introduce the testimony of the witnesses whose names and addresses they furnished. The Cherokee Nation will also be permitted to appear on that day and introduce in rebuttal such testimony as it desires in the case.

Respectfully,

Encl. W-1.  
S. W.

Commissioner.

COPY

Muskogee, Indian Territory, February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Sallie Miller, et al. (D 648 et al.), as Cherokee freedmen, together with the decision of the Commissioner, dated February 23, 1907, denying the applications for the enrollment of Sallie Miller, Anna Butler, Esther Owen, Howard Daskyhead and Katie Davis as Cherokee freedmen.

Respectfully,

SIGNED *Tams Bixby.*  
Commissioner.

Encl. H-18  
JMI

Through the Commissioner  
of Indian Affairs.

Cherokee F.  
D 648-D-980

COPY

Muskogee, Indian Territory, February 23, 1907.

Sallie Miller,

Vinita, 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, rejecting, among others, the application for the enrollment of yourself and deceased son, Howard Bushyhead, as Cherokee freedmen. Your attorneys, Starr & Patten, Vinita, Indian Territory, have heretofore been furnished a copy of the record of proceedings had in this 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. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Cum's Bixby*

Commissioner.

Encl.H-13  
JMH

Register.

COPY.

Land  
20926-1907.  
21140-1907.

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

March 2, 1907.

The Honorable,

The secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Gallie Miller, et al., as Cherokee freedmen, including the decision of Commissioner Pixby, dated February 23, 1907, denying the applications for the enrollment of Gallie, Anna Butler, Gether Owen, Howard Gushyhead, and Katie Davis, as Cherokee freedmen.

There is also enclosed an appeal filed by Starr and Patten, attorneys at law of Vinita, I.T., from the decision of Commissioner Pixby, dated February 23, 1907, adverse to the applicants in the case of Gallie Miller, et al.

The decision of Commissioner Pixby has been examined and found to be correct, and its approval is recommended.

Very respectfully,

C. V. Larrabee,

Acting Commissioner.

100-1000

D.C.13269

COPY

W.H.M. JP

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 7148-1907.  
7902, "

March 4, 1907.

MRS DIRECT.

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

Sir:

Your decisions in the following Cherokee freedmen 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.

Anna Glass, et al.,  
Sallie Miller, et al.,

February 23, 1907.  
February 23, 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,

Acting Secretary.

2 enclosures, and  
5 enclosures to Ind. Of.,  
with copy hereof.

McM  
3-5-07

Cherokee F  
D 648.

Muskogee, Indian Territory, March 23, 1907.

Sallie Miller,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the application for the enrollment of, among others, yourself and deceased son, Howard B. Whyhead, as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

LMC

Commissioner.



Cherokee V.  
D 602.

COPY

Muskogee, Indian Territory, March 25, 1907.

Starr & Patton,

Attorneys for Sallie Miller, et al.,

Viata, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 25, 1907, rejecting the application for the enrollment of Sallie Miller, et al., as Cherokee freedmen, 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,

SIGNED *Timothy*

Commissioner.

Encl. 6-79  
LMS

Cherokee V.  
D 642.

Muskogee, Indian Territory, March 23, 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 23, 1907, rejecting the application for the enrollment of Sallie Willer, et al., as Cherokee freedmen, 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,

Commissioner.

Encl. C-20  
LNC

C.F.D-979.

C.F.D-980.

Muskogee, Indian Territory, June 30, 1904.

Anna Butler,

Vinita, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and child, and for the enrollment of your brother, Howard Bushyhead, as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the identity and citizenship of your father, Buck Bushyhead.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock, on Saturday, July 16, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

C.F. D-979.

C.D. D-980.

Muskogee, Indian Territory, June 30, 1904.

Louis T. Brown,

Agent for Anna Butler, et al,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application of Anna Butler, 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 as to the identity and citizenship of Jack Bushyhead, father of Anna Butler and Howard Bushyhead.

The principal applicant has this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Saturday, July 16, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

C.F.D-979.

C.F. D-980.

Muskogee, Indian Territory, June 30, 1904.

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

Dear Sir:

In the matter of the application of Anna Butler 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 as to the identity and citizenship of Buck Bushyhead, father of Anna Butler and Howard Bushyhead.

The principal applicant has this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Saturday, July 16, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and offer such testimony as it may desire.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedmen  
D-979-980

Muskogee, Indian Territory, October 14, 1904

Flue & Bulger,

Attorneys for Anna Peterson, et al.

Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Anna Peterson, her minor child, Esther Owen, and her brother, Howard Bushyhead, you are advised that these cases will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, November 15, 1904.

You are further advised that said Anna Peterson has this day been notified that she will be permitted to appear on said date and introduce such testimony as she may desire in support of said application.

Respectfully,

Register.

(SIGNED) *I. B. Needles.*  
Commissioner in Charge

COPY.

Cherokee Freedmen  
D-979-980

Muskogee, Indian Territory, October 14, 1904

Anna Peterson,

Claremore, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself, your minor child, Esther Owen and your brother, Howard Bushyhead, as Cherokee Freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, November 15, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

Register.

(SIGNED) *I. B. Needles.*  
Commissioner in Charge.

COPY.

Cherokee Freedman  
D-980.

Muskogee, Indian Territory, December 12, 1904.

Blue & Bulger, Attorneys for  
Howard Bushyhead,  
Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the supplemental testimony taken at Muskogee, Indian Territory on November 15, 1904, in the matter of the application for the enrollment of Howard Bushyhead as a Cherokee Freedman, together with a blank receipt which you are requested to fill out, sign and return to the Commission.

Respectfully,

(Signed) *Tams Bixby.*  
Chairman.

Encl. OG-28.





Cher. Fr. R. 1043

Trans. from Cher. Fr. D 981

Cher. Fr. R 1043

File with Cherokee freedman D-

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T. May 9, 1901.

In the matter of the application of Aaron Webber for enrollment  
as Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner  
Needles, testified as follows:

- Q What is your name? A Aaron Webber.  
Q How old are you? A 36 I think.  
Q What is your post office address? A Wymer, Cherokee Nation.  
Q What district do you live in? A Cooweescoowee district.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Do you want to enroll anybody besides yourself? A Just myself.  
Q Have you ever applied to be enrolled by any other tribe or Nation  
besides the Cherokee Nation? A Yes, sir, the Clifton Court and  
the Wallace Court.  
Q The you apply to any other Nation, the Creeks? A No, sir.  
Q Never drew any money from any other Nation? A No, sir, I didn't.  
Q Have you been recognized by the Cherokee authorities as a Cherokee  
citizen? A Yes, sir.  
Q Is your name on the roll of 1880? A It is on this roll here  
Mr. Bledsoe has got here; I ~~was~~ come with my brother Sam Webber.  
Q Is your name on the roll of 1880? A No, sir.  
Q Did you ever draw your strip payment money? A Yes, sir.  
Q How much did you draw? A \$15.50, and then I drew this other  
payment, this last payment, I drew it.  
Q You drew the last payment? A Yes, sir.  
The 1880 authenticated roll of Cherokee Freedmen examined and  
the applicant not identified thereon.  
The 1896 census roll of Cherokee Freedmen examined and the  
applicant not identified thereon.  
The Kerns-Clifton roll examined, and the applicant identified  
thereon, page 126, No. 315, Cooweescoowee district.  
Q Were you a slave before the war? A Yes, sir.  
Q Who did you belong to? A Tatie Webber.  
Q Was she a Cherokee citizen? A Yes, sir.  
Q Where did you go during the war? A Went to Kansas.  
Q When did you come back from Kansas? A Came back in 1866.  
Q You been living here ever since? A Yes, sir.  
Q Are you married? A No, sir.  
Q Ever been married? A No, sir.  
Q Got no children then? A No, sir, I haven't.  
Q You are certain you came back in 1866? A Yes, sir, I did.  
Q Who did you come back with? A Sam Webber and my father.  
Q Why is your name not on the roll of 1880? A Why I can't tell  
you about that.  
Q Did you ever try to have it put on? A Yes, sir.  
Q They refused to do it? A Yes, sir, must have, for it aint there.  
Mr. W. W. Hastings; attorney for Cherokee Nation: You say you re-  
turned with your brother Sam? A Yes, sir, I did.  
Q Did you come the first time he came out here? A Yes, sir; I did.  
Q What time of the year was it? A '66.  
Q What time in the year '66? A Well you see I can't read and I  
can't write, I didn't keep no count of the days and the months be-  
cause my owner's didn't give me time to get my education.  
Commissioner: Was it in the fall or summer? A It was along in  
March when I came back in 1866.  
Mr. Hastings: Was it the March after the treaty was made? A Yes, sir.  
Q You are certain of that? A Yes, sir, I am.  
Q And you came back with him at that time? A Yes, sir.  
Q Did he bring his family along then? A Yes, sir.  
Q His wife and children? A Yes, sir.  
Q He had already been out there and put up a house? A Yes, sir,  
I had come out before that and I come with him, and we put up a house  
and I came back with him in '66.

- Q The first time you came back was in March after the treaty was made? A Yes, sir, that is when we moved there.
- Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.
- Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.
- Q What kind of buildings did you put up? A We put up a log cabin.
- Q Out on Big Creek? A Yes, sir.
- Q How far from where Sam Now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.
- Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.
- Q Name some old citizen who lives at the place now where you located then? A Sam Webber.
- Q Does Sam Webber live at that place now? A He did live there but he don't live there now.
- Q Who lives at the place Sam and you came to? A The Meigs and Whitmires and Sanders, and a whole lot of them.
- Q You have lived there ever since? A Yes, sir.
- Q You came out in wagons the first time? A Yes, sir, because Sam Webber drove the ox wagon and I drove the horse wagon.
- Q Do you know anything about dates? A I know when they say the year is out, and this year is in.
- Q What year is this? A If I am not mistaken I think this is May.
- Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.
- Q You are satisfied in '66 you came here in March? A Yes, sir.
- Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the march after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No, sir, I don't.
- Q Have you got any witnesses? A Yes, sir, Sam Webber, and Abe Hare.

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

- Q What is your name? A Sam Webber.
- Q What is your age? A About 58, somewheres nearabout that.
- Q What is your post office address? A Nowata.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
- Q Your name on the 1880 roll? A Yes, sir.
- Q Do you know Aaron Webber? A Yes, sir.
- Q Is he any relation to you? A He is my brother.
- Q Was he a slave? A Yes, sir.
- Q To whom did he belong? A Takie Webber.
- Q Was she a Cherokee citizen? A Yes, sir.
- Q By blood? A Yes, sir.
- Q Where was he during the war? A He was with us in Kansas.
- Q When did he come back? A He came with us when we came back in July.
- Q You came in July from Kansas and he came with you? A Yes, sir.
- Q What year was that in? A In 1866.
- Q He was a slave the same as you? A Yes, sir, same as me, with the same owners.
- Q Ought to be entitled to the same rights you have got? A Yes, sir, have just the same right, belonged to the same parties too.
- Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down.
- Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overtook the delegates

at Fort Scott.

Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.

Q And you came on down and he came with you? A Yes, sir.

Q Did you bring your families at that time? A I didn't have any family then.

Q The rest of the people, they come along? A Yes, sir, I was small myself, I was with father, we came and built and went and moved some of them after that.

Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.

Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day

Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.

Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes, sir.

Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.

Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.

Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.

Commissioner: When Aaron says he came in March he is mistaken?

A He is mistaken, he don't know dates; he is not bright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Abraham Hare.

Q How old are you? A About 70.

Q What is your post office? A Wymer.

Q Are you a Cherokee Freedman? A Yes, sir; claim to be.

Q Your name is not on the roll of 1860, is it? A No, sir.

Q Were you a slave? A Yes, sir.

Q What was your owner's name? A Arlie Hare.

Q Do you know Aaron Webber? A Yes, sir.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Takie Webber.

Q Well, did you know Aaron Webber before the war? A Yes, sir.

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

Q Did you go out? A Yes, sir.

Q What made you colored people go out during the war? A We couldn't stay here.

Q Thought it was safer to go out? A Yes, sir, I had to go out.

Q Why couldn't you stay here? A They wouldn't let us.

Q Who wouldn't let you? A The Rebels and the Yankees neither one.

Q Where was Aaron Webber during the war? A He was with us his father up in Kansas.

Q When did he come back? A He come back in the fall of '68.

Q How do you know? A I come with him.

Q And you came at that time? A Yes, sir.

Q Have you known Aaron Webber since that time? A Yes, sir.

Q Has he always lived in the Cherokee Nation? A Yes, sir, lives right by me now.

Mr. Hastings: Your rights are disputed? A Yes, sir, same as his.

Q You were in here this morning; your case was presented?

A Yes, sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

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

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C. R. Breckinridge,

.....  
Commissioner.

Department of the Interior  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross  
C. F. D. 350.

Appearances:

W. W. Hastings for the Cherokee Nation.  
Mellette & Smith for the applicants:

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.  
(By the Commission)

- Q Give me your full name? A Douglas Walker.
- Q How old are you? A 50.
- Q What is your post office? A Mound City, Kansas.

(By Hastings)

- Q How long have you lived in Mound City, Kansas? A Since May 1857.
- Q What was your father's name? A James Walker.
- Q What was your mother's name? A Miama Walker.
- Q Was your father and mother here the first of the month? A Yes sir.
- Q They testified in this matter at that time did they? A Yes sir.
- Q Do you know Samuel Webber? A Yes sir.
- Q Did you know his son Samuel Webber? A Yes sir.
- Q Where did you know them? A Near Mound City, Kansas; in the neighborhood where I live.
- Q Do you know the applicant here; Joe Ross? A I knew him as Joe Webber.
- Q Is the the same fellow? (pointing) A Yes sir.
- Q Where was he living at the time? A He lived with the older Sam Webber at the time.
- Q You know this applicant here is the same party? A Yes sir.
- Q Did you know a woman named Chlora? A Yes sir.
- Q What relation was she to Joe Ross? A Sister.
- Q Did you know Aaron Webber a little duck legged fellow? A Yes sir.
- Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
- Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.
- Q I mean in the year 1866? A My father bought the farm.
- Q Of whom did he purchase the farm? A Of Flemmings.
- Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
- Q Did he marry before or after he moved from that country? A Before he moved.
- Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
- Q The date of the deed? A Yes sir.
- Q What was that date? A The date of the deed is October '56.
- (By Mr. Smith) Object to that if you have not the deed.
- (By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
- Q At that time, where was Sam Webber living? A On this farm that father purchased.
- Q Where was young Sam living at the time he married? A On this farm on the same place.
- Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.
- Q Did they all move down at the same time? A All started together.
- Q Left there together? A Yes sir.
- (By Mr. Smith)
- Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
- Q How did you know it? A I recognized his countenance as one man knows another.
- Q How? A Well I saw him.
- Q When? A Today.
- Q Where? A On the street.
- Q And you know him as Joe Webber? A Yes sir, the name Joe Ross was not used much.
- Q When did you first become acquainted with old man Sam Webber? A In '63 he moved on that farm.
- Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.
- Q When did your father buy that farm? A In the fall of 1866, I have forgotten the exact day, in October or September.



Q Who owned the farm at the time old man Sam Webber was on it? A  
Jeff Flemming owned it until my father bought it.

Q How do you know it was '63 that you became acquainted with Sam  
Webber? A I remember that it was during the last years of the war  
and the refugees were coming into Kansas, both white and black, in  
'63 and they were amongst them.

Q Did any come after '63? A Yes sir some came later and some come  
earlier, and I remember again by this farm, I remember how long  
they farmed it before we got it.

Q How long? A Three years--four years in the spring of '67.

Q They farmed it four years before your father got it? A They  
farmed from '63 to '67.

Q You say the reason you knew that you knew this man in '63 was  
because you knew how long they worked this farm before your father  
got it? A Yer sir.

Q You say it was in September of 1867 that your father bought that  
farm? A In '66.

Q You are positive about that? A Yes sir we got possession the  
first of March '67.

Q Did old man Sam Webber rent this place from your father? A No  
sir he rented it from Flemmings.

Q Did Sam Webber, the old man and the boys, come down here or leave  
that country in the fall of '65? A I think not.

Q Dont you remember that they did and that the old man came back  
by himself one time? A If my memory serve me, it was in '66, late  
in the summer or early in the fall of '66.

Q What was in the fall of '66? A That they came down here--started  
away from there.

Q Who came then? A Sam Webber, the old man, and young Sam and  
Aaron.

Q What is your recollection as to how long they staid? A They came  
back I think in November or late in October.

Q Well which came back first? A Why I think the older Sam Webber  
came first.

Q How long do you think it was before you saw Sam Webber Jr. again?  
Q Well, it was a short time, a month or so--I can't recollect that,  
it is a good while ago.

Q Who helped Sam Webber make a crop in '66? A Johnson Webber and  
the old man Sam made a crop in '66.

Q Who helped him? A Them two and the little boys I think worked  
too; Aaron did, I dont know but as Joe did too, I dont remember much  
about that.

Q Where was old man Sam Webber in July 1866? A That summer he  
raised that crop and worked part of the summer for my father on this  
farm.

Q Is it not a fact that in July of 1866 that Sam Webber Jr. came  
here for his father and that they left there for this country to  
build some houses? A That is not the way I remember it.

Q You have stated that it was a long time ago, do you think that  
you remember the dated absolutely? A Not to the day or month exact-  
ly, but that is my best recollection.

Q Are you testifying to the best of your recollection? A Yes sir.

Q Do you remember of Sam Webber Jr. bringing any hides to that  
country?  
A Yes sir.

Q When was that? A In the fall or beginning of the winter of '66  
and he brought some hides and furs.

Q To refresh your memory, was it not in March? A March when?  
Q '66? A No sir.

Q Upon what trip was that that he brought those hides? A He left  
and said he was coming down on a hunting trip.

Q Was that the trip when he left Kansas and when old Sam returned  
first that you spoke of a while ago? A Yes sir, that was the one,  
the same trip.

Q Do you remember of Sam Webber telling out a crop up here? A I  
dont.

Q Do you remember of them leaving there to come to the Territory  
to build some houses? A Yes sir.



Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.

Q Don't you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.

Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.

Q What dates have you looked up? A The purchasing of this land.

Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid \$80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March, first 1867.

Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.

Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.

Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.

Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.

Q You didn't know then did you? A Yes sir after I thought it over.

Q How long did it take you to think it over? A I don't exactly remember.

Q Can't you give us some idea of it? A 2 or 3 weeks.

Q Were you here when your father testified in this case? A Yes sir

Q Did you know as much about it then as you do now? A No sir.

Q How long was that from the time you had first been asked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.

Q What were you doing here then? A I was subpoenaed in another case.

Q You had been talking about this case then? A Not much.

Q How much? A A word or two.

Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.

Q You went back to Kansas? A Yes sir.

Q And came back here again to testify? A Yes sir.

(By Hastings)

Q You were subpoenaed by the Cherokee Nation? A Yes sir.

(Continued by Stenographer J. O. Rossen)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above case 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 6th of November, 1901.

F. B. Needles,

Commissioner.

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

Roy Palmer

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

Francis Jones  
Notary Public.

Witness my hand and seal this 14th day of August, 1902.

35.

Before Commissioner Breckinridge, at Tahlequah, I.F., Supplemental C.F.D.-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O. Roason, and afterwards dictated by him to stenographer M.D. Green.)

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HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Henry C. Short.
- Q How old are you, Mr. Short? A 48.
- Q What is your post office? A Mound City.
- Q In the Cherokee Nation? A In Kansas.
- BY MR. HASTINGS:
- Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
- Q What was your father's name? A John Short.
- Q Were you living there in the years '66 and '67? A Yes sir.
- Q Were you living in town or in the country? A Living in the country.
- Q Do you know Douglass Walker that left the stand? A Yes sir.
- Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
- Q Do you know that young Sam Webber, his son? A Yes sir.
- Q Do you know Joe Ross? A Yes sir.
- Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
- Q Have you talked to him? A Just spoke to him.
- Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
- Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir.
- Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
- Q Did you live on the same place in the fall of '65? A Yes sir.
- Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
- Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I won't say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.
- Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoining farms of ours.
- Q Were they living there when you moved? A That fall?
- Q Yes sir? A They were living there then.
- Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.
- Q February now of what year? A Of '67, I would say that, but now I ain't certain, I ain't got no opinion about what time they left.
- MR. SMITH: Now I move to strike out the testimony as to that fact, because the witness says that is his opinion.
- Commissioner: We will take it for what it is worth and let the Commission pass on it.
- BY MR. HASTINGS:
- Q That is your best judgment? A Yes, sir.
- Q That is your best recollection? A (No response.)

Q You said I believe you know they were there in the fall? A Yes sir, that is all I can state positively, I don't know how long they were there.

Q You know that by your move? A Yes sir, that is the one thing I have got you know.

Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed it was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you in '66? A About 13 years old, September 6, 1866.

Q Now when were you asked first as to the time when Sam Webber left that country? A When was I asked first.

Q Yes? A I think it was last Sunday.

Q Well you didn't know did you? A No, I don't know what day he left there at all.

Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.

Q Where was Sam Webber, Jr., in February 1866? A I don't know.

Q Where was he in October, 1865? A He was on the Creek.

Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.

Q That was in the fall of 1865 was it? A Fall of 1866.

Q I am talking about 1865? A Well they was there too.

Q Did you see him? A Yes, of course they was there.

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

Q Where did you see Sam Webber in the fall of 1866? A Oh I don't know; he worked some for me.

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

Q That young Sam Webber? A Yes, sir.

Q You say you know young Sam Webber, the younger of the two?

A Yes, sir; I knowed young Sam and old Sam too.

Q Did you know young Sam Webber, called Sam Webber, Jr.? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.

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

Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken? A Doesn't much difference in the ages; but I think he was younger than me.

Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865?

A I think not; I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1866 and located.

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

Q Now you know only that they were there in 1866? A I know they were there in '66.

Q You don't know what time in '66 they were there? A They were there before '66.

Q Well I am talking about '66 was they there in the spring of '66?

A I couldn't say what time of the year; I think they was there all the time.

Q You don't know whether they were there all the time in 1866 or not? A No sir, I couldn't say that.

Q Do you remember Sam Webber, Jr. and Aaron Webber coming down to the Cherokee Nation in the fall of 1866? A They come down in the summer of '66 I think; they come down here; they come down here and they come back and they come down here in the fall.

Q Did they ever come back to either? A I don't know - either, the old or not; Aaron didn't come back I don't think.

Q What about Sam Jr., did he come down with his father? A Yes sir, I don't know whether Aaron come back or not. I know that and the old man come back and not the family.

Q Do you know that they came back together? A Yes, I am pretty sure that they came back, I know I saw them afterwards.

Q Do you remember of Sam Weber Jr. ever bringing any hidden in the country? A No sir, I don't remember; I remember Sam - I think he had his cabin up.

Q When did he tell you he had his cabin up? A In the fall of '66.

Q He had been down here in the fall of 1866 and had built a cabin? A Yes sir, he told me he had his cabin built.

Q And now that final move when they took all the people out you think was in what time? I don't know, but it runs in my mind as February or March; I won't say anything about that.

Q What year? A '67.

Q Now any you want say anything about that? A I don't know whether it was or not.

Q You don't know whether it was or not? A No sir, that is a fact; but it runs in my mind it was.

Q Where was Sam Weber, during the winter of 1866 and '65, the winter that commences with December, 1866 and ends with February 1867? A I think he was there.

Q Well, did you see him there? A Yes, I think he was there pretty much all the time.

Q Well do you know it? A I got no way to fix it; that's my opinion he was there.

Q You can't state it positively that he was or was not? A I know not of them was there and I believe he was too.

Q You can't state that positively? A No sir, not unless I get something to fix the date.

Q You want say that? A No sir.

Q How can you remember about Sam Weber coming up there in the spring of 1866 and bringing some boat hidden? A No sir, I can't remember; of course that date is a long time ago - how I have got those things fixed in my head that was in the fall of '66 I was moving from one farm to the other, and that was in the fall.

Q You didn't go off of that farm? A No sir, just moved from the west to the east side.

Q And you were a boy about 15 years old? A Yes sir.

Q What is there in that to fix the date in your mind it was in 1866 any more than 1865 you could? A I know as moved from the things that occurred; the death in the family of a young man that was there; I know it was '66.

Q Now about that now, about the death in the family? A There was a young man died in the family in '66, 3 years after we moved there it must have been from the things that he did when we moved.

Q You can't seem to be positive about any of those dates you give? A No sir, I can't be positive about any of those dates.

Q I mean about Webster's presence? A They was all there in the fall of '66, they was all there in October or November one of the two months, before we moved there.

Q Now you were present from up there in 1866 old Sam? A No sir.

Q Did you ever also say to me, the summer of 1866? A No sir.

Q Did you ever also say to me, the summer of 1866? A No sir.

Q Did you ever also say to me, the summer of 1866? A No sir.

Q Did you ever also say to me, the summer of 1866? A No sir.

Q Did you ever also say to me, the summer of 1866? A No sir.



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Q Give me your name, Madam? A Mary A. Hicks is the way I sign my name.

Q How old are you? A If I live to the 21st of next month I will be 67 years old.

Q What is your post office? A Hunter.

Q Is that in Kansas? A Yes sir.

BY MR. HASTINGS:

Q How far do you live from Mound City, Kansas, Mrs. Hicks? A I live 6 miles.

Q How long have you lived in that neighborhood? A Ever since the spring of 1867.

Q Were you living there then after the war? A Living there in the time of the war.

Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.

Q Do you know Mr. Short that left the stand here? A Yes sir.

Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.

Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.

Q Did you know his son, young Sam Webber? A Yes sir.

Q Well did you know a little short-ens called Aaron Webber? A Yes sir.

Q Did you know a boy called Joe Ross? A Yes sir.

Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.

Q I will ask you to look if this is the same parties now? A Well I tell youness don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.

Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.

Q What was the date of it? A The date of the death?

Q Yes, madam? A Well it was in October.

Q Did you make any record of it in your Bible? A Yes sir.

Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.

Q Look at it and see if this is your Bible? I think it is, but I can't read it, I haven't got my specs.

Q You haven't got your specs? A No sir.

Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1864." A Yes sir.

Q And under the column of deaths appears: "Died October 23, 1866"

A That is correct.

Q Who was Franklin Hicks? A He was my son.

Q Do you know where Sam Webber was when your son Franklin died?

A No sir, I could not tell you.

Q Don't know? A No I don't; you mean this Sam?

Q That man? A Oh the old gentleman; he lived up there by me I think; I am not positively he lived there then.

Q Do you know where his wife was? A His wife died there.

Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Rhoda, living.

Q She was living?? A Yes, sir.

Q Was she a member of this family? A Yes sir, she lived there with them.

Q Well do you know whether she was there during the sickness of your child? A Yes sir, she set up with me several time, and if it was a bad night and she saw no one else in the world come and sit up with me.

Q Did you know a sister of Joe's called Madam? A Yes, sir.

Q Now I would like to have your best witness Mrs. Hicks as to the time Old Sam Webber moved with his family and children from that county try?

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.

COMMISSION: I understand the question to be her best recollection.

A It has been a long time you know.

Q Well, answer the question? A About him being there?

Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A -

OBJECTED to by applicant.

A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, of or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.

Q Well now that would be February of what year? A It would be '67 wouldn't it?

Q You lived then about 175 yards from them? A Yes sir, I could hear them sing over there and hear them laugh and talk to my house.

Q On whose place were they living? A Well they was living on Mr. Walker's place then.

Q He had recently purchased it? A Yes sir.

Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.

BY MR. SMITH:

Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question.

Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while; I couldn't tell you.

Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I ain't mist ake.

Q And you know these Webbers were living on the Walker place?

A Yes, sir.

Q Well what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I won't pretend to say anything I don't know; I don't want to meddle with, I didn't come down here to criticize or anything about it; I want to tell the truth as far as I know.

Q Where was young Sam Webber in December, 1866, and up until January or February of 1867? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.

Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; that one.

A Yes? A I don't know.

Q He was not there was he? A I don't know, I couldn't say as to that.

Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and going down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I want be positive, I guess enough it was in '66.

Q Well about how long was it ago your best recollection before this date in the fall that you have spoken of? A I don't know.

Q Don't know? A No I don't; but I recollect about it, he brought me back some wool and sundries.

Q Do you remember young Sam bringing some killed in to the community?

A No sir, I didn't change my mind with anything like that.

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- Q Well now give me some idea, Mrs. Hicks, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know; he come in the fall I reckon.
- Q You don't know whether it was fall, summer or spring? A No sir, I don't.
- Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.
- Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.
- Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.
- Q You don't think that was? A No I can't, for several facts.
- Q You can't state positively whether it was before or after Christmas, you can't swear it? A I wouldn't want to swear it either way.
- Q Where did you move from to this place that you live? A Where did I move from?
- Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '57.
- Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.
- Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.
- Q You know of his coming one time? A I know him and his father and I think Aaron, and I don't know whether Joe was along or not.
- Q Well is this Joe? A Well of course, oh that one, Joe Webber that one sitting there?.
- Q Yes? A I think it is.
- Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.
- Q Which one, the right one here, the black one? A Yes sir.
- Q What is his name? A Joe we always called him.
- Q And what is this man right here? A Sam, that is the way we always called him.
- Q You think that is the man you know to there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.
- Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has grown out of my knowledge.
- Q You don't know where the old man Sam Webber was in July '66 do you? A No sir, I don't.
- Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.
- Q You don't know when they did come? A Why I think they come some time in the latter part of the winter, but I say I would not be certain what month it was, in February or March.
- Q You won't be certain it was either of them? A I say they left, I was there and saw them start.
- Q You would be certain it was either February or March? A I think they did.
- Q You think so? A Yes sir.
- BY MR. HASTINGS: Q.
- Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it down.
- Q Did you hear of his marrying up there? A Yes sir.
- Q Was that before or after he left? A It was before they left.



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

Q Give me your full name? A Jane Spears.

Q How old are you? A I am 46 years old.

Q What is your post office? A Mound City.

Q In the State of Kansas? A Yes sir Mound City, Kansas.

BY MR. HASTINGS:

Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?

A Yes sir.

Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.

Q And have you lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.

Q You moved a mile north of your mother? A Yes sir.

Q Do you know Douglass Walker? A Yes sir.

Q Do you know Henry C. Short? A Yes sir.

Q Do you remember at an early date just after the war some colored people that lived up there; one of them by the name of Sam Webber?

A Yes sir.

Q Do you remember his son Sam? A Yes sir, I know him.

Q Were you living with your mother at that time? A Yes sir.

Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.

Q Have you seen any of these parties since you have been here this time? A I met them to-day.

Q Talked with them some? A Well I just spoke to Joe; Sam I did not.

Q Did he recognize you? A Well he let on as though he did; I don't know that he did; I suppose he heard we were here.

Q I will ask you if this is your mother's family Bible? A Yes sir.

Q That is the family record of the births and deaths? A Yes sir.

Q I will ask you if you had a brother by the name of Franklin Hicks?

A Yes sir.

Q Do you remember the date of his death? A Yes sir, October 23, 1866.

Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.

Q About how far from your mother's? A About 175 steps I suppose, in a cabin.

Q Short distance? A Yes sir.

Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.

Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A

BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.

COMMISSIONER: The counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.

Q My best recollection is that it was in the spring of '67, either February or March.

Q Did you know whether or not your Sam Webber married up there?

A Yes sir.

Q Did you know whether that was before or after they left there?

A That was before they left there.

BY MR. SMITH:

Q Mrs. Spears, did you know Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

- Q Fall of what year? A '66, and then came back.
- Q Now do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for claims you speak of? A They came together.
- Q You are sure of that? A Yes sir.
- Q Where was Aaron Webber, did he come back with them? A I don't remember very much about him.
- Q You don't remember whether he did or not? A No, I won't be positive whether he came with them or not, when they came after their claims.
- Q Do you know when the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
- Q Either summer or fall? A Yes sir, sometime along in the summer or fall.
- Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
- Q Made a crop in '63? A '65.
- Q What did he do with that crop? A I suppose he put it up here, disposed of it.
- Q Do you know whether he sold it or not? A No, I don't know whether he sold it or not, I think they fed it to their stock before they left.
- Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
- Q Where was he in January and February of '66? A January or February of '66, I can't say.
- Q Where was he in July of '66? A I don't know where.
- Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
- Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
- Q Where was old man Webber living in the year of 1865? A He was living there close to my mother's farm I speak of.
- Q In 175 steps of you? A Yes sir.
- Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts.
- Q Now what makes you think it was February or March of '67 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
- Q These darkey boys? A The Webber boys.
- Q Did what? A Trapped for game that winter on the patch of cane where we had left the seed on the corn.
- Q That the winter that commences in December and ends in February, December, '66 and February of '67? A It was all in the winter of course.
- Q Well the winter is pretty well over by the last day of January isn't it? A Not always it ain't.
- Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.
- Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have so much.
- Q So that as a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left; that is the best of my knowledge.
- Q Now in what way do you fix the date, you speak of your people there is that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the way by the people, of this child's death; they were there then; that is, the family were, I don't re-

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.

Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.

Q When was that? A That was the first time they came down.

Q When was it? A That was in '66.

Q What month? A I don't know.

Q Can you state within two months of the time? A No I don't know as I could.

Q Can you remember that as well as you could the other time? A (No response).

Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.

Q What was it, sassafras roots? A Yes sir.

Q That must have been in the spring? A I don't know.

Q Well they don't make sassafras in the fall? A We used it for tea

Q It was not in the spring at all Sam Webber brought the sassafras?

A No sir, it was not; he didn't bring it at all; the old gentleman brought it.

Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.

Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.

Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.

Q Now who else was there? A Chlora was there.

Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.

Q Well now that I want to know, who was there except this woman, Rhoda? A I don't know anything about that.

Q You don't know? A No sir.

Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.

Q All you know of? A Yes sir.

Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.

Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?

Q Yes? A I don't know as it was, I suppose about the time.

Q Well about when, do you know who wrote that? A I know who wrote that?

Q That is what I am talking about? A This was drawn off from another Bible.

Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you?

A No sir.

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

Q Now who wrote that date, October 25, 1868? A Park Nichols.

Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. EASTMAN:

Q How long has this Bible been in your mother's possession? A I can't tell.

Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.

Q It was in there long before any investigation came up wasn't it?

A Yes sir.

BY MR. SMITH:

Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.

Q If they came here you didn't miss them? A No sir.

MARY A FICKS, re-called for additional cross examination.

BY MR. SMITH:

Q Mrs. Ficks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.

Q Was it put there at or about the time he died? A Why it was not long after he died.

Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.

Q Well was it as much as a month? A I won't say sir.

Q You can give some idea? A Well I tell you now, I won't say anything when I don't know anything.

Q I thought probably you might know better than I do, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.

Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.

Q What was his name? A His name was Nichols.

Q Do you remember how long after your child died before Nichols went to work for you? A No sir.

Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?

Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.

Q Do you think it was as much as two years? A No sir.

Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.

Q Was this the first place it was made where it was made here in this Bible? A Yes sir.

MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.

COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.

BY MR. HASTINGS:

Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.

Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.

Q You so stated? A Yes sir.

BY MR. SMITH: I object to that; it is leading.

BY MR. HASTINGS:

The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.

COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedman Doubtful case 495, the same being the case of Chlera Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Asport Webber, and in Cherokee Freedman doubtful case 250, the same being the case of Joe Ross.

It is further ordered that a set of all the testimony



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given by Sam Webber in Cherokee Freedman Document case 372, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-380, of Joe Ross, and in Cherokee Freedman D-425, of Chas. Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

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

M. D. Green.

Subscribed and sworn to before me this November 16th, 1901.

J. C. Starr,

Notary Public.

321.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., May 2nd 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A Elizabeth Meigs.  
Q How old are you? A I dont know my age.  
Q About how old are you? A I was four years old when we came here with the old settlers.  
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.  
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.  
Q What is your post office? A Centralia.  
Q In what district do you live? A Cooweescoowee.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.  
Q Who do you want to have enrolled besides yourself? A My children.  
Q Have you any children under twenty-one years old? A No sir.  
Q They will have to apply for themselves then. A (No response).  
Q Have you a husband? A No sir he is dead.  
Q Then you only apply for yourself? A Yes sir.  
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.  
Q How long have you been called Meigs? A Ever since I was nothing but a girl.  
Q Were you married to a man named Meigs? A Peter Meigs.  
Q Is he dead? A Yes sir, five years ago in September.  
Q Was he a Cherokee Freedman? A Yes sir.  
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.  
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

- Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:

Page 175, No. 2656, Alice Sanders, Cooweescoowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

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

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:  
Page 100 No. 2612, Eliza Meigs, Cooweescoowee district.

- Q Did you ever go by the name of Daniel? A Yes sir then was by owners.

the Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:  
Page 122, No. 40, Elizabeth Daniel.  
NOTE: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:  
Page 131, No. 2748, Elizabeth Meigs, Coowescoowee district.

- Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
- Q When did you come back? A In the winter of '66.
- Q What time in the winter? A Well it was in the winter.
- Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
- Q When did he bring you down? A In the winter after he went from here on Big Creek.
- Q He came ahead of you then? A Yes sir.
- Q What time did he leave Kansas? A I cannot tell you when he first came.
- Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
- Q Did he leave Kansas in the winter? A Yes sir.
- Q Was he down here when Christmas came? A Yes sir.
- Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
- Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
- Q How long after Christmas before you and he started down here together? A Directly after.
- Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.
- Q What members of your family came down with you and your husband? A These children.
- Q Did you bring your child Alice Sanders with you? A Yes sir.
- Q All the children? A Yes sir.
- Q Can you explain why you are not on the roll of 1860? A No sir.
- Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

- Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
- Q Where were you living in Kansas then? A Fort Scott.
- Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
- Q Was it as much as a couple or three weeks? A Yes sir I guess so.
- Q And then you started down here? A Yes sir.
- Q Was it in the spring of the year when you reached here? A No sir in the winter.
- Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there weren't no buds nor nothing on the trees, it was winter I tells you.
- Q You all came in wagons did you? A Yes sir.
- Q Who came with your husband down here when he first came? A The man Mike Sanders.
- Q Who else? A Reuben Sanders.
- Q Who else? A Daniel Sanders.

- Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.
- Q Any other Webber's? A Aaron Webber.
- Q Did any one else come down? A I dont remember any one else now.
- Q Were you there when they started down? A We all come together I am a telling you.
- Q But I mean when your husband come on in advance of you. Who come with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
- Q You were at port Scott then? A Yes sir.
- Q And they all started together? A Yes sir.
- Q These that you have named are all the you can think of at the present time? A Yes sir.
- Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
- Q And after Christmas you all came down did you? A Yes sir.
- Q Did you come in wagons then? A Yes sir.
- Q Did you come by a little place called Chetopa? A Yes sir.
- Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
- Q And you are living there yet? A Yes sir, that old house was built in '66.
- Q What house? A That one we is living in.
- Q And you are living at the same old place? A Yes sir, in the same old house.
- Q On what creek is that? A Big Creek.
- Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
- Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
- Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
- Q Did these people who first came down with your husband return with him and then come down again when your family all came after Christmas? A Yes sir.
- Q You all came back together? A Yes sir.
- Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down, I am just a telling you what I know.
- Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all come with you? A Yes sir.
- Q Did Aaron Webber come? A Yes sir.
- Q And your family? A Yes sir.
- Q Are there any that I missed? A That is all that I gave you.
- Q Is that all that come? A Aaron Wright come with us.
- Q Who else? A (No response).
- Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time--for an old woman like me to remember all that come.
- Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
- Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we came there.
- Q Who? A Louis Riley was there on Verdigris, but not where we was living.
- Q How far from where you settled? A I dont know how far.
- Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
- Q Were they the closest residents to you at that time? A Yes sir.
- Q Were there any Delaware Indians there that you saw there? A No sir I never saw none.





Q There was it sitting? A At Tahlequah.  
 Q In what year was that? A I cannot tell what year it was  
 Q Your citizenship had been disputed had it? A Yes sir,  
 Q When was your right to citizenship first disputed? A It was  
 during the time that Thompson Oocholita was chief.  
 Q What time before the 1860 roll was made? A Yes sir.  
 Q Did the court decide in your favor? A Yes sir.  
 Q Was there any dispute made then about your being put on the 1860  
 roll? A No sir.  
 Q Were you required to show a copy of the decision of the court  
 in your favor when you went to enroll in 1860? A No sir.  
 Q Did they ask you any questions when you went to be enrolled in 1  
 1860? A No sir.  
 Q Where did they take your name? A I was in Coosoneck Band, at the  
 time.  
 Q Do you know the applicant Elizabeth Meigs? A Yes sir.  
 Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was? A  
 Yes sir.  
 Q Did he go before the court at the same time? A No sir, I think  
 not.  
 Q His wife's citizenship was also disputed? A I judge so.  
 Q When before that war? A Not to my knowledge.  
 Q Did he go to Tahlequah to the court before that time? A Yes  
 I think he went down to the Bob Daniels court, think he went  
 there.  
 Q Was Bob Daniels Chief Justice of that court? A Yes sir.  
 Q Just a few years after the war? A Yes sir.  
 Q Did he come to Tahlequah? A Yes sir.  
 Q Was any action taken in that court? A I dont know.  
 Q You were not there were you? A No sir.  
 Q How long about 15 or 20 years old when you come back? A Yes sir  
 Q How old, I dont know how old I was.  
 Q You were not married then? A No sir.  
 Q How long before you got back before you married?  
 Q How long before you got back?  
 Q Did you marry or your wife down here? A No sir.  
 Q How long had you been here before you married? A I have been  
 here a long time.  
 Q How long had you been here before you married the first time? A  
 A Not very long.  
 Q As much as a year? A May be so.  
 Q Is that your best judgment? A My best judgment is perhaps that  
 it was that long.  
 Q How long were you married to your present wife? A Upwards of 30  
 years, or so.  
 Q How long did you live with your first wife? A Not very long, she  
 died.  
 Q A year? A Perhaps it was, maybe a little longer.  
 Q Then you married your present wife? A Yes sir.  
 Q When you came to the Cherokee Nation how did you come the first  
 time? A In wagon.  
 Q The first time? A Yes sir.  
 Q Who came with you? A Several were on horse-back; it is beyond  
 my knowledge how many there were.  
 Q Tell all you can remember? A We made a trip in August and one in  
 October and then we moved here in the winter.  
 Q Did you come in August? A Yes sir.  
 Q Who came with you then? A Some of this family, Peter Meigs and  
 his place; the heads of these families.

- Q Who else came with you? A My brother Dan and the Webbers.
- Q Which ones? A Several.
- Q Which ones? A Mose and Dennis, and the Webbers.
- Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I dont know who else, I dont know who all come.
- Q Who come when you come in October? A I dont know who all come then, some of that same crowd and some more come in October.
- Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
- Q What was his first name? A Old man Caesar Smith.
- Q You come in both of the detachments yourself? A Yes sir.
- Q Which one did you come in? A I come in August.
- Q You didn't come in October then? A Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
- Q On Big Creek? A Yes sir.
- Q Where Mrs Meigs lives? A Yes sir.
- Q And you returned in October, how long did you stay in October.
- Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
- Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
- Q What time in the winter? A Long in January.
- Q You mean in '67.
- Q No in the winter of '66.
- Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of '66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

- Q You say you first came here in August of '66? A Yes sir.
- Q That was your first coming was it? A Yes sir.

By the Witness:

- Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following?
- A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.
- Q I dont mean only of that family, there were other families were there not? A Old man Billie Forman.
- Q Who else? A He had several children.
- Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.
- Q Were any of the Webbers along? A Yes sir.
- Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I has forgotten them I dont think I can remember any of the others.

By the Commission:

- Q Did old man Sam Webber come? A Yes sir.

By V. W. ...:

- Q Dont you remember any one else? A Rachel Webber.
- Q Do you think of any one else? A No sir.
- Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.
- Q You know that there is a question about who came dont you? A Yes sir I guess I do.
- Q You say you came to Big Creek? A Yes sir.
- Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.
- Q Did you cross the river there? A What river.
- Q Neosho? A No sir.
- Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
- Q You came through what is Chetopa and came on west through the prairie? A We may ha e.
- Q You were in Wagons? A Yes sir.
- Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
- Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.
- Q Then the houses were not built before you moved there with your families? A Yes sir some were, there there were logs on some up 6 or 10 logs high.
- Q Then there were none really completed until you moved there with your families? A No sir.
- Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plow and hoes.
- Q Do you know Jim Martin? A Yes sir.
- Q How far does he live from you now? A 4, 5 or 3 miles.
- Q Was he living there when you people moved there? A No sir.
- Q He had a brother names William Martin? A Yes sir.
- Q Was he living out there then? A No sir.
- Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
- Q Was his name Dick Carter? A I think it was.
- Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.
- Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gillstrap ferry.
- Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

- Q You stated, I believe, that the first time that you came to the Cherokee Nation after the Civil war closed was in August of 1865?
- A Yes sir.
- Q For what purpose did you come back then? A To make it our home, the proclamation had told us to come home, that it was open for us to come.
- Q You didn't bring your families with you then? A Only part of them and some things that we had.
- Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you? A No sir.

Q Did Peter Meigs bring any of his family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Kansas? A I think with my father

Q You came yourself in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q Then you returned to the Cherokee Nation again in October? A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir, not all of them come in October.

Q Where was Peter Meigs in October? A He come with us at each trip

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October?

A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That made the second time that Peter Meigs had been here? A Yes sir.

Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I dont exactly know where he was in Christmas of '66.

Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.

Q How far apart? A Two or three hundred yards apart.

Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.

Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.

Q You staid here then? A Yes sir.

Q When did you come? A In the winter.

Q Was it in February? A Must have been in December.

Q What about that February trip you spoke of? A It was in the winter some times. Snow on the ground.

Q Did your father come at that trip? A Yes sir.

Q Your mother? A Yes sir.

Q Peter Meigs? A Yes sir.

Q His wife? A Yes sir.

Q That was your third trip? A Yes sir.

Q Was that your last trip? A Yes sir.

Q When did your wife Alice come? A Come then.

Q On that third trip? A Yes sir.

Q You say Peter made all three trips with you? A Yes sir.

Q Every time you came he came? A Yes sir.

Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.

Q Did he go there by himself? A No sir.

Q Do you remember distinctly that you came here in August the first time? A Yes sir

Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.

Q Do you remember distinctly that he came with his family when you made your third and last trip? A Yes sir.

Q With his family? A Yes sir.

By Cou'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make ~~further~~ further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

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

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at  
Chelsea, I. T.

T. B. Needles,

Commissioner.



SUPPLEMENTAL:

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;  
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

- Q Give your name? A Reuben Sanders.  
Q How old are you? A I am only about 50 past.  
Q You gave testimony just now in the case of Elizabeth Meigs?  
A Yes sir.  
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '55 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.  
Q How do you find out now it was January instead of February?  
A It was just after Christmas that we was on the road coming down.  
Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started ther right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

- Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.  
Q Where did you say that killing took place? A In Kansas.  
Q Fort Scott? A Yes sir.  
Q And the man that was accused of the killing was named what? A Named Mackey.  
Q You remember his first name? A No.  
Q You remember the man who was killed, you get his first name? A No sir I do not.  
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.  
Q You know what county Ft. Scott is in? A No sir.  
Q Who called your attention to this ~~error~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.  
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

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

M. D. Green.

Subscribed and sworn to before me this May 23, 1901.

C. R. Breckinridge,  
Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I.T., July 1, 1901.

In the matter of the application of David Mayes for the enrollment of himself and two children as Cherokee Freedmen.

Appearances:

L. T. Brown, attorney for applicants;  
J. S. Davenport, of counsel for Cherokee Nation.

David Mayes, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A David Mayes.  
Q What is your age? A About 41 or 41.  
Q What is your postoffice address? A Centralia.  
Q What district do you live in? A In Cooweescoowee district.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Wish to enroll anybody besides yourself? A Two children.  
Q What are the names of your children? A Jennetta C. Mayes.  
Q How old is she? A Born the 31st of August, 1896.  
Q Make her five years old, wouldn't it? A Yes, sir.  
Q What is the name of the next child? A Richard H.  
Q How old is he? A He was born the first of October, 1898.  
Q Are you married? A No, sir, my wife is dead.  
Q Were you ever married? A Yes, sir, been married, but she is dead.  
Q What was her name? A Gertrude Mayes.  
Q She a citizen? A No, sir.  
Q She the mother of these children? A Yes, sir.  
Q What was her name before you married her? A Gertrude Miller.  
Q You say she is the mother of these children? A Yes, sir.  
Q Was she ever married before she married you? A No, sir.  
Q Were you ever married before you married her? A No, sir.  
Q Was she your first wife? A Yes, sir.  
Q And you were her first husband? A Yes, sir, so far as I know.  
Q These are your children by her? A Yes, sir.  
Q Is your name on any of the rolls of the Cherokee Nation? A Yes, sir, Wallace roll and the Clifton roll.  
L. T. Brown: Where were you born? A Born in Going Snake.  
Q How old did you say you were? A About 40 or 41, I don't know just which.  
Q You don't remember the beginning of the war? A No, sir.  
Q Have you a brother? A Yes, sir.  
Q What is his name? A Josiah Mayes.  
Q Is the Josiah Mayes who applied there this morning for enrollment your brother? A Yes, sir.  
Q Where were you living when you can first remember? A Well, I don't know, just, when I first remember we were south as near as I recollect.  
Q You know when you returned to the Cherokee Nation? A No, not exactly.  
Q With whom did you return? A With my father and mother.  
Q What is your father's name? A Dave Mayes.  
Q Where have you lived since your return? A Up here on Big Creek.  
Q All the time? A Yes, sir.  
Q Big Creek in the Cherokee Nation? A Yes, sir.  
Q What is your mother's name? A Susan Mayes.  
Q Do you own a farm upon the public domain of the Cherokee Nation?  
A Yes, sir.  
Q Ever vote in the Cherokee Nation? A Yes, sir.  
Q You lived here since your return with your father, Dave Mayes?  
A Yes, sir.  
Mr. Davenport: You didn't return with your father when he first



David Mayes - 3.

came? A No, sir, I didn't return with my father.

Q You returned in the latter part of February, 1867, or along in the year 1867? A Yes, or earlier, I don't know which.

Q Didn't you testify before the Kern-Clifton Commission that you returned in the latter part of February, 1867? A I don't know for certain whether it was February or January of what.

Q Didn't you say then it was the latter part of February, '67?

A I don't know.

Q Now which is correct? A I don't know, I wasn't old enough to know, I suppose it was sometime in '67.

Q When you came back, you came on Big Creek? A Yes, sir.

Q You ~~kn~~ came near Tuck and Rube Sanders? A Yes, sir.

Q They know when you returned? A Yes, sir, they know.

Q They were here last week attending the enrolling of the Commission? A Yes, sir.

Q They are not here this morning? A I don't think they are.

Q Did you speak to them about witnessing for you? A No, sir, I could have got them, but I had already ~~kn~~ spoke to them, they said they didn't know whether they were coming down.

Q They said they didn't know whether you came back? A I don't know.

Q Didn't Dan Sanders tell you last week that you didn't get back here until the last part of February, 1867, or late in the year? A No Dan Sanders never told me that.

Q Isn't it correct that you didn't come back until that time? A It was sometime in '67 that is right, I don't know whether it was February or January or which.

Q Or whether it was March? A No, sir, it wasn't that late though.

Q It was after Christmas considerably? A We came down here and made a little crop that year.

Q Built you a house? A Why the house was built when we came.

Q Any land broke out? A No, sir.

Q Who was living there when you came? A Why he brought my oldest brother and sisters.

Q That was Josiah? A Yes, sir.

Q You and your mother ~~remained~~ remained in Kansas then until your father came back? A Yes, sir, he couldn't bring us all the first time.

Q Where have you been living since that time? A Right there on the old place.

Q Lot of people own farms up in that country that are not citizens?

A Why I don't know, I can't say.

Q You have known several of these claims, you know L. H. Singleton owned a farm up there for years? A I don't know, I didn't know a Mr. Singleton, I have heard of him.

Q You don't know of any of these claims; you know J. S. Hargroves? A Yes, sir.

Q Know he owned a place there for a number of years? A Yes, sir.

Q He wasn't a citizen, was he? A I don't know.

Q Don't you know he was a claimant? A Why I heard he was.

Josiah Mayes, being duly sworn by Commissioner Needles, testified as follows:

L. T. Brown: State your name? A Josiah Mayes.

Q Age? A 44.

Q Postoffice address? A Centralia.

Q Do you know the applicant Dave Mayes? A Yes sir.

Q What relation is he to you? A Brother.

Q Do you know to whom he belonged at the beginning of the Civil War? A Yes, sir.

Q What was his other's name? A Johnson Whitwire.

- Q Johnson Whitmire a citizen of the Cherokee Nation? A Yes, sir.
- Q By blood? A Yes, sir.
- Q Do you know when Dave Mayes returned to the Cherokee Nation after the close of the Civil war? A Yes, sir.
- Q When was that? A It was in the early part of '67, just after Christmas sometime.
- Q Who brought him back to the Cherokee Nation? A Why his father and mother brought him.
- Q Prior to the time his father and mother brought him, had his father been down here? A Yes, sir.
- Q What year was that in? A That was along in '66.
- Q What did your father do when he came down in '66? A He came down and taken him a claim.
- Q And went back? A Went back and moved them.
- Q Was that in the early part of '67? A Yes, sir.
- Q About how long after Christmas? A Right directly after Christmas, right along in there.
- Q Was it a week or two? A Yes, sir, about a couple of weeks as near as I can remember.
- Q Has the applicant, Dave Mayes, lived in the Cherokee Nation since that time? A Yes, sir.
- Q Living here now? A Yes, sir.
- Mr. Davenport: Now it wasn't quite two weeks after Christmas, was it, Joe? A Why I suppose it was somewhere along there.
- Q See if you can't remember and know it was just about a week after Christmas when he came back down? A No, I can't know that.
- Q You haven't the slightest idea when your father brought these people down here, have you? A Yes, sir, I know it was somewhere along in there.
- Q What makes you say it was just about two weeks after Christmas? A That is as near as I can remember.
- Q You are simply trying to get in within six months after the treaty was made? A No, sir.
- Q Didn't you have that in mind when you answered the question? A No, sir, I didn't.
- Q Do you know what time the six months would have expired after the treaty, in '67? A No, sir, I don't know exactly.
- Q Never have understood what time it did? A No, sir.
- Q And didn't fix your answer with that view? A No, sir.
- Q You don't know but what they had the whole year of '67 to come back, do you? A No, sir, I don't.
- Commissioner: How old are you? A I am 44.
- Q You are older than Dave? A Yes, sir.
- Q What relation are you to him? A Brother.
- Q How much older are you than Dave? A I don't know just exactly how old.
- Q You and Dave were there at the same time in January when you came back together? A I came back before that time, I said.
- Q He don't recollect just when he did? A No, sir.
- Q You are older than him and probably can recollect better? A Yes, sir, I naturally had a better recollection, but then when he was small of course I could recollect before he can.
- Q Then you were about 7 years old when you returned to the Cherokee Nation? A Yes, sir, somewhere along there I guess.
- Q And Dave was about how old? A I don't know just exactly how old he was, we didn't have our ages down.
- Q When you answered a while ago that he was a slave before the war you didn't know that? A Yes, sir, he was born.
- Q He wasn't born before the war, was he? A Yes, sir.
- Q Well he is more than 40 years old? A Yes, sir, born along in there somewhere.
- Q How long before the war was it he was born? A I don't know just

how long before the war he was born.

Q You were about 7 years old at that time? A Breaking out of the war?

Q Seven years old though when Dave came back; when you say he came back here in '67 now you were how old then? A I don't know exactly just how old I was.

Q Big enough to plow? A Yes, sir, I could plow.

Q 7 or 8 years old then? A Yes, sir.

L. T. Brown: Your father made two trips to the Cherokee Nation?

A Yes, sir.

Q One in '66 and one in '67? A Yes, sir.

Q At that time the applicant here, Dave Mayes, was a small boy? a minor? A Yes, sir, he was small.

Q I believe you said when your father had the trip here in '66 that he took up a claim and built him a house? A Yes, sir.

Q And moved in '67 with his family? A Yes, sir.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

L. T. Brown: State your name? A Sam Webber.

Q Age? A About 58.

Q Postoffice address? A Nowata.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1880?

A Yes, sir.

Q Do you know the applicant, Dave Mayes? A Yes, sir.

Q To whom did he belong at the beginning of the war? A I can't tell you that altogether, of course I heard he belonged to Johnson Whitwire, but I don't know that part of it.

Q Where did you see him for the first time after the close of the Civil War? A When his father brought him in there.

Q When was that? A Along sometime just after Christmas they came in, along in January sometime.

Q Prior to the time that his father brought him here in January, '67, had his father been here, that is, after the close of the war?

A Yes, sir, yes sir came down and built and brought part of his things and part of his family.

Q In what year was it he came down and built the place? A Along in the fall of '66 when he built him a shanty.

Q You know whether or not the applicant Dave Mayes has lived in the Cherokee Nation since he returned with his father in January, '67?

A He grew up there, stayed there.

Mr. Davenport: Do you undertake to say it was in January, '67, that his father brought this boy down? A Yes, sir.

Q What makes you remember it was in January, '67? A Because we were looking for him to fetch his family up there.

Q You remember about that, it was January? A Yes, sir, it was sometime in January.

Q Might not have been February or March? A Sometime along after Christmas.

Q And you are positive it was January? A Yes, sir.

Q What makes you fix your answer positively in January, what difference does it make if he got back in January or March?

A I don't know what difference it makes, I am just telling you when he came.

Q You live how far of them? A About a mile or a mile and a quarter, something like that.

Q You were there many times and about all along through the winter and you remember distinctly he came back in January, '67? A Yes, sir, because we were to help each other to work.

Q He had put up a cabin before he went away? A Yes, sir, and left

David Mayes - 5.

part of his family there.

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

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

The Kern-Clifton roll examined and the applicant identified thereon, page 101, No. 2537, Cooweescoowee district, as Dave Mays.

The Wallace roll examined and the applicant was identified thereon, page 137, No. 2758, Cooweescoowee district, as David D. Mayes.

David Mayes, recalled, testified:

Commissioner: What is your name now, is it David D.? I go by David D. but they missed putting it down, I go by David sometimes.

Q Do you sign your name David D.? A I did the Wallace Court.

Q Do you now? A No, sir.

Q Your name now is simply David? A Yes, sir.

Q Are you married to Gertrude Miller? A Yes, sir.

Q Is she a citizen? A No, sir.

Q What proof have you got of your marriage? Is your wife dead?

A Yes, sir.

Commissioner: Applicant presents a certificate certifying that he was married to Lucy Miller, a citizen of the United States, on the 6th of January, 1896. Certificate is recorded by Joe M. Lahay, on the records of the Cherokee Nation.

Q Are these children living at this time? A Yes, sir.

Q Are they your children by Gertrude, your wife? A Yes, sir.

Q Your wife isn't living now? A No, sir.

Q Have you married since? A No, sir.

Mr. Davenport: The representatives of the Cherokee Nation object to the introduction of the marriage certificate for the reason that at the time he purports to have been executed there was a law of force in the Indian Territory in the Cherokee Nation requiring ~~marriage~~ a party who wasn't a recognized citizen of the Cherokee Nation to procure a marriage license from the Clerk of the United States Court for the Northern District.

Commissioner: David Mayes applies for the enrollment of himself and two children, Jennetta G. and Richard H. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. He is identified upon the Kern-Clifton and the Wallace rolls. He avers that he was the slave of one Johnson Whitwire, a Cherokee citizen. Heavers and the testimony shows that he returned to the Cherokee Nation with his father while he was a child, about the month of January, 1867, he at the time of said return being a minor. He makes satisfactory proof of his marriage to one Gertrude Miller in 1896, by whom he avers he has the two children for whom he applies. He avers and the testimony shows that he has been a citizen of the Cherokee Nation from the date of his return until the present. He avers that his two children are now living, consequently, David Mayes and his two children, Jennetta G. and Richard H. Mayes will be listed for enrollment as Cherokee Freedmen upon a doubtful card. It will be necessary for him to file satisfactory proof of the birth of the two children. He will be notified by mail of their action in the premises at his post office address.

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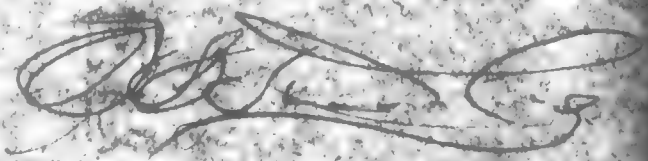
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David Hayes - 6.

Brace 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.

*Brace G. Jones*

Sworn to and subscribed before me this 18th day of July, 1901.



COMMISSIONER

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File with Cherokee Freedman 7-3-01, Elizabeth Meigs

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

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;  
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Nineth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A Robert Meigs.

Q Where do you live? A I live five miles southwest of Tahlequah.

Q What is your postoffice? A Park Hill is my postoffice.

Q How old are you? A I am 56 my next birthday.

Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '65.

Q Did your people own any slaves before the war? A Yes sir.

Q Do you know whether they owned a woman by the name of Elizabeth? A Yes sir.

Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.

Q Well, did you know Peter Meigs? A Yes sir.

Q Do you know what his wife's name was when the war broke out? A Betsy they called her.

Q Well, was she living, Betsy, at the time the war broke out? A Yes, sir.

Q Well, did you ever know her by any other name than Betsy? A Bettie.

Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.

Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.

Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.

Q Did you ever see Peter Meigs and his family after the war? A Yes sir, saw Uncle Peter.

Q What year was that? A Sometime after '71.

Q What were the circumstances as to your seeing him or meeting him?

Q Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.  
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

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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 7th of November, 1901.

T. B. Needles,

Commissioner.





Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October 16th 1901.

SUPPLEMENTAL TESTIMONY in the case of Ben Adams, C. F. D. 715.

Appearances:

James S. Davenport for the Cherokee Nation.  
Mellette & Smith for the applicant, in C. F. D. 722, but not in the present case, being present in this case simply in order to cross examine the witnesses for the benefit of C. F. D. 722.

BEN ADAMS called three times and appears not either in person or by attorney. Satisfactory proof of notice filed, that this testimony would be taken on this day by the Cherokee Nation.

Witnesses placed under the rule.

C. L. LYNCH, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

( By Mr. Davenport )

- Q What is your name? A C. L. Lynch  
Q Where do you live? A In Flint District, Cherokee Nation.  
Q How old are you? A 61.  
Q Where were you living at the breaking out of the war? A In Saline district, Cherokee Nation.  
Q How far from Grand river? A About a mile in some places, the closest point.  
Q What was your father's name? A Joe M. Lynch  
Q Did you go away during the war? A Yes sir in '63 and I came back in February of '67.  
Q When you came back to what point did you come in the Cherokee Nation?  
A To our old place on Grand river, Saline district.  
Q When was that? A '67.  
Q Who was living there on the old place when you come back? A Mr. Scraper, he was living there then,  
Q What was his first name? A George.  
Q Did you then know a colored man named Warren Adams? A I dont know him by that name.  
Q Did you ever know a colored man named Warren? A Yes sir, he belonged to the Martins.  
Q Did you see him after the war? A No sir.  
Q Was he or his family living on your old place when you come back?  
A No sir.  
Q Did they move there after that to your knowledge? A No sir.  
Q Do you know Ben Adams, the applicant in this case? A No sir, never saw him to know him .  
Q How long did you stay at this old place? A Often and on during the year '67.  
Q This man Warren was not living there at that time? A No sir.  
( By Mellette )  
Q This man Warren was a slave before the war? A Yes sir.  
Q Who owned him? A Dick Martin.  
Q Were you well acquainted with this slave? A Yes sir some of them  
Q You never have seen him since the war? A No sir.  
Q Don't know what country he has lived in since the war? A I have lived on Grand river.  
Q I say, he ? A Oh, no sir.  
Q You dont know if he was in the Cherokee Nation or not? A No sir.  
Q Dont know if he was in the Cherokee Nation in '66? A No sir.  
( By Davenport )  
Q You do know that he was not on your father's old place in '67? A No sir he wasn't there, I was there and he wasn't there.

GINSIE JAKA being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

( By Davenport )

Q What is your name? A Gibbie Clark.

Q What is your post office address? A Vinita.

Q How old are you? A 58.

Q Where did you live before the war broke out? A I have lived in the Territory all my life.

Q Did you go away during the war? A Not much, I was a soldier in this country.

Q After the war closed in '65 where did you locate? A In Saline district.

Q How far is that from the old Joe Lynch place? A I located within 4 or 5 miles from it, my father in law was living on that place then.

Q Who was he? A G. W. Scraper.

Q Did you ever know a colored man named Warren Adams? A Yes sir.

Q Did you know him before the war? A No sir.

Q You know him after the war? A Yes sir.

Q When did you first get acquainted with him? A In the '70's

Q Were you ever on your father's in law's place in '67? A Yes sir I was there often, I visited my wife's folks.

Q Did Warren Adams and his family live on the old Joe Lynch place in '66 and '67? A No sir.

Q Do you know of your own knowledge if he lived there after that?

Q I don't think Warren ever lived there, his father came there and bought, his father lived in one ~~of the~~ of the negro out houses and made four or five crops there on the Spring Branch.

Q What year was that in? A I think he staid there three or four years after that. I think he went there in '68.

Q They didn't live there at all while Mr. Scraper was there? A No sir.

( By Mellette )

Q Did you say that Warren Adams' father moved there in '67 or '8? A I think it was in '68.

Q Do you think your recollection is positive on that point? A Yes sir.

Q It was either in '67 or '6? A Yes sir.

Q What time in '68? A He went in one of those outhouses in '67; I think but he never made a crop there until '68.

Q You can't tell if Warren Adams moved there in December of '67 or not? A No sir not positive as to the month.

Q You didn't pretend to keep the dates? A No sir.

Q You don't know where Warren Adams was in '66? A No sir.

( By Davenport )

Q Do you know the applicant Ben Adams? A Yes sir.

Q Have you known him for the last few years? A Yes sir, for several years, he is a relation of the Beans and lives right there.

\*\*\*  
This will be filed in Cherokee freeman cases D-715; D-722; D-726 and D-981.  
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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

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

*Chas. von Weise*  
*[Signature]*  
Stenographer.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for  
enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:

L. T. Brown, agent for applicants;  
L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, tes-  
tified as follows:

By I. T. Brown: State your name? A Daniel Sanders.

Q What is your age? A About 59.

Q What is your postoffice address? A Centralia.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1880?

A I think it does.

Q You know Elizabeth Meigs and George Meigs? A Yes, sir.

Q What relation is George Meigs to Elizabeth Meigs? A Her son.

Q Did you know Peter Meigs during his life time? A Yes, sir.

Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs  
were out of the Cherokee Nation during the war? A Yes, sir.

Q When did they return to the Cherokee Nation? A They came in '66.

Q With whom did they return? A They came with me and my father  
and the Webbers.

Q Have they had a continuous residence in the Cherokee Nation ever  
since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the  
war? A In '66.

Q What time of the year? A First of December.

Q That was the first time? A Yes, sir.

Q When did you make your second trip? A Along in first part of  
January.

Q That was January, 1867? A Yes, sir.

Q Now which one of these trips was it that Peter and his family  
came with you? A They came both times.

Q Came both times? A Yes, sir, the old man came the first time and  
then the last time the family came.

Q Peter came with you alone the first time? A Yes, sir.

Q Then the second time he brought his family? A Yes, sir.

Q What did his family consist of? A Mary, George, Alice, Harry, Simon,  
and Perry.

Q Then was his children? A Them was his children.

Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of  
the record in the case at bar and part of the record in D-394, D-396,  
D-398, D-401, D-402, D-404, D-407, D-775.

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

Bruce C. Jones.

Sworn to and subscribed before me this 7th of November, 1901.

T. B. Needles,

Commissioner.

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

*Roy Palmer*

Subscribed and sworn to before me this the 8th day of August, 1902.

*R. R. Renteria*  
Notary Public.

To be filed with \_\_\_\_\_

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 20th, 1901.

SUPPLEMENTAL TESTIMONY IN THE MATTER of the application of Joe Ross  
C.F.D. 350.

Appearances:

W.W.Hastings, for the Cherokee Nation.  
Mallette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 872, be made a part of the record in this case.

COMMISSION - - - It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedmen Doubtful case 972, the same being the case of Jefferson Ross be filed in the case Cherokee Freedman D 350, of Joe Ross, and in Cherokee Freedmen D 496, of Chlora Grayson and in Cherokee Freedmen D 216, of Aaron Webber.

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the  
Inment of himself and four children as Cherokee Freedmen.

Appearances:

Mallette & Smith, attorneys for applicants;  
W. W. Hastings, of counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified  
as follows:

Mr. Smith: What is your name? A Sam Webber.

Q How old are you? A About 58.

Q Where do you live? A I live about two miles west of here.

Q How long have you lived in the Cherokee Nation? A I was born  
and raised here, and after the war came back.

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

Q Were you acquainted with him before the war? A No, sir, I  
wasn't acquainted with him before the war.

Q When did you first know him? A I got acquainted with him just  
after the war.

Q Where? A Here in the Nation.

Q About what part of the Nation? A He came to my house there on  
Big Creek in the Nation.

Q What time? A Along in the spring of '67.

Q Do you know of your own knowledge when he first came back to  
the Territory after the war? A No, sir, I don't know of my own  
knowledge.

Q Do you know where he was living at the time he came to your house?  
A He had been working on Snow Creek he claimed and he was on his way  
hunting his sister.

Q Did you ever see after you saw him that time? A I put him  
on the trail down to his sister's and I never saw him for quite a  
little bit from that; when I saw him he was there on Lightning  
Creek.

Q Did you see him after that at his sister's? A I saw him  
then often and on for near about two years I guess.

Q Where? A There at Lightning Creek.

Q In the Cherokee Nation? A Yes, sir.  
 Q Was he a married or a single man at that time? A He was a single man to my knowledge.  
 Q Do you know where he is living now? A No, sir, I don't.  
 Mr. Hastings: You saw him around here for about two years?  
 A Yes, sir.  
 Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.  
 Q How long after that? A Must have been six months of a year after that I met him again there.  
 Q You know where he was married? A No, sir, I can't tell you.  
 Q Was he married at that time? A If he was I didn't know it.  
 Q Did you know his wife? A No, sir, I don't know his wife.  
 Q Did you ever see his wife? A Not to know it was her.  
 Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.  
 Q What was her name? A Katie Thornton.  
 Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.  
 Q What is his occupation? A I can't tell you.  
 Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.  
 Q He never made a crop to your knowledge? A No, sir, not to my knowledge.  
 Q Has he got any special occupation like a carpenter? A Not as I know of.  
 Q What is Katie Thornton's husband named? A Henry Thornton.  
 Q Was that her husband at that time? A Yes, sir.  
 Q With whom does this man stay now? A I don't know that.  
 Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.  
 Q Did he have any children when you saw him? A I never saw them if he did.  
 Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:  
 Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I dis-remember what year.  
 Q Before you came down here? A After I came down here.  
 Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.  
 Q Well, you know what time of the year you were married? A I was married along in the winter.  
 Q Was that the same winter you came, or the winter of '87? A It was along about, it thowed in '87, it was after Christmas.  
 Q You mean in January of '87 or the last part of '87? A It was along after Christmas, I don't remember the date.  
 Q What was your wife named? A My wife at that time was Rinda Martin.  
 Q When did you commence keeping house? A I went in my house when first came there.  
 Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.  
 Q What time in the year did you and your wife move into that house? A We moved right in the house after we were married.  
 Q And you don't remember when that was, what time of the year? A Along after Christmas, I was already in the house.



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

(signed) M. D. Green.

Subscribed and sworn to before me this November 16, 1901.

(Signed) J. C. Starr,  
Notary Public.

(SEAL)

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the forgoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

*A. R. Cheever*

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

*B. C. Jones*  
Notary Public.

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 26th 1901.

In the matter of the application of Martha Virgel, C. F. D. 726.

SUPPLEMENTAL TESTIMONY.

Witness placed under the rule.

Appearances:

W. E. Hastings for the Cherokee Nation  
A. S. McRea for the applicant.

WILLIAM RAY being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation.

( By Hastings )

Q What is your name? A William Ray.  
Q What is your age? A 63 past.  
Q What is your post office address? A Garnett, Kansas.  
Q How long has that been your postoffice? A Since '67 or '8.  
Q Did you know a colored man or woman there names Warren and Ibbie Adams? A Some acquainted with him, saw her, not much acquainted with her.  
Q Where were they living when you first knew them? A East of Garnett.  
Q On a farm? A Yes sir.  
Q How long did they live there after you come to Garnett? A Not long.  
Q Well, about how long? A They must have left here in '69 or '70.  
Q Were they living there when you come? A Yes sir.  
Q Did they have any children that you remember? A They had some children, I dont know exactly their names.  
Q How long after you come there until you got acquainted with them?  
A It was just before they went away, I saw them at church, I dont know just when I did get to say acquainted with them.  
Q Whose place was it that they lived on? A At that time I didn't know, I know who owns it now.  
Q Who? A Man named F. G. Bruns.  
Q About how far from town was it? A Right round about two miles, one and a half or two miles.

( By McRea )

Q You dont know who owned Warren and Ibbie Adams? A No sir.  
Q You dont know when they first came to this particular place you speak about? A No sir.  
Q You dont know whether or not they ever lived out of the Cherokee Nation during the war? A No sir.  
Q You dont know where they were in '66? A No sir.  
Q Or in '67? A In the early part of '67 I dont know where they were.  
Q When did you say your acquaintance first commenced with these two people? A I cant tell when exactly or at what place it was, just before they left to come back here though.  
Q Your acquaintance with them wasn't very intimate was it? A No sir they lived quite a ways from town, and I didn't get outvery often.  
Q You dont know the applicant in this case, Martha Virgel, the reputed daughter of Warren and Ibbie Adams? A No I dont know her.  
Q And you dont know if that Warren and Ibbie Adams that you knew in Kansas is the reputed mother and father of this applicant, Martha Virgel or not? A I do not  
Q You have no acquaintance with the applicant whatever? A No sir, if I does, I dont know it at this time.

W. A. JOHNSON being called and sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation.

( By Hastings )

Q What is your name? A W. A. Johnson.  
Q Your age? A 71.  
Q Your post office address? A Garnett, Kansas.  
Q How long has that been your post office? A Since '67.  
Q Mr. Johnson, did you know a colored man up at Garnett, Kansas by

the name of Warren Adams who had a wife named Ibbie? A I know Warren Adams, I dont remember his wife's name.

Q When did you first begin to know Warren Adams? A Soon after the close of the war.

Q About how long did you know them after the war? A I dont remember when Warren Adams was last at Garnett—it was—he was there about three or four years, in my judgment about it.

Q After the war? A Yes sir.

Q You are not distinct as to the date, but you think it was three or four years? A No sir I cannot tell exactly about the date, as there is no fact about Warren Adams leaving that calls to my mind when I last knew him.

( By Moore )

Q Colonel, where did you say you first became acquainted with Warren Adams? A Garnett, Kansas.

Q What year? A It must have been in 1866.

Q What time in '66? A I cant be positive about that.

Q Do you know when he came there? A I do not, ~~know~~ these colored people came there while I was away in the army. I found them there when I returned to my home along in the fall of '65 or the winter of '66.

Q Do you remember under what circumstances you met him, Colonel? A I do not.

Q Now Colonel, are you willing to swear positively that the Warren Adams you met in Garnett, Kansas, is the Warren Adams who ~~was~~ is the alleged father of the applicant, Martha Virgel? A No sir I cant be positive about anything of that kind, I dont know who the father of this applicant was.

Q You cant answer it? A No sir.

Q You wouldn't swear that? A No, I wouldn't swear th her father was.

Q You dont know the mother? A No sir, I didnt know any of Warren Adams family except himself.

Q Well now Colonel, did you keep tabs on Warren Adams movements from the time you first met him until he left there? A No sir I had no occasion to.

Q He may have returned to the Cherokee Nation in '66 or the early part of '67 without your knowledge? A He could have done it but I dont think he did.

Q You wouldn't swear positively that he didnt would you? A No sir, I wouldn't.

Q When did he leave Garnett, Kansas, this Warren Adams that you knew? A Well, it would be only a matter of judgment with me about that, I would say it was about 1870.

Q You think he left about 1870? A Yes sir, it might have been earlier, but that would be my judgment about it now according to my recollection.

Q Do you know where he went to? A No sir, and I dont know exactly when he left; I knew him there as I knew the other colored men that were there; he disappeared from my observation and I dont know where, when or how he left; it is a difficult matter to say what any one leaves a country unless there is some facts to fix on that.

Q Did you ever see him back there any more? A I dont recollect seeing him any more.

Q And you dont know what became of him? A No sir, I dont.

This will be filed in Cherokee Freedmen cases, B-715; B-701 and D-723.

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

Subscribed and sworn to before me this 20th of October, 1883.

*Chas. von Weise*  
*C. A. P. [Signature]*



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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
SAMUEL BECK as a Cherokee freedman; introduced on part of the  
Cherokee Nation:

Appearances:

L. T. Brown, Vinita, I. T., Agent for Applicant;  
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on  
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A L. B. Bell.  
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.  
Q How long have you lived in and near Vinita? A Oh, since '67,  
including most of '67.  
Q Was there any railroad running in or through Vinita when you  
first moved into that community? A No, sir.  
Q When did the railroad first come through that country, Mr. Bell?  
A In 1871.  
Q You know this applicant, Sam Beck? A No, I don't know him.  
Q Don't know anything about him? A No, sir.  
Q Was you living in that country before the railroad started from  
Kansas through the Indian Territory; that is, the M. K. & T.?  
A Well, I will tell you what I know about the railroad; The rail-  
road come through the country in 1870, and on the application of  
the Cherokee Nation, a complaint to the Secretary of the Interior,  
they stopped building and during the session after 1870 of the  
National Council of the Cherokee Nation, they passed an Act there,  
it is dated the 14th of December, 1870, authorizing the furnishing  
of cross-ties to the rialroad, and agreeing that the railroad could  
go through. The secretary hadn't determined which had the right-of-  
way They had begun it in 1870 and the M. K. & T. got the right-of-  
way, and then they authorized the selling of cross-ties, and I went  
to Chetopa and made a contract with the Company for cross-ties  
enough to build from the Kansas line to Pryor Creek and sublet it.  
Mr. Martin was one I sublet to, that was in 1870 that contract  
was made, I don't recollect the exact date. Well, just a few days  
following that we began getting cross-ties and then worked on down  
to the Creek Nation. That was the first railroad built in the  
country and first cross-ties was cut on the railroad in this  
country.  
Q You don't know anything about the wife of Beck or anything about  
them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on  
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A C. D. Markham.  
Q Where do you live? A At Tahlequah.  
Q How long have you lived in the Cherokee Nation?  
A I was born and raised here; never was out except during the war.

Q. Where did you live before moving to Maniequah? A. Lived on Grand river east of Choteau about ten miles.

Q. Do you know Samuel Beck, the applicant in this case, or his family? A. No, sir.

Q. Where were you living along the latter part of the sixties or early part of the seventies? A. On the Grand river.

Q. Do you know about the year the M. K. & T. railroad built from Chatopa, Kansas, down through the Territory? A. It must have been the latter part of '71 or '2.

Q. Had you any connection with it any way that makes you remember it? A. Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.

Q. And that was in what years it built down there? A. The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q. You don't know the applicant, Mr. Markham? A. No, sir, I don't.

Q. You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A. No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

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

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) F. B. Needles,  
Commissioner.

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I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the foregoing is a correct copy thereof.

*A. R. Cheever*

Sworn to and subscribed before me this 7th day of August, 1902.

*[Signature]*  
Notary Public.

To be filed with P. D. 391.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May, 13, 1902.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.  
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

- MR. HASTINGS: What is your name? A Mrs. Lydia Barton.  
Q What is your postoffice? A Fort Scott, Kansas.  
Q Do you hold any official position at the present time? A Yes, sir.  
Q What is it? A County Clerk.  
Q Of the county in which Fort Scott is located? A Yes, sir.  
Q Have you an official paper? A Yes, sir.  
Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.  
Q Do you know what your official paper was in December, 1860, and up to and including March of 1867? A Yes, sir.  
Q What was it? A The Fort Scott Monitor.  
Q Are you required to keep files of this paper in your office? A We are.  
Q Have you a file of the official paper including December, 23, 1860? up to and including March of 1867? A Yes, sir. (Here presents files.  
MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1860, found on the second column of the editorial page, headed "Another Murder."  
MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.  
COMMISSIONER: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.

Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 22nd. inst., after dark, Mr. Dyer Hayford, of this city was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford, has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these.

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Bein missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.



suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Marygrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. T. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and D. L. Phillips. The body of Mr. Hayford having been removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Mrs. J. S. Redfield and B. F. Herler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonso Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right and left; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards, I heard three shots distinctly.

Harry Under, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door, and as his wife was there; told him so. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was from Hayford's house. And about the place where Hayford was found, the shot was fired, Mackey's and returned about fifteen minutes after the shots were fired. Was the coat which Mackey wore when he was at my house, at his house of course. Do not know whether he had any revolver with him or not, as he carries one, now and then, and a sawed off gun. I did not see any flour in his coat, it was a new revolver, and I saw it carried. He was at my house about 10 o'clock on Saturday night. When Mackey left he had a sack of flour, and I afterward heard his wife say she was washing it. The sack of flour was seen by the crowd which looked at the bank. Was found about twenty yards from the bank. Mackey have a revolver on his hip the day before Hayford was killed.

F. G. H. Jones, sworn - I live about 200 yards from Eli Mackey's. Saturday night was at home sick about 10 o'clock to my house and thought for me; I heard him and knew by the voice that it was Mr. H. I have known him several years ago and my wife said he was in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 15 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards town, and that Mackey heard he call, but wouldn't answer. Didn't see him again until Mr. Jones had arrested him, and brought him to town. When I saw Mackey at Smith's he had on a soldier's black coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel Veal, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself ran down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Kargrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott,



and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

**MR. HASTINGS:** I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Ayer Mayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

**MR. HASTINGS:** The Cherokee Nation claims the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horror  
Murderer of Mayford Captured and  
Tragical events connected with the affair.  
The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.  
A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Ayer Mayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 23d inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Filer, forthwith purposed capturing him.  
On arriving at the house, Messrs. Coe and Wheaton, Sr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.  
In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Filer and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Mayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Mayor Mayford last winter. All reports indicate that the character of the murderer with scarcely a parallel in the history of this country."

obstinacy. - We are informed that at one time, about  
25 men attempted to arrest him but failed on  
account of his desperation. The colored people, who knew him, were  
terribly afraid of him. History has seldom presented a character  
so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of  
law by due process of law, as dangerous to the peace and  
order of the community and to the best interests of society. We  
found that nothing but the most extreme necessity would  
justify us in believing in this instance that necessity existed;  
this desperado was allowed to live and had the  
confidence of the citizens. We learn that the house he occupied was since  
demolished. The sufferers from this man's crime - most  
of them the best of our young men. As the police  
force of the city they have performed their duty faithfully.  
It is a grave to a fault, the death of one man is a danger to  
the community. A spirit of sadness that cannot be eradicated.  
The body of Mr. Coe was brought into the city, and a funeral  
service was held by Mr. Irwin was escorted by a large procession  
of the members of the Grand Army of the Republic to  
the place where it was interred.

#### Sequel.

One night a crowd of about fifty men, still ignorant of  
the details of the tragedy of Wednesday, entered the  
city and possessed themselves of the keys took back in Mackey  
house - on the brother who harbored the murderer and the  
brother with furnishing provisions and aiding in the concealment  
of the bodies near the poorhouse and hung them there where  
their lifeless bodies were found next morning. So that this  
was the only men in the city except those who participated in it  
the next morning."

Benjamin Files, being first duly sworn, testified as follows:

Q What's your name? A Benjamin Files.

Q What's your postoffice? A Fort Scott.

Q How long have you lived there, sir?

A I have lived there at the close of the war? A Yes, sir.

Q Were you living there in '66, December? A I have lived there ever  
since.

Q Did you know ever Mackey? A Yes, sir.

Q How long have you known Mackey before December '66? A Yes sir, I had known him  
in the neighborhood of two years before that and knew him at that  
time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the break of  
the hill along in the north; yes, sir he was killed in the city just  
about the bank of the hill.

Q About what part of the day was he killed? A He was killed just after  
dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was  
accused of killing him? A Yes, sir.

Q What was his name?

A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who were the men? Myself and a man we called Deacon Jones.

- Q That this other man here with you? A Yes, sir.
- Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. From the time the shots fired I wouldn't it was more than twenty minutes.
- Q Twenty minutes? A Yes, sir.
- Q Had it become generally known at the time of the arrest? A No, sir.
- Q There was no time for the public to know? A Only a few people here; I heard the shots fired myself and run down there.
- Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
- Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
- Q Was he put in jail? A Yes, sir.
- Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 26th I think it was.
- Q Of February following, of '67? A Yes, sir.
- Q Well did he make his escape? A He got away.
- Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
- Q Ed Coe was the turnkey was he? A Yes, sir.
- Q I will ask you then if there was any searching parties out for this man? Yes, sir.
- Q For how long? I think he was killed on the 20th of March.
- Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
- Q Well were there quite a number of people out searching for him? A Yes, sir.
- Q Considerable excitement at that time? A Yes, sir.
- Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched farms, they looked around for him, but failed to find him.
- Q Until what time? Yes, sir.
- Q You say that was for about three weeks? A Yes, sir, something over three weeks.
- Q From the 26th of February up until about the 20th of March? A Yes, sir.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee turnkey or not? A Yes, sir, he was.
- Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
- Q That I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 20th of February? A There was no search made for Mackey until he broke jail.
- Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail, I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
- Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
- Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
- Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.

- Q What is your postoffice? A Fort Scott.
- Q Kansas? A Kansas, yes, sir.
- Q What is your age, please sir? A 66.
- Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.
- Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
- Q What office was that? A City Marshal, called town constable.
- Q You was a city policeman? A Yes, sir.
- Q Did you assist in his first arrest? A I did.
- Q Who assisted you in the arrest? A Mr. Benjamin Files.
- Q This man that's present here? A Yes, sir.
- Q Did you hear the shots that killed Hayford? A I did.
- Q How soon after Hayford was killed was Mackey arrested, Eli Mackey? A 20 or 25 minutes, inside of a half hour at most.
- Q Very short time? A Yes, sir.
- Q Had any houses or wagons or anything of that kind been searched in the near time? A No, sir, there was no knowledge.
- Q People didn't generally know it up to that time? A No, sir.
- Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
- Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
- Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
- Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
- Q He made his escape then? A He made his escape, yes, sir, at the time.
- Q You know how long he was at large? A Well I put it something like three weeks.
- Q I will ask you if there was any searches at that time made for him? A You mean after?
- Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
- Q Reward offered for him? A Yes, sir, reward offered.
- Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
- Q He was afterwards captured was not? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee wigger.
- COMMISSION: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.
- Q '67? A In '66 the killing was done.
- Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-216, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, and immaterial and not the best evidence, it being purely hearsay.

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

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775, and in D-391, the same being the case at bar.

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

(Signed) Arthur G. Croninger.

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

(Seal)

(Signed) Philip S. Reuter,

Notary Public.

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I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

*Arthur G. Evans*

Subscribed and sworn to before me this 23rd day of July, 1902.

*Philip S. Reuter*  
Notary Public.

Supl. C. D. #818. Freedmen.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 4, 1902

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
EDWARD WRIGHT as a Cherokee Freedman, introduced on part of the  
Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory  
proof of service on E. D. LEWIS, the attorney for the  
appellee, in this case, that testimony would be introduced  
in the



representatives of the Cherokee Nation tending to disapprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation represented by its representative, L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

- Q Tell him your name? A C. V. Rogers.
- Q Age? A 63 years old.
- Q Place of residence? A Claremore.
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q How long have you been such? A All my life, a little over 63 years.
- Q Did you go out of the country during the war? A Yes, sir.
- Q When did you return? A '66.
- Q Where did you come to? A Came to Fort Gibson.
- Q And stayed there did you? A Yes, sir.
- Q Well what was your business? A After I come back?
- Q Yes? A I followed freighting for something over three years.
- Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
- Q Were you ever acquainted with a Freedmen by the name of Moses Whitire? A Yes, I know him.
- Q Where did he belong before the war? A He belonged in Coing, Snake District.
- Q Do you know what particular Whitire he belonged?
- A I don't remember whether he belonged to George Whitire or Lee Whitire.
- Q If you did see him when did you first see Moses Whitire after the war, after your return to the Cherokee Nation?
- A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho River; Dick Whitire, Moses Whitire and Aaron Whitire and old Major Wright is all I know in the outfit.
- Q Did you have any conversation with them, stop and talk with them?
- A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
- Q Did you ask them where they was going to? A They said they was moving back.
- Q Well this 25 or more wagons was loaded with people?
- A Yes, mostly every one had household goods in them.
- Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
- Q Well now that was, where you say it was? A It was right on this side of the Neosho River between the old Hudson place and Neosho River.
- Q How far from the Neosho River? A I suppose about a mile.

- Q. You saw it on the north line of the Cherokee Nation?  
A. I think the river is the line, about half a mile.  
Q. And how far is that from the Kansas line? A. The Neosho is the line, way I understand it.  
Q. You had reference to where the military road crosses the Neosho river? A. Yes, sir.  
Q. At Jack McLean's ferry? A. They called it Hudson ferry at that time.  
Q. Hudson lived there? A. Yes, sir, in about a half mile.  
Q. And this Moses Whitire you met and talked with is the same one you know in Going Snake and belonged to the Whitire family there?  
A. Yes, sir.  
Q. About how old a man was he when you met him? A. He is an older man I think than I am.  
Q. And you saw other with him you know? A. I think Aaron Whitire and Moses Whitire and old Major Wright is the old ones I know.  
Q. And you talked with him there? A. Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.  
Q. Do you know where this man Whitire lives now, Moses Whitire you met?  
A. No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

- Q. Don't you know he lives on Salt Creek near Hayden? A. No, I don't know for certain I heard he lived on Big Creek. I don't know through where he lives, I have saw him ever since I have been here. I don't think I ever was at his house.

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I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson,

Stenographer.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 20, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:

Gen J. Scoville, representing E. B. Lawson, for applicant.  
W. V. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Gen J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers com'n on Citizenship," as follows

"No. 95 Edward Wright (Ex. 7th of June.  
vs Cherokee Nation. (Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 89. Major Wright (Ex. June 7th. Statement filed  
vs Cherokee Nation. on the 26 of June.  
1st July sat, 1st Aug.  
set for trial.

Judgment Against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 26th day of June, 1878, as found on pages 184 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to rey claims to Cherokee citizenship.

The undersigned claimant in the case of  
Lewis Whitmire

vs  
Cherokee Nation

respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

claimant was at the time and place above said owned by George Whitfire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family ( they then being without one ) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of them was practicable which removal of claimant finally was accomplished to the point of the Nation owned by claimant for theirs and his home in the spring of 1867.

Claimant's rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1878.

Lewis Whitfire,

By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitfire as follows:

Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee citizenship.

In case of Moses Whitfire

vs

Cherokee Nation,

claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitfire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitfire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,

Moses Whitfire,

June 26, 1878.

By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Cherokee Court, Book A," page 239, case No. 60, as follows:

"Case 60,

Aaron Whitfire )

vs

Cherokee Nation. )

Tahlequah,

July 5, 1878.

Nike Fielder witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Florida. I am a citizen of the Nation. I have been on the roll but my rights have been before the Supreme Court.

... after the treaty of 1866. I went north to the state of ... I returned in August -- 21st or 22nd, 1866. I left ... in Fort Scott when I came. I came down to get me a claim. ... weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, ... of that number. The claimant was one of them. ... Decr. 1866. They returned to Fort Scott before ... I left Kansas about the 2nd week in January, 1867 ... of the Neosho river about the last of ... first came down there was about 15 in the party. They left their families in Kansas when they came down here. There were ... party came with the Whitmires who piloted the Whitmire party and the party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Sanders, Reuben Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Moss, Dennis and Nelson ... others that I do not recollect. The object of ... was for the purpose of erecting houses. When I ... I stopped on Fryers Creek at Mrs. Alberty's and ... about two weeks. The reason we left that part of the country ... was too sparsely settled and ... As I was coming down the first time we were ... Delegation. They were ... who come here ... to locate claims for them, one was by ... to locate for him. The original request ...

Cross Examined.

I do not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on this side of Arls. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I came here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires came down first to select and improve claims.

Nick x Fields.

his mk.

Aaron Whitmire )  
 vs ) August 1, 1878.  
 Cherokee Nation. ) Ruford Alberty, witness for claimant,  
 called and sworn.

I reside in Cooweescoowee District, C. N. I am an avante Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Cooweescoowee District.

... of September, 1866. I had occasion some time in the first of Oct., or the first of Nov, or probably it might have been a late date in the middle of November, to go to the Viridifris. While out there I fell in with a party of seven or eight persons who were camped with others near San Crouches. I did not go to the camp. They were colored people. I know most of them. Their names were old Sam, Thomas, Aaron Whitmire, and a younger brother and Lewis Whitmire. There was another person whom I was told was a Ladrone. I do not collect any of the others and can not identify them. The names were Johnson, George Whitmire, Aaron, Lewis and his brother, and George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim Robertson had got any. I told him I had not seen the treaty but had heard someone speak of it. He told me they had come to pick themselves up as or take provisions and that he was the leader of the company and the reason why he had come down to work for him and take him a claim. He then asked me if he was to get provisions over on the river; I told him there were none there, but that there was a lot of condemned flour at Gilman if they could go there they would get some. He represented that they had come down to make claims for others, who had remained in Kansas, to build their houses and so forth. They also stated that they were notified to come, and that they had specifically come to make claims for themselves and the others that were left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not out all the weather at the time. I recollect as I camped out at night. I did not see any of these parties after this time, May, 1867. There were no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to make claims for themselves and families. They told me so at least. The right belonged to Cornelius Fright before the war.

Cross Examined.

I do not know where they went back to Kansas. At the time I do not know whether their families were with them. I do not know if I saw Dennis Whitmire with this party, but am not certain if it was Dennis or Nelson. I know there was four of the Whitmire family. They were owned in the Nation and resided here up to the time of the war.

B. W. Alberty.

...  
 ...  
 ...

I know Melissa Nettles. She was twelve or thirteen years old at the close of the war. She was living with her men and still lives in my family. Jack Nettles was one of the band above referred to, also Hanson Daniels. I learned from our leaders Uncle Nile and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at Holans's Ferry in 1866. The chief ferryman who crossed us was Bill Martin. While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

The names of the witnesses who were present at the hearing in  
 1867 were Aaron Whitmore, Dennis Whitmore and Nelson are also  
 present. The names of the witnesses who were present at the hearing in  
 1867 were Aaron Whitmore, Dennis Whitmore, Major Wright is by  
 name of the witnesses who were present at the hearing in the Nation  
 were Aaron Whitmore, Dennis Whitmore, Major Wright, Peter Leigs, Bill Foreman,  
 Rich Sanders, Ransom Daniels, Sam Feblen, Jr., Louis Whitmore, Nelson  
 Whitmore, Dennis Whitmore, Aaron Whitmore, is all I can recollect  
 now. Witness and my brother were authorized to make claims for  
 land still back to the Nation. Dennis made a claim for Major Wright.  
 I can't name any other witnesses. Witness was a man of family in 1866  
 when he came on from Kansas. My family was at Fort Scott. Melissa  
 Ratliff, Ma Wright, and my wife and myself composed my family. Louis  
 had a family. Aaron and Nelson did. Major, Sam, Nelson and Allen  
 were Aaron's children and his wife, (dead). They were lost, the wife  
 and children in Fort Scott when we came in 1866. Eliza Sanders,  
 Mrs. Sanders were Nelson's family and lived at Fort Scott. We went  
 back 1st January 1867 to Kansas after coming to the Nation. Then  
 witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis,  
 Ransom Daniels, Rich Sanders, Peter Leigs and the families of those  
 who had families all came as witnesses of new not particularly  
 remembered. This was the first time any of our families had been  
 to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmore was in the Nation after the war  
 closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in  
 1867. Miss a Ratliff was owned by one Alec Ratliff at breaking  
 out of war. She first came in March 1867. Jack Landrum was along  
 in 1866. He was a slave at the beginning of the war. I was present  
 during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family.  
 Henry Whitmore, her son, represented his father on the first trip  
 in 1866. Witness is about 63 yrs. old. Major Wright was an old  
 man at the close of the war. Louis Whitmore had been back to the  
 Nation before 1866.

Attest

D. L. Nicholson,  
 Clerk.

Hosen Whitmore,  
 Mark.

Case 63.  
 Aaron Whitmore & family )  
 vs ) Clearing citizenship.  
 Cherokee Nation. )

Now comes claimant by Atty before the Commission sitting at  
 Tarlequah to try certain claims for citizenship in the Cherokee  
 Nation and makes this his statement of his grounds for said claim  
 to wit-

Claimant is a colored person and claims as aforesaid under  
 privilege of the fifth specification of the classes of claims  
 preferred by law to the Commission to examine and decide rights  
 by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmore a Cherokee citizen at the  
 commencement of the war of the rebellion and was then living in this

... of said war claimant lived to of the  
... of Fort Scott... his family at which location he resided  
... the summer of 1866 when he returned to this Nation and proceeded  
to select and improve a tract on the Verdigris River for himself and  
his family's permanent residence.

... thus making preparations for the removal of his family  
providing for their habitation and subsistence at the place  
... their his family remained where they had been sojourning  
... the war.

Claimant was compelled by unfavorable circumstances and the at-  
tack which he was obliged to bestow upon his family to repair his  
... his improvement on Verdigris River from the early fall  
of 1866 to the early winter of the same year, when he resumed labor  
on his improvement, after which he removed his family as soon as  
possible to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in  
... person and as representative of his family within the ter-  
ritory of... by treaty, in that having no residence to come to  
... former citizens he did everything possible to constitute a  
return consistant with the duty he owed to his family by laboring  
... his means allowed to provide a home in this Nation.

Respectfully submitted,

Aaron Whitire,

By Atty Wm. P.oudinet.

Aaron Whitire  
of  
... Nation.

August 1st, 1872.

Mr. Martin, witness for claimant, called and sworn.

I live on Big Creek, Coovescoowee, C. N. Am a citizen of the  
Nation. From August up to Christmas 1866 I was at the ferry on the  
... River on the old Military road leading from Fort Scott,  
... to Fort Gibson, C. N. Am acquainted with claimant and his  
brother, Lewis, never knew Aaron until I meet him at the river.  
... I knew prior to that time. While I was in charge of the ferry  
I recollect having met claimant and Mose, Lewis, Dennis and Nelson,  
Whitire, Peter Keigs, Mike Sanders, Sam Webber, and Young Sam,  
Bill Foreman and others but I do not recollect anything about them.  
They were traveling. They stated they were coming from Fort Scott,  
... they were traveling from the direction of Fort Scott. I  
crossed them from the Shawnee side of the River into the Cherokee  
Nation, they inquired the road to Big Creek. McLean gave them the  
directions to the head of Big Creek. They stated the reason why  
they were coming was that the Cherokee Delegation had invited them  
to come back under the treaty. They mentioned Jim McDonald as  
the principal one who had invited them and they were then on their  
way to select themselves homes.

It was after the Delegation returned that I met claimant and  
the others spoken of it was pretty cold weather when I crossed them.  
It was as near as I can recollect about the last of October, 1866.  
I am positive it was before Christmas at I left them at Christmas  
or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others  
named previous to the war.

I do not know who owned before the war. I do not know whether  
they had lived in the Nation previous to the war. I do not recollect  
of seeing any of the families of the parties named at the time,



I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were more who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enough that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

He Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I set them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistence at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire )  
Vs )  
Cherokee Nation. )

July 4<sup>th</sup> 1872.

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest:

D. L. Nicholson, Clerk.

Wm. McCracken.

Aaron Whitmire  
vs  
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools & until matters were more regulated in the country.

The first conversation was in the fall of 1860. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The home of claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave claimant and other colored men permission to occupy two old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire in the name of the other man, I also permitted to go on the old field. The spring of 1867 I saw Aaron and Louis Whitmire at work on the two fields spoken of. This settlement of colored folks has the character of quiet industrious and law abiding citizens as such as any in the Nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the fall of 1866 saw this colored party who settled on Big Creek afterwards in the neighborhood for the purpose as they said at the time of selecting their homes. Several claims was then in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.

Agent Jones was at the time advising said Col party. A Delegation for the Cherokee Nation at Washington. There were parties as witness learned from one of them who wished to expel or drive off from their claims this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is herding wild Cattle. I travelled a good deal in that neighborhood at what time spoken of.

"Continued on page 283."

Aaron Whitmire et al ) July 10" 1878.

Cherokee Nation. ) John Riley,

sworn as witness for Deft. I live in Jones located Dist. I first moved there in 1852 and have continued to reside there except in time of war. I came back in the month of August 1865 to the Nation. I knew Aaron Whitmire. He returned or came to the Virginia River to live in the month of March 1867. Also came at the same time Peter Keigs, Mike Sanders, Sam Webber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Sanders. He had settled no other place before that.

Cross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Decr. 1866 to locate homes but I know of some who came in Sept. '66 for that purpose. I knew where Aaron Whitmire lived at this time. I was near Doody's Bluff in Decr. 1866. I live on the west side of the river. Claimant lives and settled on the east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of Blufford Albert being in the part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmire was not along but Mike Sanders, Sam Webber, Gilbert & perhaps Billy Foreman. Moses was not along. Dennis was not along as I know of nor Martha nor Major Wright nor Nelson Whitmire that I know of. If any such party had come down in Decr. 1866 I think certainly I would have known of them.

John Riley, (page 283)  
Randolph Riley,



About the middle of May 1867 I first saw this party with their families at their new homes. Claimant and others of this colored party told witness that they returned in March 1867 to the Nation.

Re Direct

I learned from John Coker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 in my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. V. Alberty.

Attest

D. L. Nicholson,  
Clerk.

Aaron Whitire  
vs  
Cherokee Nation.

Witnessed May 10, 1878.

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,  
Atty for C. N."

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

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL)

(Signed) P. G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

*Arthur G. Evans*

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

*Prince's Jones*  
Notary Public

File with F. D. 991.

F. D. 574.

Department of the Interior/  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., May 27, 1902.

In the matter of the application of Nancy Smith et al for  
enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-574.

APPEARANCES:

Mellette & Smith for applicants.  
W. W. Hastings for the Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that all the testimony  
introduced by the Cherokee Nation in the case of F. D-818, together  
with the testimony of Aaron Webber and the testimony introduced by  
the Cherokee Nation in the case of F. D-216, also the testimony of  
Reuben Sanders, together with the testimony introduced by the  
Cherokee Nation in Freedman Doubtful 391, be introduced and made a  
part of the record in this case.

MR. SMITH: The applicant objects to the introduction of the said  
matter for the reason that the testimony of the witnesses mentioned  
is immaterial and incompetent and as to this case hearsay, and to  
the introduction of the alleged documentary evidence for the reason  
that the same is not the best evidence; that it is incompetent in  
the manner and form offered and is hearsay.

MR. HASTINGS: The testimony is introduced by the Cherokee  
Nation for the purpose of showing the time that the Webbers and Whit-  
mires returned to the Cherokee Nation, and that no women whatever  
returned with them, and that none were living in that section of the  
country in the winter of '66, and that none came earlier than the  
spring of '67, and to contradict the witnesses who testified for  
this applicant.

MR. SMITH: The applicant makes especial objection that it is  
incompetent to contradict any witness by evidence of contradictory  
statements made at another time or place unless the proper foundation  
is laid by asking the witnesses when upon the stand in this particu-  
lar case whether or not they made such statement, which the record  
in this case shows was not done.

COMMISSION: This testimony will also be filed with and  
made a part of the record in the application of Sallie Crump,  
D-575, and in the case of Jackson Smith, D-576, in addition  
to the case at bar; also in the case of Josiah Mayes, D-976,  
and David Mayes, D-981. All the applicants in the above named  
cases are represented by Mellette & Smith.

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

(Signed) Arthur G. Croninger

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

(Signed) P. G. Reuter,

(Seal)

Notary Public.

James A. [unclear] [unclear] to the [unclear] to the [unclear]  
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]  
is a true and correct copy of the original [unclear] of [unclear]  
proceedings.

*James A. [unclear]*

Subscribed and sworn to before me this 1st day of August, 1902.

*Arthur C. Jones*  
Notary Public



Department of the Interior,  
Commission to the Five Civilized Tribes,  
 Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Hallette S. 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 *John Whitfire, Trustee for the Freedman, vs The Cherokee Nation, No. 17409* filed in the *Mariah Hayden* case F D 438, 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:

**David Hayes, D 981;**

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 1803, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

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

Mr. Smith:

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

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

W. W. Hastings;

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

The Commission:

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

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

(Signed) E. G. Rothenberger.

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

(SEAL)

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

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

*E. C. Bagwell*

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

*P. G. Reuter*  
Notary Public.





DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., OCTOBER 6, 1903.

In the matter of the application for the enrollment of David Mayes, et al., as Cherokee Freedmen.

JOSIAH MAYES, being first duly sworn, testified in behalf of the applicant as follows:

BY THE COMMISSION:

- Q What is your name? A Josiah Mayes.  
Q How old are you? A I am 46.  
Q What is your postoffice address? A Centralia, I. T.  
Q In what district do you live? A Cooweescoowee.  
Q Do you know David Mayes? A Yes, sir.  
Q Who is his father? A David Mayes.  
Q Is his father dead? A Yes, sir.  
Q Who is his mother? A Susan Mayes.  
Q Is she living or dead? A She is dead.  
Q What relation is this applicant, David Mayes, to you? A Brother.  
Q Was he born before the war? A Yes, sir.  
Q Was he a slave before the war? A Yes, sir.  
Q He was born in slavery? A Yes, sir.  
Q Who was his master? A Johnson Whitmire.  
Q Did he belong to Johnson Whitmire at the commencement of the rebellion? A Yes, sir.  
Q Is Johnson Whitmire a Cherokee citizen? A Yes, sir.  
Q Where did Johnson Whitmire and this applicant, David Mayes, live at the commencement of the rebellion? A In the Going Snake District.  
Q In what Nation? A In the Cherokee Nation.  
Q Did David Mayes, your brother, go out of the Cherokee Nation during the rebellion? A Yes, sir.  
Q Whom did he come back with? A With his father, David Mayes.  
Q Were you in the same crowd? A Yes, sir.

Henry M. Vance, 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.

*Henry M. Vance*

Sworn to and subscribed before me this the 6th day of October, 1903.

*Edward Merritt*  
Notary Public.)

My commission expires

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*Comm. of C.*

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

In the matter of the application of Josiah Hayes, and others,  
for enrollment as Cherokee Freedmen, consolidating the applications  
of--

Josiah Hayes, Cherokee Freedman D-976,  
David Hayes, et al., Cherokee Freedmen D-991.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Josiah Hayes for himself, and by David Hayes for himself and his two minor children, Jennetta G. and Richard H. Hayes. Copies of the testimony taken at various times in the cases of Ben Adams, Edward Wright and Aaron Webber are made a part of the record herein.

The evidence in this case shows that the applicants, Josiah Hayes and David Hayes, were the slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation, and when they returned thereto, one Sam Webber and his family were living in said Nation. The Commission has found in the case of Sam Webber, et al., Cherokee Freedmen 860, that the family of the said Sam Webber did not return to the Cherokee Nation until after February 11, 1867; therefore, the applicants, Josiah Hayes and David Hayes, did not return to the Cherokee Nation and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 5, 1896, in the case of Moses Whitmore, trustee, et al., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation. The applicants, Jennetta G. and Richard H. Hayes, are the minor children of the said David Hayes and have no right to enrollment except such as they may derive through their father.

It does not appear that the name of any of the applicants herein is identified on the 1860 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Josiah Hayes, David Hayes, Jennetta G. Hayes and Richard H. Hayes as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act

--2--

of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

\_\_\_\_\_  
Chairman.

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

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

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

Muskogee, Indian Territory.

this APR \_\_\_\_\_

W

1848

Recorded in paper  
Book No "E" record  
of Marriages, Doon  
Dist. Oct. 13 46

of M. L. L. L. L. L.  
George W. L. L. L.  
by Fred W. L. L. L.  
L. L. L. L. L.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
JUL 1 1891



ACTING CHAIRMAN

Marriage Certificate

I hereby certify that  
David Mays a citizen of  
the Cherokee Nation Territory  
and Maria citizen of the United States  
were united in the holy bonds  
of matrimony in the year  
of our Lord on the 6th day  
of January 1876

Daniel Wheeler

Witness

Minister of  
the Gospel  
Geo Mays  
Mellicia Mays

NO. *FD 981*

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } 88.  
NORTHERN DISTRICT, }

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

on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 190

Subscribed and sworn to before me this

\_\_\_\_\_  
Notary Public.

I, the undersigned attorney for the within named  
applicant, hereby accept service of the within notice

on this the *24* day of *May*, 190*2*

*Mellott & Smith*

\_\_\_\_\_  
Attorney for Applicant.

I the undersigned agent for the within named  
applicant, hereby accept service of the within notice

on this the \_\_\_\_\_ day of \_\_\_\_\_, 190

\_\_\_\_\_  
Agent for Applicant.

## NOTICE.

In the Matter of the application of David Mayes.  
for enrollment as Cherokee citizens:

To David Mayes, or Mellette & Smith his attorneys,

Vinita, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May, 27, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this May, 24, 1902.

No. F D 981.

L. B. Bell

Wm. W. Hastings  
James Davidson  
Attorneys for the Cherokee Nation.

MAR 1901

*[Handwritten signature]*

# **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. David Mayes,  
Centralia, I. T.  
Cherokee F-D-981  
Register.

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



720981

F. D.

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the within notice on

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

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

Marshal for the Cherokee Nation.

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

day of 190

*[Handwritten Signature]*  
Attorney for applicant.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT.

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

on the day of A. D. 190

Subscribed and sworn to before me this

PA Notary Public.

~~COMMISSION TO THE LIVE & REVISED TRIBES~~

FILED  
SEP 21 1901

*[Handwritten Signature]*  
ATTORNEY CHADMAN

## NOTICE!

IN THE MATTER OF the application of David Mayes  
for enrollment as Cherokee Freedmen:  
Case No. F. D. 981

To David Mayes or Mellette A. Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita  
Indian Territory, on Oct. 9th 1901 at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 5th 20 1901

*L. B. Bell*

*M. W. Hastings*  
*J. S. Davenport*  
Attorneys for the Cherokee Nation.

CHEROKEE FREEDMAN. 0981

20

IN RE

Application for Enrollment of  
INFANT CHILD

*Franette C. Mayo*

as a citizen of

*Cherokee*

Nation.

JUL 1 - 1901

190

*[Signature]*

Commissioner

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

FILED  
JUL 1 1901

*[Signature]*

ACTING CLERK

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

*IN RE* Application for Enrollment, as a citizen of the *Cherokee* Nation,  
of *Jeanette C. Mayes*, born on the *31* day of *August*, 189*6*  
Here insert name of child  
Name of Father: *David Mayes*, a citizen of the *Cherokee* Nation.  
Name of Mother: *Gertrude Mayes*, a citizen of the *U. S.* Nation.  
Post-office, *Centralia S.T.*  
*Tassin*

AFFIDAVIT OF ~~ENROLLMENT~~

UNITED STATES OF AMERICA,  
*Northern* INDIAN TERRITORY, District.

I, *David Mayes*, on oath state that I am *44*  
years of age and a citizen, by *adoption*, of the *Cherokee* Nation;  
that I ~~was~~ <sup>was</sup> the lawful ~~wife~~ <sup>husband</sup> of *Gertrude Mayes (deceased)*, who ~~is~~ <sup>was</sup> a citizen, by  
~~me~~, of the *U. S.* Nation, that a ~~male~~ <sup>female</sup> child was  
born to ~~me~~ <sup>her</sup> on the *31* day of *August*, 189*6* that said child has been  
named *Jeanette C. Mayes*, and is now living.

WITNESSES TO MARK  
*David Mayes*  
(Must be Two Witnesses)

Subscribed and sworn to before me this *27* day of *April*, 190*1*.  
My Commission expires March 17, 1904.  
*Louis T. Brown*  
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
*Northern* INDIAN TERRITORY, District.

I, *Betsy Meigs*, a *midwife*, on oath state that I  
attended on Mrs. *Gertrude Mayes*, wife of *David Mayes*,  
on the *31* day of *August*, 189*6* that there was born to her on  
said date a ~~male~~ <sup>female</sup> child; that said child is now living and is said to have been  
named *Jeanette C. Mayes*.

WITNESSES TO MARK:  
*Betsy Meigs*  
*J. James Smith*  
*David Mayes*  
(Must be Two Witnesses)

Subscribed and sworn to before me this *27* day of *April*, 190*1*.  
My Commission expires March 17, 1904.  
*Louis T. Brown*

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IN RE

At the Court of Probate of

INFANT CHILD

Richard H. Mayo

Administrator of the Estate of the Infant Child of the *Cherokee* Nation

JUL 1 1901

Approved: *[Signature]*

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

FILED

JUL 2 1901

*[Signature]*

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Application for Enrollment, as a citizen of the Cherokee Nation.  
of Richard H. Mayo, born on the 1 day of October, 1874.  
Name of Father David Mayo, a citizen of the Cherokee Nation.  
Name of Mother Gertrude Mayo, a citizen of the Cherokee Nation.

Post-office: Farmington  
AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
Northern District

I, David Mayo, on oath state that I am 41 years of age and a citizen, by adoption, of the Cherokee Nation; that I was the lawful husband of Gertrude Mayo (deceased) who on a certain day of the U. S. was born to me on the 1 day of October, 1848; that said child has been named Richard H. Mayo, and is now living.  
Witness my hand and seal this 27 day of April, 1906.  
David Mayo

(Must be 18 years of age)

Subscribed and sworn to before me this 27 day of April, 1906.  
Louis F. Brown, Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
Northern District

I, Betty Mingo, midwife, on oath state that I attended on Mrs. Gertrude Mayo, wife of David Mayo, on the 1 day of October, 1898; that there was born to her on said date a male child; that said child is now living and is said to have been named Richard H. Mayo.  
Witness my hand and seal this 27 day of April, 1906.  
Betty Mingo  
I, James Smith, David Mayo

(Must be 18 years of age)

Subscribed and sworn to before me this 27 day of April, 1906.  
James Smith, Notary Public

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1

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
E. J. D  
JUL 1 1901



CHEROKEE FREEDMEN.

Date *July 14, 1865*  
Post Office *Chattanooga T.*  
District *1000*

1. Name *Johnson, William* Age *30*  
Owner's name *Johnson, William* (Citizenship *Cherokee*)  
Year *1864* Page *1* No. *2077* District *1000*

Parents:

Father *James Johnson - dead* Citizenship *20*  
Mother *Green* - *dead* Citizenship

2. Name of wife \_\_\_\_\_ Age \_\_\_\_\_  
Owner's name \_\_\_\_\_ (Citizenship \_\_\_\_\_)  
Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_  
Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

Names of Children:

- 3. *Travis H. Johnson* Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_
- 4. *Richard H. Johnson* 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. Johnson* Stenographer *C. L. Jones*

*I see no other ways  
"I will" Part of #2758 - said S. Major  
and 3. Birth affidavits to be supplied*

*Represented by Louis T. Brown*



2  
S. 981.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
AUG 16 1901

 AUG 16 1901

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

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 8th, 1901.

Received of the Commission to the Five Civilized Tribes,  
one copy of the original testimony of July 1st, 1901, in the  
matter of the application of David Mayes et al for enrollment as  
Cherokee Freedmen.

*Louis T. Brown*  
Agent for Applicants.

Cherokee Freedmen #D981.

Cherokee Freedmen  
D-981.

Muskogee, Indian Territory, September 11, 1903.

David Mayes,

Centralia, Indian Territory.

Dear Sir:

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 the date of the return of your father, David Mayes, to the Cherokee Nation after the War of the Rebellion; also evidence as to whether or not you were the slave of a Cherokee citizen at the commencement of the War of the Rebellion; and 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 Wednesday, September 23, 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 points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen  
D-981.

Muskogee, Indian Territory, September 11, 1903.

Edgar Smith,  
Attorney for David Mayes,  
Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of David Mayes, et al., as Cherokee Freedmen, you are hereby advised that further testimony is required as to the date of the return of David Mayes, Sr., applicant's father, to the Cherokee Nation; also evidence as to whether or not the applicant was the slave of a Cherokee citizen at the commencement of the War of the Rebellion; and whether or not he returned to and was 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 Wednesday, September 23, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen  
D 976-981.

Muskogee, Indian Territory, October 8, 1903.

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

Dear Sir:

There are herewith enclosed copies of testimony taken before the Commission at Muskogee, on October 6, in Cherokee freedmen D 976, Josiah Mayes, and D 981, David Mayes et al.

You are hereby advised that should you desire to submit rebuttal testimony in these two cases, you will be permitted to do so before the Commission at its offices in Muskogee, on October 30, 1903. You will be required to give the applicants fifteen days notice of the time and place of submitting such testimony.

Respectfully,

Enc. D-35.

Chairman.

COPY.

Tahlequah, I. T., October 15th  
1903.

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

Dear Sirs:

The representatives of the Cherokee Nation desire to most respectfully protest against the action of the Commission in taking the testimony of Mary Landrum in the case of Louisa Gray Cherokee Freedman D 599; and Gertie Freeman Cherokee Freedman D 642, on September 28th 1903 at Muskogee, Indian Territory in the absence of a representative of the Cherokee Nation without giving notice that the testimony of the said Mary Landrum would be taken in those cases upon that date. It will be impossible for the representatives of the Cherokee Nation to assume any responsibility for the making of this freedmen roll unless they are given an opportunity of being present and listen to the testimony of the witnesses and to be able to cross examine them of their means of knowledge etc and we most respectfully protest against this means of taking testimony.

These people were notified to appear and give additional testimony and at the same time the representative of the Cherokee Nation was notified that testimony would be taken at Vinita and while a branch of the Commission was at Vinita during the week beginning

September 21 1903 the Cherokee Nation kept a representative at that place to cross examine these witnesses and these applicants refused to comply with the order of the Commission and waited until after the Commission had left Vinita and returned to Muskogee to put in an appearance. The records further show that the applicants were represented by counsel and the Cherokee Nation was not represented at all. It is indeed unfair for the Commission to say that the Cherokee Nation may be permitted to introduce testimony in rebuttal at some future time but the Cherokee Nation should be given the opportunity to cross examine these witnesses and to fully develop all of the details so as to prepare to refute them. The Cherokee Nation is not permitted to introduce a single witness in any freedmen doubtful case here at Tahlequah, or elsewhere, without first giving notice to the applicant when and where the testimony proposed is to be introduced and we desire here and now to most emphatically protest against this action of the Commission and to frankly say that we believe that it is unjust and unfair to the Cherokee Nation.

Respectfully,

(signed) W.W.Hastings.  
Attorney for the Cherokee  
Nation.

H.  
S.

Cherokee Freedmen  
D-961.

Muskogee, Indian Territory, May 4, 1904.

David Mayes,

Centralia, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting, among others, your application for the enrollment of yourself and your two minor children, Jennetta C. and Richard H. Mayes, as Cherokee freedmen. Your agent, Louis T. Brown, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

Register

Chairman.

Enc. D-149.



Cherokee Freedmen  
D-976 & D-981.

Muskogee, Indian Territory, May 4, 1904.

Louis T. Brown,  
Agent for Josiah Mayes et al.,  
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Josiah Mayes et al., rejecting the applications for the enrollment of Josiah, David, Jannetta C. and Richard H. Mayes as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

Register

Enc. D-150.

Chairman.

Cherokee Freedmen  
D-276 & D-281

Muskogee, Indian Territory, May 4, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Josiah Mayes et al., including the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Josiah, David, Jonnetta C. and Richard H. Mayes as Cherokee freedmen.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Chairman.

Enc. D-152.

Cherokee Freedmen  
D-976 & D-981.

Muskogee, Indian Territory, May 4, 1904.

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

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Josiah Mayes et al., rejecting the applications for the enrollment of Josiah, David, Jenetta C. and Richard H. Mayes as Cherokee freedmen.

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

Respectfully,

Enc. D-151.

Chairman.

( C O P Y )

DEPARTMENT OF THE INTERIOR

Refer in reply to OFFICE OF INDIAN AFFAIRS,  
the following:  
Land WASHINGTON,  
31042-1904.

September 24, 1904

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated May 14, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Josiah Mayes for himself; and by David Mayes for himself and his two minor children, Jennetta C. and Richard H. Mayes.

April 20, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicants 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; that they were minors at the close of the war of the rebellion; that their father, Dave Mayes, 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 returned to the nation prior to February 11, 1867, and established a home for himself and wife and the principal applicants. That the names of the principal applicants are not identified on the 1880 authenticated Cherokee roll but are found on the Wallace and Kern-Clifton rolls.

The applicants, Jennetta C. and Richard H. Mayes are the minor children of the said David Mayes and have no right to enrollment except such as they derive from their father.

In view of the record it is recommended that the decision of the Commission adverse to the applicants be reversed and that the applicants be enrolled as Cherokee freedmen.

Very respectfully,

M. H.  
W.

A. C. Tonner  
Acting Commissioner

( COPY )

D.C. 41176-1904  
I.T.D. 7720-1904.

W.C.F.  
J.P.  
L.N.S.  
FHE

DEPARTMENT OF THE INTERIOR,  
WASHINGTON .

October 24, 1904.

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

Gentlemen:

May 4, 1904, you transmitted the record in the consolidated Cherokee freedman case of Josiah Mayes, et al. (F.D. 976 & D-981), including your decision of April 20, 1904, rejecting the applications for the enrollment of Josiah, David, Jennetta C. and Richard H. Mayes.

Reporting in the matter September 24, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be reversed and that all the applicants be enrolled.

You are requested to advise the applicants and the attorney for the Cherokee Nation of the Acting Commissioner's recommendation, and allow said attorney thirty days within which to file any argument he may desire in the matter, and the applicants 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.

COPY.

Cherokee freedmen  
D-981

Muskogee, Indian Territory, November 8, 1904.

David Hayes,

Centralia, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself, et al., as Cherokee freedmen, you are advised that the Commissioner is in receipt of Departmental letter of October 24, inclosing a copy of the Commissioner of Indian Affairs' letter of September 24, in which letter it is recommended that the Commission's decision rejecting your application, among others, be reversed, and that yourself and family be enrolled as Cherokee freedmen.

In accordance with the Department's instructions, the attorneys for the Cherokee Nation have this day been advised that they 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 they may desire to submit in this case, a copy of which argument they will be required to furnish you.

-2-

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 referred to.

Respectfully,

Encl. B-52

*Tame Dixby.*  
Chairman



COPY,

Cherokee Freedmen

D-976 - D-981.

Muskogee, Indian Territory, November 8, 1904.

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

Gentlemen:

In the matter of the application for the enrollment of Josiah Mayes, et al., as Cherokee freedmen, you are advised that the Commission is in receipt of departmental letter of October 24, inclosing the Commissioner of Indian Affairs' letter of September 24, in which letter it is recommended that the Commission's decision rejecting said applications, be reversed and that the applicants be enrolled as Cherokee freedmen.

In accordance with the Department's instructions, you are hereby advised that you will be given thirty days from date hereof within which to file with the Commission, for transmission to the Secretary of the Interior, any argument which you may desire to make in the matter of said applications; a copy of which you will be required to furnish the principal applicants.

For your information there is herewith inclosed a copy of the Department's letter above referred to.

Respectfully,

SIGNED: *Tavis Bixby*  
Chairman.

Encl. 2-17.

Cherokee Freedmen  
D 981

Muskogee, Indian Territory, September 7, 1906

Martha Virgel,  
Taft, Indian Territory.

Dear Madam:

You are advised that the enclosed letter was addressed to you by this office, at 302 South Second Street, Muskogee, Indian Territory, and has been returned unclaimed.

You are further advised that there being no appearance by you or on behalf of your child Lucile Vann, on August 16, 1906, said case was continued to Thursday, September 20, 1906, at nine o'clock A. M., at which time you will be permitted to appear before the offices of the Commissioner of the Five Civilized Tribes, at Muskogee, Indian Territory, for the purpose of introducing such further testimony as you desire as to said child's paternity. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in the case.

Respectfully,

L M B

Acting Commissioner

Encl. 2-48

Register

D.C.51684

JYJr.

DEPARTMENT OF THE INTERIOR,

LLB

WASHINGTON."

I.T.D.7720-1904.

274-1905.

8635- "

November 22, 1906.

LRS

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

Sir:

On September 24, 1904 (Land 31042), the Indian Office transmitted a report from the Commission to the Five Civilized Tribes dated May 14, 1904, forwarding the record in the consolidated applications for enrollment as Cherokee freedmen of Josiah Mays for himself and of David Mays for himself and his two minor children, Jennetta C. and Richard H. Mays, together with its decision, adverse to all of said applicants.

The Indian Office recommended that in view of the record the decision of the Commission, adverse to the applicants, should be reversed and the applicants enrolled as Cherokee freedmen.

On October 24, 1904, the Department directed the Commission to advise the applicants and the attorney for the Cherokee Nation of the recommendation of the Indian Office, and requested it to further inform them that the attorney for the nation would be allowed thirty days within which to file such argument as he might desire and the applicants ten days within which to reply to the

same. Said argument and reply were duly forwarded by the Indian Office on January 9, 1905 (Land 502).

On September 7, 1905, the attorneys for the applicants filed a motion for review in this case. Said motion upon examination presents no proper reason for favorable action, and is hereby denied.

The Commission in its decision in this case stated that the evidence shows that when Josiah and David Vays returned to the Cherokee Nation, one Sam Webber and his wife were living in said nation, and that as it had found in the case of Sam Webber that the applicants therein had not returned to the Cherokee Nation until after February 11, 1867, Josiah and David Vays could not have returned within the period set by the treaty of 1866. It also appears from the records of the Department that on May 31, 1906, in the consolidated Cherokee freedman case of Etta Manley et al., said Sam Webber was declared entitled to enrollment.

These facts, together with the arguments mentioned, have been considered by the Department in connection with the record, and it is considered that the preponderance of evidence clearly shows that the applicants, Josiah and David Vays, did not return to and take up their residence within the Cherokee Nation prior to February 11, 1867.

The decision of the Commission to the Five-Civilized Tribes

dated April 20, 1904, denying the applications for the enrollment of Josiah Mays for himself and of David Mays for himself and his two minor children, Jennetta C. and Richard H. Mays, as Cherokee freedmen is hereby affirmed.

The papers have been returned for the files of the Indian Office.

Respectfully,

(Signed) Theo Ryan

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

8 inclosures.

Cherokee freedmen  
D-981.

Muskogee, Indian Territory, December 8, 1906.

David Mayes,

Centralia, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 22, 1904, rejecting, among others, your application for the enrollment of yourself and children, Jennetta C. and Richard H. Mayes, as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 22, 1906, and a motion for review, filed by your attorneys September 7, 1906, denied.

Respectfully,

JMH

Acting Commissioner.

Cherokee Freedmen  
D976.

Muskogee, Indian Territory, December 8, 1906.

Bluc & Bulger,  
Attorneys for Josiah Hayes, et al.,  
Baxter Springs, Kansas.

Dear Sirs:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the applications for the enrollment of Josiah, David, Jennetta C. and Richard H. Hayes, as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 22, 1906, and your motion for review of said case, filed September 7, 1906, denied.

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

Respectfully,

Encl. N-41.  
JMH

Acting Commissioner.

Cherokee freedmen  
D976.

Muskogee, Indian Territory, December 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 April 20, 1904, rejecting the applications for the enrollment of Josiah, David, Jennetta C. and Richard H. Mayes, as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 22, 1906, and the motion for review of said case, filed September 7, 1906, denied.

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

Respectfully,

Encl. H-42.  
JMH

Acting Commissioner.



Department of the Interior.  
Commissioner to the Five Civilized Tribes.  
MUSKOGEE, IND. TER.



Martha Virgel,

302 South Second Street,

Muskogee, I. T.

RETURN PENALTY ENVELOPE.

Department of the Interior.

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

OFFICIAL BUSINESS

Penalty for private use. \$300.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE,

IND. TER.

This envelope is not to be used for reply to official communications. It is for return only. MUST NOT BE REUSED.

Cher. Fr. R-1044

Cher. Fr. R 1044

Trans. from Cher. Fr. D 982

Page 122 No. 2312, Andrew Nelson, Illinois District.

Page 122 No. 2313, Murray Nelson, Illinois District.

Remainder not found on the same date as the above.

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is not just the first time but the name of the keeper home in  
New York also see first A. Lee St. The name of the keeper home in  
New York also see first A. Lee St. The name of the keeper home in

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE NATIONAL GEOGRAPHIC SOCIETY  
AUG 10 1901

File with Cherokee Freedman B- 18714

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

In the matter of the application of Winnie Mackey for the enrollment of herself and one child as Cherokee Freedman.

Winnie Mackey, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Winnie Mackey.  
Q How old are you? A I don't know how old I am.  
Q How old are you? A I don't know my age.  
Q About how old? A I am fifty something.  
Q What is your postoffice? A My postoffice is Wagoner now.  
Q In the Creek Nation? A Yes, sir.  
Q Where do you live? A Cooweescoowee.  
Q You apply for enrollment as a Cherokee Freedman? A Yes, sir.  
Q Who do you want to enroll besides yourself? A One child.  
Q What is the child's name? A Andrew.  
Q How old is Andrew? A Andrew is about 18.  
Q Andrew Mackey? A No, sir, Andrew Moore.  
Q Have you any witnesses? A Yes, sir.  
Q Who are they? A John Baldrige, Ester Grimmett and Polly Nivens.  
Q Is your name on any of the rolls of the Cherokee Nation? A It ought to be.  
Q Yes, but is it? A Yes, it is on the Clifton roll.  
Q Your name isn't on the roll of 1880? A It ought to be.  
Q Well is it? A I don't know whether it is or not.  
Q What was your father's name? A Robert Davis.  
Q Is he living? A No, sir, he is dead.  
Q What was your mother's name? A Elizabeth Margaret Davis.  
Q Is she living? A No, sir, she is dead.  
Q How many times have you been married? A I have been married but once, I lived with a man once, I wasn't married to him.  
Q What was his name? A Stewart.  
Q Is he living? A No, sir, he is dead too.  
Q What was his first name? A His first name was Mealie.  
Q What was the next man you lived with? A Roswell Mackey.  
Q Is he living? A Yes, sir.  
Q Are you living with him? A No, sir, I am in Wagoner and he is in Braggs.  
Q This Andrew Moore, is he your child? A Yes, sir.  
Q You were not married to the father of that child? A No, sir.  
Q How what name are you on the roll by? A I have got five children; I am just telling you the ones I am enrolling on.  
Q You don't ask to enroll anybody but Andrew Moore? A No, sir, the rest is of age.  
Q What name are you on the New-Clifton roll by? A Moore.  
Q Were you a slave? A Yes, sir.  
Q What was your owner's name? A Jack Moore.  
Q Was he a Cherokee citizen? A Yes, sir.  
Q Where were you born? A I was born in the Cherokee Nation.  
Q Were you taken out of the Cherokee Nation during the Civil war?  
A Yes, sir.  
Q Where to? A Jack Moore took us down to Texas.  
Q Jack Moore took you himself? A Yes, sir.  
Q When was that; that while the war was going on? A Yes, sir, I can't know the numbers day, I can't tell one year from another.  
Q You know the war was going on, you know about that? A Yes, sir.

-8-

- Q How long did you stay in Texas? A I can't tell that neither.
- Q When did you come back to the Cherokee Nation? A Well I came in here they said it was '66; not that I know of.
- Q They told you it was '66? A Yes, sir.
- Q Where did you come to? A Came to Fort Gibson.
- Q That is the first place you recollect after you came from Texas, of being in Gibson? A Yes, sir.
- Q Were you married then? A No, sir.
- Q Have you lived in the Cherokee Nation ever since? A Well, I have been out since that working around and about in places in the states.
- Q Kansas? A No, sir, never been to Kansas.
- Q Arkansas? A Yes, sir.
- Q Where were you married? A Where was I married, I was married in Bragg.
- Q Cherokee Nation? A Yes, sir.
- Q When were you married? A Married about five or six years ago.
- Q That was the first time you were lawfully married? A Yes, sir, I lived with a man and had children but I wasn't married to him.
- Q You lived with Stewart? A Yes, sir.
- Q Where were you when you lived with Stewart? A Part of the time I was in the Cherokee Nation and part of the time I was in Fort Smith.
- Q How many children did you have by Stewart? A All I got I got by him.
- Q Please give me the names of them? A Joe.
- Q Joe Moore? A No, all of them goes by Moore.
- Q How old is Joe? A I don't know, he is twenty something.
- Q Where was he born? A Joe was born down at Uncle Billy Edwards.
- Q Arkansas? A No, sir, Cherokee Nation.
- Q What is the next one named? A Bob.
- Q Where was Bob born? A He was born there too.
- Q What is the next one? A Amelia.
- Q Where was she born? A Down on Elk Creek.
- Q Was that in Arkansas or the Cherokee Nation? A If it wasn't in the Cherokee Nation, it was close by, close by Checotah.
- Q It might have been in the Creek Nation? A It might have been, I don't know.
- Q What is the next one named? A Maggie.
- Q Where was Maggie born? A She was born at Edwards.
- Q That in the Cherokee Nation? A Yes, sir.
- Q Same place Amelia was born? A No, sir.
- Q What is the next one named? A Andrew.
- Q Born in the Cherokee Nation? A Yes, sir.
- Q All your children then were born in the Cherokee Nation, were they, except Amelia might have been born in the Creek Nation down there close to the line? A Yes, sir.
- Q You have been living in the Cherokee Nation ever since you took up with Stewart? A No, sir, I went in the states some.
- Q Well, what state? A Worked around in Arkansas, in Fort Smith.
- Q Were you married when you were over there? A No, sir.
- Q You work in any other state besides Arkansas? A No, sir.
- Q Work anywhere else in Arkansas besides Fort Smith? A To Van Buren.
- Q Right along the line there? A Yes, sir.
- Q Sometimes in the Cherokee Nation and sometimes over in Arkansas? A Yes, sir.
- Q Is that as far as you have ever been out of the Cherokee Nation? A No, sir.
- Q How much farther out did you go? A I went just about three

days before Christmas, I went in Kansas City, this last Christmas.

Q How long did you stay there? A Stayed there a little over a month.

Q Work there? A No, sir, I wasn't working.

Q Waiting up there? A Yes, sir.

Q And then come back? A Yes, sir.

Q That the only time you ever were in Kansas? A Yes, sir never was there in my life before.

Q How long were you in Oklahoma? A Never was there, don't know anything about Oklahoma.

Mr. J. S. Davenport, Cherokee attorney: Do you know to what point you went when you left the Territory during the war? A ~~When~~ When I left the Territory I went down in Texas.

Q At whose place did you go to? A They hired me out when I went down there.

Q Don't you remember any one's name where you went? A They hired me to one man, I can't think of his name now to save my life, I am old and I can't remember things.

Q Who did you belong to now did you say? A I said I belonged to Jack Moore.

Q Well now where did Jack Moore live? A He lived down in Sequoyah district.

Q What kind of a house did he have? A He had a log house, hewed log house.

Q Who were your neighbors there, can you think of their names?

A There was a man lived close to us named Youngblood.

Q Anybody else you remember? A No, sir, I don't remember, I don't remember his given name.

Q Well you remember anything about John Gunter? A Well he might have been somewhere up there, I don't know, I forget.

Q You know what year you came back? A No, sir.

Q Now you lived on Elk Creek how long? A On Elk Creek, how long I lived on Elk Creek?

Q Yes? A I don't know, I lived there, I can't tell how long, I was just from one place to another.

Q When you came back to Elk Creek was there any railroad near there? A Any railroad there or not?

Q How long was it until you saw the railroad built near there?

A Well, I don't know, I will not tell it for the truth how long it was, because I can't tell you, I can't remember things like a young person.

Mr. F. W. Hastings, Cherokee attorney: I want to know where Jack Moore, your owner, lived in Sequoyah District, what part of the district, on what creek.

Q What part, what creek? I don't know: it was a branch we lived close by a branch.

Q Well, what was the name of that branch? A I forget the name of the place.

Q Jack Moore have a family? A Yes, sir.

Q What was his wife's name? A Nancy.

Q Was Jack a Cherokee himself? A Yes.

Q Was his wife a Cherokee? A Well I don't know that.

Q Did he have any children? A Well I believe, yes there was two boys.

Q What were their names? A One was named Bill I think.

Q What was the other one named? A I can't think of the other one's name to save my life.

Q Was Bill or the other one the older: which was the older of the two? A That is more than I can tell, I don't know which was the older.

Q Were they good size boys at the opening of the war? A Yes.

Q About grown? A They were good sized, I don't know how old

they were.

Q Were you living in the hills or in the prairie? A I was living kinder in the hills like.

Q What was your nearest town at that time? A I never went to town none, I don't know which was the nearest.

Q You never heard of any town? A I didn't say I never heard of any town.

Q Did you? A I don't know whether I did or not.

Q Was there any stores around there or anything around there? A I never went to any stores.

Q Do you know who had one? A No, sir, I don't know about the store part.

Q And this man Moore had a double log house did he, a hewed log house? A He had a log house, yes, sir.

Q Was it a double log house? A Yes, sir, I believe it was.

Q You have mentioned Mr. Youngblood, I want to know some of the others of your neighbors at that time? A I can't tell them, it has been so long and my head has been so confused I can't tell them.

Q You don't know any rivers or streams around there? A There was one river not so powerfully far.

Q Do you know in what direction it was? A It was this way (indicating.)

Q Was it north or south or east or west of your place, the river?

A Like here was the house and that would be the river, what would you call it?

Q I am asking you? A I can't tell you, I am showing you.

Q What sort of a farm did he have, big farm or little one?

A Yeah's a very big farm.

Q Have any more slaves besides you? A Yes, sir.

Q What was their names? A Had an old man named Tom.

Q Tom what? A Named Tom.

Q Have any other name? A That is all the name he went by then.

Q That the only one he had? A Had one named Nancy.

Q Do you know of any other neighbors of Moore's except Youngblood?

A No, I can't think of none right now.

Q Do you know of any town? A No, sir.

Q You can't think of any stream? A I told you where the river was.

Q How far from your place? A What, the river; I don't know how many miles it was out there.

Q Was it a short distance or a long one? A It was a tolerably long distance, not so very far.

Q Well, was it 15 miles? A No, sir, not quite 15.

Q Ten? A I don't know how far, I am not going to tell you how far the river was when I don't know.

Q I am trying to get you to tell the facts about it: I want a sufficient description of the place you lived before the war, we are disputing your ownership and I am trying to get you to testify as near as you can where you lived at? A Well, I lived in Sequoyah.

Q Now I want to know what part of Sequoyah district, if I can find out, want to know whether it was north or south, in what part of the district, east or west, or near some spring or some family so we can locate you? A Well I can't call it, I don't know: you say east or west you want to know.

Q What part of the district, tell that in your own way? A We lived out in that way (indicating) and I can't describe it exactly.

Q Did you ever see any of these witnesses of yours before the war?

A Yes, sir.

Q Who did you ever see? A I seen all of them.

Q How at your place? A They have lived all around there.

Q Were they there at your place before the war? A No sir, none



of them at the place where I lived, John Baluridge, I had met him at a dance once.

Q Before the war? A Yes, sir.

Q At whose house? A At his aunt's house.

Q What was her name? A Her name, I forget her name, he can tell you.

Q How far was that from where you lived? A It was a good ways.

Q Twenty miles? A I don't know whether it was 20 miles or not.

Q How old do you say you are now? A I say I am fifty something, I never did know my age, that is what I said.

Q Who did you come back to the Nation with after the war? A Why I came back here in the Cherokee Nation with the Mayes and Sanders and Mackeys.

Q You came to Fort Gibson first? A Yes, sir.

Q Was your mother with you? A No, sir.

Q Where did you take up with this man Stewart? A I found him down in the Choctaw Nation.

Q Was that before you came up there? A No, it was afterwards.

Q Then you went back to the Choctaw Nation after you came up here? A I went back a little while and stayed there.

Q Who went back with you? A Who went back with me; I forget now who did go back with me.

Q You met him down there then? A Yes.

Q Near what place? A Why we went to an old man's house by the name of John.

Q And you commenced living with him there, did you? A Well I took him.

Q And he came up with you then? A Well we came back again.

Q How long did you live with him there before you came back again?

A Stayed down there a good little bit.

Q Eight or ten years? A No.

Q Five years? A Didn't stay that long.

Q About how long? A About two I reckon, however it might have been longer than that, I don't know just exactly how long.

Q Your oldest child was born down there was he? A No, he was born in the Cherokee Nation to Uncle Peter Edwards.

Q Where is that Edwards place that these children you say were born?

A It is over close to Fort Smith.

Q How far from Fort Smith? A Well, not far.

Q About how far? A Well, it is about three miles I reckon.

Q What direction from Fort Smith? A Back that way, they always called back that way north, it is about north.

Q Edwards a white man? A No, sir.

Q Colored man? A He was an Indian, mixed with negro.

Q What side of the river did he live on, do you know? A He lived on this side, on the north side of the river, just some side his place was.

Q He farmed down there, did he? A No, he never had a farm, he was a doctor.

Q What sort of a house did he live in? A A little log house.

Q Did he have a family? A He had had a wife.

Q Didn't then? A No, sir.

Q Any children? A No, sir, no children.

Q Who were your neighbors around Edwards? A Why the closest neighbor we had there was an old lady by the name of Phoebe.

Q Phoebe what? A I don't know what her other name was, Phoebe Walker I think her name was.

Q You lived down there till six or eight children were born?

A No, I never had that many children.

Q Well, all but one? A Yes.

Q And that is the only neighbor you know? A No, I would go away and come back there.

Q What did you go down there for a living? A I done anything.



cooking.

- Q Who did you work for? A Anybody that wanted me.
- Q Have somebody you worked for? A When I was out at Uncle Edwards I didn't do any work.
- Q Didn't work for anybody in the Nation at all? A Not there I didn't.
- Q Never had any home of your own? A No, sir.
- Q How far was Edwards from where you were born? A From where I was born; I don't know.
- Q Were you ever back to the old home place since the war? A No I haven't been back there.

Taking of testimony continued by stenographer Chas. van Waise.

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 correct transcript of his stenographic notes thereof.

Witness, Bruce S. Jones.  
Subscribed before me this 10th day of July, 1901.  
Signed, T. B. Hoodless,  
Commissioner.

Continued from Stenographer Bruce S. Jones.  
Tombes, I. T., June 25th, 1901.

POLLIE HEVINS called and sworn to a witness for the applicant:-  
By Com'ry T. B. Hoodless-

- Q What is your name? A Pollie Hevins.
- Q What is your age? A 32.
- Q What is your postoffice address? A Fort Gibson.
- Q Are you a recognized Cherokee freedman? A Yes sir.
- Q Do you know the applicant Winna Mackey? A Yes sir.
- Q How long have you known her? A Just the year, the first year peace was made.
- Q Was she a slave during the war and before the war? A She was with her owners when I went to hire her.
- Q Where was she then? A At Fort Gibson.
- Q You went to hire her you say? A Yes sir for Mrs. Dowers where I was working at the hotel.
- Q Who did you hire her from? A The Master, that was her owners.
- Q What year was that that you hired her? A The first year that peace was made - peace was made in the summer and that was in the fall.
- Q You don't know whether it was '65 or not? A That was in '65 wasn't it.
- Q How long have you known her since? A I have not used her in a long time. She staid there a month with me at the hotel and then we let her go, she was not much good around there and Mrs. Dowers let her go.
- Q Where did she go then? A I don't know, she was not a very good worker and I told Mrs. Dowers that she did not want and let her go.
- Q Will she get any more work there? A She staid out in the field.
- Q How did you meet her after that? A I never used her any more for a long while.
- Q Where did she go? A To work? A Yes sir I think she got around when she married some small fellow.
- Q You don't know where she lived where she went? A No sir.
- Q How was she getting on? A (The witness answers) She was doing pretty good when she was here? A Yes.
- Q What was their first name? A I don't know.
- Q The name of the man and wife? A Yes sir, the name of the man was...
- Q Yes sir.

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Q Didn't you find out the first name of either of them? A No, sir, Mrs. Bowers wanted some one to help with the kitchen and asked me to look out for someone among the refugees that was coming around there and I went down into the camp where these people were and hired this one

Q Was the Mrs. Bowers you speak of, Joe Bower's wife? A Yes sir.

Q You never saw this woman Winnie Mackey before that? A No sir.

Q How old was she then? A 15 or 16 years old.

Q Was she married then? A No sir.

Q Not living with a man at that time? A No sir.

Q Had no children then? A No sir.

Q Was her mother there? A I don't know, I just went there and said I wanted to hire some one to work at the hotel and that there was three dollars a week for a good worker and she said she was a good worker and wanted to hire out and I took her, but she wasn't much good around there and Mrs. Bowers let her go.

By the Commission:

Q Were the Moores Indians? A Yes sir.

By Hastings-

Q What became of them? A I don't know, they all scattered out.

Q Did you witness for this woman before the Kern-Clifton Commission?

A No sir.

Q What are you doing up here? A What are you doing up here yourself?

Q That is my business, you are a witness and I want you to tell me what you are doing up here? A I come up here to look after my kin folks friends and acquaintances just as far as I know and no farther, I am doing what is right and am telling the truth just as I know it.

EASTER WILLIAMS, called and sworn as a witness for applicant--

By Commission--

Q What is your name? A Easter Grinnett or Williams.

Q How old are you? A About in the 50's.

Q What is your postoffice address? A Ruby.

Q Are you a recognized Cherokee freedman? A Yes sir.

Q Do you know this applicant? A Yes sir.

Q How long have you known her? A It has been so long, I met her in Fort Gibson when she was a young girl and then she never had any children.

Q Did you see her in '66? A I didn't see her until I seed her at Gibson and then I never seed her any more until I seed her at this enrollment.

Q You never saw her any between those times? A No sir.

Q Who did she belong to before the war? A She said she belonged to the Moores.

By Hastings--

Q Was the war still going on when you first saw this girl? A Yes sir

Q With whom was she living there? A She was working out.

Q Who for? A I don't know just who she said she was working out for.

Q What didn't see her owners yourself? A No sir.

Q You saw her after she was freed did you? A Yes sir, about that time.

Q You don't know what year it was? A I don't know the year, but it was the time the war was going on, just about time of peace.

Q Where did you meet her? A I seed her at Gibson at the enrollment - I remember now I seed her then.

Q Was that 2 or 3 months ago? A You know there has been several enrollments at Gibson? A No sir it was at the Kern Clifton court.

JOHN BALDRIDGE, called and sworn as a witness for the applicant--

By the Commission;

Q What is your name? A John Baldrige.

Q How old are you? A I was born in 1850, born and bred there.

Q Born and bred in the same year? A Yes sir.

Q Are you a recognized Cherokee freedman? A Yes sir.

Q Is your name on the roll of 1880? A No sir these fellows knock-  
ed me off, only on election times-they say I am all right.

Q Then they want you to vote for them? A Yes sir.

Q Do you know the applicant here? A Yes sir.

Q When did you first know her? A I got well acquainted with her  
in '56.

Q Was she a slave? A So said she was.

Q Do you know her to have been a slave? A I say, so said, I dont  
know myself.

Q Was she taken out of the Cherokee Nation during the war? A I dont  
know.

Q Where did you first see her after the war? A In Fort Gibson in '56  
and then I have seen her off and on in Sequoyah district 2 or 3 times.

Q Was she married when you first saw her? A No sir.

Q Who was she with? A Some Cherokees.

Q Do you know their names? A Some of the Mayfields.

Q Are you satisfied this is the same woman you saw there? A Yes sir

Q You didn't know her father and mother? A No sir.

Q Where does she live now? A In Cooweescoowee district near Lenapah

Q Is she married now? A Yes sir, she was married to Roswell Mackey

Q Do you know her children? A I know Bob and Joe and Maggy and  
one girl I disremember.

Q Was she ever married before she married Roswell Mackey? A I dont  
know.

Q Is Roswell Mackey the father of these children? A I dont know.

Q Do you know Roswell Mackey? A Yes sir.

Q Were they living together as husband and wife when you knew  
them both? A Yes sir.

Q You was in Fort Gibson in '68? A Yes sir from '63 and was  
discharged as a soldier right there.

Q Was you a United States soldier or a Rebel? A I was with the  
Union I was fighting them other fellows.

By Hastings

Q And they made it pretty hot for you too didn't they? A Yes  
sir sometimes.

Q You have been on a visit to Detroit Michigan haven't you? A Yes sir

Q You were with the United States that time too? A (No response)

Q What did they give you that trip for up there? A That is my  
business and it is your business to tend to these freedmans court  
and to ask things that is right.

Q Well that is what I am doing, now you were sent to the peniten-  
tiary up there? A I wont answer nothing that is not lawful, you has  
not got the constitution to ask that.

Q You refuse to answer that do you? A Yes sir, I will answer  
anything that you had a right to ask, but you has not got the con-  
stitution to ask that.

Q When did you come back from Detroit? A I am here aint I?

Q Well how long have you been here? A All my days.

Q Well you say you saw this applicant at Fort Gibson in '66? A Yes  
sir.

Q What was she doing there? A Just working at the hotel where  
Pollie Nevins was staying.

Q What time of the year was that? A Long in the spring.

Q You never saw her owners? A No sir.

Q Was she living with her mother then? A I never seed her mother.

Q At whose place in Sequoyah did you see this woman? A At Mayfields

Q Which one? A They used to live on the road going to Fort Smith.

Q When did you next see her? A Off and on ever since.

Q When did you next see her? A I cant give the day, week and year.

Q You never knew her to keep house in the Cherokee Nation did you?  
A Yes sir.



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Q Now you'll give us a list of how to look for the  
company's name. What does your present company call?  
A Yes, I mean dig this there.

Q Now I'll give you a list of names. I want you to  
tell me if you know any of these names.

A Yes, I know these names. I know the name of the  
company that is in the list. I know the name of the  
company that is in the list. I know the name of the  
company that is in the list.

ON TO THE  
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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I.T., July 1st, 1901.

In the matter of the application of Maggie Doty for enrollment as a Cherokee Freedman.

Maggie Doty, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Maggie Doty.  
Q How old are you? A 20 years old.  
Q What is your postoffice address? A Wagoner.  
Q What district do you live in? A Sequoyah.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Who do you want to enroll besides yourself? A None but myself.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A Garfield Doty.  
Q Is he a citizen? A No, sir.  
Q Any children? A No, sir.  
Q What is your father's name? A Stewart Neely.  
Q What was your mother's name? A Winnie Mackey.  
Q You claim your citizenship through your mother? A Yes, sir.  
Q Where were you born? A Sequoyah district.  
Q Cherokee Nation? A Yes, sir.  
Q You lived in the Cherokee Nation all your life? A No, sir, not all my life.  
Q Where have you lived? A I lived some in Fort Smith with my mother.  
Q When your mother lived in Fort Smith you were living with her?  
A Yes, sir.  
Q Did you come to the Cherokee Nation when your mother came?  
A Yes, sir.  
Q Been living here since that? A Yes, sir.  
Q Where were you married? A I was married in Lenapah.  
Q Cherokee Nation? A Yes, sir.  
Q Been living with your husband since you married him? A Yes, sir.  
Q Your name on any of the rolls of the Cherokee Nation, do you know? A Yes, sir.  
Q What roll? A 1896 roll.  
Q Did you draw what is known as the Kern-Clifton money, the strip money? A Yes, sir.  
The 1880 authenticated roll of Cherokee Freedmen examined and the parents of applicant not identified thereon.  
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.  
Q Your name was Moore at that time? A Yes, sir.  
The Kern-Clifton roll examined and the applicant identified thereon, page 155, No. 5514, Illinois district, as Maggie Moore.  
Mr. J.S. Davenport, Cherokee attorney: Do I understand you to say you live in Wagoner? A Yes, sir.  
Q You live in the town or do you live in the country? A In the town.  
Q Then you don't live in Sequoyah district? A My home is in Lenapah, I have been there but a month or two in Wagoner.  
Q Where is your husband living? A He is in Wagoner.  
Q You live with him? A Yes, sir.  
Q You lived with your mother at Van Buren? A Yes, sir.  
Q You moved to Lenapah about what year? A I don't know.  
Q About how many years ago? A I don't know that, if I knew I would tell you.  
Q Can you remember when you moved to Lenapah? A I remember when I moved there, but I don't remember what year.  
Q Well your mother was living in Van Buren, Arkansas, with her family, in '93? A I don't know, I was quite small.

Maggie Doty -2.

Q How old are you now? A I am 20.

Q You can remember as far back as '93 where you were living? A I can't remember.

Q Now how long have you been living in Wagoner you say? A I have been there about three months.

Q Moved from Lenapah down there? A Yes, sir.

Q Ever live in Kansas? A I never lived in Kansas, I have visited in Kansas, I never did live there.

Commissioner: What does your husband follow? A Why he is a farmer.

Q You don't live on a farm now do you? A No, sir, when we were at Lenapah we lived on a farm.

Q But you are living now at Wagoner? A Yes, sir.

Q What does your husband do? A He is just working out by the day.

Commissioner: Maggie Doty applies for the enrollment of herself. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. She is duly identified upon the Kern-Clifton roll as Maggie Moore. She makes the statement that she is the child of Winnie Mackey, and Winnie Mackey was listed for enrollment on D card 899, and the testimony taken in the matter of the application of Winnie Mackey will be made part of the record in the case at bar, and a copy thereof will be filed herewith. She avers that she is now married to one Garfield Doty, a non citizen, and makes satisfactory proof as to ~~her~~ residence, or in other words, proof that her residence is the same as that of her mother. Said Maggie Doty, nee Moore, will now be listed for enrollment as a Cherokee Freedmen on a doubtful card, and she will be notified by mail of the action of the Commission at her postoffice address.

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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 13th of July, 1901.

*[Signature]*

Commissioner.



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Mr. Sir,

You have asked to see about the coming from the City of ...  
I have heard she come from the City of ...  
above the City of ...

... I have heard she ...  
... I have heard she ...

1901

ACTING

COMMUNICATIONS



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON, I.T., SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
WINNIE MACKEY as a Cherokee Freedman, introduced on the part of  
Cherokee Nation:

APPEARANCES:

Mr. L. B. Bell, of Counsel for Cherokee Nation.

Proof of service made and applicant fails to appear,  
either by attorney or in person.

JOHN KEETON, being duly sworn by Commissioner Needles,  
testified as follows on part of Cherokee Nation:

MR. BELL: Give me your name? A John Keeton.

- Q Your age? A 66.  
Q Your post office? A Alma, Arkansas.  
Q Well, Mr. Keeton, this is a case of Winnie Mackey she call her-  
self, called Winnie Moore or Steward, claiming to be a Cherokee  
Freedman, are you acquainted with her? A Yes, sir.  
Q Where did you first know her? A In South Carolina.  
Q When was that? A That was before the war, Civil War.  
Q What was her name there? A Her name was Winnie.  
Q How did you be come acquainted with her? A Well sir, the man  
that owned me was jailer at that time and I was staying there and  
she was put in jail there, a small girl.  
Q How long did you stay in South Carolina after you saw her there?  
A I was small and so was she and I stayed until I was a grown  
and free, until I come to Arkansas.  
Q When did you go to Arkansas? A I have been here 12 years I  
think it is I have been here now.  
Q Where did you stop? A I come to Van Buren, Arkansas.  
Q Have you seen this Winnie Mackey since you come to Arkansas?  
A Yes, sir.  
Q Where did you see her first? A Van Buren.  
Q What was she doing there? A She was living there.  
Q Did she have a family there? A Yes, sir.  
Q Husband? A Yes, sir.  
Q What was his name? A Steward Moore.  
Q How long did you know Winnie Moore there? A I  
knowed them several years.  
Q What become of her husband? A He went to Africa.  
Q About when? A It has been about six years ago, there was a  
great crowd and he went with the crowd.  
Q Was he living there before he started? A Yes, sir. She was  
there, he just worked about, sometimes up there and sometime down  
about Alma.  
Q How long did she stay in Van Buren, do you know, after he left  
there? A I could not say positive just how long she stayd after  
he left; I lived down below, Alma.  
Q You missed her from there soon after he left? A Yes, sir, and  
I haven't seen her since he left there.  
Q Do you know when she left South Carolina? A No, sir, I don't  
recollect exactly, she come before I did from there.  
Q Did you learn from her whether she left there before the war or  
after? A After the war.  
Q She was in Van Buren when you got there? A Yes, sir.  
Q And had been there sometime, you don't know how long?  
A No, sir, I could not say how long.  
Q Where did she find this "testimony"?

him in South Carolina and married.

Q When you first come here ten or 12 years ago, did she have them children that she claims to have? A Yes, sir.

Q Do you know anything about any of them; that is, where they were born? A They was born in South Carolina.

COM'R BRIDGES: You say you knew this woman, Winnie Mackey, in South Carolina? A Yes, sir.

Q When was that? A It was before the war.

Q Was she a slave there? A Yes, sir.

Q Who did she belong to? A I could not tell you who she belonged to.

Q How old was she when you knew her there? A I could not tell.

Q Well, about how old? A She was, I guess about ten or 12 years or maybe older.

Q You knew her in South Carolina before the war? A Yes, sir.

Q That was ten or 12 years old then? A Yes, sir.

Q But you don't know who belonged to? A No, sir, I do not know who she belonged to.

Q When did you come to the Cherokee nation; where do you live now?

A I live in Arkansas.

Q When did you come from South Carolina to Arkansas?

A I have been here 12 years, in Arkansas.

Q You left South Carolina and come to Arkansas 12 years ago?

A Yes, sir.

Q Was Winnie Mackey in South Carolina then? A No, sir, she left before I did.

Q About how long before that? A I don't know.

Q Do you know whether she left there before the war or not?

A She was there then, she was freed there.

Q Who did she belong to? A I told you I didn't recollect her owners, I could not tell you that.

Q Did you ever know a man by the name of Jack Moore? A No, sir.

Q Never knew a man, Jack Moore? A No, sir.

Q Did you ever know anything about this applicant being in the State of Texas, this Winnie? A No, sir.

Q Do you know that the Winnie Mackey you saw in South Carolina is the same Winnie Mackey that applies to be enrolled here as a Cherokee Freedman? A Yes, sir.

Q How do you know it? A It is, if it is Steward Moore's husband, if that is the one I know her.

Q How long after you left South Carolina did you see her, Winnie Mackey? A Well, I didn't know her by that name; she wasn't no Mackey when I knowed her.

Q What was she when you knowed her? A She was Winnie Moore, Steward Moore's wife.

Q Where, South Carolina? A Yes, sir.

Q Was she Steward Moore's wife when you saw her and knowed her in South Carolina? A Yes, sir.

Q He was married to her? A Yes, sir.

Q This Winnie was married to a man by the name of Steward Moore in South Carolina? A Yes, sir.

Q And had children there? A Yes, sir.

Q How many children? A There was two girls and three boys, if I make no mistake.

Q Do you know their names? A Yes, sir, I think so.

Q Please give their names? A Joe and a Job and a Melia and Mag.

Q Now, that was Winnie's children you know in South Carolina?

A Yes, sir.

Q And the same there was Winnie Moore? A Yes, sir.

Q She was a grown woman and had children? A Yes, sir.

Q How you come from South Carolina to Arkansas? A Yes, sir.

- Q You left Winnie there? A No.
- Q She came first? A Yes, sir.
- Q Then when did you see her after you come from South Carolina, when did you first see Winnie? A It was her at Van Buren the first place I seen her after I come here.
- Q How long was it from the time you saw her last in South Carolina until you saw her in Arkansas, at Van Buren? A I could not recollect.
- Q Well, about how long? A I would not be positive about that.
- Q Well, you ought to know about how long; you know how long you lived in South Carolina and how long you lived in Arkansas, approximate it as near as you can? A I had been out here I think about two years before I seen her, as near as I can get at it.
- Q And how long had she been gone from South Carolina before you left South Carolina? A That's what I don't recollect no; not sir, she stopped, I think.
- Q But I know you saw her in South Carolina and she left before you did? A Yes, sir.
- Q Now, how long was it from the time you saw her in South Carolina the last time until you left South Carolina? A Several years, because she didn't live in the settlement.
- Q And then you were here two years before you saw her? A Yes, sir.
- Q No, when you saw her did you recognize her as the same woman you saw in South Carolina? A Yes, sir, I talked with her.
- Q Did she any more children than she had when you saw her last? A No, sir.
- Q How many children? A Yes, sir.
- Q Were her children living with her when you saw her at Van Buren? A Yes, sir.
- Q Married? A Yes, sir.
- Q Was her husband with her? A Yes, sir.
- Q The same husband she had in South Carolina? A Yes, sir.
- Q They were both there? A Yes, sir.
- Q His name was Steward Moore? A No, sir.
- Q You didn't know Jack Moore you said? A No, sir.
- Q Now, when you saw her at Van Buren was that after the war before? A After the war.
- Q Do you know where she was during the war? A She was in South Carolina.
- Q During the war? A Yes, sir.
- Q Were you there? A Yes, sir, I was freed there.
- Q You saw her during the war? A Yes, sir.
- Q She was freed there? A Yes, sir.
- Q You didn't know her owner's name? A No, sir, I could not be positive about her owners.
- Q Did you know a man by the name of Mackey? A No, sir.
- Q Do you know how Winnie come to be named Mackey? A No, sir.
- Q You don't know then that Winnie Mackey is the same person you knew in South Carolina as Winnie Moore? A As I said a while ago I never knew her by that name.
- Q You never knew a Winnie called Mackey there? A No, sir.
- Q Did you ever know Winnie Mackey anywhere? A No, sir.
- MR. HASTINGS, of Counsel for Cherokee Nation:
- Q Where was this Winnie married? A She was married in South Carolina.
- Q Was that before or after the war? A She was married before the war.
- Q Did you know her there after the war? A Yes, sir.
- Q For a number of years after the war? A Yes, sir, good while; she lived in another settlement of the country there, of course I didn't live right just door neighbor to her. She lived there in the

neighborhood a number of years after the war.

Q About how many years in your judgment? A I could not be positive about the number of years, I don't recollect, and if I was to say-

Q Do you know that she has lived there as much as five years after the war? A Yes, sir, I guess more.

Q Well, were these children you have mentioned here born there?

A Yes, sir.

CO 'R NEEDLES: You lived there five or ten years after the war did you? A Yes, sir.

ALBERT LATTIMER, being sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. BELL: Give your name? A Albert Lattimer.

Q Age? A Well, I am about 58.

Q Post office? A Alma, Arkansas.

Q Mr. Lattimer, this is a case of one Winnie Mackey, by that name now, that claims to be a Cherokee Freedman making application here with a lot of children, children named Moore she calls them; she is the wife of one Steward Moore, or Moore Steward; I don't know which? A Steward Moore, I guess.

Q Are you acquainted with her? A Well, I have seen her of course since I come to this State.

Q Where did you come from to Arkansas? A From South Carolina.

Q How long ago? A I come here in '67.

Q Are you acquainted with her in the State of South Carolina?

A No, sir, I wasn't.

Q Where did you first see this Winnie Moore or Mackey?

A Well, I saw her at Van Buren.

Q Van Buren, Arkansas? A Yes, sir.

Q About when? A Well, it has been ten years ago, about.

Q About ten years ago? A Yes, sir.

Q What was she doing there? A Well, she was just staying there in the town at that time; I could not tell you what her occupation was, she was just staying there at that time.

Q What about her husband? A Yes, sir, he was at her house one time.

Q She was keeping house there? A Yes, sir.

Q Did she have any family? A Yes, sir, she had some children with her.

Q Have any husband? A Yes, sir, her husband was there.

Q What was her husband's name? A Steward Moore was his name.

Q Was he a Freedman? A Yes, sir.

Q Do you know what become of Steward Moore? A Went to Africa.

Q About how long ago? A Well, you may say, I believe he left here in '95, as well as I can remember; I think it was in '95.

Q How long did you know that woman in Van Buren? A Well, I think I knowed her there; well I never seen her in there but about twice you see I come from the old country and stopped there a few days and I left there and went to Dira, Arkansas, that is below Van Buren, and I saw her some few times while staying around Van Buren.

Q Some few times after you left Van Buren? A Yes, sir.

Q Well, did you ever see her there about the time her husband left,

Q I saw her there after that.

Q She was still there with her family with her husband gone?

A Yes, sir.

Q Did you ever have any talk with her about where she come from to Arkansas? A No, sir, I have not; no, sir.

Q You didn't come from the same part of South Carolina she did.

A No, sir, we was there I suppose in different counties.

MR. HASTINGS: Did you ever talk to her about South Carolina at all? A No, sir, of course I never knew her back there at all.

COM'R NEEDLES: All you know about this is you saw her there at Van Buren? A Yes, sir.  
Q And her children? A Yes, sir.  
Q You don't know whether she was ever a slave or not?  
A No, sir, I don't know.  
Q Don't know who she belonged to if she was a slave? A No, sir.  
Q You never got acquainted with them until you came to Van Buren?  
A No, sir.

LAURA LATTIMER, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee nation:

MR. BELL: Your name? A Laura Lattimer.

Q Age? A 48.  
Q Your post office? A Alma.  
Q Mrs. Lattimer we have got a case up here of Winnie Mackey, or Winnie Moore, or Winnie Steward, who claims to be a Cherokee Freedman and having been living in the Cherokee nation; do you know any woman of that name? A Yes, sir, Winnie Moore, the woman's name is Winnie Moore.  
Q How long have you known her? A Well, it has been about eight or ten years I guess; I know the first I seen of her she was in Van Buren.  
Q When did you first see her and where? A In Van Buren.  
Q In Van Buren about eight or ten years ago? A Yes, sir.  
Q What was she doing there? A She was living there.  
Q Have any family? A Yes, sir.  
Q What was her family? A Melia and Maggie and Joe and Bob and there is another one I didn't get acquainted with him at all; I have seen the other one.  
Q Did she have a husband? A Well, at that time she had a husband, but wasn't living together exactly at that time.  
Q What was his name? A Steward Moore.  
Q Was she keeping house there? A Yes, sir.  
Q How long did you know her after that? A After that he went off to Africa and I never seen her; she come to my house about a year, first seen her to my house on a visit and I never seen her any more, and after he went off I heard she went off; afterwards I heard she was in the Nation.  
Q You saw her after her husband went to Africa? A No, sir.  
Q You say she come to your house after you lived at Van Buren?  
A Yes, sir.  
Q Where were you living? A At Dira Arkansas.  
Q How far is that below Van Buren? A Ten miles below Van Buren.  
Q You are the wife of this Albert Lattimer? A Yes, sir.  
Q Did you and he come from South Carolina together?  
A Yes, sir, we was married and he come in the fall before me and I come in the January following.  
Q You joined him then at Van Buren, or where? A We was married in South Carolina.  
Q He come out here ahead of you and got a place? A Yes, sir..  
A And you come on afterwards and joined him at Van Buren?  
A No, sir, at Dira Station, me and my family.  
COM'R NEEDLES: Do you know whether this woman was married after Moore went to Africa? A I heard it.  
Q How long did she live in Van Buren there after Moore went to Africa? A No, sir, I know she went to wagoner somewhere.  
Q Did you know Steward Moore? A Yes, sir.  
Q Was he a colored man? A Yes, sir.  
Q Do you know a man by the name of Jack Moore? A No, sir.  
Q Do you know whether Winnie Moore was a slave or not?  
A No, sir, I don't know at all.

Supl. C. F. D. #899. ---6.

M. HASTINGS: Did you ever have any talk with her about where she came from? A I never knew her until I came to Van Buren. I have heard she came from the old country.  
Q You never talked to her about her being from South Carolina?  
No, sir.

This testimony will be filed in the following cases:  
D. #977, Robert Ford; D. #978, Amelia Brown; D. #982, Maggie Doty; D. #984, Joseph Moore.

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

J. O. Rosson

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



Commissioner.

Cherokee Freedmen  
D 154, et al.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T., JUNE 17, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Adeline Hampton, et al., as Cherokee Freedmen.

It appears that on May 11, 1904, the applicants, their agent and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory on June 16, 1904, and then and there introduce further testimony touching the points mentioned in said letter. On motion of the attorney for the Cherokee Nation, this case was continued from June 16, to June 17, 1904, when the following testimony was introduced.

APPEARANCES:

Applicants represented by its attorney, Frank J. Boudinot.  
Cherokee Nation by its attorneys, W. W. Hastings and  
L. B. Bell .

( Below is given so much of the testimony taken at this hearing as relates to the credibility of Polly Ross or Nivens.)



( COPY )

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 Bragg.  
Q How far is that from Fort Gibson? A Ten miles.  
Q Have you lived nearer to Fort Gibson than that? A Yes, sir,  
I lived in Fort Gibson several years, nearly all my life. Born  
and raised there.  
Q Over at Fort Gibson more or less all the time? A Yes, sir.  
Q Do you know one Polly Nivens or Polly Ross? A Yes, sir.  
Q A colored woman over there? A Yes, sir.  
Q Large mulatto woman? A Yes, sir, I know her.  
Q Do you know her reputation for truth and veracity in the com-  
munity in which she resides?

Mr. Boudinot: We object.

Commission: Objection noted; witness will answer.

A Yes, sir.

- Q Is that good or bad? A Bad.  
Q I will ask you if it isn't notoriously bad? A Yes, sir.  
Q Would you believe her under oath? A No sir.

( No cross-examination ).

GEORGE W. BENGE, being first duly sworn, testified as follows:

By Mr. Hastings:

- Q Your name is George W. Benge? A Yes, sir.  
Q Your postoffice is Tahlequah? A Yes, sir.  
Q How old are you? A 53.  
Q Did you ever live at Fort Gibson? A Yes, sir.  
Q Your father lived near there and died there? A Yes, sir.  
Q Your brother is living over there now? A Yes, sir.  
Q Are you still down there frequently? A Yes, sir.  
Q Do you know Polly Ross, sometimes known as Polly Nivens?  
A Yes, sir.  
Q Do you know her reputation for truth and veracity in the  
community in which she lives? A I used to when I lived there.  
Q Is that good or bad? A Bad.  
Q I will ask you if it isn't notoriously bad? A I think so.  
Q Would you believe her under oath? A No, sir.  
( No cross-examination ).

By Mr. Hastings:

MC COY SMITH, being first duly sworn  
testified as follows:

- Q What is your name? A McCoy Smith.  
Q Your postoffice is Bragg? A Yes, sir.  
Q How far do you live from Fort Gibson? A Ten miles.  
Q Have you been in and around Fort Gibson quite a good deal?  
A Yes, sir, raised there.  
Q Do you know a mulatto woman by the name of Polly Ross and  
sometimes known as Polly Nivens? A Yes, sir.  
Q Do you know her reputation for truth and veracity in the commu-  
nity in which she lives? A Yes, sir.  
Q Is it good or bad? A Not first-class.  
Q Is it good or bad? A I would call it bad.  
Q Would you believe her under oath? A No, sir.



( No cross-examination.)

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 there? A Since 1866 or '67
- Q Do you know one Polly Ross, who is a witness in a great many freedmen citizenship cases, also known as Polly Nivens? 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.
- Q Would you believe her under oath? A No, sir.

( No cross-examination).

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W. H. 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 ) W. H. Vance.

Subscribed and sworn to before me this the 12th day of July, 1904.

(Signed) Charles H. Sawyer  
Notary Public

(S A L)

Lucy M. Bowman, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.



Subscribed and sworn to be fore me this 26 day of August, 1904

  
Notary Public

Cherokee Freedmen De:  
899, 977, 978, 982, 983.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T., JULY 27, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the applica-  
tions for the enrollment of WINNIE MACKKEY, ET AL., ROBERT MOORE,  
ANNELIA BROWN/, ET AL., MAGGIE DOTY, and JOSEPH MOORE, ET AL.,  
as Cherokee freedmen.

It appears that on July 5, 1904, the principal applicants  
and the attorney for the Cherokee Nation were notified that an  
opportunity would be given each of them to appear before the Com-  
mission at its offices in Muskogee, Indian Territory, on July 27,  
1904, and then and there introduce further testimony touching the  
points mentioned in said letter.

APPEARANCES:

Applicant, Winnie Mackey, appears in person  
Cherokee Nation by its attorneys, James S. Davenport and  
L.B. Bell.

WINNIE JOSHLIN, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Winnie Joshlin now.  
Q How old are you? A I don't know.  
Q About how old? A I have been guessing at it for a long time;  
I think I am about 53 or 4.  
Q What is your post office address? A Wagoner.  
Q You are the person who applied to the Commission for enrolment  
as a Cherokee freedman under the name of Winnie Mackey? A Yes, sir.  
Q You have since married one Joshlin, what is his full name?  
A Robert Joshlin.  
Q Is he a Cherokee freedman? A Yes, sir; No, sir.  
Q State man? A Yes, sir.  
Q When were you married to him? A I have been married something  
over a year.  
Q Were you the slave of a Cherokee citizen at the beginning of  
the war of the rebellion? A What do you mean by the rebellion?  
Q Were you the slave of a Cherokee when the war commenced?  
A Mr. Moore hired me out when I was a girl; I never was sold.  
Q Were you born a slave? A If I was a slave I don't know it.  
Q You don't know whether you were ever a slave? A No, sir, I was  
put out; hired out as a nurse.  
Q When you could first remember where were you living? A When I  
first remember I was living in the Cherokee Nation.  
Q What part of the Cherokee Nation? A Not far from Fort Smith.  
Q Who with? A I was on a place there close to a man by the name  
of Davenport.  
Q Who were you living with? A When I could first remember I  
was with a Davis.  
Q Davis family? A Yes, sir, Br. Davis.  
Q Were they Cherokees? A Yes, sir, my mother lived with them.  
Q Yes that before the war? A Yes, sir.  
Q Did you belong to them, you and your mother? A My mother did.  
Q You were their slaves? A I reckon we were slaves, I can't tell  
much about it, because I can't remember it.

Q Did you ever see the war of 1864? / No, sir, I don't know of Miss-  
issippi one, I don't tell you, because I see so much trouble  
I don't.

Q Did you ever see the war of 1864? / No, sir, I left my mother here.  
Q Were you with in the war of Mississippi? / I was hired to a  
man named Miss... because I remember that; she pulled  
me so.

Q Did you ever see the war of 1864? / No, sir, I don't know.  
Q Did you ever see the war of 1864? / No, sir, I don't know.

Q Did you ever see the war of 1864? / No, sir, I don't know.  
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Q Did you ever see the war of 1864? / No, sir, I don't know.  
Q Did you ever see the war of 1864? / No, sir, I don't know.

Q How long did you stay in the nation that time? / Not very long till I went back to the state again; I was trying to raise some children then and went back; I worked for a man by the name of R. Librell.

Q Where did you live? / In Van Buren.  
Q How long did you spend your time in Arkansas and the Cherokee nation?  
A Not long, sir.

Q How long did you keep that up? / Not long, sir.

Q Until how long, sir?  
A Well, how long? I aint been there in several years. I have never lived in any other state besides Arkansas since the war? I was down in Mississippi once.

Q How long? / I wasn't down there then.

Q How long after the war was that? / I wasn't there very long; I don't know just exactly how long.

Q Did you ever live in North Carolina? / No, sir.

Q Were you ever there? / No, sir.

Q Were you ever in South Carolina? / No, sir, if I was, I was little; I don't know it.

Q How long have you been living in the Cherokee nation continuously since the war all the time? / I have been living here about, I don't know, it has been seven years, I couldn't tell you exactly how long.

Q Five years? / That aint a patchin' to it.

Q Well, how long to the best of your knowledge? / I expect it has been, I don't know.

Q Ten years? / No, that's that.

Q How many years? / Yes, sir, about that; I expect that is about it.  
Q When were you first married, how long after the war? / The first time I was married I was married to Roswell Mackey.

Q Where? / In Arkansas.

Q Cherokee nation? / Yes, sir.

Q How long after the war was that? / That was a good while after the war, I lived with a man, though, and had some children.  
Q When did you first live with a man and have some children after the war? / I was young.

Q Where were you living? / I lived with him in Van Buren.

Q How long a state man? / Yes, sir, I lived with him in the Cherokee nation.

Q What was his name? / Stewart.

Q How many children did you have by him? / I had four by him.

Q What are their names? / One was named Joe Moore, Robert Moore.

Q What others? / Yes, sir.

Q What others? / Emily Amelia.

Q What others? / Yes, sir.

Q What others? / Aggie.

Q How is she? / A pretty.

Q They have applied to the Commissioner to be enrolled? / Yes, sir. There was Joe born here; I can't tell you where my children were born.

Q How long, too? / I can't.

Q How long, too? / I can't. I don't remember where any of them were born? / I had one or two born here in the Cherokee nation.

Q Which one? / Aggie or some of them.

Q Where was Amelia born? / I can't tell you; I have been troubled so much I can't.

Q Where was Robert born? / I don't know; my husband give me too much trouble; I can't tell.

Q How long did you live with this man Stewart? / I don't know how many of your children that you have named were born over in Van Buren? / Yes.

Q How many were born in the state of Arkansas? / I don't know as I had any; Joe may have been born there.

Q Is he the oldest one? / Yes, sir.

Q How many times were you born in Mississippi? A I didn't have any in Mississippi.

Q How many times have you been married? A Twice.

Q Once to Roswell Mackey---A I have been married three times; I was married to Roswell Mackey and he died, and I married a fellow by the name of Thade Ruffin and he died, and this last man is named John Joshlin.

Q You never had children by any except Stewart? A Yes, sir. Andrew never belonged to Stewart.

Q How old is he? A About 18 I reckon.

Q He is living now and living with you, is he? A Yes, sir, he ain't got no sense.

Q What is his father's name? A Henry.

Q Henry what, did you not know his other name? A I never tried to know his other name.

Q Mr. Ravenport:

Q Now, in 1861, when Moore took you away, how old were you?

A I couldn't tell.

Q You were 11 or enough to remember it? A I was about 10 or 11, I reckon.

Q Where was Moore living at that time? A In the Cherokee Nation.

Q At what place? A I couldn't tell exactly.

Q How far from Van Buren? A I don't know; it didn't seem to me like it was far.

Q Did Moore live with Mr. Davis at the time he took you away? A No, sir.

Q Was he a man of family? A Yes, sir, I think so.

Q He wasn't a Cherokee, his self, was he? A Yes, sir.

Q Jack Moore,? A Yes, sir, I think so.

Q Do you know whether he was or not? A They all called him Cherokee.

Q Did you ever see Jack Moore after he took you away that time?

A I don't know whether I did or not.

Q Where did he take you to when he took you away from the Cherokee Nation? A He took me down south to Texas.

Q Did you come back up near the Cherokee Nation after that before the war began? A No, sir, I don't think I did.

Q How were you living when the war began? A I was hired out to a woman by the name of Miss Morgan, but I don't know whether it had begun then.

Q Where did Miss Morgan live? A In Texas.

Q Had you ever seen her before you were taken there? A No, sir.

Q How do you claim you were a slave of when you could first remember? A Jack Moore; my mother belonged to Mr. John Davis.

Q Where did he live? A He lived somewhere in the Cherokee Nation, kindly up the country like.

Q From what place? A From Low Town.

Q Were you ever at Mr. John Davis' house? A When I was a child.

Q Was that before or after the war? A Before I was taken away.

Q Low Town was right at Van Buren, Arkansas, wasn't it? A Yes, sir, I reckon.

Q You spoke awhile ago about living with or near a man by the name of Lavenport, do you know what his first name was? A No, sir, I forget.

Q Where did he live with reference to Van Buren? A Out that way.

Q On Lee's Creek? A Yes, sir.

Q When was that you lived near him, after or before the war?

A After?

Q When you came back from Texas or Mississippi? A That was the time I went there, when I come back.

- Q Where did you first come when you came back from Texas after the war? A Come on to Fort Gibson.
- Q Then when did you go down to Van Buren, near where Davenport lived? A I don't know how long.
- Q How long did you stay at Fort Gibson before you went down there? A I don't know exactly, not so overly long.
- Q Had you ever known Davenport before the war? A No, sir.
- Q How long had you been back to the Cherokee Nation before you went to Davenport's? A I couldn't tell you.
- Q One or more years? A It might have been more than a year.
- Q Do you think it was as much as three years? A I couldn't tell you to tell the truth.
- Q Did you know whether or not he had a family? A Yes, I think so. I think he had a wife; he had some colored people there.
- Q You didn't come from South Carolina with Captain Davenport and his father? A No, sir.
- Q Didn't Isaac Davenport, the father of Captain W.A.B. Davenport bring your mother from South Carolina to Texas? A No, sir.
- Q And didn't you come from the State of Texas with Captain W.A. B. Davenport and his wife, who was a Miss Summers, in 1874, to Van Buren, Arkansas? A No, sir, I throw this hand up to God I didn't.
- Q You can't tell me then how long you had been back to the Cherokee Nation until you went and lived near them? A No, sir.
- Q Did you ever live in the house with them or work for them? A Yes, sir, I worked some there; they had colored people and I worked some there.
- Q You don't know who was your owner when the war broke out? A No, sir.
- Q You know you were living in Texas? A I was carried there.
- Q You were there? A Yes, sir.
- Q Living with Mrs. Morgan? A Yes, sir.
- Q Was your mother living when you came back to this country? A No, sir, I aint found her since.
- Q You don't know where she went during the war? A No, sir.
- Q You don't know whether she ever returned to the Cherokee Nation? A No, sir, I was told she died here.
- Q You never knew who your father was? A They told me, but I forget.
- Q You answered Mr. Green a while ago and said you couldn't tell where your children were born, were any of them born down there by Van Buren, or Lee's Creek? A I had Andrew and I had Maggie; they were born at old man Peter Edwards' and that aint far from Lee's Creek.
- Q Where were you living there? A Over in the Cherokee Nation; old man Peter was a doctor and he waited on me.
- Q What Cherokees lived near you down there? A I don't know; I never stayed no longer than I could get down and up.
- Q Where are you living now? A I am in Wagoner now.
- Q How long have you been living there? A About seven years, I reckon.
- Q What was your mother's name? A Margaret Davis.
- Q She belonged to Dr. Davis of the Cherokee Nation? A Yes, sir.
- Q When was it you went to Mississippi, Winnie? A I went there with Miss Morgan.
- Q You went from Texas with Mrs. Morgan to Mississippi? A Yes, sir.
- Q Do you remember her first name? A No, sir, I can't think of it.
- Q What was your postoffice down there in Texas? A I think they call it Red Fork.
- Q Do you know what county it was in? A No, sir.
- Q When did you leave Texas to come up here? A I left Texas years, years ago.
- Q How long ago? A I can't know how long.
- Q Who did you come with? A With some people who was coming.
- Q What people? A Some were Sanders.
- Q Were they white people? A Colored.



- Q Were they Cherokee freedmen? A They say so
- Q They lived there where you did? A Yes, sir, they were there
- Q How far from Red River were you? A I don't know.
- Q You don't seem to know anything about where you were? A It was down about Red Fork, not Red River.
- Q How long did it take you to get to the river from where you started? A I can't tell exactly how long, about two days, I believe.
- Q Who did these Sanders' live with? A I don't know who they were living with; they were all camping and me and some more people come to them, and they was coming on home and we come on together.
- Q Who were some more people? A I don't know their name.
- Q How did you get with them? A I went with them, like anybody would.
- Q Were you not with Mrs. Morgan? A No, sir, I had left her.
- Q Then you don't know who you come here with? A One was named Joe and Henry Sanders.
- Q Did they tell you where they were going? A Said they were coming back to the Cherokee Nation.
- Q And they brought you to Fort Gibson? A I come with them.
- Q Where did they leave you? A I come on to Fort Gibson.
- Q Where did the Sanders' leave you? A They left me somewhere not far from Gibson.
- Q Didn't they leave you in Fort Gibson? A Not exactly.
- Q Who did you go to stay with? A Polly Hivens.
- Q She was then cooking for the soldiers? A Yes, sir, she was cooking.
- Q Living up in the garrison or out in the edge of town? A Up in the garrison.
- Q How long did you stay with her? A Not long.
- Q Then where did you go? A Went on down on Lee's Creek.
- Q Did n't you go to Log Town? A Not right then.
- Q Where did you stop at? A At Mr. Davenport's
- Q Where did he live? A On Lee's Creek.
- Q In Arkansas? A No, in the Cherokee Nation.
- Q Are you certain they were living in the Cherokee Nation? A I aint certain.
- Q Isn't it in Arkansas? A Where is Lee's Creek?
- Q In Arkansas. A Then there is where I went.
- Q Did you ever know a man by the name of John Keeton? A Yes, sir
- Q I knowed a man to come to Van Buren at the time they were giving a supper there to make up money to go to Africa.
- Q Now, didn't your husband go to Africa in that crowd? A He didn't go in that crowd; he went after that.
- Q You say you knew John Keeton? A Yes, sir.
- Q They were making up that money to go to Africa? A Yes, sir
- Q Didn't you know John Keeton in South Carolina? A No, sir.
- Q You never knew John Keeton in South Carolina? A No, sir.
- Q You never saw him before you saw him at that supper? A No, sir.
- Q I want to ask you if you really wasn't born and raised in South Carolina? A No, sir.
- Q Wasn't you put in jail there for----- A No, sir.
- Q You didn't know John Keeton in South Carolina when he helped the jailer there? A No, sir.
- Q The first you saw of John Keeton was when you were getting up that money to go to Africa? A The first time I saw him to know him
- Q You didn't live in South Carolina, then, at all? A No, sir, never lived in South Carolina, unless I was small and did not know it; they have carried me about a heap and I never knowed John Keeton until after he come to my house at the time of that supper.
- Q Didn't you run a boarding house in Van Buren? A No, sir.

By the Commission:

Q About what time of the year was it when you reached Fort Gibson after the war, the first time? A I couldn't tell you, mister, the grass was growing and things.

Q Was it warm weather? A Getting warm.

Q Were you there at the time the cholera killed so many colored people? A No, sir, I wasn't there then, I was gone to Van Buren

Q Had you been there, since the war, before that time? A Yes, sir I had been there.

Q When did you first come to the Cherokee Nation to stay and live and acquire a home after the war? A I don't know; it has been about 20 years I reckon.

Q You never established a residence and never owned a place or home or anything in the Nation until some 20 years ago? A I lived about with the people; I didn't have no home.

Q Up until 20 years ago where did you spend the most of your time, just lived about from one place to another? A Yes, sir.

Q Where were you the most of the time? A Over in Van Buren, Fort Smith, Little Rock, down to Mississippi and around.

Q Were you in the Cherokee Nation the most of the time or the states? A In the Cherokee Nation some of the time, too.

CHARLES WILSON, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Charles Wilson.

Q How old are you Charley? A 65 the 4th of this July passed

Q What is your post office address? A Wagoner.

Q Are you a Cherokee freedman? A I am.

Q Have you applied to this Commission to be enrolled? A No sir

Q You never have? A Over at Tahlequah.

Q You have applied, then, to the new Commission to be enrolled?

A Yes, sir, I am enrolling, already enrolled.

Q Do you know the applicant in this case, Winnie Mackey? A I do

Q When did you first get acquainted with her, Charley? A The first time I knowed her she was quite a small girl.

Q Was that before the war? A No, sir.

Q After the war? A Yes, sir

Q How long after the war? A About '66 or '67, somewhere along there.

Q You don't remember what year it was in? A No, sir, I was in the war, myself.

Q Where was she when you first saw her after the war, in 1866 or '77? A At Fort Gibson.

Q About how big a girl was she then? A Well, as near as I can judge, she was about 14 or 15 years old, maybe more.

Q Who was she living with there? A I don't know who at that time

Q How did you happen to see her there? A I knowed her people

Q You knew her mother, did you? A Yes, sir.

Q Before the war? A Yes, sir

Q What was her mother's name? A Margaret.

Q Margaret what? A Margaret Davis.

Q You didn't know this girl, Winnie, before the war? A No, sir I did not.

Q Did Winnie's mother belong to a Cherokee citizen before the war?

A I couldn't tell whether she did or not, but they said so.

Q You said you knew her? A Yes, sir, but I knowed her by her mother, and she said she was a Cherokee.

Q Her mother claimed to be a Cherokee by blood? A Yes, sir

Q Winnie's mother did? A Yes, sir.

Q Do you know anything about where Winnie's mother went during the war? A No, sir, I couldn't tell you, because I was away myself.

Q Did you ever see Winnie's mother after the war? A I did.

Q Where at? A At Coeweecooewe district; at Baggs Prairie, near Vinita.



Q How long after the war was that? A It was in '67; I come here with the 10th Cavalry and had to go off with it again; I was a soldier.

Q Who was Winnie's mother living with up there? A I couldn't tell you.

Q You don't know anything about that? A No, sir, I couldn't tell you.

Q After you saw this woman, Winnie, here at Fort Gibson shortly after the war, when did you next see her? A I have been seeing her off and on ever since; she married down to Braggs-- no, she married before she married down there; Moores carried her here, that is what she says--

Q Tell what you know. A I saw her at Braggs.

Q When? A The last time I saw her was at Braggs.

Q When? A I couldn't tell you how long ago; not so long ago; she married down there a man by the name of Mackey, Roswell Mackey.

Q Did you ever know this woman over in Arkansas? A I didn't.

Q Did you ever know her in Mississippi? A I didn't.

Q Do you know whether she has ever lived in Arkansas? A I couldn't tell you.

Q Do you know whether she ever lived in any other state? A Only in the Cherokee Nation and Creek Nation.

Q You couldn't tell where she has been from the time you saw her at Fort Gibson up until 20 years ago? A No, sir, I couldn't.

Q How do you happen to remember having seen her at Fort Gibson?

A By my father-in-law, they were all together, and I have known the Davis'; my father said that was Winnie Davis, old man John and Margaret Davis' daughter.

Q Winnie was living there with your father-in-law in Fort Gibson?

A No sir, I saw her there.

Q With them? A Yes, sir, down to my father-in-law's house, but she wasn't living there; I couldn't say whether she was living in Coovescoowee or Illinois.

By Mr. Davenport:

Q You never knew Winnie's mother before the war? A No, sir.

Q You don't know to-day who this Winnie's mother was, of your own knowledge before or after the war? A Yes, sir, I knowed her mother after the war.

Q Don't you know that Winnie's mother died during the war? A I don't.

Q Don't you know that Winnie, herself, swears in this case that she did? A I couldn't tell you.

Q You say you saw her in Begg's Prairie in Coovescoowee after the war? A Yes, sir, which I did.

Q What is her name? A Margaret Davis.

Q When did you talk with Winnie about being a witness in this case?

A Didn't talk with her.

Q How did she happen to know that you knew anything about this case?

A Now I come to know, we all live at Wagner, and she asked me, "You know all my people", and I says, "Yes, and the Davis people", and she says, "I have got to get witnesses before the Dawes Commission; they are trying to beat me out of my property", and I says "Anything I can do what is right, I will do", which I am.

Q You never saw Winnie until after the war? A No, sir.

Q All you know about Margaret Davis being her mother is what you have heard? A Is what her own people say, yes.

Q You don't know where Margaret Davis went during the war? A No sir.

Q You don't know where Winnie was when the war broke out? A No, sir, the latter part of '63 I run away from home, from Grand River five miles from Vinita, and went to Fort Scott and went in the army.

Q Had you seen Winnie at Fort Gibson before the war? A No, sir, after that.

Q How long after that? A I saw her in '66 or '67.

Q Can you name any other strange girl that you never had seen before, that you saw at Fort Gibson? A I know of no other that I hadn't seen before.

Q Name them? A I know state people.

Q Name any names of state people?

Q After you saw Winnie there in '66 or '7, where did you next see her? A At Lenapah after I came out of the Army

Q You never saw her at all until after you come out of the Army, did you? A Yes, sir.

Q What was she doing at Lenapah? A Had a farm there.

Q How long was that after you saw her in Port Gibson in '66 or '7? A Some eight or ten years.

Q Wasn't it considerably longer than that? A Maybe.

Q How long has there been a Lenapah in the Cherokee Nation? A Ever since the Valley road went through.

Q How long has that been? A About 14 or 15 years.

Q You never saw Winnie from 1866 or '7, until after the Kansas and Arkansas Valley railroad built from Fort Smith, Arkansas, to Coffeyville, Kansas? A No, sir.

Q You don't know anything about when she was living in Van Buren? A No, sir.

Q Fort Smith? A No, sir.

Q Little Rock? A No, sir.

Q And Mississippi? A No, sir, nothing about that at all.

Q How many times did you ever see Winnie's mother after the war? A Once.

Q How did you know it was her? A By the child.

Q You had seen the child down there at Fort Gibson, and then when you met the mother you knew her by the likeness of the child, by the looks of the child? A No, sir, I knowed her by the name.

Q Then you don't know anything about whether the mother of Winnie ever belonged to Davis except what she said? A I couldn't tell a thing about that.

Q You never were at Davis' house where she was living? A No, sir.

Q You don't know the Davis family? A No, sir.

Q You haven't lived in this country ever since the war and never met Kinney Davis, the son of Dr. Davis? A No, sir, I haven't met him.

Q By the Commission: A Didn't you tell me that you knew Winnie's mother before the war? A I told you I saw her mother after the war, in '66 or '7.

Q You didn't tell me that you knew Winnie's mother before the war? A No, sir, I didn't.

Q Didn't you say that you did know her and that she lived with the Davis' before the war? A No, sir, I didn't; I said after the war, between '66 and '67.

Q You didn't mean to say then that you knew Winnie's mother before the war, when I was asking you about it? A Yes, sir.

Q You did mean to say that? A Yes, sir, that was right, in '64, '62, '63, yes, sir, Mrs. Davis, yes sir.

Q Winnie's mother? A Margaret Davis, Winnie's mother.

Q You knew her then before the war? A Yes, sir.

Q How long before the war did you first get acquainted with her? A My people and her lived close together before the war; I expect before I was born, couldn't say, but I was big enough to know.

Q How big were you when you first knew her, how old were you? A I was a small sized boy.

Q About 10 or 12 years old? A I expect I was, because I am 66 now, you can consider and count up; I was 65 the 4th of July, according to my mother used to belong to Ross.

Q You say you have applied to the Dawes Commission to be enrolled? A Yea, sir, and am already enrolled and got my land.

Q Have you had your land allotted to you? A Yea, sir.

Q Under what name did you apply? A Under Charles Hayes.

Q What are the names of your children? A Ella Hayes, Lucy Hayes and Lillie Hayes.

Q Did you apply as a Cherokee Freedman? A I did.

Q Do you remember whether you were put on a doubtful card or a straight card? A No, sir,, if I had I wouldn't have got no land whatever.

By Mr. Davenport:

Q Where were you in 1880? A I was in Port Gibson, Illinois district. I was bred and born in Cooweescoowee, I soldiered eleven years and four months.

By the Commission:

Q Do you know William and Margaret Naves? A I don't.  
Did you ever go by any other name besides Naves or Wilson? A  
A No sir.  
Q Never did? A No, sir.

By Mr. Davenport:

Q Where did Dr. Davis, that you claim was the owner of Naves' ret, live before that war? I couldn't ~~say~~ positively say, but he used to come up to Cooweescoowee and-----

What place in Cooweescoowee would he come to? A Upon Grand---  
Naves Prairie .

Q Above Grand Prairie ever in Cooweescoowee district? A Above it,  
above Lightning Creek.

Q Above Lightning Creek? A He used to come up above Lightning  
Creek.

Q Who lived on Lightning Creek at the time Dr. Davis come up there?

A Nels Murrell

Q Did you ever see Dr. Davis before the war? A Yes, sir I did.

Q Did you see him at Nels Murrell's on Lightning Creek before the war? A Yes, sir, I did.

Q Don't you know that Nels Murrell never lived on Lightning Creek until after the war? A Yes, sir, he went away and come home; he was sent off to Kansas and come home; that is my own uncle; you can't tell me nothing about it, because I know.

Q Who else lived on Lightning Creek besides Nels Murrell when you saw Dr. Davis there? A So many people lived there I couldn't tell you.

Q Nels Murrell never lived on Lightning Creek before the war, did he?  
A Yes, sir, and then moved to Snow Creek.

Q Where did Nels' owner live before the war? A At Tahlequah ,  
Nathan Naves.

By the Commission: From the demeanor of this witness while on the stand, and from the conflicting statements made by him in the course of his testimony in this case, it is considered by the person in charge of this hearing that the witness is of unsound mind.

By Mr Davenport: The representatives of the Cherokee Nation desire to introduce and have made a part of the record in this case the testimony of Frank Smith, George W. Benge, McCoy Smith and Jack Walker, taken on June 17, 1904, in the case Cherokee Freedmen doubtful 154, Adaline Hampton, et al., as to the reputation of Polly Nivens, now Polly Ross.

Commission: The request of the Cherokee Nation's attorney will be complied with and copies of the testimony referred to will be filed with and made a part of the record in this case.

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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 pro- and in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes the conf.

( Signed ) M. V. Vance .

Subscribed and sworn to before me this 23th day of August, 1904.

( Signed ) Charles H. Sawyer,  
Notary Public

( SEAL )

Lucy E. 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 E. Bowman*

Subscribed and sworn to before me  
this First day of September, 1904.

*Charles H. Sawyer*  
Notary Public.

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

In the matter of the applications of Winnie Mackey et al.,  
for enrollment as Cherokee Freedmen, consolidating the applications  
of --

Winnie Mackey, et al.,	Cherokee Freedmen D-899,
Robert Moore,	Cherokee Freedmen D-977,
Amelia Brown, et al.,	Cherokee Freedmen D-978,
Maggie Doty	Cherokee Freedmen D-982,
Joseph Moore et al.,	Cherokee Freedmen D-983.

--:--

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Winnie Mackey for herself and minor child, Andrew Moore; by Robert Moore for himself; by Amelia Brown for herself and minor child, Robert Brown; by Maggie Doty for herself; and by Joseph Moore for himself and minor child, Mamie Moore. A copy of the testimony of Frank Smith, George W. Benge, McGay Smith and Jack Walker, taken at Muskogee, Indian Territory, June 17, 1904, in the case of Adeline Hampton, et al., Cherokee B 184, is filed herewith and made a part of the record in this case.

The evidence in this case shows that Winnie Mackey was neither the slave of a Cherokee citizen, nor a free colored person residing in the Cherokee Nation, at the commencement of the rebellion. Neither does said proof show that she was living in the Cherokee Nation during the time necessary for the acquisition of freedmen rights under article nine, of the treaty of 1866.

The evidence further shows that all the other applicants herein are descendants of the said Winnie Mackey, born since 1866, and claim no rights to enrollment except through their said ancestor. None of the applicants herein can be identified on the authenticated Cherokee tribal roll of 1866.



It is, therefore, the opinion of this Commission that the applications for the enrollment of Winnie Mackey, Andrew Moore, Amelia Brown, Robert Brown, Robert Moore, Joseph Moore, Mamie Moore, and Maggie Doty, as Cherokee Freedmen, should be granted, under the provisions of section twenty-one of the Act of Congress approved June 20, 1899, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED: *James Bixby.*

Chairman

*I. B. Needles.*

SIGNED:

Commissioner.

*C. R. Breckinridge.*

SIGNED:

Commissioner.

Muskogee, Indian Territory.

this        JAN 18 1905

1  
MAY 10

*Handwritten signature*

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

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

### **MUSKOGEE, IND. TER.,**

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

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

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

Mrs. Maggie Doty,  
Wagoner, I. T.  
Cherokee F-D-982  
Register.

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



13

100 ✓

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
JUL 1 1901

*[Handwritten signature]*

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 1, 1901  
Post Office Waynes  
District Sequoyah

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

Parents:  
Father \_\_\_\_\_ Citizenship \_\_\_\_\_  
Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

2. Name of wife Maggie Doty Age 20  
Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
Year 1890 Page 133 No. 3314 District Sei

Parents:  
Father Stewart Mundy Citizenship \_\_\_\_\_  
Mother Uinnie Mackey Citizenship \_\_\_\_\_

Names of Children:

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

*[A large handwritten signature 'D. Mundy' is written across the table rows.]*

Application made by Ms! Stenographer Bl. Jones

On K. C. roll as Maggie Moore

X Ref. D899

Cherokee Freedman

B-982.

Muskogee, Indian Territory, July 5, 1904.

Maggie Doty,

Wagoner, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself, as Cherokee freedman, you are advised that before the commission can render a final decision in this case, it will be necessary that further testimony be introduced tending to show whether or not your mother, Winnie Mackey, 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.

You are therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 o'clock A.M., on Wednesday, July 27, 1904, and introduce testimony as above indicated.

Respectfully,

Register.

Commissioner in-charge.

Cherokee Freedmen  
D-982.

Muskogee, Indian Territory, January 16, 1905.

Maggie Doty,

Wagoner, 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 as a Cherokee freedman, together with a copy of the Commission's decision dated January 16, 1905, rejecting, among others, your said application.

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

Respectfully,

Incl. S-58.

Register.

*James Finley*  
Chairman.

COPY.

Cherokee Freedmen

D-899, et al.

Muskogee, Indian Territory, January 16, 1905.

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

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 16, 1905, rejecting the applications for the enrollment of Winnie Muckey, et al., 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,

Incl. 3-60

SIGNED. *Tams Bixby.*  
Chairman.

COPY.

Cherokee Freedmen  
P-899, et al.

Muskogee, Indian Territory, January 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Winnie Mackey, et al., as Cherokee freedmen, including the Commission's decision dated January 16, 1905, rejecting said application.

Respectfully,

*James Bixby.*  
Chairman.

Incl. 3-61.

Through the

Commissioner of Indian Affairs.

-COPY-

DEPARTMENT OF THE INTERIOR,

Land.  
5247-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 16, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Winnie Mackey for herself and her minor child, Andrew Moore; by Robert Moore for himself; by Amelia Brown for herself and her minor child, Robert Brown; by Maggie Doty for herself; and by Joseph Moore for himself and his minor child, Annie Moore.

January 16, 1905, the Commission decided adversely to all the applicants.

The record shows that Winnie Mackey 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. It is further shown that all the other applicants are descendants of Winnie Mackey, born since 1864, and claim no rights to enrollment except through her. None of the applicants is identified on the 1864 authenticated Cherokee roll.

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

Very respectfully,

G. H. H.

G. H. H.

Acting Commissioner.

-COPY-

J. Y. Jr.

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

D. C. 21948  
I.T.D. 2312-1905.

May 29, 1906.

L.R.S.

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

Sir:

January 16, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated applications for enrollment as Cherokee freedmen by Winnie Mackey for herself and her minor child, Andrew Moore; by Robert Moore for himself; by Amelia Brown for herself and her minor child, Robert Brown; by Maggie Doty for herself, and by Joseph Moore for himself and his minor child, Mamie Moore.

Reporting March 7, 1905, the Indian Office recommended that the Commission's decision, adverse to the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision of the Commission dated January 16, 1905, is hereby affirmed.

Respectfully,

Jesse H. Wilson,  
Assistant Secretary.

1 inclosure.



✓  
Cherokee Freedmen  
# 899 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 January 16, 1905, rejecting the applications for enrollment as Cherokee freedmen of Winnie Mackey for herself and her minor child, Andrew Moore; Robert Moore for himself; Amelia Brown for herself and her minor child, Robert Brown; Maggie Doty for herself, and Joseph Moore for himself and his minor child, Mmie Moore, was affirmed by the Secretary of the Interior May 29, 1906.

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

Respectfully,

Encl. A-88.  
M.A.

RECORDED  
James Dixby  
Commissioner.

Cherokee, Freedmen  
D 982.

COPY.

Muskogee, Indian Territory, June 8, 1906.

Maggie Doty,

Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 16, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, May 29, 1906.

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

Respectfully,

Encl. A-86.  
M.A.

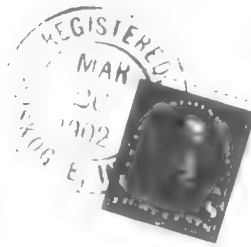
~~signed~~ James Bixby.  
Commissioner.

Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Mrs. Maggie Doty,

Wagoner, Indian Territory.

Department of the Interior.

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



Maggie Doty

Wagoner, Indian Territory.

Returned to Writer

Cher. Fr. R 1045

Cher. Fr. R-1045

Trans. from Cher. D 983

Page 122 No. 2212, Andrew Moore, Illinois of 1861.

Page 123 No. 2213, Andrew Moore, Illinois of 1861.

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the Cherokee Nation, A Yes and  
 0 Was that the first time you  
 0 You told me was first, A to  
 0 Answer, A friendship and

DEPARTMENT OF THE INTERIOR  
 COMMISSION TO INVESTIGATE THE CIVILIZED

FILED  
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983  
File with Cherokee Freedman D- ~~873~~ Joseph Moore

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

In the matter of the application of Winnie Mackey for the enrollment of herself and one child as Cherokee Freedmen.

Winnie Mackey, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Winnie Mackey.  
Q How old are you? A I don't know how old I am.  
Q How old are you? A I don't know my age.  
Q About how old? A I am fifty something.  
Q What is your postoffice? A My postoffice is Wagener now.  
Q In the Creek Nation? A Yes, sir.  
Q Where do you live? A Cooweescoowee.  
Q You apply for enrollment as a Cherokee Freedman? A Yes, sir.  
Q Who do you want to enroll besides yourself? A One child.  
Q What is the child's name? A Andrew.  
Q How old is Andrew? A Andrew is about 18.  
Q Andrew Mackey? A No, sir, Andrew Moore.  
Q Have you any witnesses? A Yes, sir.  
Q Who are they? A John Baldridges, Ester Grimmett and Polly Nivens.  
Q Is your name on any of the rolls of the Cherokee Nation? A It ought to be.  
Q Yes, but is it? A Yes, it is on the Clifton roll.  
Q Your name isn't on the roll of 1880? A It ought to be.  
Q Well is it? A I don't know whether it is or not.  
Q What was your father's name? A Robert Davis.  
Q Is he living? A No, sir, he is dead.  
Q What was your mother's name? A Elizabeth Margaret Davis.  
Q Is she living? A No, sir, she is dead.  
Q How many times have you been married? A I have been married but once, I lived with a man once, I wasn't married to him.  
Q What was his name? A Stewart.  
Q Is he living? A No, sir, he is dead too.  
Q What was his first name? A His first name was Meelio.  
Q What was the next man you lived with? A Roswell Mackey.  
Q Is he living? A Yes, sir.  
Q Are you living with him? A No, sir, I am in Wagener and he is in Grants.  
Q This Andrew Moore, is he your child? A Yes, sir.  
Q You were not married to the father of that child? A No, sir.  
Q How many names are you on the roll by? A I have got five children; I am just telling you the ones I am enrolling on.  
Q You don't ask to enroll anybody but Andrew Moore? A No, sir, the rest is of age.  
Q What name are you on the Sam-Clifton roll by? A Moore.  
Q Were you a slave? A Yes, sir.  
Q What was your owner's name? A Jack Moore.  
Q Was he a Cherokee citizen? A Yes, sir.  
Q Where were you born? A I was born in the Cherokee Nation.  
Q Were you taken out of the Cherokee Nation during the Civil war?  
A Yes, sir.  
Q Where to? A They were taken us down to Texas.  
Q Did Moore take you himself? A Yes, sir.  
Q How was that? A That while the war was going on? A Yes, sir, I don't know the number now, I can't tell one year from another.  
Q You knew the war was going on, you know about that? A Yes, sir.

- Q How long did you stay in Texas? A I can't tell that neither.
- Q When did you come back to the Cherokee Nation? A Well I came in here they said it was '66; not that I know of.
- Q They told you it was '66? A Yes, sir.
- Q Where did you come to? A Came to Fort Gibson.
- Q That is the first place you recollect after you came from Texas, or being in Gibson? A Yes, sir.
- Q Were you married then? A No, sir.
- Q Have you lived in the Cherokee Nation ever since? A Well, I have been out since that working around and about in places in the states.
- Q Kansas? A No, sir, never been to Kansas.
- Q Arkansas? A Yes, sir.
- Q Where were you married? A Where was I married, I was married in Braggs.
- Q Cherokee Nation? A Yes, sir.
- Q When were you married? A Married about five or six years ago.
- Q That was the first time you were lawfully married? A Yes, sir, I lived with a man and had children but I wasn't married to him.
- Q You lived with Stewart? A Yes, sir.
- Q Where were you when you lived with Stewart? A Part of the time I was in the Cherokee Nation and part of the time I was in Fort Smith.
- Q How many children did you have by Stewart? A All I got I got by him.
- Q Please give me the names of them? A Joe.
- Q Joe Stewart? A No, all of them goes by Moore.
- Q Joe Moore? A Yes, sir.
- Q How old is Joe? A I don't know, he is twenty something.
- Q Where was he born? A Joe was born down at Uncle Billy Edwards.
- Q Arkansas? A No, sir, Cherokee Nation.
- Q What is the next one named? A Bob.
- Q Where was Bob born? A He was born there too.
- Q What is the next one? A Amelia.
- Q Where was she born? A Down on Elk Creek.
- Q Was that in Arkansas or the Cherokee Nation? A If it wasn't in the Cherokee Nation, it was close by, close by Checotah.
- Q It might have been in the Creek Nation? A It might have been, I don't know.
- Q What is the next one named? A Maggie.
- Q Where was Maggie born? A She was born at Edwards.
- Q That in the Cherokee Nation? A Yes, sir.
- Q Same place Amelia was born? A No, sir.
- Q What is the next one named? A Andrew.
- Q Born in the Cherokee Nation? A Yes, sir.
- Q All your children then were born in the Cherokee Nation, were they, except Amelia might have been born in the Creek Nation down there close to the line? A Yes, sir.
- Q You have been living in the Cherokee Nation ever since you took up with Stewart? A No, sir, I went in the states some.
- Q Well, what state? A Worked around in Arkansas, in Fort Smith.
- Q Were you married when you were over there? A No, sir.
- Q You work in any other state besides Arkansas? A No, sir.
- Q Work anywhere else in Arkansas besides Fort Smith? A To Van Buren.
- Q Right along the line there? A Yes, sir.
- Q Sometimes in the Cherokee Nation and sometimes over in Arkansas? A Yes, sir.
- Q Is that as far as you have ever been out of the Cherokee Nation? A No, sir.
- Q How much farther out did you go? A I went just about three

days before Christmas, I went in Kansas City, this last Christmas.

Q How long did you stay there? A Stayed there a little over a month.

Q Work there? A No, sir, I wasn't working.

Q Inviting up there? A Yes, sir.

Q And then come back? A Yes, sir.

Q That the only time you ever were in Kansas? A Yes, sir never was there in my life before.

Q How long were you in Oklahoma? A Never was there, don't know anything about Oklahoma.

Mr. J. S. Bavenport, Cherokee attorney: Do you know to what point you went when you left the Territory during the war? A Well when I left the Territory I went down in Texas.

Q At whose place did you go to? A They hired me out when I went down there.

Q Don't you remember any one's name where you went? A They hired me to one man, I can't think of his name now to save my life, I am old and I can't remember things.

Q Who did you belong to now did you say? A I said I belonged to Jack Moore.

Q Well now where did Jack Moore live? A He lived down in Sequoyah district.

Q What kind of a house did he have? A He had a log house, hewed log house.

Q Who were your neighbors there, can you think of their names?

A There was a man lived close to us named Youngblood.

Q Anybody else you remember? A No, sir, I don't remember, I don't remember his given name.

Q Well you remember anything about John Gunter? A Well he might have been somewhere up there, I don't know, I forget.

Q You know what year you came back? A No, sir.

Q Now you lived on Elk Creek how long? A On Elk Creek, how long I lived on Elk Creek?

Q Yes? A I don't know, I lived there, I can't tell how long, I was just from one place to another.

Q When you came back to Elk Creek was there any railroad near there? A Any railroad there or not?

Q How long was it until you saw the railroad built near there?

A Well, I don't know, I will not tell it for the truth how long it was, because I can't tell you, I can't remember things like a young person.

Mr. F. W. Hastings, Cherokee attorney: I want to know where Jack Moore, your owner, lived in Sequoyah District, what part of the district, on what creek.

Q What part, what creek; I don't know; it was a branch we lived close by a branch.

Q Well, what was the name of that branch? A I forget the name of the place.

Q Jack Moore have a family? A Yes, sir.

Q What was his wife's name? A Naylor.

Q Was Jack a Cherokee himself? A Yes.

Q Was his wife a Cherokee? A Well I don't know that.

Q Did he have any children? A Well I believe, yes there was two boys.

Q What were their names? A One was named Bill I think.

Q What was the other one named? A I can't think of the other one's name to save my life.

Q Was Bill or the other one the older; which was the older of the two? A That is more than I can tell, I don't know which was the older.

Q Were they good sized boys at the opening of the war? A Yes.

Q About grown? A They were good sized, I don't know how old



they were.

Q Were you living in the hills or in the prairie? A I was living kinder in the hills life.

Q What was your nearest town at that time? A I never went to town none, I don't know which was the nearest.

Q You never heard of any town? A I didn't say I never heard of any town.

Q Did you? A I don't know whether I did or not.

Q Was there any stores around there or anything around there? A I never went to any stores.

Q Do you know who had one? A No, sir, I don't know about the store part.

Q And this man Moore had a double log house did he, a hewed log house? A He had a log house, yes, sir.

Q Was it a double log house? A Yes, sir, I believe it was.

Q You have mentioned Mr. Youngblood, I want to know some of the others of your neighbors at that time? A I can't tell them, it has been so long and my head has been so confused I can't tell them.

Q You don't know any rivers or streams around there? A There was one river not so powerfully far.

Q Do you know in what direction it was? A It was this way (indicating.)

Q Was it north or south or east or west of your place, the river?

A Like here was the house and that would be the river, what would you call it?

Q I am asking you? A I can't tell you, I am showing you.

Q What sort of a farm did he have, big farm or little one?

A Wasn't a very big farm.

Q Have any more slaves besides you? A Yes, sir.

Q What was their names? A Had an old man named Tom.

Q Tom what? A Named Tom.

Q Have any other names? A That is all the name he went by then.

Q That the only one he had? A Had one named Nancy.

Q Do you know of any other neighbors of Moore's except Youngblood?

A No, I can't think of none right now.

Q Do you know of any town? A No, sir.

Q You can't think of any steam? A I told you where the river was.

Q How far from your place? A What, the river; I don't know how many miles it was out there.

Q Was it a short distance or a long one? A It was a tolerably long distance, not so very far.

Q Well, was it 15 miles? A No, sir, not quite 15.

Q Ten? A I don't know how far, I am not going to tell you how far the river was when I don't know.

Q I am trying to get you to tell the facts about it: I want a sufficient description of the place you lived before the war, we are disputing your ownership and I am trying to get you to testify as near as you can where you lived at? A Well, I lived in Sequoyah.

Q Now I want to know what part of Sequoyah district, if I can find out: want to know whether it was north or south, in what part of the district, east or west, or near some spring or some family so we can locate you? A Well I can't call it, I don't know; you say east or west you want to know?

Q What part of the district, tell that in your own way? A We lived out in that way (indicating) and I can't describe it exactly.

Q Did you ever see any of these witnesses of yours before the war?

A Yes, sir.

Q Who did you ever see? A I seen all of them.

Q How at your place? A They have lived all around there.

Q Were they there at your place before the war? A No sir, none

of them at the place where I lived, John Baldridge, I had met him at a dance once.

Q Before the war? A Yes, sir.

Q At whose house? A At his aunt's house.

Q What was her name? A Her name, I forget her name, he can tell you.

Q How far was that from where you lived? A It was a good ways.

Q Twenty miles? A I don't know whether it was 20 miles or not.

Q How old are you say you are now? A I say I am fifty something, I never did know my age, that is what I said.

Q Who did you come back to the Nation with after the war? A Why I come back here in the Cherokee Nation with the Mayes and Sanders and Mackays.

Q You came to Fort Gibson first? A Yes, sir.

Q Was your mother with you? A No, sir.

Q Where did you take up with this man Stewart? A I found him down in the Cherokee Nation.

Q Was that before you came up there? A No, it was afterwards.

Q Then you went back to the Cherokee Nation after you came up here? A I went back a little while and stayed there.

Q Who went back with you? A Who went back with me; I forget now who did go back with me.

Q You met him down there then? A Yes.

Q Near what place? A Why we went to an old man's house by the name of John.

Q And you commenced living with him there, did you? A Well I took him.

Q And he came up with you then? A Well we came back again.

Q How long did you live with him there before you came back again?

A Stayed down there a good little bit.

Q Eight or ten years? A No.

Q Five years? A Didn't stay that long.

Q About how long? A About two I reckon, however it might have been longer than that, I don't know just exactly how long.

Q Your oldest child was born down there was he? A No, he was born in the Cherokee Nation to Uncle Peter Edwards.

Q Where is that Edwards place that these children you say were born?

A It is over close to Fort Smith.

Q How far from Fort Smith? A Well, not far.

Q About how far? A Well, it is about three miles I reckon.

Q What direction from Fort Smith? A Back that way, they always called back that way north, it is about north.

Q Edwards a white man? A No, sir.

Q Colored man? A He was an Indian, mixed with negro.

Q What side of the river did he live on, do you know? A He lived on this side, on the north side of the river, ~~just~~ some side his place was.

Q He farmed down there, did he? A No, he never had a farm, he was a doctor.

Q What sort of a house did he live in? A A little log house.

Q Did he have a family? A He had had a wife.

Q Didn't then? A No, sir.

Q Any children? A No, sir, no children.

Q Who were your neighbors around Edwards? A Why the closest neighbor we had there was an old lady by the name of Phoebe.

Q Phoebe what? A I don't know what her other name was, Phoebe Walker I think her name was.

Q You lived down there till six or eight children were born?

A No, I never had that many children.

Q Well, all but one? A Yes.

Q And that is the only neighbor you know? A No, I would go away and come back there.

Q What did you go down there for a living? A I done anything.

cooking.

- Q Who did you work for? A Anybody that wanted me.  
Q Name somebody you worked for? A When I was out at Uncle Edwards I didn't do any work.  
Q Didn't work for anybody in the Nation at all? A Not there I didn't.  
Q Never had any house there of your own? A No, sir.  
Q How far was Edwards from where you were bor? A From where I was born: I can't know.  
Q Were you ever back to the old home place since the war?  
A No I haven't been back there.

Taking of testimony continued by stenographer Chas. von Weise.

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

Signed, Bruce C. Jones.

Sworn to and subscribed before me this 10th of July, 1901.

Signed, T. B. Needles,  
Commissioner.

Continued from Stenographer Bruce C. Jones.  
Nowata, I.T., June 27th, 1901.

POLLIE NEVINS called and sworn as a witness for the applicant:-

By Com'r T. B. Needles-

- Q What is your name? A Pollie Nevins.  
Q What is your age? A 56.  
Q What is your postoffice address? A Fort Gibson.  
Q Are you a recognized Cherokee freedman? A Yes sir.  
Q Do you know the applicant Winnie Mackay? A Yes sir.  
Q How long have you known her? A Just the year, the first year peace was made.  
Q Was she a slave during the war and before the war? A She was with her owners when I went to hire her.  
Q Where was she then? A At Fort Gibson.  
Q You went to hire her you say? A Yes sir for Mrs. Bowers where was working at the hotel.  
Q Who did you hire her from? A The Moorens, they was her owners.  
Q What year was that that you hired her? A The first year that peace was made - before you made in the summer and that was in the fall.  
Q You don't know whether it was '05 or '06? A That was in '06 wasn't it.  
Q How long have you known her since? A I have not seed her in a long time. She staid there a month with me at the hotel and then we let her go, she was not much good around there and Mrs. Bowers let her go.  
Q When did she go then? I I don't know, she was not a very good worker and I told Mrs. Bowers that she did not suit and let her go.  
Q Well don't you know where she went then? A She hired out in town there.  
Q What did you hear see her after that? A I never seed her any more for a good while.  
Q Don't you? A No, sir. A Yes sir I seed her at Simpson when she married to the Maxwell Mackay.  
Q You don't know where she lived before the war? A No sir.  
By Stenographer - (Cherokee representative)  
Q You don't know where people from whom you hired her? A Moorens.  
Q What were their first names? A I don't know.  
Q Was there a man and wife there, I mean a Mr. and Mrs. Moorens?  
A Yes sir.

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Q Didn't you find out the first name of either of them? A No, sir. Mrs. Bowers wanted some one to help with the kitchen and asked me to look out for someone among the refugees that was coming around there and I went down into the camp where these people were and hired this one

Q Was the Mrs. Bowers you speak of, Joe Bower's wife? A Yes sir.

Q You never saw this woman Winnie Mackey before that? A No sir.

Q How old was she then? A 15 or 16 years old.

Q Was she married then? A No sir.

Q Not living with a man at that time? A No sir.

Q Had no children then? A No sir.

Q Was her mother there? A I don't know, I just went there and said I wanted to hire some one to work at the hotel and that there was three dollars a week for a good worker and she said she was a good worker and wanted to hire out and I took her, but she wasn't much good around there and Mrs. Bowers let her go.

By the Commission:

Q Were the Moores Indians? A Yes sir.

By Hastings-

Q What became of them? A I don't know, they all scattered out.

Q Did you witness for this woman before the Kern-Clifton Commission? A No sir.

Q What are you doing up here? A What are you doing up here yourself?

Q That is my business, you are a witness and I want you to tell me what you are doing up here? A I come up here to look after my kin folks friends and acquaintances just as far as I know and no farther, I am doing what is right and am telling the truth just as I know it.

EASTER WILLIAMS, called and sworn as a witness for applicant-

By Commission-

Q What is your name? A Easter Grinnett or Williams.

Q How old are you? A About in the 50's.

Q What is your postoffice address? A Ruby-

Q Are you a recognized Cherokee freedman? A Yes sir.

Q Do you know this applicant? A Yes sir.

Q How long have you known her? A It has been so long, I met her in Fort Gibson when she was a young girl and then she never had any children.

Q Did you see her in '66? A I didn't see her until I seed her at Gibson and then I never seed her any more until I seed her at this enrollment.

Q You never saw her any between those times? A No sir.

Q Who did she belong to before the war? A She said she belonged to the Moores.

By Hastings-

Q Was the war still going on when you first saw this girl? A Yes sir

Q With whom was she living there? A She was working out.

Q Who for? A I don't know just who she said she was working out for.

Q You didn't see her owners yourself? A No sir.

Q You saw her after she was freed did you? A Yes sir, about that time.

Q You don't know what year it was? A I don't know the year, but it was the time the war was going on, just about time of peace.

Q Where did you next see her? A I seed her at Gibson at the enrollment - I remember now I seed her then.

Q Was that 2 or 3 months ago? A You know there has been several enrollments at Gibson? A No sir it was at the Kern Clifton court.

JOHN BALDRIDGE, called and sworn as a witness for the applicant-

By the Commission:

Q What is your name? A John Baldrige.

Q How old are you? A I was born in 1850, born and bred Chas.

Q Born and bred in the same year? A Yes sir.

Q Are you a recognized Cherokee freedman? A Yes sir.

Q Is your name on the roll of 1860? A No sir these fellows knock-  
ed me off, only on election times they say I am all right.

Q When they want you to vote for them? A Yes sir.

Q Do you know the applicant here? A Yes sir.

Q When did you first know her? A I got well acquainted with her  
in '56.

Q Was she a slave? A So said she was.

Q Do you know her to have been a slave? A I say, so said, I dont  
know myself.

Q Was she taken out of the Cherokee Nation during the war? A I dont  
know.

Q Where did you first see her after the war? A In Fort Gibson in '66  
and then I have seen her off and on in Sequoyah district 2 or 3 times.

Q Was she married when you first saw her? A No sir.

Q What was she with? A Some Cherokees.

Q Do you know their names? A Some of the Mayfields.

Q Are you satisfied this is the same woman you saw there? A Yes sir

Q You didn't know her father and mother? A No sir.

Q Where does she live now? A In Coowesscowee district near Lankpah

Q Is she married now? A Yes sir, she was married to Roswell Mackey

Q Do you know her children? A I know Bob and Joe and Maggy and  
one girl I disremember.

Q Was she ever married before she married Roswell Mackey? A I dont  
know.

Q Is Roswell Mackey the father of these children? A I dont know.

Q Do you know Roswell Mackey? A Yes sir.

Q Were they living together as husband and wife when you knew  
them both? A Yes sir.

Q You was in Fort Gibson in '66? A Yes sir from '63 and was  
discharged as a soldier right there.

Q Was you a United States soldier or a Rebel? A I was with the  
Union I was fighting them other fellows.

By Hastings:

Q And they made it pretty hot for you too didn't they? A Yes  
sir sometimes.

Q You have been on a visit to Detroit Michigan haven't you? A Yes sir.

Q You were with the United States that time too? A (No response)

Q What did they give you that trip up for up there? A That is my  
business and it is your business to take to these freedmens court  
and to ask things that is right.

Q Well that is what I am asking, now you were sent to the peniten-  
tiary up there? A I wont answer nothing that is not lawful, you has  
not got the constitution to ask that.

Q You refuse to answer that do you? A Yes sir, I will answer  
anything that you had a right to ask, but you has not got the con-  
stitution to ask that.

Q When did you come back from Detroit? A I am here aint I?

Q Well how long have you been here? A All my days.

Q Well you say you saw this applicant at Fort Gibson in '66? A Yes  
sir.

Q What was she doing there? A Just working at the hotel where  
William Levine was staying.

Q What time of the year was that? A Long in the spring.

Q You never saw her owners? A No sir.

Q Was she living with her mother then? A I never met her mother.

Q At what place in Sequoyah did you see this woman? A At Mayfields

Q Which one? A They used to live on the road going to Fort Smith.

Q When did you see her last? A Not and on ever since.

Q How did you meet her? A I cant give the day, week and year.

Q You never hear her to have been in the Cherokee Nation did you?  
No sir.



Q Where? A Lenapah and BBAGG.  
Q How long ago was that? A More than five years ago.  
Q Was that the first time you ever knew of her keeping house in  
the Cherokee Nation? A Yes sir.

Applicant not found on the 1880 and 1896 rolls.

Kern Clifton roll examined and the name of the applicant  
found thereon as follows--

Page 133 No. 3312, Winnie Moore, Illinois district.  
Page 133 No. 3315, Andrew Moore, Illinois district.

By Com'r Needles--

Winnie Mackey applies for herself and a son  
named Andrew Moore; they are not identified on the authenti-  
cated roll of 1880 or the census roll of 1896; they are iden-  
tified on the Kern Clifton roll, the applicant being there  
found as Winnie Moore and her son as Andrew Moore; she avers  
that she was a slave of one Jack Moore and went to Texas and  
returned in 1866; she avers that she has found older children;  
she also avers that she is now married to one Mackey; she will  
be listed for enrollment as a Cherokee freedman on a doubtful  
card and the Commission will notify her by mail of its final  
decision in her case.

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

Signed, Chas. von Weise.

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

Signed, T. B. Needles,  
Commissioner.

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Bruce C. Jones, being duly sworn, says that as stenographer to  
the Commission to the Five Civilized Tribes he copied the foregoing,  
and that the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 23rd of August, 1901.

T. B. Needles

Commissioner.

TO THE PRESIDENT OF THE UNITED STATES  
FROM THE SECRETARY OF THE ARMY  
WASHINGTON, D. C.  
MAY 10 1900

Dear Sir: I have the honor to acknowledge the receipt of your letter of the 5th inst. in relation to the proposed purchase of the land at the mouth of the River, and in reply to inform you that the same has been referred to the proper authorities for their consideration. The matter is being given the most prompt attention possible, and you will be kept advised of the progress of the same as it develops.

Very respectfully,  
Your obedient servant,  
[Signature]

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I.T., July 1, 1901.

In the matter of the application of Joseph Moore for the enrollment of himself and one child as Cherokee Freedmen  
Joseph Moore, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Joseph Moore.
- Q How old are you? A 28.
- Q What is your postoffice address? A Well Waggoner when I am at home.
- Q What district do you live in when you are at home? A I am where the old lady is, in Waggoner.
- Q Live in Waggoner? A Soowesawnee district, or Sequoyah; Sequoyah I guess.
- Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Who do you want to enroll besides yourself? A One child, Mamie Moore.
- Q Is your name on the roll of 1867? A It is on the Wallace roll.
- Q How old is your child? A 8 years old.
- Q What is your mother's name? A Winnie Moore.
- Q Are you married? A I have been.
- Q Living with your wife? A No, sir.
- Q Parted from her? A Yes, sir.
- Q You and her not living together? A No, sir.
- Q What is her name? A Minnie.
- Q Minnie what before you married her? A Minnie Dickens before I married her.
- Q Have you any proof of your marriage? A Well none other than Mr. Bledsoe, the child wasn't on the roll the last payment.
- Q Is this child for whom you apply the child of Minnie Dickens? A Yes, sir.
- Q Were you ever married before you married her? A No, sir.
- Q Was she ever married before you married her? A No, sir.
- Q Who married you? A A preacher by the name of Frank Berry.
- Q Where is he? A He in some place in Kansas, but I got a license and married her.
- Q Where did you get the license? A Crawford County, Van Buren, Arkansas.
- Q Where you living in Arkansas? A Yes, sir.
- Q Where was Mamie born? A She was born there.
- Q Where? A In Van Buren.
- Q Where were you born? A I was born near the line in the Territory not far from Fort Smith, Arkansas.
- Q Where do you live? A At Waggoner when I am at home, I work on the railroad all the time.
- Q How long have you been living at Waggoner? A Well, never --  
Commissioner: He didn't ask about that? A Well I considered it my home wherever she is at.
- Q Well tell the facts and we will see about the new business.  
Mr. Davenport: How long have you been living at Waggoner? A I been living there for about three years I guess.
- Q What part of Waggoner do you live in? A You mean north or south or west?
- Q I mean what part of the town? A I live in the west part of the town.
- Q How far from the Hallig & Taylor store? A Well, must be as far as from here to that Hallig store.
- Q Estimate it by yards; something like a quarter of a mile?
- A That is all I can remember it, you can see how far it is.



Joseph Moore - 2.

Q Well I am not testifying. You say your mother has been living there? A Yes, sir.

Q She has been living there about three years? A No, sir, well I don't know whether it has been that long.

Q How long since you moved away from Van Buren? A I can't tell how long it has been, must have been about, well I don't know, must have been eight or nine years since I was there.

Q You moved away from there the same time your mother did? A I was away from there, yes, sir; no, she came away first, I have worked there since that.

Q You have been there a year or two since that? A No, sir, not over a year or six months at a time.

Q Do you know what year your mother moved away? A No, sir.

Q You never lived in the Cherokee Nation from the time you were born until the last year or two, if at all? A Why yes, I have.

Q Where did you ever live in the Cherokee Nation? A All up and down the road, I worked up and down the road, I never had any stationary home.

Q You had a family all that time, now where has that family lived in the Cherokee Nation? A I lived with this woman when I married her.

Q You married her in Van Buren? A Yes, sir.

Q Where have you and she had a home in the Cherokee Nation? A I never had a home in the Cherokee Nation I tell you, I always considered my home in the Cherokee Nation.

Commissioner: Where was this child born? A In Van Buren.

Q You say you lived with your wife about six months? A Yes, sir.

Q How long did you live with her before the child was born, or was the child born before you lived with her? A It was.

Q You were not married to her when the child was born? A No, sir.

Q How long after the child was born were you married? A About a month I guess or two months.

Q Where is the child? A It is with her, it is with its mother.

Q Where does its mother live? A In Van Buren.

Q The child never has lived in the Cherokee Nation I suppose?

A Yes, sir.

Q Did your wife ever live in the Cherokee Nation? A No, sir.

Q Then where did the child live in the Cherokee Nation? A With my mother.

Mr. Davenport: What kind of railroad work do you do? A Section hand.

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

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

The Kern-Clifton roll examined, and the application, Joseph Moore, identified thereon, page 133, No. 3316, Illinois district.

Commissioner: You never drew strip money for this child? A No, sir.

Commissioner: Joseph Moore applies for the enrollment of himself and his child, Mamie, 8 years of age. He avers that he was born near the Cherokee and Arkansas line, that he is the child of Winnie Mackey, who is listed for enrollment on Cherokee Card B-699, and claims his citizenship through his mother. A copy of the testimony of the said Winnie Mackey, his mother, who is enrolled on B card 699, will be made part of the record in the case at bar, and the same will be filed herewith. He is duly identified upon the Kern-Clifton roll, but cannot be identified upon any other roll in the possession of this Commission. His child, Mamie, is not identified upon any roll. He avers that he was married to sup

Joseph Moore - 3.

Minnie Dickens, in the state of Arkansas, and that the said child for whom he applies was born ~~after~~ before his marriage; a few months after the child was born he avers he was married to its mother. He makes no satisfactory proof as to his marriage. It will be necessary for him to file with this Commission a certified copy of the records from the County in Arkansas in which he was married. As to his residence, reference is made to the testimony. The said Joseph Moore and his child Minnie will now be listed for enrollment as Cherokee Freedmen on a doubtful card. It will be necessary for him also to file with this Commission satisfactory proof of the birth of said child. He avers that the said child is in the custody of its mother in the State of Arkansas.

\*\*\*\*\*

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 15th of July, 1901.



Commissioner.



Supl.C.F.-D.#899.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON, I.T., SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
WINNIE MACKKEY as a Cherokee Freedman, introduced on the part of  
Cherokee Nation:

APPEARANCES:

Mr. L. B. Bell, of Counsel for Cherokee Nation.

Proof of service made and Applicant fails to appear,  
either by attorney or in person.

JOHN KEETON, being duly sworn by Commissioner Needles,  
testified as follows on part of Cherokee Nation:

MR. BELL: Give me your name? A John Keeton.

- Q Your age? A 66.
- Q Your post office? A Alma, Arkansas.
- Q Well, Mr. Keeton, this is a case of Winnie Mackey she calls her-  
self, called Winnie Moore or Steward, claiming to be a Cherokee  
Freedman, are you acquainted with her? A Yes, sir.
- Q Where did you first know her? A In South Carolina.
- Q When was that? A That was before the war, Civil War.
- Q What was her name there? A Her name was Winnie.
- Q How did you be come acquainted with her? A Well sir, the man  
tha owned me was jailer at that time and I was staying there and  
she was put in jail there, a small girl.
- Q How long did you stay in South Carolina after you saw her there?  
A I was small and so was she and I stayed until I was . A grown  
and free, until I come to Arkansas.
- Q When did you go to Arkansas? A I have been here 12 years I  
think it is I have been here now.
- Q Where did you stop? A I come to Van Buren, Arkansas.
- Q Have you seen this Winnie Mackey since you come to Arkansas?  
A Yes, sir.
- Q Where did you see her first? A Van Buren.
- Q What was she doing there? A She was living there.
- Q Did she have a family there? A Yes, sir.
- Q Husband? A Yes, sir.
- Q What was his name? A Steward Moore.
- Q How long did you know Winnie Moore there? A I  
knewed them several years.
- Q What become of her husband? A He went to Africa.
- Q About when? A It has been about six years ago, there was a  
great crowd and he went with the crowd.
- Q Was he living there before he started? A Yes, ysir. She was  
there, he just worked about, sometimes up there and sometime down  
about Alma.
- Q How long did she stay in Van Buren, do you know, after he left  
there? A I could not say positive just how long she stayd after  
he left; I lived down below, Alma.
- Q You missed her from there soon after he left? A Yes, sir, and  
I haven't seen her since he left there.
- Q Do you know when she left South Carolina? A No, sir, I don't  
recollekt exactly, she come before I did from there.
- Q Did you learn from her whether she left there before the war or  
after? A After the war.
- Q She was in Van Buren when you got there? A Yes, sir.
- Q And had been there sometime, you don't know how long?
- A No, sir, I could not say how long.
- Q How do you know where she found this Steward Moore?

him in South Carolina and married.

Q When you first come here ten or 12 years ago, did she have them children that she claims to have? A Yes, sir.

Q Do you know anything about any of them; that is, where they were born? A They was born in South Carolina.

COM'R NEEDLES: You say you knew this woman, Winnie Mackey, in South Carolina? A Yes, sir.

Q When was that? A It was before the war.

Q Was she a slave there? A Yes, sir.

Q Who did she belong to? A I could not tell you who she belonged to.

Q How old was she when you knew her there? A I could not tell.

Q Well, about how old? A She was, I guess about ten or 12 years or maybe older.

Q You knew her in South Carolina before the war? A Yes, sir.

Q What was ten or 12 years old then? A Yes, sir.

Q But you don't know who belonged to? A No, sir, I do not know who she belonged to.

Q When did you come to the Cherokee nation; where do you live now?

A I live in Arkansas.

Q When did you come from South Carolina to Arkansas?

A I have been here 12 years, in Arkansas.

Q You left South Carolina and come to Arkansas 12 years ago?

A Yes, sir.

Q Was Winnie Mackey in South Carolina then? A No, sir, she left before I did.

Q About how long before that? A I don't know.

Q Do you know whether she left there before the war or not?

A She was there then, she was freed there.

Q Who did she belong to? A I told you I didn't recollect her owners, I could not tell you that.

Q Did you ever know a man by the name of Jack Moore? A No, sir.

Q Never knew a man, Jack Moore? A No, sir.

Q Did you ever know anything about this applicant being in the State of Texas, this Winnie? A No, sir.

Q Do you know that the Winnie Mackey you saw in South Carolina is the same Winnie Mackey that applies to be enrolled here as a Cherokee Freedman? A Yes, sir.

Q How do you know it? A It is, if it is Steward Moore's husband, if that is the one I know her.

Q How long after you left South Carolina did you see her, Winnie Mackey? A Well, I didn't know her by that name; she wasn't no Mackey when I knowed her.

Q What was she when you knew her? A She was Winnie Moore, Steward Moore's wife.

Q Where, South Carolina? A Yes, sir.

Q Was she Steward Moore's wife when you saw her and knew her in South Carolina? A Yes, sir.

Q He was married to her? A Yes, sir.

Q This Winnie was married to a man by the name of Steward Moore in South Carolina? A Yes, sir.

Q And had children there? A Yes, sir.

Q How many children? A There was two girls and three boys, if I make no mistake.

Q Do you know their names? A Yes, sir, I think so.

Q Please give their names? A Joe and a Bob and a Maria and Mag.

Q Now, that was Winnie's children you knew in South Carolina?

A Yes, sir.

Q And her name there was Winnie Moore? A Yes, sir.

Q She was a grown woman and had children? A Yes, sir.

Q How you come from South Carolina to Arkansas? A Yes, sir.

- Q You left Winnie there? A No.
- Q Who came first? A Yes, sir.
- Q Then when did you see her after you come from South Carolina, when did you first see Winnie? A It was her at Van Buren the first place I seen her after I come her.
- Q How long was it from the time you saw her last in South Carolina until you saw her in Arkansas, at Van Buren? A I could not recollect.
- Q Well, about how long? A I could not be positivly about that.
- Q Well, you ought to know about how long; you know how long you lived in South Carolina and how long you lived in Arkansas, approximate it as near as you can? A I had been out here I think about two years before I seen her, as near as I can get at it.
- Q And how long had she been gone from South Carolina before you left South Carolina? A That's what I don't recollect now; not, sir, she stopped, I think.
- Q But I know you saw her in South Carolina and she left before you did? A Yes, sir.
- Q No, how long was it from the time you saw her in South Carolina the last time until you left South Carolina? A Several years, because she didn't live in the settlement.
- Q And then you were here two years before you saw her? A Yes, sir.
- Q Yes, when you saw her did you recognize her as the same woman you saw in South Carolina? A Yes, sir, I talked with her.
- Q Had she any more children than she had when you saw her last? A No, sir.
- Q How many children? A Yes, sir.
- Q Were her children living with her when you saw her at Van Buren? A Yes, sir.
- Q Married? A Yes, sir.
- Q Was her husband with her? A Yes, sir.
- Q The same husband she had in South Carolina? A Yes, sir.
- Q Was he both there? A Yes, sir.
- Q His name was Steward Moore? A No, sir.
- Q You didn't know Jack Moore you said? A No, sir.
- Q Yes, when you saw her at Van Buren was that after the war or before? A After the war.
- Q Do you know where she was during the war? A She was in South Carolina.
- Q During the war? A Yes, sir.
- Q Were you there? A Yes, sir, I was freed there.
- Q You saw her during the war? A Yes, sir.
- Q She was freed there? A Yes, sir.
- Q You didn't know her owner's name? A No, sir, I could not be positive about her owners.
- Q Did you know a man by the name of Mackey? A No, sir.
- Q Do you know how Winnie come to be named Mackey? A No, sir.
- Q You don't know then that Winnie Mackey is the same person you knew in South Carolina as Winnie Moore? A As I said a while ago I never knew her by that name.
- Q You never knew a Winnie called Mackey there? A No, sir.
- Q Did you ever know Winnie Mackey anywhere? A No, sir.
- MR. HASTINGS, of Counsel for Cherokee Nation:
- Q Where was this Winnie married? A She was married in South Carolina.
- Q Was that before or after the war? A She was married before the war.
- Q Did you know her there after the war? A Yes, sir.
- Q For a number of years after the war? A Yes, sir, good while; she lived in another settlement of the country there, of course I didn't live right just door neighbor to her. She lived there in the

neighborhood a number of years after the war.

Q About how many years in your judgment? A I could not be positive about the number of years, I don't recollect, and if I was to say-

Q Do you know that she has lived there as much as five years after the war? A Yes, sir, I guess more.

Q Well, were these children you have mentioned here born there?

A Yes, sir.

COMMISSIONER NEEDLES: You lived there five or ten years after the war did you? A Yes, sir.

ALBERT LATTIMER, being sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. BELL: Give your name? A Albert Lattimer.

Q Age? A Well, I am about 58.

Q Post office? A Alma, Arkansas.

Q Mr. Lattimer, this is a case of one Winnie Mackey, by that name now, that claims to be a Cherokee Freedman making application here with a lot of children, children named Moore she calls them; she is the wife of one Steward Moore, or Moore Steward; I don't know which? A Steward Moore, I guess.

Q Are you acquainted with her? A Well, I have seen her of course since I come to this State.

Q Where did you come from to Arkansas? A From South Carolina.

Q How long ago? A I come here in '87.

Q Are you acquainted with her in the State of South Carolina?

A No, sir, I wasn't.

Q Where did you first see this Winnie Moore or Mackey?

A Well, I saw her at Van Buren.

Q Van Buren, Arkansas? A Yes, sir.

Q About when? A Well, it has been ten years ago, about.

Q About ten years ago? A Yes, sir.

Q What was she doing there? A Well, she was just staying there in the town at that time; I could not tell you what her occupation was, she was just staying there at that time.

Q What about her husband? A Yes, sir, he was at her house one time.

Q She was keeping house there? A Yes, sir.

Q Did she have any family? A Yes, sir, she had some children with her.

Q Have any husband? A Yes, sir, her husband was there.

Q What was her husband's name? A Steward Moore was his name.

Q Was he a Freedman? A Yes, sir.

Q Do you know what become of Steward Moore? A Went to Africa.

Q About how long ago? A Well, you may say, I believe he left here in '95, as well as I can remember; I think it was in '95.

Q How long did you know that woman in Van Buren? A Well, I think I knowed her there; well I never seen her in there but about twice you see I come from the old country and stopped there a few days and I left there and went to Dora, Arkansas, that is below Van Buren, and I saw her some few times while staying around Van Buren.

Q Some few times after you left Van Buren? A Yes, sir.

Q Well, did you ever see her there about the time her husband left,

Q I saw her there after that.

Q She was still there with her family with her husband gone?

A Yes, sir.

Q Did you ever have any talk with her about where she come from to Arkansas? A No, sir, I have not; no, sir.

Q You didn't come from the same part of South Carolina she did.

A No, sir, we was there I suggest in different parts.



MR. HASTINGS: Did you ever talk to her about South Carolina at all? A No, sir, of course I never knew her back there at all.

COM'R NEEDLES: All you know about this is you saw her there at Van Buren? A Yes, sir.

Q and her children? A Yes, sir.

Q You don't know whether she was ever a slave or not?

A No, sir, I don't know.

Q Don't know who she belonged to if she was a slave? A No, sir.

Q You never got acquainted with them until you came to Van Buren?

A No, sir.

LAURA LATTIMER, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee nation:

MR. BELL: Your name? A Laura Lattimer.

Q Age? A 48.

Q Your post office? A Alma.

Q Mrs. Lattimer we have got a case up here of Winnie Mackey, or Winnie Moore, or Winnie Steward, who claims to be a Cherokee Freedman and having been living in the Cherokee nation; do you know any woman of that name? A Yes, sir, Winnie Moore, the woman's name is Winnie Moore.

Q How long have you known her? A Well, it has been about eight or ten years I guess; I know the first I seen of her she was in Van Buren.

Q When did you first see her and where? A In Van Buren.

Q In Van Buren about eight or ten years ago? A Yes, sir.

Q What was she doing there? A She was living there.

Q Have any family? A Yes, sir.

Q What was her family? A Melia and Maggie and Joe and Bob and there is another one I didn't get acquainted with him at all; I have seen the other one.

Q Did she have a husband? A Well, at that time she had a husband, but wasn't living together exactly at that time.

Q What was his name? A Steward Moore.

Q Was she keeping house there? A Yes, sir.

Q How long did you know her after that? A After that he went off to Africa and I never seen her; she come to my house about a year, first seen her to my house on a visit and I never seen her any more, and after he went off I heard she went off; afterwards I heard she was in the Nation.

Q You saw her after her husband went to Africa? A No, sir.

Q You say she come to your house after you lived at Van Buren?

A Yes, sir.

Q Where were you living? A At Dira Ar Kansas.

Q How far is that below Van Buren? A Ten miles below Van Buren.

Q You are the wife of this Albert Lattimer? A Yes, sir.

Q Did you and he come from South Carolina together?

A Yes, sir, we was married and he come in the fall before me and I come in the January following.

Q You joined him then at Van Buren, or where? A We was married in South Carolina.

Q He come out here ahead of you and got a place? A Yes, sir.

A And you come on afterwards and joined him at Van Buren?

A No, sir, at Dira Station, we and my family.

COM'R NEEDLES: Do you know whether this woman was married after Moore went to Africa? A I heard it.

Q How long did she live in Van Buren there after Moore went to Africa? A No, sir, I know she went to wagoner somewhere.

Q Did you know Steward Moore? A Yes, sir.

Q Was he a colored man? A Yes, sir.

Q Do you know a man by the name of Jack Moore? A No, sir.

Q Do you know whether Winnie Moore was a slave or not?

A No, sir, I don't know at all.



Supl.C.F.D.#899.--6.

MR. HASTINGS: Did you ever have any talk with her about where she came from? A I never knew her until I come to Van Buren. I have heard she come from the old country.  
Q You never talked to her about her being from South Carolina?  
A No, sir.

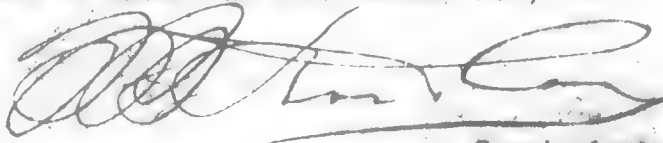
This testimony will be filed in the following cases:  
D.#977, Robert Moore; D.#978, Amelia Brown; D.#982, Maggie Doty; D.#984, Joseph Moore.

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J. D. Hession, 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. D. Hession

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



Commissioner.

FILED  
AUG 1904  
COMMISSION TO FIVE TRIBES

above and foregoing copy and that the same is true and correct

Cherokee Freedmen  
D 154, et al.,

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
MUSKOGEE, I. T., JUNE 17, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Adeline Hampton, et al., as Cherokee Freedmen.

It appears that on May 11, 1904, the applicants, their agent and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 16, 1904, and then and there introduce further testimony touching the points mentioned in said letter. On motion of the attorney for the Cherokee Nation, this case was continued from June 16, to June 17, 1904, when the following testimony was introduced.

APPEARANCES:

Applicants represented by attorney, Frank J. Bowdinet.  
Cherokee Nation by its attorneys, W. W. Hastings and  
L.B. Bell..

( Below is given so much of the testimony at this hearing as relates to the credibility of Polly Ross or Hivens.)

( C O P Y )

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 Bragga.  
Q How far is that from Fort Gibson? A Ten miles.  
Q Have you lived nearer to Fort Gibson than that? A Yes, sir,  
I lived in Fort Gibson several years, nearly all my life. Born  
and raised there.  
Q Over at Fort Gibson more or less all the time? A Yes, sir.  
Q Do you know one Polly Nivens or Polly Hess? A Yes, sir.  
Q A colored woman over there? A Yes, sir.  
Q Large mulatto woman? A Yes, sir, I know her.  
Q Do you know her reputation for truth and veracity in the com-  
munity in which she resides?

Mr. Bowdoin: We object.

Commission: Objection noted; witness will answer.

A Yes sir.

- Q Is that good or bad? A Bad.  
Q I will ask you if it isn't notoriously bad? A Yes sir.  
Q Would you believe her under oath? A No sir.

( No cross-examination ).

GEORGE W. BANGE, being first duly sworn, testified as follows:

By Mr. Hastings:

- Q Your name is George W. Bange? A Yes, sir.  
Q Your postoffice is Tahlequah? A Yes, sir.  
Q How old are you? A 53.  
Q Did you ever live at Fort Gibson? A Yes sir.  
Q Your father lived near there and died there? A Yes, sir.  
Q Your brother is living over there now? A Yes, sir.  
Q Are you still down there frequently? A Yes, sir.  
Q Do you know Polly Hess, sometimes known as Polly Nivens?  
A Yes sir.  
Q Do you know her reputation for truth and veracity in the com-  
munity in which she lives? A I used to when I lived there.  
Q Is that good or bad? A Bad.  
Q I will ask you if it isn't notoriously bad? A I think so.  
Q Would you believe her under oath? A No, sir.

( No cross-examination ).

By Mr. Hastings:

MC GAY SMITH, being first duly sworn,  
testified as follows:

- Q  
Q What is your name? A McGay Smith.  
Q Your postoffice is Bragga? A Yes, sir.  
Q How far do you live from Fort Gibson? A Ten miles.  
Q Have you been in and around Fort Gibson quite a good deal?  
A Yes, sir, raised there.  
Q Do you know a mulatto woman by the name of Polly Hess and  
sometimes known as Polly Nivens? A Yes, sir.  
Q Do you know her reputation for truth and veracity in the com-  
munity in which she lives? A Yes, sir.  
Q Is it good or bad? A Not first-class.  
Q Is it good or bad? A I would call it bad.  
Q Would you believe her under oath? A No, sir.

( No cross-examination).

JACK WALKER, being first duly sworn, testified as follows:

BY MR. HARRISS:

- 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 there? A Since 1866 or '67.
- Q Do you know one Polly Ross, who is a witness in a great many freedom citizenship cases, also known as Polly Brown? 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.
- Q Would you believe her under oath? A No, sir.

( No cross-examination).



H. N. 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. N. Vance.

Subscribed and sworn to before me this the 18th day of July, 1904.

(Signed) Charles E. Sawyer  
Notary Public.

( S E A L )

Lucy E. 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 E. Bowman*

Subscribed and sworn to before me this 20th day of August, 1904.

*Charles E. Sawyer*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MEMPHIS, I. T., JULY 27, 1894.

SUPPLEMENTAL PROCEEDINGS had in the matter of the applications for the enrollment of WINNIE MACKOY, ET AL., ROBERT MOORE, ANGELO BROWN, ET AL., MAGGIE DOTY, and JOSEPH MOORE, ET AL., as Cherokee freedmen.

It appears that on July 5, 1894, the principal applicants and the attorney for the Cherokee Nation were notified that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 27, 1894, and then and there introduce further testimony touching the points mentioned in said letter.

APPEARANCES:

Applicant, Winnie Mackoy, appears in person,  
Cherokee Nation by its attorneys, James S. Ravenport  
and L. B. Bell.

WINNIE JOSEPHIN, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Winnie Josephin now,  
Q How old are you? A I don't know.  
Q About how old? A I have been guessing at it for a long time; I think I am about 35 or 4.  
Q What is your postoffice address? A Wagoner.  
Q You are the person who applied to the Commission for enrollment as a Cherokee freedman under the name of Winnie Mackoy? A Yes sir.  
Q You have since married one Josephin, what is his full name?  
A Robert Josephin.  
Q Is he a Cherokee freedman? A No sir.  
Q State man? A Yes sir.  
Q When were you married to him? A I have been married something over a year.  
Q Were you the slave of a Cherokee citizen at the beginning of the war of the rebellion? A What do you mean by the rebellion?  
Q Were you the slave of a Cherokee when the war commenced? A Mr. Moore hired me out when I was a girl; I never was sold.  
Q Were you born a slave? A If I was a slave I don't know it.  
Q You don't know whether you were ever a slave? A No sir, I was put out; hired out as a nurse.  
Q When you could first remember where were you living? A When I first remember I was living in the Cherokee Nation.  
Q What part of the Cherokee Nation? A Not far from Fort Smith.  
Q The city? A I was on a place there close to a man by the name of Ravenport.  
Q Who were you living with? A When I could first remember I was with a Davis.  
Q Davis family? A Yes sir, Mr. Davis.  
Q Were they Cherokees? A Yes sir, my mother lived with them.  
Q Was that before the war? A Yes sir.  
Q Did you belong to them you and your mother? A My mother did.  
Q You were their slaves? A I reckon we were slaves, I can't tell much about it, because I can't remember it.  
Q Where were you when the war came up? A Down in Texas or Mississippi one, I can't tell you which, because I see no much trouble I can't.  
Q Was your mother with you? A No sir, I left my mother here.  
Q Who were you with in Texas or Mississippi? A I was hired to a

- lady is the name of Miss Harbin, because I remember her; she pulled my coat on.
- Q Who hired you to this woman? A This Moore.
- Q What Moore? A Jack Moore.
- Q You said you belonged to Davis? A My mother belonged to Davis and this Moore took me from there.
- Q Jack Moore took you from Mr. Davis? A Yes sir.
- Q And hired you to some person in one of the states? A Yes sir.
- Q Then when did you first return to the Cherokee Nation after the war? A I don't know.
- Q You don't know anything about that? A I heard people say 1866, and I say 1866.
- Q How long after the war was it when you came back? A Not very long.
- Q To what point in the Cherokee Nation did you come to?
- A Went to Gibson.
- Q Fort Gibson? A Yes sir.
- Q Who did you come back with? A With some people---Sanders.
- Q Give the names of some of the people who were in that party?
- A One was named Joe Sanders.
- Q Was he a Cherokee freedman? A Yes sir, I suppose, he called himself that.
- Q Who else? A Henry; I never knowed many of them, because I had to come home the best way I could.
- Q When you reached Fort Gibson, as you say in 1866, who did you stop with? A With a woman who was cooking for the soldiers.
- Q What was her name? A Polly Rivers.
- Q How old were you? A I don't know.
- Q How big were you grown? A I was a good big girl; maybe 16 or 18, maybe older, I don't know.
- Q How long did you stay there at Fort Gibson? A I don't know, sir, didn't stay there very long.
- Q Can you give any idea about how long? A No sir, I can't; not very long.
- Q Did you stay a year? A I don't think so.
- Q Where did you go to then? A On Logtown Hill.
- Q Where was that? A To Mr. Davenport's first and ever to Logtown Hill.
- Q Where was that? A In Van Buren.
- Q Arkansas? A Yes sir.
- Q Do you know that year you went there? A No sir.
- Q How long did you stay in Arkansas? A Sometimes a good while.
- Q Well, this time? A When I went that time, I don't know. I stayed there a good while.
- Q Did you stay a year? A I don't know whether I stayed a year, but didn't stay a year till I went home.
- Q What did you call going home? A Going back to the Cherokee Nation.
- Q Where was your mother all this time? A When I got back my mother was dead.
- Q Did she die before the war? A She died before it ended.
- Q Did she go out of the Cherokee Nation at all? A Not as I know of.
- Q Who was your father? A I never seen my father.
- Q You don't know whether he was a Cherokee freedman or not? A No sir, they say he was a freedman, Cherokee man, but I never seen him.
- Q After you stayed in Arkansas, near Van Buren, for a while there did you go then? A Came back to the Cherokee Nation.
- Q How long did you stay in the Nation that time? A Not very long till I went back to the state again; I was trying to raise some children then and went back; I worked for a man by the name of Dr. Sitwell.
- Q Where did he live? A In Van Buren.
- Q You just spent your time in Arkansas and the Cherokee Nation?
- A Yes sir.
- Q How long did you keep that up? A A good while.
- Q Up until now? A No sir.
- Q Well, how long? A I ain't been there in several years.
- Q How you ever lived in any other state besides Arkansas since the





Q How many times have you been married? A Twice.  
Q Once to Roswell Mackey---A I have been married three times; I was married to Roswell Mackey and he died, and I married a fellow by the name of Shade Ruffin and he died, and this last man is named Bob Joshlin  
Q You never had children by any except Stewart? A Yes, sir Andrew never belonged to Stewart.  
Q How old is he? A About 18, I reckon.  
Q He is living now and living with you, is he? A Yes, sir, he aint got good sense.  
Q What is his father's name? A Henry.  
Q Henry what, did you not know his other name? A I never tried to know his other name.

By MR. DAVENPORT:

Q Now Winnie, when Modre took you away how old were you? A I couldn't tell.  
Q You were big enough to remember it? A I was about 10 or 11 I reckon  
Q Where was Moore living at that time? A In the Cherokee Nation.  
Q At what place? A I couldn't tell exactly.  
Q How far from Van Buren? A I don't know; it didn't seem to me like it was far.  
Q Did Moore live with Dr. Davis at the time he took you away?  
A No, sir  
Q Was he a man of family? A Yes, sir, I think so  
Q He wasn't a Cherokee, himself, was he? A Yes, sir  
Q Jack Moore? A Yes, sir, I think so.  
Q Do you know whether he was or not? A They all called him Cherokee.  
Q Did you ever see Jack Moore after he took you away that time?  
A I don't know whether I did or not.  
Q Where did he take you to when he took you away from the Cherokee Nation? A He took me down south to Texas.  
Q Did you come back up near the the Cherokee Nation after that before the war began? A No, sir, I don't think I did.  
Q Who were you living with when the war began? A I was hired out to a woman by the name of Miss Morgan, but I don't know whether it had began then.  
Q Where did Miss Morgan live? A In Texas.  
Q Had you ever seen her before you were taken there? A No, sir  
Q Who do you claim you were a slave of when you could first remember? A Jack Moore; my mother belonged to Dr. John Davis.  
Q Where did he live? A He lived somewhere in the Cherokee Nation, kindly up the country like.  
Q From what place? A From Log Town  
Q Were you ever at Dr. John Davis' house? A When I was a child  
Q Was that before or after the war? A Before I was taken away  
Q Log Town was right at Van Buren, Arkansas, wasn't it? A Yes, sir, I reckon.  
Q You spoke awhile ago about living with or near a man by the name of Davenport, do you know what his first name was? A No, sir, I forget.  
Q Where did he live with reference to Van Buren? A Out that way  
Q On Lee's Creek? A Yes, sir.  
Q When was that you lived near him, after or before the war?  
A After?  
Q When you came back from Texas or Mississippi? A That was the time I went there, when I come back.

- Q Where did you first come when you came back from Texas after the war? A Come on to Fort Gibson.
- Q Then when did you go down to Van Buren, near where Davenport lived? A I don't know how long.
- Q How long did you stay at Fort Gibson before you went down there? A I don't know exactly, not so overly long.
- Q Had you ever known Davenport before the war? A No, sir.
- Q How long had you been back to the Cherokee Nation before you went to Davenport's? A I couldn't tell you.
- Q One or more years? A It might have been more than a year.
- Q Do you think it was as much as three years? A I couldn't tell you to tell the truth.
- Q Did you know whether or not he had a family? A Yes, I think so. I think he had a wife, and had some colored people there.
- Q You didn't come from South Carolina with Captain Davenport and his father? A No, sir.
- Q Didn't Isaac Davenport, the father of Captain W.A.B. Davenport, bring your mother from South Carolina to Texas? A No, sir.
- Q And didn't you come from the State of Texas with Captain W.A.B. Davenport and his wife, who was Miss Summers, in 1874, to Van Buren, Arkansas? A No, sir, I throw this hand up to God I didn't.
- Q You can't tell me then how long you had been back to the Cherokee Nation until you went and lived near them? A No, sir.
- Q Did you ever live in the house with them or work for them? A Yes, sir, I worked some there; they had colored people and I worked some there.
- Q You don't know who your owner when the war broke out? A No, sir.
- Q You know you were living in Texas? A I was carried there.
- Q You were there? A Yes, sir.
- Q Living with Mrs. Morgan? A Yes, sir.
- Q Was your mother living when you came back to this country? A No, sir, I aint found her since.
- Q You don't know where she went during the war? A No, sir.
- Q You don't know whether she ever returned to the Cherokee Nation? A No, sir, I was told she died here.
- Q You never knew who your father was? A They told me, but I forget.
- Q You answered Mr. Green a while ago and said you couldn't tell where your children were born, were any of them born down there by Van Buren, on Lee's Creek? A I had Andrew and I had Maggie; they were born at old man Peter Edwards' and that aint far from Lee's Creek.
- Q Where were you living there? A Over in the Cherokee Nation; old man Peter was a doctor and he waited on me.
- Q What Cherokees lived near you down there? A I don't know; I never stayed no longer than I could get down and up.
- Q Where are you living now? A I am in Wagoner now.
- Q How long have you been living there? A About seven years, I reckon.
- Q What was your mother's name? A Margaret Davis.
- Q She belonged to Dr. Davis of the Cherokee Nation? A Yes, sir.
- Q When was it you went to Mississippi, Winnie? A I went there with Miss Morgan.
- Q You went from Texas with Mrs. Morgan to Mississippi? A Yes, sir.
- Q Do you remember her first name? A No, sir, I can't think of it.
- Q What was your postoffice down there in Texas? A I think they called it Red Fork.
- Q Do you know what county it was in? A No, sir.
- Q When did you leave Texas to come up here? A I left Texas years ago.
- Q How long ago? A I can't know how long.
- Q Who did you come with? A With some people who was coming.
- Q What people? A Some were Sanders.
- Q Were they white people? A Colored.

Q Were they Cherokee Indians? A They say so.  
 Q Did they ever live in the river? A Yes, sir, they were there.  
 Q How far from the river were you? A I don't know.  
 Q You don't seem to know anything about where they were? A It was about Red Fork, on the river.  
 Q How far is it from you to get to the river? A I don't know.  
 Q How long is it since you got to the river? A I don't know, about two days I believe.  
 Q Who were these Indians living with? A I don't know who they were living with; they were all camping and me and some more people come to them, and they was camped in some and we come on together.  
 Q How were you with them? A I don't know their name.  
 Q How did you get with them? A I went with them, like anybody would.  
 Q Were you not with Mrs. Morgan? A No, sir, I had left her.  
 Q Then you don't know who you came with? A One was named Joe Sanders.  
 Q Did they tell you where they were going? A Said they were coming back to the Cherokee Nation.  
 Q And they brought you to Fort Gibson? A I come with them.  
 Q Where did they leave you? A I come on to Fort Gibson.  
 Q Where did the Sanders' leave you? A They left me somewhere not far from Gibson.  
 Q Didn't they leave you in Fort Gibson? A Not exactly.  
 Q Who did you go to stay with? A Polly Wilens.  
 Q She was then cooking for the soldiers? A Yes, sir she was cooking.  
 Q Living up in the garrison or out in the edge of town? A Up in the garrison.  
 Q How long did you stay with her? A Not long.  
 Q Then where did you go? A Went on down to Lee's Creek.  
 Q Didn't you go to Log Town? A Not right then.  
 Q Where did you stop at? A At Mr. Davenport's.  
 Q Where did he live? A On Lee's Creek.  
 Q In Arkansas? A No, in the Cherokee Nation.  
 Q Are you certain they were living in the Cherokee Nation?  
 A I aint certain.  
 Q Isn't it in Arkansas? A Where is Lee's Creek?  
 Q In Arkansas? A Then there is where I went.  
 Q Did you ever know a man by the name of John Keeton? A Yes, sir, I knowed a man to come to Van Buren at the time they were giving a supper there to make up money to go to Africa.  
 Q Now, didn't your husband go to Africa in that crowd? A He didn't go in that crowd; he went after that.  
 Q You say you knew John Keeton? A Yes, sir.  
 Q They were making up that money to go to Africa? A Yes, sir.  
 Q Didn't you know John Keeton in South Carolina? A No, sir.  
 Q You never knew John Keeton in South Carolina? A No, sir.  
 Q You never saw him before you saw him at that supper? A No, sir.  
 Q I want to ask you if you really wasn't born and raised in South Carolina? A No, sir.  
 Q Wasn't you put in jail there for---A No sir.  
 Q You didn't know John Keeton in South Carolina when he helped the jailer there? A No, sir.  
 Q The first you saw of John Keeton was when you were getting up that money to go to Africa? A The first time I saw him to know him.  
 Q You didn't live in South Carolina, then, at all? A No, sir, never lived in South Carolina, unless I was small and didn't know it they have carried me about a heap and I never knowed John Keeton until after he come to my house at the time of that supper.  
 Q Didn't you run a boarding house in Van Buren? A No, sir.

By the Commission:

Q About what time of the year was it when you reached Fort Gibson after the war, the first time? A I couldn't tell you, mister, the grass was growing and things.  
 Q Was it warm weather? A Getting warm.

Q Were you there at any time the cholera killed so many colored people? A No, sir, I wasn't there then, I was gone to Van Buren.

Q How long were you there, during the war, before that time? A Yes, sir I had been there.

Q When did you first come to the Cherokee Nation to stay and live and acquire a home after the war? A I don't know; it has been about 20 years I reckon.

Q You never established a residence and never owned a place or home or anything in the Nation until some 20 years ago? A I lived about with the people; I didn't have no home.

Q Up until 20 years ago where did you spend the most of your time? Just lived about from one place to another? A Yes, sir.

Q Where were you the most of the time? A Over in Van Buren, Fort Smith, Little Rock, down to Mississippi and around.

Q Were you in the Cherokee Nation the most of the time or the states? A In the Cherokee Nation some of the time too.

CHARLES WILSON, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Charles Wilson.

Q How old are you Charley? A 65 the 4th of this July passed.

Q What is your postal office address? A Wagoner.

Q Are you a Cherokee Freedman? A I am.

Q Have you applied to this Commission to be enrolled? A No, sir.

Q You never have? A Over at Tahlequah.

Q You have applied then to the Dawes Commission to be enrolled? A Yes sir, I am enrolling, already enrolled.

Q Do you know the applicant in this case, Winnie Mackey? A I do.

Q When did you first get acquainted with her Charles? A The first time I knowed her she was quite a small girl.

Q Was that before the war? A No, sir.

Q After the war? A Yes, sir.

Q How long after the war? A About '66 or '67, somewhere along there.

Q You don't remember what year it was in? A No, sir, I was in the war, myself.

Q Where was she when you first saw her after the war, in 1866 or '77? A At Fort Gibson.

Q About how big a girl was she then? A Well, as near as I can judge, she was about 14 or 15 years old, maybe more.

Q Who was she living with there? A I don't know who at that time.

Q How did you happen to see her there? A I knowed her people.

Q You knew her mother did you? A Yes, sir.

Q Before the war? A Yes, sir.

Q What was her mother's name? A Margaret.

Q Margaret what? A Margaret Davis.

Q You didn't know this girl, Winnie, before the war? A No, sir I did not.

Q Did Winnie's mother belong to a Cherokee citizen before the war? A I couldn't tell whether she did or not, but they said so.

Q You said you knew her? A Yes, sir, but I knowed her by her mother; she said she was a Cherokee.

Q Her mother claimed to be a Cherokee by blood? A Yes, sir.

Q Winnie's mother did? A Yes, sir.

Q Do you know anything about where Winnie's mother went during the war? A No, sir, I couldn't tell you, because I was away myself.

Q Did you ever see Winnie's mother after the war? A I did.

Q Where at? A Coowescoowee district; at Beggs Prairie, near Vinita.

Q How long after the war was that? A It was in '67; I come home with the 10th Cavalry and had to go off with it again; I was a soldier.

Q Who was Winnie's mother living with up there? A I couldn't tell you.

- Q You don't know anything about that? A No, sir, I couldn't tell you.
- Q After you saw this woman, Winnie, here at Fort Gibson shortly after the war, when did you next see her? A I have been seeing her off and on ever since, she married down to Brags--no, she married before she married down there; come, carried her here, that is what she did.
- Q Tell what you know. A I saw her at Brags.
- Q Where? Tell it this time I saw her was at Brags.
- Q When? A I couldn't tell you how long ago; not so long ago; she married down there a man by the name of Mackey, Roswell Mackey.
- Q Did you ever know this woman ever in Arkansas? A I didn't.
- Q Did you ever know her in Mississippi? A I didn't.
- Q Do you know whether she has ever lived in Arkansas? A I couldn't tell you.
- Q Do you know whether she ever lived in any other state? A Only in the Cherokee Nation, the Creek Nation.
- Q You couldn't tell where she lived before the time you saw her at Fort Gibson, about 120 years ago? A No, sir, I couldn't.
- Q How do you happen to remember you've seen her at Fort Gibson? A My father-in-law, they were all together, and I have known the Davis'; my father said that was Winnie Davis, old man Tom and a daughter that Davis' daughter.
- Q Winnie was living there with your father-in-law in Fort Gibson? A No, sir, I saw her there.
- Q With them? A Yes, sir, down to my father-in-law's house, but she wasn't living there; I couldn't tell whether she was living in Cooweescoowee or Illinois.
- Q Mr. Devenport:
- Q You never knew Winnie's mother before the war? A No, sir.
- Q You don't know to-day who this Winnie's mother was, of your own knowledge before or after the war? A Yes, sir, I knowed her mother after the war.
- Q Don't you know that Winnie's mother died during the war? A I don't.
- Q Don't you know that Winnie, herself, swears in this case that she did? A I couldn't tell you.
- Q You say you saw her in Beggs' Prairie in Cooweescoowee after the war? A Yes, sir, which I did.
- Q What is her name? A Margaret Davis.
- Q When did you talk with Winnie about being a witness in this case? A Didn't talk with her.
- Q How did she happen to know that you knew anything about this case? A How I come to know, we all live at Wagoner, and she asked me, "You know all my people", and I says "Yes, and the Davis people," and she says, "I have got to get witnesses before the Dawes Commission; they are trying to beat me out of my property," and I says "Anything I can do what is right, I will do," which I am.
- Q You never saw Winnie until after the war? A No, sir.
- Q All you know about Margaret Davis being her mother is what you have heard? A Is what her own people say, yes.
- Q You don't know where Margaret Davis went during the war? A No, sir.
- Q You don't know where Winnie was when the war broke out? A No, sir, the latter part of '63 I run away from home, from Grand river, five miles from Vinita, and went to Fort Scott and went in the army.
- Q Had you seen Winnie at Fort Gibson before the war? A No, sir, after that.
- Q How long after that? A I saw her in '66 or '7.
- Q Can you name any other strange girl that you never had seen before, that you saw at Fort Gibson? A I know thousands of them that I hadn't seen before.
- Q Name them? A I know state people, not Cherokees.
- Q There were any number of state people at Fort Gibson about that time? A Yes, sir.



- Q After you saw Winnie there in 1866 or '7, when did you next see her?  
A I don't know after she come out of the Army.  
Q You never saw her again until after she come out of the Army, did you?  
A Yes, sir.  
Q Where did she live at that time?  
A At a farm there.  
Q How long after you saw her at Fort Gibson in 1866 or '7?  
A About a year.  
Q Didn't she ever live longer than that?  
A She.  
Q How long after she come out of the Army did she live in the Cherokee Nation?  
A Ever since she Valle come west there.  
Q How long was she there?  
A About 14 or 15 years.  
Q You never saw Winnie from 1866 or '7 until after the Kansas and Arkansas Valle rail road built from Fort Smith, Arkansas, to Coffeyville, Kansas?  
A No, sir.  
Q You didn't see anything about when she was living in Van Buren?  
A No, sir.  
Q Fort Smith?  
A No, sir.  
Q Little Rock?  
A No, sir.  
Q Any other place?  
A No, sir, nothing about that at all.  
Q How many times did you ever see Winnie's mother after the war?  
A Once.  
Q How did you know it was her?  
A By the child.  
Q You had seen the child down there at Fort Gibson and then when you met the mother you knew her by the likeness of the child, by the looks of the child?  
A No, sir, I know her by the name.  
Q Then you don't know anything about whether the mother of Winnie ever balance to Davis except what she said?  
A I couldn't tell a thing about that.  
Q You never were at Davis' house where she was living?  
A No, sir.  
Q You don't know the Davis family?  
A No, sir.  
Q You haven't lived in this country ever since the war and never met Winney Davis, the son of Dr. Davis?  
A No, sir, I haven't met him.  
Q By the Commission?  
A Didn't you tell me that you knew Winnie's mother before the war?  
A I told you I saw her mother after the war, in '66 or '7.  
Q You didn't tell me that you knew Winnie's mother before the war?  
A No, sir, I didn't.  
Q Didn't you say that you did know her and that she lived with the Davises before the war?  
A No, sir, I didn't; I said after the war, between '66 and '67.  
Q You didn't mean to say then that you knew Winnie's mother before the war, when I was asking you about it?  
A Yes, sir.  
Q You did mean to say that?  
A Yes, sir, that was right in '64, '62, '63, yes, sir, Mrs. Davis, yes, sir.  
Q Winnie's mother?  
A Margaret Davis, Winnie's mother.  
Q You knew her then before the war?  
A Yes, sir.  
Q How long before the war did you first get acquainted with her?  
A My people and her lived close together before the war; I expect before I was born, couldn't say, but I was big enough to know.  
Q How big were you when you first knew her, how old were you?  
A I was a small sized boy.  
Q About 10 or 12 years old?  
A I expect I was, because I am 65 now, you can consider and count up; I was 65 the 4th of July, according to my mother used to belong to Ross.  
Q You say you have applied to the Dawes Commission to be enrolled?  
A Yes, sir, and am already enrolled and got my land.  
Q Have you had your land allotted to you?  
A Yes, sir.  
Q Under what name did you apply?  
A Under Charley Naves.  
Q What are the names of your children?  
A Ella Naves, Lucy Naves, and Lillie Naves.  
Q Did you apply as a Cherokee freedman?  
A I did.

Q Do you remember whether you were put on a doubtful card or a straight card? A No, sir, if I had I wouldn't have got no land whatever.

By Mr. Davenport:

Q Where were you in 1880? A I was in Fort Gibson, Illinois district. I was bred and born in Cooweescoowee; I soldiered eleven years and four months.

By the Commission:

Q Do you know William and Margaret Naves? A I don't.

Q Did you ever go by any other name besides Naves, or Wilson? A No, sir.

Q Never did? A No, sir.

By Mr. Davenport.

Q Where did Dr. Davis, that you claim was the owner of Margaret, live before that war? A I couldn't positively say, but he used to come up to Cooweescoowee and---

Q What place in Cooweescoowee would he come to? A Upon Grand--- Beggs Prairie.

Q Was Beggs Prairie ever in Cooweescoowee district? A Above it, Above Lightning Creek.

Q Above Lightning Creek? A He used to come up above Lightning Creek.

Q Who lived on Lightning Creek at the time Dr. Davis come up there? A Nels Murrell.

Q Did you ever see Dr. Davis before the war? A Yes, sir, I did.

Q Did you see him at Nels Murrell's on Lightning Creek before the war? A Yes, sir, I did.

Q Don't you know that Nels Murrell never lived on Lightning Creek until after the war? A Yes, sir, he went away and come home; he was sent off to Kansas and come home; that is my own uncle; you can't tell me nothing about it, because I know.

Q Who else lived on Lightning Creek besides Nels Murrell when you saw Dr. Davis there? A So many people lived there I couldn't tell you.

Q Nels Murrell never lived on Lightning Creek before the war, did he? A Yes, sir, and then moved to Snow Creek.

Q Where did Nels' owner live before the war? A At Tablequah, Nathan Naves.

By the Commission: From the demeanor of this witness while on the stand, and from the conflicting statements made by him in the course of his testimony in this case, it is considered by the person in charge of this hearing that the witness is of unsound mind.

By Mr. Davenport: The representatives of the Cherokee Nation desire to introduce and have made a part of the record in this case the testimony of Frank Smith, George W. Benge, McCoy Smith and Jack Walker, taken on June 17, 1904, in the case Cherokee Freedmen doubtful 154, Adaline Hampton, et al., as to the reputation of Polly Nivens, now Polly Ross.

Commission: The request of the Cherokee Nation's attorney will be complied with and copies of the testimony referred to will be filed with and made a part of the record in this case.

e-o-p-a-q-e

H.K. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings in the above entitled case and that the above and foregoing is

a true and correct transcript of his stenographic note thereof.

( Signed ) H. M. Vance.

Subscribed and sworn to before me this the 26th day of August, 1904.

( Signed ) Charles H. Sawyer.  
Notary Public.

The undersigned, 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 full and correct copy of the original transcript.

Lucy M. Bousman

Subscribed and sworn to before me  
this 2nd day of September, 1904

Charles H. Sawyer  
Notary Public.



DEPARTMENT OF THE INTERIOR  
 COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications of Winnie Mackey et al.,  
 for enrollment as Cherokee Freedmen, consolidating the applications  
 of --

Winnie Mackey, et al.,	Cherokee Freedmen D-899,
Robert Moore,	Cherokee Freedmen D-977,
Amelia Brown, et al.,	Cherokee Freedmen D-978,
Maggie Doty,	Cherokee Freedmen D-982,
Joseph Moore, et al.,	Cherokee Freedmen D-983.

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Winnie Mackey for herself and minor child, Andrew Moore; by Robert Moore for himself; by Amelia Brown for herself and minor child, Robert Brown; by Maggie Doty for herself; and by Joseph Moore for himself and minor child, Mamie Moore. A copy of the testimony of Frank Smith, George W. Renge, McCoy Smith and Jack Walker, taken at Muskogee, Indian Territory, June 17, 1904, in the case of Adeline Hampton, et al., Cherokee D-154, is filed herewith and made a part of the record in this case.

The evidence in this case shows that Winnie Mackey was neither the slave of a Cherokee citizen, nor a free colored person residing in the Cherokee Nation, at the commencement of the Rebellion. Neither does said proof show that she was living in the Cherokee Nation during the time necessary for the acquisition of freedmen rights under article nine, of the treaty of 1866.

The evidence further shows that all the other applicants herein are descendants of the said Winnie Mackey, born since 1866, and claim no rights to enrollment except through their said ancestor. None of the applicants herein can be identified on the authenticated Cherokee tribal roll of 1860.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Winnie Mackey, Andrew Moore, Amelia Brown, Robert Brown, Robert Moore, Joseph Moore, Mamie Moore and Maggie Doty, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed). Tams Bixby.  
Chairman.

(Signed). T. B. Needles.  
Commissioner.

(Signed). C. R. Breckinridge.  
Commissioner.

Muskogee, Indian Territory,  
this Jan 16, 1905.

40

MARRIAGE CERTIFICATE

Joseph ...

Miss Annie ...

RECEIVED  
COMMISSION TO ...  
JUL 27 1901

...  
...  
...

# Certificate of Record.

STATE OF ARKANSAS.

COUNTY OF Crawford } I, J D Scott

~~of the Circuit Court and Ex-Officio Clerk of the County Court and Recorder~~ of said County, certify that the above

License for and Certificate of the Marriage of Joseph Moore

and Mimmie Dickson were, on the 19 day of

Dec 1893 filed in my office; the same are now duly recorded on page 135

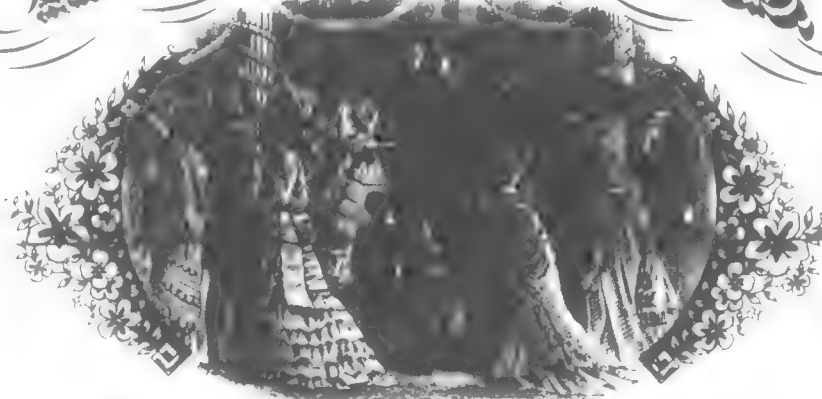
of Book E of Marriage Records.

WITNESS my hand and the seal of said County, this 28 day of Dec 1893

J D Scott  
Clerk and Recorder.

By J J Burrow D. C.

# MARRIAGE LICENSE



STATE OF ARKANSAS, COUNTY OF Crawford

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. Joseph Moore, of the County of Crawford and State of Arkansas aged 22 years, and Miss Minnie Dickson of the County of Crawford and State of Ark aged 20 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 6 day of Dec 1893

J. D. Scott

County Clerk

By J. J. Russell

# CERTIFICATE OF MARRIAGE

STATE OF ARKANSAS, COUNTY OF Crawford

I, J. D. Scott do hereby certify that on the 6 day of December 1893 I did, duly and according to Law, as commanded in the foregoing LICENSE, solemnize the rite and publish the bans of Matrimony between the parties therein named.

Witness my hand, this 6 day of December 1893

My Credentials are recorded in Recorder's Office.

Crawford County, Ark. Book 4 Page 701

NOTE - This License with Certificate duly executed and officially signed, must be returned to the office whence it issued within sixty days from date of License under penalty of forfeiture of the bond. No Minister of the Gospel is authorized to solemnize the rite of matrimony until he shall have his License or credentials recorded in some County in the State. He should then add to the Certificate of Marriage performed by him, a statement setting forth the County and the time when his License or credentials were recorded.

MAR 21 1901

*Handwritten signature*  
A. J. ...

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

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

### **MUSKOGEE, IND. TER.,**

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

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

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

Mr. Joseph Moore,

Wagoner, I. T.

Cherokee F-D-983  
ter.

Regis.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

**Commissioners.**

*C. ... .. 1903*

*C. ...*

IN RE  
Application for Enrollment of  
INFANT CHILD

*...*

is a citizen of

*...*

Nation

*...*

190

*...*

...



Copy

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Minnie Moor, born on the 28<sup>th</sup> day of January, 1894  
(Here insert name of child)  
Name of Father: Joseph Moor a citizen of the Cherokee Nation.  
Name of Mother: Minnie Moor a citizen of the U.S. Nation.  
Postoffice Wagoner, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, } State of Arkansas } SS  
DISTRICT: } County of Crawford

I, Minnie Moor, on oath state that I am 26  
years of age and a citizen by Marriage, of the Cherokee Nation;  
that I am the lawful wife of Joseph Moor, who is a citizen, by  
of the Cherokee Nation; that a female child was  
(Male or Female.)  
born to me on 28<sup>th</sup> day of January, 1894; that said child has been named  
Minnie Moor, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

I Neal  
W. H. Garrett  
Perry J. Allen

Subscribed and sworn to before me this 9<sup>th</sup> day of July, 1904



My Post office is San Bernardino  
My Commission expires July 31, 1904  
J. Neal Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, } State of Arkansas } SS  
DISTRICT: } County of Crawford

I, Harriet Dickinson, a Midwife, on oath state that I  
attended on Mrs. Minnie Moor, wife of Joseph Moor  
on the 28<sup>th</sup> day of January, 1894; that there was born to her on said date a female  
(Male or Female.)  
child; that said child is now living and is said to have been named Minnie Moor

WITNESSES TO MARK:

(Must be Two Witnesses.)

I Neal  
W. H. Garrett  
Perry J. Allen

Subscribed and sworn to before me this

My Post office is San Bernardino  
My Commission expires July 31, 1904  
J. Neal Notary Public.

15

11103

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
JUL 1 1901

  
ATTORNEY AT LAW

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *July 1, 1901*  
 Post Office *Wagoner, Ok.*  
 District *Sequoyah*

1. Name *John Moore* Age *28*  
 Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Year *1890*, Page *55*, No. *53*, District *Se*

Parents:  
 Father \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Mother *Winnie Mackey* \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Age \_\_\_\_\_

2. Name of wife \_\_\_\_\_  
 Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:  
 Father *Doubtful* \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

Names of Children

No.	Name	Year	Page	No.	Dist.
1.	<i>Winnie Moore</i>				
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

Application made by *Wm. H. Jones* Stenographer *B. C. Jones*

*1. Copy of birth cert. as per Moore  
 2. Birth cert. to be supplied  
 Certified copy of marriage record required.*

*Ref D 899*

Cherokee Freedmen

D-983.

Muskogee, Indian Territory, July 5, 1904.

Joseph Moore,

Wagoner, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself, among others, 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 your mother, Winnie Mackey, was the slave of the 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.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 o'clock A.M., on Wednesday, July 27, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register.

Cherokee Freedmen  
D-983.

Muskogee, Indian Territory, January 16, 1905.

Joseph Moore,  
Wagoner, Indian Territory.

Dear Sir:

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 child, Mamie Moore, as Cherokee freedmen, together with the Commission's decision dated January 16, 1905, rejecting, among others, your said application.

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

Respectfully,

*Tame Dixby.*  
Chairman.

Incl. S-59.

Register.

Cherokee Freedmen

D-899, et al.

Muskogee, Indian Territory, January 16, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 16, 1905, rejecting the applications for the enrollment of Winnie Mackey, et al., 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,

*Tamc Dixby.*  
Chairman.

Incl. 8-60

CONF.

Cherokee Freedmen  
D-899, et al.

Muskegee, Indian Territory, January 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Winnie Hackey, et al., as Cherokee freedmen, including the Commission's decision dated January 16, 1905, rejecting said application.

Respectfully,

Incl. S-61.

SIGNED: *Tamc Dixey.*  
Chairman.

Through the

Commissioner of Indian Affairs.

-COPY-

DEPARTMENT OF THE INTERIOR,  
Land.  
5247-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 16, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Winnie Mackey for herself and her minor child, Andrew Moore; by Robert Moore for himself; by Amelia Brown for herself and her minor child, Robert Brown; by Maggie Doty for herself; and by Joseph Moore for himself and his minor child, Mamie Moore.

January 16, 1905, the Commission decided adversely to all the applicants.

The record shows that Winnie Mackey 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. It is further shown that all the other applicants are descendants of Winnie Mackey, born since 1866, and claim no rights to enrollment except through her. None of the applicants is identified on the 1860 authenticated Cherokee roll.

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

Very respectfully,

H.M.H.

G. V. Larrabee,  
Acting Commissioner.



-COPY-

J. Y. Jr.

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

D. C. 21948  
I.T.D. 2312-1905.

May 29, 1906.

L.R.S.

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

Sir:

January 16, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated applications for enrollment as Cherokee freedmen by Winnie Mackey for herself and her minor child, Andrew Moore; by Robert Moore for himself; by Amelia Brown for herself and her minor child, Robert Brown; by Maggie Doty for herself, and by Joseph Moore for himself and his minor child, Mamie Moore.

Reporting March 7, 1905, the Indian Office recommended that the Commission's decision, adverse to the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision of the Commission dated January 16, 1905, is hereby affirmed.

Respectfully,

Jesse E. Wilson,  
Assistant Secretary.

1 inclosure.

Cherokee Freedmen  
# 899 et al.

COPY

Muskogee, Indian Territory, June 8, 1906.

Bell, Hastings & Eavenport,

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 January 16, 1905, rejecting the applications for enrollment as Cherokee freedmen of Winnie Mackay for herself and her minor child, Andrew Moore; Robert Moore for himself; Amelia Brown for herself and her minor child, Robert Brown; Maggie Doty for herself, and Joseph Moore for himself and his minor child, Mamie Moore, was affirmed by the Secretary of the Interior May 29, 1906.

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

Respectfully,

Encl. A-88.  
H.A.

*James Dixby*  
Commissioner.

Cherokee Freedmen  
D 983.

COPY.

Muskogee, Indian Territory, June 8, 1906.

Joseph Moore,

Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 16, 1905, rejecting, among others, the application for the enrollment of yourself and child, Mamie Moore, as Cherokee freedmen, was affirmed by the Secretary of the Interior, May 29, 1906.

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

Respectfully,

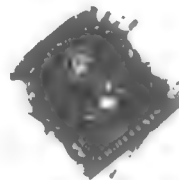
Encl. A-87.  
M.A.

SIGNED.

*Tams Bixby.*

Commissioner.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
MUSKOGEE, IND. TER.



Returned to Writer.

Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.



5025

Mr. Joseph Moore,

Wagoner, Indian Territory.

Cher. Fr. R 1046

Trans. from Cher. Fr. D 984

Cher. Fr. R 1046

0 The same year the first time they were  
before us again

RI  
The same year as the first time they were  
before us again

RI  
The same year as the first time they were  
before us again

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The same year as the first time they were  
before us again

DA  
SHOW TO  
RI  
IL 1

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I.T., July 1st, 1901:

In the matter of the application of Fannie Nicholson for the enrollment of herself and four children as Cherokee Freedmen.

Appearances:

L. T. Brown, for applicants;  
S. W. Davenport, of counsel for Cherokee Nation.

Fannie Nicholson, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Fannie Nicholson.  
Q How old are you? A I am about 31 or 32 as near as I can remember.  
Q What is your postoffice? A Lenapah.  
Q What district do you live in? A Cooveescoowee.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Descendant of a Cherokee Freedman, yes, sir.  
Q Who do you want to enroll besides yourself? A A Myself and two children.  
Q What are the names of your two children? A Bessie Nicholson.  
Q How old is Bessie? A Lets see, it is Jesticie Nicholson and Mabel.  
Q How old is she? A She was born in '96.  
Q What is the name of the next child? A Mabel Nicholson.  
Q How old is Mabel? A She is 2 years old.  
Q These children both named Nicholson? A Yes, sir, Nicholson.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A Lee Nicholson.  
Q Is he a citizen? A Yes, sir.  
Q Were you ever married before? A No, sir.  
Q Was Lee Nicholson ever married before? A No, sir, not as I know of.  
Q Are you married to him now? A Yes, sir.  
Q What was your father's name? A I don't know.  
Q What was your mother's name? A I don't know sir.  
Q What name did you go by before you were married? A Fannie Bean.  
L. T. Brown: Where were you born? A I was born in Fort Gibson.  
Q Lived in the Cherokee Nation all your life? A Yes, sir.  
Q Your two children were born in the Cherokee Nation? A Yes, sir.  
Q You say you don't know your mother's or your father's name? A No sir, my mother died when I was quite young, they told me I was about two years old.  
Q By whom were you raised? A By a woman named Lucy James.  
Q Is your name on any of the rolls, do you know? A Yes, sir.  
Q Did you draw what is known as the strip money? A Yes, sir.  
Q Your name on the roll of 1887? A No, sir.  
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.  
The 1886 census roll of Cherokee Freedmen examined and the applicants not identified thereon.  
The Kern-cliffers roll examined and the applicant, Fannie Nicholson, identified thereon, page 180, No. 3718, Cooveescoowee district.  
Q Did you draw for either one of these children? A No, sir, I draw for three more, the eldest ones.  
Q You cannot don't apply for the other children then; are these the only children you have got? A They have been enrolled.  
Q Who would have enrolled them; have they been enrolled by this commission this time? A No, sir, not this time, before.  
Q Don't you want to enroll them now? A Why I don't want to enroll them but once.

Fannie Nicholson - 2

- Q Well you have been enrolled before, haven't you? A Yes, sir.  
Q Are all your children living with you? A Yes, sir.  
Q Well, what are their names? A Ethel Nicholson the oldest one.  
Q How old is Ethel? A She is 12.  
Q Well, the next one? A Bessie Nicholson.  
Q How old is Bessie? A She is 7.  
Q The next one? A I told you the other two.  
Q You just got four? A No, sir, I have another one, I have five in all.  
Q What is the other one's name? A Edna.  
Q How old is Edna? A She is 9.  
Q All of them named Nicholson? A Yes, sir, all Nicholson.  
Q Were they all born after you married Lee Nicholson? A Yes, sir.  
Q Are you living with Lee now? A Yes, sir.  
Q Is Edna dead? A Yes, sir.  
Q Any of the others dead? A No, sir.  
Q You have got four living, have you? A Yes, sir.  
Q All living with you at this time, are they? A Yes, sir.  
Q They all brothers and sisters, are they? A All sisters.

The Fann-Glifton roll examined and the applicants identified thereon as follows:

Ethel Nicholson on page 150, No. 3711, Cooweescoowee district.

Bessie Nicholson on page 150, No. 3713, Cooweescoowee district

Mr. Davenport: When was the first time you ever saw Polly Hivens?

A I seen her, I don't know just how old, but ever since I have been big enough to recollect anything.

Polly Hivens, being duly sworn by Commissioner Needles, testified as follows:

L. T. Brown: State your name? A Polly Hivens.

Q Your age? A 56.

Q Your postoffice? A Fort Gibson.

Q You a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1880?

A Yes, sir.

Q You know the applicant, Fannie Nicholson? A Yes, sir, knowed her all her life.

Q Know her mother? A Yes, sir, I wasn't much acquainted with her mother.

Q What was her mother's name? A I have forgot her mother's name.

Q You know her father? A No, sir, I didn't know her father at all.

Q Do you know to whom her mother belonged at the beginning of the war? A Yes, sir.

Q Who was that? A Old Mrs. Martha Bean.

Q Was her owner a citizen of the Cherokee Nation? A Yes, sir, citizens of the Cherokee Nation.

Q At the beginning of the war? A Yes, sir, brought her mother back right close to my ~~mother's~~ mother's.

Q Did you see her mother after the war? A No, sir, her mother died.

Q Died when? A It was just a little over a year, my mother granied for that girl when she was born.

Q Was that during the war or after the war when she died? A It was just when peace was made, her mother was confined close to my mother.

Q Where was her mother living at that time? A Right on the hill from old town, where althum Cherokees lived, right there side the road.

Q About how long after the close of the war was that? A Just in the fall after peace was made, Mrs. Bean come back with her family, brought this girl's mother on back with her



Fannie Nicholson - 3.

Q What became of this applicant after her mother's death at the close of the war? A Why there was an old lady took her, stayed with her.

Q She been here all her life? A Yes, sir, backwards and forwards, has been in Gibson in here all her life, up until she married Mr. Nicholson, but I wasn't at the wedding.

Q Where has she been, in what Nation? A In the Cherokee Nation, down in Sequoyah.

Q Then of your own personal knowledge she has lived in the Cherokee Nation since her birth up until this day? A Yes, sir, I don't know where she is living here; I knowed her ~~mother~~ all her life too.

Q Her mother died in the same year after the war closed? A Yes, sir, her mother died just when she was a young baby, my mother waited on her when she was born.

Commissioner: Do you know her mother was a slave? A Yes, sir, belonged to old Mrs. Bean.

Q Can you recollect what her name was, her mother? A I have forgot her mother's name, I know her mother's name but I done clean forgot it, the way I got acquainted with her, my mother waited on her mother when she was born, and I would go by and carry her something to eat as I would go to work.

Q That was when this girl's mother was born? A When this girl was born.

Q Your mother waited on this girl's mother when this girl was born? A Yes, sir, that is right.

Q Where was this girl's mother living at the time your mother waited on her? A At old Big Mary's, an old colored woman on the side of the road.

Q Was that during the war? A No, sir, just after peace was made; her mother never did go out.

Q She never; she was here at the close of the war? A Yes, sir she died here.

Mr. Davenport: What Bean was it she belonged to? A Jehn Bean and Mark Bean.

Q That is the first woman's name on earth you ever forgot?

A Yes sir is; no it is not the first, I have forgot a heap.

Q You didn't know this girl's mother before the breaking out of the war? A No, sir, I didn't know them before the breaking out of the war, no sir.

Q You don't know her name now? A Yes, sir.

Q And you don't know of your own knowledge that her mother belonged to the Beans? A Yes, sir, because one transported her back.

Q Who did? A Old lady Bean.

Q What was her name? A I just called her Mrs. Bean, I never did ask her her name.

Q The Beans didn't come back to Fort Gibson to live? A They come and stayed a while, they didn't live, and this girl's mother she come with them, belonged to them because the old the old lady was her mistress.

Q She didn't belong to her when you saw her at Fort Gibson? A This girl's mother did, before this girl was born.

Q The Beans come back from ~~England~~ the south and went through Fort Gibson? A I don't know whether they come from the south or not, come back from somewhere and brought this girl's mother with them.

Q They had her along with them? A Yes, sir, and she was along with them, they stopped in Fort Gibson a short while, and camped there a short while.

Q And this girl's mother was there while they were there? A Yes, sir, this girl's mother was with them.

Q The girl's mother wasn't in Fort Gibson until the Beans come back going home? A Yes, sir.

Fannie Nicholson - 4.

- Q And she turned up at that place about that time? A Yes, sir.  
Q And this girl was born there? A Yes, sir.  
Q This girl is about 30 years of age? A I don't think she is that old, I can't tell you exactly, I haven't any idea.  
Q The war was over anyway when they came back there? A Yes, sir.  
By L. F. Brown: ~~xxxxxxxx~~ Was this girl born in the same year that her mother died? A Yes, sir.  
Mr. Davenport: You know what year that was? A No, sir. I don't know exactly that year, but it was the same year, the first year Peace was made,  
Q The same year the Beems came back there? A When peace was made and they refuged in there.

Hamner Brown, being duly sworn by Commissioner Needles, testified as follows:

- By L. F. Brown: State your name? A Hamner Brown.  
Q Your age? A 55.  
Q Your residence? A Coweesocooee.  
Q What is your postoffice address? A Lenapah.  
Q Are you a citizen of the Cherokee Nation? A Yes, sir.  
Q Recognized by the Cherokee authorities? A Yes, sir.  
Q You know the applicant, Fannie Nicholson? A Yes, sir.  
Q How long have you known her? A About 23 or 24 years I guess.  
Q Do you know her mother? A No, sir.  
Q Her father? A No, sir.  
Q You say you have known the applicant 23 or 24 years? A Yes, sir.  
Q Where has she lived all that time? A When I knew her she lived down here close to Fort Smith, I was going to Fort Smith, I stopped over night with her.  
Q In Sequoyah district? A Yes, sir.  
Q In the Cherokee Nation? A Yes, sir.  
Mr. Davenport: You never knew anything about her until about 24 years ago, you say? A No, sir.

Commissioner: Fannie Nicholson applies for the enrollment of herself. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1884, but she is identified upon the Kern-Clifton roll. She also applies for the enrollment of four children, Ethel and Bessie, whose names are identified upon the Kern-Clifton roll, and two younger children, Jostenie and Mabel, whose names do not appear upon said rolls. She does not recollect the names of her father and mother. Satisfactory proof has been made as to her residence. Reference is made to the testimony as to her citizenship. She and her four children will now be listed for enrollment as Cherokee Freedmen on a doubtful card. It will be necessary for her to make satisfactory proof of birth as to her two younger children.

\*\*\*\*\*

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*

Brown to and subscribed before me this the 15th of July, 1901.

*[Signature]*

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  
FANNIE NICHOLSON, ET AL., as Cherokee Freedmen, introduced on part  
of the Cherokee Nation:

Appearances:

Mellette & Smith, Vinita, I. T., Attorneys for Appli-  
cants;  
Mr. W.W. Hastings, Cherokee Representative:

MARK BEAN, being duly sworn, testified as follows on part  
of the Cherokee Nation:  
MR. HASTINGS:

- Q What is your name? A Mark Bean.  
Q How old are you? A 39.  
Q What is your post office? A Evansville, Arkansas.  
Q Are you a Cherokee citizen by blood? A Cherokee citizen by  
blood.  
Q What was your mother's name? A Ruth Bean.  
Q Did you have a brother by the name of John? A Yes, sir.  
Q Where did you go during the war? A We were soldiers, my mother  
refugeed into Texas.  
Q Where did you come from when the war was over? A Texas.  
Q How, how did you come back from Texas? A We came back from  
Texas by way of Red river, from the mouth of Reddy and up through  
Van Buren and from there to Evansville.  
Q Did you come through Fort Gibson? A No, sir.  
Q Did you come within 40 miles of Fort Gibson? A The nearest  
point I was was at Fort Smith something like 50 or 60 miles.  
Q What was your mother's name? A Ruth Hank Bean.  
Q Did your people own a colored woman by the name of Martha?  
A No, sir.  
Q Did you bring a colored woman back with you? A There was a  
colored woman come back part of the way with us.  
Q What was her name? A Julia.  
Q You didn't bring any people back with you? A No, sir, except  
a man by the name -  
Q What was his name? A Truck Mayfield.  
Q You didn't come back by way of Fort Gibson? A No, sir.  
Q Did your people own a colored woman by the name of Martha when  
the war came up? A No, sir.  
Q You don't know this applicant, Fannie Nicholson? A No, sir,  
I came back with my mother and brother, John Bean.  
MR. MELLETTE:  
Q What was your mother's name, Martha Bean? A No, sir.  
Q Did you know Martha Bean, a Cherokee? A No, sir, I did not.  
MR. HASTINGS:  
Q You had a brother by the name of John? A Yes, sir.  
Q Were there any other brothers in the country besides you and your  
brother? A I don't know of any other family where there was a  
Mark and John in the family. I know where there was a Mark and  
John but not in the same family.

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, and that the foregoing is a true and  
correct transcript of my stenographic notes.

... testimony was concerned by the special ...  
... of attorneys representing these applicants, on ...  
... and this date being the first day of ...  
... of the Commission, that ...  
... and the testimony ...  
... should be closed by the Commission ...  
... in any case and no case ...  
... and particular reason shown ...  
... of the ...  
... in necessity of ...

... of the Commission ...  
... and as the Commission must ...  
... of the proceedings of ...  
... for applicants ...  
... of the Court in the pro- ...  
... and as the Commission must ...

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

(Signed) H. G. Rothberger.

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

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

(SEAL)

I, H. G. Howell, a stenographer to the Commission to the  
Five Civil Tribes, on oath state that the above and foregoing  
is a true and correct copy of the original testimony in the above  
case, as filed with the Commission, which copy was made

*H. G. Howell*

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

*F. G. Rafter*  
Notary Public

Freed D 880

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette S. Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 483, 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:

Fanny Nicholson, D 984;

By W. W. Hastings:

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

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Hall 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 decrees already referred to.

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

W. W. Hastings,

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

-----

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

(Signed) E. G. Rothenberger.

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

(SEAL)

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

-----

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

*E. C. Bagwell*

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

*P. G. Reuter*  
Notary Public.

FILED

OCT 31 1903

COMMISSION TO FIVE TRIBES.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegee, I. T., October 30, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of  
the application for the enrollment of Fannie Nicholson et al.,  
as Cherokee Freedmen.

Appearances: W.W.Hastings, attorney for Cherokee Nation;

GEORGE VANN, being first duly sworn, testified as follows  
on behalf of the applicants:

BY COMMISSION: What is your name? A George Vann.  
Q How old are you? A 53.  
Q What is your postoffice? A Lenapah.  
Q What district do you live in? A Coowescoowee.  
Q In what Nation? A Cherokee Nation.  
Q Do you know Fannie Nicholson, who has applied to the Commission for enrollment as a Cherokee freedman? A Yes sir.  
Q Who was her father? A I don't know who her father was, I know her mother.  
Q Who was her mother? A Rhoda Bean.  
Q Is she living or dead? A She is dead.  
Q When did you first get acquainted with her mother?  
A I first got acquainted with her mother after we come back from Kansas to Fort Gibson, in '66.  
Q Where did you first see Rhoda Bean? A Right at Ft. Gibson.  
Q At what time? A It was in '66 in the fall, near about Christmas times.  
Q Was it before Christmas, or after? A It was before Christmas, before we went to Tahlequah.  
Q Was she right in Ft. Gibson or in the country? A Living right in Ft. Gibson, most of the people at that time was living right in Ft. Gibson, hardly anybody in the country.  
Q Who was she living with? A I don't know, she was living in town though, in a house of her own. She lived right close to my uncle Irvin; that's how I come to get acquainted with her.  
Q Did she have a family at that time? A One little bit of a girl - a child you might say.  
Q You don't know how long she had been living there before you saw her? A No sir, I don't know; I just come from Kansas in '66 and saw her at that time.  
Q You are sure that was just before Christmas times, '66?  
A It was before Christmas.  
Q How long before Christmas? A I don't know, it wasn't very long before Christmas.  
Q Was it less than a month before Christmas? A I think it was less than a month, if I mistake not, it wasn't long.  
Q How long did Rhoda Bean stay there? A I don't know; you see I lived up on Spring Creek at that time and we come down backwards and forwards from there to Tahlequah. I don't know how long she lived there.  
Q Did you see her more than once? A Yes sir, several times.



Q How long did you see her, about? A I would be there maybe two or three days. I did stay there about Christmas once, a week, maybe two weeks.

Q How long did she stay there then? A She was there all the time while I was there. I could see her most every day.

Q You say you saw her several times at Fort Gibson? A Yes sir, we come down to Fort Gibson, and to Tahlequah, backwards and forth.

Q When was the last time you saw her there? A The last time I saw her there was some time in Christmas week. I stayed there all that Christmas nearly, sometime s in Christmas week. The last time I stayed there, I don't know that day.

Q Do you know what became of her afterwards? A I was told she died, but her girl, this child, this man's wife now, was the child everybody claimed was her child, at that time, they claimed that was the one.

Q When did you next see her in the Cherokee Nation after that? A I never saw her any more after that ~~would~~ Christmas. She died after that I guess, I didn't see her.

Q About how old did she appear to be at that time, Rhoda Bean? A I don't know, she seemed to be like she was about 25 or 30 years old. Might have been older, maybe younger. I don't know. I was just a boy at that time, and never paid much attention. Never paid any attention to how old she might be. I am just guessing at that.

Q You are the same George W. Vann who was in the Horse Creek fight, are you? A Yes sir, the same man.

Q You don't know of your own knowledge where Rhoda Bean was living at the time of her death, do you? A No sir, I don't know. I don't know of my own knowledge. I would hear, but I don't know of my own knowledge at all.

Q How did you come to know that this girl you saw was Rhoda Bean - A In talking with Polly Nivehs, and people that knew her, in talking around, just like you know me. A conversation come up, Did you know who this child is here? That's the same Rhoda lived close to Uncle Irvin's, and that is the same girl. That's how come I to know it, in talking around with people that did know, that's how come.

Q Do you know whether Rhoda Bean was the slave of a Cherokee citizen at the commencement of the war? A Now, that was just this way: When Mrs. Nivehs, that's Polly Ross now, says that's the same woman that belonged to Mrs. Bean before the war. She said, that's the same woman, and this is the same little baby she had at that time. That's all I know about the ownership of it.

Q Which Mrs. Bean was that? A Lucinda Bean, they called her. They called her Mrs. Lucinda Bean.

Q Did you know that Mrs. Bean yourself? A I have seen her when I was a boy.

Q Was she a Cherokee citizen? A Cherokee citizen.

Q Do you know Mrs. Martha Bean? A I might have seen her, but I wasn't acquainted with her.

Q You don't know yourself whether Rhoda Bean belonged to Lucinda Bean or not, do you? A It was just said like I belonged to the Vanns. Talking about this woman, they says this is the same woman that belonged to Lucinda Bean, and that's her little child that's left, and the woman is dead. That's all I know about it. In talking with people that did know, and knew me. They said this is the same child. I put in the same testimony in the Kern-Clifton court as I do now, just what I know about it.

MR. HASTINGS: You are the George W. Vann that come down at the time of the Horse Creek fight? A Yes sir, Horse Creek fight.

Q You was the fellow that was colonel, or leader? A Not colonel, captain.

Q You saw Fannie Nicholson at Fort Gibson? A Her mother had her, a little bit of a lady.

Q You saw her, did you? A I saw her when she was a little bit of a chap in Fort Gibson, with her mother.

Q You knew her name was Fannie? A No, I didn't know her name was Fannie at that time. I knew her by talking with Polly Nivens, though.

Q You are not certain it is the same child? A They said this is the same child, just same as you know anybody else. That's the way I knew.

Q You knew it from talking with Polly Nivens? A Yes sir.

Q Would you believe her on oath? A I couldn't say she was a liar.

Q Would you believe her on oath, answer yes or no? A Yes sir, I couldn't tell whether she was a liar.

Q You heard her testify around in a great many cases?

A You know the biggest kind of a liar can tell the truth sometimes.

Q You know that she testifies untruthfully in a good many cases, from your own knowledge? A I couldn't swear that.

Q You couldn't swear that? A No sir.

Q From what you know of her reputation testifying in these cases, from her reputation, do you think she is worthy of belief, under oath, George? A I couldn't raise my hand and swear to it, no sir.

Q You wouldn't swear to it one way or the other? A No sir, I couldn't do that.

Q You saw a woman with a little child, and from what Polly Nivens said you took this to be the same child? A Yes sir, she says like this --

Q Just say yes or no? A Yes.

Q When did you see the child next? A Now understand, I first --

Q When did you see it next, about how long after '66? A I didn't see her until in Christmas week sometime.

Q How long was it before you saw the child again? A Never saw the child until three or four years after that.

Q Where did you see it next? A As I tell you --

Q Where did you see it next? The child? A I told you I saw it four or five years after.

Q Where? A Fort Gibson.

Q Right in the same town? A Same town.

Q Where was it you saw it, what part of the town did you see it?

A You know here Uncle Irvin lives. Across the hollow, coming down towards this place, right on the road coming this way. Right across the hollow they lived, on this side of the hollow.

Q That is where you saw it? A Yes sir.

Q How long before you saw it again? A I don't know how long.

Q How old was the child when you saw it the first time?

A I don't know, it was a little bit of a thing.

Q Was it as much as two or three years old? A No sir, it wasn't that old.

Q About how old was it? A I don't know it might have been a year old, maybe 2 years, I don't know.

Q That's this same Fannie Nicholson? A That's the same one was recommended to me, the same child.

Q You only know it from recommendations? A That's all I knew, just like anything else.

Q Was her father there at the time? A I never knew anyone to be called her father, just knew the mother and the child.

Q What was her mother's name? A They called her Rhoda.

Q Who did she belong to? A Bean, always claimed she belonged to Bean.

Q What Bean? A Rutha Bean.

Q Ever see her before the war? A Ever seen her Fannie's mother?

A No sir, I don't recollect of ever seeing her before. I got acquainted with her when the war was ended after '66.

Q That is the first time you had ever seen her? A Yes sir.

Q Ever testify for her before? A Yes sir.

Q Where? A On the Kern-Clifton roll.

Q You testified you saw her Christmas in '66? A The first time

I saw her was before Christmas and I stayed there during Christmas week.

Q Who was her mother living with at that time? A Living with some people; there was a crowd of them living in a row of houses when the small pox broke out; they broke up the houses and I don't know where she went then.

Q Isn't it strange you knew her right after the war and never saw her since, and remembered her thirty years? A I remembered this fellow that came in here; I hadn't seen him for a long time but I knew he was the same man.

Q You never knew this woman before the war at all? A No sir, I seen the old woman they said she belonged to.

Q She never went north with you? A No sir.

Q Her mother wasn't in the Horse Creek fight that you was Captain of? A No sir.

-----  
Wm. Hutchinson, 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 correct transcript of his stenographic notes thereof.

Wm Hutchinson

Sworn to and subscribed before me this 30th day of October, 1903.

Edward Merrick  
Notary Public.

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

In the matter of the application for the enrollment of  
Fannie Nicholson et al., as Cherokee freedmen.

D E C I S I O N.

The record herein shows that on July 1, 1901, Fannie Nicholson appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself and her four minor children, Ethel, Bessie, Jestinie and Mabel Nicholson, as Cherokee freedmen. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 30, 1903; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Howard Nicholson.

The evidence shows that Fannie Nicholson was born since 1860 and is the daughter of Rhoda Bean, who was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the commencement of the rebellion. The minor applicants, Ethel, Bessie, Jestinie, Mabel and Howard Nicholson, are the children of the said Fannie Nicholson and claim the right to enrollment through their said mother. None of the applicants herein possess any rights to enrollment except such as they derive through their said ancestor, Rhoda Bean.

None of the applicants herein nor their ancestor, Rhoda Bean, are identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Fannie Nicholson, Ethel Nicholson, Bessie Nicholson, Jestinie Nicholson, Mabel Nicholson, and Howard Nicholson as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 475), and it is so ordered.

COMMISSIONERS TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

  
Commissioner.

Dated at Muskogee, I. T.,  
this       JUL 29 1904

1899

MAR 21 1900

*[Handwritten signature]*

# **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. Fannie Peterson,

Senapah, I.T.

Cherokee W. D. 984

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

F. D. 984

10

J 1984

**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 3-1, 1902

*Walter Smith*  
Attorney for applicant.

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

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

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

Subscribed and sworn to before me  
this .....

Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

**FILED**  
MAR 3 1902

*[Signature]*  
ACTING CHIEF

## NOTICE!

IN THE MATTER OF the application of Fannie Nicholson  
for enrollment as Cherokee Freedmen:  
Case No. F. D. 934.

To Fannie Nicholson or Mellette A. Smith, her Attorneys:

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

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb. 25, 1902.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

JUL 1, 1901

*[Handwritten signature]*  
S. M. CHASE

*[Handwritten marks]*

*[Handwritten mark]*

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *July 1, 1961*

Post Office *Smiths Fork*

District *Co. 1*

1. Name \_\_\_\_\_ Age \_\_\_\_\_

Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_

Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_

Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

17. Name of wife *Fannie Nicholson* Age *31*

Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_

Year *K. 6*, Page *150* No. *3710* District *Co. 1*

Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_

Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

Names of Children:

21. *Fannie Nicholson* Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_ *5*

34. *Mabel* " Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_ *2*

40. *Ellen* " Year *K. 6*, Page *150* No. *3711* Dist. *Co. 1* *12*

50. *Beanie* " Year " Page *152* No. *3713* Dist. " *7*

7. ~~*Anna* " Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_ *9*~~

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 *B. B. Jones*

*2 and 3. Birth affidavits to be supplied*

*Represented by Louis T. Brown*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
AUG 16 1901

*[Handwritten signature]*  
A. C. C. C. C.

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

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 8th, 1901.

Received of the Commission to the Five Civilized Tribes,  
one copy of the original testimony of July 1st, 1901, in the  
matter of the application of Fannie Nicholson et al for enrollment  
as Cherokee Freedmen.

*Louis J. Brown,*  
Agent for Applicants.

Cherokee Freedmen #D984.

Cherokee Freedmen  
D-984.

Muskogee, Indian Territory, September 11, 1903.

Fannie Nicholson,  
Lenapah, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and family as Cherokee Freedmen, you are hereby advised that further testimony is required tending to show whether or not either of your parents were slaves of Cherokee citizens at the commencement of the War of the Rebellion, and 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 Wednesday, September 23, 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 points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen  
D-984.

Muskogee, Indian Territory, September 11, 1903.

Edgar Smith,

~~Fannie Nicholson,~~  
Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Fannie Nicholson, et al., as Cherokee Freedmen, you are hereby advised that further testimony is required tending to show whether or not the applicant's parents, or either of them, were slaves of Cherokee citizens at the commencement of the War of the Rebellion, and 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 Wednesday, September 23, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen  
D-984.

Muskogee, Indian Territory, October 7, 1903.

E. B. Lawson,  
Attorney for Fannie Nicholson,  
Nowata, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of September 26, stating that Fannie Nicholson, whose application for enrollment as a Cherokee freedman was set for further hearing at Vinita, Indian Territory, on September 23, 1903, did not receive notice of such hearing in time to appear at Vinita, on that date. You ask that she be allowed to appear before the Commission and produce the testimony required.

In reply you are advised that, before a decision can be rendered in this case it will be necessary for the applicant to furnish testimony showing whether or not either of her parents were slaves of Cherokee citizens at the commencement of the war of the rebellion, and whether they returned to the nation within the time required under the treaty of 1866.

The applicant has this day been notified that she will be permitted to appear before the Commission at its offices in Muskogee,

-2-

on October 30, 1903, to produce the required testimony.

Respectfully,

Chairman.



COPY.

Cherokee Freedmen  
D-984.

Muskogee, Indian Territory, October 6, 1903.

Fannie Nicholson,

Lenapah, Indian Territory.

Dear Madam:

You are directed to appear before the Commission at its offices at Muskogee, Indian Territory, on October 30, 1903, and produce testimony in your application for enrollment as a Cherokee freedman, tending to show whether or not either of your parents were slaves of Cherokee citizens at the commencement of the war of the rebellion and whether they returned to the Nation within the time required by the treaty of 1866.

Respectfully,

*Tame Kirby*

Chairman.

COPY.

Cherokee Freedmen

D-964.

Muskogee, Indian Territory, August 1, 1904.

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

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 29, 1904, rejecting the application for the enrollment of Fannie, Ethel, Bessie, Justinie, Mabel and Howard Nicholson as Cherokee freedmen.

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

Respectfully,

*I. B. Needles,*

Commissioner in Charge.

Encl. 8-193.

COPY

Cherokee Freedmen

D-984.

Muskogee, Indian Territory, August 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Fannie, Ethel, Bessie, Jestinie, Mabel and Howard Nicholson as Cherokee freedmen, including the Commission's decision dated July 29, 1904, rejecting said application.

Respectfully,

*I. E. Needles,*

Encl. S-194.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

COPY

Cherokee Freedmen

D-924.

Muskogee, Indian Territory, August 1, 1904.

Fannie Nicholson,

Lenapeh, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 30, 1904, rejecting your application for the enrollment of yourself and your five minor children, Ethel, Sessie, Jostine, Mabel and Howard Nicholson, as Cherokee freedmen. There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,  
*T. B. Needles.*

Encl. 3-191.  
Register.

Commissioner in Charge.

out  
Cherokee Freedmen

D-984.

Muskogee, Indian Territory, August 1, 1904.

Louis T. Brown,

Agent for Fannie Nicholson, et al.,

Vianna, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 29, 1904, rejecting the application for the enrollment of Fannie, Ethel, Bessie, Jestinie, Mabel and Howard Nicholson as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

*eedlss.*

Commissioner in Charge.

Encl. B-152.

Register.

( C O P Y )

Refer in reply to DEPARTMENT OF THE INTERIOR,  
the following:  
Land.

OFFICE OF INDIAN AFFAIRS,

53807-1904.

WASHINGTON, August 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 1, 1904, transmitting the record of the application for enrollment as Cherokee freedmen by Fannie Nicholson for herself and her five minor children, Ethel, Bessie, Jestinie, Mabel and Howard Nicholson.

July 29, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The record shows that the principal applicant, Fannie Nicholson, was the daughter of a slave of a Cherokee citizen at the beginning of the war of the rebellion; that her ancestor was taken out of the Cherokee Nation during the war and returned to the Nation prior to February 11, 1867, and resided therein until the time of her death in 1870; that the principal applicant was born in the Nation in 1870, and the other applicants claim title solely through her.

The names of Fannie, Ethel and Bessie are identified on the Kern-Clifton roll. The names of the applicants are not

found on the 1890 authenticated Cherokee roll.

The Cherokee Nation has furnished the testimony of one Mark Bean, who states that his mother did not own a slave named Martha.

In view of the record it is recommended that the action of the Commission adverse to the applicants be reversed and that they be enrolled as Cherokee freedmen.

Very respectfully,

W. A. Jones

Commissioner.

H.M.M.  
V

3 encl.

D. C. 32784  
I. T. D. 6674-1904  
LRS

DEPARTMENT OF THE INTERIOR,

Y. P  
FHE

WASHINGTON. September 1, 1904.

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

Gentlemen:

August 19, 1904, the Commissioner of Indian Affairs submitted the case involving the application for the enrollment of Fannie Nicholson and her minor children, Ethel, Bessie, Jestine, Mabel and Howard Nicholson, as Cherokee freedmen, and recommended that your decision of July 29, 1904, adverse to the applicants, be not concurred in, as he finds that the principal applicant was the daughter of a slave of a Cherokee citizen at the beginning of the war of the rebellion, and "that her ancestor was taken out of the Cherokee Nation during the war and returned to the Nation prior to February 11, 1867, and resided therein until the time of her death in 1870; that the principal applicant was born in the Nation in 1870."

The main witnesses for the applicants have testified in numerous freedmen cases in the most contradictory manner, and have been contradicted by reputable witnesses of the Nation. The evidence in this case is contradictory and entirely insufficient to warrant the enrollment of the applicants.



- 2 -

The principal applicant and the agent for the applicants were on August 4, 1904, duly advised of your decision, and have taken no further action.

Your decision is hereby affirmed. A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan

1 inclosure.

Acting Secretary.

COPY.

Cherokee Freedmen  
D 984

Muskogee, Indian Territory, October 6, 1904.

Fannie Nicholson,  
Lenapah, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 29, 1904, rejecting your application for the enrollment of yourself and your minor children, Jestinie, Mabel, Ethel, Bessie and Howard Nicholson, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 1, 1904.

Respectfully,

SIGNED. *Tame Bixby.*  
Chairman.

COPY.

Gherokee Freedmen  
D 984

Muskogee, Indian Territory, October 3, 1904.

Louis T. Brown,

Attorney for Fannie Nicholson, et al.,

Tablequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 29, 1904, rejecting the application for the enrollment of Fannie Nicholson and her minor children, Jestinie, Mabel, Ethel, Bessie and Howard Nicholson, as gherokee freedmen, was affirmed by the secretary of the Interior on September 1, 1904.

Respectfully,

(SIGNED).

*Tamie Bisby.*  
Chairman.

Cherokee Freedmen  
D 984

Muskogee, Indian Territory, May 28, 1906.

Fannie Nicholson,  
Lenapah, Indian Territory.

Dear Madam:-

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

Respectfully,

Commissioner.

LMC

Muskogee, Indian Territory, May 28, 1906.

Blue & Bulger,

Attorneys for Eliza A. Arnold, et al.,

Vinita, Indian Territory.

Gentlemen:

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

Respectfully,

Commissioner,

YMP

Maizege, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

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

Respectfully,

Commissioner.

LMC  
Incl. C-2

Cher. Fr. R. - 1047

Cher. Fr. R. 1047

Trans. from Cher. Fr. D 986

C.F.D. 986

FILED  
Jan - 1904  
COMMISSION TO FIVE TRIBES.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Nowata, I. T. July 1st, 1901.

In the matter of the application of Austin Whitmire for the enrollment of his wife Josie as a Cherokee Freedman; she being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Austin Whitmire.  
Q What is your age? A 27.  
Q What is your postoffice address? A Vinita.  
Q In what district do you live? A Cooweescoowee.  
Q Who do you apply for now? A My wife.  
Q What is her name? A Josie Carter before I married her.  
Q How old is she? A 26.  
Q Is she a citizen? A Yes, sir.  
Q What is her father's name? A I don't know.  
Q What is her mother's name? A I never did see her mother.  
Q Is she on any of the rolls of the Cherokee Nation? A I don't know.

Applicant's wife not found on any of the rolls of the Cherokee Nation in the possession of the Commission.

SUSIE COODY called and sworn as a witness for the applicant-

- Q What is your name? A Susie Coody.  
Q What is your age? A About a hundred, 90 anyway.  
Q Are you a Cherokee Freedman? A Yes, sir.  
Q Is your name on the roll of 1880? A I don't know, I can't read or write.  
Q Do you know Austin Whitmire? A Yes, sir.  
Q Do you know his wife? A Yes, sir.  
Q What is her name? A Josie.  
Q What was her mother's name? A Cynthia Carter.  
Q Was her mother a slave? A Yes, sir.  
Q Who did she belong to? A Tom Candy.  
Q Was he a Cherokee citizen? A I believe he was.  
Q Is Cynthia alive? A No, sir.  
Q Did she go out of the Cherokee Nation during the war? A I don't know.  
Q Did you see her in '66? A Yes, sir.  
Q Did you see her in '67? A Yes, sir.  
Q Did you see her in '65? A Yes, sir.  
Q Was she born and raised in the Cherokee Nation? A I suppose she was.  
Q What was her husband's name, the father of this applicant's wife? A George.

BY DAVENPORT-

- Q Where did Cynthia live when the war broke out? A She lived with Tom Candy.  
Q In what part of the Cherokee Nation? A On a creek, I can't call the name of the creek.  
Q Where was it? A In the Hills from Tahlequah.  
Q Is that all you can tell about where she lived? A Yes, sir.  
Q How far was it from your place, where you lived? A 4 or 5 miles.  
Q How old is this applicant's wife? A I don't know.  
Q Where was her mother living when she was born? A Near Caney, in the Cherokee Nation.  
Q Where has she lived since that time? A I suppose she lives on Caney yet?  
Q You don't know then where she is living now? A A I don't.

BY THE COMMISSION.

Q You don't know if Cynthia went out of the Cherokee Nation during the war or not? A No, sir we was scattered and I don't know.

BY DAVENPORT-

Q Tom Candy that she belonged to was Mrs. Schrimpsher's father?  
A I don't know, we hadn't time to know all of that.

BY THE COMMISSION-

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

Q Where to? A Fort Scott, Kansas.

Q Was Cynthia up there? A I never seed her.

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

Q How long after you come back before you saw Cynthia? A Saw her since her and her husband moved up on the creek west of me.

Q How long after you come back here was that? A A right smart while.

Q Several years? A Yes, sir.

ABE HAIR called and sworn as a witness for the applicant-

Q What is your name? A Abe Hair.

Q What is your age? A 77

Q What is your postoffice address? A Wymer.

Q Do you know the applicant? A Yes sir.

Q Do you know his wife? A Yes, sir.

Q What is her name? A I don't remember her name.

Q Did you know her mother? A Yes, sir.

Q What was her name? A Easter Carter.

Q Was she a slave? A Yes, sir.

Q Who did she belong to? A Susie Candy.

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

Q Where to? A Fort Scott, Kansas.

Q When did she come back? A In the fall of '66.

Q How do you know that? A I saw her after she come back.

Q Where did you see her? A Saw her on Snow Creek.

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

Q How long has she been dead? A Quite a while.

Q And so this girl's mother was Easter? A Easter was this girl's mother, this applicant's wife's mother.

Q Had she any other sisters? Yes, sir.

Q What were their names? A Deal and Ma.

Q Was one named Cynthia? A Yes, sir.

Q Was she older or younger? A Why she was older, she was her grandmother.

Q You mean Cynthia was Easter's grandmother? A No, Cynthia was Easter's mother, and the grandmother of this applicant's wife.

Q So Easter was his wife's mother? A Yes, sir.

Q How old is this applicant's wife? A Something like 21 or 2.

Q Did you go to Fort Scott yourself? A Yes, sir.

Q Did you come back with this girl's mother? A No, sir.

Q How long had you been back here before you saw this girl's mother? A Some two or three years.

Q When did you come back? A In '65.

BY THE COMMISSION of applicant-

Q Is your wife living now? A Yes, sir.

Q And with you? A Yes, sir.

BY COM'R NEEDLES-

Austin Whitmire applies for his wife, Josie; her name is not found on any of the rolls of the Cherokee Nation now in the possession of the Cherokee Nation. Proof is presented to the effect that she was the daughter of Cynthia or Easter Carter, and that the said mother was a slave of a Cherokee citizen; that she went out during the war and returned possibly in 1866; satisfactory proof of residence is made as to the applicant's wife, and she will be listed for enrollment as a Cherokee Freedman on a doubtful card, and when the final decision is arrived at by the Commission she 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 cause and that the foregoing is a full, and correct transcript of his stenographic notes therein.

Chas von Weise.

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

T. S. Needles,  
Commissioner.

Opal Griggs being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a correct copy of the foregoing proceedings.

*Opal Griggs*

Subscribed and sworn to before me this 16th day of January, 1905.

*H. J. Anderson*  
Notary Public.



To be filed in C. F.-D.986, Josie Whitmire.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 7th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SANDY ROSS as a Cherokee Freedman, introduced on behalf of the Cherokee Nation.

APPEARANCES:

Mr. L. B. Bell, of counsel, for Cherokee Nation.

Now comes the Cherokee Nation by its attorney and states that they have made every effort to get service on the said Sandy Ross, that he cannot be found in the Indian Territory.

J. E. THORP, being duly sworn by Commissioner Needles, testified as follows, on part of the Cherokee Nation:

MR. BELL: Your name? A J. E. Thorp.

Q Age? A 64.

Q Postoffice? A Iola, Kansas.

Q Well, Mr. Thorp, this is a case of the application of Sandy Ross or Sandy Ellis, claiming to be a Cherokee Freedman and applying for citizenship under the treaty of '66; are you acquainted with Sandy Ross? A Yes, sir.

Q Where did you get acquainted with him? A In Iola.

Q Kansas? A Iola, Kansas.

Q About when? A Oh, about '66 or '67, somewhere right along there, shortly after I was ministered out, I don't know how long.

Q How long have you known him? A Known him ever since.

Q Where is his place of residence? A It is in the northeast part of town now; he did at one time live on a tract of land in the south part of town, five acre-tract I believe it was, he lost it by mortgage and got a piece of property up in town.

COM'R NEEDLES: What place and state? A Iola, Kansas.

MR. BELL: Does he live there now? A Yes, sir.

Q How long since you seen him? A I think a week probably.

Q And he has been at either one of these two places you mention since you first known him directly after the war? A Yes, sir, well he lived up in town first and married this Haytime widow and lived on the tract of land and was about to lose it and got a little house up in town and moved up there.

Q Now, he goes here by the name of Sandy Ross, that was his application; what name did you know him by? A He was frequently called Sandy Ellis and sometimes called Ross.

Q He is sometimes called Ross and sometimes Sandy Ellis? A Yes, sir.

COM'R NEEDLES: How old is this Sandy Ross you know? A I would take him to be somewhere in the neighborhood of 75.

Q What is your occupation? A I have been a barber for the last 20 years.

Q Do you know where Sandy Ross went from when he went to Kansas?

A He was, he always claimed and his brothers agreed with it too, claimed he came from the Cherokee Nation.

Q Well, do you know of your own knowledge that he has lived there from the time you knew him up to the present time? A Particular so, sir.

Q And is living there now? A Yes, sir.

Q Do you know whether you got acquainted with him in 1866 or after 1866? A Oh, about 1866 or '67.

Q He has a family has he? A He did have, and has now again by reason of his second marriage.

Q Did you know his first wife's name? A No, sir.

Q What is his present wife's name? A Her name was Smith.  
 Q Her given name? A I did know, but don't know it now, she used to wash for my wife, both as Miss Smith and Mrs. Ellis.  
 Q Do you know why he was called Ellis? A No, sir.  
 Q Do you know whether he has ever exercised the right of suffrage in Kansas? A I think he has when I was sitting on the board myself.  
 Q You have seen him vote? A Oh yes.  
 Q You don't know anything about his antecedents? A No, sir.  
 Q You never knew him living out of the state of Kansas since?  
 A No, sir, I have never had any knowledge of his having any residence anywheres else at all.

R. J. MORRIS, being duly sworn by Commissioner Needles, testified as follows, on the part of Cherokee Nation.

MR. BELL: Give your name? A R. J. Morris; 56 years old, my postoffice address is Iola, Kansas.  
 Q How long have you lived in Iola? A I have lived in the vicinity of Iola since '56.  
 Q That is Iola, Kansas? A Yes, sir, Iola, Kansas, lived in three miles of the town.  
 Q Are you acquainted with a colored man by the name of Sandy Ross, or Sandy Ellis? A I am acquainted with a man by the name of Sandy Ellis.  
 Q You don't know him as Sandy Ross? A No, all I know is he claims to be a brother of the Ross boys, Peter and Cal, he goes by the name of Sandy Ellis there.  
 Q How old a man is he? A I think he is 70 or 75, he is getting along in years pretty well.  
 Q When did you first become acquainted with him? A Well, it has been a number of years, I don't just exactly remember, probably '66 or '67; somewheres along there; away back.  
 Q Where did you meet him first got acquainted with him? A Iola.  
 Q Where has he made his home since? A He has made his home in Iola.  
 Q You say he claims to be a brother of Calvin Ross? A Yes, sir, and Pete.  
 Q Did he ever own property there as you know of? A He owns property there now, or claims to own it.  
 Q Does he live there now? A Yes, sir.  
 Q That is his home now? A Yes, sir.  
 Q How long since you seen him there? A I seen him during the week, last week.  
 COM'R NEEDLES: What business is Sandy Ross in? A Well, sir, I don't know what he does for a living.  
 Q Do you know whether he was ever a preacher or not?  
 A Why, I think he was.  
 Q You first became acquainted with him about '65? A Somewheres along in there, '65.  
 Q Sandy Ross claims if he came back to the Cherokee Nation that he came in 1866; now do you know positively that he did not?  
 A I do not know, I didn't miss him.  
 Q Do you know his wife? A Yes, sir, I know her.  
 Q Do you know what her name was? A Her name was Smith, she was a widow when he married her. I don't know her given name.  
 Q Did you know his first wife? A No, sir.  
 Q I understand you to say that he has resided in the state of Kansas continuously from the time you knew him up to the present time?  
 A Yes, sir, as far as I know, I have never missed him away from there.  
 Q Do you know whether he was in the army or not? A I think he was; well I know he was, he draws a pension.  
 Q Has he any children? A I think he has two, a girl and a boy.

Q You don't know whether he ever made a crop since 1863 in the Cherokee Nation, since you knew him? A No, sir, not as I know of.

Q You don't know who he belonged to before the war? A I do not.

Q What is your occupation? A Well, I have been a farmer most of my time.

MR. BELL: How old is these two children you speak of?  
A Well, they are about grown, I think the boy is probably 21 and the girl is about 18.

Q Are they the children of this present wife? A I think so, I would not be positive, I think they are.

Q Could not state as a fact? A No, sir, I think they are the children of his last wife.

Q Did this last wife of his claim to be a Cherokee Freedman?

A Well, no, sir, I could not answer that.

COM'R NEEDLES: Were these children you mention born in Kansas?  
A Born right there in Iola, at least they were raised there, small children.

M. C. ROBINSON, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. BELL: What is your name? A M. C. Robinson.

Q Age and post office? A 59; Iola, Kansas.

Q How long have you lived in Iola? A Since the spring of '70.

Q You have lived there continuously? A Yes, sir.

Q Do you know anything about a colored man by the name of Sandy Ross, or Sandy Ellis? A Sandy Ellis, I never knew him as Sandy Ross.

Q How old is he? A He is man of pretty good age, he is not far from 70; he is getting a little feeble.

Q Does he reside in Iola? A Yes, sir.

Q At present? A At present.

Q When did you become acquainted with him? A It has been somewhere about 20 years.

Q Where did he live when you first got acquainted with him?

A When I got acquainted with him when he married Mrs. Smith, she was washing for my wife.

Q That was the time you got acquainted with her? A Yes, sir, that is, she was washing for us at that time, or just before that.

Q Well, has he lived in Iola continuously since that time?

A Well, they lived on the farm that five acres several years for the last several years they have been living in town.

Q How far is that country place they have been living on?

A About two miles and a half.

Q That was in the same county in Kansas? A Yes, sir, same county, same township.

Q Do you know anything about his children? A Yes, sir, I am some acquainted with the children; that is I was some acquainted with the girls; she graduated at our school last spring, high school.

Q Was there any other besides the girl? A Yes, sir, there was a boy that is my understanding.

Q Are these children by this latter marriage? A Yes, sir, that is my understanding.

Q That is, this Mrs. Smith he married is their mother?

A Yes, sir.

Q They were born there and raised there? A They were born there and raised there, went to our school right along.

MR. NEEDLES: What is your occupation? A Wagon maker.

Q Do you know that Sandy Ellis is the Sandy Ross that applies here?

A No, sir, I never knew that.

Q Do you know his wife's name? A Yes, sir, his wife's name is Smith; that is, his last wife; I was not acquainted with his first wife.

Q Do you know her first name? A No, sir.

Q She colored woman? A Yes, sir.



Q You didn't know his wife's wife? A No, sir.  
Q Do you know whether he has ever voted up there? A I do not, no, sir.  
MR. BELL: Is there more than one Sandy Ellis living in Iola?  
A Not that I know of.  
Q This man Sandy Ellis you speak of is 70 or 75 years old?  
A Yes, sir, I know that he was in the army.  
Q Do you know of his having any brothers there? A No, sir, I never heard of them; that is, if he had.  
COM'R NEEDLES: What are the names of his children, do you know them? A Well, sir, I don't remember, I wrote both of their names in the school, but I don't remember now.

S. P. GRAY, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. BELL: Give your name? A S. P. Gray.  
Q Age? A 67.  
Q Post office? A Iola, Kansas.  
Q Well, I would ask you, Mr. Gray, if you were acquainted with one Sandy Ellis, a colored man in Iola, Kansas? A Yes, sir.  
Q When did you become acquainted with him? A About 32 years ago, this fall next month.  
Q Where was he living then? A He was living near Iola.  
Q Near Iola, Kansas? A Yes, sir, at the bottom we called it there below town.  
Q Now, have you known him continuously from that time to this? A Yes, sir.  
Q Where has he lived all that time? A He has lived down there by that little farm that belonged to this woman he married, Mrs. Smith, five acres they called it a farm, until within the last—I don't know—12 or 13 years, and then they moved to town and they lived there since, probably 15 years maybe more possibly.  
Q How old a man is this Sandy Ross that you know? A Well, he is not far from my age; he claims to be that he is a year younger than me, but I don't know; he is pretty well stove up, broke down.  
Q Has he any children there? A Well, they have a girl; I don't know whether he had another children or not; his wife had two boys, about thirty years old I reckon.  
Q What is his present wife? A By her first husband.  
Q They are not his children? A No.  
Q Do you know what name they go by? A Smith.  
Q And you know him and this Mrs. Smith having a child, a girl? A That is all I know anything about; I never was at their house in my life, but I know where they live.  
Q What was the business of this man, did he have any? A Oh, just choring around that anybody had anything to do that was light.  
Q Did he have any brothers there? A Yes, sir, he had two, well he had three, one of them is dead, Jack; Cal and Pete, they were not Ellis they were Rosses.  
COM'R NEEDLES: Their names was Ross? A Yes, sir.  
Q Claimed to be his brothers? A Yes, sir.  
MR. BELL: Well, did you ever hear this man, Sandy Ellis, called Sandy Ross at any time? A No, sir.  
COM'R NEEDLES: What is your occupation? A Well, now it is kind of general roasting; then I was in the butcher business for years there.  
Q Now, do you know the names of Sandy Ellis' brothers?  
A All I know is what they told me; they told me, I asked Cal, I heard him introduce him as a brother and I asked him after they got through talking; Cal was working for me now it seems that he introduced him as his brother and his name was Ellis; he said his last master's name was Ellis and he goes by that name, but he says that is my own brother.



Q This was named Ross talking to you? A Yes, sir, that was probably 15 years ago.  
 Q Well, when did you first get acquainted with Sandy Ellis you say?  
 A Oh, it was about 22 years next month.  
 Q You don't know where he was in the year 1886 then? A No, sir, I don't.  
 Q He has been living though as you say in Iola, Kansas, since that time? A From the time I knew him?  
 Q Yes? A Yes, sir.  
 Q And married there? A Yes, sir.  
 Q You say his children are not by his present wife, or are they by a former wife? A Why, I don't know, but I think they are by this present wife, that is my judgment.  
 Q Have you seen him lately, last few months? A Yes, I saw him a week ago tomorrow.  
 Q Did you ever hear him say anything about going down here and getting his rights? A Yes, he used to talk about it and said he ought to come now and asked when I was coming and I said I was coming the next day and he said I can't come down.

Com'r Needles: This testimony will be filed in D. 2008.

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

(Signed) J. O. Rosson.

Subscribed and sworn to before me this October 10th, 1901.

(Signed) T. B. Needles,

Commissioner.

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

*Arthur G. Croninger*

Subscribed and sworn to before me this 4th day of December, 1901.

*W. D. Green*  
 Notary Public.

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**FILED**  
**MAY 31 1905**  
**COMMISSION TO FIVE TRIBES.**

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C.F.D.906.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Washoe, Indian Territory, June 18, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application  
of Jennie Whitmire, as a Cherokee Freedman.

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On June 3, 1904, the applicant herein was notified that  
further testimony should be offered showing her residence in the  
Cherokee Nation.

On this, June 18, 1904, this case coming on to be heard  
and the same was continued until June 28, 1904.

(CASE CONTINUED)

H. V. Vance, having been first duly sworn, states: That as sten-  
ographer to the Commission to the Five Civilized Tribes he reported  
all proceedings had in the above entitled cause and that the above  
and foregoing is a true and complete transcript of his stenographic  
notes thereof.

H. V. Vance

Subscribed and sworn to before me this March 21, 1905.

Grayson White

DEPARTMENT OF THE INTERIOR,  
 COMMISSION TO THE FIVE CIVILIZED TRIBES,  
 WASHINGTON, D. C., JUNE 26, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JOSIE WHITMIRE as a Cherokee freedman.

It appears that on June 3, 1904, Austin Whitmire, husband of the applicant, and the attorney for the Cherokee Nation, were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 16, 1904, and then and there introduce further testimony touching the points mentioned in said letter. By agreement of the parties concerned this case was continued until the June 26, 1904, when the following testimony was introduced on behalf of applicant.

APPEARANCES:

Applicant by her husband, Austin Whitmire.  
 Cherokee Nation by its attorney, James S. Davenport.

AUSTIN WHITMIRE, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Austin Whitmire.  
 Q How old are you? A As near as I can come at it, 29 years old.  
 Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
 Q It appears that on July 1, 1901, you also applied for the enrollment of your wife Josie Whitmire as a Cherokee freedman, is she living now? A Yes, sir.  
 Q Living with you? A Yes, sir.  
 Q How old is she? A She is about 35.  
 Q When did you first get acquainted with her? A I got acquainted with her in 1892.  
 Q Where was she living then? A In Canadian District.  
 Q Cherokee Nation? A Yes, sir.  
 Q Since that time has she continued to live in the Cherokee Nation?  
 A Yes, sir.

By Mr. Davenport:

- Q Who was your wife before she married? A She was a Carter.  
 Q You don't know anything about the ownership or the return of your wife, do you, Austin? A No, sir.

JOSH, OR JACK, LANDRUM, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Josh, or Jack, Landrum.  
 Q How old are you? A About 64, I guess.  
 Q What is your postoffice address? A Hayden.  
 Q Are you a Cherokee Freedman? A Yes, sir.  
 Q Do you know Austin Whitmire? A Yes, sir.  
 Q Do you know his wife, Josie? A No, sir.  
 Q You don't know anything about her? A No, sir, nothing at all.  
 Q Did you ever know her father and mother? A I know relations; they claimed relations; Edie Carter and Haze Carter.  
 Q Do you know who Austin's wife was before he married her? A No, sir, I don't know a thing about them only the names; she says she is relation to them names; I told him I don't think I could do him any good; I know Haze and Haze is all I know.  
 Q Do you know Grandma Carter? A No, sir; I have heard of her; don't know her personally.

Q Do you know L. C. Davis? A No, sir.

(No cross-examination).

JAMES VAIN, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A James Vain.  
Q How old are you? A About 47 years old.  
Q What is your postoffice address? A Choteau, Indian Territory.  
Q Are you a Cherokee freedman? A Yes, sir.  
Q Do you know Austin Whitmire? A Yes, sir.  
Q Do you know his wife? A Yes, sir.  
Q What is her name? A Josie.  
Q How long have you known Josie? A About thirty years.  
Q All of her life? A Yes, sir, ever since she was about six years old.  
Q Did you know her father and mother? A Yes, sir.  
Q What was the name of her father? A Mack C. Davis.  
Q Was he a Cherokee freedman? A Yes, sir.  
Q Is he living? A I don't know whether he is or not.  
Q Do you know who he belonged to before the war? A No, sir.  
Q What was the name of Josie's mother? A Easter.  
Q Easter what? A Carter.  
Q Is she living? A No, sir.  
Q Was she a Cherokee freedman? A Yes, sir.  
Q Do you know who she belonged to before the war? A I don't know whether it was Dick or John Carter.  
Q You don't know anything about that? A No, sir.  
Q You didn't know her before the war? A No, sir.  
Q Where was this Josie living when you first knew her when she was about six years old? A On Cedar Creek.  
Q In the Cherokee nation? A Yes, sir.  
Q Where has she continued to live since that time, if you know?  
A From that she lived over on Bird Creek; her mother married over there; married a cousin of mine.  
Q Have you known her ever since she was six years old? A Yes, sir.  
Q Know where she has lived all that time? A Not exactly.  
Q Do you know whether or not she has lived outside of the Cherokee Nation? A I never knew of her living outside of the Cherokee Nation; never saw her outside of the Cherokee Nation in my life.  
Q Do you know where she was living when she married Austin Whitmire?  
A Not exactly; I know where she was the last time I saw her before she married.  
Q Where? A Vinita.  
Q Was she living there? A Yes, sir.  
Q You have never known her to live outside of the Cherokee Nation?  
A No, sir.

By Mr. Beavert:

Q Jim, where was Easter Carter living when you knew her? A When I first knew her she was at Fort Gibson.  
Q Was that before or after the war? A After the war.  
Q Where did she live after that time, before Austin and Josie were married? A She lived out on Bird Creek.  
Q Did she ever live in Vinita with Easter Carter? A Yes, sir.  
Q And quite a family, didn't she? A No, sir, never had but two that I know of.  
Q Is she living now? A No, sir, she is dead.  
Q At the time of her death where was the family living? A Out on Bird Creek.

Q You don't know anything about to whom Hester belonged before the war? A No, sir.  
 Q You don't know anything about when she returned? A Yes, sir, I know what year I first saw her.  
 Q When was that? A In '87.  
 Q She is not on any of the roll of the Cherokee freedmen, was she?  
 A I don't know.  
 Q Josie was born after the war, wasn't she? A Yes, sir.  
 Q All you know is she has been living in the Cherokee Nation since you knew her? A Yes, sir.  
 Q And you don't know when her parents returned if they went away?  
 A No, sir.  
 Q The record discloses the fact that they went to Fort Scott?  
 A Yes, sir.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 20th day of July, 1904.

*H. M. Vance*  
*Charles H. Jumper*

Notary Public.

Cherokee Freedman D 906.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MEMPHIS, I.T., JULY 28, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JOSIE WHITMIRE as a Cherokee freedman.

This case is taken up on this day by agreement of the parties concerned.

APPEARANCES:

Applicant appears in person.  
Cherokee Nation by its attorney, L. B. Bell.

By the JOSIE WHITMIRE, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Jessie Whitmire.

Q How old are you? A I don't know how old I am.

Q How old do you think you are? A I don't know.

Q You are not 75 are you? A No, sir.

Q Are you 80? A I guess I am about 20 some odd, maybe 30.

Q What is your postoffice address? A We live at Tahlequah now.

Q Are you the wife of Austin Whitmire? A Yes, sir.

Q He has applied for your enrollment as a Cherokee freedman, has he? A Yes, sir.

Q Where were you living when you could first remember? A My mother lived at Redland when I could first remember.

Q Redland, Cherokee nation, Indian Territory? A Yes, sir.

Q What was your mother's name? A Bester Carter.

Q What was your father's name? A Mack Davis.

Q Since you could first remember have you ever lived outside of the Cherokee Nation? A No, sir, I haven't lived out more than just going out to trade; sometimes we would go to Coffeyville to trade and back the same day.

Q How long is the longest time you have been out of the Nation at any one time? A Just one day we would go up and trade at Coffeyville and come back.

Q Were you ever married before you married Austin Whitmire? A No, sir.

Q Are your parents both dead? A Yes, sir.

Q How long have they been dead? A I don't know how long my father has been dead; my mother has been dead, I couldn't tell to tell the truth.

Q Does your name appear upon any of the Cherokee tribal rolls? A I guess it did, but my mother was enrolled when I was small.

Q Did you draw the four-thousand money? A No, my mother was dead; it seemed like they wanted to beat me out of it, and I didn't get no money.

Q You didn't get the strip money? A No, sir, she has drawn that money; she is dead now.

Q What district have you always lived in in the Cherokee Nation? A Lived in Canadian a good long while and then lived in Coconawatchee and stayed up there until I married.

Q How old were you when you went to Coconawatchee? A I don't know, I was grown.

Q Before you were married what name did you go by, Davis or Carter? A Sometimes Carter and sometimes Davis.



Q Did you live with your mother all the time? A Part of the time, but she died.

Q Did she go by the name of Carter? A Yes, sir.

Q Did you ever have any brothers or sisters? A Only one sister.

Q What was her name? A Lizzie.

Q Lizzie what? A Carter.

Q Did she always live with your mother and yourself? A Sometimes she did.

Q Was she older or younger than you? A Younger than me.

Q Is she dead now? A No, sir, she wasn't two weeks ago.

Q What is her name now? A Lizzie Sanders.

Q Has she applied for enrollment as a Cherokee freedman? A No, Yes, sir.

Q Do you know whether your father and mother both were Cherokee freedmen, did you ever hear anything about that? A Yes, sir, what I always heard them called, Cherokee freedmen.

Q Since you can remember, then, you have never been enrolled on the Cherokee rolls? A No more than what I heard old people say is all I know about it.

Q What name does your sister go by? A Lizzie Sanders.

Q You don't know of any other name your sister could have been enrolled under besides Sanders? A I don't know whether she enrolled by Lizzie Carter---she married a Jess Fulson, and her next married name was Lizzie Sanders, but everybody calls her Lizzie Sanders; she aint married any more.

Q Was she ever called Eliza? A They called her Lizzie all the time.

By Mr. Ball:

Q Where were you born? A Born in Canadian district.

Q Whereabouts? A Somewhere close to Webbers Falls is what they said; my mother lived there when I was small.

Q You don't know anything about the ownership of your mother and father, do you? A No, sir, I don't know what the names were.

Q Did you ever know? A I didn't get here ~~mix~~ early enough to know.

Q That's what I want to know, if you know anything about their ownership? A No, sir.

Q Did you ever live in Kansas? A No, sir, I never was there, except to go there and trade and come back.

Q Where do you live? A Been living close to Claremore, but live at Tahlequah now.

Q How old do you think you are? A I don't know, 20 or 30, I couldn't tell.

Q How long has your mother been dead? A I don't know just how long, about 10 or 12 years, I reckon.

Q You can recollect it, can you? A Yes, sir.

Q Is your father alive? A No, sir.

Q How long has he been dead? A I couldn't tell.

Q You don't recollect him at all, do you? A I have seen him, but I don't remember.

By the Commission:

Q Did your father and your mother live together? A They say they did.

Q Since you can remember? A They said I was small when they lived together, but I don't remember more than what I heard others talking about it.

Q Do you know of your own knowledge whether either your father or your mother was ever recognized by the Cherokees as a citizen of that Nation? A That is what I always heard.

Q Do you know that, yourself, that they were ever enrolled or ever drew any money as Cherokee freedmen? A Yes, sir, my mother; I don't know nothing about my father.



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Q On what roll was your mother enrolled? A They said on the 1880 roll; I can't tell more than what I heard people say.

Q Under what name? A Easter Carter is all I know.

Q Do you know what district she lived in at that time? A She lived in Sequoyah and then come back up here and lived in Cooweessee.

Q You think she lived in Sequoyah in 1880? A I don't know when it was she lived there.

Q That is just what you have heard people say, you don't know it?

A No, sir.

Q Since you can remember have you or she ever been enrolled on any of the Cherokee tribal rolls? A I knew when she went to have us enrolled, but I don't know what year it was.

Q About how old were you? A I don't know.

Q Do you know what roll that was called? A Children didn't pay no attention to these things.

Q You were quite a child? A Yes, sir, I just heard the old people talking about it.

Q Since you have been large enough to remember these matters distinctly, have you ever, yourself, been enrolled by the tribal authorities? A Yes, sir, once; I went to enroll, but that is what is giving me trouble now.

Q Did they enroll you? A Yes, sir, they enrolled me up at Nowata.

Q When? A I don't know when they had the last enrollment.

Q You mean the Dawes Commission? A Yes, sir.

Q I mean did you ever go before any of the tribal authorities and have them to enroll you? A No, sir, my uncle always seed after that for me.

Q What is your uncle's name? A George.

Q George what? A George Carter.

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

Q How long has he been dead? A I couldn't hardly tell.

Q About how long? A He died since I have been married.

Commission: All the Cherokee tribal rolls in possession of the Commission examined and neither the applicant nor her father nor her mother can be identified thereon.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*H. M. Vance*

Subscribed and sworn to before me this the 16th day of August, 1904.

*Charles H. Sawyer*  
Notary Public.



C.F.D.986.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., February 2, 1905.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application  
of Josie Whitmire, as a Cherokee Freedman.

On January 13, 1905, Austin Whitmire was notified by registered mail that the application for the enrollment of Josie Whitmire, wife of said Austin Whitmire, as a Cherokee freedman, would be taken up by the Commission to the Five Civilized Tribes, at its offices in Muskogee, Indian Territory, on February 2, 1905, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application. Similar notice was sent the Attorneys for the Cherokee Nation.

Now, on this 2nd day of February, 1905, this cause coming on to be heard pursuant to said notices, the same was continued until March 7, 1905.

(CASE CONTINUED)

Josie Davies, having been first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported all proceedings had in the above entitled cause and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Josie Davies

Subscribed and sworn to before me this March 20, 1905.

Myron White  
Notary Public.

Cherokee Freedman D-986

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T., NOVEMBER, 21, 1904

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Josie Whitmire, as a Cherokee Freedman.

On October 21, 1904, Austin Whitmire, was notified by registered mail, and on October 26, 1904, the attorneys for the Cherokee nation were notified by letter, that the application for the enrollment of Josie Whitmire, wife of the said Austin Whitmire, as Cherokee Freedman, would be taken up by the Commission to the Five Civilized Tribes, at its offices in Muskogee, Indian Territory, on November 21, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee nation to introduce any testimony they might desire affecting said application. Receipt has been acknowledged of the Commission's letter.

Now on this 21st day of November, 1904, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorneys, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

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H.M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on the 21st day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.M. Vance*

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

*Charles H. Sawyer*  
Notary Public.

... I will call you, I didn't see him ...  
... I was mistaken. I have ...  
... I don't know ...

**FILED**  
MAR 21 1905  
COMMISSION TO FIVE TAPES.

TO ...  
*[Handwritten signature]*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, March 7, 1905.

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In the matter of the application for the enrollment of  
Josie Whitmire as a Cherokee Freedman.  
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APPEARANCES:

COMMISSION.

Cherokee Nation, by its attorneys, Bell, Hastings &  
Davenport.

Applicant represented by Grant Foreman.  
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Senie Brewer, being duly sworn, testified as follows:

COMMISSION:

- Q. What is your name? A. Senie Brewer.  
Q. How old are you? A. I reckon I am about 65 or 66.  
Q. Are you an applicant before this Commission? A. Yes sir.  
Q. Are you a Cherokee Freedman? A. Yes sir.

MR. FOREMAN:

- Q. What is your post office address? A. Muskogee.  
Q. Do you know Josie Whitmire? A. Yes sir.  
Q. How long have you known her? A. Ever since she was a  
little child.  
Q. How long since you first knew her? A. I knew her when she  
was first in Port Gibson.  
Q. How old was she then? A. She was small--not over 3 or 4  
years old.  
Q. Was that before or after the war? A. After the war.  
Q. How long after? A. Along after the war ---the first year  
after the war.  
Q. Have you seen her frequently since then? A. Yes sir.  
Q. Who was Josie's mother? A. Master Carter.  
Q. Do you know where Master Carter lived at the beginning of the  
war? A. Yes sir, she lived between the two rivers, Illi-  
nois and Barren Fork.  
Q. Was Master a slave? A. Yes sir.  
Q. Whose slave was she? A. Susie Candy's.  
Q. Who was Susie Candy? A. She was a Cherokee.  
Q. You say that Master was raised by Susie Candy? A. Yes sir,  
a Cherokee Indian.  
Q. Did Master go away during the war? A. Not as I know of. I  
went away, and when I went I left them all there.  
Q. Left them where? A. Right between the Illinois river and  
Barren Fork.

- Q. Then when you came back where did you see her first? A. Right in Fort Gibson.
- Q. Do you know how long they remained in Fort Gibson after the war? A. Yes sir, they were there a good while, and I left again. They were there the year we drew rations, and that was the year of '66.
- Q. Where did they move from there? A. I don't know, they moved away up in the Cherokee Nation, and I do remember that they lived on a place called Caney.
- Q. Did they ever move away from the Cherokee Nation? A. Out of the Nation?
- Q. Yes? A. Not as far as I know of. When I come back they was here in the Nation, and the last time I seed her mother was up here in the Cherokee Nation.
- Q. Do you know where Josie Whitmire is now? A. She is down here in this town.
- Q. Is she the wife of Austin Whitmire? A. Yes sir.

MR. DAVENPORT:

- Q. You say you are on the roll of Cherokee Freedmen? A. Yes sir.
- Q. What roll are you on? A. On the '60 roll.
- Q. Where were you living when the war broke out? A. Up there at Tallegah.
- Q. With whom were you living? A. Living with Judge Carter.
- Q. How far did Easter Carter live from you when the war broke out? A. 6 miles.
- Q. Who did she belong to when the war broke out? A. Susie Candy.
- Q. Was she married? A. Yes sir, she was the wife of Tom Candy.
- Q. What was her name before she married Candy? A. I think it was Rogers.
- Q. How old was Easter Carter when the war broke out? A. She was a young woman.
- Q. Do you know where she went during the war? A. No sir, for I left her here when I went away to the Choctaw Nation.
- Q. Easter Carter went to Kansas during the war, didn't she? A. I don't know.
- Q. When you returned to the Cherokee Nation after the war did you see Easter Carter? A. Yes sir.
- Q. When was that? A. That was when I first come in here. I was here in the year of '65.
- Q. Who did you come back with? A. With my owner, David Carter
- Q. The father of John Carter? A. Yes sir, he was my young master.
- Q. You came back to the Cherokee Nation at the same time John Carter came from the south? A. Yes sir.
- Q. And they came back when? A. I was back here in '65.
- Q. Don't you remember that Judge Carter and John and all of them came back in 1867? A. I don't know. I can't remember the dates, but I come when they come.
- Q. How long after that was it till you saw Easter Carter? A. Not long. They were taking in washing up there for the soldiers.
- Q. Was she married? A. Yes sir, she had a little girl.
- Q. What was the girl's name? A. Josie.
- Q. Did she have any other children besides Josie? A. Yes sir she had another one.
- Q. Do you mean that you never saw Easter Carter in the Cherokee Nation until after Josie was born? A. I saw her then, and she had these children.

- Q. In 1901 Josie was 26 years old, which would make her 30 years old, now? A. I think she is older than that, for she is older than that girl of mine, and she is 36 years old.
- Q. Josie was a child when you saw Easter Carter in the Cherokee Nation first after the war? A. I met up with her in the year we got the rations. I don't know, but they said it was '66.
- Q. Senie, where did you ever know of Easter keeping house in the Cherokee Nation? A. Down about the soldiers' quarters.
- Q. Do you know where she went after you came back to the Cherokee Nation? A. No sir, I don't know.
- Q. Were you ever at her home in Vinita or on Big Creek? A. Yes sir, I was there.
- Q. She had a house full of girls? A. No sir, she just had two-- Lizzie and this girl, Josie.
- Q. Did you ever know the Easter Carter that lived in Vinita in '93 or '94? A. No sir, I never was up there.
- Q. What kind of a woman was Easter Carter--- in size, I mean? A. She was tall.
- Q. She is not living now? A. No, she is dead.
- Q. What is her youngest girl's name? A. Lizzie.
- Q. And there are only two children? A. Yes sir.
- Q. When was it that you were at her house up on Big Creek? A. She came to where we were camped.
- Q. When was then? A. At the Strip Payment in 1896 or '97.
- Q. Where was the payment being made? A. At Hayden.
- Q. That was the first time you had seen Easter since the time you had seen her at Fort Gibson? A. Yes sir.
- Q. When Josie was a baby? A. Yes sir, that was the first time.

CONFESION:

- Q. What is Lizzie's name now? A. I don't know her husband's name. She don't live here.
- Q. Where does she live? A. I don't know.
- Q. Does she live in the Nation? A. Yes sir, but I don't know what part.
- Q. You don't know what name she goes by? A. She goes by her husband's name, but I have forgot what her husband's name is.
- Q. Did you know Easter before Josie was born? A. Yes sir, we were raised together.
- Q. How long had you known her before Josie was born? A. A. We were raised together, knowed her when we were children.
- Q. You think then that Josie is about 40 years old? A. Yes sir. She thinks she is not over 30, but I seed her and told her that she is about 40.
- Q. Which is the older, Lizzie or Josie? A. Josie is the oldest.
- Q. Could you be mistaken about that? A. No sir, for I knew them.
- Q. Did you know Josie's mother up until she died? A. Yes sir.
- Q. Did she ever have more than the two children? A. Yes sir, she has had some more, but they are dead.
- Q. You don't know how many altogether she had? A. No, but I know she had one more and it is dead.
- Q. When did it die? A. When it was a baby-- before the war.
- Q. When you met Easter Carter at Fort Gibson, soon after the war, she had two children? A. No, she just had Josie.
- Q. Do you know anything as to when Easter come back--she went to Kansas, you know? A. I don't know that she went out. I left her here, and when I come back she was here.
- Q. How long were you gone? A. About a year or two.



- Q. As far as you know, she might have gone out of the Nation?  
A. She might have, but when I come back she was here, and I left her here.
- Q. Was Josie born before you went away? A. No sir I don't think she was born. I went in time of the war, you know.
- Q. Josie must have been very small when you saw her? A. She was just a little thing.
- Q. About how old do you think she was? A. About 3 or 4 years old.
- Q. How do you make that out, Auntie. You say you were only gone a year or two, and she wasn't born when you went away? A. I said she was a very small child.

MR. DAVENPORT:

- Q. Do you know whether Easter was ever married before she married Carter? A. Carter was her father.
- Q. Who was the father of Easter's children? A. She was married before the war. She married Sandy Ross ---no, she married Sam Payne.
- Q. Don't you know that she married Sandy Ross--married him in Kansas; and that they raised these three children? A. No Sir.

COMMISSION:

- Q. Did you know Sandy Ross? A. No sir, I never knew anything about him.
- Q. Did you ever hear that Easter Carter married Ross? A. Her first husband was Payne, and then she married another man in Okmulgee.
- Q. Did Payne die before or after the war? A. In war time, I think.

WITNESS EXCUSED.

Easter Grismett, being duly sworn, testified as follows:

MR. FOREMAN:

- Q. Where do you live? A. Muskogee.
- Q. How old are you? A. A. 50 something I guess. I don't know my age.
- Q. Do you know Josie Whitmire? A. Yes sir.
- Q. How long have you known her? A. Ever since she was a little bitty girl.
- Q. Do you know how old she is? A. She must be 32 or 33. She was a good big girl at Fort Gibson.
- Q. When? A. In '66.
- Q. Did you see her in '66? A. Yes sir, I saw her in '66. She was with her mother, Easter Carter.
- Q. Did you know Easter before the war? A. Yes sir.
- Q. Where did she live? A. Between Barren Fork and Salisaw.
- Q. Was Easter a slave? A. Yes sir.
- Q. Whose slave was she? A. Susie Candy's.
- Q. Did you go away from the Cherokee Nation during the war? A. No sir, I cooked for the officers in Fort Gibson.
- Q. Do you know whether Easter went away during the war? A. I suppose so, but I couldn't say positively about that.
- Q. Did you see Easter during the war? A. Yes sir, at Fort Gibson while the war was going on.

- Q. Then you saw her in '66, directly after the war? A. Yes sir.
- Q. Did she have Josie with her then? A. Yes sir.
- Q. How old a child was Josie at that time? A. I couldn't say, you know. She was about this tall. (Measures as high as table)
- Q. Do you know where Josie is living now? A. Yes sir.
- Q. What is her name now? A. Josie Whitmire.
- Q. Did Easter have any other girls? A. Yes sir, one more, Lizzie.
- Q. Was Lizzie older or younger than Josie? A. Younger.
- Q. Is Lizzie living now? A. Yes sir.
- Q. Do you know where she lives now? A. At Wetumka, I think.
- Q. Is Easter living now? A. No sir, she is dead.
- Q. After you saw Easter and Josie in '66 did they continue to live in the Cherokee Nation? A. I don't know where they had been living before they lived on Bird Creek. That is up toward Nowata.
- Q. They lived up there after '66? A. Yes sir, that is where they were living when I found them.
- Q. Did they ever leave the Cherokee Nation? A. I couldn't tell you that. That I couldn't say. I was traveling around with some of the officers, and I couldn't tell you that.
- Q. How long did you cook for the officers? A. Until the war ended.

MR. DAVENPORT:

- Q. Now Easter, you knew Easter Carter before the war? A. Yes sir.
- Q. How far did you live from Easter Carter then? A. We lived up in Flint.
- Q. To whom did you belong at the time? A. Old man William Grinnett.
- Q. You still retain the name of Grinnett? A. Yes sir.
- Q. Easter Carter belonged to whom? A. Susie Candy.
- Q. Was Easter Carter ever married? A. Yes sir, I suppose so. In slavery time I don't know what you would call it, but you know they just went together.
- Q. After the war did she have a husband? A. Yes sir, See Davis.
- Q. How long did Davis and Easter live together? A. I couldn't tell you that for they lived in a different place from me.
- Q. Did you ever know where Mack Davis lived? A. In the Creek Nation.
- Q. Easter Carter was not married when the war broke out? A. She had a man by the name of Wallace Payne, but I don't know about the marriage.
- Q. She didn't have any children? A. I don't know about that.
- Q. Were she and Mack Davis living together as man and wife when you saw her after the war? A. Yes sir.
- Q. Do you know how long they had been living together? A. No sir.
- Q. Did you leave the Cherokee Nation during the war? A. No sir. I stayed at Fort Gibson and cooked.
- Q. Easter did leave, didn't she? A. I don't know that.
- Q. The record shows that she went to Fort Scott, Kansas? A. I don't know about that.
- Q. When you next saw her Josie was a baby? A. Yes sir.
- Q. Was Lizzie born when you saw her after the war? A. No sir.
- Q. When you saw Easter Carter after the Rebellion, be it what year it may, Josie Whitmire was born? A. Yes sir.
- Q. Josie was big enough to walk and talk? A. Yes sir.

- Q. Well Easter, you know that Josie is only 32 or 33 years old now? A. I was just guessing. I just counted it in my head.
- Q. You lived continuously around Fort Gibson during the war and after the war. After the war closed Josie's mother came back to Fort Gibson and Josie was a girl big enough to walk and talk? A. Yes sir.
- Q. You have known her ever since? A. Yes sir.
- Q. She has been living at Vinita and Coffyville, hasn't she? A. I don't know about that. I just tell what I know.
- Q. Has Josie any children? A. Yes sir.
- Q. She went by the name of Josie Grubbs in Vinita, didn't she? A. Let me call you right there. There is a Josie Grubbs in Vinita, a big tall yellow woman, but it is not this Josie.
- Q. Yes, but I am talking about Josie Whitmire. She is not old enough to be 40 is she? A. She is old enough in age. She is mighty close to it. I was a great big girl about 12 years old--- big enough to cook, when she was a little girl, and I am 56.
- Q. The war had closed before Mack Davis and Josie's mother went to living together? A. Yes sir.

MR. FOREMAN:

- Q. How long after the war was that? A. I couldn't tell you, but it was a good while.
- Q. How many years? A. After the war?
- Q. Yes. A. When I seed her it was while they were all at Fort Gibson. Everybody was there, and when anybody would go away we didn't pay any attention to it.
- Q. Were all the soldiers there? A. Yes sir. They all come in there after peace was declared. I was cooking at the post.
- Q. Do you know how long after the war it was that you saw Easter and Josie? A. I couldn't just tell you to come right down to dates. I couldn't do it and be honest with myself.
- Q. Was it as much as a year? A. Yes sir, but I couldn't give you the exact dates.
- Q. Did you ever know Josie Grubbs? A. No sir. There is a Josie Grubbs, but this one that I know goes by the name of Grubbs by her mother.
- Q. Where did she live? A. On Big Creek.
- Q. Did she live in Vinita? A. She might.
- Q. Was Josie Grubbs the same girl as Josie Whitmire? A. No sir.
- Q. How old a woman is Josie Grubbs? A. I don't know what her age is.

WITNESS EXCUSED.

George Vann, being duly sworn, testified as follows:

MR. FOREMAN:

- Q. What is your name? A. George Vann.
- Q. Where do you live? A. Down about Salt Lake.
- Q. What is your post office? A. Chateau.
- Q. How old are you? A. About 65.
- Q. Did you ever know Easter Carter? A. Yes sir.
- Q. When. When did you first know her? A. Just about when the war got up, or was getting up.
- Q. Where did she live? A. I don't know just exactly where they did live.

- Q. In the Cherokee Nation? A. Yes sir, in the Cherokee Nation  
Q. Was she a slave? A. Yes sir.  
Q. Whose slave was she? A. Tom Candy's.  
Q. In what direction from Fort Gibson did she live? A. I  
don't know just exactly what direction it was. It was in  
below Gibson, but I don't know exactly where.  
Q. Did you see Easter Carter after the war? A. I seed Easter  
in '66, the time they was issuing rations at Gibson.  
Q. How long after the war was that? A. I don't know just how  
long.  
Q. How many years? Was it as much as a year? Do you know how  
many years it was? A. I never paid any attention to how  
many years it was. I was down there in '66 and I seed her  
there. I don't know exactly how many years it was.  
Q. What was she doing there? A. Well, there was nobody here  
in the country and everybody was going that way to get work or  
provisions.  
Q. Did Easter have any children then? A. She had two.  
Q. Do you know whether Josie Whitmire is one of those children?  
A. One was called Josie and one Lizzie.

MR. DA'ENPORT:

- Q. You say you knew Easter before the war? A. Before the  
war?  
Q. Yes, before the war. Did you or did you not? A. I didn't  
know her before the war. I was mistaken. I never saw her till  
--- I will just tell you, I didn't see her till ----  
Q. You did not know Dick or John Carter before the war? A. I  
knew John before the war.  
Q. You didn't know Easter before the war? A. No sir.  
Q. And when you saw her after the war she had two children, Josie  
and Lizzie? A. Yea sir.

WITNESS EXCUSED.

CASE CLOSED.

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Lula Jeanes Branson, being duly sworn, states that, as  
stenographer to the Commission to the Five Civilized Tribes, she  
reported the proceedings had in the above entitled cause on the  
7th. day of March, 1905, and that the above and foregoing is a  
full and complete transcript of her stenographic notes taken in  
said cause on said date.

Lula Jeanes Branson.

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

Myron White.

Notary Public.

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

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

Josie Whitmire, Cherokee Freedmen D 986  
Lizzie Sanders, et al., Cherokee Freedmen D 1022.

-:-

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Austin Whitmire for his wife, Josie Whitmire; and by Lizzie Sanders for herself and minor children, Charles Fulson and Grover, Margaret and Clifton Sanders. The application for the enrollment of Charles Fulson has been heretofore disposed of, and his rights to enrollment as a Cherokee freedman will not be considered in this decision. A copy of the testimony taken on October 7, 1901, at Vinita, Indian Territory, in re application of Sandy Ross for enrollment as a Cherokee freedman, case No. R-380, is filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants herein claim the right to enrollment as Cherokee freedmen as descendants of one Master Carter, deceased, who, it is alleged, complied with the treaty stipulations of 1866.

The following points are fully established by the evidence:

(1) That Master Carter, deceased, was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and later returned thereto.

(2) That the applicants, Josie Whitmire and Lizzie Sanders are children of the said Master Carter, deceased, and one Mack C. Davis, deceased, who began living together

subsequent to the close of the rebellion; that the applicants, Grover, Margaret and Clifton Sanders, are children of the applicant, Lizzie Sanders, and one Isaac Sanders, and that all the applicants herein were born since the close of the rebellion.

(3) That none of the applicants herein have forfeited any rights to Cherokee freedman citizenship they may have obtained through their ancestor, the said Easter Carter, deceased.

It is further established by the evidence herein and from an examination of the records at hand, that, excepting the following enrollment: Easter Carter, deceased, (as Easter Woodard) appears on the Cherokee census roll of 1893, and the applicants Lizzie and Grover Sanders appear on the Kern-Clifton roll, none of the applicants herein, nor any ancestor of said applicants through whom by any possibility they might obtain Cherokee citizenship rights, can be identified on any roll of the Cherokee Nation in the possession of this office.

The testimony is somewhat conflicting as to the nationality of Mack C. Davis, father of the applicants, Josie Whitmire and Lizzie Sanders. Cherokee Freedman enrollment card No. D 1022 supra. shows him to have been a Creek freedman, and some color is given this theory by the witness Beenie Brewer, who, on March 7, 1905, (page 4), testified: "Her (Easter Carter's) first husband was Payne, and then she married another man in Okmulgee." (Creek Nation), and by the witness Easter Grinnett, (page 5), who testifies that Mack C. Davis and Easter Carter were husband and wife and lived "in the Creek Nation." There is some testimony to the effect that Mack C. Davis was a Cherokee freedman, but on November 23, 1904, the witness, Esther Williams, testifying in re application of the said Lizzie Sanders, et al., in reply to the question "Was he (Mack C. Davis) a Cherokee freedman?" answered, "No sir, I think he was a state man." An examination of the records fails to show that Mack C. Davis was ever an applicant for enrollment, either as a Creek or a Cherokee freedman, and he cannot be identified on any Creek or Cherokee tribal roll in the possession of this office. Hence, it is considered that none of the applicants herein obtain any freedman citizenship rights in the Cherokee Nation as descendants of the said Mack C. Davis.

On November 23, 1904, the applicant, Lizzie Sanders, testified (page 6), that her former husband, Isaac Sanders, the father of her three children, minor applicants herein, was living; that she thought he claimed to be a Cherokee freedman, and that he was a son of Squire Sanders, deceased. An examination of the records fails to disclose that application has ever been made for the enrollment of anyone as a Cherokee freedman under the name of Isaac Sanders, and he cannot be identified on any roll of the Cherokee Nation in the possession of this office. In a decision

rendered by the Commission on June 16, 1905, in re application for enrollment as Cherokee freedmen of Laura Gross et al., case No. D 46, it was held that "After ample opportunity having been afforded, it is not established by satisfactory evidence that the applicants, Laura Gross and Chlora A. Gross (daughter of Squire and Kate Sanders, both deceased) possess any rights to enrollment as Cherokee Freedmen." It is therefore considered that the minor applicants herein obtain no rights to Cherokee freedman citizenship as descendants of the said Isaac Sanders.

In view of the foregoing, it is considered that in order to properly adjudicate said applicants' rights to enrollment as Cherokee freedmen, but one question is presented for determination, namely:

Did Easter Carter, deceased, return to the Cherokee Nation within the time specified in the Whitmire decree?

SUSIE COODY, witness in behalf of Josie Whitmire, appeared before the Commission on July 1, 1901, at Nowata, Indian Territory, and testified as follows: I know the applicant, Josie Whitmire, also knew her father and mother, George and Cynthia Carter. I saw her mother in '65, '66 and '67. I do not know whether or not Cynthia Carter was out of the Cherokee Nation during the war. I left the Cherokee Nation during the rebellion, returned in '65, and it was several years thereafter before I saw Cynthia and her husband.

(In addition to the fact that this witness's testimony is contradictory, it was later developed that the said Cynthia and George Carter, both deceased, were the grand-parents of the applicant, Josie Whitmire, thereby making this testimony immaterial).

ABE HAIR, witness for the applicant, Josie Whitmire, same date and place, testified as follows: I am 77 years old and my post office is Wymer. I know the applicant, also knew her mother, Easter Carter. She went to Fort Scott, Kansas, during the war, but returned to the Cherokee Nation during the fall of '66. I saw her on Snow Creek after her return. I was out of the Cherokee Nation during the war and returned in 1868 and had been back some two or three years when I first saw this applicant's mother, Easter Carter.

JAMES VANN, witness for Josie Whitmire, appeared before the Commission on June 28, 1904, at Muskogee, Indian Territory, and testified as follows: I am about 47 years old, and my postoffice is Chouteau, Indian Territory. I have known the applicant, Josie Whitmire about thirty years--ever since she was six years old. I knew her mother, Easter Carter, and first saw her at Fort Gibson in '67. Don't know who she belonged to before the rebellion, nor whether or not she was taken from the Cherokee Nation during the war.



JOSIE WHITMIRE, applicant, appeared before the Commission on July 25, 1904, at Muskogee, Indian Territory, and testified, in part, as follows: "I guess I am about twenty some odd, maybe thirty" years old, my postoffice is Fahlequah, and I am the daughter of Easter Carter and Mack Davis.

SENNIE BREWER, witness for Josie Whitmire, appeared before the Commission on March 7, 1905, at Muskogee, Indian Territory, and testified as follows: I reckon I am about 65 or 66 years old, and my postoffice is Muskogee, Indian Territory. I have known the applicant, Josie Whitmire, since she was about three or four years old. First saw her at Fort Gibson the next year after the war closed. I also knew her mother, Easter Carter, and first saw her after the war at Fort Gibson, in '66. She at that time had one child, this applicant, Josie. I do not believe Josie was born when I left the Cherokee Nation during the war. I was gone about a year or two, and when I returned she was a little thing about three or four years old. This applicant is older than she things. She must be about forty years old.

EASTER GRIMMETT, witness for Josie Whitmire, same date and place, testified as follows: I don't know my age; I am about fifty something I guess, and I live at Muskogee. I have known the applicant since she was a little bit of a thing. She must be thirty-two or thirty-three years old now. She was a good big girl when I saw her with her mother, Easter Carter, at Fort Gibson, in '66. When the war broke out Easter Carter had a man named Wallace Payne, and after the war closed she had a man named Mack Davis.

GEORGE VANN, witness for Josie Whitmire, same date and place, testified as follows: I am about 65 years old and my postoffice is Ohouteau, Indian Territory. I first became acquainted with Easter Carter about the commencement of the rebellion, and saw her at Fort Gibson in '66, she had two children, when I saw her in '66, "one was called Josie and one Lizzie."

C A S E C L O S E D .

LIZZIE SANDERS, applicant, appeared before the Commission on July 2, 1901, at Nowata, Indian Territory, and in support of her application for enrollment as a Cherokee freedman, testified, in part, as follows: I am about 26 years old, my postoffice is Dawson, Cooweescoowee District, and I am the daughter of Mack C. Davis and Easter Carter.

KATIE VANN, witness for Lizzie Sanders, same date and place, testified as follows: I am 56 years old. I have known the applicant since she was about six or seven years old. I also knew her mother, Easter Carter, and father, Mack Foreman (Davis).



I first saw this girl's father at Fort Gibson in 1866, "that was I guess, before she was thought of." I first saw Easter Carter after the war, at Gooseneck Bend, Cooweescoowee District, about twenty-seven years ago.

STICK ROSS, witness for Lizzie Sanders, appeared before the Commission on November 23, 1904, at Muskogee, Indian Territory, and testified as follows: I am 54 years old, and live at Tahlequah, Indian Territory. I don't know the applicant, Lizzie Sanders, I knew her mother, Easter Carter, and first saw her after the war at Fort Gibson in 1866, but have never seen her since. I don't think Easter Carter had any children when I saw her at the time above indicated. I was Deputy Sheriff of Cooweescoowee District three years, but do not know what years. I do not know what year this is, and don't know one year from another. I drew money under the Kern-Clifton payment for myself and family, but do not know what year that payment was made, neither do I know what year the Wallace payment was made. "I know '66 'cause I come from Texas and I never will forget it." I know I saw Easter Carter at Fort Gibson in 1866 by reason of the fact that I had a fuss with Dill Carter, her sister, and Easter come over and took it up. I have since had a skirmish with Ben Ward in Cooweescoowee District, but don't know what year it occurred. Also had a fuss with Lee Carper at Tahlequah, but don't know what year it happened. I was not summoned as a witness in this case, but just happened to be over here and was called on to testify.

SERVIE BREWER, witness for Lizzie Sanders, same date and place, testified as follows: I am 60 years old and live at Muskogee, Indian Territory. I knew Easter Carter, and saw her when she returned to Fort Gibson after the war; it was the year we drew rations. She at that time had a little girl, a child older than this applicant. This applicant is a second cousin of mine. On Cross-examination this witness admitted that she did not know what year she was married, nor the years the Wallace or Kern-Clifton rolls were made, nor what year this is. That she did not know '66 from '96, and that she had been told by the attorney for the applicants, to swear to the year '66. On re-direct examination, witness testified that she was not told by applicant's attorney to swear to '66.

ESTHER WILLIAMS, witness for Lizzie Sanders, same date and place, testified as follows: I knew Esther Carter, and first saw her after the war "along about the time of '66." I know it was '66 'cause they said it was '66." She at that time had a boy and a girl. I do not know what became of the boy, this applicant, Lizzie Sanders, is the girl. I next saw Easter Carter during the big payment, and this applicant about four years ago. Easter Carter lived by the tracks when I saw her at Fort Gibson after the war. Her husband's name was Mack Davis, but I never saw him till the big payment. (First railroad was built through Fort Gibson during the latter '80's).

LIZZIE SANDERS, applicant, same date and place, testified in part, as follows: That she was twenty-nine years old.

On December 23, 1904, applicants and Cherokee Nation being represented by their attorneys, this case was submitted upon the evidence now of record.

The foregoing is, in substance, the testimony of all witnesses in this (consolidated) case, who testified relative to the return of Easter Carter to the Cherokee Nation after the rebellion, and no violence is done the record when it is alleged that the testimony on the point above indicated is neither satisfactory nor convincing.

Abe Hair testifies that Easter Carter returned to the Cherokee nation in the fall of '66, and immediately follows this assertion with the statement that he returned in 1865 and had been back two or three years when he first saw the said Easter Carter. In his own case, C.F.D. 214, this witness alleged that he returned to the Cherokee Nation with the Webbers in 1866, and introduced three (noted) witnesses, Sam Webber, William Foreman and Jim (Sheep) Alberty, to corroborate his allegation. The Commission found that the said Abe Hair was not the slave of a Cherokee citizen at the commencement of the rebellion, and denied his application for enrollment on that ground.

Seenie Brewer, testifies that the applicant, Josie Whitmire, was three or four years old when she first saw her mother, Easter Carter, after the war. Under the record in this case it is fully established that the father and mother of Josie Whitmire did not begin living together until after the rebellion. This witness, however, states that Josie Whitmire is older than she thinks, and in 1905, her age must have been 40 years. Accepting this as the applicant's right age, it would indicate that this witness did not see the applicant's mother in the Cherokee Nation after the rebellion, prior to 1868 or 1869. This witness formerly testified, in the case of Lizzie Sanders, et al., supra. that she had been told by applicant's attorney to swear to the year 1866 as the date of Easter Carter's return to the Cherokee Nation, and that she does not know one year from another, all of which tends to indicate that her testimony is of little, if any, value.

Easter Grinnett testifies that the applicant, Josie Whitmire, was a good big girl when she first saw her and her mother at Fort Gibson after the war. In connection with the testimony of this witness attention is called to the fact set out above, namely, that the applicant's father and mother did not begin living together till after the close of the war.

George Vann's testimony is to the same effect, with this addition, that when he first saw Easter Carter in the Cherokee Nation after the rebellion she had two children, Josie (Whitmire) and Lizzie (Sanders), applicants herein.

Stick Ross testifies that he remembers Easter Carter being at Fort Gibson in 1866 because he had a fuss with her sister, Dill Carter, in that year, and Easter came over and took it up.

He further testifies that he knows nothing of dates, is unable to remember the dates of more important events that have since happened concerning him, and admits that subsequent to his fuss with Dill Carter he has had two "rackets" with other persons, but can not state in what year or years they occurred.

FINDINGS OF FACT AND CONCLUSION: It is considered that ample opportunity has been afforded the applicants in this case to establish by satisfactory evidence their rights to enrollment as Cherokee freedmen, but that they have wholly failed in this, to-wit: to show that Easter Carter, the ancestor through whom they claim the right to enrollment, returned to the Cherokee Nation after the rebellion, within the time specified in the Whitmire decree for the return of freedmen to the Cherokee Nation, consequently, their applications come within the rulings of the Department in the cases of Eliza Bryant et al. (I.T.D. 544-04), William Rector (I.T.D. 1468-04), Minnie Duncan et al., (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04), and Moses Ross (I.T.D. 6056-04). And it is further considered that none of the applicants herein possess any rights to enrollment as Cherokee Freedmen other than as descendants of the said Easter Carter.

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), Josie Whitmire, Lizzie Sanders, Grover Sanders, Margaret Sanders and Clifton Sanders, are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby

COMMISSIONER

Dated at Muskogee, Indian Territory,

this \_\_\_\_\_ 1905

MAR 12 1881

*Handwritten signature*

# **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. Josie Whitmire,

White, J. T.

Cherokee - 4-1-1902

14-1-1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

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

FILED  
JUL 20 1901

*[Handwritten signature]*  
A. M. CHAMBERLAIN

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

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Visita B. O. # 261901

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
Jose W. Henrique for enrollment as  
Cherokee Freedmen.

No. 70986

J. M. Senichie  
Agent for applicant

*June 16*

Indian Territory, \_\_\_\_\_ 190

*3-*

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in

*Josee Johnson*

*Case No. 956*

*Thomas Johnson*  
Attorney for Applicant.



Muskogee Indian Territory, 3-23-1905

RECEIVED OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in C.F.D. # 986

Josie Whitmire

Thomas J. Foreman  
Attorney for Applicant.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FEB 12 1901  
10: 1 1901

*[Handwritten scribble]*

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *July 1, 1901*  
 Post Office *Santa Fe*  
 District *600*

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

Parents:  
 Father \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

2. Name of wife *Jessie Whitmore* Age *26*  
 Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:  
 Father \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Mother ~~*Josephine Carter*~~ \_\_\_\_\_ 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. |

*Over full*

Application made by *Anston Whitmore (husband)* Stenographer *Chas. W. Hesse*

md4

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

REFER IN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES Cherokee Freedmen  
D-986.

ALLISON L AYLESWORTH  
SECRETARY



COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 11, 1903.

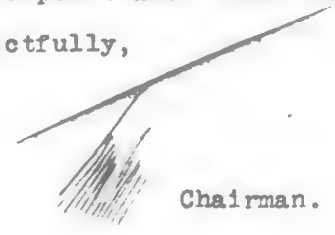
Austin Whitmire,  
Vinita, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of your wife, Josie Whitmire, as a Cherokee Freedman, you are hereby advised that further testimony is required as to residence of said Josie Whitmire since her birth.

You are further advised that the Commission will be at Vinita, Indian Territory, on Wednesday, September 23, 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.

Cherokee Freedmen  
D-986.

Muskogee, Indian Territory, June 3, 1904.

Austin Whitmire,  
Wagoner, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of your wife, Josie Whitmire, as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the residence of your wife since her birth.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce testimony as above indicated.

Respectfully,

Chairman.

Cherokee Freedmen  
D-986.

Muskogee, Indian Territory, June 3, 1904.

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

Dear Sir:

In the matter of the application of Austin Whitmire for the enrollment of his wife, Josie Whitmire, as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the residence of Josie Whitmire since birth.

Said Austin Whitmire 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 Saturday, June 18, 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.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen  
D-984

Muskogee, Indian Territory, October 21, 1904

Austin Whitmire,  
Wagoner, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of your wife, Josie Whitmire, as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the return of Cynthia Carter to the Cherokee Nation after the war of the rebellion; also as to the residence of your wife, Josie Whitmire, since her birth.

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, November 21, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

CHIEF

JAMES DIXBY  
Chairman

Register

COPY.

Cherokee Freedman  
D-986.

Muskogee, Indian Territory, January 18, 1906.

Thomas & Foreman,

Attorneys for Josie Whitmire,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the case of Josie Whitmire, an applicant for enrollment as a Cherokee Freedman, will be taken up for final hearing by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, February 2, 1906.

Respectfully,

Register.

SIGNED.

*James Dixby*

Chairman.



Cherokee Freedman  
D-886.

Muskogee, Indian Territory, January 13, 1905.

Austin Whitwire,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the case of your wife, Jessie Whitwire, an applicant for enrollment as a Cherokee Freedman, will be taken up for final hearing by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, February 2, 1905.

Respectfully,

*Jame Dixby.*  
Chairman.

Register.

COPY

Cherokee Freedman  
D 986

Muskogee, Indian Territory, January 16, 1905.

Thomas & Foreman,  
Attorneys for Jessie Whitmire,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed copy of testimony in the matter of the application of Austin Whitmire for the enrollment of his wife, Jessie Whitmire, as a Cherokee Freedman.

Respectfully,

Incl. 08-14.

WITNESSED: *Yarns Dixby.*  
Chairman.

COPI.

Cherokee Freedmen

D-286.

Muskogee, Indian Territory, March 21, 1905.

Thomas & Foreman,

Attorneys for Josie Whitnire,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on March 7, 1905, in the matter of the application for the enrollment of Josie Whitnire as a Cherokee freedman, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

SIGNED:

*Tame Bixby.*

Chairman.

Incl. S-45.

REFER IN REPLY TO THE FOLLOWING:  
Cherokee Freedman  
D 986

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

Muskogee, Indian Territory, December 28, 1905

Josie Whitmire,  
Care of Austin Whitmire,  
Talala, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 28, 1905, denying, among others, the application for your enrollment as a Cherokee Freedman.

A copy of the record of proceedings had in this case has heretofore been furnished your attorneys, Thomas and Foreman, Muskogee, Indian Territory, and a copy of the decision has this day been forwarded to him.

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

Respectfully,

Incl. B 96

  
Commissioner

Cherokee freedmen  
D 986

Muskogee, Indian Territory, December 28, 1905

Thomas and Foreman,

Attorneys for Josie Whitmire.

Muskogee, Indian Territory.

Gentlemen :

There is inclosed herewith a copy of the decision of the Commissioner to the five civilized Tribes, dated December 28, 1905, denying, among others, the application for the enrollment of Josie Whitmire as a Cherokee Freedman. You have heretofore been furnished with 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. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. B-97

Commissioner

Muskogee, Indian Territory, December 28, 1908

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the consolidated applications for the enrollment of Josie Whitmire, et al., as Cherokee freedmen, including the Commissioner's decision dated December 28, 1908, rejecting the applications for the enrollment of Josie Whitmire and Lizzie Sanders and her minor children, Grover, Margaret and Clifton Sanders, as Cherokee freedmen.

Respectfully,

Incl. B-99

Commissioner

Cherokee Freedmen  
D 1022-D986

Muskogee, Indian Territory, December 28, 1905

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

Dear sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 28, 1905, denying the applications for enrollment of Josie Whitmire and of Lizzie Sanders and her minor children, Grover, Margaret and Clifton Sanders, 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 this office is advised of the same.

Respectfully,

Incl. B 99

Commissioner

Land  
134-1906.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
(COPY) WASHINGTON.

January 7, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated December 28, 1905, transmitting the record relative to the application of Josie Whitmire, et al., for enrollment as Cherokee freedmen.

On July 1, 1901, Austin Whitmire applied to the Commission to the Five Civilized Tribes for the enrollment of his wife, Josie Whitmire, as a Cherokee freedman, and Lizzie Sanders applied for the enrollment of herself and her minor children, Grever, Margaret and Clifton Sanders, as Cherokee freedmen.

On December 28, 1905, the Commissioner held that the applicants were not entitled to such enrollment.

The evidence shows that Mack C. Davis, father of the two principal applicants, Josie Whitmire and Lizzie Sanders, was a non-citizen, and that Easter Carter, deceased, their mother, was the slave of a Cherokee citizen and was taken from the Cherokee Nation into the State of Kansas at the commencement of the war of the rebellion, and did not return to that Nation within the time specified in Section 3 of the Act of April 26, 1904 (34 Stat.L. 137).



-2-

Josie Whitaire and Lizzie Sanders possess no other right to be enrolled as Cherokee freedmen than that derived from their mother, Raster Garter.

The minor applicants possess no other right to such enrollment than that derived from their mother, Lizzie Sanders.

The decision of the Commissioner adverse to the applicants is therefore recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HCO--SD

D.C. 2762-1907.  
I.T.D. 366-1907.  
LRS.

(COPY)

J.C.H.

DEPARTMENT OF THE INTERIOR, THE  
WASHINGTON.

January 23, 1907.

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

Sir:

December 28, 1906, you transmitted the record in the matter of the application for the enrollment of Josie Whitmire, and Lizzie Sanders and her minor children, Grover, Margaret and Clifton Sanders, as Cherokee freedmen, including your decision of the same date, adverse to the applicants.

Reporting January 7, 1907 (Land 134-06), 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.

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

Respectfully,

Thos. Ryan.

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 2 to Ind Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee  
D 986.

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

Muskogee, Indian Territory, February 16, 1907.

Josie Whitmire,

Tulsa, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the  
Commissioner to the Five Civilized Tribes, dated December 28,  
1906, rejecting your application for enrollment as a Cherokee  
freedman was affirmed by the Secretary of the Interior, January  
23, 1907.

Respectfully,

HJC

Commissioner.

Cherokee  
D 986.

Muskogee, Indian Territory, February 16, 1907.

Thomas & Foreman,

Attorneys for Josie Whitmire,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 28, 1905, rejecting the application for the enrollment of Josie Whitmire, as a Cherokee freedman, was affirmed by the Secretary of the Interior, January 23, 1907.

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

Respectfully,

Encl. HJ-55.  
HJC

Commissioner.

Cherokee  
D 986.

Muskogee, Indian Territory, February 16, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 28, 1905, rejecting the application for the enrollment of Josie Whitmire, et al., was affirmed by the Secretary of the Interior, January 23, 1907. For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-60.  
HJC

Commissioner.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



~~AUSTIN WHITMIRE,~~

~~WINTON, Indian Territory.~~

RETURN PENALTY ENVELOPE.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE,

IND. TER.

Department of the Interior.

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

Jessie Whitwire,

Tulsa, Indian Territory.



Cher. Fr. R. 1048

Trans. from Cher. Fr. D. 994

Cher. Fr. R. 1048

COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
JUL 19 1901

 ACTING CHAIRMAN.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I. T., July 1, 1901.

In the matter of the application of Amanda Gaskins for the  
enrollment of herself as a Cherokee Freedman; being sworn and ex-  
amined by Commissioner Needles, she testified as follows:

Appearances:

Louis Brown, for the applicant, as attorney;  
L.B. Bell, for the Cherokee Nation, as attorney.

- Q What is your name? A Amanda Gaskins.  
Q How old are you? A I forgot my age entirely, mamma has got my  
age.  
Q About how old are you? A About 30.  
Q What is your post-office address? A Bartlesville.  
Q What district do you live in? A Coowescoowee.  
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Who do you want to enroll besides yourself? A Just myself.  
Q What is your father's name? A Ben Alberty.  
Q Your mother's name? A Mary Joe.  
Q Mary Joe what? A Mary Joe Bell.  
BY MR. BROWN:  
Q Where were you born? A On Snow Creek.  
Q You lived in the Cherokee Nation all your life? A Yes sir,  
never was out.

NELSON MURRELL, being sworn by Com'r Needles, testified as  
follows:

BY MR. BROWN:

- Q State your name? A Nelson Murrell.  
Q Your age? A 77.  
Q Your post-office address? A Coffeyville.  
Q You know the applicant, Amanda Gaskins? A Yes sir.  
Q How long have you known her? A About 30 years.  
Q What was her father's name? A Ben Alberty.  
Q What was her mother's name? A Mary Alberty.  
Q Was Ben Alberty a slave citizen of the Cherokee Nation at the  
beginning of the war? A Yes sir.  
Q What was his owner's name? A John Alberty.  
Q Was John Alberty a Cherokee Indian by blood? A Yes sir.  
Q You know whether or not Ben Alberty left the country during the  
war? A I do not.  
Q When did you see him the first time after the close of the war?  
A I saw him in the spring of '65.  
Q From the time you saw him in '65 until his death where did he  
live? A On Snow Creek, Coowescoowee.  
Q You know whether or not Ben Alberty and his wife Mary were ever  
married? A I do not know.  
Q Did they live together as man and wife? A Yes sir.  
Q Were they living together as man and wife when this child Amanda  
Gaskins was born? A Yes sir.  
Q Be recognized in the community? A Yes sir.

BY MR. BELL:

- Q When did Ben Alberty settle on Snow Creek? A He settled on the  
creek in the spring of '65.  
Q Where did he make his improvement? A On Snow Creek, right on the  
public road leading from Ft. Gibson to Ft. Scott, or towards Ft.  
Scott; in a traveled road.  
Q How far above the mouth of Snow Creek is that? A About a mile and  
a half or two miles.  
Q Where did you first see him? A I first saw him at Pessie River,  
Trotters' Ford.

Amanda Gaskins 2

- Q Did you come with him to that place? A No sir.  
Q Who got there first, you or him? A We met there one evening and camped together that night.  
Q On Snow Creek? A No; you mean on Snow Creek?  
Q That's what I am asking you, if you and him came there to Snow Creek? A No sir, he came there himself; I was there first and I met him when I was going back from there.  
Q Did he have improvements in '65? A Yes sir.  
Q Make a little crop? A Yes sir.  
Q Corn and beans &c? A Yes sir.

Applicant, AMANDA GASKINS, re-called and further examined;

BY COM'R NEEDLES:

- Q Are you married? A I have been married.  
Q What is your husband's name? A Jim Gaskins.  
Q You and him not living together now? A No sir, he is dead.  
Q You are not married since that? A No sir, he aint been dead but two months.  
Q Too soon to marry again? A Yes sir.

MARY JOE, being sworn by Com'r Needles, testified as follows:

BY MR. BROWN:

- Q State your name? A Mary Joe.  
Q What is your age? A I don't know, my mother died when I was a baby.  
Q What is your post-office? A Bartlesville, Indian Territory.  
Q Do you know the applicant, Amanda Gaskins? A Yes sir, that's my daughter.  
Q What was her father named? A Ben Alberty, he is the father and I am the mother of her.  
Q Were you and Ben Alberty ever married? A No sir.  
Q At the time Amanda Gaskins was born were you and Ben Alberty living together as man and wife? A Yes sir, we wasn't lawfully married at all; in that time we didn't have to marry, it was the Indian time.  
Q But you lived together as man and wife? A Yes sir, until death parted us.  
Q When did Ben Alberty die? A I can't remember, it has been so long.  
Q About how old was Amanda when he died? A (Hands attorney paper and attorney hands it to Commissioner.)

BY COM'R NEEDLES:

- Q Was Amanda a little girl when Ben died? A Yes sir, she was a little girl when Ben Alberty died.  
Q What nationality are you? A I am a white woman; I was born and raised in Iowa.  
Q You been living in the Cherokee Nation ever since that? A Yes sir.  
Q Are you married again? A Yes sir.  
Q What is your husband's name now? A Henry Joe.  
Q He a colored man? A Yes sir, he is a colored man.  
Q How long did you live with Ben Alberty? A I come with him in '66 and been from '66 with him ever since.  
Q You came here with him in '66? A No, I came with my father on Snow Creek; he come from Iowa out to this country.  
Q In '66? A Yes sir.  
Q And you married him after you came here or before? A I married him after I come here.  
Q Your father is dead? A My father and mother are both dead, I have got no kinfolks but myself.  
Q How long did you live with Ben you say? How many children did you have by him? A Three.

Amanda Gaskins 3

- Q Is this the youngest one? A That's the oldest.  
Q Did you live with Ben until he died? A Yes sir.  
Q The other children living? A No sir, they are both dead.

CHARLEY CHAMBERS, being sworn by Com'r Needles, testified as follows:

BY MR. BROWN:

- Q State your name? A Charley Chambers.  
Q What is your post-office? A Hudson.  
Q How old are you? A 70 years old.  
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.  
Q Do you know the applicant, Amanda Gaskins? A Yes sir.  
Q You know her mother, Mary Joe? A Yes sir.  
Q What was Amanda Gaskins father's name? A Ben Alberty.  
Q You know whether or not at the time Amanda Gaskins was born Mary Joe and Ben Alberty were living together as man and wife?  
A They were living together, yes sir.  
Q As man and wife? A Yes sir.  
Q Were they so recognized in the community? A Yes sir.  
Q Did they live together as man and wife until his death? A Yes sir.  
Q You don't know when Ben Alberty returned to this country? A ~~Yes~~ Not exactly.  
Q When did you see him first time after the close of the war? A Up on Snow Creek.

Q In what year was that? A That was in '70, and he had made one crop and had another crop in when I found him there.

BY COM'R NEEDLES:

- Q Was Ben a slave? A Yes sir.  
Q Who did he belong to? A John Alberty.  
Q Colored man, was he? A Yes sir.

MR. BELL, waives examination.

MARY JOE, re-called and further examined;

BY MR. BELL:

- Q When did you and Ben Alberty take up? A Took up in the fall in '66.

BY COM'R NEEDLES:

- Q Were you married by a minister or a preacher or anybody? A No sir.  
Q Just took up with each other? A Yes sir. That was time of the Cherokees, I can't call it.

BY MR. BELL:

- Q Where did you live when you and he took up? A Snow creek.  
Q He was living there when you came there was he? A Yes sir.

BY COM'R NEEDLES:

- Q Were you ever married before you went with Ben? A Yes sir.  
Q Where had you been married before? A In Iowa.  
My husband died up in Iowa.  
Q Your first husband died? A Yes sir.  
Q You have married since that? A Yes sir.  
Q This girl's name on any of the rolls? A She ought to be on the Wallace roll.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on page 181 #3380 Amanda Alberty, "No district" "Now Amanda Gaskins. Wife of James M. Gaskins." 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found; 1896 census roll of citizens of the Cherokee Nation examined and applicant not found;

Amanda Gaskins 4

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not found;

Com'r Needles: Amanda Gaskins applies for the enrollment of herself; she cannot be identified upon any of the rolls of the Cherokee Nation except the Wallace roll upon which she is identified according to page and number of the rolls as indicated in the testimony; she avers that she is a child of Ben Alberty by Mary Joe, a white woman; she avers that Ben Alberty was a slave and belonging to one John Alberty. The testimony shows that said Ben Alberty returned to the Cherokee Nation in '65 or '66; applicant avers that her mother, Mary Joe, and Ben Alberty were married; for the proof of marriage reference is made to the testimony. By reason of the fact that said Amanda Gaskins is upon the Wallace roll she will now be listed for enrollment as a Cherokee Freedman upon a doubtful card; she will be notified at her post-office address of the action of the Commission in the premises.

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

M.D. Green

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



Commissioner.

File with Cherokee Freedmen D-004, Amanda Gaskin.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 19, 1901.

In the matter of the application of Nelson Murrell et al for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

Mellette & Smith, of counsel for applicants;  
J. S. Davenport, of counsel for Cherokee Nation.

R. M. ALLEN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A R. M. Allen.

Q Where do you live, doctor? A I live north about a mile of Coody's Bluff, when I am at home.

Q What is your postoffice? A Coody's Bluff.

Q How long have you lived in the Cherokee Nation? A Ever since 1868.

Q Where did you live prior to coming to the Cherokee Nation? A I was in Baxter Springs.

Q When you came to the Cherokee Nation in '68 to what point did you come? A Down on what is known as the Journeycake Prairie.

Q Are you a citizen of the Cherokee Nation? A Yes, sir, so recognized.

Q By blood? A By adoption, or marriage.

Q To a Cherokee? A To a Delaware.

Q Now did you come to the Cherokee Nation before or after the Delawares came down here? A Afterwards.

Q Do you know the applicant in this case, Nelson Murrell? A Well I met the old gentleman to-day, that is the first acquaintance that I have with him.

Q Where were you in '68 after you came down to the Cherokee Nation, what section of the country? A I was on the Journeycake Prairie, boarding with old man Journeycake.

Q How far was Journeycake living south of the Kansas line at that time? A Said to be about 24 miles.

Q Well was you out over that country or back and forth to the Kansas line any in the neighborhood or vicinity of Snow Creek?

A Yes, sir.

Q Who was living along near Snow Creek at that time? A The last house going to Snow Creek from Journeycake's was this man Little Buffalo.

Q What was he? A He was a Delaware.

Q Where was the first one, or how many houses along there? A After you left old man Journeycake's, the first house would be the widow Goodtraveler, and the next would be Jim Wilson, the next house a man by the name of John George lived there, and the last house right on the road was a man by the name of Wikkis Little Buffalo.

Q Were you out over the country around Snow Creek during that year?

A What year, '68?

Q Yes, that is the year you said you came down? A No, I don't think I was any that year.

Q Well, was you the next year? A Yes, in the fall of '69 I made a trip to the Kansas line.

Q To what point in Kansas did you go? A Well they were going to build this town called Parkersburg, and I went up there, thought maybe I would buy some lots, me and old man Journeycake and one Daniel R. Hicks, and we went right up the Verdigris Valley.

Q On what side? A East side, and I crossed Snow Creek right

Q Where did you go into the river, there was a man lived there, or was living there the last time I was there, by the name of Singleton, I didn't know him.

Q Now how far from the Kansas line is it to where Snow Creek empties into the Verdigris River, or about how far? A I don't know, four or five or six miles, I don't know how far, it is not a great ways.

Q Do you know whether or not Snow Creek heads in the Territory or Kansas? A I have heard it said it did, but I never followed it.

Q You never saw the applicant, and have been acquainted with him? A I don't remember the old gentleman till to-day I met him and some man introduced me to him, Sam Webber I believe.

Q Was there any colored people living there on Snow Creek? A I didn't see any on that trip.

Q What did you say your name was? A Allen.

Q Doctor Allen? A Yes, sir.

Q Are you a physician? A Yes, sir.

Q Physician and surgeon? A Yes, sir, I followed it a while, I graduated at the Rush Medical college in Chicago in '65.

Q Well do you practice medicine out there now? A Well just a little, not much.

Q You went there when? A I landed at old man Journeycake's house on the 25th of July, 1868.

Q Is that on Snow Creek? A No, sir.

Q How far was that from Snow Creek? A Fifteen or twenty miles.

Q Then how long was it from that time until you were on Snow Creek?

A I went on Snow Creek in the fall of '69.

Q How long is Snow Creek? A I don't know.

Q Well, did you go all up and down Snow Creek from one end to the other? A No, sir, crossed Snow Creek, didn't go up nor down it.

Q Then where were you going to? A I was going to the Kansas line where they were going to build that down called Parkersburg.

Q Did they build it? A They did, afterwards.

Q How long afterwards? A The next time I was there they had quite a town there.

Q How long was that? A Might have been a year or eighteen months, might be not so long, I think I went up there, if I remember right, the 28th day of May, the next spring.

Q Well, did they have any town there when you went there the first time? A No, sir.

Q Did they have any town laid out? A I saw some lumber along town there.

Q Did they have any ~~plat~~ plat, town plat? A I never heard of it.

Q Didn't you inquire? A Yes, I inquired about it, but I couldn't find any man that would give me sufficient news about it to purchase any lots.

Q Did you buy any lots? A No, sir, I didn't.

Q Did you ever buy any in Parkersburg? A No, sir, never did.

Q What did you go back for the second time? A Well sir, the next time, next May I thought I would go back and buy my household utensils.

Q Did you buy them? A I did.

Q How far was it from Journeycake's where you started to Parkersburg? A Oh it is 25 or '6 miles.

Q And in what direction was Parkersburg from Journeycake? A Well sir, it is north, and I believe a little west.

Q How far was Parkersburg from the Kansas line? A Well, they didn't know where the line was in that day.

Q They didn't know? A Not then they didn't.

Q How far is it from where the Kansas line is now? A Well I suppose three or four miles, I never heard anybody say.

Q Now you started in the fall of 1868 from Journeycake's, did you?

A Yes, sir.

Q Where did you? A I started from home.



- Q Where did you live? A I lived up at Goodys Bluff.
- Q How far was that from Journeycake's? A About four miles.
- Q In what direction from Journeycake's? A North.
- Q Then you started from four miles north of Journeycake's in the fall of '69 to go to Parkersburg? A Yes, sir.
- Q How did you travel? A I went horseback.
- Q And was there a road to travel? A No, there was no road.
- Q Wasn't any road? A No, I didn't follow any road.
- Q Then did you cross Snow Creek? A Yes, sir, I crossed it.
- Q Once or more than once? A I only crossed it once going up.
- Q And once coming back? A Yes, sir.
- Q Where did you cross it? A I crossed it going up tolerably close to the river at a place where a fellow named Singleton lived afterwards.
- Q Well, how far was that from the Kansas line? A I don't know, four or five miles I guess, I think Snow Creek is about that distance from the Kansas line.
- Q Well, it is not the same distance from the Kansas line all the way along, is it? A I don't know, I never followed up the Creek.
- Q You don't know anything about the community below where you crossed or above where you crossed? A No, sir.
- Q All you know is just the place you crossed? A Yes, sir, where I crossed at.
- Q Well traveling in the direction that you were going you came right into right angles with the Creek? A I kept right up the river valley on the east side of the river till I struck the creek.
- Q And crossed the creek? A Yes, sir.
- Q You didn't have to follow the Creek? A No, I didn't follow the Creek.
- Q You just simply crossed Snow Creek in 1869? A Yes, sir.
- Q Well now then you are not prepared to say that this applicant, Nelson Kurrell, wasn't living on Snow Creek in '69? A I am prepared to say I didn't see any houses nor farms in the travel.
- Q But you say you only touched Snow Creek at one point? A That is all.
- Q And there wasn't any houses right there? A Wasn't any houses in sight, I didn't see any houses.
- Q Up or down the Creek? A No, sir.
- Q If there had been a house a quarter of a mile up the Creek or a quarter of a mile down the Creek you couldn't have seen it?
- A Yes, sir, if a house had been out on the Prairie a quarter of a mile from me them days I could have seen it.
- Q Under favorable conditions you could have seen it? A Yes, sir.
- Q That is all you know about this matter, is it? A Yes, sir.

SIMON LOVE, being duly sworn by Commissioner Needles, testified as follows:

- Mr. Davenport: That is your name? A Simon Love.
- Q Where do you live? A Clarence.
- Q How long have you lived in the Cherokee Nation? A Ever since '68.
- Q Are you a Cherokee or a Delaware Indian? A Delaware.
- Q Did you come to the Cherokee Nation before or after the treaty made with the Delawares and Cherokees? A After.
- Q What was your father's name? A My stepfather's name was Buffalo.
- Q Well, did he have any English name? A Little Buffalo they called him.
- Q Did your father move to the Cherokee Nation when you did, or was you a child at that time and came with him? A I came with my stepfather and mother.
- Q What was your stepfather's name? A Little Buffalo.
- Q Well, when you came to the Cherokee Nation, to what point in the Cherokee Nation did you come? A We came on Cedar Creek, about

fifteen miles from Coffeyville, Kansas.

Q On what side of the Verdigris River did you locate? A The east side.

Q How far from what is known as Snow Creek? A Six or seven miles I should judge.

Q Do you know, and did you know at that time, where Snow Creek empties into the Verdigris River? A Yes, I don't know exactly where it empties, then.

Q Had you ever been on Snow Creek? A Yes, sir, I had been on Snow Creek, but I had not been to the mouth of the Creek.

Q What you located in '88 on Cedar Creek did you make any trips or anything up and around Snow Creek? A Yes, sir, we used to go up Snow Creek going to ~~thatah~~ up there on Pumpkin Creek in Kansas, we did our trading up there, a man by the name of Lushbaugh kept a store.

Q Who was living on Snow Creek at that time? A I don't remember that there was anyone living there.

Q Was there any houses there? A There was one house there that I can remember, a carpenter that built our house lived there, a man named Baker, in the fall of '88 he built our house.

Q Do you know the applicant in this case, Nelson Murrell? A Yes, sir.

Q Well, how long have you known him? A I just can't tell how long.

Q Do you know where he lives now? A Yes, sir.

Q Well where does he live now in regard to where that fellow Baker lived at that time, how far? A ? A He was right south, right at the edge of the flat, Snow Creek and Verdigris flat is where Baker lived when I went after him to come and build our house; I think that was in the fall of '88.

Q Where does the applicant live with reference to that? A Right north of it.

Q About how far? A I can't tell you how far.

Q Do you know how far; that is what I am trying to get at; have you ever been to his house? A No, sir, never was at his place.

Q You don't remember then how long it has been since you knew this applicant, Nelson Murrell? A No, sir, don't remember.

Q Well, was there any colored people living around that section of the country that you saw when you went up to Baker's? A No, sir.

Q Did you ever get acquainted with a family of Littles, Steve Little's family? A Yes, sir.

Q Where were they living? A Living on Snow Creek.

Q What part of Snow Creek with reference to where it empties into the Verdigris River? A I should judge about three quarters of a mile or a mile I should judge of the mouth; of course I have never been to the mouth of Snow Creek.

Q When did they come in there and locate, if you know? A I don't know when they came in.

Q Well, how long have you known that family? A Well I have known them quite a while.

Q Well, did you get acquainted with them immediately after you came in there? A Yes, sir.

Q Well, where were they living with reference to the locality of where Baker was living, when you got acquainted with the Little family? A They lived southeast of where Baker lived.

Q Well, did they live nearer the river than Baker did, or farther away from the river than Baker? A I think they lived a little farther away, a little farther east.

Q How long since you have been in that locality? A I haven't been in there quite a while, I don't know really.

Q I believe you stated you came down after the Delaware made the treaty with the Cherokees, or before, which was it? A Afterward.

Q Did you come the same time the Delaware came, or did your father move the same time they came? A Same time, his was the first train that came down.

Q Now, Mr. Murrell, you and your family came down the same time?



Delawares that came to the Cherokee Nation after the Delawares made the treaty with the Cherokee Nation? A Yes, sir.

Q And you have lived in the Cherokee Nation ever since? A Yes, sir.

Q You are a citizen of the Cherokee Nation? A Yes, sir, only what time I have been out to school I didn't live here.

Q Well now at what place did you locate when you first came here, your family? A Right near the mouth of Cedar Creek.

Q How far was that from the Kansas line? A On a straight line about eleven or twelve miles.

Q What direction? A South.

Q Into what stream did Cedar Creek empty? A The Verdigris.

Q Into what stream did Snow Creek empty? A The Verdigris.

Q Were you ever at the place where Snow Creek empties into the Verdigris? A No, sir, I never was right at the mouth of the Creek.

Q About how far north of the mouth of Cedar Creek was the mouth of Snow Creek? A Well straight through, it is about seven or eight miles.

Q The way the roads ran how far was it? A I should judge about that, the road ran pretty straight through.

Q Well, did you have a house to live in when you first came there?

A No, sir.

Q What season of the year did you come to the Nation? A February.

Q When did you get a house? A Gota house the next fall; that is, a man built our house.

Q How old were you when you came here? A I was about 15.

Q Where did you remain during the months from February until you got your house built the following fall? A Right there at home.

Q Now you know this old man Nelson Murrell? A Yes, sir.

Q And you have known him a long time? A Quite a while, I can't remember just what time.

Q A great many years? A I can't remember how long.

Q Been so long you can't remember when you first did know him?

A Been fifteen or twenty years.

Q Been longer than that, hasn't it? A I don't think it has.

Q How long has it been since you first came down here? A I came here in '68.

Q Well, how many years? A 33 years.

Q Well now about how long have you been knowing old man Nelson Murrell? A I should judge about fifteen or twenty years; when my mother died I left there, went to old Mrs. Connor's.

Q How many years was that after you came down to the Cherokee Nation, that you went to Connor's? A About '71.

Q About that? A Yee, sir.

Q You had been in that Cedar Creek country then only two or three years when you left there? A Yes, sir, that was all.

Q You were still a boy when you did leave? A Yes, sir.

Q Now you didn't go, while you were up there, to the mouth of Snow Creek, where it empties into the Verdigris? A No, sir.

Q You know how long Snow Creek is? A No, sir.

Q You know how far it is from the mouth of Snow Creek to the point where Snow Creek enters Kansas, or the Territory from Kansas? A No, I have no definite idea, about five or six miles though.

Q You don't know; you never were at up the Creek then from the mouth of the Creek up to the Kansas line? A Only right there along the road; here I crossed Snow Creek.

Q Now where would you be going when you would cross it? A Well, up into Kansas.

Q To what point? A A place they called Connor, or Function Creek, a trading point, or post.

Q Now what was the nearest town or any place to you in the Cherokee Nation, store or postoffice, or anything of that sort? A There was none.

Q How far did you live from the mouth of Cedar Creek? A About 1

...not quite.

Q When you were about a mile from the Verdigris? A Yes, sir.

Q And about a mile from the place where Cedar Creek enters the Verdigris? A West of where it enters the Verdigris, it makes a bend

Q When you had to go to Kansas, what direction did you travel?

A North.

Q In what direction did Snow Creek run? A Well I think it ran northeast, that is, it headed northeast and ran southwest I think.

Q Well, it was more or less of an east and west course, wasn't it now? A Yes, sir, southwest and northeast.

Q Well did you go anywhere else, have occasion during the time you lived there to go any other place except Clymore in Kansas?

A Well I went after that carpenter that built the house.

Q I mean outside of the carpenter and Clymore? A No, sir.

Q So when you went to Clymore you crossed Snow Creek? A Yes, sir.

Q Do you know how far you crossed it from the mouth? A I judge about a mile and a half, it is what they call now the Reed Crossing, Human Reed Crossing.

Q Now do you know how far that is from the mouth of Snow Creek?

A I should judge about a mile and a half or two miles.

Q Or two, and might be farther? A Might be, I don't know where the mouth is, I never was at the mouth of Snow Creek.

Q Now, then when you were traveling from where you lived to Clymore, you just simply came to Snow Creek and crossed and when you came back you would come to it again and cross it? A Yes, sir.

Q Now then you can't swear Nelson Murrell didn't live on Snow Creek at the time you crossed it? A I didn't see any houses.

Q You can't swear he didn't live there? A No, I can't.

Q You can't swear there wasn't a house there? A I don't think there was a house there.

Q Except at the place you crossed? A There wasn't any houses there.

Q How about a mile up the creek or a mile down the creek? A That I can't tell.

Q You don't know, do you? A No, I don't think there was any houses.

Q Don't think, I want to know what you know; can you state upon your oath that there wasn't a house a mile up the creek or a mile down the creek? A No.

JOHN SECONDINE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A John Secondine.

Q Where do you live? A Up at White Oak.

Q That your postoffice? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A I believe I have lived here about 34 years; since '68.

Q What is your nationality, are you a Cherokee or Delaware? A I am a Delaware.

Q Did you come to the Cherokee Nation before or after the treaty was made with the Cherokee Nation and Delawares? A Well I came here a year before they moved down here.

Q Well, what year was that in? A When I first came here, that was in '67, in August.

Q Well, when you came to the Cherokee Nation in '67 in August, to what point did you come? A Well we came up there about Snow Creek.

Q Well, what part of Snow Creek? A I guess it must have been about three miles above the mouth of Snow Creek.

Q Who was living there at that time, if anyone? A Well I didn't see anybody living there at all.

Q How long did you stay there? A Well, we stayed there for some

as a week or ten days somewhere along there.

Q Was there any houses around there? A No, sir.

Q Well, were you up and down the Creek any, or did you just camp and stay in one place? A We, we looked all around the country there, we came down here to find locations to settle on, we went up and down the Creek, in fact we traveled all around the country there looking at the country.

Q Any houses at all that you found; if so, where were they and who was living in them? A No, sir, never saw any houses.

Q Were you down the Creek to where it empties into the Verdigris? A Yes, sir.

Q You went up the Creek above where you camped, did you not, towards the Kansas line? A Went up pretty near the head of the Creek, it is pretty much all prairie up there.

Q Do you know the applicant here, Nelson Murrell, that old gentleman (indicating applicant)? A I have seen him.

Q Was he living there on Snow Creek when you were down there in '67? A I didn't see him, I didn't see anybody, there was no settlement there.

Q You went up and down the Creek you say? A Yes, sir, there was no settlements there.

Mr. Smith: You live out here close to Vinita now? A Yes, sir, I live at White Oak.

Q About how long have you been living there? A I have been living there 16 years I believe.

Q You related in any way to Journeycake? A Yes, sir.

Q What relation? A Second cousin I believe.

Q How far did you live, when the Delawares first came down in the Cherokee Nation, from Journeycake's? A I lived six miles above, north.

Q Six miles north of Journeycake's? A Yes, sir.

Q How far from the Kansas line? A That is about twenty miles, somewhere along there, I guess.

Q How far is it to the town they started up there in Kansas called Parkersburg? A Let's see, I guess it is close onto twenty or twenty-two miles I guess.

Q How far did you live from the Verdigris River? A Lived about three quarters of a mile.

Q What direction, west, or north? A East.

Q How far was that from the mouth of Snow Creek? A It must be about twenty miles.

Q Twenty miles from the mouth of Snow Creek? A Yes, sir.

Q Do you know a family in there by the name of Love? A Yes, sir.

Q Where did they live? A They lived up there below Gooseneck Bend, what they call now.

Q Up close to Verdigris River? A Well they were right there in the edge of the bottom, they lived right in the bottom when they first came down here.

Q How far from the Kansas line? A I guess it must be about ten or twelve miles.

Q How far from you? A Oh about 10 miles.

Q In what season of the year did you arrive in the Cherokee Nation?

A Well I think the 5th day of February.

Q Who did you come with; that is, I mean your own immediate family, your father? A No, my mother.

Q Well, where did you live when you first came here; did you have a house? A No, sir, I didn't build any house that spring, after we got here we stopped over until grass came up in the spring of '68.

Q And then built a house? A No, I didn't build any house then, we moved over to Grand River that spring and made a crop over there.

Q How far from this place on Verdigris? A This was on Grand River, it is about forty miles.

Q Now if I understand you, you came on the Verdigris River about '67? A I want you to understand this; we didn't move down in '67,

I came down here to look at the country.

Q Then what did you do? A I went back to Kansas.

Q How long did you stay? A Well, we stayed a year.

Q It took you a year to look at the country? A No, we stayed about two months here.

Q When, in '67? A Yes, sir, two months on the Verdigris.

Q About twenty miles below the mouth of Snow Creek? A No, we stopped up there about ten days and Snow Creek.

Q Well, when did you stop on Snow Creek? A In '67.

Q What time? A In August.

Q In August, '67? A Yes, sir, I don't remember the date, but it was in August.

Q Well, about what point on Snow Creek did you stop? A Well about three miles above the mouth of it.

Q And then you came on down about twenty miles below the mouth of Snow Creek on Verdigris? A Well, we camped on down, we would stop and camp a week or so and then move on down a piece.

Q Then you was coming how long altogether, about two months? A Two months.

Q Then you went back to Kansas? A Yes, sir.

Q How long did you stay in Kansas? A We stayed till - I left there in February, about the first of February.

Q What year, '68? A '68.

Q Where did you go? A Came down here.

Q To Grand River? A No, sir, we came on down the same route we came when we came the first time.

Q How long did you stay in that part of the country where you first came to? A Well about two months.

Q About what time was it when you moved out of that neighborhood?

A It was about along in the first of April, somewhere along there.

Q Then did you move to Grand River? A Yes, sir.

Q That was 35 or 40 miles away? A Yes, sir.

Q Were you back in there at any time soon? A I came back again before Christmas.

Q Back in there again? A Yes, sir.

Q Where were you then? A I was over there about Goodys Bluff.

Q Up about Snow Creek? A No, below there.

Q Well, how far is it, do you know, from the mouth of Snow Creek to where Snow Creek enters the Territory, the Cherokee Nation? A Well I can't exactly tell, it is not very far.

Q Well not guessing at it, but stating it from your absolute knowledge, do you know? A How far from the Kansas line; well there used to be two miles, there was a two mile strip there a while back, and the last line they made was, I guess it must be about three miles I guess from the line.

Q You mean the mouth of Snow Creek? A Yes.

Q Then you camped right exactly on the Kansas line? A No, sir.

Q I thought you said you camped three miles from the mouth of Snow Creek? A Up Snow Creek.

Q Well there wasn't any more Snow Creek after it ran into the Verdigris, was there? A No, I guess not.

Q It has to be up Snow Creek if it was anywhere? A Yes.

Q Well you said you camped three miles from the mouth of Snow Creek?

A Yes.

Q Then you were right exactly at the Kansas line, weren't you? A No, I was right east; Snow Creek runs kinder east, kinder of a northeast.

Q Well, wasn't there anybody living on Snow Creek at all? A No, sir, I didn't see anybody to my knowledge, there wasn't anybody living there.

Q Well, there was a carpenter living there that built this fellow Low's house? A The Selmanes never moved here till '68.

Q You said you came back there in '68, was that right?

you were back there in '68, were you on Snow Creek then? A I think I was there.

Q Wasn't anybody living there? A I didn't see any; I didn't stop then, only just I was on the road, I didn't stop to look around like I did the year before.

Q Well you don't know when this carpenter that this other business got up there to build his house, built his house up on Snow Creek, do you? A No, sir.

Q Can't say that wasn't there in '68 though, can you? A No, I can't swear it wasn't there.

Q Can't swear it wasn't there in '67? A Well sir I don't believe it was there.

Q You don't believe it was, but you don't know? A Because I didn't see them, there was no settlement there.

Q All you know is you didn't see any houses there? A It would have to be a pretty small house if I didn't see it.

Q Well, they didn't build brown stone fronts, five story houses up there in that time? A No, sir, they built cabins.

Q What was it along Snow Creek, timber or prairie? A There was some timber there.

Q You could stick a little cabin around there most anywhere, couldn't you; well that is all you know about it, Mr. Secondine, that you didn't see a house there; you can't say that Nelson Murrell didn't have a house there and you can't say he wasn't living there when you first went there, positive, upon that date? A I didn't see anybody and didn't see any houses.

Q But you can't say he wasn't there? A No, I can't say he wasn't there, but I didn't see any houses, and didn't see anybody, no colored people

HENRY MELTON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Henry Melton.

Q Where do you live? A I live up on Snow Creek.

Q How long have you lived up on Snow Creek? A Well I don't know now, I had a man to figure up how long I had been on Snow Creek, I have been on Snow Creek 27 years, the way he figured it.

Q Do you know the applicant here, Nelson Murrell? A Known him all the days of my life.

Q Was he living up there when you lived up there? A Yes, sir.

Q Near what place, how far is he living from where Snow Creek empties into the Verdigris? A Go right straight through the flat, it is about two miles I think to the mouth of Snow Creek.

Q Where were you living when the war broke out? A Living on Bird Creek.

Q You know where Nelson was? A Yes, sir.

Q Was he there with you? A No, sir, he was down here to Park Hill.

Q Do you know of your own knowledge, or how do you know where he was when the war broke out? A Yes, sir, I know, because I used to go from Bird Creek down there.

Q How long before the breaking out of the war had you been down there? A I don't know, I can't tell.

Q Well, had it been a year or two years or six months, what do you think about it: I want to get the facts there, about how long it had been before the war broke out? A I can't tell you.

Q You and Nels belonged to the same man, did you, before the war? A My mistress' daughter married Uncle Nels' young master, John Nave.

Q Who did Uncle Nels belong to when he went by the name of Murrell? A George Murrell.

Q Is that the same George Murrell that lived in Virginia part of the time and here part of the time? A I guess that is the one.



I don't know it.

Q I will ask you if it is the same Murrell that lived near Park Hill at the spring, the big spring on the road there going out towards Wagoner from Park Hill? A Yes, sir.

Mr. Smith: I object to that, because it is leading.

Q Did you know Chlora? A Yes, sir.

Q Do you know whether or not she is the wife of Nelson Murrell now? A Yes, sir.

Q Who did she belong to? A Belonged to Lewis Melton, he raised both of us.

Q Where was Chlora when the war came on? A I don't know where she was.

Q Was she there at home? A No, sir, she wasn't here when the war broke out, she went off.

Q Well, did she just go off of her own accord, or do you know about that? A No, she run off.

Mr. Smith: This Chlora Murrell was owned by the same man that owned you, you say? A Yes, sir.

Q What was his name? A Lewis Melton.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q And he was living in the Cherokee Nation at the time the war commenced? A Yes, sir.

Q And Chlora Murrell had run away from him and you don't know where she was? A Don't know where she was.

Mr. Davenport: Do you know who she run off with? A Yes, sir, my woman will tell you that.

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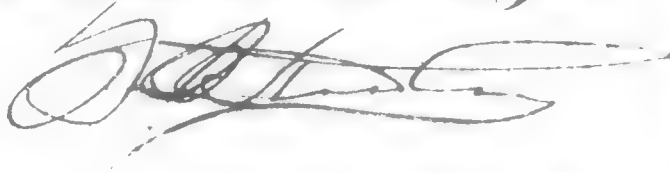
Taking of testimony continued by Stenographer J. O. Rosson.

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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 8th of November, 1901.



Commissioner.

suppose.

Q April 16th, what year? A From the passage of the treaty.

Q When was that? A '67, April, '67.

Q When you worked for Love where did he live? A Cherokee Nation.

Q Have a house to live in? A Oh, yes, he had a little, just a little place started and I worked for him.

Q Just started; well, was it a house or not? A House I suppose.

Q Don't you know, don't you know a house when you see it?

A Yes, sir.

Q Was it a house or not? A Yes, sir.

Q Now, what year was that? A That was the year of '68, it seems to me it was the year after I left Snow Creek.

Q How early in '68 and how late? A Now, the days of the year and so on, I could not tell; it was about hay making time.

Q Do you know who built his house? A No, sir the house was there when I went there.

Q Do you know anything about a carpenter before that time that lived up on Snow Creek and built Love's house?

A I don't know.

Q Wasn't any living up there? A I don't know.

Q You didn't see him? A I didn't see any, I wasn't acquainted with the people.

Q People lived around there that you didn't know anything about?

A I don't know; it might have been these people I am talking about.

Com'r Needles: This testimony will be made part of the record in the case at bar, and it will also be made part of the record in Cherokee Freedmen doubtful cases #550, #552, #758, #923, #788 and #994.

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

Subscribed and sworn to before me this October 25th, 1901.



Commissioner.

October 19th, 1901.

Taking of testimony in matter of the enrollment of NELSON MURRELL, ET AL., C.F.-D.#548, continued. Former portion taken by Stenographer Bruce C. Jones.

APPEARANCES:

Mr. Smith, of Counsel for Applicants;  
Mr. Davenport, of Counsel for Cherokee Nation.

MINTIE MELTON, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Mintie Melton.

Q Where do you live, Mrs. Melton? A On the Verdigris.

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

Q You know the applicant, Nelson Murrell? A Yes, sir, I know him.

Q Do you know his wife? A Yes, sir.

Q How long have you known her? A I knowed her a little while, I knowed her in slave time, before the war.

Q Well, do you know where she was when the war broke out?

A No, sir, I don't.

Q Did she belong to the same parties that you belonged to?

A No, sir.

Q How far did she live from you before the war; you were slaves when you first knew her? A Yes, sir.

Q Was she a slave of the same parties you were? A No, sir.

Q How far did she live from you? A 12 miles I think.

Q Well, you say you don't know where she was when the war broke out? A No, sir.

Q Had she left that country or not? A I don't know where she went; I guess she went off I reckon, I don't know anything about where she went.

Q What was your father's name? A His name was Robert Vann was his name.

Q Where was he when the war broke out, do you know? A No, sir, I don't.

Q Well, did you ever see him after the war broke out? A I seen him after he come back from Kansas.

Q About when did you see him? A When did I see him?

Q Yes? A I can't tell exactly when it was.

Q Well, have you seen Nelson's wife after you came back after the war? A This lady he has got now?

Q Yes. A No, sir, they lived up here.

Q I mean since you have moved up in this country? A Yes, sir.

Q Is she the same woman you knew before the war? A Same woman.

Q And you say you didn't know where she was? A No, sir.

Q Was she with her owners that owned her when the war broke out?

(No response.)

Q Was she at their home? A Well, I don't believe she was right at home.

Q Do you know where she was or what became of her? A I don't know where she was.

Q Do you know how she come here, what the circumstances of it was?

A I guess she went off.

Mr. Smith: I object to what she says.

Witness: She lives with Lewis Melton and I live on Caney.

Q Isn't it a fact that your father and she ran off and left this this country before the war broke out?

Mr. Smith: I object to the question, if the Court please, because it is leading, and the applicant says she does not know.

Com'r. Needles: Let the objection be entered.

A She was at home and I was at home; I don't know where she went



to and I never visited there.

Q Wasn't it understood by you that she and your father ran off together before the war and left the country?

Mr. Smith: I object to that.

COMMISSIONER NEEDLES: You know whether your father and she went off together? A I guess so; they lived at Melton's and I lived at home.

MR. DAVENPORT: You don't know whether they were living at Melton's when the war broke out or not, do you? A No, sir. When the war broke out it wasn't no time to know where anyone lives.

MR. SMITH: How far was it from where Lewis Melton lived to where you lived? A 12 miles.

Q You don't know what took place when the war broke out? A No, sir.

Q You don't know where she was when the war broke out? A No, sir.

HENRY MELTON, recalled, further testified:

MR. DAVENPORT: Henry, what was your wife's father's name, do you know? A Robert Vann.

Q Did he belong to the same men you did? A No, sir.

Q Did you ever know him before the war? A Yes, sir; he was living with Joe Vann.

Q Did Nelson Murrell's wife belong to the same party that you belonged to before the war? A Yes, sir.

Q Well, where was she when the war broke out? A I told you she was gone.

Q Do you know where Robert Vann was? A He must have been with that woman.

Q Was he there with Vann when the war broke out, or was he in the country? A He had a ranch and he went and stold Flory from my Masters.

Q Where did they go? A I don't know where they went.

MR. SMITH: How do you know he stold her? A Wasn't I there when he brought her there to where I was.

Q Did you see him? A Yes, sir, and talked with him.

Q Did you? A Yes, sir, and hoped him get off that night.

Q What night? A The night he left, and then I met my old boss, Walk Vann himself, waiting for me to see if he could hear from that woman, and I told him that Louin took Flory to Joe Vann's and got Mr. Joe Vann to buy her.

Q Where did Joe Vann live? A On Grand river, in the Cherokee Nation.

Q And you think he had Flora over about Joe Vann's? A I don't know.

Q What did you say about Joe Vann? A I said I was there when he brought her there.

Q Didn't you say a while ago that that is where she was when the war broke out? A No, sir.

Q Have you told now all you know about this case? A Yes, sir.

Q Have you left anything for your wife to say? A No, sir.

MR. DAVENPORT: Just told the facts? A Yes, sir.

MR. SMITH: This is the second time you have been on the stand isn't it? A Yes, sir.

Q Were you asked the question the first time you were on the stand who did Flora run off with; were you asked that question?

A Yes, sir.

Q The first time you were on the stand? A Yes, sir.

Q Did you say "I don't know, my old woman can tell you?" A I said-

Q Did you say "I don't know?" A No, sir.

Q You didn't say that at all? A No, sir.

PHILLIP R. CAESAR, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Phillip R. Caesar.

- Q Where do you live, Mr. Caesar? A Muskogee.
- Q Where were you at the close of the war? A At the close of the war I was in the war, in the army.
- Q Where were you mustered out? A I was mustered out at Fort Leavenworth.
- Q Well, after you were mustered out where did you go? A After I was mustered out I came to the Territory.
- Q What part of the Territory did you come first? A First I came to Cherokee Nation.
- Q Near what point? A Here on the Verdigris somewheres about the Verdigris, little creek called Snow creek.
- Q How long did you stay in that vicinity there? A I stayed there only one season, one year.
- Q That year did you come to the vicinity of Snow creek, Mr. Caesar?
- A It was '67, Spring of '67 that I came.
- Q Well be it when it may when you came there, who were living on Snow creek? A Wasn't anybody.
- Q Was there any improvements made by anyone around there?
- A No, sir, only improvements I knowed of there at the time and they were little, and then I--not an improvement, but just fencing and put in a little crop of corn the year I came there.
- Q How far was the improvements that you made from where Snow creek empties into the Verdigris? A Well, now, I couldn't tell you; it was a very short distance; we stayed right in a flat near the mouth of Snow creek and Verdigris.
- Q Short distance away? A Yes, sir.
- Q Are you acquainted with the applicant here, Nelson Murell, the gentleman who sits there, the old gentleman on the front seat?
- A No, sir, I am not personally acquainted with him.
- Q You are a citizen of the Creek Nation aren't you? A Yes, sir.
- Q Well, during the time you lived there did anyone come in there and settle on the creek, or near there; do you remember the names of anybody? A I don't remember the names of anybody. Before I left there they was a family started an improvement up the Snow creek above I and also one up the Verdigris; up the Snow creek from the mouth and up the Verdigris from the mouth of Snow Creek.
- Q That was before you left there? A Yes, sir.
- Q Was there any Indians in that part of the country before you left?
- A Yes, sir.
- Q Do you remember any of their names? A Oh, yes, I remember there was an Indian there that I did some work for, man by the name of Love.
- Q You did some work for him before you left there? A Yes, sir.
- Q Do you remember his first name? A The young man employed me at the time there was Simon, and Sam.
- Q Where did they live with reference to where you settled, or had they built their improvements at that time? A They had started their improvements, they was down across the Snow creek from where I was.
- Q Were you on the north side, what I would call the north side of Snow creek, or south side; I mean by that, were you in between the river and Snow creek? A Between the river and Snow creek.
- MR. SMITH: How far were you away, Caesar, from the mouth of Snow creek? A Is about, I could not tell, it was a short distance it was just a flat.
- Q Mile or ten miles? A About somewheres, a mile, might be a mile or mile and a half.
- Q From the mouth of Snow creek? A Yes, sir.
- Q How far was that from the mouth of Cedar creek? A I don't know a creek by that name.
- Q How far was that from the river of Muskogee? A The about distance I could not tell, it was not very far.

- Q About how many miles, as near as you can come at it? A Well, if I would have to say according to my judgment, because at the time I never paid any attention whether it was half or 25 miles, but living there, to Chatopa it might have been four or five miles, that I would say that then it would be just according to my judgment.
- Q Well, when you left there did you leave for Chatopa? A When I left there?
- Q Yes? A Yes, when I left that section of country I went to Snow creek, when I left Snow creek I went to this man Love, and from Love's I went to Chatopa.
- Q How far did you live from Snow creek? A I raised one little crop on Snow creek.
- Q When did you get there? A Along in the spring, about February or March.
- Q Did you have a family? A No, sir.
- Q Where did you live? A I lived right in a house with a man by the name of Steve Little.
- Q Lived in Little's house? A Yes, sir.
- Q About a mile or mile and a half from Snow creek? A Yes, sir.
- Q Did you live right on the bank of Snow creek? A No, sir.
- Q How far did you live? A Somewhere about a mile from the river.
- Q Well, I know from Verdigris, how far from Snow creek? A About the same distance.
- Q Now, how long is Snow creek? A I don't know.
- Q How far is it from where you lived down there on Snow creek to the Kansas line, or where Snow creek enters the State of Kansas? A I don't know.
- Q Did you ever go up the creek? A I sometimes went up it, but I can't tell.
- Q You have been in the state of Kansas? A I have been, but I can't tell how long the creek is.
- Q Boyou don't know then anything about how far it was from where you lived to the place where Snow creek enters Kansas? A No, sir; I could not tell you.
- Q Well, as a matter of fact you don't know anything about it then; you didn't see anybody living there except those you have mentioned? A No, sir.
- Q Timber along there wasn't it? A Yes, sir, timber on up and down the creek.
- Q You don't pretend to swear that man Nelson Murrell wasn't living there? A No, sir; I said I didn't know that he was living there as Nelson; but there was just before I left there there was a family right in the mouth of Snow Creek where I lived; there was a family started a settlement up Snow Creek from the mouth and also a family started an improvement up the Verdigris from where we lived.
- Q You don't know how long those families had been there in that part of country? A No, sir.
- Q Where they came from? A No, sir.
- Q Don't know anything about it? A No, sir.
- Q How long were you in the army? A In the army about two years and two months.
- Q Where did you join? A I joined about the 9th of August.
- Q What year? A '63.
- Q And how long were you in the army you say? A I was in the army two years and two months somewhere about that.
- Q What time did that let you out? A I got out in September, well, in about, I was discharged in September, '65.
- Q Where were you when you were discharged? A Fort Leavenworth.
- Q How long did you stay in Fort Leavenworth? A I stayed in Fort Leavenworth until the spring of '67.
- Q Well, how many years? A Well, from '65 until '67.
- Q And then where did you get? A To the Cherokee Nation and from Cherokee Nation to the Creek Nation.

Q How long before you got into the Creek Nation? A I could not tell just how long, just back and forth, I was alone, single and I went to and fro from ~~the~~ one country to the other.

Q When did you first go to the Creek Nation after the war? A I went to the Creek Nation the first year I came and left from the Creek Nation, then back to the Cherokee Nation at the settlement called the Big creek settlement.

Q Don't you know when it was you first went to the Creek Nation? A No, sir.

Q How did you get to be a citizen of the Creek Nation? A By Act, passage of Council acknowledging my arrival.

Q When? A I was in the Creek Nation in the limit, the 12 months.

Q Twelve months from when? A From April the 13th or 16th I suppose.

Q April 16th, what year? A From the passage of the treaty.

Q When was that? A '67, April, '67.

Q When you worked for Love where did he live? A Cherokee Nation.

Q Have a house to live in? A Oh, yes, he had a little, just little place started and I worked for him.

Q Just started; well, was it a house or not? A House I suppose.

Q Don't you know, don't you know a house when you see it?

A Yes, sir.

Q Was it a house or not? A Yes, sir.

Q Now, what year was that? A That was the year of '68, it seems to me it was the year after I left Snow Creek.

Q How early in '68 and how late? A Now, the days of the year and so on, I could not tell; it was about hay making time.

Q Do you know who built his house? A No, sir the house was there when I went there.

Q Do you know anything about a carpenter before that time that lived up on snow creek and built Love's house?

A I don't know.

Q Wasn't any living up there? A I don't know.

Q You didn't see him? A I didn't see any, I wasn't acquainted with the people.

Q People lived around there that you didn't know anything about?

A I don't know; it might have been these people I am talking about.

Com'r Needles: This testimony will be made part of the record in the case at bar, and it will also be made part of the record in Cherokee Freedmen doubtful cases #550, #552, #758, #923, #788 and #994.

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J. O. Rossan, 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. Rossan*

Subscribed and sworn to before me this October 25th, 1901.

*[Signature]*

Commissioner.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., February 25, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Amanda Gaskin for enrollment as a Cherokee Freedman.

Appearances:

Mr. Mellette, of Mellette & Smith, Vinita, I. T., attorneys for the applicant;  
J.S. Davenport, of attorneys for the Cherokee Nation.

WALTER S. AGNEW, being first duly sworn, and being examined testified as follows:

BY MR. DAVENPORT:

- Q What is your name? A Walter S. Agnew.
- Q Where do you live? A I live here in Muskogee at present.
- Q How long have you lived in the Cherokee Nation? A I was born and raised in the Cherokee nation.
- Q Where were you living the latter part of '60s or '70, and along in there? A I was living at Fort Gibson.
- Q Where were you living during the war of the Confederacy? A My old home at the commencement of the war was up in Flint district, in the Cherokee nation.
- Q After the war then you was living at Fort Gibson, was you?
- A Yes sir.
- Q Did you know a colored man by the name of Ben Alberty? A I could not say I was personally acquainted with him, I met up with ~~an~~ a man by that name.
- Q When did you first see a man by that name and where was he when you first saw him? A It was in November '79, I taken a bunch of cattle up to Kansas and I first found him on Snow Creek in camp, and I rode up there and asked him his name and something about the road and so on.
- Q That was in November, 1879? A Yes sir.
- Q Well did he have any house at that time? A No, it was a kind of camp; a camp I would call it.
- Q Did he have any farm or fencing around his camp? A No sir, no fencing at all, not even around the camp.
- Q Was there any family or any people there? A I ~~take~~ don't remember seeing but one person there besides himself, and that was a white woman.
- Q Did you have any conversation with him? A I just simply rode up there and made inquiry about the road, how far it was to a little town of Westralia, just across the line.
- Q That was in '79? A Yes sir.
- Q And he had no farm or fencing around there, and was living there in camp? A Yes sir.
- Q You never had seen this man Ben Alberty before? A No sir.
- Q And you don't know what kind of family he had? A No sir, I don't even know that his name was Ben; he said his name was Alberty.
- BY MR. MELLETTE:
- Q Where did you live at that time? A I lived at Fort Gibson.
- Q How far from Fort Gibson was it to where you saw him? A It was something over a hundred miles, something like a hundred miles I reckon.
- Q It was in the Cherokee Nation where you saw him? A Yes sir.
- Q You don't know how long he had been there? A No sir.
- Q Don't know what he was doing there? A No sir, I don't.
-

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

M.D. Green

Subscribed and sworn to before me this February 28, 1902.



Commissioner.





Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Amanda Gaskins, D 904;

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 in the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the records other than the decrees already referred to

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

W. W. Hastings:

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

The Commission:

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

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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. Reichenberger.

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

(SEAL)

(Signed) P. G. Feuter,  
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. Feuter*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, DECEMBER 23RD, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Charlotte French, as a Cherokee Freedman.

It appears from the record herein that on December 1, 1904, the applicant, Charlotte French, was notified by register letter and on the 3rd day of December, 1904, the attorneys for the Cherokee Nation were notified that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on Friday, December 23, 1904, and introduce testimony touching the applicants right to enroll, at which time this case will be taken up for final hearing. On this 22nd day of December, 1904, the applicant appeared by her attorneys, Blue & Bulger, the Cherokee Nation by its attorneys Bell, Hastings & Davenport.

Aaron Whitmire being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A Aaron Whitmire.

Q How old are you? A 69.

Q What is your postoffice? A Coody's Bluff, Indian Territory.

Q How far is Coody's Bluff from the Verdigris River?

A Half a mile.

Q How far do you live from Lightening Creek? A I live three miles from Lightening Creek.

Q What direction? A West.

Q Do you live in the Coowescoowee District? A Yes, sir.

Q How far north of Chelsea do you live? A About four miles.

Q Have you lived in that vicinity ever since you came there after the war? A Yes, sir.

Q Are you living on the same place you originally settled? A Yes right on the same place.

Q How far is Big Creek from where you live? A Well it is about eight miles.

Q Does Big Creek flow into the Verdigris River? A Yes, sir.

Q And about eight miles from where you live? A No, it haint that far, the water flows in the river about four miles from where I live.

Q What direction is it from where it flows in the Verdigris River?

A Northwest.

Q Does Snow Creek empty in the Verdigris River north of where you live? A Yes, sir.

Q Between where you live and the Kansas line? A Yes, sir.

Q There are at present a great many colored people living on the Verdigris River, Big Creek and Snow Creek? A There are a great many living there.

- Q Were you a slave before the war? A Yes, sir.
- Q Where did you live? A I lived in Goingsnake.
- Q Are you a brother of Louis Whitmire? A Yes, sir.
- Q Are you a brother of Mese Whitmire? A Yes, sir.
- Q You knew them of course before the war? A Yes, sir before the war.
- Q Did you know them and were with them during the war? A Yes sir
- Q Where did you go during the war? A I went to Fort Scott, Kansas.
- Q Were you in the army? A I wasn't exactly in the army, I was working for the government though blacksmithing.
- Q Did your other brothers also work in the army? A They drove teams.
- Q Did you know old Sam and young Sam Webber before the war? A I knew the old man before the war.
- Q When did you get acquainted with young Sam? A In time of the war.
- Q In the state of Kansas? A Yes, sir.
- Q Did you know Mike, Sam, Ruben and Dan Sanders? A Yes, sir.
- Q Did you know them during the war? A Yes, sir.
- Q Where? A Fort Scott, Kansas.
- Q Well at the time the war closed where were you and all of these other parties, including your brothers, Sanders and the Webbers when the war closed? A Fort Scott, Kansas.
- Q You are a recognized and enrolled Cherokee Freedman, are you not? A Yes, sir.
- Q When did you make the first trip to the Cherokee Nation after the close of the war? A I made the first trip in August, 1866.
- Q In August, 1866? A Yes, sir.
- Q Well now who came along with you in August, 1866? A Well the old man Sanders.
- Q What was Sander's name? A Mike Sanders.
- Q Was he the father of Ruben and Dan? A Yes, sir.
- Q Who else came with you? A Old man Webber, old man Sam Webber, old man Billie Foreman, Peter Neigs, Mese Whitmire, Nelson Whitmire, Louis Whitmire and Dennis Whitmire.
- Q Where did you go? A We come to Big Creek.
- Q How long did you stay on Big Creek? A We stayed there two or three weeks, I don't just recollect, I don't know how long, some two or three weeks.
- Q Did any women or children come with you at all on that first trip? A No, sir.
- Q Where did you go down Kansas and enter the Territory, at what point? A We came right to Savage and out to where Chatopa is now and turned west and went to Big Creek.
- Q And then come down Big Creek? A Yes, sir.
- Q Was there a single house anywhere in the Cherokee Nation along Big Creek at that time? A There wasn't Wary one for a-mile on Big Creek.
- Q Was there anyone living on Big Creek in the Cherokee Nation at that time? A No, sir.
- Q Was anybody living on Snow Creek at that time? A No, sir.
- Q Did you see anybody living on the Verdigris river at that time? A Yes there was somebody living along the river, along the Verdigris
- Q What? A Old man Riley.
- Q Was he a Cherokee? A He was a Cherokee, and Carter, he was a Cherokee but John Carter, he was a Cherokee.

- Q Well were there any colored people on the Verdigris river at that time? A No, not that I seen.
- Q You stayed around then in that country some two or three weeks?
- A Yes, sir.
- Q Well what did you do then? A We went back to Fort Scott.
- Q That was the first trip that was made by any of the colored people up there, so far as you know, to the Cherokee Nation after the war? A Yes, sir.
- Q That was what was said at the time? A I know that was what they said, there may have been a few come before that and went the other way by Granville.
- Q Well now when was the second trip made. A That was made in December sometime.
- Q Of 1866? A Yes.
- Q Now who come with you on the second trip? A Ranson Daniels, Solomon Foster, Dick Whitmire.
- Q Was that old man Dick Whitmire? A Yes sir, and Sam Beck.
- Q Were there any Creeks or Choctaws? A Some Creeks and Choctaws.
- Q What became of them? A They went on down.
- Q Into their own country? A Yes, sir.
- Q Well did you go over practically the same country the second trip that you did over the first? A We didn't go over all the same country, we went over some of it, we done a little work.
- Q Well at that time were there any colored people living in any of that part of the country known as Big Creek and Snow Creek country and the Verdigris River? A No, sir.
- Q What work did you do in August, 1866? A Put up some houses.
- Q Just put up the legs? A Yes, sir.
- Q What did you cover them with? A We covered two or three of them, two I believe.
- Q Covered you think about two of them? A Yes, sir.
- Q But the rest were just the bodies of the houses? A Yes, sir.
- Q You didn't put in any fields at that time? A No, sir.
- Q Well when you came back in December you come to these same places where you had started your claims before? A Yes, sir.
- Q Well how long did you stay there in December, '66? A I stayed there about four days.
- Q Where did you go then? A I come to Fort Gibson from there.
- Q Where did you go from Fort Gibson? A Goingsnake.
- Q What became of those who were with you? A They went back to Fort Scott, Kansas.
- Q After going to Goingsnake did you return to Kansas or Fort Gibson? A Yes, sir.
- Q About what time of the year did you go back to Kansas? A It was near Christmas time, I don't just recollect what time.
- Q Do you remember of the circumstances of Dyer Hayford being killed? A Yes, sir.
- Q Did you know Hayford? A Yes, sir.
- Q Where were you when he was killed? A Fort Gibson or Tahlequah.
- Q On this second trip? A Yes, sir.
- Q He was killed when you returned? A Yes, sir.
- Q Did you know Eli Maskey, a colored fellow, who killed him? A Yes, sir.
- Q How did any women or children go with you to the Cherokee Nation on this second trip? A No, sir, none at all.
- Q Well when did you return to the Cherokee Nation finally the third time? A It must have been in March sometime.
- Q The following March of '67? A Yes, sir.

- Q Well who came with you that time? A Well Sanders, old man Sanders, Mike Sanders, Peter Meigs, Billie Foreman, Tuok Sanders Ruben Sanders.
- Q Well did Louis Whitmire come with you that time? A No, he didn't go that time.
- Q Where was he? A Fort Scott.
- Q Did Dennis come that time? A No, sir.
- Q Did this preacher, Joe Ross, come that time? A No, sir.
- Q Well did Sam Webber come that time? A No, Sam didn't go.
- Q Well how long after you come before Sam moved down here?
- A A couple of weeks I guess, maybe not quite so long, a short time.
- Q Do you remember the circumstances as you were leaving to come here about Eli Mackey going to jail for the murder of Dyer Hayworth and there being considerable excitement when you passed through?
- A Yes, sir.
- Q Were the Sanders boys along on that trip? A Yes, sir.
- Q And you say now that Sam Webber didn't bring his family when you came but a couple of weeks after? A Yes, sir.
- Q Well now when you did move your families down to where you located were there any colored people living in that part of the country? A None that I know of.
- Q Were there any on the Verdgris River or the Lightening Creek country or Snow Creek or Big Creek country? A None that I ever heard of or seen and I traveled a good deal through the country.
- Q Where did you do your trading when you first came from Oswego?
- A At Old Parker some.
- Q Now in order to go to Oswego you had to go from your place north up from Big Creek and Snow Creek country? A Yes, sir had to go north.
- Q There were no fields there in '66? A None at all.
- Q Wasn't no corn planted or crops raised that year? A No, sir.
- Q Did you plant some crops in '67? A Yes, sir. We had crops in '67.
- Q But before that none were put in by the colored people at all?
- A Not that I know of.
- Q Well do you know Ben Alberty? A Yes sir, I knew Ben before the war.
- Q Did you know him after the war? A I never seen him but once after the war that I know of.
- Q Well did you know before the war that he located on the mouth of Snow Creek? A Yes I knew about the place.
- Q Well was he living there when you moved down here in March of '67? A No, sir.
- Q Well now how long after that that Ben Alberty moved down in the Cherokee Nation? A It must have been sometime in '68, nearly '69 somewhere along there.
- Q And you know he wasn't there when you first moved? A Yes, sir. He wasn't there.
- Q You know John Landrum? A Yes, sir. I know Jack Landrum.
- Q Well now when did Jack move his family down here? A Well I don't recollect just what time Jack did move there.
- Q It was after you moved there? A Yes, sir.
- Q He wasn't living there in '66? A No, sir.
- Q Did you know him in Kansas? A No, I never saw Jack in Kansas at all.
- Q Did he marry some relation of yours? A Yes a sister.
- Q Were they married in Kansas or in this country? A In Kansas.
- Q After the war? A Yes, sir.
- Q Were they married when you left there with your family?
- A Before that, before I left.



Q But he didn't move down with his wife until after you came down?  
A No, sir.  
Q How long was it after you moved down the third time until Jack came? A It must have been in '68, somewhere along there when they come to where I lived.  
Q Well how far did they settle from you? A About three miles.  
Q Then there was no women or children come on any of these trips until you moved down in March '67? A No, sir not until we moved.  
Q You are the same man who is known as Aaron Whitmire who testified before the Chambers Court in '78? A Yes, sir.  
Q And Louis Whitmire and Moses Whitmire who were admitted to that court were your brothers? A Yes, sir.  
Q You at that time had for your witnesses Blue Alberty, William McCracken and others, did you not? A Yes, sir.  
Q You stated in your application at that time, and your witnesses stated for you the same facts that you stated here, to-wit; that you returned with your family and moved down here in the spring of '67? A Yes, sir.  
Q That is all true, is it not? A Yes, sir, that is the truth.  
Q Well now Sam Webber never moved down here until the spring of 1867? A No, sir.  
Q And young Sam didn't come with his father in August, 1866?  
A Yes he come in '66 with his father.  
Q Did he go back? A He went back, yes sir.  
Q Did he come back in December, 1866? A I don't recollect now whether young Sam was along in December or not.  
Q But you remember distinctly that he moved down here some two or three weeks after you did? A Yes, sir.  
Q How far did the Webbers settle from you when they came down in the spring of '67? A It is about six or seven miles from where I live.  
Q You knew them well did you? A Yes, sir.  
Q Had you seen them in Kansas before the war and before you moved down here? A Yes, sir.  
Q About how far did they live from you in Kansas? A About 20 miles I think.  
Q Did you live in the town of Fort Scott? A Yes, sir, I worked there in town.  
Q Blacksmithing? A Yes, sir.  
Q I believe that you stated that you knew Dyer Hayford, what was his business? A He had a grocery store and sold groceries.  
Q Did you buy goods from him? A Yes, sir.  
Q You stated that you know Eli Mackey? A Yes, sir.  
Q William McCracken says he met you in December, 1866, in December, before the Chambers court, did you meet him that year?  
A Yes, sir.  
Q Were your brothers with you? A No, they wasn't with me then, I left them on the Verdgris River, I met McCracken down at Fort Gibson.  
Q Did you tell him where you were going? A Yes, sir.  
Q What did you say? A Told him I was going to Geingsnake.  
Q As I understand you you went to Geingsnake by the way of Tablequash and come back by the way of Fort Gibson and then went to Kansas and get back to Kansas sometimes during Christmas week?  
A Yes, sir.  
Q Which was after Hayford was killed? A That was after Hayford was killed.

BY THE COMMISSIONER:

Q During the war Mr. Whitmire, you colored people settled in Fort Scott in the same neighborhood, did you? A Not exactly

- Q Well you knew one another quite well? A Yes, we knew one another.
- Q Refugees from the territory who had gone out during the war?
- A Yes, sir.
- Q You were acquainted reasonably well were you not, with all of the parties who came down in that first crowd in August of '67?
- A Well yes sir.
- Q You knew all the parties in that crowd? A Yes sir.
- Did you give all the names of those you can remember in response to Mr. Hastings's questions? A All I can remember, yes sir.
- Q What was your purpose in coming that first trip, Mr. Whitacre?
- A Come to make homes.
- Q You come down to build some houses? A Yes, sir.
- Q How did you go to the territory, wagons or horseback?
- A Come in wagons.
- Q What kind of teams did you have? A Some had mules, some horses and some oxen.
- Q Did you have a family at that time? A Yes, sir.
- Q A wife and some children? A Yes, sir.
- Q But you left them in Fort Scott? A Yes, sir.
- Q It was the understanding, was it, that you people were to come here and start some houses before going back to Kansas for your families? A Yes, sir.
- Q Who did your cooking on that trip? A Well the boys done the cooking.
- Q Did you bring along any women at that time to do the cooking?
- A No, sir.
- Q You are positive that there were no women at all in this crowd, are you? A No women that I recollect and no children.
- Q Well you would have remembered it, wouldn't you? A Yes, sir, I think so.
- Q It was a pretty wild country here at that time? A It was a wild country, yes sir.
- Q Well now when you came down in December the second time for what purpose did you come? A We come down to work on our places.
- Q You left your family at Fort Scott on your second trip?
- A Yes, sir.
- Q Were there any women in that crowd who came down in '66?
- A No, sir.
- Q There were none? A None.
- Q How did you come the second trip? A In wagons.
- Q At that time, in the fall of '66, did you have some brothers and sisters? A Yes, sir.
- Q All of your brothers came with you in the fall of '66?
- A Mebe, Louis, Dennis and Nelson.
- Q Did you have some sisters living at that time? A Yes, sir.
- Q What were their names? A The oldest was Mariah, Polly Ann, Mary Ellen.
- Q Where did you leave them on your first and second trips to the Cherokee Nation? A I left Mariah at Lawrence and Polly Ann at Fort Scott with her brother Dennis and I don't know where Mary Ellen was.
- Q Did your sister, Polly Ann, come with you when you came in the spring of '67? A No, she came with her brother Dennis.
- Q How long after you came until Polly Ann came with Dennis?
- A About two or three weeks as near as I can recollect.



Q That was the first time, was it Mr. Whitmire, that Polly Ann had been in the Cherokee Nation after the war, so far as you know? A Yes, sir, Polly Ann was a girl then staying with her brother Dennis, she wasn't of age, she was staying with Dennis and living with him.

Q And she didn't come with Dennis in the fall of '66? A No she didn't come with Dennis when he come before.

Q She stayed with his family in the town of Fort Scott, Kansas. A Yes, sir.

Q Was little Sam Webber married when he come down here with his father in '66? A Yes, sir.

Q Where was his wife? A She was in Kansas.

Q Was there any woman come with little Sam Webber when he come on either of these trips in '66? A No, sir.

Q Well Mr. Whitmire, if any woman claims to have come down here in August or December, 1866 with this detachment of which you were a member, she is mistaken? A Yes, sir, she is mistaken.

Q You are positive that there were no women or children on either of these trips? A Yes, sir.

Q You were a grown man then weren't you? A Yes, sir.

Q And you are an intelligent fellow who would remember, wouldn't you, Mr. Whitmire? A Yes, sir.

Q And you remember that no women or children came with you on either of these trips? A No, sir, not one.

Q You have been acquainted with all these parties since your removal to the Cherokee Nation, have you Mr. Whitmire? A Yes, sir

Q Known where they have lived and all about them? A Yes, sir.

BY MR. HASTINGS:

Q Wasn't it a fact that the Chambers Court admitted all of you people who made this first and second trip here to the Cherokee Nation that applied to the Chambers Court and introduced this testimony? A Yes, sir.

Q The Cherokee Nation or its authorities never did deny you did they? A No sir, never did.

BY MR. BUTGER:

Q Mr. Whitmire when you started from Fort Scott to the Cherokee Nation what road did you take? A I come right down by Lightning Creek, what is called Lightning Creek, crossed over at Oswego and come down by Sapulpa and there we turned west and went over to the head of Big Creek.

Q How far down Big Creek did you go and where did you settle?

A We come down I guess eight or ten miles from the head to where we live.

Q Did you go north of where Centralia now is? A No, sir went west of where Centralia now is.

Q Well did you settle on Big Creek? A No, on Salt Creek, that is below Big Creek.

Q Which direction did you settle from Nowata? A Southeast, pretty nigh east.

Q Were you on Snow Creek, did you go down Snow Creek during that first trip? A No, sir.

Q Were you on Snow Creek? A I have been on Snow Creek.

Q How long were you there about four weeks? A No, not that long, not then.

Q Do you know whether or not anyone lived on Snow Creek? A No, one that I know of.

Q How do you know if you wasn't there? A I was there, but I didn't see anybody on Snow Creek or anybody living there.

- Q When in August, '66? A Yes, sir, after that.
- Q Where were you going when you passed Snow Creek? A By old Tahlequah and different places there, Westralia.
- Q Did you have to go by Snow Creek to go by Westralia?
- A Yes sir, it was an old trading post up there near old Tahlequah, east of Tahlequah on Pumpkin Creek.
- Q How far was Westralia from where you was building those houses?
- A About twenty miles.
- Q Which direction? A East.
- Q Which side of Big Creek is Westralia on? A On the west side of Big Creek.
- Q Which side of Snow Creek? A On the west side of Snow Creek.
- Q Which side of the Verdegris? A On the east side of the Verdegris.
- Q Where were you going when you went through Westralia? A Going to old Tahlequah, I had started to different places up there going to Westralia to trade sometimes during the past.
- Q Then when you come to the Cherokee Nation that time you started at the head of Big Creek, went south down seven or eight miles where it runs into the Verdegris? A Yes sir, all the way from the head of Big Creek to where it runs into the Verdegris.
- Q And settled on the southeast side of Big Creek where it turns around there into the Verdegris? A Yes, sir.
- Q And there you built some houses? A Yes, sir, our houses was on Salt Creek about four miles from the mouth of Big Creek where it empties into the Verdegris.
- Q When did you build there? A In '67.
- Q Then where was it that this crowd that came in August of '66 built their houses? A They built them on Big Creek. It was about six or eight miles above where I live.
- Q Did you find your location where you built some houses in '66?
- A Yes, sir.
- Q But you didn't erect any buildings there until '67? A No, sir.
- Q Who built those houses in that first '66 settlement? A Sam Webber built one, old man Webber and old man Mike Sanders and old man Meigs.
- Q Did you have to cut trees down and hew these logs out? A We cut the logs down and hewed them out.
- Q What did you cover these houses with? A Boards.
- Q Where did you get the lumber? A It wasn't lumber boards, it was clab boards.
- Q You was there four weeks? A Yes, sir.
- Q You came to the Cherokee Nation, built these houses and went back to Fort Scott, when did you go back to Fort Scott? A I don't recollect just exactly what time I did get back on the first trip, I don't recollect.
- Q How long did you stay down in the Cherokee Nation when you were down here? A Two weeks that time.
- Q The first time? A Yes, sir.
- Q During those weeks you built several houses? A Yes, sir.
- Q Visited around different settlements on Snow Creek? A There wasn't no settlements that we looked around, we saw the country.
- Q What was your idea in looking at the country when you had located and built your houses? A We wanted to see if there was any place better.
- Q Moved your houses would you? A The houses were just some logs and we could have got more if we had found a better location.
- Q Well then you returned to the Cherokee Nation in December?
- A Yes, sir.
- Q What way did you come that time, what road? A We come pretty nigh the same road as we come the first time, by Lightning Creek.
- Q Came down by Lightning Creek? A Yes, sir.

- Q Came down by Big Creek? A Yes, sir, Big Creek.
- Q Stayed right close to the river? A Come to where we started our buildings.
- Q Did you stay down in the bottom along Big Creek? A Yes, sir, we come along the bottom.
- Q Now Mr. Whitmire, in August when you folks come down there, did you stay in the bottoms or get out on the grass? A No, we didn't exactly stay in the bottoms, we would go out on the prairie and look around.
- Q Wasn't there great high grass in the bottoms that time and made it difficult to travel through? A Yes, sir, there was grass there.
- Q Wasn't the grass a little short on the prairie? A Yes, sir.
- Q And for that reason you stayed out of the bottoms on the way down? A No, we went in the bottoms.
- Q You didn't travel down in those bottoms all the time did you? A No, sir.
- Q You didn't travel in that big grass did you? A Yes, sir in places.
- Q What did you have, wagons? A Wagons and teams.
- Q What kind of horses did you have? A Some mules, some horses and some oxen.
- Q But now what was your object in traveling in that high grass that big blue stem, instead of going on the prairie? A It was a good place, that was the object, if you was looking for a location you wouldn't go out on the prairie to hunt it.
- Q Did you know where you was going when you left Fort Scott? A Yes, sir.
- Q You had been in that country before the war? A No, I never was in it until after the war.
- Q Were there any other crews of Freedmen that come out from Fort Scott after August 1866, before you came in December? A Why, I don't know that.
- Q You don't know? A No, sir.
- Q Did Bill McCracken and Levi Dougherty and those fellows live in that country in those days? A No, sir.
- Q Did you ever see them there? A I never seen them there, Bill McCracken lived on Flat River and Eli lived on Pryor Creek.
- Q Where did Blue Alberty live? A On Pryor Creek.
- Q When you came down in December, 1866, how long did you remain in the Big Creek country? A Four days.
- Q Then where did you go? A Fort Gibson. Up to Goingsmake and then to Tahlequah.
- Q And returned the same way? A I returned the same way.
- Q What time did you go to Fort Scott? A About Christmas time.
- Q How were you traveling those times? A Teams.
- Q How long did you stay in the Goingsmake neighborhood? A Two weeks and stopped at Tahlequah three or four days.
- Q Did you stop any length of time at Fort Gibson? A Four days, I think, maybe longer, I don't know exactly, four days or a week.
- Q You left Fort Scott in December? A Yes sir.
- Q Returned sometime during Christmas holiday week, between Christmas and New Years? A Yes, sir.
- Q Stayed four days in Indian Territory? A Three or four days in Gibson.
- Q Stayed a couple of days in Tahlequah and Goingsmake? A A couple of weeks.
- Q Stayed a couple of week in Tahlequah and Goingsmake and got back there about the first day of January? A I don't know whether the first day, I guess it was about the first.

BY MR. HASTINGS:

Q How long after you come the last time before Louis moved down, your brother Louis? A I guess it was two or three weeks, I don't recollect just exactly.

Q But even at the time you moved there were no families at that time living anywhere in the section of the country? A None at all, Old man Riley the closest that I knew and I lived four miles from him.

Q In the Cherokee Nation? A Yes, sir.

Q Well I meant when I asked the question there were no colored people? A No.

Q You were the first people? A First ones that I know of.

Q And you come down some two weeks before the Webbers moved there.

A Yes, sir.

Q And the Sanders family came with you? A Yes, sir, Sanders and Weigs.

Q Did they live about Fort Scott? A Yes, sir. Sanders lived there and Weigs lived there.

BY MR. WULGER:

Q Now Mr. Whitmore when you came down in December did you go directly to your places that you had located in August? A Yes.

Q Didn't scout around over the country like you did in August?

A No, sir.

Q Did you know of anybody who lived in the Snow Creek country or up in the Big Creek country, except in that immediate neighborhood where you went? A I didn't know for certain.

Q Now when you were on this trip to Goingsnake, how did you go?

A Wagon and two mules.

Q You say Little Sam Webber came with you in August? A Yes, sir.

Q And he was married before this? A Yes, sir.

Q Did he return with you in December? A Yes, sir.

BY MR. HASTINGS:

Q Well you know that there was nobody living on Snow Creek after you moved down here in the spring of '67 because you had occasion to go back and forth up there? A I was up there from two to three weeks, had to go up to the little trading post at Osage and get provisions.

Q And you saw nobody living in that section of the country?

A No, sir.

Q Well now the first trip you came I judge you traveled considerably over all of this country hunting a suitable place to locate?

A Yes, sir.

Q Well neither of the Webbers or none of the rest never did mention having been back to that section of the country before that in August? A No, sir.

Q None of them had been there before? A No, sir.

Q And there were no women on the first or second trips and no children? A No, sir.

BY MR. WULGER:

Q When you came down in December did you stay down in the bottoms close to Big Creek? A Yes, sir right in the bottoms.

BY MR. HASTINGS:

Q You had been gone hunting a good deal of the time at that time had you? A It was all we had to eat.

Q And that made you go round in these bottoms in search of game.

A Yes, sir.

JAMES M. KEYS being first duly sworn testifies as follows:

BY MR. HASTINGS:

Q What is your name? A James M. Keys.

Q What is your age? A 62.

Q Are you a Cherokee citizen? A Yes, sir.

Q Where were you living when the war closed? A I was down south in the Choctaw Nation.

Q When did you return to the Cherokee Nation? A I came to the Cherokee Nation in June, 1866.

Q When did you first have occasion to visit Cooweescoowee district of that part of Cooweescoowee known as the Snow Creek, Big Creek and Verdigris country? A In the winter of 1867. I had a large bunch of cattle near Claremore, Indian Territory and in the spring of 1868 we had lost some cattle and there had been another herd of cattle near where I had these cattle I had charge of and they drove them in the direction of Kansas and I followed these cattle on the east side of the river to Goodys Bluff and crossed over at Goodys Bluff and stayed all night in the morning came on the east side and followed up on the Verdigris River to Snow Creek and found the bunch of cattle I was following.

Q How far from the Kansas line? A Well, I couldn't say, it was right near the Kansas line.

Q They were near the Kansas line? A Yes, sir.

Q Then you had occasion to go up to the Verdigris river from where it flows out of Kansas into the Cherokee Nation? A Yes, up as far as Snow Creek.

Q Now did you see any colored people along the Verdigris river and Snow Creek on that trip? A Well after leaving Goodys Bluff and going north on the east side of the river I didn't see a single house or habitation of any kind along the river, and I followed as close to the river as I could.

Q You were in search of this bunch of cattle and you were looking to see if you could find any people? A Yes, it was a wild country then and I would have been glad to have seen any house.

Q Were there any people living on Snow Creek at that time?

A I didn't see a single house.

Q Did you know where Ben Alberty claims to have settled? A Yes I knew where the old place is.

Q How far did you go from the old Ben Alberty place on this creek?

A My best judgement is in the neighborhood of one mile.

Q How far did you pass from it when you went up? A I went right up Snow Creek until I could see the cattle on the other side and followed right up the Verdigris river until I came to Snow Creek.

Q And you could see no persons living in that section of the country? A No evidence of any habitation outside of the cattle down where the cattle were.

Q And you could see them at once? A I saw them at once.

Q How large a stream is Snow Creek? A Just a small stream.

Q Just a little branch? A It is a little creek with some timber that runs out of the Verdigris and heads toward Kansas.

Q Runs for a few miles in the Cherokee Nation? A Yes, sir.

Q And you saw no colored people at all on that trip? A No evidence of any habitation or anything.

Q And you never heard of any people who had seen the cattle?

A No, about half way between Goodys Bluff and Snow Creek I met two men and they told me no-one lived there.

Q They had seen this heard of cattle? A Yes they had seen the

cattle and had been to a town in Kansas, Osage, I knew them, they were two Cherokees.

Q Did you make any inquiries as to whether there was any settlement or not? A Yes, so I could stay all night.

Q Do you think it would be possible for Ben Alberty to have lived where you knew he afterward settled without your seeing his house? If he had lived there when you went up Snow Creek in search of these cattle you would have seen his house? A I don't think so, if there had been any house I would have seen it.

Q Which way did you go back? A I came back the way I went, along the river.

Q Did you take charge of these cattle? A No, sir, I left them in the herd, it was a long ways from where I was located and I left the cattle there until I came back.

Q You didn't go across to Salt Creek where Aaron Whitmire lives?

A No, sir, I followed the Verdigris circle.

Q You left the Whitmire settlement to the east of you? A Yes some miles to the east.

Q And that is the reason why you didn't see their settlement?

A Yes, sir.

Q Did you follow Big Creek? A Not any distance.

Q Big Creek flows in the Verdigris river? A Yes, sir, a little north of Goodys Bluff.

Q Instead of following Big Creek you went up the Verdigris river?

A Yes, sir.

Q But when you struck where Snow Creek flows into the Verdigris you went up Snow Creek? A Yes a little, the cattle were between the river and Snow Creek on the north side and I followed the creek until I could see them on the other side and crossed.

BY MR. BULGER:

Q When was this Mr. Keys that you made this trip in April or May?

A In April or May of 1868.

Q Where did you strike the Verdigris river when you started?

A I went near Claremore and went from there to Goodys Bluff the first day.

Q On the east side of the river? A Yes Goodys Bluff is on the east side of the river. I stayed all night with Looney Riley.

Q Where did you cross the Verdigris River to go to the Snow Creek country? A I crossed it the next morning and went right up the river, there was considerable timber along the Verdigris at that time.

Q About the same as now? A Yes, sir.

Q How far out from Snow Creek did you stay when you went across the country for these cattle? A Not a great ways, I don't think it was more than from a half a mile on the east side of Snow Creek.

Q Is there any timber on Snow Creek? A Yes, sir, there is a little timber along there.

Q You didn't go on the east side of Snow Creek until after you had crossed that time, you went right ~~across~~? A We followed up on the east side and crossed over on the west side and went to the herd of cattle.

Q How far up did you go until you crossed? A Well I couldn't say, a mile and a half or such a distance.

Q Do you know whether or not there was anyone living down on the fork where Big Creek flows into the Verdigris? A I saw no evidence of any settlement or habitation and I paid pretty close



attention and didn't see anyone living there.

Q But you don't know that there was no one living there? A I couldn't say positively.

Q How far east did you continue to go up Snow Creek? A Well I went right up the Creek, followed right up the river until near the mouth of the creek and then went up the creek about a mile and a half.

Q Never did go any farther? A He crossed there to the bunch of cattle the creek was running northeast at that point.

Q The cattle were on the northeast part of the prairie? A Yes, sir.

Q About how far? A One half mile or somewhere along there.

Q After you found these cattle did you return to Claremore? A I just rode into the bunch of cattle and then I turned and went back down the river.

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The Cherokee Nation asks that the testimony taken of Aaron Whitmore and James M. Keys on this date be made a part of the record in the case of Frank Love, F. D. 879; Sarah Robinson, F. D. 476; Larkin Powell, F. D. 475; Polly A. Canard, F. D. 814.

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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 31st day of December, 1904, and that the above is a full, true and correct transcript of her stenographic notes thereof.

(Signed) Opal Griggs.

Subscribed and sworn to before me this 31st day of December, 1904.

(SEAL)

(Signed) Charles H. Sawyer  
Notary Public.

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

Maggie Kennedy

Subscribed and sworn to before me this the 12 day of January 1905.

Blair  
Notary Public.

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

In the matter of the application for the enrollment  
of Emma Powell et al., as Cherokee Freedmen, consolidating the  
application of:

Emma Powell et al.	Cherokee Freedmen D 475
Sarah Robinson, et al.	Cherokee Freedmen D 476
Nettie Powell et al.	Cherokee Freedmen D 478
William Love,	Cherokee Freedmen D 479
Frank Love,	Cherokee Freedmen D 479
Amanda Gaskins,	Cherokee Freedmen D 994,
Charlotte French	Cherokee Freedmen D 1012.

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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 Emma Powell for herself and minor children, Mattie Belle Ross, Lula Ross, Gertie Ross, Lillie Gusta Ross, Manie Powell, Jessie Powell, Eddie Powell and Ora Della Powell; subsequently, there was filed with this Commission, and made a part of the record in this case, an affidavit showing the birth, on September 4, 1901, of Willie Powell, child of the said Emma Powell and one Larkin Powell; by Sarah Robinson for herself and minor children, Fred Robinson, Lucy Robinson and Andy Robinson; subsequently there was filed with this Commission, and made a part of the record in this case, an affidavit showing the birth, on March 26, 1902, of Katie Robinson, child of the said Sarah Robinson and one Elijah Robinson; by Nettie Powell for herself and minor child, Harold Powell; by William Love for himself; by Frank Love for himself; by Amanda Gaskins for herself; and by Washington French for his wife, Charlotte French. A copy of the testimony of Lewis Ross taken at Chelsea, Indian Territory, June 6, 1901, of its decision rendered



by this Commission March 5, 1904, in the consolidated case of Esau Fox, et al., Cherokee Freedman D 500 et al., and of Departmental letter of August 31, 1904, (I.T. 6756-04), in the case of Lewis Ross, Cherokee Freedman D 540, and of the testimony of Robert Blair taken at Oklawaha, Indian Territory, July 31, 1901, in re application of Ida Albert for enrollment as a Cherokee Freedman by intermarriage, case No. 1120, and of Maria French and others taken at Nowata, Indian Territory, July 2, 1901, in re application of the said Maria French for enrollment as a Cherokee Freedman by intermarriage, case No. 1120, is filed herewith and made a part of the record in this case.

The evidence in this case shows that the applicant, Emma Powell, was born about the commencement of the rebellion, and was the daughter of Ben and Rhoda Alberty, both deceased, and both of whom were the slaves of a Cherokee citizen at the commencement of the rebellion; that the applicant, Charlotte French, was the daughter of the said Rhoda Alberty, and was the slave of a Cherokee citizen at the commencement of the rebellion; that the applicants, Emma Powell and Charlotte French, together with the said Ben and Rhoda Alberty, resided in the state of Kansas during said rebellion, and that neither the said Emma Powell or Charlotte French nor the said Ben or Rhoda Alberty, returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation.

The evidence further shows that said applicant, Emma Powell, died on March 22, 1902, and an affidavit to that effect is filed herewith and made a part of the record in this case.

Section twenty-five of the Act of Congress approved July 1, 1902 (31 Stat., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made on 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/."

The evidence further shows that the applicants, Attie Bell, Edna, Gertie, and Willie Gusta Ross, Sarah Robinson and Nettie Powell, were born since 1866 and are children of the applicant, Emma Powell and one Lewis Ross, and that the application of the said Lewis Ross for enrollment as a Cherokee freedman was denied by the Commission on March 5, 1904, and its action approved by the Department on August 31, 1904. The applicants, William Love, Frank Love, Mattie, Jessie, Eddie, Ora Della and Willie Powell, Fred, Lucy, Andy and Katie Robinson, and Harold Powell, are children of the applicants, Emma Powell, Sarah Robinson, and Nettie Powell, were born since 1866, and possess no rights to enrollment other than as descendants of their said mothers. The applicant, Auanda Gaskins, is a daughter of the said Ben Alberty, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said father.

None of the applicants herein can be identified on the authenticated Cherokee tribal roll of 1880, nor the Cherokee census roll of 1896.

In re credibility of witnesses introduced by applicants in this case:

Charles Chambers, a stock witness for freedman applicants, on behalf of the applicant, Emma Powell (C.F.D. 495), testifies that he first saw her father, Ben Alberty, in the Indian Territory, in 1867, while on a trip from Tahlequah to Big Creek; on behalf of the applicant, Amanda Gaskins, (C.F.D. 694), he testifies that this trip was made in the year 1870; on behalf of Charlotte French, (C.F.D. 1012), he again testifies that this trip was made in 1867. In the case of Queenie Smith, et al., (C.F.D. 779), this witness testifies that he moved from Tahlequah to the Big Creek country "somewhere in the '70's", and in the case of Willis Starr, et al., (C.F.D. 865), he testifies, "I come up on Big Creek in 1870", and upon cross-examination is very positive as to the date. Sidney West, in her own behalf, (C.F.D. 564), testifies that she was the wife of Charles Chambers during the rebellion, that they returned to the Cherokee Nation in the fall of 1865, and lived together about a year, near Fort Smith; that he then left her, and about a year later she found him at Fort Gibson, and that they then went to Park Hill, and lived together "there some year or two." She also testifies that she and Charles Chambers were living together at Park Hill "about four years after the war." In this she is corroborated by Charles Chambers, as, in the same case, he testifies that they began living together after they left the Cherokee Nation during the war, and lived together "six or seven years", and in the case of Sabra McQueen (C.F.D. 132), he testifies that he is her father, was living with her mother, Sidney West (C.F.D. 564), at the time she was born, and continued to live with her for a long time thereafter, in fact, until two children younger than Sabra were born to them. The above testimony establishes beyond a reasonable doubt that Charles Chambers, for several years after the close of the war, lived in the Cherokee Nation near Fort Smith and in and around Tahlequah, (Park Hill is between Tahlequah and Fort Gibson), and that he did not move to the Big Creek country prior to the year 1870.

Witness Nelson Murrell has been denied enrollment as a Cherokee freedman by this Commission, and its action approved by the Department. In his case (C.F.D. 548), it was conclusively shown that he was living in Kansas as late as the year 1868. He testifies, however, that he reached the Cherokee Nation before Ben Alberty and his family did, and that he met them at Trotter's Ford, on the Neosho river, as he was returning to Kansas. This statement is probably correct, and in view of the fact that he came to the Cherokee Nation in the latter part of the year 1868, or early part of 1869, together with the testimony of Charles Chambers to the effect that when he saw Ben Alberty (which undoubtedly was not earlier than the year 1870), "he had made ambersby and was then making another", and this, in connection with the testimony of numerous disinterested witnesses that there were no colored families living on Snow Creek prior to 1868, shows beyond a reasonable doubt that Ben Alberty and his family did not come to the Cherokee nation prior to the year 1868, and it is more probable that they did not come before the spring of 1869.

Little weight can be given the testimony of Jim (Sheep) Alberty, as he has been repeatedly contradicted, and his general disreputableness as a witness in behalf of freedmen applicants is recognized in departmental letter of August 17, 1904, (I.T.D 4998-04)..

The testimony of Daniel and Reuben Sanders does not show that the applicants or their ancestors returned to the Cherokee Nation within the time specified in the white man's decree.

If the moral depravity of a witness is to be considered in weighing their testimony, the testimony of Mary Joe should receive no consideration whatever.

D. D. Daniels, another "stock witness" for Cherokee freedmen applicants, testifies on behalf of Charlotte French, but he knows nothing of importance to the applicant. G. W. Lane, also on behalf of the applicant, Charlotte French, testifies to the effect that he first saw her at Jim Alberty's, on Snow Creek, in 1867, but does not give the time of the year. He further testifies, in reply to the question--"When did you first come in that neighborhood?" --"I come to stay in '65; I was here in '67 and went back." Evidently he did not see Jim Alberty or his family, here in 1866. This witness was an applicant for enrollment as a Cherokee freedman by intermarriage, consequently his residence prior to his marriage in 1875 was of no concern and has never been investigated.

It is, therefore, ordered by this Commission that the application for the enrollment of Mary Powell as a Cherokee freedman, be, and the same is, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716); and it is the opinion of this Commission that the applications for the enrollment of Hattie Bell Ross, Lula Ross, Gertie Ross, Willie Gusta Ross, Marie Powell, Jessie Powell, Addie Powell, Ora Della Powell, Willie Powell, Sarah Robinson, Fred Robinson, Luc Robinson, Andy Robinson, Fattie Robinson, Nettie Powell, Harold Powell, William Love, Frank Love, Amanda Gasins and Charlotte French, as Cherokee freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 20, 1898 (30 Stat., 498), and it is so ordered.

COMMISSION TO THE PUBLIC CIVIL RIGHTS.

(Signed) Tams Sixby  
Chairman

T. B. Needles  
Commissioner

C. R. Breckinridge  
Commissioner

Dated at Muskogee, Indian Territory

this APR 18 1908

COMMISSIONERS  
TAMM BERRY,  
THOMAS B. NEEDLES,  
C. R. BRACKENRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen  
D-994.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 10, 1903.

Amanda Gaskin,  
Bartlesville, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee Freedman, you are hereby advised that further testimony is required as to whether your father, Ben Alberty, returned to and was 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 Tuesday, September 22, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

  
Chairman.

Cherokee Freedmen  
D-994.

Muskogee, Indian Territory, September 10, 1903.

Edgar Smith,

Attorney for Amanda Gaskin,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Amanda Gaskin as a Cherokee Freedman, you are hereby advised that further testimony is required as to whether her father, Ben Alberty, returned to and was 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 Tuesday, September 22, 1903, for the purpose of hearing additional testimony in Cherokee Freedman doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

COPY.

Charlotte Freeman

D-475, et al.

Muskogee, Indian Territory, January 11, 1906.

Well, my dear J. T. Bennett,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed a copy of a report dated  
January 8, 1904, prepared by Commissioner Nixby, making  
reference to the record of Charlotte Freeman cases and part of the re-  
cord in other Cherokee cases as follows:

A copy of the testimony taken at Chelsea, Indian Ter-  
ritory, on May 6, 1901, in the case of Lewis Ross, F. D-549;  
the Commission's decision dated March 5, 1904, in the consul-  
dated case of Emma Fox, et al., F. D-508, et al., in which was  
included the said case of Lewis Ross; a copy of departmental  
letter of August 31, 1904, affirming said decision, to be made  
a part of the record in the cases of Emma Powell, et al., F.  
D-475; Sarah Robinson, et al., F. D-476, and Nettie Powell, et  
al., F. D-478.

A copy of the testimony of Robert Adair taken at  
Chelsea, Indian Territory, on May 31, 1901, in the case of his  
wife Ida Adair, F. D-99, to be filed with and made part of the

record in the cases of William Love, F. D-679, and Frank Love,  
F. D-679.

Respectfully,

Incl. 5-12.

(S.G.N.)

*Tame Bixby.*  
Chairman.

COPY.

Cherokee Freedmen

D-994.

Muskogee, Indian Territory, April 18, 1905.

Ananda Gaskin,

Bartlesville, 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 the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

*Tame Bixby*  
Chairman.

Incl. 2-50  
Register



COPY.

Cherokee Freedmen

D-475, et al.

Muskogee, Indian Territory, April 18, 1905.

Edgar Smith,

Attorney for Emma Powell, 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, dismissing the application for the enrollment of Emma Powell and rejecting, among others, the applications for the enrollment of Mattie B., Lula, Gertie and Lillie G. Ross, Annie, Jessie, Emma, Ora D., Willie, Mattie and Harold Powell, Sarah, Fred, Lucy, Andy and Katie Robinson, William and Frank Love and Amanda Sankin, ex 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,

John T. Bixby

COPY.

Cherokee Freedmen

D-994-1012.

Muskogee, Indian Territory, April 18, 1905.

Louis T. Brown,

Attorney for Amanda Gaskin, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, reflecting, among others, the applications for the enrollment of Amanda Gaskin and Charlotte French 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,

Yours,

*Tame Blaby*

Chairman.

Incl. 6-78  
Register

COPY.

Cherokee Freedmen

D-478, et al.

Muskogee, Indian Territory, April 18, 1908.

Bell, Hastings & Ravenport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1908, declining the application for the enrollment of Emma Powell and rejecting the applications for the enrollment of Hattie B., Lula, Gertie and Lillie G. Ross, Nannie, Jessie, Edie, Ora D., Willie, Nettie and Harold Powell, William and Frank Love, Sarah, Fred, Lucy, Andy and Katie Robinson, Amanda Waskin and Charlette French, 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,

SIGNEE

Yame Bixby.

COPY.

Cherokee Freedmen  
D-478, et al.

Muskogee, Indian Territory, April 19, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Emma Powell, et al., including the Commission's decision dated April 13, 1906, dismissing the application for the enrollment of Emma Powell and rejecting the applications for the enrollment of Mattie B., Lela, Bertie and Lillie G. Ross, Annie, Jessie, Eddie, Ora D., Willie, Nettie and Harold Powell, William and Frank Love, Sarah, Fred, Lucy, Andy and Katie Robinson, Amanda Gaskin and Charlotte French, as Cherokee freedmen.

Respectfully,

(SIGNED).

*James Bixby.*

Chairman.

Incl. 8-77

Through the

Commissioner of Indian Affairs.

Land  
30880-1905

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington.

May 11, 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 report of the consolidated applications for enrollment as Cherokee Freedmen by Emma Powell for herself and her minor children, Hattie Bill, Lula, Gertie and Lillie Gusta Ross and Mamie, Jessie, Eddie, Ora Della and Willie Powell; by Sarah Robinson for herself and her minor children, Fred, Lucy, Andy and Katie Robinson; by Nettie Powell for herself and her minor child, Harold Powell; by William Love for himself; by Frank Love for himself; by Amanda Gaskins for herself and by Washington French for his wife, Charlotte French.

On blank date the Commission decided adversely to all the applicants.

The record shows that Emma Powell was born about the commencement of the war of the rebellion, and was the daughter of Eda and Rhoda Liberty, both deceased, and both of whom were slaves of a Cherokee citizen at the beginning of the war of the rebellion; that Charlotte French was the daughter of Rhoda Liberty and was the slave of a Cherokee citizen at the

beginning of the war; that Emma Powell and Charlotte French, together with Ben and Rhoda Alberty resided in the State of Kansas during said war and that Emma Powell, Charlotte French, Ben Alberty or Rhoda Alberty did not return to the Cherokee Nation on or before February 11, 1867. The record further shows that Emma Powell died March 22, 1902.

The record further shows that Hattie Bell, Lula, Gertie and Lillie Gusta Ross, Sarah Robinson and Nettie Powell were born since 1866 and are children of Emma Powell and one Lewis Ross and that the rejection of the application of Lewis Ross was approved by the Department August 31, 1904. The applicants, William and Frank Love, Mamie, Jessie, Eddie, Ora Della, and William Powell, Fred, Lucy, Andy and Katie Robinson, and Harold Powell are children of the applicants, Emma Powell, Sarah Robinson and Nettie Powell, were born since 1866 and possess no rights to enrollment other than as descendants of their said mothers. The applicant, Amanda Gaskins is a daughter of Ben Alberty, was born since 1866 and possesses no rights to enrollment other than as a descendant of her father.

None of the applicants is identified on the 1880 authenticated Cherokee roll nor the Cherokee Census roll of 1896.

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.

H. V. M.  
W.

Cherokee F.  
D-894

Muskogee, Indian Territory, January 17, 1907.

Amanda Gaskin ,

Ochelata, Indian Territory.

Dear Madam:

You are hereby advised that 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, was affirmed by the Secretary of the Interior, January 5, 1907, and two motions for review of the Cherokee freedmen enrollment case of yourself, et al., filed by your attorneys, September 7, 1905, denied.

Respectfully,

JMH

Commissioner.

Cherokee F.  
D-475 et al.

Muskogee, Indian Territory, January 17, 1907.

Blue & Bulger,  
Bullter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, dismissing the application for the enrollment of Emma Powell, and rejecting the applications for the enrollment of Hattie B. Moss, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 8, 1907, and two motions for review of the said case, filed by you September 7, 1906, denied.

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

Respectfully,

Encl. N-88  
JMK

Commissioner.



Cherokee F.  
D-478 et al.

Muskogee, Indian Territory, January 17, 1907.

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

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 18, 1906, dismissing the application for the enrollment of Emma Powell, and rejecting the applications for the enrollment of Hattie B. Ross, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 5, 1907, and two motions for review of said case, filed September 7, 1906, denied.

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

Respectfully,

Encl. H-21  
JMH

Commissioner.

(COPY)

JFJr.

DEPARTMENT OF THE INTERIOR,      LLB.

D.C.1777-1907      WASHINGTON.

I.T.D.5424-1905  
8551- "

LRS

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

Sir:

April 18, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated applications for enrollment as Cherokee freedmen by Emma Powell for herself and her minor children, Mattie Bell, Lula, Gottie, and Lillie Gusta Ross, and Mamie, Jessie, Eddie, Ora Della, and Willie Powell; by Sarah Robinson for herself and her minor children, Fred, Lucy, Andy, and Katie Robinson; by Nettie Powell for herself and her minor child, Harold Powell; by William Love for himself; by Frank Love for himself; by Amanda Gaskins for herself; and by Washington French for his wife, Charlotte French, including its decisions, without date, adverse to all applicants.

Reporting May 11, 1905 (Land 30880), the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, the attorneys for the applicants filed a motion for review of the decision of the Commission.

The Indian Office recommended that the decision of the Commission be approved. A copy of its letter is inclosed.

September 7, 1905, the attorneys for the applicants filed motions for review of said decision.

The Cherokee Nation filed argument.

There appears to be no proper reason for granting said motions and they are hereby denied.

The Department concurs in the recommendation made, and the Commission's decision is hereby affirmed.

The papers in the case, including the motions for review, have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

17 inclosures.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
AUG 16 1901

*[Handwritten signature]*  
A. N. C. HARMAN

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

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 8th, 1901.

Received of the Commission to the Five Civilized Tribes,  
one copy of the original testimony of July 1st, 1901, in the  
matter of the application of Amanda Gaskins et al for enrollment  
as Cherokee Freedmen.

*Louis J. Brown*  
Agent for Applicants.

Cherokee Freedmen #D894.

F. D. 994

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 <sup>10</sup> *March* 190

*W. L. Smith*  
Attorney for applicant.

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

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

on the day of A. D. 190

Subscribed and sworn to before me  
this

Notary Public.

8  
10 994  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

FEB 13 1902

*[Signature]*  
ACTING CHAIRMAN

## NOTICE!

IN THE MATTER OF the application of Amanda Gaskins  
for enrollment as Cherokee Freedmen:  
Case No. F. D. 994

To Amanda Gaskins or Mellette & Smith her attorneys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on February 24th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 8th day of February, 1902.

*L B Bell*

*W. W. Hastings*

Attorneys for the Cherokee Nation.





## NOTICE!

IN THE MATTER OF the application of Aranda Gaskins  
for enrollment as Cherokee citizens:  
Case No. D. 994

To ~~Aranda Gaskins or Mellette & Smith her Attys.~~

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 19th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 9 20 1901.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

B

50-1-14

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

**FILED**

JUL 1 1901



ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *July 1, 1904*  
Post Office *Cartersville Ga*  
District *10*

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

Parents:  
Father ..... Citizenship .....  
Mother ..... Citizenship .....

2. Name of wife *Amanda Gaston* Age *30*  
Owner's name ..... Citizenship .....  
Year *Wallace* age *18 1/2* No. *3370* District .....

Parents:  
Father *Ben Aberty* ..... Citizenship *Gen. Freed*  
Mother *Mary* ..... Citizenship *White*  
Names of Children:

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

*Accepted*

Application made by *M. C. Green*  
*Wallace roll as Amanda Aberty*  
Represented by *Louis G. Brown*

MAR 21

*Maryland*

# **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. Amanda Martin,  
Muskogeeville, I. T.

Cherokee - 12-224

Register.

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

Commissioners.

Payno 1118

General  
of the  
of the  
of the

of the  
of the  
of the  
of the

Washita

Wheeler, Indian Territory

Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Removal  
Address Unknown

Department of the Interior.

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

Removal  
Address Unknown



Cher. Fr. R. 1049

Trans. from Cher. Fr. D. 997

Cher. Fr. R. 1049

File with CFD- 997, Luella Snaden.

REJECTED, as to wife, Matilda.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Vinita, I. T., May 22d, 1901.

In the matter of the application of George Weigs, Sr., for the enrollment of himself, wife and child as Cherokee Freedmen; said Weigs being sworn and examined by Commissioner C. R. Brockinridge, testified as follows:

- Q Give me your name. A George Weigs.  
Q How old are you? A I could not tell you.  
Q Well as near as you can come? A Well I guess I must be about  
60 I guess.  
Q What is your post office? A Winita I believe.  
Q In what district do you live? A Coconosecowa.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Do you want to apply for anybody besides yourself? A Well, I  
guess I do, I have got a wife and two children that is under age  
yet.  
Q You apply then for yourself, your wife and two minor children?  
A Yes, sir.  
Q Are those children both unmarried? A One of them is  
Q And one of them is married? A Yes, sir.  
Q That brings you down to one child you can apply for? A Yes, sir.  
Q Is that child living now? A Yes, sir.  
Q How long have you lived in the Cherokee Nation? A Why, ever  
since '65.  
Q Did you live in the Cherokee Nation before that? A Yes, sir.  
Q Did you live in the Cherokee Nation at the time of the war?  
A Yes, sir.  
Q Where were you born? A Born in the Cherokee Nation.  
Q Have you lived in the Cherokee Nation all your life except a  
little while about the time of the war? A Yes, sir.  
Q Were you a slave in the Cherokee Nation at the time the war broke  
out? A Yes, sir.  
Q To whom did you belong? A Robin Daniel and Lila Daniel.  
Q Were they recognized citizens of the Cherokee Nation? A Yes, sir.  
Q Give us the name of your father? A Peter Weigs.  
Q Is he dead? A Yes, sir.  
Q How long has he been dead? A I could not tell you.  
Q Give me the name of your mother? A Elizabeth Weigs.  
Q She is alive isn't she? A Yes, sir, she was enrolled just now.  
Q Her name was Ward wasn't it? Give me the name of your wife?  
A Matilda Ward.  
Q Her name was Ward was it, Weigs now? A Yes, sir.  
Q How old is your wife? A I could not hardly tell you.  
Q Well as near as you can come. A I got a paper here.  
Q This paper says that your wife was 22 years old in '89, she is  
about 24 years old now, is that about right? A I guess it is.  
Q You say your wife's name is Matilda? A Yes, sir.  
Q It is not Maheda? A No, sir, Matilda.  
Q When were you and your wife married, in '99? A I guess it must  
have been.  
Q Is this the certificate and license of your marriage? A Yes, sir  
Com'r Brockinridge: The applicant presents a license issued  
by the Clerk of the United States Court, Northern District,  
Indian Territory, on June 26th, 1899, authorizing marriage  
between himself and his wife, as stated by him. The certificate  
shows that they were united in marriage on the 31st of July,  
of the same year, by the Rev. Shelton D. Brown. This is filed  
herewith.  
Q Does your wife claim to be a Cherokee Freedman of her own right?



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- A Her father was Cherokee raised and his owners was George Ward.
- Q And what about her mother? A Well her mother wasn't.
- Q She was an outsider? A Yes, sir, I guess she was.
- Q As far as you know? A Yes, sir.
- Q Give me the name of your wife's father? A Josh Ward.
- Q Is he dead? A No, sir.
- Q Give me the name of your wife's mother? A Madiline Ward.
- Q Is she dead? A No, sir.
- Q And have her father and mother applied for enrollment?
- A No, sir, not yet.
- Q Now, Josh Ward you think may be a Cherokee Freedman of his own right? A Yes, sir, I know he is.
- Q How old is Josh Ward? A I could not tell you.
- Q Is he as old a man as you? A Yes, sir, he is.
- Q Is he as old as you? A Yes, sir, he may be a little older.
- Q How about Josh's wife, Madiline? A I could not tell you that.
- Q She is a good deal younger than you isn't she? A I don't know.
- Q Is she a woman of 45 or along there? A I expect she is.
- Q Do you know anything about the marriage of Josh Ward to his wife Madiline? A No, sir, I don't.
- Q How long has your wife lived in the Cherokee Nation? A I could not tell you that.
- Q Give me the name of this child for whom you apply? A George Meigs.
- Q Is that a child of this marriage? A No, sir.
- Q Child of a former marriage? A Yes, sir.
- Q How old is this child? A I guess he must be about 19 years old.
- Q Give me the name of the mother of this child? A Cinda Meigs, she was there; before I married her she was Cinda Towers.
- Q Is she dead? A No, sir.
- Q When did you marry her? A I could not tell you that directly, after we came to Big Creek.
- Q Pretty soon after the war? A I ~~could not~~ Yes, sir, pretty soon after we came down here, about a year or two I think.
- Q About how long did you and she live together, or about when did you separate? A Why, we lived together a good while, well we got five children.
- Q Well how long since you and she separated? A I could not tell you that.
- Q Well, I must find out something from you. (No response.)
- Q How long after this child George was born; don't you remember how old he was, or how big he was? A He must have been, let me see, he must have been about seven or eight years old when he and her parted I am just guessing at that now.
- Q Well, you have been parted something like ten or twelve years, something like that? A Yes, sir.
- Q Is that far from it? A Well, that's it, I think he was just about eight or nine years old when he and her parted.
- Q That child is named after you? A Yes, sir.
- Q Well we will call him George Meigs, Jr., if you have no objection
- A We call him Georgie.
- Q We will call you Sr. if you have no objection. A Well, sir.
- Q Where is your wife, Cinda, living now? A Over here on Big Creek
- Q Did you have a divorce from her? A No, sir, nothing more than an agreement that we walk it as more man and wife.
- Q Were you ever married before you married this wife Cinda? A No, sir.
- Q Was she ever married before she married you? A No, sir.
- Q How about this present wife, Matilda, was she ever married before she married you? A No, sir.

The 1860 Authentic Roll of Freedmen of the Cherokee Nation examined and names of applicant and his wife not found thereon.

The 1864 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant's not found thereon.

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The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's former wife not found thereon. The Verna-Clifton Roll of Freedmen of the Cherokee Nation examined and applicants' names found thereon as follows:  
Page 128, #3189, George Meigs, Cooweescoowee District.  
(Name of applicant's wife not found thereon.)  
Page 128, #3193, Georgia Meigs, Cooweescoowee.  
The Wallace roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 127, #2666, George Meigs, Cooweescoowee District.  
The name of applicant's wife not found on the Wallace Roll.

BY W. U. HASTINGS, Cherokee Representative:

Q What was your oldest child's name by your first wife? A John Meigs.

Q Is John alive? A Yes, sir.

Q How old is John? A Well, I could not hardly tell you I had his ages all down, but they ought to know.

Q That is the oldest child? A Yes, sir.

Q Is John here? A Yes, that's him sitting right there.

JOHNS MEIGS, being sworn and examined by Commissioner C. R. Eeckinridge, testified as follows:

Q Give your name? A John Meigs.

Q How old are you? A 27.

Q What is your post-office? A Wimer.

Q Are you a son of this applicant here, George Meigs? A Yes, sir.

GEORGE MEIGS, SR., the Applicant, re-called:

BY W. U. HASTINGS:

Q What was John Meigs' mother? A Lucinda.

Q Married her on Big Creek? A Yes, sir.

Q And you married her about a year after you came here? A Yes, sir, I guess it was about that, two or three years, something like that.

Q Short time after you came back? A Yes, sir.

Q And this is your oldest child? A Yes, sir, and there is my next oldest one sitting there.

Q Did you come back with your father and mother? A Yes, sir.

Q What time of the year was it you came back? A Came when they come.

Q What time of the year? A I don't know.

Q Was it February? A Yes, sir, I come right along with them and been here ever since, raised up by family.

Q You don't know what time of the year it was? A No, sir.

Q Was it the February at the time Dan Sanders testified that you come? A Yes, sir.

Q You were not married then? A No, sir, I was with my father.

Q You were grown? A Yes, sir, but I was staying right with him.

Q 24 or 25 years of age? A Yes, I was with him, but of course we always was poor and had nothin' and stayed with him until I got a little start.

Q You come in a wagon? A Yes, sir.

Q Did you build a house after you got here? A The house he lived in was built when he come.

Q He bought the house when he come here? A The crowd that was here before built the house; he made a trip and bought this house from this man who said this was too far from grub; wasn't anything to eat out there.

Q You didn't come with your father on his first trip? A No, sir.

Q You come when he come the last time to stay? A Yes, sir.

Q That is a fact is it? A Yes, sir, that's a fact.

Q Snow on the ground? A Yes, sir.

Q How long after Christmas was that? A I could not tell you I never paid any attention to that.

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Q You only know that you came with your father here to stay? A Yes, sir.

Q You never went back to Kansas after that? A I went once.

Q How long did you remain? A I started from home on Friday and got up there on Sunday and started back Tuesday.

Q How long was that after you came down there? A I think it was in June.

Q The following summer? A Yes, sir, we run out of grub, I didn't have anything to eat.

Q Do you know the month you come down here first? A No, sir, and I would not undertake to tell you that; what I know that is what I like to tell.

BY COM'R BRECKINRIDGE:

Q How long after you married your wife, Cinda, before this boy John was born? A I don't know, some two or three years I guess.

Q Didn't have any child for two or three years? A No, sir, I don't think I did.

Q And how long did you say you had been in the Cherokee Nation before you married? A Must have been some two or three years, I didn't keep any account.

Q You had made several crops had you? A Yes, sir.

COM'R BRECKINRIDGE: The applicant applies for the enrollment of himself and one minor child; the applicant states that he has lived in the Cherokee Nation all his life except his absence during the war and a short time thereafter when he was in the State of Kansas. He is identified on the Wallace roll and the Kerns-Clifton roll, but not upon the roll of 1880 or upon that of 1896. For further testimony in regard to the time when he returned to the Cherokee Nation from the State of Kansas, reference is made to the case of his mother, Elizabeth Heigs, which has been taken in the course of this afternoon, and a copy of the testimony in her case will be filed in this case. The applicant is now something like 60 years of age, and his testimony is that he came down to the Cherokee Nation for the first time after the war when his father moved the family down in the winter of his claims of 1866. Much of his testimony shows that it was in the February following the August of 1866. Attention will also be directed to the probable application made by this family to the Cherokee Citizenship or Supreme Court at sometime prior to the Wallace Court, of the Cherokee Nation in the matter affecting their status as Cherokee Freedmen. The applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card for the further consideration of his case.

His child, George Heigs, Jr., is identified on the Kerns-Clifton roll. This child's mother is shown to have been lawfully married to the applicant soon after the close of the Civil War. She is not identified on any roll and it does not appear that the child derives any right through its mother. It is a minor and still living and this child will now be listed for enrollment as a Cherokee Freedman on a doubtful card to await the determination of his status through his father.

As for the applicant's present wife, Matilda Heigs; she is shown to have married him in July, 1899. The license and certificate relating thereto are filed herewith. The applicant's wife is 24 years of age; she is not identified upon any roll in the possession of the Commission; neither is her father or her mother, both of whom are said to be alive, identified upon any roll in the possession of the Cherokee Nation and all of them have been searched. It further appears that the applicant never procured a judicial divorce from his first wife from whom he has been parted something

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like ten years. Therefore, the applicant's present wife having no status apparently of her own and having married too late to have acquired the right of enrollment by inter-marriage, and her husband never having procured a judicial divorce from his first wife, is considered to have no right to enrollment at this time and the application for her enrollment is rejected.

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J.C. 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 ~~copy~~ transcript of his stenographic notes thereof.

(signed) J. C. Rosson.

Subscribed and sworn to before me this 28th day 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

copied the foregoing and that same is a true and complete copy of the original transcript.

M. D. Green

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



Commissioner.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 22d 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman: she being sworn by Commissioner C.R. Breckinridge, testified as follows:

- Q What is your name? A Elizabeth Meigs.  
Q How old are you? A I don't know my age.  
Q About how old are you? A I was four years old when we came here with the old settlers.  
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.  
Q That would make you about 41 years old now wouldn't it? A Yes sir I guess so.  
Q What is your post office? A Centralia.  
Q In what district do you live? A Goo-wee-scoo-wee.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.  
Q Who do you want to have enrolled besides yourself? A My children  
Q Have you any children under twenty-one years old? A No sir.  
Q They will have to apply for themselves then? A (No response)  
Q Have you a husband? A No sir he is dead.  
Q Then you only apply for yourself? A Yes sir.  
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.  
Q How long have you been called Meigs? A Ever since I was nothing but a girl.  
Q Were you married to a man named Meigs? A Peter Meigs.  
Q Is he dead? A Yes sir, five years ago in September.  
Q Was he a Cherokee Freedman? A Yes sir.  
Q Were you a slave of the Cherokee Nation before the war? A Yes sir  
Q To whom did you belong? A Reuben Daniel.  
The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.  
Q Are any of your family on that roll that you know of. A Yes, sir, Alice Sanders is on it, she is a daughter of mine, Alice is.  
The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:  
Page 125, No. 2339, Alice Sanders, Goo-wee-scoo-wee district.  
The 1880 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.  
Q Did you find your Cherokee strip money? A Yes sir.  
The Kerns-Glifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:  
Page 100 No. 2528, Elizabeth Meigs, Goo-wee-scoo-wee district.  
Q Did you ever go by the name of Daniel? A Yes sir then was my owners.  
The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:  
Page 187, No. 40, Elizabeth Daniel.  
Note: Wife of Peter Meigs.  
Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:  
Page 131, No. 1746, Elizabeth Meigs, Goo-wee-scoo-wee district.  
Q Where were you during the Civil war? Did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.  
Q What did you come back? A In the winter of '66.

- Q What time in the winter? A Well it was in the winter.
- Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
- Q When did he bring you down? A In the winter after he went from here on Big Creek.
- Q He came ahead of you then? A Yes sir.
- Q What time did he leave Kansas? A I cannot tell you when he first came.
- Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
- Q Did he leave Kansas in the winter? A Yes sir.
- Q Was he down here when Christmas came? A Yes sir.
- Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
- Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
- Q How long after Christmas before you and he started down here together? A Directly after.
- Q He spent Christmas that year in the Cherokee Nation by himself?
- A Yes sir my husband did.
- Q What members of your family came down with you and your husband?
- A These children.
- Q Did you bring your child Alice Sanders with you? A Yes sir.
- Q All the children? A Yes sir.
- Q Can you explain why you are not on the roll of 1860? A No sir.
- Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

- Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
- Q Where were you living in Kansas then? A Fort Scott.
- Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
- Q Was it as much as a couple or three weeks? A Yes sir I guess so.
- Q And then you started down here? A Yes sir.
- Q Was it in the spring of the year when you reached here? A No sir in the winter.
- Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there warent no buds nor no'ing on the trees, it was winter I tells you.
- Q You came in wagons did you? A Yes sir.
- Q Who came with your husband down here when he first came? A Old man Mike Sanders.
- Q Who else? A Nathan Sanders.
- Q Who else? A Daniel Sanders.
- Q Anyone else that you remember? A There was Little Sam Webber and old man Sam Webber.
- Q Any other Webber's? A Aaron Webber.
- Q Did anyone else come down? A I don't remember anyone else now.
- Q Were you there when they started down? A We all came together I am telling you.
- Q But I mean when your husband came on in advance of you. Who came with him then? Did those parties that you have named come with your husband when he first came down? A Yes sir.
- Q You were at Fort Scott then? A Yes sir.
- Q And they all started together? A Yes sir.
- Q These that you have named are all the you can think of at the present time? A Yes sir.
- Q Did they come in wagons or on horse-back that time? A They come in wagons when they first came.



- Q And after Christmas you all come down did you? A Yes sir.
- Q Did you come in wagons then? A Yes sir.
- Q Did you come by a little place called Chatopa? A Yes sir.
- Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
- Q And you are living there yet? A Yes sir, that old house was built in '26.
- Q What house? A That one we is living in.
- Q And you are living at the same old place? A Yes sir, in the same old house.
- Q On what creek is that? A Big Creek.
- Q Was any one living on Big Creek when you came there besides your own crowd. A No sir, down on Verdigris there was some living.
- Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
- Q Did you see anyone from Chatopa along the road through the Nation to Big Creek when you came there? A No sir.
- Q Did these people who first come down with you husband return with him and then come down again when your family came after Christmas? A Yes sir.
- Q You all come back together? A Yes sir.
- Q Now Auntie, did any additional people - any other families come down with you? A I dont know who all come down, I am just telling you what I know.
- Q There was Daniel Sanders, and Nathan Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all come with you? A Yes sir.
- Q Did Aaron Webber come? A Yes sir.
- Q And your family? A Yes sir.
- Q Are there any that I missed? A That is all that I gave you.
- Q Is that all that come? A Aaron Wright come with us.
- Q Who else? A (No response)
- Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
- Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
- Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
- Q Well A Lurie Riley was there on Verdigris, but now where he was living.
- Q How far from where you settled? A I don't know now far.
- Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess it right.
- Q Were they the closest residents to you at that time? A Yes sir.
- Q Were there any Delaware Indians there when you come there? A No sir I never saw none.
- Q Any Osages? A No sir, never saw none.
- Q You didn't see anybody on Big Creek, neither white or black, except those that come with you? A That is all.
- Q And you have been there ever since? A Yes sir, ever since we moved there.
- Q You say your husband Peter built a house there? A There is a log house there and he bought the house and we moved to it.
- Q Who built the house if you know? A Henry Harold.
- Q Was he a colored man? A Yes sir.
- Q Is he living? A I don't know if he is or not.
- Q Some 3 or 4 years after you come down here your husband went to Tallahassee before the court, didn't he, to see about his citizenship? A Yes sir.
- Q They didn't admit him then did they? A I don't know sir.
- Q You know he was disgraced? A I don't know nothing about it, I never paid any attention to any such things as that then.



By the Commission:

Q Were you ever admitted by the Cherokee or United States Court or Commission? A I don't understand what you say.

Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.

Q I mean in court? A That is what I am telling you.

Q You know what a court is don't you? A Yes sir.

Q What court do you know? A Kerns Clifton court.

Q Any other court that you know of? A I know of the Wallace court.

Q Any others? A No sir.

Q Did he ever have anything done about your case by the Cherokee Council? A I don't know what was done, my man went there every year or two but I don't know what was done there.

Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.

Q Have you any witnesses with you that you want to introduce?

A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Brock-inridge, testified as follows on the part of the applicant.

(Examined by the Commission)

Q What is your name? A Ruben Sanders.

Q How old are you? A I suppose I am about 50.

Q What is your postoffice? A Centralia.

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

Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.

Q Who did you belong to? A James Sanders.

Q Were you taken to Kansas during the war? A Yes sir.

Q You have a wife named Alice have you? A Yes sir.

Q How long have you and she been married? A About 50 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 175, No. 2657, Ruben Sanders, Joo-wee-coo-wee district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.

Q What court? A The Chambers Court.

Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.

Q In what year was that? A I can't tell what year it was.

Q Your citizenship had been disputed had it? A Yes sir.

Q When was your right to citizenship first disputed? A It was during the time that Thompson Cochelita was chief.

Q Was that before the 1880 roll was made? A Yes sir.

Q Did the court decide in your favor? A Yes sir.

Q Was there any dispute made then about your name put on the 1880 roll? A No sir.

Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.

Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.

Q Where did they take your name? A I was in Seconock Band, at the time.

Q Do you know the applicant Elizabeth Midge? A Yes sir.

Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Midge's citizenship was disputed the same time yours was?

- A Yes, sir.
- Q Did he go before the court at the same time? A No sir, I think not.
- Q His wife's citizenship was also disputed? A I judge so.
- Q Did she go down before that court? A Not to my knowledge.
- Q Did he go down to Tallapoosa to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
- Q Was Bob Daniels Chief Justice of that court? A Yes sir.
- Q Just a few years after the war? A Yes sir.
- Q In '71 wasn't it? A Yes sir.
- Q Was any action taken in that court? A I don't know.
- Q You were there yourself? A No sir.
- Q You were about 15 or 16 years old when you come back? A Yes sir I guess so, I don't exactly know how old I was.
- Q You were not married then? A No sir.
- Q How long after you got back before you married? A Not very long after I got back.
- Q Did you marry on your way down here? A No sir.
- Q How long had you been here before you married? A I have been married twice.
- Q How long had you been here before you married the first time? A Not very long.
- Q As much as a year? A May be so.
- Q Is that your best judgment? A My best judgment is perhaps that it was that long.
- Q When were you married to your present wife? A Upwards of 30 years, or so.
- Q How long did you live with your first wife? A Not very long, she died.
- Q A Year? A Perhaps it was, maybe a little longer.
- Q Then you married your present wife? A Yes sir.
- Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
- Q The first time? A Yes sir.
- Q Who came with you? A Several were on horse-back; it is beyond my knowledge how many there were.
- Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
- Q Did you come in August? A Yes sir.
- Q Who came with you then? A Some of this family, Peter Meigs and got his place; the heads of these families.
- Q Who else came with you? A My brother Ben and the Whitmires.
- Q Which ones? A Several.
- Q Which ones? A Mose and Dennis, and the Webbers.
- Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thymen, and Abe Hair, and I don't know who else, I don't know who all came.
- Q Who came when you came in October? A I don't know who all come then, so e of that same crowd and some were come in October.
- Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
- Q What was his first name? A Old man Isaac Smith.
- Q You came in both of the detachments yourself? A No sir.
- Q Which one did you come in? A I came in August.
- Q You didn't come in October then? A Yes sir, I come when we first came; we brought some of our farming utensils when we come in August and left the on the creek.
- Q On Big Creek? A Yes sir.
- Q Where Mrs. Meigs lived? A Yes sir.
- Q And you returned in October, how long did you stay in October?

A We didn't all return in October, we didn't all go back, some staid in August, some staid and some came back. Some of us brought our things with us and some came to look out homes, we all came with the intention of making our homes here.

Q What did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.

Q What time in the winter? A Long in January.

Q You mean in '67. A No in the winter of '66.

Q Is you come here in the August and October of '66 and then returned for your families and come back here in the following winter, in the following January or February, that would be in '67. I dont understand you; we come here in the winter of '66 is what I said. In January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first come here in August of '66? A Yes sir.

Q What was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possibly can remember of who came with you in the January or February following?

A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.

Q I dont mean only of that family, there were other families were there not? A Old man Jillie Forman.

Q Who else? A He had several children.

Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.

Q Were any of the Webbers along? A Yes sir.

Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and so I could remember for if I had forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.

Q Did his son Sam come? A Yes sir.

By W. W. Hastings:

Q Dont you remember anyone else? A Rachel Webber.

Q Do you think of anyone else? A No sir.

Q You know that is was a mooted question before the Commission as to what came at this time and us to when you came. A havent been interested as to anyone except for myself.

Q You know that there is a question about the came dont you? A Yes sir I guess I do.

Q You say you come to Big Creek? A Yes sir.

Q Did you come by the way of Chatopa? A Yes sir I guess that we did, I dont know that they called it Chatopa then, there was a house or so there.

Q Did you cross the river there? A What river.

Q Neenhot? A No sir.

Q You didn't cross at the Mission Ferry? A No sir we crossed or 30 miles from there.

Q You come through what is Chatopa and come on west through the prairie. A We may have.

Q You came in wagon? A Yes sir.

Q Were there any persons living on any of that prairie from Chatopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of anyone living there before that.

Q Were there any houses there except those that your own built?

A I dont know of any houses, but there were foundations for them at Big Creek.

Q All the houses were not built before you moved there with your

families? A Yes sir some were, there were logs on some up 8 or 10 logs high.

Q Then there were none really completed until you moved there with your families? A No sir.

Q Did you make a crop there the first year that you moved there?

A Yes sir, as near as we could with one horse plow and hoos.

Q Do you know Jim Martin? A Yes sir.

Q How far does he live from you now? A 4, 5 or 6 miles.

Q Was he living there when you people moved there? A No sir.

Q He had a brother named "Illish Martin? A Yes sir.

Q Was he living out there then? A No sir.

Q There was an old man by the name of Carter living out there then? A Yes sir. There was an old man named Carter living 20 miles perhaps from there quite a while after we come there.

Q Was his name Dick Carter? A I think it was.

Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.

Q Do you know if that ferry that you crossed the Neesho river was called Gilstrap ferry? A No sir we never crossed on Gilstrap ferry.

Q There was no farms made there when you passed through - no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66?

A Yes sir.

Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.

Q You didn't bring your families with you then? A Only part of them and some things that we had.

Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you?

A No sir.

Q Did Peter Meigs bring any family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family come in October.

Q When did Peter Meigs go back to Kansas? A I think with my father.

Q You came yourself in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q Then you returned to the Cherokee Nation again in October?

A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir not all of them come in October.

Q Where was Peter Meigs in October? A He come with us at each trip.

Q Did he go back to Kansas with you? A Yes sir.

Q And then you come back here to the Cherokee Nation in October?

A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That was the second time that Peter Meigs had been here?

A Yes sir.

Q Where was Peter Meigs in Christmas of '66, do you know? A No sir

I don't exactly know where he was in Christmas of '66.

Q That Peter Meigs got back to the Cherokee Nation with his family





decision of the Commission will be made known to her at her postoffice address.

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

Signed, Chas. von Weise.

Subscribed and sworn to before me this 20th of Nov, 1901, at Chelsea, I.T.

Signed, T. B. Huddle, Commissioner.

Supplemental:

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., Nov 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman.

REUEL SANDERS, having been before sworn by Commissioner Breck Inridge, testified as follows:

Q Give your name? A Reuben Sanders.

Q How old are you? A I am only about 30 years.

Q You gave testimony just now in the case of Elizabeth Meigs?

A Yes sir.

Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867, when we made the last move, about the first of the month. It was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.

Q How did you find out now it was January instead of February?

A It was just after Christmas that we was on the road coming down.

Q How long after Christmas? A Perhaps a week after Christmas;

my reason for fixing this is this, about Christmas - a few days before Christmas there was a man got killed named Hayward, and there was a gentleman killed him, a colored man named that man Hayward, a man by the name of Sawyer, and we started then right shortly after that killing was, and we started following us, thinking he was with us, in our crowd, that was just the following - a few days after Christmas, a week, or more or less.

Named by Cherokee Representative, J. C. Williams?

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 30 years old; something in that line.

Q Where did you see that killing took place? A At Kansas.

Q Fort Scott? A Yes sir.

Q And the man that was accused of the killing was named what?

A James Sawyer.

Q You remember his first name? A Yes, James Sawyer.

Q You remember the man who was killed, you see the man's name?

A No sir I do not.

Q Did you ever hear of any other man named that was named?

Q Or you know? A It is a common name, but I don't know any other man named that was named.

Q You know what county St. Louis is in? A No sir.  
 Q Who called your attention to this error? A I thought of myself; I called my own attention to it; I was studying over it; I did.  
 Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Q's Recrossing: This statement will be filed as supplemental in the Elizabeth Mays case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

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

Signed, M. D. Green,

Subscribed and sworn to before me this May 23, 1901.

Signed, C. R. Brockbridge,

Commissioner.

Ernest G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the same is a true and correct copy from the original.

*Ernest G. Jones*

Sworn to and subscribed before me this 14th day of May, 1901.

*[Signature]*

Commissioner.

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DEPARTMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

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*[Handwritten signature]*



Department of the Interior,  
Commission to examine the Civilized Tribes,  
Wash., D. C., July 18, 1891.

Application of Luella Garden for the enrollment of her name in the Choctaw Nation; being sworn and examined before me, a Notary Public, as follows:

Q What is your name? A Luella Garden.  
Q How old are you? A 17.  
Q What is your post-office address? A Eber, T. C. box.  
Q What district do you live in? A Cowpens.  
Q Do you want to be enrolled in the Choctaw Nation? A Yes, sir.  
Q How long have you lived in the Choctaw Nation? A No one.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A A. L. Garden.  
Q Is he a citizen? A No, sir.  
Q Have you ever been enrolled in any other nation or tribe?  
A No, sir.  
Q What is your father's name? A George Egan.  
Q What is your mother's name? A Luella Cowens.  
Q How did you acquire your citizenship through your father or mother? A My father.  
Q Where were you born? A On Big Creek.  
Q How long have you lived there? A Yes, sir.  
Q Have you lived there all your life? A Yes, sir.  
Q Where have you been living? A In the Choctaw Nation.  
Q Where were you born, in the Choctaw Nation? A Yes, sir, I was born on Big Creek.  
Q How long have you lived in the Choctaw Nation? A I don't know, sir, exactly how long.  
Q Are you living there now? A No, sir, I am living here now.  
Q With your husband? A Yes, sir.  
Q How long have you lived here? A Aint lived here for a month.  
Q How long have you lived in the Choctaw Nation? A Yes, sir.  
Q When did you first go to the Choctaw Nation? A I don't know, sir, how long it has been.  
Q Can you recollect? A Yes, sir, I can recollect when we left.  
Q Was you born down there? A No, sir, I was born on Big Creek.  
Q You have always lived in the Choctaw Nation until about a month ago? A No, sir, I have been here since.  
Q Have you lived here since? A No, sir.  
Q Who do you live with down there? A My mother.  
Q Is she a Choctaw citizen? A No, sir, she's a citizen.  
Q Your father live down there? A No, sir, he lives here.  
Q What does your mother live in the Choctaw Nation for? A Her husband is a Choctaw.  
Q Is she married to a Choctaw? A Yes, sir.  
Q Were you ever enrolled upon the Choctaw rolls? A No, sir.  
Q Your mother married down there? A Yes, sir.  
Q What part of the Choctaw Nation? A I married at Alderson.  
Q Are you living at Alderson now? A No, sir.  
Q You have moved up to the Choctaw Nation? A Yes, sir, I have not a long time.  
Q Is your husband here now? A No, sir.  
Q Where do you live? A I am living with my father.  
Q Your husband is where? A He is living down in the Choctaw Nation.  
Q You are going to go back to your husband? A No, sir, he is going to come here.  
Q You are going to live here are you? A Yes, sir.  
Q Is your name on any of the rolls of the Choctaw Nation? A No, sir, of the Cherokee Nation? A Yes, sir.  
Q What rolls? A On the Wallace and Clifton roll.  
Q Your father's name is not on the 1880 roll? A No, sir, I don't know, sir, whether he is on the 1880 roll or not.

Laurel Snaden 2

Q. Have you ever seen a person named A. Just 2 months?

A. Sam-Clifton may recall citizens of the Cherokee Nation  
and a public official Snaden  
No. 22 3194 and La Heigs, 3 years old;

Q. Have you ever seen any other named Luella? A. No, sir.  
The name Luella was never applied to be enrolled as a cit-  
izen of the Cherokee Nation of A. Heigs, I am sure I don't.

Wallace roll of citizens of the Cherokee Nation examined and  
applicant not found;

1891 roll of citizens of the Cherokee Nation ex-  
amined and applicant not found;

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

Chief Hodges: Luella Snaden applies for the enroll-  
ment of herself; she avers that she is a child of George Heigs,  
who is listed for enrollment on D card 594; she avers that she  
is now married to one Alf Snaden, a non-citizen, and she mar-  
ried in the Choctaw Nation; from a child she has lived in the  
Choctaw Nation with her mother, until a month or two ago;  
the testimony taken in the application of George Heigs, for the  
enrollment of himself, will be made part of the record in the  
case at bar, and a copy thereof filed herewith; said Luella  
Snaden is identified on the Sam-Clifton roll as Luella Heigs;  
she cannot be identified upon any other rolls of the Cherokee  
Nation; she will not be listed for enrollment as a Cherokee  
freedman on a doubtful card; she will be notified by mail of the  
decision of the commission in her case.

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

*M. D. Green*

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



Commissioner.

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File with Cherokee Freedman D-897, Luella Snoden.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Wihita, I.T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al. for  
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;  
J. S. Lavenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that  
sometime next week the applicant intends to introduce as wit-  
nesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders,  
and Sam Webber, for the purpose of showing that all the appli-  
cants in this case returned to the Cherokee Nation during the  
time prescribed by the Ninth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous resi-  
dence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, tes-  
tified as follows:

Mr. Lavenport: What is your name? A Robert Meigs.

Q Where do you live? A I live five miles southwest of Tablequah.

Q What is your postoffice? A Park Hill is my postoffice.

Q How old are you? A I do 56 my next birthday.

Q How long have you lived in the Cherokee Nation? A I have lived  
here all my life except a little while time of the war, from '64 to  
'66.

Q Did your people own any slaves before the war? A Yes sir.

Q Do you know whether they owned a woman by the name of Elizabeth?

A No, sir.

Q Do you know whether or not they owned her mother, or anybody of  
the family? A Elizabeth, no, sir.

Q Well, did you know Peter Meigs? A Yes, sir.

Q Do you know what his wife's name was when the war broke out?

A Betsy they called her.

Q Well, was she living, Betsy, at the time the war broke out?

A Yes, sir.

Q Well, did you ever know her by any other name than Betsy?

A Bettie.

Q Where was Peter Meigs and his family at the breaking out of the  
war? A Well Peter was with us at home at the breaking out, but he  
and his wife was up there somewhere near the Dutch Hills on the  
Arkansas line.

Q Well I wish you would look at that woman there and see if she  
is the woman you knew as Betsy or Bettie or whatever you knew her by  
(indicating applicant) A Yes, I think that is the one, I have never  
seen her but once.

Q That is since the war? A I just saw her once in my life and  
that was time of the war, after the war.

Q Did you ever see Peter Meigs and his family after the war? A Yes,  
sir, she calls Peter.

Q What year was that? A Sometime after '71.

Q What were the circumstances as to your seeing him or meeting him?

Q My brother had some land to sell to me about fixing up his  
rights, and he came down to visit my brother John, we were right  
together, and I went up there to see him.

Q Did you have a conversation with him he did he have a conversa-  
tion with your brother John in your hearing were he and his wife  
were present he related to his rights to what he retained. A Yes.

Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late; is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

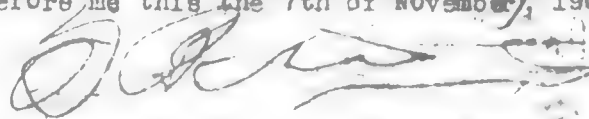
Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

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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 7th of November, 1901.



Commissioner.

File with Cherokee Freedman B-997, Luella Snoden.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for  
enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:

T. Brown, agent for applicants;

P. Fell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, test-  
ified as follows:

Q. T. Brown: State your name? A. Daniel Sanders.

Q. How old are you? A. About 59.

Q. What is your postoffice address? A. Centralia.

Q. Are you a recognized citizen of the Cherokee Nation? A. Yes, sir.

Q. Does your name appear upon the authenticated roll of 1868?

A. I think it does.

Q. You know Elizabeth Meigs and George Meigs? A. Yes, sir.

Q. What relation is George Meigs to Elizabeth Meigs? A. Her son.

Q. Did you know Peter Meigs during his life time? A. Yes, sir.

Q. Do you know whether Peter Meigs, Elizabeth Meigs, and George  
Meigs were out of the Cherokee Nation during the war? A. Yes, sir.

Q. When did they return to the Cherokee Nation? A. They came in '66.

Q. With whom did they return? A. They came with me and my father  
and the Fetters.

Q. Have they had a continuous residence in the Cherokee Nation ever  
since? A. Yes, sir.

Q. Mrs. Fell: When did you come to the Cherokee Nation yourself after  
the war? A. In '66.

Q. What time of the year? A. First of December.

Q. That was the first time? A. Yes, sir.

Q. Then did you make your second trip? A. Along in first part of  
January.

Q. That was January, 1867? A. Yes, sir..

Q. Now which one of these trips was it that Peter and his family  
came with you? A. They came both times.

Q. Came both times? A. Yes, sir, the old man came the first time  
and then the last time the family came.

Q. Peter came with you alone the first time? A. Yes, sir.

Q. Then the second time he brought his family? A. Yes, sir.

Q. What did his family consist of? A. Mary, George, Alice, Harry,  
Simon, and Perry.

Q. Then was his children? A. Then was his children.

Q. Well he had his wife Elizabeth with him, didn't he? A. Yes, sir.

Commissioner: This testimony will be filed and made part  
of the record in the case at bar and part of the record in  
B-394, B-396, B-398, B-401, B-402, B-404, B-407, L-775.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the  
Commission to the Five Civilized Tribes he correctly recorded the pro-  
ceedings 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 19th of October, 1901.

*Bruce C. Jones*  
Commissioner

Encl. Order, C.F., D-4997.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
WINTA, I.T., OCTOBER 19th, 1901.

SUPPLEMENTAL ORDER in the matter of the enrollment of Lucile  
Hadden, C.F., D-4997, as a Cherokee freedman, made by request of Mr.  
Dayspart, of Counsel for Cherokee Nation:

Com's Hadden: The testimony taken in D-364 will be made  
part of the record in D-4997.

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J. O. Ressen, being first duly sworn, states that as steno-  
grapher 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 October 25th, 1901.

*[Signature]*

Commissioner.

MR. HASTINGS: Was George Weiss married to her mother? A Yes sir.  
 Q Did they continue to live together, or did they separate?  
 A Separated.  
 Q Her mother went off down south, to the Choctaw or Choctaw Nation?  
 A Choctaw Nation.  
 Q Is that the way of it? A Well, she didn't go to the Choctaw  
 Nation when they first separated.  
 Q Is that the reason why this girl went down there, did she go with  
 her mother? A Yes sir, I believe her mother carried her down there.  
 Q About how long ago? A I just don't know how long.  
 Q Five or six or eight or ten years ago? A No, I haven't noticed  
 that it has been ten years ago.  
 Q What is your best judgment about it? A I guess it was about  
 Q She has lived there, up here and down there, all the time since  
 since she was born? A Yes sir, she has been coming from all over  
 half a mile of where I am living. She would come down, and go back  
 down to where she was living, where her mother was.  
 Q Were her parents living together when she was born? A Yes, they were.

ALFRED STADER, sworn first class, State of Mississippi, 1903  
 on behalf of Applicant's:

BY COMMISSION: What is your name?  
 Q How old are you? A I am 21 years old.  
 Q Are you the husband of Miss [redacted]?  
 Q Are you the father of Miss [redacted]?  
 Q When did you marry Miss [redacted]?  
 date. I have it here. (shows).  
 Q You can testify from that, can you not? A I am not a very good  
 scholar.

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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 LUELLE SNADEN, ET AL., as Cherokee Freedmen.

Appearances:

W. W. Hastings and L. B. Bell, Attorneys for Cherokee Nation.

REUBEN SANDERS, being first duly sworn, testified as follows on behalf of Applicants:

BY COMMISSION: State your name? A My name is Reuben Sanders.  
Q How old are you? A About fifty, I do n't know.  
Q You were born before the war, were you? A Yes sir.  
Q What is your post office? A Centralia.  
Q Do you know Luella Snaden? A Yes sir.  
Q Who is her father? A George Meigs.  
Q Her mother? A Lucinda.  
Q Did Lucinda's name use to be Lucinda McKinney? A I am not acquainted with her by that name.  
Q Where was Luella Snaden born? A On Big Creek.  
Q In what nation? A In the Cherokee Nation, in Coowescoowee District.  
Q How long has she lived there? A She has lived there, well just how many years I don't know as I know just exactly how many years. She has a place there, and she has lived some time down in the Chickasaw or Choctaw Nation, I suppose.  
Q Has she ever lived outside of Indian Territory? A Not to my knowledge.  
Q How long has she lived continuously in the Cherokee Nation?  
A She has lived the biggest part of her life in the Cherokee Nation.  
Q For about how many years has she lived continuously in the Cherokee Nation? A Just exactly how many years I just couldn't tell you how many years.  
Q Has she lived in the Cherokee Nation for the last ten years?  
A There is a part of the time she has been down about Krebs.  
Q When did she come back from there to live in the Cherokee Nation?  
A About two or three years ago, since she married. But she has been coming back and stopping with her father up here, and then she would go back. That is, before she was married.  
Q About when did she get married? A I just don't know exactly when, but to the best of my knowledge she has been married upwards of two years.  
Q Are you acquainted with her husband, Alf Snaden? A I have seen him, I don't have much acquaintance with him.  
Q Has he been living in the Cherokee Nation for some time?  
A I don't think he has. He has been living in the Cherokee Nation perhaps something over a year, perhaps not so long. I am not very much acquainted with the gentleman.  
Q Have they lived in the Indian Territory since they were married?  
A Yes sir, they have lived down in Alderson, I think Alderson is the post office.  
Q In what nation? A In the Choctaw Nation, I believe.  
Q Then you say Luella Snaden has lived in the Indian Territory all her life? A Yes sir, I have no knowledge of her going out or living anywhere any further, going any further than Alderson. That is the only place I have knowledge of her being, and up home.

MR. HASTINGS: Was George Meigs married to her mother? A Yes sir.  
Q Did they continue to live together, or did they separate?  
A Separated.  
Q Her mother went off down south to the Chickasaw or Choctaw Nation  
A Choctaw Nation.  
Q Is that the way of it? A Well, she didn't go to the Choctaw  
Nation when they first separated.  
Q Is that the reason why this girl went down there, did she go with  
her mother? A Yes sir, I believe her mother carried her down there.  
Q About how long ago? A I just don't know how long.  
Q Five or six or eight or ten years ago? A No, I haven't no idea  
that it has been ten years ago.  
Q What is your best judgment about it? A I just don't know.  
Q She has lived there, up here and down there, all the time ever  
since she was born? A Yes sir, she has been on Big Creek, about  
half a mile of where I am living. She would come there, and go back  
down to where she was living, where her mother was.  
Q Were her parents living together when she was born? A They were.

ALFRED SNADEN, being first duly sworn, testified as follows  
on behalf of Applicant:

BY COMMISSION: What is your name? A Alfred Snaden.  
Q How old are you? A I am about thirty now, I suppose.  
Q Are you the husband of Luella Snaden? A Yes sir.  
Q Are you the father of Kitt Snaden? A Yes sir.  
Q When did you marry Luella Snaden? A I can't think of the exact  
date. I have it here. (Shows paper).  
Q You can testify from that, when was it? A I am not a very good  
scholar.  
Q What year was it? A In '91 I believe.

MR. HASTINGS: You mean 1901? A Yes sir.

BY COMMISSION: That is two years ago? A Yes sir.

MR. HASTINGS: This shows the 26th day of April, 1901.

BY COMMISSION: Where have you and your wife been living since you  
were married? A In the Choctaw Nation the biggest portion of the  
time, until the 4th of last April we moved up here.  
Q How long had you known your wife before you married her?  
A About two years.  
Q You and your wife have never lived outside of Indian Territory  
since you were married? A No sir, never been outside of Indian  
Territory.

-----

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

*Wm. Hutchinson*

Subscribed and sworn to before me this 26th day of October, 1903.

*Charles S. Sawyer*  
Notary Public.

Cherokee Freedmen  
D-997.

Muskogee, Indian Territory, September 11, 1903.

Luella Snaden,  
Wimer, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee Freedman, you are hereby advised that further testimony is required as to your residence in the Cherokee Nation.

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.

COPY.

Cherokee Freedmen  
D-997

Muskogee, Indian Territory, November 5, 1904.

Luella Snaden,

Wimer, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your minor child, Kitt Snaden, as Cherokee Freedmen, together with a copy of the Commission's decision dated November 5, 1904, 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,

SIGNED, *James Bixby*  
Chairman,

Encl. 2-4.  
Register,

COPY.

Cherokee Freedmen

D-997.

Muskogee, Indian Territory, November 5, 1904.

Bell, Hastings & 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 November 5, 1904, rejecting the application for the enrollment of Luella Snaden and her minor child, Kitt Snaden, 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 same.

Respectfully,

(SIGNED).

*Tams Bixby.*  
Chairman.

Encl. 3-5.

COPY.

Cherokee Freedmen  
D-997.

Muskogee, Indian Territory, November 5, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Luella Snaden for the enrollment of herself and her minor child, Kitt Snaden, as Cherokee Freedmen, including the Commission's decision dated November 5, 1904, rejecting said application.

Respectfully,

(SIGNED) *Tams Bixby.*  
Chairman.

Encl. B-6.

Through the  
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

Land  
78903-1904.

WASHINGTON, June 22, 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 November 5, 1904, transmitting the record of the application for enrollment as Cherokee Freedmen by Luella Snaden for herself and her minor child, Kitt Snaden.

November 5, 1904, the Commission decided adversely to the applicants.

The record shows that Luella Snaden was born since 1866 and is the daughter of, and claims right to enrollment through George Meigs Sr.; that George Meigs Sr., 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. Lucinda Meigs, the mother of the principal applicant, is not shown to possess any rights as a Cherokee Freedman. The applicant Kitt Snaden is the minor son of Luella Snaden and possessed no rights to enrollment except through his mother. Neither of the applicants nor George Meigs Sr. is identified on the 1869 authenticated Cherokee roll.

-2-

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

Very respectfully,

C.F.Larrabee  
Acting Commissioner.

M.M.M.  
W.



J&Jr.

DEPARTMENT OF THE INTERIOR LLB  
WASHINGTON.

D.C. 26613

I.T.D. 7698-1905.

June 23, 1906.

L.R.S.

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

Sir:

November 5, 1904, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Luella Snaden and her minor child, Kitt Snaden, as Cherokee freedmen.

Reporting June 22, 1905, the Indian Office recommended that the decision of the Commission, adverse to the application, be approved. A copy of its letter is inclosed.

September 7, 1905, there was filed with the Department a motion for review of said decision.

There appears to be no proper reason for the granting of said motion, and it is hereby denied.

The Department concurs in the recommendation made, and the decision of the Commission dated November 5, 1904, is hereby affirmed.

Respectfully,

Jesse B. Wilson  
Assistant Secretary

1 inclosure.

Cherokee Freedmen  
D 997

COPY.

Muskogee, Indian Territory, July 3, 1906

Blue & Bulger,

Attorneys for Luella Snaden et al.

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated November 5, 1904, rejecting the application for the enrollment as Cherokee freedmen, of Luella Snaden and her child, Kitt Snaden, was affirmed by the Secretary of the Interior on June 23, 1906.

A motion filed by you on September 7, 1905, for a review of said decision was also denied by the Department on the same date.

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

Respectfully,  
signed

*Tame Dixby.*

Commissioner

L N B

Encl. 1-98

COPY.

Muskogee, Indian Territory, July 3, 1906

Luella Snaden,

Wimer, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated November 8, 1904, rejecting the application for the enrollment as Cherokee freedmen of yourself and your child, Kitt Snaden, was affirmed by the Secretary of the Interior on June 23, 1906.

A motion filed by your attorneys on September 7, 1905, for a review of said decision was also denied by the Department on the same date.

Respectfully,

RECEIVED.

*Tame Dixby*  
Commissioner

L M B

Cherokee Freedmen  
D 997

COPY.

Muskogee, Indian Territory, July 3, 1906

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

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated November 5, 1904, rejecting the application for enrollment as Cherokee freedmen of Luella Snaden and her child, Kitt Snaden, was affirmed by the Secretary of the Interior on June 23, 1906.

A motion for review of said decision, filed by the attorneys for the applicants on September 7, 1905, was also denied by the Department on the same date.

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

Respectfully,

SIGNED).

*James Bixby.*  
Commissioner

L M B

Encl. B-97

Muskogee, Indian Territory, December 27, 1906

The Honorable,

The secretary of the Interior.

Sir:

There is transmitted herewith a motion for a rehearing of the Cherokee freedman case of Luella Snaden et al. This motion was filed August 20, 1906, by Starr & Patten, attorneys for applicants, Vinita, Indian Territory.

The decision of the Commission to the Five Civilized Tribes, dated November 5, 1904, rejecting the application of Luella Snaden for the enrollment of herself and minor child, Kitt Snaden, was affirmed by the Department June 23, 1906 (I.T.D. 7698-1906).

This motion is based upon the showing made in a motion filed by said attorneys for a rehearing of the Cherokee freedman case of Chlora Grayson et al., in which the Department on June 23, 1906 (I.T.D. 7538-8884-8900-1906), rendered a decision adverse to the applicants. The

secretary-8

motion in said case has this day been forwarded to the Department with the recommendation that the same be denied.

It is also recommended that the motion herewith enclosed be denied.

Respectfully,

Encl. B-12

Commissioner

( C O P Y )

Land  
110-1907  
2937-1907

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

January 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of the Commissioner to the Five Civilized Tribes, dated December 27, 1906, transmitting a motion for rehearing in the Cherokee Freedman case of Luella Snaden, et al., which was filed with the Commissioner on August 20, 1906, by Starr and Patten, attorneys for the applicants.

The decision of the Commission to the Five Civilized Tribes, dated November 5, 1904, rejecting the application of Luella Snaden, for the enrollment of herself and minor child, Kitt Snaden, was affirmed by the Department June 23, 1906 (I.T.D. 7698-1906).

There is also forwarded herewith the Commissioner's report, dated January 7, 1906, with which is enclosed a letter from Starr and Patten, attorneys for the applicants, dated December 22, 1906, in which they say that they have repeatedly called the attention of the applicants to the necessity of filing further affidavits in support of the motion for rehearing, but that they have failed to give the matter further attention.

This motion is based on the showing made in a motion filed by Starr and Patten for the rehearing of the Cherokee

Freedman case of Chlera Grayson, et al., which was forwarded to the Department without affidavits in support thereof and, apparently, not presenting any question of law or fact not heretofore fully considered. It is recommended that the motion for rehearing be denied.

The record in the case is enclosed herewith.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJV-D



D.C. 6296-1907.

( C O P Y )

J.F.Jr.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

LLB

I.T.D. 1352-1907.

January 29, 1907.

L.R.S.

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

Sir:

On January 18, 1907 (Land 110), the Indian Office transmitted your report dated December 27, 1906, in regard to a motion for rehearing filed in the matter of the application of Luella Snaden et al. for enrollment as Cherokee freedmen.

You recommend that said motion be denied.

The Indian Office concurs in your recommendation. A copy of its letter is enclosed.

On January 7, 1907, you also transmitted a report with reference to this motion, submitting a copy of a communication from the attorneys for these applicants, in which they state that they have repeatedly reminded these applicants that they ought to file all of the affidavits they can secure in support of their motion for rehearing, and as they have given the matter no further attention the case might as well be forwarded for departmental action.

The Department has considered said motion, together with the affidavits filed in support of the motion in the Cherokee freedman case of Chlera Grayson et al., to which reference is

made. No proper reason is shown for a further consideration of this case, the the motion is hereby denied.

The motion for review filed in the case of Lula Sanders, and returned in the papers with this case, will be the subject of a separate letter.

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 ins. and 7 to Ind. Of.

Cherokee  
W.D. 997.

Muskogee, Indian Territory, February 16, 1907.

Luella Snaden,

Wimer, Indian Territory.

Dear Madam:

You are hereby advised that the motion for a rehearing in your Cherokee freedmen enrollment case, filed by your attorneys, Starr & Patten, Vinita, Indian Territory, was denied by the Secretary of the Interior, January 29, 1907.

Respectfully,

HJV

Commissioner.

Cherokee  
F.D. 997.

Muskogee, Indian Territory, February 16, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing in the Cherokee freedmen enrollment case of Luella Snaden et al, filed by their attorneys, Starr & Patten, Vinita, Indian Territory, was denied by the Secretary of the Interior, January 29, 1907.

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

Respectfully,

Encl. HJ-65.  
HJC

Commissioner.

Cherokee  
T D. 897.

Muskogee, Indian Territory, February 16, 1907.

Starr & Patten,

Attorneys for Luella Snaden, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion for a rehearing in the Cherokee freedmen enrollment case of Luella Snaden, et al., filed by you, was denied by the Secretary of the Interior January 29, 1907.

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

Respectfully,

Encl. HJ-66.  
HJC

Commissioner.

2

11907

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE MORE CIVILIZED TRIBES

FIELD

11 1 1901

*[Faint handwritten signature]*

## CHEROKEE FREEDMEN.

Date *July 4, 1961*  
 Post Office *J. Kainer St.*  
 District *Los*

1. Name ..... Age .....  
 Owner's name ..... Citizenship .....  
 Year ..... Page ..... No. .... District .....
- Parents:  
 Father ..... Citizenship .....  
 Mother ..... Citizenship .....
17. Name of wife *Luella Snaden* Age *17*  
 Owner's name ..... Citizenship .....  
 Year *1860* Page *128* No. *3194* District *Los*
- Parents:  
 Father *Geo. Meigs - living* Citizenship *Cher. Freed.*  
 Mother *Luouida Powers - living* Citizenship .....
- Names of Children:
3. .... Year ..... Page ..... No. .... Dist. ....  
 4. .... Year ..... Page ..... No. .... Dist. ....  
 5. .... Year ..... Page ..... No. .... Dist. ....  
 6. .... Year ..... Page ..... No. .... Dist. ....  
 7. .... Year ..... Page ..... No. .... Dist. ....  
 8. .... Year ..... Page ..... No. .... Dist. ....  
 9. .... Year ..... Page ..... No. .... Dist. ....  
 10. .... Year ..... Page ..... No. .... Dist. ....  
 11. .... Year ..... Page ..... No. .... Dist. ....  
 12. .... Year ..... Page ..... No. .... Dist. ....

Application made by

*No. 1*  
*Luella Meigs*  
~~*Luella Meigs*~~  
 Stenographer *M. D. Green*

*Ref. 15,394*

MAR 21 1917

*Wm. H. ...*



# **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.

Wm. B. ...  
Muskogee, I. T.

...

...

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

**Commissioners.**

Cher. Fr. R. 1050

Trans. from C. Fr. D. 895

Cher. Fr. R. 1050

1878

FILED  
JUL 17 1891

RECEIVED  
JUL 17 1891  
U.S. DEPT. OF JUSTICE  
WASHINGTON, D.C.



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

In the matter of the application of Luvinia Foster for the enrollment of herself as a Cherokee Freedman by intermarriage and for the enrollment of one child as a Cherokee Freedman.

Luvinia Foster, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A My name is Luvinia Foster.  
Q How old are you? A I don't know, I have no idea.  
Q Are you 200? A No, sir.  
Q Then you have some idea? A I don't know, I am not 100.  
Q About 50? A I may be older than that.  
Q Are you 60? A I may be, I can't tell you.  
Q Think you are 70? A No, sir, I don't think I am that old.  
Q What is your postoffice? A Lenapah.  
Q What district do you live in? A Cooweescoowee.  
Q You apply to be enrolled as a Cherokee Freedman? A Adopted.  
Q You are not a Cherokee Freedman yourself? A No, sir.  
Q You apply to be enrolled as a Freedman by intermarriage? A Yes  
sir.  
Q You want to enroll anybody but yourself? A One child.  
Q What is your child's name? A George Foster.  
Q How old is George? A He is 16.  
Q Are you married? A No, sir, not since my husband died.  
Q You were married before he died? A Yes, sir.  
Q What is your husband's name? A Randall Foster.  
Q He a citizen? A Yes, sir.  
Q Is his name on the roll of 1880? A Yes, sir.  
Q Randall Is Randall Foster dead? A Yes, sir.  
Q You married since he died? A No, sir.  
Q Were you ever married before you married him? A Yes, sir.  
Q What was your first husband's name? A John Stidman.  
Q Did you get a divorce from John Stidman or did he die? A I  
did when he died.  
Q Did he die before you married Randall Foster? A Yes, sir.  
Q You were a widow at that time? A Yes, sir.  
Q Was Randall ever married before he married you? A Yes, sir.  
Q Was his wife dead when he married you? A I don't know, he  
didn't know whether his wife was dead.  
Q He didn't know when he married you whether his first wife was  
dead or alive? A Yes, sir.  
Q Is George Foster Randall Foster's son? A Yes, sir.  
The 1880 authenticated roll of Cherokee Freedman examined  
and the name of Randall Foster found thereon, page 108, No. 1098,  
Cooweescoowee district.  
Q How long has Randall been dead? A 6 years.  
Q How long have you lived in the Cherokee Nation? A Been here  
ever since time of the war, never been out.  
Q Where were you and Randall married? A Fort Gibson.  
Q You were known as a state woman, were you? A No, sir, a Creek.  
Q Did you ever apply to be enrolled as a Creek? A Yes, sir.  
Q You were listed for enrollment as a Creek? A I went down  
and they told me if I was listed with my husband here I had no right  
coming back there.  
Q Was your mother a Creek? A Yes, sir.  
Q A Creek slave? A Yes, sir.  
Q Was her name on the Mann roll? A I suppose it was.  
Q Where was George born? A Right where I am living now on Cedar  
Creek.  
Q Did you ever have George enrolled there in the Creek Nation?

Luvinia Foster - 2.

A No, sir, I had none of my children enrolled down there.

The 1896 census roll of Cherokee Freedmen examined and the applicant, George Foster, identified thereon, page 405, No. 209, Goo-wee-scoo-wee district.

Q Now give me the names of all your children that you have ever had? A It will take me quite a while.

A Well, we would like to have them. A Tom.

Q Is he living? A Yes, sir.

Q Tom Foster? A Yes, sir.

Q How old is he? A 34.

Q Is his name on the rolls of the Cherokee Nation? A I guess so, he was down here and enrolled.

Q Well, the next child? A Susan.

Q How old is Susan? A 30.

Q Is she enrolled? A Not here.

Q Where? A I guess she enrolled in the Creek Nation.

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

Q How old is Martha? A 27.

Q The name of the next one? A Sarah.

Q How old is Sarah? A 24.

Q Is Martha enrolled in the Cherokee Nation or Creek Nation?

A I can't tell you whether she is enrolled or not.

Q How about Sarah? A She is enrolled here.

Q The next one? A Phyllis.

Q How old is Phyllis? A 21.

Q Well, the next one? A I said there was only six that I have living.

Q George makes the sixth? A Yes, sir.

Mr. W.W. Hastings, Cherokee attorney: You had one named Malinda, younger than Martha? A Yes, sir.

Q She isn't enrolled here yet? A No, sir.

Q She is here and enrolled? A No, sir.

Q You know whether she applied in the Creek Nation? A I can't tell you.

Q Where does she live? A Lives with me when she is at home.

Q Where is she now? A She was at Muskogee when I last heard from her.

Q Are these all your children? A Yes, sir.

Q Was Randall Foster the father of all of them? A Yes, sir, father of all of them.

Q These children are all living? A The six that I called are all living.

Q What was your mother's name? A Ager Kernel.

Q Is she living? A No, sir.

Q Was she a Creek? A Yes, sir.

Q What was your father's name? A My own father, his name was Prince.

Q Prince Kernel? A No, sir, that is all I know.

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

Q How long did you live in the Creek Nation? A Gracious, I can't tell you, but I know I was brought out of there in time of the war.

Q Where were you taken to? A I followed the command until they got around Gibson.

Q When you got to Gibson did you marry Randall Foster? A Yes, sir.

Q You ever apply to be enrolled in the Creek Nation? A No, sir, I never have.

Q Did you ever draw any Creek money? A No, sir, I never drew any.

Q Any of your children? A Well they said they did.

Q Did you ever try to draw any down there? A No, sir, never did try.

Q Your children always drew Cherokee money did they? A Yes, sir.

Luvinia Foster - 3.

Q And so did Randall? A Yes, sir.

Q Did you ever ~~may~~ draw any for yourself? A Yes, sir.

Q Cherokee money? A Yes, sir.

Q When did you draw? A Well he drew for me in his life time, and I guess I drew the strip.

Q Were you ever called Mary? A I never was called Mary, but that is the way it is on the roll.

The 1880 authenticated roll of Cherokee-Freedmen examined and the applicant Luvinia Foster identified thereon, page 103, No. 1099, Cooweescoowee district, as Mary Foster.

A I am not on the 1896 roll.

Commissioner: Randall is dead, is he? A Yes, sir.

The Kern-Clifton roll examined and the applicant Luvinia Foster identified thereon, page 7, No. 158, Cooweescoowee district, as Lavinia Foster.

Q Were these children all born in the Cherokee Nation? A Yes, sir, all I had by Randall Foster is born in the Cherokee Nation.

Q You say your mother's name was Hager Kernel? A Yes, sir.

Q Do you know whether Hager was on what is known as the Dunn roll? A They say she is on the Dunn roll.

Q But she is not living? A No, sir.

Q How long has Hager been dead? A Been dead seven years.

Mr. W. V. Hastings: You say you applied over in the Creek Nation for enrollment? A No, sir, I was told I had no right.

Q I asked you if you applied for enrollment? A I went over there when I was told I couldn't enroll here.

Q And applied? A Yes, sir, I am telling just how I did, I was down there last August, and they told me the Cherokees had the right to enroll the citizens and if my husband enrolled me I had no right coming back there, and I couldn't do any other way but own to the truth that he enrolled me here.

Commissioner: What made you go and apply to the Creek Nation if you knew you were on the 1880 roll? A Because my folks kept sending for me, that I couldn't enroll here.

Q You knew they got 160 acres down there? A Yes, sir; I had a home that I had already made when I was able to work.

Commissioner: Luvinia Foster applies for the enrollment of herself as an intermarried citizen. She avers that she is the wife of Randall Foster. She is fully identified upon the authenticated roll of 1880 and the Kern-Clifton roll, and her son George Foster is identified on the census roll of 1896. She is not identified upon the census roll of 1896. Her husband Randall Foster, now deceased, is identified upon the authenticated roll of 1880. She avers that she is the mother of six living children, to-wit, Tom Foster, 24 years of age, Susan Foster, 30 years of age, Martha Foster, 28 years of age, Sarah Foster, 24 years of age, and Phyllis Foster, 21 years of age.

Q Is Susan married? A Yes, sir.

Q Who to? A Ford; he is a state raised man.

She avers that her child Susan is married to one Ford, a non citizen.

Q Is Martha married? A Yes, sir.

Q Is Sarah married? A No, sir.

Q Is Phyllis married? A No, sir.

She avers that she was born in the Creek Nation, and that her mother was one Hager Kernel. She is of the opinion that

Luvinia Foster - 4.

her mother's name appears upon the Dunn roll. She makes satisfactory proof as to her residence in the Cherokee Nation. She and her son George will now be listed for enrollment as Cherokee Freedmen on a doubtful card by reason of the facts set forth in the testimony. Four copies of the testimony now being taken will be transmitted to the General Office of this Commission at Muskogee for their investigation as to the matter of Creek citizenship. She will be notified by mail of the decision of the Commission in the premises.

\*\*\*\*\*

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the 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 July, 1901.

*[Handwritten Signature]*

Commissioner.

( COPY )

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T., Sept. 30, 1905.

In the matter of the application for the enrollment of  
Louvinia Fester as a Creek Freedman.

APPEARANCES: A.P. Murphy, attorney for Creek Nation.

Louvinia Fester being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Louvinia Fester.  
Q What is your age? A I can't tell you; I never did know it.  
Q Was you born before the war? A Yes, sir.  
Q What is your postoffice address? A Dodson, Indian Territory.  
Q Do you make a plication to be enrolled as a Creek Freedman?  
A Yes sir. If I am all owed to.  
Q What was the name of your father? A Prince was his name.  
Q Did he have any other name? A Not as I know of.  
Q Is he living or dead? A Dead.  
Q How long has he been dead? A A long time ago; when I was a  
little girl.  
Q What is your mother's name? A Margaret Kernel.  
Q Is she living or dead? A She's dead.  
Q How long has she been dead? A If I am not mistaken I think  
about 9 years now.  
Q Where do you live now? A In the Cherokee nation.  
Q How long have you lived there? A Ever since I have been married  
to my husband; I left home in time of the war and I never have  
been home here to stay.  
Q Did you ever live in the Creek nation? A Before the War.  
Q You have never lived in the Creek Nation since that? Not since.  
Q Did you ever hear of the Drum Roll? A I heard of it since I  
came over to enroll.  
Q Do you know whether your name is on it? A Yes sir.  
Q Did you have a step-father? A Yes, sir.  
Q What was his name? A John Kernel.  
Q Is he living? A He's dead.  
Q How long has he been dead? A I can't tell.  
Q Did he die before your mother? A He died afterwards but I don't  
know whether it was six years or five years.  
Q Did you have any brothers or sisters? A Yes sir.  
Q Give us the names of those living and dead? A Jim to my brother  
Martha, Jane, Sallie, Mary and Judy.

The roll of Creek Freedmen prepared by J. W. Sims prior to  
March 14, 1905, contained the following names of persons:  
John Fester at No. 107, Jim Fester at No. 108, Mary Fester at  
No. 109, Sallie Fester at No. 110, Mary Fester at No. 111,  
Sally Kernel at No. 112, Jane Kernel at No. 113.



- Q Did you have a brother named Samuel? A Yes, sir.  
Q Is he dead? A Yes, sir.  
Q How long has he been dead? A I can't tell you.  
Q Did he die before your mother? A Yes, sir.  
Q Is Mary dead? A Yes, sir.  
Q Did she die before your mother? A After.  
Q How long after? A To tell you the truth I can't think just  
how many years she's been dead; I think she died after her  
father died but I can't say how many years.  
Q Did you ever draw any money from the Creek Nation? A Yes, sir.  
Q Did you draw for some children at the same time? A I can't  
tell, I wasn't here; I received what was sent me.  
Q How much was sent you? A About \$60 I think I got.  
Q Did you have a son named Tom? A Yes, sir.  
Q Did you have a daughter named Susan? A Yes, sir.  
Q Did you have a son named George? A Yes, sir.  
Q Did you have a child named Francis? A Yes, sir.  
Q Is that child living or dead? A Dead.  
Q How long has she been dead? A 10 or 11 years now.  
Q Did you have one named Louisa? A Yes. She's dead.  
Q How long has she been dead? A About--  
Q Did she die before your mother died or after? A Before.  
Q Did you have a child named Robert? A Yes, sir; he's dead; he  
has been dead about eight years this last July.  
Q Did you have one named Delilah? A No answer.  
Q Have you got another child that's dead? A Yes, sir.  
Q What was his name? A Willie.  
Q Got any others? A No, sir.  
Q How long has that child been dead, Willie? A Its hard for me  
to tell.  
Q Died before your mother or after? A Long time before my  
mother died.

The 1890 Authenticated Creek tribal rolls examined and  
the applicant identified thereon at page 69, Canadian Town, as  
Vina Forster with a notation showing that she has been listed  
for enrollment on Cherokee Freedman Card D.686

- Q Do you know what town is the Creek Nation you belong to? A No, sir.  
Q Have you any children under 21? A No, sir, George is the youngest  
I have got.  
Q How old is George? A He is eighteen.

The 1890 Authenticated tribal rolls of the Creek  
Nation examined and George Forster identified thereon, page 69,  
Canadian Town.

The 1895 pay roll of the Creek Nation examined and the  
applicant is identified thereon at No. 1036, Canadian Town, as  
Lavinia Forster; her son, George is identified thereon at No. 1030,  
Canadian Town, as George Forster.

- Q If it should be found that you are entitled to enrollment in either the Creek Nation or the Cherokee Nation, in which Nation do you elect to enroll? A I would rather come back here and be enrolled over here.
- Q In which Nation would you rather have your son, George? A I want him to be enrolled where he would rather be.
- Q Where is that? A At home in the Cherokee Nation.
- Q You want George enrolled as a citizen of the Cherokee Nation?
- A Yes sir.
- Q You want to enroll yourself in the Creek Nation? A Yes sir.

Examination by Mr. Murphy:

- Q When did you leave the Creek Nation? A In the time of the war.
- Q Where did you go to? A I followed the army around and wherever they stopped and they come back to Gibson Station.
- Q Have you ever been living in the Creek Nation since the War?
- A No sir.
- Q Never have? A Not at all.
- Q And don't live there now? A No.
- Q You have drawn money in the Cherokee Nation? A Yes sir.
- Q You are on the Cherokee rolls? A Yes sir.
- Q You are on the 1860 Cherokee rolls? A Yes, sir.
- Q You have exercised all the rights of a Cherokee and been claiming to be a Cherokee haven't you? A Yes sir.
- Q Never have been claiming that you were a Creek? A No sir.
- Q You have always claimed since the war that you was a Cherokee? A Yes, with my husband.
- Q Your husband was Cherokee? A Yes sir.
- Q You don't intend to move into the Creek Nation, do you? A I don't know what I will do.
- Q You say things have changed; you have concluded to come over here; what do you mean by that? A My health isn't good and I have come over here to be close to my folks.
- Q What folks? A My sister.
- Q Are they here now in the Creek Nation? A Yes, sir.

By the Commission:

It appears that the applicant appeared before the Commission at Nowata Indian Territory June 27, 1901, and made application for enrollment as a Cherokee Freedman; the proceedings had at that time is made a part of the record herein.

Henry C. Hains being sworn on his oath states that as stenographer

to the Commission to the Five Civilized Tribes he reported the above case September 30, 1903, and that the above and foregoing is a full true and correct transcript of his stenographic notes in same.

(Signed) Henry G. Hains.

Subscribed and sworn to before me this 28<sup>th</sup> of October, 1903.

(SEAL)

(Signed) Charles H. Sawyer  
Notary Public

Lucy W. Rowman on oath 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 full true and correct copy of the original transcript.

*Lucy W. Rowman*

Subscribed and sworn to before me this 26th day of August, 1904.

*H. J. Mathis*  
Notary Public

Cherokee Freedman D-375.

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

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

DECISION.

The record in this case shows that on June 27, 1901, Louvina Foster appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself, among others, as a Cherokee Freedman; the other parties to this application, being differently classified, are not embraced in this decision.

From the records of this Commission it appears that the said Louvina Foster is included in the partial roll of Creek Freedmen approved by the Secretary of the Interior, May 21, 1904, No. 5434.

Section twenty-eight of the act of Congress approved July 1, 1902, (32 Stats., 716), provides as follows:

"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of Louvina Foster as a Cherokee Freedman, should be denied, under the provisions of the law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
-----  
CHAIRMAN

  
-----  
COMMISSIONER.

  
-----  
L. R. Bush

Nowata, Indian Territory,

this \_\_\_\_\_

A. F. C.  
D. C. L.

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

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

Lavinia Foster, et al.,	Cherokee Freedmen D 695
Phillis Foster,	Cherokee Freedmen 1678,
Susie Foster,	Cherokee Freedmen D 1156,
Malinda (Martha) Foster,	Cherokee Freedmen D 1157.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Lavinia Foster for herself and minor son, George Foster; and by Phillis Foster for herself; and for enrollment as Cherokee citizens by Emmet Starr for Susie and Malinda (Martha) Foster.

The evidence in this case shows that one Randall Foster, deceased, who was a Cherokee by blood, and the said Lavinia Foster, both of whom are duly identified on the Cherokee authenticated tribal roll of 1860, are the parents of the applicants, George, Phillis, Susie and Malinda (Martha) Foster; and that the said George Foster was born since 1860, has continuously lived in the Cherokee Nation since birth, and is duly identified on the Cherokee census roll of 1896.

The evidence further shows that all the applicants herein possess rights to enrollment as Creek Freedmen; that on September 20, 1903, said Lavinia Foster appeared before the Commission at Muskogee, Indian Territory, and on behalf of her minor son, the said George Foster, elected that he be enrolled and receive his allotment of lands and distribution of moneys in the Cherokee Nation; and that on November 21, 1904, the said Phillis Foster appeared before the Commission at Muskogee, Indian Territory, and

elected to be enrolled and receive her allotment of lands and distribution of moneys in the Creek Nation.

The evidence further shows that the applicants, Luvinia Foster, Susie Foster and Malinda (Martha) Foster, are included in a partial roll of Creek Freedmen approved by the secretary of the Interior, March 28, 1902, and May 21, 1904, at Numbers 5434, 3423 and 4726, respectively, and that allotment of lands in said Nation have been made to, and accepted by, them.

It is, therefore, the opinion of this Commission that George Foster should be enrolled as a Cherokee Freedman in accordance with the provisions of section twenty-one of the Act of Congress approved June 25, 1898 (30 Stat., 495); and that the applicants for the enrollment of Luvinia Foster, Phillis Foster, Susie Foster and Malinda (Martha) Foster, should be denied, under the provisions of said section twenty-one of the Act above noted, and it is so ordered.

COMMISSIONERS OF THE FIVE CIVILIZED TRIBES.

(Signed) TAMS BILBY  
Chairman

(Signed) T. D. NEEDLES  
Commissioner

(Signed) G. A. BRUCKENRIDGE  
Commissioner

Dated at Muskogee, Indian Territory,  
this MAY 13, 1905.

DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D. C.

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

GEORGE L. SHREVE,  
COMMISSIONER.

ADDRESS ONLY IN  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Mustagee, Indian Territory, July 26, 1901.

Cherokee Enrollment Division,  
Commission to the Five Civilized Tribes,  
Gentlemen:-

Receipt is hereby acknowledged of the testimony taken in  
re application of Louvinia Foster for the enrollment of herself  
and son, George Foster, as citizens of the Cherokee Nation.

Neither of said parties have been listed for enrollment  
as citizens of the Creek Nation.

Yours truly,



Commissioner in Charge.

COMMISSIONERS  
HENRY L. DAWES  
TAMM SIXBY  
THOMAS B. NEEDLES  
C. B. BRECKINRIDGE

ALLISON L. AYERBORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

W. J. A.

WIPSA IN REPLY TO THE FOLLOWING.

Creek Enrollment

Muskogee, Indian Territory, November 26, 1902.

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

The Creek Enrollment Division is in receipt of your letter of November 21, 1902, relating to Cherokee F. D-898 and asking to be advised as to the status, if any, of the enrollment of Lurina and George Foster, as Creek freedmen.

Replying thereto, you are advised that Lurina and George Foster have not been listed for enrollment as citizens of the Creek Nation, nor has any application ever been made to this division for their enrollment.

You are further advised that Lurina Foster is found and identified on the roll of Creek freedmen made by Major J. W. Dunn prior to March 14, 1867, as "Vina Kernell", and that her name and the name of George Foster are found and identified on the 1890 and 1898 Creek tribal rolls.

Respectfully,



Irving Chairman.



Cherokee F.D-895

Muskogee, Indian Territory, November 21, 1902.

Creek Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:-

On June 27, 1901, one Luvina Foster applied to this Commission for the enrollment of herself and her son, George Foster, as Cherokee Freedmen. The ages of these applicants were given as 50 and 16 respectively and their postoffice as Lenapah.

The said Luvina Foster is identified upon the 1880 authenticated roll of citizens of the Cherokee Nation, and she and her son, George Foster, are also identified upon the 1896 census roll of said Nation. These applicants are listed upon Cherokee Freedman card, D-895 and no decision has yet been rendered as to their rights to enrollment.

It appears that the name of said Luvina Foster is found upon some of the Creek tribal rolls, and you are requested to advise the Cherokee Enrollment Division of this Commission as to the status, if any, as Creek Freedmen of said Luvina and George Foster.

Respectfully,

Acting Chairman.

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

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen  
D 895

Muskogee, Indian Territory, August 28, 1903.

Luvina Foster,

Lenapah, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and son, George Foster, as Cherokee Freedmen, you are advised that you may have rights as Creek Freedmen and, in order that the same may be determined, it will be necessary for you to appear before the Commission at its offices in Muskogee, Indian Territory, to give further testimony.

If, upon such hearing, it develops that you have rights in both the Creek and Cherokee Nations, you will be required to make an election as to the nation in which you desire to take your allotment.

You will be given until September 30, 1903, to appear and give testimony, as above requested.

Respectfully,

  
Chairman.

Register

9913

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

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

REFER IN REPLY TO THE FOLLOWING

Creek En. 378.

ALLISON L. AVLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 26, 1903.

Commission to the Five Civilized Tribes,  
Cherokee Enrollment Division,  
General Office.

Gentlemen:

September 30, 1903, Louvina Foster appeared before the Commission and made application for enrollment as a Creek Freedman. A copy of the testimony is herewith enclosed.

It appears that the applicant has heretofore made application for enrollment as a Cherokee Freedman. Reference is made to Cherokee Freedman, D. 895.

You are requested to advise the Creek Enrollment Division as to the status of the application of said Louvina Foster as a Cherokee Freedman.

Respectfully,



Commissioner in charge.

Enc. R.R.C. #1.

Cherokee F.D. 895  
Creek En. 378.

Muskogee, Indian Territory, October 28, 1903.

Commission to the Five Civilized Tribes,  
Creek Enrollment Division,  
General Office.

Gentlemen:

Receipt is hereby acknowledged of letter of October 26, enclosing copy of the testimony in the application of Louvina Foster for enrollment as a Creek freedman and asking that your Division be advised as to the status of this person's application as a Cherokee freedman.

In reply you are advised that Luvina Foster and her minor child, George Foster, were listed for enrollment on Cherokee Freedmen Card D 895, on June 27, 1901. The Commission has not yet rendered a decision in this case. When a decision has been prepared a copy will be furnished the Creek Enrollment Division.

Respectfully,

*W. M. ...*

Commissioner in Charge.

Cherokee Freedmen  
#1078, 1079, 1082,  
& D-898.

Muskogee, Indian Territory, November 7, 1903.

Commission to the Five Civilized Tribes,  
Creek Enrollment Division,  
General Office.

Gentlemen:

In reply to your verbal inquiry as to the status of Phillis,  
Sarah, Thomas, Luvina and George Foster as Cherokee freedmen, you  
are advised that these applicants have been listed for enrollment  
as follows:

Phillis Foster, Cherokee freedmen card No. 1078,				
Sarah Foster,	"	"	"	1079,
Thomas Foster,	"	"	"	1082,
Luvina and George Foster,	"	"	"	D-898.

You are further advised that all of the applicants, with the  
exception of George Foster, are admitted upon the 1868 authenti-  
cated Cherokee roll, Census Bureau District.

You have heretofore been advised as to the status of Luvina  
and George Foster, in reply to your letter of October 26, Creek  
Enrollment 378.

Respectfully,

Chairman.

J. J. B.

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

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

REFER IN REPLY TO THE FOLLOWING

En. 378.

ALLISON L. AYLESWORTH  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 1, 1904.

Commission to the Five Civilized Tribes,  
Cherokee Enrollment Division,  
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Louvina Foster as a Creek Freedman, a copy of the decision of the Commission in the case is herewith inclosed.

You are advised that on February 13, 1904, a copy of said decision was transmitted to the attorney for the Creek Nation and he was notified that he would be allowed fifteen days within which to protest against said decision. No protest appearing said Louvina Foster has this day been regularly listed for enrollment as a Creek Freedman.

Reference is made to Cherokee D. 895.

Respectfully,



Commissioner in Charge.

HGH 1.

Refer in reply to the  
following:  
En.378.

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

Muskogee, Indian Territory, June 6, 1904.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division,

Gentlemen:

Referring to Cherokee Freedman D 895 , you are advised that on February 12, 1904, the Commission rendered its decision in the matter of the application for the enrollment of Louvina Foster as a Creek Freedman, a copy of which is herewith inclosed.

You are further advised that the name of said Louvina Foster is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior, May 21, 1904 , No. 5434.

Respectfully,

( Signed ) Tams Bixby

Chairman.

HGH-1-6.

copy.

C.F.D. 595

Muskogee, Indian Territory, February 11, 1905

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

Gentlemen:

You are respectfully requested to advise the Cherokee Enrollment Division whether or not one Louvinia Foster, whose name appears upon a partial list of Creek Freedmen approved by the Secretary of the Interior May 21, 1904, No. 5434, has, either in person or by attorney, selected and filed upon her allotment of land in the Creek Nation, and if such filing has been made, was it done voluntarily or arbitrarily.

Respectfully,

(SIGNED) *Tames Dixby.*

Chairman



( C O P Y )

Muskogee, Indian Territory, February 14, 1905

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division,

General Office.

Gentlemen:

Your file No. C. F. D. 898. The records of the Creek Allotment Division show that the allotment to Louvinia Foster, Creek Freedman Roll No. 5434, was made by the Commission. Her acquiescence in such allotment is shown by the selection of the homestead from the land allotted to her by the Commission.

Respectfully,

(SIGNED)

TAMS BERRY  
Chairman

COPY.

Cherokee Freedmen

D-395.

Skoger, Indian Territory, May 13, 1905.

Lavinia Foster,

Cedar, 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, et al., as Cherokee freedmen, together with a copy of the Commission's decision dated May 13, 1905, granting the application for the enrollment of your son, George Foster, and rejecting, among others, the application for the enrollment of yourself 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. S-19  
Register

(SIGNED)

*Jams Bixby.*

Chairman.

COPY.

Cherokee Freedmen

D-895, et al.

Muskogee, Indian Territory, May 13, 1905.

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

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of George Foster, and rejecting the applications for the enrollment of Luvinia, Phillis, and Malinda Foster and Susie McIntosh, 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. 8-23

COPY.

Cherokee Freedmen  
3-888, et al.

Muskogee, Indian Territory, May 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Luvina Foster, et al., including the Commission's decision dated May 13, 1905, granting the application for the enrollment of George Foster, and rejecting the applications for the enrollment of Luvina, Phillis and Malinda Foster and Susie McIntosh, as Cherokee freedmen.

Respectfully,

(SIGNED) *Tams Dixby*  
Chairman

Incl. 3-24

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen

D-895, et al.

Muskogee, Indian Territory, August 21, 1905.

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

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of George Foster, and rejecting the applications for the enrollment of Luvinia, Phillis, Susie and Malinda Foster, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 9, 1905.

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

Respectfully,

LS

Incl. 3-91

SIGNED,

*Tame Bixby.*  
Commissioner.

Cherokee Freedmen

D-895.

COPY.

Muskogee, Indian Territory, August 21, 1905.

Luvinia Foster,

Cedar, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of your minor child, George Foster, and rejecting, among others, your application for the enrollment of yourself as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 9, 1905.

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

Respectfully,

(SIGNED).

*Tamm Daby*  
Commissioner.

LS

Incl. 8-90

1,

75,895

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE CIVILIZED TRIBES

FILED

SEP 25 1901



A. T. G. CHRYAN

"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, Coowescoowee 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.

  
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.



B

30815

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
JUN 27 1901

*[Handwritten signature]*

## MEMORANDUM OF APPLICATION.

## CHEROKEE FREEDMEN

JUN 25 1901

Date

Post Office

District

1. Name Do. B. Hill Age \_\_\_\_\_  
 Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_

Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

1. Name of wife Lurina Foster <sup>1901</sup> <sup>1906</sup> Age 50+

Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_

Year 1880 Page 103 No. 1099 District lev

Parents:

Father Prince Citizenship \_\_\_\_\_Mother Hagar Kernel - dead Citizenship Creek Field

Names of Children:

2. George Foster Year 1896 Page 405 No. 209 Dist. lev 16

4. Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

5. Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

6. Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

7. Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

8. Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

9. Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

10. Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

11. Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

12. Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Dist. \_\_\_\_\_

Application made by Ms. 1Stenographer B. C. Jones.

1. On 1880 roll as many Foster  
 1 " K.C. " Page 7 # 158 - Lavinia Foster -

# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT

SS

In the matter of the application of *Luvina*

*Foster* for enrollment as a Cherokee Freedman.

No. F. D. *8951*

*Henry Pack* of lawful age, being duly sworn on oath states that on the *18th* day of *September*, A. D. 1901, he registered to *Luvina Foster* whose postoffice is *Lewapah*

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 *25th* day of *September*, 1901, he received the return card which is hereto attached, signed by the said *Luvina Foster*, showing that he had received said notice.

Subscribed and sworn to before me on this the *25th* day of *Sept* A. D. 1901.

*Henry Pack*  
*J. C. Starr*

Notary Public.

CW

No. 895-

INDIAN TERRITORY,  
CHEROKEE NATION.

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

by delivering a true copy thereof on the  
day of A. D. 1901

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

Marshal for the Cherokee Nation.

I, the under-signed attorney for the  
within named applicant hereby accept  
service of the within notice on this the  
day of , 1901.

Attorney for applicant.

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

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

on the day of A.D. 1901

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

Notary Public.

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

FILED  
SEP 25 1901

  
ACTING CHAIRMAN

## NOTICE!

IN THE MATTER OF the application of Lovina Foster  
for enrollment as a Cherokee citizen:

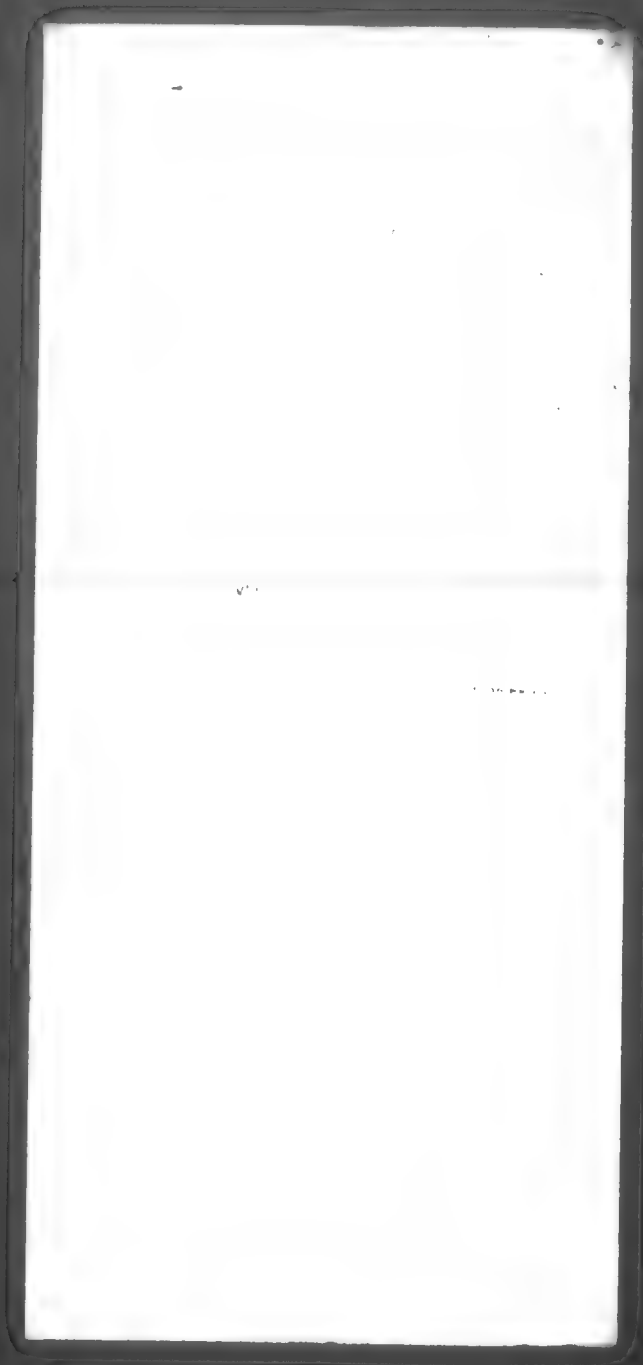
Case No. D 895

To Lovina Foster Lenapeh I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on Sept. 27th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 9 18 1901.

L. B. Bell  
N. W. Hastings  
Attorneys for the Cherokee Nation.



# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

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

### **MUSKOGEE, IND. TER.,**

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

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

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

Mrs. Luvina Foster,

Lenapeh, I. T.

Cherokee-Freedmen.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Chem. Fr. R. 1051

Trans. from C. Fr. D. 1002

Chem. Fr. R. 1051



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

In the matter of the application of Thomas Archer for the enrollment of himself and wife as Cherokee Freedmen; he having been first duly sworn by Commissioner T. . Needles, testified as follows:

James Davenport, Cherokee representative;  
Mellette & Smith, attorneys for the applicants.

- By Com'r Needles: What is your name? A Thomas Archer.  
Q How old are you? A I am about 50 years old.  
Q What is your post office address? A Lenapah.  
Q In what district do you live? A Cooweescoowee.  
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.  
Q Who else do you desire to have enrolled besides yourself?  
A Myself and wife.  
Q What is your wife's name? A Georgeann Archer.  
Q How old is she? A About 35 years old.  
By Mr. Smith, of Counsel for applicant:  
Q How old are you? A About 50 years old I guess.  
Q Were you born a slave? A Yes, sir.  
Q Who did you belong to? A Mrs. Archer.  
Q Was she a citizen of the Cherokee Nation? A Yes, sir.  
Q A Cherokee Indian? A Yes, sir.  
Q Where did you live before the war? A In Saline district.  
Q Where were you living when the war commenced? A Living at Mrs. Archer's, in Saline district, at Spring Cree Prairie in the Cherokee Nation.  
Q Were you taken out of the Cherokee Nation during the war?  
A Yes, sir.  
Q Where to? A Fort Scott, Kansas.  
Q When did you get back after the war? A In '66.  
Q What time in '66? A Long in the fall like.  
Q Where did you come to in the Cherokee Nation then? A Fort Gibson.  
Q How long did you stay there? A Until '67.  
Q Where did you go then? A Went to the salt works on the west side of Grand river.  
Q In the Cherokee Nation? A Yes, sir, the Bryant's salt works, or the Alberty's.  
Q Where did you go then? A To Tahlequah.  
Q Where do you live now? A In Gooseneck Bend on the Verdigris.  
Q How long have you lived there? A 25 years.  
Q Are you on any of the rolls of the Cherokee Nation? A Yes, sir.  
Q What rolls? A The Wallace and Kern Clifton rolls.

The Kern-Clifton roll of citizens of the Cherokee Nation examined and the name of the applicant found as follows thereon, page 145, No. 3604, Thomas Archie, Cooweescoowee district.

The Wallace roll of citizens of the Cherokee Nation examined and the name of the applicant identified thereon as follows: page 188, No. 3446, Thomas Archer. (District not given.)

The 1899 Authenticated roll of citizens of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1898 census roll of citizens of the Cherokee Nation examined and the name of the applicant not found thereon.

The name of the applicant's wife not found on any of the rolls of the Cherokee Nation in the possession of this Commission.

By Mr. Davenport: You claim to have belonged to Mrs. Archer?

A Yes, sir.

Q Where did you live when the war broke out? A In Saline district.

Q On the Archer place there? A Yes, sir.

Q And you went to Kansas during the war? A Yes, sir.

Q Who with? A I can't tell you that, a whole lot of them darkys.

Q How old were you then? A I don't know.

Q Were you grown? A I reckon.

Q What family did Mrs. Archer have at that time? A There was Lou, Ada, Carrie, Mary that's Major Lie's wife, she is the oldest.

Q Was Carrie the youngest one of the family? A I think it was Carrie.

Q Mrs. Archer had four children that were born before the war did she? A Yes, sir, four, and one born since.

Q Was Carrie born before you went out of the Territory? A I don't know if it was Carrie or not, the three oldest ones I know were.

Q Where did you go when you came back to the Territory? A To Fort Gibson.

Q Who came back with you when you went to Fort Gibson? A Went by myself.

Q Did you walk? A No, sir.

Q Where did you go there, on what place did you stay? A On the old Shaw place.

Q Who lived there? A An Old woman that used to belong to Mrs. Ore.

Q How long did you stay there? A Staid there until '67.

Q Where did you go when you left there? A Fort Gibson.

Q I thought you said you went to Fort Gibson first? A I went to the Shaw place first and then went to Fort Gibson.

Q What direction is that place from Fort Gibson? A West between the Grand and Verdigris rivers.

Q Then where did you go? A Went from there up on Spring creek.

Q Who was running the stores in Fort Gibson when you got there?

A Jess Bushyhead.

Q Who did you know there besides that? A I don't know who all, I met some there, but I didn't know many as I was never there before.

Q And you went there by yourself from Kansas? A Yes, sir.

Q How old was you when you came back to the Cherokee Nation after the war? A I don't know.

Q Was you grown when you came back? A I had been a soldier in the army.

Q Had you been mustered out before coming back? A Yes, sir.

Q What outfit did you belong to? A Company "H" 79 U.S.

Q Where were you mustered out? A In Arkansas.

Q Where did you get your discharge? A In leave worth.

Q Well after you left the Shaw place where did you go--I mean after you left Fort Gibson? A To Spring creek.

Q Did you ever go back to Mrs. Archer's? A Yes, sir, in the spring of '67.

Q Was she living in Saline district then? A Yes, sir.

Q Where did you go from there? A I went to the Alberty or Bryant salt works from there.

Q Where have you been living since? A I have lived on the Verdigris and knocked around to a good many places where I has been working.

Q Where were you married? A In Kansas.

Q What year was you married? A The year after I was mustered out.

Q What year? A '65, a week before Christmas, just took my Christmas present so to speak.

Q When did you bring your family to the Cherokee Nation?

A I didn't have any family, I brought my wife with me.

Q Who else came along? A No one, just me and my wife.  
Q How did you come? A In wagons.  
Q Where did you cross the Neosho river? A On the Military road.  
Q At what point? A I can't tell.  
Q Where did you cross the Grand river? A We ferried it.  
Q Did you see Clem Rogers in Fort Gibson? A He was on Canadian river then.

Q How do you know? A He came there in '67 and taken the lick from us:  
Q Did you see Houston Rogers about that time? A I saw him on Spring creek in '67.  
Q Did you see Jake Lipe in Fort Gibson then? A I didn't know him then.

BY MR. SMITH: What was it you said about Clem Rogers taking a lick from you? A He come there and took it from Lieutenant McCullogue or something like that.

Q Took what? A The salt lick, the works where they made salt.

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

Q Did he take it the next year after you come back? A He taken he the year I was there.

Q Was that the next year after you come back? A It was in '67.

Q What time of the year? A In July.

Q You had returned in the fall of the year before had you?

A I came from Kansas in '66.

Q When was this salt works taken, you said in July now with reference to the time you went there, when was it taken? A I went there in February and went to work and got my foot burned, stepped in a salt pan,---

Q Well, we don't care about all that, when was it taken from the men that had it in charge when you worked there? A In July, '67.

Q Was Col. Bryant there then? A He came there and helped take it in July.

BY MR. SMITH: Where were you during the war? A In the United States service.

Q When were you mustered out you came back did you? A Yes, s r, I came here in '66.

Q Were you here any time before that? A Yes, s r, I was mostly in Fort Gibson in '65.

Q Where were you in in '67? A I told you I worked in the salt works from prebruary until July of '67.

BY MR. DAVENPORT: You hadn't been back to the Territory more than a year when they come and taken the salt lick from you? A I hadn't left the Territory, that is I was all over the Territory during the war.

Q Well after the time you were mustered out and came back to the Cherokee nation in '66 you had not been here more than a year before they taken the lick from you? A Yes, sir.

Q You came back one fall and the following July they taken the lick from you? A Yes, sir.

BY SMITH: Is your wife a state woman? A No, sir, she belonged to Joe Martin.

Q Was he a Cherokee Indian? A Yes, sir.

Q Where was she living when the war broke out? A On Pryor creek

Q When did you marry her? A In '65.

Q Where? A In Lawrence, Kansas.

Q When did she come back here? A With me.

Q In the fall of '66? A Yes, sir.

Q Was she with you through all these moves you mentioned?

A Yes, sir, but that woman is dead now.

Q You married again did you? A Yes, sir.

Q Where were you married your present wife? A In Goodneck bend

Q Did you have a license? A No, sir.

Q Who married you? A Joe Smith.

- Q Where is he? A He is here.  
Q What year did you marry her? A I married her 15 years ago.

GEORGE VANN, called and sworn by Commissioner T. B. Needles, as a witness for the applicant, testified as follows:

By Smith: What is your name? A George Vann.

- Q What is your age? A 51.  
Q Where do you reside? A East of Lenapah in Cooweescoowee district, Cherokee Nation.  
Q How long have you lived here? A All my life.  
Q Do you know this applicant? A Yes, sir.  
Q Did you know him before the war? A Yes, sir.  
Q Was he a slave? A Yes, sir.  
Q Who owned him? A Pollie Archer.  
Q Was she a Cherokee Indian? A Yes, sir.  
Q A recognized citizen of the Cherokee Nation? A Yes, sir.  
Q Where was Tom Archer at the time the war broke out?  
A With Mrs. Archer on her place.  
Q Where was that? A In Galine district.  
Q In the Cherokee Nation?  
Q Did you yourself go out of the Cherokee Nation during the war?  
A Yes, sir.  
Q After you went out were you ever back here until you came back after the war closed? A I went out in '64 and got back in '66.  
Q When did you first see this applicant in the Cherokee Nation after the war? A Just before Christmas at Fort Gibson.  
Q What year? A '66.  
Q In the Cherokee Nation? A Yes, sir.  
Q How many times did you see him there? A Once.  
Q When was the next time you saw him? A I seed him in July after that Christmas on Spring Creek; he came to where I was living.  
Q The following year? A Yes, sir.  
Q How many times did you see him after that? A Seed him several times.  
Q How far was that from the salt works? A 20 miles.  
Q Did you ever go up to the salt works? A I didn't go there right at that time.  
Q Do you know of your own knowledge that he worked at the salt works? A He worked there some time for a man named Mc Collough.  
Q Do you know when? A No, sir.  
BY DAVENPORT: How old were you when the war broke out?  
A I don't know, Clem Rogers kept my age.  
Q Were you gorns then? A No, sir.  
Q How far from Mrs. Archer's did you live when the war broke out?  
A 10 miles.  
Q How old was you on then? A I don't know.  
Q Was he bigger or smaller than you? A About the same size.  
Q Do you know where Tom went during the war? A He was a soldier.  
Q You know that? A Yes, sir, I seed him in soldiers clothes when he come back.  
Q Do you know where he was mustered out? A Leavenworth.  
Q Do you know that by your own knowledge? A No, sir.  
Q Where has he lived since he returned? A I never seed him to know where he was living until '78.  
Q How many times has he been married? A Twice I think.

DAVE FRENCH called and sworn as a witness for the applicant: By Smith:

- Q What is your name? A Dave French.  
Q What is your post office? A Lenapah.  
Q Do you know the applicant, Tom Archer? A Yes, sir.  
Q How long have you known him? A A long time.  
Q Before the war? A Yes, sir.

- Q Was he a slave? A Yes, sir.  
Q Who did he belong to? A Pollie Archer.  
Q Was she a Cherokee Indian? A Yes, sir.  
Q Lived in the Cherokee Nation then? A Yes, sir.  
Q Living here when the war commenced? A Yes, sir.  
Q Where was the applicant when the war commenced? A On Grand river.  
Q Where did he go during the war? A With the Soldiers, they was backwards and forwards.  
Q Did you see this man Tom Archer long about the time the war closed? A Yes, sir.  
Q When? A Christmas of '66.  
Q Where? A Fort Gibson.  
Q Cherokee Nation? A Yes, sir.  
Q How long did he stay there? A I left him there, I don't know how long he staid.  
Q Where did you next see him? A On Grand river.  
Q When was that? A Sometime after that.  
Q Was it a year or two? A Wasn't a year, 2 or 3 months.  
Q What was he doing there? A Working at the salt lick.  
Q You don't know how long he staid at the salt lick? A No, sir.  
Q Where is he living now? A Above me.  
Q How far? A 3 or 4 miles.  
Q How long has he lived there? A Long time.  
Q How many years? A I don't know exactly, I moved there 24 years ago and he was there.  
Q Has he been there ever since? A Yes, sir.  
Q Do you know his present wife? A Yes, sir.  
Q Has he lived with her as her husband all that time?  
A I think so, I never heard of them parting.  
Q Do they live as husband and wife there now? A Yes, sir.  
Q Did you see them married? A No, sir.  
BY DAVENPORT: You remember distinctly that it was just before Christmas that you saw this applicant there at Fort Gibson?  
A Yes, sir, as near as I can come.  
Q You think it was '66? A I know it was.  
Q Who did you see there besides this applicant? A Lots of them.  
Q Did you see all the people that were there? A No I guess not.  
Q Well name some of these you did see? A I saw several, I cannot call their names now.  
Q I only want you to tell some one name? A I can't think of the names now.  
Q You and George Vann have talked over this case haven't you and agreed as to what you were to testify to? A I haven't talked with George Vann at all.  
Q You have never talked with him? A No, sir, not about this case.  
Q Was he a grown man there? A Yes, sir.  
Q You saw his family there? A No, sir.  
Q Who was he living with? A Just there by himself when I saw him.  
Q You long did you see this there? A All that Christmas.  
Q How long was you there then? A I don't know.  
Q Did you see him a week? A Yes, sir, longer than that.  
Q What kept you there? A Just nothing.  
Q With whom were you staying? A I staid with Ginda Beck.  
Q With whom was he staying? A I don't know that he was staying with anyone.  
Q Where was his wife? A I don't recollect.

AGNES LITTLE, called and sworn as a witness for the appli-

cant. BY DAVID:

Q What is your name? A Agnes Little.

Q What is your age? A 35.

Q Where do you live? A 3 miles northwest of Leno.



Q Do you know this applicant? A Yes, sir.  
Q Know his wife? A Yes, sir.  
Q What is her name? A Georgeann.  
Q Were you present when he married her? A Yes, sir.  
Q Where did they marry? A At my house.  
Q Who married them? A Joe Smith, a preacher.  
Q Have you known them to live together as man and wife ever since?  
A Yes, sir.  
Q How far do they live from you? A 7 or 8 miles.

BY THE COMMISSIONER:(of Applicant)

Q Have you any children by Georgeann? A No, sir.  
Q Why is your name not on the 1880 roll? A I don't know.  
Q Did you ever try to have it put there? A Yes, sir.  
Q Did you ever apply to the Cherokee authorities? A Yes, sir.  
Q Where? A Tahlequah.  
Q Did you have any children by your first wife? A Just Eli and Rose that are living.

BY SMITH: Where were you married to your first wife?

A At Ottawa.  
Q Did you get a license? A The Squire married us, didn't get no license in those days.  
Q You brought that wife back with you? A Yes, sir.  
Q What was her name before you married her? A Delsie Martin.  
Q How long did you live with her? A Until she died.  
Q When did she die? A In 1880.  
Q Were these children born while you and she were living together?  
A Yes, sir, the only ones I have.  
Q Had you married before that? A No, sir.  
Q Had she been married before that? A No, sir.

By Hastings: In as much as the applicant states that he was married in the state of Kansas, the presumption is that a record has been made of it, and I think that the representatives of the Cherokee Nation ought to object to the allowing of oral proof of this marriage because the better evidence would be the record if there is one.

By Smith: "He stated as a matter of fact that he didn't have a license."

BY COMMISSIONER OF APPLICANT:

Q When did you marry your wife in Kansas? A In '65.  
Q Is she dead? A Yes, sir.

NELSON MURRELL, called and sworn as a witness for the applicant: BY SMITH:

Q What is your name? A Nelson Murrell.  
Q Do you know this applicant? A Yes, sir.  
Q Do you know his wife? A Yes, sir.  
Q Is he married now? A Yes, sir.  
Q What is his wife's name? A I can't think of her name now.  
Q Is this the only wife he ever had? A No, sir, he had one before that.  
Q What was her name? A I can't think of it.  
Q Do you know this man's children? A Yes, sir.  
Q What are their names? A Rosa and Eli.  
Q Did you know their mother? A I was some acquainted with her, not much.  
Q Do you know whether the mother of these children and this applicant were married or if they lived together as man and wife?  
A They were living together as man and wife when I got acquainted with them.  
Q When was that? A 30 years ago.  
BY THE COMMISSIONER: Were these two children living with them?  
A Yes, sir.

BY HASTINGS OF THE APPLICANT:

Q Who was your oldest child by your first wife? A Will.

Q How old is he? A I don't know.

Q Is he as much as 1000 years old? A I know he ain't that old cause I would be 1000 then.

Q Is he over 25? A He is over that.

By Hastings: "Cherokee representatives ask for the enrollment of the applicants oldest child."

By Roll Clerk: Given as 19 years of age, died after May 3rd, '94; dated October first, 1896.

By Hastings: "Comes now the representatives of the Cherokee Nation and moves that the applicant be required to produce documentary evidence and proof of his marriage, or to show that a license or record thereof was not required of him at the date of his marriage, or alleged marriage, in the State of Kansas."

by com'r Needles: Thomas Archer applies for himself as a Cherokee freedman and for his wife as a Cherokee freedman by intermarriage. He avers and proves that he was a slave of one Mrs. Archer and went out of the Cherokee Nation as a United States soldier and returned to the Cherokee Nation in 1866 and has resided here ever since. He avers that he was first married in Kansas, but presents no documentary proof of said marriage, but presents satisfactory oral proof. He avers that he married his present wife after the death of his first wife about 16 years ago, and makes satisfactory proof of said marriage; he is identified on the Kern Clifton roll and the Wallace roll, but not on the authenticated roll of 1880 or the census roll of 1896. It will be necessary, if possible, for the applicant to produce documentary proof as to his first marriage, in order that the testimony may be used in the identification of his older children if they apply for enrollment. The testimony indicates to the mind of the Commission that the said Thomas Archer is entitled to be enrolled on a straight card, however, the Cherokee Nation protests against his enrollment at this time and he will be listed as a Cherokee freedman on a doubtful card, and his wife, as a Cherokee Freedman by intermarriage on a doubtful card. They will be notified by mail of the final decision of the Commission.

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.

(Signed) Chas. von Weise.

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

(Signed) T. B. Needles, Commissioner.

J. O. Rosson, being duly sworn, states that as stenographer to the Commission to the five Civilized Tribes he copied the foregoing and that same is a true and complete copy of the original.

Subscribed and sworn to before me this September 9, 1901.

*J. O. Rosson*  
*J. O. Rosson*  
Commissioner



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
NOW TA, I.T., JULY 1st, 1901.

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

- Q What is your name? A Eli Archey.  
Q How old are you, Mr. Archey? A About 25.  
Q Post office address? A Lenpahn.  
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 What is your father's name? A Thomas Archey.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Dilsa Archey.  
Q Is she living? A No, sir, she is dead.  
Q Was your father a citizen? A Yes, sir.  
Q Has he been enrolled here? A Yes, sir.  
Q Do you claim your citizenship through him? A Yes, sir.  
Q Are you married? A I have been married I ain't married now.  
Q Where were you born? A Cherokee Nation.  
Q Is your name on any of the rolls of the Cherokee Nation?  
A On the Wallace roll and Kerns Roll.

The 1860 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 145, #3606, Ely Archie, Cooweescoowee District.

The Wallace roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 188, #3548, Eli Archer, no district given.

- Q Have you lived in the Cherokee Nation all your life? A Yes, sir.  
Q Have you ever lived out of it? A No, sir.  
Q Has your father's citizenship been proven up? A Yes, sir.  
Q Don't think your citizenship will follow your father's then?  
A Yes, sir.  
Q Are you a farmer? A Yes, sir.

COM'R NEEDLES: Eli Archey applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1860 or census roll of 1896. He is identified upon the Kern-Clifton and Wallace rolls according to the page and number of the rolls as indicated in the testimony. He makes satisfactory proof as to residence, and avers that he is the child of Thomas Archey, who has been listed for enrollment upon doubtful card #901, and claims his citizenship through his father, and the testimony taken in the matter of the application of Thomas Archey will be made part of the record in the case at bar and copy thereof filed herewith. Said Eli Archey will now be listed for enrollment as a Cherokee freedman upon a doubtful card. He will be notified at his post office address when the decision of the Commission is arrived at.

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J. O. Bosson, 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 15th day of July, 1901.



DEPARTMENT OF THE INTERIOR,  
BUREAU OF THE FIVE CIVILIZED TRIBES

NO. 1. B

1901



Department of the Interior,  
Commission to the Five Civilized Tribes,  
October 15th 1901.

In the case of the application of Thomas Archer, et al.

APPEARANCE  
James C. Davenport, Attorney at Law, Nation  
Met to

First duly sworn, by Com'r T. H. Needles,  
Commissioner of the Cherokee Nation

- Q What is your name? A Clem W. Rogers
- Q Where do you live? A Clearwater
- Q What is your age? A 63
- Q How long have you lived in the Cherokee Nation? A All my life except Clearwater
- Q Do you know the applicant Thomas Archer? A Yes sir.
- Q How long have you known him? A Since '80.
- Q Where was it when you first saw him to know him? A Cooweescoowee district.
- Q Where were you in '67? A Fort Gibson.
- Q Did you have anything to do with the Roger's Salt Works on Grand river in '67? A No sir.
- Q Did you go there yourself or with anyone else in '67 and take them away from Thomas Archer or any other person? A No sir, in '67 I was freighting.
- Q Did you ever drive him or any one else away from them? A No sir.  
( By Mr. Smith )
- Q There are several gentlemen that are Cherokee citizens by your name are there not? A Yes sir.
- Q It is a right prominent name in the history of the Cherokee Nation? A Yes sir.
- Q If Thomas Archer testified that you took the salt works away from him he was mistaken about that? A Yes sir.
- Q You dont know when he came back? A No sir.
- Q Did you know him before the war? A I dont know that I did,  
( By Davenport )
- Q There was only one Clem Rogers in the Cherokee Nation in '67 that was a grown man? A I didnt know of any other at that time, there is several now.

=====  
This will be filed in Cherokee Freedman cases, D-901; D-1002; D-484;  
D-491; D-486; D-484; D-488; D-489; D-493; D-491; D-828; D-950; D-554;  
and D-558.

\*\*\*\*\*

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

Subscribed and sworn to before me this 17th of October 1901.

Stenographer.

Department of the Interior  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 23rd, 1901.

Supplemental testimony in the matter of the application of David  
Martin C. F. D. 486.

Appearances:

James S. Davenport for the Cherokee Nation.  
Mellette & Smith for the applicants'

H. C. HARFORD being first duly sworn by Com'r T. B. Needles, tes-  
tifies as follows on the part of the Cherokee Nation:

( By Davenport )

Q What is your name? A H. C. Harford.

Q Where do you live? A Ottawa, Franklin County, Kansas.

Q How old are you? A 44.

Q How long have you lived in Ottawa Kansas? Since 1855.

Q Since you have been living in Ottawa, Kansas, did you become ac-  
quainted with a colored man named David Martin? A Yes sir.

Q When did you become acquainted with him? A In the Summer of '67.

Q Have you seen the gentleman since you come down here? A Yes sir I  
met him on the street.

Q How long after you became acquainted with him did David Martin  
reside at Ottawa or near there, or about how long? A David Martin  
lived at Ottawa and left there about 21 years ago, 20 or 21 years  
ago, and from the time he came there he was there off and on all the  
time, I missed him for a while and saw him for a while, he would  
be gone a good deal, where he was I of course don't know.

Q Did he have a family there? A Yes sir.

Q You say you met him this morning? A Yes sir.

Q Did you recognize him as the David Martin that you knew up there?

A Yes sir, I did.

Q Did he recognize you? A He didn't for a while, after he studied he  
finally made up his mind who I was.

( By Smith )

Q What time did you first know David Martin? A To the best of my  
knowledge it was in '67; I got acquainted with David Martin when I  
had been there a couple of years.

Q How old were you then? A I guess I was about 11 years old.

Q How old was David Martin then? A I don't know.

Q Was he a man? A Yes sir he was a man grown when he came there.

Q You are not sure as to the year you met him in? A I can't positively  
swear as to the year, I know he came there about a year and a half  
or two years after I came.

Q That is as long as you can remember after that length of time? A  
Yes sir.

Q You say he was there part of the time and the other part of the  
time you missed him? A Yes sir, probably I would see David Martin  
every couple of months or so.

Q You didn't see his family? A Yes sir.

Q Where? A In Ottawa there, I knew one of his daughters, the oldest one.

This will be filed in the original case and also in C. P. D. 486 and  
the sub-references thereto.

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

Subscribed and sworn to before me this the 24th of October, 1901.

*C. A. [Signature]*  
Commissioner

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., February 18, 1902.

In the matter of the application of Thomas Archer, for the enrollment of himself and wife as Cherokee Freedmen:

Appearances:

Mellette & Smith, Vinita, I. T., for applicants;  
James S. Davenport, attorney for Cherokee Nation.

TESTIMONY IN BEHALF OF CHEROKEE NATION.

HAYWOOD ROWE, being sworn and examined, testified as follows:

Examined by James S. Davenport:

- Q What is your name ? A Haywood Rowe.  
Q Where do you live ? A In the Cherokee Nation, Cooweescoowee District.  
Q What is your post office ? A Tallala.  
Q How long have you lived in the Cherokee Nation ?  
A I was raised here.  
Q How long have you lived in the Cooweescoowee District ?  
A About 25 years.  
Q Do you know a colored man by the name of Thomas Archer ?  
A Yes sir.  
Q How long have you known him ? A I have known him for 20 years, I guess.  
Q Where were you when you first got acquainted with him ?  
A At Clem Rogers.  
Q In what district ? A Cooweescoowee district.  
Q Where was Thomas Archer living at that time ? A Coffeyville.  
Q About how long has that been ? A Over 20 years.  
Q When you say Coffeyville, what do you mean ?  
A Coffeyville, Kansas.  
Q About how long did he live there after you got acquainted with him ? A I don't know just how long.  
Q Did he have a family at that time ? A Yes sir.  
Q Do you know whether he had any children ? A Yes sir, I think he had one or two.  
Q He had a wife ? A Yes sir.  
Q Do you know whether that wife is living ? A No She's dead.  
Q Where were they living ? A Coffeyville.  
Q Coffeyville, Kansas, you mean ? A Yes sir.  
Q About how long did he live in Coffeyville, Kansas, after you got acquainted with him; did he remove to the Cherokee Nation ?  
A I don't remember; he lived there quite a while.  
Q He lives now somewhere in the Cherokee Nation ? A Yes sir.  
Q Has he married the second time ? A Yes sir, I think he married old Mrs. Little's daughter.  
Q What is Little's first name ? A I know the name, but am not well acquainted---  
Q Was it Grandison Little ? A Yes sir.  
Q The one that lived near Lonspah ? A Yes sir.  
Q You never knew Tom Archer until after he removed from the Cooweescoowee district ? A Yes sir.  
Q When you first knew him he was living in Coffeyville, Kansas ?  
A Yes sir.  
Q Was he keeping house there ? A Yes sir.  
Q He lived there until after his wife died ? A Yes sir.  
Q Do you remember her name ? A Think her name was Dilsey.  
Q Where was she buried ? A Coffeyville, Kansas.

Examined by Mr. Smith:

- Q How old are you Rowe ? A Close to 43 years old.  
 Q How long have you lived in the Cherokee Nation ?  
 A Was born and raised in the Cherokee Nation.  
 Q You don't remember the commencement of the war ? A No sir.  
 Q You don't have any recollection, or you don't know whether this applicant, Thomas Archer, was a soldier in the service of the United States during the war ? A Don't know anything about it.  
 Q You don't know where he was in 1873 ? A No sir.  
 Q You don't know when or where he was mustered out of the service ?  
 A No sir.  
 Q Have no recollection of the man following the year of the war; 1866 ? A No sir.  
 Q You don't know where Thomas Archer was until you got acquainted with him 20 years ago ? A No sir.  
 Q How far is Coffeyville, Kansas, from the Indian Territory line ?  
 A They call it two miles; right along there.  
 Q A good many of the people who live in Coffeyville have farms in the Indian Territory do they not ?  
 A Yes sir.  
 Q You say you think Archer had some children; how old were they when they were living in Coffeyville ?  
 A I don't know how old they were; they were small children.  
 Q Do you know how many he had ? A It seems to me there were 2.  
 Q Don't you know he had a farm and worked in the Cherokee Nation during the time he lived in Coffeyville ? A No sir.  
 Q You don't know that he didn't have ? A No sir, don't know that he didn't have.  
 Q Is that all you know about this matter ? A Yes sir, that's all I know about it.

(The rolls of 1880 and of 1896 examined and names of applicants do not appear thereon)

The Commission: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases:  
 D 1002; D 485; and the present case.

-----

E. C. Bagwell, on oath states, that as stenographer to the Commission to the Five Civilized Tribes, he accurately recorded the testimony and proceedings had in the above entitled cause, and that the above and foregoing is an accurate transcript of his stenographic notes thereof.

*E. C. Bagwell*  
 \_\_\_\_\_  
 Subscribed and sworn to before me this 20 day of February, 1902

*[Signature]*  
 \_\_\_\_\_  
 Commissioner.

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

In the matter of the application for the enrollment of  
Jacob Ross, et al., as Cherokee Freedmen, consolidating the applica-  
tions of

Jacob Ross, et al.....	Cherokee Freedman	D	539
George Ross, et al.....	"	D	540
Noses Ross, et al.....	"	D	541
Sarah Allen, et al.....	"	D	543
Rosanna Skaggs, et al....	"	D	545
Willie Ross, et al.....	"	D	838
Thomas Archer, et al.....	"	D	901
Eli Archer.....	"	D	1002
Celia Thompson, et al....	"	D	446
Jesie Brown, et al.....	"	D	449
Benjamin Adair, et al....	"	D	451
Abbie Rowe, et al.....	"	D	452
Peter Adair.....	"	D	560
Frank Whitnair, et al....	"	D	956
Austin Whitnair, et al...	"	D	974
Nelson Whitnair.....	"	D	1090
Abbie Mayhew.....	"	D	447

-: D E C I S I O N :-

The record herein shows that applications were made to this Commission for the enrollment as Cherokee Freedmen by Maria Ross, for herself, her husband, Jacob Ross, her daughter, Ella Ross, and her minor grandchild, Thomas Anderson; the said Thomas Anderson, being differently classified, is not embraced in this decision; by George Ross for himself, his wife, Noses Ross, and their minor children, Fred and Stella Ross; by Noses Ross for himself and his wife, Rachel Ross; by Sarah Allen for herself and her minor children, Oscar Tucker and Louisa Burney; by Rosanna Skaggs for herself and her husband, William Skaggs; the said William Skaggs claims only by intermarriage and his rights are not passed upon in this decision; by Willie Ross for himself, his wife, Nosa, and their minor children, Nosa and Lee Etta Ross; by Thomas Archer for himself and his wife, Georganna Archer; the said Georganna Archer claims only by intermarriage and her rights are not passed upon in this decision; by Eli Archer for himself; by Celia Chambers (now Thompson) for herself; her minor children, Mack, Goldy and Elsie May Adair and her minor grandchild, Lela Whitnair; by Jesie Brown for herself, her husband, Robert Brown, and their minor children, Turner, Bessie, Gracie, Gladys and Celia Brown; the said Robert Brown claims only by intermarriage and his rights are not passed upon in this decision; by Benjamin Adair for himself, his wife, Lizzie Adair, and their minor children, Isaac, Ollie, George, Cleveland and Ed Adair; by Abbie Rowe for herself and her minor children, Arthur, Elsie and Abbie Rowe; by Peter Adair for himself; by Frank Whitnair for himself and his minor children, Jesse, Ma, George and Beadie Whitnair and Ella Bryant (formerly Whitnair); by Austin Whitnair for himself and his minor children, Cora, Niccola, Josephine and Arthur Whitnair; by Nelson Whitnair for himself; and by Abbie Mayhew for herself.



Copies of the testimony, taken at Muskogee, Indian Territory, on April 15, 1902, in the case of Nelson Murrell, et al., Cherokee Freedmen D-548; at Muskogee, Indian Territory, on May 16, 1902, in the case of Mary Harris et al., Cherokee Freedmen D-528; and at Vinita, Indian Territory, on October 3, 1901, in the case of David Martin et al., Cherokee Freedmen D-486, are filed herewith and made a part of the record in this case.

The evidence in this case shows that Jacob Ross, Maria Ross, Thomas Archer, Celia Chambers, Abbie Mayhew and Frank Whitmire were slaves of Cherokee citizens at the commencement of the rebellion and were taken out of said nation, and that Jacob Ross, Maria Ross, Thomas Archer, Celia Chambers (now Thompson) and Abbie Mayhew did not return to said nation within the time specified in the decree of the Court of Claims, rendered on February 3, 1896, in the case of Moses Whitmire, Trustee etc., vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation; that Frank Whitmire did return to the Cherokee Nation within the time specified in the decree of the Court of Claims of February 3, 1896, supra.

That Ella Ross, George Ross, Moses Ross, Willie Ross, Rosanna Skaggs, Sarah Allen, Fred Ross, Stella Ross, Rana Ross, Lee Etta Ross and Oscar Tucker are the children and grandchildren of Jacob and Maria Ross, born since 1866, and possess no right to enrollment except as their descendants. That Louisa Burney was born subsequent to the date of the 1880 roll, and is the minor child of one James Burney, who is identified on the 1880 authenticated Cherokee roll. That Rose Ross, the wife of George Ross, was born since 1866 and claims the right to enrollment through her father, one Louis Gibson, whose application for enrollment as a Cherokee Freedman has been denied by this Commission. (see Cherokee Freedman D-774). That Eli Archer and Rosa Ross, wife of Willie Ross, were born since 1866 and are the descendants of, and claim the right to enrollment through, Thomas Archer and his wife, Delsie Archer, who returned to the Cherokee Nation with her husband after the rebellion. That Rachel Ross, wife of Moses Ross, Jesse Whitmire, Ada Whitmire, George Whitmire, Bessie Whitmire, Ella Bryant, Austin Whitmire, Nelson Whitmire, Cora Whitmire, Mineola Whitmire, Josephine Whitmire, Arthur Whitmire, Lela Whitmire, Lizzie Adair, Isaac Adair, Ollie Adair, George Adair, Cleveland Adair and Aid Adair are the children and grandchildren of Frank Whitmire, born since 1866, and claim the right to enrollment through the said Frank Whitmire. That Aleck Adair, Goldy Adair, Elsie May Adair, Benjamin Adair, Peter Adair, Josie Brown, Turner Brown, Bessie Brown, Gracie Brown, Claudie Brown, Celia Brown, Abbie Rowe, Arthur Rowe, Winnie Rowe, Abbie Rowe are the children and grandchildren of the said Celia Thompson, born since 1866, and claim the right to enrollment through the said Celia Thompson.

The evidence further shows that Jacob Ross, Maria Ross, Ella Ross, George Ross, Rose Ross, Fred Ross, Stella Ross, Moses Ross, Sarah Allen, Oscar Tucker, Rosanna Skaggs, Willie Ross, Rosa Ross, Lee Etta Ross, Eli Archer, Thomas Archer, Celia Thompson (formerly Chambers), Aleck Adair, Goldy Adair, Elsie May Adair, Benjamin Adair, Peter Adair, Josie Brown, Turner Brown, Bessie Brown, Gracie Brown, Claudie Brown, Celia Brown, Abbie Rowe, Arthur Rowe, Winnie Rowe, Abbie Rowe, and Abbie Mayhew are not identified upon the Cherokee tribal roll of 1880.

It further appears that Frank Whitmire has resided continuously in the Cherokee Nation since his return thereto, in 1866, with the exception of about one year when he had a temporary residence in the State of Missouri, and the the applicants Lela

Whitmire, Rachel Ross, Lizzie Adair, Isaac Adair, Ollie Adair, George Adair, Cleveland Adair, Aid Adair, Jesse Whitmire, Ada Whitmire, George Whitmire, Bessie Whitmire, Ella Bryant (formerly Whitmire), Austin Whitmire, Cora Whitmire, Minnie Whitmire, Josephine Whitmire, Arthur Whitmire, Nelson Whitmire, and Louisa Burney have resided in the said nation since birth.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Jacob Ross, Maria Ross, Ella Ross, George Ross, Rose Ross, Fred Ross, Stella Ross, Moses Ross, Sarah Allen, Oscar Tucker, Rosanna Skaggs, Willie Ross, Rose Ross, Emma Ross, Lee Etta Ross, Eli Archer, Thomas Archer, Celia Thompson, (formerly Chambers), Aleck Adair, Goldy Adair, Elsie May Adair, Benjamin Adair, Peter Adair, Josie Brown, Turner Brown, Bessie Brown, Gracie Brown, Claudy Brown, Celia Brown, Abbe Rowe, Arthur Rowe, Minnie Rowe, Abbie Rowe, and Abbie Mayhew, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 496); and it is further the opinion of this Commission that Lela Whitmire, Rachel Ross, Lizzie Adair, Isaac Adair, Ollie Adair, George Adair, Cleveland Adair, Aid Adair, Frank Whitmire, Jesse Whitmire, Ada Whitmire, George Whitmire, Bessie Whitmire, Ella Bryant (formerly Whitmire), Austin Whitmire, Cora Whitmire, Minnie Whitmire, Josephine Whitmire, Arthur Whitmire, Nelson Whitmire and Louisa Burney should be enrolled as Cherokee Freedmen, in accordance with the provisions of said section twenty-one of the act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tom Bixby  
Chairman.

(Signed) T. R. Needles  
Commissioner.

(Signed) C. R. Breckinridge  
Commissioner.

Muskogee, Indian Territory,

Dec 16 1904

7  
COPY.

Charlotte Freedman  
D-628, et al.

Butte, Indian Territory, December 14, 1904

Ball, Hastings & Newbert,  
Attorneys for Charlotte Nation,  
Butte, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated December 14, 1904, granting the applications for the enrollment of Linnie, James, Ollie, George, Cleveland and Aid Adair, Lela, Frank, Jesse, Ada, George, Dennis, Austin, Cora, Minnie, Josephine, Arthur and Nelson Whitman, Ella Bryant (formerly Whitman), Louisa Harvey and Rachel Ross, as Charlotte Freedman, and rejecting the applications for the enrollment of Jacob, Maryah, Ella, George, Ross, Fred, Stella Ross, Willie, Ross, Sam and Lee Ross Ross, Frank Allen, Oscar Taylor, Emma George, Eli and Thomas Arthur, Gelle Thompson (formerly Chambers), Alonzo, Goldy, Elsie May, Benjamin and Peter Adair, Susie, Turner, Beatie, Cecile, Gladys and Gelle Ross, Abbie, Arthur, Minnie and Abbie Ross and Abbie Wagner, as Charlotte Freedman.

-2-

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

Respectfully,

Encl. B-60

*Jame Elroy.*  
Chairman.

COPY

Cherokee Freedman  
D-1002.

Muskogee, Indian Territory, January 7, 1905.

Eli Archer,  
Leapah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee Freedman, together with a copy of the Commission's decision dated December 18, 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,

Wm. T. Bixby,  
Chairman.

Encl. 1-05.  
Register.

COPY.

Cherokee Freedman  
D-1002.

Muskogee, Indian Territory, January 7, 1905.

Eli Archer,  
Lenapah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee Freedman, together with a copy of the Commission's decision dated 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,

(SIGNED) *Jame Bixby.*  
Chairman.

Encl. L-83.

Register.

COPY.

Cherokee Freedman  
D-539 et al.

Muskogee, Indian Territory, January 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the consolidated case of Jacob Ross et al., including the Commission's decision dated December 16, 1904, dismissing the application for the enrollment of Jacob Ross, rejecting the applications for the enrollment of Mariah, Ella, George, Rosa, Fred, Stella, Moses, Willie, Rosa, Emma, and Lee Etta Ross; Sarah Allen, Oscar Tucker, Rebecca Skaggs, Thomas and Eli Archer; Gelia Thompson, Aleck, Gelfy, Elsie May, Benjamin, and Peter Adair; Jennie, Turner, Bessie, Gracie, Claudy, and Gelia Brown; Abbie, Arthur, Minnie, and Abbie Ross; and Abbie Mayhew, and granting the applications for the enrollment of Rachel Ross, Louisa Burney, Lela, Frank, Jennie, Ada, George, Bessie, Austin, Gera, Minnie, Josephine, Arthur, and Nelson Whitire; Ella Bryant, and Lizzie, Isaac, Ollie, George, Cleveland, and Aid Adair, as Cherokee Freedmen.

Respectfully,

SIGNED: *Tams Dixby*  
Chairman

Encl. 2-67.

Through the  
Commissioner of Indian Affairs.

(COPY)

Land:  
2223-1905.

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

April 1, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Inclosure 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 Maria Ross for herself, her husband, Jacob Ross and her daughter, Ella Ross; by George Ross for himself, his wife, Rose Ross and their minor children, Fred and Stella Ross; by Moses Ross for himself and his wife, Rachel Ross; by Sarah Allen for herself and her minor children, Oscar Tucker and Louisa Burney; by Rosanna Snags for herself; by Willie Ross for himself, his wife, Rosa and their minor children, Emma and Lee Etta Ross; by Thomas Archer for himself; by Eli Archer for himself; by Callie Chambers (now Thompson) for herself, her minor children, Aleck, Gelay, and Elsie May Adair, and her minor grandchild, Lela Whitmore; by Jessie Brown for herself and her minor children, Francis, Gladys and Callie Brown; by Benjamin Adair for himself, his wife, Lizzie Adair, and their minor children, Isaac, Ollie, George, Cleveland and



Aid Adair; by Abbie Rowe for herself and her minor children, Arthur, Winnie and Abbie Rowe; by Peter Adair for himself; by Frank Whitmire for himself and his minor children, Jesse, Ada, George and Bessie Whitmire and Ella Bryant (formerly Whitmire); by Austin Whitmire for himself and his minor children, Cora, Mineola, Josephine and Arthur Whitmire; by Nelson Whitmire for himself, and by Abbie Mayhew for herself.

December 16, 1904, the Commission decided favorably to Rachel Ross, Lizzie, Isaac, Ollie, George, Cleveland and Aid Adair; Lela, Frank, Jesse, Ada, George, Bessie, Austin, Cora, Mineola, Josephine, Arthur and Nelson Whitmire; Ella Whitmire Bryant and Louisa Burney and Adversely to all the other applicants.

The record shows that Jacob Ross, Maria Ross, Thomas Archer, Celia Chambers, Abbie Mayhew and Frank Whitmire were slaves of Cherokee citizens at the beginning of the war of the rebellion and were taken out of the Cherokee nation, and that Jacob Ross, Maria Ross, Thomas Archer, Celia Chambers (now Thompson) and Abbie Mayhew did not return to the Nation on or before February 11, 1867, but that Frank Whitmire did return prior to said date.

It is also shown that Ella, George, Moses, Willie, Fred, Stella, Emma and Lee Etta Ross and Rosanna Skaggs, Sarah Allen and Oscar Tucker are the children and grand children of Jacob and Maria Ross born since 1866, and possess no rights to enrollment except as their descendants; that Louisa Burney was born subsequent

to the date of the 1880 roll, and is the minor child of one James Burney, who is identified on the 1880 authenticated Cherokee roll; that Rose Ross, the wife of George Ross was born since 1866 and claims right to enrollment through her father, one Louis Gibson, whose application has been denied and the adverse decision affirmed by the Department November 19, 1903 (I.T.D. 6188, 8060-1903); that Eli Archer and Rosa Ross, wife of Willie Ross were born since 1866, and are the descendants of, and claim right to enrollment through Thomas Archer and his wife Delsie Archer, who returned to the Cherokee Nation with her husband subsequent to February 11, 1867; that Rachel Ross wife of Moses Ross, Jesse, Ada, George, Bessie, Austin, Nelson, Cora, Mineola, Josephine, Arthur and Lela Whitmire, Ella Bryant, Lizzie, Isaac, Ollie, George, Cleveland and Aid Adair are the children and grand-children of Frank Whitmire, born since 1866, and claim right to enrollment through him; that Aleck, Goldy, Elsie May, Benjamin and Peter Adair, Josie, Turner, Bessie, Gracie, Claudy and Celia Brown, and Abbie, Arthur, Minnie and Abbie Rowe are the children and grand children of Celia Thompson, born since 1866, and claim right to enrollment through her.

It does not appear that any of the applicants is identified on the 1880 authenticated Cherokee roll.

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

Very respectfully,

C. F. Larrabee

Acting Commissioner.

(COPY)

CRW

DEPARTMENT OF THE INTERIOR, IJB  
WASHINGTON.

D.C. 48532.

I.T.D. 3396, 8393, 8445,  
8479, 8497, 8583,  
8585, 8589, 8649,  
8777, 8791, 8793,  
8798-19 05.

November 2, 1906.

I.R.S.

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

Sir:

January 7, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated applications for the enrollment of Jacob Ross et al. as Cherokee freedmen, including its decision of December 16, 1904, rejecting the applications of Jacob, Maria, Ella, George, Rose, Fred, Stella, Moses, Willie, Rosa, Emma, and Lee Etta Ross; Sarah Allen; Oscar Tucker; Rosanna Skaggs; Thomas and Eli Archer; Celia Thompson; Aleck, Goldy, Elsie May, Benjamin, and Peter Adair; Jesse, Turner, Bessie, Gracie, Claudy, and Celia Brown; Abbie, Arthur, Minnie, and Abbie Howe, and Abbie Mayhew; and granting the applications of Rachel Ross; Louisa Burney; Lela, Frank, Jesse, Ada, George, Bessie, Austin, Cora, Mincola, Josephine, Arthur, and Nelson Whitmire; Ella Bryant, and Lizzie, Isaac, Ollie, George, Cleveland, and Aid Adair.

Reporting April 1, 1906 (Land 3283), the Indian Office

recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, motions for review were filed in the matter of the applications of Moses Ross, Abbie Rowe et al., Celia Thompson et al., Rose Scaggs, Ella Ross et al., George Ross et al., Jacob Ross et al., Abbie Mayhew, Benjamin Adair, Sarah Allen et al., Eli Archer et al., and Thomas Archer.

There appears to be no proper reason for granting said motions and they are hereby denied.

The Department concurs in the recommendation made, and the decision of the Commission is hereby affirmed.

The Indian Office will notify local attorneys of departmental action.

The papers in the case, including said motions for review, have been sent to the Indian Office for its files.

Respectfully,

E. A. Hitchcock

Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 14 to Ind. Of.

**Cherokee Freedmen**

**D-1002.**

**Muskogee, Indian Territory, November 13, 1906.**

**Eli Archer,**

**Lenapah, Indian Territory.**

**Dear Sir:**

**You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated December 16, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior November 2, 1906, and the motion for review of your case, filed by your attorneys September 7, 1905, denied.**

**Respectfully,**

**LS**

**Commissioner.**

Cherokee Freedmen

D-539, et al.

Muskogee, Indian Territory, November 13, 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 December 16, 1904, rejecting the applications of Jacob Ross, et al., and granting the applications of Rachel Ross, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior November 2, 1906, and the motion for review of said cases, filed September 7, 1905, denied.

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

Respectfully,

Incl. 2-1  
LS

Commissioner.

Cherokee Freedmen

D-539, et al.

Muskogee, Indian Territory, November 13, 1906.

Blue & Bulger,

Attorneys for Jacob Ross, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated December 16, 1904, rejecting the applications of Jacob Ross, et al., and granting the applications of Rachel Ross, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior November 2, 1906, and the motion for review of said cases, filed by you September 7, 1905, denied.

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

Respectfully,

Incl. 8-4  
LS

Commissioner.

DEPARTMENT OF  
COMMISSION TO THE FIVE COUNTRIES

**FILED**  
1901

*Handwritten signature*



MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *July 1, 1901*  
Post Office *Lenape, Ga.*  
District *Coos*

1. Name *Eli Archer* Age *25*

Owner's name ..... Citizenship .....  
Year *80* Page *145* No. *3606* District *Coos*

Parents:  
Father *Thos Archer - living* Citizenship .....  
Mother *Eliza " - dead* Citizenship .....

2. Name of wife ..... Age .....

Owner's name ..... Citizenship .....  
Year ..... Page ..... No. .... District .....

Parents:  
Father ..... Citizenship .....  
Mother ..... Citizenship .....

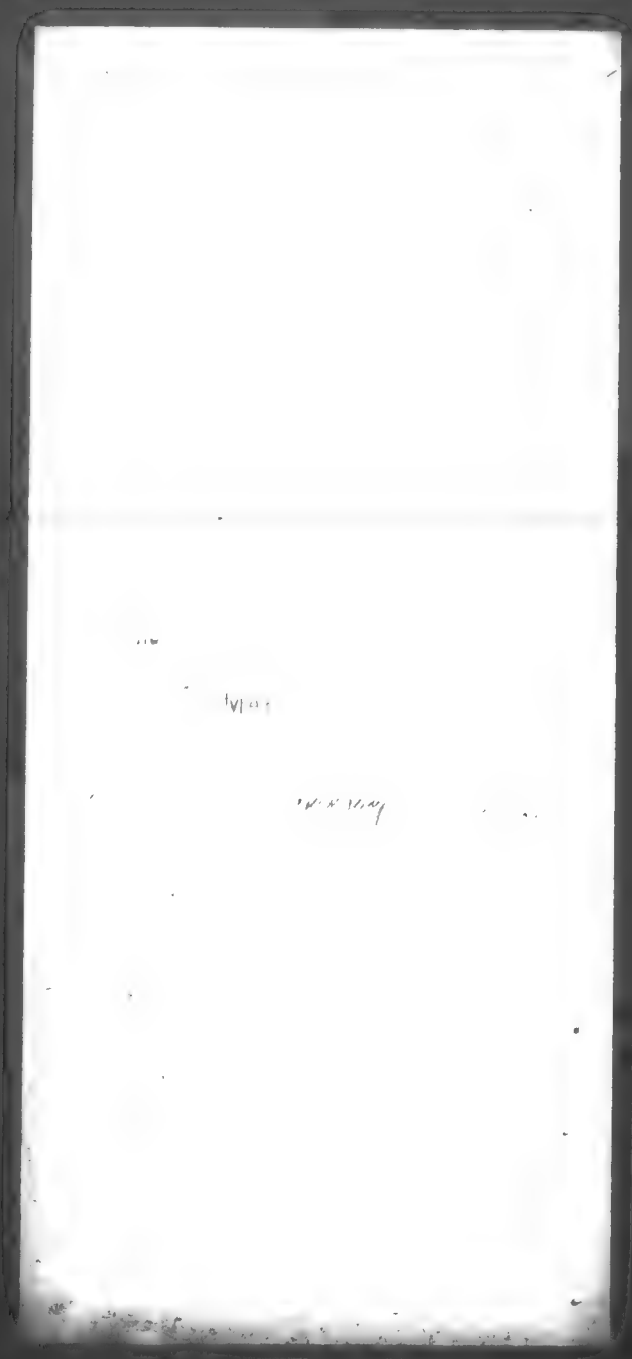
Names of Children

*Robert*  
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 *Mo. 1* Stenographer *J. O. Ross*

*1 on K. L. roll as Eli Archer  
1 on Wallace roll, Page 188 # 3448 Eli Archer*

*Ref 10901*



# **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. Eli Archey,  
Lenapeh, I. T.  
Cherokee-F-D-1002.  
Register.

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

Cher. Fr. R. 1052

Trans. from Cher. Fr. D. 1005

Cher. Fr. R. 1052

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
NOWATA, I.T., JULY 1st, 1901.

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

- Q What is your name? A George Rowe.  
Q How old are you? A About 38.  
Q What is your post office address? A Inola.  
Q What district do you live in? A I am living in the Creek Nation  
now; I lived in this Nation but I am now in the Creek Nation.  
Q Who do you want to enroll besides yourself? A Just myself.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A My wife is already enrolled.  
Q Has she got a name? A Yes, sir.  
Q What is it? A Dinah McIntosh.  
Q Is she a Creek? A Yes, sir.  
Q Was she enrolled in the Creek Nation? A Yes, sir.  
Q Is her name on the Dunn roll? A Yes, sir.  
Q Are her children enrolled there with her? A Yes, sir.  
Q What is your father's name? A Daniel Rowe.  
Q Is he living? A No, sir.  
Q What is your mother's name? A Harriet Rowe.  
Q Is she living? A No, sir.  
Q Were you a slave? A I was born a slave.  
Q Who was your owner? A Lewis Ross.  
Q Is he a Cherokee citizen? A Yes, sir.  
Q Who did your mother belong to? A Lewis Ross.  
Q Well, were you taken out of the Cherokee Nation during the Civil  
War? A Yes, sir.  
Q Where to? A Kansas.  
Q When did you return? A '66, as near as I can come at it.  
Q Did you come back with your mother? A Come back with my  
father, my mother died in the time of the war.  
Q You come back with your father? A Yes, sir.  
Q Where can you first recollect being? A I was on Grand River  
between Spavinaw.  
Q In the Cherokee Nation? A Yes, sir.  
Q How long did you live in the Cherokee Nation?  
A I have lived there up to '91.  
Q Then you married in to the Creek Nation? A Yes, sir, I brought  
my wife over here and married and found out I could not give my  
children any schooling and I moved them back in the Creek Nation  
in '91.  
Q You have been living there ever since? A Passing.  
Q The old lady is living over there? A Yes, sir.  
Q You stop as you pass? A Yes, sir.  
Q What part of the Creek Nation do you live in Georgia?  
A Six miles from the line; five miles and a half from the line  
south.  
Q From the line south to the Cherokee line? A Yes, sir.  
Q Is Inola in the Cherokee Nation or Creek Nation?  
A It is a quarter from the line, it is in the Creek Nation.  
**BY MR. J. S. DAVENPORT, Cherokee Representative:**  
Q Where did you see Jim Alberty after the war?  
Q Down in Delaware district.  
Q At what place? A Cherokee Nation.

**JIM ALBERTY**, being sworn and examined by Commissioner  
T. B. Needles, testified as follows:

- Q What is your name? A Jim Alberty.  
Q What is your wife, Mr. Alberty? A Yes.  
Q What is your post office? A Chontauk.  
Q Do you know the Applicant, George Rowe? A Yes, sir.  
Q How long have you known him? A 25 or 30 years.

George Rowe.--2.

- Q Did you know his mother and father? A Didn't know his mother.
- Q Did you know his father? A Yes, sir.
- Q What was his father's name? A Dan Rowe.
- Q Was Dan a slave? A Yes, sir.
- Q Was George born a slave? No, sir, I can't tell.
- Q Whom did Dan belong to? A Lewis Ross.
- Q He was a Cherokee? A Yes, sir.
- Q Well, did Daniel Rowe and the applicant go out of the Cherokee Nation during the war? A He says he did.
- Q Who says he did? A Daniel.
- Q Well, where did you see him first after the Civil War?
- A Right there near about his old home.
- Q When? A It was sometime in the fall of '66.
- Q Is Daniel living? A No, sir.
- Q Did Dan have his family with him when you saw him in the fall of '66? A Yes, sir.
- Q Did he have any children? A Yes, sir.
- Q How many? A Four or five.
- Q Do you know whether this boy, George, was one of them or not?
- A Yes, sir.
- Q He was? A Yes, sir.
- Q You recollect him? A Yes, sir.
- Q How old was he when you saw him there with Daniel?
- A He was a very little boy.
- Q Have you known him ever since? A Yes, sir.
- Q Where does he live now? A In the Creek Nation ever since.
- Q That is what he told you? A No, I know.
- Q You have been in the Creek Nation to where he lives? A Yes, sir.
- Q Been to his house? A Yes, sir.
- Q What part of the Creek Nation does he live?
- A Not far from what we used to call Sandtown.
- Q Where is Sandtown? A That is west of where I live.
- Q You have been down there and seen him? A Yes, sir.
- Q How much family has he got? A I don't know, it has been some time since I was there.
- Q How long has he been living in the Creek Nation to your knowledge? A He must have been living there as much as ten or 12 years or longer.
- BY MR. DAVENPORT:**
- Q Him, was his mother and father married at the breaking out of the Civil War living together as man and wife? A Yes, sir.
- Q What was his mother's name? A I don't know his mother; Dan had a wife; she was where I could not go.
- Q This man's mother you don't know what her name was?
- A No, sir, she lived at Lewis Ross' and they didn't allow negroes to go there.
- Q You lived how far from Lewis Ross's place at the time the war broke out? A About eight or ten miles.
- Q Do you know that Daniel Rowe was the sale of Lewis Ross at the breaking out of the war? A Yes, sir.
- Q How do you know? A When I helped him drive his cattle ~~from~~ over I would see him.
- Q Was that one of the drives you went 50 miles and back in a day?
- A No, sir, I didn't do that.
- Q You were there at Lewis Ross' place when the war broke out and know that he was a slave? A Yes, I wasn't there when the war broke out.
- Q Well, then, you don't know whether he is a slave of ~~George~~ Lewis Ross or not? A Yes, sir, I know it.
- Q Did you go out of the Cherokee Nation? A Yes, sir.
- Q Do you know what state Lewis Ross himself was in when the war was declared? A I don't know anything about that.
- Q Now, when did you first see this applicant and where was he when you saw him? A Where, he was camped there about the old Lewis Ross.

George Rowe, --3.

- Q How long ago has it been? A Ever since '66.  
Q This applicant? A He was a child then.  
Q Do you remember him as a child? A Yes, sir; I lived right by him after he moved to Big Creek.  
Q How old was he when he moved there? A I can't tell my own, I can't tell hisen.  
Q Well, then the mother of t his applicant lived up on Big Creek at one time didn't she? A No, sir.  
Q Did you ever know a woman to figure in the Rowe family and who claimed to be the mother of this applicant by the name of Delilah?  
A No, sir.  
Q Well, what relation was Delilah to this applicant?  
A His siter.  
Q Well, was Delilah with them over there? A Yes, sir.  
Q Who else did he have with him? A He had his family.  
Q Did he have some other children? A Yes, sir.  
Q Do you remember any of their names? A Yes, sir, one the next biggest one.  
Q What was that? A Li xie.  
BY COM'R NEEDLES:  
Q How do you know it was '66? A Why everydoby I met told me, I just kept account of it.  
Q Was that the year you come back? A Yes, sir.  
Q You saw Daniel Rowe the same time? A Saw him the same year.  
Q Do you know how long Daniel has been dead? A No, sir.  
BY MR. DAVENPORT:  
Q Did Daniel Rowe have his wife with him when you saw them camped there in '66? A No, sir, I didn't see no wife.  
Q Didn't see anybody except these children? A I didn't notice any woman at all.  
BY COM'R NEEDLES:  
Q This child was very small at that time? A Yes, sir.  
Q Don't look like a man would be camped there with little bitty children? A That is the way it was.  
BY MR. DAVENPORT:  
Q You just remember seeing the children? A Yes, sir.  
Q The wife is dead now? A Yes, sir.  
Q And the father is dead now? A Yes, sir, they are both dead.

MOSE RILEY, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Mose Riley/  
Q How old are you, Mr. Riley? A 51 or 2.  
Q What is your post office? A Chelsea.  
Q Are you a Cherokee Freedman? A Yes, sir.  
Q Did you know the applicant, George Rowe? A Yes, sir.  
Q How long have you known him? A I have known him about I expect 30 years.  
Q Did you know his father? A Yes, sir.  
Q What was his name? A Dan Rowe.  
Q Did you know his mother? A No, sir, I didn't know his mother.  
Q Do you know whether George was a born slave or not?  
A No, sir.  
Q Do you know whether his father was? A I knew his father, but I don't know where he was a slave at.  
Q Where did you first see his father at or the Civil War?  
A Over in Galine District.  
Q What year was that? A It was either the latter part of '66 or first part of '67.  
Q Who was with him there? A His daughter for one I know, Lilla.  
Q Was this applicant there, George? A I could not say safely that it was him, but he had a boy or two with him, but I don't know really whether this is one or not.  
Q Well, have you known George since that pretty well? A Yes, sir.

George Rowe, --4.

- Q Where has he been living ever since that time? A I have been knowing him about every place, knowed him on Big Creek and down in the lower part of the Cherokee Nation.
- Q Did he move out of the Cherokee Nation?
- A I don't know, sir, where he did or not.
- Q How much family has he got? A I don't know.
- Q Don't know his children at all? A No, sir.
- Q You have never been to his house since he was married?
- A No, sir.

BY MR. DAVEN PORT:

- Q How far do you live from him, Vose? A I don't know, sir, how far I live from him now.
- Q How far did you live from where you saw them camped there on Grand river in '66, as you understood it to be? (No response.)
- Q Were they living in a house over there when you saw them in '66 or were they camped? A I saw them at Lynch's settlement, and when they came passed the old McNair place when his father came past there, they wasn't camped there, but his father did camp down there somewhere but I wasn't down to his camp.
- Q ~~Lynch~~ How do you know he was camped down there? A Just by what he says.
- Q Well, were you down there in '66 to the McNair place?
- A Yes, sir.
- Q You're not on the 1880 roll? A No, sir.
- Q Now, what time of the year in '66 was it you saw these people down there? A It was early in the fall, it must have been; no, it must have been the early part of the winter when I saw them there.
- Q Before or after Christmas? A I don't remember whether it was after Christmas or not.
- Q He had his wife with him there did he? A I don't know whether Minah, had his wife down there or not, I think she was.
- Q He married his second wife in Kansas?
- A I don't know, but seems to me like he had Minah with him.
- Q And that wife was Peter Wards daughter? A Yes, sir.
- Q And the first time you saw them they were living together as man and wife? A Yes, sir.
- GEORGE ROWE, the Applicant, recalled: BY COM'R NEEDLES:
- Q How long has your ~~wife~~ father been dead? A He died in '80, sir.
- Q How long has your mother been dead? A My mother died in '62, in time of the war.
- Q Did you ever try to have your name put on the 1880 roll?
- A I have tried through my uncle.
- Q Who was he? A Lewis Rowe, lived in Delaware District.
- Q Is your name on any of the rolls of the Cherokee Nation?
- A On the Wallace Roll.

The 1880 Authenticated Roll, the 1896 Census Roll and Kern-Clifford payroll of freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 137, #2875, George Rowe, Cowascooee District.

- Q Now, there has been no proof brought here that your mother was a slave? A She died, I was very small.
- Q And there is no proof here that your mother and mother were ever married? (No response.)

DAVID MARTIN, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A David Martin.
- Q What is your age? A 54.
- Q What is your past address? A Coffeyville.



- Q Are you a Cherokee Freedman? A Yes, sir.
- Q You are not on the roll of 1880? A No, sir.
- Q Well, do you know George Rowe, the applicant? A Yes, sir.
- Q How long have you known him? A I knowed him ever since he was a little boy.
- Q Was he a ~~U~~ slave? A Yes, sir.
- Q To whom did he belong? A Lewis Ross.
- Q Who was the name of his father? A Daniel Ross.
- Q What was the name of his mother? A Harriet Ross.
- Q Were they slaves of Lewis Ross? A Yes, sir.
- Q Well, did Daniel and Harriet go out of the Cherokee nation during the war? A I don't know, sir.
- Q When was the first time you saw George Ross, the applicant after the war? A Saw him on Grand River I think the first time.
- Q About what year? A It was in '73.
- Q Was his father and mother living? A No, sir, his mother wasn't his father was living.
- Q Well, where did you see Daniel and Harriet after the war, the same time? A I saw Daniel on Grand river in '73, but Harriet was dead.
- Q Did he have George with him then? A I didn't see the children, we was up there at the Convention.
- Q You don't know when they returned to the Cherokee Nation?
- A No, sir.
- Q Do you know that Daniel and Harriet were married?
- A They were there married and lived there on Lewis Ross' place and had three children.
- Q Was George one? A Yes, sir, and Jesse was one I think and this Delilah was the other one, and had a little crippled one.
- Q Do you know whether George has been since that time?
- A He has been living the greater part of his time up on Big Creek.
- Q Is he living on Big Creek now? A No, sir, he is moved down to the Creek Nation.
- Q Well, how long has he been down there? A Between eight or nine years.
- BY MR. DAVENPORT:
- Q You heard all the testimony given there with reference to his residence? A Yes, sir.
- Q You heard the testimony of Jim Alberty with reference to his return? A No, sir.
- Q Now, was George born after the breaking out of the war?
- A No, sir, he was born before the breaking out of the war.
- Q Now, don't you know that he was not? (No response.)
- Q Don't you know that George was not born until after the war was had broke out? A Well, why so?
- Q I am asking you? A No, sir, I don't know.
- Q How old is he now? A He ought to be close on to 40 to give him a right age.
- Q Where was George born? A Lewis Ross'.
- Q Do you know that he was living in Kansas and George was born there? A He had two or three children when they left here.
- Q You don't identify this boy as one born before the war?
- A Yes, sir, I do.
- Q You positively identify him as being one of the boys born before the war? A I identify him as Daniel's boy.
- Q You didn't see all of his children? A Yes, sir.
- Q The war broke out in '61? A Yes, sir.
- Q And you didn't see them until '73, 12 years afterwards? (No response.)
- Q Wasn't that a fact? (No response.)
- Q Was that the first time you seen them or not? A That is the first time, I was trying to recollect.
- Q You answered a while ago that the first time you seen him was '73? A Yes, sir.
- A And you answered that he didn't have his family with him?

George Rowe.--6.

- A I saw Daniel, I didn't see his family in '73.  
Q You didn't see his family with him? A No, sir.  
Q Now, when after that was it you saw these children?  
A I have saw these children all the time for 20 years, more or less  
Q How soon after you saw Daniel in '73 was it until you saw this boy?  
A I saw this boy in '81. or '82.  
Q You recognized him in '81, as being the boy George? A I recognized all of his children.  
Q George was an infant if he was born before the war?  
A He was a small child.  
Q Did these people have an ~~xxxxxxx~~ other name besides Rose? A They went by the name of Harriet and Daniel Ross and they bought him from Rowe.  
Q Where were you living when the war broke out? A I was living eight or nine miles before the war broke out and in '59 and '60, I was in the woods scouting.  
Q You hadn't seen these people for several years before the war?  
A Yes, sir, I went to them and got something to eat.  
Q You left away before that? A Yes, sir; they left in '62 and I left in '61.  
Q And you don't know what changes had been made with reference to their ownership? A I don't know.  
BY COM'R NEEDLES:  
Q Was Daniel and Harriet married during the war? A Yes, sir.  
Q They were married? A They were married by a preacher, Uncle Willis, always married the colored people there on the place.  
Q They were known as man and wife? A Yes, sir.  
Q They went to Kansas together? A Yes, sir, I guess they went to Kansas.  
Q Did she die in Kansas? A Yes, sir, Daniel told me she died in Kansas when I met him.

COM'R NEEDLES: Daniel Rowe applies for the enrollment of himself. He avers that he is the child of Daniel Rowe and Harriet Rowe, and that he was the sale belonging to Lewis Ross and his father and mother belonged to Lewis Ross. He avers that he informed that her returned to the Cherokee Nation in the year 1866, but testimony to that effect has been produced. Testimony has been produced as to the citizenship of his mother and as to their having been married. Applicant avers that he now lives in the Creek nation and that his wife and children are resident and citizens of the Creek nation. As to his residence reference is made to the testimony. George Rowe will now be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail of the action of the Commission when arrived at.

---000000000---

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

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

*J. G. Posson*

Commissioner.

COPY

Cherokee F.D-1005

Muskogee, Indian Territory, March 19, 1903.

George Rowe,

Turner, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 18, requesting information as to what action has been taken in the matter of your application for enrollment as a Cherokee Freedman.

In reply, you are advised that, at the time of your application, you were listed for enrollment as a Cherokee Freedman upon a doubtful card, awaiting the decision of the Commission as to your right to enrollment. This decision has not yet been prepared. When a decision has been reached, you will be notified.

It is noted that your letter is written from Turner, I.T., while the Commission's records show your postoffice as Lucia, I.T. You are requested to advise the Commission whether or not you have changed your postoffice address since making application for enrollment.

Respectfully,

Tama Bixby.

Chairman.

COPY.

Cherokee Freedmen

D-1005.

Muskogee, Indian Territory, April 19, 1905.

George Rowe,

Turner, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision dated April 19, 1905, 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,

SIGNED: *Tame Birby*  
Chairman.

Incl. 3-6

Register

COPY.

Cherokee Freedmen

D-621, et al.

Muskogee, Indian Territory, April 19, 1905.

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

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 19, 1905, rejecting the applications for the enrollment of Grant, Angeline, Lewis, Jeff, Grant, Viola, Leola and George Howe, Henry and Elizabeth May, 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 Dixby.*  
Chairman.

Incl. 8-8

COPY.

Cherokee Freedmen  
D-421, et al.

Muskogee, Indian Territory, April 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Grant Rowe, et al., including the Commission's decision dated April 19, 1905, rejecting the applications for the enrollment of Grant, Angeline, Lewis, Jeff, Grant, Viola, Leola and George Rowe, Henry and Elizabeth May as Cherokee freedmen.

Respectfully,

(SIGNED) *Tams Dixie*  
Chairman.

Incl. 2-9

Through the

Commissioner of Indian Affairs.

( COPY )

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. May 12, 1905.

Land.  
31386-1905.

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 19, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Grant Rowe for himself and wife, Angeline Rowe; by Lewis Rowe for himself; by Jeff Rowe for himself and his minor children, Grant, Viola and Leola Rowe; by Henry May for himself and his wife, Elizabeth May, and by George Rowe for himself.

April 19, 1905, the Commission decided adversely to all the applicants.

The records shows that the applicants, Grant and Lewis Rowe are the children of Dan and Mina Rowe, both deceased, were born since the beginning of the war of the rebellion and possess no rights to enrollment other than as descendants of their said parents; that the said Dan and Mina Rowe were the slaves of Cherokee citizens at the beginning of the war of the rebellion, were taken from the Cherokee Nation during said war and did not return to said Nation on or before February 11, 1867; that the applicant, Angeline Rowe is the daughter of Esau and Nancy Fox, born since the beginning of the war and possesses no rights to enrollment other than as a descendant of said parents and it has been heretofore decided, with the approval of the Department, of August 31, 1904 (I.T.D. 2756-1904), that Esau and Nancy Fox did not return to the Cherokee Nation on or before February 11, 1867.

The record further shows that Jeff Rowe is a son of Dan Rowe, deceased, and one Harriet Rowe who was the slave of a Cherokee citizen at the beginning of the war of the rebellion, was taken from the Cherokee Nation and died in Kansas during said war; that the applicant was the slave of a Cherokee citizen at the beginning of said war, was taken by his father from the Cherokee Nation during the war and it is not established that he returned thereto on or before February 11, 1867. The minor applicants, Grant, Viola and Leola Rowe are the children of Jeff Rowe, were born since 1860 and possess no rights to enrollment other than as descendants of their father.

The record further shows that the applicants, Elizabeth May and George Rowe are the children of Dan and Harriet Rowe; that Elizabeth May was born since the beginning of the war of the rebellion and possesses no rights to enrollment other than as a descendant of her parents; that the said George Rowe and Henry May were slaves of Cherokee citizens at the beginning of the war of the rebellion, were taken out of the Cherokee Nation during said war and did not return on or before February 11, 1867. None of the applicants or his ancestors is identified on the 1860 authenticated Cherokee roll.

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

Very respectfully,

C. E. Larrabee,

Acting Commissioner.

M.K.V.  
W.



Cherokee F.  
D. 621 et al.

Muskogee, Indian Territory, July 14, 1906.

Soper, Huckleberry & Owen,

Attorneys for Grant Rowe, et al.

Muskogee, Indian Territory.

Gentlemen:

In reply to your letter of July 10th, you are advised that you have been entered as attorneys of record in the matter of the application for the enrollment as Cherokee freedmen of Grant Rowe, et al., and will be advised of any further action taken in said cases.

Respectfully,

Commissioner.

LMS

( COPY )

80111.

DEPARTMENT OF THE INTERIOR, LLB

G.R.

I.T.D.8452-1906.

WASHINGTON.

November 13, 1906.

7643- "

8453- "

8455- "

L.R.C.

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

Sir:

In accordance with the recommendation of the Acting Commissioner of Indian Affairs dated May 12, 1905 [Land 31386], the decision of the Commission to the Five Civilized Tribes dated April 19, 1905, denying the applications for the enrollment of Grant Rowe, Angelina Rowe, Lewis Rowe, Jeff Rowe, Grant Rowe (son of Jeff Rowe), Viola Rowe, Leola Rowe, Henry May, Elizabeth May, and George May as Cherokee freedmen is hereby affirmed.

Motions for review therein, filed on behalf of George Rowe (I.T.D.8453-1905), and Jesse (or Jeff) Rowe et al. (I.T.D.8455-1905), filed with the Department September 7, 1905, by Messrs. McGowan, Serven & Wchun, are hereby denied.

A copy of Indian Office letter of May 12, 1905, relative thereto, is inclosed.

The Commissioner of Indian Affairs is requested to notify local counsel of this action.

The record has this day been returned for the files of the Indian Office.

Respectfully,

(Signed) Thos. Ryan,  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 18 to Ind.Of.

Cherokee freedman

D-1006.

Muskogee, Indian Territory, November 24, 1906.

George Rowe,

Turner, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 19, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, November 15, 1906; and a motion for review of your case filed by your attorney September 7, 1905, is denied.

Respectfully,

JNH.

Commissioner.

Cherokee freedmen  
D-681 et al.

Muskogee, Indian Territory, November 24, 1906.

Soper, Huckleberry & Owen,  
Attorneys for Grant Rowe, et al.,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 19, 1906, rejecting the applications of Grant Rowe, et al. for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 13, 1906.

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

Respectfully,

Encl. H-7.  
J.W.N.

Commissioner.

Cherokee freedmen  
D-621 et al.

Muskogee, Indian Territory, November 24, 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 April 19, 1905, rejecting the applications of Grant Rowe, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 13, 1906.

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

Respectfully,

Encl. N-8.  
JMH.

Commissioner.

A.F. Mc

D.O.W.

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

In the matter of the application for the enrollment of  
Grant Rowe et al., as Cherokee Freedmen, consolidating the appli-  
cations of:

Grant Rowe, et al.,	Cherokee Freedmen D 621,
Lewis Rowe,	Cherokee Freedmen D 622,
Jeff Rowe, et al.,	Cherokee Freedmen D 690,
Henry May, et al.,	Cherokee Freedmen D 794,
George Rowe,	Cherokee Freedmen D 1005.

--:--

DECISION.

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by Grant Rowe for himself and wife, Angeline Rowe; by Lewis Rowe for himself; by Jeff Rowe for himself and minor children, Grand, Viola and Leola Rowe; subsequently, to-wit, on June 30, 1902, there was filed with this Commission an affidavit showing the birth on November 1, 1900, of Luther G. Rowe, child of the applicant, Viola Rowe; by Henry May for himself and wife, Elizabeth May, and minor stepson, Samuel Leek; and by George Rowe for himself. As the applications for the enrollment of the said Luther G. Rowe and Samuel Leek have been otherwise disposed of, their rights to enrollment as Cherokee freedmen will not be considered in this decision. Copies of the testimony taken at different times and places in the cases of Abraham Ward, C.F.D. 407 (R 263), of Beau Fox, C.F.D. 508, of Daniel Thompson, C. F. D. 606, of Nelson Murrell, C. F. D. 620, of Peter Ward, C. F.D. 615 (R. 282) and of Mariah Reynolds et al., C. F. D. 802, are filed herewith and made a part of the record herein.

The evidence in this case shows that the applicants, Grant and Lewis Rowe are children of Dan and Nina Rowe, both deceased, were born since the commencement of the rebellion, and possess no rights to enrollment other than as descendants of their said parents; that the said Dan and Nina Rowe were slaves of Chero-

kee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; and that the applicant, Angeline Rowe is a daughter of Esau and Nancy Fox, was born since the commencement of the rebellion, and possesses no rights to enrollment other than as a descendant of her said parents. In Cherokee Freedman D 508, the Commission has heretofore found that the said Esau and Nancy Fox did not return to the Cherokee Nation after the close of the rebellion within the time specified in the above mentioned Whitmire decree, and, on August 31, 1904 (Departmental letter I.T.D. 6756-04), said finding was approved by the Department.

The evidence further shows that the applicant, Jeff Rowe, is a son of the said Dan Rowe, deceased, and one Harriet Rowe, who was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation, and died in Kansas during said rebellion; that said applicant was the slave of a Cherokee citizen at the commencement of the rebellion, was taken, by his father, from the Cherokee Nation, during said rebellion, and it is not established by satisfactory evidence that he returned thereto within the time specified in said Whitmire decree. The minor applicants, Grant, Viola and Leola Rowe, are children of the said applicant, Jeff Rowe, were born since 1880, and possess no rights to enrollment other than as descendants of their said father.

The evidence further shows that the applicants, Elizabeth May and George Rowe are children of the said Dan and Harriet Rowe; that the said Elizabeth May was born since the commencement of the rebellion, and possesses no rights to enrollment other than as a descendant of her said parents; and that the said George Rowe, and the applicant, Henry May, were slaves of Cherokee citizens at the commencement of the rebellion, were taken out of the Cherokee Nation during said rebellion and did not return thereto within the time specified in said above mentioned Whitmire decree.

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 shows that the said Dan and Mina Rowe returned to the Cherokee Nation, after the close of the rebellion, in company with, among others, Peter and Abraham Ward. In C. F. D. 613 and 607 (R 283- R 282), this Commission has heretofore found that the said Peter and Abraham Ward did not return to the Cherokee Nation, after the close of the rebellion, within the time specified in said Whitmire decree, and, on April 29, 1904 (Departmental letter 3254-04), said finding was approved by the Department.

The applicant, Jeff Rowe, introduces Abraham Wair and Mose Hardrick to prove that he returned to the Cherokee Nation after the close of the rebellion, within the time specified in the Whitmire decree; the first above named witness has been repeatedly contradicted, and impeached in numerous cases (see, in particular, Mary Hudson C.F.D. 764 and Alfred McVair C.F.R. 119), before this Commission, and his testimony is practically worthless. In C.F.D. 314, it was found by this Commission that the second above named witness, Mose Hardrick, did not return to the Cherokee nation, after the close of the rebellion, within the time specified in the Whitmire decree, and, on October 13, 1904 (Departmental letter I. T.D. 6968 -04), said finding was approved by the Department.

There may be some doubt as to whether or not the applicant, Elizabeth May, was born prior or subsequent to the commencement of the rebellion; in this connection attention is called to the fact that after the close of the rebellion, she returned to the Cherokee Nation with her grandfather, Jesse Rowe, and that the said Jesse Rowe, returned to the Cherokee Nation after the close of the rebellion, in company with his son, the said Dan Rowe, and the said above mentioned Peter and Abraham Ward.

The applicant, Henry May, testifies that he returned to the Cherokee Nation, after the close of the rebellion, with Peter Hudson, but his mother, Mariah Reynolds, testifies that said applicant returned with her. In C.F.D. 604 (1332), Peter Hudson testifies that only his family returned with him, and his witnesses, Allen and Anderson Lynch and Sam Webber, do not then identify this applicant as having returned at that time, although they are asked to name those who composed the party returning with Peter Hudson. The preponderance of the testimony indicates that the applicant, Henry May, returned to the Cherokee Nation, after the close of the rebellion, with his mother, Mariah Reynolds. In C.F.D. 802, the Commission has heretofore found that the said Mariah Reynolds did not return to the Cherokee Nation, after the close of the rebellion within the time specified in the said Whitmire decree, and, on September 10, 1904, (Departmental letter I.T.D. 7146-04), said finding was approved by the Department.

It is, therefore, the opinion of this Commission that the applicants for the enrollment of Grant Rowe, Angeline Rowe, Lewis Rowe, Jeff Rowe, Grant Rowe (son of Jeff Rowe), Viola Rowe, Leola Rowe, Henry May, Elizabeth May, and George Rowe, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 23, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) TAMS BIXBY  
Chairman

" T.R. Needles  
Commissioner

" C.R. BROCKINRIDGE  
Commissioner

Muskogee, Indian Territory

APR 19 1905



# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT

SS

In the matter of the application of George  
Rowe for enrollment as a Cherokee Freedman.

No. F. D. 1006

Henry Pack of lawful age, being duly sworn on  
oath states that on the 18 day of September, A. D., 1901, he registered  
to George Rowe whose postoffice is Inola

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 21 day of September, 1901, he received the return  
card which is hereto attached, signed by the said George Rowe, showing  
that he had received said notice.

Subscribed and sworn to before me on this the 21 day of Sept. A. D. 1901.

Henry Pack  
J. C. Blair  
Notary Public.

7101005

A. D.

INDIAN TERRITORY,  
CHEROKEE NATION.

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

by delivering a true copy thereof on the  
day of A. D. 1901

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

Notary for the Cherokee Nation.

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

Attorney for applicant

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

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

on the day of A. D. 1901

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

Notary Public.

FILED  
SEP 21 1901

RECORDS

ACTING CHAIRMAN

## NOTICE!

IN THE MATTER OF the application of George Rowe  
for enrollment as a Cherokee citizen:

Case No. D 1008

To George Rowe Indola 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 Ynita, Indian Territory, Indian Territory, on Oct. 8th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

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

*L. B. Bell*

*W. W. Hastings*  
Attorneys for the Cherokee Nation.

721-5

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
JUL 1 1901

*[Handwritten signature]*

CHEROKEE FREEDMEN.

Date July 14/11  
Post Office Watauga  
District Cherokee

1. Name George E. Egan Age 38  
Owner's name George Egan Citizenship Cherokee  
Year 1875 Page 37 No. 2875 District Cherokee

Parents:

Father George Egan - read Citizenship Cherokee Freedman  
Mother Marrett - read Citizenship "

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

Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_  
Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

Names of Children:

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

Application made by W. L. Stenographer J. B. Ross

WIP

*Handwritten signature*

# **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 Rowe,  
Inola, I. T.  
Cherokee-F-D-1005.  
Register.

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

Cher. Fr. R. 1053

Trans. from Cher. Fr. D. 1008

Cher. Fr. R. 1053



Commission to the Five Civilized Tribes he ~~transmitted~~ the fore-  
going copy and that same is a true and complete copy of the orig-  
inal transcript.

Subscribed and sworn to before me this December 9, 1901.

Commissioner.

Dec 15 1901  
FILED  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
Division of Int. Affairs

AMERICAN

File with C. F. D-1008, Nicholas Landrum.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I. T., June 26th, 1901.

In the matter of the application of Elizabeth Duncan for the enrollment of herself as a Cherokee Freedman by intermarriage, and for the enrollment of her four children as Cherokee Freedmen; said Duncan being sworn and examined by Commissioner T.B. Needles, testified as follows:

APPEARANCES:

Messrs. Smith & Mellette, for applicants;  
Mr. W.W. Hastings, for Cherokee Nation.

- Q What is your name? A Elizabeth Duncan.  
Q What is your age? A 47.  
Q What is your post-office address? A Coffeyville, Kansas.  
Q What district do you live in? A Cooweescoowee.  
Q Do you apply to be enrolled as a Cherokee Freedman?  
A No, sir, I am adopted.  
Q You apply to be enrolled as an adopted Freedman? A Yes, sir.  
Q Do you want to enroll anybody besides yourself? A Four boys.  
Q What are their names? A Clate Duncan.  
Q How old is Clate? A 18.  
Q The next one? A Harry.  
Q How old is Harry? A He is 16.  
Q The next one? A Jewel.  
Q How old is Jewel? A 14.  
Q The next one? A Bert.  
Q How old is Bert? A 12.

BY MR. SMITH:

- Q Where did you marry Joe Duncan? A In to Kansas.  
Q Have you any certificate of your marriage to him? A I haven't got it but I can get it.  
Q When did you marry him? A About '82 I guess.  
Q Is your husband dead, Joe Duncan dead? A Died 13 years of January last.  
Q Well, were these children whose names you have given and for whom you apply all born while you were living together as man and wife?  
A Yes, sir.  
Q Have your children ever been enrolled upon any of the rolls of the Cherokee Nation? A Yes, sir.  
Q What rolls? A Kern-Clifton roll.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicant's deceased husband and her children found thereon as follows:

page 151 No. 3736, Joseph Duncan, Cooweescoowee district;  
page 151, #3730, Clate Duncan, Cooweescoowee District;  
page 151 #3741 Harry Duncan, Cooweescoowee district;  
page 151 #3742 Jewell Duncan, Cooweescoowee District;  
page 151 #3743 Bert Duncan, Cooweescoowee District.

BY COM'R NEEDLES:

- Q Is your name on any of the rolls of the Cherokee Nation?  
A I don't know whether he enrolled me or not.  
Q He never drew any money for you did he? A No, sir; his name ought to be on the Wallace roll.

The 1880 authenticated roll and 1896 census of Freedmen of the Cherokee Nation examined and name of applicant's deceased husband not found thereon.

BY MR. HASTINGS:

- Q What is your oldest child's name? A Clate.  
Q Clayton? A Yes, sir.  
Q What year were you married? A About '82.  
Q Where were you married? A In Kansas.  
Q What town? A Hound City.  
Q Where was Clayton born? A Born in the Territory.  
Q Where? A Over here where we live on the Joe Ross place.

rent a place there.

Q On Snow Creek? A Well I guess you call it on the river.

Q On the verdigris river? A Yes, sir.

Q How far from the mouth of Snow Creek? A I don't know.

Q Do you know where Snow Creek is? A Yes, sir.

Q How far is that from Snow Creek? A Four or five miles I guess.

Q Below of above? A I would call it across from there.

Q Is it across the river from Snow Creek? A No, sir.

Q What is your next child? A Harry.

Q Where was Harry born? A In the Territory.

Q What is the next one? A Jewel.

Q Where was Jewel born? A In Kansas.

Q What place in Kansas? A Mound City was our post-office address you call it.

Q What was the next one's name? A Bert.

Q Where was Bert born? A Over there in the Territory.

Q What place? A Where we made this little place.

Q How far was that place from Nelson Murrell; have you got any older children than these? A No, sir; not my own, they are Mr. Duncans.

Q Where do you live now? A I live up on the high prairie about four miles from what is known as the head of Cedar Creek, about 15 miles this side of Coffeyville, southeast of Coffeyville, about five miles west of Wimer.

Q How long have you been living there? A On that place?

Q Yes. A About 16 or 17 years.

Q Continuously? A Not altogether.

Q Got a house in Coffeyville? A No.

Q You kept house in Coffeyville? A I hired some there and rented a building to stop in.

Q You pay rent on the building now? A No, sir.

Q When did you quit paying rent on it? A When I moved out of it.

Q When did you move down near Wimer? A I guess it has been five years, since the Wern-clifton payment, it must have been eight or ten years.

Q Have you lived or worked in Coffeyville, Kansas, since that time? A I have worked every place.

Q When was the last time you worked there? A That was the last time I worked.

Q Eight or ten years ago? A Yes, sir.

Q You haven't worked or had a house in Coffeyville for that last eight or ten years? A As well as I remember, I don't know whether I am exact on the year or not.

Q How about the last five years? A I haven't.

Q You know that? A Yes, sir.

Q Who are your neighbors out there near Wimer, Cedar Creek, you live? A About four miles up on the high prairie.

Q Who lives near you out there? A I can't tell you who all lives near there, Emma Powell, Lige Robinson, Ed Sterns and we call Sanders we call his name, I don't know him personally.

Q Where is Clayton at right now? A He is here with me.

Q Has he been living over there with you? A Yes, sir.

Q Actually staying over there? A Yes, sir.

Q How about these other three children? A I have the baby child with me on the ground and I left the others on the place there.

Q Have they been living with you the last five or six years continuously all the time? A No, sir.

Q They have been to Kansas? A We go to Kansas about every two weeks and get our mail and shopping.

Q Was Duncan ever married before he married you? A Yes, sir.

Q Is she living or dead? A Yes, sir.

Q Was she living when he married you? A No, sir.

Q What was her name? A Millie Oar.

Q Were you ever married before? A Yes, sir.

- Q To whom were you married? A Knox.  
Q Where were you married? A Mound City.  
Q Where is he? A I don't know.  
Q Were you ever divorced from him? A Yes, sir.  
Q Where were you divorced? A Mound City.  
Q Is he living now? A I don't know, I am not able to stay whether he is living or not.  
Q He was alive when you married the second time? A I don't know, I was legally divorced from him.  
Q When were you divorced from him? A I don't know as I can tell that.

BY COM'R NEEDLES:

- Q In the State of Kansas? A Yes, sir; I guess it was about '83 or '84.

BY MR. HASTINGS:

- Q When you were divorced from him? A Yes, sir.  
Q That is your best Judgment? A Yes, sir.  
Q Are any of these children here by your first husband? A No, sir, not a one of them.  
Q What Court in Kansas? A In the county Court I guess you call it.  
Q What town? A Mound city.  
Q Your oldest child, Clayton is 18? A Yes, sir.

BY COM'R NEEDLES:

- Q Is Joseph Duncan living? A No, sir.  
Q Did you live with him continuously from the time you married him until the time of his death? A Yes, sir.

BY MR. HASTINGS:

- Q Where did he die? A Died on our place but there.

BY COM'R NEEDLES:

- Q And during your marriage with him were all these children born?  
A Yes, sir.

SAM WEBBER, being first duly sworn by Commissioner T.B. Needles, testified as follows. BY MR. SMITH:

- Q State your name? A Sam Webber.  
Q How old are you, Mr. Webber? A About 58.  
Q Where do you live? A Two miles west of here.  
Q How long have you lived in the Cherokee nation? A I was bred and born here.  
Q Do you know the applicant, Elizabeth Duncan, in this case?  
A Yes, sir, I am acquainted with her.  
Q Did you know Joe Duncan? A Yes, sir.  
Q Is Joe Duncan living or dead? A He is dead.  
Q Did you know Joe Duncan as the husband of this woman, is that the Joe Duncan you are talking about? A Yes, sir.  
Q Well, did you know him before the war? A I never was personally acquainted with him before the war but I saw his first wife.  
Q Where did you first see Joe Duncan, how long since you first knew him until; you say you never knew him during the war?  
A I got acquainted with him thoroughl in the time of the war.  
Q Where? A Fort Scott.  
Q Do you know when he came back to the Cherokee nation when he returned? A Yes, sir.  
Q When? A He come to my house in the fall with two plows and some corn meal and I bought some of it from him.  
Q In the fall of what year? A '66.  
Q Do you know what became of him here after you saw him in '66?  
A He left the plows with me to take care of for him and went off to hunt him a claim.  
Q When did you next see him after that? A I saw him early in the spring of '67, he come there and got his plows.  
Q When did you see him after that? A I never saw him for quite a while after that.

Q Do you know whether he took up the claim or got a place or not?

A He told me he had one, he come

Q Besides what he told you did you ever see it? A After that I did.

Q Where was it? A There on the Verdigris.

Q In the Cherokee nation? A Yes, sir.

Q How far from where you lived? A I guess about 18 miles, as near as I could guess at it, may be hardly so far.

Q Well, do you know whether he continued to live in the Cherokee Nation or not after that time and up to the time he died?

A He was missing a while he was a stone mason and went off to work I heard of him working off.

Q About when did you hear of him working off? A After he stayed there a couple of years then I never heard of him for quite a while, but of course I never had any occasion to go over there

BY MR. HASTINGS:

Q Now, Sam, we had some of this same investigation about five years ago before the Kern-Clifton Commission didn't we?

A Yes, sir.

Q You didn't at that time testify for Joe Duncan? A They didn't call him in, I was staying there waiting.

Q It was the old man testified in the case? A Yes, sir.

Q You never did testify did you? A No, sir.

Q You knew at that time about these plows and his corn meal?

A Yes, sir, and I would have told it if he called me in, because I was staying there waiting.

Q When did he locate up there did he make him a place?

A There was a house already built, a fellow by the name of Frank Nave that went and failed to come back.

Q How far was that from Snow Creek Sam? A Three or four miles I judge.

Q What direction from Snow Creek? A Below Snow Creek on the river.

Q On what side of the river? A On the west side.

Q He made a farm there did he? A There was a small patch the re.

Q Did he have a wife with him at that time? A When he brought the plows you mean?

Q Yes. A No, sir.

Q Did anyone come with him? A Sim Moseley come with him.

Q The two came in the same wagon? A No, sir, he had his own wagon and Sim had his own wagon. Sim moved in there and stayed right by me.

Q And that was in the fall? A Yes, sir.

Q All in the fall of '66? A Yes, sir, late in the fall.

Q Before Christmas? A Yes, sir.

Q Then you didn't see Joe any more for some time, is that the way of it? A It was in the spring.

Q ~~Why didn't~~ You don't know whether he made a crop that spring or not?

A No, sir.

Q This man was a stone mason was he? A Yes, sir.

Q When did you first see his first wife? A I saw her about three miles where I was born at on the Spring place at Mrs. Oar's.

Q Well, after the war? A Saw her some time in '67.

Q Where was she then? A She was up there on the river.

Q Were they married then? A The first month?

Q Yes? A Yes, sir.

Q Did they have any children? A They had some children.

Q What are their names at that time? A One of them is named Lawson.

Q When did he and this woman marry? A He married after his first woman died.

Q Did you know her before he married? A No, sir.

Q Where did they marry? A I could not tell you that.

Q Did they marry up there in the Cherokee nation? A I could not tell you that.

Q Do you know when they married? A Not exactly.

Elizabeth Duncan et al 5

- Q Do you know where their oldest child, Clayton was born?  
A No, sir.
- Q Do you know where her next one, Harry? A No, sir.  
Q Her next one, Jewel? A No, sir.  
Q Bert? A No, sir.
- Q How far does she live from you? A I guess 20 miles.  
Q When did you move to Nowata? A Moved here three years ago.  
Q Where did you move from then? A From on Big Creek.  
Q How far did she live from you three years ago? A I guess 18 miles.
- Q Where was she living? A Up here towards Snow Creek, somewhere on the high prairie there.  
Q Close to Snow Creek? A Yes, sir.
- Q How far from the Kansas line? A I don't know exactly about, I declare for I don't, four or five miles.
- Q Did you ever know of her living in Coffeyville? A I met her there once to my knowledge, I stayed all night and shook hands with her, if they were living there I don't know.
- Q Do you know whether they were keeping house or not?  
A No, sir, I don't.
- Q When was that? A I declare it was before he died.
- Q Do you know where he died? A He died up here on his place.
- ELIZABETH DUNCAN, the applicant recalled: BY COM'R NEEDLES:
- Q Is that one of yours Clate named Clate or Clayton? A Robert Clayton.
- Q Well, now, these other children? A They have got double names do you know want them?  
Q Yes? A Harry August, Joel C. Benjamin Franklin.

POMPEY DUNCAN, being duly sworn by commissioner T.B. Needles, testified as follows; BY MR. SMITH:

- Q State your name? A Pompey Duncan.
- Q How old are you? A About 48 or 49 I don't know just exactly which.
- Q Did you know Joe Duncan when he was alive? A Yes, sir.
- Q Do you know this applicant, Elizabeth Duncan? A Yes, sir, I got acquainted with her.
- Q Is Joe Duncan any kin to you? A My half brother.
- Q Who was Joe Duncan's father? A I don't know who his father was.
- Q You don't know his father? A No, sir.
- Q When did you first get acquainted with Joe? A I was raised with Joe partly raised with him until the war broke out.
- Q Was Joe a slave? A Yes, sir.
- Q To whom did he belong? A He belonged to a woman by the name of Millie Duncan.
- Q She was an Indian? A Yes, sir.
- Q Citizen of the Cherokee nation? A Yes, sir.
- Q Do you know whether Joe went out of the Cherokee nation during the war? A No, sir, I saw him was separated I could not tell you.
- Q When did you see him back in the Cherokee nation after the war?  
A The first time I met him after the war was up here at Goose-neck bend, at Mr. Joel Hayes' camp.
- Q First or second campaign? A Second campaign.
- Q How long was that after the war? A It has been quite a while.
- Q You don't know when Joe Duncan first came back? A No, sir.
- Q Is he living or dead? A He is dead.
- Q Where did he die? A He died at his home place.
- Q How far from you? A I don't know just exactly how far it is.
- Q In the Cherokee nation? A Yes, sir.
- Q Do you know Elizabeth Duncan? A Yes, sir.
- Q Was she Joe Duncan's wife? A Yes, sir.
- BY MR. HASTINGS:
- Q Well, Pompey? A Yes, sir.
- Q You come back to the Cherokee nation after the war did you?  
A Yes, sir, I did.



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- Q What place did you come to? A Down here in Sequoyah District.  
Q When did you move up in this country? A I have been here quite a good long while.  
Q Well, about how long? A I could not tell you, it has been about 15 or 16 years may be 17 years, I could not tell you.  
Q Well, now, where did you first live up here? A I first lived right here on Dog Creek.  
Q Well, did you go around up on Big Creek any at that time, among your old friends? A No, sir.  
Q I mean when you first come up here? A No, sir, I haven't visited, much only for the last ~~xxxxx~~ late years.  
Q Well, you didn't see Joe Duncan until Mr. Joel Mayes second campaign? A No, sir.  
Q Do you know whether that was in '91 or not? A No, sir.  
Q You don't know when that second campaign was? A No, sir.  
Q Well, it was, eight or ten years ago, about ten years ago? A I expect it was, about ten years ago, as near as I can recollect.  
Q How far did you live from Joe Duncan before the war? A Me and him was living right in the same yard together before the war.  
Q On which side of grand river? A On this side of grand river.  
Q Malinda Johnson's? A No, sir, up this side of Grand river.  
Q Well, was it at Malinda Johnson's? A It was at Millie Duncans.  
Q That was on Flat Rock was it? A Yes sir, up on Flat Rock there.

HARRY STILL, being duly sworn by Commissioner T.B. Needles, testified as follows: BY MR. SMITH:

- Q State your name? A Harry Still.  
Q How old are you, Mr. Still? A 54.  
Q How long have you lived in the Cherokee Nation? A All my life.  
Q Do you know this applicant, Elizabeth Duncan? A Yes, sir.  
Q Did you know her husband? A Yes, sir.  
Q What was his name? A Joe Duncan.  
Q Is he living or dead? A Dead.  
Q When did he die? A Don't know, I think though he has been dead two or three years.  
Q Do you know where he died? A Up between here and Coffeyville.  
Q How long have you known Joe Duncan? A Since '62.  
Q Was he a slave? A Don't know that.  
Q Where did you get acquainted with him? A Got acquainted with Joe at Fort Scott, '62.  
Q Do you know when he first returned to the Cherokee Nation after the war? A Yes, sir.  
Q When was it? A First time I saw him was in the winter of '66 on Big Creek, Sam Webbers.  
Q Do you know how long had stayed in that vicinity, in that neighborhood? A Don't know, could not say, but about two years after that.  
Q Where did you see him then? A The next time I saw him was near the mouth of Snow Creek.  
Q How far was that from where you live? A Must be 20 miles.  
Q How far from where you saw him at Sam Webbers? A Must be ten or twelve miles.  
Q What was the circumstance of your seeing him when you saw him near Snow Creek? A He was living there.

BY MR. HASTINGS:

- Q Have a wife the second time you saw him after the war?  
A No, sir, he had a wife the first time I saw him.  
Q Did you see his wife then with him? A Yes, sir.  
Q Was he in a wagon? A He was in the house I saw him.  
Q At Sam Webber's? A No, sir, in the house.  
Q I thought you said when you saw him the first time he had his wife? A No, sir, he didn't have his wife the first time I saw him.  
Q How many children did he have? A I don't think he had more than one or two and it was a baby.  
Q Do you remember that one's name? A No, sir.  
Q Well, now, do you remember whether it was one or two? A I am

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not positive.

Q You know he had a baby? A I know the woman had a baby.

Q And that was about two years after '66? A Yes, sir.

Q You testified in the George Thompson case the other day didn't you? A No, sir; oh, George Thompson, old man George?

Q Yes? A No, sir.

Q You didn't testify in that case? A No, sir.

Q You testified in the Alfred Bell case didn't you? A Yes, sir, I sure did.

NELSON MURRELL, being duly sworn by Commissioner T.B. Needles, testified as follows. BY MR. SMITH:

Q State your name? A Nelson Murrell.

Q What is your age? A 77.

Q How long have you lived in the Cherokee Nation? A I have lived in the Nation 77 years, not in this Nation.

Q Well, how long have you lived in this Nation? A I come here in the year 1839.

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

Q How long have you known her? A I have known her about 18 years.

Q Did you know her husband? A Yes, sir.

Q What was his name? A Joe Duncan.

Q Is he living or dead? A Dead.

Q Where did he die? A Out on the prairie here where I live.

Q About how far? A About eight miles.

Q Cherokee Nation? A Yes, sir.

Q How long had he been living there when he died? A About 14 years about 12 or 14 years.

Q Do you know his children? A You are speaking of his youngest or his oldest? A

Q I am talking about her children, Elizabeth's? A Yes, sir, I know them when I see them.

Q Do you know whether they were married or not, Elizabeth and Joe? A No, sir.

Q Did they live together? A No, sir.

Q Were they recognized in the community as husband and wife?

A Yes, sir.

Q How long have you known this Joe Duncan? A Well I have known him about 55 years, Joe Duncan.

Q Did you know him before the war? A Yes, sir.

Q Do you know whether he was a slave or not? A Yes, sir.

Q Was he? A Yes, sir.

Q Whom did he belong to? A Duncan.

Q What Duncan? A John Duncan.

Q Was John Duncan a married man? A Yes, sir.

Q What was his wife's name? A I don't recollect.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q Live d here in the Indian Territory? A Yes, sir.

Q Where did he live at the time the war broke out? A He was living about Fort Gibson, about five miles on the west side of Grandriver.

Q Do you know what became of Joe Duncan during the war, whether he went out of the territory during the war or not? A Yes, sir.

Q Where did he go? A Up near Fort Scott, Kansas.

Q Do you know when he returned to the Cherokee Nation? A Do not.

Q When did you first see him in the Cherokee Nation after the war?

A I saw him about '67.

Q Where was he when you saw him? A Came over to my house on the Cardigris river.

Q Do you know where he was living at that time? A He came from over east, from on Big Creek.

Q Did you ever go to his place? A There on Big Creek? A



Did you ever go to it afterwards? A I went to the neighborhood where he lived. He moved when he come to my place.

BY MR. HASTINGS:

Q Did you know Joe Duncan after that? A Yes, sir.

Q How far did he settle down to you after that? A About three miles from me.

Q Have a wife with him at that time? A He had some children, he wasn't married then.

Q Didn't have any wife? A No, sir.

Q Do you know where he and this woman were married? A Married in Kansas.

Q How do you know? A He brought the woman back with him, he didn't have any here.

Q Mr. Murrell, how long was that afterwards? A After which?

Q After you first saw him? A About ten years.

Q When he married this woman? A Yes, sir.

Q Was this his first wife? A No, sir.

Q ~~Was~~ Did he have his first wife with him when you first saw him? A No, sir, she was dead at that time.

Q He had some children with him that he had had by his first wife? A Yes, sir.

Q Do you remember how many children he had? A Four.

Q Do you remember their names? A Yes, sir.

Q Name them? A Lawson, George, one was named Emma and the other one I have forgot.

Q These children were with him the first time you saw him ~~after the war~~ after the war? A Yes, sir.

Q Were you ever at his place, or his master's place before the war? A ~~Yes~~. Well, I passed by there.

Q That was about five miles from Fort Gibson? A Yes, sir.

Q On the west side of Grand river? A West side of Grand river.

Q You don't know his Mistress' name? A No, sir.

Q Do you know any of the members of the family? A No, sir, I was acquainted with Duncan, seen him about Fort Gibson.

Q His name was John Duncan? A Yes, sir.

Q What kind of a house did he live in? A He lived in a good pretty good log house, it was painted and iced.

Q Do you know that Joe Duncan was living there when the war come up? A Yes, sir, if my memory serves me right.

ELIZABETH DUNCAN, the applicant, recalled: By Com'r Needles:

Q You say one of your children, Jewel, was born in Kansas?

A Yes, sir.

Q Were you living there then? A No, sir, I went off up there I was raised there.

Q Mother living there? A It wasn't really my mother, it was my father's sister and she had raised me.

COM'R NEEDLES: Elizabeth Duncan applies for the enrollment of herself as an intermarried citizen and four children, Harry A., Jewel C., Robert C. and Benjamin F. She avers that she was married to one Joseph Duncan in the year 1882. It will be necessary for her to present a certificate of marriage, no certificate being presented at this time. The name of her husband, Joseph Duncan is not found upon the authenticated roll of 1860, he is now deceased. She avers that she was formerly married and obtained a divorce from her former husband. It will be necessary for her to file with this Commission a certified copy of the decree of divorce. She avers that her husband was married before his marriage to her, but his wife wasn't living at the time of their marriage. She makes proof of the return of the said Joseph Duncan, her husband, to the Cherokee nation in the year 1860. She avers that

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she has been a resident of the Cherokee nation for the last 16 or 18 years. She is not a resident. Elizabeth Duncan will now be listed for enrollment as a Cherokee Freedman by inter-marriage upon a doubtful card. Her four children as enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card. She will be duly notified of the decision of the Commission in the premises. The names of her four children, as enumerated herein, are identified upon the Kern-Clifton roll according to the page and number of the roll as indicated in the testimony. The name of the applicant is not found upon any of the rolls.

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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 12th day of July, 1901.

(signed) T.B. Needles,

Commissioner.

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Supl. C.F.D.#871.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Winnipeg, I.T., October 5th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Elizabeth Duncan as a Cherokee Freedman, introduced on part of Cherokee nation.

APPEARANCES:

Mr. Mellette, of counsel for applicant;  
Mr. W.W. Hastings, of counsel for Cherokee nation.

MIAMI WALKER, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Miami Walker.

Q What is your age, Mrs. Walker? A 76.

Q What is your post office? A Blue Mounds.

Q Kansas? A Kansas, Linn County, Kansas.

Q How long have you lived there? A We have only lived there two years, but we lived down there on the other place where we sold.

Q How far do you live from Wound City, Kansas? A Five miles south of Wound City.

Q Now, how long did you live in the neighborhood of Wound City, Kansas? A Well, we came there in 1857 and lived there until two years ago and now we are in the neighborhood you might say.

Q Did you ever know a colored man by the name of Joe Duncan? A Oh, well.

Q When did you first learn to know him? A Well, I can't fix the date just when he first moved up there.

Q Well, the best of your judgment with reference to the war?

A It was after the war, well it might have been '55 or '56, it was right after the war.

Q Do you mean '55 or '56? A Yes; when did the war end?

Q Did the war end in '55 or '56? A Yes, when did it end, '54.

Q I was asking you to state when the war ended? A '55.

Q Do you mean '54, '50? A It was after the war.

Q It was after the war was it? A Yes, sir.

she has been a resident of the Cherokee nation for the last 16 or 18 years. She is not a resident. Elizabeth Duncan will now be listed for enrollment as a Cherokee Freedman by inter-marriage upon a doubtful card. Her four children as enumerated herein will be listed for enrollment as Cherokee Freedman upon a doubtful card. She will be duly notified of the decision of the commission in the premises. The names of her four children, as enumerated herein, are identified upon the Kern-cliffen roll according to the page and number of the roll as indicated in the testimony. The name of the applicant is not found upon any of the rolls.

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Winita, I.T., October 5th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Elizabeth Duncan as a Cherokee Freedman, introduced as part of Cherokee nation.

APPEARANCES:

Mr. Helleb, of counsel for applicant;

Mr. W.W. Hastings, of counsel for Cherokee nation.

MIAMI WALKER, being duly sworn by commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Miami Walker.

Q What is your age, Mrs. Walker? A 76.

Q What is your post office? A Blue Mounds.

Q Where? A Kansas, Linn County, Kansas.

Q How long have you lived there? A We have only lived there two years, but we lived down there on the other place where we sold.

Q How far do you live from Wound City, Kansas? A Five miles south of Wound City.

Q Now, how long did you live in the neighborhood of Wound City, Kansas? A Well, we came there in 1887 and lived there until two years ago and now we are in the neighborhood you might say.

Q Did you ever know a colored man by the name of Lee Duncan? A Oh, well.

Q When did you first learn to know him? A Well, I can't fix the date just when he first moved up there.

Q Well, the best of your judgment with reference to the war?

A It was after the war, well it might have been '85 or '86, it was right after the war.

Q Do you mean '85 or '87? A Yes; then did the war end?

Q Did the war end in '85 or '87? A Yes, when did it end? '84.

Q I was asking you to state when the war ended? A '84.

Q Do you mean '84, '85? A It was after the war.

Q It was after the war was it? A Yes, sir.

About a year.

Q About a year after the war? A Yes, sir.

Q Where was Joe Duncan when you first knew him? A When I first knew him he was on his place; he bought some land you know joining us.

Q After the war? A After the war, that is the first I knew of him and moved on that place.

Q Well, now how long did he live there joining you? A He must have lived there 25 or 30 years.

Q What was his wife's name? A The first wife's name was Millie and she died and buried there at Mound City, and the next wife's name was Lizzie Spence.

Q Where did he marry her? A At Mound City.

Q Did he have any children? A Quite a number of children by his first wife and last wife.

Q Did he have some children by his last wife? A Yes, sir.

Q Do you remember any of their names? A Yes, sir, I remember all of their names, that was born there.

Q What were their names? A Clayton and Harry.

Q About when did they leave there? A About '88 or '9.

Q You say they owned a farm by you? A Yes, sir.

Q Lived on it? A Yes, sir, lived on it all the time; well, they stayed there until they came south, I was right with them almost every day, they lived right by me.

Q About how far? A Well, joined corners with us, right in sight anyway.

Q Did Joe Duncan come off down here? A Yes, sir; helped them get ready when they moved.

Q Now, do you know that he lived there on that place from the close of the war until '88 or '9? A Yes, sir, I saw him almost every day; he worked for us considerable.

Q Now, about how long after the war was it until you first knew him? A Well, it might have been a year and might have been two, he came there after the war.

Q When did he dispose of the place with reference to his leaving there? A He had lost it with a mortgage, I can't tell you.

Q He lost it before he left there? A Yes, sir.

Q Some mortgage on it? A Yes, sir.

MR. BELLETTE: How old are you? A 76.

Q What year did you say the war closed? A Well, I forget it, I believe it was '55, '4 or '5.

Q Well, you know this year don't you? A Oh, yes.

Q You say Joe Duncan bought a place up there? A Bought a place joining us.

Q How do you know he bought it? A Because I know he lived on it and he ~~owned~~ owned it to be mortgaged.

Q Now, it belonged to his wife didn't it, his first wife?

A She didn't own any property at all, his first wife.

Q Well, did it belong to one of his wives? A I think before he married his last wife.

Q Now, you say you saw him every day? A Nearly, when he was at home, he worked at our house a good deal.

Q Now, what was his business? A He was a plasterer by trade.

Q And he went from place to place? A He didn't go any further than Mound City; he used to be a blacksmith.

Q Now, isn't it a fact that he came down here in the Territory and worked a good deal? A I don't know of his doing it.

Q You don't mean to say for 30 years you watched Joe Duncan?

A I didn't have to watch him, I could see him without watching.

Q How long do you think he worked for you in 30 years?

A Off and on at little day jobs.

Q Will you swear that he was not absent from that place two years at a time for 30 years? A I am nearly certain he was not.

Q You want your testimony to go down in that way? A Yes, he never ~~was~~ was absent, he worked in Mound City, but he never

went away.

Q Now, do you say that his wife wasn't absent from that place two years at a time? A I know she was not; no, sir.

Q What was her first name? A Lizzie.

Q You say she was not absent from there? A She was not absent no more than to go to town and some place.

Q That is as much as she was ever absent? A As much as I ever knew of her being absent.

Q Don't you know that she was down in this country and lived on a place here, I didn't know of her living away, she came down here.

Q And she came down here? A She came when they left.

Q When did they leave? A '88 or '89.

Q Well, which do you think it was? A Well, it was 12 years ago, this winter.

Q What makes you remember it? A I remember the birth of one of my sons and she was with me and got ready to go within two or three days.

Q Have you seen her since that time? A No, sir.

Q Would you know her if you were to see her? A I would if she has not changed very much, because I was very personally acquainted with her.

Q Do you know whether the woman who is an applicant here for enrollment is the one you knew up in Kansas? A I haven't seen her since, but I know that is her name.

Q You don't know anything about the woman who is applying for citizenship down here? A I would know her if I was to see her.

Q You don't know where Joe Duncan was in 1866, do you? A I don't know where he was, but he must have been, I don't know that he had come out of this place at that time, I know he bought the place joining us.

Q You don't know when he bought it? A He bought it a year or two after the war and came there, he was a young man when he came there; he was married; he married a widow woman.

Q And that was after the war some time? A Yes, sir.

Q How many years after the war? A I don't know.

Q Was it one or two years or more? A I don't know.

Q You didn't pay much attention and could not say? A I don't know.

Q Now, did you know about his marrying his first wife? A No, sir.

Q Married before did he? A I knew her but I don't know.

Q Did you know her before he married her? A No, sir.

Q You don't know what he had before he married her? A She had two or three children.

Q She never had any property? A She never had any.

Q Why? A She was too poor.

Q Joe didn't have any money to buy the place with? A He went to work and bought it.

Q Did you ever see him pay anything for it? A No, sir.

Q Now, the deed is on record there if that is his place? A It ought to be.

Q Well, is it? A I don't know.

Q You don't know that that was Joe Duncan's place, A Yes, sir, I knew he bought the place.

Q How do you know he bought it? A How does anybody know anything?

Q How do you know he owned it? A He lived on it and owned it.

Q That was his first wife's place before he married her?

A No, sir, I know he went to work and paid for it.

MR. HASTINGS: What is your husband's name? A James Walker.

JAMES WALKER, being duly sworn by Commissioner Hootches, testified as follows, on part of the Cherokee nation:

MR. HASTINGS: What is your name? A James Walker.

Q What is your age, Mrs. Walker? A I am in my 75th year.

Q Where do you live? A Up there in Clark County, in Blue Springs Township.



Q Kansas? A Yes, sir.

Q Did you ever live near wound City, Kansas? A Yes, sir.

Q When did you move away from that neighborhood? A About three years ago.

Q Did you know a colored man up there by the name of Joe Duncan? Yes, sir, I knew him well.

Q Did you know what his wife's name was? A Only first name, his first woman was called Willie.

Q What was his second wife? A Just Lizzie that is all I remember, about their names.

Q Did his first wife die? A She died up there on that place.

Q On what place? A The place they lived on at that time.

Q How far was that from your place? A Well, it cornered with my place.

Q Do you know whose place it was they lived on? A They called it Joe Duncan's.

Q How long did he live on that place by you? A From the time he acquired possession, when he bought it, or bid it off on the auction sale of School Land, the 36th section.

Q How long did he live on it ~~before~~ after that? A 30 years or more.

Q Now, how far was that from your place? A It was; they cornered as I told you, and we would be perhaps near about 150 rods, houses maybe 200.

Q Well, you knew him during that time did you? A Yes, sir.

Q Did he have some children? A He had quite a number of children.

Q Did you know any of the names of any of them? A Pretty much, the boys, grown up ones, about the little ones I could not tell you.

Q Did you know whether his wife had any children before she married, whether he had any stepchildren by his first wife? A I don't know anything very much about the children, for I never asked them about them.

Q Do you know whether where he and his second wife were married?

A Well, yes, I remember about it perfectly well.

Q Were you present or just neighborhood news? A Just neighborhood news.

Q Well, now, about what year do you think they left there, Mr. Walker? A I almost know for certain it was about '89.

Q Now, I believe you state for more than 20 years he lived on this farm adjoining yours? A Yes, sir.

Q Did you see him frequently? A Yes, sir, two or three times a day for that matter and maybe not more than once a week, just as happened; he was often about my place, we borrowed and loaned tools and was there a good many times.

MR. MELLETTTE: When did you get acquainted with Joe Duncan?

A Well, it was first when he moved there that year got really acquainted with him.

Q When did he move there? A It was when he bought that place, that was several years after the war.

Q You don't know where he was in 1866, '67 and '68? A Right after the war? A I could not be certain about that time.

Q All you know is that he came there sometime after the war? A Yes.

Q And he bought that place? A He bought it off at the sale, auction of school land.

Q Did he buy it? A I understand he did.

Q You don't know anything about that of your own knowledge? A Wasn't present at the same.

Q Well, you think that was four or five years after the war that he came there, don't you? A Yes, I do.

Q More than that? A I couldn't say.

Q Might have been more than that? A Might have been more.

Q You don't know where he was before that time? A I heard of him being up on what we called Sugar creek.

Q Did you know of him? A I heard of him.

Q When did you hear of them? A He claimed acquaintance with me, that he worked on a building in Fort Scott before he moved there and I remember him afterwards I thought; he was a good big chunk of a boy.

Q He was a plasterer by trade? A Stone mason.

Q Well, after he came there and moved near you, he was away a great deal? A Yes, as he went away working.

Q Well, he was down in the Territory working? A I don't know of his being there, he might have gone, I never paid any attention.

Q You generally watched him very close? A No.

DOUGLAS WALKER, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your name? A Douglas Walker.

Q What is your age? A 50 years old.

Q This your father who has just left the stand? A Yes, sir.

Q You have been living around Wound City, Kansas? A Since '57, Ma

Q Did you know a colored man up in that country by the name of Joe Duncan? A Yes, sir.

Q Did you know his wife? A Yes, sir.

Q Did he have more than one? A Yes, sir.

Q Did you know his wife first? A Yes.

Q What was her name? A Millie.

Q What was his second wife's name? A Elizabeth.

Q Did you know her name before he married her? A No, I don't know as I did.

Q Did he have any children? A Yes.

Q Do you remember any of his children's names? A Yes sir.

Q Well, what were their names? A Which ones you mean the first.

Q By any of them? A There was Lawson Duncan, Joe Duncan, Joe died there; George Duncan, Ann Duncan, Elizabeth Duncan, they was the first family.

Q Well, by his second wife? A Yes, I know their names, two or three of them.

Q Well, just identify them? A One was called Joel, clear forgotten the others names yet I know them.

Q How far did Joe Duncan live from you? A We joined farms there was a road between them.

Q About how far were your houses apart? A Two hundred yards probably.

Q Now, how long did he live there near your family or your father's family? A To the best of my recollection he moved there in '67 or '8, he moved away in '89, December.

Q That is your best judgment? A Yes, sir, I didn't keep any dates.

Q You know he lived there a number of years? A Yes, a number of years.

Q Did you see him frequently? A Oh, yes, worked for me.

Q Did he own a farm there? A Yes, sir.

Q Lived on it? A Yes, sir.

Q Where did his first wife die? A She died there.

Q Any of the children by his second wife born there? A Two or three.

Q Do you know where they went to when they left there? A I said they were coming to the Cherokee nation.

Q Had you ever seen Joe Duncan before he moved on this farm and lived near you? A Yes, I had saw him but wasn't acquainted with him.

Q Well, now during these years that you state that he lived near you did you miss him for any considerable time? A I don't remember that I did; well, he was a stone mason, he worked some at the carpenter trade.

Q Did you miss his family? A No, sir.

Q Did you know whether his family attended these school up there?

A Yes, sir, I was clerk of the district court part of the time.

Q Do you know whether Joe Duncan voted? A Yes, sir, he voted at the school meetings and voted at the elections.

MR. MELLETTTE: You don't know where Joe Duncan was in 1866 and '77 and '8 do you? A Yes, part of that time I do.

Q Where? A I don't remember positive whether it was '67 or '68 when he brought this tract of school land joining me, but it was close there, one or the other of those years.

Q There is a record of it? A I suppose there is. The land was sold at auction.

Q You know it was one of those years? A Yes, it might have been as late as '68, I haven't kept any dates.

Q May not it have been as late as '69? A I think not.

Q Why not? A Well, from certain things that transpired, there was a section of land other parties bought there.

Q You don't know whether he was in the Nation in '66 or not, do you? A No, I do not.

J.J.HAWKINS, being duly sworn by Cherokee Commissioner weedles, testified as follows, onpart of Cherokee nation:

MR.HASTINGS: What is your name? A J.J.Hawkins.

Q What is your post office? A Mound City, Kansas.

Q How old are you? A 63.

Q How long have you lived in and about wound City Kansas? A 33 years.

Q Did you know a colored man up in that country by the name of Joe Duncan? A I did.

Q Where did he live? A He lived about seven miles west of wound city.

Q Lived on a farm? A Yes, sir.

Q How far from you? A Well, about two or three years.

Q How long did you know him to live there? A Well, I lived in that neighborhood about seven years and my impression is that Duncan was there all the time I lived there.

Q Did you move away from there? A I moved away.

Q Now, when did you move away? A I moved away in the fall of '75.

Q And he had been there now about how long before that?

Q He had been there since '68; I went there in 1868.

Q You think he was there when you went there? A Yes, sir.

Q And you left him there? A Yes, that is my recollection.

Q How far did you move from there? A Moved seven miles.

Q Did you know anything about him after that? A Yes, sir.

Q Well, now, how long did you know anything about him?

Q Well I think I knew Joe somewhere up to '85 or '90; I could not be particular but it was between '80 and '90.

Q How far was he living from Mr. Walker that just left the stand when you first knew him up there? A When I first knew him he didn't live near Mr. Walker at all.

Q Well, did he afterwards move near him? A Yes, sir.

Q Mr. Walker has been a witness here? A Yes, sir.

Q I believe you had no personal acquaintance with his family?

A No, sir.

MR.MELLETTTE: Well, when did Joe Duncan come and move on that place close to Mr. Walker's? A I couldnot tell you when he went.

Q Well, about what year? A I couldnot give you the year.

Q Did he go to living on that place while you were there?

A I couldnot tell you that.

Q You don't know where he lived? A When?

Q When you lived there? A Yes.

Q You said you lived in there about seven years until 1875?

Yes, sir.

Q About how close did you live to him? A About two or three miles?

Q Did he live on the place close to Walker's at that time?

A No, sir, did not.

Q Didn't live anywhere close to Walker at that time? A No lived



somewhere in the neighborhood, about six or seven miles. Lives six or seven or eight miles of these Walkers that testified here? A You don't understand me, he lived in the same district I did; I moved in the district that Joe Duncan lived in, I moved away from there in '75; I don't know when Joe Duncan moved away from where I first got acquainted with him.

Q I understand you; he didn't live in the neighborhood of the Walkers when you moved in that district? A No, sir; he may have moved before I moved away and may not.

Q Well, during the time he lived in there he didn't live near the Walkers, that is he didn't live adjoining farm to them? A No, sir, not up until '75, my recollection is he didn't live near the Walkers.

Q He must have lived six or seven miles from them? A Yes, sir.

ROBERT FLEMING, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. HASTINGS: What is your name? A Robert Fleming.

Q Where do you live Mr. Fleming? A I live at Mound City, Kansas.

Q How long have you lived there? A 42 years.

Q How old are you? A 50 years old.

Q What is your business? A I am what you call livestock dealer.

Q Mr. Fleming, did you know a colored man up in that country by the name of Joe Duncan? A I do.

Q Did you know his family? A I don't know much about his family; I know them when I met them in the road I didn't know their names.

Q You don't know their names? A Not all of them.

Q Did you know his wife's name? A Yes, sir.

Q What was her name? A Her name was Lizzie; she was widow woman, I believe she lived at our house when they married.

Q Now, when did you first learn to know Joe Duncan? A Oh, I have known him a good many years, I first remember him sometime after the war, I guess it was, he lived near us on what is called Montgomery farm.

Q About how long have you known him? A I guess 30 years.

Q I mean about how long after the war when you first learned to know him? A It was right immediately after the war, I think; I would not fix the date.

MR. BELLETTE: How? A It was immediately after the war.

MR. HASTINGS: Was he married when you first knew him? A

I could not say that.

Q Do you remember his first wife's name? A No, sir.

Q Well, a few years after you knew him what was he doing?

A He lived on Col. Montgomery's farm.

Q Where did he go from that Montgomery farm? A He moved from there over to Elk Creek, about five miles; well, he was in town a while.

Q Mound City? A Yes, sir, but I could not tell when I remember seeing him in town.

Q Well, now, about what time did you know him; when did he leave there? A He left there in about '90 or '91; ~~xxxxxx~~ '90 I think.

Q Now, how do you fix that date? A Well I remember Joe Duncan built a flue for me; built a wall for the house, I built the wall and he built the flue for the house in '90.

Q Do you know where his family was at that time? A I think they had moved away, I could not tell just when, but I think they moved away while before he built this flue because I think he talked to me about it.

Q Do you know where his family went to? A I think they came down in this country somewhere.

Q Well, now, during all these years you know him did you see him frequently? A Well, from about '75 I saw him very frequently, somewhere about '75.

Q Did you live in town? A Yes, sir; the way I remember it I was dealing in stock and I had some dealings with him all along some

as other farmers, buying and shipping.

Q Do you know whether he owned a farm or not? A Yes, sir, I think he owned a farm; he lived on there on Elk Creek, he claimed to own it.

MR. BELLETTE: When did he go to living on that farm he claimed to own? A I could not tell exactly.

Q Well, about what time? A I should think it was, well it would be just guess work.

Q I know that, but then give us a guess? A Well, I know his family lived there in '75.

Q You say it has been about 30 years since you knew Joe Duncan? A Yes, sir.

Q That would be about '70 you get acquainted with him?

A Yes, sir, somewhere along there.

Q You don't know where he was in 1866 and '67, years of that kind?

A Well, I would not swear positively but he was around there I saw him, seen him a great deal he lived in our neighborhood, the same creek we lived on.

Q When was he there you say he was there in 1866? A I would not swear he was.

Q How old are you? A I am 50, I know he was there, he might have been here somewhere, but he was there in 1866, he was there all along every year, but he might have been here on business, I could not tell as to that.

O.P. WATSON, being duly sworn by Commissioner Needles, testified as follows: On behalf of the Cherokee nation:

MR. HASTINGS: What is your name? A O.P. Watson.

Q What is your age? A 69.

Q How long have you lived in and about Mound City, Kansas; you live there don't you? A Yes, sir.

Q How long have you lived in and about Mound City, Kansas? A 51 years.

Q Did you know a colored man by the name of Joe Duncan? A Yes, sir.

Q Did you know his wife? A I knew his wife, I didn't much about his first wife.

Q Do you know where his first wife died? A Mound City.

Q Do you know where he was married to his second wife?

A Mound City.

Q What was her name? A I think her name was Lizzie, or Elizabeth

Q Do you know whether she had ever been married before or not?

A No, sir, I don't.

Q Well, about when did you first learn to know Joe Duncan? A Soon after the close of the war.

Q About how long did you know him, and about when did he leave there? A He left there in '89.

Q Well; you say him after the war up until 1889, did you see him frequently; do you know of his family? A Yes, sir.

Q Were they living near there? A Yes, sir.

Q What is your occupation? A I am not doing anything now, I used to be in the mercantile business.

MR. BELLETTE: Well, how soon after the war did you get acquainted with Joe Duncan? A I could not say, soon after the war; he was what we call an old timer there.

Q You can't give the year? A Yes, sir.

Q You don't claim to have known him in 1866 or 1867? A I presume I did, but I am not positive.

Com'r Needles: This testimony will be made part of the record in Freedman doubtful cases #492 and 505.

--cc000--

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

(Signed) J.O. Reason.

Subscribed and sworn to before me this October 10th, 1901,  
(signed) F. B. Haddock,  
Commissioner.

H. B. Green, being first duly sworn, states that as stenographer to the  
Commission to the Five Civilized Tribes he has made the fore-  
going copy and that same is a true and complete copy of the orig-  
inal transcript.

*H. B. Green*

Subscribed and sworn to before me this December 5, 1901.

*[Signature]*

Commissioner.

RECEIVED  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D. C.  
DEC 15 1901  
F. B. HADDOCK

COMMISSION TO THE FIVE CIVILIZED TRIBES

COMMISSION TO THE RIVER

FILED  
MAY 20 1901

RECEIVED  
MAY 20 1901  
CHIEF OF BUREAU

... ..

...

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
NOWATA, I.T., JULY 1st, 1901.

In the matter of the application of Nicholas Landrum for the enrollment of himself, wife and five children as Cherokee Freedmen; said Landrum being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Nicholas Landrum.  
Q How old are you, Mr. Landrum? A I don't know exactly.  
Q Well, about how old? A 45 or 50.  
Q What is your post office? A Coffeyville.  
Q What district do you live in? A Cooweescoowee.  
Q Do you appl. to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Who do you want to enroll besides yourself? A My wife and children.  
Q What is your wife's name? A Florence Landrum.  
Q How many children have you? A Five.  
Q Give me the names of your children? (Hands paper to Com'r.)  
Q Give me the names of the children. A Bessie (E.) is the oldest.  
Q How old is Bessie? A She is nine years old; the next in January.  
Q The next one? A Clellie.  
Q How old is she? A She is seven.  
Q Boy is it? A Yes, sir.  
Q The next one? A Ora.  
Q How old is Ora? A She is five.  
Q The next one? A The next one is three.  
Q What is its name? A Viola.  
Q The next one? A The next one is a year old.  
Q Well, what is its name? A Lola May.  
Q One year old? A Yes, sir.  
Q Were you a slave? A Yes, sir.  
Q To whom did you belong? A Mrs. Landrum.  
Q Was she a Cherokee citizen? A Yes, sir.  
Q Well, what was your father's name? A Gilbert Vann.  
Q What is your mother's name? A Ellen Landrum.  
Q Is Gilbert Vann a citizen? A Yes, sir.  
Q Ellen Vann a citizen? A Yes, sir.  
Q You claim your citizenship through your mother or through your father and mother both? A Both I suppose.  
Q Well, were you taken out of the Cherokee Nation during the war?  
A Yes, sir.  
Q Where to? A Taken to Fort Scott.  
Q Fort Scott, Kansas? A Yes, sir.  
Q When did you return? A Returned in '66.  
Q Have you been living in the Cherokee Nation ever since? A Yes, sir.  
Q Never lived out of it? A Not to amount to anything.  
Q Is your wife a citizen? A Yes, sir.  
Q You apply for her enrollment do you? A Yes, sir.  
Q What is her name? A Florence Landrum.  
Q What was her name before you married? A She was a Landrum.  
Q How old is she? A About 30 years old.  
Q What was her mother's name? A Amelia Landrum.  
Q Your wife was not a free slave? A No, sir.  
Q Was Amelia a slave? A Yes, sir.  
Q Of whom? A I don't know, Mr. Bell knows.  
Q When were you married? A I was married in '91, June 1st.  
Q Is Florence your first wife? A Yes, sir.  
Q Are you her first husband? A Yes, sir.  
Q Are you living with her now? A Yes, sir.  
Q Have you lived with her since you married her? A Yes, sir.  
Q Are those children all her children? A Yes, sir.  
Q Are they all living at this time? A Yes, sir.  
Q Is your wife's mother living? A She is dead.  
Q Was she taken out of the Cherokee Nation during the war?  
A I suppose so.  
Q You don't know when she returned to it? A Not exactly.

Q Who married you? A Mr. Joe Smith.

Q Is he living? A Yes, sir.

Preacher? A Yes, sir.

Q Well, you have got no certificate of marriage? A Got it but I didn't bring.

Q You have got one at home? A Yes, sir.

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

Q N lok, you say you have lived in the Cherokee Nation ever since you returned from Kansas? A I have made this my home, yes, sir.

Q That is not the question, I asked you the question, have you lived here? A Yes, sir, I have lived here.

Q You have stayed in the Osage Nation? A Often and on, about, I don't know; I never lived there.

Q I asked you how long you stayed there? A I don't know; I told you I stayed out there.

Q Tell me how long you stayed there? A I would go out there and break horses through the season in the spring and then I would come back in the fall and go back in the spring, that was my business out there, and I rented a farm up there.

Q You testified before the Kern-Clifton Commission that you got with the Osages and stayed with them until Joe Landrum died?

A No, sir; I said that I went out in the Osage Nation; that is how come me out there in the first place, my young Master come to Vinita and wanted me to come out there.

Q You went with him and stayed with him until he died?

A I never stayed there until he died.

Q How many years did you stay out there? A I didn't stay any year.

Q When did Joe Landrum die? A I don't know.

Q Well, about how many years ago? A It must have been about ten years ago.

Q About '91 or 2? A He died in '91.

Q Had you married when he died? A No, sir.

Q Well, after he died you come back to the Cherokee Nation and been living here ever since that time? A Yes, sir.

Q You came back here as I understand it just after the war?

A Yes, sir.

Q Now when you came back after the war can you remember that?

A Yes, sir, I can remember part of it.

Q To what point did you come; when you came from Kansas what point did you stop? A We first came to the Cherokee Nation we came in on the Neosho river here, and there we met Mr. Rogers that was coming down on Spring Creek.

Q What Mr. Rogers? A Ike Rogers.

BY COUNSELOR NEEDLES:

Q Who do you mean by we? A Mr. Duncan and my mother.

Q Who did you come down with? A Mr. Duncan brought us down then.

Q What Duncan? A Joseph Duncan.

BY MR. DAVENPORT:

Q You came on down from the Neosho river where did you come?

A Big Creek.

Q Who did you find there? A Mr. Webber and divers others.

Q Did you know any others? A Yes, sir, Sam Rogers.

Q And Peter Meigs? A Yes, sir.

BY COUNSELOR NEEDLES:

Q Well as I understand it; how long did you live after you came down here in the Cherokee Nation until you went to the Osage Country?

A I lived all the time.

Q Well, how long was that? A I can't figure.

Q When did you go to the Osage country? (No response.)

Q About how many years? A Since I went out there?

A Yes? A I come from there in '91; I went '88.

Q You come from there? A Yes, sir, every fall I would go out there and break horses and come back.



- Q Just went backwards and forwards? A Yes, sir.  
Q You were a young man then? A Yes, sir.  
Q Were not married? A No, sir, I went out there to help my young Master.  
Q He was living there? A Yes, sir.  
Q Well, you lived there with him didn't you? A No, sir; I was breaking horses for the Osages and doing his work.  
Q You were staying at his house? A No, sir.  
Q You didn't help your master much? A I broke horses for him.  
Q How can you break horses for him without being on his place?  
A He would bring them to me.  
Q Where were you? A On Pete Salts place.  
Q Is your name on the rolls of the Cherokee Nation?  
A Yes, sir.  
Q What roll; 1880 roll? A It ought to be on the '80 roll.  
Q The question is, is it? A I don't know.  
Q Don't you know it is not? A No, sir; I don't know it.  
Q Have you always gone by the name of Nick Landrum?  
A No, sir, I went by the name of Miller.  
Q How did you get the name of Miller? A Dr. Miller got me with give me that name when I was a baby.  
Q Did you get what is known as Kern-Clifton money? A Yds, sir.  
Q Did you get the Wallace money? A Yes, sir.

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

The Kern-Clifton ~~Authenticated~~ Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 154, #3807, Nick Landrum, Cooweescoowee District.

- Q Did you draw strip money for your wife? A Yes, sir, she drew strip money.  
Q Has she been here to enroll herself? A No, sir; Florence Wilson that is my wife.  
Q Was her name Wilson before you married her? A She always went by that name.  
Q You don't know when your wife's mother returned to the Cherokee Nation? A Not exactly.  
Q Well, what do you know about it? A She has been here a long time.  
Q 30 years? A Yes, she has been here 30 years.  
Q Your wife didn't draw the strip money? A No, sir.  
Q Well is she on the Wallace roll? A Yes, sir.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant and his wife found thereon, as follows:

Page 184, #3378, Nicholas M. Landrum, no district dign.  
Page 149, #3095, Florence Wilson, Cooweescoowee.

- Q How does her name happen to be Wilson?  
A That is her father's name.  
Q I thought you said her name was Landrum?  
A She belonged to a Landrum and I belonged to a Landrum, we both belonged to the same people.

Remainder of Applicant on taken by Stenographer  
Bruce C. Jones.

Nicholas Landrum, et al.--4.

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 19th day of July, 1901.



Commissioner.



Nicholas Landrum et al.

July 1, 1901. Continued from testimony taken by stenographer  
J. O. Rosson.

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

- Q What is your name? A Sam Webber.  
Q What is your age? A About 58.  
Q Your postoffice Nowata? A Yes, sir.  
Q Do you know the applicant Nicholas Landrum? A Yes, sir.  
Q How long have you known him? A Since he was quite a small boy  
when I saw him first.  
Q Was he a slave? A I can't tell you that.  
Q When did you first see him? A I saw him in Lynn County, Kansas.  
Q During the Civil war? A Yes, sir.  
Q When did you next see him? A I saw him then after the war.  
Q What year? A Along late in the fall of '66.  
Q Where? A Big Creek.  
Q Who was with him? A His mother, Ellen Landrum, came down with  
Joe Duncan and Sam Moseley and his family.  
Q Do you know his wife Florence? A No, sir, I am not acquainted  
with her.  
Q Do you know Florence's mother, Amelia Landrum? A I have seen  
her, but to say personally acquainted with her, I am not.  
Q You don't know when Amelia returned? A No, sir.  
Q Have you known him ever since '66? A Yes, sir, I have seen  
him pretty frequently since that.  
Q Does he live in the Cherokee Nation? A Yes, sir.  
Q Has he lived since '66 in the Cherokee Nation? A Yes, sir,  
I have met him often since that through the country.  
Mr. Davenport: Know what time it was in '66 you say he came back?  
A Very late in the fall.  
Q About what month? A I can't be certain of the month it was in.  
Q Was it January or February? A I will not be positive what  
month.  
Q What makes you know then it was so late in the fall? Because  
they brought the plows along late that fall.  
Q What makes you remember it was late in the fall? A Yes, sir.  
Q You had your house built and was farming when they came? A Yes,  
sir, I had a house, but I wasn't farming.  
Q Well, who came with them? A Why Joe Duncan and Sam Moseley  
and his family.  
Q Anyone else? A This boy's mother.  
Q You know where Nick has been living from that time up to the  
present time, do you? A Not till here lately I don't.  
Q The last few years you have been seeing him quite frequently?  
A Yes, sir, up here to Snow Creek he lived.  
Q There was several years you didn't see him after he came back?  
A I met him here at the Bluffs several years ago and I met him  
on Snow Creek, and I met him at the Bend. I seen him several times.  
Q How long did his father continue to reside in the neighborhood?  
A I don't know nothing about his father? I don't know as I ever seen  
his father in my life.  
Q Was his mother alive? A Yes, sir.  
Q Had he have any brothers and sisters alive? A No, sir.  
Q He one but just Nick and his mother? A Yes, sir.  
Q Was anyone else traveling with them? A No, sir, Joe Duncan,  
and Sam Moseley and his family.

John Rose, being duly sworn and examined by Commissioner  
Needles, testified as follows:

Nicholas Landrum - 2.

- Q What is your name? A John Rose.  
Q How old are you? A About 55.  
Q What is your postoffice? A Lottanah, Cherokee Nation.  
Q Are you a Cherokee Freedman? A No, sir, intermarried.  
Q You know Nick Landrum? A Yes, sir.  
Q How long have you known him? A About 27 years.  
Q Was he a slave before the war? A I don't know.  
Q When did you first see him after the war? A I saw him about  
27 years ago.  
Q That the first time? A The first time to my knowledge.  
Q You know his wife? A Yes, sir.  
Q You know whether she was a slave or not? A I don't think  
she was, she was too young to have been a slave.  
Q You knew her mother? A Yes, sir.  
Q Was her mother a slave? A I didn't see her a slave, but she  
was always considered so.  
Q When was the first time you saw her mother? A I saw her  
mother about thirty years ago.  
Q Where? A I saw her, I met her in Coffeyville, Kansas.  
Q What year was it, do you recollect? A No, sir, I don't  
exactly, I can't give the date, I don't know the dates.  
Q Was she living in Coffeyville, Kansas, then? A No, sir, I  
don't know where she was living.  
Q What was she doing there? A Supposed to be trading.  
Q You don't know where she lived? A No, sir.  
Q Don't know where she was in the year '66? A No, sir.

Commissioner: Nicholas Landrum applies for the enrollment of himself, his wife Florence, and five children as enumerated. He cannot be identified upon the authenticated roll of 1860 or the census roll of 1896, but he is identified upon the Kern-Clifton and the Wallace rolls. He avers that he is married to one Florence Landrum, the child of Amelia Landrum, and that Amelia Landrum was the slave of the Landrum family. No proof is presented as to when Amelia Landrum, the mother of his wife, returned to the Cherokee Nation. The names of his children are not found upon any of the rolls of the Cherokee Nation now in the possession of this commission. Nicholas Landrum makes proof as to his residence, and also as to his citizenship, averring that he was a slave, was taken out of the Cherokee Nation and when to Fort Scott, Kansas, and returned in '66. He avers that he has a certificate of marriage to his wife, but has not the same with him. It will be necessary for him to file said certificate with this commission. He avers that he has lived with his wife from the time of his marriage to the present time, that she is his first wife and that he is her first husband. Now Nicholas Landrum and his wife Florence and his five children will be listed for enrollment as Cherokee Freedmen upon a doubtful card, awaiting proof as to the citizenship of his wife Florence, proof of birth as to his children, and certificate of marriage between himself and his wife. He will be notified by mail of the action of the commission in the premises.

\*\*\*\*\*  
Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes 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 14th day of July 1901.

*Bruce G. Jones*  
*Bruce G. Jones*  
Commissioner.

Com'r Needles: In the matter of the application of Nicholas Landrum, D-1008, the testimony taken in D-371, Elizabeth Dances, will be made part of the record.

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

Subscribed and sworn to before me this October 25th, 1901.

Com'r Needles

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Supl. Order, C.F.-D.#1008.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I.T., OCTOBER 19th, 1901.

SUPPLEMENTAL ORDER in the matter of the enrollment of Nicholas Landrum, et al., C.F.-D.#1008, as a Cherokee Freedman, made by request of Mr. Davenport, of Counsel for the Cherokee Nation:

Com'r Needles: In the matter of the application of Nicholas Landrum, D-1008, the testimony taken in D-871, Elizabeth Duncan, will be made part of the record.

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

*J. O. Rosson*

Subscribed and sworn to before me this October 25th, 1901.

*[Signature]*

Commissioner.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 24, 1901.

In the matter of the application of Nicholas Landrum et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of Florence Landrum.

Appearances:

L. T. Brown, agent for applicant;  
L. S. Bell, of counsel for Cherokee Nation.

NICHOLAS LANDRUM, being duly sworn by Commissioner Needles, testified as follows:

- By L. T. Brown: State your name? A Nick Landrum.  
Q Are you the applicant in this case? A I suppose so.  
Q What are you? A Yes, sir.  
Q What is your wife's name? A Florence Landrum.  
Q What was her name before you married her? A Florence Wilson.  
Q Has she any brothers or sisters? A Yes, sir.  
Q What are their names? A Well, she is the oldest.  
Q Well now give me the brothers and sisters? A Well, John Wilson, Francis, her sister.  
Q Her name is Francis what? A She is a Wilson.  
Q Now name the others? A George Wilson, Ed Wilson.  
Q Do you know whether or not John Wilson has already been listed for enrollment? A Yes, sir.

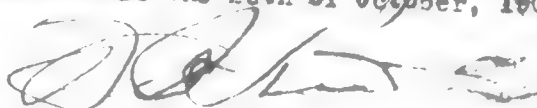
L. T. Brown: The Agent for the applicant desires to have the testimony taken in the matter of the application of John Wilson, Freedmen D-790, made a part of the testimony in this case, for the purpose of establishing the citizenship of the applicant's wife.

Commissioner: It will be so ordered.

\*\*\*\*\*

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

Bruce C. Jones  
Sworn to and subscribed before me this the 25th of October, 1901.



Commissioner.

FILED  
OCT 31 1903  
COMMISSION TO FIVE TRIBES.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., October 30, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of NICHOLAS LANDRUM, ET AL., as Cherokee Freedmen.

Appearances:

W. W. Hastings, Attorney for Cherokee Nation.

JOHN WILSON, being first duly sworn, and being examined, testified as follows:

- BY COMMISSION: State your name. A John Wilson.
- Q How old are you? A Whirty years old.
- Q What is your post office address? A Coffeyville.
- Q In what state is that? A Kansas.
- Q Are you living in the State of Kansas now? A No sir.
- Q Where do you live? A Live in the Territory.
- Q What district? A Cooweescoowee.
- Q What nation? A Cherokee Nation.
- Q Do you know Florence Landrum, who has applied for enrollment here as a Cherokee Freedman? A Yes sir, I know her by Florence Wilson. I guessthat is the same one He goesby Nick Miller, but I reckon it is the same one.
- Q Is she married? A Yes sir.
- Q Who is her husband? A Nick Miller.
- Q Is he known by any other name? A Landrum. I always call him Nick Miller, he goesby Landrum too.
- Q What relation is Florence to you, if any? A My sister.
- Q Your full sister? A Yes sir.
- Q Who was her father? A Eli Wilson.
- Q He was a non-citizen? A Yes sir.
- Q Who was her mother? A Millie Wilson. Sometimes she goes by Mely.
- Q Is Florence older or younger than you? A She is older.
- Q How old is she, about? A I disrememberhow old she is now.
- Q How much older is she than you? A I couo dn't say to be sure. I have pretty near forget her age.
- Q How long do you remember Florence, how long have you known her?  
A Known her al l my life.
- Q Where was she living when you first remember of her? A Out here on Timbered Hill, in the Cherokee Nation, when I first remember.
- Q Where has she been living since that time? A Right in the Nation just across the Verdigris there.
- Q Has Florence Landrum, formerly Wilson, been living in the Cherokee Nation as far back as you can remember? A Yes sir.
- Q Has she everlivedoutside the Cherokee Nation? A No sir, not ax that I know of.
- Q When did you see her last? A It hasbeen pretty near a month now, I guess.
- MR HASTINGS: Don't you know how much older Florence is than you?  
A No sir, I don't.
- Q About how much is she, ten years? A I wouldn't say it for fear I might be mistaken.
- Q Is she five? A I couldn't say, sure.
- Q You mean to tell the Commission that she is your sister and you have no idea at all about how much older she is?  
A If a person don't keep track of it he can't.



Q Is she nearer 3 than 30 years older than you?  
A I expect she's more than 3.  
Q Thrity years? A I am thirty, she's older.  
Q Is she thirty years older than you? A No sir.  
Q Is she ten? A Yes sir, she may be 10.  
Q Ten years older than you? A Maybe, but I wouldn't be positive because I have really forgot just how old she is.  
Q When did you leave Ottawa, Kansas? A I don't remember of being there.  
Q I asked you when you left there, when you was up there the last time? A I never was there that I remember.  
Q You know Stephen White, don't you? A No sir, I don't know nothing about him.  
Q How about A. C. Harford, you know him? A No sir.  
Q You don't know what State Ottawa is in? A No sir, never was there.  
Q Never heard of Ottawa? A ~~xxxxx~~ I have heard of it never paid much attention to it.  
Q You didn't live about a block down there from A. C. Harford? A never that I know of.  
Q How old were you when you come to timbered hill? A I don't know.  
Q Where did you come from when you come to Timbered Hill?  
A I was quite small, I heard my folks say they come from Grand river.  
Q That's what you heard your folks say? A yes sir.  
Q You do remember that? A I was so little I don't remember where they come from.  
Q Where did you first see L. D. Daniels after the war?  
A I don't know anything about the war.  
Q Where did you see him in the Nation? A I have seen him in the Nation all my life, been knowing him for a long time.  
Q What did he tell you now about what you expected to prove by him to-morrow? A he knows my folks and knows that --  
Q Does he know when they come back? A Yes sir.  
Q Where did he say he saw you first after the war?  
A That would be for him to tell.  
Q Where did he tell you he saw you, he is your witness?  
A he didn't just exactly tell me.  
Q Where did L. D. tell you he first saw you after the war? He is going to be your witness and you ought to know about that?  
A he said around Fort Gibson.  
Q Seen who? A my mother.  
Q Did she live around there? A I don't know, never ask him that; only asked him whether he knowed when she came back and whether he knowed her at that time, and he did.

This case is continued until Saturday, October 31, 1903.

-----  
Wm. Hutchinson, 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 correct transcript of his stenographic notes thereof.

Wm. Hutchinson

Sworn to and subscribed before me this 30th day of October, 1903.

Edward Morris  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., SEPTEMBER 21, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Nicholas Landrum et al., as Cherokee Freedmen.

APPEARANCES:

Applicant appears in person.  
Cherokee Nation by its representatives, J. S. Davenport and L. P. Bell.

L. P. BELL, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A L. P. Bell, 66 years old, Vinita, Indian Territory.

BY MR. LANDRUM:

Q Do you know me Mr. Bell? A Yes I know Nick, he was rather a small boy when I first saw him, after I returned here after the war he had grown up to be a big fellow, but I take him to be the same man.

Q What time was that Mr. Bell? A I never saw you for some years.

Q Did you know my people the owners? A He belonged to Cherokee Landrum, she was the wife of H. T. Landrum, she was a first cousin of mine and belonged to my family, I knew them all from childhood, she was a Cherokee citizen by blood.

BY THE COMMISSION:

Q And she owned him at the beginning of the rebellion? A Yes sir she owned him ~~when the war broke out~~ when the war broke out, she hadn't had him more than a year or two I don't reckon he belonged to her all through her life, my uncle married her mother and he was a wild fellow and they wouldn't give him the slaves, they kept them, she died in a year or so after this child was born and they kept the negroes and took the child and raised it and he married again, and after she got up and got married then they let her have this fellow and his mother, that happened only a few years before the war come on, that is about all I know about them. The war come on and he left them like most of the balance.

Q You never saw Nick in the Cherokee Nation until several years after 1866? A No sir, I never saw him for some years after I come, and I come in 1867, I couldn't testify anything about his return, I didn't come here myself until 1867, after the time was up.

-----c0e-----

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 25<sup>th</sup> day of January, 1905.

*H. M. Vance*  
*Charles L. Camp*  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of John Wilson, et al., as Cherokee Freedmen, consolidating the  
applications of--

John Wilson, et al.,	Cherokee Freedmen D	790
George Wilson	Cherokee Freedmen D	793,
Edward Wilson,	Cherokee Freedmen D	800,
Frances Wilson,	Cherokee Freedmen D	801,
Nicholas Lamirum, et al.,	Cherokee Freedmen D	1008,
Robert C. Duncan, et al.,	Cherokee Freedmen D	871,
Elizabeth Timmon, et al.,	Cherokee Freedmen D	892,
Emma Williams, et al.,	Cherokee Freedmen D	893.

--:--

O K D E M .

It is ordered that a copy of the testimony of Aaron  
Whitmire, taken at Muskogee, Indian Territory, on December 23,  
1904, in re application of Charlotte French for enrollment as  
a Cherokee Freedman, case No. D 1012, be filed with, and made a  
part of the record in the consolidated case of John Wilson, et  
al., Cherokee Freedman D 790, et al.

*Jams Pickens*  
\_\_\_\_\_  
Commissioner

Muskogee, Indian Territory,

this FEB - 2 1905

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

A.P.No.  
D.C.I.

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

John Wilson, et al.,	Cherokee Freedmen D 790,
George Wilson,	Cherokee Freedmen D 793,
Edward Wilson,	Cherokee Freedmen D 800,
Frances Wilson,	Cherokee Freedmen D 801,
Nicholas Landrum, et al.,	Cherokee Freedmen D1008,
Robert C. Duncan, et al.,	Cherokee Freedmen D 871,
Elizabeth Tinnon, et al.,	Cherokee Freedmen D 892,
Emma Williams, et al.,	Cherokee Freedmen D 893.

-:-

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 John Wilson for himself, his minor sister, Annie Wilson, his minor brother, Jesse Wilson, and his minor child, Amelia Wilson; by George Wilson for himself; by Edward Wilson for himself; by Frances Wilson for herself; by Nicholas Landrum for himself, his wife, Florence Landrum, and his minor children, Bessie E., Glennie, Ora, Viola and Lela May Landrum; by Elizabeth Duncan for herself (by intermarriage), and minor children, Robert C., Harry A., Joel (Jewell) C., and Benjamin F. Duncan, by Elizabeth Tinnon for herself and minor child, Mary Tinnon; and by Emma Williams for herself and minor child, Lee E. Williams. As the application for the enrollment of Elizabeth Duncan as a Cherokee freedman by intermarriage, has been heretofore disposed of, she will not be embraced in this decision. A copy of the testimony of Aaron Whitmire taken at Muskogee, Indian Territory, December 25, 1904, in the case of Charlotte French, Cherokee Freedman D 1012, is filed herewith and made a part of the record herein.

The evidence in this case shows that the applicants, John, Annie, Jesse, George, Edward and Frances Wilson, and Florence Landrum, are the children of one Millie Wilson, deceased; that the said Millie Wilson, deceased, was the slave of a Cherokee citizen at the commencement of the Rebellion; that she was taken from the Cherokee Nation during said Rebellion, and did not return there to and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1866, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

Said applicants were born since 1866, and possess no rights to enrollment other than as descendants of the said Millie Wilson. The minor applicant Amelia Wilson is a child of the applicant, John Wilson, was born since 1896, and possesses no rights to enrollment other than as a descendant of her said father.

The evidence shows that the applicant, Nicholas Landrum 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, Bessie E., Ocellie, Ora, Viola and Lela May Landrum, are children of the applicants, Nicholas and Florence Landrum, and possess no rights to enrollment other than as descendants of their said parents.

The evidence further shows that the applicants, Robert C., Harry A., Joel (Jewell) C. and Benjamin F. Duncan, Elizabeth Tinnon and Emma Williams, are children of one Joseph Duncan, deceased; that the said Joseph Duncan was the slave of a Cherokee citizen at the commencement of the rebellion, that he was taken from the Cherokee Nation during said rebellion and did not return thereto within the time specified in the said Whitmire decree. Said applicants were born since 1866, and possess no rights to enrollment other than as descendants of their said father. The minor applicant, Lee E. Williams, is the child of the applicant, Emma Williams, was born since 1896, and possesses no rights to enrollment other than as a descendant of his said mother. The minor applicant, Mary Tinnon, is the child of the applicant, Elizabeth Tinnon and one Willie Tinnon, deceased, was born since 1896, and possesses no rights to enrollment other than as a descendant of her said parents.

The said Willie Tinnon, deceased, cannot be identified on any Cherokee roll in the possession of the Commission, and after ample opportunity having been afforded, it is not established that the said Willie Tinnon, deceased, possesses any rights as a Cherokee freedman. It is therefore, considered by this Commission that the adjudication of the right of Mary Tinnon to enrollment as a Cherokee freedman through her said father, Willie Tinnon, deceased, comes within the rulings of the Department in the cases of Eliza Bryant, et al., (I.T.D. 3642-04), Ed Williams (I.T.D. 4230-04), William Rector, (I.T.D. 1468-04), Minnie Duncan, et al., (I.T.D. 1470-04), Samantha Chambers, (I.T.D. 2296-04), Martha Albert, et al., (I.T.D. 4732-04), and Moses Ross, (I.T.D. 6056-04). In addition, attention is called to the fact that the records of the Commission show that only two applications have been filed for the enrollment of applicants by the name of Tinnon; and that said named applicants live in the vicinity in which the said Willie Tinnon, deceased, resided, were listed for enrollment on Cherokee Freedmen cards Nos. D193 and D 327, respectively, were denied enrollment by this Commission and its decision approved by the Department October 31, 1904.

None of the applicants herein can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

In re testimony of Sam Webber: The said Sam Webber is the only witness that testifies that Joseph Duncan returned to the Cherokee Nation, after the rebellion, within the time specified in the Whitmire decree. Little credit can be given his testimony, however, as, on June 26, 1901, in the application of Elizabeth Duncan, et al., for enrollment as Cherokee freedmen, case No. D 871, to the question "Did anyone come with him (Joseph Duncan)?" he answered, "Sam Mosely came with him." On June 27, 1901, in the application of Elizabeth Tinnon, et al., for enrollment as Cherokee freedmen, case No. D 892, to the question "He (Joseph Duncan) did not bring anybody with him?" he answered, "There was another man with him", and it is not until he is called, on July 1, 1901, as a witness in the application of Nicholas Landrum, et al., for enrollment as Cherokee Freedmen, case No. D 1008, that he testifies that the applicant, Nicholas Landrum, returned to the Cherokee Nation in the fall of '66, with his uncle, Joseph Duncan. The testimony of Aaron Whitmire, taken in the application of Charlotte French, Cherokee Freedman case No. D 1012, shows that Sam Webber was not residing in the Indian Territory between the month of August, 1866, and the spring of 1867.

It is, therefore, the opinion of this Commission that the applications for the enrollment of John Wilson, Annie Wilson, Jesse Wilson, Amelia Wilson, George Wilson, Edward Wilson, Frances Wilson, Nicholas Landrum, Florence Landrum, Bessie H. Landrum, Clellie Landrum, Ora Landrum, Viola Landrum, Lela May Landrum, Robert C. Duncan, Harry A. Duncan, Joel (Jewell) C. Duncan, Benjamin F. Duncan, Elizabeth Timmen, Mary Tinnon, Emma Williams and Lee E. Williams, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 25, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tans Bixby,  
Chairman.

(Signed) T. B. Needles,  
Commissioner.

(Signed) C. R. Breekinridge,  
Commissioner.

Dated at Muskogee, Indian Territory,

this        APR. 1904





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

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Visita J. G. 10/24/01

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
Nicholas Raudrum et al for enrollment as  
Freedmen of the Cherokee Nation.

No. J. D. 1008

Louis T. Brown  
agent for applicant

COPY

Cherokee Freedmen

D-1008.

Muskogee, Indian Territory, April 18, 1905.

Nicholas Landrum,  
Coffeyville, Kansas.

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, et al., as Cherokee freedmen. There has heretofore been furnished your attorneys, Neal & London, Fort Smith, Arkansas, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

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

Respectfully,

SIGNED: *James Dixby.*  
Chairman.

Incl. 15-81  
Register

COPY.

Cherokee Freedmen

D-1006.

Muskogee, Indian Territory, April 18, 1905.

Neal & Londen,

Attorneys for Nicholas Landrum, et al.,

Fort Smith, Arkansas.

Gentlemen:

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 Nicholas, Florence, Bessie, Clellie, Ora, Viola and Lela Landrum as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

I. B. Nesbitt,  
Chairman.

Incl. 8-00  
Register

Cherokee Freedmen

2-750, et al.

Muskogee, Indian Territory, April 12, 1906.

Bull, Hastings & Devoeport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 12, 1906, rejecting the applications for the enrollment of John, Annie, Jesse, Amelia, George, Edward and Frances Wilson, Robert C. Harry A., Jeff (Jewell) C. and Benjamin F. Bennett, Nicholas, Florence, Dossie R., Clollie, Ora, Viola and Lela Landrum, Minniebeth and Mary Timmon, Emma and Lee E. Williams 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.

Very truly,  
Yours,

Wm. Lewis Dabbs.

Encl. 2-40

COPY.

Cherokee Freedmen  
B-720, et al.

Muskogee, Indian Territory, April 13, 1901.

The Honorable,

The Secretary of the Interior.

Sirs

There is herewith transmitted the record of proceedings had in the consolidated case of John Wilson, et al., including the Commission's decision dated April 10, 1900, rejecting the applications for the enrollment of John, Annie, Jesse, Amelia, George, Edward and Francis Wilson, Robert G., Harry A., Joel (Jewell) C. and Benjamin Y. Jancos, Nicholas, Florence, Bessie E., Clallis, Ora, Viola and Lela Landrum, Elizabeth and Mary Finson, Emma and Lee E. Williams as Cherokee freedmen.

Respectfully,

*Jame Bixby.*  
Chairman.

Incl. 8-00

Through the

Commissioner of Indian Affairs.

Land  
S1888-1888

( COPY )  
DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON. May 11, 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 April 18, 1908, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by John Wilson for himself, his minor sister, Annie, his minor brother, Jesse, and his minor child, Amelia Wilson; by George Wilson for himself; by Edward Wilson for himself; by Frances Wilson for herself; by Nicholas Landrum for himself, his wife, Florence, and his minor children, Essie E., Glennie, Ora, Viola, and Lela May Landrum; by Elizabeth Denson for her minor children, Robert G., Harry A., Joel (Jewell) G. and Benjamin B. Denson; by Elizabeth Timson for herself and minor child, Mary Timson; and by Emma Williams for herself and her minor child, Lee E. Williams.

April 18, 1908, the Commission decided adversely to all the applicants.

The record shows that John, Annie, Jesse, George, Edward and Frances Wilson and Florence Landrum are the children of one Millie Wilson, deceased; that Millie Wilson 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 to the Nation on or before February 11, 1867; that the applicants were born since 1866, and possess no rights to enrollment except as descendants of Millie Wilson; that the minor applicant, Amelia Wilson is a child of the applicant, John Wilson, was born since 1896 and possesses no rights to enrollment except as a descendant of her father. It is further shown that Nicholas Landrum was the slave of a Cherokee citizen at the beginning of the war of the rebellion, was taken from said Nation during said war and did not return thereto on or before February 11, 1867. It is further shown that the applicants, Robert C. Harry A., Joel (Jewell) C. and Benjamin F. Duncan, Elizabeth Tinnen and Emma Williams, are children of one Joseph Duncan deceased; that Joseph Duncan was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he was taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867. The applicants were born since 1866 and possess no rights to enrollment except as descendants of their father. The minor applicant, Lee E. Williams, is the child of Emma Williams, born since 1896 and possesses no rights to enrollment other than as a descendant of his mother. The minor applicant, Mary Tinnen, is the child of the applicant, Elizabeth

Tinnon and one Willie Tinnon, deceased, was born since 1896, and possesses no rights to enrollment except as a descendant of her parents. Willie Tinnon is not identified upon any Cherokee roll and it is not established that he possesses any rights as a Cherokee Freedman.

None of the applicants is identified on the 1880 authenticated Cherokee roll of the Cherokee Census roll of 1896.

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

Very respectfully,

C. P. Larrabee  
Acting Commissioner

MCM

V.



COPY.

Cherokee Freedmen

740

D-720, et al.

Muskogee, Indian Territory, April 18, 1905.

Louis T. Brown,

Attorney for John Wilson, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, rejecting, among others, the applications for the enrollment of John, Anais, Jesse, Amelia, George, Edward and Frances Wilson, Nicholas, Florence, Bessie M., Clellie, Ora, Viola and Lela Landrum, Robert C., Harry A., Joel (Jewell) C. and Benjamin F. Duncan, 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,

W. B. Needles

Incl. 6-22  
Register

D. C. 14702-1906

( C O P Y )

G R  
R J H

I.T.D. 5426-1906

DEPARTMENT OF THE INTERIOR ,  
Washington/

IRS

April 21, 1906

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

Sir:

April 18, 1906, the Commission to the Five Civilized Tribes transmitted the record of proceedings had in the consolidated applications for enrollment as Cherokee freedmen, made by John Wilson for himself, his minor sister, Annie Wilson, his minor brother, Jesse Wilson, and his minor child, Amelia Wilson; by George Wilson for himself; by Edward Wilson for himself; by Frances Wilson for herself; by Nicholas Landrum for himself, his wife, Florence Landrum, and his minor children, Bessie E., Clellie, Ora, Viola and Lela May Landrum; by Elizabeth Duncan for herself (by intermarriage), and minor children, Robert C., Harry A., Joel (Jewell) C., and Benjamin F. Duncan; by Elizabeth Tinnen for herself and minor child, Mary Tinnen; and by Emma Williams for herself and minor child, Lee R. Williams; including the decision of the Commission, dated April 18, 1906, adverse to all the applicants. The application for the enrollment of Elizabeth Duncan as a Cherokee freedman by intermarriage was not embraced in the above decision.

May 11, 1906, the Acting Commissioner of Indian Affairs

reporting thereon, recommended that the decision of the Commission adverse to all the applicants named therein, be affirmed. A copy of Indian Office letter is inclosed.

The Department concurs in the recommendation made, and the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, denying the applications for the enrollment, as Cherokee freedmen, of John Wilson and the other named applicants therein, is hereby affirmed.

Respectfully,

1 inclosure

(Signed)

THOS RYAN

Cherokee Freedmen  
D 1008

COPY.

Muskogee, Indian Territory, May 4, 1906

Nicholas Landrum,  
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 18, 1905, rejecting, among others, your application for the enrollment of yourself, your wife, Florence, and children, Bessie E., Clellie, Ora, Viola and Lela May Landrum, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 21, 1906.

Respectfully,

(SIGNED)

*Wm. C. Beall*  
Acting Commissioner

LMB

Cherokee Freedmen  
D 1008

COPY.

Muskogee, Indian Territory, May 4, 1906

Neal and London,

Attorneys for Nicholas Landrum et al.

Fort Smith, Arkansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 18, 1905, rejecting, among others, the application of Nicholas Landrum for the enrollment of himself, his wife, Florence, and children, Bessie E., Clellie, Ora, Viola and Lela May Landrum, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 21, 1906.

For your information a copy of the Department's letter is inclosed herewith.

Respectfully,

SIGNED.

*Wm. O. Deane*  
Acting Commissioner

LMB

Cherokee Freedmen  
D 790

COPY.

Muskogee, Indian Territory, May 4, 1906

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

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 18, 1905, rejecting the applications for the enrollment as Cherokee freedmen, of John Wilson et al., George Wilson, Edward Wilson, Frances Wilson, Robert C. Duncan et al., Elizabeth Tinnon et al., Emma Williams et al. and Nicholas Landrum et al., was affirmed by the Secretary of the Interior on April 21, 1906.

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

Respectfully,

SIGNED.

*Wm. C. Ball*  
Acting Commissioner

LB

Refer in reply to the following

Cherokee Freedmen  
D 790 et al.

COPY.

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

Muskogee, Indian Territory, May 4, 1906.

Louis T. Brown,  
Attorney for John Wilson, et al.  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 18, 1905, rejecting the application for enrollment as Cherokee freedmen of John Wilson et al., George Wilson, Edward Wilson, Frances Wilson, Robert C. Duncan et al., Elizabeth Tinnon et al., Emma Williams, et al., and Nicholas Landrum et al., was affirmed by the Secretary of the Interior on April 21, 1906.

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

Respectfully,

RECORDED.

*James D. Wallace*  
Acting Commissioner.

Cherokee Freedmen  
D 1008

Muskogee, Indian Territory, June 21, 1906

George Campbell,  
Attorney at Law,  
Coffeyville, Kansas.

Dear Sir:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of June 5, written in behalf of Nicholas Landrum, a Cherokee freedman, asking information relative to establishing his rights as a Cherokee freedman.

In reply you are advised that the application of Nicholas Landrum for the enrollment of himself and family as Cherokee freedmen, was denied by the Commission to the Five Civilized Tribes on April 18, 1906, and its action approved by the secretary of the Interior on April 21, 1906.

There is quoted you the following provision of the Act of Congress approved April 26, 1906 (Public No. 129):



George Campbell--2

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

Respectfully,

L M B

Commissioner

Cherokee  
F. D. 1903.

Muskogee, Indian Territory, July 17, 1906.

Nicholas Landrum,  
Coffeyville, Kansas.

Dear Sir:

In reply to your letter of June 25, 1906, addressed to the Secretary of the Interior, you are advised that the decision of the Commissioner to the Five Civilized Tribes rejecting your application for the enrollment of yourself and family as Cherokee Freedmen was affirmed by the Secretary of the Interior April 21, 1906.

You are further advised that on June 19, 1906, a motion for a rehearing in this case was filed with this office, and you will be advised of any further action taken thereon.

Further replying to your letter you are advised that your name has been identified upon the Kern-Clifton roll of Cherokee Freedmen.

Respectfully,

Commissioner.

JBM

Cherokee Freedmen  
D 1008

Muskogee, Indian Territory, August 31, 1906

George Campbell,  
Attorney for Nicholas Landrum, et al.  
Coffeyville, Kansas.

Dear Sir:

This office is in receipt, on June 19, 1906,  
of a motion made by you for a rehearing in the Cherokee  
freedmen enrollment case of Nicholas Landrum, et al.  
D 1008.

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

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, December 19, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed June 19, 1906, by George Campbell, Attorney, of Coffeyville, Kansas, for a rehearing of the Cherokee freedman case of Nicholas Landrum. No evidence is furnished showing that a copy of this motion has been served on the Attorney for the Cherokee Nation. There is no question of law or fact presented which has not heretofore been considered in connection with the case, and it is respectfully recommended that the same be denied.

The decision of the Commission to the Five Civilized Tribes dated April 18, 1905, rejecting, among others, the application of Nicholas Landrum, for the enrollment of himself, his wife, Florence Landrum, and children, Bessie E., Clellie, Ora, Viola, and Lola May Landrum, as Cherokee Freedmen, was affirmed by the Department April 21, 1906 (I.T.D. 8426-1906)

Respectfully,

Through the  
Commissioner of Indian Affairs.

Encl. 1-97

Commissioner

Muskogee, Indian Territory, December 19, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed June 19, 1906, by George Campbell, Attorney, of Coffeyville, Kansas, for a rehearing of the Cherokee freedman case of Nicholas Landrum. No evidence is furnished showing that a copy of this motion has been served on the Attorney for the Cherokee Nation. There is no question of law or fact presented which has not heretofore been considered in connection with the case, and it is respectfully recommended that the same be denied.

The decision of the Commission to the Five Civilized Tribes dated April 18, 1905, rejecting, among others, the application of Nicholas Landrum, for the enrollment of himself, his wife, Florence Landrum, and children, Bessie E., Clellie, Ora, Viola, and Lela May Landrum, as Cherokee freedmen, was affirmed by the Department April 21, 1906 (I.T.D. 8426-1905)

Respectfully,

Through the  
Commissioner of Indian Affairs.

Encl. B-97

Commissioner

Muskogee, Indian Territory, December 19, 1906

George Campbell,  
Attorney at Law,  
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that your motions for rehearing in the Cherokee freedmen cases of John Morgan et al. and Nicholas Landrum, have this day been transmitted to the Secretary of the Interior. You will be advised of the action of the secretary when this office is informed of the same.

Respectfully

LAND

(COPY)

106292-1906  
111397-1906.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
WASHINGTON.

January 22, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Pixby, dated December 19, 1906, transmitting a motion for rehearing in the Cherokee freedman case of Nicholas Landrum, filed with the Commissioner on June 19, 1906, by George Campbell, attorney at law, Coffeyville, Kansas. There is no evidence of a copy of this motion having been served on the attorney for the Cherokee Nation.

The decision of the Commission to the Five Civilized Tribes dated April 18, 1905, rejecting, among others, the application of Nicholas Landrum for the enrollment of himself, his wife, Florence Landrum, and children, Bessie E., Clellie, Ora, Viola, and Lela May Landrum, as Cherokee freedmen, was affirmed by the Department on April 21, 1906 (I.T.D. 5426-1905).

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-KH

D. C. 6294-1907

I.T.D.1602-1907.  
LR8

(COPY)

Y.P.

DEPARTMENT OF THE INTERIOR, FHE.

WASHINGTON,

January 29, 1907.

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

Sir:

The motion for rehearing in the Cherokee freedman case of Nicholas Landrum, received with your letter of December 19, 1906, is denied, in accordance with your recommendation. The motion presents no question of law or fact not heretofore considered. It does not answer in any particular the ordinary rules governing motions for review in such cases.

A copy of Indian Office letter of January 22, 1907 (Land 111397-06), submitting your report, is inclosed.

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

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 6 for Ind Of.



Cherokee F.  
D 1008

Muskogee, Indian Territory, February 11, 1907.

Nicholas Landrum,  
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that a motion for rehearing in your Cherokee freedman enrollment case, filed by your attorney, George Campbell, of Coffeyville, Kansas, on June 19, 1906, was denied by the Secretary of the Interior, January 29, 1907.

Respectfully,

~~Enc. 1.~~

JMR

Commissioner.

Cherokee F.  
D 1008

Muskogee, Indian Territory, February 11, 1907.

George Campbell,  
Attorney for Nicholas Landrum,  
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that a motion for rehearing in the Cherokee freedman enrollment case of Nicholas Landrum, filed by you June 19, 1906, was denied by the Secretary of the Interior, January 29, 1907.

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

Respectfully,

Encl.H-38  
JMH

Commissioner.

Cherokee F.  
D 1008

Muskogee, Indian Territory, February 11, 1907.

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

Dear Sir:

You are hereby advised that a motion for rehearing in the Cherokee freedman enrollment case of Nicholas Landrum, filed June 19, 1906, was denied by the Secretary of the Interior, January 29, 1907.

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

Respectfully,

Encl.H-39  
JMH

Commissioner.

D. C. 6294-1907

(COPY)

I.T.D.1602-1907.  
LRS

Y.P.

DEPARTMENT OF THE INTERIOR, PHE.

WASHINGTON,

January 29, 1907.

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

Sir:

The motion for rehearing in the Cherokee freedman case of Nicholas Landrum, received with your letter of December 19, 1906, is denied, in accordance with your recommendation. The motion presents no question of law or fact not heretofore considered. It does not answer in any particular the ordinary rules governing motions for review in such cases.

A copy of Indian Office letter of January 22, 1907 (Land 111397-06), submitting your report, is inclosed.

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

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 6 for Ind Of.

Cherokee Freedmen  
D 1008

Muskogee, Indian Territory, March 2, 1907

S. G. Toole,  
1023 South Walnut Street,  
Coffeyville, Kansas.

Dear Sir:

This office is in receipt of your letter of February 18, 1907, requesting that you be furnished a complete copy of the record in the matter of the application of one Nicholas Landrum to be enrolled as a Cherokee freedman.

In reply you are advised the records of this office show that a complete copy of the record of proceedings had in this case has heretofore been furnished the attorneys of record for the applicants, Neal & London, Fort Smith, Arkansas. Your request can not, therefore, be complied with.

Respectfully

Commissioner

COPY

20

---

IN RE  
Application for Enrollment of  
INFANT CHILD

as a citizen of

Nation

190

Commissioner

---

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Bessie E. Landrum, born on the 22 day of January, 1892.  
(Here insert name of child)  
Name of Father: Nicholas Landrum a citizen of the Cherokee Nation.  
Name of Mother: Florence Landrum a citizen of the Cherokee Nation.  
Postoffice Coffeyville, Kansas.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
State of Kansas, DISTRICT  
County of Montgomery  
I, Florence Landrum, on oath state that I am thirty  
years of age and a citizen by adoption, of the Cherokee Nation;  
that I am the lawful wife of Nicholas Landrum, who is a citizen, by  
adoption, of the Cherokee Nation; that a female child was  
(Male or Female.)  
born to me on 22nd day of January, 1892, that said child has been named  
Bessie E. Landrum, and is now living.

Witnesses to Mark: Florence X Landrum  
mark

(Must be Two Witnesses.) { Stephen A. Miller  
C. L. Powers

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

(SEAL) A M Magie Notary Public.  
My Com. Expires Feb. 13, 1903

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
State of Kansas, DISTRICT  
County of Montgomery  
I, Caroline Chambers, a mid-wife, on oath state that I  
attended on Mrs. Florence Landrum, wife of Nicholas Landrum,  
on the 22nd day of January 1892; that there was born to her on said date a female  
(Male or Female.)  
child; that said child is now living and is said to have been named Bessie E. Landrum  
her  
Caroline X Chambers  
mark

Witnesses to Mark:

(Must be Two Witnesses.) { A. R. Panett  
Andy Curry

Subscribed and sworn to before me this 28 day of September, 1901.

(SEAL) A M Magie Notary Public.  
My Com. Expires Feb. 13, 1903

20 '34.

IN RE  
Application for Enrollment of  
INFANT CHILD

as a citizen of

Nation

100



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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Chellie Landrum, born on the 22nd day of October, 1893  
(Here insert name of child.)

Name of Father: Nicholas Landrum a citizen of the Cherokee Nation.

Name of Mother: Florence Landrum a citizen of the Cherokee Nation.

Postoffice Coffeyville, Kansas.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, )

State of Kansas DISTRICT )  
County of Montgomery

I, Florence Landrum, on oath state that I am thirty  
years of age and a citizen by adoption, of the Cherokee Nation;

that I am the lawful wife of Nicholas Landrum, who is a citizen, by

adoption, of the Cherokee Nation; that a male child was  
(Male or Female.)

born to me on 22nd day of October, 1893; that said child has been named

Chellie Landrum, and is now living.

Witnesses to Mark: Florence X Landrum  
mark

(Must be Two Witnesses.) { Stephen H. Miller  
G. L. Powers

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

(SEAL)  
My Com. Expires  
Feb. 3, 1903.

A. M. Ragle  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, )

State of Kansas DISTRICT )  
Montgomery Co.

I, Caroline Chambers, a mid-wife, on oath state that I  
attended on Mrs. Florence Landrum, wife of Nicholas Landrum

on the 22nd day of October, 1893; 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 Chellie Landrum

Witnesses to Mark: Caroline X Chambers  
her  
mark

(Must be Two Witnesses.) { A. R. Panett  
Andy Curry

Subscribed and sworn to before me this 28 day of September, 1901.

(SEAL)  
My Com. Expires  
Feb. 3 1903

A. M. Ragle  
Notary Public.

~~COPY.~~

IN RE  
Application for Enrollment of  
INFANT CHILD

as a citizen of

Nation

190

Commissioner

INFANT

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Ora Landrum, born on the 26th day of October, 1895.  
(Here insert name of child.)  
Name of Father: Nicholas Landrum a citizen of the Cherokee Nation.  
Name of Mother: Florence Landrum a citizen of the Cherokee Nation.  
Postoffice Coffeyville, Kansas

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
State of Kansas DISTRICT  
Montgomery Co  
I, Florence Landrum, on oath state that I am thirty  
years of age and a citizen by adoption, of the Cherokee Nation;  
that I am the lawful wife of Nicholas Landrum, who is a citizen, by  
adoption, of the Cherokee Nation; that a female child was  
(Male or Female.)  
born to me on 26th day of October, 1895; that said child has been named  
Ora Landrum, and is now living.

Witnesses to Mark: Florence X Landrum  
mark

(Must be Two Witnesses.) { Stephen A. Miller  
C. L. Powers

Subscribed and sworn to before me this 29th day of July, 1901  
(SEAL) A. M. Hagle Notary Public.  
My Com Expires Feb. 3, 1903

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
State of Kansas DISTRICT  
Montgomery Co.  
I, Caroline Chambers, a mid-wife, on oath state that I  
attended on Mrs. Florence Landrum, wife of Nicholas Landrum,  
on the 26th day of October, 1895; that there was born to her on said date a female  
(Male or Female.)  
child; that said child is now living and is said to have been named Ora Landrum.

Witnesses to Mark: Caroline X Chambers  
mark

(Must be Two Witnesses.) { A. R. Pannett  
Andy Curry

Subscribed and sworn to before me this 28th day of September, 1901  
(SEAL) A. M. Hagle Notary Public.  
My Com Expires Feb. 3, 1903

---

IN RE  
Application for Enrollment of  
INFANT CHILD

as a citizen of

Nation

April 1912

Commissioners

---

RECEIVED  
APR 11 1912

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Viola Landrum, born on the 20th day of February, 1899  
(Here insert name of child.)  
Name of Father: Nicholas Landrum a citizen of the Cherokee Nation.  
Name of Mother: Florence Landrum a citizen of the Cherokee Nation.  
Postoffice Gaffeyville, Kansas.

**AFFIDAVIT OF MOTHER.**

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
State of Kansas, District,  
Montgomery Co.

I, Florence Landrum, on oath state that I am thirty  
years of age and a citizen by adoption, of the Cherokee Nation;  
that I am the lawful wife of Nicholas Landrum, who is a citizen, by  
adoption, of the Cherokee Nation; that a female child was  
(Male or Female.)  
born to me on 20th day of February, 1899 that said child has been named  
Viola Landrum, and is now living.

Witnesses to Mark:  
Florence X Landrum  
mark

(Must be Two Witnesses.)  
Stephen W. Miller  
C. T. Powers

Subscribed and sworn to before me this 29th day of July, 1901.  
(S. E. L.)  
My Com. Expires Feb. 3, 1903. A. M. Magle Notary Public.

**AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.**

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
State of Kansas, District,  
Montgomery Co.

I, Caroline Chambers, a mid-wife, on oath state that I  
attended on Mrs. Florence Landrum, wife of Nicholas Landrum,  
on the 20th day of February, 1899; that there was born to her on said date a female  
(Male or Female.)  
child; that said child is now living and is said to have been named Viola Landrum.

Witnesses to Mark:  
Caroline X Chambers  
mark

(Must be Two Witnesses.)  
A. H. Panett  
Andy Curry

Subscribed and sworn to before me this 28 day of September, 1901.

(S. E. L.)  
My Com. Expires  
Feb 3, 1903

A. M. Magle  
Notary Public.

IN RE  
Application for Enrollment of  
INFANT CHILD

is a citizen of

Nation

1907

190

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Lela Landrum, born on the 30th day of March, 1900.  
(Here insert name of child.)  
Name of Father: Nicholas Landrum, a citizen of the Cherokee Nation.  
Name of Mother: Florence Landrum, a citizen of the Cherokee Nation.  
Postoffice Coffeyville, Kansas

**AFFIDAVIT OF MOTHER.**

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
State of Kansas DISTRICT.)  
Montgomery Co  
I, Florence Landrum, on oath state that I am thirty  
years of age and a citizen by adoption, of the Cherokee Nation;  
that I am the lawful wife of Nicholas Landrum, who is a citizen, by  
adoption, of the Cherokee Nation; that a female child was  
(Male or Female.)  
born to me on 30th day of March, 1900 that said child has been named  
Lela Landrum, and is now living.

WITNESSES TO MARK: Florence Landrum her mark

(Must be Two Witnesses.) { Stephen H. Miller  
C. L. Powers

Subscribed and sworn to before me this 29th day of July, 1901.  
(SEAL) My Com Expires Feb. 3, 1903 A. M. Ragle Notary Public.

**AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.**

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
State of Kansas DISTRICT.)  
Montgomery Co.  
I, Caroline Chambers, a mid-wife, on oath state that I  
attended on Mrs. Florence Landrum, wife of Nicholas Landrum  
on the 30th day of March, 1900; that there was born to her on said date a female  
(Male or Female.)  
child; that said child is now living and is said to have been named Lela Landrum.

WITNESSES TO MARK: Caroline Chambers her mark

(Must be Two Witnesses.) { A. R. Panett  
Andy Curry

Subscribed and sworn to before me this 29 day of September, 1901

My Com Expires (SEAL) Feb 3 1903

A. M. Ragle Notary Public.

# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT

SS

*Landrum*

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

No. F. D. *1008*

*Henry Pack* of lawful age, being duly sworn on  
oath states that on the *20th* day of *September*, A. D. 1901, he registered  
to *Nicholas Landrum* whose postoffice is *Jefferyville Ga*  
~~Indian Territory~~, a notice, a true copy of which is attached to this affidavit, and he hereto  
attaches the receipt of the Postmaster at *Fort Gibson* Indian Territory;  
and that on the *28th* day of *September*, 1901, he received the return  
card which is hereto attached, signed by the said *Nicholas Landrum*, showing  
that he had received said notice.

Subscribed and sworn to before me on this the *25th* day of *Sept* A. D. 1901.

*Henry Pack*  
*J. C. Starr*

Notary Public.



751008

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
OCT 2 1901

 ACTING CHAIRMAN

## NOTICE!

IN THE MATTER OF the application of Nicholas Lanrdum  
for enrollment as Cherokee Freedmen:  
Case No. F. D. 1008

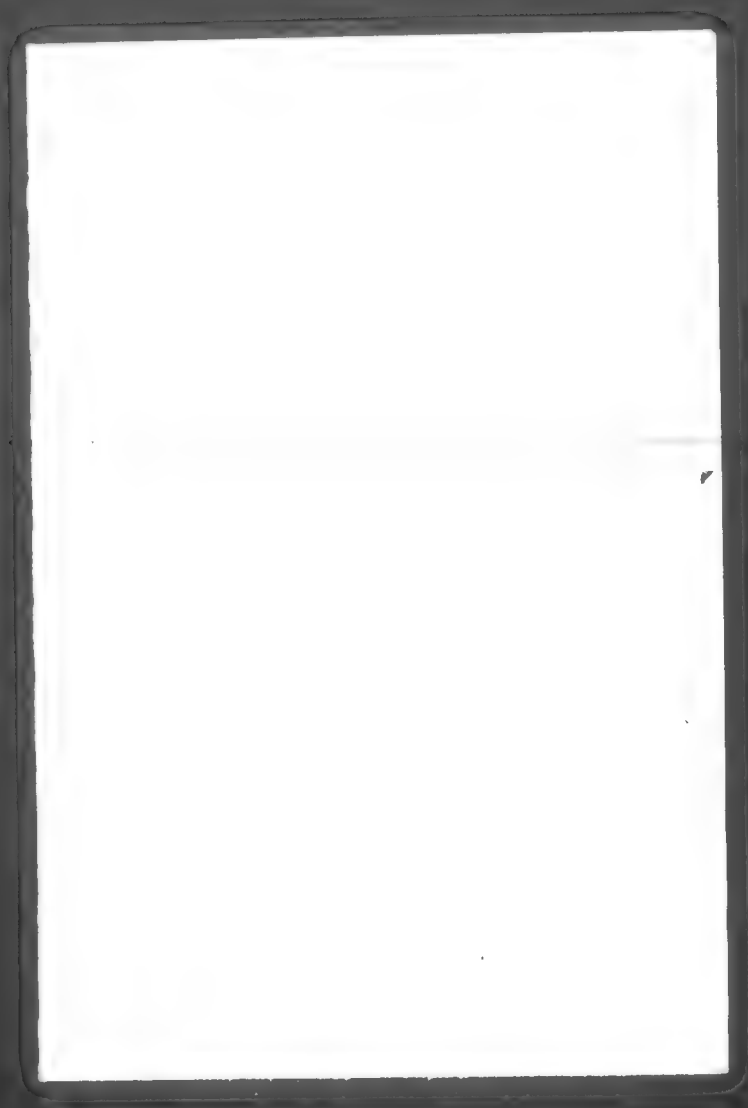
To Nicholas Lanrdum Coffayville Kans.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States' Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 19th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

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

*L. B. Bell*

*W. W. Hastings*  
*J. S. Dawson*  
Attorneys for the Cherokee Nation.





DEPARTMENT OF THE INTERIOR,  
UNITED STATES LAND OFFICE.

(Blank copy.)

RECEIPT FOR LAND OFFICE DEEDS.

Amboy, Calif., 9 4, 1911

Received of the REGISTRAR AND CIVILIZED DEEDS the following

Original ~~instrument~~ to Marriage deed filed in his envelope  
~~to~~ John in town of \_\_\_\_\_, and recorded

~~in the office of said Superintendent.~~

~~Instrument No.~~ \_\_\_\_\_

X John to witness

~~Received by~~ W. B. ...

Witness W. B. ...

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
1871 T. P. D.  
1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *May 11, 1901*  
 Post Office *St. Lawrence, Mo.*  
 District *Mo.*

1. Name *Nicholas Landrum* Age *72-00*  
 Owner's name *Wm. Landrum* Citizenship *Cher. Freed.*  
 Year *K. C.* Page *154* No. *3907* District *Mo.*

Parents:  
 Father *Linn Landrum* Citizenship *Cher. Freed.*  
 Mother *Ellen Landrum* Citizenship *" "*

2. Name of wife *Florence Landrum* Age *30*  
 Owner's name *Wallace* Citizenship *Cher. Freed.*  
 Year *K. C.* Page *149* No. *3095* District *Mo.*

Parents:  
 Father *Smith Landrum* Citizenship *Cher. Freed.*  
 Mother *Smith Landrum* Citizenship *Cher. Freed.*

Names of Children:

No.	Name	Year	Page	No.	Dist.	
3.	<i>Bessie E. Landrum</i>					<i>9</i>
4.	<i>Levina</i>					<i>7</i>
5.	<i>John</i>					<i>5</i>
6.	<i>John</i>					<i>3</i>
7.	<i>Lela</i>					<i>1</i>
8.						
9.						
10.						
11.						
12.						

Application made by *Wm. L.* Stenographer *J. C. Ross*

*1 On K. C. roll as Nick Landrum*  
*1 On Wallace roll P. 184 \*8378- as*  
*Nicholas M. Landrum*  
*2 On Wallace roll as Florence Wilson*  
*3, 4, 5, 6 and 7, Birth Affidavits to be supplied*  
*Proof of marriage to be supplied.*

W.A.T.

*[Faint, illegible handwritten text]*



# **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. Nicholas Landrum,

Georgetown, Tenn.,

Cherokee-T-D-1008.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 1004

Trans. from Cher. Fr. D. 1012

Cher. Fr. R. 1054



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I.T., July 2, 1901.

In the matter of the application for the enrollment of  
Charlotte French as a Cherokee Freedman.  
Washington French, being duly sworn and examined by Commissioner  
Needles, testified as follows:

- Q What is your name? A Washington French.  
Q How old are you? A I am 40.  
Q What is your postoffice address? A Lenapah.  
Q What district do you live in? A Coowescoowee.  
Q Do you apply to be enrolled as a Cherokee Freedman? A I have  
been enrolled, I am applying for my wife.  
Q What is your wife's name? A Charlotte French.  
Q How old is she? A About 43 or 44.  
Q Her postoffice same as yours? A Lenapah, yes, sir.  
Q Are you applying for any children? A I have already applied  
for them, just her.  
Q Does your wife's name appear upon any of the rolls of the  
Cherokee Nation? A It appears on the Wallace roll and I think the  
1898 roll, I am not sure.  
Q What is her father's name? A Fred Marcum.  
Q Is he living? A No, sir, he is dead.  
Q Was he a citizen? A Yes, sir.  
Q What was her mother's name? A Rhoda Alberty.  
Q Have you any witnesses here? A Yes, sir, Lewis Daniels and  
Charles Chambers and Jim Alberty.  
Q Where do you live? A I live in Coowescoowee district, Cherokee  
Nation.  
Q Is your name on the roll of 1880? A Yes, sir.  
Q Your wife named Charlotte? A Yes, sir.  
Q Was she a slave? A Yes, sir.  
Q Who did she belong to? A Belonged to John Alberty that was.  
Q Was he a Cherokee citizen? A Yes, sir.  
Q Your wife taken out of the Cherokee Nation during the war? A Why  
yes sir.  
Q Where was she taken? A I don't know just where, she was taken  
down in the Choctaw or Chickasaw Nations, and came back to Fort Gibson  
sometime in time of the war.  
Q She returned to Fort Gibson? A Yes, sir.  
Q When? A In '63 these witnesses tell me.  
Q Has she been living here ever since? A I guess so.  
Q Where is your wife? A She is at home.  
Q Why didn't you have her present? A She can't come, she  
isn't well.  
Q Well, where were you married to her? A I was married to her in  
'82.  
Q How many children have you got? A Got four.  
Q Been living with her continuously since '82? A Yes, sir.  
Q You don't know when she returned to the Cherokee Nation? A No, sir,  
my witnesses can tell.  
Q Mr. W.W. Hastings, Cherokee attorney: You didn't know her then before  
the war? A No, sir.  
Q You only knew her after the war? A Yes, sir.  
Q About how long before you married her did you know her? A I  
knew her ever since about '77 or '8.  
Q Did she have any children when you married her? A No, sir.  
Q Was she ever married or live with anybody as his wife? A She  
has been married to a fellow named Brown.  
Q Where did they live? A They lived on the Verdigris River.  
Q Did they separate? A No, sir, he died.

Charlotte French - 2.

Q Had you ever been married before you married her? A No, sir.  
Q This is your first wife? A Yes, sir.  
Commissioner: What name did your wife go by before you married her?  
A She went by Dawson by her first husband, but her father's name was Markham, that was her name before she married Dawson.

L. D. Daniels, being duly sworn and examined by Commissioner Needles, testified as follows:

Commissioner: What is your name? A L. D. Daniels, age 56, postoffice, Clarence.

Q Well, do you know Wash French? A Yes, sir.

Q Do you know his wife? A Yes, sir.

Q What is her name? A She was a Dawson, she married a Dawson, taken his name.

Q Was she a slave? A I don't know that, she lived by me about 26 or '7 years.

Q Where did you first see her after the close of the Civil war?

A I seen her in '63, I didn't see her anymore than till '75.

Q You don't know whether she went out of the Cherokee Nation after '65 or not? A No.

Q You don't know where she was in the year '66? A No, sir, I don't.

Mr. Hastings: Did you live in Fort Gibson during the year '66?

A Yes, sir.

Q And '67? A Yes, sir, up to '74; I lived in Fort Gibson till the 5th day of July, '67, then I went away.

Q You never saw her from '63 up to that time? A No, sir.

Jim Alberty, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jim Alberty.

Q How old are you? A 70 years old.

Q What district do you live in? A Saline.

Q Well, do you know the applicant here, Wash French? A Yes, sir.

Q Do you know his wife Charlotte? A Yes, sir.

Q How long have you known her? A Well I have known her before the war.

Q Was she a slave? A Yes, sir.

Q Who did she belong to? A John Alberty.

Q Who did you belong to? A I belonged to him too.

Q She belonged to the same man you did? A Yes, sir, right in the same year.

Q Was she taken out of the Cherokee Nation during the war?

A They said they were.

Q Do you know yourself? A No, sir, I don't know whether they want out or not.

Q Where did you see her after the war? A Right on the Snow Creek.

Q What year was that? A In '66.

Q Who was she with? A Her stepfather.

Q What was his name? A Ben Alberty.

Q What was her father's name? A Fred Markham.

Q Have you known her since that time? A Yes, sir, I have died her a time or so since that.

Mr. Hastings: Was she living on Snow Creek? A Yes, sir.

Q And she was living with her father? A Her stepfather.

Q What was her name at that time; she hadn't married this man at that time? A No, sir, her name was Markham.

Q When she hadn't been married at all when you saw her here in '66?

A Yes, sir, she hadn't been married at that time.

Charlotte French - 3.

- Q She had no children at that time? A No, sir.  
Q She went by her maiden name at that time? A Yes, sir.  
Q Well you are positive about that? A Yes, sir, I am positive about that.  
Q You know her well before the war? A Yes, sir.  
Q And you know she hadn't been married up to that time? A Yes, sir.  
Q And she went by the name of Markham at that time? A Yes, sir.  
Q And she had no children at that time? A No, sir, none at all.  
Q And that was on Snow Creek? A Yes, sir.  
Q You have been seeing her ever since? A Well, often and on, it is a good ways.  
Q About when did she first marry? A I don't know, this isn't the first man she married.  
Q About how long did she remain single up there; you don't remember? A No, sir, I don't remember how long.

Washington French recalled, testified:

- Mr. Hastings: How old was her oldest child when you married her?  
A She never had any children when I married her, the oldest one is 18 years old.

Charles Chambers, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Charlie Chambers.  
Q What is your postoffice? A Hudson.  
Q What is your age? A 70.  
Q Do you know Wash French? A Yes, sir.  
Q Know his wife, Charlotte? A Yes, sir.  
Q How long have you known her? A I have been knowing her ever since about '67.  
Q When did you first see her to know her? A That was the first time I saw her.  
Q When? A About '67.  
Q What time in '67? A Why I don't know just exactly what time it was, I believe it was along in the fall.  
Q Where was she when you saw her in '67? A On Snow Creek.  
Q Who was she living with? A Living with John Alberty.  
Q Who was John Alberty, that her husband? A No, sir, her step-father.  
Q Do you know whether Charlotte was a slave or not? A No I don't recollect.  
Q Never saw her till '67? A No, sir.  
Mr. Hastings: Was she married then? A No, sir.  
Q Never been married? A I don't know whether she had ever been married or not.  
Q She went by her maiden name, did she? A Yes, sir.

Washington French, recalled, testified as follows:

- Commissioner: Is your wife's name on any of the rolls?  
A Yes, sir.

The 1860 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1860 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Wallace roll examined, and the applicant identified thereon Page 174, No. 3257, Coconawocooee district.

- Mr. Hastings: When did your wife's first husband, Newton, die?  
A He died in 1860.

- Q When did you and she marry? A In 1861.

Charlotte French - 4.

Q Was she living with him at the time of his death? A Yes, sir.

Q They were living on Snow Creek? A No, sir, just from Goose Neck, on the river below.

Commissioner: Did you draw strip money for your wife? A No, sir, only the Wallace payment was all.

Commissioner: Washington French applies for the enrollment of his wife Charlotte. She cannot be identified upon the authenticated roll of 1890 or the census roll of 1898. It is averred she was the slave of one John Alberty. It is testified to by one witness that he was her in the year '88. He avers that he was married to her in '88 and has been living with her since that time as his wife. For more particulars as to residence and citizenship, reference is made to the testimony. Said Charlotte French will now be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting further consideration by the Commission.

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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 July, 1901.

[Signature]

Commissioner.

F. D. 475.

File with Cherokee Freedman D- 1012, Charlotte French.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 29, 1902.

In the matter of the application of Emma Powell for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL TO D-475.

APPEARANCES:

Mellette & Smith for applicant.  
W. W. Hastings for Cherokee Nation..

DANIEL SANDERS, being first duly sworn, testified as follows:

- MR. SMITH: State your name? A Daniel Sanders.
- Q Where do you live? A Big Creek.
- Q How old are you, Mr. Sanders? A About 59 years old.
- Q Are you a freedman? A Yes, sir.
- Q Recognized Freedman? A Yes, sir.
- Q Did you know Emma Powell? A Yes, sir.
- Q Well did you know her father? A Yes, sir.
- Q What was his name? A Ben Alberty.
- Q When did you first become acquainted with him? A In the spring of '67.
- Q Who did Ben belong to or do you know, just incidentally? A I don't know which one of the Albertys.
- Q Well do you know what became of them during the war? A No, I don't know that.
- Q Do you know when he first came back with his family after the war? A I saw him along about the first of April, '67; he was living on Snow Creek.
- Q Well do you mean you saw them there in '67 on Snow Creek? A Yes, sir.
- Q Well do you know how long they had been living there then; that's the first time you had seen them? A That's the first time I had seen them.
- Q Well they had a place there and lived there? A Yes, sir.
- Q Lived in a house? A Yes, sir.
- Q Well now who was his family, what did his family consist of? A Well I think there were three or four children; I don't know just exactly.
- Q How long did he live there? A Lived there till he died.
- Q Well how long did that take? A Oh, I don't remember what year it was he died.
- Q Well what became of Emma; was Emma, you say was his daughter; about how old was Emma at the time you first knew her? A She was a small girl.
- Q What became of her? A She married a fellow by the name of Long.
- Q Did she continue to live there? A Yes, sir, lived right there.
- Q Who was Long; where did he live? A Over there on Snow Creek.
- Q Did she afterwards- what became of Long, do you know? A I think he died.
- Q Then who did she marry? A This man Powell.
- Q And where did she continue to live? A Over on Snow Creek.
- Q In the Cherokee Nation? A Yes, sir.
- Q Do you know whether she is still alive or not, Tuck? A No, sir, she's dead.



- Q When did she die? A I don't just really know; I never kept the dates of it; seven or eight months.
- Q Has it been this year; in the last few months; or what is your recollection? A I never kept no account of it; I wasn't home when she died, and never kept no count of it.
- Q Has she died since the Commission made its round about a year ago?
- A I think so.
- Q Well what was there about the place where this man was living when you saw him in the spring of '67? A Why he had a log-house, you might say, a good-sized pole house, and a little field, and a horse lot and a cow lot.
- Q Did he have any crop? A Yes, sir, he had a grain crop, about seven or eight acres of land up on Snow Creek.
- MR. HASTINGS: Where were you going, Dan, when you saw him? A I was going to a little place called Claremore.
- Q How long had you been in there yourself? A I had been there a good while.
- Q How long had your mother and the women folks been there? A Quite a little while.
- Q Do you remember them searching your wagons away up there near Fort Scott for Eli Mackey? A Nobody ever searched a wagon of mine.
- Q Did they search anybody else along in your crowd? A Don't know anything of it.
- Q Don't know anything about that? A No, sir.
- Q You never heard of it before, did you? A Not until I have got here in the last day or two.
- Q You have heard it around here the last day or two? A Yes, sir.
- Q These colored fellows have been telling you? A I just heard that there was such a statement, but I never knew anything of it until now.
- Q Then you heard of it the last day or two? A Yes, sir, I don't know who told me.
- Q You never saw these parties until April of '67? A No, sir.

REUBEN SANDERS, being first duly sworn, testified as follows:

- MR. SMITH: State your name? A Reuben Sanders.
- Q What's your postoffice, Mr. Sanders? A Centralia, T. T.
- Q How old are you? A Well I generally guess at it; I don't know it
- Q Well guess at it? A I am something near about 50.
- Q Well are you acquainted with or were you acquainted with Emma Powell in her life time? A Yes, sir.
- Q When did she die, Reuben? A She died last March.
- Q March, 1902? A Yes, sir.
- Q This year? A 1902, yes, sir.
- Q Did you know her father? A Yes, sir.
- Q What was his name? A Ben Alberty.
- Q Where did he live? A He lived on Snow Creek.
- Q When did you first know of him on Snow Creek, first see him on Snow Creek after the War? A It was along in the spring of '67, when I first seen him after the war.
- Q Was that the first time you saw him at all anywhere in the Cherokee Nation after the war? A Yes, sir, it was the first time I saw him in the Cherokee Nation after the war, but the first time I saw him it was along in the last part of '65 or '66.
- Q Well where was he then? A He was then- I and his children was going to school together, we lived in about something like 25 or 50

Yards apart in Fort Scott, Kansas, and he come there and got his children; come in here for the Nation.

Q Well when you was down to his place in the summer of '67 did he have his family there? A Yes, sir, he and his children were living there.

Q Well who were his children? A Emma, and one they called Charlotte, and another one they called Ben, and one they called Bill, and the other ones I don't recollect their names.

Q What became of Emma? A She died.

Q This Emma Powell is the one that died recently? A Yes, sir.

Q Did she grow up there? A Yes, sir, she grew up on Snow Creek.

Q In the Cherokee Nation? A Yes, sir.

Q Who did she marry? A Married this gentleman by the name of Powell; he wasn't her first husband though.

Q Well who was Charlotte; what became of Charlotte? A She was a sister or half sister.

Q She was Emma's sister? A Yes, sir.

Q She one of Ben's children? A Well I didn't know whether she was or not, but it was my impression that she was; I didn't, never did know.

Q Well did she grow up there in the country too? A Yes, sir, she grew up there in the country.

Q In the Cherokee Nation? A Yes, sir.

Q Did she marry? A Yes, sir.

Q Who did she marry? A The first man that she married was Dawson.

Q What? A Dawson, and the next one to my knowledge was French.

Q What became of Dawson, did he die? A Yes, sir.

Q What French was it she married? A Wash.

Q Wash French? A Yes, sir.

Q Well where does she live now, she and Wash? A She lives on the Verdigris

Q Well where is that, in the Cherokee Nation? A In the Cherokee Nation.

Q What did that man, Ben Alberty, have down there where you saw him in '67; did he have a place? A Yes, sir, he had a pole house, a house made out of poles, and he had a little field, and lived on the north west of Snow Creek, on the yon side, and he had a little field north of the house, and he had, of course he was poorly fixed at that time, he slept in his house in a drygoods box and some hay and had some quilts.

Q Have any crop? A Sir?

Q Did he have any crop there? A He had a little corn, wasn't very large.

MR. HASTINGS: You testified twice in the Elizabeth Meigs case didn't you? You testified and then you wasn't satisfied with your testimony, and you made another statement, didn't you?

MR. SMITH: That is objected to because it has no reference to this case and does not tend to prove any issue in this case.

COMMISSION: Let him answer the question.

Witness: Yes, sir, I testified.

MR. HASTINGS: You testified first that you came back to this country about the last of January '67, and then you thought you had made a mistake, and went back and testified that you came back the middle of January of '67? A Here's what I stated at that time: that was my impression, and the reason why I correct my mistake was that I said I come here in January, '66.

Q January of '66? A Yes, sir, that was what I was intending to correct. I said we moved here in January, '66, that was my intention. That was my reason why I asked to correct my statement.

Q Well did you want to correct it to January of '67? A You see wa

taken our claims in August, '66.

Q And when did you move here? A In January. January '66 was before August of '66.

Q Well when did you move here? A Well in my statement I said--

Q Well I am not talking about your statement. A In my statement I said when I first started we moved here--

Q When did you move your family? A I told you we come three times.

Q Tell me when you moved your family here; answer that question?

A I said along '67, moved them January, '67.

Q That's when the women came along? A The women came along, and I first told you the women came along.

Q Did you say that in the Elizabeth Meigs case? A I didn't tell it in the Elizabeth Meigs case, that is at that time.

Q Didn't you testify that you brought your families along with you, that you came here in January of '67? A I said that's when Elizabeth Meigs moved, when Elizabeth Meigs moved, but I didn't say that we didn't have no women when I come in August.

Q You didn't? A No, sir, I didn't.

Q Well didn't you swear that at that time that they were searching parties out searching for Eli Mackey, who had killed a man by the name of Hayford? A Yes, sir, I made some statement in regards to that.

Q Well they were searching your wagon? A I don't know as they searched our wagon particularly.

Q Well weren't there searching parties out? A I didn't make the statement that they searched our wagon.

Q Didn't make any statement that they searched your wagon; well there were searching parties out for Eli Mackey at that time, wasn't there? A Does that have anything to do with this case?

Q Answer the question. A There was searching parties out for Eli Mackey at some time, I recollect.

Q That was when you was coming down here, wasn't it? A Well that may have been when we were coming down.

Q Well you know that there was searching parties out for Eli Mackey?

A Yes, sir.

Q The man that killed Hayford; where did this searching party overtake you people?

MR. SMITH: I object to that because there are two questions.

Witness: I don't know which one to answer. The searching parties overtook us in the Nation.

MR. HASTINGS: Where? A Down here across on Big Creek, near about.

Q Near about Big Creek? A Yes, sir.

Q Was your brother Dan Sanders along? A Yes, sir, he was along.

Q Your father was along? A Yes, sir.

Q About how many people were along in that party that come along and searched? A I told you in my statement that I didn't know the people that come along in that party.

Q About how many was there along in the searching party, the people that were looking for Eli Mackey? A There was only one man.

Q There was only one man? A Yes, sir, one man that I know of.

Q Only one man? A Yes, sir, that said he was searching.

Q Said he was searching? A That's what we thought as least.

Q How many people were along with you at that time? A I told you in my statement that I didn't know just how many people was along with us at that time.

Q Well now was it after this that you saw this Ben Alberty up on Snow Creek? A Yes, sir, it was in '67 when I saw Ben Alberty on Snow Creek.

Q You never saw him in the Cherokee Nation until '67? A No, sir.  
Q Well now how long after this searching party was it till you saw Ben Alberty? A It was along in the spring, I said when I came down here in the spring of '67.

Q About how many months after this that you moved down now, and that this searching party was along, until you saw Ben Alberty?  
A I don't know just how many months.

Q Well about how many, your best judgment? A My judgment was along in about April when we saw Ben Alberty.

Q I want to know how many months after you moved down here with that crowd of people; that's what I am trying to get from you?

MR. SMITH: I object to that because it is already answered.

COMMISSION: Answer his question again if you can.

Witness: I answered your question when I told you it was along near about April when I saw Mr. Alberty.

MR. HASTINGS: That ain't the kind of an answer I want; I want to know how long after you came down with your family it was till you saw Ben Alberty? A I say it was along in about April.

Q Well was it one month, two months or four months?

COMMISSION: Do you know how long after it was; have you any idea how long it was.

Witness: April made at least--

COMMISSION: Just tell him to the best of your knowledge.

Witness: Well that would have been near about two months.

MR. HASTINGS: Near about two months? A Near about that, yes, sir.

Q Well then you were here about the first of March, were you, and you saw him in April, is that correct? A That wouldn't be correct according to the way you have got it.

Q Well according to the way now that you want it how was it? A The way I want it I say it was along in April when I saw Uncle Ben.

Q Well now you say that was about two months after you come? A About two months after I come? I say we come down in January.

Q Well about how long was it then after you come till you saw Uncle Ben? A Be January and February and March and April would have been something near about two months.

Q About two months? A Yes, sir, a little over two months maybe, the way I have got it, along in April, that's the way I have got it.

Q What time in April was it you saw him up there? A Well, just the day of the month I never put it down.

Q How old are you? A I haven't got that down either.

Q Well, don't you have any idea? A Well I stated a while ago that I was near about fifty. Uncle Ben had a field north of his house and had some logs, had built a log house.

Q You was very clear when you was being examined in the Elizabeth Meigs case, and you volunteered yourself to tell about this searching party, weren't you; haven't you been talking to the people since you have been here? A No, sir.

Q None of them told you? A Ask them, some of them, ask them.

Q Have you, you are under oath now? A These people ain't talked to me about it.

COMMISSION: Answer his question.

Witness: No, sir, they ain't.

MR. HASTINGS: You never heard nothing said, did you? A No, sir.

Q You come with your brother Dan? A When?

Q When you came down here? A No, sir.

Q You didn't come with him? A No, sir.

Q Been with him any since you have been here? A Yes, sir, I have been with him a little.

MR. SMITH: Reuben, You have been called on to testify for the

Cherokee Nation in about as many applications as you have for that, haven't you? A Yes, sir.

Q MR. MARTINSON: And the Cherokee Nation tried to get you here as a witness the other day and paid your fare to come down here and you refused to go it didn't pay my fare.

Q Didn't they offer you the money? A No, sir, didn't offer.

Q Didn't they serve a subpoena to you? A No, sir, never offered me no money.

Q And you couldn't come down here? A No, you did not give me the money to come on.

Q Well did you come? A Yes, sir.

Q In obedience to the Cherokee Nation? A I am here by the Cherokee Nation.

Q Were you subpoenaed to be here today by the Cherokee Nation? A I guess I was subpoenaed to be here today by the Cherokee Nation.

COMMISSIONER: The testimony will be filed as part of the record in the following cases: John Bullock, No. 460, William Love, No. D-478, and Sarah Robinson, No. D-479, as well as the case of (Name) No. D-471, as well as the case at bar, No. D-471.

Arthur G. Cronin, at duly sworn, stenographer to the Cherokee Nation, Five Civil Tribes, reported in full the testimony and proceedings in the foregoing case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 31st day of August, 1908.

D. C. [Signature]

NOTARY

I, Ray Galvan, being first duly sworn, state that the foregoing is a true and correct copy of the original of the foregoing case in a true and complete copy of the original.

*Ray Galvan*

Subscribed and sworn to before me this 31st day of August, 1908.

*[Signature]*



C. F. D. 1012.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., September 25, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of Charlotte French as a Cherokee Freedman.

Appearances:

L. T. Brown, attorney for applicant;  
L. B. Bell, attorney for Cherokee Nation/

G. W. LANE, being first duly sworn, testified as follows on behalf of the applicant:

MR. BROWN: State your name? A G. W. Lane.

Q What is your postoffice? A Elliott, Indian Territory.

Q What is your age? A 50.

Q Do you know the applicant in this case, Charlotte French?

A Yes sir.

Q How long have you known her? A Since '67.

Q Where has she resided since that time? A Different places here in the Territory. Down on the river part of the time; about 12 or 15 miles below Coffeyville.

Q Has she resided in the Cherokee Nation since '67?

A That is to my knowledge, she has. I have never known her anywhere else.

Q Seen her occasionally? A Yes sir, off and on.

Q She is the wife of Wash French? A Yes sir.

MR. BRILL: You have known her since '67? A Yes sir.

Q Whereabouts did you first get acquainted with her?

A Up on Snow Creek, at old Ben Alberty's.

Q Whereabouts is that? A It is about a mile above the mouth.

Q Of Snow Creek? A Yes sir.

Q You have known her continuously since '67?

A Yes sir, you might say continuously. She has been a neighbor there she has been married twice. I knew her before she married her first husband. In fact she is living with her third husband now. She was married when she was a girl/ she lived neighbor to me.

Q What was her name before she married at all? A They called her Ben Alberty, I don't know what her name was.

Q How many times she has been married? A She was married 3 times. Who was the 1st and the second? A A man by the name of Dawson.

Q That's the first man? A Second marriage.

Q What's the first marriage? A Caesar Hall, or George Melton, went by both names.

Q How long ago did you first see her? A No sir, she was a girl.

Q Who was she living with? A Old man Ben Alberty.

Q Was she Ben Alberty's daughter? A He had a white woman for a wife, I don't think she was his daughter. He had two sets of children.

Q When did you first come to that neighborhood? A I came to stay in '67, I was here in '66 and went back. I was living here permanently since that time.

Q Are you a Cherokee Freedman? A No sir.

Q You remember while you are that she went off with you away from you? A Only that I heard, that she went down - I don't know the

old man Martin's daughter and he took her down to Choteau, and she went away off awhile, and when she come back she had Aleck Dawson.

Q When did she marry French? A I don't know how long they have been married, they have got pretty near grown children. She & didn't live but a little while with Caesar. I have been to her house many a time since she lived with French.

Q Is she a Cherokee freedman herself? A I don't know anything about that.

Q Where was her and this Hall married? A Up on Snow Creek.

Q Where did she marry Dawson? A That's the man --

Q Married both of them up there? A No, I don't know where she married Dawson.

Q You don't know whether she married Dawson at all or not?

A No, I don't know that?

Q What do you know about her marriage to Hall? A I don't know, I have been to their house and that's all I know about it.

MR. BROWN: They are recognized in the community as man and wife?  
A Yes sir, she is called Charlotte Hall.

MR. BELL: That is Charlotte Markham? A I always called her Charlotte Alberty; its the same woman.

BY COMMISSION: How long has Charlotte French resided continuously in the Cherokee Nation to your knowledge? A Ever since that date.

Q What date? A '67.

Q You can state then of your own knowledge that she has resided in the Cherokee Nation continuously since '67? A yes sir, she has she has had a family the biggest part of the time.

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Wm. Hutchinson, 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 correct transcript of his stenographic notes thereof.

Wm. Hutchinson

Sworn to and subscribed before this 29th day of October, 1903.

Edward McCreck  
Notary Public

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, DECEMBER 23RD, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Charlotte French, as a Cherokee Freedman.

It appears from the record herein that on December 1, 1904, the applicant, Charlotte French, was notified by register letter and on the 3rd day of December, 1904, the attorneys for the Cherokee Nation were notified that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on Friday, December 23, 1904, and introduce testimony touching the applicants right to enroll, at which time this case will be taken up for final hearing. On this 22nd day of December, 1904, the applicant appeared by her attorneys, Blue & Bulger, the Cherokee Nation by its attorneys Well, Hastings & Davenport.

Aaron Whitmire being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A Aaron Whitmire.

Q How old are you? A 69.

Q What is your postoffice? A Coody's Bluff, Indian Territory.

Q How far is Coody's Bluff from the Verdigris River?

A Half a mile.

Q How far do you live from Lightning Creek? A I live three miles from Lightning Creek.

Q What direction? A West.

Q Do you live in the Coconawcovee District? A Yes, sir.

Q How far north of Chelsea do you live? A About four miles.

Q Have you lived in that vicinity ever since you came there after the war? A Yes, sir.

Q Are you living on the same place you originally settled? A Yes right on the same place.

Q How far is Big Creek from where you live? A Well it is about eight miles.

Q Does Big Creek flow into the Verdigris River? A Yes, sir.

Q And about eight miles from where you live? A No, it hasn't that far, the water flows in the river about four miles from where I live.

Q What direction is it from where it flows in the Verdigris River?

A Northwest.

Q Does Snow Creek empty in the Verdigris River north of where you live? A Yes, sir.

Q Between where you live and the Kansas line? A Yes, sir.

Q There are at present a great many colored people living on the Verdigris River, Big Creek and Snow Creek? A There are a great many living there.



- Q Were you a slave before the war? A Yes, sir.  
Q Where did you live? A I lived in Geingsnake.  
Q Are you a brother of Louis Whitmire? A Yes, sir.  
Q Are you a brother of Hese Whitmire? A Yes, sir.  
Q You know them of course before the war? A Yes, sir before the war.  
Q Did you know them and were with them during the war? A Yes sir  
Q Where did you go during the war? A I went to Fort Scott, Kansas.  
Q Were you in the army? A I wasn't exactly in the army, I was working for the government though blacksmithing.  
Q Did your other brothers also work in the army? A They drove teams.  
Q Did you know old Sam and young Sam Webber before the war?  
A I knew the old man before the war.  
Q When did you get acquainted with young Sam? A In time of the war.  
Q In the state of Kansas? A Yes, sir.  
Q Did you know Mike, Sam, Ruben and Dan Sanders? A Yes, sir.  
Q Did you know them during the war? A Yes, sir.  
Q Where? A Fort Scott, Kansas.  
Q Well at the time the war closed where were you and all of these other parties, including your brothers, Sanders and the Webbers when the war closed? A Fort Scott, Kansas.  
Q You are a recognized and enrolled Cherokee Freedman, are you not? A Yes, sir.  
Q When did you make the first trip to the Cherokee Nation after the close of the war? A I made the first trip in August, 1866.  
Q In August, 1866? A Yes, sir.  
Q Well now who came along with you in August, 1866? A Well the old man Sanders.  
Q What was Sander's name? A Mike Sanders.  
Q Was he the father of Ruben and Dan? A Yes, sir.  
Q Who else came with you? A Old man Webber, old man Sam Webber, old man Billie Foreman, Peter Neiga, Hese Whitmire, Nelson Whitmire, Louis Whitmire and Dennis Whitmire.  
Q Where did you go? A We come to Big Creek.  
Q How long did you stay on Big Creek? A We stayed there two or three weeks, I don't just recollect, I don't know how long, some two or three weeks.  
Q Did any women or children come with you at all on that first trip? A No, sir.  
Q Where did you go down Kansas and enter the Territory, at what point? A We come right to Savage and out to where Chetopa is now and turned west and went to Big Creek.  
Q And then came down Big Creek? A Yes, sir.  
Q Was there a single house anywhere in the Cherokee Nation along Big Creek at that time? A There wasn't any one for a mile on Big Creek.  
Q Was there anyone living on Big Creek in the Cherokee Nation at that time? A No, sir.  
Q Was anybody living on Snow Creek at that time? A No, sir.  
Q Did you see anybody living on the Verdigris river at that time?  
A Yes there was somebody living along the river, along the Verdigris.  
Q What? A Old man Riley.  
Q Was he a Cherokee? A He was a Cherokee, and Carter, he was a Cherokee and John Carter, he was a Cherokee.

Q Well were there any colored people on the Verdigris river at that time? A No, not that I seen.

Q You stayed around then in that country some two or three weeks?

A Yes, sir.

Q Well what did you do then? A We went back to Fort Scott.

Q That was the first trip that was made by any of the colored people up there, so far as you know, to the Cherokee Nation after the war? A Yes, sir.

Q That was what was said at the time? A I knew that was what they said, there may have been a few come before that and went the other way by Granville.

Q Well now when was the second trip made. A That was made in December sometime.

Q Of 1866? A Yes.

Q Now who came with you on the second trip? A Ranson Daniels, Solomon Foster, Dick Whitmire.

Q Was that old man Dick Whitmire? A Yes sir, and Sam Beck.

Q Were there any Creeks or Choctaws? A Some Creeks and Choctaws.

Q What became of them? A They went on down.

Q Into their own country? A Yes, sir.

Q Well did you go over practically the same country the second trip that you did over the first? A We didn't go over all the same country, we went over some of it, we done a little work.

Q Well at that time were there any colored people living in any of that part of the country known as Big Creek and Snow Creek country and the Verdigris River? A No, sir.

Q What work did you do in August, 1866? A Put up some houses.

Q Just put up the logs? A Yes, sir.

Q What did you cover them with? A We covered two or three of them, two I believe.

Q Covered you think about two of them? A Yes, sir.

Q But the rest were just the bodies of the houses? A Yes, sir.

Q You didn't put in any fields at that time? A No, sir.

Q Well when you came back in December you come to these same places where you had started your claims before? A Yes, sir.

Q Well how long did you stay there in December, '66? A I stayed there about four days.

Q Where did you go then? A I come to Fort Gibson from there.

Q Where did you go from Fort Gibson? A Goingsmake.

Q What became of these who were with you? A They went back to Fort Scott, Kansas.

Q After going to Goingsmake did you return to Kansas or Fort Gibson? A Yes, sir.

Q About what time of the year did you go back to Kansas? A It was near Christmas time, I don't just recollect what time.

Q Do you remember of the circumstances of Dyer Hayford being killed? A Yes, sir.

Q Did you know Hayford? A Yes, sir.

Q Where were you when he was killed? A Fort Gibson or Tahlequah.

Q On this second trip? A Yes, sir.

Q He was killed when you returned? A Yes, sir.

Q Did you know Eli Mackey, a colored fellow, who killed him?

A Yes, sir.

Q How did any women or children go with you to the Cherokee Nation on this second trip? A No, sir, none at all.

Q Well when did you return to the Cherokee Nation finally the third time? A It must have been in March sometime.

Q The following March of '67? A Yes, Sir.

Q Well who came with you that time? A Well Sanders, old man Sanders, Mike Sanders, Peter Meigs, Billie Foreman, Tusk Sanders Ruben Sanders.

Q Well did Louis Whitmore come with you that time? A No, he didn't go that time.

Q Where was he? A Fort Scott.

Q Did Dennis come that time? A No, sir.

Q Did this preacher, Joe Ross, come that time? A No, sir.

Q Well did Sam Webber come that time? A No, Sam didn't go.

Q Well how long after you come before Sam moved down here?

A A couple of weeks I guess, maybe not quite so long, a short time.

Q Do you remember the circumstances as you were leaving to come here about Eli Mackey going to jail for the murder of Dyer Hayworth and there being considerable excitement when you passed through?

A Yes, sir.

Q Were the Sanders boys along on that trip? A Yes, sir.

Q And you say now that Sam Webber didn't bring his family when you came but a couple of weeks after? A Yes, sir.

Q Well now when you did move your families down to where you located were there any colored people living in that part of the country? A None that I know of.

Q Were there any on the Verdgris River or the Lightening Creek country or Snow Creek or Big Creek country? A None that I ever heard of or seen and I traveled a good deal through the country.

Q Where did you do your trading when you first came from Oswego?

A At Old Parker some.

Q Now in order to go to Oswego you had to go from your place north up from Big Creek and Snow Creek country? A Yes, sir had to go north.

Q There were no fields there in '66? A None at all.

Q Wasn't no corn planted or crops raised that year? A No, sir.

Q Did you plant some crops in '67? A Yes, sir. We had crops in '67.

Q But before that none were put in by the colored people at all?

A Not that I know of.

Q Well do you know Ben Alberty? A Yes sir, I knew Ben before the war.

Q Did you know him after the war? A I never seen him but once after the war that I knew of.

Q Well did you know before the war that he located on the mouth of Snow Creek? A Yes I knew about the place.

Q Well was he living there when you moved down here in March of '67? A No, sir.

Q Well how long after that that Ben Alberty moved down in the Cherokee Nation? A It must have been sometime in '68, nearly '69 somewhere along there.

Q And you know he wasn't there when you first moved? A Yes, sir. He wasn't there.

Q You know John Landrum? A Yes, sir. I knew Jack Landrum.

Q Well now when did Jack move his family down here? A Well I don't recollect just what time Jack did move there.

Q It was after you moved there? A Yes, sir.

Q He wasn't living there in '66? A No, sir.

Q Did you know him in Kansas? A No, I never saw Jack in Kansas at all.

Q Did he marry some relation of yours? A Yes a sister.

Q Were they married in Kansas or in this country? A In Kansas.

Q After the war? A Yes, sir.

Q Were they married when you left there with your family?

A Before that, before I left.

- Q But he didn't move down with his wife until after you came down?  
A No, sir.
- Q How long was it after you moved down the third time until Jack came?  
A It must have been in '68, somewhere along there when they come to where I lived.
- Q Well how far did they settle from you?  
A About three miles.
- Q Then there was no women or children come on any of these trips until you moved down in March '67?  
A No, sir not until we moved.
- Q You are the same man who is known as Aaron Whitmire who testified before the Chambers Court in '78?  
A Yes, sir.
- Q And Louis Whitmire and Moses Whitmire who were admitted to that court were your brothers?  
A Yes, sir.
- Q You at that time had for your witnesses Blue Alberty, William McCracken and others, did you not?  
A Yes, sir.
- Q You stated in your application at that time, and your witnesses stated for you the same facts that you stated here, to-wit; that you returned with your family and moved down here in the spring of '67?  
A Yes, sir.
- Q That is all true, is it not?  
A Yes, sir, that is the truth.
- Q Well now Sam Webber never moved down here until the spring of 1867?  
A No, sir.
- Q And young Sam didn't come with his father in August, 1866?  
A Yes he come in '66 with his father.
- Q Did he go back?  
A He went back, yes sir.
- Q Did he come back in December, 1866?  
A I don't recollect now whether young Sam was along in December or not.
- Q But you remember distinctly that he moved down here some two or three weeks after you did?  
A Yes, sir.
- Q How far did the Webbers settle from you when they came down in the spring of '67?  
A It is about six or seven miles from where I live.
- Q You knew them well did you?  
A Yes, sir.
- Q Had you seen them in Kansas before the war and before you moved down here?  
A Yes, sir.
- Q About how far did they live from you in Kansas?  
A About 20 miles I think.
- Q Did you live in the town of Fort Scott?  
A Yes, sir, I worked there in town.
- Q Blacksmithing?  
A Yes, sir.
- Q I believe that you stated that you knew Dyer Hayford, what was his business?  
A He had a grocery store and sold groceries.
- Q Did you buy goods from him?  
A Yes, sir.
- Q You stated that you know Eli Waskey?  
A Yes, sir.
- Q William McCracken says he met you in December, 1866, in December, before the Chambers court, did you meet him that year?  
A Yes, sir.
- Q Were your brothers with you?  
A No, they wasn't with me then, I left them on the Verdgris River, I met McCracken down at Fort Gibson.
- Q Did you tell him where you were going?  
A Yes, sir.
- Q What did you say?  
A Told him I was going to Goingsmake.
- Q As I understand you you went to Goingsmake by the way of Pahl-quah and come back by the way of Fort Gibson and then went to Kansas and got back to Kansas sometimes during Christmas week?  
A Yes, sir.
- Q Which was after Hayford was killed?  
A That was after Hayford was killed.

BY THE COMMISSION:

- Q During the war Mr. Whitmire, you colored people settled in Fort Scott in the same neighborhood, did you?  
A Not exactly

- Q Well you knew one another quite well? A Yes, we knew one another.
- Q Refugees from the territory who had gone out during the war? A Yes, sir.
- Q You were acquainted reasonably well were you not, with all of the parties who came down in that first crowd in August of '66? A Well yes sir.
- Q You knew all the parties in that crowd? A Yes sir.
- Q Did you give all the names of those you can remember in response to Mr. Hasting's questions? A All I can remember, yes sir.
- Q What was your purpose in coming that first trip, Mr. Whitmire? A Come to make homes.
- Q You come down to build some houses? A Yes, sir.
- Q How did you go to the territory, wagons or horseback? A Come in wagons.
- Q What kind of teams did you have? A Some had mules, some horses and some oxen.
- Q Did you have a family at that time? A Yes, sir.
- Q A wife and some children? A Yes, sir.
- Q But you left them in Fort Scott? A Yes, sir.
- Q It was the understanding, was it, that you people were to come here and start some houses before going back to Kansas for your families? A Yes, sir.
- Q Who did your cooking on that trip? A Well the boys done the cooking.
- Q Did you bring along any women at that time to do the cooking? A No, sir.
- Q You are positive that there were no women at all in this crowd, are you? A No women that I recollect and no children.
- Q Well you would have remembered it, wouldn't you? A Yes, sir, I think so.
- Q It was a pretty wild country here at that time? A It was a wild country, yes sir.
- Q Well now when you come down in December the second time for what purpose did you come? A We come down to work on our places.
- Q You left your family at Fort Scott on your second trip? A Yes, sir.
- Q Were there any women in that crowd who came down in '66? A No, sir.
- Q There were none? A None.
- Q How did you come the second trip? A In wagons.
- Q At that time, in the fall of '66, did you have some brothers and sisters? A Yes, sir.
- Q All of your brothers came with you in the fall of '66? A Hese, Louis, Dennis and Nelson.
- Q Did you have some sisters living at that time? A Yes, sir.
- Q What were their names? A The eldest was Mariah, Polly Ann, Mary Ellen.
- Q Where did you leave them on your first and second trips to the Cherokee Nation? A I left Mariah at Lawrence and Polly Ann at Fort Scott with her brother Dennis and I don't know where Mary Ellen was.
- Q Did your sister, Polly Ann, come with you when you come in the spring of '67? A No, she came with her brother Dennis.
- Q How long after you came until Polly Ann came with Dennis? A About two or three weeks as near as I can recollect.

Q That was the first time, was it Mr. Whitmire, that Polly Ann had been in the Cherokee Nation after the war, so far as you know? A Yes, sir, Polly Ann was a girl then staying with her brother Dennis, she wasn't of age, she was staying with Dennis and living with him.

Q And she didn't come with Dennis in the fall of '66? A No she didn't come with Dennis when he come before.

Q She stayed with his family in the town of Fort Scott, Kansas. A Yes, sir.

Q Was little Sam Webber married when he come down here with his father in '66? A Yes, sir.

Q Where was his wife? A She was in Kansas.

Q Was there any woman come with little Sam Webber when he come on either of these trips in '66? A No, sir.

Q Well Mr. Whitmire, if any woman claims to have come down here in August or December, 1866 with this detachment of which you were a member, she is mistaken? A Yes, sir, she is mistaken.

Q You are positive that there were no women or children on either of these trips? A Yes, sir.

Q You were a grown man then weren't you? A Yes, sir.

Q And you are an intelligent fellow who would remember, wouldn't you, Mr. Whitmire? A Yes, sir.

Q And you remember that no women or children came with you on either of these trips? A No, sir, not one.

Q You have been acquainted with all these parties since your removal to the Cherokee Nation, have you Mr. Whitmire? A Yes, sir.

Q Know where they have lived and all about them? A Yes, sir.

BY MR. HASTINGS:

Q Wasn't it a fact that the Chambers Court admitted all of you people who made this first and second trip here to the Cherokee Nation that applied to the Chambers Court and introduced this testimony? A Yes, sir.

Q The Cherokee Nation or its authorities never did deny you did they? A No sir, never did.

BY MR. BUYER:

Q Mr. Whitmire when you started from Fort Scott to the Cherokee Nation what road did you take? A I come right down by Lightning Creek, what is called Lightning Creek, crossed over at Oswego and come down by Sapulpa and there we turned west and went over to the head of Big Creek.

Q How far down Big Creek did you go and where did you settle?

A We come down I guess eight or ten miles from the head to where we live.

Q Did you go north of where Centralia now is? A No, sir went west of where Centralia now is.

Q Well did you settle on Big Creek? A No, on Salt Creek, that is below Big Creek.

Q Which direction did you settle from Mvata? A Southeast, pretty high east.

Q Were you on Snow Creek, did you go down Snow Creek during that first trip? A No, sir.

Q Were you on Snow Creek? A I have been on Snow Creek.

Q How long were you there about four weeks? A No, not that long, not then.

Q Do you know whether or not anyone lived on Snow Creek? A No-one that I know of.

Q How do you know if you wasn't there? A I was there, but I didn't see anybody on Snow Creek or anybody living there.



Q When in August, '66? A Yes, sir, after that.

Q Where were you going when you passed Snow Creek? A By old Tahlequah and different places there, Westralia.

Q Did you have to go by Snow Creek to go by Westralia?

A Yes sir, it was an old trading post up there near old Tahlequah, east of Tahlequah on Pumpkin Creek.

Q How far was Westralia from where you was building these houses?

A About twenty miles.

Q Which direction? A East.

Q Which side of Big Creek is Westralia on? A On the west side of Big Creek.

Q Which side of Snow Creek? A On the west side of Snow Creek.

Q Which side of the Verdegris? A On the east side of the Verdegris.

Q Where were you going when you went through Westralia? A Going to old Tahlequah, I had started to different places up there going to Westralia to trade sometimes during the past.

Q Then when you come to the Cherokee Nation that time you started at the head of Big Creek, went south down seven or eight miles where it runs into the Verdegris? A Yes sir, all the way from the head of Big Creek to where it runs into the Verdegris.

Q And settled on the southeast side of Big Creek where it turns around there into the Verdegris? A Yes, sir.

Q And there you built some houses? A Yes, sir, our houses was on Salt Creek about four miles from the mouth of Big Creek where it empties into the Verdegris.

Q When did you build there? A In '67.

Q Then where was it that this crowd that came in August of '66 built their houses? A They built them on Big Creek. It was about six or eight miles above where I live.

Q Did you find your location where you built some houses in '66?

A Yes, sir.

Q But you didn't erect any buildings there until '67? A No, sir.

Q Who built those houses in that first '66 settlement? A Sam Webber built one, old man Webber and old man Mike Sanders and old man Neigs.

Q Did you have to out trees down and hew these legs out? A We cut the legs down and hewed them out.

Q What did you cover these houses with? A Boards.

Q Where did you get the lumber? A It wasn't lumber boards, it was clab boards.

Q You was there four weeks? A Yes, sir.

Q You came to the Cherokee Nation, built these houses and went back to Fort Scott, when did you go back to Fort Scott? A I don't recollect just exactly what time I did get back on the first trip, I don't recollect.

Q How long did you stay down in the Cherokee Nation when you were down here? A Two weeks that time.

Q The first time? A Yes, sir.

Q During these weeks you built several houses? A Yes, sir.

Q Visited around different settlements on Snow Creek? A There wasn't no settlements that we looked around, we saw the country.

Q What was your idea in looking at the country when you had located and built your houses? A We wanted to see if there was any place better.

Q Moved your houses would you? A The houses were just some legs and we could have got more if we had found a better location.

Q Well then you returned to the Cherokee Nation in December?

A Yes, sir.

Q What way did you come that time, what road? A We come pretty nigh the same road as we come the first time, by Lightning Creek.

Q Came down by Lightning Creek? A Yes, sir.

- Q Came down by Big Creek? A Yes, sir, Big Creek.
- Q Stayed right close to the river? A Come to where we started our buildings.
- Q Did you stay down in the bottom along Big Creek? A Yes, sir, we come along the bottom.
- Q Now Mr. Whitmire, in August when you folks come down there, did you stay in the bottoms or get out on the grass? A No, we didn't exactly stay in the bottoms, we would go out on the prairie and look around.
- Q Wasn't there great high grass in the bottoms that time and made it difficult to travel through? A Yes, sir, there was grass there.
- Q Wasn't the grass a little short on the prairie? A Yes, sir.
- Q And for that reason you stayed out of the bottoms on the way down? A No, we went in the bottoms.
- Q You didn't travel down in these bottoms all the time did you? A No, sir.
- Q You didn't travel in that big grass did you? A Yes, sir in places.
- Q What did you have, wagons? A Wagons and teams.
- Q What kind of horses did you have? A Some mules, some horses and some oxen.
- Q But now what was your object in traveling in that high grass that big blue stem, instead of going on the prairie? A It was a good place, that was the object, if you was looking for a location you wouldn't go out on the prairie to hunt it.
- Q Did you know where you was going when you left Fort Scott? A Yes, sir.
- Q You had been in that country before the war? A No, I never was in it until after the war.
- Q Were there any other crowds of Freedmen that come out from Fort Scott after August 1866, before you came in December? A Why, I don't know that.
- Q You don't know? A No, sir.
- Q Did Bill McCracken and Levi Dougherty and those fellows live in that country in those days? A No, sir.
- Q Did you ever see them there? A I never seen them there, Bill McCracken lived on Flat River and Eli lived on Fryer Creek.
- Q Where did Blue Alberty live? A On Fryer Creek.
- Q When you come down in December, 1866, how long did you remain in the Big Creek country? A Four days.
- Q Then where did you go? A Fort Gibson. Up to Geingsmake and then to Tahlequah.
- Q And returned the same way? A I returned the same way.
- Q What time did you go to Fort Scott? A About Christmas time.
- Q How were you traveling those times? A Teams.
- Q How long did you stay in the Geingsmake neighborhood? A Two weeks and stopped at Tahlequah three or four days.
- Q Did you stop any length of time at Fort Gibson? A Four days, I think, maybe longer, I don't know exactly, four days or a week.
- Q You left Fort Scott in December? A Yes sir.
- Q Returned sometime during Christmas holiday week, between Christmas and New Years? A Yes, sir.
- Q Stayed four days in Indian Territory? A Three or four days in Gibson.
- Q Stayed a couple of days in Tahlequah and Geingsmake? A A couple of weeks.
- Q Stayed a couple of week in Tahlequah and Geingsmake and get back there about the first day of January? A I don't know whether the first day, I guess it was about the first.



BY MR. HASTINGS:

Q How long after you come the last time before Louis moved down, your brother Louis? A I guess it was two or three weeks, I don't recollect just exactly.

Q But even at the time you moved there were no families at that time living anywhere in the section of the country? A None at all, Old man Riley the closest that I knew and I lived four miles from him.

Q In the Cherokee Nation? A Yes, sir.

Q Well I meant when I asked the question there were no colored people? A No.

Q You were the first people? A First ones that I know of.

Q And you come down some two weeks before the Webbers moved there.

A Yes, sir.

Q And the Sanders family came with you? A Yes, sir, Sanders and Weigs.

Q Did they live about Fort Scott? A Yes, sir. Sanders lived there and Weigs lived there.

BY MR. BULGER:

Q Now Mr. Whitmire when you came down in December did you go directly to your places that you had located in August? A Yes.

Q Didn't scout around over the country like you did in August?

A No, sir.

Q Did you know of anybody who lived in the Snow Creek country or up in the Big Creek country, except in that immediate neighborhood where you went? A I didn't know for certain.

Q Now when you were on this trip to Goingsnake, how did you go?

A Wagon and two mules.

Q You say little Sam Webber came with you in August? A Yes, sir.

Q And he was married before that? A Yes, sir.

Q Did he return with you in December? A Yes, sir.

BY MR. HASTINGS:

Q Well you know that there was nobody living on Snow Creek after you moved down here in the spring of '67 because you had occasion to go back and forth up there? A I was up there from two to three weeks, had to go up to the little trading post at Oswego and get provisions.

Q And you saw nobody living in that section of the country?

A No, sir.

Q Well now the first trip you came I judge you traveled considerably over all of this country hunting a suitable place to locate?

A Yes, sir.

Q Well neither of the Webbers or none of the rest never did mention having been back to that section of the country before that in August? A No, sir.

Q None of them had been there before? A No, sir.

Q And there were no women on the first or second trips and no children? A No, sir.

BY MR. BULGER:

Q When you came down in December did you stay down in the bottoms close to Big Creek? A Yes, sir right in the bottoms.

BY MR. HASTINGS:

Q You had been gone hunting a good deal of the time at that time had you? A It was all we had to do.

Q And that made you go round in those bottoms in search of game.

A Yes, sir.

JAMES W. KEYS being first duly sworn testifies as follows:

BY MR. HASTINGS:

Q What is your name? A James W. Keys.

Q What is your age? A 62.

Q Are you a Cherokee citizen? A Yes, sir.

Q Where were you living when the war closed? A I was down south in the Choctaw Nation.

Q When did you return to the Cherokee Nation? A I came to the Cherokee Nation in June, 1866.

Q When did you first have occasion to visit Cooweescoowee district of that part of Cooweescoowee known as the Snow Creek, Big Creek and Verdegris country? A In the winter of 1867. I had a large bunch of cattle near Claremore, Indian Territory and in the spring of 1868 we had lost some cattle and there had been another herd of cattle near where I had these cattle I had charge of and they drove them in the direction of Kansas and I followed these cattle on the east side of the river to Coody's Bluff and crossed over at Coody's Bluff and stayed all night in the morning came on the east side and followed up on the Verdegris River to Snow Creek and found the bunch of cattle I was following.

Q How far from the Kansas line? A Well, I couldn't say, it was right near the Kansas line.

Q They were near the Kansas line? A Yes, sir.

Q Then you had occasion to go up to the Verdegris river from where it flows out of Kansas into the Cherokee Nation? A Yes, up as far as Snow Creek.

Q How did you see any colored people along the Verdegris river and Snow Creek on that trip? A Well after leaving Coody's Bluff and going north on the east side of the river I didn't see a single house or habitation of any kind along the river, and I followed as close to the river as I could.

Q You were in search of this bunch of cattle and you were looking to see if you could find any people? A Yes, it was a wild country then and I would have been glad to have seen any house.

Q Were there any people living on Snow Creek at that time?

A I didn't see a single house.

Q Did you know where Ben Alberty claims to have settled? A Yes I know where the old place is.

Q How far did you go from the old Ben Alberty place on this creek?

A My best judgement is in the neighborhood of one mile.

Q How far did you pass from it when you went up? A I went right up Snow Creek until I could see the cattle on the other side and followed right up the Verdegris river until I came to Snow Creek.

Q And you could see no persons living in that section of the country? A No evidence of any habitation outside of the cattle down where the cattle were.

Q And you could see them at once? A I saw them at once.

Q How large a stream is Snow Creek? A Just a small stream.

Q Just a little branch? A It is a little creek with some timber that runs out of the Verdegris and heads toward Kansas.

Q Runs for a few miles in the Cherokee Nation? A Yes, sir.

Q And you saw no colored people at all on that trip? A No evidence of any habitation or anything.

Q And you never heard of any people who had seen the cattle?

A No, about half way between Coody's Bluff and Snow Creek I met two men and they told me no one lived there.

Q They had seen this herd of cattle? A Yes they had seen the

cattle and had been to a town in Kansas, Osage, I knew them, they were two Cherokees.

Q Did you make any inquiries as to whether there was any settlement or not? A Yes, so I could stay all night.

Q Do you think it would be possible for Ben Alberty to have lived where you knew he afterward settled without your seeing his house? If he had lived there when you went up Snow Creek in search of these cattle you would have seen his house? A I don't think so, if there had been any house I would have seen it.

Q Which way did you go back? A I came back the way I went, along the river.

Q Did you take charge of these cattle? A No, sir, I left them in the herd, it was a long ways from where I was located and I left the cattle there until I came back.

Q You didn't go across to Salt Creek where Aaron Whitmire lives? A No, sir, I followed the Verdegris circle.

Q You left the Whitmire settlement to the east of you? A Yes some miles to the east.

Q And that is the reason why you didn't see their settlement? A Yes, sir.

Q Did you follow Big Creek? A Not any distance.

Q Big Creek flows in the Verdegris river? A Yes, sir, a little north of Coody's Bluff.

Q Instead of following Big Creek you went up the Verdegris river? A Yes, sir.

Q But when you struck where Snow Creek flows into the Verdegris you went up Snow Creek? A Yes a little, the cattle were between the river and Snow Creek on the north side and I followed the creek until I could see them on the other side and crossed.

BY MR. BULGER:

Q When was this Mr. Keys that you made this trip in April or May? A In April or May of 1868.

Q Where did you strike the Verdegris river when you started? A I went near Claremore and went from there to Coody's Bluff the first day.

Q On the east side of the river? A Yes Coody's Bluff is on the east side of the river. I stayed all night with Looney Riley.

Q Where did you cross the Verdegris River to go to the Snow Creek country? A I crossed it the next morning and went right up the river, there was considerable timber along the Verdegris at that time.

Q About the same as now? A Yes, sir.

Q How far out from Snow Creek did you stay when you went across the country for these cattle? A Not a great ways, I don't think it was more than from a half a mile on the east side of Snow Creek.

Q Is there any timber on Snow Creek? A Yes, sir, there is a little timber along there.

Q You didn't go on the east side of Snow Creek until after you had crossed that time, you went right ~~across~~? A We followed up on the east side and crossed over on the west side and went to the herd of cattle.

Q How far up did you go until you crossed? A Well I couldn't say, a mile and a half or such a distance.

Q Do you know whether or not there was anyone living down on the fork where Big Creek flows into the Verdegris? A I saw no evidence of any settlement or habitation and I paid pretty close

attention and didn't see anyone living there.

Q But you don't know that there was no one living there? A I couldn't say positively.

Q How far east did you continue to go up Snow Creek? A Well I went right up the Creek, followed right up the river until near the mouth of the creek and then went up the creek about a mile and a half.

Q Never did go any farther? A No crossed there to the bunch of cattle the creek was running northeast at that point.

Q The cattle were on the northeast part of the prairie? A Yes, sir.

Q About how far? A One half mile or somewhere along there.

Q After you found those cattle did you return to Claremore? A I just rode into the bunch of cattle and then I turned and went back down the river.

----oOo----

The Cherokee Nation asks that the testimony taken of Aaron Whitacre and James M. Keys on this date be made a part of the record in the case of Frank Love, F. D. 879; Sarah Robinson, F. D. 476; Larkin Powell, F. D. 478; Polly A. Genard, F. D. 814.

----oOo----

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 full, true and correct transcript of her stenographic notes thereof.

(Signed) Opal Griggs.

Subscribed and sworn to before me this 31st day of December, 1904.

(SEAL)

(Signed) Charles H. Sawyer  
Notary Public.

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

Maggie Kennedy

Subscribed and sworn to before me this the 1st day of January 1905.

J. H. [Signature]  
Notary Public.

8774 200074

**FILED**  
**DEC 28 1904**  
**COMMISSION TO FIVE TRIBES.**

Cherokee freedmen D-1012

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegee, I.T. December 23, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the applica-  
tion for the enrollment of Charlotte French as a Cherokee Freed-  
man.

On December 1, 1904, the applicant and her attorney  
Louis, T. Brown, were notified by registered mail, and on December  
2, 1904, the attorneys for the Cherokee Nation, Bell, Hastings  
& Davenport, were notified by letter, that the application for  
the enrollment of Charlotte French as a Cherokee freedman, would  
be taken up by the Commission to the Five Civilized Tribes, at its  
offices in Muskegee, Indian Territory, on the 23rd day of  
December, 1904, at which time an opportunity would be given  
both the applicant and the attorneys for the Cherokee Nation to  
introduce any testimony they might desire affecting said appli-  
cation, at which time the case would be taken up for final  
consideration. Receipt has been acknowledged of the Commission's  
letter by the attorney for the applicant.

Now on this 23rd day of December, 1904, this cause  
coming on to be heard pursuant to said notice, said applicant  
appearing by attorneys Blue & Bulger, and the Cherokee Nation  
appearing by its attorneys, Bell, Hastings and Davenport, this  
case is submitted upon the evidence now of record.

Opal Griggs, being duly sworn, states that as sten-  
ographer to the Commission to the Five Civilized Tribes she  
reported in full all the proceedings had in the above entitled  
cause on the 23rd day of December, 1904, and that the above and  
foregoing is a full, true and correct transcript of her steno-  
graphic notes of said proceedings on said date.

*Opal Griggs*

Subscribed and sworn to before me this 23rd day of December 1904.

*Charles J. Langley*  
Notary Public.

FILED  
FEB - 6 1905  
COMMISSION TO FIVE TRIBES.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., JANUARY 31, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CHARLOTTE FRENCH ET AL., as Cherokee Freedmen.

APPEARANCES:

Applicant appears by attorneys, Blue & Bulger.  
Cherokee Nation by its representatives, W. W. Hastings.

RUTHIE ALBERTY, being first duly sworn, testified as follows:

BY MR. BLUE:

- Q What is your name? A Alberty.  
Q Give it in full? A Ruthie Alberty.  
Q Do you know Charlotte French? A Yes sir.  
Q What relation is she to you? A She is my niece sir.  
Q Who was her father? A Fred Markham.  
Q Do you know how you spell that name? A No sir I can't spell nothing.  
Q Who was her mother? A Rhoda Alberty.  
Q What was Rhoda Alberty's name before she was married? A Before she was married she was Alberty lived in the same family Alberties, under all of them.  
Q What relation was she to you? A She wasn't any relation to me only a sister-in-law.  
Q Was Charlotte French's mother married more than once? A Yes sir.  
Q Who was her first husband if you remember? A Her first husband was I couldn't tell his name, but her first husband was a man by the name of Shinky Ben.  
Q Who was her second husband? A Fred Markham.  
Q Charlotte is the daughter of Fred Markham? A Yes sir.  
Q Did Charlotte's mother marry again after she was the wife of Fred Markham? A Yes sir married Ben Alberty.  
Q Did you know Fred Alberty, I mean Fred Markham? A Yes sir that was my brother.  
Q What, if anything, do you know about his recognizing Charlotte French as his daughter? A He recognized her always.  
Q Do you know anything about her receiving anything from him?  
A Yes sir I think she did at his death.  
Q Do you know if she received any portion of his estate? A Yes sir.  
Q After she was born and her mother married Alberty where did she live up until the time she was married? A Lived right close to us, in ten miles of us.  
Q In whose family did she live? A This Rhoda Alberty's.  
Q Whose? A John Alberty, she was owned by John Alberty.  
Q After Rhoda married Ben where did Charlotte live? A With them.  
Q Did she remain with them up until the time of her marriage?  
A Yes sir.

BY MR. HASTINGS:

- Q When was Charlotte born? A I don't know sir.  
Q Before the war? A Yes sir, Charlotte was a good big girl.  
Q She was a slave herself? A Yes sir, a slave herself.



WILLIAM MARKHAM, being first duly sworn, testified as follows:

BY MR. FLINZ:

- Q What is your name? A William Markham.  
Q How old are you? A 40.  
Q Do you know Charlotte French? A Yes sir.  
Q What relation is she to you? A Sister.  
Q Whose daughter is she? A Fred Markham.  
Q Do you know anything about whether Fred Markham recognized her as his daughter? A He recognized her just like he did the rest of us children.  
Q Is he living yet? A No sir.  
Q Do you know whether or not she received any part of his estate?  
A Yes sir.  
Q Did she share any of his estate? A Yes sir, I was the administrator.  
Q You say you were the administrator? A Yes sir.

BY MR. HASTINGS:

- Q Charlotte French was a slave and born before the war? A Yes sir I guess she was.  
Q She is old enough to have been a slave? A Yes sir.  
Q Her mother and Markham separated before the war and her mother then afterwards married Ben Alberty? A I don't know anything about that.  
Q Didn't you know that her mother lived with Ben Alberty afterwards? A No sir, I don't know anything about it.

RUTHIE ALBERTY, being recalled, testified as follows:

BY MR. HASTINGS:

- Q Rhoda Alberty was the mother of Charlotte French? A Yes sir.  
Q She and Fred Markham were married before the war? A Yes sir.  
Q About the time of the war they separated? A Yes sir.  
Q About the time of the war she took up with this Ben Alberty?  
A No sir they married before the war.  
Q Rhoda took this child of course with her? A Yes sir.

C A S E C L O S E D.

-----oO-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*George H. Lessley*

Subscribed and sworn to before me this 6th day of February, 1908.

*Charles H. Mayon*

Notary Public.

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

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

Emma Powell et al.	Cherokee freedmen D	475
Sarah Robinson, et al.	Cherokee Freedmen D	476
Nettie Powell et al.	Cherokee Freedmen D	478
William Love,	Cherokee freedmen D	479
Frank Love,	Cherokee freedman D	679
Avania Gaskins,	Cherokee Freedmen D	994,
Charlotte French	Cherokee Freedmen D	1012.

--:--

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 Emma Powell for herself and minor children, Pattie Belle Ross, Lula Ross, Bertie Ross, Lillie Costa Ross, Manie Powell, Jessie Powell, Edie Powell, and Ora Della Powell; subsequently, there was filed with this Commission, and made a part of the record in this case, an affidavit showing the birth, on September 4, 1901, of Millie Powell, child of the said Emma Powell and one Larkin Powell; by Sarah Robinson for herself and minor children, Fred Robinson, Lucy Robinson and Andy Robinson; subsequently there was filed with this Commission, and made a part of the record in this case, an affidavit showing the birth, on March 26, 1902, of Katie Robinson, child of the said Sarah Robinson and one Elijah Robinson; by Nettie Powell for herself and minor child, Harold Powell; by William Love for himself; by Frank Love for himself; by Avania Gaskins for herself; and by Washington French for his wife, Charlotte French. A copy of the testimony of Lewis Ross taken at Chelsea, Indian Territory, June 6, 1901, of its decision rendered.

by this Commission March 5, 1904, in the consolidated case of Esau Fox, et al., Cherokee Freedman D 506 et al., and of Departmental letter of August 31, 1904, (I.T.D. 6756-04), in the case of Lewis Ross, Cherokee Freedman D 549, and of the testimony of Robert Adair taken at Chelsea, Indian Territory, May 31, 1901, in re application of Isaac in for enrollment as a Cherokee Freedman by intermarriage, case No. R 99, and of Maria French and others taken at Nowata, Indian Territory, July 2, 1901, in re application of the said Maria French for enrollment as a Cherokee Freedman by intermarriage, case No. D 1010, is filed herewith and made a part of the record in this case.

The evidence in this case shows that the applicant, Emma Powell, was born about the commencement of the rebellion, and was the daughter of Ben and Rhoda Alberty, both deceased, and both of whom were the slaves of a Cherokee citizen at the commencement of the rebellion; that the applicant, Charlotte French, was the daughter of the said Rhoda Alberty, but was the slave of a Cherokee citizen at the commencement of the rebellion; that the applicants, Emma Powell and Charlotte French, together with the said Ben and Rhoda Alberty, resided in the state of Kansas during said rebellion, and that neither the said Emma Powell or Charlotte French nor the said Ben or Rhoda Alberty, returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitfire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation.

The evidence further shows that said applicant, Emma Powell, died on March 22, 1902, and an affidavit to that effect is filed herewith and made a part of the record in this case.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes/."

The evidence further shows that the applicants, Fattie Bell, Lula, Gertie, and Lillie Gusta Ross, Sarah Robinson and Nettie Powell, were born since 1866 and are children of the applicant, Emma Powell and one Lewis Ross, and that the application of the said Lewis Ross for enrollment as a Cherokee freedman was denied by the Commission on March 5, 1904, and its action approved by the Department on August 31, 1904. The applicants, William Love, Frank Love, Mamie, Jessie, Addie, Ora Della and Willie Powell, Fred, Lucy, Andy and Katie Robinson, and Harold Powell, are children of the applicants, Emma Powell, Sarah Robinson, and Nettie Powell, were born since 1866, and possess no rights to enrollment other than as descendants of their said mothers. The applicant, Amanda Siskins, is a daughter of the said Ben Alberty, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said father.

None of the applicants herein can be identified on the authenticated Cherokee tribal roll of 1880, nor the Cherokee census roll of 1896.

In re credibility of witnesses introduced by applicants in this case:

Charles Chambers, a stock witness for freedman applicants, on behalf of the applicant, Emma Powell (C.F.D. 475), testifies that he first saw her father, Ben Alberty, in the Indian Territory, in 1869, while on a trip from Tahlequah to Big Creek; on behalf of the applicant, Amanda Gaskins, (C.F.D. 494), he testifies that this trip was made in the year 1870; on behalf of Charlotte French, (C.F.D. 1012), he again testifies that this trip was made in 1867. In the case of Queenie Smith, et al., (C.F.D. 779), this witness testifies that he moved from Tahlequah to the Big Creek country "somewhere in the '70's", and in the case of Willis Starr, et al., (C.F.D. 865), he testifies, "I came up on Big Creek in 1870", and upon cross-examination is very positive as to the date. Sidney West, in her own behalf, (C.F.D. 564), testifies that she was the wife of Charles Chambers during the rebellion, that they returned to the Cherokee Nation in the fall of 1865, and lived together about a year, near Fort Smith; that he then left her, and about a year later she found him at Fort Gibson, and that they then went to Park Hill, and lived together "there some year or two." She also testifies that she and Charles Chambers were living together at Park Hill "about four years after the war." In this she is corroborated by Charles Chambers, as, in the same case, he testifies that they began living together after they left the Cherokee Nation during the war, and lived together "six or seven years", and in the case of Sabra McQueen (C.F.D. 132), he testifies that he is her father, was living with her mother, Sidney West (C.F.D. 564), at the time she was born, and continued to live with her for a long time thereafter, in fact, until two children younger than Sabra were born to them. The above testimony establishes beyond a reasonable doubt that Charles Chambers, for several years after the close of the war, lived in the Cherokee Nation near Fort Smith and in and around Tahlequah, (Park Hill is between Tahlequah and Fort Gibson), and that he did not move to the Big Creek country prior to the year 1870.

Witness Nelson Murrell has been denied enrollment as a Cherokee freedman by this Commission, and its action approved by the Department. In his case (C.F.D. 548), it was conclusively shown that he was living in Kansas as late as the year 1868. He testifies, however, that he reached the Cherokee nation before Ben Alberty and his family did, and that he met them at Trotter's Ford, on the Neosho river, as he was returning to Kansas. This statement is probably correct, and in view of the fact that he came to the Cherokee nation in the latter part of the year 1868, or early part of 1869, together with the testimony of Charles Chambers to the effect that when he saw Ben Alberty (which undoubtedly was not earlier than the year 1870), "he had made one crop and was then making another", and this, in connection with the testimony of numerous disinterested witnesses that there were no colored families living on Snow Creek prior to 1868, shows beyond a reasonable doubt that Ben Alberty and his family did not come to the Cherokee nation prior to the year 1868, and it is more probable that they did not come before the spring of 1869.

Little weight can be given the testimony of Jim (Sheep) Alberty, as he has been repeatedly contradicted, and his general disreputableness as a witness in behalf of freedmen applicants is recognized in departmental letter of August 17, 1904, (I.T.D 4998-04)..

The testimony of Daniel and Reuben Sanders does not show that the applicants or their ancestors returned to the Cherokee Nation within the time specified in the White Deer decree.

If the moral depravity of a witness is to be considered in weighing their testimony, the testimony of Mary Joe should receive no consideration whatever.

L. D. Daniels, another "stock witness" for Cherokee freedmen applicants, testifies on behalf of Charlotte French, but he knows nothing of importance to the applicant.. G.W. Lane, also on behalf of the applicant, Charlotte French, testifies to the effect that he first saw her at Ben Alberty's, on Snow Creek, in 1867, but does not give the time of the year. He further testifies, in reply to the question--"Then did you first come in that neighborhood?" --"I come to stay in '68; I was here in '66 and went back." Evidently he did not see Ben Alberty or his family, here in 1866. This witness was an applicant for enrollment as a Cherokee freedman by intermarriage, consequently his residence prior to his marriage in 1875 was of no concern and has never been investigated.

It is, therefore, ordered by this Commission that the application for the enrollment of Emma Powell as a Cherokee freedman, be, and the same is, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716); and it is the opinion of this Commission that the applications for the enrollment of Hattie Bell Ross, Lula Ross, Gertie Ross, Lillie Gusta Ross, Mamie Powell, Jessie Powell, Eddie Powell, Ora Della Powell, Willie Powell, Sarah Robinson, Fred Robinson, Lucy Robinson, Andy Robinson, Katie Robinson, Nettie Powell, Harold Powell, William Love, Frank Love, Amanda Gaskins and Charlotte French, 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) Tama Bixby  
Chairman

" T. B. Needles  
Commissioner

" C. R. Breckinridge  
Commissioner

Dated at Muskogee, Indian Territory

this APR 18 1905

Cherokee Freedmen  
D-1012.

Muskogee, Indian Territory, September 11, 1903.

Charlotte French,

Lawyah, Indian Territory.

Dear Madam:

In the matter of the application for your enrollment as a Cherokee Freedman, you are hereby advised that further testimony is required as to your residence in the Cherokee Nation since 1866.

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.

Cherokee Freedmen  
D-1012

Muskogee, Indian Territory, October 17, 1904

Charlotte French,  
Lenapah, Indian Territory.

Dear Madam:

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 whether or not you went out of the Cherokee Nation during the war of the rebellion, and if so, the date of your return to said Nation after 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 Wednesday, November 23, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

Register.

*Tamm Dixby*  
Chairman



Cherokee freedmen  
D-1012

Muskogee, Indian Territory, October 17, 1904.

Louis T. Brown,  
Attorney for Charlotte French,  
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Charlotte French as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not the said Charlotte French went out of the Cherokee Nation during the Rebellion, and if so, the date of her return to said Nation after the war.

The said Charlotte French has therefore, this day been directed to appear before the Commission at nine o'clock A.M., on Wednesday, November 23, 1904, and introduce such testimony, at which time this case will be taken up for final consideration.

Respectfully,

(SIGNED) *Jame Bixby*  
Chairman

Register.



CONFIDENTIAL

Cherokee Freedmen  
D-1012.

Muskogee, Indian Territory, December 1, 1904.

Charlotte French,  
Lenapah, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that this case will be taken up for final consideration by the Commission on Friday, December 23, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of your said application.

Respectfully,

Register.

Wm. B. Dixby,  
Chairman.

COPY

Cherokee Freedmen  
D-1012.

Muskogee, Indian Territory, December 1, 1904.

Louis T. Brown,

Attorney for Charlotte French,  
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Charlotte French for enrollment as a Cherokee freedman, you are advised that this case will be taken up for final consideration by the Commission on Friday, December 23, 1904, at which time the applicant will be permitted to appear and introduce such testimony as she may desire in support of her said application.

Respectfully,

*James Bixby.*  
Chairman.

COPY.

Cherokee Freedmen

D-1012.

Muskogee, Indian Territory, February 8, 1905.

Bluc & Bulger,

Attorneys for Charlotte French, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on January 31, 1905, in the matter of the application for the enrollment of Charlotte French, et al., as Cherokee freedmen, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

AGENTS, *James Birby,*  
Chairman.

COPY

Cherokee Freedman

D-1012.

Muskogee, Indian Territory, April 18, 1905.

Charlotte French,

Lenapeh, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 12, 1905, rejecting, among others, the application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

John T. Brown,  
Chairman

Incl. 3-11  
Register

COPY.

Cherokee Freedmen

D-994-1011.

Waukegon, Indian Territory, April 18, 1906.

Louis T. Brown,

Attorney for Amanda Gaskin, et al.,

Waukegon, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1906, rejecting, among others, the applications for the enrollment of Amanda Gaskin and Charlotte French 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,

Yours truly,

Chairman.

Encl. 2-73  
Register

COPY.

Cherokee Freedmen

D-478, et al.

Muskogee, Indian Territory, April 18, 1906.

Well, Hastings & Davengert,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1906, dismissing the application for the enrollment of Emma Powell and rejecting the applications for the enrollment of Hattie E., Lida, Corrie and Lillie G. Bass, Maria, Jessie, Eddie, Ora D., Willie, Nettie and Harold Powell, William and Frank Love, Sarah, Fred, Lucy, Andy and Katie Robinson, Amanda Gaskin and Charlotte Frenck, 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,

Wm. H. Tamm, Secretary.

W. H. Tamm

COPY.

Cherokee Freedmen  
B-478, et al.

Muskogee, Indian Territory, April 16, 1908.

The Honorable,

The Secretary of the Interior.

Sirs:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Emma Powell, et al., including the Commission's decision dated April 14, 1908, dismissing the application for the enrollment of Emma Powell and rejecting the applications for the enrollment of Nettie E., Lula, Gerrie and Lillie G. Ross, Mamie, Jessie, Ednie, Ora D., Willie, Nettie and Harold Powell, William and Frank Love, Sarah, Fred, Lucy, Andy and Katie Robinson, Amanda Gaskin and Charlotte French, and Cherokee Freedmen.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Incl. B-77

Through the

Commissioner of Indian Affairs.

Land  
30380-1905

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington.

May 11, 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 report of the consolidated applications for enrollment as Cherokee Freedmen by Emma Powell for herself and her minor children, Hattie Hill, Lula, Gertie and Lillie Gusta Moss and Mamie, Jessie, Eddie, Ora Della and Willie Powell; by Sarah Robinson for herself and her minor children, Fred, Lucy, Andy and Katie Robinson; by Nettie Powell for herself and her minor child, Harold Powell; by William Love for himself; by Frank Love for himself; by Amanda Gaskins for herself and by Washington French for his wife, Charlotte French.

On black date the Commission decided adversely to all the applicants.

The record shows that Emma Powell was born about 1840 commencement of the war of the rebellion, and was the daughter of Ian and Rhoda Liberty, both freedmen, and both of whom were slaves of a Cherokee citizen at the beginning of the war of the rebellion; that Charlotte French was the daughter of Rhoda Liberty and was the slave of a Cherokee citizen at the



beginning of the war; that Emma Powell and Charlotte French, together with Ben and Rhoda Alberty resided in the State of Kansas during said war and that Emma Powell, Charlotte French, Ben Alberty or Rhoda Alberty did not return to the Cherokee Nation on or before February 11, 1867. The record further shows that Emma Powell died March 22, 1902.

The record further shows that Mattie Bell, Lula, Gertie and Lillie Gusta Ross, Sarah Robinson and Mattie Powell were born since 1866 and are children of Emma Powell and one Lewis Ross and that the rejection of the application of Lewis Ross was approved by the Department August 31, 1904. The applicants, William and Frank Love, Wanie, Jessie, Eddie, Ora Della, and William Powell, Fred, Lucy, Andy and Katie Robinson, and Harold Powell are children of the applicants, Emma Powell, Sarah Robinson and Mattie Powell, were born since 1866 and possess no rights to enrollment other than as descendants of their said mothers. The applicant, Amanda Gaskins is a daughter of Ben Alberty, was born since 1866 and possesses no rights to enrollment other than as a descendant of her father.

None of the applicants is identified on the 1860 authenticated Cherokee roll nor the Cherokee Census roll of 1896.

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. E. N.  
W.

COPY.

Cherokee Freedmen

D-1012.

Muskogee, Indian Territory, September 27, 1905.

Weal & London,

Fort Smith, Arkansas.

Gentlemen:

This office is in receipt of your letter of September 14, stating that you have been employed to represent Charlotte French in the matter of her application for enrollment as a Cherokee freedman, and ask to be advised the status of her case.

In reply you are advised that you have been entered as attorneys of record in this case, and that the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, rejecting the application for the enrollment of said Charlotte French, was forwarded to the Secretary of the Interior for review and decision on the same date. This office has not been advised of any action taken by the Department thereon.

Respectfully,

*James Birby*  
Commissioner.

Cherokee F.  
D-1012

Muskegee, Indian Territory, January 17, 1907.

Charlotte French,  
Lenapah, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 18, 1906, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, January 5, 1907, and two motions for review of the Cherokee freedmen enrollment case of yourself, et al., filed by your attorneys, September 7, 1906, denied.

Respectfully,

JMH

Commissioner.

Cherokee F.  
D-475 et al.

Muskogee, Indian Territory, January 17, 1907.

Blue & Bulger,  
Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, dismissing the application for the enrollment of Emma Powell, and rejecting the applications for the enrollment of Hattie B. Ross, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 5, 1907, and two motions for review of the said case, filed by you September 7, 1905, denied.

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

Respectfully,

Encl. N-30  
JME

Commissioner.

Cherokee F.  
D-475 et al.

Muskogee, Indian Territory, January 17, 1907.

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

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, dismissing the application for the enrollment of Emma Powell, and rejecting the applications for the enrollment of Hattie B. Ross, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 5, 1907, and two motions for review of said case, filed September 7, 1905, denied.

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

Respectfully,

Encl. H-21  
JMK

Commissioner.



The Indian Office recommended that the decision of the Commission be approved. A copy of its letter is inclosed.

September 7, 1905, the attorneys for the applicants filed motions for review of said decision.

The Cherokee Nation filed argument.

There appears to be no proper reason for granting said motions and they are hereby denied.

The Department concurs in the recommendation made, and the Commission's decision is hereby affirmed.

The papers in the case, including the motion for review, have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs:

17 inclosures.

Winta Indian Territory, July 1902

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in Case No. 2

Charlotte French et al

Blue and Ingersoll  
ATTORNEY FOR APPLICANT.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
1891-1892  
MAY 15 1902

Amurpica 23.

Received from the Commission to the Five Civil Tribes a copy of the testimony in the  
matter of the application of Charlotte Teach.

as a citizen

of the Cherokee Nation.

of the Cherokee Nation.

Attest for said Agent.

1172

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED  
JUL 2 1901

*[Handwritten signature]*

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *July 2, 1901*  
Post Office *Leysapenah, D.C.*  
District *600*

1. Name *Washington* Age *70*  
Owner's name ..... Citizenship.....  
Year ..... Page ..... No. .... District .....

Parents:

Father ..... Citizenship.....  
Mother ..... Citizenship.....

2. Name of wife *Charlotte French* Age *43*  
Owner's name ..... Citizenship.....  
Year *W.D.C.* Page *174* No. *3237* District *600*

Parents:

Father *Fred Markham dead* Citizenship *oker, Fred*  
Mother *Rhoda Alberty* Citizenship *"*

Names of Children:

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

*Double*

Application made by *Wash French* Stenographer *B. L. Jones*

WEST

*Handwritten signature*

# **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. Charlotte French  
Lenamah, I. T.

Cherokee—A—D—1019.

Register.

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

**Commissioners.**

Cher. Fr. R. 1055

Trans. from C. Fr. D. 1017

Cher. Fr. R. 1055

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

In the matter of the application of Annie Elms for the enrollment of herself and four children as Cherokee freedmen; she being sworn by Commissioner E. B. Needles, testified as follows:

Joe Sequichie agent for the applicant.  
James Tavenport attorney for the Cherokee nation.

By Com'r Needles, -

- Q What is your name? A Annie Elms  
Q What is your age? A 34  
Q What is your post office address? A Hayden.  
Q In what district do you live? A Coowescoowee  
Q What is your fathers name? A Ellis Worn  
Q What is your mothers name? A Amanda Worn  
Q Are they living? A Mother is dead, my father is living  
Q Are you married? A Yes sir.  
Q What is your husband's name? A Dook Elms.  
Q Is he a citizen? A No sir, a state man.  
Q Do you apply to be enrolled as a Cherokee freedman? A Yes sir  
Q Who else do you desire to have enrolled at this time? A Two children and two brothers.  
Q What are the names of your children? A Vergie C. Elms.  
Q How old is she? A 15 miles.  
Q Next one? A Bryan Elms.  
Q How old? 5 years.  
Q What are the names of your brothers? A Willis Worn.  
Q How old is he? A 26 years old, he is in prison.  
Q What is the next one? A Callis Worn  
Q How old is he? A 20 years old.  
Q Where are these brothers? A One is in prison and one is on Lightning Creek.  
Q Is your name on any of the rolls? A No sir.  
Q On none of them? A No sir.

By Sequichie.

- Q What time of the year, I mean how long since your mother has been dead? A 18 years  
Q Where were you born? A I dont know.  
Q Where were you when you first remember? A On Lightning creek at Mrs. Haydens'  
Q Was you raised there? A Yes, sir  
Q Are you married? A Yes sir.  
Q When did you marry? A In 1885  
Q Where did you marry? A In Oswego.  
Q How long were you there before you married? A A year, I went to school there.  
Q How long did you go to school before you married? A I went one term and met the man I married and come back and went back and married him, I guess I first met him two years before I married him  
Q Did you return to the Cherokee nation after you married? A Yes sir.  
Q Right away? A Yes, sir.  
Q Have you lived here continuously since? A Yes sir.  
Q Does your husband live here? A No sir, he works in the states  
Q What is his occupation? A Brick mason  
Q Why is he in the state of Kansas now? A Because his trade carried him there.



Do you live with him? A Yes, sir, but I come back home here and look after my property.  
Q What does your property consist of? A I have 80 acres and some horses and my cousin has charge of it for me.  
Q What is your cousin's name? A Joe Manley.  
Q How long have you owned this property? A It was taken up for me when I was a girl.  
Q Do you consider this as your home? A Yes, sir.  
Q And you only live in Kansas because your husband works there?  
A Yes sir, he works and I work.

BY MR. DAVENPORT-

Q Are you a daughter of Ellis Wain? A Yes sir.  
Q What year did you first go to school in Oswego? A I dont remember the year.  
Q How old were you? A Good sized girl  
Q How long have you been married? A I married in '85.  
Q Since then where have you and your husband resided?  
A I come here and look after my property all the time.  
Q Have you and your husband ever kept house here? A No sir, I make my fathers my stopping place when I come home.  
Q You have never lived here? y ou live in Oswego and keep house there? A Yes sir.  
Q You have really lived there ever since 1885, and kept house there all that time? A Yes sir.  
Q You came from Oswego week before last at Chelsea? A Yes sir.  
Q Your children are in Oswego now? A Yes sir.  
Q How many have you there? A Two  
Q Where were they born? A They were born in the Cherokee Nation  
Q You lived in Kansas and your children were born in the Nation?  
A Yes sir I come home to have them.  
Q ~~What~~ ~~was~~ ~~your~~ ~~mother's~~ ~~name~~? A Amanda  
Q When were these children born? A One was born in 86 and one in 96.

By the Commission:

Q Where are these children now? A Oswego.  
Q Have they lived there continuously since their birth? A Yes sir they live there but they come here for the summer  
Q They just come here for a visit during the summer dont they?  
A Yes sir.  
Q Was your mother a slave? A Yes sir  
Q Who did she belong to? A Jack Bell.  
Q Was he a Cherokee citizen? A Said to be.  
Q You dont know? A No sir.  
Q Do you know if your mother went out of the Cherokee Nation during the war? A No sir, I dont.  
Q You was born after the war? A Yes sir  
Q With whom were you living at Oswego when you went to school?  
A With Mrs. Cousins.

+++++

Continued by stenographer Bruce Jones.

o+ + + + +o

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

(Signed) Chas von Weise

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

(Signed) T. N. Needles  
Commissioner

.....  
t Ellis Warren, being duly sworn by Commissioner Needles,  
testified as follows:

Mr

Mr. Sequichie: What is your name? A Ellis Warren

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

Q What is your postoffice? A Hayden

Q Do you know the applicant, Mrs. Annie Elms? A Yes sir.

Q What relation is she to you? A She is my daughter.

Q Your own daughter? A Well, I have always called her my own daughter.

Q Did you marry her mother? A Yes sir.

Q How old was she when you married her mother? A She wasn't here when I married her mother.

Q How old is she then? A I don't know her age exactly

Q Where was she born? A She was born on Lightning Creek.

Q Did you live there on Lightning Creek where she was born?  
A Yes sir.

Q Where did you move to from Lightning Creek? A I never moved from there, live there now.

Q Never been any other place but Lightning Creek? A I have been other places, I have never lived other places, I work anywhere and everywhere, I thresh all over the country; Lightning Creek has always been my home.

Q Has Mrs. Elms always lived with you up there until she was married? A Yes, sir.

Q In the Cherokee Nation? A Yes sir, only when I would have her to school; she would go to school.

Q Where did you send her to school? A Oswego.

Q How long did she go to school up there? A She would go there the school session and come back in the fall.

Q Then what did she do? A Stayed at home.

Q What year was she married? A I can't tell you that, I can't tell the dates.

Q You know how long she has been married? A No sir, not exactly.

Q Where did she live when she married? A Lived with me when she first married.

Q Was she married at your house? A Yes, sir

Q First marriage or second marriage? A First marriage

Q Then when was she married the second time? A I don't know how long it has been since she has been married the second time.

Q Where was she married the second time? A She was married in Oswego the second time.

Q How long had she been up there before she married? A She hadn't been up there a great while, she came back home and went back to school and married before she come back again.

Q She was married in Oswego? A Yes sir.

Q How long did she stay up there after she married? A About two or three months.

Q Then where did she go. A Came home.

Q How long did she stay at home when she came? A She stayed at home all that winter, pretty near all the winter, and then she went back.

Q Her husband came down with her? A Yes sir.

Q Stay there with her? A Yes, sir, until they went back to Oswego.

Q Then where did they go? A He works up there, he is a mason

Q Has he lived any length of time down there with you? A He stays sometimes, he comes down and stays sometimes two or three months, sometimes comes and stays all winter, and then goes back in the spring.

- Q Has the applicant, Annie Elms, got any property interests in the Cherokee Nation? A She has got some horses there and she has got a place and got an interest in two farms
- Q Has she always held personal property, either in that character or others, since her mother's death? A Yes, sir
- Q Has she always had an interest of her mother's estate ever since her mother has been dead? A Yes, sir
- Q Derived any benefits from the farms in which she is interested? A Yes, sir, one of them she does every year.

Mr Hastings: How old is this woman? A I can't tell you her age exactly.

- Q Was he born on Lightning Creek? A Yes, sir.
- Q How far from John Landrum's? A Well, my home I think is about four or three miles from John Landrum.
- Q You were living there when this girl was born? A Yes, sir
- Q You remember what year that was? A No, sir, it was the next year after I came to the country, I came there in the fall and she was born the next spring.
- Q You came back with her mother? A Yes, sir
- Q Where did you first come to. A I first came, I camped about two weeks on the rivers, I came out to the country, hunting for her mother's folks.
- Q And you were along with her mother? A Yes, sir
- Q And this girl wasn't born until you were over here on Lightning Creek? A No, sir, I just had her mother and one little baby
- Q And she is your daughter? A I have always called her my daughter.
- Q How long had you been living with her mother when this girl was born? A Been living with her about, I guess five or six months before she was born; we had been together pretty near a year.
- Q Then you had been living with her five or six months before you moved to Lightning Creek? A I married her and brought her right on to this country, she had one little baby when I married her, going on 2 years old.
- Q Where did you marry her? A I married her in the south
- Q Where did her mother die? A She died on Lightning Creek.
- Q That was her first husband's name? A Warren
- Q This girl's? A She had a man named Reed.
- Q Where did she marry him? A Right there in my house on Lightning Creek.
- Q How long did she and Reed live together? A Why I can't tell you that exactly; they lived together some considerable time and he went off West and left her.
- Q She go to school after that? A Yes, sir, went to school, for she was nothing but a child when she married him.
- Q She went to school in Oswego? A Yes, sir.
- Q And she was up there when she married Elms? A Yes, sir
- Q Her children were born up at Oswego? A They were born up here
- Q On Lightning Creek? A Yes, sir.
- Q Both of them? A Yes, sir, both of them were born there.
- Q Now you had been living with her mother five or six months before this girl was born on Lightning Creek? A Yes, sir, I had been on Lightning Creek about six months I am satisfied before she was born.
- Q How long did you camp on the river then before that? A I never camped there long, I was trying to get to her mother's folks, I stayed there I reckon two or three weeks, I left her down there until I came up and then went back, I came up horseback first.
- Q Then you never lived over there on the river but two or three weeks before you came to Lightning Creek? A No, sir, I made a crop on Grand River but I camped on a little river before I came there.

Q Is his wife living? A No sir, she is dead.  
 Q The reason Willis isn't here to-day is, he is incarcerated in prison and can't appear? A Yes sir.  
 Q Is Callie living? A Yes, sir.  
 Q Living with you? A Yes, he works for me all the time.  
 Q Callie is a boy? A Yes sir.  
 Q H'w old is he? A About twenty, something near that.  
 Q He is living? A Yes sir, he is living  
 Mr. Hastings: Did you know Hooley Bell in Texas? A No sir, I didn't.  
 Q Do you know whether he was living down on Cabin Creek when you came or not? A No sir, I don't.  
 Q When was the first time you ever saw him here after you came out?  
 A I can't tell you just when I did see him the first time, I stopped amongst the colored people, and there is where I worked pretty much all the time for the first two years.

.....

Annie Elms, recalled, testified as follows:

Mr. Hastings: Have you got any brothers or sisters older than you?  
 A One boy, Oscar, he is dead.  
 Q You are the next? A Yes sir.  
 Q Where did your brother Oscar die? A Down about Redland.  
 Q Before you came up here? A He went down there and married and died down there.  
 Q You are the second child? A Yes, sir

Mr. Sequichie: Who did you live with after your mother died?  
 A I married after she died.  
 Q Have any relations around in the neighborhood? A Yes sir, my uncle and my father  
 Q Who was your uncle? A Alonzo Manley was my mother's brother  
 Q Did you apply for enrollment at the Wallace enrollment?  
 A I did.  
 Q Were you enrolled? A I thought I was until the payment came on, I had witnesses and went before the Court.  
 Q Did you apply for enrollment before the Kern-Clifton roll?  
 A No I was sick that summer, my father applied for me.  
 Q Do you know whether they enrolled you or rejected you?  
 A I thought I was enrolled till afterwards, and found out I wasn't; that was the summer my baby was born, I was sick there all the summer; it has never been found on any rolls.  
 Commissioner: You never drew any money from the Cherokee Nation at all? A No sir.

Ellis Warren, recalled, testified:

Commissioner: This oldest son of yours named Willis? A Yes sir  
 Q He always lived in the Cherokee Nation? A Yes sir, never lived out.  
 Q Never lived out? A No sir, only when I sent him off to school.  
 Q Was he married? A Yes sir  
 Q Married in the Cherokee Nation? A Yes sir.  
 Q Is his wife living now? A No sir, she is dead.  
 Q When he married he lived in the Cherokee Nation? A Yes sir  
 Q Did he live in the Cherokee Nation when he was arrested?  
 A Yes sir, arrested at Claremore

The Wallace roll examined and the following names found there:  
 Willis Warren on page 151, No. 3144, Cooweescoowee district  
 Callie Warren on page 151, No. 3146, Cooweescoowee district,  
 as Callie Warren.

Annie Elms--5--

Q Was her mother with you when you made the crop on Grand River?

A Yes sir, she was living with her sister.

Q Were you living with her as your wife? A Yes sir.

Q Then I understand you to say you lived with her while you made a crop on Grand River, and then came out on Lightning five or six months before this girl was born? A I came on and brought her to her sister's and then I came up to Mose Hayden and there I left her and made a crop, because I had no place to make a crop.

Q You left her mother out here at Mose Hayden's? A Yes sir.

Q How far is that from Jack Landrum? A About four or five miles and then Jack Landrum helped me to move all the things I had down there up here.

Q That is the same Jack Landrum was in here as a witness, Jack or John Landrum? A Yes sir, I always call him Jack.

Commissioner: When was the first time you saw Amanda Warren after the war? A Why I saw her right directly after the war, right after the war ended.

Q Where? A I was down here in Denton County Texas.

Q That is the first time? A Yes, sir.

Q When is the first time you saw her in the Cherokee Nation after the war? A I never seen her till I brought her here.

Q You married her in Texas? A Yes sir, married her and brought her to this country.

Q When did you come here with her? A I come here just before Christmas in the fall of '86, I met Harry Still coming to this country.

Q Where did you bring her to? A Brought her down on the river and then I stopped there about three weeks and he told me where her folks was, where her sister was, and I went and got her and came out.

Q Was Amanda ever married before she married you? A No sir.

Q And Annie was born after you married Amanda? A Yes sir.

Q You know Annie to be Amada's child? A Yes sir, she is Amanda's child.

Q And you are her father? A Yes sir, called her father.

Q Was Amanda a colored woman? A Yes sir, a yellow woman.

Q She wasn't a full blood African? A No sir, there is very few of them now.

Mr. Hastings: How long were you up here till you saw Allen Lynch; did you go right to his neighborhood? A I came right in his neighborhood of course; I don't know how long I was out here before I saw him but I was out here a great while.

Q You came right in his neighborhood? A Yes sir, I came right in the neighborhood of where he lived.

Commissioner: Have you been enrolled yet by us? A Yes sir, I have been enrolled.

Q Who did you apply for when you enrolled, who did you have enrolled besides yourself? A No one but myself.

Q You didn't apply for these children? A Their witnesses wasn't there and I didn't apply.

Q Is Willis your son? A Yes sir.

Q Is Callie your child? A Yes sir.

Q Are they the son and daughter of Amanda? A Yes sir.

Q Why isn't Willis here himself? A He is in prison at Muskogee.

Q Is he married, Willis? A No sir, he isn't now.

Q Was he ever married? A He has been married.

Q Has he got any children? A He has one.

Q Where is that child? A It is with its grandmother, his wife's mother.

Annie Elms 7--

Commissioner: Annie Elms applies for the enrollment of herself and two children, Virgie . . . And Byron . She also applies for the enrollment of her two brothers, William M. 26 years of age, and Callis, 20. She avers that her brother Willis is incarcerated in prison and cannot be present himself. She nor the names of her two children cannot be identified upon any of the rolls of the Cherokee Nation. Her two brothers Willis and Callis, are identified upon the Wallace roll. She avers that she is the child of Amanda Warren, a slave, who is now married to Ellis Warren. She avers that she is now married to one Doc Elms, a non citizen, living in the State of Kansas. Proof is made that her mother Amanda is a slave. As to the time of her return to the Cherokee Nation, and her residence, reference is made to the testimony. The said Annie Elms and her two children Virgie and Byron will be now listed for enrollment as Cherokee freedmen on a doubtful card, as well as her two brothers, Willis Warren and Callis Warren. Applicant claims her citizenship through her mother, Amanda, Ellis Warren, her father being a non citizen, and he has been listed for enrollment as a Cherokee Freedman by intermarriage. She will be notified at her postoffice address of the action of the Commission in the premises, when the same is arrived at.

-o-o-o-o-o-o-o-o-o-o-o-

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

(Signed) Bruce C. Jones

Sworn to and subscribed before me this the 8th of July, 1901

(Signed) C. K. Breckinridge  
Commissioner

Lucy M. Bowman, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of the original transcript of the testimony of Annie Elms and Ellis Warren taken at Nowata, I.T. June 25th, 1903.

*Lucy M. Bowman*

Sub scribed and sworn to before me this 7<sup>th</sup> day of January, 1905.

*Charles D. Lamm*  
Notary Public.





To be filed with the case of Matilda Hicks, C. F. D. 1017.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I. T. July 1st 1901.

In the matter of the application of Jesse Hicks for the enrollment of himself and one child as Cherokee freedmen; said Hicks being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES-

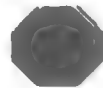
Mr. L. T. Brown, for applicant.  
Mr. J. S. Davenport, for Cherokee Nation.

- Q What is your name? A. Jesse Hicks.  
Q How old are you? A. Well, as near as I can come at my age, I am about 74.  
Q What is your post office? A. Hayden.  
Q What district do you live in? A. Cooweescoowee district.  
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.  
Q Does your name appear upon any of the rolls of the Cherokee Nation?  
A Yes sir.  
Q What roll? A. Clifton.  
Q Name does not appear upon the roll of 1880? A. It might I went before Wallace.  
Q You went before Wallace did you? A. Yes sir.  
Q Did you ever try to have your name put on the roll of 1880? A. (No response)  
Q Did you ever go to Tahlequah? A. No sir.  
Q Who do you want to enroll besides yourself? A. I have got a daughter here.  
Q How old is she? A. She is old enough to tend to her own.  
Q Have you got any children under 21 years of age? A. I have got a boy, that is younger than she.  
Q How old is he? A. 19  
Q His name? A. William Hicks.  
Q You apply for yourself and your son William? A. (No response)  
(By Mr. Brown)  
Q Were you a slave in the Cherokee Nation at the beginning of the Civil war? A. Yes sir.  
Q To whom did you belong? A. Elijah Hicks.  
Q Was Elijah Hicks a Cherokee citizen by blood? A. He was.  
Q Did you go out of the Cherokee Nation during the war? A. Yes sir.  
Q When did you return? A. I returned back in in two years after I went up to Scott.  
Q In what years did you return? A. In the fall of '66.  
Q Where have you lived ever since? A. Oh, I have been living at different places.  
Q Well, tell us about it? A. I stopped, no, I come on down on Big Creek and followed the creek down and I dropped in here were Jim Mosby lived and from there down to Lightning  
Q Have you lived in the Cherokee Nation ever since? A. Yes sir. I have been here ever since, I have never been out as I know of.  
Q Have you ever voted in the Cherokee Nation? A. No, I hardly ever leave home.  
Q Do you own any improvements on the public domain of the Cherokee Nation? A. I have a little improvement.  
(By Com'r Needles)  
Q Are you married? A. No sir, I have been married.  
Q What was your wife's name? A. She was raised by a white woman, her name was Rachel Gar.  
Q Was she a slave? A. Yes sir.  
Q To whom did she belong? A. She belonged to this woman.  
Q Rachel Gar? A. Yes sir.  
Q What was your wife's name before you married her? A. Nancy Gar.  
Q How many times have you been married? A. I never was married but once  
Q Is Nancy Gar the mother of William? A. Yes sir.  
Q Where was William born? A. He was born up here, all our children were born here in the Nation.



- Q Have you any proof of your marriage to Nancy? A. We was just married by a preacher.
- Q Where? A. I said in the Nation.
- Q Well, what part of the Nation? A. Up on the creek, Big creek.
- Q Was that before the war or afterwards? A. That was after the war.
- Q Never had but one wife? A. Well, that is the only woman I has then and I haven't got any more until yet.
- Q Dont care about one now do you? A. No sir, I am getting too old.
- ( By Mr. Brown )
- Q Who married you, Uncle Jess? A. Oh there is so many different little preachers I could not tell you.
- Q Is there any one here present that saw you married? A. Yes, sir I guess so.
- ( By Mr. Davenport )
- Q Uncle Jess, who did you say you belonged to? A. Elijah Hicks.
- Q Where did Elijah Hicks live? A. He lived down here on Dog creek about Claremore.
- Q Did you go south or north during the war? A. You know I never went south in them days.
- ( By Con'r Needles )
- Q Well answer the question? A. I went North.
- ( By Mr. Davenport )
- Q Where did you go? . I went to Fort Scott.
- Q When did you come back? A. I come back in two years after I went there.
- Q When did you go there? A. That was, as near as I can hit it, about '62 or '63.
- Q Now, who come back with you? A. When I come back I come back by myself.
- Q When you come where did you come? A. I was astring to come down to the old place.
- Q I am asking you to where you come? A. I dropped in on the head of Big creek.
- Q On whose place did you stop? A. Sir Hossley's is the first.
- Q Where did you first see Harry Still? A. I come on down further on down and I dropped right out in the old glass place where him and his mother and stepfather lived.
- Q Was Harry living there then? A. Yes sir.
- Q You didn't come down to the Cherokee Nation until after Hayden moved to the Cherokee Nation? A. It was somewhere along there.
- Q Was Hayden down here when you came? A. He was down here.
- Q And lived down there near when Hayden is now? A. Yes sir.
- Q Where did you first see Jack Landrum? A. I always knowed Jack.
- Q Where did you first see Jack after the war? A. He was living then living near Hayden? A. He was living where he is now, it is right up there close to Madden.
- Q He is close to Hayden? A. Yes sir.
- Q Madden dont live over a mile from Hayden? A. Yes sir.
- Q He was living there when you came down? A. Yes sir.
- Q Did you know Harry Still before the war? A. No sir.
- Q Did you know Jack Landrum before the war? A. Yes sir.
- ( By Mr. Brown )
- Q What did you say your wife was, Mr Hicks? A. Nancy Gar, she was a sister of Jess Gar.
- Q Have you any other children other than Will? A. Yes sir.
- Q That is living now? A. That is older than Will.
- Q Yes sir. A. That girl there is older than Will.
- Q What is her name? A. Malinda Hicks.
- Q Where was she born? A. Here.
- Q In the Cherokee Nation? A. Yes sir.
- ( By Mr. Davenport )
- Q You married you said I believe after the war? A. I married directly after I went to Fort Scott.
- Q You married in Kansas then? A. I just staid there a couple of years.
- Q I say did you marry in Kansas? Q. Well, it must have been in Kansas, I was up there.
- ( By Con'r Needles )
- Q Cant you tell where you married? A. Tell the fact, whether I married her here in the Nation.

# CORRECTION



The preceding document(s) has been refilmed  
to assure legibility and its image appears  
immediately hereafter.

- Q Have you any proof of your marriage to Nancy? A. We was just married by a preacher.
- Q Where? A. I said in the Nation
- Q Well, what part of the Nation? A Up on the creek, Big creek.
- Q Was that before the war or afterwards? A That was after the war!
- Q Never had but one wife? A Well, that is the only woman I has then and I haven't got any more until yet.
- Q Don't care about one now do you? A. No sir, I am getting too old.
- ( By Mr. Brown )
- Q Who married you, Uncle Jess? A. Oh there is so many different little preachers I could not tell you.
- Q Is there any one here present that saw you married? A. Yes, sir I guess so.
- ( By Mr. Davenport )
- Q Uncle Jess, who did you say you belonged to? A. Elijah Hicks.
- Q Where did Elijah Hicks live? A. He lived down here on Dog creek about Claremore.
- Q Did you go south or north during the war? A You know I never went south in them days.
- ( By Con'r Needles )
- Q Well answer the question? A I went North.
- ( By Mr. Davenport )
- Q Where did you go? . I went to Fort Scott.
- Q When did you come back? A. I come back in two years after I was there
- Q When did you go there? A. That was, as near as I can hit it, about '62 or '63.
- Q Now, who come back with you? A When I come back I come back by myself
- Q When you come where did you come? A. I was aiming to come down to the old place.
- Q I am asking you to where you come? A. I dropped in on the head of Big creek.
- Q On whose place did you stop? A. Sir Moseley's is the first.
- Q Where did you first see Harry Still? A. I come on down further on down and I dropped right out in the old glass place where him and his mother and stepfather lived.
- Q Was Harry living there then? A. Yes sir.
- Q Was Hayden living there then? A. No sir.
- Q You didn't come down to the Cherokee Nation until after Hayden moved to the Cherokee Nation? A. It was somewhere along there.
- Q Was Hayden down here when you came? A. He was down here.
- Q And lived down there near when Hayden is now? A. Yes sir.
- Q Where did you first see Jack Landrum? A. I always knowed Jack.
- Q Where did you first see Jack after the war? A. He was living there.
- Q Living near Hayden? A. He was living where he is now, it is right up there close to Madden.
- Q He is close to Hayden? A. Yes sir.
- Q Madden don't live over a mile from Hayden? A Yes sir.
- Q He was living there when you come down? A Yes sir
- Q Did you know Harry Still before the war? A. No sir.
- Q Did you know Jack Landrum before the war? A. Yes sir.
- ( By Mr. Brown )
- Q What did you say your wife was, Mr Hicks? A Nancy Oar, she was a sister of Jess Oar.
- Q Have you any other children other than Will? A Yes sir
- Q That is living now? A. That is older than Will!
- Q Yes sir. A That girl there is older than Will.
- Q What is her name? A. Malinda Hicks.
- Q Where was she born? A. Here.
- Q In the Cherokee Nation? A. Yes sir.
- ( By Mr. Davenport )
- Q You married you said I believe after the war? A. I married directly after I went to Fort Scott.
- Q You married in Kansas then? A. I just staid there, a couple of years.
- Q I say did you marry in Kansas? Q Well, it must have been in Kansas, I was up there.
- ( By Con'r Needles )
- Q Can't you tell where you married? A. Tell the fact, about it I married her here in the Nation.

HARRY STILL, being sworn and examined by Commissioner T. B. Needles testified as follows: EXAMINATION BY MR. BROWN-

Q State your name? A. Harry Still.

Q Your age? A. 54.

Q Your post office? A. Hayden.

Q Do you know the applicant, Jesse Hicks? A. Yes sir.

Q Where did you see him after the war, first, after the close of the civil war? A. A '62.

Q You saw him in '62? A. Yes sir.

Q Where did you see him after the close of the war for the first time? A. '66 in the fall.

Q Where was that? A. At my place.

Q In the Cherokee Nation? A. Yes sir.

Q Where was he living then? A. At the head of Lightning creek.

Q Did you know his wife? A. I have seen her, I don't know her.

Q Do you know whether or not they were ever married? A. I don't.

Q Do you know his two children? Willie and Matilda? A. Yes sir.

Q At the time these two children were born was applicant here and his wife living together as man and wife? A. Yes sir.

Q Were they recognized as man and wife in the community in which they lived? A. When Jess come back here I was down to my father's a good deal and when I saw Jess in '67 he went away and he took his claim up on Lightning creek; he went away and when Jess come back I didn't see his family until about '67 and when I saw Jess after he come where we was and I didn't see his family he come back to his place on Lightning creek and I haven't seen such of him since until here lately; I know his children.

(By Mr. Davenport)

Q You say you were ~~down~~ not at home when he come there? I was down on Grand river, I was there when he come there in '66, he was trying to get back to his Master's on Dog creek.

Q What time of the year was it? A. It was just before Christmas.

Q Might not it have been after Christmas? A. When I saw him it was just a little before Christmas.

Q He was alone then was he? A. Yes sir.

Q Didn't have any family with him? A. No sir.

Q You didn't know him before the war? A. I know him in '62.

Q That was at Fort Smith? A. Yes sir.

Q He has been living all the time up there since? A. Yes sir. He never has been back.

Q You don't know about his wife returning? A. No sir.

(By Mr. Brown)

Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.

FRANK ROSS, being sworn by Commissioner Needles, testified as follows

(By Mr. Brown)

Q State your name? A. Frank Ross.

Q How old are you? A. 53.

Q What is your post office? A. Hayden.

Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.

Q Does your name appear upon the authenticated roll of 1880? A. Yes sir.

Q Do you know the applicant, Jesse Hicks? A. Yes sir.

Q How long have you known him? A. Ever since I can recollect.

Q Do you know to whom he belonged at the beginning of the civil war? A. Belonged to Elijah Hicks.

Q Was Elijah Hicks a Cherokee citizen by blood? A. Yes sir.

Q Was Jesse Hicks taken or go out of the Cherokee Nation during the war? A. Yes sir.

Q When did he return? A. I saw him in the winter of '66 on Lightning creek.

Q Do you know whether he has lived in the Cherokee Nation ever since he returned in '66? A. I have saw him ever since he returned.

Q Do you know his wife? A. Yes sir.

Q Do you know whether or not they were ever married? A. I don't know, they lived together as man and wife.

Q Do you know his two children, Will and Matilda? A. Yes sir.

Q Were they living together as man and wife when these two children were born? A. Yes sir.

Q Were they recognized in the community as man and wife? A. Yes sir.

( By Gen'r Needles )

- Q How long did you know them as man and wife? A. Ever since '60.  
Q What was your wife's name? A. Nancy Carr, she used to be.  
Q Is she living now? A. No sir, she is dead.  
Q How long has she been dead? A. I don't know exactly, she has been dead a long time.  
( By Mr. Davenport )  
Q How far did you live from where he located when he came back here?  
A Now?  
Q Yes, now? A It was about five miles.  
Q How far did you live from the place he located then when he located?  
A I lived there on Pryor creek then about 30 miles I guess.  
Q Now, where did Elijah Hicks live when the war broke out? A. He was dead.  
Q Who did the applicant belong to at the breaking out of the war? A Belonged to his wife.  
Q What was her name? A Marguerite Hicks, old Lewis Ross' sister.  
Q Where did Marguerite Hicks live at the breaking out of the war? A. On Dog creek.  
Q What part of Dog creek? A There nearest to Claremore.  
Q Near what place now? A. I don't know, it is not very far from Claremore.  
Q Did Elijah Hicks ever live on Dog creek? A. Yes sir.  
Q Did Marguerite Hicks ever have a home on Dog creek? A. Yes sir, I have been to her house a good many times.  
Q Do you know where that place is now? A. I could go to it.  
Q Do you know who owns it now? A John Hicks I think.  
Q Was John Hicks a son of Elijah Hicks? A Yes sir, and Charley.  
Q When did you first see the applicant after the war? A Saw him in '68.  
Q What time of the year? A. Along before Christmas.  
Q How long before Christmas? A. It was not more than two weeks.  
Q Were you living up on? A No, I was not living up there.  
Q Had you known him before the war? A. I had known him all my life.  
Q How near him did you live? A. I lived about 12 miles from Dog creek.  
Q That was before the war broke out? A Yes sir, old man Ross had a rancho out there.  
Q Were you one of the boys staid out there on the rancho? A Yes sir.  
Q You come to remember it was about two weeks before Christmas? A When I went back home about two weeks it was Christmas day.  
Q Can you remember a single incident where a thing happened just two weeks before Christmas? A Yes sir lots of them.  
Q Now, recall one of them? A. I recollect about two weeks before Christmas I was up to Coffeyville and I got drunk and had to run and leave there.  
Q You are sure it was just two weeks before Christmas? A. Yes sir.  
Q Now what year was it the Wallace roll was made? A. Along about '84 or '85.  
Q When was the Kern Clifton roll made? A. About '86.  
Q What year was the payment? A. What payment?  
Q The Clifton payment, the Dixon payment? A '87 I think.  
Q You are not positive about what year it was? A. Pretty near it.  
Q That was about four years ago? A. It has been a little over four.

JESSE HICKS, the applicant, recalled: By Mr. Brown-

- Q Mr. Hicks, have you drawn what is known as strip money? A. Yes sir

The 1880 authenticated roll and 1896 census roll of freedmen of the Cherokee Nation examined and have as applicant not found thereon.

The Kern Clifton roll of freedmen of the Cherokee Nation examine and name of applicant found thereon, page 154, 3817 subject as is Hicks, Cooweescoowee district.

( By Gen'r Needles )

- Q Did you have a child named Jessie? A My name is Ross and here is signed just like.  
Q Did you have one named Matilday? A Yes sir.  
Q Is she living? A. Yes sir.  
Q Did you have one named Finney? A. Yes sir.

Q Is she living? A He is living; that is William; his has got three names, Roiley.

Q What do you call him now? A Sometimes we call him Tinney.

Q How do you want this boy enrolled? A I mostly call him Tinney.

The Kern Clifton roll of the Cherokee Nation examined and name of applicant's child found thereon, page 154, #3220, Fennie Hicks, Nowassocowee district.

Com'r Needles- Jesse Hicks applied for the enrollment of himself and his child, William. He cannot be identified upon the authenticated roll of 1880 or census roll of 1886, but he and his son are identified upon the Kern Clifton roll according to the page and number of the roll as indicated in the testimony; the child being identified as Fennie. He avers that he was a slave of Elijah Hicks, who was a Cherokee citizen and was taken out of the Cherokee Nation during the war and returned in 1846, and has lived in the Cherokee nation ever since. Reference is made to his testimony. He will now be listed for enrollment, with his child, William, as Cherokee freedman upon a doubtful card. He will be notified by mail of the decision of the Commission.

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 18th day of July, 1901.

(signed) T. B. Needles

Commissioner.

I, Chas. von Weise, upon my oath state that the above is a full and correct copy of the original.

*Chas. von Weise*

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

*[Signature]*

Commissioner.

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I. T. July, 2d 1901.

In the matter of the application of Matilda Hicks for the enrollment of herself and a niece as Cherokee freedmen; she being sworn by Commissioner T. B. Needles, testified as follows:-

Lewis T. Brown agent for applicant

W. W. Hastings Cherokee attorney.

By Com'r Needles:-

- Q What is your name? A. Matilda Hicks.  
Q What is your age? A. 22.  
Q What is your post office address? A. Hayden  
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir  
Q Who else do you want to have enrolled? A. My niece.  
Q What is her name? A. Beatrice Warren.  
Q How old is she? A. 3 years old.

By Brown:-

- Q Where were you born? A. In the Cherokee Nation.  
Q What was your fathers name? A. Jess Hicks.  
Q What is your mothers name? A. Nancy Hicks.  
Q Is your father the Jess Hicks who was enrolled last night? A. Yes sir.  
Q Where have you lived all your life? A. In the Cherokee Nation  
Q Who was the mother of your niece? A. My sister Jessie.  
Q Where was she born? A. In the Cherokee Nation.  
Q Did she live here when she died? A. Yes sir  
Q What was her fathers name? A. Willis Warren.  
Q Were they married? A. Yes sir

By the Commission:-

- Q Are you married? A. No sir.  
Q Never were married? A. No sir.

Applicant not found on the 1886 or 1896 rolls of the Cherokee Nation

Kern Clifton roll examined and the applicant found as follows:-  
Page 184, No. 3819 Matilda Hicks, Cooweescoowee district.

Kern Clifton roll examined and the name of the mother of the applicant's niece found thereon as follows:  
Page 184 No. 3818 Jessie Hicks, Cooweescoowee district.

By Hastings:-

- Q In what part of the Cherokee Nation were you born? A. On Lightning Creek  
Q Have you lived there ever since? A. Yes sir.  
Q Never worked in Kansas? A. No sir.

By Com'r Needles,- Matilda Hicks applies for herself and a niece, Beatrice Warren; she swears that she is the child of Jesse Hicks who has been listed as Cherokee freedman D. Card #1887 and the testimony taken in his case is hereby referred to and will be made a part of this report and a copy filed herewith. She swears that her niece is the grand daughter of the said Jesse Hicks. The applicant is only identified on the Kern Clifton roll, and likewise the mother of the applicant's niece. Satisfactory proof of birth is made as to the said Beatrice Warren. They are duly identified and make satisfactory proof as to residence. Now the said Matilda Hicks and Beatrice Warren will be listed for enrollment as Cherokee freedmen on a duplicate card and be



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final decision of the Commission will be made known to her by mail.

.....

Khas. von Weise, being sworn states that all as narrated to the Commission to the Five Civilized Tribes is 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 thereon.

*W. A. ...*

Subscribed and sworn to before me this 10th of July, 1901.

*[Handwritten Signature]*

Commissioner



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 5th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Jesse  
Hicks et al., C. F. D. 1005.

Appearances:

James S. Davenport for the Cherokee Nation  
Melleto & Smith for the applicants.

DOUGLAS WALKER being first duly sworn by Commissioner T. B. Needles  
testified as follows on the part of the Cherokee Nation:

( By Davenport )

Q What is your name? A Douglas Walker.

Q Where do you live? A In Linn County Kansas.

Q What is your post office address? A Mound City, Kansas.

Q How old are you? A 50 .

Q How long have you been living in Moud City, Kansas? A Since '57.

Q Since you have been living in Mound City Kansas, did you get ac-  
quainted with a colored man named Jesse Hicks? A Yes sir.

Q When did you first get acquainted with him? A In '69 or '70.

Q How near were you living to him at that time? A On my first ac-  
quaintance with him he was living in Bourbon County, four or five  
miles from me.

Q Did he live nearer to you after that? A Yes sir.

Q How long after you first got acquainted with him before you lived  
near or to him? A In '70 or '71.

Q Did he own property there? A Yes sir.

Q What kind of property? A Land.

Q What kind of land? A 40 acres.

Q Do you know from whom he bought it? A He took a homestead on it.

Q How long did he reside on this homestead? A As near as I can  
recollect,-- let me count a little--He homesteaded that in '77 or '8  
and he owned it--and he held it until the fall of '89.

Q Do you know whether or not he voted while he was living there in  
Kansas? A I am not sure.

Q Did he have a family there? A Yes sir.

Q What was his wife's name? A Nancy.

Q Have any children? A Yes sir.

Q Do you know their names? A Yes sir.

Q What were their names? A Matilda was the oldest girl.

Q You say he moved away from there, when? A Fall or the beginning  
of the winter of '89; he sold the tract of land and moved out of that  
neighborhood.

Q You first got acquainted with him in what year? A In '69 or '70

Q From the time you got acquainted with him until '89 where did he  
live? A In Bourbon and Linn counties; he rented until he took this  
homestead and then he lived on that.

Q Did he have his family on this land? A Yes sir.

( By Melleto )

Q Did you know him all the time from '69 or '70 until he left? A Yes  
sir.

Q You say he lived in two counties? A Yes sir.

Q Did you know him in both counties? A Yes sir I was close to the line.

Q Did he have a house? A He was getting out coal when I first knew  
him and he afterwards moved in our neighborhood and rented land, he  
rented land from me for one year.

Q Do you know where he was in '69? A No sir.

Q You knew that he did move to this country in '69? A I said that  
he moved away from there.

Q Well you know he came to this country don't you? A That is where  
he said he was going.

( By Davenport )

Q You spoke about renting some land to him, when did he rent land

from you? A In '75 for one year.

JAMES WALKER, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

( By Davenport )

Q What is your name? A James Walker.

Q How old are you? A I am in my 75th year now.

Q Where do you live? A In Linn County Kansas at Present.

Q Did you ever live near Mound City, Kansas? A Four miles due south of it.

Q How long did you live there? A Ever since '57 I taken a claim there and went on it in '57.

Q Did you get acquainted with Jesse Hicks, a colored man there? A I knew him before he moved there, I knew him in Fort Scott.

Q When did you get acquainted with him at Fort Scott? A During the war

Q When did he move from Fort Scott to Mound City? A I dont know the exact date but I can remember seeing him there, I was in the timber and saw them, and I knew his wife.

Q What was his wife's name? A Nancy, is what we called her, she was a servant in the boarding house where I staid in Fort Scott.

Q What year did you live in Fort Scott? A I began working there in the fall of '62 and I think I worked five or six summers there off and on.

Q What portion of the time that you were in Fort Scott did you see Nancy and Jesse Hicks there? A It was as late as the Price raid.

Q Towards the close of the war? A Yes sir.

Q Then you went to Mound City? A That was my home all the time.

Q You dont know exactly what year they came to Mound City? A No sir

Q Do you know how long they lived there at Mound City? A 10 or 12 years

Q Do you know of their having lived near Douglas Walker's place? A I believe they did live there temporarily for a few months in an old house and they afterwards got a place a mile or two from there.

Q Who did he get his property from? A The United States.

Q How long did he stay there on that homestead? A Until he came here.

Q How long since he came here? A Either just before or just after Duncan did.

Q Who do you mean? A Joe Duncan.

( By Mellette )

Q He must not have homesteaded that place until about '77 or '8? A No sir I dont think he did, but it might have been sooner.

Q He was living first here and then there at different places until he homesteaded that place and he lived on that place about 12 years you say? A Yes sir.

Q You dont know where he was in '66, '67 or '68? A Not very dead certain; I knew of him getting out coal on he Osage before he came there.

Mrs. Miama Walker, being first duly sworn by Com'r T. B. Needles testified as follows on the part of the Cherokee Nation:

( By Davenport )

Q What is your name? A Mrs. Miama Walker.

Q How old are you? A 76.

Q Where do you live? A Linn County Kansas

Q What is your post office address? A Blue Mound, Kansas.

Q You are the wife of James Walker? A Yes sir.

Q Have you lived near Mound City, Kansas? A Yes sir.

Q While living there did you get acquainted with a colored man named Jesse Hicks? A Yes sir well acquainted.

Q Where were you living then? A On our farm close by there.

Q Did you know his wife? A Yes sir, Nam.

Q Did you know any of their children? A Jess, Tilly and Charles.

Q Do you know when they first lived near you? A '67 or something like that, I dont remember exactly.

Q After the war? A Yes sir, for eight or nine years I guess I dont know exactly.

Q Did you know them before they moved there? A No sir.

Q Do you know how many years they lived there near you? A I dont expect I can tell exactly how long it be very correct.

Q Do you think they lived right there near you more than a year? A Yes sir five or six year.

( By Mellette )

Q You say it might have been eight or nine years after the war that you knew them—that you got acquainted with them? A I cant say for certain.

Q It was some time after the war? A Yes sir.

NEV CAMPBELL, being first duly sworn by Com's T. B. Needles, testified as follows: ( on the part of the Nation )

( By Davenport )

Q What is your name? A Nev Campbell.

Q Where do you live? A Mound City, Kansas.

Q How old are you? A 37.

Q How long have you lived at Mound City Kansas? Or near there? A 35 years.

Q Since you have been living there or near there, did you get acquainted with a colored man named Jesse Hicks? A I got acquainted with Jesse Hicks—I dont remember exactly when.

Q Did you know his family? A I dont know that I ever got acquainted with his family.

Q Do you know where he was living when you got acquainted with him? A Yes sir.

Q Where? A On a forty acre tract of land about six miles south of Mound City and about six miles east of where I lived.

Q What year was that? A I got acquainted with him and knew him, and knew the place in '75, '6 or '7, I cant say exactly which.

Q Do you know when he left there? A Yes sir he left there somewhere close to the '90's, in '78 or '9.

Q You don't mean '78 or '9? A No sir '88 or '89.

Q Do you know where he went from there? A Only by hearsay that he came here to the Territory.

Q You didn't know him before he came to the Mound City neighborhood? A No sir.

( By Mellette )

Q You don't know that the Jesse Hicks you knew in Kansas is the Jesse Hicks who has applied here for enrollment? A No sir.

ROBERT FLEMING, being first duly sworn by Com's T. B. Needles testified as follows on the part of the Cherokee Nation—

( By Davenport )

Q What is your name? A Robert Fleming.

Q What is your age? A I am 50.

Q Where do you live? A Mound City, Kansas.

Q How long have you lived at Mound City Kansas? A 42 years, around in through there.

Q Since you have been living there did you get acquainted with a colored man named Jesse Hicks? A Yes sir.

Q About what year did you get acquainted with him? A Didn't get personally acquainted with him until some time in the '70's; I knew of him before but never had any business with him until in the '70's.

Q Where was he living then with reference to Mound City? A On Elk Creek four and a half miles south of Mound City.

Q Did you know his family? A Just when I saw them.

Q Do you know how long he continued to live there in that neighborhood after you got acquainted with him? A Well about.

Q About how many years? A I think he was there until about '80, I knew him from '75 to '80 anyway.

( No questions by Mr. Mellette )

This testimony will be filed also in the case of Matilda Hicks, Cherokee Freedman Doubtful card No. 1017.

\* \* \* \* \*









Department of the Interior,  
Commission to the Five Civilized Tribes,  
Langhorne, I. T., May 31, 1906.

In the matter of the application of FREDY ADAMS for enrollment  
as a Cherokee Freedman:

Applicant appears by Hallett & Smith; Cherokee Nation, by  
W. W. Hastings:

By H. Smith:

The applicant moves the Commission to make the certified  
copy of the decree of the Court of Claims in the case of  
James Whitire, Trustee for the Freedmen, vs The Cherokee Nation,  
No. 17206, filed in the Mariah Hayden case F. D. 498, a part of the  
record in this case and the cases hereinafter mentioned by refer-  
ence to the said case of the said Mariah Hayden, and if it be  
deemed necessary that a copy of the said decree be filed in this  
case and in the following cases, to-wit:

Matilda Nichols, D 1217;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-  
duction of the decree because, First: It does not tend to show that  
the applicant was a slave of the Cherokee Nation at the beginning of  
the war, nor that he returned within the time specified in the  
treaty of 1863, or that he had been a continuous resident of the  
Cherokee Nation since that time, or that he is a descendant of  
such a person. Second: Because the same is inconsistent, irrele-  
vant and immaterial, and does not tend to prove an issue in this  
case. Third: Because the Commission will take judicial knowledge  
of all laws, treaties and decrees necessary for the determination  
of the right of any person who makes application for citizenship.  
Fourth: The Cherokee Nation objects to the filing of a certified  
copy of this decree in the case of an applicant unless the case  
is called and filed in such individual case.

Commission:

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

It is ordered that the applicant do they move that as to the above named  
cases included in the foregoing list, the applicant do file a copy of  
the said decree in each of the cases named in the foregoing list  
and in all the cases here named with the exception of those which came  
within the provisions of the temporary legislation recently granted  
by House Bill of the United States Court, of the Northern District  
Indian Territory.

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.

C. 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 as 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 ruling of the Commission, that under the agreement between the attorneys that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission.

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

-----

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

(Signed) E. G. Rothenberger.

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

(SEAL)

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

-----

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

*E. C. Bagwell*

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

*P. G. Reuter*  
Notary Public.

**FILED**  
DEC 31 1904  
COMMISSION TO FIVE TRIBES.

Cherokee freedmen D-1017

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

MUSKOGEE, I.T., NOVEMBER 21, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Matilda Hicks, et al., as Cherokee Freedmen.

On October 21, 1904, the applicant was notified by registered mail, and on October 25, 1904, the attorneys for the Cherokee nation were notified by letter, that the application for the enrollment of Matilda Hicks, et al., as Cherokee Freedmen, would be taken up by the Commission to the Five Civilized Tribes at its offices in Muskogee, Indian Territory, on the 21st day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration. Receipt has been acknowledged of the Commission's letter.

Now on the 21st day of November, 1904, this cause coming on to be heard, pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee nation appearing by its attorneys, Pell, Hastings & Davenport, submits this case upon the evidence now of record.

-o-o-o-o-o:0:o-o-o-o-o-

H.M.Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings had in the above entitled cause on the 21st day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.M. Vance*  
Subscribed and sworn to before me this 14 day of December, 1904

*Charles N. Sawyer*  
Notary Public.

9-7-11  
86

Cherokee Freedmen  
D-1017

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

In the matter of the application for the enrollment  
of Matilda Hicks and Beatrice Warren as Cherokee Freedmen.

-1-

DECISION.

The record herein shows that on July 2, 1901, Matilda Hicks appeared before this Commission at Nowata, Indian Territory, and made application for the enrollment of herself and Beatrice Warren as Cherokee Freedmen. A copy of the testimony of Jesse Hicks, taken at Nowata, Indian Territory, July 1, 1901, of its decision rendered by this Commission on March 11, 1904, and of Departmental letter of June 20, 1904, (I. T. D. 4802-1904), in the case of Jesse Hicks, et al., Cherokee Freedman D 1007, and a copy of the testimony of Annie Elms and Ellis Warren, taken at Nowata, Indian Territory, June 26, 1901, of its decision rendered by this Commission April 20, 1904, and of Departmental letter of August 20, 1904, (I. T. D. 6374-04), in the case of Annie Elms, et al., Cherokee Freedman D 869, is filed herewith and made a part of the record in this case.

The evidence in this case shows that the principal applicant, Matilda Hicks, is the daughter of one Jesse Hicks, and a full sister of one William Hicks, both of whom were denied enrollment as Cherokee Freedmen by this Commission on March 11, 1904, and its action affirmed by the Department June 20, 1904, Departmental letter (I. T. D. 4802-04); that the minor applicant, Beatrice Warren, is the child of one Jesse Hicks, deceased, and one Willis Warren; that the said Jesse Hicks, deceased, was a full sister of the principal applicant, Matilda Hicks, and that the said Willis Warren was denied enrollment as a Cherokee freedman by this Commission on April 20, 1904, and its action affirmed by the Department on August 20, 1904, (I. T. D. 6374-04); and that the applicants herein possess no rights to enrollment other than as descendants of their above named ancestors, and neither the said applicants nor their said ancestors can be identified on the Cherokee authenticated tribal roll of 1838.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Matilda Hicks and Beatrice Warren, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1906, ( 30 Stat., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES



Chairman



Commissioner



Commissioner

Dated at Muskogee, Indian Territory,  
this     MAY 13     1905

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

In the matter of the application for the enrollment of Annie Elms, et al., as Cherokee Freedmen.

## D E C I S I O N .

The record in this case shows that on June 25, 1901, Annie Elms appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself and minor children Virgie C. and Byron Elms, and for her brothers, Willis and Callis Warren as Cherokee freedmen. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on September 23, 1901.

The evidence shows that all the applicants herein were born since 1866, and are the children and grandchildren of Amanda Warren, who, prior to the commencement of the rebellion, was a slave of a Cherokee citizen; that about the commencement of the rebellion said Amanda Warren was sold to a resident of the State of Texas and was taken outside of the Cherokee nation. It does not appear that at the commencement of said rebellion said Amanda Warren was a free colored person or the slave of a Cherokee citizen, or that she returned to or was residing in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of freedmen to said Nation.

Said applicants have only such rights as they may have acquired by virtue of their being descendants of said Amanda Warren. It further appears that the names of none of the applicants herein is found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Annie Elms, Virgie C. Elms and Byron Elms, Willis Warren and Callis Warren should be denied under the provisions of section twentyone 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 Bixby  
Chairman

(Signed) T. B. Needles  
Commissioner

(Signed) C. R. Breckinridge  
Commissioner

Dated at Muskegeep I.T.

this Apr 20 1904.

Q 7718

Cherokee Freedmen  
D-1017.

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

In the matter of the application for the enrollment  
of Matilda Hicks et al., as Cherokee Freedmen.

-:-

O R D E R .

It is ordered that a copy of its decision rendered by  
this Commission on March 11, 1904, and Departmental letter of  
June 20, 1904, (I.T.D. 4802-04 ), affirming said decision, in  
the case of Jesse Hicks, et al., Cherokee Freedmen No. D 1007,  
and the testimony of Annie Elms and Ellis Warren, taken at Nowata,  
Indian Territory, June 25, 1901, its decision rendered by this  
Commission on April 20, 1904, and Departmental letter of August  
20, 1904, (I. T. D. 6374-04), affirming said decision, in the  
case of Annie Elms, et al., Cherokee Freedmen Case No. D 860, be  
filed with and made a part of the record in the case of Matilda  
Hicks, Cherokee freedmen No. D 1017.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Tame Dixby.*

Commissioner

Dated at Muskogee, Indian Territory,

this JAN 7 1905



C. M. McR.

Cherokee Freedmen D-1000.

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

In the matter of the application for the enrollment of  
Jesse Hicks and his minor son, William Hicks, as Cherokee Freedmen.

D E C I S I O N .

The record in this case shows that on July 1, 1901, Jesse Hicks appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of himself and his minor son, William Hicks, as Cherokee freedmen. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 5, 1901.

The evidence in this case shows that Jesse Hick was the slave of a Cherokee citizen at the commencement of the rebellion; that he left the Cherokee Nation during the rebellion but returned thereto and established a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

The evidence further shows that the said Jesse Hicks remained in the Cherokee Nation for two years or more following the date of his return thereto, as above mentioned, and that he then removed with his effects to the State of Kansas, where he entered a Government homestead and established a residence on which he lived from about 1869 until about 1889, when he returned to the Cherokee Nation, where he has since resided. The applicant's son, William Hicks, being a minor, his residence is determined by that of his father.

Section two of Article one of the Constitution of the Cherokee Nation provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease."

It is, therefore, the opinion of this Commission that the application for the enrollment of Jesse Hicks and William Hicks

as Cherokee freedmen should be denied under the provisions of law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Toms Bixby  
Chairman.

(Signed) T. B. Needles  
Commissioner.

(Signed) C. R. Breckinridge  
Commissioner.

(Signed) W. E. Stanley  
Commissioner.

Muskogee, Indian Territory,

Mar 11 1904.

COPY.

Cherokee Freedmen  
D-1017.

Muskogee, Indian Territory, September 11, 1903.

Matilda Hicks,

Hayden, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and niece, Beatrice Warren, as Cherokee Freedmen, you are hereby advised that further testimony is required as to the residence of said Beatrice Warren since her birth; and also as to whether her mother, Jessie Hicks, now deceased, was born since the War of the Rebellion.

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 points above mentioned.

Respectfully,

Chairman.

Copy.

Cherokee Freedmen  
D-1017.

Muskogee, Indian Territory, September 11, 1903.

Edgar Smith,

Attorney for Matilda Hicks, et al.,  
Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Matilda Hicks, et al., as Cherokee Freedmen, you are hereby advised that further testimony is required as to the residence of Beatrice Warren since her birth; and also as to whether her mother, Jessie Hicks, now deceased, was born since the war.

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 the applicant has been directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

D.C. 21471-1904.  
I.T.D. 4802-1904.

( COPY )

W.C.P. J.P. PHE

L.R.S.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

June 20, 1904.

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

Gentlemen:

March 15, 1904, you transmitted the record in the matter of the application of Jesse Hicks for enrollment of himself and his minor son, William Hicks, as Cherokee freedmen (F.D.-1007), including your decision of March 11, 1904, rejecting said application

Reporting in the matter June 10, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

1 inclosure.

R. A. Hitchcock,  
Secretary.

D.C. 30794-1904  
I.T.D. 6374-1904

( Copy of a Copy )

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

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

August 20, 1904.

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

Gentlemen:

May 3, 1904, you transmitted the record in the matter of the application for the enrollment of Annie, Virgie C. and Byron Elms, Willis and Callis Warren, as Cherokee freedmen, including your decision of April 20, 1904, rejecting said application.

Reporting in the matter August 9, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed)

Thos Ryan  
Acting Secretary

1 inclosure

COPY

Cherokee Freedmen  
D-1017.

Muskogee, Indian Territory, October 21, 1904.

Matilda Hicks,

Hayden, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and niece, Beatrice Warren, as Cherokee freedmen, you are advised that further testimony is required as to the residence of the said Beatrice Warren since her birth, and also as to whether her mother, Jessie Hicks, now deceased, was born since the war of the rebellion. Testimony is also desired as to Willis Warren, father of the said Beatrice Warren, and whether he possesses any rights to enrollment as a Cherokee freedman.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, November 21, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

(Signed): Tams Bixby.  
Chairman.

copy.

Cherokee Freedmen  
D-1017

Muskogee, Indian Territory, October 21, 1904.

Louis T. Brown,

Attorney for Matilda Hicks et al.,  
Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Matilda Hicks and her minor ward, Beatrice Warren, as Cherokee freedmen, you are advised that further testimony is required tending to show the residence of the said Beatrice Warren since her birth, and also as to whether her mother, Jessie Hicks, now deceased, was born since the war of the rebellion. Also further testimony is desired as to the citizenship of Willis Warren, father of the said Beatrice Warren.

The said Matilda Hicks has, therefore, this day been directed to appear before the Commission at its office in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, November 21, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

(Signed) James Dixby,  
Chairman.

Register.



COPY.

Cherokee Freedmen  
D-1077.

Muskogee, Indian Territory, November 28, 1904.

Matilda Hicks,

Hayden, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of November 17, relative to the enrollment of Beatrice Warren as a Cherokee freedman.

In reply, you are advised that this case was taken up for further hearing on November 21, 1904, and there being no appearance on behalf of the applicant said case was closed, and will be considered by the Commission upon the evidence of record. When a decision has been prepared you will be furnished with a copy.

Respectfully,

(SIGNED) *I. B. Needles.*  
Commissioner in Charge.

COPY.

Cherokee Freedmen

D-1017.

Muskogee, Indian Territory, January 10, 1905.

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

Gentlemen:

There are herewith inclosed copies of supplemental proceedings had at Muskogee, Indian Territory, in the following Cherokee freedmen cases:

C. F. D-1012	-----	Charlotte French,
C. F. D-879	-----	Frank Love,
C. F. D-475	-----	Emma Powell, et al.,
C. F. D-877	-----	Victoria Carter.

There is also inclosed a copy of the Commission's decision dated March 11, 1904, a copy of departmental letter of June 20, 1904, affirming said decision in the case of Jesse Hicks, et al., and a copy of the testimony taken at Nowata, Indian Territory, on June 25, 1901, in the matter of the application for the enrollment of Annie Elms, et al., as Cherokee freedmen, together with an order dated January 7, 1905, and signed by Commissioner Bixby, making same a part of the record in the matter of the application for the enrollment of Matilda Hicks, et al., Cherokee freedmen D-1017.

There is also inclosed copy of the testimony taken at Nowata, Indian Territory, on June 29, 1901, in the matter of

John H. Brown for enrollment as a Cherokee freedman, a copy of the Commission's decision dated April 20, 1904, denying said application, and a copy of departmental letter dated August 20, 1904, affirming said decision, together with an order dated September 13, 1904, and signed by Commissioner Bixby, making same a part of the record in the matter of the application for the enrollment of Serina Brown, et al., Freedmen D-951.

Respectfully,

(SIGNED). *Tams Bixby.*  
Chairman.

Incl. S-9.

Cherokee Freedmen

D-1017.

Muskogee, Indian Territory, January 11, 1905.

Louis T. Brown,

Attorney for Matilda Hicks, et al.

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the Commission's decision dated March 11, 1904, a copy of a departmental letter of June 20, 1904, affirming said decision in the case of Jesse Hicks, et al., and a copy of the testimony taken at Nowata, Indian Territory, on June 25, 1901, in the case of Annie Elms, et al; also copy of the Commission's decision dated April 20, 1904, a copy of departmental letter dated August 20, 1904, affirming said decision in the case of Annie Elms, et al., together with an order dated January 7, 1905, and signed by Commissioner Bixby, making same a part of the record in the matter of the application for the enrollment of Matilda Hicks, et al., Cherokee Freedmen D-1017.

Respectfully,

Incl. S-10.

Chairman.

COPY.

Cherokee Freedman  
D-1017.

Muskogee, Indian Territory, May 13, 1905.

Matilda Hicks,

Hayden, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application for the enrollment of yourself and your ward, Beatrice Warren, as Cherokee freedmen. There has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

(SIGNED) *Tams Bixby.*  
Chairman.

Incl. L-49.

Register.

COPY.

Cherokee D-1017.

Muskogee, Indian Territory, May 13, 1905.

Louis T. Brown,

Attorney for Matilda Hicks,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application for the enrollment of Matilda Hicks et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

(SIGNED) *Tams Bixby*  
Chairman.

Incl. L-50.

Register.

COPY.

Cherokee Freedman  
D-1017.

Muskogee, Indian Territory, May 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application for the enrollment of Matilda Hicks et al., as Cherokee freedmen.

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

Respectfully,

SIGNED: *Tam. Dixby.*  
Chairman.

Incl. L-61.

COPY.

Cherokee Freedmen  
D-1627.

Muskogee, Indian Territory, May 13, 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 Matilda Hicks et al., as Cherokee freedmen, including the Commission's decision, dated May 13, 1905, rejecting said application.

Respectfully,

Incl. L-52.

Through the  
Commissioner of Indian Affairs.

(SIGNED) *Tams Bixby*  
Chairman.



Refer in reply to the following:

Land.  
37633-1905.

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

June 6, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Matilda Hicks for herself and her minor niece, Beatrice Warren.

May 13, 1905, the Commission decided adversely to the applicants.

The record shows that the principal applicant is the daughter of one Jesse Hicks and a full sister of one William Hicks the rejection of whose claims was approved by the Department; June 20, 1904 (I.T.D.4802-1904); that the minor applicant is the child of one Jesse Hicks, deceased, and one Willis Warren; that Jesse Hicks was a full sister of Matilda Hicks and that the rejection of Willis Warrens' claim was approved by the Department August 20, 1904 (I.T.D.6374-1904); and that the applicants possess no rights to enrollment other than as descendants of their above named ancestors and neither

-2-

the applicants nor their ancestors can be identified on the 1880 authenticated Cherokee roll.

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

Very respectfully,

C.F. Larrabee

Acting Commissioner.

M.M.M.  
W.

DIRECT.

GR  
W.H.V.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D.4802-1904.  
6890-1905.  
D.C.8845-1907.

February 12, 1907.

LRS

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

Sir:

In accordance with the recommendation of the Indian Office of June 6, 1905 (Land 37633), copy whereof is enclosed, the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, denying the application for enrollment of Matilda Hicks and Beatrice Warren as Cherokee freedmen, is hereby affirmed.

You will advise applicants and their attorney of this action.

The record has this day been returned for the files of the Indian Office, together with a copy hereof.

Respectfully,

Thos Ryan

First Assistant Secretary

1 Enclosure.  
3 enclosures to Ind. Of.

Cherokee P.  
D 1017

Muskogee, Indian Territory, February 19, 1907.

Matilda Hicks,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five civilized Tribes, dated May 13, 1905, denying the application for the enrollment of yourself and ward, Beatrice Warren as Cherokee freedmen, was affirmed by the Secretary of the Interior, February 12, 1907.

Respectfully,

HJC

SIGNED *Wams Bixby*  
Commissioner.

Cherokee F.  
D 1017.

COPY

Muskogee, Indian Territory, February 19, 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 May 13, 1905, denying the application for the enrollment of Matilda Hicks, et al., as Cherokee freedmen was affirmed by the Secretary of the Interior February 12, 1907.

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

Respectfully,

Encl.HJ-95.  
HJC

SIGNED *Tams D. ...*  
Commissioner.

Cherokee F.  
D 1017.

COPY

Muskogee, Indian Territory, February 19, 1907.

Louis T. Brown,

Attorney for Matilda Hicks, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the five Civilized Tribes, dated May 13, 1905, denying the application for the enrollment of Matilda Hicks, et al., as Cherokee freedmen was affirmed by the Secretary of the Interior, February 12, 1907.

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

respectfully,

Encl. HJ-96.  
HJG

SIGNED *Wm. Bixby*  
Commissioner.

IN RE  
Application for Enrollment of  
INFANT CHILD

as a citizen of

Nation.

Approved . . . . . 190

By . . . . .  
Notary Public . . . . .  
My Comm. Expires . . . . .

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Beatrice Warren, born on the 12 day of January 1898  
Here insert name of child.

Name of Father: Willis Warren a citizen of the Cherokee Nation.

Name of Mother: Jessie Hicks a citizen of the Cherokee Nation.

Postoffice Hayden, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
DISTRICT.

I, *Reed*, on oath state that I am  
years of age and a citizen, by of the Nation;  
that I am the lawful wife of , who is a citizen, by  
of the Nation; that a child was  
(Male or Female.)  
born to me on day of 1; that said child has been named  
, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this day of 190

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern DISTRICT.

I, Millie Reed, a midwife, on oath state that I  
attended on Mrs. Jessie Hicks, unlawful wife of Willis Warren  
on the 12 day of JANUARY, 1898.; that there was born to her on said date a female  
(Male or Female.)  
child; that said child is now living and is said to have been named Beatrice Warren

Millie Reed

WITNESSES TO MARK:

(Must be Two Witnesses.)

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

( S E A L )

Louis T. Brown  
Notary Public.



COPY.  
Charles Freeman 7/10/17

IN RE

Application for the Enfranchisement of  
INFANT CHILD

Beatrice Warren

as mother of

Charles

Nation.

At July 20 1901  
C. R. Breckenridge

Department of the Interior  
Commissioner of the General Land Office

Filed

July 20 1901

James Rixey

Acting Chairman.

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

IN THE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Beatrice Warren, born on the 12<sup>th</sup> day of January, 1898  
Here insert name of child.  
Name of Father: Willis Warren a citizen of the Cherokee Nation.  
Name of Mother: Jessie Hicks a citizen of the Cherokee Nation.  
Postoffice: Hayden, D. C.

**AFFIDAVIT OF MOTHER.**

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

I, \_\_\_\_\_, on oath state that I am \_\_\_\_\_  
years of age and a citizen, by \_\_\_\_\_ of the \_\_\_\_\_ Nation;  
that I am the lawful wife of \_\_\_\_\_, who is a citizen, by \_\_\_\_\_  
of the Cherokee Nation; that a \_\_\_\_\_ child was  
(Male or Female.)  
born to me on \_\_\_\_\_ day of \_\_\_\_\_; that said child has been named  
\_\_\_\_\_, and is now living.

**WITNESSES TO MARK :**

(Must be Two Witnesses.)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_\_.

Notary Public.

**AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.**

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Northern DISTRICT. }

I, Millie Reed, a midwife, on oath state that I  
attended on Mrs. Jessie Hicks, Wife of Willis Warren  
on the 12<sup>th</sup> day of January, 1898 that there was born to her on said date a female  
(Male or Female.)  
child; that said child is now living and is said to have been named Beatrice Warren  
Millie Reed

**WITNESSES TO MARK :**

(Must be Two Witnesses.)

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

Edwin J. Brown  
Notary Public.



COMMISSIONERS:  
HENRY L. DAWES,  
TAMM SIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR, .

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August, 1901

Received of the Commission to the Five Civilized  
Tribes one copy of the testimony in the matter of the  
application of Mattie Hicks for en-  
rollment as Cherokee Freedman.

Milton Smith

Cherokee Freedman # D10111

VAD 117

INDIAN TERRITORY,  
CHEROKEE NATION

I hereby certify that I served the within notice on

by delivering a true copy thereof on the  
day of A. D. 1901

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

Marshal for the Cherokee Nation.

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

~~Attorney~~ for applicant.

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

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

on the day of A. D. 1901

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

COMMISSIONER OF THE GENERAL LAND OFFICE,  
NOTARIAL DISTRICT OF THE CHEROKEE NATION

FILED  
SEP 18 1901

*[Handwritten signature]*

## NOTICE!

*IN THE MATTER OF* the application of Matilda Hicks  
for enrollment as a Cherokee citizen:

Case No. D 1017

To Matilda Hicks or L. T. Brown Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on Sept. 26th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 9 18 1901.

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

F. D. 1017

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

the DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
Notary Public.

**FILED**

OCT 2 1901

ACTING CHAIRMAN.

I, the undersigned agent for the  
within named applicant, hereby accept  
service of the within notice on this the  
30 day of Sept, 1901  
*Amis J. Brown*  
Agent for applicant

## NOTICE!

IN THE MATTER OF the application of.....Matilda Hicks.....  
for enrollment as Cherokee Freedmen:

Case No. F. D. . . . . 1017 . . . . .

To Matilda Hicks or L. T. Brown Agt......

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of.....Vinita.....  
Indian Territory, on.....Oct......5th.....18 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept......30th.....1901.

*L B Bell*

*W. W. Hastings*  
*J. Davenport*  
Attorneys for the Cherokee Nation.

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

**FILED**

JUL 2 1901





## CHEROKEE FREEDMEN.

Date July 31 1901  
 Post Office Hayden T.P.  
 District Co.

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

## Parents:

Father ..... Citizenship .....  
 Mother ..... Citizenship .....

18. Name of wife Matilda Hicks Age 22

Owner's name ..... Citizenship .....  
 Year Kl. Page 154 No. 3819 District Co.

## Parents:

Father ..... Citizenship .....  
 Mother ..... Citizenship .....

## Names of Children:

29. Beatrice Warren Year ..... Page ..... No. .... Dist. 3

4. Year ..... Page ..... No. .... Dist. ....

5. Year ..... Page ..... No. .... Dist. ....

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

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

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

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

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

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

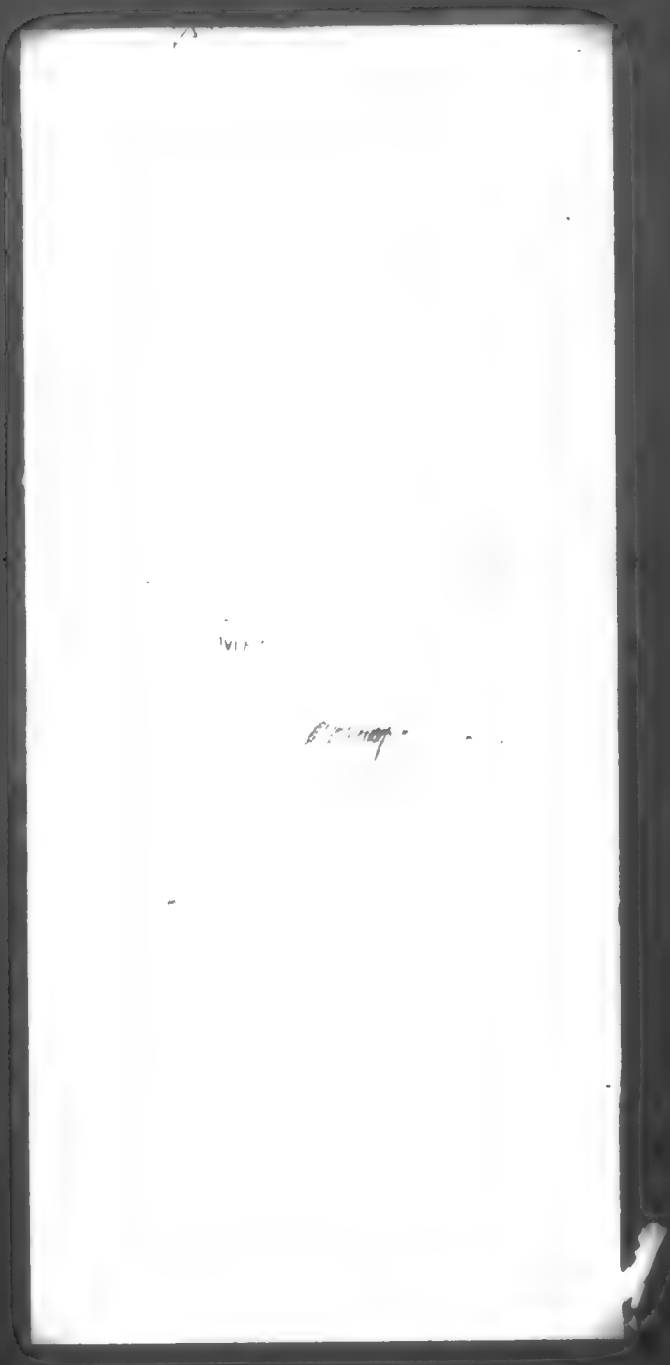
12. Year ..... Page ..... No. .... Dist. ....

Application made by Ms. 1 Stenographer Chas. W. Miller

2 Birth aff attached

Represented by Louis F. Browning

REF D1017



# **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.

By the Commission,

T. B. NEEDLES,

Cherokee - - - 1017.

at Muskogee.

**TAMS BIXBY,**

**T. B. NEEDLES,**

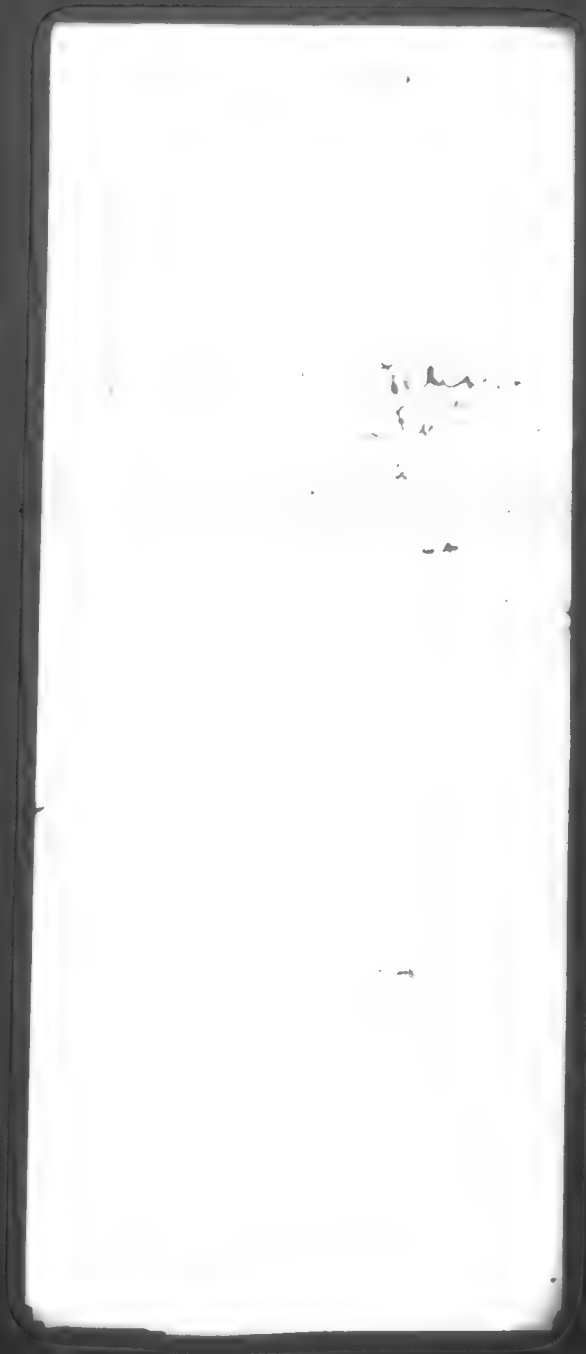
**C. R. BRECKINRIDGE,**

**Commissioners.**

Cher. Fr. R. 1006

Trans. from C. Fr. D 1022

Cher. Fr. R. 1056



Department of the Interior,  
Commission to the Five Civilized Tribes.  
Nowata, I. T., July 2, 1901.

In the matter of the application of Lizzie Sanders for the enrollment of herself and four children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

APPEARANCES:

I. P. Bledsoe, Esq. agent for the applicant.  
Messrs. W. W. Hastings & James Davenport, Attys  
for Cherokee nation.

Q What is your name? A. Lizzie Sanders  
Q How old are you? A. 26 years old  
Q What is your postoffice address? A. Dawson  
Q What district do you live in? A. Cooweescoowee.  
Q You apply to be enrolled as a Cherokee Freedman? A. Yes, sir.  
Q Who do you want to enroll besides yourself? A. Four children  
Q Give me the names of your children? A. Charley Folsom  
Q How old is he? A. 10 years old.  
Q Next one? A. Grover Sanders.  
Q How old is he? A. 7 years old.  
Q Next one? A. Margaret Sanders.  
Q How old is Margaret? A. She will be 5 years old in July.  
Q Next child? A. Clifton Sanders.  
Q How old is Clifton? A. 2 years old.  
Q Are you married? A. I isn't now, I have been.  
Q What is your husband's name? A. Isaac Sanders  
Q Were you married more than once? A. Yes sir.  
Q What was your former husband's name? A. Jess Folsom.  
Q Is he living? A. Yes sir.  
Q You are separated from both are you? A. Yes sir.  
Q Make another fellow pretty soon wont you? A. I don't know,  
I might if I have good luck.  
Q What is your father's name? A. Mack C. Davis  
Q What is your mother's name? A. Kaster Carter.  
Q Is she living? A. No sir, she is dead.  
Q Mother and father neither living? A. Both dead.

BY MR. BLEDSOE:

Q Where were you when you can first recollect, Lizzie? A. I was  
when I first recollect I was up here 4 miles from Gooseneck,  
on Cedar Creek.  
Q Have you been living in the Cherokee Nation all your life?  
A. Yes sir.  
Q You recollect anything about your mother? A. Yes sir.  
Q You know what her name was when she died? A. Yes, sir, her  
name was Kaster Woodard, Carter was her father's name; she  
was married.  
Q You know what her name was, you don't know though, in 1880, 20  
years ago? A. I don't know.  
Q You know how many times your mother was married since you can  
recollect? A. Yes sir.  
Q What were her different names, she was Kaster Carter once?  
A. One was Woodard once, and Carter once.  
Q She was Woodard and Carter and what other name did she have?  
A. Foreman

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant and mother and names not found;  
Wallace roll of citizens of the Cherokee Nation examined for applicant's mother and name not found.

- Q Are these children of yours all born in the Cherokee Nation?  
A. Yes sir, they was all born here in the Cherokee Nation.

BY COM'R NEEDLES:

- Q Is your name on any of the roll yourself? A. Yes sir.  
Q Did you ever draw any money? A. Yes sir, Lizzie Davis or Lizzie Sanders.  
Q How did you happen to be Davis? A. Because I taken my father's name, Mack C. Davis.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 178 #4366,  
Lizzie Sanders, Cooweescoowee district;  
page 178 #4365 Grove Sanders, Cooweescoowee District.

- Q Never was married to Folsom were you, did you have a husband named Jess Folsom? A. Yes sir.  
Q Was he the father of Charley? A. Yes sir.  
Q Did you draw for Charley? A. Yes sir.  
Q By what name? A. I never had the names put down, my husband was the one that drewed the money.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant's child identified on page 178 #4371 Charles Folsom, Cooweescoowee district.  
Wallace roll of citizens of the Cherokee nation examined and applicant not identified thereon.  
1896 census roll of citizens of the Cherokee nation examined and applicants not identified thereon.

- Q Were you married to Jess Folsom? A. No sir, but I lived with him three or four years.  
Q Was this child born while you were living together as man and wife? A. Yes sir.

BY MR. HASTINGS:

- Q What was the first man you lived with? A. He was the first man I lived with.  
Q Who was the first man you had a child by? A. He was the first man I had a child by.  
Q You never was married to him? A. No, sir.  
Q He is living yet is he? A. Yes sir.  
Q And you afterwards married who? A. Isaac Sanders.  
Q You married him did you? A. Yes sir.  
Q Preacher marry you? A. Yes sir.  
Q You have some children by him? A. Got three.  
Q Where were you when you first were old enough to remember? A. I was on Cedar Creek, 4 miles from Cooseneek.  
Q Have you lived there ever since? A. No sir, I am living down on Verdigris.  
Q How long have you been here at this enrollment? A. Ever since Thursday evening.

Lizzie Sanders--#3

KATIE VANN, being sworn by Com'r Needles, testified as follows

BY MR. BLEDSOE:

- Q Katie what is your name? A. Katie Vann  
Q How old are you? A. 56 years old.  
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir  
Q You know this applicant here, Lizzie Sanders? A. Yes sir, I know her.  
Q How long have you known her? A. When she was a little school girl, I don't know how old she was, about 6 or 7 years old I guess; she went to school at Gooseneck  
Q Has she been living in the Cherokee Nation here all her life? A. That's more than I could tell; I have seen her here often, but I don't know whether she has lived here all her life or not; I haven't heard of her living anywheres else, I haven't seen her nowheres else.  
Q You know whether she has got any children or not? A. She has got one I know, that's Jess Folsom's child, Jennie Boudinot's grandchild.  
Q You know that she and Jesse Folsom lived together as man and wife, and that this child was born while they were living together? A.. Yes sir.  
Q You know this girl's mother? A. Yes sir.  
Q What was her name? A. Easter Carter.  
Q Did she have any other name besides Easter Carter; you know how many times she was married? A. No, but the first man I know of being her husband was Mack Foreman.  
Q You know whether Lizzie's mother was a Cherokee slave or not? A. Yes sir, she was a slave.  
Q Who did she belong to? A. Mrs. Candy, in Flint, her father belonged to Carter, but he was freed from under Candy, Carter sold old man George Carter to Candy, to where his wife was, in Flint  
Q Do you know whether her mother or father went out of here during the war or not? A. No I don't.  
Q You know whether they were here in '66 or not? A. No, I don't know that.

BY MR. HASTINGS: Don't ask them questions; ask her when they returned, for goodness sake.

BY MR. BLEDSOE:

- Q Where did you first see her father and mother after the war? A. I saw her at Gooseneck Bend after I moved up in this district  
Q What time was that? A. It has been about 27 years ago.  
Q That's the first time you saw her? A. First time I ever remember seeing her.  
Q When did you see her father? A. This girl's father?  
A Yes? A. I saw him several times; I saw him at Port Gibson  
Q When was the first time you saw her father after the war? A. In '66. That was I guess before she was thought of.  
Q She was born in here since the war? A. Yes, she has been born since the war.  
Q Where were they living when this girl was born? A. I don't know.  
Q You know what district? A. No sir.  
Q They were here in the Cherokee Nation? A. Yes sir, they was in the Nation I guess.



BY COM'R NEEDLES:

- Q You know Mack C. Davis, her father? A. Yes sir.  
Q You saw him in '66 at Ft. Gibson? A. Yes, sir.  
Q Was he a slave? A. Not as I know of; I don't know what he was; I don't know nothing about him, only saw him at Gibson.  
Q You know Easter was a slave? A. Yes sir.  
Q But you didn't see her until way after the war? A. No sir.

BY MR. HASTINGS:

- Q Where did Easter live before the war? A. In Flint.  
Q How far was that from where you lived? A. Oh that was a long ways.  
Q You had never been up there before? A. Yes, I had been through there before the war.  
Q Had you been up at their house? A. No sir.  
Q You never saw her before the war? A. Yes sir, I saw her as I come through Flint.  
Q How long before the war? A. About a year or two before the war.  
Q You know at whose house she was living then? A. No sir, I don't.  
Q You really don't know who owned her? A. Yes, I do.  
Q Who? A. Candy, Jack Candy, I believe his name was.  
Q Is this woman dead now? A. Yes sir.  
Q You know the Candy family? A. I know some of them, I knowed some of the girls that went to school at the Female Seminary, because I worked there.  
Q Was you working at the Female Seminary when the war come up? A. No sir, I was here in this, Saline District.  
Q How long since you have been to Flint? A. About 2 years I guess.  
Q Do you know what that Candy's wife's name was that she belonged to? A. No, I don't.  
Q You know the members of the family? A. I knowed Harriet and Martha.  
Q Was that her young mistresses? A. Yes sir.

BY COM'R. NEEDLES:

- Q Did you say something about Candy selling Easter to Carter? A. No, Easter's father belonged to Carter, and Carter sold George the Freedman, to Candy; that was way before the war; I was just a girl; because he had a wife there and he wouldn't stay at home and they sold him to where his wife was; that was years ago.

BY MR. HASTINGS:

- Q Mack Davis wasn't married when you saw him at Gibson? A. No, sir not as I know of.  
Q Did you ever see Mack Davis after that? A. Yes sir, I saw him at Ft. Gibson time of the payment; that's the last time I saw him; I aint seen him since.

BLUE THOMPSON, being sworn by Com'r Needles, testified as follows:

BY MR. BLEDSOE:

- Q What is your name? A. Blue Thompson.  
Q What is your age? A. 51 years old.

Lizzie Sanders et al., --#5

- Q Are you a recognized citizen of the Cherokee Nation? A I am  
Q Where do you live? A. Chetopa  
Q Are you acquainted with Lizzie Sanders, the applicant in this case? A. Yes sir  
Q How long have you known her? A. I have knowed her since she was a year old, I guess.  
Q Where did you first see her? A. Up on Verdigris  
Q In the Cherokee Nation? A. Yes sir, about 'Possum Creek.  
Q You know whether she has continued to reside in the Cherokee nation or not since that time? A. I couldn't tell you; I have seen her a good many times at Vinita; they used to live there, but I don't know whether she was in all the time or not.  
Q You know who her father and mother was? A. So said to be, yes.  
Q Who? A. Mack C. Davis and Easter Carter, Easter Davis you might call her after she married.  
Q You know whether her father and mother were slaves or not?  
A. No sir, I couldn't say. I know they was said to be Cherokee darkies but I don't know whether they were slaves or not.  
Q When did you first see them after the war, her father and mother?  
A. Possibly '71 or '2.  
Q Where did you see Easter at in '71 or '2? A I said on 'Possum Creek, up the Verdigris.  
Q Was Davis there with her, her husband at that time? A. I don't know, she has changed husbands so many times I don't recollect what she did have at that time, who it was.

Applicant, LIZZIE SANDERS, re-called and further examined:

BY COM'R NEEDLES:

- Q Are these children all living at this time? A. Yes sir.  
Q Living with you? A. Yes sir.  
Q Are you keeping house? A. Staying with my cousin  
Q Where? A. On Possum Creek.  
Q Children there? A. Yes sir.  
Q What is your cousin's name? A. Mary Jackson.

Com'r Needles: Lizzie Sanders applies for the enrollment of herself and 4 children; she cannot be identified upon the authenticated roll of 180 or the census roll of 1896; she is identified upon the Kern-Clifton pay roll; her two oldest children, Charles Folsom and Grover Sanders, are duly identified upon the Kern-Clifton pay roll according to page and number of the roll as indicated in the testimony; it will be necessary to make satisfactory proof of birth of the younger children, Margaret and Clifton Sanders, she avers that she is a child of Mack C. Davis by Easter Carter; no satisfactory evidence is given as to the fact as to whether her mother was in the Cherokee Nation in the year 1866 or not; the fact is that her father was a non-citizen; reference is made to the testimony as to her citizenship, and also as to her residence; said Lizzie Sanders and her four children

Lizzie Sanders et al.--#6

enumerated herein will now be listed for enrollment as Cherokee Freedmen on a doubtful card; they will be notified by mail at their post-office address of the decision of the Commission when arrived at.

---:---

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

(Signed) M. D. GREEN

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

(Signed) T. B. NEEDLES

Lucy M. Bowman being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above and foregoing copy, and that same is a full true and correct copy of the original transcript.

*Lucy M. Bowman*

Subscribed and sworn to before me this 20 day of July, 1905.

*Myron White.*  
\_\_\_\_\_  
Notary Public

**FILED**  
1901  
**COMMISSION TO FIVE TRIBES.**

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, Nov. 23, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of Lizzie Sanders, et al., as Cherokee Freedmen.

It appears that on October 14, 1904, the applicant, her attorneys and the attorneys for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory on November 18, 1904 and then and there introduce such testimony as they might desire in this case, and on said date this case was continued by agreement until this 23rd day of November, 1904.

APPEARANCES:

Applicant appears in person and by attorney, I.P. Bledsoe Cherokee Nation by W. W. Hastings.

STICK ROSS being first duly sworn testifies as follows:

EXAMINATION BY MR. BLEDSOE:

- Q What is your name? A Stick Ross.  
Q How old are you? A 54 years old.  
Q Where do you live? A Tahlequah.  
Q Cherokee Freedman? A Yes, sir.  
Q On a straight card? A Yes, sir.  
Q Do you know Esther Carter? A Yes, sir.  
Q Was she a Cherokee citizen? A Yes, sir.  
Q Where did she live? A Baren Fork.  
Q To whom was she a slave? A Mrs. Candy.  
Q Is she a Cherokee citizen by blood? A Yes, sir.  
Q Did you see this woman after the war? A Yes, sir.  
Q When did you see her? A In '66.  
Q Where did you see her? A At Ft. Gibson.  
Q In the Cherokee Nation? A Yes, sir.  
Q Do you know what become of her? A We, sir, I don't.

CROSS EXAMINATION BY MR. HASTINGS:

- Q Do you know this girl, Lizzie Sanders? A No, I don't know her at all, I know her mother but never saw her.  
Q You never saw this applicant? A No, sir.  
Q How did you happen to come over here to witness in this case?  
A I didn't come over to witness they got me when I was here.  
Q How long before the war was it you saw Esther Carter?  
A It was after the war ended.  
Q Where did she live? A Baren Fork.  
Q How far from you? A Eight or nine miles.  
Q Who lives on the place now? A I don't know who lives there.  
Q Were you ever there before the war? A Yes, I have been there before the war.  
Q What time during the war was you ever there? A Well, I can't tell long during the war when we went from home and come there.  
Q On what side of Baren Fork did they live? A I don't know, I think on this side.

- Q How far from where the town of Welling now is? A I don't know.
- Q Now how old was Father Carther when the war came up? A I reckon about 18 or 19.
- Q Was she the mother of any children at that time? A No, sir.
- Q What was Mrs. Candy's name? A I don't know whether it was Ruth Candy, I can't tell exactly. The masters name was Reese Candy.
- Q The truth of the matter is you don't know, do you? A I know them, but I don't know ----
- Q How long before that had you seen this woman Esther? A After I come back from the south.
- Q Well before the war? A Pretty often they come over home there there and played.
- Q What is Esther's mother's name? A Cynthia.
- Q Where did Esther go during the war? A Why they went north.
- Q What place in Kansas? A I don't know, they got as far as Neosho.
- Q What was Esthers father's name? A George Candy.
- Q What became of him? A He is dead.
- Q Died before the war? A Yes, after the war.
- Q Where did you first see Esther after the war? A At Gibson.
- Q You saw her when you arrived in Gibson? A Yes, sir.
- Q Did she have this girl at that time? A No, sir.
- Q Did she have any children at all? A No, sir, I don't think she did.
- Q Have you ever seen her since that time? A No, sir, I haint seen her.
- Q You didn't see her go to Coffeyville, did you? A No.
- Q And you never saw her any more? A No, I didn't.
- Q You afterward lived on Big Creek near Coffeyville, did you?  
A Yes, sir.
- Q Wasn't you deputy sheriff in Cooweescoowee district awhile?  
A Yes, sir, three years.
- Q And you never did see Esther aftreward? A No, sir, I never did.
- Q What year is this? A I can't tell.
- Q You don't know one year from another do you? A No, sir I don't.
- Q Why is it then that you are willing to stand here and look in the face of the Commission and swear to years? A I know '66, cause I come from Texas and I never will forget it.
- Q You drew a whole lot of money here a few years ago when the Kerns-Clifton roll was made, what year was that? A I can't tell.
- Q Which was the most important to you to see this woman or draw money for your family? A Money of course.
- Q What year was the Wallace roll made? A I don't know.
- Q What year was you deputy sheriff in Cooweescoowee? A I don't know.
- Q You cannot read or write? A No, sir.
- Q You don't know one year from another? A No, sir.
- Q You just saw this woman one time in Ft. Gibson? A Well, if you want to know I had a fuss with Dill Carter, her sister, and Esther come over and taken it up.
- Q Did you ever have a fuss with anybody in Cooweescoowee district in your life? A No, not much, I had a skirmish once.
- Q Who with? A Ben Vard.
- Q What year? A I can't tell.
- Q Did you ever have a fuss with anybody in Tahlequah? A Yes, sir.
- Q Who? A Lee Carper.
- Q What year did you and Lee have a fuss? A I can't tell that. I have never kept a record of the years.

Seevie Brewer being first duly sworn testifies as follows:

EXAMINATION BY MR. BLEDSOM:

- Q What is your name? A Seevie Brewer.  
Q How old are you? A I am 60 years old.  
Q Where do you live? A I live here in Muskogee.  
Q Do you know Esther Carter? A Yes, sir.  
Q Was she a relative of yours? A Yes, she was a first cousin.  
Q Was Esther Carter a slave? A Yes, she went by the name of her owner, Mrs. Candy.  
Q She was a slave at the commencement of the war? A Yes, sir.  
Q Of Mrs. Saddy? A Yes, sir.  
Q Was Candy's Cherokee citizens? A Yes, sir.  
Q Where did she live at the commencement of the war? A Baron Fork.  
Q Did she get out of the Cherokee Nation during the war? A Yes, I think they went out.  
Q When did she return to the Cherokee Nation? A The year we drew rations.  
Q Where was that? A At Ft. Gibson.  
Q Do you recollect if that was the year after the war? A Yes, sir.  
Q Do you know where Esther Carter lives now? A She is dead.  
Q When did she die? A She has been dead about five years.  
Q Did Esther live here in the Cherokee Nation after she came back? A Yes, in Cooweescoowee district.  
Q Do you know whether Esther had any children or not? A She had two.  
Q What are their names? A I don't know their names.  
Q Was this Lizzie Sanders one of her children? A Yes, sir.  
Q Do you know anything about Lizzie, where she has been living the last two years? A No, sir she was living in the Cherokee Nation at Cooweescoowee.

EXAMINATION BY MR. HASTINGS:

- Q When did you first see this applicant? A It was when we was paid off at Hayden.  
Q Was that in '97? A Yes, sir.  
Q That was the first time you ever saw Lizzie Sanders? A Yes, sir.  
Q How many children did Esther Carter have after you saw her after the war? A One.  
Q What was its name? A I don't know its name.  
Q Well was it a girl or a boy? A It was a girl.  
Q That wasn't this applicant, was it? A No, sir, it was not, it was another one older than this.  
Q How much older is the other one than this one? A I don't know.  
Q Where did you live just after the war? A In Gibson.  
Q Do you know what year this is? A No, sir.  
Q Do you know what year the Kerns-Clifton payment was made? A No.  
Q Auntie did you know Jonas Carter? A No, sir.  
Q Is this girl some kin to you? A Yes, a second cousin.  
Q But you never saw her until the Kerns-Clifton payment? A No.  
Q You never saw Esther Carter in Cooweescoowee district?  
A The last time I saw her was during the payment.  
Q But you never saw her before the payment? A No, sir.  
Q Then you didn't know she lived in Cooweescoowee district because you never saw her. You don't know how many years after the war you saw her at Ft. Gibson. A The very first year the war broke.



Q What year did Mr. Bledsoe say for you to swear to? A '66.  
 C Mr. Bledsoe told you to swear to '66? A Yes, sir.  
 Q Did Mr. Bledsoe tell you that you was there in '66? A Yes, sir.  
 Q And you said it was while you was drawing rations? A Yes, sir.  
 Q Now you don't know '66 from '96 do you? A No, sir, I was there in '65.  
 Q Do you know when the Wallace roll was made? A Yes, sir.  
 Q What year? A I don't know what year.  
 Q Are you married? A Yes, sir.  
 Q What year was you married? A I don't know?  
 Q Did you ever see this girl in Iola, Kansas? A I never saw her in Kansas.  
 Q You didn't know she married there? A No, sir I never saw her in Kansas.  
 Q How long did you see her mother, Esther, around Ft. Gibson?  
 A I can't tell you how long.  
 Q Did she live in a house there? A I guess it was a house.  
 Q And you never was at her house? A No, sir.  
 Q You don't know who she lived with? A No, sir.  
 Q Now what time of the year did you draw rations? A I can't tell what time.  
 Q You know you drew them? A Yes, sir.  
 Q How long after the colera? A Not very long.  
 Q About what time? A I don't know as it was that time, but not very long after we drew rations.  
 Q Lots of people drew rations there? A Yes, sir.  
 Q Mr. Bledsoe told you it was in '66, did he? A I guess so, he said it was in '66.  
 Q Did they tell you that down stairs this morning? A No.  
 Q You don't know this year do you? A I can't tell you.  
 Q You never did see her in Cooweescoowee did you? A No, sir.  
 Q You never did see this girl before the ayment? A No, sir.

EXAMINATION BY MR. BLEDSOE:

Q You know you saw Esther Carter there at the time of the drawing of the rations? A Yes, sir.  
 Q I didn't tell you as Mr. Hastings said, to swear it was in '66, did I? A No, sir.

WITNESS KNOCKED.  
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ESTHER WILLIAMS being first duly sworn on oath testifies as follows:

EXAMINATION BY MR. BLEDSOE:

Q What is your name? A Esther Williams.  
 Q How old are you? A 50 years old.  
 Q Where do you live? A Big Creek.  
 Q Cherokee Pressman? A Yes, sir.  
 Q On a straight road? A Yes, sir.  
 Q Do you know Esther Carter? A Yes, sir.  
 Q To whom did she belong? A Lizzie Candy.  
 Q Did she belong to Lizzie Candy at the commencement of the war?  
 A Yes, sir.  
 Q Where did Esther Carter live? A She lived on the other side of Illinois.  
 Q Did you see Esther Carter after the war? A During the war I saw her at Ft. Gibson.  
 Q What time? A A long about the time of '65.  
 Q Why did you know where Esther lived in 1865? A Some they said it was '65.  
 Q Do you know where Esther Carter is now? A She is dead.



- Q How many children did she have? A She had a boy and a girl, I don't know what become of the boy, this is the girl.  
Q Do you know where this girl has been living the last two years?  
A Tallala.  
Q In the Cooweescoowee district? A Yes, sir.  
Q What was the first time you saw this applicant after the war?  
A Not for quite awhile, I seen her at Tahlequah last fall, or last February.  
Q Do you know where her mother died? A No, sir..

EXAMINATION BY MR. HASTINGS:

- Q Where do you live? A On Big Creek.  
Q What is your postoffice? A Ruby.  
Q How long have you lived in that vicinity? A Four years.  
Q And you never saw this girl until last February at Tahlequah?  
A Yes, sir.  
Q Then this girl was there with her mother when you saw her? A No, sir I didn't see her with her mother.  
Q Well the first time you saw her mother after the war she had this girl and a little boy at Ft.Gibson? A Yes, sir.  
Q What was its name? A I don't know.  
Q That is the only time you saw her mother after slave times was when you saw her at Ft.Gibson and then she had this applicant and a little boy? A Yes, sir.  
Q You identify this applicant as that girl? A Yes, sir.  
Q Where did Esther live at that time? A Well I can't tell just where she did live.  
Q Didn't she come from Kansas? A I can't tell you.  
Q That is your opinion? A No, sir, I never heard it.  
Q Where did she come from? A I can't tell you.  
Q Where did she live at that time? A I don't know sir.  
Q This girls mother belonged to Mrs. Candy over in Illinois before the war? A Yes, sir.  
Q Do you know what Candy she belonged to? A Susie Candy.  
Q Were you ever at Susie Candy's before the war? A No, sir.  
Q Did you ever see Esther Candy before the war? A Yes, sir.  
Q How long before the war? A We used to be together in Flint.  
Q But you never was at her house? A No, sir?  
Q Well now then that was just before the war? A Yes, sir.  
Q The next time you saw Esther, the mother of this applicant, was at Ft.Gibson and then she had this applicant and a little boy, that is the first time? A Yes, sir.  
Q You are positive about that? A Yes, sir.  
Q When did you next see Esther? A During this big payment.

Attention is here called by the attorneys for the Cherokee Nation to the fact that the age of the applicant is 26, making her being born in '75.

- Q You never was at this applicant's home in the Cherokee Nation?  
A No, sir.  
Q You never saw her at her place? A No, sir.  
Q Where was she living in Ft.Gibson after the war? A By the tracks.  
Q What was her husband's name? A Davis.  
Q Mack Davis? A Yes, sir.  
Q Was Davis there to? A I never saw him until this payment.  
Q Well where did they go from there? A I don't know.

EXAMINATION BY THE COMMISSION:

- Q Was this Mack C. Davis the father of the applicant, Lizzie?  
A Yes, sir.  
Q Was he a Cherokee Freedman? A No, sir, I think he was a state man.  
Q Do you know anything about the children of Lizzie here? A No.

WITNESS EXCUSED.

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LIZZIE SANDERS being first duly sworn testifies as follows;

EXAMINATION BY MR. BLEDSOE:

- Q Your name is Lizzie Sanders? A Yes, sir.  
Q You are how old, Lizzie? A 29.  
Q Have you any children? A Yes, sir, four.  
Q Just tell me their names? A Charles Fulson, Grover Sanders, Margaret and Clifton.  
Q These are your children are they? A Yes, sir.  
Q Living now? A Yes, sir.  
Q Who is the father of Charles Fulson? A Jesse Fulson.  
Q Were you married to Jesse Fulson? A No, sir, I wasn't.  
Q Where does Jesse Fulson live? A At Tulsa.  
Q Does he claim to be a Cherokee Freedman? A Yes, sir.  
Q About what age man is Jesse? A I really don't know, somewhere along about thirty.  
Q Do you know what his fathers name is? A Henry or Billie Fulson.  
Q Do you know his mothers name? A Jennie Boudinet.  
Q Where does she live? A I don't know where she lives now, when I knew her she lived at Vinita.  
Q Did you ever live with Jesse Fulson as his wife? A Yes, sir.  
Q You and he lived together without being married? A Yes, sir.  
Q Have you ever been married? A Yes, sir.  
Q What is your husbands name at this time? A Ray Sext.  
Q Were you ever married before to a man by the name of Sanders?  
A Yes, sir.  
Q Isaac Sanders? A Yes, sir.  
Q Who is the father of Grover, Charles and Margaret? A Isaac Sanders.  
Q Do you know whether or not he claims to be a Cherokee Freedman?  
A I think he does.  
Q Were you divorced from him? A No sir, he married without getting a divorce.  
Q He married without getting a divorce? A Yes, sir.  
Q Is he living? A Yes, sir.  
Q Where does he live? A In the country two or three miles from Muskogee?  
A Yes, sir.  
Q Has he married again since you and he separated? A Yes, sir.  
Q What is the wifes name now? A I don't know.  
Q Did he get a divorce from you? A No, sir.  
Q Never was divorced? A No, sir.  
Q You never was married to him was you? A Yes, sir.  
Q Married where? A At Catooga.  
Q Do you know who the father of Isaac Sanders is? A Squire Sanders.  
Q Do you know his mothers name? A I don't, no sir.  
Q Did he ever go by any other name except Squire? A No, sir, he is dead now.  
Q About what age man is Isaac Sanders? A I don't know.

- Q Well you know whether he is 20 or 75? A He may be 33 or 34.  
Q Somewhere between 30 and 35? A Yes, sir.

EXAMINATION BY MR. WASTINGS:

- Q Where were you when you were born? A When I can first remember at Goose Neck Bend.  
Q How long did you continue to live at Goose Neck Bend?  
A I didn't live there, just lived there from the time I can remember until I was thirteen or fourteen years old.  
Q Then where did you go? A To Vinita.  
Q Where did your mother die? A On Bird Creek.  
Q When? A She has been dead about five years.  
Q Have you lived with your mother up until five years ago?  
A Right close to her.  
Q What was her name when she died? A Esther Woodward.  
Q She went by that name? A Yes, sir.  
Q What was her husband's name? A Charlie Woodward.  
Q Where were she and Charlie married? A On Bird Creek.  
Q How long had she lived there when she died? A About nine years.  
Q Where was this oldest child of yours born? A On Bird Creek.  
Q Where was Grover born? A On Bird Creek.  
Q Where was Margaret born? A On Bird Creek.  
Q Where was Clifton born? A On Bird Creek.  
Q Was you ever in Iola, Kansas? A No, sir.  
Q Was you ever in the state of Kansas, A Yes, sir.  
Q Where? A Coffeyville.  
Q Was you ever in any other place? A Parsons.  
Q Who did you live with in Parsons? A I boarded with some folks.  
Q I went to school to a man by the name of Barnes.  
Q What was Barnes first name? A George Barnes?  
Q Was he a white man? A No, sir, a colored man.  
Q How long did you stay there? A One term.  
Q When did you go there? A In 1885.  
Q Where was your mother in 1885? A In the territory.  
Q Were you ever in Kansas at any other place than Parsons?  
A No, sir.  
Q Was you ever in Parsons except this one year in 1885? A Yes, sir.  
Q When? A Year before last.  
Q You never lived at Iola, Kansas? A No, sir.  
Q Did you ever live in another town besides Parsons? A No, sir.  
Q Why can't you get some witness to come in here and testify as to your residence for the past years? A I don't know.  
Q Did you know Esther Grimmet? A Yes, sir.  
Q On Big Creek? A Yes, sir.  
Q She didn't seem to know you. Do you remember Stick Ross when he was sheriff? A I remember uncle Stick being there.  
Q Was he a relative of yours? A No, sir.  
Q Why did you call him uncle then? A I always called him that.  
Q Have you any relatives in Iola, Kansas? A No, sir.

EXAMINATION BY MR. BLEDSOE:

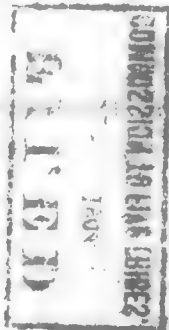
- Q Did you ever go to school in the Cherokee Nation? A Yes, sir.  
Q Where did you go to school last? A Goose Neck Bend.  
Q Who did you go to school with? A With Eli Vann.  
Q Was Will Vann going to school there? A Yes.  
Q What year? A From the time I was big enough to go until I was thirteen years old.

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 November, 1904, and that the above is a true and correct transcript of her stenographic notes thereof.

Opal Griggs

Subscribed and sworn to before me this 1st day of December, 1904.

W. H. Campbell  
Notary Public.



Cherokee freedmen D 1022

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., December 23, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Lizzie Sanders, et al., as Cherokee Freedmen.

On December 2, 1904, the principal applicant, Lizzie Sanders, was notified by registered mail, and on December 7, 1904, the attorneys for the Cherokee Nation were notified by letter, that the matter of the application for the enrollment of Lizzie Sanders and her minor children, as Cherokee freedmen, would be taken up by the Commission to the Five Civilized Tribes, at its offices in Muskogee, Indian Territory, on the 23rd day of December 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation, to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration.

Now on this 23rd day of December, 1904, this cause coming on to be heard, pursuant to said notice, the applicant appearing by her attorneys, Blue & Bulger, and the Cherokee Nation by its attorneys, Bell, Hastings & Davenport, said case is submitted upon the evidence now on record.

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Opal Griggs, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause, on the 23rd day of December, 1904, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 28<sup>th</sup> day of December, 1904.

*Opal Griggs*  
*Charles H. Sawyer*  
Notary Public.

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

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

Josie Whitmire, Cherokee Freedmen D 986  
Lizzie Sanders, et al., Cherokee Freedmen D 1022.

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D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Austin Whitmire for his wife, Josie Whitmire; and by Lizzie Sanders for herself and minor children, Charles Fulson and Grever, Margaret and Eliften Sanders. The application for the enrollment of Charles Fulson has been heretofore disposed of, and his rights to enrollment as a Cherokee freedman will not be considered in this decision. A copy of the testimony taken on October 7, 1901, at Vinita, Indian Territory, in re application of Sandy Ross for enrollment as a Cherokee freedman, case No. R-360, is filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants herein claim the right to enrollment as Cherokee freedmen as descendants of one Master Carter, deceased, who, it is alleged, complied with the treaty stipulations of 1866.

The following points are fully established by the evidence:

- (1) That Master Carter, deceased, was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and later returned thereto.
- (2) That the applicants, Josie Whitmire and Lizzie Sanders are children of the said Master Carter, deceased, and one Mack C. Davis, deceased, who began living together



subsequent to the close of the rebellion; that the applicants, Grover, Margaret and Clifton Sanders, are children of the applicant, Lizzie Sanders, and one Isaac Sanders, and that all the applicants herein were born since the close of the rebellion.

(3) That none of the applicants herein have forfeited any rights to Cherokee freedman citizenship they may have obtained through their ancestor, the said Easter Carter, deceased.

It is further established by the evidence herein and from an examination of the records at hand, that, excepting the following enrollment: Easter Carter, deceased, (as Easter Woodard) appears on the Cherokee census roll of 1893, and the applicants Lizzie and Grover Sanders appear on the Kern-Clifton roll, none of the applicants herein, nor any ancestor of said applicants through whom by any possibility they might obtain Cherokee citizenship rights, can be identified on any roll of the Cherokee Nation in the possession of this office.

The testimony is somewhat conflicting as to the nationality of Mack C. Davis, father of the applicants, Josie Whitmire and Lizzie Sanders. Cherokee Freedman enrollment card No. D 1022 supra. shows him to have been a Creek freedman, and some color is given this theory by the witness Seenie Brewer, who, on March 7, 1905, (page 4), testified: "Her (Easter Carter's) first husband was Payne, and then she married another man in Okmulgee." (Creek Nation), and by the witness Hester Grimmitt, (page 5), who testifies that Mack C. Davis and Easter Carter were husband and wife and lived "in the Creek Nation." There is some testimony to the effect that Mack C. Davis was a Cherokee freedman, but on November 23, 1904, the witness, Esther Williams, testifying in re application of the said Lizzie Sanders, et al., in reply to the question "Was he (Mack C. Davis) a Cherokee freedman?" answered, "No sir, I think he was a state man." An examination of the records fails to show that Mack C. Davis was ever an applicant for enrollment, either as a Creek or a Cherokee freedman, and he cannot be identified on any Creek or Cherokee tribal roll in the possession of this office. Hence, it is considered that none of the applicants herein obtain any freedman citizenship rights in the Cherokee Nation as descendants of the said Mack C. Davis.

On November 23, 1904, the applicant, Lizzie Sanders, testified (page 6), that her former husband, Isaac Sanders, the father of her three children, minor applicants herein, was living; that she thought he claimed to be a Cherokee freedman, and that he was a son of Squire Sanders, deceased. An examination of the records fails to disclose that application has ever been made for the enrollment of anyone as a Cherokee freedman under the name of Isaac Sanders, and he cannot be identified on any roll of the Cherokee Nation in the possession of this office. In a decision

rendered by the Commission on June 16, 1905, in re application for enrollment as Cherokee freedmen of Laura Gross et al., case No. D 46, it was held that "After ample opportunity having been afforded, it is not established by satisfactory evidence that the applicants, Laura Gross and Chlora A. Gross (daughter of Squire and Kate Sanders, both deceased) possess any rights to enrollment as Cherokee Freedmen." It is therefore considered that the minor applicants herein obtain no rights to Cherokee freedman citizenship as descendants of the said Isaac Sanders.

In view of the foregoing, it is considered that in order to properly adjudicate said applicants' rights to enrollment as Cherokee freedmen, but one question is presented for determination, namely:

Did Easter Carter, deceased, return to the Cherokee Nation within the time specified in the Whitmire decree?

SUSIE COODY, witness in behalf of Josie Whitmire, appeared before the Commission on July 1, 1901, at Nowata, Indian Territory, and testified as follows: I know the applicant, Josie Whitmire, also knew her father and mother, George and Cynthia Carter. I saw her mother in '65, '66 and '67. I do not know whether or not Cynthia Carter was out of the Cherokee Nation during the war. I left the Cherokee Nation during the rebellion, returned in '65, and it was several years thereafter before I saw Cynthia and her husband.

(In addition to the fact that this witness's testimony is contradictory, it was later developed that the said Cynthia and George Carter, both deceased, were the grand-parents of the applicant, Josie Whitmire, thereby making this testimony immaterial).

ABE HAIR, witness for the applicant, Josie Whitmire, same date and place, testified as follows: I am 77 years old and my post office is Wymer. I know the applicant, also knew her mother, Easter Carter. She went to Fort Scott, Kansas, during the war, but returned to the Cherokee Nation during the fall of '66. I saw her on Snow Creek after her return. I was out of the Cherokee Nation during the war and returned in 1865 and had been back "some two or three years" when I first saw this applicant's mother, Easter Carter.

JAMES VANN, witness for Josie Whitmire, appeared before the Commission on June 28, 1904, at Muskogee, Indian Territory, and testified as follows: I am about 47 years old, and my postoffice is Chouteau, Indian Territory. I have known the applicant, Josie Whitmire about thirty years--ever since she was six years old. I knew her mother, Easter Carter, and first saw her at Fort Gibson in '67. Don't know who she belonged to before the rebellion, nor whether or not she was taken from the Cherokee Nation during the war.



JOSIE WHITMIRE, applicant, appeared before the Commission on July 25, 1904, at Muskogee, Indian Territory, and testified, in part, as follows: "I guess I am about twenty some odd, maybe thirty" years old, my postoffice is Tahlequah, and I am the daughter of Easter Carter and Mack Davis.

SENNIE BREWER, witness for Josie Whitmire, appeared before the Commission on March 7, 1905, at Muskogee, Indian Territory, and testified as follows: I reckon I am about 65 or 66 years old, and my postoffice is Muskogee, Indian Territory. I have known the applicant, Josie Whitmire, since she was about three or four years old. First saw her at Fort Gibson the next year after the war closed. I also knew her mother, Easter Carter, and first saw her after the war at Fort Gibson, in '66. She at that time had one child, this applicant, Josie. I do not believe Josie was born when I left the Cherokee Nation during the war. I was gone about a year or two, and when I returned she was a little thing about three or four years old. This applicant is older than she things. She must be about forty years old.

EASTER GRIMMETT, witness for Josie Whitmire, same date and place, testified as follows: I don't know my age; I am about fifty something I guess, and I live at Muskogee. I have known the applicant since she was a little bit of a thing. She must be thirty-two or thirty-three years old now. She was a good big girl when I saw her with her mother, Easter Carter, at Fort Gibson, in '66. When the war broke out Easter Carter had a man named Wallace Payne, and after the war closed she had a man named Mack Davis.

GEORGE VANN, witness for Josie Whitmire, same date and place, testified as follows: I am about 65 years old and my postoffice is Chouteau, Indian Territory. I first became acquainted with Easter Carter about the commencement of the rebellion, and saw her at Fort Gibson in '66, she had two children, when I saw her in '66, "one was called Josie and one Lizzie."

C A S E C L O S E D .

LIZZIE SANDERS, applicant, appeared before the Commission on July 2, 1901, at Nowata, Indian Territory, and in support of her application for enrollment as a Cherokee freedman, testified, in part, as follows: I am about 26 years old, my postoffice is Dawson, Cooweescoowee District, and I am the daughter of Mack C. Davis and Easter Carter.

KATIE VANN, witness for Lizzie Sanders, same date and place, testified as follows: I am 56 years old. I have known the applicant since she was about six or seven years old. I also knew her mother, Easter Carter, and father, Mack Foreman (Davis).

I first saw this girl's father at Fort Gibson in 1866, "that was I guess, before she was thought of." I first saw Easter Carter after the war, at Gooseneck Bend, Cooweescoowee District, about twenty-seven years ago.

STICK ROSS, witness for Lizzie Sanders, appeared before the Commission on November 23, 1904, at Muskogee, Indian Territory, and testified as follows: I am 54 years old, and live at Tahlequah, Indian Territory. I don't know the applicant, Lizzie Sanders, I knew her mother, Easter Carter, and first saw her after the war at Fort Gibson in 1866, but have never seen her since. I don't think Easter Carter had any children when I saw her at the time above indicated. I was Deputy Sheriff of Cooweescoowee District three years, but do not know what years. I do not know what year this is, and don't know one year from another. I drew money under the Kern-Clifton payment for myself and family, but do not know what year that payment was made, neither do I know what year the Wallace payment was made. "I know '66 'cause I come from Texas and I never will forget it." I know I saw Easter Carter at Fort Gibson in 1866 by reason of the fact that I had a fuss with Dill Carter, her sister, and Easter come over and took it up. I have since had a skirmish with Ben Ward in Cooweescoowee District, but don't know what year it occurred. Also had a fuss with Lee Carper at Tahlequah, but don't know what year it happened. I was not summoned as a witness in this case, but just happened to be over here and was called on to testify.

SEENIE BREWER, witness for Lizzie Sanders, same date and place, testified as follows: I am 60 years old and live at Muskogee, Indian Territory. I knew Easter Carter, and saw her when she returned to Fort Gibson after the war; it was the year we drew rations. She at that time had a little girl, a child older than this applicant. This applicant is a second cousin of mine. On Cross-examination this witness admitted that she did not know what year she was married, nor the years the Wallace or Kern-Clifton rolls were made, nor what year this is. That she did not know '66 from '96, and that she had been told by the attorney for the applicants, to swear to the year '66. On re-direct examination, witness testified that she was not told by applicant's attorney to swear to '66.

ESTHER WILLIAMS, witness for Lizzie Sanders, same date and place, testified as follows: I knew Easter Carter, and first saw her after the war "along about the time of '66." I know it was '66 'cause they said it was '66." She at that time had a boy and a girl. I do not know what became of the boy, this applicant, Lizzie Sanders, is the girl. I next saw Easter Carter during the big payment, and this applicant about four years ago. Easter Carter lived by the tracks when I saw her at Fort Gibson after the war. Her husband's name was Mack Davis, but I never saw him till the big payment. (First railroad was built through Fort Gibson during the latter '80's).

LIZZIE SANDERS, applicant, same date and place, testified in part, as follows: That she was twenty-nine years old.

On December 23, 1904, applicants and Cherokee Nation being represented by their attorneys, this case was submitted upon the evidence now of record.

The foregoing is, in substance, the testimony of all witnesses in this (consolidated) case, who testified relative to the return of Easter Carter to the Cherokee Nation after the rebellion, and no violence is done the record when it is alleged that the testimony on the point above indicated is neither satisfactory nor convincing.

Abe Hair testifies that Easter Carter returned to the Cherokee Nation in the fall of '66, and immediately follows this assertion with the statement that he returned in 1865 and had been back two or three years when he first saw the said Easter Carter. In his own case, C.F.D. 214, this witness alleged that he returned to the Cherokee Nation with the Webbers in 1866, and introduced three (noted) witnesses, Sam Webber, William Foreman and Jim (Sheep) Alberty, to corroborate his allegation. The Commission found that the said Abe Hair was not the slave of a Cherokee citizen at the commencement of the rebellion, and denied his application for enrollment on that ground.

Seenie Brewer, testifies that the applicant, Josie Whitmire, was three or four years old when she first saw her mother, Easter Carter, after the war. Under the record in this case it is fully established that the father and mother of Josie Whitmire did not begin living together until after the rebellion. This witness, however, states that Josie Whitmire is older than she thinks, and in 1905, her age must have been 40 years. Accepting this as the applicant's right age, it would indicate that this witness did not see the applicant's mother in the Cherokee Nation after the rebellion, prior to 1868 or 1869. This witness formerly testified, in the case of Lizzie Sanders, et al., supra. that she had been told by applicant's attorney to swear to the year 1866 as the date of Easter Carter's return to the Cherokee Nation, and that she does not know one year from another, all of which tends to indicate that her testimony is of little, if any, value.

Easter Grimmett testifies that the applicant, Josie Whitmire, was a good big girl when she first saw her and her mother at Fort Gibson after the war. In connection with the testimony of this witness attention is called to the fact set out above, namely, that the applicant's father and mother did not begin living together till after the close of the war.

George Vann's testimony is to the same effect, with this addition, that when he first saw Easter Carter in the Cherokee Nation after the rebellion she had two children, Josie (Whitmire) and Lizzie (Sanders), applicants herein.

Stick Ross testifies that he remembers Easter Carter being at Fort Gibson in 1866 because he had a fuss with her sister, Dill Carter, in that year, and Easter came over and took it up.

He further testifies that he knows nothing of dates, is unable to remember the dates of more important events that have since happened concerning him, and admits that subsequent to his fuss with Dill Carter he has had two "rackets" with other persons, but can not state in what year or years they occurred.

FINDINGS OF FACT AND CONCLUSION: It is considered that ample opportunity has been afforded the applicants in this case to establish by satisfactory evidence their rights to enrollment as Cherokee freedmen, but that they have wholly failed in this, to-wit: to show that Easter Carter, the ancestor through whom they claim the right to enrollment, returned to the Cherokee Nation after the rebellion, within the time specified in the Whitmire decree for the return of freedmen to the Cherokee Nation, consequently, their applications come within the rulings of the Department in the cases of Eliza Bryant et al. (I.T.D. 544-04), William Rector (I.T.D. 1468-04), Minnie Duncan et al., (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), and Williams (I.T.D. 4230-04), and Moses Ross (I.T.D. 6056-04). And it is further considered that none of the applicants herein possess any rights to enrollment as Cherokee Freedmen other than as descendants of the said Easter Carter.

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), Josie Whitmire, Lizzie Sanders, Grover Sanders, Margaret Sanders and Clifton Sanders, are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby  
COMMISSIONER

Dated at Muskogee, Indian Territory,

this 11th day of July 1915

Cherokee Freedman  
D 1022.

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

In the matter of the application for the enrollment  
of Charles Fulson as a Cherokee Freedman,

--:--

O R D E R .

IT APPEARS FROM THE RECORDS OF THIS COMMISSION: That, on June 30, 1902, Sweet Starr appeared before the Commission at Muskogee, Indian Territory, and, among others, made application for the enrollment of Charley Fulson as a Cherokee freedman, his name being listed upon card Cherokee Freedman D 1138.

The records of the Commission further show that said Charley Fulson, under the name of Charles Fulson, has also been listed for enrollment as a Cherokee freedman, his name appearing upon Cherokee Freedman card D 1022.

IT IS, THEREFORE, ORDERED: That the name of the applicant, Charley or Charles Fulson, as it appears upon Cherokee Freedman card D 1022, be cancelled.



Chairman.

Dated at Muskogee, Indian Territory,

this                       
JUN 21 1905

Cherokee Freedmen  
D-1022.

Muskegee, Indian Territory, September 11, 1903.

I. P. Bladsoe,

Agent for Lizzie Sanders, et al.,  
Choutamu, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Lizzie Sanders, et al., as Cherokee Freedmen, you are hereby advised that further testimony is required tending to show whether or not the mother of the principal applicant returned to and was residing in 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 the applicant has been directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen  
D-1022.

Muskogee, Indian Territory, September 11, 1903.

Lizzie Sanders,

Dawson, 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 tending to show whether or not your mother, Master Woodard, returned to and was 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.

Cherokee Freedmen

D-1022.

Muskogee, Indian Territory, August 18, 1904.

Louis T. Brown,  
Agent for Lizzie Sanders,  
Tahlequah, Indian Territory.

Dear Sir:

In accordance with your request of August 10, there is herewith enclosed a copy of the testimony taken in the matter of the application of Lizzie Sanders, et al., for enrollment as Cherokee freedmen. There is also enclosed blank form of receipt for said testimony which you are requested to sign and return to the Commission.

Respectfully,

Encl. S-104.  
Register.

Commissioner in Charge.



COMMISSIONERS:  
TAMM HIXBY,  
THOMAS B. NEEDLES,  
C. E. BRECKINRIDGE,  
WM. O. BEALL,  
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:

*Cherokee*  
Cherokee Freedmen  
D 1922

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 14, 1904

Lizzie Sanders,

Muskogee, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and children as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Friday, November 18, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire, in support of said application.

Respectfully,



Commissioner in Charge.

Register

CO

Cherokee Freedmen  
D 1022

Muskogee, Indian Territory, October 14, 1904.

Louis T. Brown,  
Attorney for Lizzie Sanders, et al.,  
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Lizzie Sanders et al., as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Friday, November 18, 1904.

You are further advised that the said Lizzie Sanders has this day been notified that she will be permitted to appear on said date and introduce such testimony as she may desire in support of said application.

Respectfully,

SIGNED,

*T. B. Needles*  
Commissioner in Charge

Register.

Cherokee Freedmen  
D-1022.

Muskogee, Indian Territory, December 2, 1904.

Lizzie Sanders,

Muskogee, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and children as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday December 23, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of your application.

Respectfully,

Register.

SIGNED: *Tamie Sibby.*  
Chairman.

Cherokee Freedmen  
D-1022.

Muskogee, Indian Territory, December 2, 1904.

Louis T. Brown,

Attorney for Lizzie Sanders et al.,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Lizzie Sanders et al., as Cherokee freedmen, you are advised that the principal applicant has this day been notified that said case would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday December 23, 1904, at which time she will be permitted to appear and introduce such testimony as she may desire in support of her application.

Respectfully,

SIGNED, *James Dinby*  
Chairman.

COPY.

Cherokee Freedmen  
B-1000  
22

Muskogee, Indian Territory, December 2, 1904.

I. P. Bledsoe,

Attorney for Lizzie Sanders et al.,

Chouteau, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Lizzie Sanders et al., as Cherokee freedmen, you are advised that the principal applicant has this day been notified that said case would be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, December 23, 1904, at which time she will be permitted to appear and introduce such testimony as she may desire in support of her application.

Respectfully,

SIGNED *Taras Bixby.*  
Chairman.

Muskogee, Indian Territory. December 7, 1904.

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

Gentlemen:

There is herewith enclosed copies of supplemental testimony taken at Muskogee, Indian Territory at the time indicated, in the following Freedman cases:

October 15, 1904.

Dennis Vann, et al., Cherokee Freedmen D-641.

November 21, 1904.

Arthur Vann, Cherokee Freedman 40 .

November 22, 1904.

Walker Johnson, Cherokee Freedman R-356.

Leah Brewer, Cherokee Freedman R-33.

Dennis Vann, Cherokee Freedman D-641.

November 23, 1904.

Orrena Williams, et al., Cherokee Freedman R-328 and 329.

George W. Lynch, et al., Cherokee Freedmen D-731.

Frank Harnage, Cherokee Freedman R-178.

Lizzie Sanders, et al., Cherokee Freedmen D-1022.

Respectfully,

(SIGNED) *Tame Bixby*  
Chairman.

Encl. 00-6.

COPY

1

Cherokee Freedman 40- D-1022.  
Muskogee, Indian Territory, December 7, 1904

I. P. Biedsoe, Attorney.,  
Choteau, Indian Territory.

Dear sir:

There is herewith enclosed a copy of supplemental testimony taken at Muskogee, Indian Territory on November 21, 1904, in the matter of the application for the enrollment of Arthur Vann as a Cherokee Freedman. Also supplemental testimony taken at Muskogee, Indian Territory on November 23, 1904, in the matter of the application for the enrollment of Lizzie Sanders et al., as Cherokee Freedmen. A couple of blank receipts are herewith enclosed, which you are requested to fill out and return to the Commission.

Respectfully,

Encl. OG-10.

*Tamc Bibby.*  
Chairman.

Cherokee Freedmen

D-1022.

Muskogee, Indian Territory, June 8, 1905.

L. A. Bell,

Wagoner, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of June 3, 1905, asking to be advised as to the status of the application for the enrollment of Lizzie Sanders as a Cherokee freedman.

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

Respectfully,

*E. B. Needles.*

Commissioner in Charge.



Cherokee Freedmen

Muskogee, Indian Territory, December 28, 1905

Louis T. Brown ,

Attorney for Lizzie Sanders et al.

Muskogee, Indian Territory.

Dear sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 28, 1905, denying, among others, the application for the enrollment of Lizzie Sanders and her children, Grever, Margaret and Clifton Sanders as Cherokee Freedmen. You have heretofore been furnished with 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. The action of the secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Incl. B-28

Commissioner

Muskogee, Indian Territory, December 28, 1908

The Honorable,

The secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the consolidated applications for the enrollment of Josie Whitmire, et al., as Cherokee freedmen, including the Commissioner's decision dated December 28, 1908, rejecting the applications for the enrollment of Josie Whitmire and Lizzie Sanders and her minor children, Grover, Margaret and Clifton Sanders, as Cherokee freedmen.

Respectfully,

Incl. B-99

Commissioner

Cherokee Freedmen  
D 1022-0986

Muskogee, Indian Territory, December 28, 1908

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

Dear sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 28, 1908, denying the applications for enrollment of Josie Whitmire and of Lizzie Sanders and her minor children, Grover, Margaret and Clifton Sanders, 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 this office is advised of the same.

Respectfully,

Incl. # 99

Commissioner

REFER IN REPLY TO THE FOLLOWING:

Cherokee freedman  
D 1022

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

Muskogee, Indian Territory, December 28, 1905

Lizzie Sanders,  
Dawson, Indian Territory,

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 28, 1905, denying, among others, the application for the enrollment of yourself and your children, Grover, Margaret and Clifton Sanders, as Cherokee Freedmen.

A copy of the record of proceedings had in this case has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, and a copy of the decision has this day been forwarded to him.

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

Respectfully,

Register

Incl. B-95

Commissioner

Cherokee  
F D 1022

Muskogee, Indian Territory, January 24, 1906.

Lizzie Sex,

Wewoka, Indian Territory,

Dear Madam:

There is inclosed herewith letter dated, December 28, 1905, addressed to you under the name of Lizzie Sanders at Dawson, Indian Territory, but returned by the Postmaster with the advice that your present name is Lizzie Sex and that your address is Wewoka, Indian Territory.

You are requested to forward to this office either the original or certified copy of your marriage license and certificate in order that your change in name may be shown upon the records of this office.

Respectfully,

Incl. GL-60.  
GHL

Acting Commissioner.

REGISTER.

REFER IN REPLY TO THE FOLLOWING:

Cherokee  
F D 1022

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

Muskogee, Indian Territory, January 24, 1906.

Lizzie Sex,  
Wewoka, Indian Territory.

Dear Madam:

There is inclosed herewith letter dated, December 28, 1905, addressed to you under the name of Lizzie Sanders at Dawson, Indian Territory, but returned by the Postmaster with the advice that your present name is Lizzie Sex and that your address is Wewoka, Indian Territory.

You are requested to forward to this office either the original or certified copy of your marriage license and certificate in order that your change in name may be shown upon the records of this office.

Respectfully,



Acting Commissioner.

Incl. GI-60.  
GHL

REGISTER.

Land  
134-1906.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
(COPY) WASHINGTON.

January 7, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated December 28, 1905, transmitting the record relative to the application of Josie Whitmire, et al., for enrollment as Cherokee freedmen.

On July 1, 1901, Austin Whitmire applied to the Commission to the Five Civilized Tribes for the enrollment of his wife, Josie Whitmire, as a Cherokee freedman, and Lizzie Sanders applied for the enrollment of herself and her minor children, Grover, Margaret and Clifton Sanders, as Cherokee freedmen.

On December 28, 1905, the Commissioner held that the applicants were not entitled to such enrollment.

The evidence shows that Wack C. Davis, father of the two principal applicants, Josie Whitmire and Lizzie Sanders, was a non-citizen, and that Master Carter, deceased, their mother, was the slave of a Cherokee citizen and was taken from the Cherokee Nation into the State of Kansas at the commencement of the war of the rebellion, and did not return to that Nation within the time specified in Section 3 of the Act of April 26, 1906 (34 Stat.L. 157).

Josie Whitmire and Lizzie Sanders possess no other right to be enrolled as Cherokee freedmen than that derived from their mother, Raster Garter.

The minor applicants possess no other right to such enrollment than that derived from their mother, Lizzie Sanders.

The decision of the Commissioner adverse to the applicants is therefore recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD--SD



D.C. 5763-1907.  
I.T.D. 366-1907.  
LRS.

(COPY)

J.C.R.

DEPARTMENT OF THE INTERIOR, THE  
WASHINGTON.

January 23, 1907.

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

Sir:

December 28, 1905, you transmitted the record in the matter of the application for the enrollment of Josie Whitmire, and Lizzie Sanders and her minor children, Grover, Margaret and Clifton Sanders, as Cherokee freedmen, including your decision of the same date, adverse to the applicants.

Reporting January 7, 1907 (Land 134-06), 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.

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

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 2 to Ind Of.

Cherokee  
D 1022.

Muskogee, Indian Territory, February 16, 1907.

Lizzie Sex,

Wewoka, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the  
Commissioner to the five Civilized Tribes, dated December 28,  
1905, rejecting your application for the enrollment of yourself  
and children, was affirmed by the Secretary of the Interior  
January 23, 1907.

Respectfully,

HJC

Commissioner.

Cherokee  
D 1022.

Muskogee, Indian Territory, February 16, 1907.

Louis T. Brown,

Attorney for Lizzie Sanders, et al.,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the  
Commissioner to the Five Civilized Tribes, dated December 28,  
1905, rejecting the application for the enrollment of Lizzie  
Sanders (now Sax), et al., as Cherokee freedmen, was affirmed by  
the Secretary of the Interior January 23, 1907.

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

Respectfully,

Encl. HJ-56.  
HJC

Commissioner.

Cherokee  
D 986.

Muskogee, Indian Territory, February 16, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the decision of the  
Commissioner to the Five Civilized Tribes, dated December 28,  
1906, rejecting the application for the enrollment of Jessie  
Whitire, et al., was affirmed by the Secretary of the Interior,  
January 23, 1907. For your information there is enclosed herewith  
a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-60.  
HJC

Commissioner.

I P BLEDSOE

ATTORNEY AT LAW PRACTICAL  
SURVEYOR-REAL  
ESTATE MAN CITIZENS LOCATED

ALL BUSINESS BEFORE THE  
DAWES COMMISSION AND  
DEPARTMENTS AT WASH  
INGTON, D. C GIVEN SPEC  
IAL ATTENTION

Vinita June 23<sup>rd</sup> 1905  
CHOUTEAU, I. T.

Mary Ball being interrogated by me  
I. P. Bledsoe makes the following state-  
ment under oath. I was at one time  
the wife of Jess Fulson, we lived  
together five years as man and wife  
of that union there were two chil-  
dren born, viz: Alice Fulson born  
on 11<sup>th</sup> day of December 1893 and  
Ettie Fulson born on 16<sup>th</sup> day of  
April 1896, both were born and raised  
in the Cherokee Nation and are now  
both alive and living in Vinita, I. T.  
with me, my name never was  
Eliza but simply Mary & that name  
Eliza was or is evidently intended for  
Charles Fulson mother. Lizzie  
I never did draw any money or claim  
any right except <sup>through</sup> my husband Jess  
Fulson - I would appear before the  
Commission in person but I

I P BLEDSOE

ATTORNEY AT LAW PRACTICAL  
SURVEYOR-REAL  
ESTATE MAN CITIZENS LOCATED

ALL BUSINESS BEFORE THE  
DAWES COMMISSION AND  
DEPARTMENTS AT WASH  
INGTON, D. C. GIVEN SPEC  
IAL ATTENTION

CHOUTEAU, I. T.

190

am too poor and had run to do  
so, I hope the Commission will  
accit this my sworn statement  
and thereby protect my children  
Mary Cordry was midwife when  
Ellie was born and Jennie Vann  
was the midwife when Gertie was  
born

Mary Ball

Choteau, I. T. June 12<sup>th</sup> 1905

Subscribed and sworn to before  
me on day and date above written

J. P. Bledsoe  
Notary Public

Not. Court 21 Apr. 20/07

COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
OCT 23 1901

*[Handwritten signature]*

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

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Winita N.T. Oct 24-1901

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
Lizzie Sanders et al. for enrollment as  
Freedmen of the Cherokee Nation.

No. 97101022

J. P. Bludal  
Agent for applicants,



Zahlequah S.S. Indian Territory, 8/21/04

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in F. D. 1022  
(Lizzie Sanders et al)

Louis T. Brown  
Attorney for Applicant.

---

F-1022.  
No

**SUBPOENA.**

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*In the matter of the*

application of Lizzie  
Sanders for enrollment as  
a Cherokee Freedman.

---

**Department of the Interior,**

Commission to the Five Civilized Tribes.

To **George Musgrove, Easter Grimmett and Caesar Hall**

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at  
**Muskogee,** in the **Creek** Nation, Indian  
 Territory, on the **14** day of **November** 190**4**, to testify before said Commission  
 in the matter of the application for the enrollment of **Lizzie Sanders**  
 as a Cherokee Freedman.

Dated at **Muskogee,** this **14** day of **September** 190**4**

Commissioner.

Choteau Indian Territory, July 30 1905

REPORT OF THE COMMISSION TO THE NINE CIVILIZED

THIS one copy of the testimony in \_\_\_\_\_

Lizzie Sanders

J. P. Bledsoe  
Attorney for Applicant.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
JUL 2 1891

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 2, 1901  
 Post Office Rayson, T.  
 District Co. D.

1. Name \_\_\_\_\_ Age \_\_\_\_\_  
 Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_  
 Parents: \_\_\_\_\_  
 Father \_\_\_\_\_  
 Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

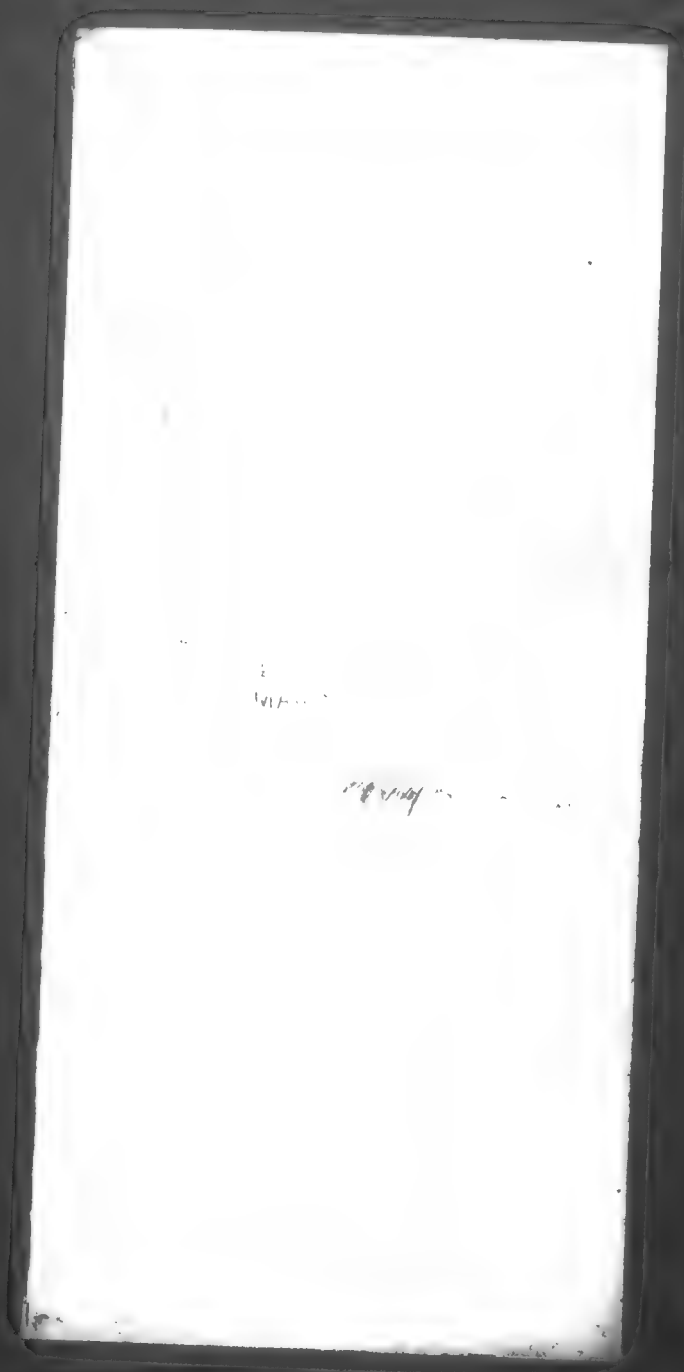
19. Name of wife Lizzie Sanders Age 26  
 Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Year K.C. Page 178 No. 4366 District Co. D.  
 Parents: \_\_\_\_\_  
 Father Mrs. Lewis dead Citizenship \_\_\_\_\_  
 Mother Castle Logater dead Citizenship \_\_\_\_\_  
Woodard

Names of Children:  
 21. Charles Falsom Year K.C. Page 178 No. 4371 Dist. Co. D. 10  
 31. Grove Sanders Year K.C. Page 178 No. 4365 Dist. Co. D. 7  
 41. Margaret " " " " " " " " " " 5  
 51. Clifton " " " " " " " " " " 2  
 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 M. D. Green

2 On K.C. roll as Charles Falsom  
 3 On K.C. roll as Grove Sanders  
 4 and 5 Birth affidavits required.

J. P. Bledsoe, Agent for applicants.



# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

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

### **MUSKOGEE, IND. TER.,**

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

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

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

Mrs. Elizabeth Sander,

Duncan, I. T.

Cherokee - R-D-1002.

Register.

TAMS BIXBY,

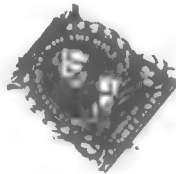
T. B. NEEDLES,

C. R. BRECKINRIDGE,

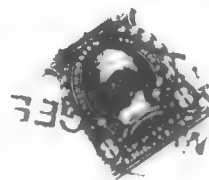
Commissioners.



Department of the Interior  
C. W. ...  
MUSKOGEE, IND. TER.



Department of the Interior  
C. W. ...  
MUSKOGEE, IND. TER.



42 08

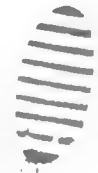
Lizzie Sanders,

~~Muskogee, Indian Territory.~~

Department of the Interior

Commission to the Five Civilized Tribes

MUSKOCHEE, IND. TER.



*[Faint, illegible handwritten text]*

Department of the Interior

Commission to the Five Civilized Tribes

MUSKOCHEE, IND. TER.



*62*

*[Faint handwritten text]*

*[Faint handwritten text]*

*73*

Cher. Fr. R - 1057

Cher. Fr. R - 1057

Trans. from Cher. Fr D 1023

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**  
JUL 19 1901

  
ACTING CHAIRMAN

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I. T., July 2, 1901.

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

Appearances:

Mr. Louis Brown, attorney for the applicant;  
Mr. James Devenport, attorney for the Cherokee Nation.

- Q What is your name? A Ned Foreman.  
Q How do you call you that now? A Some times they call me Ned Ross and some times Ned Foreman; sometimes I sign it one way and sometimes the other, but I would rather have Foreman, because there are so many Rosses.  
Q What is your age? A 44.  
Q What is your post-office? A Viner.  
Q What district do you live in? A Coowescoowa District.  
Q Do you want to enroll anyone besides yourself? A No sir.  
Q Is your name on any of the rolls of the Cherokee Nation? A No sir.

BY MR. BROWN:

- Q Were you a slave of the Cherokee Nation at the beginning of the war? A Yes sir.  
Q What was your owner's name? A Lewis Ross.  
Q Was Lewis Ross a citizen of the Cherokee Nation by blood? A Yes sir.  
Q Did you go out of the Nation during the war? A Yes sir.  
Q When did you return? A I couldn't remember it, but me, I come back with the old folks when they come back.  
Q Who are the old folks? A Nancy Ross.  
Q What relation are you to Nancy Ross? A I am her son.  
Q Did you return to the Cherokee Nation at the same time she did? A Yes sir.  
Q What was your father's name? A Ben Ross. He went by Ben Foreman.  
Q Is he living or dead? A He is dead, a good many years ago.  
Q Have you continued to live here in the Cherokee Nation ever since you returned with Nancy Ross? A Yes sir, this has been my home, of course I have been out and in.  
Q Are you living here now? A Yes sir.  
Q Is she the Nancy Ross who has been listed for enrollment? A Yes sir.

BY COMR NEEDLES:

- Q Are you married? A No sir.  
Q Ever been married? A Yes sir.  
Q Your wife dead? A Yes sir.  
Q Have you got any children? A No sir, not living.  
Q Where were you married? A Up here in Kansas first, time I was married.  
Q What place in Kansas? A Ottumwa.  
Q Second time you were married where were you married? A I wasn't married the second time, I was living with a woman, just took up with her.  
Q Where was you living with a woman? A That's when I was working at Oswego, Kansas, about '79.  
Q How long did you live at Ottumwa when you married there, Ottumwa Kansas? A I stayed there about 12 or 15 months; I left there.  
Q What became of your wife? A She died.  
Q When? A About four months after I married.  
Q Where did you go after she died? A Back here in the Territory.

- Q When did you go to Oswego, Kansas? A In '39.  
Q How long did you stay at Oswego that time? A I worked there  
some time until June.  
Q Then where did you go? A Then I pulled out and come back here.  
Q When did you live with that woman in Oswego, Kansas? A That was  
in '39.  
Q Where have you lived for the last 10 or 12 years? A You know  
I have lived in Vinita for the last 13 years.  
Q No I don't know it? A Well plenty of people does; I lived with  
Eliza Wardrick, then went to the river and lived awhile.  
Q You have been back to Kansas? A Yes sir.  
Q How long did you live there? A Just 4 or 5 days, that was this  
last Presidential election.  
Q You went back there to vote? A No sir, I and Dan Henry went  
on a pleasure trip.  
Q Were you at Oswego on the election? A No sir.  
Q Where were you the day of election? A I was in Labert County,  
and Iola, Kansas.  
BY MR. BROWN:  
Q Who all people went from the states to Kansas in election  
days? A Lot of us went up there.  
BY COM'R NEEDLES:  
Q Why is your name not on any of the rolls of the Cherokee Nation?  
A I couldn't tell you that.  
Q Did you ever try? A Yes sir, I tried at the Wallace court, and  
Kerns-Clifton court.  
Q Your name not on the roll of 1880 either? A No sir.  
Q Nancy Ross your mother? A Yes sir.  
Q Has she got any children besides you? A Yes sir.  
Q You know Arthur Ross? A Yes sir.  
Q He any relation to you? A Half-brother.  
Q Of the same mother? A Same mother.

Com'r Needles: Ben Forman applies for the enrollment  
of himself; he cannot be identified upon any of the rolls of  
the Cherokee Nation; he avers that he is a son of Nancy Ross,  
and reference is made to the testimony taken in the matter of  
the application of said Nancy Ross, D card 631, and a copy  
of said testimony will be filed herewith, and said Ben For-  
man will now be listed for enrollment as a Cherokee Freedman  
on a doubtful card; he avers that he was a slave of one Lewis  
Ross, went out of the Cherokee Nation, and returned with his  
mother; he will be notified by mail of the action of the Com-  
mission.

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

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



... of the ...  
Commissioner: The ...

... with ...  
... those ...

... for ...  
... names ...  
... per ...

DEPARTMENT OF THE  
COMMISSION TO THE ...  
FILM  
AUG 16 1901

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelsea, I.T., June 8, 1901.

In the matter of the application of Nancy Ross for the enrollment of herself and two children as Cherokee Freedmen.

Appearances:

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

NANCY ROSS, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Nancy Ross.  
Q How old are you? A I don't know how old I am.  
Q About how old? A About up in the sixties.  
Q What is your postoffice? A Wimer.  
Q What district do you live in? A Cooweescoowee.  
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Who do you want to enroll besides yourself? A My children.  
Q Have you any children that are under 21 years of age that are not married? A Yes, sir.  
Q How many? A Two.  
Q What are their names? A Arthur and Emma.  
Q How old is Arthur? A He is 20.  
Q How old is Emma? A Emma is 18.  
Q Is your name on the roll of 1880? A No, sir.  
Q Is it on any of the rolls of the Cherokee Nation? A The Clifton roll.

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

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

The Kern-Clifton roll examined, and the applicants identified thereon as follows:

Nancy Ross on page 152, No. 3764, Cooweescoowee district;  
Arthur Ross on page 152, No. 3765, Cooweescoowee district;  
Emma Ross on page 152, No. 3765, Cooweescoowee district.

Q Why is your name not on the roll of 1880, do you know?  
A I don't know.  
Q Were you a slave? A Yes, sir.  
Q What was your owner's name? A Lewis Ross.  
Q Have you got any witnesses in your case? A Yes, sir, Frank and Amy Ross and Mose Hardrick.  
Q Where were you born? A Born at the Rosses, born on Ross place.  
Q Was Lewis Ross a Cherokee citizen? A Yes, sir.  
Q Well, did you go out of the Cherokee Nation during the war between the north and south? A Went out when the war broke out.  
Q Where did you go to? A Went north.  
Q Where did you go to, Kansas? A Yes, sir.  
Q You were in Kansas during the war? A Yes, sir.  
Q When did you come back to the Cherokee Nation? A Come back in '66  
Q You been living here ever since? A Ever since, yes, sir.  
Q Where did you come to when you came back? A Came back to Russell Creek.

Mr. Mellette: Who came with you? A My husband and my children, myself and another woman, who lived in the Creek Nation, came down with us.

Commissioner: What was your husband's name? A Mose Ross.

Q IS HE LIVING? A No, sir, he is dead.

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

Mr. Hastings: You just came back with your husband and your own family? A Yes another family, man and wife, John Rennie and his wife and two children.



- Q You came to Russell Creek? A Yes, sir.
- Q How long did you stop there at Russell Creek? A Stopped there that spring and fall after I came down.
- Q Did you make a crop up on Russell Creek? A Not any more than a little garden stuff.
- Q Built a little house? A Yes, I built a little house.
- Q Put in a crop of corn? A No, didn't put in any corn.
- Q Did this other family stop with you? A Yes, sir, they stopped.
- Q How many children did you have at that time? A Four.
- Q How many children did this other man have? A Two.
- Q Had you ever been to Russell Creek before the war? A If I was I didn't know it.
- Q Had your husband? A I don't know whether he had been.
- Q Where did you meet your husband first? A We both belonged to Ross; met him at Rosses.
- Q You know that he lived there at Rosses when the war came up? A I don't know where the man went, nothing about the man's affairs.
- Q The Rosses lived down about Fallgush? A The Rosses lived at the old Asylum, Lewis Ross, there is where I was raised.
- Q That was fifty or sixty miles from Russell Creek? A I don't know how far it was.
- Q How far did you locate from Chatopa? A I don't know nothing about Chatopa, I never heard of Chatopa.
- Q Didn't you come through that town when you moved to Russell Creek? A Never saw the town.
- Q Did you apply to the Kern-Clifton Commission five years ago? A I applied when they had the roll.
- Q About how many acres did you have in that little patch? A I don't know, just a small little place.
- Q Four or five acres? A I don't know whether that much or not, I raised the garden stuff and a little hominy corn, just a little patch.
- Q Where did you come from? A Came from Fort Scott.
- Q What time of the year did you leave Fort Scott? A In April.
- Q Well, was Sam Webber up there at Fort Scott when you left? A Took no notice who was there, there was a good many people of all nations and all colors and all kinds, I don't know who was up there.
- Q Do you know him? A I didn't know him, he might have been there.
- Q You know Uncle Nelson Murrell; he had left up there, hadn't he? A I don't know whether he was there or not, the people was up in all parts of the town, I stayed down in the part by the old mill, and there was people camped all around there.
- Q You had heard about the treaty passing when you came down? A I never heard a thing of the treaty.
- Q Never heard about it at Fort Scott? A No, sir.
- Q Well, after you went over the Kansas line did you go on Russell Creek? A I don't know.
- Q What time did you leave Russell Creek? A I left there in the fall after I stayed all the fall.
- Q About what time in the fall? A Well, I guess it was along about the last part of the fall when I left there.
- Q About Christmas time? A A little before I think.
- Q Where did you go from there? A I went to the River.
- Q To Grand River? A Yes, sir.
- Q Well, you saw Allen Lynch down on the river? A No, I went to their brothers.
- Q Moses Hardwick? A Yes, and Jeff Lyons.
- Q Was Jeff Lyons living down there? A Yes, sir, he was living down there, my oldest brother.

- Q Who else was living down there? A Tom Moore.
- Q Who else? A Uncle Simon Lynch.
- Q How long did you stay down on the river? A I only stayed there three weeks.
- Q Where did you go from there? A I went to Vinegar Creek.
- Q Where is Vinegar Creek? A It is up above Russell Creek I reckon, it is away up towards Coffeyville or away up above that somewhere.
- Q Then you went there in the early spring of '67? A I went up to Vinegar Creek that winter, I just left Russell Creek and went to the River and stayed three weeks and then went to Vinegar Creek that winter.
- Q Who did you see while you were on Russell Creek? A I saw an old white man there said his name was Hamnah.
- Q Did he have a house up there? A Yes, sir.
- Q How far were you from the State line on Russell Creek? A I don't know where the state line was.
- Q How came you to locate up there away from everybody? A Well I guess my husband wanted to go up there and locate, he was the one, I wasn't locating, it was him.
- Q Did you have a spring up there? A Got water out of the Creek.
- Q On which side of Russell Creek did you live? A Lives on the west side; it was Vinegar Creek.
- Q I mean on Russell Creek, when you first came there? A Lived on the south side of Russell Creek.
- Q How far from the railroad? A Wasn't any railroad there.
- Q Where did you get anything to eat all that spring and summer?
- A Don't you suppose we brought victuals with us; how do you reckon we could make out until we raised a little hominy and things?
- Q Tell us the best you can where that was on Russell Creek?
- A I lived just about a mile I guess south of the road.
- Q Of what road? A On Russell Creek, south of the road there.
- Q Of the military road? A I don't know whether it was or not.
- Q A big road? A Yes, sir, I don't know whether it was a military road.
- Q And you stayed there the year '68? A Yes, sir, I was there from the spring to fall.
- Q Did you see anybody at all while you lived there? A Never saw anybody except the folks lived with us, only Art Williams stopped there and Uncle Simon Lynch stopped there a time or two.
- Q And that is the only ones you saw? A Yes, sir.
- Q You never went to visit your brother until the fall? A Yes, sir.
- Q And they never visited you? A No, sir.
- Q Never saw anyone pass there except those two you mentioned?
- A I never noticed who passed the road and who didn't, a great many passed, during all the time I wasn't in good health, I was sick.
- Q How far did you locate on Vinegar Creek from the State line?
- A I don't know nothing about the state line.
- Q Who was living up there when you went up there on Vinegar Creek?
- A A man by the name of Hamnah; he pretended to be an Indian but he wasn't nothing but a white man and a rebel at that, and he was living there.
- Q Did he have any family? A He had a few children, and a wife, I guess it was his wife, I didn't have much to do with them.
- Q How do you know that he was a rebel? A I know he was a rebel, 'cause he talked and acted like one.
- Q He acted peculiar, did he? A Yes, he did.
- Q Did he have a family up there? A No, sir, I didn't see nothing but himself and wife.
- Q He had a house? A Yes, sir.
- Q How far from there was his house from you? A I don't know, it wasn't very far.
- Q Wasn't any colored people near you up there? A No, not where

I was.

Q You say that was up in Kansas? A No, I didn't say it was in Kansas.

Q What Creek does Vinegar Creek empty into? A I don't know; it must empty into your creek I reckon.

Q Is that as much as you know about Vinegar Creek? A Yes, that is as much as I know about Vinegar Creek.

Q Did you build a house up there? A Yes, built a house up there.

Q How far was that from Coffeyville? A I don't know.

Q Were you ever at Coffeyville? A No.

Q You wasn't? A Not when I lived there.

Q Know who was your nearest colored neighbors up there? A My nearest colored neighbors at that time; there wasn't any there as I know of then, but after a while my husband went out and said Uncle Nelson Murrell lived about three miles up there, but I didn't go over there, I was sick all the time.

Q You didn't see him for a long time after you went up there?

A No, sir.

Q Did you see him for about five years? A I don't know whether it was five or two, I was sick all the time, I wasn't studying anything about him.

Q Did you have any doctor? A No, sir.

Q Do you know one year from another? A I guess I do, I guess I got about sense enough to know winter from summer.

Q What year was that oldest child born? A Born in '57 they say, in the records.

Q What year was the Wallace Court sitting here? A I don't know what year they set here.

Q What year did the Kern-Clifton Court sit? A I don't know that either, I know I was there.

Q You had to prove up before them? A Of course I had to prove up before them.

Q You don't remember it at all? A No, I don't remember what year it was, it was three or four years ago I guess, I was there.

Q Do you know what year this is? A No.

Q Where did you apply to the Kern-Clifton Commission? A Out here

Q By the name of Nancy Ross? A Nancy Ross.

Q You applied for yourself? A Yes, sir, and children and grandchildren.

Q What are your children's and grandchildren's names, all Ross?

A Yes, sir, all Ross.

Q When did Mose Ross die? A Died in 1866.

Mr. Mellette: Nancy, you say that Mose Ross, your husband, returned with you in 1866 to the Cherokee Nation? A Yes, sir.

Q Now I want to ask you about your children, I want to identify them so they can come in and appear for themselves. Did you have a son named Ned Ross? A Yes, sir.

Q Was he born before the war or after? A Born before the war.

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

Q Did you have a son named Cyrus? A Yes, sir.

Q Was he born before or after the war? A He was born before the war.

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

Q What was your next child? A Fiskie.

Q Was she born before the war? A Yes, sir, she had a baby when I went out.

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

Q What was your next child? A George.

Q When was he born? A He was born in Kansas during the war.

Q Did he return to the Cherokee Nation with you? A Yes sir

- Q Did you have a child named Martha? A Yes, sir.  
Q Where was she born? A On Russell Creek.  
Q After you returned? A Yes, sir.  
Q What is your next child? A Nelson.  
Q What is the next? A Harry.  
Q Where were Nelson and Harry born? A Harry was born on Grand River and Nelson was born on Vinegar Creek.  
Q Was that after you returned to the Cherokee Nation after the war?  
A Yes, sir.  
Q What was the next child? A Mary.  
Q And the next one? A Arthur.  
Q And the next one? A Emma.  
Mr. Hastings: Did they ever call you Nancy Grubbs? A Yes, sir, I have been called Nancy Grubbs.  
Q Don't you live in Iola, Kansas? A I have been in Iola, Kansas, yes.  
Q When was the last time you were there? A I was there last winter, right there.  
Q You have been living there, have you? A Well, I was up there working, I am not living there.  
Q Well, how long have you been working up there? A I go up and work a month or two or two or three months if I want to.  
Q Where did Moss Ross die? A He died in Fort Scott.  
Q You were living in Fort Scott at the time? A No, I was living here, he went up there.  
Q Where was your home here then? A I was on the river then.  
Q In what settlement? A In Moss Hardrick's settlement.  
Q You had a place down there? A No, I didn't have no place, I was just stopping there, but his health was poor.  
Q Did you have a child named Kizzie? A Yes, sir.  
Q Where was Kizzie born? A Kizzie was born at the old Asylum before the war.  
Q Did you have a child named Martha? A Yes, sir.  
Q Where was Martha born? A Born on Russell Creek.  
Q You had a child named Nelson? A Yes, sir.  
Q Where was Nelson born? A Born on Vinegar Creek.  
Q You had a child named Harry? A Yes, sir.  
Q Where was he born? A Born at my brother, Jefferson Lyon's.  
Q You had a girl named Mary? A Yes, sir.  
Q Where was Mary born? A She was born at Moss's.  
Q Where was your husband most of this time? A He was there of course, he never died till after the children was all born.  
Q Is Arthur your child? A Yes, sir.  
Q Where was Arthur born? A Born at Uncle Simon's.  
Q You were just living about from place to place? A Yes, sir.  
Q Where was Emma born? A She was born at Uncle Simon's too; I got two children born at Uncle Simon's.  
Q How long was Emma born before your husband's death? A Well I guess she was about two years old, over two years old.  
Q Did you take these children back to Fort Scott when your husband died? A No, sir, none but the baby.  
Q Where were the rest of these children at that time? A Living there at my brother's.  
Q Which one? A Moss and Jeff; left these children with my folks; some was at Mayfield's, my cousin.  
Q When did your brother Jeff die? A I don't remember.  
Q Did he die before your husband? A No, sir, he didn't.  
Q Did he die after 1860? A I don't know whether he died in 1860 or when, he didn't die before my husband.  
Q You got a son named George? A Yes, sir.  
Q Where was George married? A I don't know where he was married.

Q What is his wife's name? A He had a wife named Josie he said; my boys isn't with me.

Q Where were they? A I don't know where they were.

Q Wasn't George up in Kansas? A He might have been in Kansas, or any other place, I don't know where he was.

Q He wasn't with you when he married? A No, sir.

Q Have you seen his wife? A No, I haven't seen his wife.

Q Where is he living now? A I don't know.

Q Where is Martha now? A She is dead.

Q Where is Nelson? A He is here.

Q Where did he live before? A On Big Creek.

Q Where did he go to on Big Creek? A He can answer that himself.

Q When did he leave you? A He left me off and on when he went to school.

Q Where did he go to school? A Some in Fort Scott and some in Parsons.

Q That is while you were living up there? A No, I wasn't living up there.

Q Where did you live now, after your husband died, in 1886? A In 1886 I was living on the river.

Q When did you first go back to Kansas? A I don't remember when I first went back; whenever I took a notion to go back, I took up and go; whenever I wanted to make some money I would pick myself up and go, go to the train and buy my ticket and go; I went in the day and I come in the day; I thought as I was a free woman I could do as I pleased.

Q Do you know where George's children were born? A If George has got any children I don't know it.

Q Who are these children you apply for? Daniel and Roy and Bessie and Lewis? A Daniel and Roy belongs to Kix.

Q Where does Kix live? A She is living here, I guess, the last time I saw her a year ago she was in Vinita.

Q How long had she been living at Vinita? A I don't know, I just went down to Vinita and saw her.

Q You don't know where these children were born? A No, sir.

Q Where was she married? A I don't know.

Q What is her husband's name? A She has got a statement.

Q Don't you remember she married in Fort Scott? A I don't know where she married.

Q What is his full name? A I think his name is Taylor, is all I ever heard.

Q You never did have a home here? A Never did till now. I have got a home.

Q Were you living in a house in Fort Scott when your husband died?

A No, I wasn't living in a house.

Q What was you doing up there? A Took Kix there, he was sick; the same doctor that doctored him during the war was there.

Q He has doctored him ever since the war, has he? A No, sir, he hasn't.

Mr. Mellette: What did you say about where you have lived since you came here in '86; where has been your home? A First one place and another, on the river.

Q What country has been your home? A The whole country has been my home.

Q What country has been your home? A The Cherokee Nation.

Mr. Hastings: Objected to by the representatives of the Cherokee Nation, because it is a legal question; ask her

where she has lived; let the facts develop where her home is.

Mr. Mellette: What country have you lived in since you came here in 1886? A Cherokee Nation.

Mr. Hastings: You have lived in Kansas too, haven't you? A I was living up there when I was only working, you don't suppose I was dead, do you.



MOSE HARDRICK, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mallette: What is your name? A Mose Hardrick.

Q What is your age? A 71.

Q Where do you live? A Up here on Pryor Creek.

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

Q What relation is she to you? A My sister.

Q Do you know whether she was a slave in the Cherokee Nation before the war? A Yes, sir.

Q Who owned her? A Lewis Ross.

Q A Cherokee indian, was he? A Yes, sir.

Q Do you know when she returned to the Cherokee Nation after the war? A No, sir, not exactly.

Q When did you first see her in the Cherokee Nation after the war?

A I seen her here in the summer.

Q What year? A Of 1866.

Q Where did you see her? A She came over to my place on Grand River.

Q Who was her husband? A Moses Grubbs was her husband.

Q What was his other name besides Grubbs? A Moses Ross, belonged to Lewis Ross.

Q Where has the applicant lived since that time in '66 when she came to your place? A I can't tell you.

Q Have you seen her? A Yes, sir, several times, at my place.

Q Did she live in your part of the country any length of time?

A She came there and stayed a while with me, sometimes a month or two weeks and then she would go back to her home.

Q Where was her home? A She said she was living up on Russell Creek.

Q Do you know of your own knowledge what other parts of the country she has lived in? A No, sir.

Q How often since '66, how frequently would you see her during that 35 years? A I can't tell, I never noticed the time.

Q Did you see her often or not? A Well, tolerably often, just now and then.

Q Where would you see her? A Sometimes at my house, sometimes at my brother's, and there in the neighborhood where I lived at.

Q Did you ever see her any other place in the Cherokee Nation besides over there? A I just saw her around at neighbors' houses.

Q Were you much acquainted up in the country about Coffeyville?

A No, sir.

Q Do you know where Vinegar Creek is? A No, sir, just only heard of it.

Q Do you know of her living up there of your own personal knowledge?

A I don't, I just heard the Negroes say she lived up there.

Mr. Hastings: About how many times you think you have seen her in 35 years? A I can't tell you, I never kept no count.

Q Have you seen her half a dozen times? A I expect more than that; I never kept no count.

Q She would come down there to visit you now and then? A Yes, sir, she would come over to my house.

Q Do you know her daughter finally? A Yes, sir.

Q She is living in Kansas, is she? A I don't know where she is living at.

Q You know she is married up there? A No, I didn't.

Q She has got a state and for a husband? A That is something I don't know.

Q You don't know her at all? A I don't know her and all her children married.

Q Do you know where Nelson, her son, lives? A He lived up here on Big Creek.

- Q How long has he lived up there? A I don't know how long, he has been teaching school up there a good while.
- Q Do you know where this woman's husband is: is he dead? A Yes, she says he is dead; I didn't see him.
- Q Did you ever see him? A Oh yes, I lived right on the place with him.
- Q Did you see him after the war? A Yes, sir.
- Q Where did you see him? A The last time I seen him it was up here in Kansas, and I haven't seen him since.
- Q About the time the war closed? A No, sir, a little time after it closed.
- Q Just before you came down here? A No, after that.
- Q You had come down here yourself? A Yes, sir.
- Q And went back and you saw him up there? A No, I didn't go back, he came down, I didn't go back.
- Q Where did he come from? A Well, that is what I don't know, I didn't ask him.
- Q Don't you know that this applicant has been living at Toia, Kansas? A No I don't, I have asked her several times and she told me no.
- Q Do you know where this Mose Ross died? A I don't know that.
- Q Didn't die at your house, did he? A No, sir, didn't die there.
- Q You never was at Vinegar Creek? A No, sir, never was.
- Q You never saw her on Russell Creek? A No, sir, never went up there that far since I have been in the Nation.
- Q She would come to visit you once in a while? A Yes, sir.
- Q About how long would she stay on a visit, a week or two? A Yes, sir, longer than that.
- Q How long; a month? A She come one time and stayed nearly two months; she was confined there.
- Q Where was her husband then? A I don't know.
- Q He wasn't with her? A He wasn't with her.

FRANK ROSS, being duly sworn and examined before Commissioner Needles, testified as follows:

- Mr. Kellotte: What is your name? A Frank Ross.
- Q What is your age? A 55.
- Q Where do you live? A Lightning Creek.
- Q Are you on the authenticated roll of Freedman citizens of the Cherokee Nation? A Yes, sir.
- Q Do you know the applicant, Nancy Ross? A Yes, sir.
- Q How long have you known her? A Ever since I can recollect.
- Q Did you know her before the war? A Yes, sir.
- Q Where did you know her? A Knewed her at Lewis Ross' where we belonged.
- Q Did she belong to the same person you did? A Yes, sir.
- Q Did you know her husband, Mose Ross? A Yes, sir.
- Q How do you know when she returned to the Cherokee Nation after the war? A I know when I saw her first.
- Q When did you first see her? A In the fall of '86.
- Q Where? A To her brother's, Mose Hardrick, on Grand River, east of Grand River.
- Q How did you happen to see her there? A I was up there, went up there from where I lived, and she was there.
- Q Where has she lived since that time, as far as you know? A Well, I can't tell where she has lived, only about ten years after that I seen her up on Big Creek, where she is living now.
- Q Is there a Vinegar Creek up there some place? A Oh up close to Coffeyville in there somewhere, I heard of one up there.
- Q You saw her, you say, ten years after you first saw her, on Big Creek? A Yes, sir.

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Q How long has she lived up there on Big Creek? A About 16 or 17 years I guess, as well as I can recollect; maybe not so long and maybe longer.

Mr. Hastings: How many times have you seen her in the Nation since '68? A I don't know, I have seen her a good many times.

Q About how many times? A I can't say; I have seen her a good many times.

Q You saw her at Moss Hardrick's the first time? A Yes, sir, at Moss Hardrick's, her brother.

Q What time of the year was that? A In the fall.

Q Was her husband with her? A I didn't see him.

Q Was her children with her? A I seen two.

Q Name them? A Ned and Kizzie.

Q Was Kizzie married then? A I don't know.

Q Was her husband with her? A I don't know.

Q You don't know whether she was married or not? A No, sir.

Q When did you next see her? A About ten years after that, I guess it was ten, nine or ten.

Q Was her husband living with her then? A Yes, he was sick then.

Q Where was she? A That was up on the river, up here on Big Creek.

Q Near whose place? A Well, it was near the Duffin settlement then.

Q Were you up there to her house? A Yes, I was to her house.

Q Was her husband there? A Yes, he was there when I got up there.

Q Now when was that? A I disremember what year it was in, it must have been along about '79 or '80, somewhere along in there.

Q What did you see her after that? A A good many times after that.

Q Did she have a place on Big Creek? A Yes, sir.

Q She had a house built? A Yes, sir.

Q She is living on that same farm, and house now? A Yes, sir, in the same house and farm.

Commissioner: Nancy Ross applies for the enrollment of herself and two children, Arthur and Emma. She is not identified upon the authenticated roll of 1880, or the census roll of 1898. She is duly identified upon the Kern-Clifton roll. Her two children, Arthur and Emma, are also identified upon the Kern-Clifton roll. She swears that she was the slave of one Lewis Ross, a Cherokee citizen, and that she was married to one Moses Ross, ~~now deceased~~ or Moss Gribb, now deceased. She swears that she went to Kansas during the war and returned in the year 1865. By reason of the fact that her name is not on the roll of 1880, and by reason of the fact of the especial protest of the Cherokee Nation against her enrollment, said Nancy Ross will be listed with her two children, Arthur and Emma, for enrollment as Cherokee Freedmen, on a doubtful card, awaiting further consideration by the Commission. She will be notified by mail of the decision of the Commission, when arrived at.

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#### Supplemental testimony.

NANCY ROSS, recalled, testified as follows:

Commissioner: How do you apply for some grandchildren? A Yes sir.

Q What are their names? A Bert Ross.

Mr. Mallette: Whose children are these grandchildren? A Cyrus.

Q Are they living with you? A Yes, sir.



- Commissioner: How old is Bert? A I don't know his age.
- Q About how old? A I guess he may be 17 I guess.
- Q What is the name of the next one? A Lewis.
- Q How old is Lewis? A I don't know how old he is.
- Q About how old? A I just don't know.
- Q Is he younger than Bert? A He is younger than Bert, Bert is the oldest one.
- Q About how old is he? A I guess I would put him about 15.
- Q What is the name of the father of these children? A Cyrus Ross.
- Q Is he living? A No, sir, he is dead.
- Q What is the mother's name? A I don't know the mother, she don't live with me, she just brought the children home.
- Q Was Cyrus Ross your son? A Yes, sir.
- Q When did he die? A He died several years ago.
- Q Where? A Down here.
- Q In the Cherokee Nation? A Yes, sir.
- Q How old would he be if he was living? A I guess he would be 42.
- Q Was he born a slave? A Yes, sir.
- Q Where did he go during the war? A He went with me.
- Q Did he belong to the same man you did, Lewis Ross? A Yes, sir.
- Q Did he return with you? A Yes, sir.
- Q Where were these children born? A Born on Grand River, in the Cherokee Nation.
- Q Where was Cyrus Ross married? A I don't know, he was married in the Nation, he had a Nation woman.
- Q Was his wife a state woman or a freedman? A She was a Nation woman.
- Q Was she a slave? A Yes, sir, I guess so.
- Q You don't know her name? A Her name was Sidney he said, she didn't live with me.
- Q What Sidney? A I don't know.
- Q Do you know whether they were ever married or not? A No, sir, he was sick when he came home, his wife was dead, and he just brought the children.
- Q Now how many grandchildren you want to enroll? A I want to enroll six.
- Q What are their names now? A Bert and Lewis and Georgia and Minnie and Roy and Nancy.
- Q George Ross? A Yes, sir.
- Q And Minnie Ross? A Yes, sir.
- Q And who else? A Nancy Ross.
- Q And who else? A Roy Ross.
- Q How old is Georgia Ross? A I don't know how old she is.
- Q About how old? A I don't know, I can't say, for I don't know nothing about how old the grandchildren is.
- Q You ought to post yourself on that before you come to apply.
- Q Nobody knows their ages except the fathers: I guess she may be 14.
- Q How old is Minnie? A About 12 years old.
- Q Well, how old is Nancy, about? A Nancy is another set, another daughter's children.
- Q How old is she? A She is 9.
- Q Well, how old is Roy? A He is 14.
- Q Is Roy the brother of Nancy? A Yes, sir.
- Q Well now, is Cyrus the father of Georgia and Minnie? A Yes, sir, he has got four.
- Q And Bert and Lewis? A Yes, sir.
- Q And their mother's name was one Sidney? A Sidney, he said.
- Q Were they ever married? A I don't know.
- Q Can you prove their marriage? A I don't know anything about it.
- Q Well, that is what you will have to do. That was the mother of

Nancy and Roy? A Martha.

Q She your daughter? A Yes, sir.

Q Is she living? A Yes, sir, she is dead.

Q When did she die? A She died since the Clifton Court.

Q How old would she be if she was living, about? A I think she would be 34 years old, I guess.

Q Was she born before or after the war? A She was born in '66.

Q Where? A On Russell Creek.

Q In the Cherokee Nation? A Yes, sir.

Q She lived there till she died? A Yes, sir.

Q Are these children all living? A Yes, sir, they are all living.

Q Are they living with you? A Yes, sir.

Mr. Hastings: Where at? A Up on Big Creek.

Q How long have they been living on Big Creek? A Been there ever since I been there.

Q How long is that? A I guess I been living there 14 or 15 or 16 years, I reckon, I can't remember just how long I been living there.

Q You got a place there? A I got a place there now.

Q When did you make it? A I made it in 1897.

Q Who did you live with up there before that? A I lived with Katie Thornton.

Q You never lived on a place of your own have you? A I had a place rented up there.

Q Did you know where Cyrus Ross' children were born; did you ever see his wife? A No, I never saw his wife, he was 't with me.

Q He was in Kansas? A No he wasn't in Kansas.

Q And all these children were born up there? A No.

Q How do you know? A I don't think he was.

Q You never saw his wife? A No, sir.

Q You are testifying here and you never saw his wife? A He said they were born in the Nation; he never came home till he was sick enough to die.

Q When did he die? A He died when he died.

Q When was that? A I don't know when he died, I don't know how many years it has been.

Q Has it been 20 years ago? A I don't think it was, I know it wasn't.

Q Is his wife living? A No, sir.

Q You don't know her name? A No, sir, only Sidney, because he was sick when he came there.

Q Don't you know where he was living, your own son? A No, sir; do you know where your own folks is living when they are grown and scattered about keeping up their business?

Q What was Martha's husband's name? A She didn't have no husband, just had them two children.

Q Where were them children born? A, born here.

Q Where? A Where; born here in the Territory.

Q What part of the Territory? A On Big Creek.

Q In your house? A Yes, sir.

Q You were not keeping house at that time? A Yes sir, I was renting and keeping house.

Q Where did Martha die? A Up there.

Q Where? A Up on Big Creek.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Bert Ross on page 182, No. 3786, Coconino District;

Louis Ross on page 182, No. 3787, Coconino District;

as Louis Ross;

Georgia Ross on page 182, No. 3788, Coconino District;

Minnie Ross on page 182, No. 3789, Coconino District.

Q Did Martha die since she got her Clifton land?

A She got her Clifton money, but they couldn't find the children's names, they were left off.

Q She didn't get it for the children? A No, sir, they were left off.

Q These children all living? A Yes, sir.

Q All living with you? A Yes, sir.

Commissioner: The applicant also applies for the enrollment of six grandchildren, to-wit, Bert Ross, Lewis Ross, Georgia Ross and Minnie Ross, who she avers are the children of her son Cyrus, by one Sidney. The children are duly identified upon the census roll of 1896, but no proof is made as to the marriage of Cyrus with the presumed mother of said children, and no proof as to where they were born, or as to the citizenship of their mother. She avers that she has two grandchildren, Nancy and Roy, and that they are the children of her child, Martha, now deceased, —

The Kern-Clifton roll examined, and the name of Martha Ross found thereon, page 152, No. 3759, Cooweescoowee district.

— and the said Martha Ross is identified upon the Kern-Clifton roll. The names of the children Roy and Nancy cannot be identified upon any roll, and no satisfactory proof is made as to their citizenship, consequently it will be necessary first that satisfactory proof of marriage be made between Cyrus and his wife, the averred mother of his children, and satisfactory proof of the birth made as to Nancy and Roy, the averred children of Martha, and their names will be placed upon a doubtful card as Cherokee Freedmen awaiting further consideration by the Commission. They will be notified by mail when a decision is arrived at.

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

*Bruce C. Jones*

Sworn to and subscribed before me this the 14th of August, 1901.



Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Winitz, I. T., October 7, 1901.

In the matter of the application of Nancy Ross et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

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

R. J. MORRIS, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A R. J. MORRIS.

Q What is your age? A I am 56 years old.

Q Where do you live? A I live at Iola, Kansas.

Q How long have you lived in and about Iola, Kansas? A Since '56.

Q Did you know a colored woman by the name of Nancy Ross, and also known as Nancy Grubbs.

Q You know her husband? A Yes.

Q What was her husband's name? A Mose.

Q Did you know any of her children? A Yes.

Q Now name some of them? A Well I knew George, Dick and Arthur and Kizzie I think and also Ned Foreman, that was a son of hers.

Q A son of hers, not a son of Mose? A No.

Q Do you know this man here (indicating Nelson Ross)? A Well it has been quite a while since I have seen him, but he resembles the Grubbs family, I can't say whether he is a Grubbs or not.

Q Well, when did you first learn to know Nancy Grubbs or Nancy Ross? A Well right away after she came up there from the Nation, I think it was about '63 somewhere along there, I wouldn't be positive it was that year, but then right in that neighborhood.

Q Well now how long did you continue to know them? A Well, I knew her ever since.

Q Where has she lived since that time? A Iola.

Q Well, have you known these children? A Yes, I am very well acquainted with George and Arthur, and I did know Dick and Harry, I am very well acquainted with Harry, I saw him nearly every day, I have been living or boarding right close to where he lives, I see him most every day.

Q Does he live up there now? A Yes.

Q Does his mother live up there now? A I can't say whether she lives there now, she did the last I knew, that was last winter; you see I have been away from town a right smart of the time this summer at work.

Q How far from Iola did they live when you first knew them just after the war? A Well, I suppose about two miles, mile and a half or two miles.

Q They live on a farm? A Why they lived, I don't know whether you would call it a farm or not, a small tract of land.

Q Well, did they afterwards move in town or move from there? A Yes, afterwards moved from there to town.

Q About how long ago? A Well I can't say positively, probably eighteen or twenty years ago, well I would say fifteen or twenty years ago, I can't say positively just what time it was.

Q Did you ever have them to work for you, do any work? A No.

Q How far did you live from them this first few years after the war, did you live in town? A No, I lived about three miles northwest of town.

Q How far would that take you from them? A Oh probably about three miles or four.

Q For how long the father, Mose Ross, or Ned Grubbs, died? A Well

now I wouldn't be positive whether he died, think though he died in Iola, I wouldn't be positive as to that.

Q Well, did you ever hear of these people leaving there for any length of time? A No, I never did, I don't know of them ever moving away.

Q Did you see them frequently? A Why very often.

Q Did you ever know one that they called Nelson? A No.

Q Never knew Nelson? A Didn't know him.

Q You know one they called Dick? A Yes.

Q Did Kizzie marry, the daughter? A Yes.

Q Who did she marry? A She married a colored man by the name of Newman, Taylor Newman.

Q Do you know what became of her? A I do not.

Q When did you remember of seeing her last? A Well sir, I can't tell you, I see Taylor very often.

Q That her husband? A That is her husband, but I haven't seen him for sometime.

Q You know where Taylor is? A He is in Iola.

Q Living there? A Yes, sir, living there.

Q That is Taylor Newman? A Taylor Newman.

Mr. Kellotte: How old are you, Mr. Morris? A 56.

Q You say that the woman, Nancy Ross, whom you knew and whom you have been telling about, or Nancy Grubbs, lived in Iola last winter? A Yes, sir.

Q That was the winter of 1900 and 1901? A Yes.

Q Where did she live? A She lived in the southwest part of town.

Q Kept house? A Yes, sir.

Q Have a family there? A Yes, sir, her children was there with her.

Q How many children? A Two I think and then there was one boarding there, George was boarding at home.

Q Well, how old a man is George? A He must be well into thirty years old, maybe older, I don't know just exactly.

Q Then you don't know anything about any of the rest of them except George, do you? - And Nancy? A No, I don't; well, Harry, I know Harry lives there in Iola.

Q Do you know that the Nancy Ross who has made application here for enrollment as a Cherokee Freedman is the Nancy Grubbs whom you have been talking about? A No, sir, I don't, I never knew her by the name of Nancy Ross.

Q Now where was Nancy Grubbs, whom you have been talking about, in 1866? A In 1866, well she was in Iola as far as I know.

Q Well I am not talking about as far as you know? A I can't swear positively whether she was there or not, if she ever moved away I don't know about it.

Q You don't know whether she was there in 1866 or not? A I can't swear positively she was there, no, sir.

Q There was she in 1867? A That I can't say, for it has been years back.

Q There was she in 1868? A Well she lived there in Iola or in the vicinity.

Q Well are you certain of that? A If they ever moved away I never knew it.

Q Well that don't answer my question? A Well I wouldn't swear positive.

Q Then you are not swearing where this woman Nancy Grubbs was in either of the years I have mentioned, '66 or '7 or '8? A I can't swear positively.

Q Where was she in 1870? A Well, I suppose she was in Iola.

Q Well do you know, can you swear that you saw her there? A I can't swear, I seen her there.

Q When? A Numbers of times, from the time I became acquainted up to the present time if they ever moved away I never knew it.

Q I am asking you where she was in 1870? A I can't tell you, I...

wouldn't swear positively.

Q You will not swear whether she was there in 1870? A I say if she ever moved away I never knew of it, she has always been a resident of Iola as far as I know, and I saw them often.

Q Where do you live? A I live northwest of Iola about three miles, and part of the time I lived in Iola.

Q Were you a particular acquaintance of Nancy Grubbs, you have been talking about? A Why I have been very well acquainted with her for sometime.

Q Did you watch her movements closely? A No, sir, I didn't.

Q I will ask you if it is not a fact that she has lived away from there as much as five years at the time? A No, sir.

Q You are positive of that? A Positive of that.

Q Has she lived away from there as much as one year at the time?

A I can't say if she has, if she ever has I don't know it.

Q But you can't say she hasn't? A I wouldn't swear point blank that he hasn't.

Q You don't know whether or not she came down into the Cherokee Nation on Russell Creek in 1866, do you? A I can't swear positive.

Q Do you know of her living upon Vinegar Creek up close to Coffeyville in the Cherokee Nation? A No, sir.

Q Do you know whether she did or not? A I don't know, I don't know anything about Vinegar Creek.

Q I will ask you if she lived there? A I don't know; I answered the question that way, I don't know.

Q You say you don't know Nelson Grubbs? A No, sir.

Q You don't know whether he has lived in the Cherokee Nation all his life or not? A Don't know him, I don't know any of them by that name.

Q Now you don't know this man, do you (indicating Nelson Grubbs)?

A I can't see him.

Q He is right by the window and you ought to look at him; do you know him? A Well he looks like the Grubbs to me.

Q Well do you know him, do you know who he is? A Is it George?

Q Now you are positive? A Well he is in a little better shape, if he is George, than I have ever seen him.

Q You don't know whether the man sitting here is George Grubbs or not? A It is a pretty hard matter for me to place this fellow here.

Q I am asking you if ~~this~~ this fellow is George Grubbs? A I believe it is.

Q This man sitting here is George Grubbs? A I believe it is, it resembles him.

Q If it I would tell you it was Nelson Grubbs what would you say?

A He must be a brother of George then.

Q You never saw that man in Kansas then? A Don't believe I ever did.

Q This man is Nelson Grubbs, and you will swear you never saw him in Iola Kansas, that you know of? A I don't think that I ever did, I never saw him that I know of, I can't tell him, it is a Grubbs though.

Q The only child of Nancy Grubbs then whom you know is George Grubbs? A George and Harry and Dick.

Q Where is Harry? A He is in Iola.

Q How old is he? A He must be probably 25 or more.

Q When did you see him in Iola? A I seen him there Saturday last.

Q What is he doing there? A He is in a livery barn.

Q For wages? A I suppose so.

Q Is he a single man? A No, sir.

Q Has a family? A Yes, sir, he has a wife, I don't know whether he has any children or not.

Q Well, where is George? A George, I saw him I think it was last Thursday.

Q Where did you see him? A In Iola.

Q What was he doing there? A Working.



Q What was he doing? A He was helping move a house.

Q How far is it from here to Iola, Kansas? A I don't know the exact distance, it is about 95 miles I suppose, something in the neighborhood.

Q Was he living there or just working there temporarily? A Why I don't know whether he lives in Iola or Humboldt, he lived in Humboldt last winter he told me, and I can't say whether he lives in Iola or Humboldt, he was working in Iola.

Mr. Hastings: Is Humboldt in Kansas? A Yes, sir, Allen county, Kansas.

Q Now Mr. Morris, as I understand you, you got acquainted with or learned to know these people about '63? A Yes sir.

Q You saw them there last winter and some you saw the last few days ago? A Yes.

Q Between those two dates now have they lived there so far as you know? A So far as I know.

Q You never missed them? A Never missed them.

Mr. Mellette: Did you take it upon yourself to watch these people? A No, sir, oh no.

Q They might have been gone a year at a time without you knowing it? A I don't think they would, they possible might have been, I didn't watch for anybody very close, it is not my business, my business is attending to my own business, but as I say, if they were away from there I never knew it; well I have known of her going to the Nation a time or two but not to move here, I don't know of her moving here, she has made a few trips, her and George both, I don't know that Harry has ever made a trip.

J. E. THORP, appearing before the Commission and being duly sworn and examined, ~~testified~~ testified as follows:

Mr. Hastings: What is your name? A J. E. Thorp.

Q What is your age, Mr. Thorp? A 64.

Q Where do you live? A Iola.

Q Kansas? A Kansas, yes, sir.

Q How long have you lived in and about Iola, Kansas? A 44 years and a little upwards.

Q What is your occupation? A I have been a barber for the last 35 years, 32 years.

Q Do you know a colored woman by the name of Nancy Ross, or Nancy Grubbs? A So called, yes, sir.

Q Where did you know her? A Immediately west of Iola, across the river, in the first place, a little way from Iola.

Q About how far did she live from town when you first knew her?

A Two miles, two and a half, sir.

Q Well, about when did you learn to know her? A I think it was about '67, it was a year or more after I got home from service.

Q Where was she living? A West of the river a couple of miles from town.

Q How long did she continue to live at this place? A I can't say as to that, a year or two or three, I kept no count of it.

Q Where did she go from there? A Her family moved from there into town.

Q Well, did you know them after they came to town? A Yes, sir, that was the same as I knew other colored families, I knew of them.

Q Did you know the father and husband's name? A Mose I think.

Q You knew him? A Oh yes.

Q Did you know any other members of the family, the first names?

A I knew of their father's, but I didn't know but very few of their names, really I couldn't keep track enough of them, on their names, I know several of the oldest ones, there are probably several of the younger ones that I didn't know, I know their names, it is Grubbs, there is a family resemblance.

Q How long did you know them, up to what time did you know this

Nancy Ross or Grubbs? A Oh I have known her more or less all these years.

Q You know where she is now? A Well no I don't, my idea was that she was there at her home I guess, but I heard she is here in town now.

Q When did you last know of her being up there at her home? A Well as I said in the lower court this morning, I have no absolute knowledge of her being at home since her family was quarantined last winter.

Q Well you know of her then being there as late as last winter?

A Yes.

Q Now have you known of them ever since you have learned to know them a year or two after the war, up to last winter?

Mr. Mellette: It strikes me that is about as leading a question as it can be; I object to that question upon the ground of being leading.

Commission: The objection will be noted; let him answer the question.

A Practically so, sir.

Q How far did you live from them last winter, your residence?

A Last winter, I think about seven blocks, about that.

Q Did you know Ned Foreman? A I did know him in the years gone.

Q How long has it been since you have seen him? A I can't tell you, I don't remember much of having seen Foreman very much since he married, he lives out east of town some six or eight or ten miles, maybe eight or ten or fifteen years ago, maybe longer.

Q Did you ever know Kizzie, a girl? A I knew of her, knew her by sight.

Q Did you know her husband? A I don't remember whether I did or not, no I didn't.

Q Did you know George Ross or George Grubbs? A Well now I can't state that except from what I heard in the preliminary examination when we referred to her having married Newman.

Q You don't know about that? A I probably knew of it at the time, but it has escaped my memory; the probabilities are I did know of it at the time.

Q Well through these years did you ever know of this family moving away from there? A No, I have no knowledge of their ever moving away, not to my knowledge; they might have been gone at times for a couple or two or three months or perhaps a greater period of time, but I wasn't aware of it at all.

Q Could it have been possible for this woman and her family to have lived here ever since '66 in the Cherokee Nation? A Well scarcely.

Q If she swears that she moved here in '66 and lived here ever since, she is mistaken? A Well I rather think so; that would be my idea of it; profoundly mistaken.

Mr. Mellette: There is that preliminary court you talk about?

A In the room below here.

Q What makes you call it a court? A I don't know whether it was a court or not.

Q Didn't they tell you that that is just the attorneys for the Cherokee Nation? A I don't know, perhaps they did.

Q Why did you come down here? A I was subpoenaed.

Q What kind of subpoena was served on you? A The same as the balance I presume.

Q Now what kind of subpoena was served on you, who signed that subpoena? A I think it was Mr. Keys.

Q Isn't you know that subpoena isn't legal? A I don't know anything about it.

Q Do you people up there think that subpoena is binding on you folks to come down here? A That is the impression we got.

Q Why do you have that idea?

Mr. Hastings: What is the use of going into that? I



am going to object to that.

Mr. Mellette: I simply want to know what kind of subpoena is being served on these people, whether they are coming of their own accord and voluntarily to appear as witnesses in these cases or whether they are coming in obedience to a legal subpoena and if the subpoena served on them is a legal one, and if not, I want to know who signs it, by what process they are brought here, if they are voluntarily appearing as witnesses; it is a question that goes to their credibility; if otherwise, why they are entitled to know it. I simply want to know how this man is being brought here, upon what kind of a subpoena.

Mr. Hastings: If the Commission pleases, it is enough for the attorney for the applicant to know that a subpoena was regularly issued and that this man was brought here; he was brought here at our instance, we subpoenaed him, he is here to give testimony on behalf of the Cherokee Nation. Now what would it avail him, what business is it of his to go into the question of the legality or illegality of the subpoenas issued by the Cherokee Nation? That is a legal question that this Commission don't know anything about nor would it be of any benefit to them in this case to investigate it; it is simply a side question. For the gentleman's information, I might say the Cherokee Nation passed a law authorizing the employment of attorneys before this Commission, and that same law authorizes the issuance of these subpoenas by the attorneys for the Cherokee Nation, and these subpoenas were issued by the Cherokee Nation in obedience to that law, and these were served by people qualified to serve them upon these outside witnesses. It don't affect whether Nancy Grubbs came back here after the war, or whether she continued to reside here after that time.

Commissioner Breckinridge. I have no occasion to go into the question of the sufficiency of these subpoenas when served in the State of Kansas. If the witnesses themselves choose to raise the question and refuse to come, it would then arise before a court of competent jurisdiction. There has been a law passed by the Cherokee Nation and approved by the President of the United States providing for all these processes, and so long as these witnesses are here, the only point in which I am concerned would be the weight of their testimony. Even if they came without any subpoena, it is a question of the value of their testimony. A great many of the witnesses have come without any subpoena; they are selected from the crowd at the time. If the service of a subpoena is necessary for the proper accounting of the business to enable the Cherokee Nation to pay their mileage and per diem, I don't see any objection to it. I overrule any objection that seeks to exclude evidence upon ground of that character, and that evidence will be received, and as for going into the technical question of the subpoena, I see no occasion for that. I want to proceed upon the merits of the case and the value of the testimony. If you want to impeach the witness as to his integrity and character, why take steps to that effect; otherwise I consider the question as of no probable bearing or force. Counsel can put in the record any objection that he likes, but the case will proceed and the matter will be considered by the full Commission when opportunity is offered.

Mr. Mellette: Now Mr. Thorp, where was Nancy Grubbs in 1866? A I think ~~she~~ she was west of the river at that time living up there on a place they had rented.

Q Well, do you know where she was, can you swear where she was?

A I don't remember, I wouldn't say for certain that I was at their house in '66, but I think it was about in '67.

Q Well, are you willing to swear that you were at her house in '67?

Oh I think I might, yes, sir.

Q Now if she swore that in 1867 she was in this country and went from Russell Creek up to Vinegar Creek, she is mistaken, is she?

A I think so, probably.

Q Now, you swear positively she is mistaken? A I think she was mistaken, I wouldn't say positively, but I think so just the same.

Q When did you get back from the army you spoke of? A I got home Christmas after, '65.

Q You said you saw her a year or two after you got back? A Yes, sir.

Q Well, was it one year or two? A I can't say as to that; I was hauling some wood for some man, over to a neighbor living just west of them, and I frequently went clear around by their house in order to avoid crossing two bad places.

Q But you can't say whether it was one or two years after you came back after the war, how do you know where she was in 1867?

A I was passing there and saw the old lady; I think on one occasion I saw her husband planting potatoes.

Q I am not talking about the old gentleman? A Well I saw the members of the family there and while not being absolutely close enough, still I had plenty good eyes those days, that is my recollection, that I thought I recognized the old lady, I might have been mistaken but it is scarcely possible.

Q Was that two years after you came back after the war? A I don't think it was, inside of two years, no, sir, about two years, it was in the spring time I was hauling this wood from Mr. Elmer Reagan's farm, E. L. Reagan.

Q Did you know a child of Nancy Grubbs named Martha? A I don't think I did.

Q Do you know whether the Nancy Grubbs you have been talking about is the Nancy Grubbs who has applied here, or the Nancy Ross who has applied here for enrollment as a Cherokee Freedman? A I can't say, just as I said in the lower room, whether a court or not, but I don't recollect ever having heard her called Nancy Ross at all.

Q But you don't know that the applicant here is the woman you have been talking about? A No, I know Mrs. Grubbs of course; whether she is the woman Ross or not now I don't know.

Q And whether she is the applicant or not you don't know? A Why if her name is Grubbs I presume it is the applicant.

Q Well, was there ever more than one Grubbs in the State?

A There was no more that lived there to my knowledge.

Q I saw, do you swear that the Nancy Ross who has applied here for enrollment is the Nancy Grubbs you have been talking about; do you? A I think that it is all one and the same person.

Q Do you know who has applied here as Nancy Ross for enrollment?

A I don't know, I have been informed.

Q I am not talking about what you have been informed; do you know who has applied here as Nancy Ross? A No, I do not.

Q Then do you know whether the Nancy Ross who has applied here is the Nancy Grubbs you are talking about? A I can't say it only in the way of a presumption, I took it granted of course in the way of a presumption it is the same.

Q Do you know Harry Grubbs? A Oh I have known of him I think.

Q Where was he born? A I can't say as to that.

Q Was he born in the Cherokee Nation? A I can't tell you.

Q You don't know whether he was born in the Cherokee Nation or not?

A No, sir.

Q Well, if he was born in the Cherokee Nation, Nancy Grubbs was here at the time, wasn't she? A Probably was; probably was, without she must have been born at pretty long range.

Q Where did Moses Grubbs die? A Well sir, I think he died in Iowa.

Q You swear that? A No, I don't, because I don't absolutely know outside of hearsay, that is how.

Q How didn't he die in Fort Scott? A I can't tell you sir.

Q Did you keep your eye on Nancy Grubbs all the time to know whether she came down here to the Territory? A For several years

I passed her door, some 12 or 14 years, on the way to my home, passed three or four times a day.

Q Was she at home all the time? A She might have been, I can't say as to that, I know I saw her frequently though; I might not have seen her for a ~~month~~ week or two weeks, but I wasn't aware by hearsay or otherwise of her being absent from there.

Q Well, you didn't make inquiry, did you, as to whether she was absent or not? A No, no.

Q She might have been absent and you not hear about it? A Possibly, she might have been absent ~~as~~ very frequently that I don't know of, possibly, for short periods, I think two or three or four days; I knew her and three or four boys, and I have some slight knowledge of a girl or two, I don't remember how many.

Q Where was George born? A I can't tell you where any of them was born. I can't tell you whether they were born in the Cherokee Nation or Vinegar Creek or anywhere.

Mr. Hastings: I believe you stated that you passed their door three or four times a day for 12 or 14 years? A On my way from home to my shop, unless the weather was too extremely hot or stormy, I passed the door in going to my work and to my meals and back home again at night.

Q And during that time you never missed this woman? A Oh she was probably absent sometimes for a few days that I don't know anything of it, I know nothing of her being away.

M. G. ROBINSON, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A M. G. Robinson.

Q Where do you live? A At Iola, Kansas.

Q How long has Iola been your home? A Since the spring of '70.

Q Did you know a colored woman up there by the name of Nancy Grubbs or Nancy Ross? A Well, she was generally known as Nancy Grubbs.

Q I saw you know her? A Yes, sir.

Q About when did you learn to know her? A I don't know just how soon, it wasn't so very long after I came there, I can't say now just how long.

Q Now how long have you known her since, up to what time? A What I mean in a general way, knew their family in town, it has been my understanding they were there or some of the family all the time, or most of the time, well all the time; what I mean is some of the family.

Q Did you know her husband? A Yes, sir.

Q What was his name? A Moses, that is, he always went by the name of Moses Grubbs.

Q Well, did you know any of their children? A Yes, sir.

Q What was some of their names? A Well, there was one that was called, sometimes Ned Foreman, and some called him Ned Grubbs, and then there was George Grubbs and Kizzie Grubbs and Dick Grubbs, that was among the older children.

Q Do you know this one here (indicating Nelson Grubbs)? A This one here I believe yes, I do not care whether it is George or Dick, one that they called Dick Grubbs.

Q Was there one they called Dick? A Yes, sir.

Q Do you know any other name for Dick? A No, that was the name he went by.

Q Do you know where Dick went to school? A Yes, sir, he went to school there at Iola; that is the same, he went to school there, he graduated there at the High School, that is my remembrance.

Q Did you know one they called Nelson, or did they have one by that name? A I don't remember one by that name, being called that.

Q You live in town? A Yes, sir.

Q What is your occupation? A Vases maker, I run the vases thing, but then I'm making in my trade, wood work rather.

Q Where did these people live when you first knew them? A They were living east of the river on a farm there.

Q About how far from Iola? A Well it is somewhere, that is to go out where they lived, it would have been along about close to two miles, a mile and a half or two miles.

Q They lived there when you first learned to know them? A Yes, sir.

Q How long did they live over there before they moved to town? A I can't tell you, they lived there, it must have been they lived there in town, well from fifteen to twenty years anyhow.

Q In town? A In town; of course I had nothing to particularly call my attention to the time they came in.

Q Did you see them there as you saw other people? A Oh yes, the same as I would other people, that is all.

Q Did they ever work for you, any of the family? A One of the girls worked for us some, but I don't remember now which one it was.

Q Did you know one they called Harry? A I don't remember him, not by that name.

Q Did you know one by the name of Kizzie, a girl? A Yes, sir.

Q Know whether she is married or not? A Yes, sir, I think she is, that is my understanding.

Q Do you know her husband? A Yes, sir, Newman I believe, that is my remembrance now, that she married Newman.

Q You know where Newman lives? A I think he is living there in Iola.

Q You have never missed her? A I haven't missed her, no, sir.

Q Well, when was the last time you saw any of this family up there?

A Well it is hard to tell now, it seems to me that it has been a good while; last winter they had the smallpox there; I wa n't down there, but then that was the talk, they had it, that was the report.

Q Were they living in town then? A Yes, sir, same place they have been living ever since they have been there in town.

Mr. Mellette: Well, where was this woman whom you call Nancy Grubbs in 1875? A Well my remembrance is that she was there; that is, out on the farm, out west of town, that is, they were living on the farm there.

Q Do you know whether she wasn't down in the Cherokee Nation at that time? A No, sir, I don't; that is, not at that time.

Q Isn't it a fact that two of the children have always lived up there, Harry and Arthur of these applying for citizenship in the Nation, and that the other people come up there to visit them sometimes? A That I don't know, that is, about the living there, that is, I don't know that they have been away, I don't know that they have been away; my understanding is that they have been there.

Q I am not talking about your understanding? A Why I say I don't know that they haven't been away some.

Q You made the remark a while ago, that some of the family were there all the time? A Yes, sir.

Q Now what did you mean by that? A Well that the family, that is, that where they were living that the family was there.

Q Own any property? A Owned that farm.

Q All the family? A The Grubbs, that is, Nancy, and my understanding is, rather that that was her home.

Q You don't know that she was there all the time? A No, sir.

Q The children all lived there too, didn't they? A Well I think so. That is, those that I have mentioned.

Q Well Harry and Arthur? A Well Harry, yes, sir, I think so.

Q But you don't pretend to say that the old lady, Nancy Grubbs, has made that her home all the time? A Not all the time, no, sir.

Q Do you know anything about her living up on Vinegar Creek in the Cherokee Nation? A No, sir, I don't.

Q Do you know anything about her ever coming to the Cherokee Nation?

A No, sir, only just of the reports is all.

Q Then you did hear reports? A I have heard that she has been here a few times.

Q And she might have been here when you didn't hear of it? A Yes, sir.

Q You moved to that country in 1875? A 1870, yes, sir.



Q And you knew nothing about Nancy Grubbs or her family before that time? A No, sir.

Q How long have you lived there, before you became acquainted with her? A I don't think it was a great while afterwards, I had just been there, just done some work for Mr. Grubbs, but I can't tell you now just how long, or how soon it was, it wasn't a great while after I went there.

Q One year or two years? A I am satisfied it was inside of two years.

H. P. GRAY, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A H. P. Gray.

Q What is your postoffice address? A Iola, Kansas.

Q How long has that been your postoffice, or home? A 23 years last December.

Q You know Nancy Grubbs, or Nancy Ross? A Yes, sir.

Q How long have you known her? A Well, I have known her for 23 years maybe now, I got acquainted with the Grubbs family right after I got there.

Q Where were they living when you got acquainted with them? A They were living in a little cabin a mile and a half west and a mile north of Iola.

Q Did they afterwards move to town? A Yes, sir.

Q Did you know them after they moved there? A Yes, sir, they lived on the same street that I did, about six blocks south.

Q Now how long have they lived there? A Well, it is right close to 20 years, I wouldn't like to say because I didn't make any note of it.

Q Well, your best judgment as to the time? A My best judgment is it is eighteen years last spring since they moved in there.

Q You know where they moved from when they moved to town? A Yes, sir, they moved from that cabin.

Q Did you Nancy Ross, or Nancy Grubbs' husband, Max what his name was? A Mose Grubbs, yes, that is the fellow that I supposed was the husband.

Q Did you know any of the children? A Yes, sir.

Q Name some of them? A Well the oldest one was Lou I think that is the oldest one, and the next was Kiz, I may be mistaken now, I don't swear I know exactly, but Kiz and Dick - oh confound it I forget the other names; I would know it if I would hear it, but I don't recollect the names; they were the oldest; well George was older than Dick, George was next to Kiz according to my best judgment; he is about 28 years old I should think.

Q George married? A He has been once or twice, I don't know whether he has got a wife now or not.

Q Do you know where he lives? A No, I do not; I saw him this summer but I don't know where he lives.

Q Where did you see him? A He was there at Iola a few days.

Q Where is Ned Foreman? A Ned Foreman, he is down in this way or some other Nation, I forget, down here.

Q Do you know how long he has been away from up there? A About some three or four years ago last fall when he left there.

Q Where is the old woman, Nancy? A She lives there in town, I think, when she is at home, she is away some, she was down here about a year or two or three years ago, down in this country somewhere, close to this town.

Q Did you hear of the Erie payment about that time? A Yes, some time about that time, but not all the details of that up there, pretty near all.

Q Well I believe you said you got acquainted with them about '74?

A Yes.

Q Have you known her since that time? A Yes, sir, I have always known her ever since.

Q I believe you said they moved to town about

Q I believe you said they moved to town about 12 years ago, to the best of your judgment? A I think that is about it.

Q You know whether Kizzie is married or not? A I do not.

Q Do you know whether they had the smallpox in their family last winter or not? A I think they did, I was told them had by the Marshal, that is the man that told me, I didn't go down to see, for I had no use for the small pox.

Q Mr. Gray, do you know this one (indicating Nelson Ross.)? A Yes, I do now, he looks like Uncle Mose.

Q Looks like his father, does he? A Yes, it has been a long time since I have seen him to know him, I wouldn't have known him to meet him out on the streets, wouldn't have known him.

Q What did they call him up there? A I can't tell you now, but there is half of the fellows there, especially among the colored fellows had some kind of a nick name that nobody else don't know who they were except by that name.

Q But you just recognize him as a Grubbs? A Yes, sir.

Mr. Mellette: Well, who is this man sitting here (Nelson Ross.)?

A He is one of the Grubbs family.

Q You swear that? A Well, I have always been told he was, and he used to live with them.

Q Well he hasn't been up in that country for a good many years, has he? A Oh I don't know, it hasn't been a great many years since he was there.

Q Did he go to school there? A Yes, sir.

Q How far is it from Iola to the Cherokee line? A Well sir, I can't tell you.

Q About how far? A Why I should think it is right close to ninety miles, I may be away yonder mistaken because I never was over the road except I came down here the other night and I came all the time in the night.

Q Isn't it a fact it is about 60 miles? A Well it ought to be farther than that.

Q Well how long does it take to come from Iola to the Cherokee Nation? A It took me from eight o'clock in the morning till 5:15 the next morning to come here, but the biggest part of it was lying over waiting for trains.

Q How far is from here to where you live? A I don't know, I can't say anything about the distance, I never was over the road, I can't say.

Q What railroad do you live on? A I live on the Santa Fe and Missouri Pacific, they cross there at Iola.

Q How far do you live from Coffeyville? A I don't know.

Q About how far? A I can't tell you for I never was over that country and never paid no attention to it.

Q You don't live over fifty miles from Coffeyville? A Why I would think so.

Q Well, where did Nancy Grubbs live in 1875? A I can't tell you.

Q Where did Nancy Grubbs live in 1885? A She lived in town, I think.

Q Do you know that she lived there? A Well -

Q Do you know whether she was there at all during the year 1885?

A In that country, yes, sir.

Q You swear she was there during that year? A Yes, sir.

Q Did you see her? A There never has been a month I didn't know, that I didn't see her, only when she was down here about three years ago.

Q Well, we will confine ourselves to the year 1885 please: did you see her in 1885? A Well I don't know, I can't tell you, but they didn't live on their farm then, out in the country then.

Q Well, will you swear that you saw Nancy Grubbs at Iola in 1885?

A I wouldn't answer that question, for I can't recollect.

Q Did you see her in 1886? A Oh I can't know what years I have seen her in, I never missed her from there, I can't recollect about the years.

Q Would you be likely to miss her if she would go away from home?

A Well I would suppose so.

Q Why? A Because I saw her frequently and she washed a great deal, or used to.

Q Well, is there any reason why you should keep track of her?

A Nothing only that she is an old settler there and I got acquainted with them when I first came to the country.

Q Do you pretend to say that Nancy Grubbs couldn't have been away from that town for six months without you knowing it? A No, I would not say that, most anybody could have been away from that town and me not know it, not know anything about it, but the family hasn't been away from there.

Q What do you mean by the family? A Why the children generally.

Q Well, now name the children that you mean by saying the family?

A Well, Lou I guess, Lou has been away from the last several years, she died, she was Cravens' wife, she was Wash Ross' wife in the first place when I first knew her.

Q Now we are talking about Nancy Grubbs and not her family and I want to know whether you can swear that she hasn't been there all the time since you knew her, or not? A Well she has a great deal, the biggest part of the time, but I wouldn't say she hasn't been there all the time, I recollect once that she was at Fort Scott some little time but I don't recollect how long that was, the majority of the years since I have been there I run a meat market, I used to deal with the Grubbs when they had any meat to buy of me, and they usually bought meat right along, more or less.

Q Isn't it a fact that Nancy Grubbs hasn't kept house for twenty or thirty years? A No, it is not.

Q That the older children who lived in Iowa kept the house there, Harry and Arthur? A Well they might have kept the house a great deal of the time, but Nancy Grubbs has been there.

Q You don't say she ever kept that as her house, she kept the house, run the house? A Why yes, I suppose so, she lived there.

Q Well, didn't she live there with her older children, Arthur and Harry? A Well, now that is a question, whether she lived with them or them with her, I don't know how that was, but they all lived there.

Mr. Hastings: Now you have known them since '30 I believe? A Yes, sir.

Q Now how often, or about how often, have you seen them since that time? A Why I used to see them of course there near every week day, she nearly always came to town when she lived out in the country and washed every day, old Uncle Mose used to fetch her to town frequently and when he didn't she came about, and back home; she has washed for my folks lots of times.

Q Well, how frequently did you see her after she came to town? A Oh pretty near every big occasion, especially any sort of a social, she would always help the woman, everybody called her Aunt Nancy, she was known by that and nothing else.

Q Did you ever miss her for any considerable length of time? A No, I never missed her away from there any great length of time.

Mr. Mellette: Could she have been away from there without you missing her? A Oh she might, yes, sir, I don't suppose she was gone; she was a very popular colored woman among the women folks.

Commissioner: - This testimony in this case will be made part of the record on Proceesman D-658, D-1020, D-1028, D-1009, D-316.

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 19th of October, 1901.

*Bruce C. Jones*  
*A. Medin*  
Commissioner.

*Am R*

Cherokee Freedmen D-1023.

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

In the matter of the application for the enrollment of Ned Foreman as a Cherokee Freedman.

DECISION.

It appears from the record herein that application was made to the Commission for the enrollment of Ned Foreman as a Cherokee freedman. A copy of the testimony taken at different times and places in Cherokee Freedmen D-651 is filed herewith and made a part of the record in this case.

The evidence in this case shows that the applicant, Ned Foreman, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

It further appears that the applicant is not identified upon the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Ned Foreman 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.

*[Signature]*  
\_\_\_\_\_  
Commissioner.

*C. R. [Signature]*  
\_\_\_\_\_  
Commissioner.

*[Signature]*  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory.

MAR 5 1904



# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

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

### **MUSKOGEE, IND. TER.,**

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

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

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

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

V. D. C. J.

INDIAN TERRITORY,  
CHEROKEE NATION

I hereby certify that I served the within notice on

by delivering a true copy thereof on the  
day of \_\_\_\_\_ A. D. 1901

Given under my hand this  
day of \_\_\_\_\_ A. D. 1901.

Marshal for the Cherokee Nation.

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

\_\_\_\_\_ day of \_\_\_\_\_, 1901.

\_\_\_\_\_  
Attorney for applicant.

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

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

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

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1901.

COMMISSION TO \_\_\_\_\_ NOTARIZED TRIBES.

Notary Public.

**FILED**

SEP 18 1901

*[Handwritten Signature]*  
Chairman

## NOTICE!

*IN THE MATTER OF* the application of Ned Foreman  
for enrollment as a Cherokee citizen:

Case No. D 1023

To Ned Foreman or L. T. Brown Agts.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 7th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

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

L. B. Bell  
W. W. Hastings  
Attorneys for the Cherokee Nation.

3

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
JUL 2 1901

CHEROKEE FREEDMEN.

Date July 21 1901  
Post Office Sugar St  
District Calo

1. Name *Levin Ross* Age *44*  
Owner's name *Levin Ross* Citizenship *Cherokee*  
Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:

Father *Ben Ross - dead* Citizenship \_\_\_\_\_  
Mother *Marcy " - living* Citizenship \_\_\_\_\_

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

Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_  
Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

Names of Children:

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

*None*

Application made by *no. 1* Stenographer *M. H. Green*

*Ref 10631*

*Represented by Louis T. Brown,*

Cherokee Freedmen  
D 1023

Muskegee, Indian Territory, March 24, 1904.

Ed Foreman,

Wimer, 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 your application for the enrollment of yourself as a Cherokee freedman. There has this day been forwarded to your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings, together with 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

Encl. V-98

Registered.

Commissioner in Charge.

Cherokee Freedmen  
D 1025

Muskogee, Indian Territory, March 24, 1904.

Louis T. Brown,  
Agent for Ned Foreman,  
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application of Ned Foreman for the enrollment of himself as a Cherokee freedman, together with a copy of 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,

Encl.- V-99  
Registered.

Commissioner in Charge.

Cherokee Freedmen  
D 1023

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 Ned Foreman for the enrollment of himself as a Cherokee freedman.

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

Respectfully,

Encl. V-100

Commissioner in Charge.



Cherokee Freedmen  
D 1023

Muskogee, Indian Territory, March 24, 1904.

The honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Ned Fereman for the enrollment of himself as a Cherokee freedman, including the Commission's decision dated March 5, 1904, rejecting said application.

Respectfully,

Encl. V-101

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,  
Refer in reply  
to the following::OFFICE OF INDIAN AFFAIRS.  
Land  
20539-1904. WASHINGTON.

June 3, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 24, 1904, transmitting for your consideration the application of Ned Foreman for enrollment as Cherokee Freedman D. 1023.

March 5, 1904, the Commission rejected the applicant.

An examination of the record of the evidence in said case has been made and it appears therefrom, that the applicant, Ned Foreman, did on the 2nd day of July, 1901, at Nowater, I. T., make application for enrollment of himself as Cherokee Freedman.

That he claims that he is known by the name of Ned Ross as well as by Ned Foreman, but that he prefers the latter; that he is 44 years old, or was at the time he gave his testimony, and that his postoffice address is Wimer. That he was a slave of a Cherokee citizen by the name of Lewis Ross; that he was owned by said Ross at the beginning of the war of the rebellion; that the said applicant, Ned Foreman went out of the Nation during the war; that one Nancy Ross is his mother, and that his father, Ben Ross, went by the name of Foreman; that he has been in and out of the nation for several years, and when

not in the Nation he has been in the State of Kansas. That he has been married twice, and lived in the State of Kansas, and that his name does not appear upon the authenticated Cherokee Roll of 1880.

The testimony used in the application of Nancy Ross, for enrollment as Cherokee Freedman, beginning on June 9th, 1901, and taken at Chelsea, I.T., is used in and made a part of the record in this case.

It appears from the record of the testimony in the case, just mentioned, that Nancy Ross who makes application therein, lives at the same place as applicant in this case, or at least she has the same postoffice address. She and her two minor children, Arthur Ross and Emma Ross, are identified on Kern-Clifton Roll, Nos. 3764, 3763 and 3765 respectively. The said Nancy Ross apparently did not know that her name was on that roll; that said Nancy Ross went out of the Nation during the war. She claims to have been the slave of a Cherokee citizen, by the name of Lewis Ross; that her husband's name was Mose Ross, and that he and she returned to the Nation in 1866. In cross examination she states she had a son by the name of Ned Ross, and that he was born before the war; that this same Nancy Ross was known by the name of Grubbs, and she claims that while she has been out of the Nation occasionally up in Kansas, that she always came back, and the Cherokee country has always been her home. Moss Hardrick, whose age is 71 years, avers that she was the slave

of Lewis Ross a Cherokee citizen and that she was in the Nation in the summer of 1866, and that she was known by the name of Grubbs, Frank Ross, whose age is 53, and who claims to be on the authenticated Roll, identifies her also

In the examination of R. J. Morris, who was, in 1901, 55 years old, avers that he knew Nancy Ross or Grubbs, and her husband, Mose; and that he knew her children, George, Dick and Arthur and Kizzie and also Ned Foreman, who was a son of hers. This man, Ned Foreman, was, as deponent says, not a son of Mose; that he learned to know Nancy Ross or Grubbs in 1863. Some others, including M. G. Robinson, identify, or aver that they knew Nancy Ross, or Grubbs, and several, that she had lived in Kansas, and that that her husband's name was Mose; and some say that he went by the name of Mose Grubbs. Robinson also testifies that he knew several of the children of the Ross', among whom was Ned Foreman, and that he was sometimes called Ned Grubbs.

Except the testimony of the applicant, in the case under consideration, we fail to find any other who gives to his father the name of "Ben"-- and Nancy says he husband's name was Mose, and that she has not married since; that she had a son by the name of Ned Ross who was born before the war, and that he returned to the Nation with her. For these, among other reasons, this office thinks that the evidence is not sufficient to establish the fact that applicant, Ned Foreman, is such a person as is en-

titled to enrollment by reason of being a slave of a Cherokee citizen who left the Cherokee Nation during the war of the rebellion and returned within six months from the taking effect of the treaty of 1866, between the United States and the Cherokee Nation as defined by the decree of the Court of Claims in the case of Moses Whitmire, Trustee, et al., v. the Cherokee Nation et al., rendered February 1896, and as defined by Section Twenty-one of the act of Congress, approved June 28th, 1898.

It is therefore recommended that the action of the Commission rejecting said applicant be sustained, and that it be so ordered.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

J.T.N.  
W.

( COPY )

D.C. 41877-1904  
I.T.D. 4860-1904.

J.P.  
FHE  
L.A.S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

October 28, 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 Ned Foreman for enrollment as a Cherokee freedman, including your decision of March 5, 1904 rejecting said application.

Reporting in the matter June 3, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock  
Secretary

1 inclosure

Cherokee Freedmen

D-1023.

Muskogee, Indian Territory, November 8, 1904.

Ned Foreman,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 28, 1904.

Respectfully,

(SIGNED). *Tame Bixby.*  
Chairman.

Cherokee Freedman

D-1023.

Muskogee, Indian Territory, November 8, 1904.

Louis T. Brown,

Attorney for Ned Foreman,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the application for the enrollment of Ned Foreman as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 23, 1904.

Respectfully,

SIGNED, *Tame Dixby.*  
Chairman.



Cherokee Freedmen

D-1023.

Muskogee, Indian Territory, November 8, 1904.

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

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the application for the enrollment of Ned Foreman as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 28, 1904.

Respectfully,

(SIGNED).

*Tams Bixby.*  
Chairman.

Cherokee Freedmen  
D-1028

Muskogee, Indian Territory, May 28, 1906.

Ned Foreman,

Wimer, Indian Territory.

Dear Sir:-

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

Respectfully,

Commissioner.

LMC

Muskogee, Indian Territory, May 28, 1906.

Blue & Bulger,  
Attorneys for Eliza A. Arnold, et al.,  
Vinita, Indian Territory.

Dear Sir:-

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

Respectfully,

Commissioner.

MBP

Muskegee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation, 

Vinita, Indian Territory.

Dear Sir:-

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

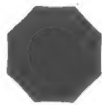
Respectfully,

Commissioner.

LMC



**END  
OF  
REEL**



80

5

