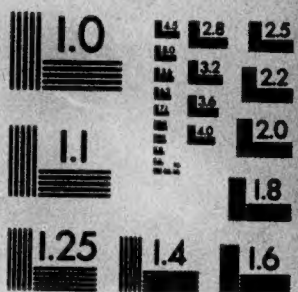
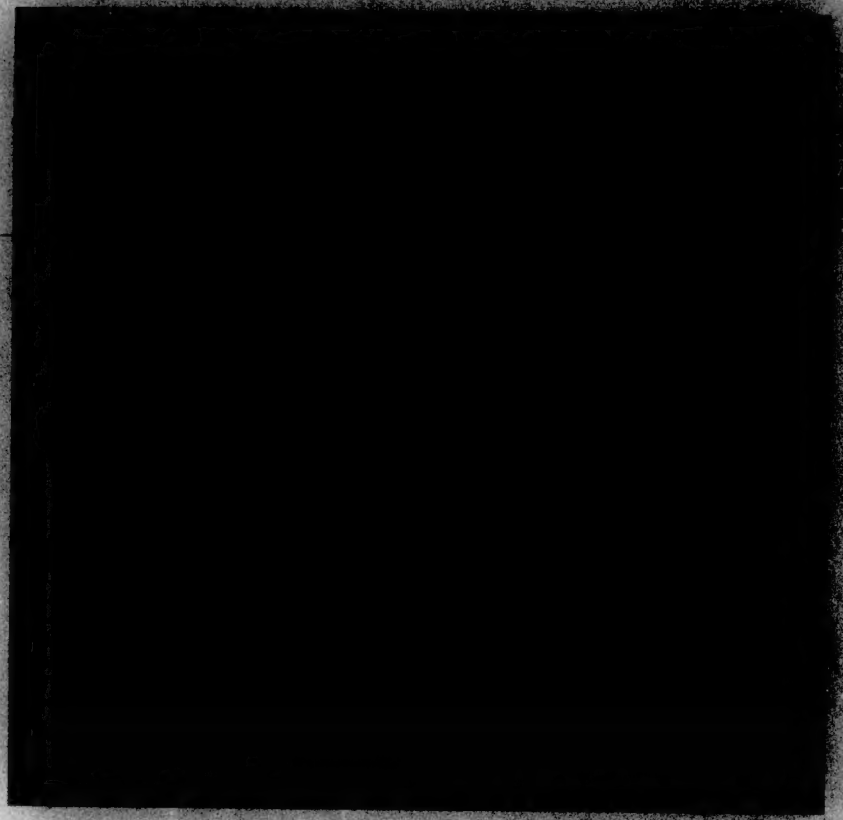
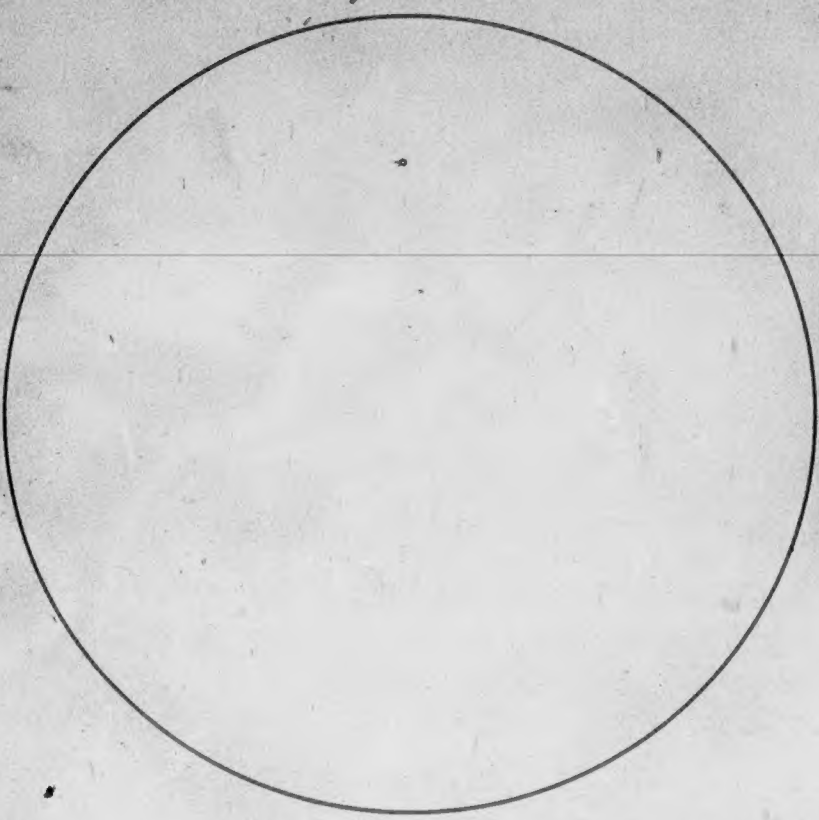
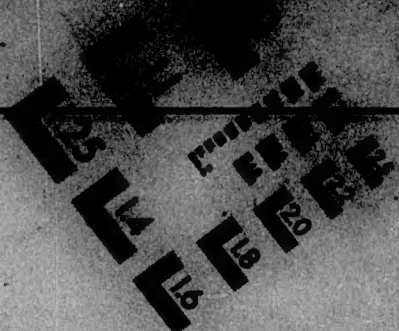
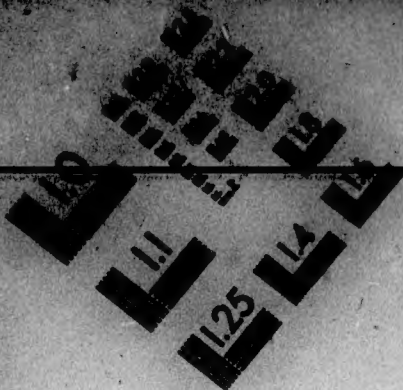


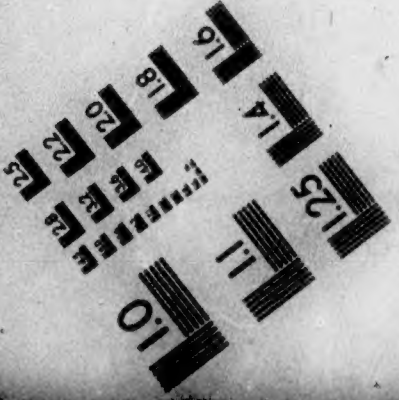
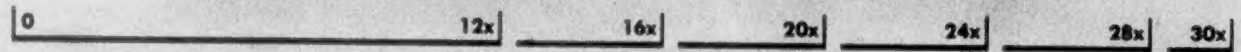


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 405

CREEK ENROLLMENT CASES 224 - 326

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Okmulgee, Indian Ty., March 27, 1901.

In the matter of the Application of Neha Fixeco for the enrollment of himself, his wife and children as citizens of the Seminole Nation.

Neha Fixeco being first duly sworn by Acting Chairman Bixby, testified as follows:
Through Interpreter Alfred Goat.

Examination by Mr. Bixby:

- Q What is your name? A Neha Fixeco.
Q How old are you? A Over 40 years.
Q What is your postoffice address? A Creek, I: T.
Q Do you live in the Creek nation? A Yes sir.
Q How long have you lived in the Creek nation? A Born and raised here; lived here all my life.
Q Are you a citizen of the Seminole nation? A No sir.
Q What nation are you a citizen of? A Cusseta town, Creek nation
Q What is the name of your wife? A Susie.
Q Is Susie a citizen of the Seminole nation? A Used to be a Seminole citizen but not now.
Q Have you any children under 21 years of age and unmarried? A Yes
Q What are their names? A Hully
Q What is the name of the next one? A Jenatte
Q How old is Janette? A I don't know about how old.
Q What is the name of the next? A Cherparney. - 4342
Q How old is he? A About 8 years.
Q What is the name of your next child? A Mina
Q How old is she? A Don't know
Q What is the name of the next child? A Sarna.
Q Is that a boy or girl? A Boy.
Q How old? A I don't know.
Q Are the names of your wife and children now found upon any of the rolls of the Five Civilized Tribes? A Yes sir.
Q Which tribe do they belong to? A Muskogee or Creek nation.
Q What town in the Muskogee nation do they belong to? A Cusseta. Authenticated rolls of the Creek nation for 1890 and 1895, Cusseta town, examined, and the names of Susie and her children not found thereon.

Rolls of Cusseta town (pay roll) for 1895, examined and the name of Neha Fixeco found thereon, page No. 43.

- Q When did the names of your wife and children first appear upon the rolls of Cusseta town? A Had them enrolled about five years ago by the Colbert Commission.
Q What is the name of Susie's father? A Schauka
Q Is she living or dead? A Dead
Q Was she a Creek or Seminole Indian? A She was a Creek Indian.
Q What is the name of your wife's mother? A Amoge
Q Is she living? A No sir.
Q Was she a Creek or Seminole Indian? A Seminole Indian.
Q Were both Susie's father and mother full blood Indians? A Yes.
Q What name did you give your wife and children when you applied to the Colbert Commission in 1895-6 for their enrollment as Creek Indians? A Lecussie.
Q Are you sure that is the name you gave your wife and children when you applied to the Colbert Commission, or is it possible you may have given them some other name? A No, it is not possible.
Q You are quite sure you gave that name, are you? A Yes sir.

Records of the Colbert Commission examined and the names of the applicants not found on the list of applicants of citizenship before the Colbert Commission.

2-Naha Fixeco.

- Q Did you ever draw any money for Susan and her children in the Creek nation? A Yes sir
- Q When did you draw money in the Creek nation? A I drew money for the \$29 payment.
- Q For this wife and children? A No, for myself.
- Q Did you ever draw any money for your wife and children in the Creek nation? A Never did draw money.
- Q Did you ever draw any money for your wife and children in the Seminole nation? A Yes sir .
- Q When did you last draw money in the Seminole nation for your wife and children? A I don't remember.
- Q How many times did you draw money in the Seminole nation for your wife and children? A I don't know how many times.
- Q Did you draw a number of times, or just once or twice? A Drawed once or twice.
- Q Didn't you draw money from the Seminole nation for your wife and family a great many times--for a good many years? A Yes, for a good many years.

1895 Rolls of the Seminole nation examined and on page 21 are found the names of Susie, Hully, Jennatta, Cheparney, Minna, Sarsay, in Thomas Little's band

Tribal rolls of the Seminole nation for the year '97 examined and the names of Susie and her children not found thereon.

Francis R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 27th day of March, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Francis R. Brown

Subscribed and sworn to before me this 28th day of March, 1901.


Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Okmulgee, I. T., March 27, 1901.

In the Matter of the Application of George Foster for enrollment as a citizen of the Seminole Nation.

George Foster, being first duly sworn, testified as follows

through Interpreter Alfred Goat.

Examination by Mr. Bixby:

- Q What is your name? A George Foster.
- Q How old are you? A About 46 years.
- Q What is your postoffice Address? A Creek, I. T
- Q Where do you live? A Hillabee Creek.
- Q How far from Okmulgee? A I don't know; like about 8 miles from the city of Oklahoma line in the Creek nation.
- Q How long have you lived in the Creek Nation? A I was born here and raised here all my life
- Q Are you a citizen of the Seminole nation? A No sir; I used to be a citizen of the Seminole nation but my name was taken off the Seminole rolls and I think they put it in the Creek enrollment; though always that I was in the Creek enrollment.
- Q You used to be a citizen of the Seminole nation, didn't you?
- A Yes sir.
- Q Has your name ever been on the Seminole rolls? A Yes, my name has been on the Seminole rolls.
- Q How many times have you drawn Seminole payments? A I drew money sixty, and next time drew \$14, and since that time I drew money in the Seminole nation.
- Q Did you draw money a year ago in the Seminole nation? A No sir.
- Q Have you drawn money within the last five years in the Seminole nation? A Yes sir.
- Q What is the last amount you drew for yourself? A I don't remember.
- Q What is your father's name? A Foster.
- Q Is he living or dead? A Dead.
- Q Was he a Seminole or a Creek Indian? A He was a Creek Indian.
- Q Was he a full blood Creek Indian? A Yes sir.
- Q What was your mother's name? A Nancy.
- Q Is she living or dead? A Dead.
- Q Was she a citizen of the Creek or Seminole nation? A The first rolls it was Creek, and the Creek left it and went to the Seminole nation.
- Q When did your mother go to the Seminole to be enrolled? Why?
- A Because of the war and the people all run away and scattered and when the people was coming back at that time she was with the Seminole Indians, and she just staid with the Seminole tribe because of the war.
- Q What was your mother's name? A I don't know.
- Q Was she a Seminole or Creek? A I don't know.
- Q How did it happen you were enrolled with the Seminoles instead of with the Creeks? A My mother was a Seminole herself, but I was raised in the Creek country and born in the Creek country, and I don't like much in the Seminole country, and that is why I want to put my enrollment with the Creeks.
- Q Wasn't your name placed on the Seminole roll because your mother was a Seminole in the first instance? A Yes sir.
- Q Is that the custom among the Seminoles and Creeks? A Yes sir.
- Q Have you a home in the Creek nation? A Yes sir.
- Q Have you any cultivated lands? A Yes sir.
- Q How much of a farm have you? How large? A 18 acres.
- Q At the time your name was stricken from the Seminole rolls did you apply to anyone in the Creek nation to have your name placed on the Creek rolls? A Yes sir.
- Q Who did you apply to? A Isparhecher, (Chief of the Creek Nation)
- Q When was that? A I don't know when it was.
- Q Was it one year ago or two years ago? A About 2 years ago; this following being enrolled at the time of the Colbert Commission he

2-Geo. Foster.

enrolled me.

Q Did you apply to the Colbert Commission for enrollment as a Creek
A My name was turned over to the town king and I thought my name
was given to the Colbert Commission by the town king.

Records of the Colbert Commission examined and the
name of George Foster, applicant for citizenship in
the Creek nation, not found to be among the appli-
cants to the Colbert Commission, for citizenship.
Pay roll of the Seminole nation examined, (1898), and
on page 21, of Thomas Little's band is found the name
of George W. Foster.
Seminole pay roll for 1896 examined and the name of
George Foster appears on page 180-- 473.
Seminole pay roll of 1897 examined and the name of
George Foster not found thereon.

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Frances R. Brown having been first duly sworn by Acting
Chairman Bixby upon oath states that as stenographer to the Com-
mission to the Five Civilized Tribes she reported in full all pro-
ceedings had in the above entitled cause on the 27th day of March,
1901, and that the above and foregoing is a full, true and correct
transcript of her stenographic notes of said proceedings on said date

Frances R. Brown

Subscribed and sworn to before me this 28th day of
March, 1901.


Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Okmulgee, Ind. Ter., July 19, 1902.

In the matter of the application of George Foster, Susan Foster, Sampson Sudcharkey, Hally Foster, Cheparney, Barney, Henehogue and Minnie, as citizens of the Creek Nation.

Isparhecher, being first duly sworn, testified as follows:

James Bell, being duly sworn, interpreted the evidence as follows:

By Mr. Bixby:

- Q What is your name? A Isparhecher.
- Q How old are you? A Seventy-eight or eighty.
- Q How long have you lived in the Creek Nation? A I have been here ever since the migration of the Creek tribe.
- Q Did you come here with the Creeks from Alabama? A I got an allotment there and sold it, and came here.
- Q Have you ever held any official position in the Creek Nation? A I had a position in the house of Warriors, was judge and principal chief.
- Q What town do you belong to? A Cussehta.
- Q Are you well acquainted generally with the members of the Cussehta town? A The older folks know me, but I am mistaken of the youngsters coming on.
- Q Do you know George Foster? A Yes, well acquainted with him.
- Q Is he a Creek Indian? A There was a generation of them, but they got over in the Seminoles and the women married into the Seminoles, and then the women came back here and married Creeks; they were Seminoles at one time and then married Creeks.
- Q Did you know the mother of George Foster? A I know the name well but it just slips off my tongue.
- Q Well, did you know her personally? A Well acquainted with her; she died this side of where I live.
- Q Was she a Creek Indian? A She was a Seminole.
- Q Did you know George Foster's father? A Yes, sir.
- Q Was he a Seminole or a Creek? A He was a Creek, a Cussehta.
- Q How did the mother of George Foster happen to go over into the Seminole Nation? A During the emigration they were left behind, and when they came they came with the Seminoles when they came.
- Q And George Foster's mother and himself were enrolled with the Seminoles first, were they? A He was enrolled with the Seminoles.
- Q Is it the custom of the Seminole tribe and the Creek tribe to enroll the children with the mother or with the father? A I do not know about the Seminoles, but it is the custom of the Creeks to follow their mother.
- Q Does he know the other members of this family who are applying for enrollment as Creeks? A I know them but could not name them.
- Q What kin are they to George Foster? A They are cousins of George Foster, the mothers of George and the other people are sisters.
- Q Is Susan Foster a full sister of George Foster? A That Susan Foster is a daughter of George Foster's brother, which makes her a niece of George Foster.
- Q Do you know who Susan Foster's mother was? A I know her.
- Q Was she a Creek or a Seminole? A Seminole. The two women of the children there are sisters. The mothers of George Foster and Susan are two full sisters.
- Q Did you know Susan Foster's father? A Yes, sir.
- Q Was he a Creek or a Seminole? A A Muskogee.
- Q Did you know what his name was? A Sudcharkey.
- Q What was Susan's Mother's name? A Millie. She has been dead some time.
- Q Do you know the name of George Foster's mother? A I know it well but can't remember it.
- Q Do you know the name of George Foster's father? A Yes, I know him.

2 In re application of George Foster et al.

Q What is the name? A As far as I was the name, but they called him Foster.

Q The father and mother of both George Foster and Susan Foster are both dead, aren't they? A Yes, they are all dead.

Q Do you know Sampson Sudcharkey? A Yes, I know him.

Q Do you know his mother? A Yes, sir, Kiday.

Q Is she living or dead? A Dead long ago.

Q Was she a Creek or Seminole? A A Creek.

Q Do you know Sampson's father? A No, I did not know him; he died in Alabama.

Q Was he a Creek or Seminole? A A Creek.

Q Do you know Hally Foster? A I know a Harry Foster.

Q Whose son is Harry? A Naha Pixico's son.

Q Who was Harry's mother? A Susan Foster.

Q Does he know Cheparne? A Yes, they are brothers.

Q Full brothers? A Yes, sir.

Q Do you know Sarney? A Yes, he knows them; they are boys.

Q Is he a brother of Cheparney? A Yes, sir.

Q Full brother, same father and mother? A Yes, sir.

Q Do you know Henshechee? A Yes, they are brothers.

Q Is he a brother of Cheparne and Sarney? A Yes, sir.

Q Is he a full brother? A Yes, full brothers.

Q Do you know Minnie? A Yes, sir.

Q Who is her father and mother? A Chapley was the father of Minnie.

Q Who was the mother of Minnie? A I know her well, but I can't name her.

Q What kin is Minnie to George and Susan Foster? A They are cousins of George Foster, some distant kin, can't tell how far.

Q Was Minnie's mother a Creek or Seminole? A They were enrolled with the Seminole's, but when they applied to be enrolled in the Seminoles they turned them over to the Creeks, and I don't know whether she was a real Seminole----

Q Do you know whether she belonged really to the Creek tribe or to the Seminole Tribe? A They were Creeks, but got into the Seminoles and went to Florida and back--the old folks.

Q Was Minnie's father a Seminole or a Creek? A A Creek.

Q Are all these applicants living? A Yes, sir; they are all living.

Q How old is George Foster? A He was so high (indicating a certain height) during the breaking out of the Rebellion.

Q Was he a good sized boy during the breaking out of the Rebellion?

A He had good recollection of what was going on.

Q Did you know George Foster and Susan Foster back in the old nation? A I did not know the father of them, but knew the mother of them.

Q Did they belong to Gussetta town in the old nation? A Yes, sir; they were Gussettas in Alabama; I knew the grandfather of Foster, but do not know the name.

Thomas Randall, being first duly sworn, testified as follows, through interpreter, James Bell:

By Mr. Bixby:

Q What is your name? A Thomas Randall.

Q How old are you? A During the breaking out of the Rebellion I was a good sized boy, could go hunting at night to turkey roosts and fire a gun.

Q Are you a member of the Muskogee tribe of Indians? A Yes, sir.

Q How long have you lived in the Muskogee Nation? A From the day I was born to this, except during the Rebellion I was down on Red River.

3 In re application of George Foster et al.

Q Have you held any official position in the Muskogee tribe?

A Yes, sir.

Q What positions have you held, and what position do you now hold?

A Served eight years in the House of Warriors, and four or five years as captain of the light horsemen of the Deep Fork District, and I am serving in the House of Kings now.

Q What town do you represent in the House of Kings at present?

A Cussehta.

Q Do you know these applicants, George Foster, Susan Foster and the others? A Yes, I know them.

Q Are they full-blood Indians? A Yes, sir.

Q Did you know the parents of George and Susan Foster? A I don't know the mothers, but I know the fathers.

Q You did know the fathers when they were living? A Yes, sir.

Q Were the fathers Creeks or Seminoles? A They are Creeks.

Q Do you know whether or not the mothers of George and Susan Foster were Creeks or Seminoles? I was not well acquainted with the mothers.

Q Do you know the customs in the Creek and Seminole Nations as to the enrollment of children--do they follow the mother or the father? A I am not acquainted with the Seminoles, but I am acquainted with the Creek customs, that the enrolling goes with the mother.

Q Do you know whether or not all these applicants are now living?

A Yes, they are living.

Q Where are these people living? A Up there at Hillabee Creek, near Creek post office.

Q Is the Creek post office in the Indian Territory? A Yes, sir.

Q How long have these people lived in the Creek Nation? A Born and raised right where they are.

James Bell, being first duly sworn, testified as follows:

By Mr. Bizby:

Q What is your name? A James Bell.

Q How old are you? A I am thirty-one.

Q Where do you live? A Okmulgee is my post office.

Q Creek Nation? A Creek Nation.

Q How long have you lived in the Creek Nation? A All my life, ever since I was back from Carlisle.

Q Are you a member of the Creek tribe of Indians? A Yes, sir.

Q What position do you hold? A House of Warriors.

Q Member of the House of Warriors? A Yes, sir.

Q What town do you represent? A Cussehta.

Q Do you know George Foster? A Yes, sir; I know him when I see him.

Q Is he a full-blood Indian? A Yes, sir.

Q Do you know anything about his father and mother? A Not a thing.

Q How long have you known George Foster? A Well, probably I have known George Foster twelve or thirteen years.

Q Where does he live? A He lives out west of Okmulgee.

Q How many miles? A Probably--let's see--he lives in section nine--probably it is about twenty-five or thirty miles from here.

Q How long has he lived there, to your knowledge? A To my knowledge he has lived there for five years.

Q He may have lived there longer than five years? A Yes, sir.

Q Do you know whether he is a full-blood Indian or not? A Yes, his appearance is a full-blood Indian.

Q You don't know Susan Foster and the rest of the family? A No.

Q Are you acquainted with the custom in the Creek Nation as to the enrollment of children? A Yes, sir.

Q Do children follow the enrollment of the mother or the father? in the Creek Nation? A The mother.

4 In re application of George Foster

Q In the previous term you stated that you had been living in the Creek nation for some time. How long have you been living in the Creek nation?
A About two years.
Q How long have you been living in the Creek nation?
A About two years.
Q How long have you been living in the Creek nation?
A About two years.

Q Well, when you said you had always lived in the Creek nation, you mean that you were not ever in Oklahoma?
A During the time that you were here, I have never been living in the Creek nation, have you been actively interested in Creek affairs?
A Yes, sir.
Q Have you, or have you not, been in position to acquire a fair knowledge of Creek customs and laws and usages?
A Yes, sir.

In particular, being recalled, testified as follows, through interpreter, James Bell:

By Mr. Bixby:
Q What kin of yours was George Foster's father? A George Foster's father and myself were first cousins.

Olive C. Hinkle, being first duly sworn, upon his oath states that, as photographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled matter on July 19th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Olive C. Hinkle

Subscribed and sworn to before me this 24 day of July, 1902.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Okmulgee, Ind. Terr., July 21, 1902.

In the matter of the application of George Foster, Susan Foster, Sampson Sudsharky, Hally Foster, Chaperney, Surney, Henchohee, and Mimis, as citizens of the Creek Nation.

Thomas Little, being first duly sworn, testified as follows:

George W. Grayson, having been first duly sworn, interpreted the evidence as follows:

By Mr. Bixby:

- Q What is your name? A Thomas Little.
Q How old are you? A Fifty-seven.
Q Where do you live? A Near by Keokuk Falls--about five miles east of Keokuk Falls.
Q In which nation? A Seminole country.
Q Are you a member of one of the Five Tribes? A Yes, sir.
Q Which tribe do you belong to? A Seminole.
Q How long have you lived in the Seminole Nation? A All my lifetime.
Q Did you ever hold any official position in the Seminole Nation? A Yes, sir.
Q Please state what positions you have held, and what position, if any, you hold now. A I was a Warrior at first; then I was what we call King, or band chief, and at this time I am second chief.
Q How many years did you serve as band chief? A About fourteen years.
Q Do you know George Foster and Susan Foster? A Originally I did not know anything about these people, but after I came into office it became my duty to look after the names of the people of the towns and I found the names on the roll.
Q Do you know them when you see them? A I know them now.
Q Are they kin to each other? A They are brothers and sisters--that is, if there are any women among them they are brothers and sisters.
Q Well, are George and Susan brother and sister? A She is a sister of George.
Q Did you know the father and mother of George and Susan? A I knew an old man that was named Foster, said to be the father of these people; I do not know the mother.
Q What was this man's name? A I only heard his named Foster, I do not know his given name.
Q Is he living or dead? A He died.
Q Was he a Creek or Seminole? A He was a Creek.
Q Do you know, or did you ever learn, in any way, whether the mother of George and Susan was a Creek or a Seminole? A During the war the people had scattered very considerable--that is, during the last civil war--and after peace was restored and people began to get themselves straightened out into towns and families, there were quite a number of people gathered up and put into Hitchite town, to which I belong, and when I came into office I found these people there. For that reason, I do not know them as thoroughly as I would other people who have always belonged to the town and not been disturbed.
Q Does he know whether or not George or Susan, either or both, have any living children? A Susan has some children, but George is alone, without children. He may have children, but if he has they are probably counted as Creeks.

Q During your incumbency of the office of band chief, did you have anything to do with the making up of the rolls of the Seminole tribe, or of the town of which you were the chief? A Yes, that was one of the main duties that devolved upon me as a band chief, and there were quite a number of people there who were residents of the Creek Nation, and I, in making out the rolls or preparing them, would only have their names and not oftentimes seeing the persons.

Q Were these people, George and Susan and Susan's children, ever enumerated on the town roll of the town that you belong to? A They have been enumerated upon the rolls.

Q Are their names now found on the rolls of that town? A Yes, they are there.

Q Were they enrolled by the Dawes Commission on its roll when the Commission was making up the roll of the Seminole tribe? A The Dawes Commissioners were there enumerating the people, and they were going to put the names down on the Seminole rolls as Seminoles, but I explained to them that they were Creeks, and they put some sort of a note there, as I understood, by which they would be guided in the future.

Q What was the explanation he gave the Commission as regards the citizenship of George and Susan and Susan's children? A I did not tell the Dawes Commissioners that they belonged to any particular town in the Creek Nation, but I explained to them that those people have requested to be taken off the Seminole Nation's roll of citizens and transferred to the Creek, and I so stated to the Dawes Commission.

Q What was your opinion at the time, as to whether they were really Creeks or Seminoles? A Some time in the past they had been Seminoles, but now I regarded them as Creeks.

Q Well how did they become Creeks if they had been Seminoles?

A Before my incumbency of the office of band chief, my predecessor had been requested by these Fosters to be transferred back to the Creek Nation where they, in fact, belonged, and when I came into office I was informed that those transfers had been made, and I, in that way, came to believe them and regard them as Creeks.

Q Are you well acquainted with the customs and usages of the Creek and Seminole tribes, in respect to the enrollment--as to whether the enrollment of citizens follows the citizenship of the father or the mother? A The usage and custom of those two peoples is that the children's citizenship followed the mother.

Q Do you know the names of the children of Susan Foster? A I do not.

Q Have you ever seen them? A I have seen some of them; am not sure that I have seen all.

Q Do you know how many there are? A There are something like five or six children, but I think one has died.

Q Do you know their names? A No, I do not know their names.

Q In years gone by, has there been any number of Creeks living in the Seminole Nation, that is to say, persons who were on the Creek rolls and not on the Seminole rolls, but lived in the Seminole nation? A I do not know of any.

Q Do you know of any Seminoles who have been for years past living in the Creek Nation, and yet carried on the rolls of the Seminole Nation as Seminoles? A There were such.

Q And were these people carried on the rolls of the Creek Nation as Creek citizens, or solely carried on the rolls of the Seminole Nation? A Some few had been counted as Creeks, but he objected after he came into office, and they were released.

Q Are you married? A Got a wife.

Q Is your wife a Seminole or a Creek? A Seminole.

Q Have you been married more than once? A I have lost two wives, each was a Seminole and so is this.

Q In respect to these few Seminole people that you say are also enrolled, or were enrolled as Creeks (and you say that you objected to their enrollment as Creeks), can you tell us what the grounds of your objection were? A I found from the representations of these people that they had been enumerated in some of the Creek towns, without their knowledge, and showed me that they preferred not to be Creeks and wanted to be taken off the Creek rolls and placed where they belonged, in the Seminole Nation, and those are the particular cases that I remember of having transferred from this roll to the other.

Marsh Thompson, having been first duly sworn, testified as follows:

Through George W. Grayson, interpreter.

By Mr. Hopkins:

Q What is your name? A Marsh Thompson.

Q How old are you? A About sixty.

Q What is your post office address? A Burney, I.T.

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

Q By blood? A Yes, sir.

Q Have you held any official position in the Creek Nation? A I have grown old in official positions.

Q Just name the positions you have held, and the one you hold at the present time, if any. A I was seven years prosecuting attorney for the District of Muskogee; I was eight years judge of the district, and then I was elected to Council, and I served in the National Council about seven years.

By Mr. Bisby:

Q House of Warriors? A House of Warriors.

-----and I am still a member of the House of Kings.

(By Mr. Hopkins).

Q Do you know George and Susan Foster? A I know George Foster very well, but do not know Susie Foster very well.

Q Do you know that there is such a person as Susan Foster? A Yes.

Q What relation is she to George Foster? A I am not sure what the relationship is between those people. Some of these people when they were transferred from the Seminole to the Creek Nation were enrolled in my own town, and I am not sure about the names, they live so far away--something like six miles this side of Sad and Fox Agency--and I see little of them, so that I am not sure about names; that, as is customary here, some of their names were changed when they became members of the churches up there.

Q Do you know whether or not George Foster has any brothers and sisters? A I do not know.

Q Do you know who George Foster's father was? A Yes, sir.

Q What was his name? A His name was Foster, but I cannot now recall his given name.

Q Do you know the name of the mother of George Foster? A I do not.

Q Do you know whether or not the mother was a citizen of the Creek or Seminole Nation? A I do not know positively, but I know her to have been a Creek in this way: There were persons who had been raised up with the Foster family, and I have learned from them that the mother of George Foster was a Creek woman; that is all I do know about it. They had some relatives who were enrolled in the Creek Nation, while any other portion of them were connected with the Seminoles.

4 In re application of George Foster et al. (7/21/02).

Q You spoke a while ago of George Foster being transferred over to your town: What was the reason that he was transferred to the Creek roll? A It occurred in this way: They reported at one of the regular sessions of the national council that Thomas Little had erased them from the Seminole rolls, and that they were now wanting to be counted with the Creek people, and about seven of them joined my town, and the balance went to the Cussehta town. George Foster took his citizenship in the Cussehta town, and I regarded those who had been numbered in my own town as Creeks, and in enumerating the members of the town before the Dawes Commissioners I included them as bona fide members of the town.

Q What was the reason that the Creeks took them in and regarded them as Creek citizens--what did they base that on? A It used to be the usage here between the two nations that when any person of one nation wanted to join the other nation, they would make their request of the town chiefs, we call it and there they call them band chiefs, that they wish to make that change, and the band chief, that is the chief of one nation would have an understanding with the chief of the other nation that these particular persons are going from that nation to the other, and that is the way these persons came over here, they wanted to be Creeks.

Q Did they enroll the people of one nation with the other tribe unless they had an agreement of that kind? A They did not.

Q Then in counting a family that were intermarried in that way, was it a custom for them to enroll them as following the father or following the mother? A Many of those transfers--

Q Tell him I am not talking about transfers now, but where there were no transfers, did they make them follow the father or follow the mother? A With the mother in all such cases.

Q You think, then, that George Foster was recognized by the Creek Council here? A I know that when they left the Seminole Nation and asked to join the Creeks, they were counted in these towns, and the act of incorporating them--of numbering them with the Creeks passed both houses of the Council.

Q You said that you did not know whether George Foster had a sister, Susie, or not? A In a general way I understood that he had a sister, but I did not know her; but George--that is a number of those people did not go into my town, and I don't know. I sparhecher knows all about those people, I think.

Tulmochus Fixico, being first duly sworn, testified as follows, through interpreter George W. Grayson:

By the Commission (Mr. Bixby).

Q What is your name? A Tulmochus Fixico.

Q How old are you? A Something near forty years old.

Q Where do you live? A Greenleaf.

Q Is Greenleaf a post office? A Morse is the post office.

Q Greenleaf is in the Creek Nation, Indian Territory, is it?

A Yes, sir.

Q How long have you lived in the Creek Nation, Indian Territory?

A All my life.

Q Are you a member of the Creek Tribe of Indians? A Yes, sir.

Q Are you a full-blood Indian? A Yes, sir.

Q Please state what official position, if any, you have ever held in the Creek Government, or now hold. A I have never held any other office except that of a member of the House of Warriors; that office I have held now for seven years.

Q Which town do you belong to? A Greenleaf.

Q Are you acquainted with George and Susan Foster? A I know George Foster when I see him, but I know nothing of him.

5 In re application of George Foster et al. (7/24/02)

- Q How long have you known him? A I have known him ever since the Esparhecher war.
- Q When was that? A Must be something near twenty years.
- Q Then you have known George Foster for twenty years, have you?
- A It must be, for I got acquainted with him in the mix up.
- Q Where does George Foster live? A I think he lives at a stream up here west of Hillsbee Creek.
- Q In the Creek Nation? A Yes, sir; in the Creek Nation.
- Q How long has Foster lived there? A I don't know.
- Q He has lived there quite a number of years, has he not? A He has lived there a number of years.
- Q Is George Foster a full-blood Indian? A Yes, sir.
- Q Is he a Creek or a Seminole? A I could not say whether he is a Creek or a Seminole, but I first met him in the Esparhecher war with the Creeks, that is with the Creeks in the Esparhecher war, that is, with the Creeks who were in that service.
- Q Did you ever know anything of George Foster's father or mother?
- A I did not.
- Q Have you any means of knowing whether his father and mother were Creeks or Seminoles? A Have no means of knowing.
- Q Are you acquainted with the laws and customs of the Creek Nation, as respects the enrollment of citizens, whether the children follow their father or their mother? A I don't know what the rule was among the people at that time, as regards the nationality of persons as determined by their parents.
- Q What is the custom now? A They go by their mothers now.
- Q How long have you been a member of the House of Warriors?
- A I have been in the House of Warriors near seven years.
- Q Has that been the custom during your term of service as a member of the House of Warriors? A I know of no other that has been the rule.

Oliver C. Hinkle, being first duly sworn, upon his oath states, as stenographer to the Commission to the Five Civilized Tribes, that he reported the proceedings had in the above entitled cause on the 21st day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 24 of July, 1902,
at Okmulgee, Indian Territory.


Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmulgee, Ind. Ter., July 22, 1902.

In the matter of the application of George Foster, Susan Foster, Susan Suckers, Sally Foster, Chapman, Sarah, Hanehache and Minnie, as citizens of the Creek Nation.

Jim Smith, being first duly sworn, testified as follows:
Chilly W. Morgan, being duly sworn, interpreted the evidence as follows:

By the Commission (Mr. Birby):

- Q What is your name? A Jim Smith.
Q How old are you? A I don't know my age.
Q How big a man were you at the time that the great war broke out? A I was very near a young man during the rebellion.
Q What is your post office? A Cassy, out about Watauga. It is a post office nearer to my place than that.
Q Do you live in the Creek Nation? A Yes, sir.
Q How long have you lived in the Creek Nation? A I was born and raised on the Creek soil.
Q Are you a member of the Muskogee tribe? A Yes, sir.
Q Are you a full-blood Indian? A No, sir; I am about a half breed; my father was a white man.
Q You don't talk English, though, do you? A I used to be able to talk a little, but I never have practised it any and have forgotten.
Q You live and associate almost entirely with the full-blood Indians, do you not? A Yes, sir.
Q Have you ever held any official position in the Creek government? A Yes, sir; I have been in official office.
Q What offices have you held, and what position do you hold now? A I was a light horseman, the first office I held; and then I was elected to Council in the House of Warriors, and I have been a member there for seven years; and then afterwards, I was not elected but took the place of another judge that was suspended or something of that kind, and I took his place for two terms---
Q As district judge? A As district judge, ---and since then I have been a member of the Council, a King.
Q You are at present a member of the House of Kings? A Yes, sir.
Q That is the upper house of the Creek Council? A What town do you represent in the House of Kings? A Muddy Tullahassee.
Q Are you familiar with the laws and customs and usages of the Creek Nation with reference to the enrollment of Creek citizens? A Yes, sir; I am familiar with them. I have acted as the rest of them, to the best of my knowledge.
Q Where the father is a member of one tribe and the mother is a member of a different tribe, are the children enrolled with the father or with the mother? A They are enrolled with their mother, the town to which their mother belongs.
Q Then if the father is a Creek and the mother is a Seminole, Cherokee or Choctaw, the children would be enrolled with the mother; is that correct? A That part I don't know; I never had anything to do with that kind, but I know that others have filed and listed them with their father when their mother belonged to another nation. I never had anything of that kind to come into my town, so that I never have done anything of that kind, but I have known other towns just the same as you speak of that have filed with the father who was a Creek where the mother was a Seminole, or another tribe.

2 In re application of George Foster, et al. (7/22/02)

Q Is there any case of that kind that he can remember of his own knowledge? A All that I really know about it is that Colonel Robison's offspring--their mother was a Choctaw but they were raised here in the Creek country, and Colonel Robison placed them here as Creeks, they were his children.

Q (A) Well, as a matter of fact now, in the Robison case, the Robison children were on both rolls, they were on the Choctaw rolls and on the Creek rolls, and as provided, they had a right to elect in which nation they would take their allotment and enroll, and they elected, and they elected, in accordance with the provisions of that law, to take allotment in the Creek Nation. A That is all I am going by, and that is all I know.

Q That is all you know, is about the Robison case? A Yes, sir.
Q Take the case of a new born child who hadn't been placed on the rolls and adopted by the tribe of its father, what would you do in such a case as that, brought to your attention in making up the rolls of your town, in the case the mother was a Cherokee and the father a Creek--would you put this child on the Creek roll or would you let it go to the Cherokee Nation, the nation of its mother? A I don't know what I would do about it.

Q Do you know George Foster and Susan Foster? A I don't know them.

Q George and Susan Foster have been on the Creek rolls. One parent belongs to one tribe and one parent to the other tribe. They have got lost off in both rolls, and we are trying to find out something about where they ought to belong. A I don't know anything about them.

Q Well now, in your opinion which tribe should those people go with--which tribe should they be enrolled with, their not being on the rolls of either tribe, their mother belonging to one tribe and their father belonging to the other? A According to the old rules of the Indian race of people, so far as I know, they ought to go with the mother.

Tulmussee Scott, being first duly sworn, testified as follows, through interpreter Chilly W. Morgan:

By the Commission (By Mr. Bixby):

Q What is your name? A Tulmussee Scott.

Q How old are you? A I don't know; the Indians don't know their ages.

Q How big a man were you at the time of the breaking out of the civil war? A I was old enough to go in the army.

Q Where do you live now? A Away up on Deep Fork.

Q In the Creek Nation? A Yes, sir.

Q How long have you lived in the Creek Nation? A I was born and raised here.

Q Are you a Muskogee Indian of the full-blood? A Yes, sir; I am a full blood Indian.

Q You don't talk English, do you, Mr. Scott? A No, sir; I am an Indian, straight out.

Q Have you ever held, or do you now hold, any official position in the Creek National Government? A I have been a Council member in the upper house a good many years, and then I am in there again.

Q You are now a member of the House of Kings, the upper house, of the Creek National Council, are you? A Yes, sir.

Q What town do you represent in the Creek National Council?
A Artussee town.

Q How many years have you served in the Creek Council? A I served four years at one time, and then afterwards there was another went out, and I filled his place for two years, and then this last year I was re-elected, making it about ten years, or nine years.

Q Are you familiar with the laws and customs and usages of the

Creek Nation, with reference to the enrollment of Creek citizens?

A I am not very familiar with it--not very much as some men should be.

Q You have lived all your life, you say, here in the Creek Nation among the Creek citizens? A Yes, sir.

Q You have associated almost exclusively with full-blood Indians, have you not? A Yes, sir.

Q You know generally about the customs and laws and usages of the Creeks, do you not? A The Indian's ruling is that they always count with their mother, follow or enroll their children with their mother, let them go to the mother's town.

Q Where the father is a member of one tribe, and the mother is a member of a different tribe, are the children enrolled with the father or the mother? A I have been just in that fix and you fixed it for me, and it would be no use for you to ask me about it, for you would not do just as I told you about it.

Q Are you married? A Yes, sir.

Q Is your wife a Creek or a Seminole? A She is a Seminole.

Q Have you any children? A Yes, sir.

Q Are your children enrolled with the Creek or Seminole tribe?

A I think the Seminoles got them.

Q Have they got land over in the Seminole Nation? A No, when you decided the case for me you made them Seminoles. It went by you to the Secretary and the Secretary referred back that they should belong to the Creek Nation. Now I don't know where they belong. I may be mistaken, but I thought it was from the Secretary of the Interior to give him the right to file here for him--

Q Did you get a letter from the Secretary? A Yes, sir; I got a letter in regard to that last February.

Q Has he got the letter with him? A No, sir.

Q Did I understand you to say that your children hadn't taken land in the Seminole Nation? A No, they are not on the Seminoles; they aint even filed here.

Q Did you draw money for your wife and children in the Seminole Nation at the last payment, and the payment preceding the last payment? A No, I didn't draw the money this last payment. About three or probably four years ago there was Commission here camping-- or was right in front of Captain Sever's store and enrolling a lot of the Creeks or Creek people, and just before that my wife and children quit the Seminoles and came to the Creeks and was enrolled with the Creek people--(Well now hold on until I ask that question again--by the Interpreter)--they came here to be enrolled and after you found they were Seminoles you would not take them.

Q How many have you drawn for in the Seminole Nation, and how many years have you drawn money in the Seminole Nation for your wife and children? I don't know how much I did draw.

Q Well, did you draw several times? I don't remember how often I drew with the Seminoles, but I remember not drawing any since he tried to enroll them here, but I could not say how many times I did draw back there.

Q Well did he draw a number of times? A I don't know the number but I know they have drawn several times.

Q Can you separate your mind from this particular case of your own, as to the enrollment of citizens as between Creeks and Seminoles, and give me your judgment on a similar case that you are not at all interested in, and tell me whether the children would go with the mother or with the father, in case one parent was a Creek and the other a Seminole? A According to the Indian ruling, I don't know but that that is right.

Q That the children should go with the mother? A Yes, sir.

Oliver C. Hinkle, upon his oath states, that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in this case on the 24th day of July, 1902, and that the above is a full, true and correct transcript of his stenograph notes of said proceedings on said date.

Entered in and sworn to before me on this 24th day of July, 1902.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmulgee, Ind.Ter., July 22, 1902.

In the matter of the application of George Foster, Susan Foster, Sampson Bushbarkey, Sally Foster, Sheparney, Sarnay, Hanchosha and Mimie, as citizens of the Creek Nation.

William Stoddard, being first duly sworn, testified as follows:

By the Commission (Mr. Bixby):

- Q What is your name? A William Stoddard.
Q How old are you? A About twenty-nine years old.
Q Where do you live? A Close to Marse.
Q Marse, Creek Nation, Indian Territory? A Yes, sir.
Q Are you a Creek Indian? A Yes, sir.
Q Are you a full-blood? A Yes, sir.
Q How long have you lived in the Creek Nation? A All my life.
Q Do you hold any official position in the Creek government?
A Yes, sir.
Q What official position to you hold at this time? A Member of the House of Warriors.
Q The House of Warriors is the lower house of the national council, isn't it? A Yes, sir.
Q Which town do you represent? A Arbakechee.
Q Are you acquainted with the laws and customs of the Creek Nation in the matter of the enrollment of citizens? A Yes, sir.
Q What is the custom of the Creeks in the enrollment of citizens as to whether the children follow the father or mother? A They follow the mother.
Q Do you know George Foster? A No, sir; I don't.
Q You do not know the Foster family at all, do you? A No, sir.

By the Commission (Mr. Hopkins):

- Q You say that in making the rolls of Creek citizens, the children follow the mother? A Yes, sir.
Q Is that true where the father belongs to one tribe and the mother to another tribe? A Yes, sir; if the mother is a Seminole or a Choctaw, then the child goes to that tribe.
Q Well, that would be true if the father belonged to the Creeks and the mother belonged to the Choctaws, wouldn't it? A Yes, sir.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 22nd day of July, 1902, and that the above is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 24 day of July, 1902,
at Okmulgee, Indian Territory.

Oliver C. Hinkle

Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmulgee, Ind. Ter., July 23, 1902.

In the matter of the application of George Foster, Susan Foster, Sampson Sudcharkey, Hally Foster, Cheperney, Barney, Henahochs and Minnie, as citizens of the Creek Nation.

John R. Goat, being first duly sworn, testified as follows, through interpreter, Ghilly Mergan:

By the Commission (Mr. Birby):

Q What is your name? A John R. Goat.

Q How old are you, Mr. Goat? A I don't know, but I have been told somewhere near fifty; but then it is all guess work.

Q Do you remember the beginning of the great war, the Civil War?

A I was a soldier in the late Civil War.

Q Where do you live? A Two miles and a half south of Holdenville.

Q Is that in the Creek Nation? A Yes, sir.

Q How long have you lived in the Creek Nation? A I have been born and raised here.

Q You are a member of the Muskegee Tribe of Indians, are you not?

A Yes, sir.

Q Are you a full-blood Indian? A Yes, sir; I am a full-blood Indian.

Q Do you now hold any official position in the Creek National Government? A I am a Council member, belong to the upper house of the Creek legislature.

Q You are now a member of the House of Kings, are you not?

A Yes, sir.

Q Which town do you represent in the House of Kings? A Little River Tulsa Town.

Q Have you ever held any other official positions in the Creek Nation, and if so, what positions and for how long a time each?

A The first time I was judge of Wewoka District, and after that time was expired, I was re-elected for prosecuting attorney of that district, Wewoka District; and after that time was expired, I was elected for the House of Kings.

Q How many years have you served in the House of Kings? A The first time I came in I served four years, and then I was re-elected this time and have served here about three, which makes a total of about seven.

Q Did you serve as a member of the Supreme Court? A Yes, I served there.

Q Were you not, at one time, chief justice of the Supreme Court?

A I did after I was knocked out of that as a member, they put me on there as chief justice of the Supreme Court.

Q Are you familiar with the laws, customs and usages of the Creek Nation with reference to the enrollment of Creek citizens? A Now in our enrolling, if we had a Muskegee woman or Creek woman, and she was to become a mother of children here, they would go to the town which town she belonged; if she belonged to the Creek Nation, her children would be Creek citizens.

Q Then when the father is a member of one tribe and the mother is a member of a different tribe, the children, are they enrolled with the tribe to which the mother belongs? A Yes, sir; I do.

Q Then if the father is a Creek and the mother a Seminole, Cherokee or Cheata, the children would go with the mother, would they?

A I do; I think that that is where they belong.

Q Do you know George Foster? A I don't believe I know him.

Q Do you know Susan Foster? A I don't know her.

Q Now George Foster and Susan Foster are people who at one time were on the Creek rolls, and after that on the Seminole rolls, and then were taken off the Seminole rolls and moved over into the Creek Nation, and now are on no rolls at all. A No, I don't know them.

2 In re application of George Foster et al. (7/13/02).

Q They claim to belong to the Cusseta town; are you acquainted with many of the members of the Cusseta town? A I know some of the Cusseta members--some of the old men.

Q You know some of them? A Yes, sir; but I live far away from these people and don't see them often enough to know them very well.

Harley Thomas, being first duly sworn, testified as follows, through interpreter, Chilly W. Morgan:

By the Commission (Mr. Bibby):

Q What is your name? A Harley Thomas.

Q How old are you, Mr. Thomas? A I don't know; Indians don't know their ages.

Q Do you remember the beginning of the late great war, Civil War? A I can remember some beyond the war, before the war ever--

Q Was you a grown man at the time of the war? A I guess I must have been old enough to go in the army and they wanted to conscript but my mother wouldn't allow it, so I didn't go in the war.

Q Where do you live? A Right close to the Canadian River.

Q Is that in the Creek Nation? A Yes, sir.

Q How long have you lived in the Creek Nation? A I don't know how long I have been here; I have been born and raised here.

Q You are a member of the Muskogee tribe, are you not? A Yes, sir; I do.

Q Are you a full-blood? A Yes, sir.

Q You don't talk English, do you, Mr. Thomas? A No, sir; I am a full-blood Indian and can't speak English.

Q Do you hold any official position in the general government of the Muskogee tribe? A I belong to the House of Kings.

Q How long have you been a member of the House of Kings? A This council is my first term.

Q Have you held any official position prior to this time? A I have been a member of Council, was one time in the House of Kings before this time.

Q Ever a member of the House of Warriors? A I served there about one year--a vacant of another one.

Q Ever been a district judge? A No, sir.

Q Which town do you represent in the House of Kings? A Eufaula Canadian.

Q Are you familiar with the laws and customs and usages of the Creek Nation with reference to the enrollment of Creek citizens?

A As far as I ever knew was that in case a woman had a child, the child went to the town or the nation where she held her rights.

Q Are you well acquainted with the laws and customs of the Creeks?

A I may be mistaken, but as far as I can remember the old ruling by the old original Creeks has been that the woman was the head of the family--that is, the blood of the family, you know; if they belonged to a certain town or nation, it went to the town or nation that she belonged to. They were always governed by that.

Q When the father is a member of one tribe and the mother is a member of a different tribe, the children are enrolled with the mother, is that right? A That is my belief, that it should go to the mother.

Q Then if the father is a Creek and the mother a Cherokee or Seminole or Choctaw, the children would go with the mother, would they? A Yes.

Q Do you know George and Susan Foster? A I don't know them.

Q Did you ever hear of them? A (Q) What town do they belong to?

Q (A) Cusseta; they are relatives of my father, I think.

A I don't know them. (Q) Do you know where they live?

Q (A) Think they live out west here about twenty miles. A I don't know them.

Q You live considerable distance from Doan's place, don't you? A I live away down on Canadian.

3 In re application of George Foster et al. (7/22/33).

Q Down on the Canadian—that is South of here; Isperhecher's home is West. A Yes, sir.

Q You are not very well acquainted, then, with the members of Cusseta town? A I don't know them hardly.

Joe Smith, being first duly sworn, testified as follows:

By the Commission (By Mr. Bixby):

Q What is your name? A My name is Joe Smith.

Q How old are you, Mr. Smith? A I don't know exactly; about twenty-eight or twenty-nine.

Q Where do you live? A (Q) You mean my post office?

Q (A) Well, yes, your post office? A Well my post office is Thurman.

Q Thurman, Creek Nation, Indian Territory? A I live in the Creek Nation, but the post office is on the Cheataw side.

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

Q Are you a full-blood Creek Indian? A I guess so; I don't know.

Q Do you hold any official position in the Creek National Government? A Yes, sir; sometimes.

Q What position do you hold now? A House of Kings.

Q Town King? A Yes, sir.

Q You are a member of the House of Kings, are you? A Yes, sir.

Q Which town do you represent in the Creek Nation? A Tullahassee.

By the Commission (By Mr. Hopkins):

Q Do you know George Foster and Susan Foster, who live out west of here a ways? A Don't know them.

Q George Foster and Susan Foster changed back and forth from the Creek Nation to the Seminole Nation, and from the Seminole back to the Creek Nation, and they got left off of both rolls, so they are not on any of the rolls at all; and they are full-blood Indians; and there has been some little talk about their case, and we thought probably that you had heard of it. A No, sir; I never heard of it.

Q Are you acquainted with the customs and usage of the Creek Nation with reference to the enrollment of its citizens? A (Q) What?

Q Are you acquainted with the customs and usage of the Creek Nation with reference to the enrollment of its citizens, that is, whether they follow the father or follow the mother? A Yes, sir.

Q Now where the father is a member of one tribe of Indians and the mother is a member of a different tribe of Indians, do the children follow the father or the mother in putting them on the roll? A Well, generally go by the mother.

Q So that if the father was a Creek citizen and the mother was a Seminole, or Cherokee or Cheataw, the children would go on the rolls with the mother? A Yes, sir; with the mother.

Q In the event, then, that the mother of George and Susan Foster was a Seminole, do you think they, by rights, would belong to the Seminole people,— is that correct? A Yes, sir.

Q You don't know anything about the family itself, though? A No, sir.

4 In re application of George Foster et al. (7/25/02).

Charles Coachman, being first duly sworn, testified as follows:

By the Commission (Mr. Hopkins):

- Q What is your name? A Charles Coachman.
Q How old are you? A About forty-eight.
Q What is your post office address? A Wetumka.
Q Are you a member of the Creek tribe of Indians by blood? A Yes, sir.
Q Do you hold any office in the Creek Nation? A Why, nothing more than a member of Council.
Q Which house are you a member of? A Kings.
Q What town do you represent in the House of Kings? A Alabama.
Q Are you familiar with the laws and usage of the Creek Nation with reference to the enrollment of its citizens? A Yes, sir.
Q In the event that the father belongs to one tribe and the mother belongs to a different tribe, in which tribe would the children--their children, be enrolled? A Be enrolled by the mother.
Q Be enrolled with the mother? A Yes, sir.
Q Have you ever known of any different rule than that in the Creek Nation? A No, sir; I don't.
Q Would it make any difference whether the family lived in this nation or in any other nation, as to whether they would be enrolled with the mother or not? A It don't make any difference.
Q Do you know George and Susan Foster? A No, sir; I don't.
Q You haven't heard them mentioned as being a family who was lost off of both rolls, have you? A No, sir.
Q What was your father's name? A Ward Coachman.
Q Who was formerly Chief of the Creek Tribe, was he not? A Yes, sir.
Q Is he living now? A No, sir.

Dave Derrisaw, being first duly sworn, testified as follows through interpreter, James Bell:

By the Commission (Mr. Bixby):

- Q What is your name? A Dave Derrisaw.
Q How old are you? A I am not certain of it, but I am probably forty-three.
Q Where do you live? A North-west.
Q Northwest of this place, in the Creek Nation? A Yes, sir.
Q How long have you lived in the Creek Nation? A All my life, except during the time of the Rebellion.
Q Are you a full-blood Creek Indian? A Yes, sir.
Q Do you talk the English language? A I can speak a few, but not enough to carry on any conversation.
Q Do you know George and Susan Foster? A Yes, sir; I know them.
Q Are they Creeks or Seminoles? A They were Seminoles.
Q Did you know their mother? A I knew their mother.
Q What was her name? A She has been dead some time, and I have forgotten; I know the sister of George Foster's mother, can name her.
Q She was a Seminole, was she? A I knew them before the Rebellion, and know they were Seminoles.
Q Did you know George and Susan Foster's father? A Yes, sir.
Q Was he a Creek or a Seminole? A He was a Creek.
Q Are you acquainted with the laws, customs and usages of the Creek Nation with reference to the enrollment of Creek citizens?
A Yes, sir.

3 In re application of George Foster et al. (7/23/02)

Q Where the father is a member of the Creek tribe, and the mother a member of the Seminole Tribe, should the children be enrolled with the father, as a Creek, or with the mother, as a Seminole?
A They follow the mother.

Q If the father is a Creek and the mother a Seminole, Cherokee or Choctaw, the children would go with their mother, would they?
A That is the custom.

Q Do you know the children of Susan Foster? A No, I don't know the youngsters.

Q Do you know whether or not she has any children? A Yes, sir; lots of them; there are several of them, but I don't know how many.

Q Do you hold any official position in the Creek Nation? A No.

Q Did you ever hold any? A No, sir.

Q You have lived among the Creek Indians all your life, have you not? A Yes, sir.

Q You associate intimately with the full-blood Creeks, and are acquainted with their laws and customs, are you not? A Yes, sir.

Q What town do you belong to? A Gussakita.

Q Did George Foster's father belong to Gussakita town? A Yes, sir.

Oliver C. Hinkle, being first duly sworn, upon his oath states, as stenographer to the Commission to the Five Civilized Tribes, that he reported the proceedings had in the above entitled cause on the 23rd day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

Oliver C. Hinkle.

Subscribed and sworn to before me this 24 day of July, 1902.,
at Okmulgee, Indian Territory.


Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmulgee, Ind. Ter., July 24, 1902.

In the matter of the application of George Foster, Susan Foster, Sampson Sudcharkey, Billy Foster, Barney, Barney, Henshoche and Minnie, as citizens of the Creek Nation.

Jim Byrd, being first duly sworn, testified as follows,
through interpreter, Chilly F. Morgan:

By the Commission (Mr. Hopkins):

- Q What is your name? A Jim Byrd.
Q About how old are you? A I don't know but I think I am about fifty, or may be a little over.
Q What is your post office address? A Thorsma.
Q You are a full-blood Creek citizen, are you? A I guess I am; I don't know that I could be anything else.
Q You don't speak the English language, do you? A No, sir.
Q What official positions in the Creek Nation have you held, and now hold? A I never did hold any official office only a Council member in the House of Kings; will be eight years when this term is out, two terms it will be.
Q You are a member of the upper House of the Creek Council, are you? A Yes, sir.
Q What town do you represent in the Council? A Weogufka.
Q Do you know George and Susan Foster? A I don't know them.
Q They are full-blood Indians who have lived in the Creek Nation and the Seminole Nation, and have been lost off of the rolls in some manner or another, and we wanted to know whether or not you had ever heard of their case. A I don't remember even of ever hearing of those people.
Q It is part of the duties of your office, is it not, to keep track of the members of your town and carry them on the town roll? A Yes, sir.
Q Are you familiar with the laws, customs and usages of the Creek Nation with reference to the enrollment of its citizens? A All the rulings there have ever been for the members of the town to enroll their constituents that belong to the town and bring them to the Creek government executive office.
Q If the father is a member of the Creek nation and the mother is a member of a different Nation in the Territory, is it customary to enroll the children with the father or with the mother? A The Indian's ruling, as far back as I know, has always counted in with their mother; whichever the mother belongs to is the heirs belong to that nation.
Q Then if the mother belonged to the Cherokee or Seminole or Choctaw Nation, he would not enroll the children with the Creeks? A In case the officials of the Cherokee Nation will say she was a Cherokee and belonged to that nation, or whatever nation, she might be free if they agree to let them come in as Creek citizens, then he would enroll them with his roll, but if the officials and the parties did not agree, I could not do it.
Q Well, in case they were not adopted by the Creek Council, then the custom is that they should still go with the mother: Is that correct? A Yes, sir; that is the way it would go.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 24th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 25 day of July, 1902,
at Okmulgee, Indian Territory.

Oliver C. Hinkle

Chairman

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmulgee, Ind. Ter., July 21, 1906.

In the matter of the application of George Foster, Susan Foster, Sampson Sudcharkey, Hally Foster, Gasparney, Sarney, Henshoche and Minnie, as citizens of the Creek Nation.

Roland Brown, being first duly sworn, testified as follows, through interpreter, Chilly W. Morgan:

By the Commission (Mr. Hopkins):

Q What is your name? A Roland Brown.

Q How old are you? A Eighty-seven years of age.

Q Eighty-seven? A Yes, sir; when they were sectionizing the land in the old country, I was eighteen years old then.

Q Back in Alabama? A Yes, sir.

Q What is your post office? A Okmulgee.

Q You are a citizen by blood of the Creek Nation? A Yes, sir.

Q What official positions, if any, have you held in the Creek Nation? A The first commencement of my official holding, I was a district judge for about seventeen years; at this present time I am now in the House of Kings.

Q A member of the upper house of the Creek National Council?

A Yes, sir.

Q Do you know George and Susan Foster? A Yes, sir; I know them.

Q Are they related to one another? A I don't know George Foster but I know Susan Foster; she lives out here, she lives herein town, but I don't know George Foster.

Q Is she married? A Yes, sir.

Q What is her husband's name? A It is Sallie Foster's son--is her husband. They call him Ben Wisener.

Q Is "Susan Foster" her maiden name? A No, she was a Canard; she was not a Foster.

Q These people we are inquiring about are supposed to be brother and sister, and the children of a Creek Indian known by the name of Foster. A It must be somebody else then, for I don't know them. The woman that I referred to was a Seminole Indian, belonged in the Seminole country, and she quit there and came here and became a citizen of the Creek Nation, and filed on her land--I know that she filed.

Q Was she adopted as a citizen by the Creek Council? A Yes, sir; she wanted to come here and wanted to join my town, and I myself wrote to the Chief of the Seminole--the governor of the Seminole tribe, and he sanctioned it, and also turned her out and gave me the right to come here to the Creek Council, and gave her a right to be adopted here; and it was during Legus Perryman's administration, and I went to Legus Perryman and he told me to enroll her in my town, and I did so, and I know she filed and got her filing. (Q) Do these people belong to the Bufaula town, or claim to belong there?

Q (A) They claim to belong to the Cussehta town. A They were related to me, my half-brother, Canard, was the father of this woman, and the mother was a Seminole; but then I got them back here, all being relations of mine, but if they claim to belong to Cussehta town the parties you refer to must be somebody else.

Q Are you acquainted with the laws, customs and usages of the Creek Nation with reference to the enrollment of its citizens?

A He says that the custom is--

Q Well is he acquainted with the laws, usages and customs? A Yes.

Q Now if the father is a citizen of the Creek Nation, and the mother is a citizen of the Seminole Nation, or the Choctaw Nation, or the Cherokee Nation, do the children follow the father or the mother in enrollment? A If the mother of the children is a Cherokee woman, they belong in the Cherokee Nation.

Q Now is that true, in no matter which nation they live? A Yes, sir.

Q Then if the mother is a Cherokee, Choctaw or a Seminole, and the father is a Creek, how do they proceed to have the children enrolled as Creek citizens? A In case of that kind, they wanted the family name to adopt them in this nation, they would ask the governor of the Cherokee or Seminole, whichever nation the woman belonged to, to take them off the rolls and let the governor section it, and then give him a letter of it, then turn them loose over to them, and then they are carried to the Council and adopt them through the Council.

Q What do you mean by "turn over to them?" A By turning them over is, disinherited from the Choctaw or Cherokee there.

Q Is it the custom of the Creek Nation to enroll the children of a Seminole, Cherokee or Choctaw mother unless they have been presented to the Council in some way? A No, sir; the only way we had of doing so was to disinherit them from one nation and let them make application to the chiefs in whatever nation they belonged, and then they get a letter showing that they disinherited them.

Q Have you ever heard that there are certain families where they got the children on the Creek roll and on the Cherokee roll, too?

A No, sir; I don't know.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 24th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 26th day of July, 1902,
at Okmulgee, Indian Territory.



Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
OKMULGEE, I.T., OCTOBER 13th, 1903.

IN THE MATTER OF THE APPLICATION OF George Foster et al for enrollment as citizens by blood of the Creek Nation.

GEORGE FOSTER, being first duly sworn by R. R. Cravens, notary public, testified as follows, through sworn interpreter, E. E. Hardridge:

BY THE COMMISSION:

- Q What is your name? A George Foster.
Q How old are you? A About 50 years old.
Q Are you a full blood Creek Indian? A Yes, sir.
Q Do you know Neha Fixico? A Yes, sir.
Q Do you know his children? A Yes, sir.
Q What is the name of the oldest? A Hully.
Q How old is Hully? A About 28 years old.
Q Is he living? A Yes, sir.
Q What is the name of the next? A He is dead.
Q Well, I want to know his name any way? A Jeannetta.
Q How long has Jeannetta been dead? A He says the same month Porter took his seat as Chief. It was in December.
Q That was in December, 1899? A Yes, sir.
Q What is the name of the next child? A Mina.
Q Is Mina living? A No, sir, she's dead.
Q How old was Jeannetta when she died? A About 16 years old.
Q How old was Mina when she died? A She must have been about 14 years old. She is next to Jeannetta.
Q What is the name of the next child? A Peter.
Q Is Peter living or dead? A He is dead.
Q How long has Minda been dead? A She died last July; about the 3rd.
Q How old was Peter when he died? A I made a mistake: Peter is next to Jeannetta. The way he tells it, Peter must be about 20 years old.
Q Is he living or dead? A Dead.
Q How long has he been dead? A He died this year. I don't remember the name of the month.
Q Did they ever call him Cheparney? A Yes, sir, some times they called him Cheparney and some times Commanches.
Q Cheparney and Peter are the same? A Yes, sir.
Q What is the name of the next child? A Sarna.
Q Is she living or dead? A Living.
Q How old is that child? A About ten years of age.
Q Are there any other children? A Hennehochee.
Q Is he living or dead? A He is living.
Q How old is he? A About 7 years of age.
Q Any others? A That is all.
Q Are these all children of Neha Fixico? A Yes, sir.
Q What is the name of their mother? A Susan.
Q Is she living? A Yes, sir.
Q Is she a Creek or a Seminole? A She was enrolled in the Seminole but she was turned out with me from the Seminole roll.

Q Is she a full blood Creek Indian? A Yes, sir.
Q Is Neha Fixico living or dead? A He is dead.
Q How long has he been dead? A He died last year. I don't remember the name of the month when he died.
Q Did Susan draw money from the Seminoles at the same time you did? A Yes, sir.
Q Has she drawn any since you drew? A No, sir.
Q Did you draw money from the Seminoles in 1895 and 1896? A Yes, sir.
Q Have you drawn any since that time? A Yes, sir, I have drawn since.

Q. Now, Mr. A. L. 72.

A. Yes, sir.

Q. Was the last time you drew? A. Last year.

Q. Did you draw then too? A. Yes, sir.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he received in the possession in the matter of the enrollment of the Creek Indians at Ft. Scott, Indian Territory, Oklahoma, the transcript of his deposition given at Muskogee, Indian Territory, October 12, 1903, and that the same is now in his possession.

Subscribed and sworn to before me this _____ day of October, A. D., 1903, at Muskogee, Indian Territory.

Edward M. Murray
NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
CHOCOTAH, I.T. June 22, 1904.

In the matter of the application for the enrollment of Colbert
(or Cheparney) as a citizen of the Creek Nation.

Polly Harper being duly sworn, testified as follows:

Examination by Commission:

- Q State your name, age and post office address? A Polly Harper; don't know my age- about 39; Chocotah.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q To what Creek Indian town do you belong? A Tuskegee.
- Q Did you ever go by the name of Polly West? A Yes sir.
- Q Did you ever have anyone in your family by the name of Colbert or Cheparney? A No sir.
- Q No children by that name? A No sir.
- Q And no Indian children ever lived with you by that name? A No sir.
- Q On the 1895 omitted pay roll of the Creek Nation, page 17, appears the name Colbert or Cheparney as being a member of your family; do you know anything about that? A No sir.
- Q You were at one time the wife of Dr. West, were you not? A Yes sir.
- Q Did he ever have a son who was a member of your family? A He had a son of his own, Jim West.
- Q How old was he? A I don't know.
- Q About how old? A About 8 or 9 years old I guess; he is about 22 now.
- Q Did you ever call him Cheparney? A No sir; never thought about such a name.
- Q Ever call him Colbert? A No sir; only Jim.
- Q Did you ever have an Indian boy named Colbert Grayson work for you or live with you in your family? A No sir; that's a full blood Indian name, Cheparney; Jim was a white boy.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this July 1, 1904.

Seal

Olever C. Hinkle.

Notary Public.

Creek N. 214. J.W.

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

In the matter of the application for the enrollment of George Foster, Susan Foster, Sampson Sudcharkey, Hally Foster, Chaparney, Sarney, Henechoche, and Minnie, as citizens, by blood, of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on March 27, 1901, George Foster appeared before the Commission at Okmulgee, Indian Territory, and made application for enrollment as a citizen by blood of the Creek Nation. Further proceedings were had in the matter of said application at Okmulgee, Indian Territory, on July 19, 1902, and Susan Foster, Sampson Sudcharkey, Hally Foster, Chaparney, Sarney, Henechoche, and Minnie were included in the application. Further proceedings were had on July 21, July 22, July 23, July 24, and July 25, 1902.

It does not appear from the evidence that any of the applicants are full blood Creek Indians. From an examination of the Creek tribal rolls, the records of the Creek Nation in possession of the Commission, and the records of the Commission, it does not appear that they, or any of them, have ever been enrolled by the tribal authorities of the Creek Nation; nor does it appear that they, or any of them, have ever been admitted to citizenship in the Creek Nation by the legally constituted authorities of said nation, nor by the Commission to the Five Civilized Tribes, or the United States court in Indian Territory, in accordance with the provisions of the act of Congress, June 10, 1896 (29 Stat., 321).

The act of Congress of May 31, 1900 (31 Stat., 221), provides:

"That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final, when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that George Foster, Susan Foster, Sampson Sudcharkey, Hally Foster, Chaparney, Sarney, Henechoche, and Minnie, are not citizens of the Creek Nation and duly and lawfully enrolled or admitted as such; and that pursuant to the provisions of law above quoted, it is without authority to receive, consider or make any record of their application for enrollment as citizens of the Creek Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Commissioner.

*Dated at Muskogee, Indian Territory,
this 1 day of May, 1903.

J. 278

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

In the matter of the application for the enrollment of George Foster, Susan Foster, Sampson Sudcharkey, Hally Foster, Cheparney, Sarney, Henehoche, and Minnie, as citizens, by blood, of the Creek Nation.

O R D E R.

May 1, 1903, the Commission rendered its decision in the matter of the application for the enrollment of George and Susan Foster, Sampson Sudcharkey, Hally Foster, Cheparney, Sarney, Henehoche, and Minnie, as citizens, by blood, of the Creek Nation, denying said application under the act of Congress, May 31, 1900 (31 Stat., 221). Subsequent to the date of said decision, it was found that on March 27, 1901, Neha Fixico appeared before the Commission and made application for the enrollment of his wife, Susie, and his minor children, Hully, Jenatte, Cherparney, Mina and Sarna, as citizens by blood of the Creek Nation.

The records of the Commission show that the said Neha Fixico has been listed for enrollment on Creek Indian Card Field No. 2187, approved roll No. 6687. The tribal rolls of the Creek Nation in the possession of the Commission show that he is identified on the 1890 authenticated roll, Cussehta Town, page No. 79, and on the 1895 Pay Roll of said nation, Cussehta Town, No. 43.

It further appears that the said testimony of Neha Fixico is not a part of the record in the matter of the application of George Foster, et al., and was not considered when the decision in that case was rendered.


From the testimony in the case of George Foster, et al., and the testimony of Neha Fixico in the matter of the application for the enrollment of his said minor children as citizens of the Creek Nation, it seems that Hally Foster and Hully Foster are one and the same person; that Cheparney and Cherparney are the same; that Sarney and Sarna are the same, and that Mina and Minnie may be the same person.

In view of said testimony of Neha Fixico, it is ordered that the decision of May 1, 1903, in the matter of the application for the enrollment of George Foster, Susan Foster, Sampson Sudcharkey, Hally Foster, Cheparney, Sarney, Henehoche, and Minnie, as citizens by blood of the Creek Nation, be recalled; that the testimony of Neha Fixico in the matter of the application for the enrollment of his said children, be made part of the record herein, and that said Neha Fixico be notified to appear and submit additional testimony in the case.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this 13 day of July, 1903.

COPY

J.H.D.

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

No. 224.

In the matter of the application for the enrollment of George Foster, Susan Foster, Sampson Sudocharkey, Hully Fixico, Jenette Fixico, Cheparney Fixico, Sarna Fixico, Henecheche Fixico and Mina Fixico, as citizens by blood of the Creek Nation.

DECISION.

The record in this case shows that on March 27, 1901, Neha Fixico appeared before the Commission at Okmulgee, Indian Territory, and made application for the enrollment of his wife, Susan, and his five minor children, Hully, Jenette, Cheparney, Mina and Sarna Fixico, as citizens by blood of the Creek Nation. On the same day George Foster appeared before the Commission at Okmulgee, Indian Territory, and made application for enrollment as a citizen by blood of the Creek Nation. Further proceedings in the matter of the application of George Foster were had at Okmulgee, Indian Territory, on July 19, 1902, and Susan Foster, (Fixico), Sampson Sudocharkey, Hully, Cheparney, Sarna, Henecheche and Mina Fixico were included in the application. Further proceedings were had in the matter of said application on July 21, July 22, July 23, July 24, and July 25, 1902, and October 13, 1903.

It does not appear from the evidence that any of the applicants are full blood Creek Indians who were residing in the Cherokee Nation; or who were residing in the Creek Nation having recently removed there from the State of Texas, or members of the families of full blood Creeks who resided in Texas, on March 1, 1901. From an examination of the Creek tribal rolls, the records of the Creek Nation in the possession of the Commission, and the records of the Commission, it does not appear that they, or any of them, have ever been enrolled by the tribal authorities of the Creek Nation; nor does it appear that they or any of them have ever been admitted to citizenship in the Creek Nation by the legally constituted authorities of said Nation; nor by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory, in accordance with the provisions of the act of Congress, June 10, 1898 (29 Stat., 321).

It appears from the evidence that Hully, Cheparney, Jenette, Sarna, Henecheche, and Mina are the children of Neha Fixico, and his wife, Susan, and the records of the Commission show that the name of the said Neha Fixico is contained in a list of Creek citizens by blood, approved by the Secretary of the Interior, March 28, 1901, Roll No. 6687.

It further appears that said Hully was about twenty-six years old at the date of the application herein; that Jenette died in December, 1899, and was about sixteen years old at the time of her death; that Cheparney died during the year 1903, and was about twenty years old at the time of his death; that Mina died in July, 1903, and was about fourteen years old at the time of her death; that Sarna and Henecheche are minors; that they were born prior to April 1, 1899, and were living at the date of the application herein.

It is the opinion of the Commission that George Yeater, Susan Fixico, ~~Casper Catcher~~ and Polly Fixico are not entitled to enrollment as citizens by blood of the Creek Nation as provided in the acts of Congress, June 28, 1896 (30 Stats., 795), March 1, 1901 (31 Stats., 861) and June 30, 1902 (32 Stats., 800), or either of said acts, and that the application for their enrollment as such should, therefore, be denied, and it is so ordered.

It is the further opinion of the Commission that Jennette Fixico, Cheparney Fixico, Mina Fixico, Sarra Fixico, and Wanshoche Fixico should be enrolled as citizens by blood of the Creek Nation, in accordance with the provisions of the Act of Congress, March 1, 1901, (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) James Bixby. Chairman.

(SIGNED) T. B. Needles. Commissioner.

(SIGNED) C. R. Brookinridge. Commissioner.

(SIGNED) W. E. Stanley. Commissioner.

Dated at Muskogee, Indian Territory,

MAR 14 1904

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

ALLISON L. AYLERWORTH,
SECRETARY

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

IN REPLY TO THE FOLLOWING

Creek No. 224.

ADDRESSED ONLY TO THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 7, 1903.

Commission to the Five Civilized Tribes,

Gentlemen:

May 1, 1901, the Commission rendered its decision in the matter of the application for the enrollment of George and Susan Foster, Sampson Sudcharkey, Hally Foster, Cheparney, Sarney, Henehoche, and Minnie, as citizens by blood of the Creek Nation, denying said application under the act of Congress of May 31, 1900 (31 Stats., 221). When the decision in the case was prepared, the testimony considered showed that the applicants were full blood Indians, part Creek and part Seminole; that they had lived all their lives in the Creek and Seminole Nations; that they had, at one time, been borne on the Seminole rolls; that they sought to have their membership transferred to the Creek Nation, and believed that such had been done. The records of the Commission show that none of said applicants are included in the roll of Seminoles made by the Commission and approved by the Department; that none of them are identified on the Creek tribal rolls, nor have they, or any of them, been admitted to citizenship in the Creek Nation.

Subsequent to the rendering of the decision in the case, it was found, that on March 27, 1901, Neha Fixico appeared before the Commission and made application for the enrollment of his

Commission.

wife, Susie, and his minor children, Hully, Jenette, Cherparney, Mina and Sarna, as citizens by blood of the Creek Nation. The said Neha Fixico has been listed for enrollment on Creek Indian Card Field No. 2187, approved roll No. 6687. He is identified on the 1890 authenticated roll of the Creek Nation, Cussehta Town, page No. 79, and on the 1895 Pay Roll of said Nation, Cussehta Town, No. 43. The testimony of Neha Fixico is not a part of the record in the matter of the application of George Foster, et al., and was not considered at the time of the preparation of the decision therein. From the testimony of Neha Fixico, which is hereto attached, it seems that Hally Foster and Hully Foster are one and the same person; that Cheparney and Cherparney are the same; that Sarney and Sarna are the same; that Mina and Minnie may be the same person, and that Jenette is not included in the application of George Foster, et al.

In view of the Creek agreement, act of Congress of March 1, 1901, it seems that said children of Neha Fixico may be entitled to enrollment as citizens of the Creek Nation. From the testimony of said Neha Fixico, it appears that Cherparney was born prior to April 1, 1899, but it is not shown that he was living on that date. It is not shown whether Hully, Jenette, Mina and Sarna, were born prior or subsequent to April 1, 1899. If any of them were born since that date, proof that they were living July 1, 1900, should be submitted.

Commission.

It is respectfully suggested that the decision in the case of George Foster, et al., be recalled; that the testimony of Neha Pixico, for the enrollment of his said children, be made part of the record therein, and that Neha Pixico be notified to appear before the Commission and submit additional testimony in the matter of the application for the enrollment of his said children.

Respectfully,

J. J. Beavers

In charge Creek Enrollment Division.

*I concur
JJB*

Doc No. 224.

Muskogee, Indian Territory, July 7, 1903.

Hon. W. E. Stanley,

Tishomingo, Indian Territory.

Sir:

In the matter of the application for the enrollment of George Foster, et al., as citizens of the Creek Nation, there is enclosed herewith for your consideration and return, the record in the case, and an order recalling the decision rendered by the Commission, May 1, 1903.

Respectfully,

Commissioner in Charge.

OCH-50.

Copy.

Tishomingo, Indian Territory, July 10, 1903.

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

Gentlemen:

There is returned herewith unsigned, the record in
the matter of the application for the enrollment of George
Foster, et al., as citizens of the Creek Nation.

Respectfully,

(Signed) W. E. Stanley

Commissioner in Charge.

1 Enc. B-7.

J.M.

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

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

REFER IN REPLY TO THE FOLLOWING
Creek No. 224.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 13, 1903.

Neha Fixico,
Sapulpa, Indian Territory.

Dear Sir:

March 27, 1901, you appeared before the Commission at Okmulgee, Indian Territory, and made application for the enrollment of your wife, Susie, and your five minor children, Hully, Jennette, Cheparney, Mina and Sarna, as citizens of the Creek Nation.

You are now advised that the Commission desires further evidence in the matter of said application. You are required to appear before the Commission at its office in Muskogee, Indian Territory, for the purpose of giving further testimony in the case.

This matter should receive your prompt attention.

Respectfully,



Commissioner in Charge.

Or. En. 224.

Muskogee, Indian Territory, March 16, 1904.

George Foster,
Creek, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of George Foster, Susan Fixico, Sampson Sudcharkey, Kully Fixico, Jenette Fixico, Cheparney Fixico, Mina Fixico, Sarna Fixico and Kenchoche Fixico as citizens by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. B. Needles
Commissioner in Charge.

HGH -3-16- 16.

Muskogee, Indian Territory, March 14, 1904.

A. P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission in the matter of the application for the enrollment of George Foster, et al., as citizens by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. B. Needles
Commissioner in Charge.

HEX-3-16-17.

Creek No. 234.

McAlester, Indian Territory, March 16, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of George Foster, et al., as citizens by blood of the Creek Nation, including the decision of the Commission, dated March 14, 1904, denying said application.

Respectfully,

Through the Commissioner
of Indian Affairs.

HOM-3-16-18.

J. B. Needles
Commissioner in Charge.

Muskogee, Indian Territory, June 1, 1904.

George Foster,

Creek, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of June 18, relative to your application for enrollment as a citizen of the Creek Nation. You request to be informed as to the present status of the case.

In reply you are advised that the record and decision in the case was transmitted to the Secretary of the Interior, March 22, 1904. The Commission has not been informed of any further action in the case.

You will be notified of the decision of the Secretary when the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Land.
18765-1904.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON.

October 11, 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 16, 1904, transmitting the record of the applications for the enrollment as citizens by blood of the Creek Nation by Neha Fixico for his wife, Susan and his minor children, Hully, Jennatte, Cheparney, Mina and Sarna Fixico; that George Foster applies for himself and for Susan Foster (Fixico), Sampson Sudcharkey, Hully, Cheparney, Sarna, Henechoche and Mina Fixico.

March 14, 1904, the Commission decided adversely to George Foster, Susan Fixico, Sampson Sudcharkey and Hully Fixico, and favorably to Jennatte, Cheparney, Mina, Sarna and Henechoche Fixico.

The record does not show that any of the applicants are full blood Creek Indians who were residing in the Cherokee Nation; or who were residing in the Creek Nation by recent removal thereto from the state of Texas, or members of the families of full-blood Creek who resided in the State of Texas on March 1, 1901.

From the record and the records of this office it does not appear that any of the applicants have ever been recognized, enrolled or admitted to citizenship by the United States or by any tribal authority.

It appears that Hully, Cheparney, Jennatte, Sarna, Henechoche and Mina are the children of Neha Fixico, and that the name of Neha Fixico is contained in a list of Creek citizens by blood approved by the Department March 28, 1902. It is further shown that Hully was about twenty-six years old at the date of the application; that Jennatte died in December 1899, at the age of about sixteen; that Cheparney died during the year of 1903, at the age of twenty; that Mina died in July 1903, at the age of Fourteen; that Sarna and Henechoche are minors, and were born prior to April 1, 1899, and were living at the date of the application.

In view of the record the approval of the Commission's decision favorable to Jennatte, Cheparney, Mina, Sarna and Henechoche Fixico, and unfavorably to all the other applicants is recommended.

Very Respectfully,

A.C. Tonner,

Acting Commissioner.

M.H.M.
W.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
Y.M.

I.T.D. 10212-1904.
LRS.

October 17, 1904.

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

Gentlemen:

March 16, 1904, you transmitted the papers in the Creek enrollment case of Neha Fixico, and George Foster, et al, having on March 14, 1904, rendered your decision holding that George Foster, Susan Fixico, Sampson Sudcharkey and Hully Fixico are not entitled to enrollment, but that Jenette Fixico, Cheparney Fixico, Mina Fixico, Sarna Fixico, and Henechoche Fixico should be enrolled.

The Department desires to be informed under what provision of law you have rejected Hully Fixico, and what bearing, if any, section 8, of the Act of June 30, 1902 (32 Stat., 500), has upon his claim; also who made application for the enrollment of Sampson Sudcharkey, if one was made, and the grounds, specifically, upon which you rejected this claim; why, if Minnie's name was included in an application, as stated at the head of Isparhecher's testimony, judgment was not rendered as to her.

You will observe that "Mina", child of Neha Fixico, was mentioned in his application of March 27, 1901. Minnie is first mentioned in ~~Isparhecher~~ Isparhecher's testimony as the mother of Susan Foster.

The Department also desires to ~~next~~ be advised whether Susan Fixico, formerly Foster, Hully Fixico, and George Foster, whose names, it appears, are found on certain Seminole rolls, have been enrolled as Seminoles, and if not, why.

The testimony and papers attached thereto are returned herewith, to be submitted to the Department with your report.

On October 11, 1904, the Acting Commissioner of Indian Affairs submitted the case and recommended that your decision be approved. A copy of his letter is enclosed.

Respectfully,

Thos Ryan,
Acting Secretary.

2 inclosures.

212
Creek No. 334

Mashpee, Indian Territory, February 1, 1905.

The Honorable

The Secretary of the Interior.

Sir:

March 18, 1904, there was transmitted to the Department the papers in the Creek Enrollment case of George Foster, et al., in which the Commission on March 14, 1904, rendered its decision holding that George Foster, Susan Fixico, Sampson Sudcharkey, and Hully Fixico are not entitled to enrollment, but that Jennette Fixico, Cheparney Fixico, Mina Fixico, Sarna Fixico and Heneheche Fixico should be enrolled as citizens by blood of the Creek Nation.

October 17, 1904, the Department returned to the Commission the papers in said case, stating in the letter of transmittal (I.B.D. 10212-1904), that the Department desired to be informed under what provision of law the Commission rejected Hully Fixico, and what bearing, if any, Section 8 of the Act of June 30, 1902 (32 Stat., 500) has upon his claim; also, who made application for the enrollment of Sampson Sudcharkey, if one was made, and the grounds, specifically, upon which this claim was rejected; and why, if "Minnie's" name was included in an application, as stated at the head of Ieparhecher's testimony, judgment was not rendered as to her.

Secretary --2

The evidence shows that Nully Fixico was about 20 years old at the date of the application for his enrollment, and that he is not identified on the 1890 Authenticated Tribal Roll of the Creek Nation, nor is he identified on the 1898 Pay Roll of said Nation. The evidence further shows that said Nully Fixico has never been admitted to citizenship in the Creek Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

Section 21 of the Act of Congress of June 26, 1896 (30 Stats. 495) authorized and directed the Commission to make "correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made."

Section 28 of the Act of March 1, 1901 (31 Stats., 861) provides that: "No person, except as herein provided, shall be added to the rolls of citizenship of said tribe after the date of this agreement. All citizens who were living on the first day of April, 1899, entitled to be enrolled under section twenty-one of the act of Congress, June 26, 1896 . . . shall be placed upon the rolls to be made by said Commission under said act of Congress. All children born to citizens so entitled to enrollment, up to and including the first day of July, nineteen hundred, and then living, shall be placed on the rolls to be made by said Commission."

Secretary ---3

Section 8 of the Act of June 30, 1902 (32 Stats., 800), provides that: "All children who have not heretofore been listed for enrollment living May 25, 1901, born to citizens whose names appear upon the authenticated rolls of 1890 or upon the authenticated rolls of 1895 and entitled to enrollment as provided by the act of Congress approved March 1, 1901 (31 Stat., L., 861), shall be placed on the rolls made by said Commission."

It is clear from an examination of the evidence that the only provision of law as above quoted that could possibly be construed to give Mully Fixico a right to enrollment is Section 8 of the act of 1902; and in construing that section the Commission is of the opinion that the word "children" applies only to those children who were minors at the date of the passage of the act; that the word "children" was used in the sense in which the word is ordinarily used, in contradistinction to "descendant" which would include one who was no longer a child. If the contrary should be held, cases might, and no doubt would arise in which persons of mature age, who had never resided in Indian Territory, and who had not in any manner been recognized by any authority as citizens of the Creek Nation, would be entitled to enrollment.

The Department asks by whom the application for the enrollment of Sampson Sudcharkey was made. He is mentioned in the testimony of Isparhecher, July 19, 1902, and the caption indicates that it was the intention to include him in the application in order that his rights might be determined. The Commission has,

Secretary---4

therefore, so considered and his case is treated as though application for his enrollment had been made on July 19, 1902.

It is shown in the decision of March 24, 1904, that from an examination of the Creek Tribal Rolls, the records of the Creek Nation in the possession, of the Commission, and the records of the Commission, it does not appear that Sampson Sudoharkey has ever been enrolled by the Tribal Authorities of the Creek Nation, nor has he ever been admitted to citizenship in said Nation by the legally constituted authorities of said Nation; nor by the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory, in accordance with the provisions of the act of Congress, June 10, 1896 (29 Stats., 321).

To enroll in his own right, without reference to his parentage or descent, one whose name does not appear on the rolls of citizens of the Creek Nation, it is necessary that the one whom it is desired to enroll should come within the following provisions of the act of March 1, 1901 (31 Stats., 861):

"Said Commission shall have authority to enroll certain full-blood Creek Indians now residing in the Cherokee Nation, and also certain full-blood Creek Indians now residing in the Creek Nation who have recently removed there from the State of Texas, and the families of full-blood Creeks who now reside in Texas."

It is apparent that under the evidence before it the Commission could not enroll Sampson Sudoharkey under the provisions of law above quoted.

Secretary-----5

Any right to enrollment which Sampson Sudcharkey might have must, therefore, come through his being the child of a citizen entitled to be enrolled under the provisions of the act of June 28, 1898. The provisions of the acts relating to the enrollment of children of citizens so entitled to enrollment are set out above in the discussion of the case of Hully Fixico and it is not necessary to repeat them here.

Isparhecher, the one witness from whom the Commission could obtain information relating to Sampson Sudcharkey, testified that he knew Sampson Sudcharkey; that he knew his mother, that her name was Kidey and that she had been dead a long time; that his father died in Alabama. It is a matter of public record that the Creek Indians emigrated from Alabama upwards of sixty years before this testimony of Isparhecher was taken. An inference might be drawn with reasonable positiveness, though not with absolute certainty, that Sampson Sudcharkey, he having been born not more than one year subsequent to the death of his father, was about sixty years old July 19, 1902, on which date it is considered that the application for his enrollment was made.

But whether or not this inference be drawn, the fact remains that it was impossible to find from the evidence that Sampson Sudcharkey was a minor on March 1, 1901, or any subsequent date. It not being shown that he was a minor on said date, his right to enrollment stands on the same footing as does that of Hully Fixico, and the grounds above set out for denying the application of Hully Fixico apply also to the case of Sampson Sudcharkey.

Secretary-----6

The "Minnie" about whom the Department inquires is the creature of a stenographer's error. The names "Mina" and "Minnie", though spelled differently, are very similar in sound, and the stenographer, not catching the slight difference in the two words, used the spelling more frequently met with. That but one person is meant is shown by the two forms never appearing together, either in captions or in testimony. The Department is in error when it states that "Minnie" is first mentioned in the testimony as the mother of Susan Foster. The name given by Isparhecher as that of the mother of Susan Foster is "Millie", and not "Minnie". Later in his testimony, he is asked concerning "Mina" (written "Minnie" by the stenographer), and his replies indicating that the "Mina" or "Minnie" that he knew was some one other than the "Mina" about whom the Commission was inquiring, the matter was not pursued further.

The Department also desires to be advised whether Susan Fixico, formerly Foster, Hully Fixico and George Foster, whose names appear on certain Seminole rolls, have been enrolled as Seminoles, and if not, why.

An examination of the records of the Commission shows that the names of said Susan Fixico, formerly Foster, Hully Fixico and George Foster, or any of them, are not found on the final roll of citizens by blood of the Seminole Nation approved by the Department April 2, 1901. The evidence in this case shows that Susan Fixico,

Secretary-----?

formerly Foster, Hully Fixico and George Foster are, by blood, Creek Indians; that, after the war, their parents settled in the Seminole Nation, were enrolled as Seminoles and participated in the payments of that tribe. They were in the Seminole Nation in 1895, and their names are found on the tribal roll of that year; but in the interval between 1895 and 1897 they returned to the Creek Nation, and, following a custom which then existed, their names were dropped from the Seminole rolls and transferred, as they thought, to the Creek rolls, but the transfer was not consummated. They were, therefore, not on the last authenticated roll of the Seminole Nation at the time the Commission was enrolling the citizens of that Nation. They were, therefore, not enrolled by the Commission as Seminoles. The last authenticated roll of the Creek Nation is the roll of 1896. Susan Fixico, formerly Foster, Hully Fixico and George Foster are not identified on that roll, they being Seminole citizens at the time it was made, nor do their names appear to have been added thereto.

The Commission has held this case for more than two years, and is convinced that it has obtained all the evidence bearing on the right to enrollment of the applicants which it is possible to obtain. While recognizing the hardship which must be suffered by those full-blood Creek Indians whose claims it has denied, the Commission is powerless to afford relief.

Secretary-----8

The record in the case is as follows.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FEB 3 1905

Assistant

Deputy

Commissioner

Through the
Commissioner of Indian Affairs.

HGH-12-19-1.

Refer in reply to the following:
Land
10081-1005

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, February 14, 1905

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of October 17, 1904 (I.T.D.10212-1904) there is enclosed the record and the report of the Commission to the Five Civilized Tribes, dated February 3, 1905, in the matter of the application for enrollment as Creek citizens by George Foster et al.

In view of the record and report of the Commission I renew my recommendation of October 11, 1904 (Land 18765-1904) that the decision of the Commission of March 14, 1904, be approved.

Very respectfully,

C F Larrabee

Acting Commissioner

M M M
V

224

(Copy)

Creek Memo 72

Muskogee, Indian Territory, July 5, 1905

M. L. Nott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

June 19, 1905, the Department, in the matter of the application for the enrollment of George Foster, et al. as citizens by blood of the Creek Nation, affirmed the decision of the Commission to the Five Civilized Tribes, in favor of Jeanette Fixico, Cheparn Fixico, Mina Fixico, Sarna Fixico and Henchoche Fixico, and reversed the decision of said Commission adverse to George Foster, Susan Fixico, Sampson Sudcharkey and Hully Fixico, and authorized the enrollment of said persons after due notice to the attorney for the Creek Nation and should no further objection appear.

You are accordingly notified that you will be allowed fifteen days from date within which to file a protest against the enrollment of said persons or to take such other action in the matter as you may desire.

Respectfully,

(signed) TAMS BIXBY,
Commissioner.

Cr. En. 224

Muskogee, Indian Territory, September 30, 1906.

George Foster,
Creek, Indian Territory.

Dear Sir:

You are advised that your name is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior September 21, 1906, and that you may now make application for a selection of land in the Creek Nation at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

REFER TO ONLY TO THE FOLLOWING:

Cr. No. 224

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

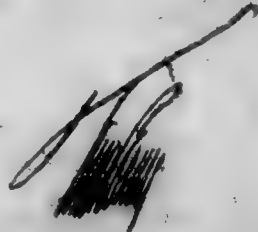
Muskogee, Indian Territory, September 30, 1905.

Sampson Sudcharkey,
Creek, Indian Territory.

Dear Sir:

You are advised that your name is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior September 21, 1905, and that you may now make application for a selection of land in the Creek Nation at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,



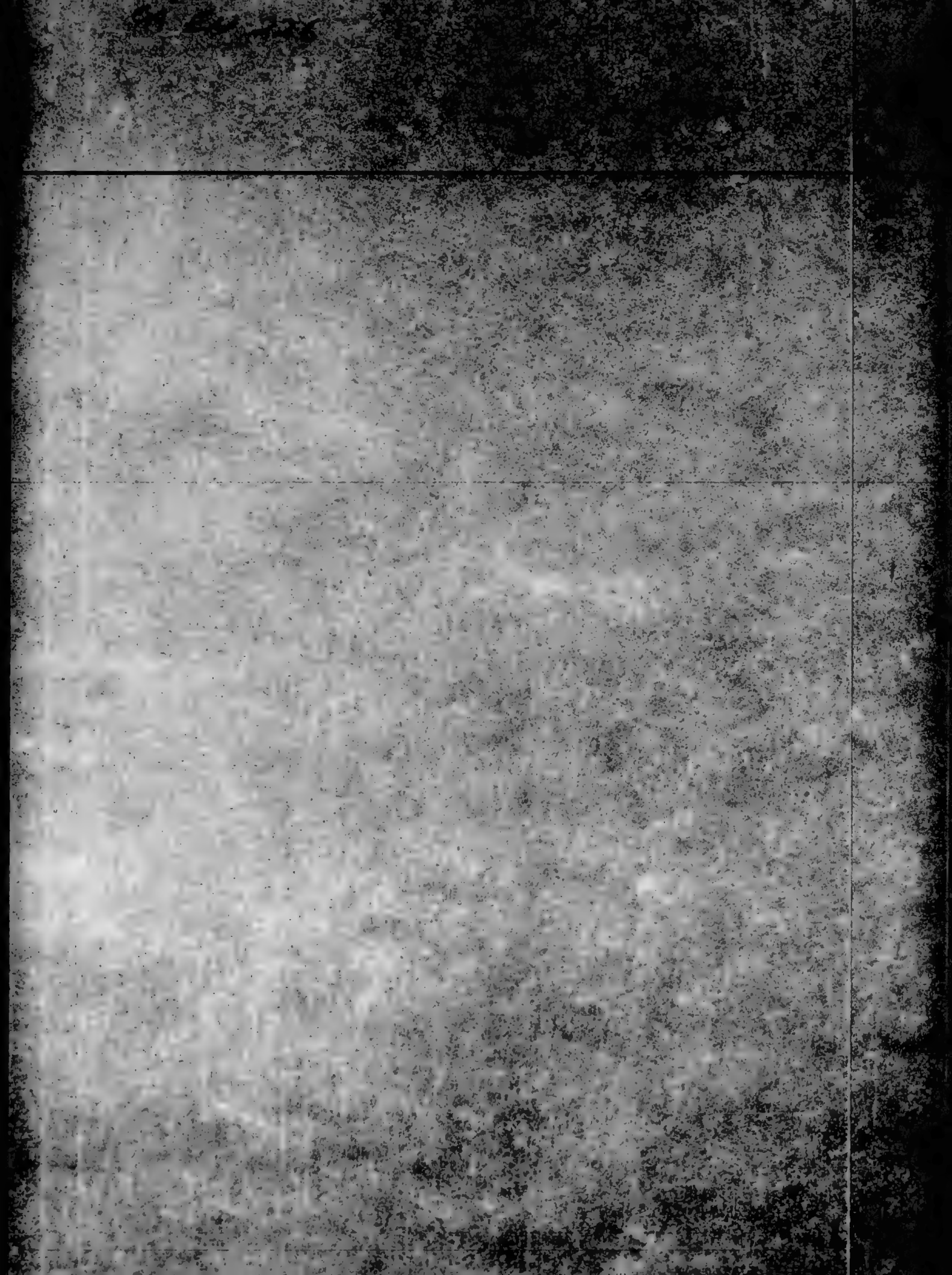
Commissioner.

CR EN 225

TRON TO EN CASE 125

CR EN 225

EMPTY



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CREEK COUNTRY TRAILS
TULSA, I. T., JULY 25, 1906.

IN THE MATTER OF THE APPLICATION OF Hettie Tucker for the
Citizenship of Annie Wilson and a citizen of the Creek Nation.

WILLIAM W. WALKER, being sworn, testified as follows:

By the Commission:

Q What is your name? A Hettie Tucker.

Q What is your postoffice address? A Henryetta.

Q How old are you? A I don't know exactly - I think I am some fifty.

Q Where do you live? A South west of Okmulgee.

Q How far? A Twenty miles.

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

Q Are you a citizen of the Creek Nation? A Yes, sir, my mother was a full blood Creek. This child's father was an Indian.

Q Your mother was a full blood Creek? A Yes, sir.

Q Are you enrolled as a Creek citizen now? A Yes, sir.

Q Have you taken an allotment of land? A Yes, sir.

Q Do you know Annie Wilson? A Yes, sir.

Q How old is she? A Two years old; going on three.

Q Who was the father of Annie Wilson? A Jesse Wilson.

Q Who was the mother? A Ida Wilson.

Q Was Jesse Wilson a citizen of the Creek Nation? A Yes, sir.

Q Is he living or dead? A Dead.

Q Was he enrolled by this Commission? A Yes, sir.

Q Did he take an allotment of land? A I think he did: I am not sure.

Q Did he have any other name? A No, sir.

Q Never went by any other name than Jesse Wilson? A No, sir.

Q Was he a Freedman or an Indian? A Indian.

Q To what town did he belong? A Coweta I think.

Q Was Ida Wilson a Creek or a citizen of the United States?

A A citizen of the United States I guess she was.

Q Where is she? A I don't know.

Q Has she left the country? A Yes, sir., I never have heard from her since she left the child with me.

Q Did she give you the child to raise and bring up? A Yes, sir.

Q You did not formally adopt the child in Court? A No, sir.

Q Do you know whether or not Jesse Wilson and Ida Wilson were married? A No, sir, I don't know about that.

Q You were not present at their wedding? A No, sir.

Q Never saw their marriage certificate? A No, sir.

Q How long did you know Jesse Wilson? A Ever since he was a boy.

Q How long did you know Ida? A Two or three years.

Q Where did Jesse and Ida live? A Came to my house, lived there a while, and went away.

Q How long did they live at your house? A About two or three months.

Q Was this child, Annie, born at your house? A Yes, sir.

Q Did Jesse and Ida Wilson live as man and wife at your house while they lived there? A Yes, sir.

Q Did you know Ida before she came to your house to live? A No, sir.

Q You don't know whether they lived together as man and wife before that, or not? A They said they did, I don't know.

Q When they came to your house, they appeared to be man and wife? A Yes, sir.

Q Did you ever hear Jesse claim Ida as his wife? A Yes, sir.

Q And you heard him say Annie was his child? A Yes, sir.

Q Did he provide for Ida as a wife, and Annie, as a child? A He paid Sam Manuel to wait on them, Ida.

Q Did he work and make a living for Ida? Support her? A Yes, sir.

Q Did he furnish her with clothes? A Yes, sir.
Q Did he treat her as a man would his wife? A Yes, sir.
Q Where did Jesse Wilson die? A Died up there in Coweta district.
Q Did she die at your house? A No, sir.
Q Did they leave your house some time before he died? A He went off a while, and then came back and went up there and stayed with one of his cousins or something.
Q Did he leave Ida? A He let on like he had quit her.
Q When he quit her, did Ida conduct herself in the way a woman would if her husband had left her? A Yes, sir., she stayed there at my house.
Q Did not get any divorce? A No, sir.
Q Do you remember anything that Ida said about Jesse leaving, when he went away? A About Jesse leaving her?
Q Yes? A She said she was going back to Jesse, but she did not go back.
Q Did she act like her husband had left her, or as if a man had been staying with her a while? A She acted like her husband had left her?
Q Was Ida going with any other men when she was at your house, or before she went away? A No, sir.
Q Did she conduct herself as a good, true and lawful wife ought to?
A Yes, sir, she did.
Q And you had every reason to believe that they were man and wife?
A Yes, sir, I believe they was; they said they was, and I just thought they was.

NAN MANUEL, being sworn, testified as follows:

By the Commission:

Q What is your name? A Nan Manuel.
Q How old are you? A About 47 years old.
Q Are you a citizen of the Creek Nation? A No, sir, I am a citizen of the Cherokee Nation.
Q Where do you live? A At Okmalgee.
Q Do you know Annie Wilson? A Yes, sir.
Q Were you present when she was born? A Yes, sir.
Q What was her mother's name? A Ida Wilson.
Q Do you know whether or not Ida Wilson was a Creek citizen or a United States citizen? A She was a United States citizen.
Q Did you know the father of Annie Wilson? A Yes, sir.
Q What was his name? A Jesse.
Q Was he an Indian or a citizen of the United States? A Indian.
Q Creek Indian? A Yes, sir.
Q He is dead now, is he? A Yes, sir.
Q When did he die? A I don't just know exactly.
Q Were you present when Annie Wilson was born? A Yes, sir.
Q When was she born? A I can't tell you the day.
Q How long have you known Ida Wilson? A Just had a short acquaintance with her - just happened to be out there when the baby was born.
Q You saw Jesse Wilson at the time? A Yes, sir.
Q Do you know whether Jesse and Ida were married, or not? A No, sir, I don't know that.
Q Did you hear either of them say whether or not they were married? A No, sir, I never heard either one of them say anything about their marriage. They was there, passing for man and wife.

The undersigned, being sworn, states that as stenographer to the Commission in the case of *...* he has received from the testimony and proceedings in the case and has made a foregoing translation and that the same are true and correct transcripts of the proceedings in the case.

Subscribed and sworn to before me this 1st day of August, A. D., 1902, at Muskogee, Indian Territory.

COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CREEK CITIZENSHIP TESTS.
Muskogee, Ind. Ter., April 16, 1908.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Annie Wilson as a citizen, by blood, of the Creek Nation.

WILEY SOOKEY, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A Wiley Sookey.
Q What is your age? A About eighty-three.
Q What is your post office address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and the witness identified upon Creek Indian Card Field No. 646, approved roll No. 2133.

- Q Do you know Jesse Wilson? A Yes, sir.
Q Is he living or dead? A Dead.
Q About how long has he been dead? A Last year, I aint certain what month or what date.
Q Was he a citizen of the Creek Nation? A Yes, sir.
Q What was the name of his father? A Wilson.
Q Do you know his given name? A Taylor Wilson.
Q What was the name of his mother? A I wasn't acquainted with his mother, she lived away off and I live away down here.

The records of the Commission examined and Jesse Wilson identified on Creek Indian Card Field No. 343, approved roll No. 1141.

It further appears from said card that said Jesse Wilson was listed for enrollment by this Commission, May 6, 1899, and his age, as given on the card, was at that time 15 years.

- Q About how old was Jesse Wilson when he died? A To my knowing, when he been at my place, about twenty-three or twenty-four year; aint certain, but that is about that size. You see, Taylor Wilson used to live up on the Catoosa.
Q Do you know Dave Tiger? A No, sir; I know Wesley Tiger, but I didn't Dave Tiger--Yes, I do; Dave Tiger is an old gentleman, I think I knew him now; I know one who lives to Cheyaha farm.
Q Do you know his wife, Neosho Tiger? A No, sir.
Q Was Jesse Wilson ever married? A They said he married. I seen the last of him when he was living and I was up to Okmulgee, and up to Kettle Tucker's, I been to her house, and he was, and a woman, staying there, and they told me he was married.
Q What was the name of that woman? A Ida Wilson.
Q They said he was married to her? A That is what they told me.
Q Did they have a child born to them? A At that time, I saw, no.
Q Did they afterwards? A Yes, sir; they did afterwards.
Q What is the name of that child? A Annie.
Q Is that child living? A Yes, sir.
Q Do you know when that child was born? A No, sir; I don't. Been born about a year, I guess, that I seen the child with Miss Tucker.

Wiley Sockey, witness.

Q How long has it been since you first saw the child? A Been two years since, or more, going on three years.

Q Do you hold any official position in the Creek Nation? A I am town king of Coweta Town.

Q Are you a member of the House of Kings? A Yes, sir.

Q Was you in attendance at the meeting of the Council on May 20, 1901, when the agreement was adopted? A Yes, sir.

Q Was this child born before or after that agreement? A Well now, I don't know anything about before or after, but I had been down to council; been up to visit and I saw this child with Hettie Tucker.

Q Was that the first time that you saw the child? A Yes, sir.

Q Was that before or after the adoption of the agreement? A After.

Q How long after the adoption of the agreement was that that you saw the child? A The fall after.

Q That is the first time that you saw the child? A Yes, sir; I don't know how long it is, but I seen that time.

Q From its appearances, how old was that child when you first saw it? A About a year old.

Q Was the mother of Annie Wilson a citizen of the Creek Nation?

A No; a state.

Q Is she living or dead? A I don't know what became of her; she went off after she gave the child away.

Q Whom did she give the child to? A To Hettie Tucker.

Q Are you satisfied that the child was born before the 25th of May, 1901? A I couldn't swear to that.

Q According to your best judgment, the child was about a year old when you saw it? A Yes, sir.

Witness excused.

Oliver C. Hinkle, having been duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 16th day of April, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle

Subscribed and sworn to before me this 18th day of April, 1903, at Muskogee, Indian Territory.

Edward M. ...
Notary Public.

JH

Creek En. 226.

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

In the matter of the application for the enrollment of
Annie Wilson as a citizen by blood of the Creek Nation.

DECISION.


The record in this case shows that on July 23, 1902, Hettie Tucker appeared before the Commission at Okmulgee, Indian Territory, and made application for the enrollment of the minor child, Annie Wilson, as a citizen by blood of the Creek Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, April 16, 1903.

The evidence shows that said Annie Wilson is the child of Jesse Wilson, whose name is included in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 13, 1902, roll No. 1141, and Ida Wilson, a white woman.

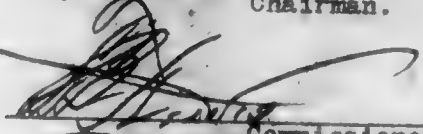
The evidence further shows that said Annie Wilson was born prior to May 25, 1901, and that she was living on that date.

It is, therefore, the opinion of this Commission that said Annie Wilson should be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stat., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.



Commissioner.

C. R. Bush

Commissioner.

W. E. Haverly

Commissioner.

Muskogee, Indian Territory,

OCT 5 - 1903

COM
Cr. No. 228.

Muskogee, Indian Territory, October 15, 1903.

A. P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the testimony and the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Annie Wilson as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed twenty days from the date hereof within which to protest against said decision, and, if at the expiration of that time no such protest has been made, said Annie Wilson will be regularly listed for enrollment as a citizen of the Creek Nation.

Respectfully,

Commissioner in Charge.

WCH 1-14.

210

IN RE

Application for Enrollment of

INFANT CHILD

Annie Wilson

as a citizen of

Oreok

Nation.

Approved

190

Commissioner.

*Mr Rusby Cook Testimony
in this case at Okmulgee*

July 23 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Annie Wilson, born on the 29th day of March, 1900
(Here insert name of child.)

Name of Father: John Wilson a citizen of the Creek Nation.

Name of Mother: Sda Wilson a citizen of the United States Nation.

Post-office Henrietta S. T.

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 _____ Nation; that a _____ child was
(male or female.)
born to me on _____ day of _____ 1900; 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 _____ 1900

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Western District, }

I, Kan Channel, a midwife, on oath state that I
attended on Mrs. Sda Wilson, wife of John Wilson
on the 29th day of March, 1900; that there was born to her on
said date a female child; that said child is now living and is said to have been
(male or female.)
named Annie Wilson.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

W. H. Angell
Clinton Hudson
Kan Channel her
mark

Subscribed and sworn to before me this 28th day of July, 1900

Muskogee, Ind. Ter., September 16, 1902.

Dave Tiger,

Coweta, Ind. Ter.

Dear Sir:

On July 23, 1902, Hettie Tucker, of Henrietta, Indian Territory, made application for the enrollment of Annie Wilson, two years old, as a citizen of the Creek Nation, claiming that said Annie Wilson was a child of Jesse Wilson, your nephew, and Ida Wilson, his wife. In her testimony taken before the Commission at Okmulgee, Indian Territory, she states that Jesse Wilson is dead; that the whereabouts of Ida Wilson is unknown, and that this child was left with her to keep, by said Ida Wilson.

It appears from the records of this office, that said Jesse Wilson is enrolled with you, on Creek Indian Card, Field No. 343, and, at the time he was enrolled, May 6, 1899, his age was given as fifteen years; that selection of land was made for him May 6, 1899, and that on April 17, 1902, you selected his homestead.

The Commission now desires to be informed whether said Jesse Wilson is dead; if so, when he died; and whether he had a child by the name of Annie Wilson, and, if so, if said child is now living.



COPY

2873

Creek No. 225.

Muskogee, Indian Territory, January 19, 1903.

Hon. P. Porter,
Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are advised that on July 23, 1902, Hattie Tucker, whose post office address is given as Henrietta, Indian Territory, appeared before the Commission and made application for the enrollment of Annie Wilson, as a citizen of the Creek Nation. It is stated in the testimony that said Annie Wilson is the child of Jesse Wilson, whose name appears on approved Creek Roll #1141, and Ida Wilson, a noncitizen; that said Jesse Wilson is dead, and that said Ida Wilson has abandoned the above named child.

It appears from a birth affidavit on file with the Commission that said Annie Wilson was born on March 29, 1900, and was living July 23, 1902.

The Commission is not satisfied from the evidence offered that Annie Wilson is the child of Jesse Wilson, or of the date of her birth, and desires such evidence relative to her right to enrollment as the Creek Nation may be able to produce.

Respectfully,

Commissioner in Charge.

004

Or. En. 226.

Muskogee, Indian Territory, October 15, 1903.

A. P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the testimony and the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Annie Wilson as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed twenty days from the date hereof within which to protest against said decision, and, if at the expiration of that time no such protest has been made, said Annie Wilson will be regularly listed for enrollment as a citizen of the Creek Nation.

Respectfully,

Commissioner in Charge.

WCH 1-14.

Department of the Interior
Commission to the Five Civilized Tribes

In the matter of the application of
~~Bettie Tucker for the enrollment of Annie~~
Wilson, as a citizen of the Creek Nation.

Decision.

It appears from the record in this case
that on July 23, 1902, Bettie Tucker appeared
before this Commission, at Okmulgee, Indian
Territory, and made application for the en-
rollment of Annie Wilson, age 2 years, as a
citizen of the Creek Nation.

It also appears from the testimony herein
that the father of said Annie Wilson was Jesse
Wilson, an ^{now deceased} Indian, belonging to Coweta Town of the
Creek Nation; that the mother of said Annie Wilson
was Ida Wilson, a citizen of the United States and
that they appeared to Mr. Man and wife while
living at the house of said Bettie Tucker, appli-
cant herein, lived with said Bettie Tucker
about two or three months, during which time they
appeared to Mr. Man and wife.

It also appears from an examination of the
Creek Records ^{and records} ~~now in the hands~~

of the Commission, that there is found but one Jesse Wilson enrolled; that he was ^{listed for enrollment} enrolled by the Commission May 6, 1899; that his age as given at that time was 15 years; that his name appears on the 1890 ^{and} 1895 Census Rolls, Cass County, Iowa; that no ~~testimony~~ ^{testimony} has ever been furnished this Commission, that said Jesse Wilson was ever married to ^{and} Ida Wilson or any other woman; that he ever had or claimed to have a child or that he is now dead.

It further appears from an examination of the records of the Commission that Mr. Sam Tiger an uncle of said Jesse Wilson made a selection of homestead for said Jesse Wilson Apr 17, 1902, said homestead being ~~667 & 8~~ Dec. 2, 19-15.

CR EN 227

CR
EN 227

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind.Ter., August 8, 1902.

In the matter of the application of Charley Beames for the enrollment of his minor child, Lilly Beames, deceased, as a citizen by blood of the Creek Nation.

Charley Beames, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Charley Beames.
Q What is your age? A Thirty years old.
Q What is your post office address? A Henryetta.
Q For whom do you make application for enrollment as a citizen of the Creek Nation? A Lilly Beames.
Q Are you the father of Lilly Beames? A Yes, sir.
Q Are you a citizen of the Creek Nation? A No, sir; a citizen of the Choctaw.
Q Have you been enrolled as a citizen of the Choctaw Nation? A Yes, sir.
Q What is the name of the mother of Lilly Beames? A Annie Beames.
Q Is she a citizen of the Creek Nation? A Yes, sir.
Q Is she a full-blood Creek Indian? A Yes, sir; she is full-blood.
Q To what town in the Creek Nation does she belong? A She belongs to Hatochchuppa town.
Q Has your wife, Annie Beames, been enrolled as a citizen of the Creek Nation by this Commission? A Yes, sir.

The records of the Commission examined and Annie Beames, the mother of Lilly Beames, is found to be enrolled on Creek Indian Card, Field No: 1417.

- Q What was your wife's name before you married her? A Annie Barnett.

The 1890 authenticated tribal roll examined and the name of Annie Beames is found and identified thereon at p. 119, Hatochchuppa town, of the Creek Nation, as "Annie."

The 1895 pay roll of the Creek Nation examined and the name of Annie Beames is found and identified thereon, as Annie Barnett, at No. 102, Hatochchuppa town.

- Q When was your daughter, Lilly Beames, born? A Born the first day of January, 1898.
Q When did Lilly Beames die? A Died on October 13, 1899.
Q Is this the first time you have ever made application for her enrollment as a citizen of the Creek Nation? A No, sir; this makes twice; I came here once and I got a blank and had it filled out, and then came here and had it filed with the Commission.
Q When did you come here to get the blank affidavit? A It was last summer; I never kept no track of it; it was last summer.
Q When did you file the affidavit with the Commission? A It was late in the fall.
Q How long before you filed the affidavit with the Commission did you get the blank affidavit? A It was in October.

2 In re application of Charley Beames for the enrollment of his minor child, Lilly Beames, as a citizen of the Creek Nation.

It appears from an examination of the files of the Commission that there was filed with the Commission on the 2nd day of December, 1902, an affidavit showing the birth and death of Lilly Beames, a daughter of Charley and Annie Beames, which affidavit is marked "Exhibit A" and made a part of the record in this case.

Q How old was Lilly Beames when she died? A She was about a year and something along about seven or eight months old.

Q Have you always resided in the Creek Nation? A No, I came here about nine years ago.

Q Where did you reside before you came to the Creek Nation? A Born and raised in the Choctaw Nation.

Q Has Annie Beames, the mother of Lilly Beames, always resided in the Creek Nation? A Yes, sir.

Q Is there any other statement you desire to make with reference to the application made by you at this time for the enrollment of your daughter, Lilly Beames, as a citizen of the Creek Nation? A No, sir.

You will be furnished at a later date with a copy of the decision of the Commission relative to the enrollment of your deceased daughter, Lilly Beames, which will be mailed to you at your proper post office address, as given by you in your testimony taken in your application for her enrollment at this time.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer to the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause on the 8th day of August, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 9th day of August, 1902, at Muskogee, Indian Territory.

H. S. Boreen
Notary Public.

INDIAN TERRITORY)

S.S.

WESTERN DISTRICT)

I, McHickman, of lawful age being

first duly sworn, upon oathstate that I am a Citizen of the
United States.....

That my P.O. Address is, Welutka, T......

That I am personally well acquainted with Charley Beams and his wife Annie Beams, and know of my own personal knowledge that they had a little girl in their family, living in the fall of 1899

Taht said child was named Lillie Beams, and could walk.

Taht said Lillie Beams is now dead, and is said to have died the latter part of December 1899.

That I have no entereast in the Estate of said Lillie Beams.

McHickman
Subscribed & sworn to before me this 20th day of Feb. 1903

My Comm. Expires 8/1/06

O.A. Norton
Notary Public

INDIAN TERRITORY)

S.S.

CENTRAL DISTRICT)

I, W. J. Harper, of lawful age being

first duly sworn, upon oathstate that I am a citizen of the United States.....

That my P.O. address is, Wicketta, I.T.

That I am personally well acquainted with Charles Beams and his wife Annie Beams, and know of my own personal knowledge that they had a child in their family, living in the Fall of 1899

This said child was named Lillie Beams, and could walk.

That said Lillie Beams is now dead, and is said to have died the latter part of December 1899.

That I have no interest in the Estate of said Lillie Beams.

W. J. Harper

Subscribed & sworn to before me this 6th day of April 1903

my Com. Expires - 8/1/06

O. A. Morton
Notary Public

INDIAN TERRITORY)

S.S.

WESTERN DISTRICT)

I, Wm Sullivan, of lawful age being first duly sworn, upon oath state that I am a Citizen of the Creek Nation Indian Territory

That my P.O. Address is, Henryetta, I.T.

That I am personally well acquainted with Charles Beams and his wife Annie Beams, and know of my own personal knowledge that they had a little girl in their family, living in the Fall of 1899

That said child was named Lillie Beams, and could walk.

That said Lillie Beams is now dead, and is said to have died the latter part of December 1899.

That I have no interest in the Estate of said Lillie Beams.

Wm Sullivan

Subscribed and sworn to before me this 20th day Feb. 05

O.A. Morton

Notary Public

my Com. Expires 8/1/06

Copy

Creek No. 227.

Muskogee, Indian Territory, January 19, 1903.

Hon. P. Porter,

Principal Chief of the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that on August 8, 1902, Charley Beames, whose post office address is given as Henrietta, Indian Territory, appeared before the Commission and made application for the enrollment of his deceased child, Lilly Beames, as a citizen of the Creek Nation.

You are further advised that Annie Beames, the mother of said Lilly Beames, is regularly enrolled on Creek Indian Card, Field No. 1417, and that her name is included in partial roll of Creek citizens, by blood, approved by the Secretary of the Interior, March 13, 1902.

From an affidavit on file with the Commission, it appears that said Lilly Beames died October 13, 1899, but the testimony in the case is such that the Commission is not satisfied with the proof of death furnished, and desires such evidence relative to her right to be enrolled as the Creek Nation may be able to produce.

Respectfully,

Commissioner in Charge.

JJB

Creek No. 227.

Muskogee, Indian Territory, May 9, 1903.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division.

Gentlemen:

August 8, 1902, Charley Beams appeared before the Commission and made application for the enrollment of his minor child, Lilly Beams, as a citizen by blood of the Creek Nation.

The records of the Commission show that Annie Beams, the mother of said child, is listed for enrollment on Creek Indian Card Field No. 1417, and that her name is included in a schedule of Creeks by blood approved by the Department, March 13, 1902, roll No. 4504. It appears that Charley Beams, the father of said Lilly Beams, has been regularly enrolled as a citizen by blood of the Choctaw Nation, and that his enrollment was approved by the Department, May 6, 1903.

You are requested to advise the Creek Enrollment Division whether application has been made for the enrollment of Lilly Beams as a citizen of the Choctaw Nation.

Respectfully,

Chairman.

1
COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

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

W. O. B.
REFER IN REPLY TO THE FOLLOWING

7-4877

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Mustagee, Indian Territory, May 13, 1908.

Commission to the Five Civilized Tribes,
Creek Enrollment Division.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 9th instant, stating that on August 8, 1908, Charley Beams appears before the Commission and made application for the enrollment of his minor daughter, Lilly Beams, as a citizen by blood of the Creek Nation.

It is further stated in your letter that the records of the Commission show that Annie Beams, mother of said child, has been duly enrolled as a Creek citizen by blood and her enrollment as such approved by the Secretary of the Interior, March 13, 1908, and further that Charley Beams, father of said child, has been enrolled as a citizen by blood of the Choctaw Nation, his enrollment having been approved by the Secretary of the Interior, May 6, 1908, and you request to be advised whether application has been made for the enrollment of Lilly Beams as a citizen of the Choctaw Nation.

You are advised it does not appear from our records that any application has ever been received for the enrollment of Lilly Beams as a citizen of the Choctaw Nation.

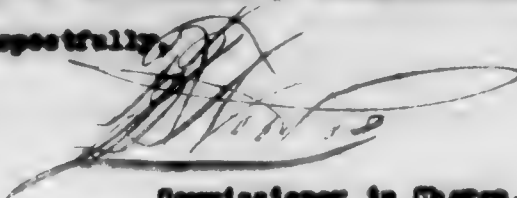
It does appear from our records, however, that on April 4, 1908, James A. Scott of Mustagee, Indian Territory, submitted to

Com. Five Civilized Tribes, --2

the Choctaw and Chickasaw enrollment division, an application for enrollment as a citizen of the Choctaw Nation of Tinnie M. Deane, infant daughter of Charles W. and Annie Deane, born May 20, 1903.

The attention of Mr. Scott was invited to a provision of Section 34 of the Act of Congress, approved July 1, 1902 (32 Stat., 641), and he was advised that the Commission was now without authority to receive original applications for enrollment of any persons whatsoever as citizens of the Choctaw or Chickasaw Nations.

Respectfully,



Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., MARCH 31, 1904.

SUPPLEMENTAL TESTIMONY

In the matter of the application for the enrollment of Lilly Beames as a citizen by blood of the Creek Nation.

Charlie Beames being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Charlie Beames.
Q What is your age? A Thirty years old.
Q What is your post office address? A Henryetta.
Q Are you a citizen---A I am a citizen of the Choctaw Nation.
Q Are you the identical Charlie Beames who on August 8, 1902, made application for the enrollment of Lilly Beames, deceased? A Yes sir
Q Have you ever made application for the enrollment of Lilly Beames as a citizen of the Choctaw or Chickasaw or any other Nation in Indian Territory? A No sir.
Q Do you elect to have your minor deceased child Lilly Beames enrolled as a citizen of the Creek Nation and to take her allotment in the Creek Nation? A Yes sir.

#####

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case March 31, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 31st day of March, 1904.

Charles H. Sawyer
Notary Public.

IN RE

Application for Enrollment of

INFANT CHILD

Lilly Beards

as a citizen of

Creek

Nation.

Approved,

190

Commissioner.

Exhibit 'A'

17

Filed Dec 2nd 1901

Rec'd 12-2-01

17
Lilly Beards

17

Cr. 1417

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

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Lilly Beames, born on the 1st day of January 1898
Name of Father: Charley Beames, a citizen of the Choctaw Nation.
Name of Mother: Annie Beames, a citizen of the Creek Nation.
Post-office, Hemmetta I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Annie Beames, on oath state that I am 22
years of age and a citizen, by blood, of the Creek Nation;
that I am the lawful wife of Charley Beames, who is a citizen, by
blood, of the Choctaw Nation, that a female child was
born to me on the 1st day of January 1898; that said child has been
named Lilly Beames, and is now living. died October 13th 1899

WITNESSES TO MARK

(Must be Two Witnesses)

Tom Bonnett
Ed Johnston

Annie X Beames
mark

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

William Sullivan
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Mary Barnett, a midwife, on oath state that I
attended on Mrs. Annie Beames, wife of Charley Beames,
on the 1st day of January, 1898; that there was born to her on
said date a female child; that said child is now living and is said to have been
named Lilly Beames, and died October 13th 1899

WITNESSES TO MARK:

(Must be Two Witnesses)

Wm Sullivan
Ed Morton

Mary X Barnett
mark

Subscribed and sworn to before me this 4th day of September 1901.

Wm Ann. Epine 9/8/01 Edw A Morton
NOTARY PUBLIC.

IN RE

Application for Enrollment of
INFANT CHILD.

Lillie Beams

As a citizen of the

Arck Nation.

Approved _____ 1 _____

Commissioner.

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

FILED

July 5, 1903

[Signature]
ACTING CHAIRMAN

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrolment, as a citizen of the Creek Nation,
of Lillie Beams, born on the 2^d day of January, 1898
Name of father: Charley Beams, a citizen of the Choctaw Nation.
Name of mother: Annie Beams, a citizen of the Creek Nation.
Post Office: Huyella 29

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Waskon District.

I, Annie Beams, on oath, state that I am 27 years of age and a
citizen, by blood, of the Creek Nation; that I am the
lawful wife of Charley Beams who is a citizen, by blood, of the
Choctaw Nation; that a female child was born to me on the 2^d day
of January, 1898; that said child has been named Lillie Beams
and is now living. that said child died 13th day of October 1899 in
Annie Beams Creek

Subscribed and sworn to before me this 28th day of January, 1903

Witnesses
Geo. L. Poy
MBearnes

Jan. 28th 1903
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Waskon District.

I, Mary + Parley Barnett, on oath, state that I
attended on Mrs. Annie Beams, wife of Char Beams
on the 2^d day of January, 1898; that there was born to her on said date a female child;
that said child is now living and is said to have been named Lillie Beams
dead

Witnesses
John Therman
John D. ...

Mary Barnett
Parley Barnett
Subscribed and sworn to before me this 28th day of January, 1903
Jan. 28th 1903
Notary Public.

IN RE
THE DEATH OF

Lillie Deans

a citizen of the

Creek

Nation.

Approved _____ 190_____

Commissioner.

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

FILED

Feb 2 1903

[Signature]
ACTING CHAIRMAN.

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

In the matter of the death of Lillie Beams
(Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near
Henryville Ind. Ter, and died on the 12th day of
October, 1899.
(Here insert name of post office.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

Nowata District.

Mary Beams 90 yr old
Wm Perry Beams 55 yr 11, on oath state that I am
we

we
years of age and a citizen, by blood, of the Creek Nation;

that our post office address is Helena, Ind. Ter.; that I am
we
my grand mother &
grand mother

(State relationship as: the father; an uncle; a cousin, etc.) of Lillie Beams,
(Here insert name of deceased.)

who was a citizen, by blood, of the Creek Nation;

and that said Lillie Beams died on the 12 day of
(Here insert name of deceased.)

Oct, 1899.
Mary Beams
Perry Beams

WITNESSES TO SIGN:

H C Easton
W B Easton
(Must be Two Witnesses.)

Subscribed and sworn to before me this 27 day of January 1903.

my com 24 1/2 - 7906
J. A. Scott
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

Nowata District.

we David & Thom as Beams, on oath state that I am
we are

years of age, and a citizen, by blood, of the Creek Nation;

that our post office address is Helena, Ind. Ter.;

that I was personally acquainted with Lillie Beams,
(Here insert name of deceased.)

who was a citizen, by blood, of the Creek Nation;

and that said Lillie Beams died on the 12 day of
(Here insert name of deceased.)

Oct, 1899.
Tom Beams

H C Easton
W B Easton
Katie Turner
(Must be Two Witnesses.)

Subscribed and sworn to before me this 27 day of January 1903.

my com 24 1/2 - 1906
J. A. Scott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., MARCH 31, 1904.

SUPPLEMENTAL TESTIMONY

In the matter of the application for the enrollment of Lilly Beames as a citizen by blood of the Creek Nation.

Charlie Beames being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Charlie Beames.
Q What is your age? A Thirty years old.
Q What is your post office address? A Henryetta.
Q Are you a citizen--A I am a citizen of the Choctaw Nation.
Q Are you the identical Charlie Beames who on August 8, 1902, made application for the enrollment of Lilly Beames, deceased? A Yes sir
Q Have you ever made application for the enrollment of Lilly Beames as a citizen of the Choctaw or Chickasaw or any other Nation in Indian Territory? A No sir.
Q Do you elect to have your minor deceased child Lilly Beames enrolled as a citizen of the Creek Nation and to take her allotment in the Creek Nation? A Yes sir.

#####

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case March 31, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 31st day of March, 1904.

Charles H. Sawyer
Notary Public.

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

In the matter of the application for the enrollment of Lilly Beams, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on August 8, 1902, Charley Beams appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his deceased child, Lilly Beams, as a citizen by blood of the Creek Nation. Further proceedings in the matter of said application were had in the case March 31, 1904.

The evidence shows that said Lilly Beams was born January 1, 1898, and died October 13, 1899.

The evidence further shows that said Lilly Beams was the child of Charley Beams who claims to be a citizen of the Choctaw Nation, and Annie Beams, and the records of the Commission show that the name of said Annie Beams is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 13, 1902, No. 4504.

The evidence further shows that election has been duly made for the enrollment of said Lilly Beams as a citizen of the Creek Nation.

It is, therefore, the opinion of the Commission that said Lilly Beams, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861), and it is so ordered.

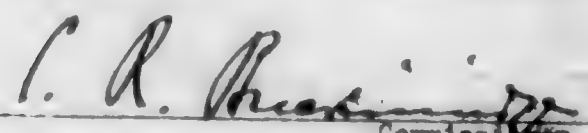
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, I.T.

MAY 24 1904

JJG

Creek En. 227.

Muskogee, Indian Territory, May 25, 1904.

H. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lilly Beams, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Lilly Beams will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

HGH-4-25.

CR EN 228

CR EN 228

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., August 7, 1902.

In the matter of the application of Mary Dickens for the enrollment of herself and her thirteen minor children, Sarah, Elijah Jr., Christopher, Cornelius, Eugene, Marinda, Arminda, Belzora, Roberta, Chester, Mary, Charlotte, and Ellis Dickens, as citizens of the Creek Nation.

Appearances: A. S. McRea, attorney for the applicant.
A. P. McKelley and H. C. Reed, attorneys
for the Creek Nation.

Mary Dickens, being first duly sworn, testified as follows:

By the Commission:

Q As a citizen of what nation do you now make application for the enrollment of yourself and your thirteen minor children?

A Creek Nation.

Q What is your name? A Mary Dickens.

Q What is your age? A Thirty-seven.

Q What is your post office address? A Twins, I. T.

Q For whom do you now make application for enrollment as citizens of the Creek Nation? A Me and my children.

Q What are the names and ages of your minor children for whom you make application? A The oldest child is Sarah, 19; Elijah, Jr., 18; Christopher, 16; Cornelius, 15; Eugene, 14; Marinda and Arminda, 12; Belzora, 10; Roberta, 8; Chester, 6; Mary, 4; Charlotte, 3; and Ellis, 1 year and 7 months.

Q Are these children all now living? A All living.

Q Do they live with you? A Yes, sir; they live with me.

Q Do they all live with you at your present home, near Twins?

A Yes, sir.

Q Do you make application for the enrollment of yourself and thirteen minor children as citizens of the Creek Nation, by blood?

A By blood.

Q To what town in the Creek Nation do you claim to belong? A My mother's township was Arkansas.

Q What is the name of the father of your thirteen minor children, for whom you now make application? A Elijah Dickens, Sr.

Q Does he claim to be a citizen of the Creek Nation? A No, sir.

Q Does he make any claim whatever to citizenship in the Creek Nation? A No, sir.

Q Is he a citizen of the United States? A Yes, sir.

Q Does he claim to be a Creek freedman? A No, sir; not a Creek.

Q Does he claim to be a citizen of any nation in the Indian Territory? A No, sir; not at all.

Q Have you and your thirteen minor children ever been recognized by the tribal authorities of the Creek Nation? A No, sir.

Q Have you and your said thirteen minor children ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A Neither one.

Q Does your name and the names of your thirteen minor children, for whom you now make application, appear upon the tribal rolls of the Creek Nation? A No, sir.

Q Did you ever draw any money for yourself or any of your said minor children from the Creek Nation? A No, sir.

2 In re application of Mary Dickens for the enrollment of herself and her thirteen minor children as citizens of the Creek Nation.

The 1890 and 1895 authenticated rolls of the Creek Nation examined and the names of none of the applicants found thereon.

- Q How long have you resided in the Creek Nation? A Nearly a year.
- Q Where did you reside before you came to the Creek Nation? A In Texas, Freestons county.
- Q How long did you reside there? A All my life, until I came here.
- Q When you came to the Creek Nation about a year ago, that was the first time that you were ever here? A Yes, sir; the first time.
- Q Your thirteen minor children, for whom you now make application, also came with you to the Creek Nation about a year ago? A Yes, sir; all of them came with me.
- Q They all resided with you in Texas up to the time that you came here? A Yes, sir; always been with me.
- Q Do you claim to be a Creek Indian, by blood? A Yes, sir; by blood.
- Q Are you a full-blood Creek Indian? A No, sir.
- Q What degree of Creek blood do you claim? A One-quarter.
- Q Is your husband, Elijah Dickens, Sr., a Creek Indian by blood? A No, sir.
- Q What degree of Creek Indian blood do you claim for your minor children? A One-eighth.
- Q Were you and your thirteen minor children, for whom you now make application, ever admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes, under the act of Congress approved June 10, 1896? A No, sir.

The list of citizens admitted by the Commission to the Five Civilized Tribes, under the act of Congress approved June 10, 1896, examined, and the names of said applicants were not found thereon.

- Q Were you and your thirteen minor children, for whom you now make application, ever admitted to citizenship in the Creek Nation by the Creek Citizenship Commission, under the provisions of an act of the Creek Council, approved May 30, 1895? A No, sir.

The list of citizens admitted by the Creek Citizenship Commission, under the act of the Creek Council approved May 30, 1895, examined, and the names of none of the applicants were found thereon.

- Q Were you and your thirteen minor children, for whom you now make application, ever admitted by the United States court for the northern district of Indian Territory, upon appeal, from the decision of the tribal authorities of the Creek Nation or from the decision of the Commission to the Five Civilized Tribes, as citizens of the Creek Nation, under the act of June 10, 1896? A No, sir.

The records of the United States court for the northern district of Indian Territory examined, and the names of none of the applicants found to have been admitted by the judgment of said court.

3 In re application of Mary Dickens for the enrollment of herself and her thirteen minor children as citizens of the Creek Nation.

Q Is this the first time you ever made application for enrollment of yourself and your thirteen minor children as citizens of the Creek Nation? A Yes, sir.

Q Did you ever make application for the enrollment of yourself and your thirteen minor children as citizens of any other nation in the Indian Territory before this time? A No, sir.

By A. S. McRea, attorney for the applicant:

Comes now attorney for applicant and moves that that part of the record pertaining to the applicant having appeared before the tribal commission of the Creek Nation, or the United States Court, under the act of June 10, 1896, be stricken from the face of the record herein, for the reason: That the applicant in her original testimony shows that this case at bar comes wholly within the provision of the agreement of May 25, 1901, wherein it is alleged and set forth that the Commission is authorized and empowered to enroll the families of certain Creek Indians now residing in the Creek Nation, Indian Territory, and Cherokee Nation, Indian Territory, and also the families of full-blood Creek Indians now residing in the State of Texas; and further, that the part of the record, as above referred to, does not tend to prove nor disprove any rights of the applicants, is immaterial, incompetent and irrelevant.

By the Commission:

Objection received.

By A. S. McRea, attorney for the applicant:

Q Mrs. Dickens, what was the name of your grandfather? A Reuben Setles.

Q Was he an Indian? A Yes, sir.

Q What Creek Indian blood did he possess? A He was full-blood.

Q Full-blood Creek Indian? A Full-blood, yes, sir.

Q Did he ever reside in the Creek Nation, Indian Territory?

A Yes, sir; I never saw him.

Q Well, did you ever receive such information? A Yes, sir.

Q How long did he reside in the Creek Nation, Indian Territory?

A I don't know, sir.

Q Did he ever leave the Creek Nation, Indian Territory?

A Yes, sir.

Q Where did he go to? A Went to Texas.

Q He is the father of your mother--Reuben Setles is? A Yes, sir.

Q Where was your mother born? A In the Territory.

Q What place, Creek Nation? A Yes, sir.

Q Did your grandfather, Reuben Setles, ever leave the Creek Nation, Indian Territory? A Yes, sir.

Q Where did he go to? A Went to Texas.

Q Did he carry your mother with him? A Yes, sir.

Q Now, what was the name of your father? A My father's name was Marion Tarlton.

Q To what race did he belong? A African, I reckon.

Q Where were you born? A In Texas.

Q How long have you resided in Texas? A All my life, until I came here.

Q For what purpose or motive did you move to the Creek Nation, Indian Territory? A To make application for citizenship in the Creek Nation for me and my children.

4 In re application of Mary Dickens for the enrollment of herself and her thirteen minor children as citizens of the Creek Nation.

By A. P. McKellop, attorney for the Creek Nation:

- Q What was your father's name, Mrs. Dickens? A Marion Tarlton.
Q Did he claim to be a citizen of the Creek Nation? A No, sir.
Q Was he a slave prior to the war? A I guess so; I reckon; I don't know about that hardly. (Q) Did you say, "Was my father a slave?"
Q (A) Before the war, yes. Was your father a slave prior to the war of '61--Civil War? A Yes, sir; my father was; I understand you now.
Q Where was he owned? A In Texas.
Q When did your mother die? A My mother aint dead.
Q Is she living? A Yes, sir.
Q You claim that your mother is one-fourth Creek Indian, do you?
A Three-fourths.
Q And you claim that you are one-quarter Creek? A Yes, sir.
Q Did you know your mother's father? A No, sir; never did see him.
Q Do you know where he was raised--what state? A (Q) My mother's father?
Q (A) Yes, your grandfather? A No, sir; she said he carried her from the territory, Creek Nation.
Q Did you know him at all? A No, sir; I never did see my grandfather, but my grandmother, I knowed her as long as I ever knowed anybody.
Q All that you know about your grandfather, that is, your mother's father, is what your mother told you? A Yes, sir; and my grandmother.
Q You are then one-quarter Creek Indian, you claim? A Yes, sir.
Q And three-quarter colored? A (Q) Sir?
Q (A) And three quarter colored? A Yes, sir.

By H. C. Reed, Attorney for the Creek Nation:

- Q In what county in Texas did you say you lived? A Freestone.
Q In what city? A Didn't live in no city at all.
Q What post office? A My nearest post office was Bolden.
Q Did you live in the neighborhood of some full-blood Indians besides yourself? A No, sir.
Q Any full-blood Indians from Texas know you? A (Q) Up here?
Q (A) Here. A No, sir.
Q Do you know any full-blood Indians from Texas here--anybody in the Creek Nation? A No, sir.

By A. S. McRea, attorney for the applicant:

- Q Mrs. Dickens, you say that your mother is three-fourth Indian?
A Yes, sir, three-quarter.
Q Then you would be one-half of that, wouldn't you, if your mother is three-fourth wouldn't you? A Yes, sir.
Q Well, do you know what a half of three-fourths is? A No, sir; I don't exactly.
Q Would you like to have it explained? A Yes, sir.
Q One-half of three-fourth is three-eighths: would that be your blood, instead of one-fourth? A Yes, sir; that's right.
Q Were you mistaken or were you correct when you said in your original statement that you was one-fourth Creek Indian? A I was mistaken.
Q Would you like to have that mistake corrected? A Yes, sir; I would.
Q Now state what Creek Indian blood you have, is it one-fourth or three-eighths? A Three-eighths.

Q. Do you understand of how persons for the enrollment of yourself and your thirteen minor children as citizens of the Greek Nation?

By H. F. Mackley, attorney for the Greek Nation:

Q. What is the nationality of your husband, Mrs. Adams? A. American.

Q. Is it that is known as the United States or the negro? A. Yes.

Q. Is he what you might call a "full-blooded negro"? A. Yes, sir.

Q. He does not claim any Indian blood at all? A. No, sir.

By H. G. Reed, attorney for the Greek Nation:

Q. Was your mother a slave? A. No, sir.

By the Commission:

Q. Is there any additional statement that you desire to make at this time with reference to the application made by you at this time for the enrollment of yourself and your thirteen minor children, as citizens of the Greek Nation? A. No, sir.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of yourself and your thirteen minor children, as citizens of the Greek Nation, which will be mailed to you at your proper post office, as given by you in your testimony given at this time.

The undersigned, being first duly sworn, upon his oath states that, as stenographer to the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause on the 7th day of August, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 7th of August, 1902, at Muskogee, Indian Territory.

Oliver Quintile

H. S. Boney
Notary Public.

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

In the matter of the application of Mary Dickens for the enrollment of herself and her thirteen minor children, Sarah, Elijah, Jr., Christopher, Cornelius, Eugene, Marinda, Arminda, Belzora, Roberta, Chester, Mary, Charlotte and Ellis Dickens, as citizens of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on August 7, 1902, Mary Dickens appeared before this Commission, at Muskogee, Indian Territory, and made application for the enrollment of herself and her thirteen minor children, Sarah, Elijah Jr., Christopher, Cornelius, Eugene, Marinda, Arminda, Belzora, Roberta, Chester, Mary, Charlotte and Ellis Dickens, as citizens, by blood, of the Creek Nation.

It also appears that said applicants, above named, were residents of the State of Texas until about one year ago, when they removed therefrom to the Creek Nation, and that they are not full-blood Creek Indians.

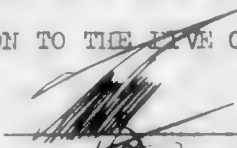
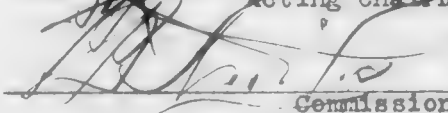

It further appears that said applicants have never been enrolled by the tribal authorities of the Creek Nation now in possession of the Commission, and that they have never been admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes, or by the legally constituted authorities of the Creek Nation or by the United States court in Indian Territory, on appeal, in accordance with the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

The act of Congress approved May 31, 1900 (31 Stat., 221), among other things, provides:

"That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final, when approved by the Secretary of the Interior.

It is therefore the opinion of this Commission that Mary Dickens and her thirteen minor children, Sarah, Elijah Jr., Christopher, Cornelius, Eugene, Marinda, Arminda, Belzora, Roberta, Chester, Mary, Charlotte and Ellis Dickens, are not citizens of the Creek Nation, and that pursuant to the provision of law above quoted this Commission should not receive, consider or make any record of an application for their enrollment as citizens of said nation, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this 15th day of December, 1902.

SOFT

Creek Enrollment
Case No. 228.

Mustagee, Indian Territory, December 2, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted memorandum had in the matter of the application of Mary Dickens for the enrollment of herself and her thirteen minor children, Sarah, Elijah Jr., Christopher, Cornelius, Eugene, Malinda, Armina, Elzara, Roberta, Chester, Mary, Charlotte and Ellis Dickens, as citizens of the Creek Nation, including the decision of the Commission, dated December 1, 1902, denying said application.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

OCH-142.

COPT

Muskogee, Indian Territory, December 2, 1902.

Mary Dickens,

Twine, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your thirteen minor children, Sarah, Elijah Jr., Christopher, Cornelius, Eugene, Malinda, Arminda, Elzora, Roberta, Chester, Mary, Charlotte and Ellis Dickens, as citizens of the Creek Nation. The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is advised of the same.

Respectfully,

Acting Chairman.

Registered.

OCH-139.

COPY

Creek Enrollment
Case No. 228.

Muskogee, Indian Territory, December 2, 1902.

A. S. Moran, Esq.,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Mary Dickens for the enrollment of herself and her thirteen minor children, Sarah, Elijah Jr., Christopher, Cornelius, Eugene, Malinda, Arminda, Elzora, Roberts, Chester, Mary, Charlotte and Ellis Dickens, as citizens of the Creek Nation. The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is advised of the same.

Respectfully,

Acting Chairman.

OCH-140.

COPY

Creek Enrollment
Case No. 293.

Muskogee, Indian Territory, December 2, 1908.

A. P. McKelley, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Mary Dickens for the enrollment of herself and her thirteen minor children, Sarah, Elijah Jr., Christopher, Cornelius, Eugene, Malinda, Arminda, Elzora, Roberta, Chester, Mary, Charlotte and Ellis Dickens, as citizens of the Creek Nation. The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is advised of the same.

Respectfully,

Acting Chairman.

OCH-141.

"C o p y"

Refer in reply to
the following:

Land
72197--1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

WASHINGTON, Dec. 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated December 2, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, transmitting for the Department's consideration the memorandum relative to the application of Mary Dickens for the enrollment of herself and her thirteen minor children, Sarah, Elijah Jr., Christopher, Cornelius, Eugene, Melinda, Arminda, Elzora, Roberta, Chester, Mary, Charlotte, and Ellis Dickens, as citizens of the Creek Nation.

The memorandum in this case shows that the applicants were residents of the State of Texas until about the year 1901, when they removed to the Creek Nation. They are not full blood Creek Indians and their names do not appear on any of the tribal rolls in the possession of the Commission. They have not been admitted to citizenship by the tribal authorities, the Commission, or the United States Court. This being true, under the provisions of the act of May 31, 1900 (31 Stats., 221), the decision of the Commission, rendered December 1, 1902, is

64.7. (5)

IRS.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

EAF.

ITD.7690-1902.

January 2, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

December 2, 1902, you transmitted the record in the matter of the application for enrollment of Mary Dickens and her minor children, Sarah, Elijah Jr., Christopher, Cornelius, Eugene, Marinda, Arminda, Belzora, Roberta, Chester, Mary, Charlotte and Ellis Dickens, as citizens by blood, of the Creek Nation.

The evidence shows that applicants are not full blood Creek Indians, and that they were residents of Texas until about a year ago, when they removed to the Creek Nation; that they have never been enrolled or admitted to citizenship in the nation. December 1, 1902, you held that they are not Creek citizens, and that, pursuant to the act of May 31, 1900 (31 Stat., 221), the Commission should not receive, consider, or make any record of this application.

The Acting Commissioner of Indian Affairs forwarded the papers December 12 and recommended approval of your decision. A copy of his letter is inclosed herewith.

Your decision is hereby affirmed.

Respectfully,

Thos. Ryan.
Acting Secretary.

1 inclosure.

C o p y

J. O. B.

Creek No. 228.

Muskogee, Indian Territory, January 13, 1903.

Mary Dickens,

Twine, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of January 8, 1903, affirmed the decision of the Commission, dated December 1, 1902, denying the application made by you for the enrollment of yourself and your thirteen minor children, Sarah, Elijah Jr., Christopher, Cornelius, Eugene, Marinda, Armina, Belacra, Roberta, Chester, Mary, Charlotte and Ellis Dickens, as citizens of the Creek Nation.

Respectfully,

Acting Chairman.

Registered.

COPY

2810

Creek No. 228.

Muskogee, Indian Territory, January 13, 1903.

A. S. McRea, Esq.,

Attorney for Mary Dickens, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of January 2, 1903, affirmed the decision of the Commission, dated December 1, 1902, denying the application made by Mary Dickens for the enrollment of herself and her thirteen minor children, Sarah, Elijah Jr., Christopher, Cornelius, Eugene, Marinda, Arminda, Belzora, Roberts, Chester, Mary, Charlotte and Ellis Dickens, as citizens of the Creek Nation.

Respectfully,

Acting Chairman.

Copy

J. H. B.

Creek No. 228.

Muskogee, Indian Territory, January 13, 1903.

Hon. P. Porter,

Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of January 2, 1903, affirmed the decision of the Commission, dated December 1, 1902, denying the application made by Mary Dickens for the enrollment of herself and her thirteen minor children, Sarah, Elijah Jr., Christopher, Cornelius, Eugene, Harinda, Armina, Belzora, Roberta, Chester, Mary, Charlotte and Ellis Dickens, as citizens of the Creek Nation.

Respectfully,

Acting Chairman.

J.H.B.

No. 226.

Muskogee, Indian Territory, April 23, 1904.

Mary Dickens,

Twine, Indian Territory.

Dear Madam:

Your letter of April 12, 1904, to the Secretary of the Interior, has been referred to the Commission for consideration and appropriate action.

Your letter is relative to the right to enrollment as citizens of the Creek Nation of yourself and your thirteen children.

In reply you are advised that it appears that you applied to the Commission August 7, 1902, for the enrollment of yourself and thirteen children as citizens of the Creek Nation; that your application was denied December 1, 1902, and the decision of the Commission affirmed by the Secretary of the Interior January 2, 1903. You were duly notified by registered letter of the action had in the case.

The case is closed.

Respectfully,

Chairman.

Cr. No. 225

Maskago, Indian Territory, August 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of January 2, 1903 (I.T.D. 7600-1903), affirmed the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, denying the application for the enrollment of Mary Dickens and her thirteen minor children, Sarah, Elijah Jr., Christopher, Cornelius, Eugene, Marinda, Arwinda, Salsora, Roberta, Chester, Mary, Charlotte and Ellis Dickens, as citizens of the Creek Nation.

There is inclosed herewith motion to reopen said case received by this office June 25, 1906. Said motion is not accompanied by affidavits and there is no proof of service of same upon the attorney for the Creek Nation.

The grounds upon which said motion is based are that, through inability to pay attorney fees, petitioner was unable to introduce the testimony of witnesses at the original hearing in said case, and that "she is now able, as she would have been at the former hearing of the case, to have introduced witnesses that would establish her rights . . . that by said witnesses she will be able to establish that she is the daughter in lawful marriage of Charlotte Setters (Warleton), daughter of Huben Setters, a full blood Greek Indian, and Sarah Setters also an Indian, citizen of the Greek Nation".

The facts alleged and set forth in said motion differ in no material respect from the evidence previously submitted and upon which said decision of the Commission was based.

In view of the facts in the case, I respectfully recommend that said motion to reopen be denied.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner.

Land.
249-1903
67030-1906.

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

FEBRUARY 14, 1907.

The Honorable,
~~The Secretary of the Interior,~~

Sir:

Referring to Departmental letter of January 2, 1903, (I.T.D. 7690-1902), affirming the decision of the Commission to the Five Civilized Tribes in denying the application of Mary Dickens, et-al, for enrollment as Creek citizens, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated August 2, 1906 enclosing a motion to re-open the case, filed in his office on June 25, 1906.

The petitioner sets out in her motion for re-opening that she will now be able to introduce witnesses, whose testimony will establish her rights, that she was unable to produce them at the former hearing, for the reason that she was not able to pay the fees and expenses incident thereto. She names as her witnesses, Wiley Sookey, Bill Atkins and his wife, and Wallace Mitchell, that he was unable to produce their affidavits at that time, as she was not aware that the time within which he could file his petition for a re-hearing was so short; that he was informed of this fact at a late hour on the last day. She further says that if the case is re-opened, she will be able to establish by these witnesses that she is the daughter in lawful marriage of Charlotte Setters (Tarleton), daughter of Ruben Setters, who was a full-blood Creek Indian, and Sarrah Setters, also an Indian citizen of the Creek Nation.

She asks that she be allowed ten days in which to file the affidavits of said witnesses in support of the motion, No affidavits have been filed in support of the motion, neither does it show that it was served on the attorney for the Creek Nation, and the Office therefore concurs in the recommendation of the Commissioner that it be denied.

The record is enclosed herewith.

Very Respectfully,

C. F. Larrabee.
Acting Commissioner.

EWE-SD

IRS

J. J. J.

DEPARTMENT OF THE INTERIOR,
WASHINGTON

O.K.

I. F. D. 5528-1907.

February 19, 1907.

Direct

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

Sir:

On February 14, 1907, (Land 57030-1906), the Indian Office transmitted your report, dated August 2, 1906, forwarding a motion to reopen the application of Mary Dickens et al., for their enrollment as Creek citizens.

You recommend that such motion to reopen be denied. The Indian office concurs in said recommendation. In view of Sec. 2 of the Act of April 26, 1906, (32 Stat., 157), even if the motion under consideration presented a prima facie case for a rehearing, the Department would not be warranted in ordering the same at this time. Said Motion is, accordingly denied.

The papers are returned for the files of the Indian Office, together with a copy hereof. A copy of the Indian Office letter is inclosed.

Respectfully,

Thos. Ryan

First Assistant Secretary

1 inc. and 4 inc.
for Ind. Of.

A. J. Mc.

2-20-07.

Cr. No. 328

JWK

Muskogee, Indian Territory, March 8, 1907.

Mary Dickens,

Twine, Indian Territory.

Dear Madam :--

You are hereby advised that under date of February 19, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying a motion to reopen the application for the enrollment of yourself and children as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

In Re, the Application of Mary Dickens, nee Tarlton, et al.,
For Enrollment As Creek Citizens by Blood.-----

Honorable Secretary Of The Interior:-

Your petitioner, Mary Dickens, by her husband Elijah Dickens, respectfully represents unto your Honor that on or about the 2nd. of January, 1902, your petitioner made application to the Commission to the Five Civilized Tribes for Enrollment of herself and minor Children as citizens of the Creek Nation; that soon after said application was made, that is to say about sixty days thereafter, your petitioner was informed that her application had been denied for insufficiency of evidence.

Your petitioner further says that he had employed a local attorney to look after the matter of enrollment of herself and children, and furnished him with a list of her witnesses; that the said attorney took his deposition before the Indian Commission, and her evidence was taken on the date aforesaid, but that her witnesses were never introduced, her said attorney claiming that he had never been fully paid for his services; that as your petitioner was unable to pay more than the eighteen dollars which he had already paid his said attorney, the matter was allowed to stop, and the denial of the application by the Commission was the result.

Your petitioner therefore asks that she may have her case reopened at this time, as she is now able, as she would have been at the former hearing of the case, to have introduced witnesses that would establish her rights; that the names of her witnesses are Wyley Sockey, Bill Atkins and Wife, Wallace Mitchell; that he is unable to produce the affidavits at this time as he was not aware that the time for the introduction of said affidavits and petition for reopening of her case was so short, and being informed of this fact only at a late hour of this the last day, it is now too late to secure said applications before the time for filing this application has elapsed.

Petitioner further says that by said witnesses she will

In Re, the Application of Mary Dickens, nee Tarlton, et al ,
For Enrollment As Creek Citizens by Blood.-----

Honorable Secretary Of The Interior:-

Your petitioner, Mary Dickens, by her husband Elijah Dickens, respectfully represents unto your Honor that on or about the 2nd. of January, 1902, your petitioner made application to the Commission to the Five Civilized Tribes for Enrollment of herself and minor Children as citizens of the Creek Nation; that soon after said application was made, that is to say about sixty days thereafter, your petitioner was informed that her application had been denied for insufficiency of evidence.

Your petitioner further says that he had employed a local attorney to look after the matter of enrollment of herself and children, and furnished him with a list of her witnesses; that the said attorney took her before the Dawes Commission, and her evidence was taken on the aforesaid, but that her witnesses were never introduced, her said attorney claiming that he had never been fully paid for his services; that as your petitioner was unable to pay more than the eighteen dollars which he had already paid his said attorney, the matter was allowed to stop, and the denial of the application by the Commission was the result.

Your petitioner therefore asks that she may have her case reopened at this time, as she is now able, as she would have been at the former hearing of the case, to have introduced witnesses that would establish her rights; that the names of her witnesses are Wyley Sookey, Bill Atkins and Wife, Wallace Mitchell; that he is unable to produce the affidavits at this time as he was not aware that the time for the introduction of said affidavits and petition for reopening of her case was so short, and being informed of this fact only at a late hour of this the last day, it is now too late to secure said applications before the time for filing this application has elapsed.

Petitioner further says that by said witnesses she will

be able to establish that she is the daughter in lawful marriage of (Mrs. Jettie Batters (Mrs. Jettie) daughter of Burt Batters, a full-blood Creek Indian, and Burt Batters, also an Indian, citizen of the Creek Nation.

Your petitioner respectfully prays that she may be given ten days in which to file the affidavits of said witnesses, and that her case may be reopened and she be permitted to offer evidence in support of her claims on citizenship of the Creek Nation.

Respectfully Submitted,

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

A.D. 1906.

Notary Public.

PREVIOUS DOCUMENT

STENCIL IN REVERSE

Muskogee, F. I. Oct. 1-1902

Received from the Commission
to the Five Civilized Tribes one
copy of the testimony in the
matter of the application for the
enrollment of Mary Dickens et al
as citizens of the Creek nation

A. S. M. Rea

Attorney for Applicants

CR EN 229

CR
EN 229

STATEMENT OF THE WITNESS,
SUBMITTED TO THE JURY BY THE PROSECUTOR.
Waltham, Mass., August 6, 1901.

In the matter of the application of Frank P. Hayes, Sr., for
the enrollment of himself and his three minor children, Lillie,
Willie, and Frank P. Hayes, Jr., as citizens of the Creek Nation.

Appointed: A. H. [redacted], attorney for the applicant.
A. P. [redacted], attorney for the Creek Nation.

Frank P. Hayes, Sr., having first duly sworn, testified as
follows:

By the Commission:

- Q What is your name? A My name is Frank P. Hayes.
Q What is your age? A I am 64 years old.
Q What is your present address? A Dallas, Texas.
Q Where do you now live? A Dallas, Texas.
Q How long have you lived there? A Several years.
Q Where did you live before going to Dallas, Texas? A Wetherford,
Texas.
Q How long did you live at Wetherford, Texas? A Twenty-nine
years, in all, I have lived in Texas.
Q Where did you live before going to Texas? A I lived in
Louisiana.
Q Did you ever live in the Creek Nation? A No, sir; I never
made it my home.
Q Do you make application for enrollment as a Texas Creek? A Yes,
sir.
Q Are you a full-blood Creek Indian? A No, sir; you see I am
not a full-blood Creek Indian.
Q What degree of Creek blood do you claim? A Well, my mother
was a Creek, and that is all I know about it; she never did say
what she was, just said she was a Creek Indian and was brought
here by the McIntoshes, and raised by old lady Susan McIntosh.
Q Was your mother a full-blood Creek Indian? A Now that I
couldn't answer. She just went as "the old Creek Indian woman"
that is the name she went by.
Q Was your father a full-blood Creek Indian? A My father was
one-third Cherokee, and raised by the Haynes, over here in the
Cherokee Nation.
Q Did your father have any Creek blood? A Well now that I don't
know, he claimed to be Cherokee, and part blood he had Indian.
Q For whom do you make application for enrollment as citizens of
the Creek Nation? A For myself and three minor children.
Q What are the names and ages of your three minor children?
A Lillie Hayes, 16 years old; Willie Hayes, 15 years old; Frank
P. Hayes, Jr., 11 years old.
Q Are these children all now living? A Yes, sir.
Q Do they live with you in Texas? A Yes, sir.
Q What is the name of their mother? A Sarah May Hayes.
Q She is the mother of all three of these children? A Yes, sir.
Q Is she a citizen of the Creek Nation? A No, sir.
Q Is she a full-blood Creek Indian? A No, sir.
Q Is she a colored woman? A Yes, sir.
Q Is she a citizen of the United States? A Yes, sir.
Q Have you and your said three minor children ever been recognized
by the tribal authorities of the Creek Nation as citizens thereof?
A No, sir.

1
B. In re application of Frank F. Myers, Sr., for the enrollment of himself and his three minor children as citizens of the Creek Nation.

Q. Have you and your said three minor children ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation?
A. No, sir.

Q. Have your name and the names of your said three minor children appear upon the tribal rolls of the Creek Nation? A. No, sir.

Q. Did you ever draw any money for yourself and your minor children from the Creek Nation? A. No, sir.

Q. Did you ever belong to any town in the Creek Nation? A. No, sir.

Q. Did your children ever belong to any town in the Creek Nation?
A. No, sir.

The 1890 and 1895 authenticated rolls of the Creek Nation examined and the names of none of the applicants are found thereon.

Q. Is this the first time you have ever made application for the enrollment of yourself and your three minor children as citizens of the Creek Nation? A. Yes, sir.

Q. Were you and your three minor children ever admitted by the Commission to the Five Civilized Tribes, as citizens of the Creek Nation, under the act of Congress approved June 10, 1896? A. No, sir.

The list of persons admitted by the Commission to the Five Civilized Tribes under authority of the act of Congress of June 10, 1896, examined, and the names of none of the applicants are found thereon.

Q. Were you and your three minor children ever admitted to citizenship in the Creek Nation under authority of the Creek Council, approved May 30, 1895? A. No, sir.

List of citizens admitted by the Creek Citizenship Commission, under authority of the act of Creek Council of May 30, 1895, examined, and none of the applicants are found thereon.

Q. Were you and your three said minor children ever admitted to citizenship in the Creek Nation by the United States Court for the Northern District of Indian Territory, on appeal, from the decision of the tribal authorities or from the decision of the Commission to the Five Civilized Tribes, as a citizen of the Creek Nation, under act of June 10, 1896? A. No, sir.

The records of the United States Court for the Northern District of Indian Territory examined and the names of the applicants were not found to have been admitted by the judgment of said court.

By A. S. Miles, attorney for applicant:

Come now attorney for applicant and objects to all of the above, especially to that part of the record which pertains to the applicant having heretofore made application, either to the tribal authorities of the Creek Nation, the Commission to the Five Civilized Tribes, and especially the act of June 10, 1896, for the reason: The applicant, by his own testimony, shows that he is a resident of the State of Texas, and that the status of this case comes clearly within the provision of the agreement between the United States Commission to the Five Civilized Tribes and the Muskogee tribe of Indians, dated at Washington, D.C., March 9, 1900,

3 In re application of Frank P. Hayes, Sr., for the enrollment of himself and his three minor children as citizens of the Creek Nation.

and ratified by the Creek tribal authorities May 25, 1901; for the further reason, that the allegations as herein alleged is immaterial, incompetent and irrelevant, and does not pertain to any issue in this case.

By the Commission:

Objection received.

By A. S. McRea, attorney for the applicant:

Q Now, Mr. Hayes, what degree, to your knowledge and information, relative to your mother's Indian blood,—how much did she possess?

A Well, I really couldn't swear, but then she was called "the old Indian woman" and all the children of the country, and the white people and everybody else, she was called "the old Indian doctor."

Q Was she related to any Creek Indians now in the Creek Nation?

A She was related to the McIntoshes.

Q What degree of relationship did she bear to the McIntoshes?

A Chilly McIntosh was her father.

Q Was he a full-blood Creek? A That's what the people say, that's my information.

Q Then you are the legal descendant of a full-blood Creek Indian, are you? A Yes, sir.

Q And upon that right you base your claim to citizenship in the Creek Nation? A Yes, sir.

By A. P. McKellop, attorney for the Creek Nation:

Q Do I understand you to say that Chilly McIntosh was your grandfather? A Yes, sir.

Q Did you ever see Chilly McIntosh? A Never did.

Q Do you know whether he was a full-blood or half Creek or a one-quarter Creek? A They claim him to be a full-blood Indian.

Q I want to know what you know about it. A I didn't know him, sir, I never seen him.

Q What you testified a while ago, then, about Chilly McIntosh, was just what you have heard? A Yes, sir.

Q How do you know that Chilly McIntosh was your mother's father?

A My mother claimed him to be her father.

Q You don't know whether Chilly McIntosh was your mother's father or not, do you? A No more than what she claimed, sir.

Q You don't know that your mother was a full-blood Indian woman, do you? A I don't know that.

Q Were you raised among any Creek Indians? A No, sir.

Q Do you understand the Creek language at all? A No, sir.

Q Did you ever see any Creek Indians before you came to the Creek Nation? A No, sir; I never saw a Creek Indian till I came to the Territory, but mother.

Q And you don't know of your own knowledge whether she was a Creek or not, do you? A No more than that she claimed that she was Chilly McIntosh's daughter; he wrote to her.

Q Do you know that McIntosh wrote to your mother? A I know that Susanna McIntosh, the old lady, used to write mother; now that is a lady I never seen, but then she used to write to mother.

Q And who was Susanna McIntosh? A She was the old man Billy McIntosh's wife, who was killed at Tuskegee, Alabama; she brought mother to this country then, after that.

Q Did you know her? A No, sir.

Q Did you ever see Susanna McIntosh? A No, sir.

4 In re application of Frank P. Hayes, Sr., for the enrollment of himself and his three minor children as citizens of the Creek Nation.

By A. S. McKee, attorney for applicant:

Q How long has your mother been dead? A Been dead going on seven years.

Q Your knowledge, then, relative to your grandfather, Chilly McIntosh, then, emanates from your mother; is that correct?

A Yes, sir.

Q Did she tell you that Chilly McIntosh was her father? A Yes, sir.

Q Did your mother speak the Creek language? A Yes, sir.

By the Commission:

Q Is there any other statement that you desire to make at this time with reference to the application made by you for the enrollment of yourself and your three minor children, as citizens of the Creek Nation? A No, sir.

You will be furnished at a later date with a copy of the decision of the commission in the matter of the application made by you at this time for the enrollment of yourself and your three minor children as citizens of the Creek Nation, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer to the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause on the 6th day of August, A.D. 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Oliver Hinkle

Subscribed and sworn to before me this 9th day of August, 1902, at Muskogee, Indian Territory.

W. J. Boree
Notary Public.

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

In the matter of the application of Frank P. Mayes for the enrollment of himself and his three minor children, Lillie, Willie and Frank P. Mayes, Jr., as citizens of the Creek Nation.

D E C I S I O N.

It appears from the record in this case that on August 6, 1902, Frank P. Mayes appeared before this Commission, at Muskogee, Indian Territory, and made application for the enrollment of himself and his three minor children, Lillie, Willie and Frank P. Mayes, Jr., as citizens, by blood, of the Creek Nation.

It also appears that said applicants, above named, are residents of the State of Texas, and that they are not full-blood Creek Indians.

It further appears that said applicants have never been enrolled by the tribal authorities of the Creek Nation; that their names do not appear upon the tribal rolls of the Creek Nation now in possession of the Commission, and that they have never been admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes, or by the legally constituted authorities of the Creek Nation or by the United States court in Indian Territory, on appeal, in accordance with the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

The act of Congress approved May 31, 1900 (31 Stat., 221), among other things, provides:

"That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final, when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Frank P. Mayes and his three minor children, Lillie, Willie and Frank P. Mayes, Jr., are not citizens of the Creek Nation and duly and lawfully enrolled or admitted as such, and that pursuant to the provision of law above quoted this Commission should not receive, consider or make a record of this application for their enrollment as citizens of said nation, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this 1st day of December, 1902.

COPY

of the Interior Commission to the Five Civilized Tribes.

(alias Frank P. Mayes): No. 229

Plaintiff,

vs.

of Indiana,

Defendants.

: Motion to reopen and for rehearing

Come now the plaintiff Laton (alias Frank P. Mayes) and moves the Commission to set aside the decision rendered against him on the fourth day of Dec. affirmed by the Sec. of the Interior Jan. 23rd, 1903, denying citizenship in the Creek Nation for the following reasons

because; the decision is contrary to the law, the decision is contrary to the evidence.

The decision is contrary to the weight of the evidence. The plaintiff was denied the right to introduce the witnesses in support of this application.

Plaintiff herein can prove by the following named are recognized citizens of the Creek Nation, viz; William London, Dick Grayson, Lucy Gentry and Emanuel Hawkins, whose name is Laton McIntosh, and that he is the son of (alias, Hanna, Rena, alias, Annie).

Plaintiff's name as also his mother Hagar appears upon the rolls of the Creek Nation.

of America:
et : SS
ry :
:

Personally appeared before me the undersigned Public in and for the Western Judicial District of the Territory duly Commissioned and acting as such, Laton McIntosh (alias, Mayes) who states that he is the plaintiff in the above and action, that he has read over the statements therein and things therein set forth are true and correct as he swears.

(Signed) Laton McIntosh
Plaintiff
(alias Frank P. Mayes)

I sworn to before me this 11th day of October 1904.

J. M. Sharum
Notary Public

July 10, 1908.

ENDORSED

39979

of America

et

ry

sworn to within motion at 9-30 o'clock A.M. Oct: 11th, and the same by delivering a true and correct copy to the Sec. for the Creek Nation in person at 4-30 o'clock P.M. No. 229

X.

(Signed) Han Carter
City Marshall

A. S. McRea
Atty. for Plaintiff

of the Interior

1904, No. 2499 I. T. D.

the Interior Oct. 15, 1904, respectfully referred to the Secretary of the Interior for his consideration and appropriate

UNITED STATES OF AMERICA,
DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

INDIAN TERRITORY--WESTERN DISTRICT.

In reapplication of Laton McIntosh alias Frank P. Mayes.

Motion to rehear

Comes now, *Laton* McIntosh, alias Frank P. Mayes, the petitioner herein, and files this his motion praying the Honorable Secretary of the Interior to re-open this case, and to refer it back to the Honorable Commission to the Five Civilized Tribes for the introduction of further testimony, and to the end that the petitioner may have opportunity to make further full, and complete proof of his rights of citizenship in the Creek Nation, and alleges:

That his true name is Laton McIntosh, and that he is by that name enrolled on the Arkansas Town Roll of said Creek Citizens.

That he is the son of Hagar McIntosh, who was a *freedwoman* woman and belonged as a slave to the McIntosh Family of the Creek Indians in said Indian Territory she having been brought by said Creek Indians as a slave from Alabama about 1832, and that she lived with them until her death in or about the year 1891 in said Creek Nation in said Indian Territory. That she was sometimes called Rena and Hannah McIntosh.

That the father of your petitioner was Paddy Carr who was a Full blood Creek Indian and who lived in said nation all his life.

That on August 6th 1902, your petitioner under his assumed name of Frank P. Mayes appeared before the Honorable Commission to the Five Civilized Tribes at Muskogee Indian Territory for the enrollment of himself and three children, minors, to-wit: Lillie, Willie, and Frank P. Mayes Jr., and that his said application was denied by the Honorable Secretary of the Interior, and he is informed that such denial was upon the grounds (1) That the petitioner was a resident of the state

of Texas, and (2) that his name was not upon the rolls of citizenship, whereas in truth and in fact the petitioner under his true name of Laton McIntosh is duly enrolled upon the tribal rolls as aforesaid, as will appear by ^{inspection} ~~instruction~~ thereof, and is not and has never been a resident of the state of Texas or of any other country except Indian Territory as hereinbefore alleged.

That your petitioners' application under the name of Frank P. M. Mayes was a misapprehension on his part, he then believing that he was enrolled under that name as he had been called by both names.

That at said hearing the petitioner was the only witness examined, and at the close of his testimony, he was informed in the presence of said Honorable Commission then conducting the examination and by Mr. A. P. McKellop, the then National Attorney for the Creek Nation, and who personally as such attorney examined the petitioner, that it was not necessary to examine any other witnesses, for the reason as then stated by said attorney and as the petitioner ^{was} acquiesced in by the said commission, the petitioner's rights were then sufficiently established.

That at that time, your petitioner there had in attendance other witnesses by whom he was prepared to prove his identity as the ~~Laton~~ McIntosh so enrolled as aforesaid, his parentage and his residence and rights of citizenship to the Creek Nation, but they were not examined for the reason given: That said witnesses were Lucy Gentry Muskogee, Indian Territory Emanuel Hawkins Taft Indian Territory, Picket Rentie, Muskogee Indian Territory, P.R. Caesar, and Susan Drew.

That two of said witnesses, to-wit: P.R. Caesar and Susan Drew are now dead, but that each of the other of said witnesses are still living and will testify as ~~affirmed~~ if petitioner be given an opportunity to produce.

That your petitioner did use due diligence in having said witnesses present before said Honorable Commission but they were not examined for reason aforesaid.

That your petitioner is ignorant, and unlearned, and did not learn that his said application had been disapproved until the last of December 1902.

December 1902, when he was so informed by the Commission and he at once set about getting a rehearing, but being ignorant and not informed as to the rules or regulations in such matters, and was misinformed in regard to them, and made application direct to the Honorable Secretary of the Interior, and by letter dated March 8th, 1903 the Honorable Commission, in compliance with Department request, notified him of the action, and informed him to rules giving applications for rehearing.

That he thereupon makes this motion and attaches hereto the affidavits of John Barnwell, Tobias ^{McIntosh}, Wiley Suckey, Ed London, Lucy Gentry, James Cobb, A.J. Wallace, ~~Easter Wilson~~, ~~Wiley M. McIntosh~~, ~~A.S. McRae~~ _____ whose Post Office addresses are stated in the affidavits.

That your petitioner has used all diligence within his knowledge and his information and this apparent delay has resulted only from his ignorance and misinformation as to the Department rules in such matters and as herein before stated.

That your petitioner has now two Grand children both of whom an still living were born th day of _____ 190____, and prior to the March 4th 1903, named respectively Minnie May Hayes aged two years and oliver Victoria Mayes aged about eighteen months, and has filed with the Honorable Commission application for their enrollment on the Creek Rolls under the Act of Congress.

That the applicants of John Barnwell, A.J. Wallace, James Cobb, Lucy Gentry, Ed London, Tobias McIntosh, Wiley Suckey, Wiley McIntosh, Emanuel Hawkins, and ~~Easter Wilson~~, ~~Wiley M. McIntosh~~, ~~A.S. McRae~~, and James Cobb, are hereto attached and made part of this petition.

Wherefore your petitioner prays that his case be reopened, and a rehearing thereon granted him to the end that he may be allowed to prove his identity and the full facts constituting his and his children and grandchildrens right of citizenship in the Creek Nation.

(Signed) Lester McIntosh

Subscribed and sworn to before me this the 17 of May 1903

(Signed) Cecile Hancock
Notary Public

My Commission expires

September 29, 1905.

Department of the Interior Commission to the Five Civilized Tribes
Muskogean Creek nation.

In-re Application Frank P Mayes (alias Laton McIntosh)

Creek NO _____

Motion for rehearing.

Affidavit.

Personally appeared before me the undersigned a Notary Public in and for
the Western Judicial District of the Indian Territory duly commissioned
and acting as such, A S McRea personally well known to me and states
that he represented the applicant Frank P Mayes alias Laton McIntosh before
the Commission to the Five Civilized Tribes on the 6th day of August 1902

That subsequently to-wit August 15th 1902 Applicant together with his
said attorney A S McRea again appeared before the Commission for the pur-
pose of introducing the testimony of Emanuel Perkins and P F Caesar, now
and others.
deceased in support of his said application. Affiant states that on said

date Aug 15th aforesaid _____ Angel who was then in charge of the
Creek enrollment division declined to admit the testimony of said witness
saying at the time it was unnecessary the same statement being concurred
in by A P McKellop Creek attorney and both further stated that they rec-
ognized the said Mayes alias McIntosh as being a descendant of a Creek

Indian by blood and entitled to citizenship rights as a member of the
Creek nation, *and for this reason no evidence except the applicant himself
was introduced through other witnesses
were present for that purpose.*

A S McRea
Affiant.

Subscribed and sworn to before me this the 17th day of ^{May} ~~April~~ 1905.

(Signed)

Lenna L. Lanigan
Notary Public.

See
v. admission expires on the 7 day of Oct 1907.

UNITED STATES OF AMERICA,
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
INDIAN TERRITORY--WESTERN DISTRICT.

In re application of Laton McIntosh, alias Frank P. Mayes for rehearing

W.
Wiley McIntosh being duly sworn says:

That he is 49 years of age and his post office address is Muskogee I.T.

That he knows the petitioner Laton McIntosh and has known his well all his life.

That the mother of the petitioner was Hagar McIntosh who was a freed woman having been a slave of some of the Creek Indians in the Indian Territory and that her name is on the roll, of Arkansas Town under his true name Laton McIntosh.

That petitioner is the son of Paddy Carr who was a Creek Indian of said Nation in which he lived and died and whose name is on the Dunn Roll.

That affiant knows that petitioner is and has been all his life a resident of the Creek Nation in said Territory and actually living therein all his life, except for some temporary absence.

That The petitioner has been sometimes called in recent years Frank P. Mayes but that his true name is Laton McIntosh, as it appears on the roll.

As to affiant's means of knowing the facts above set forth he states that he himself is a Creek Citizen and has lived with the Creek Indians all his life and is familiar with them and their families and history. And that he has at various times been employed by the authorities in aiding to make out the rolls of citizenship and in ascertaining who were truly entitled as Creek Citizens.

Subscribed and sworn to before me this the 11 day of May 1905.

My commission expires Jan. 31 1909 - (*Wiley M. McIntosh*)
Wiley M. McIntosh
Notary Public

UNITED STATES OF AMERICA.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

INDIAN TERRITORY WESTERN DISTRICT.

In re application of Laton McIntosh alias Frank P. Mayes for rehearing.

Tobias McIntosh and Wiley Suckey being each duly sworn says:

That each of them (affiants) are ^{about} over 75 or 80 years and live near Muskogee Indian Territory. That they are both Creek Citizens, Indian, and have been living in the Creek Indians all their lives, in said Indian Territory, except some temporary absences.

That each of affiants has been a member of the Creek council for many years, and that affiant, ~~Wiley~~ Suckey, is still a member of it.

That both affiants are well acquainted with the petitioner Laton McIntosh and have known him all his life, that he is a Creek Citizen and has been resident of said Indian Territory in the Creek Nation all his life.

That he is a son of Paddy Carr who was a Creek Indian Full blood That his mother was Hagar McIntosh, belonging to some of the Creek Indians and was brought by them as a slave from Alabama in 1832 or 1833.

That both said parents of petitioner are ^{the} on ^{the} rolls of Creek Indians, they are both dead, and both of them were well known to each ^{of} affiants. That the petitioner is also ^{properly} on ^{the} rolls as Laton McIntosh.

That petitioner real name is Laton McIntosh, - Frank P. Mayes is an assumed name.

Witness to name: { Ed Jeffers
Wiley M. Suckey }
Signed) Wiley Suckey
Tobias M. McIntosh
Subscribed and sworn to before me this 11 day of May 1905
Ed. Jeffers
Notary Public

My commission expires Jan. 31 1905

UNITED STATES OF AMERICA
Department of the Interior.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Indian Territory Western District.

In re application of Laton McIntosh, alias Frank P. Mayes.

Lucy Gentry being duly sworn says:

That she is about ~~sixty five~~ ^{fifty eight (58)} years, and is now a resident of Muskogee, Indian Territory, and has been a resident of said Territory all her life. That she is a Creek Indian By Blood, and has spent her life in the Creek Nation.

That she is well acquainted with the petitioner, Laton McIntosh and has known him ever since he was a ^{young} ~~boy~~ when he lived with his mother and since the civil war, she has known him more continuously. That his true name is Laton McIntosh, as above stated, though he has also been sometimes known in recent years under the name of Frank P. Mayes.

That she also was well acquainted with the mother of said petitioner. Her name was Hagar McIntosh though she was sometimes called Rena and Hannah McIntosh.

That she, said Hagar McIntosh was a slave belonging to the ~~McIntosh~~ ^{some} family of Creek Indians and lived with them in the Creek Nation and died ~~and is buried at Okmulgee,~~ Indian Territory.

That affiant also well knew the father of the petitioner his name was Paddy Carr, and he was a Creek Indian and lived and died in the Creek Nation.

That affiant was present to be examined as a witness to above facts before the Dawes Commission but was not examined, the exact date is not remembered but it was in the summer of 1902.

^{Witness to name}
^{Lucy Gentry}
Subscribed and sworn to before me this 16 day of May 1905

Eda Jefferson
Notary Public
My commission expires Jan. 31 1905

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

U.S. Of America

Indian Territory

Western District.

In re petition of Laton McIntosh, alias Frank P. Mays.

Ed. London, being duly sworn says:

That he is about 79 years of age, that he is and has been all his life a resident of Indian Territory, and that his post office address is Muskogee Indian Territory, that he was a slave of the Creek Indians.

That he is well acquainted with the petitioner, that his true name is Laton McIntosh, though in recent years, he has been some times known as Frank P. Mays that affiant knew him when he was a child and ever since then, that when a boy and since then he was with the Creek Indians, in the Creek Nation living with his mother there and has lived there all his life except a temporary absence.

That affiant also well knew the mother of said petitioner her name was Hagar McIntosh, some time called Hannie or Rena McIntosh that she belonged as a slave to the McIntosh family of Creek Indians and lived with them, and died there and is buried at Okmulgee Indian Territory. That affiant also well knew the father of petitioner, his name was Paddy Carr and he was a Creek Indian and lived and died in said Creek Nation in said Territory.

That the parentage of the petitioner as above stated was generally well known, and affiant states it from his definite positive recollections, and from his personal knowledge of them and of the petitioner.

That affiant also knows that the petitioner Laton McIntosh assumed the name of Frank P. Mays because of some trouble he had in Texas while he was temporarily there.

Written to me by N. Stephens Jr.
Subscribed and sworn to before me this 2^d day of May 1906.

Ed. London

Ed. London

UNITED STATES OF AMERICA,
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

INDIAN TERRITORY---WESTERN DISTRICT.

In re application of Laton McIntosh, alias Frank P. Mayes for rehearing .

A.J. Wallace being duly sworn says:

That he is Sixty (60) years of age, and now lives in Muskogee, Indian Territory.

That he is well acquainted with petitioner Laton McIntosh that he first knew said ~~petitioner~~ ^{him} about the year 1865, saw him first in Waco Texas, where he was for a short time, he was then about 20 or 25 years old and was always known then as Laton McIntosh, ^{was living in Indian Territory.}

That he left there telling affiant that he was going back home to Indian Territory.

That affiant next saw ~~the petitioner~~ ^{him} about 1890 or 1891 and affiant spoke to him calling him Laton McIntosh, when he told affiant to call him ~~Mayes~~ ^e as he had assumed that name.

That affiant next met him in Muskogee, Indian Territory in 1903 and about two years ago, and has known him well seeing him often ever since. He has been called by both names, Laton McIntosh and Frank P. Mayes, but his true name is Laton McIntosh.

That affiant knows nothing as to his parentage, but believes that he is a Creek Freedman.

(Sign) A. J. Wallace

Subscribed and sworn to before me this the 1 day of May 1905

My commission expires

Ed Jeffman
Notary Public

Jan. 31 1909

UNITED STATES OF AMERICA,
DEPARTMENT OF THE INTERIOR,
COMMISSION OF THE FIVE CIVILIZED TRIBES
INDIAN TERRITORY - WESTERN DISTRICT.

In re application of Laton McIntosh alias Frank P. Mayes for rehearing.

Emanuel Hawkins being duly sworn says:

That he is fifty-two(52) years old, a resident of the Creek Nation, a Creek Citizen, and his post office address is Muskogee, Indian Territory.

That affiant knows Laton McIntosh and knew him as a boy and ever since, that he has all his life lived in the Creek Nation, and is a Creek Citizen.

That affiant also knew the mother of said Laton McIntosh that her name was Hagar, (sometimes called Rena and Hannah) McIntosh. She was a slave belonging to the McIntosh family of Creek Indians, and lived and died with the Creek Indians in the Creek Nation in the Indian Territory.

That affiant also knew Paddy Carr who was the father of said Laton McIntosh, he was a full blood Creek Indian, and lived and died in the Creek Nation in Indian Territory.

That affiant has lived in the Creek Nation all his life and was well acquainted with Laton McIntosh and his parents as stated, and knows that Laton McIntosh has been all his life a resident of said Creek Nation, and ^{lived} actually in the nation, though he has been about at various times and for temporary purposes.

That while Laton McIntosh has been for some years been known also by the name of Frank P. Mayes and affiant does not know the reason of it, but his real and true name is Laton McIntosh.

That affiant was present in the summer of 1903 when a hearing was had before the Dawes Commission, by Laton McIntosh, in his real name or as Frank P. Mayes, and was there for the purpose of testifying on

here above stated, but was not examined and affiant does not know the
reason he was not examined.

*Witness as to name
James M. King
Eli Combs*

Charles F. Hester
Notary

Subscribed and sworn to before me this the 8 day of May 1908

E. B. Harris

Notary Public.

My commission expires May 15 1907

United States Of America,
Department of the Interior,
~~COMMISSION TO THE FIVE CIVILIZED TRIBES.~~
Indian Territory Western District.

In re application of Eaton McIntosh, alias Frank P. Mayes, for rehearing.

James Cobb being duly sworn says:

That he is 68 years old, that he lives about one mile West from Muskogee, Indian Territory, which is his postoffice address.

That in 1865 or 1866 affiant was living at Waco Texas when he first met the petitioner, who came there from the Indian Territory, and who was then a young man about twenty (20) years old, and who was then known only by the name of Laton McIntosh. That after remaining in or near Waco for a short time, the petitioner left there, and told affiant before leaving that he was going, back home to the Indian Territory.

That he was in Waco only for a short time in Waco and always claimed to be a citizen of the Creek Nation of Indians.

That affiant did not see him again until about fifteen (15) years afterwards, and when he asked him why he was called Mayes he replied that he had assumed that name because of some trouble.

That affiant did not know or see petitioner again until the spring of 1903 when he affiant moved to Muskogee, and met and recognized the petitioner on the street, and has seen and known him ever since, and knows that his true name is Laton McIntosh, and that he is a Creek Citizen

James Cobb

Subscribed and sworn to before me this the 10 day of May
1905.

E. d. Jeffers
Notary Public.

My commission expires Jan. 21 1905

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

U. S. of America,
Indian Territory
Western District.

In re application of Laton McIntosh, alias
Frank P. Hayes,
for

Easter Wilson, being duly sworn says:

That she is about 77 years of age and lives in the Creek Nation on Gar Creek, and her post office address is Coweta, Indian Territory.

That she was formerly a slave and belonged to Ben Marshall, who is a Creek Indian, and who came from Alabama when the other Indians moved from it to Indian Territory, about the year of 1832, and brought her with him as a slave, and that she has been living with the Creek Nation ever since, except for about three months during the civil war when she went with the Federal troops to Kansas.

That affiant knew Hagar McIntosh, who was a black woman, and she belonged as a slave to the McIntosh family, and brought also from Alabama as a slave to the Creek Nation in Indian Territory. That said Hagar McIntosh, who is now dead, was the mother of said Laton McIntosh with whom affiant ^{is} also well acquainted, having known him ever since he was a child. That affiant also know his father whose name was Patty Carr, who was a Creek Indian and lived in the Creek Nation in said Indian Territory. He is dead.

That said Laton McIntosh was born in the Creek Nation in said Indian Territory about the year 1847 ~~1845~~ and has lived there ever since, though he has been absent therefrom at various times, and still lives there.

That affiant has also heard that said Laton McIntosh is know sometimes called Frank F. Hayes, but his real name is Laton McIntosh as aforesaid.

Witness my hand and seal, Jay P. Harman -

(Signature) Easter Wilson

Subscribed and sworn to before me

this the 9 day of March 1905.

Jay P. Harman, Notary Public

My commission expires the 16 day of August

229

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

In re petition of Laton McIntosh, alias Frank P. Hayes, for the enrollment of himself and his three minor children, Lillie, Willie, and Frank, and his three grand children, J. A. Jr., Minnie May, and Oliver Victoria Hayes, as Creek Citizens.

PETITION FOR REHEARING.

Your petitioner, Laton McIntosh, who made his original application for enrollment as a Creek Citizen under the name of Frank P. Hayes, respectfully shows:-

That on the 6th day of August 1902 your petitioner, Laton McIntosh made application before the Commission to the Five Civilized Tribes for enrollment of himself under the name of Frank P. Hayes, and of his three minor children, Lillie, Willie, and Frank P. Hayes Jr., as witnesses by blood of the Creek Nation.

That afterward on the 15th day of August 1902 your petitioner appeared before the Commission according to its order with his witnesses, prepared to show prove his right to enrollment as such citizen.

That a hearing was then had at which the Creek Nation was represented by Mr. A. P. McKelley, its National Attorney. That your petitioner was examined as a witness in his own behalf and cross examined by the said Creek Attorney, and the said A. P. McKelley thereupon announced that it was not necessary to examine any other witnesses as your petitioner's rights were satisfactorily established, and then Mr. Angell, before whom said hearing was had expressed himself also as satisfied without any other evidence being introduced, and stated to your petitioner that it was not necessary to introduce any further evidence in his behalf.

and your petitioner then and there understood that no further evidence would be received.

That your petitioner was prevented by the said action of the Commission from introducing his evidence which he then had to prove the facts hereinafter stated.

Your petitioner further avers that his true name is Laton McIntosh that he was born in about two and one half miles north east of Muskogee in the Creek Nation, Indian Territory, and his home has always been in the Creek Nation, and that whenever absent from the Creek Nation, such absence has always been temporary, and that he has always had the intention of returning to the Creek Nation as his home.

Your petitioner further shows that his mother was a negro slave of the McIntosh family of Creek Indians, of the Creek Nation, Indian Territory, and that she was brought here by said McIntosh family at the time of the Creek migration from Alabama, while she was a mere child; that her ~~name~~ name was Najar McIntosh, and she was also known as Lena, and also known as Hannah; that she lived all of her life in the Creek Nation, except that during the war she was kept in Texas by her master, and returned to the Indian Territory in the year 1867, where she remained living the rest of her life, living at Okmulgee, in the Creek Nation, until her death which occurred at Okmulgee ^{between} ~~about~~ the years 1890 or 1895 and was buried at Okmulgee.

That she was enrolled on the Arkansas Colored Town Roll of the Creek Nation, and drew all of the Creek payments except the last.

That your petitioner was also enrolled on the said Arkansas Colored Town Roll, under the name of Laton McIntosh.

Your petitioner would further show that he always went by and was known by the name of Laton McIntosh until 1866, when he became involved in a difficulty while at Waco Texas, in which a man was killed and

understanding that he was charged with being implicated, your petitioner came to Okmulgee, in the Indian Territory, and assumed the name of Frank P. Hayes, Hayes being the name of his step-father, and petitioner has been known by the name of Hayes ever since by people who had not known him prior to his assuming said name as aforesaid.

Your petitioner further shows that his father was a full blood Creek Indian citizen, known by the name of Paddy Carr, and was well known and recognized as such, and that said Paddy Carr lived and died in the Creek Nation, Indian Territory.

Your petitioner would further show that among others, Lucy Gentry, Ed London, A.J. Wallace, Gabriel Jamison, Emanuel Hawkins, Wiley Suckey and James Cobb, are witnesses to the facts above set forth, and their affidavits are ~~hereto~~ hereto attached, to which your petitioner for greater certainty prays leave to refer.

Wherefore your petitioner prays, that a rehearing of his said case be had, that he may be permitted to present his witnesses, and that after a full hearing he ~~may be~~ together with the said minor children may be enrolled as citizens of the Creek Nation, and declared to be entitled to all of the rights and immunities of Creek citizens.

Laton McIntosh
Wm. E. Esbeck
Attys for Petitioner.

United States of America,
Western Judicial District
of Indian Territory.

Laton McIntosh of said District, being duly sworn, upon his oath says, that he is the petitioner in the foregoing petition by him subscribed, that he has heard the said petition read, and knows the contents thereof, and that the statements therein contained are true.

Laton McIntosh
Subscribed and sworn to before me, this 10th day of Feb., 1906.

My commission expires, - *August 16, 1908* *Jay Hammons*
Notary Public.

UNITED STATES OF AMERICA,..... DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the Application of Eaton McIntosh, Alias Frank P. Hayes
Indian Territory, Western District, ss

Lucy Gentry, being duly sworn, says that she is about sixty-five years of age, and is now a resident of Muskogee, Indian Territory, that she is a Creek Indian by blood, and has spent her whole life in the Creek Nation. That she is well acquainted with the petitioner, Eaton McIntosh, and has known him ever since he was a boy, when he lived with his mother, and since the Civil War she has known him more continuously. That his true name is Eaton McIntosh, although he has also been known in recent years by the name of Frank P. Hayes. That she was also well acquainted with the mother of said petitioner, whose name was Hagar McIntosh, though she was sometimes called Rena, and sometimes Hannah McIntosh. That the said Hagar McIntosh was a slave, belonging to the McIntosh family of Creek Indians, and lived with them in the Creek Nation, and died, and is buried at Okmulgee, Indian Territory.

That affiant also well knew the father of the petitioner, who was named Paddy Carr, and he was a Creek Indian by blood, and lived and died in the Creek Nation.

That affiant was present to be examined as a witness to the above facts before the Dawes Commission, but was not examined. The exact date is not remembered, but it was in the summer of 1902.

Witness to mark
Sophia Lewis

Subscribed and sworn to before me this 10 day of July, 1904

Lucy Gentry
- Ed. P. Hayes

Notary Public.

My commission expires Jan 31, 1904

UNITED STATES OF AMERICA, DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the Matter of the Application of Laton McIntosh, Alias Frank P. Hayes
Indian Territory, Western District, ss

James Cobb, being duly sworn, says, that he is sixty-eight years old, and lives one mile west of Muskogee, Indian Territory, which is his postoffice address. That in 1865 or 1866, affiant was living at Waco, Texas, when he first met the petitioner, who came there from Indian Territory, and who was then a young man about twenty years old. That he was then known only by the name of Laton McIntosh. That after remaining in or near Waco for a short time, the petitioner left there and told affiant before leaving that he was going back to his home in the Creek Nation, Indian Territory. That petitioner was in Waco only a short time, and always claimed to be a citizen of the Creek Nation of Indians. That affiant did not see petitioner again until about fifteen years afterwards, and petitioner was then called by the name of Hayes. When affiant asked petitioner why he was called "Hayes," he replied that he had assumed that name because of some trouble. That affiant did not see petitioner again until the spring of 1898, when affiant moved to Muskogee, Indian Territory, and he met petitioner on the street and recognized him, and has seen him frequently ever since, and knows that his true name is Laton McIntosh.

James H. Cobb

Subscribed and sworn to before me this 17 day of January, 1906.

W. H. Patterson

Notary Public.

My commission expires May 29, 1907

UNITED STATES OF AMERICA, DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the Application of Laton McIntosh alias Frank P. Hayes
for Enrollment as a Creek Citizen.

Indian Territory, Western District, ss.

Wiley Suckey, being duly sworn, says, that he is about seventy five years of age, that his postoffice address is Waynes, Indian Territory, that he has lived in the Creek Nation, Indian Territory, all of his life, except when he was temporarily absent therefrom, that he is a Creek citizen by blood, and that for many years he was a member of the Creek Council. That affiant is well acquainted with the petitioner herein, and has known him all his life, and he personally knows that petitioner's true name is Laton McIntosh, although for some years he has been called by the name of Frank P. Hayes. That affiant was well acquainted with the father of the petitioner, Paddy Carr. That said Carr was a Creek Indian by blood, and lived and died in the Creek Nation, and his name was on the Creek Tribal rolls. That Affiant also knew the mother of petitioner, whose name was Hagar McIntosh, sometimes called Rena McIntosh, and sometimes Hannah McIntosh. That said Hagar was a slave of the McIntosh Family of Creek Indians, and was brought by them to the Indian Territory from Alabama in 1832 or 1833. That she lived all the rest of her life in the Creek Nation, except when temporarily absent therefrom, and that she died in said Nation about the year 1891 and was buried at Okmulgee.

*Witnesses to mark
J. M. Stout
M. O. Banowetz*

*Wiley Suckey his
mark*

Subscribed and sworn to before me this 11th day of January, A. D. 1907.

[Signature]
Notary Public.

My commission expires

31 75 1907

UNITED STATES OF AMERICA,.....DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the Matter of the Application of Laton McIntosh, Alias Frank P. Hayes,
Indian Territory, Western District, vs.

Emanuel Hawkins, being duly sworn, says that he is fifty-two years old, a Creek Citizen, and is a resident of the Creek Nation and has resided therein all his life, and his postoffice address is Muskogee Indian Territory.

That affiant knew the petitioner by the name of Laton McIntosh when he was a boy, and has known him ever since by that name. That said petitioner is a Creek Citizen, and all of his life, he has had his home in the Creek Nation, but at times he has been absent from the Creek Nation temporarily. That affiant knew the mother of said Laton McIntosh the petitioner, and that her name was Hagar, sometimes called "Fenn" and sometimes "Hannah" McIntosh. That she was a slave, belonging to the McIntosh family of Creek Indians, and she lived and died with the Creek Indians of the Creek Nation in Indian Territory, and was buried at Okmulgee.

Affiant also knew Paddy Carr, who was the father of said Laton McIntosh, the petitioner herein, and that said Carr was a Creek Indian by blood, and lived and died in the Creek Nation, Indian Territory, and was buried at Muskogee, Indian Territory.

That affiant has lived in the Creek Nation all his life, and was well acquainted with the petitioner herein and his parents, as above stated, and knows that petitioner's true name is Laton McIntosh, and not Frank P. Hayes, although affiant does know that for some years, petitioner has been known by the name of Frank P. Hayes.

Affiant further states that in the summer of 1902, affiant was present at a hearing before the Dawes Commission, of the application of the petitioner herein, for enrollment as a citizen of the Creek Nation, together with other witnesses, to wit: L. Gentry, Pickett Rickett, Phillip R. Conner, and Susan Drow, which witnesses were there for the purpose of testifying to the identity of the petitioner with Laton

McIntosh. That at the said hearing the petitioner was the only witness examined, and at the close of his testimony, he was informed in the presence of the said Commission by Mr. A. P. McKellop, who was then the Attorney for the Creek Nation, and who personally examined the petitioner, that it was not necessary to examine any other witnesses, for the reason, as then stated by said attorney, that petitioner's right to enroll as a citizen of said Nation, were already sufficiently established.

Witnesses to Mark:

G. A. Robertson

Emanuel Hawkins

Subscribed and sworn to before me this 17 day of March, 1906

S. M. Osborn

Notary Public.

My commission expires Sept. 30, 1908.

UNITED STATES OF AMERICA,

DEPARTMENT OF THE INTERIOR.

In the Matter of the Application)
of Laton McIntosh, alias Frank P.)
Mayer, for enrollment as a Creek)
Citizen.)

United States of America,
Western District of the
Indian Territory.

Gabriel Jamison being duly sworn, says: That he is about 66 years of age, and his post office address is Verdick, Indian Territory; that he has resided in the Creek Nation all of his life; that he is a Creek Freedman Citizen, and is now a member of the National Council of the Creek Nation, being Town King for the Arkansas colored town, which position he has occupied for the past twenty-four years.

That as Town King as aforesaid affiant has had control of and access to the records of the members of the said Arkansas Colored Town, and affiant personally knows that the name of Laton McIntosh is on the said rolls of said Town; and affiant further states that he personally knows that the petitioner herein is the same Laton McIntosh whose name appears on said Arkansas Colored Town Rolls; that he also knows that the petitioner has been known by the name of Frank P. Mayer, but affiant knows that his true name is Laton McIntosh.

Affiant further states that he knows these facts to be true, because at several times during the past twenty-four years the question has been debated whether or not the name of said Laton McIntosh should be stricken from said Arkansas Town Rolls, and whether or not he was living, and it was always shown that the said Laton McIntosh was living, and affiant personally knows that he is the same person as the petitioner herein, and that he has also at times been known by the name of Frank P. Mayer, but affiant knows that his true name is Laton McIntosh.

Subscribed and sworn to before me,
this January 2, 1900.

G. W. Harrison
Notary Public

UNITED STATES OF AMERICA..... DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Indian Territory, Western District, ss.

In the Matter of Application of Laton McIntosh alias Frank P. Hayes for Enrollment as a Creek Citizen.

A. J. Wallace, being duly sworn, says, that he is sixty years of age and now lives at Muskogee, Indian Territory. That he is well acquainted with petitioner, Laton McIntosh, and that he first knew said petitioner about the year 1865; saw him first in Waco, Texas, where he was for a short time. He was then about twenty or twenty-five years old, and was always known then as Laton McIntosh. That said petitioner left Waco, telling affiant that he was going back home to the Creek Nation of the Indian Territory.

That affiant next saw the petitioner about 1890 or 1891, and affiant spoke to him calling him "Laton McIntosh," when he told affiant to call him "Hayes," as he had assumed that name.

That affiant next met petitioner in Muskogee, Indian Territory, in 1900, and has known him well ever since, seeing him often. He has been called by both names, Laton McIntosh and Frank P. Hayes, but his true name is Laton McIntosh.

A. J. Wallace

Subscribed and sworn to before me this 26 day of January, 1906

Ed. Jefferson

Notary Public.

My commission expires Jan 31, 1909.

UNITED STATES OF AMERICA,..... DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES!

In the Matter of the Application of Laton McIntosh, Alias Frank P. Mayer
Indian Territory, Eastern District, ss.

Ed. London, being duly sworn, says, that he is about seventy-nine years of age, that his ~~present~~ address is Muskogee, Indian Territory, that he was a slave of the Creek Indians, and has been a resident of the Indian territory all his life. That he is well acquainted with the petitioner herein, and knows that his true name is Laton McIntosh, though in recent years he has also been known by the name of Frank P. Mayer. That affiant has known petitioner ever since he was a child, and at that time, and since then he was with the Creek Indians in the Creek Nation, living with his mother there, and he has lived in the Creek Nation all of his life, except when he was temporarily absent. That affiant also well knew the mother of said petitioner, whose name was Hagar McIntosh, sometimes called Hannah, and sometimes Rena McIntosh. That she belonged as a slave to the McIntosh family of Creek Indians, and lived with them in the Creek Nation and died there, and is buried at Okmulgee, Indian Territory. That affiant also well knew the father of petitioner, whose name was Paddy Carr, and he was a Creek Indian by blood, and lived and died in the Creek Nation of Indian Territory. That the parentage of petitioner as above stated was generally well known in the Creek Nation, and affiant states above facts from his definite positive recollection and from his personal knowledge of the petitioner and his parents. That affiant also has understood for a number of years that said Laton McIntosh assumed the name of Frank P. Mayer on account of some trouble which he had in Texas.

Witness my hand and seal at Muskogee, Indian Territory, this 18 day of January, 1906

My commission expires Sept 30, 1908

COPY

Creek Enrollment
Case No. 229.

Muskogee, Indian Territory, December 2, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the memorandum had in the matter of the application of Frank P. Mayes, Sr., for the enrollment of himself and his three minor children, Lillie, Willie and Frank P. Mayes, Jr., as citizens of the Creek Nation, including the decision of the Commission, dated December 1, 1902, denying said application.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

OCH-133.

COPY

Creek Enrollment
Case No. 229.

Muskogee, Indian Territory, December 2, 1902.

Frank P. Mayes, Sr.,
Dallas, Texas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your three minor children, Lillie, Willie and Frank P. Mayes, Jr., as citizens of the Creek Nation. The decision, with a copy of the proceedings had in the matter, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is advised of the same.

Respectfully,

Acting Chairman.

Registered.

OCH-130.

COPI

Creek Enrollment
Case No. 229.

Muskogee, Indian Territory, December 2, 1902.

A. S. Hobbs, Esq.,

Attorney for Frank P. Hayes, Sr., et al.,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Frank P. Hayes, Sr., for the enrollment of himself and his three minor children, Lillie, Willie and Frank P. Hayes, Jr., as citizens of the Creek Nation. The decision, with a copy of the proceedings, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is advised of the same.

Respectfully,

Acting Chairman.

OCH-131.

COPY

Creek Enrollment
Case No. 229.

Muskogee, Indian Territory, December 2, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Frank P. Mayes, Sr., for the enrollment of himself and his three minor children, Lillie, Willie and Frank P. Mayes, Jr., as citizens of the Creek Nation. The decision, with a copy of the proceedings, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is advised of the same.

Respectfully,

Acting Chairman.

OCH-132.

C o p y.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

HAF.

ITD.7689-1902.

January 3, 1903.

LRS.

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

Gentlemen:

December 2, 1902, you transmitted the papers in the matter of the application for enrollment of Frank P. Mayes and his minor children, Lillie, Willie and Frank P. Mayes, Jr., as citizens by blood of the Creek Nation.

The evidence shows that applicants are residents of Texas, and that they are not full blood Creek Indians; that they have never been enrolled or admitted to citizenship in the Creek Nation. December 1, 1902, you found that applicants are not Creek citizens, and pursuant to the act of May 31, 1900 (31 Stat., 221), that the Commission should not receive, consider or make any record of this application.

Forwarding the papers December 12, 1902, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

"(Copy)"

Refer in reply to
the following:

Land
7E197--1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

WASHINGTON, Dec. 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated December 2, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding for the Department's consideration the record relative to the application of Frank Mayes Sr. for the enrollment of himself and his three minor children, Lillie, Willie and Frank P. Mayes Jr., as citizens of the Creek Nation.

December 1, 1902, the Commission held that the applicants were not entitled to enrollment.

The record in this case shows that these applicants are residents of the State of Texas; that they are not full blood Creek Indians; that they have never been admitted to citizenship by the tribal authorities, the Commission, or the United States Court; and that their names do not appear upon any of the Creek rolls in the possession of the Commission.

Under the provisions of the act of May 31, 1900 (31 Stats., 221), they are not entitled to enrollment, and it is recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

W. A. Jones,
Commissioner.

G.A.W.(S)

COPY

Creek No. 229.

Muskogee, Indian Territory, January 13, 1903.

Frank P. Mayes,
Dallas, Texas.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of January 3, 1903, affirmed the decision of the Commission, dated December 1, 1902, denying the application made by you for the enrollment of yourself and your three minor children, Lillie, Willie and Frank P. Mayes, Jr., as citizens of the Creek Nation.

Respectfully,

Acting Chairman.

Registered.

Copy

JH

Creek No. 289.

Muskogee, Indian Territory, January 13, 1903.

A. B. McRea, Esq.,

Attorney for Frank P. Mayes, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of January 3, 1903, affirmed the decision of the Commission, dated December 1, 1902, denying the application made by Frank P. Mayes for the enrollment of himself and his three minor children, Lillie, Willie and Frank P. Mayes, Jr., as citizens of the Creek Nation.

Respectfully,

Acting Chairman.

COPY

2018

Creek No. 229.

Muskogee, Indian Territory, January 13, 1903.

Hon. P. Porter,

Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of January 3, 1903, affirmed the decision of the Commission, dated December 1, 1902, denying the application made by Frank P. Mayes for the enrollment of himself and his three minor children, Lillie, Willie and Frank P. Mayes, Jr., as citizens of the Creek Nation.

Respectfully,

Acting Chairman.

J.H.

In. 229-275-276.

Muskogee, Indian Territory, April 21, 1904.

F. P. Hayes,
Box #332,
Muskogee, Indian Territory.

Dear Sir:

Your letter to the Secretary of the Interior, of April 10, has been referred to this office for consideration and appropriate action. It is stated that August 6, 1902, you went before the Dawes Commission and proved the rights of yourself and your seven children, Jeff, George, Oliver, Lillie, William and F. B. Hayes, as Indians by blood; that the Commission recognized you as a citizen but failed to give you your right as such.

In reply you are advised that the records of the Commission show that on August 6, 1902, you made application for the enrollment of yourself and your three minor children, Lillie, Willie and Frank P. Jr., as citizens by blood of the Creek Nation; that your application was denied by the Commission December 1, 1902, and that the decision of the Commission was affirmed by the Secretary of the Interior January 3, 1903.

Oliver W. Hayes made application for enrollment as a citizen of the Creek Nation October 15, 1902. His application was denied by the Commission December 19, 1902, and the decision affirmed by

Y.P.M.---2

the Secretary of the Interior March 30, 1903.

October 15, 1902, George A. Mayes made application for enrollment as a citizen of said nation. His application was denied November 25, 1902, and affirmed by the Secretary of the Interior December 26, 1902.

October 15, 1902, Jefferson A. Mayes made application for the enrollment of himself and his minor child, Jefferson Augustine, which was denied November 25, 1902, and the decision of the Commission affirmed by the Secretary of the Interior December 26, 1902.

The principal applicant in each case was duly advised by registered mail of the action taken.

It is clear from the foregoing that you are in error in the statement that you were recognized by the Commission as a citizen. The cases have been adjudicated on the evidence submitted, and are now closed.

Respectfully,

Chairman.

Muskogee, Indian Territory, November 14, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

October 18, 1904, the Department referred to the Commission for consideration and appropriate action the motion of Laton McIntosh, alias Frank P. Hayes, to reopen the matter of the application for the enrollment of said Frank P. Hayes as a citizen by blood of the Creek Nation. Said motion appears to have been duly served upon the Attorney for the Creek Nation.

The applicant assigns six reasons why the motion should be granted; it is only necessary to refer to the fourth, fifth and sixth assignments. In the fourth assignment it is stated that the applicant was denied the right to introduce the testimony of witnesses in support of his application.

Frank P. Hayes made application for the enrollment of himself and his three minor children as citizens by blood of the Creek Nation August 6, 1904; applicant was present in person and by attorney, as shown by the record in the case; it does not appear that the applicant requested permission to introduce any further evidence, and on the contrary, it is shown that at the close of the testimony offered he was interrogated as to whether he desired to make any further statement, to which he replied that he did not. The case was held open from

Secretary--2

August 5, to December 1, 1902, and the decision was rendered on the latter date. If the applicant desired to introduce additional evidence he had ample time within which to do so.

In the fifth assignment the applicant states that he "can prove by the following named witnesses who are recognized citizens of the Creek Nation, viz: William McIntosh, Ed London, Dick Grayson, Lucy Gentry and Emanuel Hawkins that his correct name is Laton McIntosh and that he is the son of Ragar McIntosh (alias Hanna, Rena, alias Annie)".

The applicant stated in his testimony of August 6, 1902, that his name was Frank P. Hayes and nowhere in his testimony does it appear that he claimed he was known by any other name.

The sixth assignment sets up that "plaintiff's name as also his mother Ragar appears upon the tribal rolls of the Creek Nation".

On the 1890 authenticated tribal roll of the Creek Nation, page 25, Arkansas Town, are found the names of Adam McIntosh, Nellie McIntosh and Laton McIntosh, and said names include all of that family as appears on said roll; the 1890 roll is a pay roll. Upon referring to the testimony of the applicant of August 6, 1902, it will be found that questions were propounded and answers given as follows:

"Q Have you and your said three minor children ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation?"

"A No sir.

"Q Does your name and the names of your said three minor children appear upon the tribal rolls of the Creek Nation? A No sir.

"Q Did you ever draw any money for yourself and your minor children from the Creek Nation? A No sir.

"Q Did you ever belong to any town in the Creek Nation? A No sir.

"Q Did your children ever belong to any town in the Creek Nation?"

"A No sir."

Secretary---J

The roll upon which the name of Laton McIntosh is found is that of a Freedman town, and it will be observed that the applicant claims the right to enrollment by virtue of Creek blood.

In view of the testimony and the facts in the case, it is respectfully recommended that the motion be overruled.

The motion is herewith inclosed for Departmental consideration.

Respectfully,

Chairman.

Through the Commissioner
Of Indian Affairs.

HGH-2-11-9

I.T.D. 12014-1904,

DEPARTMENT OF THE INTERIOR,

Washington, December 15, 1904.

WCP

FHE

LRS

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

Gentlemen:

November 14, 1904, you transmitted a petition, signed by Laton McIntosh, requesting a rehearing in the Creek enrollment case of Frank P. Mayes, et al., in which case your decision rejecting the application was approved by the Department January 3, 1903.

The petition states, among other things, that the applicants were denied the right to introduce the testimony of witnesses in support of their application. It is also claimed that the petitioner, Laton McIntosh, is identical with the principal applicant in the case, Frank P. Mayes; that he is the son of Hagar McIntosh, and that his and his mother's names appear upon the tribal rolls of the Creek Nation.

It appears from your report of November 14, 1904, that opportunity was given the applicant Frank P. Mayes to introduce further testimony in his behalf, before a decision was rendered in the case by your Commission.

Said petition fails to show that the testimony which it is desired to procure could not by due diligence have been obtained at the original hearing in the case; neither is it explained why, if the petitioner Laton McIntosh is identical with the principal applicant in the case, Frank P. Mayes, the application was made for his enrollment under the name of Frank P. Mayes. The motion is therefore denied and you will so notify the applicants.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

J. G. G.

No. 209

Muskogee, Indian Territory, December 25, 1904.

Laton McIntosh, Alias Frank P. Mayes,
Muskogee, Indian Territory.

Dear Sir:

You are advised that on December 15, 1904, the Acting Secretary of the Interior denied the motion for a re-hearing in the matter of the application for the enrollment of Frank P. Mayes as a citizen of the Creek Nation.

Respectfully,

Chairman.

J.H.B.
No. 229.

Muskogee, Indian Territory, December 26, 1904.

W. G. Robertson,

Attorney for Laton McIntosh,

Muskogee, Indian Territory.

Dear Sir:

You are advised that on December 15, 1904, the Acting Secretary of the Interior denied the motion for a rehearing in the matter of the application for the enrollment of Frank P. Mayes, as a citizen of the Creek Nation.

Respectfully,

Chairman.

J. H. D.

No. 239.

Muskogee, Indian Territory, December 28, 1904.

A. B. McRae,

Attorney for Leon McIntosh, alias Frank P. Hayes,
Muskogee, Indian Territory.

Dear Sir:

You are advised that on December 15, 1904, the Acting Secretary of the Interior denied the motion for a rehearing in the matter of the application for the enrollment of Frank P. Hayes, as a citizen of the Creek Nation.

Respectfully,

Chairman.

(COPY).

DEPARTMENT OF THE INTERIOR,

W.C.F.

WASHINGTON.

FHE.

I.T.D. 1673-1904,
LRS.

February 27, 1905.

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

Gentlemen:

The Department is in receipt of a letter signed by Laton McIntosh, in the matter of his application for enrollment as a citizen of the Creek Nation.

On December 15, 1904, the Department denied a motion for rehearing in the Creek enrollment case of Frank P. Mayes, et al., in which case the Department approved your decision on January 3, 1903. In said motion it was claimed that Laton McIntosh is identical with the said Frank P. Mayes.

The request filed by Mr. McIntosh does not show sufficient reasons to justify the Department in reopening the case; the same is therefore denied.

It is desired that you notify the applicant that motions for rehearings in such cases must be made under oath, and must show that the evidence which it is desired to procure could not by due diligence have been obtained at the original hearing; that the motion should be accompanied by the affidavits of the witnesses whose testimony it is desired to procure,

setting forth the facts to which they will testify, and their means of obtaining the knowledge of such facts; also that the motion and the affidavits should show service upon the attorneys for the Creek Nation.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

Muskogee, Indian Territory, March 8, 1905.

Laton McIntosh (alias F. P. Hayes),
Box #332,

Muskogee, Indian Territory.

Dear Sir:

The Commission is in receipt of a letter from the Secretary of the Interior, as follows:

"The Department is in receipt of a letter signed by Laton McIntosh, in the matter of his application for enrollment as a citizen of the Creek Nation.

On December 15, 1904, the Department denied a motion for rehearing in the Creek enrollment case of Frank P. Hayes, et al., in which case the Department approved your decision on January 3, 1903. In said motion it was claimed that Laton McIntosh is identical with the said Frank P. Hayes.

The request filed by Mr. McIntosh does not show sufficient reasons to justify the Department in reopening the case; the same is therefore denied." The Commission is requested to notify you as to the procedure in making motions to reopen applications for enrollment as citizens of the Creek Nation.

In compliance with Departmental request, you are hereby notified that motions for rehearsings in such cases must be made under oath, and must show that the evidence which it is desired to

1. [Illegible]

It is requested that the witnesses be sworn at the
[Illegible] hearing, that the nation be duly accompanied by the
affidavit of the witnesses whose testimony it is desired to procure
setting forth the facts to which they will testify, and their
means of obtaining the knowledge of such facts, also that the
nation and [Illegible] should also serve upon the attorneys
for the Greek Nation.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, June 5, 1905.

The Honorable

The Secretary of the Interior.

Sir:

June 1, 1905, Laton McIntosh (alias Frank P. Mayes) filed with the Commission for transmission to the Department a motion for a re-hearing in the matter of the application for the enrollment of himself and his minor children, Lillie Mayes, Willie Mayes and Frank P. Mayes, Jr., as citizens by blood of the Creek Nation. The petitioner states in said motion that he now has two grandchildren named, respectively, Minnie May Mayes, aged two years, and Oliver Victoria Mayes, aged eighteen months, and prays that he may be allowed to prove their rights to citizenship in the Creek Nation in connection with his own case.

The grounds upon which this motion for a re-hearing is based are substantially the same as those set forth in a similar motion in this case, which was denied by the Department December 14, 1904. The attention of the Department is respectfully directed to the Commission's letter of November 14, 1904, reporting on said former motion, and to the letter of the Department of December 15, 1904 (I.T.D.12014-1904), denying same.

From an examination of the records of the Commission it does not appear that any application has been made for the enrollment of said Minnie May Hayes and Oliver Victoria Hayes other than that contained in the motion herewith transmitted for a re-hearing in the case of Frank P. Hayes, et al.

In view of the testimony and the facts in the case it is respectfully recommended that the motion be overruled.

The motion is herewith enclosed for Departmental consideration.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

EMP-6-1-1.

I.T.D. 7142-1905.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, July 18, 1905.

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

Sir:

The Department has considered a motion for rehearing in the Creek enrollment case of Layton McIntosh (alias Frank P. Hayes) et al., which motion was transmitted with the letter of the Commission to the Five Civilized Tribes of June 6, 1905, recommending that same be overruled.

The decision of the Commission rejecting the applicants was approved by the Department January 3, 1903. Subsequently a motion for review was filed and on December 15, 1904, the Department denied said motion for the reason that it failed to show that the testimony which it was desired to procure could not by due diligence have been obtained at the original hearing of the case.

Said motion was signed by Layton McIntosh, and it appears that the original application for enrollment was made by Frank P. Hayes; but the motion failed to show that the said Layton McIntosh was identical with the original applicant. The motion now submitted is accompanied by the affidavits of certain witnesses whose testimony the applicants desire to procure, stating that said Layton McIntosh, is a son of Hager McIntosh, who was the slave of a Creek citizen, and that he had always lived in the Creek Nation. Neither the motion nor the affidavits have been served upon the attorney for the Creek Nation.

The motion and the affidavits ~~x~~ submitted do not show that the evidence could not have been procured by due diligence at the original hearing. The record shows that at the original hearing the applicant was represented by an attorney; it also shows that at the conclusion of said hearing the applicant was asked if there was any other statement he desired to make at that time with reference to his application, to which he answered in the negative. It also appears that the case was held up from August 6, 1902, to December 1, 1902, and that the applicant had ample time within which to submit further testimony.

At the original hearing the applicant testified that he was a resident of the State of Texas; that he had lived in Texas for 29 years; that before going to Texas he lived in Louisiana; that he never made the Creek Nation his home. It is hardly likely that he was mistaken as to his place of residence at that time, and even if it were shown that the testimony of the witnesses, ~~and the affidavits submitted~~ whose affidavits are submitted could not have been procured at the original hearing, their statements, when considered in connection with the record, would not be sufficient to justify the Department in reopening the case. The motion is denied and you will so notify the applicants.

Respectfully,

(Signed) F.L. Campbell,

Acting Secretary.

Muskogee, Indian Territory, July 19, 1905.

E. N. Cobb,

s/o E. L. Nett,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of July 12, 1905, denied the motion for rehearing in the matter of the application for the enrollment of Laton McIntosh, (alias Frank F. Hayes,) et al., as citizens of the Creek Nation.

Respectfully,

Commissioner.

Ex. 200.

Muskogee, Indian Territory, July 19, 1906.

Laten McIntosh (Alias Frank P. Hayes),
Box #388,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of July 12, 1906, denied the motion for rehearing in the matter of the application for the enrollment of yourself and your minor children, Lillie, Willie and Frank P. Hayes, Jr., as citizens of the Creek Nation.

Respectfully,

Commissioner.

Cr. No. 229.

Muskogee, Indian Territory, February 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

February 15, 1906, Laton McIntosh filed with this office for transmission to the Department, petition for a re-hearing in the matter of the application for the enrollment of himself, his minor children, Lillie, Willie and Frank Mayes, and his three grand children, J. A. Jr., Minnie May and Olivia Victoria Mayes, as Greek citizens.

The grounds upon which this petition are based are substantially the same as those set forth in a similar motion in this case, which was denied by the Department December 14, 1904. The attention of the Department is respectfully directed to the letter of the Commission of November 14, 1904, reporting on said former motion and to the letter of the Department of December 15,

1904 (I.T.A. 1884-1885), (copying same).

In view of the conditions and the facts in the case,
it is respectfully recommended that the petition be overruled.

The petition is herewith inclosed for Departmental
consideration.

Respectfully,

Acting Commissioner.

Through the
Commissioner of Indian Affairs.

18-3

Or. En. 289.

Muskogee, Indian Territory, March 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

February 15, 1906, Laton McIntosh filed with this office for transmission to the Department, petition for a rehearing in the matter of the application for the enrollment of himself, his minor children, Lillie, Willie and Frank Hayes, and his three grand children, J. A. Jr., Minnie May and Oliver Victoria Hayes, as Creek citizens.

The grounds upon which this petition is based are substantially the same as those set forth in a similar motion in this case, which was denied by the Department December 14, 1904. The attention of the Department is respectfully directed to the letter of the Commission of November 14, 1904, reporting on said former motion and to the letter of the Department of December 15, 1904, (I.T.D. 12014-1904), denying same.

Secretary &

In view of the urgency and the facts of the case,
it is respectfully recommended that the petition be granted.
The petition is herewith enclosed for Departmental
consideration.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner.

G.R.

DEPARTMENT OF THE INTERIOR, PHE.
WASHINGTON.

I.T.D. 5714-1906.

April 14, 1906.

LRS

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

Sir:

For use on a motion for rehearing in the matter of the application of Layton McIntosh, alias Frank P. Mayes, et al., for enrollment as Creek citizens, you are requested to forward to Gabriel Jamison, of Verdack, Indian Territory, the inclosed affidavit, and ascertain from him whether, on January 9, 1906, he appeared before E. W. Grissom, a notary public, with the intention of executing the same, and if so, request him to reappear before said notary and sign the same after his reacknowledgment, and return the same immediately through your office to the Department.

Respectfully,

(Signed) Thos. Ryan.
First Assistant Secretary

1 inclosure.

Through the Commissioner
of Indian Affairs.

Gr.No.227.

Muskogee, Indian Territory, April 23, 1906.

Gabriel Jamison,

Verdick, Indian Territory.

Dear Sir:

This office is in receipt of communication, under date of April 14, 1906, from the Secretary of the Interior, inclosing an affidavit filed with and made part of a motion for rehearing in the matter of the application for the enrollment of Layton McIntosh, alias Frank P. Mayes, et al., as Greek citizens, said affidavit bearing the official jurat and seal of E. W. Grisson, notary public, but the signature of affiant named therein is not attached. Said affidavit is inclosed herewith and you are requested to advise this office whether on January 9, 1906, you appeared before said E. W. Grisson, notary public, with the intention of executing the same, and if so, you are advised that you should again go before said

6.7.8

notary public and sign said affidavit after the acknowledgment of the notary.

You are requested to give this matter your immediate attention.

Respectfully,

Acting Commissioner.

Gr.En.239.

Muskogee, Indian Territory, April 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter of April 14, 1906 (I.T.D.5714-1906) requesting information as to whether the name of Nagar McIntosh, sometimes called Rena and sometimes Hannah McIntosh, also the names of Paddy Garry and Ghilly McIntosh, appear upon any of the Greek tribal rolls in the possession of this office, said information being requested for use in connection with a motion for rehearing in the matter of the application of Layton McIntosh, alias Frank P. Hayes, et al., for enrollment as Greek citizens.

In reply I have the honor to advise that on the roll of Greek freedmen made by J. W. Dunn prior to

Secretary 2.

March 14, 1867, opposite family No. 14, appears the name of Hagar McIntosh as the head of a family, the names of the other members of the same family appearing on said roll in the order shown are Rhoda McIntosh, Bettie McIntosh, Nancy McIntosh, Nero McIntosh, Baby McIntosh, Anna McIntosh, Warrior McIntosh, Adam McIntosh and Nellie McIntosh.

You are further advised that the names of Hagar McIntosh and Addie Harrison appear on the 1890 authenticated tribal roll of the Creek Nation, page twenty four, Arkansas town and said names include all of that family as appears on said roll.

You are also advised that after a careful examination of all the tribal rolls of the Creek Nation, this office is unable to find the name of Paddy Carr, the alleged father, or Chilly McIntosh, the alleged grandfather, of Layton McIntosh, alias Frank P. Hayes.

Secretary 3.

listed on any of said rolls.

Respectfully,

Through the
Commissioner of Indian Affairs, Acting Commissioner.

En 229

(Frank P. Mayes et al.)

Law Office

Donovan & Griesel

Muskogee, I.T. May 4, 1906

The Commissioner to the Five Civilized Tribes,

Muskogee, I.T.

Sir:

In reply to your communication of April 23, 1906 (Gr.Rn.227) you are advised that I did on January 9, 1906 appear before F.W.Grissom a Notary Public, with the intention of executing the affidavit enclosed in your letter relative to the right to enrollment of Layton McIntosh, as a citizen of the Creek Nation.

As it was not convenient for me to again go before Mr. Grissom, I have reexecuted the affidavit before the Notary Public, whose jurat is attached thereto.

Respectfully

his
Gabriel Jamison
mark

1 enclosure
Dic

Witness

Irwin Donovan.

Muskogee, Indian Territory, May 8, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter under date of April 14, 1906 (I.T.D.5714-1906), enclosing affidavit for use on a motion for rehearing in the matter of the application of Layton McIntosh, alias Frank P. Mayes, et al. for enrollment as Creek citizens and requesting that this office forward same to Gabriel Jamison of Verdack, Indian Territory, ascertain from him whether on January 9, 1906 he appeared before N. W. Grissom, notary public, with the intention of executing same, and if so, request him to reappear before said notary and sign same under his acknowledgment.

-2-

April 23, 1906, in accordance with Departmental instructions, said affidavit was forwarded to Gabriel Janison and by him was returned to this office with letter of May 4, 1906 in which it is stated that as it was not convenient for him to appear again before Mr. Grison, he requested the affidavit before the notary whose jurat is attached thereto. Said letter and affidavit are enclosed herewith.

Respectfully,

Through the
Commissioner of Indian Affairs.

Acting Commissioner.

AG-1

DEPARTMENT OF THE INTERIOR,

I.T.D.9060-1906.
LRS

Washington, May 25, 1906. LLB

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

Sir:

May 8, 1906, you forwarded for use on a motion for a rehearing in the matter of the application of Layton McIntosh, alias Frank P. Mays, for enrollment as a Creek citizen, an affidavit purporting to have been executed by Gabriel Jamison, before Peter V. Zeigler, Jr., a notary public.

Your attention is invited to departmental letter dated April 14, 1906, returning said affidavit for proper execution, and requesting an immediate report as to whether the name of Hagar McIntosh, sometimes called Rena and sometimes Hannah McIntosh, also whether the name of Paddy Carr, or the name of Chilly McIntosh appear upon any of the Creek tribal rolls in your possession.

An early compliance with said request is again made.

Respectfully,

Jesse E. Wilson
Assistant Secretary

Through the
Commissioner of Indian Affairs.

En 229

Muskogee, Indian Territory, June 2, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter, under date of May 25, 1906 (I.T.D.9060-1906), stating that on May 8, 1906, there was forwarded to the Department from this office for use on a motion for rehearing in the matter of the application of Layton McIntosh alias Frank Mays, for enrollment as a Greek citizen, an affidavit purporting to have been executed by Gabriel Jamison.

The attention of this office is invited to Departmental letter dated April 14, 1906, returning said affidavit for proper execution and requesting an immediate report as to whether the name of Hagar McIntosh, sometimes called Rena and sometimes Hannah McIntosh, also whether the name of Paddy Carr, or the name of Ghilly McIntosh

Secretary 2,

appear upon any of the Greek tribal rolls in the possession
of this office and it is again requested that such report
be furnished.

I have the honor to advise that in reply to
Departmental letter of April 14, 1924, a letter was
addressed to the Department dated April 25, 1924, copy
of which is inclosed herewith.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner.

AG-2-1

GR

DEPARTMENT OF THE INTERIOR,
WASHINGTON. June 22, 1906. LLB
I.T.D. 7689-1902
12014-1904
7142-1905
2585-1906
2847- "

LRS

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

Sir:

March 10, 1906, there was filed with the Department a motion for a rehearing in the matter of the application of Laton McIntosh, alias Frank P. Mayes, for the enrollment of himself and his minor children, Lillie, Willie, and Frank P. Mayes, Jr., as citizens by blood of the Creek Nation, wherein the Department on January 3, 1903 (I.T.D. 7689-1902), affirmed the decision of the Commission to the Five Civilized Tribes of December 1, 1902, denying said application.

December 15, 1904 (I.T.D. 12014), the Department denied a motion for a rehearing in the above case, and again on July 12, 1905 (I.T.D. 7142), the Department denied a motion for a rehearing in the same case.

The Department has carefully considered the allegations made in the several motions for a rehearing in the above case, and finds that Frank P. Mayes in his original application for enrollment made at Muskogee, Ind. T. August 6, 1902, before the Commission to the Five Civilized Tribes, at the time of his application lived at Dallas, Tex., where he had lived 11 years; that prior to his going to Dallas, Tex., he lived at Weatherford, Tex., and that in all he lived in Texas 29 years,

and that prior to his residence in Texas he lived in Louisiana and that in answer to the question "Did you ever live in the Creek Nation?" he answered "No, sir" "I never made it my home." He claimed that his mother, whose name he did not mention,

"was a Creek Indian" and was brought here by the McIntoshs and raised by old lady Susana McIntosh, and was known as the old Creek Indian woman; that his father was a one-third Cherokee Indian, "raised by the Mayes over here in the Cherokee Nation?"

In answer to the question "Does your name and the names of your said three minor children appear upon the tribal rolls of the Cherokee Nation?" he answered "No, sir" :in answer to the question "Did you ever belong to any town in the Creek Nation?" he answered "No, sir."

In his motion for a rehearing Frank P. Mayes claims to be identical with one Laton McIntosh, whose name, according to the report of the Commission to the Five Civilized Tribes dated November 14, 1904, is found on the 1890 authenticated tribal roll of the Creek Nation, page 25, Arkansas town, along with the names of Adam McIntosh and Nellie McIntosh as members of the same family.

Frank P. Mayes sets up the fact in his claim to be identical with Laton McIntosh, that he was born 2 1/2 miles northeast of Muskogee, in the Creek Nation; that his home has always been in the Creek Nation; that he has only been temporarily absent, always with the intent of returning to make the Creek Nation his home; that his mother was Hagar McIntosh, also known as Rena, sometimes as Hannah, whose name appears upon the Dunn roll as the head of a family, opposite No. 14, and as a member of which his name is not mentioned in your

report of April 23, 1906, thereon, but the names of Adam McIntosh and Nellie McIntosh do appear thereon, and according to the Commission's report of November 14, 1904, Laton McIntosh was mentioned on the 1890 authenticated roll of the Creek Nation, page 25, Arkansas town, as a member of the same family of which Adam McIntosh and Nellie McIntosh were members.

Frank P. Mayes, alias Laton McIntosh, further sets up the fact that his mother, Hagar McIntosh, was the negro slave of a McIntosh family of Creek Indians, who brought her to the Creek Nation at the time of the Creek migration from Alabama while she was a mere child; that his mother lived all her life in the Creek Nation except during the war, when she was in Texas with her master, and returned to the Indian Territory in 1867, where she remained the rest of her life, living at Okmulgee, Creek Nation, where she died and was buried in 1891; that his father was Paddy Carr, a full blood Creek citizen; that in 1865 or 1866, while he was in Waco, Tex., he became involved in a difficulty in which a man was killed, in which killing he was accused of being implicated, and in consequence thereof he came to Okmulgee, Ind. T. about 1867, where he assumed the name of Frank P. Mayes in order to conceal his identity. The statements set forth in the motion for rehearing are so contradictory of those made by the applicant in the original record and so conflicting that the Department does not believe that Frank P. Mayes is identical with Laton McIntosh, whose name appears upon the 1890 authenticated Creek tribal roll, and therefore said motion for a rehearing is denied.

You will so advise the attorneys for moving party, Messrs Merritt Eslick and Donovan & Griesel, of Muskogee, Ind. T. of this action.

Respectfully,

Jesse E. Wilson
Assistant Secretary

Muskogee, I.T. Aug.30 1906.

Hon. E.A.Hitchcock,

Sect. of the Interior.

Washington, D.C.

Dear Sir:

I write you this letter in reference to my claim for enrollment as a citizen of the creek nation. The Commission to the five civilized tribes once before considered this matter, but refused to allow my witness to testify on a small technical matter.

Mr. Bixby told me that I would have to consult the Sect. of of the Interior. I wrote the department, and they refused me a reopening. I had all old people for witness who knew me to be Laton McIntosh, going under assumed name of Frank, P. Mayes. I am Laton McIntosh son of Hagar McIntosh, a Creek Freedman. My reasons for going under the name of Frank P. Mayes are as follows:

In the spring of 1866 I became involved in a difficulty in Waco, Texas with some white men. It was claimed at that time that I was killed by those men. Finding that out I went to Canada taking my stepfather's name, and ~~residing~~ residing under such name, and went before the Dawe's Commission under assumed name Frank P. Mayes. They told me to get my witness and come back on the 15th day of August, and they would allow me to present my witness.

Mr. A.P. McKellop said it was all right I waited and didn't rec, any answer, then I was notified it was sent back to the Commissioner for appropriate actions. I have never understood what that appropriate action ment. Said Commissioners have never given

me any chance to prove just who I am. I could prove just who I was, but the refuse to let me and still refuse to do so.

Now I appeal to you. I have the following witness all of whom are either approved- Indians or freedman members of the Creek tribe. Who can absolutely beyond any shadow of doubt establish my identify as Laton McIntosh. Ed London age 70 odd Muskogee, Ester Wilson age 70 odd an aunt of mine Porter, Mike McIntosh step-father, Okmulgee, Gabrill Jimison, Murdock; Dave Roberts, Wilsey Sockey, Muskogee, Muskogee, Wm. Hawkins, Sodon; Lucy Gentry, Muskogee, and others who are willing to testify to my identity as Laton McIntosh. I appeal to you that I be permitted to produce these and other witness in the name of justice that I may establish ^{my} rights. Trusting in you as the friend and Protector of we poor indians and freedmen. I write this letter trusting it will rec, favorable attention at your hands and that my request be granted. On Aug. 20 my attorneys filed another motion for rehearing with the Commissioners at Muskogee This motion has probably been sent to you.

I ask you to hold this letter and consider it in conection with my case.

Yours very truly,

Frank P .Mayes,

Alias Laton McIntosh.

Muskogee, I.T.

Cr. No. 229.

Muskegee, Indian Territory, November 10, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

The Department under date of June 22, 1906 (I.T.D. 2847-1906), denied motion for rehearing filed March 10, 1906, in the matter of the application of Laten McIntosh, alias Frank P. Hayes, for the enrollment of himself and his minor children, Lillie, Willie and Frank P. Hayes, Jr., as citizens by blood of the Creek Nation. The Department in its decision denying said motion, following a general review of the evidence in the case, reached the following conclusion:

"The statements set forth in the motion for rehearing are so contradictory to those made by the applicant in the original record and so conflicting that the Department does not believe that Frank P. Hayes is identical with Laten McIntosh, whose name appears upon the 1890 authenticated Creek tribal roll, and therefore said motion for a rehearing is denied."

There is enclosed herewith for the consideration of the Department, motion for review of said case, together with affidavits and argument in support of the same, filed with this office August 20, 1906. Said motion shows service of copy of

Secretary S.

same upon the attorney for the Creek Nation. There is also enclosed for consideration in connection with said motion

letter from said applicant, dated August 30, 1906, addressed to the Department and referred to this office for report and recommendation.

The statements set forth in said motion as grounds for review are for the most part merely general in character, it being alleged, as the main ground for review, that petitioner is prepared to offer certain evidence to prove statements set out in his former motion.

The statements contained in the affidavits and argument accompanying said motion are in every material respect similar to the statements contained in the previous affidavit and motions filed in this case.

I am of the opinion that nothing contained therein would warrant the reopening of said case, and that the conclusions reached by the Department and hereinbefore set out, in passing upon a previous motion for rehearing, are correct. I would respectfully recommend that said motion for review be denied.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

2 inc.

COPY

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

52824-1906
100213-1906.

November 28, 1906.

The Honorable,
the Secretary of the Interior.

Sir:

Referring to Departmental letter of June 22, 1906, (I.T.D. 7689-1902, 12014-1904, 7142-1905, 2585-1906, 2847-1906), denying the motion for a rehearing in the matter of the application of Laton McIntosh, alias Frank P. Mayes, for the enrollment of himself and three minor children as citizens by blood of the Creek Nation, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated November 10, 1906, enclosing, for Departmental consideration, a motion for review of this case, together with affidavits and argument in support of the same, filed in his office on August 20, 1906. The motion shows service upon the attorney for the Creek Nation.

The record in the case is transmitted herewith.

Very Respectfully,

C. F. Larrabee,
Acting Commissioner.

EVE-EM

DEPARTMENT OF THE INTERIOR,

K.F.M.
PHE

WASHINGTON.

I.T.D. 24150-1906,

IRS.

February 12 - 1907.

Direct.

~~Commissioner to the Five Civilized Tribes,~~

Muskogee, Indian Territory.

Sir:

The motion for rehearing in the Creek enrolment case of Laton McIntosh, alias Frank P. Mayes, et al., received with your letter of November 10, 1906, and Indian Office letter of November 28, 1906, (Land 100213-06) is hereby denied. Even if the motion and accompanying affidavits had ~~been~~ made out a *prima facie* case for investigation, the Department would not be warranted in ordering a rehearing in this matter in view of Section 2 of the Act of April 26, 1906, (34 Stats., 137).

A copy of the Indian Office letter is inclosed. The other papers in the matter and a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

Thos. Ryan.

First Assistant Secretary.

1 inc. and 26 for Ind. Of.

A. F. Mc.
2-13-07.

Case No. 100.

Mustang, Indian Territory, March 8, 1907.

Frank P. Hayes,

Dallas, Texas.

Dear Sir:

You are hereby advised that under date of February 18, 1907, the Department denied motion for review filed with this office August 20, 1906, in the matter of the application for the enrollment of yourself and minor children, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

Cr. No. 229.

Muskogee, Indian Territory, March 5, 1907.

M. L. Nett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of February 12, 1907, denied motion for review filed August 20, 1906, with this office, in the matter of the application for the enrollment of Frank P. Hayes, et al., as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

Gr. No. 229.

Muskogee, Indian Territory, March 5, 1907.

W. J. Sullivan,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of February 12, 1907, denied motion for review filed August 20, 1906 with this office, in the matter of the application for the enrollment of Frank P. Mayes, et al., as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

Muskogee, I. T. Oct. 1-1902

Received of the Commission to
the Five Civilized Tribes one copy
of the testimony in the matter of
the application for the enrollment
of Frank S. Hayes, Jr. et al. as
citizens of the Creek nation

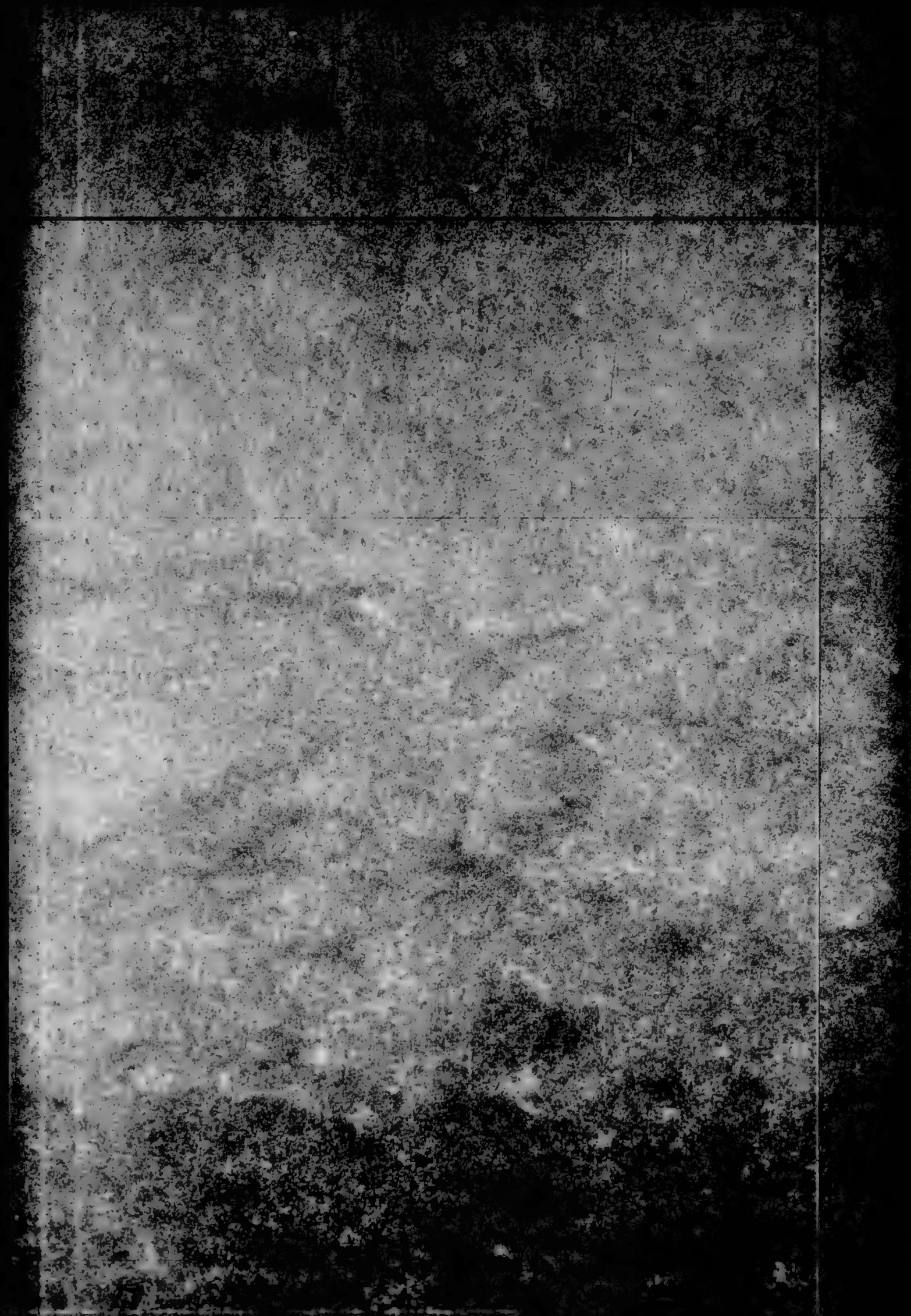
A. S. M. Hall

Attorney for Applicant

Muskogee, 1/3/05.

Recd of the Commission to the
Civilized tribes one copy of the testimony
taken on Aug 6 1902 in the matter of
the application for the enrollment of
Frank W. Mayes et al (1899) as citizens
of the Creek Nation

W. H. Bellman
Atty for Applicant



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Ind.Ter., August 5, 1902.

In the matter of the application of William Penn for the enrollment of his minor child, Mary Penn, deceased, as a citizen, by blood, of the Creek Nation.

William Penn, being first duly sworn, testified as follows, through interpreter, Chilly W. Morgan:

By the Commission:

Q What is your name? A William Penn is my name.

Q What is your age? A It is over thirty, but I could not say how much.

Q What is your post office address? A Wetumka.

Q Are you a citizen of the Creek or Muskogee Nation? A Yes, sir.

Q For whom do you now make application for enrollment as a citizen of the Creek Nation? A Mary Penn.

Q Do you make application for the enrollment of Mary Penn as a citizen by blood, of the Creek Nation? A Yes, sir; I do.

Q Is this the first time you have ever made application for her enrollment? A I did make an application, but it is not got up as I gave it; it was got up wrong, somehow or another, and how it got that way, I don't know.

Q When did you make application? A It was last fall; I have forgotten what month it was.

Q That was in the fall of 1901? A Yes, sir.

Q Are you the father of Mary Penn? A Yes, sir.

Q To what town in the Creek Nation do you belong? A Kialigee town.

Q What is the name of the mother of Mary Penn? A Miley Penn.

Q Is Miley Penn now living? A Yes, sir.

Q Is she your wife? A Yes, sir.

Q To what town in the Creek Nation does she belong? A Kialigee.

The records of the Commission examined and the names of William and Miley Penn, father and mother of Mary Penn, are found to be duly listed for enrollment as citizens of the Creek Nation on Creek Indian Card, Field No. 2106.

Q When was your daughter, Mary Penn, born? A I couldn't tell the year or the month, but it was the time they had this Porter Bill up, and the time the Commissioners were first camped this side of the creek from Okmulgee; it was in May, I think, the best I can tell.

Q Is Mary Penn now living? A No, she is dead.

Q When did she die? A It is about two years now since she died.

Q Have you heretofore filed with the Commission proofs of the birth and death of your daughter, Mary Penn? A Yes, sir.

The files of the Commission examined and proofs, by affidavits, duly executed, of the birth and death of Mary Penn, are found to have been filed with the Commission on August 2, 1902, which affidavits are marked "Exhibits A and B", and annexed and made a part of the record.

Q You have always resided in the Creek Nation? A Yes, sir.

Q Your wife has always resided in the Creek Nation? A Yes, sir.

2 In re application of William Penn for his minor child, Mary Penn.

Q How old was Mary Pen when she died? A Two or three years.

Q Was she born after the land office opened? A It was just a while before the land office was opened.

Q Did you have Mary Penn enrolled by the Commission when they were first at Okmulgee? A No, the child was not enrolled.

Q Did you have a child by the name of Sharpsey Penn? A Yes, sir.

Q Was Sharpsey Penn born before or after the birth of Mary Penn?

A Sharpsey Penn was born first and the next one was Mary Penn.

Q How long after the birth of Sharpsey was Mary born? A It was over a year after the birth of Sharpsey that Mary was born.

Q Does your wife, Miley Penn, belong to Kialigee town? A Yes, sir.

Q You and your wife are both recognized citizens of the Creek Nation? A Yes, sir.

Q Do your names appear upon the tribal rolls of the Creek Nation? A Yes, sir.

The 1890 authenticated roll of the Creek Nation examined and the name of William Penn is found and identified thereon at page 128, Kialigee town.

The 1895 pay roll of the Creek Nation, Kialigee town, examined and the name of William Penn is found and identified thereon at No. 34.

Q What is the Indian name of your wife? A Miley or Tiyene.

The 1890 authenticated roll of the Creek Nation, Kialigee town, examined, and the name of Miley Penn is found and identified thereon as "Tiyene", p.128.

The 1895 pay roll of the Creek Nation, Kialigee town, examined, and the name of Miley Penn is found and identified thereon at No. 35.

Q Is there any other statement you desire to make at this time with reference to the enrollment of your deceased child, Miley Penn? A I have told all I know.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your minor child, Mary Penn, deceased, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Oliver C. Hinkle, being first duly sworn, upon his oath states, as stenographer to the Commission to the Five Civilized Tribes, that he reported all the proceedings had in the above entitled cause on the 5th day of August, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said day.

Oliver C. Hinkle

Subscribed and sworn to before me this 7th day of August, 1902, at Muskogee, Indian Territory.

W. A. Doree
Notary Public.

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 Eufaula, I. T., November 22, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Mary Penn, deceased, as a citizen by blood of the Creek Nation.

BARNEY DEERE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Barney Deere.
 Q How old are you? A Thirty-nine.
 Q What is your post office? A Wetumka.
 Q Are you a citizen of the Creek Nation? A Yes, sir.
 Q What Town do you belong to? A Kialigee.
 Q Did you know a child of William Penn named Mary? A Yes, sir.
 Q She is dead is she? A Yes, sir.
 Q How long has she been dead? A She has been dead nearly three years--liking about two months.
 Q Do you know what year she died in? A That would be 1901 wouldn't it.
 Q What time of the year did she die? A She died in the summer.
 Q What month? A In August.
 Q About what time in August? A I think it was in the latter part of the month.
 Q How old was Mary at the time of her death? A I think the child was about two years old.
 Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
 Q Did Mary die before or after the opening of the Creek Land Office?
 A She died after the opening of the Creek Land Office. People had been going before the Commission and filing upon their allotments quite a while before she died. It was during Porter's first administration.
 Q About how long after the opening of the land office did she die?
 A About two years.
 Q Was the child born before the opening of the land office? A Yes, sir.
 Q About how long before? A She was born a little while before the Commission visited Wetumka for the purpose of enrolling citizens.
 Q Were you present when the child died? A I was not present when the child died but saw her during her last illness, just before she died.
 Q Was this child related to you? A She was the child of my uncle's daughter. Her mother's name is Miley.
 Q Are you positive that the child was born before the opening of the Creek Land Office? A Yes, sir.
 Q Are you also positive that the child died after the opening of the Creek Land Office? A Yes, sir. I know the circumstances of her death, perhaps, better than any one else, not an immediate member of the family. I made the coffin for the child and assisted at its burial. We buried the child on Sunday, in the afternoon.

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 2 day of December, 1904.

D. C. Skaggs
 Notary Public

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

IN RE Application for Enrollment, as a citizen of the Creek Nation,

Mary Penn, born on the 30 day of April, 1877
(Here insert name of child.)

Name of Father: William Penn a citizen of the Creek Nation.

Name of Mother: Miley Penn a citizen of the Creek Nation.

Post-office Watumka, Ok.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Miley Penn, on oath state that I am 40 years of age and a citizen, by Blood, of the Creek Nation; that I am the lawful wife of William Penn, who is a citizen, by Blood, of the Creek Nation; that Female child was born to me on 30th day of April, 1877; that said child has been named Mary Penn, and is now living. Dead

WITNESSES TO MAKE:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 1 day of August, 1902

James A. King
Notary Public
7-1-1906

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Melisey Bird, Midwife, on oath state that I attended on Mrs. Miley Penn, wife of William Penn, on the 30th day of April, 1877; that there was born to her on said date a female child; that said child is now living and has been named Mary Penn.

WITNESSES TO MAKE:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 1 day of August, 1902

Amos King
J.R. Denny

Melisey Bird her mark

WESTERN DISTRICT

the ~~memorandum~~
death of Mary Penn

Exhibit "A."

Filed Aug. 2-1902

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the death of Mary Penn
a citizen of the Creek Nation, who formerly resided at or near
Wetumska Ind. Ter., and died on the 31 day of
August, 1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY,)

Northern DISTRICT)

I, William Penn, on oath state that I am 40
years of age and a citizen, by blood, of the Creek Nation;
that my post office address is Wetumska Ind. Ter.; that I am
the father of Mary Penn,
who was a citizen, by blood, of the Creek Nation,
and that said Mary Penn died on the 31 day of
August, 1900.

Witnesses to Mark:

(Must be two)
witnesses)

William Penn
Wati Thomas
Harper Scott

Subscribed and sworn to before me this 31 day of Mc, 1902

Jefferson T. Leonard
Notary Public.

Com 2/1908

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY,)

Northern DISTRICT.)

I, Dwight, on oath state that I am 20
years of age, and a citizen, by blood, of the Creek Nation;
that my post office address is Wetumska, Ind. Ter.;
that I was personally acquainted with Mary Penn,
who was a citizen, by blood, of the Creek Nation;
and that said Mary Penn died on the 31 day of
August, 1900.

Witnesses to Mark:

(Must be two)
witnesses)

Wesley Borinett
Subscribed and sworn to before me this 31 day of Mc, 1902

Jefferson T. Leonard
Notary Public.

Com 2/1902

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Milochu or Mary
(Here insert name of deceased.)
 a citizen of the Creek Nation, who formerly resided at or near
Netumka, Ind. Ter., and died on the 1 day of August
1900
(Here insert name of post office.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY.
Northern District. }
 I, William Penn, on oath state that I am 31
 years of age and a citizen, by blood, of the Creek Nation;
 that my post office address is Netumka, Ind. Ter.; that I am
father of Milochu or Mary
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by blood, of the Creek Nation;
 and that said Milochu or Mary died on the 1 day of
August, 1900.
(Here insert name of deceased.)

WITNESSES TO MARK:
 (Must be Two Witnesses.) } William Penn his mark
W. H. Angel
Martin Checotah

Subscribed and sworn to before me this 29 day of Nov 1901.
William I Martin
 Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY.
Northern District. }
 I, Miley Penn, on oath state that I am 30
 years of age, and a citizen, by blood, of the Creek Nation;
 that my post office address is Netumka, Ind. Ter.;
 that I was personally acquainted with Milochu or Mary Penn
(Here insert name of deceased.)
 who was a citizen, by blood, of the Creek Nation;
 and that said Milochu or Mary Penn died on the 1 day of
August, 1900.
(Here insert name of deceased.)

WITNESSES TO MARK:
 (Must be Two Witnesses.) } Miley Penn his mark
W. H. Angel
Lona Cummins

Subscribed and sworn to before me this 11th day of December 1901.
William I Martin
 Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek (or Muskogee) Nation, of

Mary Penn in the month of August 1894
(Here insert name of child.)

Name of Father: William Penn, a citizen of the Creek Nation.

Name of Mother: Miley Penn, a citizen of the Creek Nation.

Post-office, Wetumka, Ind. Ter.

AFFIDAVIT OF PARENT.

(To be made if child is now living.)

UNITED STATES OF AMERICA,

INDIAN TERRITORY.

District.

I, _____, on oath state that I am _____

years of age and a citizen, by _____, of the Creek (or Muskogee) Nation;

that I am the _____ of _____
(father or mother.) (Here insert name of child.)

a _____ child who was born on the _____ day of _____, 1 _____
(male or female.)

and that said child is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this _____ day of _____ 190 _____

NOTARY PUBLIC.

AFFIDAVIT OF PARENT.

(To be made if child is deceased.)

UNITED STATES OF AMERICA,

INDIAN TERRITORY.

Northern District.

I, Miley Penn, on oath state that I am 25

years of age and a citizen, by _____, of the Creek (or Muskogee) Nation;

that I am the mother of Mary Penn
(father or mother.) (Here insert name of child.)

a female child who was born on the _____ day of _____, 1894
(male or female.)

and that said child died on the 31 day of May, 1900

WITNESSES TO MARK:

(Must be Two Witnesses.)

W. F. Angel
Charles Casselman

Miley Penn
mother

Subscribed and sworn to before me this 7 day of September 1900

Nathan J. Martin

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

IN RE Application for Enrollment, as a citizen of the Creek Nation,

(Here insert name of child.)
Mary Penn, born on the 25 day of August, 1899

Name of Father: William Penn, a citizen of the Creek Nation.

Name of Mother: Miley Penn, a citizen of the Creek Nation.

Post-office, Wetumka, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Miley Penn, on oath state that I am 25

years of age and a citizen, by blood, of the Creek Nation;

that I am the lawful wife of William Penn, who is a citizen, by

blood, of the Creek Nation; that a female child was

born to me on the 25 day of August, 1899; that said child has been

named Mary Penn, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses) } W. F. Angell
Charles Leachman

Miley Penn
maul

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

William J. Martin
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Lizzie, 70 years of age, on oath state that I

attended on Mrs. Miley Penn, wife of William Penn,

on the 25 day of August, 1899; 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 Mary Penn.

WITNESSES TO MARK

(Must be Two Witnesses) } W. F. Angell
Charles Leachman

Lizzie
maul

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

William J. Martin
NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., November 22, 1904.

En. 230.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Mary Penn, deceased, as a citizen by blood of the Creek Nation.

BARNEY DEERE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Barney Deere.
Q How old are you? A Thirty-nine.
Q What is your post office? A Wetumka.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What Town do you belong to? A Kialigee.
Q Did you know a child of William Penn named Mary? A Yes, sir.
Q She is dead is she? A Yes, sir.
Q How long has she been dead? A She has been dead nearly three years--liking about two months.
Q Do you know what year she died in? A That would be 1901 wouldn't it.
Q What time of the year did she die? A She died in the summer.
Q What month? A In August.
Q About what time in August? A I think it was in the latter part of the month.
Q How old was Mary at the time of her death? A I think the child was about two years old.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Did Mary die before or after the opening of the Creek Land Office? A She died after the opening of the Creek Land Office. People had been going before the Commission and filing upon their allotments quite a while before she died. It was during Porter's first administration.
Q About how long after the opening of the land office did she die? A About two years.
Q Was the child born before the opening of the land office? A Yes, sir.
Q About how long before? A She was born a little while before the Commission visited Wetumka for the purpose of enrolling citizens.
Q Were you present when the child died? A I was not present when the child died but saw her during her last illness, just before she died.
Q Was this child related to you? A She was the child of my uncle's daughter. Her mother's name is Miley.
Q Are you positive that the child was born before the opening of the Creek Land Office? A Yes, sir.
Q Are you also positive that the child died after the opening of the Creek Land Office? A Yes, sir. I know the circumstances of her death, perhaps, better than any one else, not an immediate member of the family. I made the coffin for the child and assisted at its burial. We buried the child on Sunday, in the afternoon.

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 2 day of December, 1904.

D. C. Skaggs
Notary Public.

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

-:0:-

In the matter of the application for the enrollment of Mary Penn, deceased, as a citizen by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on August 5, 1902, William Penn appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Mary Penn, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had November 22, 1904.

The evidence shows that said Mary Penn, deceased, was born prior to July 1, 1900, and died subsequent to that date and that she resided in the Creek Nation all her life.

The evidence further shows that said Mary Penn, deceased, was the minor child of William Penn and Miley Penn, and that said William and Miley Penn are identified on the 1890 authenticated Tribal Roll and the 1895 Pay Roll of the Creek Nation.

It is, therefore, the opinion of the Commission that said Mary Penn, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
MAR 20 1905

C. P. F.

Creek No. 230.

Muskogee, Indian Territory, January 19, 1903.

Hon. P. Porter,
Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that on August 5, 1902, William Penn, whose post office address is given as Wetumka, Indian Territory, appeared before the Commission and made application for the enrollment of his deceased child, Mary Penn, as a citizen of the Creek Nation.

You are further advised that the names of William Penn and Miley Penn, the father and mother of said deceased child, are regularly enrolled on Creek Indian Card, Field No. 2106, and their names are included in partial roll of Creek citizens by blood approved by the Secretary of the Interior, March 28, 1902.

There are on file in this office two death affidavits, one showing that said Mary Penn died August 31, 1900, and the other that she died August 1, 1900. The record in the case is such that the Commission is not satisfied with the proof of death furnished, and desires such evidence relative to her right to enrollment as the Creek Nation may be able to produce.

Respectfully,

Commissioner in Charge.

J.P.

No. 230.

Muskegee, Indian Territory, March 22, 1904.

William Penn,

Wetumka, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your deceased child, Mary Penn, upon examination of the record in the case, it is found that the evidence as to dates of birth and death of said child is conflicting. Further evidence is desired.

You are required to appear before the Commission at its office in Muskegee, Indian Territory, for the purpose of submitting evidence in the case, and if you have any record of the dates of birth and death you are requested to have such record with you.

You are requested to refresh your memory in the matter in order that you may accurately fix the dates.

Respectfully,

Commissioner in Charge.

JH/3

En. 230.

Muskogee, Indian Territory, December 29, 1934.

William Penn,

Wetumka, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 27, in which it is stated that you understand you can now file for your deceased child, Mary Penn, and requesting to be advised in the matter.

You are advised that a decision has not been rendered in the case. When final action is had in the matter you will be duly notified.

Respectfully,

Chairman.

Or No 230

Muskogee, Indian Territory, March 21, 1906.

M. L. Mott,

Attorney for the Creek Nation.

Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Mary Penn (deceased) as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if, at the expiration of that time, no such protest has been made, said Mary Penn (deceased) will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

JYM-21-1.

William Penn,

Stuntz, Indian Territory.

Dear Sir:

You are hereby advised that the name of your minor child, Mary Penn, is contained in the special list of persons approved by the Creek Nation approved by the Secretary of the Interior May 23, 1909, and that application for a selection of land in the Creek Nation may now be made for said Mary Penn at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Commissioner of the Creek Nation

CR EN 231

CR card 4462

CR EN 231

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., August 21, 1902.

In the matter of the application of Sandy Johnson for the enrollment of his deceased son, Unah Johnson, as a citizen, by blood, of the Creek Nation.

Sandy Johnson, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Sandy Johnson.
Q What is your post office address? A Tulsa.
Q What is your age? A About thirty-seven.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q For whom do you now make application for enrollment? A Unah Johnson.
Q Is Unah Johnson now living? A No, sir; he is dead.
Q When did he die? A On the third day of September.
Q In what year? A 1899.
Q When was he born? A On the 5th day of March, 1898.
Q Have you made application for the enrollment of Unah Johnson prior to this time? A Yes, sir.
Q Do you recollect when you made the application? A No, sir; I don't.
Q Was it when you first filed with the Commission a birth affidavit in the matter of his enrollment? A Yes, sir.

The files of the Commission examined and it appears therefrom that a birth affidavit in the matter of the application for the enrollment of Unah Johnson, as a citizen of the Creek Nation, was filed with the Commission on the 9th day of July, 1901, which affidavit is marked "Exhibit A" and attached hereto and made a part of the record in this case.

- Q Have you ever had executed a death affidavit in the matter of the application for the enrollment of your deceased son, Unah Johnson? A Yes, sir.
Q Have you the affidavit with you? A Yes, sir.

The applicant here presents a death affidavit in the matter of the application for the enrollment of Unah Johnson as a citizen of the Creek Nation, which affidavit is marked "Exhibit B", attached and made a part of the record in this case.

- Q Are you the father of Unah Johnson? A Yes, sir.
Q To what town in the Creek Nation do you belong? A Thlewathle.
Q What is the name of the mother of Unah Johnson? A Jinnie Johnson.
Q Is she your wife? A Yes, sir.
Q Is she now living? A Yes, sir; there she sits.
Q To what town in the Creek Nation does she belong? A Lechapoka.
Q Were you and your wife, Jinnie Johnson, both enrolled by the Commission, as citizens of the Creek Nation? A Yes, sir.
Q Have you both filed on your allotments? A Yes, sir.

2 In re application for the enrollment of Unah Johnson.

Q

The records of the Commission examined and the names of Sandy and Jimmie Johnson, the father and mother of Unah Johnson, are found to be enrolled on Creek Indian card, Field No. 2598.

Q Are you and your wife both full-blood Creek Indians?

A Yes, sir.

Q Have you both resided in the Creek Nation all your lives?

A Yes, sir.

Q Are there any other statements that you desire to make at this time with reference to the application for the enrollment of your deceased son, Unah Johnson? A No, sir.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your deceased son, Unah Johnson, as a citizen by blood of the Creek Nation, which will be mailed to you at your present post office address, as given by you in your testimony taken at this time.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings, had on August 11, 1902.

Oliver C. Hinkle

Subscribed and sworn to before me this 12th day of August, 1902, at Muskogee, Indian Territory.

W. J. Borey
Notary Public.

INDEXED

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COMMISSION TO FIVE TRIBES.

No.	Received	ATTESTED	
		Book	Page
1902	OCT 7 1902		

Porter, Hon. P.,
Muskogee, I. T.,
October 6, 1902.

CREEK.

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Relative to the right of
children of Sanda Johnson to
allotments in the Creek Na-
tion.

Executive Office

Muskogee Nation
S. Porter, Principal Chief

Muskogee, I.T., Oct. 6, 1902

Commission to the Five Civilized Tribes,

Muskogee, Ind. Ter.

Sirs: Mr. Sanda Johnson, a citizen of the Creek Nation, filed for two of his children, Una Johnson, deceased, who under the terms of the Agreement will be entitled to receive an allotment; and an infant daughter, Johnson, born December 29, 1901 and now living, is entitled to her allotment.

In the affidavit of Jennie Johnson, mother of the children, there is an error of name which I do not think would be regarded as material because the name is given properly above.

Please give this matter your earliest attention as Mr. Johnson has gone to a great deal of trouble about filing for his children and they are both entitled to allotments as their parents are both full Creeks.

Respectfully,



prin. Chief.

Copy

293

Creek No. 331.

Muskogee, Indian Territory, January 19, 1903.

Hon. P. Porter,

Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that on August 11, 1902, Sandy Johnson, whose post office address is given as Tulsa, Indian Territory, appeared before the Commission and made application for the enrollment of his deceased child, Unah Johnson, as a citizen of the Creek Nation.

You are further advised that Sandy Johnson and Jinnie Johnson, the father and mother of said deceased child, are regularly enrolled on Creek Indian Card, Field No. 2898, and that their names are included in partial roll of Creek citizens by blood approved by the Secretary of the Interior, March 28, 1902.

From an affidavit on file with the Commission, it appears that said Unah Johnson died September 3, 1899, but the testimony in the case is such that the Commission is not satisfied with the proof of death furnished, and desires such evidence relative to the right of said child to enrollment as the Creek Nation may be able to produce.

Respectfully,

Commissioner in Charge.

Creek No. 231

Lawson, Indian Territory, March 4, 1908.

Sandy Johnson,
Tulsa, Indian Territory.

Dear Sir:

Referring to your letter to the Commission of February 8, 1908, relative to the enrollment of your deceased son, Unah Johnson, as a Creek citizen, you are hereby advised that he has been listed for enrollment as a citizen of the Creek Nation, and that you will now be permitted to make application for an allotment of land in the Creek Nation to his heirs.

Respectfully,

Chairman.

Creek No. 231

Muskegee, Indian Territory, March 4, 1903.

A. R. Query,

Tulsa, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 24, 1903, asking if Unah Johnson, deceased, has been placed upon the rolls of the Creek Nation, and, if not, what steps are necessary to secure his enrollment.

Replying thereto you are advised that Unah Johnson, deceased, has been listed for enrollment as a citizen of the Creek Nation, and that his father, Sandy Johnson, will now be permitted to make application for an allotment of land in the Creek Nation to his heirs.

Respectfully,

Chairman.

2903
Creek Ln. 231.

Muskogee, Indian Territory, March 5, 1903.

A. P. Murphy,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

In the matter of the application for the enrollment of Unah Johnson as a citizen of the Creek Nation, you are advised that said Unah Johnson has been listed for enrollment by the Commission as a Creek by blood.

Reference is made to the Commission's letter of January 19, 1903, addressed to the Principal Chief of the Creek Nation.

Respectfully,

Chairman.

CR EN 232

CR FR field card 1869

CR
EN
232

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., August 14, 1902.

In the matter of the application of Sam Grayson for the enrollment of himself and nephew, Robbin Vincent, as Creek freedmen.

Sam Grayson, being first duly sworn, testified as follows:

By the Commission:

- Q As citizens of what nation do you now make application for the enrollment of yourself and nephew, Robbin Vincent? A Creek Nation.
- Q What is your full name? A Sam Grayson.
- Q What is your age? A Fifty-eight.
- Q What is your post office address? A Okra, Indian Territory.
- Q Is this the first time that you have ever appeared before the Commission to make application for yourself and nephew? A Yes, sir; first time ever I have been here.
- Q Have you and your nephew, Robbin Vincent, ever been recognized by the tribal authorities of the Creek Nation, as citizens of said nation? A Yes, sir.
- Q Have you ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A Yes, sir; I guess I have.
- Q Do your names appear upon the Creek tribal rolls? A Yes, sir.
- Q What is the name and age of your nephew, for whom you now make application? A Robbin Vincent, age eight years.
- Q Where does Robbin Vincent live? A Lives right near out with me.
- Q That is at Okra, in the Chickasaw Nation? A Yes, sir; just a mile and half from Okra, where I live.
- Q How long have you lived in the Chickasaw Nation? A Well, sir, I really don't know; I can't tell you exactly how long it has been since I have been living there; we were living in the Creek when the war got up and all the people emigrated a going south; we have been ever there ever since peace; I have been living on that side, just backwards and forwards.
- Q Did you ever live in the Creek Nation? A Oh, Yes, sir.
- Q Have you lived in the Creek Nation since the war? A No, sir; not since the war; I just travel backwards and forwards; but I wants to live in it now.
- Q Is your name upon the Dunn roll? A Well, sir; I don't know.
- Q What would be your name if it is on the Dunn roll? A It would go just the same, Sam Grayson.

The roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867, examined and the name of Sam Grayson not found thereon.

- Q Does your name appear upon the 1890 authenticated tribal roll of the Creek Nation? A Well, sir; I don't know; I can't tell anything about that.
- Q Have you ever drawn any money from the Creek Nation? A Yes, sir; I have.
- Q How many times have you drawn money from the Creek Nation? A Twice.
- Q What amounts of money did you draw these two times? A Twenty-one once, fourteen the other.

The 1890 authenticated tribal roll of the Creek Nation examined and the name of Sam Grayson is found and identified thereon at p. 163, North Fork Town.

2 In re application for enrollment of Sam Grayson and Robbin Vincent, as citizens of the Creek Nation.

Q Does your name appear upon the 1895 authenticated tribal roll of the Creek Nation? A Well, sir; I don't know; I suppose so; I can't tell anything about that. I answer as far as I know.
Q Has your nephew, Robbin Vincent, lived with you ever since he was born? A Yes, sir; ever since.

The 1895 tribal roll of the Creek Nation examined and the name of Sam Grayson is found and identified thereon at No. 155, North Fork town.

Q Who is Frances Grayson? A My wife.
Q Is she a Chickasaw freedman? A Yes, sir; Chickasaw freedman.
Q Have you any children? A Yes, sir.
Q What are the names of your children? A Gubbie, Julius, Roxa, Zilpha, Edwin and Fannie.
Q Have your wife and these children you have named all been enrolled as Chickasaw freedmen? A Yes, sir.
Q What was the name of your father? A Ben Grayson.
Q Is he living? A No, sir; he died.
Q Was he a citizen of the Creek Nation? A He was a citizen of the Creek Nation.
Q To what town in the Creek Nation did he belong? A North Fork.
Q What was the name of your mother? A Lucinda Grayson.
Q Is she living? A No, sir; she died.
Q Was she a citizen of the Creek Nation? A Yes, sir; she was a citizen of the Creek Nation.
Q To what town in the Creek Nation did she belong? A She belonged to same, North Fork Town.
Q How long have your father and mother been dead? A My father has been dead twenty-four or twenty-five years, and my mother has been dead three years.
Q Where did she reside prior to her death? A She lived over in the Chickasaw.
Q Has she been enrolled as a Chickasaw freedman? A No, sir.
Q What is the name of the father of your nephew, Robbin Vincent? A Mose Vincent.
Q Is he living? A No, sir he is dead.
Q Was he a citizen of the Creek Nation? A No, sir; he was a citizen of the Chickasaw Nation.
Q How long has Mose Vincent been dead? A About four years.
Q What is the name of the mother of Robbin Vincent? A Hepsie Jiles.
Q Is she living? A No, sir; she is dead.
Q Was she a citizen of the Creek Nation? A Yes, sir.
Q To what town in the Creek Nation did she belong? A Belonged to North Fork.
Q Did she have any other name excepting Hepsie Jiles? A No, sir; just that.
Q Was she ever known as Hepsie Grayson? A That's what she went by before she was married.
Q Is she your full sister? A Yes, sir.
Q Did she live in the Chickasaw Nation up to the time of her death? A Yes, sir; died right there.
Q Did she ever draw any money from the Creek Nation? A Yes, sir.
Q What was her name in 1895? A Hepsie Jiles.
Q Her last husband's name was Jiles, was it? A That was her first husband.
Q Then she had a husband by the name of Vincent? A Yes, sir; they have parted.
Q Is this Jiles living? A Yes, sir; he is living.
Q Was he living with Hepsie when she died? A Yes, sir; he was living with her when she died.

3 In re application for enrollment of Sam Grayson and Robbins Vincent, as citizens of the Creek Nation.

The 1890 authenticated roll of the Creek Nation, North Fork Town, examined and the name of the mother of Robbin Vincent is found and identified thereon, as Hepsie Grayson, at p. 162.

The 1895 Creek tribal roll examined and the name of the mother of Robbin Vincent is found and identified thereon at No. 73, as "Hepsie Gillis."

The 1895 Creek tribal roll examined and the name of Robbin Vincent is found and identified thereon, as "Robert Grayson?" at No. 76, North Fork Town, together with his brother and sister, John and Elizabeth Grayson, at Nos. 74 and 75, respectively.

- Q Robbin Vincent has lived in the Chickasaw nation all his life?
A Has lived in the Chickasaw Nation, yes, sir.
Q To what town does he belong in the Creek Nation? A North Fork.
Q Are there any other statements with reference to the application made by you for the enrollment of yourself as a citizen of the Creek Nation, which you wish to make at this time? A I would like to be enrolled under the Dawes Commission--that's what I want.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of yourself and your nephew, Robbin Vincent, as Creek freedmen, which will be mailed to you at your proper post office address, as given in your testimony taken at this time.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause on the 14th day of August, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 18th day of August, 1902, at Muskogee, Indian Territory.

H. A. Boreu
Notary Public.

29.19

Creek 232.

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

In the matter of the application for the enrollment of
Sam Grayson and Robbin Vincent as Creek Freedmen.

--- D E C I S I O N . ---

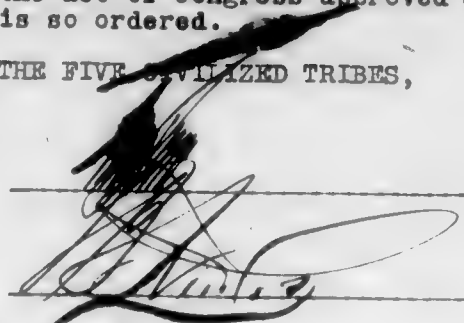
The record in this case shows that on August 14, 1902,
Sam Grayson appeared before the Commission at Muskogee, Indian Ter-
ritory, and made personal application for the enrollment of himself
and his minor nephew, Robbin Vincent, as Creek Freedmen.

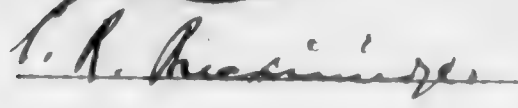
The evidence shows that the said Sam Grayson is identified
on the 1890 authenticated tribal roll of the Creek Nation, and the
1895 pay roll of said Nation; that the mother of the said Robbin
Vincent is identified on the 1890 authenticated tribal roll of the
Creek Nation, and the 1895 pay roll of said Nation, and that the said
Robbin Vincent is identified on the 1895 pay roll of said Nation.


The evidence further shows that said Sam Grayson has re-
sided in Indian Territory ever since the close of the civil war, and
that said Robbin Vincent has resided in said Territory all his life.

It is therefore the opinion of this Commission that Sam
Grayson and Robbin Vincent should be enrolled as Creek Freedmen in
accordance with the provisions of the act of Congress approved June
28, 1898 (29 Stats., 321), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,





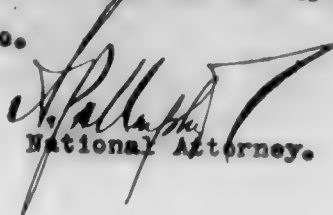


Dated at Muskogee, Indian Territory,
this 17 day of March, 1903.

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

In the matter of the application of Sam Grayson and Robbin
Vincent, as citizens of the Creek Nation---No. 232---

The Creek Nation makes no protest in the above matter and waives
any notice in respect thereto.


National Attorney.

CR EN 233

CR Card 4489

CR

EN

233

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., August 16, 1902.

In the matter of the application of Joseph Bruner, administrator, for the enrollment of Lealah Grayson, deceased, as a citizen, by blood, of the Creek Nation.

Joseph Bruner, being first duly sworn, testified as follows:

By the Commission:

- Q What is your full name? A Joseph Bruner.
Q What is your age? A Twenty-nine.
Q What is your post office address? A Sapulpa.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q For whom do you now make application for enrollment as a citizen of the Creek Nation? A Lealah Grayson.
Q Is Lealah Grayson now living? A No, sir.
Q How do you represent her? A By Letters of Administration.
Q Have you the letters of administration with you? A Yes, sir.

The applicant here presents Letters of Administration of the estate of Lealah Grayson, deceased, which is marked "Exhibit A" and made a part of the record.

- Q Is Lealah Grayson her correct name? A Yes, sir.
Q Was she ever known by any other name? A Malah Grayson.
Q What was her age when she died? A She was about nine or ten years old when she died.
Q What was her post office address when she died? A Sapulpa.
Q Was she ever recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes, sir.
Q Was she ever enrolled by the tribal authorities of the Creek Nation? A Yes, sir.
Q Does her name appear upon the Creek tribal rolls? A Yes, sir.

The authenticated 1890 tribal roll of the Creek Nation examined and the name of Lealah Grayson is found and identified thereon as "Lealie Grayson", at p. 124, Lechapoka town.

The 1895 tribal roll of the Creek Nation examined and the name of Lealah Grayson is found and identified thereon as "Lilah Grayson", at No. 35, Lechapoka town.

- Q What is the name of the father of Lealah Grayson? A James Grayson.
Q Is he now living? A Yes, sir.
Q Is he a full-blood Creek Indian? A Yes, sir.
Q To what town in the Creek Nation does he belong? A Lechapoka.
Q What is the name of the mother of Lealah Grayson? A Mollie Grayson.
Q Is she now living? A No, sir.
Q Was she a full-blood Creek Indian? A Yes, sir.
Q To what town in the Creek Nation did she belong? A Lechapoka.
Q Was Lealah Grayson a full-blood Creek Indian? A Yes, sir.
Q Did she reside in the Creek Nation all her life up to the time of her death? A Yes, sir.
Q Is this the first time that application has been made to this Commission for her enrollment as a citizen of the Creek Nation? A Yes, sir.

2 In re application for the enrollment of Lealah Grayson, deceased, as a citizen by blood of the Creek Nation.

Q Has there heretofore been filed with the Commission a death affidavit in the matter of the enrollment of Lealah Grayson as a citizen of the Creek Nation? A Yes, sir.

The files of the Commission examined and it appears therefrom that a death affidavit in the matter of the application for the enrollment of "Melah Grayson" was filed with the Commission on the 4th day of March, 1902, which affidavit is marked "Exhibit B" and made a part of the record.

Q Melah Grayson and Lealah Grayson are one and the same person?

A Yes, sir.

Q Are there any other statements you desire to make at this time with reference to the application made by you for the enrollment of Lealah Grayson, deceased, as a citizen by blood of the Creek Nation? A No, sir.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time, as administrator, for the enrollment of Lealah Grayson, deceased, as a citizen, by blood, of the Creek Nation, which will be mailed to you at your proper post office address as given by you in your testimony taken at this time.

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Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause on the 15th day of August, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Oliver C. Hinkle.

Subscribed and sworn to before me this 20th day of August, 1902, at Muskogee, Indian Territory.

H. J. Doree
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Melah Grayson (Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Sapulpa (Here insert name of post office) , Ind. Ter., and died on the October
1899

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
District. }

I, Eliza Enguluu on oath state that I am 75
years of age and a citizen, by Birthe , of the Creek Nation ;
that my post office address is Sapulpa (Here insert name of post office) , Ind. Ter.; that I am
no relation (State relationship, as: the father; an uncle; a cousin, etc.) of Melah Grayson (Here insert name of deceased.)
who was a citizen, by Birthe , of the Creek Nation ;
and that said Melah Grayson (Here insert name of deceased.) died on the October day of
1899

WITNESSES TO SIGN:

(Must be Two Witnesses)

Alice Jones
Eliza Woodward

Eliza Enguluu
Mark

Subscribed and sworn to before me this 17 day of March 1902

My commission expires

July 15 1905 John M Weeks

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 _____ (Here insert name of post office) Ind. Ter. ;
that I was personally acquainted with _____ (Here insert name of deceased.)
who was a citizen, by _____ , of the _____ Nation ;
and that said _____ (Here insert name of deceased.) died on the _____ day of _____ , 1 _____

WITNESSES TO SIGN:

(Must be Two Witnesses)

Subscribed and sworn to before me this _____ day of _____ 1 _____

Notary Public.

Chg 35- on 1805 map?
1977

IN RE
THE DEATH OF

Melah Grayson

a citizen of the

Creek

Nation.

Approved

1

Commissioner.

John ...

2384

Exhibit

...

made ...

att ...

And now ...

...

...

...

Filed March 4th 1902

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Meliah Grayson, 8 years old
a citizen of the Creek Nation, who formerly resided at or near
Sapulpa, Ind. Ter., and died on the month day of October,
1899.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, James Grayson, on oath state that I am 56
years of age and a citizen, by blood, of the Creek Nation;
that my post office address is Sapulpa, Ind. Ter.; that I am
the father of Meliah Grayson
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Creek Nation;
and that said Meliah Grayson died on the month day of
October, 1899.

WITNESSES TO MARK:

(Must be Two Witnesses.)

W. S. Angel
Lena Cummings

James H. Grayson
mark

Subscribed and sworn to before me this 4th day of March, 1902

William J. Martin
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Joe Bruner, on oath state that I am 29
years of age, and a citizen, by blood, of the Creek Nation;
that my post office address is Sapulpa, Ind. Ter.;
that I was personally acquainted with Meliah Grayson
who was a citizen, by blood, of the Creek Nation;
and that said Meliah Grayson died on the month day of
October, 1899.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Joseph Bruner

Subscribed and sworn to before me this 4th day of March, 1902

William J. Martin

LETTERS OF ADMINISTRATION.

UNITED STATES OF AMERICA

INDIAN TERRITORY.

Northern District.

ss:

The President of the United States of America,

To All Persons to whom these Presents shall Come—Greeting:

Know ye, that whereas, *Seala (Melah) Grayson*

of the *Northern* District of the

Indian Territory, died intestate, as it is said, on or about the *16th* day of *October*

of *1899* A. D. *1900*, having at the time of *his* death personal

property in the Indian Territory which may be lost, destroyed, or diminished in value, if speedy care be not taken of the same; to the end, therefore, that the said

property may be collected, preserved, and disposed of according to law, we do hereby appoint *Joseph Bruner*

of said *Northern* District

of the Indian Territory, administrator of all and singular the goods and chattels, rights and credits which were of the said *Seala (Melah) Grayson*

at the time of *his* death, with full power and authority to dispose of the said property; according to law, and to collect all moneys due the said deceased, and in general

to do and perform all other acts and things which are or hereafter may be required of him by law.

Witness, the Honorable *Edw. Raymond*, Judge of the

United States Court in the *Northern* District of the Indian

Territory, and the seal thereof, at *Muskogee*

in the Indian Territory, this *8th* day

of *March* A. D. *1902*

Clas Davidson, Clerk.

By *W. Ford*, Deputy.

8910
C 2 7
Creek No. 233.

Muskogee, Indian Territory, January 19, 1903.

Hon. P. Porter,

Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that on August 15, 1902, Joseph Bruner, whose post office address is given as Sapulpa, Indian Territory, appeared before the Commission and made application for the enrollment of Lealah Grayson, deceased, as a citizen of the Creek Nation.

You are further advised that said Lealah Grayson is identified upon the 1890 authenticated and 1895 pay rolls of the Creek Nation.

From an affidavit on file with the Commission, it appears that said Lealah Grayson died in the month of October, 1899, but the testimony in the case is such that the Commission is not satisfied with the proof of death furnished, and desires such evidence relative to the right of said Lealah Grayson to enrollment as the Creek Nation may be able to produce.

Respectfully,

Commissioner in Charge.

J. J. B.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Lealah Grayson, deceased, as a citizen, by blood, of the Creek Nation.

DECISION.

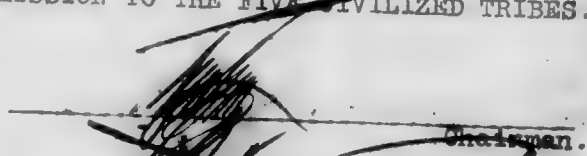
The record in this case shows, that on August 15, 1902, Joseph Bruner, administrator of the estate of Lealah Grayson, deceased, appeared before the Commission and made application for the enrollment of said Lealah Grayson as a citizen by blood of the Creek Nation.

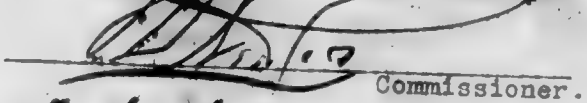
The evidence shows that the said Lealah Grayson was a full blood Creek Indian; that she is identified on the 1890 authenticated tribal roll of the Creek Nation, and on the 1895 Pay Roll of said nation.

The evidence further shows that said Lealah Grayson resided in the Creek Nation all her life, and that she died subsequent to April 1, 1899.

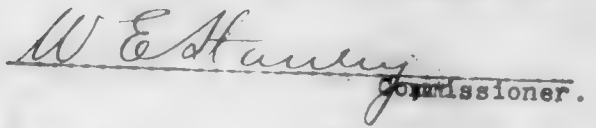
It is therefore the opinion of this Commission that Lealah Grayson, deceased, should be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stat., 495), and March 1, 1901 (31 Stat.L., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this 18 day of September, 1903.

100
C/O No. 113.

~~Muskogee, Indian Territory, October 15, 1901.~~

Joseph Bruner,
Administrator of Estate of Lealah Grayson,
Sapulpa, Indian Territory.

Dear Sir:

In the matter of the application made by you for the enrollment of Lealah Grayson, deceased, as a citizen by blood of the Creek Nation, you are advised that the Commission has regularly listed her for enrollment as a citizen of said Nation.

You are further advised that you will now be permitted to make application for an allotment of land in the Creek Nation to said Lealah Grayson, deceased, upon your personal appearance at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.

Registered.

JJB

Creek No. 233.

Muskogee, Indian Territory, September 19, 1902.

A. P. Murphy,
National Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lealah Grayson, deceased, as a citizen, by blood, of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed twenty days from the date hereof to protest against said decision, and if at the expiration of that time no such protest has been made, said Lealah Grayson, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

HGH. 9-19.

Oct

Ok. En. 213.

Muskogee, Indian Territory, October 15, 1903.

Joseph Bruner,
Administrator of Estate of Lealah Grayson,
Sapulpa, Indian Territory.

Dear Sir:

In the matter of the application made by you for the enrollment of Lealah Grayson, deceased, as a citizen by blood of the Creek Nation, you are advised that the Commission has regularly listed her for enrollment as a citizen of said Nation.

You are further advised that you will now be permitted to make application for an allotment of land in the Creek Nation to said Lealah Grayson, deceased, upon your personal appearance at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.

Registered.

293
Ex. 233.

Muskogee, Indian Territory, September 23, 1902.

A. P. Murphy,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

In compliance with your verbal request there is herewith enclosed one copy of the testimony in the matter of the application for the enrollment of Lealah Grayson, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Enc. HCH 3-23.

IN RE
THE DEATH OF

Leala Grayson
a citizen of the

Creek Nation.

Approved

1

Commissioner.

*See also report of Field
Marshal on Order #1171*

5/16/02 - transferred from death roll.

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

FILED

Filed February 1902

[Signature]
ACTING CHIEF

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

In the matter of the death of Leala Grayson
(Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Sapulpa, Ind. Ter., and died on the 16 day of October
1899

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.)

I, James Grayson on oath state that I am 50
years of age and a citizen, by blood, of the Creek Nation;
that my post office address is Sapulpa, Ind. Ter.; that I am
Father of Leala Grayson
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Creek Nation;
and that said Leala Grayson died on the 16 day of
October, 1899

WITNESSES TO MAKE.

(Must be Two Witnesses.)

Joseph Brewer
Timmin Tife
James G. Grayson
Mark

Subscribed and sworn to before me this 24 day of Feb 1902.

J. H. Land
Notary Public.
my Commission expires
Feb, 1902

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.)

I, Joseph Brewer, on oath state that I am 29
years of age, and a citizen, by blood, of the Creek Nation;
that my post office address is Sapulpa, Ind. Ter.;
that I was personally acquainted with Leala Grayson
(Here insert name of deceased.)
who was a citizen, by blood, of the Creek Nation;
and that said Leala Grayson died on the 16 day of
October, 1899

WITNESSES TO MAKE.

(Must be Two Witnesses.)

Subscribed and sworn to before me this day of Feb 24 1902

Joseph Brewer
J. H. Land
Notary Public.
my Commission expires Feb 1902

CR EN 234

CR Field card 4469

CR

EN

234

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE NINE CENSUSED TRIBES.
Muskegee, Ind. Ter., August 18, 1902.

In the matter of the application of Joseph Bruner, Administrator, for the enrollment of Sarah Holden, deceased, as a citizen by blood of the Creek Nation.

Joseph Bruner, being first duly sworn, testified as follows:

By the Commission:

- Q What is your full name? A Joseph Bruner.
Q What is your age? A Twenty-nine, last birthday.
Q What is your post office address? A Sapulpa.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you now hold any official position in the Creek Nation?
A Yes, sir.
Q What position do you hold? A Member of the House of Kings,
of Lochapoka town.
Q For whom do you make application for enrollment as a citizen
of the Creek Nation? A Sarah Holden.
Q Is Sarah Holden now living? A She is dead.
Q How do you represent Sarah Holden? A Letters of Administration.
Q Have you Letters of Administration with you? A Yes, sir.

The applicant here presents Letters of Administration of the estate of Sarah Holden, deceased, which is marked "Exhibit A", hereto attached and made a part of the record.

- Q As a citizen of what nation do you make application for Sarah Holden? A Creek Nation.
Q What was her age when she died? A Why, I don't know what her age was.
Q About how old was she? A She must have been about twenty-two; may be more.
Q What was her post office during her lifetime? A Sapulpa.
Q Was she ever recognized by the tribal authorities of the Creek Nation as a citizen of said nation? A Yes, sir.
Q Was she ever enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Does her name appear upon the Creek tribal rolls? A Yes, sir.
Q Did she have any other names excepting Sarah Holden? if so, please state them. A Sarah Tulladega and Sarah Bruner.
Q What was the name of her mother? A Mary Tulladega, or Deaf Mary.

The 1890 authenticated Creek roll examined and the name of Sarah Holden is found and identified thereon as "Sarah", together with her mother "Deaf Mary", at page No. 84, Cussehta town.

The 1895 tribal roll of the Creek Nation examined and the name of Sarah Holden is found and identified thereon as "Sarah", at No. 365, together with her mother, Deaf Mary, at No. 364, Cussehta town.

- Q Is this the first time that application has been made to the Commission for the enrollment of Sarah Holden, as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that the said Sarah Holden has not heretofore been enrolled as a citizen of the Creek Nation on any Indian Card and the application here made for her enrollment refers to

2 In re application of Joseph Bruner for the enrollment of Sarah Holden, deceased, as a citizen by blood of the Creek Nation.

Q Has there ever been filed with the Commission a death affidavit in the case of Sarah Holden? A Yes, sir.

The files of the Commission examined and it appears therefrom that there was filed with the Commission on the 11th day of October, 1901, an affidavit in the matter of the death of "Sarah Tahlladagee", which is marked "Exhibit B", attached hereto and made a part of the record.

Q Sarah Tahlladagee is the same person as Sarah Holden? A Yes, sir.
Q To what town in the Creek Nation does Deaf Mary, the mother of Sarah Holden, belong? A Cussehta.
Q The Creek name of her mother is Mary Tahlladagee, is it not? A Yes, sir.
Q Is she now living? A Yes, sir.
Q What is the name of the father of Sarah Holden? A George Tahlladagee.
Q Is he now living? A No, sir.
Q To what town in the Creek Nation did he belong? A Lochapoka.
Q Was Sarah Holden a full-blood Creek Indian? A Yes, sir.
Q Did she reside in the Creek Nation all her life up to the time of her death? A Yes, sir.
Q Was she married? A Yes, sir.
Q What is the name of her husband? A John Holden.
Q Is he now living? A Yes, sir.
Q Is he a citizen of the Creek Nation? A Yes, sir.
Q Did Sarah Holden have any children? A Yes, sir.
Q What are the names of her children? A Jessie Bruner.
Q Is Jessie Bruner now living? A Yes, sir.
Q Are there any other statements you desire to make at this time with reference to the application for the enrollment of Sarah Holden as a citizen by blood of the Creek Nation? A No, sir.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of Sarah Holden, deceased, as a citizen of the Creek Nation, which will be mailed to you at your proper post office address as given by you in your testimony taken at this time.

.....

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer to the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause on the 15th day of August, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 18th day of August, 1902, at Muskogee, Indian Territory.

H. A. Boreau
Notary Public.

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

In the matter of Sarah Tahlladagee, of Sapulpa, Indian Territory, a citizen of the Creek Nation of the Indian Territory, and who died on the 5th day of February, A. D. 1900.

AFFIDAVIT OF RELATIVE.

United States of America, :

Northern District, : ss:

Indian Territory, :

I, Elizabeth Sapulpa,

of Sapulpa, Indian Territory, on oath state that I am 24 years of age, and a citizen of the Creek Nation of the Indian Territory, and that my post office address is Sapulpa, Indian Territory, and that I was personally acquainted with one, Sarah Tahlladagee, a citizen of the Creek Nation of the Indian Territory, and who was living on the first day of April, 1899, and that during the latter part of January, and the first part of February, 1900, the said Sarah Tahlladagee, was working at my house, and that on the 5th, day of February, A. D. 1900, the said Sarah Tahlladagee, died with Measles, at my house in Sapulpa, Indian Territory.

I further certify that the said Sarah Tahlladagee, and I were second cousins, and that the said Sarah Tahlladagee, was a citizen of the Creek Nation of the Indian Territory.

Elizabeth Sapulpa,

Subscribed and sworn to before me on this the 7th day of October, A. D. 1901.

J. J. [Signature]
Notary Public.

My commission expires on the 20th day of July, A. D. 1903.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of Sarah Tahlladagee, of Sapulpa, Indian Territory, a citizen of the Creek Nation of the Indian Territory, and who died on the 6th day of February, A. D. 1900.

AFFIDAVIT.

United States of America, :
Northern District, : ss:
Indian Territory, :

I, William A. Sapulpa,

of Sapulpa, Indian Territory, on oath state that I am 39 years of age and a citizen of the Creek Nation of the Indian Territory, and that my post office address is Sapulpa, Indian Territory, and that I was personally acquainted with one Sarah Tahlladagee, who was a citizen of the Creek Nation of the Indian Territory, and who was living on the first day of April, A. D. 1899, and that during the latter part of January, and the first of February, A. D. 1900, the said Sarah Tahlladagee, was living at the home of my brother and sister James and Elizabeth Sapulpa, in the town of Sapulpa, Indian Territory, and that on the 5th, day of February, 1900, the said Sarah Tahlladagee, died with the Measles in the home of my brother and sister James and Elizabeth Sapulpa, in Sapulpa, Indian Territory.

William A. Sapulpa

Subscribed and sworn to before me on this the 10th day of October, 1901.

J. R. H. H. H.
Notary Public.

My commission expires on the 20th, day of July, A. D. 1903.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Sarah Houlder a citizen of the Creek Nation, who formerly resided at or near Sapulpa, Ind. Ter. and died on the 5th day of February 1900

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY, Northern District.

I, John Houlder or Houlder alone on oath state that I am 50 years of age and a citizen, by Birth, of the Creek Nation; that my post office address is Sapulpa, Ind. Ter.; that I am the Husband of Sarah Houlder who was a citizen, by Birth, of the Creek Nation; and that said Sarah Houlder died on the 5th day of February, 1900.

WITNESSED TO BY: Mrs Elizabeth Sapulpa, Jimmie Fife

Subscribed and sworn to before me this 31st day of January 1902

My commission expires July 15 1905 John M. Weeks Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY, Northern District.

I, James Sapulpa, on oath state that I am 48 years of age, and a citizen, by Birth, of the Creek Nation; that my post office address is Sapulpa, Ind. Ter.; that I was personally acquainted with Sarah Houlder who was a citizen, by Birth, of the Creek Nation; and that said Sarah Houlder died on the 5th day of February, 1900.

WITNESSED TO BY: James Sapulpa

Subscribed and sworn to before me this 31st day of January 1902

My commission expires July 15 1905 John M. Weeks Notary Public.

LETTERS OF ADMINISTRATION.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.*Northern* District.

88:

The President of the United States of America,

To All Persons to whom these Presents shall Come—Greeting:

Know ye, that whereas,

*Sarah Holder*of the *Northern* District of theIndian Territory, died intestate, as it is said, on or about the *5th* day
of *February*, A. D. 190*2*, having at the time of his death personal

property in the Indian Territory which may be lost, destroyed, or diminished in value, if speedy care be not taken of the same; to the end, therefore, that the said property may be collected, preserved, and disposed of according to law, we do hereby appoint *Joseph Bruner* of said *Northern* District of the Indian Territory, administrator of all and singular the goods and chattels, rights and credits which were of the said *Sarah Holder* at the time of his death, with full power and authority to dispose of the said property, according to law, and to collect all moneys due the said deceased, and in general to do and perform all other acts and things which are or hereafter may be required of him by law.

Witness, the Honorable

Chas M Raymond, Judge of theUnited States Court in the *Northern* District of the IndianTerritory, and the seal thereof, at *Muskogee*in the Indian Territory, this *third* dayof *May*, A. D. 190*2**Chas A Davidson*, Clerk.

By

Wm Ford, Deputy.

Copy

2813

Creek No. 234

Muskogee, Indian Territory, January 19, 1903.

Hon. P. Porter,
Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that on August 15, 1902, Joseph Bruner, whose post office address is given as Sapulpa, Indian Territory, appeared before the Commission and made application for the enrollment of Sarah Holden, deceased, as a citizen of the Creek Nation.

You are further advised that the name of Sarah Holden is identified upon the 1890 and 1895 authenticated tribal rolls of the Creek Nation.

From an affidavit on file with the Commission, it appears that said Sarah Holden died February 5, 1900, but the testimony in the case is such that the Commission is not satisfied with the proof of death furnished, and desires such evidence relative to her right to enrollment as the Creek Nation may be able to produce.

Respectfully,

Commissioner in Charge.

J. J. 13

Creek 234.

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

In the matter of the application for the enrollment of Sarah Holden, deceased, as a citizen by blood of the Creek Nation.

--- D E C I S I O N . ---

The record in this case shows that on August 15, 1902, Joseph Bruner, administrator of the estate of Sarah Holden, deceased, appeared before the Commission and made application for the enrollment of said Sarah Holden as a citizen by blood of the Creek Nation.

The evidence shows that the said Sarah Holden was a Creek by blood; that she is identified on the 1890 authenticated tribal roll of the Creek Nation, and on the 1895 pay roll of said Nation.

The evidence further shows that said Sarah Holden died February 5, 1900; that she was about twenty-two years of age at the time of her death, and that she resided in the Creek Nation all her life.

It is therefore the opinion of this Commission that the said Sarah Holden should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress approved June 28, 1898 (29 Stats., 321), and the act of Congress approved March 1, 1901 (Public- No. 113), ratified by the Creek National Council May 25, 1901, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



C. R. [unclear]

W. E. [unclear]

Dated at Muskogee, Indian Territory,
this 17 day of March, 1903.

OR EN 235

FR field and 107

OR

EN 235

In the matter of the application of Jennie Gilbert for the enrollment of herself and her minor child, Amanda Gilbert, as Greek citizens.

Appearances: E. Hastain, attorney for applicant.

Jennie Gilbert, being first duly sworn, testified as follows:

By the Commission.

- Q: As citizens of what nation do you now make application for yourself and minor child? A: Greek Nation.
- Q: What is your full name? A: Jennie Gilbert.
- Q: What is your age? A: Twenty-one.
- Q: What is your present address? A: Priscell, Ind. Ter.
- Q: Is this the first time you have ever made application for the enrollment of yourself and child as citizens of the Greek Nation? A: Yes, sir.
- Q: Do you make application for the enrollment of yourself and child as Greek citizens, do you not? A: Yes, sir.
- Q: What is the name and age of your child for whom you now make application? A: Amanda Gilbert, four years old.
- Q: Is she now living? A: Yes, sir.
- Q: Have you and your minor child ever been enrolled by the Commission to the Five Civilized Tribes as citizens of the Greek Nation? A: No, sir.
- Q: What was your name before you were married? A: Jennie Johnson.

The records of the Commission examined and it appears therefrom that Jennie Gilbert and her child, Amanda Gilbert, have not heretofore made application to the Commission to the Five Civilized Tribes for enrollment, as citizens of the Greek Nation, nor have they been listed for enrollment as citizens of said nation.

- Q: Have you and your minor child, Amanda Gilbert, ever been recognized as citizens of the Greek Nation by the Greek tribal authorities? A: Yes, sir.
- Q: Have you and your minor child ever been recognized by the Greek tribal authorities, as citizens of the Greek Nation? A: No, sir; never have.
- Q: Do your names appear upon the Greek tribal rolls? A: No, sir.
- Q: Your child, Amanda Gilbert, was born subsequent to the year 1895? A: Yes, sir.

The 1895 tribal rolls of the Five Civilized Tribes do not contain the name of the applicant.

- Q: Did you make application to the Commission to the Five Civilized Tribes for enrollment as citizens of the Greek Nation under the provisions of the Act of Congress of the 24th March 1906? A: Yes, sir.
- Q: Do you now desire or do you intend to make application to the Commission to the Five Civilized Tribes as Greek citizens to the year 1895? A: No, sir.

2 In re application of Jennie Colbert for the enrollment of herself and her minor child, Amanda Colbert, as Creek freedmen.

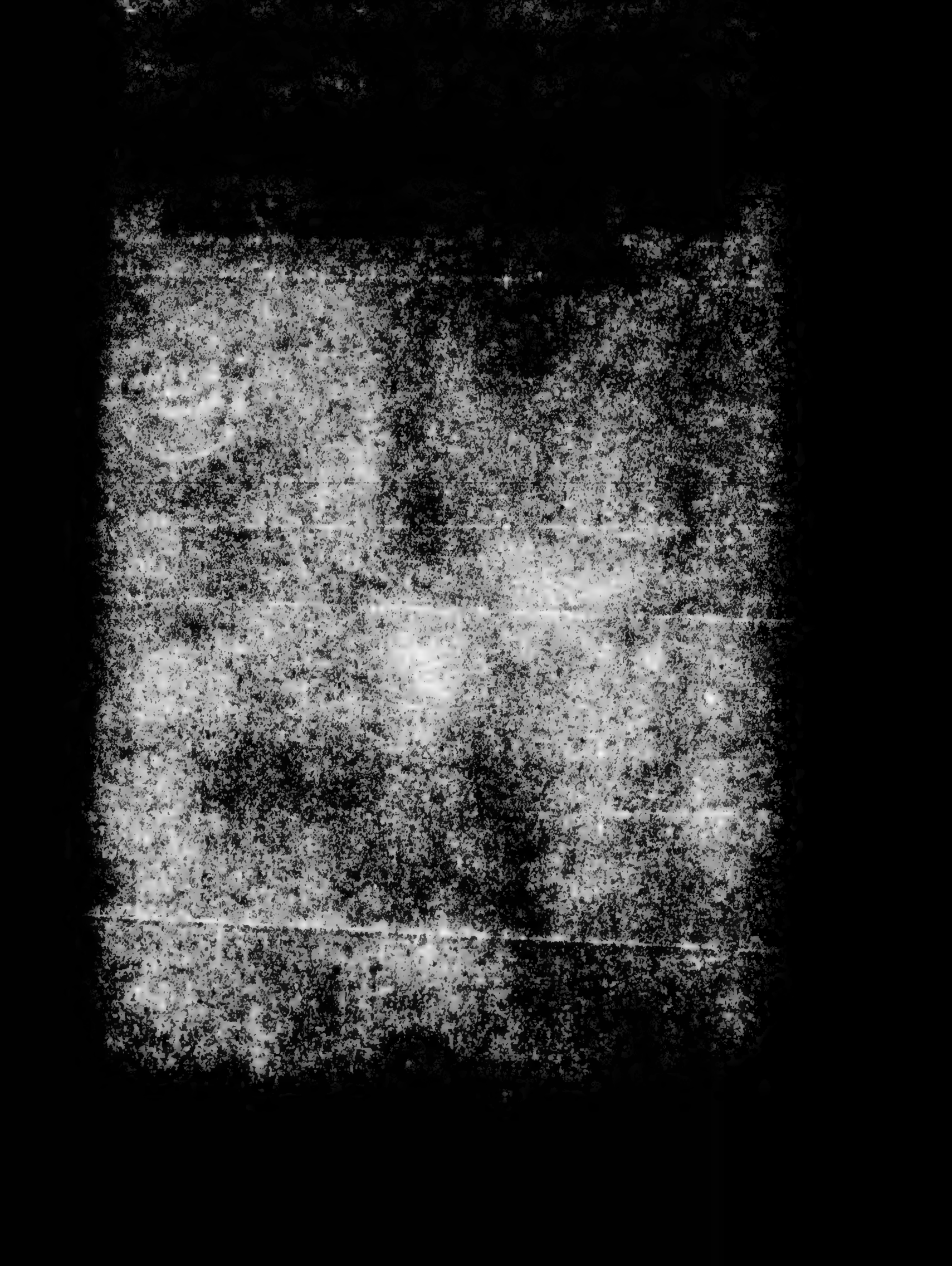
The records of the Commission examined and it appears therefrom that Jennie Colbert was admitted by the Commission to the Five Civilized Tribes to citizenship in the Creek Nation, under the provisions of the act of Congress of June 10, 1896, and that no appeal was taken therefrom (Creek case No. 70).

- Q Are you the mother of Amanda Colbert? A Yes, sir.
Q What was the name of Amanda's father? A His name Henry Colbert.
Q Is he now living? A No, sir; he is dead.
Q Was he a citizen of the Creek Nation? A No, sir.
Q Was he a citizen of any nation in the Indian Territory?
A Yes, sir; he was a Chickasaw.
Q How long ago did he die? A Oh, it has been along about three years since he has been dead.
Q Did he ever make application to the Commission for the enrollment of himself as a Chickasaw freedman before his death? A Yes, sir.
Q To what Indian or colored town in the Creek Nation do you claim to belong? A I don't know.
Q Why have you never appeared before the Commission before this time to make application for the enrollment of yourself and child? A I just naturally wasn't able to get here before this time.
Q Have you ever filed with the Commission proof of birth of your child, Amanda Colbert? A No, sir.
Q What is the name of your father? A His name is Hickman Johnson.
Q Is he living? A No, sir; he is dead.
Q Was he a citizen of the Creek Nation? A No, sir.
Q To what nation did he belong? A Chickasaw.
Q How long has he been dead? A He has been dead along about five years, I reckon; I won't be right sure, but I think he has been dead that long.
Q What is the name of your mother? A Her name is Manda Johnson.
Q Is she living? A No, sir.
Q Is she a citizen of the Creek Nation? A Yes, sir.
Q To what town in the Creek Nation did she belong? A I don't know, sir.
Q Where was she living when she died? A She was living in the Chickasaw Nation.
Q Did she ever live in the Creek Nation? A Yes, sir.
Q Did you ever live in the Creek Nation? A No, sir; I never did. live in the Creek Nation, but my mother has.
Q Do you know how long your mother ever lived in the Creek Nation?
A No, sir.
Q Have you a home in the Creek Nation? A No, sir.

It will be necessary for you to furnish a birth affidavit, made by yourself and the midwife who was in attendance at the time that Amanda Colbert was born.

- Q Are there any other statements you desire to make at this time with reference to the application made by you for the enrollment of yourself and your minor child, Amanda Colbert, as Creek freedmen?
A No, sir.

You will be furnished at a later date with a copy of the decision of the Commission relative to the application made by you at this time for the enrollment of yourself and your minor child, Amanda Colbert, as citizens of the Creek Nation, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.



COPY

Creek Fr. Card,
Field No. 1801.

Muskogee, Indian Territory, December 16, 1902.

Choctaw-Chickasaw Enrollment Division,
Commission to the Five Civilized Tribes.

Gentlemen:

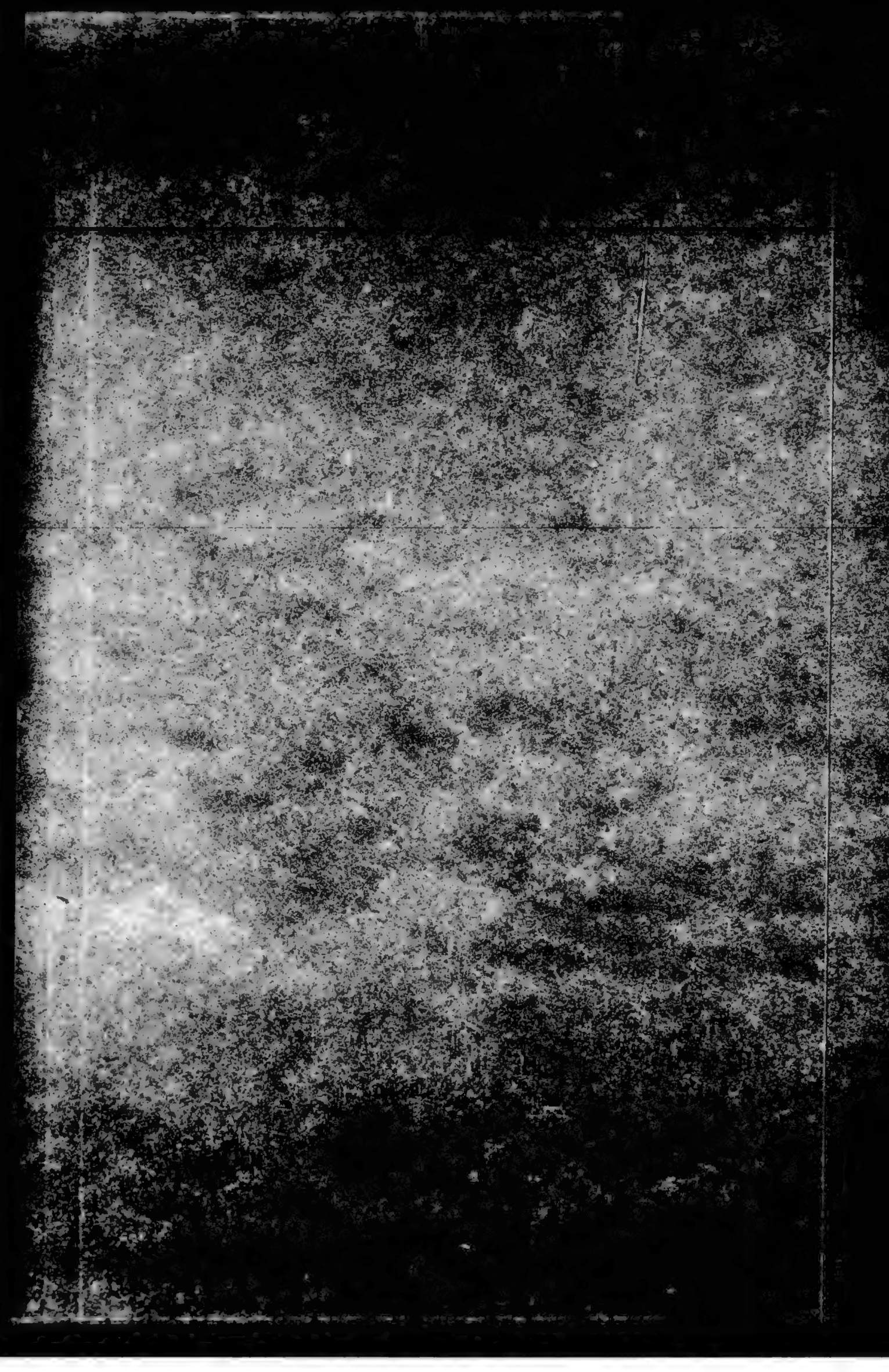
You are hereby advised that Jennie Colbert, aged 22 years, and her daughter, Amanda Colbert, aged 5 years, have been regularly enrolled as citizens of the Creek Nation on Creek Freedmen Card, Field No. 1801.

It appears from the records of the Creek Enrollment Division that Hickman Johnson, now deceased, the father of said Jennie Colbert, was a citizen of the Chickasaw Nation; that Amanda Johnson, her mother, was a citizen of the Creek Nation, and that Henry Colbert, father of said Amanda, was a citizen of the Chickasaw Nation.

It further appears from the records of the Creek Enrollment Division that said Jennie Colbert was admitted to citizenship in the Creek Nation by the Commission under the act of Congress approved June 10, 1896, as "Jane Johnson" (Creek Case No. 70), and no appeal taken.

Respectfully,

Acting Chairman.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., August 18, 1902.

In the matter of the application of Grant Johnson for the enrollment of his minor daughter, Ruthie Johnson, deceased, as a Creek freedman.

Grant Johnson, being first duly sworn, testified as follows:

By the Commission.

- Q What is your full name? A Grant Johnson.
Q What is your age? A Thirty-six.
Q What is your post office address? A Catoosa.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q For whom do you now make application for enrollment? A Ruthie Johnson.
Q Is Ruthie Johnson living? A She is dead.
Q What was her age when she died? A She was about nine months old.
Q Are you the father of Ruthie Johnson? A Yes, sir.
Q To what town in the Creek Nation do you belong? A North Fork town.
Q What is the name of the mother of Ruthie Johnson? A Katie Johnson.
Q Is she a Creek citizen? A Yes, sir.
Q Has she been enrolled by the Commission to the Five Civilized Tribes, as a Creek citizen? A Yes, sir.

The records of the Commission examined and Grant and Katie Johnson are found to be enrolled on Creek Freedmen Card, Field No. 946.

- Q You make application for the enrollment of Ruthie Johnson, deceased, as a Creek freedman? A Yes, sir.
Q Is this the first time you have made application for her enrollment? A No, sir; I made an affidavit.
Q When did you first make the affidavit? A I believe it was last summer, some time.

The records of the Commission examined and it appears therefrom that a birth affidavit, in the matter of the enrollment of Ruthie Johnson, as a citizen of the Creek Nation, was filed with the Commission January 20, 1902, which affidavit is marked "Exhibit A" and made a part of the record.

It also appears from an examination of said records that there were filed with the Commission on June 29, 1901, and February 4, 1902, certain affidavits in the matter of the application for the enrollment of Ruthie Johnson, as a citizen of the Creek Nation, which are marked "Exhibits B and C", and made a part of the record.

- Q When was Ruthie Johnson born? A She was born in '99, November 25th.
Q When did she die? A She died in 1900, August 10th.
Q Are you a Dunn roll descendant? A Yes, sir; my father was on the Dunn roll.
Q Is your wife, Katie Johnson, a Dunn roll descendant? A Yes, sir.
Q Your present wife, Katie Johnson, is the mother of Ruthie Johnson? A Yes, sir.

2 In re application of Grant Johnson for the enrollment of his minor child, Ruthie Johnson, deceased, as a Creek freedman.

Q Did you and your wife draw money from the Creek Nation? A Yes, sir; we drew money.

Q Both of you have always been recognized as Creek citizens?

A Yes, sir.

Q You have been enrolled by the Creek tribal authorities of the Creek Nation as Creek citizens? A Yes, sir.

Q Do your names appear upon the Creek tribal rolls? A Yes, sir.

Q What was your wife's name before you married her? A Her name was Katie Barnett.

The 1890 authenticated tribal rolls of the Creek Nation examined, and the name of Grant Johnson is found and identified thereon at page 220, North Fork town.

The 1890 authenticated tribal roll of the Creek Nation examined and the name of Katie Johnson is found and identified thereon as "Katie Barnett", at page 18, Arkansas town.

The 1895 Creek tribal rolls examined and the name of Grant Johnson is found and identified thereon at No. 854, North Fork town.

The 1895 Creek tribal roll examined, and the name of Katie Johnson is found and identified thereon at No. 1060, Arkansas town.

Q Are there any other statements you desire to make at this time with reference to your application for the enrollment of your minor daughter, Ruthie Johnson, deceased, as a Creek freedman?

A No, sir; not any.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of your application for the enrollment of your deceased daughter, Ruthie Johnson, deceased, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Oliver C. Hinkle, being first duly sworn, upon his oath states as stenographer to the Commission to the Five Civilized Tribes, that he reported all the proceedings had in the above entitled cause on the 19th day of August, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 23rd day of August, 1902, at Muskogee, Indian Territory.

H. A. Borce
Notary Public.

119

20

IN RE

Application for Enrollment of

INFANT CHILD

Ruthie Johnson
as a citizen of

Creek

Nation.

Approved,

190

Commissioner.

Exhibit "A"

Filed Jan'y 20th 1902

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

Application for Enrollment, as a citizen of the Creek Nation,
of Ruthie Johnson, born on the 10th day of November, 1899
(Here insert name of child)
Name of Father: Grant Johnson, a citizen of the Creek Nation.
Name of Mother: Katie Johnson, a citizen of the Creek Nation.
Post-office, Catoosa, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
Northern District.

I, Katie Johnson, on oath state that I am 29
years of age and a citizen by Marriage, of the Creek Nation;
that I am the lawful wife of Grant Johnson, who is a citizen, by
Marriage, of the Creek Nation, that a female child was
born to me on the 10th day of November, 1899; that said child has been
named Ruthie Johnson, and is now dead.

WITNESSES TO MARK
(Must be Two Witnesses) { A. W. Pafford & Katie Johnson
E. A. North in fact

Subscribed and sworn to before me this 17th day of January, 1902
my term as Notary will expire July 30th 1903
Wm. P. Moore NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
Northern District.

I, Sallie Roberts, a midwife, on oath state that I
attended on Mrs. Katie Johnson, wife of Grant Johnson,
on the 10th day of November, 1899; that there was born to her on
said date a female child; that said child is now dead and is said to have been
named Ruthie Johnson.

WITNESSES TO MARK
(Must be Two Witnesses) { Sallie Roberts
Ray Allen in fact
Grant Johnson

Subscribed and sworn to before me this 7th day of January, 1902
Joseph W. Allen NOTARY PUBLIC.

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

In the matter of the death of *Ruthie Johnson*
(Here insert name of deceased.)
a citizen of the *Creek* Nation; who formerly resided at or near
Adams Creek, Ind. Ter., and died on the *10* day of *November*
1899
(Here insert name of post office.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
North District.)

I, *Katie Johnson* on oath state that I am *35*
years of age and a citizen, by *Indman*, of the *Creek* Nation;
that my post office address is *Catoosa*, Ind. Ter.; that I am
mother of *Ruthie Johnson*
(State relationship, as: the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by *Indman* of the *Creek* Nation;
and that said *Ruthie Johnson* died on the *10th* day of
November, *1899*
(Here insert name of deceased.)

WITNESSES TO MARK.
But R Guss *Katie Mrs Johnson*
J. M. Martineau
(Must be Two Witnesses.)

Subscribed and sworn to before me this *28* day of *June* *1901*.
My Commission expires May 1905 *John W. Lanner*
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
North District.)

I, *Henry Williams*, on oath state that I am *35*
years of age, and a citizen, by *Indman*, of the *Creek* Nation;
that my post office address is *Catoosa*, Ind. Ter.;
that I was personally acquainted with *Ruthie Johnson*
who was a citizen, by *Indman*, of the *Creek* Nation;
and that said *Ruthie Johnson* died on the *10th* day of
November, *1899*
(Here insert name of deceased.)

WITNESSES TO MARK.
But R Guss *Henry W Williams*
J. M. Martineau
(Must be Two Witnesses.)

Subscribed and sworn to before me this *28* day of *June* *1901*.
My Commission expires May 1905 *John W. Lanner*
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of RUTHIE JOHNSON

(Here insert name of deceased.)

a citizen of the CREEK

Nation, who formerly resided at or near

CATOOSA,

(Here insert name of post office.)

Ind. Ter., and died on the 10th day of August

1900

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY,)

NORTHERN JUDICIAL District.)

I, KATIE JOHNSON

on oath state that I am 29

years of age and a citizen, by FREEDMAN

, of the CREEK

Nation;

that my post office address is CATOOSA

(Here insert name of post office.)

, Ind. Ter.; that I am

the mother

of RUTHIE JOHNSON

(State relationship, as: the father; an uncle; a cousin, etc.)

(Here insert name of deceased.)

who was a citizen, by FREEDMAN

, of the CREEK

Nation;

and that said RUTHIE JOHNSON

(Here insert name of deceased.)

died on the 10th day of

August

, 1900.

WITNESSES TO MARK:

(Must be Two)

Wys Barnett
Clay Allen

Katie X Johnson
mark

Subscribed and sworn to before me this 3

day of

February

1902

Joseph N. Allen
Notary Public.

Notary Public.

expire Sept 27, 1906

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY,)

NORTHERN District.)

I, Sam Mc Curtion

, on oath state that I am 35

years of age, and a citizen, by Freedman

, of the Cherokee

Nation;

that my post office address is Muskogee,

(Here insert name of post office.)

Ind. Ter.;

that I was personally acquainted with Ruthie Johnson

(Here insert name of deceased.)

who was a citizen, by Freedman

of the Creek

Nation;

and that said Ruthie Johnson

(Here insert name of deceased.)

died on the 10th day of

August

, 1902

WITNESSES TO MARK:

(Must be Two)

Witnesses.

John V. Veeis
Clay Allen

Sam X Mc Curtion
mark

Subscribed and sworn to before me this 4th

day of

February

1902

Joseph N. Allen
Notary Public.

Notary Public.

INDIAN TERRITORY,)
NORTHERN DISTRICT.)

Benjamin Barnett, being duly sworn, upon his oath says:
That he is a citizen of the Creek Nation, his name being found
on Freedman Roll No. ___ of said Nation.

The affiant says that he has long been acquainted with Grant
Johnson, a citizen of the Creek Nation and that Katie Johnson, his
wife of the said Grant Johnson is a sister of the affiant. That
he is acquainted with the true facts relative to the birth and
death of Ruthie Johnson an infant child of the said Grant and
Katie Johnson and he declares the facts to be as follows; That
the said Ruthie Johnson was born at some time during the month of
November, in the year Eighteen Hundred and Ninety-nine. He believes
the 10th day of November of that year to be the correct day. That
the affiant knows of his own knowledge that the said Ruthie John-
son lived until the early part of the month of August, Nineteen
Hundred at which time she died. The affiant does not know the
exact day of the month of the said Ruthie Johnson's death. He
says further that he has no interest in the claim made in behalf
of the said Ruthie Johnson and that he makes the foregoing state-
ment without any expectation of profit or reward. Further the
deponent sayeth not.

Ben Barnett

Subscribed and sworn to before me
his 5 day of February, 1908.

Joseph D. Allen
Notary Public.

My Commission Expires Sept 26 1908

E.M.

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

In the matter of the application of Grant Johnson for the enrollment of his minor child, Ruthie Johnson, deceased, as a Creek freedman.

D E C I S I O N .

It appears from the record in this case, that on August 19, 1902, Grant Johnson appeared before this Commission and made application for the enrollment of his deceased child, Ruthie Johnson, a minor, as a citizen of the Creek Nation, claiming to be a Creek freedman.

It also appears from an examination of the records of the Commission, that Grant Johnson and his wife, Katie Johnson, parents of said Ruthie Johnson, are recognized citizens of the Creek Nation, and are regularly enrolled on Creek Freedmen Card, Field No. 946.

It also appears that said Ruthie Johnson was born November 10, 1899, and died August 10, 1900, proof of which was filed with the Commission January 20, 1902, and February 4, 1902, respectively.

It further appears from an examination of the records of the Commission that no application for the enrollment of said Ruthie Johnson had been made to, and she had not been listed for enrollment by, this Commission, as a citizen of the Creek Nation, prior to May 25, 1901.

Section 28 of the Creek Agreement ratified by the Creek National Council May 25, 1901 (31 Stat. L., 861), provides that--

" No person, except as herein provided, shall be added
"to the rolls of citizenship of said tribe after the
"date of this agreement, and no person whomsoever shall
"be added to said rolls after the ratification of this
"agreement."

It is therefore the opinion of the Commission that the application for the enrollment of Ruthie Johnson as a citizen of the Creek Nation should be denied, in accordance with the provision of the Creek Agreement above quoted (31 Stat.L., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this 13th day of November 1902.

Muskogee, Indian Territory, January 19, 1903.

Hon. P. Porter,

Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that on August 18, 1902, Grant Johnson, whose post office address is given as Catoosa, Indian Territory, appeared before the Commission and made application for the enrollment of his deceased child, Ruthie Johnson, as a citizen of the Creek Nation.

You are further advised that Grant and Katie Johnson, the father and mother of said deceased child, are regularly enrolled on Creek Freedman Card, Field No. 946, and that their names are included in partial roll of Creek freedmen approved by the Secretary of the Interior, March 28, 1902.

There are on file with the Commission a birth affidavit showing that said child, Ruthie Johnson, was born November 10, 1899, and two death affidavits, one showing that she died November 10, 1899, and the other that she died August 10, 1900. The testimony in the case is such that the Commission is not satisfied with

The United States and other countries, and desires such evidence
relative to the... of this kind to be... in the Creek
Nation may be able to produce.

Respectfully,

Commissioner in Charge.

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

En/236

In the matter of the application for the enrollment of Ruthie Johnson, deceased, as a Creek freedman.

DECISION.

The record in this case shows that said Ruthie Johnson was born in November, 1899, and died in August, 1900; that she was the child of Katie and Grant Johnson whose names are contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 28, 1902, Numbers 3598 and 3599, respectively.

It is, therefore, the opinion of the Commission that said Ruthie Johnson, deceased, should be enrolled as a Creek freedman in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Commissioner.

Dated at Muskogee, I.T.

May 18, 1903

1813
Creek No. 236.

Muskogee, Indian Territory, May 19, 1904.

Honorable P. Porter,
Principal Chief Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Ruthie Johnson, deceased, as a Creek freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Ruthie Johnson, deceased, will be regularly listed for enrollment as a Creek freedman.

Respectfully,

Commissioner in Charge

RGH-5-19.

JJA

No. 100

Muskogee, Indian Territory, July 12, 1904

Grant Johnson,
Catoosa, Indian Territory.

Dear Sir:

You are advised that the name of your minor child, Ruthie Johnson, deceased, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior June 28, 1904, and that application for a selection of land in the Creek Nation may now be made for the heirs of said child at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

CR EN 237

CR field card 4425

CR

EN 237

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian., August 19, 1902.

In the matter of the application of Jesse Yaholar for the enrollment of his wife, Bettie Yaholar, deceased, as a citizen, by blood, of the Creek Nation.

Jesse Yaholar, being first duly sworn, testified as follows, through interpreter, Chilly W. Morgan:

By the Commission:

- Q What is your name? A Jesse Yaholar.
- Q What is your age? A About fifty years old.
- Q What is your post office address? A Alabama.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q For whom do you now make application for enrollment? A Bettie Yaholar.
- Q Is she now living? A No, sir.
- Q When did she die? A It was in January, about two years ago.
- Q Is Bettie Yaholar, for whom you now make application, was she your first wife? A Yes, sir.
- Q Did she die before you married your present wife, Betsy Yaholar? A Yes, sir.
- Q Have you a daughter by the name of Lucy Yaholar? A Did have; but she died.
- Q How old was Lucy when she died? A It was between two and three years old.
- Q Well, how long before Lucy died did your deceased wife, Bettie Yaholar, die? A My wife died in January, and the following October, coming, the girl, Lucy died.
- Q Do you recollect when the Commission was at your house and enrolled yourself and family? A Yes, sir.
- Q Was your deceased wife, Bettie living, at that time? A No, sir.
- Q How long before that time did she die? A To the best of my remembrance, she died in January, and they came there either in February or March, a month or two after she died.
- Q Was it the same year that the Commission was at your house that your deceased wife, Bettie, died? A Yes, sir.
- Q Was it not a year before that that she died? A No, it was the same year.
- Q Is this the first time that you have made application to the Commission for the enrollment of your deceased wife, Bettie Yaholar? A I was here last winter and made application, and it seemed that they couldn't get on the straight of it, somehow or other, and I went back, and the Commissioners told him they would look into that and investigate it; and I came back this time to see whether they have or not.
- Q Did you ever file with the Commission a death affidavit in the matter of the application for the enrollment of your deceased wife, Bettie Yaholar? A I made an application at Wetumka.
- Q Do you know the date of the death of your deceased wife, Bettie Yaholar? A Yes, sir.
- Q What was it? A The 6th day of January.
- Q What year? A A little better than two years ago; I can't state the year.

8 In re application of Jossey Yaholar for the enrollment of his deceased wife, Bettie Yaholar, as a citizen, by blood, of the Creek Nation.

The files of the Commission examined and it appears therefrom that there was filed with the Commission on September 9, 1901, a death affidavit in the matter of the application for the enrollment of Bettie Yaholar (nee Barnett), as a citizen of the Creek Nation, which affidavit is marked "Exhibit A" and made a part of the record.

The records of the Commission further examined and it appears that no application was ever made for the enrollment of said Bettie Yaholar, prior to September 9, 1901.

- Q What was the name of your deceased wife, Bettie Yaholar, before you married her? A Bettie Barnett.
- Q Was she a full-blood Creek Indian? A Yes, sir; she was a full-blood.
- Q Was she a recognized citizen of the Creek Nation? A Yes, sir.
- Q Was she enrolled by the tribal authorities of the Creek Nation as a citizen thereof? A Yes, sir.
- Q Does her name appear upon the tribal rolls of the Creek Nation? A Yes, sir.
- Q To what town in the Creek Nation did she belong? A Alabama.
- Q What is the name of her father? A Sam Buckler.
- Q Is he living? A Yes, sir; he is living.
- Q Is he a citizen of the Creek Nation? A Yes, sir.
- Q To what town in the Creek Nation does he belong? A I am not sure, but I think he belongs to Thelwarthle.
- Q What is the name of your deceased wife's mother? A Mahala.
- Q Is that all the name she has? A That's all.
- Q Was Mahala the wife of Sam Buckler? A Yes, sir.
- Q Is she living? A No, she is dead.
- Q To what town in the Creek Nation did she belong? A Alabama.
- Q How did your wife Bettie Yaholar get the name of Bettie Barnett? A I don't know.
- Q Did you know Millie Barnett? A Yes, sir.
- Q Is she living? A No, sir; she is dead.
- Q What kin was she to your deceased wife, Bettie Yaholar? A Millie was an aunt of Bettie.
- Q Did Bettie live with Millie when the payment was made in 1895? A They were together when they were enrolled at the time of the fourteen forty payment.
- Q Has Betsey a brother by the name of Lumpsey? A Yes, sir.
- Q Who was Annie Barnett? A She is a sister to Bettie.

The 1890 authenticated tribal roll of the Creek Nation examined and the name of Bettie Yaholar is found and identified thereon under the name of Bettie, together with her mother, Mahala, at Page 4, Alabama town.

The 1895 Creek tribal roll examined and the name of Bettie Yaholar is found and identified thereon as Bettie Barnette, together with her sister Annie Barnette, at Nos. 68 and 69, respectively, Alabama town.

- Q About how old was your deceased wife, Bettie Yaholar, when she died? A I don't know, for sure.
- Q Did you buy a coffin or any burial material for your deceased wife, Bettie Yaholar? A I bought some lumber and had it made.
- Q Whom did you buy the lumber from? A I bought it there at the Wetmore Mission.
- Q From whom did you buy the lumber? A I believe I bought it from old man Robison, William Robison was his name.

3. In re application of Jesse Yeholar for the enrollment of his deceased wife, Bettie Yeholar, as a citizen, by blood, of the Creek Nation.

Q. Did you buy any lumber from Jack Deary? A. Yes, sir; I bought the burial clothes from him.

Q. Where does Jack Deary now reside? A. Vietnam.

Q. ~~Are there any other persons who desire to take in this~~ time with reference to the application made by you for the enrollment of your deceased wife, Bettie Yeholar? A. No, I have no more to say about it.

Oliver G. Hinkle, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on the 19th day of August, 1902.

Oliver G. Hinkle

Subscribed and sworn to before me this 23rd day of August, 1902, at Muskogee, Indian Territory.

W. A. Boney
Notary Public.

CR EN 238

CR FR Found 1908

CR
EN 238

REPORT MADE BY THE COMMISSION,
COMMISSIONERS TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., August 20, 1902.

In the matter of the application of Martha Jones for the enrollment of her minor child, Emmet Jones, deceased, as a Creek Freedman.

Martha Jones, being first duly sworn, testified as follows:

by the Commission.

- Q What is your name? A Martha Jones.
Q What is your age? A I will be thirty the twenty-sixth day of September.
Q What is your post office address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission to the Five Civilized Tribes as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Martha Jones is listed for enrollment, as a citizen of the Creek Nation, on Creek Freedman Card, Field No. 807.

- Q For whom do you now make application for enrollment? A Emmet Jones.
Q Is he now living? A No, sir.
Q What was his age when he died? A He was born in January and died in May.
Q In what year was he born? A 1899.
Q When he was born in January, 1899, and died in May, 1899?
A Yes, sir.
Q Do you recollect the date in January on which he was born?
A The 11th.
Q The 11th of January, 1899? A Yes, sir.
Q What was the date in May that he died? A The twenty-sixth.
Q The 26th of May, 1899? A Yes, sir.
Q Are you the mother of Emmet Jones? A Yes, sir.
Q In what town in the Creek Nation do you belong? A Arkansas, on the Dunn roll.
Q Are you a Dunn roll descendant? A I guess so; my folks are.
Q What was the name of the father of Emmet Jones? A Wiley Jones.
Q Is he now living? A Yes, sir.
Q Is he your husband? A Yes, sir.
Q Is he a citizen of the Creek Nation? A No, sir.
Q Is he a citizen of any nation in the Indian Territory? A Said to be of the Cherokee Nation; I don't think he has ever been enrolled.
Q Have you ever made application for the enrollment of your deceased son as a citizen of the Cherokee Nation? A No, sir.
Q Has your husband ever made application for the enrollment of Emmet Jones as a citizen of the Cherokee Nation? A No, sir.
Q Is this the first time that you ever appeared before the Commission to make application for the enrollment of Emmet Jones, as a citizen of the Creek Nation? A Yes, sir.
Q How you heretofore filed bills of sale in Missouri in the matter of the application for the enrollment of Emmet Jones, as a citizen of the Creek Nation? A Yes, sir.

2 In re application of Martha Jones for the enrollment of her minor child, Emmet Jones, deceased, as a Creek freedman.

The files of the Commission examined and it appears therefrom that there was filed with the Commission on the 18th day of August, 1902, birth and death affidavits in the matter of the application for the enrollment of Emmet Jones, as a citizen of the Creek Nation, which affidavits are marked "Exhibits A and B", and made a part of the record.

- Q You make application for the enrollment of your deceased son, Emmet Jones, as a Creek freedman? A Yes, sir, for if I am, he is, too.
- Q You are a recognized citizen of the Creek Nation? A Yes, sir.
- Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
- Q Does your name appear upon the Creek tribal rolls? A It always has been; I have been getting my money.
- Q Whom did you live with in 1890? A Lived with my mother.
- Q What is your mother's name? A They called her Patsy McIntosh.
- Q Was Governor McIntosh the husband of Patsy McIntosh? A Yes, sir.
- Q Was he living at that time? A Yes, sir.
- Q Well, who else lived with Patsy McIntosh, besides you? A My Aunt's two children.
- Q What are their names? A Mary and Willie.
- Q Mary and Willie what? A Mary and Willie Andy.
- Q Who else lived at the house with you? A That's all of the family I can remember.
- Q Did you have a sister who lived there at the house? A Yes, sir; she was married, but she was sick there.
- Q What was her name? A Eliza Bailey.
- Q Did she have a child there? A A little young one.
- Q What was his name? A I think that his name was Governor.

The 1890 authenticated roll of the Creek Nation, Arkansas town, examined, and the name of Martha Jones is found thereon as "Martha Hawkins", at Page 23.

The 1895 authenticated Creek tribal roll examined and the name of Martha Jones is found thereon and identified at No. 658, Arkansas town.

- Q Are there any other statements that you desire to make at this time with reference to the application made by you for the enrollment of your minor child, Emmet Jones, deceased, as a Creek freedman? A No, sir.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of your minor child, Emmet Jones, deceased, as a Creek freedman, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer to the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause on the 20th day of August, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Oliver C. Hinkle.

Subscribed and sworn to before me this 23rd day of August, 1902, at Muskogee, Indian Territory.

H. J. Boyer Notary Public.

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

In the matter of the death of Emmet Jones
(Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near
Muskogee, Ind. Ter., and died on the 26th day of
May, 1899.
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, Martha Jones, on oath state that I am 30
years of age and a citizen, by adoption, of the Creek Nation;
that my post office address is Muskogee, Ind. Ter.; that I am
mother of Emmet Jones,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by adoption, of the Creek Nation;
and that said Emmet Jones died on the 26th day of
May, 1899.
Martha Jones

(Must be Two Witnesses.)

Subscribed and sworn to before me this 19th day of August 1902.
H. J. Bowen
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, Wm H Lewis, on oath state that I am 39
years of age, and a Physician, of the _____ Nation;
that my post office address is Muskogee, Ind. Ter.;
that I was personally acquainted with Emmet Jones,
who was a citizen, by adoption, of the Creek Nation;
and that said Emmet Jones died on the 26th day of
May, 1899.
Wm H Lewis M.D.

(Must be Two Witnesses.)

Subscribed and sworn to before me this 18th day of August 1902.
H. J. Bowen
Notary Public.



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

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Emmet Jones, born on the 11th day of January, 1899
(Here insert name of child.)

Name of Father: Wiley Jones a citizen of the Choctaw Nation. (2)

Name of Mother: Martha Jones a citizen of the Creek Nation.

Post-office Mustoge, Ala.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Eastern District.

I, Martha Jones, on oath state that I am 30
years of age and a citizen, by adoption, of the Creek Nation;
that I am the lawful wife of Wiley Jones, who is a citizen, by
blood, of the Choctaw Nation; that a male child was
(male or female.)
born to me on 11th day of January, 1899; that said child has been
named Emmet Jones, and is now dead.

WITNESSES TO MARK:

Martha Jones

(Must be Two Witnesses.)

Subscribed and sworn to before me this 18th day of August, 1902

H. S. Borey
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, M. F. Williams, a Physician, on oath state that I
attended on Mrs. Martha Jones, wife of Wiley Jones
on the 11th day of January, 1899; that there was born to her on
said date a male child; that said child is now dead and is said to have been
(male or female.)
named Emmet Jones.

WITNESSES TO MARK:

M. F. Williams

(Must be Two Witnesses.)

Subscribed and sworn to before me this 18th day of August, 1902

H. S. Borey
NOTARY PUBLIC.

No. 807

IN RE
THE DEATH OF

Emmett Jones

a citizen of the

Creek

Nation.

Approved


1

Commissioner.

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

FILED

May 31 1901



ACTING CHAIRMAN

Rec'd 5/31/01

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

In the matter of the death of Emmett Jones
a citizen of the Creek Nation, who formerly resided at or near
Muskogee, Ind. Ter., and died on the 26 day of May,
1899.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Martha Jones, on oath state that I am 29
years of age and a citizen, by adoption, of the Creek Nation;
that my post office address is Muskogee, Ind. Ter.; that I am
mother of Emmett Jones
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by adoption, of the Creek Nation;
and that said Emmett Jones died on the 26 day of
May, 1899.
(Here insert name of deceased.)

WITNESSES TO SIGN:
(Must be Two Witnesses.)

Martha Jones

Subscribed and sworn to before me this 31 day of May, 1900.

John H. Fieber
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Wiley Jones, on oath state that I am 36
years of age, and a citizen, by adoption, of the Cherokee Nation;
that my post office address is Muskogee, Ind. Ter.;
that I was personally acquainted with Emmett Jones
(Here insert name of deceased.)
who was a citizen, by adoption, of the Creek Nation;
and that said Emmett Jones died on the 26 day of
May, 1899.
(Here insert name of deceased.)

WITNESSES TO SIGN:
(Must be Two Witnesses.)

Wiley Jones

Subscribed and sworn to before me this 31 day of May, 1900.

John H. Fieber
Notary Public.

440

IN RE

Application for Enrollment of

INFANT CHILD

Emmett Jones
as a citizen of

West Nation.

Approved, 190

Commissioner.

*Probate, died before
Land Office closed*

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

FILED

May 9, 1901

ACTING CLERK

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

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Emmett Jones, born on the 11th day of January, 1899
(Here insert name of child.)
Name of Father: Wiley Jones, a citizen of the Creek Nation.
Name of Mother: Martha Jones, a citizen of the Creek Nation.
Post-office, Mustkegeel, Ind Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Mustkegeel District.

I, Martha Davis Jones, on oath state that I am 29
years of age and a citizen, by Triety, of the Creek Nation;
that I am the lawful wife of Wylie Jones, who is a citizen, by
Blood, of the Cherokee Nation, that a Male child was
(male or female.)
born to me on the 11th day of January, 1899; that said child has been
named Emmett, and is not living, now

WITNESSES TO MARK

(Must be Two
Witnesses)

Martha Jones

Subscribed and sworn to before me this 31st day of May, 1901.

W. H. Seaman
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Mustkegeel District.

I, M. F. Williams, a Physician, on oath state that I
attended on Mrs. Martha Davis Jones, wife of Mr. Wylie Jones,
on the 11th day of January, 1899, that there was born to her on
said date a Male child; that said child is not living and is said to have been
(male or female.)
named Emmett.

WITNESSES TO MARK:

(Must be Two
Witnesses)

M. F. Williams

Subscribed and sworn to before me this 31st day of May, 1901.

Copy
Creek No. 856.

Muskogee, Indian Territory, January 19, 1903.

Hon. P. Porter,

Principal Chief of the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that on August 20, 1902, Martha Jones, whose post office address is given as Muskogee, Indian Territory, appeared before the Commission and made application for the enrollment of her deceased child, Emmett Jones, as a citizen of the Creek Nation.

You are further advised that Martha Jones is regularly enrolled on Creek Freedman Card, Field No. 807, and that her name is included in partial roll of Creek freedmen approved by the Secretary of the Interior, March 28, 1902.

There are on file with the Commission a birth affidavit showing that said child was born January 11, 1899, and a death affidavit showing that he died May 26, 1899. The testimony in the case is such that the Commission is not satisfied as to the exact dates of the birth and death of said child, and desires such evidence relative to his birth and death as the Creek Nation may be able to produce.

Respectfully,

Commissioner in Charge.

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

J. J. D.

En 238.

In the matter of the application for the enrollment of Emmet Jones, deceased, as a Creek Freedman.

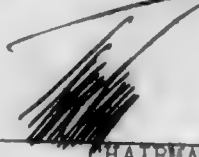
DECISION.

The record in this case shows that on August 20, 1902, Martha Jones appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Emmet Jones, deceased, as a Creek Freedman.

The evidence shows that said Emmet Jones was born January 11, 1899, and died May 26, 1899; that he was the child of Martha Jones, and the records of the Commission show that the name of said Martha Jones is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, roll No. 3114.

It is, therefore, the opinion of the Commission that said Emmet Jones, deceased, should be enrolled as a Creek Freedman in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats. 495), and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



CHAIRMAN.



COMMISSIONER.



COMMISSIONER.

Muskogee, Indian Territory

JAN 8 1904



COMMISSIONER.

889

Washoe, Indian Territory, December 16, 1909

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

Sir:

There is enclosed herewith for your consideration the
record and decision in the following Creek cases:

- Creek No. 238 Emmet Jones
- " 370 Cynthia Clayton, et al.

Respectfully,

Chairman.

HGH 1.

Muskogee, Indian Territory, December 23, 1905.

Commissioner in Charge
Chickasaw Land Office,
Tishomingo, Indian Territory.

Sir:

There are herewith enclosed the record of proceedings and
decisions in the following Creek cases:

Cynthia Clayton, et al.	Cr. No. 370
Emmet Jones,	" " 238.

Respectfully,

Chairman.

NGH. 1.

J. H. B.

Cr. No. 230.

Muskogee, Indian Territory, January 9, 1904.

A. P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission in the matter of the application for the enrollment of Ernest Jones as a Creek freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Ernest Jones, deceased, will be regularly listed for enrollment as a Creek freedman.

Respectfully,

Commissioner in Charge.

EXH. 4.

283
En. 258.

Muskogee, Indian Territory, May 28, 1904.

Martha Jones,

Muskogee, Indian Territory.

Dear Madam:

You are advised that the name of your minor child, Emmet Jones, deceased, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior May 21, 1904, and that application for a selection of land in the Creek nation for the heirs of said child may now be made at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

EV 231

EV 231

DEPARTMENT OF THE INTERIOR
COMMISSION ON THE SOON-TO-BE-RELEASED
MUSKOGEE, INDIAN, August 14, 1902.

Re the matter of the application of Daniel Grayson for the enrollment of himself and his minor son, Adolphus Grayson, as Creek freedmen.

Appearance: I. Eastman, attorney for the applicant.

Daniel Grayson, being first duly sworn, testified as follows:

By the Commission:

- Q What is your full name? A Daniel Grayson.
- Q What is your age? A Twenty-three.
- Q What is your post office address? A Brank Hill.
- Q For whom are you now making application for enrollment? A Myself and son.
- Q Do you make application for the enrollment of yourself and son as Creek freedmen? A Yes, sir.
- Q What is the name and age of your son? A His name is Adolphus, and he is a little over three years old.
- Q Is he now living? A Yes, sir.
- Q Where do you reside? A (Q) Sir?
- Q Where do you reside? A (Q) How?
- Q Yes. A In the Creek Nation.
- Q How long have you resided in the Creek Nation? A I have been in the Creek Nation mostly for this year, off and on.
- Q Where is your son, Adolphus, now? A Stonewall.
- Q Have you ever resided at Stonewall? A Yes, sir; I have. Ride down there.
- Q What is the name of the mother of Adolphus Grayson? A Emma Grayson.
- Q Is she now living? A Yes, sir.
- Q Is she a citizen of the Creek Nation? A No, sir.
- Q Is she a citizen of any nation in the Indian Territory? A Supposed to be a citizen of the Chickasaw.
- Q Where is your wife, Emma Grayson, now living? A Why, she is at Stonewall.
- Q As a matter of fact, you have made your residence for eight or nine years at Stonewall, haven't you, in the Chickasaw Nation? A No, sir; I goes over there and I come back here, I usually comes in the Spring over here and I come over there in the winter.
- Q Do you bring your wife? A Sometimes she comes with me.
- Q Where is your post office in the Creek Nation? A Brank Hill.
- Q Have you got a home there? A Yes, sir.
- Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes, sir.
- Q Have you ever been enrolled in the Creek tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes, sir.
- Q Does your name appear upon the tribal rolls? A Yes, sir.
- Q To what town in the Creek Nation do you claim to belong? A North Fork.

The 1898 authenticated tribal roll of the Creek Nation showed the name of Daniel Grayson is found and identified as being a citizen of the Creek Nation, No. 122, North Fork.

The 1898 Creek Nation tribal roll and the name of Adolphus Grayson is also found thereon at No. 122, North Fork.

2 In re application of Daniel Grayson for the enrollment of himself and his minor son, Adolphus Grayson, as Creek freedmen.

Q What is the name of your father? A Daniel Grayson.
Q Is he now living? A Yes, sir.
Q Is he a citizen of the Creek Nation? A Yes, sir.
Q Does his name appear upon the Dunn roll? A (Q) Sir?
Q Does his name appear upon the Dunn roll? A Yes, sir.
Q To what town in the Creek Nation does your father belong?
A North Fork.

The roll of Creek freedmen made by Major J. W. Dunn, prior to March 14th, 1867, examined and the name of the father of Daniel Grayson is found and identified thereon as "Daniel Grayson", at No. 416.

The records of the Commission also examined and the name of the father of Daniel Grayson is found and is listed for enrollment as a citizen of the Creek Nation on Creek freedmen card, Field No. 893, as "Daniel Grayson."

Q What is the name of your mother? A Lizzie Mason.
Q Is she now living? A Yes, sir.
Q Is she a citizen of the Creek Nation? A No, sir.
Q Is she a citizen of any nation in the Indian Territory?
A Yes, sir.
Q To what nation does she belong? A Chickasaw.
Q Have you ever been enrolled by the Commission as a citizen of the Chickasaw Nation? A (Q) By the Commission?
Q (A) Yes. A Yes, sir.

The records of the Commission examined and it appears therefrom that Daniel Grayson was enrolled under the name of "Dan Grayson", together with his mother, Lizzie Grayson, as a Chickasaw freedman, on the 15th day of September, 1898, on Chickasaw freedmen card, Field No., 383.

Q You are the father of Adolphus Grayson, are you not?
A Yes, sir.
Q What is the name of Adolphus Grayson's mother? A Emma Grayson.
Q Is she a citizen of the Creek Nation? A No, sir.
Q Is she a citizen of any nation in the Indian Territory?
A Supposed to be a citizen of the Chickasaw.
Q Do you know whether or not she has ever been enrolled as a citizen of the Chickasaw Nation by the Commission? A No, sir; I don't know for certain whether or not she has.
Q Was your wife ever known by any other name excepting Emma Grayson? if so, what name did she go by? A Emma Griffin.
Q Did she have any other name? A Yes, sir; before she was married, it was Emma Allen.

The records of the Commission examined and the name of Emma Grayson and Adolphus Grayson were not found to be enrolled as Chickasaw freedmen, at this time.

Q Is this the first time you have ever made application to the Commission for your enrollment, and the enrollment of your minor son, Adolphus Grayson, as citizens of the Creek Nation? A This is the first time; I came down here in January or February.
Q You came here in January, 1902? A Yes, sir; at that time you told me I would have to make the application.

3 In re application of Daniel Grayson for the enrollment of himself and his minor son, Adolphus Grayson, as Creek freedmen.

Q Are there any additional statements you desire to make at this time with reference to your application for the enrollment of yourself and your minor son, Adolphus Grayson, as Creek freedmen?

A No, sir; nothing more than the reason I never came in sooner was that Papa had been tending to my business all the time; and in time of payment; when I was come down I was on the roll, and I thought he had still tended to it during my absence, is why that I am late.

Q If it should be found that you have heretofore been recognized by the tribal authorities of both the Creek and Chickasaw Nations, in which nation do you desire to be enrolled and receive allotment of lands and distribution of moneys? A In the Creek.

In the case of your minor child, Adolphus Grayson, it will be necessary for you to furnish a birth affidavit, made by the mother and the physician or midwife who was in attendance at the time of its birth, before any action can be taken relating to his enrollment.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of yourself and your minor son, Adolphus Grayson, as citizens of the Creek Nation, which will be mailed to you at your present post office address, as given by you in your testimony taken at this time.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause, and that the above and foregoing is a full and true and correct transcript of his stenographic notes of said proceedings on the 20th day of August, 1902.

Oliver C. Hinkle

Subscribed and sworn to before me this 20th day of August, 1902, at Muskogee, Indian Territory.

H. S. Borner
Notary Public.

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

No. 239

In the matter of the application for the enrollment of Daniel and Adolphus Grayson as Creek Freedmen.

DECISION.

The record in this case shows that on August 20, 1902, Daniel Grayson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his minor child, Adolphus Grayson, as Creek Freedmen.

The evidence shows that said Daniel Grayson is identified on the 1890 authenticated tribal roll of the Creek Nation and on the 1895 pay roll of said nation; that his father is identified on the Dunn roll; that Adolphus Grayson is the minor child of said Daniel Grayson and Emma Grayson and that he was about three years old and living at the date of the application herein.

It further appears that the principal applicant had resided in Indian Territory fifteen years next before the application herein; that his name was contained in the partial list of Chickasaw Freedmen approved by the Secretary of the Interior December 12, 1902, No. 1611; that said enrollment was canceled by the Secretary of the Interior December 16, 1903 (I.T.D. 8608-1903); that said Daniel Grayson has elected to be enrolled as a Creek Freedman; and that no application has been made for the enrollment of said Adolphus Grayson as a Chickasaw Freedman.

It is, therefore, the opinion of the Commission that Daniel Grayson and Adolphus Grayson should be enrolled as Creek Freedmen in accordance with the provisions of the acts of Congress June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Dated at Muskogee, I.T.

MAR 17 1904

F.5456 #

IN RE

THE DEATH OF

Adolphus Grayson

a citizen of the

Creek

Nation.

Approved

190

Commissioner.

App
20015

12-21-02

Dues

29632-3

F.5456

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

In the matter of the death of Adolphus Grayson
a citizen of the Creek Nation, who formerly resided in or near
Wynnewood Ind. Ter., and died on the 19 day of
September, 1904

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY,

Western DISTRICT.
I, William Vann on oath state that I am 38
years of age and a citizen, by Adoption of the Creek Nation;
that my postoffice address is Newby Ind. Ter.; that I am
by marriage the Uncle of Adolphus Grayson
who was a citizen, by Adoption of the Creek Station Nation;
and that said Adolphus Grayson died on the 19 day of
Sept, 1904 Wm Vann

WITNESSES TO MARK:

(Must be Two Witnesses.)
W. J. Hardy

Subscribed and sworn to before me this 2nd day of Oct, 1904

W. J. Hardy
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY,

Western DISTRICT.
I, W. M. Hall on oath state that I am 28
years of age, and a citizen of the United States Nation;
that my postoffice address is Wynnewood Ind. Ter.;
that I was personally acquainted with Adolphus Grayson
who was a citizen, by Adoption of the Creek Nation;
and that said Adolphus Grayson died on the 19 day of
September, 1904. W. M. Hall his
man

WITNESSES TO MARK:

(Must be Two Witnesses.)
H. C. Mingo
D. M. Simpson

Subscribed and sworn to before me this 5 day of November, 1904

Frank Robinson
Notary Public.

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

In the matter of the death of Adolphus Grayson
(Here insert name of deceased.)
 a citizen of the Creek Nation, who formerly resided at or near
Wynnewood I.T., Ind. Ter., and died on the 19th day of
September, 1904
(Here insert name of postoffice)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Western DISTRICT. }

I, Samuel Grayson, on oath state that I am 25
 years of age and a citizen, by Adoption of the Creek Nation;
 that my postoffice address is Brush Hill, Ind. Ter.; that I am
Father of Adolphus Grayson
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by Adoption of the Creek Nation;
 and that said Adolphus Grayson died on the 19 day of
September, 1904

WITNESSES TO MARK:

(Must be Two Witnesses) } Will Hark
William W Stewart

Samuel Grayson

Subscribed and sworn to before me this 17th day of November, 1904.
my Commission Expires 6/13/1908. William W Stewart
 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 postoffice address is _____, Ind. Ter.;
(Here insert name of postoffice.)
 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 _____

WITNESSES TO MARK:

(Must be Two Witnesses) }

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

Notary Public.

JJD

Creek No. 239.

Muskogee, Indian Territory, January 23, 1903.

Chickasaw Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

August 20, 1902, Daniel Grayson appeared before the Commission and made application for the enrollment of himself and his minor son, Adolphus Grayson, as Creek freedmen. A copy of the testimony is herewith inclosed.

It appears from the records of the Creek Enrollment Division that said Daniel Grayson is listed for enrollment on Chickasaw Freedman Card, Field No. 383.

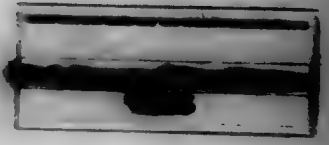
You are requested to advise the Creek Enrollment Division whether application has been made for the enrollment of said Adolphus Grayson as a citizen of the Chickasaw Nation.

Respectfully,

Acting Chairman.

Secretary
James C. Brown
Chief Clerk
George A. Brown
U. S. Commissioner
James C. Brown

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES



ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Washington, D. C.

Chief Executive Division

Commission to the Five Civilized Tribes

Washington

Receipt in timely acknowledgment of your letter of January 22, including a copy of the testimony of Daniel Rogers, brother-in-law of the applicant for the appointment of William Robinson, Adolphus Rogers, should be made through and on to the Commission in the Chief Office. You will be advised whether the appointment of the Chief Executive Division of the Commission has been made for the appointment of Adolphus Rogers as a Chief Executive Division.

In reply to your letter you are advised that Adolphus Rogers was not named that Dan Rogers has been appointed as a Chief Executive Division, and that the appointment was approved by the Secretary of the Interior on December 22, 1911. It does not appear, however, that any application has been made for the appointment of Adolphus Rogers as a Chief Executive Division; neither does it appear that the appointment of Dan Rogers, has been made for appointment as a Chief Executive Division.

Respectfully,

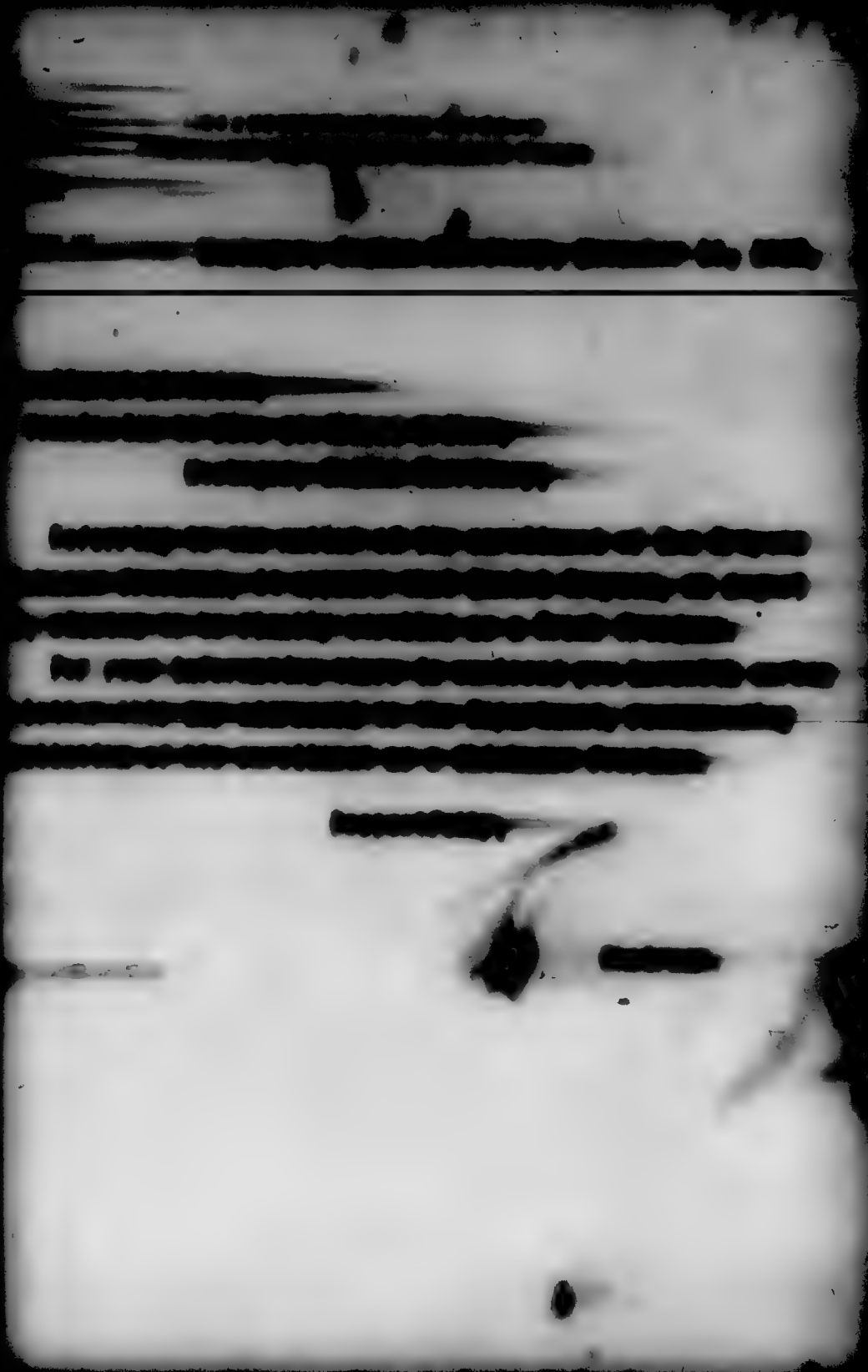
J. H. [Signature]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]



MEMORANDUM FOR THE RECORD

Re: [Illegible]

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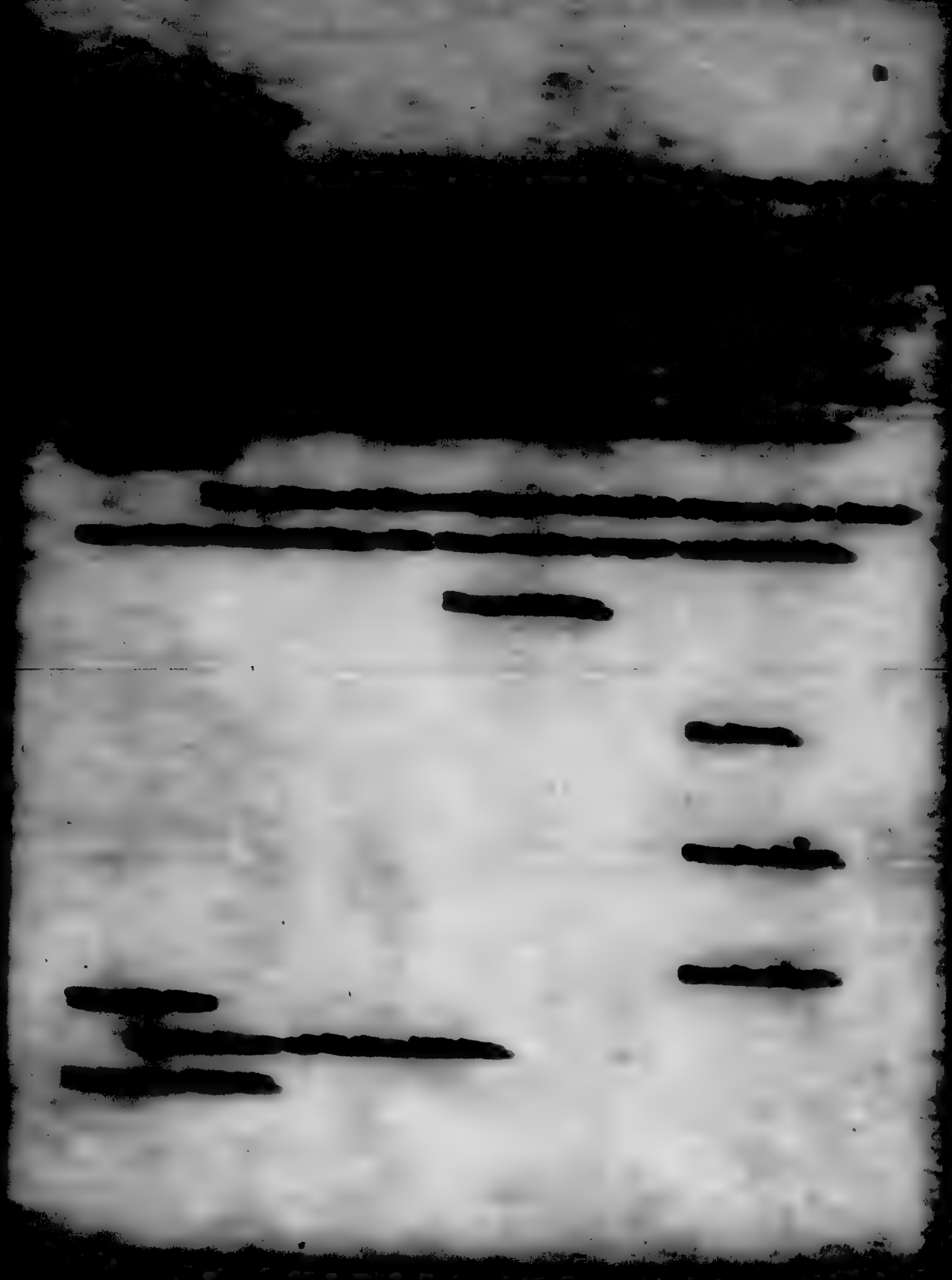
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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON:-

Dec. 5, 1903.

Land.
75, 572-1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is enclosed, herewith, a report from the Commission to the Five Civilized Tribes, dated November 11, 1903, recommending that the enrollment of Daniel Grayson, whose name appears opposite No. 1611, approved Chickasaw freedmen roll, be cancelled, he having elected to take his allotment as a Creek freedman.

The commission says that from their records it appears that Daniel Grayson is the son of Lizzie Mason, a Chickasaw freedman and Dan Grayson, a Creek freedman.

Inasmuch as it appears that Daniel Grayson has elected to be enrolled as a Creek freedman, it is recommended that the authority requested be granted, and that the office be authorized to cancel his name on its Chickasaw freedmen partial roll,

The commission enclosed a copy of the testimony taken before it August 20, 1902.

Respectfully,

(G.A.W.) P.

W. A. Jones,
Commissioner.

(COPY).

DEPARTMENT OF THE INTERIOR, CMR.

WASHINGTON, December 16, 1903.

D.C. 34731.
ITD. 8608-1903.
L.R.S.

The Commission

to the Five Civilized Tribes.

Gentlemen:-

In your letter of November 11, 1903, you recommend that the enrollment of Daniel Grayson, opposite No. 1611 upon the approved roll of Chickasaw freedmen, be canceled, said Grayson having elected to be enrolled as a Creek freedman.

It appears that Daniel Grayson is the son of Lizzie Mason, a Chickasaw freedman, and Dan Grayson, a Creek freedman; that he has been duly enrolled as a Chickasaw freedman; and that he made application before you on August 20, 1902, to be enrolled as a Creek freedman.

The Commissioner of Indian Affairs concurs in your recommendation, and a copy of his letter of December 5, 1903, is inclosed.

The Department also concurs, and has canceled the name of said Grayson upon the copy of the Chickasaw freedman roll in its possession. You are hereby authorized to cancel his enrollment upon the schedules of Chickasaw freedmen in your possession. The Commissioner of Indian Affairs has also been

authorized to make a like cancellation with its records.

Respectfully,

Ray Ryan,

Acting Secretary.

1 inclosure.

200

No. 200.

Lawson, Indian Territory, February 8, 1904.

Linnis English,
Wynnewood, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of January 30, 1904, concerning the application for the enrollment of your son, Daniel Grayson, as a citizen of the Creek Nation.

It is stated that said Daniel Grayson is in prison and that you think you are the person to look after his business.

In reply you are advised that on August 30, 1902, Daniel Grayson appeared before the Commission and made application for the enrollment of himself and his minor child, Adolphus, as Creek freedmen. It also appears that prior to that time application had been made for his enrollment as a Chickasaw Freedman and that his name was contained in the approved Chickasaw roll, and that his enrollment as a Chickasaw Freedman was canceled by the Department December 16, 1903.

The application for his enrollment as a citizen of the Creek Nation will be taken up for consideration by the Commission as soon as it is reached in due course of business.

Respectfully,

2879

No. 289.

Muskogee, Indian Territory, March 19, 1896.

A. P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Daniel and Adolphus Grayson as Creek freedmen.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Daniel and Adolphus Grayson will be regularly listed for enrollment as Creek freedmen.

Respectfully,

Commissioner in Charge.

HCH-3-18-9.

8813

No. 239.

Muskogee, Indian Territory, March 23, 1904.

Lizzie Douglass,
Wynnewood Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of March 17, in which you request to be advised if your son, Dan Grayson, has had his rights determined.

In reply you are advised that the application for the enrollment of Daniel Grayson and his minor child, Adolphus, has been passed upon by the Commission and awaits the action of the Secretary of the Interior.

When final action is had in the case you will be notified.

Respectfully,

Commissioner in Charge.

2813

En. 239.

Muskogee, Indian Territory, April 7, 1904.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division.

Gentlemen:

In the matter of the application for the enrollment of Daniel and Adolphus Grayson as Creek freedmen, you are advised that March 17, 1904, the Commission rendered its decision favorable to the applicants. March 18, 1904, a copy of the decision was furnished the Creek attorney and he was duly notified that fifteen days was allowed within which to enter protest. No protest having been filed, the applicants have been regularly listed for enrollment on Creek freedman card Field No. 1931.

Reference is made to Chickasaw Freedman card, Field No. 383.

A copy of the decision is inclosed.

Respectfully,

Commissioner in Charge.

HGH4-7-1.

800
Muskogee, Indian Territory, June 14, 1904.

Daniel Grayson,

Brush Hill, Indian Territory.

Dear Sir:

You are advised that the names of yourself and minor child, Adolphus Grayson, are contained in the partial list of Creek Freedmen approved by the Secretary of the Interior May 21, 1904, and that application for selections of land in the Creek Nation may now be made for yourself and said minor child at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

OR BU 270

OR BU 270

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind.Ter., August 22, 1902.

In the matter of the application of Isaac Johnson for the enrollment of his mother-in-law, I che ney, deceased, as a citizen, by blood, of the Creek Nation.

Isaac Johnson, being first duly sworn, testified, as follows:

By the Commission.

- Q What is your name? A Isaac Johnson.
- Q What is your age? A Twenty-six.
- Q What is your post office address? A Weer.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q For whom do you now make application for enrollment? A I che ney.
- Q Is she living? A No, sir; she is dead.
- Q What kin is she to you? A Mother-in-law is all I know.
- Q When did she die? A She died April 8th, 1899.
- Q Have you got any record of her death? A I did at home, but I leave it.
- Q What kind of a record have you at home? A Well, it was pronounced what year she die and the date.
- Q Where did you keep that record? A I got it in the house.
- Q Did you keep the record in a book? A Yes, sir.
- Q What kind of a book? A A day-book.
- Q When was the date of her death put down in that book? A The date after she died.
- Q Did you write it in with ink or pencil? A Pencil.
- Q Is I che ney a full-blood Creek Indian? A Yes, sir.
- Q What was her age when she died? A I don't know; I couldn't tell.
- Q Was she an old woman? A She was an old woman, yes, sir.
- Q Do you know about how old she was? A I don't know; she must have been about eighty or eighty-five, somewhere along there.
- Q To what town in the Creek Nation did she belong? A Broken Arrow.
- Q What was the name of her father? A I don't know, sir.
- Q Do you know to what town her father belonged? A I don't know.
- Q What was the name of her mother? A I don't know.
- Q To what town did her mother belong? A Broken Arrow.
- Q Are the father and mother of I che ney both dead? A Yes, sir.
- Q Was I che ney a recognized citizen of the Creek Nation?
A Yes, sir.
- Q Was she ever enrolled by the Creek tribal authorities, as a citizen of the Creek Nation? A I couldn't say for sure.
- Q Does her name appear upon the Creek tribal rolls? A Yes, sir.
- Q Did she ever have any other name, excepting I che ney? A That's all I know of.
- Q Is this the first time that you ever made application for her enrollment, as a citizen of the Creek Nation? A Yes, sir.
- Q Did you ever file with the Commission a death affidavit in the matter of the application for her enrollment? A No, sir.

The records of the Commission examined and it appears therefrom that I che ney has never been listed for enrollment by the Commission, as a citizen of the Creek Nation.

2 In re application of Isaac Johnson for the enrollment of his mother-in-law, I che ney, deceased, as a citizen, by blood, of the Creek Nation.

The 1890 authenticated tribal roll of the Creek Nation, Broken Arrow town, examined and the name of I che ney not found thereon.

The 1891 Omitted roll, Broken Arrow town of the Creek Nation examined and the name of I che ney not found thereon.

The 1895 Creek tribal roll, Broken Arrow town, examined and the name of I che ney is found and identified thereon, at No. 96.

Nicey Johnson, being first duly sworn, testified as follows, through interpreter, Chilly W. Morgan:

By the Commission.

- Q What is your name? A Nicey Morgan.
- Q What is your age? A I don't know; about thirty-seven.
- Q What is your post office address? A Weer.
- Q Did you know I che ney, for whom application is now made?
- A I did know her, she was my mother.
- Q Do you know when she died? A I have forgotten; the filing office was open and she died during that time, and the third day after she died, I was here to file on my allotment; but I can't say what day of the month it was.
- Q Did she die before or after you filed on your allotment? A I was making preparations to come here to file when she died, and after she died, I came here and filed on my allotment.
- Q Did you come here yourself and file on your allotment? A Yes, sir.
- Q Didn't Isaac Johnson file for you? A Yes, sir.
- Q Did you come to Muskogee with your husband, when the filing was made? A Yes, sir.
- Q How long before you filed on your allotment did your mother die?
- A She died on a Saturday and I came here Tuesday and filed on my land.
- Q Did she die on the Saturday just before Tuesday that you filed?
- A Yes, sir.

The records of the Commission examined and it appears therefrom that Isaac Johnson filed on their allotment of land on the 15th day of April, 1899.

- Q Do you know the name of the father of your mother? A No, sir.
- Q Your mother was a full-blood Creek Indian? A Yes, sir.
- Q Do you know the town your mother's father belonged to? A He belonged to Lochapoka town.
- Q The father and mother of your mother are both dead? A Yes, sir.

It will be necessary for you to furnish a death affidavit made by yourself and some acquaintance who knows when your mother died.

Isaac Johnson, being recalled, testified as follows:

By the Commission.

It will be necessary for you to bring the day-book in which you claim you made the record of the death of I che ney before any further action can be taken in this case.

- Q Are there any other statements that you desire to make at this time

In my application of John Johnson for the surmount of his mother-in-law, I am the daughter, as a citizen, of the Creek Nation.

With reference to the death of your deceased mother-in-law, I am the daughter of the same.

You will be furnished at a later date with a copy of the decision of the Commission, with reference to the application made by you at this time for the enrollment of your deceased mother-in-law, I am the daughter, which will be mailed to you at your proper post office address, as given by you in your testimony herein.

Oliver O. Hinkle, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause on the 25th day of August, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

Oliver O. Hinkle

Subscribed and sworn to before me this 25th day of August, 1902, at Muskogee, Indian Territory.

J. A. Parson
Notary Public.

IN RE
THE DEATH OF

Archine (Iche-ney)
a citizen of the

Creek Nation.

Approved _____ 190_____

Commissioner.

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

FILED

July 28, 1908

CHAIRMAN

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

In the matter of the death of Mrs Archine
(Here insert name of deceased.)
a citizen of the Creek Nation Nation, who formerly resided at or near
Lawson I T, Ind. Terr., and died on the 7th day of
April, 1899.
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY,
Western District. }

I, Nancy Johnson, on oath state that I am 37
years of age and a citizen, by Birth, of the Creek Nation;
that my post office address is Wever, Ind. Terr.; that I am
Daughter of Mrs Archine,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Blood, of the Creek or Muscogee Nation;
and that said Mrs Archine died on the 7th day of
April, 1899.

WITNESSES TO MAKE:

(Must be Two
Witnesses.)

Lewis McHenry
Thad. C. Dow
Commodore McLintock
Subscribed and sworn to before me this 4th day of June 1903.

Thad. C. Dow
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY,
Western District. }

I, Lewis McHenry, on oath state that I am 37
years of age, and a citizen, by Blood, of the Muscogee or Creek Nation;
that my post office address is Wever, Ind. Terr.;
that I was personally acquainted with Mrs Archine,
(Here insert name of post office.) (Here insert name of deceased.)
who was a citizen, by Blood, of the Creek or Muscogee Nation;
and that said Mrs Archine died on the 7 day of
April, 1899.

WITNESSES TO MAKE:

(Must be Two
Witnesses.)

Lewis McHenry
Thad. C. Dow
Subscribed and sworn to before me this 4th day of June 1903.

Thad. C. Dow
Notary Public.

Copy

Creek No. 340.

Muskogee, Indian Territory, January 31, 1903.

Hon. P. Porter,
Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that on August 22, 1902, Isaac Johnson, whose post office address is given as Weer, Indian Territory, appeared before the Commission and made application for the enrollment of his deceased mother-in-law, "I che ney", as a citizen of the Creek Nation.

You are further advised that the name of said "I che ney" appears upon the 1895 Creek tribal roll.

It appears from the testimony in this case that "I che ney" died about April 13, 1899, but the testimony in the case is such that the Commission is not satisfied with the proof of death furnished, and desires such evidence relative to her right to enrollment as the Creek Nation may be able to produce.

Respectfully,

Acting Chairman.

2893

En. 240.

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

In the matter of the application for the enrollment of I-che-ney
as a citizen by blood of the Creek Nation.

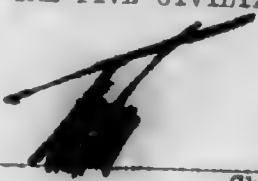
DECISION.

The record in this case shows that on August 22, 1902, Isaac Johnson appeared before the Commission and made application for the enrollment of I-che-ney, deceased, as a citizen by blood of the Creek Nation.

The evidence shows that said I-che-ney died in the month of April, 1899; that she was a full-blood Creek Indian and that she is identified on the 1895 pay roll of the Creek Nation.

It is, therefore, the opinion of the Commission that said I-che-ney, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861), and it is so ordered.

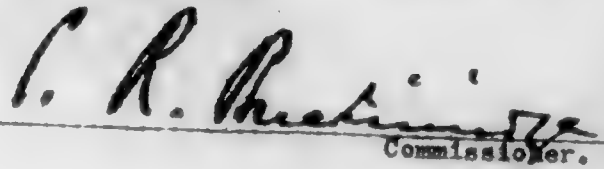
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Commissioner.

Dated at Muskogee, I.T.

MAY 23 1904

General Sherman Station,

Lawrence, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Isaac Jenkins for the enrollment of I-cho-ney, deceased, as a citizen by blood of the Creek Nation.

You are hereby advised that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest under said I-cho-ney, deceased, will be regularly filed, said I-cho-ney, deceased, will be regularly enrolled as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

NSH-14-25.

June 9

JJ/3

Ms. 240.

Muskogee, Indian Territory, July 11, 1904.

Issao Johnson,
Weer, Indian Territory.

Dear Sir:

You are advised that the name of I-oh-ney, deceased, is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior June 29, 1904, and that application for a selection of land in the Creek Nation may now be made for her at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.

Page 1 of 1

15 May 1904

to the Commissioner of the Five Civilized Tribes, Sur. I want to know
of this matter my wife Niddy Johnson has fix up an affidavit to file
for her mother who is dead in the year of 96 in the month of April,
then this paper was fix up by a notary at Veer I.T. and it was send
back to the Commissioner's Office A year ago las August then we
hasent Seen Any thing of it Please let me hear of you. your truly
I.T. Johnson

the mother of

Niddy Johnson the

Name was

Ifiney

883

No. 240.

Muskogee Indian Territory, May 20, 1904.

I. F. Johnson,
Weer, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 15, relative to the death of your wife's mother, "Ijiney". It is stated that the name of your wife is Niecey Johnson and that her mother died in 1896.

The records of the Commission show that on August 23, 1902, Isaac Johnson and his wife, Niecey, appeared and made application for the enrollment of Icheney, the mother of Niecey. At the conclusion of the evidence offered at that time the applicants were advised that an affidavit relative to the death of said Icheney should be filed in the case, and that it would be necessary that the day book in which it was claimed a record of her death was made should be produced to the Commission. No further action appears to have been taken in the case.

The Commission desires further evidence in the case.

Respectfully,

Commissioner in Charge.

CR 20 21

112

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Terr., August 22, 1902.

In the matter of the application of Humphrey Brown for the enrollment of his minor child, Cy Brown, deceased, as a Creek freedman.

Humphrey Brown, being first duly sworn, testified as follows:

By the Commission.

- Q What is your name? A Humphrey Brown.
Q What is your age? A Thirty-two years old.
Q What is your post office address? A Wagoner.
Q Are you a citizen of the Creek Nation? A Non citizen.
Q Are you a United States citizen? A Yes, sir.
Q You are not a citizen of any nation in the Indian Territory?
A No.
Q For whom do you now make application for enrollment? A Cy Brown.
Q Is he living? A Dead.
Q When did he die? A He died the 18th of July.
Q What year? A 1900.
Q When was he born? A Born April 18, 1900.
Q How old was he when he died? A He was about four months old.
Q Are you the father of this child? A Yes, sir.
Q What was the name of its mother? A Alice Drew.
Q Is she living? A Yes, sir.
Q Is she a citizen of the Creek Nation? A Yes, sir.
Q Has she been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears that Alice Drew is listed for enrollment as a citizen of the Creek Nation on Creek Freedmen Card, Field No. 737

- Q Does her name appear upon the Creek tribal rolls? A Yes, sir.

The 1890 Creek tribal rolls examined and the name of Alice Drew is found and identified thereon at Page No. 68, Canadian colored town.

The 1895 Pay Roll of the Creek Nation examined and the name of Alice Drew is found and identified thereon, at Page No. 474, Canadian colored town.

- Q Is this the first time you have made application to the Commission for the enrollment of your son, Cy Brown? A I came down here last August to make an enrollment, and they said had to wait until this treaty goes through.

- Q Have you heretofore filed with the Commission a birth affidavit in the matter of the application for the enrollment of your son, Cy Brown? A Yes, sir.

The files of the Commission examined and it appears that there was filed with the Commission on the 22nd day of August, 1901, a birth affidavit in the matter of the application for the enrollment of Cy Brown, as a citizen of the Creek Nation, which affidavit is marked "Exhibit A" and made a part of the record.

2' In re application of Humphrey Brown for the enrollment of his minor child, Cy Brown, deceased, as a Creek freedman.

Q Have you filed with the Commission a death affidavit in the case of your deceased son, Cy Brown? A Yes, sir.

Q Have you the death affidavit with you? A Yes, sir.

The applicant here presents a death affidavit in the matter of the application for the enrollment of Cy Brown, as a citizen of the Creek Nation, which is marked "Exhibit B" and made a part of the record.

Q Are there any other statements that you desire to make at this time with reference to your application for the enrollment of your deceased minor son, Cy Brown, as a citizen of the Creek Nation?

A No, sir.

You will be furnished at a later date with a copy of the decision of the Commission relative to the application made by you at this time for the enrollment of your minor child, Cy Brown, deceased, as a Creek freedman, which will be mailed to you at your proper post office, as given by you in your testimony taken at this time.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause on the 22nd day of August, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Oliver C. Hinkle.

Subscribed and sworn to before me this 26th day of August, 1902, at Muskogee, Indian Territory.

J. S. Borey
Notary Public.

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

No. 241.

In the matter of the application for the enrollment of Cy Brown, deceased, as a Creek Freedman.

DECISION.

The record in this case shows that on August 22, 1902, Humphrey Brown appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his deceased minor child, Cy Brown, as a Creek Freedman.

The evidence shows that said Cy Brown was born April 18, 1900, and died July 18, 1900; that he was the child of Humphrey Brown, a citizen of the United States, and his wife, Alice Brown, whose name, as appears from the records of the Commission is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior, March 28, 1902, Roll Number 2855, as Alice Drew.

It is, therefore, the opinion of the Commission that Cy Brown, deceased, should be enrolled as a Creek Freedman in accordance with the provisions of the act of Congress, March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.

Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

FEB 19 1904

Copy

Creek En. 241.

Muskogee, Indian Territory, January 22, 1903.

Hon. P. Porter,

Principal Chief of the Creek Nation.

Muskogee, Indian Territory.

Sir:

You are hereby advised that on August 22, 1902, Humphrey Brown, whose post office address is given as Wagoner, Indian Territory, appeared before the Commission and made application for the enrollment of his deceased child, Cy Brown, as a citizen of the Creek Nation.

You are further advised that Alice Drew, the mother of said deceased child, is regularly enrolled on Creek Freedman Card, Field No. 737, and that her name is included in partial roll of Creek freedmen approved by the Secretary of the Interior, March 28, 1902.

There are on file in this office a birth affidavit, showing that said Cy Brown was born April 20, 1900, and a death affidavit, showing that he died July 18, 1900. The record in this case is such that the Commission is not satisfied as to the exact dates of his birth and death, and desires such evidence as to his right to enrollment as the Creek Nation may be able to produce.

Respectfully,

Commissioner in Charge.

J. H. B.

No. 241.

Muskogee, Indian Territory, February 20, 1904.

A. P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Cy Brown, deceased, as a Greek freedman.

You are hereby advised that the Creek nation will be allowed fifteen days from the date hereof to protest against said decision, and if at the expiration of that time no such protest has been made, said Cy Brown, deceased, will be regularly listed for enrollment as a Greek Freedman.

Respectfully,

Commissioner in Charge.

HGH 9.

COPY

P. 1718

Muskogee, Indian Territory, March 9, 1904.

Humphrey Brown,

Vagoner, Indian Territory.

Dear Sir:

In the matter of the application made by you for the enrollment of your deceased minor child, Cy Brown, as a citizen of the Creek Nation you are advised that he has this day been regularly listed for enrollment by the Commission as a Creek freedman.

Respectfully,

Commissioner in Charge.

J.S.P.

Ex. 101.

Muskogee, Indian Territory, May 31, 1904.

Humphrey Brown,
Wagoner, Indian Territory.

Dear Sir:

You are advised that the name of your minor child, C. Brown, deceased, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior May 21, 1904, and that application for a selection of land in the Creek Nation may now be made for the heirs of said child at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

GR. 242

GR. 242

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind. Ter., August 23, 1902.

In the matter of the application of Daniel Cane for the enrollment of his minor children, Marsey and Legey Cane, both deceased, as citizens, by blood, of the Creek Nation.

Daniel Cane, being first duly sworn, testified, as follows, through interpreter, Chilly W. Morgan:

By the Commission.

- Q What is your name? A Daniel Cane. My parents named me Willie Cane, the Commissioners put it down as Daniel Cane, to correspond with the other records. Often when they call on me to witness, they put it Daniel Cane.
- Q What is your age? A Thirty-one years old.
- Q What is your post office address? A Bearden.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q For whom do you now make application for enrollment? A Marsey Cane and Legey Cane.
- Q Are they both living? A They are dead.
- Q Are you the father of them? A Yes, sir.
- Q What were their ages when they died? A Marsey was about two years old when he died, and Legey was about one year old when he died.
- Q Was Marsey more than two years old or less than two years old? A I don't believe he was quite two years old, but very near two years old.
- Q Was Legey less or more than one year of age when he died? A I think he was about eleven months old when he died.
- Q When was Marsey Cane born? A A little over three years ago from now.
- Q When did Marsey Cane die? A He has been dead nearly three years.
- Q Well, can you tell me when Marsey Cane was born? A Never expected anything of this kind would come up, and I paid no attention to it, and I was ignorant and I couldn't tell the year or day of the month, and right now I am left in the dark, I don't know.
- Q Do you know when Legey Cane was born? A He was born in August.
- Q In what year? A It is about three years ago.
- Q As a matter of fact, you don't know when Marsey and Legey Cane were born or when they died? A That's just about it.
- Q Are you the father of these two children? A I guess so.
- Q To what town in the Creek Nation do you belong? A Thlewatha town.
- Q Do you recollect when you filed on your allotment? A Yes, sir; I know.
- Q Were either of these children living at that time? A They were both dead at that time.
- Q How long had they been dead at that time? A Died about twelve or fourteen months before.
- Q Which one died first? A Marsey died first.
- Q Did both of them die in the same year? A Yes, sir.

The records of the Commission examined and it appears therefrom that Daniel Cane filed on his allotment on the 11th day of April, 1900.

2 In re application of Daniel Cane for the enrollment of his two children, Marsey and Legey Cane, deceased, as citizens, by blood, of the Creek Nation.

Q Have you heretofore made application to the Commission for your two deceased children, Marsey and Legey Cane? A I came to file for them when I filed on my own allotment, and the Commission rejected them.

Q They rejected them at that time because they were dead, did they not? A Yes, sir.

Q What is the name of the mother of these two children? A Nicey Cane.

Q Is she living? A Yes, sir.

Q To what town in the Creek Nation does she belong? A Tuckabatchee.

Q Are you and the mother of these children both full-blood Creek Indians? A Yes, sir.

Q Have you always resided in the Creek Nation? A Yes, sir.

Q Are you recognized citizens of the Creek Nation? A Yes, sir.

Q Do your names appear upon the tribal rolls of the Creek Nation? A Ought to be there.

Q Have you been listed by the Commission as citizens of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears that Daniel and Nicey Cane, the father and mother of Marsey and Legey Cane, are both listed for enrollment, as citizens of the Creek Nation, on Creek Indian Card, Field No. 1805.

The 1890 authenticated tribal roll of the Creek Nation examined and the name of Daniel Cane is found and identified thereon as "Daniel", at Page No. 194, Thlewathle town.

The 1890 authenticated tribal roll of the Creek Nation examined and the name of Nicey Cane is found and identified thereon, as "Niscey", at Page No. 231, Tuckabatchee town.

The 1895 Pay Roll of the Creek Nation examined and the name of Daniel Cane is found and identified thereon as "Daniel", at No. 95, Thlewathle town.

The 1895 Pay Roll examined and the name of Nicey Cane is found and identified thereon as "Niscey Cain", at No. 381, Tuckabatchee town.

Q Do you recollect when the Commission was at Wetumka the first time to enroll citizens of the Creek Nation? A Yes, sir.

Q Did you give in the names of your children, Marsey and Legey, at that time? A I don't believe I did; I think they were born after that.

The records of the Commission examined and it appears therefrom that one "Legie", age two months, is enrolled together with its father, Wealey, and Nicey, on Creek Census Card, No. 2883. The name of Marsey is not found to be enrolled on said census card.

Q Have you heretofore filed with the Commission death affidavits in the matter of the application for the enrollment of your said two deceased children? A I had death affidavits fixed out at Wetumka.

The files of the Commission examined and it appears therefrom that there was filed with the Commission, on the 18th day of July, 1902, death affidavits in the matter of the application for the enrollment of Marsey and Legey Cane, which affidavits are marked Exhibits "A" and "B" and made a part of the record.

Q. Is the application of *Harvey Cane* for the enrollment of his two minor children, *Harvey* and *Legoy Cane*, deceased, as citizens, by blood, of the Creek Nation?

Q. Have you ever filed with the Commission any birth affidavits in the case of your two deceased children, *Harvey* and *Legoy Cane*?
A. I don't remember ever making a birth affidavit.

It will be necessary for you to file birth affidavits in the case of your two deceased children, *Harvey* and *Legoy Cane*, made by the mother of each person who knows when the children were born, and the witness who was in attendance at the time they were born, before any further action can be taken.

It will also be necessary for you to furnish further proof as to the dates of birth and death of the said *Harvey* and *Legoy Cane*, made by parties who were present at the time of their birth and death, before any definite action can be taken by the Commission.

Q. Are there any additional statements that you desire to make at this time with reference to the application made by you for the enrollment of your two minor children, *Harvey* and *Legoy Cane*, both deceased, as citizens, by blood, of the Creek Nation?
A. No, sir.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you for the enrollment of your two minor children, *Harvey* and *Legoy Cane*, deceased, as citizens, by blood, of the Creek Nation, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer to the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause on the 25th day of August, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 27th day of August, 1902, at Muskogee, Indian Territory.

H. A. Borey
Notary Public.

COPY

Creek No. 242

Muskogee, Indian Territory, January 22, 1903.

Hon. P. Porter,

Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that on August 23, 1902, Daniel Cain, whose post office address is given as Bearden, Indian Territory, appeared before the Commission and made application for the enrollment of his deceased children, Marsey and Leguy Cain, as citizens of the Creek Nation.

You are further advised that Daniel Cain, the father, and Nancy Cain, the mother, of said Marsey and Leguy Cain, are regularly enrolled as citizens of the Creek Nation, and that their names are included in partial roll of citizens by blood approved by the Secretary of the Interior, March 28, 1902.

There are on file with the Commission an affidavit showing that said Marsey Cain died May 6, 1900, and an affidavit showing that Leguy Cain died July 18, 1900. The record in this case is such that the Commission is not satisfied as to the exact dates of the deaths of said Marsey and Leguy Cain, and

Mr. F. Porter.

Desires such evidence, relative to their right to enrollment, as
the Grand Jurors may be able to produce.

Respectfully,

Commissioner in Charge.

J. J. B.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. HERRICK,
C. R. BERRINGTON,
W. E. STANLEY.

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

REFER IN REPLY TO THE FOLLOWING
No. 248.

ALLISON L. AYLSWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 18, 1902.

Daniel Cane,

Bearden, Indian Territory.

Dear Sir:

August 23, 1902, you appeared before the Commission and made application for the enrollment of your deceased minor children, Marsey and Legy Cane, as citizens of the Creek Nation. From the testimony submitted at that time the Commission is unable to determine whether said children, or either of them, are entitled to enrollment as citizens of said Nation.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said children, for the purpose of being examined under oath.

Respectfully,



Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Bearden, I. T., November 8, 1905.

IN the matter of the application for the enrollment Marcy and
Legey Cane, deceased, as citizens by blood of the Creek Nation.

DANIEL CAIN, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Daniel Cain.
- Q How old are you? A I am over thirty .
- Q What is your post office address? A Bearden.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q To what town do you belong? A Thlopthlocco.
- Q Did you have two children named Marcy and Legey? A Yes, sir.
Marcy was a boy and Legey was a girl.
- Q What was the name of the mother of these children? A Nicey Cain.
- Q You have heretofore testified in this case have you not? A Yes,
sir.
- Q Do you know when Marcy died? A I have never been able to fix the
exact date of his death. I do not know whether he died just before or
just after the opening of the Creek Land Office.
- Q There are on file in the office of the Commissioner, affidavits
executed by you and Sarty Beacon stating that Marcy died May 6, 1900,
and that Legey died July 18, 1900. Are the dates as given in those
affidavits correct? A They must be.
- Q Did you know at the time you executed the affidavits when the two
children died? A Yes, sir, but I have now forgotten the dates.
- Q Did both children die in the same year? A Yes, sir, I am positive
as to that.
- Q How old was Marcy at the time he died? A I think he was about
three years old.
- Q How old was Legey when she died? A I think she was a little over
a year old.
- Q In your testimony, given before the Commission at Muskogee, Indian
Territory August 25, 1902, you stated that Marcy was about two years
old when he died and that Legey was about a year old when she died?
- A I am now quite positive that Marcy was about three years old because
he was talking quite fluently at the time of his death. Legey was
crawling but not walking when she died.
- Q Were either of the two children living at the time you appeared be-
fore the Commission and filed upon your allotment? A They were both
dead at that time.
- Q How long had they been dead? A Something like a year.
- Q Did you make any effort, at that time, to have the children enroll-
ed? A Yes, sir, but was informed that I would have to furnish the
Commission with the exact dates of the births and deaths of the two
children before I would be allowed to file for them, which I have
never been able to do.
- Q Did you have any record to go by at the time you executed the affi-
davits as to the deaths of these two children? A No, sir.
- Q Do you remember the circumstance of the opening of the Creek Land
Office? A Yes, sir, but I do not remember just what year it was. My
memory is very deficient as to dates.
- Q Were these children living at that time? A I have never been able
to determine whether it was just before or just after the opening of
the land office that they died.
- Q Do you know any one who would know as to when these two children
died? A A white man named Thomas, who lives near me, would probably
know because he made the coffin for Marcy.
- Q What is his first name? A I do not know.

THE HISTORY OF THE



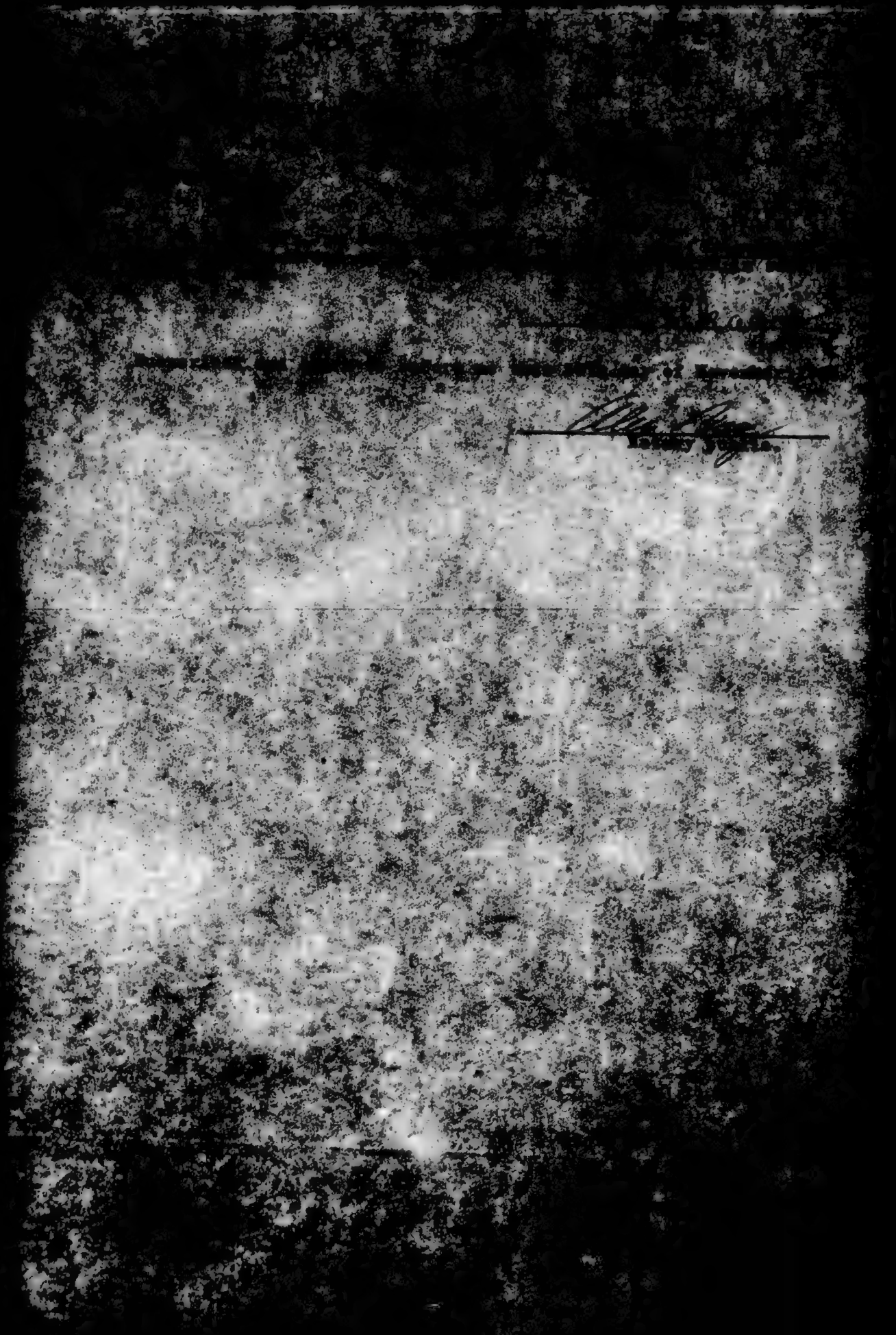
DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Butner, L. T., November 10, 1905.

In the matter of the application for the enrollment of Marsey and Legey Cane, deceased, as citizens by blood of the Creek Nation.

J. M. THOMAS, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A J. M. Thomas.
- Q How old are you? A Fifty-five.
- Q What is your post office address? A Butner.
- Q Are you a citizen of the Creek Nation? A No, sir, I am a citizen of the United States.
- Q Do you know Daniel Cane? A Yes, sir. I have known him nine years. Lived neighbor to him nine years.
- Q You are acquainted, are you, with the members of his family? A Yes, sir. Now the names of them I couldn't tell you, except Willie and his wife Nicey.
- Q Has Daniel Cane two children that are dead? A Yes, sir.
- Q Did you know their names? A No, sir.
- Q Do you know whether or not one was called Marsey and one Legey? A No, sir. They were small. I couldn't tell you their names.
- Q Do you know the sex of the two children who died? A One a boy and one a girl.
- Q Do you know when the boy died? A No, sir, I couldn't tell the exact date. It was in the summer of 1899. I won't be positive and have given it no thought. It was in the summer of 1898 or 1899.
- Q How many years has it been since the boy died? A That is what I am thinking about. It has been six years ago I think it was. And the girl about four or four and a half years ago. I think it was the boy who died first but I won't be positive of that.
- Q Do you know how old the boy was at the time he died? A I think he must have been about a year old.
- Q Do you know how old the girl was? A No, sir. I think she must not have been a year old.
- Q Do you remember the circumstance of the opening of the Creek Land Office, at Muskogee? A No, sir. I don't remember the year.
- Q Do you remember the circumstance? A Yes, sir.
- Q Do you know whether or not this boy of Daniel Cane's died before ~~the~~ the opening of the Creek Land Office? A I think it was in the summer after the land office opened--to the best of my recollection.
- Q Do you know whether or not it was living at the time the land office opened? A I am hardly able to say, but it seems to me it was.
- Q How long had the boy been dead at the time the girl died? A It had not been over a year or year and a half.
- Q Do you remember when Daniel Cane went before the Commission to make selection of land for himself? A Not the date.
- Q Did you make the coffins for these children? A Yes, sir, but I can't tell you what year it was. It seems to me this first one died the Fall or the Spring before he went up there. I am not positive but it seems to me he did. My wife died the Fall before and she has been dead seven years the 17th day of this November.
- Q Did the child die in the year after your wife died? A Yes, sir.
- Q And, do you think the girl died about a year or a year and a half after the boy died? A Yes, sir.
- Q And was something like a year old? A The first one was about a year and a half old and the other was hardly a year old, I think.



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

In the matter of the applications for the enrollment of Legey and Marsey Cain, both deceased, as citizens by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on July 18, 1902, applications were filed in the form of death affidavits for the enrollment of Legey and Marsey Cain. Inasmuch as the father of the applicants is identified on the approved roll under the surname of Cain said applications are herein considered as having been made for Legey and Marsey Cain. Further proceedings were had August 23, 1902, November 8, 1905, and November 10, 1905.

The evidence in this case and the records in the possession of this office show that the applicants, Legey and Marsey Cain, are the children of Daniel and Nisey Cain, whose names appear as citizens by blood on the approved Creek roll, opposite Nos. 5726 and 5727 respectively. It appears that the name of the father is spelled Cane in the original affidavits and in the testimony, but the said father is fully identified as Daniel Cain from the evidence and the records in the possession of this office, opposite roll No. 5727.

Every effort has been made to secure further evidence but said evidence has not been obtained. It is clear from the testimony introduced that the original death affidavits are wrong as to the dates of death of the said applicants. A better opinion would seem to be that said applicants died the corresponding dates in 1899 in place of 1900. The evidence is indefinite and conflicting but it is considered that the weight of the evidence establishes the fact that both applicants herein were living April 1, 1899.

It is, therefore, ordered and adjudged that the said Legey Cain and Marsey Cain are entitled to be enrolled as citizens by blood of the Creek Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and March 3, 1901 (31 Stats., 861), and the applications for their enrollment as such are accordingly granted.

Muskogee, Indian Territory,

FEB 20 1907


 COMMISSIONER.

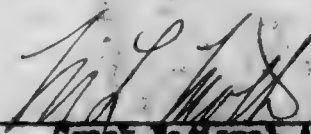
Washington, Indian Territory, Feb 21 1894

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

Sir:

The Creek Nation hereby waives protest in this case, reserving to itself, however, the right to attack the enrollment of this person if after investigation it is found that said enrollment was obtained upon fraudulent evidence.

Respectfully,



Creek National Attorney.

J.P.

Creek L. 4011a

Muskogee, Indian Territory, March 20, 1907.

Wiley Cain,

c/o Daniel Cain,

Bearden, Indian Territory.

Dear Madam:

You are hereby advised that the names of your minor children, Legoy and Marsey Cain, both deceased, are contained in a partial schedule of citizens by blood of the Creek Nation, approved by the Secretary of the Interior March 4, 1907, and that selections of land in the Creek Nation can now be made for said children at the Creek Land Office in Muskogee, Indian Territory.

Respectfully,

Commissioner.

IN RE
THE DEATH OF

Lequ Cani

citizen of the

Crow Nation.

Approved 190

Commissioner.

Filed July 18th 1902

Father & Mother on Cr. Cd 1805

Lequ on old Cr. # 2883

Exhibit "B"

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

FILED

July 18, 1902

[Signature]
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Legey Cane (Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Bearden, Ind. Ter., and died on the 18 day of July,
1900

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Daniel Cane, on oath state that I am 31
years of age and a citizen, by Blood, of the Creek Nation;
that my post office address is Bearden, Ind. Ter.; that I am,
Father of Legey Cane,
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Blood, of the Creek Nation;
and that said Legey Cane, died on the 18 day of
July, 1900

WITNESSES TO MARK:

Sango Hickory
Jos. Brooks

Daniel Cane
his mark

Subscribed and sworn to before me this 26 day of April, 1902

D. A. Barnette
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Sarty Decon, on oath state that I am 45
years of age, and a citizen, by Blood, of the Creek Nation;
that my post office address is Fertus, Ind. Ter.;
that I was personally acquainted with Legey Cane,
who was a citizen, by Blood, of the Creek Nation;
and that said Legey Cane, died on the 18 day of
July, 1900

WITNESSES TO MARK:

Sango Hickory
Jos. Brooks

Sarty Decon
his mark

Subscribed and sworn to before me this 26 day of April, 1902

D. A. Barnette
Notary Public.

267

IN RE

THE DEATH OF

Hearsy Cane

an citizen of the

Creek Nation.

Approved

1

Commissioner.

Filed July 18th 1902

Facts stated in report of 1895

Exhibit 'A'

DEPT. OF THE INTERIOR
COMMISSION TO THE
FILED

July 18, 1902

ACTING CHAIRMAN

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

In the matter of the death of Marsay Lane
a citizen of the Creek Nation, who formerly resided at or near
Bearden, Ind. Ter., and died on the 6 day of May
1900

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Mr. Daniel Lane on oath state that I am 31
years of age and a citizen, by Blood, of the Creek Nation;
that my post office address is Bearden, Ind. Ter.; that I am
Father of Daniel Lane
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Blood of the Creek Nation;
and that said Marsay Lane died on the 6 day of
May, 1900
(Here insert name of deceased.)

WITNESSES TO SIGN:

(Must be Two Witnesses.)
Sanger Hickry
Joe Brooks

Daniel ^{his} Lane
mark

Subscribed and sworn to before me this 26 day of April 1902
D. A. Barnett
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

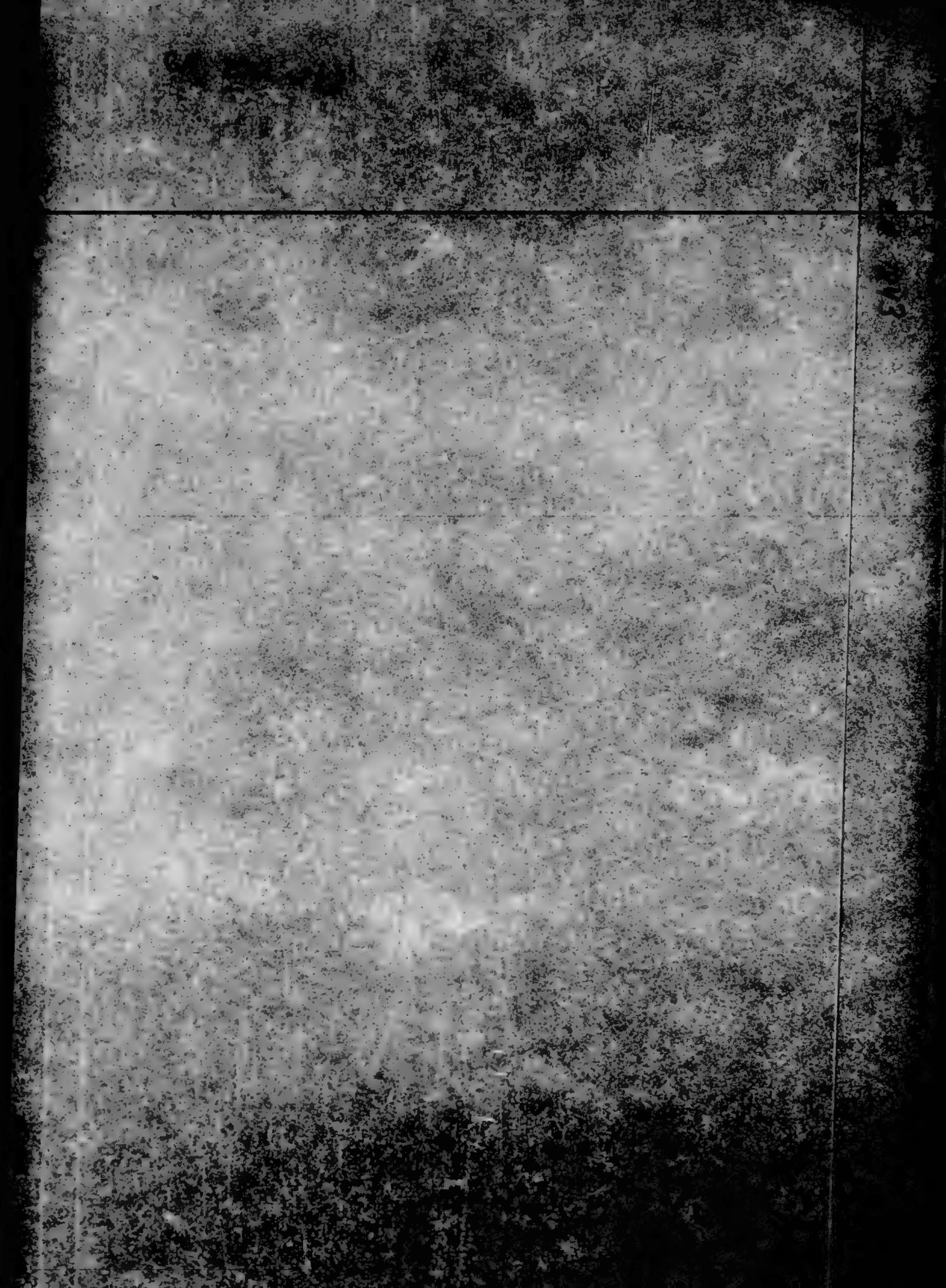
I, Sarty Decon, on oath state that I am 45
years of age, and a citizen, by Blood, of the Creek Nation;
that my post office address is Fentress, Ind. Ter.;
that I was personally acquainted with Marsay Lane
who was a citizen, by Blood, of the Creek Nation;
and that said Marsay Lane died on the 6 day of
May, 1900
(Here insert name of deceased.)

WITNESSES TO SIGN:

(Must be Two Witnesses.)
Sanger Hickry
Joe Brooks

Sarty ^{his} Decon
mark

Subscribed and sworn to before me this 24 day of April 1902
D. A. Barnett



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., August 23, 1902.

In the matter of the application of Serena Bullocks for the enrollment of herself and her three minor children, Bessie Harris, Minnie Vincent and Louwillie Bullocks, as Creek freedmen.

Serena Bullocks, being first duly sworn, testified as follows:

By the Commission.

- Q What is your name? A Serena Bullocks.
- Q What is your age? A Twenty-seven.
- Q What is your post office address? A Wayne, Indian Territory.
- Q For whom do you now make application for enrollment? A Me and my three minor children.
- Q What are the names and ages of your three minor children, for whom you make application? A Bessie Harris, seven years old; Minnie Vincent, five years old, and Louwillie Bullocks, three years old.
- Q Are these three minor children of yours all now living? A Yes, sir.
- Q Is this the first time you ever made application for the enrollment of yourself and said minor children, as citizens of the Creek Nation? A Yes, sir; this is the first time.
- Q Have you and your said three minor children ever been recognized by the tribal authorities of the Creek Nation, as citizens of the Creek Nation? A Yes, sir; I guess so.
- Q Have you and your said three minor children ever been enrolled by the Creek tribal authorities, as citizens of the Creek Nation? A Just me and one has been enrolled.
- Q Do your names appear upon the Creek tribal rolls? A Me and Bessie do; the others have not been.
- Q To what town in the Creek Nation do you claim to belong? A A Canadian colored town.
- Q Do you make application for the enrollment of yourself and said three minor children as Creek freedmen? A Yes, sir.
- Q What was your name before you were married? A Serena Hawkins.
- Q Is Bessie Harris your oldest child? A Yes, sir; that is living.
- Q Did you have a child that, if now living, would be older than Bessie? A Yes, sir.
- Q What was its name? A It was named after my father, Jimmie.
- Q Did you not call that child Berry Hawkins? A No, sir; it didn't live but a week and two days.
- Q Did you ever have a child by the name of Berry Hawkins? A No, sir; Bessie.
- Q Did you ever have any sisters, or any other members of your family by the name of Berry Hawkins? A None that I know of; there was Rosa Hawkins, but no Berry.
- Q Did you draw money from the Creek Nation for yourself and oldest child, in 1895? A The \$14.40, there was a child Bessie drawn with me.

The 1890 authenticated tribal rolls of the Creek Nation, Canadian Colored Town, examined and the name of Serena Bullocks, or any person answering that description, not found thereon.

3 In re application of Serena Bullocks for the enrollment of herself and three minor children as Creek freedmen.

The 1891 Omitted Creek tribal roll also examined and the name of Serena Bullocks, or any person answering her description, not found thereon.

The 1895 Pay Roll of the Creek Nation, Canadian colored town, examined and the name of Serena Bullocks is found and identified thereon, as "Rena Hawkins", at No. 712.

The 1895 Pay Roll of the Creek Nation, Canadian colored town, examined, and the name of Bessie Harris is found and identified thereon as "Dora Hawkins", at No. 713.

It also appears upon said 1895 Pay Roll that "Bessie Hawkins" was originally written thereon in black ink, but afterwards the name "Dora" was inserted in red ink.

- Q Where do you live? A I live in the Chickasaw Nation.
Q Do you make your home there? A Yes, sir; I have been living there.
Q How long have you lived there? A Well, I was raised there, after my father died, my mother raised me there.
Q Where had you lived prior to going to the Chickasaw Nation?
A I don't know nowhere else, right there, in Creek Nation, backwards and forwards.
Q Did you ever live in the Creek Nation? A When my father was living, I was a little bit of a girl, I staid with him until he died.
Q Then you went to the Chickasaw Nation? A Yes, sir.
Q And made your home there ever since? A Yes, sir.
Q What was the name of your father? A Jimus Hawkins.
Q Is he living? A He is dead.
Q How long has he been dead? A Well, I can't exactly tell you, because I don't know when he died; but he has been dead, I guess, close to fifteen years.
Q To what town in the Creek Nation did he belong? A He belonged to the Canadian town.
Q Was his name on the Dunn Roll? A I can't tell you.
Q What was the name of your mother? A Her name was Alice Jimison, that was the last man she married.
Q Is she living? A She is dead.
Q How long has she been dead? A She died in the '95.
Q Is she a citizen of the Creek Nation? A A Chickasaw.
Q You are the mother of all three of these minor children for whom you now make application? A Yes, sir.
Q What is the name of the father of Bessie Harris? A George Harris.
Q Is he living? A Yes, sir.
Q Are you married to him? A No, sir.
Q Is he a citizen of the Creek Nation? A He is a non citizen.
Q You mean by that he is a United States citizen? A Yes, sir.
Q What is the name of the father of Minnie Vincent? A Moss Vincent.
Q Is he living? A He is dead.
Q How long has he been dead? A Died in '97, the fall of '97.
Q Was he a citizen of the Creek Nation? A Chostaw.
Q What is the name of the father of Louwillie Bullocks?
A John Bullocks.
Q Is he living? A Yes, sir.
Q He is your present husband, is he not? A Yes, sir.
Q Is he a citizen of the Creek Nation? A No, sir.
Q Is he a citizen of any nation in the Indian Territory? A He is a United States citizen.

3 In re application of Serena Bullocks for the enrollment of herself and her three minor children as Creek freedmen.

Q These children living with you at your home in the Chickasaw Nation? A Yes, sir; right with me.

Q Have you or any one ever made application to the Commission for the enrollment of yourself and your said minor children, as citizens of any other nation in the Indian Territory? A Yes, sir.

Q In what nation have you made application? A In the Chickasaw Nation.

The records of the Commission examined and it appears therefrom that Serena Bullocks and her three minor children, Bessie Harris, Minnie Vincent, and "Lou Willie Bullocks", are listed for enrollment as citizens of the Chickasaw Nation, on Chickasaw Freedmen Card No. 417.

The rollof Creek freedmen made by Major J. W. Dunn, prior to March 14, 1867, examined, and the name of the father of the applicant, James Hawkins, is not found thereon.

Q Are there any other statements you desire to make at this time relative to the application you now make for the enrollment of yourself and your three said minor children, as citizens of the Creek Nation? A No, sir; I guess there aint, unless I can enroll my baby.

Q What is the name and age of the baby referred to? A He is eleven months old, Robert Bullocks.

Q When was he born? A September 19, 1901.

Q If it should be found that you have heretofore been recognized by the tribal authorities of both the Creek and Chickasaw Nation, as citizens of which nation do you now elect to have yourself and your three minor children, for whom you now make application, enrolled, and receive allotments of lands and distribution of moneys? A In the Creek Nation.

You will be furnished at a later date with a copy of the decision of the Commission relative to the application made by you for the enrollment of your self and three said minor children, Bessie Harris, Minnie Vincent and Louwillie Bullocks, as Creek freedmen, which will be mailed to you at your present post office address, as given by you in your testimony taken at this time.

It will be necessary for you to furnish affidavits of the birth of Minnie Vincent and Louwillie Bullocks before any farther action can be taken in the matter your application for their enrollment.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date, the 22nd day of August, 1902.

Subscribed and sworn to before me this 27th day of August 27, 1902, at Muskogee, Indian Territory.

W. A. Dorey
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE SUPREMACY TRIALS
Muskego, Ind. Terr., October 10, 1908.

SUPPLEMENTAL TESTIMONY in the matter of the application of
Serena Bullocks for the enrollment of herself and her three minor
children, Hossie Harris, Minnie Vincent and Lewisville Bullocks,
as Creek freedmen.

Appearance: E. Hastain, attorney for applicant.

Levi Riley, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Levi Riley.
Q What is your age? A Sixty-one or two.
Q What is your post office address? A Holdenville.
Q Are you a citizen of the Creek Nation? A Yes, sir.

Examination by E. Hastain, attorney for applicant.

- Q Are you acquainted with Serena Bullocks, formerly Rena Hawkins?
A Yes, sir.
Q What town does she belong to? A Belongs to Canadian Town.
Q State whether or not you ever drew any money for her in the Creek
payments? A I drew her money in the '95 payment.
Q You didn't draw the 1890 payment? A No, sir.
Q Do you know whether or not she received that payment? A Yes, sir,
she was right at my house when she got it.
Q Do you remember who brought it to her? A Aaron Bruner; I am
pretty sure of that.
Q Who is Aaron Bruner? A A son of Paro Bruner.
Q How long have you known Rena Hawkins? A Well, from a little
kid up.

Examination by the Commission.

- Q Does Rena Hawkins live in the Creek Nation? A No, sir.
Q Has she got a home here in the Creek Nation? A No, sir.
Q Where does she live now? A She lives in the Chickasaw Nation.
Q How long has she lived in the Chickasaw Nation? A She live in
the Chickasaw Nation--I couldn't identify the different year, but
it is mighty near all of her life, because she was born there.
Q When she came to the Creek Nation, she came here for the purpose
of visiting some of her relatives? A Yes, sir.

Examination by E. Hastain.

- Q Has she a home in the Chickasaw Nation? A Not as I know of.
She always lived with her granny, as far as I know about that.

Paro Bruner, being first duly sworn, testified as follows:

2 Supplemental Testimony In Re Application for enrollment of
Serena Bullocks et al.

Perc Bruner, being first duly sworn, testified as follows:

Examination by E. Hastain, attorney for applicant.

- Q What is your name? A Perc Bruner.
- Q What is your age? A Going on seventy-six.
- Q What is your post office address? A Holdenville.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q What official position do you occupy? A Town King of Canadian Colored.
- Q Are you well acquainted with the citizens of Canadian Town?
- A Very well acquainted with them.
- Q Are you acquainted with Rena Bullocks, nee Hawkins? A Yes, sir.
- Q What town does she belong to? A Canadian Colored.
- Q Do you know who drew her money in 1890? A Yes, sir.
- Q Who was it? A The Town King, H. C. Reed.
- Q Do you know of any other Rena Hawkins at that time who was in Canadian Town? A No, sir; I don't.
- Q There is a Rena Hawkins on the 1891 Omitted roll, marked "N.B.": State whether or not you know of any Rena Hawkins, a newborn, at that time? A I don't know of any.
- Q Did you ever know of any other Rena Hawkins in Canadian Town, except the one who is this applicant? A No, sir.
- Q How long have you been Town King? A I have been town king going on eight years.

Examination by the Commission.

- Q Are there numerous families in your town by the name of Hawkins?
- A Yes, sir; there is a good many.
- Q Can you state positively that the Rena Hawkins which appears on the 1891 Omitted roll, marked as "N.B.", wasn't a child of some other family of Hawkins? A Well, that I don't know.

The 1891 Omitted roll of the Creek Nation, Canadian Colored Town, examined, and the name of Rena Hawkins is found thereon at No. 506, after which appear the letters "N.B.", indicating that said Rena Hawkins was a newborn child.

Oliver C. Hinkle, being duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on October 10, 1902.

Oliver C. Hinkle

Subscribed and sworn to before me this 8 day of November, 1902,
at Muskogee, Indian Territory.

H. A. Boren
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. NOV. 17, 1904.

No. 243.

In the matter of the application for the enrollment of Serena Bullocks, et al., as Creek Freedmen.

(Reference is made to Chickasaw Freedman card Field No. 417)

William Vann being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William Vann.
Q How old are you? A Thirty-eight the third day of last March.
Q What is your post office address? A Newby, I.T.
Q Do you know Serena Bullocks? A Yes sir.
Q Are you related to her? A Yes sir.
Q What kin are you? A First cousin.
Q You are the person named in this power of attorney that you have here presented to the Commission, are you? A Yes sir.

Witness presents to the Commission power of attorney executed by Serena Bullocks, constituting him her attorney to demand perform every act and thing whatsoever requisite and necessary in selecting, designating and obtaining allotments of lands for her and her children, Bessie Harris, Minnie Vinson, and Lou Willie Bullocks in the Creek Nation. Said power of attorney was duly executed November 7, 1904.

The names of Serena Bullocks, Bessie Harris, Minnie Vincent and Lou Willie Bullocks are contained in the partial list of Chickasaw Freedmen approved by the Secretary of the Interior December 12, 1902, Nos. 1693, 1694, 1695 and 1700, respectively.

Q In the event that it should be found that Serena Bullocks, Bessie Harris, Minnie Vincent and Lou Willie Bullocks are entitled to enrollment in either the Creek or Chickasaw Nations, in which nation do you elect, under the power of attorney given you, for them to be enrolled?

A I want to have it here in the Creek.

Q You elect to have them enrolled in the Creek Nation? A Yes sir.

Q Do you know whether land has been allotted to any of these persons in the Chickasaw Nation? A No sir, I have never found that any has been allotted; I have asked and they have never made no allotments; sent for me and I went out there about a month ago to see her.

Q How far do you live from her? A 100 miles I think; I live back in the Creek Nation about 70 miles from here West and she lives at Okra in the Chickasaw Nation South east of Purcell.

Q If correspondence is necessary in this case, with whom should the Commission correspond, you or with her? A With me at Newby.

(The power of attorney referred to is made part of the record hereafter.)

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Subscribed and sworn to before me this 17th day of November, 1904.

Henry G. Hains
Notary Public

Was rec'd

No. 243.

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

In the matter of the application for the enrollment of
Serena Bullocks et al. as citizens of the Creek Nation.

SUPPLEMENTAL STATEMENT

The records of the Commissioner to the Five Civilized Tribes have been examined and it does not appear that Serena Bullocks or her father, James Hawkins, has ever been admitted to citizenship in the Creek Nation by the tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.



COMMISSIONER.

Muskogee, Indian Territory,

December 12, 1906

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1908.

Robert Bullocks

as a citizen of

Creek Nation.

Approved..... 190...

Commissioner.

(copy)

BIRTH AFFIDAVIT

191

(MMP)

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 20, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the freed Creek Nation.

of Robert Bullocks, born on the 19 day of Sept. 1901.

Name of Father: John Bullocks a citizen of the Nation.

Name of Mother: Serena freed Creek a citizen of the Nation.

Tribal enrollment of father: Tribal enrollment of mother:

Postoffice: Okra, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, Serena Bullocks, on oath state that I am 32 years of age and a citizen by freedman of the Creek Nation;

that I am the lawful wife of John Bullocks, who is a citizen, by of the Nation; that a male child was born to me on 19 day of September, 1901.

that said child has been named Robert Bullocks and is now living. and was living March 4, 1906.

(SEAL)

Serena Bullocks

WITNESSES TO MARK:

[Must be Two Witnesses] {

Subscribed and sworn to before me this 8th day of Feby 1906

Lacey P. Bobo Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, Southern District.

I, Mary Bullocks, a midwife, on oath state that I attended on Serena Bullocks, wife of John Bullocks,

on the 19th day of September, 1901; that there was born to her on said date a male child; that said child was living March 4, 1906, and is said to have been named

Robert Bullock her Mary X Bullocks mark

WITNESSES TO MARK:

Lacey P. Bobo

[Must be Two Witnesses] { W. P. Covington

Subscribed and sworn to before me this 9th day of Feby 1906

(SEAL)

Ex. en, 243

109

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Robert Bullock

as a citizen of

Crek

Nation.

Approved..... 190...

Commissioner.

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

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

In his application for enrollment, as a child of the Creek Nation,
 Robert Bullocks born on the 19 day of Sept 19 01
Name of Father: John Bullocks a citizen of the Creek Nation
Name of Mother: Serena a citizen of the Creek Nation
Tribal enrollment of father: Tribal enrollment of mother:
Postoffice: Okla., IT,

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Southern District.

I, Serena Bullocks on oath state that I am 32 1/2
years of age and a citizen by Freedman of the Creek Nation;
that I am the lawful wife of John Bullocks who is a citizen, by
of the Creek Nation; that a male child was
born to me on 19 day of September 19 01 ; that said child has been named
 Robert Bullocks and was living March 4, 1906, & is now living
 Serena Bullocks

WITNESSES TO MARK:

Subscribed and sworn to before me this 8th day of Feb 19 07

Lucy Bobb
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

Southern District.

I, Mary Bullocks a midwife on oath state that I
attended on Serena Bullocks who is John Bullocks
on the 19th day of September 19 01 ; that there was born to her on said date a male
child; that said child was living March 4, 1906, and is said to have been named Robert
 Bullock
 Mary F. Bullocks
mark

WITNESSES TO MARK:

M. O. Huntington

Subscribed and sworn to before me this 9th day of Feb 19 07

Lucy Bobb
Notary Public.

COMMISSIONERS

HENRY L. DAVES,
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Creek No. 243.

ADDRESS ONLY THE
MISSION TO THE FIVE CIVILIZED TRIBES

Mustagee, Indian Territory, January 23, 1903.

Chester-Chickasaw Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

August 23, 1902, Berona Bullocks appeared before the Commission and made application for the enrollment of herself and her three minor children, Bonnie Harris, Minnie Vincent, and Louville Bullocks, as Creek freedmen. Further testimony in support of said application was submitted on October 10, 1902. A copy of the testimony in the case is herewith inclosed.

It appears that the applicant is listed for enrollment on Chickasaw Freedman Card, Field No. 417.

Respectfully,


Acting Chairman.

OCK-39.

J. J. B.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRUCEWIDGE,
W. E. STANLEY.

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

REFER IN REPLY TO THE FOLLOWING
Creek En. Div.

ALLISON L. AVLEWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 30, 1902.

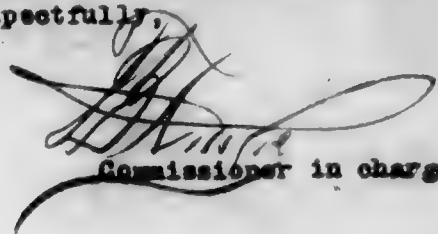
The Commission to the Five Civilized Tribes,
Creek-~~Chickasaw~~ Enrollment Division.

Gentlemen,

Receipt is acknowledged of your letter of October 24, relative to the application for the enrollment of Serena Bullocks and her three minor children, Bessie Harris, Minnie Vincent and Lou-willie Bullocks, as Creek Freedmen. You request to be advised of the present status of said application.

In reply you are advised that Serena Bullocks made application to the Commission for the enrollment of herself and her said children as Creek Freedmen, August 22, 1902, and that further testimony was submitted in the case October 10, 1902. You are further advised that Serena Bullocks is not clearly identified upon the Creek tribal rolls, and that the case is now pending before the Creek Enrollment Division.

Respectfully,



Commissioner in charge.

Wm F. Coates

COPIE
OF E. HASTAIN,
ATTORNEY AT LAW
OFFICE IN GRAND CREEK,
TACHOWING, INDIAN TERRITORY.

E. Hastain

September 8th, 1903.

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

Gentlemen:

In reply to your favor of the 2nd instant, in which you state that further testimony is desired in the matter of the identification of Serena Bullocks on the 1895 tribal roll of the Creek Nation, I desire to state that I am unable to find any witness or witnesses who can more fully identify said applicant than the witnesses already introduced.

Very truly,

(Signed) E. Hastain.

J. J. / 3

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
WASHINGTON, D. C.
Wm. C. FALL,
Commissioner.

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

APPROVED BY THE COMMISSIONER
NOV 28 1904

ADDRESS ONLY THE
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Mustoge, Indian Territory, November 28, 1904.

Commissioner to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division.

Gentlemen:

Referring to Chickasaw Freedman Card No. 417, there is in-
closed a copy of the testimony in the matter of the application of
Serena Bullocks, et al., for enrollment as citizens of the Creek Na-
tion, taken November 17, 1904.

Respectfully,

Commissioner in Charge.

WCM-2-11-28

COPY

McKeague, Indian Territory, October 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith, for Departmental consideration and action, a report in reference to the enrollment of Serena Bullocks and her four minor children as Chickasaw freedmen, and the record in a pending application for the enrollment of herself and three of said children as Creek freedmen.

September 15, 1898, Serena Bullocks personally appeared before the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, and applied for the enrollment of herself and two children, Bessie Harris and Winnie Vincent, as Chickasaw freedmen.

The principal applicant testified that she was the daughter of Jim Watkins, formerly the slave of a Creek Indian, and Alice Jameson, the slave of Ballie Albersen, a Chickasaw Indian. Satisfactory evidence of the fact that the applicants were descendants of a slave of a Chickasaw Indian and of their bona fide residence in the Chestnut-Chickasaw country having been submitted, Serena Bullocks and her two minor children above named were listed for enrollment as Chickasaw Freedmen.

August 16, 1899, there was born to the principal applicant, Serena Bullocks, a female child named Lou Willie Bullocks, who was

(2)

listed for enrollment as a Chickasaw freedman January 13, 1900, upon proper evidence of her birth. There was also born to the principal

applicant, Serena Bullocks, on September 18, 1901, a male child named Robert Bullocks, who upon proper evidence of his birth, was listed for enrollment as a Chickasaw freedman on October 24, 1902.

October 6, 1902, the Commission to the Five Civilized Tribes transmitted to the Department a schedule of persons entitled to enrollment as Chickasaw freedmen, the names of Serena Bullocks and her three minor children, Bessie Harris, Minnie Vincent and Lou Willie Bullocks appearing thereon opposite numbers 1693, 1694, 1695 and 1700, respectively. The schedule containing the names of Serena Bullocks and her three minor children was approved by the Secretary of the Interior December 12, 1902.

September 23, 1903, the Commission to the Five Civilized Tribes transmitted to the Department a schedule of Chickasaw freedmen, the name of Robert Bullocks, the youngest child of Serena Bullocks, appearing thereon opposite number 4310. The schedule containing the name of Robert Bullocks was approved by the Secretary of the Interior October 15, 1903.

August 22, 1902, Serena Bullocks personally appeared before the Creek enrollment division of the Commission to the Five Civilized Tribes at Waukegee, Indian Territory, and applied for the enrollment of herself and her three children, Bessie Harris, Minnie Vincent and Lou Willie Bullocks, as Creek freedmen. She also, in

(3)

her application of August 22, 1902, referred to a child, Robert Bullocks, born September 19, 1901, and elected for herself and her three minor children, Beattie Harris, Minnie Vincent and Lou Willie Bullocks, to be finally enrolled and receive allotments as citizens of the Creek Nation. Additional proceedings in the matter of the application for the enrollment of Serena Bullocks and her three minor children as Creek freedmen were had before the Commission to the Five Civilized Tribes on October 10, 1902. No application was received or considered for the enrollment of Robert Bullocks as a Creek freedman for the reason that said child having been born subsequent to May 25, 1901, was not at the time of the submission of Serena Bullocks' application, entitled to enrollment as a citizen of the Creek Nation.

It was the practice of the Commission to the Five Civilized Tribes, where an applicant applied for enrollment as a citizen of two or more of the Five Civilized Tribes, to furnish each of the distinct enrollment divisions copies of all the proceedings had, in order that consideration might be given thereto in the disposition of the separate applications. This proceeding was inadvertently omitted in the case under consideration and the Choctaw-Chickasaw enrollment division was not furnished with the record in the matter of the application of Serena Bullocks for the enrollment of herself and her three minor children as Creek freedmen until January 23, 1903.

Further proceedings were had in the matter of the application for the enrollment of Serena Bullocks and her three minor children, Bessie Harris, Minnie Vincent and Lou Willie Bullocks, as Creek freedmen November 17, 1904.

I have the honor to transmit herewith the record in the matter of the application for the enrollment of Serena Bullocks and her three minor children as Creek freedmen. The record clearly shows that the principal applicant, Serena Bullocks, and her three minor children, Bessie Harris, Minnie Vincent and Lou Willie Bullocks are entitled to enrollment as Creek freedmen.

No allotment has been selected by or on behalf of any of the applicants as Chickasaw freedmen.

I have therefore to respectfully recommend that the enrollment of Serena Bullocks, Bessie Harris, Minnie Vincent and Lou Willie Bullocks, as their names appear upon the final roll of Chickasaw freedmen opposite numbers 1693, 1694, 1695 and 1700, respectively, be cancelled and that I be authorized to make such cancellation upon the copies of the schedule containing their names in the possession of this office. When the Department has authorized the cancellation of the enrollment of the above named persons as Chickasaw freedmen, a decision enrolling them as Creek freedmen will be rendered.

As to the minor applicant, Robert Bullocks, born September 19, 1901, he is not entitled to enrollment as a Creek freedman under

(5)

the provisions of the Acts of Congress approved March 1, 1901 (31 Stats., 861) and June 30, 1902 (32 Stats., 500), for the reason that he was born subsequent to May 25, 1901. Neither is the said child at the present time, under the opinion of the Assistant Attorney General for the Department, of July 21, 1905 (I.T.D. 1678-1905), entitled to enrollment under the provisions of the Act of Congress approved March 3, 1905 (33 Stats., 1060), for the reason that he is not a child born subsequent to May 25, 1901 and prior to March 4, 1905, to a citizen of the Creek tribe of Indians whose enrollment had been approved by the Secretary of the Interior prior to March 3, 1905.

I have therefore to recommend that the enrollment of Robert Bullocks, as his name appears upon the final roll of Chickasaw freedmen approved by the Secretary of the Interior October 15, 1903, opposite number 4318, be permitted to stand.

Respectfully,

SIGNED

Commissioner.

Through the
Commissioner of Indian Affairs.

Chickasaw Freedman 417

✓
No. 243.

ATINJCOEDSEY

Muskogee, Indian Territory, November 2, 1905.

Serena Bullocks,

Okma, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of October 25, 1905, in which you ask when you will be allowed to file on land in the Creek Nation.

In reply to your letter you are advised that this office has recommended to the Department that your enrollment as a Chickasaw freedman be cancelled in order that you may be enrolled and allotted as a citizen of the Creek Nation and that said matter is now pending before the Secretary of the Interior.

You are further advised that in the usual course of business it will probably take about three months to have your enrollment as a Chickasaw cancelled and your enrollment as a Creek approved and that land in the Creek Nation can not be allotted to you until your enrollment as a citizen of said nation has been so approved.

742

REFER IN REPLY TO THE FOLLOWING:

Cr. No. 243.

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

Muskogee, Indian Territory, January 24, 1907.

Serena Bullocks,

Okra, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor child Robert Bullocks, as a Creek Freedman, you are advised that it is required that you furnish this office with information as to whether this child is living, or if deceased as to date of his death. For this purpose there is enclosed herewith affidavits in blank, which you are requested to have properly executed and return to this office at the earliest practicable date.

Respectfully,

HK-1.


Commissioner.

Refer in reply to the following:
Land: 9086-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

COPY

WASHINGTON, February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of October 31, 1906, (I.T.D. 73898-1906), remanding for re-adjudication in the light of the third section of the Act of April 26, 1906 (34 Stat.L.137), the record in the matter of the enrollment of Serena Bullocks, and minor children, Bessie Harris, Minnie Vincent, and Lou Willie Bullocks, as Creek freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 21, 1907, returning the record herein, together with his decision on the readjudication.

The evidence in the case is the same as on the former adjudication, and it is not considered necessary to set it out in full.

Section 21 of the Act of Congress approved April June 28, 1898 (30 Stat.L.495), provides in part as follows:

The several tribes may, by agreement, determine the right of persons who for any reason claim citizenship in two or more tribes, and to allotments of lands and distribution of moneys, belonging to each tribe, but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right.

The principal applicant, Serena Bullocks, on behalf of herself and her three minor children, Bessie Harris, Minnie Vincent, and Lou Willie Bullocks, has elected that they be enrolled as Creek freedmen and take their rights as such.

Under this law and in view of the decision of the Commission to the Five Civilized Tribes ordered that the enrollment of Berena Bullocks, Bessie Harris, Missie Vincent, and Lou Willie Bullocks, as Chickasaw freedmen, as their names appear on the partial list of Chickasaw freedmen approved by the Department December 12, 1902, opposite Nos. 1693, 1694, 1695 and 1700, respectively, be cancelled, set aside and held for naught, and that Berena Bullocks, Bessie Harris and Missie Vincent be enrolled as Creek freedmen, under the Acts of Congress approved June 28, 1898 (30 Stat.L.495), and March 1, 1901 (31 Stat. L.861), and that Lou Willie Bullocks be enrolled as a Creek freedman, in accordance with the Act of Congress approved March 1, 1901 (31 Stat.L. 861).

The Office is of the opinion that the decision of the Commission to the Five Civilized Tribes in this matter is correct, and it is recommended that it be affirmed.

Attention is invited to that part of the Commissioner's letter of transmittal, in which he says that the applicants have not selected allotments in the Chickasaw Nation; also with reference to the minor applicant, Robert Bullocks, in which he invites attention to that part of Departmental letter of October 31, 1906, remanding this case for re-adjudication, wherein it was said that if the principal applicant was entitled to enrollment, it would seem that under Section 1 of the Act of April 26, 1906 the youngest child of the principal applicant, Robert Bullocks, III should be so enrolled. The Commissioner is of the opinion that the minor applicant does not come within the provisions of section 1 of this Act, since he was living March 3, 1906.

The mother of Robert Bullocks had been notified that if she desired Robert Bullocks enrolled as a Creek freedman, that it is imperative that she furnish proof that he was living on March 4, 1906. The Commissioner says that in the event such proof was furnished, he would prepare and transmit a decision similar to the one transmitted herewith, containing an order cancelling his enrollment as a Chickasaw freedman, and would also transmit with the decision a separate schedule containing the name of Robert Bullocks.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

FWR-SD.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, February 27, 1907.

Special
Direct.

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

SIR:

On February 21, 1907 (Land 9086), the Indian Office transmitted your report, dated January 21, 1907, in the matter of the application of Serena Bullocks, et al., for enrollment as Creek freedmen, together with your decision, without date, on the readjudication of the case, holding that the names of Serena Bullocks, and her minor children, Bessie Harris, Minnie Vincent, and Louwillie Bullocks, whose names appear opposite numbers 1693, 1694, 1695, and 1700, respectively, upon a partial roll of Chickasaw freedmen, should be cancelled, and that said Serena Bullocks, Bessie Harris, and Minnie Vincent are entitled to enrollment as Creek freedmen under the Acts of Congress approved June 28, 1898 (30 Stat.495), and March 1, 1901 (31 Stat.861), and that their enrollment as such should be granted.

Your decision further holds that Louwillie Bullocks is entitled to be enrolled as a Creek freedman, in accordance with the act of Congress approved March 1, 1901, and your decision grants her application.

The Indian Office concurs in your decision. A copy of its letter is inclosed.

The Department considers said decision correct, and it is hereby affirmed.

Authority is hereby granted for the cancellation of the names of Serena Bullocks, Bessie Harris, Minnie Vincent, and Louwillie Bullocks from the roll of Chickasaw freedmen, opposite numbers 1693, 1694, 1695, and 1700, respectively.

The Indian Office is requested to take similar action upon the roll in its possession, and the Department has cancelled said names from the roll retained by it.

You state that you will prepare and transmit, under separate cover, a schedule of Creek freedmen containing the names of these applicants.

The papers are returned for the files of the Indian Office, together with a carbon copy hereof.

Respectfully,

Jesse E. Wilson,
Assistant Secretary.

in enclosure
and 3 enclosures, to Ind.Of.,
with copy hereof.

AMC
2/28/07.

(cont.)

J.W.H.

J.W.H.

DEPARTMENT OF THE INTERIOR

D-809

August 15, 1907.

D.C. 400

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

Sir:

June 1, 1907, a report was rendered by your predecessor relative to the enrollment of certain persons as citizens of the Cherokee and Creek nations. The names of the persons who are affected by this report, together with the nature of the citizenship claim asserted by them, are as follows:

Sarvas Bullock	Creek freedom
Bessie Harris	" "
Minnie Vincent	" "
Lou Willie Bullock	" "
John Ross Jr.	Cherokee "
John B. Lacey	" by blood
Myrtle L. Goble	" "
William B. Lacey	" "
Shelley M. Lacey	" "
Ellen L. Lacey	" "
Rebziel M. Lacey	" "
Jesse Franklin Lacey	" "
Martha B. Lacey	" "
Ella Goble	" "
Jordan Sawyer	" freedom
Larance Norton Davis	" by blood
John W. Lawrence	" "

Although several cases are presented embracing the applications of a number of persons, a common question is involved, growing out of the fact that although the application of these persons for enrollment was granted in decisions rendered by the Commissioner to the Five Civilized Tribes, subsequently affirmed by the Secretary of the Interior, their names were not placed upon the final roll schedules, which were marked "Approved" by the Secretary of the Interior. That their names were not placed upon roll schedules containing such notation was due to the extraordinary pressure of business during the last few weeks prior to the closing of the rolls, which occurred March 4, 1907.

Inasmuch as the conditions surrounding these cases are in all material respects similar, it will be sufficient to set forth facts in but one case, referring for instance, to the case of John W. Lawrence. It is found that on January 7, 1907, the Commissioner to the Five Civilized Tribes rendered a decision, which concludes as follows:

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of section twenty-one, of the Act of Congress approved June 26, 1906 (34 Stat., 495), John W. Lawrence is entitled to enrollment as a citizen of the Cherokee Nation, and his application for enrollment as such is accordingly granted; and that George E. Lawrence is not entitled to enrollment as a citizen of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

This decision was affirmed by the Secretary of the Interior February 26, 1907.

Decisions similarly worded were rendered as to the other

persons named above at various times by the Commissioner to the Five Civilized Tribes and affirmed by the Secretary.

Inasmuch as the Creek and Cherokee nations are the only ones in which these applicants claim citizenship, it will be sufficient to notice the provisions of law relating specifically to them, in connection with which, however, there are certain general provisions which must also be considered. Section 21 of the act of June 28, 1898 (30 Stat., 495), provides in part as follows:

The roll of Creek freedmen made by J. W. Dunn, under authority of the United States, prior to March fourteenth, eighteen hundred and sixty-seven, is hereby confirmed, and said Commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation.

Section 23 of the act of March 1, 1901 (31 Stat., 861), which also relates to the Creek Nation, provides in part as follows:

The rolls so made, when approved by the Secretary of the Interior, shall be the final rolls of citizenship of said tribe, upon which the allotment of all lands and the distribution of all moneys and other property of the tribe shall be made, and to no other persons.

Section 21 of the act of June 28, 1898, also provides in reference to the enrollment of Cherokee freedmen in part as follows:

The rolls so made, when approved by the Secretary of the Interior, shall be the final rolls of citizenship of said tribe, upon which the allotment of all lands and the distribution of all moneys and other property of the tribe shall be made, and to no other persons.

The Cherokee enrollment act of July 1, 1902 (32 Stat., 716), is of particular importance, because it provides for the preparation of lists to be submitted to and approved by the Secretary of the Interior.

Section 29 of that act provides:

For the purpose of expediting the enrollment of the Cherokee citizens and the allotment of lands as herein provided, the said Commission shall, from time to time, and as soon as practicable, forward to the Secretary of the Interior lists upon which shall be placed the names of those persons found by the Commission to be entitled to enrollment. The lists thus prepared, when approved by the Secretary of the Interior, shall constitute a part and parcel of the final roll of citizens of the Cherokee tribe upon which allotment of land and distribution of other tribal property shall be made. When there shall have been submitted to and approved by the Secretary of the Interior lists embracing the names of all those lawfully entitled to enrollment, the rolls shall be deemed complete. The rolls so prepared shall be made in quadruplicate, one to be deposited with the Secretary of the Interior, one with the Commissioner of Indian Affairs, one with the Principal Chief of the Cherokee Nation and one to remain with the Commission to the Five Civilized Tribes.

Besides the above provisions which relate specifically to the Creek and Cherokee nations, there are certain provisions which relate to all of the Five Civilized Tribes. For instance, the act of April 26, 1906 (34 Stat., 137), section 2 provides in part as follows:

Provided, That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date.

A provision of general application is also found in the act of March 3, 1905 (33 Stat., 1048, 1060), which reads as follows:

Provided, That the work of completing the unfinished business, if any, of the Commission to the Five Civilized Tribes shall devolve upon the Secretary of the Interior, and that all the powers heretofore granted to the said Commission to the Five Civilized Tribes are hereby conferred upon the said Secretary on and after the first day of July, nineteen hundred and five.

Commissioner Eiky held the view that the decision of the Secretary in favor of those persons amounted in legal effect to the approval of their enrollment and that, accordingly, the roll schedules transmitted by him should be regarded as a part of the final rolls of the Creek and Cherokee nations. The Acting Commissioner of Indian Affairs, reporting in the matter June 18, 1907, expressed the opinion that the law requires the rolls of Creek and Cherokee citizens to be approved by the Secretary of the Interior, and that, when so approved, they shall constitute the final rolls of citizens of said nations. He recommended, therefore, that the facts in the case be brought to the attention of Congress with request for legislation authorizing the Department to approve their enrollment; also, that said persons be allowed to select tentative allotments but that certificates of allotment should not be issued until after their enrollment is approved.

The Department concurs in the opinion of Mr. Eiky. The rights of these applicants have been fully established by formal decisions rendered by the Secretary of the Interior. There is no reason why their enrollment should be denied under existing law except a seeming defect in the purely clerical matter of making up the final lists or roll schedules.

Such denial of their rights would work great injustice. Moreover, a conclusion adverse to their enrollment does not necessarily result from the laws quoted above.

The history of the enrollment work shows that a custom was adopted under the various enrollment laws of preparing lists or schedules of citizens containing the names of those persons who were found to be entitled to enrollment by the Commission to the Five Civilized Tribes. There were two methods by which names were placed on these schedules. First, the Commission enrolled therein the names of all persons found by it to be entitled to enrollment, provided that the attorneys for the nations in interest did not, after due notice, make any objection. Thereupon the names so listed were forwarded to the Secretary of the Interior for approval and, when approved by him, were treated as a part of the final rolls. This approval by the Secretary operated as a decision in favor of the persons whose names were so enrolled.

There was another class of applicants, however, as to whom the practice was different. It was the authorized custom, when a decision was rendered against an applicant or when a protest was made against his enrollment by the attorneys for the nation in interest, to forward the complete record to the Secretary for examination together with the formal decision of the Commission, which contained, by the way, a list of the applicants in the case. The Secretary's action upon the

matter was taken in the form of a decision whereby he either affirmed the decision of the Commission or directed it to enroll the applicant. This proceeding was not by way of appeal but was regularly followed in all such cases. After favorable decision by the Secretary, lists or schedules were prepared by the Commission, following a chosen form, containing the names of those persons. Later these schedules were also forwarded to the Secretary and a notation of approval was placed by him thereon in form identical with that used as to schedules of the first class. This approval had a widely different significance from that given by the Secretary to names presented to him for the first time, and operated in such cases merely as a certification of the authenticity of the roll instead of an approval. To reason otherwise would be to say that the decisions of the Secretary were without force unless repeated.

The real question is whether enrollment results as the legal effect of the Secretary's decision granting an application, and at once, or whether such decision is inoperative and ineffective until the name of the applicant is transcribed upon a schedule and again approved. The sounder view is that the Secretary's favorable decision in itself constitutes, in legal effect, an enrollment and that the preparation subsequently of the schedule based thereon is purely ministerial and clerical. If this is not so, much of the work of enrollment, accepted by all as correct, was erroneous, for it has long been the practice, without exception, perhaps, to cancel names from the tribal rolls, after the receipt of citizenship

cases, solely upon the authority of the Secretary's adverse decision and without suggestion from anyone that it was necessary for him in person to note his approval of such cancellation upon the roll itself. And yet this cancellation was no less a part of the work of completing the rolls than the placing of names thereon.

Nor should it be overlooked that the Commission to the Five Civilized Tribes went out of existence July 1, 1905, and that thereafter all powers formerly exercised by it were vested in the Secretary of the Interior. Not until after this change were five of the cases now under consideration adjudicated and then wholly by the Secretary and his agents. Under such circumstances and irrespective of what was contemplated under section 29 of the act of July 1, 1902, ~~AMMA~~, a literal compliance therewith was impossible. That this is true in more respects than one is obvious when said section is read in connection with the law which made the Secretary of the Interior the successor of the Dawes Commission. There are other reasons, which need not be enumerated, why it would be inconsistent to hold that the enrollment or cancellation of names does not result, in legal contemplation, from the Secretary's decision unless followed by his notation to the same effect upon some list or schedule.

The provision quoted herein, in the act of April 28, 1906, depriving the Secretary of the Interior of jurisdiction to approve the enrollment of any person after March 4, 1907, has no application to

these cases, because their enrollment was approved by him, in every case, prior to that date.

The roll schedules, prepared by Mr. Bisby, will be treated as a part of the final rolls of the Creek and Cherokee nations. Said rolls, as submitted by him, bear the following notation, or one similar thereto:

Enrollment approved by the Assistant Secretary of the Interior February 12, 1907 (I.T.D. 1868-1907).

In order that there may be no doubt as to the authenticity of these rolls and not for the purpose of approving them -- for that has been done heretofore -- I have added the following thereon:

I certify that the above notation of enrollment is correct, as shown by the records of the Interior Department.

One copy of these rolls will be retained, as usual, in the Secretary's office; one copy will be forwarded to the Indian office; three copies are returned herewith for appropriate disposition.

Very respectfully,

(Signed) G. W. Woodruff,

Through the Commissioner
of Indian Affairs.

Acting Secretary.

Managers, Indian Territory, December 15,

The Honorable,

The Secretary of the Interior,

Sir:

June 23, 1907, former Commissioner Dixby called to the attention of the Department certain enrollment cases that were brought to his attention after March 4, 1907, in which it appeared that the applicants were probably entitled to enrollment but were not placed upon the final rolls of the tribes of which they were members, and that in view of Section 2 of the Act of Congress of April 26, 1906, there was no existing law under which they could obtain relief.

July 23, 1907 (I.T. 59745-1907), the Acting Commissioner of Indian Affairs in reporting the matter, stated:

"It appears from the Commissioner's letter that the parties mentioned by him are entitled to enrollment and that for various reasons their names were not placed on the roll. As it appears to be thoroughly established that they are as much entitled to enrollment as any of the citizens of the tribes to which they belong, and as there is no existing law by which they can be enrolled, it is recommended that the list be preserved and that the Commissioner to the Five Civilized Tribes be requested to investigate further similar cases to the end that relief may be afforded to all such persons by a special act of Congress, authorizing the placing of their names on the rolls of citizens of the nations to which they belong".

This recommendation was approved by the Secretary of the Interior July 25, 1907.

The question of the advisability of requesting congressional action with a view to affording relief to certain persons not enrolled as members of the Five Civilized Tribes, through fault of

their own or otherwise, was again discussed in the Cherokee case of Alta May Brassfield. The Commissioner of Indian Affairs on August 21, 1907 (I.T. 49588-1907), forwarded this office, for report, a letter from John Brassfield, and on September 10, 1907 (I.T. 73379-1907), in transmitting the report of this office of August 30, 1907, stated:

"In cases such as the Brassfield, the Mitchell Adams, and a few others that have come to the notice of the Office, where the parties were not enrolled through no fault of their own, but through error of Government Officers, Congress should be requested to enact legislation authorizing their enrollment, and their names should be inserted in the law as was done by Section 9 of the Act of June 30, 1902 (32 Stat., L., 500), in the cases of Ner-wal-le-pe-se, Mary, Walter and Willie Washington, citizens of the Creek Nation.

It is recommended that the Office be authorized to advise the Commissioner to the Five Civilized Tribes as herein indicated, and request him to prepare a list giving the names of the persons whom his record show were legally entitled to enrollment and were omitted through oversight on the part of the Government, in order that the subject may be presented to Congress with a view to protecting their interests."

This recommendation was approved by the Secretary of the Interior September 11, 1907:

In accordance with these instructions I have investigated the records in the citizenship cases in the different Tribes and respectfully submit the following cases which I believe come within the purview of the Department's instructions, to-wit:

CHEROKEES BY BLOOD.

ACT OF JULY 1, 1902 (32 STAT., 716).

Jennie Cloud,
Joe Kingfisher, case No. 7713.

Jennie Cloud, who is a fullblood Cherokee Indian, is a daughter of Nalco Crittenben and Ka-le-wan-kee; she was born in the Cherokee Nation about 33 years ago, and has continuously resided therein since her birth to the present time; her name is identified upon the 1880 Cherokee tribal roll, Coingsmake district, at No. 492, as Eighty Crittenben, and upon the 1894 Cherokee pay-roll, Coingsmake district, at No. 646, as Jennie Kingfisher.

Joe Kingfisher, born about 1892, is a son of said Jennie Cloud and one James Kingfisher, whose name appears opposite No. 18633 on the approved roll of Cherokee citizens, being enrolled as a fullblood. Said Joe Kingfisher resided in the Cherokee Nation continuously from his birth until his death, which occurred in 1908 or 1909. The application for the enrollment of Jennie Cloud and Joe Kingfisher was made April 15, 1902, but their case was, through an oversight, never passed upon.

Viola Grasier, case No. 4079.

Viola Grasier was born August 26, 1902, and is a child of Homer M. Grasier, whose name appears upon the approved roll of citizens by blood of the Cherokee Nation, opposite No. 9841, being enrolled as a three-eighths Indian, and one Dora Grasier, a non citizen of the Cherokee Nation. The application for her enrollment was made October 2, 1902, and on February 20, 1907, the former Commissioner rendered his decision ordering her enrolled as a citizen by blood of the Cherokee Nation. His protest against her enrollment was filed by the attorney for the Cherokee Nation, but through oversight she was not placed upon a schedule of Cherokee citizens and frustrated for departmental approval.

Maggie Besser, case No. 9365.

Application for the enrollment of Maggie Besser was made June 24, 1902; she is a fullblood Indian about thirteen or fourteen years of age, a daughter of Sam Besser, whose name appears opposite No. 16962 upon the approved roll of

citizens by blood of the Cherokee Nation, and one Lydia Bessler, nee Wesley, a Cherokee, who died about twelve years ago. Maggie Bessler is identified upon the 1896 Cherokee tribal roll, Tahlequah district, at No. 319, and has continuously resided in the Cherokee Nation from the time of her birth until the present time. The case of this child was not, through inadvertance, passed upon prior to the closing of the Cherokee roll.

Jim Wolfe, case No. 10991.

This applicant, who is a fullblood Indian, made application for enrollment November 20, 1900, as a citizen by blood of the Cherokee Nation, his age being given at that time as 41 years. June 20, 1901, the Commissioner to the Five Civilized Tribes refused his application for enrollment in accordance with the provisions of the Act of May 31, 1900 (31 Stat., 221), and on September 24, 1901, said decision was approved by the Department. On November 27, 1903 (I.T.D. 8504-1903), on request of the Commission, the Department rescinded its decision and returned the case for readjudication. Further proceedings were had in the case September 21, 1904, and October 30, 1905. On February 21, 1907, the Commissioner rendered his decision ordering Jim Wolfe enrolled as a citizen of the Cherokee Nation of Shawnee blood. The attorney for the Cherokee Nation entered no protest against the enrollment of Jim Wolfe, but through inadvertance his name was not placed upon a schedule of Cherokee citizens and forwarded to the Department for approval.

Eli Springwater, case No. Memo. 200.

Application for the enrollment of this applicant was made August 16, 1900. Emily A. Springwater, his mother, is a white woman and alleges that she was married to Johnson Springwater, the father of Eli Springwater, in 1888 or 1889, and that they lived together for about three years. Other than her uncorroborated testimony, there is no evidence of the marriage of herself and Springwater, but from the information received it appears that they lived together for about three years; that the child Eli Springwater was born while they were living together;

-5-

that he was recognized in the community as their child, and also by his putative father, John Springwater. The name of Eli Springwater cannot be identified upon any of the tribal rolls of the Cherokee Nation in the possession of this office. Johnson Springwater, is identified upon the 1880 Cherokee tribal roll, Wagonway district, at No. 1218, and his name appears upon the approved roll of citizens by blood of the Cherokee Nation opposite No. 25726.

Commissioner Bixby in his letter of June 28, 1907, fully advised the Department in reference to the above cases, and as to the probable cause of their being overlooked.

Alta May Brassfield, case No. 5415.

Alta May Brassfield was born June 16, 1902, and is a daughter of John Brassfield, whose name appears opposite No. 15360 upon the approved roll of citizens by blood of the Cherokee Nation, and his wife, Mary Brassfield, a non-citizen white woman. The first application made to the Commission to the Five Civilized Tribes was received September 1, 1904, too late, under the provisions of Section 30 of the Act of July 1, 1902, to be considered. The Act of April 26, 1906, (34 Stat., 137) extended the time for the reception of applications for enrollment to December 1, 1906, but the application for the enrollment of Alta May Brassfield, which was retained in the files of the Commission, was not discovered after the passage of the Act of April 26, until subsequent to March 4, 1907, and her case was not passed upon prior to the closing of the tribal rolls on March 4, 1907. Said child is living at the present time.

CHEROKEE FREEDMEN NEW BORN.

ACT OF APRIL 26, 1906 (34 Stat., 137).

Lucy Scott, New Born case No. 542.

Application was received May 31, 1906, for the enrollment under the Act of April 26, 1906, of Lucy Scott, born September 21, 1903, a child of Jim Scott, a noncitizen of the Cherokee Nation, and Mary Scott, whose name appears

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upon the approved roll of Cherokee Freedmen opposite No. 3722. This child was living March 4, 1906. When this application was first received Lucy Scott was listed for enrollment on Cherokee new born card No. 2787, instead of a Cherokee freedman new born card, it being recited in the application for the child's enrollment that its mother, Mary Scott, was "a citizen by birth of the Cherokee Nation". On February 7, 1907, Commissioner Bixby ordered the transfer of the name of Lucy Scott from the Cherokee new born case to a Cherokee freedman new born case, it being found that the mother was enrolled as a Cherokee freedman. It appears that no further action was taken looking toward the enrollment of Lucy Scott until March 4, 1907, when Mr. Bixby wired the Department as follows:

"From evidence now in my office it appears that minor Cherokee freedman applicant Lucy Scott, is minor child of Mary Scott, Cherokee freedman roll number thirty-seven twenty-two, was born September twenty-one nineteen hundred three, living March four nineteen hundred six, made application within the time limited by Act April twenty-six nineteen hundred six and has been listed on card number five forty-two. I recommend that said applicant, Lucy Scott, be placed on minor Cherokee Freedman Roll and approved".

Fearing that the telegram would reach the Department too late, the Commissioner wired his employe then in Washington, calling his attention to the telegram, which was quoted him, in order to secure, if possible, the enrollment of this child. March 3, 1907 (I. F. D. 8200-1907) the Acting Secretary of the Interior notified the Commissioner that said telegram was not received in the Secretary's office until March 5, 1907, and that no further action could be taken.

CHECKS BY BLOOD.

ACTS OF MARCH, 1, 1901 (31 Stat., 861),
AND JUNE 30, 1902 (32 Stat., 800).

Chinhoker Mully,
Mitchely "
Barney -- "
Simon " case No. 1-3172.

April 26, 1907, Chinhoker Mully appeared before the Commissioner to the Five Civilized Tribes and gave testimony in connection with the right to enrollment as citizens by blood of the Creek Nation of herself and children, Mitchely, Barney and Simon Mully, all fullblood Creek Indians. It developed that Chinhoker Mully was identified upon the 1895 Creek pay roll, Ketchapataka Town, as Chihhoka, but that her enrollment upon said roll had previously been accepted, through error, as that of one Wattyahola, whose name appears upon the approved roll of Creek Indians opposite No. 2416. It was also found that her children above named, who are also identified on said roll, were listed for enrollment by the Commission to the Five Civilized Tribes on May 23, 1901, as Mitchell, Barney and Simon Wiler, and that on February 20, 1907, the Commissioner dismissed the application for their enrollment, no information having been received to show whether or not they were living and entitled to enrollment on April 1, 1899. The names of these persons also appear upon the 1890 authenticated roll of citizens by blood of the Creek Nation on page 133, Ketchapataka Town, as Chimahokee, Majalla, Parma and Sarua. The evidence shows that these people lived continuously all of their lives in the Cherokee Nation (among a band of Creek Indians who settled in the Cherokee Nation about the time of the outbreak of the civil war), and that they have never been enrolled or recognized as citizens of any tribe of Indians other than the Creek.

ACT OF APRIL 26, 1906 (34 Stat., 137).

Sallie Foster, Creek MB No. 370.

June 19, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Sallie Foster, born January 17, 1905, as a citizen by blood of the Creek Nation under the Act of April 26, 1906.

Said Sallie Foster is a child of Noah Foster, whose name was identified upon the approved roll of Creek Indians opposite No. 477, and Jennatta Foster. February 27, 1907, the Commissioner rendered his decision denying the application for the enrollment of said child for the reason that sufficient information was not secured to determine whether or not said Jennatta Foster was a Creek citizen, or whether or not she and Noah Foster were married. Said decision was, on that date, forwarded to the Department. March 4, 1907, the parents of this child appeared before the Commissioner and gave testimony in the matter of its enrollment, from which it was found that the child's mother is enrolled upon the approved roll of Creek citizens opposite No. 3907, as Jenette Johnson, and on that day the Commissioner wired the Department as follows

"Referring to Creek New Born case of Sallie Foster transmitted on February twenty-seven, nineteen hundred seven, together with decision denying for insufficient evidence, the parents of said child have this evening appeared and from their testimony mother is identified as Jenette Johnson opposite Creek Indian Roll No. thirtynine hundred seven. I therefore recommend that the name of said Sallie Foster be this day placed upon Creek New Born schedule and approved. Child one year old. Sex female, blood full, card No. three hundred seventy."

Fearing that the telegram would reach the Department too late, the Commissioner wired his employe then in Washington, calling his attention to the telegram which was quoted him, in order to secure, if possible, the enrollment of this child. The telegram probably not having reached the Department until after March 4, 1907, the Department, on that date (I.T.D. 7830-1907), affirmed the Commissioner's decision.

Robert Bullocks, Creek Freedman New Born.

The mother of Robert Bullocks is Serena Bullocks, who, with her other children, Beattie Harris, Minnie Vincent and Lou Willie Bullocks, were first enrolled as Chickasaw freedmen, opposite Nos. 1693, 1694, 1695 and 1700, respectively, upon a schedule of Chickasaw freedmen approved by the Department December 12, 1902. The name of Robert Bullocks appears upon a schedule of Chickasaw freedmen approved by the Department October 15, 1903, opposite No. 4318. Serena Bullocks having elected to have herself

and children enrolled as Creek freedmen, Commissioner Bixby transmitted to the Department on October 28, 1905, the record of proceedings had in the matter of their application for enrollment as Creek freedmen, and expressing the opinion that they were clearly entitled to enrollment as Creek freedmen, recommended that their enrollment as Chickasaw freedmen be cancelled, and stated that when such action was taken "a decision enrolling them as Creek freedmen will be rendered." He also stated that there was, at the time of his report, no authority of law for the enrollment of the minor child, Robert Bullocks, as a citizen of the Creek Nation, and recommended that his enrollment at No. 4318 upon the final roll of Chickasaw freedmen be permitted to stand. Forwarding the report to the Department on September 14, 1906, (Land 88437-1906), the Commissioner of Indian Affairs concurred in the recommendation of Commissioner Bixby. October 31, 1906, (I.T.D. 73898-1906), the Department remanded the case to the Commissioner for readjudication in accordance with the law existing at that time. January 21, 1907, the Commissioner again forwarded the record to the Department and concluded his report as follows:

"If the said Robert Bullocks was living March 4, 1906, then he is a person entitled to make application for enrollment under the provisions of said Section (2 of Act of April 26, 1906), and in my opinion his application made August 22, 1902, should be considered as a continuing application requiring action thereon in the light of said Section 2 of the Act of April 26, 1906

I have therefore notified the mother of said Robert Bullocks, who is a minor, that if she desires the said Robert Bullocks to be enrolled as a Creek freedman, it is imperative that she immediately furnish proof that he was living March 4, 1906. In the event that such proof is furnished, I will prepare and transmit a decision similar to the decision transmitted herewith, containing an order cancelling his enrollment as a Chickasaw freedman, and will also transmit with said decision a separate schedule containing the name of Robert Bullocks.

In the event such proof is not furnished, and he is not enrolled as a Creek freedman, his enrollment as a Chickasaw freedman should, of course, be allowed to stand.

In forwarding the report to the Department the Indian Office, on February 21, 1907, (Land 9086-1907), concurred in the recommendation of the Commissioner, and on February 27, 1907 (I.T.D. 4732-1907), the Department approved the

From affidavits sworn to before Bullock, January 1, 1907, and Mary Bullock February 2, 1907, it is shown that said Robert Bullock was born September 12, 1881, and was living at New York, N. Y., when said affidavit was sworn to. The Commission has taken a report this case to the Department and seems they enrollment of this child as a Chickasaw Indian was not born and have his name stricken from the Chickasaw Freedman roll. Before this child is enrolled as a citizen of the Creek Nation, proper authority should be secured for the cancellation of his name at No. 4322, from the approved roll of Chickasaw Freedmen. No application for the selection of an allotment of land in the Choctaw or Chickasaw Nation for said Robert Bullock has been made.

MISSISSIPPI CHOCTAWS.

ACTS OF JUNE 25, 1906 (30 Stat., 495),
AND JULY 1, 1902 (32 Stat., 641).

Maggie Wickey (now John),
Billey Wickey,
Sam Wickey,
Bettie Russell Wickey,
Mellie Mass Wickey.

These applicants were embraced in the Mississippi Choctaw application of Nancy Wickey made at Natchez, Mississippi, April 25, 1901, for the identification of herself and said children, and also for her child, Maggie Wickey, who died in the year 1901, as Mississippi Choctaws. Said Nancy Wickey was identified as a fullblood Mississippi Choctaw May 17, 1904. September 13, 1904, the Commission to the Five Civilized Tribes denied the identification as fullblood Mississippi Choctaws of the above named children, and said decision was approved by the

Department December 13, 1904 (I.T.D. 12338-1904).

January 12, 1907 (I.T.D. 82-1907), the Department ordered a rehearing in the matter of the application of said Maggie Nickey, and on March 4, 1907, Commissioner Bixby wired the Department as follows:

"Referring to Departmental letter of January twelfth, nineteen seven (I.T.D. eighty-two-nineteen seven), ordering rehearing in application of Maggie Nickey, now Maggie John, for identification as Mississippi Choctaw, sufficient evidence has been received by me today to identify this applicant as fullblood Mississippi Choctaw, and such action has accordingly been taken on this date by me. Sufficient evidence is also on file with this office showing bona fide settlement within Choctaw-Chickasaw Country. Recommend that her name be placed on schedule of identified Mississippi Choctaws, and also on final roll of Mississippi Choctaws and approved by you today. Maggie Nickey is twenty years old, removed to Choctaw-Chickasaw Country in February nineteen hundred three, and submitted proof of settlement on February fifth, nineteen seven. Her name appears on Mississippi Choctaw card number nine hundred seventeen."

March 13, 1907 (I.T.D. 8210-1907), the Department advised the Commissioner that as the telegram was not received until March 5, 1907, "it is not considered that the Department has now the authority to place said Maggie Nickey, or Maggie John, upon the roll of Mississippi Choctaws."

On March 4, 1907, the Commissioner rendered his decision refusing the application of Lizzie Nickey for identification, she having died too soon to be entitled to such identification, and granted the application for the identification of said Maggie, Billy, Sam, Bettie, Russell and Hollie Mass Nickey as fullblood Mississippi Choctaws. The Commissioner advised the Department of this action on March 6, 1907, and stated that

"Considering, however, the fact that but a few hours remained before the closing of the rolls of citizenship, no action was taken as to the notification of said parties as to their identification for the reason that the said Billy and Sam Nickey are residents of Paulding, Mississippi Bettie Russel Nickey of Mosell, Mississippi, and Hollie Ma Mass Nickey of Sylvarena, Mississippi, and it would have

been impossible for them to have removed and settled within the Choctaw-Chickasaw country and submitted proof thereof, as required by Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 841), within time for their enrollment to have been approved by you on March 4, 1907.

March 16, 1907 (I.T.D. 8510-1907), the Department in reply to the Commissioner's letter, stated that it had no authority to further act in the case.

I believe that authority should be granted for the placing of the name of Maggie Nickey upon the final roll of Mississippi Choctaws, and that upon her compliance with the law, a final allotment of land be given her. As to the other applicants first named, I believe that a reasonable time, say six months, should be given them within which to establish a bona fide residence in the Choctaw-Chickasaw country, and that upon the proof of such settlement they be enrolled as Mississippi Choctaws, and upon their compliance with the law as related to Mississippi Choctaws, they be given final allotments of land in the Choctaw-Chickasaw country.

Clemogene Farve,
Elizabeth Farve,

On February 27, 1907, (I.T.D. 4712, 4764, 4770, 5186, 5238, 5432-1907, 1806-1906, 4224-1907), the Department reversed the decisions of the Commission, and the Commissioner to the Five Civilized Tribes, dated March 30, 1904, and December 31, 1906, respectively, rejecting the applications of Clemogene and Elizabeth Farve, among others, for identification as Mississippi Choctaws, and ordered said applicants identified as such. In accordance with said decision the Commissioner, on March 2, 1907, rendered his decision identifying these applicants as fullblood Mississippi Choctaws. Said applicants were notified on March 2, 1907, of their identification as Mississippi Choctaws and advised of what action was necessary on their part to protect their rights. It is apparent that said applicants did not have time to remove to, and make settlement in the Choctaw-Chickasaw country, and to make proof of such settlement within time to have their enrollment approved by March 4, 1907.

Walter Charles,
Hiram Charles,
Dorothy Charles,
Lillian Charles,
James Charles.

On February 23, 1907, (22 Stat. 114-117), the Department was authorized to provide for the enrollment of the Chickasaw and Choctaw Indians. The Department's attention was called to the fact that the Choctaw and Chickasaw Indians were not enrolled in the United States. The Commissioner of Indian Affairs in a circular dated March 23, 1907, directed the Agents in Mississippi, and they were to make a list of the Choctaw and Chickasaw Indians and make proof of such enrollment in line to secure their enrollment by August 4, 1907.

CHOCTAW AND CHICKASAW INDIANS.

ACT OF JULY 1, 1902 (32 Stat., 641).

Mary King, Choctaw, M. 11404.

Application was received by the Commissioner of the Five Civilized Tribes on December 20, 1902, for the enrollment of Mary King, born September 17, 1862, and living September 22, 1902, who is a child of John King, whose name appears upon the approved roll of Choctaw citizens opposite No. 1978, and Alice King, nee Nicholas, whose name appears opposite Choctaw roll No. 2237. This application was received too late under the Act of July 1, 1902 for the child to have been enrolled when the application for it was received.

Boies Shields,
Barney Shields, Chickasaw by blood.

Applications for the enrollment as citizens by blood of the Chickasaw Nation were received by the Commission to the Five Civilized Tribes on December 31, 1903, for Boies Shields, born January 10, 1900, and on October 12, 1904, for Barney Shields, born October 1, 1901.

These applicants are the children of Simon and Nancy Shield (Shields), whose names appear opposite Nos. 637 and 253, respectively, upon the approved roll of citizens by blood of the Chickasaw Nation, and were living September 25, 1902.

Gilbert McKinney, Choctaw freedman.

Application was received on March 10, 1903, for the enrollment of this applicant as a Choctaw freedman. He was born September 2, 1900, and was living September 25, 1902, and is the child of Belling McKinney, whose name appears opposite No. 5536 upon the approved roll of Choctaw freedmen. The enrollment of Belling McKinney with his other four minor children was approved by the Department March 4, 1907, but the applicant, Gilbert McKinney, whose case was embraced in that of his father and sisters, was not enrolled. The Commissioner advised the Department in reference to this case in his letter of June 28, 1907, hereinabove referred to.

Lena Dunford, Choctaw freedman.

Application was received December 26, 1902, for the enrollment of Lena Dunford, born December 10, 1895, and who was living September 25, 1902, as a Choctaw freedman. Lena Dunford is a child of Terry Dunford, whose name appears opposite No. 3405 upon the approved roll of Choctaw freedmen, and Louisa Dunford, nee Hicks, to whom Terry Dunford was married about 1891 or 1892.

Della Chester, Choctaw freedman.

December 26, 1902, there was received an application for the enrollment of Della Chester as a Choctaw freedman.

Said Della Chester was born May 1, 1902, was living September 25, 1902, and is a child of Hester Chester, whose name appears opposite No. 272 upon the approved roll of Choctaw freedmen.

Martha Ann Owens,
Henry Owens, Choctaw freedmen.

Applications were received December 29, 1902, by the Commission to the Five Civilized Tribes for the enrollment of Martha Ann Owens, born November 18, 1899, and Henry Owens, born January 26, 1902, and who were living September 25, 1902. These applicants are the minor children of Tom and Charlotte Owens, whose names appear opposite Nos. 2779 and 2780, respectively, upon the approved roll of Choctaw freedmen.

Sephus Liggins,
Roberta Liggins, Choctaw freedmen.

Applications for the enrollment of these children appear to have been received at the post office in Muskogee, Indian Territory, on December 25, 1902, and at the office of the Commission to the Five Civilized Tribes on December 26, 1902. There is, however, a note placed upon the applications for their enrollment to the effect that they were "received December 25, 1902", but the question as to whether or not they were received within the time limited by the Act of July 1, 1902, was never determined by the Commission. They are the minor children of Ella Butler, whose name appears opposite No. 727 upon the approved roll of Choctaw freedmen; they were born July 12, 1900, and April 26, 1902, respectively, and were living September 25, 1902.

The applications of the above named applicants, except that of Caroline Cole, for enrollment as citizens of the Choctaw and Chickasaw Nations appear to have been received

too late under the Act of July 1, 1902 to entitle them to enrollment under said act as citizens of said Nations. The applications were retained in the possession of the commission, but they appear to have never received consideration, except the case of Gilbert McKinney, after the passage of the Act of April 26, 1906, extending the time for the reception of applications for enrollment to December 1, 1905, or to have been discovered between April 26, 1906 and March 4, 1907.

ACT OF APRIL 26, 1906 (34 Stat., 137).

CHOCTAW FREEDMEN NEW BORN.

Si Johnson,
Charley Johnson,

Applications for the enrollment of these applicants appear to have been filed with the Commissioner to the Five Civilized Tribes on March 5, 1906; they were born March 5, 1904 and May 2, 1905, respectively; were living March 4, 1906, and are children of Martin Johnson, whose name appears opposite No. 704 upon the approved roll of Choctaw freedmen, and his wife, Mary Johnson, a non-citizen of said Nation. The Commissioner, on March 4, 1907, received sufficient information to show that these children were entitled to enrollment as minor Choctaw freedmen, and on that day telegraphed the Department and recommended that their names be placed upon the roll. The telegram appears to have been received on March 5, 1907, too late for said children to be enrolled.

Harson James.

The application for the enrollment of said applicant appears to have been filed with the Commissioner of the Five Civilized Tribes on March 4, 1907, and the Commissioner of the Department of the Interior on March 4, 1907. The applicant is a minor child of J. H. and Nellie Harson, whose names appear opposite Nos. 111 and 112 on the approved roll of Cheatew freedmen. The applicant was entitled to enrollment under the provisions of Act March 4, 1907, and on that day the Commissioner telegraphed the Department and recommended that said child be placed upon the final roll of Minor Cheatew freedmen. Said telegram appears to have not been received until March 5, 1907, too late for said child to be enrolled.

Carl Harrison,
Brillie Harrison.

It appears that applications were filed with the Commissioner to the Five Civilized Tribes on March 5, 1906, for the enrollment of Carl and Brillie Harrison. They are the children of Brigham Y. and Mary Harrison, whose names appear opposite Nos. 1253 and 1254, respectively, upon the approved roll of Cheatew freedmen. They are minors, aged about four and three years, respectively, and were living March 4, 1906. Sufficient information was not obtained until March 4, 1907, to determine the right of these children to enrollment, and on that day Commissioner Dixby wired the Department and recommended that their names be placed upon the approved roll of Minor Cheatew freedmen; but the telegram appears to have not been received until March 5, 1907, too late for said children to be enrolled.

Ida Bird.

Application for the enrollment of this applicant seems to have been filed with the Commissioner to the Five Civilized Tribes on March 5, 1906. Ida Bird was born about June 15, 1902, was living March 4, 1906, and is the child of ~~Copius Hall, whose name appears opposite~~ No. 834 upon the approved roll of Choctaw freedmen. Information from which to determine the child's right to enrollment appears not to have been received until March 4, 1907, when the Commissioner telegraphed the Department and recommended that the name of said child be placed upon the approved roll of minor Choctaw freedmen. Said telegram appears to have not been received until March 5, 1907, too late for said child to be enrolled.

Estoria Hall.

Application for the enrollment of this applicant seems to have been filed with the Commissioner to the Five Civilized Tribes on March 5, 1906. Estoria Hall was born May 2, 1900, was living March 4, 1906, and is a minor child of Thomas Hall and Malinda Hall (enrolled as Malinda Jones), whose names appear opposite Nos. 5380 and 819, respectively, upon the approved roll of Choctaw freedmen. Information from which to determine the child's right to enrollment appears not to have been received by the Commissioner until March 4, 1907, when Mr. Sixby telegraphed the Department and recommended that the name of said child be placed upon the approved roll of minor Choctaw freedmen. The telegram appears to have not been received until March 5, 1907, too late for said child to be enrolled.

Andy Butler,
Georgan Butler,

The application for the enrollment of these applicants under the provisions of the Act of April 26, 1906, was received July 25, 1906, and they were listed for enrollment on Chickasaw freedmen new born card No. 409, the application reciting that the same was made for the enrollment of the children as "freedmen of the Chickasaw Nation". February 20, 1907, the Commissioner dismissed

the application for their enrollment as Chickasaw freedmen in accordance with the approved opinion of the Assistant Attorney-General for the Interior Department dated November 15, 1906, holding that children of Chickasaw freedmen were not entitled to enrollment under the provisions of the Act of April 26, 1906.

In the caption of the application for the enrollment of these children it is recited that their father is a freedman of the Choctaw Nation, but in the affidavit of the mother as to the children's birth it is stated that their father is a citizen of the Chickasaw Nation. Andy and Georgan Butler were born October 17, 1902, and August 7, 1905, respectively, and are children of Charley Butler and Carrie Butler, whose name appears opposite No. 1716 upon the approved roll of Chickasaw freedmen. Subsequent to March 4, 1906, it was discovered that said Charley Butler is a duly enrolled Choctaw freedman, his name appearing opposite No. 2425 upon the approved roll of such citizens. Evidence of marriage on file with this office shows the lawful marriage of the parents of these children on April 19, 1900. The children were living on March 4, 1906, and were lawfully entitled to enrollment as Choctaw freedmen on March 4, 1907.

Hattie Burris,
Isaac Burris,
John Burris,

March 4, 1907, Commissioner Bixby rendered his decision granting the application for the enrollment as minor Choctaw freedmen under the Act of April 26, 1906, as amended by the Act of June 21, 1906 (34 Stat., 325), of Hattie, Isaac and John Burris. On that day the Commissioner telegraphed the Department of his action and recommended that their names be placed upon a schedule of minor Choctaw freedmen and approved by the Department. On that day he also addressed a letter to the Department confirming the telegram and transmitting the record of proceedings in the case. March 9, 1907 (I.T.D. 8206-1907), the Department advised the Commissioner that his telegram was not delivered until March 5, 1907, and no further action could be taken in the case.

These children were born, Hattie April 28, 1901, Isaac December 5, 1902, and John Burris January 29, 1904, are the legitimate children of Turner Burris, whose name appears opposite No. 4870 upon the approved roll of

Choctaw freedmen, and Etta Burris, a non citizen, and were living March 4, 1906.

There is also called to the attention of the Department, for such action as it desired to take, the Mississippi Choctaw case of Mitchell C. Adams, referred to in the Indian Office letter of September 10, 1907, special reference being made to his application for the identification of his minor children.

January 13, 1906, (I.T.D. 1312, 18094-1905), the Department approved the decision of the Commission to the Five Civilized Tribes dated January 19, 1905, denying the application of Mitchell C. Adams for the enrollment of himself and minor children, Lillie M., Nora M. and Mitchell C. Adams, Jr., as citizens by blood, and for the enrollment of his wife, Fannie C. Adams, as a citizen by intermarriage, of the Choctaw Nation. On March 3, 1907, Commissioner Bixby, having received a telegram dated March 2, 1907, from A. P. McGarr, who was an employe of the Commission then stationed in Washington, stating that the Department had directed the identification of Mitchell C. Adams, Lillie M. Adams, Nora M. Adams and William C. Adams (Mitchell C. Adams, Jr., died in 1898 or 1899), as Mississippi Choctaws, rendered his decision identifying them and on that day wired said employe of his compliance with

The Department's directions, and stated that as the records did not show that said persons had ever removed to and settled within the Choctaw-Chickasaw country, no action would be taken other than their identification. Subsequent to the rendition of said decision the Commissioner received the Department's decision in the case dated March 2, 1907 (I.T.D. 5743-1907), wherein the decision of the Commission of January 19, 1905, adverse to the applicants, was reversed except as to said Fannie C. Adams. This action was taken in accordance with the approved opinions of the Assistant Attorney General of February 27, 1907, and February 28, 1907. Said Mitchell C. Adams was ordered identified as a fullblood Mississippi Choctaw Indian, and in connection with the identification of Adams' children the Department states that:

"In the concluding paragraph of the above cited opinion recommendation is made that no action should be taken at this time looking to the enrollment of Adams' family. This recommendation is approved only to the extent that they should not now be finally enrolled as citizens.

It accords with the approved opinion of the Assistant Attorney General of February 19, 1907, in the case of the infant children of Elizabeth Adams, et al., based on Section 2 of the act of April 22, 1906 (34 Stat., 137), the children of Mitchell C. Adams are entitled to identification as Mississippi Choctaws, if said children were minors living on March 4, 1906.

It appears that when the record was made up Lillie M., Vera M. and William C. Adams were the living minor children of Mitchell C. Adams, and that Mitchell C. Adams, Jr., had since died.

Accordingly you are also directed to identify Lillie M., Vera M. and William C. Adams as Mississippi Choctaws, following said opinion in the Adams case.

Mitchell C. Adams resides at Bluefield, West Virginia, and it would have been impossible for him to have removed to and settled within the Choctaw-Chickasaw country and submitted proof of such settlement within time for his enrollment to have been approved by the Department on March 4, 1907.

The children of Mitchell C. Adams, being of the mixed blood, and no attempt being made to prove that they are the descendants of a beneficiary under the fourteenth article of the treaty of 1830, were not entitled to identification as Mississippi Choctaw Indians under the Act of July 1, 1902. It is not clear as to the right of these children under the Act of April 26, 1906, considering their case in the light of the Department's decision in the Nicholas Charles, et al., case above referred to, and its decision of May 25, 1906 (I.T.D. 5066, 17858-1905, 9022-1906), in the Willis Willis case. Had Mitchell C. Adams, after his identification as a Mississippi Choctaw Indian, made proof of settlement within the Choctaw-Chickasaw country and been duly enrolled as a Mississippi Choctaw, and his enrollment approved by the Secretary of the Interior, his said children would have been entitled to enrollment under the Act of April 26, 1906, as amended by the Act of June 21, 1906, as the minor children of a duly enrolled Mississippi Choctaw Indian, provided they were minors living March 4, 1906.

The Commissioner's decision in this case of March 1, 1907,
is inclosed; the records in the case was transmitted to the De-
partment October 21, 1905.

The records of proceedings in a number of the above
cases have been heretofore forwarded, and, with the date of the
letter of transmittal, are as follows:

Sallie Fester, Creek New Born,	February 27, 1907.
Clemogene Parry, et al., Mississippi Choctaw (In consolidated case of Nancy Agloff, et al., M.C.R. 2370).	December 21, 1906.
Gilbert McKinney, Choctaw Freedman, (In case of Boling McKinney, et al.)	February 26, 1907.
Hattie Burris, et al., Choctaw Freedman New Born,	March 4, 1907.
Mitchell C. Adams, et al., Mississippi Choctaw,	October 21, 1905.

The records in the other cases above referred to are
transmitted herewith.

Respectfully,

Commissioner.

JOR(LS)

Incl. 8-38.

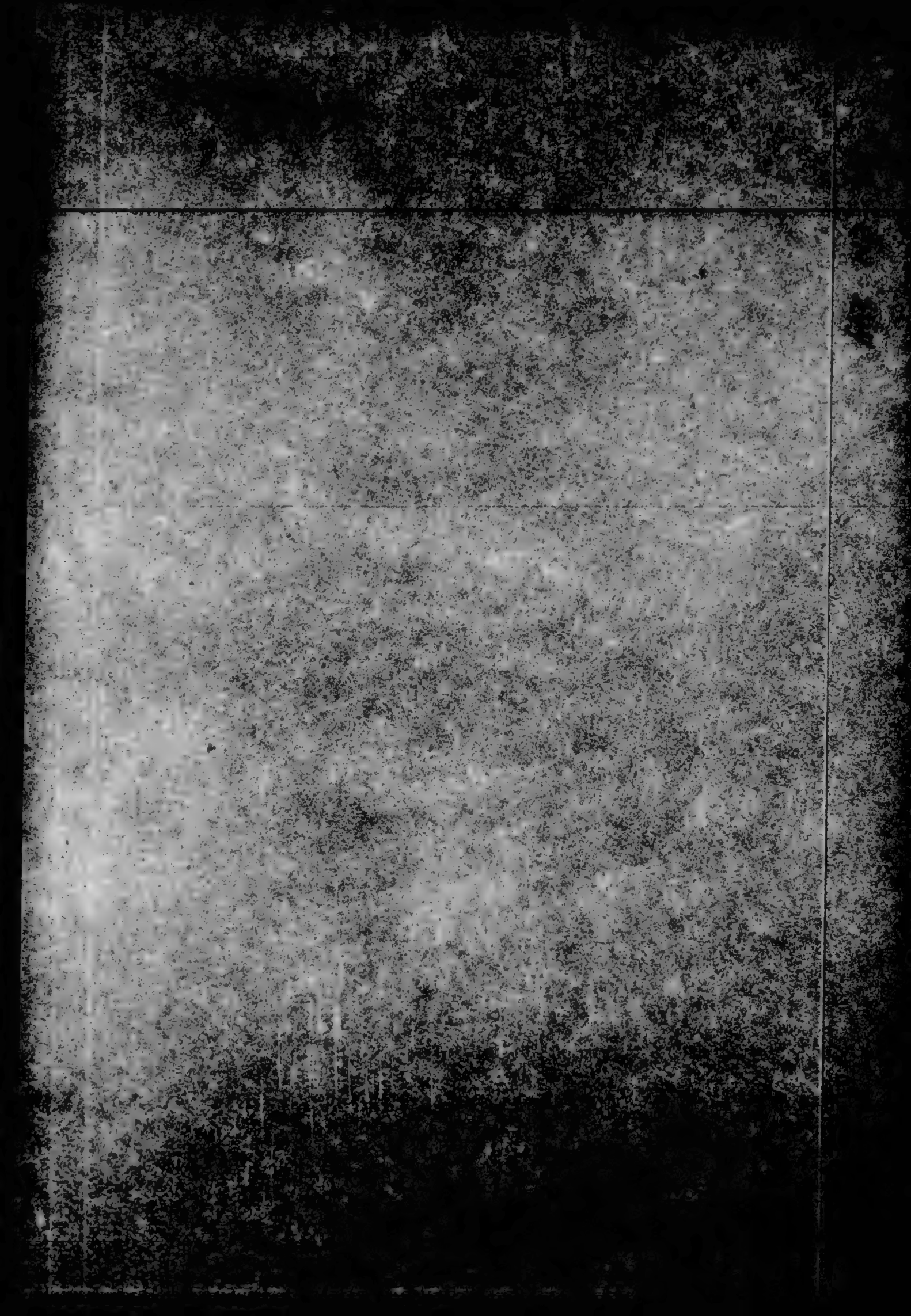
Creek Ex. No. 243

Received of the Commission to the Five Civilized Tribes one copy
of the testimony in the matter of the application for the enrollment
of Serena Bullock et al. taken Nov. 17-1904
Aug 22, 1902 & Oct 1902, as citizens of the Creek Nation.

7-21-05

E. Hastain

Attorney for Creek Nation
Applicants



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., August 23, 1902.

In the matter of the application of George Kanard for the enrollment of his minor child, Albert Kanard, deceased, as a citizen, by blood, of the Creek Nation.

George Kanard, being first duly sworn, testified, as follows, through interpreter, Chilly W. Morgan:

By the Commission.

- Q What is your name? A George Kanard.
Q What is your age? A Thirty-eight years old.
Q What is your post office address? A Watsonville.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been listed for enrollment as a citizen of the Creek Nation, by the Commission? A Yes, sir.

The records of the Commission examined and it appears that George Kanard is listed for enrollment as a citizen of the Creek Nation, on Creek Indian Card, Field No. 2416.

- Q For whom do you now make application for enrollment?
A My son.
Q What is the name of your son? A Albert Kanard.
Q Is he now living? A No, sir.
Q What was his age when he died? A About a year old.
Q When was he born? A About January, 1900.
Q Do you recollect the day of the month in January when he was born? A The 26th day of January, 1900.
Q Have you heretofore filed with the Commission a birth affidavit in the matter of the application for the enrollment of your son, Albert Kanard? A Yes, sir.

The files of the Commission examined and it appears that a birth affidavit, in the matter of the enrollment of Albert Kanard, as a citizen of the Creek Nation, was filed with the Commission on May 29, 1901, which affidavit is marked Exhibit "A" and made a part of the record.

- Q When you filed that birth affidavit, was that the first time you had ever made application to the Commission for the enrollment of your deceased son, Albert Kanard? A Yes, sir, the Commission authorized me and told me that if I had that done, whenever the treaty was ratified, I would receive a hundred and sixty acres of land for the child; afterward, the Commissioners gave me a blank and told me to take it and have it filled out, and I taken it to a notary public and had it filled out and forwarded to the Commissioners here.
Q When did the Commission give you that blank affidavit?
A Last May, a year ago, the time the Council was in session to ratify that first treaty, last May, a year ago.

2 In re application of George Kanard for the enrollment of his son, Albert Kanard, deceased, as a citizen, by blood, of the Creek Nation.

Q You are the father of Albert Kanard? A Yes, sir.

Q To what town in the Creek Nation do you belong? A Thlewathle is my town.

Q What is the name of the mother of Albert Kanard? A Rosana Kanard.

Q Is she living? A Yes, sir.

Q To what town in the Creek Nation does she belong? A Thlewathle town.

Q Is she a full-blood Creek Indian? A Yes, sir.

Q You are also a full-blood Creek Indian? A Yes, sir.

Q You make application, then, for the enrollment of your deceased son, Albert Kanard, as a citizen, by blood, of the Creek Nation? A Yes, sir.

Q Your wife, Rosana Kanard, has been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears that Rosana Kanard, the mother of Albert Kanard, is listed for enrollment as a citizen of the Creek Nation, on Creek Indian Card, Field No. 2416.

Q Have you and your wife, Rosana Kanard, resided in the Creek Nation all your lives? A Yes, sir.

Q Have you heretofore filed with the Commission a death affidavit in the matter of the application for the enrollment of your deceased son, Albert Kanard? A Yes, sir; I did.

The files of the Commission examined and it appears therefrom that on June 3, 1902, there was filed with the Commission proof, by affidavit, of the death of Albert Kanard, which affidavit is marked Exhibit "B" and made a part of the record.

Q Have you and your wife ever been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A Yes, sir.

Q Do your names appear upon the Creek tribal rolls? A Yes, sir.

The authenticated 1890 tribal roll of the Creek Nation examined and the name of George Kanard is found and identified thereon as "George Kanard", Page No. 199, Thlewathle town.

The 1895 Pay Roll of the Creek Nation examined and the name of George Kanard found and identified thereon at No. 12, Thlewathle town.

The 1890 authenticated tribal roll of the Creek Nation examined and the name of Rosana Kanard is found and identified thereon as "Rosaner Canded", at Page No. 196, Thlewathle town.

The 1895 Pay Roll of the Creek Nation examined and the name of Rosana Kanard is found and identified thereon as "Rosana Kanard", at No. 225, Thlewathle town.

Q Are there any other statements that you desire to make at this time with reference to the application made by you for the enrollment of your deceased son, Albert Kanard, as a citizen of the Creek Nation? A No, sir.

3 In re application of George Kananrd for the enrollment of his deceased son, Albert Kananrd, as a citizen, by blood, of the Creek Nation.

Commission to applicant:

You will be furnished at a later date with a copy of the decision of the Commission relative to the enrollment of your minor son, Albert Kananrd, for whom you made application at this time, as a citizen of the Creek Nation, which will be mailed to you at your proper post office address, as given by you in your testimony herein.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause on the 23rd day of August, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 27th day of August, 1902, at Muskogee, Indian Territory.

H. A. Borey
Notary Public.

IN RE

Application for Enrollment of

INFANT CHILD.

Albert Kanard

As a citizen of the

Oreen

Nation.

Approved..... 1.....

Commissioner.

This affidavit was
found among a lot of
miscellaneous papers in
Vault - Cannot tell
when it was filed
7/25/03 JJB

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

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Albert Kanard, born on the 25 day of January, 1900
Name of father: George Kanard, a citizen of the Creek Nation.
Name of mother: Rosanna Kanard, a citizen of the Creek Nation.
Post Office: Watsonville 29

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northwestern District. }

I, Rosanna Kanard, on oath, state that I am 32 years of age and a
citizen, by blood, of the Creek Nation; that I am the
lawful wife of George Kanard who is a citizen, by blood, of the
Creek Nation; that a male child was born to me on the 25 day
of January, 1900; that said child has been named Albert Kanard,
and is now living.

Witness
Chas. Coachman Rosanna Kanard
Subscribed and sworn to before me this 6th day of February, 1900.

my Comm. Ex. 116-1903

Just Scott
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northwestern District. }

I, Filda, a midwife, on oath, state that I
attended on Mrs. Rosanna Kanard, wife of George Kanard
on the 25 day of January, 1900; 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 Albert Kanard.

Witness
Chas. Coachman Filda
Subscribed and sworn to before me this 6th day of February, 1900.

Just Scott
Notary Public.

My Comm. Ex. 116-1903

IN RE

THE DEATH OF

Albert Kanood

a citizen of the

Creek

Nation.

Approved

1

Commissioner.

June 3rd 1902, Filed,

Exhibit "B"

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

In the matter of the death of Albert Kanard
a citizen of the Creek Nation, who formerly resided at or near
Watsonville, Ind. Ter., and died on the 25 day of September
1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, George Kanard on oath state that I am 39
years of age and a citizen, by blood, of the Creek Nation;
that my post office address is Watsonville, Ind. Ter.; that I am
Father of Albert Kanard
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Creek Nation;
and that said Albert Kanard died on the 25 day of
September, 1900

WITNESSED TO MAKE
(Must be Two Witnesses.) } Ed. Merrick
Lona Cummings
George Kanard

Subscribed and sworn to before me this 3 day of June, 1902
H. J. Boree
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.)

WITNESSED TO MAKE:
(Must be Two Witnesses.) }
Subscribed and sworn to before me this _____ day of _____, 1902

Notary Public.

45-

20

IN RE

Application for Enrollment of

INFANT CHILD

Albert Kernard

as a citizen of

Green

Nation.

Approved,

190

Commissioner.

Esther A.

52

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FREE COUNTRIES TRADES.

IN RE Application for Enrollment, as a citizen of the Creek Nation
of Albert Kernal, born on the 26 day of January
(Have been adopted at date) 1904
Name of Father: George Kernal, a citizen of the Creek Nation
Name of Mother: Rosanna, a citizen of the Creek Nation
Post-office, Waterville IT.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, Rosanna Kernal, on oath state that I am 28
years of age and a citizen, by Blood, of the Creek Nation;
that I am the lawful wife of George Kernal, who is a citizen, by
Blood, of the Creek Nation; that a male or female child was
born to me on the 26th day of January 1904; that said child has been
named Albert Kernal, and is now living.

WITNESSES TO SIGN:

(Must be Two Witnesses)

W. C. McQueen
Philip P. Blair

Rosanna Kernal
mark

Subscribed and sworn to before me this 28th day of May 1904.

my com. 21-2-1-1904

G. F. Clark
NOTARY PUBLIC.

AFFIDAVIT OF ~~ATTENDING PHYSICIAN OR MIDWIFE.~~ Father

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, George Kernal, husband, on oath state that I
attended on Mrs. Rosanna Kernal my wife
on the 26th day of January, 1904, that there was born to
said date a male child; that said child is now living and is called
named Albert Kernal.

WITNESSES TO SIGN:

(Must be Two Witnesses)

A. Murrish
Lena Cunningham
George Kernal
mark

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

G. F. Clark

Copy

Creek No. 244.

Muskogee, Indian Territory, January 23, 1903.

Hon. P. Porter,
Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that on August 23, 1902, George Kanard, whose post office address is given as Watsonville, Indian Territory, appeared before the Commission and made application for the enrollment of his minor child, Albert Kanard, as a citizen of the Creek Nation.

You are further advised that George Kanard, the father of said Albert Kanard, is regularly enrolled, as a citizen of the Creek Nation, and that his name is included in partial roll of Creek citizens by blood approved by the Secretary of the Interior, March 28, 1902.

There are on file with the Commission a birth affidavit showing that said Albert Kanard was born January 26, 1900, and a death affidavit showing that he died September 25, 1900, but the record in this case is such that the Commission is not satisfied with the proof of birth and death furnished, and desires such evidence relative to his right to enrollment as the Creek Nation may be able to produce.

Respectfully,

Commissioner in Charge

J. J. B.

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

In the matter of the application for the enrollment of Albert Kanard, deceased, as a citizen, by blood, of the Creek Nation.

DECISION.

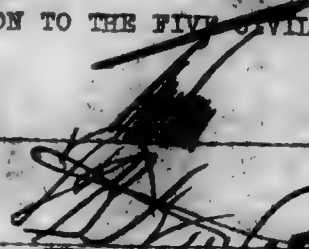
The record in this case shows that on August 23, 1902, George Kanard appeared before the Commission, at Muskogee, Indian Territory, and made application for the enrollment of his deceased child, Albert Kanard, as a citizen, by blood, of the Creek Nation.

The evidence shows that the said Albert Kanard was a full blood Creek Indian; that he was the child of George and Rosana Kanard; that the said George and Rosana Kanard have been listed for enrollment on Creek Indian Card Field No. 2416, and the records of the Commission show that their names are embraced in a schedule of Creeks by blood approved by the Secretary of the Interior, March 28, 1902, roll Nos. 7212 and 7213, respectively.


The evidence further shows that said Albert Kanard was born January 28, 1900, and died subsequent to July 1, 1900.

It is therefore the opinion of this Commission that Albert Kanard, deceased, should be enrolled as a citizen, by blood, of the Creek Nation, in accordance with the provisions of the act of Congress, March 1, 1901 (31 Stat. L., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.

C. R. ...

Commissioner.

W. E. ...

Commissioner.

Dated at Muskogee, Indian Territory,
this 9 day of July, 1903.

Copy

JJB

Creek Bu. 244.

Muskogee, Indian Territory, July 6, 1903.

A. P. Murphy,

National Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Albert Kanard, deceased, as a citizen, by blood, of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed twenty days from the date hereof to protest against said decision, and if at the expiration of that time no such protest has been made, said Albert Kanard, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

OGH-13.

Copy

J. J. P.

Creek No. 244.

Muskogee, Indian Territory, August 1, 1903.

George Kanard,

Watsonville, Indian Territory.

Dear Sir:

In the matter of the application made by you for the enrollment of your deceased minor child, Albert Kanard, as a citizen, by blood, of the Creek Nation, you are advised that the Commission has regularly listed said child for enrollment as a citizen of said nation.

You are further advised that you will now be permitted to make application for an allotment of land in the Creek Nation to said Albert Kanard, deceased, upon application to the Commission at its office in Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., August 23, 1902.

In the matter of the application of Angeline Grayson for the enrollment of herself as a Creek freedman.

Appearances: W. F. Ruspendahl, attorney for applicant.

Angeline Grayson, being first duly sworn, testified as follows:

By the Commission.

- Q What is your full name? A Angeline Grayson.
Q What is your age? A Twenty-three.
Q What is your post office address? A Cheska, Indian Territory.
Q As a citizen of what nation do you now make application for enrollment? A The Creek Nation.
Q Do you make application for enrollment as a Creek freedman?
A Yes, sir.
Q To what town in the Creek Nation do you claim to belong?
A Arkansas.
Q Have you ever been enrolled by the Creek tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes, sir.
Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Does your name appear upon the Creek tribal rolls? A Yes, sir.
Q Have you ever drawn any money from the Creek Nation? A Yes, sir.
Q How many times have you drawn money? A Once, that I know of.
Q How much money did you get? A Fourteen dollars, I guess.
Q When did you draw that money? A I don't know, sir, what time it was, what year.
Q Did you draw the money yourself? A No, sir; I didn't draw it myself.
Q Who drew the money for you? A My uncle or my aunt, one of them drew it.
Q Well, what are their names, your uncle and aunt? A Elijah and Chloe London.
Q Were you ever known by any other name excepting Angeline Grayson? A Yes, sir.
Q By what other names have you been known? A Lina.
Q Lina Grayson? A Lina Hawkins.
Q Is there any other name? A Sometimes Lisa; Angeline is my right name.
Q Who were you living with in 1890? A Elijah London, I guess.
Q Were you living with him in 1895? A Yes, sir.

The 1890 authenticated tribal roll of the Creek Nation, Arkansas town, examined, and the name of Angeline Grayson is not found thereon.

The 1895 Pay Roll of the Creek Nation, Arkansas town, examined and the name of Angeline Grayson not found thereon.

It appears, however, that at No. 205, at said 1895 Roll of Arkansas town, that the name of one Angeline London has been enrolled from said 1895 as "Angeline Smith", on Creek freedmen card, Field No. 530.

2 In re application of Angelina Grayson for enrollment of herself as a Creek freedman.

Q Was there any other person in Elijah London's family by the name of Angelina? A Yes, sir.

Q Did he have a daughter by that name? A Yes, sir; he had a daughter named Angelina.

Q Was she known by any other name? A Yes, sir; they call her Dollie.

Q What was her right name, Angelina or Dollie? A Her right name was Angelina.

Q How did she get the name of Dollie? A I don't know, sir.

The 1895 Omitted roll of the Creek Nation, Arkansas town, examined, and the name of Dollie London is found thereon, at Page No. 21.

Q What is the name of your father? A Joe Hawkins.

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

Q Was he a citizen of the Creek Nation? A No, sir; he was no citizen.

Q He was a United States citizen, then? A Yes, sir.

Q What is the name of your mother? A Mary Hawkins.

Q Is she living? A No, sir; she is dead.

Q Was she a citizen of the Creek Nation? A Yes, sir; she was a citizen.

Q To what town in the Creek Nation did she belong? A Arkansas town.

Q Do you know how long she has been dead? A No, sir; I don't know exactly; she died when I was small.

Q About how old were you when she died? A I was about two or three years, I guess.

Q Then it is about twenty or twenty-one years ago that your mother died? A Yes, sir.

Q Does her name appear upon the Dunn Roll? A No, sir; I don't know whether it does or not.

Q Was she ever known by any other name, excepting Mary Hawkins?

A No, sir.

Q You never knew her by any other name, excepting Mary Hawkins?

A No, sir.

Q Where do you live? A Choska.

Q How long have you lived there? A Been about four years.

Q Where did you live before you went to Choska? A I lived on Blue Creek.

Q Is that in the Creek Nation? A Yes, sir.

Q How long did you live there? A I don't know, sir, I was raised there.

Q Have you resided in the Creek Nation all your life? A Yes, sir.

By W. F. Rampendahl, attorney for the applicant.

Q Who were you living with in 1890? A I was living with Elijah London, I guess.

Q Why did you not make application for yourself to enroll in 1890? A I guess I was too small.

Q Did any one make application for you? A I don't know, sir. You will have to ask the old folks about that.

Q Were you given to understand that some one had enrolled for you, made application for you? A Yes, sir.

Q Was it upon that understanding that you didn't make application for yourself? Is that the reason you didn't make application for yourself, because you thought your uncle or aunt had made application for you? A Yes, sir.

Q In what name was the application made for you? A Angelina Hawkins.

Q Are you sure that it was Angelina, or did they give you another name? A I guess they gave me another name.

3 In re application of Angeline Grayson for the enrollment of herself as a Creek freedman.

Q You don't know anything about it, do you? A I guess so.

Elijah London, being first duly sworn, testified as follows:

By W. F. Rampendahl, attorney for the applicant.

- Q What is your full name? A Lige London.
Q What is your post office address? A Clarksville.
Q How old are you? A I don't know how old I am.
Q About how old are you? A I don't know.
Q Are you fifty years old? A I don't know, I tell you.
Q Can't you guess? A No, sir; if I guess I may guess wrong.
Q Do you know the applicant here, Angeline Grayson? A Yes, I know her.
Q Get you to state where was she living in 1890. A I don't know what year that was; she may have been living with me, she might have been living with some one else.
Q About twelve years ago. A Expect she was living at the orphan's home.
Q Where was Angeline Grayson living the year of the twenty-nine dollar payment? A I think she was living with her uncle.
Q Who is her uncle? A Steven Colbert.
Q Where was she living the year of the fourteen dollar payment? A She was living at the orphan's home then.
Q Did you ever make application for her enrollment to the town king of the Arkansas tribe for this applicant with your children? A Yes, sir; when they first enrolled.
Q What name did you give her at that time? A Lina Hawkins; that was the name: I didn't give it to her, it was already her name.
Q Was she enrolled then at that time by the name of Lina Hawkins? A Yes, sir.
Q Was there any remarks made at the time as to what her name was? A Not as I know of; I never heard it.
Q Get you state, when did this applicant first come to your house to live? A I don't know; she was about five years old, I guess.
Q How long did she stay with you? A She staid with me a while, then she staid at the usole a while--she staid at different places; she staid at my eldest daughter's a while.
Q Did any of the members of your family ever afterwards make another application for Angeline Grayson? A I never knowed it.
Q Did you ever make over one application for her? A That's all I ever made.
Q Do you know where she was born at? A Yes, sir.
Q Where at? A Black Jack.
Q What nation? A Creek Nation.
Q Indian Territory? A Yes, sir.
Q Are you a citizen of this nation? A Yes, sir.
Q All the members of your family citizens? A Yes, sir; all of them.
Q On the rolls? A Yes, sir; on the rolls.
Q Have you selected your allotments yet? A Yes, sir; have selected our allotments.
Q Were you acquainted with this applicant's mother, Mary Hawkins? A Yes, sir; she was my sister-in-law.
Q Was she recognized by the tribal authorities as being a Creek citizen? A Yes, sir; she is citizen.
Q Is she on any of the tribal rolls? A I guess so; she belonged to Canadian town at that time.

4 In re application of Angeline Grayson for the enrollment of herself as a Creek freedman.

Q At the time you made application for your own children for enrollment, did you give this girl in as a member of your family?
A Yes, sir.

By the Commission.

Q Whom do you say Angeline Grayson was living with when the twenty-nine dollar payment was paid? A I don't say who she was living with at that time; she was living with her uncle sometimes, sometimes she was living with my oldest daughter sometimes; I can't say what one.

Q Well, did you draw any money for her in 1890? A I don't know what year either one of the payments was made in.

Q Well, did you draw twenty-nine dollars for her? A No, sir; I didn't draw it.

Q Have you a daughter by the name of Angeline? A Yes, sir; I have a daughter by the name of Angeline.

Q Did you call her by any other name? A Call her by Dollie sometimes.

Q Do you know whether or not the mother of Angeline Grayson was on the Dunn Roll? A No, sir; I don't know; that's more than I can tell.

Q Was she known by any other name excepting Mary Hawkins? A No, sir; that's the name I got acquainted with her by. She went by her husband's name.

Q What is the name of her husband? A Joe Hawkins.

Q You don't know her maiden name then? A No, sir.

The roll of Creek freedmen made by Major J. W. Dunn, prior to March 14, 1867, examined, and the name of Mary Hawkins, the mother of Angeline Grayson, not found thereon.

Q Did you have any one in your family by the name of Eliza London? A No, not as I know of.

Q Did you have a son by the name of Charley London? A No, sir.

Q Did you have any members of your family that are now dead?

A Yes, sir; I have a boy named Elmore, and Eddie.

Q Were they living in 1890? A No, sir; they were dead.

Q Did they die before the twenty-nine dollars was paid? A Yes, sir.

Q Did you have any daughters living in 1890, when the twenty-nine dollars was paid, that are now dead? A No, sir; haint got but the three daughters and they are all living.

By attorney for the applicant.

Q State whether or not Angeline Grayson was living with you during any part of the year of 1890, or when she was the age of about fifteen years? A Yes, sir; I think she did live with me at that time.

Q Well, what is your best recollection about the matter? Did she live with you any part of that year or not? A I know she lived with me some part; but that year she was fourteen years, her aunt sent her to school.

Q How many children did you draw for, do you know, by number?

A I think I drew for seven children, if I aint mistaken.

6 In re application of Angeline Grayson for enrollment as a Creek freedman.

Q Are there any other statements that you desire to make at this time with reference to your application for enrollment as a Creek freedman? A No, sir; I ha'n't got any more.

~~You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you for the enrollment of yourself as a Creek freedman, which will be mailed to you at your proper post office address, as given by you in your testimony herein.~~

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date, the 29th day of August, 1902.

Oliver C. Hinkle

Subscribed and sworn to before me this 30th day of August, 1902, at Muskogee, Indian Territory.

H. S. Borey
Notary Public.

COPY

Creek F 1248.

Muskogee, Indian Territory, February 8, 1903.

Angeline Grayson,

Chocta, Indian Territory.

Dear Madam:

You are hereby advised that the Commission has listed you for enrollment as a Creek freedman, and that you will now be permitted to make a selection of land in the Creek Nation upon application to the Commission at its office in Muskogee, Indian Territory.

Respectfully,

Acting Chairman.

COPY

8873
Creek F 1048.

Muskogee, Indian Territory, February 2, 1903.

W. F. Rampendahl,

Attorney for Angelina Grayson,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has listed for enrollment, Angelina Grayson, as a Creek Freedman, and that she will now be permitted to make a selection of land in the Creek Nation upon application to the Commission at its office in Muskogee, Indian Territory.

Respectfully,

Acting Chairman.

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BN 246

No. 22-458

To the Hon. Board of Commissioners
James Birney Chairman

I wish to Recommend to your kind
consideration the Bearer of this letter
Mr Thom: Barnett, in the interest of
two twin Brothers. Joseph Barnett
& Cudges Barnett. Born Dec 6. 1864.

Yours Truly

N.B. the two boys I
always considered good
Citizens you will find them on
the 1890 Roll and 1940 Pay Roll.
I am
Paro Brusse
Toronto King
Canadian
Colored.

(Over)

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE LAND OFFICE, March 14, 1900.

IN THE MATTER OF THE APPLICATION OF BOSTON BARNETT AND HIS
WIFE EDNA BARNETT AND SON CLARENCE BARNETT FOR ENROLLMENT AS CITIZENS
OF THE CREEK NATION.

Boston Barnett, being first duly sworn, deposes and says:

- Q What is your name? A My name is Boston Barnett.
- Q How old are you? A I don't know, sir, about thirty or thirty five years old, I guess.
- Q About thirty five? A Yes sir.
- Q What town do you belong to? A I belong to Canadian Town.
- Q What is your post office? A Holdenville.
- Q What is your father's name? A Joe Barnett.
- Q How old is he? A I don't know, sir.
- Q Is he living? A No, sir, he is dead.
- Q Was he a citizen of the Creek Nation? A Yes sir.
- Q Was he on the Dunn roll? A I don't know, sir, whether he was or not I guess he was.
- Q You guess he was? A I guess he was, I don't know.
- Q What is your mother's name? A Her name is Katy.
- Q Katy what? A Katy Mundy.
- Q Is she living? A Yes sir.
- Q Is he a citizen of the Creek Nation? A No sir.
- Q What Nation does she belong to? A Cherokee.
- Q She is a Cherokee? A Yes sir.
- Q Have you always lived here in the Creek Nation? A Yes sir.
- Q Never lived in the Cherokee Nation? A No sir.
- Q You were born and brought up in the Creek Nation? A Yes sir.
- Q Do you know whether or not your mother was on the Dunn roll?
A No, sir, I don't know.

- Q Did you draw \$29.00 in 1890 in the Creek Nation? A Yes sir.
- Q Did you draw it yourself personally? A Yes sir.
- Q Did not some one else draw the money for you? A No sir.
- Q Did you draw \$14.00 in 1895 in the Creek Nation? A Well, sir, I think I did; I don't remember exactly. I think I did.
- Q Did you draw the \$14.00 yourself personally or did some one else get it for you? A Some one else got it and brought it to me.
- Q Who brought it? A Levi Riley.
- Q Did he draw the money for your wife and son Clarence at the time? A Yes sir.
- Q How old is your wife? A I don't know, sir, how old she is.
- Q What is her father's name? A Her father's name is Sage.
- Q Sage? A Yes sir.
- Q Sage what? A Sage Barrwell sometimes, and sometimes he goes by the name of Sage Fields.
- Q Is he now living? A No sir, he is dead.
- Q Was he a citizen of the Creek Nation? Yes sir.
- Q Do you know whether or not his name was upon the rolls? A I don't know, sir.
- Q What is your wife's mother's name? A Hagar Bruner.
- Q Is Hagar living? A Yes sir.
- Q How old is she? A I don't know, sir.
- Q Do you know whether or not she was on the Dunn roll? A I don't know.
- Q How long has she been dead? A She aint dead.
- Q Hagar is living? A Yes sir, Hagar is living.
- Q How old is your son Clarence? A I really don't know, I think he is about thirteen years old.
- Q Are you the father and Rena the mother of Clarence? A Yes sir.
- Q Was your name ever on the Cherokee roll? A No, sir, I don't know that it was.
- Q Did you ever get any money from the Cherokee Nation? A Yes sir.
- Q You have? A Yes sir.
- Q Was your father and mother legally married? A Yes sir, I guess so. That is what I am informed that they were.

Q You don't know positively? A No sir, I don't.

Q Was your wife's father and mother legally married? A I don't know, sir, for certain. I heard they were.

Q Did you ever have an owner? A No, sir.

Q Was you ever admitted to citizenship by the Creek authority? A I guess so, yes sir.

Q Was you ever admitted by the Creek Council? A I suppose so.

Q You don't know much about that? A No sir, I don't know about. I was enrolled with the Creeks and numbered with them.

Q Did you ever apply to the Dawes Commission for enrollment before?
A No sir.

Q Has your citizenship ever been questioned by the Creek Nation?

A No sir, not that I know of.

Q Did you ever apply to the Creek authorities for re-instatement on the Creek rolls? A No sir.

Q Did your wife ever? A No sir.

Commissioner Needles:

Q Where were you born? A I was born in the Creek Nation, I guess.

Q Well, now, you ought to know? A I don't know.

Q Where have you lived all your life? A Right here in the Creek Nation

Q You are on the Cherokee roll are you? A I don't know.

Q You say you have drawn Cherokee money? A Yes sir.

Q How often? A Once.

Q How long ago? A Two or three years ago it must have been.

Q Did your wife and child draw that? A No sir.

Q Is your mother alive? A Yes sir.

Q Is she on the Cherokee roll? A I don't know, sir, think she is.

Q Where does she live? A She lives down here about Checotah.

Q In the Creek Nation? A Yes sir.

Q Well, don't you know that she drew money as a Cherokee citizen?

A I guess so, she claims to be a Cherokee.

Q She don't claim to be a Creek? A No sir.

Q Has your mother ever claimed Creek citizenship? A No sir, not that I know of.

Q Was your mother ever a slave? A Yes sir.

Q Do you know who her owner was? A No sir.

Paro Bruner, being first duly sworn, testified as follows:

Q What is your name? A Paro Bruner.

Q Are you a citizen of the Creek Nation? A Yes sir.

Q What Town do you belong to? A Canadian.

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

Q Do you know his wife? A Yes sir.

Q What is her name? A Her name is Rena.

Q How old is Rena? A Well, that is sorter hard for the old man. She was born wasy after that Dunn roll. She was not in existence when the Dunn roll was made, but what year I can't say.

Q She was born after the Dunn roll was made? A Yes sir.

Q Who was Rena's mother? A Rena's mother? Hagar.

Q Hagar? A Hagar Barnett. She went by the name of Hagar Barnett. Sage Kernal was the husband of Hagar.

Q Was Hagar Kernal on the Dunn roll? A Yes sir.

Q You are positive of that? A Yes sir.

Q Was Sage Kernal on the Dunn roll? A Yes sir.

Q Who was the owner of Hagar? A The Yargee family. I disremember which one of the women; there were three, there Nancy, Millie and Tulsa; but which one of them was the owner of Hagar's mother I disremember. Hagar's mother is living now up here at the Old Agency.

Q Has Rena and Boston any children? A Yes sir.

Q How many? A One.

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

Q How old is Clarence? A Now I aint able to tell; he is about up that high.

Q About thirteen or fourteen years old, is he. His mother says he is about thirteen. I can't say certain as to the boy's age but he is a pretty good sizeable boy, able to do pretty fair plowing.

Q That boy is now living? A Yes sir.

Q Has Hagar's and Rena's citizenship ever been questioned by the Creek Nation? A Never to my knowledge. Never, never, never. Never has been questioned. I am satisfied of that.

Q Were their names ever upon the roll of any other Nation?

A Hagar and Rena? No, sir, not to my knowledge.

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

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Anna Bell

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., August 25, 1902.

In the matter of the application of Thomas Barnett for the enrollment of his half-brothers, Boston Barnett and Joe Barnett, as Creek freedmen.

Thomas Barnett, being first duly sworn, testified as follows:

By the Commission.

- Q What is your name? A Thomas Barnett.
Q What is your age? A About twenty-seven.
Q What is your post office address? A Holdenville.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Thomas Barnett is listed for enrollment as a citizen of the Creek Nation on Creek Freedmen Card, Field No. 67.

- Q For whom do you now make application for enrollment? A My brothers.
Q What are their names and ages? A Boston Barnett, about thirty-four and Joe Barnett, thirty-four.
Q Are they twins? A Yes, sir; two twins.
Q How do you represent Boston and Joe Barnett? A By Power of Attorney.

The applicant here presents Power of Attorney, made by Boston and Joe Barnett, authorizing him to appear before the Commission to the Five Civilized Tribes, for allotments of land in the Creek Nation, which Powers of Attorney are marked Exhibits "A" and "B", and made a part of the record.

- Q Do you make application for their enrollment as Creek freedmen? A Yes, sir.
Q What are their post office addresses? A Boston Barnett is at Fort Leavenworth, Kansas, and Joe Barnett is at Holdenville, Indian Territory.
Q Are they both now living? A Yes, sir.
Q Have they ever been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A Yes, sir; they are citizens.
Q Have they ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A Yes, sir.
Q Do their names appear upon the Creek tribal rolls? A Yes, sir.
Q To what town in the Creek Nation do they belong? A Canadian.

The 1890 authenticated tribal roll of the Creek Nation examined, and the name of Boston Barnett is found and identified thereon, at Page No. 70, Canadian colored town.

2 In re application of Thomas Barnett for the enrollment of his twin half-brothers, Boston and Joe Barnett, as Creek freedmen.

The 1895 Pay Roll of the Creek Nation examined, and the name of Boston Barnett is found and identified thereon at No. 757, Canadian colored town.

The 1890 authenticated tribal roll of the Creek Nation examined and the name of Joe Barnett not found thereon, Canadian colored town.

The 1891 Omitted Roll of the Creek Nation examined and the name of Joe Barnett is found and identified thereon at No. 487, Canadian colored town.

The 1895 Pay Roll of the Creek Nation examined and the name of Joe Barnett is found thereon at No. 883, Canadian colored town.

Q Do you know Manuel Mondy? A Yes, sir.

Q Is he any kin to Joe Barnett? A He is a step-father.

Q Did Joe Barnett ever live with him? A Yes, sir; he stopped with him two or three months at a time, and may be longer.

Q Do you know whether or not Joe Barnett drew the \$14.40 payment in 1895? A Why, Mondy drew one, and Uncle Paro drew the other, I think.

Q Is Joe Barnett blind? A Yes, sir.

Q How long has he been blind? A He has been blind about two years now.

Q Do you know whether any application has ever been made to the Commission for the enrollment of Boston and Joe Barnett before this time? A Well, I have been coming down here, off and on.

Q When did you come here the first time? A I disremember what month it was.

Q Well, what year? A That was this year.

Q In the spring of this year? A Yes, sir.

Q That is the first time you have been here to make application?

A Yes, sir.

Q Where is Boston Barnett now? A In prison at Leavenworth.

Q How long has he been in prison at Leavenworth? A It was a year, last April.

The records of the Commission examined and it appears therefrom that Boston Barnett made application for the enrollment of himself and his wife, Rena Barnett, and son Clarence, as citizens of the Creek Nation, on March 14, 1900, and that his wife and son are duly listed for enrollment, as citizens of the Creek Nation, on Creek Freedmen Card, Field No. 1439, but that said Boston Barnett was not enrolled at that time. For testimony in the matter of the application of Boston Barnett and his wife, Rena, and son, Clarence, see Freedmen Card, Field No. 1439.

The records of the Commission further examined and it appears therefrom, that no application has heretofore been made for the enrollment of Joe Barnett, as a citizen of the Creek Nation.

Q Is Joe Barnett married? A No, sir.

Q Was he ever married? A Yes, sir.

Q Was his wife a Creek citizen? A A state.

Q Did he have any children? A No, sir; no children.

Q He is not living with his wife? A No, sir; they parted about five years ago.

Q What is the name of the father of Boston and Joe Barnett?

A Joe Barnett.

Q Is he living? A He is dead.

Q Was he a citizen of the Creek Nation? A Yes, sir.

3 In re application of Thomas Barnett for the enrollment of his twin half-brothers, Boston and Joe Barnett, as Creek freedmen.

Q Do you know whether or not his name appears upon the Dunn Roll?
A Old man Pare said his name was on the Dunn Roll; I don't know.
Q Is Joe Barnett your father also? A Yes, sir; Joe Barnett is my father.

~~The roll of Creek freedmen made by Major J. V. Dunn, prior to March 14, 1867, examined and the name of Joe Barnett, the alleged father of Boston and Joe Barnett, is found thereon at No. 403.~~

Q What is the name of the mother of Boston and Joe Barnett?
A Katie.
Q Katie Barnett? A Katie Manny.
Q Is she living? A Yes, sir.
Q Is she a citizen of the Creek Nation? A No, sir.
Q Is she a citizen of any nation in the Indian Territory? A In Cherokee.
Q Has she been listed for enrollment as a citizen of the Cherokee Nation? A I don't know.
Q Is she also your mother? A No, sir.
Q Do you know whether or not the names of Boston and Joe Barnett appear upon the Cherokee rolls? A No, sir.
Q Do you know whether or not they ever drew any money from the Cherokee Nation? A I don't know, sir.
Q How long has Boston Barnett been living in the Creek Nation?
A All his life.
Q Did he ever live in the Cherokee Nation? A No, sir; never did.
Q How long has Joe Barnett lived in the Creek Nation? A All of his life.
Q Did he ever live in the Cherokee Nation? A No, sir; Creek Nation.
Q Is Boston Barnett married? A He was married before he was arrested.
Q Are there any additional statements you desire to make at this time with reference to the application you make for the enrollment of your half-brothers, Boston and Joe Barnett, as Creek freedmen?
A No, sir.
Q If it should be found that Boston and Joe Barnett have heretofore been recognized by the tribal authorities of both the Creek and Cherokee Nations, as citizens of which nation do you now elect to have them enrolled and receive allotments of lands and distribution of moneys? A I want to have them enrolled in the Creek Nation.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your half-brothers, Boston and Joe Barnett, as citizens of the Creek Nation, mailed to you at your proper post office address, as given by you in your testimony herein.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause on the 25th day of August, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said day.

Subscribed and sworn to before me this 29th day of August, 1902, at Muskogee, Indian Territory.

Oliver C. Hinkle

H. S. Brown
Notary Public

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

KNOW ALL MEN BY THESE PRESENTS:

THAT Joe Barnett of Haedenville
Indian Territory, has made, constituted and appointed, and by these presents does make, constitute
and appoint Tom Barnett of Haedenville
Indian Territory, his true and lawful attorney for him, and in his name, place and stead, to
make application to the Commission to the Five Civilized Tribes for allotments of land in the
Coaks Nation to himself and minor children, viz:

All of whom are citizens of said Nation, giving and granting unto him said attorney full power and authority to do and perform all and every act and thing whatsoever, requisite and necessary to be done in selecting, designating and obtaining said allotments, as fully to all intent and purposes as he might or could, if personally present; hereby ratifying and confirming all that his said attorney shall lawfully do, or cause to be done, by virtue hereof.

In Witness Whereof, he has hereunto set his hand, this 3rd day of
December A. D., 1901

Witness:

[Signature]
[Signature]

Joe Barnett HL
[Signature]

United States of America, Indian Territory, }
Northern JUDICIAL DISTRICT. } ss.

Be it remembered, that on this day personally appeared before me Joe Barnett

Joe Barnett to me personally well known to be the person who executed the foregoing power of attorney, and being by me examined separately and apart from his said attorney Joe Barnett stated and acknowledged that he has executed said instrument as his free and voluntary act and deed, without compulsion or undue influence, and for the purposes therein mentioned and set forth.

In Testimony Whereof, I have hereunto set my hand and Notarial Seal this 3rd
day of December A. D. 1901

[Signature]

COPY

Creek Y 2849.

Muskogee, Indian Territory, February 2, 1903.

Thomas Barnett,

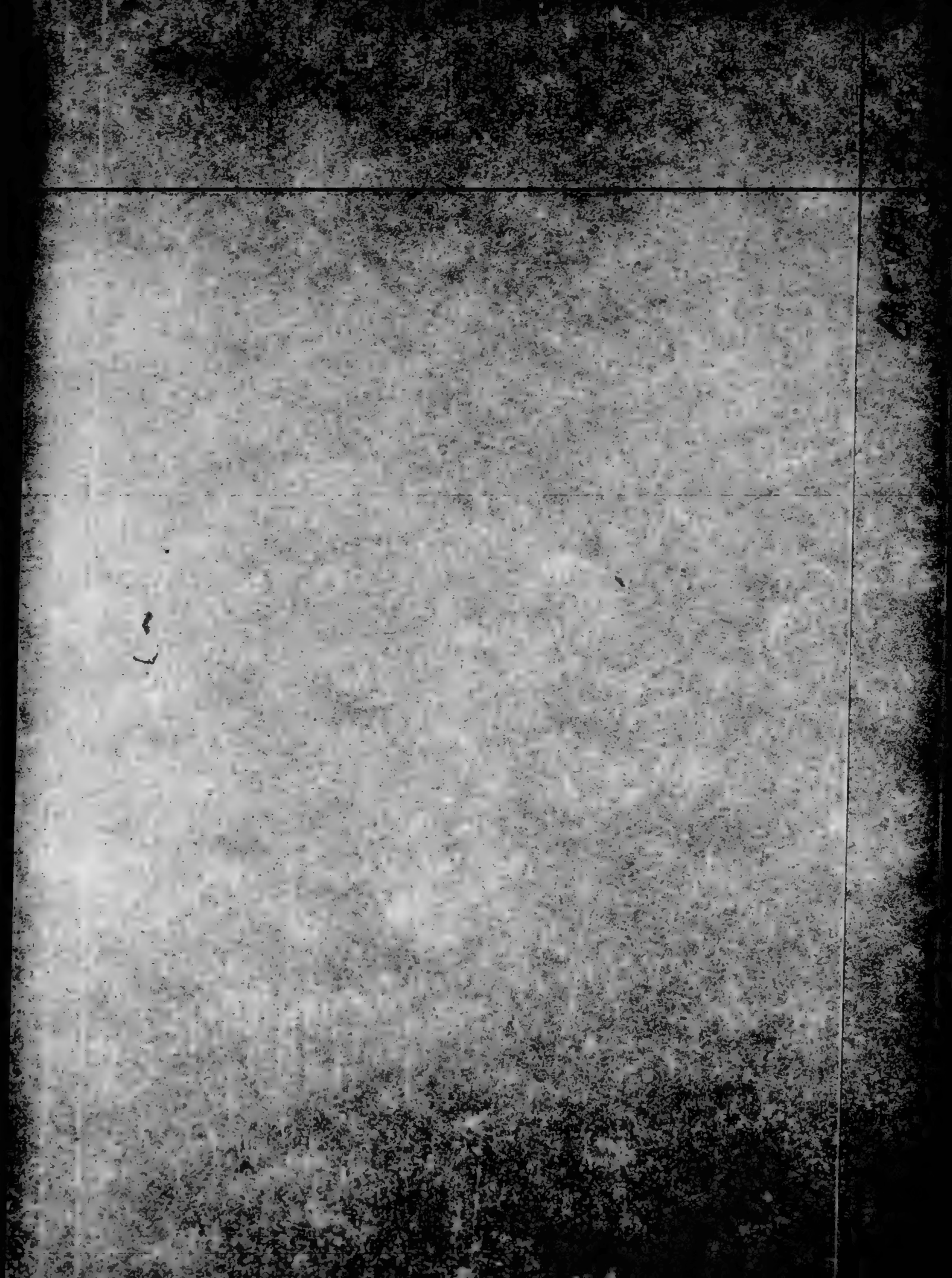
Holdenville, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has listed for enrollment, Joe Barnett, as a Creek freedman, and under power of attorney, heretofore filed, you will now be permitted to make a selection of land in the Creek Nation for said Joe Barnett upon application to the Commission at its office in Muskogee, Indian Territory.

Respectfully,

Acting Chairman.



Great Seal of the United States
1787-1862

Washington, Indian Territory, November 30, 1903.

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

There is inclosed herewith one copy of the testimony in the matter of the application of Ketch Barnett for the enrollment of his minor children, Joe, age 10, Monday, age 9, Leroy and Susie, age 5, and Emma Barnett, age 4 years, as Creek freedmen.

The testimony in this case discloses the fact that Mary Barnett, the mother of the aforesaid mentioned five children, is a citizen of the Cherokee Nation.

Respectfully,

Acting Chairman,

OCH-190.

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

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee F-683.

1
Muskogee, Indian Territory, November 24, 1902.

Creek Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

Receipt is hereby acknowledged of copy of testimony taken August 20, 1902, in the matter of the application of Ketch Barnett, for the enrollment of his minor children, Joe, Monday, Leroy, Susie and Emma Barnett, as Creek Freedmen.

You are advised that an application has heretofore been made to this Commission for the enrollment of these children by their mother, Mary Barnett, and that said Mary Barnett and children are regularly listed upon Cherokee Freedman card, No. 683.

A copy of the testimony in the matter of the application of Mary Barnett, was mailed to you on July 29, 1901.

Respectfully,



Acting Chairman.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. HENNING,
C. E. BRONKHORST,
W. E. STANLEY

ALLISON L. AVLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

J. J. K.

NUMBER IN REPLY TO THE FOLLOWING
Creek No. 247.

Muskogee, Indian Territory, May 9, 1903.

Ketch Barnett,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes, in the matter of the application made by you for the enrollment of your five minor children, Joe, Monday, Leroy, Susie and Emma Barnett, as Creek freedmen.

You are advised that your said five minor children have been regularly listed for enrollment as Creek freedmen by this Commission.

Respectfully,



Chairman.

Register.

OCH-47.

Copy

Creek En. 247.

Muskogee, Indian Territory, May 9, 1903.

Frank Scruggs,

Attorney for Ketch Barnett,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Ketch Barnett for the enrollment of his five minor children, Joe, Monday, Leroy, Susie and Emma Barnett, as Creek freedmen.

You are advised that said five minor children have been regularly listed for enrollment as Creek freedmen by this Commission.

Respectfully,

Chairman.

OCH-48.

Copy

Creek En. 247.

Muskogee, Indian Territory, May 9, 1903.

P. G. Reuter,

Clerk in charge Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1903, in the matter of the application made by Ketch Barnett for the enrollment of his five minor children, Joe, Monday, Leroy, Susie and Emma Barnett, as Creek freedmen.

You are advised that on April 20, 1903, the attorney of the Creek Nation was notified that he would be allowed fifteen days within which to protest against said decision.

No protest having been filed, said five minor children have been regularly listed for enrollment, this day, on Creek Freedman Card, Field No. 1878.

Reference is made to Cherokee F. #653.

Respectfully,

Chairman.

OCH-49.

W
Z
C

copy

J.S.

Creek No. 247.

McAlester, Indian Territory, May 12, 1903.

Commissioner in Charge,
Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1903, in the matter of the application made by Ketch Barnett for the enrollment of his five minor children, Joe, Monday, Leroy, Susie and Bess Barnett, as Creek freedmen.

You are advised that on April 20, 1903, the attorney of the Creek Nation was notified that he would be allowed fifteen days within which to protest against said decision.

No protest having been filed, said five minor children have been, this day, regularly listed for enrollment, on Creek Freedmen Card Field No. 1872.

Reference is made to Cherokee P. #623.

Respectfully,

Chairman.

CGH-49.

Copy

J. J. B.

Serial No. 247.

Cherokee, Indian Territory, May 12, 1906.

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

Sir:

The Commission is in receipt of your letter of May 6th, in which you request to be advised as to whether a decision has been rendered in the matter of the application for the enrollment of Joseph, Monday, Susie, Leroy and Emma Barnett, as Creek Freedmen, and also whether any application has been made for the enrollment of Catch Barnett, a brother of the above.

In reply, you are advised that on May 9th, a copy of the decision in the matter of the application for the enrollment of Joe. Monday, Leroy, Susie and Emma Barnett, was transmitted to you, and you were informed that no protest appearing, they had been regularly listed for enrollment on Creek Freedmen Card Field No. 1073.

You are further advised, that from an examination of the records of the Commission, it does not appear that application has been made for the enrollment of said Catch Barnett, as a citizen of the Creek Nation. It does appear that Ketch Barnett, father of the said Joseph, Monday, Susie, Leroy and Emma Barnett, has been regularly listed for enrollment on Creek Freedmen Card Field No. 307.

Approved by the Secretary of the Interior, March 23, 1902, with
the following conditions:

Reference is made to Chapter 7, 33.

Respectfully,

Commissioner in Charge.

RECORDED
MAR 23 1902
U.S. DEPT. OF THE INTERIOR
BUREAU OF LANDS

Monday Barnett on page 59, No. 2495, Illinois district, as Monday Keys.

Q Is Ketch Barnett the father of Joe and Monday? A Yes, sir.

Q Are these children all living with you at this time? A Yes, sir, they are all right with me.

Q Have you always lived in the Indian Territory? A Yes, sir.

Q Never lived anywhere but the Cherokee Nation and the Creek Nation? A No, sir.

Commissioner Needles: The name of Mary Barnett is found upon the authenticated roll of 1880 by her maiden name of Mary Keys. She avers that she is now married to one Ketch Barnett and that her present name is Mary Barnett. She avers that she has six children, to-wit, John Keys, Joseph Barnett, Monday Barnett, Susan Barnett, Leroy Barnett, and Emma Barnett. They are all living at this time. The name of her three older children, John Keys, and Joseph and Monday Barnett, are found upon the Kern-Clifton roll and are duly identified. The names of her three youngest children are not found upon the rolls, consequently it will be necessary for her to file with this Commission satisfactory proof of their birth before they can be enrolled. They are all duly identified and make satisfactory proof of residence, consequently Mary Barnett and her children as enumerated herein will be listed for enrollment as Cherokee Freedmen.

And now comes the Cherokee Nation, by its attorney, Mr. Davenport, and protests against the enrollment of said Mary Barnett, and her children, by reason of her continued residence in the Creek Nation as specified in the testimony.

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 24th of July, 1901.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., August 30, 1902.

In the matter of the application of Ketch Barnett for the enrollment of his five minor children, Joe, Monday, Leroy, Susie and Anna Barnett, as Creek freedmen.

Appearances: Frank Scruggs, attorney for applicant.

Ketch Barnett, being first duly sworn, testified as follows:

By the Commission.

- Q What is your full name? A Ketch Barnett.
Q What is your age? A They got it there (pointing to the card) twenty-eight.
Q What is your post office address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Ketch Barnett is listed for enrollment as a citizen of the Creek Nation on Creek freedmen card, Field No. 607.

- Q To what town in the Creek Nation do you belong? A Arkansas.
Q For whom do you make application for enrollment? A For my five minor children.
Q What are the names and ages of your five minor children?
A Joe is 10 years old, Monday is 9, Leroy and Susie 5, Anna 4.
Q Are these five children for whom you now make application all living? A Yes, sir.
Q Do you make application for their enrollment as Creek freedmen?
A Yes, sir.
Q Are you the father of these five children? A Yes, sir.
Q Have said five minor children ever been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A No, sir; never was that I know of; I did have them, the boys, or two eldest ones, put on, but I can't find them there.
Q Have your said five minor children ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A I don't know.
Q Do their names appear upon the tribal rolls of the Creek Nation?
A I don't know.
Q Did you ever draw any money from the Creek Nation for these children? A Yes, sir; I drew some money.
Q How many of them did you draw for? A Just two, and myself, Joe and Monday.
Q Did you ever have a daughter by the name of Annie? A No, sir.
Q Did you ever have any kin folks, or any member of your family by the name of Annie? A My cousin's wife's name is Annie Barnett.
Q Did you draw any money for her from the Creek Nation?
A I don't know, sir; I couldn't tell.

The authenticated 1898 tribal roll of the Creek Nation, Arkansas town, examined and the name of Joe Barnett is found thereon, at No. 1326, together with his father, Ketch Barnett, at No. 1325.

2 In re application of Ketch Barnett for the enrollment of his five minor children as Creek freedmen.

The name of "Annie Barnett" also appears on said authenticated roll, at No. 1546, with the lead pencil notation above the name of Annie of the word "Mona".

- Q What is the name of the mother of the five minor children for whom you now make application? A Mary Barnett.
- Q Is she now living? A Yes, sir.
- Q Is she a citizen of the Creek Nation? A No, sir; a citizen of the Cherokee Nation.
- Q Does she live with you? A Yes, sir.
- Q Has she, and these five minor children for whom you now make application, ever been enrolled by the Commission to the Five Civilized Tribes, as citizens of the Cherokee Nation? A Not as I know of; I don't know; I couldn't tell.
- Q Did your wife ever draw for herself and these minor children, for whom you now make application, any money from the Cherokee Nation? A Yes, sir.
- Q Do their names appear upon the Cherokee rolls? A Yes, sir.
- Q Do you know whether or not the name of your wife appears upon the 1880 Cherokee roll? A I don't know.
- Q Did she draw money for herself and her children from the Cherokee Nation in 1894? A She did for herself and Joe and Monday.
- Q Do you know whether or not her name, and the name of any of your minor children appear upon the 1896 Cherokee roll? A No, sir; I don't know.
- Q Where do you live? A I live over here in the Creek Nation, across the Arkansas.
- Q Do you make your residence there? A Yes, sir.
- Q How long have you lived there? A I couldn't tell; I have been there ever since I was a grown boy, on up to this age.
- Q Do your wife and children live with you there? A Yes, sir.
- Q Has she lived with you ever since you were married? A Yes, sir.
- Q Then, as a matter of fact, you and your wife have lived in the Creek Nation all your lives? A All their lives.
- Q Did your wife ever live in the Cherokee Nation? A Yes, sir.
- Q Your wife, then, lived in the Cherokee Nation before you married her? A Yes, sir.
- Q Did you secure a marriage license and certificate? A No, sir; we were married by a minister.
- Q When were you married? A I couldn't tell you now; it has been so long.
- Q Well, have you been married ten years? A Been married longer than that.
- Q You have lived continuously with your wife during all your married life? A Yes, sir.
- Q Did you ever have another wife? A No, sir.
- Q You never had a wife by the name of Annie? A No, sir.
- Q Your wife makes no claim to citizenship in the Creek Nation? A No, sir.
- Q What is the name of your father? A His name is Paldo Grayson.
- Q He is dead, is he not? A Yes, sir; he is dead.
- Q Was he a citizen of the Creek Nation? A Yes, sir.
- Q What is the name of your mother? A Winnie.
- Q Winnie what? A Her first name was Winnie Lewis, and the name before she died was Winnie Adams.
- Q Was she a citizen of the Creek Nation? A Yes, sir.
- Q To what town in the Creek Nation did your father and mother belong? A Arkansas town.
- Q Do the names of either your father or mother appear upon the Dunn Roll? A Yes, sir.

3 In re application of Etch Barnett for the enrollment of his five minor children as Creek freedmen.

The roll of Creek freedmen made by Major J. W. Dunn prior to March 14, 1867, examined and the name of "Wine Lewis" is found thereon, at No. 980. The name of Palde Grayson could not be found thereon.

Q Are there any other statements you desire to make at this time in regard to the application you now make for the enrollment of your said minor children, Joe, Monday, Leroy, Susie and Emma Barnett, as citizens of the Creek Nation? A I don't think of anything else.

The records of the Commission examined and it appears therefrom that no previous application has been made for the enrollment of said minor children, Joe, Monday, Leroy, Susie and Emma Barnett, as citizens of the Creek Nation.

Commission to applicant.

In the case of your three minor children, Leroy, Susie and Emma Barnett, it will be necessary for you to furnish the Commission birth affidavits, made by the mother and midwife who was in attendance at the time of their birth, before any further action can be taken.

Q If it should be found that your said minor children have heretofore been recognized by the tribal authorities of both the Creek and Cherokee Nations, as citizens of which nation do you now elect to have them enrolled and receive allotment of lands and distribution of moneys? A I would rather have them in the Creek Nation.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you for the enrollment of your five minor children, Joe, Monday, Leroy, Susie and Emma, as Creek freedmen, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer for 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 full, true and correct transcript of his stenographic notes of said proceedings on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 2nd day of September, 1902, at Muskogee, Indian Territory.

H. J. Boree
Notary Public.

JJB

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

In the matter of the application for the enrollment of the minor children, Joe, Monday, Leroy, Susie and Emma Barnett, as Creek freedmen.

D E C I S I O N.

The record in this case shows that on August 30, 1902, Ketch Barnett appeared before the Commission, at Muskogee, Indian Territory, and made application for the enrollment of his five minor children, Joe, Monday, Leroy, Susie and Emma Barnett, as Creek freedmen.

It appears that at Fort Gibson, Indian Territory, on April 24, 1901, Mary Barnett made application to the Commission for the enrollment of the above named children as Cherokee freedmen, and the proceedings then had are made part of the record herein.

It appears from the evidence that said minors are the children of Ketch Barnett, who is listed for enrollment on Creek Freedmen Card Field No. 607, and Mary Barnett, a Cherokee freedman, and that said Ketch Barnett has made election for his said minor children to be enrolled as Creek freedmen.

It further appears that Joe and Monday Barnett are identified on the 1895 Pay Roll of the Creek Nation, and that Leroy, Susie and Emma Barnett are identified by birth affidavits made part of the record herein.

An examination of the records of the Commission shows that the name of Ketch Barnett is included in the partial roll of Creek freedmen approved by the Secretary of the Interior, March 13, 1902, at No. 2318.

It further appears that said minor children have resided with their parents in the Creek Nation all their lives.

It is therefore the opinion of this Commission that the said Joe Barnett, Monday Barnett, Leroy Barnett, Susie Barnett and Emma Barnett should be enrolled as Creek freedmen, under the provisions of the acts of Congress, June 28, 1898 (30 Stat., 495), and March 1, 1901 (31 Stat. L., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this 18 day of April, 1903.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, NOV. 13, 1905.

In the matter of ~~the application for~~ the enrollment
of Emma Barnett as a Creek freedman.

Ketch Barnett being first duly sworn testifies as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Ketch Barnett.
Q How old are you? A About twenty-nine.
Q What is your post office address? A Talahassee.
Q Have you some children enrolled here as Creek freedmen? A
Yes, sir.
Q Name them? A Joe Barnett, Monday Barnett, Leroy Barnett,
Susie Barnett and Emma Barnett.
Q Are all of those your children? A Yes, sir.
Q Are you sure of that? A Yes, sir, from what I know.
Q What is the name of the mother of them? A Joe, Monday
and Leroy and Susie - Mary is the mother.
Q What is the name of the mother of Emma? A Dora Gray.
Q Is she a citizen of the Creek Nation do you know? A I
couldn't tell she died before - she was a citizen of the
Cherokee Nation.
Q She died before what? A Before the allotment commenced.
Q What time was that? A I couldn't tell you exactly.
Q About how long ago? A I don't know, sir, I couldn't
tell how long she has been dead.
Q Did she die before your child Susie was born? A No, sir,
she died after Susie was born.
Q How long after the birth of Emma was it before she died?
A I don't know, sir, exactly how long.
Q Well about? A I guess about four months; Mary had to
nurse her.
Q Was she any kin to you - Dora? A No, sir.
Q Was she any kin to your wife? A That was her daughter.
Q What makes you think you are the father of the child? (no
answer)
Q Did you ever have sexual intercourse with her? A Yes,
sir.
Q Before this child Emma was born? A Yes, sir.
Q Were you married to Mary her mother at the time? A Yes,
sir.
Q Did she ever tell you that you were the father of the ~~child~~
child? A Yes, sir.
Q When? A Before she died.
Q Did she ever tell any one else that you know of? A
Not as I know of.
Q You had sexual intercourse with Dora, the daughter of
Mary, at the same time you were married to Mary? A Yes,
sir.
Q Do you remember making application for the enrollment of
these children as Creek freedmen? A Yes, sir.

2.

Q Well at that time you gave testimony under oath and you were asked this question "What is the name of the mother of the five minor children for whom you make application (whose names have been given before, including Emma)?" and your answer was "Mary Barnett." A I made a mistake.

Q You made a mistake? A Yes, sir.

Q Did you do it intentionally? A No, sir, Mary is not the mother.

Q You were asked a plain question under oath? A Yes, sir.

Q Tell the truth; weren't you just trying to hide the fact that you were the father? A I just didn't want to tell that I was the father of that child; that I had that girl down.

Q That you had a child by your wife's daughter? A Yes, sir.

Q So you lied under oath? A I lied.

Q You realized at the time that you were lying? A Yes, sir.

Q Well now was your new born child Ketch Barnett, Jr., living at the time you made this application for the other five? A I don't know, sir. He was but I don't know what year it was I made application for the other children but Ketch was living because I brought them here with me.

Q Why didn't you make application for Ketch then? A They told me - his mother said that she wanted to put him with her in the Cherokee Nation. I agreed to divide with her.

Q This application for five of your other children that are enrolled here was made August 30, 1902 which indicated that you are lying now when you say November 22 was the date of the birth of your child, so you are getting in a bad fix? A I shore is getting in a bad fix.

Q Now Ketch you see you have stated positively the date of the birth of Ketch Barnett, Jr., at a date that don't agree with your testimony before and as you say you are getting yourself into it, now we want you to tell the truth about this Ketch Barnett - when was he born? A I can't get it any other than November 22, 1902.

Q How old will he be the 22nd of this month? A To my judgment he will be three years old.

Q And still you said he was living at the time you made application for the other five children which date was August 30, 1902. Which one of those two statements is a lie?

A I couldn't tell now.

Q Well you strengthen the statement that the child was living at that time; when asked why you didn't make application for it you said because the mother wanted to make application for it in the Cherokee Nation. The records of the Cherokee Division show that Mary Barnett had made application for this child Ketch about eleven days before. Did you try to influence Mary Barnett to lie too? A No, sir, I never did.

Q She said the other time that she was the mother of Emma now she says she isn't? A (no answer).

Witness excused.

Mary Barnett being duly sworn testifies as follows:

EXAMINATION BY THE COMMISSIONER:

Q What is your name? A My name is Mary Barnett.

Q About how old are you? A They have got me down on the roll thirty-two but I think I ought to be older than that.

Q What is your post office address? A Tallahassee.

Q You are a citizen of the Cherokee Nation are you? A Yes, sir.

Q Did you ever have a child named Emma Barnett? A Didn't I tell you once.

Q You told me that in another case I want x this to appear in the case of Emma Barnett. * Are you the mother of a child named Emma Barnett? (no answer)

Q Do you know Emma Barnett? A Yes, sir.

Q What is the name of the mother of that child? A I have been sick and part crazy and you talk too fast, I can't hear good. I have been down crazy and crippled up and couldn't walk.

Q How long have you been that way? A I took that way the second day of March. Took a pain in my head.

Q In 1901 - April 24th - before the time you had got wrong you said that you were the mother of Emma Barnett were you lying then? A No, sir, I ain't lying; I didn't come here to tell no lie.

Q You said about four years ago when asked "What are the names of your children?" you mentioned Emma Barnett as one of your children? A They are my children.

Q And on the 30th day of August 1902 you made out an affidavit in which you state that on the 21st of June 1898 a child was born to you named Emma Barnett, wasn't that right a lie? A No it wasn't a lie. Who said it was a lie?

Q You said you were the mother? A Emma Barnett is my child they are mine and Ketch's children and this one I am trying to file is mine.

Q Is Emma Barnett your child? A Emma is mine.

Q Are you the mother of Emma? A They are all my children.

Q I am asking you a question. Are you the mother of Emma?

A I am answering. Yes, sir.

Q Are you the mother of Emma? A Yes, sir, they are all my children.

Q Well why did you say awhile ago that Emma was a child of your daughter Dora? A Because you all hollered at me. You has to give me time, my head is not right. I ain't come here before nobody to tell a lie. I am not feeling crazy a bit, and I am not going to tell a lie and I don't want nobody to tell me I am lying.

Q Did you give birth to this child Emma Barnett? A No, sir, I ain't birthed Emma.

Q Well then you ~~that~~ were not the mother of Emma were you?

A No, sir, I raised it from a little suckling baby.

Q So the only way Emma is your child is that you raised her? I raised it.

Q You swore in an affidavit that a child was born to you?

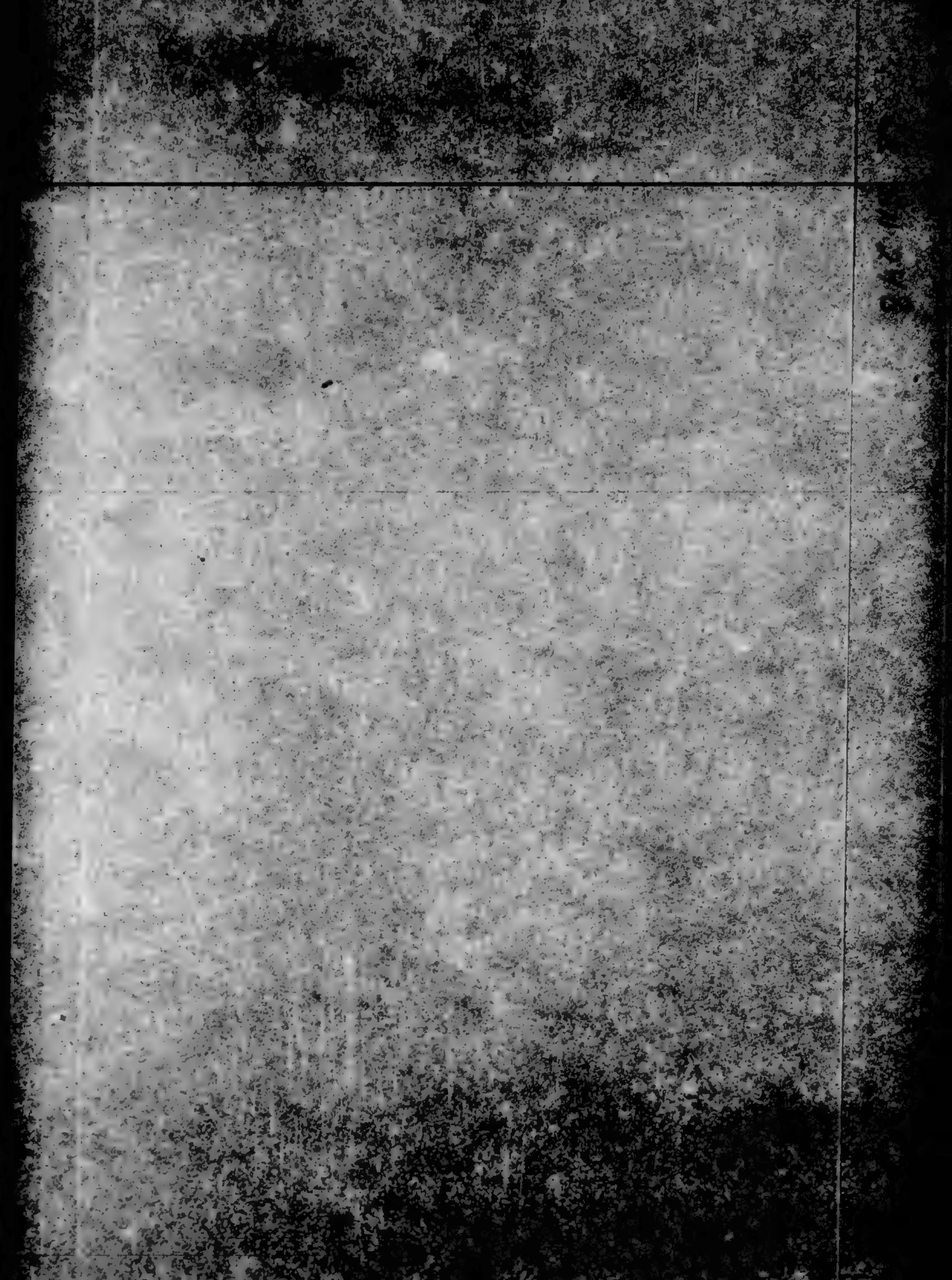
A I didn't birth the child.

Q You filed an affidavit on the 30th of April 1902 in which you state that on June 21, 1898 a child was born to you by the name of Emma Barnett - born to you? A I never said I birthed her.

Q Who was the midwife when Emma was born? A Ella McIntosh.

Q She swore on the same date that she attended on you when Emma was born. Was that the truth? A She didn't tend on me.

1914



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE SEVEN CIVILIZED TRIBES.
Muskogee, Ind. Ter., September 2, 1902.

In the matter of the application of Vina Watson for the enrollment of her four minor children, Willie Andrew, Celia Hattie, Dave Toney and Thelma Watson, as Creek Indians.

Appearances: H. C. Reed, attorney for Creek Nation.

Vina Watson, being first duly sworn, testified as follows:

By the Commission.

- Q What is your full name? A Vina Watson.
Q What is your age? A Thirty-six.
Q What is your post office address? A Wagoner.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Vina Watson is listed for enrollment, as a citizen of the Creek Nation, on Creek freedmen card, Field No. 903.

- Q To what town in the Creek Nation do you belong? A Arkansas.
Q For whom do you now make application for enrollment? A For my four children.
Q What are the names and the ages of the four minor children for whom you now make application? A Willie Andrew, about 17, Celia Hattie, about 12 or 13, Dave Toney, about 7 or 8, and Thelma Watson, about a year and a half old.
Q Are these four minor children all now living? A Yes, sir.
Q Are you the mother of all four of these children? A Yes, sir.
Q Have you ever been recognized by the tribal authorities of the Creek Nation, as a citizen of the Creek Nation? A Yes, sir.
Q Does your name appear upon the tribal rolls of the Creek Nation? A No.
Q Did you ever draw any money from the Creek Nation? A No.
Q How did you get to be a citizen of the Creek Nation? A By the Dawes Commission.
Q Were you ever known by any other name excepting Vina Watson? A Vina Green.
Q Did you ever have any other name? A No, sir.
Q Did they ever call you Vina Cousins? A Yes, they called me Vina Cousins.
Q Then you did have another name? A Yes, sir.

The records of the Commission examined and it appears therefrom that Vina Watson was admitted to citizenship in the Creek Nation by the Dawes Commission, under the act of June 10, 1896, Case No. 22.

- Q Were any of your children, for whom you are now making application, admitted to citizenship by the Dawes Commission when you were? A I don't know.

The records of the Commission examined and it appears therefrom that none of the children, for whom Vina Watson now makes application, were admitted by the Dawes Commission, under the act of June 10, 1896.

2 In re application of Vina Watson for the enrollment of her four minor children, as Creek freedmen.

The 1890 authenticated tribal roll of the Creek Nation, Arkansas town, examined and the name of Vina Watson is not found thereon.

The 1891 Omitted roll of the Creek Nation, Arkansas town, examined, and the name of Vina Watson is not found thereon.

The 1895 Pay Roll of the Creek Nation, Arkansas town, examined, and the name of Vina Watson is not found thereon.

The 1895 Omitted roll of the Creek Nation, Arkansas town, examined and the name of Vina Watson is not found thereon.

Q What is the name of the father of Willie Andrew? A Billy Andrew.

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

Q Was he a citizen of the Creek Nation? A Yes, sir.

Q Were you married to Billy Andrew? A No, sir.

Q Did you ever live with him? A Yes, sir.

Q How long did you live with him? A Two or three years, I guess.

Q Was Billy Andrew's name on the Dunn Roll? A Yes, sir; I guess it was.

Q To what town in the Creek Nation did Billy Andrew belong? A Arkansas.

The roll of Creek freedmen made by Major J. W. Dunn, prior to March 14, 1867, examined, and the name of Billy Andrew was found thereon at No. 1047, as "Betty Marshall."

The 1890 and 1895 authenticated rolls of the Creek Nation, Arkansas town, examined, and the name of Billy Andrew cannot be found thereon.

Q What is the name of the father of Celia Rentic? A Charley Rentic.

Q Was he a citizen of the Creek Nation? A Yes, sir.

Q To what town in the Creek Nation did he belong? A Canadian, I guess.

Q Were you married to Charley Rentic? A No, sir.

Q Did you ever live with him? A Yes, sir.

Q How long did you live with him? A About a year or two, I guess.

Q Do you know whether Charley Rentic's name is on the Dunn Roll? A I don't know, sir, whether it is or there or not.

Q Is he now living? A No, sir; dead, I believe.

The roll of Creek freedmen made by Major J. W. Dunn, prior to March 14, 1867, examined, and the name of Charley Rentic is not found thereon.

The 1890 and 1895 authenticated rolls of the Creek Nation, Canadian town, examined, and the name of Charley Rentic is not identified thereon.

Q How long ago did Charley Rentic die? A I don't know, sir, how long.

Q About how long ago? A I guess it has been four or five years.

Q Are you sure that Charley Rentic is dead? A That's what I learned, he was dead.

Q What is the name of the father of Dave Toney? A Jesse Toney.

Q Is he living? A Yes, sir; he was living; I guess he is living.

Q Is he a citizen of the Creek Nation? A Yes, sir.

Q To what town in the Creek Nation does he belong? A Canadian, I guess.

3 In re application of Vina Watson for the enrollment of her four minor children, as Creek freedmen.

Q Does his name appear upon the Damm Roll? A I don't know, sir.
Q How old is Jesse Toney? A I don't know, sir, how old he was.
Q Was he old enough to be on the Damm Roll? A I guess he is; I don't know, sir.

The records of the Commission examined and it appears therefrom that Jesse Toney is listed for enrollment as Creek Freedmen Card, Field No. 863; that his age is given thereon as 27, and that he is the son of Damm Roll Nos. 1286 and 1287.

Q Were you married to Jesse Toney? A No, sir.
Q Did you live with him as his wife? A Yes, sir; his wife.
Q How long did you live with him? A I don't know, sir.
Q Did you live with him a year? A Not quite a year, I don't guess.
Q What is the name of the father of Thoney Watson? A Alex Watson.
Q Is he living? A Yes, sir.
Q Is he a citizen of the Creek Nation? A No, sir; he aint.
Q Have you been married to him? A Yes, sir.
Q Did you get a marriage license and certificate? A Yes, sir.
Q Have you got the marriage license and certificate with you?
A No, sir; I haint got it; I left it home.
Q Is this the first time you have ever made application to the Commission for the enrollment of your four minor children? A No, sir.
Q When have you made application before this time? A At Okmulgee.
Q You have made application before this time at Okmulgee? A Yes, sir.

The records of the Commission examined and it appears therefrom that Willie Andrew and Celia Bontie have heretofore been enrolled on Creek Freedmen Card, Field No. 1193.

It also appears that Dave Toney is enrolled on Creek Freedmen Card, Field No. D.-27, Card No. 1187.

Q When did you first make application for the enrollment of Thoney Watson? A I don't know the date of the month.
Q Did you ever execute a birth affidavit and file it with the Commission? A Yes, sir.

The files of the Commission examined and it appears therefrom that a birth affidavit in the matter of the application for the enrollment of Thoney Watson, as a citizen of the Creek Nation, was filed with the Commission prior to May 25, 1901.

Q Do you make application for the enrollment of your four minor children as Creek Freedmen? A Yes, sir.
Q Have your minor children, Willie Andrew, Celia Bontie, and Dave Toney, ever been recognized by the Creek tribal authorities as citizens of the Creek Nation? A Yes, sir.
Q Have they ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A Yes, sir; I had their names put on.
Q Do their names appear upon the Creek tribal rolls? A Yes, I had them put on the roll.

The 1895 Pay Roll of the Creek Nation, Arkansas town, examined and the name of Willie Andrew is found and identified thereon as "W. Andrew", at No. 1115.
The 1895 Pay Roll of the Creek Nation, Arkansas town, examined and the name of Celia Bontie is found and identified thereon as "Celia Andrew", at No. 1114.

4 In re application of Vina Watson for the enrollment of her four minor children, as Creek freedmen.

The 1895 Pay Roll of the Creek Nation, Canadian Colored town, examined and the name of Dave Toney is found and identified thereon, together with his father, Jesse Toney, at Nos. 844 and 845, respectively.

- Q Do you live in the Creek Nation? A Yes, sir.
Q Have you lived in the Creek Nation all your life? A Yes, sir.
Q Have these children for whom you now make application all lived in the Creek Nation all their lives? A Yes, sir.
Q Have they lived with you ever since they were born? A No, sir.
Q Are they living with you now? A All but one.
Q Which one is not living with you? A That's Willie Andrew.
Q Where is Willie Andrew now? A Staying with Ben Brown.
Q How long has he been living with Ben Brown? A I don't know, sir; since last year he has been living with Ben Brown.
Q Did he live with you before going to Ben Brown's? A Yes, sir.
Q Did he leave you? A He's hired there, working with Ben Brown.
Q He went there to work? A Yes, sir; working with Ben Brown.
Q As a matter of fact, you were never legally married to Jesse Toney, Billy Andrew and Charley Rentie? A No, sir.
Q Did you ever live with any of them as their wife? A Yes, sir.
Q Are there any other statements you desire to make at this time with reference to the application you now make for the enrollment of your four minor children, Willie Andrew, Celia Rentie, Dave Toney and Theney Watson, as Creek freedmen? A No, sir.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of your four minor children, Willie Andrew, Celia Rentie, Dave Toney and Theney Watson, as Creek freedmen, which will be mailed to you at your proper post office address, as given by you in your testimony herein.

Birth affidavit and Supplemental proof, in re application herein, hereto attached, Exhibits "A" and "B", respectively.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 2nd day of September, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 9th day of September, 1902, at Muskogee, Indian Territory.

J. S. Borey
Notary Public.

2000

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., September 3, 1902.

In the matter of the application of William Sullivan for the enrollment of his brother, Sulpher Sullivan, deceased, as a citizen, by blood, of the Creek Nation.

William Sullivan, being first duly sworn, testified as follows, through Interpreter, Chilly W. Morgan:

By the Commission.

- Q What is your full name? A William Sullivan.
Q What is your age? A Forty-five years old.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been listed by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that William Sullivan is listed for enrollment on Creek Indian Card, Field No. 2920, as "Willie Sullivan."

- Q For whom do you now make application for enrollment? A Sulpher Sullivan.
Q What kin is Sulpher Sullivan to you? A My younger brother.
Q Is he now living? A No, sir; he is dead.
Q When did he die? A The year 1900.
Q In what month in 1900? A The 17th of January, 1900.
Q What was his age when he died? A He was about thirty or thirty-two years old.
Q What was his post office address? A Eufaula.
Q Was he ever recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes, sir.
Q Was he ever enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Does his name appear upon the Creek tribal rolls? A Yes, sir.
Q To what town in the Creek Nation does Sulpher Sullivan belong? A Quassarte No. 1 town.

The 1890 authenticated tribal roll of the Creek Nation examined, Quassarte No. 1 town, and the name of Sulpher Sullivan is found and identified thereon at Page No. 182.

The 1898 Pay Roll of the Creek Nation, Quassarte No. 1 town, examined and the name of Sulpher Sullivan is found and identified thereon as "Sulphur Sullivan", at No. 18.

- Q Do you make application for the enrollment of Sulpher Sullivan as a citizen by blood of the Creek Nation? A Yes, sir.
Q Was he a full-blood Creek Indian? A Yes, sir.
Q What is the name of his father? A To the best of my recollection, his name was Jimmy Sullivan.
Q Is he living? A No, sir; he is dead.
Q Was he a full-blood Creek Indian? A Yes, sir.
Q To what town in the Creek Nation did he belong? A Quassarte No. 1 town.
Q What is the name of the mother of Sulpher Sullivan?
A Sally Sullivan.
Q Is she living? A She is dead.
Q Was she a full-blood Creek Indian? A Yes, sir.

2 In reapplication of William Sullivan for the enrollment of his brother, Sulpher Sullivan, as a citizen by blood of the Creek Nation.

Q To what town in the Creek Nation did she belong? A Quassarte No. 1 town.

Q Is this the first time you have made application for the enrollment of your brother, Sulpher Sullivan, as a citizen of the Creek Nation? A I came here last June--brought that paper here--and wanted to file then, and was rejected.

Q That was in June, 1902? A Yes, sir.

Q What paper did you file at that time? A A death affidavit.

The files of the Commission examined and it appears therefrom that there was filed with the Commission, on June 3, 1902, a death affidavit in the matter of the application for the enrollment of Sulpher Sullivan, as a citizen of the Creek Nation, which affidavit is marked Exhibit "A" and made a part of the record.

The records of the Commission further examined and it appears therefrom that no application was ever made for the enrollment of Sulpher Sullivan, prior to May 25, 1901.

Q Did your brother, Sulpher Sullivan, reside in the Creek Nation all of his life, up to the time of his death? A Yes, sir.

Q Is there any additional statement that you desire to make in regard to the application made by you for the enrollment of your brother, Sulpher Sullivan, deceased, at this time? A I have none.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your deceased brother, Sulpher Sullivan, as a citizen by blood of the Creek Nation, which will be mailed to you at your proper post office address, as given by you in your testimony.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 3rd day of September, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 9 day of September, 1902, at Muskogee, Indian Territory.

H. J. Boney
Notary Public.

Copy

Creek No. 249.

Muskogee, Indian Territory, January 22, 1903.

Hon. P. Porter,
Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that on September 3, 1902, William Sullivan, whose post office address is given as Eufaula, Indian Territory, appeared before the Commission and made application for the enrollment of his deceased brother, Sulphur Sullivan, as a citizen of the Creek Nation.

You are further advised that the name of said Sulphur Sullivan, above named, is found and identified upon the 1890 authenticated and 1895 Pay Rolls of the Creek Nation.

There is on file with the Commission a death affidavit showing that said Sulphur Sullivan died January 17, 1900, but the record in this case is such that the Commission is not satisfied with the proof of death furnished, and desires such evidence relative to his right to enrollment as a Creek citizen as the Creek Nation may be able to produce.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. APRIL 11, 1904.

En. 249

In the matter of the application for the enrollment of Sulpher Sullivan as a citizen by blood of the Creek Nation.

William Sullivan being duly sworn testified as follows through William McCombs, sworn interpreter:

Examination by the Commission:

- Q What is your name? A William Sullivan.
Q You have heretofore testified in this case, have you? A Yes sir.
Q Your post office is Hufaula? A Yes sir.
Q Did Sulpher Sullivan have a wife? A Yes sir.
Q What was her name? A Lucy Sullivan.
Q What town did she belong to? A Artusse.
Q Did Sulpher and Lucy die about the same time? A Yes sir.
Q How much difference was there in the dates of their deaths? A Two weeks, or a few days over.
Q Which died first? A Lucy.

EXCUSED and SARAH MCCOMBS called and sworn testified as follows thro' Mr. McCombs:

- Q What is your name? A Sarah McCombs.
Q How old are you? A Forty-four.
Q What is your post office address? A Muskogee.
Q Did you know Sulpher Sullivan? A Yes sir.
Q Did you know his wife, Lucy? A Yes sir.
Q Both dead, are they? A Yes sir.
Q Did they die about the same time? A Yes sir.
Q Which died first? A Lucy.
Q How long first? A Two weeks or a few days more.
Q Were you present when Sulpher Sullivan and his wife Lucy died?
A Yes sir.
Q Both of them? A Yes sir; I waited on both of them in their last sickness.

The records of the Commission show that Lucy Sullivan died January 1,,1900.

#####

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above and this is a full, true and correct transcript of his notes therein

Subscribed and sworn to before me this 13th day of April, 1904:

Henry G. Hains
Charles H. Hains

THE DEATH OF

Sulphur Sullivan

a citizen of the

State

Nation.

Approved

190

Commissioner.

Filed June 3rd 1902

Exhibit "A."

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

In the matter of the death of Sulpher Sullivan
(Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Eufaula, Ind. Ter., and died on the 17 day of
January, 1900.
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, William Sullivan, on oath state that I am 45
years of age and a citizen, by Blood, of the Creek Nation;
that my post office address is Eufaula Ind. Ter.; that I am
Brother Sulpher Sullivan,
(State relationship as the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Blood, of the Creek Nation;
and that said Sulpher Sullivan died on the 17 day of
January, 1900.
(Here insert name of deceased.)

WITNESSES TO MARK:

Wm Sullivan

(Must be Two Witnesses.)

Subscribed and sworn to before me this 2 day of June 1900
Geo. F. Jones
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Jobe Belcher, on oath state that I am 37
years of age, and a citizen, by Blood, of the Creek Nation;
that my post office address is Eufaula Ind. Ter.;
that I was personally acquainted with Sulpher Sullivan
who was a citizen, by Blood, of the Creek Nation;
and that said Sulpher Sullivan died on the 17 day of
January, 1900.
(Here insert name of deceased.)

WITNESSES TO MARK:

Jobe Belcher his mark

(Must be Two Witnesses.)

Subscribed and sworn to before me this 2 day of June 1900
Geo. F. Jones
Notary Public.

46
Passate #1.
1890 Roll - #18
Page 182 - 1890 Roll

IN RE
THE DEATH OF

Stephen Sullivan
a citizen of the
State Nation.

Approved

1

Commissioner.

Died Jan. 14th 1899.

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

In the matter of the death of Stephen Sullivan
a citizen of the Creek Nation, who formerly resided at or near
Enfanta Ind. Ter. and died on the 14 day of January
1899

AFFIDAVIT OF RELATIVE. Aunt

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northwestern District. }

I, Hepsey Mc Intosh, on oath state that I am 50
years of age and a citizen, by blood, of the Creek Nation;
that my post office address is Enfanta, Ind. Ter.; that I am
Aunt of Stephen Sullivan
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Creek Nation;
and that said Stephen Sullivan died on the 14 day of
January, 1899

WITNESSES TO SIGN:
(Must be Two Witnesses.) } W. Wallace
W. H. Angell

Hepsey Mc Intosh
Maid

Subscribed and sworn to before me this 7 day of August 1901.
William J. Martin
Notary Public.

AFFIDAVIT OF ACQUAINTANCE. Cousin

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northwestern District. }

I, Nancy Scott, on oath state that I am 33
years of age, and a citizen, by blood, of the Creek Nation;
that my post office address is Enfanta, Ind. Ter.;
a cousin to
that I was personally acquainted with Stephen Sullivan
(Here insert name of deceased.)
who was a citizen, by blood, of the Creek Nation;
and that said Stephen Sullivan died on the 14 day of
January, 1899

WITNESSES TO SIGN:
(Must be Two Witnesses.) } Nancy Scott

Subscribed and sworn to before me this 7 day of August 1901.
William J. Martin
Notary Public.

En. 249.

Muskogee, Indian Territory, March 22, 1904.

William Sullivan,

Hufaula, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your deceased brother, Sulpher Sullivan, as a citizen of the Creek Nation, upon examination of the record in the case, it is found that the evidence is conflicting.

It is desired that Hepsy McIntosh and Nancy Scott appear before the Commission at its office in Muskogee, Indian Territory, for the purpose of submitting testimony in the case.

Respectfully,

Commissioner in Charge.

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

No. 249.

J.H.S.

In the matter of the application for the enrollment of Sulpher Sullivan, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on September 3, 1903, William Sullivan appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Sulpher Sullivan, deceased, as a citizen by blood of the Creek Nation. Further proceedings in the matter of said application were had April 11, 1904.


The evidence shows that said Sulpher Sullivan died during the month of January, 1900; that he was a full blood Creek Indian and that he is identified on the 1890 authenticated tribal roll of the Creek Nation and on the 1895 pay roll of said nation.


The evidence further shows that said Sulpher Sullivan, deceased, resided in the Creek Nation all his life.

It is, therefore, the opinion of the Commission that said Sulpher Sullivan, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory.

July 12, 1904

Muskogee, Indian Territory, July 12, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sulpher Sullivan, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of said time no such protest has been made, said Sulpher Sullivan, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

NON-4-12.

July 27

Creek Indian Card 4553.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Mollette, Indian Territory, December 7, 1905.

In the matter of the enrollment of Sulphur Sullivan,
deceased, as a citizen by blood of the Creek Nation.

Johnson Phillips being duly sworn testified as follows
through official interpreter Alex Posey.

BY COMMISSIONER:

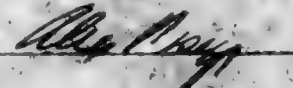
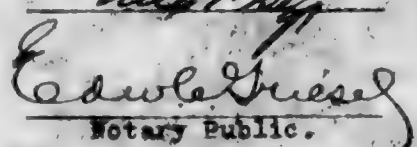
- Q What is your name? A Johnson Phillips.
Q What is your age? A I was born in 1867.
Q What is your post office address? A Bufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir
Q Do what Creek Indian town do you belong? A Tuskegee
Q Were you acquainted with Sulphur Sullivan? A Yes, sir
Q Do you know when he died? A I know the year but have forgotten
the month in which he died.
Q In what year did he die? A In 1898. Just shortly after his wife
Lucy Sullivan died. The church record shows that Lucy Sullivan died
January 1, 1898.
Q How long after Lucy Sullivan died was it that Sulphur Sullivan
died? A It wasn't long.
Q Was there a record made of his death? A There was no record made
in the church book, he wasn't a member in good standing ~~because~~ ^{because} having
~~he~~ lost his membership in the church by getting drunk.
Q You are the pastor of the Artussee church are you? A Yes, sir.
I wrote the record of his death on the head board of his grave.
The headboard is inside the grave house and if you can get to it
I am sure the writing is still fresh.
Q Where is he buried? A About one and one half miles southeast
of here.

(NOTE: the grave of Sulphur Sullivan was visited with
the witness and on the head board of said grave appears
the following record written in the Creek language"
January 18, 1899 Sulphur Sullivan finished his days.")

- Q This is the record you wrote is it? A Yes, sir, on the day he was
buried. That's my hand writing and that is the identical board
placed at the head of Sulphur Sullivan's grave on the day he was
buried. I thought he died in 1898 but I see I am mistaken as the
record shows he died in 1899.

I, Alex Posey, on oath state that the above and foregoing is a
true and correct transcript of my notes as taken in said cause
on said date.

Subscribed and sworn to before me
this 22day of December 1905.



Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Eufaula, Indian Territory, December 9, 1905.

In the matter of the application for the enrollment of
Sulphur Sullivan, deceased, as a citizen by blood of the Creek
Nation.

Imy Boone being duly sworn testified as follows:

Q What is your name? A Imy Boone.

Q What is your age? A Going on twenty seven.

Q What is your post office address? A Muskogee.

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

Q To what Creek Indian town do you belong? A Hitchita.

Q Did you know Sulphur Sullivan? A Yes, sir

Q Do you know when he died? A I don't know exactly but it was in
January long about the middle of January 1899.

Q How do you fix the date? A By ~~the~~ big fire that occurred in Eufaula
Saturday night December 3, 1899. Sulphur Sullivan died in the
following January, also another circumstance causes me to remember
when he died. An old white man named Appleton who lived on my *father's*
place stole some hogs that belonged to Sulphur Sullivan and my
father sent me over to Sulphur to tell him about it. I went over
and told Sulphur and he rode back with me to Appleton's house.
Sulphur identified the hogs and started to Eufaula that day to
swear out a warrant for Appleton's arrest but took sick when he
reached home and died shortly afterwards. I am positive that he
died in January 1899.

I, Alex Posey on oath state that the above and foregoing is a
true and correct transcript of my notes as taken in said cause
on said date .

Subscribed and sworn to before me
this 22 day of December 1905.

Alex Posey

Edw. G. G. G.

Notary Public.

Creek Indian Card 4560.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Mufaula, Indian Territory, December 9, 1905.

In the matter of the application for the enrollment of
Millie Roberts, deceased, as a citizen by blood of the Creek Nation.

Imy Boone being duly sworn testified as follows:

- Q What is your name? A Imy Boone.
Q What is your age? A Going on twenty seven.
Q What is your post office address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes, sir
Q To what Creek Indian town do you belong? A Hitchita .
Q Did you know Millie Roberts? A Yes, I knew Millie Roberts.
Q Do you know when she died? A I don't know the date of her death
but I do know she died after Lucy Sullivan died.
Q When did Lucy Sullivan die? A Lucy Sullivan died on or about
December last 1898
Q About how long had Lucy Sullivan been dead when Millie Roberts
died? A Quite a little space of time, couldn't say just how long.
Q Was Millie Roberts living when the Creek Land Office opened?
A No, sir she wasn't living, she was dead.
Q You are positive of that are you? A Yes, sir.
Q Have you any interest in this case? A No, sir. The only interest
I have is the benefit of the Indians.
Q Were you well acquainted with Millie Roberts? A Yes, sir, well
acquainted with her. I was raised in the same neighborhood and
she was one of our nearest neighbors.

I, Alex Posey, on oath state that the above and foregoing is a true
and correct transcript of my notes as the same were taken on said
date in said cause.

Subscribed and sworn to before me
this 22 day of December 1905.

Alex Posey
Edw. B. Green
Notary Public.

Gr. I. 3853.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, December 13, 1905.

In the matter of the right to enrollment of Sulphur
Sullivan as a citizen by blood of the Creek Nation.

William Sullivan, being duly sworn, testified as follows
through Jesse McDermott, official interpreter.

EXAMINATION BY COMMISSIONER.

On November 18, 1905, William Sullivan appeared at this
office and was advised that a question had arisen as to the date
of death and right to enrollment of Sulphur Sullivan and that he
would be given a reasonable time within which to appear with
such evidence as he desired to introduce in the case.

William Sullivan appeared this day and gave testimony
as follows:

Q How long after the death of Lucy Sullivan before Sulphur
Sullivan died? I dont recollect of making a statement to the
effect that he died two weeks after Lucy died but this man tells
me that I did so I suppose I did.

Q Do you know how long after Lucy died before Sullivan died?

A I have forgotten. Lucy's son is here in town and he could testify
as to the exact time.

Q What is the name of Lucy's son here in town? A Wilson Brown.

Q Can you get Wilson Brown to come up here? A Yes, sir

Q What kin are you to Sulphur Sullivan? A He was my younger brother
Witness refuses to give further testimony in the matter

Witness states that if it should be found that Sulphur
Sullivan is not entitled to enrollment, he, (the witness) desires
to relinquish the allotment upon which he was arbitrarily filed
and file on the allotment of Sulphur Sullivan for himself.

I, Anna Garrigus, state on oath that the above and
foregoing is a true and correct transcript of mystenographic
notes as taken in said cause on said date.

Anna Garrigus

Subscribed and sworn to before me this 14 day of December 1905.

J. McDermott
Notary Public.

21
Creek En. 249

Muskogee, Indian Territory, January 11, 1908.

William Sullivan,

Eufaula, Indian Territory.

Dear Sir:

You are advised that the name of your brother, Sulphur Sullivan, deceased, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior January 4, 1908, and that application for a selection of land in the Creek Nation may now be made for his heirs at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 9, 1905.

Chief Clerk,
Creek Land Office.

Dear Sir:

A question having arisen as to the right to enrollment of Sulphur Sullivan, deceased, whose name appears on the partial list of Creek citizens by blood approved by the Secretary of the Interior January 4, 1905, opposite roll number 9911, you are directed to suspend action in the matter of making an allotment of lands in the Creek Nation to the heirs of said Sulphur Sullivan, deceased, until you are further advised.

Respectfully,

Commissioner.

M-408

Muskogee, Indian Territory, October 11, 1905.

Honorable P. Porter,
Principal Chief Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

If in your possession, will you please return to this office deeds Nos. 10240 and 10240 A in favor of the heirs of Lucie Sullivan, Creek Indian Roll No. 9252; and deeds Nos. 30290 and 30291 in favor of the heirs of Sulphur Sullivan, Creek Indian Roll No. 9911, as it now appears there is a question pending as to the right to citizenship in the Creek Nation of the above mentioned citizens.

Respectfully,

Commissioner.

EXECUTIVE OFFICE,
Muskogee Nation.

(Copy)

F. PORTER, Principal Chief.

Muskogee, Indian Territory, Dec. 30, 1906.

Hon. Tans Bixby, Commissioner,

To the Five Civilized Tribes,

Muskogee, I. T.

Sir:

In compliance with your request of Oct. 11th, 1905, M-406, this office returned to you deeds Nos. 30290 and 30291, Creek Indian Roll No. 9911, in favor of the heirs of Sulphur Sullivan.

You state that there appears to be a question pending as to the right of citizenship in the Creek Nation of the above mentioned citizen. William Sullivan of Eufaula, Indian Territory, called at this office requesting the delivery of the deed to him as being one of the heirs of Sulphur Sullivan deceased. He states that Sulphur Sullivan died in 1899, and I suppose the question of citizenship to be that he may have died prior to the time allowed for enrollment, as I am acquainted with the family and know that they are Creek citizens.

Please give me the necessary information in the matter so that I may advise William Sullivan the cause for the deed being held up.

Respectfully,

F. PORTER,
Prin. Chief.
JA

I-4683

Muskogee, Indian Territory, January 4, 1906.

Honorable P. Porter,

Principal Chief, Creek Nation,

Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of your communication of December 30, 1905, in which you ask to be informed as to why the deeds to lands in the Creek Nation in favor of the heirs of Sulphur Sullivan (deceased) are held up; you state that you wish this information in order that you may advise William Sullivan, one of the heirs of said Sulphur Sullivan, who has called at your office and requested that his deeds be delivered to him.

In reply you are advised that information has been furnished this office that said Sulphur Sullivan (deceased) died prior to April 1, 1899. If this is true, said Sulphur Sullivan (deceased) is not entitled to enrollment as a citizen by blood of the Creek Nation. William Sullivan has on two or more occasions been informed of the status of this case and has been advised that he may submit within a reasonable time any evidence that he may desire tending to establish the exact ^{date} of the death of said Sulphur Sullivan (deceased) Respectfully,

Commissioner.

CHAR. B. LAW
GEORGE MILLER, JR.
ALDRICH BLAKE

LAW, MILLER & BLAKE

LAW OFFICES
SURETY BUILDING
MUSKOGEE, OKLA.

February 18
1 9 1 7



Hon. Gabe E. Parker,
Supt., Five Civilized Tribes,
Muskogee, Oklahoma.

Dear Sir:

IN RE: Equalization Payment Account.
Allotment of Lucy Sullivan, deceased,
Full Blood Creeks. Roll #9252.

In conversation with your Mr. Oliver C. Hinkle on yesterday touching the above matter it was suggested that we write you a letter inquiring the earliest convenient moment when we might go over with Mr. Hinkle the difficulties which have prevented settlement in the way of the payment of the money necessary to equalize Lucy Sullivan's allotment to Wilson Brown, her sole and only heir.

It seems that there has been some showing made to the department to the effect that Lucy Sullivan died prior to 1900; whereas it can be established by the most reliable testimony beyond a shadow of a doubt that she departed this life on January 1, 1900. Before the matter is finally determined, we would like to be permitted to have an opportunity to lay before you the evidence which we have in mind, to the end that this, or any other matter which is delaying this payment may be fully explained and understood.

We await your pleasure, and again call your attention to the matter, and trust that we may be permitted to render such assistance as we can in closing this matter up at an early date.

Yours very truly,

LAW, MILLER & BLAKE

BY 

GMJr-NF



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., September 4, 1902.

In the matter of the application of Cheparn Hohlahta for the enrollment of his minor child, Martha Hohlahta, deceased, as a citizen, by blood, of the Creek Nation.

Cheparn Hohlahta, being first duly sworn, testified as follows, through official interpreter, Chilly W. Morgan:

By the Commission.

Q What is your full name? A Cheparn Hohlahta.

Q What is your age? A I am somewhere about thirty, or a little over thirty.

Q What is your post office address? A Sapulpa.

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

Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Cheparn Hohlahta is listed for enrollment, as a citizen of the Creek Nation, on Creek Indian Card, Field No. 1140.

Q To what town in the Creek Nation do you belong? A Coweta.

Q For whom do you now make application for enrollment? A Martha Hohlahta.

Q Is Martha Hohlahta your daughter? A Yes, sir.

Q Is she now living? A No, sir; she is dead.

Q How old was she when she died? A She was better than two years old, between two and three years old.

Q When was she born? A I don't know how to tell the years, I don't know just how to get at it.

Q Is this the first time you have ever made application for the enrollment of your deceased daughter, Martha Hohlahta, as a citizen of the Creek Nation? A Yes, sir; the town members enrolled her, but the Commission has never enrolled her.

Q Have you heretofore filed with the Commission any affidavits in the matter of the application for the enrollment of your deceased daughter, Martha Hohlahta? A I had birth and death affidavits fixed up at Tulsa and sent down to the Commission.

The records of the Commission examined and it appears therefrom that there was filed with the Commission birth and death affidavits in the matter of the application for the enrollment of Martha Hohlahta, as a citizen of the Creek Nation, on the 1st day of February, 1902, which affidavits are marked Exhibits "A" and "B", and made a part of the record.

The records of the Commission further examined and it appears therefrom that there has been no application made to the Commission for the enrollment of Martha Hohlahta, deceased, as a Creek citizen, prior to February 1, 1902, the date birth and death affidavits were filed with this Commission.

Q Do you know when Martha Hohlahta died? A Yes, sir; she died in May, 1899.

Q Do you recollect when the Land Office was opened at Muskogee? A Yes, sir.

2. In re application of Cheparn Hohlahta for the enrollment of his deceased minor child, Martha Hohlahta, as a Creek citizen.

Q Was your daughter, Martha Hohlahta, born before or after that time? A She was born before the Land Office opened.

Q You never drew any money from the Creek Nation for your deceased daughter? A No, sir.

Q She was born after the 1895 payment was made? A Yes, sir.

Q What is the name of the mother of Martha Hohlahta? A Lucy Hohlahta.

Q Is she now living? A Yes, sir.

Q To what town in the Creek Nation does she belong? A She belongs to Cussehta town.

Q Has she been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Lucy Hohlahta, the mother of Martha Hohlahta, is listed for enrollment as a citizen of the Creek Nation on Creek Indian Card, Field No. 1140.

Q You and your wife are both recognized citizens of the Creek Nation? A Yes, sir.

Q Do your names appear upon the tribal rolls of the Creek Nation? A Yes, sir.

Q What was the name of your wife before you married her? A Lucy Sarcarchee.

The authenticated 1890 tribal roll of the Creek Nation examined, Coweta town, and Cheparn Hohlahta is found and identified thereon at Page No. 54.

The authenticated 1890 tribal roll of the Creek Nation examined, Cussehta town, and Lucy Hohlahta is found and identified thereon as "Lucy Sarcarchee", on Page No. 84.

The 1895 Pay Roll of the Creek Nation, Coweta town, examined, and Cheparn Hohlahta is found and identified thereon at No. 135.

The 1895 Pay Roll of the Creek Nation, Cussehta town examined and the name of Lucy Hohlahta is found and identified thereon at No. 357.

Q Your daughter, Martha Hohlahta, lived with you up to the time of her death? A Yes, sir.

Q Do you recollect when you first came to the Land Office at Muskogee and filed on your allotment? A I don't just recollect the date, but I think it was about three years since I filed.

Q Was your daughter, Martha Hohlahta, living at that time? A No, sir; she was dead.

Q How long before that time did she die? A I think it was about a year after she died when I came here and filed.

Q Did she die the same year that you came to file? A I don't recollect; it might have been the same year, but I know the child was dead when I came to file.

Q How did you recollect the date of her death when you made a death affidavit, giving the exact date that she died? A I remembered the date of the child's death, but I don't remember just how long it was after the child was dead when I came to file, but I know it was dead.

The records of the Commission examined and it appears therefrom that Cheparn Hohlahta filed on his allotment November 15, 1899.

3 In re application of Cheparn Hohlahta for the enrollment of his deceased minor child, Martha Hohlahta, as a Creek citizen.

Q Did you purchase a coffin or any burial material at the time of the child's death? A Yes, sir; I got a coffin and some burial clothes.

Q Where did you purchase the coffin and burial material? A I didn't buy the coffin already made, I bought some lumber and had the coffin made.

Q Well, where did you buy the burial lumber? A At Sapulpa.

Q Of whom did you purchase the burial material? A Of H.C.Hall & Co.

Q Did you pay for the burial material at the time you made the purchase, or did you get credit for it? A No, I got it on a credit there.

Q Is that firm now doing business at Sapulpa? A Yes, sir.

Q Can you secure from some member of the firm an affidavit showing when you purchased the burial material? A Yes, sir.

You will be given an opportunity to produce proof of the time that the said burial material was bought from H. C. Hall & Company, at Sapulpa.

Q Are there any additional statements that you desire to make at this time with reference to your application for the enrollment of your deceased daughter, Martha Hohlahta, as a Creek citizen?

A Of course, at the time that the child died, I didn't think anything of this kind would ever come up, therefore I paid but very little attention to it.

You will be furnished at a later date a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your minor child, Martha Hohlahta, deceased, as a citizen of the Creek Nation, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

The undersigned, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 4th day of September, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

Oliver C. Kinkle

Subscribed and sworn to before me this 7th day of September, 1902, at Muskogee, Indian Territory.

H. S. Rowley
Notary Public.

120

IN RE

Application for Enrollment of

INFANT CHILD

Marta Salata

as a citizen of

Muskogee

Nation.

Approved

Charles A.

190

Commissioner.

Full blood Indians

Father + mother enrolled
on Creek Card # 1140

Filed Feby. 1st 1902

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

IN RE Application for Enrollment, as a citizen of the Muskogee Nation,
of Martha Holatta (Here insert name of child.) , born on the 31 day of July, 1897
Name of Father: Chepan Holatta a citizen of the Muskogee Nation
Name of Mother: Lucy Holatta a citizen of the " Nation.
Post-office Sapulpa Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Lucy Holatta, on oath state that I am 30
years of age and a citizen, by Blood, of the Muskogee Nation;
that I am the lawful wife of Chepan Holatta, who is a citizen, by
Blood, of the Muskogee Nation; that a Female child was
(male or female.)
born to me on 31 day of July, 1897 that said child has been
named Martha Holatta, and is now dead living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

John C. W. Blaud
C. W. Morgan
Lucy Holatta
mark

Subscribed and sworn to before me this 30th day of January, 1902.
Paul C. Davis
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING-PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District,

I, Juda Cates, a midwife, on oath state that I
attended on Mrs. Lucy Holatta, wife of Chepan Holatta
on the 31 day of July, 1897; that there was born to her on
said date a Female child; that said child is now dead living and is said to have been
(male or female.)
named Martha Holatta.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Joseph Cates
Robert Cates
Juda Cates
mark

Subscribed and sworn to before me this 29th day of January, 1902.
Paul C. Davis
NOTARY PUBLIC

Copy

88/3

Creek No. 250.

Muskogee, Indian Territory, January 24, 1903.

Hon. P. Porter,

Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that on September 2, 1902, Cheparn Hohlahta, whose post office address is given as Sapulpa, Indian Territory, appeared before the Commission and made application for the enrollment of his deceased child, Martha Hohlahta, as a Creek citizen.

You are further advised that the names of Cheparn Hohlahta and Lucy Hohlahta, the father and mother of said Martha Hohlahta, are embraced in a partial roll of citizens by blood of the Creek Nation approved by the Secretary of the Interior, March 13, 1902.

From affidavits on file with the Commission, it appears that said Martha Hohlahta was born July 31, 1897, and died May 28, 1899, but the record in the case is such that the Commission is not satisfied with the proof of birth and death furnished, and desires such evidence relative to its right to enrollment as the Creek Nation may be able to produce.

Respectfully,

Acting Chairman.

J. J. B.

No. 250

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

In the matter of the application for the enrollment of Martha
Helahta, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on September 4, 1902, Cheparn
Helahta appeared before the Commission and made application for the
enrollment of his deceased minor child, Martha Helahta, as a citizen
by blood of the Creek Nation.

The evidence shows that said Martha Helahta was born July 31,
1897, and died May 28, 1899; that she was the child of Cheparn and
Lucy Helahta.

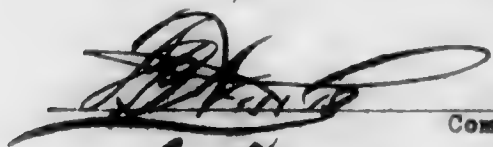
The records of the Commission show that the names of the said
Cheparn and Lucy Helahta are contained in the partial list of Creek
citizens by blood approved by the Secretary of the Interior March 13,
1902, numbers 3688 and 3689, respectively.

It is, therefore, the opinion of the Commission that said Martha
Helahta, deceased, should be enrolled as a citizen by blood of the
Creek Nation in accordance with the provisions of the acts of Con-
gress, June 28, 1898 (30 Stats., 495), and March 1, 1901, (31 Stats.,
861), and it is so ordered.


COMMISSION TO THE FIVE CIVILIZED TRIBES.



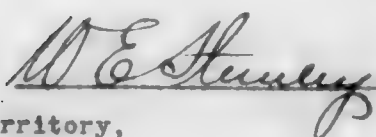
Chairman.



Commissioner.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,

MAR 17 1904

JMS

En. 250.

Muskogee, Indian Territory, March 18, 1904.

A. F. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission in the matter of the application for the enrollment of Martha Holohta as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Martha Holohta, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

HGH-3-18-8.

J. J. S.

No. 240.

Muskogee, Indian Territory, May 22, 1904.

Lucy Nohlahta,

Sayulpa, Indian Territory.

Dear Madam:

You are advised that the name of your minor child, Martha Nohlahta, deceased, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior May 21, 1904, and that application for a selection of land in the Creek Nation for the heirs of said child may now be made at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

181

Creek Course.

#250

IN RE
THE DEATH OF

Martina Holatta

a citizen of the

Muskogee Nation.

Approved,

1

By

Commissioner.

Full Blood Indians

Partner and mother of
Kohla on New Creek Course
No 1140.

Filed July 17, 1902

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Martha Holatta
a citizen of the Muskogee Nation, who formerly resided at or near
Bapulpa, Ind. Ter., and died on the 28 day of May,
1899

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Chefan Holatta, on oath state that I am 34
years of age and a citizen, by Blood, of the Muskogee Nation;
that my post office address is Bapulpa, Ind. Ter.; that I am
Father of Martha Holatta
who was a citizen, by Blood, of the Muskogee Nation;
and that said Martha Holatta died on the 28 day of
May, 1899

WITNESSES TO SIGN:
Andy Stokes
Stokes
Chefan his Holatta
mark

Subscribed and sworn to before me this 28 day of January, 1902
Paul C. Davis
Notary Public.

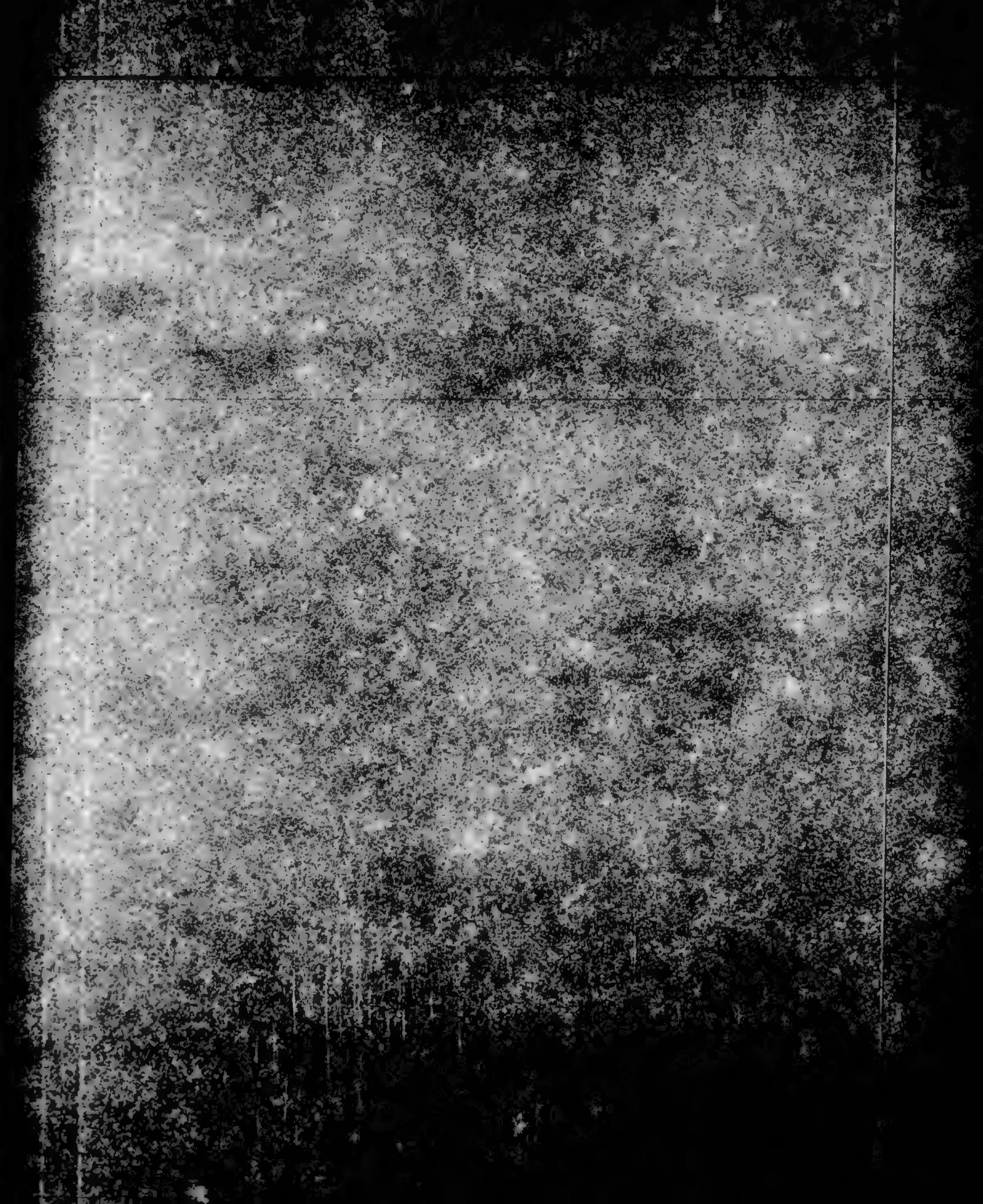
AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, John Holder, on oath state that I am 50
years of age, and a citizen, by Blood, of the Muskogee Nation;
that my post office address is Bapulpa, Ind. Ter.;
that I was personally acquainted with Martha Holatta
who was a citizen, by Blood, of the Muskogee Nation;
and that said Martha Holatta died on the 28 day of
May, 1899

WITNESSES TO SIGN:
Andy Stokes
Stokes
John his Holder
mark

Subscribed and sworn to before me this 28 day of January, 1902
Paul C. Davis



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind.Ter., September 4, 1902.

SUPPLEMENTAL TESTIMONY In the matter of the application of Lizzie Jacobs for the enrollment of her deceased daughter, Pearl Jacobs, as a Creek freedman.

Appearances: H. D. Reed, attorney for Creek Nation.

Lizzie Jacobs, being first duly sworn, testified as follows:

By the Commission.

- Q What is your full name? A Lizzie Jacobs.
Q What is your age? A I couldn't tell my age, somewhere about forty.
Q What is your post office address? A Right herein Muskegee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission, as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Lizzie Jacobs is listed for enrollment, as a Creek freedman, on Creek Freedman Card, Field No. 602.

- Q To what town in the Creek Nation do you belong? A North Fork.
Q For whom do you now make application for enrollment?
A Pearlie Jacobs.
Q Is she now living? A No, sir; she ain't living; she's dead.
Q When did she die? A I couldn't tell.
Q You can't tell? A No, sir; 'cause I can't read or write.
Q How old was she when she died? A She was four or five years old, I guess. She was a good-sized girl anyhow.
Q Do you make application for her enrollment as a Creek freedman?
A Yes, sir.
Q Are you her mother? A Yes, sir.
Q Is this the first time you have ever made application for her enrollment? A Yes, sir; I didn't know; my father was sick a while year and we didn't make it; it was going on two years, and we never did make it; about two months ago we made application.
Q Have you filed a death affidavit in the matter of the application for the enrollment of your deceased daughter, Pearlie Jacobs, as a citizen of the Creek Nation? A Yes, sir; we did; I think we did.

The records of the Commission examined and it appears therefrom that there was filed with the Commission, on June 14, 1902, a death affidavit in the matter of the application for the enrollment of Pearlie Jacobs, as a citizen of the Creek Nation, which affidavit is marked Exhibit "A" and made a part of the record.

It further appears, from an examination of the records, that an application was made for the enrollment of said Pearlie Jacobs, on June 18, 1902, which testimony was given in by the applicant and several other witnesses, in support of the enrollment of said child, Pearlie Jacobs.

- Q What is the name of the father of Pearlie Jacobs? A John Jacobs.
Q Is he living? A No, he died.
Q When did he die? A It's a year since he died.

2 Supplemental Testimony In re application of Lizzie Jacobs for the enrollment of her deceased daughter, Pearl Jacobs, as a Creek freedman.

- Q Was he a citizen of the Creek Nation? A Yes, sir.
Q To what town in the Creek Nation did he belong? A North Fork.
Q Do you recollect when the Commission enrolled freedmen at the court house here in Muskogee? A Yes, sir; I had this child right there.
Q Was your daughter, Pearl Jacobs, living at that time? A Yes, sir.
Q Did you enroll her at that time? A Yes, sir; they enrolled her at that time, Mary and Pearlie and Mariah and Gracie, Gracie is the oldest one.

It appears from an examination of the records that John Jacobs, together with his wife and three children, Gracie, Mary and Mariah Jacobs, are listed for enrollment on Creek freedman card, Field No. 602, in the month of September, 1898.

It also appears from an examination of said freedman card, that no such person as Pearl Jacobs was enrolled at that time.

- Q Was your daughter, Pearl Jacobs, ever recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes, sir.
Q Was she ever enrolled by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes, sir.
Q Does her name appear upon the Creek tribal rolls? A Yes, sir.

The 1898 Pay Roll of the Creek Nation, North Fork town, examined, and the name of Pearl Jacobs is found and identified thereon at No. 603.

- Q Does your name and the name of your husband appear upon the Dunn Roll? A Yes, sir.

The roll of Creek freedmen made by Major J. W. Dunn, prior to March 14, 1867, examined and the name of John Jacobs is found and identified thereon as "Jno. Blunt," at No. 457, and the name of Lizzie Jacobs is found and identified thereon as "Lizzie Grayson", at No. 68.

The 1890 authenticated roll of the Creek Nation, North Fork town, examined and the names of John and Lizzie Jacobs are found and identified thereon at Page No. 159 and 160, respectively.

The 1895 Pay Roll of the Creek Nation, North Fork town, examined and the names of John and Lizzie Jacobs are found and identified thereon at Nos. 598 and 599, respectively.

- Q Are there any other statements that you desire to make at this time with reference to the application made by you for the enrollment of your deceased daughter, Pearl Jacobs, as a Creek freedman? A No, sir.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you, at this time for the enrollment of your deceased daughter, Pearl Jacobs, as a Creek freedman, which will be mailed to you at your proper post office address, as given by you in your testimony.

THE UNITED STATES OF AMERICA, DISTRICT OF COLUMBIA, OFFICE OF THE SECRETARY OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, WASHINGTON, D. C.

TO: [Illegible]

James O. [Illegible]

FROM: [Illegible] Secretary of the Interior, U.S. Department of the Interior, Washington, D. C.

J. S. [Illegible]
[Illegible]

Copy

Creek No. 251.

Muskogee, Indian Territory, January 24, 1903.

Hon. P. Porter,
Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that on September 4, 1902, Lizzie Jacobs, whose post office address is given as Muskogee, Indian Territory, appeared before the Commission and made application for the enrollment of her deceased daughter, Pearl Jacobs, as a citizen of the Creek Nation.

You are further advised that the name of Pearl Jacobs is identified upon the 1895 Pay Roll of the Creek Nation, and that the names of John Jacobs and Lizzie Jacobs, her father and mother, are embraced in a partial roll of Creek freedmen approved by the Secretary of the Interior, March 13, 1902.

From an affidavit on file with the Commission, it appears that said Pearl Jacobs died October 12, 1899, but the record in the case is such that the Commission is not satisfied with the proof of death furnished, and desires such evidence relative to her right to enrollment as the Creek Nation may be able to produce.

Respectfully,

Acting Chairman.

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

JJD

No 251.

In the matter of the application for the enrollment of Pearlle Jacobs, deceased, as a Creek Freedman.

DECISION.

The record in this case shows that on September 4, 1902, Lizzie Jacobs appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her deceased minor child, Pearlle Jacobs, as a Creek Freedman.

It appears that testimony in regard to said Pearlle Jacobs was taken by the Commission June 18, 1902, and the same is made part of the record herein.

It appears from the evidence that said Pearlle Jacobs is identified on the 1895 pay roll of the Creek Nation; that she was a minor and that she died subsequent to April 1, 1899.

It is, therefore, the opinion of this Commission that said Pearlle Jacobs, deceased, should be enrolled as a Creek Freedman in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 261), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.

Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,

FEB 12 1904

Copy

En. 251.

JHJ

Muskogee, Indian Territory, February 13, 1904.

A. P. Murphy,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Pearlie Jacobs, deceased, as a Creek freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if at the expiration of that time no such protest has been made, said Pearlie Jacobs will be regularly listed for enrollment as a citizen of said nation.

Respectfully,

Commissioner in Charge.

OCH-53.

Marriage, I.T. -tery.

January 30/1906.

Mr. J. E. Hitchcock,

Honor- dear Sir I Wish to ask a little Information of you. In regards of my dead claims part. Now I will explain how they stand. and the information I want is this Will I get a Childs Part out of each of my sisters and my fathers Deeded straih to me. Now to alusterrate- Pearlle Jacobs died Oct. 12th 1897-- Mary Jacobs died Nov 11th 1899-- John Jacobs died Feb 26th 1901-- and all of thes deeds has been turned in to the Commissioner, and there had been some great talk that I would never get nothing as my part. thires is only tow of children alive of the Jacobs famly and thats Gracie Jacobs and my sister Mariah Jacobs and I just wanted to know from you just what to depend upon.

Yours truly,

(Signed) Gracie Jacobs.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 27, 1906.

In the matter of the enrollment of Pearlle Jacobs as
a Creek freedman.

Creek attorney's office communicated with by telephone
and this office was advised that he was out.

LIZZIE JACOBS, being duly sworn, testified as follows:

- Q What is your name? A Lizzie Jacobs.
Q What is your age? A I couldn't tell.
Q Were you born at the time of the War? A Before the War.
Q What is your post office address? A Muskogee.
Q What was the name of your parents? A Aaron and Lucy Grayson.
Q What was the name of your husband? A John Jacobs.
Q Were you enrolled as Lizzie Jacobs? A Yes, sir.
Q Name some of the children enrolled with you? A Mary, Gracie, Marie
and Pearlle.

Witness is identified opposite Creek freedman roll
No. 2292.

- Q You were the mother of Pearlle Jacobs? A Yes, sir, all the girls.
Q Pearlle is dead? A Yes sir and Mary; Marie and Gracie are living.
Q And John your husband is dead? A Yes, sir
Q Did John die before or after Pearlle? A He died after Pearlle.
Q How long after? A Gracie could tell you more than I could; she put it
down. She knows it all.
Q When did your child Pearlle Jacobs die? A I aint got much recollec-
tion.
Q Don't you remember the year? A No, sir.
Q Don't you remember what time of the year it was? A Ask Gracie, she
can tell you.
Q Don't you remember what time of the year it was, spring, summer,
fall or winter? A No; in the spring Pearlle died.
Q Are you sure of that? A Yes, sir.
Q You testified once before she died in the fall? A Who me? I couldn't
tell exactly. My recollection isn't good. I wasn't taught so well
like girls are. It might be in the fall.
Q Do you remember when the Creek land office opened-remember that fact?
A Yes, sir.
Q Was Pearlle living then? A Yes all the girls. I had four, all were
living then at that time and all are dead now but two.
Q Do you remember when you came to file on land in the Creek Nation? A
I didn't file.
Q Do you remember when John your husband came to file for himself and
his family? A I couldn't tell you, it has been so long and I didn't
file.
Q Do you remember when he filed, remember the event of his filing. We
don't ask the day. You remember that happening don't you that he came
in to file? A I don't know, I forget it all.
Q Was your child Pearlle living when John came in to file? A Yes, sir
Pearlle was living and the girls were living and Pearlle was the baby

GRACIE JACOBS, being duly sworn, testified as follows:

- Q What is your name? A Gracie Jacobs.
- Q How old are you? A Twenty six.
- Q What is your post office address? A Bushylog.
- Q Is this your mother sitting here? A Yes, sir.
- Q Have you a sister named Pearlle? A Yes, sir.
- Q Were you present when Pearlle died? A No, sir.
- Q How long after her death before you saw her? A That same evening.
- Q What time of the year was it Pearlle died? A Along in the fall.
- Q Whendid she die, day, month and year? A I couldn't toll, I have it but I don't remember it just now.
- Q Have it written down? A Yes, sir at home.
- Q Did you have that record before you when you wrote a letter January 30 to the Commission here? A Yes, sir.
- Q And the date of death given for Pearlle in that letter is that the correct date? A Yes, sir.
- Q How old was Pearlle when she died? A She was about six years old, 5 or 6.
- Q How many years ago did she die? A I couldn't say just now. I could tell it if I had the record.
- Q What kind of a record is that? A On a family record in the bible.
- Q Is there anything else on the same page on which that entry about her death occurs? A Yes, sir.
- Q What comes just before the entry about Pearlle's death? A She was the first one died so her name is first.
- Q What comes right after? A Mary.
- Q The death of Mary? A Yes, sir.
- Q Did you write them both? A Yes, sir.
- Q When did you write the entry about Pearlle? A I wrote it the same day she died.
- Q With pen or pencil? A I wrote on a paper with a pencil, in the bible with a pen.
- Q How long after you wrote on the paper with that pencil before you put it in the bible with a pen? A A good while about a month or so.
- Q Any more than a month? A No more I don't think.
- Q You knew at the time you wrote that down what day it was. Can you read and write? A Yes, sir; not so well.
- Q You wrote this letter here? A Yes, sir.
- Q That is your signature? A Yes, sir.
- Q And wrote the whole letter? A Yes, sir.
- Q And the statement as to the death of Pearlle in this letter was taken from your bible record? A Yes, sir.
- Q And are you sure that that bible record in pen is exactly the same date for the death as the record on the paper? A Yes, sir.
- Q Have you got that original piece of paper yet? A No, sir I don't think I could find that.
- Q You could find the bible? A Yes, sir.
- Q You are advised that you should bring that bible in tomorrow. Come in with it when she brings the deeds in. Do you remember what day of the week Pearlle died, Sunday, Monday or what? A I don't remember that. I know it wasn't Sunday but a week day.
- Q Did she die before Mary? A She died before Mary.
- Q As much as a year? A I think so.
- Q Two years? A It might have been two years.
- Q She didn't die in the same year that Mary died? A No, sir.
- Q You are sure of that? A Yes, sir.
- Q When did she die? A In October.
- Q Do you remember hearing of the opening of the Creek land office, when people first began filing? A Yes, sir.
- Q Was Pearlle living then? A I don't know but I can say she was filed after she died. She was dead when they filed for her. But I wouldn't say whether the land office was opened for I wasn't at home and I don't really know.
- Q Where were you when the land office opened? A Out at Lee about 13 miles from Bushylog.

Q And Pearlle was dead before you went out there to Lee? A No, sir she died while I was there.

MARIA JACOBS, being duly sworn, testified as follows:

Q What is your name? A Maria Jacobs was, Maria Henderson now.
Q Sister of the woman who just testified? A Yes, sir.
Q And daughter of this woman here? A Yes, sir.
Q How old are you? A Eighteen.
Q Have you two sisters dead, one Pearlle and one Mary? A Yes, sir.
Q Which died first? A Pearlle before Mary?
Q About how long? A I don't know just how long.
Q It wasn't the same year? A I don't know.
Q About two years before? A I couldn't tell exactly because I don't remember.
Q It wasn't the same year? A No, sir.
Q What season of the year did Pearlle die? A I don't remember that.
Q Were you home when she died? A I was home when they took her to the doctor here in town. It was long in the summer I think, late summer or early fall.
Q It was warm yet? A It was a little warm.
Q Did you ever see the date of her death down in the family bible?
A Yes, sir.
Q Who wrote that? A My sister.
Q Your sister Gracie? A Yes, sir I don't remember but I know she has it down.
Q You know she died at least a year before Mary? A I know she died before Mary but I don't remember how long.
Q You know it wasn't in the same year with Mary? A It wasn't in the same year.
Q Do you remember about when your father died? A Yes, sir I remember when he died.
Q Did he die before or after Mary? A After.
Q In the same year with Mary? A No, some years apart.
Q You didn't come in here with your father when he filed for you?
A No, sir.
Q Do you remember the time he came in here to file? A Yes I remember when he came to file.
Q Was Pearlle living then? A No, sir.
Q She was dead at that time? A I think she was dead.
Q Try to think. Do you think she was dead? A No.
Q He didn't file for Pearlle then? A My mother filed for Pearlle after he was dead.
Q I am trying to find out at the time your father came in here to file for you. You remember his coming in--he came in to file for you? A I think she was dead. I don't know for certain but I think so.

JOHN HENDERSON, being duly sworn, testified as follows:

Q What is your name? A John Henderson.
Q Husband of Maria? A Yes, sir.
Q How long have you been married to Maria? A Going on four years now.
Q Did you know her before you were married to her? A Yes, sir.
Q How long? A About 10 or 12 years.
Q Did you call at her house frequently four or five years before you were married? A No, sir.
Q Did you live near them? A Pretty close. Worked right close there.
Q How close? A Half mile from the house.
Q Were you working that close to them when your sister-in-law Pearlle died? A No, sir I was at Boynton when she died.
Q Do you know when she died? A I don't know the year but I helped dig the grave.
Q How old are you? A Twenty four.
Q What is your post office address? A Muskego.

- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q Do you remember when the creek land office opened? A I don't remember what year.
- Q You remember hearing of its opening? You remember hearing that it had opened? A Yes, sir.
- Q Did you know Pearlle Jacobs at that time? A I am not positive whether she had died at that time or not.
- Q Do you remember when your father came in to file for you? A He didn't file for me.
- Q Who did? A My mother.
- Q You remember her coming in here don't you? A I wasn't here when she came to file.
- Q Filed pretty early didn't she? A I think she did.
- Q Was Pearlle living then? A I don't know whether she was or not.
- Q Don't you remember whether you had helped bury her then? A I was at the graveyard and helped dig the grave and know where it was.
- Q Where? A At Old Agency.
- Q On Agency Hill? A No, sir north of that Old Agency graveyard.
- Q Do you remember any mark on the grave, any footboard? A Yes, if it isn't rotted away.
- Q How many years ago was it you buried her? A I won't be positive.

GRACE JACOBS RECALLED:

- Q Were you with your father when he came in here and filed for you? A No, sir.
- Q You remember the circumstance of his coming in to file? A Yes, sir.
- Q Was your sister Pearlle living then? A No, sir.
- Q Are you sure she was dead at that time? A Yes, sir.
- Q How long had she been dead at that time? A I don't know just how long.
- Q Over a year? A I think it was.
- Q You are sure that she was dead over a year when your father came in to file? A I don't know how long/ I know she was dead but how long I don't know.
- Q You know she was dead more than a month don't you? A Yes sir.
- Q Are you sure she was dead more than a month? A Yes, sir. I will say that for I believe it to be so.

It appears from the records of this office that John Jacobs was issued citizenship certificate for himself wife and three daughters, Gracie, Mary and Maria on April 12, 1899.

ADJOURNED.

HEARING RESUMED MARCH 28, 10 o'clock A.M.

GRACIE JACOBS, being duly sworn, testified as follows:

Q You appeared here yesterday in this case did you? A Yes, sir

Q You now present this bible? A Yes, sir.

WITNESS presents a small book entitled "Holy Bible" near the center of which are blank pages for certain family records, on the fourth page of which under the head of "Births" appears the following: Linda Dixon born July 16, 1883 (in pencil), next entry Susie Sandy.

Q To whom do these entries refer, some friends of yours? A I don't know. I had the bible at school and some of the girls put that in.

Next appears the entry Pearl Jacobs born Oct. in 1881 and right after that Pearlie Jacobs. died October 12, 1897. John Jacobs died Feb. 26, 1901.

Q Did you write these in this book yourself? A Yes, sir.

Q You didn't write these identical entries right at the time of the deaths did you? A No, sir I had it on paper and about a month after that I copied it.

Q You haven't that paper with the original entry? A No, sir.

Q Are you sure this is an exact copy of it? A Yes, sir

Q Then you are sure your sister Pearlie Jacobs died October 12, 1897? A Yes, sir.

Q And Mary Jacobs died two years later, November 1899 and your father John Jacobs died February 26, 1901? A Yes, sir.

Two pages further on appears an entry, Pearl Jacob died Oct. 12 1897, buried Oct. 13, 1897.

Q Did you write that also? A I don't know whether I wrote that about when she was buried but I might have.

Q How long have you had this book? A A long time. It was my grand father's book and after he died his wife gave it to me.

Q You had it at school and other people wrote in it? A Yes, sir, that's why I wrote on that other page. Other people wrote on it and I rubbed it out. That is why I put it on the other page and not on the death record page.

Q Is your mother Lizzie familiar with dates? A No, sir

Q She is not likely to remember the date of the death of Pearlie very well? A No, sir she wouldn't remember anything about it.

Q You kept better track of it? A Yes, sir I put it down.

Q And you have been to school and can read and write? A Yes, sir

Q She can't read and write can she? A No, sir.

Q To help refresh your memory, you don't know very well about the land office, the land office opened here April 1, 1899 the year in which your sister Mary died--that is a fact-- and before that time nobody had filed on land in the Creek Nation, two years after the year in which your record shows that Pearlie died, now with that in your mind, you are certain that Pearlie died before the land office opened, you stated she did yesterday? A I think she did.

Q You are certain now when your record shows she died in 1897 and the land office opened April 1899? A Yes, sir

Q Did Dr. Williams attend on Pearlie when she died? A Yes, sir they said he was the doctor.

Q He didn't on Mary when she died? A No, sir

Q And you are sure that Pearlie died before Mary? A Yes, sir

Q And that she died more than a year before? A Seems like it.

Q Your record shows that Pearlie died exactly two years and one month before Mary, that is right is it? A Yes, sir when she died I put it down. I just simply wanted to keep it as near as I could.

A visit was made to the office of Dr. Williams for the purpose of having him testify in this case and was informed that the doctor was sick in bed.

The bible is returned to the witness.

LIZZIE JACOBS, being duly sworn, testified as follows:

Q You were in here yesterday about this case? A Yes, sir.

Q Your memory about dates isn't very good? A I forget. I don't remember them.

Q Now when your deceased husband came in here to enroll himself and you, Grace, Mary and Maria he didn't enroll Pearlle did he? A No, sir

Q Isn't it a fact that she was dead at that time? A Yes, sir

Q That is the reason he didn't enroll her when he enrolled you and the other children? A I was sick.

Q And she was dead? A Yes, sir

Q A little later you came back here and brought in Dr. Williams and on that Pearlle was enrolled? A Yes, sir

Q And at the time John enrolled you and the three other children Pearlle was dead? A Yes, sir

Q Are you sure of that? A Yes, sir

Q That was almost a year before the land office opened so Pearlle must have been dead when the land office opened? A No, sir Pearlle wasn't dead.

Q But you said Pearlle was dead when John enrolled you and the children? Do you know when the land office opened? A Yes, sir. I know and if every thing wasn't changed I could tell where the land office was.

Q Do you remember the '95 payment when they paid citizens here \$14.00 and something? A Yes, sir.

Q Was Pearlle living then? A Yes, sir.

Q How old was she then? A I don't know. We got the last payment at Okmulgee. She didn't live long after that

Q How long after that '95 payment? A A good bit.

Q She didn't live four years did she? A Can't remember when.

Q Didn't she die about two years after that '95 payment? A No, sir

Q Where did Pearlle die? A Down here at Muskogee.

Q Where house? A Sarah Barnett.

Q Where the old jail is? A Yes

Q Is Sarah Barnett living? A Yes

Q In Muskogee? A Somewhere in Muskogee.

Q Died right at her house? A Yes, sir

Q Who buried Pearlle, did you have an undertaker from Charlie Moore or did you get a coffin? A Yes, that is what they said. I wasn't here when they got it.

Q How long did Pearlle die before Mary did? A I couldn't tell you.

Q Wasn't it about two years? A That I tell you is something I couldn't recollect.

Q She didn't die the same year did she? A No, sir

Q Your daughter testified this morning and showed a bible in which it said Pearlle died October 12, 1897? A I can't recollect. She can recollect better than me because I don't know.

Q You would know if you had two girls die the same year? A I reckon so.

Q Isn't it a fact that Pearlle died--A If I could know the day and year and write it--but I don't know.

Q Isn't it a fact that Pearlle died and then Mary died and then about two years after that your husband died? A I suppose so.

Q Did you ever see it written down in a bible that your daughter Gracie has about the death of these people, did you ever see it written down anywhere? A Yes, she wrote it down but I don't know unless she tells me.

Q Did you see that soon after the death of Pearlle? A Yes, I saw it written down.

Q She wrote it down close to the death of Pearlle? A Yes, sir

Q Were you in Muskogee when the land office opened? A No

Q Did you have a doctor when Mary was sick? A I don't know—Dr. Williams I think.

Q Did you have a doctor when Pearlle was sick? A Yes, sir Dr. Williams.

Q Did you have the same doctor for them both? A I think we had an

~~same doctor for Mary and Pearlle.~~

Q Are you sure you had Dr. Williams for Pearlle? A Yes, sir.

Q Was he there when Pearlle died? A He wasn't there when she died. He came down in the morning at daylight and found Pearlle dead, just a little before he got down the up.

Q Isn't it possible that when Dr. Williams was testifying about Pearlle he may have been thinking about one of the other children? A I don't know.

Q You think because your daughter Ursula has been to school and wrote it down and is younger and brighter than you she can remember dates better than you? A She ought to.

Q You remember that your daughter Pearlle died before your daughter Mary? A Yes, sir

Q Didn't she die two years before? A I can't remember that.

Q She didn't die the same year? A No; it couldn't have been the same year but I don't remember the time.

Q It must have been the year before? A I don't know.

Q You said you were sure it couldn't be the same year then it must have been at least one year before wasn't it? A I won't tell no lie about it and I couldn't say.

Q Did you pay for the coffin when you bought it? A Mr. Harsie went and got the coffin of Mr. Moore and paid for it.

Q You are positive then that Pearlle wasn't living at the time your husband came and enrolled you and himself and the three children? A No, she wasn't living.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before
me this 18th day of April 1906.

J. M. Dermott
Notary Public.

Cr. P/ 1910.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Territory, April 18, 1906.

In the matter of the enrollment of Pearlie Jacobs,
deceased, as a Creek freedman.

N. F. Williams, being duly sworn, testified as
follows:

Q What is your name? A N. F. Williams.

Q What is your occupation? A I am a physician.

Q What is your post office address? A Muskegee.

Q You testified in the matter of the enrollment of Pearlie Jacobs in
this case in 1902, didn't you? A I think I did.

Q And you then stated you were acquainted with Lizzie Jacobs, the
mother of Pearlie Jacobs, and had known her for years? A Yes, sir

Q Do you know of the death of two of their children? A Yes, sir

Q Do your books show that one died in '97 and one in '99? A One died
the 12th of October 1897 and the other one died the 4th of November
1899.

Q You didn't know the names of either yourself? A No, sir

Q You just knew that they were the children of John and Lizzie Jacobs?

A Yes, sir. I did know Pearlie but what I mean to say is that I didn't
know which of those two was Pearlie. I am inclined to the opinion that
the one that died in '97 was Pearlie; I made no visit to her she
died the next day after I prescribed for her. She died of Hemorrhage
of the bowels.

Q Then the one that died in '97 you think was Pearlie? A Yes, I think so.

Q You must have made a slight mistake in your testimony on a former
occasion when you were asked this question? "Q. Now Doctor, do you know
of tending a child for Lizzie Jacobs, about three years ago? if so,
state if you attended upon her. A. This child's father was living at
the time and came to me for medicine for the girl, and the child didn't
improve very well and he said he would bring her down, and I said no,
that there was great danger in moving the child (she had malarial fever)
and by no means to bring her down; but they did, and she died in an
hour or two after she got here." Further on you state "Q. Well now
Doctor have you any records to convince you as to about when that
child died? A. Yes, sir; I have my daily record here. I brought it along
with me, and I find that she died on the 4th day of November, 1899"
Now from your recollection of the circumstance and from consulting your
books again and remembering that two children died which one do you
refer to, which one do you refer to when you state "she died on the
4th of November 1899"? A I think Pearlie died in 1897. I am almost sure
of it.

Q Those questions were asked you by Mr. Lowry, attorney for applicant,
later on you were asked this question by the Commission: Q Do you know
the name of that child?" referring to the one that was down on your
books as dying in '99 and you answered A No, sir; I couldn't swear the
name of that child, for, as I say, I didn't know the child, but it was
the child that died at Mrs. Barnett's--Aunt Sarah, we call her,--and
it was the only child that died there. "This refers to the other child
and not Pearlie? A No, that was Pearlie; she died at Mrs. Barnett's
Q So when you testified she died in '99 you think that was a mistake do
you? A I think it was a mistake of the stenographer/.

-2-
Q You have your books here for the years '97 and '99 have you, will you read what you have on each entry and your explanation? I have here on page 114 record for October '97 on Sunday the 11th the record of a prescription account of John Jacobs which I presume is for this daughter Pearlle, I am almost sure of it. The next day on the 12th she died. They brought her in and she died from a hemorrhage of the lungs.

Q You think that refers to Pearlle? I am almost sure of it, because I made a visit to the other girl. I find on looking at my record for November 1899 for the 4th of November to Saturday I went to see the daughter of John Jacobs and she died that day. She had consumption.

Q The child who died in November 1899, from your recollection and from your book, was not the one who died of stomach trouble? A No, sir.

Q And you say you didn't know by name which of these two children died first but you did know the younger child, Pearlle, by name and Pearlle was the one you didn't attend on, you know that? A Yes, sir.

Q And the one you advised not to bring in which they brought in in October '97 and which died here? A Yes, sir.

Q So the mistake made before was either a mistake of the stenographer or else in the confusion of ideas there that you didn't know the names of them as they died. After refreshing your memory that there was two of their children died and the different sicknesses that they died of and looking at your books, you are positive that Pearlle died in '97 and the other one in '99? A Yes, sir.

I, Anna Garrigue, on oath state that the above and foregoing is a true and correct transcript ~~copy~~ stenographic notes as taken in said cause on said date.

Anna Garrigue

Subscribed and sworn to before me
this 18 day of April 1904.

J. M. Dermott
Notary Public.

No. 1910.

Muskogee, Indian Territory, April 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The records of this office show that on February 29, 1904 the Commission to the Five Civilized Tribes listed Pearlle Jacobs, whose name appears upon the 1895 authenticated roll of citizens of the Creek Nation, for enrollment as a freedman citizen of the Creek Nation, her name appearing upon Creek freedman card field No. 1910, and that the name of said Pearlle Jacobs was listed upon a partial roll of Creek freedmen approved by the Secretary of the Interior May 21, 1904, opposite No. 5426.

The evidence in this case, upon which the decision of the Commission under date of February 13, 1904 was based, established the date of death of said Pearlle Jacobs as subsequent to April 1, 1899.

Secretary 2.

February 15, 1904 a letter was received at this office, by reference from the Secretary of the Interior, from Ursula Jacobs, sister of said applicant, in which it is stated that Pearlle Jacobs died October 12, 1897.

Further proceedings were had in this matter March 27, March 28 and April 18, 1904.

I am of the opinion that the testimony taken in proceedings had March 27, March 28 and April 18, 1904, conclusively establishes the date of death of said Pearlle Jacobs as October 12, 1897 and respectfully recommend that the name of said applicant be stricken from the approved roll of freedmen citizens of the Creek Nation.

The records of this office further show that deeds, allotment No. 29481 and homestead No. 29480 covering land in the Creek Nation selected in allotment for Pearlle Jacobs, deceased, were executed by the Principal Chief of the Creek Nation August 30, 1904, were duly approved by the Secretary of the Interior October 26, 1904, and were delivered by the Principal Chief of the Creek Nation on January 16, 1905 to Lizzie Jacobs, the mother of said applicant, who returned same to this office on March 28, 1906.

The deeds are inclosed herewith and if the recommen-

February 2,

action as to the striking of the name of Pearlie Jacobs from
the approved roll of Greek freedom is suggested in, it is
respectfully recommended that steps be taken to secure, by
proper judicial proceedings, the vacation of orders Nos. 20480
and 20481. Reference is made to Departmental ruling, under
date of April 7, 1906 (I.T.N. 5276-1906) in the Greek citizen-
ship case of Chape Koumita and Jelle Koumita.

The record of proceedings had in the matter of the
application for the enrollment of Pearlie Jacobs, deceased,
as a Greek freedom is also inclosed herewith.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner.

4-19-06

9.

I.T.D.12706-1906.

GR.LIB.JED.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, July 26, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

April 19, 1906, you reported relative to the enrollment of Pearlle Jacobs, a deceased minor, as a Creek Freedman, the application for whose enrollment was granted by the Commission ~~to~~ to the Five Civilized Tribes on February 12, 1904, and the name of Pearlle Jacobs now appears upon the partial roll of Creek freedmen approved by the Secretary of the Interior May 21, 1904, opposite No. 5426.

In pursuance of said enrollment, allotment deed No. 29481 and homestead deed No. 29480, covering certain described lands in the Creek Nation selected in allotment for Pearlle Jacobs, deceased, were executed by the Principal Chief of the Creek Nation August 30, 1904, were duly approved by the Secretary of the Interior October 26, 1904, were filed for record with the Commission to the Five Civilized Tribes on November 4, 1904, and were delivered by the Principal Chief of the Creek Nation on January 16, 1905, to Lizzie Jacobs, the mother of said applicant, who returned the same to your office on March 28, 1906.

The Commission to the Five Civilized Tribes found in its decision of February 12, 1904, that Pearlle Jacobs, a minor, died subsequent to April 1, 1899, and should be enrolled as a Creek freedman, and in pursuance of a letter of inquiry from Gracie Jacobs

a sister of said deceased minor, Pearlie Jacobs, dated January 29, 1906, wherein she stated that Pearlie Jacobs died October 12, 1897, a rehearing was directed to determine the exact date of the death of Pearlie Jacobs, and upon rehearing held March 26, March 28, and April 18, 1906, the evidence adduced clearly shows that Pearlie Jacobs, the deceased minor child, whose name appears opposite No. 5426 upon the partial roll of Creek freedmen approved by the Secretary of the Interior May 21, 1904, died October 12, 1897 and was not living on April 1, 1899, and is therefore not entitled to enrollment as a Creek freedman.

You recommend in your letter of April 19, 1906, that upon the evidence now submitted you be authorized to strike the name of Pearlie Jacobs from the approved roll of Creek freedmen, opposite No. 5426 thereon, and that proper steps be taken to secure by proper judicial proceedings the vacation of deeds Nos. 29480 and 29481.

The Acting Commissioner of Indian Affairs reporting thereon July 16, 1906, concurs in your recommendation.

You are hereby authorized to strike the name of Pearlie Jacobs opposite No. 5426, from the partial roll of Creek freedmen, approved by the Secretary of the Interior May 21, 1904. You are further advised that the Department has this day requested the Attorney General to take proper steps to secure the vacation of deeds Nos. 29480 and 29481.

Respectfully,

Thos. Ryan,

Acting Secretary.

CR EN 252

CR EN 252

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE NEW CIVILIZED TRIBES.
Muskogee, Ind. Ter., September 8, 1902.

In the matter of the application of Grant Perryman, Guardian,
for the enrollment of his ward, Jessie Perryman, as a Creek
freedman.

Appearances: Benjamin Martin, attorney for applicant.
H. C. Reed, attorney for Creek Nation.

Grant Perryman, being first duly sworn, testified as follows:

By the Commission.

- Q What is your full name? A Grant Perryman.
Q What is your age? A Twenty-eight.
Q What is your post office address? A Twins, Indian Territory.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q For whom do you now make application for enrollment? A Jessie
Perryman.
Q How do you represent Jessie Perryman? A I represent her by
Letters of Guardianship.
Q Have you your Letters of Guardianship with you? A Yes, sir.

Applicant here presents Letters of Guardianship,
which is marked Exhibit "A" and made a part of the
record.

- Q Do you make application for the enrollment of your ward, Jessie
Perryman, as a Creek freedman? A Yes, sir.
Q Is she now living? A Yes, sir; she's living.
Q Has she ever been recognized by the tribal authorities of the
Creek Nation as a citizen of the Creek Nation? A Yes, sir.
Q Has she ever been enrolled by the Creek tribal authorities as a
citizen of the Creek Nation? A Yes, sir; she's been enrolled.
Q Does her name appear upon the Creek tribal rolls? A Yes, sir.
Q To what town in the Creek Nation does she belong? A Arkansas.

The 1896 authenticated tribal roll of the Creek
Nation, Arkansas town, examined and the name of Jessie
Perryman is found and identified thereon at No. 416.

- Q Is this the first time that application has been made to the
Commission for the enrollment of your ward, Jessie Perryman?
A The first time I have made application.
Q Do you know whether any application has been made by anybody
else, prior to this time, for the enrollment of your ward? A Nick
Perryman, her father, said he made application for her.

The records of the Commission examined and it ap-
pears therefrom that Jessie Perryman is enrolled on
Old Creek Census Card, together with her father, Nicholas
Perryman, Card No. 3102.

- Q What is the name of the father of Jessie Perryman? A Nick
Perryman.
Q Is he living? A No, sir; he's dead.
Q Was he a citizen of the Creek Nation? A Yes, sir.
Q To what town in the Creek Nation did he belong? A Arkansas town.
Q Is his name on the Dism Roll? A No, sir; I don't think it is.

2 In re application of Grant Perryman, Guardian, for the enrollment of his ward, Jessie Perryman, as a Creek freedman.

Q How old was Nick Perryman when he died? A He was thirty-two, I believe.

Q In what year did he die? A Died in 1901, if I'm not mistaken.

Q Was Nick Perryman a Dunn Roll descendant? A Yes, sir.

~~Q What are the names of the father and mother of Nick Perryman?~~

A Hector Perryman and Kitty Perryman.

Q Do you know whether their names appear upon the Dunn Roll?

A Yes, sir.

The roll of Creek freedmen made by Major J. W. Dunn, prior to March 14, 1867, examined and the names of Hector Perryman is found and identified thereon at No. 480, and Kitty Perryman is found and identified thereon as "Killie Perryman", at No. 481.

The files of the Commission examined and it appears therefrom that Nick Perryman is enrolled on Creek Freedmen Card, Field No. 953.

Q What is the name of the mother of Jessie Perryman? A Sylvia Vauns.

Q Is she living? A Yes, sir; she is living.

Q Is she a citizen of the Creek Nation? A No, sir; she's no citizen.

Q Is she a citizen of any nation in the Indian Territory? A No, sir; a United States citizen.

Q Was she married to Nick Perryman? A No, sir; never was married.

Q Did they live together as man and wife? A No, sir; they never lived together.

Q Did Jessie Perryman ever live with Nick Perryman? A No, sir.

Q Did Nick Perryman ever recognize Jessie Perryman as his child?

A Yes, sir; he always did.

Q Where does Jessie Perryman now live? A She lives with her grandmother now.

Q What is her grandmother's name? A Mary Vauns.

Q She is a United States citizen also? A Yes, sir; Mary Vauns is.

Q Where is her grandmother living? A She lives twelve miles west of Muskogee.

Q Is that in the Creek Nation? A Yes, sir; that's in the Creek Nation.

Q How long has Jessie Vaun lived there with her grandmother?

A Why she just went out there along the last of May, this year.

Q Where did she live before going out with her grandmother?

A Why, with her mother, Sylvia.

Q Has Jessie Perryman lived in the Creek Nation all her life?

A All her life.

Q How old is Jessie Perryman now? A Jessie, I think, is six going on seven, I think she will be seven some time this month, if I'm not mistaken.

Q Where would her post office be? A Twine, Indian Territory.

Q Has Jessie Perryman resided in the Creek Nation all her life?

A Yes, sir.

By H. C. Reed, attorney for the Creek Nation.

Q Why not Mrs. Vaun--why not she appear here in behalf of her child? A I suppose that she thinks that as I am appointed guardian, I will see after the matter for her.

3 In the application of Grant Perryman, Guardian, for the enrollment of his ward, Jessie Perryman, as a Creek freedman.

By the Commission.

Are there any other statements that you desire to make at this time with reference to the application made by you, as guardian, for the enrollment of your ward, Jessie Perryman, as a Creek freedman? I No, sir.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you, as guardian, for the enrollment of your ward, Jessie Perryman, as a Creek freedman, which will be mailed to you at your proper post office address, as given by you in your testimony.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 3rd day of September, 1902, and that the above is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Oliver Hinkle

Subscribed and sworn to before me this 7th day of September, 1902, at Muskogee, Indian Territory.

W. S. Boney
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind.Ter., September 15, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the application of Grant Perryman, guardian, for the enrollment of his ward, Jessie Perryman, as a Creek freedman.

Appearances: Benjamin Martin, attorney for applicant.
A. P. McKellop, attorney for Creek Nation.

Sylvia Washington, being first duly sworn, testified as follows:

By the Commission.

- Q What is your full name? A Sylvia Washington.
Q What is your age? A Thirty-five.
Q What is your post office address? A Muskegee.
Q Are you a citizen of the Creek Nation? A No, sir.
Q Are you a citizen of any nation in the Indian Territory?
A None, at all.
Q You are then a citizen of the United States? A Yes, sir.
Q Do you know Jessie Perryman? A Yes, sir.
Q Is she any kin of yours? A Yes, sir; my daughter.
Q What is the name of the father of Jessie Perryman? A Nick Perryman.
Q Is he living? A No, sir.
Q Were you married to him? A No, sir; wasn't lawfully married, just lived together.
Q How long did you live with him? A For two years.
Q Did you live with him continuously for two years?
A Yes, sir; at the same place.
Q Is Nick Perryman now living? A No, sir.
Q When did he die? A Last April, a year ago.
Q Were you married to Nick Perryman by a minister? A No, sir.
Q Did he have any other wife? A No, sir; not then.
Q Did he have any before you lived with him? A No, sir.

Examination by Benjamin Martin, attorney for applicant.

- Q How old is Jessie Perryman now? A She will be nine years old the 18th of this month.
Q Where does she live? A She lives with me.
Q With you? A Yes, sir.
Q In the town of Muskegee? A Yes, sir.
Q Has she lived in the Creek Nation all her life? A Yes, sir; all her life--never been out of the Creek Nation a day in her life.
Q Did Jessie Perryman receive money under the payment of ninety-five and ninety-six? A Yes, sir.
Q As a citizen of the Creek Nation? A Yes, sir.
Q State whether or not she has always been recognized as a citizen of the Creek Nation. A Yes, sir; she has always been recognized as a citizen of the Creek Nation.

Examination by A. P. McKellop, attorney for Creek Nation.

- Q Did you state that he received the fourteen dollar payment?
A Yes, sir.
Q What town was he enrolled in? A Arkansas.
Q Was Nick Perryman married at the time of his death?
A Yes, sir.
Q How long had he been married when he died? A Why, as near as I can get at it, I think it was five or six years, going on, then; I think it was, as near as I can get at it.

2 Supplemental Testimony In re application of Grant Perryman, guardian, for the enrollment of his ward, Jessie Perryman, as a Creek freedman.

Sylvia Washington, witness.

Examination by A. P. McKelley, attorney for Creek Nation.

- Q You and Nick Perryman were never married? A Not lawfully, no, sir.
Q Didn't get out any license from the United States court to marry, did you? A No, sir; didn't at all.
Q And you were not married by a minister? A No, sir.
Q Are you a citizen of the United States? A Yes, sir.
Q In what state were you born? A Arkansas; twenty-five miles this side of Fayetteville, Arkansas.
Q Do you claim any right in the Creek Nation at all? A Not at all.

Examination by the Commission.

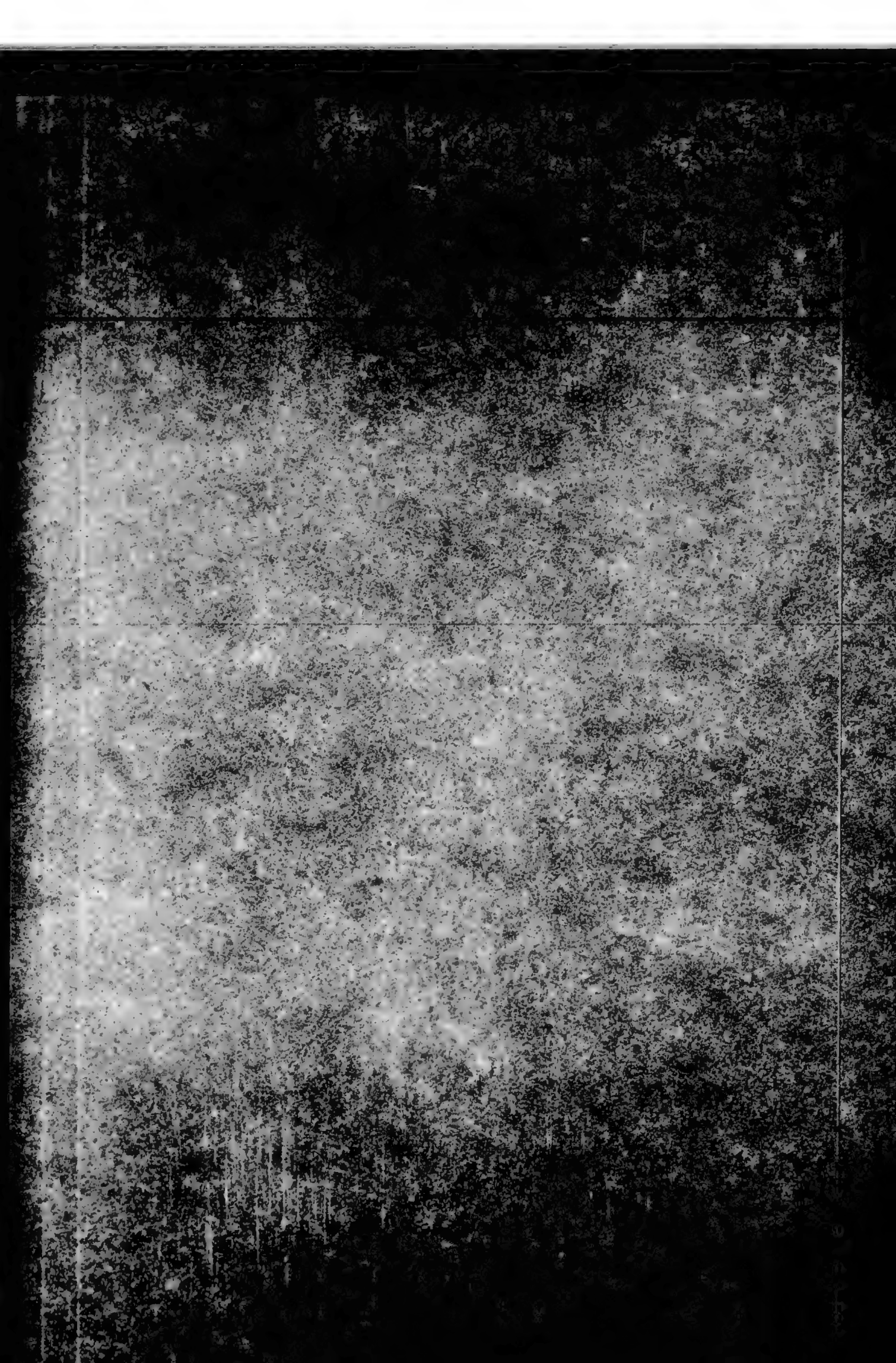
- Q How long have you lived in the Creek Nation? A Pretty nearly ever since I was five years old.
Q You have lived here continuously ever since you were five years old? AA Why, I was off just four years; went home and sold out.
Q When did you go home? A I don't remember just when it was.
Q Was it before or after Jessie Perryman was born? A Oh, it was before, when I was quite small.
Q Was she born here in the Creek Nation? A Yes, sir.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on the 15th day of September, 1902, at Muskogee, Indian Territory.

Oliver C. Hinkle

Subscribed and sworn to before me this 30 day of September, 1902, at Muskogee, Indian Territory.

H. A. Boney
Notary Public.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., September 2, 1902.

In the matter of the application of Nancy Tiger for the enrollment of her daughter, Elsie Fisher, deceased, as a citizen, by blood, of the Creek Nation.

Nancy Tiger, being first duly sworn, testified as follows, through interpreter, Chilly W. Morgan:

By the Commission.

- Q What is your name? A Nancy Tiger.
Q What is your age? A I am over twenty; I don't know just my age.
Q What is your post office address? A Bufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you ever been listed for enrollment as a citizen of the Creek Nation by the Commission? A Yes, sir.

The records of the Commission examined and it appears therefrom that Nancy Tiger is listed for enrollment as a citizen of the Creek Nation, on Creek Indian Card, Field No. 2044.

- Q For whom do you now make application for enrollment? A Elsie Fisher.
Q Do you make application for her enrollment as a citizen of the Creek Nation, by blood? A Yes, sir.
Q Is this the first time that you have ever made application for her enrollment? A The time that I made an affidavit here was the first time.

The files of the Commission examined and it appears therefrom that a death affidavit, in the matter of the enrollment of Elsie Fisher, as a citizen of the Creek Nation, was filed with the Commission on August 5, 1901, which affidavit is marked Exhibit "A", and made a part of the record.

- Q Is Elsie Fisher your daughter? A Yes, sir.
Q Is she now living? A No, sir; she is dead.
Q What was her age when she died? A She was about eight years old when she died.
Q When did she die? A She died in 1899, May about the 31st.
Q Are you positive that Elsie Fisher died in the month of May, 1899? A I know, because I have the record at Muskogee.
Q Do you recollect when the Land Office was opened at Muskogee?
A Yes, sir.
Q Did she die before or after the Land Office was opened?
A I believe it was before the Land Office was opened.
Q Then she must have died in 1898 instead of 1899? A It is possible that I am mistaken about the year, but I am pretty sure it was in 1899; the Land Office might have been opened, but then I might have lost track of that; I have the record at home, when she died.
Q What is the name of the father of Elsie Fisher? A Barney Fisher.
Q Is he living? A He is dead.
Q Was he a full-blood Creek Indian? A Yes, sir.
Q To what town in the Creek Nation did he belong? A Tuckabatchee town.

2 In re application of Nancy Tiger for the enrollment of her deceased daughter, Elsie Fisher, as a citizen, by blood, of the Creek Nation.

Q To what town in the Creek Nation do you belong? A Tulmochusse town.

Q Had your daughter, Elsie Fisher, ever been recognized by the tribal authorities of the Creek Nation as a citizen thereof?

A Yes, sir; she has been enrolled.

Q Does her name appear upon the tribal rolls of the Creek Nation?

A It should be there; it was put down once.

The 1895 pay roll of the Creek Nation, Tulmochusse town, examined, and the name of Elsie Fisher is found and identified thereon at No. 73.

Q Have you resided in the Creek Nation all your life? A Yes, sir.

Q You have always been recognized as a citizen of the Creek Nation?

A Yes, sir.

The 1890 authenticated tribal roll of the Creek Nation, Tulmochusse town, examined and the name of Nancy Tiger is found and identified thereon as "Nancy Fisher", at No. 206.

The 1895 Pay Roll of the Creek Nation, Tulmochusse town, examined, and the name of Nancy Tiger is found and identified thereon as "Nancy Fisher", at No. 72.

Q Was your child, Elsie Fisher, living with you at the time of her death? A Yes, sir.

Q Did her father die before or after Elsie's death? A Elsie died first.

Q When you filed the death affidavit, in the matter of the enrollment of your daughter, Elsie Fisher, that was the first time you ever made application for her enrollment? A Yes, sir.

The records of the Commission examined and it appears therefrom that no application was made for the enrollment of Elsie Fisher prior to August 5, 1901, the date on which said death affidavit of Elsie Fisher was filed with the Commission.

Q Can you produce the record you have heretofore referred to in your testimony showing the exact date of the death of your daughter, Elsie Fisher? A I have it with me now.

The applicant here presents a slip of paper, on which is written, among other things, in lead pencil--

" May 31th, 1899.

Elice Fisher."

which is marked Exhibit "B", hereto attached and made a part of the record.

There also appears on said slip of paper, in Creek, some writing, which the applicant interprets to mean that "Elsie died on that date."

Q Can you write? A No, sir.

Q When was this writing put on this slip of paper? A The next morning after the child was dead.

Q Whose handwriting is it? A I scribbled that the best I could.

Q Then you do write some yourself? A I can write a little, but when it comes to writing a long letter, I can't do it very well.

Q Is this your handwriting on this slip of paper which you have just given me? A Yes, sir.

3 In re application of Nancy Tiger for the enrollment of her deceased daughter, Elsie Fisher, as a citizen, by blood, of the Creek Nation.

The applicant here presents a slip of paper on which she has written, with her own hand, this day,

"Muskegee, Ind for
May 21st

1899

alice Fisher"

which is marked Exhibit "C" and made a part of the record.

Q Are there any additional statements that you desire to make at this time with reference to the application you make for the enrollment of your deceased daughter, Elsie Fisher, as a citizen, by blood, of the Creek Nation? A That's all I'm after; I've said all I can say, all I know about it.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application you make at this time for the enrollment of your deceased daughter, Elsie Fisher, as a citizen, by blood, of the Creek Nation, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer for 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 full, true and correct transcript of his stenographic notes of said proceedings on the 2nd day of September, 1902.

Oliver C. Hinkle

Subscribed and sworn to before me this 9th day of September, 1902,
at Muskogee, Indian Territory.

W. J. Bowen
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Ter., July 2, 1904.

D. A., VEN No. 36.

In the matter of the application for the enrollment of
Alice Fisher as a citizen by blood of the Creek Nation:

Nancy Tiger, being first duly sworn, testified as follows,
through Lewis McGillbrey, interpreter:

By the Commission,

- Q What is your name? A Nancy.
Q Nancy Tiger? A Nancy Tiger.
Q What is your age? A She said about thirty before.
Q What is your postoffice address? A Rufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Tuloohussee.
Q For whom do you make application for enrollment? A Alice
Fisher.
Q Is Alice Fisher living? A She's dead.
Q What relation is Alice Fisher of yours? A That was her
daughter.
Q How old was she when she died? A She died at eight years old.
Q Did you draw money for her in 1898? \$14.40? A Yes, sir,
\$14.40, she did.
Q Did you draw the \$29.00 payment for Alice Fisher? A Yes, sir,
she was very small at that time and they drew the \$29.00.

1890 authenticated Creek tribal roll, Tuloohussee Town,
examined and the name of Alice Fisher identified thereon at page
207. 1895 pay roll of the Creek Nation, Tuloohussee Town, examined
and the name of Alice Fisher identified thereon at No. 73.

- Q Who was the father of Alice Fisher? A Barney Fisher.
Q Was he a citizen of the Creek Nation? A Yes, sir.
Q What town did he belong to? Tuckabatchee.
Q Is he living? A He is dead.
Q When did Alice Fisher die? A She died in 1899, in May 31st.
Q Have you any record of the date of her death? A She did have
the record with her and turned it over to the Commission at Muskegee,
and it never been returned to her.
Q Of what did that record consist? What was the description of it?
A It was on a piece of paper, writing paper.
Q Who wrote it? A She did.
Q Do you remember how that record read? A Just only the date of
her death was all.
Q Write it again as nearly as you can like you had it the first
time.

The writing of the witness, the name, year, month and date,
as written, is made an exhibit and attached.

- Q Where is Alice Fisher buried? A She is buried on Mrs. Ryan's
farm, on Middle Creek.
Q Is there a head stone put at her grave? A No, sir.
Q Did you have a doctor in attendance at her last illness?

2. B. A. PEN No. 36, continued.

- A Had an Indian doctor.
Q Have a white doctor? A No, sir.
Q Who made the record that you handed to the Commission the first time? A She did.
Q How long after the child died before you made that record?
A She don't think it was two days afterward.
Q Have you a child named Katie Jessie? A Yes, sir.
Q When was Katie Jessie born? A She has no record of that but then she made an application for it and filed for it, but she disremembers what evidence she made for it.
Q I want to know if she remembers the date of the birth of Katie? No answer.
Q When was Katie born? A She don't remember that.
Q You have a child named Martha Francis, have you not? A Yes, sir.
Q When was Martha Francis born? A It was in 1899, but she don't remember the month or date.
Q Have you any other children? A She has already testified that Lucy Hart has one of them.
Q Any others? A She said there was another but he didn't live long and they nev r did make any application for him.
Q What was its name? A Johnson Jessie.
Q When was that child born. A She din't know was the reason she never made any application for it.
Q When did it die? A She don't know. It only lived seven months when it died.
Q Have you had any other children? A No, sir.
Q Explain, if you can, why it is that you remember the exact date of the death of Alice Fisher and can not remember the dates of the births and deaths of any of your other children? A She says it was the first child that she lost and the record of that she didn't know what would become of it but she did it because it was the first child that she lost.
Q Did Alice Fisher die before or after Martha Francis was born?
A After she was born, Martha Francis.
Q How old was Martha Francis when Alice Fisher died? A She don't think she was quite a year old.
Q What time of the year was it when Alice Fisher died? Spring, summer, fall or winter? A She said it must have been the summer, says it died in May she testified.

Retta Chick Hinkle, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings in the above entitled cause, and that the above is a true and correct transcript of her stenographic notes thereof.

Retta Chick Hinkle

Subscribed and sworn to before me this 18th day of July, 1904.

(Seal)

Oliver C. Hinkle.

Notary Public.

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 Muskogee, I. T., November 22, 1904.

In the matter of the application for the enrollment of Alice Fisher, deceased, as a citizen by blood of the Creek Nation.

NANCY TIGER, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Nancy Tiger.
 Q How old are you? A Twenty-nine.
 Q What is your post office? A Muskogee.
 Q Are you a citizen of the Creek Nation? A Yes, sir.
 Q What town do you belong to? A Tulsachussee.
 Q Did you have a child named Alice Fisher? A Yes, sir.
 Q When did she die? A May 31, 1899.
 Q How old was the child at the time of its death? A She was about eight years old.
 Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
 Q Did Alice die before or after the opening of the Creek Land Office? A She died after the land office was opened.
 Q What fixes it in your mind that she died after the land office opened? A Because my mother, Sampson Davis, Billy Jessie and others went to Muskogee to file upon their allotments the day that Alice died and before she was buried.
 Q Did you ever execute an affidavit with reference to the death of Alice? A Yes, sir, and I was advised to appear before the Commission at Muskogee with two witnesses but did not do so.
 Q What prevented you from going before the Commission? A The lack of means. I had no money to defray the expenses of myself and witnesses to Muskogee and return.
 Q Is the date of the death of Alice, as given in the affidavit which you executed, correct? A Yes, sir.

SAMPSON DAVIS, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Sampson Davis.
 Q How old are you? A Between twenty-eight and twenty-nine years old.
 Q What is your post office? A Muskogee.
 Q Are you a citizen of the Creek Nation? A Yes, sir.
 Q What town do you belong to? A Tulsachussee.
 Q Did you know a child of Nancy Tiger's named Alice Fisher? A Yes, sir.
 Q Do you know when that child died? A The child died in May /
 Q What time in May? A The latter part of May.
 Q What year was that? A I do not know what year it was.
 Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
 Q Did Alice die before or after the opening of the Creek Land Office? A She died after the opening of the land office.
 Q How long after? A I do not know how long it was after the land office opened but it was not long after.
 Q Was it as much as a month after the land office opened? A I do not know but I suppose it was about a month after.

A. 34--2.

Q Are you positive that the child died after the land office opened?

A Yes, sir.

Q How old was she at the time of her death? A She was old enough to run around. I would say about a year or more old.

Q Did you select any land at the time Alice died? A I had gotten the notice of the land that I desired to select as my allotment before she died and went to file upon my land about the time she died.

Q Had any one of your neighbors filed on his land before she died? A Yes, sir. I think there were a number of people in my neighborhood who had selected their allotments before she died.

---o000000---

I, D. S. Shagg, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. S. Shagg

Subscribed and sworn to before me this 2 day of December, 1904.

W. D. Hawkins
Notary Public.

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

En. 253.

In the matter of the application for the enrollment of Elsie Fisher, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on September 2, 1902, Nancy Tiger appeared before the Commission and made application for the enrollment of her deceased child, Elsie Fisher, as a citizen of the Creek Nation.

The evidence shows that said Elsie Fisher is identified on the 1895 pay roll of the Creek Nation; that she died May 31, 1899, and was about eight years old at the time of her death.

It is, therefore, the opinion of the Commission that Elsie Fisher, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

6


Chairman.


Commissioner.


Commissioner.

Commissioner.

Muskogee, I.T.

June 13, 1904

Copy

8810
Creek No. 253.

Muskogee, Indian Territory, January 24, 1903.

Hon. P. Porter,

Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that on September 2, 1902, Nancy Tiger, whose post office address is given as Eufaula, Indian Territory, appeared before the Commission and made application for the enrollment of her deceased daughter, Elsie Fisher, as a citizen of the Creek Nation.

You are further advised that the name of Elsie Fisher is identified upon the 1895 Pay Roll of the Creek Nation, and that the name of her mother, Nancy Tiger, is embraced in a partial roll of citizens by blood of the Creek Nation approved by the Secretary of the Interior, March 28, 1902.

It appears from an affidavit on file with the Commission that said Elsie Fisher died May 31, 1899, but the record in this case is such that the Commission is not satisfied with the proof of death furnished, and desires such evidence relative to her right to enrollment as the Creek Nation may be able to produce.

Respectfully,

Acting Chairman.

2813

Creek No. 255.

Muskegee, Indian Territory, June 14, 1904.

M. L. Nett,
Attorney for Creek Nation,
Muskegee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Elsie Fisher, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if at the expiration of that time no such protest has been made, the said Elsie Fisher, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

DCS-6-14-1.

Creek

Muskogee, Indian Territory, January 11, 1905.

Nancy Tiger,

Wafaula, Indian Territory.

Dear Madam:

You are advised that the name of your minor child, Elsie Fisher, deceased, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior January 4, 1905, and that application for a selection of land in the Creek Nation may now be made for her heirs at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

CR 100-254

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., September 5, 1902.

In the matter of the application of Dave Coker for the enrollment of his cousin, Neither Scott, deceased, as a citizen, by blood, of the Creek Nation.

Dave Coker, being first duly sworn, testified as follows, through Interpreter James H. Lynch.

By the Commission.

- Q What is your name? A Dave Coker.
Q What is your age? A Thirty-eight.
Q What is your post office address? A Mekoquokey, Indian Territory.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q For whom do you now make application for enrollment?
A Neither Scott.
Q Is she now living? A No, she is dead.
Q What kin is she to you? A First cousin.
Q How old was she when she died? A I don't know exactly, about two years old, I guess.
Q When did she die? A I don't remember the exact date of her death, but the parties who made out the affidavit knew the exact date.
Q Did she die before or after the Land Office was opened at Muskogee? A I don't remember exactly whether it was before or after the Land Office was opened.
Q Was her post office the same as yours? A Yes, sir.
Q To what town in the Creek Nation did she belong? A Bufaula Canadian.
Q Was she ever recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes, sir.
Q She was born after the 1895 Creek roll was made, was she not?
A Yes, sir.
Q What was the name of her father? A Robert Scott.
Q Is Robert Scott now living? A He is dead.
Q When did he die? A Don't remember exactly, but about five or six years ago; died in the month of October, but I don't remember the year.
Q To what town in the Creek Nation did he belong? A Bufaula Canadian.
Q Was he a recognized citizen of the Creek Nation? A Yes, sir.
Q Does his name appear upon the Creek tribal rolls? A Yes, sir.

The 1890 authenticated tribal roll of the Creek Nation examined and the name of Robert Scott is found and identified thereon at Page No. 96, Bufaula Canadian town.

The 1895 Pay Roll of the Creek Nation, Bufaula Canadian town, examined and the name of Robert Scott is found and identified thereon at No. 147.

- Q What was the name of the mother of Neither Scott? A Louisa Scott.
Q Is she now living? A She is dead.
Q When did she die? A I don't remember the exact date of her death.
Q To what town in the Creek Nation did she belong? A Bufaula Canadian.
Q She was a recognized citizen of the Creek Nation? A Yes, sir.
Q Has she been enrolled by the Commission as a citizen of the Creek Nation? A I think so.
Q Does her name appear upon the Creek tribal rolls? A Yes, sir.

2 In re application of Dave Baker for the enrollment of his cousin, Neither Scott, deceased, as a citizen of the Creek Nation.

The records of the Commission examined and it appears therefrom that Louisa Scott is listed for enrollment on Creek Indian Card, Field No. 3233.

Q Was Louisa Scott known by any other name? A Her name was Louisa Thompson before she married Scott.

The 1890 authenticated tribal roll of the Creek Nation, Muskula Canadian town, examined, and the name of Louisa Scott is found and identified thereon as "Louisa Thompson", at Page No. 96.

The 1898 Roll of the Creek Nation, Muskula Canadian town, examined, and the name of Louisa Scott is found and identified thereon as "Louisa Thompson", at No. 51.

Q Do you make application for the enrollment of Neither Scott as a citizen, by blood, of the Creek Nation? A Yes, sir.

Q Is this the first time that application has ever been made to the Commission for the enrollment of Neither Scott as a citizen of the Creek Nation? A Yes, sir; I think so.

The records of the Commission examined and it appears therefrom that there has never been an application made to the Commission prior to this time for the enrollment of Neither Scott, as a citizen of the Creek Nation.

Q Has there ever been a birth and death affidavit filed with the Commission in the matter of the application for the enrollment of Neither Scott, as a citizen of the Creek Nation? A I thought affidavits were all fixed up and sent in here.

Q Have you a birth and a death affidavit with you now? A Yes, sir.

The applicant here presents birth and death affidavits in the matter of the application for the enrollment of Neither Scott, which affidavits are marked Exhibit "A", and made a part of the record.

Q Are there any other statements that you desire to make at this time with reference to the application made by you for the enrollment of your cousin, Neither Scott, deceased, as a citizen by blood of the Creek Nation? A No.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you for the enrollment of your cousin, Neither Scott, deceased, as a citizen by blood of the Creek Nation, which will be mailed to you at your proper post office address, as given by you in your testimony herein.

The undersigned, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 5th day of September, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Oliver Chinkle.

Subscribed and sworn to before me this 10 day of September, 1902, at Muskagee, Indian Territory.

W. J. Boney
Notary Public.

COPY

Creek No. 284.

Muskogee, Indian Territory, January 24, 1903.

Hon. P. Porter,

Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that on September 5, 1902, Dave Coker, whose post office address is given as Muskogee, Indian Territory, appeared before the Commission and made application for the enrollment of his deceased cousin, Heither Scott, as a citizen of the Creek Nation.

You are further advised that the names of Robert Scott, deceased, the father, and Louisa Scott, deceased, the mother, of said Heither Scott, are found and identified upon the 1890 and 1895 authenticated tribal rolls of the Creek Nation.

It appears from affidavits on file with the Commission that said Heither Scott was born March 10, 1899, and died April 22, 1899, but the record in this case is such that the Commission is not satisfied as to the exact dates of the birth and death of said child, and desires such evidence relative to its right to enrollment as the Creek Nation may be able to produce.

Respectfully,

Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Holdenville, I. T., December 10, 1904.

No. 254.

In the matter of the application for the enrollment of Neither Scott, deceased, as a citizen by blood of the Creek Nation.

ELIZA BREEDING, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Eliza Breeding.
Q How old are you? A I do not know my age but I was born in 1866.
Q What is your post office address? A Holdenville.
Q Are you a citizen of the Creek nation? A Yes, sir.
Q To what town do you belong? A Eufaula Canadian.
Q Did you know Neither Scott? A Yes, sir.
Q A child of Robert and Louisa Scott? A I never saw the child but they had a child by that name.
Q What relation was the child to you? A He was the child of my cousin.
Q How long has that child been dead? A It has been a long time.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Did Neither Scott die before or after the opening of the Creek Land Office? A He died before the opening of the land office.
Q How long before? A Probably a year.
Q Are you positive that he died before the land office opened? A Yes, sir.
Q What fixes it in your mind that he died before the land office opened? A Because I was very sick right after the land office opened and at that time Neither Scott was dead.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 21 day of December, 1904.

D. C. Skaggs
Edw. L. Skaggs
Notary Public.

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 Muskogee, I. T., January 21, 1905.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Neither Scott, deceased, as a citizen by blood of the Creek Nation.

LEIDER MANLEY, being duly sworn, testified as follows:

Through Alex Pacey official Interpreter:

BY COMMISSION:

- Q What is your name? A Leider Manley.
 Q How old are you? A Twenty-nine.
 Q What is your post office address? A Muskogee.
 Q Are you a citizen of the Creek Nation? A Yes, sir.
 Q To what town do you belong? A Muskogee, Oklahoma.
 Q Did you know a child of Robert and Louisa Scott named Neither Scott? A Yes, sir.
 Q Do you know when that child died? A I do not remember the exact date of the child's death but I think it has been over three years.
 Q Do you know in what month the child died? A I think it was in March.
 Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
 Q Did Neither Scott die before or after the land office opened? A After the land office opened.
 Q Where you present when the child died? A Yes, sir.
 Q How old was the child at the time of its death? A Something over a year old--the child was just beginning to walk.
 Q What relation was the child to you? A I am the aunt of the child.
 Q Had any one that you know made selection of land at the time the child died? A I cannot name any particular person but I know that people were filing on their land at the time the child died.
 Q Where was the child living when it died? A In the Seminole Nation.
 Q Are the parents of this child living? A They are both dead.
 Q How long have they been dead? A The father has been dead a good while. The child was born after the father died.
 Q How long after? A About four months after.
 Q According to your best recollection how many years has it been since the father died? A It has been a long time probably five years.
 Q When did the mother die? A I think she has been dead about four years.
 Q Which died first, the mother or the child? A The child died first.
 Q How long was that before the mother died? A The child died in March and the mother died the next February.
 Q Was there a record made of the death of this child? A There may have been a record made on the head-board of the grave.
 Q Where is the child buried? A Near the Oklahoma line, in the Seminole Nation, close to George Kinnell's house.
 Q Near what post office? A Muskogee.
 Q Had the mother made selection of land for herself when she died? A I think not.
 Q Was there a record made of the death of either of the parents of this child? A I don't know.
 Q Where are they buried? A Louisa is buried in the Seminole Nation in the same grave-yard that the child is buried in and Robert is buried in the Creek Nation. (The grave of Robert Scott has heretofore been examined and no record or writing of any description was found.)

No. 224.---

Q Was the child born before or after the Greek Land Office opened?
 A I think the child was born before the land office opened. It has
 been some time ago that I cannot be exact as to when.
 Q Did you ever see any one who would know when the child died?
 A I have seen some of the children who should know.
 Q Are you positive that the child had not been dead over three
 years?
 A Yes, sir, it may be a little over three years.
 Q Did you ever see any one who would know about the death of Mother Scott?
 A Yes, sir.
 Q Are the dates as given in that affidavit correct?
 A I executed
 the affidavit according to my best recollection. I know the child
 died in March but was not positive as to the day and year.

---soo00000---

I, D. C. Skagg, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 7 day of February, 1904.

D. C. Skagg
Edw. J. Sweeney
 Notary Public.

En. 254,
885.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
TIDMORE, I. T., SEPTEMBER 13, 1906.

In the matter of the application for the enrollment of Neither Scott and Robert Scott, Jr., both deceased, as citizens by blood of the Creek Nation.

DAVE COKER being duly sworn testified as follows:
Through Alex Poss, Official Interpreter.

BY THE COMMISSIONER:

- Q What is your name? A Dave Coker.
Q How old are you? A About 44.
Q What is your postoffice address? A Tidmore.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q To what Creek town do you belong? A Hufaula Canadian.
Q Do you know Robert Scott and his wife Louisa? A Yes sir, I was well acquainted with them, they both belonged to my town and Louisa was my first cousin.
Q Both dead, are they? A Yes sir.
Q Do you know their children Neither Scott and Robert Scott, Jr.? A Yes sir; both children were born and died right over there across the prairie.
Q Do you know the dates of the births and deaths of these two children? A Neither Scott as well as I am able to remember was born on or about the 10th of March, 1899, and died on or about the 22nd of April, 1899. I had a record showing the exact dates of the child's birth and death, and consulted the record not long ago, but I have searched high and low for it but I have been unable to find it, but I have misplaced or lost it.
Q Have you ever executed an affidavit with reference to the birth and death of Neither Scott? A Yes sir, I think I did, but I have executed so many affidavits that I do not distinctly remember whether I executed an affidavit about the birth and death of Neither or not. My recollection is that I did.
Q We have an affidavit executed July 11, 1902, by you and Jennie Jacobs, stating that Neither was born March 10, 1899 and died April 22, 1899; is that the affidavit to which you refer? A Yes sir.
Q Are the dates as given in that affidavit correct? A Yes sir, I am positive of that.
Q Did you have the record which you have misplaced or lost to go by when you executed that affidavit? A Yes sir.
Q Do you remember the circumstances of the opening of the Creek Land Office? A Yes sir.

- Q Was Neither Scott born prior to or subsequent to that time?
A I cannot swear positively as to that being unable to fix the exact date on which the Land Office opened. I only remember the circumstances of the opening of the Land Office, and know that the child was born ~~and died about that time.~~
- Q Were you present at either the death or burial of the child?
A Yes sir, I was present when the child died and did most of the work in burying it; there were only a few present when we buried the child.
- Q Can you name any of the people that were present? A Thomas Thompson, George Kernelle and my brother Lewis Coker, and the child's mother were present. These people are now all dead, not one of them is living. I know that we buried the child in the month of April, the leaves were out and the grass getting green.
- Q How old was the child when it died? A The child was about a month old.
- Q Are you positive of that? A Yes sir.
- Q Do you know when Robert Scott, Jr., was born? A I am unable to tell you.
- Q Do you know when the child died? A No sir, I have forgotten the date of the child's death, though Leider Manley and myself I think made an affidavit ~~in~~ about the child's death, I made the affidavit according to her statement but do not remember the dates she gave.
- Q Which child died first, Robert or Neither? A Robert died first.
- Q Are you sure? A Yes sir.
- Q How long before Neither died did Robert die? A Something like two years.
- Q Are you positive that Robert had been dead about two years when Neither died? A Yes sir.
- Q Was there any record made of the birth and death of Robert?
A Yes sir, I had a record but it ~~x~~ has been misplaced or lost.
- Q When did the child's father die? A I do not know, but I he has been dead a good while; he died before people begin filing, and this child Robert Scott, Jr., died before he died; the child was the first member of the family to die, then its father died, then Neither, then the mother.
- Q When did Louisa die? A She has been dead about five years.
- Q Had she made selection of land for herself at the time she died?
A Yes sir.
- Q When did Robert Scott, the father of the children, die?
A I don't remember exactly but it was just before allotment, and when the question of allotment was being generally discussed.

James B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above is a true, and correct transcript of his stenographic notes thereof.

James B. Myers

Subscribed and sworn to before me,
this 2 day of October, 1906.

JEM

[Signature]
Notary Public.

Cr.No. 254.

Muskogee, Indian Territory, November 6, 1906.

Dave Coker,

Tidmore, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Neither Scott, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
LM-254.

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

In the matter of the application for the enrollment of Neither Scott, deceased, as a citizen by blood of the Creek Nation.

DECISION

The record in this case shows that on September 5, 1902, Davu Coker appeared before the Commission to the Five Civilized Tribes in Muskogee, Indian Territory and made application for the enrollment of his cousin Neither Scott, deceased, as a citizen by blood of the Creek Nation. Affidavits in the matter of the birth and death of said applicant filed with said Commission September 6, 1902 are attached to and made part of the record in this case. Further proceedings were had December 10, 1904, January 31, 1905 and September 13, 1906.

The evidence in this case as to the dates of birth and death of said Neither Scott is contradictory and it is not proven that said applicant was living on April 1, 1899.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Neither Scott, deceased, as a citizen by blood of the Creek Nation and the application for his enrollment as such is accordingly denied.



COMMISSIONER.

Muskogee, Indian Territory,

NOV 3 1906

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

In the matter of the application for the enrollment of Neither Scott, deceased, as a citizen by blood of the Creek Nation.

DECISION

The record in this case shows that on September 5, 1902, Dave Coker appeared before the Commission to the Five Civilized Tribes in Muskogee, Indian Territory and made application for the enrollment of his cousin Neither Scott, deceased, as a citizen by blood of the Creek Nation. Affidavits in the matter of the birth and death of said applicant filed with said Commission September 6, 1902 are attached to and made part of the record in this case. Further proceedings were had December 10, 1904, January 31, 1905 and September 13, 1906.

The evidence in this case as to the dates of birth and death of said Neither Scott is contradictory and it is not proven that said applicant was living on April 1, 1899.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Neither Scott, deceased, as a citizen by blood of the Creek Nation and the application for his enrollment as such is accordingly denied.


COMMISSIONER.

Muskogee, Indian Territory,

NOV 9 1906

Cr. No. 254.

Muskogee, Indian Territory, November 6, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Neither Scott, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,



Commissioner.

IM-256.

Gr.En. 254.

Muskogee, Indian Territory, November 6, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Neither Scott, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner, dated November 3, 1906 .

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

IM-257.

D C.613-1907.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D.25284-1906.

December 27, 1906.

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

Sir:

November 6, 1906, you transmitted the record in the matter of the application for the enrollment of Neither Scott, deceased, as a citizen by blood of the Creek Nation, including your decision dated November 3, 1906, adverse to the applicant.

Reporting December 13, 1906 (Land 99040), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

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

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

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner

1 of Indian Affairs. Of.
1 Inc. and 2 to Ind. Of.

Land
99040-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

December 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated November 6, 1906, transmitting the record in the matter of the application for the enrollment of Neither Scott, deceased, as a citizen by blood of the Creek Nation, including the Commissioner's decision of November 3, 1906, denying the application.

The evidence in the case as to the birth and death of the applicant is unsatisfactory and conflicting. It is not shown, however, that Neither Scott was living ^{on} April 1, 1899, and the Office therefore recommends the approval of the Commissioner's decision denying his application for enrollment.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

GAW-GH.

EU 265

EU 265

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., September 8, 1902.

In the matter of the application of July Fife for the enrollment of his minor child, William Fife, deceased, as a citizen, by blood, of the Creek Nation.

July Fife, being first duly sworn, testified as follows, through Interpreter Chilly W. Morgan:

By the Commission.

- Q What is your name? A July Fife.
Q What is your age? A About forty years old, to the best of my knowledge.
Q What is your post office address? A Okmulgee.
Q For whom do you now make application? A William Fife.
Q Do you make application for his enrollment as a citizen of the Creek Nation by blood? A Yes, sir.
Q Is he now living? A No, sir; he is dead.
Q How old was he when he died? A He was going on two years old; he was over a year old and he wasn't two years old.
Q When did he die? A Died in 1899, July about the 20th.
Q When was he born? A In 1898, 18th day of March.
Q Are you the father of William Fife? A Yes, sir.
Q Is this the first time you have made application for his enrollment? A Yes, sir.
Q Have you heretofore filed with the Commission birth and death affidavits in the matter of the application for the enrollment of William Fife as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that there was filed with the Commission on the 12th day of August, 1901, birth and death affidavits in the matter of the application for the enrollment of William Fife as a citizen of the Creek Nation, which affidavits are marked Exhibits "A" and "B" and made a part of the record.

The records of the Commission further examined and it appears therefrom that no application was made for the enrollment of said William Fife prior to said 12th day of August, 1901.

- Q To what town in the Creek Nation do you claim to belong?
A Okfuske Canadian.
Q What is the name of the mother of William Fife? A Sissie Fife.
Q Is she living? A She is dead.
Q When did she die? A She has been dead about two years.
Q To what town in the Creek Nation did she belong? A Broken Arrow.
Q Have you and your wife, Sissie Fife, been enrolled by the Commission as citizens of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that July Fife, the father and mother of William Fife, are both listed for enrollment as citizens of the Creek Nation, on Creek Indian Card, Field No. 447.

- Q Have you and your said wife, Sissie Fife, ever been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A Yes, sir.

2 In the matter of the application of July Fife for the enrollment of his minor child, William Fife, deceased, as a citizen by blood of the Creek Nation.

Q Have you and your said wife, Sissie Fife, ever been enrolled by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A Yes, sir.

Q Do your names appear upon the Creek tribal rolls? A Yes, sir.

The 1890 authenticated tribal roll of the Creek Nation examined, and July Fife is found and identified thereon at Page No. 178, Okfuske Canadian town.

The 1891 Omitted roll of the Creek Nation, examined, and the name of Sissie Fife is found and identified thereon at No. 377, Broken Arrow town.

The 1895 Pay Roll of the Creek Nation, Okfuske Canadian Town, examined, and the name of July Fife is found and identified thereon as "Julie Fife", at No. 43.

The 1895 Pay Roll of the Creek Nation, Broken Arrow town, examined, and the name of Sissie Fife is found and identified thereon as "Ciffy Fife", at No. 141.

Q You and your wife are both full-blood Creek Indians? A Yes, sir.

Q Your son, William Fife, was a full-blood Creek Indian? A Yes, sir.

Q He was a recognized citizen of the Creek Nation? A Yes, sir.

Q In the affidavit which you filed with the Commission on August 12, 1901, you stated that William Fife was born in March, 1899: Is that correct? A That is where I made a mistake, the one I said a while ago. I came to the Chief and the Chief then told me I had better come and have that fixed up, and that is the reason I fixed it up this last time.

Q Are there any other statements that you desire to make at this time with reference to the application made by you for the enrollment of your deceased son, William Fife, as a citizen of the Creek Nation? A I have told about all I know in the affidavit which I filed with the Commission on August 12th.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you for the enrollment of your deceased son, William Fife, as a citizen of the Creek Nation, which will be mailed to you at your proper post office address as given by you in your testimony taken at this time.

The undersigned, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 8th day of September, 1902, and that the above is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Oliver Chinklee

Subscribed and sworn to before me this 10 day of September, 1902, at Muskogee, Indian Territory.

W. A. Borell
Notary Public.

30 a

IN RE

Application for Enrollment of

INFANT CHILD

William Fife
as a citizen of

Creed

Nation.

Approved,

190

Commissioner.

Exhibit "A"

Filed Aug 12th 1901

"a"

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

IN RE Application for Enrollment, as a citizen of the Creek Nation,
William Fife (Here insert name of child), born on the 17th day of March, 1899
Name of Father: Joe Fife, a citizen of the Creek Nation.
Name of Mother: Essie Fife, a citizen of the Creek Nation.
Post-office, Okmulgee, O.T.

AFFIDAVIT OF MOTHER father

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Joe Fife, on oath state that I am 46 years of age and a citizen, by blood, of the Creek Nation; that I ~~was~~ ^{was} the lawful ~~wife~~ ^{husband} of Essie Fife, deceased, who ~~is~~ ^{was} a citizen, by blood, of the Creek Nation, that a male child was born to ~~me~~ ^{her} on the 17th day of March, 1899; that said child ~~has been~~ ^{was} named William Fife, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Joe Fife

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

William J Martin
NOTARY PUBLIC.

AFFIDAVIT OF acquaintance ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Annie Fife, on oath state that I attended on Mrs. Essie Fife, deceased, wife of Joe Fife, on the 17th day of March, 1899; that there was born to her on said date's male child; that said child ~~is now living and is said to have been~~ ^{was} named William Fife.

WITNESSES TO MARK:

(Must be Two Witnesses)

Annie Fife
Lu Fife
Maul

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

William J Martin
NOTARY PUBLIC.

Not certified

IN BE
THE DEATH OF
William Tife
a citizen of the
teroid Nation.

Approved

1

Commissioner.

Exhibit "D"

Filed Aug. 12th 1901

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

In the matter of the death of William Fife
(Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Okmulgee, Ind. Ter., and died on the 13th day of August,
1899
(Here insert name of post office.)

AFFIDAVIT OF RELATIVE father

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, Joe Fife, on oath state that I am 46
years of age and a citizen, by blood, of the Creek Nation;
that my post office address is Okmulgee, Ind. Ter.; that I am
the father of William Fife
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Creek Nation;
and that said William Fife died on the 13th day of
August, 1899
(Here insert name of deceased.)

WITNESSES TO SIGN:
(Must be Two Witnesses.)

Joe Fife

Subscribed and sworn to before me this 12th day of August 1901.
William J Martin
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, Isaac Gray, on oath state that I am 35
years of age, and a citizen, by blood, of the Creek Nation;
that my post office address is Same, Ind. Ter.;
that I was personally acquainted with William Fife
who was a citizen, by blood, of the Creek Nation;
and that said William Fife died on the 13th day of
August, 1899
(Here insert name of deceased.)

WITNESSES TO SIGN:
(Must be Two Witnesses.)
Isaac Gray
W. Wallace

Isaac Gray
Maid

Subscribed and sworn to before me this 12th day of August 1901.
William J Martin
Notary Public.



IN RE

Application for Enrollment of

INFANT CHILD

William Ege

as a citizen of the

Creek

Nation.

Approved

190

Commissioner.

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of William Fife, born on the 16th day of March, 1898
(Here insert name of child.)
Name of Father: July Fife, a citizen of the Creek Nation.
Name of Mother: Lissie Fife, a citizen of the Creek Nation.
Post-Office: Okmulgee, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, July Fife, on oath state that I am 40
years of age and a citizen, by blood ^{husband}, of the Creek Nation;
that I ~~was~~ ^{was} the lawful ~~wife~~ ^{wife} of Lissie Fife, who ~~is~~ ^{was} a citizen, by
blood, of the Creek Nation, that a male child was
born to ~~me~~ ^{her} on the 16th day of March, 1898; that said child ~~has been~~ ^{was}
named William Fife, and ~~is now living.~~ ^{died July 20th}
1899.

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 8th day of September 1902.

H. J. Brown
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, Shelley Barnett, a midwife, on oath state that I
attended on Mrs. Lissie Fife, wife of July Fife,
on the 16th day of March, 1898; that there was born to her on said
date a male child; that said child is now dead ^{living} and is said to have been
named William Fife.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 8th day of September 1902.

Shelley Barnett
mark
H. J. Brown
Notary Public.

8813

No. 255.

Muskogee, Indian Territory, January 26, 1904.

July Wife,

Okmulgee, Indian Territory.

Dear Sir:

September 8, 1902, you appeared before the Commission and made application for the enrollment of your deceased child, William Wife, as a citizen by blood of the Creek Nation.

Further evidence is desired in the case. You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. MARCH 31, 1904.

IN THE MATTER of the application for the enrollment of William Fife as a citizen by blood of the Creek Nation.

ADDITIONAL TESTIMONY/

APPEARANCE: A.P. Murphy,
Attorney for Creek
Nation.

July Fife being duly sworn testified as follows through David L. Berryhill, sworn interpreter:

Examination by the Commission:

- Q What is your name? A July Fife.
Q What is your age and post office address? A 43; Okmulgee.
Q You are a citizen of the Creek Nation, are you? A Yes sir.
Q You are the identical July Fife who on September 8, 1902, made application to the Commission for the enrollment of your minor child, William Fife? A Yes sir.
Q Have you a record of the dates of the birth and death of your child, William Fife? A Yes sir.

There is presented to the Commission a paper on which is written in Creek the following note interpreted by David L. Berryhill:
William Fife was born March 16, 1898 and died August 15 in the year of 1900.

- Q There is some more data on there; just translate the balance of it? A Yes, this is just a kind of memorandum that was made of the time past from the death up to the present time. "After the death--- there is no name--- the lat is 1901, 1902, 1903, 1904, it has been four years since he died."
Q Now, what is this on the back here? A Lost property money; loyal Creek; this is just a memorandum on it says: "The amount of money that is to be paid on the Loyal Creek lost property claim is \$4401.40."
Q When did you write this on here about the birth and death of William Fife? A He don't remember how long ago; its not a year after the child died; he says that this upper one here at the top is the one that he done directly after the birth of the child and then the he wrote this after the death of the child and this is just kind of made that that out as a memorandum that it was four years.

Examination by Mr. Murphy:

- Q How long after the child died before he made that entry about his death? A It was about a year after the child died that he made that.
Q Did he have that piece of paper on September 8, 1902, when he testified here before the Commission? A No.
Q Didn't have it then? A No sir.
Q Where was it? A He says that he has got the original that he wrote out at home; this is merely a copy.
Q When did he write this? A It was in August 15.
Q When did he copy this from the original? A He says its been some time he don't recall.

Q Did he know on September 8, 1902, when William Fife died? A Yes sir.

Q Then if he died in 1900 according to this purported copy of the original record, why did you testify that he died on July 20, 1899?

A He says that he went to Mufaula- Charles Gibson was the person that was fixing up the papers- and he said that he didn't have his papers with him and they just put it in there and after he found out different then he came before the Dawes Commission and told them that it wasn't correct and they told him that he had a chance to fix his papers right.

Q I, am not talking about the affidavit; I am asking him about his evidence that he gave here before the Commission; the commission asked him the question: "When did he die?" Q Your answer was died in 1899 July about the 20th.

A No sir, there was a mistake made in that; there was somebody else that was here told him that it was about that time.

By the Commission:

Q Can you swear that this is a true copy of the original record you made of the birth and death of William Fife? A Yes sir.

Q Did you make the record of the birth of William Fife before he died? A Yes sir.

Q How long after his birth? A Two days after.

Q How long after he died before you made the record of his death? A About a month.

Q Did you make the record of his birth and death before or after you appeared before the Commission in 1902 and made formal application for his enrollment? A This was gotten up before he came before the Dawes Commission and he didn't have it that time.

Excused and Hilly Barnett called and sworn testified as follows through interpreter:

By the Commission:

Q What is your name age and post office address? A Hilly Barnett, I don't know my age; Sapulpa.

Witness is regularly listed for enrollment on Creek Card Field No. 2311 approved roll No. 6976. Was listed on said card May 8, 1901, and her age was given at that time as 55 years.

Q Were you the midwife in attendance at the birth of William Fife, child of July and Sissie Fife? A Yes sir.

Q Do you remember the circumstance of the Creek land office opening? A Yes sir.

Q William Fife, was he fixing born before or after the Creek land office opened? A It was not long after the birth of the child, that the land office was opened.

Q Well, was it before or after? A Before.

#####

Henry D. Kains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above

Subscribed and sworn to before me this 31st day of March, 1904.

Henry L. Davis

Subscribed and sworn to before me this 31st day of March, 1904.

Charles W. Sawyer
Notary Public.

March 16 - 1898 -
mu hoda ten - ho ci ten
Boyan
Layaraso Entbo 15.
omofan - mioner skolop 1900
omofan Elfutd omis
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Fife, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on September 8, 1902, July Fife appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his deceased minor child, William Fife, as a citizen by blood of the Creek Nation.

The evidence shows that said William Fife was born March 16, 1898 and died July 1, 1899, and that he was the child of July and Sissie Fife.


The records of the Commission show that the names of July and Sissie Fife is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 13, 1902, numbers 1460 and 1461, respectively.

It is, therefore, the opinion of the Commission that said William Fife, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Commissioner.

Dated at Muskogee, I.T.

June 13, 1904

Washington, D.C.

Special Agent
Attorney for Creek Nation,
Muskogee, Indian Territory.

SIR:

There is enclosed herewith a copy of the Minutes of the
Commission to the Five Civilized Tribes in the matter of the appli-
cation for the enrollment of William Tate, deceased, as a citizen
or blood of the Creek Nation.

You are hereby notified that the Creek Nation will be
closed fifteen days from the date hereof, in which to present
any objections to the enrollment of the said William Tate, deceased, and if
no objections are presented within that time, the said William Tate, deceased, will be
deemed to have been enrolled as a citizen or blood of the Creek
Nation.

Respectfully,
Special Agent

201-1-24-11

June 29

NLS

Creek No. 255

Muskogee, Indian Territory, January 11, 1905.

July Fife,

Okmulgee, Indian Territory.

Dear Sir:

You are advised that the name of your minor child, William Fife, deceased, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior January 4, 1905, and that application for a selection of land in the Creek Nation may now be made for his heirs at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

CR 6U 256

CR 6U 256

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind.Ter., September 9, 1902.

In the matter of the application of Miles Surrrell, Guardian,
for the enrollment of his ward, Willie Charles, as a Creek freedman.

Appearances: A. P. McKellop, attorney for Creek Nation.
J. M. Givens, attorney for applicant.

Miles Surrrell, being first duly sworn, testified as follows:

By the Commission.

- Q What is your full name? A Surrrell, Miles Surrrell.
Q Miles Surrrell, is it? A Yes, sir.
Q What is your age? A Sixty, I don't know exactly.
Q Well, about how old are you? A Well, I am Sixty-some years old.
Q Sixty-some years old? A Yes, sir.
Q What is your post office address? A Okmulgee.
Q Are you a citizen of the Creek Nation? A No, sir.
Q Are you a citizen of the United States? A (Q) Sir?
Q (A) For whom do you now make application? A (Q) When?
Q (A) For whom do you now make application for enrollment?
A Willie Charles.
Q Do you make application for his enrollment as a Creek freedman?
A Yes, sir.
Q How do you represent your ward? A As a guardian.
Q Have you your guardianship papers with you? A No, sir; they
are here in the office.
Q How old is Willie Charles? A He is about fourteen, I guess, now.
Q What is his post office address? A Okmulgee.
Q Is he now living? A I didn't understand you.
Q I say, Is he now living? A Yes, sir.
Q Does he live with you? A Yes, sir.
Q How long has he lived with you? A He has been with me all his
life nearly, when he wasn't in school; it has been his home.
Q To what town in the Creek Nation do you claim he belongs?
A He belongs to this Creek Nation.
Q (A) No, no! (Q) To what town in the Creek Nation?
A Oh! Arkansas.
Q What is the name of his father? A Well, Rentie Nero always
called him son, and he called him Pa. I don't know who his Pa
was exactly, but they called him Willie Charles.
Q Are you sure that Rentie Nero was the father of Willie Charles?
A Rentie Nero's father-in-law--he married my daughter.
Q No, I asked you the question, Are you sure that Rentie Nero was
the father of Willie Charles? A Well, I couldn't say just who was
his father.
Q Is Rentie Nero now living? A No, sir.
Q How long has he been dead? A Oh, he has been dead a good many
year, I can't state just how long.
Q Was he a citizen of the Creek Nation? A Yes, sir.
Q Was he a Creek freedman? A Yes, sir.
Q What is the name of the mother of Willie Charles? A Texana.
Q Texana what? A Texana Nero, when she died.
Q Is she your daughter? A Yes, sir.
Q Is she a citizen of the Creek Nation? A No, sir.
Q How long has she been dead? A Well, I can't state that there;
she's been dead about twelve or thirteen year, I guess.

2 In re application of Miles Surrell, Guardian, for the enrollment of his ward, Willie Charles, as a Creek freedman.

Q Did your daughter, Texana, have another son? A Yes, sir.

Q What was his name? A Freddie Nero.

Q Freddie Nero? A Yes, sir.

Q Is he living? A Yes, sir.

Q Has he been enrolled by the Commission? A Yes, sir.

Q Was Rentic Nero the father of Freddie? A Said to be, I don't know, sir; I reckon he is.

The records of the Commission examined and it appears therefrom that "Freddie Nero" is listed for enrollment, as a citizen of the Creek Nation, on Creek Freedmen Card, Field No. 889.

Q Did you ever know Rentic Nero by any other name? A No, sir; sometimes they called him Rentic Hawkins, but he principally went by the name of Rentic Nero.

Q Does the name of Rentic Nero appear on the Dunn Roll? A Yes, sir.

The roll of Creek freedmen made by Major J. W. Dunn prior to March 14, 1867, examined and the name of Rentic Nero is found and identified thereon as "Renty Hawkins", at No. 1154.

Q Was Rentic Nero married to your daughter, Texana? A Yes, sir.

Q Was he married by a minister? A Yes, sir.

Q Who married them? A Colonel Checotah.

Q When were they married? A Well, I don't know how long; it has been a good many years ago.

Q Well, you don't know? A I don't know exactly the time; I know when they married them.

Q How long did they live together? A Oh, they lived together--I don't remember just how many years; they lived together till they both died.

Q Did they live together as man and wife for ten years? A Yes, I think they lived together that long.

Q Did they live together continuously during that period of time?

A Well, I wasn't right with them all the time; they were married; I couldn't tell about that.

Q Did your daughter live with any other man during that time?

A No, sir; not as I know of.

Q Did she ever live with another man? A He is the only man she ever married, that I know of.

Q Well, did she ever live with any other man? A Well, there was another man staid there sometimes; I couldn't say they ever lived together.

Q What was his name? A Well, I couldn't say that he ever staid there either, but---

Q Well, what was his name? A Well, that was Israel Charles.

Q Is Israel Charles a citizen of the Creek Nation? A Yes, sir.

Q Is he now living? A No, sir.

Q When did he die? A Oh, he has been dead, I reckon, twelve or thirteen years.

Q Did he die before or after Rentic Nero? A Oh, he died away before, I think.

Q Was Israel Charles living when the Twenty-nine Dollar payment was made? A Don't think it; no, sir, he was dead then.

Q Does his name appear on the Dunn Roll? A Yes, sir.

The Roll of Creek freedmen made by Major J. W. Dunn prior to March 14, 1867, examined and the name of Israel Charles not found thereon.

3 In re application of Miles Surrell, Guardian, for the enrollment of his ward, Willie Charles, as a Creek freedman.

Q To what town in the Creek Nation did Israel Charles belong?
A Well, sir, I aint able to tell you.

The 1890 authenticated tribal roll of the Creek Nation, Canadian Colored Town, examined, and the name of Israel Charles is found thereon at Page No. 63.

The 1890 and 1890 Omitted Pay Rolls of the Creek Nation examined, and the name of Israel Charles could not be found on any of said rolls.

Q Do you know Israel Hawkins? A Yes, sir.
Q Is he a different person than Israel Charles? A Yes, sir.
Q Is Israel Hawkins living? A No, sir.
Q Was he any kin to Nero Rentic? A He was a brother.
Q Did he ever live with Israel Hawkins? A Israel Hawkins--no, sir.
Q Did Israel Hawkins have a family? A Yes, sir.
Q Do you know the names of the members of his family? A No, sir; I've forgotten them.
Q Did he have a son by the name of William? A I think he did; I knowed two of his boys, but I've forgot their names, it has been so long since I seen them.

It appears from an examination of the records of the Commission, that one, "Willie Hawkins", age 13, is listed for enrollment as a citizen of the Creek Nation, on Creek Freedmen Card, Field No. 1592. This is made a part of the record, for the reason that it appears from said card that Israel Hawkins, who is also known as Israel Nero, is the father of said Willie Hawkins.

Q Was Willie Charles ever recognized as a citizen of the Creek Nation by the Creek tribal authorities? A Yes, sir.
Q Was he ever enrolled by the Creek tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes, sir.
Q Does his name appear upon the Creek tribal rolls? A I think it does; yes, sir.

The 1890 authenticated tribal roll of the Creek Nation, Arkansas Colored Town, examined, and the name of Willie Nero is found thereon, together with the names of Rentic Nero and Freddie Nero, at Page No. 29.

The 1895 Omitted Roll, Arkansas Colored Town, of the Creek Nation, examined, and the name of Willie Charles, together with the name of Freddie Nero, is found thereon at Page No. 26.

Q Is this the first time you have ever made application to the Commission for the enrollment of your ward, Willie Charles, as a citizen of the Creek Nation? A No, sir.
Q When did you make application for his enrollment before this time? A It has been a year or more since I tried, I think.
Q When did you make application for his enrollment? A I don't know whether I have since it was up in the court-house or not; I believe I have been here once.
Q Did you make application for his enrollment here at Muskogee?
A Yes, sir.
Q Was that when the Commission was at the court-house?
A I was there once, yes, sir, while they---
Q Did you make application for his enrollment at that time?
A I tried to get in; I disremember how it was. You were crowded so, and I believe I went back. I was depending on some of his kin-folks to help me,--I couldn't do it.

4 In re application of Miles Surrell, Guardian, for the enrollment of his ward, Willie Charles, as a Creek freedman.

Q Did you ever give any information to the Commission regarding the enrollment of your ward, Willie Charles, before this time?

A Yes, sir.

Q When did you give in that information? A I gave information here, and then the last time they were at Okmulgee I spoke to them and they told me to come down here.

Q Did you give in the information regarding the enrollment of Willie Charles at the same time that you did for one, Freddie Nero? A I just asked them about it, and they said to go to Muskogee, the last time they were up at Okmulgee; I didn't give in much information.

Q Did you appear before the Commission in Muskogee when they were in session in the court-house and make application for the enrollment of Willie Charles? A Yes, sir.

Q Well, did you make application at the same time for the enrollment of Freddie Nero? A Yes, sir.

It appears, from an examination of the records of the Commission, that Freddie Nero and Willie Charles are enrolled on Old Creek Census Card, No. 3182. The following notation appears on said card:

" Freddie Nero is son of Rentie Nero dead--on Arkansas Col Roll and Texas Nero--dead--a non citizen.

" Willie Charles is son of Israel Charles--dead on Arkansas Col. Roll, and Texas Nero (dead)--a non citizen. These children live with their grand father, Miles Serrell, the father of--Nero--Texas Nero--who is their guardian. "

Q Willie Charles resided in the Creek Nation all his life?

A Yes, sir.

By J. M. Givens, attorney for applicant.

Q Was your daughter, Texana Surrell, ever divorced from Rentie Nero? A No, sir.

Q Were they living together at the time of the death of Rentie Nero?

A Yes, sir.

Q Was Willie Charles, for whom you made application, ever known by--as Willie Nero? A They called him Willie Nero, and Willie Charles, too; yes, sir.

Q Was he ever in any of the Creek schools? A (Q) Willie?

Q (A) Yes. A Yes, sir; he's been up here at the orphans home ever since he was a little boy; for a little---

Q By the orphans home you mean the one located at the old Indian Agency? A Yes, sir.

Q That is a Creek Indian school? A Yes, sir.

Q Are Freddie Nero, and Willie Charles or Willie Nero, brothers?

A Yes, sir.

By A. P. McKellop, attorney for Creek Nation.

Q Where were you living when your daughter and Rentie Nero were married? A In Okmulgee.

Q How long did you live in Okmulgee after they were married?

A Why I have been living there--living there till yet--living there all the time.

Q You stated that you were not positive as to Willie Charles being the son of Rentie Nero. Did you not? A Well, I said I don't know--I couldn't say that; Willie always claimed him as son, and he always called him Pa, I know that.

5 In re application of Miles Surrell, Guardian, for the enrollment of his ward, Willie Charles, as a Creek freedman.

- Q Well, you stated that Willie was known as Willie Charles,--did you not make that statement? A I said--yes, sir--and Willie Nero, too; they called him both names.
- Q Well, how do you know that Freddie Nero and Willie Charles are full brothers? A (Q) How do I know?
- Q (A) Yes--well they are my daughter's children; I was right there at home when they were born--both of them--one mother.
- Q Do you know that they have the same father? A Well, I don't know; I know the same father looked like that as at one as he did the other, and called them both sons.
- Q Were your daughter, Texana, and Rentic Nero ever separated at any time? A Now and then little rows and be apart sometimes a little while at a time, but then never said parted away from the place--she never did leave him; he was out and be out sometimes a night or two--something that way; they would have putting spells, and together again.
- Q They did have little fusses and separate once in a while, did they? A They never made any separation entirely, and he died right there in the house--might say, I had him--my arms under him when the breath left him.
- Q Israel Charles related to you and your daughter in any way? A (Q) Who?
- Q (A) Israel Charles. A Not a bit on earth.
- Q Was he any relation to Rentic Nero? A Not as I know of; I don't know, sir.
- Q Well, you didn't live at the same place with your daughter and son-in-law, did you? A Not all the time; I was staying with them when they both died, I was living--we were all living together.
- Q I mean during the time they were married, living together?
- A (Q) All the time after they were married, till the death of them?
- Q (A) Yes. A I was not in the same house with them all the time, but I was there in town.
- Q You called Freddie "Freddie Nero", didn't you? A Yes, sir.
- Q And Willie you called "Willie Charles"? A Yes, sir.

Silas Smith, being first duly sworn, testified as follows:

By J. M. Givens, attorney for the applicant.

- Q Please tell your name, age and post office address.
- A Silas Smith, age 64, post office address at Okmulgee.
- Q How long have you lived at Okmulgee? A I have lived there about thirty-four years.
- Q How long? Thirty-four years.
- Q Do you know Miles Surrell? A Yes, sir.
- Q Did you know his daughter, Texana Surrell? A Yes, sir; I know her.
- Q Do you know Rentic Nero? A Yes, sir.
- Q Are you related in any manner to Miles Surrell or Willie Charles? A No, sir.
- Q Do you know whether Rentic Nero and Texana Surrell were ever married? A Yes, sir.
- Q Do you know when it was they were married? A I don't remember the exact date, but I think it was in March, '78, 1878.
- Q Do you know where they were when they were married? A Yes, sir.
- Q You may state where. A They was in my house--in one room of my house.
- Q Do you know whether or not they were ever divorced? A Never heard of it.
- Q Do you know how many children were born to Texana Nero during the period of her marriage with Rentic Nero? A Two was all that I know.

6 In re application of Miles Surrell, Guardian, for the enrollment of his ward, Willie Charles, as a Creek freedman.

Q Do you know the names of these children? A Yes, sir.

Q You may tell them. A Fred and Willie were the two children, the only two children that were ever born to them, that I know of.

Q Do you know how long after the marriage of Rentie Nero with Texana Surrell it was until Rentie Nero died? A They were married in '78 and he died in the year '90,-in February, 1890, I think he died.

Q Is Texana Surrell or Nero living? A No, sir.

Q Do you know when she died? A She died, I think, the same year--late in the fall, in November of 1890.

Q Do you know whether or not Rentie Nero and Texana Nero were living together as husband and wife at the time of his death?

A He was there--they were living together, and he died, they were living together as man and wife--I saw nothing to the contrary.

Q Do you know whether or not Miles Surrell, the grandfather of these children, is their guardian? A Yes, sir.

Q Are you one of the bondsmen for him? A Yes, sir; I am on his bond.

Q Do you know whether or not Willie Charles or Willie Nero was recognized by the Creek authorities as a member of the Creek Indian Nation? A They give him per capita payment once or twice, that I know of.

Q Do you know if he was ever in any of the schools which were maintained by the Creek Nation? A Yes, sir.

Q What school? A He went to the neighborhood school, at Okmulgee, Willie, and then he went to this orphans home, out here, three or four years---

Q You mean the Creek Orphan Asylum, near Muskogee? A Yes, sir.

By A. P. McKellop, attorney for the Creek Nation.

Q Did Rentie Nero and his wife live with you after they were married, Mr. Smith? A For a while.

Q How long after they were married did they live with you? A Well, probably ten or twelve months--near a year, probably.

Q Did they live with you any more after that up to the time of their death? A Just a little while--well, each one of them did work for me for a while at a time, but not to make it their home after that.

Q Do you know that they lived together all the time that they were married, up to the time of their death? A Well, I couldn't say that they lived together all the time.

Q Do you know of their being separated for a time at different times? A Well, I heard of their separating a time or two; I never knew anything in particular about that.

Q Did you know Israel Charles? A Yes, sir; I knew him.

Q Was he any relation to Rentie Nero, that you know of? A Not that I know of.

Q Was he any relation to Texana Nero, the wife of Rentie Nero?

A Well, not that I know of; there I don't know

Q Did you know Freddie Nero? A Yes, sir.

Q Who was he? A Freddie, you say Freddie Nero?

Q (A) Yes, who was he? A Well, that's one of Rentie and Texana's children--the oldest child.

Q One of Texana's children? A Yes, sir.

Q Did you know Willie Charles? A Yes, sir; I know Willie.

Q Who was he? A Well, he's one of their children. He was with them--they raised him until they died.

Q One of Texana Nero's children? A Yes, sir; one of Texana Nero's children.

Q You heard these boys called Freddie Nero and Willie Charles, did you? A Yes, sir; I heard---

Q Were those the names that they usually went by? A Yes, sir; the names they generally went by, I believe.

7 In re application of Miles Surrell, Guardian, for the enrollment of his ward, Willie Charles, as a Creek freedman. A

Miles Surrell, being recalled, testified as follows:

By the Commission.

~~Q Are there any other statements that you desire to make at this~~
time with reference to your application, as guardian, for the enrollment of your ward, Willie Charles, as a Creek freedman?
A I want nothing more than I want to get him all right on the roll, if I could.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of your ward, Willie Charles, as a Creek freedman, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

The undersigned, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 9th day of September, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Oliver Chinkler

Subscribed and sworn to before me this 12th day of September, 1902, at Muskogee, Indian Territory.

H. S. Boone
Notary Public.

999

C O P Y

Washington, Indian Territory, January 17, 1902

Hon. P. Boyton,

Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that on September 8, 1901, July Fife, whose post office address is given as Okmulgee, Indian Territory, appeared before the Commission and made application for the enrollment of his deceased child, William Fife, as a citizen of the Creek Nation.

You are further advised that the names of July Fife and Gladie Fife, the father and mother of said deceased child, are embraced in a partial roll of citizens by blood of the Creek Nation approved by the Secretary of the Interior, March 22, 1902.

There are on file with the Commission one birth and two death affidavits. From the birth affidavit it appears that said William Fife was born March 13, 1898; it appears from one of the death affidavits that he died July 30, 1899, and from the other that he died August 3, 1899. The report in this case is such that the Commission is not satisfied as to the exact date of the birth.

S. P. Porter.

and death of said child, and desires such evidence, relative to
the same to be produced, as the Grand Jurors may be able to pro-
duce.

Respectfully,

Acting Chairman.

JFB

Creek 255.

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

In the matter of the application for the enrollment of
Willie Charles as a Creek Freedman.

--- D E C I S I O N . ---

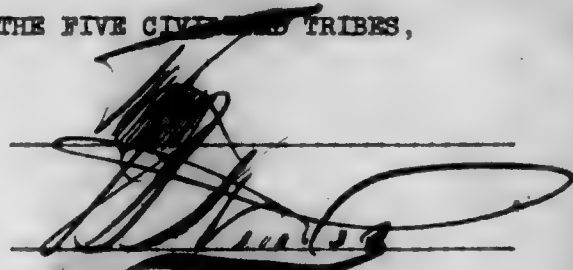
The record in this case shows that on September 9, 1902, Miles Surrell appeared before the Commission at Muskogee, Indian Territory and made application for the enrollment of his minor grandson, Willie Charles, as a Creek Freedman.

The evidence shows that the said Willie Charles is identified on the 1890 authenticated tribal roll of the Creek Nation as Willie Nero, and on the 1895 omitted roll of said Nation as Willie Charles.

It further appears that said Willie Charles has resided in the Creek Nation all his life.

It is therefore the opinion of this Commission that Willie Charles should be enrolled as a Creek Freedman under the provisions of the act of Congress approved June 28, 1898 (29 Stats., 321), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



C. R. Business

W. E. Huxley

Dated at Muskogee, Indian Territory,
this 17 day of March, 1903.

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

In the matter of the application of Willie Charles as a
citizen of the Creek Nation--No. 256--

The Creek Nation makes no protest in the above matter and
waives any notice in respect thereto.


National Attorney.

150 257

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

INDIAN TERRITORY, JUNE 9, 1902.
SUPPLEMENTAL TESTIMONY

In the matter of the Application of William Perryman for the enrollment of his daughter Gera Perryman, as a citizen of the Creek Nation.

William Perryman being first duly sworn by Acting Chairman Sixby testified as follows:

Examination by Mr. Sixby:

- Q What is your name? A William Perryman.
- Q How old are you? A I can't tell you exactly but I guess about 52 or 53 years old.
- Q What is your postoffice address? A Clarksville, I. T. is my post-office now.
- Q How long have you lived in the Creek nation? A I was born and raised here.
- Q Lived here all your life? A Yes, all my life.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q What town do you belong to? A Big Spring.
- Q Who is Gera Perryman? A My daughter.
- Q How old is she? A As near as I can remember between 14 and 18 years.
- Q Where is she? A The last account I heard of her, she was in Arkansas.
- Q How long since you have heard from her? A About probably 4 or 5 months since I got the last letter.
- Q Got a letter from her? A From her mother.
- Q Where was Gera born? A She was born here in the neighborhood of Cheaha, Indian Territory.
- Q Who was her mother? A Mollie.
- Q Is Mollie a Creek or United States citizen? A United States citizen.
- Q Is Mollie a white woman? A Yes, I can't give her present name.
- Q Mollie is now living in Arkansas? A Yes, the last account I had of her.
- Q What was Mollie's surname? A Mollie Henstlin.
- Q Was you married to Mollie? A Not lawfully.
- Q How long did you live with her? A Well, I guess probably near up to a year. The fact is, we never lived together in one house. I want to be honest with you. It was at the time there was no marriage law and I was a single man and took up with the lady, and I had renters on my farm so I couldn't get a home, and by that time after the birth of this child another man got in between us and---
- Q This girl was born about 1890 wasn't she? A I disremember just what year it was.
- Q In April, 1901, you gave her age as 8 years. That would make her only nine years old now. A Well, I must have been mistaken; she is older than that. The man she is living with now has been living with her nine years, and I know by that.
- Q Were not marriage laws in existence in the Creek nation 12 or 14 years ago? A In 1862 was the first marriage law.
- Q This was in 1862 you took up with this woman? A Yes, there was a kind of a law; it was not authenticated, consequently there was nothing to it.
- Q There was a United States law in existence here at that time? A Not enforceable upon citizens.
- Q How long since Gera has been in the Indian Territory? A She left home I guess when she was about four years old.
- Q That would be about ten years ago? A Yes sir.
- Q So far as you know, she has not been in this country for ten years? A No sir.

- Q You had no lawful wife at the time of the birth of Cora? A No sir.
- Q Have you any other children? A Yes sir.
- Q How many children have you got? A I have got two living by my first wife, and one by my present wife at home, and this one makes four.
- Q How old are your children by your first wife? A The first child by my first wife was born June 19, 1871.
- Q What is the next one? A I can't tell you. The reason I remember the first one so well, we had surveyors surveying a road and I was working there.
- Q You had no wife living when Cora was born? A Yes, I had a wife living, but I was divorced from her by the Creek law.
- Q I understood you to say that you never lived with this woman in a house of your own? A No sir.
- Q She was never known as your wife, was she? A Well by the custom and run of the country of course, she was expected to be such. Everybody knowed I was waiting on her with the intention of marrying her sometime as soon as I could get my house to move into.
- Q The reason you didn't marry her was because you couldn't get into one of your houses? A No, because there was another man she took a liking to. Yes, I would have married at the time I first set in, but I had no place to move to. She was staying with her stepfather, a man by the name of Wilkins.
- Q Did she ever go by the name of Perryman? A Well no, not as I know of.
- Q She was living with her stepfather at the time the child was born, was she? A Yes sir.
- Q The child was born at the stepfather's house was she? A Yes sir., at the place they was staying.
- Q How old was the child when you first saw it? A I don't know; probably maybe not over 6 or 8 hours.
- Q Have you supported the child? A Yes, I have taken care of it all the time its mother was here in the country, and since that I have also sent money to her.
- Q How much money do you send the child each year? A I can't tell you exactly because I havn't kept a memoranda. If I have four or five dollars--whenever I have anything I can spare I just send it. I never kept any track of it not thinking anything of this kind would ever come up. She has not been filed for, and if its mother wanted to file for it all right, and if I wanted to file for it all right.
- o-----

Frances R. Brown being first duly sworn, upon oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 5th day of June, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 5th day of June, 1902.

[Signature]
Acting Chairman.

E.M.

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

In the matter of the application of William Perryman for the enrollment of his daughter, Cora Perryman, as a citizen of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on June 5, 1902, William Perryman appeared before this Commission at its office in Muskogee, Indian Territory, and made application for the enrollment of his daughter, Cora Perryman, as a citizen of the Creek Nation.

It also appears from an examination of the records of the Creek Nation now in the possession of the Commission, that the name of Cora Perryman is found on the 1895 authenticated Creek roll, Big Spring town; that her father, William Perryman, applicant herein, is a recognized citizen of the Creek Nation, and that her mother is a noncitizen.

It also appears that the said Cora Perryman is a resident of the State of Arkansas, and that she has resided therein for the past ten years.

Section twenty-nine of the Creek agreement approved by Congress March 1, 1901, and ratified by the Creek National Council, May 25, 1901 (31 Stat. L., 861), provides:

"Said commission shall have authority to enroll as Creek citizens certain full-blood Creek Indians now residing in the Cherokee Nation, and also certain full-blood Creek Indians now residing in the Creek Nation who have recently removed there from the State of Texas, and the families of full-blood Creeks who now reside in Texas, and such other recognized citizens found on the Creek rolls as might, by reason of nonresidence, be excluded from enrollment by section twenty-one of said Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight: Provided, That such nonresidents shall, in good faith, remove to the Creek Nation before said commission shall complete the rolls of Creek citizens as aforesaid."

It is therefore the opinion of this Commission that under the provision of law above quoted the application for the enrollment of Cora Perryman as a citizen of the Creek Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this ___ day of _____, 190_.

Ex. 257.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., Sept. 29, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Cera Perryman was a citizen by blood of the Creek Nation.

WILLIAM PERRYMAN, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A William Perryman.
Q How old are you? A About fifty-six.
Q What is your post office address? A Clarksville.
Q Are you the father of Cera Perryman? A Yes, sir.
Q Is she living? A Dead.
Q How long has she been dead? A Some over a year.
Q Where did she die? A In Arkansaw. What I am informed.
Q How long had she been in Arkansaw when she died? A About ten years.
Q You made application for her enrollment on the fifth day of June, 1902. Did she ever return to the Creek Nation after that time? A No, sir.
Q Ever return to Indian Territory after that time? A Not that I know of.

-----O:-----

Drennan C. Skaggs, on oath, state that the above and foregoing is a true and complete transcript of his stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 4th day of October, 1904.

[Signature]
Notary Public.

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

In the matter of the application for the enrollment of
Cera Perryman, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on June 5, 1902, William Perryman appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Cera Perryman, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had September 25, 1904.

The evidence shows that said Cera Perryman, deceased, was the illegitimate child of a non citizen woman. The evidence further shows that at the time of the application herein said Cera Perryman, deceased, was living and that she died prior to the year 1904. The evidence also shows that the parents of said Cera Perryman, deceased, are separated and that at the time of her death and for more than ten years next preceding said date she was in the custody of and resided with her mother in the state of Arkansas.

It is therefore ordered and adjudged that there is no authority of law for the enrollment of said Cera Perryman, deceased, as a citizen by blood of the Creek Nation and the application for her enrollment as such is accordingly denied.


Commissioner.

Muskogee, Indian Territory,

MAR 6 - 1906

Cr. No. 257

Muskogee, Indian Territory, March 6, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Cera Perryman, deceased, as a citizen by blood of the Creek Nation.

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

Respectfully,

Wm. O. Beall.

Acting Commissioner.

257-B

Cr.En.257

Muskogee, Indian Territory, March 6, 1906.

William Perryman,

Clarksville, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Gern Perryman, deceased, as a citizen by blood of the Creek Nation, denying said application.

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

Respectfully,

Wm. O. Beall.

Acting Commissioner.

257-1

Cr. No. 257

Muskogee, Indian Territory, March 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of George Terryman, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated March 6, 1906.

Respectfully,

Through the
Commissioner of Indian Affairs.

Acting Commissioner.

257-3

Refer in reply to the following:
Land: 21457-1906.

COPY

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, May 15, 1906.

The Honorable,

The Secretary of the Interior.

Sir :

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated March 6, 1906, transmitting the record of the application for enrollment as a citizen by blood of the Creek Nation, of Cora Perryman, deceased.

March 6, 1906, the Commissioner decided adversely to the application.

The record shows that Cora Perryman was the illegitimate child of a non-citizen woman; that at the time the application was made, June 5, 1902, Cora Perryman was living and that she died prior to the year 1904; that the parents are separated and that at the time of Cora's death, and for more than ten years next preceding, she was in the custody of and resided with her mother in the State of Arkansas.

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

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

MM C.

COPY.

J. R. V.
V. G. S.
S. Y. S.

DEPARTMENT OF THE INTERIOR,

OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,

WASHINGTON,

September 27, 1906.

I. F. D.
8740-1906.

The Secretary of the Interior,

Sir:

I received by reference of May 21, 1906, for opinion thereon, the record in application of William Perryman, a duly enrolled Creek citizen, for enrolment of his recognized illegitimate daughter Cora, born of Mollie Monstin, a non-citizen white woman, about 1888. The application was made June, 1902, since which time, in 1904, the child died. March 6, 1906, the Commissioner denied the application. The reference calls my attention to opinions rendered November 11, 1905, in case of Effie M. Hill; December 28, 1905, in case of Fred Davis, and same date in Roy Strickland.

The case is entirely unlike that of Effie M. Hill, in that Effie Hill was recognized by her putative father and taken into his custody and nurtured as one of his family, and was borne on the Cherokee 1896 roll.

The present applicant always remained in custody of her mother, a non-citizen; and nurtured as a member of the white community; removed with her mother from the Territory into Arkansas about 1892, and never removed to the nation, but died

in that State about 1903 or 1904. The she had Indian blood
she was born to her mother's allegiance, and was never affiliated
into the Greek Nation. I am therefore of opinion that the
action of the Commission should be affirmed.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General,

Approved: September 27, 1906.

Thos. Ryan,
Acting Secretary.

I.T.D. 8723-2707,
18924-1906

FORM 82.33.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, October 2, 1906.

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

Sir:

In accordance with the approved opinion of the Assistant Attorney-General for this Department dated September 27, 1906, (I.T.D. 18924-), copy of which opinion is forwarded through the Indian Office for your information, your decision of March 6, 1906, denying the application of William Perryman for the enrollment of his alleged minor child, Cora Perryman, deceased, as a citizen by blood of the Creek Nation, is hereby affirmed.

The record has this day been returned for the files of the Indian Office.

Respectfully,

Jesse B. Wilson,
Assistant Secretary.

Through the Commissioner
of Indian Affairs.

I enc. & 2 to Ind. Of.

Cr. No. 257.

Muskogee, Indian Territory, October 16, 1906.

William Perryman,

Clarksville, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of October 2, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes dated March 6, 1906, denying the application for the enrollment of Cora Perryman, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

Cr. No. 257.

Muskogee, Indian Territory, October 18, 1906.

M. L. Mott,

Attorney for the Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of October 2, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes dated March 6, 1906, denying the application for the enrollment of Cora Perryman, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

If it be admitted
that such a person
as the applicant, "Cora
Perryman" ever existed,
(which is not clearly
shown) it seems to me
she is in practically
the same status as
Lula Harris (Creek 379)
but the decisions are
adverse.

N.P.

Creek Co. # 257

I think the judgment denying is proper. The alleged father is a Creek; the mother a non citizen. Parents never legally married. Child was taken to Arkansas when quite young and never came back to the Creek Nation. From the testimony she was old enough to have been on the 1895 Roll, but is not.

This is not a parallel case to Creek 379 Lula Harris, for in that the applicant is identified on both the '90 & '95 Roll. She is an orphan and was taken out of the Creek Nation by her Foster Parents.

6/2/05

E. H.

CR 120 258

CR 120 258

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind. Terr., September 10, 1902.

In the matter of the application of Dennis Davis for the enrollment of his minor child, MARSHALL DAVIS, as a citizen, by blood, of the Creek Nation.

Dennis Davis, being first duly sworn, testified as follows, through Interpreter, Chilly W. Morgan:

By the Commission.

- Q What is your name? A Dennis Davis.
Q What is your age? A About twenty-five.
Q What is your post office address? A Senora.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q For whom do you now make application for enrollment?
A Marshall Davis.
Q Is he now living? A Yes, sir.
Q How old is he? A I never have counted up to see just how old he is; I don't know.
Q When was he born? A Last January was a year ago.
Q That was in January, 1901? A Yes, sir.
Q Do you make application for his enrollment as a citizen by blood?
A Yes, sir.
Q Are you the father of Marshall Davis? A Yes, sir.
Q To what town in the Creek Nation do you belong? A Hufaula Canadian.
Q What is the name of the mother of Marshall Davis?
A Hannah Davis.
Q Is she a citizen of the Creek Nation? A Yes, sir.
Q Is she living? A Yes, sir.
Q To what town in the Creek Nation does she belong? A Hufaula Canadian.
Q How did you and your wife, Hannah Davis, become citizens of the Creek Nation? A I individually don't know, but the elder people are the ones who claimed us as citizens of the Creek Nation.
Q How long have you and your wife, Hannah Davis, resided in the Creek Nation? A Going on five years since we have been here.
Q Where did you reside before you came to the Creek Nation?
A In Texas.
Q You and your wife both resided in Texas all your lives up to the time you came to the Creek Nation, about five years ago?
A Yes, sir.
Q Were you and your wife recognized as citizens of the Creek or Muskegee Nation, under the provisions of an act of the National Council of the Muskegee Nation, approved October 24, 1900?
A Yes, sir.

The list of persons recognized to be full citizens of the Creek Nation, under the provisions of an act of the National Council of said Creek Nation, approved October 24, 1900, examined, and the name of Dennis and Hannah Davis are found thereon.

- Q Are you and your wife, Hannah Davis, both full-blood Creek Indians? A Yes, sir.
Q Have you and your wife, Hannah Davis, both been listed, by the Commission, as citizens of the Creek Nation? A Yes, sir.

2 In re application of Dennis Davis for the enrollment of his minor child, Marshall Davis, as citizen by blood of the Creek Nation.

The records of the Commission examined and it appears therefrom that Dennis and Hannah Davis are listed for enrollment, as citizens by blood, of the Creek Nation, on Creek Indian Card, Field No. 2860, said enrollment having been made under the provisions of an act of the Creek National Council, approved October 24, 1900.

- Q Your son, Marshall Davis, was a full-blood Creek Indian?
A Yes, sir.
Q Where was he born? A About three miles from Senora.
Q That is in the Creek Nation? A Yes, sir.
Q Marshall Davis was born, then, after you came to the Creek Nation? A Yes, sir.
Q Do you recollect when you made application for the enrollment of yourself and wife as citizens of the Creek Nation? A I think I remember something about that, if I don't make a mistake in the date.
Q Whom did you make application for at that time? A For myself, Hannah and Sinney Davis.

The records of the Commission examined and it appears therefrom that Dennis Davis made application for the enrollment of himself, and his wife, Hannah Davis, and his minor child, Sinney Davis, as citizens of the Creek Nation, on March 22, 1901.

- Q Was your son, Marshall Davis, born before you made application for the enrollment of yourself, your wife, Hannah Davis, and your son, Sinney Davis, as citizens of the Creek Nation? A Yes, sir; the child was born at that time.
Q Why did you not make application for the enrollment of Marshall Davis at that time? A I thought that I could not file for it at that time, it was very small at that time; I thought I could file for it some other time.
Q How many children did you tell the Commission that you had at that time? A I told the Commissioner I had only one, because that was the only one I thought I could file for.
Q Is this the first time that you ever have made application for the enrollment of Marshall Davis, as a citizen of the Creek Nation?
A Yes, sir; this is the first time.
Q Have you ever executed a birth affidavit in the matter of the application for the enrollment of your minor child, Marshall Davis, as a citizen of the Creek Nation? A Well, I did today.

The applicant here presents a birth affidavit in the matter of the application for the enrollment of Marshall Davis, as a citizen of the Creek Nation, which is marked Exhibit "A" and made a part of the record.

- Q Have you and your wife, Hannah Davis, and minor child, Sinney Davis, filed as your allotments in the Creek Nation? A Yes, sir.
Q Are there any other statements that you desire to make at this time regarding the application made by you for the enrollment of your minor child, Marshall Davis, as a citizen of the Creek Nation?
A No.

You will be furnished at a later date with a copy of the decision of the Commission with relation to the application made by you at this time for the enrollment of your minor child, Marshall Davis, as a citizen by blood of the Creek Nation, which will be mailed to you at your proper post office, as given by you in your testimony herein.

These and foregoing is a full and correct transcript of the
original notes of said proceedings and on said date.

Chas. Chittie

Subscribed and sworn to before me this 4 day of September, 1894,
at Madras, Indian Territory.

J. J. Powell
Notary Public.

CR EN 259

CR EN 259

EMU

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

~~In the matter of the application of Columbus Franklin Ingley
for the enrollment of himself as a citizen of the Creek Nation.~~

D E C I S I O N .

It appears from the record in this case that in April, 1899, or thereabout, Columbus Franklin Ingley made application to the Commission to the Five Civilized Tribes for enrollment as a citizen of the Creek Nation; that he again appeared, on September 10, 1902, at the office of the Commission in Muskogee, Indian Territory, at which time testimony was heard by the Commission, and that, on September 11th, 15th and 25th, 1902, additional testimony was taken relative to his application.

It also appears that the applicant, above named, was born in the Creek Nation about twenty-six years ago; that after the murder of his parents in the latter part of the year 1877, he was taken to the State of Texas by relatives, and that he continued to reside in the State of Texas until the year 1896, when he removed therefrom to the Creek Nation, where he now resides.

It also appears that the mother of said applicant was a recognized citizen of the Creek Nation; that Willis Jones and Mary Grayson, applicant's maternal half-brother and half-sister, respectively, are recognized citizens of the Creek Nation and regularly enrolled as such; that applicant has heretofore been recognized as a citizen of the Creek Nation by the tribal authorities thereof, and that his name is found on the authenticated 1891 Omitted Roll of the Creek Nation and identified thereon as "Frank Ingley".

It is therefore the opinion of this Commission that said Columbus Franklin Ingley should be enrolled as a citizen, by blood, of the Creek Nation, in accordance with the provisions of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this 1st day of December, 1902.

Cr. 752

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., September 19, 1902.

In the matter of the application of Columbus Franklin Ingley
for enrollment as a citizen by blood of the Creek Nation.

Appearances: W. W. Wood, attorney for applicant.
A. F. McKelley and H. C. Reed, attorneys for
the Creek Nation.

Columbus Franklin Ingley, being first duly sworn, testified
as follows:

By the Commission.

- Q What is your full name? A Columbus Franklin Ingley.
Q What is your age? A Twenty-six.
Q What is your post office address? A Okmulgee.
Q Do you make application for enrollment as a citizen by blood
of the Creek Nation? A Yes, sir.
Q Have you ever been recognized by the tribal authorities of the
Creek Nation as a citizen of the Creek Nation? A Well, I don't
know; I suppose no.
Q Have you ever been enrolled by the Creek tribal authorities as a
citizen of the Creek Nation? A Yes, sir.
Q Does your name appear upon the Creek tribal rolls? A I don't
know whether it does or not.
Q Did you ever draw any money from the Creek Nation? A No, sir.
Q To what town in the Creek Nation do you belong? A Cheyehah town.
Q Did anybody ever draw any money for you from the Creek Nation?
A Well, I don't know for certain, but Ellis Childers said he
drew money in '95.

By attorney for applicant, W. W. Wood:

- Q Did I understand you to say that he said so? A Yes, sir.

By the Commission.

The 1890 authenticated tribal roll of the Creek
Nation, Cheyehah Town, examined and the name of
Columbus Franklin Ingley is not found thereon.

The 1891 omitted roll of the Creek Nation, Cheyehah
Town, examined, and the name of one, Frank Ingley, is
found thereon, at No. 275.

The 1895 authenticated roll of the Creek Nation
examined, Cheyehah Town, and the name of Columbus
Franklin Ingley is not found thereon.

- Q What is the name of your father? A John Ingley.
Q Is he living? A No, sir.
Q Was he a citizen of the Creek Nation? A No, sir.
Q Was he a white man? A Yes, sir.
Q What is the name of your mother? A Lisa McIntosh was her
maiden name.
Q Is she now living? A No, sir.
Q Was she a citizen of the Creek Nation? A Yes, sir.
Q Was she a citizen by blood? A Yes, sir.
Q To what town did you belong? A Cheyehah Town.
Q What Creek blood did she have? A I don't know; some say her
father was a full-blood, and some say he was three-quarters.

2 The re application of Columbus Franklin Ingley for the enrollment of himself as a citizen by blood of the Creek Nation.

- Q What degree of Creek blood do you claim? A I have always been told it was one-eighth.
- Q Is Liza McIntosh known by any other name? A Well, she was known as Jones and Ingley.
- Q Was she known by any other name? A Not that I know of.
- Q Was she ever called Klisa Coker? A Yes, she married to a man by the name of Coker.
- Q How long have you lived in the Creek Nation? A Well, I have been here since '96.
- Q Have you lived here continuously since 1896? A Yes, sir.
- Q Where did you live before you came to the Creek Nation in 1896? A Well, I spent eighteen years in Texas.
- Q Did you live in the Creek Nation before you went to Texas? A Yes, sir.
- Q Where were you born? A Okmulgee.
- Q Are you married? A Yes, sir.
- Q Have you any children? A No, sir; I have one child dead.
- Q Is your wife living? A No, sir.
- Q Where were you married? A Married in Painville, Texas.
- Q Were you in Okmulgee last year? A Yes, sir.
- Q Were you therein October, 1901? A No, sir.
- Q Where were you at that time? A I was in west Texas at that time, at Gardner.
- Q How long had you been in Gardner, Texas? A I have lived there three or four years, off and on.
- Q You hav'n't lived in the Creek Nation very much during the past six years, have you? A Have been here since '96.
- Q Hav'n't you lived more in Texas during the past six years than you have in the Creek Nation? A No, sir.
- Q Is this the first time you ever appeared before the Commission to make application for your enrollment as a citizen of the Creek Nation? A No.
- Q When did you appear before the Commission before this time? A Well, the first time was in April, when you first opened the Land Office here.
- Q Have you appeared before the Commission since that time? A Yes, sir; I have been here three times, and at Okmulgee twice, before them.

The records of the Commission examined and it appears therefrom that one, Frank Ingley, is enrolled on an old Creek Census Card, No. 433.

- Q Have you any full-brothers and sisters? A No.
- Q Have you any half-brothers and sisters? A Yes, sir.
- Q What are their names? A Got a half-brother by the name of Willie Jones and a half-sister by the name of Mary Grayson now.
- Q What is the name of the mother of Willie Jones and Mary Grayson? A Well, Liza McIntosh is her maiden name.
- Q Klisa McIntosh is the mother of Willis Jones and Mary Grayson and yourself? A Yes, sir.

The records of the Commission examined and it appears therefrom that Willie Jones is listed for enrollment, as a citizen of the Creek Nation, on Creek Indian Card, Field No. 1775; and that Mary Grayson is listed for enrollment, as a citizen of said nation, on Creek Indian Card, Field No. 60.

- Q When did your father and mother die? A They was killed in '76.
- Q Who was charged with their murder? A John Posteak.
- Q Was John Posteak convicted and executed for the murder of your father and mother? A Yes, sir.

3 In re application of Columbus Franklin Ingley for the enrollment of himself as a citizen by blood of the Creek Nation.

Q Have you anybody here to identify you? A Well, there's a man who has known me for five or six years.

Q Well, do you know any citizens by blood who can identify you as the son of Eliza McIntosh? A I don't know; I suppose there is nobody here.

Q Well, can you produce any witnesses who can identify you as the son of Eliza McIntosh? A I think so, yes.

By W. W. Wood, attorney for the applicant.

Q How old were you, Frank, when your father and mother were murdered? A Two years old.

Q You don't remember the incident then, yourself,--you were speaking simply from the family information, in answer to the questions asked you about that? A Yes, sir.

Q Were you ever engaged in any work or business in the Creek Nation? A Yes, I worked here; been at work here for five or six years.

Q Did you ever have a possession--to take up any Creek lands? A Yes, I had a piece of land fenced at one time.

Q How long ago was that? A Well, it was in '98 and '99.

Q Where was that land? A About three miles north-east of Okmulgee.

Q How much land did you have fenced in there? A Well, it was a mile square.

Q How long did you keep possession of that? A Two years.

Q State whether or not you were living upon it and cultivating it at that time? A No, I didn't live on it.

Q Are you engaged in any other business? A No, sir.

Q Ever been in blacksmithing business, or doing repair work? A I worked in a wagon shop while in Okmulgee.

Q Where? A In Okmulgee.

Q About for how long? A Well, I went there off and on for a year.

Q Well, whom else did you work for there, and for how long, if anybody? A I didn't work for any certain person for any length of time at all.

Q Are you acquainted with Sam J. Haynes? A Yes, sir.

Q How long have you known him? A Known him about six years.

Q You don't know whether Mr. Haynes personally knew your mother or not? A I don't know; I think he does, though.

Q Do you know Sam Foster? A Yes, sir.

Q How long have you known him? A Known him five or six years.

Q You stated, I believe, that you was a half-brother of Mary Grayson? A Yes, sir.

Q State whether or not you are living at her house now. A Yes, sir; I am living there.

Q Well, you may state whether you are recognized by her, and other citizens around there, Okmulgee, as her half-brother. A Yes, sir.

Q Did you know Captain Belcher, an adopted citizen, who lives there? A Yes, sir.

Q What relation, if any, is Captain Belcher to you? A He is a great-uncle.

Q A great-uncle? A Yes, sir.

Q What relation was Eliza McIntosh to Captain Belcher, as you have understood from the family talk? A She was a niece.

Q Did you know anything personally about whether--Ellis Childers, you said you understood drew the money that was coming to you? A Yes, sir.

Q Do you know anything personally about that? A Only what he said.

Q Well, what did he say about it? A He said he drew the money and didn't know where I was at, to send it to me.

Q Did he say what disposition he made of the money? A No, he didn't say.

4. (On re application of Columbus Franklin Ingley for the care of himself as a citizen by blood of the Greek Nation.

- Q How much land did you state that you had enclosed at one time?
A Well, there was a mile square, with a fence; there was 160 acres of it I had selected for my own.
- Q Are you still in possession of that land? A No, sir; it's all been filed.
- Q What is the answer? A I say it's all been filed on, by other parties.
- Q Have you entered any contest for that land? A No, sir.
- Q You stated that you had a half-sister and a half-brother?
A Yes, sir.
- Q The names are Mary Grayson and Willie Jones? A Yes, sir.
- Q Will you state which your brothers or half-brothers is eldest, or whether yourself? A Mary Grayson is the eldest.
- Q How old is she now? A She is thirty-two, I think.
- Q Who is next in age to Mary Grayson? A Willie Jones.
- Q How old is Willie Jones now? A I think he is about twenty-eight; I'm not sure.
- Q And what is your age? A Twenty-six.
- Q Do you remember anything about the killing of your father and mother? A No, sir.
- Q Do you remember anything about your mother? A No, sir.
- Q Were Mary Grayson and Willie Jones taken to Texas at the same time you were taken? A No, sir.
- Q Who was the father of Mary Grayson? A A man by the name of Ober.
- Q Is he living? A Not that I know of.
- Q Did you ever know him? A No, sir.
- Q Frank Frank--how do you spell it? A I can't say.
- Q Is it your intention that she should be married? A Yes, sir.
- Q Have you made any inquiries for her since you have been here?
A No, sir.
- Q State, Mr. Ingley, whether you were always called by the name of Ingley, or whether you were called by any other name. A Well, the name is very often misspelled; call it England, Ingley or English; it is very often misspelled.
- Q What do you say you were called now? A Ingley.
- Q Well, how spell it out the way it is sometimes written. A The way I get letters sometimes, it is I-n-g-r-u-m; sometimes it is I-n-g-l-a-n-d; sometimes it is I-n-g-l-i-s-h, and sometimes it is I-n-g-l-e-y; sometimes I-n-g-l-e-s-s.
- Q Did you ever know of its being England? A Very often got mail that way.
- Q Did you ever know of a Frank England among the Greek people other than yourself? A No, sir.
- Q Now with reference to your given name, or Christian name, are you generally called Columbus Franklin or simply Frank?
A Just Frank.
- Q Who were you with in Texas--how came you to be in Texas after the murder of your father and mother? A Well, I was taken there by my father's people--my father's brothers.
- Q Raised by them, were you? A Yes, sir.
- Q And about how long ago was it you came back here, now, to the Greek Nation? A It was in '96.
- Q Ninety--how? A Yes, sir.

By A. P. McKelley, attorney for Greek Nation.

- Q How much land did you state that you had enclosed at one time?
A Well, there was a mile square, with a fence; there was 160 acres of it I had selected for my own.
- Q Are you still in possession of that land? A No, sir; it's all been filed.
- Q What is the answer? A I say it's all been filed on, by other parties.
- Q Have you entered any contest for that land? A No, sir.
- Q You stated that you had a half-sister and a half-brother?
A Yes, sir.
- Q The names are Mary Grayson and Willie Jones? A Yes, sir.
- Q Will you state which your brothers or half-brothers is eldest, or whether yourself? A Mary Grayson is the eldest.
- Q How old is she now? A She is thirty-two, I think.
- Q Who is next in age to Mary Grayson? A Willie Jones.
- Q How old is Willie Jones now? A I think he is about twenty-eight; I'm not sure.
- Q And what is your age? A Twenty-six.
- Q Do you remember anything about the killing of your father and mother? A No, sir.
- Q Do you remember anything about your mother? A No, sir.
- Q Were Mary Grayson and Willie Jones taken to Texas at the same time you were taken? A No, sir.
- Q Who was the father of Mary Grayson? A A man by the name of Ober.
- Q Is he living? A Not that I know of.
- Q Did you ever know him? A No, sir.

5 (In re application of Columbus Franklin Ingley for the enrollment of himself as a citizen of the Creek Nation.

- Q Was he a citizen of the Creek Nation? A I don't know whether he was or not.
- Q Who was the father of Willie Jones? A I don't know more than he is old Billy Jones's son; I don't know whether it is his or not.
- Q Do you know whether he was a citizen or not? A Yes, sir; he was a citizen.
- Q He was a Creek citizen? A Yes, sir.
- Q Did you know him? A No, sir.
- Q How do you know that he is a Creek citizen? A Nothing only what I heard them say.
- Q Is he now living? A No, sir.
- Q All that you know about your father or your mother is what you have been told by others? A Yes, sir.
- Q When did you first find out that you ought to make application for citizenship in the Creek Nation? A Well it was after I came back, about '96.
- Q In '96? A Yes, sir.
- Q Who first advised you to make application for citizenship in the Creek Nation? A Captain Belcher.
- Q Captain Belcher? A Yes, sir.
- Q What was he, a white man or an Indian? A He was a white man, adopted citizen.
- Q Do you know whether or not your mother was lawfully married to Mr. Coker? A No, sir.
- Q Do you know whether she was lawfully married to the man by the name of Jones? A No, sir.
- Q Do you know whether or not Eliza McIntosh, as you call her, whom you claim to have been your mother, was lawfully married to John Ingley or not? A No, sir.
- Q How old were you when you were taken away from the Creek Nation by your father's folks? A Three years.
- Q Three years? A Yes, sir.
- Q And you lived in Texas continuously from the time you were taken away until 1896? A Yes, sir.
- Q The fact is, then, you don't know anything about your rights, as a citizen of the Creek Nation, yourself? A No, sir.

By W. W. Wood, attorney for applicant.

- Q Were you here in the Creek Nation, at any time, prior to '96, after you were taken away when you were a child? A No, sir.
- Q Do you know what the trouble was at the time you made application before? A They just simply told me the name wasn't on the authenticated pay roll--that's all the excuse they gave me.
- Q Did you hear anything at all at either one of those times about the name of Frank Ingleland being on the '91 Omitted roll?
- A No, they didn't tell me anything about that.
- Q Do you know anything about how the name of Frank Ingley came to be on the '91 Omitted roll? A No, sir.
- Q You were not here yourself at that time? A No, sir.

By A. P. McKellop, attorney for the Creek Nation.

- Q Did you state that you were not here in 1891? A Yes, sir.
- Q Did you authorize any one to put your name on the roll in 1891?
- A No, sir.
- Q Then it was put on there without your authority? A I suppose so.

6 Re application of Columbus Franklin Ingley for the enrollment of himself as a citizen by blood of the Creek Nation.

By W. W. Wood, attorney for applicant.

Q You mean without your authority or your knowledge? A My knowledge.

Q Captain Belcher was living over there at that time--at Okmulgee?

A Yes, sir.

Q Did you get any information as to whether he was looking after your interests here? A Well, he told me--he wrote to me in Texas and told me he was looking after it.

Q Who did? A Captain Belcher.

By H. C. Reed, attorney for Creek Nation.

Q How it happen Mr. Childers told you about he drawed your money? A Well, he told me in Okmulgee. I was talking to him about it after I had made application here to file and couldn't make a success of it--I was talking to him about it and he told me--and told him why they said I couldn't file, just merely because my name wasn't on the authenticated pay roll, and he said that he drawed the money in '95 for me, but not knowing where I was at, he couldn't send to me.

Q Did Mr. Childers knowed you before the payment? A Well, I don't suppose he knew me personally; he knowed me through Captain Belcher.

Q How much money he said he drew? A I guess it was the Fourteen Dollar payment.

Q How's that? A I suppose it was the full payment; it was the Fourteen Dollar payment, is what it was.

Q Well did he promise to return you the money? A Yes, sir.

Q Did he return it? A No, he never paid it yet, as far as that is concerned.

By A. P. McKellop, attorney for Creek Nation.

Q You have never received that Fourteen Dollar payment, though?

A No, sir.

Q Did you ever make any effort to secure it? A No, sir; never asked him about it.

By attorneys for applicant and Creek Nation.

Attorneys for applicant and Creek Nation jointly ask for a continuance of fourteen days in order to introduce testimony relative to the identification of Columbus Franklin Ingley as the son of Eliza McIntosh.

By the Commission.

Request of attorneys for applicant and Creek Nation, asking for a continuance of the case for fourteen days, granted.

Commission to applicant.

Q Are there any additional statements that you desire to make at this time with reference to the application you now make for the enrollment of yourself as a citizen by blood of the Creek Nation?

A No, sir.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of yourself as a citizen by blood of the Creek Nation, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as steward for the Commission to the Five Civilized Tribes, he reported with the proceeds and had in the above entitled fund on the 15th day of September, 1903, and that the above

Subscribed and sworn to before me this 26th of September, 1903, at Muskogee, Indian Territory.

Oliver C. Hinkle

J. J. Boren
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind. Ter., September 11, 1908.

~~SUPPLEMENTAL TESTIMONY~~ in the matter of the application of
Columbus Franklin Ingley for the enrollment of himself as a citizen
by blood of the Creek Nation.

Appearances: W. W. Wood, attorney for applicant.
A. P. McKelley, attorney for Creek Nation.

Millie Sango, being first duly sworn, testified as follows:

By the Commission.

- Q What is your full name? A Millie Sango.
Q What is your age? A Forty-six.
Q What is your post office address? A Muskegee.
Q Are you a citizen by blood of the Creek Nation? A Yes, sir.
Q To what town in the Creek Nation do you belong? A Thlewathle.
Q Do you know the applicant here, Columbus Franklin Ingley?
A Yes, sir; knew him when he was a baby.
Q Well, do you know this man to be Columbus Franklin Ingley?
A Well, he favors his father--he just resembles his father; he has
been away ever since he was two years old, about, but he resembles
his father.
Q How long have you known him? A Oh, I knew him when he was a
baby; I have never seen him since until yesterday--the first time I
have seen him since he was a baby about two years old.
Q You have not seen him since he was a baby? A No, sir; not until
yesterday.
Q Do you claim that you can identify him as the same person that
you know as a baby when he was only two years old? A I can claim
that he resembles his father; I can't claim that he is the same
child that I seen when he was a baby, at this time, but he favors
his father.
Q Who was his father? A John Ingley.
Q John Ingley? A Yes, sir; John Ingley--John Ingley, a white man.
Q He was a white man? A Yes, sir.
Q Who was his mother? A Lisa McIntosh, they called her.
Q Did you know Elisa McIntosh? A Yes, sir; I knew her.
Q How long did you know her? A Oh, I knowed her when she was only
the first child--before she married John Ingley. Here Jones was her
first husband--no, her second husband--I didn't know the first
husband, but I knowed the second husband as Here Jones.
Q Was she a citizen by blood of the Creek Nation? A So said.
Q How much Creek blood did she have? A I couldn't tell you; I
didn't know her father.
Q To what town in the Creek Nation did she belong? A I don't know.
Q How many children did she have? A She only had two at the time
of her death, Mary and the baby, Frank, was the only two she had.
Q Did she have any children by this man Jones? A No, sir.
Q Did you know Willie Jones? A Willie Jones--I knowed William Jones,
father of Here Jones.
Q Well, who was Willie Jones' mother? A Don't know Willie Jones;
knew William Jones--William Jones' mother; don't know Willie Jones.
Q Is William Jones any kin to Columbus Franklin Ingley?
A Not that I know of; I don't know Willie Jones; I knew William
Jones, father of Here.
Q Were you a neighbor of Elisa McIntosh when she was killed?
A No, sir; she lived up on Duck Creek and we lived at Okmulgee.
Q How far is Okmulgee from Duck Creek? A Oh, I don't know, about
forty miles, I guess.
Q How did you know that she had two children? A Well, she lived there
at her grandmother's when one of the children--that was Mary--was born,
before she moved out on--before she went out on Duck Creek.

9 In're application of Columbus Franklin Ingley for the enrollment of himself as a citizen by blood of the Creek Nation.

Q What? A She moved on Duck Creek with Ingley, and of course after she--I went out to Clarkey Clinton's to work and I comes down there and visit her and see this boy--

Q And see a baby there? A Yes, sir; I saw the baby.

Q All you know about it is that she had two children? A Yes, sir.

Q And yesterday is the first time that you have seen this man, Columbus Franklin Ingley, since you saw a baby at the house of Eliza McIntosh on Duck Creek? A Yes, sir; I saw him there and I saw him after his mother was killed; they brought him in Okmulgee.

Q But you have not seen this man, Columbus Franklin Ingley, since you saw the baby at Okmulgee and at Duck Creek? A No, sir; hav'n't seen him.

By W. W. Wood, attorney for the applicant.

Q Do you know whether she had a child by the name of Jones, named Willie? A No, sir; I don't know.

Q What was her husband James's name? A Here--Here Jones.

Q And she lived with him prior to her marriage with Ingley? A Why she lived with him a while--they run off, I don't know where they went; she lived with him a while and then quit him and married Ingley.

Q And you don't know whether she had any children by him or not? A No, sir; I don't know whether she had any.

Q This John--how was his name pronounced, Ingley or England?

A John Ingley, we called him; I don't know what his name outside of John Ingley.

Q Well, he is the same man then that was murdered by this man Poston? A Yes, sir; that's the same man--

Q And his wife, Eliza McIntosh? A Yes, sir.

Q Well now then, what was the appearance of Eliza McIntosh as to whether she had any Indian blood in her? A Why, she looked like an Indian--had the appearance of an Indian.

Q Do you know whom she was kin to--Eliza McIntosh? A No, sir; I don't know her relation on the Indian side; of course, she was--- Mr. Belcher and the mother---

Q What kin was Captain Belcher to her? A He was her uncle.

Q Well, you may state whether or not Eliza McIntosh was recognized individually as a Creek citizen? A Yes, sir; she's been recognized.

Q In whose hands did you see the boy, Frank Ingley or England, when you saw him at Okmulgee? A He was there at Belcher's.

Q Do you know, of your own knowledge, about his being taken away to Texas by his uncle? A No, sir; I didn't see him, but I heard that his uncle carried him away; I didn't see him carried.

Q Well now, about his resemblance to John Ingley--State whether or not his resemblance is strong. A Why, his height is his father's, and he favors him--his nose is--he has a nose just like his father.

Q After he was taken away, you never until yesterday saw him--I believe you stated that? A No, sir; never saw him.

Q State, now, whether you are satisfied, from his general appearance, that this is the same child that you saw. A Yes, sir; I think it is the same child; his appearance is his father

By A. P. McKellop, attorney for Creek Nation.

Q Did you know anything about Eliza, at all, yourself? A Yes, sir; I knowed her--well acquainted with her.

Q Did she talk Creek? A No, she couldn't talk Creek.

Q Did you know her father? A No, sir; I don't know her father.

Q Did you know her mother? A No, sir; her mother was dead when they came here.

10 In re application of Columbus Franklin Ingley for the enrollment of himself as a citizen by blood of the Creek Nation.

Q Where did Eliza come from to this country? A Too hard for me; I don't know where from. When I got acquainted with them, I got acquainted with them right there at Okmulgee.

Q How do you know that she was a citizen of the Creek Nation? A Why, she said she was a Creek--a McIntosh--that's all I know about it.

Q How do you know she was a McIntosh? A I don't know that she was a McIntosh; she said she was a McIntosh; but I couldn't say that she was a Creek, only from what they said.

Q All that you know about her then is what you heard? A Yes, sir; I don't know that they were Creeks, only what I heard.

Q How many times did you go to her place when she lived on Duck Creek? A I was there once.

Q Once? A Yes, sir.

Q And you saw her with a baby at that time? A Yes, sir.

Q How old was that baby at that time? A Why, he must have been about six months old when I was there; I was working at Charley Clinton's and went down there on a visit.

Q And you only saw the child once on Duck Creek? A Yes, sir.

Q How long after that did you see this child again? A Well, I saw him, I guess, again, about a year and six months after that. He must have been about two years old when his mother was killed--when I saw him at Okmulgee.

Q Did you know that was the same child as soon as you saw it at Okmulgee? A Yes, sir; I knew it was the same child.

Q Who told you it was the same child? A Well, I knew it was the same child, because I seen him at his mother's house; and they cared for him there, said his father and mother got killed, and they brought him in there.

Q Would you have known it was the same child two years afterward?

A It wasn't two years afterward, it was a year and six months--

Q Well, would you have known in a year and six months afterwards if you had not been told it by some one? A Oh, I guess I would have known it.

Q Are you willing to state, under oath, that this man, sitting there (indicating applicant herein), who is twenty-five years old, was the same child that you saw at the age of two? A No, I wouldn't state it under oath.

Q Well, you know you are under oath? A Well, I suppose I can say he favors his father, that's all I know; he favors his father.

Q You can't state that he is the same party? A Well, I think I could. He was six months old when I saw him, and then when I saw him again, it was about a year and six months afterward, and I think he is the same child, only he has grown--

Q Well you form your judgment in regard to his being the same person simply from his likeness to his father? A He favors his father, yes, sir.

Q That is the only reason you know for thinking it is the same person? A Yes, sir; I think it is John Ingley's son; he is just like his father.

Q Well, can you state positively that he is the child of Eliza McIntosh? A No, sir; I couldn't, only he favors his father. I couldn't say he is Eliza McIntosh's son, because I hav'n't seen him since he was two years old, until yesterday; but he favors his father.

Q Well, can you state positively that Eliza and Hero Jones were married? A I knew they run away together, but I don't know whether they were married.

Q Well, don't you know, as a matter of fact, that they were not married? A I don't know whether they were married or not; they run away together and lived together a while.

Q How many times did you see John--what do you call him, John Ingalls?

A Yes, sir.

11 In re application of Columbus Franklin Ingley for the enrollment of himself as a citizen by blood of the Creek Nation.

Q How many times did you see him? A (Q) How many times did I see him?

Q (A) Yes. A Why I was well acquainted with him. He used to live there in Okmulgee, long before he married Eliza McIntosh.

Q He was a white man? A Yes, sir.

Q Do you know the time that he married Eliza? A He married her in Okmulgee.

Q Do you remember the time they were married? A Yes, sir; I don't know the date and year they were married, I remember when they were married.

Q Can you give the year and month when they were married at Okmulgee?

A No, sir; I couldn't do that.

Q How long after the time that they were married that you visited them on Duck Creek? A I don't know just how long it was after that I visited them.

Q Can't you give some idea as to how long it was? A No, sir; I never thought anything about how long it was; I don't know how long they were married before they had a child. I went out to Charley Clinton's to work for him, and I came down there to visit them and the child was there.

Q Was it six months after they were married at Okmulgee that you were out at Duck Creek? A No, sir; it was longer than that.

Q Was it a year? A I don't know just how long it was. The child was six months old when I saw it there at Duck Creek.

Q Do you know whether it was a boy or a girl? A It was a boy.

Q Well, all that you know about this child is that you saw Eliza have a child about six months old on Duck Creek, once? A Yes, sir.

Q And that you saw a child eighteen months after that at Okmulgee, that you took to be the same child? A Yes, sir.

Q And you have not seen any one that you thought was the same child until yesterday? A Yes, sir.

Q That is about twenty-three years? A (No response).

Q Can you state now, in view of these facts, positively, that you can identify this man here as being that child that you saw at Okmulgee? A I can say that he favors John Ingley; I can't say it is the same child that I saw at Okmulgee, but I can say this boy resembles his father.

Chilly W. Morgan, being first duly sworn, testified as follows:

By the Commission.

Q What is your name? A Chilly W. Morgan.

Q What is your age? A Fifty-four years old.

Q What is your post office address? A Red Fork.

Q You are a citizen of the Creek Nation? A Yes, sir.

Q How long have you lived in the Creek Nation? A Fifty-four years.

By A. P. McKellop, attorney for the Creek Nation.

Q You were born and raised in the Creek Nation, then? A Yes, sir.

Q And have lived in the Creek Nation all your life? A Yes, sir.

Q What official positions have you held in the Creek Nation?

A I represented Coweta Town for four years.

Q In the Council? A In Council, member of the house---

Q House of Kings? A House of Kings.

Q What position do you hold now? A As an interpreter for the Daves Commission.

Q For the Daves Commission? A Yes, sir.

Q Have you traveled much in the Creek Nation during your life, Mr. Morgan? A About all over the Creek Nation.

12 In re application of Columbus Franklin Ingley for the enrollment of himself as a citizen by blood of the Creek Nation.

Q Do you remember the time that a certain man and woman were murdered in the Creek Nation, by one man by the name of John Postoak?
A It is only hearsay. At that time I was at Weber's Falls--I was working for Cobb and Hutton when this thing occurred. I heard about it, and it was, to the best of my recollection, it was in the fall or summer of '74.--

Q Seventy-four? A Yes, sir; and soon after that, they arrested him and taken him down at Fort Smith. They passed Weber's Falls with him and I saw him. He was chained with another prisoner.

Q That is John Postoak you have referred to? A Yes, sir.

Q You heard about the killing? A I never heard of it until then. I was acquainted with the marshal that had him arrested, and I asked him why he had him arrested and he told me what he had done, what he had arrested him for.

Q How long after you saw the marshal with John Postoak at Weber's Falls did you come back to the Creek Nation? A About a year and a half after that, to the best of my recollection.

Q The marshal gave you information in regard to this killing at that time? A He didn't in particular, but afterwards Captain Belcher told me the particulars, that I guess if anybody ever told me about it, it was him who told me.

Q Captain Belcher is dead now? A Yes, sir.

Q He stated to you the circumstances of this killing? A Well, now I can go to work and state it the way I come to get it: Well, I happened to be at Okmulgee, and I went to old Captain Belcher's house, and there was a little girl there at the place and I asked Captain Belcher "where did you get the little girl?" and he said, "That is the child of the man and woman who was murdered out here about two years ago, out here on Duck Creek"; and I says, "Who was she", and he says, "She was my niece that was murdered out there". And that is all I know about that, only what he said.

Q Did he state how old the child was when its parents were killed?
A He said she could only crawl, she couldn't walk. And when they found the mother, that the child, the little child was only crawling around there, couldn't walk.

Q I believe you stated that this girl was the girl that was found with the mother? A Yes, sir; that's what he told me.

Q And who do you understand that girl to be now, if she is living--or is she living? A I suppose so; she was at Okmulgee the last that I ever heard of her.

Q How long ago is it? A That I couldn't say; it was over a year, though.

Q What was her name? A Mary something, I don't know; I think it's Mary, I wouldn't be sure what name she does go by now.

Q That is the same who was the girl that you saw at Belcher's?

A Yes, sir.

Q And stated to you to have been the child that was just crawling when her parents were killed? A Yes, sir.

By W. W. Wood, attorney for applicant.

Q Mr. Morgan, are you positive that in this statement about the child that could crawl, that he had reference to the girl, Mary Grayson--couldn't he in speaking to you have had reference to another child of the same age that was crawling? A Well, he didn't to me. He said this here child was the one that was found with the dead mother; wasn't able to walk, but could only crawl.

Q You think you are positive that he referred to her? A Yes, sir; I am positive about that. She was a little bit of a girl then.

13 In re application of Columbus Franklin Ingley for the enrollment of himself as a citizen by blood of the Creek Nation.

Q How then about the date? Are you positive that this time that you saw the marshal with Postock, it was in '94; was it not in fact about '93? A No, sir; I don't think it was. In '93 I went to work at Cobb and Hutton's, and it was the next fall. I had been with Cobb and Hutton near about a year when this marshal passed through there with John Postock. If it was '94, it was no later than '93, but I am pretty sure it was in the fall or winter of '94.

Q Captain Belcher say anything about any other child? A No, sir; never did, and I never asked no question. That's all the child I saw, and I asked no question.

Q That conversation happened about how long ago--that you heard from Captain Belcher? A Well, I couldn't possibly tell you just how long that has been; I couldn't say.

Q You didn't know this party, John Ingley or Ingland?

A No, sir; I didn't know him.

Q You didn't know Eliza McIntosh? A No, sir.

By A. P. McKelley, attorney for Creek Nation.

Q Are you well acquainted with John McIntosh, across the Arkansas River? A (Q) The one we always called Big John McIntosh?

Q (A) Yes. A Yes, sir; known him all my life.

Q You know all the members of his family well? A I think I did.

Q You don't remember of his having a daughter by the name of Eliza McIntosh? A No, sir.

Q Are you well acquainted with the other McIntosh families in the Creek Nation, D. M. McIntosh's family, John McIntosh and his brothers and their families? A No, sir; I don't all of them; not as well acquainted with them as I am with John McIntosh over across the river here.

Q About how old did that girl appear that you saw at Belcher's?

A (Q) When I saw her at Belcher's?

Q (A) Yes. A I would judge she was about five years of age; it looked to me that she was about that age.

Q Captain Belcher stated to you positively that that was the girl who was found with her mother when she and her husband were killed?

A He just said, that is the baby that was picked up by her dead mother, but wasn't able to walk, was crawling.

Q You mean by the side of the mother? A Yes, sir.

Q Picked up by the side of her mother? A Yes, sir.

Columbus Franklin Ingley, being first duly sworn, testified as follows:

By W. W. Wood, attorney for applicant.

Q Mr. Ingley, you say you can't remember when you were taken away to Texas? A Yes, sir.

Q Well, in your earliest recollections, now, in Texas, who were you living with? A Well, I was living with my grandmother, and father's two brothers.

Q What were their names? A Grandmother was named Jackson, her brother was named Ingley.

Q Give their names. A Barton Ingley, and the other was Green Ingley.

Q You may state whether you ever had any conversation with them about where you came from? A Well, they always told me I was brought from this country.

Q Well, that, if anything, was said about your father and mother?

A They always told me that they was murdered here in this country, and then that they came here after me.

14 In re application of Columbus Franklin Ingber for the enrollment of himself as a citizen by blood of the Creek Nation.

- Q That they came here after you? A Yes, sir.
- Q Well, what else,--did they tell you the name of your mother?
- A Yes, sir.
- Q Well, what did they say was her maiden name? A Well, they always told me it was Eliza McIntosh.
- Q And your father? A John Ingber.
- Q Did they say anything of that relationship he was to them?
- A Yes, sir; they always counted him as a brother.
- Q Did you ever have any correspondence here with any one in the Creek Nation as you grew up? A Yes, sir.
- Q With whom did you have correspondence? A Well, Captain Belcher; also my sister, had letters from her.
- Q Did you get frequent letters from Captain Belcher, or otherwise?
- A Well, got letters tolerably often.
- Q Have you any of these letters now? A I am not sure, but think I have them.
- Q If you can find any, you will produce them? A Yes, sir.
- Q Did you have--you say you had some correspondence with your sister--that is Mary Grayson? A Yes, sir.
- Q And how far back now, in your childhood, do you remember having had correspondence with them? A Well, back as far as '88.
- Q Well, did your sister, Mary, ever visit you in Texas? A Yes, sir.
- Q When? A In '98.
- Q In what part of Texas were you living then? A Greenville, Texas.
- Q Greenville? A Yes, sir.
- Q I believe you were not living with your uncles at that time?
- A Yes, sir.
- Q That was after you had married? A Yes, sir.
- Q What made her visit you there? A Well, nothing more than just to come down to see me, is all that I know.
- Q How long did she stay? A She staid from the 28th of June to the 28th of November, '95.
- Q How long after that was it before you came up here? A It was in the summer of '96 afterwards.
- Q What statements, if any, did your uncles make to you about the blood or citizenship of your mother, Eliza McIntosh? A (Q) In writing?
- Q (A) No, in talking with your uncles, what did they say about that?
- A Well, they always told me she was my mother, and always told me I was her child.
- Q After you returned here, did you see Captain Belcher? A Yes, sir.
- Q Did you live at his house any time after you returned? A Yes, sir.
- Q How long were you there? A I staid some--about two years.
- Q At whose instance was it--she suggested to you to fence up that land out there, that you spoke of yesterday? A Captain Belcher.
- Q Captain Belcher is dead, is he? A Yes, sir.
- Q How long ago since he died? A He died in February, 1900.
- Q Did he leave a will? A Yes, sir.
- Q Did he make any provision for you in that will? A Yes, sir.
- Q What provision did he make for you? A Well, he left the three of us \$25 apiece.
- Q That is you, and who else? A Mary Grayson and Dick McIntosh.
- Q Dick McIntosh, another nephew of his? A Yes, sir; he is my mother's brother's son.
- Q Where does he live? A He lives across to Henrietta, three miles east of Henrietta.
- Q Is it your information--do you know anything about whether he has been enrolled or not? A Yes, sir.
- Q That is your information? A Yes, sir.

15 In re application of Columbus Franklin Ingley for the enrollment of himself as a citizen by blood of the Creek Nation.

By Mr. McKelley, attorney for the Creek Nation.

Q Did Captain Belcher, in his will, leave anything to Willie Jones?

A No, sir.

Q Do you claim Willie Jones to be a half-brother of yours? A Yes, sir.

Q You claim that your mother is also Willie Jones's mother? A Yes, sir.

Q I believe you stated on yesterday that you are now residing at Okmulgee? A Yes, sir.

Q With your half-sister? A Yes, sir.

Q You stated also that E. B. Childers drew money for you in the payment? A Yes, sir.

Q And that you belonged to Cheyenne Town? A Yes, sir.

Q Does Ellis Childers also belong to the Cheyenne Town, - E.B.?

A As far as I know.

Q Your attorney, Judge Weed, I believe also resides at Okmulgee?

A Yes, sir.

Q I would like to ask you why it was you didn't bring your half-sister with you when you came here to make this application, and why you didn't bring some of the members of the town to which you claim to belong, to identify you? A Well, as far as the members of the town--they don't--there don't any of them live at Okmulgee but Willie Perryman, that I am acquainted with, and I inquired--and we talked it over yesterday. Mary couldn't come over handy--thought probably an affidavit from her would answer as well as her presence, and that is the reason she didn't come.

Q Is Mary Grayson sick? A No, sir.

Q Well, she could have come, couldn't she? A Yes, she could have come.

By W. W. Weed, attorney for applicant.

Q Well, what was the reason that Mary gave for not wanting to come? Has she a family of small children? A Well, she has three children.

Q And you did get an affidavit from Mary? A Yes, sir.

Q What you have offered to the Commission? A Yes, sir.

Q But they declined to receive the affidavit? A Yes, sir.

Q I ask you if you have an affidavit from any one else? A I have one from Sam Foster.

Q For the same purpose? A Yes, sir.

By the Commission.

Q What is your correct name? A Columbus Franklin Ingley.

Q Are you the same person who testified yesterday in making application to the Commission for your enrollment as a citizen of the Creek Nation? A Yes, sir.

Q Were you ever known by any other name? A No, sir; unless it was a case where the name was misspelled or mispronounced, or something like that.

Q Where does Willie Jones live? A Lives in the Cherokee Nation.

Q Where in the Cherokee Nation? A I think his post office is Stillwell--was there the last I heard of him.

Q Did he ever live in the Creek Nation? A Yes, sir.

Q Where did he live when he was in the Creek Nation? A McDermott.

Q Did he ever live at McDermott? A No, sir.

Q Did he ever live anywhere near there? A No closer than Okmulgee.

Q Is Willie Jones now living? A Yes, sir.

16 In re application of Columbus Franklin Ingley for the enrollment of himself as a citizen by blood of the Creek Nation.

Chilly W. Morgan, being recalled, testified as follows:

By A. P. McKelley, attorney for Creek Nation.

Q Mr. Morgan, you know Mary, who is known now as Mary Grayson, when this applicant claims to be his half-sister, do you not?

A No, sir; I don't. I know her name when I see her, but I didn't know that she ever had a brother.

Q You know Mary? A Yes, sir; I know her when I see her.

Q And it is understood that she is the daughter--or the niece of Captain Belcher? A That's what I've been told.

Q You have seen her a number of times, have you? A Yes, sir; I have seen her a good many times when she was a young woman.

Q Does she show the Indian blood? A Right smart.

Q What would you call her? A I would call her just about a three-quarter white and a quarter Indian.

Q Quarter Indian? A Yes, sir.

Q Will you look at the applicant here and state whether you can, from your knowledge of Creek blood, among whom you have resided all your life, whether or not he shows any Indian blood at all?

A I can't see it.

Q What would you call the color of his hair? A Well, I would call it rather a sandy hair, is what I have been used to calling it.

Q What would you call the color of his eyes? A I would call them rather blue--hazel color.

Q What would you call his complexion? A Fair complected--sandy complected, is what I would call it.

Q Call him rather a blond than a brunette? A Well, you are using a language now I don't know anything about. I am not an educated man.

Q You can't see any trace of Indian blood in the applicant at all, do you? A No, sir; I don't.

Q Does he look Indian like this Mary that you know at Okmulgee?

A No, sir; not a particle.

By W. W. Weed, attorney for applicant.

Q It is a fact, isn't it, Mr. Morgan, that the Indian blood will seem to predominate in the personal appearance of one person much more than another, even where they are in fact in equal degrees?

A Yes, sir; in some cases it does.

Q The children by the same father and same mother, and one of them will be very much lighter or darker, as the case may be, than another?

A Once in a while you see that.

Q One will show the Indian blood in the face and general make-up much more plainly than others? A Yes, sir; sometimes.

By A. P. McKelley, attorney for Creek Nation.

Q Did you ever know of any instances where the mother was half, say, Indian, that any of her children had light-gray or blue eyes?

A Yes, I have seen some among the Cherokees, but I don't know whether I can bring out any Creeks.

Q According to your statement made a while ago, the mother--the person the applicant claims to be his mother, must have been a half-breed? A Well, I should judge that way.

Q Well, taking that fact into consideration, Mary, as well as any other brothers or sisters that she might have, would, in all probability, show the Indian very distinctly, in their complexion, and more especially in their eyes, would they not, having that much Indian in them? A Yes, sir; I should judge that way.

17 In re application of Columbus Franklin Inghy for the enrollment of himself as a citizen by blood of the Creek Nation.

By W. W. Wood, attorney for the applicant.

Q That would depend altogether upon the blood of Mary's father, wouldn't it? A Well, I don't know where it would depend on.

Q Say as to whether Mary showed more of pure Indian blood than Frank, she would depend upon the blood of Mary's father more than the mother? A I couldn't say just what would be.

Q Well, if Mary's father was an Indian and her mother a white woman, it would be more likely to show the blood in her, would it not? A Well, probably, if her father was an Indian, it may; but I don't know who was her father.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer to the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause on the 11th day of September, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 26th day of September, 1902, at Muskogee, Indian Territory.

H. A. Borey
Notary Public.

**REPORT OF THE COMMISSION,
COMMISSIONER OF THE 27th CIVILIZED TRIBES.
Muskogee, Okla. Ter., September 15, 1902.**

~~CONFIDENTIAL~~ ~~PROPERTY~~ In the matter of the application of
Colman French Ingley for the enrollment of himself as a citizen
by blood of the Creek Nation.

Appearances: W. W. Wood, attorney for applicant.
A. P. McKelley, attorney for Creek Nation.

Mary Grayson, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Mary Grayson.
Q What is your age? A Can't tell you my exact age.
Q About how old are you? A About thirty-two.
Q What is your present address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been listed by the Commission as a citizen of the
Creek Nation? A Yes, sir.

The records of the Commission examined and it ap-
pears therefrom that Mary Grayson is listed for enroll-
ment, as a citizen of the Creek Nation, on Creek Indian
Card, Field No. 20.

- Q Have you any brothers or sisters? A I have two half-brothers.
Q What are their names? A Willie James and Frank Ingley.
Q Are they older or younger than you? A They are both younger
than I.
Q Which is the older, Willie James or Frank Ingley? A Willie James.
Q Is this Frank Ingley (indicating applicant herein)? A Yes, sir.
Q Can you positively identify him as your half-brother? A Yes, sir.
Q What is the name of his mother? A Ida McIntosh was her maiden
name.
Q What is the name of his father? A John Ingley.
Q His father and mother were both killed many years ago, were they
not? A Yes, sir.
Q Do you recollect when they were killed? A I can't know just
exactly the time, but it was either in the fall of '77 or in '78
something; I think, the best I can remember, it was in the fall of '77.
Q About how old were you at that time? A Oh, I couldn't tell just
exactly--seven or eight years old--something that way; I was a good
sized girl.
Q Were you with them when they were killed? A No, sir.
Q Where were you? A I was at Captain Baker's.
Q Was Willie James with them when they were killed? A No, sir.
Q Was Frank Ingley with them at the time they were killed?
A No, sir.
Q How do you know that he was there at the time? A He was the
baby, mother's baby; and they found him there.
Q They simply told you that he was found there? A Yes, sir.
Q You were told that he was found there? A Yes, sir.
Q About how old was Frank Ingley at that time? A Oh, I couldn't
state positively; about ten years, or something like that--something.
Q Where did he go to after his mother and father were killed?
A A family taken him by the name of McIntosh for a while, and then
they brought him to Captain Baker's.
Q How long did he remain with the McIntosh family? A I couldn't tell
you; it was until he got strong enough to be moved, they said; he
was very weak.

15 In re application of Catherine Elizabeth Fogley for the enrollment of herself as a citizen by blood of the Creek Nation.

Very Respectfully,
Witness.

Examination by the Court.

Q Do you know how long he remained at Captain Decker's? A No, sir; I don't know; at any rate I don't know; I couldn't say.

Q Well, when did he go after he left Captain Decker's?

A Not at all; I don't know when he went to the Creek Nation.

Q Well, you know that a year after the death of his father and mother, he left? A Yes, sir.

Q When did you meet one Frank Fogley after he left the territory and came to Texas? A In '45, I think, in '45.

Q Was he left the territory, he was a little boy about ten years old, was he not? A Yes, sir.

Q How long didn't you see him until many years after, when he was a grown-up man? A Well, sometime in '45.

Q Did you recognize the person you visited in Texas, the applicant herein, as the lady, ten years old, which you saw at Captain Decker's and she was carried away to Texas by his mother Jane Fogley after the death of William Decker and John Fogley? A Oh, of course I couldn't do anything like that, but there was not a shadow of a resemblance there to the thing enough to make, and I don't know her, and he was the son of the father of the father, as my father; that's the only way I could identify him.

Examination by E. H. Hall, attorney for applicant.

Q You stated, I believe, that at the time your father and mother were killed, the Fogley, you were sleeping with Captain Decker?

A Yes, sir; I was then there.

Q Was one Captain Decker? A He was my mother's uncle.

Q Was he a Creek chief? A No, sir.

Q Well, I mean to say, was a Creek chief by blood? A No, sir.

Q Was he a Creek chief by adoption? (No answer).

Q Well, but he was adopted into the tribe, so that he took all the name as a chief? A Yes, sir.

Q Do you remember distinctly—do you remember your father and mother? A Yes, by all means.

Q (a) Frank's father—I should have said John Fogley and your mother? A Yes, sir.

Q Do you remember them—you remember how they looked, do you? (No answer).

Q I will ask you whether (the witness here shows pictures or photos)—I will ask you to state them that in the picture of?

A That is the picture of my mother.

Q That is the picture of John Decker, is it? A Yes, sir.

Q When did you first see that picture? A My brother had it; I don't know when I first saw it.

Q That is, Frank had it? A Yes, sir.

Q And when was that? A In '45.

Q Where? A In Texas.

Q Could you state whether or not he had it—did you go to visit him in Texas? A Yes, sir.

Q In what year? A About '45.

Q And that is the time that you referred to as meeting you at the house? A Yes, sir.

Q Now how did you stay with his house? A I should have said with brother.

Q And you don't see that in possession of that picture, did you? A Yes, sir; he had it.

Q Well, I will ask you, then, whether, at that time, you recognized that as the picture of your father? A Yes, certainly.

[REDACTED]

[REDACTED]

[REDACTED]

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24 In re application of Columbus Franklin Hagley for the enrollment of himself as a citizen by blood of the Creek Nation.

Sarah Heccher, witness.

Examination by A. P. McElleop, attorney for Creek Nation.

Q Where was that? A On Mr. Belcher's porch in Okmulgee.

Q And you think it was more than ten years ago, do you?

A Oh, it was more than ten.

Q Well, did you take him to be the same person that lived on Duck Creek when his father and mother were killed? A If it aint the same boy, I don't know where you would go to find him. He didn't have any mark on him, or anything that I could tell, but I am pretty certain this is the same boy.

Q Who told you it was the same boy? A Mr. Belcher is the first man who told me after he come back--Mr. Belcher.

Q Well, could you state that the young man that you saw more than ten years ago was the same identical child whose father and mother were killed on Duck Creek? A Well, they said he was. I won't swear it is the same, because he went to his uncle's; and Mr. Belcher has told me it was Frank, after he come back, and you know after a child gets grown and there aint no mark on him, you can't tell it is the same child. Mr. Belcher, and his grandma also, told me it was Frank, had come back.

Q Did you know Captain Belcher's sister? A No, sir; I don't know; she died at Fort Smith.

Q She wasn't a citizen, was she? A I don't know what she was, but they said---

Q Did you know Captain Belcher well? A Yes, sir; I knowed him well.

Q Was he a white man or an Indian? A No, sir; he wasn't an Indian; they said he was a Dutchman.

Q Dutchman? A Yes, sir.

Q You mean by that, he was a white man? A He was a white man.

Q Did you know Eliza, the woman that the applicant claims was his mother? A (Q) Lema?

Q (A) Yes; did you know her? A Yes, sir; I knowed her good.

Q Did you know Eliza's father? A No, sir; I didn't know her father.

Q Well, do you know whether Eliza was a citizen of the Creek Nation or not? A No, sir; I don't know that either.

Q Well, what you know about Eliza, and what you know about the applicant being a child of Eliza, is simply from what you have been told, is it not, by others? A Well, her grandma was right there; you know she told me she was a McIntosh.

Q Well, but the question is, what you know about Eliza, and what you know about the applicant being a child of Eliza, is simply what you have been told by others, is it not? A Yes, sir; I was there when the child was born; I was his midwife--this boy Frank---

Q That is not the question: What I asked you is, that what you know about the citizenship of Eliza, and what you know about the applicant being the child that was born on Duck Creek, is simply what you have been told, is it not? A Well, this child wasn't born on Duck Creek.

Q Well, that doesn't make any difference: All that you know about Eliza, and all that you know about the citizenship of the applicant here is what you have been told, is it not? A Yes, sir; they told me it was him; I know they wouldn't tell me no lie about it.

Q Did you ever see this applicant in Texas? A No, sir; I never, but I see him when they was carrying him down there.

Q And you didn't see him any more until he come back to Mr. Belcher's?

A I saw him at Mr. Belcher's; he staid there.

25 In re application of Columbus Franklin Ingley for the enrollment of himself as a citizen by blood of the Creek Nation.

Samuel Foster, being first duly sworn, testified as follows, through Interpreter, Chilly W. Mergan:

Examination by the Commission.

Q What is your name? A Samuel Foster.
Q What is your age? A Born in '53.
~~Q What is your post office address? A Okmulgee.~~
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Are you a full-blood Creek Indian? A Yes, sir.

Examination by W. W. Wood, attorney for applicant.

Q Did you know Eliza McIntosh? A Yes, sir.
Q Did you know Eliza McIntosh's father? A No, sir; I don't.
Q Did you know her mother? A No, sir; I don't.
Q Did you know Captain Belcher? A Yes, sir.
Q What kin was Captain Belcher to Eliza McIntosh, as you have understood? A She was Captain Belcher's niece, from what people said.
Q What did you ever hear Captain Belcher say, A No, sir; I never heard him say anything about it.
Q Did you ever see her at Captain Belcher's house? A Yes, sir; used to stay there.
Q Do you know whether she had Indian blood in her, whether there were indications that she had Indian blood? A I don't know; but I was only told that she was of the McIntosh family blood.
Q Whether she looked like she had Indian blood in her? A If she was--had any Indian blood in her, I would say she must have been a mixed breed--a half-breed.
Q Was she recognized as a citizen of the Creek Nation? A Guess that, because I had heard she was enrolled in the Broken Arrow town.
Q Whose picture is that (W. W. Wood exhibiting a picture to the witness)? A That's Eliza McIntosh's picture.
Q Did you know John Inglish or England? A Yes, sir.
Q Do you know whether he was ever called by any other name than Ingley, whether he was called Ingley or---? A He used to stay there at Belcher's and work for Belcher, by the name of John Ingley.
Q Did you ever hear him called John England or Ingley? A All I know is John Ingley; I don't know of any other name.
Q How many times was Eliza McIntosh married? A As far as I know, when she came from Texas, she had a child--or from towards Texas--and when she came there, she had a child with her; a man, a son of Billy Jones, Hero Jones, married her afterwards.
Q Do you know of her having a son by Hero Jones? A Eliza McIntosh had a little boy by Hero Jones.
Q What was his name? A Billy Jones.
Q Did she have a girl at the time you mention of her coming back there? A A little girl about that high (Witness indicating height).
Q What was that child's name? A Mary Coker was her name; I suppose that Coker was the father of the child.
Q How long was that before Eliza McIntosh and John England were murdered? A I don't know how long that was.
Q Well, three or four years? A I paid no attention to it.
Q How long did she live with Jones? A Well, while she was living with Hero Jones, why this England took her and run off with her from Jones.
Q How long did she live with Jones? A I don't know.
Q A year or two? A I don't think they were together a year.
Q After she married John Ingley, were you ever at their house where they were living? A No, sir.
Q Did you know of her having a child--a male child--by John Ingley? A Yes, sir; she had a young one by him.
Q When did you first see the child, and where? A Right there at Okmulgee, at old Captain Belcher's house.

26 In re application of Columbus Franklin Ingley for the enrollment of himself as a citizen by blood of the Creek Nation.

Samuel Foster, witness, through interpreter.

Examination by W. W. Wood, attorney for Creek Nation.

Q Was that before or after the death of Eliza McIntosh? A She gave birth to the child at Belcher's house, and after she got well, she went back to her home up there at Sapulpa.

~~Q Did he see the child there at Belcher's? A Yes, sir.~~

Q Where were you living at the time? A Used to live at Belcher's, at the time.

Q Were you raised by Belcher? A Yes, sir.

Q Did you ever see the child after the death of Eliza McIntosh?

A They brought the child back to Belcher's afterwards, and I seen the child there.

Q When was the last that you saw of the child before he went to Texas? A I don't know, for sure; somewhere about two years old when I saw it last.

Q Did you know anything about the child being taken away to Texas, any one coming after it? A Yes, sir.

Q Were you there when the uncle of the child, or some one, came after it? A Yes, sir.

Q Take him away from Belcher's house? A Yes, sir; the relation to John Ingley that came and got the child at Belcher's.

Q Does the applicant here bear any personal resemblance to John Ingley? A He favors him some, and talks like him.

Examination by A. P. McKellop, attorney for Creek Nation.

Q You state, Mr. Foster, to the best of your knowledge, the child that was taken from Belcher's was about two years old at the time he was taken away? A I just suppose that he was about two years old, I don't know the date or year just exactly when the child was born.

Q How long ago is it since you first saw this applicant, who claims to be Frank Ingley, after he was taken away from Sapulpa? A About six years ago, or about.

Q Did you know this applicant when you saw him about six years ago? A He was very small, and when I saw him he was grown, and I didn't know him, and I was only told it was the boy.

Q You can't state, then, that this applicant is the same person whom you saw as a child at Captain Belcher's near twenty-five years ago? A I couldn't say that he was, I was only told so; if I had been with him all the time, I would know, but then I couldn't say it was the same.

Q Are you personally acquainted with Eliza McIntosh? A She was grown, and was the mother of a child the first time I had ever saw her at Captain Belcher's.

Q Do you know whether or not she was a citizen by blood of the Creek Nation? A Only hearsay; I don't know personally.

Q Did you know Eliza McIntosh's mother? A I am not old enough to know her.

Q Did you know Eliza McIntosh's father? A I don't know her father.

Q Did you know C. C. Belcher's sister? A No, sir; don't know her.

Q Was Captain Belcher a Creek Indian or a white man?

A He was a white man.

Q Do you know whether or not Eliza McIntosh and Nere James were married? A Yes, sir; they were married.

Q And was it while Nere James and Eliza McIntosh were living together as man and wife that John Ingley ran away with Eliza? A Yes, sir; they were living at home together when Ingley ran off with her.

Q Do you know whether or not John Ingley and Eliza McIntosh were ever married? A I don't know, sir; they went back to Texas.

Q Did John Ingley take Eliza McIntosh to Texas soon after he ran away with her from Nere James' place? A They went right away to Texas and was gone a while, and then turned back afterwards.

27 In re application of Columbus Franklin Ingley for the enrollment of himself as a citizen by blood of the Creek Nation.

Samuel Foster, witness, through interpreter.

Examination by A. F. McElroy, attorney for Creek Nation.

Q And was it after they came back that a child was born to Eliza?
A Yes, sir.
Q Was she living with Sam Ingley at the time this child was born?
A Yes, sir.
Q Was that child named while Eliza was living at Belcher's place?
A I don't remember.
Q Who told you that this applicant was the son of John Ingley?
A Captain Belcher told me so.
Q And that you knew about the applicant, who claims to be Frank Ingley, and the son of John Ingley, since he came here from Texas, and since you saw him about six years ago, is what others have told you about him? A That's all I know about it, is what other people told me.

Samuel J. Haynes, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your full name? A Samuel J. Haynes.
Q What is your age? A Forty-two.
Q What is your post office address? A Okmulgee.
Q Are you a citizen of the Creek Nation? A Yes, sir.

Examination by W. W. Wood, attorney for applicant.

Q How long have you lived at Okmulgee and in that vicinity, Mr. Haynes? A Pretty nearly all my lifetime, I guess.
Q Did you know Eliza McIntosh, Mr. Haynes? A Yes, sir.
Q Do you know by whom she was raised? A I don't know, but then she was living at Captain Belcher's. I was told that she was a niece of Captain Belcher's.
Q What did her appearance indicate, as to whether or not she was of Indian blood? A I thought she was an Indian, half-breed.
Q She had that appearance, did she? A Yes, sir.
Q You knew Eliza well, did you, Mr. Haynes? A Yes, sir.
Q State whose picture that is (Witness here shown the same picture presented to other witnesses)? A That's her picture, I guess.
Q That is the picture of Eliza McIntosh? A Yes, sir.
Q Did you know a man by the name of Hore Jones? A Yes, sir.
Q Did Eliza McIntosh ever live with him as his wife? A A while, I think.
Q Do you know anything about her having had a child by him?
A (Q) By Hore?
Q (A) Yes, -- Eliza -- Willie Jones? A Yes, Willie Jones.
Q Well, but she -- do you know anything of Eliza having had a child by him? A Yes, sir.
Q Where does he live now? A He lives in the Cherokee Nation; I think in the Cherokee Nation.
Q Did you know anything about her having had a little girl child, by the name of Mary? A Yes, sir.
Q Did you know her first husband, Hore? A No, sir; I don't.
Q How old was Hore when you first knew her? A Well, I don't remember that, but then she was living at Captain Belcher's with this little girl, Mary.
Q That was before she married Jones, was it? A Yes, sir; before she married -- it is so long, I don't remember good.
Q When you first knew Hore, about how old was she?
A I couldn't say that.

36 In re application of Columbus Franklin Ingley for the enrollment of himself as a citizen by blood of the Creek Nation.

Samuel J. Haynes, witness.

Examination by W. W. Wood, attorney for applicant.

Q How long has that been, since you first saw her,--just approximate it as best you can? A I was young myself, at that time, I didn't pay much attention; I can't say.

Q Did you know John Ingley? A Yes, sir.

Q ~~Eliza McIntosh afterwards marry or live with John Ingley?~~

A Yes, sir.

Q What was his name, Ingley or England? A Well, the way I heard, it was John England.

Q State whether or not you thought that was his name? A Yes, sir; He used to live out of Sapulpa about four miles, I believe north-west; I have been there.

Q Is that on what you call Duck Creek? A Rock Creek.

Q You refer now, in speaking, of John Ingley, as the same man who married Eliza McIntosh? A Yes, sir; and used to live in Rock Creek.

Q Did you ever hear of any other John Ingley? A No, sir.

Q Did you ever hear of any one by the name of Frank Ingley, other than this applicant, among the Creek people?

Q You are well acquainted in all of that section of the country, with the Creek people? A Yes, sir.

Q Do you know the circumstances of their being murdered up there? remember hearing of it at that time? A Yes, sir.

Q Did you ever see the child that was there, supposed to have been there at the time they were murdered? A No, I don't remember that; I just heard that.

Q You don't know anything about that? A No, sir; I don't know anything about it.

Q Now, Mr. Haynes, state whether Eliza McIntosh was recognized among the Creek people as a Creek citizen? A Oh, yes.

Q State whether her children, Mary Coker, now Mary Grayson, and Willie Jones, have been recognized as Creek citizens? A Yes, sir; they are allotted, both of them.

Q Look at that picture, Mr. Haynes (W. W. Wood, here shows witness a picture). A Well, I couldn't remember very well from a picture; I have seen it several times.

Examination by A. F. McKellop, attorney for Creek Nation.

Q Mr. Haynes, do you know anything about a child being born to Eliza McIntosh, after she and John Ingley commenced to live together?

A Well, I was passed his house and stopped and got a drink of water and saw the children there, but I couldn't say how many there were.

Q How many children did you notice at that place when you stopped there? A Well, you see I don't remember that, I didn't pay any particular attention to that; and it is so long.

Q Do you know the applicant, who claims the name of Frank Ingley?

A (Q) Do I know him?

Q (A) Yes. A Yes, I know him.

Q How long have you known him? A I have known him for several years, I don't know exactly, about five or six years, I guess, something along there.

Q Is five or six years ago the first time you ever saw him?

A Yes, sir. The reason I recollect this, you know, is, that Captain Belcher told me that one of his relatives got back from Texas; he told me about the killing of Eliza and John Ingley by John Pestoak; he said that he had got to be a grown man and got back, and then-----

Q Can you state of your own knowledge, Mr. Haynes, that this applicant is the son of John Ingley? A No, I can't state that.

Q Can you state that he is the son of Eliza McIntosh? A No, I can't.

29 In re application of Columbus Franklin Ingley for the enrollment of himself as a citizen by blood of the Creek Nation.

Columbus Franklin Ingley, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your full name? A Columbus Franklin Ingley.

Q Are you the identical person who made application here on the 10th day of September, 1902, for the enrollment of yourself as a citizen by blood of the Creek Nation? A Yes, sir.

Examination by W. W. Wood, attorney for applicant.

Q (Witness here shown pictures concerning which other witnesses have been examined) Did you ever see these pictures before, Mr. Ingley? A Yes, sir.

Q Where did you first see them? A Well the first time I remember seeing them was in Texas.

Q Well, about how long ago? A Well, I don't know; I was five or six years old, as well as I can remember.

Q That is the first time you remember having seen them? A Yes, sir.

Q You may state in whose possession these pictures have been ever since? A Well, they have been in my possession ever since they were first shown me.

Q What information did you have from your relatives as to whose pictures these were? A They always told me they were my father's and mother's pictures.

Examination by A. P. McKellop, attorney for Creek Nation.

Q How old were you, Mr. Ingley, when John Ingley and Eliza McIntosh were killed? A Well, I was told that I was about two years old.

Q Do you remember the appearance of John Ingley and Eliza McIntosh? A No, sir.

Q You cannot recognize these pictures, which have been shown you, then, unless others have told you whose pictures they are? A No, sir.

Examination by the Commission.

Q Who gave you these pictures? A They was given to me by my uncle, my father's brother.

Q Did he tell you that these were the pictures of your father and mother? A Yes, sir.

Q About how long have you had these pictures in your possession?

A I have had them about twenty years.

Q Do you know about how much money was drawn for you from the Creek Nation? A Well, I don't know anything about but one thing, that is the '95 payment.

Q Who told you that money was drawn for you at the '95 payment?

A Well, Captain Reicher told me that Ellis Childers drew money for me, and Ellis drew money personally.

Q Were you told how much money had been drawn for you?

A No, sir.

From an examination, it appears from the 1891 Omitted roll of the Creek Nation, Maychah Town, that H. E. Childers receipted for one, Frank Ingley, at No. 576, on said roll, for the amount of \$20.

Oliver Crumble
Subscribed and sworn to before me this 26th day of September, 1902,
at Muskogee, Indian Territory.

H. A. Brown
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., September 23, 1902

In the matter of the application of Columbus Franklin Ingley for the enrollment of himself as a citizen by blood of the Creek Nation.

By agreement of A. P. McKellop and H. C. Reed, attorneys for Creek Nation, and W. W. Wood, attorney for applicant herein, a certificate from Thomas Boles, clerk of U. S. circuit court, western district of Arkansas, Fort Smith division, showing that on the 11th day of February, 1878, the grand jury of said court presented an indictment charging John Postoak with the murder of John Ingley, in the Creek Nation, on the 10th day of October, 1877, and that he does not find that there is an indictment against said John Postoak for the murder of Eliza Ingley, and that said John Postoak was executed on the 16th day of August, 1878, and a letter from said Thomas Boles, transmitting the certificate above referred to to Messrs. Wood & Witten, attorneys, containing the information that said John Postoak was first indicted on the 14th day of November, 1877, charging him with the murder of John Ingram, on the 10th day of October, 1877, but it appearing that Ingram was a misnomer, he was again indicted, as above stated, are marked Exhibits "A" and "B", respectively, hereto attached and made a part of the record.

DEPARTMENT OF JUSTICE.
 OFFICE OF CLERK U. S. CIRCUIT COURT,
 WESTERN DISTRICT OF ARKANSAS,
 FORT SMITH DIVISION.

FORT SMITH, ARK., Sept. 19th 1902.

Depts. Hood & Miller.
 Attorneys at Law
 Okmulgee, I. T.

Gentlemen: -

As requested by your letter
 dated 7th inst., I have made search and
 ascertained the facts you desire to
 establish, and have embodied them
 in a letter to Hon. Tom Ditch, which
 I herewith hand you.

Protocol was first initiated on
 the 14th November 1877, charging ^{him} with
 the murder of John Ingram, on
 the 10th day of October 1877, in the
 Creek Nation, I. T. It seems it was as-
 certained that Ingram was a
 Missionary when he was again in-
 dicted as stated in my letter to
 Hon. Mr. Ditch. My fee is 50 cents.

Yours truly,
 Thomas Bolin
 Clerk U. S. Ct. Ct.

INDEX

COMMISSION TO FREE IRIBES.			
No.	Received	ANSWERED	
15494		Book	Page
1902	SEP 23 1902		

Boles, Thomas,
Fort Smith, Ark.,
Sept. 19, 1902.

-----0-----

Gives date of indictment
against John Post oak and date
of his execution.

Exhibit "A."

DEPARTMENT OF JUSTICE.
 OFFICE OF CLERK U. S. CIRCUIT COURT,
 WESTERN DISTRICT OF ARKANSAS,
 FORT SMITH DIVISION.

FORT SMITH, ARK.

Sept. 19th 1902

Hon. Louis B. By.
 Acting Chairman,
 Census Commission.

Sir :-

At the request of Messrs. Hood & Milton
 Esqrs. of Okmulgee, I. T., I have examined
 the files of my office, and find that
 on the 11th day of February 1878, the
 Grand Jury of this Court presents an
 indictment against John Prostock
 charging him with the murder of John
 Dingley in the Creek Nation, Indian
 Territory, on the 10th day of October
 1877.

I do not find any indictment against
 him for murder of Rizer Dingley - Prostock
 was executed August 16, 1878.

Very respectfully,
 Thomas Bolles,
 Clerk.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Columbus Frank Ingley
to be enrolled as a citizen of the Creek Nation.

ARGUMENT AND BRIEF OF APPLICANT.

To make out a case under this application, it is necessary
for the applicant to establish

- I. That he is a Creek citizen by blood.
- II. That prior to June 25th, 1908, he had removed to and in good
faith settled in the Creek Nation.
- III. That his name appears upon a duly authenticated roll of the
Creek Nation.

These facts we will proceed to show have been established.

I

Upon the first of these propositions counsel for the Nation,
by their course of examination of witnesses, raised three specific
issues. They insisted, first, that Miss M. L. Letch, the alleged
mother of applicant, was not a citizen, second, that she never had a
male child by John Ingley, and, third, that the evidence was not suf-
ficient to identify applicant as that child if there was one.

I. As to the first of these minor propositions, the evidence of
applicant is conclusive and undisputed. Every witness introduced
by applicant testified positively that Miss M. L. Letch was well
known and universally recognized as a Creek citizen and that she
showed clearly by her appearance that she was of Indian blood.

In addition to this, it was shown that both of her other children

wife were married. If either of these statements are correct applicant could not have been the child referred to, as he does not claim to have been born until 1876. But the letter of the Clerk of the Circuit court at Fort Smith, introduced in evidence, shows that the indictment against Post oak, and upon which he was convicted and executed, charged that the murder was committed in October, 1877. Moreover Mary Grayson, as above stated, testified that she was eight years old at the time of the murder and that she was not at Ingley's at the time, but at Capt. Belcher's in Okmulgee.

These facts show conclusively that Mr. Morgan was mistaken as to the date in his first statement, and that Capt. Belcher must have had reference to Frank when he spoke of the child who was present at the time of the murder. It can readily be seen that it would have been very easy for Mr. Morgan to have become confused in his memory concerning a conversation so long ago, as between the child who was present at the time of the conversation and the one who was present at the time of the murder.

3. While the evidence of the identity of the applicant with the male child who was born to Miss Mc. Intosh is to some extent circumstantial, yet it is to our mind none the less conclusive than upon the foregoing propositions.

Mary Grayson, Sarah Hooper and Sam. Foster all testify that after the murder of Ingley and wife the child was kept by the family above referred to for a while and then brought to Capt. Belcher's, and there kept and recognized as the child of Miss Mc. Intosh until he was about three years old, when two of his uncles, his father's brothers, came and took him to Texas. The pictures were identified by Mary Grayson as the pictures of John Ingley and Miss Mc. Intosh and introduced in evidence. Sam. J. Wagner, Sam. Foster

and Sarah Wheeler all identified these pictures as being those of Ingley and wife. The picture of John Ingley was taken when he was apparently about the age of the applicant at the time of the hearing and the resemblance between the picture and the applicant was so striking as to cause remarks to that effect by all present, including Capt. Angell, the officer before whom the evidence was taken, and the counsel for the nation.

Mary Grayson testified that when the child was taken away these pictures were placed among the clothes and other effects sent along with him and that he brought them with him when he returned.

The applicant testified that they were among his effects at his earliest remembrance and that he had had them in his possession ever since and that he was frequently told by his uncles with whom he resided that they were the pictures of his father and mother, John and Eliza Ingley. Applicant further testified that he resided with his uncles in Texas until 1896 and that they always told him that he was the son of John Ingley and Eliza Mc. Intosh.

Both he and Mary Grayson testified that Mary Grayson visited him in Texas in 1875 and remained for some six months, she recognizing him as her brother.

All the witnesses testified that applicant returned to the Creek nation in 1896 and has been since that time generally recognized as the son of John Ingley and Eliza Mc. Intosh and as a Creek citizen. That Capt. Wheeler recognized him as his grand nephew and Mary Grayson as her brother. Applicant and Sam. Hynes both testified that shortly after applicant's return he, under the sanction and instruction of Capt. Wheeler, fenced up a mile square of the Creek lands and cultivated a portion of it. All the witnesses for the applicant testified to the strong personal resemblance be-

1
A 4

1898 applicant and John England. A number of other circumstances which tend strongly to prove the identity of the applicant will be developed in the discussion of the third of the principal propositions above referred to.

II

That applicant had removed to and in good faith settled in the Creek Nation prior to June 28th., 1898, the date of the approval of the Curtis bill, is not seriously disputed. In any event, it is conclusively shown by the testimony of all the witnesses for the applicant, a portion of which is set out under the second proposition above, and is uncontradicted by testimony on the part of the nation.

III

Does the name of applicant appear upon a duly authenticated roll of the Creek nation?

We find upon the 1891 "omitted roll" the name of Frank England. Mary Grayson, Sam. J. Haines and Sarah Meosher all testify that John Ingley was as often called by the name John England or Inglin as Ingley, and Sam. J. Haines says that he always thought his name was England. The testimony is to the same effect as to the names by which applicant was known.

Attention is called to the fact that it is shown by the letter of the clerk of the U. S. court at Fort Smith to counsel for the applicant, submitted in evidence, that Poston was first indicted for the murder of John Ingram. It is also conclusively shown that there was no other man who went under the name of Frank England in that section of country.

These facts we think ought to satisfy the commission that

Frank Ingley and Frank England are one and the same person.

The name of Frank Ingley is enrolled as a doubtful citizen on old Creek census card No. 433. His relatives, including Eliza

Mc. Intosh and Mary Grayson and Willie Jones are set forth on this card. It is also shown that E. B. Childers, town king of Cheyaha town, collected the 1895 per capita payment for him.

We understand that the commission and the department of the Interior recognize the 1891, omitted roll as a part of the roll of 1891 and therefore authentic, but whether this is true or not the question is clearly settled by law.

The act of June 10th., 1896, confirms all existing rolls, and the act of June 7th., 1897, construes the words "rolls of citizenship" as used in the act of 1896 "to mean the last authenticated rolls of each tribe which had been approved by the council of the Nation."

We understand that the 1891 omitted roll comes within the purview of this construction.

By their course of cross examination of the applicant, counsel for the Nation seem to contend that it was necessary to a lawful enrollment that the party suggesting the enrollment should have had authority from the applicant. We do not know of any law or custom to that effect. In this case the applicant was taken out of the Nation when but three years old for the purpose of raising and education, and under elementary principles of law that fact did not change his domicile or affect his rights of citizenship.

See also on Domicile, Section 20A.

We returned before he arrived at his majority, as we have seen, and we therefore conclude that his rights of citizenship in the Creek Nation were never lost.


We are informed that under the laws and customs of the Creek Nation a relative or town king might enroll minors, in fact that

it was their duty to do so.

Applicant was probably enrolled by the town king or his uncle Capt. Belcher, an adopted citizen, and as we have shown that he was in fact a Creek citizen by blood and a minor temporarily residing outside of the Nation, the enrollment of 1891 was not fraudulent as contended but strictly in accordance with law and justice.

In conclusion, counsel for applicant does not profess to be fully acquainted with the law, and laws and customs of the Creek Nation governing these matters but believes he has not gone far astray and humbly requests that all inaccuracies and omissions in statements of either law or fact may be overlooked and technicalities discarded and that this case may be determined upon the evident merit it presents.

Respectfully submitted,


Attorney for Applicant.

I hereby acknowledge receipt of a copy of
the within brief and argument this
22nd day of October 1902

A. P. McKellop
Atty for Creek Nation.

COPY

Creek Enrollment
Case No. 259.

Muskogee, Indian Territory, December 2, 1902.

W. W. Wood, Esq.,

Attorney for Columbus Franklin Ingley,
Okmulgee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Columbus Franklin Ingley for the enrollment of himself as a citizen, by blood, of the Creek Nation.

You are hereby advised that the attorneys for the Creek Nation will be allowed fifteen days from the date hereof in which to file such protest as they may desire to make against the action of the Commission in this case; if they fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

OCH-144.

Columbus Franklin Bagley,

Cherokee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen, by blood, of the Creek Nation.

You are hereby advised that the attorneys for the Creek Nation will be allowed fifteen days from date hereof in which to file such protest as they may desire to make against the action of the Commission in this case; if they fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Registered.

OCH-143.

COPI

Creek Enrollment
Case No. 202

Muskogee, Indian Territory, December 2, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Columbus Franklin Ingley for enrollment as a citizen, by blood, of the Creek Nation.

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

Respectfully,

Acting Chairman.

Register.

OCH-146.

C o p y

Creek Enrollment
Case No. 259.

Muskogee, Indian Territory, December 23, 1902

Columbus P. Ingley,
Okmulgee, Indian Territory.

Dear Sir:

You are hereby advised that the time given the attorneys for the Creek Nation to file protest against the action of the Commission admitting you to citizenship in the Creek Nation has expired and, no protest having been filed, the Commission has, in accordance with its decision, regularly enrolled you as a citizen of the Creek Nation. You will now be permitted to make a selection of land in the Creek Nation upon application to the Commission at its office in Muskogee, Indian Territory.

Respectfully,

Acting Chairman.

Registered.

Creek Enrollment
Case No. 259.

Muskogee, Indian Territory, December 23, 1902.

W. W. Wood, Esq.,

Attorney for Columbus F. Ingley,

Okmulgee, Indian Territory.

Dear Sir:

You are hereby advised that the time given the attorneys for the Creek Nation to file protest against the action of the Commission admitting Columbus F. Ingley to citizenship in the Creek Nation has expired and, no protest having been filed, the Commission has, in accordance with its decision, regularly enrolled said Columbus F. Ingley as a citizen of the Creek Nation and he will now be permitted to make a selection of land in the Creek Nation upon application to the Commission at its office in Muskogee, Indian Territory.

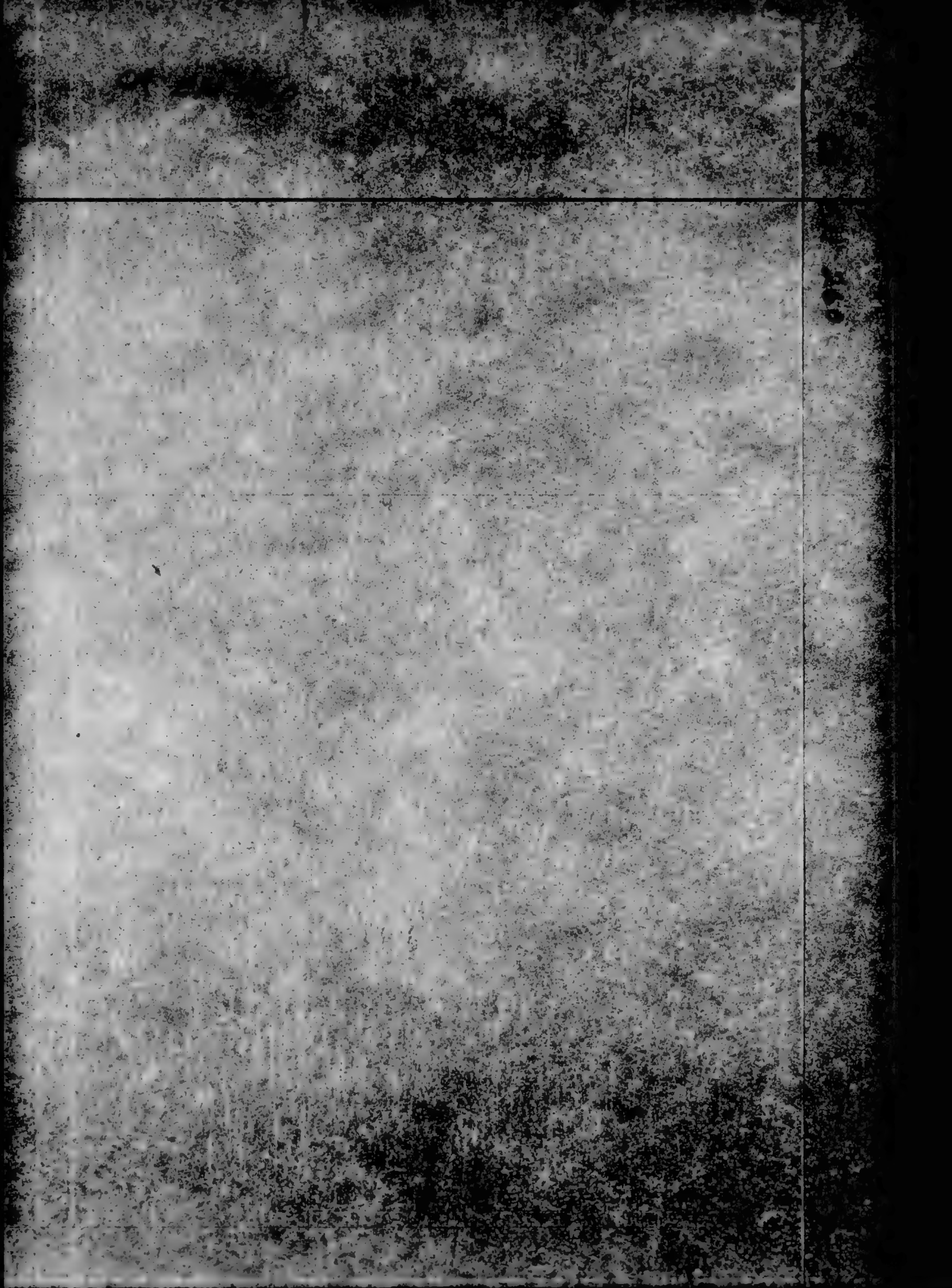
Respectfully,

Acting Chairman.

Muskogee, S. I. Oct. 25-1902

Received of the Commission
to the Five Civilized Tribes
one copy of the testimony
in the matter of the
application of Columbus
Franklin Ingley as a
citizen of the Creek
Nation.

A. P. McKeel
Atty for Creek
Nation



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., September 13, 1902.

In the matter of the application of Henry Jackson for the enrollment of his minor child, Belle Jackson, deceased, as a Creek freedman.

Henry Jackson, being first duly sworn, testified as follows:

By the Commission.

- Q What is your name? A Henry Jackson.
Q What is your age? A Well, my age is about twenty-five.
Q What is your post office address? A Brush Hill.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears that Henry Jackson is listed for enrollment, as a citizen of the Creek Nation, on Creek freedmen card, Field No. 1492.

- Q For whom do you now make application for enrollment as a citizen of the Creek Nation? A Belle Jackson.
Q Do you make application for her enrollment as a Creek freedman?
A Yes, sir.
Q Is she now living? A No, sir.
Q What was her age when she died? A Her age was a year and some months.
Q Was she your daughter? A Yes, sir.
Q When was she born? A September 13, 1898.
Q When did she die? A Died July 25, 1899.
Q To what town in the Creek Nation do you claim to belong? A Canadian.
Q To what town in the Creek Nation did Belle Jackson belong?
A Canadian.
Q Does your name appear upon the tribal rolls of the Creek Nation?
A Yes, sir.
Q Were you ever known by any other name except Henry Jackson?
A Yes, sir. I used to go by the name of Henry Gouge.

The 1890 authenticated tribal roll of the Creek Nation, Canadian Town, examined and the name of Henry Jackson is found and identified thereon, as Henry Gouge, at Page No. 70.

The 1895 Pay Roll of the Creek Nation, Canadian Town, examined, and the name of Henry Jackson not found thereon.

- Q What is the name of the mother of Belle Jackson? A Julia Brown.
Q Is she now living? A Yes, sir.
Q Is she a citizen of the Creek Nation? A Yes, sir.
Q Is she a Creek Freedman? A Yes, sir.
Q Is she a recognized citizen of the Creek Nation by the tribal authorities? A Yes, sir.
Q Does her name appear upon the Creek tribal rolls? A Yes, sir.
Q Was she ever known by any other name except Julia Brown?
A No, sir; not as I know of.
Q What is the name of her father? A Billy Brown.
Q Is he living? A No, sir; he aint living.

2 In re application of Henry Jackson for the enrollment of his minor child, Belle Jackson, deceased, as a Creek freedman.

Henry Jackson, witness.

Examination by the Commission.

Q Was he a Creek citizen? A I can't tell you.

Q What is the name of her mother? A Louvina Roberts.

Q Is she living? A Yes, sir.

Q Does Julia Brown live with Louvina Roberts? A Yes, sir.

The 1890 authenticated roll of the Creek Nation, Canadian Colored Town, examined, and the name of Julia Brown is found and identified thereon as "Julia Roberts", at Page No. 70.

The 1895 Pay Roll of the Creek Nation, Canadian Colored Town, examined, and the name of Julia Brown is found and identified thereon as "Julia Roberts", at No. 788.

Q Has Julia Brown been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

Q To what town in the Creek Nation does Julia Brown belong?
A Canadian Town.

The records of the Commission examined and it appears therefrom that Julia Brown is listed for enrollment as a citizen of the Creek Nation on Creek Freedmen Card, Field No. 267.

Q About how old is Julia Brown? A Well, I couldn't tell you her age.

Q Is she over twenty? A She is about twenty, I guess.

Q Does her mother's name appear upon the Dunn Roll? A I don't know, sir.

The roll of Creek freedmen made by Major J. W. Dunn prior to March 14, 1867, examined, and the name of the mother of Julia Brown is found and identified thereon at No. 1743, as "Vina Sancho."

Q Are you married to Julia Brown? A No, sir.

Q Have you ever been married to her? A No, sir.

Q Are you married her? A No, sir.

Q Is this the first time that application has ever been made to the Commission for the enrollment of Belle Jackson as a citizen of the Creek Nation? A Well I made two applications for her, I think.

Q When have you made application heretofore to the Commission to enroll Belle Jackson? A I came and made one application and they gave me some blank and I went and filled it out and I sent it in, and they sent me some more and I sent it in.

Q Have you heretofore filed with the Commission birth and death affidavits in the matter of the application for the enrollment of Belle Jackson? A Yes, sir.

The records of the Commission examined and it appears therefrom that there was filed with the Commission on the 28th day of December, 1901, birth and death affidavits in the matter of the application for the enrollment of Belle Jackson as a citizen of the Creek Nation, which affidavits are respectively marked Exhibits "A" and "B", and made a part of the record.

The records of the Commission further examined and it appears therefrom that no application was made for the enrollment of Belle Jackson prior to May 25, 1901.

3 In re application of Henry Jackson for the enrollment of his minor child, Belle Jackson, deceased, as a Creek freedman.

Henry Jackson, witness.

Examination by the Commission.

Q Are there any other statements that you desire to make at this time with reference to the application you make for the enrollment of your minor child, Belle Jackson, deceased, as a Creek freedman?
A Well, I don't know, because I don't make an application.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you for the enrollment of your minor child, Belle Jackson, deceased, as a Creek freedman, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

The undersigned, being first duly sworn, upon his oath states that as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause on the 13th day of September, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date(1902).

Olive C. Kinkley

Subscribed and sworn to before me this 30 day of September, 1902, at Muskogee, Indian Territory.

J. S. Boreau
Notary Public.

A.A.C. 136
155

**IN RE
THE DEATH OF**

Belle Jackson
citizen of the

Nation.

Approved 1

Commissioner.

Exhibit "B"

Jan 2 1901

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Belle Jackson
a citizen of the Creek Nation, who formerly resided at or near
Brush Hill, Ind. Ter., and died on the 24 day of July
1899

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Henry Jackson on oath state that I am 25
years of age and a citizen, by Blood, of the Creek Nation;
that my post office address is Brush Hill, Ind. Ter.; that I am
the Father of Belle Jackson
(State relationship, as: the father; an uncle; cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Blood, of the Creek Nation;
and that said Belle Jackson died on the 24 day of
July, 1899

WITNESSES TO MARK: Henry Jackson.
A. M. Shepherd
(Must be Two Witnesses)

Subscribed and sworn to before me this 17 day of Dec 1901.
A. N. Shepherd
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Lavina Roberts, on oath state that I am 46
years of age, and a citizen, by Blood, of the Creek Nation;
that my post office address is Brush Hill, Ind. Ter.;
that I was personally acquainted with Belle Jackson
who was a citizen, by Blood, of the Creek Nation;
and that said Belle Jackson died on the 24 day of
July, 1899

WITNESSES TO MARK: Lavina Roberts
J. W. Brandon
A. M. Shepherd
(Must be Two Witnesses)

Subscribed and sworn to before me this 17 day of Dec 1901.
A. N. Shepherd
Notary Public.

411

IN RE

Application for Enrollment of

INFANT CHILD

Belle Jackson

as a citizen of

Crek

Nation.

Approved

190

Commissioner.

Exhibit "A"

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

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Belle Jackson, born on the 13 day of Sept, 1899,
(Here insert name of child.)
Name of Father: Henry Jackson a citizen of the Creek Nation
Name of Mother: Julia Brown a citizen of the Creek Nation
Post-office Brush Hill, Ark.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northwestern District.

I, Julia Brown, on oath state that I am
years of age and a citizen, by adoption, of the Creek Nation;
that I am the lawful wife of unnamed, who is a citizen, by
of the _____ Nation; that a female child was
(male or female.)
born to me on 13th day of September, 1899, that said child has been
named Belle Jackson, and is now living. did not

WITNESSES TO MARK: Julia Brown
(Must be Two Witnesses.) { A. F. Norris
William Withrow

Subscribed and sworn to before me this 24th day of Dec, 1901.
K. H. Shepherd
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northwestern District.

I, Levina Roberts, a midwife, on oath state that I
attended on Mrs. Julia Brown, wife of unnamed
on the 13 day of Sept, 1899, that there was born to her on
said date a female child; that said child is now living and is said to have been
(male or female.)
named Belle Jackson.

WITNESSES TO MARK: Levina Roberts
(Must be Two Witnesses.) { A. F. Norris
William Withrow

Subscribed and sworn to before me this 24th day of Dec, 1901.
K. H. Shepherd
NOTARY PUBLIC.

Copy

Creek No. 260.

Muskogee, Indian Territory, January 23, 1903.

Hon. P. Porter,

Principal Chief of the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that on September 13, 1902, Henry Jackson, whose post office address is given as Brushhill, Indian Territory, appeared before the Commission and made application for the enrollment of his deceased child, Belle Jackson, as a citizen of the Creek Nation.

You are further advised that the name of said Henry Jackson is embraced in a partial roll of Creek freedmen approved by the Secretary of the Interior, March 28, 1902, and that the name of Julia Brown, the mother of said child, is embraced in a partial roll of Creek freedmen approved by the Secretary of the Interior, March 13, 1902.

It appears from affidavits on file with the Commission that said Belle Jackson was born September 13, 1897, and died July 24, 1899, but the record in the case is such that the Commission is not satisfied with the proof of birth and death furnished, and desires such evidence relative to her right to enrollment as the Creek Nation may be able to produce.

Respectfully,

Acting Chairman.

Copy.

Creek En. 260.

Muskogee, Indian Territory, February 17, 1903.

H. S. Jackson,

Brushhill, Indian Territory.

Dear Sir:

Your letter of January 28, 1903, addressed to the Secretary of the Interior, asking for information in regard to the enrollment of your child, not named, who was born in 1898 and died in 1899, has been referred by him to this office for consideration and appropriate action.

Replying thereto, you are advised that the records of this office show that on September 13, 1902, you made application for the enrollment of your minor child, Belle Jackson, deceased, as a Creek freedman, and that said application is still pending.

You are further advised that when a decision is rendered in this case, you will be duly notified.

Respectfully,

Tams Bixby

Acting Chairman.

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

In the matter of the application for the enrollment of Belle Jackson, deceased, as a Creek freedman.

D E C I S I O N .

The record in this case shows that on September 13, 1902, Henry Jackson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his deceased minor child, Belle Jackson, as a Creek freedman.

The evidence shows that said Belle Jackson was born September 13, 1897, and died in July, 1899, and that she was the child of Julia Brown.

The records of the Commission show that the name of Julia Brown is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 13, 1902, Number 965.

It is, therefore, the opinion of the Commission that said Belle Jackson, deceased, should be enrolled as a Creek freedman in accordance with the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and it is so ordered.

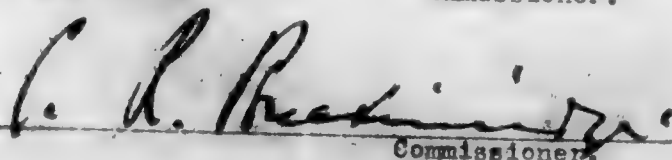
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, I.T.

May 18, 1904

Commissioner.

JJA

Creek En. 260

Muskogee, Indian Territory, May 19, 1904.

Honorable P. Porter,
Principal Chief Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment Belle Jackson, deceased, as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made said Belle Jackson, deceased, will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Commissioner in Charge.

HGH 1-19.

Xmas

Muskogee, Indian Territory, July 12, 1904.

Julia Brown,

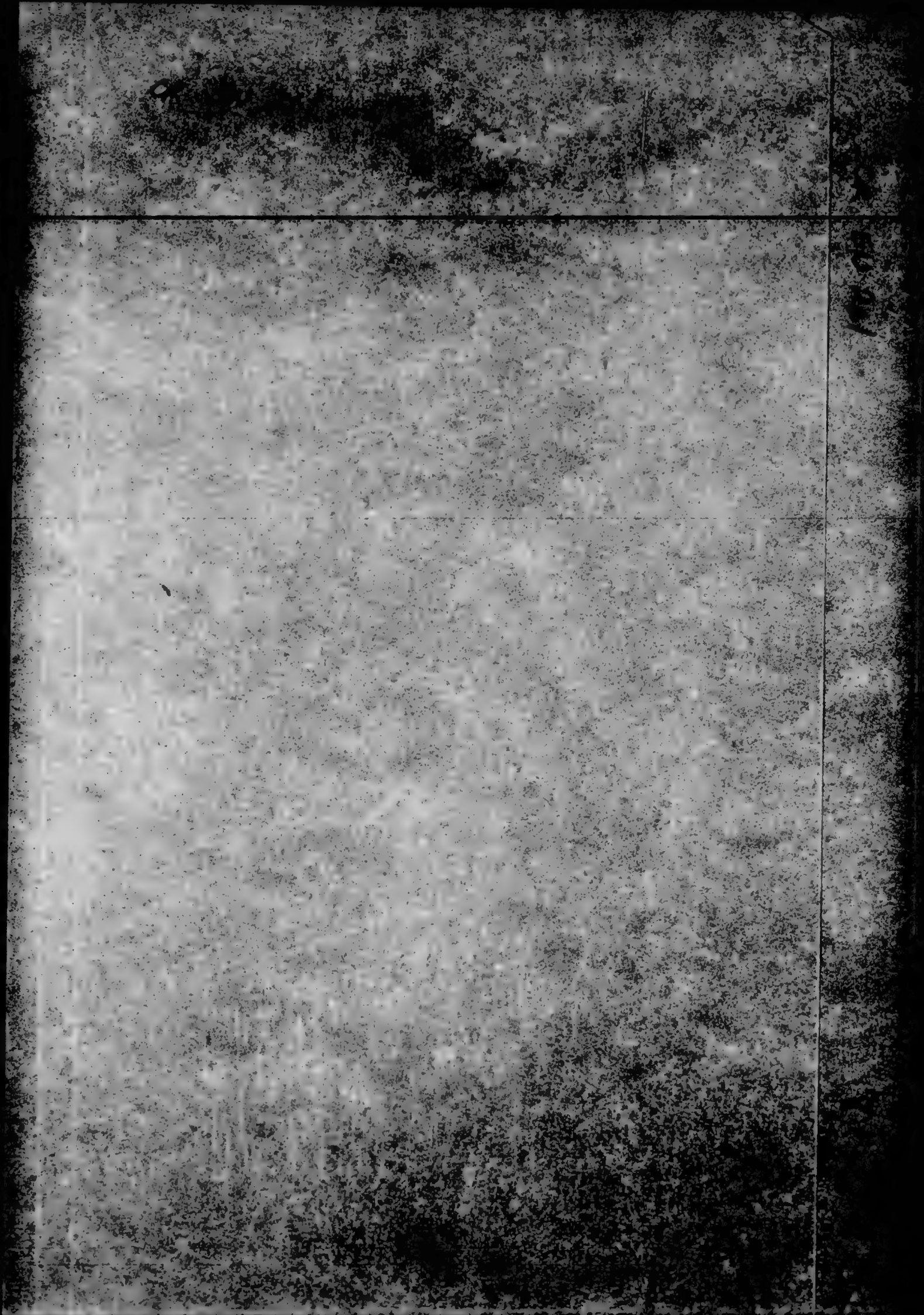
Brushhill, Indian Territory.

Dear Madam:

You are advised that the name of your minor child, Belle Jackson, deceased, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior June 28, 1904, and that application for a selection of land in the Creek Nation may now be made for her heirs at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., September 22, 1902.

In the matter of the application of Mary Davis for the enrollment of her two children, Ross Add, and Edmond Bowleg, as Creek freedmen.

Mary Davis, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Mary Davis.
Q What is your age? A Thirty-seven.
Q What is your post office address? A Wewoka.
Q To what town in the Creek Nation do you claim to belong?
A Canadian Colored.
Q For whom do you now make application for enrollment? A My two boys.
Q What are the names and ages of your two boys for whom you now make application? A Ross Add, ten years old, and Edmond Bowleg, twelve years old.
Q Are Edmond Bowleg and Ross Add both now living? A Yes, sir.
Q Their post office is the same as yours? A Yes, sir.
Q Do you make application for their enrollment as Creek freedmen?
A Yes, sir.
Q To what town do they belong? A Canadian Colored.
Q Have they ever been recognized as citizens by the tribal authorities of the Creek Nation? A Yes, sir.
Q Have they ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A Yes, sir.
Q Do their names appear upon the Creek tribal rolls? A Yes, sir.

The 1890 and 1895 authenticated tribal rolls of the Creek Nation, Canadian Colored Town, examined and the names of Ross Add and Edmond Bowleg not found on said rolls.

The 1891, omitted roll of the Creek Nation, Canadian Colored Town, examined, and the names of Ross Add and Edmond Bowleg not found thereon.

- Q Is this the first time you have ever made application for the enrollment of these two children, as citizens of the Creek Nation?
A No, sir; I came before, and they told me I have to go back and get affidavits; they give me the blanks to done fill.
Q When did you appear before the Commission before this time to make application for their enrollment? A In March.
Q In March, 1902? A Yes, sir.
Q Where did you make the application? A Right in here.
Q Did you, or any one, ever make application for their enrollment before March, 1902? A Yes, sir.
Q When and where was application made for their enrollment before that time? A At Okmalgee, May, 1901.
Q Were you ever known by any other name except Mary Davis?
A Yes, sir.
Q What others names have you been known by? A Mary Rowe, and Mary Harris, and Mary Aird.

The records of the Commission examined and it appears therefrom, that Edmond Bowleg and Ross Add are enrolled on Old Creek Census Card, No. 3184, under the names of Edmond and Ross Aird, together with their mother, under the name of Mary Aird.

2 In re application of Mary Davis for the enrollment of her two minor children, Ross Add and Edmond Bowleg, as Creek freedmen.

Mary Davis, witness.

Examination by the Commission.

- Q Are you the mother of Edmond Bowleg and Ross Add? A Yes, sir.
Q Have you any other children that are now living? A Yes, sir.
Q What are their names? A Willie Add and Isora Davis.
Q Is Willie Add a half brother of Ross Add? A Yes, sir.
Q Have you been listed for enrollment by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Mary Davis is listed for enrollment on Creek Freedmen Card, Field No. 1485, under the name of Mary Rowe.

It also appears that her two children, Isora Davis and Willie Add, are also enrolled, as citizens of the Creek Nation, on Creek Freedmen Card, Field No. 1485.

- Q Have you been recognized by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Does your name appear upon the Creek tribal rolls? A Yes, sir.

The 1890 authenticated tribal roll of the Creek Nation, Canadian Colored Town, examined, and the name of Mary Davis is found and identified thereon as Mary Rowe, at Page No. 66.

The 1895 authenticated tribal roll of the Creek Nation, Canadian Colored Town, examined, and the name of Mary Davis is found and identified thereon as Mary Rowe, at No. 32.

- Q What is the name of the father of Edmond Bowleg? A Ben Bowleg.
Q Is he a citizen of the Creek Nation? A No, sir.
Q Is he a citizen of any nation in the Indian Territory?
A A citizen of the Seminole Nation.
Q Is he living? A He is dead.
Q What is the name of the father of Ross Add? A George Add.
Q Is George Add living? A No, sir.
Q How long has he been dead? A He died last January.
Q Was he a citizen of the Creek Nation? A A State man.
Q Do your children, Edmond Bowleg and Ross Add, now live with you?
A Live with me, all their lives.
Q Do you reside in the Creek Nation? A Yes, sir.
Q Have you resided in the Creek Nation all your life? A Yes, sir.
Q Have these two children, Edmond Bowleg and Ross Add, ever been enrolled in any other nation excepting the Creek Nation? A No, sir.
Q Have you heretofore filed with the Commission birth affidavits in the matter of the application for the enrollment of Edmond Bowleg and Ross Add, as citizens of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that there was filed with the Commission, on May 3, 1901, birth affidavits in the matter of the application for the enrollment of Edmond Bowleg and Ross Add, as citizens of the Creek Nation, which affidavits are marked Exhibits "A" and "B", respectively, and made a part of the record.

- Q Were these two children, for whom you now make application, ever admitted by the Commission to the Five Civilized Tribes, as citizens of the Creek Nation, under the act of Congress of June 10, 1896? A No, sir.

3 In re application of Mary Davis for the enrollment of her two minor children, Ross Add and Edmond Bowleg, as Creek freedmen.

Mary Davis, witness.

Examination by the Commission.

List of persons admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes, under the act of June 10, 1896, examined, and the names of Edmond Bowleg and Ross Add, not found thereon.

Q Were these two children for whom you now make application ever admitted to citizenship in the Creek Nation by the Creek Citizenship Commission, under the provisions of an act of the Creek Council, approved May 30, 1895? A I don't know.

The list of persons admitted to citizenship in the Creek Nation by the Creek Citizenship Commission, under said act of the Creek Council, May 30, 1895, examined, and the name of Edmond Bowleg and Ross Add, not found thereon.

Q Were these two children, for whom you now make application, ever admitted by the United States court upon an appeal from the decision of the tribal authorities of the Creek Nation or from a decision of the Commission to the Five Civilized Tribes, as citizens of the Creek Nation, acting under the act of Congress approved June 10, 1896? A No, sir.

The court records of the United States court in and for the northern district of Indian Territory, examined, and the names of Edmond Bowleg and Ross Add not found to have been admitted by the judgment of said court.

Q If it should be found that Edmond Bowleg has heretofore been recognized by the tribal authorities of both the Creek and Seminole Nations, as a citizen of which nation do you now elect to have him enrolled and receive allotments of land and distributions of money? A In the Creek Nation.

Q Are there any other statements that you desire to make at this time in regard to the application you now make for the enrollment of your two minor children, Edmond Bowleg and Ross Add, as citizens of the Creek Nation? A No, sir.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you for the enrollment of your two minor children, Edmond Bowleg and Ross Add, as Creek freedmen, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

22 Oliver C. Hinkle, being first duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 19th day of September, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings.

Oliver C. Hinkle

Subscribed and sworn to before me this 30th day of September, 1902, at Muskogee, Indian Territory.

W. J. Boney
Notary Public.

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

In the matter of the application of Mary Davis for the enrollment of her two minor children, Ross Add and Edmond Bowleg, as citizens of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on September 22, 1902, Mary Davis appeared before this Commission, at Muskogee, Indian Territory, and made application for the enrollment of her two minor children, Ross Add and Edmond Bowleg, as citizens, by adoption, of the Creek Nation.

It also appears that said Edmond Bowleg was born prior to the making of the 1890 Creek roll; that said Ross Add was born prior to the making of the 1895 Creek roll, and that both are now living and residing in the Creek Nation.

It also appears that said Mary Davis, mother of said Ross Add and Edmond Bowleg, is regularly enrolled as a citizen of the Creek Nation; that her name is found upon the 1890 and 1895 authenticated Creek rolls; that the said Ross Add and Edmond Bowleg have never been enrolled by the tribal authorities of the Creek Nation; that their names do not appear upon the tribal rolls of the Creek Nation now in possession of this Commission, and that they have never been admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes, or by the legally constituted authorities of the Creek Nation or by the United States court in Indian Territory, on appeal, in accordance with the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

It further appears from the testimony of said Mary Davis that Ben Bowleg, the father of said Edmond Bowleg, was a citizen of the Seminole Nation; that said Edmond Bowleg has never been enrolled as a citizen of the Seminole Nation, and that no application has been made for his enrollment therein.

Section 8 of the Creek Supplemental Agreement, approved by Congress, June 30, 1902, and ratified by the Creek Council, July 26, 1902 (Public--No.200), provides:

"All children who have not heretofore been listed for enrollment living May 25, 1901, born to citizens whose names appear upon the authenticated rolls of 1890 or upon the authenticated rolls of 1895 and entitled to enrollment as provided by the act of Congress approved March 1, 1901 (31 Stat. L., 861), shall be placed on the rolls made by said commission."

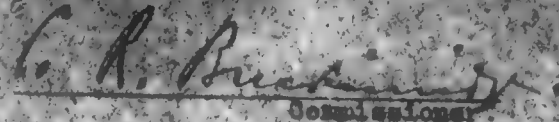
It is therefore the opinion of this Commission that said Ross
and United States should be entitled to claims of the Creek
it is so ordered.

COMMISSION TO THE CIVILIZED TRIBES.

Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,
this 17th day of December, 1908.

COPY

Creek Enrollment
Case No. 24.

Muskogee, Indian Territory, December 17, 1902.

Mary Davis,

Wowoka, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your two minor children, Ross Add and Edmond Bowleg, as citizens of the Creek Nation. The decision, with a copy of the proceedings had in the case, is this transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Registered.

OCH-10.

Copy
Creek Enrollment
Case No. 251.

Muskogee, Indian Territory, December 17, 1903.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Mary Davis for the enrollment of her two minor children, Ross Add and Edmond Bowleg, as citizens of the Creek Nation. The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

OCH-11.

Muskogee, Indian Territory, December 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Mary Davis for the enrollment of her two minor children, Ross Add and Edmund Bowling, as citizens of the Creek Nation, including the decision of the Commission, dated December 17, 1902, enrolling said applicants as citizens of said nation.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

OCH-12.

Copy.

Refer in reply to
the following:
Land.
75422-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

WASHINGTON, March 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated December 17, 1902, forwarding, for the Department's consideration, the record relative to the application of Mary Davis, for the enrollment of her two minor children, Ross Add and Edmond Bowleg, as citizens of the Creek Nation.

December 17, 1902, the Commission held that the applicants were entitled to enrollment.

The record in this case shows that Edmond Bowleg was born prior to the time the 1890 Creek roll was made; that Ross Add was born prior to the date of the 1895 roll; that both were living and residing in the Creek Nation on the date the Commission rendered its decision; that Mary Davis, the mother of these two applicants is regularly enrolled as a citizen of the Creek Nation; that her name appears on the 1890 and 1895 Creek rolls; that the applicants have never been enrolled by the tribal authorities of the Creek Nation;

that their names do not appear upon any of the tribal rolls in the possession of the Commission; that they have never been admitted to citizenship in the Creek Nation by the tribal authorities, the Commission or the Court, and that Ben Bowleg, the father of Edmond Bowleg, was a citizen of the Seminole Nation.

The record further shows that Edmond Bowleg has never been enrolled as a citizen of the Seminole Nation, and that no application for his enrollment as such has been made. Section 8 of the Creek supplemental agreement is, as follows:

"All children who have not heretofore been listed for enrollment living May 25, 1901, born to citizens whose names appear upon the authenticated rolls of 1890 or upon the authenticated rolls of 1895 and entitled to enrollment as provided by the act of Congress approved March 1, 1901, (31 Stat. L., 861), shall be placed on the rolls made by said commission. And if any such child has died since May 25, 1901, or may hereafter die, before receiving his allotment of lands and distributive share of the funds of the tribe, the lands and money to which he would be entitled if living shall descend to his heirs as herein provided and be allotted and distributed to them accordingly."

From the record in this case it appears that the applicants have never been enrolled as citizens of the Creek Nation; that they are the children of a recognized citizen of that Nation, and that they were living on May 25, 1901.

The office is therefore of the opinion that the Commission's

decision is correct, and its approval is recommended.

Very Respectfully,

A. J. Tonner,

Acting Commissioner.

GAV-0.

COPY.

J.P.

DEPARTMENT OF THE INTERIOR.

FHB.

WASHINGTON.

T.T.D. 2406-1903.

March 9, 1903.

LRS.

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

Gentlemen:

The Department has considered the case involving the application of Mary Davis, for the enrollment of her minor children, Ross Add and Edmond Bowleg, as citizens of the Creek Nation.

Mary Davis is identified upon the 1890 and 1895 authenticated Creek rolls. It appears that said children have never been enrolled in the Creek Nation or admitted to citizenship therein; that Ben Bowleg, the father of Edmond Bowleg, was a citizen of the Seminole Nation; that however, said Edmond Bowleg has never been enrolled as a citizen of that Nation, and that no application has been made for his enrollment therein.

December 17, 1902, you held that the parties were entitled to enrollment under section 8 of the Creek agreement contained in the act of June 30, 1902 (32 Stat., 500).

Reporting in the matter March 4, 1903, the Acting
Commissioner of Indian Affairs recommends that your decision
be concurred in. A copy of his letter is inclosed.

Finding no reason to disturb your decision, it is
hereby affirmed.

Respectfully,

F. L. Campbell
Acting Secretary.

1 inclosure.

Creek No. 261.

Muskogee, Indian Territory, March 19, 1903.

Mary Davis,

Newoka, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 9, 1903, affirmed the decision of the Commission to the Five Civilized Tribes, dated December 17, 1902, enrolling your two minor children, Ross Add and Edmond Bowleg, as citizens of the Creek Nation.

Respectfully,

Chairman.

Register.

880
Creek No. 361.

Muskogee, Indian Territory, March 19, 1903.

Arthur F. Murphy,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of March 9, 1903, affirmed the decision of the Commission to the Five Civilized Tribes, dated December 17, 1902, enrolling Ross Add and Edmund Bowleg, as citizens of the Creek Nation.

Respectfully,

Chairman.

CR EN 262

CR EN 262

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., September 13, 1902.

In the matter of the application of Daniel Grayson for the enrollment of his four cousins, Zack, Gertie, Louisa and Polly Grayson, as Creek freedmen.

Daniel Grayson, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Daniel Grayson.
Q What is your age? A I don't know.
Q About how old are you? A I would be about forty-eight or fifty, I can recollect a little about the war.
Q What is your post office address? A Wewoka.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q For whom do you now make application for enrollment? A Zack Grayson, Gertie Grayson, Polly Grayson and Louisa.
Q How do you represent them here? A By power of attorney.
Q Have you a power of attorney with you? A Yes, sir.
Q Who gave you the power of attorney? A The mother of these children.
Q What is her name? A Emma Grayson.

The applicant here presents a duly executed power of attorney from Emma Grayson, the mother of Zack, Gertie, Polly and Louisa Grayson, authorizing him to appear before the Commission and make application for the enrollment of these children, which power of attorney is marked Exhibit "A", and made a part of the record.

- Q Do you make application for the enrollment of Zack, Gertie, Louisa and Polly Grayson, as Creek freedmen? A Yes, sir.
Q Are they all now living? A Yes, sir.
Q What is their post office address? A Wetumka.
Q What are their names and ages? A Zack, 15; Gertie, 13; Louisa, about 9, and Polly, about 8.
Q To what town in the Creek Nation do you claim these children belong? A To the North Fork Town.
Q Have they ever been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A Yes, sir; they have.
Q Have they ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A Yes, sir.
Q Do their names appear upon the Creek tribal rolls?
A Yes, sir; they ought to be there.
Q What is the name of their father? A His name was Caesar Grayson.
Q Is he now living? A No, sir; he is dead.
Q How long has he been dead? A Why he died on the 24th day of last December.
Q Was he a citizen of the Creek Nation? A Yes, sir.
Q Did his name appear upon what is known as the Dunn Roll?
A Yes, sir.
Q Was Caesar Grayson ever known by any other name? A No, sir; that is the only one he ever did have; I have known him ever since he was no more than two years old.
Q Have these four children, for whom you now make application for enrollment, any brothers or sisters? A Yes, sir.

2 In re application for the enrollment of Zack, Gertie, Louisa, and Polly Grayson, as Creek freedmen.

Daniel Grayson, applicant, witness.

Examination by Commission.

Q What are their names? A David Grayson, Carolina, Alice Grayson and Bertha Grayson; that's all.

Q Have Caesar Grayson and any of his children been listed for enrollment as citizens of the Creek Nation by the Commission?

A Yes, sir.

The records of the Commission examined and it appears therefrom that Caesar, Paulina, Alice and Bertha Grayson, are listed for enrollment as citizens of the Creek Nation on Creek Freedmen Card, Field No. 230.

The roll of Creek freedmen made by Major J. W. Dunn, prior to March 14, 1867, examined and the name of Caesar Grayson not found thereon.

The 1890 authenticated Creek roll, North Fork Town, examined, and the name of Caesar Grayson is found and identified thereon at Page No. 154.

The 1895 authenticated roll of the Creek Nation, North Fork Colored Town, examined, and the name of Caesar Grayson is found and identified thereon at No. 80.

The 1890 authenticated tribal roll of the Creek Nation, North Fork Colored Town, examined, and the name of Zack Grayson is found and identified thereon, as "Sack Grayson", at Page No. 154.

The 1890 authenticated tribal roll of the Creek Nation, North Fork Colored Town, examined, and the name of Gertie Grayson is found and identified thereon as "Gettie Grayson", at Page No. 154.

The 1895 Pay Roll of the Creek Nation, North Fork Colored Town, examined, and the names of Zack, Gertie, Louisa and Polly Grayson, not found thereon.

The Doubtful 1895 roll of Creek citizens, North Fork Colored Town, examined, and the name of Jack, Gertie, Davis and Louisa Grayson, are found thereon, at Nos. 11 to 14, inclusive.

Q To what town in the Creek Nation did Caesar Grayson belong?

A North Fork.

Q What is the name of the mother of these four children for whom you now make application? A Mama Grayson.

Q Is she the mother of all of them? A Every one of them.

Q Was she the mother of Paulina Grayson? A Yes, sir.

Q She was also the mother of Alice and Bertha Grayson? A Yes, sir.

Q Is she now living? A Yes, sir.

Q Was she a citizen of the Creek Nation? A No, sir.

Q Was she a citizen of any nation in the Indian Territory?

A I think she is of the Chickasaw.

Q Has she been enrolled by the tribal authorities of the Chickasaw Nation as a citizen of the Chickasaw Nation? A She has been enrolled by the Daves Commission as a citizen of the Chickasaw Nation.

Q Was she enrolled under the name of Mama Grayson? A Yes, sir.

Q Did she have the four children for whom you now make application for enrollment as citizens of the Creek Nation, enrolled by the Commission as citizens of the Chickasaw Nation? A Yes, sir; I think so.

Q Was she ever known by the name of Carolina? A No, sir.

Q What was her maiden name? A Nero.

Q Where does Mama Grayson now live? A She lives about seven miles west of Wetumka.

Q Do the four children for whom you now make application all live with her? A Yes, sir.

Q How long has she, and these four children, resided in the Creek Nation? A They have been living there about ten years.

3 In re application for the enrollment of Zack, Gertie, Louisa and Polly Grayson, as citizens of the Creek Nation.

Daniel Grayson, applicant, witness.

Examination by the Commission.

Q Where did they live before coming to the Creek Nation?

A They lived in the Chickasaw Nation.

Q Were they living near Wetumka in 1895? A Yes, sir.

Q They have lived there continuously ever since? A Ever since, yes, is there yet.

Q Is this the first time that application has been made to the Commission for the enrollment of Zack, Gertie, Louisa and Polly Grayson, as citizens of the Creek Nation? A No, sir; I think it was August, a year ago, when I was down here, with Caesar, to make application for them; I don't recollect whether they take the name or not.

Q Do you know whether Caesar Grayson, in his lifetime, made application to the Commission for their enrollment as Creek citizens?

A No, sir; I don't.

The records of the Commission examined and it appears therefrom, that Zack (Jack), Gertie, Louisa and Polly Grayson, together with their father, Caesar Grayson, are enrolled on Old Creek Census Card, No. 3185.

Q Why did Emma Grayson not come here and make this application herself? A Well, she just didn't come and couldn't come; and we understand that any relative can make application just the same, in this shape.

Q She has resided in the Creek Nation for the past five years, has she not? A She has been here about ten years.

Q Do you know why she has not been here herself before this time and made application for the enrollment of her children? A Yes, sir; I know what she says is the cause.

Q What reason did she give? A Why she wrote to me last spring about April to come over and tend to her business. She had no way to get at it, and I told her I would. But I never did get time to come until August. It is a good long ways.

Q Is she sick? A She is now--she has been for about two years; but she wasn't sick at that time, as I know of.

Q Have you any birth affidavits in the matter of the application for the enrollment of any of these children? A Yes, sir; I have.

The applicant here presents three birth affidavits in the matter of the application for the enrollment of Gertie, Polly and Louisa Grayson, which are marked Exhibits "B", "C" and "D", respectively, hereto attached and made a part of the record.

Q Do you know why these four children were left off the 1895 Creek roll? A No, sir; I don't know how they were left off. They were claimed to have enrolled, but I don't see why they don't appear on the roll.

Q Are there any additional statements you desire to make at this time relative to the application for the enrollment of Zack, Gertie, Louisa and Polly Grayson, as citizens of the Creek Nation? A Now they live on this side--the side, what improvements he made is on this side, and the children, and they desire to live where are, and that is the reason I make this application, that they might hold their homestead. If they have to go off, they never get improvement any more.

Q If it should be found that these four children, for whom you now make application, have been recognized by the tribal authorities of both the Creek and Chickasaw Nation, as citizens of which nation do you now elect to have them enrolled and receive allotments of land and distributions of money? A In Creek Nation.

4. Application for the enrollment of Jack, Bertie, Louise
and Polly Grayson, as citizens of the Creek Nation.

Daniel Grayson, applicant, witness.

Examination by the Commission.

You will be furnished at a later date with a copy of the decision
of the Commission in the matter of the application made by you at
this time for the enrollment of your four cousins, Jack, Bertie,
Louise and Polly Grayson, as Creek Indians, which will be mailed
to you at your proper post office address, as given by you in your
testimony taken at this time.

The undersigned, being first duly sworn, upon his oath states
that, as stenographer for the Commission to the Five Civilized Tribes,
he reported all the proceedings had in the above entitled cause,
and that the above and foregoing is a full, true and correct trans-
cript of his stenographic notes of said proceedings had on said
date, September 12, 1902.

Oliver C. Winkle

Subscribed and sworn to before me this 30 day of September, 1902,
at Muskogee, Indian Territory.

W. A. Boren
Notary Public.

J. J. 10

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

In the matter of the application for the enrollment of Zack Grayson, Gertie Grayson, Polly Grayson and Louisa Grayson, as Creek freedmen.

D E C I S I O N.

The record in this case shows that on September 18, 1902, Daniel Grayson, acting under power of attorney duly executed by Emma Grayson, mother of applicants, appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Zack Grayson, Gertie Grayson, Polly Grayson and Louisa Grayson, as Creek freedmen.

The evidence shows that said Zack Grayson, Gertie Grayson, Polly Grayson and Louisa Grayson, are the minor children of Caesar Grayson, deceased, whose name is included in a schedule of Creek freedmen approved by the Secretary of the Interior, March 13, 1902, and Emma Grayson, alleged to be a Chickasaw freedman; that the said Zack and Gertie Grayson are identified upon the 1890 authenticated roll of the Creek Nation, and that the said Polly and Louisa Grayson are identified by birth affidavits made a part of the record herein.

It does not appear from an examination of the records of the Commission that application has been made for the enrollment of the applicants herein as citizens of the Chickasaw Nation.

It appears that said Daniel Grayson has elected to have the applicants herein enrolled as citizens of the Creek Nation; and it further appears that they have resided in Indian Territory all their lives.

The act of Congress approved June 30, 1902, and ratified by the Creek National Council, July 26, 1902 (Public--No. 200), provides:

"All children who have not heretofore been listed for enrollment living May 25, 1901, born to citizens whose names appear upon the authenticated rolls of 1890 or upon the authenticated rolls of 1895 and entitled to enrollment as provided by the act of Congress approved March 1, 1901 (31 Stat. L., 861), shall be placed on the rolls made by said commission."

It is therefore the opinion of this Commission that Zack Grayson, Gertie Grayson, Polly Grayson and Louisa Grayson, should be enrolled as Creek freedmen, in accordance with the provision of law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


 Acting Chairman.


 Commissioner.


 C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,
this 20 day of February, 1903.

and all that in and to the same, and I have signed and sealed this day and date and place as above written and I have caused the same to be signed and sealed by my four children, Zack Grayson, Bertie Grayson, Polly Grayson and Louise Grayson, in the presence of the Clerk of the Court and I have authorized and by said Attorney Public charged to take care of said affairs on lands in the Creek Nation before the Deeds Commission at Muskogee, I.T. the same as if I were present in person.

Emma X Grayson
mark

Witnesses to Mark

Jas A. Long

J.W. Richardson

"A" signed

United States of America }
Western District, I.T. } ss

On this 16th day of Sept. 1902 personally appeared before me the undersigned A notary Public in and for the above named district Emma Grayson to me known to be the person named in and who executed the foregoing power of attorney and she acknowledged that she executed the same freely.

Jas. A. Long

Notary Public

My Com. Ex. 7-11-1906.

(SEAL)

J. J. H.

COMMISSIONERS

HENRY L. BAWES,
TAMM BERRY,
THOMAS D. NEEDLES,
C. E. BRIDGEMAN.

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

REFER IN REPLY TO THE FOLLOWING
Greek No. 252.

ALLISON L. AYLEWORTH,
SECRETARY

ADDRESS ONLY IN REPLY
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 21, 1903.

Daniel Grayson,
Attorney in Fact for Emma Grayson,
Wewoka, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of Zack, Gertie, Louisa and Polly Grayson, as citizens of the Creek Nation. The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

OCH-15.
Register.

copy

Creek No. 208.

Muskogee, Indian Territory, February 21, 1908.

Murphy,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Zack, Gertie, Louisa and Polly Grayson, as citizens of the Creek Nation. The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

OCH-16.

Muskogee, Indian Territory, February 21, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Zack, Gertie, Louisa and Polly Grayson, as citizens of the Creek Nation, including the decision of the Commission, dated February 20, 1903, enrolling said applicants.

Respectfully,

Chairman.

SOCK-17.

Through the Commissioner
of Indian Affairs.

Refer to reply to
the following

1877-1903.

copy.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, March 11, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report from the Chairman of the Commission to the Five Civilized Tribes, dated February 21, 1903, forwarding the record relative to the application for enrollment of Zack, Gertie, Louisa and Polly Grayson as citizens of the Creek Nation.

February 20, 1903, the commission held the applicants were entitled to enrollment.

The record in the case shows that the applicants are the minor children of Cassar Grayson whose name is included in the partial roll of Creek freedmen approved by the Department March 13, 1902, and Emma Grayson, an alleged Chickasaw freedman. Zack Grayson and Gertie Grayson are identified on the 1890 Cherokee roll and Louisa and Polly Grayson are properly identified by birth affidavits.

The commission in its decision states that no application has been made for the enrollment of these applicants as citizens of the Chickasaw Nation, and that Daniel Grayson, their cousin, has elected to have them enrolled as Creek citizens.

Section 7 of the Creek supplemental agreement declares

All persons born to Greek parents and entitled to an
rollment as provided by the act of Congress approved March 1,
1902 subsequent to July 1, 1900 and up to and including
May 25, 1901, and living on that date shall be placed on the
rolls made by said commission.

As these applicants are the minor descendants of a deceased
Greek citizen, the office is of the opinion that the commission's
decision is correct, and its approval is recommended.

Very respectfully,

Commissioner.

(S. W.)

175

March 23, 1905

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application of Zack, Gertie, Louisa and Polly Grayson, as Creek freedmen, received with your letter of February 21, 1905.

It appears that the applicants are the minor children of Cessar Grayson, deceased, who is identified upon the authenticated Creek roll, North Fork Town, OK 1890, and the 1895 authenticated roll of North Fork Colored Town, and whose name is included in a schedule of Creek freedmen approved by the Department March 13, 1903, and Isaac Grayson, alleged to be a Chickasaw freedman, that Zack and Gertie Grayson are identified upon the 1890 authenticated roll and that Louisa and Polly Grayson, born since 1890, are identified by birth certificates; that application has not been made for the enrollment of the applicants as citizens of the Chickasaw Nation.

You held February 20, 1903, that the parties were entitled to enrollment, as the act of June 30, 1902 (32 Stat., 500), provides that

"All children who have not heretofore been listed for enrollment living May 26, 1901, born to citizens whose names appear upon the authenticated rolls of 1890 or upon the authenticated rolls of 1895 and entitled to enrollment as provided by the act of Congress approved March 1, 1901 (31 Stat. L., 861), shall be placed on the rolls made by said commission."

Reporting in the matter March 11, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be affirmed. A copy of his letter is inclosed.

No objection appearing, your decision is hereby affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

215

COMMISSIONERS:
TAMM BENTZ,
THOMAS S. HENGLER,
C. H. BARRICKWELL,
W. E. STANLEY.

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

REFER IN REPLY TO THE FOLLOWING
Creek No. 268.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

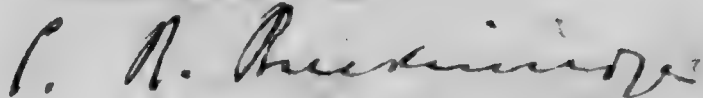
Muskogee, Indian Territory, April 3, 1903.

Daniel Grayson,
Attorney in Fact for Emma Grayson,
Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 22, 1903, affirmed the decision of the Commission, dated February 20, 1903, enrolling Zack, Gertie, Louise and Polly Grayson, as citizens of the Creek Nation.

Respectfully,



Commissioner in Charge.

Register.

Copy

Creek No. 262.

Muskogee, Indian Territory, April 3, 1903.

A. P. Murphy,

National Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of March 23, 1903, affirmed the decision of the Commission, dated February 20, 1903, enrolling Zack, Gertie, Louisa and Pelly Grayson, as citizens of the Creek Nation.

Respectfully,

Commissioner in Charge.

Chickasaw Freedman
164

Muskogee, Indian Territory, October 24, 1904.

Caesar Grayson,
Bearden, Indian Territory.

Dear Sir:

You are hereby notified that you should appear before the Commission, at its office in Muskogee, Indian Territory, at an early date for the purpose of testifying relative to the identity of your children, Palina, Alice, Zach, Gertie, Louisa, Polly and Bertha James and their right to enrollment as Creek freedmen.

Respectfully,

Chairman.

Chickasaw Freedmen
164

Muskogee, Indian Territory, October 24, 1904.

Emma James,

Bearden, Indian Territory,

Dear Madam:

You are hereby notified that you should appear before the Commission, at its office in Muskogee, Indian Territory, at an early date, to testify relative to the identity of your children, Palina, Alice, Zach, Gertie, Louisa, Polly and Bertha James, and their right to enrollment as Chickasaw Freedmen.

Respectfully,

Chairman.

CR EN 263

CR
EN 263

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., September 30, 1902.

In the matter of the application of Redmond Holmes for the enrollment of his two minor children, Sango Holmes, deceased, and Jane Holmes, as Creek freedmen.

Redmond Holmes, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Redmond Holmes.
Q What is your age? A About thirty-three.
Q What is your post office address? A Holdenville.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Redmond Holmes is listed for enrollment as a citizen of the Creek Nation on Creek Freedmen Card, Field No. 64.

- Q For whom do you now make application for enrollment?
A For Sango Holmes and Jane Holmes.
Q Are you the father of these two children? A Yes, sir.
Q Are they both now living? A No, sir.
Q What are the names and ages of these two children?
A Jane Holmes, two years old the 8th day of last March, and Sango Holmes was about a year old when he died.
Q When did Sango Holmes die?
A He died in either February or March.
Q In what year? A In 1901.
Q Jane Holmes is now living? A Yes, sir.
Q To what town in the Creek Nation do you belong? A Canadian Town.
Q These two children both belong to Canadian Town also? A Yes, sir.
Q Have you ever been recognized by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Does your name appear upon the Creek tribal rolls? A Yes, sir.

The 1890 authenticated roll of the Creek Nation, Canadian Town, examined, and the name of Redmond Holmes is found and identified thereon, at Page No. 76.

The 1895 Pay Roll of the Creek Nation, Canadian Colored Town, examined, and the name of Redmond Holmes is found and identified thereon, at No. 967.

- Q Does your name appear upon the Dunn Roll? A I don't know.
Q What was your mother's name? A They call her Nellie Gouge, but her name is Nellie Holmes.

The roll of Creek freedmen made by Major J. W. Dunn, prior to March 14, 1867, examined, and the name of Redmond Holmes is found and identified thereon, at No. 302.

- Q What is the name of the mother of these two children?
A Bessie Holmes.
Q Is she now living? A Yes, sir.

2 In re application of Redmond Holmes for the enrollment of his two minor children, Sango Holmes, deceased, and Jane Holmes, as Creek freedmen.

Redmond Holmes, witness.

Examination by the Commission.

- Q Is she a citizen of the Creek Nation? A No, sir.
Q Is she a citizen of any nation in the Indian Territory?
A Yes, sir; she is a citizen of the Seminole Nation.
Q Has she been enrolled by the Commission as a citizen of the Seminole Nation? A Yes, sir.
Q Has she filed on her allotment in the Seminole Nation? A Yes, sir.
Q Where do you live? A I live eight miles east of Holdenville.
Q Is that in the Creek Nation? A Yes, sir.
Q Does Jane Holmes live with you there? A Yes, sir.
Q Did your child, Sango Holmes, live with you there where you are now living up to the time of its death? A Yes, sir.
Q When was Sango Holmes born? A March 8, 1900.
Q When was Jane Holmes born? A March 8, 1900.
Q They were twins, then? A Yes, sir.
Q Is this the first time you have ever made application to the Commission for the enrollment of these two children as citizens of the Creek Nation? A Yes, sir.
Q Did you or their mother ever make application for their enrollment as citizens of the Seminole Nation? A Yes, sir.
Q Why were they not enrolled as citizens of the Seminole Nation?
A Because they were born since '99.
Q Do you recollect when you made application to the Commission for the enrollment of these two children as citizens of the Seminole Nation? A It was in 1900.
Q Was it after the Seminole roll was closed? A Yes, sir.
Q Have you heretofore filed with the Commission any proof of the birth of these two children for whom you are now making application?
A Yes, sir.

The records of the Commission examined and it appears therefrom that prior to May 25, 1901, there were filed birth affidavits in the matter of the application for the enrollment of Jane Holmes and Sango Holmes, as citizens of the Creek Nation, which affidavits are marked Exhibits "A" and "B", and made a part of the record.

- Q Are there any additional statements that you desire to make in regard to the application you now make for the enrollment of your two minor children, as citizens of the Creek Nation, at this time?
A No, sir.

Oliver C. Hinkle, being first duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date, September 30, 1902.

Oliver C. Hinkle

Subscribed and sworn to before me this 2 day of October, 1902, at Muskogee, Indian Territory.

H. J. Barnes
Notary Public.

COPY

Creek Tr. Com.
File No. 1080

Muskogee, Indian Territory, December 31, 1902

R. B. Holmes,

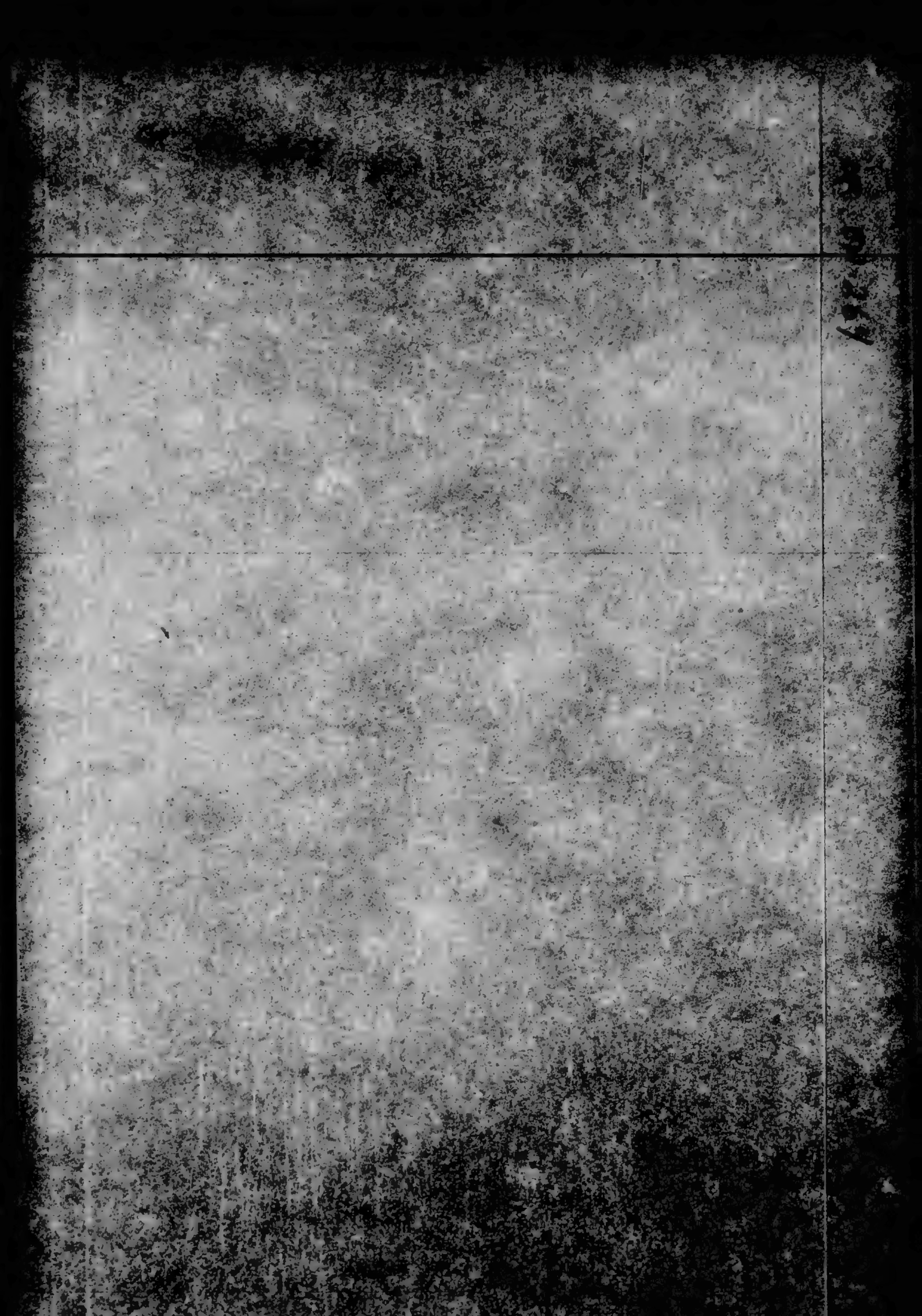
Haldenville, Indian Territory.

Dear Sir:

Replying to your letter to the Commission of December 27, 1902, you are advised that your two children, Jane and Sango Holmes, have been duly listed for enrollment as citizens of the Creek Nation, and that you will now be permitted to make application for their allotments of land.

Respectfully,

Acting Chairman.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind. Ter., October 6, 1902.

In the matter of the application of Lucy Holmes for the enrollment of herself as a Creek freedman.

Lucy Holmes, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Lucy Holmes.
Q What is your age? A Don't know my age.
Q About how old are you? A About thirty-six, I guess.
Q What is your post office address? A McDermott.
Q As a citizen of what nation do you now make application for enrollment? A Creek Nation.
Q Do you make application for the enrollment of yourself as a Creek freedman? A Yes, sir.
Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes, sir.
Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Does your name appear upon the tribal rolls of the Creek Nation? A Yes, sir.
Q To what town in the Creek Nation do you claim to belong? A North Fork.

The 1890 authenticated tribal roll of the Creek Nation, North Fork Colored Town, examined, and the name of Lucy Holmes not found thereon.

The 1891 Omitted Roll of the Creek Nation, North Fork Colored Town, examined, and the name of Lucy Holmes is found and identified thereon at No. 835.

The 1895 Pay Roll of the Creek Nation, North Fork Colored Town, examined, and the name of Lucy Holmes is found and identified thereon at No. 365.

- Q Where do you live? A South of Okmulgee.
Is that in the Creek Nation? A Yes, sir.
Q How long have you lived there? A Pretty near twenty years.
Q How long have you lived in the Creek Nation? A All my life.
Q What is the name of your father? A John Jacobs.
Q Is he living? A No, sir; he is dead.
Q How long has he been dead? A I don't know, sir.
Q Did he die when you were a little girl? A No, sir; I was grown.
Q About how long has he been dead? A About eight years, I reckon.
Q Was he a citizen of the Creek Nation? A Yes, sir.
Q Is his name on any of the rolls of the Creek Nation? A Yes, sir.
Q To what town in the Creek Nation did he claim to belong? A North Fork Town.
Q What is the name of your mother? A Sarah Jacob.
Q Is she living? A Yes, sir.
Q Is her name on any of the tribal rolls of the Creek Nation? A Yes, sir.
Q To what town in the Creek Nation does she belong? A I think it is North Fork Town.
Q Have you any brothers and sisters? A Yes, sir.

2 In the Application of Lucy Holmes for the enrollment of herself as a Creek freedman.

Lucy Holmes, witness.

Examination by the Commission.

Q Please give their names. A Noble Jacob, Peter Jacob, Scott Jacob, and my sisters Mariah Jacob, Dolly Jacob and Nancy Holmes.

Q Have your mother, and brothers and sisters been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Sarah Jacob, the mother of said applicant, and Dolly, Nancy and Mariah, sisters of said applicant, and Peter Jacob, a brother of said applicant, are listed for enrollment as citizens of the Creek Nation, on Creek Freedmen Card, Field No. 202.

It also appears from an examination of the records of the Commission, that Scott Jacobs is listed for enrollment as a citizen of the Creek Nation on Creek Freedmen Card, Field No. 133, and Noble Jacob, on Creek Freedmen Card, Field No. 1451.

Q Do the names of your father and mother appear upon the Dunn Roll? A I aint sure about that.

The roll of Creek freedmen made by Major J. W. Dunn, prior to March 14, 1867, examined, and the name of John Jacobs, the father of the applicant, is found and identified thereon as "John Thomas", at No. 259. The name of Sarah Jacobs, the mother of said applicant, not found thereon.

Q Does your name appear upon the Dunn Roll? A I don't know, sir.

The roll of Creek freedmen made by Major J. W. Dunn, prior to March 14, 1867, examined, and the name of the applicant, Lucy Holmes, not found thereon.

Q What is the name of your husband? A Ned Holmes.

Q Have you any children? A Yes, sir.

Q Please state their names. A Molly Holmes, Ed Holmes, Ada Holmes, Edward Holmes, Rena Holmes, Roxy Holmes, Ellis Holmes.

Q Have they been enrolled by the Commission as citizens of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Ned Holmes, together with Molly, Red, Ada, Edward, Roxanna and Rena Holmes, is listed for enrollment as citizens of the Creek Nation, on Creek Freedmen Card, Field No. 1148.

Ellis Holmes is also listed for enrollment as a citizen of the Creek Nation, on Creek Freedmen Card, Field No. 1757.

Q Is this the first time you have ever made application to the Commission for enrollment as a citizen of the Creek Nation?

A Yes, sir.

The records of the Commission examined and it appears therefrom that no application was made for the enrollment of Lucy Holmes, as a citizen of the Creek Nation, prior to May 25, 1901.

Witness excused.

3 In Re Application of Lucy Holmes for the enrollment of herself as a Creek freedman.

Ned Holmes, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Ned Holmes.
Q What is your age? A Forty-seven.
Q What is your post office address? A McDermott.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Are you the husband of the applicant here, Lucy Holmes?
A Yes, sir.
Q To what town in the Creek Nation do you belong?
A I belong to Canadian.
Q How long have you lived in the Creek Nation?
A I have lived here all my life.
Q How long have you been married to Lucy Holmes? A Been married nineteen years, the 19th of next month.
Q Has she lived continuously with you in the Creek Nation during all your married life? A Yes, sir.
Q Did you ever make application to the Commission for her enrollment as a citizen of the Creek Nation? A Yes, sir; I tried it at Wetumka, and I tried it here, and I didn't have her with me ne'er time.
Q When was it that you made application for her enrollment at Wetumka? A In 1898.
Q Why was she not enrolled by the Commission at that time?
A She wasn't with me, and they said I would have to bring her along.
Q Didn't they tell you, that the reason why she couldn't be enrolled was that her name wasn't on the Dunn Roll? A Yes, sir; they said that; and they said I would have to wait and find out further about it, they were just working on those who were on the Dunn Roll, at that time.
Q When was it that you made application for her enrollment here at Muskogee? A Two years ago, the 15th of last February.
Q That was in 1900? A Yes, sir.
Q What did the Commission tell you at that time? A Told me I would have to bring her down. I brought my mother-in-law down, but they said that wasn't sufficient, I would have to bring her.
Q Didn't they tell you at that time, that the reason why she couldn't be enrolled, was that her name wasn't on the Dunn Roll? A No, sir; they didn't say, because they were not--but by in bringing her with me, that that made the difference.

Witness excused.

Lucy Holmes, being recalled, testified as follows.

Examination by the Commission.

- Q Are there any additional statements that you desire to make at this time relative to your application for enrollment as a Creek freedman? A No, sir.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of yourself as a Creek freedman, which will be mailed to you at your proper post office address, as given by you in your testimony, taken at this time.

Witness excused.

Application of Lucy Mathis for the enrollment of herself
as a Freedman.

Oliver C. Kinkle, being first duly sworn, upon his oath states,
that he is a member for the Freedmen to the five civilized tribes,
he attended the proceedings in the above entitled cause on
the 16th day of October, 1902, and that the above and foregoing is a
full and correct transcript of his stenographic notes of said
proceedings held on said day.

Oliver C. Kinkle

Subscribed and sworn to before me this 16th day of October, 1902,
at Muskogee, Indian Territory.

H. J. Roney
Notary Public.

Copy

J. H. B.
Creek # 1850.

Muskogee, Indian Territory, February 2, 1903.

Lucy Holmes,

McDermott, Indian Territory.

Dear Madam:

You are hereby advised that the Commission has listed you for enrollment as a Creek freedman, and that you will now be permitted to make a selection of land in the Creek Nation upon application to the Commission at its office in Muskogee, Indian Territory.

Respectfully,

Acting Chairman.

CR EN 265

CR EN 265

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., October 6, 1902.

~~In the matter of the application of Dinah Griffin for the enrollment of her minor child, Jimmie Griffin, as a Creek freedman.~~

Appearances: H. C. Reed, attorney for Creek Nation.

Dinah Griffin, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Dinah Griffin.
Q What is your age? A Twenty.
Q What is your post office address? A Wybark.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Dinah Griffin is listed for enrollment as a citizen of the Creek Nation on Creek Freedmen Card, Field No. 616.

- Q To what town in the Creek Nation do you belong? A Arkansas Town.
Q Have you ever been recognized by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Does your name appear upon the Creek tribal rolls? A Yes, sir.

The 1890 authenticated tribal roll of the Creek Nation, Arkansas Colored Town, examined, and the name of Dinah Griffin is found and identified thereon, at Page 15.

The 1895 Pay Roll of the Creek Nation, Arkansas Colored Town, examined, and the name of Dinah Griffin is found and identified thereon, at No. 6.

- Q For whom do you now make application for enrollment?
A Jimmie Griffin.
Q Is he now living? A Yes, sir.
Q Are you the mother of Jimmie Griffin? A Yes, sir.
Q How old is he? A One year and four months old.
Q When was he born? A The 6th day of June.
Q In what year? A 1901.
Q Is he two years and four months old? A No, sir; he is one year and four months old.
Q Is this the first time you have ever made application for the enrollment of your son, Jimmie Griffin, as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that no application was made for the enrollment of Jimmie Griffin, prior to May 25, 1901.

2 In Re Application of Dinah Griffin for the enrollment of her minor child, Jimmie Griffin, as a Creek freedman.

Dinah Griffin, witness.

Examination by the Commission.

Q Have you heretofore filed with the Commission a birth affidavit in the matter of the application for the enrollment of your son, Jimmie Griffin, as a citizen of the Creek Nation? A Yes, sir

The records of the Commission examined, and it appears therefrom, that a birth affidavit, in the matter of the application for enrollment of Jimmie Griffin as a citizen of the Creek Nation was filed with the Commission on September 1, 1902, which affidavit is Marked Exhibit "A" and made a part of the record.

Q What is the name of the father of Jimmie Griffin?

A Earle Griffin.

Q Is he now living? A Yes, sir.

Q Is he a citizen of the Creek Nation? A No, sir.

Q Is he a citizen of any nation in the Indian Territory?

A Not as I know of.

Q Is he a United States citizen? A Yes, sir; he must be a citizen, he came from the State.

Q Do you know Henry and Julia James? A Yes, sir.

Q Where do they live? A They live out on the prairie, I can't tell you exactly where.

Q Did they live near you at Wybark at one time? A Yes, sir; we lived about six miles from Wybark, towards Tallahassee Mission.

Q Were Henry and Julia James near neighbors of yours at one time?

A Yes, sir.

Q When did they live near you? A They moved away last summer.

Q That was in the year, 1901? A Yes, sir.

Q Did they have a child by the name of Jesse James? A Yes, sir.

Q Is Jesse James now living? A No.

Q Do you know when Jesse James was born? A No, sir; I don't know exactly what time.

Q Was he born before or after your child, Jimmie Griffin, for whom you now make application for enrollment? A He was born before, I think it was.

Q How long was he born before your son, Jimmie Griffin?

A I don't know how long.

Q About how long? A I don't know; I never keep time, I don't know how long it was.

Q Do you know when Jesse James died? A All I could tell you, he died in the summer; I don't know what month it was.

Q Did he die last year, or year before? A Guess he died last year.

Q Do you know when Jesse James died? A I know he died in the summer, what month I don't know.

Q Well, did he die in 1900 or 1901? A He died last year, I think it was.

Q Was your child, Jimmie Griffin, born before or after Jesse James died? A I think he was born after Jesse died.

Q Do you know whether or not Jesse James was born a month or two months before your child was born? A No, sir; I don't know how long it was before mine was born.

Q Well, was it a year? A No, it wasn't a year.

Q Was it six months? A I don't know, sir.

Q Well, about how long was it that Jesse James was born before your child was? A I don't know, sir, how long it was.

Q Well, was Jesse James born last year? A Yes, sir.

Q Did he die last year? A Yes, sir.

Q That was in the year 1901? A Yes, sir.

Q Are you positive that Jesse James was born and died in the year 1901? A I know he died in 1901 anyhow.

3 In Re Application of Dinah Griffin for the enrollment of her minor child, Jimmie Griffin, as a Creek freedman.

Dinah Griffin, witness.

Examination by the Commission.

Q About how old was Jesse James when he died? A I don't know, sir, how old he was.

Q Was he a year old? A I don't know.

~~Q Well, was he six months old? A No, sir; I don't know how old he was when he died.~~

Q Was he walking? A No, sir.

Q Are there any other statements you desire to make at this time with reference to the enrollment of your child, Jimmie Griffin, as a citizen of the Creek Nation? A No, sir.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of your minor child, Jimmie Griffin, as a Creek freedman, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Witness excused.

Oliver C. Hinkle, being first duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause on the 6th day of October, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 16th day of October, 1902, at Muskogee, Indian Territory.

J. S. Roney
Notary Public.

215²⁰

Notes on In. Card # 616
IN RE

Application for Enrollment of

INFANT CHILD

Jimmie Griffin
as a citizen of

— Creek — Nation.

Approved 190

Commissioner.

Exhibit "A"

Filed Sept 1 1902

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

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Jimmie Griffin, born on the 6 day of July A. D. 1900
(Here insert name of child.)
Name of Father: Earlie Griffin a citizen of the United States Nation.
Name of Mother: Dinah Griffin a citizen of the Creek Nation.
Post-office, Wysark, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Dinah Griffin, on oath state that I am 20
years of age and a citizen, by Adoption, of the Creek Nation;
that I am the lawful wife of Earlie Griffin, who is a citizen, by
of the United States Nation; that a Male child was
(male or female.)
born to me on 6th day of July 1900; that said child has been
named Jimmie Griffin, and is now living.

WITNESSES TO MARK: Dinah Griffin

(Must be Two Witnesses.)

Subscribed and sworn to before me this 5th day of September 1902
My Com. Ex July 1 - 1906. Harry S. Davis
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Fannie Jamison, Midwife, on oath state that I
attended on Mrs. Dinah Griffin, wife of Earlie Griffin
on the 6th day of July A. D. 1900, 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 Jimmie Griffin.

WITNESSES TO MARK: Fannie Jamison Len
Benj. Martin mark
Wm. S. Ball

(Must be Two Witnesses.)

Subscribed and sworn to before me this 15th day of September 1902
My Com. Ex July 1st 1906. Harry S. Davis
NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., January 26, 1903.

In the matter of the application for the enrollment of Dinah Griffin for the enrollment of her minor child, Jimmie Griffin, as a Creek freedman.

Dinah Griffin, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Dinah Griffin.
Q What is your age? A Twenty years old.
Q What is your post office address? A Wybark.
Q Have you a minor child by the name of Jimmie Griffin? A Yes, sir.
Q Are you the identical person who made application to the Commission on October 6, 1902, for the enrollment of Jimmie Griffin as a Creek freedman? A Yes, sir.
Q When was Jimmie Griffin born? A The 6th day of July.
Q In what year? A 1901.
Q You also filed with the Commission a birth affidavit in the matter of the application for Jimmie Griffin, on September 1, 1902? A Yes, sir.
Q You swore in that affidavit that Jimmie Griffin was born on the 6th day of July, 1900? A Yes, sir.
Q Is that correct? A No, sir; 1901.
Q Do you now wish to withdraw the application made by you for the enrollment of your minor child, Jimmie Griffin, as a Creek freedman?
A Yes, sir; it taint no good to file for it.

Dinah Griffin

Sworn to before me this 26th day of January, 1903, at Muskogee, Indian Territory.

W. S. Borey
Notary Public.

266

266

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Washington, D. C., October 1, 1902.

In the matter of the application of Robert McIntosh for the enrollment of his minor child, Joe McIntosh, deceased, as a Creek freedman.

Appearance: Benjamin Martin, attorney for applicant.

Robert McIntosh, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Robert McIntosh.
Q What is your age? A About forty-nine.
Q What is your post office address? A Tallahassee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town in the Creek Nation do you belong? A Arkansas.
Q Have you been listed for enrollment as a citizen of the Creek Nation, by the Commission? A Yes, sir.

The records of the Commission examined and it appears therefrom that Robert McIntosh is listed for enrollment as a citizen of the Creek Nation, on Creek Freedman Card, Field No. 619.

- Q For whom do you now make application for enrollment? A Joe McIntosh.
Q Do you make application for his enrollment as a Creek freedman?
A Yes, sir.
Q Is he now living? A No, sir; he is dead.
Q What was his age when he died? A I disremember how old he was.
Q When was he born? A He was born April 10th.
Q In what year? A I don't know, sir.
Q When did he die? A He, that--that spring, in April, but what day or month or year, I don't know, not being a scholar I don't know anything about it.
Q Are you Joe McIntosh's father? A Yes, sir.
Q Have you ever been recognized by the tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Does your name appear upon the Creek tribal rolls? A Yes, sir.
Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Does your name appear upon the Dunn Roll? A Yes, sir.

The 1896 authenticated tribal roll of the Creek Nation, Arkansas Town, and the name of Robert McIntosh is found and identified thereon, Page 19.

The 1895 Pay Roll of the Creek Nation, Arkansas Colored Town, examined, and the name of Robert McIntosh is found and identified thereon, at No. 1193, as "Bob McIntosh".

The roll of Creek freedmen made by Major J. W. Dunn prior to March 14, 1867, examined, and the name of Robert McIntosh is found and identified thereon at No. 1955.

2 In re application of Robert McIntosh for the enrollment of his minor child, Joe McIntosh, deceased, as a Creek freedman.

Robert McIntosh, witness.

Examination by the Commission.

- Q What is the name of the mother of Joe McIntosh? A Ella McIntosh.
Q Is she living? A Yes, sir; she is right here.
Q To what town in the Creek Nation does she belong? A Arkansas.
Q Is she a recognized citizen of the Creek Nation? A Yes, sir.
Q Does her name appear upon the Creek tribal rolls? A Yes, sir.
Q Does her name appear upon the Dunn roll? A I guess it is.

The 1890 authenticated tribal roll of the Creek Nation, Arkansas town, examined, and the name of Ella McIntosh is found and identified thereon at Page 19.

The 1895 Pay roll of the Creek Nation, Arkansas Colored Town, examined, and the name of Ella McIntosh is found and identified thereon at No. 1194.

The roll of Creek freedmen made by Major J. W. Dunn, prior to March 14, 1867, examined, and the name of Ella McIntosh could not be found thereon.

- Q Is this the first time you ever made application to the Commission for the enrollment of your deceased son, ~~Ella~~ McIntosh, as a citizen of the Creek Nation? A Yes, sir; he was enrolled, but I never made application for filing.

The records of the Commission examined and it appears therefrom that no application was made for the enrollment of Joe McIntosh prior to May 25, 1901.

- Q Have you heretofore filed birth and death affidavits with the Commission in the matter of your application for the enrollment of your deceased son, Joe McIntosh, as a citizen of the Creek Nation? A No, sir.

The records of the Commission examined and it appears therefrom, that a birth affidavit, in the matter of an application for the enrollment of Joe McIntosh was filed with the Commission on May 12, 1902, and that a death affidavit was filed with the Commission on the 11th day of July, 1902, which affidavits are marked exhibits "A" and "B", and made part of the record.

Examination by Benjamin Martin, attorney for applicant.

- Q Do you remember when you came to Muskogee, in April, 1899, and appeared before the Commission for the purpose of receiving citizenship certificate for yourself and the members of your family? A Yes, sir.
Q At that time, did you make application for the enrollment of your minor son, Joe McIntosh? A No, sir; he was dead.
Q How long before that did he die--that I refer to before you came to Muskogee? A As I could remember, he died on the 10th, and I came here three days afterward and filed.
Q You are certain it was three days before you came to Muskogee to file? A Yes, sir.
Q Why didn't you make application for Joe at that time? A Well, before I came over before he died, I got a book from the Dawes Commission--all persons that died during that time went back to the common, and I didn't bother myself about him by calling his name; that is my reasons.
Q You didn't mention his name, then, to the Commission? A No, sir.

3) In Re Application for the enrollment of Joe McIntosh as a Creek freedman.

Robert McIntosh, witness.

Examination by Benjamin Martin, attorney for applicant.

Q You simply enrolled the living members of your family?

A Yes, sir; I thought it was no good, as they say it was no use to bother about it, it went back to the common land; and I saw a good many filings afterwards for children who died at the same time.

Q How do you know that it was only three days before you came to Muskogee to file, that your son, Joe McIntosh, died? A Well, as near as I can remember--because he died on the 10th, and three days afterwards, I came over.

Q You are certain he died on the 10th of April? A Yes, sir; I think I am certain he died on the 20th.

Q In 1898? A I don't know one month from another, or date, rather; I know April from May.

By Benjamin Martin, attorney for applicant:

The attorney for applicant asks that the Commission take into consideration the date on which Robert McIntosh came to Muskogee, in April, 1899, for the purpose of filing his selection of allotment in the Creek Nation.

Examination by the Commission.

Q Have you a son by the name of Goliah McIntosh? A Yes, sir; did have, he is dead now.

Q Did you come to Muskogee and have him enrolled? A Yes, sir.

Q Did you come up to the court house when they were first enrolling? A Yes, sir.

Q Did you enroll Goliah at that time? A I enrolled him when I enrolled--I am not sure--I had them all down, as near as I could remember.

Q Was Joe McIntosh living when you enrolled Goliah McIntosh?

A No, sir.

The records of the Commission examined and it appears therefrom that Goliah McIntosh was enrolled by the Commission in the month of September, 1898.

Q Is Goliah McIntosh a twin brother of Joe McIntosh?

A Yes, sir.

Elia McIntosh, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Elia McIntosh.

Q What is your age? A I don't know, sir; I couldn't tell you my age; about thirty-five or thirty-eight, somewhere along there.

Q What is your post office address? A Tallahassee Mission.

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

Q Are you the mother of Joe McIntosh? A Yes, sir.

Q When was Joe McIntosh born? A Born in April, I couldn't tell you what day of the month.

Q In what year? A I couldn't tell you that. It was down on that paper that I had here--and I got that, and I know what year by going to Mr. Turner's. The very day the child was born, he came there and made a note that day, and I went there and got the age from him.

4 | In Re Application of Robert McIntosh for the enrollment of his minor child, Joe McIntosh, deceased, as a Creek freedman.

Klia McIntosh, witness.

Examination by the Commission.

- Q How old was Joe McIntosh when he died?
A He was seven months old, as near as I can get at it.
Q ~~When did he die? A He died in April.~~
Q In what year? A I couldn't tell you what year. If I could read or write, I could tell you, but I don't know my A B C's.
Q Was Joe and Goliath twin brothers?
A Yes, sir; they was twins, certainly they was.
Q Do you remember when your husband came over here to enroll his family in 1898? A Yes, sir; I remember it, was over here about a week or so.
Q Do you know when the Creek Land Office opened? A (Q) The first of April, wasn't it?
Q What year? A Well, I couldn't tell what year.
Q Well, we refer to that date: Did your child, Joe, die before or after? A Oh, the Land Office was opened, they were filing, I know, when my baby died.
Q What baby? A Joe.
Q How long after the Land Office had opened? A Well, I don't know, sir, how long it was. Well, I know it was three days---he (indicating Robert McIntosh) came back over, and went back home. He did the filing for them, he came over here and went back home, and in three days, before he filed, I am satisfied, he died. It was just three days--that's a fact--could get a dozen witnesses to testify to that, because they were there sitting up.
Q Did you come down to the Land Office to file? A Yes, sir.
Q Did you come when it was first opened? A No, sir; I didn't.
Q Who filed for you? A I filed for myself.
Q When you filed, was Joe McIntosh living? A No, sir; not when I came and filed.
Q Were you not here the same day with your husband, and filed?
A (Q) When he first filed?
Q (A) No, sir; I wasn't here.
Q Well, when did you come to the Land Office and file? A Along in the summer sometime. I have the certificate here to show you.

Robert McIntosh, being recalled, testified as follows:

Examination by the Commission.

- Q Are there any other statements you desire to make at this time relative to the enrollment of your deceased child, Joe McIntosh, as a citizen of the Creek Nation? A No, sir.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you for the enrollment of your minor child, Joe McIntosh, deceased, as a Creek freedman, which will be mailed to you at your present post office address, as given by you in your testimony taken at this time.

Oliver C. Hinkle, being first duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on the 3rd day of October, 1902.

Subscribed and sworn to before me this 16th day of October, 1902, at Muskogee, Indian Territory.

Oliver C. Hinkle
H. J. Boney
Notary Public.

156

20

IN RE

Application for Enrollment of

INFANT CHILD

Joe M. McIntosh

as a citizen of

Creek

Nation.

Approved

190

Commissioner.

Filed May 12, 1902
Exhibit 'A'

Benj. Martin Jr.
Attorney

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

Case

IN RE Application for Enrollment, as a citizen of the Creek
of Joe M. Intosh, born on the April day of April
(Here insert name of child)
Name of Father: Bob M. Intosh a citizen of the Creek
Name of Mother: Ella M. Intosh a citizen of the Creek Nation
Post-office Tulahassee

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY.
Northern District.

I, Ella M. Intosh, on oath state that I am forty
years of age and a citizen, by adoption, of the Creek Nation;
that I am the lawful wife of Bob M. Intosh, who is a citizen, by
adoption, of the Creek Nation; that a male child was
(male or female.)
born to me on 26th day of April, 1898; that said child has been
named Joe M. Intosh, and is now living dead.

WITNESSES TO MARK: Ella M. Intosh her
(Must be Two) } Harry G Davis marks
Witnesses. } Dave Parish

Subscribed and sworn to before me this 12th day of May, 1905.
Deals Harry G Davis
My Com. ex June 16, 1905 NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY.
Northern District,

I, Nancy Solomon, a midwife, on oath state that I
attended on Mrs. Ella M. Intosh, wife of Bob M. Intosh
on the 26th day of April, 1898; that there was born to her on
said date a male child; that said child is now dead and is said to have been
(male or female.)
named Joe M. Intosh.

WITNESSES TO MARK: Nancy Solomon her
(Must be Two) } Harry G Davis marks
Witnesses. } Dave Parish

Subscribed and sworn to before me this 17th day of May, 1905.
Deals Harry G Davis
My Com. ex June 16, 1905 NOTARY PUBLIC.

236

IN RE
THE DEATH OF

Joe Whitcomb
a citizen of the

Ore Nation.

Approved _____ 190

Commissioner.

Filed May 13, 1902

Benz Martin Jr
Attorney

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

In the matter of the death of Joe McIntosh
(Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Tullahoma, Ind. Ter., and died on the _____ day of
April, 1899.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Ella McIntosh, on oath state that I am forty
years of age and a citizen, by adoption, of the Creek Nation;
that my post office address is Tullahoma, Ind. Ter.; that I am
the mother of Joe McIntosh,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by adoption, of the Creek Nation;
and that said Joe McIntosh or about 30th
(Here insert name of deceased.) died on the 30th day of
April, 1899.

WITNESSES TO MAKE:

Harry G Davis
Dave Parish

Ella McIntosh her
mark

Subscribed and sworn to before me this 17th day of May 1902.
My Com. ex June 16-1905 Harry G Davis
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, William Hawkins, on oath state that I am 37
years of age, and a citizen, by adoption, of the Creek Nation;
that my post office address is Tullahoma, Ind. Ter.;
that I was personally acquainted with Joe McIntosh,
(Here insert name of deceased.) (Here insert name of deceased.)
who was a citizen, by adoption, of the Creek Nation;
and that said Joe McIntosh or about 30th
(Here insert name of deceased.) died on the 30th day of
April, 1899.

WITNESSES TO MAKE:

Harry G Davis

William Hawkins

Subscribed and sworn to before me this 17th day of May 1902.
My Com. ex June 16-1905 Harry G Davis
Notary Public.

265

22.

IN RE
THE DEATH OF

Joe M. Sutosh
a citizen of the
Creek

Nation.

Approved

1

Commissioner.

Arthur B.

J.
Filed July 11, 1902

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Joe M. Sutoosh (Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Clarksville (Here insert name of post office.) Ind. Ter., and died on the 18th day of April,
1899

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, Ella M. Sutoosh, on oath state that I am
years of age and a citizen, by adoption, of the Creek Nation;
that my post office address is Sullabasson, Ind. Ter.; that I am
Mother of Joe M. Sutoosh (Here insert name of deceased.)
(State relationship, as: the father; an uncle; a cousin, etc.)
who was a citizen, by adoption, of the Creek Nation;
and that said Joe M. Sutoosh (Here insert name of deceased.)
April, 1899, died on the 18th day of

WITNESSES TO SIGN:

(Must be Two Witnesses.)
Benj Martin Jr
James Simell

Ella M. Sutoosh her
mark

Subscribed and sworn to before me this 11th day of July, 1902

My Com. ex July 1st 1906.

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, William Hawkins, on oath state that I am 38
years of age, and a citizen, by adoption, of the Creek Nation;
that my post office address is Sullabasson, Ind. Ter.;
that I was personally acquainted with Joe M. Sutoosh (Here insert name of deceased.)
who was a citizen, by adoption, of the Creek Nation;
and that said Joe M. Sutoosh (Here insert name of deceased.)
April, 1899, died on the 18th day of

WITNESSES TO SIGN:

William Hawkins

(Must be Two Witnesses.)

Subscribed and sworn to before me this 11th day of July, 1902

My Com. ex July 1st 1906

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert McIntosh for the enrollment of his minor child, Joe McIntosh, deceased, as a citizen of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on October 3, 1902, Robert McIntosh appeared before the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, and made application for the enrollment of his minor deceased child, Joe McIntosh, as a citizen, by adoption, of the Creek Nation.

It also appears that said Robert McIntosh, father, and Ella McIntosh, mother, of said Joe McIntosh, are recognized citizens of the Creek Nation; that their names are found upon the 1890 and 1895 Creek rolls; that the name of said Robert McIntosh is found on the J. W. Dunn roll of Creek freedmen, and that said Robert and Ella McIntosh are regularly enrolled as Creek freedmen.

It also appears from proof filed and made a part of the record herein, that on May 12, 1902, said Ella McIntosh and Nancy Solomon, a midwife, made affidavit that said Joe McIntosh was born April 26, 1898; that on said May 12, 1902, Ella McIntosh and William Hawkins made affidavit that said Joe McIntosh died about the 30th day of April, 1899, and that on July 11, 1902, said Ella McIntosh and said William Hawkins again made affidavit, stating that said Joe McIntosh died April 18, 1899. It also appears from the testimony of said Robert McIntosh and said Ella McIntosh that said Joe McIntosh died about the 10th day of April, three days before said Robert McIntosh filed on his and his children's allotments.

It also appears from the affidavits herein and the testimony of said Robert and Ella McIntosh, that the evidence is conflicting as to the time of birth and death of said Joe McIntosh. In the affidavits of the mother and midwife the date of said Joe McIntosh's birth is given as April 26, 1898, and the mother testifies that she is certain as to the date of his birth, from the fact that the father made a note to Turner on the same date, and that she obtained the date of the note from Turner. The mother also testifies that he was about seven months old when he died.

It further appears from the testimony herein, and from an examination of the records of the Commission, that said Robert McIntosh, father of said Joe McIntosh, appeared before the Commission in September, 1898, to have himself and family enrolled as citizens of the Creek Nation, and that, while he applied for the enrollment of Goliath McIntosh, a twin brother of said Joe McIntosh, no application was made for the latter and he was not enrolled. That this circumstance, indicating that said Joe McIntosh died prior to that time, is substantiated by a portion of the father's testimony:

- Q Have you a son by the name of Goliath McIntosh?
A Yes, sir; did have, he is dead now.
Q Did you come to Muskogee to have him enrolled?

2 DECISION: In Re Application for the enrollment of Joe McIntosh as a citizen of the Creek Nation.

A Yes, sir.

Q Did you come up to the court house when they were first enrolling? A Yes, sir.

Q Did you enroll Goliah at that time? A I enrolled him when I enrolled--I am not sure--I had them all down, as near as I could remember.

Q Was Joe McIntosh living when you enrolled Goliah McIntosh?

A No, sir.

Section 28 of the Creek Agreement approved by Congress, March 1, 1901, and ratified by the Creek Council, May 25, 1901 (31 Stat. L., 861), provides that:

"All citizens who were living on the first day of April, eighteen hundred and ninety-nine, entitled to be enrolled under section twenty-one of the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, entitled 'An Act for the protection of the people of the Indian Territory, and for other purposes,' shall be placed upon the rolls to be made by said commission under said Act of Congress,"

It is the opinion of the Commission that Joe McIntosh died prior to April 1, 1899, and therefore the application made for his enrollment as a citizen of the Creek Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this 16th day of December, 1902.

United States of America
Western District
Indian Territory

53

On this day personally appeared before me, a Notary Public within and for the Western District of the Indian Territory, Mrs A T Rounds, to me well known, and, after having been duly sworn, stated that she had read the foregoing affidavit and that the matters and facts therein alleged are true.

Witness my hand and seal at Coweta Indian Territory this 21st day of July, A.D. 1906.

J. B. White
Notary Public

My Commission
Expires Aug 1st 1909

Affidavit of
A. T. Rounds

My name is A T Rounds
I live near Coweta in the Western
District of the Indian Territory.
I lived, in the year 1899, about seven
miles northwest of Muskogee, I. T.,
on the Dembo Hawkins farm
which adjoined the farm on
which Bob and Ella McIntosh
then lived.

Bob and Ella McIntosh had twin
boys about a year old and in April
of 1899 one of them died and
the other died later in the year.
At the time of the death of the first
one the Creek citizens were going to
Muskogee to file on their allotments.
I was at the house while the child
was a corpse and, at Ella McIntosh's
request, wrote the date on a slip of
paper as she said she wanted it
to put on a tombstone.

I am a citizen of the United States
The children were named Joe and Goliath.

A. T. Rounds

No

Mrs Joe M Entosh

Motion to Re-open
Application for
Citizenship.

Creek

DEPARTMENT OF THE INTERIOR.

The Commissioner to the Five Civilized Tribes.

In Re Application for Enrolment of

Joe McIntosh as a citizen of the
Creek Nation.

Comes ~~now~~ new Bob McIntosh as the father of Joe McIntosh
deceased and moves the Department to set aside the judgment in this cause
and grant him a re-hearing for the following reasons to-wit:

Because a mistake was made as to the time of the death of said Joe McIntosh
by reason of the ignorance of some of the witnesses and the father of the
applicant in particular in not knowing the date of the death of said Joe
McIntosh. Applicant says that since the trial of said cause he has learned
that one Mrs. A.T. Rounds a white and intelligent ^{woman} took down the date of the
death of said Miner at the time he died . and now has the date of the death
of said deceased. That she was at the home of the applicant at the time of
the death of said Joe McIntosh and was requested at said time to write
down the date of the death of said miner so that she would have the date
to place upon the tomb stone of deceased. That said A.T. Rounds will testify
that said child died in the Creek Nation during the month of April 1899.
and that she will produce the paper upon which she wrote the date of the
death of said miner written at the date of his death.
Applicant says that said miner died during the month of April 1899 and
is entitled to be enrolled as a citizen of the Creek Nation.
Copy of the Affidavit of Mrs. A.T. Rounds is hereto attached and made a part
hereof.

Wherefore he prays that he be granted a re-hearing of this cause and be
permitted to introduce additional evidence as to the date of the death of
said child.

Subscribed and sworn to before me this the 24th day of July 1906

Bob McIntosh

Notary Public

My Comm. expires July 1, 1908

*I hereby acknowledge receipt of copy of
above motion, and accept service of same, on the
25th day of July, A.D. 1906.*

M. A. Mott

Att'y for Creek Nation

Copy

Creek Enrollment
Case No. 266.

Muskogee, Indian Territory, December 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Robert McIntosh for the enrollment of his minor child, Joe McIntosh, deceased, as a citizen of the Creek Nation, including the decision of the Commission, dated December 17, 1902, denying said application.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

OCH-16.

Copy

Creek Enrollment
Case No. 285.

Muskogee, Indian Territory, December 17, 1902.

Robert McIntosh,
Tallahassee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your minor child, Joe McIntosh, deceased, as a citizen of the Creek Nation. The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Registered.

OCH-13.

C o p y

Creek Enrollment
Case No. 238

Muskogee, Indian Territory, December 17, 1902.

Benjamin Martin, Jr.,

Attorney for Robert McIntosh,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Robert McIntosh for the enrollment of his minor child, Joe McIntosh, deceased, as a citizen of the Creek Nation. The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

OCH-14.

COPY
Creek Enrollment
Case No. 200.

Muskogee, Indian Territory, December 17, 1904.

A. P. McKellop, Esq.,

H. G. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Robert McIntosh for the enrollment of his minor child, Joe McIntosh, deceased, as a citizen of the Creek Nation. The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

OCH-15.

C o p y.

BEFORE THE COMMISSION TO THE
~~FIVE CIVILIZED TRIBES.~~

In the matter of the Application of Robert and Ella McIntosh to make selection of Allotment of their deceased minor child Joe McIntosh:

Comes now Robert and Ella McIntosh parents of Joe McIntosh deceased, and moves the Commission to set aside the judgment heretofore rendered herein and grant them a re-hearing for the reason that their said child was alive on April 1st, 1899, and died some time during said month, and attached hereto and made a part hereof are affidavits of Robert & Ella McIntosh Andrew Drew and Dave Hawkins showing Conclusively that said child died during month of April, 1899. Wherefore they pray to be given an opportunity to show the justness of their Claim, and that their said child is entitled to an Allotment.

de Graffenried & Scruggs,
Attorneys for petitioners.

C O P Y.

Dave Hawkins under oath says I am a U. S. Citizen and am about 65 years old. I am well acquainted with Bob McIntosh and his wife Ella McIntosh. I was living 1/2 mile from them at the time they lost a child in the Spring of 1899. I was called to assist in making Coffin for the Child and Andrew Drew and I made the Coffin.

I know the Child died after April 1st 1899 for the reason that my wife and I Came to Muscogee to file for her (She being a Creek Citizen) and she was not permitted to file the day she Came as there was such a Crowd, but she was given a number and came back later and filed.

I know I was called upon to make the Coffin after this trip to Muscogee with my wife to file.

Witness
R P deGraffenried

(Signed) Dave X Hawkins
his
mark

Subscribed and Sworn to before me this Jany 9, 1903

(SEAL)

(Signed) G. H. Alexander
Notary Public

C o p y.

Ella McIntosh states under oath that in her evidence before the Dawes Commission she says that her child Joe was about seven months old at death. I do not remember making any such a statement, and in fact dont see how I could have made such a statement as it is not correct. I did say that there was seven months difference between the deaths of my two children, and this is the only time I remember of speaking of seven months.

I do know that my child was born in April and died the following April and I know he died after the land office opened.

Witness

Her
(Signed) Ella ~~Mc~~McIntosh

R P deGraffenried

J. P. Clayton

Subscribed and sworn to before me this Jany 10, 1903

(SEAL)

(Signed) J. P. Clayton

Notary Public

My Com Exp Dec 29 1906

Western District, Ind. Ter.

C o p y.

Before me the Undersigned Authority On this day personally appeared Adrew Drew and on oath says I am a Citizen of the Creek Nation and am about 42 years old. I am well acquainted with Robert McIntosh and Ella McIntosh I know that they lost a Child during the month of April 1899. The reason I know the Child died in April was, that I was in the field getting ready to plant Corn and some one Came and got me to help make the Coffin which I did. My land was all plowed up ready for planting and I was then starting to plant Corn, when I was Called to make the Coffin. I never plant Corn before the tenth of April, And for this reason I know the Child died in April. I know it was in 1899 because it was the year the land office opened in Muscogee, and I know the Child died the Spring the land office opened.

Witness

R P deGraffenried

(Signed) Andrew ^{his} X Drew
mark

Subscribed and sworn to before me this January 9, 1903

(SEAL)

(Signed) G. H. Alexander
Notary Public

C o p y.

Before me the undersigned authority on this day personally appeared Robert McIntosh who after being duly sworn says that I am the same party who heretofore testified before the Dawes Commission, and in my testimony it appears that I testified that I did not enroll Joe at the time I enrolled Goliah Because Joe was dead at that time. I wish to make Correction of this evidence and say that when I used the word enroll I meant file, and thought when the Commission was speaking of enrolling, I thought they meant filing. When I filed for Goliah Joe was dead, and that is what I intended to say. I know my son died after the land office opened. I cant read and am very ignorant and I Cannot give Correct dates, but I do know when the land office opened and that my Child died after that time.

Witness

R P deGraffenried
J. P. Clayton

(Signed) Robert ^{his} X McIntosh
mark

Subscribed and sworn to before me this Jan'y, 10-1903

(SEAL)

(Signed) J P Clayton

Notary Public

My Com Exp Dec 29, 1906

Western District I. T.

Copy

Creek No. 236.

Muskogee, Indian Territory, January 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On December 16, 1902, the Commission rendered its decision denying the application of Robert McIntosh for the enrollment of his minor deceased child, Joe McIntosh, as a citizen of the Creek Nation, and the original record in the case was transmitted to the Department on December 17, 1902.

On January 14, 1903, the applicant, Robert McIntosh, and Ella McIntosh, parents of said minor deceased child, Joe McIntosh, filed a motion, accompanied with affidavits of Dave Hawkins, Ella McIntosh, Andrew Drew, and Robert McIntosh, asking that the matter of said application be reopened, and that Robert and Ella McIntosh be allowed to introduce additional testimony in the case. Said motion and affidavits are transmitted herewith.

In view of said motion, the Commission has the honor to request that the original record in the case, and the motion and affidavits herewith transmitted, be returned in order that an opportunity may be given the applicant to introduce additional testimony.

Respectfully,

Through the Commissioner

of Indian Affairs.

OCH-48.

Commissioner in Charge.

Copy

JJB

Creek No. 235.

Muskogee, Indian Territory, March 26, 1903.

de Graffenried & Seruggs,
Attorneys for Robert McIntosh,
Muskogee, Indian Territory.

Gentlemen:

December 16, 1902, the Commission rendered its decision in the matter of the application of Robert McIntosh for the enrollment of his deceased minor child, Joe McIntosh, as a citizen of the Creek Nation, and the record in the case was transmitted to the Department December 17, 1902.

January 14, 1903, as attorneys for Robert McIntosh, you filed a motion, asking that the matter of said application be reopened, and that said Robert McIntosh be allowed to introduce additional testimony. January 16, 1903, said motion was transmitted to the Department for consideration, and the record in the case was returned, under date of March 7, 1903.

You are now advised that additional testimony in the case may be introduced at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

Creek No. 256.

Muskogee, Indian Territory, March 26, 1903.

Robert McIntosh,

Tallahassee, Indian Territory.

Dear Sir:

December 16, 1902, the Commission rendered its decision in the matter of your application for the enrollment of your deceased minor child, Joe McIntosh, as a citizen of the Creek Nation, and the record in the case was transmitted to the Department, December 17, 1902.

January 14, 1903, you filed a motion, through your attorneys, de Graffenried & Scruggs, asking that the matter of said application be reopened and that you be allowed to submit additional testimony. January 16, 1903, said motion was transmitted to the Department for consideration and the record in the case was returned, under date of March 7, 1903.

You are now advised that you will be permitted to introduce additional testimony in the case at the office of the Commission, in Muskogee, Indian Territory.

Respectfully,

Chairman.

Register.

copy

113

Creek No. 266.

Muskogee, Indian Territory, March 26, 1903.

Arthur P. Murphy,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

December 16, 1902, the Commission rendered its decision in the matter of the application of Robert McIntosh for the enrollment of his deceased minor child, Joe McIntosh, as a citizen of the Creek Nation, and the record in the case was transmitted to the Department December 17, 1902.

January 14, 1903, said Robert McIntosh, through his attorneys, de Craffenried & Soruggs, filed a motion asking that the matter of said application be reopened, and that he be allowed to introduce additional testimony. January 16, 1903, said motion was transmitted to the Department for consideration, and the record in the case was returned, under date of March 7, 1903.

You are now advised that said Robert McIntosh will be permitted to introduce additional testimony in the case at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

COMMISSION OF THE GENERAL LAND OFFICE,
WASHINGTON, D. C., JULY 1, 1904.

In the matter of the application for the enrollment of Joe McIntosh as a Creek Indian.

APPEARANCES: A. P. Murphy, attorney for Creek Nation.
McGriffanoid & Scruggs, attorneys for applicant.

Ella McIntosh being called and sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ella McIntosh.
- Q How old are you? A I can't tell you really how old I am; I can't tell you my age. (Appears to be about 55 or more.)
- Q What is your post office address? A Wallahusses

Examination by Mr. Scruggs:

- Q Are you the mother of Joe McIntosh? A Yes sir.
- Q Was he born before or after they commenced filing on the land here?
- A Before.
- Q How old was he when he died? A About six months old I think.
- Q Do you know when the land office opened here? A Yes sir.
- Q To file on the land? A Yes sir.
- Q -commenced selecting land? A Yes sir.
- Q Did this child die before or after they commenced filing on land?
- A After.
- Q What is your husband's name? A Robert McIntosh.
- Q Do you know when he filed for himself? A No sir, I know when I when he came over here.
- Q Do you know when he filed? A No sir, I don't; I know he come over here when he died- the child had died, been dead three days.
- Q Before he came over here to file? A Yes sir, when he filed.
- Q Do you know what year the land office opened here? A No sir.

Examination by Mr. Murphy:

- Q How long ago has it been since your husband filed? A I don't know.
- Q You say you don't know when the child died? A Yes sir, I know the year.
- Q Well, what year did he die in? A Well, I don't know just the year.
- Q Do you know what month he died in? A In April.
- Q How long has he been dead? A I don't know how long he has been dead, all I can tell you it was on the 15th day after I to know that when they got ready to put it on the headboard they got the children and found it was on the 15th.
- Q Do you know what month it was born in? A It was about the 15th of the month.

Q You made an affidavit here on the 12th of May, 1902, that he was born on the 26th of April, 1898. A I made that affidavit.
Q Yes. A I didn't know the year; I don't know the year.
Q Well, you knew it the time you made this affidavit before Harry G. Davis - the time he was born. A He might have but I didn't make that affidavit that-a-way; reason, cause I didn't know the dates.
Q Well, he was born the Spring before the land office opened, wasn't he? About the time of planting of corn? A No sir, they was breaking ground to plant when he died.
Q I am talking about when he was born. A I don't know; it was cold weather then when he was born; in the spring or Fall.
Q Well, which was it now; the way you have got it he died in the Spring. A That's right.
Q Well, was he born the Spring the year before? A Yes sir.
Q Then he was born in the spring before the land office opened?
A Yes sir.
Q And I believe you stated he was about six months old when he died?
A Yes sir.

By Mr. Scraggs:

Q Well, if he died one Spring and died the next Spring how old would that be? A He would be a year old.
Q Do you know what year this is? A No sir, I don't.
Q You don't know one year from another by remembrance do you?
A No sir.

By Mr. Murphy:

Q But you do know when Spring comes and when Fall comes?
A Yes sir; I do; I don't keep up with the months much; I just got to keep up by taking the first of every month, every day.
Q You was speaking about filing here; do you mean when he came down and put all the family on the roll? A Well, he enrolled and then he come over here and enrolled them all; I mean when he filed; these two children was twins; their land was picked out.
Q Both twins died? A Yes sir.
Q What was the other's name? A One was Goliah and one Joe. And he filed for Goliah and didn't file for Joe, and old man Davis told him he couldn't file for him cause he was dead, and Tom Seales filed on it.
Q Is Goliah living? A No sir, dead too.
Q How long has he been dead? A About three years I think.
Q Well, how long after Joe died till Goliah died? A He lived about two years I think. Walked and talked around; played about and walked around the chairs when it died; I come in here when I come to file myself; my husband didn't file for me cause they was taking these on the Dunn roll; when I come in I mentioned about this baby after I seed that old man Davis said he couldn't and he filed Tom Seales on the piece of land we had selected; we had the two twins here and he said they wouldn't allow you to file for a dead person and then he filed Tom Seales on it.
Q When did Bob tell him this child died? A The same day he come here to file; and then I get after old man Davis for the use of the land.
Q What Davis do you mean? A Davis and Jones is the one; all I know.
Q What does he do? A He was renting pasture; he has got a stock now up to Coweta; he had rented on the childrens' land.

Q Where did you buy the coffin for the child? A Old man David Hawkins.

By the Commission:

Q What are the names of your children beginning with the oldest.

A Louisa, Sampson, Pompey, Mandy, Jesse, Curly, Goliah and Joe.

Q Who is Nan? A This Nan- she is my step daughter; that's the reason I forgets her.

The records of the Commission that all those named by the witness and herself and Robert McIntosh were listed for enrollment by the Commission in September, 1898; the name of Joe McIntosh does not appear.

Q You say that Goliah was a twin brother of Joe? A Yes sir.

Q About how long had Joe been dead when Goliah died? A About a year

The records of the Commission show that Goliah McIntosh died July 12, 1899.

Witness excused and Marais Keyes called and sworn testified as follows:

Examination by the Commission:

Q What is your name? A Marais Keyes.

Q How old are you? A I don't know my age. (looks like about 60 or more.)

Q What is your post office address? A Tallahassee.

Q Do you know Robert McIntosh and his wife Ella? A Yes sir.

Q Do you know a child of theirs named Joe? A Yes sir.

Q Is that child dead? A Yes sir.

Q Do you know a child of theirs named Goliah? A Yes sir.

Q A twin brother of Joe's? A Yes sir.

Q Is Goliah dead? A I don't know if he had a child named Goliah.

Q How far do you live from Robert McIntosh? A About 2 mile of him. I can't tell; about a mile.

Q Do you know a child of theirs named Joe? A Yes sir.

Q And you don't know the child, Goliah? A He may have some named Goliah, I don't know though; I know Joe though.

Q Do you know when Joe was born? A I know when he was born but I don't know what month he was born.

Q Were you present when he was born? A No sir.

Q Was there another child born there at the same time Joe was ?

A I don't know; I wasn't there.

Q Did you hear about Joe being born? A Yes sir.

Q Did you hear about any other child being born? A No sir.

Q When did Joe McIntosh die? A I don't know when he died; I doctor'd him before he died; I knew he died when the filing was going on; that's all I know about it.

Examination by Mr. Scruggs:

- Q How long had the filing office been open when Joe died? A About two weeks or a week, I can't tell you; the filing was going on.
- Q Are you a citizen? A Yes sir.
- Q Had you filed when he died or not? A No sir.
- Q Do you know a brother of Joe named Goliak? A He had a brother but I don't know the child's name.
- Q You know that there were two children; that Joe had a twin brother? A Yes sir.
- Q But you don't know his name? A No sir.
- Q Never did doctor him then? A No sir.
- Q What time of the year was it when Joe died? A I don't know anything about the year.
- Q Do you know what year this is? A Yes sir.
- Q Was Joe's twin brother living there when he died? A No sir.
- Q Which one lived longest? A Joe lived longest.
- Q Joe died after the other twin brother? A Yes sir; I didn't doctor but one child.
- Q How do you know which one died first? A I don't know; I know the other one must have died cause she didn't have but one child.
- Q If Ella McIntosh was to lose a child wouldn't you hear about it? A I am so much away from home.
- Q If there was another child there when Joe died, you don't know it do you? A No sir.

By the Commission:

- Q Was there another young child about the place when Joe died?
A I don't know.

By Mr. Scruggs:

- Q How often are you there? A Been there twice before Joe died.
- Q How long did you stay there? A Not long; just give some medicine.
- Q What time of the day was you there? A In the evening once and in the morning once.
- Q You don't know then whether the other child was there or not?
A No sir.
- Q How come you to say that the other child died first? A Cause I didn't see him there.
- Q How long did you stay there? A Not an hour; the two times.

By Mr. Murphy:

- Q Do you know when Joe was born? A No sir.
- Q You remember hearing about it, don't you? A Yes sir.
- Q That was along in the spring before the land office opened, wasn't it? A I don't know what time it was but there was filing going on when Joe died.
- Q I am asking you when he was born? A I don't know what time.
- Q Well, he was just about five or six months old when he died? A I don't know sir.
- Q Who was it that told you Joe died after they commenced filing on the land? A I was there; that's the time I was when I doctored him.
- Q Who told you they was filing on land then? A I know they was, cause they was coming from filing.
- Q Where was they filing-up at Coweta? A I don't know where; I did not file yet.

- Q Where did you file? A Right here.
- Q In Muskogee? A Yes sir.
- Q How long has Joe been dead? A I don't know.
- Q Was you there when he died? A No sir.
- Q Did you see him after he was dead? A No sir.
- Q How do you know he was dead? A I heard he was dead.
- Q Somebody told you? A Yes sir.
- Q You heard it then after the land office opened, is that it? A No sir.
- Q When you first heard that he was dead the land office hadn't been opened, had it? A No sir; when I was there he wasn't dead yet and the land office was open then.
- Q Where was the land office open? A I don't know whether it was here but the folks was coming and filing; I had not filed yet.
- Q You had not been put on the rolls yet, had you? A No sir.
- Q Where was you put on the rolls? A Right here.
- Q In Muskogee? A Yes sir.
- Q When? A I don't know when.
- Q Before or after Joe died? A Way before Joe died.
- Q How long before? A I don't know.
- Q When did you first hear that Goliath died? A I didn't hear about him.
- Q Never did hear about Goliath dying? A No sir.
- Q But you know that Joe died long after the other one did? A Yes sir.
- Q Who was it told you about Joe being dead? A All the folks told me; I lives close to there but I didn't go when he died; I know he was sick cause I doctored him.
- Q You haven't been back there since? A No sir; I go by.
- Q But you haven't been back there since he died? A I been there since he was dead.
- Q When did Ella McIntosh tell you that Joe died? A I knowed Joe died before Ella told me.
- Q Did she ever tell you that he was dead? A No sir, never did; I know the child died.
- Q When you went to come down here to Muskogee with Ella what did she tell you she wanted with you? A I didn't come down here with her.
- Q She told you that was what she wanted you to swear? A Yes sir she wanted me to witness for her.
- Q And you told her allright, you would? A Yes sir, cause I doctored that child when he was living.
- Q Well, now, who had filed at that time? A I don't know.
- Q Don't know whether anybody had or not, do you? A No sir.
- Q How long has Joe been dead? A I don't know sir.
- Q Have any idea? A No sir.
- Q Did you doctor anybody else along about that time? A I don't remember.
- Q Who else did you doctor after the land office opened? A I can't call them up; there's so many.
- Q Name them. A I don't recollect.
- Q Name one. A I can't recollect; just can't put it together; I have been mid-wife, doctor and everything, and I can't get my wits together.
- Q But you do know that you doctored Joe McIntosh; when did you first find that out, after the land office opened? A I found it out long time.
- Q Can you tell of anybody else you doctored about five years ago? A Yes sir.
- Q Well, now, tell me who you doctored about five years ago. A I doctored all around.
- Q Tell me who you doctored? A That lady up at Coffeville, Kansas, five years ago, and doctored all my neighborhood; all around there.

Q Was that before or after the land office you doctored that lady up at Coffeyville? A The land office was open then.
Q Did you doctor Joe before or after that lady up at Coffeyville?
A I doctored Joe first.
Q How long after you doctored Joe before you doctored that lady up at Coffeyville? A A few weeks before.
Q How long had they been filing on land before you doctored that lady at Coffeyville? A I don't know.
Q It wasn't a month was it? A No sir, it wasn't a month.
Q When Joe died they had not been filing but about 10 days or two weeks? A I think about ten days or two weeks.
Q Well, was it more than two weeks between those two dates? A I went around and doctored different people.

Examination by the Commission:

Q When they went after you to come and see that child what did they say to you? A Said the child was sick.
Q Did they say they wanted you to come there and see a child that was sick? A Yes sir.
Q But you don't remember seeing any other young child around the place? A No sir, I didn't see any; I knew they said she had two; I know Joe died cause I doctored Joe.

By Mr. Scruggs:

Q You don't know when Goliath died? A No sir.
Q When they commenced filing did people talk about it much? A Yes sir.
Q Talked about it more than they do about the 4th of August? A Yes sir.
Q That's how you come to know when they commenced filing cause there was so much talk? A Yes sir, there was nothing but talk.
Q You don't know what year that was? A No sir; I don't know "A" from "B".

By Mr. Murphy:

Q You mean that's when the Dawes Commission first came down here, don't you? A No sir, when they first come down here they was taking the census.
Q Well, how long had they been here when Joe died? A I don't know.
Q That's what they was talking about when Joe died, wasn't it?
A No sir, talking about filing.
Q What name are you enrolled under? A Marsie Keyes.
Q By blood or freedman? A By marriage.
Q You say you are on the Creek rolls here? A Yes sir.
Q Got your land? A Yes, I am living on 40 acres and got 120 to rent

By the Commission:

- Q What is your husband's name? A Alon.
Q Got any children? A No sir.

By Mr. Murphy:

- Q What was your name before you was married? A Marcie Grayson.
Q Aint you on the roll as Grayson? A No sir.
Q Do you remember when you filed on your land? A Yes sir.
Q How long had Joe been dead when you filed? A I don't know.
Q Did he die the same year you filed? A I guess he did.
Q Don't guess; was it that year or the year before? A I don't know.

By the Commission:

- Q Have you got a son named Babe Williams? A Yes sir.

Witness excused and Bob McIntosh called and sworn; testified as follows:

Examination by the Commission:

- Q What is your name? A Bob McIntosh.
Q How old are you? A I don't know sir how old I am; about 50 I guess.
Q What is your post office address? A Tallahassee.
Q Are you the father of Joe McIntosh? A Yes sir.
Q Did he have a twin brother named Goliath? A Yes sir.
Q Which died first? A Joe.
Q Goliath is dead is he? A Yes sir.
Q How long had Joe been dead when Goliath died? A Joe died in April
Q Just tell how long it was. A Joe died in April and Goliath, if
I am not mistaken, died in July, as near as I can remember.
Q The same year or the next year? A Same year.
Q Did you give in the names of yourself and your family to the
Commission for enrollment? A Yes sir.
Q I will call over the names here; wife's Ella, is it? A Yes sir.
Q And there's Amanda, Jesse J., Pompey, Lulu, Sampson, Pearl, Goliath and Han. Are these the members of your family? A Yes sir.
Q Why is it that you didn't give in the name then of Joe? A Why, I give in the name of Joe when we was at the court house.
Q Why didn't you when you gave in the names of the other members of your family? A Aint it there? Aint he on the roll?
Q No. A He aint been enrolled at all then, is he?
Q No. A I knew when they first enrolled them at Covets we come and give just two before Mr. Bixby and I come up again and if they wasn't enrolled then I don't think they ought to hold me for it.
Q When was Goliath and Joe born? A I don't know sir.
Q How old was Joe when he died-- about? A I don't know exactly; he might have been a year or a little over; I don't know exactly; I am uneducated and can't keep the time.

The records of the Commission show that Goliath McIntosh was enrolled in September 1890, and his age was then given as two months.

Examination by Mr. Sarugga:

- Q Were both of these children alive when you put them on the roll at the court house or not? A They were both living when I first wrote them.
- Q When you put them on the roll at the court house here? A Yes; they was living at Cowea ta and they was living when I come up here to the court house.
- Q Doyou know what time of the year it was when Joe died?
A In April.
- Q Do you know when the land office opened? And they commenced filing on the land over here, Bob? A I don't know exactly what time it been but I come here on the 13th I think, somewhere along there anyhow to enroll and file for my children.
- Q What did you come here for to file or enroll? Did you select the land or put their names on the roll?
A I select the land before I come to file; Mr. Bixby give me the maps and I selected the land before I come to file.
- Q Was Joe dead or living when you came here to file on the land you come to select? A Joe was dead after the first of April.
- Q Well, was he dead when you come here to file? A Dead.
- Q How long had he been dead? A I think about 9 or 10 days- I disremember exactly, but it was in that time as near as I can remember.
- Q That was 9 or 10 days before you filed? A Yes sir.
- Q Do you know Marsie Keyes? A Yes sir; Micey.
- Q Was she at your house while Joe was sick or not? A Yes sir.
- Q What was she there for? A To give it medicine.
- Q Does she doctor the people over there? A Yes sir.

By the Commission:

- Q Did she doctor Goliah when he died? A Not that I remember; she might have but I know she doctored Joe.
- Q Did she doctor Goliah? A There's so many times I wouldn't be there she might have been there- I don't remember; I am away from home.
- Q Did you have any doctor for Goliah? A None but its mother that I know of; she pretends to be a doctor herself.
- Q What year is this, Bob? A This is February,--?
- Q What year is it? A '84 is it, or what? I don't know sir.
- Q What year was the land office opened, Bob? A I don't know sir; it was in April but I don't know what year.
- Q You don't know one year from another? A No sir.

By Mr. Murphy:

- Q Was Joe living when you enrolled Goliah McIntosh? A No sir.

By the Commission:

- Q That don't mean when you filed for Goliah but when you enrolled him. A That was at the court house when I enrolled him.
- Q When you gave in their names at first- was Joe living then?
A Enrolling and filing is not the one thing. Enrolling is when you put them down taking their census; he was living then when they was

taking the census- he was living then.

Q You know the difference between enrolling ~~(By Mrs Murphy)~~ don't you?

A Enrolling is taking the census and it is.

Q Well, it is putting you on the roll; and you know what filing is,

A Yes sir, I know now.

Q Was Joe McIntosh living when you enrolled Goliath McIntosh? A Yes sir.

Q You testified before the Commission here on October 3, 1902, did you not, in this case? A I did here one time; I don't know what time it was.

Q On that date this question was asked you: "Was Joe McIntosh living when you enrolled Goliath McIntosh?" and your answer was: "No sir."

A Well, I didn't know any better.

Q You testified at that time that you didn't know whether you enrolled all the members of your family or not, didn't you? A Well, I said I called my children as near as I can and if they don't put them down I can't help it.

Q Didn't they ask you if you didn't come to Muskogee to have them enrolled and you said "yes"? A ---

Q They asked you if you didn't come up to the court house here when they was first enrolling and you said "yes"; they asked you if you enrolled Goliath at that time, didn't they? A Yes sir.

Q And you testified that you didn't know whether you enrolled them all at once or not? A Yes sir; I made a mistake, that's all.

Q When did you first discover that you made a mistake? A Right here

Q The fact is that you discovered that he had to be born after- that he had to die after April 1, 1899-- A No sir; there is no result to me; I wouldn't tell what I don't know for a piece of land that I would get; I am not educated and you have got to consider the matter

Q How long had Joe McIntosh been dead when you filed on your land?

A He died on the first of April.

Q Did he die on the first day of April? A I can't say what day; it was about from the first up to the 10th of April.

Q When did you file on your land? A On the 11th or 12th or 13th-- after that; in April but what day I can't tell.

Q How long had Joe been dead when you filed? A About 9 or 10 days. As near as I can remember.

Q Then you testified before the commission in October, 1902, that he had been dead only three days when you filed? A I don't remember

Q If you did, you made a mistake there, didn't you? A Yes sir.

Q Now, you say you don't know when he died- you don't know what day?

A I don't know what day but it was the first of April.

Q Didn't you testify here on October 3, 1902, that it was on the 10th of April? A I don't know.

Q Didn't you testify here: "I am certain he died on the 10th of April."? A If I said it I will stay there yet; if it is down there I will stay with it.

Q If you testified that you were certain that it was the 10th of April, you are mistaken, aren't you? A Well, it was somewhere along about the 10th.

Q Well, then you was mistaken when you said it was the 10th, and you were positive of that? A It was a mistake or a lie.

Q Do you know the different months? A I hardly do.

Q Do you know April from January? A I do.

Q Which comes first? A January, February, March, April: I can tell you that being short of understanding.

Q Did you go to the election when Porter was first elected chief of the Creek Nation? A Yes sir.

Q Was Joe living then when that election came off? A You mean four or five years ago.

Q Yes, when he was elected the first time. A I can't tell you that cause I would be sure to be mistaken about it.

Q Well, what's your best recollection about it? A That was in September, wasn't it?

Q What was when the election was; the first Tuesday in September.

A I don't know sir whether he was living or not.

Q You don't know whether he was dead or not? A Well, I know that; I put him away.

Q Well, was he dead when Porter was first elected? A I don't remember.

Q Do you remember when the first Creek treaty was made? A No sir.

Q Well, you remember hearing about it, don't you? They all went to council. A With regards to what?

C In regard to the land here. A I heard of it. But, My Lord, I don't know what day it was- what time of the year it was.

Q Well, you know that you couldn't get land before that treaty was made, don't you? A I suppose so.

Q Was Joe living when that treaty was made? A I don't know sir.

Q Joe McIntosh was born and died the same year, didn't he? A I will tell you, Mr., I can't tell you.

Q Didn't you testify in October, 1902, that he was born in the Spring and died the same spring? (No answer).

By the Commission:

Q About how old was Joe? A I dis-remember. As near as I can say is when when the land office opened at Coweta I enrolled him there; Joe and Goliah both.

C There wasn't any land office there. A At Coweta?

Q That's what when they were taking the census. A Well, they was put down there and they was put down here at the court house; at both places; before Mr. Dixby; Childers was witness.

Q About how old was he? Could the child walk when it died? A No sir.

Q Wasn't old enough to walk? A No sir.

Q Nor old enough to talk? A No sir; I suppose he was seven or eight months old; might have been nine months old; I don't know.

By Mr. Murphy:

Q How long had Joe been dead when you filed for Goliah? A Well, from April up to the time I filed on the 13th-- I think it was the time I filed.

Q Did you file for Goliah the same time you filed for yourself?

Q I spoke for him but if I filed for him or not-- I think I filed for all the children that was living.

Q How old was Goliah when Joe died? A I don't know sir; when Joe died they would be eight months old; they were both the same age.

Q Your wife knows, don't she? A Yes sir.

Q She ought to know more about it than you,? A She ought to.

Q Didn't she tell you? A I don't know.

By the Commission:

Records of the Commission show that a citizenship certificate was issued to Robert McIntosh April 9, 1899.

By Mr. Murphy:

Q Was Joe born in the Spring? A Yes sir.

Q Born in April? A Yes sir.

Q And was about eight months old when he died? A Yes, I think so.

Witness excused and William Hawkins called and sworn; he testified as follows:

By the Commission:

- Q What is your name? A William Hawkins.
Q How old are you? A About forty.
Q What is your post office address? A Tallahassee.
Q Do you know Robert McIntosh? A And his wife Ella? A Yes sir.
Q Are you acquainted with the family? A Yes sir.
Q How far do you live from them? A About five miles I guess.
Q Do you know some boys of theirs named Joe and Goliath? A Yes sir.
Q Were they twins? A Yes sir.
Q They are both dead are they? A Both dead.
Q Do you know when Goliath died? A Yes sir, died about in the summer
Q What year? A 1899.
Q When did Joe die? A About in the spring.
Q What month? A In April.
Q Why is it that you fixed in your mind that he died in April- what calls it to your mind? A When the land office opened in April, they were living at that time; I passed all right by the house; I lived on the Verdigris and they lived here in the bottom; they was living in April.
Q You are a citizen, are you? A Yes sir.
Q How long after the land office opened was it you filed on your land? A I can't tell you- it was not very long before the land office opened.
Q Was it the same month? A Yes sir.
Q Was Joe living when you filed or dead? A Joe was dead when I filed; I think he was; I dis-remember just what time I filed.
Q About how long do you think he had been dead when you filed?
A He couldn't have been dead very long- cause I filed mighty near the first of April- maybe the middle of April; I wasn't very long-- I am not sure.
Q He was dead when you filed, was he? A I am not sure about that; I think so.
Q Was you at Robert McIntosh's house during Joe's last sickness?
A Not in the night of course; but there in the day time.
Q Were you present when Joe was buried? A Yes sir, I wasn't at the burying.

Examination by Mr. Scruggs:

- Q You say both of these twins are dead? A Yes sir.
Q Which one died first? A Joe died first.
Q You said you were not there in the night when Joe was sick; were you there when he was sick at all? A Yes sir; just passing, you know.
Q Was there anything said after he was dead by any of the parties about his not being able to file on account of his dying or not?
A Not as I know; I never did talk the matter over with them at all.
Q They never asked you anything about whether he had filed or not?
A Oh yes, they did.
Q I mean about that time. A I wasn't there when he died but they talked to me afterwards.
Q How long afterwards? A They told me they had not filed but heard that; and I told them that the child was living on the 1st of April and I thought they could file for it but Mr. Davis said they couldn't

I told him that.

Q You have been a member of the council and know something about the treaties, don't you? A Yes sir.

Q Remember when they ratified that first treaty? A Yes sir.

Q This was before the treaty was passed, was it, that this land office opened? A Yes sir.

Q Had you been a Greek lawyer too? A No sir, I never was a lawyer.

Q Never practiced law? A Yes No sir.

Examination by Mr. Murphy:

Q You say you don't know whether Joe was living or not when you filed? A No sir, I can't tell you that.

Q How old was Joe when he died? A I judge he would be a little over a year old.

Q Was he more or less? A I think a little over a year.

Q You are satisfied he was a year old? A Yes sir.

Q If his father said he was eight months old he would be mistaken, would he? A I don't know.

Q And if his mother said six months, she would be mistaken? A I can't say that; I know the child but never paid particular attention to the time the child was born.

By the Commission:

Q Was Joe walking? A No sir.

Q Talking? A No sir.

By Mr. Murphy:

Q Are you any relation to these people? A Yes sir.

Q What relation? A They claim kin but I can't tell you what relation.

Q You have been taking quite an interest about getting them on the roll? A Nothing more than telling them they could file for it.

Q You took interest enough to make affidavits? A Yes sir.

Q You testified before Harry G. Davis, a Notary Public, that Joe McIntosh positively died on the 18th of April, 1899, didn't you?

A Well, we did this because we didn't know the exact date and the Commission wanted the exact date and I had to do it.

Q Then if it had to be on the 18th of May 1899 you would have made it that day, wouldn't you? A We thought it was on the 18th, but they claimed it died about three days before Bob McIntosh filed - the only way we had was to refer to Bob McIntosh' certificate; they claimed that the child died about three days before.

Q Well, if his certificate showed that he filed on the 13th, he wouldn't have died the date you put down, is that it? A No sir.

Q Then you took interest enough on the 12th day of May, 1902, to make an affidavit that he died on the 30th of April, 1899, didn't you? A Well, I did, but that's where the mistake comes in.

Q Well, you testified that, didn't you? A I guess I did.

Q You have two affidavits, one that he died on the 18th and the other the 30th? A Yes sir.

Q And the fact of the business is that you don't know when he died?

Q I can't tell exactly the day only just what I stated.

Q All that you know about it is that Joe McIntosh is dead, isn't it?

A Yes sir.

- Q You know when he was born,, don't you? A No, I can't tell you the date of the month.
- Q Was he born in the Spring? A Yes sir.
- Q He was born in the spring before the land office opened, wasn't he? A Yes sir.
- Q And he died the same spring that he was born? A No sir.
- Q The fact of the business is that he was born in Spring before the land office opened? A I can't swear it was April but I know it was in the spring.
- Q When you came down here and filed on your land, how long before that was it that you saw Joe McIntosh? A I can't tell you.
- Q Was he living or dead when you seen him? A I dis-remember whether that child was living when I filed.
- Q Was you at the funeral? A No sir.
- Q Did you see him after he was dead? A No sir.
- Q How long after he was dead before you heard it? A It might have been three weeks or more.
- Q Then all you know about the date of his death is what somebody told you? A That's all.
- Q All that you know about his being dead after the land office opened is what somebody told you, aint it? A No sir; the child was living on April 1st, cause I come right by the house.
- Q You say you came by there in April? A Yes sir.
- Q Where was you going? A To Muskogee.
- Q What for? A To file.
- Q He was living then? A Yes sir; but I didn't file then.
- Q How long after you came the first time till you came the next time? A It was about a week I guess; I come over from yonder the third day of April and stayed three or four days and couldn't get in and come back again in about a week and filed; I filed for ~~xxxxxxx~~ my wife.
- Q Did you see Joe the first time you came over? A Yes sir.
- Q Where? A Home.
- Q At whose house? A Bob McIntosh.

By the Commission:

- Q Was he sick then? A Yes sir.
- Q Did you get down and go in and see him? A Yes sir.
- Q Was Goliah there? A Yes sir.
- Q Was Goliah sick? A I don't think so.
- Q When did you say Goliah died? A Along in summer.
- Q What year? A That same year; I wasn't at neither one of the childrens' dying but I heard it- of course I come by the house.
- Q At the time you made the affidavits here you knew that you had seen him there on the 3rd or 4th of April and that he was sick, didnt you? A Of course I knew he died but we can get the dates; we was just guessing at the dates, but the Commission required that we should give the exact date.
- Q And you was willin' to accomodate them and make the date the 18th of April? A It was not exactly our intention.
- Q You was guessing at it? A Yes sir.
- Q Are you guessing now? A No sir.

By the Commission:

The records of the Commission show that a citizenship certificate was issued to William Hawkins April 8, 1899.

Henry G. Jones being sworn on his oath states that as stenographer

to the Commission to the Five Civilized Tribes he reported the above case on February 5, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Laine.

Subscribed and sworn to before me this 8 day of February, 1904.

Charles H. Laine

Notary Public.

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

In the matter of the application for the enrollment of Joe Grayson, deceased, as a Creek Freedman.

D E C I S I O N .

The record in this case shows that on October 3, 1902, Robert McIntosh appeared before the Commission and made application for the enrollment of his deceased child, Joe Grayson, as a Creek Freedman.

The record further shows that December 16, 1902, the Commission rendered its decision denying the application; that a motion was filed asking that the case be reopened and a rehearing had, and that further testimony was submitted February 4, 1904.


The evidence shows that said Joe McIntosh died prior to April 1, 1899.

It is, therefore, the opinion of the Commission that said Joe McIntosh is not entitled to enrollment as a citizen of the Creek Nation as provided by the acts of Congress, June 28, 1898 (30 Stats., 495), March 1, 1901 (31 Stats., 861) and June 30, 1902 (32 Stats., 500), or any of said acts, and that the application for his enrollment should, therefore, be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, I. T.

MAR 14 1904



203

Cr. No. 266.

Muskegee, Indian Territory, March 15, 1904.

The Honorable
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Joe McIntosh, deceased, as a citizen of the Creek Nation, including the decision of the Commission, dated March 14, 1904, denying said application.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

HGH-3-18-20.

J. H. G.

Cr. No. 256.

Muskegee, Indian Territory, March 15, 1904.

Robert McIntosh,

Tallahassee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of your minor child, Joe McIntosh, deceased as a citizen of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.

RGH-3-15-18.

Dr. No. 266.

Muskogee, Indian Territory, March 15, 1904.

DeGraafenreid & Scruggs,
Attorneys for Joe McIntosh,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Joe McIntosh, deceased, as a citizen of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.

HGH-3-15-17.

JH3

Cr. No. 266.

Muskogee, Indian Territory, March 16, 1904.

A. P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Joe McIntosh, deceased, as a citizen of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

HOH-3-15-10.

COPY
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

LAND
18764/1904.

Washington, June 18, 1904.

The Honorable,
the Secretary of the Interior.

Sir:

There is inclosed herewith a report from the Commission to the Five Civilized Tribes, dated March 15, 1904, transmitting the record relative to the application of Joe McIntosh, deceased, for enrollment as a citizen of the Creek Nation.

The record in this case shows that Robert McIntosh, father, and Ella McIntosh, mother of Joe McIntosh, are recognized citizens of the Creek Nation; that their names appear upon the 1890 and 1895 Creek rolls, and that the name of Robert McIntosh is on the J.W.Dunn roll of Creek Freedmen. Robert and Ella McIntosh have been regularly enrolled as freedmen of the Creek Nation.

May 12, 1902, the mother of Joe McIntosh and Nancy Solomon, a midwife, made affidavit that Joe McIntosh was born April 26, 1898. On the same day Ella McIntosh and William Hawkins made affidavit that he died about the 30th day of April, 1899. July 11, 1902, Ella McIntosh and William Hawkins made affidavit, setting forth that Joe McIntosh died April 18, 1899. From the testimony of Ella McIntosh and Robert McIntosh, it seems that Joe McIntosh died about April 10, 1899.

The testimony in this case with reference to the birth and death of the applicant is conflicting. It will be seen that the mother and midwife claim that he was born on April 26, 1898, and that the mother testifies that she is not certain of the date of his birth, but that Robert McIntosh gave a note to Turner on the day Joe McIntosh was born, and she obtained the date of the note from Turner. She also testified that Joe McIntosh was seven months old when he died.

In September, 1898, Robert McIntosh appeared before the Commission to enroll himself and members of his family as citizens of the Creek Nation. He applied for the enrollment of Goliah McIntosh, a twin brother of Joe McIntosh, but did not make any application for Hoe. He was asked if he had a son by the name of Goliah McIntosh. He replied that he did have but that he was dead; that Goliah was enrolled at the time that he himself was enrolled, and that Joe McIntosh was not living at that time.

It will be seen that the testimony of Robert McIntosh relative to the application for enrollment of Goliah and Joe McIntosh is conflicting. Section 28 of the Creek Agreement is as follows:--

No person, except as herein provided, shall be added to the rolls of citizenship of said tribes after the date of this agreement, and no person whomsoever shall be added to said rolls after the ratification of this agreement.

All citizens who were living on the first day of April, eighteen hundred and ninety-nine, entitled to be enrolled under section twenty-one of the Act of Congress approved June twenty-eight, eighteen hundred and ninety-eight, entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," shall be placed upon the rolls to be made by said Commission under said Act of Congress, and if any such citizen has died since that time, or may hereafter die, before receiving his allotment of lands and distributive share of all funds of the tribe, the lands and money to which he would be entitled, if living, shall descend to his heirs according to the laws of descent and distribution of the Creek Nation, and be allotted and distributed accordingly.

All children born to citizens so entitled to enrollment, up to and including the first day of July, nineteen hundred, and then living, shall be placed on the rolls made by said Commission; and if any such child die after said date, the lands and moneys to which it would be entitled, if living, shall descend to its heirs according to the laws of descent and distribution of the Creek Nation, and be allotted and distributed accordingly.

The rolls so made by said commission, when approved by the Secretary of the Interior, shall be the final rolls of citizenship of said tribe, upon which the allotment of all lands and the distribution of all moneys and other property of the tribe shall be made, and to no other persons.

December 16, 1902, the Commission held that the applicant was not entitled to enrollment. Subsequently a motion was filed with the Commission asking that the case be reopened and a rehearing had. Further testimony was taken February 4, 1904. March 14, 1904, the Commission again decided that the applicant was not entitled to enrollment.

It seems to the office that the preponderance of the evidence in this case shows that Joe McIntosh died prior to April 1, 1899, and he is not therefore, under the provision of law above quoted, entitled to enrollment. The approval of the Commission's decision of March 14, 1904, is recommended.

Very respectfully,

A.C. Tonner,
Acting Commissioner.

GAW-H.

IF
I.T.D. 8108-1904.

COPY
DEPARTMENT OF THE INTERIOR,
Washington,

FILE
JUNE 30, 1904.

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

Gentlemen:

March 15, 1904, you transmitted the record in the matter of the application for the enrollment of Joe McIntosh, deceased, as a citizen of the Creek Nation, including your decision of March 14, 1904, denying said application.

Reporting June 18, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

(Signed) E.A.Hitchcock.

Secretary.

1 inclosure.

JTB

En. 266.

Muskogee, Indian Territory, July 11, 1904.

Robert McIntosh,

Tallahassee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of June 30, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated March 14, 1904, denying your application for the enrollment of your deceased child, Joe McIntosh, as a Creek Freedman.

Respectfully,

Commissioner in Charge.

Register.

J. J. S.

No. 256.

Muskogee, Indian Territory, July 11, 1904.

DeGraffenreid & Scruggs,
Attorneys for Robert McIntosh,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior under date of June 30, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated March 14, 1904, denying the application for the enrollment of Joe McIntosh, deceased, as a Creek Freedman.

Respectfully,

Commissioner in Charge

J. J. A.

No. 266.

Muskogee, Indian Territory, July 11, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior under date of June 30, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated March 14, 1904, denying the application for the enrollment of Joe McIntosh, deceased, as a Creek Freedman.

Respectfully,

Commissioner in Charge.

Or. En. 266

Muskogee, Indian Territory, August 2, 1906.

Robert McIntosh,

Tallahassee, Indian Territory.

Dear Sir:

On July 25, 1906, there was received by this office a motion to set aside a former ruling denying the application for the enrollment of your minor child, Joe McIntosh, deceased, as a citizen of the Creek Nation, said motion being accompanied by the affidavit of Mrs. A. T. Rounds.

The records in the possession of this office show that on June 30, 1904, a decision of the Commission under date of March 14, 1904, denying the application for the enrollment of Joe McIntosh, deceased, as a Creek freedman was affirmed by the Department and that you were advised of said Departmental action on July 11, 1904.

The act of Congress approved April 23, 1906
(Public No. 129), provides in part as follows:

" . . . no motion to reconsider or any other motion, in any of said cases, 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. . . "

You are, therefore, hereby advised that under the provision of law above quoted this office is now without jurisdiction to entertain said motion.

Respectfully,

Commissioner.

See McEntee

See case of George
McEntee.

Organization No. 544

See case of the
died Case 12, 1899

1899

CR EN 267

CR EN 267

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Ind.Ter., October 22, 1902.

In the matter of the application of George Pompey for the enrollment of his minor child, Isaac Pompey, as a Creek freedman.

George Pompey, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A George Pompey.
Q What is your age? A I don't know.
Q About how old are you? A I could not tell you.
Q What is your postoffice address? A Clarksville, I.T.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined, and it appears therefrom that George Pompey is listed for enrollment as a citizen of the Creek Nation, on Creek *Freedman* Indian card, Field No. 926.

- Q To what town in the Creek Nation do you belong? A Arkansas.
Q For whom do you now make application for enrollment? A For my boy.
Q What is the name and age of your son for whom you now make application? A Isaac Pompey, aged seven years past.
Q Is he now living? A Yes, sir.
Q Does he live with you? A He lives with one of my cousins at present.
Q Has Isaac Pompey ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes, sir.
Q Has he ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A No, sir.
Q Does his name appear upon the Creek tribal rolls? A No, sir.
Q To what town in the Creek Nation do you claim he belongs? A He belongs in Arkansas.

The 1895 and 1896 omitted pay-rolls of the Creek Nation, Arkansas Colored town examined, and the name of Isaac Pompey not found thereon.

- Q Are you the father of Isaac Pompey? A Yes, sir.
Q Does your name appear upon the Dunn roll? A Yes, sir.
Q Did you ever have any other name except George Pompey? A That is my only name.

Q What was the name of your father? A Pompey Redmouth.

The roll of Creek freedmen made by Major J.W. Dunn prior to March 14, 1867, examined, and the name of George Pompey is found and identified thereon as George Redmouth, at No. 986.

Q What was the name of the mother of Isaac Pompey? A Eliza Phillips.

Q Is she living? A Yes, sir.

Q Is she a citizen of the Creek Nation? A No, sir; she is a state woman.

Q Were you married to her? A No, sir.

Q Did you ever live with her? A Yes, sir; we lived together.

Q How long did you live with her? A Between four and five years.

Q Did you live with her continuously for the period of four or five years? A Yes, sir.

Q Did you support her during that time? A Yes, sir.

Q Was this Isaac Pompey born to her while you were living with her?

A No, sir; she was living over on the Arkansas.

Q Had she separated from you then before this child, Isaac Pompey was born? Yes, sir.

Q How long had she been separated from you before he was born?

A I just could not tell that.

Q Had she been living away from you a year? A About a year or two years, I guess.

Q Did you have any other children by Eliza Phillips? A No, sir.

Q Are you married now? A No, sir.

Q Did you care and provide for this child, Isaac Pompey? A Yes, sir.

Q How long have you cared and provided for him? A It has been ever since his mamma left me.

Q Has this child, Isaac Pompey ever live with you? A Yes, sir; he is still right with me.

Q Is this the first time you have made application to the Commission for the enrollment of Isaac Pompey as a citizen of the Creek Nation?

A Yes, sir.

The records of the Commission examined and it appears that Isaac Pompey is enrolled together with his father, George Pompey on Creek roll, census card No. 3188.

Witness excused.

In Re Application of George Pompey for the enrollment of his minor child, Isaac Pompey, as a Creek freedman.

Eliza Phillips, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your full name? A Eliza Phillips.

Q What is your age? A 24 years.

Q What is your postoffice address? A Clarksville, I. T.

Q Are you a citizen of the Creek Nation? A No, sir.

Q Are you a United States citizen? A yes, sir.

Q You know the applicant here, George Pompey? A Yes, sir.

- Q Were you ever married to him? A No, sir.
Q Did you ever live with him? A Yes, sir.
Q When did you live with him? A It has been about four or five years ago now.
Q Have you any children? A Yes sir.
Q What are the names of your children? A Isaac Pompey and Luther Lucky.
Q Is Isaac Pompey now living? A Yes, sir.
Q About how old is he now? A Seven years old.
Q What is the name of the father of Isaac Pompey? A George Pompey
Q Were you living with George Pompey when Isaac Pompey was born?
A No, sir; I was not living with him when Isaac was born.
Q How long had you been away from George Pompey when Isaac was born?
A I had been away four months.
Q Did you leave George Pompey or did he leave you? A George left me and I went on the other side to Arkansas.
Q How long did you live with him before he left you? A We stayed together about a year.
Q Did you live with him continuously for a year before he left you?
A Yes, sir; off and on. I stayed with a woman across the Verdigris.
Q As a matter of fact he did not live with you very long at any one time? A Not until the child was born. I came back to him after the child was born.
Q How long did you live with him then? A A year and half.
Q Is he living with you now? A No, sir.
Q Does the child, Isaac Pompey, live with you? A No, sir.
Q Who does Isaac Pompey live with now? A His father has got him.
Q Did George Pompey care and provide for you during the year that you lived with him prior to the time of the birth of Isaac Pompey?
A No, sir.
Q As a matter of fact you were never married to George Pompey?
A No, sir; We went together with the Indians.
Q Who is the father of Luther Lucky? A Frank Lucky.
Q How old is Luther Lucky? A He was five years old the sixth of October past.
Q Who does Luther Lucky live with? A He stays with Wesley Warner.
Q Is the father of Luther Lucky a Creek citizen? A Yes, sir.
Q Were you married to Frank Lucky? A No, sir.
Q Has Luther Lucky been enrolled as a citizen of the Creek Nation?
A No, sir.

The records of the Commission examined; it appears therefrom that Luther Lucky is not listed for enrollment as a citizen of the Creek Nation.

Witness excused.

In Re Application of George Pompey for the enrollment of his minor child, Isaac Pompey, as a Creek freedman.

Dave Hawkins, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Dave Hawkins.
Q What is your age? A I cannot tell.
Q About how old are you? A About 68 years old.
Q What is your postoffice address? A Muskogee, Indian Territory.

Q Are you a citizen of the Creek Nation? A No, sir.

Q Do you know George Pompey who makes application for the settlement of Isaac Pompey? A I know him.

Q How long have you known him? A About 20 some odd years.

Q Are you a neighbor of his? A Not exactly a neighbor of mine, but I know him.

Q How near do you live to him? A I don't know just now where he lives.

Q Do you know Eliza Phillips? A Yes, sir, when I see her.

Q How long did you know her? A It has been about 8 years.

Q Did she ever live with George Pompey? A She did not live with him in my neighborhood, but where he lived on the Verdigris.

Q Then you do not know whether or not he lived with her? A He carried her home.

Q Where was his home at that time? A On Bull Creek.

Q Do you know how long he lived with her? A No, sir.

✓ Q Do you know whether he had any children by her? A He had a boy; they claimed him.

Q What was the name of that boy? A Isaac Pompey.

Q Did George Pompey ever say to you that Eliza Phillips was his wife? A He never said it, but he claimed the boy.

Q Did he ever say to you that he was married to Eliza Phillips? A No, sir.

Q Do you know of your own knowledge whether he ever provided for Eliza Phillips? A No, sir.

Q Do you know of your own knowledge how long he ever lived with Eliza Phillips? A No, sir.

Q Do you know about it yourself or what George Pompey has told you? A I know that he took her to his home, and after the child's birth, he claimed the child.

Q Was Eliza Phillips living with him when the child was born?

A I just could not say that.

Witness excused.

In Re Application of George Pompey, for the enrollment of his minor child, Isaac Pompey, as a Creek freedman.

Nellie Hawkins, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Nellie Hawkins.
- Q What is your age? A I don't know; about 44 years.
- Q What is your postoffice address? A Muskogee, Indian Territory.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q Do you know George Pompey, who makes application for the enrollment of Isaac Pompey as a citizen of the Creek Nation? Yes, sir.
- Q How long have you known him? A About 12 or 13 years.
- Q Do you live near his home? A We used to live close together, but he moved away from us.
- Q Do you know Eliza Phillips? A Yes, sir.
- Q How long have you known her? A I have known her ever since she came to the Creek Nation, about eight or nine years.
- Q Was she ever married to George Pompey? A No, sir; not to my knowledge.
- Q Did she ever live with George Pompey? A Yes, sir. I guess so. He carried her to his home.
- Q Do you know how long he kept her at his home? A She stayed there, over at George Pompey's place, four years. He was staying at Bull Creek.
- Q Did George Pompey ever claim Eliza Phillips as his wife? A I don't know.
- Q Did he ever say to you that she was his wife? A No, sir.
- Q Do you know of your own knowledge whether or not he cared and provided for her? A I know he carried her.
- Q Do you know about it yourself that he took her to his house? A Yes, sir.
- Q You do not know how long she lived at his house (No answer)
- Q Did Eliza Phillips have a child? A Yes, sir.
- Q What was the name of the child? A Isaac Pompey.
- Q Was Isaac Pompey born while she was living with George Pompey? A No, sir; he and her had a bust-up, but after the child's birth they went back together again.
- Q Are they living together now? A No, sir.
- Q Did you live in the neighborhood where Isaac Pompey was born? A Yes, sir.
- Q Were you at the house when he was born? A No, sir. I went there two or three days afterwards.
- Q Did Eliza Phillips ever say to you that George Pompey was the father of Isaac Pompey? A Yes, sir.

George Pompey recalled.

Examination by the Commission.

- Q Did you ever draw any money from the Creek Nation for Isaac

Pompey? A No, sir.

Q Was he born before or after the payment was made in 1895? A I just don't know when he was born.

Q Do you recollect when you drew the \$14.40? A Yes, sir, but I did not get it.

Q Was Isaac Pompey living at that time? Yes, sir.

Q Is there any additional testimony in regard to the application you now make for the enrollment of Isaac Pompey as a citizen of the Creek Nation that you desire to make at this time? A No, sir.

You will be furnished, at a later date, with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your minor son, Isaac Pompey, as a Creek freedman, mailed to you at your proper post-office address, as given in this testimony.

Witness excused.

In Re Application of George Pompey for the enrollment of his minor son, Isaac Pompey, as a Creek freedman.

Julius Y. Miller, being first duly sworn, upon his oath states that as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause on October 22, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

Julius Y. Miller

Subscribed and sworn to before me this 24th day of October, 1902, at Muskogee, Indian Territory.

Charles H. Sawyer
Notary Public.

West

IN RE

- Application for Enrollment of

INFANT CHILD

Isaac Sampy
as a citizen of the

Creek Nation.

Approved, 190 ..

Commissioner.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation, of Isaac Pampy, born on the 2 day of Feb, 1885

Name of Father: George Pampy, a citizen of the Creek Nation.

Name of Mother: Liza Pampy, a citizen of the U.S. Nation. Postoffice, Muskogee 27

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Liza Pampy, on oath state that I am 35 years of age and a citizen, by birth, of the U.S. Nation; that I am the lawful wife of George Pampy, who is a citizen, by birth, of the Creek Nation; that a boy child was born to me on the 2 day of Feb, 1885; that said child has been named Isaac Pampy, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Wm. Briscoe, J.B. Briscoe

Liza Pampy

Subscribed and sworn to before me this 22 day of Jan, 1901.

Walter B. Hawler

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Nancy Salaman, a midwife, on oath state that I attended on Mrs. Liza Pampy, wife of George Pampy, on the 2 day of Feb, 1885; that there was born to her on said date a boy child; that said child is now living and is said to have been named Isaac Pampy.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Nancy Salaman

Subscribed and sworn to before me this 22 day of Jan, 1901.

RECEIVED... OFFICE OF THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS...

20 In 926

IN RE

Application for Enrollment of
INFANT CHILD.

Isaac Pompey

As a citizen of the

Oreek Nation.

Approved

1

Commissioner.

Doubtless

N. G.

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

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Isaac Pompey, born on the 1st day of February, 1825.
Name of father: George Pompey, a citizen of the Creek Nation.
Name of mother: Eliza Phillips, a citizen of the United States Nation.
Post Office: Clarksville, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, Eliza Phillips, on oath, state that I am 22 years of age and a
citizen, by _____, of the United States ~~Nation~~; that ~~from the~~ ^{by}
~~marriage~~ George Pompey who is a citizen, by adoption, of the
Creek Nation; ~~that a male~~ child was born to me on the 1st day
of February, 1825; that said child has been named Isaac Pompey

and is now living.
Witness to mark
W. P. [unclear]
R. P. [unclear]

Subscribed and sworn to before me this 15th day of January, 1829.

Eliza X Phillips
her
mark
M. D. Green
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
_____ District. }

I, _____, a _____, on oath, state that I
attended on Mrs. _____, wife of _____
on the _____ day of _____, 18____; that there was born to her on said date a _____ child;
that said child is now living and is said to have been named _____

Subscribed and sworn to before me this _____ day of _____, 18____.

Notary Public.

Creek 267

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

In the matter of the application for the enrollment of Isaac Pompey as a Creek Freedman.

--- D E C I S I O N. ---

The record in this case shows that on October 22, 1902, George Pompey appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of the minor child, Isaac Pompey, as a Creek Freedman.

It appears from the evidence that said Isaac Pompey was born about February 1, 1895; that he is the illegitimate child of Eliza Phillips; that said Eliza Phillips is not a citizen of any tribe in Indian Territory, and that said Isaac Pompey is not identified on the Creek tribal roll of 1895, although born prior to the preparation thereof.

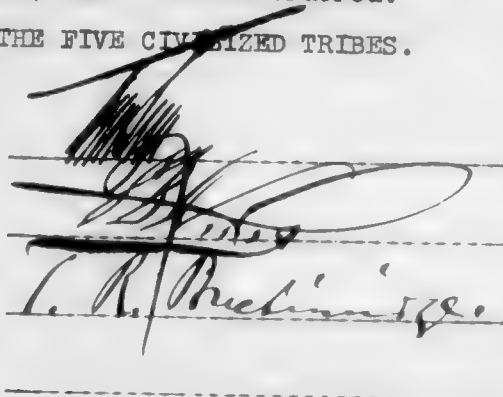
It is claimed that George Pompey, whose name is included in a schedule of Creek Freedmen, approved by the Secretary of the Interior March 28, 1902, is the father of Isaac Pompey, but the evidence submitted does not establish that claim.

George Pompey testifies that he was never married to said Eliza Phillips; that he lived with her continuously for four or five years; that they then separated, and that Isaac Pompey was born about a year or two years after their separation.

Eliza Phillips testifies that Isaac Pompey was born about four months after she separated from George Pompey, and that she and George Pompey lived together about a year prior to the birth of Isaac Pompey.

In view of the conflict in the testimony, and the absence of the name of Isaac Pompey from the 1895 tribal roll, it is the opinion of the Commission that the application for his enrollment as a Creek Freedman should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


L. R. McKinstry

Dated at Muskogee, Indian Territory,
this 16 day of June, 1904.

8873

Creek En. 287.

Muskogee, Indian Territory, June 16, 1904.

M. L. Mott,

Attorney for Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Isaac Pompey as a Creek Freedman.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Chairman.

DCS-6/16-1.

8813

Creek No. 257.

Muskogee, Indian Territory, June 14, 1904.

George Pompey,

Clarksville, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Isaac Pompey as a Creek Freedman.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Chairman.

Register.

DCE-6/16-2.

DEPARTMENT OF THE INTERIOR

Land

OFFICE OF INDIAN AFFAIRS

40600-1904.

WASHINGTON, October 18, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated June 16, 1904, transmitting the record of the application for enrollment as a Creek Freedman by George Pompey for his minor child, Isaac Pompey.

June 16, 1904, the Commission decided adversely to the application.

The record shows that George Pompey is duly enrolled in a schedule of Creek freedmen, approved by the Department March 28, 1902. It further appears that Isaac Pompey was born about February 1, 1895; that he is the illegitimate child of Eliza Phillips, who is not a citizen of any tribe in the Indian Territory, and that said Isaac Pompey is not identified on the Creek tribal roll of 1895, though born prior to its preparation, but he is enrolled with his father on the Creek census roll No. 3188. There appears to be plenty of evidence in the record showing beyond a reasonable doubt, that Isaac Pompey is the child of the enrolled Creek freedman, George Pompey, and in view of the record it is recommended that the decision of the Commission adverse to the applicant be reversed and that Isaac Pompey be duly enrolled as a Creek Freedman.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.M.

W.

I. T. D. 10742-1904.
L. R. S.

DEPARTMENT OF THE INTERIOR

FRE J.P.

WASHINGTON

October 24, 1904.

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

Gentlemen:

On October 18, 1904, the Acting Commissioner of Indian Affairs, submitted the papers in the case involving the application of George Pompey, a duly recognized Creek freedman, for the enrollment of Isaac Pompey, an alleged child of his born about February 1, 1895.

June 16, 1904, you rejected the application, stating that the evidence does not establish the claim that George Pompey is the father of Isaac Pompey; that while the mother of this child, Eliza Phillips, a non-citizen, testifies that Isaac Pompey, was born about four months after she separated from George Pompey, and that she and George Pompey lived together about a year prior to the birth of Isaac Pompey, George Pompey testifies that he was never married to said Eliza Phillips; that he lived with her continuously for four or five years, and that they then separated and that Isaac Pompey was born about a year or two after their separation. You held, in view of the conflicting testimony, and the absence of the name of Isaac Pompey from the 1895 tribal roll, that he was not entitled to enrollment as a Creek freedman.

The Acting Commissioner recommends a reversal of your decision, stating that there appears to be plenty of evidence in the record showing beyond a reasonable doubt that Isaac Pompey is the child of George Pompey.

A copy of your decision was sent to George Pompey on June 16, 1904, and no complaint appears to have been made in regard thereto. The Department is unwilling to direct the enrollment of this child in view of the testimony of George Pompey. Your decision is accordingly affirmed.

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

Respectfully,

(Signed) E. A. Hitchcock,

Secretary

1 inclosure.

267

Isaac Pompey
George Pompey

Motion &
Re Open

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAY 16 1905

~~FILED~~

CW 1111

DEPARTMENT OF THE INTERIOR

ADMINISTRATIVE OFFICE OF CIVILIZED TRIBES

CREEK CITIZENSHIP

In the matter of the Application
for enrollment of

Isaac Pompey, a minor, by his father,
George Pompey
as a citizen of the Creek Nation.

Now comes George Pompey, as father and
next of Isaac Pompey now deceased and respectfully asks that the above
cause be re-opened and that he be allowed to introduce further evidence
as to the paternity of said Isaac Pompey.

This applicant says that upon the former hearing of this application
he was mistaken in saying that he had been separated from Liza Phillips,
mother of Isaac Pompey for one or two years and now says that he had only
been separated from her about four or five months and that he can substan-
tiate this claim by the testimony of William Hawkins and ---- Solomon.

That he believes the above testimony to be true.

Applicant further shows that the former decision of the Commission was
contrary to the evidence in this: George Pompey and Liza Phillips,
respectively father and mother of Isaac Pompey, under the undisputed ev-
idence, lived and co-habited together as husband and wife for four or
five years and that the child, Isaac Pompey was born during the time
that they so co-habited, although the parties were separated at the date
of the birth of Isaac Pompey.

That while George Pompey and Liza Phillips lived and co-habited together
as husband and wife, they were under the law then in force, husband and wife
and the issue is legitimate.

Therefore, premises considered, applicant respectfully prays that this
cause be re-opened and that he be allowed to introduce evidence to show
the true paternity of Isaac Pompey.

Attorney for Applicant

George Pompey, applicant herein, having been duly sworn and
has heard the above application read and that the matters therein
alleged are true

Subscribed and sworn to

Department of the Interior, Commissioner to the Five Civilized Tribes.
In the matter of the enrollment of Isaac Pompey as a Citizen of the
Creek Nation.

The Honorable Secretary of the Interior,

Comes now George Pompey and prays that this case be re-opened and that he be granted an opportunity to introduce testimony to establish the fact that Isaac Pompey is my son. and for grounds for said motion I state that I am old and very ignorant and that I have no idea as to time, and don't know the difference between a month and a year. and I know that Isaac Pompey is my son, and for some reason he has been denied citizenship, and it may have been through some mistake in my testimony that lost his citizenship.

I herewith attach affidavits of William Hawkins and Ella McIntosh as to the paternity of Isaac Pompey.

The reason I did not have this testimony at the former hearing is that I am very ignorant and thought all that was necessary for me to do was to go before the commission and tell them that Isaac Pompey was my son. I have always claimed and recognized Isaac as my boy. He lived with me until he died and I supported him.

*Witness to Mark
R. P. Delgrain
W. Jones*

his
George X Pompey
mark

Subscribed and sworn to before me this march 21st. 1906

My Commissioner
April June 16, 1907,
Arthur W. Jones,
Notary Public

I hereby acknowledge service of the above motion and the accompanying affidavits of William Hawkins and Ella McIntosh and also show that copy of same was left with me.

W. L. Matt
Attorney for Creek Nation

Before the Commissioner to the Five Tribes,

In the Matter of Enrollment of Isaac Pompey as a Creek Citizen.

William Hawkins being sworn says,

I am 42 years of age and am a citizen of the Creek Nation, and now a member of the House of Warriors of the Creek Nation. I know George Pompey and have known him for about 17 years I also know Eliza Phillips, and have known her about the same time. I knew of these two people living together as husband and wife. They lived on the place of Wesley Warner as husband and wife. They lived together some five or six years as husband and wife. There was a boy born to them which was named Isaac Pompey and was always recognized in the neighborhood as the son of George Pompey. George and this woman Eliza Phillips separated and George went over across the Verdigris river and staid awhile, This child was born about two months after George went over across the river. He came back and lived with this woman after the child was born, and he always lived with his father ~~son~~ George Pompey until his death some time last year. George Pompey is a man of very weak mind, almost an idiot,

William Hawkins

Subscribed and sworn to before me this the 21st day of March 1906

My Commission

Expires March 14 1907

J. H. [Signature]
Notary Public:

My name is Ella McIntosh, and am a citizen of the Creek Nation and am 45 years of age. I am well acquainted with George Pompey and Eliza Phillips, the lived together as husband and wife for six or seven years in the Creek Nation, I lived within a half mile of them when they were living together. They separated for awhile and George Pompey went across the verdigris to live, and about two months after he went they had a boy born to them who was named Isaac Pompey, Isaac died some time last year or year before. He was ten or eleven years of age when he died George Pompey came back and lived with Eliza Phillips after the child was born. The boy Isaac Pompey lived with his father George Pompey until his death. Every body in the neighborhood recognized the boy as the son of George Pompey and George Pompey always claimed him as his son, and supported him.

George Pompey is a man of very weak mind and in fact is almost an idiot. He does not seem to have any idea as to ~~xxxxxxx~~ time what-
ever. *Witness to Mark*

Ella McIntosh
Mark

Subscribed and sworn to before me this the 21st day of March 1906

My Commission
Expires, March 14, 1907

J. H. Keen
Notary Public.

2 each
10 each

Wes

2-107.

Muskogee, Indian Territory, November 1, 1904.

M. L. Mett,

Attorney, Creek Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Secretary of the Interior, under date of October 24, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated June 16, 1904, denying the application of George Pompey for the enrollment of his minor child Isaac Pompey, as a Creek freedman.

Respectfully,

Commissioner in Charge.

H. H. H.

En. 257.

Muskogee, Indian Territory, November 1, 1904.

George Pompey,

Clarksville, Indian Territory,

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of October 24, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated June 16, 1904, denying your application for the enrollment of your minor child Isaac Pompey, as a Creek freedman.

Respectfully,

Commissioner in Charge.

Registered.

#267

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

In the matter of the Application for enrollment of Isaac Pompey, a minor, by his father, George Pompey, as a citizen of the Creek Nation.

Now comes George Pompey, as father of Isaac Pompey now deceased and respectfully asks that the above cause be re-opened and that he be allowed to introduce further evidence as to the paternity of said Isaac Pompey.

This applicant says that upon the former hearing of this application he was mistaken in saying that he had been separated from Liza Phillips, mother of Isaac Pompey for one or two years and now says that he had only been separated from her about four or five months and that he can substantiate this claim by the testimony of William Hawkins and Solomon.

That he believes the above testimony to be true.

Applicant further shows that the former decision of the Commission was contrary to the evidence in this: George Pompey and Liza Phillips, respectively father and mother of Isaac Pompey, under the undisputed evidence, lived and co-habited together as husband and wife for four or five years and that the child, Isaac Pompey was born during the time that they so co-habited, although the parties were separated at the date of the birth of Isaac Pompey.

That while George Pompey and Liza Phillips lived and co-habited together as husband and wife, they were under the law then in force, husband and wife and the issue is legitimate.

Wherefore, premises considered applicant respectfully prays that this cause be re-opened and ~~that~~ that he be allowed to introduce evidence to show the true paternity of Isaac Pompey.

d. L. Hoffman & Scuzes
Attorneys for Applicant

George Pompey, the applicant herein, having been duly sworn, says that he has heard the above application read and that the matters and things therein alleged are true.

Subscribed and sworn to before me this the 16th day of May, 1905.

I accept service of above Motion. Aug. 18-1905-

M. R. [unclear] Attorney

Washoe, Indian Territory, May 24, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

June 18, 1904, the Commission denied the application of George Pompy for the enrollment of his minor child, Isaac Pompy, as a Creek Freedman.

October 24, 1904 (I.T.D. 10742-1904), the Department affirmed the decision of the Commission.

May 16, 1905, DeGraffenried & Scruggs, attorneys for the applicant, filed with the Commission for transmission to the Department a motion to reopen said case.

Said motion is herewith enclosed for Departmental consideration.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

JYM-4-17

I.T.D. 6230-1905.

FILE, MAY, 1906

DEPARTMENT OF THE INTERIOR

WASHINGTON, June 6, 1906

Commission to the Five Civilized Tribes,

Maskogee, Indian Territory.

Gentlemen:

Referring to your letter of May 17, 1906, transmitting a motion filed by DeGraffenried & Scruggs, attorneys, to reopen the Creek Freedman case of Isaac Pompey, said motion is inclosed herewith to be returned them that said motion must bear evidence of service of a copy thereof upon the attorney for the Creek Nation before it can receive consideration by the Department.

Respectfully,

(Signed) E.A. Hitchcock,

Secretary.

1 inclosure.

Cr En 267

Muskogee, Indian Territory, June 13, 1906.

DeGraffenried & Scruggs.

Attorneys for Isaac Pompey.

Muskogee, Indian Territory.

Gentlemen:

May 16, 1905, you filed with the Commission for transmission to the Department a motion in the matter of the application for the enrollment of Isaac Pompey as a citizen of the Creek Nation. Said motion was accordingly transmitted to the Department May 17, 1905.

June 6, 1905, the Department returned to the Commission the said motion, with instructions to return same to you and to advise you that said motion must bear evidence of service of a copy thereof upon the attorney for the Creek Nation before it can receive consideration by the Department.

Said motion is herewith enclosed.

Respectfully,

Chairman.

JYM-13-1

✓
OF IN 257

Muskogee, Indian Territory, December 28, 1905.

DeGraffenried & Scruggs,

Attorneys for Isaac Pompey,

Muskogee, Indian Territory.

Gentlemen:

On August 19, 1905, you filed with this Office a motion to reopen the matter of the application for the enrollment of Isaac Pompey as a citizen of the Creek Nation. Said motion is imperfect in that it is not sworn to by the applicant or his guardian. At your request, this motion has been held in this Office in order that you might have an opportunity to perfect same.

You are hereby advised that you will be allowed ten days from date to do anything that you may consider advisable in the matter, and that in the event no further action is taken by you within the time mentioned, said motion will be forwarded in its present form to the Secretary of the Interior.

Respectfully,

Commissioner.

Gr No 267

JYK.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D. 6230-1905.

March 8, 1906.

LRS

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

Sir:

On May 17, 1905, the Commission to the Five Civilized Tribes transmitted a motion to reopen the Creek freedman case of Isaac Pompey.

June 6, 1905, the motion was returned, for the reason that it did not bear evidence of service of a copy thereof upon the attorney for the Creek Nation.

You are requested to report what action has been taken in the matter.

Respectfully,

(Signed) Thos Ryan
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

Cr. No. 267.

Muskogee, Indian Territory. March 19, 1906.

DeGraffenried & Scruggs,
Attorneys for Isaac Pompey,
Muskogee, Indian Territory.

Gentlemen:

May 16, 1905, you filed with this office for transmission to the Department a motion in the matter of the application for the enrollment of Isaac Pompey, as a citizen of the Creek Nation. Said motion was on May 17, 1905, transmitted to the Department.

June 13, 1905, said motion was returned to you under instructions from the Department and you were advised that same must bear evidence of service of a copy thereof upon the Attorney for the Creek Nation.

This office is in receipt of Departmental letter, dated March 8, 1906, requesting a report in this matter.

You are requested to advise this office at the earliest practicable date of any action you may contemplate taking, in view of Departmental instructions of which you have been advised.

Respectfully,

Acting Commissioner.

Dr. En. 267.

Muskogee, Indian Territory, April 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

June 16, 1904, a decision was rendered by the Commission denying the application of George Pompey for the enrollment of his minor child, Isaac Pompey, as a Greek freedman, which said decision was affirmed by the Department April 24, 1904.

May 17, 1905, a motion to reopen said case, filed by DeGraffenried & Scruggs, attorneys for applicant, was transmitted to the Department.

June 13, 1905, in accordance with Departmental instructions dated June 6, 1905, said motion was returned to attorneys for applicant and they were advised that same must bear evidence of service of copy thereof upon attorney for the Greek Nation. No action having been taken in this matter by attorneys for applicant, the Department under date of March 8, 1906 (I.T.D.

Secretary 2.

4220-1905) instructed this office to make a report in the matter. Upon receipt of said letter, Messrs. DeGraffenried & Scruggs were notified verbally of the instructions of the Department and it was stated by them that they would immediately file an amended petition.

Later, and on March 19, 1906, attorneys for applicant were requested by letter to advise this office, at the earliest practicable date, of any action they might contemplate taking in view of Departmental instructions referred to in our letter of June 13, 1905.

April 3, 1906, said George Pompey by his attorneys, DeGraffenried & Scruggs, filed with this office a motion to reopen said case, supported by affidavits, and the same is enclosed herewith for Departmental consideration.

Respectfully,

Through the
Commissioner of Indian Affairs.

Acting Commissioner.

DEPARTMENT OF THE INTERIOR
RECEIVED

JUN
12
1906

Enc. No. 1 of No. 10782

INDIAN TERRITORY DIVISION

ORDER IN REPLY TO THE FOLLOWING:

Land
30718-1906.

(COPY)
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

June 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, transmitting certain affidavits in support of a motion to re-open the application of George Pompey for the enrollment of his minor child, Isaac Pompey, as a Creek freedman.

On June 16, 1904, the Commission to the Five Civilized Tribes denied the application of the minor child, and on April 24, 1904, the Department approved the Commission's action. On May 17, 1905, DeGraffenried & Scruggs, attorneys for the applicant, filed a motion to re-open the case.

The motion, together with the record, was forwarded to the Department on May 25, 1905, Land 38581.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH.

LIB. GR. LRS.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

25,960
I.T.D. 10742-1904.
6230-1905.
10782-1906.

June 20, 1906.

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

Sir:

April 4, 1906, you forwarded for the consideration of the Department a motion for a reopening of the application of George Pompey for the enrollment of his minor child, Isaac Pompey, as a Creek freedman, wherein the Department on October 24, 1904 (I.T.D. 10742), affirmed the decision of the Commission to the Five Civilized Tribes of June 16, 1904, denying said application.

The Department has carefully considered said motion, and in view of the evidence submitted and section 3 of the act of Congress approved April 26, 1906 (Public No. 129), providing for the enrollment of descendants of persons whose names appear on the Dunn Roll, born since said roll was made, the action of the Department of October 24, 1904, affirming the decision of the Commission denying the application for the enrollment of said minor child, Isaac Pompey, as a Creek freedman, is hereby rescinded, and the record in said case is returned to you for a rehearing and readjudication in accordance with the above section referred to.

You will advise Messrs. DeGraffenried & Scruggs, attorneys for the moving party, of this action and of the date to be fixed for rehearing.

Respectfully,

Jesse H. Wilson,
Assistant Secretary.

2 inclosures.

Muskogee, Indian Territory, July 2, 1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

You are advised that under date of June 29, 1906, the department rescinded its action of October 24, 1904, affirming the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Isaac Pompey, as a Creek freedman, and instructed that said cause be reopened for adjudication under the provisions of the Act of Congress approved April 26, 1906 (Public--No. 129)

You are therefore hereby notified that a rehearing will be had in this case at the office of the Commissioner to the Five Civilized tribes at Muskogee, Indian Territory, July 30, 1906, at which time you will be permitted to introduce on behalf of the Nation, such evidence as you may desire.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 2, 1906.

George Pompey,

Clarksville, Indian Territory.

Dear Sir:

You are advised that under date of June 20, 1906, the department rescinded its action of October 24, 1904, affirming the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Isaac Pompey, as a Creek freedman, and instructed that said cause be reopened for adjudication under the provisions of the Act of Congress approved April 26, 1906 (Public--No. 129)

You are therefore notified that a rehearing will be had in this case at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, July 20, 1906

You are further advised that Messrs. DeGraffenried & Scruggs, who appear as attorneys for applicant in this case, also M.L.Kott, attorney for the Creek Nation, have been notified of the date set for said rehearing and that they will be permitted to introduce evidence in this matter on said date.

Respectfully,

Commissioner.

Muskogee, Indian Territory, June 30, 1906.

DeGraffenried & Scruggs,
Attorneys for Isaac Pompey,
Muskogee, Indian Territory.

Gentlemen:

You are advised that under date of June 20, 1906, the department rescinded its action of October 24, 1904, affirming the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Isaac Pompey, as a Creek freedman, and instructed that said case be reopened for adjudication under the provisions of the Act of Congress approved April 26, 1906 (Public --No. 129)

You are therefore hereby notified that a rehearing will be had in said case at the office of the Commissioner to the Five Civilized Tribes in Muskogee, Indian Territory, July 20, 1906, at which time you will be permitted to introduce such evidence as you may desire. The attorney for the Creek Nation has also been notified that further evidence may be introduced in behalf of the Nation at said time and place.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, INDIAN TERRITORY
JULY 24, 1906.

Creek Enrollment, No. 267.

In the matter of the application for the enrollment of
Isaac Pompey as a Creek Freedman.

Appearances: R. P. DeGraffenried, attorney for applicant
L. M. Mott, attorney for Creek Nation.

By Commissioner:

This case was re-opened under authority of the Department
for the introduction of evidence and for re-adjudication
under the provisions of Section 3 of the act of Congress
approved April 26, 1906.

The parties in interest were notified on July 2, 1906 that
a re-hearing would be had in this matter on July 20, on
said latter date, Mr. Scruggs of the firm of DeGraffenried
and Scruggs and Mr. Mott attorney for the Creek Nation
appeared at the office of the Commissioner and stated that
they had no testimony to introduce on that date and it was
agreed that a later date should be set for the hearing
and said date was to be July 24, 1906.

W. G. Warner, being first duly sworn testified as follows:
Questions by Commissioner:

- Q: What is your name? A: W.G. Warner.
Q: How old are you? A: 51.
Q: What is your post-office address? A: Muskogee.
Q: Are you a citizen of the Creek Nation or any of the 5 tribes
A: No.
Q: You are a citizen of the United States? A: Yes sir.
Q: How long have you lived in Indian Territory? A: About 40
years.
Q: Where did you live most of that time? A: Right here in
the Creek Nation, sometime on Verdigris and sometimes on
the Arkansas, but I have been living on the Arkansas about
21 or 22 years.
Q: What was your purpose in appearing here today? A: I was
called on knowing the child was born at my house, it and
its mother were cared for there.
Q: What child do you refer to? A: Isaac Pompey.
Q: Is he the applicant for enrollment as a citizen of the
Creek Nation? A: According to his father he is.
Q: Is he here today? A: Isaac? A: No sir, he is dead.
Q: Well how long has Isaac been dead? A: Somewheres about a
year now, near a year it has been dead.

- Q: Where did he die, in Muskogee? A: No he died on Bull Creek, near the place where he was born.
Q: Is George Pompey living? A: He is living.
Q: Is he present here today? A: Yes sir, he is here somewhere

Questions by R.P.DeGraffenried:

- Q: Do you know the mother of Isaac Pompey? A: I do.
Q: What is her name? A: Eliza Philips, is her maiden name Eliza Pompey by her husband.
Q: Her name was Eliza Philips? A: Yes sir.
Q: Do you know whether she and George Pompey ever occupied the relation of husband and wife? A: They did.
Q: Had they been living together as husband and wife previous to the birth of Isaac Pompey? A: Yes sir before he was born they lived together as man and wife .
Q: How long did they live together as husband and wife before the birth of Isaac Pompey.
A: I know they lived together but just how long, I don't know.
Q: About how long? A: They were living together the time I heard about it, that he was married. It was about a year as near as I can come to it.
Q: Would you be safe in saying that they had lived together for a year before this child was born? A: Yes, they lived together over a year.
Q: Now they were living together at the time of the birth of the child were they? A: No, the child was birthed at my house.
Q: How long had it been since they lived together before the child was born? A: Well they started to part about 2 months. Just about 2 months.
Q: Do I understand you to mean that they had been separated for about 2 months before this child was born? A: About a month and a half.
Q: Where was that child born? A: Born in my house on the North side of the Arkansas river about 8 or 9 miles.
Q: Did they live together any more after the birth of this child as husband and wife? A: They did.
Q: How long after the birth of the child before they again resumed the relation of husband and wife? A: About 8 or 9 months. Well they off and on lived together nearly a year
Q: Where was this woman Eliza living just after this child was born and while she and Pompey were separated? A: At my house.
Q: Did Pompey take her away from your house? A: He did.
Q: About how long after the birth of the child? A: About 3 weeks , just gave her time to stir good and then come and got her.
Q: Do you mean to say that after the child was born it was 8 or 9 months before they went to living together again?
A: No sir.
Q: How long after the child was born before they began resuming the relation of husband and wife? A: I answered that question, the child wasn't yet a month old, it wasn't 3 weeks old until George came and got the wife and child.
Q: Then did they afterwards separate again?
A: Yes, they separated afterwards.
Q: How long after this before they separated? A: They lived together a year nearly before they separated after this child was born, and have not lived together since.
Q: Have they not lived together since? A: No sir never lived together as man and wife any more.
Q: Please tell the Commissioner who reared and kept that child?
A: George.

- Q: George Pompey? A: George Pompey
Q: State whether or not he always claimed and recognized Isaac as his son? A: He did always carry him about as carefully as a man could carry a child until he died.
Q: Who provided and cared for that child up to the time of his death? A: George Pompey.
Q: State whether or not in the neighborhood in which George Pompey lived he is regarded and held as the father of Isaac Pompey? A: He is and it was George Pompey's child too, there is no question about that.
Q: You never heard it questioned but what it was George Pompey's child? A: That is all the question, Isaac was George's son and he lived and died under that impression.
Q: Whenever you see George, just look on and you will see Isaac.
Q: Old man George is a man of pretty weak mind ain't he?
A: Yes sir.
Q: Do you believe he knows the difference between a year and a month? A: No sir.
Q: Was he kind and affectionate to this child? A: Yes he was he treated it as a father should have treated a child.
Q: Did he show a father's affection for this child? A: He did, he whipped it right smart but he loved it, whatever the child wanted he bought it right away for him.

Questions by Commissioner:

- Q: You understand the nature of an oath don't you?
A: Yes sir.
Q: You know what it means when you are told to hold up your hand and tell the truth? A: Yes sir.
Q: You understand that if you were to make a statement deliberately, that was false in regard to any material point in the case you might get into trouble, do you understand that? A: I do.
Q: Now this is told you not for the purpose of intimidation but in order that you may be careful of your statements all the way through? A: Yes sir.
Q: How long have you known George Pompey? A: I have known him and seed him 10 or 11 years or longer than that.
Q: How much longer than 10 or 11 years? A: I have been knowin George Pompey about 14 years.
Q: Where was he living when you first got acquainted with him?
A: I first got acquainted with George Pompey at his father's house.
Q: Has George Pompey ever been married according to law?
A: Not since he had been in the country he ain't.
Q: Not since you have ever known him, has he? A: No only the way of the Indian way of marrying at that time.
Q: Do you know of any other woman besides Eliza Philips whom you have testified about, that George Pompey ever went with or ever lived with? A: No sir.
Q: Is she the only wife he ever had that you know of? A: All I have known him to have was Eliza Philips, and I never knew him to have any other.
Q: Do you know if he ever had any other son, if Isaac is his son, than this boy Isaac? A: Never heard him claim any or any call him Papa but Isaac Pompey.
Q: When was Isaac Pompey born? A: When he died he was about 9 years old.
Q: You said that he died about a year ago? A: Yes sir.
Q: Do you know the exact date of his death? A: No sir I don't let me correct that a little, he died this summer a year ago.
Q: Died in the summer time? A: Yes sir. He died along in the summer.

- Catch this idea Mister. A year this last summer past.
- Q: 2 years ago? A: Yes sir.
- Q: Then he died in 1804 did he? A: Yes sir. I know his father carried him from my place and I went with him to one station and the child was sick, and afterwards I heard of his death.
- Q: Do you know Eliza Philips? A: Yes sir, I know her.
- Q: Did you know her before she ever went with George Pompey?
- A: No sir, that is the time I got acquainted with her, after they lived together.
- Q: Was Eliza Philips living with George Pompey when you first got acquainted with him? A: No sir.
- Q: How long after you got acquainted with him was it when you noticed that he was living with her? A: When I got acquainted with Eliza Philips I was up in the country, I asked George's sister who lives up yonder who lives up there and she said George Pompey and his wife live up there and I said who has he got and she said it is a blind girl called Eliza Philips.
- Q: How far was your home from the home of George Pompey when you first knew him? A: I lived on the Arkansas and George lived on Bull Creek.
- Q: How far do you think it was 40 or 50 miles? A: I suppose it was about 25 miles, might not be so far but I think it was.
- Q: You were not a near neighbor of George Pompey then? A: No sir.
- Q: Were you ever a near neighbor of George Pompey?
- A: When he lived with his father I was.
- Q: At what time do you refer to? A: George lived with his father when he first came to the country and when he went to Bull Creek, to his sister's he took this woman as a wife.
- Q: Did you know him when he was living with his father? A: Yes sir.
- Q: How many years ago was that? A: I just couldn't say how to be exact about it that he was with his father, but George didn't live with his father more than 3 or 4 year that I can account for, I couldn't say exactly how long he lived with his father.
- Q: Where did his father live? A: Lived above me about a mile and a half or two miles above my place.
- Q: You stated a minute ago that you had known George Pompey about 14 years, is that right? A: Yes sir.
- Q: Well how long after you first knew him, when he was living with his father was it, until you found out he was living with this Eliza Philips. A: Understand me, I told you I knew George about 14 years, but George wasn't with his father all the time, he was loafing, traveling around but when he took to himself a wife, he lived on Bull Creek.
- Q: How many years after you first met George until you found he was living with Eliza Philips? A: Not more than 3 or 4 years, I haven't got that exact, but I take it to be that long.
- Q: The first knowledge you had that he had a wife or was living with a woman was when you went up on Bull Creek and had a conversation with your sister? A: Yes sir.
- Q: You never knew anything about him marrying or living with a woman until that conversation with your sister? A: Not until I went up there.
- Q: As a matter of fact did you hear the name of the woman that he did marry? A: Yes sir. I went to his house.
- Q: Did his sister give the name of the woman he married? What name did she tell you it was? A: Eliza Philips.

- Q: Did she tell you they were married according to law? A: No
- Q: You stated a minute ago that you went up to their house?
- A: Yes they lived about a quarter of a mile from her home.
- Q: You saw George and Eliza did you? A: Yes sir.
- Q: How long had they been living together before you went to the house? A: I couldn't state that because I don't know.
- Q: How long did you stay at the house there? A: I just passed by and stopped may be an hour or so.
- Q: Where did you go then? A: Drove back home that evening.
- Q: When did you ever see George Pompey after that visit?
- A: When I saw George again I saw him in my country.
- Q: Did he come there to live? A: He came after his wife.
- Q: His wife had left him had she? A: Yes sir.
- Q: How many years after the time you had seen George and Eliza together on Bull Creek was it before you saw him again down towards your house.
- Q: About how many years was it? A: That wasn't so long, it wasn't a year. When I came down here she was in Muskogee my daughter found her and brought her out there that same year.
- Q: You think it was the same year do you? A: Yes sir. She got up to my place along about in January sometime in the month and Isaac was born along in February.
- Q: Isaac was born at your house was he? A: Yes sir.
- Q: What did she tell you about her relations with George Pompey? when she came to your house? A: She didn't tell me anything.
- Q: Did she say they had separated? A: She said they had parted but when George came she didn't show that.
- Q: Do you know when she left George Pompey? A: No sir.
- Q: Do you know whether she came to your house immediately or went someplace else and then came to your house?
- A: She was a blind girl and she came to Muskogee and my girl was up here cooking for Mr. Smith and she brought her home.
- Q: What did she take her to your house for?
- A: She found her on the street and carried her home with her.
- Q: Might it be that you are mistaken as to the length of time that intervened when you first saw George and Eliza Philips together at the house and the time she came to your house with your daughter, could it have been 2 or 3 years?
- A: No sir it could not be.
- Q: You think it was the same year? A: The same year.
- Q: Is your memory for occurrences very good? A: Pretty fair I think.
- Q: How many children have you had? A: 2.
- Q: When was your first child born? A: My first child I can't keep dates, I am uneducated.
- Q: How many years ago has it been since your child was born?
- A: About 24 years.
- Q: Do you think you would be as accurate if you were to state 22? A: 24 I think I have got her age.
- Q: When was your last child born? A: About 19 years ago.
- Q: Could it be about 17 years ago? A: According to my count it is 17 years old.
- Q: What is the name of your child? A: Dora Smith.
- Q: What is the name of the youngest child? A: Paul Warner.
- Q: Eliza Philips was not living with George Pompey when this child was born was she? A: No sir, she was at my house when the child was born.
- Q: And previous to the birth of this child she had lived with George Pompey? A: Yes sir, when the child was birthed she was at my house.

- Q: She might have left George Pompey as much as a year before this child was born? A: No.
- Q: Do you think she left George Pompey 9 months before this child was born? A: No.
- Q: How many months was it before this child was born that this woman left George Pompey? A: I was up there in September and she came down to my house along in January and the child was born in February.
- Q: How long, if you know did George and Eliza live together?
A: That is what I don't know.
- Q: When I found them they were living together.
- Q: Did they tell you when you stopped at their house there in September as you state, as to how long they had been living together? A: No sir, I didn't ask them.
- Q: Did your sister tell you on that occasion how long George had been living with this woman? A: No sir.
- Q: Then you don't know that they were living together as man and wife, do you? A: They were together in the house to themselves.
- Q: Do you know how long they did live together? A: No sir but they were living there as man and wife and came to my house and got her and carried her straight back again.
- Q: Has this woman ever married since then? A: No sir.
- Q: Is she living with George Pompey now? A: No.
- Q: Do you know when they separated the second time? A: Not exactly.
- Q: Can you make a statement as to what time it was they separated the second time? A: No sir I didn't make myself interested about that Major at all, of course if I had been looking out for these dates I might have kept a little closer tract of it, but people passing and re-passing that is the way I found out a good deal about them.
- Q: How is it you remember so well that it was in September that you saw these people? A: Because I went in their neighborhood on a piece of business in September.
- Q: What year? A: I am not able to tell.
- Q: You are not able to tell the year and you are not able to tell the month, how do you account for that?
- A: The dates I am unable to state.
- Q: What did you do in September last year that you can especially remember it?

Attorney for applicants objects to Commissioner asking any further question that tends to tie up the witness in that way, I think he has been subjected to a rigid examination to test his memory and all he knows about the circumstances

- A: Why last September, I didn't do anything
- Q: Was there any relation of yours that died last year?
A: No sir, none of mine died.
- Q: Was any relation of yours born last year? A: No sir
- Q: Are you sure of that? Have you any nieces or nephews born in the past 5 years? A: Why yes, no nieces, etc. but I have had a grand-son born, and there was one grand-daughter born inside of 5 years.
- Q: In what month was the grand-son born?
A: Why would you call me to account for that?
- Q: I am trying to test your memory that is all.
- Q: In what month was your grand-son born?
A: One grand-son was born in October.
- Q: What year? A: '99.
- Q: What is his name? A: Chicago Smith.

- Q: Is he enrolled as a citizen of the Creek Nation?
A: As a Creek citizen.
- Q: When was the other grand-son you refer to born? A: He was born in 1901. You see I don't know anything about those dates but my grand-son will be 6 years old.
- Q: About this second grand-son; now my oldest grand-son he was born the same year the filing took place.
- Q: What year was that? A: That was in '99 wasn't it?
- Q: I am not answering the questions you are, go ahead.
- A: The next youngest one living he will be 6 years old this coming October.
- Q: Have you a grand-son who is dead? A: Yes, Chicago is dead.
- Q: When was he born? A: He was born the same year the filing took place.
- Q: When did he die? A: Oh he lived quite a while, I don't know.
- Q: Did he live one month? A: He lived longer than that.
- Q: Did he live a year? A: No, he lived about 7 or 8 months.
- Q: Do you think you could possibly be mistaken about how long he lived? A: He was born in January and lived to be somewhere along about 18 or 19 months of July. But I am not positive, I have got his age though.
- Q: Who told you to come here today and testify?
A: Nobody especially.
- Q: Who talked to you about it? A: No-one, George Pompey came by my place and told me he wanted me.
- Q: George Pompey told you he wanted you? A: Yes sir.
- Q: How did you get here today, did you drive or come by train?
A: I walked here.
- Q: Who came with you? A: My son.
- Q: Your son? A: Yes sir.
- Q: Who else came with you besides your son? A: Just him and I.
- Q: Did you have a talk with George Pompey before you came up here? A: No sir.
- Q: Didn't he tell you anything? A: No sir all he told me, ~~isn't it~~ He told me, I want you to meet me at the filing office next Tuesday.
- Q: Did he tell you what he wanted you to testify to?
A: He said he wanted me to come to the office and testify to his son Isaac. I said what for? And he said for enrollment, and then William said, go on Colonel George I am in a hurry and I will meet him there, I have been here since 10 o'clock on business and never saw him until I got here at the building.
- Q: Did he suggest to you what you should testify to? A: Why no sir.
- Q: Did he make any statement as to how long he had lived with this woman? A: Why no sir, he didn't.
- Q: Did anybody else make a statement to you as to what you should testify to? A: No sir.
- Q: Isn't it a fact, or is it a fact as appears from the testimony that has been taken previously in this case that he was separated, that George was separated from Eliza Philips over a year and probably 2 years before this boy was born? A: No sir. According to the Indian law of marrying he wasn't, according to your and my way he might have been.

- Q: You don't understand me, isn't it a fact or is it a fact as stated in testimony previously taken here in this case that the mother of this child, Eliza, had left George and had been away from him more than a year and probably 2 years before this child Isaac was born. A: No sir. If I understand you he wasn't.
- Q: Do you understand the question? A: I think I do.
- Q: It has been stated in this office that this woman left George and was away from him for more than one year and probably 2 years before Isaac was born, that has been testified to in this case. A: Not by me. I am testifying to what I know about it.

Attorney for applicant objects to the question because the evidence taken in this case, the witnesses were under the rule and it seems to be an effort to force this witness to change his evidence because other witnesses have testified definitely heretofore. (Objection noted)

- Q: Are you an educated man? A: No sir.
- Q: Do you know how many months are in a year? A: I believe I do.
- Q: How many? A: 12.
- Q: How many days in a week?
(Objection by attorney for applicant who thinks the examination conducted is as child's play, it is not the trial of a law-suit) (Objection noted)
- Q: How many days are there in the month of September? A: (Objection by attorney for applicant) It has nothing to do with the issues in this case whether it had ten or a thousand, we are here to try the case on the facts relative to the material points to it) (Objection noted)

By Commissioner:

The Commissioner taking cognizance of the ignorance of the negroes who appear here and testify in cases, ignorant as to dates and what length of time means, what is meant by the word, the commissioner in his endeavor to ascertain whether this witness knows what he has testified to in regard to the time that George Pompey and this woman were separated, asked the questions above.

- Q: Do you know how many days there are in September?
A: About 30 days.
- Q: What month was it this child was born do you know?
A: In February.
- Q: How do you remember that date? A: Why there was some very serious things happened in that month that caused me to keep it in memory.
- Q: What were these things? A: One was the night the child was born, one of our good old citizens in our neighborhood died.
- Q: What was his name? A: Harry Smith.
- Q: Was he a citizen of the Creek Nation? A: Yes sir
- Q: What year was that? A: That is what I told you I didn't know.
- Q: Was that before or after the land office opened?
A: That was before the land office opened.
- Q: Do you know how long the land office opened before Harry Smith died, how many months? A: Not exactly.
- Q: Did you make a record of the date of death of Harry Smith or of Isaac Pompey? A: I made a record for Isaac's birth.
- Q: Have you or have you not? A: That is what I am not certain about but I have the date of a good many of the children.

- Q: Do you know whether you ever made a record of the death of Isaac Pompey? A: It might have been done.
- Q: Did you make a record of the death of Harry Smith?
A: No sir, my wife did that.
- Q: Did Harry Smith go by any other name? A: That is the only name I ever heard him called by.
- Q: Was he a Creek Freedman? A: Yes sir.
- Q: What Creek Indian Town did he belong to? A: I think Canadian, I don't know, I think that is where he drew his money.
- Q: What town do you belong to? A: I belong to the United States
- Q: Most of the people in your neighborhood belong to the Canadian Town do they? A: No, just Harry Smith as far as I know and another family down near to Coweta.
- Q: Do you know any other members of Harry Smith's family?
A: I do.
- Q: What was the name of his wife? A: Luzy Smith.
- Q: He had quite a number of children did he? A: So he did.
- Q: I believe you stated you don't know how many months he died before the land office opened? A: I did.
- Q: Do you think it was a year before the land office opened?
A: That is something I ain't got any memory for.
- Q: Do you remember the date of the opening of the Creek Land office? Do you remember the occurrence of people coming in here? A: Yes sir, that has been going on about 5 years.
- Q: I am not asking you the time I am asking you if you recollect when it did open? A: Yes sir.
- Q: How long before that opened was it that he died?
A: I told you I am silent on that because I disremember.
- Q: Do you know any person by the name of Bosse or Petsy Smith?
A: No sir.

William Hawkins being first duly sworn, testified as follows
Questions by Commissioner:

- Q: What is your name? A: William Hawkins.
- Q: How old are you? A: About 43 or 44.
- Q: What is your post-office address? A: Porter.
- Q: Are you a Creek Freedman? A: Yes sir.
- Q: You have received your allotment have you? A: Yes sir.
- Q: Were you ever acquainted with a person named Isaac Pompey?
A: Yes sir.
- Q: How old is Isaac? A: I don't know probably 10 or 11 years old, something like that in my judgment.
- Q: Is Isreal living? A: No sir.
- Q: Do you know a person named George Pompey?

Counsel for applicant objects to the Commissioner questioning the witness first, claiming for himself the right to examine his own witness first)

Commissioner: I will ask if he knows the people and then he can be your witness on the material facts of the case.

Counsel for applicant: I object to you taking my witness as though I was not in the case, and for you to say that I can or cannot examine him)

Attorney for Creek Nation, L. M. Mott states that the examination is being conducted according to the custom.

By Commissioner: It is the custom in examinations of this kind to ascertain, for the Commissioner to question the witness to ascertain whether he knows the applicants in the case and then the witness is turned over to his attorney for such examination as the attorney may see fit to conduct

- Q: Do you know a person named George Pompey? A: Yes sir.
Q: Have you seen him today? A: Yes sir.
Q: He is in the building here is he? A: Yes I left him in the hall.
Q: How long have you known George Pompey? A: I know George about 15 or 16 years.
Q: You knew him between 15 and 16 years? A: Yes sir, I heard of him before that time.
Q: What is your purpose in coming here today. A: Why I came over to see if I could help George enroll Isaac Pompey to testify what I knew about him.
Q: Who asked you to come and testify in the matter? A: George Pompey.
Q: Did he talk to you today? A: Yes sir.

Cross Examination---Questions by Attorney for Applicant:

- Q: William how old are you? A: I am about 43 or 44.
Q: Have you ever occupied any official position in the Creek Nation? A: Yes sir.
Q: What? A: A member of the house of Warriors.
Q: How long have you been a member of the Creek Council? A: Since 1895.
Q: Have you ever been arrested or accused of any crime? A: I have been arrested.
Q: What for? A: Accused of whiskey.
Q: Whiskey? A: Yes sir
Q: What was done with you? A: Never was tried they turned me loose without a trial.
Q: Is that the only case you have had in Court? A: I have had suits in Civil cases.
Q: I mean criminal cases? A: Never had any other.
Q: Now do you know anything about George ~~Pompey~~ Pompey and Eliza Philips living together as husband and wife? A: Yes sir
Q: How long did they live together as husband and wife? A: About 3 years I expect or more to my knowledge.
Q: Do you know whether or not they were living together as husband and wife at the time their child Isaac was born? A: I don't know exactly whether they were living together at that time when Isaac was born or not, I wasn't just in the neighborhood and I couldn't tell whether they was living together or not at that time.
Q: If they were separated at that time do you know how long it could have been? A: If they had been separated, it couldn't have been a month or a month and a half before the child was born.
Q: Do you know of them being called as husband and wife and living together as such as much as 6 months before the birth of this child? A: Yes, I knew of them living together as much as a year.

- Q: So 4 months before this child was born do you know whether or not they were living together as husband and wife?
- A: I wasn't living in the neighborhood but every time I went down there I saw George and Eliza were living together, and he said Eliza was his wife, everybody I met said Eliza was George's wife.
- Q: William, ~~the~~ does the community at large, all of your people over there regard as the father of Isaac Pompey? A: George Pompey.
- Q: Who reared and cared for and supported that child? A: George Pompey.
- Q: Whose name did he bear in that community? A: Isaac Pompey that is what they called the child.
- Q: State whether or not from the time the child was born up to his death did George Pompey recognize him as his son?
- A: Yes sir he recognized him all right, carried him everywhere he went.
- Q: Did George Pompey have any other wife except Eliza?
- A: Not as I know of.
- Q: Did you ever hear of any? A: Never did.
- Q: Did you ever hear of any child except Isaac? A: He is the onlyest one I ever heard of.
- Q: Did they live together as husband and wife after this child was born? A: Yes sir.
- Q: How long after the child was born before they went back together? A: About a month or a month and a half, something like that, George took her and carried her across the river they claim.
- Q: Could such a thing be possible as that they were separated 2 years before this child was born? A: No sir.
- Q: Could such a thing be possible as them being separated a year before the child was born? A: No sir.
- Q: Did you know they were living together as much as 9 months before the child was born? A: Yes sir, as much as I saw every time I came in the neighborhood, everytime I came I saw George and Eliza together, they were up to my brother Gabriel's or some places around there, of course I didn't see them in the house together.
- Q: Was it the general understanding in the community that they were man and wife? A: Every body I ever talked with said so.
- Q: Have you any interest in this matter? A: No sir, have no interest in this matter. Nothing more than George thinks because I am a member of the council, I ought to assist him and I am interested that much.
- Q: You are here to tell what you know? A: Yes sir.
- Q: William are you satisfied in your own mind that he is the child of George Pompey? A: I am compelled to say that it is George's child, that is the truth about it.
- Q: He ~~reared~~ kept him and supported him and treated him as his child, and called him his child? A: That is what he did.

Questions by Commissioner:

- Q: Do you know whether Eliza and George were ever married?
- A: I don't think they were ever married lawfully.
- Q: How long did you say you have known George Pompey?
- A: About 16 or 17 years.
- Q: Have you lived ~~with~~ near him all that length of time?
- A: No sir, George hardly ever stayed at one place, he was around and about you know.

Q: Do you know of him ever living with anybody else besides Eliza? A: No sir.

Q: Do you know of him having any other children? A: No sir.

Questions by Counsel for applicant)

Q: William what do you know about the mental condition of old man George Pompey? A: Well I just think like this, George is very ignorant, that is my way of thinking about it.

Q: Is he a little inclined to be idiotic? A: Yes sir

Q: Do you think he knows the difference between a week and a month? A: In the Creek language he does, but in the English language he can't.

Questions by Commissioner:

Q: Can you talk Creek? A: A little.

Q: Does George Pompey talk Creek? A: ~~Yes sir~~ Yes sir.

Q: Does he talk in Creek as he does in English?

A: I can talk as much Creek as George, but I think he can talk better Creek than English.

Q: Did you ever hear that George was feeble minded? A: I never heard that but thought from his appearance that he is feeble minded.

Q: Do you think he is very ignorant? A: Well I most want to say I know he is.

Q: Do you think he is more ignorant than Feeble-minded?

A: He is part both. He is feeble minded and ignorant too.

Q: Where has George lived in the past 11 years?

A: Sometimes George lived over here at Sodem and sometimes at Bull Creek and sometimes with me on the Verdigris river.

Q: He has no particular home.

Q: Did you ever hear of him having a particular home for himself? A: I heard he lived in a home across the Verdigris, I heard him and Eliza lived in a house together by himself.

Q: Do you know when Isaac Pompey was born? A: No sir, I don't know the year or the date.

Q: Do you know where he was born? A: There in Sodem, I am not sure of that but I heard he was born at Washington Warner's house. I am not sure of that but I think he was born there.

Q: Do you know what year he was born? A: No sir, I don't.

Q: Did you ever see him and Eliza living in the same house by themselves together? A: No sir I don't know the year they lived together, and I didn't see them in the same house living together.

Q: Do you know what year it was that Eliza separated from George? A: No sir, I don't know the year they separated

Q: Do you know how long it was from the time they separated until this child was born? A: In my judgment -----

Q: I don't want your judgment in this matter I want your knowledge of these matters; do you know how long it was after the separation of George and Eliza before this boy was born?

Attorney for applicant objects to the Commission or its representatives acting as attorney for the Creek Nation and as a Judge to try the case, the nation's attorney sits present with not a word to say and I think he is the man who should act as attorney in the case and I object to the Commission to act as an attorney for the Creek Nation and as the judge in the case. I have no objection to make to Mr. Mott but I don't think a man should act as a judge in the case and attorney on the other side.

Attorney for Creek Nation ~~states~~ states that he is amply able to take care of the Nations interests without suggestions from the attorney on the other side and the attorney for the Creek Nation recognizing the custom in all of his experience before the Commission that the examiner for the Commission reserves and always has reserved the right to examine each and every witness before either the attorney for the Nation or the attorney for the applicant had a right to examine the witness. Recognizing that fact to have been the custom, I expressed no objection when the witness was turned over from the attorney of the applicant waiting to abide my time to examine the witness, which I will do at the proper time.

Commissioner states that the witness is now turned over to the attorney for the Nation.

Questions by Attorney for Creek Nation--I. M. Mott.

- Q: Has George Pompey a guardian? A: No sir not as I know of I have a power of attorney paper to act for him.
- Q: You have? A: Yes sir.
- Q: Where is it? A: I left it at home.
- Q: When were you given that power? A: He went up to Porter and got Mr. Kennedy to authorize me to transact his business for him.
- Q: Was that upon the idea that he was incapable to do it? A: I saw he wasn't competent and he asked me as a member of his town and fixed the power of attorney paper for me, and he got Mr. Kennedy to write it up for me.
- Q: You suggested it yourself did you? A: I helped suggest it, I saw that George wasn't able to take care of it.
- Q: Did you do that for the purpose of getting this allotment? A: No sir, I did it for the purpose of protecting George with his allotment, I was looking after my nephews too.
- Q: Has he disposed of any of his allotment? A: Yes, he disposed of 120 acres from what I could learn.
- Q: It was not until after you had received this power of attorney that it was disposed of, was it? A: He disposed of that before.
- Q: So the only service you could render him in this matter would be what? A: In the homestead.
- Q: The law takes care of his homestead don't it? A: It was only to lease the homestead and he claimed somebody was getting his timber.
- He wanted to lease his homestead and he ~~was~~ claimed that somebody was cutting his timber and he wanted me to assist him along that line.
- Q: About the time you speak of when George was living with this woman, wasn't it the custom at that time to take up and live with a woman wasn't that done away with? A: I disremember how the law was about that.
- Q: I will ask you if as far back as you claim that George was living with Misa, I will ask you if the general custom of the country was not for people to get married by law? A: I disremember now.
- Q: I am asking you to reflect.
- A: It will take me some time to reflect, of course we went to the ~~prospect~~ ~~judge~~ ~~don't~~ know whether they did go to the Judge and get a license or not, I know I didn't.

- A: I married in 1886.
Q: Were you married legally? A: On the 5th. of August I never got any license to marry and I considered her my wife.
Q: That was 20 years ago? A: Yes sir that was the time.
Q: You say you had no license? A: I had no license.
Q: Did any preacher marry you? A: Yes sir I got a preacher to

- Q: But no preacher married George and Eliza? A: I don't think any preacher married them.
Q: That would be 14 years ago wouldn't it?
A: I guess so.
Q: How long ago since Isaac was born? A: I guess it was I think Isaac would be 10 or 11 years old.
Q: Don't you know at that time it was the custom for people to be married by a preacher? Or to get a license?

Attorney for applicant objects to any questions in regard to marriage for the reason that in this case the illegitimacy of the child is not an important question.

- Q: What do you say about that now, 12 years ago, do you know of anybody 12 years ago that just took up and married and without being married by a preacher or getting a license that are living together today? A: I am not sure whether we had a ~~license~~ to get a license or not.
Q: I am asking about the custom? A: My idea was to get a preacher and marry.
* Whether 13 years ago it was the custom or not, I don't know.
Q: But you say you didn't know about that, whether George had wither one, a preacher or a license?
A: I said in the commencement that I didn't believe that George got a preacher to marry them.
Q: What time did they separate?
Q: How long at the most did they live together? A: In my judgement they lived together something over 2 years.
Q: ~~Eliza had a child with George?~~
Q: Eliza is she living or dead? A: She is living.
Q: Is George Pompey living or dead? A: He is living.
Q: Who has the child been living with all this time?
A: With George Pompey.
Q: Where has George been living?
A: First to one place and then another, sometimes to my house and sometimes to my brothers.
Q: Would he take the child with him? A: Yes sir, I don't care when I saw him he was with George, the child would follow him and everyplace that George went the child went with him Anybody that you ask they will tell you that.
Q: George and Eliza separated and then went back together again didn't they? A: That is what I was told after the child was born, George and Eliza separated for a month or such a matter:

They separated every other day sometimes they got mad and he would leave her and then go back at sun-down, every time George got mad they would separate, he was just that kind a fellow you know, he didn't know any better. Then they would go back together again.

- A: He would get mad and then leave her and then go back and live with her again would he? A: Yes sir as soon as he got pleased.
Q: Do you know the witness that was sworn before in this case?
A: Wesley Warner, yes sir.
Q: You heard the child was born there did you? A: Yes sir. I never was there at their house when George and Eliza were there.

- Q: Where was George? A: I heard that George and Eliza were both there.
- Q: Did George live near there at that time? A: Yes sir
- Q: How far was it from this old man's house? From Wesley's?
- A: When they lived across the Verdigris probably 8 or 9 miles.
- Q: Was George at the home on the Verdigris when she was at Wesley's? A: No sir, George was with Wesley when the child was born. George and Eliza were together at Sodom but when they lived together in one house as man and wife they were at Verdigris, that was about 8 or 9 miles from Sodom.
- Q: George and she wasn't separated according to your statement when the child was born? A: They tell me this woman and George wasn't living together when this child was born.
- Q: If they wasn't living together when the child was born then how long were they separated? A: As much as a month or so.
- Q: Are you telling that from your own knowledge? A: I heard that.
- Q: Most of the things you have stated in this case is what you heard ~~is that not so?~~ You know apparently nothing about it? A: Only what George told me and what people tell me. George told me that Eliza was his wife and he said Isaac was his child and the child favored George.
- Q: Is George and Eliza both citizens? A: No sir, Eliza isn't a citizen.
- Q: You never were at ~~you~~ their house in your life were you?
- A: Not when they lived across the Verdigris.
- Q: You never saw them at their home together did you?
- A: They never had no home except when they lived across the Verdigris. But when they was on this side of the river sometimes they were to my house, and sometimes at my brother's and sometimes at Bull Creek to their sisters he never built a house on this side of the river at all.

all hearing

Questions by Attorney for Applicant:

- Q: Were they received by the community as husband and wife?
- A: Yes sir.
- Q: Were they treated as such? A: Yes sir.
- Q: Was this child treated and recognized as the child of George Pompey by your people? A: Yes sir.

Questions by Commissioner:

- Q: You say Eliza is living? A: Yes sir.
- Q: Is she and George Pompey living together as man and wife.
- A: No sir, not now.
- Q: Do you know how long it has been since they lived together?
- A: Why it has been along I expect 2 or 3 years since George has been denying Eliza and he said he wasn't living with her any more.
- Q: Is Eliza of sound mind? A: She is heap more sound of mind than George.
- Q: Has she more intelligence or better educated?
- A: She is more intelligent but I don't think she has got an education.
- Q: Do you know her well? A: No sir, I don't just know her well.
- Q: Have you ever met her? A: Yes sir, plenty of times.
- Q: Where does she live now? A: Near Hannah Scales, just about a mile from the Arkansas bridge.
- Q: What is her post-office now, do you know? A: Tallahassee I expect is where she gets her mail.

- Q: As a matter of fact you don't know whether these people ever lived together as man and wife or not?
A: Never more than I have stated.
Q: Have you had any conversation with George Pompey in regard to this? A: Yes lots of times.
Q: Has he talked to you in the last day or two in regard to it?
A: Yes sir.
Q: What did he tell you? A: He said he would like to get his child enrolled and he said he didn't know the law and he always is after me to try to get him to understand these things and I said I can go in and state what I know he has stayed at my house for the last 2 or 3 weeks.

Ella McIntosh being first duly sworn testified as follows:
Questions by Commissioner:

- Q: What is your name? A: Ella McIntosh.
Q: How old are you? A: I don't know sir, about 48 or 49.
Q: What is your address? A: Tallahassee.
Q: Are you a citizen of the Creek Nation? A: Yes sir.
Q: Do you know one George Pompey? A: Yes sir.
Q: Is he present here in the hall way? A: Yes sir.
Q: Do you know whether he was ever married? A: No sir, I don't know he was ever married, I know he was living with a woman though who he called his wife.
Q: Do you know whether he ever had a child? A: Yes sir.
Q: Do you know that child? A: Yes sir I know the child.
Q: What was the name of the child? A: Isaac.
Q: Is he living? A: No sir he is dead.
Q: When did he die? A: Last year sometime, I don't know just when.

Questions by Attorney for Applicant:

- Q: Do you know of George Pompey and Eliza Philips living together as husband and wife? A: Yes sir.
Q: How long did they live together in this relation? A: About 2 years to my knowing, about a year anyway before the child was born.
Q: Do you recollect the time the child was born? A: Yes I recollect the time.
Q: How far was the child born from where you were living?
A: Just a mile.
Q: Now before that child was born how long was it that they had been occupying the relation of husband and wife?
A: A year.
Q: Had it been continuously before the child was born? A: Yes sir.
Q: Had there been a separation between them before the birth of the child? A: No sir.
Q: If there had been you don't know it? A: No sir.
Q: Do you know at whose house the child was born?
A: Wesley Warners.
Q: Did they live together as husband and wife after the birth of the child? A: Yes sir.
Q: How long? A: A year.
Q: Where did they go to? A: After the child was born he came and got her when the child was exactly 4 weeks old. I know it was exactly 4 weeks to a tee, he and she rode and he took the child on the horse.
Q: Who reared and took care of the child? A: George Pompey.
Q: Tell the commissioner please who is recognized in that community as the father of Isaac Pompey.

- A: George Pompey.
- Q: Has George Pompey always claimed this as his child from its birth? A: He has always claimed it is his child. He fed and clothed and kept the child.
- Q: Whom did his mother always claim was the father of the child?
- A: George Pompey.
- Q: Has it ever been questioned in your neighborhood that he is the father of that child? Has it ever been doubted or questioned in that neighborhood that he was the father of the child? A: They all knew he was the father of the child.
- Q: Nobody doubts it then do they? A: No sir, nobody in the neighborhood doubts it. He carried it all the time, I will tell the truth, he always packed it on his back.
- Q: Was that child blind, or not? A: Yes sir, he had the small-pox and it went into its eyes and went blind.
- Q: Who cared for the child after that? A: George.
- Q: Did he keep the child with him? A: Yes sir, until the child died. Packed it in the hot sun, with the child on his back.
- Q: What is old man George Pompey's mental condition?
- A: He ain't got a good right mind, I can tell you that, he ain't sensible at all.
- Q: Honestly do you think he knows the difference between a month and a year? A: No sir, I don't.
- Q: Do you think he has any idea what time is? A: No sir, I don't.

Questions by Commissioner:

- Q: Do you know how long it was from the time George and his wife separated until this child was born? A: They never was separated. I will tell you how it was, they was never separated, he gave her a whipping and she run off and came to Waggoner, that is the facts of it and he gave her a whipping and she run off and got into somebody's wagon and came away, came out with Zosi Warner and me in the wagon.
- Q: How long after she got that whipping and ran away that she came out to Wesley Warner's? A: Not longer than 2 month was born? A: About 2 months.
- Q: Are you related to George Pompey? A: No sir.
- Q: Has anybody talked with you about this case? Has anybody told you what you should testify to? A: No sir, not at all.

Questions by R. P. DeGraffenried, attorney for applicant.

- Q: You stated that the child was born two months after you got there? A: I mean the child was born 2 months after she got to Wesley's.
- Q: How long after she left George's house and he gave her that whipping until she got to Wesley Warner's?
- A: That same day.
- Q: She went to the home of Wesley Warner's after she got that whipping and about 2 months after that the child was born? A: Yes sir.

George Pompey, being first duly sworn testified as follows:

Questions by M. L. Hott, attorney for Creek Nation.

- Q: What is your name? A: George Pompey is my name.
Q: How old are you? A: I don't know my age at all.
Q: What is your post-office? A: Clarksville.
Q: Are you a creek citizen? A: Yes sir.
Q: Did you get an allotment? A: Yes sir.
Q: Have you sold it? A: Yes sir.
Q: How much did you get for it? A: Oh well, I don't know what I did get for it.
Q: What do you think you got? A: Well I got a little money out of it.
Q: Did you get all they agreed to give you? A: No sir not quite.
Q: How much did they agree to give you? A: Well I don't know
Q: Don't you remember? A: No sir.
Q: How much money did you get? A: Well I don't know how much I got, I got a little but not what I was charging him.
Q: Whom did you sell it to? A: To Mr. Bradford.
Q: Did you sell it or borrow some money on it? A: I didn't borrow I sold it.
Q: Did he give you anything except money? A: I tell you what I got. I got a span of mules from him, it was \$225 and a wagon was \$65 and a pair of harness was \$35 and how much money on the other side of that, I don't know.
Q: Was it good land you sold him? A: It was Verdigris bottom
Q: Was it under cultivation? A: No sir, none of it.
Q: George where is Eliza? Well Eliza is between the rivers I guess.
Q: How long since you and Eliza lived together?
A: Well now Mister, I couldn't tell you.
Q: You are not living together now? A: No sir.
Q: Were you ever married to Eliza? A: Well what we call married, we was married through the Indian law.
Q: Just agreed to live together? A: Yes sir.
Q: How long did you and Eliza live together? A: I couldn't tell you exactly it has been tangled up so.
Q: About how long, how long did you swear to when you were before the Commission before? A: I don't know sir.
Q: Don't you know? A: No sir.
Q: You swore before you lived with her between 4 and 5 years is that so? A: It might have been, but it has been so long ago, I have forgotten.
Q: Did you live with her all that time or did you separate during the 4 or 5 years you called her your wife or treated her as your wife? A: Well we lived together along until she got such a bad mouth and I just quit.
Q: Did you ever whip her? A: No sir.
Q: Never did whip her? A: No sir.
Q: Did she leave you at any time? A: She left me and my sister when the child was born.
Q: Did she leave before the child was born? A: She left after the child was born, taking the young one away from me.
Q: Did she leave you before the child was born too?
A: Yes sir.
Q: How long were you separated at that time when she left you before the child was born? How long was she gone before you went back together? A: We never did go back together. Yes, we went back together after the child was born, that is right.

- Q: She left you before the child was born, once? A: Yes sir.
Q: You were living on the Verdigras then? A: Yes sir.
Q: Where did she go? A: Down to Waggener someplace.
Q: How long was she gone before you went back together again?
A: I don't know.
Q: Haven't you got any idea? You said on a former examination it was 2 years, is that so? A: What do you mean?
Q: When she left you and was gone 2 years, was that before the child was born? A: I don't know whether I was right or wrong, I couldn't tell you.
Q: After the child was born did you go back to her then and get her? A: Yes sir and we carried her home.
Q: How long has she been gone until you went and got her and carried her back home? A: I haven't any idea.
Q: You don't know whether it was 2 years or not? A: No sir.
Q: You don't know a thing about it do you George? A: No sir.
Q: How many months are there in a year? A: 12 is it?
Q: That is right.
Q: How many days in a month? A: I don't know that either.
Q: How many days in a week? A: It is 6.
Q: What are the days? A: Oh, I would have to figure that Mister, I would have to study it out.
Q: If this is July how many months is it from now until next July? A: I don't know sir.
Q: You said 12 months make a year? A: Well.
Q: From one July to another July would be a year wouldn't it?
A: I guess so
Q: George haven't you come in here and testifying in this case to appear as ignorant as you could? A: Make myself ignorant? I will tell you Mister, I am a man that don't understand reading or writing and I have had no schooling and to the very best of my knowledge I am telling you, that is the very best I know. I don't know how many months in a year.
Q: Have these witnesses, any of them told you you were ignorant and don't know what you were swearing to here? A: No sir.
Q: One witness swore here that you whipped Eliza is that so?
A: I guess he knows. He lived right in the same house with me.
Q: It was a woman that swore that, Ellen McIntosh.
Q: Cousin Ellen McIntosh.
Q: Did you whip her? A: I did slap her, I don't call that whipping her, she called me out of my name.
Q: Now then did she go away when you slapped her? A: After that she stayed about a couple of months.
Q: She said she left because you whipped her? A: There was something else behind it, that is what made her go.

(Reporting of this testimony was continued at this point by D. C. Skaggs.)

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me in said cause on said date.

Subscribed and sworn to before me
this 7 day of August, 1906.

Julia C. Laval
Edward Morrison
Notary Public.

Reporting of this testimony was continued at this point by D. C. Skaggs.

By Mr. Mott:

- Q How George, what did she leave for? A I will tell you just what made her leave--that chap that died was sucking, I-----Her and my nephew got together. He was keeping her.
- Q You mean he was keeping her while you were keeping her? A Yes, sir, right in the same house. While I was absent why they was sleeping together and living together.
- Q And you caught them? A My sister caught them and I took the child away.
- Q How long was your nephew living there in the house with you? A We was all living right there at my sister's.
- Q How long--all the time you were living with her? A Yes, sir.
- Q Were you and your nephew living together when she came to live with you? A After that we separated and never did live together any more.
- Q Was that after the child was born? A He was a good sized chap.
- Q When she left you the first time, before the child was born, what did she leave you for? A I couldn't tell you.
- Q What did she leave home for? No answer.
- Q She leave before that child was born? A No answer.
- Q Did she leave you before that child was born? A Yes, sir.
- Q What did she leave you for? A Well, I just couldn't do a thing with her. She wouldn't stay at home.
- Q Was any one else having anything to do with her. What made her leave you before that child was born? A Well we wasn't living together right then, and as soon as he was born I come and carried them home.
- Q Where were you living when you think you got that boy? Where did you first live with this woman? A Up on the Verdegris.
- Q How long did you live there before you separated the first time. Was there any child born when you separated the first time? A No, sir.
- Q Before the first child was born, was she going around with other men? A I guess so.
- Q If you think that is true and she was running around with other men, how can you swear that Isaac is your boy? A He was the first child.
- Q Well now, if she was running around with other men and after the child was born you caught her with your nephew, how can you swear that Isaac is your boy? A Now this first child, that was my own individual. Well we was living together then and the last one--the one she has now--that is my nephew's. That is what made the separation.
- Q How do you know the other was not your nephew's? A Well, I am not ashamed to tell it--I was the first man that ever got her.

By Mr. DeGraffenried:

- Q Up to the time this child was born she had not been living with any other man or had she? A No, sir.
- Q Up to the time that your boy was born did you ever catch her with any other man or going with any other man but you? A That chap the one is living now-----
- Q Up to the time your child was born did she ever go with any other man but you? A No, sir, just me.
- Q What made you tell this man awhile ago that she was running around with other men and you run her off? A Well she had a child by that boy while we was living together.
- Q Now was that before or after your child was born? A That was after.
- Q Did she ever have anything to do with any other man but you before your child was born? A No, sir.

BY THE COMMISSIONER:

Q How long did you live with Eliza after you first started to going with her. How long did you live with her before you separated-- do you remember? A No, sir, I don't.

Q How long were you going with her before Isaac was born? A I don't know.

Q Do you think you were living with her a year before Isaac was born? A I don't know.

Q How old was Eliza when you first went with her? A I don't know sir.

Q Was she a young girl or grown woman? A She was a grown woman.

Q Had she ever had a child before your marriage to her? A I don't know, sir.

Q Did you ever hear that she was going with any one else before you started to go with her? A No, sir.

Q Who was she living with when you started to going with her? A With Betsy Burney.

Q Did you take her out of Betsy Burney's house and take her to a house of your own? A No answer.

Q Did you and Eliza live together alone and with no one else in the house when you first started to live with her? A Yes, sir, we lived together by ourselves.

Q Do you know how long you lived together by yourselves? A No, sir.

The attorney for applicant states that he has introduced all the testimony he desires.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 25th day of July, 1906.

Edward Merrick
Notary public.

Amc

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

In the matter of the application for the enrollment of
Isaac Pompey as a Creek freedman.

DECISION.

The record in this case shows that on October 22, 1902 George Pompey appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of the minor child, Isaac Pompey, as a Creek freedman. That on June 16, 1904, the Commission to the Five Civilized Tribes rendered a decision denying said application and that the Secretary of the Interior on October 24, 1904 (I.T.D., 10742-1904), affirmed said decision denying said application. That on May 16, 1905, George Pompey, on behalf of the minor applicant, Isaac Pompey, filed a motion that this cause be reopened and he be allowed to introduce further evidence as to the paternity of the said Isaac Pompey, and that on April 3, 1906, a further motion to the same effect was filed by the said George Pompey. That on June 20, 1906 (I.T.D., 10782-1906), the Assistant Secretary of the Interior rescinded the action of the Department of October 24, 1904, affirming the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Isaac Pompey as a Creek freedman, and ordered a rehearing and readjudication of said case. That a rehearing in said case was had on July 24, 1906.

It appears from the evidence that the said Isaac Pompey was born about February 1, 1895 and died in the year 1904 or 1905. It is claimed that he is the child of Eliza Phillips, who is admitted to be a United States citizen, and of George Pompey, whose name is found and identified upon the roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867, as George Redmouth, at number 986 of said roll, and whose name is included in a schedule of Creek freedmen approved by the Secretary of the Interior March 28, 1902.

The evidence shows that said applicant is the child of Eliza Phillips. While there is a conflict in the evidence as to whether the said George Pompey is the father of said applicant, Isaac Pompey, which conflict occurs largely from the testimony of George Pompey himself, the preponderance of the evidence is to the effect that the applicant, Isaac Pompey, is the son of the said George Pompey.

It is, therefore, ordered and adjudged that the said Isaac Pompey is entitled to be enrolled as a Creek freedman in accordance with the Acts of Congress approved June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and the application for his enrollment as such is accordingly granted.



Commissioner.

Muskogee, Indian Territory,
January 31, 1907.

Muskogee, Indian Territory, *January 31st* 1907.

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

Sir:

The Creek Nation hereby waives protest in this case, reserving to itself, however, the right to attack the enrollment of this person if after investigation it is found that said enrollment was obtained upon fraudulent evidence.

Respectfully,

W. L. Smith
Creek National Attorney
W. L.

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~~Creek F. 1907.~~

Muskogee, Indian Territory, March 4, 1907.

George Pompey,

Clarksville, Indian Territory.

Dear Sir:

You are hereby advised that on February 27, 1907, the Secretary of the Interior approved the enrollment of your minor child, Isaac Pompey, deceased, as a Creek Freedman, whose name appears opposite Creek Freedman roll number 5678.

This child is now entitled to allotment, and application therefor should be made without delay by the duly appointed administrator, at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

Statement of fact
agreed to by Clapp,
McGarr and Disney.

Statement of law
OK.



1/10/07.

W. W. McGarr

This is a pretty tough
one but following the
advice of my legal
talent I am constrained
to sign the decision.
I do so with a grudging consent.

BU 268

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, October 22, 1902.

In the matter of the application of Wilson Brown for the enrollment of his niece, Annie Roberts, deceased, as a citizen by blood of the Creek Nation.

Wilson Brown, being first duly sworn, testified as follows through Official Interpreter J. H. Lynch.

Examination by the Commission.

Q What is your full name? A Wilson Brown.

Q What is your age? A About 36 years.

Q What is your postoffice address? A Eufaula, I. T.

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

Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined, and it appears therefrom that Wilson Brown is listed for enrollment as a citizen of the Creek Nation, on Creek Indian card, Field No. 2240.

Q For whom do you now make application for enrollment? A Annie Roberts.

Q Is Annie Roberts living? A No, sir. She is dead.

Q When did she die? A On December 27, 1900.

Q How old was she when she died? A I do not remember exactly, but I think about four or five years old.

Q To what town in the Creek Nation did she belong? A Artussee.

Q What was the name of her father? A Noah Roberts.

Q Is he living? A Yes, sir.

Q To what town in the Creek Nation does he belong? A Kialiga.

Q What is the name of the mother of Annie Roberts? A Millie Roberts.

Q Is she a citizen of the Creek Nation? A Yes, sir.

Q Is she living? A She is dead.

Q How long has she been dead? A About two years.

Q To what town in the Creek Nation did she belong? A Artussee.

Q Has Noah Roberts been enrolled by the Commission as a citizen of the Creek Nation? A I do not know.

The records of the Commission examined and it appears therefrom that Noah Roberts, who is listed as being a citizen of the Creek Nation, on Creek Indian card, Field No. 2251.

The name of Noah and Millie Roberts appears upon the

tribal roll? A I think so.

The 1890 authenticated tribal roll Creek Nation Kialigee town examined and the name of Noah Roberts is found and identified thereon at page 127. 1895 pay-roll of the Creek Nation Kialigee town examined, and the name of Noah Roberts is found and identified thereon at No. 112.

- Q Is Noah Roberts a full-blood Creek Indian? A Yes, sir.
Q Was Millie Roberts a full-blood Creek Indian? A Yes, sir.
Q Was Millie Roberts a recognized citizen of the Creek Nation? A Yes, sir.
Q Did she have a sister by the name of Mary? A No, sir.
Q What was the name of the mother of Millie Roberts? A Lucy.
Q Is Millie Roberts the oldest child of Lucy? A Yes, sir; she was the oldest daughter of Lucy.

The 1890 authenticated tribal roll of the Creek Nation, Artussee town, examined, and the name of Millie Roberts is found and identified thereon as Mary, together with her mother, Lucy, at page 2. The 1895 pay-roll of the Creek Nation, Artussee town, examined, and the name of Millie Roberts is found and identified thereon at No. 109.

- Q Did Annie Roberts ever live with you? A She was living with me at the time of her death.
Q How is it that that Noah Roberts does not make application for the enrollment of his daughter Annie Roberts? A I don't know. I asked Noah Roberts if I should attend to this business for the child and he told me that I should.
Q Did Noah Roberts tell you why he neglected to have his child, Annie Roberts, enrolled? A He belonged to the Snake gang--Noah Roberts, and for that reason he did not attend to this business.
Q Has anybody offered to buy land of you if you could secure an allotment for Annie Roberts? A No, sir.
Q Did Annie Roberts die before or after the date of the death of Lucy Brown? A Lucy Brown died first.
Q Was Lucy Brown known at one time as Lucy Sullivan? Yes, sir.

The records of the Commission examined and it appears therefrom that Lucy Sullivan died on the first day of January, 1900. It also appears from notation in lead pencil mark at No. 112, Artussee town, on the 1895 pay-roll, that Lucy Brown died April 14, 1899.

- Q Is this the first time you made application for the enrollment of Annie Roberts as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined, and it appears therefrom that no application was made for the enrollment of Annie Roberts prior to May 25, 1901.

- Q Have there heretofore been filed with the Commission birth and death affidavits in the matter of the application for the enrollment of Annie Roberts as a citizen of the Creek Nation? A No, sir. I was here once before with the affidavit and I was told that it was incomplete.

The records of the Commission examined and it appears therefrom that birth and death affidavits in the matter of the application for the enrollment of Annie Roberts, as a citizen of the Creek Nation were filed with the Commission subsequent to May 25, 1901, which affidavits are made a part of the record and marked "Exhibits A, B and C."

Q In there any additional statement you desire to make relative to the application made for the enrollment of your niece, Annie Roberts, as a citizen of the Creek Nation? A No, sir.

You will be furnished, at a later date, with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your niece, Annie Roberts, as a citizen by blood of the Creek Nation, which will be mailed to you, at your proper postoffice address, as given in this testimony.

Witness excused.

In re Application of Wilson Brown for the enrollment of his niece, Annie Roberts, deceased, as a citizen by blood of the Creek Nation.

Julius Y. Miller, being first duly sworn, upon his oath states that as stenographer for the Commission to the Five Civilized Tribes he reported all the proceedings had in the above entitled cause on October 23, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

Julius Y. Miller
Subscribed and sworn to before me this 24th day of October, 1902,
at Muskogee, Indian Territory.

Charles H. Sawyer
Notary Public.

West

Exhibit A

IN RE

Application for Enrollment of

INFANT CHILD

Amis Roberts

as a citizen of

Creek Nation.

Approved 190.....

Commissioner.

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

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Annice Roberts, born on the 13 day of Feb, 1897
(Here insert name of child.)
Name of Father: Noah Roberts a citizen of the Creek Nation.
Name of Mother: Millie Roberts a citizen of the Creek Nation.
Post-office Eufaula, I. T.

AFFIDAVIT OF ~~WITNESSES~~ Relative or

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Hagie Sullivan, on oath state that I am 40

years of age and a citizen, by blood of the Creek Nation;
and personally acquainted with Millie Roberts, deceased, whose
that I am the lawful wife of Noah Roberts, who is a citizen, by
blood, of the Creek Nation; that a female child was
born to me on 13th day of Feb, 1897; that said child has been
named Annice Roberts, and is now living. deceased

WITNESSES TO MARK:

(Must be Two Witnesses.)
Mr. J. H. Hugon

Hagie Sullivan X
mark

Subscribed and sworn to before me this 15 day of Oct, 1902

J. F. Jones
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Nancy Tiger, a midwife, on oath state that I
attended on Mrs. Millie Roberts, wife of Noah Roberts
on the _____ day of _____, 1____; 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 Annice Roberts

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this _____ day of _____, 1902

Exhibit C

20

IN RE

Application for Enrollment of

INFANT CHILD

Marie Roberts

as a citizen of

Crete

Nation.

Approved

190

Commissioner.

Filed June 11 1902

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

IN RE Application for Enrollment, as a citizen of the Creek Nation
of Annie Roberts, born on the 13 day of Feb 1899
(Name insert name of child.)
Name of Father: Noah Roberts a citizen of the Creek Nation
Name of Mother: Millie Roberts a citizen of the Creek Nation.
Post-office Enfauca

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, Mother, on oath state that I am
years of age and a citizen, by Madher, of the _____ Nation;
that I am the lawful wife of _____, who is a citizen, by
_____ of the _____ Nation; that a Dead child was
(male or female.)
born to me on _____ day of _____ 1899; 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 _____ 1900

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Noathem District,

I, Nancy Tiger, a Midwife, on oath state
attended on Mrs. Millie Roberts, wife of Noah Robert
on the 13 day of Feb 1899, that there was born to her on
said date a female child; that said child is now dead and is said to have been
(male or female.)
named Annie Roberts

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 8th day of August

Nancy Tiger her
Billy M. Barnett
Walter Morrison
Thos. D. ...

Exhibit B 244

IN RE
THE DEATH OF

Annie Roberts

a citizen of the

State of

Nation.

Approved

1

Commissioner.

Filed June 11th 1902

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Annie Roberts
a citizen of the Creek Nation, who formerly resided at or near
Eufaula, Ind. Ter., and died on the 27 day of Dec
1900

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,
Northern District.)

I, Wilson Brown on oath state that I am 36
years of age and a citizen, by blood, of the Creek Nation;
that my post office address is Eufaula, Ind. Ter.; that I am
Uncle of Annie Roberts
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Creek Nation;
and that said Annie Roberts died on the 27 day of
Dec, 1900

WITNESSED TO MARK:

Wilson Brown

(Must be Two Witnesses.)

Subscribed and sworn to before me this
1904

7 day of June 1904
Thos. F. Innes
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,
Northern District.)

I, Sampson Davis, on oath state that I am 32
years of age, and a citizen, by blood, of the Creek Nation;
that my post office address is Eufaula, Ind. Ter.;
that I was personally acquainted with Annie Roberts
who was a citizen, by blood, of the Creek Nation;
and that said Annie Roberts died on the 27 day of
Dec, 1900

WITNESSED TO MARK:

Sampson Davis his mark

(Must be Two Witnesses.)

Billy M. Barnett
Waite Morrison

Subscribed and sworn to before me this

7th day of June 1904
Thos. F. Innes
Notary Public.

COPY

Creek En. 268.

Muskogee, Indian Territory, January 24, 1903.

Hon. P. Porter,

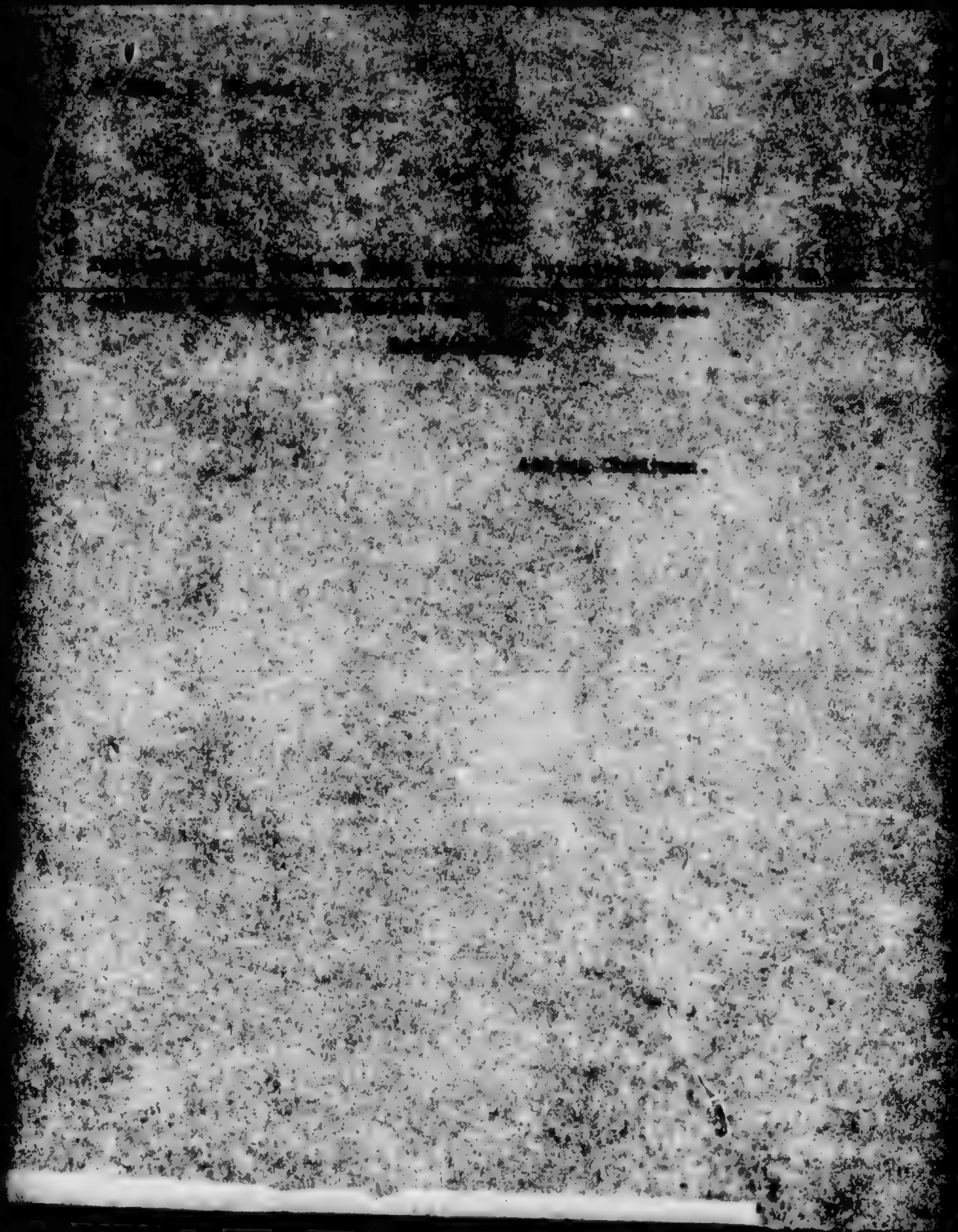
Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that on October 23, 1902, Wilson Brown, whose post office address is given as Eufaula, Indian Territory, appeared before the Commission and made application for the enrollment of his deceased niece, Annie Roberts, as a citizen of the Creek Nation.

You are further advised that the name of Noah Roberts, father of said Annie Roberts, is embraced in a partial roll of Creek citizens by blood approved by the Secretary of the Interior, March 28, 1902, and that the name of Millie Roberts, deceased, the mother of said Annie Roberts, is identified upon the 1890 authenticated and 1895 Pay Rolls of the Creek Nation.

From affidavits on file with the Commission, it appears that said Annie Roberts was born February 13, 1897, and died December 27, 1900, but the record in the case is such that the Commission is not satisfied with the proof of birth and death



Muskogee, Indian Territory, October 8, 1903.

Commissioner in Charge

Cherokee Land Office,

Tahlequah, Indian Territory.

Sir:

There is enclosed herewith for your consideration the record and decision prepared thereon in the following Creek cases:

En. 171. George Sneed, et al.
En. 268. Annie Roberts
Memo. 61. Hull Atkins
Memo. 83. Nancy Yeager
Memo. 82. Frank Stidham
Memo. 80. Nancy Simms, et al.
Memo. 79. Mattie Lewis, et al.,
En. 269. Elmira Boyd, et al.
En. 294. Cecil Duckworth
En. 307. Lillie Crawford
En. 316. Eddie Stidham, et al.
En. 218. Robert Leno
En. 278. Martha Brady
En. 299. Craven Bruner.

Respectfully,

Chairman.

J.J.B.

Check En. 266.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Annie Roberts, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on October 23, 1902, Wilson Brown appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of the minor child, Annie Roberts, deceased, as a citizen by blood of the Creek Nation.

The evidence shows that the said Annie Roberts was born February 13, 1897, and died December 27, 1900; and that she was the child of Noah and Millie Roberts, who are identified on the 1890 authenticated tribal roll of the Creek Nation and on the 1898 pay roll of said nation.

An examination of the records of the Commission shows that the name of said Noah Roberts is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 28, 1901; roll No. 4733.

It is, therefore, the opinion of this Commission that said Annie Roberts, deceased, should be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stat., 495) and March 1, 1901 (31 Stat., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

OCT 22 1903

883
Cr. En. 268

Muskogee, Indian Territory, October 23, 1903.

A. P. Murphy,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith one copy of the decision of the Commission in the matter of the application for the enrollment of Annie Roberts, deceased, as a citizen by blood of the Creek Nation.

The Creek Nation will be allowed twenty days from the date hereof within which to protest against said decision.

Respectfully,

Commissioner in Charge.

Enc. NGH-23r.

8810
En. 269.

Muskogee, Indian Territory, November 12, 1903.

Wilson Brown,

Eufaula, Indian Territory.

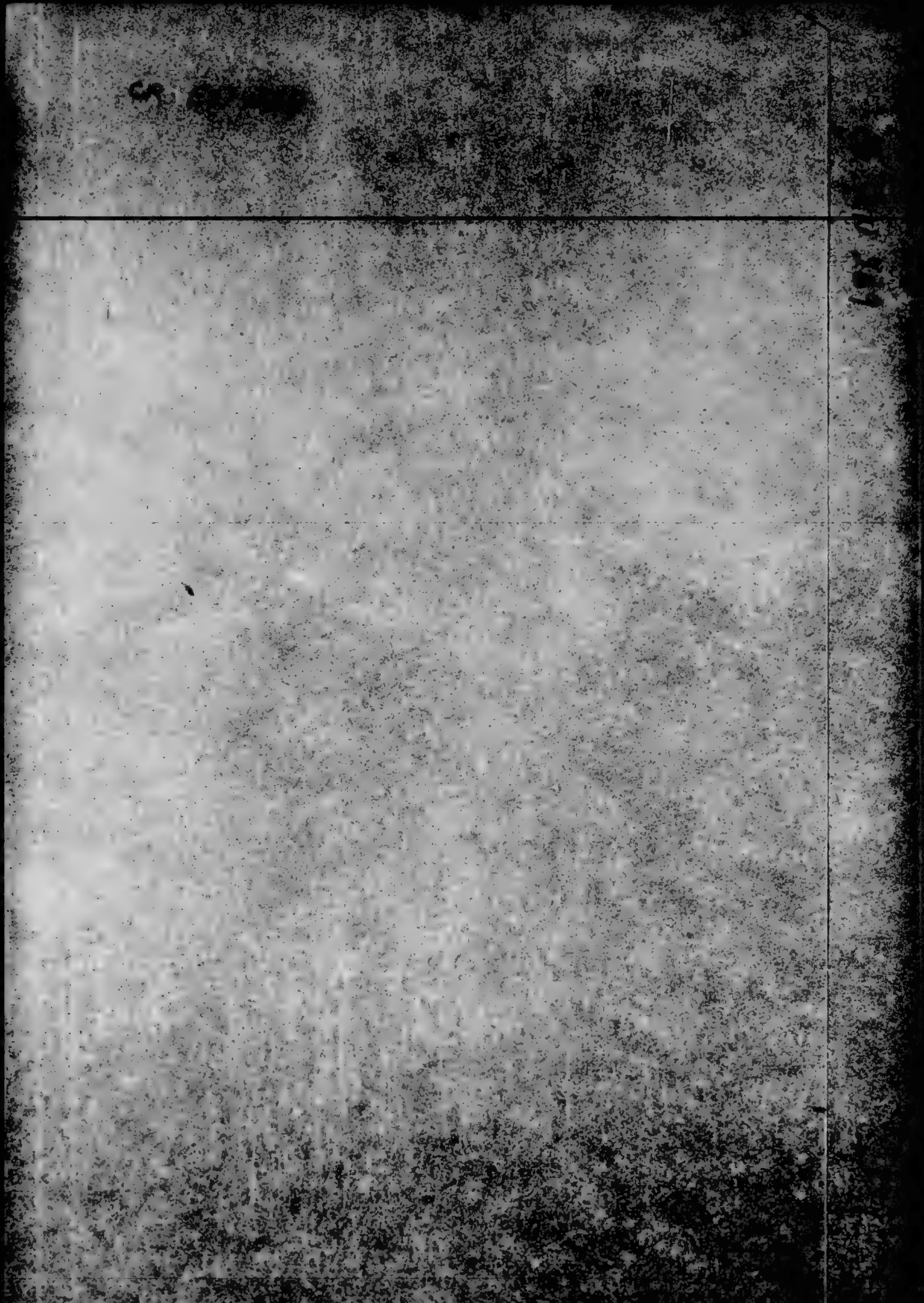
Dear Sir:

In the matter of the application for the enrollment of Annie Roberts, deceased, as a citizen of the Creek Nation, you are advised that said Annie Roberts has been regularly listed for enrollment as a citizen of the Creek Nation.

You are further advised that the heirs of Annie Roberts will be permitted to make application for a selection of land in the Creek Nation.

Respectfully,

Chairman.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., October 8, 1902.

In the matter of the application of Elmira Boyd for the enrollment of herself and her seven minor children, George, Mulsie, Julie, Fannie, Joseph and Mary Boyd, and Sophie Boyd, deceased, and her unmarried daughter, Lena Boyd, as Creek freedmen.

Appearances: S. B. Dawes, attorney for applicant.
H. C. Reed, attorney for Creek Nation.

Elmira Boyd, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Elmira Boyd.
Q What is your age? A Forty years old.
Q What is your post office address? A Lee, Indian Territory.
Q For whom do you now make application for enrollment as citizens of the Creek Nation? A For myself and eight children.
Q What are the names and ages of your eight children, for whom you now make application for enrollment? A Lena, 22, George 20, Sophie 17, Mulsie 16, Julie 14, Fannie 11, Joseph 8, Mary 6.
Q Are you the mother of these eight children for whom you now make application for enrollment? A Yes, sir.
Q Are they all living? A All except Sophie.
Q When did Sophie Boyd die? A The 13th of October, a year ago.
Q Have you and your eight children, for whom you now make application for enrollment, ever been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A Yes, sir.
Q Have you and your eight children, for whom you now make application for enrollment, ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A Yes, sir.
Q Do your name and the names of your said eight children appear upon the Creek tribal rolls? A Yes, sir.
Q To what town in the Creek Nation do you belong? A Canadian.

The 1890 authenticated tribal roll of the Creek Nation, Canadian Colored Town, examined, and the names of Elmira, Lena and George Boyd are found and identified thereon as "Elmira Boyette", "Louanna Boyette" and "George Boyette", respectively, at Page 65.

The 1890 authenticated tribal roll of the Creek Nation, Canadian Colored Town, further examined, and the names of Sophie, Mulsie and Julie Boyd are found and identified thereon, as "Sophie, Mulsie and Julia Boyette", at Page 66.

The 1891 Omitted Roll of the Creek Nation, Canadian Colored Town, examined, and the name of Fannie Boyd is found and identified thereon as "Fanny Boyd", at No. 531.

The 1895 Pay Roll of the Creek Nation, Canadian Colored Town, examined, and the names of Elmira, Lena, George, Sophie, Mulsie, Fannie, Julie and Joseph Boyd are found and identified thereon, at Nos. 1366 to 1374, inclusive; the name of Lena Boyd appears on said pay roll as "Louanna Boyd."

2 In Re Application of Elmira Boyd for the enrollment of herself and her eight children as Creek freedmen.

Elmira Boyd, witness.

Examination by the Commission.

Q Did you ever have a child by the name of Louanna Boyd? A No, sir; it is Lena Boyd, I guess.

Q Is Lena Boyd your oldest child? A Yes, sir.

Q Does your name appear upon the Dunn Roll? A No, sir.

The roll of Creek freedmen made by Major J. W. Dunn, prior to March 14, 1867, examined, and the name of Elmira Boyd not found thereon.

Q What is the name of your father? A Chief McGilbray.

Q Is he now living? A No, sir.

Q When did he die? A I don't know, sir; I don't remember when it was.

Q Did he die when you were a little girl? A Yes, sir; I was a small girl when he died.

Q Was he a citizen of the Creek Nation? A Yes, sir.

Q To what town in the Creek Nation did he belong? A I don't know, sir.

Q Does his name appear upon the Dunn Roll? A Yes, sir.

The roll of Creek freedmen made by Major J. W. Dunn, prior to March 14, 1867, examined, and the name of Chief McGilbray, the father of the applicant, Elmira Boyd, is found and identified thereon as "Chief Magilbray", at No. 1757.

Q What is the name of your mother? A Lena Peters.

Q Is she living? A Yes, sir.

Q Is she a citizen of the Creek Nation? A No, sir.

Q Is she a citizen of any nation in Indian Territory? A No, sir.

Q Is she a citizen of the United States? A Yes, sir.

Q What was the name of the father of the eight children for whom you now make application for enrollment? A Emanuel Boyd.

Q Is he living? A Yes, sir.

Q Is he a citizen of the Creek Nation? A No, sir.

Q Is he a citizen of any nation in Indian Territory? A Yes, sir.

Q To what nation in Indian Territory does he belong?

A Chickasaw Nation.

Q Is this the first time you have ever made application to the Commission for the enrollment of yourself and your said eight children, as citizens of the Creek Nation? A Yes, sir; the first time.

The records of the Commission examined and it appears therefrom that no application was made prior to May 25, 1901, for the enrollment of Elmira, Lena, George, Sophie, Mulsie, Julie, Fannie, Joseph and Mary Boyd, as citizens of the Creek Nation.

Q Have you and your children, for whom you now make application, ever been enrolled by the Commission as citizens of the Chickasaw Nation? A My husband says he enrolled them all in the Chickasaw Nation. Never was in the Chickasaw Nation in my life, as I know of, but he enrolled, he said, through a mistake. He was informed I would have to be enrolled there, while he was there.

The records of the Commission examined and it appears therefrom that Emanuel Boyd, Elmira Boyd, Lena Boyd, George Boyd, Sophie Boyd, Malsie Boyd, Julia Boyd, Nettie Boyd, Joseph Boyd and Mary Boyd, and Sallienay Gurtuo Boyd, are listed for enrollment on Chickasaw Freedmen Card, Field No. 914.

3 In Re Application of Elmira Boyd for the enrollment of herself and her eight children as Creek freedmen.

Elmira Boyd, witness.

Examination by the Commission.

Q Who is Nettie Boyd? A That is Fannie Boyd. That is the same girl we were talking, got the name wrong.

Q Fannie and Nettie Boyd, then, are one and the same person?

A Yes, sir; I made a mistake in calling the name, I call her that all the time at home; her name is Fannie.

Q Who is Saliency Gurtuo Boyd? A That is this baby.

Q When was Saliency Gurtuo Boyd born?

A She was born this last August, a year ago.

Q That was in August, 1901? A Yes, sir.

Q You are not making application for the enrollment of Saliency Gurtuo Boyd as a citizen of the Creek Nation? A No, sir; that is the reason, I wanted application for her, too.

Q Where do you live? A I live in the Choctaw Nation.

Q How long have you lived in the Choctaw Nation? A I don't know, sir, how long it has been; I disremember now.

Q About how long have you lived there? A About eighteen years, I reckon. I just came backwards and forwards, I have been here sometimes and sometimes there; I can't exactly tell you now long it has been living there now.

Q Did you ever live in the Creek Nation? A Yes, sir; I was partly raised here.

Q When did you live in the Creek Nation? A I don't know, sir, when it was I left here, but I have been backwards and forwards. Staid here when my people lived here, when I was small; I don't know how long it has been, can't tell.

Q Have you a home in the Creek Nation? A No, sir; now now. I have lived here, but I hav'n't any home here now.

Q Your home has been in the Choctaw Nation for the last eighteen years? A Yes, sir.

Q Do your eight children, for whom you now make application, all live with you in the Choctaw Nation? A Yes, sir; all those that are living.

Q Have they all lived with you there since they were born? A Yes, sir.

Q Do your name and the names of your children for whom you now make application appear upon the Choctaw rolls? A I don't know, sir, anything about that, whether they do or not.

The 1896 Census Roll of the Choctaw Nation, Skullyville District, examined, and the names of Emanuel, Elmira, Lena, George, Sophie, Mulsie, Julie, Nettie, Joseph and Mary Boyd, are all found thereon.

Examination by S. B. Dawes, attorney for applicant.

Q Did you in person make application to the Choctaw or Chickasaw authorities for the enrollment of yourself and children as citizens of either of those nations? A No, sir.

Q Did you authorize any one to make such application? A No, sir.

Q Did you know at the time that the application was made for you?

A No, sir; I didn't know anything about it until a while afterwards he told me that he had enrolled them.

Q Why didn't you come to Muskogee earlier than you did?

A Wasn't able to come, the reason I didn't come.

Q How far do you live from Muskogee? A I live about a hundred miles, some calls it.

4 In Re Application of Elmira Boyd for the enrollment of herself and her eight children as Creek freedmen.

Elmira Boyd, Witness.

Examination by S. B. Dawes, attorney for applicant.

Q I will ask you to state whether or not you came to Muskegee, the latter part of June, 1902, to make application for the enrollment of yourself and eight children named in this application, as citizens of the Creek Nation, and that it was suggested to you, after presenting the matter to the Commission through your counsel, to defer making your application until after such time as an act of Congress approved May 27, 1902, commonly known as the "Indian Appropriation Bill", should become a law: Is that your recollection? A Yes, sir; that is what I recollect you telling me, and it was about the 1st or 8th or 12th of June, somewhere along there when I first came.

Examination by the Commission.

Q It was in June, 1902, that you first appeared before the Commission and made application for the enrollment of yourself and your eight children named in this application? A Yes, sir; sometime in June, but they failed to do anything on it.

Q Was your youngest child, Mary Boyd, for whom you now make application, born before or after the year of 1895? A She is six years old now, I reckon so.

Commission to the applicant:

It will be necessary for you to furnish a birth affidavit, made by yourself and the midwife who was in attendance at the time that Mary Boyd was born, showing the exact date of her birth, before any further action can be taken in her case.

It will also be necessary for you to furnish a death affidavit, made by yourself and some acquaintance who knows when Sophie Boyd died, before any further action can be taken in her case.

Examination by the Commission.

Q If it should be found that you and your eight children for whom you now make application have heretofore been recognized by the tribal authorities of the Creek, Choctaw and Chickasaw Nations, as citizens of which nation do you now elect to have yourself and your eight children enrolled and receive allotments of lands and distributions of moneys? A Creek Nation.

Q Are there any other statements that you desire to make at this time in the matter of your application for the enrollment of yourself and your eight children as Creek freedmen? A No, sir; not as I can remember.

Commission to applicant.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application you now make for the enrollment of yourself and your eight children as citizens of the Creek Nation, which will be mailed to you at your proper post office address as given by you in your testimony herein.

Chas. E. Smith

RECEIVED OF THE BANK OF AMERICA AND TRUST COMPANY, NEW YORK, N.Y.

H. J. Patten
NEW YORK, N.Y.

IN RE
THE DEATH OF

Sophia Boyd
a citizen of the
Creek Nation.

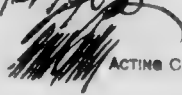
Approved _____ 190

Commissioner.

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

FILED

April 27th 1903


ACTING CHAIRMAN.

IN RE

Application for Enrollment of

INFANT CHILD

Mary Boyd
as a citizen of
Creek

Nation.

Approved 190

Commissioner.

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

May 26, 1903



Chairman

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,
 of Mary Boyd, born on the 1st day of May, 1899
 Name of Father: Manuel Boyd a citizen of the Choctaw Nation.
 Name of Mother: Elmyra Boyd a citizen of the Creek Nation.
 Post-office: _____

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
 INDIAN TERRITORY, }
Western District.

I, Elmyra Boyd, on oath state that I am about 41
 years of age and a citizen, by Treaty of the Creek Nation;
 that I am the lawful wife of Manuel Boyd, who is a citizen, by
Treaty, of the Choctaw Nation; that a female child was
 (Male or female)
 born to me on 1st day of May, 1896; that said child has been named
Mary Boyd, and is now living.

WITNESSES TO MARK:

Elmyra Boyd

Must be Two Witnesses.

Subscribed and sworn to before me this 30th day of April, 1905

My Com. Ex. July 1st '06. Harry E. Davis
 NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, }
 INDIAN TERRITORY, }
Central District.

I, Patsy Mully, a Midwife, on oath state that I at-
 tended on Mrs. Elmyra Boyd, wife of Manuel Boyd
 on the 1st day of May, 1896; that there was born to her on said
 date a female child; that said child is now living and is said to have been named
 (MALE OR FEMALE)
Mary

WITNESSES TO MARK:

Patsy Mully

Must be Two Witnesses.

Subscribed and sworn to before me this 18 day of May, 1903

Henry Choate
J. E. Embaner
Frank J. Inman
 NOTARY PUBLIC.

My Com. Exp. March 7-1904

19-914

INC

IN RE
THE DEATH OF

Daphia Boyd
a citizen of the

Cherokee Nation.

Approved DEC 20 1902
[Signature]
Commissioner.

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

FILED
DEC 20 1902

[Signature]
ACTING CHAIRMAN.

#914

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

In the matter of the death of Sophia Boyd
(Here insert name of deceased.)
a citizen of the Chickasaw Freedman Nation, who formerly resided at or near
Brazil, Ind. Ter., and died on the _____ day of
September, 1901
(Here insert name of post office.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY
Central District. }

I, Emanuel Boyd, on oath state that I am 46
years of age and a citizen, by freedman, of the Chickasaw Nation;
that my post office address is Sooter, Ind. Ter.; that I am
the father of Sophia Boyd
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by freedman of the Chickasaw Nation;
and that said Sophia Boyd died on the _____ day of
September, 1901
Emanuel Boyd

WITNESSES TO MARK:

(Must be Two Witnesses.) { _____

Subscribed and sworn to before me this 17th day of December 1902.
P. C. Rogers
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY
Central District. }

I, Ruben James, on oath state that I am 30
years of age, and a citizen, by freedman of the Cherokee Nation;
that my post office address is Sooter, Ind. Ter.;
that I was personally acquainted with Sophia Boyd
(Here insert name of deceased.)
who was a citizen, by freedman of the Chickasaw Nation;
and that said Sophia Boyd died on the _____ day of
September, 1901
Ruben James

WITNESSES TO MARK:

(Must be Two Witnesses.) { _____

Subscribed and sworn to before me this 17th day of December 1902.
P. C. Rogers
Notary Public.

COPY.

25
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

POWER OF ATTORNEY.

KNOW ALL MEN BY THESE PRESENTS,

That George Boyd of Wilburton I.T.

Indian Territory, has made, constituted and appointed, and by these presents does make, constitute and appoint Emanuel Boyd of Sawoxah I.T.

Indian Territory, his true and lawful attorney for him, and in his name, place and stead, to make application to the Commission to the Five Civilized Tribes for ~~allotments of lands in the enrollment~~ of himself and ~~minor children~~, viz: in said Creek Nation, he do said George Boyd being now enrolled in the Chickasaw Nation having rights of citizenship in both the Chickasaw and the Creek Nation, elects to be enrolled & have his allotment in the Creek Nation thereby ~~agree~~ gives

~~all of whom are citizens of said Nation, giving and granting unto him~~ said attorney full power and authority to do and perform all and every act and thing whatsoever, requisite and necessary to be done in ~~selecting, designating~~ ^{making such} election ~~securing his enrollment in said Creek Nation~~ and obtaining said allotments, as fully to all intents and purposes as he might or could do, if personally present; hereby ratifying and confirming all that his said attorney shall lawfully do, or cause to be done, by virtue hereof. Because of his illness said George Boyd is unable to attend to this matter in person

IN WITNESS WHEREOF, he has hereunto set his hand this 22nd day of July, A. D. 1903.

WITNESSES TO MARK:

(SIGNED)

John A. Poe

(SIGNED)

George Boyd

Must be Two

Witnesses

(SIGNED)

W. G. Gray

United States of America, }
INDIAN TERRITORY, } ss.
Central District.

Be it remembered that on this day personally appeared before me George Boyd to me personally known to be the person who executed the foregoing power of attorney, and being by me examined separately and apart from his said attorney Emanuel Boyd stated and acknowledged that he he had executed said instrument as his free and voluntary act and deed, without compulsion or undue influence, and for the purposes therein mentioned and set forth.

In Testimony whereof I have hereunto set my hand and affixed my Notarial Seal this 22nd day of July A. D. 1903.

(SIGNED)

J. H. Newbern
NOTARY PUBLIC.

My Comⁿ expires 10th of May 1904



26
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS,

That *George Boyd*, of *Wilburton I.T.*

Indian Territory, has made, constituted and appointed, and by these presents does make, constitute and appoint *Edmanuel Boyd*, of *Sawokala I.T.*

Indian Territory, his true and lawful attorney for him, and in his name, place and stead, to make ap-

plication to the Commission to the Five Civilized Tribes for ~~allotments of lands in the~~ *enrollment*

~~of himself and minor children, viz:~~ *in said Creek Nation, he the said George Boyd being now enrolled in the Chickasaw Nation having rights of citizenship in both the Chickasaw & the Creek Nation, selects to be enrolled & take his allotment in the Creek Nation & hereby gives*

~~all of whom are citizens of said Nation, giving and granting unto his~~ *said attorney full power and authority to do and perform all and every act and thing whatsoever, requisite and necessary to be done in* *Making such election securing his enrollment in said Creek Nation* ~~as fully to all intents and purposes as~~ *he might or could do, if personally pres-*

ent; hereby ratifying and confirming all that his said attorney shall lawfully do, or cause to be done, by virtue hereof. Because of his illness said George Boyd is unable to attend to this matter in person
IN WITNESS WHEREOF, he has hereunto set his hand this *22nd* day of

July, A. D. 190 *3*.

WITNESSES TO MARK: *John Adair* *George Boyd*
W. E. Gray

Must be Two Witnesses

United States of America,
INDIAN TERRITORY,
Central District.

Be it remembered that on this day personally appeared before me *George Boyd* to me personally known to be the person who executed the foregoing power of attorney, and being by me examined separately and apart from his said attorney *Edmanuel Boyd* stated and acknowledged that *he* he had executed said instrument as his free and voluntary act and deed, without compulsion or undue influence, and for the purposes therein mentioned and set forth.

In Testimony whereof I have hereunto set my hand and affixed my Notarial Seal this *22nd* day of

July, A. D. 190 *3*. *J. H. Newbern*
NOTARY PUBLIC.

My Comm. expires 1st of May 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., May 26, 1903.

SUPPLEMENTAL TESTIMONY In the matter of the application for the enrollment of Elmira, George, Mulsie, Julie, Fannie, Joseph, Mary, Sophie and Lena Boyd, as Creek freedmen.

EMANUEL BOYD, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A Emanuel Boyd.

Q What is your age? A Well I don't know exactly, but it is right about forty-five.

Q What is your post office address? A Sawokla.

Q Are you a citizen of the Creek Nation? A No, sir.

Q Are you a citizen of any nation in Indian Territory?

A Yes, sir; citizen of the Chickasaw.

Q Are you the husband of Elmira Boyd? A Yes, sir.

Q Are you the father of George, Mulsie, Julie, Fannie, Joseph, Mary, Sophie and Lena Boyd? A Yes, sir.

Q Have you heretofore made application for the enrollment of yourself and your wife and children as citizens of the Chickasaw Nation?

A Yes, sir.

Q Did you at that time elect to have your children enrolled as citizens of the Chickasaw Nation? A Well yes sir, I thought they was belonging to that country, but it wasn't her decision. She was a hundred miles away---

Q I am not talking about her, I am talking about you: Did you elect, at that time to have these children enrolled as citizens of the Chickasaw Nation? A Yes, sir.

Q Were you present when your wife made application for the enrollment of your children as citizens of the Creek Nation? A No, sir; I wasn't with her here. She would have come down today, this time, but she is not well.

Q Are you aware of the fact that the name of your wife is on the Creek tribal rolls? A Yes, sir.

Q Are you aware of the fact that your children, Sophie, Mulsie, Fannie, Julie and Joseph, are identified on the Creek tribal rolls?

A Yes, sir.

Q Did you know that they were on the Creek tribal rolls when you made application for their enrollment as Chickasaw freedmen?

A Yes, sir; and I spoke of it, I explained it as good as I could.

Q What explanation did you give, A Well I told them that I didn't come to register my family, only come to register myself.

I didn't come to register my children, and the question was asked, why, and I said they were citizens of the Creek country. And they asked me how I became a citizen there. I went to explain why they had been there for years, at least more than they had here, and her father was a Creek.

Q Do I understand you to say that your wife and children were living in the Creek Nation at the time you made application for their enrollment as Chickasaws? A No, sir; when that was made, they weren't living in the Creek Nation. (Q) When I made application for them?

Q (A) Yes, as Chickasaws. A No, sir; they wasn't living here then.

Q Were these children all born in the Chickasaw Nation? A In the Choctaw Nation, there was none of them born in the Chickasaw Nation.

Q When did you move to the Creek Nation? A I moved here last January:

Q Had these children lived all their lives in the Choctaw Nation before that time? A The principal part of the time they had been staying over here, and going to school some.

Emmanuel Boyd, witness.

Examination by the Commission.

Q You also claim that your children were citizens of the Choctaw Nation, did you not? A (C) Citizens of the Choctaw

Q (A) Yes, before you made application. A No, not before I made application. I always considered that they were Creek citizens, before I made application to the Dawes Commission.

Q Did you draw money from the Choctaw and Chickasaw for these children? A No, sir.

Q Are you and your wife living together? A Yes, sir.

Q These minor children are under your care and control? A Yes, sir.

Q Is Sophie Boyd alive? A No, sir.

Q When did she die? A I think it was in ninety-one.

Q In ninety-one? A In 1901.

Q How long has she been dead? A She died--let me see, I don't remember just exactly.

Q I am not asking when she died, now, I am asking how long she has been dead? A I am just now trying to remember so I can get at it--how long it has been dead--she has been dead something over a year.

Q Has she been dead two years? A No, sir.

Q Between one and two years? A Yes, sir.

Q How old was she when she died? A She was right about fifteen years old.

Q If it should be found that your minor children, George, Mulsie, Julie, Fannie, Joseph, Mary, Sophie and Lena Boyd, have heretofore been recognized as citizens of the Creek, Choctaw or Chickasaw Nations, as citizens of which nation do you elect to have them enrolled?

A To the Creek Nation.

The witness presents an affidavit in regard to the birth of Mary Boyd, which is filed and made a part of the record herein.

COMMISSION TO APPLICANT: When a decision is rendered in this case, a copy thereof will be mailed to your wife at the post office address given by you in your testimony taken at this time.

Witness excused.

Oliver C. Hinkle, having been duly sworn, upon his oath states, that as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 26th of May, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle

Subscribed and sworn to before me this 2nd day of June, 1903, at Muskogee, Indian Territory.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
~~COMMISSION TO THE FIVE CIVILIZED TRIBES.~~
Muskogee, Ind. Ter., July 1, 1903.

SUPPLEMENTAL TESTIMONY In the matter of the application for the enrollment of Elmira, George, Mulsie, Julie, Fannie, Joseph, Mary, Sophie and Lena Boyd, as Creek freedmen.

APPEARANCES: S. B. Dawes, Attorney for Applicants.

LENA BOYD, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Lena Boyd.
Q What is your age? A Twenty-three.
Q What is your post office address? A Sawokla.
Q What is the name of your father? A Manuel Boyd.
Q Is he a citizen of the Creek Nation? A No, sir.
Q Is he a citizen of any nation in Indian Territory? A I don't know; you would have to ask mamma.

BY MR. DAVES:

- Q He is a Chickasaw citizen, isn't he? A Yes, sir; I understand he is a citizen of the Chickasaw Nation.

BY THE COMMISSION:

- Q What is the name of your mother? A Elmira Boyd.
Q Is she a citizen of the Creek Nation? A Yes, sir.
Q Have you ever appeared before the Commission before this time and made application for enrollment as a citizen of either the Creek or Chickasaw Nations? A No, sir; mamma and papa have always looked after that.
Q Has application been made for you by any person for enrollment as a citizen of the Creek or Chickasaw Nations? A Not of the Chickasaw, of the Creek we have, I have.
Q Not to your knowledge? A Not to my knowledge, as of the Chickasaw Nations; I have always been Creek.
Q Are you the identical Lena Boyd for whom application was made for enrollment as a citizen of the Creek Nation by Elmira Boyd on October 8, 1902? A Yes, sir.
Q Where do you live? A At Sawokla.
Q Is that in the Creek Nation? A Yes, sir.
Q How long have you lived there? A Why we have been up here part of the time ever since January.
Q Where did you live before that? A Part of the time at Sooda.
Q Where is that? A That is on the P G road.
Q Well is it in the Choctaw Nation? A Yes, sir.
Q How long did you live there? A Why I don't know, not very long though; don't know exactly how long it was.
Q Where were you born? A Why I don't remember; mamma told me in Skullyville county, in the Choctaw Nation; in the Choctaw Nation, I understand.
Q Have you ever drawn any money from either the Choctaw or Chickasaw Nations? A No, sir.
Q Has any money ever been drawn for you from either of those nations? A No, sir; not from those nations.

1
2 Madra Boyd, et al.

John Boyd, witness.

Examination by the Commission.

Have you ever drawn any money from the Creek Nation? A Yes, sir,
I have always shared over here.

Q If it should be found that you have been recognized as a citizen
of the Creek Nation and also of the Cherokee or Chickasaw Nations
in which Nation do you deem to be enrolled? A In the Creek Nation.

Q Were you ever married? A No, sir.

Witness excused.

Oliver C. Winkle, having been duly sworn, upon his oath states
that, as stenographer for the Commission to the Five Civilized Tribes,
he reported the proceedings had in the above entitled cause on the
1st day of July, 1903, and that the above and foregoing is a full,
true and correct transcript of his stenographic notes thereof.

Oliver Winkle

Subscribed and sworn to before me this 7th day of July, 1903,
at Muskogee, Indian Territory.

Charles H. Hanning

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 25, 1903.

In the matter of the application for the enrollment of Elmira Boyd, et al., as citizens of the Creek Nation.

EMANUEL BOYD, being first duly sworn, testified as follows:

BY THE COMMISSION.

Q What is your name? A Emanuel Boyd.

Q How old are you? A As near as I can get at it, I am about thirty-five.

Q What is your post office address? A Sawokla.

Q Do you know George Boyd? A Yes, sir.

Q Is he your son? A Yes, sir.

Q What is the name of his mother? A Elmira.

Q How do you represent George Boyd--by power of attorney?

A Yes, sir.

The applicant presents to the Commission power of attorney, duly executed, by George Boyd, which is filed and made part of the record herein.

Q If it should be found that George Boyd is entitled to be enrolled in the Choctaw, Chickasaw or Creek Nations, in which nation do you elect for him to be enrolled? A In the Creek.

Q In the Creek Nation? A Yes, sir.

Witness excused.

Oliver C. Hinkle, having been duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 25th day of July, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver Hinkle

Subscribed and sworn to before me this 11th day of August, 1903, at Muskogee, Indian Territory.

Edward M. Morris
Notary Public.

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

In the matter of the application for the enrollment of Elmira, George, Mulsie, Julie, Fannie, Joseph, Mary, Sophie and Lena Boyd as Creek freedmen.

DECISION.

The record in this case shows that on October 8, 1902, Elmira Boyd appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her seven minor children, George, Mulsie, Julie, Fannie, Joseph, Mary and Sophie Boyd, and her adult child, Lena Boyd, as Creek freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on May 26, July 1 and July 25, 1903.

It appears that on October 8, 1898, Emanuel Boyd, husband of Elmira Boyd and father of her said children, appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of the applicants herein as citizens of the Chickasaw Nation. A copy of the proceedings then had is made part of the record herein.

It appears from the evidence that the said Elmira, Lena, George, Sophie, Mulsie and Julie Boyd are identified on the 1890 authenticated tribal roll of the Creek Nation, and that the said Elmira, Lena, George, Sophie, Mulsie, Fannie, Julie and Joseph Boyd are identified on the 1895 pay roll of said nation.

It further appears that the said Mary Boyd is the minor child of the said Elmira Boyd, and that she is identified by birth affidavit which is made part of the record herein.

It further appears that the said Sophie Boyd died subsequent to April 1, 1899.

It further appears that all the applicants herein have resided in Indian Territory at least eighteen years next before the application herein, with the exception of the children who were born within that time and such children have resided in Indian Territory all their lives.

It further appears that election has been made for all the applicants herein to be enrolled as citizens of the Creek Nation.

It is, therefore, the opinion of this Commission that the said Elmira Boyd, George Boyd, Mulsie Boyd, Julie Boyd, Fannie

Boyd, Joseph Boyd, Mary Boyd, Sophie Boyd and Lena Boyd should be enrolled as Creek freedmen, in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stat., 496) and March 1, 1901 (31 Stat., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



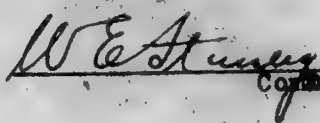
Chairman.



Commissioner.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

OCT 22 1903

Copy of Freed
924

Muskogee, Indian Territory, March 28, 1908.

Emmanuel Boyd,
Sutter, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant, in which you state that you, your wife and children were registered at Gilbert, Indian Territory in 1898 or 1899, and at that time that there was a question as to whether your wife, Elmira Boyd should be enrolled as a Chickasaw freedman or a Creek freedman and you now desire to be informed as to what has been done in the matter.

Replying to your letter you are informed that it does not appear from the records of this office that Elmira Boyd has been listed for enrollment by the Commission as a Creek freedman nor does her name appear upon the tribal rolls of the Creek Nation in the possession of the Commission.

The records further show that on October 10, 1898, Emmanuel Boyd, his wife, Elmira Boyd and their eight minor children were listed for enrollment as Chickasaw freedmen and on October 9, 1901, Salieng Gurtrus, the infant daughter of Emmanuel and Elmira Boyd, was also listed for enrollment as a Chickasaw freedman upon



COPY

1
1

Mustang, Indian Territory, November 11, 1902.

Chester-Chickasaw Enrollment Division,
Commission to the Five Civilized Tribes.

Gentlemen:

There are herewith inclosed two copies of the testimony
in the matter of the application of Elmira Boyd for the enrollment
of herself and her minor children, George, Mollie, Julia, Fannie,
Joseph, Mary and Sophie Boyd, and her unmarried daughter, Louie
Boyd, as Creek freedmen.

Respectfully,

Acting Chairman.

042-122.

copy

3. 2. 3098

Shawnee, Indian Territory, March 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

You are hereby advised that the enrollment of the persons hereinafter named, as citizens of the Creek Nation, and whose names appear on the authenticated tribal rolls of said nation, has not been determined by the Commission for various reasons, among which is that the Commission is advised that they have taken allotments as Absentee Shawnees:

Tom-tee-tee-tee, also known as Jimmie John and Patrus Cook, aged 20; a son of Sam John, a Shawnee Indian, and Cho-qua-wa, a full blood Creek Indian.

James Burr, aged 20; a son of Cho Harjo, a full blood Creek Indian, and a Shawnee woman whose name is unknown; and his four daughters: Mary, aged 20; Margaret, aged 25; Harriet, aged 18, and Handy Burr, aged 15. The name of the mother of these children is unknown; she is deceased, and was a Shawnee Indian.

Herbe, also known as Sam Barrier, aged 20. His father is deceased and unknown, and was a full blood Buchee Indian, and his mother is deceased and unknown, and was part Shawnee and part Buchee.

Cora Starr, nee Kllis, aged 20; a daughter of Coblar, deceased, a Shawnee Indian, and Jemie Kllis, deceased, a Creek Indian; and her three children: Clara Starr, aged 15, Henry Starr, aged 12, and Annie Starr, aged 7. The father of these children, Charley Starr, is a Shawnee Indian, and all the members of his family are reported to be residing near Shawnee, Oklahoma Territory.

2 Secretary of the Interior.

Edna Ellis, aged 48; a daughter of Jack Ellis, deceased, a Shawnee Indian, and Emma Ellis, deceased, a Creek Indian; and her three children: Harry Ellis, aged 20, whose father is a Shawnee Indian by the name of ~~William~~; ~~Ray~~ Ellis, or ~~Ray~~ ~~Ellis~~, aged 17, whose father is deceased, and a Shawnee Indian and known as Sam Jones and Sam Dand; and Willie Ellis, aged 10, whose father is unknown.

Dick Ellis, aged 20; a son of Jack Ellis, deceased, a Shawnee Indian, and Emma Ellis, deceased, a Creek Indian; and his wife, Nellie Ellis, aged 35, a daughter of ~~Wagon~~ and ~~Penney~~, both Shawnee Indians; and his two sons, Frank Ellis, aged 28, a son of Annie, a Shawnee Indian; and ~~William~~ Ellis, aged 25, a son of ~~Wagon~~, a Cherokee Indian.

In order that the enrollment of the aforesaid mentioned persons as Creek citizens may be disposed of as speedily as possible, you are respectfully requested to advise the Commission whether the records of the Indian Office disclose that all, or any, of the aforesaid named persons have taken allotments of lands among the Shawnees in Oklahoma, and if so, whether their allotments have been relinquished and cancelled.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

8810

Creek Co. Okla.

Muskogee, Indian Territory, May 21, 1908.

E. E. Davis,

Attorney for Elzira Boyd, et al.,
Muskogee, Indian Territory.

Dear Sir:

October 8, 1908, Elzira Boyd appeared before the Commission and made application for the enrollment of her children, George, Mulsie, Julia, Fannie, Joseph, Sophie and Lena Boyd, as Creek freedmen.

It appears that Emanuel Boyd is the father of said children; that he has made application for the enrollment of himself and his said children, as Chickasaw freedmen.

It further appears that said Lena and George Boyd have arrived at full age, and that the other children above named are minors.

Section twenty-one of the act of Congress, June 28, 1898 (30 Stat. L., 498), provides:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to such tribes; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such rights; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

1. Mr. B. B. B.

110

You are advised that Marshal Ford, for his said minor children, and Lena and George Boyd, and J. H. Hissell, are the owners of certain parcels of land situated in the Indian Territory, and except in which cases, the Dyak or Chickasaw, they shall be enrolled.

Respectfully,

Chairman.

RECORDED
INDEXED
MAY 10 1890

Muskogee, Indian Territory, October 5, 1903.

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

Sir:

There is enclosed herewith for your consideration the record and decision prepared thereon in the following ~~Cases~~ cases:

En. 171. George Sneed, et al.
En. 268. Annie Roberts
Memo. 81. Hull Atkins
Memo. 83. Nancy Yeager
Memo. 82. Frank Stidham
Memo. 90. Nancy Simms, et al.
Memo. 79. Mattie Lewis, et al.
En. 269. Elmira Boyd, et al.
En. 294. Cecil Duckworth
En. 307. Lillie Crawford
En. 316. Eddie Stidham, et al.
En. 218. Robert Lene
En. 278. Martha Brady
En. 299. Craven Bruner.

Respectfully,

Chairman.

2873

Cr. En. 269.

Muskogee, Indian Territory, October 23, 1903.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division.

Gentlemen:

There is enclosed herewith one copy of the decision of the Commission in the matter of the application for the enrollment of Elmira, George, Mulsie, Julie, Fannie, Joseph, Mary, Sophie and Lena Boyd as Creek Freedmen.

It appears from the records of the Creek Enrollment Division that application has been made for the above named persons as citizens of the Chickasaw Nation.

The attorney for the Creek Nation has this day been advised that he will be allowed twenty days within which to protest against the decision of the Commission rendered herein.

When final action in the case has been had the Choctaw-Chickasaw Enrollment Division will be notified thereof.

Respectfully,

Commissioner in Charge.

Enc. HGH-23a.

Cr. No. 245.

Muskogee, Indian Territory, October 25, 1900.

A. P. Murphy,

Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith one copy of the decision of the Commission in the matter of the application for the enrollment of Elmira, George, Mulsie, Julie, Fannie, Joseph, Mary, Sophie and Lena Boyd as Creek Freedmen.

The Creek Nation will be allowed twenty days from the date hereof within which to protest against said decision.

Respectfully,

Commissioner in Charge.

Enc. HQH-23t.

~~19-914~~
19-914

Muskogee, Indian Territory, October 26, 1903.

Commissioner in Charge,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on October 22nd in the matter of the application for enrollment of Elmira Boyd, et al., as Creek freedmen the Commission rendered a decision enrolling Elmira, Lena, George, Mulsie, Julie, Fannie, Joseph, Mary and Sophie Boyd as Creek freedmen.

You are further advised that the names of these persons appear on Chickasaw freedman card No. 914, Nos. 2 to 10 inclusive.

You will note that upon the face of the above referred to card there is a notation that "No. 5 died September _____ 1901. Proof of death filed Dec. 20, 1902"

You are now advised that the following notation in red ink has this day been added to Chickasaw freedman card No. 914:

"Nos. 2, 3, 4, 6, 7, 8, 9 and 10 enrolled as Creek freedmen. See decision of Commission of Oct. 22, 1902 in matter of application for enrollment of Elmira Boyd, et al., as Creek freedmen"

You are hereby requested to make the records of your office conform with this information.

Respectfully,

Commissioner in Charge.

8013
Muskogee, Indian Territory, November 12, 1898.

Commissioner to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division.

Gentlemen:

In the matter of the application for the enrollment of Elmira,
Lena, George, Sophie, Nelsie, Julia, Fannie, Joseph and Mary Boyd as
Creek Freedmen, you are advised that said applicants have been regularly
listed for enrollment as Creek Freedmen on Creek Freedman Card, Field No.
1898.

Respectfully,

Chairman.

Manuel Boyd	_____	43
Almira	" _____	36
Lena	" _____	18
George	") _____	17
Sophia	")) _____	15
Malay	") _____	11
Julia	" _____	9
Nettie	" _____	7
Joseph	" _____	4
Mary	" _____	2

Note Almira may be on Creek Roll 11/23

COPY.

CHICKASAW FREEDOM CARD - 914

In Re Application of Emanuel Boyd and others.

Sworn by Commissioner McKennon.

Emanuel Boyd says:

I am 42. I belonged to Nancy Boyd.

I. My wife Elmira, 36; belonged to Mary Johnson. I have children:
Lena, 18; George, 17; Sophia, 13; Malsy, 11; Julia, 9; Nettie, 7;
Joseph, 4; and Mary, 2.

Colbert, Oct. 10, '98.

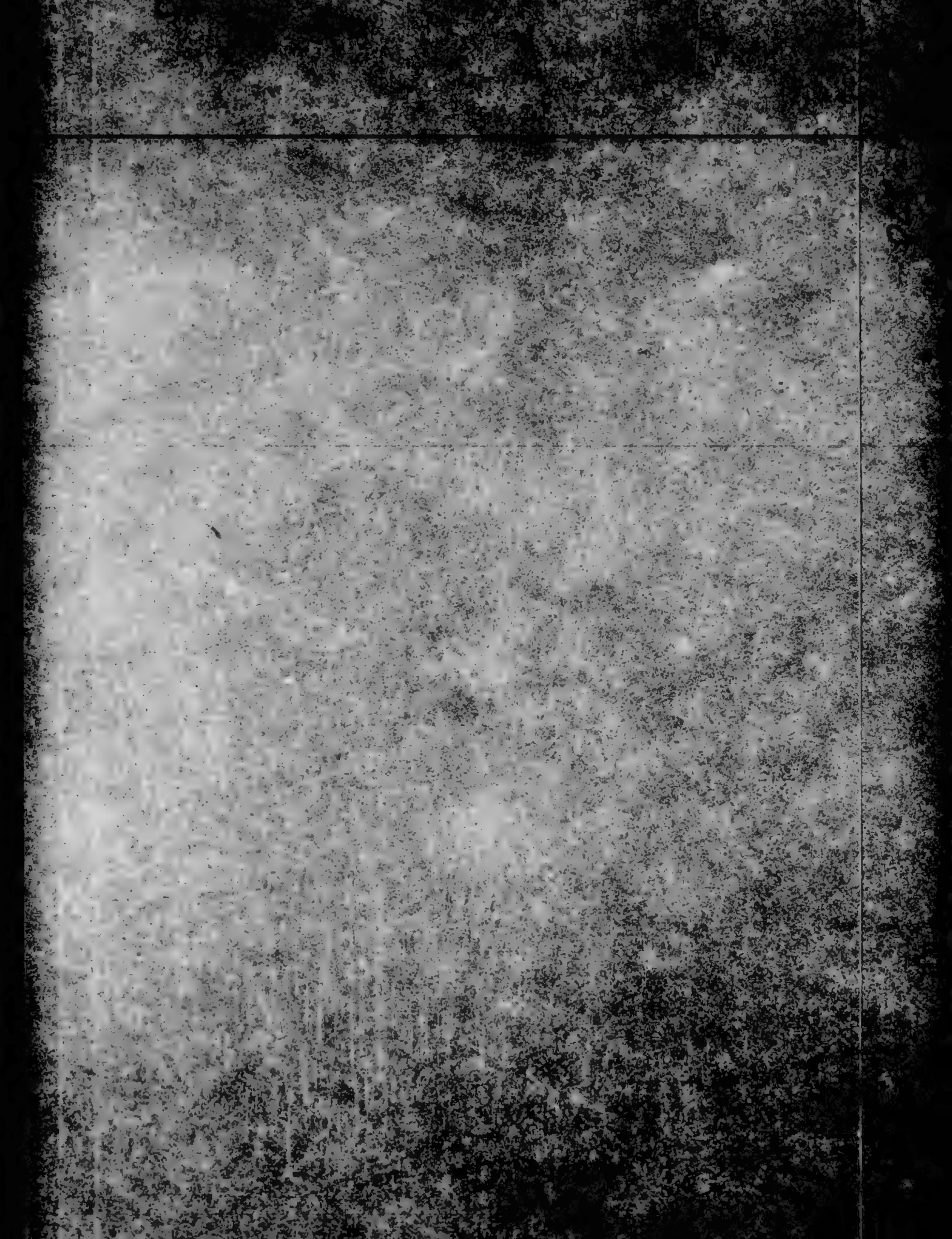
Emanuel Boyd
Elmira Boyd
Lena Boyd
George Boyd
Sophia Boyd
Malsy Boyd
Julia Boyd
Nettie Boyd
Joseph Boyd
Mary Boyd

enrolled.

(Note: The mother Elmira may be enrolled as Creek.
If so she is not entitled to such enrollment.)

Muskogee, I. T. Dec. 31-1902

Received of the Commission
to the Five Civilized Tribes
a copy of the testimony
in the matter of the
application for the
enrollment of Emma
Rayd, et al. as citizens
of the Creek Nation
A. B. Snow



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., October 9, 1902.

In the matter of the application of Julia Perryman for the enrollment of her grandniece, Julia Hawkins, as a Creek freedman.

Appearances: Anthony Crafton, attorney for applicant.

Julia Perryman, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your full name? A Julia Perryman.

Q What is your age? A I reckon I am somewheres about forty-eight years old.

Q What is your post office address? A Muskogee, Indian Territory.

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

Q For whom do you now make application for enrollment?

A Julia Hawkins.

Q How do you represent Julia Hawkins? A By her being my nephew's daughter.

Q What is the age of Julia Hawkins? A She was a year old when she drewed that \$14.40.

Q That would make her about seven years old? A Yes, sir.

Q Is she now living? A Yes, sir; she is living.

Q Does she live with you? A She does not live with me, she lives with her mother.

Q Did she ever live with you? A She lived with me last summer, that is all.

Q She just came to visit you? A Yes, sir.

Q What is the post office of Julia Hawkins? A Well, I can't remember.

Q Has Julia Hawkins ever been recognized by the tribal authorities of the Creek Nation as a citizen thereof? A Yes, sir.

Q Has she ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Well, all I could tell is when she drawed the money.

Q Does her name appear upon the Creek tribal rolls? A Yes, sir.

Q To what town in the Creek Nation does Julia Hawkins belong?

A I said she was Canadian, but from all accounts she is on the Arkansas.

The 1895 Omitted roll of the Creek Nation, Arkansas Colored Town, examined, and the name of Julia Hawkins is found thereon at page 20.

Q Is this the first time you have ever made application for the enrollment of Julia Hawkins as a citizen of the Creek Nation?

A Yes, sir.

Q Do you know whether or not any application has heretofore been made by any one for the enrollment of Julia Hawkins as a citizen of the Creek Nation? A No.

The records of the Commission Examined and it appears therefrom that Julia Hawkins is enrolled on Old Creek Census Card No. 3180, together with her father, Babe Hawkins.

2 In Re Application of Julia Ferryman for the enrollment of her grandniece, Julia Hawkins, as a Creek Freedman.

Julia Ferryman, witness.

Examination by the Commission.

- Q What is the name of the father of Julia Hawkins? A Babe Hawkins.
Q Is he now living? A Yes, sir.
Q Is he a citizen of the Creek Nation? A Yes, sir.
Q To what town in the Creek Nation does he belong? A Arkansas Town, I believe.
Q Has he been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Babe Hawkins is listed for enrollment as a citizen of the Creek Nation on Creek Freedman Card, Field No. 1755.

- Q Was Babe Hawkins recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes, sir.
Q Does his name appear upon the Creek tribal rolls? A Yes, sir.

The 1895 Omitted roll of the Creek Nation, Arkansas Colored Town, examined, and the name of Babe Hawkins is found thereon at page 20.

- Q What is the name of the mother of Julia Hawkins? A Ella Hawkins.
Q Is she living? A Yes, sir; she is living.
Q Is she a citizen of the Creek Nation? A No, sir.
Q Is she a citizen of any nation in Indian Territory? A I couldn't tell you what she is, but she lives in the Chickasaw Nation.
Q Do you know whether or not she has been enrolled as a citizen of the Chickasaw Nation? A Not as I know of.
Q Do you know whether or not Julia Hawkins has been enrolled as a citizen of the Chickasaw Nation? A No, sir; not as I know of.
Q You are not sure whether or not Ella Hawkins is a citizen of any nation in Indian Territory? A No, sir; I don't know.
Q Where is Babe Hawkins now? A In the penitentiary in Texas.
Q How long has he been in the penitentiary in Texas? A About eight years, I guess, or seven; I don't know which.
Q Have you received a letter from Babe Hawkins recently? A Yes, sir; I received one day before yesterday.
Q And you can't recollect what his post office address is? A No, sir; I can't recollect, it is so funny.
Q Did he request you in that letter to make application for the enrollment of his daughter, Julia Hawkins? A No, sir; not in this one but the other one did, to see after his baby.
Q Where does Ella Hawkins, the mother of Julia Hawkins, now reside?
A I don't know. I never got no letter for a good while, I can't tell you just exactly where she is, but I can find out from Dave Roberts just where she is.
Q Does Ella Hawkins reside somewhere in Texas? A Not as I know of.
Q Where does Julia Hawkins reside? A I don't know.
Q How do you know that Julia Hawkins is living now? A Why I have a letter from them that she is living.
Q Whom did you get that letter from? A From the mother.
Q When did you get a letter from the mother? A That has been about a couple of weeks ago. I can bring the letter and show it to you.
Q Wasn't that letter from somewhere in Texas? A No, sir; not from Texas; a letter from the Chickasaw Nation, unless she went a few days ago; she wasn't in Texas when I got it then.
Q Has Julia Hawkins ever lived here in the Creek Nation? A No, sir; they never lived here, they just come to visit here last summer.
Q That is the only time she has ever lived in the Creek Nation?
A Yes, sir.
Q Has she heretofore lived with her mother? A Yes, sir.

3 In Re Application of Julia Perryman for the enrollment of her grandniece, Julia Hawkins, as a Creek freedman.

Julia Perryman, witness.

Examination by the Commission.

Q And you don't know where her mother lives? A The only place I know is in the Chickasaw Nation.

Q Is Babe Hawkins, the father of Julia Hawkins, a Dunn Roll descendant, or does his name appear upon the Dunn Roll? A No, sir; I don't think it does.

Q About how old is Babe Hawkins? A I couldn't tell you exactly how old he is.

Q Is he thirty years old? A He is about thirty.

The roll of Creek freedmen made by Major J. W. Dunn prior to March 14, 1867, examined, and the name of Babe Hawkins is not found thereon.

It also appears from an examination of said roll of Creek freedmen that the names of the father and mother of said Babe Hawkins are not on said roll, and that he is not a Dunn Roll descendant.

Q How did Babe Hawkins become a citizen of the Creek Nation? A By the town king putting him on, I suppose.

It appears from an examination of the records of the Commission that on the 24th day of May, 1901, said Commission rendered a decision to the effect that said Babe Hawkins was a recognized citizen of the Creek Nation, and that he should be enrolled as such, in accordance with the provisions of the act of Congress of June 28, 1898 (30 Stat., 495), and that said decision was affirmed by the Secretary of the Interior on September 23, 1902.

Q How long did you say Babe Hawkins has been in the penitentiary?

A I said I think it is about seven or eight years, if I aint mistaken.

Q Has he been there continuously for seven or eight years? A Yes, sir.

Q Was Julia Hawkins born before or after he was sent to the penitentiary? A I think it was before he went there; I couldn't tell exactly.

Q Well, how do you know that he is the father of Julia Hawkins?

A Well, he told me so, that he had a baby.

Examination by Anthony Crafton, attorney for applicant.

Q Mrs. Perryman, will you produce these letters that you have received from Babe, and also from Ella, which were referred to in your examination before the Commission? A Yes, sir; I will hunt them up and find them and bring them up here.

Q And will you write a letter to Ella Hawkins, requesting her to come up here just as soon as she can and give testimony in this case, if the Commission decides that she should come? A Yes, sir.

Examination by the Commission.

Q Do you know whether or not Babe Hawkins was married to Ella Hawkins? A That is what I can't tell; they said they were married.

Q Did you ever see Ella Hawkins more than once? A Just once.

Q Where did you see her? A Down here at home.

Q That is in Muskogee? A Yes, sir.

Q When was she here? A Last summer.

Q Did she bring this child, Julia Hawkins, with her? A Yes, sir.

4 In re Application of John Hawkins for the guardianship of his
ward, John Hawkins, an illegitimate child.

John Hawkins, Plaintiff,

vs.

John Hawkins, Defendant.

At the hearing on the above captioned case, the following testimony was given:

Commission to the applicant.

It will be necessary for you to furnish proof of the marriage of John Hawkins to Ella Hawkins, and also further proof as to the identity of the child, John Hawkins, for whom you now seek appointment.

This case is therefore continued that you may be given an opportunity to furnish such proof.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled case on the 24th day of October, 1902, and that the foregoing is a fair and correct transcript of his stenographic notes of said proceedings and on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 1st day of November, 1902, at Muskogee, Indian Territory.

W. J. Borey
Notary Public.



CR EN 271

CR

EN 271

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., October 13, 1902.

In the matter of the application of Faro Bruner, Town King of Canadian Colored Town, for the enrollment of Mary Ann and Gracie Bruner, as Creek freedmen.

Faro Bruner, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Faro Bruner.
Q What is your age? A Going on seventy-six.
Q What is your post office address? A Holdenville.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you hold any official position in the Creek Nation? A Yes, sir.
Q What position do you hold? A Town King of Canadian Town.
Q For whom do you now make application for enrollment? A For one, Mary Ann Bruner, and Gracie Bruner.
Q What is the age of Mary Ann Bruner? A I expect she is about between sixteen and seventeen.
Q What is the age of Gracie Bruner? A About two years and a half younger than Mary Ann Bruner.
Q Are Mary Ann and Gracie Bruner both now living? A Yes, sir.
Q What are their post office addresses? A Gracie Bruner would be Nowoka, and Mary Ann, Sasakwa.
Q To what town in the Creek Nation do they belong? A Canadian Colored.
Q Have they ever been recognized by the tribal authorities of the Creek Nation as citizens of said nation? A Yes, sir.
Q Have they ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A Yes, sir.
Q Do their names appear upon the Creek tribal rolls? A Yes, sir.

The 1890 authenticated tribal roll of the Creek Nation, Canadian Colored Town, examined, and the name of Mary Ann Bruner is found and identified thereon as "Mary Bruner", at page 78.

The 1890 authenticated tribal roll of the Creek Nation, Canadian Colored Town, examined, and the name of Gracie Bruner is found and identified thereon as "Gracie Bruner", at page 78.

The 1895 Omitted Pay Roll of the Creek Nation, Canadian Colored Town, examined, and the name of Mary Ann Bruner is found and identified thereon as "Mary Bruner," at page 32.

The 1895 rolls of the Creek Nation examined, Canadian Colored Town, and the name of Gracie Bruner not found thereon.

- Q Where do Mary Ann and Gracie Bruner live? A Both live in the Seminole Nation.
Q Do they make their residence there? A No, sir; they are just with their people.
Q How long have they lived in the Seminole Nation?
Q How long have they lived in the Creek Nation? A Yes, sir.
Q How long did they ever live in the Creek Nation? A Mary Ann never lived in the Creek Nation with Faro Bruner two years or more; Gracie never lived in the Creek Nation.

In the Application of Faro Bruner, Your King, for the enrollment of Mary Ann and Gracie Bruner as Creek Freedmen.

Faro Bruner, witness.

Examination by Commission.

- Q Mary Bruner, then, has lived in the Seminole Nation all her life, except the two years she resided with you? A Yes, sir.
- Q Are Mary Ann Bruner and Gracie Bruner full sisters? A Half-sisters, same mother but different father.
- Q What is the name of the father of Mary Ann Bruner? A Bob Bruner.
- Q Is he living? A Yes, sir.
- Q Is he a citizen of the Creek Nation? A No, sir.
- Q Is he a citizen of any nation in Indian Territory? A A citizen of the Seminole Nation.
- Q What is the name of the father of Gracie Bruner? A Joe Bruner.
- Q Is he living? A No, sir.
- Q Was he a citizen of the Creek Nation? A No, sir.
- Q Was he a citizen of any nation in Indian Territory? A A citizen of the Seminole Nation.
- Q How long has Joe Bruner been dead? A He died years ago.
- Q What is the name of the mother of Mary Ann and Gracie Bruner? A Jeannetta.
- Q Is she living? A No, sir.
- Q About how long has she been dead? A She died about two years after the \$29 pay roll.
- Q The \$29 payment was made in 1890: And she died about the year 1892? A Yes, sir.
- Q To what town in the Creek Nation did she belong? A Canadian Colored.
- Q Was Jeannetta Bruner recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes, sir.
- Q Was she ever enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
- Q Does her name appear upon the Creek tribal rolls? A Yes, sir.

The 1890 authenticated tribal roll of the Creek Nation, Canadian Colored Town, examined, and the name of Jeannetta Bruner is found and identified thereon at page 77, as "Jannatter Bruner".

- Q Does the name of Jeannetta Bruner appear upon the Dunn roll? A I don't know.
- Q Did you ever know Jeannetta Bruner by any other name? A No, sir.
- Q Have Mary Ann Bruner and Gracie Bruner any sisters that have been enrolled by the Commission as citizens of the Creek Nation? A Yes, sir.
- Q What are their names? A Melisha Barnett and Susie Bruner.
- Q Was Jeannetta Bruner the mother of Melisha Barnett and Susie Bruner? A Yes, sir.

The records of the Commission examined and it appears therefrom that Susie Bruner and Melisha Barnett are listed for enrollment as citizens of the Creek Nation on Creek Freedmen Cards, Field Nos. 1324 and 1479, respectively.

It also appears from an examination of said Creek Freedmen Cards, Field Nos. 1324 and 1479, that Jeannetta Bruner was recognized by the Commission as the mother of Melisha Barnett and Susie Bruner, and that her name is thereon identified as appearing on the roll of Creek freedmen made by Major J. W. Dunn, prior to March 14, 1867, at No. 181, as "Jennie Fire".

3 In Re Application of Faro Bruner, Tom King, for the enrollment of Mary Ann and Gracie Bruner as Creek freedmen.

Faro Bruner, witness.

Examination by the Commission.

- Q Is this the first time that application has ever been made to the Commission for the enrollment of Mary Ann and Gracie Bruner, as citizens of the Creek Nation? A No, sir.
- Q When has there heretofore been application made for their enrollment? A I made application two years ago.
- Q What did the Commission tell you at that time, in regard to the application made for their enrollment? A Give them a chance, they wanted to consider it.
- Q Did they give you any reason why these children were not enrolled? A No, sir.
- Q Mary Ann and Gracie Bruner are no kin of yours? A My nephew's children.
- Q You never appeared before the Commission with a Power of Attorney to make application for their enrollment? A No, sir.
- Q You never were appointed guardian of either one of these children? A Not legal guardian.
- Q The only interest you have in their enrollment is as town officer of Canadian Colored Town? A Yes, sir.
- Q Are either one of these children, for whom you now make application, married? A No, sir.
- Q Who does Mary Ann Bruner live with now? A Living with her father.
- Q What is her father's name? A Bob Bruner, living in the Seminole Nation.
- Q Who does Gracie Bruner live with now? A Her auntie.
- Q What is her auntie's name? A Rachael Bruner.
- Q She is also a citizen of the Seminole Nation? A Yes, sir.
- Q Have you ever made any formal application to the Commission for the enrollment of these children before this time? A No, sir.

The records of the Commission examined and it appears therefrom that no application was made for the enrollment of Mary Ann and Gracie Bruner, as citizens of the Creek Nation, prior to May 25, 1901.

- Q Are there any additional statements you desire to make at this time for the enrollment of Mary Ann and Gracie Bruner, as citizens of the Creek Nation? A I want them enrolled.

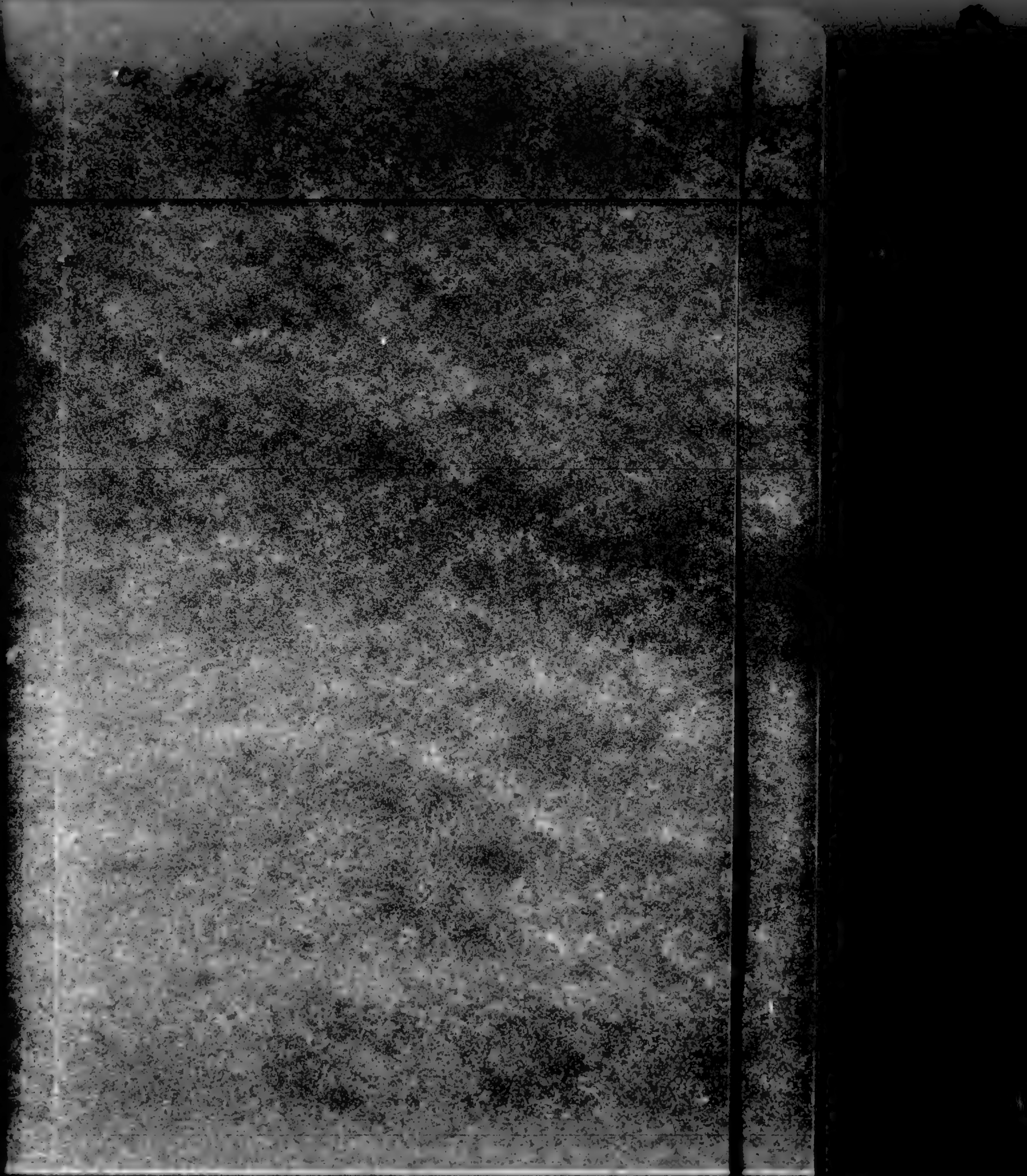
You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application you make at this time for the enrollment of Mary Ann Bruner and Gracie Bruner, as Creek freedmen, which will be mailed to you at your proper post office address as given by you in your testimony taken at this time.

Oliver C. Hinkle, being first duly sworn, upon his oath and status, that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 13th of October, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle

Subscribed and sworn to before me this 8th day of November, 1902, at Muskogee, Indian Territory.

W. J. Brown
Notary Public.



3. In Re Application for the enrollment of Parsena Ceasar as a Creek freedman.

Had Ceasar, witness.

Examination by the Commission.

- Q Did she ever live outside of the Creek Nation? A No, sir.
Q Is this the first time you ever made application for the enrollment of Parsena Ceasar as a citizen of the Creek Nation? A Yes, sir, this is the first time. I made application--I tried to make it, you know, before, then they put me off, and you said it was an unlawful child, and when I come before you since, you find it on the day of it, it may have a chance to put it on.
Q What is her name? A Parsena Ceasar.
Q How long have you been married to her? A About twelve years, I think.
Q Have you lived with your present wife continuously since you were married? A Yes, sir.
Q Do you recollect when the Commission first went around in the Creek Nation and enrolled Creek citizens? A I believe I do.
Q Did you come to the court house in 1898 and make application for the enrollment of yourself and wife, Annia, and daughter Parsena, as citizens of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Parsena Ceasar was enrolled on old Creek Census Card, Field No: 626, under the name of "Parsenna Ceasar" in 1898, and that thereafter her enrollment was denied by the Commission, for the reason that she is an illegitimate child of a noncitizen mother.

Q Are there any additional statements you desire to make at this time with reference to your application for the enrollment of your child, Parsena Ceasar, as a Creek freedman? A Don't say anything further except that I think she ought to have a right because I have a right.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you for the enrollment of your minor child, Parsena Ceasar, as a Creek freedman, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Witness excused.

Oliver C. Hinkle, being first duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause on the 13th day of October, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle

Subscribed and sworn to before me this 8 day of November, 1902, at Muskogee, Indian Territory.

H. J. Bowen
Notary Public.

Copy

Creek P 1852.

Muskogee, Indian Territory, February 2, 1903.

Ed Caesar,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has duly listed for enrollment your minor child, Parsena Caesar, as a Creek freedman, and you will now be permitted to make a selection of land in the Creek Nation for her upon application to the Commission at its office in Muskogee, Indian Territory.

Respectfully,

Acting Chairman.

CR EN 273





[REDACTED]

[REDACTED]

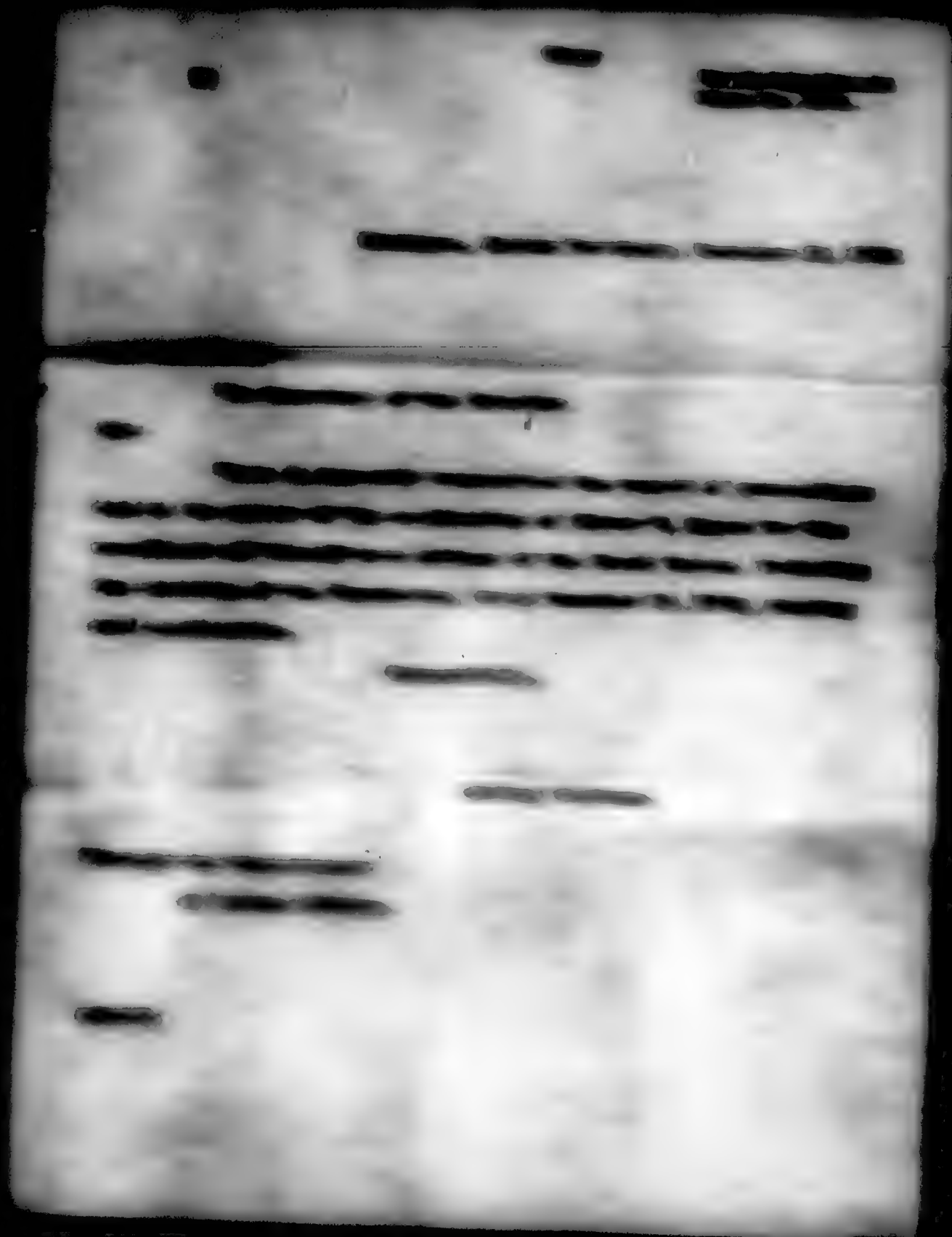
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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Great Migration
Case No. 276.

Langage, Indian Territory, December 22, 1902.

Mr. [Name]

[Address]

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Creek Nation. The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Registered.

Creek Enrollment
Case No. 273

Muskogee, Indian Territory, December 18, 1902.

Attorney for Oliver W. Hayes,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Oliver W. Hayes for the enrollment of himself as a citizen of the Creek Nation. The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

OCH-71.

COPY
Greek Enrollments
Case No. 872

Muskogee, Indian Territory, December 23, 1905.

F. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Oliver W. Hayes for the enrollment of himself as a citizen of the Creek Nation. The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Washington, March 10, 1903

The Honorable

The Secretary of the Interior

Sir:

There is transmitted herewith report from the General
Chairman of the Commission to the Five Civilized Tribes, dated
December 22, 1902, forwarding the record relative to the appli-
cation of Oliver W. [redacted] for enrollment as a citizen of the
Creek Nation.

December 17, 1902, the commission held that the applicant
was not entitled to enrollment. He applied for enrollment
under section 20 of the Creek agreement ratified May 23, 1891.

From the record it appears that the applicant is and has
been all his life a resident of the State of Texas and that he
is not a full blood Creek Indian. It further appears that he
has never been enrolled by the tribal authorities, the commis-
sion or the court and that his name does not appear upon any of
the tribal rolls in the possession of the commission.

He is not, therefore, entitled to enrollment under the pro-
visions of section 20 of the Creek agreement.

The approval of the Bureau's decision adverse to him is
recommended.

DEPARTMENT OF THE INTERIOR

WASHINGTON

Feb 25 1903

March 10 1903

RECEIVED
MAR 10 1903
U.S. DEPT. OF THE INTERIOR

Commissioner of the General Land Office

December 24, 1902. The undersigned has received notice of the application for enrollment of Oliver [Name] as a citizen of the Creek Nation under section 22 of the act of March 1, 1902 (31 Stat., 861), which provides that the Commission shall have authority to enroll the families of full-blood Creeks who now reside in Texas.

The evidence shows that the applicant has all his life been a resident of the State of Texas, and that he claims to be one-fourth blood Creek. He has never been recognized or enrolled as a citizen of the Creek Nation. You denied the application December 24, 1902.

The Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his communication of March 20, 1903, is inclosed herewith.

The Department is of the opinion that the action is warranted.

Very truly yours,

RECEIVED
MAR 10 1903
U.S. DEPT. OF THE INTERIOR

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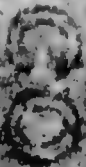
Enigma Machine, Serial No. 1000

THE ENIGMA MACHINE IS A
TYPE OF ROTOR MACHINE, WHICH
USES A SET OF ROTORS TO
ENCRYPT AND DECRYPT MESSAGES.
THE ROTORS ARE TURNED
FORWARD ONE LETTER FOR
EACH LETTER OF THE MESSAGE.



ENIGMA

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You are advised that the Government of the State of New York, through the Department of Taxation and Finance, is conducting a program to identify and locate taxpayers who have not filed returns for the years 1992 through 1995. If you have not filed a return for any of these years, you should file a return as soon as possible to avoid the imposition of penalties and interest.

Respectfully,

Director

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 22, 1906. LLS GK

L. D. 2662-1906
2647-1906

ERS

Commissioner to the Five Civilized Tribes,

McIntosh, Indian Territory.

Sir:

~~Motion to reconsider the decision of the~~
rehearing in the matter of the application of Oliver W. Hayes for enrollment as a citizen of the Creek Nation, wherein the Department on March 30, 1906, affirmed the decision of the Commission to the Five Civilized Tribes dated December 19, 1902, denying said application.

Said motion is consolidated with a motion for a rehearing in the matter of the applicant's father, Laton McIntosh, alias Frank P. Hayes.

The Department has carefully examined the original record in said case in connection with the affidavits submitted upon said motion, and finds no reason to disturb its decision of March 30, 1906, denying the application for the enrollment of Oliver W. Hayes as a citizen of the Creek Nation, to which decision the Department still adheres. Motion for rehearing is denied.

Respectfully,

Joseph E. Wilson

Assistant Secretary

Through the Commissioner
of Indian Affairs

REPLY BY MAIL TO THE COMMISSIONER

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 10, 1906.

Oliver W. Hayes,
593 Ruth Street,
Dallas, Texas.

Dear Sir:

You are hereby advised that under date of June 22, 1906, the Secretary of the Interior denied the motion for rehearing filed with the Department March 10, 1906, in the matter of the application for your enrollment as a citizen of the Creek Nation.

Respectfully,

W. O. Beall

Acting Commissioner.

Muskogee, Indian Territory, July 10, 1906.

M. L. Nett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of June 22, 1906, the Secretary of the Interior denied the motion for rehearing filed with the Department March 10, 1906, in the matter of the application for the enrollment of Oliver W. Hayes, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 10, 1906.

A. S. McRae,

Attorney for Oliver W. Hayes,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of June 22, 1906, the Secretary of the Interior denied the motion for rehearing filed with the Department March 10, 1906, in the matter of the application for the enrollment of Oliver W. Hayes, as a citizen of the Creek Nation.

Respectfully,

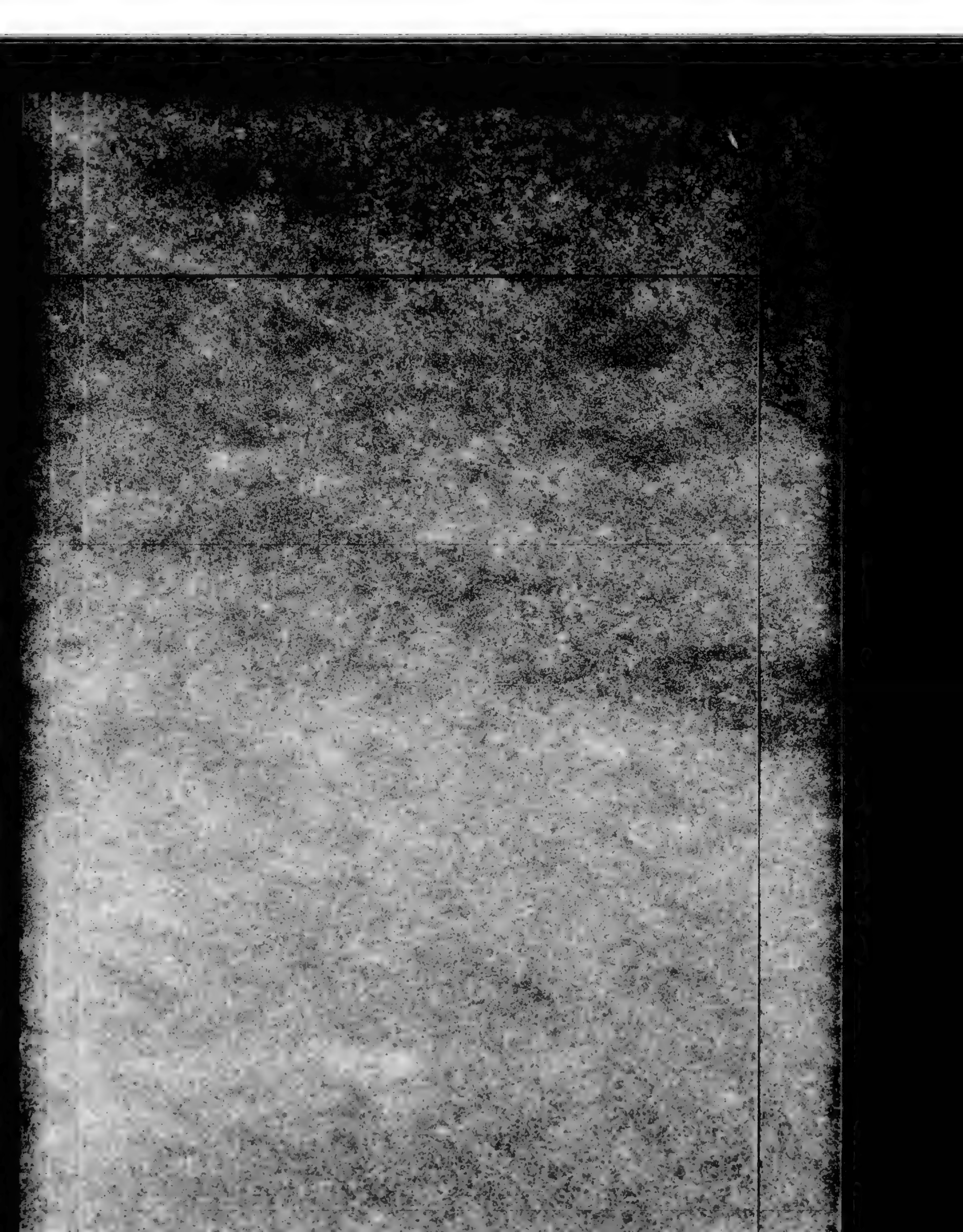
Commissioner.

Muskogee, I. T. February 28, 1906.

Received of Commissioner to the Five Civilized Tribes
this date copies of testimony in the following Creek enrollment
cases:

No. 273, Oliver W. Hayes,
No. 279, George A. Hayes,
No. 278, Jefferson A. Hayes.

M. H. E. L. S.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., October 16, 1906.

In the matter of the application of Fannie Adkins for the enrollment of her minor child, Willie Adkins, as a Creek Freedman.

Appearances: H. C. Reed, attorney for Creek Nation.

Fannie Adkins, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Fannie Adkins.
Q What is your age? A Twenty-nine.
Q What is your post office address? A Chesotah.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Fannie Adkins is listed for enrollment as a citizen of the Creek Nation on Creek Freedmen Card, Field No. 3181.

- Q For whom do you now make application for enrollment?
A For this baby here.
Q What is the name of your baby? A Willie Adkins.
Q Is this baby a girl or a boy? A It is a girl.
Q How old is she? A She is seventeen months old.
Q When was she born? A Born the 12th day of May, 1904.
Q Are you the mother of Willie Adkins? A Yes, sir.
Q To what town in the Creek Nation do you belong? A Hickory Ground Town.
Q Did you ever draw any money from the Creek Nation? A No, sir.
Q Does your name appear upon the Creek tribal rolls? A Yes, sir.
Q What was your name before you were married? A Snowden.

The 1890 and 1895 authenticated tribal rolls of the Creek Nation examined and the name of Fannie Adkins or Fannie Snowden not found thereon.

- Q What is the name of the father of Willie Adkins?
A William Adkins.
Q Is he a citizen of the Creek Nation? A No.
Q Is he living? A Yes, sir.
Q Is he a citizen of any nation in Indian Territory? A No, sir; he is not a citizen.
Q What is the name of your mother? A Bettie Snowden.
Q Is she a citizen of the Creek Nation? A Yes, sir.
Q Is her name on the Creek tribal rolls? A Yes, sir.
Q Did she ever draw any money from the Creek Nation?
A Yes, sir; I guess she has.

The 1890 and 1895 authenticated tribal rolls of the Creek Nation examined and the name of Bettie Snowden not found thereon.

- Q Is your mother's name on the Dunn Roll? A Yes, sir.

The roll of Creek freedmen made by Major J. W. Dunn prior to March 14, 1867, examined, and the name of the mother of Fannie Adkins found and identified thereon as "Beagel Steadham", No. 1212.

Q Is the application of Fannie Adkins for the enrollment of her minor child, Willie Adkins, as a Creek freedman.

Fannie Adkins, witness.

Examination by the Commission.

- Q What is the name of your father? A Charley Snowdon.
Q Is he a citizen of the Creek Nation? A No, sir.
Q Where do you live? A Edge in Checotah.
Q How long have you lived at Checotah? A About two weeks.
Q Where did you live before you came to Checotah?
A I lived out in the country, about four miles west of town.
Q How long did you live there? A I lived there about four years.
Q Was this child, Willie Adkins, born at your place four miles west of Checotah? A Yes, sir.
Q What are the names of your neighbors there? A Tommy Thompson, Henry Thompson his brother, Henry Phelps--he has moved, I don't know where.
Q Do you know the nature of an oath? A No, sir; I don't.
Q Do you know what the consequences are if you swear to something that is not true? A I knew if there is anything wrong, there would be trouble, but I know I am all right.
Q Do you know that if you swear to something that is not true, that you are liable to imprisonment in the penitentiary? A Yes, sir; I know that.
Q Can you now swear positively that this child of yours, Willie Adkins, was born on the 12th day of May, 1901? A Yes, sir.

Witness excused.

Ira Wilson, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Ira Wilson.
Q What is your age? A I am about seventy years old.
Q What is your post office address? A Checotah.
Q Are you a citizen of the Creek Nation? A No, sir.
Q Do you know Fannie Adkins? A Yes, sir.
Q Is she the person who has just made application for the enrollment of her child, Willie Adkins, as a Creek freedman? A Yes, sir.
Q How long have you known her? A I have known her about three years, lived with her one year.
Q Has she a child by the name of Willie Adkins? A Yes, sir.
Q How long is it since you were living at Fannie Adkins' house?
A Well, I moved from there just before Christmas.
Q That was last Christmas? A Yes, sir.
Q How long did you live there at Fannie Adkins' house?
A Lived there mighty high a year.
Q Was this child, Willie Adkins, born while you were there?
A Yes, sir; lived right in the house with them when it was born.
Q When was Willie Adkins born? A Born in May, about the 6th or 7th, somewhere along there.
Q How do you know it was on the 6th or 7th of May? A Because I heard them talking about it, you know, all of them when it was born, and my father was putting it down in his book--Adkins.
Q Were you picking cotton when this child was born? A No, sir.
Q Was cotton nearly open? A Yes, sir; mighty high open.
Q Well, had you begun picking cotton when this child was born?
A No, sir; we hadn't commenced yet, because we all planted late.
Q Well, how long before cotton was open? A There was none open out our way.
Q Were you chopping cotton when this child was born? A No, sir.
Q Was cotton grown up high? A Yes, sir; grown up pretty high.

To be appointed as Fannie Adkins for the enrollment of her child, Willie Adkins, as a Creek Indian.

Ira Wilson, witness.

Examination by the Commission.

Q Was it in the bulb? A Yes, sir; commenced, making about half way.
Q All you know about the date of the birth of this child is what you were told? A Yes, sir; I was right there in the yard, heard them talking about it. I was right there the day it was born. I was right out in the yard when the daddy came there and told me.
Witness excused.

Josephine Wilson, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your full name? A Josephine Wilson.
Q What is your age? A Twenty-three.
Q What is your post office address? A Checotah.
Q Are you a citizen of the Creek Nation? A No, sir.
Q Do you know Fannie Adkins? A Yes, sir.
Q Has she a child by the name of Willie Adkins? A Yes, sir.
Q How old is Willie Adkins? A Why, it was born the 12th of May, 1901.
Q How do you know it was born on the 12th day of May, 1901?
A I was there when it was born.
Q Were you living with Fannie Adkins at the time it was born?
A Yes, sir.
Q Were you working for her? A No, sir; I was just living there in the house with her, my father was making a crop there.
Q Were you there picking cotton? A No, sir; it wasn't cotton picking time yet.
Q Cotton was pretty well along, wasn't it? A Yes, sir; some cotton was.
Q Well, did you go there to pick cotton? A No, sir.
Q How long had you been living with Fannie Adkins when this child was born? A About two months.
Q How long did you remain there? A Remained there about a month after it was born.
Q Where did you go to then? A I went down on Deep Fork, after I left there.
Q To whom did you go to on the Deep Fork after you left Fannie Adkins'? A Shep Woodfork.
Q What is Shep Woodfork's post office address? A Checotah.
Q Which direction does he live from Checotah? A South-west.
Q How far from Checotah? A They call it about seven miles.
Q Did you go there to pick cotton? A No, sir.

Examination by H. G. Reed, attorney for Creek Nation.

Q What relation are you to Fannie Adkins? A None at all.
Q When you staid there, was you hired to her? A No, sir.
Q Did you cook while you were there? A Yes, sir; sometimes.
Q Had they get through laying by the corn crop when the child was born? A No, sir.
Q How high was corn at that time? A Why some corn was knee high and some wasn't quite so high.
Q How high was the biggest corn? A About knee high.
Q What year that was? A 1901.

Witness excused.

4. In Re Application of Mamie Adkins for the enrollment of her minor child, Willie Adkins, as a Creek Freedman.

Mamie Adkins, being recalled, testified as follows:

Examination by the Commission.

Q Have you filed with the Commission a birth affidavit in the matter of the application for the enrollment of your child, Willie Adkins? A Yes, sir.

The records of the Commission examined and it appears therefrom that there was filed with the Commission a birth affidavit in the matter of the application for the enrollment of Willie Adkins, as a citizen of the Creek Nation, August 18, 1902, which affidavit is marked Exhibit "A" and made a part of the record.

Q Are there any other statements that you desire to make at this time in regard to the application for the enrollment of your minor child, Willie Adkins, as a citizen of the Creek Nation? A No, sir; I hav'n't anything more to say.

Commission to the applicant.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application you now make for the enrollment of your minor child, Willie Adkins, as a citizen of the Creek Nation, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Oliver C. Hinkle, being first duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause on the 15th day of October, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings thereof.

Oliver C. Hinkle

Subscribed and sworn to before me this 8th day of November, 1902, at Muskogee, Indian Territory.

H. A. Bone
Notary Public.

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

In the matter of the application for the enrollment of Willis Adkins as a Creek freedman.

D E C I S I O N .

The record in this case shows that on October 15, 1902, Fannie Adkins appeared before the Commission and made application for the enrollment of her minor child, Willie Adkins, as a Creek freedman.

The evidence shows that said Willie Adkins was born May 12, 1901; that she is the child of Fannie Adkins and that she was living at the date of the application herein.

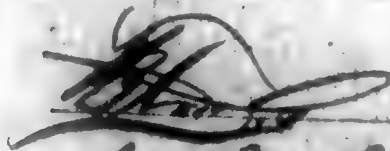
The records of the Commission show that the name of Fannie Adkins is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 28, 1902, Number 4128.

It is, therefore, the opinion of the Commission that said Willie Adkins should be enrolled as a Creek freedman in accordance with the provisions of the acts of Congress, June 30, 1902 (32 Stats., 800), and it is so ordered.

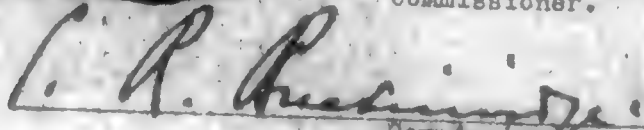
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Commissioner.

Dated at Muskogee, I.T.

June 13, 1904

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

In the matter of the application for the enrollment of Willie Adkins as a Creek freedman.

D E C I S I O N .

The record in this case shows that on October 15, 1902, Fannie Adkins appeared before the Commission and made application for the enrollment of her minor child, Willie Adkins, as a Creek freedman.

The evidence shows that said Willie Adkins was born May 12, 1901 that she is the child of Fannie Adkins and that she was living at the date of the application herein.

The records of the Commission show that the name of Fannie Adkins is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 22, 1902, Number 4122.

It is, therefore, the opinion of the Commission that said Willie Adkins should be enrolled as a Creek freedman in accordance with the provisions of the acts of Congress, June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.



Commissioner.



Commissioner.

Commissioner.

Dated at Muskogee, I. T.

June 13, 1904

Waukegan, Indian Territory, June 20, 1901.

Secretary for Creek Nation,
Waukegan, Indian Territory.

Sir:

There is inclosed herewith a copy of the Resolution of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Willie Atkins as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof in which to protest against said decision, and if at the expiration of that time no such protest has been made, said Willie Atkins will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

DCS-2-14-1.

June 20

Checutah J.F.

Wednesday 11th

In the presence
of the fine civilized tribe of the Indian land
here is the true witness of the man I was
you about knew the birth of my baby through birth
24 May 1901 Melan Hornaron Witness

J. R. Johnson

Johnson

will do this

157
Creek No. 274

Muskogee, Indian Territory, January 4, 1905.

Dear Sir:

You are advised that the name of your daughter, Wilma
Laine, is contained in a partial list of Creek Freedmen approved
by the Secretary of the Interior on December 24, 1904, and that
application for a selection of land in the Creek Nation may now
be made for her at the office of the Commissioner, at Muskogee,
Indian Territory.

Respectfully,

Chairman.

Creek No. 289

Muskogee, Indian Territory, January 24, 1902.

Mr. P. Curtis,

Principal Chief of the Creek Nation,

Muskogee, Indian Territory.

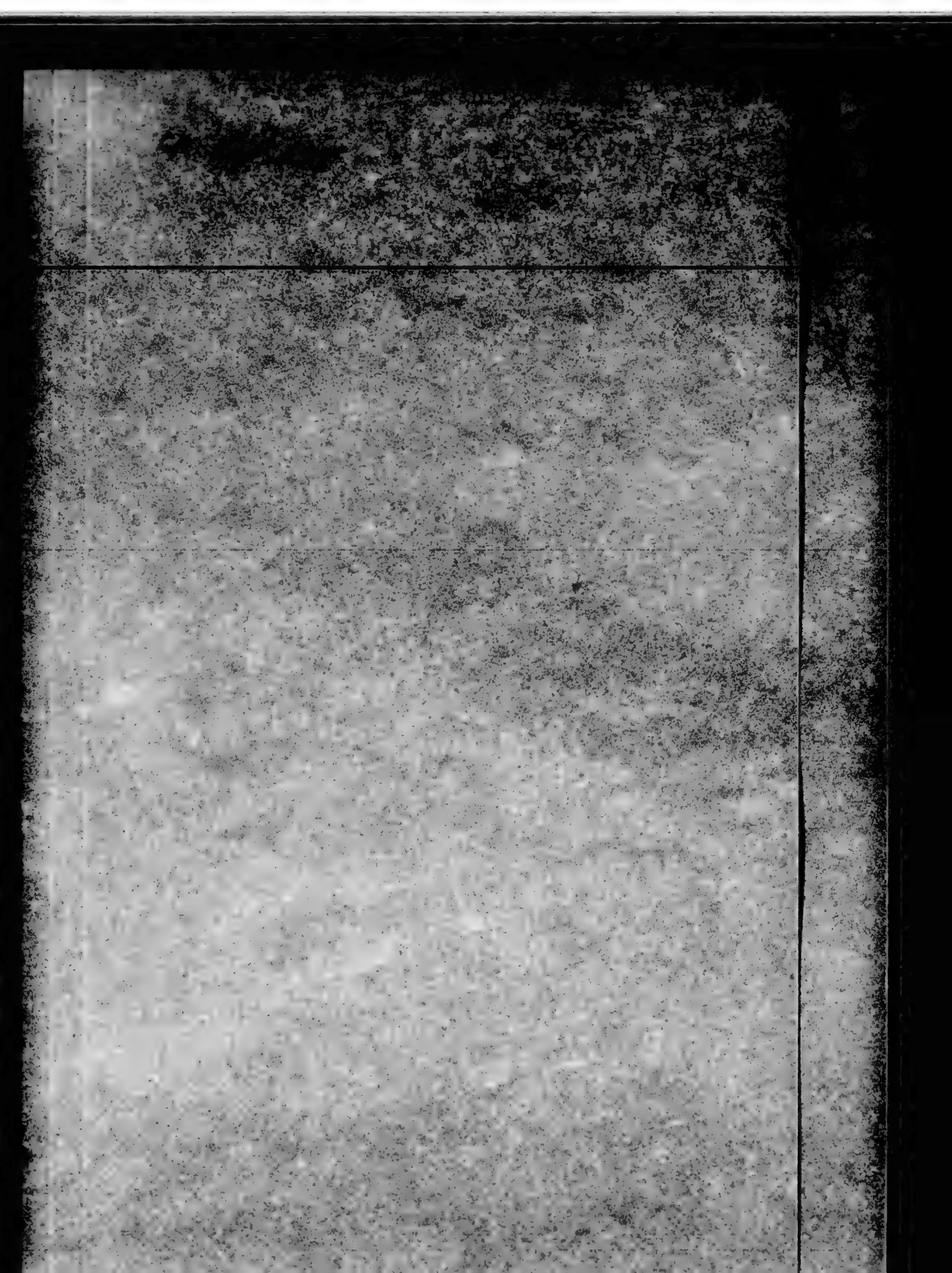
You are hereby advised that on October 18, 1901, Fannie Adkins, whose post office address is given as Chasco, Indian Territory, appeared before the Commission and made application for the enrollment of her minor child, Willie Adkins, as a citizen of the Creek Nation.

You are further advised that the name of Fannie Adkins is embraced in a partial roll of Creek freedmen approved by the Secretary of the Interior, March 25, 1902.

As an applicant on file with the Commission, it appears that your child was born May 27, 1901, but the record in the case is such that the Commission is not satisfied with the proof of birth furnished, and desires such evidence relative to his right to enrollment as the Creek Nation may be able to produce.

Respectfully,

Acting Chairman.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskege, Ind.Ter., October 16, 1902.

In the matter of the application of George A. Hayes for the enrollment of himself as a citizen of the Creek Nation, under the provisions of the Creek Agreement ratified by the Creek National Council, May 28, 1901.

Appearances: A. B. McRae, attorney for applicant.

George A. Hayes, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A George Archie Hayes.
Q What is your age? A Twenty-three.
Q What is your post office address? #230 Adams street, Dallas, Texas.
Q Did you ever live in the Creek Nation? A No, sir.
Q Have you lived in Texas all your life? A Yes, sir.
Q You make application for enrollment as a citizen of the Creek Nation, by deed, under the provisions of the Creek Agreement, ratified by the Creek National Council, May 28, 1901? A Yes, sir.
Q Are you a full-blood Creek Indian? A No, sir.
Q What degree of Creek Indian blood do you claim? A From my father's side, grand-father.
Q Do you know what degree of Creek blood you have? A About one-fourth.
Q What is the name of your father? A Frank P. Hayes.
Q Is he living? A Yes, sir.
Q Does he also live in Texas? A Yes, sir.
Q Is he a full-blood Creek Indian? A No, sir; he would be a half breed.
Q What is the name of your mother? A May Hayes.
Q Is she living? A Yes, sir.
Q Is she a full-blood Creek Indian? A No, sir.
Q Is she a colored woman? A Yes, sir.
Q Is she a citizen of the United States? A Yes, sir.
Q Are you married? A Yes, sir.
Q Have you any children? A No, sir.
Q Your wife claim any rights in the Creek Nation? A No, sir.
Q Is she a United States citizen? A Yes, sir.
Q Have you ever been recognized by the Creek tribal authorities as a citizen of the Creek Nation? A No, sir.
Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A No, sir.
Q Does your name appear upon the Creek tribal rolls? A No, sir.
Q Did you ever draw any money from the Creek Nation? A No, sir.
Q Do you belong to any Creek Indian town? A No, sir.

is not found therein.

The 1892 and 1898 Enrolled Pay Rolls of the Creek Nation examined and the name of George A. Hayes is not found therein.

1. The application of George A. Hayes for citizenship as a citizen by blood of the Creek Nation.

George A. Hayes, witness.

Examination by the Commission.

Q. Is your name on the list of Creek Indians from Texas, approved by the Creek National Council on October 26, 1900? A. No, sir.

The act of the Creek National Council, adopted October 23, 1900, and approved October 24, 1900, as amended, and the name of George A. Hayes not found thereon.

Q. The only claim to you make to citizenship in the Creek Nation? A. No, sir.

Examination by A. S. McRea, attorney for applicant.

Q. Hayes, is the Frank P. Hayes you refer to as being your father the same person who made application, August 6, 1902, for enrollment as a citizen of the Creek Nation, and who resided in the State of Texas? A. Yes, sir.

Q. One and the same person? A. Yes, sir.

Q. Then, whatever benefits or rights that you may have you get through your father, Frank P. Hayes? A. Yes, sir.

Q. Did you ever see your grandmother in her lifetime? A. No, sir.

Examination by the Commission:

Q. Are there any other statements you desire to make at this time with reference to the application you now make for the enrollment of yourself as a citizen of the Creek Nation, under the provisions of the Creek National Council, by the Creek National Council of the 26th of October, 1901? A. No, sir.

Commission to applicant.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application you now make for the enrollment of yourself as a citizen by blood of the Creek Nation, under the provisions of the Creek Agreement ratified by the Creek National Council, May 28, 1901, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Oliver C. Hinkle, being first duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled case on the 19th day of October, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle

Subscribed and sworn to before me this 5th day of November, 1902, at Muskogee, Indian Territory.

W. J. Moore
Notary Public.

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

In the matter of the application of George A. Mayes for enrollment as a citizen of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on October 15, 1902, George A. Mayes appeared before this Commission and made application for the enrollment of himself as a citizen of the Creek Nation, under the provision of section 29 of the Creek agreement ratified by the Creek National Council, May 25, 1901, (31 Stat. L., 861), which provides that the Commission shall have authority to enroll "the families of full-blood Creeks who now reside in Texas,"

It also appears that said George A. Mayes is, and has been all his life, a resident of the State of Texas, and that he is not a full-blood Creek Indian.

It further appears that said applicant has never been recognized as a citizen of the Creek Nation by the tribal authorities thereof, and that his name does not appear upon the tribal rolls of the Creek Nation now in possession of the Commission.

It is therefore the opinion of this Commission, that the application of George A. Mayes for the enrollment of himself as a citizen of the Creek Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this 25 day of November, 1902.

COPY

Creek Enrollment
Case No. 275.

Muskogee, Indian Territory, November 25, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of George A. Mayas for the enrollment of himself as a citizen of the Creek Nation, including the decision of the Commission, dated November 25, 1902, denying said application.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

OCH-67.

0077

Creek Enrollment
Case No. 275.

Mustoge, Indian Territory, November 28, 1902.

George A. Hayes,
4222 Glass Street,
Dallas, Texas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Creek Nation. The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Register.

OOH-64.

COPY

Creek Enrollment
Case No. 275.

Muskogee, Indian Territory, November 25, 1902.

A. S. McRea, Esq.,

Attorney for George A. Hayes,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of George A. Hayes for the enrollment of himself as a citizen of the Creek Nation. The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

OCH-66.

COPY

Creek Enrollment
Case No. 275.

Muskogee, Indian Territory, November 25, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of George A. Mays for the enrollment of himself as a citizen of the Creek Nation. The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

OCH-66.

"COPY"

Refer in reply to
the following:

Land
70986-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

WASHINGTON, December 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Acting Chairman of the Commission, dated November 25, 1902, forwarding for the Department's consideration, the memorandum relative to the application of George A. Mayes for enrollment as a citizen of the Creek Nation.

The applicant appeared before the Commission and made application for enrollment under the provisions of section 29 of the Creek agreement, which provides that the Commission shall have authority to enroll the families of full blood Creek Indians "who now reside in Texas". The applicant has resided in Texas all of his life and he is a quarter blood Indian. Under the provisions of section 29 of the agreement he is not entitled to enrollment. It is therefore respectfully recommended that the decision of the Commission of November 25, 1902, rejecting the applicant, be approved.

Very respectfully,

W. A. JONES

G.A.W.(B)

Commissioner.

Copy.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

IAF.

ITD. 7559-1902.

December 26, 1902.

MR.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 25, 1902, you transmitted the record in the matter of the application for enrollment of George A. Mayes as a citizen of the Creek Nation, under the provision of section 29 of the act of March 1, 1901 (31 Stat., 861), which provides that the Commission shall have authority to enroll "the families of full-blood Creeks who now reside in Texas."

The evidence shows that applicant has always been and now is a resident of Texas and that he is not a full blood Creek Indian; that he has never been enrolled or recognized as a Creek citizen. On November 25, 1902, you denied the application.

Forwarding the papers December 5, 1902, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

COPY

Creek En.275.

Muskogee, Indian Territory, January 6, 1903.

George A. Meyer,

230 Alamo street,

Dallas, Texas.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of December 26, 1902, affirmed the decision of the Commission, dated November 25, 1902, denying the application made by you for the enrollment of yourself as a citizen of the Creek Nation.

Respectfully,

Acting Chairman.

Registered.

21:

No. 22071074

Washington, D.C., August 11, 1900

Dear Sir:

Your letter to the Secretary of the Interior, dated July 11, 1900, has been referred to this office for consideration and disposition. It is stated that August 6, 1900, you sent letters to the Commission and sought the rights of persons and your names were Jeff, George, Oliver, Ellis, William and F. A. Meyer, as Indians by blood, that the Commission recognized you as a citizen but failed to give you your right as such.

On August 9, 1900, you made application for the benefits of person and your names were Ellis, William and F. A. Meyer, as citizens by blood of the Creek Nation; that you applied for the same by the Commission December 1, 1900, and that the rights of the Commission was granted by the Secretary of the Interior January 7, 1901.

Ellis F. Meyer and application for citizenship as a citizen of the Creek Nation, dated July 11, 1900. His application was granted by the Commission December 11, 1900, and the benefits granted by

By En 275

Langhoo, Indian Territory. March 21, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

March 19, 1906, there was received at this office, by reference from the Department, under date of March 15, 1906, for report and recommendation, a letter written by Messrs. Donovan & Grissel addressed to the Secretary of the Interior, stating that a motion for rehearing in the Creek enrollment case of George A. Mays, et al., was enclosed therewith.

You are respectfully advised that said motion was not enclosed with the above described letter.

Respectfully,

Through the Commissioner
of Indian Affairs.

Acting Commissioner.

Muskogee, Indian Territory, July 10, 1906.

George A. Hayes,
220 Alamo Street,
Dallas, Texas.

Dear Sir:

You are hereby advised that under date of June 28, 1906, the Secretary of the Interior denied the motion for rehearing filed with the Department March 10, 1906, in the matter of the application for your enrollment as a citizen of the Creek Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 10, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of June 22, 1906, the Secretary of the Interior denied the motion for rehearing filed with the Department March 10, 1906, in the matter of the application for the enrollment of George A. Hayes, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 10, 1906.

A. G. ...
Attorney for George A. Hayes,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of
June 22, 1906, the Secretary of the Interior denied
the motion for rehearing filed with the Department March
10, 1906, in the matter of the application for the enroll-
ment of George A. Hayes, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 22, 1906 LLB GR

I.T.D. 7859-1902
2847-1906

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

March 16, 1906, there was filed with the Department motion for a rehearing in the matter of the application of George A. Mayes for enrollment as a citizen of the Creek Nation, wherein the Department on December 26, 1902, affirmed the decision of the Commission to the Five Civilized Tribes dated November 25, 1902, denying said application.

Said motion is consolidated with a motion for a rehearing in the matter of the applicant's father, Laton McIntosh, alias Frank P. Mayes.

The Department has carefully examined the original record in said case in connection with the affidavits submitted upon said motion, and finds no reason to disturb its decision of December 26, 1902, denying the application for the enrollment of George A. Mayes as a citizen of the Creek Nation, to which decision the Department still adheres. Motion for rehearing is denied.

Respectfully,

Jesse E. Wilson

Assistant Secretary

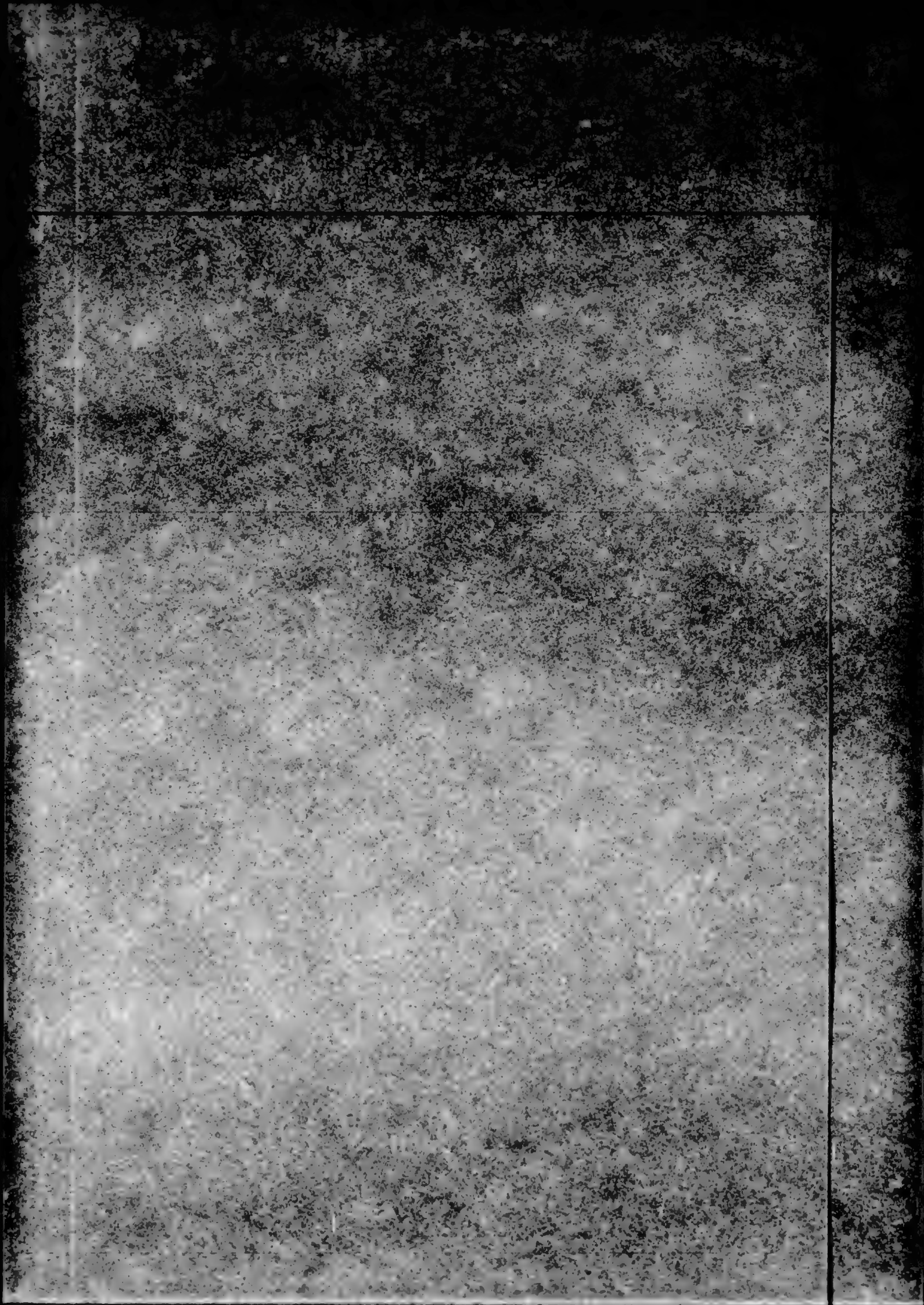
Through the Commissioner
of Indian Affairs.

Muskogee, I. T. February 25, 1906.

Received of Commissioner to the Five Civilized Tribes
this date copies of testimony in the following Creek enrollment
cases:

~~No. 273, Oliver E. Hayes,~~
~~No. 275, George A. Hayes,~~
~~No. 276, Jefferson A. Hayes.~~

Wesley Edick



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., October 15, 1902.

In the matter of the application of Jefferson A. Mayes for the enrollment of himself and his minor son, Jefferson Augustus Mayes, as citizens of the Creek Nation, under the provisions of the Creek Agreement ratified by the Creek National Council, May 25, 1901.

Appearances: A. S. McKee, attorney for applicant.

Jefferson A. Mayes, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Jefferson Abraham Mayes.
Q What is your age? A Twenty-six.
Q What is your post office address? A #648 Cochran street, Dallas, Texas.
Q Did you ever live in the Creek Nation? A No, sir.
Q Have you resided in Texas all your life? A Yes, sir.
Q Do you make application for the enrollment of yourself and your minor son, Jefferson Augustus Mayes, as citizens of the Creek Nation, under the provisions of the Creek Agreement ratified by the Creek National Council, May 25, 1901? A Yes, sir.
Q Is your son, Jefferson Augustus Mayes, now living? A Yes, sir.
Q What is his age? A He is nearly two years old.
Q When was he born? A In 1900.
Q Do you know the month, and the day of the month? A It was in November, I don't know the day exactly.
Q You are his father? A Yes, sir.
Q What is the name of his mother? A Ella May Mayes.
Q Does she claim to be a Creek Indian? A No, sir.
Q Is she a colored woman? A Yes, sir.
Q Is she a United States citizen? A Yes, sir.
Q Are you a full-blood Creek Indian? A No, sir.
Q What degree of Creek Indian blood do you claim? A One-fourth.
Q What degree of Creek Indian blood do you claim for your son, Jefferson Augustus Mayes? A One-eighth.
Q What is the name of your father? A Frank P. Mayes.
Q Is he a full-blood Creek Indian? A No, sir.
Q What degree of Creek Indian blood do you claim for him? A One-half.
Q Is he now living? A Yes, sir.
Q Does he live in Texas? A Yes, sir.
Q Did he ever live in the Creek Nation? A I can't say. I have heard him say he has been to the Creek Nation, can't say whether he has lived there or not.
Q What is the name of your mother? A Ella May.
Q Is she living? A Yes, sir.
Q Is she a full-blood Creek Indian? A No, sir.
Q Has she any Creek Indian blood? A No, sir.
Q Is she a colored woman? A Yes, sir.
Q Is she a citizen of the United States? A Yes, sir.
Q Have you and your said minor son, Jefferson Augustus Mayes, ever been recognized by the Creek tribal authorities as citizens of the Creek Nation? A No, sir.

2^d In the application of Jefferson A. Mayes for enrollment of himself and his minor son, Jefferson Augustus Mayes, as citizens by blood of the Creek Nation.

Jefferson A. Mayes, applicant.

Examination by the Commission.

- Q Have you and your minor son for whom you now make application for enrollment ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A No, sir.
Q Do your names appear upon the Creek tribal rolls? A No, sir.
Q Your son, Jefferson Augustus Mayes, was born subsequent to 1893, was he not? A Yes, sir.

The 1890 and 1898 authenticated tribal rolls of the Creek Nation, examined, and the name of Jefferson A. Mayes, is not found thereon.

The 1891 and 1898 Omitted Pay Rolls of the Creek Nation examined and the name of Jefferson A. Mayes is not found thereon.

- Q Is your name, and the name of your minor child for whom you now make application for enrollment, on the list of Creek Indians from Texas adopted by the Creek National Council, October 23, 1900, and approved October 24, 1900? A No, sir.

The act of the Creek National Council, adopted October 23, 1900, and approved October 24, 1900, examined, and the names of Jefferson A. Mayes and Jefferson Augustus Mayes not found thereon.

- Q This is the first time you have ever made any attempt to be enrolled or recognized as a citizen of the Creek Nation? A Yes, sir.
Q You make application for enrollment as a Texas Creek? A Yes, sir.

Examination by A. B. McRea, attorney for applicant.

- Q Jefferson, you get the status of your case through your father, Frank P. Mayes? A Yes, sir.
Q Is he the same person who made application to the Commission, August 6, 1902? A Yes, sir.

Examination by the Commission.

- Q Are there any other statements you desire to make at this time with reference to the application you now make for the enrollment of yourself and your minor child, Jefferson Augustus Mayes, as citizens by blood of the Creek Nation, under the provisions of the Creek Agreement ratified by the Creek National Council, May 25, 1901? A No, sir.

Commission to the applicant.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of yourself and your minor child, Jefferson Augustus Mayes, as citizens, by blood, of the Creek Nation, under the provisions of the Creek Agreement ratified by the Creek National Council, May 25, 1901, which will be mailed to you at your proper post office address as given by you in your testimony taken at this time.

Oliver C. Kinke, being duly sworn, upon his oath states that as witness for the prosecution in the First Civil War Trials, he reported all the proceedings had in the case entitled above on the 18th day of October, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Kinke

Subscribed and sworn to before me this 8th day of November, 1902, at Muskogee, Indian Territory.

W. J. Moore
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Jefferson A. Mayes for the enrollment of himself and his minor son, Jefferson Augustus Mayes, as citizens of the Creek Nation.

D E C I S I O N.

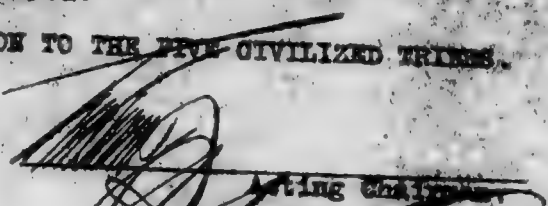
It appears from the record in this case that on October 15, 1902, Jefferson A. Mayes appeared before this Commission and made application for the enrollment of himself and his minor son, Jefferson Augustus Mayes, as citizens of the Creek Nation, under the provision of section 29, of the Creek Agreement ratified by the Creek National Council, May 25, 1891 (54 Stat. 2, 1901), which provides that the Commission shall have authority to enroll the families of full-blood Creeks who reside in Texas.


It also appears that said applicants, above named, have and have been all their lives, residents of the State of Texas, and that they are not full-blood Creek Indians.

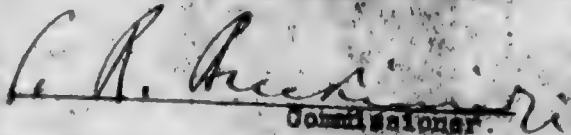
It further appears that said applicants have never been recognized as citizens of the Creek Nation by the proper authorities thereof, and that their names do not appear upon the tribal rolls of the Creek Nation now in possession of the Commission.

It is therefore the opinion of this Commission that the application of Jefferson A. Mayes for the enrollment of himself and his minor son, Jefferson Augustus Mayes, as citizens of the Creek Nation, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman


Commissioner


Commissioner

Dated at Muskogee, Indian Territory,
this 25 day of November, 1902.

Mustang, Indian Territory, November 25, 1902.

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Jefferson A. Mayes for the enrollment of himself and his minor son, Jefferson Augustus Mayes, as citizens of the Creek Nation, including the decision of the Commission, dated November 25, 1902, denying said application.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

OUR-71.

COPY

Office Memorandum
Case No. 178

Muskogee, Indian Territory, November 25, 1907.

Jefferson A. Hayes,
#646 Cochran street,
Dallas, Texas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your minor son, Jefferson Augustus Hayes, as citizens of the Creek Nation. The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Registered.

002-68

COPY

Creek Enrollment
Case No. 574.

Muskogee, Indian Territory, November 25, 1906.

A. S. MARRS, Esq.,

Attorney for Jefferson A. Mayes et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Jefferson A. Mayes for the enrollment of himself and his minor child, Jefferson Augustus Mayes, as citizens of the Creek Nation. The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is advised of the same.

Respectfully,

Acting Chairman.

OCR-59.

Creek Enrolled
Case No. 276.

McAlester, Indian Territory, November 25, 1902.

A. P. McKillop, Esq.,

H. G. Reed, Esq.,

Attorneys for the Creek Nation,

McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Jefferson A. Hayes for the enrollment of himself and his minor child, Jefferson Augustus Hayes, as citizens of the Creek Nation. The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and approval. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

000-10.

"COPY"

Reply in reply to
the following:
10/25/1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

WASHINGTON, November 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Acting Chairman of the Commission, dated November 25, 1902, forwarding the memorandum relative to the application of Jefferson A. Hayes for the enrollment of himself and his minor son, Jefferson Augustus Hayes, as citizens of the Creek Nation. The application is made under the provisions of section 29 of the Creek agreement ratified May 25, 1901.

It appears from the memorandum in this case, that the applicants are residents of the state of Texas, and that they are not full blood Creek Indians. They have never been admitted to citizenship by the tribal authorities, the Commission or the U. S. court, and their names do not appear on any of the rolls of the Creek Nation.

It is therefore respectfully recommended that the Commission's decision of May 24, 1902, (November 25, 1902), rejecting the applicants be approved.

Very respectfully,

W. A. JONES

Commissioner.

B.A.V. (D)

DEPARTMENT OF THE INTERIOR

WASHINGTON

ITS 100-100

November 26, 1908

November 26, 1908, you transmitted the
 notice of the application for enrollment of Jefferson
 Thomas Hayes, an applicant of the
 Creek Nation, under the provisions of section 20 of the
 Act of March 1, 1901, (31 Stat., 621), which provides
 that the Commission shall have authority to enroll
 "full-blood Greeks who reside in Spain."

The evidence shows that the applicant has not full
 blood Greek and that he has never been a
 citizen of the Creek Nation. You denied the application November
 25, 1908.

Forwarding the paper's November 2, 1908, the
 Commissioner of Indian Affairs recommended your decision be approved.
 A copy of his letter is enclosed.

The Department affirms your decision.

Respectfully,

Wm. H. ...
 Acting Secretary

1 enclosure.

Great Britain.

London, Great Britain, January 1, 1902.

Dear Sir,

I have the honor to

acknowledge

the receipt of your letter of the 28th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
Your obedient servant,
J. J. [Name]

Very truly,
Yours,
J. J. [Name]

J. J. [Name]

[Signature]

Book No. 270

Washington, Indian Territory, January 2, 1902.

Mr. J. M. [Name obscured]
[Address obscured]

Dear Sir:

I have been advised that the Secretary of the Interior under date of December 29, 1901, affirmed the decision of the Commission, dated December 26, 1900, denying the application made by Jefferson [Name obscured] for the enrollment of himself and his minor son, William [Name obscured] [Name obscured], as citizens of the Creek Nation.

Respectfully,

Acting Chairman.

279
Creek No. 174.

Madame, Indian Territory, January 5, 1903.

Mr. J. Carter,

Principal Agent of the Creek Nation,

Madame, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior under date of December 26, 1902, affirmed the decision of the Commissioner, dated November 25, 1902, denying the application made by Jefferson A. Mays for the enrollment of himself and his wife, Mrs. Jefferson Augustus Mays, as citizens of the Creek Nation.

Respectfully,

Acting Chairman.

88/3
No. 225-272-276.

Muskogee, Indian Territory, April 21, 1904.

Y. F. Hayes,

Box 7828,

Muskogee, Indian Territory.

Dear Sir:

Your letter to the Secretary of the Interior, of April 12, has been referred to this office for consideration and appropriate action. It is stated that August 5, 1902, you went before the Dawes Commission and proved the rights of yourself and your seven children, Jeff, George, Oliver, Lillie, William and F. H. Hayes, as Indians by blood; that the Commission recognized you as a citizen but failed to give you your right as such.

In reply you are advised that the records of the Commission show that on August 5, 1902, you made application for the enrollment of yourself and your three minor children, Lillie, William and Frank F. Jr., as citizens by blood of the Creek Nation; that your application was denied by the Commission December 1, 1902, and that the decision of the Commission was affirmed by the Secretary of the Interior January 3, 1903.

Oliver W. Hayes made application for enrollment as a citizen of the Creek Nation October 14, 1902. His application was denied by the Commission December 19, 1902, and the decision affirmed by

P.P.M.---2

the Secretary of the Interior March 30, 1902.

October 18, 1902, George A. Mayne made application for enrollment as a citizen of said nation. His application was denied November 28, 1902, and affirmed by the Secretary of the Interior December 28, 1902.

October 18, 1902, Jefferson A. Mayne made application for the enrollment of himself and his minor child, Jefferson Mayne, which was denied November 28, 1902, and the decision of the Commission affirmed by the Secretary of the Interior December 28, 1902.

The principal applicant in each case was duly advised by registered mail of the action taken.

It is clear from the foregoing that you are in error in the statement that you were recognized by the Commission as a citizen. The cases have been adjudicated on the evidence submitted, and are now closed.

Respectfully,

Chairman.

I.T.D.7553-1902
2847-1906

DEPARTMENT OF THE INTERIOR,
WASHINGTON. June 22, 1906. LJB GR

LRS

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

Sir:

March 10, 1906, there was filed with the Department motion for a rehearing in the matter of the application of Jefferson A. Mayes for the enrollment of himself and his minor son, Jefferson Augustus Mayes, as citizens of the Creek Nation, wherein the Department on December 26, 1902, affirmed the decision of the Commission to the Five Civilized Tribes dated November 25, 1902, denying said application.

Said motion is consolidated with a motion for a rehearing in the matter of the principal applicant's father, Laton McIntosh, alias Frank P. Mayes.

The Department has carefully examined the original record in said case in connection with the affidavits submitted upon said motion, and finds no reason to disturb its decision of December 26, 1902, denying the application of Jefferson A. Mayes for the enrollment of himself and his minor son, Jefferson Augustus Mayes, as citizens of the Creek Nation, to which decision the Department still adheres. Motion for rehearing is denied.

Respectfully,

Jesse E. Wilson
Assistant Secretary

Through the
Commissioner of Indian Affairs.

Muskegee, Indian Territory, July 10, 1906.

Jefferson A. Hayes,
246 Cochran Street,
Dallas, Texas.

Dear Sir:

You are hereby advised that under date of June 22, 1906, the Secretary of the Interior, denied the motion for rehearing filed with the Department March 10, 1906, in the matter of the application for the enrollment of yourself and your minor son, Jefferson Augustus Hayes, as citizens of the Creek Nation.

Respectfully,

Manitowish, Indian Territory, July 10, 1908.

W. C. C. C.

Attorney for Black Hills

Manitowish, Indian Territory.

Sir:

You are hereby advised that under date of June 22, 1908, the Secretary of the Interior denied the petition for rehearing filed with the Department March 10, 1908, in the matter of the application for the withdrawal of Jefferson A. Hayes and his minor son, Jefferson Augustus Hayes, as citizens of the Great Nation.

Respectfully,

Commissioner.

Washington, Indian Territory, July 10, 1906.

Washington, Indian Territory.

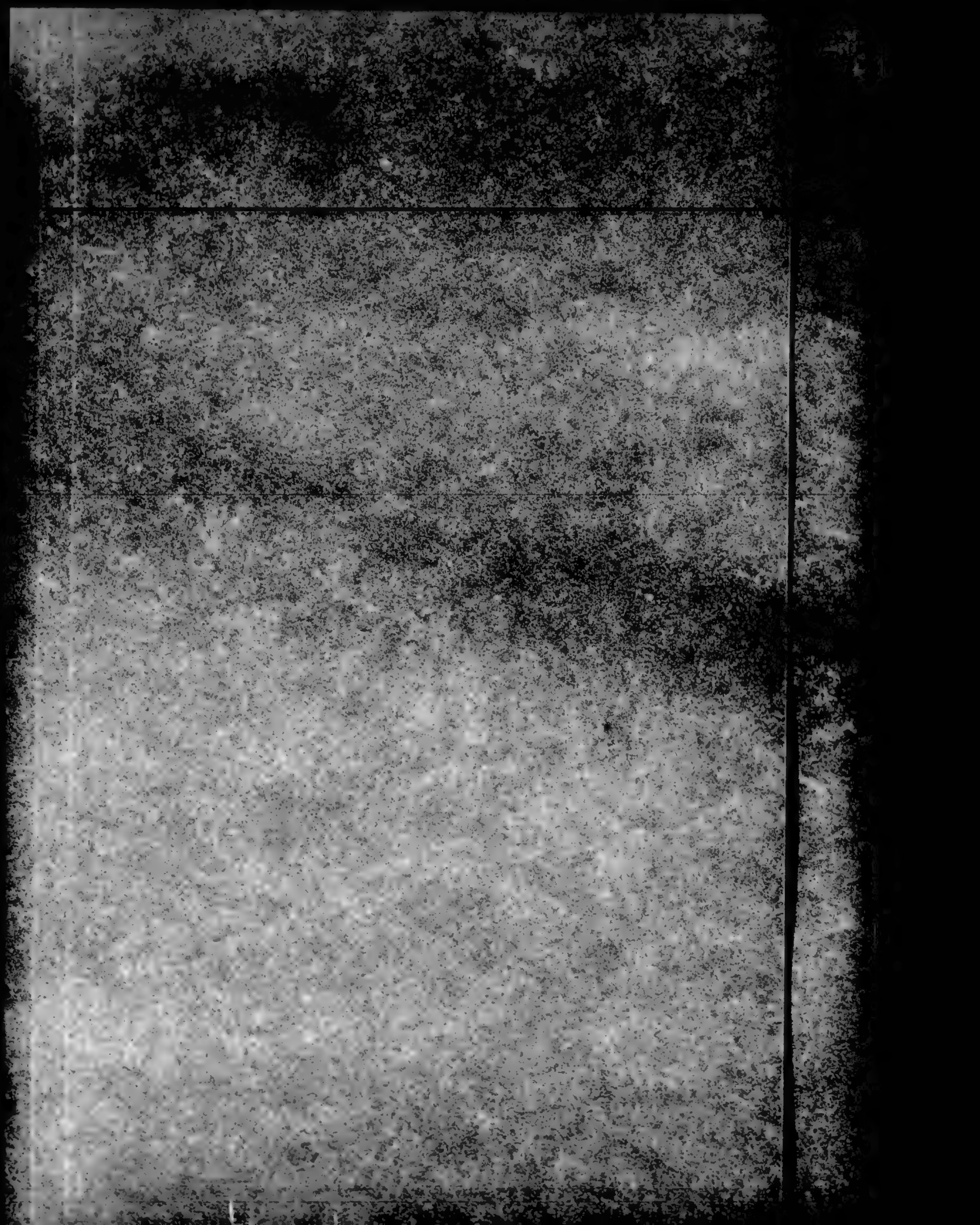
Dear Sir:

You are hereby advised that under date of June 28, 1906, the Secretary of the Interior denied the motion for rehearing filed with the Department March 29, 1906, in the matter of the application for the enrollment of Jefferson A. Hayes and his minor son, Jefferson Augustus Hayes, as citizens of the Creek Nation.

Respectfully,

Commissioner.

the date of the ...
this date ...
...



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., October 17, 1902.

In the matter of the application of John Flower for the enrollment of his deceased wife, Mintie Flowers, as a citizen, by blood, of the Creek Nation.

John Flower, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A John Flower.
Q What is your age? A About fifty-five.
Q What is your post office address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Government as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission appear to show that it appears therefrom that John Flower is enrolled as a citizen of the Creek Nation in Muskogee, Ind. Ter., Field No. 2033.

- Q For whom do you now make application for enrollment?
A Mintie Flowers.
Q Is your application for her enrollment as a citizen of the Creek Nation?
A Yes, sir.
Q Is she dead?
A She is dead.
Q How long ago?
A About the 18th of this last year.
Q In what year?
A 1902.
Q How long ago?
A About the 18th of this last year.
Q How long ago?
A About the 18th of this last year.

2 In Re Application of John Flowers for enrollment of Mattie Flowers, deceased, as a citizen, by blood, of the Creek Nation.

John Flower, witness.

Examination by the Commission.

Q How old is your daughter, Mattie, at this time? A She will be nine years old this coming April.

Q She was living at the time of the 1895 payment? A I guess she was.

The 1895 Pay Roll of the Creek Nation, Cussetta Town, examined, and the name of Mattie Flowers is found thereon, at No. 188.

It appears thereon, from an examination of the records of the Commission, that Mattie Flowers, daughter of John Flowers, is listed for enrollment on Creek Indian Card, Field No. 2038, and has heretofore been identified on the 1895 pay roll, Cussetta Town, at No. 188, as Mattie Flowers.

Q You had five children living in 1898, did you not?

A I don't know.

Q Did you have a daughter by the name of Susan Flowers? A Yes, sir.

Q Did you also have three sons by the names of George, Lewis and Joseph Flowers? A Yes, sir; I had.

Q Are Susan, George, Lewis and Joseph Flowers, older than Mattie?

A Yes, sir.

Q You drew money for them in 1898, did you not? A I think I did.

Q Was your wife, Mintie Flowers, a full-blood Creek Indian?

A No, sir.

Q Did she have any Creek blood? A She was always said to be a Natchee Creek, always staid in the Cherokee Nation.

Q What degree of Creek blood do you claim for her? A I don't know, sir, just a Creek, is all I can tell you.

Q Do you know whether she is half or quarter blood? A No, sir; I think she was only about a quarter.

Q Was she part Cherokee Indian? A Yes, sir.

Q Did she have any colored blood? A No, sir.

Q She was more Cherokee Indian than Creek, was she not?

A Well, I expect she was a little more.

Q Does her name appear upon the Cherokee rolls? A Well, it used to, when I first married her.

Q Do you know whether her name is on the 1880 Cherokee roll?

A I think it is.

Q Did she draw money from the Cherokee Nation in 1894, when the \$200 was paid? A I believe she did.

Q Do you know whether or not her name is on the 1896 Cherokee roll?

A No, sir; I don't think it is.

Q What was your wife's maiden name? A She was an Admir.

Q Do you know what district she belonged to in the Cherokee Nation?

A Yes, sir.

Q What is the name of the district? A Tahlequah district.

Q Did she ever live in the Cherokee Nation? A Yes, sir; she staid there until she was about sixteen years old.

Q Was she living with you at the time of her death? A Yes, sir.

Q Where did she die? A About thirty-five miles from here, three miles in Creek.

Q Is that in the Creek Nation? A Yes, sir.

Q How long did she live with you there? A We hadn't been there more than three months, hardly that long.

Q Where did you live prior to that time? A Lived out west of here, about six miles.

Q Is that in the Creek Nation? A Yes, sir.

In the application of John Adams for enrollment of Mintie Flowers, deceased, as a citizen of the Creek Nation.

John Adams, witness.

Examination by the Commission.

Q How long did you live there? A I expect about seventeen or eighteen years, we came there in '78 and moved out there.

Q Your wife, then, resided with you here in the Creek Nation for those years, up to the time of her death? A Yes, sir; I guess it was longer than that.

Q Is this the first time you ever made application to the Commission for the enrollment of your deceased wife, Mintie Flowers, as a citizen of the Creek Nation? A Yes, sir.

The record of the Commission shows and it appears that no other application has ever been made for the enrollment of Mintie Flowers, deceased, as a citizen of the Creek Nation, prior to May 28, 1901.

Q Did you ever make application for the enrollment of your wife, Mintie Flowers, as a citizen of the Cherokee Nation? A No, sir.

Q Did your wife, in her lifetime, make application for the enrollment of herself as a citizen of the Creek Nation? A No, sir; I don't know whether she did--I think she went back and they put her on a white card, because she was out of the country and couldn't enroll her.

Q Was she ever married here then except? A No, sir.

Q She was the mother of all the children that have been referred to in this application? A Yes, sir, except that George, he wasn't here.

Q All of your children, excepting George, have been listed for enrollment as citizens of the Creek Nation, have they not? A Yes, sir.

Q Where is your son, George Flowers? A He went off just a while before the old patent, he went to Colorado; he got into a little trouble, he got off and we never have heard of him since.

Q Do you know whether or not he is living now? A No, sir; I don't know.

Q What is the name of Mintie Flowers' father? A Billy Adair.

Q Is he living? A No, sir; he died when she was a baby.

Q Was he a citizen of the Creek Nation? A No, sir; I don't think he was.

Q Was he a citizen of any Nation in Indian Territory? Well, I don't know; you run too far back for me, that is further back than I know.

Q What is the name of your wife's mother? A Her name is Martha Adair.

Q Is she living? A No, sir; she is dead.

Q Was she a citizen of the Creek Nation? A No, sir; I don't think she was; you have gone too far back.

Q Was she a citizen of any Nation in Indian Territory? A Well, she might have been a citizen of the Cherokee Nation, I don't know; I guess she was.

Q Did your wife ever tell you that her father and mother were citizens of the Cherokee Nation? A Well, she couldn't tell very much more about that than I can; she wasn't a year old when her father and mother died, and she was raised by her grandfather, and he is dead.

Q Do you have any other statements that you desire to make with reference to this application, made by you at this time for the enrollment of your deceased wife, Mintie Flowers, as a citizen of the Creek Nation? A No, sir; I don't know of any.

2 In Re Application of John Flowers for enrollment of his deceased wife, Mintie Flowers, as a citizen, by blood, of the Creek Nation.

John Flowers, witness.

Commission to the applicant.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of your deceased wife, Mintie Flowers, as a citizen, by blood, of the Creek Nation, which will be mailed to you at your present post office address, as given by you in your testimony taken at this time.

Oliver C. Hinkle, being first duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause on the 17th day of October, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 2 day of November, 1902, at Muskogee, Indian Territory.

W. J. Boren
Notary Public.

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

J. J. B.

En. 277.

In the matter of the application for the enrollment of Mintie
Flowers as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on October 17, 1902, John
Flowers appeared before the Commission at Muskogee, Indian Territory,
and made application for the enrollment of Mintie Flowers, deceased,
as a citizen by blood of the Creek Nation.

It appears from the evidence that said Mintie Flowers was a
Creek by blood; that she is identified on the 1890 Authenticated tribal
roll of the Creek Nation and that she died May 17, 1900.

It further appears that said Mintie Flowers continuously resided
in the Creek Nation from 1872 until her death.

An examination of the 1895 Doubtful Roll of the Creek Nation,
Cassata town, shows that her name does not appear thereon.

It is, therefore, the opinion of this Commission that said
Mintie Flowers, deceased, should be enrolled as a citizen by blood of
the Creek Nation in accordance with the provisions of the acts of Con-
gress, June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861)
and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

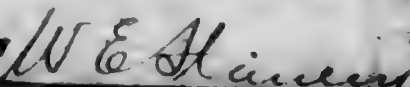

Chairman.


Commissioner.


Commissioner.

Filed at Muskogee, Indian Territory

OCT 28 1902


W. E. Hines
Commissioner

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

In the matter of the death of Minta or Mindy Flowers
(Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Coweta, Ind. Ter., and died on the 17th day of
May, 1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, John Flowers, on oath state that I am 55
years of age and a citizen, by blood, of the Creek Nation;
that my post office address is Coweta, Ind. Ter.; that I am
Husband of Minta or Mindy Flowers,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Creek Nation;
and that said Minta Flowers died on the 17 day of
May, 1900.

WITNESSED TO MAKE: } John Flowers
(Must be Two Witnesses.) } mark
Wm Linn

Subscribed and sworn to before me this 17 day of October 1900
J. J. Walrond
Notary Public.
Term expires 1906-7-1

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, Wm H Sims, on oath state that I am 40
years of age, and a citizen, by _____, of the United States Nation;
that my post office address is Muskogee, Ind. Ter.;
that I was personally acquainted with Minta Flowers,
who was a citizen, by blood, of the Creek Nation;
I am a physician and attended Minta Flowers in her last sickness
and that said Minta Flowers died on the 17 day of
May, 1900.

WITNESSED TO MAKE: } Wm H Sims
(Must be Two Witnesses.) } mark
J. J. Walrond

Subscribed and sworn to before me this 17 day of October 1900



... Territory, January 20, 1900

... of the ...

... roll of citizens of the ...

Page 10

Commissioner of the General Land Office

The Commission is advised that the land in question is situated in the Creek Nation, and that the same is owned by the Creek Nation. The Commission is further advised that the land in question is situated in the Creek Nation, and that the same is owned by the Creek Nation.

The Commission is further advised that the land in question is situated in the Creek Nation, and that the same is owned by the Creek Nation.

The Commission is further advised that the land in question is situated in the Creek Nation, and that the same is owned by the Creek Nation.

Respectfully,

Very truly yours,

Creek No. 277.

Washington, Indian Territory, October 20, 1902.

There is enclosed herewith a copy of the decision of the Commission in the matter of the application for the enrollment of Martin H. Hester, deceased, as a citizen by blood of the Creek Nation.

The Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and, if within the expiration of that time no such protest has been made, the said Martin Hester, deceased, will be regularly listed for enrollment as a citizen of said Nation.

Commissioner in Charge.

Gr. No. 277

Muskogee, Indian Territory, November 18, 1904

John Flowers

Muskogee, Indian Territory

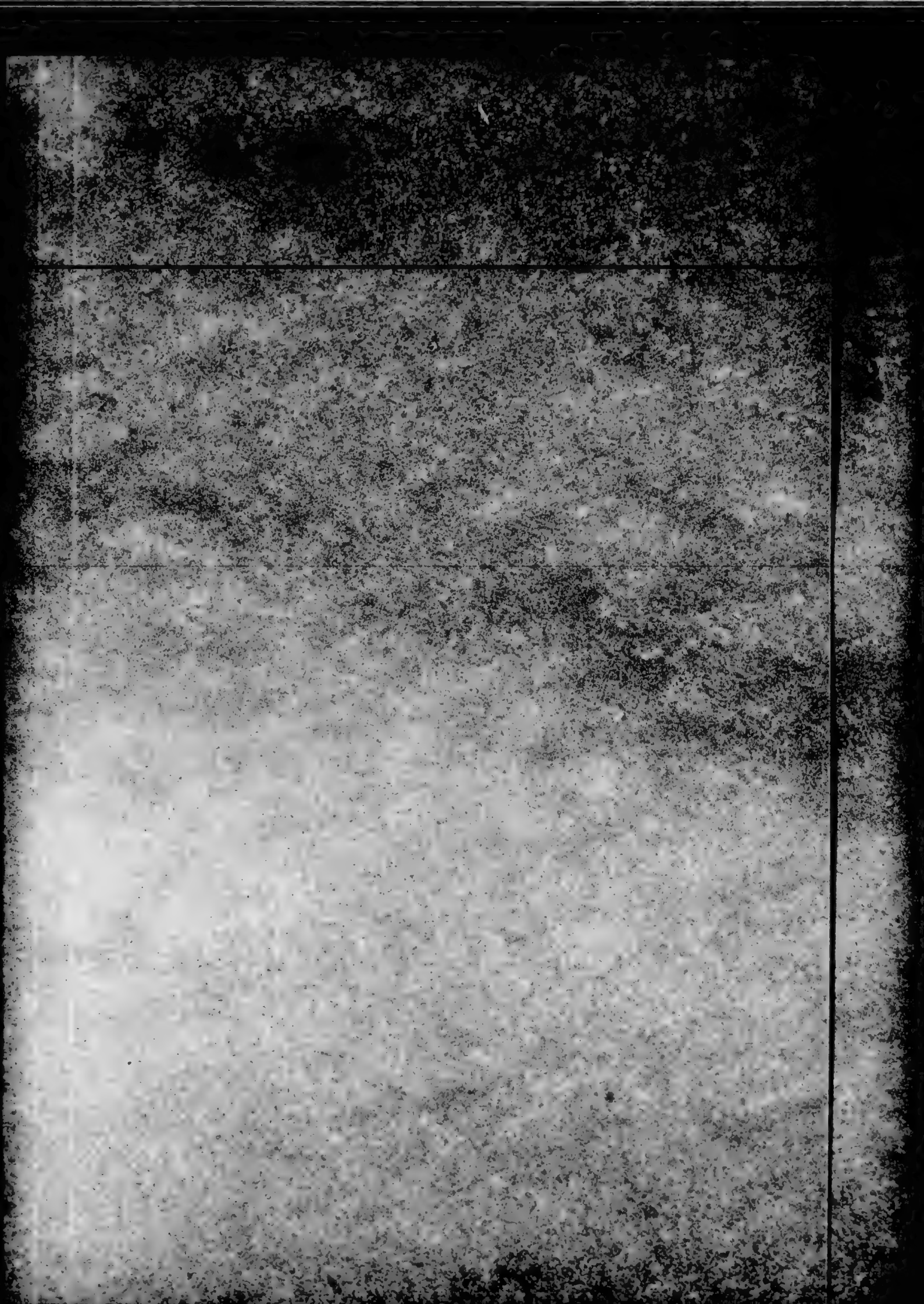
Dear Sir:

In the matter of the application made by you for the enrollment of your wife, Mintie Flowers, deceased, as a citizen of blood of the Creek Nation, you are advised that said Mintie Flowers has been regularly listed for enrollment as a citizen of the Creek Nation.

You are further advised that the heirs of Mintie Flowers will be permitted to make application for a selection of land in the Creek Nation upon application at the office of the Commission at Muskogee, Indian Territory.

Respectfully,

Chairman.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., October 18, 1902.

In the matter of the application of Fall M. Brady for the enrollment of his wife, Martha Brady, deceased, as a citizen, by blood, of the Creek Nation.

Martha Brady, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Fall M. Brady.
Q What is your age? A Along about forty-six--I was born in 1856.
Q What is your post office address? A Wagoner.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Fall M. Brady is listed for enrollment as a citizen of the Creek Nation on Creek Indian Card, Field No. 3994.

- Q For whom do you now make application for enrollment? A For my wife.
Q What is your wife's name? A Martha Brady.
Q Is she living? A No, sir; she is dead.
Q When did she die? A She died the 28th of February, 1900.
Q How old was she when she died? A About forty-nine years old.
Q Was your said wife, Martha Brady, deceased, ever recognized by the Creek tribal authorities as a citizen of the Creek Nation?
A Yes, sir; she has drawn money here, but the roll don't show it.
Q Was she ever enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Does her name appear upon the Creek tribal rolls? A I don't know.
Q Did you ever draw any money from the Creek Nation for your deceased wife, Martha Brady? A The first money we drew was \$4, and that was in '81; the next we drew \$29, the last we drew was \$14.
Q Did you have a daughter by the name of Martha Brady? A No, sir.
Q Did you have any other members of your family by the name of Martha Brady? A No, sir.
Q Did you have any sisters by that name? A No, sir.
Q To what town did your wife belong? A Quassarte number one.

The 1890 authenticated tribal roll of the Creek Nation, Quassarte #1 Town, examined, and the name of Martha Brady is found and identified thereon at page 183.

The 1898 Pay Roll of the Creek Nation, Quassarte #1 Town, examined, and the name of Martha Brady not found thereon.

- Q Did you ever make application to the Commission for the enrollment of your deceased wife, Martha Brady, before this time?
A Yes, sir.
Q When did you make application for her enrollment as a citizen of the Creek Nation? A Why I don't remember. It has been about three years. They said I would have to wait until this thing was settled, that there would be a provision made.

2 In Re Application for enrollment of Martha Brady, deceased, as a citizen by blood of the Creek Nation.

Fall M. Brady, witness.

Examination by the Commission.

Q Did you make application for her enrollment at the same time you applied for the enrollment of your two children, Sam R. Brady, Jr., and Charley Brady? A Yes, sir; that was when I was first rejected, when I enrolled them. They enrolled the children, but said I would have to see further on, but they would enroll the children.

The records of the Commission examined and it appears therefrom that no application was made for the enrollment of Martha Brady prior to May 25, 1901.

It appears, however, that Fall M. Brady made application to the Commission on May 1, 1901, for the enrollment of his two children, Sam R. Brady, Jr., and Charley Brady, as citizens of the Creek Nation, and that thereafter the said Charley Brady and Sam R. Brady, Jr., were duly listed for enrollment, as citizens of the Creek Nation, on Creek Indian Card, Field No. 3994.

Q At the time you made application to the Commission for the enrollment of your two minor children, as aforesaid, did you not inform it, at that time, that you did not draw the \$14.40 for your wife? A I don't know whether I did or not.

Q Wasn't your wife dropped from the Creek rolls in 1895?

A Well sir, I don't know what if she was or not, but it seems that Childers rejected her.

Q Who is "Childers" you refer to? A He is a citizen by adoption of the Creek Nation.

Q Did he occupy any official position in 1895? A Only a judge.

Q Did you apply to the Creek Nation to have your wife, Martha Brady, reinstated as a citizen of the Creek Nation, in 1895? A No, sir; I never tried.

Q Was your deceased wife, Martha Brady, a Creek Indian by blood? A No, she is a Cherokee.

Q Did she have any Creek blood? A No.

Q Does her name appear upon the 1880 Cherokee Roll? A Yes, sir; I think, in 1880, she drew, in the Cherokee Nation, \$15.55, but that was before me and her were married.

Q What was your wife's maiden name? A Martha Henseley.

Q Does her name appear upon the 1894 and 1896 Cherokee Rolls? A I don't know--No, I don't think it does.

Q Do you know whether or not she drew the \$260? A No, sir; she was rejected.

Q Did you, or did your wife, make application to the Commission, prior to the time of her death, for her enrollment as a citizen of the Cherokee Nation? A Yes, sir.

Q Was she enrolled as a citizen of the Cherokee Nation? A Was rejected.

Q When was she rejected? A That was at Vinita.

Q Did you ever receive official notice from the Commission that the application of your wife for enrollment as a citizen of the Cherokee Nation had been rejected by the Commission? A Yes, sir.

Q Have you got that notice with you? A No, sir; I have lost it.

Q Did your wife live with you here in the Creek Nation? A Yes, sir.

Q How long did she live with you here in the Creek Nation?

A We got moved into the Creek Nation the 29th of December, 1880, and she lived with me here up to the time of her death.

3 In Re Application for enrollment of Martha Brady, deceased, as a citizen, by blood, of the Creek Nation.

Full M. Brady, witness.

Examination by the Commission.

Q Have you furnished the Commission with proof of the death of your wife? A Yes, sir.

The applicant here presents death affidavit in the matter of the application for the enrollment of Martha Brady as a citizen of the Creek Nation, which is marked Exhibit "A" and made a part of the record.

- Q What is the name of your wife's father? A Sam Henseley.
Q Is he living? A No, sir; he is dead.
Q Was he a citizen of the Creek Nation? A No, sir.
Q Was he a citizen of any nation in Indian Territory? A No, sir.
Q Was he a citizen of the United States? A Yes, sir.
Q What is the name of your wife's mother? A Jane Henseley.
Q Is she living? A No, sir; she is dead.
Q Was she a citizen of the Creek Nation? A No, sir.
Q Was she a citizen of the Cherokee Nation? A Yes, sir.
Q Was she a full-blood Cherokee Indian? A No, sir; she was about one-eighth.
Q Do you know in what district in the Cherokee Nation your wife and your wife's mother belonged? A Illinois District.
Q Your wife, Martha Brady, was the mother of your two minor children, Charley and Sam R. Brady, who are enrolled as citizens of the Creek Nation? A Yes, sir.
Q If it should be found that your deceased wife, Martha Brady, has been recognized by the tribal authorities of both the Creek and Cherokee Nations, as a citizen of which nation do you now elect to have her enrolled and receive allotment of lands and distribution of moneys? A Creek Nation.
Q Are there any other statements you desire to make at this time with reference to the application you now make for the enrollment of your wife, Martha Brady, deceased, as a citizen, by blood, of the Creek Nation? A No, sir.

Commission to applicant.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of your wife, Martha Brady, deceased, as a citizen, by blood, of the Creek Nation, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Oliver C. Hinkle, being first duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause on the 18th day of October, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle

Subscribed and sworn to before me this 8th day of November, 1902, at Muskogee, Indian Territory.

J. S. Boreen
Notary Public

IN RE
THE DEATH OF

Markus Brady

Creek

Nation.

Approved

190

Commissioner.

Xhibit "A"

Filed Oct 16/1902

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Martha Brady
a citizen of the Creek Nation, who formerly resided at or near
Hogover, Ind. Ter., and died on the 28 day of
February, 1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Foyl M Brady, on oath state that I am 46
years of age and a citizen, by blood, of the Creek Nation;
that my post office address is Hogover, Ind. Ter.; that I am
Husband of Martha Brady,
who was a citizen, by _____, of the Creek Nation;
and that said Martha Brady died on the 28 day of
February, 1900.

WITNESSED TO MAKE:

(Must be Two Witnesses.)

Chas Swets
G W Ruble

Foyl M Brady
noted

Subscribed and sworn to before me this 18 day of October, 1902

Chas Swets
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, G W Ruble M.D., on oath state that I am thirty three
years of age, and a citizen, by _____, of the _____ Nation;
that my post office address is Hogover, Ind. Ter.;
that I was personally acquainted with Ms Martha Brady,
who was a citizen, by Marriage, of the Creek Nation;
and that said Ms Martha Brady died on the 28 day of
February, 1900.

WITNESSED TO MAKE:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 18 day of October, 1902

G W Ruble M.D.
Chas Swets

Copy

J. J. [unclear]

Creek No. 878

Muskogee, Indian Territory, January 17, 1903.

F. G. Bouter,

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

Dear Sir:

It appears from the records of the Creek Enrollment Division that on October 18, 1902, Fall M. Brady appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his deceased wife, Martha Brady, as a citizen of the Creek Nation.

The said Martha Brady is identified on the 1890 authenticated roll of the Creek Nation.

The applicant states that his deceased wife was a Cherokee by blood; that she possessed no Creek blood; that her maiden name was Martha Hensley, and that her name appears upon the 1880 Authenticated Roll of the Cherokee Nation. He further states that application has been made for her enrollment as a citizen of the Cherokee Nation. From an affidavit on file with the Creek Enrollment Division it appears that said Martha Brady died February 28, 1900.

You are requested to advise the Creek Enrollment Division whether application has been made for the enrollment of said Martha

P. C. Roper.

Brady as a citizen of the Cherokee Nation, and if such application has been made, that you furnish information as to her status as a Cherokee citizen.

Respectfully,

Commissioner in Charge.

COMMISSION TO FIVE TRIBES			
No.	RECEIVED	ANSWERED	
1781		Book	Page
1903	JAN 21 1903		

Cherokee Land Office,
Vinita, I. T.,
Jan. 20, 1903.

Ack. receipt of Com's. letter
asking if name of Martha Brady
appears on Cherokee roll.
Report on investigation.

RM

26

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

ALLISON L. AVLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Vinita, Indian Territory, January 20, 1903.

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


Gentlemen:

Receipt is hereby acknowledged of the Commission's letter of January 17, asking to be advised if Martha Brady, formerly Martha Hensley, appears of record as an applicant for enrollment as a citizen of the Cherokee Nation. It is stated that this woman is now dead but that an application has been made for her enrollment as a citizen of the Creek Nation.

In reply I beg to state that the records of this office do not show that an application has ever been made for the enrollment of this woman as a citizen of the Cherokee Nation. She is identified upon the 1880 authenticated roll of citizens of the Cherokee Nation under the name of Martha Hensley, with a note opposite her name "Dead."

Respectfully,

GRS


Clerk in Charge.

Creek No. 278.

Mustang, Indian Territory, January 24, 1908.

Sir:

You are hereby advised that on October 18, 1902, John B. Brady, whose post office address is given as Vaguer, Indian Territory, appeared before the Commission and made application for the enrollment of his deceased wife, Martha Brady, as a citizen of the Creek Nation.

You are further advised that the name of Martha Brady is recorded on the rolls of the Creek Nation as deceased, and that said Martha Brady died February 23, 1900, but in view of the fact that the Commission is not satisfied with the proof of death furnished, and desires such evidence relative to her right to enrollment as the Creek Nation may be able to produce.

Respectfully,

Acting Chairman.

Washington, D.C., February 2, 1944

Washington, D.C., February 2, 1944

Sir:

There is enclosed herewith for your consideration the
Report and Action Program thereon in the following connection:

- No. 17: George Reed, et al.
- No. 18: Louis Roberts
- No. 19: Earl Atkins
- No. 20: Harry Hunter
- No. 21: Frank Wilson
- No. 22: Harry Wilson, et al.
- No. 23: Mattie Lewis, et al.
- No. 24: Willie Boyd, et al.
- No. 25: Cecil Henderson
- No. 26: Willie Crawford
- No. 27: Willie Wilson, et al.
- No. 28: Robert Lee
- No. 29: George Gray
- No. 30: James Brown

Respectfully,

COMMISSION TO THE FIVE CIVILIZED TRIBES

ORDER FOR THE RECALL OF

D. M. BRYAN

In a report of said D. M. Bryan, dated August 15, 1902, appearing before the Commission, it is stated that the said D. M. Bryan, an Indian, was a member of the Cherokee Nation from 1890 to the date of his death in 1898. The witness further states that on February 20, 1900, and that he was a member of the Cherokee Nation from 1890 to the date of his death in 1898. An examination of the records of the Cherokee Nation in the possession of the Commission shows that the name of said Martha Bryan is recorded thereon. It further appears that said D. M. Bryan was elected to have said Martha Bryan enrolled as a citizen of the Cherokee Nation.

It is, therefore, the opinion of this Commission that Martha Bryan, deceased, should be enrolled as a citizen of the Cherokee Nation in accordance with the provisions of the acts of Congress, June 28, 1892 (30 Stat., 458) and March 1, 1901 (31 Stat., 601), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

[Signature]
 CHAIRMAN.
[Signature]
 COMMISSIONER.
[Signature]

Muskogee, Indian Territory

OCT 22 1903

[Signature]

2579

Dr. M. 270.

Washington, Indian Territory, October 22, 1906.

Commissioner of the Creek Nation,
Washington, Indian Territory.

Sir:

There is enclosed herewith one copy of the decision of the Commission in the matter of the application for the purchase of the land of the Creek Nation as a witness by the Creek Nation.

The Creek Nation will be allowed twenty days from the date hereof within which to protest against said decision.

Respectfully,

Commissioner in Charge.

Enc. 2579.

4091 -
Adverse Cherokee NW -

878

Cr. No. 278.

Muskogee, Indian Territory, November 18, 1908.

W. H. Brady,
Muskogee, Indian Territory.

Dear Sir:

On the matter of the application for the estate of Martha Brady, deceased, as a citizen of the Creek Nation, you are advised that said Martha Brady has been regularly listed for enrollment as a citizen of the Creek Nation.

You are further advised that the heirs of Martha Brady will be permitted to make application for a selection of land in the Creek Nation.

Respectfully,

Chairman.

Mustagee, Indian Territory, November 12, 1908.

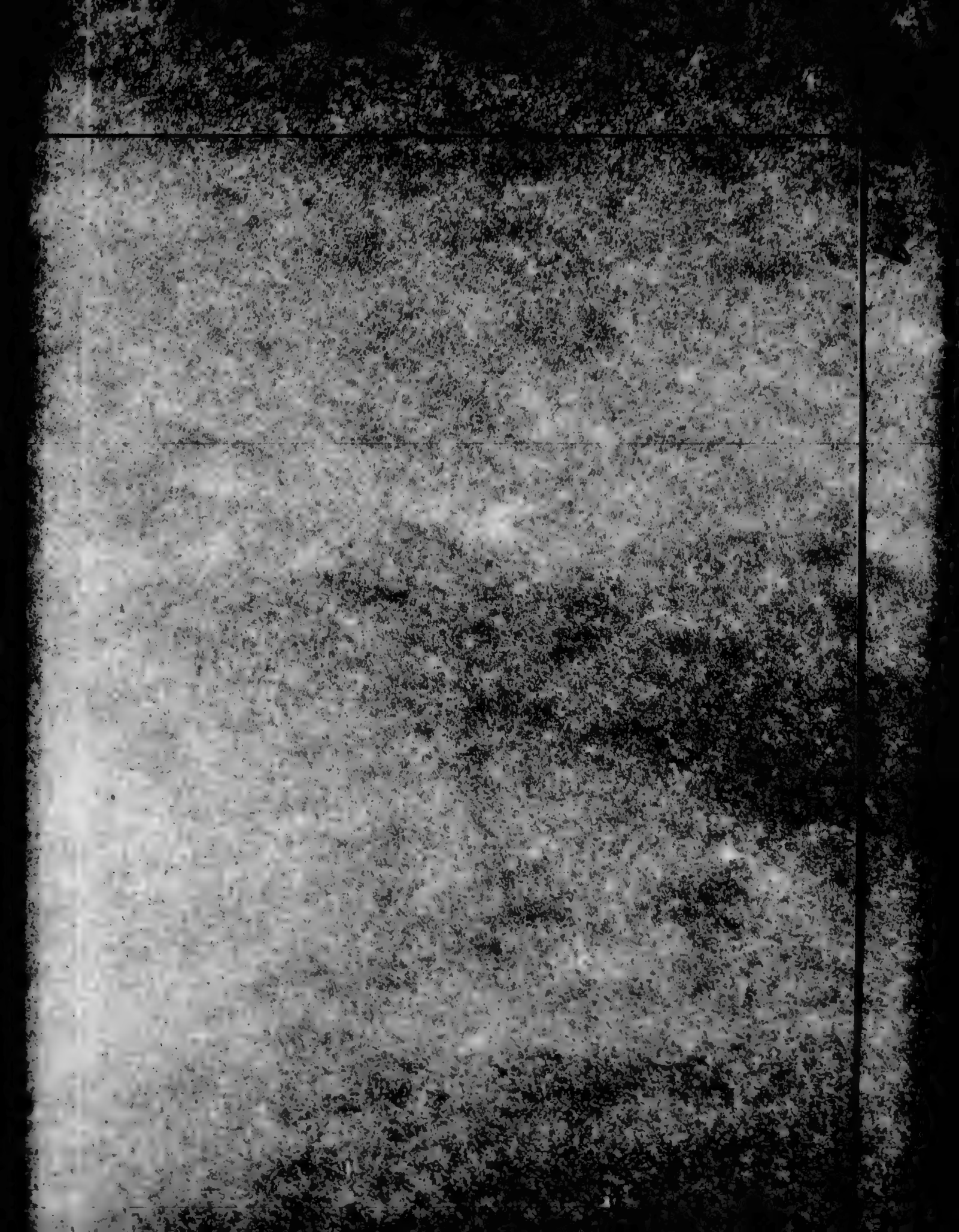
Mustagee, Indian Territory,
Cherokee Land Office,
Tahlequah, Indian Territory.

Sir:

In the matter of the application for the admission of Martha Brady, deceased, as a citizen of the Creek Nation, you are advised that said Martha Brady has been regularly listed for enrollment as a citizen of the Creek Nation. It appears from a letter of the Cherokee Division of January 20, 1908, that said Martha Brady is identified on the 1880 authenticated roll of citizens of the Cherokee Nation under the name of Martha Housley.

Respectfully,

Chairman.



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Ind. Ter., October 14, 1902.

In the matter of the application of Emanuel Brown, by Peter of Attorney, for the enrollment of his brother, Ben Brown, and three minor children of said Ben Brown, Henry, Lilly and Ernie Brown, as Creek freedmen.

appearances: E. Eastain, Attorney for applicant.

Emanuel Brown, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Emanuel Brown.
Q What is your age? A Thirty-four.
Q What is your post office address? A Senora.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Emanuel Brown is listed for enrollment, as a citizen of the Creek Nation, on Creek Freedmen Card, Field No. 1597.

- Q For whom do you now make application for enrollment? A My brother, Ben Brown, and his children, Henry, Lilly and Ernie.
Q Are Ben Brown and his three minor children for whom you now make application for enrollment, all of legal age?
Q What is the age of Ben Brown?
Q What are the ages of Henry, Lilly and Ernie?
Q How do you represent Ben Brown? A By Peter of Attorney.

Applicant here presents Peter of Attorney, brother of Ben Brown, which is marked Exhibit "A" and made a part of the record.

- Q Has Ben Brown and his three minor children, for whom you now make application, ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A Yes, sir.
Q Have Ben Brown and his three minor children, for whom you now make application, ever been recognized by the Creek tribal authorities, as citizens of the Creek Nation? A Yes, sir.
Q Do their names appear upon the Creek tribal rolls? A Yes, sir.
Q To what town in the Creek Nation do you claim that Ben Brown and his three minor children, for whom you now make application, belong? A They first belonged to the North Fork Colored Town, and then changed to the Canadian, I think it was.

The 1890 authenticated tribal rolls of the Creek Nation, North Fork Colored Town, examined, and the name of Ben Brown is found and identified thereon as "Benjamin Brown", on page 122.

The 1890 authenticated tribal rolls of the Creek Nation, North Fork Colored Town, examined, and the name of Henry Brown is found and identified thereon at page 122.

In Re Application for Enrollment of Ben Brown et al. as Freedmen.

Emmanuel Brown, witness.

Examination by the Commission.

The 1895 Jay Roll of the Creek Nation, North Fork Colored Town, examined, and the names of Ben Brown, Henry, Lilly and Effie Brown, are found and identified thereon at Nos. 581-2-3-4, respectively.

Q Were Ben Brown and his three minor children, for whom you are now making application, admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes, under the act of June 10, 1896? A Yes, sir.

List of persons admitted by the Commission to the Five Civilized Tribes under the act of June 10, 1896, to citizenship in the Creek Nation, examined, and the names of Ben Brown, and Lilly Brown, are found thereon; the name of Henry Brown is also found thereon.

The name of Effie Brown does not appear on said list.

- Q What is the name of the father of Ben Brown? A Jack Brown.
Q Is he living? A No, sir; he is dead.
Q Was he a citizen of the Creek Nation? A No, sir; a Chickasaw.
Q What is the name of the mother of Ben Brown? A Amelia Hutton.
Q Is she living? A Yes, sir.
Q Is she a citizen of the Creek Nation? A Yes, sir.
Q To what town in the Creek Nation does she belong?
A Belongs to North Fork Colored.
Q Is Ben Brown the father of Henry, Lilly and Effie Brown?
A Yes, sir; he is.
Q What is the name of their mother? A Her name is Susie Brown.
Q Is she living? A Yes, sir.
Q Is she a citizen of the Creek Nation? A Yes, sir.
Q Is she a citizen of any other Nation?
A I don't know. I think she is a citizen of the Chickasaw Nation, but I don't know whether it was her father or mother. I don't know her parents at all.
Q Have Susie Brown and her three minor children, for whom you are now making application for enrollment as citizens of the Creek Nation, been enrolled by the Commission as citizens of the Choctaw or Chickasaw Nations? A I don't know, sir.

The records of the Commission examined and it appears therefrom that Susie Brown and her three minor children, Henry, Lilly and Effie Brown, are listed for enrollment as citizens of the Choctaw Nation on Choctaw Freedmen Card, Field No. 14.

- Q You are not making application for the enrollment of Susie Brown as a citizen of the Creek Nation? A No, sir.
Q Do you know whether or not her name appears upon the Creek rolls? A No, sir; I don't.

The 1890 authenticated tribal rolls of the Creek Nation, North Fork Colored Town, examined, and the name of "Susanna Brown" is found thereon at page 162.

Application for enrollment of Ben Brown et al. as Creek Indians.

Witness.

Examination by the Commission.

The 1895 Tax Roll of the Creek Nation, North Fork Colored Town, examined, and the name of Susie Brown not listed thereon.

It appears also from an examination of the records of the Commission, that Susie Brown was not admitted by the Dawes Commission to citizenship in the Creek Nation under the act of June 10, 1896.

Q Is this the first time that application has been made to the Commission for the enrollment of Ben Brown and his three minor children, Henry, Lilly and Effie, as citizens of the Creek Nation?
A I don't know.

The records of the Commission examined and it appears therefrom that Ben, Henry, Lilly and Effie Brown, are enrolled on old Creek census card No. 3187.

Q Where is Ben Brown now? A In jail.
Q Where is he in jail? A Norma, Oklahoma.
Q How long has he been there? A I don't know; they have had him in the Chickasaw country in jail, but they transferred him up there.
Q Where is the three minor children, Henry, Lilly and Effie Brown?
A They are with their mother. She is in the Chickasaw country somewhere. I don't know whether she is at Pricell or Stokewall.
Q Has Ben Brown a home in the Creek Nation? A No, sir.
Q Did he ever live in the Creek Nation? A Yes, sir.
Q When did he live in the Creek Nation? A '93, and latter part of '94.

He went to the Chickasaw.

Q Has he been in the Creek Nation since 1894? A Yes, sir.
Q Has he ever had his home in the Creek Nation since 1894? A No, sir.
Q Has his three minor children, Henry, Lilly and Effie Brown, ever lived in the Creek Nation? A In 1893 and 1894, he had Henry and Lilly in this country, when he lived here.
Q Was his wife here, too, with him at that time? A Yes.
Q His wife and three minor children have never their home in the past eight or ten years in the Chickasaw Nation, have they?
A Why ever since they moved back, the latter part of '94, from this country then.
Q Has his wife, Susan Brown, been separated from Ben Brown?
A Only since he has been in prison, in jail, hasn't been parted to my knowledge.
Q Do you know whether or not she has married again, since he has been incarcerated in prison? A I think not. I have seen people from up there in that country who said she was up there, but I never heard of her being married. Of course, I couldn't swear she is married or that she wasn't.
Q Has his wife got a home in the Chickasaw Nation? A Why no; not as I know of. I don't know whether they have a place put in there or not.
Q Has he ever lived with any other woman? A Why he lived with another woman--he had two.
Q Has he had a woman before he married Susan? A No, Susan was the first woman he married.
Q Has he had any children by this other woman? A Yes, sir.
Q Was he married to her? A No, sir.
Q What is the name of the other woman that he lived with?
A Martha Fisher.
Q Is she a Chickasaw citizen? A I can't know what she is, whether she is a Chickasaw or not.

4 In Re Application for enrollment of Ben Brown et al, as
Creek freedmen.

Manuel Brown, witness.

Examination by the Commission.

Q Has she got any children? A Yes, sir.

Q Is Ben Brown the father of these children? A That is what they claim; I don't know.

Q You don't know, then, whether or not Susan Brown has separated from Ben Brown? A No, sir; I don't.

Examination by E. Hastain, attorney for applicant.

Q You never heard of their being separated, did you? A No, sir.

Examination by the Commission.

Q His children by Martha Fisher are illegitimate, are they not? A I guess so; I don't know.

Q Was he married to Martha Fisher? A No, sir; not as I know of.

Q How long did Ben Brown ever live with Martha Fisher? A Oh, I couldn't tell you, you see I don't know that, how long they live together.

Q He had two children by her, though? A Yes, sir.

Q And he never was separated from Susie Brown, as far as you know? A No, sir.

Q If it should be found that Ben Brown and his three minor children, Henry, Lilly and Effie Brown, have heretofore been recognized by the tribal authorities of the Creek, Chickasaw and Choctaw Nations, as citizens of said nation do you now elect to have them enrolled and receive allotments of lands and distribution of money? A Creek Nation.

Q Are there any other statements that you make at this time with reference to the application made by you at this time for the enrollment of your brother, Ben Brown, and his three minor children, Henry, Lilly and Effie Brown, as Creek freedmen, as given by you in your testimony taken at this time? A No, sir.

Commission to applicant.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of your brother, Ben Brown, and his three minor children, Henry, Lilly and Effie Brown, as Creek freedmen, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Witness excused.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled matter on the 16th day of October, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 17th day of November, 1902, at Muskogee, Indian Territory.

Armore, Indian Territory,

Southern District.

Application of Ben Brown and his minor children.

Now comes Ben Brown, affiant herein, and states on oath that he is at present confined in the Armore Jail in the City of Armore, I.T., that he is entitled to enrollment as a creek indian and a member of the Creek tribe of Indians and entitled to participation in the distribution of lands, monies and such all other privileges of a duly enrolled Creek Indian. That his mother, Amelia Hutton of Seneca Creek Nation, Indian Territory, his Aunt, Kittie Williams, of Beardon I.T. who is his mothers sister and Mrs Louise Odom of Holdenville I.T. and other relatives by blood to-wit:- his brother Emanuel Brown of Seneca I.T. and his half brothers and sisters, to-wit: Laurey Graham of Seneca I.T., John Hutton of Seneca I.T., Louis Hutton of Seneca I.T., David Hutton of Seneca I.T. and Della Hutton of Seneca I.T. and Angeline Hess of Grayson City are duly enrolled Creek Indians and members of the Creek Nation Indian Territory and that the said Ben Brown is the father of Henry Brown, Jr. age 15 years, Cera Brown age 13 years, Lillie Brown age 11 years, Carrie Brown age 9 years and Mary and Jennie Brown (twins) aged two years (The said Mary Brown now deceased) all of which children are members of the Creek Tribe of Indians and entitled to enrollment and entitled to all the rights and privileges of a Creek Citizen.

Affiant further states it is impossible for him to attend in person before the Commission to the Five Civilized Tribes in behalf of himself and his minor children for the purpose of enrollment.

Ben Brown

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

W. C. T. L. C.
Notary Public.

POWER OF ATTY.

Know all men by these presents:

That I, Ben Brown, who am now owner
 rights in the Indian land at Ardmore I.T., and who was formerly a
 resident of Madison I.T.; do by these presents constitute, make and appoint,
 Robert Williams of Ardmore I.T. my true and lawful attorney, both for myself
 and my minor children, to do and perform all and every act and thing which may be
 requisite and necessary to be done in procuring allotments for myself and
 minor children in selecting, designating and obtaining said allotments,
 and in selling said allotments, renting or leasing said allotments and re-
 ceiving for money for the sale, renting and receipting of said allotments
 and doing all acts necessary to be done in the above named transactions in
 my name and stand and in the name of my minor children as fully and to all
 intents and purposes as I might do or as my children might do
 if personally present; hereby ratifying and confirming any and
 all acts done by the said attorney as if done by me in person either from
 myself or my minor children that the said attorney shall do according to law
 or custom to be done by virtue hereof.

In witness whereof I hereto set my hand on this the 27th day of
 August, 1902.

Ben Brown

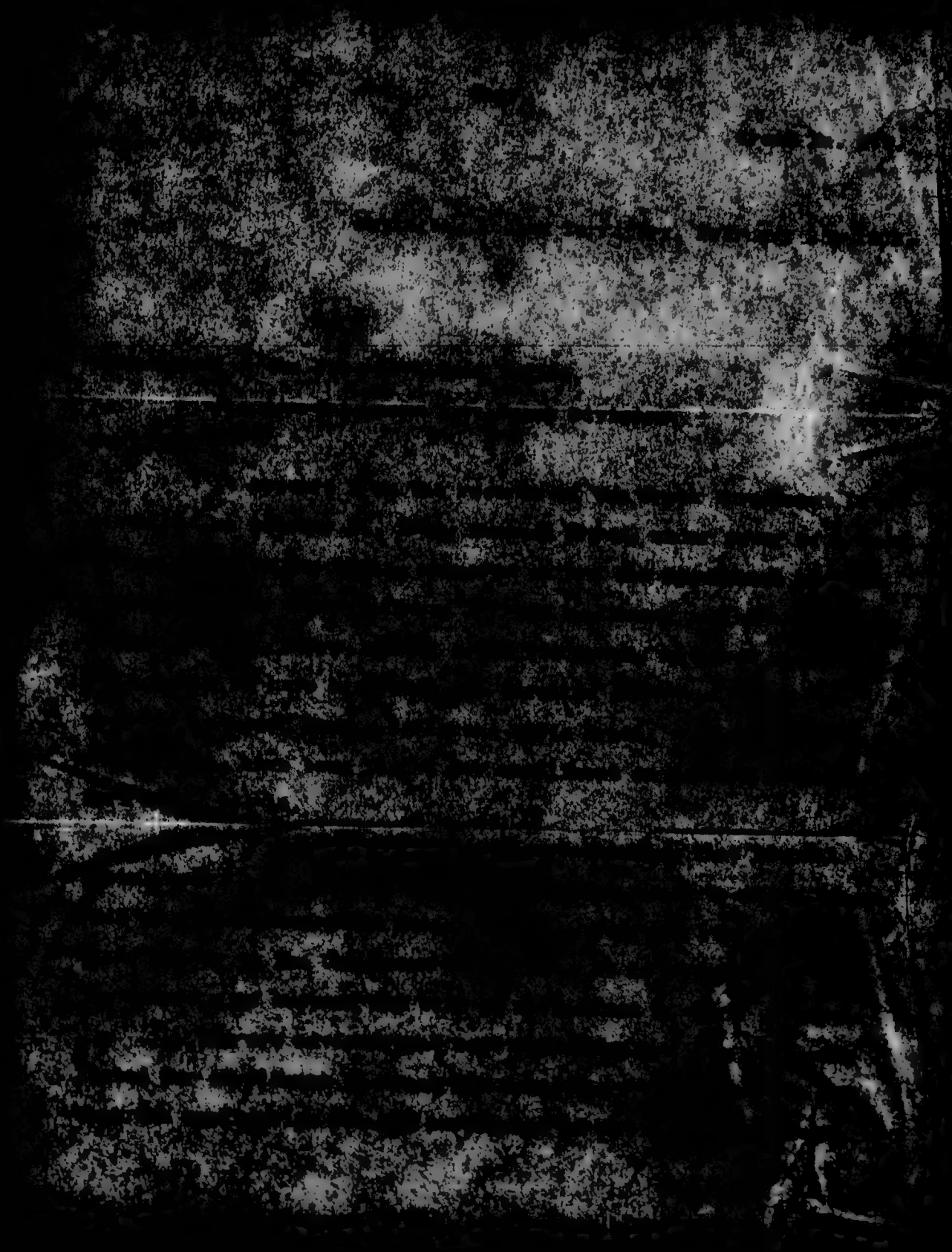
(Witnesses)

United States of America, }
 INDIAN TERRITORY, } ss
 Northern District.

Be it Remembered that on this day personally appeared before me *Ben Brown*
 to me personally known to be the person who executed the foregoing power of attorney, and being by me
 examined separately and apart from his said attorney *Manuel Brown* stated
 and acknowledged that he had executed said instrument as his free and voluntary act and deed, with-
 out compulsion or undue influence, and for the purposes therein mentioned and set forth

In Testimony whereof I have hereunto set my hand and affixed my Notarial Seal this 27 day
 of *Aug* A. D. 1902

Robert E. Lee
 Notary Public





No. 141-575

Managers, Indian Territory, April 14, 1904.

The Commission is in receipt of your letter of April 9 relative to the application for the enrollment of your son, Frank Brown, and also of your letter of April 10, requesting to be advised of the status of the application. The Commission has reviewed the application and has advised that the same is being processed in accordance with the provisions of the Act of April 22, 1902, and that the same will be completed as soon as possible.

You are further advised that your son, Frank Brown, was to be enrolled from the S. 1/4 of SW 1/4 of section 17, and the E. 1/4 of SW 1/4 of section 18, Township 18 N., Range 7 E.

You are further advised that your son, Frank Brown, was when regularly listed for enrollment as a citizen of the United States and that application for an allotment to him may now be made at the office of the Commission.

Respectfully,

En. 279

Muskogee, Indian Territory, January 8, 1906.

Chief Clerk,

Chectaw-Chickasaw Enrollment Division.

Dear Sir:

It appears from the record in the matter of the application for the enrollment of Henry, Lilly and Effie Brown, as Creek freedmen, that said persons have been listed for enrollment on Chectaw freedman card Field number 14 and the Creek Enrollment Division has been verbally advised that their names appear on the approved roll of Chectaw freedmen.

You are requested to furnish the Creek Enrollment Division with a copy of the decision of the Commission to the Five Civilized Tribes, in the matter of the application for the enrollment of said Henry, Lilly and Effie Brown as Chectaw freedmen and with a copy of any testimony that you may have in which election was made for the enrollment of said persons as Chectaw freedmen.

You are further requested to advise this office as to the date of the approval of their enrollment.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING
17-2-14

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 17, 1906.

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 5, 1906, asking for a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Henry, Lilly and Effie Brown as Choctaw freedmen and a copy of any testimony in which election was made for the enrollment of said persons as Choctaw freedmen; you also wish to be advised of the date of the approval of these persons.

In compliance with your request there is inclosed herewith copy of the testimony of Susan Brown of May 6, 1905, together with a copy of the decision of the Commission to the Five Civilized Tribes of June 7, 1905.

You are further advised that the enrollment of these persons as Choctaw freedmen was approved by the Secretary of the Interior, August 22, 1905.

Respectfully,

W. O. Beall
Acting Commissioner.

EB 1-17.

Muskogee, Indian Territory, February 20, 1902.

Proposed to the Five Civilized Tribes.

It appears from the records of the Creek Enrollment Division that on October 12, 1900, Samuel Brown, under power of attorney executed by Sam Brown, applied to the Commission and made application for the enrollment of said Sam Brown and his three minor children, Henry, John and Carl Brown, as Creek Indians. The said application was approved by the Commission and the said Sam Brown said application was made in the presence of Carl said Henry, John and Sam Brown, who are the said Sam Brown, have been listed for enrollment on Creek Roll No. 14.

It is not approved, upon the testimony, that Samuel Brown, under said power of attorney, is authorized to cause those said minor children shall be enrolled, as they are residing with their mother in the Chickasaw Nation, and it is not shown that the relation of husband and wife is maintained by their parents.

You are advised that said Sam Brown has been regularly listed for enrollment on Creek Roll No. 14, 1900, and that the application for the enrollment of his said children as

THE UNIVERSITY OF CHICAGO
LIBRARY

1954

Ur. No. 270.

Muskogee, Indian Territory, April 24, 1892.

Mr. D. Hill,

Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision
of the Commissioner to the Five Civilized Tribes in the matter
of the application for the enrollment of Henry, Isiah and
John Jones, as Creek Freedmen.

The decision, with a copy of the objections had in
the case, herewith is transmitted to the Attorney General
for his review and opinion. The final decision of the
Secretary will be made known to you as soon as possible and
you will be informed of the same.

Respectfully,

Wm. O. Beall.

Acting Commissioner.

6242.379

Mustagee, Indian Territory, April 24, 1904.

Dear Sir:

Journey for Henry Brown, et al.,
Mustagee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Henry, Eliza, and Marie Brown, as Freedmen.

The decision, with a copy of the report, has been placed on file in this day's mail. It is for your review and approval. The Acting Secretary will be under the same to you as soon as you are informed of the same.

Respectfully,

Wm. O. Beall.

WOB-16

Acting Commissioner.

1912-13

Department of the Interior

The Department of the Interior
 has the honor to acknowledge the receipt of your letter
 of the 10th inst. in relation to the proposed
 lease of the lands described in the above
 captioned report. The Department is
 in receipt of the same and will
 be glad to advise you of the result
 of the same as soon as possible.

Very respectfully,
 Commissioner of Indian Affairs.

Acting Commissioner

1912-13

Refer in reply to the following:
Land: 32039-1906.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 25, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated April 14, 1906, transmitting the record of the application for enrollment as Creek Freedmen by Ben Brown for himself and his minor children, Henry, Lillie, and Errie Brown.

April 14, 1906, the Commissioner decided adversely to the applicants.

The record shows that the minor applicants are the children of the principal applicant, Ben Brown, a recognized and enrolled whose name appears at No. 5354, in a partial list of Creek Freedmen approved by the Department September 26, 1903; that the mother, Susan Brown, a recognized and enrolled Choctaw Freedman whose name appears opposite No. 5009 on a list of Choctaw Freedmen approved by the Department September 26, 1903; that the mother, of the minors herein, elected to have them enrolled as Choctaw Freedmen and their names appear at numbers 5255, 5256, and 5257 respectively, on a schedule of Choctaw Freedmen approved by the Department August 28, 1904.

In view of the record the approval of the Commissioner's

-2-

Very respectfully,

G.F. Larrabee,

Acting Commissioner.

MMK.C.

CHV. LEB.ERS.

25159.

I.T.D.9858-1906.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, June 5, 1906.

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

May 25, 1906, the Indian Office transmitted the record of the application for the enrollment of as Creek Freedman by Dan Brown, for his minor children, Henry, Lillie, and Effie Brown.

April 14, 1906, you decided adversely to the applicants, in which decision the Indian Office concurred.

The Department also concurs, and your decision above referred to is hereby affirmed.

A copy of the Indian Office letter is inclosed.

Respectfully,

Jesse B. Wilson,
Assistant Secretary.

1 inclosure.

Or. No. 279.

Muskogee, Indian Territory, June 30, 1906.

Dear Sir,

Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that under date of June 5, 1906, the Department affirmed the decision of the Commissioner to the Five Civilized Tribes, dated April 14, 1906, denying the application for the enrollment of Henry, Willie and Marie Brown, as Creek Freedmen.

Respectfully,

Commissioner.

Cr. 28. 279.

Muskogee, Indian Territory, June 20, 1906.

E. Eastain,

Attorney for Henry Brown, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of June 8, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated April 14, 1906, denying the application for the enrollment of Henry, Willie and Effie, Brown, as Creek Freedmen.

Respectfully,

Commissioner.

Gr. No. 579.

Mustoge, Indian Territory, June 20, 1906.

Brown,
Mustoge, Indian Territory.

Dear Madam:

You are hereby advised that the Department under date of June 8, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated July 14, 1906, denying the application for the enrollment of your children, Henry, Lillie and Nettie Brown, as Creek Freedmen.

Respectfully,

CR 20-200

200

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
 Muskogee, Ind. Ter., October 30, 1902.

In the matter of the application of Joe Johnson for the enrollment of himself as a Creek Freedman.

Joe Johnson, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Joe Johnson.
Q What is your age? A Twenty-six.
Q What is your post office address? A Womack, Indian Territory.
Q Is this the first time you ever appeared before the Commission to make application for your enrollment as a citizen of the Creek Nation? A Yes, sir.
Q Have you ever been enrolled by the Commission to the Five Civilized Tribes as a citizen of the Creek Nation? A My uncle, Joe Hutten, he told me that he had us enrolled; I think in the first enrollment was recognized as citizens of the Creek Nation.

The records of the Commission examined and it appears therefrom that Joe Johnson has not heretofore made application to the Commission for enrollment as a Creek Freedman.

It further appears from an examination of said records of the Commission, that Joe Johnson has not been listed for enrollment as a citizen of the Creek Nation.

- Q Do you make application for enrollment as a Creek Freedman?
A Yes, sir.
Q Have you ever been recognized by the tribal authorities as a citizen of the Creek Nation? A I don't know.
Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A No, sir, I haven't.
Q Did you ever draw any money from the Creek Nation? A No, sir.
Q Did anybody ever draw any money for you from the Creek Nation?
A My grandfather did.
Q Does your name appear upon the Creek tribal rolls? A No, sir.
Q To what town in the Creek Nation do you belong? A Canadian.

The 1890 and 1895 authenticated tribal rolls of the Creek Nation examined, Canadian Town, and the name of Joe Johnson is not found thereon.

The 1891 and 1895 Omitted rolls of the Creek Nation, Canadian Town, examined, and the name of Joe Johnson is not found thereon.

- Q Were you ever admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes, under the act of Congress of June 10, 1896? A Yes, sir.

The list of persons admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes, under the act of Congress of June 10, 1896, examined, and the name of Joe Johnson is found thereon (Creek Case No. 70).

Joe Johnson, witness.

Examination by the Commission.

- Q What is the name of your father? A Hickman Johnson.
- Q Is he living? A No, sir; he is dead.
- Q Was he a citizen of the Creek Nation? A No, sir; he was a citizen of the Chickasaw Nation.
- Q How long has he been dead? A He died in '99.
- Q Was he enrolled before his death, by the Commission, as a citizen of the Chickasaw Nation? A Yes.
- Q What is the name of your mother? A Amanda Johnson.
- Q Is she living? A No, sir; she is dead.
- Q How long has she been dead? A She died March 15, 1899.
- Q Was she a citizen of the Creek Nation? A She was recognized as a citizen of the Creek Nation.
- Q To what town in the Creek Nation did she belong? A Canadian.
- Q What was her name before she was married? A Amanda Hutton.
- Q Does her name appear upon the Dism Roll? A I don't know.

The roll of Creek freedmen made by J. W. Dunn, prior to March 14, 1897, examined, and the name of Amanda Johnson or Amanda Hutton cannot be found thereon.

- Q Are you married? A No, sir.
 - Q Where do you live? A I have been living in the Chickasaw Nation.
 - Q How long have you lived in the Chickasaw Nation? A Well, ever since I was born.
 - Q Did you ever live in the Creek Nation? A No, sir.
 - Q Have you a home here in the Creek Nation? A No, sir; I have no home here.
 - Q Have you made application to the Commission for enrollment as a citizen of the Chickasaw Nation? A By father, he made application and my mother was supposed to make application, but she told him he would have to file over in the Creek Nation, to make application of the Creek Nation, to make application, that was in the first enrollment in the Chickasaw Nation, to make application.
 - Q Are there any other statements you desire to make in the matter of the application made by you at this time for enrollment as a Creek freedman? A No, sir.
- Witness excused.

Frances Taylor, being first duly sworn, testified as follows:

- By the Commission.
 - Q What is your name? A Frances Taylor.
 - Q What is your age? A Twenty-four.
 - Q What is your post office address? A Muskogee.
 - Q Do you know the applicant here, Joe Johnson? A Yes, sir.
 - Q Is he any kin of yours? A He is my brother.
 - Q Is he a full-brother of yours? A Yes, sir.
 - Q Are you the identical Frances Taylor who made application for enrollment to the Commission on April 24, 1902? A Yes, sir.
 - Q You have not been listed for enrollment as a citizen of the Creek Nation yet, have you? A I filed an application here.
- Witness excused.

Examination by the Commission.

- Q If it should be found that you have heretofore been recognized as a citizen by both the Creek and Chickasaw Nations, in which Nation do you now elect to be enrolled and receive allotment of lands and distribution of moneys? A In the Creek Nation.

§ In Re Application of *John Johnson* for enrollment as a Creek
Citizen.

See Johnson, witness.

Commission to applicant.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of yourself as a citizen of the Creek Nation, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Witness examined.

Oliver C. Hinkle, having been first duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 30th day of October, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle

Subscribed and sworn to before me this 8th day of November, 1902,
at Muskogee, Indian Territory.

W. J. Rorer
Notary Public.

In the event of the application of Charles Barnett, the son of the late Mrs. W. H. Barnett, deceased, of the State of New York.

On the first day of July, 1900, certified as follows:
Respectfully by the Commission.

Is your full name A. Charles Barnett?
Is your age thirty years?
Is your present address A. Barnett?
Do you claim to be the Commission as a citizen of the United States?
Is the name of your wife A. W. Barnett?
Has she been married by the Commission as a citizen of the United States? A Yes, sir.

Is the name of your mother A. W. Barnett?
Is she now living?
Is she a citizen of the United States?

Is your father's name A. W. Barnett?
Is he now living?
Is he a citizen of the United States?

How old were you when you were born?
A Born May 8, 1900.

When did you die?
A Died July 9th, 1900.
In what year?
A 1900.

Is this the first time you have ever made application for the citizenship of the United States?
A Yes, sir.

Were you here before this time to make application?
A Yes, sir, to make no mistake.

Is your name A. Charles Barnett?
A Yes, sir.

Examination of the records of the Commission.

Examination by the Commission.

The records of the Commission further showed and it appears therefrom that a birth certificate in the name of the Commission for the purpose of the Commission was filed with the Commission on July 1, 1902, which birth certificate is marked Exhibit "A" and made a part of the record. The Commission further shows that there was filed with the Commission the application for enrollment of Susie Barnett, a child of the Creek Nation, which is marked Exhibit "B" and made a part of the record.

Q Do you know when the Creek treaty was passed in 1901? A No, sir. Was it in 1902, in 1903? A No, sir.

Q How long have you been in Oklahoma? A Yes, sir; I have been there; I have been here a while, though.

Q How did you get your allotment for your family here in the Creek Nation? A Yes, I filed for Lena Barnett when I was down here last in May, 1902.

Q How long have you been for Albert Barnett? A I am not sure, but I

was in the application, at that time, for the enrollment of Albert Barnett. A Yes, I don't know that they would enroll him at that time.

Q How long have you been for Susie Barnett? A I had one made.

Q How long have you been for Albert Barnett? A Yes.

Q How long have you been for Lena Barnett? A I had one made.

Q How long have you been for Albert Barnett? A I had one made.

Q How long have you been for Susie Barnett? A I had one made.

Q How long have you been for Albert Barnett? A I had one made.

Q How long have you been for Lena Barnett? A I had one made.

Q How long have you been for Albert Barnett? A I had one made.

Q Did you have a funeral? A No, sir; we didn't have any funeral. There were no preachers around there.

Q Was anybody else present when you buried the child, besides yourself and wife? A Sarah Jane Smith, Houston Makihanna and Minnie Walker.

Q What is the post office address of Mary Williams and Minnie Walker? A Catoosa is Mary Williams' post office, and Minnie Walker's post office is at Coweta now.

Q What are the post office addresses of Sarah Smith and John Escoe? A Catoosa.

Q Did they attend the funeral of your child, Susie Barnett? A Yes, sir; John Escoe didn't attend, he wasn't at home at that time.

Q What year? A 1902.

Q How long have you been for Susie Barnett? A Yes, sir.

Q How long have you been for Albert Barnett? A Yes, sir.

Q How long have you been for Lena Barnett? A Yes, sir.

Q How long have you been for Albert Barnett? A Yes, sir.

In Re Application for Enrollment of Susie Barnett as a Creek
Freeman.

Charles Barnett, witness.

Examination by the Commissioner.

Q Your wife had another child born to her on the 9th day of April,
1901? A Yes, sir.

Q And Susie Barnett died on the 9th day of July, 1900? A Yes, sir.

Q Are you and your wife, Lillie Barnett, both recognized citizens
of the Creek Nation? A Yes, sir.

Q Your names appear upon the Creek tribal rolls? A Yes, sir.

The 1890 and 1898 authenticated tribal rolls, of the
Creek Nation, examined, and the names of Charles and
Lillie Barnett are found and identified thereon.

Q What is the age of your wife, Lillie Barnett? A Twenty-nine.

Q Do the names of yourself and wife appear on the Durn Roll?
A No, sir.

Q Are you a Durn Roll descendant? A Yes, sir.

Q Is your wife, Lillie Barnett, a Durn Roll descendant? A I don't
know about that, she is a citizen by blood.

Q Are there any other statements you desire to make at this time
with reference to the application made by you for the enrollment
of your child, Susie Barnett, deceased, as a Creek Freeman?
A No, sir.

Commission to applicant.

You will be furnished at a later date with a copy of the decision
of the Commission in the matter of the application made by you for
the enrollment of your minor child, Susie Barnett, deceased, as a
Creek Freeman, which will be mailed to you at your proper post of-
fice address, as given by you in your testimony taken at this time.

Oliver C. Hinkle, being first duly sworn, upon his oath states
that, as stenographer for the Commission to the Five Civilized Tribes,
he reported the proceedings had in the above entitled cause on the
10th day of November, 1903, and that the above and foregoing is a
full, true and correct transcript of his stenographic notes of said
proceedings on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 11th day of November, 1903,
at Muskogee, Indian Territory.

J. S. Doney
Notary Public.

United States of America

Indian Territory

SS.

Western District.

Minnie Walker, being duly sworn, upon oath states that she is a citizen of the Coma Nation; that she is acquainted with the family of Charles and Lillie Barnett and that there was born to them a child on May 2, 1902 and that said child was named Jessie; that said Jessie Barnett died on July 9, 1900,

~~written~~ Subscribed and sworn to before me this 21

October, 1902

Minnie Walker.

A. G. Cooper
Notary Public

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

In the matter of the death of Susie Barnett
(Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near

Catoosa, Ind. Ter., and died on the 9 day of
(Here insert name of post office.)
July, 1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
western District. }

I, Lilly Barnett, on oath state that I am 29
years of age and a citizen, by Blood, of the Creek Nation;
that my post office address is Catoosa, Ind. Ter.; that I am
(Here insert name of post office.)
the Mother of Susie Barnett,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Blood, of the Creek Nation;
and that said Susie Barnett died on the 9 day of
(Here insert name of deceased.)
July, 1900.

WITNESSES TO MARK:

(Must be Two Witnesses.) } Minnie Wasson

Subscribed and sworn to before me this 11 day of Oct 1902.
W Y Cooper
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
western District. }

I, Sarah Jane Smith on oath state that I am 52
years of age, and a citizen, by of, of the United States Nation;
that my post office address is Catoosa Ind. Ter.;
(Here insert name of post office.)
that I was personally acquainted with Susie Barnett
(Here insert name of deceased.)
who was a citizen, by Blood, of the Creek Nation;
and that said Susie Barnett died on the 9 day of
(Here insert name of deceased.)
July, 1900.

WITNESSES TO MARK:

(Must be Two Witnesses.) } Minnie Wasson

Subscribed and sworn to before me this 11 day of Oct 1902.
W Y Cooper
Notary Public.

209 a

20

IN RE

Application for Enrollment of

INFANT CHILD

Susie Barnett

as a citizen of

Creek Nation.

Approved 190

Commissioner.

Look this up. This child probably died before July 1-1900

Exhibit "A"

Filed Aug. 13-1902

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

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Susie Barnett, born on the 2nd day of May, 1900
(Here insert name of child.)
Name of Father: Charley Barnett a citizen of the Creek Nation.
Name of Mother: Lillie Barnett a citizen of the Creek Nation.
Post-office Catoosa Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Marathon District.

I, Lillie Barnett, on oath state that I am 29
years of age and a citizen, by Blood, of the Creek Nation;
that I am the lawful wife of Charley Barnett, who is a citizen, by
Blood, of the Creek Nation; that a Female child was
(male or female.)
born to me on 2nd day of May, 1900, that said child has been
named Susie Barnett, and is now dead living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Lillie Barnett

Subscribed and sworn to before me this 24th day of July, 1902
My Com. Expires May 2/1905. Thomas J Daugherty
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING ~~PROSECU~~ OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Marathon District,

I, Sarah Jane Smith, a midwife, on oath state that I
attended on Mrs. Charley Barnett, wife of Charley Barnett
on the 2nd day of May, 1900, that there was born to her on
said date a Female child; that said child is now living and is said to have been
(male or female.)
named Susie Barnett.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Sarah Jane Smith
her
mark

Thomas J Daugherty
M R Trumble

Subscribed and sworn to before me this 24th day of July, 1902
My Com. Expires May 2/1905. Thomas J Daugherty
NOTARY PUBLIC

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Susie Barnett, deceased, as a Creek Freedman.


DECISION.

The record in this case shows that on November 10, 1902, Charles Barnett appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his deceased child, Susie Barnett, as a Creek Freedman.

The evidence shows that said Susie Barnett was born May 2, 1900 and died July 9, 1900.

The evidence further shows that said Susie Barnett, deceased, was the child of Charles and Lillie Barnett, and the records of the Commission show that the names of said Charles and Lillie Barnett are contained in the list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, numbers 1886 and 1887, respectively. It is, therefore, the opinion of the Commission that said Susie Barnett, deceased, should be enrolled as a Creek Freedman in accordance with the provisions of the act of Congress, March 1, 1901 (31 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

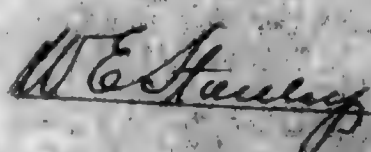

Chairman.

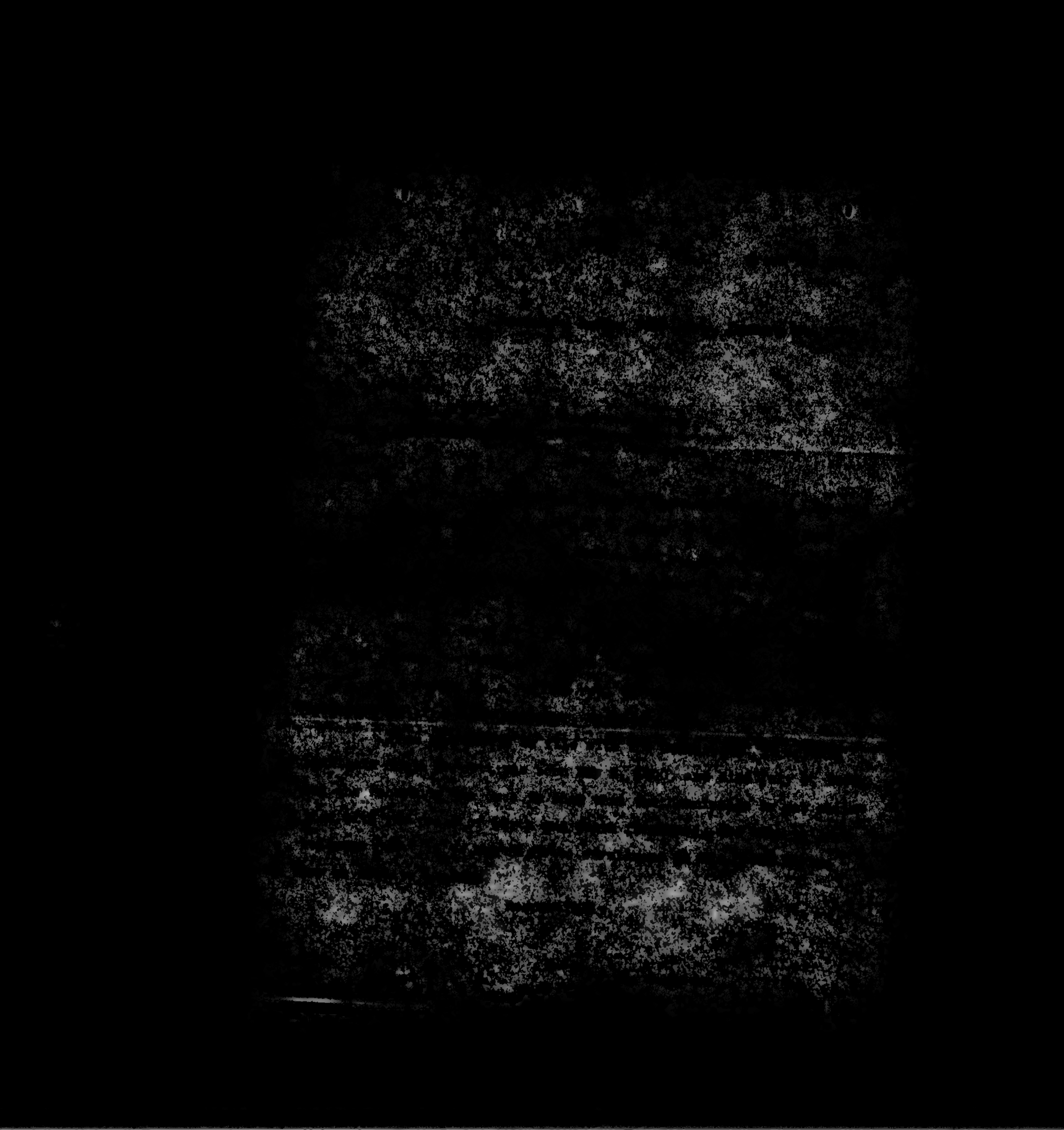

Commissioner.


Commissioner.

Dated at Muskogee,
Indian Territory

MAR 17 1904


Commissioner.









In Re Application for enrollment of Mahala Proctor, deceased,
as a citizen of the Creek Nation.

Fannie N. Proctor, witness.

Examination by the Commission.

Proctor, prior to this time? A No, sir, not for enrollment, only
by affidavit.

It appears from the records of the Commission that
on January 7th, 1902, there was filed with the Commission
proof in the matter of the death of Mahala Proctor,
hereto attached and marked Exhibit "A".

Q Was Mahala Proctor a full-blood Creek Indian? A Yes, sir.

Q Had she always resided in the Creek Nation? A Yes, sir.

Q Do you remember the names of any of the persons who attended
the funeral of Mahala Proctor? A Yes, sir.

Q Can you get additional proof as to the date of her death?

A Yes, sir.

Q Will you agree to furnish the Commission such proof, within a
reasonable time? A Yes, sir.

Q Are there any additional statements you desire to make in the
matter of the application made by you at this time for the en-
rollment of your deceased sister, Mahala Proctor as a citizen of the
Creek Nation? A No, sir.

Commission to applicant:

You are hereby advised that an receipt of the additional
evidence you have hereto agreed to furnish as to the date of
the death of your said sister, Mahala Proctor, will be im-
formed of the decision of the Commission in the matter of the
application made by you at this time for her enrollment as a
citizen of the Creek Nation, which will be mailed you at your
proper post office address, as given by you in your testimony
taken at this time.

Witness excused.

Oliver C. Hinkle, having been first duly sworn, upon his oath
states, that, as stenographer for the Commission to the Five Civ-
ilized Tribes, he reported the proceedings had in the above
entitled cause on the 5th day of December, 1902, and that the
above and foregoing is a full, true and correct transcript of
his stenographic notes thereof.

Oliver Hinkle

Subscribed and sworn to before me this 5th day of December,
1902, at Muskogee, Indian Territory.

W. J. Borey
Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES
Muskogee, Ind. Terr., April 2, 1903

SUPPLEMENTAL TESTIMONY in the matter of the application of
Timmie H. Proctor for the enrollment of his deceased sister, Mahala
Proctor, as a citizen, by blood, of the Creek Nation.

TIMMIE H. PROCTOR, being first duly sworn, testified as
follows:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A Timmie H. Proctor.
Q What is your age? A About twenty years.
Q What is your post office address? A Halesville.
Q Are you the identical person who made application to the Genl.
mission on December 5, 1902, for the enrollment of your deceased
sister, Mahala Proctor, as a citizen of the Creek Nation? A Yes, sir.
Q Is Mahala Proctor your full sister? A Yes, sir.
Q What is the name of Mahala Proctor's mother? A Nandy Proctor.
Q Have you a sister by the name of Mary Proctor? A No.
Q Is there any one in your family, deceased or living, by the name
of Mary Proctor? A No, sir.
Q Is Mahala and Mary Proctor one and the same person? A Yes, sir.
Q What is the correct name of Mahala Proctor? A Mahala is her
right name.
Q Is she sometimes called Mary Proctor? A Yes, sir.
Q Well how did she get the name of Mary--how does it happen that
she is sometimes called Mary? A She used to go to school at Halesville
and the school teacher didn't understand her name Mahala and called
her Mary.
Q The affidavits, then, made by your mother, Nandy Proctor, and
David Proctor, in the matter of the application for the enrollment of
deceased sister, Mahala Proctor, in which they testify that
Proctor was born on the 30th day of July, 1890, and died on the
10th day of July, 1899, were meant for Mahala Proctor? A Yes, sir.
Q Do you know any one by the name of Myrtle Proctor? A Yes, sir.
Q What kin is she to you? A A cousin, I think.
Q Is she a daughter of Toney Proctor? A Yes, sir.
Q Toney Proctor your uncle? A Yes, sir.
Q Do you know when Myrtle Proctor died? A I don't know exactly
what date, can't tell you exactly what date.
Q Do you know the year? A In 1899, I think.
Q Did Mahala Proctor die before or after the date of the death of
Myrtle Proctor? A After Myrtle died.
Q About how long a time was there between the dates of their
death? A Not very long, a month or so--may be two or three months,
or something like that--not very long.

The records of the Commission examined and it appears
therefrom that Myrtle Proctor died on the 10th day of June,
1899.

- Q You never knew anybody by the name of Myrtle Proctor?
A No, sir.
Witness excused.

Oliver C. Hinkle, having been first duly sworn, testified and
states that, as stenographer to the Commission to the Five Civilized
Tribes, he reported the proceedings had in the above entitled case
on April 2, 1903, and that the above and foregoing is a full, true
and correct transcript thereof.

Subscribed and sworn to before me this 2nd day of April, 1903,
at Muskogee, Indian Territory.

J. J. B.

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

In the matter of the application for the enrollment of Mahala Proctor, deceased, as a citizen, by blood, of the Creek Nation.

DECISION.


The record in this case shows that on December 5, 1902, Emma H. Proctor appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her deceased sister, Mahala Proctor, as a citizen, by blood, of the Creek Nation. Further proceedings, in the matter of said application, were had at Muskogee, Indian Territory, on April 2, 1903.

The evidence shows that the said Mahala Proctor was a Creek by blood, that she is identified on the 1896 Pay Roll of the Creek Nation, and that she died July 9, 1899.


The evidence further shows that said Mahala Proctor resided in the Creek Nation all her life.

It is therefore the opinion of this Commission that the said Mahala Proctor should be enrolled as a citizen, by blood, of the Creek Nation, in accordance with the acts of Congress, June 26, 1898 (30 Stat., 495), and March 1, 1901 (31 Stat. L., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



 Chairman.



 Commissioner.

Dated at Muskogee, Indian Territory,
this 18 day of April, 1903.

Commissioner.

Muskogee Nation,
A. Murphy,
National Attorney.

Muskogee, Indian Territory, February 10, 1908.

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

Gentlemen:

Referring to Creek No. 388, after a careful investigation
find that Mahala Feltner, deceased sister of Thomas W. Feltner,
after her last will and testament to Muskogee and the Clerk of the
Court to offer to the nation.

Very truly yours,

100

100

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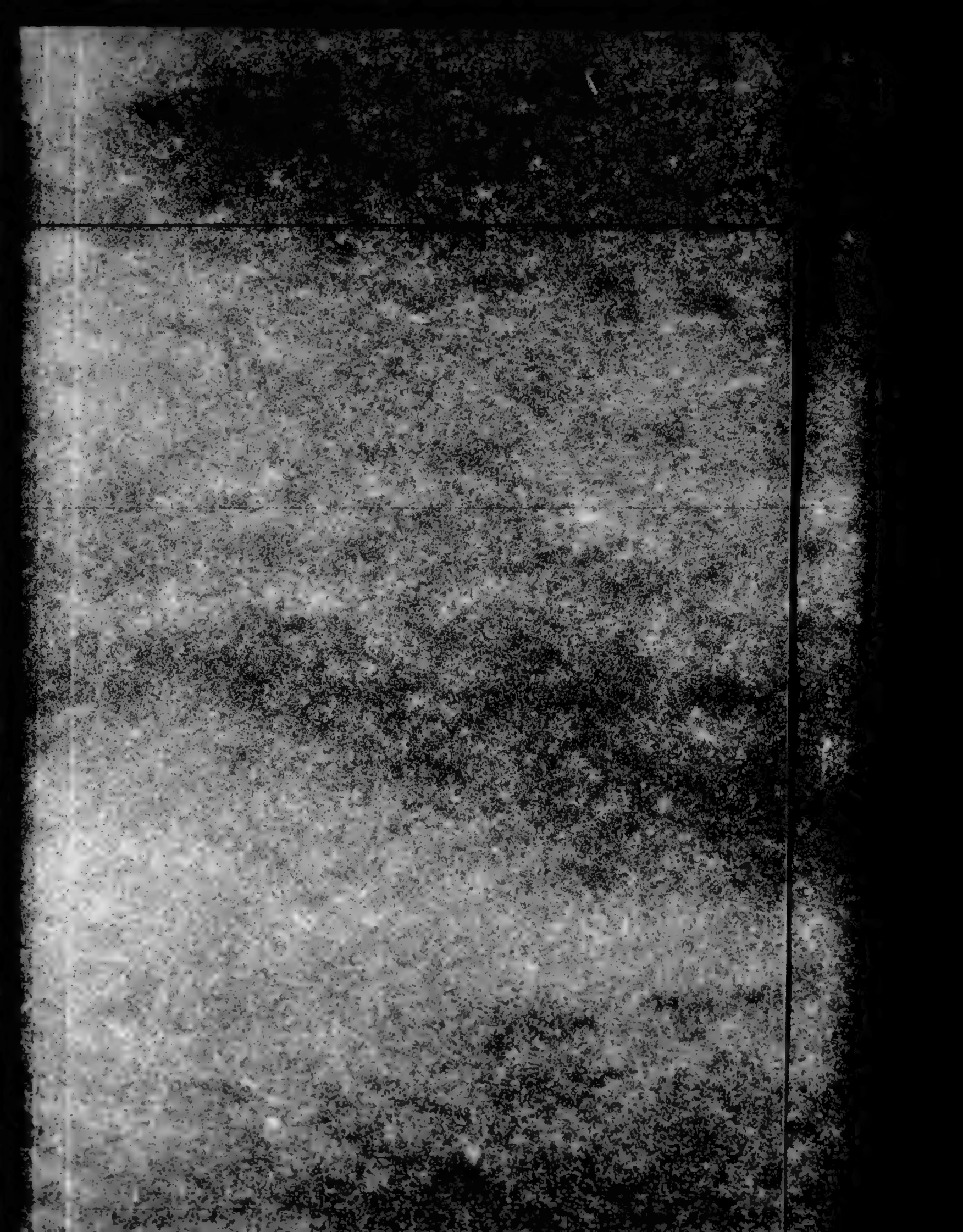
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WALLEN

WALLEN

WALLEN



DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D. C., December 12, 1908.

In the matter of the application of John Farris for the enrollment of himself and his children, Annie Patterson, and her two children, James and Mary, as citizens of the Creek Nation, by section 21 of the Creek Act of March 3, 1906, and by section 21 of the Creek Act of March 3, 1906.

The witnesses are as follows: John Farris, applicant.

John Farris, being first duly sworn, testified as follows:

Examination by the Commissioner,

- Q What is your name? A John Farris.
Q What is your age? A Forty years.
Q What is your post office address? A Shawnee, Oklahoma Territory.
Q Are you a citizen of what nation do you now make application for enrollment? A Creek.
Q Do you make application for enrollment as a Creek citizen by blood? A Yes, sir.
Q Do you claim to be a Creek Indian? A Yes, sir.
Q Have you ever been recognized as a citizen of the Creek Nation by the Creek tribal authorities? A No, sir.
Q Do you ever live in the Creek Nation? A No, sir.
Q Has your daughter, Annie Patterson, ever done any work in the Creek Nation? A No, sir.
Q Did you ever live in the Creek Nation? A No, sir.
Q Did your daughter, Annie Patterson, and her children, ever live in the Creek Nation? A No, sir.
Q What degree of Creek blood do you claim? A One-half.
Q What degree of Creek blood has your daughter, Annie Patterson? A One-quarter.
Q What was the name of your father? A Jerry Weather's.
Q Was he a citizen of the Creek Nation? A Yes, sir, he was. I think he came from the Creek Nation.
Q Your father lived in the Creek Nation and moved to Texas?
A Yes, sir.
Q Is he living? A No, sir, he is dead.
Q What is the name of your mother? A Lettie Dixon.
Q Was she a citizen of the Creek Nation? A No, sir.
Q What nationality was she? A She was a dark colored woman.
Q Does your name and the name of your daughter, and her children, appear upon any of the Creek tribal rolls? A Not that I know of.

The 1892 and the 1895 authenticated rolls of the Creek Nation were examined and the names of the applicants herein are not found thereon.

The 1891 and the 1894 authentic rolls of the Creek Nation examined and the names of the applicants herein not found thereon.

- Q Do you or your daughter believe to be Creek Indian folk?
A Yes, sir.
Q Are you and your daughter, and her children ever admitted to citizenship in the Creek Nation by the Commission to the Five

1. In the Application for the Enrollment of Vina Farris et al., as citizens, by blood, of the Creek Nation.

Vina Farris, witness.

Examination by the Commission.

Q Did you ever make application for enrollment in the Creek Nation? A No, sir.

Q Did your daughter ever make application there for her enrollment and the enrollment of her children? A No, sir.

Examination by A. W. Jones, attorney for applicant.

Q Vina Farris, was your father and mother married, do you know? A Yes, I don't know whether they were or not; they lived together as man and wife.

Q How long did they live together? A Seven or eight years.

Q Do you know whether or not he came from the Indian Territory into Texas? A Yes, sir; he came from the Indian Territory to Texas.

Q Do you know when he died? A I don't know exactly when he died.

Q Do you know about how long he has been dead? A I think he has been dead close on to thirty years, I reckon; he died when I was small.

Witness excused.

LUCY GENTRY, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Lucy Gentry.

Q How old are you? A I am fifty-five years old.

Q What is your post office address? A Muskogee.

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

Q Are you acquainted with Vina Farris, and her daughter, Fannie Patterson and Fannie's two children? A Yes, sir; I looked her when she had her little girl.

Q You know Vina Farris, then, and Fannie Patterson? A Yes, sir.

Q Do you know whether Vina Farris and Fannie Patterson are full-blood Creek Indians or not? A Well, I reckon I couldn't say that, but I know their father, -- I knew Vina Farris' father.

Q What was his name? A His name was Jerry Weatherby, but he went by Marshall when I knew him.

Q Was he a full-blood Creek Indian? A Well, he was mixed.

Q What was he mixed with? A Mixed with colored and Indian.

Q Did you know Vina Farris' mother? A Well, I seen her, but I wasn't acquainted with her as well as I did her father.

Q Was she a full-blood Creek Indian? A She was dark.

Q Was she part colored? A Well she looked like she was all colored, to me.

Examination by A. W. Jones, attorney for applicant.

Q Did you say your name is Mrs. Gentry? A Yes, sir.

Q You are a citizen of the Creek Nation? A Yes, sir.

Q Did you know the father of Vina Farris? A Yes, sir.

Q What was his name? A I called his name Jerry Marshall.

Q Was he a recognized citizen of the Creek Nation? A Well he looked like he was, he would have quite a while, that is why I looked like

Q Do you know whether he applied to be enrolled? A Well he told me he was going to -- he was with William Brown and told me he was going to come here and apply for his rights.

In the application for the citizenship of Vina Farris et al., as citizens, by blood, of the Creek Nation.

Lucy Gentry, witness.

Examination by A. W. Jones, attorney for applicants.

Q Where did he come from? A He came from out on North Fork, he told me.
Q In the Creek Nation? A In the Creek Nation.
Q How long since that? A That has been about two or three years.
Q Two or three? A Yes, sir. I don't believe he died, unless he died here lately. He is the same man I was acquainted with, he is not dead, I don't think, and it is her father (Pointing to Vina Farris), and I know that. I was just sitting here listening because he told me so. He said her mother and him was parted for years.
Q Oh, you do know that is her father? A Yes, sir.
Q You don't know whether he got upon the roll or not? A No, sir; I knowed this one for twenty or twenty-one years; I knowed her in Texas, and then seen her right here.
Q She was born and raised in Texas? A Yes, sir; that is what she said. I couldn't swear about that. I was just telling you her, for her father was raised on North Fork, he went by Marshall.
Q Marshall? A Yes, sir; but his name was changed, you know; he changed his name by his Master's name, you know, by his Master's name.

Witness excused.

VINA FARRIS, being recalled, testifying as follows:

Examination by the Commission.

Q Are there any other statements you desire to make at this time with reference to the application made by you at this time for the enrollment of yourself, your daughter, Jennie Patterson, and your two grandchildren, Gussie and Georgie Patterson, as citizens, by blood, of the Creek Nation? A I can't know, sir, as there is

Commission to Applicant:

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of yourself and your daughter, Jennie Patterson, and your two grandchildren, Gussie and Georgie Patterson, as citizens, by blood, of the Creek Nation, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Witness excused.

Oliver G. Hinkle, having been first duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 15th day of December, A. D. 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver G. Hinkle

Subscribed and sworn to before me this 15th day of December, 1902, at Muskogee, Indian Territory.

J.H.

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

In the matter of the application for the enrollment of Vina Harris, Fannie Patterson, Susie Patterson and Georgia Patterson, as citizens, by blood, of the Great Nation.

DECISION.

The record in this case shows that on December 12, 1902, Vina Harris appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself, her daughter, Fannie Patterson, and Susie and Georgia Patterson, the two minor children of the said Fannie Patterson, as citizens, by blood, of the Great Nation.

The evidence shows that all of the applicants were residents of the Territory of Oklahoma at the date of the application herein; that they had resided in said Territory of Oklahoma for about one year prior to their said application, and that for ten years immediately prior to their removal to Oklahoma they had resided in the State of Texas. It further appears that none of the applicants are full-blood Great Nations.

It does not appear from the evidence in this case that any of the applicants herein have ever been admitted by the tribal authorities of the Great Nation, neither does it appear that any, or any of them, have ever been admitted to citizenship in the Great Nation by the legally constituted authorities of said nation. Nor does it appear that they, or any of them, have ever been admitted to citizenship in said Nation by the Commission to the Five Civilized Tribes, or by the United States court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1906 (34 Stat., 221).

The act of Congress approved May 21, 1906 (34 Stat., 222), provides:

"That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of said tribe in Indian Territory who has not been a recognized citizen thereof, and only such lawfully enrolled or admitted as such, and its refusal of such applications shall be final, when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Vina Harris, Fannie Patterson, Susie Patterson, and Georgia Patterson,

The provisions of the Creek Indian Act have been fully and literally complied with as far as they go, and that pursuant to the provisions of law herein recited, it is without authority to receive, consider or make any record of their applications for enrollment as citizens of the Creek Nation.

CONFORMITY TO THE FOLLOWING TERMS

[Illegible signature]
[Illegible signature]
[Illegible signature]

Noted at Muskogee, Indian Territory
this 16 day of March, 1905.

W. E. Stanley
Deputy Commissioner

COMMISSIONERS
TAMMANY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Creek No. 233.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 17, 1903.

Vina Farris,


Shawnee, Oklahoma Territory.

Dear Madam:

There is herewith inclosed one copy of the Decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself, your daughter, Fannie Patterson, and your two grandchildren, Cassie and Georgie Patterson, as citizens by blood of the Great Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Chairman.

COH-233.

Register.

803

Creek No. 253.

Muskogee, Indian Territory, March 17, 1903.

Arthur F. Murphy,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Vice Juris for the enrollment of herself, her daughter, Jennie Patterson, and her two grandchildren, Susie and Georgia Patterson, as citizens of Muskogee of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is advised of the same.

Respectfully,

Chairman.

CCF-253.

210
Creek No. 303.

Mustoge, Indian Territory, March 17, 1906.

A. S. Jones, Esq.,

Attorney for Tom Harris, et al.,

Mustoge, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the Decision of the Commission to the Five Civilized Tribes in the matter of the application made by Vena Harris for the enrollment of herself, her daughter, Emma Patterson, and her two granddaughters, Curtis and Georgia Patterson, as citizens by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is returned of the same.

Respectfully,

Chairman.

Washington, Indian Territory, March 27, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the report of proceedings in the matter of the application for the removal of the children of Harold, her daughter, Frank Patterson, and her grandchildren, Frank and George Patterson, as citizens of the Creek Nation, including the minutes of the commission, held March 14, 1905, covering said application.

Respectfully,

Yours truly,

Through the Commissioner of
Indian Affairs.

CGP-214.

Refer in reply to
the following:
18138-1903.

(Copy)

DEPARTMENT OF THE INTERIOR
Office of Indian Affairs,

WASHINGTON, June 3, 1903.

The Honorable,
The Secretary of the Interior.

I have the honor to transmit herewith a report from the Commission to the Five Civilized Tribes dated March 17, 1903, forwarding the record relative to the application of Vina Farris for the enrollment of herself, her daughter Fannie Patterson, and her grandchildren Gussie and Georgie Patterson, as citizens by blood of the Creek Nation.

March 16, 1903, the Commission held the applicants were not entitled to enrollment.

The record in the case shows that all of the applicants were residents of Oklahoma at the date of their application; that they had resided in Oklahoma for about one year preceding their application; that for ten years prior to their removal to Oklahoma they lived in Texas; and that none of the applicants are of full blood. From the record it does not appear that any of the applicants have been recognized and enrolled as citizens of the Creek Nation either by the tribal authorities, the Commission or the Court. The applicants not being of the full blood do not come under the provisions of section 29 of the original Creek agreement, and not coming within the purview

of said section they are barred from enrollment by the provisions of the Act of May 31, 1900.

The approval of the Commission's decision is recommended.

Very respectfully,

A. C. Tenner,
Acting Commissioner.

G.A.W.(S)

DEPARTMENT OF THE INTERIOR.

THE

WASHINGTON.

I.T.D. 4858-1903.

June 12, 1903.

LRS

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

March 17, 1903, you transmitted the record in the case involving the application for enrollment of Vina Farris, her daughter, Fannie Patterson, and her grandchildren, Gussie and Georgie Patterson, as citizens by blood of the Creek Nation, including your decision of March 16, 1903, denying said application.

The evidence furnished by the record shows that the applicants are not full blood Creek Indians; that they have never been admitted to citizenship by the tribal authorities thereof, the Commission to the Five Civilized Tribes, or the United States court in the Indian Territory.

It further shows that the applicants had resided in Oklahoma for about a year preceding their application, and that for ten years prior to their removal to Oklahoma they lived in Texas.

Reporting in the matter June 3, 1903, the Acting
Commissioner of Indian Affairs recommends that your decision
be affirmed. A copy of his letter is enclosed.

The Commission has carefully examined the record
and is in full accord with the Acting Commissioner's decision.

Very respectfully,

E. A. Hitchcock,
Secretary.

I enclose.

COMMISSIONERS:
YANS BIXBY,
THOMAS B. NEEDLES,
C. B. BRACKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING
Creek No. 383.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 1, 1903.

Vina Farris,
Cherokee, Oklahoma Territory.

Dear Madam:

You are advised that the Secretary of the Interior, under date of June 18, 1903, affirmed the decision of the Commission to the Five Civilized Tribes, dated March 18, 1903, denying the application made by you for the enrollment of yourself, your daughter Jennie Patterson, and your two grandchildren, Cassie and Georgie Patterson, as citizens by blood of the Cherokee Nation.

Respectfully,



Register.

J. J. B.

Creek No. 383.

Muskogee, Indian Territory, July 1, 1903.

A. F. Jones,

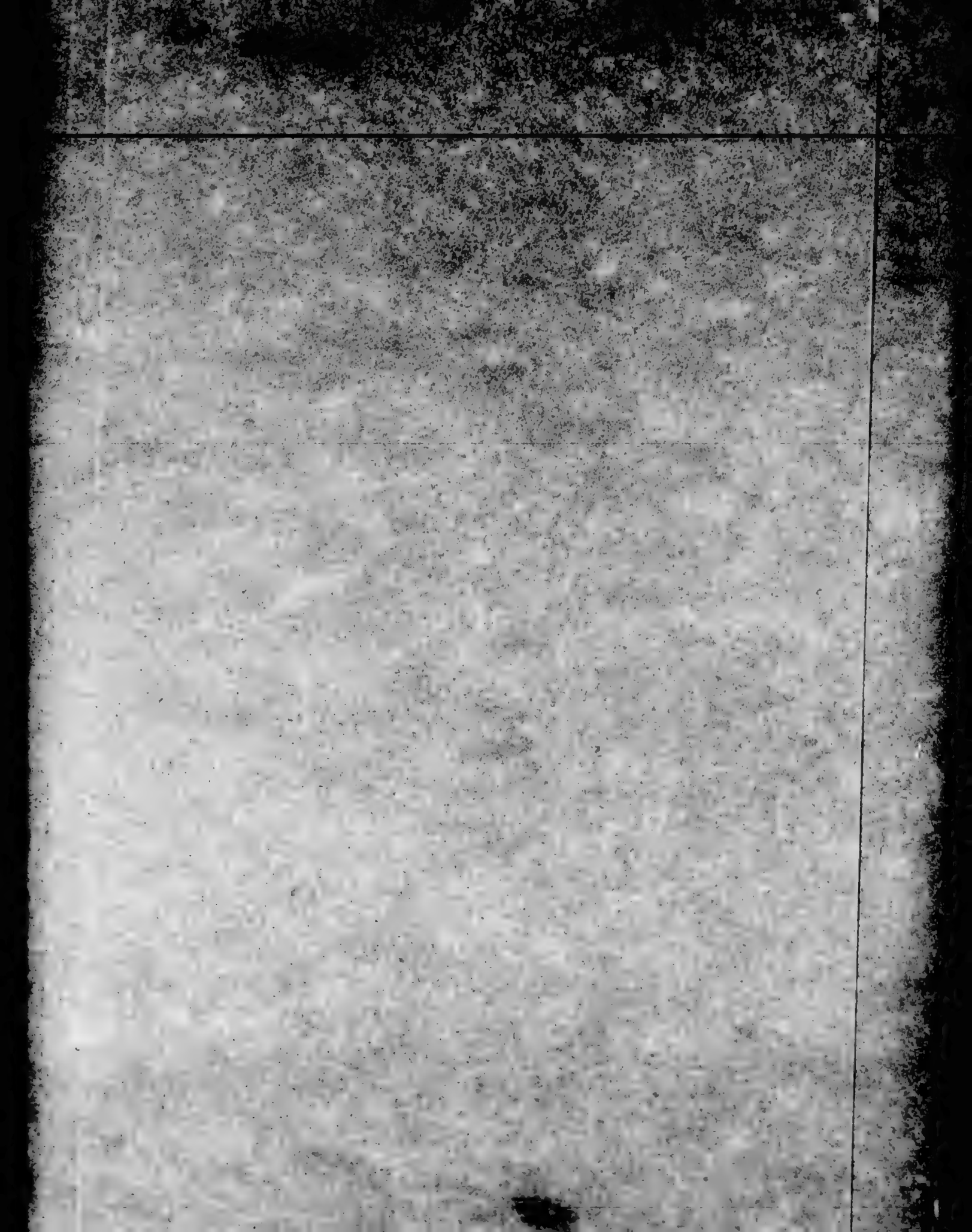
Muskogee, Indian Territory.

Dear Sir:

You are advised that the Secretary of the Interior, under date of June 12, 1903, affirmed the decision of the Commission to the Five Civilized Tribes, dated March 16, 1903, denying the application made by Vina Farris for the enrollment of herself, her daughter, Fannie Patterson, and her two grandchildren, Gussie and Georgie Patterson, as citizens by blood of the Creek Nation.

Respectfully,

Chairman.



DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE CREEK NATION
Tuskegee, Alabama, December 12, 1902.

In the matter of the application of Richard R. Bruner for the enrollment of his deceased son, David Bruner, as a citizen of the Creek Nation.

Richard R. Bruner, being first duly sworn, testified as follows:
Examination by the Commission.

- Q What is your name? A Richard R. Bruner, sometimes called Dick Bruner.
Q How old are you? A I was born in '32,—about seventy.
Q What is your post office address? A Beegs.
Q Are you a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it is found that Richard R. Bruner is regularly enrolled as a citizen of the Creek Nation on Creek Indian Card, Field No. 619.

- Q For whom do you now make application for enrollment, as a citizen of the Creek Nation? A David Bruner.
Q What relation was David Bruner to you? A My son.
Q Is he living? A No, sir.
Q When did he die? A He died in the month of July, in 1899.
Q Was David Bruner a citizen of the Creek Nation? A Yes, sir.
Q Does his name appear upon the rolls of the Creek Nation? A Yes, sir.

From an examination of the rolls it appears that the name of David Bruner appears on the 1890 Tuskegee roll, at page 396, and on the 1895 Tuskegee roll, at No. 396.

- Q Do you remember when you appeared before the Commission and filed on your allotment? A Yes.
Q When was that? A That was in August, 1899.
Q Was David Bruner living at that time, to my best ability I know he was, he was living at that time.
Q Do you remember when you appeared before the Commission and was listed for enrollment as a citizen of the Creek Nation? A Yes, sir.
Q When was that? A That was in August, the first of August.
Q What year? A Well, the year they opened the land office, I think it was in '99,—that's it, you will find it on the roll there, I guess.
Q Was your son, David, living at that time? A Yes, sir.
Q Do you know whether he appeared before the Commission at the court house and had himself enrolled? A No, sir; I don't.
Q Why? A I don't know, most people didn't come up at all then—stand back; I don't know what was the cause of it. He wouldn't come up at all, and his own town wouldn't come.

2 In Re Application for enrollment of David Bruner as a citizen of the Creek Nation.

Richard R. Bruner, witness.

Examination by the Commission:

It appears from an examination of the records of the Creek Enrollment Division that Richard R. Bruner appeared before the Commission and filed an allotment of land in the Creek Nation, August 1, 1899.

It further appears that Richard R. Bruner, and his wife, Mary, and children, Frank and Mildred Jane, are listed as enrollment on old creek census card 1843. It does not appear, however, that David Bruner was listed on an old card at that time.

Q Where did David Bruner live when he died? A Well, he had no certain place to live, was just working for people around.

Q Was he living in the Creek Nation? A Yes, sir; when he died.

Q How long had he lived in the Creek Nation before he died? A Well, he lived in the Creek Nation since peace was declared.

He was born up in Kansas, and came down here when he was a baby, in 1865.

Q Where is David Bruner buried? A He is buried up on Arkansas, above Red Fork.

Q Where did you buy the coffin? A Didn't buy it, just made it; made a homemade coffin.

Q Did you buy any burial outfit at all? A No, sir; I didn't; the man who tended him was the man he was working for, tended to buying him.

Q Who was he working for at that time? A Amos Fisher.

Q Is Amos Fisher now living? A Yes, sir.

Q What is his post office address? A Don't know exactly; he is living up in that country there, must be up near Oklahoma some place.

Q Do you know the names of any persons who were present at the time your son, David Bruner, was buried? A Well there was some men there, but they both dead. The man that helped bury him, he is dead, and the man who digged the grave, he is dead, too.

The affidavit of Wiley Scott, sworn to on the date of the death of David Bruner, as to and marked Exhibit A, and the affidavit of Richard R. Bruner, sworn to on the date of the death of David Bruner, as to and marked Exhibit B, are on file in the office of the Commission.

Q David Bruner was a citizen of the Creek Nation, was he? A Yes, sir.

Q What year did you emigrate with him to the Creek Nation? A Well, we emigrated with him to the Creek Nation in 1865.

Q Did David Bruner die at the time of his death in the Creek Nation? A Yes, sir.

Q Have you lived all the time in the Creek Nation? A Yes, sir.

Q Was she another of David Bruner's children? A No, sir.

Q Is she living? A No, sir.

Q What town was she living in? A Tullahoma.

Q When did she die? A In '04, November.

Q Is there any other statement you desire to make at this time with reference to the enrollment of your deceased son, David Bruner, as a citizen of the Creek Nation? A No, sir.

Commission to applicant.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time.

In Re Application for enrollment of the Creek Nation.

Richard E. Bruner, witness.

time for the enrollment of your deceased son, David Bruner, as a citizen of the Creek Nation, which will be mailed to you at your proper post office address, as given by you in your testimony.

Witness excused.

The undersigned, having been first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 13th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver DeWitt

Subscribed and sworn to before me at Muskogee, Indian Territory, this 16th day of December, 1902.

H. S. Brown
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
INDIAN TERRITORY,
MARCH 1, 1907.

In the matter of the right to enrollment of David Bruner, as a citizen by blood of the Creek Nation.

APPEARANCE: Jay P. Farnsworth, representing M. L. Kett, Attorney for the Creek Nation.

STATEMENT ON BEHALF OF THE COMMISSIONER: It appears from the records of this office that one David Bruner is listed upon the roll of citizens by blood of the Creek Nation, approved by the Secretary of the Interior May 21, 1904, copy to 9870.

AMOS FISHER being first duly sworn by Alex Pease, a Notary Public, testified as follows, through Alex Pease, official interpreter.

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Amos Fisher.
Q How old are you? A I do not know my age.
Q Do you think you are as much as 45 years of age? A I am nearer 55.
Q What is your Post Office? A Fisher.
Q Are you a citizen by blood of the Creek Nation--a full blood?
A Yes.
Q Can you speak the English language? A No sir.
Q You speak Creek? A Yes sir.
Q Are you acquainted with, or have you ever been acquainted with one David Bruner? A Yes sir.
Q Is David Bruner living or dead? A Dead.
Q Where did he live during his life time? A He had no particular residence.
Q Of what Creek Indian town was he a member? A Tuskegee.
Q What was the name of his father? A Dick Bruner.
Q Is he sometimes known as Richard Bruner, or R.R. Bruner?
A I only know him as Dick Bruner.
Q Do you know the name of the mother of David Bruner? A Polly.
Q Do you know when David Bruner died? A I am unable to fix the exact date of his death, he has been dead so long.

EXAMINATION BY JAY P. FARNSWORTH:

- Q Where did David Bruner die? A He was living with me at the time he died.
Q Near what place? A About 10 miles Northwest of Sapulpa.
Q Was he working for you at the time of his death? A He was helping my boys haul corn.
Q What did he die of? A He was shot.
Q Who was he shot by? A George Island.
Q How long did he live after he was shot? A About two days after he was shot.

- Q Where was he buried? A About a mile from my place.
Q Was he buried near Red Fork? A He was buried some distance from Red Fork.
Q How far did you live from Richard Bruner's home? A I do not know how far, something like 20 miles.
Q About how old was David Bruner at the time he died? A I do not know how old he was, he was about 3 feet high when Peace was declared.
Q By whom Peace was declared, what do you mean? A Civil War.
Q How long had you known David Bruner? A I had known him from boyhood.
Q Who was he living with when you first knew him? A With his parents.
Q Do you know whether George Island was tried for the murder of David Bruner. A He was arrested and tried at Vineta.
Q Did David Bruner die before the opening of the Creek Land Office? A He died before the Land Office opened.
Q Were you a witness at the trial of George Island for the murder of David Bruner? A Yes sir.
Q Was David Bruner commonly called Dave Bruner? A He was commonly known as Dave Bruner.
Q You were subpoenaed by the Commissioner to appear before him at this office, were you not? A Yes sir.
Q
Witness excused.

On behalf of the Creek Nation, I desire to offer a Certified copy of Bill of Indictment for murder from the United States, Vs., George Island, which is hereby made a part of this record. That Certified copy of Bill of Indictment is attached to and made a part of the record in this case, and marked exhibit "A". On behalf of the Creek Nation I also desire to offer in evidence a certified copy of the testimony of Archie Bruner, before the Commissioner for the United States Court, for the Northern District of the ~~United~~ Indian Territory, in the case of the United States Vs. George Island, said certified copy is marked "Exhibit B".

BEN MCINTOSH, being duly sworn by Alex Posey, a Notary Public, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Ben McIntosh.
Q How old are you? A I am 46 years old.
Q What is your Post Office address? A Beggs, Indian Territory.
Q Are you a citizen by blood of the Creek Nation? A Yes sir.
Q Do you speak both Creek and English? A Yes sir.
Q Of what Creek Indian town are you a member? A Coweta.
Q Were you at any time acquainted with one David Bruner?
A Yes sir.
Q Of what Creek Indian town? A Tuskegee.
Q Is he living? A No sir, he is dead.
Q Do you know the name of David's father? A Yes sir, Richard R. Bruner.
Q What was the name of his mother? A I don't know her name.

- Q How long were you acquainted with David? A I expect I have known him, probably about 25 years, just as near as I can calculate the time.
- Q Did you know him as a small boy? A Yes sir.
- Q Were you acquainted with him and did you see him quite often between his boyhood days and the time he died? A In 1882 and 1883 I lived in the house with him.
- Q He was living with his father at that time, was he? A Yes sir, I have lived within two miles from him all the time since.

EXAMINATION BY JAY P FAIRBANKS:

- Q When did David Bruner die? A I don't know what date he died on I could not state exactly to the date but I heard shortly after he was dead, that is as near as I can come to it.
- Q Did you hear what was the cause of his death? A Yes sir, he was shot by George Island somewhere near the town of Sapulpa.
- Q How old a man was David Bruner at the time of his death? A He must have been probably 32 or 33 years old, I just judge from how old he was when he first knew him and how long, he is about that old.
- Q Did he ever work for you? A Yes, about 10 years.
- Q Then you are positive that the boy that was living with Richard Bruner in 1882 and 1883, when you were living at Richard Bruner's house was this same person who was shot by George Island? A Yes sir, it was the same person, there is no question about it.
- Q Did you ever hear Richard Bruner say anything about him?
- A Yes he told me that David had been shot and that he was dead and they did not know anything about it until after he was buried and he went to Vineta and got an indictment against George Island for murder.
- Q Richard Bruner told you that? A Yes sir.
- Q You are positive? A Sure, I could not be mistaken.
- Q Who was David Bruner working for at the time of his death?
- A I could not tell you from what knowledge I have, I know from what was told me and what I've heard, he was up at Amos Fisher's he died near his place, between his place and Sapulpa.
- Q Did you go out to Richard R. Bruner's house the 27th of February, 1907, with Bunnie McIntosh, an employee of the Creek Nation? A Yes sir.
- Q Was Richard R. Bruner there? A Well, we did not see him.
- Q Who did you see? A We saw Mrs Bruner and the children.
- Q What did either you or Mr. McIntosh tell Mrs Bruner? A Well I think we both told her that we had a summons for him in the case and that we would just serve it on her and she said he was down in the woods looking for hags.
- Q Did you have a subpoena to serve on him? A Yes sir.
- Q What else did she say? A She said he knew all about it, said he had a letter from a lawyer, I have forgotten his name, saying that the Creek Nation was after him.
- Q Were you subpoenaed to appear before the Commission at this office? A Yes sir.

Witness excused.

H. B. Irvin, being duly sworn by Alex Peasey, a Notary Public, testified as follows:

- Q What is your name? A H. B. Irvin.
Q What is your age? A 45.
Q What is your post office? A Beggs, Indian Territory.
Q Are you a citizen of the United States? A Yes sir.
Q Are you a member of any Indian tribe? A No sir.
Q Were you at any time acquainted with any David Bruner?
A I was.
Q Is he now living or dead? A He is dead.
Q What was the name of his father? A Dick Bruner, I always called him, some people call him Richard Bruner.
Q Do you know the name of his mother? A No sir.
Q Did you ever see him at the home of his father's? A Yes sir.
Q How old was he when he died? A He must have been 32 or 35 years, up past 30.
Q Were you present when he was killed? A No sir, I was not.
Q When he was buried? A No sir.
Q Did you live near the place where he died? A Yes sir, about 8 miles.
Q What was the cause of his death? A Shooting.
Q Who killed him? A George Island, that is hear say, I did not see him killed.
Q Was George Island indicted for the crime? A Yes sir.
Q Was he tried? A Yes sir.
Q Did you attend the trial? A No sir, I did not attend it.
Q What year did David Bruner die? A 1896.
Q How do you know? A I was working for the United States Court then and I kept tract of all the years, I was Deputy Marshall at the time and I sent a telegram for a writ to be issued for the arrest of George Island and they sent another Deputy, it was Ledbetter, I think.
Q You were subpoenaed to appear at this office by the Commissioner, were you not? A Yes sir.

Witness excused.

I, Elizabeth Knight, on oath state that the within and foregoing is a true and correct transcript of my stenographic notes as taken in said case on said date.

Elizabeth Knight

Subscribed and sworn to before me on this the 1st day of March, 1907

Edward Morris
Notary Public.

J. J. B.

DEPARTMENT OF THE INTERIOR. Creek No. 284.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of David Bruner, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N .


The record in this case shows that on December 13, 1902, Richard R. Bruner appeared before the Commission at Muskogee, Indian Territory and made application for the enrollment of his deceased son, David Bruner, as a citizen by blood of the Creek Nation.

The evidence shows that said David Bruner was a Creek by blood; that he is identified on the 1890 authenticated tribal roll of the Creek Nation, and on the 1895 pay roll of said Nation, and that he died subsequent to April 1, 1899.

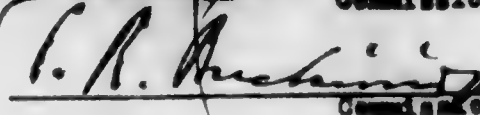
The evidence further shows that said David Bruner resided in the Creek Nation from 1865 until his death.

It is therefore the opinion of this Commission that the said David Bruner, deceased, should be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the acts of Congress, June 23, 1898, (29 Stats., 321), and March 1, 1901, (31 Stats., 361), and it is so ordered.

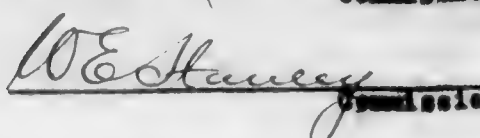
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory, DEC 22 1902

(COPY)
OF THE DEATH OF
FIVE CLEVELAND FRIENDS.

In the matter of David Bruner, a citizen of the Creek Nation,
formerly residing at or near Muskogee, Ok., and died on the
11th day of October, 1902.

Bruner, referred to in the attached Death Affidavit, I knew him
to be the son of Richard R. Bruner, he was commonly known as the son of
R. R. Bruner, and always passed as such, I do not know the exact
date of his death, but think that it occurred about the time mentioned
in the affidavit, that is my best recollection in the matter.

(Signed) T. W. Flynn

Subscribed and sworn to before me this 31st day of October, 1902.
at Muskogee, I. T.

(Signed) R. W. Sims

Notary Public.

My commission expires July 11th, A.D. 1906.

(SHE)

Mustang, Indian Territory, December 13, 1908.

John Fisher,

Mustang, Indian Territory.

Dear Sir:

Richard R. Bruner has made application for the burial of his deceased son, David Bruner, as a resident of the Creek Nation and he informs this office that you assisted in the burial of said David Bruner.

The Commission desires to get your affidavit as to the time of the death of said David Bruner, and for this purpose there is inclosed herewith blank form of death affidavit, which have properly filled out and executed before some notary public and return to this office in the inclosed envelope, which requires no postage.

Respectfully,

James E. Dixon

Acting Chairman.

J. D. C.

Madame, Indian Territory, January 24, 1902.

Mr. P. Porter,
Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that on December 13, 1902, Richard R. Bruner, whose post office address is given as Hugo, Indian Territory, appeared before the Commission and made application for the enrollment of his deceased son, David Bruner, as a citizen of the Creek Nation.

You are further advised that the name of David Bruner is identified upon the 1890 and 1895 authenticated rolls of the Creek Nation.

From an Affidavit on file with the Commission, it appears that said David Bruner died November 13, 1899, but the record in the case is such that the Commission is not satisfied with the proof of death furnished and desires such evidence relative to his right to enrollment as the Creek Nation may be able to produce.

Respectfully,

James D. Cox
Acting Chairman.

06
Muskogee, Indian Territory, December 23, 1903.

Richard H. Bruner,
Beggs, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission in the matter of the application for the enrollment of your deceased son, David Bruner, as a citizen by blood of the Creek Nation. The decision together with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Jame Bixby
Chairman.

Registered.

NOH.1.

CCN

Muskogee, Indian Territory, December 28, 1940

A. P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission in the matter of the application for the enrollment of David Bruner, deceased, as a citizen by blood of the Creek Nation. The decision together with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James Dixon
Chairman.

HON. 2.

(COPY)
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, March 3, 1904.

Land
83138-1903.

The Honorable
The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department the record of the proceedings had before the Commission of the Five Civilized Tribes in the matter of the application for the enrollment of David Bruner, deceased, as a citizen by blood of the Creek Nation.

On December 22, 1903, the Commission rendered a decision in this case, finding from the record that on December 13, 1902, Richard R. Bruner made application to the Commission for the enrollment of his deceased son, David Bruner, as a citizen by blood of the Creek Nation, and the Commission further finds from the evidence that the said David Bruner was a Creek by blood; that he is identified on the 1890 authenticated tribal roll of the Creek Nation and on the 1892 pay-roll of said nation and that he died subsequent to April 1, 1896, and resided in the Creek Nation from 1865 until his death; by reason of which facts and findings the Commission is of the opinion that David Bruner, deceased, should be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the Acts of Congress of June 28, 1898 (29 Stats., 321) and March 1, 1901, (31 Stats., 861).

I have examined the record evidence submitted in this matter and am of the opinion that the decision of the Commission is fully supported thereby and I therefore recommend that it be affirmed by the Department.

Very respectfully,

Acting Commissioner.

WCB-H

(COPY)

I.T.D. 1830-1904.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FEB
WCF

March 29, 1904.

LRS

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

Gentlemen:

The Department is in receipt of your letter of December 22, 1903, transmitting the record in the matter of the application of Richard Bruner for the enrollment of his son, David Bruner, deceased, as a citizen by blood of the Creek Nation, including your decision of December 22, 1903, granting said application.

The Department concurs in the recommendation of the Acting Commissioner of Indian Affairs, in his letter of March 3, 1904, a copy of which is inclosed, and your decision is approved.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

88/15
Muskegee, Indian Territory, April 8, 1904.

Richard R. Bruner,

Beggs, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 29, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated December 22, 1903, granting your application for the enrollment of your son, David Bruner, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

Register.

509
Ex 4

Muskogee, Indian Territory, April 8, 1904.

A. P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of March 29, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated December 22, 1903, granting the application of Richard R. Bruner for the enrollment of his son, David Bruner, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

8813
I. 4523.

Haskell, Indian Territory, April 13, 1904.

R. R. Bruner,
Edna, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of April 8 concerning the application made by you for the enrollment of your deceased child, David Bruner, as a citizen by blood of the Creek Nation. You request to be informed of the present status of the case.

In reply you are advised that on April 8, 1904, the Commission addressed a letter to you at Higgs, Indian Territory, the post-office address given by you in your testimony, advising you that the Secretary of the Interior, under date of March 29, 1904, affirmed the decision of the Commission, dated December 22, 1903, granting the application for the enrollment of your said child as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

J. J. B.

Muskogee, Indian Territory, May 23, 1904.

Richard H. Bruner,

Muskogee, Indian Territory.

Dear Sir:

You are advised that the name of David Bruner, deceased, is found on the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior May 21, 1902, and that application for a selection of land in the Creek Nation for the heirs of said David Bruner may now be made at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

Washington, Indian Territory, June 29, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

On December 22, 1903, the Commission to the Five Civilized Tribes transmitted to the Department the record of the proceedings had in the matter of the application of Richard H. Bruner for the enrollment of his son David Bruner, deceased, as a citizen by blood of the Creek Nation, together with a decision granting said application, and on March 29, 1904 (I.T.D. 1830-1894), the Department affirmed said decision.

The records in possession of this office show that on April 4, 1904, the name of David Bruner was listed on a partial schedule of citizens by blood of the Creek Nation on field card No. 4523, opposite roll No. 9370 and approved by the Secretary of the Interior May 21, 1904; that on June 7, 1904 and December 22, 1904, citizenship certificates were issued and allotments of land made to the heirs of said David Bruner, deceased; that deeds covering said allotments were recorded August 16, 1905, and placed in the hands of

Secretary - 40

the Chief of the Creek Nation for delivery. It appears from the records of the office of the Chief of the Creek Nation that said deeds were delivered to Richard B. Bruner, father of the said David Bruner, March 7, 1906.

It further appears that on the afternoon of March 1, 1907, Jay V. Yarnsworth, representing M. L. Nott, the Creek National Attorney, appeared at this office with a number of witnesses, to be presented in the matter of the enrollment of the said David Bruner. Although no previous action had been taken looking to the reopening of the citizenship case of the said David Bruner, the testimony of the witnesses was received. The attorneys for the Creek Nation at that time stated that they did not expect or desire that this matter should be passed upon prior to March 4, 1907. They further stated that they wished to give notice to G. D. Rogers, who claimed to be the owner of the allotment of said David Bruner, and afford him an opportunity of introducing evidence.

On March 5, 1907, this office received a letter from M. L. Nott, Creek National Attorney, informing this office that G. D. Rogers had notified Mr. Nott that he did not desire to offer any evidence or submit proof in the case.

No action has been taken, or a report made, pending a final determination of the question as to whether or not the Secretary of the Interior had the power to strike names from the roll after March 4, 1907. In Indian Office Letter of April 13, 1907,

I. I. 9872-107.

REPORT OF THE COMMISSIONER OF
THE FIVE CIVILIZED TRIBES, DECEASED, AS
A CREEK CITIZEN.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of the Commissioner to the Five Civilized Tribes, dated June 29, 1907, relative to the enrollment of David Bruner, deceased, as a citizen by blood of the Creek Nation.

It appears from the Commissioner's report that on March 29, 1904 (I. T. D. 1030-04), the Department affirmed the decision of the Commission to the Five Civilized Tribes of December 22, 1903, granting the application for the enrollment of David Bruner as above. The Commissioner now reports that from evidence which has been submitted to his office there is a strong probability that David Bruner, whose name appears on the partial schedule of citizens by blood of the Creek Nation opposite roll No. 9870, approved by the Department on May 21, 1904, died prior to April 1, 1902, and was not entitled to enrollment. It appears, however, that deeds covering allotments of land made to the heirs of David Bruner, have been recorded and delivered to the father of David Bruner.

April 12, 1907

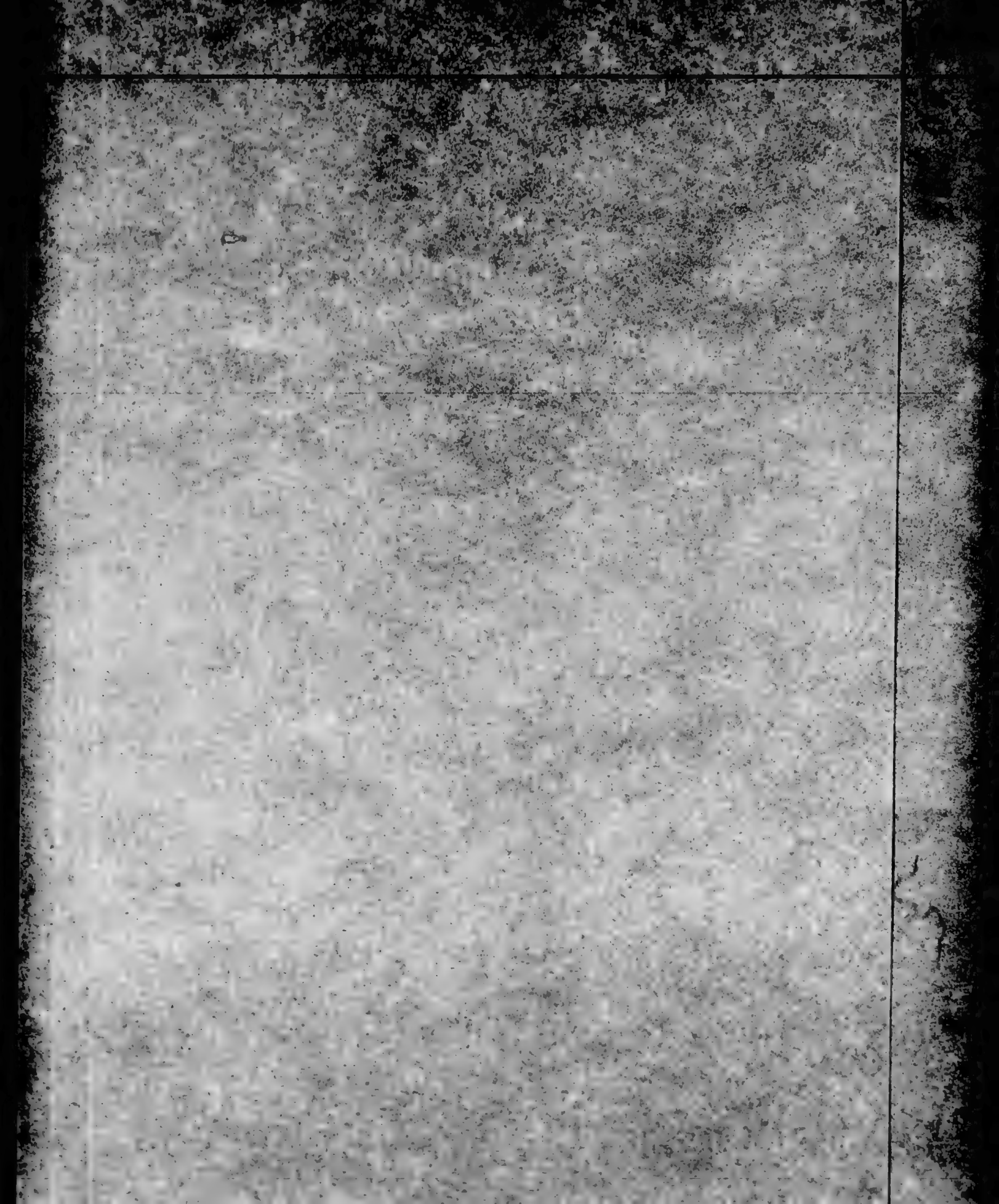
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Following the ... referred to, the Office
... in this ...

Very respectfully,
C.F. ...
Acting Commissioner.

AW-100
August 2, 1907
Approved:
(Signed) Jesse E. Wilson,
Acting Secretary.

A. W. P.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, December 28, 1908.

In the matter of the application of Annie Corbray for the enrollment of her minor child, Eva Corbray, as a Creek citizen.

Annie Corbray, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Annie Corbray.
Q What is your age? A Thirty-one.
Q What is your post office address? A Baldhill.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you filed on your allotment? A Yes, sir.
Q What is your husband's name? A Charley Corbray.
Q What was your name before you were married to Charley Corbray?
A I used to go by that other man's name--Anderson.
Q Were you enrolled by the Commission under the name of Annie Anderson? A Yes, sir.

The records of the Commission examined and it appears therefrom that Annie Corbray is listed for enrollment as a citizen of the Creek Nation on Creek Freedmen Card, Field No. 486, under the name of Annie Anderson.

- Q Are you a Dunn Roll descendant? A Yes, sir.
Q Are your father and mother both living? A No, sir; they both dead.
Q Were their names on the Dunn Roll? A Yes, sir.
Q What was the name of your father? A Ben Harrison.
Q What was the name of your mother? A Flora Jackson.

The records of the Commission examined and it appears therefrom that the mother of Annie Corbray is on the Dunn Roll under the name of Flora McGilbray, No. 1251.

- Q For whom do you now make application for enrollment?
A Eva Corbray.
Q Do you make application for her enrollment as a Creek freedman?
A Yes, sir.
Q How old is Eva Corbray? A She is going on four years old. She will be four years old the fifteenth of this coming April.
Q Is she now living? A Yes, sir.
Q Are you the mother of Eva Corbray? A Yes, sir.
Q Do you recollect when you came here and filed on your allotment?
A Yes, sir.
Q Did you file on allotments for yourself and four children? A Yes.
Q Was this child, Eva Corbray, living at that time? A Yes, sir.
Q Was she living with you? A Yes, sir.
Q Why did you not make application for her enrollment at that time?
A I did make application, but you all said you didn't have time; you said I would have to bring the midwife down.

In Re Application of Annie Corbray for the enrollment of her minor child, Eva Corbray, as a Creek citizen.

Annie Corbray, witness.

Examination by the Commission.

- Q Did you ever make an effort before this time to have this child enrolled? A Yes, sir.
- Q When did you then before the Commission to have this child enrolled? A I didn't come; the father was at Okmulgee in 1901.
- Q What was the name of the father of Eva Corbray? A Charley Corbray.
- Q Is he a citizen of the Creek Nation? A Yes, sir.
- Q Do you live with him? A Yes, sir.
- Q Have you been married to him? A Yes, sir.
- Q How long have you been married to him? A We have been married now going on three years.
- Q Did you take out a marriage license and certificate? A Yes, sir; we bought our license right down here.
- Q Was this child born before or after your marriage? A No, sir; before I married.
- Q Where was Eva Corbray born? A On Gane Creek.
- Q How far from Muskogee? A I don't know, sir; I guess it is about twenty-five miles from Muskogee.
- Q How near Lee? A About nine miles from Lee.
- Q What direction from Lee? A West.
- Q Between Lee and Okmulgee? A Yes, sir.
- Q How long did you live there? A Been up there seventeen or eighteen years.
- Q Do you live there now? A Yes, sir.
- Q Is your post office nearer Baldhill than it is Lee? A Yes, sir.
- Q Please state the names of some of your neighbors who were living near you when this child was born. A Nellie Morrison, William Morrison and Morris Corbray.
- Q Are there any other people living near you? A Yes, sir; there are some more people living close neighbors.
- Q What are their names? A David Colbert, Bettie Colbert, Jim Anderson and his wife, Ned Thompson and his wife, and John Rennie.
- Q Do you know Judge Reed? A Yes, sir.
- Q How far does he live from you? A He live about ten or twelve miles, I guess, from me.
- Q Have you ever filed with the Commission a birth affidavit in the matter of the application for the enrollment of your minor child, Eva Corbray? A Yes, sir.

The records of the Commission examined and it appears therefrom that there was filed with the Commission on December 20, 1902, a birth affidavit in the matter of the application for the enrollment of Eva Corbray as a citizen of the Creek Nation, which is marked Exhibit "A" and made a part of the record.

- Q Is the birth affidavit in the matter of the application for the enrollment of your minor child, Eva Corbray, which has just been referred to, the first one you ever had made out? A Yes, sir.
- Q To what town in the Creek Nation do you belong? A Canadian Town.
- Q Does your name appear upon the Creek tribal rolls? A Yes, sir.

The 1890 and 1895 authenticated rolls of the Creek Nation, Canadian Town, examined, and the name of Annie Corbray is found and identified thereon as "Annie Anderson".

Witness subscribed.

3 In Re Application of Annie Corbray for the enrollment of her minor child, Eva Corbray, as a Creek citizen.

Thomas V. Manuel, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your post office address? A Twine, Indian Territory.
Q How old are you? A Forty, last March.
Q Are you a citizen of the Creek Nation? A Yes, sir; I am.
Q Do you know Annie Corbray who makes application for the enrollment of her minor child, Eva Corbray? A Yes, sir; I do.
Q How long have you known her? A I have known her from childhood up.
Q Are you a near neighbor of hers? A Yes, sir,--recently I haven't been, but in her childhood days she lived within a half a mile of my father and mother.
Q Do you know the child, Eva Corbray, for whom she makes application? A Yes, sir.
Q Do you know about how old Eva Corbray is? A About four.
Q Were you a neighbor of Annie Corbray when this child was born? A Not nearer than fifteen miles, but I happened to be there about three weeks after the child was born.
Q Do you know whether or not Eva Corbray is the daughter of Annie Corbray? A I couldn't say that, but I believe it to be hers--because I wasn't there when she gave birth.
Q Has Annie Corbray ever told you that Eva Corbray is her child? A Yes, sir.
Q Has the child been living with Annie Corbray since its birth? A Yes, sir; has always lived with her.
Q Have you seen the child frequently since it was born? A Yes, sir.
Q Did you see it at the home of Annie Corbray? A Yes, sir.
Q Do you recognize this child here (pointing to child) as the child, Eva Corbray, the daughter of Annie Corbray? A Yes, sir.
Q Did you know the child before they came to see you today? A Yes, sir.
Q Is this the same child? A The same child.

Witness excused.

Charley Corbray, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Charley Corbray.
Q What is your age? A I am about fifty.
Q What is your post office address? A Baldhill.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you filed on your allotment in the Creek Nation? A Yes, sir.
Q Do you know Annie Corbray, here (indicating applicant herein)? A Yes, sir.
Q Is she your wife? A Yes, sir.
Q How long have you been married to her? A About three years.
Q Do you know the child, Eva Corbray, for whom she makes application? A Yes, sir.
Q Are you the father of Eva Corbray? A Yes, sir.
Q How old is Eva Corbray? A She is a little over four years old, going on five years old.
Q Did you ever appear before the Commission and make application for her enrollment before this time? A Well I was up at Okmulgee and he and Mr. Bixby was talking about it, and he gave me a paper to file for it; that's all I done.

Charley Corbray, witness.

Examination by the Commission.

Q What kind of a paper was it he gave you? A A blank birth

affidavit.

Q Did he give you the birth affidavit? A The same time the

application for the enrollment of this child before that time. A No, sir; that was the only time I talked with the Commission.

Q Why did you not make application before this time? A Well, because some said I couldn't file and some said I could, and then I says I will just come myself and see whether I can file or not.

Q Did you make application for the enrollment of Henry and Charlotte Corbray? A Yes, sir.

Q Why did you not make application also for the enrollment of Eva Corbray? A Oh, I had a hard time getting these ones through--just got them the other day--had a hard time getting them to be citizens.

Q Has Eva Corbray lived with you ever since she was born? A Yes, sir.

Q Was she born before or after you were married to Annie? A Born before we were married.

Q How long before? A Well, I can't tell you how long before exactly, just can't tell, but I know it was born before we were married.

Q About how old was the child when you were married to Annie Corbray? A It must be about two years old.

Q Were you living with another woman when this child was born? A No, sir.

Q Did you have a wife by the name of Dollie? A Yes, sir.

Q Are you separated from her? A Yes, sir.

Q How long have you been separated from Dollie? A About six or seven years.

Q Is this (Annie Corbray) the only woman you have lived with since you separated from Dollie? A Yes, sir.

Q Did you take out a marriage license and legally marry Annie Corbray? A Yes, sir; legally married her.

Q What did the Commission tell you when you tried to have Eva enrolled before? A Just gave me this (Pointing to affidavit) to make out--that blank.

Witness excused.

Annie Corbray, being recalled, testified as follows:

Examination by the Commission.

Q Are there any other statements you desire to make at this time in regard to the application for the enrollment of your minor child, Eva Corbray, as a citizen of the Creek Nation? A No, sir.

Commission to Applicant:

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of your minor child, Eva Corbray, as a citizen of the Creek Nation, which will be mailed to you at your proper post-office address as given by you in your testimony herein.

Witness excused.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer for the Commission to the five Civilized Tribes,

of his own...

Clara...

at this 20th day of December, 1912,
at ... Territory.

J. A. Brown
Notary Public.

Copy

Copy No. 272.

Muskogee, Indian Territory, January 24, 1903.

Hon. P. Porter,
Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that on December 24, 1902, Annie Corbray, whose post office address is given as Baldhill, Indian Territory, appeared before the Commission and made application for the enrollment of her child, Eva Corbray, as a citizen of the Creek Nation.

You are further advised that the name of said Annie Corbray is embraced in a partial roll of Creek freedmen approved by the Secretary of the Interior, March 13, 1902.

It appears from an affidavit on file with the Commission that said Eva Corbray was born April 12, 1899.

The record in this case is such that it does not appear, to the satisfaction of the Commission, that Eva Corbray is the daughter of Annie Corbray, and the Commission desires such evidence, relative to her right to enrollment, as the Creek Nation may be able to produce.

Respectfully,

Acting Chairman.

J. J. W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Eva Corbray, as a Creek freedman.

DECISION

The record in this case shows that on December 24, 1902, Annie Corbray appeared before the Commission and made application for the enrollment of her minor child, Eva Corbray, as a Creek freedman.


The evidence shows that the said Eva Corbray is the minor child of Charley and Annie Corbray; that the said Annie Corbray is listed for enrollment on Creek Freedmen Card Field No. 486. The records of the Commission show that her name is included in a schedule of Creek freedmen, approved by the Department, March 13, 1902, roll No. 1857. The records of the Commission further show that Charley Corbray is listed for enrollment on Creek Freedmen Card Field No. 427, and that his name is embraced in a schedule of Creek freedmen approved by the Department, March 13, 1902, roll No. 1642.

The evidence further shows that said Eva Corbray was born about April 15, 1899, and was living at the date of the application herein.

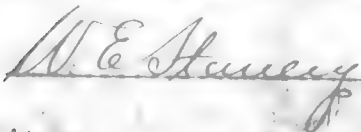
It is therefore the opinion of this Commission that the said Eva Corbray should be enrolled as a Creek freedman, in accordance with the provisions of the act of Congress, March 1, 1901 (31 Stat. L., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this 2 day of July, 1903.

J. J. P.

Creek No. 288.

Muskogee, Indian Territory, July 6, 1903.

A. P. Murphy,
National Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Eva Corbray as a Creek freedman.

You are hereby notified that the Creek Nation will be allowed twenty days from the date hereof to protest against said decision, and if at the expiration of that time no such protest has been made, said Eva Corbray will be regularly listed for enrollment as a Creek freedman.

Respectfully,

Commissioner in Charge.

OCH-15.

Creek No. 208.

Muskogee, Indian Territory, August 1, 1903.

Annie Corbray,

Salchill, Indian Territory.

Dear Madam:

In the matter of the application made by you for the enrollment of your minor child, Eva Corbray, as a citizen of the Creek Nation, you are advised that the Commission has regularly listed your said child for enrollment as a Creek freedman.

You are further advised that you will now be permitted to make application for an allotment of land in the Creek Nation to your said child, upon application to the Commission at its office in Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.

Application for Enrollment of

INFANT CHILD

Eva Corbray

as a citizen of

Creek Nation.

Approved, 190.....

Commissioner.

Father on Ex. Card No. 487

Ex. "A"

and Dec 20th 1902

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

I, *BE* Application for Enrollment, as a citizen of the *Creek* Nation,
of *Eva Corbray*, born on the *12* day of *April*, 1899
Name of Father: *Charley Corbray*, a citizen of the *Creek* Nation.
Name of Mother: *Annie Corbray*, a citizen of the *Creek* Nation.
Post-office, *Bald, Chickasaw, Okla.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

Western District.

I, *Annie Carbury*, on oath state that I am *36* years of age and a citizen, by *Adoption*, of the *Creek* Nation; that I am the lawful wife of *Charley Carbury*, who is a citizen, by *Adoption*, of the *Creek* Nation, that a *Female* child was born to me on the *12th* day of *April*, 1879; that said child has been named *Eva Carbury*, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Hellie Norris
William Morris

Annie Carbury
Mans

Subscribed and sworn to before me this *15th* day of *October*, 1902



My Comm. Ex. July 3, 1906

C. F. Roach
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

Western District.

I, *Hellie Morris*, a *Midwife*, on oath state that I attended on Mrs. *Annie Carbury*, wife of *Charley Carbury*, on the *12th* day of *April*, 1879; 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 *Eva Carbury*.

WITNESSES TO MARK:

(Must be Two Witnesses)

Hellie Morris
Charley Carbury
William Morris

Subscribed and sworn to before me this *15th* day of *October*, 1902



My Comm. Ex. July 3, 1906

C. F. Roach
NOTARY PUBLIC.

CH. 286

CH. 286

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., December 31, 1902.

In the matter of the application of Will Moore for the enrollment of his minor son, Willie Moore, as a Creek freedman.

Will Moore, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Will Moore.
Q What is your age? A I am thirty-seven my next birth day.
Q What is your post office address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Will Moore is enrolled as a citizen of the Creek Nation, on Creek Freedman Card, Field No. 1314.

- Q Have you filed on your allotment in the Creek Nation?
A Yes, sir.
Q For whom do you now make application for enrollment?
A My son.
Q What is his name? A Willie Moore.
Q How old is he? A He will be five years old the eighth day of this coming March.
Q Do you make application for his enrollment as a Creek freedman?
A Yes, sir.
Q Are you the father of Willie Moore? A Yes, sir.
Q What is the name of his mother? A Lee Moore.
Q Is she living? A Yes, sir.
Q Is she a citizen of the Creek Nation? A NO, sir.
Q Is she a citizen of any nation in the Indian Territory?
A No, sir.
Q Is she a citizen of the United States? A Yes, sir.
Q Have you been legally married to her? A Yes, sir.
Q Have you secured a marriage license and certificate?
A Yes, sir.
Q Have you that marriage license and certificate, or a certified copy thereof, with you? A I have a copy.

Applicant here presents marriage license and certificate, which is marked Exhibit "A" and made a part of the record.

- Q Is your son, Willie Moore, for whom you now make application, now living? A Yes, sir.
Q Does he live with you? A Yes, sir.
Q Have you another son by the name of Willie Moore? A Yes, sir.
Q How old is he? A Well, he will be ten years old this next 8th day of April.
Q Where is he now? A He is in Arkansas. My first wife died, and so I had to leave him with the old lady to take care of him.
Q Have you heretofore made application for the enrollment of your other son, Willie Moore, to the Commission? A Yes, sir.

2 In Re Application for the enrollment of Willie Moore as a citizen of the Creek Nation.

Will Moore, witness.

Examination by the Commission.

The records of the Commission examined and it appears therefrom that Will Moore made application for the enrollment of his son, Willie Moore, as a citizen of the Creek Nation, January 18, 1901.

Q Do you recollect when you filed on your allotment in the Creek Nation? A Not exactly, filed the first year.

Q Did you file on your allotment on the day that you were enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Will Moore was listed for enrollment as a citizen of the Creek Nation on May 4, 1899.

Q Was your son, Willie Moore for whom you now make application for enrollment, living at that time? A Yes, sir.

Q Did you make application for his enrollment at that time?

A Yes, sir; I made application, but they said I would have to wait before they could do anything.

Q Did you make application for your two Willie Moores? A Yes, sir; made application for both.

Q What did the Commission inform you was the reason why they would not enroll them at that time? A Well, it seems they had our names set aside--were in a kind of contest, and we had to get a new hearing, and I kept putting the names in and putting them on, and then they claimed he was too old to get on the roll--

Q Too young, you mean? A Yes, sir; and the old one they said was too old. And I kept putting it in and they kept putting it aside and putting it aside.

Q Have you heretofore filed with the Commission a birth affidavit in the matter of the application of your son, Willie Moore, for whom you now make application as a citizen of the Creek Nation?

A Yes, sir.

The records of the Commission examined and it appears therefrom that a birth affidavit in the matter of the application for the enrollment of Willie Moore, as a citizen of the Creek Nation, was filed with the Commission on December 21, 1901, which is marked Exhibit "B" and made a part of the record.

Q Did you ever draw any money from the Creek Nation? A Yes, sir.

Q How many times did you draw money from the Creek Nation?

A Drew three times.

Q How much money did you draw at each time? A Well the first time they got \$4; then the second time was the \$29, and the third money was \$14 and some cents.

The authenticated 1890 roll of the Creek Nation, Arkansas town, examined and the name of Will Moore not found thereon.

The 1891 Omitted tribal roll of the Creek Nation, Arkansas town, examined, and the name of Will Moore is found and identified thereon at No. 336, as "Willie Moore".

The 1895 Pay Roll of the Creek Nation, Arkansas town, examined, and the name of Will Moore not found thereon.

The 1895 roll of doubtful citizens of the Creek Nation, Arkansas town, examined, and the name of Will Moore is found and identified thereon as "Willie Moore, Sr."

3 In the above proceedings, the enrollment of Willie Moore as a
citizen of the Creek Nation.

Willie Moore, do hereby.

Examination by the Commission.

Q Your son, Willie Moore, for whom you have made application for
enrollment, has been successful in the making of the Creek
testimony, was it not? A Yes, sir.

Q Do you know of any other persons who have heretofore been
enrolled as citizens of the Creek Nation? A No, sir; never has.

The records of the Commission examined and it ap-
pears therefrom that the application for the enrollment
of Willie Moore for enrollment as a citizen of the Creek
Nation, made January 18, 1901, is still pending.

Q Are there any other statements you desire to make at this time
in regard to the enrollment of your minor son, Willie Moore, for
enrollment as a citizen of the Creek Nation? A No, sir; that's all
I know; I believe I don't think of anything else.

Commission to applicant:

You will be furnished at a later date with a copy of the deci-
sion of the Commission in the matter of the application made by you
at this time for the enrollment of your son, Willie Moore, as a
Creek freedman, which will be mailed to you at your proper post-
office address, as given by you in your testimony taken at this
time.

Witness excused.

Oliver C. Hinkle, being first duly sworn, upon his oath states,
that, as stenographer for the Commission to the Five Civilized Tribes,
he reported the proceedings had in the above entitled cause on the
31st day of December, 1901, and that the above and foregoing is a
full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle

Subscribed and sworn to before me this 3rd day of January, 1902,
at Muskogee, Indian Territory.

A. A. Boreus
Notary Public.

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

Muskogee, Indian Territory, July 26, 1905

In the matter of the application for the enrollment of Willie Moore as a Creek citizen.

APPEARANCE: M. L. Mott, Attorney for the Creek Nation.

Gabe Moore, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Gabe Moore.
 Q How old are you? A I am 38.
 Q What is your postoffice address? A Muskogee.
 Q Are you a brother of Will Moore? A Yes sir.
 Q Has your brother, Will Moore, a child named Willie Moore?
 A Not that I know of.
 Q What are the names of the children that he has? A He hasn't but one as I know of, and this is the baby. Never asked him the name; the only one he had was the baby.
 Q Did he have any other children? A He has been married before, but I never have seen the others have any other children.
 Q Do you know if he has other children besides that baby?
 A No sir.
 Q You live near him? A Yes sir.
 Q Where does he live? A He lives south of town.
 Q South Second Street? A On South Tenth street.
 Q What is the name of his present wife? A Lee Moore.
 Q And he has by her only that child, the baby? A Yes sir.
 Q Baby born this year? A Yes sir.
 Q Did you ever hear of their having an older child—probably a boy eight years old now, by the same wife? A No sir.
 Q He has no children die in the past two or three years? A Not as I know of.
 Q Have you been to this house recently? A Yes, last evening.
 Q Yesterday evening? A Yes sir.
 Q You did not see any child but the baby there? A He has got some little child there, but that is not his.
 Q Boy or girl? A Boy.
 Q How long has it been living with them? A Pretty good while.
 Q Several years? A Yes, I think they raised it.
 Q It isn't his child? A Not as I know of.
 Q Where do you think he got it from? A I think it is an old fellow by the name _____ brought him from Fort Smith up here.
 Q Did you see him before he went to Fort Smith up to the time he came back with the child? A Yes sir.
 Q Did he have the child then, when he went to Fort Smith? A No sir.
 Q How long did he stay there on that trip, before he came back with this child? A About two years.
 Q About old how old was this child when he brought it back with him? A About three or four years old.
 Q Was it old to have been born to him while away on that trip?
 A Yes sir.

- Q You are sure of that, it is not his child? A Yes sir.
- Q What does he call it? A He calls it Willie.
- Q Did he ever tell you where he got that child? A Yes sir. I know the child's father and mother.
- Q You know their names? A Yes sir.
- Q What are they? A Eamed Deen. They are dead.
- Q Citizens of the Creek Nation? A No sir. I think this old man was a Chickasaw.
- Q They are not Creeks? A No sir. The woman, she is a State woman.
- Q Did your brother, Will, tell you that that child belongs to those people, that it was not his child? A Yes sir. I saw him before he ever got it; said the father was Simon Deen.
- Q How did Will come to adopt this child? A Threw the child away. Mother come and laid it down and went off and left him.
- Q How do you know about it? did Will tell you about it?
- A Yes, he told me about it, and the old man told me, that is, the father told me.
- Q You are sure you are not mistaken about it? A I am not mistaken.
- Q Before Will married his present wife, was he married to a woman named Frances Moore? A No sir.
- Q What was her name? A I don't know her name. This one he married in Kansas; first wife he married in Kansas. I heard he was married.
- Q Has Will a child about 12 years old? A I think he has by her.
- Q Did you ever see her? A No sir.
- Q Is she living? A Yes sir.
- Q Where? A Fayetteville.
- Q Arkansas? A Yes sir.

BY MR. MOTT:

- Q What was that man Dean's name? A Simon.
- Q Simon Dean? A Yes sir.
- Q What was the woman's name, the mother of the child? A I don't know her name. I forgot--like Mattie to me; I can find out.
- Q When Will came back from Fort Smith, did you see him with the child then? A Yes, he brought the child.
- Q Did he tell you about Dean wanting to throw it away and taking up and adopting it? A No sir; he did not tell me. I was down there at the time.
- Q Did the woman bring it in there and put it down in Will's house? A Yes, right in the yard--right in the yard; next morning it was in the yard, and Will's wife she taken it up. She has had it ever since.
- Q Where is Will now? A I don't know. He has been gone for a month or two.

BY THE COMMISSIONER:

- Q You said you visited them last night? A I went to their house.

The witness is advised to inform his brother, Will Moore, that his testimony is required in this case within fifteen days.

INDIAN TERRITORY, Western District. I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me this 27th day of July, 1905.

J. Y. Miller
Notary Public.

DEPARTMENT OF THE INTERIOR,
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
 Muskogee, Indian Territory, July 23, 1905.

In the matter of the application for the enrollment of Will Moore as a Creek freedman.

Lee Moore, being duly sworn, testified as follows:

Q What is your name? A Lee Moore.
 Q How old are you? A Twentyfour going on twenty five.
 Q What is your post office address? A Muskogee. My house aint numbered, its over there by the old brick yard.
 Q Are you the wife of Will Moore? A Yes, sir
 Q How many children by Will have you? A One
 Q Which one this baby? A Yes, sir
 Q This baby was born this year? A Yes, sir
 Q Did you ever have a boy by him called Will Moore? A No, sir. His first wife did.
 Q How old is he? A He looks to be fourteen.
 Q Did you ever have a child by him that's about seven or eight years old? A No, sir. His ~~name~~ fe might but I haven't.
 Q Have you a child in your family called Will Moore thats about seven or eight? A No, sir
 Q Have you a child living with you about that age? A Yes, sir
 Q What do you call him? A Call him Will
 Q He is not your child? A No, sir, just raising him.
 Q Is he a child of your husband? A No, sir
 Q This child you are raising is not a child of Will's? A No, sir his parents are dead.
 Q What were their names? A Simon
 Q Simon what? A His name was Peter Simon.
 Q Where did you get that boy? A In Arkansas
 Q Over at Fort Smith? A Yes, sir
 Q Do you remember going before Harry G. Davis, notary public December 21, 1901 and making an affidavit about the birth of a child called Will Moore? A Yes, sir, I remember going before him about Will's other boy but not of me, at least Will went up there.
 Q We have an affidavit on file here which I will read to you:
 " United States of America, Indian Territory, Western District
 I, Lee Moore, on oath state that I am 22 years of age and a citizen of the United States, that I am the lawful wife of Will Moore who is a citizen by adoption of the Creek Nation, that a male child was born to me on the 8th day of March 1899, that said child has been named Willie Moore and is now living.

(signed) Lee Moore
 Her mark

Witness to mark Harry G. Davis and Milo G. Blair
 Subscribed and sworn to before me this 21 December 1901
 (Signed) H.G.Davis N.P.

My commission expires June 16, 1905 "

Q Do you remember making that affidavit? A I don't remember it.
 Q Do you remember going before him and swearing that you had a child born to you on the 8th of March 1899? A No, sir, I don't, I remember that old lady went up there and swore it was Will's boy but I don't remember myself goin up there
 Q Your husband Will Moore has only one child named Will or Willie Moore? A Only one
 Q This boy that is living with you and is called Willie Moore isn't his child? A No, sir

Q Was his parents citizens of the Creek Nation, his child's
 parents citizens of the Creek Nation, and the mother was I think
 I don't know much about it. I heard him say but I don't know much
 I saw some day that that affidavit I read to you was executed
 on the 5th of March 1900, your name was Lee Moore
 was to a child of the name of Willie Moore on the 5th of March 1900.
 Lee Moore wife of Will Moore on the 5th of March 1900, that there
 was born to her on said date a white male child, that said child is now
 living and is named Willie Moore, he also states that the
 applicant herein is the second son of Lee Moore and Willie Moore
 Q Don't you know anything about that affidavit, A No, sir
 Q You never swore that this child was your son? A No, sir I
 never did, I told the truth about it
 Q Did you ever make your mark to an affidavit without knowing
 what you were signing? A I don't know, I expect I have, of course
 I know my own child, Will might have been talking about his own
 child, I know he has one son named Willie, I raised this one
 from a little boy
 Q In testifying about this child in December 1902 your husband
 Will Moore was asked the following question: Are you the father
 of Willie Moore? A Yes, sir
 Q What is the name of his mother? A Lee Moore
 Q Is she living? A Yes, sir
 Q When were you married to Will Moore? A Been married going on
 ten years

Certified copy of marriage license of Will Moore and Mrs Joe Lee
 shows that they were married June 5, 1896

Q What is your name? A Lee Moore
 Q What was your name before you were married? A Lee Carroll was
 my first husband
 Q Were you ever called Mrs. Joe Lee? A No, sir
 Q When were you married to Will Moore? A Been married going on
 ten years
 Q Were you living with him as his wife in 1896, nine years ago now
 A Yes, sir A Yes, sir, we have been married going on ten years.
 Q Had I can't marry any other wife while he was living with you?
 A No, sir
 Q He always called you his wife? A My name was Lee Carroll before
 I married this time
 Q If your husband, Will Moore, said he had a child by you in
 1899, was he talking the truth or not? A I have two children
 dead but I never named them.
 Q How long did they live? A About two or three months.
 Q Two or three months and you never named them? A No, sir
 Q You never had a child you named Will Moore during the year
 1899 and that lived several years did you? A No, sir, he might
 have had by his other wife but not by me, This is the only child
 I have of him (the child in her arms)
 Q If you swore to an affidavit that a child was born to you on
 the 5th of March 1899, that you had named him Willie Moore and
 that he was living since December 1901, did you swear to the truth
 or not? A Yes, if I swear that I swear to the truth
 Q Is a matter of fact you didn't have any boy child by Will Moore
 that lived as long as two years did you? A None of my children
 lived two years that I can remember
 Q And you have a boy in your family now that you call Willie
 Moore and is six or seven years old? A Yes, sir
 Q And he is an adopted child, is he not your child or Will's child?
 A No he isn't mine or Will's, here's the boy, he is going on six

Ann Garrison on oath states that the above and foregoing is a true and correct copy of her original and that she is the author of the same.

Ann Garrison

Subscribed and sworn to before me
this 2nd day of July 1852

E. A. B. [Signature]

N.P.

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

In the matter of the application for the enrollment of
Willie Moore as a Creek freeman.

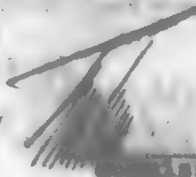
DECISION.

The record in this case shows that on December 11, 1905,
Willie Moore applied before the Commission of the Five Civilized
Tribes and made application for the enrollment of his alleged
minor child, Willie Moore, as a Creek freeman.

Further proceedings were had July 24, 1906.

The evidence shows that said Willie Moore was between
four and five years old at the date of the application herein,
and that he is not the child of said Willie Moore nor of any other
citizen of the Creek Nation.

It is, therefore, ordered and adjudged that there is no
authority of law for the enrollment of said Willie Moore as a
Creek freeman, and the application for his enrollment as such
is accordingly denied.


Commissioner.

Washago, Indian Territory.

JUN 8 - 1906

COMMISSIONERS:
T. L. ...
C. H. ...

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

WM. O. REALL,
Secretary.

2124
REPLY TO THE FOLLOWING:
No. 22,

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, May 22, 1886.

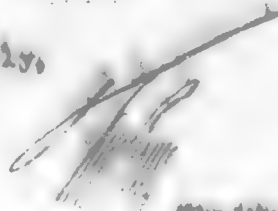
Will Moore,
Muskogee, Indian Territory .

Dear Sir:

The Commission desires further evidence in the matter of the application made by you for the enrollment of your minor child, Willie Moore, (the younger).

You are hereby notified that you will be allowed twenty days from date within which to appear before the Commission at its office in Muskogee, Indian Territory, with the midwife or physician in attendance at the birth of said child; and at least, one other witness who knows the exact date, for the purpose of being examined under oath.

Respectfully,



Commissioner.

Register.

The

The Secretary of the Interior:

SIR:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of WILLIE IBERG, as a Creek Freedman, including the decision of the Commissioner, dated June 8, 1906.

Respectfully,

Commissioner,

Through the

Commissioner of Indian Affairs.

EX-400.

EM-456.

Muskogee, Indian Territory, June 18, 1906.

H. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Willie Moore, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

EM-459.

Commissioner.

En. 226.

Muskogee, Indian Territory, June 15, 1906.

Will Moore,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Willie Moore, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
IM-458.

DEPARTMENT OF THE INTERIOR,

JP

I.T.D. 158-1227.

D.O. 2220-1227.

January 5, 1907.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 15, 1906, you transmitted the record in the matter of the application for the enrollment of Willie Moore as a Creek freedman, including your decision of June 9, 1906, denying said application.

Reporting January 4, 1907 (Land 52424-06), 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 case have been returned to the Indian Office for its files.

Respectfully,

(Signed) Theo Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 for Ind. Of.

Refer to file in the
last office

COMMISSIONER OF THE CREEK NATION,
OFFICE OF THE COMMISSIONER,
TULSA, OKLAHOMA.

(COPY)

January 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report of Commissioner Bixby, dated June 15, 1906, together with the record in the matter of the application for the enrollment of Willie Moore as a Creek freedman, including the decision of the Commissioner, dated June 8, 1906, denying the application.

It is shown by the record that on December 31, 1905, Will Moore appeared before the Commission and made application for the enrollment of his alleged minor child, Willie Moore, as a Creek freedman. The evidence shows that Willie Moore was between the age of four and five years at the date of the application, and that he is not the child of Will Moore nor of any other citizen of the Creek Nation. It is therefore recommended that the decision of the Commissioner denying the application be approved.

Very respectfully,

G. F. Karrabee

Acting Commissioner.

AJW--SD

7424

REFER IN REPLY TO THE FOLLOWING ----- No. 204. -----

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

Muskogee, Indian Territory, January 14, 1907,

Lee Moore,
 Care of Will Moore,
 Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of January 9, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Willie Moore as a Creek freedman.

Respectfully,



Commissioner.

No. 100

Muskogee, Indian Territory, January 24, 1907.

M. J. Meatt,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of January 9, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated June 8, 1906, denying the application for the enrollment of Willis Moore as a Creek Freedman.

Respectfully,

Commissioner.

CR EU 287

CR EU 287

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CREEK TRIBES.
Muskogee, Ind. Ter., January 2nd, 1903.

In the matter of the application of Johnnie Perryman for the enrollment of herself and her two minor children, Annie Flowers, and Willie Flowers deceased, as Creek freedmen.

Appearances: S. W. Isaac, attorney for applicant.

Johnnie Perryman, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Johnnie Perryman.
Q What is your age? A I will be twenty-four years old the 23rd of April, what they tell me.
Q What is your post office address? A I live in Checotah now.
Q For whom do you now make application for enrollment? A For myself and two children.
Q What are the names and ages of the two children for whom you now make application? A One is Willie and the other one is Annie.
Q Are these two children both living? A No, sir; the boy is dead and the girl is living.
Q How old is Annie Flowers? A Will be six years old the 25th of March, if I am not mistaken.
Q How old was Willie Flowers? A About five years old when he died.
Q How long ago did he die? A He has been dead five or six months.
Q Are you the mother of Annie and Willie Flowers? A Yes, sir.
Q What is the name of their father? A Paul Flowers.
Q Is he living? A No, sir; he is dead, so I heard.
Q Were you married to him? A No, sir; I wasn't married to him.
Q Was he a citizen of the Creek Nation? A Yes, sir.
Q How long has he been dead? A I don't know, sir, just how long, but I don't know whether he is dead or living.
Q Where were your two children born? A One of them in Coalgate and the other in Texas.
Q Where is Annie now? A She is down here in Checotah.
Q How long have you been in Checotah? A About a year.
Q Living there continuously during the past year? A Yes, sir; not in town, been in the country picking cotton.
Q Where did you live before you came to Checotah? A Well, I was in Denison; I lived in Denison and came to Checotah.
Q How long did you live in Denison? A I don't know, sir, how long.
Q About how long did you live in Denison? A Well, the first time I went to Denison, I staid there about nine months, and then I left Denison and came back to here and then I went back to Denison and staid there a year; this last time I have been in Denison over a year.
Q Where did you live before you went to Denison? A Lived in Coalgate a while, with some white people.
Q How long did you live in Coalgate? A I lived in Coalgate about--I don't know, sir, how long I lived in Coalgate; I can't guess at that because I don't know, but I didn't stay there very long, though.
Q Where did you live before you went to Coalgate? A I lived here, I reckon.
Q How long did you live in the Creek Nation? A I don't know, sir.

2 Johnnie Perryman et al.

Johnnie Perryman, witness.

Examination by the Commission.

Q How old were you when you left here? A I don't know, sir, how old I was when I left here.

Q How long have you lived in the Creek Nation? A I have lived here off and on all my days.

Q Did you ever live in Arkansas? A Yes, sir.

Q When did you live in Arkansas? A I don't know what year, but I know I lived there.

Q How long have you lived in Arkansas? A I lived in Arkansas about three years, I reckon,--I don't know how long, about two years, I say, because I don't know exactly, and I am not going to say, because I don't know.

Q Where were you born? A I was born across the Creek over here.

Q What is the name of your father? A Adam Perryman.

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

Q Did you ever see him? A Yes, sir; I seen him.

Q How old were you when he died? A I don't know, sir.

Q Where were you when he died? A I was down here in Denison when he died.

Q How long ago did Adam Perryman die? A I don't know, sir.

Q How do you know that he is your father? A Because he wrote and told me that he was my father, and also other people, and also my grandfather; that's all I got to go by.

Q Have you any letters from Adam Perryman? A No, sir; did have them.

Q How old were you when you left your father? A I don't know, sir.

Q How long did you live with him? A I reckon till I was eight or nine years old.

Q Where did you go to after you were separated from your father?

A Well, a lady by the name of Mrs. Richardson, I went with her.

Q Where did Mrs. Richardson live? A She went to Arkansas.

Q Did she take you to Arkansas with her? A Yes, sir.

Q How long did you remain with her in Arkansas? A I remained with her till she went to Coalgate.

Q Did you go with her to Coalgate? A Yes, sir.

Q How old were you when you went to Coalgate? A I don't know, sir.

Q What is the name of your mother? A Isabella Perryman, they tell me.

Q Is she living? A No, sir; she is dead.

Q How long has she been dead? A I don't know.

Q Did you ever see her? A I don't remember.

Q Do you know whether she was a citizen of the Creek Nation or not? A That is what everybody tells me.

Q Well, I ask you, Do you know whether your mother was a citizen of the Creek Nation or not? A No, sir; I couldn't say.

Q Did you ever see her? A I reckon I seen her, but I don't remember.

Q To what town in the Creek Nation do you claim to belong?

A I don't know; the town king I claim is Arkansas.

Q Did you ever draw any money from the Creek Nation for yourself and oldest child? A My grandfather, Hactor Perryman, drawed money and sent me fifteen dollars. I never drawed it.

Q Did he claim that the fifteen dolls set you was money he got from the Creek Nation? A That is what he told me.

Q Did he ever send you any other money? A Yes, sir; he sent me money besides that.

Q What other money did he send you? A He just sent it himself.

Q How many times did you draw money from the Creek Nation?

A Well, Mrs. Richardson gave me one time I drawed some money from the Creek Nation.

Q How much money did she give you? A The fifteen dollars she gave me, just like she gave me five dollars today and the next day she gave me the rest of the money and said that is what was sent.

3 Johnnie Perryman, et al.

Johnnie Perryman, witness.

Examination by the Commission.

The 1890 and 1895 rolls of the Creek Nation, Arkansas Town, examined, and the names of none of the applicants found thereon.

The 1891 and 1895 Omitted rolls of the Creek Nation, Arkansas town, examined and the names of none of the applicants found thereon.

Q Were you and your said children for whom you now make application ever admitted by the Commission to the Five Civilized Tribes as a citizen of the Creek Nation under the act of Congress of June 10, 1896? A No, sir.

List of citizens admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896, examined, and the names of none of the applicants found thereon.

Q Were you and your said two minor children, for whom you now make application for enrollment, ever admitted as Creek citizens by the Creek Citizenship Commission under the provisions of the act of the Creek Council of May 30, 1895 known as the Colbert Citizenship Commission? A No, sir.

List of citizens admitted by the Creek Citizenship Commission, under the act of the Creek Council, of May 30, 1895, examined and the name of none of said applicants found thereon.

Q Were you and your two minor children, for whom you now make application, ever admitted to citizenship in the Creek Nation by the United States court in Indian Territory, on appeal, from the decision of the Commission to the Five Civilized Tribes, or from the decision of the Creek Tribal authorities, under the act of June 10, 1896? A No, sir.

The records of the United States court for the Northern District of Indian Territory examined and the names of none of said applicants found to have been admitted by a judgment of said court.

Q Do you know whether or not the name of Adam Perryman, whom you claim to be your father, appears on the Dunn roll? A Yes, sir; it is so said to be on here, he said it was on here.

Q Who told you it was on the Dunn roll? A My grandfather, he told me, and my father, he told me, too.

Q You have no letters with you to establish the fact that you corresponded with your father and grandfather? A No, sir; I hav'n't got them with me.

Q Have you any such letters in your possession? A I have had, but I hav'n't got them now.

Q Where are they now? A I don't know, sir, where those letters are.

Q All you know about Adam Perryman being your father is what others have told you? A Yes, sir.

Q All you know about his being on the Dunn Roll is what others have told you? A No, what he told me, and my grandfather told me.

The roll of Creek freedmen made by Major J. W. Dunn prior to March 14, 1867, examined, and the name of one, "Adam Perryman", found thereon, at No. 482.

Q Have you any brothers and sisters? A No, sir; I have got some halfbrothers and sisters, not by my mother, but by my father's side.

Q ...
A ...
Q ...
A ...
Q ...
A ...
Q ...
A ...
Q ...
A ...

Q ...
A ...
Q ...
A ...

Examination by S. W. Isaac, attorney for applicant.

Q Do you know whether your father, Adam Perryman, and ...
A ...
Q Well, ...
A ...
Q Do you have any idea how long you lived in ...
A This time? No, sir.
Q Have you any idea how long it has been since you lived in Arkansas?
A No, sir; I don't know; I never tried to keep count.
Q Have no idea as to when it was? A No, sir.
Q Now where do you state that you were born? A I was born across
the river over here.
Q Have any idea how long Adam Perryman has been dead? A No, sir.
Q By whom--where were you reared--who took care of you--raised you?
A Well, Mrs. Richardson raised me, and my grandfather took care of
me a while.
Q Who is your grandfather? A Hector Perryman.
Q He is your father's father? A Yes, sir.
Q Have you always been a recognized member of Adam Perryman and
Douglass Perryman and family? A Yes, sir.
Q They have recognized you as a member? A Yes, sir; all my life.
Q Where were you living when you drew this money? A I was living
in Coalgate with Mrs. Richardson. She had left Arkansas and went
to Coalgate.
Q Where was your grandfather who sent you this money living?
A At Coalgate.
Q ...
A ...

Q ... the payment? A Yes, sir; that is
what he told me in the letter.
Q Have no idea as to where these letters are, have you? A No, sir.
Q Do you swear that this Adam Perryman found on the Dunn Roll is
your father? A Yes, sir; I swear.
Q Well, you have no brothers and sisters living, have you?
A No, sir; not as I know of.
Q Well, these halfbrothers and sisters that you claim to have had,
did they and you have the same father and mother? A Same father,
but not same mother.

In the case of

Examination by S. W. Isaac, attorney for applicant.

Examination by S. W. Isaac, attorney for applicant.

Q How old were you when you got the money? A I don't know that.

Q Was your mother married to Adam Perryman? A I don't know, sir.

Q How many wives did Adam Perryman have? A I don't know; I heard he had three.

Q Did he ever live with your mother? A I don't know, sir, whether they ever lived together or not; I don't remember my mother.

Q Have you anybody here who can identify you? A Yes, sir.

Q Please state some persons who can identify you. A Douglass Perryman can identify me, and Willie Love.

Q Are there all you know that can identify you? A Those are the ones I know.

Q When did you see him in Coalgate? A I don't know how long it has been. He came to see me in Coalgate, came to see me once in Denison but I wasn't there and I never seen him.

Q Do you know Douglass Perryman's wife? A No, not only through letters, that's all.

Q Did you ever write to her? A No, sir; I wrote to Uncle and told him to send me all the children's names and her name; that is all I know about them.

Examination by S. W. Isaac, attorney for applicant.

Q You lived out of the Territory a good deal hav'n't you--in Texas and Arkansas? A Yes, sir.

By the Commission:

Case continued in order to give the applicant opportunity to produce witness to identify her.

Witness excused.

that he reported the proceedings had in the above entitled case on the 2nd day of January, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 5th day of January, 1903, at Muskogee, Indian Territory.

Oliver Chinkler
Notary Public.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my office, at the City of New York, this 28th day of September, 1903.

Henry H. Sawyer

Subscribed and sworn to before me this 28th day of September, 1903.

Charles H. Sawyer

Notary Public.

CONFIDENTIAL STATEMENT

In the matter of the application for the enrollment of
Johnnie Flowers, Annie Flowers and Willie Flowers, deceased, as
Creek citizens.

CONFIDENTIAL STATEMENT :-

The tribal rolls of the Creek Nation in the possession of
the Commission are reviewed and the name of Paul Flowers not identified
as a citizen of the Creek Nation.

The Commission of the Creek Nation, Oklahoma, in
its report of the 10th day of June, 1904, states that

the name of Paul Flowers was not found on the rolls of the
Creek Nation and that no application was made to the Commission
for the enrollment of Paul Flowers to citizenship in the Creek Nation.

Chairman.

Muskogee, Indian Territory.
October 7, 1904.

RECORDS:

The record in this case shows that on January 1, 1904, John Perryman, deceased, was the owner of the land in question, Indian Territory, and was applying for the enrollment of the said land for his children, Annie Flowers and Willie Flowers, deceased, as Creek Indians. Further proceedings were had September 20, 1904 and October 7, 1904.

The evidence shows that said John Perryman, Annie Flowers and Willie Flowers, deceased, or any of them, are not the descendants of a person whose name appears on the roll of Creek Freedmen made by J. W. Ross prior to March 14, 1867.

It does not appear from the evidence that the applicants, or any of them, nor the father of said Annie Flowers and Willie Flowers, deceased, have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said Nation, by the Creek Tribal Authority, the President of the United States, or the United States Court in Indian Territory.

Therefore, the opinion of the Court is that there is no ground for the enrollment of said John Perryman, Annie Flowers, and Willie Flowers, deceased, or any of them, as Creek Indians, and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Handwritten signature]

Chairman.
[Handwritten signature]

[Handwritten signature]

Muskogee, Indian Territory.

FEB 3 - 1905

Hon. P. Porter,

Principal Chief of the Creek Nation,

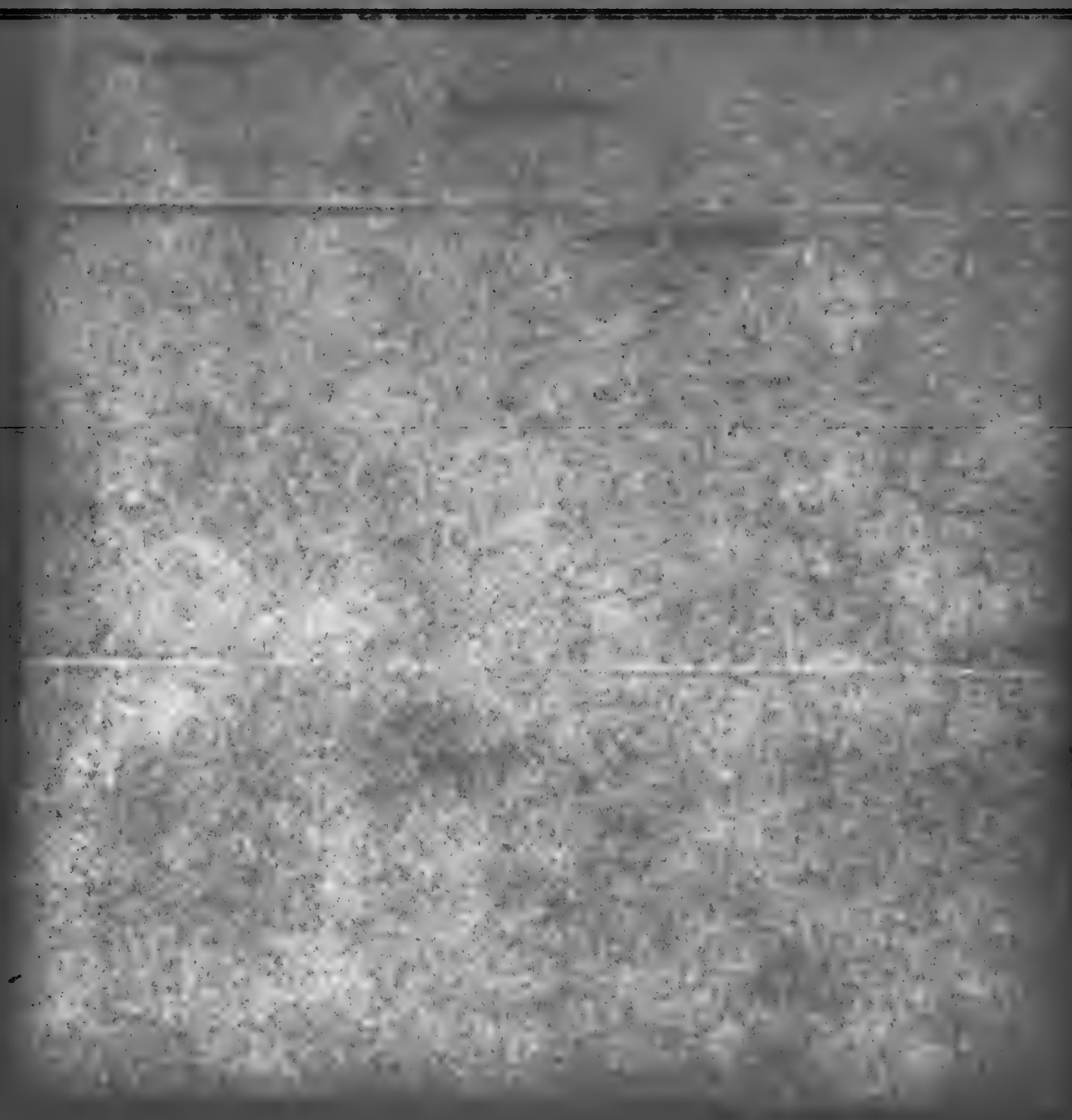
Okmulgee, Indian Territory.

Sir:

You are hereby advised that on January 2, 1903, Johnnie Perryman, whose post office address is given as Choctaw, Indian Territory, appeared before the Commission and made application for the enrollment of herself, her daughter, Annie Flowers, and her deceased son, Willie Flowers, as citizens of the Creek Nation.

You are further advised that it does not appear, from an examination of the records of the Creek Nation now in the possession of the Commission, that said Johnnie Perryman, Annie Flowers and Willie Flowers, or any of them, have ever been enrolled by the Creek tribal authorities, nor does it appear that they, or any of them, have ever been admitted to citizenship in said nation.

Johnnie Perryman claims to be a daughter of Adam Perryman, whose name is included in a roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867, but the record in this case is such that the Commission is not satisfied from the testimony



COMMISSIONERS:
TAMM
C. H. HARRISON,
W. G. HALL,
Secretary.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPIES IN REPLY TO THE FOLLOWING:
Creek No 257

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 7, 1905.

Johannie Perryman,

Checotah, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Willie Flowers (deceased) and Annie Flowers as Creek Freedmen, denying said application.

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

Respectfully,


Chairman.

Register.
JAN-7-79.

Muskogee, Indian Territory, February 7, 1880

S. W. Isaac,

Secretary for Jehanis Perryman, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Jehanis Perryman, et al., as Creek Freedmen.

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

Respectfully,

James Binby

Chairman.

JYB-V-80.

COPY
Creek No. 207

Muskogee, Indian Territory, February 7, 1906.

M. L. Mott,

Secretary for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Johnnie Ferryman, et al., as Creek Freedmen.

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

Respectfully,

SIGNED

Tatno Darby

Chairman.

JYM-7-81.

COPY.

(Book 24 247)

Muskogee, Indian Territory, February 7, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Johnnie Parryman, et al., as Creek Freedmen, including the decision of the Commission, dated February 3, 1906.

Respectfully,

W. W. ...

Chairman.

Through the
Commissioner of Indian Affairs.

JYK-7-68.

Reply to the following
2145-100.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, February 15, 1905

The Honorable
Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 27, 1905, transmitting the record of the application for enrollment as Creek Freedmen by Jahnne Perryman for herself and her two minor children, Annie Flowers and Willie Flowers, (deceased.)

February 3, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants is a descendant of a person whose name is found on the Darr Roll and that none of them has been unrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

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. H. M.
W.

D. 184-1905.

DEPARTMENT OF THE INTERIOR

WASHINGTON, June 3, 1905. 11B. 122. CR

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

Gentlemen:

February 7, 1905, you transmitted the record in the matter of the application of Johnnie Perryman for the enrollment of herself and her two minor children, Annie Flowers, and Willie Flowers, (deceased), as Creek Freedmen, including your decision dated February 5, 1905, adverse to all the applicants.

February 15, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision adverse to all the applicants be affirmed. A copy of his letter is inclosed,

The Department concurs in the recommendation made and your decision adverse to all the applicants is hereby affirmed.

Respectfully,

(Signed) E.A. Hitchcock,

Secretary.

1 inclosure.

Muskogee, Indian Territory, June 28, 1905.

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior under date of June 8, 1905, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Johnnie Perryman et al., as Creek Freedmen.

Respectfully,

Chairman.

Washington, Indian Territory, June 20, 1900.

Attorney for Jennie Perryman.

McMurtree, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 3, 1900, allowed the creation of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Jennie Perryman and her minor children, Willie Flowers, deceased, and Annie Flowers, as Creek Freedmen.

Respectfully,

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

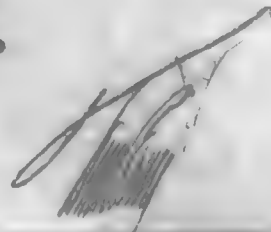
WASHINGTON, UNITED STATES DEPT. OF THE INTERIOR, June 28, 1908.

Charles J. ...
Cherokee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 3, 1908, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of yourself and minor children, Willis Flowers, deceased, and Annie Flowers, as Creek Freedmen.

Respectfully,



Chairman.

Received of [unclear] [unclear] to the [unclear] [unclear] Tribes one copy
of the testimony [unclear] [unclear] of the [unclear] for the enrollment of
Johanna Perry [unclear] [unclear] Creek of [unclear] taken [unclear] 1905

En 287

[Faded handwritten text, possibly a receipt or acknowledgment, including the name "Johanna Perry" and a date "1905".]

207

Received of the Commission to
the Five Civilized Tribes one
copy of the testimony in the
matter of the application for the
enrollment of Johnnie Perryman
et al. as citizens of the Cherokee
Nation

A. W. Isaac,

July 10, 1903.

Attorney for applicant



In the matter of the application of Mary Bruner for the enrollment of her minor child, Gertrude Bruner, as a Creek Indian.

Mary Bruner, being first duly sworn, testified as follows:

Q. What is your name? A. Mary Bruner.

Q. What is your age? A. Well, I guess I am about twenty-four years old.

Q. What is your post office address? A. Marietta.

Q. How long have you resided in Marietta? A. I have lived out there since I have been married, three years; and I have been out there attending school two years.

Q. Have you been enrolled by the Commission as a citizen of the Creek Nation? A. Yes, sir.

The records of the Commission examined and it appears therefrom that Mary Bruner is listed for enrollment as a citizen of the Creek Nation on Creek Freedman Card, Field No. 325.

Q. For whom do you now make application for enrollment? A. Gertrude Bruner.

Q. Is Gertrude Bruner now living? A. Yes, sir.

Q. Are you the mother of Gertrude Bruner? A. Yes, sir.

Q. How old is Gertrude Bruner now? A. She will be two years old in March, a year and ten months old, I guess, a little over ten months.

Q. When was she born? A. The tenth day of March.

Q. In what year? A. 1901.

Q. To what town in the Creek Nation do you belong? A. Canadian.

Q. What is the name of the father of Gertrude Bruner? A. Lewis Bruner.

Q. Is he a Creek freedman? A. Yes, sir.

Q. Is he living? A. Yes, sir.

Q. To what town in the Creek Nation does he belong? A. North Fork.

Q. Has he been enrolled by the Commission as a citizen of the Creek Nation? A. Yes, sir.

The records of the Commission examined and it appears therefrom that Lewis Bruner, the father of Gertrude Bruner, is listed for enrollment, as a citizen of the Creek Nation, on Creek Freedman Card, Field No. 426.

Q. Have you any other children besides Gertrude? A. Yes, sir.

Q. How many children have you? A. Two with this one.

Q. What is the name of your other child? A. Edward Bruner.

Q. When was he born? A. I don't know.

Q. Did you ever have any other children? A. No, sir.

Q. Did you ever have any other children? A. No, sir.

Q. Did you ever have any other children? A. No, sir.

Q. Did you ever have any other children? A. No, sir.

Q. Did you ever have any other children? A. No, sir.

Q. Did you ever have any other children? A. No, sir.

Q. Did you ever have any other children? A. No, sir.

Q. Did you ever have any other children? A. No, sir.

Q. Did you ever have any other children? A. No, sir.

Q How long before that was this child, Gertie Bruner, born?
A Well, I don't know, when we had that filled out it was in
the month of November, along in the winter, and this baby was born
in March, 1901.

The records of the Commission examined and it appears
therefrom that supplemental proof in the matter of the applica-
tion for the enrollment of Edward Bruner was made out
and executed by Lewis Bruner before John W. Likowski, a
notary public, on September 28, 1901.

Q Have you any brothers or sisters? A Yes, sir.
Q Are they older or younger than you? A Younger; I am the oldest.
Q Are any of them married? A Yes, sir.
Q Have any of them any children about the same age as Gertie?
A No, sir.
Q Have you any neighbors that have any children about the same age
as Gertie? A Well, there was some, but they are younger than mine;
and then there are some that are two or three years older than mine;
so mine is just about the middle.
Q How do you know that Gertie Bruner was born on the 10th day of
March, 1901? A Well, I couldn't go to tell you how I know.
Q Did you keep any record of it? A Yes, sir; I put it down in my
Bible.
Q Did you put it down in the Bible on the same day that Gertie was
born? A Well not the same day, but the next day, I think.
Q Who was with you at the time Gertie was born? A Crecy Bruner,
my mother-in-law.
Q Any one else there at the time? A No, sir.
Q Was your husband there? A Yes, sir; he was there.
Q Did any of the neighbors come in a day or so after the child was
born? A Yes, sir.
Q Please state the names of some of your neighbors. A Lucy Grayson,
Mary Jackson, Henry Lewis, Carrie Bruner.
Q Were any of those persons you have just named any children about
the same age as your child? A None except Carrie Bruner. She has
one older than this baby.
Q What is the name of her child? A Well, I have done forgotten
that little boy's name,--it's a boy.
Q How much older is that boy than your child, Gertie? A Well now
if I go to tell you, I might make a mistake. I don't know exactly
how old the boy is. I wasn't there when it was born, but she told
me it is a November baby, and if I am not mistaken, it must be a
year older than mine.
Q Is Carrie Bruner a citizen of the Creek Nation? A Yes, sir.
Q Is she a Creek freedman or a Creek by blood? A Creek freedman.
Q Do you know the month that Osceola Bruner was born? A November,
if I aint mistaken.
Q Was your child born the March after the birth of her child,
Osceola, in November? A Yes, sir; in 1901.
Q You just stated that you thought Osceola Bruner was about a year
older than your child. A Yes, sir; in 1900; it is in 1900 and
mine is March 1901. It is a November, 1900, baby, and she was born
March, 1901, baby.

The records of the Commission examined and it appears
therefrom that Osceola Bruner, a son of Carrie Bruner, was
born November 13, 1900.

Q Do you know the nature of an oath? A Yes, sir.

3 Gertie Bruner.

Mary Bruner, witness.

Examination by the Commission.

- Q Do you know that if you swear to something that is not true that you are liable to punishment by imprisonment in the Government penitentiary? A Well, I don't know, but I guess it would be that way.
- Q You know that if you swear to something that is not true you are liable to be punished, don't you? A Yes, sir.
- Q Can you swear positively that this child of yours, Gertie Bruner, was born in the month of March, 1901? A Yes, sir.
- Q Gertie Bruner was not, then, born in the month of March, 1902? A No, sir; you can see she is no 1902 baby.
- Q Does she walk? A Yes, sir; she can walk.
- Q How long has she been walking? A She has been walking about four months. She can't walk so very steady, she has been larger than most since she has been a baby.
- Q Can she talk any? A She can talk a little.
- Q Do you know when the Creek treaty was passed at Okmulgee? A You are asking something that I don't know.
- Q Do you know who is a member of the Creek Council from your town? A We have no member.
- Q Who is your town king? A I don't know of any. They have some Indian town kings, but they are not from the colored, the colored have no town kings that I know of.
- Q Are there any other statements you desire to make at this time in regard to the application you make for the enrollment of your child, Gertie Bruner, as a citizen of the Creek Nation? A No, sir.

From an examination of the files of the Commission, it appears that on January 2, 1902, there was filed, in the matter of an application for the enrollment of Gertie Bruner, a birth affidavit, duly executed, in which it is stated that said Gertie Bruner was born on the 10th day of March, 1901; which affidavit is hereto attached and marked Exhibit "A", and made a part of the record.

Commission to witness:

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of your minor child, Gertie Bruner, as a Creek freedman, which will be mailed to you to your proper post office address as given by you in your testimony taken at this time.

Witness excused.

Oliver C. Hinkle, being duly sworn, upon his official oath, as stenographer for the Commission to the Five Civilized Tribes, states, that, on the 8th day of January, 1903, he reported the proceedings had in the above entitled cause, and that the above is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of January, 1903, at Muskogee, Indian Territory.

Oliver C. Hinkle
W. J. Boree
Notary Public.

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

In the matter of the application for the enrollment of Gertie Bruner, as a Creek freedman.

DECISION

The record in this case shows that on January 8, 1903, Mary Bruner appeared before the Commission and made application for the enrollment of her minor child, Gertie Bruner, as a Creek freedman.


The evidence shows that said Gertie Bruner is the minor child of Lewis and Mary Bruner, who are listed for enrollment on Creek Freedmen Cards, Field Nos. 426 and 595, respectively.


The records of the Commission show that the names of said Lewis Bruner and Mary Bruner are included in a list of Creek freedmen approved by the Secretary of the Interior, March 13, 1902, roll Nos. 1839 and 2289, respectively, and the tribal rolls of the Creek Nation in possession of the Commission show that said Lewis Bruner is identified on the 1896 roll, and that said Mary Bruner is identified on the 1890 and 1895 rolls of said nation.


The evidence further shows that said Gertie Bruner was born, March 10, 1901, and was living at the date of the application herein.


It is therefore the opinion of this Commission that said Gertie Bruner should be enrolled as a Creek freedman, in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stat., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this 2 day of July, 1903.

Muskogee, Indian Territory, January 11, 1903.

Hon. P. Porter,

Principal Chief of the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that on January 9, 1903, Mary Bruner, whose post office address is given as Henrietta, Indian Territory, appeared before the Commission and made application for the enrollment of her minor child, Gertie Bruner, as a citizen of the Creek Nation.

You are further advised that the name of Mary Bruner is embraced in a schedule of Creek freedmen approved by the Secretary of the Interior, March 13, 1902.

From an examination of files with the Commission it appears that said Gertie Bruner was born March 10, 1901, but the record in the case is such that the Commission is not satisfied with the proof of birth furnished, and desires such evidence relative to her right to enrollment as the Creek Nation may be able to produce.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, July 3, 1904.

Mary M. Bruner,

Henryetta, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of June 24, concerning the application for the enrollment of Gertie Bruner as a citizen of the Creek Nation.

The records of the Commission show that on January 8, 1903, you made application for the enrollment of said Gertie Bruner as a Creek freedman.

In reply, you are advised that the case has not been disposed of by the Commission. When a decision is rendered, a copy will be mailed to you at your post office address.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, July 9, 1904.

A. P. Murphy,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Gertie Bruner as a Creek freedman.

You are hereby notified that the Creek Nation will be allowed twenty days from the date hereof to protest against said decision, and if at the expiration of that time no such protest has been made, said Gertie Bruner will be regularly listed for enrollment as a Creek freedman.

Respectfully,

Commissioner in Charge.

OGH-14.

Creek No. 203.

Muskogee, Indian Territory, August 1, 1903.

Mary Bruner,

Marietta, Indian Territory.

In the matter of the application made by you for the enrollment of your minor child, Gertie Bruner, as a Creek freedman, you are advised that the Commission has listed your said child for enrollment as a citizen of the Creek Nation.

You are further advised that you will now be permitted to make application for an allotment of land in the Creek Nation to said child, upon application to the Commission at its office in Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.

IN RE

Application for Enrollment of

INFANT CHILD

Gertie Bruner

as a citizen of

Louis

Nation.

Approved

190

Commissioner.

*Lives 3 miles N. E. of
Hennetta -*

Mother on Tr. Card #595-

*The child does not
appear to be over a*

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
WASHINGTON, D. C.
FILED

Jan 21 1905

ACTING COMMISSIONER

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

IN RE Application for Enrollment, as a citizen of the Lenape Nation,
of Gertie Bruner, born on the 10 day of March, 1901
(Here insert name of child.)
Name of Father: Louis Bruner a citizen of the Lenape Nation.
Name of Mother: Mary Bruner a citizen of the Lenape Nation.
Post-office Stumptown Ind. Pa.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Maitum District.

I, Mary Bruner, on oath state that I am 24 years of age and a citizen, by Sixth, of the Seventh Nation; that I am the lawful wife of Louis Bruner, who is a citizen, by Sixth, of the Seventh Nation; that a female child was born to me on 10 day of March 1901; that said child has been named Gertrude Bruner, and is now living.

WITNESSES TO MARR:

(Must be Two Witnesses.)

Mary Bruner
Ohio W. Mueshauer
Henry Lewis

Subscribed and sworn to before me this 29 day of Dec 1901

Ohio W. Mueshauer
My Com. Expires Sept 2 1906 NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Maitum District.

I, Creary Bruner, a Midwife, on oath state that I attended on Mrs. Mary Bruner, wife of Louis Bruner on the 10 day of March 1901; 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 Gertrude Bruner.

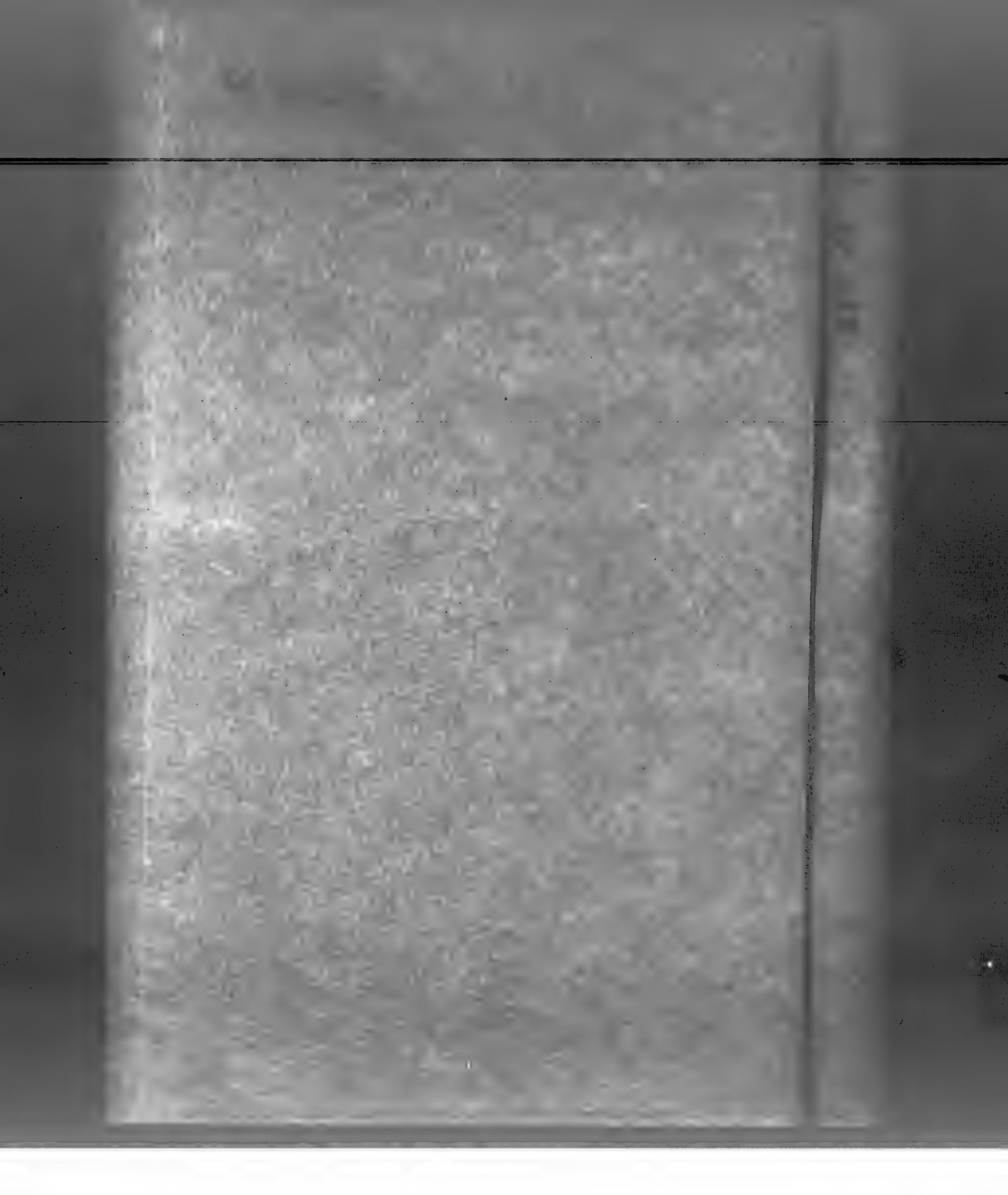
WITNESSES TO MARR:

(Must be Two Witnesses.)

Creary Bruner
Ohio W. Mueshauer
Henry Lewis

Subscribed and sworn to before me this 29 day of Dec 1901

Ohio W. Mueshauer
My Com. Expires Sept 2 1906 NOTARY PUBLIC.



of the application of Simon Billy, son of Lumber Billy, as a citizen of the Creek Nation.

Simon Billy, being first duly sworn, testified, as follows, through interpreter J. H. Lynch:

Examination by the Commission.

- Q What is your full name? A Simon Billy.
- Q What is your age? A About fifty-nine years.
- Q What is your post office address? A Bufaula.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q Have you filed on your allotment in the Creek Nation? A Made partial selection, not full selection.
- Q For whom do you now make application for enrollment? A Eliza Billy.
- Q Is Eliza Billy now living? A She is dead.
- Q How old was she when she died? A About eight years old.
- Q Was she a full-blood Creek Indian? A Yes, sir.
- Q Was she a recognized citizen of the Creek Nation? A Yes, sir.
- Q Does her name appear upon the Creek tribal rolls? A Yes, sir.
- Q To what town did Eliza Billy belong? A Bufaula Canadian.

The 1885 Pay Roll of the Creek Nation, Bufaula Canadian Town, examined, and the name of Eliza Billy is found and identified thereon at No. 218.

- Q What is the name of her father? A Lumber Billy.
- Q Is he living? A Yes, sir.
- Q Is he a full-blood Creek Indian? A Yes, sir.
- Q To what town in the Creek Nation does he belong? A Bufaula Canadian.
- Q What is the name of the mother of Eliza Billy? A Nancy.
- Q Is she living? A Yes, sir.
- Q Is she a full-blood Creek Indian? A Yes, sir.
- Q To what town in the Creek Nation does she belong? A Bufaula Canadian.
- Q Have Lumber Billy and Nancy Billy been enrolled by the Commission as citizens of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Lumber and Nancy Billy, the father and mother of Eliza Billy, are listed for enrollment as citizens of the Creek Nation on Creek Indian Card, Field No. 3609.

- Q Was Eliza Billy living with you at the time of her death?
- Q If this child was a sister of my wife, was she ever married?
- Q How long had the child been living with you before it died?
- A About three years.

Simon Billy.

Simon Billy, witness.

Examination by the Commission.

Q Do you recollect when the Commission was first at Bafaula and
what the cause of the Creek Nation? A Yes, sir. I recollect I was
under the impression that that child was enrolled at that time.

Q Was the child living with you at that time? A Yes, sir.

Q Why did you not give in the name of Eliza Billy at that time
to the Commission when you gave in the name of you self and wife,
Emma? A I was under the impression that I did and the child was
enrolled at that time with myself and my wife.

Q How long after that did the child die? A I don't remember
exactly.

Q How long after that did the child die? A None at all.

Q Do you know the date? A Yes, sir.

Q Was she living when you first went before the Commission to
have your name and your wife's name put on the Creek census roll?

A Yes, sir.

The records of the Commission examined and it appears
therefrom that Simon and Emma Billy are enrolled on old
Creek census card, No. 1214, and that the name of Eliza
Billy does not appear thereon.

It appears also from an examination of the 1895 Pay
Roll, Bafaula Canadian Town, that Lucy Scott, whose name
appears on said roll together with the family of Simon
Billy, is marked on said roll as dead, indicating that
she died shortly after the 1895 roll was made.

Q Do you know the nature of an oath? A Yes, sir.

Q Do you know that you have now been sworn to tell the truth?

A Yes, sir.

Q Do you know what the consequences are if you swear to something
that is not true? A Yes, sir.

Q What are the consequences? A I know it is against the law.

Q Do you know that you are liable to punishment by imprisonment
in the Government penitentiary if you swear to something that is
not true? A Yes, sir.

Q Have you ever filed with the Commission a death affidavit in
the matter of the application for the enrollment of Eliza Billy
as a citizen of the Creek Nation? A No.

Q Have you with you a death affidavit in the matter of the appli-
cation for enrollment of Eliza Billy as a citizen of the Creek
Nation? A Yes, sir; this is what I suppose it is; I can't read.

Applicant herepresents a death affidavit in the
matter of the application for the enrollment of Eliza
Billy, deceased, as a citizen of the Creek Nation, which
is marked Exhibit "A" and made a part of the record.

Q Can you now swear positively that Eliza Billy died on the 10th
day of December, 1900? A Yes, sir.

Witness excused.

San Scott, being first duly sworn, testified as
follows:

Examination by the Commission.

Q What is your full name? A Samuel Scott.

Q How old are you? A About forty-one.

Eliza Billy

Examination by the Commission.

- Q What is your post office address? A Eufaula.
- Q Are you a Creek Indian? A Yes, sir.
- Q How long have you lived in Eufaula? A Yes, sir.
- Q Do you know where the child died? A I don't know.
- Q Do you know when she died? A I guess it's in December.
- Q Well, we don't start counting about it. A In December.
- Q In what year did she die? A In 1900.
- Q How do you place the time in December, 1900, as the exact date of her death? A I don't know.
- Q Did they buy a coffin or any burial material for this child? A Yes, the neighbor fixed it.
- Q Did they buy a coffin for the child? A No, sir; made it, home-made.
- Q Who made the coffin for this child? (Witness speaks to Simon Billy in Creek) A Simon Billy.
- Q Do you recollect when this Commission was first at Eufaula and took the census of Creek Indians? A No, sir; I don't remember.
- Q Did you appear before the Commission at Eufaula and have yourself and family put on the Creek census, when the Commission was there in 1898? A Yes, sir.
- Q Was this child, Eliza Billy, living at that time? A Yes, sir; living.
- Q About how long after that did she die? A I don't remember how long after that.
- Q Who is the present town king of your town? A Harley Thomas.

Witness excused.

Simon Billy, being recalled, testified as follows; through Interpreter J.H. Lynch:

Examination by the Commission.

- Q Did you purchase a coffin or any burial material for Eliza Billy? A Yes, sir.
- Q Did you buy a coffin? A I didn't buy a coffin, I bought the burial outfit; the coffin was made at home.
- Q Where did you buy the burial material? A Bought it from Grayson Brothers, at Eufaula.
- Q Are you a member of the House of Warriors? A Yes, sir; I have been about two years.
- Q You represent your town, Eufaula Canadian Town, in the Creek National Council? A Yes, sir; I am a Warrior from my town.
- Q Are there any other statements you desire to make at this time in regard to the application you make for the enrollment of your niece, Eliza Billy, deceased, as a citizen of the Creek Nation? A No.

Commission to Applicant:

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of your niece, Eliza Billy, deceased, as a citizen of the Creek Nation, which will be mailed to you at

is a full, true and correct transcript of his stenographic notes
thereof.

Clavin Winkler

Subscribed and sworn to before me this 11 day of January, 1903,
at Muskogee, Indian Territory.

H. P. ...
Notary Public.

Hon. P. ...

Principal Chief of the Creek Nation,

Muskogee, Indian Territory.

... Billy, whose post office address is given as Muskogee, Indian Territory, appeared before the Commission and made application for the enrollment of his deceased niece, Eliza Billy, as a citizen of the Creek Nation.

You are further advised that the name of Eliza Billy is identified upon the 1895 Pay Roll of the Creek Nation, and that the names of Harbour Billy and Nancy Billy, her father and mother, are included in a partial roll of citizens by blood of the Creek Nation approved by the Secretary of the Interior, March 13, 1902.

From an affidavit on file with the Commission, it appears that said Eliza Billy died December 10, 1900, but the record in the case is such that the Commission is not satisfied with the proof of death furnished, and desires such evidence, relative to her right to enrollment, as the Creek Nation may be able to produce.

Respectfully,

Acting Chairman.

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

--- D E C I S I O N ---

The record in this case shows that on January 7, 1903, Simon Billy appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his deceased niece, Eliza Billy, as a citizen by blood of the Creek Nation.

The evidence shows that said Eliza Billy was a minor and a full blood Creek Indian; that she died December 10, 1902, and that she is identified on the 1902 Pay roll of the Creek Nation.

The records of the Commission show that the name of the former and mother of said Eliza Billy is listed as a citizen by blood of the Creek Nation on Creek rolls.

It is therefore the opinion of this Commission that Eliza Billy, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898, (30 Stats., 495) and March 1, 1901, (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.

Dated at Muskogee, Indian Territory,
MAY 23 1903

Creek No. 100.

Cherokee, Indian Territory, October 29, 1903.

For Creek Nation,

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Eliza Billy, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and, if at the expiration of that time no such protest has been made, said Eliza Billy, deceased, will be regularly listed for enrollment as a citizen of the Creek Nation.

Respectfully,



Commissioner in charge.

Enc. E. R. C. 401.

4500

Muskogee, Indian Territory, Muskogee

Simon Billy,

Eufaula, Indian Territory.

Dear Sir:

In the matter of the application made by you for the enrollment of Elisa Billy, deceased, as a citizen by blood of the Creek Nation, you are advised that said Elisa Billy has been regularly listed for enrollment as a citizen of the Creek Nation.

You are further advised that the heirs of Elisa Billy will be permitted to make application for a selection of land in the Creek Nation upon personal application at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

I. 1904.

Muskogee, Indian Territory, May 21, 1904.

Dear Sir:

You are advised that the name of your minor child, Eliza Billy, is contained in the partial list of citizens by blood of the Creek nation approved by the Secretary of the Interior May 21, 1904, and that application for a selection of land in the Creek Nation may now be made for said child at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

Enc 289

Class of 1870
No. 405-100

Joseph Cole

Q. R. H. 290

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CREEK NATION,
Muskogee, Ind. Ter., January 8, 1903.

In the matter of the application of Amanda Cole for the enrollment of her minor child, Joseph Cole, as a Creek freedman.

Amanda Cole, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A Amanda Cole.
Q What is your age? A Twenty-one.
Q What is your post office address? A Checotah.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled as a Creek citizen? A Yes, sir.
Q What was your name before you were married? A Amanda Green.
Q What was the name of your father? A Joe Green.
Q To what town in the Creek Nation do you belong? A Canadian.

The records of the Commission examined and it appears therefrom that Amanda Cole is listed for enrollment as a citizen of the Creek Nation on Creek Freedman Card, Field No. 256, as "Amanda Green".

- Q For whom do you now make application for enrollment?
A Joseph Cole.
Q Is Joseph Cole living? A Yes, sir.
Q How old is he? A A little over a year old.
Q When was he born? A He was born the 28th of April.
Q In what year? A 1901.
Q Wasn't he born in August, 1901? A No, sir.
Q Was he born in the summer or winter? A He was born in the spring.
Q Are you the mother of Joseph Cole? A Yes, sir.
Q What was the name of his father? A Joe Cole.
Q Is he a citizen of the Creek Nation? A No, sir.
Q Have you any other children besides Joseph Cole? A Yes, sir.
Q Are they living? A Yes, sir.
Q How many children have you living, besides Joseph? A Two.
Q What are their names? A Isabel Stidham and Lizzie Lasley.
Q How old is Lizzie Lasley? A She is three years old.
Q When was she born? A She was four months old when I filed for her.

The records of the Commission examined and it appears therefrom that an allotment was made to Lizzie Lasley on April 25, 1900.

- Q How long before you made that application?
A I don't know.
Q How long before?
A I don't know.
Q Have you filed with the Commission a birth affidavit in the

2 Joseph Cole.

Amanda Cole, witness.

Examination by the Commission.

number of the application for the enrollment of Joseph Cole as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that a birth affidavit was filed with the Commission on June 26, 1902, which is marked Exhibit "A", and made a part of the record.

Q Did you go before a notary public and tell him what to put in that affidavit, and then swear to it? A Yes, sir.

Witness excused.

GEORGIA McCLAIN, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your full name? A Georgia McClain.

Q What is your age? A Twenty-two.

Q What is your post office address? A Checotah.

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

Q Do you know the applicant here, Amanda Cole? A Yes, sir; I know her.

Q How long have you known her? A I guess I have been knowing her now about three years; she staid with me a while.

Q Has she a child by the name of Joseph Cole? A Yes, sir; because I named him.

Q Do you know when Joseph Cole was born? A He was born in April, but come to his date, I don't know, because I didn't keep up no account; he was born the same year my little boy was born, and my little boy was born in February and he was born in April; because he was born at my house.

Q What is the name of your boy? A Mack McClain.

Q Was Amanda Cole living with you when Joseph Cole was born?

A Yes, sir; because I packed grub to her bed every day.

Q How long did she live with you after he was born? A She staid with me until that fall, and Joe Cole picked cotton for us that fall.

Q And your child, you say, was born in February, 1901? A Yes, sir; year before last; I don't know anything about the date.

Q Was Amanda Cole living at your house at the time you made out a birth affidavit for your child, Mack McClain? A I disremember when I made out the affidavit for Mack; I think, though, it was in February.

Q You say she was living at your house at the time your child was born? A I didn't say she was living at my house at the time my child was born in February.

Q How long after your child was born did she come to your house?

A She wasn't there very long before this child was born.

Q You shortly after the birth of your child made out a birth affidavit and filed it with the Commission? A Yes, sir.

Q Why didn't you call out on her when her child was born?

A I don't know that.

Q You must have told her that her child had a right? A I didn't tell her anything about her child having a right.

Q She was living at your house at the time her child was born, was she not? A Yes, sir.

Q You had just sent in a birth affidavit for your child?

A Yes, sir.

3 Joseph Cole.

Georgia McClain, witness.

Examination by the Commission.

Q You know all about that it was necessary to file a birth affidavit with the Commission? A They told me it was, and I went on filing.

Q You mean to tell the Commission that you didn't say anything to Amanda about her child? A No, sir; I didn't; it wasn't any of my business.

Q Wasn't it a matter of fact that Joseph Cole was not born in April, 1901? A You all have it the way you want; I've done told you all how about it.

Q Do you know whether you are liable to imprisonment in the Government penitentiary if you swear to something that is not true? A Yes, sir.

A I wouldn't swear to something that is not true.

Q Well, I ask you, Do you know that you are liable to imprisonment in the Government penitentiary if you swear to something that is not true? A Yes, sir.

Q Can you now swear positively that Joseph Cole was born in April, 1901? (No response).

Q How long after your child, Mack McClain, was born, was Joseph Cole born? A I don't know whether it was two months or three months afterwards.

Q Was it in the fall of the year that Joseph Cole was born?

A I don't know whether you call it fall or not.

Q Was it in the spring, or summer, or fall, that Joseph Cole was born? A I would call it in the spring.

Q Do you recollect how high cotton was, when Joseph was born?

A No, sir.

The records of the Commission examined and it appears therefrom that Mack McClain, the son of Georgia McClain, was born on the 19th day of February, 1901.

Witness excused.

J. W. WAMBLE, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your full name? A J. W. Wamble.

Q What is your age? A About fifty-two.

Q What is your post office address? A Checotah.

Q What is your business, or calling? A Preacher.

Q Do you know the applicant, Amanda Cole? A I do.

Q How long have you known her? A I have known her about two years and a half.

Q Are you a near neighbor of hers? A I am.

Q How near do you live to her? A Well, (Q) Now at the present time?

Q (A) Yes. A Why, I live, I guess, about a mile and a half, or two miles, of them, now.

Q Does Amanda have a child by the name of Joseph Cole? A Why that is what they call it, Joseph Cole.

Q Do you know when Joseph Cole was born? A Joseph Cole was born about April, to my judgment, between the 6th and 7th days of April.

Q In what year? A 1901.

Q How do you place the date in April, 1901? A I place it in April, 1901. I wasn't living very far from them in 1901.

4 Joseph Cole.

S. W. Wamble, witness.

Examination by the Commission.

Q Were you at the house when the child was born? A No, sir; I wasn't.

Q How long after the child was born did you go to their house?

A Well, probably it might have been some time. I have been to the house, I had been at the house, of course I didn't go in the house, in a case like that.

Q I say, How long after the child was born were you to their house?

A Well, I had been to the house, I reckon, two or three weeks, to my best recollection, but I didn't go in the house; I was in the yard.

Q Did you see the child? A No, sir; I didn't go in the house.

Q And that is what they said, that she was in the house with a fine child.

Q All you know about it, then, is what they told you? A Yes, sir; I didn't see the child, when it was born.

Q When did you first see the child after it was born? A Well, I guess probably it was about a month, more or less,--it was a month, I am satisfied, after I seen it; it might have been two months, I don't know, but it was some considerable time after a month; I don't know exactly.

Q Are you a citizen of the Creek Nation? A I am not.

Q Is your wife a citizen? A A Doubtful citizen.

Witness excused.

FRANK McCLAIN, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your full name? A Frank McClain.

Q What is your age? A Twenty-five years old.

Q What is your post office address? A Checotah.

Q Are you a citizen of the Creek Nation? A No, sir.

Q Are you the husband of Georgia McClain? A Yes, sir.

Q And the father of Mack McClain? A Yes, sir.

Q Do you know the applicant here, Amanda Cole, who makes application for the enrollment of her child, Joseph Cole? A Yes, sir.

Q Was Amanda Cole living at your house when Joseph Cole was born?

A Yes, sir; she was living at my house.

Q When was your child, Mack McClain, born? A Well sir, I just don't know.

Q Well, do you know when Joseph Cole was born? A No, sir; didn't keep no account of it at all.

Q Was he born in the fall, or in the spring, or summer? A Joseph Cole, to my recollection, was born in the spring, but I don't know exactly just what month, I couldn't say.

Q Do you recollect making out a birth affidavit, showing when your child, Mack McClain, was born? A No, sir.

Q Did you go before a notary public and make out an affidavit?

A Yes, sir.

Q Can you recall about how long after you made that affidavit your child was born? A No, sir; I can't tell it; I haint got recollection enough to think back that long.

Witness Excused.

AMANDA COLE, being recalled, testified as follows:

Examination by the Commission.

Q Do you know a child by the name of Mack McClain? A Yes, sir.

by you, as a witness of the said
National A. S. C., etc.

Commission to applicant.

You will be furnished at a later date a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of your name, as a member of the Five Civilized Tribes, which will be mailed to you at your present office address, as given by you in your testimony taken at this time.

Witness excused.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 8th day of January, 1903, and that the above is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle

Subscribed and sworn to before me this 19th day of January, 1903, at Muskogee, Indian Territory.

R. J. Bone
Notary Public

Examination by the Commission:

Q What is your name, your age and post office address? A Checotah; 54; Joe Cole.

Q Are you a citizen of the Creek Nation? A No sir.

Q Are you a citizen of any tribe of Indian Territory? A I ought to be but I aint got my rights proved up yet; my father was a Cherokee.

Q Are you the husband of Amanda Cole? A Yes sir.

Q Did she have a child named Joe Cole? A Yes sir.

Q Are you the father? A That's what she said.

Q When was that child born? A 1901, April 28th, between one and two oclock; we call it the 28th.

Q Did you make any record of the date of the birth of your child, Joe Cole? A I never made any only at home; me and the old lady wrote it in a little book.

Q Have you that book in your possession? A It must be about the house somewhere; in a trunk; it is out at the place somewhere.

Q Is Joe Cole living? A Yes sir.

Q How old is he? A I would call him three years old past; last year.

Q Who was the mid-wife in attendance at the birth of the child?

A Sabra McQueen.

Q Did you have a practising physician at the birth of the child?

A She's just a neighborhood woman.

Q Did you have a doctor? A Only this doctor we spoke of but he wasn't there at the birth of this child.

Q Have you looked at the record of the birth of Joe Cole since it was put in that book? A Yes, several times; it aint been more than a month since I had it. This one here - pointing to a boy about seven - is named Jobe.

Q Was that record made with a pencil or pen? A Pencil.

Q What color? A Just common old pencil; 8¢ lead pencil.

Q How long after the birth of the child before you made that record?

A Mama had not been around the house more than a week or ten days.

Q Who wrote it in that book? A I did.

Q Where? A In the house.

Q How many other children? A Yes sir, two; and then I have got one up and her wife - a Creek citizen.

Q What is the name of your oldest child? A Named after his grand-daddy; I only stayed with my first wife only two weeks and then married this one; she didn't name this child; we parted one Saturday night and she is in his care.

Q What was the date of the birth of that child? A June.
 Q What year? A 1901.
 Q Is the name of your son, John? A Yes.
 Q In what year was he born? A It was 1901, I think; just
 after 1900, I think. I don't know and can't state.
 Q What year was that? A 1901; last year.
 Q How far did you go to school? A I went to school in this area.
 Q For how long? A I don't know.
 Q Can you read and write? A Yes sir; the 28th.
 Q What was that doctor's name? A Dr. Vanderpool.
 Q Have you got any paper from him showing that he was at your house
 on the 28th? A Yes sir; here's a paper.

There is a paper presented to the Commission in which J. Monroe
 Vanderpool, M.D. certifies that he was at the house of Joseph and
 Amanda Cole April 28th, 1901 to see Belle. It is filed.

Q Is Dr. Vanderpool living? A Yes sir.
 Q Where is his office? A Checotah.
 Q Can you read and write? A Read a little; I touches the pen; can't
 write.
 Q What is the name of the first child born after Joe was born?
 A Job Cole.

Henry G. Hains being sworn on his oath states that as stenographer
 to the Commission to the Five Civilized Tribes he reported the above
 case and that this is a full, true and correct transcript of his
 stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 1st day of July, 1904.

Seal

Oliver C. Hinkle

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHICKSAW, I.T. June 22, 1904.

In the matter of the application for the enrollment of Joe Cole as a citizen of the Creek Nation.

James M. Vanderpool being duly sworn testified as follows:

Examination by the Commission:

- Q State your name, age and post office address? A James M. Vanderpool; 45; Checotah.
- Q You are a practicing physician in this section of the country, are you not, Doctor? A Yes sir.
- Q How long have you been in this part of the country? A I am not sure; it was either July '96 or '97; I believe '97.
- Q Do you know one Joe Cole? A I only know him by the name; I don't know him to be Joe Cole.
- Q Have you practiced for a person named Joe Cole? A Yes sir.
- Q Have you ever been in attendance on a person at his house- a child by the name of Belle? A Yes sir; I have given her medicine; they claim her name to be Belle.
- Q Did they pay you for your services at the time of your visit or did you make a record of the date and charge them for your services? A I made a record.
- Q Can you produce that record? A Yes sir.
- Q Did you make a visit at their house for professional services during the year 1901 according to your record? A I don't know whether it was his house or not but I was called to the house.
- Q Did Joe Cole- the person you know by that name- pay you for your services? A Yes sir, he paid me for all but about 50¢.
- Q Will you please state what your record shows regarding the call you had to attend on one by the name of Belle, as you understand it in the family of Joe Cole who paid you for your services on Belle.
- A My record shows I was there on the 28th day of April, 1901.
- Q Will you please read what your record shows as to the exact date and person you attended? A Well, it shows 1901, April 28th; visited Belle.

Witness produces a book- a ledger, which appears to be a record of his accounts with his patients showing the dates of his visits, charges and the payments of the charges with dates. Book shows as follows, first entry: "1901 April 28, visit Belle, 50¢." Following that are a number of other entries all of which are charged to one Joseph Cole.

- Q This is your account with the person you know by the name of Joe Cole, is it? A Yes sir.
- Q Do you recollect, Doctor, your visit on April 28, 1901, to the place you were told was the home of Joe Cole? A Well, I recollect just the circumstances connected with it; after having my attention called to it I referred to my book.
- Q In his house there was there an infant child? A Yes sir, there was an infant child there the morning I went there.
- Q You don't know whose child that was? A No sir.

Q Did you see a woman who appeared to be the mother of the child?
 A Yes sir I saw her in bed there.
 Q Was she still confined to her bed? A Yes sir.
 Q You don't know the name? A Somebody said she was his wife.
 Q Did they say that at the time of your visit there on April 21st, 1901, or after that time? A I think that was the talk that morning that it was his wife and she had a young baby. Of course, it didn't impress my mind; of course a doctor will just casually look at it and pass it by.
 Q You don't know the infant child's name? A No; I suppose they did.
 Q You have since subsequently visited to the same place attending on the same people? A I think I made one visit after that time.
 Q Did you ever pay any attention to that infant child after that time? A No; I never did; I don't remember that I did.
 Q Do you know one Henry Jackson? A Yes sir.
 Q Do you know whether he claims to be a Greek citizen? A I don't think he does.
 Q Do you know his wife's name? A I think it is Lilly Jones before they were married.
 Q His wife's name is Lilly is it? A Yes sir.
 Q You have practiced for them, have you? A Yes sir.
 Q Has Henry Jackson called your attention to a child of his wanting to know the date of its birth? A Yes sir.
 Q What is the name of that child? A I can't remember the name; it was a boy child; the first time he called my attention to it was about the time he wanted to file for it and Henry owed me \$20.00 and I wanted to see him to settle and it passed on and on, and until about 3 weeks ago I told his wife to come in and I would furnish him with a certificate.
 Q Have you attended on Lilly Jones at the birth of more than one child? A No sir, only the one.
 Q Does your record show the date of the birth of that child? A Yes sir.

Witness presents the ledger heretofore referred to; it shows a charge to Henry Jackson, colored, year 1900; shows at the 6th entry the account of one Lillie was transferred to Henry Jackson's account; the 6th entry, date October 30 "Obst"; cost \$10.

Q To what does that refer, Doctor? A I always mark that in case of confinement; birth of the child.
 Q Who was that was confined? A Lillie Jackson.
 Q Her birth of a child, was it? A Yes sir.
 Q You don't know the name of the child? A No, I don't remember; I have heard it called but I don't know.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

and sworn to before me this 1st day of July, 1904.



Oiver C. Hinkle
 Notary Public.

Jobe Cole et al.

AMANDA COLE, being duly sworn testified as follows:

Amanda Green.

Sir.

Q Do you have any children in which you say you are 24 years old? A I do not know any.

Q What is your post office address? A Summit.

Q Have you any children that have been born since May 25, 1901 that is in the last five years? A I have two of them.

Q Are they living? A Yes, sir.

Q Both of them? A Yes, sir.

Q What is the name of the oldest? A Joe Cole. The youngest one is named Jobe Cole.

Q Can you read and write? A Yes, sir.

Q How do you spell the name of the oldest one? A Joe

Q How do you spell the name of the other? A Jobe.

Q Your oldest child is Joe Cole is it? A Yes, sir

Q And the other one is Jobe Cole? A Yes, sir

Q When was Joe Cole born? A He was born in 1901, August 21

Q How old is he now? A He is four past.

Q Will he be five next August 21? A Yes, sir

Q We have here two affidavits from you in the first one you state he was born August 21, 1901 and his name is Joe Cole Jr and in the other you state the child was born August 20, 1901 and his name was Joseph, which is correct? A August 21, 1901. The mistake was made in the one drawing it up I reckon.

Q The one giving August 21 was made out in this office and the other seems to have been made out James W. Stevens, is that 20th wrong? A Yes, sir it is August 21.

Q Well which is the right name Joe Cole Jr, Joe Cole or Joseph?

A Joe Cole

Q Who was the midwife when Joe was born? A Sabrie McQueen.

Q We have an affidavit here saying the child was born August 20 and was named Joseph, made by Sabrie McQueen, is that correct?

A No, sir

Q She afterwards came back and testified it was born the 21st, is that correct? A Yes, sir

Q When was Jobe born? A October 3, 1903.

Q Are you sure it was in 1903? A Yes, sir

Q We have here your affidavit made out in this office at the same time you made the one made by James W. Stevens, in which you state he was born in 1901, is that affidavit of Sabrie McQueen and yourself made a few days later, you state it was born October 3, 1901?

A I told him 1901

Q That was a mistake of the notary was it? A Yes, sir

Q In the first affidavit the name of the child is spelled Jobe is that correct? A Yes is correct

Q Sabrie McQueen is the only affidavit we have about Jobe does not put down the name of the child and we have to get an affidavit from the midwife giving the name, do you understand? A Yes

Handwritten text, possibly a signature or name, located in the upper right quadrant of the page.

Main body of handwritten text, appearing as a dense block of cursive script across the middle of the page.

Lower section of handwritten text, possibly a concluding paragraph or signature block, located in the bottom third of the page.

Department of the Interior, Bureau of Land Management, Washington, D.C., August 22, 1900.

I am the writer of the application for the enrollment of Joseph Cole as a new-born.

BY COMMISSIONER

Q What is your name? A Sabro McGowan.
 Q How old are you? A About forty-two.
 Q What is your post office address? A Checotah.
 Q Are you a citizen of the Green Nation? A No, sir.
 Q Do you know Amanda Cole? A Yes, sir.
 Q Do you know a child of hers named Joseph Cole? A Yes, sir.
 Q Who is the father of that child? A Joe Cole.
 Q Do you know when the child was born? A Yes, sir.
 Q Give the date of the birth? A It was August 21, I believe.
 Q In what year? A 19 01, I think it was the 21st day of August.
 Q Was it the 21 or 22, I don't know which. I got it down as I have here.
 Q Can you show me that record? A I don't know whether I can find it or not.

Witness my hand and official seal for the year 1900, in which the 21st day of August is marked with a pencil.

Q What does this mark indicate? A The day the child was born.
 Q When did you make the mark? A The same night the child was born.
 Q It was born in the night and when I came back I just taken a pencil and made the mark.
 Q Did you attend on Amanda Cole at the time the child was born? A Yes, sir.
 Q Is the child living? A Yes, sir, it was yesterday.
 Q Do you know whether or not the mother of this child has made application for the enrollment of it as a new-born? A Yes, sir, she did. She went to the house and made application and I afterwards went down to Checotah and made affidavit as wife.
 Q That was just a short while ago? A It was in March, I think.

Subscribed and sworn to before me this 21st day of August, 1900.

[Signature]

[Signature]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE PUBLIC LANDS OFFICES,
Muskogee, Indian Territory, May 1, 1906.

EX-210.

In the matter of the application for the enrollment
of Joseph Cole as a Creek freedman.

AMANDA COLE, being duly sworn, testified as follows:

Q What is your name? A Amanda Cole.

Q What is your age? A Going on 23.

Q What is your post office address? A Summit.

Q Are you the Amanda Cole who has testified several times in regard to
the application for the enrollment of your child Joseph? A Yes, sir.

Q You are the Amanda Cole also who has filed with the Commission
affidavits in the matter of the birth of Joseph Cole? A Yes, sir.

Q When you appeared here on January 8, 1903 and made application for
this child you stated that the child was born April 28, 1901 and you
introduced several witnesses who stated that the child was born on
the date you mentioned. Later on you filed with this office affidavits
and in later proceedings you stated that this child was born in August
of 1901? A It was August 1901.

Q You referred to the same child in all of these proceedings those of
January 8, 1903 and the later proceedings? A Yes, sir the same one.

Q Is that child living now? A Yes, sir he is here now.

Q Have you a child called Jobe? A Yes, sir.

Q Is Jobe older or younger than Joseph? A Jobe is younger.

Q And he is living too? A Yes, sir.

Q Why is it that you gave in the date when you first made application
for Joseph and stated he was born April 21, 1901 and later changed it
to August 1901, why did you make the change in these dates, Did some
tell you that your child would not be entitled if it were born in April?

A Yes, sir

Q And that is the reason you changed it? A They said August and
August is the month it was born in.

Q Then why did you tell us April? A Because some one told me to put
it that way.

Q They told you it wouldn't be entitled if it was born in August? A
Yes, sir

Q And was that reason you made this statement even though you were
under oath? A It was born in August.

Q And later on when the new law went into effect you gave in your
testimony and sent in your affidavit saying this child was born in
August, is that right? A Yes, sir.

Q So you swore falsely when you stated this child was born in April?
A Yes, sir

I, Anna Garrigues, on oath state that the above and foregoing is a
true and correct transcript of my stenographic notes as taken in said
case on said date.

Anna Garrigues

Subscribed and sworn to before me
this 3 day of May 1906.

Therman C. Skaggs
Notary Public.

DE CISION.

The record in this case shows that on January 8, 1903, Amanda Cole appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Joseph Cole, as a Creek Freedman.

Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on June 21 and June 22, 1904.

The evidence shows that said Joseph Cole is the child of Amanda Cole who is identified on the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, No. 906; that he was born April 28, 1901, and was living at the date of the application herein.

It is therefore the opinion of the Commission that said Joseph Cole should be enrolled as a Creek Freedman in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER.

DATED AT MUSKOGEE, I. T.

COMMISSIONER.

Indian Territory, January 1, 1903.

Hon. P. Porter,

Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that on January 8, 1903, Amanda Cole, whose post office address is given as Checotah, Indian Territory, appeared before the Commission and made application for the enrollment of her minor son, Joseph Cole, as a citizen of the Creek Nation.

You are further advised that the name of said Amanda Cole is included in a schedule of Creek freedmen approved by the Secretary of the Interior, March 13, 1902.

It appears from an affidavit on file with the Commission that said Joseph Cole was born August 21, 1901, and from the testimony that he was born April 25, 1901. The Commission is not satisfied with the proof of birth furnished, and desires such evidence relative to the right of said child to enrollment as the Creek Nation may be able to produce.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, JulyII, 1904.

Received of the Commission of the Five Civilized Tribes one copy o
of the Testimony in the matter of the application for the enroll-
ment of Joseph Cole, as a citizen of the Creek Nation, taken on
June 21, and June 22, 1904.

Joseph B. Cole
Atty

Joseph Cole,

Care of

Indian Territory.

Dear Madam:

The Commission is in receipt of affidavits executed by you relative to the birth of your minor children, Joseph Cole, Jr. and Iobe Cole. It is stated in said affidavits that you are a Creek Freedman.

Without further information, the Commission is unable to identify you under that name, on the approved roll of Creek Freedmen. You are therefore required to advise the Commission as to your name before your marriage, and also your roll number as the same appears on your deeds or allotment certificate.

Respectfully,

Chairman.

STEIN & SUMPTER,
REAL ESTATE AGENTS,

STOCK RANCHES IN INDIAN LANDS CITY PROPERTY,
MEXICO AND TEXAS. DE EXCHANGED
IN INDIAN LANDS AND TEXAS.
OFFICE, I. O. O. F. Building.

Choctah, I. T., May 6th, 1908 100

Commission To The Five Civilised Tribes,
Muskogee I.T.

Gentleman:

I am in receipt of your letter of 3rd, Inst. in
which you ask for my name before my marriage to Joseph Cole.
In re ply you are advised that the name under which I filed was Amanda,
Green, And my deed shows that I am enrolled on Freedman Roll No. 906.
Hoping this will be satisfactory, I am yours truly,

Amanda Cole

1880

Gold Creek Station,
No. 1.

Gold Creek
Station

1880

There is enclosed herewith testimony taken on July 19, 1904
in the matter of the application for the enrollment of Joseph Gale
as a Creek citizen, together with two copies of testimony taken before
me in said case. It appears that a new application has been made
for the enrollment of said Joseph Gale in accordance with the provisions
of the act of Congress of March 3, 1903.

Very respectfully,

Chas. P. Gray

Clerk in Charge Creek Field Party.

IN RE *2347*
Application for Enrollment of
INFANT CHILD

John Cole
as a citizen of
Creek Nation.

Approved _____ 190

Commissioner.

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

May 2 1905
[Signature] CHAIRMAN

ln JNB603

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation
of John Cole, born on the 3rd day of Oct, 1903
(Here insert name of child.)
Name of Father: Joseph Cole Sr. a citizen of the United States
Name of Mother: Amanda Cole a citizen of the Creek
Postoffice Chickasaw 29

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Amanda Cole, on oath state that I am 24
years of age and a citizen by Force of Law of the Creek Nation;
that I am the lawful wife of Joseph Cole Sr., who is a citizen, by
of the United States Nation; that a Male child was
(Male or Female.)
born to me on 29th day of October, 1901; that said child has been named
John, and was living March 4, 1905.

WITNESSES TO MAKE:

(Must be Two Witnesses) { H.P. Ayres
E.J. Moon

Subscribed and sworn to before me this 29th day of April, 1905.

James H. Allen
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Abra M. Quinn, a mid-wife, on oath state that I
attended on Mrs. Amanda Cole, wife of Joseph Cole Sr.
on the 29th day of October, 1901; that there was born to her on said date a Male
(Male or Female.)
child, that said child was living March 4, 1905, and is said to have been named

WITNESSES TO MAKE:

(Must be Two Witnesses) { H.P. Ayres
E.J. Moon

Subscribed and sworn to before me this 29th day of April, 1905.

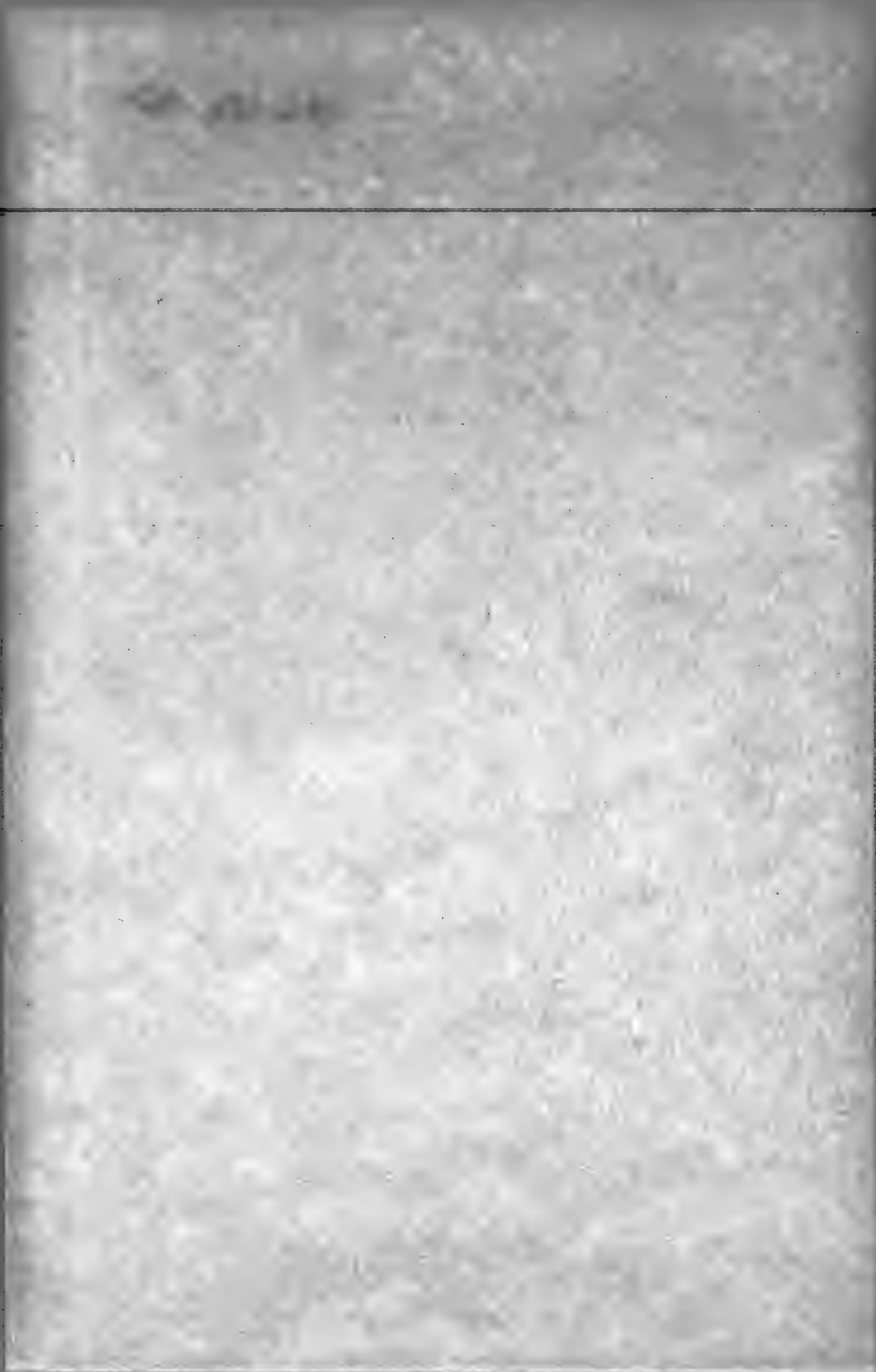
James H. Allen

This case is very
doubtful. Think
~~the~~ testimony of the
midwife and the
family record of
the birth of the
child should be
obtained.

Belford.

A.

o'p.



In the letter of the application of Willie Williams for the enrollment of her minor child, Sammie Williams, as a citizen, of the Creek Nation.

Rena Williams, being first duly sworn, testified as follows:

- Q What is your name? A Rena Williams.
Q What is your past office address? A Bristow.
Q Are you a citizen by blood of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Rena Williams is listed for enrollment as a citizen of the Creek Nation on Creek Indian Card, Field No. 1216.

- Q To what town in the Creek Nation do you belong? A Tuskegee.
Q Are your father and mother both living? A No, sir.
Q What are their names? A My mother named Jane Dasher.
Q For whom do you now make application for enrollment?
A Willie Williams.
Q Is he living? A No, sir.
Q How old was he when he died? A He was a year old.
Q When did he die? A He died in October 22.
Q In what year? A 99.
Q When was Willie Williams born? A Born November 17th.
Q In what year? A 98, I believe.
Q What is the name of the father of Willie Williams?
A Sam Williams.
Q Is he a citizen of the Creek Nation? A No, sir.
Q Is he your husband? A Yes, sir.
Q How long have you been married to him? A Five years.
Q Have you a child by the name of Samuel Grayson? A Yes, sir.
Q When was Samuel Grayson born? A I don't know; he was born January 16th.
Q In what year? A 97, I guess.
Q Is Sammel Grayson now living? A Yes, sir.
Q Did you have another child born the next January after Samuel Grayson was born? A No, sir; Samuel Grayson was a year and one month old before I ever had any more.
Q You had another child born to you, then, a year and one month after Samuel Grayson was born? A Yes, sir.
Q How long did you nurse Samuel Grayson? A I nursed him a year.
Q And had another child born to you while you were nursing Samuel Grayson? A No.

The records of the Commission examined and it appears therefrom that Sammie Williams was born to the applicant, Rena Williams, on the 16th day of January, 1897.

- Q Who was with you at the time Willie Williams was born?
A Dickey Adams and Helisa Grayson.

2 Willie Williams.

Rene Williams, witness.

Examination by the Commission.

- Q Is Dickey Adams the son of Tom Adams? A I don't know.
Q Do you recall the name of the person who was at your house and en-
rolled you as a citizen of the Creek Nation? A Yes, sir.
Q How long had he been dead when they came to your house? A No, sir.
Q How long had he been dead when they came to your house?
A Four days.
Q Are you positive that it was four days? A Yes, sir.
Q Have you heretofore filed with the Commission a death affidavit
in the matter of the application for the enrollment of Willie Wil-
liams, as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that a death affidavit in the matter of the application for the enrollment of Willie Williams was filed with the Commission on November 8, 1902, which is marked Exhibit "A", and made a part of the record. It also appears from an examination of said death affidavit, that said Willie Williams died on the 22nd day of October, 1899.

- Q Where were you living when Willie Williams was born? A I was living on Brown Creek.
Q What was your nearest post office? A Tuskegee.
Q Please state the names of some of your near neighbors when Willie Williams was born. A Dickey Adams, Sissy Harry.
Q Have you ever filed with the Commission a birth affidavit in the matter of the application for the enrollment of your child, Willie Williams, as a citizen of the Creek Nation? A No, sir.
Q Have you a daughter by the name of Jane Williams? A Yes, sir.
Q Is she now living? A Yes, sir.
Q Was she born before or after Willie Williams died?
A She was born after.
Q How long after Willie Williams died was Jane Williams born?
A Three months after he died, I believe.

Commission to applicant:

It will be necessary for you to furnish a birth affidavit, made by yourself and the midwife or physician who was in attendance at the time of the birth of Willie Williams, before any further action can be taken in this case.

Upon receipt of a birth affidavit, this case will receive consideration, and you will be furnished, at a later date, with a copy of the decision of the Commission in the matter of the application made by you at this time, which will be mailed to you at your present post office address, as given by you in your testimony taken at this time.

Witness excused.

Oliver C. Hinkle, being first duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 8th day of January, 1903, and the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle

Subscribed and sworn to before me at Muskogee, Indian Territory, this 19th day of January, 1903.

H. A. Brown
Notary Public.

Copy

Creek No. 291.

Muskogee, Indian Territory, January 27, 1903.

Hon. P. Porter,

Principal Chief of the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that on January 6, 1903, Rena Williams, whose post office address is given as Bristow, Indian Territory, appeared before the Commission and made application for the enrollment of her deceased child, Willie Williams, as a citizen of the Creek Nation.

You are further advised that the name of Rena Williams, the mother of said child, is included in a schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior, March 13, 1902.

From the testimony in this case, it appears that said Willie Williams was born November 17, 1896, and from an affidavit on file with the Commission, it appears that he died October 22, 1899; but the Commission is not satisfied with the proof of birth and death furnished and desires such evidence relative to his right to enrollment as the Creek Nation may be able to produce.

Respectfully,

Acting Chairman.

Mrs. Rose M. Adams,

Billings, Montana Territory.

The Commission is in receipt of your letter of May 20th, in reference to the application for the enrollment of your niece, Gladys Wilkins, deceased. You ask what progress has been made in the past.

In reply, you are advised that the matter of said application will be considered by the Commission as soon as it is reached in due course of business.

Respectfully,

Commissioner in Charge.

Washington, Indian Territory, September 10, 1900.

A. P. Murphy,

Attorney for Creek Nation,

SIR:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Willie Williams, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and, if at the expiration of that time no such protest has been made, said Willie Williams, deceased, will be regularly listed for enrollment as a citizen of the Creek Nation.

Respectfully,

Commissioner in charge.

Enc. R. E. C. 480.

Dr. H.

Muskogee, Indian Territory, November 10, 1903.

Pena Williams,

Bristow, Indian Territory.

Dear Madam:

In the matter of the application made by you for the enrollment of your minor child, Willie Williams, deceased, you are advised that said Willie Williams has been regularly listed for enrollment as a citizen of the Creek Nation.

You are further advised that the heirs of Willie Williams will be permitted to make application for a selection of land in the Creek Nation, upon personally appearing at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

In the matter of the application for the enrollment of Willie Williams, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on January 8, 1903, Rena Williams appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her deceased minor child, Willie Williams, as a citizen by blood of the Creek Nation.


The evidence shows that said Willie Williams was born October 22, 1892, and died November 17, 1899.

The evidence further shows that said Willie Williams was the child of Rena Williams who has been regularly listed for enrollment as a citizen by blood of the Creek Nation on Creek Indian Card Field Number 1218, and the records of the Commission show that the name of said Rena Williams is contained in a partial list of Creek citizens by blood approved by the Secretary of the Interior March 13, 1902, Roll Number 3910.

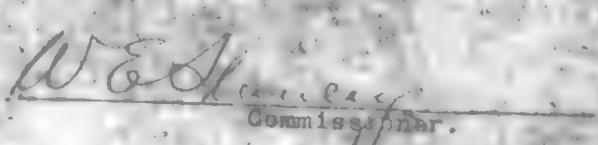
It is therefore the opinion of this Commission that said Willie Williams, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress June 28, 1898 (29 Stats., 321), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman


Commissioner.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

OCT 28 1903

IN RE

Application for Enrollment of

INFANT CHILD

Willie Williams

as a citizen of the

Creek

Nation.

Approved _____ 190_____

Commissioner.

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

FILED

Feb. 1903

ACTING CHAIRMAN.

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

In His Application for Enrollment, as a citizen of the Loose Nation.

Rena Williams, born on the 17th day of November 1898

Name of Father: Sam Williams, a citizen of the Loose Nation.

Name of Mother: Rena Williams, a citizen of the Loose Nation.

Post-Office: Bristow I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, Rena Williams, on oath state that I am 23 years of age and a citizen, by Blood, of the Loose Nation; that I am the lawful wife of Sam Williams, who is a citizen, by Blood, of the Loose Nation, that a male child was born to me on the 17th day of November 1898; that said child has been named Hillie Williams, and is now living.

WITNESSES TO SIGN: Rena Williams
(Must be Two Witnesses.) } James H. Webb

Subscribed and sworn to before me this 26th day of January 1903.
T. H. Flynn Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, Dicky Adams, midwife, on oath state that I attended on Mrs. Rena Williams, wife of Sam Williams, on the 17th day of November 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 Hillie Williams.

WITNESSES TO SIGN: Dicky Adams
(Must be Two Witnesses.) } Charles Scott

Subscribed and sworn to before me this 2nd day of Feb 1903.
T. H. Flynn Notary Public.

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

In Re Application for Enrollment, as a citizen of the Creek Nation,
Willie Williams, born on the 17th day of November, 1898
(Here insert name of child)
Name of Father: Sam Williams a citizen of the Seemole Nation.
Name of Mother: Rena Williams a citizen of the Creek Nation.
Post-office Bristow, Ind. Ter.

AFFIDAVIT OF ~~MOTHER~~ acquaintance

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Sissie Harry, on oath state that I am 38
years of age and a citizen, by blood, of the Creek Nation;
that I am ~~the mother~~ acquainted with Rena Williams, who is a citizen, by
blood, of the Creek Nation; that a male child was
(Male or female)
born to her on 14th day of November 1898; that said child has been named
Willie Williams, and ~~is now living~~ died on the 22nd
day of Oct. 1899

WITNESSES TO MARK:

Must be Two Witnesses.

Alice Coleman
John Coleman

Subscribed and sworn to before me this 17th day of March, 1903.

F. W. Flynn
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE acquaintance

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Rena Williams, on oath state that I at
acted as Mrs. Rena Williams, wife of Sam Williams,
at at on the at day of at; 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
(MALE OR FEMALE)

Willie Williams

WITNESSES TO MARK:

Must be Two Witnesses.

Alice Coleman
John Coleman

Subscribed and sworn to before me this at day of at, 190.

NOTARY PUBLIC

IN RE
THE DEATH OF

Walter Williams,

a citizen of the

Ore

Nation.

Approved

190

Commissioner.

3/23/03

In the matter of the death of _____

of the _____

Nation who formerly resided at _____

last seen, and died on the _____

name of post office _____

19__

AFFIDAVIT OF RELATIVE.

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.; that I am

(Here insert name of post office.)

(State relationship as: the father, an uncle, a cousin, etc.) of _____

(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.)

_____, I _____.

WITNESSES TO SIGN:

(Must be Two Witnesses.)

Subscribed and sworn to before me this _____ day of _____ 190__.

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, Mickey Harvey, on oath state that I am 50

years of age, and a citizen, by Blood, of the Green Nation;

that my post office address is Beas, Ind. Ter.;

(Here insert name of post office.)

that I was personally acquainted with Willie Williams

(Here insert name of deceased.)

who was a citizen, by Blood, of the Green Nation;

and that said Willie Williams was born on 17th Nov 1857 died on the 22nd day of

(Here insert name of deceased.)

Oct, 1899.

Mickey Harvey her
man

WITNESSES TO SIGN:

(Must be Two Witnesses.)

Frank Taylor
Wesley Thomas

Subscribed and sworn to before me this 18 day of March 1903.

F. H. Foy

Notary Public

303 Creek

IN RE
THE DEATH OF

Willis Williams
a citizen of the
Creek

Nation.

Approved

1

Commissioner.

Walter on O. Case # 1218

Filed Nov. 8th 1904

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *Willie Williams*
(Here insert name of deceased.)
a citizen of the *Creek* Nation, who formerly resided at or near
Bristow, Ind. Ter., and died on the *22* day of *October*,
1899
(Here insert name of post office.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.)
I, *Rena Williams*, on oath state that I am *22*
years of age and a citizen, by *Birth*, of the *Creek* Nation;
that my post office address is *Bristow*, Ind. Ter.; that I am
the mother of *Willie Williams*
(State relationship, as: the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by *Birth*, of the *Creek* Nation;
and that said *Willie Williams* died on the *22* day of
October, 1899
(Here insert name of deceased.)
WITNESSES TO SIGN: *Rena Williams*

(Must be Two Witnesses.)
Subscribed and sworn to before me this *9th* day of *September*, 1902
E. H. Sims
Notary Public.

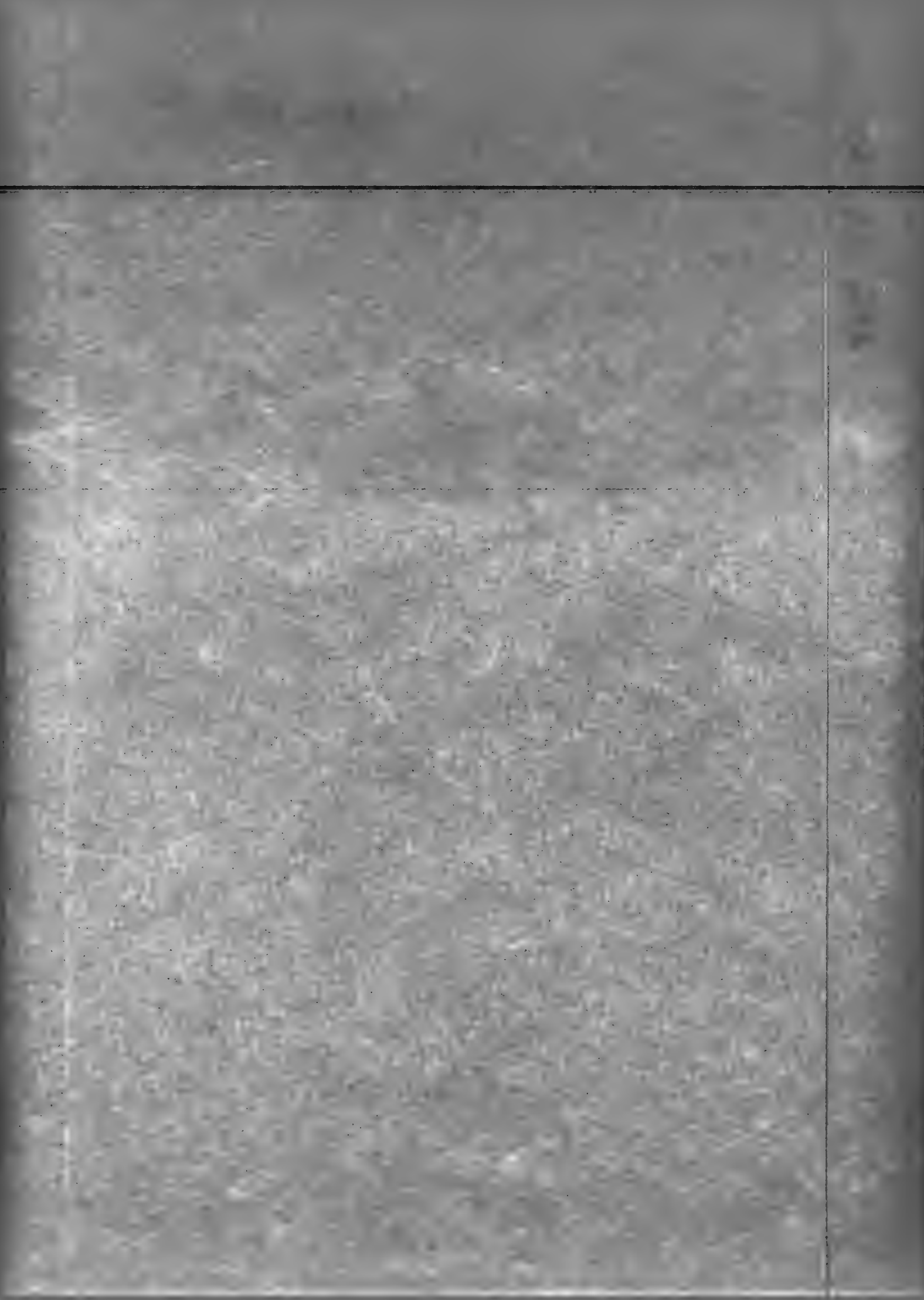
AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.)
I, *Lacey Adams*, on oath state that I am
years of age, and a citizen, by *Birth*, of the *Creek* Nation;
that my post office address is _____, Ind. Ter.;
(Here insert name of post office.)
that I was personally acquainted with *Willie Williams*
(Here insert name of deceased.)
who was a citizen, by *Birth*, of the *Creek* Nation;
and that said *Willie Williams* died on the *22* day of
October, 1899
(Here insert name of deceased.)
WITNESSES TO SIGN: *Lacey Adams*

(Must be Two Witnesses.)
Subscribed and sworn to before me this *23* day of *Oct*, 1902
E. H. Sims
Notary Public.
Con 2 July 16th 1906

W 24 X

W 24 X



STATEMENT OF THE INDIAN COMMISSION, INDIAN TERRITORY, IN THE MATTER OF THE APPLICATION OF CHARLEY J. ESCOE FOR THE ENROLLMENT OF HIS MINOR CHILD, BESSIE ESCOE, DECEASED, AS A CITIZEN, BY BLOOD, OF THE CREEK NATION.

CHARLEY J. ESCOE, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A Charley J. Escoe.
Q What is your age? A About 46.
Q What is your post office address? A Checotah.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Charley J. Escoe is listed for enrollment, as a citizen of the Creek Nation, on Creek Indian Card, Field No. 274.

- Q For whom do you now make application for enrollment?
A Bessie Escoe.
Q Are you the father of Bessie Escoe? A Yes, sir.
Q Is she now living? A No, sir.
Q When did she die? A The 15th of April, 1899.
Q How old was she when she died? A She was something over two weeks old.
Q When was she born? A The 30th of March, 1899.

Applicant here presents a birth affidavit, duly executed, showing that Bessie Escoe was born March 30, 1899, which affidavit is marked Exhibit "A", hereto attached and made a part of the record.

Applicant also presents duly executed death affidavit, showing that Bessie Escoe died April 15, 1899, which affidavit is marked Exhibit "B", hereto attached and made a part of the record.

- Q To what town in the Creek Nation do you belong?
A Deep Fork Arbeka.
Q What is the name of the mother of Bessie Escoe? A Dora Escoe.
Q Is she now living? A Yes, sir, Dora Escoe is.
Q Is she a citizen of the Creek Nation? A No, sir.
Q Is she a citizen of any nation in the Indian Territory?
A That is what I understand, she is not.
Q Is she now living with you? A Yes, sir.
Q Has she had any of her children listed for enrollment as citizens of the Cherokee Nation? A No, sir; she has not.
Q Has she any other children besides Bessie Escoe? A She has two.

Charley J. Escoe, witness.

Examination by the Commission.

Q How old are these two children? A Those two children are oldest and youngest of this family and three years old.

Q What are their names? A Johnnie Escoe and Luther Escoe.

Q Have they been enrolled as citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Johnnie and Luther Escoe, ages 4 and 3 years, respectively, the children of Charley J. Escoe and Dora Escoe, are listed for enrollment, as citizens of the Creek Nation, on Creek Indian Roll, Roll No. 4...

Q How long before the enrollment of Johnnie and Luther Escoe?

A (Q) Whereabouts, here?

Q (A) Yes. A Yes, sir; it seems that way to me, as well as I can remember.

Q Why did you not make application at that time for the enrollment of this child, Bessie Escoe? A Because it was dead, and I didn't think I could get it on the roll at all.

Q When did you first learn that you might be able to get this child on the roll? A I heard them say after the supplemental treaty came out, this act of the National Council, that I could enroll that baby.

Q Do you recollect when the land office was opened at Muskogee?

A It was the first of April.

Q Do you recollect when you appeared before the Commission and filed on your allotments for yourself and several minor children? A I can't remember when I got the numbers, sometime about the first week of April, it was 308, and I was held up in filing when I got in the...

Q How long had your child, Bessie Escoe, been dead before you filed?

A I couldn't just say how long that was; can't tell when I did get to file.

Q Was this child living when you filed? A No, sir; it was dead.

Q Can't you recollect how long it had been dead? A Well it was dead about two weeks, as near as I can remember; the first time the land office opened, the first of April, just about two weeks, as well as I can remember.

Q How long before the land office was opened was this child born?

A It was two or three days.

Q Were you here when the land office first opened? A Yes, sir.

Q How long did you remain here? A Seems like to me I staid here about three weeks, if I aint mistaken. I lived in Checotah then.

Q Was the child born while you were here? A (Q) Here at Muskogee?

Q (A) Yes. A It was born the last day I came about here, while I was here, it was about a week. I staid here very near a week the first time I came here, very near a week, and the next trip I made up here, just before the two weeks, it was born then.

Q You stated that you were here when the land office was opened?

A Yes, sir; I was here when it was opened.

Q How long did you remain here at that time? A Something like a week.

Q Was the child born while you were here at that time? A No, sir.

Q How long before the enrollment of Johnnie and Luther Escoe?

A (A) Yes. A Been about two weeks.

Q You were here when they first gave the numbers? A Yes, sir.

Q How was this child born before or after that time?

A After that time.

Q How long after that time? A It was about a week, nearly, and a half from the time I left here.

Charley J. Escoe, witness.

Examination by the Commission.

Q Did you keep any record of the birth of this child? A Yes, sir;

Q What kind of record did you keep? A I kept it in a little book where I keep all the births and deaths of all the children.

Q Did you put it down in that book on the day that this child was born? A Yes, sir; I put it down.

Q On the very day that the child was born? A (Q) The day it was born?

Q (A) Yes. A No, sir; I didn't put it down on the very day it was born.

Q What day did you put it down? A Something like over a week.

Q How long after the child was born? A No, sir.

Q How long after the child was born? A No, sir.

Q You came to Muskogee, then, when the land office was first opened, and remained here about a week? A Mighty near a week; I staid long enough to find out I couldn't get in to file.

Q This child, then, wasn't born at that time? A No, sir,--I mean born the 30th of March, was when it was born.

EXAMINATION BY J. M. GIVENS, attorney for the applicant.

Q Where were you living at the time this child was born? A I was living about two miles and a half north east of Checotah.

Q Was Bessie Escoe born before the land office was opened, or after the land office was opened? A Two or three days before.

Q What did you mean then when you answered Mr. Givens and said that the child was born after you came up here to get your numbers?

A I got that much of it, I mean I said that.

Q The child, then, you state, was born two or three days before the land office was opened, April 1, 1899? A Yes, sir; two or three days.

Q How long did the child live? A He lived about a couple of weeks or over, he lived till the 15th.

Q What month? A April.

Q What year? A 1899.

Witness excused.

FANNIE LOVE, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your full name? A Fannie Love.

Q What is your age? A Fifty-three.

Q What is your post office address? A Checotah.

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

Q Do you know Charley J. Escoe, who makes application for the enrollment of his deceased child, Bessie Escoe? A Yes, sir.

Q Did he have a child by the name of Bessie Escoe? A Yes, sir.

Q Did you act as midwife at the birth of that child? A Yes, sir.

Q How long after the child was born? A Well, he was born in March, as near as I could get at it; exactly what day I couldn't, I don't keep no days with me, but it was born in March.

Q How do you know it was born in March? A Because I know it was in March, just before we came up here and filed; we filed April 1st.

Bessie Escoe.

Fannie Love, witness.

Examination by the Commission.

Q How long before you filed was this child born? A Well, two or three days before we filed.

Q And you went to the land office in Muskogee? A Yes, sir.

Q And this child was born two or three days before you came to Muskogee? A Yes, sir; before I came up; I tended on her before I came up.

The records of the Commission examined and it appears therefrom that Fannie Love filed on her allotment in the Creek Nation on the 8th day of April, 1899.

By Fannie Love: I came up and got my numbers and went to the land office and when I got my numbers and the land office was first opened. I didn't file, I only got a number, and I came back the next week and filed.

Examination by the Commission.

Q Was the child born when you first came up here to get the numbers?

A Yes, sir; that is the time it was born.

Q Do you recollect what number you got? A No, sir; I couldn't remember that.

Q You went back home after you received the number? A Yes, sir; and then came back and filed.

Examination by J. M. Givens, attorney for the applicant.

Q When was Bessie Escoe born, before you came up here to the land office to get your numbers to file? A Yes, sir.

Q (A) Yes, when you came to get your numbers to file, was Bessie Escoe born then? A Yes, sir; it was born then.

Q About how many days before that had she been born? A About three or four days.

Q How soon after the opening of the land office did you come to get your numbers? A I was here the first day the land office was open.

Q And the child was born before the first day the land office was open? A Yes, sir.

Q In your direct examination, you said your child was born two or three days before you filed: Do you mean before you filed, or came to get your numbers? A It was open when I got my numbers; when I came up and got my numbers and then came back and filed about a week afterward.

Q The child was born when you came here on April 1, 1899, to get your numbers? A Yes, sir.

Q Do you remember how long the child lived? A About two weeks, as near as I can get at it.

Q Were you present when the child died? A Yes, sir.

Witness excused.

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

EXAMINATION BY THE COMMISSION:

Q What is your full name? A Lone Landrum.

Q What is your age? A I am about forty-eight.

Q What is your post office address? A Checotah.

Q Are you a citizen of the Creek Nation? A Cherokee.

B Bessie Escos.

Long Escos, witness.

Examination by the Commission.

Q Do you know the child here, Charley J. Escos, who makes application for the burial of his deceased daughter, Bessie Escos?

A Yes, sir; I know the child; I all.

Q Was you a near neighbor of his in 1897? A Yes, sir.

Q How near did you live to him? A About three-quarters of a mile.

Q Did Charley J. Escos ever have a child by the name of Bessie Escos? A Yes, sir.

Q Did you see that child? A Yes, sir.

Q Do you know when the child was born? A Right about, I do; right

Q Was you present when the child was born? A Well, along about the 28th days of March, along about the 30th.

Q That was in the year 1897? A Yes, sir.

Q Couldn't it have been the first day of April, 1897? A Well, it could have been, but, of course, that is the way I remember it.

Q Do you know when the child died? A Yes, sir; about when; didn't live very long, about a couple of weeks it lived.

Q Did you see the child after it died? A Yes, sir; this is a daughter of mine's child; she was my daughter.

Q You can swear positively that the child lived two weeks?

A Along about that long; didn't live very long; it lived about two weeks.

Q Did they have a funeral? A No, sir; never had nothing more than people gathered in the neighborhood and buried the little thing; didn't have no funeral.

Q Were you present when they buried the child? A Yes, sir; know right where it is buried; could go right to the grave; could show the grave.

EXAMINATION BY J. M. GIVENS, attorney for the applicant.

Q Do you remember the occasion of the opening of the Creek Land Office, at Muskogee, on April 1, 1897? A Yes, sir; I know when they were all coming here.

Q Was this child born at that time? A It was born before they all came up here; yes, sir.

Q You say before they all came up here? A That is, before the people commenced coming here to file,--to get their numbers, and was just like we are up at Vinita now.

Q Was it born before the first day the land office was open?

A Oh yes, it was born before that.

Q Do you know about how many days before that that it was born?

A About two or three days.

Q Were you present when the child was born? A I was right there-- I wasn't right in the house, but I was right there on the farm. You see we lived adjoining--you see, we lived just across the creek, and he on this side.

Q You were the grandfather of the child? A Yes, sir.

EXAMINATION BY THE COMMISSION.

Q Were you in Muskogee when the land office opened? A No, sir.

Q Were any of your family in Muskogee when the land office opened? A No, sir, but Charley; he came up here to see to his business here--you see, he was a citizen here and we wasn't. We belong to the Cherokee, you know, we had no business.

Witness excused.

FRED LEWIS, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER.

- Q What is your full name? A Fred Lewis.
- Q Do you know Charley J. Escoc? A I don't know him, but I think it is his name.
- Q What is your best office address? A Checotah.
- Q Do you know Charley J. Escoc, who makes application for the enrollment of his deceased child, Bessie Escoc, as a citizen of the Creek Nation? A Yes, sir.
- Q Is he any kin of yours? A No, sir.
- Q Are you a near neighbor of Charley J. Escoc? A Yes, sir.
- Q How near? A About a mile and a half.
- Q Do you ever see the child? A Yes, sir.
- Q Do you know when the child was born? A No, sir; I don't.
- Q Do you know when the child died? A Why, I don't know exactly just when the child--let's see, we came up here to get tickets the first of April, and it was about two weeks after about that time--I don't know just exactly.
- Q Do you recollect when you filed on your allotment? A No, sir; I don't.
- Q Did you come to Muskogee more than once to file? A Yes, sir; I came up here and got my tickets.
- Q Were you at Muskogee when the land office first opened? A Yes, sir.
- Q You then got your tickets? A Yes, sir.
- Q Did you file when you were first here at Muskogee at that time and got your ticket? A No, sir.
- Q How long after that did you come and file? A I don't know just exactly how long that was when I came up here.
- Q Did you file on Saturday? A Well, I remained here Saturday evening up until Monday morning.
- Q You didn't file on your allotment then? A Why, I was in the land office, when they closed down on a Saturday evening, to file, and got my ticket, and went back, you know, and when I came up here to file, I was to the last table when the land office closed down, and I didn't get to them until Monday morning. I staid over here all night Saturday night, and all day Sunday, up until Monday; but just what time, I don't remember.
- Q Did you file on Monday? A Yes, sir; I finished filing on Monday.
- Q Were you able to file on your allotment when you first came to Muskogee? A (Q) What do you mean by that?
- Q (A) When you first came to Muskogee, when the land office was opened. A (Q) Was I able to file?
- Q (A) Yes. On your allotment. A Why I got a ticket to file.
- Q Now what I mean is, Did you file on your allotment when you got your ticket, at that time? A Yes, sir; I filed after the same day; I didn't.
- Q Did you go home before you filed on your allotment? A Yes, sir; I think I did--yes, I went home.
- Q How long did you remain at home? A Well, I don't know.
- Q Was this child born before or after you first came to Muskogee, when the land office was opened? A Before.
- Q How long before? A Well, it was two or three days, I think it was--yes, it was about two or three days, because my stepmother there said Charley Escoc had a nice girl over there.
- Q All you know about it is what was told you? A Yes, sir.

Q ... you came up to file? A Yes, sir.
Q ... you came up to file first?
A ... or three days.
Q ... on the first day the land office was
opened? A Yes, sir.
Q ... A Yes, sir.

Q ... you first came to the land office?
A No, sir.
Q ... you came to the land office and got your ticket, did you
know that this child was born? A No, sir; I didn't know the
child was born until after I went back.
Q ... you filed on your allotment?
A Yes, sir.
Q ... you filed on your allotment was this child born?
A Why, the way they told me,--the way Aunt Fannie said, it was two
or three days before I came and got my ticket.

Witness excused.

CHARLEY J. ESCOR, BEING RECALLED, testified as follows:

EXAMINED BY J. M. GIVENS, Attorney for ...

Q ... do you elect to have your child, Bessie Escce, enrolled as a
citizen of the Creek Nation? A Yes, sir.

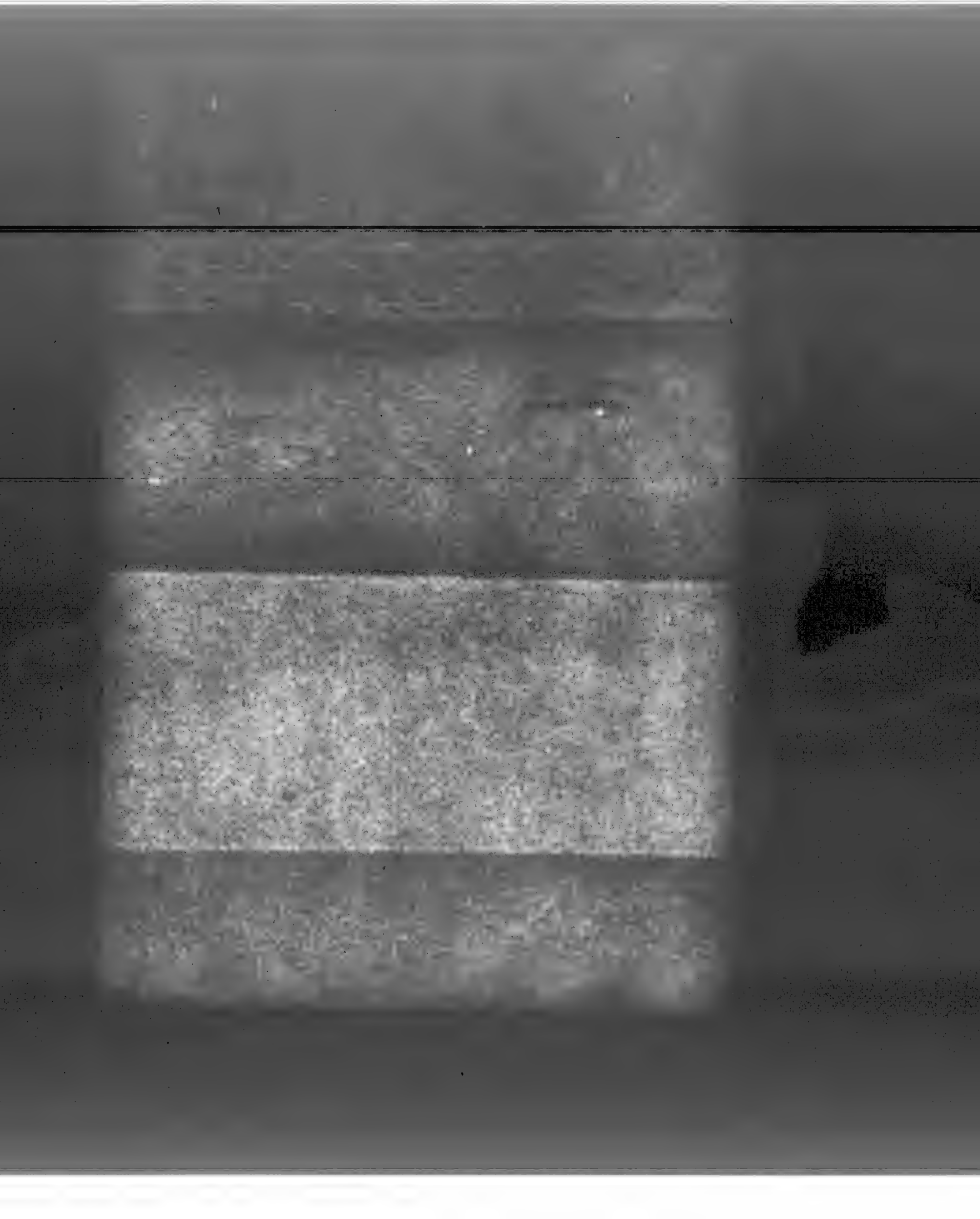
EXAMINATION BY THE COMMISSION:

Q ... you have a funeral when your child, Bessie Escce, was buried?
A No, sir; I didn't.
Q ... you purchase any burial material? A No, sir; we had
enough to put it away. That's the second one I have put away
that way.
Q ... there any one in attendance when you buried the child?
A There was a few people, but I never paid much attention to
how many there was.
Q ... other neighbors have you besides the witnesses you present-
ed today? A George Malvin, or George Barnwell; Johnny Malvin;
Georgie Malvin; June Love.
Q ... they all your near neighbors? A The balance are here,
these that are here.
Q ... you buy a coffin? A No, sir; we had that made.
Q ... you have to buy any lumber? A No, sir; we had the lumber.
Q ... wasn't obliged to buy anything for the child? A No, sir;
I wasn't.

Witness excused.

By the Commission:

This case is continued in order to give the representa-
tives of the Creek Nation opportunity to introduce evidence, if



IN RE
THE DEATH OF

Bessie E. Cor

a citizen of the

Creek

Nation.

Approved _____ 190__

Commissioner.

Ex. "B."

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

FILED

July 17, 1903

[Signature] ACTING CHAIRMAN.

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

In the matter of the death of Bessie Escor
(Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Chico, Ind. Ter., and died on the 15 day of
April, 1899.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Charles J. Escor, on oath state that I am 46
years of age and a citizen, by Blood, of the Creek Nation;
that my post office address is Chico, Ind. Ter.; that I am
Father of Bessie Escor,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Birth, of the Creek Nation;
and that said Bessie Escor died on the 15 day of
April, 1899.

WITNESSES TO SIGN:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 8 day of January 1903.
W. H. Sumner
Notary Public.

My Commission expires July 3, 1903.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Jennie Lovv, on oath state that I am 53
years of age, and a citizen, by Birth, of the Creek Nation;
that my post office address is Chico, Ind. Ter.;
that I was personally acquainted with Bessie Escor,
(Here insert name of post office.) (Here insert name of deceased.)
who was a citizen, by Birth, of the Creek Nation;
and that said Bessie Escor died on the 15 day of
April, 1899.

WITNESSES TO SIGN:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 8 day of January 1903.
W. H. Sumner
Notary Public.

My Commission expires July 3, 1903.

IN RE

Application for Enrollment of
INFANT CHILD.

Bessie Egan

As a citizen of the

Onek Nation.

Approved _____ 1 _____

Commissioner.

Ex. "A."

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

Jay W. Cook

ACTING CHAIRMAN

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Bessie Escoe, born on the 30th day of March, 1899,
Name of father: Charles J. Escoe, a citizen of the Creek Nation.
Name of mother: Dora Escoe, a citizen of the Cherokee Nation.
Post Office: Cheetah, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Dora Escoe, on oath, state that I am 23 years of age and a
citizen, by Birth, of the Cherokee Nation; that I am the
lawful wife of Charles J. Escoe who is a citizen, by Blood, of the
Creek Nation; that a Female child was born to me on the 30th day
of March, 1899; that said child has been named Bessie Escoe
and is now dead.

Dora Escoe her mark
Subscribed and sworn to before me this 10th day of January, 1903.
Witnesses Ad Smith
"v Commission Expires July 1, 1906
J. Morrow Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN; OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Fannie Love, a Midwife, on oath, state that I
attended on Mrs. Dora Escoe, wife of Charles J. Escoe
on the 30th day of March, 1899; that there was born to her on said date a Female child;
that said child is now dead and is said to have been named Bessie Escoe.

Fannie Love her mark
Subscribed and sworn to before me this 10th day of January, 1903.
My Commission Expires July 1, 1906.
Witnesses Ad Smith
J. Morrow Notary Public.

Washington, Indian Territory, January 31, 1903.

Hon. P. Porter,

Principal Chief of the Creek Nation,

Sir:

You are hereby advised that on January 12, 1903, Charley J. Escoe, whose post office address is given as Checotah, Indian Territory, appeared before the Commission and made application for the enrollment of his deceased child, Bessie Escoe, as a citizen of the Creek Nation.

You are further advised that the name of Charley J. Escoe is included in a partial roll of citizens by blood of the Creek Nation approved by the Secretary of the Interior, March 13, 1902.

From affidavits on file with the Commission, it appears that Bessie Escoe was born March 30, 1899, and died April 15, 1900, but the record in this case is such that the Commission is not satisfied with the proof of birth and death furnished, and desires such evidence, relative to her right to enrollment, as the Creek Nation may be able to produce.

Respectfully,

Acting Chairman.

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Bessie Escoe, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on January 12, 1903, Charley J. Escoe appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his deceased minor child, Bessie Escoe, as a citizen by blood of the Creek Nation.

The evidence shows that Bessie Escoe was born March 30, 1899, and died April 15, 1899; that she was the child of Charley J. Escoe, and his wife, Dora Escoe.

The records of the Commission show that the name of said Charley J. Escoe is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior, March 13, 1902, number 908.

It is, therefore, the opinion of the Commission that Bessie Escoe, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the acts of Congress, June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]
 Chairman.

[Signature]
 Commissioner.

[Signature]
 Commissioner.

[Signature]
 Commissioner.

Dated at Muskogee, Indian Territory,

this MAR 14 1904

Department of the Interior, Bureau of Indian Affairs, Washington, D.C.

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Bonnie Biscoe, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision. If no protest is received within that time, said Bonnie Biscoe will be regularly listed and enrolled as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

BW-3-15-0.

Muskogee, Indian Territory, May 28, 1904.

Charlie J. Escob,

Indian Territory.

Dear Sir:

You are advised that the name of your minor child, Bessie Escob, deceased, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior May 21, 1904, and that application for a selection of land in the Creek Nation for her may now be made by you at the office of the Commission at Muskogee, Indian Territory.

Respectfully,

Chairman.

Em 792

Received of the Commission to the Five
Civilized Tribes one copy of the testimony
in the matter of the application for the
enrollment Bessie Escoe as a citizen
of the Creek Nation
Sept 24. 1903.

A. M. Kieren v.
Attorney for Applicant

Muskogee, I. T. March 5, 1903
Received of the Commission
to the Five Civilized Tribes
one copy of the testimony
in the matter of the appli-
cation for the enrollment
of Perrie Greer as a
citizen of the Creek Nation
Givens & Jackson

Att. for applicant



In the matter of the application of Harley Thomas for
enrollment as citizen, by blood, of the Creek Nation.

Harley Thomas, being first duly sworn, testified, as follows,
through official interpreter Lona C. Merrick:

EXAMINATION BY THE COMMISSION:

- Q What is your full name? A Harley Thomas.
Q What is your age? A Over fifty, I think.
Q What is your past office address? A Eufaula.
Q Are you a citizen by blood of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the
Creek Nation? A Don't know whether the Commission enrolled me
or not; this is the first time I ever appeared here.

The records of the Commission examined and it ap-
pears therefrom that Harley Thomas is listed for enroll-
ment, as a citizen of the Creek Nation, on Creek Indian
Card, Field No. 4323.

- Q For whom do you now make application for enrollment? A For my
two deceased children, Tody and Sampson Thomas.
Q Is Tody a girl or a boy? A A girl.
Q How old was Tody Thomas when she died? A She was about seven
years old.
Q About how old was Sampson when he died? A I don't know just
exactly; I think it was about four years old.
Q Are you the father of Tody and Sampson Thomas? A Yes, sir.
Q To what town in the Creek Nation do you belong? A Eufaula Canadian.
Q What is the name of the mother of Tody and Sampson Thomas?
A Bettie Thomas.
Q Is Bettie Thomas now living? A No; she is dead.
Q About how long has she been dead? A Five or six years.
Q To what town in the Creek Nation did she belong?
A Eufaula Canadian.
Q Was she a full-blood Creek Indian? A Yes, sir.
Q Did you draw fourteen dollars and some odd cents for Bettie
Thomas when the payment was made in 1895? A Yes, sir; drew for
Bettie and the children, too.

The 1890 authenticated tribal roll of the Creek Nation,
Eufaula Canadian Town, examined, and the name of the
mother of Tody and Sampson Thomas, is found and identified
thereon, at page 94, as Bettie Thomas.

Canadian Town, and
not found thereon.

- Q Were you ever called Eufaula Micoa? A Yes, sir.

The 1890 authenticated roll of the Creek Nation,
Eufaula Canadian Town, examined, and the name of Harley

Harley Thomas, witness.

Examination by the Commission.

Thomas is found and identified thereon as "Eufaula
Canadian Town, examined, and the name of Harley Thomas
is found and identified thereon at No. 1.

Q Did Tody Thomas die? A Yes, in the part of 1891.
Q How long was Sampson Thomas dead?
Q How much money for Tody and Sampson Thomas in 1895?

Q Sometimes called or known as "Susan Thomas"?
A Yes, sir; but Tody is his right name.
Q They were both recognized citizens of the Creek Nation?
A Yes, sir.
Q They belonged to Eufaula Canadian Town? A Yes, sir.

The 1895 Pay Roll of the Creek Nation, Eufaula
Canadian Town, examined, and the name of Tody Thomas
is found and identified thereon as "Susan Thomas",
at No. 6.

The 1895 Pay Roll of the Creek Nation, Eufaula
Canadian Town, examined, and the name of Sampson
Thomas, is found and identified thereon, at No. 7.

Q Did you purchase coffins or burial material for these two
children? A Yes, sir; I bought the lumber to make the coffin.
Q From whom did you buy the lumber and material? A C. H. Tully,
at Eufaula.
Q Have you with you death affidavits in the matter of the appli-
cation for the enrollment of Tody and Sampson Thomas as citizens
of the Creek Nation? A Yes, sir.

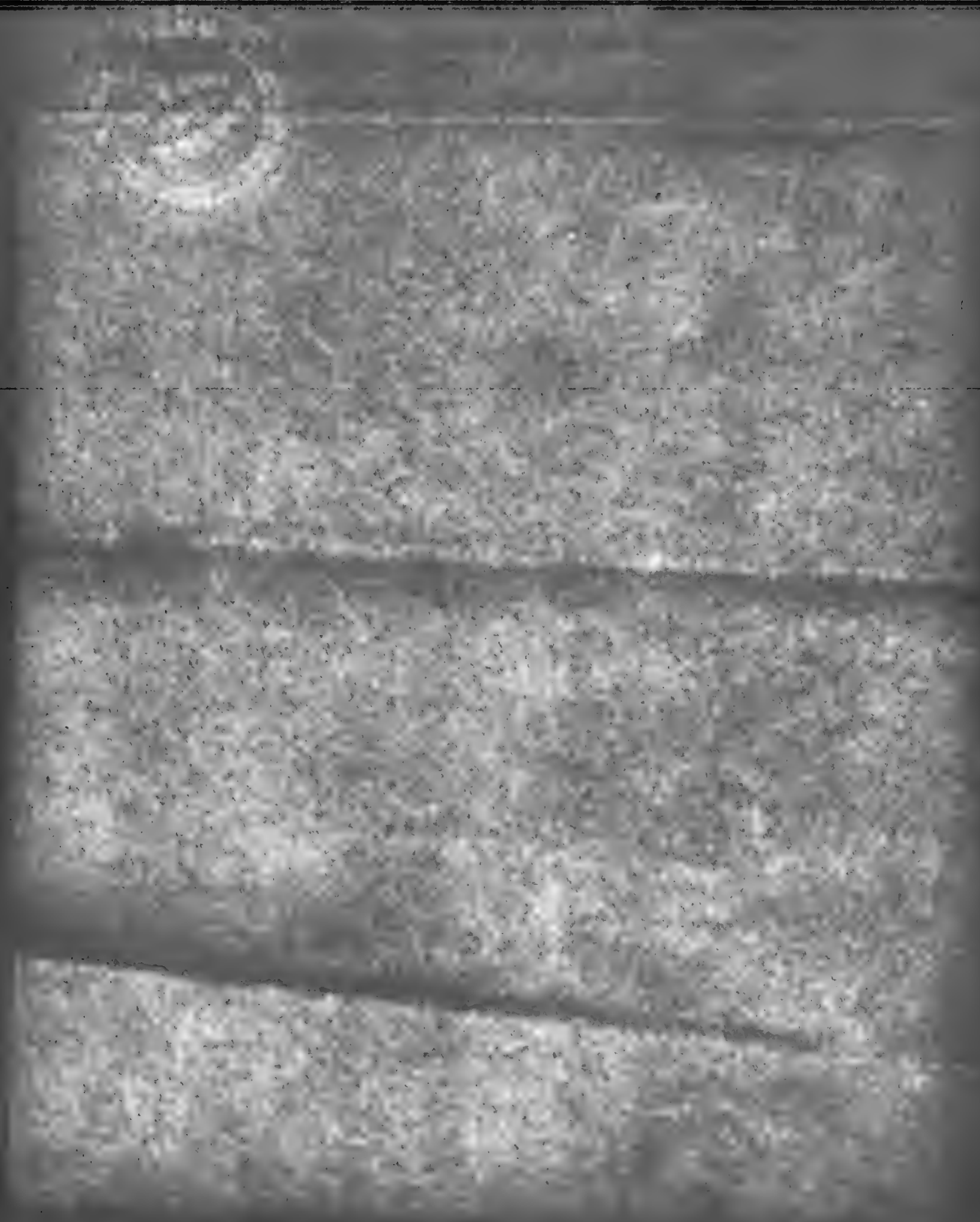
Applicant here presents death affidavits in the mat-
ter of the application for the enrollment of Tody and
Sampson Thomas, as citizens of the Creek Nation, which
are marked Exhibits "A" and "B" and made a part of the
record.

Q Do you hold any official position in the Creek Nation?
A Town King of Eufaula Canadian Town, and a member of the House
of Kings of the Creek Nation.
Q Are there any other statements you desire to make at this time
in regard to the enrollment of Tody and Sampson Thomas as citizens
of the Creek Nation? A No, sir.

Commission to Applicant:

You will be furnished at a later date with a copy of the decision
of the Commission in the matter of the application made by you at
this time for the enrollment of your two deceased children, Tody
and Sampson Thomas, as citizens of the Creek Nation, which will be
mailed to you at your present office address, as given by you
in your testimony taken at this time.

Witness excused.



DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind. Ter., February 24, 1908.

SUPPLEMENTAL TESTIMONY In the matter of the application of Harley Thomas
enrollment of his two minor deceased children, Tody and Sampson
Thomas, as citizens, by blood, of the Creek Nation.

APPEARANCES: Arthur P. Murphy, Attorney for Creek Nation.

JACKSON LEWIS, being first duly sworn, testified as follows,
through Interpreter, Charles Gibson:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A Jackson Lewis.
Q What is your age? A About seventy-five years old.
Q What is your post office address? A Bufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q You are a full blood Creek Indian? A Yes, sir.
Q Do you know Harley Thomas? A Yes, sir.

By

ARTHUR P. MURPHY, Attorney for Creek Nation.

Q Did you know Bettie Thomas? A He says he didn't know Bettie
Thomas.

Q How long has he lived down there about Bufaula? A About
fifty years, he says.

Q Is he pretty well acquainted around in that country? A Yes,
sir; knows a good many.

Q Did he ever hold any official positions? A Yes, sir; I was one
of the first signers of the Creek Laws, when it was written up, he
says.

Q Then he has been a King, hasn't he? A Yes, sir.

Q How long has he known Harley Thomas? A He says he has known him
ever since he was seven years old, from the height he gives there.

Q What was Harley Thomas's Creek name? A His Indian name was
He-thle-Poya Harje.

Q Was he ever called Bufaula Micco? A He says that that isn't
a right name for him, but he has been called that a good many times;
that he was Town King--not as a member of council, but a Town King
just governed a little town of Bufaula, and that is where he got the
name--he was king there--they used to have a little town king, you
know, and that is how he came by that name.

Q Was he Town King of Bufaula Canadian Town? A Yes, sir.

Q Was he a member of the House of Kings of the Creek Nation?

A Yes, sir.

Q What were the names of the Kings? A Yes, sir.

Q What were the names of the Kings? A Has one named Tux-a-see, and the
other is Linn, and the other is Linn--that is one that got killed
a couple of Saturdays ago.

Q Do you know Tody Thomas? A Yes, sir.

Q Does he know Sampson Thomas? A Yes, sir.

Q Who was their father? A Harley Thomas.

Q Are they living or dead? A He says they are dead.

Q Does he know about when Tody Thomas died? A That Tody has died
inside of three years back, but he says he doesn't know exactly
what date.

Q Within three years? A Yes, sir; he keeps talking about the boy
who died about the same time--got him mixed up in some way.

Master Williams being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Euster Williams.
Q How old are you? A A little over just going on 67.
Q What is your post office address? A Buford.
Q Are you a citizen of the Creek Nation? A Yes.
Q To what town do you belong? A Buford.
Q Do you know Harley Thomas? A Yes.
Q Did you know his children, Tody and Sampson Thomas? A Yes, Tody.
Q Do you know how old Tody was when he died?
Q Do you remember the circumstances of the opening of the Creek land office? A (Through Amos Hoyntosh, official interpreter) Yes; he says he heard that they was taking their allotments; he says he wasn't enrolled till the Commission was at Okmalgee; he and his family enrolled there.
Q Was Tody living when you were enrolled at the time the Commission was at Okmalgee? A I believe she was living at that time, but am not positive.
Q Was she living when the Creek land office opened? A She was living then.
Q Do you remember the year that Tody died? A He don't remember the year.
Q Did you know Sampson Thomas? A He knows there was a child but he don't know the name. He died before that Tody died; a little boy died first and then after he died he went to Okmalgee and enrolled and at that time this girl Tody was living.
Q You didn't know the boy by name? A No.
Q Was Harley Thomas since told you that its name was Sampson?
Q Did you know Sampson?
Q Did you know Sampson? A No, but that boy was buried about 120 yards from my house at a grave.
Q Do you know whether there is a hearse at Tody's grave? A I don't think there is.
Q Do you know whether there is one at Sampson's grave? A No sir, I don't think it is.
Q Can you read or write? A No sir.

Harley Thomas being duly sworn testified as follows through official interpreter, Amos Hoyntosh:

Examination by the Commission:

- Q State your name, age and post office address? A Harley Thomas

Q Do you have any record of the death of the children in the record of the Clerk's Office opened in Muskogee?
A Yes sir.
Q Were both of these children living at the time you heard of it?
A Yes sir.

Henry C. Hains being sworn as witness, he depose that as Commissioner to

Henry C. Hains

Subscribed and sworn to before me this 7th day of July, 1904.

My Commission Expires January 1905

Seal

W. T. Martin Jr.
Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES,
WASHINGTON, D. C., JULY 2, 1904.

293.

In the matter of the application for the enrollment of
Fedy (or Susan) Thomas as a citizen by blood of the Creek Nation.

- Q What is your name? A Susan Billy.
- Q What is your age? A About sixty.
- Q What is your postoffice address? A Musaula.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q Do you hold any official position in the Creek Nation?
- A He is a member of the council, the House of Warriors.
- Q To what town do you belong? A Musaula, Canadian.
- Q Do you know Harley Thomas? A Yes, sir, he is a son of that town.
- Q Do you know a child of his named Fedy or Susan? A Yes, sir.
- Q Can you tell me the date of the death of Harley or Fedy?
- A No, sir, he says he says.
- Q Do you know how many years ago he died?
- A About three years.
- Q What's your best recollection of that? A He says he was
away about ten miles from Harley's when it occurred and it may be
three years, that's his best judgment. It must be about that time.
- Q Was it before or after the Creek Land Office opened, do you
remember? A It must have been about when they opened up the
Land Office.
- Q Just about that time? A About that time when the Land Office
opened.
- Q Do you know Sampson Thomas? A He says he can't recollect him,
he don't know.

Betta Chick Hinkle, being first duly sworn, states that,
as stenographer to the Commission to the Five Civilized Tribes,
she reported the proceedings in the above entitled case, and that
the foregoing is a true and correct transcript of her stenographic
notes thereof.

Betta Chick Hinkle

Subscribed and sworn to before me on the 2nd day of July, 1904.

Sue

Oliver C. Hinkley
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Buffalo, N. D., November 23, 1904.

In the matter of the application for the enrollment of Tedy and Sampson Thomas as citizens by blood of the Creek Nation.

LARA MANLEY, being duly sworn, testified as follows:

BY COMMISSIONER:

- Q What is your name? A Lara Manley.
 Q How old are you? A About fifty-five.
 Q What is your post office address? A Bufaula.
 Q Are you a citizen of the Creek Nation? A Yes, sir.
 Q To what town do you belong? A Bufaula Canadian.
 Q Do you know Marley Thomas? A Yes, sir.
 Q Do you know his child, Tedy and Sampson Thomas? A I know Tedy quite well. I was not so well acquainted with Sampson because he was living with Joe McGomes at the time of his death and Joe McGomes lives twelve or fifteen miles west of here.
 Q When did Tedy die? A I do not know when he died, not being able to give the year or the month in which he died.
 Q Do you remember the circumstances of the opening of the Creek Land Office? A Yes, sir.
 Q Did Tedy die before or after the opening of the Creek Land Office? A He died before the opening.
 Q Are you positive that he died before the opening of the Creek Land Office? A I am.
 Q What time is in your mind that he died before the land office opened? A I remember distinctly the circumstance of the opening of the land office and I know that at that time Tedy was not living.
 Q When did Sampson die? A He died the same year that Tedy died.
 Q Did Sampson die before the land office opened? A Yes, sir.
 Q Are you positive that he died before the land office opened? A Yes, sir.
 Q Was Tedy a boy or girl? A Girl.
 Q About how old was she at the time of her death? A I think she was fully six years old when she died.
 Q About how old was Sampson when he died? A I think Sampson was about four years old.

---OOO00000---

I, D. G. Skags, on oath state that the above and foregoing is a full and true transcript of my stenographic notes on the above cause on said date.

Subscribed and sworn to before me this 23 day of November, 1904.

D. G. Skags
 Notary Public.

STATE OF TEXAS,
COUNTY OF [illegible]

In the matter of the application for the enrollment of Tedy and
Sampson [illegible] a citizen of each of the Greek Nation.

[illegible], being duly sworn, testified as follows:

- Q How old were you? A [illegible].
- Q How old were you? A [illegible] over fifty.
- Q How old were you? A [illegible].
- Q Are you a citizen of the Greek Nation? A Yes, sir.
- Q Do you know [illegible]?
- Q Do you know Tedy and Sampson Thomas, children of Harley Thomas?
- A Yes, sir.
- Q Are these two children living? A No, sir.
- Q Do you know how long they have been dead? A I don't know which one died first.
- Q How long have they been dead? A Sampson died right while [illegible] and they [illegible] together.
- Q Who died the first time? A I can't say but it was pretty [illegible].
- Q How long have you known [illegible]? A Yes, sir, he was [illegible] father while I went to the [illegible].
- Q How long have you known [illegible]? A I can't say [illegible] or four years old.
- Q How old was Tedy? A He was older than Sampson.
- Q Do you remember the circumstances of the opening of the Greek Land Office? A Yes, sir.
- Q Did Tedy and Sampson die before or after the opening of the Greek Land Office? A They died before.
- Q You are positive that they both died before the opening of the Greek Land Office? A Yes, sir.

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I, B. C. Higgs, do oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said case on said date.

Subscribed and sworn to before me this 5th day of December, 1904.

B. C. Higgs
Notary Public.

SUPPLEMENTAL STATEMENT

.....
The above is a true and correct copy of the original as shown to the undersigned on the 10th day of January, 1904.

.....
This statement was prepared by the undersigned on the 10th day of January, 1904.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.


Commissioner.

Washoe, Indian Territory.

January 10, 1904.

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

-107-

The record of the application of Harley Thomas, for the enrollment of his two minor children, Tedy Thomas, deceased, and Sampson Thomas, deceased, as citizens by blood of the Creek Nation.

DECISION:-


The record in this case shows that on January 20, 1905, Harley Thomas appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his two minor children, Tedy Thomas, deceased, and Sampson Thomas, deceased, as citizens by blood of the Creek Nation.

Further proceedings were had at Muskogee, Indian Territory, February 24, 1905, and at Eufaula, Indian Territory, June 28, July 2, November 25, and November 28, 1904.


The evidence shows that said Tedy and Sampson Thomas died prior to April 1, 1899.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Tedy Thomas, deceased, and Sampson Thomas, deceased, as citizens by blood of the Creek Nation, and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory.

JUN 17 1905

Creek No. 270.

Wahkagee, Indian Territory, March 27, 1903.

Henry Thomas,

Wahkagee, Indian Territory.

The Commission is in receipt of your letter of March 23, 1903, asking for information in regard to the enrollment of your three deceased children, Tedy, Sampson and Eliza Thomas, as Creek citizens.

Replying thereto, you are advised that the records of this office show that your deceased daughter, Eliza Thomas, is regularly enrolled as a citizen of the Creek Nation, and that you will be permitted to make application for an allotment of land to her heirs upon your furnishing proof by affidavit showing the exact date of her death. For this purpose there is herewith inclosed blank form of death affidavit, which must be carefully filled out and signed and acknowledged before a notary public by a relative and an acquaintance, who know the exact date of the death of your said deceased daughter, Eliza Thomas, and then returned to the Commission in the inclosed envelope, which requires no postage.

Regarding the application for the enrollment of your two deceased children, Tedy and Sampson Thomas, which you made

THE BOARD OF DIRECTORS OF THE

AMERICAN ASSOCIATION OF UNIVERSITY TEACHERS
HAS THE HONOR TO ANNOUNCE THAT THE
ANNUAL MEETING OF THE ASSOCIATION
WILL BE HELD AT THE UNIVERSITY OF CALIFORNIA
AT BERKELEY, CALIFORNIA, ON THE
EVENING OF WEDNESDAY, DECEMBER 15, 1954,
AT 7:30 P. M. LOCAL TIME.

Respectfully,
-

Chairman.

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Respectfully,

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...

Indian Territory, June 11, 1907.

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Iedy and Sampson Thomas as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to the Commission as soon as it is received at the same.

Respectfully,

Chairman.

12-6-07-311

The Secretary,

There is herewith transmitted the record of proceedings
in the matter of the application for the enrollment of Yelley and Samp-
son Thomas, as citizens by blood of the Creek Nation, including the
decision of the Commission, dated June 24, 1900.

Respectfully,

Commissioner of Indian Affairs

25-4-27-118.

The Honorable

The Secretary of the

the Five Civilized Tribes, dated June 27, 1908, transmitting
the record of the application for enrollment as citizen by blood
of the Creek Nation by Harley Thomas for his two minor children,
Tody and Sampson Thomas, both deceased.

June 14, 1908, the Commission decided adversely to the
application.

The record shows that both Tody and Sampson Thomas died
prior to April 1, 1909.

In view of the above, the approval of the Commission's
decision adverse to the application is recommended.

Very respectfully,

C.F. Larrabee
Acting Commissioner

M M M

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

transmitted the record of the application of Harley Thomas for the enrollment of his two minor children, Tody and Sampson Thomas, both deceased as citizens by blood of the Creek Nation, including the decision of the Commission dated June 14, 1905, denying said application.

July 19, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission denying said application be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated June 14, 1905, denying the application of Harley Thomas for the enrollment of his two minor children, Tody and Sampson Thomas, both deceased, as citizens by blood of the Creek Nation is hereby affirmed.

Respectfully,

Thos Ryan
Acting Secretary

1 inclosure

Dear Sir:

You are hereby advised that on September 20, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1905, denying the application of Harley Thomas for the enrollment of his two minor children, Tody and Sampson Thomas, both deceased, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

Harold Thomas,

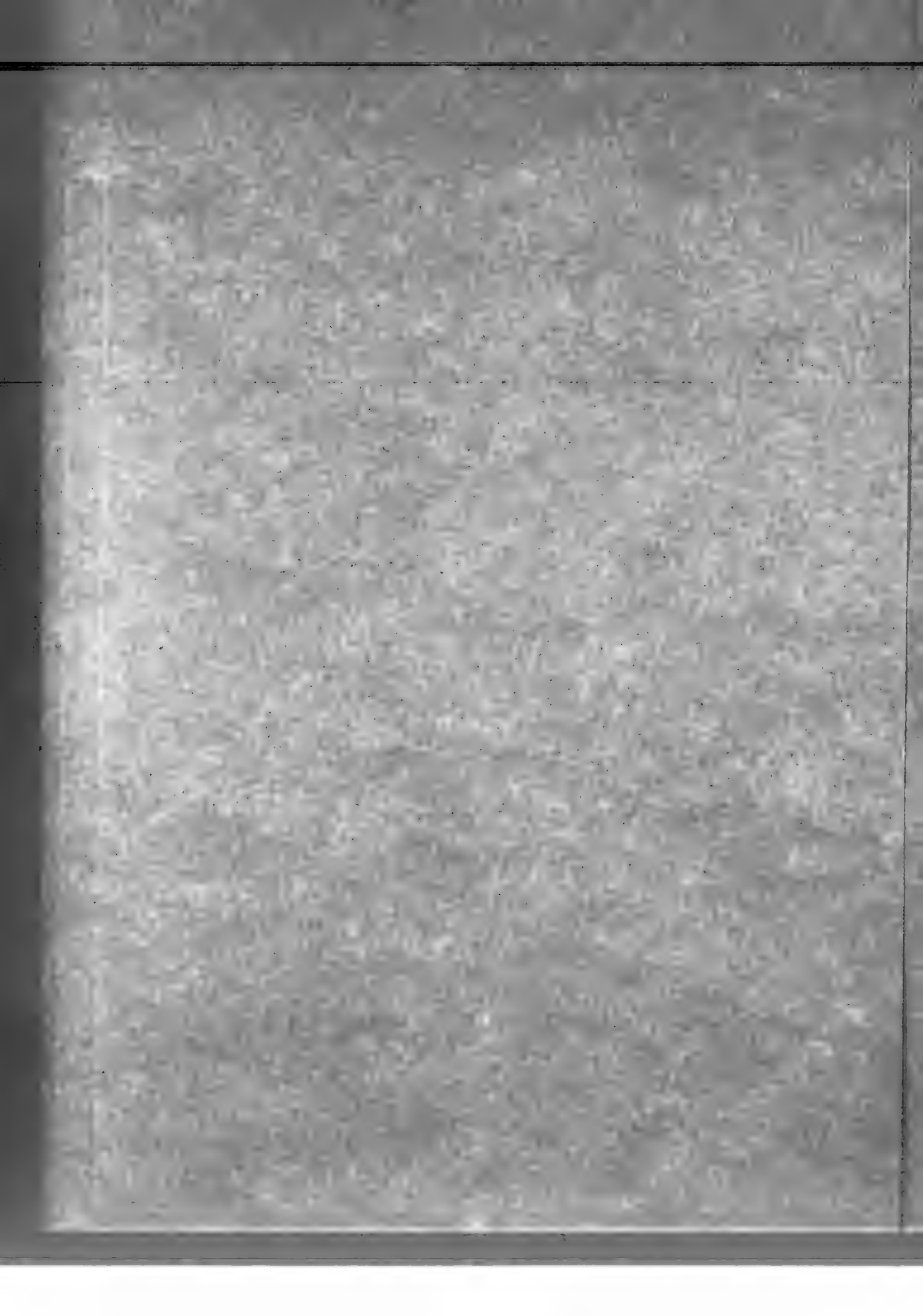
Indian Territory.

Dear Sir:

You are hereby advised that on September 20, 1908, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1908, denying the application made by you for the enrollment of your two minor children, Tedy and Sampson Thomas, both deceased, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.



COMMISSION ON THE CREEK INDIAN
NATION, INDIAN TERRITORY, DENISON, TEXAS,
February 23, 1906.

In answer to the application of Ruth E. Duckworth for the enrollment of her minor child, Cecil Duckworth, deceased, as a citizen of the Creek Nation.

RUTH E. DUCKWORTH, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Ruth E. Duckworth.
Q What is your office address? A Holtsenville.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you reside in the Creek Nation? A Yes, sir.
Q How long have you resided in the Creek Nation? A All my life.
Q Are you a citizen by blood of the Creek Nation? A Yes, sir.
Q To what town in the Creek Nation do you belong? A Big Spring.
Q What was your name before you were married? A Hardage.
Q You have always been recognized by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Does your name appear upon the Creek tribal rolls? A Yes, sir.

The 1890 authenticated tribal roll of the Creek Nation, Big Spring Town, examined, and the name of Ruth E. Duckworth is found and identified therein as "Ruth Hardage", at page 49.

The 1895 New Roll of the Creek Nation, Big Spring Town, examined, and the name of Ruth E. Duckworth is found and identified therein as "Ruth Hardage", at No. 63.

- Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.
Q Have you filed on your allotment in the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Ruth E. Duckworth is listed for enrollment as a citizen of the Creek Nation on Creek Indian Card Field No. 1608, as "Ruth Hardage".

- Q For whom do you now make application for enrollment?
A Cecil Duckworth.
Q Are you the mother of Cecil Duckworth? A Yes, sir.
Q Is she living? A No, sir.
Q When did she die? A The 9th of July, 1901.
Q How old was she when she died? A She was a little over three months old.
Q Is Cecil a boy or a girl? A A girl.
Q When was Cecil Duckworth born? A The 27th of April, 1901.
Q What was the name of Cecil Duckworth's father? A Robert Duckworth.
Q Is he a citizen of the Creek Nation? A No, sir.
Q Is he a citizen of the United States?
A No, sir.
Q Is he a citizen of the United States? A Yes, sir.
Q Was your child, Cecil Duckworth, born in the Creek Nation?
A No, sir.
Q Where was she born? A She was born in Denison, Texas.
Q You were living in Denison, Texas, at the time of her birth?
A Yes, sir.

A Cecil Duckworth.

Mark B. Duckworth, witness.

Examined by the Commission.

Q How long had you lived in Denison, Texas? A Six months.

Q Where did the child die? A Holdenville.

Q How long had you been at Holdenville when the child died?

A Two months.

Q How long had the child lived in the Creek Nation two months prior to the date of his death? A Yes, sir.

Q Did you keep any record of the dates of the birth and death of Cecil Duckworth? A Yes, sir.

Q What kind of a record did you keep? A Well, I kept when she was born and died.

Q Did you put the dates down in any book? A No, I never--

Q In what book? A In father's did.

Q What kind of a book did he put the dates of her birth and death in? A The family bible.

Q Where does your father live? A Holdenville.

Q Is this the first time you have ever made application to the Commission for the enrollment of Cecil Duckworth as a citizen of the Creek Nation? A Yes, sir; it is the first time I ever did; my husband was here last week.

Q Why haven't you filed a birth and death affidavit in the matter of the application for the enrollment of Cecil Duckworth, as a citizen of the Creek Nation, before this time? A Just because I didn't know she was entitled to enrollment till about a month ago.

Q Is the child buried at Holdenville? A Yes, sir.

Q Did you have a funeral? A No, sir.

Q Did you purchase a coffin or burial material? A Yes, sir.

Q Whom did you purchase the coffin of? A George M. McShan, I think; if it wasn't at McShan's it was at Taylor & Hamilton's.

Q Is George M. McShan a merchant at Holdenville? A Yes, sir.

Q Have you birth and death affidavits in the matter of the application for the enrollment of your deceased child, Cecil Duckworth, as a citizen of the Creek Nation? A Yes, sir.

Applicant here presents birth and death affidavits in the matter of the application for the enrollment of Cecil Duckworth, as a citizen of the Creek Nation, which are marked Exhibits "A" and "B", and made a part of the record.

Q Are there any other statements you desire to make at this time in regard to the enrollment of your deceased child, Cecil Duckworth, as a citizen of the Creek Nation? A No, sir.

Commission to applicant.

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of your deceased child, Cecil Duckworth, as a citizen of the Creek Nation, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Witness excused.

Witness G. Hinkle, being first duly sworn, upon his oath states that, as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on January 23, 1908, and that the above is a full, true and correct transcript of his stenographic notes thereof.

Oliver Hinkle

Subscribed and sworn to before me this 9th day of February, 1908, at Muskogee, Indian Territory.

John L. Fisher

2870
Order No. 274

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

In the matter of the application for the enrollment of Cecil Duckworth, deceased, as a citizen by blood of the Creek Nation.

DECISION.

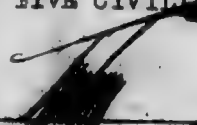
The record in this case shows that on January 23, 1903, Ruth E. Duckworth appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her deceased minor child, Cecil Duckworth, as a citizen by blood of the Creek Nation.


The evidence shows that the said Cecil Duckworth was the minor child of Ruth E. Duckworth; that the said Ruth E. Duckworth is identified on the 1890 authenticated tribal roll of the Creek Nation and the 1895 pay roll of said nation; and the records of the Commission show that her name is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 28, 1902, as Ruth E. Harnage, roll No. 5170.


It further appears that said Cecil Duckworth was born April 27, 1901, and died July 9, 1901.


It is, therefore, the opinion of this Commission that said Cecil Duckworth should be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stat., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

OCT 22 1903

Washington, D. C., February 22, 1903.

Arthur F. Taylor,
Attorney for the Creek Nation,
Kempner, Indian Territory.

You are hereby advised that on January 21, 1903, Ruth E. Duckworth, whose post office address is given as Holdenville, Indian Territory, appeared before the Commission and made application for the enrollment of her deceased child, Cecil Duckworth, as a citizen by blood of the Creek Nation.

You are further advised that the name of Ruth E. Duckworth appears in the approved roll of citizens by blood of the Creek Nation, at No. 2172.

In connection with this case, the Commission, it appears that said Cecil Duckworth was born April 27, 1891, and died July 8, 1891, but the testimony in the case is such that the Commission is not satisfied with the proof of birth and death furnished, and desires such evidence relative to her right to enrollment as the Creek Nation may be able to produce.

Respectfully,

Acting Chairman.

Car. En. 704

Copy.

Office of
G. W. McShan & Co..
Dealers in
Hardware, Furniture
Saddlery and Lumber.

Holdenville, I. T., Feb 12 1903

Gentlemen. in reply to yours Feb 9 will say we may have
sold the coffin & material but have no record of it.

Yours truly

G W McShan & Co

You are requested to inform the Commission whether or not a coffin was purchased of you during the year 1901 for Gail Duckworth, infant child of Ruth E. Duckworth, and if you find that such purchase was made please give the date thereof.

An official envelope, which requires no postage, is enclosed for your reply.

Respectfully,

Chairman.

Enc. Env.

Washington, D. C., March 1, 1901.

Dear Sir,

Dear Sir,

I am requested to inform the Commission whether or not a coffin was purchased of you during the year 1901 for Cecil Duckworth, infant child of Ruth E. Duckworth, and if you find that such purchase was made please give the date thereof.

An official envelope, which requires no postage, is enclosed for your reply.

Respectfully,

Chairman,

Enc. Envs.

March 2, 1901

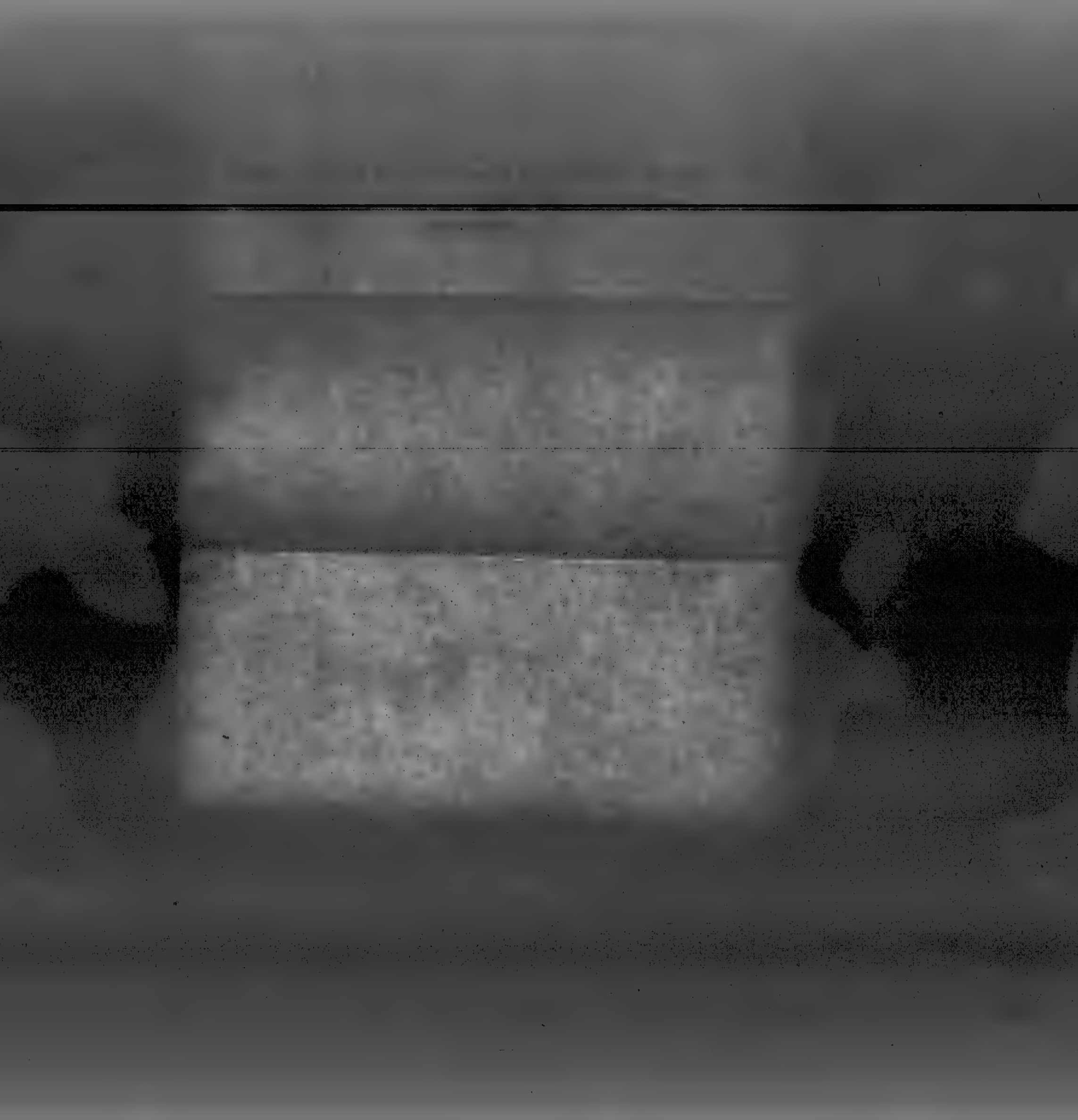
Wagon Mound, Indian Territory, March 2, 1901

Mr. Duckworth,
Wagon Mound, Indian Territory.

Section 19, Township 16, Range 7, has been set aside for your deceased child, Cecil Duckworth, and what further steps, if any, will be necessary for you to pursue to secure her enrollment as a Creek citizen.

Replying thereto, you are advised that no reservation of land in the Creek Nation has been made to the heirs of your deceased daughter, Cecil Duckworth, and that all of Section 19, Township 16, Range 7, has heretofore been allotted to other persons.

You are further advised that as it appears from the testimony in the matter of your application for the enrollment of Cecil Duckworth, deceased, that your father kept a record of her birth and death in the family Bible, it will be necessary for him to appear in person with such record before the Commission at its office in Muskogee, Indian Territory, where he can be examined under oath. It further appearing from said testimony that the coffin was purchased from either George M. Nathan or Taylor & Hamilton, it will



HONORABLE MEMORANDUM,

A. P. MURPHY,
National Attorney.

Commission to the Five Civilized Tribes,

Maskogee, Indian Territory.

Gentlemen:

Creek En. 284. In the matter of the application of Ruth
E. Duckworth for the enrollment of her deceased child, Cecil
Duckworth, as a citizen by blood of the Creek Nation. The
Nation has no evidence to offer.

RESPECTFULLY,
A. P. MURPHY,

National Attorney.

Washington, D.C., August 14, 1904.

Sir:

There is enclosed herewith for your consideration the report and decision prepared thereon in the following cases:

- No. 171. George Good, et al.
- No. 172. [illegible]
- No. 173. [illegible]
- No. 174. [illegible]
- No. 175. [illegible]
- No. 176. [illegible]
- No. 177. [illegible]
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- No. 299. [illegible]
- No. 300. [illegible]

Respectfully,

[illegible signature]

A. P. Murphy,

There is enclosed herewith one copy of the decision of the Commission in the matter of the application for the enrollment of Cecil Duckworth as a citizen of the Creek Nation.

The Creek Nation will be allowed twenty days from the date hereof within which to protest against said decision.

Respectfully,

Commissioner in Charge.

Enc. HCR-23v

4497

Mustang, Indian Territory, November 14, 1904

Wash E. Duckworth,

Dear Sir:

In the matter of the application made by you for the enrollment of your deceased minor child, Cecil Duckworth, you are advised that said Cecil Duckworth has been regularly listed for enrollment as a citizen by blood of the Creek Nation.

You are further advised that the heirs of Cecil Duckworth will be permitted to make application for a selection of land in the Creek Nation.

Respectfully,

Chairman.

CH. 295

CH. 295

For cause, and the application of Dan Hawkins
for enrollment as a freedman of the Choctaw Nation.

Dan Hawkins having been first duly sworn, upon his oath
testifies as follows:

Examination by the Commission:

- Q What is your name? A Dan Hawkins.
Q How old are you? A Thirty three.
Q What is your post office address? A Valiant, Indian Territory.
Q Is that in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw Nation? A Ever
and born here.
Q Never lived anywhere else? A Lived here ever since I have been
born.
Q Do you now wish to make application for enrollment as a freedman
of the Choctaw Nation? A Yes.
Q What is the name of your father? A I don't know sir; my mother
says his name was Dick Hawkins.
Q Is he living or dead? A Dead.
Q Was he a freedman? A Yes sir.
Q Of what nation? A Choctaw.
Q What is the name of your mother? A Ellen Hawkins then, Ellen
Henderson now.
Q She's living? A Yes sir.
Q Is she a freedman of the Choctaw Nation? A Yes sir.

(The name of the applicant's mother, Ellen Henderson, appears
on the records of the Commission on Choctaw Freedman Card,
Field No. 429.)

Q Through which one of your parents do you claim the right to en-
rollment as a Choctaw freedman? A My mother and father both--both
of them were freedmen.

Q How was your father's name? A He went by the
name of Dick Hawkins, and my grandfather told me he went by his
name.

Q How was your mother's name? A I don't know.
Q How long have you lived in the Choctaw Nation ever since you were born?
A Ever sir.

Q Have you ever been outside to make your home? A No sir.

Q How was your mother's name? A Her name is Jennie Hawkins, she
was the name of her mother.

Q How was your mother's name? A I don't know.
Q Is she a freedman? A Yes sir, she was the Creek Nation.
Q Have you any children? A Yes sir, two.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Ind.Ter., December 5, 1902.

In the matter of the application of Fannie Hawkins for the enrollment of her minor child, Lurena Hawkins, as a Creek freedman.

Fannie Hawkins, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Fannie Hawkins.
Q What is your age? A Twenty-two years old.
Q What is your post office address? A Sapulpa.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.
Q What is the name of your mother? A Mollie Gossett.
Q Is your mother a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Mollie Gossett and Fannie Hawkins are listed for enrollment as citizens of the Creek Nation on Creek freedmen Card, Field No. 320, Roll Nos. 1208 and 1211, respectively, and that their enrollment, as citizens of said nation, was approved by the Secretary of the Interior, March 13, 1902.

- Q Are you a Dunn roll descendant? A Yes, sir.
Q Is the name of your mother on the Dunn roll? A Yes, sir.
Q What was your mother's name before she was married? A Mollie Hawkins.

The roll of Creek freedmen made by J. W. Dunn, prior to March 14, 1867, examined, and the name of Mollie Gossett is found and identified thereon as "Mollie Hawkins", at No. 1173.

- Q Have you ever been recognized by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Does your name appear upon the Creek tribal rolls? A Yes, sir.
Q To what town in the Creek Nation do you belong? A Arkansas.
Q What was your name before you were married? A Fannie Jackson.

The 1890 authenticated tribal roll of the Creek Nation, Arkansas Town, examined, and the name of Fannie Hawkins is found and identified thereon as "Fanny Jackson", at page 39.

The 1895 authenticated tribal roll of the Creek Nation, Arkansas Town, examined and the name of Fannie Hawkins is found and identified thereon as "Fannie Jackson," at No. 453.

- Q For whom do you now make application for enrollment? A Lurena Hawkins.
Q Is Lurena Hawkins your daughter? A Yes, sir.
Q Is she now living? A Yes, sir.
Q What is her age? A Year and nine months old.
Q When was she born? A March 7th, 1901.
Q Is this the first time you have ever made application for her enrollment as a citizen of the Creek Nation? A Yes, sir.

2 In Re Application of Fannie Hawkins for the enrollment of her minor child, Lurena Hawkins, as a Creek freedman.

Fannie Hawkins, witness.

Examination by the Commission.

- Q Why have you not made application before this time?
A I didn't know they were filing until my brother-in-law came and told me they were filing.
- Q Who is your brother-in-law? A Pink Watson.
- Q Has Pink Watson got a child by the name of Leona Watson? A Yes, sir.
- Q Was Leona Watson born before or after your child, Lurena Hawkins, was born? A Before.
- Q How long before? A She was born October 17, 1900.
- Q Do you know when the Creek Council was in session last year?
A No, sir.
- Q When did your brother-in-law inform you that your child could be enrolled? A After he came down to file for Leona.
- Q Why did you not make application then for the enrollment of this child? A I was so far away, I couldn't get here handy; hasn't been very long since he filed.
- Q What is the name of the father of Lurena Hawkins? A Dan Hawkins.
- Q Is he living? A Yes, sir.
- Q Is he a citizen of the Creek Nation? A No, sir.
- Q Is he a citizen of any nation in the Indian Territory?
A He said he was a citizen of the Choctaw Nation.
- Q Has he been enrolled as a citizen of any nation in the Indian Territory? A I don't know, sir.
- Q Where is he now? A Down in the Choctaw Nation.
- Q Do you know whether he has made application for the enrollment of your child, Lurena Hawkins, as a citizen of the Choctaw Nation?
A No, sir.
- Q Dan Hawkins is now living? A Yes, sir.
- Q Do you know the nature of an oath? A No, sir.
- Q Do you know what the consequences are if you swear to something that is not true? A Yes, sir.
- Q Do you know that you are liable to punishment by imprisonment in the Government penitentiary if you swear to something that is untrue? A Yes, sir.
- Q Can you now swear positively that Lurena Hawkins is your daughter, and that she was born March 7, 1901, and is now living? A Yes, sir.
- Q Have you ever filed with the Commission a birth affidavit in the matter of the application for the enrollment of your daughter, Lurena Hawkins, as a citizen of the Creek Nation? A No, sir.
- Q Have you a birth affidavit with you? A Yes, sir.

Applicant here presents a birth affidavit in the matter of the application for the enrollment of Lurena Hawkins as a citizen of the Creek Nation, which is marked Exhibit "A" and made a part of the record.

Commission to applicant:

It appearing that the birth affidavit in the matter of the application for the enrollment of your daughter, Lurena Hawkins, is not in due form, it will be necessary for you to furnish an affidavit made by yourself and the midwife who was in attendance at the time of its birth, before any further action can be taken in this case.

It will also be necessary for you to furnish two additional witnesses who know when your child, Lurena Hawkins, was born, such witnesses to appear before the Commission at its office, in Muskogee, Indian Territory, and give their testimony under oath.

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Oliver S. Thacker

Subscribed and sworn to before me this 6th day of December, 1902, at Muskogee, Indian Territory.

H. J. Dorey
Notary Public.

Supplemental testimony.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, I.T. March 10, 1903.

In the matter of the application of Fannie Hawkins for the enrollment of her minor child, Lurena Hawkins, as a Creek Freedman.

Appearance: Arthur P. Murphy, Attorney for the Creek Nation.

Aurella Watson, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Aurella Watson.
Q What is your age? A Twenty-three.
Q What is your post office address? A Sapulpa, Indian Territory.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you filed on your allotment in the Creek Nation? A Yes, sir.
Q Do you know Fannie Hawkins? A Yes, sir, she is my sister.
Q Has she a child by the name of Lurena Hawkins? A Yes, sir.
Q How old is Lurena Hawkins? A Two years old the 7th of March.
Q Is she now living? A Yes, sir.
Q When was Lurena born? A She was born March 7th, 1901.
Q How do you place the date as March 7, 1901? A I was there when she was born at my mother's.
Q Did you keep any record of the date when Lurena Hawkins was born? A Yes, we have her age in a book.
Q Have you any children? A Yes, sir.
Q What is the name of your youngest child? A Leona Watson.
Q When was Leona born? A She was born October 17, 1900; she was two years old the 11th of October last.
Q Was Lurena Hawkins born before or after Leona Watson? A After.
Q How long after? A She was born March 7, 1901.
Q Are you a near neighbor of Fannie Hawkins? A Yes, sir.
Q Were you living near her home when Lurena Hawkins was born? A I was living at my mother's, where the baby was born.
Q Were you at the house when the child was born? A Yes, sir.
Q Do you know Roselle Jackson? A Yes, sir, she is my niece.
Q When was Roselle Jackson born? A I don't know, sir.
Q Is Roselle Jackson older or younger than your child, Leona? A She is older.
Q About how much older? A I don't know, sir, but I know she was born before Leona was.
Q Have you any other brothers or sisters that are married excepting Fannie Hawkins? A Yes, sir; two brothers married.
Q What are their names? A Joseph Jackson and George Jackson.
Q Have Joseph and George Jackson any children? A Yes, sir, George has one and Joseph has one.
Q What is the name of George's child? A Roselle Jackson.
Q What is the name of Joseph's child? A Irene Jackson.
Q How old is Irene Jackson? A I don't know, sir.
Q What is the name of the father of Lurena Hawkins? A Dan Hawkins.

Fannie Hawkins -----2.

Q Is he a Creek citizen? A No, sir.

Examination by Mr. Murphy:

- Q Which is the older, you or your sister Fannie Hawkins? A I am.
Q How much older? A A year older.
Q How old is she now? A She is 21 years old.
Q How old was she when she was married? A 'Deed I don't know how old she was then.
Q How long has she been married? A She has been married two years; she got married in March.
Q March, 1901? A No, sir, she was married about 3 years this March.
Q Three years this March? A Yes, sir.
Q You are sure it was in March? A Yes.
Q Where was she married? A She was married at my mother's.
Q Were you there? A No, sir; I was living one-quarter of a mile from there.
Q You were not present when she was married? A No, sir.
Q All you know is what some one told you? A Yes, I saw the license
Q I mean about them getting married; all you know is what they told you? A Yes.
Q Where did she live after she was married? A Since she was married she moved around so much.
Q Where did she first live? A At Concharty.
Q About how long did she live there? A Why I don't know, sir, how long.
Q Well, about how long--a year? A About a year or more.
Q How far is that place from where she was married? A Six miles.
Q Well, where did she move to from Concharty? A Back to mother's.
Q And has she been living there ever since? A No, sir, she went to Choska.
Q How long did she live at her mother's? A She and her husband separated and she was away from him a year; then they went back together and went to Choska.
Q When they lived at this other town, Concharty, they were living together? A Yes, sir.
Q Well, did they separate there or after they moved back to your mother's? A They separated at Concharty.
Q Then she moved back as soon as they separated? A Yes, sir.
Q Well, then how long did she live at your mother's before they went together? A She did not live there very long; she come here to Muskogee and worked awhile.
Q How long was it from the time she went back to your mother's that they went to Choska? A I don't know.
Q About how long? A I can't tell; I don't know.
Q How many times were you over to see them when they were at Concharty? A Once.
Q When was that, just after they moved over there? A Yes, sir; after they moved there I was there once.
Q When was that? A I can't remember the date.
Q Well, how long had they been there when you went to see them? A I don't know that either.
Q About how long? A I can't tell.
Q You were never there but once? A No, sir.
Q Now this child, Lurena,-- was it born while they were living together or after they separated? A She had teek her husband back then; yes, they were living together when the baby was born.
Q How many times have they separated? A Two or three times.

Fannie Hawkins, -----3.

- Q Now, is it not a fact that this baby was born after the second time they went back together? A I don't know whether it was or not.
- Q Now which was it; the second or third time? A It was the second time.
- Q Now how long did you say they lived at Cheska? A I don't know.
- Q You say they were married in March? A Yes.
- Q And then went to Concharty and lived there over a year? A Yes, sir.
- Q Now tell me what time in March they were married; was it the latter part or first part of March? Was it not in April they were married? A No, sir; it was not in April.
- Q Was it the middle of March? A I don't just know what date.
- Q Can you read and write? A Yes, sir.
- Q You say you have this child's age down in a book? A Yes.
- Q What kind of a book is that? A A book that we call the "First Mortgage."
- Q Kind of a poetry book? A Yes.
- Q In what part of the book did you make this entry? A I don't know.
- Q Is it on the first page, the last page or in the middle of the book? A On the middle page.
- Q Can you tell me what that entry says; the writing you have there, can you tell me how it reads? A Just tell you how it is written; it is written "Lurena Hawkins was born March 7th, 1901."
- Q Now when was that written in that book? A About a week after she was born.
- Q Who wrote it? A I did.
- Q Where were you when you wrote this entry in that book? A I was living with my brother Joe.
- Q How far is that from your mother's? A One-quarter of a mile.
- Q Where did you get that book? A I bought it on the train.
- Q How long since did you buy it? A Six years ago
- Q Were you living with your brother Joe when you wrote this in the book? A Yes.
- Q Now what does that book say about your children's ages? A I have them all in the book.
- Q What does it say about your oldest's child's age? A My oldest-- "Robert Henry Preston Watson, born November 6th,"
- Q November 6th, what? A 1897--I think it was; he is five years old; will be six in April.
- Q Well what does it say about your other children; I want to know what the book says? A I put their ages down.
- Q I want you to tell what that book says? Does it say this older boy was born just as you gave it? A If I am not mistaken I think it is, I can't remember.
- Q Are you pretty forgetful? A Sometimes.
- Q What does it say about your other children's ages? A "Pink W. Watson, Jr., was born January 20."
- Q January 20, what? A I forget the date.
- Q What does the book say about it? A Well what it says is the time it was born.
- Q Do you remember what the book says about it? A The age is there but I don't remember it.
- Q You don't remember what the book says? A I don't remember what year.
- Q Have you any more children? A Yes.
- Q What does the book say about the other child? A "Leona Watson was born October 17, 1900."
- Q Does the book say that? A Yes.
- Q Now which was put down first in the book; what is the first entry? A Robert Henry Preston Watson.
- Q What is the next? A Pink W. Watson, Jr.

Fannie Hawkins -----4.

- Q And the next? A Leona Watson.
Q The next? A Lurena Hawkins.
Q Now what is the next? A This baby's age.
Q That baby? A Yes, sir.
Q Where is that book? A At Sapulpa, where my home is--six miles east of Sapulpa.
Q What does that book say about your age? A It does not say anything about my age.
Q Does it tell when you were married? A No, sir.
Q Does it say anything about when your sister was married? A No, sir.
Q When were you married? A January 13, 1897.
Q Was it in the summer or fall when Lurena was born? A It was in March.
Q What year did you say? A 1901.
Q Were there any other children born in that neighborhood about that time? A Not that I know of.
Q Who was present when the child was born? A My mother and myself.
Q What is her name? A Mollie Dawson.
Q How long was it after they left the town, Gencharty, until they separated the first time? A I don't know, sir.
Q Was it a month? A I don't know, sir.
Q Well, was it about a month? A Well, I don't know, there is no use in me telling something I don't know.
Q You can give some idea? A I have no idea.
Q Do you know about how long they lived together before they separated the second time? A No, sir, I do not.
Q Do you know about how long? A No, sir.
Q Can Lurena walk? A Yes, sir, and talk, too.

Cuffy Porter, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your full name? A Cuffy Porter.
Q What is your age? A About thirty.
Q What is your post office address? A Sawokla.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you filed on your allotment in the Creek Nation? A Yes.
Q Do you know Fannie Hawkins who makes application for the enrollment of her minor child, Lurena Hawkins, as a Creek Freedman? A Yes, sir.
Q How long have you known her? A About 15 years.
Q Is she any kin of yours? A No, sir.
Q Any marriage relation between you and her? A No, sir.
Q Do you know the child, Lurena Hawkins? A Yes, sir.
Q Is Lurena now living? A Yes, sir, she is living.
Q How old is she? A She will be two years old the 7th day of this March.
Q When was she born? A She was born March 7th, 1901.
Q How do you know she was born on that date? A I was staying right over there, close to where they were when the child was born.
Q Have you any children? A Yes, sir, I have two.
Q What are their names? A One is Sarah Ann and one is named Charley.
Q How old is Charley? A He will be two years old the 10th day of next month, April.
Q Was Lurena born before or after Charley? A She was born before.
Q How long before? A I don't know; Lurena was born in March and

Fannie Hawkins---5.

my boy in April.

- Q The same year? A Yes, sir, the same year.
Q Are you a near neighbor of Fannie Hawkins? A I was, but she has moved off about a year or two ago, I reckon.
Q Were you at the house when Lurena was born? A I was there that night.
Q You were at the home of Fannie Hawkins on the same day that Lurena was born? A Yes, sir.
Q How near were you living to the home of Fannie Hawkins at that time? A Little over a quarter of a mile, I guess--right across the Creek from them.

Records of the Commission examined and it appears therefrom that Charley Porter was born April 11, 1901.

- Q Is Fannie Hawkins married? A She was married; I guess she is married yet.
Q Who did she marry? A Dan Hawkins.
Q Are they living to-gether now? A No, sir.
Q Where is Dan Hawkins now? A I don't know; I don't know where he is.
Q How long has he been away? A I could not tell you positively how long; some time last fall I believe.
Q Were Fannie Hawkins and Dan Hawkins married by a minister? A Yes, sir.
Q Do you know how long they have been married? A No, sir, not for certain.
Q About how long have they been married? A I hate to say; I am not positive; I think about five or six years; I think along there somewhere; I am not certain.
Q Was Lurena born before or after they were married? A She was born after.
Q Has Fannie Hawkins lived with any other man since she was married to Dan Hawkins? A No, sir, not that I know of.

Examination by Mr. Murphy:

- Q What do you say your name is? A Cuffy Porter.
Q How long have you known Fannie Hawkins? A I have known Fannie about 15 years I guess.
Q Can you read and write? A A little.
Q Can you write your name? A Yes, sir.
Q How do you sign your name? A C-u-f-f-i-e.
Q Do you ever sign it Cu-f-f-y? A Yes, sir.
Q What is your wife's name? A India Porter.
Q Do you know when Fannie Hawkins was married? A I was there when she was married? Q Do you know what place? A Yes.
Q Was it in the summer or fall? A I think it was in March, if I am not mistaken.
Q Was it the latter part of March or about the middle of March? A I am not certain, and I don't want to tell what I don't know.
Q Was it in the early part of Spring? A Yes, sir, in March.
Q What time in March? A I could not tell you what time.
Q At what place was she married? A At her mother's house.
Q Near what place? A Jake Simons.
Q Near what post office? A Ridge.
Q Then she went to Concharthy? A Yes, sir.
Q She lived there a year and two or three months? A I don't know how long.
Q Then she come back home? A Yes, sir.
Q And her and her husband separated, A I don't know whether they

Fannie Hawkins

separated after or before.

- Q They were apart two or three months and went back together? A Yes.
- Q And they were living together at their mother's? A Yes.
- Q And this child was born there? A Yes.
- Q And you were there just after it was born? A Yes.
- Q And that was on the 7th day of March? A Yes.
- Q What day of the week? A I could not tell.
- Q Well, now do you know whether it was in the Spring? A Yes, it was in March; it was bound to be Spring.
- Q What business were you engaged in? A I was not doing anything.
- Q Were you farming? A Yes, sir, I was farming for Jake Simmons.
- Q Do you know where you were on the 5th day of March, 1901? A On the 5th day of March, 1901--no, sir, I could not tell.
- Q Do you know where you were on the 7th day of March, 1901? A Yes, sir, I was across the Creek.
- Q Were you there all day? A No, sir.
- Q You don't know where you were on the 6th of March? A Yes, I know where I was on the 6th; I was at Jake Simmons.
- Q Were you at the same place on the 6th as the 7th? A Not all day.
- Q Do you know where you were on the 7th day of March, 1902? A No, sir.
- Q You don't? A No, sir.
- Q Do you know where you were on the 7th day of March, 1900? A On the 7th day of March, 1900? Q Yes. A I don't know right that day where I was.
- Q The only day you can fix that you were doing anything is the 7th day of March, 1901? A Yes, sir.
- Q Where were you on the 11th day of April, 1901? A I was at my own place.
- Q What was you doing? A 'Tending to my wife.
- Q What was going on? A I was right home; my wife was taken down on the 10th day of April; I know it was the 10th--I put my boy's age down.
- Q Where did you put his age down? A At my own house.
- Q In a book? A Yes.
- Q Are you as positive that Lurena Hawkins was born on the 7th day of March as you are that your child was born on the 10th day of April? A Yes, sir. My wife went and enrolled that child and she put it on the 11th of April but it was the 10th.
- Q Your wife enrolled the child? A Yes, sir.
- Q What made you testify when you were here that your child was born on the 11th? A I testified the way she put it down.
- Q What did you testify to? A On the 11th I guess.
- Q Now you tell this Commission why it was you swore that your child was born on the 11th? A She put it down that way, she missed a day.
- Q And you swore it was on the 11th? A I did not know I swore to the 11th; I might have done so.
- Q Because your wife stated something that was untrue you stated it also? A If it is like you say, but I did not know.
- Q Do you know on what day of the week your child was born? A I did remember but I forget.
- Q Do you know on what day of the week Lurena was born? A I don't.
- Q Do you know how long after they were married that child was born? A No, sir.
- Q Do you know what day of the week you were married on? A I think I do, I was married on a Saturday night, I believe.
- Q When was the first time after this child was born that you told anybody that it was born on that date? A I could not tell you mister.
- Q When did you first tell Fannie Hawkins that this child was born?

Fannie Hawkins 7

- A I told her this the first time she was up and around; I was deviling her about it and she hurried us off on that day.
- Q Did you tell her at that time that her child was born on the 7th day of March? A Yes, sir.
- Q When was the next time you told her? A I never did tell her anything more about it; I deviled Dan about it.
- Q When she asked you to come down here to be a witness what conversation did you have with her? A She never asked me to come down until I was here in town yesterday. She come down here Sunday and I get here Monday; she come from Court and asked me if I would be a witness.
- Q What did she tell you she wanted you to swear to? A She did not say anything.
- Q What did she say she wanted you for? A I just come on down here with her sister.
- Q She did not tell you she wanted you to testify what date it was that Lurena was born? A No, sir.
- Q Did Aurella Watson tell you? A No, sir.
- Q She did not tell you anything about the day? A No, sir; she said she wanted me to be a witness and I said "allright."
- Q You are no relation whatever? A No, sir.
- Q Have you any other neighbors around in that locality? A Yes, sir.
- Q Any of them got any children? A Yes, a whole lot of them.
- Q Been born since you were married? A Yes.
- Q Been born since Fannie Hawkins was married? A Yes, sir.
- Q Have you been at their house? A Yes, sir.
- Q Name one of them? A Viola Ware.
- Q Who is another? A Jane Hawkins; she has a child.
- Q How many children has Viola Ware? A I am not able to tell you.
- Q Has she any? A Yes, I don't know how many.
- Q You have been to her house? A Yes, sir, several times.
- Q You have been there while the children were there have you not? A Yes, but some of them are dead, and I don't know how many are living; two or three.
- Q Were you there shortly after they were born? A No, sir.
- Q You never talked to Viola Ware about her children? A No, sir.
- Q How about Jane Hawkins; you saw her children? A Yes, sir.
- Q Talked to them? A Yes, sir.
- Q How many has she got? A Two.
- Q What are their names? A The oldest is Albin.
- Q What is the name of the other one? A I don't know what the little girl is called.
- Q How old is Albin? A I could not tell you to be positive.
- Q How long have you known Jane Hawkins; since she was married? A Yes; I was not living in the neighborhood when she was married.
- Q You lived there when the children were born? A No, sir.
- Q Were you living in the neighborhood when any of them were born? A Albert.
- Q Albert what? A I don't know.
- Q You have been there frequently? A I go over there now and then; she was not a very near neighbor.
- Q No relation of yours? A No, sir.
- Q Tell me when Albert was born? A I could not tell you that.
- Q Can you tell me when any children in the neighborhood were born since Fannie Hawkins was married? A No, sir, I could not to be positive.
- Q None but this one? A No, sir; I could not tell about another to be positive.
- Q Tell this Commission how it is you can remember about this child and can't remember about any other? A I told you that a while ago.

Fannie Hawkins ----8.

- Q Two years after you can come in here and tell the day and date and all about it? A Yes, I could tell what it was five years from now--longer than that. I have cause for it.
- Q How old are you? A 30 years old this coming April; my folks got my age.
- Q You say this child was born after your child was? A No, sir, I did not say afterward.
- Q Do you know what day of the week your child was born on? A I believe, if I am not mistaken it was either Tuesday or Wednesday; on the 10th of April, 1901; I think it was either Tuesday or Wednesday.
- Q It was not on Thursday? A I don't think it was, but it seems to me it was either Tuesday or Wednesday. It may have been on Thursday but it don't seem like it to me.
- Q Do you know what time of the day Lurena Hawkins was born? A I know what time I come off from there. When I left they said it was born that day.
- Q You did not see the baby then? A No, sir.
- Q How long until you saw it? A A week or two weeks.
- Q Can't you give some idea about what time in March they were married? A No, sir, I can't to save my life.
- Q It was only a year before. You were at the wedding--you said you were? A I could not say unless I was positive.
- Q You were not drunk when you were at the wedding? A No, I don't guess I was; I was having a lot of fun.
- Q Were you having more fun than when you were over where the baby was born? A Yes, sir.
- Q How is it you can remember when this child was born when you can't remember the date of the marriage, where you say you were having more fun? A Because I had to leave on that day before I was ready to leave.
- Q That is the only way you can place the date of anything--because you have to leave before you get ready? A Yes, sir.
- Q You say that it was in March 1900 that they were married? A I don't know nister, I am not positive.
- Q You said awhile ago that you were pretty positive that was the month? A I will not say whether it was '98 or 1900; I could not tell it to save my life. If I remembered I would sure tell you.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 10th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 11th day of March, 1903.

Edward M. Smith
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., August 18, 1904.

Supplemental Testimony in the matter of the application for
the enrollment of Lourina Hawkins as a Creek Freedman.

FANNIE PATTON, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Fannie Patton.
- Q Are you the mother of Lourina Hawkins? A Yes, sir.
- Q Your name was Fannie Hawkins? A That was my first husband's name.
- Q What is your post office address? A Sapulpa.
- Q What is the name of the father of Lourina Hawkins? A Dan Hawkins.
- Q Is he a citizen of the Choctaw Nation? A Yes, sir.
- Q You and he have separated have you? A Yes, sir.
- Q Who has the care and custody of the child? A I have.
- Q Have you had the child ever since it was born? A Yes, sir.
- Q It is under your control? A Yes, sir.
- Q You have heretofore elected to have the child enrolled as a Creek Freedman? A Yes, sir.

-----;0:-----

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 20th day of August, 1904.

Charles H. Sawyer
Notary Public.

Woods Realty Co.,

25, 1st Street
St. Louis, Mo. Oct 9th 1902

To the honorable Commission of the five tribes-

Janie Hawkins being first duly sworn according to law deposes and says that she is a Creek or Muskegee Indian by blood and that she resides in Western Ark Ind Ter- that on July April 7-1900 she gave birth to a female child and that said child is living at present time and that her mother (Mollie South) was present as a midwife at the birth of the child - she further states that the following citizens are cognizant of the fact of the child's existence Link Watson Joseph Jackson

Subscribed and sworn to Janie Hawkins

the 9th Oct 1902

John W. [unclear] Notary Public

IN RE

Application for Enrollment of
INFANT CHILD.

Lurena Hawkins

As a citizen of the

Creek

Nation.

Approved 1

Commissioner.

Mother on In. Card #320
Father a Choctaw

Facts on Choctaw Tr.
D 199

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

Jan 27 1903

[Signature]
ACTING CHAIRMAN.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Lurena Hawkins, born on the 7th day of March, 1900
Name of father: Dan Hawkins, a citizen of the Choctaw Nation.
Name of mother: Fannie, a citizen of the Creek Nation.
Post Office: ~~_____~~ Sawalla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, Fannie Hawkins, on oath, state that I am 23 years of age and a
citizen, by Freedman, of the Creek Nation; that I am the
lawful wife of Dan Hawkins, who is a citizen, by Freedman, of the
Choctaw Nation; that a ~~girl~~ child was born to me on the 7th day
of March, 1900; that said child has been named Lurena Hawkins
and is now living.

Fannie Hawkins
Subscribed and sworn to before me this 24th day of January, 1903
Goldavens
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, Mollie Gassup, a midwife, on oath, state that I
attended on Mrs. Fannie Hawkins, wife of Dan Hawkins
on the 7th day of March, 1900; that there was born to her on said date a girl child;
that said child is now living and is said to have been named Lurena Hawkins

Wm. Grayson
Wm. Jackson
Mollie x Gassup
Subscribed and sworn to before me this 24th day of January, 1903
Goldavens
Notary Public.

E. G. P.
No. 295

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

In the matter of the application for the enrollment of Lurena Hawkins as a Creek Freedman.

DECISION.

The record in this case shows that on December 5, 1902, Fannie Hawkins appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Lurena Hawkins, as a Creek Freedman.

Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 10, 1903, and August 10, 1904.

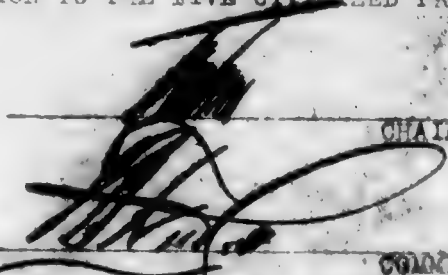

The evidence shows that Fannie Hawkins, mother of said Lurena Hawkins, is identified on the partial list of Creek Freedman approved by the Secretary of the Interior March 13, 1902, Roll No. 1211; that said Lurena Hawkins was born prior to May 25, 1901, and living at the date of the application herein.

The evidence further shows that Fannie and Dan Hawkins, mother and father of said Lurena Hawkins, have separated and that the said Lurena Hawkins ever since her birth has been in the custody of the mother, Fannie Hawkins.

The evidence further shows that the mother, Fannie Hawkins, has elected to have her minor child, Lurena Hawkins, enrolled as a Creek Freedman.

It is, therefore, the opinion of the Commission that said Lurena Hawkins should be enrolled as a Creek Freedman in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


CHAIRMAN.

COMMISSIONER.

MUSKOGEE, INDIAN TERRITORY,

FEB 21 1905

E. L. S.

EX. 295

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lurena Hawkins as a Creek Freedman.

D E C I S I O N .

The record in this case shows that on December 5, 1902, Fannie Hawkins appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Lurena Hawkins, as a Creek Freedman.

Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 10, 1903, and August 10, 1904.

The evidence shows that Fannie Hawkins, mother of said Lurena Hawkins, is identified on the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, Roll No. 1211; that said Lurena Hawkins was born prior to May 25, 1901, and living at the date of the application herein.

The evidence further shows that Fannie and Dan Hawkins, mother and father of said Lurena Hawkins, have separated and that the said Lurena Hawkins ever since her birth has been in the custody of the mother, Fannie Hawkins.

The evidence further shows that the mother, Fannie Hawkins, has elected to have her minor child, Lurena Hawkins, enrolled as a Creek Freedman.

It is, therefore, the opinion of the Commission that said Lurena Hawkins should be enrolled as a Creek Freedman in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



CHAIRMAN.



COMMISSIONER.



COMMISSIONER.

MUSKOGEE, INDIAN TERRITORY,

FEB 21 1905

Copy

2/15

Book No. 370

Muskogee, Indian Territory, February 17, 1903.

Arthur P. Murphy,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that on December 5, 1902, Fannie Hawkins, whose post office address is given as Sapulpa, Indian Territory, appeared before the Commission and made application for the enrollment of her minor child, Lucrea Hawkins, as a citizen of the Creek Nation.

You are further advised that the name of said Fannie Hawkins is included in a partial roll of Creek freedmen approved by the Secretary of the Interior, March 13, 1902.

From an affidavit on file with the Commission, it appears that said Lucrea Hawkins was born April 7, 1900, and from the testimony submitted that she was born March 7, 1901. The record in this case is such that the Commission is not satisfied as to the right of said child to enrollment.

You are hereby notified that the Creek Nation will be given a reasonable time within which to introduce such evidence in the case as it may desire.

Respectfully,

Acting Chairman.

8813

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

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

REFER IN REPLY TO THE FOLLOWING
No. 286.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 26, 1904.

Lurena Hawkins,


Sawokla, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor child, Lurena Hawkins, it appears from the testimony in the case that you and the father of said child have separated; that he claims to be a Choctaw Freedman and that you have elected to have said child enrolled as a Creek Freedman.

Before a decision can be rendered in the case it will be necessary to submit evidence showing who has the custody of said child.

Respectfully,



Commissioner in Charge.

Kuskagee, Indian Territory, February 21, 1900.

M. L. Kott,

Attorney for the Creek Nation,

Kuskagee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lurena Hawkins as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if, at the expiration of that time, no such protest has been made, said Lurena Hawkins will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

JYK-21-8.

Muskogee, Indian Territory, April 17, 1908.

Jammie Patton,
Sapulpa, Indian Territory.

Dear Madam:

You are advised that the name of your minor child, Lurens
Hawkins, is contained in the partial list of Creek Freedmen, approved
by the Secretary of the Interior April 6, 1908, and that application
for a selection of land in the Creek Nation may now be made for said
child at the office of the Commission, at Muskogee, Indian Territory.

Respectfully,



Chairman.

60 216

COMMISSIONER OF THE INTERIOR,
DEPARTMENT OF THE INTERIOR,
WASHINGTON, D. C., January 21, 1905.

The writer of the application of Edward Hawkins for the enrollment of his minor child, George Hawkins, as a Creek freedman.

EDWARD HAWKINS, being first duly sworn, testified, as follows:

EXHIBITION OF THE COMMISSIONER.

- Q What is your full name? A Edward Hawkins.
Q What is your age? A As near as I can come at it, about 40 years.
Q What is your past official address? A Jones, Indian Territory.
Q Do you reside in the Creek Nation? A Yes, sir.
Q How long have you resided in the Creek Nation? A All my life, or more.
Q What is the name of your wife? A Fannie Hawkins.
Q Is she living? A Yes, sir.
Q Have you and your wife been enrolled by the Commission as citizens of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Edward Hawkins and his wife, Fannie Hawkins, are listed for enrollment as citizens of the Creek Nation on Creek Freedmen Card Field No. 1382.

- Q To what town in the Creek Nation do you and your wife belong?
A North Park.
Q For whom do you now make application for enrollment? A George Hawkins.
Q How old is George Hawkins? A Will be two years old this coming May.
Q When was he born? A The 20th day of May, 1901.
Q Is he now living? A Yes, sir.
Q Does he live with you? A Yes, sir.
Q Are you the father of George Hawkins? A Yes, sir.
Q Is Fannie Hawkins the mother? A Yes, sir.
Q Are you and your wife, Fannie Hawkins, recognized citizens of the Creek Nation? A Yes, sir.
Q Do your names appear upon the Creek tribal roll? A Yes, sir.

The 1890 and 1895 Creek tribal rolls examined and the names of Edward and Fannie Hawkins are found thereon.

- Q Does your name appear upon the Dunn Roll? A Yes, sir.
Q Does your wife's name appear upon the Dunn Roll? A Her mother is.

The roll of Creek freedmen made by Major J. V. Dunn, prior to March 15, 1867, examined, and the name of Edward Hawkins is found and identified thereon at No. 22.

- Q Have you any neighbors who have any children about the same age as George Hawkins? A Not that I know of.
Q Have you any brothers or sisters? A One brother.
Q Has he any children? A No, sir.
Q Have you any sisters? A Yes, sir.
Q Have they any children? A Yes, sir.
Q About the same ages as yours? A No, sir.

George Hawkins.

Edmond Hawkins, witness.

Examination by the Commission.

Q Do you recollect when you went to Okmulgee and filed an allotment for your wife, Fannie Hawkins, and your daughter, Laura Hawkins?

A Yes, sir.

Q How long after that time was George Hawkins born?

A Not long after that.

Q About how long after you were at Okmulgee and filed for Fannie and Laura? A It wasn't long.

Q Did your wife go with you to Okmulgee when you filed for her and Laura? A No, sir; she was sick with the grippe when I went to file for them.

Witness crossed.

FANNIE HAWKINS, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your full name? A Fannie Hawkins.

Q What is your age? A Twenty-nine.

Q What is your post office address? A Beggs.

Q Are you the wife of Edmond Hawkins? A Yes, sir.

Q Are you the mother of George Hawkins for whom Edmond Hawkins now makes application for enrollment? A Yes, sir.

Q Is Edmond Hawkins the father of George Hawkins? A Yes, sir.

Q How old is George Hawkins now? A He will be two years old this coming May.

Q When was George Hawkins born? A May 20th.

Q In what year? A 1901.

Q How do you place the date as May 20th, 1901? A Because that is the day he was born on, and always put it down on the book.

Q What kind of a book did you put the day of the birth in?

A Right on the Bible.

Q Did you put it on the Bible the date he was born? A Yes, sir; put it on the Bible about a day or so after he was born--till it took me to get up.

Q Do you recollect when your husband went to Okmulgee and filed on allotments for yourself and your daughter, Laura Hawkins?

A Yes, sir; I recollect it plain.

Q At what time did he go to Okmulgee? A It was in March; I don't recollect what date; it was in March.

Q Was George Hawkins born at that time? A No, sir.

Q How long after that was George Hawkins born? A About a month or month and a half, may be,--born in May and he went in March to file.

The records of the Commission examined and it appears therefrom that allotments of land were made to Fannie and Laura Hawkins on March 26, 1901.

Q Have you any brothers or sisters? A Yes, sir.

Q Are any of them married? A They all married.

Q Have any of them any children about the same age as your boy, George Hawkins? A No, sir.

Q What are the names of your brothers and sisters? A My next eldest brother is John Cobb; the next one is Amos Cobb; the next one is Tom Cobb; the next one is Coedy; and the girl one is Annie Love, and the other Dolly Barney.

Q Are they all married? A Yes, sir; the girls is, one boy is married.

3 George Hawkins.

Fannie Hawkins, witness.

Examination by the Commission.

Q Have you any neighbors who have any children about the same age as George Hawkins? A Not as I know of.

Q Do you know the nature of an oath? A Just the truth, I guess.

Q Do you know that if you swear to something that is not true, that you are liable to punishment by imprisonment in the United States prison? A Yes, sir; I know that.

Q Can you now swear positively that George Hawkins was born on the 20th day of May, 1901? A Yes, sir.

Q Have you ever made out any birth affidavits in the matter of the application for the enrollment of your son, George Hawkins, as a citizen of the Creek Nation? A I don't think we made out any affidavit.

Q Have you made out some birth affidavits in his case today?

A Yes, sir.

Birth affidavits in the matter of the application for the enrollment of George Hawkins, as a citizen of the Creek Nation, are here presented by the applicant, and marked Exhibits "A" and "B", and made a part of the record.

Q Why have you not made out affidavits before this time for the enrollment of your son, George Hawkins? A I left it to him to make it out, and he said he would have to come down here to make it, and I didn't come.

Q Was there any one with you besides your husband when George Hawkins was born? A No, sir.

Q Have you any neighbors who know when he was born, were there any came in to see you the day he was born? A No, sir; not that same day he was born; the next day after, I think.

Q What are the names of some of your neighbors? A The closest neighbor we have is his brother, Willie Hawkins; the next is Silas Jefferson.

Witness excused.

EDMOND HAWKINS, being recalled, testified as follows:

EXAMINATION BY THE COMMISSION.

Q When did you first learn that your child, George Hawkins, might possibly be enrolled as a Creek? A Why I disremember, but I think I written down here somewhere to find out, and got answer that if I came down in person, we find out, but I can't think just what time it was.

Q Do you know when the Creek treaty passed in 1901? A Yes, sir; I think I know, about.

Q It has been some time since you learned, then, that your son, George Hawkins, might be enrolled? A Yes, sir.

Q Why have you not made application, or had a birth affidavit made out for his enrollment before this time? A Well we been thinking about it, but we had sickness and couldn't very well get here.

Q Has anybody ever told you that this child might be enrolled?

A No, I just thought I would find out; I written, I think, down here.

Q Nobody has approached you and asked you to have the child enrolled? A No, sir.

George Hawkins.

Witness.

Commission by the Commission.

Q. Now, were you at the time you were to go at this time
to the office of the Commission? A. No, sir, I believe not. I went
to find out whether he could be enrolled, and I thought after
that, he was not.

Commission to Applicant.

You will be furnished at a later date with a copy of the decision
of the Commission in the matter of the application made by you at
this time for the enrollment of your son, George Hawkins, as a Creek
freeman, which will be mailed to you at your proper post office
address, as given by you in your testimony taken at this time.

Witness excused.

Oliver C. Hinkle, being first duly sworn, upon his oath states
that, as stenographer for the Commission to the Five Civilized Tribes,
he reported the proceedings had in the above entitled cause on Jan-
uary 31, 1903, and that the above is a full, true and correct trans-
cript of his stenographic notes thereof.

Oliver C. Hinkle

Sworn to before me this 31st day of February, 1903, at
Muskogee, Indian Territory.

John E. Fisher
Notary Public.

Copy

Creek No. 296.

Muskogee, Indian Territory, February 24, 1903.

Arthur P. Murphy,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that on January 31, 1903, Edmond Hawkins, whose post office address is given as Beggs, Indian Territory, appeared before the Commission and made application for the enrollment of his minor child, George Hawkins.

You are further advised that the names of the father and mother of said George Hawkins are included in a partial roll of Creek freedmen approved by the Secretary of the Interior, March 28, 1902.

From affidavits on file with the Commission, it appears that said George Hawkins was born May 20, 1901. The record in the case is such that the Commission is not satisfied as to the right of said child to enrollment.

You are hereby notified that the Creek Nation will be given a reasonable time within which to introduce such evidence in the case as it may desire.

Respectfully,

Chairman.

J. J. D.

No. 296.

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

In the matter of the application for the enrollment of George Hawkins as a Creek Freedman.

D E C I S I O N .

The record in this case shows that on January 31, 1903, Edmond Hawkins appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, George Hawkins, as a Creek Freedman.

The evidence shows that said George Hawkins was born May 20, 1901, and was living at the date of the application herein.


The evidence further shows that said George Hawkins is the child of Edmond and Fannie Hawkins, and the records of the Commission show that the names of said Edmond and Fannie Hawkins are contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, numbers 4634 and 4635, respectively.

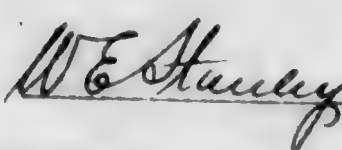
It is, therefore, the opinion of the Commission that said George Hawkins should be enrolled as a Creek Freedman in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

MAR 12 1904

273
No. 292.

Muskogee, Indian Territory, March 15, 1904.

A. P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of George Hawkins as a Creek freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if at the expiration of that time no such protest has been made, said George Hawkins will be regularly listed for enrollment as a Creek freedman.

Respectfully,

Commissioner in Charge.

RGH-3-15-4.

Range, Indian Territory.

Dear Sir:

You are advised that the name of your elder child, George Hawkins, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior May 21, 1904, and that application for a selection of land in the Creek Nation may now be made for said child at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

IN RE

Application for Enrollment of

INFANT CHILD

George Hawkins

a citizen of

Creek

Nation.

Approved

190

Commissoner.

Ex. 5

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

FILED

Jan 21 1903

[Signature]
ACTING CHAIRMAN.

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

In Re Application for Enrollment, as a citizen of the Creek Nation,
of George Hawkins (Here insert name of child), born on the 20th day of May, 1901
Name of Father: Edmund Hawkins a citizen of the Creek Nation.
Name of Mother: Fannie Hawkins a citizen of the Creek Nation.
Post-office: Beqgs, Ind. Ter.

AFFIDAVIT OF ~~MOTHER~~ father

UNITED STATES OF AMERICA,
WESTERN TERRITORY,
Western District.

I, Edmund Hawkins, on oath state that I am 48
years of age and a citizen, by adoption of the Creek Nation;
that I am the lawful husband of Fannie Hawkins, who is a citizen, by
adoption of the Creek Nation; that a male child was
her (Male or female)
born to me on 20th day of May, 1901; that said child has been named
George Hawkins, and is now living.

WITNESSES TO MARK:

Edmund Hawkins

Must be Two Witnesses.

Subscribed and sworn to before me this 31st day of January, 1901

J. H. Brown
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, _____, a _____, on oath state that I at-
tended on Mrs. _____, wife of _____
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
(MALE OR FEMALE)

WITNESSES TO MARK:

Must be Two Witnesses.

Subscribed and sworn to before me this _____ day of _____, 1901

NOTARY PUBLIC.

IN RE

Application for Enrollment of

INFANT CHILD

George Starbuck

as a citizen of

Creek

Nation.

Approved

190

Commissioner.

Ex. "A"

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

FILED

January 21, 1908

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,
of George Hawkins, born on the _____ day of _____, 1____
(Do not insert name of child)

Name of Father: Edmond Hawkins a citizen of the Creek Nation.

Name of Mother: Jennie Hawkins a citizen of the Creek Nation.

Post-office: Biggs

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Jennie Hawkins, on oath state that I am 29
years of age and a citizen, by adoption of the Creek Nation;
that I am the lawful wife of Edmond Hawkins, who is a citizen, by
adoption, of the Creek Nation; that a male child was
(Male or female)
born to me on 20th day of May 1901; that said child has been named
George Hawkins, and is now living.

WITNESSES TO MARK:

Jennie Hawkins

Must be Two Witnesses.

Subscribed and sworn to before me this 31st day of January 1908

H. H. Moorey
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
_____ District.

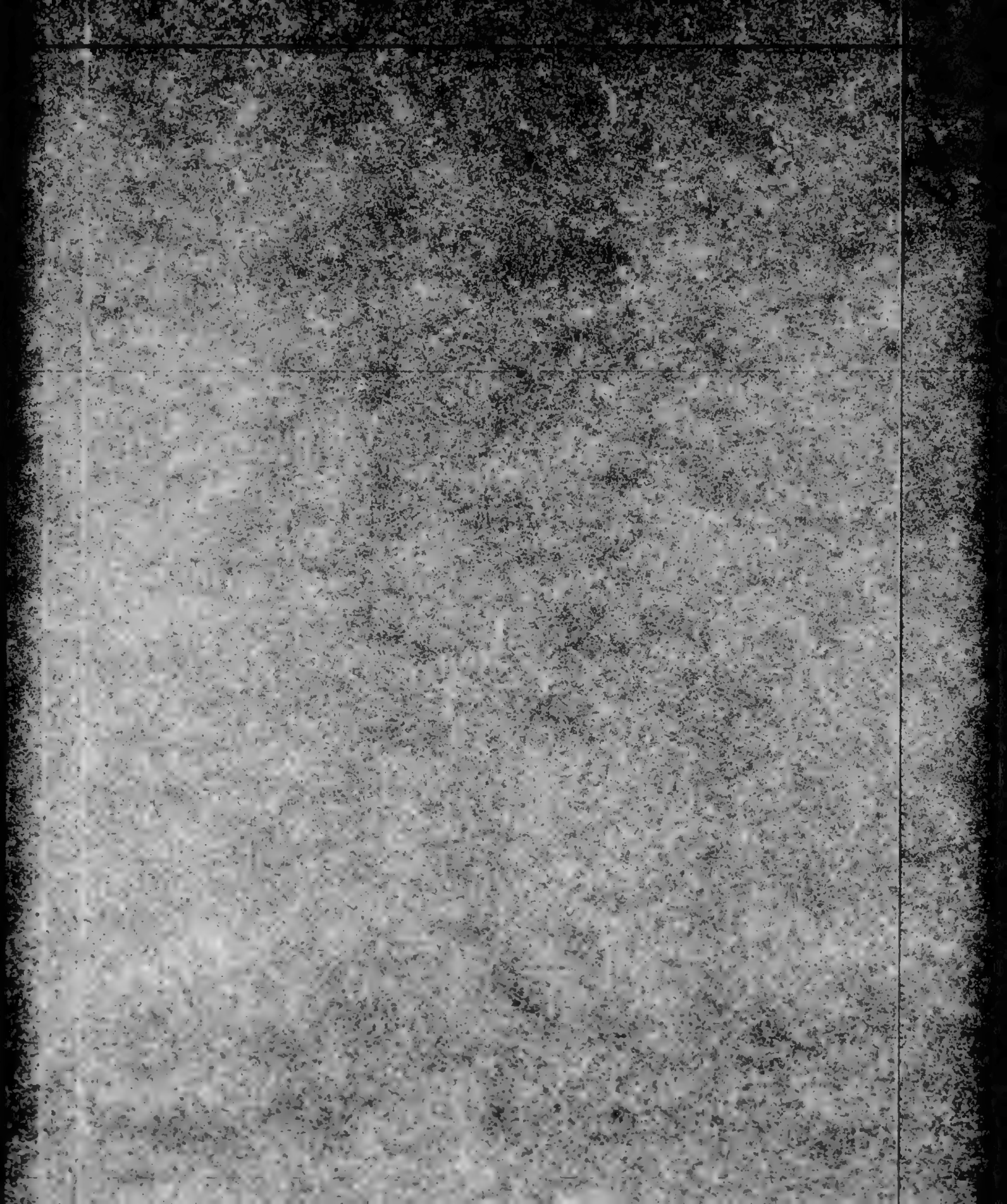
I, _____, a _____, on oath state that I at-
tended on Mrs. _____, wife of _____
on the _____ day of _____, 1____; that there was born to her on said
date a _____ child; that said child is now living and is said to have been named
(MALE OR FEMALE)

WITNESSES TO MARK:

Must be Two Witnesses.

Subscribed and sworn to before me this _____ day of _____ 190

NOTARY PUBLIC.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CREEK CIVILIAN TRIBES.
Washington, D. C., February 4, 1893.

In the matter of the application of John Carter for the enrollment of his minor child, Sallie Carter, deceased, as a Creek freedman.

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

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A John Carter.
Q What is your age? A About thirty.
Q What is your post office address? A Brushhill.
Q Do you reside in the Creek Nation? A Yes, sir.
Q How long have you resided in the Creek Nation? A All my life.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.
Q What is the name of your wife? A Annie Carter.
Q Is she living? A Yes, sir.
Q Is she a citizen of the Creek Nation? A Yes, sir.
Q Has she been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.
Q To what town in the Creek Nation do you belong? A Arkansas.
Q To what town in the Creek Nation does your wife, Annie Carter, belong? A Canadian.

The records of the Commission examined and it appears therefrom that John and Annie Carter are listed for enrollment as citizens of the Creek Nation on Creek Freedman Card Field No. 781.

- Q For whom do you now make application for enrollment?
A Sallie Carter.
Q Is Sallie Carter your daughter? A Yes, sir.
Q What is the name of her mother? A Annie Carter.
Q That is the same Annie Carter you have heretofore referred to as your wife? A Yes, sir.
Q Is Sallie Carter now living? A No, sir.
Q How old was she when she died? A I disremember, but I guess she was over a year old something; the affidavit shows.
Q When was Sallie Carter born? A She was born in March.
Q In what year? A Well I don't know one year from another.
Q When did she die? A She died about three years ago, in July.
Q In what year? A Well I couldn't tell you then what year it was.
Q Have you and your wife, Annie Carter, always been recognized by the Creek tribal authorities as citizens of the Creek Nation?
A Yes, sir.
Q Do your names appear upon the Creek tribal rolls? A Yes, sir.

The 1890 authenticated tribal roll of the Creek Nation, Arkansas Town, examined, and the name of John Carter is found and identified thereon at page 32, as "John Carter".

The 1890 authenticated tribal roll of the Creek Nation, Canadian Town, examined, and the name of Annie Carter is found and identified thereon, at page 60, as "Annie Halls".

2 Sallie Carter, deceased.

John Carter, witness.

Examination by the Commission.

The 1898 rolls of the Creek Nation examined and the names of Josh and Annie Carter not found thereon.

Q Are you a Dunn Roll descendant? A I couldn't tell you.

Q Is your wife, Annie Carter, a Dunn Roll descendant? A I don't know.

Q About how old is your wife now? A I guess she is about twenty-five.

Q What is the name of your mother? A Jane Franklin or Jane Coleman.

Q What is the name of your wife's mother? A Lily Caesar, I guess.

Q Was your wife's mother ever called Lila or Delilah Gouge?

A Yes, sir.

The roll of Creek freedmen made by Major J. W. Dunn prior to March 14, 1867, examined, and the name of Jane Franklin is found and identified thereon as "Jennie Corbin", at No. 515.

The roll of Creek freedmen made by Major J. W. Dunn prior to March 14, 1867, further examined, and the name of Lila Caesar is found and identified thereon at No. 1287.

Q Is this the first time you have made application for the enrollment of your minor child, Sallie Carter, deceased, as a Creek citizen? A No, I made application here, I believe, last June was the first time, last June, a year ago.

Q Have you heretofore filed with the Commission birth and death affidavits in the matter of the application for the enrollment of Sallie Carter as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that a death affidavit in the matter of the application for the enrollment of Sallie Carter, as a citizen of the Creek Nation, was filed with the Commission, June 15, 1901, and a birth affidavit on December 24, 1901, which are marked Exhibits "A" and "B", and made a part of the record.

Q Have you a son and daughter by the name of Josh and Belle Carter? A Yes, sir.

Q Have you filed for those two children? A Yes, sir.

Q If Sallie Carter were now living, would she be older or younger than Josh Carter? A She would be younger than Josh.

Q Would she be older or younger than Belle Carter? A She is older than Belle.

Q Was Sallie Carter born when yourself and wife and Josh Carter were enrolled? A Yes, sir.

Q Why was Sallie Carter not enrolled then? A Why me and my woman was separated and I had the little boy with me and she had the little girl with her.

Q Did you go to the Commission and enroll yourself? A Yes, sir; I came there and enrolled myself.

Q Well who enrolled your wife? A Her brother did, Jesse Teney.

Q Who enrolled your son, Josh? A I did.

Q When did you first have Josh enrolled? A Why, September, I believe.

Q In what year? A Well, I don't know.

Q Where did you have him enrolled? A Up there in the court house where they were enrolling--you were up there.

3 Sallie Carter, deceased.

John Carter, witness.

Examination by the Commission.

Q That was in Muskogee? A Yes, sir.

The records of the Commission examined and it appears therefrom that John, Annie and Jack Carter, were enrolled on Creek Freedom Card Field No. 781, in September, 1898.

Q Annie Carter was not living with you, then, at the time you enrolled yourself and Jack? A No, sir.

Q Where was she living? A She was staying with her mother.

Q Is she living with you now? A Yes, sir; we are living together now.

Q Did you keep any record of the time of the birth and death of Sallie Carter? A No more than what I had put down there--that is all I keep.

Q All you know about the dates of the birth and death of Sallie Carter is what some one has told you? A Yes, sir.

Q Who told you when Sallie Carter was born and when she died?

A Why Henry Jackson had one died about the same time. Mine died just a day before his died, and when I went to get the affidavit, I asked him the day of the month.

Q What was the name of Henry Jackson's child? A Belle.

Q How old was she when she died? A Why she was over a year old.

Q Was she older or younger than your child, Sallie Carter?

A She was older than mine.

Q What does Henry Jackson know about the birth and death of your child? A I was living there right close to him then.

Q Well how is it that Henry Jackson knows more about this than you do? A Why you see, I don't know nothing about dates--I can't read and write, never went to school a day in my life.

The records of the Commission examined and it appears therefrom that Belle Jackson was born September 13, 1897, and died July 24, 1899.

Witness excused.

JESSE TONEY, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your full name? A Jesse Toney.

Q What is your age? A Thirty-one, past.

Q What is your post office address? A Brushhill.

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

Q Do you know John Carter who makes application for the enrollment of one, Sallie Carter, deceased? A Yes, sir.

Q Did he have a daughter by the name of Sallie Carter? A Yes, sir.

Q Do you know when Sallie Carter was born? A No, I don't know nothing about what date.

Q Do you know when she died? A No, don't know nothing about that date at all.

Q Do you know how old she was when she died? A No, sir.

Q Do you know when Annie Carter was enrolled as a Creek citizen?

A Yes, sir.

Q Did you have anything to do about her enrollment? A Yes, sir.

Q What did you do? A I enrolled her name, I think, if I aint mistaken, as Annie Harrison, with her mother.

Q What kin is Annie Carter to you? A Sister.

4 Sallie Carter, deceased.

Jesse Toney, witness.

Examination by the Commission.

Q What is your mother's name? A Delilah Hall is what she enrolled. Her name is Delilah George on the Dunn Roll.

Q Did you enroll this child, Sallie Carter, at the same time? A No, sir; I didn't enroll it.

Q Was this child living at that time? A Yes, sir.

Q Why did you not enroll it? A I thought its father enrolled it.

Q Who was the child living with at that time? A With its mother.

Q Didn't she want this child to be enrolled? A No, sir; I asked her, but she said her father would enroll it.

Q Were John and Annie Carter separated at that time? A Yes, sir.

Q Did they have a child by the name of Josh Carter? A Yes, sir.

Q Well wasn't it agreed that the father should have Josh Carter and the mother Sallie Carter? A No, sir; I don't know whether there was no a agreement between them or not. She told me that John would enroll the children and I should enroll her.

Q Is Annie Carter living now? A Yes, sir.

The records of the Commission examined and it appears therefrom that Annie Harrison, whose name appears on old Creek Freedmen Card Field No. 365, was transferred to Creek Freedmen Card Field No. 782, as "Annie Carter", August 17, 1899.

It also appears that Delilah Hall, the mother of said Annie Carter, is listed on old Creek Freedmen Card Field No. 365.

Q Do you know Jacob Toney? A Yes, sir.

Q What kin is he to you? A Brother.

Q Is he older or younger than you? A Younger.

Q Are you positive that this child, Sallie Carter, was living when you enrolled Delilah Hall and Annie Harrison? A Yes, sir.

Q How old was Sallie Carter at that time? A I don't know really how old it was. Making a guess at it, it was a baby, I know it was pretty small, but I don't know how old it was. Of course, if I aimed to enroll it, I would have found out exactly how old it was at that time.

Witness excused.

JOHN CARTER, BEING RECALLED, Testified as follows:

EXAMINATION BY THE COMMISSION.

Q Do you recollect when you filed for your wife, Annie Carter?

A Yes, sir.

Q Was this child, Sallie Carter, living at that time? A No, sir.

Q How long had Sallie Carter been dead at that time? A Why it was not dead long.

Q About how long? A I filed, I think, in August; she been dead in July.

Q Did she die the July, in the same year, that you filed for your wife, Annie Carter? A I think she died the year before I filed.

Q Did Sallie die a year before you came here to file? A Yes, sir.

Q Was this child living when the land office opened? A No, sir.

The records of the Commission examined, and it appears therefrom that John Carter filed on allotments for himself, his wife, Annie Carter, and his son, Josh Carter, on August 17, 1899.

S Sallie Carter, deceased.

John Carter, witness.

Examination by the Commission.

Q Are there any other statements you desire to make at this time in regard to the application for the enrollment of your deceased child, Sallie Carter, as a citizen of the Creek Nation?

A Yes I would like to get to file for it if I can. It was here when I enrolled, that is what I wanted to prove.

COMMISSION TO APPLICANT, JOHN CARTER:

In view of the fact that your child, Sallie Carter, died before April 1, 1899, and it is evident that it appears from your testimony that it is not entitled to enrollment as a citizen of the Creek Nation, Do you now desire to withdraw the application for enrollment of said child, deceased, as a citizen of the Creek Nation? A Yes, sir.

Witness excused.

Oliver C. Hinkle, being first duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 2nd day of February, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle

Sworn to before me this 26 day of February, 1903, at Muskegee, Indian Territory.

Charles H. Sawyer

Notary Public.

IN RE

Application for Enrollment of

INFANT CHILD

Sally Carter

as a citizen of

Creek

Nation.

Approved

190

Commissioner.

Ex. "B."

DEPARTMENT OF THE INTERIOR,
COMMISSION TO RE-ENROLL CIVILIZED TRIBES.

FILED

Dec 24 1901

[Signature]

COMMISSIONER

Filed Dec 24 1901

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,
 of Sally Carter, born on the 31 day of March, 1898
(Here insert name of child.)
 Name of Father: John Carter a citizen of the Creek Nation
 Name of Mother: Annice Carter a citizen of the Creek Nation.
 Post-office Brush Hill, Ia.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northwestern District.

I, Annice Carter, on oath state that I am 22
 years of age and a citizen, by Blood, of the Creek Nation;
 that I am the lawful wife of John Carter, who is a citizen, by
Blood, of the Creek Nation; that a Female child was
(male or female.)
 born to me on 31st day of March, 1898, that said child has been
 named Sally Carter, and is now ^{Dead} ~~living~~.

WITNESSES TO MARK:

(Must be Two Witnesses.)

James Huff
U. M. Shepherd

Annice Carter
mark

Subscribed and sworn to before me this 21 day of Dec, 1901.

K. N. Shepherd

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northwestern District,

I, Lila Hall, a Midwife, on oath state that I
 attended on Mrs. Annice Carter, wife of John Carter
 on the 31 day of March, 1898, that there was born to her on
 said date a Female child; that said child is now ^{Dead} ~~living~~ and is said to have been
(male or female.)
 named Sally Carter.

WITNESSES TO MARK:

(Must be Two Witnesses.)

James Huff
U. M. Shepherd

Lila Hall
mark

Subscribed and sworn to before me this 21 day of Dec, 1901.

K. N. Shepherd

NOTARY PUBLIC.

IN RE
THE DEATH OF

Sallie Carter

a citizen of the

Creek Nation.

Approved

1

Commissioner.

Felher and mother on
In Card # 781

Doubtful

Ex. "A"

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

FILED

June 15, 1901

ACTING CHAIRMAN.

Per's 1/11/01

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Sallie Carter
a citizen of the Creek Nation, who formerly resided at or near
Okfuska, Ind. Ter., and died on the 10 day of July,
1899

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, John Carter on oath state that I am 29
years of age and a citizen, by Treaty, of the Creek Nation;
that my post office address is Okfuska, Ind. Ter.; that I am
The Father of Sallie Carter
who was a citizen, by Treaty, of the Creek Nation;
and that said Sallie Carter died on the 10 day of
July, 1899

WITNESSES TO SIGN:
(Must be Two Witnesses) } N. E. Durand
S. W. Isaac

Subscribed and sworn to before me this 8 day of June, 1901
N. E. Durand
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, H. Catron, on oath state that I am 50
years of age, and a citizen, by Treaty, of the M. S. Nation;
that my post office address is Okfuska, Ind. Ter.;
that I was personally acquainted with Sallie Carter
who was a citizen, by Treaty, of the Creek Nation;
and that said Sallie Carter died on the 10 day of
July, 1899

WITNESSES TO SIGN:
(Must be Two Witnesses) } H. Catron

Subscribed and sworn to before me this 8 day of June, 1901
N. E. Durand
Notary Public.

CR EN 298

CR EN 298

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, I. T., March 2, 1903.

In the matter of the application of Clayton Bruner for the enrollment of himself as a Creek Freedman.

Clayton Bruner, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your full name? A Clayton Bruner.
Q What is your age? A My age is twenty-five.
Q What is your post office address? A Muskegee, Indian Territory.
Q For whom do you now make application for enrollment as a citizen of the Creek Nation? A For who, did you say?
Q Yes. A Myself.
Q You make application for enrollment as a Creek Freedman? A Yes.
Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes, sir.
Q Does your name appear upon the Creek tribal rolls? A I don't know.
Q To what town in the Creek Nation do you belong? A North Fork.
Q Did you ever draw any money from the Creek Nation? A Yes.
Q How many times did you draw money from the Creek Nation? A Twice to my knowledge.
Q How much did you draw the first time? A I don't remember.
Q How much did you draw the second time? A I don't remember.
Q What was the name of your father? A My father- Paro Bruner.
Q Is he living? A No, sir.
Q Was he a Creek citizen? A No, sir.
Q Was he a citizen of any Nation? A Seminole.
Q What was the name of your mother? A Pearline Bruner.
Q Is she living? A No, sir.
Q Was she a citizen of the Creek Nation? A Yes, sir.
Q To what town in the Creek Nation did she belong? A North Fork.
Q Have you any brothers and sisters? A Yes.
Q Please state the names of some of them? A Nice Smith, Cherity Clemmons, Donisha Smith, and got one named Hannah King.

1890 authenticated tribal roll of the Creek Nation, North Fork colored town, examined and the name of Clayton Bruner identified thereon as Claton Bruner, page 155.

The 1895 pay roll of the Creek Nation, North Fork colored town, examined, and the name of Clayton Bruner is found and identified thereon at No. 109.

- Q Where does your sister, Donisha Smith, reside? A I don't understand you--do you mean where she lives at, Okmulgee.
Q How long has she lived at Okmulgee? A I could not tell you.
Q Did she ever live anywhere else? A Yes.
Q Where? A Chickasaw Nation.
Q How long have you lived in the Creek Nation? A Why I could not tell you exactly.
Q About how long have you lived in the Creek Nation? A About 10 years I guess.
Q Where have you been during the last five years? A Fort Leavenworth, Kansas.
Q How long were you sentenced to Ft. Leavenworth? A Five years.
Q Where were you convicted? A Ardmore.

Clayton Bruner, ---2.

- Q Were you living in the Chickasaw Nation at that time? A No.
Q ~~Where were you living then? A In North Fork District.~~
Q What was your nearest post office then? A Wewoka.
Q Did you ever live in the Seminole Nation? A Yes.
Q How long did you live there? A I lived there about two years.
Q When did you live in the Seminole Nation? A In 1896 and '97.
Q Where was your home when you were sentenced to Ft. Leavenworth?
A North Fork District.
Q That is in the Creek Nation? A Yes, sir.
Q In what year was that? A In 1898.
Q You were living in the Creek Nation in 1898? A Yes, sir.
Q How long had you been living in the Creek Nation at that time?
A I have been in the Creek Nation 10 years altogether, that is
in the North Fork District.
Q Where did you live before you came to the Creek Nation? A In
the Chickasaw Nation.
Q Were you born in the Chickasaw Nation? A Yes, sir.
Q Did you ever claim any rights in the Chickasaw Nation? A No, sir.
Q Did you ever draw any money from the Chickasaw Nation? A No,
sir.
Q Did your father and mother live in the Chickasaw Nation? A Yes.
Q Were they ever recognized as citizens of the Chickasaw Nation? A
Not that I know of.
Q Did you ever draw any money from the Seminole Nation? A My fa-
ther did.
Q Have you ever been enrolled by the Commission as a Seminole? A
No, sir.
Q You never authorized any body by power of attorney to make appli-
cation for your enrollment in any Nation in Indian Territory?
A No, sir.
Q Did you ever have a power of attorney executed? A No, sir.
Q How long has your father been dead? A I could not say.
Q Is your mother living? A No, sir.
Q How long has she been dead? A I don't know.
Q Do you know about how long your parents have been dead? A No,
sir.
Q Did you ever see them? A Yes, sir.
Q How old were you when they died? A I don't know exactly.
Q About how old were you? A Well, to make a guess, I was about
13.
Q Where were you living when they died? A Chickasaw Nation.
Q Do you know whether the names of either your father or mother
appear upon the Dunn Roll? A No, sir, I don't know.
Q Do you know what the Dunn Roll is? A No, sir.

The roll of Creek Freedmen, made by J. W. Dunn prior to
March 14, 1867, examined, and the names of neither the father
or the mother of applicant found thereon.

- Q When did you first return to the Creek Nation from Ft. Leaven-
worth? A Sunday morning.
Q Did your sentence expire there on Saturday? A Yes, sir.
Q That was Saturday, the 28th? A Yes, sir.
Q Did you serve for five years at Fort Leavenworth? A No, sir.
Q How long did you serve? A Four years and 69 days.

John R. McBeth, being first duly sworn, testified as follows:

Examination by the Commission:

Clayton Bruner, ----3.

- Q What is your full name? A John R. McBeth.
Q What is your age? A Thirty-seven.
Q What is your post office address? A Muskogee, I. T.
Q Are you a citizen of the Creek Nation? A No, sir.
Q How long have you lived at Muskogee? A About 10 years.
Q Where did you live before you came to Muskogee? A Talequah.
Q Do you know the applicant here, Clayton Bruner? A Yes, sir.
Q How long have you known him? A About 6 or 7 years.
Q Where did you get acquainted with him? A I got acquainted with him here and at Okmulgee; also southeast of Okmulgee.
Q Did you know his father and mother? A Yes.
Q Where did you get acquainted with them? A I knew them here and at Okmulgee.
Q What was the name of Clayton's father? A Pare I guess.
Q What was the name of his mother? A I think it was Perlina or Selina; I am not certain.
Q Did you ever see her? A Yes.
Q Where were they living when you saw her? A I don't know, but I think they were living close to Holdenville.
Q Did you ever live at Holdenville? A No, sir.
Q How many times did you ever see Pearlina Bruner? A Well, I don't know.
Q Do you know how long ago she died? A I don't know that either, no, sir.
Q How do you know that she was the mother of Clayton Bruner? A Well I know that his father claims that he is his son; that Pearlina is his wife, and that is the only knowledge I have of them.
Q All you know about it then is what has been told you? A Well, yes, sir.
Q You positively identify Clayton Bruner as the son of Pare and Pearlina Bruner? A Yes, sir, this is the same boy I know.
Q Did you ever live in the Chickasaw Nation? A No, sir.
Q You home has been in Muskogee and Talequah for how many years? A About 22 or 23.
Q How did you happen to get acquainted with Clayton Bruner when he was living in the Chickasaw Nation? A Just by meeting him.
Q Where did you see him? A At Okmulgee and Muskogee.
Q Were you intimately acquainted with him? A No, sir, passing acquaintance.

Charity Bruner, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your full name? A Charity Bruner.
Q What is your age? A Twenty-six.
Q What is your post office address? A Muskogee, I. T.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know the applicant here, Clayton Bruner? A Yes, sir.
Q Is he any kin of yours? A Yes, sir, my brother.
Q Is he a full brother of yours? A Yes, sir.
Q Where has he been for the past five years? A At Ft. Leavenworth.
Q Where did he live before he went to Ft. Leavenworth? A He lived in the North Fork.
Q Is that in the Creek Nation? A Yes, sir.
Q Did you live with him? A Yes, sir. After my mother died, I kept the children and he lived with me.

Clayton Bruner, ---4.

- Q How long did he live there on the North Fork? A He lived there a good long while and then he ran off from me and went to his uncle's.
- Q What was his uncle's name? A Doran Bruner.
- Q Where did he live? A In the Seminole Nation.
- Q Did you ever live in the Chickasaw Nation? A Yes, sir.
- Q Did your brother live with you there? A Yes, and with my mother and father.
- Q Where was your brother convicted for the crime for which he was sentenced? A I think it was in Ardmore.
- Q He was living in the Chickasaw Nation at that time? A No, sir, he was living at North Fork.
- Q You have been enrolled by the Commission as a Creek citizen? A Yes, sir.

The records of the Commission examined and it appears therefrom that Charity Bruner is listed for enrollment as a citizen of the Creek Nation on Creek Indian card, field No. 1847.

Clayton Bruner re-called, and testified as follows:

Examination by the Commission:

- Q Is this the first time you ever made application for enrollment as a Creek citizen? A Yes, sir.
- Q Did you ever have any one make application for you? A No, sir.
- Q Have you ever been known by any other name except Clayton Bruner? A No, sir, no other name.
- Q Were you convicted under that name? A Yes, sir.
- Q Your name stands on the records at Ft. Leavenworth as Clayton Bruner? A Yes, sir.
- Q Where do you make your home now? A Why, I have not made no home yet.
- Q You intend to remain in the Creek Nation? A Yes, sir.
- Q Are there any other statements you desire to make at this time in regard to your application for enrollment as a Creek citizen? A No, sir.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for enrollment as a Creek Freedman, which will be mailed to you at your proper post office address.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings in the above entitled cause heard on the 2nd day of March, 1906, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

Subscribed and sworn to before me this 5th day of March, 1906.

R. B. Eisenberg
John H. Fisher
Notary Public

8810

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

In the matter of the application for the enrollment of Clayton Bruner as a citizen of the Creek Nation.


DECISION.

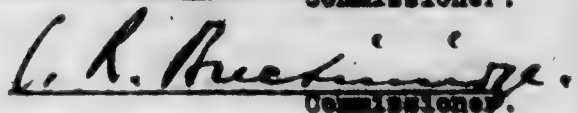
The record in this case shows that on March 2, 1903, Clayton Bruner appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek freedman.

The evidence shows that the said Clayton Bruner is identified on the 1890 authenticated tribal roll of the Creek Nation, and on the 1895 Pay Roll of said nation. The evidence further shows that the said Clayton Bruner had continuously resided in the Creek Nation for ten years next before the application herein.

It is therefore the opinion of this Commission that the said Clayton Bruner should be enrolled as a Creek freedman, under the provisions of the acts of Congress, June 25, 1898 (30 Stat., 498), and March 1, 1901 (31 Stat. L., 361), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this 18 day of April, 1903.

Copy.

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

-Creek En. 298-

In the matter of the application for enrollment of Clayton Bruner as a citizen of the Creek Nation.

PROTEST OF THE CREEK NATION.

The Act of Congress March 1st, 1901 (31 Stat.L., 861), among other things provides:

"Section 28. No person except as herein provided shall be added to the rolls of citizenship of said tribe after the date of this Agreement, and no person whomsoever, shall be added to said rolls after the ratification of this Agreement."

This Act was ratified May 25th, 1901. We interpret this Act to mean that this is a list of citizens to be made by the Commission to the Five Civilized Tribes, for a specific purpose, viz: dividing up the land in the Creek Nation, giving to each as are placed on said rolls, 160 acres and a share in the residue, and, those desiring to participate therein, must apply and be enrolled by the Commission in the time prescribed by the law above quoted. In other words, application is first necessary, time is the essence and the recognition by the Tribal Authorities or having otherwise complied with the law the necessary qualifications.

The Act of making these final rolls is not that of transcribing the names from one roll to another; if so, no application or evidence would be necessary, no time for the completion of the same required and such rolls would be made the conclusive evidence of all persons entitled and the matter would be simplified and easily determined. A separate and distinct object and interest is now aimed at and the former rolls are by the law only made the evidence and a necessary qualification. To hold, as in the George Ard case,

(in which it is decided the rolls are closed) that such would not be adding a name to the roll but placing the name of a citizen on the roll, is, as we view it, a distinction without a difference. Citizens, and citizens only, were placed on any roll of any character that was ever made in the Creek Nation. This is the only class of persons that is or ever has been dealt with and the only class or character of persons the Commission to the Five Civilized Tribes were ever authorized to enroll for any purpose. Therefore, no other class of persons except citizens are considered or referred to and none except a citizen could be placed on or added to the roll.

Webster's Unabridged Dictionary gives the definition of add, as "to set, to put, or join together;" the word place, as "to set, to put, to fix." Therefore if anything is placed, put, set or fixed to a roll that has been made or required to be made at a certain time, it has certainly been added, set, put or joined to it or together.

The reasonableness of our construction can readily be seen when we consider that a time must necessarily be fixed when these rolls were to be closed and in enacting this statute we believe that Congress not only intended but did so in plain and unmistakable language. We are still stronger in our conviction that such is the case when we read the proviso in Section 9 of the Supplemental Agreement, viz:

"Provided that the Dawes Commission be and is hereby authorized to add the following persons to the Creek Roll: Nar-wal-le-pe-se, Mary Washington, Walter Washington and Willie Washington, who are Creek Indians, but whose names were left off the roll through neglect on their part."

Now, what was the necessity for this specific legislation by Congress affecting these particular persons? The only reason that can be given therefor is, that Congress theretofore provided by Section 28 that "No person whomsoever" should be added to the rolls

after the ratification of the Agreement, to-wit, May 28th, 1901, and, their failing to apply prior to that time or perform those things required of them in fact, "through neglect on their part" they are precluded and this was the only manner by which the matter could be remedied. The rolls had been closed: not by the Honorable Secretary of the Interior, but by the highest authority of the land, the Congress of the United States. We do not believe that any tribunal or any executive body is clothed with the authority to contend or hold that Congress did not intend to do that which it did do: to do so is an equivalent to saying that Congress did not know what it was doing, therefore, not competent to deal with the situation, and, that those acting under and by the authority of that body, should take the matter in hand regardless of the restrictions or limitations and enroll those we saw fit, at any time we desire and hold the matter open indefinitely or until such time as we, in our judgment, think it ought to be terminated. To apply such a construction to all laws passed by Congress would place the United States in a sad predicament, and it would be high time to amend the Constitution and abolish that august body. The Constitution of the United States, in the first section of the first article, vests all legislative powers in Congress and it is the duty only of the executive officers to execute the same and the Creek nation does not believe that a statute of this nature should be subjected to a technical construction to meet the view of any one as to what they think the law ought to be and especially so with a law of such plain import as this. Indeed, we contend that no such authority is conferred upon any one nor that Congress ever intended that such a construction should be placed upon its enactments. To do so is not only to violate the spirit but its positive provisions as well.

"No person whomsoever, shall be added to said rolls after the ratification of this agreement." Could it be plainer? What language could Congress have used to better express its purpose? It is not directory but mandatory. It is plain and concise and we see no room for any contention and it being the law, it is obligatory and binding upon all and especially those whose duty it is to execute it. It should be enforced and obeyed, because it is the law. Neither is it necessary to discuss the intention of the law; the plain proposition now confronting us, is, WHAT HAS CONGRESS DONE? As before stated, since the ratification of the Agreement herein referred to, the Commission to the Five Civilized Tribes is not admitting any one to citizenship: they are only making up a roll of such persons (citizens of course) who desire to participate in the distribution by making application therefore. The evidence of such right is the recognition in some manner or by some method heretofore provided by Congress. The time was limited in which to get on this roll. Congress provided for a Supplemental Roll in the Supplemental Creek Agreement and with the proviso heretofore referred to. The roll was closed against all others or it certainly would have made provisions therein for just such cases as this. Congress having set a time for the closing of the rolls all things must be performed within that time, and no exemptions were intended and we believe, such being the case, the opinion of the Assistant Attorney General of June 8th, 1901, and citations therein will bear us out in this proposition or assertion.

We do not contend that the rolls must be completed within that time, that is, the manual work of writing up the roll, but that all applications for enrollment shall be made within the time required. The evidence discloses that this applicant has continuously resided in the Creek Nation ten years, next before March 2nd, 1903, the

date of his application. The requirements of the law are reasonable and plenty of time was given, the applicant having from April 1st, 1899 until May 25th, 1901, to comply and assert any right he might have had. He failed to do so or to offer any reasonable excuse for not doing so; he is not within the exempted class nor does he come within that class to be placed upon the Supplemental roll provided for.

To again sustain our contention in this matter, we respectfully submit that Congress knew what it was doing and found there would be a residue and provided as to what should be done with it and in what manner it should be disposed of and in this same Act as herein referred to. If they did not close the rolls, why was this provision inserted and why such a law? When is this latter clause to be carried into effect? If it is now held that the rolls were not closed at the time the law says they should be, then this latter statute is a nullity and cannot be enforced. It is clear to our minds that the rolls were closed on May 25th, 1901 and that thereafter the equalization, the disposition of the residue if you please, should then commence and the letter of the law be carried out. In the present condition of affairs the Commission to the Five Civilized Tribes cannot at any time proceed to the final distribution of this land as the law says it should do. We insist that the Department should declare that the rolls be and were closed on May 25th, 1901 and that the Commission be directed to execute the final provisions of the law.

It cannot be contended that the requirements of Congress shut any citizen out: it does not: by their own acts in not complying with the law they shut themselves out. Neither is it depriving any citizen of his property without due process of law; this statute gives

then their day in Court and they must appear and comply with the necessary requirements within the time prescribed, and failing, precludes them from thereafter asserting their claims.

In our judgment the applicant neglected to assert his rights if any he had, at the proper time. He has had his day in court. His remedy is the same as that of Har-wal-le-pe-se and the three Washingtons, through Congress and the National Council of the Creek Nation.

For the reason herein expressed the Creek Nation protests against the Commission to the Five Civilized Tribes enrolling Clayton Bruner as a Creek Freedman.

A. P. Murphy,

National Attorney, Muskogee Nation.

8743
Page 21-200-
Muskogee, Indian Territory, April 23, 1903.

A. F. Murphy,

National Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

On April 23, 1903, yours was received by the Commission a protest by you, as attorney for the Creek Nation, against the decision of the Commission, dated April 15, 1903, in the matter of the application of Clayton Bruner for enrollment as a Creek freedman, said decision being favorable to the applicant.

It does not appear that said protest has been served in person or by registered mail upon the applicant in the case, nor has a copy of said protest been filed with the Commission for delivery to said applicant.

Said protest is therefore herewith returned for such action in the premises as you may deem proper.

Respectfully,

Chairman

OGE-50.

COMMISSION TO FIVE TRIBES			
NO.	RECEIVED	ANSWERED	
		Book	Page
11925	APR 28 1903		
1903			

Murphy, A. P.,
Muskogee, I. T.,
April 28, 1903.

Encloses protest to be filed
in case of Clayton Bruner.

~~CONFIDENTIAL~~

MUSKOGEE NATION.
A. P. MURPHY.
NATIONAL ATTORNEY.

Muskogee, Indian Territory, April 28, 1903.

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

Gentlemen:

Creek En. 298, Clayton Bruner. I herewith return to you
the Protest to be filed in this case and not being in possession of
the name of the Attorney nor ^{address} of the allottee, I enclose herewith carbon
copy of the same.

Very truly,

A. P. Murphy.
National Attorney.

100

Washington, D.C., May 1, 1908.

The Secretary of the Interior.

There is herewith transmitted the record of proceedings had in connection with the application for the enrollment of Clayton Bruner as a Creek Freedman, including the decision of the Commission, dated April 18, 1908, and the protest of the Attorney for the Creek Nation against the enrollment of said Clayton Bruner.

Respectfully,

Chairman.

Commissioner of Indian Affairs.

H-2.

Ms. 900.

Muskogee, Indian Territory, May 2, 1908.

Clayton Bruner,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, and a copy of the protest of the Attorney for the Creek Nation against your enrollment.

The decision, the copy of the proceedings had in the case, and the protest of the Attorney for the Creek Nation, are this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Enc. N-1.

Register.

(COPY)

Refer in reply to
the following:
Land
29221--1903.

Department of the Interior.
Office of Indian Affairs.

Washington, July 7, 1903.

~~The Honorable, the Secretary of the Interior.~~

Sir:-

I have the honor to transmit herewith, a report from the Chairman of the Commission to the Five Civilized Tribes, dated May 2, 1903, forwarding the record relative to the application of Clayton Bruner for enrollment as a citizen of the Creek Nation.

April 18, 1903 the commission held that the applicant was entitled to enrollment. The Nation by its attorney protests against the applicant's enrollment.

The record in the case shows that Clayton Bruner's name appears upon the 1890 tribal roll and upon the tribal pay-roll of 1895. It shows that he has continuously resided in the Creek Nation 10 years next preceeding the date of his application.

From the record in the case the office is of the opinion that the commission's decision is correct and its approval is recommended.

In connection herewith attention is respectfully invited to office letter of even date transmitting the record relative to the application of Betty Higginbottom for enrollment as a Creek freedman. The position taken by the attorney for the Nation in this case is identical with his position in the Higginbottom case, and as the

is fully discussed and the views of this office set forth in detail in that case, it is thought unnecessary to restate them here.

Very respectfully,

W. A. Jones

Commissioner.

S.A.W.(H.)

DEPARTMENT OF THE INTERIOR

I.T.D. 5448-1903.

Washington,

312
JCH

L.R.S.

September 26, 1903.

Commission to the Five Civilized Tribes

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application of Clayton Bruner for enrollment as a Creek freedman, received with your letter of May 2, 1903. ▲

It appears that Bruner is identified on the 1890 authenticated roll of said Nation and on the 1895 pay roll of said nation; that he has continuously resided in the Creek Nation for ten years next preceding the application in this case, which was made March 2, 1903.

April 18, 1903, referring to Section 21 of the act of June 28, 1898 (30 Stat., 495), and the act of March 1, 1901 (31 Stat., 861), you rendered your decision, holding that the party was entitled to be enrolled as a Creek freedman.

The Nation protests against your decision, referring to Section 28 of said act of March 1, 1901, which provides that "No person, except as herein provided, shall be added to the rolls of citizenship of said tribe after the date of this agreement, and no person whomsoever shall be added to said rolls after the ratification of this agreement", which agreement was ratified May 25, 1901.

Reporting in the matter July 7, 1903, the Commissioner of Indian Affairs recommends that your decision be concurred in.

In accordance with the decision of the Department of even date
in the case of Battis Higginbottom, your decision is hereby affirmed.
A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, October 14, 1905.

A. F. Brewer,

Agency for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are advised that the Secretary of the Interior under date of September 25, 1905, affirmed the decision of the Commission, dated April 18, 1905, granting the application made by Clayton Brewer for enrollment as a Creek Freedman.

Respectfully,

Commissioner in Charge.

COMMISSIONERS:
TAMM DIXBY,
THOMAS B. HENNING,
C. R. BRIDGEMAN,
W. E. STANLEY.

ALLISON L. AYLERWORTH,
SECRETARY.

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

REPLY IN REPLY TO THE FOLLOWING
Gr. No. 100.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 14, 1903.

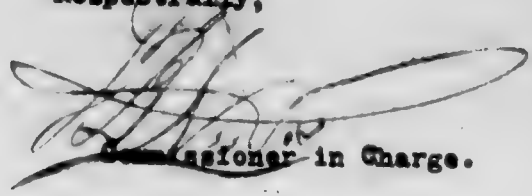
Clayton Bruner,
Muskogee, Indian Territory.

Dear Sir:

You are advised that the Secretary of the Interior under date of September 25, 1903, affirmed the decision of the Commission to the Five Civilized Tribes, dated April 18, 1903, granting the application made by you for enrollment as a Creek Freedman.

You are further advised that you will be permitted to make application for a selection of land in the Creek Nation upon your personal appearance at the office of the Commission in Muskogee, Indian Territory.

Respectfully,



Commissioner in Charge.

Registered.

of the

of 299

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. March 2, 1908.

In the matter of the application of Charity Bruner for the enrollment of her brother, Craven Bruner, as a Creek Indian.

Charity Bruner, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your full name? A Charity Bruner.
Q What is your age? A About 26.
Q What is your post office address? A Muskogee, Indian Territory.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town in the Creek Nation do you belong? A North Fork.

The records of the Commission examined, and it appears therefrom that Charity Bruner is listed for enrollment as a citizen of the Creek Nation on Creek Enrollment card, Field No. 1847.

- Q For whom do you now make application for enrollment? A Craven Bruner.
Q Is Craven Bruner now living? A Yes, sir.
Q How old is he? A 12 years old.
Q Is he any kin of your's? A Brother of mine.
Q Is he a full brother of your's? A Yes, sir.
Q To what town in the Creek Nation does Craven Bruner belong? A He belongs to North Fork.
Q What is the name of his father? A Paro Bruner.
Q Is his father living? A No.
Q Was he a citizen of the Creek Nation? A No, sir. He was a Seminole.
Q How long has Paro been dead? A I don't know exactly how long; I think it was in 1891.
Q What is the name of Craven's mother? A Pearlina Bruner.
Q Is she living? A No, sir.
Q Was she a citizen of the Creek Nation? A Yes, sir.
Q To what town in the Creek Nation did she belong? A North Fork.
Q Is your brother, Craven Bruner, a recognized citizen of the Creek Nation? A Yes, sir.
Q Does his name appear upon the Creek tribal rolls? A Yes, sir.
Q Was he ever known by any other name except Craven? A They called him Joe.
Q How did he get the names of both Joe and Craven? A I don't know how he got them.

1890 authenticated tribal roll of the Creek Nation, North Fork colored town, examined, and the name of Craven Bruner is found and identified thereon at page 155.

The 1895 pay roll of the Creek Nation, North Fork colored town, examined and the name of Craven Bruner found and identified thereon as Joe Bruner, as No. 110.

Charity Bruner----2.

The 1895 authenticated tribal roll of the Creek Nation, North Fork colored town, examined, and the name of Craven Bruner found and identified thereon as Joe Bruner.

It also appears from an examination of the 1895 authenticated tribal roll of the Creek Nation, North Fork colored town, that there is written by pencil over the name of Joe the word "Claven."

- Q Where does Joe Bruner live? A He is living with my grandmother in the Seminole Nation.
- Q How long has he been living with his grandmother? A About two years.
- Q Where did he live before he went to live with her? A He lived with me in the Creek Nation.
- Q How long did he live with you? A He has been living with me ever since mama and papa is dead.
- Q Has your brother, Craven Bruner, ever been enrolled as a Seminole? A No.
- Q Were you ever enrolled as a Seminole? A No.
- Q Was your brother, Craven Bruner, ever enrolled as a Chickasaw? A No.
- Q Did he ever live in the Chickasaw Nation? A Yes.
- Q How long did he live in the Chickasaw Nation? A He was born there; I don't know how long he lived there.
- Q How long did he live with you in the Creek Nation on the North Fork? A About 6 or 7 years, I guess.
- Q Then he was living in the Chickasaw Nation before he came to the Creek Nation? A Yes, mother and father lived there.
- Q Was your brother, Craven Bruner, ever known by any other name except Joe and Craven? A No, sir.
- Q Is there any other statement you desire to make at this time in regard to the application you make for the enrollment of your brother, Craven Bruner, as a Creek Freedman? A No, sir.

You will be furnished at a later date with copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your brother, Craven Bruner, as a Creek Freedman, which will be mailed to you at your proper post office address.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause on the 2nd day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 5th day of March, 1903.

John G. Fieber

Notary Public.

889

Creek En. 299.

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

In the matter of the application for the enrollment of
Craven Bruner as a Creek freedman.

DECISION.


The record in this case shows that on March 2, 1903,
Charity Bruner appeared before the Commission at Muskogee, Indian
Territory, and made application for the enrollment of her minor
son, Craven Bruner, as a Creek freedman.


The evidence shows that Craven Bruner is identified on
the 1890 authenticated tribal roll of the Creek Nation and on the
1898 pay roll of said nation.


The evidence further shows that at the date of the appli-
cation herein the said Craven Bruner had continuously resided in
the Seminole Nation for two years, and that immediately prior to
said two years he had continuously resided in the Creek Nation for
six or seven years.


It is, therefore, the opinion of this Commission that
said Craven Bruner should be enrolled as a Creek freedman in ac-
cordance with the provisions of the acts of Congress, June 26,
1898 (30 Stat., 495) and March 1, 1901 (31 Stat., 861), and it is
so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

OCT 22 1903

280

Cr. No. 299.

Muskogee, Indian Territory, October 23, 1908.

A. P. Murphy,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith one copy of the decision of the Commission in the matter of the application for the enrollment of Craven Bruner as a Creek Freedman.

The Creek Nation will be allowed twenty days from the date hereof within which to protest against said decision.

Respectfully,

Commissioner in Charge.

Enc. NON-a.

Cr. No. 299.

Muskogee, Indian Territory, November 18, 1906.

Charity Bruner,

Muskogee, Indian Territory.

Dear Madam:

In the matter of the application made by you for the enrollment of your minor brother, Craven Bruner, as a Creek Freedman, you are advised that said Craven Bruner has been regularly listed for enrollment as a Creek Freedman.

You are further advised that the duly appointed guardian of said Craven Bruner will be permitted to make application for a selection of land for him in the Creek Nation.

Respectfully,

Chairman.

808

THOMAS H. BROWN,
Treasurer,
S. A. BROWN,
W. B. STANLEY.

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

REFER IN REPLY TO THE FOLLOWING
Cr. No. 896

ALLISON L. AVENUE,
Secretary.

ADDRESS ONLY THE

Muskogee, Indian Territory, November 19, 1905

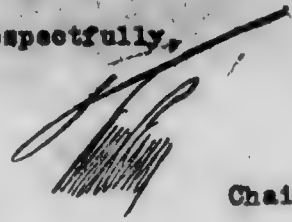
Charity Bruner,
Muskogee, Indian Territory.

Dear Madam:

In the matter of the application made by you for the enrollment of your minor brother, Craven Bruner, as a Creek Freedman, you are advised that said Craven Bruner has been regularly listed for enrollment as a Creek Freedman.

You are further advised that the duly appointed guardian of said Craven Bruner will be permitted to make application for a selection of land for him in the Creek Nation.

Respectfully,



Chairman.

210
No. 299.

Muskogee, Indian Territory, May 31, 1904.

Charity Bruner,

Muskogee, Indian Territory.

Dear Madam:

You are advised that the name of your minor brother, Craven Bruner, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior May 21, 1904. It appears that the parents of said Craven Bruner are dead and you are advised that application for a selection of land in the Creek Nation may now be made by his legal representative at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, March
6th, 1908.

In the matter of the application of Wynie Harjo for the enrollment of her minor child, Millie Bruner, as a citizen by blood of the Creek Nation.

Wynie Harjo, being first duly sworn, testified through official interpreter, J. H. Lynch, as follows:

Examination by the Commission:

- Q What is your full name? A Wynie Harjo.
Q What is your age? A Twenty-three years, or about.
Q What is your post office address? A Yeager, Indian Territory.
Q Are you a citizen of the Creek Nation? A Yes.
Q Have you filed on your allotment in the Creek Nation? A Yes, sir.
Q To what town in the Creek Nation do you belong? A Tuckabatchee.
Q What is the name of your mother? A Annie Yargee.

The records of the Commission examined and it appears therefrom that Wynie Harjo is listed for enrollment as a citizen on Creek Indian Card, Field No. 1682, as Wynie Yargee.

- Q Have you ever been recognized by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Does your name appear upon the Creek tribal rolls? A Yes, sir.

1890 authenticated tribal rolls of the Creek Nation, Tuckabatchee town, examined, and the name of Wynie Harjo is found and identified thereon as Woney, at page 252.

The 1895 pay roll of the Creek Nation, Tuckabatchee town, examined and the name of Wynie Harjo is found and identified thereon at No. 154 as Woney Yargee.

- Q For whom do you now make application for enrollment? A Millie Bruner.
Q Is Millie now living? A She is dead.
Q How old was she when she died? A I don't know exactly; she was beginning to walk.
Q When was Millie Bruner born? A 28th of July.
Q In what year? A Three years ago.
Q When did she die? A Two years ago.
Q Do you know what day of the month and year she died? A 6th day of June.
Q And the year? A Going on two years ago.
Q What is the name of the father of Millie Bruner? A Miller Bruner.
Q Is he living? A Yes.
Q Is he a citizen of the Creek Nation? A Yes.
Q Does his name appear upon the Creek tribal rolls? A Yes, sir.

The 1890 and 1895 tribal rolls of the Creek Nation, examined and the name of Miller Bruner is found and identified on both of said rolls.

- Q Has he been enrolled as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Miller Bruner is listed for enrollment as a citizen of the Creek Nation on Creek Indian Card, Field No. 1824.

Wynie Harjo, ----E.

- Q Are you married to Miller Bruner? A Not now; I was, but not now.
- Q Is Miller Bruner married? A Yes.
- Q What is the name of his wife? A Lisa Bruner.
- Q How long has he been married to Lisa Bruner? A I don't know.
- Q Are you married now? A Yes, sir.
- Q What is the name of your husband? A Toney Harjo.
- Q Is he now living? A Yes, sir.
- Q Do you live with him? A Yes.
- Q How long have you been married to Toney Harjo? A About two years.
- Q Were you married to Toney Harjo when Millie Bruner was born? A The child was born before me and Toney was married.
- Q Were you living with Toney Harjo when Millie Bruner was born? A No.
- Q Was Miller Bruner living with Lisa Bruner when Millie was born? A This child was born before Miller and Lisa was married. This child was born after Miller Bruner and we separated.
- Q Did you file on your allotment in the Creek Nation yourself? A My brother, George, filed for me.
- Q Was this child, Millie, born before or after your brother George filed on your allotment? A After he filed.
- Q About how long after George filed on your allotment? A About a year.
- Q Did you, or did any one, purchase a coffin for Millie Bruner? A Miller Bruner bought the lumber and had a coffin made.
- Q Do you know where Miller Bruner bought the lumber? A He bought it at Holdenville; bought it from a lumber man in Holdenville.
- Q Did you have a funeral? A No.
- Q Where was the child buried? A Right near my house.
- Q Is that near Holdenville? A About four miles from Holdenville.
- Q In what direction from Holdenville? A South

Annie Yargee, being first duly sworn, testified through official interpreter, J. H. Lynch, as follows:

Examination by the Commission:

- Q What is your full name? A Annie Yargee.
- Q What is your age? A I don't know my exact age.
- Q About how old are you? A I don't know.

The records of the Commission examined and it appears therefrom that Annie Yargee's age is given as 45 on February 27, 1900.

- Q Do you know Wynie Harjo, who makes application for the enrollment of Millie Bruner? A Yes, sir.
- Q Is she any kin of yours? A My daughter.
- Q Did she have a child by the name of Millie Bruner? A Yes.
- Q Is Millie Bruner now living? A No; she is dead.
- Q Do you know when she died? A She died in June.
- Q In what year? A Going on two years ago.
- Q Was she able to walk? A Yes.
- Q When was Millie Bruner born? A In July.
- Q In what year? A Going on three years.
- Q Did you file on your allotment in the Creek Nation? A Yes. I got a power of attorney and had my son, George Yargee, file on it.
- Q Was Millie born before or after you gave the power of attorney to your son George to file on your allotment? A After.
- Q Do you recollect about how long after? A Between one and two years.
- Q Are you a citizen of the Creek Nation? A Yes.
- Q Are you a full blood Creek Indian? A Yes.

Wynie Harjo, - - - - -

Miller Bruner, being first duly sworn, testified through official interpreter, J. H. Lynch, as follows:

Examination by the Commission:

- Q What is your full name? A Miller Bruner.
Q What is your age? A About 37.
Q What is your post office address? A Holdenville.
Q Do you know Wynie Harjo? A Yes.
Q Were you ever married to Wynie Harjo? A Yes.
Q How long did you live with her? A About a year.
Q Did she have a child while you were living with her? A She had a child after we separated.
Q How long after you separated did she have a child? A I think about a year.
Q What was the name of that child? A Millie Bruner.
Q Were you the father of that child? A Yes.
Q Is Millie now living? A She is dead.
Q When did she die? A 6th day of June, 1901.
Q When was she born? A 28th day of July, 1900.
Q How old was she when she died? A About a year old.
Q Are you married now? A Yes.
Q What is the name of your wife? A Lisa.
Q Were you married to Lisa Bruner when Millie Bruner was born? A I was married to Lisa Bruner before Millie Bruner was born.
Q How long before? A About six months.
Q Do you recollect when you filed on your allotment in the Creek Nation? A Yes.
Q Were you married to Lisa Bruner at that time? A Yes.
Q About how long had you been married to her at that time? A About a year.

Records of the Commission examined and it appears therefrom that Miller Bruner selected allotment of land for himself and his wife, Lisa Bruner, on February 3, 1900.

- Q Do you recollect how long after you had filed on your allotment that Millie Bruner was born? A About three months.
Q Did you purchase any coffin or burial material for Millie Bruner? A Yes, I bought the lumber and made a coffin.
Q Of whom did you buy the lumber? A G. W. Hoffman, at Holdenville.
Q Did you have a funeral when Millie Bruner was buried? A No.
Q Were you present when Millie died? A No I was not there when she died. I was there when we attended to her burial.

Wynie Harjo recalled and testified through official interpreter, J. H. Lynch, as follows:

Examination by the Commission:

- Q Have you filed with the Commission birth and death affidavits in the matter of the application for the enrollment of Millie Bruner as a Creek citizen? A Yes.
Q Are there any other statements you desire to make at this time in the application for the enrollment of your deceased daughter, Millie Bruner? A No.

See Harjo, ---4.

The records of this Commission examined and it is found therefrom that death affidavit in the matter of the application for the enrollment of Millie Bruner was filed March 2, 1903, and birth affidavit in the same case was filed March 3, 1903, which affidavits are marked Exhibits "A" and "B" and made a part of the record in this case.

You will be notified at a later date of the decision of the Commission in the matter of the application you make today for the enrollment of Millie Bruner as a Creek citizen, which will be mailed to you at your proper post office address.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause on the 5th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

Subscribed and sworn to before me this 9th day of March, 1903.

Wheat

R. B. Eisenberg

Edward Merritt
Notary Public.

Mullie Brunner

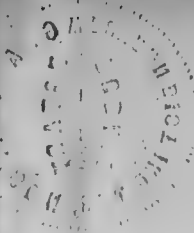
Exhibit "A"

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

FILED

March 2, 1903

[Signature]
ACTING CHAIRMAN



Department of the Interior.

Commissioner to the Five Civilized Tribes.

In the matter of the death of Willie Bruner
a citizen of the Creek Nation, who formerly resided at or near
Yugon Ind. Ter., and died on the 26 day of
June, 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western DISTRICT }

I, Wynnie Harps, on oath state that I am 23
years of age and a citizen, by birth, of the Creek Nation;
that my post office address is Yugon, Ind. Ter.; that I am
Mother of Willie Bruner,
who was a citizen, by birth, of the Creek Nation,
and that said Willie Bruner died on the 6 day of
June, 1901.

Witnesses to Mark:

(Must be two witnesses)

Tom House
George Yager

Wynnie Harps
marks

Subscribed and sworn to before me this 27 day of Feb, 1903

My Commission expires 1/5 1906

J. H. Dawson
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western DISTRICT }

I, Henry Yaholah, on oath state that I am 24
years of age, and a citizen, by birth, of the Creek Nation;
that my post office address is Yugon, Ind. Ter. ;
that I was personally acquainted with Willie Bruner,
who was a citizen, by birth, of the Creek Nation;
and that said Willie Bruner died on the 6 day of
June, 1901.

Witnesses to Mark:

(Must be two witnesses)

Tom House
George Yager

Henry Yaholah
marks

Subscribed and sworn to before me this 27 day of Feb, 1903

My Commission expires 1/5 1906

J. H. Dawson
Notary Public.

Creek No. 303.

Muskogee, Indian Territory, March 12, 1903.

Arthur P. Murphy,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that on March 6, 1903, Wynie Harjo, whose post office is given as Yeager, Indian Territory, appeared before the Commission and made application for the enrollment of her deceased minor child, Millie Bruner, as a citizen by blood of the Creek Nation.

You are further advised that the name of the mother of said Millie Bruner is included in a partial roll of Creek citizens by blood approved by the Secretary of the Interior, March 28, 1902.

From affidavits on file with the Commission, it appears that said Millie Bruner was born July 28, 1900, and died June 5, 1901, but the record in the case is such that the Commission is not satisfied as to the right of said child to enrollment.

You are hereby notified that the Creek Nation will be given a reasonable time within which to introduce such evidence as it may desire.

Respectfully,

Chairman.

No. 300

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

In the matter of the application for the enrollment of Millie Bruner, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N .


The record in this case shows that on March 6, 1903, Wynie Harjo appeared before the Commission and made application for the enrollment of her deceased minor child, Millie Bruner, as a citizen by blood of the Creek Nation.

The evidence shows that said Millie Bruner was born July 28, 1900, and died June 6, 1901.

The evidence further shows that said Millie Bruner was the child of Miller Bruner and Wynie Harjo, and the records of the Commission show that Miller Bruner and Wynie Harjo are identified on the partial list of Creek citizens by blood approved by the Secretary of the Interior March 28, 1902, numbers 4893 and 5393, respectively.

It is, therefore, the opinion of this Commission that Millie Bruner, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

MAR 14 1904

2812
In 200.

Muskogee, Indian Territory, March 15, 1904.

A. P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Millie Bruner as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Millie Bruner will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

NGW-5-15-16.

8813

L. 4680

Muskogee, Indian Territory, May 28, 1904.

Wynie Harjo,
Yeager, Indian Territory.

Dear Madam:

You are advised that the name of your minor child, Millie Bruner, deceased, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior May 21, 1904, and that application for a selection of land in the Creek Nation to said child may now be made by an heir at the office of the Commission at Muskogee, Indian Territory.

Respectfully,

Chairman.

IN RE

Application for Enrollment of
INFANT CHILD

Willie Dresser

as a citizen of the

Creek Nation.

Approved _____ 190

Commissioner.

Exhibit "B"

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIELD
FILMS

ASST. CHAIRMAN

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Millie Bruner, born on the 28th day of July, 1902
(Here insert name of child.)
Name of Father: Miller Bruner, a citizen of the Creek Nation.
Name of Mother: Myrie Hargo, a citizen of the Creek Nation.
Post-Office: Yager, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY.
Western District. }

I, Myrie Hargo, on oath state that I am 28
years of age and a citizen, by blood, of the Creek Nation;
that I am the lawful wife of Miller Bruner, who is a citizen, by
blood, of the Creek Nation, ~~that a female~~ female child was
(Male or female.)
born to me on the 28th day of July, 1902; that said child has been
named Millie Bruner and died June 6th 1901, and is not living.

WITNESSED TO MAKE:

(Must be Two Witnesses.)

W. F. Angell
J. Lynch

Myrie x Hargo
mark

Subscribed and sworn to before me this 6th day of March, 1903.

John L. Tieber
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY.
Western District. }

I, Annie Gargoe, a midwife, on oath state that I
attended on Myrie Hargo, wife of _____
on the 28th day of July, 1902; that there was born to her on said
date a female child; that said child died June 6th 1901 and is said to have been
(Male or female.)
named Millie Bruner.

WITNESSED TO MAKE:

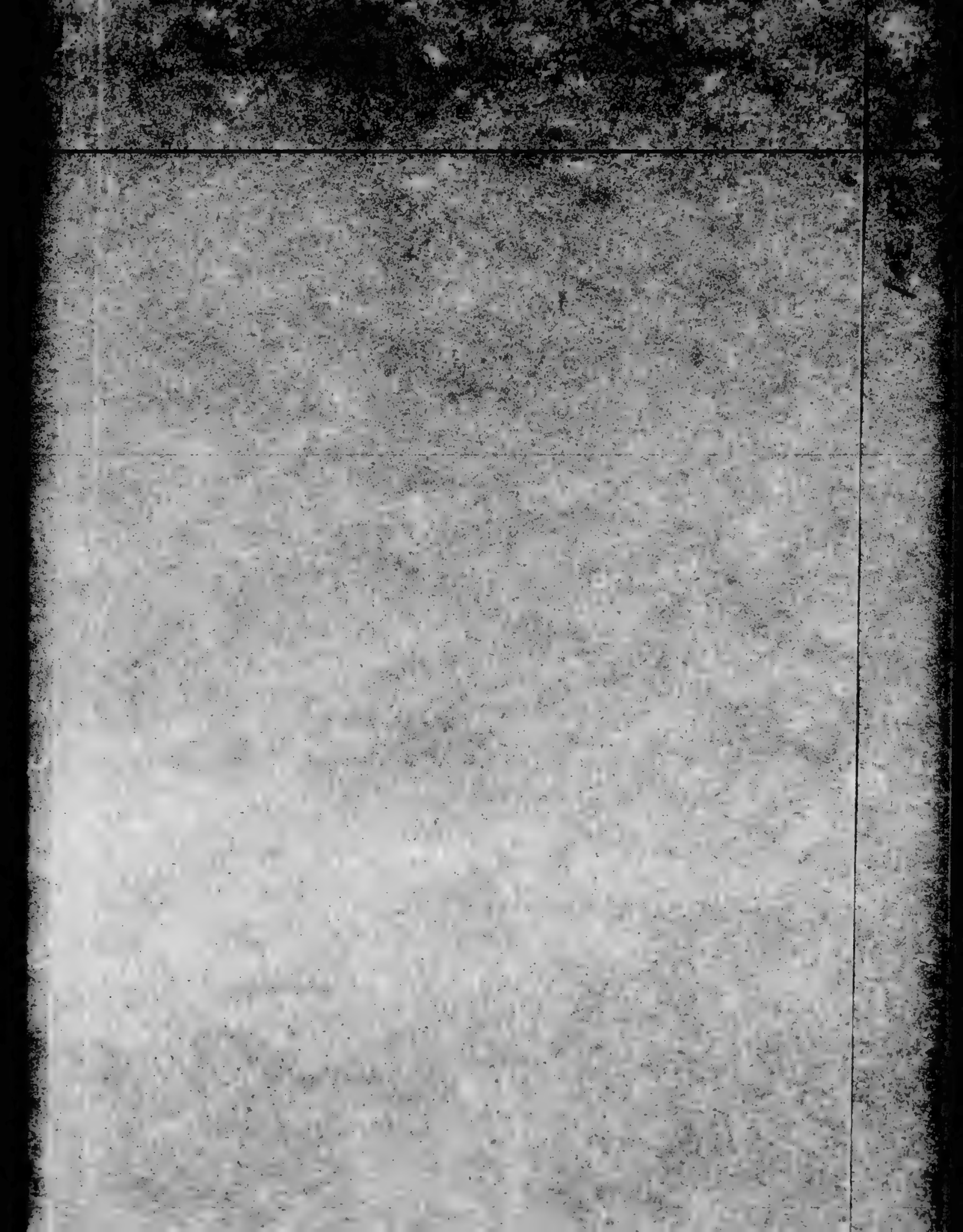
(Must be Two Witnesses.)

W. F. Angell
J. Lynch

Annie x Gargoe
mark

Subscribed and sworn to before me this 6th day of March, 1903.

John L. Tieber
Notary Public.



DEPARTMENT OF THE INTERIOR
COMMISSIONERS OF THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, May 22, 1890.

In the matter of the application of Dan Manuel for enrollment
as a citizen by adoption of the Creek Nation.

William E. Crockett being first duly sworn testified as follows:

- Q What is your name? A William E. Crockett.
Q What is your postoffice address? A Muskogee, Indian Territory.
Q Are you a citizen of the United States? A Yes sir.
Q What is your age? A 34 years.
Q Do you know Dan Manuel? A Yes sir I know him. I have a power
of attorney to represent him.
Q Your purpose is to represent Manuel by power of attorney? A Yes.
Q Where is Dan Manuel? A He is in the United States prison at
Leavenworth, Kansas, for robbery.
Q Is he a citizen of the Creek Nation? A Yes, he regards him self
to be, and I find his name on the rolls.
Q Do you know how old he is? A I would have to guess at that; I
think he is about 30 or 35.
Q What is his father's name? A William--I state that from informa-
tion.
Q What is his mother's name? A I don't know.
Q Has Dan Manuel been recognized by the tribal authorities as a
citizen of the Creek Nation? A He has, I understand.
Q Is his name on the tribal rolls of the Creek Nation?
A Yes sir.
Q What town does he belong to? A Canadian Colored.

Tom Manuel being first duly sworn testified as follows:

- Q What is your name? A Tom Manuel.
Q How old are you? A 33 last March.
Q What is your postoffice address? A Muskogee, I. T.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Do you know Dan Manuel? A Yes sir.
Q Is he a relation of yours? A Yes sir.
Q What relation? A First cousin.
Q Do you know where he is now? A Yes, in prison at Ft. Leaven-
worth, Kansas.
Q How old is he? A About 25 to 27.
Q How long has he lived in the Creek nation? A All his life.
Q Was he sent to Leavenworth from here? A Yes, from Muskogee.
Q About when? A It was about last spring sometime--little over
a year ago.
Q Do you know the name of Dan's mother? A Yes sir--William Mc-
Gilbra or William Manuel.
Q Was he a Creek citizen? A Yes sir.
Q What is his mother's name? A Rose McGilbra.
Q Is she a Creek citizen? A Yes sir.
Q Is her name on the Dunn roll? A Yes sir.
Q Under what name is she on the Dunn roll? A Rose McGilbra.
Authenticated roll for the Canadian Colored town for
the year 1890 examined and the name of Dan Manuel

Authenticated roll for Canadian Colored town for the
year 1890 examined and the name of Dan Manuel

Roll of Creek freedmen made by Major Dunn in 1867
examined and the name of Rose McGilbra

THE UNIVERSITY OF CHICAGO PRESS

THE UNIVERSITY OF CHICAGO PRESS

Gabriel F. Haber
Professor of Mathematics

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmulgee, Indian Territory, May 24, 1901.

In the matter of the application of Dan Manuel for enrollment as a citizen by adoption of the Creek Nation.

William M. Gravens, being first duly sworn, testified as follows:

Examination by Acting Chairman Bixby:

- Q What is your name? A William M. Gravens.
Q What is your postoffice address? A Muskogee, Indian Territory.
Q Are you a citizen of the United States? A Yes sir.
Q What is your age? A 38 years.
Q Do you know Dan Manuel? A Yes sir, I know him. I have a power of attorney to represent him.
Q Your purpose is to represent Manuel by power of attorney? A Yes.
Q Where is Manuel? A He is in the United States prison at Leavenworth, Kansas, for larceny.
Q Is he a citizen of the Creek nation? A Yes, he reports himself to be, and I find his name on the rolls.
Q Do you know how old he is? A I would have to guess at that; I think he is about 25 or 30.
Q What is his father's name? A William-- I state that from information.
Q What is his mother's name? A I don't know.
Q Has Dan Manuel been recognized by the tribal authorities as a citizen of the Creek nation? A He has, I understand.
Q Is his name on the tribal rolls of the Creek nation? A Yes sir.
Q What town does he belong to? A Canadian colored.

-----o-----
Tom Manuel, being first duly sworn testified as follows:

Examination by Chairman Bixby:

- Q What is your name? A Tom Manuel.
Q How old are you? A 39 last March.
Q What is your post office address? A Muskogee, I. T.
Q Are you a citizen of the Creek nation? A Yes sir.
Q Do you know Dan Manuel? A Yes sir.
Q Is he a relation of yours? A Yes sir.
Q What relation? A First cousin.
Q Do you know where he is now? A Yes, in prison at Ft. Leavenworth, Kansas.
Q How old is he? A About 25 to 27.
Q How long has he lived in the Creek nation? A All his life.
Q Was he sent to Leavenworth from here? A Yes, from Muskogee.
Q About when? A It was about last spring sometime--little over a year ago.
Q Do you know the name of Dan's father? A Yes sir-- William McGillbra or William Manuel.
Q Was he a Creek citizen? A Yes sir.
Q What was his mother's name? A Rose McGillbra.
Q Is she a Creek citizen? A Yes sir.
Q Is her name on the Dunn roll? A Yes sir.
Q Under what name is she on the Dunn roll? A Rose McGillbra.

Daniel Manuel.

Authenticated roll for Canadian Colored Town for the year 1890 examined and the name of Dan Manuel not found thereon.

The 1895 Pay roll of the Creek Nation, Canadian Town, examined, and the name of Daniel Manuel is found thereon at No. 1806.

The roll of Creek Freedmen made by Major J. V. Dunn prior to 1897, March 14, 1897, examined, and the name of William McIlbray is found there at No. 1847.

Frances R. Brown, being first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full the proceedings had in the above entitled cause on the 24th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this May 24, 1901.

John H. Fisher
Notary Public.

Hand

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Ind. Ter., February 2, 1903.

In the matter of the application of Maxie Manuel, under Power of Attorney, for the enrollment of his half brother, Daniel Manuel, as a Creek freedman.

Maxie Manuel, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Maxie Manuel.
Q What is your age? A Twenty-one.
Q What is your post office address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q For whom do you now make application for enrollment?
A For Daniel Manuel.
Q How do you represent Daniel Manuel? A By power of attorney.
Q Have you a power of attorney with you? A I filed a power of attorney here sometime ago.

The records of the Commission examined and it appears therefrom that power of attorney from Daniel Manuel, authorizing Max Manuel to appear before the Commission and make application for his allotment of land in the Creek Nation has heretofore been filed with the Commission, which is marked Exhibit "A" and made a part of the record.

- Q Are you any kin to Daniel Manuel? A I am his brother.
Q Are you a full brother? A A half brother just.
Q Is Daniel Manuel a recognized citizen of the Creek Nation?
A Yes, sir.
Q Has he ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes, sir.
Q Does his name appear upon the Creek tribal rolls? A I suppose so; he drew the money from the payments.
Q To what town in the Creek Nation does Daniel Manuel belong?
A Canadian Town.

The 1890 authenticated tribal rolls of the Creek Nation, Canadian Town, examined, and the name of Daniel Manuel not found thereon.

The 1891 Omitted Roll of the Creek Nation, Canadian Town, examined, and the name of Daniel Manuel not found thereon.

The 1895 Pay Roll of the Creek Nation, Canadian Town, examined, and the name of Daniel Manuel is found thereon at No. 1208.

- Q About how old is Daniel Manuel now? A About twenty-eight.
Q Is he now living? A Yes, sir.
Q What is the name of his father? A William McGillbray.
Q Is William McGillbray now living? A No, sir; he is dead.
Q Is that the only name that William McGillbray ever had? A William Manuel.
Q How did he get the name of McGillbray? A That was his master's name.

2. Daniel Manuel.

Marie Manuel, witness.

Examination by the Commission.

Q Is William McGillbray a recognized citizen of the Creek Nation?

A Yes, sir.

Q To what town in the Creek Nation does he belong? A Canadian.

Q Does his name appear upon the Creek tribal rolls? A Yes, sir.

Q Does his name appear upon the Dunn Roll? A Yes, sir.

The roll of Creek freedmen made by Major J. W. Dunn prior to March 14, 1867, is found and identified therein as Wm. McGillbray, at No. 1547.

The 1890 authenticated tribal roll of the Creek Nation, Canadian Colored Town, examined, and the name of William McGillbray is found and identified therein as "William McGillbra", at page 54.

The 1895 Pay Roll of the Creek Nation, Canadian Colored Town, examined, and the name of William McGillbray is found and identified therein as "William Manuel", at No. 216.

Q What is the name of the mother of Daniel Manuel? A Rose Jackson.

Q Did she have any other name? A Rose McGillbray.

Q Is she now living? A No, sir.

Q How long has she been dead? A She has been dead quite a while, I guess before I was born.

Q Was she a recognized citizen of the Creek Nation? A Yes, sir.

Q To what town in the Creek Nation did she belong?

A Canadian Town.

Q Does her name appear upon the Creek tribal rolls?

A I don't know.

Q Does her name appear upon the Dunn Roll? A I don't know that either.

Q Did she have any brothers and sisters? A Yes, sir.

Q What are their names? A Green McGillbray, York McGillbray, Lima McGillbray and Phillis McGillbray.

Q Your mother died before the payment was made in 1890, did she not?

A Yes, sir.

Q She is also the mother of Daniel Manuel? A Yes, sir.

The roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867, examined, and the name of Rose McGillbray is found and identified therein at No. 1252.

Q Where is Daniel Manuel? A He is in the Fort Leavenworth penitentiary?

Q How long has he been at Fort Leavenworth? A He has been there about three years, I guess, as near as I can get at it. I states somewhere in the power of attorney.

Q Did he reside in the Creek Nation before he was sentenced to the penitentiary at Fort Leavenworth? A Yes, sir.

Q Was he convicted of some crime which he did in the Creek Nation? A Yes, sir.

Q Where was he convicted? A At Muskogee, I think.

Q How long did he reside in the Creek Nation? A All his life until he was taken to the pen.

Q He never resided outside of the Creek Nation? A No, sir.

Q How do you know that Dan Manuel is the son of Rose McGillbray?

A Well that is what he states, and his father also states it.

Q When did William McGillbray, his father, die? A Died in the year of 1898.

Q Did he ever tell you that Daniel Manuel was his son? A Yes, sir.

Q Did he ever tell you that Rose McGillbray was the mother of Daniel? A Yes, sir.

3 Daniel Manuel.

Maxie Manuel, witness.

Q All you know about it is what your father and mother told you? A

A Yes, sir.

Q Is Daniel Manuel married? A No, sir; he is not.

Q Has he ever been married? A No, sir.

JOE HOWARD, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your full name? A Joe Howard.

Q What is your age? A About fifty-six years old--about sixty, I guess.

Q What is your post office address? A Tallahassee.

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

Q Do you know Daniel Manuel, for whom his half brother, Maxie Manuel, makes application for enrollment? A Yes, sir.

Q Do you know Maxie Manuel, here (Pointing to applicant herein)?

A Yes, sir.

Q How long have you known Daniel Manuel? A Well, from only a little chap up--a baby.

Q Did you know his father and mother? A Yes, sir.

Q Were you personally acquainted with them? A Oh yes, all my life.

Q What is the name of the father of Daniel Manuel? A William McGilbray, we call him.

Q What is the name of the mother of Daniel Manuel? A Rose Jackson, or Rose McGilbray.

Q How did she get the name of Rose Jackson? A Her father was a Jackson, and they used to go by their old owner's name, McGilbray.

Q What was the name of the owner of William and Rose McGilbray?

A I think it was a McGilbray.

Q They got their name of McGilbray from their owner? A Yes, sir.

Q To what town do you belong? A Canadian.

Q Did William and Rose McGilbray belong to Canadian Town also?

A Yes, sir.

Q Did you know them in 1866? A Oh, I knowed them all their lives, you know, from young chaps up.

Q Can you swear positively that this Daniel Manuel, for whom application is now made for enrollment, is a son of William and Rose McGilbray? A That is what they said; they claimed him.

Q Did he live with them when he was a little boy? A Yes, sir.

Q Did you ever draw any money for Dan Manuel from the Creek Nation? A Yes, sir; I always saw that they get that was coming to them; I was a member of the council, and we saw that they get it.

Q Did you draw money for him in 1895? A They goes up and receive it themselves; the father always drew it out for them, and I see that they gets it.

Q Well did you get the money and turn it over to the father?

A When they are not there, I gets it.

Q Were you Town King in 1895, when the \$14.40 was paid? A I was an officer, but I was first an officer of what we call it--we call it House of Warriors.

Q Who was Town King at that time? A I believe Henry Reed was the Town King at that time.

Q Do you recognize this as your signature, as it appears on the 1895 roll of Canadian Town (The 1895 Pay Roll of the Creek Nation, Canadian Town, here shown witness)? A Yes, sir.

Q It appears therefrom that you received, through your Town King, \$14.40 for one, Dan Manuel: Is that correct? A Yes, sir; that is correct.

4 Daniel Manuel.

Jos Howard, witness.

Examination by the Commission.

Q Is that Dan Manuel for whom you receipted for the money in 1895 the same person as Daniel Manuel, for whom application is now made for enrollment? A Yes, sir; that is correct.

Q Do you know where Dan Manuel was in 1890? A He was here, I guess, I ain't so positive where he was, but I suppose he was here.

Q Did you have anything to do with drawing his money in 1890?

A I believe that was the time I got that money from the Town King for him.

Q Do you recollect when the \$29 was paid? A Yes, sir; I remember that.

Q Did you draw \$29 for Daniel Manuel? A I couldn't say, positive; if that was the time, or the \$14; I remember receiving the money for them once.

Witness excused.

MAXIE MANUEL, BEING RECALLED, testified as follows:

EXAMINATION BY THE COMMISSION.

Q Is this the first time you have ever made application for the enrollment of Daniel Manuel? A Yes, sir.

Q Do you know whether or not any one else has ever made application for his enrollment? A No, sir; I don't.

Q Do you know Tom Manuel? A Yes, sir.

Q Is he any kin to Daniel Manuel? A Yes, sir.

Q Do you know William M. Cravens? A No, sir; I don't.

Q Do you know whether he ever acted as attorney for your half brother, Daniel Manuel? A No, sir.

The records of the Commission examined and it appears therefrom that application was made for the enrollment of Dan Manuel, as a citizen by adoption of the Creek Nation, on May 24, 1901.

Q Are there any other statements you desire to make at this time in regard to the application for enrollment of Daniel Manuel as a Creek freedman? A No, sir.

COMMISSION TO APPLICANT:

You will be furnished at a later date with a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you at this time for the enrollment of your half brother, Daniel Manuel, as a Creek freedman, which will be mailed to you at your present post office address, as given by you in your testimony taken at this time.

Witness excused.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on February 2nd, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 12th day of March, 1903, at Muskogee, Indian Territory.

Charles H. Langston

Notary Public.

NO PRISONER RECEIVES THIS LETTER—Do not come to this point in any manner, Washington, Birthday, Decoration Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas or Saturday afternoon. **YOU WILL NOT BE ADMITTED.**

Prisoners accompanying with packages must observe strictly the following directions:—Write plainly in English. Contents permitted strictly to business or family matters. In directing letters, write prisoner's name and number plainly, in INK, on the envelope. In mailing (books, newspapers, etc., not stamps enough to insure delivery. Write nothing on newspapers except prisoner's name and number. Daily or weekly papers of a respectable character, magazines, religious papers, and books, family photographs, plate towels, comb, brush, tooth powder or soap, tooth brush, a small hand mirror, soap and pencils white handkerchiefs are admitted during prisoner's good conduct. All letters and papers are closely examined. Money may be sent by draft or postal order. Money so sent will be kept in the office to the prisoner's credit and paid to him on his release, or it may be sent on his order upon the approval of the Warden, to relatives or friends. **NO CIGARETTES, LIQUORS, TOBACCO OR CIGARS, WILL BE ADMITTED, FOR ANY ARTICLES EXCEPT THOSE MENTIONED ABOVE.** Cheating tobacco and toilet soap are furnished by the Government. No smoking permitted.

Prisoners can write but once every two weeks, and not friends or relatives **NOT OFFICERS** than **ONCE** in four weeks, except on special written permission of the Warden, obtained before coming to the Penitentiary. All letters to prisoners should be addressed in care of **P. O. BOX 7, FORT LEAVENWORTH, KANSAS.**

NO TIME PROVISIONS—Write plainly in English. Do not interfere. Put but one line of writing on each ruled line. Letters addressed to "General Delivery" in large cities will not be mailed.

PUT YOUR NAME AND REGISTER NUMBER HERE.

PUT FULL ADDRESS OF YOUR LETTER HERE: GIVE TOWN, COUNTY AND STATE, Street and Number in Cities of free Delivery.

Name Dan Manuel
 Register No. 2013

Name Marie Manuel
 No. _____ Street _____

Prisoners are permitted to write only on this style of paper and with pencil, except by a special order.

Town Muskogee
 County _____

March 23rd 1902 State Ind. Pen

Dear Brother,

Enclosed you will find the Power of attorney signed up and certified to by Notary Public.

Mother's name is enrolled on the old Dunn roll. Rose Mc Gillby. my name is not on the Roll, but it can be put on at any time. I obtained two payments so my name must be recognized somewhere.

I come here January 26-1900.

my time will be out in March 1904.

I think I have answered all your questions. so you will fully understand.

Let me here from you soon. so I will know if you get this all right.

Your Brother

Dan Manuel

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

In the matter of the application for the enrollment of Daniel Manuel as a Creek freedman.

D E C I S I O N.

The record in this case shows that on May 24, 1901, William M. Cravens appeared before the Commission at Okmulgee, Indian Territory, and made application for the enrollment of Daniel Manuel, as a Creek freedman; and that thereafter, on February 2, 1903, Mattie Manuel, under power of attorney duly executed by Daniel Manuel, appeared before the Commission and made application for the enrollment of his brother, the said Daniel Manuel, as a Creek freedman.

The evidence shows that the said Daniel Manuel is the son of William and Rose McGillbray; that his said parents are identified on the roll of Creek freedmen made by J. W. Dunn, prior to March 14, 1867; that the said Daniel Manuel is identified on the 1895 Pay Roll of the Creek Nation, and that he was confined in the penitentiary at Fort Leavenworth, Kansas, at the time of the applications herein. The evidence further shows that said Daniel Manuel has resided in the Creek Nation all his life.

It is therefore the opinion of this Commission that the said Daniel Manuel should be enrolled as a Creek freedman under the provisions of the acts of Congress, June 28, 1898 (30 Stat., 495), and March 1, 1901 (31 Stat., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this 18 day of April, 1903.

2813
Creek No. 301.

Muskogee, Indian Territory, May 9, 1903.

Daniel Manuel,

Attorney in Fact for Daniel Manuel,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your half brother, Daniel Manuel, as a Creek freedman.

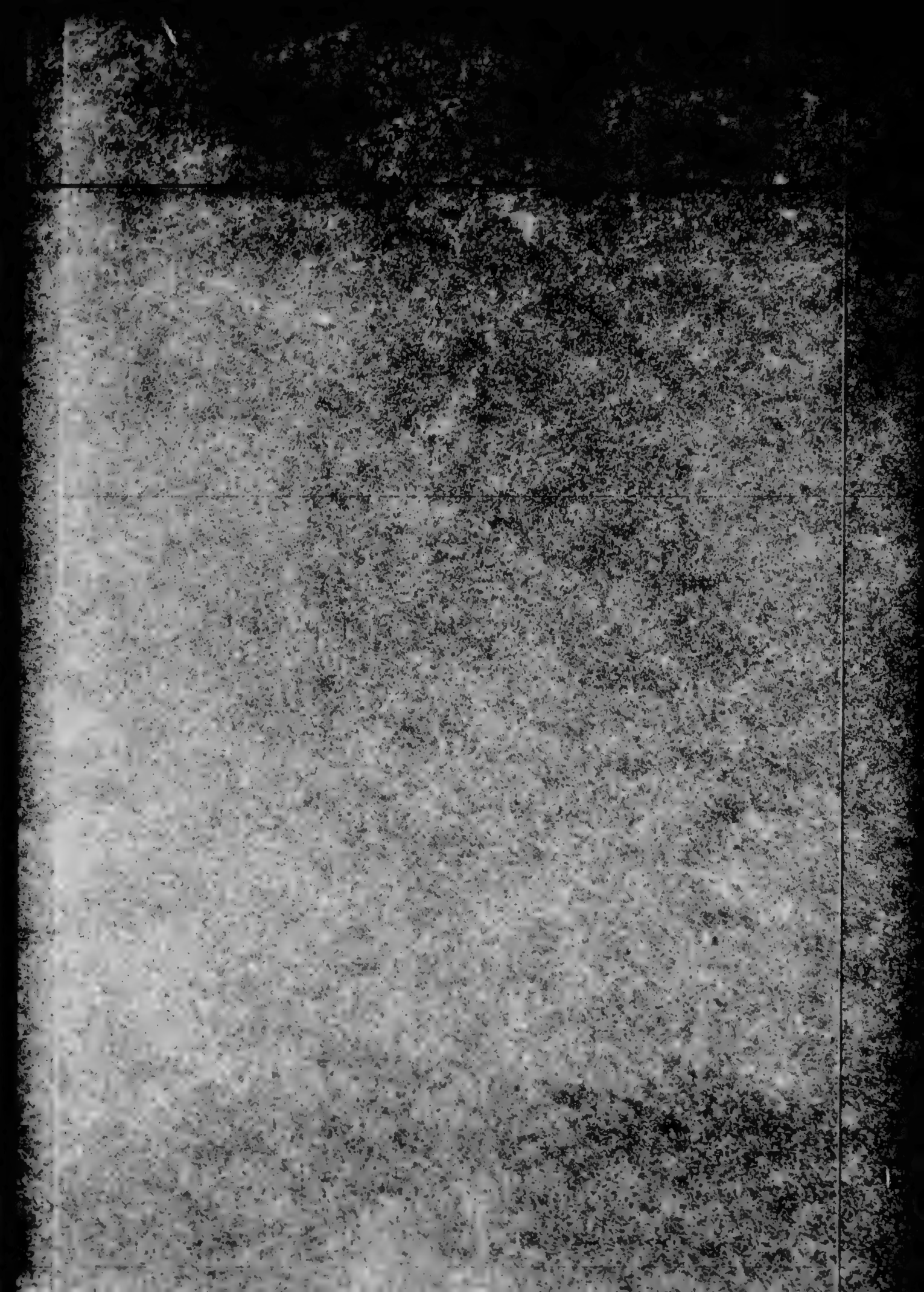
You are advised that said Daniel Manuel has been regularly listed for enrollment as a Creek freedman by this Commission.

Respectfully,

Chairman.

CGR-50.

Register.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
WASHGTON, D.C., Nov. 8, February 8, 1903.

In the latter of the applications of Clay Douglass for the enrollment of his four minor children, Elvira Douglass, deceased, and Theodore R., and Barney Douglass, as Creek freedmen.

CLAY DOUGLASS, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A Clay Douglass.
Q What is your post office address? A Wildcat, Indian Territory.
Q What is your age? A Thirty.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Clay Douglass is listed for enrollment as a citizen of the Creek Nation on Creek Freedman Card Field No. 1328.

- Q For whom do you now make application for enrollment? A For my children...
Q What are the names and ages of the children for whom you now make application for enrollment? A Lura May, 8 years old the 26th of April; Theodore R., he will be 4 years old the 26th of April; she lacked four days of being a year old when she died--she died the 26th; and Barney, he is two years old the 19th of this last month--January.
Q Are all these children now living? A All except Elvira.
Q When did Elvira die? A She died March the 26th, 1901. She has been two years old this coming March the 26th.
Q Are you the father of these four children for whom you now make application? A Yes, sir.
Q Have you ever been recognized by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir; I think I was recognized at Okmulgee.
Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A I don't know.
Q Does your name appear upon the Creek tribal rolls? A I don't know.

The 1890 and 1895 authenticated tribal rolls of the Creek Nation examined and the name of Clay Douglass not found thereon.

The 1891 and 1895 Omitted rolls of the Creek Nation examined and the name of Clay Douglass not found thereon.

- Q How did you become a citizen of the Creek Nation? A By my mother.
Q Did you make application to the Commission in 1896 to be admitted as a citizen of the Creek Nation? A Yes, sir; my brother, he was living here at that time, he did.

The records of the Commission examined and it appears therefrom that Clay Douglass was admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896, and that no appeal was taken therefrom.

Elvira Douglass et al.

Clay Douglass, witness.

Examination by the Commission.

Q What are the names of your father and mother? A My mother was Sarah, and my father is name Jim Douglass.

Q Is the name of either your father or mother appear on the roll?
A I couldn't tell you.

Q Has your mother have no name besides Sarah Douglass? A Yes, sir; she was married after my father died.

Q What was her name then? A Sarah Moore.

The roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867, examined, and the names of Jim Douglass and Sarah Douglass not found thereon.

The records of the Commission further examined and it appears therefrom that Sarah Moore, the mother of Clay Douglass, is listed for enrollment as a citizen of the Creek Nation on Creek Freedmen Card Field No. 1330.

Q Are your father and mother both living? A Both dead.

Q How long has your father been dead? A I don't know; he died when I was small, a long time.

Q How long has your mother been dead? A It will be two years this coming August since my mother died.

Q Who was Granville Douglass? A My brother.

Q Did he make application to the Commission for your admission as a citizen of the Creek Nation in 1896? A Yes, sir.

Q Were you married at that time? A I have been married nine years.

Q Was your oldest child, Lura May Douglass, living at that time?

A I guess so, she will be eight years old this coming April.

The records of the Commission examined and it appears therefrom that Granville Douglass made application to the Commission, under the provisions of the act of Congress of June 10, 1896, for the enrollment of himself and his two minor children, Jennie and Rachel J. Douglass, and his brothers and sisters, Julia and Clay Douglass, and Matilda and Lura Moore, and the children of his sister, Julia Jackson, Mary, William, Rennie and Edna Jackson.

It also appears from an examination of the records of the Commission that no application was made for the enrollment of Lura May Douglass, as a citizen of the Creek Nation, under the provisions of said act of Congress of June 10, 1896.

Q Are you the father of the four children for whom you now make application for enrollment? A Yes, sir.

Q To what town in the Creek Nation do you claim to belong? A Old Man Fere Bruner's.

Q Is that the Canadian Town? A Yes, sir.

Q What is the name of the mother of Lura May, Theodore R., Elvira and Barney Douglass? A Alice Douglass.

Q Is she now living? A Yes, sir.

Q Is she a citizen of the Creek Nation? A No, sir.

Q Is she a citizen of any nation in the Indian Territory? A A citizen of the Choctaw Nation.

Q Has she been enrolled by the Commission as a citizen of the Choctaw Nation? A Yes, sir.

Q Has she had these four children, for whom you now make application for enrollment, enrolled as citizens of the Choctaw Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Alice, Lura May, Robert Theodore, Elvira and Barney Douglass, are listed for enrollment as citizens of the Choctaw Nation on Choctaw Freedmen Card D-69.

Clay Douglass et al.

Clay Douglass, witness.

Examination by the Commission.

- Q Do you reside in the Creek Nation? A Yes, sir.
- Q How long have you resided here in the Creek Nation? A Why I have been here about five months this time.
- Q Where did you live before you came to the Creek Nation? A I lived down there in the Choctaw Nation.
- Q How long did you live in the Choctaw Nation? A Staid there about three years.
- Q Did your wife live there with you in the Choctaw Nation? A Yes, sir.
- Q Did she come with you to the Creek Nation about five months ago? A Yes, sir.
- Q Where did you and your wife live before you went to the Choctaw Nation? A In the Creek Nation.
- Q How long did you live in the Creek Nation before you went to the Choctaw Nation about three years ago? A Why I staid up here about near four years.
- Q Your present wife, Alice Douglass, was with you then? A Yes, sir.
- Q Have you and your wife resided in the Indian Territory all your lives? A Yes, sir.
- Q You and your wife never resided in any of the states? A No, sir.
- Q Have these four children, for whom you now make application, resided with you here in the Indian Territory all their lives? A Yes, sir.
- Q Have you ever been separated from your wife? A No, sir.
- Q Have you a home in the Creek Nation? A Yes, sir.
- Q Has your wife a home in the Choctaw Nation? A Yes, sir; she had a little place down there.
- Q Is this the first time you have ever made application to the Commission for the enrollment of your four children, Elvira Douglass, deceased, and Lura May, Theodore R., and Barney Douglass, a Creek freedman? A Yes, sir.
- Q Why have you not made application before this time? A Well, I was up here to make application, at that time the way things stood at that time, they expected the children would have to be enrolled with their mother.
- Q Did you ever draw any money from the Creek Nation for these children? A No, sir.
- Q Have they ever been recognized by the Creek tribal authorities? A No, sir.
- The 1895 Omitted roll and 1895 authenticated rolls of the Creek Nation examined and none of these children, for whom application is now made for enrollment as citizens of the Creek Nation, are found thereon.
- Q Have you ever filed with the Commission any birth affidavits in the matter of the application for the enrollment of your said four children, as citizens of the Creek Nation? A No, sir.
- Q Have you filed on your allotments in the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Clay Douglass filed on his allotments in the Creek Nation on May 13, 1899, and November 10, 1899, respectively, embracing 80 acres in each allotment.

- Q In which nation do you elect to have your children enrolled and take allotments of land, if it should be found that they have rights in both the Choctaw and Creek Nations? A Creek Nation.

Application by the Commission.

Are there any other statements you desire to make at this time in regard to your application for the enrollment of your four minor children, Elvira Douglas, deceased, and Laura May, Theodore R., and Barney Douglas, all citizens of the Creek Nation? A No, the

INSTRUCTIONS TO APPLICANT

It will be necessary for you to furnish the Commission with affidavits made by the mother of the said four children and the midwife who was with her at the time they were born, before the Commission can take any further action in this case.

It will also be necessary for you to furnish an affidavit by yourself or the mother of Elvira Douglas, and some other person who knows when Elvira Douglas died, giving the exact date of her death, before any further action can be taken in her case.

You will be furnished at a later date with a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you at this time for the enrollment of Elvira Douglas, deceased, and Laura May, Theodore R., and Barney Douglas, your four minor children, as Creek freemen, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Thank you.

Oliver C. Hinkle, having been duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 22d day of February, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle

Sworn to before me, at Muskogee, Indian Territory, this 13th day of March, 1903.

John L. Fieber
Notary Public.

8810

No. 302.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lura May, Theodore R., Elvira and Barney Douglass as Creek freedmen.

DECISION.

The record in this case shows that on February 6, 1904, Clay Douglass appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his four children, Lura May, Theodore R., Elvira and Barney Douglass, as Creek freedmen.

The evidence shows that the applicants are the minor children of Clay Douglass who was admitted to citizenship in the Creek Nation under the act of Congress, June 10, 1896 (29 Stats., 321), and Alice Douglass who claims to be a citizen of the Choctaw Nation.

The records of the Commission show that the name of said Clay Douglass is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 25, 1902, No. 4537.

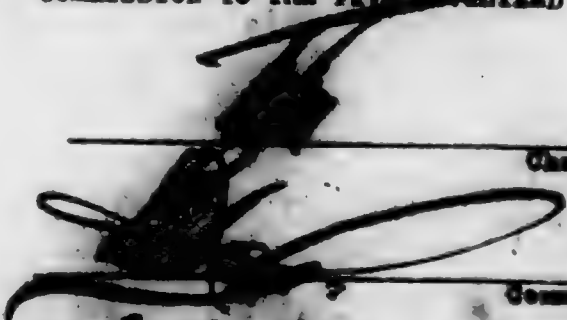
It further appears that said Lura May, Theodore R. and Barney Douglass were born prior to May 28, 1902, and were living at the date of the application herein; that Elvira Douglass was born during the month of April, 1899, and died prior to July 1, 1900; that Lura May Douglass was born prior to the admission of her father to citizenship in the Creek Nation and was not included in his application for citizenship.

It further appears that said Clay Douglass has elected to have his said children enrolled as citizens of the Creek Nation.

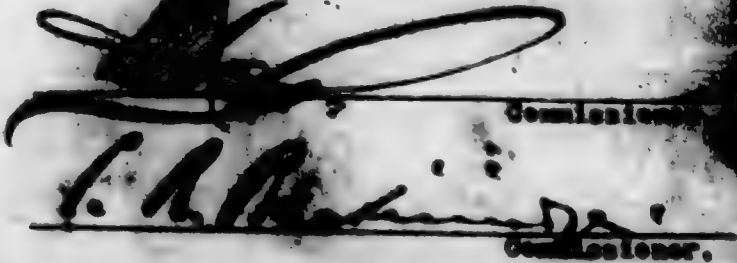
It is, therefore, the opinion of the Commission, following the ruling of the Department in the Creek case of Angelina King, that Lura May Douglass, Theodore R. Douglass and Barney Douglass should be enrolled as Creek freedmen in accordance with the provisions of the acts of Congress, June 22, 1896 (30 Stats., 495), March 1, 1901 (31 Stats., 861) and June 30, 1902 (32 Stats., 500), and it is so ordered.

It is further the opinion of the Commission that Elvira Douglass is not entitled to enrollment as a Creek freedman as provided by any of said acts and that the application for her enrollment as such should, therefore, be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



 Chairman.



 Commissioner.

Dated at Muskogee, I. T.
July 12, 1904.

Creek Land # 1965

17-D-69

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, NOVEMBER 25, 1904.

In the matter of the application for the enrollment
of Alice Douglas as a freedman of the Choctaw Nation.

GEORGE G. LIEBER, Attorney,
appeared on behalf of applicant.

Alice Douglas being first duly sworn upon her oath
testified as follows:

Examination by the Commission.

- Q What is your name? A Alice Douglas.
- Q Where do you live? A Two miles north of Wild Cat.
- Q In what Nation? A In the Creek Nation.
- Q How long have you lived in the Creek Nation? A Two years.
- Q More than that haven't you? A No sir, we moved to the
Choctaw Nation and then moved back and we have been here
about two years now.
- Q Where were you born? A In the Chickasaw Nation.
- Q What was your father's name? A Wade Hampton.
- Q What was your mother's name? A Catherine Hampton.
- Q Were they Choctaw freedmen? A Yes sir.
- Q You applied in 1899 didn't you before the Commission? A Yes
sir.

The father and mother of the applicant are identified
as Choctaw freedmen card 932 and are numbers 3520
and 3521 respectively approved by the Secretary of
the Interior on September 26, 1903.

- Q Where were you born? A In the Chickasaw Nation.
- Q Have you been living in the Choctaw, Chickasaw and Creek
Nations since that time; since you were born? A Yes sir.
- Q Have you ever lived outside of the Territory? A I lived
in Denison 4 months.
- Q When was that? A When I was a little girl about 4 years
old.
- Q Was that the only time you ever lived outside the Territory?
A Yes sir.

17-2500-1-12

- Q Have you any children? A Yes sir.
- Q What are their names? A I've got two, one named...
- Q How is the father of those children? A They...
- Q What did he do? A He was a Green...
- Q You have made application for these children to...
- Q Have you taken any oaths of land for them? A Yes sir.
- Q For all three of them in the Creek territory? A Yes sir.
- Q You simply appear on behalf of yourself today do you not?
- A Yes sir.

Mattie V. Vaughn stated upon oath that an affidavit was filed to the Commission to the Five Civilized Tribes and that she recorded the testimony in the above entitled case and that the foregoing is an accurate transcript of her stenographic notes thereof.

Mattie V. Vaughn

Subscribed and sworn to before me this 25th day of November 1904.

J. H. [Signature]
County Clerk

IN RE

Application for Enrollment of

INFANT CHILD

Elvera Douglass

as a citizen of

Creek

Nation.

Approved.....190.....

Commissioner.

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

In An Application for Enrollment, as a citizen of the Creek Nation,
of Elvira Douglas, born on the 10 day of Apr, 1899
(Here insert name of child)
Name of Father: Clay Douglas a citizen of the Creek Nation.
Name of Mother: Alice Douglas a citizen of the Choctaw Nation.
Post-office: Grayson Tg.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Alice Douglas, on oath state that I am 26
years of age and a citizen, by Free Freedman, of the Choctaw Nation;
that I am the lawful wife of Clay Douglas, who is a citizen, by
Freedman, of the Creek Nation; that a girl child was
(Male or female)
born to me on 6 day of April, 1899; that said child has been named
Elvira Douglas, and is now dead.



WITNESSES TO MARK:

(signed) Alice Douglass

Must be Two Witnesses.

Subscribed and sworn to before me this 26 day of Jan, 1904

my commission expires 10/17/06

(signed) W H Harrison

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, Rachel Rager, a midwife, on oath state that I at-
tended on Mrs. Alice Douglas, wife of Clay Douglas
on 10 day of Apr, 1899; that there was born to her on said
date a girl child; that said child is now dead
(MALE OR FEMALE) and is said to have been named
Elvira Douglas

WITNESSES TO MARK:

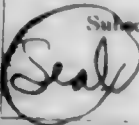
(signed) Mattie Douglass Rachel Rager
her mark

Must be Two Witnesses.

Subscribed and sworn to before me this 26 day of Jan, 1904

(signed) W. H. Harrison

NOTARY PUBLIC.



**IN RE
THE DEATH OF**

a citizen of the

Nation.

Approved _____ 190_____

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Alvira Douglass
(Here insert name of deceased)
of the Fredman Choctaw Nation, who formerly resided at or near
Grayson, Ind. Ter., and died on the 6 day of
Mar, 1900
(Here insert name of post office)

AFFIDAVIT OF RELATIVE.

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.; that I am
(Here insert name of post office)
of _____
(State relationship as: the father; an uncle; a cousin, etc.) (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) _____, 1900.

WITNESSES TO MARK:
(Must be Two Witnesses)

Subscribed and sworn to before me this _____ day of _____ 1900.

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Alice Douglass, on oath state that I am 25
years of age, and a citizen, by Fredman, of the Choctaw Nation;
that my post office address is Grayson Ind. Ter.;
(Here insert name of post office)
that I was personally acquainted with Alvira Douglass
(Here insert name of deceased)
who was a citizen by Fredman, of the Choctaw Nation;
and that said Alvira Douglass died on the 30 day of
(Here insert name of deceased) March, 1900.

WITNESSES TO MARK:
(Must be Two Witnesses)

signed Alice Douglass

Subscribed and sworn to before me this 3 day of Jan 1903

(signed) Bud Grayson

Notary Public.



IN RE
THE DEATH OF

.....
a citizen of the

..... *Nation.*

Approved *190*.....

.....
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Alvira Douglass
(Here insert name of deceased)
Fredman Choctaw
(Here insert name of post office) Nation, who formerly resided at or near
Coalgate
(Here insert name of post office), Ind. Ter., and died on the 6th day of
Mar, 1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

Central District.

I, Clay Douglas, on oath state that I am 30
years of age and a citizen, by E, of the Creek Nation;
that my post office address is Grayson Ind. Ter.; that I am
Father of Alvira Douglass
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased)
who was a citizen, by Fredman, of the Choctaw Nation;
and that said Alvira Douglass
(Here insert name of deceased) died on the 6th day of
Mar, 1900.

WITNESSES TO SIGN:

Gred V. Kinkade
R. M. Wilson
(Must be Two Witnesses)

Clay Douglas
his mark

Seal

Subscribed and sworn to before me this 23 day of Dec, 1900

signed T. C. Humphrey
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 _____
(Here insert name of deceased) died on the _____ day of
_____, 19____.

WITNESSES TO SIGN:

(Must be Two Witnesses)

Subscribed and sworn to before me this _____ day of _____, 1900

Notary Public.

Commission on the Five Civilized Tribes.

Chester-Charles Douglass Division.

Sir:

You are advised that on February 6, 1903, Chester-Charles Douglass appeared before the Commission and made application for the citizenship of his four minor children, Lara May, Theodore E., Miriam and Joseph Douglass, as Creek freedmen.

It appears from the records of the Creek Enrollment Division that the above named minor children are listed on Chester Freedmen Card D-69.

A copy of the testimony in the case is inclosed herewith.

Respectfully,

Chairman.

OCH-227.

Arthur F. Murphy,
Attorney for the Creek Nation,
Tulsa, Indian Territory.

Sir:

February 8, 1903, Clay Douglass appeared before the Commission and made application for the enrollment of his four above children, Nivira Douglass, deceased, Lura May, Theodore H., and Barney Douglass, as Creek freedmen.

You are further advised that the name of Clay Douglass, the father of the above named persons, is included in a schedule of Creek freedmen approved by the Secretary of the Interior, March 26, 1902.

From the testimony, it appears that Nivira Douglass lacked four days of being a year old when she died, March 26, 1902, but the record in the case is such that the Commission is not satisfied as to the right of said child to enrollment.

You are hereby notified that the Creek Nation will be given a reasonable time to introduce such evidence in the case as it may desire.

Respectfully,

Chairman.

8813

Creek No. 500

Muskogee, Indian Territory, January 20, 1908.

Commission to the Five Civilized Tribes,
Cherokee-Chickasaw Enrollment Division.

Gentlemen:

In the matter of the application for the enrollment of Lura May, Theodore R., Elvira and Barney Douglas as Creek Freedmen, it appears that application has also been made for the enrollment of the above named persons as Cherokee Freedmen, D. 69.

You are requested to furnish the Creek Enrollment Division with a copy of the record in the matter of the application for enrollment as Cherokee Freedmen, including copies of birth and death affidavits.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
TAMM BERRY,
THOMAS D. HENNING,
C. E. BARKSHIRE,
W. E. STANLEY.

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

6
REPLY IN REPLY TO THE FOLLOWING
17-3-04

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 22, 1904.

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

In compliance with your request of January 20, 1904,
there is enclosed herewith a copy of the record in the matter of
the application for enrollment as Chester freedman of Lura May,
Robert Theodore, Elvira and Barney Douglas, including copies of
birth and death affidavits and of the enrollment card upon which
the names of said persons appear.

Respectfully,



Commissioner in Charge.

Enc. MT. 4 - 153.

McAlester, Indian Territory, July 13, 1904.

Clay Douglass,

Grayson, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of your children, Lura May, Theodore R., Elvira and Barney Douglass, as Creek freedmen.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

NOH-16-13.

Register.

No. 100

Muskogee, Indian Territory, July 11, 1904

M. L. Matt,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lura May, Theodore R., Elvira and Barney Douglass as Creek freedmen.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman

HGH-17-13.

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 26, 1904.

Received one copy of testimony, copy of decision, and one copy of
letter to Department, in the matter of the application of Lura May Do
Douglass, et al for enrollment as citizens of the Creek Nation.

John E. Sieber.

1904.

October 2, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated July 13, 1904, transmitting the record of the application for enrollment as Creek freedmen for Lura May, Theodore R., Elvira and Barney Douglass.

July 12, 1904, the Commission decided favorably to Lura May, Theodore R. and Barney Douglass, and adversely to Elvira Douglass.

The record further shows that the father, Clay Douglass, is enrolled in a partial list of Creek freedmen, approved by the Department March 28, 1902 (No. 4637).

It further appears that Lura May, Theodore R. and Barney Douglass were born prior to May 25, 1901, and were living at the date of the application; that Elvira Douglass was born during the month of April 1899, and died prior to July 1, 1900; that Lura May Douglass was born prior to the admission of her father, Clay Douglass, to citizenship in the Creek Nation and was not included in his application. Clay Douglass has elected to have his children enrolled as citizens of the Creek Nation.

In view of the record the approval of the Commission's decision favorable to Lura May, Theodore R. and Barney Douglass, and adversely to Elvira Douglass is recommended.

Very Respectfully,
A.C. Tonner
Acting Commissioner

M.M.M.

Mustang, Indian Territory

Mailman

July 13, 1904, you transmitted the record in the matter of application of Una Douglas for enrollment of her children, May, Theodore E., Elvira and Barney Douglas, in accordance with your decision of July 12, 1904, denying the application for the enrollment of Elvira Douglas, and granting the application for the enrollment of Lura May, Theodore E. and Barney Douglas.

Reporting in the matter October 5, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is enclosed.

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

Respectfully,

(Signed) Thos. Ryan

Acting Secretary

1 Inclosure.

Muskogee, Indian Territory, October 16, 1904.

M. L. Whit,

Attorney, Creek Nation,

Muskogee, Indian Territory,

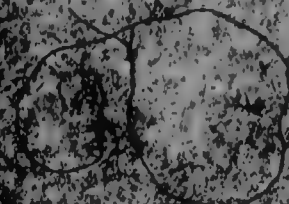
Sir:

You are hereby advised that the Secretary of the Interior, under date of October 10, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated July 12, 1904, denying the application of Elay Douglass for the enrollment of Elvira Douglass, and granting the application for the enrollment of Lura May, Theodore R., and Barney Douglass, as Creek freedmen.

Respectfully,

Chairman.

WAGNER, FRANK DOUGLASS, DAKOTA



Mr. Douglas,

Wagons, Frank Douglas

Dear Sir,

You are hereby advised that the Secretary of the Interior, on date of October 18, 1904, affirmed the decision of the Commissioner of the Five Civilized Tribes, dated July 12, 1904, denying your application for the enrollment of your child, Elvira Douglas, and granting your application for the enrollment of Lara May, Theodore R., and Harvey Douglas, as Creek freedmen.

Respectfully,

Chairman,

Registered.

Mustang Indian Territory, October 20, 1904.

Wm. C. Lister,

Attorney for Laura May Douglass, et al.

Mustang, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of October 15, 1904, arrived the decision of the Commission to the Five Civilized Tribes, dated July 15, 1904, denying the application of Clay Douglass, for the enrollment of Elvira Douglass, and granting the application for the enrollment of Laura May, Theodore K., and Barney Douglass, as Drunk Freedmen.

Respectfully,

Wm. C. Lister.

Five

W.O.S.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
W. G. TRAIL,
Chairman.

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

RECEIVED BY ORDER OF THE FOLLOWING:
17-2-69

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory December 23, 1904.

Commission to the Five Civilized Tribes,
Creek Enrollment Division.

Gentlemen:

It appears from the records of the Commission that Lura May Douglas (7 years of age), Robert Theodore Douglas (5 years of age) and Barney Douglas (1 year of age), children of Clay Douglas, a Creek freedman, and Alice Douglas, a Choctaw freedman, have been listed for enrollment as freedmen of the Choctaw Nation and also as freedmen of the Creek Nation.

A copy of the testimony of Alice Douglas taken at Muskogee, Indian Territory on November 23, 1904 is inclosed herewith.

You are requested to advise the Choctaw-Chickasaw Enrollment Division as to what disposition has been made of the application for the enrollment of Lura May Douglas, Robert Theodore Douglas and Barney Douglas as freedmen of the Creek Nation.

Respectfully,



Chairman.

Muskogee, Indian Territory, December 26, 1904

Commissioner to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of your letter of December 22, requesting to be advised as to what disposition has been made of the application for the enrollment of Lura May, Robert Theodore and Barney Douglas as Creek Freedmen.

A copy of the decision of the Commission in the matter of the application for the enrollment of Lura May, Theodore R., Elvira and Barney Douglass as Creek Freedmen is inclosed.

This decision was affirmed by the Department October 15, 1904 (I.T.D. 10136-1904). Said Lura May, Theodore R. and Barney Douglass have been regularly listed for enrollment as Creek Freedmen on Freedman Card Field No. 1965, but their names have not been reported to the Department for approval.

Respectfully,

Chairman.


07 2-1908

Muskogee, Indian Territory, March 21, 1908

Commission to the Five Civilized Tribes,
Choctaw- Chickasaw Enrollment Division,
Gentlemen:

In compliance with your request of March 20, you are advised that Lura Kay, Theodora A. and Barney Douglas were listed on Creek Freedman card 1965, November 26, 1904, and their names are shown on partial list of Creek Freedmen approved by the Secretary of the Interior February 20, 1908, Roll Nos. 5800, 5801 and 5802.

Respectfully,


Chairman.

RESIDENCE, Creek Nation COUNTY, Wildcat I.T.
 POST OFFICE, Wildcat I.T.

Copy — (White Card)
Choctaw Nation.

Freedmen Roll.

ORG. NO. _____
 FIELD NO. 19. 69

DAVIS' ROLL No.	NAME	RELATIONSHIP TO PERSON FIRST NAMED.	AGE.	SEX.	TRIBAL ENROLLMENT.			SLAVE OF—	REMARKS
					YEAR.	COUNTY.	No.		
1	Douglas Alice		22	F					Not on roll
2	" Lura May	Dau	4	"					" " "
3	" Robert Theodore	Son	2	M					" " "
(Head) 4	" Elvira	Dau	7ms	F					" " "
5	" Barney	Son	5mo	M					Born January 13-1901
6									
7									
8									
9									
10									No 5 Enrolled May 13-1901
11									No 4. Died March 6-1900: proof of death filed Dec 23-1902, as "Alvira".
12									Father of children on this card made application for their
13									enrollment as Creek freedmen Feby 6, 1903.
14									
15									All but No. 1 enrolled
16									Nov. 10-99
17									No ticket issued
18									2/9/99

ADDITIONAL INFORMATION ON REVERSE SIDE.

1875

1876

1877

1878

1879

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., February 9, 1903.

In the matter of the application of Riley Fulson for the enrollment of himself as a Creek freedman.

APPEARANCES: Arthur P. Murphy, Attorney for Creek Nation.

RILEY FULSON, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A Riley Fulson.
Q What is your age? A Thirty-six years of age.
Q What is your post office address? A Fort Smith.
Q Fort Smith, Arkansas? A Yes.
Q For whom do you now make application for enrollment as a citizen of the Creek Nation? A For myself.
Q Do you make application for enrollment as a Creek freedman?
A Yes.
Q Have you ever been recognized by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Does your name appear upon the Creek tribal rolls?
A I guess so.
Q To what town in the Creek Nation do you claim to belong?
A Arkansas.
Q Did you ever draw any money from the Creek Nation? A I have.
Q How many times have you drawn money from the Creek Nation?
A Twice, to my recollection--three times, to my recollection.
Q When did you draw money from the Creek Nation? A When \$14.40 and \$20 payment, and once \$4 payment.
Q Did you draw the money yourself? A No.
Q Who drew the money for you? A My uncle did.
Q What is the name of your uncle? A Thomas Hawkins, Thomas Nero they call him sometimes.
Q Is Thomas Hawkins living? A Yes, sir.
Q Have you any full brothers and sisters? A Have a full brother, but no sisters.
Q What is the name of your full brother? A Buck Fulson.
Q Did you know him by any other name? A Yes, sir; they called him Thomas Fulson.
Q Have you an uncle by the name of Mitchell Nero? A Yes, sir.
Q Is he any kin to Thomas Hawkins? A Brothers.
Q Have you any other uncles besides Thomas and Mitchell?
A Yes, sir; one more.
Q Who is he? A Dick Hawkins.
Q Is he living? A I think so.
Q Did you ever live with any of your uncles? A Yes, sir; I have.
Q Who drew the money for you in 1890? A Thomas Nero.
Q Who drew it for you in 1895? A Thomas.

The 1890 authenticated tribal roll of the Creek Nation, Arkansas Colored Town, examined, and the name of one, Harry Nero, is found thereon, together with Thomas, Richard, Mitchell and Thomas Nero, Jr., at page #25.

Wiley Fulson.

Wiley Fulson, witness.

Examination by the Commission.

The 1868 Pay Roll of the Creek Nation, Arkansas Town, examined, and the names of Mack and Wiley Fulson are found thereon at Nos. 1561 and 1562, respectively.

The records of the Commission have been examined and it appears therefrom that Thomas Hawkins is listed for enrollment as a citizen of the Creek Nation on Creek Freedman Card File No. 1563, and that he is identified on the 1868 Pay Roll at No. 1561, as "Buck Fulson."

- Q What was the name of your father? A Louis Fulson.
Q Is he living? A Suppose so; last I heard of him, he was.
Q Is he a citizen of the Creek Nation? A No, sir.
Q Is he a citizen of any Nation in the Indian Territory?
A Choctaw.
Q Is he a Choctaw freedman? A Yes.
Q What was the name of your mother? A Lydia Hawkins.
Q Is she living? A No, sir.
Q How long has she been dead? A About fifteen years.
Q Was she a Creek freedman? A Yes, sir.
Q Was she a recognized citizen of the Creek Nation? A Yes, sir.
Q Are you older or younger than Thomas Hawkins? A I am younger.
Q Did you have any full sisters? A No, sir.
Q Did you have some half sisters? A I had two.
Q What are their names? A Elzora and Melvina; Melvina is dead.

By Arthur P. Murphy, Attorney for Creek Nation.

- Q What was their last names? A Fulson.

Examination by the Commission.

- Q Did you ever hear of one by the name of Mollie Hawkins? A Yes, sir; I have.
Q Is she any kin to you? A Great-grandmother.
Q Did you ever hear of anybody by the name of Israel Hawkins?
A Yes, sir.
Q What kin was he to you? A My uncle.
Q Is he living? A Dead.
Q How long has he been dead? A I don't know; I wasn't here when he died, I can't tell you anything about how long he has been dead.
Q Does your mother's name appear on the Dumn Roll? A I guess so.

The roll of Creek freedmen made by Major J. W. Dumn, prior to March 14, 1867, examined, and the name of Lydia Hawkins is found thereon at No. 1162.

- Q Do you know the name of the Creek owner of your mother?
A Hawkins.
Q Did your family ever go by any other name excepting Fulson?
A (Q) My family?
Q (A) Yes, the members of your family? A No, not as I know of.
Q Did they ever go by their owner's name? A Yes, sir; Fulson.
Q I thought you said their name was Hawkins? A Yes, but I am talking about my mother now. (Q) Speaking about my mother?
Q (A) Yes. A No, sir; never went by any other name that I knew of, excepting here and Hawkins.

Riley Wilson, witness.

Examination by the Commission.

Q Is this the first time you ever made application to the Commission for the enrollment of yourself as a citizen of the Creek Nation?
A Yes, sir.

The records of the Commission examined and it appears therefrom that no application has heretofore been made for the enrollment of said Riley Wilson as a Creek freedman.

Q Where do you now live? A Out at David Wilson's.
Q How long have you lived there? A Only two or three days.
Q Is that in the Creek Nation? A Yes.
Q Where did you live before you came to the Creek Nation two or three days ago? A Out at my uncle's.
Q What is the name of your uncle you were living with?
A Thomas Hawkins.
Q How long did you live with Thomas Hawkins? A Oh, four or five days.
Q Where did you live before you went to your uncle, Thomas Hawkins?
A At South McAlester.
Q How long did you live at South McAlester? A About a year.
Q Where did you live before you went to South McAlester?
A Fort Smith.
Q How long had you been living at Fort Smith? A About thirteen years.
Q Where did you live before you went to Fort Smith? A Mufaula.
Q How long did you live at Mufaula? A About seven or eight years.
Q Where were born? A Out here at the Creek Agency.
Q Did you ever see your father? A Yes, sir.
Q Did you ever see your mother? A Yes, sir.
Q How old were you when your mother died? A About twenty-one, I guess; somewhere along there.
Q Where were you living when your mother died? A I was living at Mufaula then.

EXAMINATION BY ARTHUR P. MURPHY, Attorney for the Creek Nation.

Q Do you remember the date of your birth? A Yes, sir.
Q When was it? A (Q) Do which?
Q (A) The date of your birth? A Yes, sir.
Q What was it? A September 10, 1866.
Q Where do you say it was you were born? A Out here at the Old Agency, they call it, you know.
Q How long did you live there after you were born? A I don't know; until I was a good big boy.
Q About how old? A About twelve or fifteen, may be.
Q Then where did you go? A Out to Okmulgee.
Q How long did you live there? A A couple of years.
Q Do you remember anybody you used to know out there at the Old Agency? A Yes, sir.
Q Who are they? A Joe McIntosh.
Q What is the post office now, do you know? A Yes, sir; Muskogee, I guess.
Q Anybody else? A Yes, sir; Wiley McIntosh.
Q Muskogee his post office? A Yes, sir.
Q Who did you know at Okmulgee? A Oh, I don't know any one there—
Yes, I did, Billy Grayson was one.
Q Billy Grayson? A Yes, sir.
Q Anybody else you remember that you knew there? A Yes, sir; Amy Hawkins.
Q Is that a woman? A Woman.

Wiley Fulson.

Wiley Fulson, witness.

Examination by the Commission.

- Q Where is she now? A She is dead.
- Q Where did you go from Okmulgee? A Out on Salt Creek.
- Q Is that in the Creek Nation? A Yes, sir.
- Q What is the post office out there? A Okmulgee was the post office for that country.
- Q Who did you know at Salt Creek? A Silas Jefferson.
- Q How long was you there? A Oh, I don't know; I wasn't there very long, about a year, maybe.
- Q Where did you go from Okmulgee? A Out on Salt Creek.
- Q I mean from Salt Creek? A Came back to Okmulgee.
- Q How long were you back at Okmulgee? A About a week or two.
- Q Then where did you go? A Came back to the Old Agency.
- Q Came back to Muskogee? A Yes, sir.
- Q How long was you here? A About a year.
- Q Who did you know when you were here at that time? A Charley Garrett.
- Q Is he living now? A Yes, sir.
- Q Post office Muskogee, is it? A Yes, sir.
- Q Now where did you go, to Eufaula? A Yes, sir.
- Q Then that is where you staid for seven years, as you stated above? A Yes, sir; I don't know just how long; staid there a good while.
- Q Is your name on the Dunn roll? A I reckon; I don't know.
- Q What is your best impression about it? A I guess it is on there; don't know whether it is on there or not.
- Q How much older are you than Thomas Fulson? A None; he is older than I am.
- Q Well, how much younger? A Two years.
- Q Where was you in the month of October, 1895? A I guess I was at Fort Smith.
- Q How long had you been there? Do you remember what year you went to Fort Smith? A No, sir.
- Q It is your best impression, in October, 1895, you were in Fort Smith? A Yes, sir; I know I was there in '95.
- Q Where was you in the winter of 1890 and '91: In Fort Smith? A Yes, I think so, in 1890: Yes, I was at Fort Smith.
- Q You don't really live in the Creek Nation yet, do you? A Yes, sir; I live here.
- Q What? Yes, sir.
- Q Who did you know at Fort Smith? A Oh, I know several---
- Q Who do you know in---? A I know Columbus Ayers, for one.
- Q Who else? A Frank Fisher.
- Q What does Frank Fisher do? A He was a clerk for Columbus Ayers.
- Q When did you leave Fort Smith? A A year the ninth of this month, a year ago.
- Q Did you ever vote there in Fort Smith? A No, sir.
- Q Did you ever vote in the Creek Nation? A No, wasn't here long enough.

Witness excused.

WILEY McINTOSH, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A Wiley M. McIntosh.
- Q What is your age? A About forty-five.
- Q What is your post office address? A Muskogee, I.T.
- Q Are you a citizen of the Creek Nation? A I am.
- Q Do you hold any official position in the Creek Nation? A Yes, sir; I do.
- Q What position do you hold? A A member of the National Council.

§ Riley Fulson.

Wiley McIntosh, witness.

Examination by the Commission.

- Q Are you a member of the House of Warriors? A Yes, sir; I am a member of the House of Warriors.
- Q What town do you represent? A Arkansas colored.
- Q How long have you been a member of the House of Warriors? A About sixteen years now, I guess.
- Q Do you know the applicant here, Riley Fulson? A I do.
- Q How long have you known him? A I have known him from childhood, a boy.
- Q Have you seen him frequently during the last ten years? A Yes, sir; I have.
- Q Has he been residing here in the Creek Nation during the past ten years? A Yes, sir; stopping, going back and forth.
- Q Did you know his father and mother? A Yes, sir; I did.
- Q What was the name of his father? A His father's name is Louis Fulson.
- Q Is he a Creek citizen? A A Choctaw freedman, so claimed.
- Q What is the name of Riley Fulson's mother? A Lydia.
- Q Is she now living? A She is dead now.
- Q What was her full name? A Lydia Hawkins.
- Q How did she get the name of Hawkins? A Well, that is her owner's name. She goes by the name of Lydia Hawkins, on account of her owner being Jane Hawkins, that is her owner.
- Q Can you swear positively that this Riley Fulson here is the son of Lydia Hawkins? A I can.
- Q Are you familiar with what is called the Dunn Roll? A Yes, sir; I think so.
- Q Was this Riley Fulson born when the Dunn Roll was made? A I think not.
- Q When was the Dunn Roll made? A I think the Dunn roll was made in '67, if I mistake not, '67.
- Q Has Riley Fulson any full brothers or sisters? A He has one brother.
- Q What is the name of that brother? A Buck Fulson.
- Q Is he known by any other name besides Buck Fulson? A No, sir; if he does, I don't know. He appears on the roll as Buck Fulson. We have him that way on the roll. Always been called by Buck Fulson.
- Q Do you know Thomas Fulson? A No, sir; I don't know Thomas Fulson; don't know him.
- Q Did you ever know of Buck being called Thomas? A I don't know that, sir; I never write him as Thomas Fulson; write him as Buck Fulson.
- Q Where does the brother of Riley Fulson live now? A I don't know where he is now; couldn't say.
- Q Do you know whether he is living in the Creek Nation or not? A No, sir; I couldn't say that; I don't know where he is.

EXAMINATION BY ARTHUR P. MURPHY, Attorney for Creek Nation.

- Q You say he wasn't born at the time the Dunn Roll was made (indicating applicant)? A No, sir; I think not; I was quite a boy myself.
- Q About how long afterwards? A I don't know that, but I know he wasn't born then, because I was only a chap when the Dunn Roll was made. The Dunn Roll was made in '67.
- Q When do you first remember when you saw him? A Oh, when he was just a child. I was just a little chap when the Dunn Roll was made, and I am sure he wasn't born then.
- Q About how long after the Dunn Roll was made do you remember of seeing him? A I couldn't say.

5 Riley Fulson.

Wiley McIntosh, witness.

Examination by Arthur F. Murphy, Attorney for the Creek Nation.

Q Can you give me some idea, Mr. McIntosh? A I just couldn't say, but I knew him when I was about twelve years old. Couldn't say how old I was when the Dunn Roll was made; I know I was a chap myself when the Dunn Roll was made. There are only three of us on that roll.

Q You can't give me any idea? A No, sir; I don't know, but I know he wasn't present when the Dunn Roll was made, I am sure of that. He wasn't born then.

Q You couldn't give me your best impression about how long afterwards--the best you remember? A No, sir; I couldn't say that, because I don't know.

Q You say you have known him since birth? A After the Dunn Roll. His mother is on the Dunn Roll.

Q You say you have known him since his birth? A Yes, sir.

Q Do you remember about what year he was born in? A No, I don't know, but I knew him when he was just a little kid, right there by the old Agency, his mother and the two boys, Riley and Buck.

Q Then you didn't know him when he was born? A I knew him when he was a little boy--you know, a little bit of a child.

Q Do you know Thomas Fulson? A I don't know him; I know Thomas Nero, I don't know Thomas Fulson.

Q You don't know Thomas Fulson, then? A No, sir.

Q How frequently have you seen him since you have known him?

A (Q) This boy (indicating applicant)?

Q (A) Yes. A Oh, I have seen this boy about two years ago.

Q When did you see him before that? A I saw him right here in Muskogee. He is a boy that goes back and forth. He has been living out here in the country, at the Old Agency, and at Eufaula. The boy has no exact home, just from one place to the other.

Q You say you knew Louis Fulson? A Yes, sir; that is his father.

Q How long have you known him? A About twenty or twenty-five years, I guess.

Q Is he living or dead? A Living.

Q Do you know where he lives? A I don't know where he is now. He was living here in the Creek Nation, but I don't know where he is now.

Q When did you see him last? A I hav'n't seen him now for a year.

Q You saw him about a year ago, you say? A Yes, sir.

Q Louis Fulson? A Yes, sir; that is this boy's father--claimed to be, I guess it is his.

Q Is his mother living or dead? A (Q) This boy?

Q (A) Yes. A Is dead.

Q How long has she been dead? A About fifteen years, I guess; been dead a good while.

Witness excused.

RILEY FULSON, being recalled, testified as follows:

EXAMINATION BY THE COMMISSION.

Q Where is your father, Louis Fulson, living? A In the Choctaw nation.

Q Do you know what his post office address is? A No, sir.

Q How long since you have seen him? A About fifteen years.

Q Did you say you knew Charley Garrett? A Yes, sir.

Q Did Charley Garrett know your mother? A Yes, sir.

Q Can you bring Charley Garrett in here to identify you?

A I will if he will come in, or Wiley Garrett, either, that is his brother.

Q. Did you not come here before this time to make application?
A. Yes, because I didn't want to be here.
Q. Did you happen to come here this time? A. Because I wanted
to see you.
Q. Did you write to you to come in this time? A. No, sir, just
came in.
Q. Are there any other statements you desire to make at this time
in regard to the application you make at this time for the enroll-
ment of yourself as a citizen of the Creek Nation? A. No.

IN THE SUBMISSION: This case is continued in order that the
Creek Nation may be given an opportunity to introduce further
testimony if it is so desired, until Tuesday, February 17,
1903, at one o'clock.

Witness crossed.

Oliver C. Hinkle, having been duly sworn, upon his oath states,
that, as stenographer for the Commission to the Five Civilized
Tribes, he reported the proceedings had in the above entitled cause
on the 9th day of February, 1903, and that the foregoing is a full,
true and correct transcript of his stenographic notes thereof.

Sworn to before me this 14th day of March, 1903, at Muskogee,
Indian Territory.

Oliver C. Hinkle
Edward Herrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE SEVEN CIVILIZED TRIBES.
Muskogee, Ind. Ter., February 17, 1903.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Riley Fulson as a Creek freedman.

THOMAS FULSON, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A Thomas Fulson.
Q What is your age? A About thirty-eight, I think.
Q What is your post office address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Thomas Fulson is listed for enrollment as a citizen of the Creek Nation on Creek Freedman Card Field No. 1386.

- Q Did you ever have any other name excepting Thomas Fulson? A They used to call me Mack; I guess you will find it on the Dunn Roll that way.
Q What was your owner's name? A Hawkins.
Q Do you know Riley Fulson who has heretofore made application for enrollment as a Creek freedman? A Yes, sir.
Q Is this Riley Fulson here (Pointing to applicant)? A Yes, sir; that's him.
Q What kin is he to you? A He is a brother to me.
Q Is he a full brother of yours? A Yes, sir; one mammy and one daddy.
Q Is he elder or younger than you? A Younger than I.
Q How much younger? A Two years difference in our age.
Q Ar'n't you older than thirty-eight years? A Well, if I am, I don't know it; I am just going by what my father told me; he says I am thirty-eight.

The records of the Commission examined and it appears therefrom that Thomas Fulson was thirty-six years of age on August 1, 1899, when he was enrolled as a Creek freedman, as appears on Creek Freedman Card Field No. 1386.

- Q What is the name of the father of Riley Fulson? A Lewis Fulson.
Q Is he a Creek citizen? A No, sir.
Q Is he a citizen of any nation in the Indian Territory? A I don't know, sir, whether he is or not.
Q Is he living? A He was the last time I heard of him, two years ago.
Q Where was he living? A He was in the Choctaw Nation, at Horse Prairie.
Q Does he claim to be a Choctaw freedman? A I don't know, sir, what he claimed to be; I never heard him say whether he was a citizen or a United States citizen.
Q What is the name of Riley Fulson's mother? A Lydia Here, is what I know about it. She might have went by the name of Hawkins; I suspect she is on the roll by the name of Hawkins, but she has been called Here ever since I knowed her.

Riley Fulson: Supl., 2/27/1903.

Thomas Fulson, witness.

Examination by the Commission.

- Q Is she living? A No, sir.
- Q How long has she been dead? A She has been dead near about fifteen years, I think.
-
- Q Is she a citizen of the Creek Nation? A Yes, sir.
- Q Have you any other brothers and sisters, than Riley here? A Yes, sir; I have three other brothers here.
- Q What are their names? A Walter Fulson, Davis Fulson, Louis Fulson.
- Q Are there any others? A No, sir; only the three.
- Q Have you any uncles or aunts? A Yes, sir.
- Q Please state their names? A Thomas Hawkins is one of my uncles; Polly Savage is my aunt; Mitchell Hawkins is one of my uncles; that is all that I know of that is living; got gone somewhere, but it has been some years since I have seen them, and I wouldn't want to say they are living, not knowing.
- Q Where do you live now? A I live out here at the Old Agency, four miles west of here.
- Q Is that near Muskogee? A Yes, sir.
- Q How long have you lived there? A I have been there about five or six weeks now.
- Q Where did you live before going to the Old Agency? A I lived down here in the Choctaw Nation, near Fort Smith.
- Q How long did you live there? A I lived there about two years.
- Q Where did you live before going to the Choctaw Nation? A Well I lived in the Choctaw Nation all time; I lived down there at Tallahatchy before going to Fort Smith.
- Q Did you ever try to be enrolled as a citizen of the Choctaw or Chickasaw Nation? A No, sir.
- Q Where does your brother, Riley Fulson, live now? A He lives out here with his uncle, Thomas Hawkins.
- Q How long has he lived there? A I don't know, sir, how long he has lived there; he was there when I came here.
- Q Where was he living before he went to his uncle's, Thomas Hawkins'?
- A Down here in the Choctaw Nation somewhere.
- Q Hasn't he been living in Arkansas? A He has been there--now, I don't know whether he made that his home any time or not; I know he has been over there, he told me; whether he lived there or not, I don't know.
- Q How often have you seen him during the last ten years? A I have seen him once or twice a year; sometimes a little oftener.
- Q Are you married? A Yes, sir.
- Q Have you any children? A Four.
- Q Are your wife and children Choctaw freedmen? A Yes, sir.
- Q Where do they live? A They live down there, eight miles west of Fort Smith.
- Q Are you separated from your wife? A No, sir.
- Q You say Riley is living here near the Agency? A Yes, sir; he is living right in the Old Agency.
- Q How long has he been there? A I don't know, sir, how long he has been there; he was there when I got here.
- Q Is that the first time you have seen him for a long time--when you met him at the Agency? A No, I seen him last spring, somewhere along in April, I think.
- Q Where did you see him? A He was at my house.
- Q Where was your house? A Down in the Choctaw Nation, near Fort Smith.
- Q Did he seem to visit you there? A Yes, sir; he came over and staid a week with me.
- Q How long had it been since you had seen him when he came to your house in the Choctaw Nation? A Oh, I hadn't seen him for about four or five months.
- Q Did he make his home in the Choctaw Nation or in Arkansas? A I don't know where he made his home at.

1865.

From the date of this date to the date of the
Indian Territory.

Oliver Chubb

Edward House

DEPARTMENT OF THE INTERIOR,
~~COMMISSION TO THE NOW-CIVILIZED TRIBES.~~
Muskogee, Ind. Ter., July 6, 1903.

SUPPLEMENTAL TESTIMONY:

In the matter of the application for the enrollment of Riley Folsom, as a Creek freedman.

RILEY FOLSON, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Riley Folsom.
Q How old are you? A Thirty-six.
Q What is your post office address? A Muskogee.
Q Are you the same person who made application for enrollment as a Creek freedman, on February 9, 1903? A Yes, sir.
Q Where do you live? A Live out here about four miles, Creek Agency.
Q Is that in the Creek Nation? A Yes, sir.
Q How long have you lived there? A Lived there all my life here lately, I have been gone and just come back.
Q How long have you lived out there this last time? A About four months, I guess.
Q Have you lived there all the time for the last four months? A Yes, sir.
Q Prior to that time, you had lived for a number of years in Arkansas? A Choctaw Nation, and Arkansas, too.
Q How long have you been in the Creek Nation this last time? A Four months.
Q Where did you live before that? A I lived in the Choctaw Nation part of the time.
Q How long did you live in the Choctaw Nation? A Eight or nine years--something along there.
Q Where did you live before you went to the Choctaw Nation? A Fort Smith.
Q How long did you live there? A I don't know, five or six years I reckon, I don't know exactly how long.
Q In your testimony taken on the 9th of February, 1903, this question was asked you: "How long did you live at South McAlester?" and you answered: "About a year". Then the question was asked, "Where did you live before you went to South McAlester?"; The answer, "Fort Smith". Then the question was asked: "How long had you been living at Fort Smith?" and you answered: "About thirteen years". Are the questions and answers that you then gave true or not? A Yes, sir; they are true, I guess, if I gave them. I never kept no track of it.
Q Do you own any property in the Creek Nation? A No, I don't.
Q Have you picked out any land upon which you desire to file? A Not yet, didn't know whether they were going to let me file or not.
Q Have you a family? A No, sir.
Q What business are you engaged in now? A In farming.
Q Have you rented land? A Yes, sir.
Q How much land have you in cultivation? A About eight acres of cotton.
Q Do you keep house, or do you live with some one? A I live with my uncle.
Q Have you in good faith removed to the Creek Nation? A Yes, sir.
Q Do you intend to make it your home? A Intend to make it my home as long as I live.

Wilson.

son, witness.

Commission.

Q. Was a witness of the Chester Nation? A. No, sir.

Q. Does your name appear on the rolls of the Chester Nation?

Q. Have you ever drawn any money from the Chester Nation?

Q. Have you ever applied to this Commission to be enrolled as a
Chester Nation? A. No, sir.

Q. What name of your uncle with whom you reside?

Hawkins.

reused.

Mr. G. Hinkle, having been duly sworn, upon his oath states,
stenographer for the Commission to the Five Civilized Tribes,
and the proceedings had in the above entitled cause on the
7th day of July, 1903, and that the above and foregoing is a full,
correct transcript of his stenographic notes thereof.

Oliver Hinkle

Subscribed and sworn to before me this 7th day of July, 1903,
at _____, Indian Territory.

Charles H. Sawyer

Notary Public.

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

J. J. B.

No. 101

In the matter of the application for the enrollment of Riley Fulson as a Creek Freedman.

DECISION.

The record in this case shows that on February 9, 1903, Riley Fulson appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 17, and July 6, 1903.

The evidence shows that said Riley Fulson is identified on the 1898 Pay Roll of the Creek Nation.

The evidence further shows that for several years up to about four months prior to the application herein said Riley Fulson had not resided in the Creek Nation, and that about four months prior to said application he, in good faith, removed to said Nation where he has since resided.

It is therefore the opinion of this Commission that said Riley Fulson should be enrolled as a Creek Freedman in accordance with the provisions of the act of Congress, March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

077 108 1903

1007
Creek No. 203.

Muskogee, Indian Territory, October 30, 1903.

A. P. Murphy,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission in the matter of the application for the enrollment of Riley Fulson as a Creek freedman.

The Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and, if at the expiration of that time no such protest has been made, said Riley Fulson will be regularly listed for enrollment as a citizen of said nation.

Respectfully,

Commissioner in Charge.

OGK-18.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind. Ter., March 20, 1903.

In the matter of the application of Susan Lewis for the enrollment of her mother, child, Johnny Prince, and her grandchild, Emma Prince, as Creek freedmen.

SUSAN LEWIS, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A Susan Lewis.
Q What is your age? A About fifty-seven, I think.
Q What is your post office address? A Inola.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What was your maiden name? A Susan Sanders.
Q How many times have you been married? A Four times.
Q What are the names of your different husbands? A Tyler Prince, Ben McCallop, Perkin Irvin, and Smart Lewis.
Q Have you been enrolled by the Commission as a Creek citizen?
A Yes, sir.

The records of the Commission examined and it appears therefrom that Susan Lewis is listed for enrollment as a citizen of the Creek Nation on Creek Freedman Card Field No. 1048, under the name of Susan Prince.

- Q For whom do you now make application for enrollment? A Johnny and Emma Prince.
Q Are you the mother of both of these children? A Was the mother of Johnny Prince, but was the granny of Emma Prince.
Q What is the name of the mother of Emma Prince? A Rosa Prince.
Q Is Rosa Prince your daughter? A Yes, sir.
Q Is she living? A She died.
Q About how long has she been dead? A Five or six years.
Q About how old is Johnny Prince? A About sixteen.
Q About how old is Emma Prince? A About ten or eleven years old.
Q Are both of these children now living? A Yes, sir; both living.
Q What was the name of the father of Johnny Prince? A Tyler Prince.
Q Is he living? A No, sir; he died.
Q About how long has he been dead? A I can't tell you how long it has been; it has been many years.
Q Was he a Creek citizen? A Yes, sir.
Q To what town in the Creek Nation did he belong? A Canadian.
Q Was he a Creek freedman? A Yes, sir.
Q Does his name appear on the Dunn Roll? A Yes, sir.
Q To what town in the Creek Nation do you belong? A Canadian.
Q Does your name appear on the Dunn Roll? A Yes, sir.
Q Have you been recognized by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Does your name appear on the Creek tribal rolls? A Yes, sir.
Q Does the name of Tyler Prince appear upon the Creek tribal rolls?
A Yes, sir.
Q What was the name of your owner? A Lafayette Marshall, or Martha.
Q Do you recollect when the twenty-nine dollar payment was made to the Creek citizens? A No, sir.
Q Well did you get twenty-nine dollars from the Creek Nation?
A Yes, sir; I got it.
Q Was Tyler Prince living when you got the twenty-nine dollars?
A No, sir; he wasn't living.

3 **Susan and Emma Prince.**

Susan Prince, witness.

Examination by the Commission.

Q How long has he been dead before that? **A** I just can't tell you, so long.

Q What was the name of your mother? **A** Jennie Cruel.

The roll of Creek freedmen made by Major J. W. Dunn prior to March 14, 1867, examined, and the name of Susan Lewis is found and identified thereon as "Susie Cruel", at No. 260.

The roll of Creek freedmen made by Major J. W. Dunn, prior to March 14, 1867, examined, and the name of Tyler Prince not found thereon.

The 1891 Omitted roll of the Creek Nation, Canadian Colored Town, examined, and the name of Susan Lewis is found and identified thereon as "Susie McKelley", at No. 436.

Q Did you ever go by the name of Susan Barnett? **A** Yes, sir.

Q How did you get the name of Susan Barnett? **A** That was my old man.

Q Were you ever married to a man by the name of Barnett? **A** Yes, sir; he died, though.

Q Well then you have had five husbands, hav'n't you? **A** Yes, sir.

The 1895 Pay Roll of the Creek Nation, Canadian Colored Town, examined, and the name of Susan Lewis is found and identified thereon, as "Susan Barnett", at No. 394.

The 1890 and 1895, and the 1891 and 1895 Omitted, rolls of the Creek Nation, Canadian Colored Town, examined, and the name of Tyler Prince not found on any of said rolls.

Q What was the name of the father of Emma Prince? **A** Wesley Vann.

Q Is Wesley Vann living? **A** I think he is living.

Q Is he a citizen of the Creek Nation? **A** No, sir.

Q Is he a citizen of any nation in the Indian Territory?
A Cherokee.

Q Where does Wesley Vann live? **A** I can't tell you where he is; I don't know.

Q To what town in the Creek Nation did Rosa Prince, the mother of Emma Prince, belong? **A** Same town where I belong.

Q Is that Canadian town? **A** Yes, sir.

Q Was she recognized by the Creek tribal authorities as a citizen of the Creek Nation? **A** Yes, sir.

Q Does her name appear upon the Creek tribal rolls? **A** Yes, sir.

Q About how old was Rosa Prince when she died? **A** Well I can't tell you about that; she was a grown woman.

Q Was she over twenty-five years of age? **A** I don't know.

Q Have you a son by the name of Tom Prince? **A** Yes, sir.

Q When Rosa Prince died, was she older or younger than Tom Prince?
A Younger.

Q About how much younger was Rosa Prince than Tom Prince?
A Three or four years.

The records of the Commission examined and it appears therefrom that Tom Prince was twenty-nine years old on June 2, 1899.

Q Was Rosa Prince born before or after the payment was made in 1866?
A She was born after the Dunn Roll was made.

Johnny and Emma Prince.

Emma Prince, witness.

Examination by the Commission.

~~The 1899 authenticated Tribal Roll of the Creek Nation, Canadian Town, examined, and the name of Rosa Prince is found and identified therein as "Rosa Prince", at page 40.~~

The 1895 Pay Roll of the Creek Nation, Canadian Colored Town, examined, and the name of Rosa Prince is found and identified therein at No. 1398.

- Q Where do you live? A On the Verdigris River.
Q So that in the Creek Nation? A Yes, sir.
Q How long have you lived in the Creek Nation? A I have lived a long time.
Q Have you lived in the Creek Nation all your life? A Yes, sir.
Q Did you ever live in the Cherokee Nation? A No, sir.
Q Do Johnny and Emma Prince both live with you? A Yes, sir; got them both there at home.
Q Have Johnny and Emma Prince lived with you all their lives? A Yes, sir.
Q Did they ever live in the Cherokee Nation? A No, sir.
Q Did Emma Prince ever live with her father, Wesley Vann? A No, sir.
Q Do you know whether or not Wesley Vann has had Emma Prince enrolled as a Cherokee citizen? A No, sir.
Q Is this the first time that you have ever made application to the Commission for the enrollment of Johnny and Emma Prince, as Creek citizens? A No, sir; I had come once before, and couldn't get them on the roll, and went back.
Q When were you here before to have them enrolled? A A good while since I have been here.
Q Why were they not enrolled then? A I couldn't get no witnesses.
Q Did you appear before the Commission and have your sons, Ben McKelley and Bobby Prince, enrolled? A Yes, sir.
Q Did you try to have these two children enrolled at the same time? A Yes, sir; I did.
Q Why were not Johnny Prince and Emma Prince enrolled at that time? A I told them, but I guess they didn't put it on; I told them.
Q Do you know Louis Alberty? A Yes, sir.
Q Is he any kin of yours? A No, sir.
Q How many children did your daughter, Rosa Prince, have? A Just two.
Q What is the name of her other child? A I don't know, I nicknamed him Tecumseh.
Q What is the name of the father of Rosa's other child? A Louis Moody.
Q Is he also known as Louis Alberty? A Yes, sir.
Q Is Johnny older or younger than Rosa's child by Louis Alberty? A Johnny is older.
Q Was your daughter, Rosa Prince, married to Wesley Vann? A No, sir; they didn't quite marry--they never married.
Q Did she ever live with Wesley Vann? A No, sir; she didn't live with him.

Witness excused.

SAM MORRIS, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A Sam Morris.
Q What is your age? A About fifty-two.
Q What is your post office address? A Inola.

4 Johnny and Emma Prince.

Sam Harris, witness.

Examination by the Commission.

- Q Are you a citizen of the Creek Nation? A Yes, sir; I am a citizen of the Creek Nation.
- Q Do you know Susan Lewis, who makes application for the enrollment of her child, Johnny Prince, and her grandchild, Emma Prince?
- A Yes, sir.
- Q How long have you known Susan Lewis? A Been after the war I got acquainted with her.
- Q Has Susan Lewis a son by the name of Johnny Prince? A Yes, sir.
- Q How do you know that Johnny Prince is the son of Susan Lewis?
- A Well you see I used to stay with them a while, and she was sucking him when he was a baby.
- Q How old is Johnny Prince? A Well, I claim him about sixteen.
- Q Does Johnny Prince live with Susan Lewis? A Yes, sir.
- Q How long has Johnny Prince lived with Susan Lewis? A About three weeks, it has been, since he quit from Bob.
- Q Where did Johnny Prince live before he went to live with Susan Lewis? A He lived over here on the Arkansas.
- Q Who did he live with? A Bobby Grayson.
- Q How long did he live with Bobby Grayson? A I think he had been with him about two or three years.
- Q Where did Johnny Prince live before he went to Bobby Grayson's?
- A He was staying with his mother, they were living over there about Cheska.
- Q How long did he live with Susan Lewis at that time? A I couldn't tell you how long that has been.
- Q Did he live with her all the time from the time of his birth up to the time that he went to Bobby Grayson's? A Yes, sir.
- Q Do you know Emma Prince? A Yes, sir.
- Q What kin is Emma Prince to Susan Lewis? A That is her grandma.
- Q What is the name of the mother of Emma Prince? A Rosa Prince.
- Q How long has Rosa Prince been dead? A I can't exactly tell you how long it is; I think it is a little over five or six years since she has been dead.
- Q Is she the mother of Emma Prince? A Yes, sir; she is the mother of Emma Prince.
- Q What is the name of the father of Emma Prince? A His name Wesley Vann.
- Q He is a Cherokee citizen? A A Cherokee citizen.
- Q Where does Wesley Vann live? A He used to live at Concharty, away up the river.
- Q Is that in the Creek Nation? A Yes, sir.
- Q Was Wesley Vann married to Rosa Prince? A He did try to marry to her but--
- Q Well did they live together as man and wife? A No, sir; they didn't live together.
- Q Did Emma Prince ever live with Wesley Vann? A No, sir; never did.
- Q Where does Emma Prince live now? A Staying right with her grandma.
- Q You mean Susan Lewis? A Yes, sir.
- Q How long has Emma Prince lived with Susan Lewis? A Been about four years, as far as I can recollect.
- Q Has she lived with Susan Lewis ever since she was born?
- A No, sir; she staid with Mrs. Moody, in town at Wagoner, and she went and got her; she staid there a little over two or three years, and she (pointing to Susan Lewis) took her home with her.
- Q She staid with Angeline Moody? A Yes, sir; with Angeline Moody.
- Q Did Rosa Prince have more than one child? A Yes, sir.
- Q What was the name of her other child? A They had three or four names, first name she give to me was Arthur; the next name was Tecumseh, and the next name was Clarence--that's a boy.
- Q That is Clarence Alberty? A Yes, sir; Clarence Alberty.
- Q Is Arthur, Tecumseh and Clarence Alberty one and the same person?
- A Yes, sir.

Witness excused.

3 Johnny and Emma Prince.

SURAS LEWIS, BEING SWORN, testified as follows:

EXAMINATION BY THE COMMISSION.

Q Are there any other statements you desire to make at this time in regard to the application you now make for the enrollment of your minor child, Johnny Prince, and your grandchild, Emma Prince, as Creek freedmen? A No, sir.

BY THE COMMISSION: This case is continued in order that the applicant and the Creek Nation may introduce further testimony as to the identification of Johnny and Emma Prince.

Witness excused.

Oliver C. Hinkle, having been duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 20th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle

Subscribed and sworn to before me this 23rd day of March, 1903, at Muskogee, Indian Territory.

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
~~COMMISSION TO THE FIVE CIVILIZED TRIBES.~~
Muskogee, Ind.Ter., March 21, 1903.

SUPPLEMENTAL TESTIMONY in the matter of the application of Susan Lewis for the enrollment of her minor child, Johnny Prince, and her grandchild, Emma Prince, as Creek freedmen.

ABE KERNEL, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A Abe Kernel.
- Q What is your age? A Seventy.
- Q What is your post office address? A Inola, Indian Territory.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q Have you ever held any official position in the Creek Nation?
- A Yes, sir.
- Q What positions have you held? A I represented the Creek Nation as one of the commissioners here at the land office.
- Q Were you ever Town King? A No, sir.
- Q Are you a member of Canadian Colored Town? A No, sir.
- Q What is the name of your town? A Arkansas.
- Q Do you know Susan Prince? A Yes, sir.
- Q How long have you known her? A I have known her well onto about thirty years now.
- Q How many children has she? A Well there is Thomas, Rose, Bobby and Johnny and Bennie.
- Q Are they all named Prince? A All named Prince excepting Bennie; Bennie is McKellop, and the others all Prince.
- Q Which is her oldest child? A Thomas Prince.
- Q What is the age of Thomas? A Must be about thirty or thirty-five.
- Q What is the name and age of the next one? A Rosey Prince.
- Q Rosey Prince is dead, is she not? A Yes, sir; she is dead.
- Q When you mentioned her children, you meant those that are now living? A Yes, sir.
- Q What is the name and age of the next oldest one? A That is Bobby Prince, must be about twenty.
- Q What is the name and age of the next oldest one? A That is Johnny Prince; he is about, I would say, sixteen or seventeen years old.
- Q Is Johnny Prince now living? A Yes, sir.
- Q What was the name of his father? A Tyler Prince.
- Q Tyler Prince was the father of all the other children you have mentioned excepting Ben McKellop? A Yes, sir; he was the father of all excepting Bennie McKellop.
- Q Does Johnny Prince live with Susan Prince? A Yes, sir; been living with her; and then, she let a young man take him and keep him, Tacky Grayson's son, Bobby, staying with him all the while; but now she got him home.
- Q Do you know where Johnny Prince was living in 1895? A No, sir; I don't know exactly, can't say exactly where he was; I think he was with his mother.
- Q Do you know where he was living in 1890, when the \$29 was paid?
- A I think he was with his mother then.
- Q Did Johnny Prince ever live in the Cherokee Nation? A No, sir.
- Q Is he a recognized citizen of the Creek Nation? A Yes, sir.
- Q There is no question about that? A No question about that.
- Q Did Rose Prince have any children? A Yes, sir.
- Q Please state the names of her children? A The name of one, the girl is Emma Alberty, and then the other one is Clarence Alberty.

2 Johnny and Emma Prince: Supl., 3/21/1903/

Abe Kernel, witness.

Examination by the Commission.

Q About how old is Clarence Alberty? A Well, I reckon Clarence is about six or seven years old--somewhere along there, and Emma, she must be about eight or nine years old.

Q You think that Emma is older than Clarence? A Yes, sir.

Q You are positive that Emma was born before Clarence? A Yes, sir.

Q Was Lewis Alberty the father of both Emma and Clarence? A Well, that is what they claims, that he is the father; that he rather don't want to own that Emma, that is the way I understand the thing.

Q You are positive that Emma is the daughter of Rosa Prince? A Yes, sir; I am positive of that.

Q There is no question as to the citizenship of Emma Prince, then?

A No, sir; not a bit.

Q Emma Prince and Emma Alberty are one and the same person? A Yes, sir; but they just changed the name, called her Alberty all the child until after--and now the old lady naming her Emma Prince.

Q Has Emma Prince always resided in the Creek Nation? A Yes, sir; never did been out.

Q Did she ever live with Lewis Alberty? A Yes, sir; lived with Lewis Alberty a while, and the two old ladies got into a little dispute about filing for her--she was staying with Angeline Moody, that is Lewis's mother--and they got in a little dispute about the child some way or other, and she just turned her over to her grandma again.

Q Do you know where Emma was living when the 1898 Payment was made?

A No, sir; I don't exactly.

Q Have you any idea where she was living? A Yes, sir; I think she was living right there close by me, in the bottom there from my house, about a mile and a half.

Q Was she living then with Angeline Moody? A No, sir; she was living with the old lady, and then, after Rose was married--now, I will tell you about--Rose and Lewis parted and Rose married again and was living in the bottom there with another man by the name of Walter--I forget what his surname is, but anyhow it was Walter--and then after Rosa died, then Lewis, he took the children and put them with her mother, with Angeline Moody, and then after this filing was, then the old ladies got into some kind of a jangle about Emma filing, and Angeline wouldn't file for her and took her over to Rosa's mother, and she is there with her ever since.

Q Was Rosa married more than once? A Yes, sir; had Lewis first, and then after that, she had this Walter--I remember what his name is now, Walter Washington.

Q Was Walter Washington a citizen of the Creek Nation? A Yes, sir.

Q Is he now living? A Yes, sir; he is out somewheres, I don't know where he is.

Witness excused.

Oliver C. Hinkle, having been duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, on the 21st day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver Hinkle

Subscribed and sworn to before me this 23rd day of March, 1903, at Muskogee, Indian Territory.

Edward Herrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE NINE CIVILIZED TRIBES,
Muskogee, Ind. 304, March 31, 1903.

SUPPLEMENTAL TESTIMONY:

In the matter of the application of Susan Lewis for the enrollment of her minor child, Johnny Prince, and her grandchild, Emma Prince, as Creek freedmen.

APPEARANCES: J. D. Cox.

ABE PRINCE, having been first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A Abe Prince.

Q What is your age? A I guess I about--I don't know, I can't tell my age, but I reckon I am away up about sixty years old, I reckon.

Q What is your post office address? A Redbird.

Q Are you a Creek citizen? A Yes, sir; bred and born right here in the nation.

Q Do you know Emma Alberty? A Yes, sir; I know her.

Q How long have you known her? A Oh, I have known her from a baby up.

Q What was the name of her father? A Lewis Alberty.

Q What was the name of Emma Alberty's mother? A Rose Alberty.

Q How do you know that Lewis Alberty is the father of Emma?

A Emma's mother was Rose, that is all I know.

Q Was there ever any dispute as to who the father of Emma Alberty was? A None as ever I have known.

Q Did Lewis Alberty ever claim that he was not the father? A Never did hear of it--of his claiming that.

Q Was Rose Alberty living with Lewis when Emma was born?

A Yes, sir.

Q How long had they been living together at that time?

A I don't know how long, but they had been together about five or six years, I reckon--may be it might be longer.

Q Did Rose Alberty live with another man? A She lived with me--I am the uncle of Rose.

Q Didn't she ever live with a man by the name of Wesley Vann?

A Not as ever I know of.

Q Did she ever live with a man by the name of Walter Washington?

A Yes, sir.

Q When did she live with him? A She lived with him after she and Lewis parted.

Q How old was Emma Alberty at that time? A Don't know; I couldn't tell you, but she was a good, big, little girl--good-sized little girl.

EXAMINATION BY J. D. COX.

Q How far were you living from Lewis Alberty at the time Emma was born? A I guess I was about six or seven miles.

Q Do you know whether Lewis and Rose Alberty were living together at the time Emma was born, or not? A Yes, sir; they were living right together.

Q About how long--about how many years, after Emma was born, before she lived with this other man? A (Q) This Walter?

Q (A) Yes. A I don't know, I couldn't tell you how many years.

A I never took no particular notice, never thought I would have to go over it again and I never did take any particular notice, to tell the truth.

2 Johnny and Emma Prince: Supl., 4/31/03.

Abd Prince, witness.

Examination by J. D. Cox.

Q Do you know whether Emma had been born at the time Rosa and Lewis separated, or not? A Yes, sir.

Q About how large do you think Emma was? A A good sized kid, about that large I think (indicating a certain height with his hand).

Q Was she running and talking? A Yes, sir, she was able to talk.

Q Who has raised Emma since the death of her mother--who had charge of her up to a short time ago? A Sister Moody.

Q The old lady Moody? A Yes, sir.

Q Lewis and the old lady had provided for her at that time?

A Yes, sir.

Q Was there ever any claim, so far as you know, that her name wasn't Alberty, but was Prince? A Don't know any name but Prince.

Q But Prince? A But Alberty. We went by Prince--my niece was a Prince first before she married--she was a Prince, and by that they just called the child Prince, just called by the name of Prince, but the real name is Alberty, that is it, Alberty, my own brother's daughter.

Q She is your own brother's daughter? A Yes, sir; can prove that.

EXAMINATION BY THE COMMISSION.

Q Who has the custody of Emma Prince or Alberty now? A Her granny.

Q What is her granny's name? A Susie Lewis.

Q How long has Emma Alberty or Prince been living with Susie Lewis? A I don't know really how many years. I couldn't say how many years. I never take no particular notice, but she don't know any better than I do. I don't really know how many years since she been living with her.

Q How does it happen that Emma is living with her grandmother, and not with her father? A Been living with the father and the grandma all the time, and her grandma--her grandma got married to a man by called Perkin. Perkin came and fooled the children, ever here at Wagoner, fooled this child away from Miss Moody and take her back, and he run away with them, and run back over to her granny.

(Examination by Mr. Cox.)

Q What is this other granny's name? A Susie.

EXAMINATION BY THE COMMISSION.

Q Well then there is a dispute as to where that child belongs?

A I don't know. I never heard it, I will tell you the truth about it--I never heard of any dispute, but they come and told the children that the old lady, she want the child to stay with them a while and took the child--she wasn't at home--and took the child and gone. But I never heard no other dispute, to tell the truth, I never heard any dispute at all, but he went off with the child.

Witness excused.

Oliver C. Hinkle, having been first duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on March 31, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 1st day of April, 1903, at Muskogee, Indian Territory.

Edward Herring

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., July 14, 1903.

In the matter of the application for the enrollment of
Johnny and Emma Prince, as Creek freedmen.

The 1890 authenticated tribal rolls of the Creek
Nation examined, Canadian Town, examined, and Johnny
Prince is identified thereon, at page 60, as "Jimmy
Prince."

The 1895 Omitted roll of the Creek Nation examined
and Emma Prince is identified thereon at page 33.

IT IS ORDERED that copies of this statement be filed and
made part of the record in this case.



Commissioner.

Creek No. 304.

Muskogee, Indian Territory, March 27, 1903.

F. C. Reuter,

Clerk in charge Cherokee Land Office,

Vinita, Indian Territory.

Dear Sir:

March 20, 1903, Susan Lewis appeared before the Commission and made application for the enrollment of her minor grandchild, Emma Prince, aged about 10 years, as a Creek freedman. From the testimony submitted, it appears that said Emma Prince is the child of Wesley Vann, a citizen of the Cherokee Nation, and Rosa Prince, deceased, a Creek freedman.

You are requested to advise the Creek Enrollment Division whether application has been made for the enrollment of said Emma Prince as a citizen of the Cherokee Nation, and whether her name appears upon the Cherokee tribal rolls.

Respectfully,

Chairman.

Washington, Indian Territory, May 5, 1903.

Cesar Jeffers,

Inola, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 2, 1903, in reference to the application for the enrollment of the minor children, Johnny and Emma Prince, as citizens of the Creek Nation. You state that you are acting as an attorney of Susan Lewis, the grandmother of said minor children, and request that an opinion be rendered in the case.

It does not appear that you have been registered as an attorney or agent authorized to practice before the Commission, neither does it appear that you have been appointed by power of attorney to represent said applicants.

You are advised that the case will be disposed of as soon as it is reached in the course of business.

Respectfully,

Chairman.

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James Jeffers

Indian Territory

Sir:

The Commission is in receipt of your letter of May 9, concerning the application for enrollment of Johnny and Emma Prince, as citizens of the Creek Nation. It is stated that you are authorized to represent the applicants, under power of attorney, and you ask that a decision be rendered.

You are advised that the case will be disposed of as soon as it is reached in the course of business, and when the power of attorney referred to is filed with the Commission, you will receive notice of any action that may be taken in the matter.

Respectfully,

Chairman.

5073
Creek No. 204.

Mustagee, Indian Territory, July 7, 1903.

Commissioner in Charge,
Tulleguah, Indian Territory.

Sir:

By letter of March 27, 1903, the clerk in charge of the Cherokee Land Office was advised that on March 20, 1903, Susan Lewis appeared before the Commission and made application for the enrollment of her minor grandchild, Emma Prince, aged about ten years, as a Creek freedman.

It was stated that from the testimony submitted, it appeared that said Emma Prince was a child of Wesley Vann, a citizen of the Cherokee Nation, and Rosa Prince, deceased, a Creek freedman. It was requested that the Creek Enrollment Division be advised whether application had been made for the enrollment of said Emma Prince as a citizen of the Cherokee Nation, and whether her name appeared upon the Cherokee tribal rolls.

No reply appears to have been received to said letter. You are now requested to give the information called for by said letter of March 27, 1903.

Respectfully,

Commissioner in Charge.

Copy.

Tablequah, Indian Territory, July 13, 1903.

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

Gentlemen:

Receipt is hereby acknowledged of the Commission's letter of July 7, calling attention to a letter written March 27, 1903, to the Clerk in Charge of the Cherokee Land Office, asking to be informed if application has ever been made to the Commission for the enrollment, as a citizen of the Cherokee Nation, of Emma Prince, a child of Wesley Vann, who is said to be a citizen of that Nation, and Rosa Prince, deceased, a Creek freedman.

The Commission's letter of July 7 states that no reply to the letter of March 27 has been received and requests that the information called for in the letter last mentioned be furnished as soon as possible.

In reply, there is enclosed herewith a copy of a letter addressed to the Creek Enrollment Division, dated April 1, 1903, written in reply to the Commission's letter of March 27, and which furnished the information asked for in that letter.

Respectfully,

C. R. Breckinridge.

Commissioner in Charge
Cherokee Land Office.

MFM

Enc. M-156.

COMMISSIONERS
J. H. HENRY,
W. S. HENNING,
W. H. HENNING,
STANLEY
L. AYLSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Handwritten initials

RECEIVED AS COPY TO THE FOLLOWING OFFICE

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tahlequah, Indian Territory, July 13, 1903.

April 1, 1905

Commission to the Five Civilized Tribes,
(Creek Enrollment Division),
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of Commission's letter of March 27, asking if an application has been made for the enrollment of one Emma Prince, a child of Wesley Vann and Rosa Prince, as a citizen of the Cherokee Nation and whether her name appears upon any of the Cherokee rolls.

In reply I have the honor to state that no record can be found of any application made for the enrollment of Emma Prince as a citizen of the Cherokee Nation, nor is her name identified upon any of the Cherokee tribal rolls in possession of this office.

Respectfully,

B. G. Benter

Clerk in Charge.

JOC.

(MFM)

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

2278

En. 304

In the matter of the application for the enrollment of Johnny
and Emma Prince as Creek Freedmen.

DECISION.

The record in this case shows that on March 20, 1903, Susan
Lewis appeared before the Commission at Muskogee, Indian Territory, and
made application for the enrollment of her minor child, Johnny Prince,
and her minor grand-child, Emma Prince, as Creek Freedmen. Further pro-
ceedings in the matter of said application were had at Muskogee, Indian
Territory, March 21, March 31, and July 14, 1903.

The evidence shows that said Johnny Prince is the minor child
of Susan Lewis, and the records of the Commission show that said Susan
Lewis is identified on the partial list of Creek Freedmen approved by
the Secretary of the Interior March 28, 1902, Roll Number 3932, under
the name of Susan Prince. An examination of the roll made by J.W.Dunn
prior to March 14, 1867, shows that said Susan Lewis is identified
thereon at Number 860.

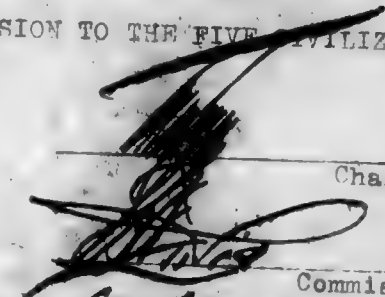
The evidence further shows that said Johnny Prince is identified
on the 1890 Authenticated Tribal Roll of the Creek Nation and was living
at the date of the application herein.


The evidence further shows that said Emma Prince is a minor;
that she is identified on the 1895 Omitted Roll of the Creek Nation and
was living at the date of the application herein.

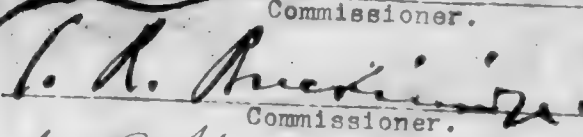
The evidence further shows that said Johnny and Emma Prince
have resided in Indian Territory all their lives.

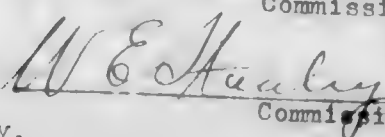
It is therefore the opinion of this Commission that Johnny
Prince and Emma Prince should be enrolled as Creek Freedmen in accord-
ance with the provisions of the acts of Congress, June 28, 1898 (29
Stats., 321) and March 1, 1901, (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.


Commissioner.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

OCT 28 1903

Muskogee, Indian Territory, November 18, 1903.

Esau Lewis,

India, Indian Territory.

Dear Esau:

In the matter of the application made by you for the enrollment of Johnny and Emma Prince as Creek freedmen, you are advised that said Johnny and Emma Prince have been regularly listed for enrollment as Creek freedmen.

You are further advised that you will be permitted to make application for a selection of land for your child, Johnny Prince, in the Creek Nation; and the duly appointed guardian of Emma Prince will be permitted to make application for a selection of land for her in the Creek Nation, upon a personal appearance before the Commission at its office in Muskogee, Indian Territory.

Respectfully,

Chairman.

Creek No. 500.

Muskogee, Indian Territory, October 30, 1908.

A. F. Murphy,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission in the matter of the application for the enrollment of Johnny and Emma Prince as Creek freedmen.

The Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and, if at the expiration of that time no such protest has been made, said Johnny and Emma Prince will be regularly listed for enrollment as citizens of the Creek Nation.

Respectfully,

Commissioner in Charge.

OCC-18.

2-15-11

CR EN 305

CR EN 305

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Garfield, Indian Territory, June 10th, 1902.

In the matter of the application of Nellie Ned for the enrollment of herself and grand child as citizens of the Cherokee nation. Said Nellie Ned, being duly sworn, testified as follows through Interpreter John Israel:

Examination by the Commission:

- Q What is your name? A Nellie Ned.
 Q How old are you? A 50.
 Q What is your post office address? A Braggs.
 Q In what district do you live? A Illinois.
 Q For whom do you make application? A For herself and child.
 Q What is the name of your child? A Wahlanestah Scott.
 Q How old is that child? A 12.
 Q Is that your child? A Yes sir.
 Q Do you claim to be a Cherokee by blood? A Yes sir.
 Q What degree of Cherokee blood do you claim? A About a half breed.
 Q Are you half Cherokee and half Creek? A Yes sir.
 Q Have you ever been recognized as a citizen by the tribal authorities of the Cherokee Nation? A Yes sir.
 Q Does your name appear upon the tribal rolls of the Cherokee Nation? A Yes sir.
 Q What is the name of your father? A Wantutsi.
 Q Is he living? A No sir.
 Q Was he a Cherokee by blood? A Yes sir.
 Q What is the name of your mother? A Lizzie.
 Q Lizzie what? A Lizzie Beaver.
 Q Is she living? A Dead.
 Q Was she a Cherokee by blood? A Quarter Cherokee.
 Q How long have you resided in the Cherokee Nation? A She said she was born and raised here.
 Q Have you been outside of the Cherokee Nation for any purpose within the past four years? A No sir.
 Q Who is the father of Wahlanestah Scott? A Josiah Scott.
 Q Is he living? A Dead.
 Q Was he a Cherokee by blood? A No sir.
 Q Was he a white man? A No sir.
 Q What was he? A Creek.
 Q Was he a citizen of the Creek Nation? A Yes sir.
 Q You are the mother of Wahlanestah Scott are you? A Her grandchild.
 Q What is the name of the mother of this child? A Chawayukah Scott.
 Q Is she living? A Dead.
 Q Was she a Cherokee by blood? A Yes sir.
 Q Was Chawayukah Scott related to you? A Daughter of hers.
 Q What was the name of the father of Chawayukah? A Josiah Ned.
 Q Were you married to Josiah Ned? A No sir.
 Q Was Josiah Ned a Cherokee by blood? A Yes sir.
 Q Is he living? A Dead.
 Q Did Chawayukah Scott live in the Cherokee Nation continuously from the time of her birth until the date of her death? A Yes sir.
 Q Did she ever live in the Creek Nation? A No sir; she was raised here in the Cherokee Nation.
 Q Did you ever live in the Creek Nation? A Yes sir; when she was a girl.
 Q About how old were you when you lived in the Creek Nation? A 16.
 Q When you left the Creek nation did you move to the Cherokee nation? A Yes sir.

(Copy)

-2-

- Q Have you resided in the Cherokee nation continuously from that time until this? A Yes sir.
- Q In what district were you living in 1880? A Illinois.
- Q By what name were you enrolled in 1880, about 22 years ago? A Nellie Ned.
- Q Were you ever married before you married Josiah Ned? A Nobody.
- Q How long has Josiah Ned been dead? A 8 years.
- Q What was Josiah Ned's Indian name? A Josiah Hqua.
- Q Was Josiah Ned ever known by any other name? A No sir.
- Q About how old would Chawayukah Scott be if she were living now? A 30.
- Q Did you have a child named Peggie? A Yes sir.
- Q Is Peggie the one you call Chawayukah? A Yes sir.

1880 authenticated roll of citizens of the Cherokee nation examined and the name of the applicant is identified thereon, page 585, #981, as Nellie Josiah, Illinois district, no age given. Note: "Creek."

It is shown from the copy of the 1880 authenticated roll formerly in the possession of the representatives of the Cherokee nation that the Nellie Josiah whose enrollment is accepted as that of the applicant appears on said roll with Ned Josiah, apparently her husband, and Peggie Josiah, her daughter, whom the applicant avers is the mother of the orphan child Wahlanse-tah Scott, for whom she applies.

- Q After the death of Josiah Ned did you afterwards marry someone else? A No sir.
- Q With whom have you lived since the death of your husband? A She lived at home, her own home.
- Q Do you remember enrolling in 1896? A Yes sir; she says she enrolled.
- Q Do you remember what name you gave the census takers? A Nellie Ned.
- Q Did you draw money in 1896, about 6 years ago? A No sir; she never drew any money.
- Q Have you ever drawn any money from the Cherokee nation? A Once.
- Q How long ago was that you drew money? A She don't know.
- Q Was it a good many years ago? A Yes sir; been a good while ago.
- Q At the time of the strip payment in 1894, did you draw money then? A Yes sir.
- Q How much did you draw? A A little over \$10.
- Q Has your daughter Chawayukah ever drawn any money from the Cherokee nation? A Yes sir.
- Q Do you remember whether she drew strip money in 1894 or not? A Yes sir.
- Q How much did she draw? A \$265- a few cents over.
- Q At the time of that payment did you draw money? A No sir.

Delinquent list of the 1896 census roll of citizens of the Cherokee nation has been examined and the name of the applicant is not found of record thereon.

The name of the applicant's grand child, for whom she applies, is duly identified hereon, page 905, #1856, War-lan-needa Scott.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded

(copy)

The testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) James G. Carr,

(Seal)

Subscribed and sworn to before me this 18 day of June, 1903.

(signed) John G. Reeson

Notary Public.

Under oath I hereby certify that this is a true copy of the proceedings had in the above case as appears from the record.

Henry S. Lains

Subscribed and sworn to before me this 26th day of January, 1904.

Charles H. Sawyer

Notary Public.

Chief Clerk Cherokee Land Office;

Has an allotment been
voluntarily selected in the Cherokee
Nation by Vellie Kad who is listed
on Cherokee Land 92 19 and whose
roll number is 21055

S. W. M.

An allotment of the value
of \$325⁰⁰ appears to have
been voluntarily selected in
the Cherokee Nation by
Vellie Kad Roll No. 21055

W. S. M.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., March 20, 1903.

In the matter of the application of Milechee for enrollment as a citizen by blood of the Creek Nation.

MILOCHEE, being first duly sworn, testified as follows, through official Interpreter, James H. Lynch:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Milechee.
Q What is your age? A About fifty, or a little over fifty.
Q What is your post office address? A Braggs, Indian Territory.
Q For whom do you now make application for enrollment?
A For myself.
Q Have you ever been recognized by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Does your name appear upon the Creek tribal rolls? A Yes, sir.
Q Are you married? A No.
Q Have you been married? A Yes, sir.
Q How many times have you been married? A My first husband was named Josiah Heddie; Tulwa Micco was my second husband.
Q Did you have any others? A That is all.
Q Is Josiah living? A No, he has been dead a long time.
Q Was he a Creek citizen? A He was a Cherokee citizen.
Q Was Tulwa Micco a Creek citizen? A He was a Creek.
Q Are you a full blood Creek Indian? A I have a little Cherokee blood also.
Q Do you know Eskarcho, Pepoche and Siah Scott? A Eskarcho and Pepoche are my children, and Siah Scott was my husband.
Q Is Josiah Scott or Josiah Heddie one and the same person?
A Yes, sir.
Q How long have Eskarcho and Pepoche and Josiah Scott been dead?
A About six years; all died close together.
Q Do you know Mullie? A Yes, sir.
Q Is he any kin to Tulwa Micco? A He is a brother of Tulwa Micco.
Q To what town in the Creek Nation do you belong? A Nuyaka.

The 1890 authenticated tribal roll of the Creek Nation, Nuyaka Town, examined, and the name of Mileche is found and identified thereon at Page #151.

The 1895 Omitted Pay Roll of the Creek Nation, Nuyaka Town, examined, and the name of Mileche is found and identified thereon as "Miloche Mikko", at Page #37.

The records of the Commission examined and it appears therefrom that Mileche is enrolled on Creek Indian Card Field No. 3437, as "Miloche Mikko", together with her husband Willie Tulwa Mikko.

- Q How long has your husband, Tulwa Micco, been dead? A Not quite a year, died last fall.
Q Did you ever live in the Creek Nation? A I lived in the Creek Nation before the war, but I have been in the Cherokee Nation ever since I came back after the war.
Q Have you a home in the Cherokee Nation? A I am living on the old place where I lived with Josiah Scott or Josiah Heddie.
Q Did you ever draw any money from the Cherokee Nation? A I drew ten dollars bread money there from the Cherokee Nation about three or four years after the war.
Q Do you know whether or not your name appears on the 1880 Cherokee roll? A I don't know.

testimony by the Commission.

- Q Did you ever apply to the Commission for enrollment as a citizen of the Cherokee Nation? A Yes, sir; I enrolled as a Cherokee.
- Q And you got to enroll as a Cherokee? A At Garfield.
- Q Was that some time last year? A I don't know how long ago it was.
- Q Did you give in testimony at that time? A Yes, sir.
- Q What name did you give at that time? A I gave both names, but I don't know what name they enrolled.
- Q Did the Commission ask you at that time in which nation you would elect to take your citizenship and distribution of money? A There was no nothing said to me about land at all. They told me when the money came to Muskogee, it would be looked after by the Commission.
- Q Have you any living children? A No, I haven't any living children.
- Q Are there any other statements you desire to make at this time in regard to the application made by you at this time for the enrollment as a citizen by blood of the Creek Nation? A No, sir.

COMMISSION TO APPLICANT: You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of yourself as a citizen by blood of the Creek Nation, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Witness excused.

Oliver C. Hinkle, having been duly sworn, upon his oath states that, as signed agent for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on March 20th, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 23rd day of March, 1903, at Muskogee, Indian Territory.

Oliver Hinkle
Edward Mervin
Notary Public.

(Copy)

FOR
Cherokee 9213

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER., NOV. 30, 1902.

In the matter of the application for the enrollment of
Nellie Ned et al. as citizens of the Cherokee Nation:

SUPPLEMENTAL STATEMENT.

An examination of the 1880 authenticated Cherokee roll
shows that the mother of Wahlanetah Scott is identified thereon as
Peggy Josiah, at page 545, Illinois District, #982.

It is ordered that this statement be filed with and made
a part of the record in this case.

(Signed) C.R. Breckinridge
Commissioner.

J.J. 19

En. 305.

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

In the matter of the application for the enrollment of Milochee as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on March 20, 1903, Milochee appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen by blood of the Creek Nation.

It appears that the applicant, under the name of Nellie Ned, appeared before the Commission at Garfield, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. The proceedings then had are made part of the record herein.

It appears from the evidence that the applicant is of Creek and Cherokee blood; that she is identified on both the Creek and Cherokee tribal rolls; that she was about fifty years old at the date of the application herein; that she has resided in the Cherokee Nation since she was sixteen years old, and that she has failed to elect in which tribe she shall be enrolled.

It appears from an examination of the records of the Commission that the applicant ~~is identified on the partial list of Cherokee citizens approved by the Secretary of the Interior, December 16, 1902, No. 21055.~~

The act of Congress, June 28, 1898 (30 Stats., 495) provides:

The several tribes may by agreement, determine the rights of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with which he has resided, and there be given such allotment and distributions, and not elsewhere.

It is, therefore, the opinion of this Commission that the application of Millockse for enrollment as a citizen by blood of the Creek Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

Copy

Creek No. 308.

Mustagee, Indian Territory, March 24, 1903.

P. G. Reuter,

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

Dear Sir:

March 20, 1903, Mileche appeared before the Commission and made application for enrollment as a citizen by blood of the Creek Nation. It appears from the testimony of the applicant that she is of Creek and Cherokee blood, and that she has heretofore made application for enrollment as a citizen of the Cherokee Nation.

The applicant has been listed on Creek Indian Card Field No. 3437, but her name has not been reported to the Secretary of the Interior for approval. A copy of the testimony in the case is inclosed.

You are requested to advise the Creek Enrollment Division whether application has been made for the enrollment of said Mileche as a citizen of the Cherokee Nation, and if so, what disposition has been made of the case.

Respectfully,

Chairman.

OCH-51.

Cherokee 9219.

(Copy)

Vinita, Indian Territory, March 28, 1903.

Commission to the Five Civilized Tribes,
(Creek Enrollment Division),
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of Commission's letter of March 24, enclosing copy of testimony taken March 20, 1903, in the matter of the application of Mileohae for enrollment as a citizen by blood of the Creek Nation. It is stated that the applicant has been listed upon Creek Indian card, field number 3437, but attention is called to the fact that she is of Creek and Cherokee blood and that she claims to have heretofore made application for enrollment as a citizen of the Cherokee Nation.

This woman is probably identified as an applicant for enrollment as a citizen by blood of the Cherokee Nation under the name of Nellie Ned. I have the honor to transmit herewith a copy of the testimony taken in connection with her application for enrollment of herself and child as citizens of the Cherokee Nation. The said Nellie Ned and her child, Wahlanestah, are listed on Cherokee card #9219 and appear upon the final roll of citizens of the Cherokee Nation as numbers 21055 and 21056. Their enrollment was, on December 16, 1902, approved by the Secretary of the Interior.

Respectfully,

P.G. Reuter,
Clerk in Charge.

Enc. C-128.
JOC.

COMMISSIONERS OF THE CHEROKEE NATION,
IN CHARGE OF THE LANDS,
CHEROKEE NATION, 1894.

In the matter of the application for the enrollment of
Milochee as a citizen by blood of the Creek Nation.

MILOCHEE, being first duly sworn by and examined through
Alex Pascoy, a Notary Public and official interpreter, testified
as follows:

BY THE COMMISSIONERS:

- Q What is your name? A I am known both as Milochee and Nellie Ned.
- Q How old are you? A I do not know but I was born before the civil war and must be over 50 years of age.
- Q Are you a citizen of the Creek Nation? A Yes sir, I have always been considered as such though I have lived nearly all my life in the Cherokee Nation.
- Q To what Creek town do you belong? A Mvayam, I have partici-
ipated in all the Creek per capita payments as a member of that town.
- Q Under what name are you enrolled in the Creek Nation?
A As Milochee Meece, I presume, the wife of Willie Tulwa & Micee.
- Q Was your husband, Willie Tulwa Micee, a Creek citizen?
A Yes sir, and belonged to Mvayam town also.
- Q Are you also enrolled as a citizen of the Cherokee Nation?
A Yes sir.
- Q Under what name? A My first husband was Josiah Ned, so I presume I am enrolled as Nellie Ned.
- Q To what district in the Cherokee Nation do you belong?
A Illinois.
- Q You have made application for enrollment as a citizen of the Cherokee Nation, have you not? A Yes sir, I first made application for enrollment as a Cherokee but later made applica-
tion for enrollment as a Creek.
- Q Who were your parents? A Waktutai, a Cherokee, was my father, and Lizzie Beaver, a Creek, was my mother.
- Q Have you received an allotment of land in either the Creek or Cherokee Nation? A No sir.
- Q Where do you wish to be finally enrolled and given an allotment of land? A In the Creek Nation where I belong. It was my intention at first to take my allotment of land in the Cherokee Nation but my application for enrollment as a Cherokee has been pending so long that I have decided to secure my rights as a Creek citizen.

Do you wish to relinquish whatever claims you may have
 as a citizen of the United States? It will be as though you
 were never born in the United States. If you wish to
 retain your citizenship, you must do so before you
 remove to the Creek Nation. If you wish to
 relinquish your citizenship, you must do so before you
 remove to the Creek Nation. If you wish to
 retain your citizenship, you must do so before you
 remove to the Creek Nation. If you wish to
 relinquish your citizenship, you must do so before you
 remove to the Creek Nation.

The witness is advised that in order to secure her
 rights as a Creek citizen it will be necessary for her to
 remove to the Creek Nation within the next fifteen days and
 furnish proof of such removal to the Commissioner to the
 Five Civilized Tribes at Muskogee, Indian Territory.

Statement by witness.

I will remove to the Creek Nation not later than next week.

J. B. Myers, being first duly sworn, states, that as
 stenographer to the Commissioner to the Five Civilized Tribes, he
 recorded the testimony in the foregoing proceedings, and that the
 above is a true and correct transcript of his stenographic notes
 thereof.

J. B. Myers

Subscribed and sworn to before me,
 this 9 day of January, 1907.

Notary Public

INDEXED

CONDITIONER TO FIVE YEARS.			
No. 1909	Received	FILED	CLD
JAN 10 1907		3-21	7-21

Posey, Alex
Stilwell, I.T.
Jan. 9, 1907.

Transmits testimony in
re enrollment of Milochee.

NUMBER IN REPLY TO THE FOLLOWING:

No. 305.

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

Stilwell, Indian Territory, January 9, 1907.

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

Sir:

In the matter of the application for the enrollment of Milochee as a citizen by blood of the Creek Nation there is herewith inclosed the testimony of said Milochee taken by the Creek Field Party at Braggs, Indian Territory, January 7, 1907, together with copies of testimony heretofore taken in said cause.

Respectfully,

Wm. M. Macey
In Charge,
Creek Field Party.

JBM

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

In the matter of the application for the enrollment of "Milochee" as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on March 20, 1903, "Milochee" appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen by blood of the Creek Nation. Further proceedings were had on January 7, 1907. A copy of testimony taken in proceedings had on June 10, 1902, "in the matter of the application of Nellie Wed for the enrollment of herself and her grandchildren as citizens of the Cherokee Nation," is attached to and made a part of the record in this case.

It appears from the evidence and the records in the possession of this office that "Milochee" and Nellie Wed are one and the same person and that said applicant is identified on both the Cherokee and the Creek tribal rolls; that she made application for enrollment in the Cherokee Nation, which was granted, and her name appears opposite roll number 21055. It further appears that she voluntarily selected her allotment in the Cherokee Nation to the amount of three hundred and twenty-five dollars, and her voluntary selection of land in the Cherokee Nation is considered as an election to be enrolled as a Cherokee citizen.

It is, therefore, ordered and adjudged that the said "Milochee" is not entitled to be enrolled as a citizen by blood of the Creek Nation, under the provisions of the Act of Congress approved June 28, 1898, (30 Stat., L., 495), and the application for her enrollment as such is accordingly denied.


COMMISSIONER.

Muskogee, Indian Territory,

FEB 28 1907

De. M. 100.

Waskyes, Indian Territory, February 22, 1907.

Milochas (or Nellie Mae).

Waskyes, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for your enrollment as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
IX 479.

62-20.300.

Muskogee, Indian Territory, February 23, 1907.

M. L. Hoyt,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Miltahoe (or Nellie Reed), as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

EM-430.

Commissioner.

Washington, Indian Territory, February 23, 1907.

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 Mulochee (or Nellie Ned), as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

IN-431.

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

WASHINGTON March 1, 1907

The Honorable,

The Secretary of the Interior

Sir,

There is forwarded herewith report of Commissioner Bixby dated February 26, 1907, relative to the application for the enrollment of Milsco (or Nellie Ned) as a citizen by blood of the Cass Nation, with the decision of the Commissioner of February 23, 1907, denying the application.

The Office has examined the record in this case and finds the conclusions of the Commissioner to be correct.

His decision denying the application is recommended for approval.

Very respectfully,

C F Larrabee
Acting Commissioner

AJW EM

Michael, (or Nellie Bell)
Brooklyn, New York

Dear Madam:

You are hereby notified that the Commission on the
Investigation of the War Relocation Authority, acting
of the Commission on the Five Civilized Tribes, dated Feb-
ruary 23, 1947, denying your application for enrollment as
a citizen by blood of the Creek Nation.

Respectfully,

Commissioner

JEM

DUNHAM ST. CHARLES ILL. 5702 - 2401

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, September 16, 1901.

In the matter of the application of Nellie Yahola for enrollment of herself and minor child as citizens of the Creek Nation. Nellie Yahola being duly sworn testified as follows:

By the Commission. (A. P. McKellop, Interpreter.)

- Q. As citizens of what nation are you now making application for the enrollment of yourself and minor child? A. Creek Nation.
- Q. What is your name? A. Nellie Yahola.
- Q. What is your age? A. I do not know, but about 29.
- Q. What is your post-office address? A. Summit.
- Q. Have you ever been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A. Yes, sir.
- Q. Have you ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A. I did not see Del. Robison put my name down, but Taylor Parnosky told me it was put down.
- Q. Does your name appear upon the tribal rolls as a citizen of the Creek Nation? A. I do not know whether it does.
- Q. Where do you live? A. I live at Susie Jackson's place in the Creek Nation.
- Q. What part of the Creek Nation? A. Elk Creek.
- Q. How long have you lived there? A. Four years.
- Q. Where did you live prior to that time? A. In the Cherokee Nation.
- Q. How long did you live there? A. I was born in the Cherokee Nation and lived there until I came here four years ago.
- Q. Are you a full-blood Creek Indian? A. Yes, sir.
- Q. Does your name appear upon the tribal rolls of the Cherokee Nation? A. Yes, sir.
- Q. Does your name appear upon the 1880 Cherokee Rolls? A. Yes, sir.
- Q. Did you ever make application to the Creek Citizenship Commission for enrollment as a citizen of the Creek Nation? A. No, sir.
- Q. Were you admitted by the Commission to the Five Civilized Tribes as a citizen of the Creek Nation under Act of June 10, 1897? A. No, sir.
- Q. Were you admitted by the United States Court for Indian Territory upon an appeal from the decision of the tribal authorities of the Creek Nation, or the Commission to the Five Civilized Tribes, as a citizen of the Creek Nation, under act of June 10, 1897? A. No, sir.
- Q. What is the name of your father? A. Johnson Yahola.
- Q. Is he living? A. Yes, sir.
- Q. To what town does he belong? A. Arbeka.
- Q. Is he enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A. No, sir.
- Q. What is the name of your mother? A. Watie Cumsey.
- Q. Is she living? A. No, sir.
- Q. Was she a citizen of the Creek Nation? A. Yes, sir.
- Q. To what town did she belong? A. Arbeka.
- Q. Does your mother's name appear upon the tribal rolls of the Creek Nation? A. No, sir.
- Q. What is the name and age of your minor child for whom you now make application. A. Kahaka, age 5 years.
- Q. Is she now living? A. Yes, sir.
- Q. Are you the mother of this child? A. Yes, sir.
- Q. Who is the father? A. Heta leta.
- Q. Was he a citizen of the Creek Nation? A. He was one-half Creek and one-half Cherokee. His father was a Cherokee and his mother was a Creek.

MADE IN U.S.A. BY PAPER CO.

1001 A.E.U. 22A

Handwritten signature
C. R. [unclear]

1001 A.E.U. 22A

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, August 26, 1903.

In the matter of the application for the enrollment of Polly
Yahola and Sam Foleppa, as citizens by blood of the Creek Nation.

POLLY YAHOLA, being first duly sworn, testified as follows,
James H. Lynch, official interpreter, James H. Lynch:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A Polly Yahola.
Q What is your age? A I am about sixty-seven.
Q What is your post office address? A Braggs.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Are you a Creek by blood? A My mother and father were both
full blood Creeks.
Q Have you ever drawn any money from the Creek Nation? A Yes, sir.
Q To what town in the Creek Nation do you belong? A Tullahassechee.
Q Did you draw the twenty-nine dollar payment? A Never got the
money, it was drawn but I never got it.
Q Who drew it? A A man by the name of Pulpukka John.
Q Were you married then? A No, sir.
Q Where do you reside? A Near Braggs, in the Cherokee Nation.
Q How long have you lived there? A Lived there about seven years.
Q Where did you live prior to that time? A I lived near Muskogee,
in the Cherokee Nation--just across the line.
Q Did you ever live in the Creek Nation? A Yes, sir; I lived in
the Creek Nation before I moved to this place just across the line
in the Cherokee Nation.
Q How long have you been living in the Cherokee Nation? A I have
been living in the Cherokee Nation ever since the war.

The 1890 authenticated tribal roll and the 1891 Omitted
roll of the Creek Nation examined and the name of Polly not
found thereon.

The 1895 Pay Roll of the Creek Nation examined and
the name "Polly" is found and identified thereon at No. 57,
Tullahassechee Town.

- Q Have you any children? A I have one; that is all.
Q What is his name? A Sam Foleppa.
Q Was Sam Foleppa's father a full-blood Creek? A Yes, sir.
Q Who drew your money in 1895? A A fellow by the name of Katch
Martha.
Q Did he draw the money for Sam Foleppa at the same time?
A Yes, sir; he drew the money for all.
Q Was Sam Foleppa enrolled with you on the Creek roll of 1895?
A Yes, sir.
Q I find on the 1895 Pay Roll the name of Sam Holeswer, which
appears thereon with Partner and Polly: Do you identify the Sam
Holeswer on that roll as Sam Foleppa? A I don't know anybody
by the name of Sam Holeswer. Sam is on that roll with me, and
it must be intended for Sam Foleppa.
Q How long has Sam Foleppa resided in the Cherokee Nation?
A All his life.
Q How old is he? A About twenty-five.
Q Does your name, and the name of Sam Foleppa, appear upon the
Cherokee rolls? A No.
Q Have you ever drawn any money for yourself or for Sam Foleppa
from the Cherokee Nation? A No, sir.

Witness excused.

John H. Hinkle; et al.

SAM FOLAPPA, being first duly sworn, testifies as follows through James E. Lyusk, official interpreter.

EXAMINATION BY THE COMMISSIONER.

- Q What is your full name? A Sam Folappa.
Q How old are you? A About twenty-five.
Q Where do you reside? A About six miles from Briggs, in the Cherokee Nation.
Q How long have you lived there? A All my life.
Q Are you a Creek by blood? A Yes, sir.
Q What degree of blood do you claim? A My mother and father were both full blood Creek Indians.
Q Does your name appear on the Creek tribal rolls? A Yes, sir.

The 1892 authenticated tribal roll of the Creek Nation and the 1892 certified rolls of the Creek Nation examined and the name of Sam Folappa not found thereon.

The 1892 Jay Roll of the Creek Nation examined and the name of Sam Folappa found thereon at No. 55, Tullahassee Town, following that of his mother, Folly.

- Q Have you ever been enrolled by the Cherokee authorities? A No, sir.
Q Have you ever drawn any money from the Cherokee Nation? A No, sir.
Q Have you ever applied to the Commission to be enrolled as a Cherokee? A No, sir.

The records of the Commission examined and it appears that Folly and Sam Folappa have been listed for enrollment on Creek Indian Card Field No. 2792.

Witness excused.

Oliver C. Hinkle, being duly sworn, upon his oath states, that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the proceedings had in the above entitled cause on March 26, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 26th day of March, 1903, at Muskogee, Indian Territory.

Oliver Hinkle

Edward Herrick
Notary Public.

Copy

Creek No. 806.

Muskogee, Indian Territory, March 30, 1903.

P. G. Reuter,

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

Dear Sir:

March 24, 1903, Polly Yahela, aged 67, and her son, Sam Foloppa, aged 25, appeared before the Commission and made application for enrollment as citizens by blood of the Creek Nation. From the testimony submitted, it appears that the applicants are full blood Creeks residing in the Cherokee Nation.

You are requested to advise the Creek Enrollment Division whether application has been made for the enrollment of the above named as citizens of the Cherokee Nation, and whether their names appear upon the Cherokee tribal rolls.

Respectfully,

Chairman.

Vinita, Indian Territory, January 30, 1903.

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

Gentlemen:

Receipt is hereby acknowledged of the Commission's letter of January 26, enclosing copy of testimony taken in the matter of the application of Johnson Yahola for enrollment as a citizen of the Creek Nation; also of the Commission's letter of January 26, enclosing copy of testimony taken in the matter of the application of Nellie Yahola for the enrollment of herself and her minor child, Kahoka, as citizens by blood of the Creek Nation.

It appears from the records of this office that Johnson Yahola has heretofore made application for the enrollment of himself, his wife, Polly, his daughter, Nellie, his son, Heavy, and his granddaughter, Kahorkah, as citizens of the Cherokee Nation. All of the persons above named are listed on Cherokee card 8949. They have not, however, been listed upon the final roll of citizens of the Cherokee Nation.

A copy of the testimony taken in the matter of the application of Johnson Yahola for the enrollment of himself and family is enclosed herewith for the files of the Creek Enrollment Division.

Respectfully,

11
Muskogee, Indian Territory, April 4, 1903.

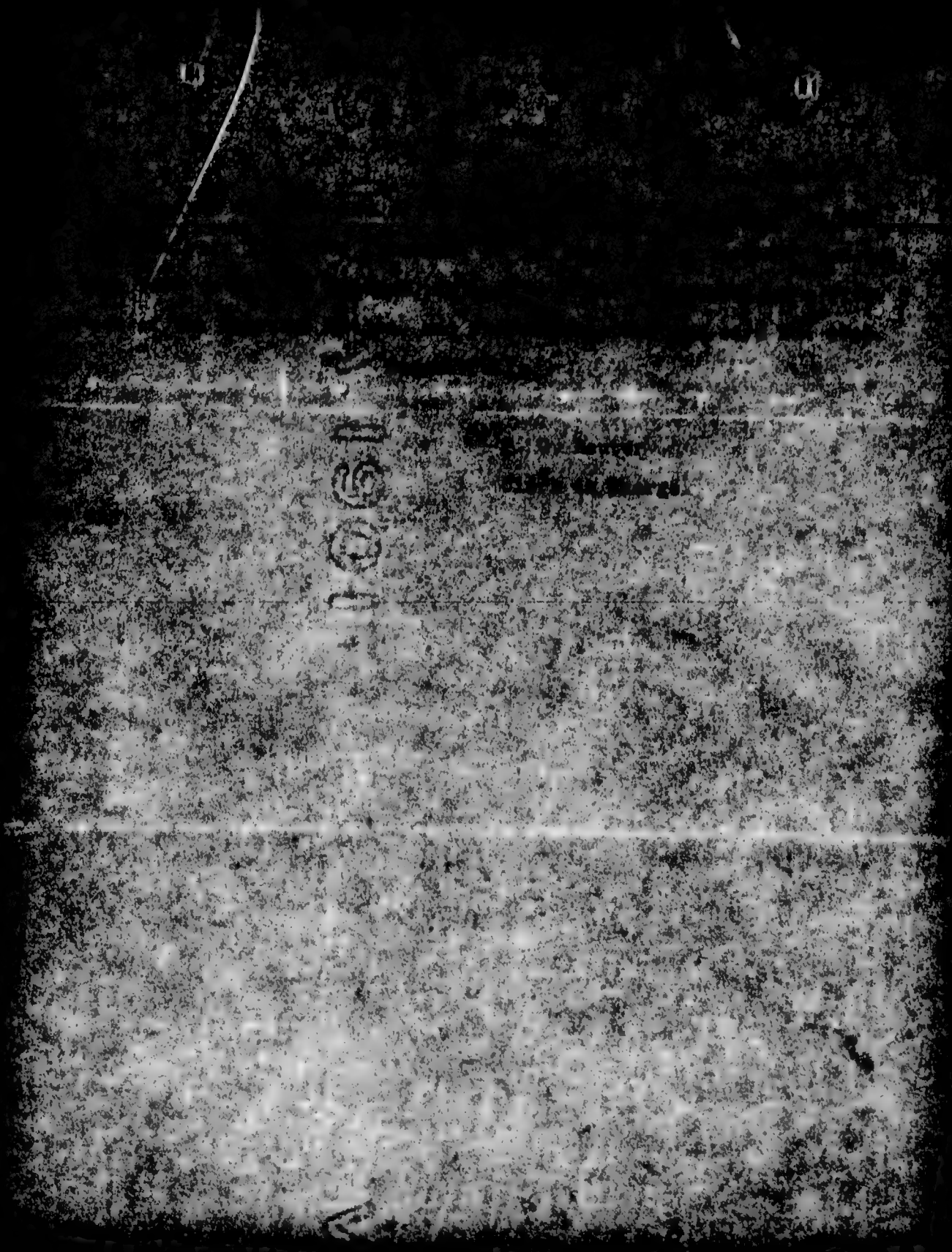
Commissioner of the Five Civilized Tribes,
Creek Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

In reply to a copy of the Commission's letter of March 10, asking to be advised if Pelly Yahola, aged 37, and his son, Sam Poleyppa, aged 25, are applicants for enrollment by this Commission as citizens of the Cherokee Nation. It is stated that on March 24, 1903, Pelly Yahola made application to the Commission for the enrollment of himself and Sam Poleyppa as Creeks.

In reply I have the honor to state that there is identified as an applicant for enrollment as a citizen of the Cherokee Nation, one Pelly Yaholah, aged 40, the wife of Johnson Yaholah, who gave her post office as Bragg, Indian Territory. Sam Poleyppa can not be identified upon any of the records in the possession of this office.

A copy of the testimony in the matter of the application for the enrollment of Pelly Yaholah was forwarded to the Commission on January 30, 1903, to be filed by the Creek Enrollment Division, in connection with an application made by Johnson Yaholah for enrollment as a citizen of that Nation. From this testimony it should



Muskogee, Indian Territory, May 21, 1904.

Walter Yabala,

Braggs, Indian Territory.

Dear Mason:

You are advised that the names of yourself and your son, Sam Yoleppa, are contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior May 21, 1904, and that application for selections of land in the Creek Nation may now be made at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

En 306

DEPARTMENT OF THE INTERIOR,
~~COMMISSIONER TO THE FIVE CIVILIZED TRIBES.~~
MUSKOGEE, INDIAN TERRITORY.
JUNE 4, 1906.

In the matter of the application for the enrollment of
Liley Roberts, as a citizen by blood of the Creek Nation.

Lizzie Roberts, testified as follows, through Official
Interpreter, Iona Merriok, having been duly sworn.

- Q What is your name? A Lizzie Roberts.
Q What is your age? A 30.
Q What is your post office address? A Okmulgee.
Q Are you a citizen of the Creek Nation? A No sir, I am a
citizen of the Seminole Nation.
Q What is the name of your father? A Kapitchemarthla.
Q What is the name of your mother? A Liley Factor.
Q What is the name of this little girl you have here? A Liley
Roberts.
Q When was Liley born? A February 27.
Q This year, Yes sir, 1906.
Q How old is she? A Little over three months old, will be
four months old the 27th of this month.
Q What was the name of the midwife or doctor that attended on
you at the birth of this child? A Tookah Factor, sitting here.
Q What is the name of the father of this child? A George Roberts.
Q Is he a citizen of the Creek Nation? A Yes sir.
Q Are you married to him? A Yes sir.
Q Have you your marriage license and certificate with you?
A No sir.

Witness is advised that she will be required to file
that here.

George Roberts, being duly sworn, through Official
Interpreter, testified as follows:

- Q What is your name? A George Roberts.
Q How old are you? A 53 years old.
Q What is your post office address? A Okmulgee. I used to
live at Arbeka but I have moved to Okmulgee now.
Q What is the name of your father? A Hosey Chupco.
Q What is the name of your mother? A Parke.
Q What Creek Indian town do you belong to? A I used to belong
to Mufaula Deep Fork, but I was transferred to Little River Tulsa.

Witness is identified as George Roberts, opposite Creek
Indian Town, Roll No. 3223.

- Q Is this your child here, Liley Roberts? A Yes sir. I have
another child here Ida Roberts, she is enrolled in the Seminole
Nation.
Lizzie
Q Were you married to Liley, the Seminole mother of this child,
Liley? A We were married under the Seminole Law.
Q Have you lived with her in the last nine years continuously?
A Yes sir, it will be nine years the 15th of July, since we have
been living together.

Q Is this child a girl? A Yes sir.
Q Are you sure she will be four months old the 27th of this month? A Yes sir.

TOOKAH FACTOR, being duly sworn, testified as follows, through Official Interpreter.

Q What is your name? A Tookah Factor.
Q What is your age? A 19.
Q What is your post office? A Irene.
Q Did you wait on Lizzie Roberts, the wife of George Roberts, when this girl Liley was born? A Yes sir.
Q When was she born? A February 27th. This year.
Q How do you know that, how do you remember that date?
A I was there when the child was born, that is how I knew.
Q When was it, was it Sunday, Monday or Tuesday? A Tuesday night at nine o'clock.

The calendar for the year 1906, consulted and it is found that February 27, 1906, falls on Tuesday.

Lona Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said case on said date.

Lona Merrick

Subscribed and sworn to before me this 5th day of June, 1906.

H. H. Davis

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, OKLAHOMA, January 7, 1910.

In the matter of the enrollment of Lem Hilderbrand.
-----000000000-----

STATEMENT OF LEM HILDERBRAND (examined by W. S. D. Moore,
through Sarah Hilderbrand):

- Q Your name is Lem Hilderbrand? A Yes sir.
Q How old are you? A 43.
Q You are enrolled as a Cherokee citizen, are you? A Yes sir.
Q Have you an allotment in the Cherokee Nation? A Yes sir.
Q Have you received the deeds for that allotment? A Yes sir.
Q Were you ever enrolled in the Creek Nation?
A Somebody enrolled him.
Q Under what name were you enrolled in the Creek Nation?
A Sam Foloppa; that wasn't my name.
Q How did you happen to be enrolled in the Creek Nation, do you know?
A You see he is part Creek and part Cherokee.
Q You don't know who enrolled you? A No.
Q Well, did you get an allotment in the Creek Nation?
A Yes sir.
Q Did you get deeds to that allotment? A Yes sir.
Q What have you done with them? A He turned them in.
Q How did you get these deeds? A They was sent to him; both of them.
Q Have you ever leased or contracted to sell or done anything with the
allotment of land that you got in the Creek Nation?
A No, he aint never done any thing with it.
Q Did you ever see the land that was allotted to you in the Creek Nation?
A No, ne never did see it.
Q You wish to retain the land that was allotted to you as a Cherokee,
do you?
A That is where he was raised, in the Cherokee Nation.
Q What is your mother's name? A Polly Yahola.
Q What is her husband's name? A Johnson Yahola.
Q Is she living? A Yes sir.
Q How old a woman is she? A About 60.
Q Has Johnson Yahola a child named Nellie Yahola? A Yes sir.
Q Has he a son they call Heavy Yahola. A Yes sir.
Q They are the children of another wife, are they? They are not
Polly Yahola's children, are they.
A No, they are step children.
Q Was Polly Yahola enrolled in the Creek Nation, also? A Yes sir.
Q Did she get an allotment of land there?
A Yes, they both filed.
Q Who filed for you in the Creek Nation, you and your mother?
A They don't know.
Q Did your mother get deeds to her Creek allotment?
A They was sent to her.
Q What became of them? A She lost them. She lost a satchel on the
train as she was coming up here and both deeds was in it and she
aint never got them.

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... to the five ...
... given ...
... going is a true and ...

(Signed) ...

Subscribed and sworn to before me this 5th day of January, 1918.

(Signed) S. J. Harrison,
Notary Public.

(S E A L)

My Commission expires March 31, 1918.

DEPT. OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Muskogee, Oklahoma, February 2, 1910.

IN THE MATTER of the duplicate enrollment of Polly Yahola, and her son, Sam Foleppa, Creek Card 3787, roll No's. 9818 and 9819, respectively, and Polly Yaholah, Cherokee Field Card No. 8649, roll No. 29208 and Lem Hilderbrand, Cherokee Field Card No. 9077, roll No. 28504.

Polly Yahola, after having first been duly sworn by Albert G. McMillan, deputy clerk of the United States Court for the Eastern District of Oklahoma, testified as follows at her home eight miles southeast of Braggs, Oklahoma, January 7, 1910.

EXAMINATION ON BEHALF OF THE COMMISSIONER:
(Conducted by Albert G. McMillan.)

(Through Creek Interpreter, Charles E. Drew.)

- Q What is your name? A Wiley in Cherokee, Polly Yahola in Creek.
Q How old are you? A About 55 years old.
Q What is your post office address? A Braggs, Oklahoma.
Q Of what Nation are you a citizen? A Cherokee Nation.
Q What is the name of your father? A Co-ha-ler Marjev-that was the name in Creek. In Cherokee it is Gutah Weely--I think it would be Ross in English.
Q What was the name of your mother? A Betsy in Creek--Wetsie in Cherokee or Betsy.
Q Was your father one half Creek and one half Cherokee? A He was one half Creek and one half Cherokee.
Q And what is your mother? A Cherokee full blood.
Q Your father and mother are both dead are they? A Yes sir.
Q Were you ever known by the name of Peggy Weely? A Yes sir.
Q Have you always lived in the Cherokee Nation? A Yes sir.
Q Were you born in the Cherokee Nation? A Yes sir, close to Tah-lequah, Indian Territory.
Q Did you ever apply to the Dawes Commission to be enrolled as a citizen of the Creek Nation? A No sir.
Q Have you any children? A I have one.
Q What is his name? A Lem Hilderbrand.
Q Didn't you have a child by the name of Sam Foleppa? A Yes sir, his name in Creek is Sam Foleppa and in Cherokee it is Lem Hilderbrand.
Q Then Lem Hilderbrand and Sam Foleppa are one and the same person are they? A Yes sir.
Q Did you ever go before the Dawes Commission, at Muskogee? A I don't know whether I went before the Dawes Commission or Chief Butler, Chief of the Cherokee Nation.
Q Do you remember you and Sam Foleppa going to Muskogee and making application to be enrolled as Creek citizens? A I don't remember.
Q Did you ever claim to belong to Tulsa, Oklahoma, in the Creek Nation? A I never did claim as a citizen of Tulsa, Oklahoma, in the Creek Nation.

- Q Did you ever draw any money as a citizen of the Creek Nation? A No sir.
- Q Did you ever know a man by the name of Ketcha-Emarthla? A No sir, I didn't know him.
- Q Did you never have but the one child Sam Hilderbrand or Sam Feloppa? A I had three sons but two died a longtime ago. One is here that is living and he is Sam Hilderbrand and Sam Feloppa.
- Q Were the two who are ~~deceased~~ dead ever enrolled? A They died before the Land Office opened.
- Q What were their names? A Josiah and Jimmy.
- Q Who was their father? A Maw's Hilderbrand in English--Wa-hago is the Cherokee and Wilay Te-ha-yah is the Creek.
- Q Was this Reese Hilderbrand the father of Sam Hilderbrand? A Yes sir.
- Q How old a man is Sam Hilderbrand? A He is over thirty years old.
- Q What is the name of your present husband? A Johnson Yahola.
- Q Is Johnson Yahola one half Creek and one half Cherokee? A Yes sir.
- Q Have you had any children by him? A No sir.
- Q You have taken your allotment in the Cherokee Nation have you? A Yes sir.
- Q Have you received deeds to that Cherokee allotment? A I have received it and I have lost it.
- Q Where did you lose them? A My husband, Johnson Yahola, and I went to Muskogee by the way of Rex and we left it on the train at Rex when we changed cars.
- Q Have you also an allotment in the Creek Nation too? A I heard I had an allotment in the Creek Nation.
- Q Did you ever receive the deeds to that allotment in the Creek Nation? A I received them for the land in the Creek Nation but I also lost the deed with the Cherokee deeds.
- Q Then you were aware of the fact that you had been enrolled as a Creek and also as a Cherokee and had an allotment of land in both Nations? A Yes sir.
- Q Have you leased your Cherokee allotment? A No sir.
- Q Have you leased your Creek allotment? A No sir, I made an oil and gas mining lease but the Department turned it down.
- Q Have you ever tried to lease it since the Department turned it down? A No sir.
- Q Have you ever signed any papers of any kind effecting your Cherokee allotment? A No sir.
- Q The law provides that a citizen can only hold one allotment--which allotment do you wish to keep, the one in the Cherokee or the one in the Creek Nation? A I desire to keep the Cherokee allotment.
- Q Have you the allotment certificates for the land in the Creek Nation? A No sir, never did receive certificates for the land in the Creek Nation.
- Q Have you your certificates for the Cherokee allotment? A I received them for the Cherokee land but I lost them when I lost the deeds on the train.
- Q Where does your son, Sam Hilderbrand or Sam Feloppa live? A He lives in the town of Braggs, Oklahoma.
- Q What was the name of his first wife? A Lizzie Hilderbrand.
- Q Who was Lizzie Hilderbrand's father? A Eke Watt.
- Q Did Lizzie and Sam separate? A Yes sir.
- Q And who did Lizzie marry? A Married a Creek citizen by the name of Peter Washington.
- Q Has your son, Sam Hilderbrand or Sam Feloppa, been allotted in both the Creek and Cherokee Nation? A Yes sir.

- Q How long have you known the name of Sam Foleppa? A When the Creek
 Council made the allotment they told I had a son but they didn't
 know his name. They gave him the name Sam Foleppa at a council
 at Oklawaha.
- Q Did you ever hear of Creek citizens by the name of Sam Foleppa? A
 They are not generally acquainted with him.
- Q Do you know that Foleppa John was a town official? A No I did
 not.
- Q How long have you lived in this house? A About fifteen years--
 in the same house.

Witness excused.

Johnson Yaholah, after having first been duly sworn by Albert
 G. McMillan, Deputy clerk of the United States Court for the Eastern
 District of Oklahoma, testified as follows at his home 6 miles
 southeast of Braggs, Oklahoma, January 7, 1910.

(Through Charles H. Drew, Creek Interpreter.)

- Q What is your name? A Johnson Yaholah.
- Q What is your age? A 67 years old.
- Q What is your post office address? A Braggs, Oklahoma.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q How long have you lived in the Illinois District? A About 40
 years.
- Q Are you one half Creek and one half Cherokee? A Yes sir.
- Q Are you the husband of Pelly Yaholah who just testified? A Yes
 sir.
- Q How long have you lived with her? A Fifteen years.
- Q Did she have any children before you married her? A Yes sir.
- Q How many? A One when I married her.
- Q What was the name of that child? A Lem Hilderbrand.
- Q Is he living now? A Yes sir.
- Q Where does he live now? A Braggs, Oklahoma.
- Q Is he known by any other name than Lem Hilderbrand? A That is the
 only name that I know of. I hear the Creeks call him Sam Foleppa.
- Q You say you hear the Creeks call him Sam Foleppa? A Yes sir, I
 understand his name is Sam Foleppa on the Creek Tribal roll.
- Q Did you know that your wife Pelly has received an allotment of
 land in the Creek Nation and also one in the Cherokee Nation? A
 Yes sir.
- Q Do you know from what Creek Town your wife was enrolled? A I
 do not.
- Q What was the Creek name of Pelly's father? A I don't know.
- Q Do you know that Lem Hilderbrand or Sam Foleppa has received two

Subscribed and sworn to before me this 2nd day of February, 1918.

[Signature]

Subscribed and sworn to before me this 2nd day of February, 1918.

Division of Trade, State of Oklahoma.

true and correct transcript of the proceedings in the above cause on the date hereof.

Subscribed and sworn to before me this 2nd day of February, 1918.

R. P. Harrison
CLERK OF THE U. S. COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA.

A. M. Miller

FIFTY.

Subject:
Duplicate enrollment
of Polly Yahola or Yaholah
and Sam Poloppa or Lem
Hilderbrand.

Washoe, Oklahoma, May 16, 1911.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite the attention of the Department to the fact that the names of Polly Yahola and her son, Sam Poloppa appear upon Creek Indian card No. 4486, and upon the final roll of citizens by blood of the Creek Nation opposite Nos. 9818 and 9819, respectively, also that the name of Polly Yaholah appears upon Cherokee Indian card No. 8949, and on the final roll of Cherokees by Blood at No. 29108; the name of Lem Hilderbrand, her son, being on Cherokee Indian card No. 9077, and on the final roll of Cherokees by Blood at No. 28801.

By referring to testimony on file in this office it appears that on May 27, 1902, one Johnson Yaholah made application before a field party of the Commission to the Five Civilized Tribes at Cookson, Indian Territory, for the enrollment of himself, his wife Polly, two children, Wellie and Heavy, and one grandchild, Kahorkah Yaholah, as citizens of the Cherokee Nation, and that on June 9, 1902, at Garfield, Indian Territory, Lamb (Lem) Hilderbrand appear-

(a)

ed through a field party of the Commission and applied for the enrollment of himself and wife, Linnie Hilderbrand, as Cherokee citizens.

Creek Indian card No. 4484 shows that the names of Polly Yahola and Sam Feloyppa were listed thereon for enrollment May 28, 1901, but there does not appear to be any testimony to show whether the parties applied in person or whether their names were enrolled from information furnished by some other person. However, there is testimony showing that on March 24, 1903, Polly Yahola and Sam Feloyppa appeared before the Commission at Muskogee and made application for enrollment as citizens by blood of the Creek Nation.

It appears from the records of this office that on May 8, 1903, Johnson Yahola selected as an allotment in the Cherokee Nation for his wife Polly, the following described land:

Homestead

$\frac{1}{2}$ of NE/4 of Section 8, Township 13 North, Range 21 East.

Surplus.

$\frac{1}{2}$ of E/2 and NW/4 of NE/4 of SE/4 of Section 8, Township 13 North, Range 21 East.

This allotment contains 250 acres of the total appraised value of \$325.00.

It also appears that on February 15, 1905, there was

(3)

arbitrarily allotted in the name of Len Hilderbrand the following described land located in the Cherokee Nation:

Homestead.

N/2 of SW/4 of SW/4, W/2 of NE/4 of SW/4, S/2 of SW/4 of NE/4, and SW/4 of NE/4 of NE/4 of Section 10, Township 14 North, Range 21 East, and N/2 of SW/4 of NE/4 and W/2 of SW/4 of NE/4 of Section 24, Township 14 North, Range 22 East.

Surplus

N/2 of SE/4 of NE/4 of Section 27 and SW/4 of NE/4 of Section 24, Township 14 North, Range 22 East, and N/2 of SE/4 of NE/4 of Section 12, Township 28 North, Range 14 East.

This allotment contains 180 acres of the total appraised value of \$325.00.

Certificates and deeds covering the two allotments above described were issued and delivered.

It further appears that on November 8, 1904, there was arbitrarily allotted to Polly Yahola in the Creek Nation the following described land:

Homestead.

SW/4 of NE/4 of Section 12, Township 14 North, Range 7 East.

Surplus

N/2 of NE/4 and SW/4 of NE/4 of Section 12, Township 14 North, Range 7 East,

being 180 acres of the total appraised value of \$904.00, and on the same date there was arbitrarily allotted to Sam Feloppa -

~~Respectfully~~
SW/4 of SW/4 of Section 8, Township 14
North, Range 7 West.

Swelling.

2/3 of SW/4 and NW/4 of SW/4 of Section 8,
Township 14 North, Range 7 West,

being 160 acres of the total appraised value of \$760.00.

Certificates and deeds for these allotments in the Creek
Nation were also issued and delivered.

On January 7, 1910, this office secured the testimony of
Folly Yahola or Yaholah, her husband Johnson Yaholah, and her
son Len Hilderbrand. The testimony of these parties and the
records of this office establish beyond any doubt that Folly
Yahola and Sam Felappa, Creek Roll Nos. 9818 and 9819, are the
same persons as Folly Yaholah and Len Hilderbrand, Cherokee Roll
Nos. 29108 and 28501, respectively. Both applicants testified
that they were enrolled and allotted in the Creek and Cherokee
Nations and that they desired to retain their Cherokee allot-
ments.

Len Hilderbrand surrendered his Creek deeds to the District
Agent at Choctaw, Oklahoma, in December, 1909, and they are now
in the possession of this office. Folly Yaholah testified that
she had lost the deeds she received to her allotment in the Creek
Nation.

There are herewith enclosed Abstracters' reports covering

(2)

all the lands allotted to Polly Yahola of Taholah and Sam Felippe or Lem Hilderbrand, which show that on the entire allotment of Polly Yaholah in the Cherokee Nation there is a timber contract executed by herself and husband, Johnson Yaholah, July 14, 1904, to Harris Bros., consideration \$17.45. As to Lem Hilderbrand there appears to be on the NE/2 of SE/4 of SW/4 of Section 12, Township 22 North, Range 16 East, which is a portion of his surplus allotment, an agricultural lease to James P. Allen, dated April 25, 1908, no consideration shown; a warranty deed to the same party, dated April 25, 1908, consideration \$600.00; and an oil and gas lease to Charles Harter, et al., dated December 7, 1908, consideration now shown.

The reports above referred to show as follows relative to the NE/4 of Section 12, Township 14 North, Range 7 East, the entire Creek allotment of Polly Yahola, all conveyances being from said allottee: Warranty deed, entire allotment, to International Land Co., January 29, 1907, consideration \$1.00; warranty deed, all of surplus allotment, to Southern Oil & Land Co., April 17, 1907, consideration \$1.00; warranty deed, all of surplus allotment, to The Jefferson Oil & Land Co., August 9, 1907, consideration \$1.00; agricultural lease, all of surplus allotment, to W. C. Cook, September 27, 1910, consideration \$15.00 per annum; agricultural lease, homestead allotment, to Wiley Cook, no date, consideration \$20.00 for one year.

As to the SW/4 of Section 8, Township 14 North, Range 7 East, the Creek allotment of Sam Foleppa, the Abstractors' reports show: Warranty deed, surplus allotment, to the Tribal Land Co., June 3, 1907, consideration \$1.00; warranty deed, entire allotment, to the Tribal Land Co., July 10, 1907, consideration \$1.00; warranty deed, surplus allotment, to the Jefferson Oil & Land Co., August 10, 1907, consideration \$1.00; agricultural lease, entire allotment, to Ida Drake and L. S. Watkins, September 17, 1908, consideration \$125.00; rental contract, homestead allotment, to Lindie Watkins, December 21, 1909, consideration \$10.00 per annum.

The records of this office show that Polly Yakela or Yakelah and her son, Sam Foleppa or Lem Hilderbrand, are full blood Indians, born and raised in the Cherokee Nation which has always been their home and in which nation they still reside, and their testimony shows that they wish to retain the allotments made to them as citizens of the Cherokee Nation.

The enrollment of Lem Hilderbrand as a citizen of the Cherokee Nation was approved by the Secretary of the Interior November 4, 1903, and his mother's enrollment as such was approved March 12, 1904, while their enrollment in the Creek Nation was not approved until May 21, 1904.

In view of the facts and the evidence in this case, I respectfully recommend that there be placed upon the final roll

(3)

of citizens by blood of the Creek Nation in the possession of the Department opposite the names of Polly Yahola and Sam Poloppa appearing thereon at Nos. 9818 and 9819, respectively, the following notation:

Duplicates of Cherokee Roll Nos. 29108 and 29201; not entitled to land or money under these numbers;

that such notation be placed upon the copy of the roll in the possession of the Indian Office, and that this office be authorized to make like notation upon the copies of the roll in its possession.

It is further recommended that request be made of the Department of Justice for a direction to the United States Attorney for the Eastern District of Oklahoma to institute proceedings looking to the correction of the allotments and the evidences of the title in the said Polly Yahola and Sam Poloppa opposite Creek Roll Nos. 9818 and 9819.

All papers in connection with this matter are transmitted herewith.

Respectfully,

(Signed) Thos. Ryan
Acting Commissioner.

NoM 17/1

Indian Office _____ 1911.

Respectfully forwarded recommending approval.

Approved _____ 1911

Commissioner.

First Assistant Secretary.

1 - 23801

1 - 1000-130

10611-1911
10611-1912
J. E. M.

Duplicate enrollment
and allotment of Polly
Yahola and Sam Foleppa.

APR -9 1912.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the reports of May 18, 1911 and January 30, 1912 of the Acting Commissioner to the Five Civilized Tribes, and other papers in the case of the duplicate enrollment and allotment of Polly Yahola, or Yahola, and Sam Foleppa, or Sam Hilderbrand.

The Office is of the opinion that it is shown by the inclosed papers that Polly Yahola, whose name appears opposite No. 9818 on the final approved roll of citizens by blood of the Creek Nation is the same person as Pelly Yaholah, enrolled opposite No. 29108 on the final approved roll of citizens by blood of the Cherokee Nation, and that Sam Foleppa, whose name appears opposite No. 9819 on the final approved roll of citizens by blood of the Creek Nation is the same person enrolled as Sam Hilderbrand as No. 23801 on the final approved roll of citizens by blood of the Cherokee Nation.

The Commission, therefore, recommends that opposite the name of Polly White, at No. 3114 on the final approved roll of allotments by blood of the Creek Nation there be placed the notation as follows:

"Duplicate of Cherokee Roll No. 27122;
not entitled to land or money under this number,"
and that opposite the name of Sam George, at No. 3012
on the above mentioned roll of the Creek Nation there
be placed the notation as follows:

"Duplicate of Cherokee Roll No. 23504;
not entitled to land or money under this number,"
and that this office and the Commission to the Five
Civilized Tribes be authorized to make similar notations
on the copies of the roll in their possession.

James P. Allen, covering a part of the original allotment, for a term of 100 years, and on the same date, executed a warranty deed to James P. Allen.

It also appears that on December 7, 1905, the Cherokee National Bank in 1905 and was known as Cherokee Bank, etc.

It further appears from the report of the Acting Commissioner to the Five Civilized Tribes, dated January 30, 1912, that suit has been instituted in the United States Court for the Eastern District of Oklahoma to set aside the deed covering the N 1/2 of SE 1/4 of SW 1/4 of Sec. 12, T. 26 N., R. 16 E., to James P. Allen, dated April 25, 1900, and to remove the same from this title to the allotment in the Cherokee Nation of Lem Hildertbrand. It does not appear, therefore, that any further action is necessary on the part of the Department in the matter of clearing the title of Polly Yaholah and Lem Hildertbrand to their allotments in the Cherokee Nation.

of the ... in the ...

Respectfully,

(Signed) C. F. ...

2nd Assistant Commissioner.

6-12-12

Approved, May 10 1912.

(Signed) HANUEL GRANT

1st Assistant Secretary.

...the ... and
... of ...
...

The Attorney General

...

There are ... the reports of ... 1911 and January 24, 1912 ... the ... and other ... of the ... and ... of Fally ... or ... or Len ...

It is shown by the ... that Fally ... appears opposite No. 2012 on the final approved roll of citizens by ... of the Creek Nation in the same ... as Fally ... enrolled opposite No. 2012 on the final approved roll of citizens by ... of the Cherokee Nation and that Len ... appears opposite No. 2012 on the final approved roll of citizens by ... of the Creek Nation, is the same person enrolled as Len ... at No. 2002 on the final approved roll of citizens by ... of the Cherokee Nation.

Apr. 9, 1912.

... they were not enrolled as citizens and did not have Creek blood.

... the final approved roll of allottees blood of the Creek Nation, the entries --

... of Charles Roll No. 22108; not entitled to land or money under this act.

... the name of Sam ... at No. 2310 on the above mentioned roll of the Creek Nation the entries --

... of Charles Roll No. 22001; not entitled to land or money under this act.

... the reports of the Acting Commissioner to the Five Civilized Tribes that certain conveyances are of record covering the allotments in the Creek Nation erroneously made to Polly Yabela and Sam Faloppa. Polly Yabela and Sam Faloppa were enrolled as full-blood Creek Indians, and under the law could not have been entitled to allotments the Creek land allotted to them even though their enrollment as citizens of that tribe had been proper.

I have the honor to recommend, in view of the record in the case, that the United States District Attorney for the Eastern District of Oklahoma be instructed to institute proceedings looking to the vacation of the allotments in the Creek Nation and evidence as to the in the said Polly, and the removal of any claims being made there, to said land.

In the event that the United States District Attorney is instructed to cause suit to be instituted and this Department is advised thereof, the Commissioner to the Five Civilized Tribes will be instructed to confer with the District Attorney and render such assistance in the matter as may be necessary and appropriate.

Very respectfully,

(Signed) Samuel Adams,

First Assistant Secretary.

duplicate enrollment
and allotment of Polly
Tahola and Sam Poloppe.

The Commission

of the Five Civilized Tribes

Sirs:

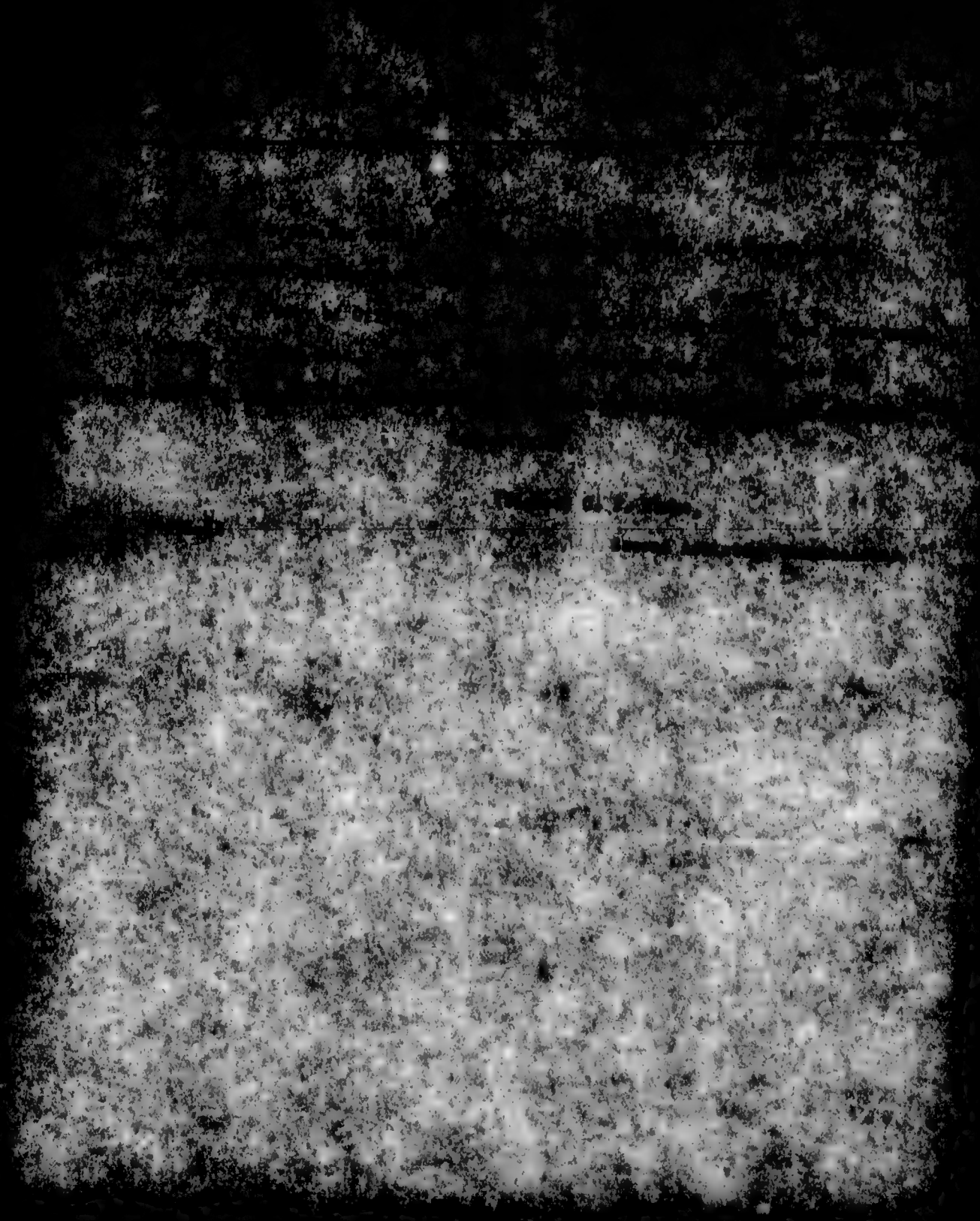
Referring to the reports of May 28, 1912, and February 20, 1912,
from the Acting Commissioner of the Five Civilized Tribes, relative to the
duplicate enrollment and allotment of Polly Tahola, or Taholah, and Sam
Poloppe, or Sam Wildenbrand, you are advised that the Department on May 10,
1912, authorized placing opposite the name of Polly Tahola, at No. 2819
on the final approved roll of allottees by blood of the Creek Nation, the
notation --

"Duplicate of Cherokee Roll No. 28128; not entitled to land
or money under this number."

and opposite the name of Sam Poloppe, at No. 2819 on the above mentioned roll
of the Creek Nation, the notation --

"Duplicate of Cherokee Roll No. 28281; not entitled to land
or money under this number."

The Department, on the same date, requested the Attorney General to
instruct the United States Attorney for the Eastern District of Oklahoma to
institute proceedings looking to the cancellation of the allotments in the Creek



Department of Justice,

Washington, D. C.

May 23, 1918.

The Secretary of the Interior.

Sir:

I have the honor to advise you that in compliance with your letter of the 17th instant (and documents 6688-2311, etc.), the United States Attorney for the Eastern District of Oklahoma has been directed by letter of this date to investigate the several matters to which reference is made in said letter, conforming with the Commission to the Five Civilized Tribes, and to take such action as the facts shall be found to justify.

Very respectfully,

For the Attorney General,
James H. H. H.
Assistant Attorney General.

JWH

Office of the
Commissioner

Department of the Interior
Bureau of Indian Affairs

May 15, 1912

F-1100

J. H. E.

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON

Copy to Council
of Regents.

May 20, 1912.

The Commissioner

of the Five Civilized Tribes.

Sir:

Referring to the reports of May 18, 1911 and January 20, 1912, from the Acting Commissioner to the Five Civilized Tribes, and to office letter of May 10, 1912, relative to the delinquent enrollment and allotments of Polly Tshala and Sam Pologa, there is transmitted herewith for your information a copy of a letter of May 14, 1912, from the Department of Justice, from which it appears that the United States Attorney for the Eastern District of Oklahoma has been directed to investigate the case and to confer with you in regard thereto, and to take such action as the facts shall be found to justify.

You are requested to confer with the United States Attorney and render him such assistance in the matter as may be necessary and appropriate.

Respectfully,

F. E. ABBOTT

Assistant Commissioner.

6-117-27

Change in designation
of sex.

Jul. 16, 1912.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith reports of May 28 and July 5, 1912, of Acting Commissioner to the Five Civilized Tribes, relative to an error appearing on the final approved roll of citizens by blood of the Cherokee Nation as to the sex of Jesse Bryant, whose name is opposite No. 21621 on said roll.

It appears that Jesse Bryant is listed on said roll as a male and she should have been listed as a female. The Office therefore recommends that the roll be corrected by the lining out of the letter "M" in the sex column opposite the name of Jesse Bryant, and the substitution therefor of the letter "F", and that this Office and the Commissioner to the Five Civilized Tribes be authorized to make a similar notation upon the copies of the roll in their possession.

Respectfully,

(Signed) F. H. Abbett.

7-XEP-12 Jul 17-1912

Approved:

(Signed) Samuel Adams.
First Assistant Secretary.

Residence

District

Post Office Briggs, Ind. Ter.Creek NATION. Indian ROLL.Card No. 3787Field No. 4486

Dewey Roll No.	NAME.	Relation- ship to Person first Named.	AGE.	SEX.	BLOOD.	TRIBAL ENROLLMENT.		TRIBAL ENROLLMENT OF PARENTS.					
						Year.	No.	Name of Father.	Year.	Name of Mother.	Year.		
9818	1 Yohola, Polly		67	F	Full	1895	Tullahassache	57	Con-heler Harjo				
9819	2 Polappa, Sam	son	25	m	"	1895	"	58				Mal	
3													
4													
5													
6													
7	Citizen Certif												
8	Issued for No 1-2 separately												
9	Nov 8, 1904.												
10													
11													
12													
13													
14													
15													
16													
17	9/17/03 Transferred from Creek Card 2792												
18	after consultation with Chief Law Clerk.												

Enrollment 9818, 9819, heirs
 Approved by the Secretary of
 Interior May 21, 1904.

Nos 1 and 2 are full blood Creeks - They have resided in the Cherokee
 Nation ever since the Civil War. They are not on the Cherokee tribal
 rolls and have not made application for enrollment as Cherokee.

See Enrollment Case # 906.

May 22, 1904

107

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskeges, Ind. Ter., April 8, 1902.

In the matter of the application of Lizzie Colbert for the enrollment of her minor child, Lillie Crawford, as a Creek Freedman.

APPEARANCES: Thomas E. Owen, Attorney for Applicant.
A. P. Murphy, Attorney for the Creek Nation.

LIZZIE COLBERT, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Lizzie Colbert.
Q What is your age? A Twenty.
Q What is your post office address? A Muskeges.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Lizzie Colbert is listed for enrollment as a citizen of the Creek Nation on Creek Freedman Card Field No. 512.

- Q For whom do you now make application for enrollment? A My child.
Q What is your child's name? A Lillie Crawford.
Q Are you the mother of Lillie Crawford? A Yes, sir.
Q How old is Lillie Crawford? A Two years old.
Q When was she born? A 29th day of April.
Q In what year? A 1901.
Q In what town in the Creek Nation do you belong? A I don't know.

The records of the Commission examined and it appears therefrom that Lizzie Colbert belongs to Arkansas Colored Town.

- Q Have you ever been recognized by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Does your name appear upon the Creek tribal rolls? A I expect it is.

The 1890 and 1895 tribal rolls of the Creek Nation, Arkansas Colored Town, examined, and the name of Lizzie Colbert is found thereon.

- Q What is the name of the father of Lillie Crawford?
A Jim Crawford.
Q Is Jim Crawford living? A Yes, sir.
Q Is he a citizen of the Creek Nation? A No, sir; he is no citizen.
Q Is he a citizen of any nation in the Indian Territory?
A A United States citizen.
Q Is he your husband? A No, sir.
Q Were you ever married to him? A No, sir; never was married to him. I told you he wasn't my husband.
Q How do you know that this child was born on the 29th day of April, 1901? A I knew the day of the month, and what year it was born in.

Lillie Crawford.

Lillie Gilbert, witness.

Examination by the Commission.

Q Did you keep any record of it? A Yes, sir; I kept a record of it.

Q Where did you keep the record? A On the book at home.

Q Have you that book with you? A No, sir; not with me; I didn't bring it.

Q What kind of a book is it? A Just a day book.

Q Was the date of the birth written in that book on the day that this child was born? A Yes, sir.

Q Who wrote it in the book? A Mr. Jackson, my stepfather.

Q Is this the first time you have ever made application to the Commission for the enrollment of this child as a citizen of the Creek Nation? A Yes, sir; this is the first time.

Q Have you heretofore filed with the Commission a birth affidavit in the matter of the application for the enrollment of Lillie Crawford, as a citizen of the Creek Nation? A No, sir; I hav'n't filed it.

Q Have you had a birth affidavit filed with the Commission? A Yes, sir.

The records of the Commission examined and it appears therefrom that birth affidavits, in the matter of the application for the enrollment of Lillie Crawford, as a citizen of the Creek Nation, were filed with the Commission on February 11, 1903, and March 3, 1903, respectively, which affidavits are marked Exhibits "A" and "B", and made a part of the record.

Q Why have you not made application before this time for the enrollment of this child, Lillie Crawford, as a citizen of the Creek Nation? A I wasn't ready to.

Q You live right here, or near Muskogee, do you not? A I live right here at Muskogee, now; I wasn't when the child was born.

Q Where were you living when the child was born? A In Clarksville.

Q How long have you been living here at Muskogee? A About a year and four months.

Q When did you first learn that this child would be likely to be enrolled? A 1902.

Q Why didn't you come to the Commission then? A I wasn't ready to come, that is why I didn't come.

(By Mr. Owen, Attorney for Applicant):

Q What do you mean by not being ready? A I didn't have time to come, that is why.

EXAMINATION BY THE COMMISSION.

Q Wasn't this child born in April, 1902? A No, sir.

Q Do you know the nature of an oath? A Yes, sir.

Q Do you know that you are liable to be punished by imprisonment in the Government penitentiary, if you swear to something that is not true? A Yes, sir; I knew that.

Q Can you swear positively now that this child, Lillie Crawford, was born on the 29th day of April, 1901? A Yes, sir; I can swear it.

DIRECT EXAMINATION.

By Mr. Owen, Attorney for the applicant.

Q Who had charge of the filing for yourself and this baby--enrolling, I mean? A Mr. Jackson, my stepfather.

Q Is he a citizen of the--- A No, sir; not of the Creek Nation, he aint.

3 Lillie Crawford.

Lissie Colbert, witness.

CROSS-EXAMINATION.

By A. P. Murphy, National Attorney for the Creek Nation.

- Q Do you know when Mr. Jackson enrolled you? A My mother enrolled me.
- Q Well do you know when it was that they enrolled you? A No, sir; I know when they come over here.
- Q You know when they come over here? A Yes, sir.
- Q Was that child living at that time? A No, sir; the child wasn't first at that time.
- Q How long was it after that that before the child was born?
- Q Why it was six months, I think, before that child was born, or a year or so.
- Q A year? A Yes, sir.
- Q Was it a year? A I think it was a year before the child was birth.

EXAMINATION BY THE COMMISSION.

The records of the Commission examined and it appears therefrom that a citizenship certificate was issued to Lissie Colbert on September 5, 1899.

(Cross-Examination by A. P. Murphy)

- Q You testified in this case once before, didn't you? A Yes, sir; when I first came here to file for my baby, I did.
- Q You remember seeing me here? A Yes, sir; I seen you.
- Q When I asked you at that time if you kept a record of the birth of that child, you said you did, and I asked you what kind of a book it was, and you said it was a book called "The First Mortgage"?
- Q Well, it is on a Day Book, too.
- Q Well didn't you testify it was in a book called "the First Mortgage"? A No, sir; I didn't.
- Q Then didn't you testify that also the names of your brothers and sisters were in that book, called "The First Mortgage"? A No, sir; I didn't.
- Q Now what kind of a book do you say it was? A A Day Book.
- Q A Day Book? A Yes, sir.
- Q What kind of a Day Book was it? A I don't know what kind of a Day Book it is.
- Q Small book or large book? A Yes, sir.
- Q Just a blank book with blank pages in it? A Yes, sir.
- Q When did you last see that entry in that book? A Well I seen it--let me see--last week when I looked it over.
- Q When did you first see it? A When I put the baby's name down.
- Q I thought you said a while ago your mother put the ages down?
- Q No, sir.
- Q Who put yours down? A Mother did.
- Q Who put your baby's name down? A Mr. Jackson, my stepfather.
- Q When was it that you first saw that entry? A That morning he put it down.
- Q Did he put it down the same day that the baby was born? A Yes, sir.
- Q Now tell me how that entry reads? A I can't tell you.
- Q Well tell the best you remember about it? A Lillie Crawford, was birth on April 29, 1901.
- Q It is in these words, is it? A Yes, sir.
- Q Now what other entries are there in that book? A (Q) About the baby?
- Q (A) About anybody. What is the first entry in there--in the book?
- Q I can't know what the first one is. I don't keep any record of anything but of the baby.
- Q Is there any other record in that book besides this baby?
- Q No, sir.

4 Lillie Crawford.

Lillie Gelbert, witness.

Cross-examination by A. P. Murphy.

Q Is there anybody's in it? A No, sir.

Q Is yours in it? A No, sir.

Q There is not anything in it except about the birth of this baby?

A Yes, sir; that's all.

Q And that was made on the day the baby was born? A Yes, sir.

Q And you didn't bring that book with you? A No, sir.

Q Well, is there anything in that book about the birth of your father? A No, sir.

Q Not that or any other there? A No, sir.

Q Is there anything in that book that tells who the baby's father is? A No, sir; I didn't put that down there; Mr. Jackson did.

Q That that book don't tell who the baby's father is? A Says who the father is but doesn't---

Q Well what does it say about that? A Gives it as Lillie Crawford's daddy; that is all he put down.

Q Now tell us how that whole entry reads in that book? A I won't tell you, I done told you once.

Q You just told me part of it. A I told you all of it you asked me.

By Mr. Murphy: We insist that the applicant answer the question, giving as near as she can what she remembers about the entire entry in that book.

Commission to witness: Just tell now what there is entered in that book, as near as you can remember.

A That is all I know about it.

(Cross-Examination by Mr. Murphy continued.)

Q Well what is the first entry? A In what? I done told you Lillie Crawford is the first.

Q What is next? A What day she was born on.

Q Now you can go on and tell it? A I won't tell you. I done told you Lillie Crawford was born on the 29th day of April, 1901.

Q Is that all? A Lillie Crawford daddy named Jim Crawford.

Q Then the note is that Lillie Crawford was born April 29th; Jim Crawford is Lillie Crawford's daddy? A Yes, sir. Lillie Crawford was born April 29th, 1901, and her daddy is Jim Crawford.

Q That is the entry? A Yes, sir.

Q Why didn't you bring that book with you? A Because I didn't know you needed it.

Q Is that the only child you have got? A Yes, sir; this is the only child I have got.

Q Did you ever celebrate Emancipation Day up there where you live? Did you ever go to any celebrations up there Emancipation Day?

A I don't understand what you mean.

Q Picnic? A Yes, sir; I did.

Q Well I mean among the Colored people--their Fourth of July. A No, I don't go to any Fourth of July.

Q Colored people's celebrations? A Yes, sir.

Q Did you go in 1901 to Emancipation Day? A No, sir.

Q Where were you then? A I was sick.

Q Well what was the matter with you? A Because I was in a delicate state, and couldn't go.

Q Was your baby born then? A Yes, sir.

Q How long had it been alive then? A Well it was alive in May, June, July--

Q Aint it a fact that you was confined with the birth of this child, that you couldn't go to the celebration? A No, sir; I just didn't go.

Q Well now did they celebrate the Fourth of July up there?

A I don't know; I don't go to some of them sometimes.

Q Do you remember of their having a celebration?

A (Q) Of the colored folks?

Lillie Crawford.

Witness.

Examination by Mr. Murphy.

Q What was the date? A I don't know.
Q How old was she on Emancipation Day in 1901? A It could
be just how old this child was on Emancipation day
in 1901. A (Q) How old was it then?
A Yes. A It was born April 25, 1900.
Q Who was present when the child was born? A Lucinda Smith.
Q Was she the only one? A No, sir.
Q Who else? A Miss Smith and my mother-in-law,
and Miss A. Steptoe, and my mother and my mother.
Q What time of the day was it born? A Between midnight and day.
Q Do you know what day of the week? A Yes, sir.
Q What was it? A It was a Sunday. I mean since that birth Monday
morning, I suppose; it was dark when it was born.
Q How you say that entry is also in another book, do you? A Yes,
sir.

EXAMINATION BY THE COMMISSION.

Q Were there any children born in your neighborhood about the same
time that Lillie Crawford was born? A I know some children born
after mine was born.
Q What are the names of one or two of those children?
A Miss Holbert's and Miss Britt's. One of the babies name Ed Coble.
Q Is Ed Coble a citizen of the Creek Nation? A No, sir.
Q Were there any citizens in your neighborhood who died about the
same time as the birth of this child? A Not as I know of.

RE-CROSS-EXAMINATION.

By A. P. Murphy, National Attorney for the Creek Nation.

Q Can your stepfather read and write? A Yes, sir; he can read
and write.

Witness excused.

LUCINDA BRUNER, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your full name? A Lucinda Bruner.
Q What is your age? A I don't know, sir; I couldn't tell
how old I am.
Q About how old are you? A I couldn't tell at all.

(By the Commission): Applicant has all the appearance of
being about fifty years of age.

Q What is your post office address? A Clarksville.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know the applicant here, Lillie Gilbert, who makes
application for the enrollment of Lillie Crawford? A Yes, sir.
Q Has she a child by the name of Lillie Crawford? A Yes, sir.
Q Are you a near neighbor of Miss Gilbert? A Yes, sir.
Q Do you know when Lillie Crawford was born? A Well I couldn't
tell you, but she can tell you. I don't know anything about it. I
can't count. She knows when it was.
Q Were you at the house when this child was born? A Yes, sir;
I was there waiting on her.

Lizzie Crawford.

Lucinda Bruner, witness.

Examination by the Commission.

Q Was it in the winter, or spring or summer, that this child was born?

A I don't know the month neither.

Q Do you know the year? A Yes, sir.

Q What year was it? A I couldn't tell you at all.

Q How old is Lizzie Crawford? A She is going on two year old, I think, or three.

DIRECT EXAMINATION.

By Thomas H. Owen, Attorney for applicant.

Q Did you wait on her when she was sick? A Yes, sir.

Q You say it was the early part of spring? A Yes, sir.

Q You think the baby is two years old? A Yes, sir.

Q What time of the year is this now? A This is the first of spring.

Q Was it last spring that the baby was born, or the spring before that? A Spring before that.

Q Spring before that? A Yes, sir.

Q Are you any kin to Lizzie Colbert? A No, sir.

CROSS-EXAMINATION.

By A. P. Murphy, National Attorney for the Creek Nation.

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

Q Are you enrolled? A Yes, sir.

Q Under what name? A Lucinda Bruner.

REDIRECT EXAMINATION.

By Thomas H. Owen.

Q Do you know what town you belong to? (No response).

Q Who is your town king? A I couldn't tell you.

RECROSS-EXAMINATION.

By A. P. Murphy.

Q You are getting pretty old, ar'n't you, Mrs. Bruner?

A I guess I am.

Q How is your eyesight, pretty good? A Yes, sir.

Q Do you use glasses? A No, sir.

Q Well, how is your memory, have you got pretty good memory, or is your memory not so good? A Yes, sir; got a pretty good memory, but sometimes I get off.

Q Sometimes you remember pretty well, and then again you don't?

A Yes, sir.

Q Sometimes a day seems long to you, and sometimes again it is short? A Yes, sir.

Q How long have you been living in the Creek Nation now and you ever since I have been a little bit of a gal; I was raised here.

Q How long have you known Lizzie Colbert? A Oh, I have been knowing her since little bit of children.

Q Do you know how old she is? A No, sir; I couldn't tell you at all.

Q Do you remember when she was born? A I couldn't tell you, her mother can tell you.

7 Lillie Crawford.

Lucinda Bruner, witness.

Recross-examination by A. F. Murphy, National Attorney Creek Nation.

- Q Do you remember the time when she was born? A No, sir; I can't.
- Q Did you have any celebrations out there near Clarksville last year? A Yes, sir--that Colored people?
- Q (A) Yes. A Yes, sir.
- Q When was that? Emancipation Day? A Yes, sir.
- Q How long before that was Lillie Crawford born? A Well I didn't want to it. I was staying with Jimmy Grayson's wife.
- Q Who was it you say you was waiting on? A Jimmy Grayson's wife, Mary.
- Q She was sick? A Yes, sir.
- Q Well did they have one before that? A No, sir.
- Q The year before that time, did they have a celebration?
- A I didn't want to it. I was across over the River.
- Q Was this child living last Emancipation Day? A (Q) Which one?
- Q (A) This one here (Lillie Crawford). That is, the time you had the picnic? A Of course it was living.
- Q Well was it living at the one before that? A Well, I guess it was, because it was going on two year old, I think.
- Q Well do you know whether it was or not? (No response)
- Q How was it born before or after you were across the river there and couldn't go to this colored picnic? A I couldn't go because I was waiting on the sick.
- Q Well was this child alive then? A Yes, sir; it was born then.
- Q How long had it been alive then? A Well I couldn't tell you.
- Q Well what is your best recollection about it? (No response)
- Q Didn't you go from her house, right over there across the river to wait on this other woman? A It isn't across the river. It is this side of the river, it is away up close to Coweta, that is where I was.
- Q Aint it a fact that you waited on Lillie Colbert and then went right over there to this other place and waited on this other woman?
- A Well when I was waiting on that other one, that one, and then when I come home, that makes it two years.
- Q And this one was two years old last year then? A That is what I think, if I aint mistaken, I couldn't tell you exactly how it is.
- Q How was it born in the spring or in the summer, Mrs. Bruner?
- A Actually I couldn't tell you.
- Q Was the weather pretty warm? A That child was born today. Isn't this the first of spring? It was born like today.
- Q Was the weather warm? A It wasn't no cold day.

REDIRECT EXAMINATION.

By Thomas H. Owen, Attorney for the applicant.

Q You say when the baby was born, it was about as warm as it is today? A Yes, sir.

Witness excused.

CHLOE LONDON, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A Chloe London.
- Q What is your age? A I don't know.
- Q About how old are you? A I couldn't tell.

(By the Commission): Witness appears to be about twenty-five or thirty years of age.

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

Lillie Crawford.

Under Oath, witness.

Examination by the Commissioner.

- Q Do you know Lizzie Gilbert? A Yes, sir.
- Q How long have you known her? A Oh, I have known her from when she was a little bit of a baby.
- Q Was she put a child by the name of Lillie Crawford? A Yes, sir.
- Q How long old is Lillie Crawford? A Well, I guess it is about two or two years old.
- Q How was Lillie Crawford born? A The 29th of April.
- Q What year? A Well I couldn't tell you in what year, I don't exactly know that. She can tell you that herself.
- Q How long ago? A It was born the April before this last--last year--last year a year old, and this April made her two years.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q Have you filed on your allotment? A Yes, sir.
- Q Have you any children about the age of Lillie Crawford? A No, sir.
- Q Have you got any grandchildren about the age of Lillie Crawford? A No, sir.
- Q Are there any members of your family that have died within the last two or three years? A No, sir.
- Q Do you know any children that are citizens that are about the age of Lillie Crawford? A No, sir; not as I know of.

CROSS-EXAMINATION.

By A. P. Murphy, Attorney for the Creek Nation.

- Q How do you know it was born on the 29th of April, 1901?
- A Because I am a close neighbor of hers and I went there and saw the baby after it was born.
- Q Were there any other babies born in the neighborhood about that time? A Of course there was, but I don't go to see them.
- Q Do you know of any? A The Smith baby, and Mrs. Abbott's.
- Q When was the Smith baby born? A I don't know exactly, but it was born in that same year.
- Q Before or after? A After.
- Q How long after? A About a month--about, I expect; I guess that baby was born about along in May.
- Q Did you keep any record of the birth of this baby?
- A No, I didn't keep the record, but I know the day it was born.
- Q What time of the year was it? A It was in April.
- Q In the spring or summer? A It was in this month.

DIRECT EXAMINATION.

By Thomas H. Owen, Attorney for Applicant.

- Q Did you live near neighbor to Lizzie Gilbert at that time?
- A Yes, sir; I am living on the same place now. They moved from over across the river, else where I live at, here about along--about in January or February they moved from over there.
- Q You went over there the same day it was born, did you? A Yes, sir.

RECROSS-EXAMINATION.

By Mr. Murphy.

- Q Do you remember when you filed on your allotment? A No, I can't exactly date the time.
- Q You remember about the time? A Yes, sir; I can remember about the time, I guess.
- Q Was this baby alive then? A The baby wasn't born when we filed.
- Q How long after you filed until the baby was born? A I couldn't exactly tell you just how long it was afterwards the baby was born.

Lillie Crawford

Filed London, Ontario.

Interrogation by Mr. Murphy.

Q Was it a boy? A I think it was a boy. I don't know the name of the child.

Q What is your best impression about it? A Well, guess it is about a year after the killing--I think it is about three years since we filed.

Q Have you got any children? A Yes, sir.

Q What are their names? A Herb Trotter, Estelle Hill, Ellis London, Fred London, Herbert London.

Q How old is Herbert? A Nine years old.

Q Can you tell me when Herbert was born? A I couldn't tell you the day that Herbert was born, but then he is nine years old.

Q Do you know what year he was born in? A I couldn't tell you the year he was born in, but then he was nine years old the 22nd day of April.

Q The 22nd day of April? A Yes, sir.

Q Well now, the time that Herbert was born, compared with the time of the year that Lillie Crawford was born--how is that? A Same season of the year, it was along in April.

Q Do you know when Fred London was born? A No, I couldn't tell you none else than about the time.

Q Don't know what year? A He was born the 20th of May.

Q Don't know the year though? A No, sir.

Q Wasn't it about the same time of the year that Fred was born that Lillie was born? A No, Lillie was born the 29th day of April.

Q Do you know when Ellis was born? A Yes, sir.

Q When was it? A Ellis was born in January.

Q What year? A 29th of January.

Q What year? A I couldn't tell you.

Q Well how is it that you can tell the year that this Lillie Crawford was born? A I can tell the date, but I haven't never noticed the year.

Q Never noticed the year that Lillie Crawford was born? A No, sir.

Witness excused.

Recess from 12 noon to 1.30 p.m.

Appearances: Thomas E. Owen, Attorney for Applicant.

A. F. Murphy, National Attorney for the Creek Nation.

H. A. JACKSON, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your full name? A H. A. Jackson.

Q What is your post office address? A Muskogee.

Q What is your age? A I will be 54 the 20th day of this coming June.

Q Are you a citizen of the Creek Nation? A No, sir.

Q Are you a United States citizen? A Yes, sir.

Q Have you a daughter by the name of Lillie Gilbert? A Stepdaughter.

Q What is the name of Dixie's mother? A Estelle Jackson.

Q Estelle Jackson is your present wife? A Yes, sir.

Q Has your stepdaughter, Lillie Gilbert, any children?

A She has got one.

Q What is the name of that child? A Lillie Crawford.

Q When was that child born? A It was born on the 29th day of April, 1901.

Q Is that child now living? A Yes, sir.

Q How old is the child? A The child, the 29th of this month, will be two years old.

Q Was the child born at your house? A Yes, sir.

Lillie Crawford.

H. A. Jackson, witness.

Examined by the Commission.

Q. How do you present as the name of the child? A. Yes, sir.
Q. Did you keep any record as to the date of the birth? A. Yes, sir.

Q. What kind of a record did you keep? A. I kept a record in my personal manual there--it was the next page after the last page. And I just placed the day of the month, and I just placed the child myself--and just recorded it there, and the intention of placing it in the Family Bible, that I had a manual for it.

Q. When did you put that in the manual? A. If I am not mistaken, I think I put it there not over two days after it was born.

Q. Have you got any other entries in that volume in regard to the births and deaths of any of the members of the family? A. Nothing more than just its name, and the date of the month that it was born and year. It is an important book--it is a Mother's Manual, and it isn't the proper place.

Q. Do you know when the Creek agreement was ratified in 1903?

A. Well I don't know, sir. I couldn't say exactly. The reason why I was an intermarried citizen and didn't take too much interest only in my own business, that of farming.

Q. When did you first learn that this child, Lillie Crawford, might be enrolled as a Creek citizen? A. I spoke to this gentleman that sits over there--that clean-headed man--

(By Mr. Owen):

Q. Mr. Cook? A--Yes. I spoke to him last summer about it after I moved over home from town, and he told me I had better come down here. I was very busy then, and never called my attention over it and I never bothered about it anything more until this year.

(By the Commission):

Q. Did you or your wife file on allotments for your stepchildren?

A. I done the filing all myself.

Q. Have you got a stepdaughter by the name of Dora Colbert?

A. Yes, sir.

Q. Do you recollect when you filed on her allotment? A. I think I made the filings all at one time, I am not certain, but I think I made the filing for Dora, Lizzie, Jennetta and my wife, all at one time. Anyhow, it was along about the 15th of September when I came here.

Q. In what year? A. It was in ninety-one, I guess--that is, when the office was opened--in the fall, anyhow, along about the latter part or middle of September.

Q. Do you know when the land office was opened here at Muskogee?

A. I did know, but I didn't pay no attention.

Q. You say you can't recollect when the land office was opened?

A. I don't know the date exactly, but I think it was in April.

Q. How long ago? A. I think it was ninety-one--

Q. Ninety-one? A. Ninety-one, or summer's along there--can't tell when I never paid much attention to it. I can go home and get my certificates--and I registered the first year it was opened.

Q. How long after you registered was this child, Lillie Crawford, born? A. That child was born year before last.

Q. That isn't the question. I am asking how long after you registered was Lillie Crawford born? A. About seven months. I know it was in April anyhow.

Q. Are there any other citizens in your neighborhood that have died within the last two or three years? A. Yes, sir.

Q. Please give the names of some of them. A. Old man Jacob, he died last year.

Q. Jacob who? A. Parryman.

Q. Any others? A. I don't know, I have been over here, I don't know.

Q. When did Jacob Parryman die? A. I think he died this winter. I don't know, but I think he died somewhere along in January.

L. Lillie Crawford.

K. A. Jackson, witness.

Examined by the Commission.

Q Do you know of any Greek children about the age of Lillie Crawford
who were born about the same time and place as she? A No, sir; I don't.

CROSS-EXAMINATION.

By A. P. Murphy.

Q You say you named that child? A Yes, sir.
Q How long after it was born before you named it? A About the
second day.
Q Did you have all these people enrolled--your wife and these
children? A No, sir; they are on the book roll, I think, but I
filed for them.
Q Did you have them enrolled here at this office? A Yes, sir.
Q Do you remember when that was? A I don't remember the date
exactly I came in here.
Q In the fall, wasn't it? A September--11th day of September
that I came in here and done the filing.
Q How long after you were here and enrolled that you say this child
was born? A Something along about seven months.
(By the Commission):

Records of the Commission examined and it appears
therefrom that Katie Jackson and her five minor children
were enrolled in September, 1898.

(By Mr. Murphy):

Q When did you make that entry in that manual? A I think it was
the same, or the second day after the child was born.
Q Which was it, do you know? A I am not certain. I couldn't
be positive which day it was.
Q Before you named it, or afterward? A I had named it to myself
about the time it was born.
Q Had you named it at the time you entered it? A I had selected
the name for it myself.
Q How does that entry read in the book? A Lillie Crawford,
born April 29th, 1901.
Q Is that all? A That is all.
Q Is that all the entry that is in that book? A That is all the
entry that I made.
Q You say you have some children? A Yes, sir.
Q How many? A Two.
Q What are their names? A Well I have got three, one is named
Carrie, and one is named Henry, after myself, and one is named
Lillie.
Q Now when was Lillie born? A In 1897.
Q What month and what day? A I don't know.
Q When was Henry born? A On the 22nd day of August, '82.
Q When was Carrie born? A On the 22nd day of September, '80.
Q Sure of that? A Yes, sir.
Q That both Carrie and Henry were born on the 22nd day of the month?
A Yes, sir; one was August, and one was September.
Q And you don't know when Lillie was born? A I don't know.
Q When was you and Katie Jackson married? A We was married on
the 26th day of December--don't know exactly, but you can go to
the court house and find out there.
Q Do you know what year? A I don't know exactly the year.
Q Was you married before or after the land office opened here?
A I was married then.
Q Was this child born before or after you married Katie Jackson?
A Born since.

Witness excused.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Court, at Muskogee, Indian Territory, this 2nd day of April, 1903.

EDWARD MERRICK, Notary Public.

Are there any other instruments to be recorded in this case?
None, said, Lillie Crosson, as a great-grandmother.

COMMISSION TO THE APPELLATE:

You will be required to take this day with you to the office of the Commission in the matter of the above entitled cause, this day for the enrollment of your name as a witness, as a Great Indian, which will be called upon to give your office address, as given by you in your testimony taken at this time.

Witness excused.

Oliver G. Hinkle, having been duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 2nd day of April, 1903, and that the above was furnished in a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2nd day of April, 1903, at Muskogee, Indian Territory.

Oliver G. Hinkle
Edward Merrick
Notary Public.

C O P Y

MUSKOGEE NATION

A. P. MURPHY,

National Attorney.

Muskogee, Indian Territory, August 12th, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Creek En. 307: In the matter of the application of Lizzie Gilbert for the enrollment of her minor child, Lillie Crawford, as a Creek Freedman. The Creek Nation has no further evidence to offer.

Truly,

SIGNED

A. P. MURPHY,

National Attorney.

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

In the matter of the application for the enrollment of
Lillie Crawford as a Creek freedman.

D E C I S I O N .

The record in this case shows that on April 2, 1903, Lizzie Colbert appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Lillie Crawford, as a Creek freedman.

The evidence shows that the said Lillie Crawford is the minor child of Lizzie Colbert, who is identified on the 1890 and 1895 tribal rolls of the Creek Nation; and the records of the Commission show that the name of the said Lizzie Colbert is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 13, 1902, roll No. 2076.

It further appears that the said Lillie Crawford was born April 29, 1901, and was living at the time of the application herein.

It is, therefore, the opinion of this Commission that said Lillie Crawford should be enrolled as a Creek freedman, in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stat., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

OCT 22 1903

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Respectfully,

Chairman...

Wahlequa, Indian Territory, October 6, 1904.

Commissioner in Charge,
Sherman Hotel Office,
Wahlequa, Indian Territory.

Sir:

There is enclosed herewith for your consideration the
record and decision prepared thereon in the following cases:

No. 171. George Sneed, et al.
No. 222. Annie Roberts
No. 223. Edw. Atkins
No. 224. Frank Young
No. 225. Frank Stidham
No. 226. John Sims, et al.
No. 227. Mary Lewis, et al.
No. 228. Mary Ford, et al.
No. 229. Mary Stidham
No. 230. Edw. Stidham, et al.
No. 231. Edw. Stidham
No. 232. Edw. Stidham
No. 233. Edw. Stidham

Respectfully,

Chairman.

Washington, Indian Territory, October 10, 1894

Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith one copy of the decision of the Commission in the matter of the Application for the enrollment of Lillie Crawford as a Creek Freedman.

The Creek Nation will be allowed twenty days from the date hereof within which to protest against said decision.

Respectfully,

Commissioner in Charge.

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Heis our appl for election

Washington, Indian Territory, October 10, 1906.

Washington, Indian Territory.

Dear Madam:

In the matter of the application made by you for the enrollment of your minor child, Lillie Crawford, as a Creek Freedman, you are advised that said Lillie Crawford is regularly listed for enrollment as a Creek Freedman.

You are further advised that you will be permitted to make application for a selection of land for said Lillie Crawford in the Creek Nation.

Respectfully,

Chairman.

EV 308

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., March 26, 1903.

On the letter of the application of Lewis Alberty for the enrollment of his minor child, Clara Alberty, as a Creek freedman.

EXAMINER: J. D. Cox, Attorney for applicant.

LEWIS ALBERTY, being first duly sworn, testified as follows:

- Q What is your full name? A Lewis Alberty.
Q What is your age? A About thirty-four years old, I guess, as near as I can get at it.
Q What is your post office address? A Wagoner.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Lewis Alberty is listed for enrollment as a citizen of the Creek Nation, on Creek Freedman Card Field No. 1100.

- Q For whom do you now make application for enrollment?
A Clara Alberty.
Q Is Clara Alberty your daughter? A Yes, sir.
Q To what town in the Creek Nation do you belong? A Arkansas.
Q Is Clara Alberty now living? A Yes, sir.
Q How old is she? A She will be two years old the last day of this month.
Q When was she born? A March.
Q In what year? A I don't know what year--can't keep track of it.
Q Did you keep any record of the date of her birth? A No. She was born the last day of March, as near as I can remember.
Q Well was it the last day of March, 1901, or the last day of March, 1902? A 1901, I guess.
Q Have you any younger children than Clara Alberty? A Yes, sir; a younger one.
Q What is the name of that child? A Adaline Alberty.
Q When was she born? A She born along about the first of this March.
Q That is this year? A Yes, sir; this month, right now.
Q What was the name of the mother of Clara Alberty? A Neeta Alberty.
Q Is she living? A Yes, sir.
Q Is she a citizen of the Creek Nation? A No, sir.
Q Is she a citizen of any nation in the Indian Territory? A No, sir.
Q Is she a United States citizen? A Yes, sir.
Q Have you been married to her? A Yes, sir; by the Injun law.
Q How long have you been married to her? A About six years, as near as I can remember.
Q Have you lived continuously with her during the last six years? A Yes, sir.
Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes, sir.
Q Does your name appear upon the Creek tribal rolls? A Yes, sir.
Q Did you ever have any other name except Lewis Alberty? A They called me Moody sometimes.

The 1891 Omitted tribal roll of the Creek Nation, Arkansas Town, examined, and the name of Lewis Alberty

2 Clara Alberty.

Lewis Alberty, witness.

Examination by the Commission.

is found and identified thereon at No. 116.
The 1898 Pay Roll of the Creek Nation, Arkansas
Town, examined, and the name of Lewis Alberty is
found and identified thereon as "Lewis Moody", at
No. 923.

- Q Does Clara Alberty live with you? A Yes, sir.
Q Has she lived with you ever since she was born? A Yes, sir.
Q Your home is here in the Creek Nation? A Yes, sir.
Q Is your home on land that you have filed on in the Creek Nation?
A Yes, sir.

Witness excused.

ANGELINE MOODY, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A Angeline Moody.
Q What is your age? A My age? I was going on sixty years old.
Q What is your post office address? A Wagoner.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know Lewis Alberty here, who makes application for the enrollment of his minor child, Clara Alberty? A Yes, sir.
Q What kin is he to you? A He is my son.
Q Is he the father of Clara Alberty? A Yes, sir.
Q What is the name of the mother of Clara Alberty? A Neely Alberty.
Q How old is Clara Alberty? A She is two years old.
Q When was she born? A She was born year before last--she was born in 1901, I guess.
Q When was she born in 1901? A She was born the last day of March.
Q Did you keep any record of the day of her birth? A I just keeps it just by mind.
Q Did you put it down in the book? A Yes, sir; I puts my children down, but I hav'n't put its down yet, but I just keeps in my mind.
Q Why didn't you put the name of Clara down? A I just didn't do it.
Q Were you present when this child, Clara Alberty, was born?
A No, sir; I wasn't.
Q How long after its birth did you see the child? A I saw it in about two weeks.
Q Are you a near neighbor of Lewis Alberty? A Lewis lives off the River, and I lives at Wagoner.
Q Then you don't know, as a matter of fact, when Clara Alberty was born? A Yes, sir; I know it was the last day of March, they told me.
Q That is what they told you? A Yes, sir; that is what they told me and I went over there and saw it.
Q Is Clara Alberty able to walk now? A Yes, sir.
Q Does she talk? A She is trying to talk, she don't talk right plain.
Q Can she say any words? A Yes, sir; she speaks some words plain.
Q When did you first learn that this child, Clara Alberty, was entitled to enrollment? A I thought it ought to be.
Q Never anybody say anything to you about it? A No, sir; I was old enough to know.
Q Can you explain why there was no application made for its enrollment until September 23, 1902? A Yes, sir; I can explain it: I have been asked to come in and make application, but Lewis is a boy that isn't quite got real good wit, that is just the reason delays it, that is the reason I have come with him.

Witness excused.

3 Clara Alberty.

LEWIS ALBERTY, BEING RECALLED, testified as follows:

EXAMINATION BY THE COMMISSION.

Q Is this the first time you have ever made application to the Commission for the enrollment of your daughter, Clara Alberty, as a citizen of the Creek Nation? A No, I started a lawyer, by the name of Charley Watts--started to make application, and he took sick and we never finished it.

Q Have you ever filed with the Commission a birth affidavit in the matter of the application for the enrollment of your minor child, Clara Alberty, as a Creek citizen? A No, a man by the name of Charley Watts brought the affidavit.

The records of the Commission examined and it appears therefrom that a birth affidavit in the matter of the application for the enrollment of Clara Alberty was filed with the Commission on September 23, 1902, which is marked Exhibit "A" and made a part of the record.

BY THE COMMISSION: This case is continued in order that further testimony may be introduced as to the date of the birth of Clara Alberty.

Witness excused.

Oliver C. Hinkle, having been first duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 26th day of March, 1903, and that the above and foregoing is a full, true and correct transcript thereof.

Subscribed and sworn to before me this _____ day of _____, 1903, at Muskogee, Indian Territory.

Oliver C. Hinkle

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind.Ter., March 31, 1903.

~~SUPPLEMENTAL TESTIMONY~~ In the matter of the application of
Lewis Alberty for the enrollment of his minor child, Clara Alberty,
as a Creek freedman.

APPEARANCES: J. D. Cox, Attorney for the applicant.

ABE PRINCE, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A Abe Prince.
Q What is your age? A About fifty years old.
Q What is your post office address? A Redbird.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you filed on your allotment in the Creek Nation? A Yes, sir.
Q Do you know Lewis Alberty? A Yes, sir; I know him.
Q How long have you known him? A I have known him since along
when he was a little boy--very little kid, up to this age.
Q Do you live near his home? A We have been living near together
until he moved over on the Verdigris--we have been living near
together all the while.
Q Has he got a child by the name of Clara Alberty? A Yes, sir.
Q Do you know when Clara Alberty was born? A Not exactly--I
don't know the date--I know I don't know the date of the year it
was born in. I don't know the exact time, but I know it is his child.
Q Do you know about the time that Clara Alberty was born?
A I couldn't tell you so much about her, but I know it is Lewis's
child.
Q Do you know how old Clara Alberty is? A Not exactly; I think
she is two years old though.
Q Have you got any little children? A No, sir.
Q Have any of the members of your family died the last two or three
years? A Yes, one of my sisters died within the last two years.
Q What is the name of the sister that died? Phillis Sango.
Q Had she filed on her allotment before she died? A Yes, sir;
I think she did.

DIRECT EXAMINATION.

By J. D. Cox, Attorney for applicant.

- Q Did you live in the neighborhood in which Lewis Alberty lived
at the time that Clara Alberty was born? A Yes, sir.
Q How far did you live from Lewis's at the time of her birth?
A About three miles.
Q Were you at Lewis's place frequently? A Well, once in a while
I would be there.
Q About how old was Clara Alberty when you first saw her?
A I think she was about four or five months old.
Q And you think she is about two years old now, you say?
A I think so.
Q Do you know that she is the daughter of Lewis Alberty?
A Yes, sir; I know that.
Q Do you know whether she is living or not? A Yes, sir; she is
living.
Q When did you last see her? A Saw her in February, I believe.
Q February of this year? A Yes, sir; I was by his place and
stopped there.
Q And saw Clara? A Yes, sir.

1 Clara Alberty: Supl., 3/31/03.

Abe Prince, witness.

Examination by J. D. Cox, Attorney for the applicant.

Q Can she walk and talk? A Yes, sir.

Q ~~Do you know about the time that Lewis and his present wife were married?~~ A I couldn't tell you the date. I know the time they were married.

Q About how many years ago were they married? A I guess about six or seven years, I reckon.

Q About seven years? A Yes, sir.

Q Do you know whether they have lived together ever since they were married or not? A Yes, sir.

Q Was they married under the Creek law? A Yes, sir.

Witness excused.

FRANK CULL, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your full name? A Frank Cull.

Q What is your age? A About fifty-six years old.

Q What is your post office address? A Wagoner.

Q Are you a citizen of the Creek Nation? A No, sir.

Q Are you a United States citizen? A Yes, sir.

Q Do you know Lewis Alberty? A Yes, sir; I know him.

Q Are you a near neighbor of his? A Yes, sir.

Q How long have you been a neighbor of his? A About seven or eight years.

Q How near do you live to him? A Live right with him--oh, been away from there about ten months, I guess.

Q Has he got a daughter by the name of Clara Alberty? A Yes, sir.

Q How old is Clara Alberty? A She is two years old today.

Q Where were you two years ago today? A I was out on Pryor Creek.

Q Were you at Lewis Alberty's house two years ago today? A Yes, sir.

Q Have you got a family? A No, sir; I have no family.

Q Are there any other citizens living near Lewis Alberty's house? A Got an aunt lives there.

Q I mean near there? A Yes, sir; got an aunt lives close there.

Q What are the names of some of them? A Easter Wilson.

Q Is Easter Wilson a Creek citizen? A Yes, sir; she is a Creek citizen.

Q Has she got any children? A Yes, sir; she has got a grown son.

Q Has she got any young children? A No, sir; hasn't got any young children.

Q Do you know the date that Clara Alberty was born? A Born on the last day of March.

Q In what year? A 1901.

Q Did you keep any record of the date of the birth of Clara Alberty?

A No, I didn't keep any record.

Q How do you know it was the last day of this month, two years ago, that she was born? A It was the very last day of March. I recollect it well enough. Any one who has any recollection at all about how

Q Is Clara Alberty talking now? A She can talk a little.

Q Can she talk so any one can understand her? A If you are acquainted with her, you can.

Q Wasn't it the last day of March, a year ago, that Clara Alberty was born? A It has bound to be two years ago. This is the last day of March.

Q Was there any other children born in that neighborhood about the same time that Clara Alberty was born? A Not that I know of.

Q Any other children been born since then in that neighborhood?

A I think there was one.

Q When was that child born? A I don't know, because I didn't live with them.

Q Any one in the neighborhood who has died since that child was born?

A Not right in that neighborhood.

3 Clara Alberty: Supl., 3/31/03.

Frank Cull, witness.

DIRECT EXAMINATION.

By J. D. Cox, Attorney for the applicant.

- Q Who was you living with at the time of Clara Alberty's birth?
A I was living with Lewis.
Q Lewis Alberty? A Yes, sir; that is his name.
Q Have you any interest in this case in any way?
A Not a bit. All the time I want out is this country to all the people to die.
Q When did you last see Clara Alberty? A About four weeks ago.
Q How long have you known Lewis Alberty and his present wife?
A Six or seven years.
Q Do you know of your own knowledge whether they have been living together continuously since that time? A Yes, sir; they have been continuously together all the time as far as I know.
Q How much of the time have you lived with Lewis Alberty for the last six years? A Put near all the time. I don't think I have been away from there a year.
Q Altogether? A Yes, sir; altogether.
Q Did you know Lewis Alberty before he married his present wife?
A Yes, sir.
Q Did you know him at the time he lived with his former wife, Rose?
A No, sir.
Q Where was he living at the time Clara Alberty was born?
A On Fryer Creek.
Q On which side of the Verdigris? A On the west side.
Q Did you know about the time that Lewis and his present wife were married? A Pretty close to the time, can't tell just exactly the time.
Q Do you know any reason why Lewis didn't make application for the enrollment of this child soon after it was born? A Don't know why he didn't.

EXAMINATION BY THE COMMISSION.

- Q Has Lewis Alberty got still a younger child than Clara?
A Yes, sir.
Q What is the name of that child? A I don't know whether it is named or not.
Q When was that child born? A I couldn't tell you when that one was born.
Q How old is that child? A I don't know exactly how old that child is, it taint old though.
Q Is it a month or six months old? A It aint six months old.
Q How long have you been away from Lewis Alberty's home? A I have been away from there pretty near all winter, been working in Wagoner.
Q Was this young child born before or after you left there?
A Born after I left there. It isn't more than three weeks old, if it is that old.
Witness excused.

Oliver C. Hinkle, having been duly sworn, upon his oath states, that as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 31st day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 11th day of April, 1903, at Muskogee, Indian Territory.

Edward H. Hinkle
Notary Public

Muskogee, Indian Territory, April 9, 1903.

A. F. Murphy,

National Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are advised that on March 26, 1903, Lewis Alberty, whose post office address is given as Wagoner, Indian Territory, appeared before the Commission and made application for the enrollment of his minor child, Clara Alberty, as a Creek freedman, and that further proceedings were had in the matter of said application, March 31, 1903.

You are further advised that the name of Lewis Alberty, the father of said Clara Alberty, is included in a schedule of Creek freedmen approved by the Secretary of the Interior, March 28, 1903.

From the testimony, it appears that Clara Alberty was born March 31, 1901, but the record in the case is such that the Commission is not satisfied as to the right of said child to enrollment.

You are hereby notified that the Creek Nation will be given a reasonable time within which to introduce such evidence

WATERBURY BEER CO. MONTPELIER

Creek No. 308

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER., AUGUST 13, 1905.

Supplemental testimony in the matter of the application
for the enrollment of Clara Alberty as a Creek freedman.

APPEARANCE: A. P. Murphy, attorney for the Creek Nation.

NEELY ALBERTY, after being duly sworn, testified as follows:

By THE COMMISSION:

- Q What is your name? A Neely Alberty.
- Q How old are you? A About 26 years old.
- Q What is your post-office address? A Wagoner, I. T.
- Q Are you the wife of Louis Alberty? A Yes sir.
- Q Are you a citizen of the Creek Nation? A No sir.
- Q Are you a citizen of any tribe in Indian Territory? A No sir, not as I know of.
- Q Are you the mother of Clara Alberty? A Yes sir.
- Q How old is she? A Two years old the 31st day of last March.
- Q Have you another child than Clara? A Yes sir.
- Q One or more? A I have one younger than Clara, and one older.
- Q What is its name? A Willie Grayson.
- Q Not Willie Alberty? A No sir I have been married twice.
- Q How old is Willie? A Going on 10 years old.
- Q What is the name of the youngest child you have? A Eveline Alberty.
- Q How old is Eveline? A She will be six months old the last day of August.
- Q Did you make a record of the birth of Clara in any book? A Yes sir, I had my cousin to put her name down in my Bible, when she was born.
- Q How long after she was born before it was put down in the Bible? A About a week or two, after she was born.
- Q Is this your oldest child here? A That is Clara Alberty (indicating the child who is present).

By MR. MURPHY:

- Q When was Willie born? A In 1904, the 3rd of April.
- Q 1904? A Yes sir.
- Q Do you mean 1904? A I have got it down at home.
- Q Can you read and write? A I can read printing tolerably well; I cannot read writing.
- Q Can you write? A I can only write my name.

- Q Is Willie ten years old, or will he be ten next year? A He will be ten years old next year.
- Q How old was he when he was born in 1894? A That's it, yes sir, he was born in 1894. It is down in the Bible that way.
- Q Who wrote it in the Bible? A My cousin, Charles Mays. He is dead now.
- Q What does it say in the Bible? A "Willie Grayson, born 1894, the 3rd of April, on Thursday."
- Q Did you read it? A I have had it read to me.
- Q How what year was Clara born in? A In 1901.
- Q In what year was the other child born? A Last February, 1903.
- Q How old did you say you are? A I am 26.
- Q Where were you living when Clara was born? A Up here on Garr Creek.
- Q How much older is Clara than the younger child? A Clara is a year and a half older than the baby. This baby was born in February; Clara is more than a year and a half older than the baby.
- Q How old did you say Clara is? A She was two years old last gone March.
- Q Who was present when the child was born? A Its auntie, Frances Vann.
- Q How do you know it was the 31st of March? A I looked it up in the almanac.
- Q When did you look it up? A The same day she was born.
- Q What kind of an almanac was it? A The Ladies Birthday Almanac.
- Q What color was it? A It had a bluish back.
- Q What day of the week was Clara born? A On Sunday.
- Q She was born on Sunday, was she? A Yes sir.

By THE COMMISSION:

A calendar for the year 1901 is consulted and it appears that the 31st day of March of that year fell on Sunday.

Q You say that is the child Clara there? A Yes sir (indicating.)

By MR. MURPHY:

The Creek Nation has no further evidence to offer in this case.

Indian Territory,
Western District.

S. A. Apple, stenographer to the Commission to the Five Civilized Tribes, states on oath that he reported the proceedings had in the above styled case on August 13, 1903, and that the foregoing transcript is a true and correct translation of his stenographic notes taken said case.

S. A. Apple

Subscribed and sworn to before me this August 15, 1903.

Charles H. Sawyer
Notary Public.

207
Creek No. 300.

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

In the matter of the application for the enrollment of
Clara Alberty as a Creek freedman.

DECISION.

The record in this case shows that on March 26, 1903, Lewis Alberty appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Clara Alberty, as a Creek freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 31 and August 13, 1903.

The evidence in this case shows that the said Clara Alberty was born March 31, 1901, and that she is the child of Lewis Alberty, who is identified on the 1891 omitted roll and the 1895 pay roll of the Creek Nation. The records of the Commission show that the name of Lewis Alberty is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 28, 1902, roll No. 4079.

The evidence further shows that the said Clara Alberty was living at the date of the application herein.


It is, therefore, the opinion of this Commission that the said Clara Alberty should be enrolled as a Creek freedman in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stat., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.


Commissioner.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

OCT 28 1903

Copy

JH

Creek No. 308.

Muskogee, Indian Territory, October 30, 1903.

A. P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission in the matter of the application for the enrollment of Clara Alberty as a Creek freedman.

The Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and, if at the expiration of that time no such protest has been made, said Clara Alberty will be regularly listed for enrollment as a citizen of said nation.

Respectfully,

Commissioner in Charge.

OCH-19.

7 1903

Office 200.

Muskogee, Indian Territory, November 10, 1900.

Lewis Alberty,

Wagener, Indian Territory.

Dear Sir:

In the matter of the application made by you for the enrollment of your minor child, Clara Alberty, as a Creek freedman, you are advised that said Clara Alberty has been regularly listed for enrollment as a Creek Freedman.

You are further advised that you will be permitted to make application for a selection of land for said Clara Alberty in the Creek Nation, upon personally appearing before the Commission at its office in Muskogee, Indian Territory.

Respectfully,

Chairman.

8873

COMMISSIONERS:
TANS BIXBY,
THOMAS B. NEEDLES,
C. R. BARCKENRIDGE.

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

REFER IN REPLY TO THE FOLLOWING
En. 306.

WM. O. BEALL,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

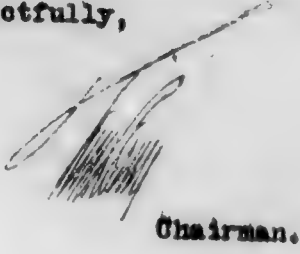
Muskogee, Indian Territory, May 28, 1904.

Lewis Alberty,
Wagoner, Indian Territory.

Dear Sir:

You are advised that the name of your minor child, Clara Alberty, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior May 21, 1904, and that application for a selection of land in the Creek Nation for said child may now be made at the office of the Commission in Muskogee, Indian Territory.

Respectfully,



Chairman.

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EXP 2019

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., Dec. 19, 1902.

In the matter of the application of Matt Downs for the enrollment of his minor child, Stella Downs, as a citizen of the Creek Nation.

Matt Downs, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Matt Downs.

Q How old are you? A I am 38 years old.

Q What is your post office address? A Muskogee.

Q Are you a citizen of the Creek Nation? A No sir.

Q Are you a citizen of the United States? A Yes sir.

Q For whom do you make application for enrollment as a citizen of the Creek Nation? A Stella Downs.

Q What relation is Stella Downs to you? A She is my child.

Q How old is Stella Downs? A Two years old.

Q When was she born? A She was born in 1900, December the 5th day.

Q Where was she born? A In the Cherokee Nation.

Q Who is the mother of Stella Downs? A Annie Downs.

Q Is Annie Downs your wife? A Yes sir.

Q What was her name before you married her? A Annie Miller.

Q Is she a citizen of the Creek Nation? A Yes sir.

By the Commission:

The records of the Creek Enrollment Division examined and it is found that Annie Miller is regularly enrolled on Creek Freedman Card Field No. 572.

Q Can you state how you fix the date of the birth of your child, Stella Downs, as Dec. 5th, 1900? A Why, I have my witnesses before a Notary Public to testify that Stella Downs was born December 5th, 1900.

Q The question is, how do you know that it was December 5th, 1900? A Why, she is my child, sir, and I taken her age.

Q Was there any child born in the neighborhood on or about the time you child, Stella Downs, was born? A Well, no sir, not just exactly at the time. Fannie Shepherd's child is the only one I know of that was born about that time.

Q Whose child is the older, your child or Fannie Shepherd's? A Mine.

Q How much older? A I couldnt tell just exactly.

Q About how much older? A I just cant say.

Q Fannie Shepherd lives in the same neighborhood with you, doesnt she? A Yes sir.

Q You remember the circumstances when the child was born to her? A Yes sir.

Q About how long after the birth of your child was Fannie Shepherd's child born? A Well, sir, I say I dont know.

Q Was it one month? A I guess it was. It was a long time before Fannie Shepherd's child was born. They was just beginning to "protect" (suspect) it.

Q Well, it wasnt six months, was it? A I guess it was--I couldnt say for certain. I dont know just exactly when her child was born. You understand her child didnt have any father and they wanted to find some one for the father. Her child didnt have any father and they was seeking the child's father. I knew some of the boys that had been going there and the old man came over here to inquire about it. They wanted me to go over and he wanted to find out if they had told me anything about having anything to do with her. I couldnt say how long it was before my child was born.

- Q Did Fannie Shepherd's father send for you to come over to the house?
A He did.
- Q Was your child born at this time? A Yes sir.
- Q Do you remember about how old your child was at this time? A No sir, I dont know exactly how old it was.
- Q When your child Stella was born was it possible by seeing Fannie Shepherd to tell whether she was in the family way or not? A A Well, you could detect her looking a little odd.
- Q She looked that way then? A They thought she was. My woman said she was.
- Q Didnt you say a moment ago she looked that way? A Well, I said she appeared to me to be that way. Of course, I aint no expert but she looked to me to be that way.
- Q You dont know exactly how long after the birth of your child that Fannie's child was born? A No sir, I dont know, I couldnt say.
- Q You dont think it was six months? A I think it was longer than that. I couldnt tell the exact time.
- Q Have you any children younger than Stella Downs? A No sir, she's my oldest. She's the only child I have.
- Q Is Stella able to walk? A Yes sir, I had her in here awhile ago, and could have showed you she could walk. She has been kind of sickly a long time and was kind of backward, but she can walk now all right.
- Q Can Stella talk? A She can say "papa" and "mama."
- Q Has she any teeth? A Yes sir.
- Q How many? A Four.
- Q Upper or lower? A Two upper and two lower teeth.
- Q You didnt have any doctor waiting on your wife when Stella was born? A No sir.
- Q Give the names of some persons who were living in the neighborhood at the time Stella was born. A Abe Nero, Richard Nero, Lucy Lasley and Nancy Penn.
- Q What is the post office address of these people? A Ft. Gibson.
- Q Do these people, the names of whom you have given the Commission know of the birth of your child Stella? A Yes sir.

Abe Nero, being first duly sworn,
testified as follows:

By the Commission:

- Q What is your name? A Abe Nero.
- Q Where do you live? A Ft. Gibson.
- Q What is your post office address? A Ft. Gibson.
- Q How old are you? A About 55 years old.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q Are you acquainted with Matt Downs, the applicant herein? A Yes sir.
- Q Are you acquainted with his wife, Annie? A Yes sir.
- Q Have they a child by the name of Stella Downs? A Yes sir.
- Q Do you know when Stella Downs was born? A Yes sir.
- Q When? A She was born December 5th, 1900.
- Q Who told you that? A Well, my wife visited her when she was sick and she came and told me, and she said, my wife said she put it down in the book.
- Q Have you ever looked at that book to see whether it was down or not? A Well, not in particular, but they keep all the births and deaths of the family in the book.
- Q Is Annie Downs any relation of yours? A Yes sir.
- Q What relation? A Sister.
- Q Have you any children? A Yes sir.
- Q What is your child's name? A Roger.
- Q Is he enrolled? A Yes sir, in the Cherokee Nation.
- Q How old is he? A He is four years old the 9th of this last November. It is the 9th or the 26th, I dont know which. I disremember. It is either the 9th or the 26th.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CREEK CENSUSED TRIBES.
Muskogee, Ind. Ter., March 31, 1903.

SUPPLEMENTAL EXHIBIT in the matter of the application of Matt Downs for the enrollment of his minor child, Stella Downs, as a Creek freedman.

ANNIE DOWNS, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A Annie Downs.
Q What is your age? A Twenty-five.
Q What is your post office address? A Muskogee.
Q What is the name of your husband? A Matt Downs.
Q You are a citizen of the Creek Nation? A Yes, sir.
Q Have you filed an your allotment in the Creek Nation? A Yes, sir.
Q Have you a daughter by the name of Stella Downs? A Yes, sir.
Q How old is Stella Downs? A She is two years old.
Q Is she two years past, or under two years of age? A Two years past, I guess you would call it.
Q When was she born? A She was born in December.
Q In what year? A In 1900.
Q Where is Stella Downs? A She is at home.
Q Why didn't you bring her with you? A I brought her before, thought there wasn't no use bringing her.
Q What is the name of your father? A Morris Miller.
Q Is he living? A No, sir; he is dead.
Q When did he die? A He died in February.
Q In what year? A 1901.
Q Was Stella Downs born before or after your father died? A She was born before.
Q How long before? A Why she was born two months, because he died in February and she was born in December.

The records of the Commission examined and it appears therefrom that Morris Miller died February 8, 1901.

- Q Do you know the nature of an oath? A Yes, sir; it means to swear the truth, I think it does.
Q Do you know that if you swear to something that isn't true, that you are liable to punishment by imprisonment in the Government penitentiary? A Yes, sir.
Q Can you swear positively that Stella Downs was born before your father died? A Yes, sir.
Witness excused.

MARTHA VANN, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Martha Vann.
Q What is your age? A About forty, I guess.
Q What is your post office address? A Fort Gibson.
Q Are you a citizen of the Creek Nation? A Cherokee.
Q Do you know Annie Downs? A Yes, sir; I knowed her before she married herself.
Q Has she got a daughter by the name of Stella Downs? A I was there in the presence when it was birth.

8/13
Mustang, Indian Territory, May 12, 1903.

A. P. Murphy,

National Attorney for Creek Nation,
Mustang, Indian Territory.

Sir:

December 19, 1902, Matt Downs appeared before the Commission and made application for the enrollment of his minor child, Stella Downs, as a Creek freedman. Further proceedings in the matter of said application were had before the Commission, March 31, 1903. A copy of all the testimony is enclosed.

The Creek Nation will be allowed a reasonable time within which to submit such evidence in the case as it may desire.

Respectfully,

Commissioner in Charge.

DCH-63.

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

En. 309. *216*

In the matter of the application for the enrollment of Stella Downs as a Creek Freedman.

DECISION.

The record in this case shows that on December 19, 1902, Matt Downs appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Stella Downs, as a Creek Freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 31, 1903.

The evidence shows that said Stella Downs is the minor child of Matt Downs, a citizen of the United States, and Annie Downs, a Creek Freedman, and the records of the Commission show that said Annie Downs is identified on the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, Roll Number 2171, under the name of Annie Miller.

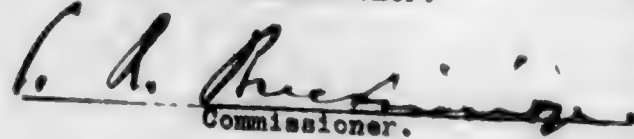
The evidence further shows that said Stella Downs was born December 5, 1900, and was living at the date of the application herein.


It is therefore the opinion of this Commission that said Stella Downs should be enrolled as a Creek Freedman in accordance with the provisions of the act of Congress, June 30, 1902, (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

OCT 28 1903

8813
Creek No. 309.

Muskogee, Indian Territory, October 20, 1902.

A. F. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission in the matter of the application for the enrollment of Stella Downs as a Creek Freedman.

The Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and, if at the expiration of that time no such protest has been made, said Stella Downs will be regularly listed for enrollment as a citizen of the Creek Nation.

Respectfully,

Commissioner in charge.

Enc. R. R. C. #13.

21902

2810
Cr. No. 506.

Muskogee, Indian Territory, November 16, 1906.

Watt Downs,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application made by you for the enrollment of your minor child, Stella Downs, as a Creek freedman, you are advised that said Stella Downs has been regularly listed for enrollment as a Creek freedman.

You are further advised that you will be permitted to make application for a selection of land for said Stella Downs in the Creek Nation, upon a personal appearance before the Commission at its office in Muskogee, Indian Territory.

Respectfully,

Chairman.

CR BU 310

CR BU 310

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE FIVE CIVILIZED TRIBES.
Washington, D. C., March 31, 1903.

In the matter of the application of Festus Williams for the enrollment of his minor child, Albertha Williams, as a Creek freedman.

FESTUS WILLIAMS, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER.

- Q What is your full name? A Festus Williams.
Q What is your age? A About twenty-eight.
Q What is your post office address? A Bearden.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled as a citizen of the Creek Nation?
A Yes, sir.

The records of the Commission examined and it appears therefrom that Festus Williams is listed for enrollment as a citizen of the Creek Nation on Creek Freedman Card Field No. 1303.

- Q For whom do you now make application for enrollment? A For Albertha Williams.
Q Do you make application for her enrollment as a Creek freedman?
Q How old is Albertha Williams? A About eight years old.
Q Is she now living? A Yes, sir.
Q Does she live with you? A Yes, sir; sometimes and sometimes with her mother.
Q Are you the father of Albertha Williams? A Yes, sir.
Q To what town in the Creek Nation do you belong? A Canadian.
Q Have you ever been recognized by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.
Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Guess I have, yes sir.
Q Does your name appear upon the Creek tribal rolls? A Yes, sir.

The 1890 authenticated tribal roll of the Creek Nation, Canadian Town, examined, and the name of Festus Williams is found and identified thereon as "Foster William", at page 74.

The 1895 Pay Roll of the Creek Nation, Canadian Town, examined, and the name of Festus Williams is found and identified thereon at No. 1031, as "Lester Williams."

- Q What is the name of the Mother of Albertha Williams?
A Called her Janie Roberts, I call her Mary, but her name is Janie.
Q What other names has she been known by? A Janie Ford.
Q What other? A That is all.
Q Is she a citizen of the Creek Nation? A No, sir; a United States citizen.
Q Where does she live? A She lives at Okra, Chickasaw Nation.
Q How long has she lived there? A I don't know how long she has been there.
Q Does Albertha Williams live with her? A Yes, sir; she is there with her now.

2 Albertha Williams.

Festus Williams, witness.

Examination by the Commission.

Q How long has she lived with her mother? A She has lived off and on with her and me, both, she lived with her and me, too, you see, I don't live there any more.

Q Was you ever married to Jane Roberts? A I never was lawfully married, according to the law the way it is now.

Q Were you ever married to her by a minister? A No, sir.

Q Did you ever live with her? A Yes, sir.

Q How long did you live with her? A About three years.

Q Where did you live with her? A Chickasaw.

Q Have you got any other wife? A No, sir.

Q Ever had any other wife? A No, sir.

Q Who does Jane Roberts live with in the Chickasaw Nation now? A Lives with her mother.

Q What is her mother's name? A Annie Ford.

Q Is this child, Albertha Williams, ever been enrolled as a citizen of the Chickasaw Nation? A No, sir; you see I started it in a long time, and by some means, it was misplaced and didn't get into the Dawes Commission.

Q Who has the custody now of Albertha Williams? A The child is with its mother right now.

Q You are not living with the mother now? A No, sir.

Q How long have you been separated from her? A I don't know; it has been a good while since I separated from her.

Q Does Jane Roberts know that you are making application for the enrollment of this child as a Creek citizen? A Yes, sir.

Q Is this the first time you have ever made application for the enrollment of Albertha Williams as a Creek citizen? A Yes, sir.

Q Do you know whether any one else has ever made application for her enrollment as a Creek citizen? A No, sir; no one else has.

Q Where were you in 1898? A In the Creek Nation.

Q Did you come to Muskogee in 1898? A No, sir.

Q Did you have anybody enroll you and your child, Albertha Williams, in 1898? A No, sir.

The records of the Commission examined and it appears therefrom that Albertha Williams and Festus Williams, her father, are listed for enrollment as citizens of the Creek Nation, on old Creek census card No. 3192, and that the following notations appear on said card:

"Festus is son of Katie Williams and Ben Williams
"and Alberty is illegitimate son of Festus Williams
"and Jennie Fort."

Q Did you ever have a son? A No, sir.

Q As a matter of fact, you never was married to Jane Roberts? A No, sir.

Q Did you ever draw any money from the Creek Nation for Albertha Williams? A No, sir.

Q Was this child, Albertha Williams, born before or after the payment made in 1895? A She was born before.

Q Where was she living at that time? A Living in the Chickasaw.

Q Was there ever any money drawn for Albertha from the Chickasaw Nation? A No, sir.

The 1895 pay roll and 1895 Omitted roll of the Creek Nation, Canadian Town, examined, and the name of Albertha Williams is not found thereon.

Q Have you ever filed with the Commission a birth affidavit in the matter of the application for the enrollment of your daughter, Albertha Williams, as a citizen of the Creek Nation? A Yes, sir.

3 Albertha Williams.

Festus Williams, witness.

Examination by the Commission.

Applicant here presents a birth affidavit in the matter of the application for the enrollment of Albertha Williams as a citizen of the Creek Nation, which is marked Exhibit "A" and made a part of the record.

- Q What was the name of your father? A Ben Williams.
Q Was he a Chickasaw citizen? A Yes, sir.
Q Is he living? A Yes, sir.
Q Has he been enrolled as a citizen of the Chickasaw Nation? A Yes, sir.
Q What was the name of your mother? A Katie Williams.
Q Is she a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and the name of "Kittie Williams" the mother of said Festus Williams, is found listed for enrollment as a citizen of the Creek Nation on Creek Freedman Card Field No. 1848.

- Q Do you know whether or not Ben Williams has ever had this child, Albertha Williams, enrolled as a citizen of the Chickasaw Nation? A No, sir; he has n't done it.
Q How do you know? A Because he never said anything to me.
Q Does Jane Roberts live near Ben Williams? A No, sir.
Q Where does Ben Williams live? A Live out here at Bearden where I live. Got a place in the Chickasaw Nation where he expects to have allotment.
Q Have you ever been enrolled as a citizen of the Chickasaw Nation? A No, sir.
Q Have you ever had any other name excepting Festus Williams? A No, sir.
Q Were you and Janie Roberts living together as man and wife? A Yes, sir.
Q How long did you live together as man and wife? A About three years, I guess, may be a little better.
Q Did you live together continuously for three years? A Yes, sir.
Q Where was you living when you were with her? A Living in the Chickasaw Nation.
Q Was this child, Albertha Williams, born while you were living with Janie Roberts? A Yes, sir.
Q During that three years that you spoke of? A Yes, sir.
Q Is there any other statement that you desire to make at this time in regard to your application for the enrollment of Albertha Williams as a citizen of the Creek Nation? A No, sir.

COMMISSION TO APPLICANT:

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of your daughter, Albertha Williams as a Creek freedman, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Witness excused.

6
Oliver C. Hinkle, being first duly sworn, upon his oath states, that as stenographer for 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 full, true and correct transcript thereof on March 31, 1903.

Oliver Hinkle

Subscribed and sworn to before me this 14 day of April, 1903, at Muskogee, Indian Territory.

Edward Bennett
Notary Public.

IN RE

Application for Enrollment of

INFANT CHILD

Albuda Williams

as a citizen of the

Creek.

Nation.

Approved, 190

Commissioner.

Ex. "a."

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

FILED

March 21, 1900

[Signature]
ACTING CHAIRMAN

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

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Alberda Williams, born on the 5 day of April, 1894
(Here insert name of child.)

Name of Father: Festus Williams, a citizen of the Creek Nation.

Name of Mother: Janie Roberts, a citizen of the U.S. Nation.

Postoffice,
Okia

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District.

I, Janie Roberts, on oath state that I am 27
years of age and a citizen, by U.S. Nation;
that I am the lawful wife of Festus Williams, who is a citizen, by
Adoption, of the Creek Nation; that a girl child was
born to me on the 1 day of April, 1894, that said child has been
named Alberda Williams, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Janie Roberts

Subscribed and sworn to before me this 3 day of March, 1903

O. Hoggard
Okia

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
_____ District.

I, Nancy Tourt, a Midwife, on oath state that I
attended on Mrs. Janie Roberts, wife of Festus Williams
on the 1 day of April, 1894, that there was born to her on
said date a girl child; that said child is now living and is said to have been
named Alberda Williams.

WITNESSES TO MARK:

(Must be Two Witnesses.)
Fred Love
Alice Hoggard

Nancy Tourt
March

Subscribed and sworn to before me this 3 day of March, 1903

O. Hoggard

NOTARY PUBLIC.

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

J. J. B.

No. 510.

In the matter of the application for the enrollment of Albertha Williams as a Creek Freedman.

DECISION.

The record in this case shows that on March 31, 1903, Festus Williams appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Albertha Williams, as a Creek Freedman.

The evidence shows that said Albertha Williams is the minor child of Festus Williams whose name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior, March 28, 1902, Roll Number 4655, and Janie Roberts, a citizen of the United States.


The evidence further shows that said Albertha Williams was born April 1, 1894, and was living at the date of the application herein.

It is therefore the opinion of this Commission that said Albertha Williams should be enrolled as a Creek Freedman in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


C. R. Beckwith
Commissioner.


W. E. Stacey
Commissioner.

Dated at Muskogee, Indian Territory,

OCT 28 1903

• 283

Cr. No. 810.

Muskogee, Indian Territory, November 16, 1903.

Festus Williams,
Bearden, Indian Territory.

Dear Sir:

In the matter of the application made by you for the enrollment of your minor child, Albertha Williams, as a Creek Freedman, you are advised that said Albertha Williams has been regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

2813

Great M. 318.

Muskogee, Indian Territory, October 30, 1903.

A. P. Murphy,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission in the matter of the application for the enrollment of Albertha Williams as a Creek freedman.

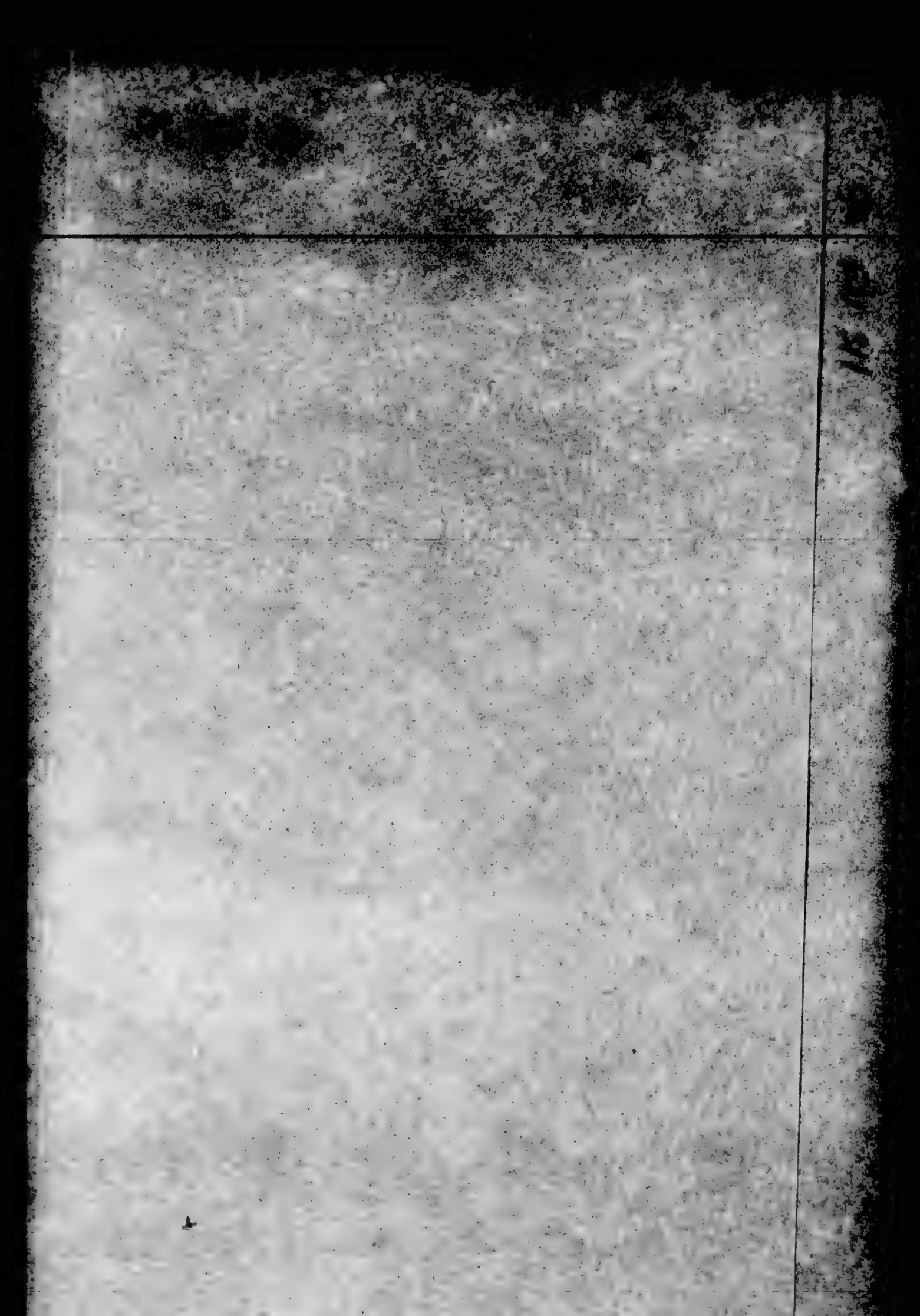
The Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and, if at the expiration of that time no such protest has been made, said Albertha Williams will be regularly listed for enrollment as a citizen of said nation.

Respectfully,

Commissioner in Charge.

OCH-16.

20 1906



En 311

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE SEVEN CIVILIZED TRIBES,
Muskogee, Ind. Ter., April 3, 1903.

In the matter of the application of Katie Ellis for the enrollment of her minor child, Mamie Ellis, as a citizen, by blood, of the Creek Nation.

KATIE ELLIS, being first duly sworn, testified as follows, through duly sworn Shawnee Interpreter, Dan Deer:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Katie Ellis.
- Q How old are you? A She don't know how old she is.
- Q Well about how old? A Forty.
- Q What is your post office address? A Arlington.
- Q Well Arlington, is that---- A That is in Oklahoma.
- Q Are you a citizen of the Creek Nation? A Yes.
- Q Are you a citizen of any other Indian nation or tribe? A Yes, sir.
- Q Have you taken an allotment of land in the Shawnee reservation? A Yes, sir; they got an allotment down at Shawnee.
- Q Do you still hold that allotment? A Yes, sir; she is still holding it.
- Q For whom do you now make application for enrollment? A This girl.
- Q Well what is her name? A Mamie Ellis.
- Q How old is Mamie Ellis? A Eight years old.
- Q What is the name of her father? A Sampson Day.
- Q Is he living? A No, sir.
- Q Was he a citizen of the Creek Nation? A No, sir.
- Q Of what nation was he a citizen? A Citizen of the Shawnee.
- Q What is the name of the mother of Mamie Ellis? A Katie Ellis.
- Q Do you claim to be a Creek by blood? A Yes.
- Q What degree of blood do you claim? A Full blood.
- Q To what town in the Creek Nation do you belong? A Tulsa Little River.

The 1890 authenticated tribal roll of the Creek Nation examined, and the name of Katie Ellis appears thereon at page No. 142, Little River Tulsa Town.

The 1895 Pay Roll of the Creek Nation examined and the name of Katie Ellis appears thereon at No. 360, Little River Tulsa Town.

- Q Has Mamie Ellis ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A That while back, but don't know, -don't guess it is on the roll.
- Q Was Mamie Ellis born before or after the 1895 payment?
- A (Q) What payment is it?
- Q (A) That was the fourteen dollar payment. She (Katie Ellis) drew it. A She was born before the last payment.
- Q Was any money drawn for Mamie Ellis at that payment?
- A Never drawn none.

2 Mamie Ellis.

Katie Ellis, witness.

Examination by the Commission.

- Q Have you any other children? A Yes, she has got two besides this little girl.
- Q What are their names? A Nere Jones, and the other is Willie.
- Q Is Nere Jones living? A Yes, sir.
- Q Has he taken an allotment in the Shawnee reservation? A Yes, sir.
- Q Is Willie living? A Yes, sir; still living.
- Q Has he taken an allotment in the Shawnee reservation? A Yes, sir.
- Q Have you a child named Henry? A No, sir.
- Q Do you know Henry Ellis? A No, sir.
- Q Did you have a child older than Nere? A No, sir; Nere is the oldest that is living.
- Q Well, I want to know if there is one dead--I want to know, is there one dead? A Yes, she had another one that was older than Nere.
- Q What was his name? A Can't name it.
- Q How long has he been dead? A Seven years.
- Q How old is Nere? A About twenty.
- Q How old is Willie? A Fourteen.
- Q Has land been allotted to Mamie Ellis in the Shawnee reservation? A No, sir.
- Q Has any money ever been drawn for her from the Shawnees? A Never did draw no money.
- Q Where do you reside? A In the Creek Nation.
- Q How long have you lived there? A Little over ten years.
- Q Where did you live before you came to the Creek Nation? A Shawnee.
- Q In the Shawnee reservation? A Yes, sir.
- Q How long has Mamie Ellis lived in the Creek Nation? A Eight years.
- Q All her life, is that what she means? A Yes.
- Q Has any claim ever been made that Mamie Ellis is a citizen of the Choctaw, Chickasaw, Seminole or Cherokee Nations? A No, sir.
- Q You make no application for the enrollment of yourself and your two minor children, Nere and Willie, as citizens of the Creek Nation? A She does not.
- Q The lands allotted to your two children, Nere and Willie, in the Shawnee reservations, are still held for them, are they? A Yes, sir; still holding them.

The 1895 Pay Roll of the Creek Nation, Little River
Tulsa Town, examined, and the name of Mamie Ellis not
found thereon.

COMMISSION TO APPLICANT: You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of your minor child, Mamie Ellis, as a citizen by blood of the Creek Nation, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.
Witness excused.

Oliver C. Hinkle, having been duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 3rd day of April, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof of said proceedings on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 11th day of April, 1903, at Muskogee, Indian Territory.

Edward Merrick
Notary Public.

Sir:

April 2, 1952. This letter concerns the... and has application for the... as a witness by... of the... A copy of the... will be allowed a... this to... as it may...
Sincerely,

Department of...
[Signature]

OCN-64.

Washington, D.C., July 1, 1903.

Dear Sir,

Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of June 10, 1903, asking if Mamie Ellis can now be enrolled and filed in the Creek Nation.

It appears from the records of the Commission, that on April 3, 1903, Mattie Ellis appeared before the Commission and made application for the enrollment of her minor child, Mamie Ellis, as a citizen of the Creek Nation. No action has been taken on said application.

You are advised that when a decision is rendered in this case, a copy of said decision will be transmitted to Mattie Ellis, by registered mail.

Respectfully,

Chairman

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

J. J. B.

No. 311.

In the matter of the application for the enrollment of Mamie Ellis as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on April 3, 1903, Katie Ellis appeared before the Commission at Muskegee, Indian Territory, and made application for the enrollment of her minor child, Mamie Ellis, as a citizen by blood of the Creek Nation.

The evidence shows that said Mamie Ellis was eight years of age at the date of the application herein; that her father was Sampson Day, deceased, a Shawnee, and that her mother is Katie Ellis, who is identified on the 1890 authenticated tribal roll of the Creek Nation and the 1895 Pay roll of said Nation.

March 30, 1903, the Commissioner of Indian Affairs advised the Department that in 1889 land was allotted to Katie Ellis as an Absentee Shawnee; that she had sold part of said land, the remainder being held by her at the date of the Commissioner's letter. It is stated in said letter that on February 15, 1897, that office wrote to Is par he cher, Principal Chief of the Creek Nation, in which it was stated: "It will be noted that in the letter to said principal chief of the Creek Nation, the office found that these parties having been allotted as members of the Absentee Shawnee tribe of which it appears they have been duly recognized, they will be allowed to retain their allotments and participate in other benefits of the Absentee Shawnee tribe. Under the rules of the Department they are therefore not entitled to benefits with the Creek Nation." A copy of said letter is on file with the Commission.

From the rulings of the Department as stated by the Commissioner of Indian Affairs, it appears that Katie Ellis was not a citizen of the Creek Nation at any time since the allotment was made to her as an Absentee Shawnee, nor since the birth of her child, Mamie. Her name was, therefore, placed upon the rolls without authority of law.


The evidence shows that the name of Mamie Ellis does not appear upon the 1895 roll, although living at that time, and that she is not the child of a citizen whose name appears upon the authenticated rolls of 1890 or upon the authenticated rolls of 1895 and entitled to enrollment as provided by the act of Congress approved March 1, 1901 (31 Stats., 861).

~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED~~
~~DATE 05-08-2001 BY 60322 UCBAW/STW~~

COMMISSION TO THE FIVE CIVILIZED TRIBES



W. E. STEARNS,
Commissioner.



C. R. BECKWITH,
Commissioner.



W. E. STEARNS,
Commissioner.

Dated at Muskogee, Indian Territory.

MAR 17 1904

IN RE

Application for Enrollment of

INFANT CHILD

Mamie Ellis

as a citizen of

..... Nation.

Approved 190.....

.....
Commissioner.

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

FILED
April 10, 1902
[Signature]

CHAIRMAN

COPY:

BIRTH AFFIDAVIT.

20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,
of Mamie Ellis

(Here insert name of child)

born on the _____ day of _____, 1895

Name of Father: Sampson Day a citizen of the Shawnee Nation.

Name of Mother: Kate Ellis a citizen of the Creek Nation.

Post-office: Arlington, O.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Kate Ellis

, on oath state that I am 40

years of age and a citizen, by blood of the Creek Nation;

that I ~~was~~ ^{was} the lawful wife of Sampson Day, who ~~was~~ ^{was} a citizen, by

blood of the Shawnee Nation; that a female child was
(Male or female)

born to me on _____ day of _____, 1895; that said child has been named

Mamie Ellis

, and is now living.

WITNESSES TO MARK:

Kate Ellis
Mark

Must be Two
Witnesses.

W. H. Guehl
J. J. Cleavers

Subscribed and sworn to before me this

3

day of

April

1903

Edward Merrick

NOTARY PUBLIC.

Mamie Ellis was present at the office of the Commission when this affidavit was executed by a physician, about 8 years old.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
_____ District.

I, _____, a _____, on oath state that I at-
tended on Mrs. _____, wife of _____

on the _____ day of _____, 18____; that there was born to her on said

date a _____ child; that said child is now living and is said to have been named
(MALE OR FEMALE)

WITNESSES TO MARK:

Must be Two
Witnesses.

Subscribed and sworn to before me this _____ day of _____

190_____

NOTARY PUBLIC.

Muskogee, Indian Territory, March 2, 1904.

Honorable Tans Eixey,
Raleigh Hotel,
Washington.

Dear Sir:

There is this day shipped to you by express, for your consideration and return, the record and decision in the following Creek cases:

292	Bessie Eades
395	Mary Frances House et al.
311	Minnie Ellis
185	Jesse James
425	Galia Cobb
405	Castella Garrett
358	James Hawkins
412	Agnes Brown
250	Martyn Holanta
378	Maggie Taylor
180	Annie Thornsberry et al.
417	Minnie Barnett
422	Jim Brown
421	Ellen Douglass et al.
387	Millie Hawkins
385	Douglass Memere
391	Sarah Chiscom
281	Susie Barnett
239	Daniel Grayson et al.
414	Jimmie Berrisaw
Memo. 75	Mary Foster et al.
(Report) 396	Bessie Hanes
400	Robert Sherman
420	Clara Patrick
419	Sam Starr

Memos.	66	Matthew F. Yeager
"	90	Lee Andrews
"	98	Benjamin F. Cliburn
	361	Mary M. Brown, et al.
	193	Mary Tate et al.
Memo.	87	Mary Walker
	329	Leola Kernal
	133	Lowiea Russell et al.
	410	Frank McElain
	416	Willie Robinson
	396	George Mackinn
Memo.	89	William Davis
	356	Bernie Donaldson et al.
	426	Sam's Jaach
	427	Cinda Fixico et al.
	413	Billie Davis
	415	Edward Thompson
	431	Wittson Weaver
	368	Joe Orayson
	351	Leaster Thomas
	423	Robert Marshall
	300	Willie Bruner
	428	Louinie Stinner
	424	Adneta Edwards et al.
	224	George Yoster et al.
	342	James K. Barber et al.
	150	Johnnie Hawkins

Respectfully,

Commissioner in Charge.

JH/S

Gr. En. 311.

Muskogee, Indian Territory, March 18, 1904.

A. P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission in the matter of the application for the enrollment of Mamie Ellis as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

HGH-3-18-39.

886
Cr. No. 311.

Muskogee, Indian Territory, March 18, 1904.

Katie Ellis,

Arlington, Oklahoma Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Mamie Ellis as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.

HGN-3-18-38.

Creek Co. Okla.

Muskogee, Indian Territory, March 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Wanie Ellis as a citizen by blood of the Creek Nation, including the decision of the Commission, dated March 17, 1904, denying said application.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

HGH-3-18-40.

En. 311.

INDEXED

COMMISSION TO FIVE TRIBES.			
No.	Received	ANSWERED	
		Book	Page
32615			
1904 SEP	SI		

Harper, Jennie
 Paden, I.T.
 Creek Nation,
 Sep. 3, 1904.

Asks when a certain child
 may file.

CREEK ENROLLMENT.

at Paden when her name
is on the rolls and when
we get word we will send
you the description of the
land to file the child on.
Please let us know here
when the child can file.

yours respectfully,
Jessie Harper.

E 311

Paden I. I. Sept. 3-1904.

Hon. James Commission,
Muskegon, I. I.

Sirs:-

The Uncle of Marnie Day
or Ellis, who was Dick Ellis
is now dead, and since he
has died Marnie's mother
Katie Ellis, gets her mail
at Paden, instead of ~~at~~
Joe Fox Agency, O. T. How
in July last at Haldenville
the town chiefs enrolled this
little girl and her mother
Katie Ellis wants you to
write to her or to me here

at Paden when her name
is on the rolls and when
we get word we will send
you the description of the
land to file the child on.
Please let us know here
where the child can file.

Yours respectfully
Jessie Harper.

I.T.D. 0000000000

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 9, 1906.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Confidential

On March 15, 1904, you transmitted the record in the matter of the application for the enrollment of Mamie Ellis as a citizen by blood of the Creek Nation, including your decision of March 17, 1904, rejecting the applicant.

Reporting April 2, 1904, the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The record shows that the applicant was eight years of age at the date of the application made for her enrollment. Her father is Sampson Ellis, deceased, a Shawnee; her mother is Katie Ellis, whose name appears on the 1890 tribal roll of the Creek Nation and the 1895 pay roll of said nation. The said Katie Ellis the record shows, has taken an allotment in the Shawnee reservation.

In accordance with the opinion of the Assistant Attorney General of May 9, 1904, in the case of Jennie Murrell Miles, the right of the applicant Mamie Ellis, although she she was born in the Creek Nation and of Creek blood, depends upon the right of her parents to be enrolled as Creek citizens. Inasmuch as the parents of the applicant accepted allotments in the Shawnee Reservation and are not entitled to enrollment as Creek citizens, the applicant is not entitled to such enrollment. Your decision is therefore approved.

Respectfully,
(Signed) E.A. Hitchcock,

Secretary

Inclosure.

Refer in reply to the following
Lands 18434-1904.

COPY

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 2, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes dated March 18, 1904, transmitting the record relative to the application for the enrollment of Mamie Ellis as a citizen by blood of the Creek Nation. Mamie Ellis, it appears from the record, is the daughter of Katie Ellis, and Absentee Shawnee, and Sampson Day, also an Absentee Shawnee. Katie Day is identified by the 1890 authenticated Creek roll, and also the pay roll of 1895. In connection with this matter attention is invited to office report of March 30, 1903, concerning this subject.

Sampson Day, father of Mamie Ellis, was allotted as an Absentee Shawnee the SW/4 of sec. 3, T. 9, R. 40- 150 acres. Katie Ellis, her mother, it appears from the records of this office was allotted the NW/4 of the NE/4 and the NE/4 of the NW/4 of Sec. 7, T. 10 N., R. 5 E., also the SW/4 of the SE/4, Sec. 6, T. 10 N., R. 5 E.- 120 acres. She was also allotted the NE/4 of the NW/4, Sec. 7, and the NW/4 of the NE/4 Sec. 6, T. 10 N., R. 5 E., 80 acres, grazing land.

She and her husband, Sampson Day conveyed the N/2 of the NE/4, and the NE/4 of the SW/4 Sec. 7, T. 10 N. R. 5 E., to George W.

Gilman for and in consideration of \$1700. The deed was dated April 6, 1895.

It appears from the records in the case and the records of the office that Katie Ellis is the daughter of Jack Ellis, deceased, a Shawnee Indian, and Fannie Mizzon Ellis, deceased, a Creek Indian.

Under the Department's holding in that part of the James Lewis et al. case relating to the enrollment as citizens of the Cherokee Nation of James, Harry and Daniel Chiam, or Chishola, children of Alice Chiam, this applicant is not entitled to enrollment. See Department letter of February 5, 1904 (I.T.D. 4984, 8006, 8090, 8598, 8112, 10670-all 1903). In that case it was held that said minor children could not be enrolled unless their mother relinquished her allotment in Oklahoma. The mother of these children having disposed of part of her allotment cannot relinquish it, even if it were held that the child would be ~~was~~ entitled to enrollment upon the mother relinquishing her allotment and satisfying the Department that she is entitled to enrollment as a Creek by reason of descent from her mother, Fannie Ellis, who it appears was of Creek blood. It is therefore recommended that the Commission's decision of March 17, 1904, adverse to the enrollment of of the applicants, be approved.

Very respectfully,

A.C. Tomber,

Acting Commissioner.

GAW-Ma.

67-101-618.

Muskogee, Indian Territory, June 22, 1908.

M. L. Kett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1908, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Maria Ellis, as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

COMMISSIONERS:
ZANE BERRY,
THOMAS B. NEEDLER,
C. E. BRACKENRIDGE,
—
W. S. DEALL,
Secretary.

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

M. Smith

<small>COPIES IN FULL TO THE FOLLOWING:</small>
Cr. No. 811,

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

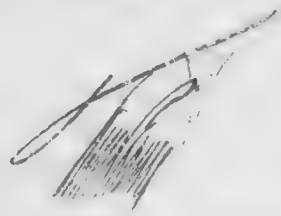
Muskogee, Indian Territory, June 28, 1905.

Katie Ellis,
Arlington, Oklahoma Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of June 9, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Mamie Ellis, as a citizen by blood of the Creek Nation.

Respectfully,



Chairman.

9 02 82

END 812

5

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Washington, Ind. Ter., March 31, 1903.

In the matter of the application of Lucy Smith for the enrollment of her grandson, Rufus Murrell, as a Creek Freedman.

LUCY SMITH, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A Lucy Smith.
Q What is your age? A I guess between forty and fifty.
Q What is your post office address? A Tallahassee Mission.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a Creek citizen?
A Yes, sir.

The records of the Commission examined and it appears that Lucy Smith is listed for enrollment on Creek Freedman Card Field No. 651.

- Q For whom do you now make application for enrollment?
A Rufus Murrell.
Q What kin is Rufus Murrell to you? A My grandson, my daughter's son.
Q Is he living? A No, sir.
Q When did he die? A He died last June; this coming June, the first Saturday in this coming June will be a year since he been dead.
Q How old was he when he died? A He was--well I would say he was seven years old.
Q Where did he live with? A With me.
Q How long had he been living with you when he died? A He staid with us ever since his mother died.
Q How long did you live with you all his life, up to the time of his death?
A Yes, sir, my sister kept it one month, she nursed it for me, and after that I brought it on home.
Q What is the name of the father of Rufus Murrell? A Kellop Murrell.
Q Is Kellop Murrell living? A No, sir; not as I know of.
Q Was he a citizen of the Creek Nation? A No, sir; he claimed to be no citizen.
Q Was he a citizen of any nation in the Indian Territory?
A I don't know.
Q What was the name of the mother of Rufus Murrell?
A Betsy Smith.
Q Is Betsy Smith living? A No, sir.
Q How long has Betsy Smith been dead? A Eight years this March.
Q Was Betsy Smith living when the payment was made in 1895? A She was dead when they paid the fourteen dollars a head, she was dead then.
Q Well did you draw the fourteen dollars for Betsy? A Yes, sir; I got Betsy's; they gave it to me as she was enrolled.
Q How was she dead though? A Yes, sir.
Q How was Betsy married to Kellop Murrell? A They were Creek married.
Q Were they married by a minister? A No, sir.
Q Did they live together as man and wife? A Yes, sir.
Q How long were they together? A Wasn't more than three months, she sickened and after that she died.
Q Was Kellop Murrell living with her when Betsy died? A Yes, sir.

Rufus Murrell.

my father, witness.

Represented by the Commission.

Q Was Rufus Murrell born at your house? A Yes, sir; right at my house, right at my fireplace.

Q Was Betsy Smith, your daughter, a recognized citizen of the Creek Nation? A Yes, sir.

Q Was she enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.

Q Does her name appear upon the Creek tribal rolls? A Yes, sir.

The 1890 authenticated tribal roll of the Creek Nation examined and the name of Betsy Smith is found and identified thereon as "Bessy Smith", at page 58, Canadian Town.

The 1895 Omitted roll, Canadian Town of the Creek Nation, examined, and the name of Betsy Smith is found and identified thereon at page 34.

Q Was your grandson, Rufus Murrell, recognized as a citizen of the Creek Nation? A Yes, sir.

Q Was he ever enrolled by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes, sir; but I don't understand you.

Q Did you draw money for Rufus Murrell? A Yes, sir.

Q Was he ever known by any other name than Rufus Murrell? A Yes, sir; they called him Rufus Smith.

The 1895 Omitted roll of the Creek Nation, Canadian Town, examined, and the name of Rufus Murrell is found and identified thereon as "Rufus Smith", page 34.

Q Is this the first time you have ever made application to the Commission for the enrollment of Rufus Murrell as a Creek citizen? A Yes, sir.

Q Why did you not make application before this time? A Because I thought his father had done that, and I couldn't get around anyhow and I never bothered with it.

Q Do you recollect when the Commission was first enrolling Creek citizens at the court house here in Muskogee? A Yes, sir; I remember.

Q Was Rufus Murrell living with you at that time? A Yes, sir.

Q You had yourself and all the members of your family enrolled at that time? A Yes, sir.

Q Why didn't you enroll him at that time? A Because, I told you, that his father was tending for him, and I just wouldn't take it in at all. I just took in my family. I never had any of my grandchildren at all, just took my family.

Q Do you recollect when you had your granddaughter, Ruthie Brown, enrolled? A No, sir; I will be honest about that.

Q Didn't you have Ruthie Brown enrolled? A If I did, it was through a mistake. Her mother and father both living. I might have helped them to enroll her, I might have been a witness when she was enrolled, of course, I might be witness to help them enroll the child.

Q Your daughter, Mary Smith, wasn't married, was she, when you first enrolled? A No, sir; Mary wasn't married.

Q Didn't you have Mary enrolled? A Yes, sir; I enrolled every one of my children that wasn't married.

Q When Ruthie Brown was enrolled, why didn't you enroll Rufus Murrell? A I don't know; you got me there.

Q You don't know? A No, sir.

The records of the Commission examined and it appears therefrom that Ruthie Brown was enrolled by the Commission in December 10, 1900.

Q Can you swear positively that your daughter, Betsy Smith, had a child which was named Rufus Murrell? A Yes, sir; I can swear to that.

3 Rufus Murrell.

Lucy Smith, witness.

Examination by the Commission.

Q Can you swear positively that she is the mother of Rufus Murrell?

A Yes, sir; sure can.

Q Did you have a funeral when Rufus Murrell was buried? A No, sir; it wasn't no funeral; they had singin' and prayin'; it died Saturday and he buried it Sunday.

Q Did you buy a coffin or any burial material? A No, sir; it had good clothes, and we bought some cloth for lining the coffin.

Q You bought some lining for the coffin? A Yes, sir; I bought some black cloth and some white cloth.

Q Where did you buy that material? A Up there at Clarksville.

Q Whom did you buy that material from? A I don't know. I don't do no trading up there at Clarksville. I got the money to go and get the cloth, but whose store, I don't know.

Q Did you pay for the goods at the time you bought them? A Yes, sir; I certainly did.

Q Where is Rufus Murrell buried? A He is buried up there by Mess Jimison.

Q Near what post office is that? A The nearest post office would be Tallahassee Mission, to my knowing.

Q How far, and in what direction is Rufus Murrell buried? A The direction from Tallahassee Mission, I can't say now, I am going to answer it as near as I can, it is southwest from the Mission.

Q How far from the mission? A Now I am guessing. I guess about three mile and a half, may be further, but I am just guessing. You are asking me something that I just don't know.

Q Well is it a public burying ground? A Yes, sir; it is a public burying ground.

Q Who was present at the funeral? A Uncle Wesley Warner, Cuffy McIntosh, Dave Hawkins; Wesley Warner was the man I got to see after it for me.

Q Do these three persons you have just mentioned live up there at Clarksville? A No, old man Hawkins stay away up there about Fryor Creek.

Q Have you ever filed with the Commission a death affidavit in the matter of the application for the enrollment of Rufus Murrell as a Creek citizen? A Yes, sir.

The records of the Commission examined and it appears therefrom that a death affidavit in the matter of the application for the enrollment of Rufus Murrell as a citizen of the Creek Nation was filed with the Commission on March 24, 1902, which is marked Exhibit "A" and made a part of the record.

Witness excused.

WESLEY WARNER, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your full name? A Wesley Warner.

Q What is your age? A Forty-nine.

Q What is your post office address? A Holdenville.

Q Are you a citizen of the Creek Nation? A No, sir.

Q Do you know Lucy Smith here who makes application for the enrollment of Rufus Murrell? A Yes, sir.

Q How long have you known her? A I have known her off and on for twenty years.

Q Did she have a grandson by the name of Rufus Murrell? A She did.

Q Is Rufus Murrell dead? A Yes, sir.

Q Do you know when he died? A Yes, sir.

Q When did he die? A He died last June.

Q That is in June, 1902? A Yes, sir.

Rufus Murrell.

Wesley Warner, witness.

Examination by the Commission,

- Q Was you present when he died? A Yes, sir; I wasn't just present but I was called there directly afterwards.
- Q Did you assist any at the time of the funeral? A Yes, sir.
- Q What did you do? A Oh, I did the washing, helped to make its box, and also made a talk about it at the funeral.
- Q About how old was Rufus Murrell when he died? A Well he must have been about seven years old or a little over, I don't know just about that, I kept no account of it.
- Q Was he a good sized boy? A Yes, sir.
- Q Do you know who his mother was? A Yes, sir.
- Q What was her name? A She was Betsy Smith before she married, when she married she became Betsy Murrell.
- Q Was Betsy Murrell the daughter of your? A Yes, sir; she was.
- Q Do you know whether or not Rufus Murrell lived with his grandmother most of the time during his lifetime? A Yes, sir.
- Q Did you know the mother of Rufus? A Yes, sir; I know her.
- Q She died quite a number of years ago? A Yes, sir; been dead quite a while.
- witness excused.

LUCY SMITH, BEING RECALLED, testified as follows:

- Q Are there any other statements you desire to make in regard to the application made by you at this time for the enrollment of Rufus Murrell as a Creek freedman? A I don't know of anything more, but just see if I can get its land; I don't know anything else more.

COMMISSION TO APPLICANT:

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of your grandson, Rufus Murrell, deceased, as a Creek freedman, which will be mailed to you at your proper post office address as given by you in your testimony taken at this time.

Witness excused.

Oliver C. Hinkle, having been duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cases on the 31st day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 14 day of April, 1903, at Muskogee, Indian Territory.

John L. Sieber

Notary Public.

2073

No. 312.

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

In the matter of the application for the enrollment of Rufus Murrell as a Creek freedman.

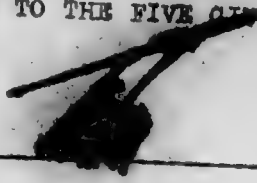
DECISION.

The record in this case shows that on March 31, 1903, Lucy Smith appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her deceased grand-child, Rufus Murrell, as a Creek freedman.

The evidence shows that said Rufus Murrell died during the month of June 1902, that he was about seven years old at the date of his death and that he is identified on the 1895 Omitted roll of the Creek Nation.

It is, therefore, the opinion of the Commission that Rufus Murrell should be enrolled as a Creek freedman in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, I.T.

MAY 24 1904

IN RE
THE DEATH OF

Rufus Murrell

a citizen of the

Creek

Nation.

Approved

190

Commissioner.

Ex. A

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

FILED

March 17, 1900

ACTING COMMISSIONER

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

In the matter of the death of Rufus Murrell
(Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Muskogee, Ind. Ter., and died on the 1st Wednesday day of
June, 1902.
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, Lucy Smith, on oath state that I am 45
years of age and a citizen, by adoption, of the Creek Nation;
that my post office address is Muskogee, Ind. Ter.; that I am
Grandmother of Rufus Murrell,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by adoption, of the Creek Nation;
and that said Rufus Murrell died on the first day of
June, 1902.
(Here insert name of deceased.)

WITNESSES TO SIGN: Lucy Smith
Ed. Merrick Mark
(Must be Two Witnesses.)

Subscribed and sworn to before me this 7th day of March 1903.
Edward Merrick
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.;
that I was personally acquainted with _____
who was a citizen, by _____, of the _____ Nation;
and that said _____ died on the _____ day of _____,
1902.
(Here insert name of deceased.)

WITNESSES TO SIGN: _____
(Must be Two Witnesses.)

Subscribed and sworn to before me this _____ day of _____ 190_____
Notary Public.

Mustang, Indian Territory, May 22, 1908.

A. P. Murphy,

National Attorney for Creek Nation,

Mustang, Indian Territory.

Sir:

March 31, 1908, Lucy Smith appeared before the Commission and made application for the enrollment of her grandson, Edwin Marrell, as a Creek freedman. A copy of the testimony is inclosed.

The Creek Nation will be allowed a reasonable time within which to submit such evidence in the case as it may desire.

Respectfully,

Commissioner in Charge.

408-68.

C O P Y .

MUSKOGEE NATION,
A. P. MURPHY,
National Attorney.

Muskogee, Indian Territory, July 25, 1903.

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

Gentlemen:

On April 21 Lewis Herod appeared before the Commission and made application for the enrollment of his minor children, LeRoy and Rena Herod, as Creek freedmen and same was given your number 320.

The Creek Nation was not represented in this matter and had no opportunity to cross examine the witness in relation thereto. I would respectfully ask that said Lewis Herod be required to appear before the Commission at a date named by you that he may be cross examined relative to the matter at issue.

Very truly,

A. P. MURPHY,

National Attorney.

COPY

MUSKOGEE NATION,
A. P. MURPHY,
National Attorney.

Muskogee, Indian Territory, July 23, 1903.

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

Gentlemen:

On March 31, 1903, Lucy Smith appeared before the Commission and made application for the enrollment of her grandson Rufus Murrell, deceased, as a Creek freedman, and same was given your number 312.

The Creek Nation was not represented in this matter and had no opportunity to cross examine the witness and I would respectfully ask that the said Lucy Smith be required to appear before the Commission on a day named by you to be examined by the Creek Nation in relation to the right of the child to enrollment.

Very truly,

A. P. MURPHY,
National Attorney.

8878

No. 11

Muskegee, Indian Territory, September 17, 1903

Lowy Smith,

Tallahassee, Indian Territory.

Registered:

In the matter of the application made by you for the enrollment of your deceased grand-child, Rufus Murrell, as a citizen of the Creek Nation, you are required to appear before the Commission at its Office at Muskegee, Indian Territory, for the purpose of being further examined concerning the right to enrollment of said child.

Respectfully,

Chairman.

Registered:

W

Creek Nat. Act.

Muskogee, Indian Territory, May 25, 1904.

E. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Lucy Smith for the enrollment of her grandson, Rufus Murrell, as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made said Rufus Murrell will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

HON-6-26.

Muskogee, Indian Territory, July 15, 1904

Judy Smith,
Tallahassee, Indian Territory.

Dear Madam:

You are advised that the name of your minor grandchild, Rufus Surrrell, deceased, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior June 28, 1904, and that ~~application~~ for a selection of land in the Creek Nation may now be made for the heirs of said child at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

大 肆 313

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., April 1, 1903.

In the matter of the application of Gilla Anderson for the enrollment of her two minor deceased children, Ida and Ivy Anderson, as citizens by blood of the Creek Nation.

ANSWERERS: A. P. Murphy, National Attorney for Creek Nation.

GILLA ANDERSON, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A Gilla Anderson.
Q What is your age? A Thirty-three.
Q What is your post office address? A Sapulpa.
Q For whom do you now make application for enrollment?
A My two children.
Q What are their names? A Ida and Ivy Anderson.
Q Are they living? A Dead.
Q When was Ida Anderson born? A Ida was born--I can't say in English good.

Balance of applicant's testimony through official Interpreter J. H. Lynch:

- Q When was Ida Anderson born? A In June, 1901; I don't remember the exact date.
Q How many years ago was it that Ida Anderson died? A I think it was three years. It will be three years this coming June.
Q When did Ivy Anderson die? A One lived about a week, and the other lived about three weeks; I hadn't decided yet which was which, between Ida and Ivy. I called one Ida sometimes and the other. I had not designated yet before they died which was which.
Q When were they born? A Don't remember the exact date of their birth. I made an affidavit of their birth, and after that I never charged my memory with it, and I don't remember.
Q What was the name of the father of these children? A Willie Anderson.
Q Is he living? A Yes, sir.
Q Is he a citizen of the Creek Nation? A Yes, sir.
Q To what town in the Creek Nation does he belong? A Concharste.
Q To what town do you belong? A Hitchite.
Q Are you and your husband, Willie Anderson, both recognized citizens of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A Yes, sir.
Q Does your name appear upon the Creek tribal rolls?
A They are on there if they have not been thrown off.
Q Have you been enrolled by the Commission as Creek citizens?
A Yes.

The records of the Commission examined and it appears therefrom that William and Gilla Anderson are listed for enrollment as citizens of the Creek Nation on Creek Indian Card Field No. 873.

The 1890 and 1898 authenticated tribal rolls of the Creek Nation examined and the names of William and Gilla Anderson are found and identified thereon.

2 Ida and Ivy Anderson.

Cilla Anderson, witness.

Examination by the Commission.

Q Is this the first time you have made application for the enrollment of your two children, Ida and Ivy Anderson, as Greek citizens?

A I went before a notary public, John Egan, the first batch of papers I presented here, and he made a mistake in making out the affidavit; then I took it back to him and he retestified those mistakes and fixed it up right.

Q Have you heretofore filed with the Commission birth and death affidavits in the matter of the application for the enrollment of your two deceased children, Ida and Ivy Anderson, as Greek citizens?

A Yes.

The records of the Commission examined and it appears therefrom that birth affidavits in the matter of the application for the enrollment of Ivy and Ida Anderson were filed with the Commission on May 29, 1901, and that birth and death affidavits, in the same case, were also filed with the Commission on October 11, 1902, which affidavits are marked Exhibits "A", "B", "C", "D", "E" and "F".

Q In the first affidavits which you filed, it appears that Ivy and Ida Anderson were born July 26, 1899, and in the second affidavits filed, it appears that they were born June 1, 1900, and in your testimony, which you give today, you state that they were born in June, 1901: Now which of those dates are correct, as to the time of their birth? A The first batch of affidavits I made out were wrong, and those that were made by Mars are supposed to be the correct ones.

Q Have you affidavits with you, made by yourself, Sarah J. Nolen and John F. Egan, in the matter of the application for the enrollment of your two deceased children, Ida and Ivy Anderson? A Yes, sir.

Applicant here presents affidavits made by herself, Sarah J. Nolen and John F. Egan, purporting to correct affidavits made by Cilla Anderson and Sarah J. Nolen on the 23rd day of May, 1901, in the matter of the application for the enrollment of said Ida and Ivy Anderson, which is marked Exhibits "G", and made a part of the record.

Q How old were these children when they died? A One of them died when it was a little over two weeks old, and the other was about three weeks old when it died.

Q Which one was two weeks old when it died? A Ivy.

Q How old was Ida when she died? A I think about three weeks old.

CROSS-EXAMINATION.

EXAMINATION BY A. P. MURPHY.

Q You don't know the exact date when they were born, do you?

A I don't remember the exact date of the birth, no. I remembered the exact date when I made that affidavit.

Q How or by what did you fix the date when you made this affidavit?

A Fixed it from memory.

Q This affidavit was only made yesterday: How how did you know the dates yesterday, and then not know them today? A (Q) What dates were put on that affidavit, the one of the thirty-first of March.

Q Well what did you tell them to put in it? A I don't know what date they put on there. They told me that the first affidavit that Egan had made was wrong, and that those dates were wrong, and they told me that these dates on this one were all right.

Q Who told you that--who told you that they were wrong and these were right? A Mars told me that.

3 Ida and Ivy Anderson.

Cilla Anderson, witness.

Examination by A. P. Murphy.

Q When did you first discover that you had made a mistake in the dates? A I knew that the children died after the land office was opened.

Q If you don't know what is in this last affidavit, how do you know whether or not those dates were right? A Those papers were fixed up quite a while ago, but I didn't take them home, I left them there in charge of the notary until I got ready to come down here, and when I got ready to come down, I went around there and got them, and they must have put that date on there the day they turned them over to me.

Q How would Mars know anything about the dates? A I don't know how he would know, only by what they told him in regard to the date.

Q Didn't you know, on the 23rd day of May, 1901, just when these children were born and when they died? A (Q) Who was that affidavit made by?

Q (A) Egan. A That was a mistake.

Q I am not asking you if it was a mistake, I am asking you whether you didn't remember, on the 23rd day of May, 1901, when they were born and when they died, I am not asking you about the affidavit?

A That affidavit was wrong.

Q I wasn't asking about the affidavit, I wanted to know whether you didn't know, on the 23rd day of May, 1901, when those children were born and when they died? A I told him at the time he made those affidavits that the children were born on the 6th day of July, 1900, and he got it down wrong, he got it down whatever that date on that affidavit is instead of the date I told him.

Q That is the Egan affidavit, is it? A Yes, sir.

Q Was Mars with you when you made that affidavit before Egan?

A No.

Q Who first told you that those affidavits were wrong?

A I was told here.

Q When? A Last summer.

Q Did you try to correct it then? A No, I didn't try to correct it here. I went back to him and told Egan that they had got the wrong dates in that affidavit, and then Mars took hold of it and undertook to straighten it out.

Q Were the dates wrong or were they right? A The dates were wrong.

Q When was it that Mars told you that you would have to change those dates in the affidavits that were made, or else your children would be out? A Nobody told me that.

Q Well what did he tell you? A They never told me anything about it. I knew the children would be entitled to enrollment because they were born after the land office was opened.

Q How long after the land office opened were they born? A The children were born after I came down here and filed, after my husband had filed on my land for me.

Q How long after? A (Witness refers to certificates of allotment) About two years after I received my allotments these children were born.

The records of the Commission examined and it appears that William and Cilla Anderson filed on their allotments October 5, 1899.

Q Did you ever have a lawyer to come down here and look up these papers--look through them? A No, sir.

Q Are these affidavits you made before Mars right? A Yes, sir.

Q Well now in the one about Ida Anderson, you have this statement, made out and sworn to on the 9th day of October, 1902, before F.L. Mars: "that a female child was born to me on the first day of June A.D., 1900; that said child has been named Ida Anderson and is now living". Is that statement correct? A (Q) And that affidavit was made on the 9th of October, 1902?

4 Ida and Ivy Anderson.

Gilla Anderson, witness.

Examination by A.P. Murphy.

Q (A) And it says the child was born on the first day of June, 1900, and that said child has been named Ida Anderson and is still living. Is that statement correct? A The statement that it was living on that date is not right.

Q Then this affidavit is not correct, is it? A That part of it that the child is living is not right, because the child died.

Q Now on another affidavit, made on the 9th day of October, 1902, A.D., before F. L. Mars, notary public, you testified as follows: "that a female child was born to me on the first day of June, 1900; that said child has been named Iva Anderson and is now living". Is that statement correct? A That is wrong; it is all right until it comes down to where the child is still living when I made the affidavit.

Q Does Mary Grayson know when the child was born and when it died? A Mary Grayson was with me when the children were born.

Q Well does she know when they died? A She may know that they are dead. I have no idea that she would know the exact date of their death.

Q Well Mary Grayson testified before F. L. Mars, on October 9, 1902, that Iva Anderson and Ida Anderson were now living. Is that correct? A I don't know why such affidavit was made as that they were still living, because they were dead.

Q You are the one who made the affidavit. A I never testified that they were living at that time. I told that notary public that they were dead.

Q Well then all these affidavits are wrong, aint they? A They are all wrong unless they correspond with what I told them.

Q Did you keep any kind of a record as to when they were born and when they died? A No, sir; I never kept a record of it.

Q Then you don't know when they were born or died, do you? A I know that they were born about the first of the month, and that one of them lived about two weeks and that the other one lived a little longer and died after I got up and was about the house.

Q Where are they buried? A Buried in a burial ground near my house.

Q Did you buy a coffin? A The coffin was made.

Q Who made it? A A man by the name of Cheparn Tulladeega assisted in making the coffin.

Q Where did they buy the material? A At Sapulpa.

Q Who from at Sapulpa? A James Caruthers.

Q Who bought the lumber? A I don't remember.

Q Did anybody preach the funeral? A No, sir.

Q And the first child died before you got up, didn't it, after she was born? A Yes, sir.

Q How long was you confined before you got up, after the child was born? A About three weeks or a month.

Examination by the Commission:

Q Do you mean by that you were sick in bed a month before you got up? (No response).

Examination by the Attorney for the Creek Nation, A. P. Murphy:

Q How long were you in bed at the time these children were born?

A At the end of two weeks I was able to be up inside the house, but I never went outside the house, but in about three weeks, I was able to get out of the house, and that was when the child died.

Examination by the Commission.

Q Both children were dead at the end of the three weeks? A Yes, sir.

Q Are there any other statements you desire to make at this time in

Ivy Anderson.

Witness.

Commissioner of the Commission.

Q. Now, I am asking you by you at this time, the children
Ivy and Ida, were they born June 1, 1902? A. Yes, sir; I think that is correct.
Q. Now, I got my land, two years from that, two years, that
is correct, is that correct? A. Yes, sir; I think that is correct.
Q. Now, I am asking you, were they satisfied
or not.

A. Now, I am asking you, you state that your two children, Ivy and Ida
were born June 1, 1902? A. Yes, sir; I think that is correct.
Q. Now, I got my land, two years from that, two years, that
is correct, is that correct? A. Yes, sir; I think that is correct.

Q. Now, I am asking you, were they satisfied
or not. A. Now, I am asking you, you state that your two children, Ivy and Ida
were born June 1, 1902? A. Yes, sir; I think that is correct.

Q. Now, I am asking you, were they satisfied
or not. A. Now, I am asking you, you state that your two children, Ivy and Ida
were born June 1, 1902? A. Yes, sir; I think that is correct.

Q. Now, I am asking you, were they satisfied
or not. A. Now, I am asking you, you state that your two children, Ivy and Ida
were born June 1, 1902? A. Yes, sir; I think that is correct.

Q. Now, I am asking you, were they satisfied
or not. A. Now, I am asking you, you state that your two children, Ivy and Ida
were born June 1, 1902? A. Yes, sir; I think that is correct.

Witness excused.

Oliver C. Hinkle, having been duly sworn, upon his oath states
that, as stenographer for the Commission to the Five Civilized Tribes,
he reported the proceedings had in the above entitled cause on the
1st day of April, 1903, and that the above and foregoing is a full,
true and correct transcript of his stenographic notes thereof on said
date.

Subscribed and sworn to before me this 11th day of April, 1903,
at Muskogee, Indian Territory.

Oliver Hinkle

John S. Heber
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE INDIAN TERRITORY, MAY 28, 1905.

-00000-

In the matter of the application for the enrollment of Iva
and Ida Anderson as citizens by blood of the Creek Nation.

CILLA ANDERSON, being duly sworn, testified as follows
through JESSE MCKERMOTT, Official
Interpreter:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Cilla Anderson.
Q How old are you? A Thirty-four.
Q What is your postoffice address? A Sapulpa.
Q You had two children named Iva and Ida Anderson did you not?
A Yes.
Q Were those children twins? A Yes.
Q Are they living? A They are both dead.
Q How old were they when they died? A They were born June 15
and one of them died July 25th of the same year, and the 25th
of July the other one died.
Q You say that they were born June 15th, and one died July 25th
and the other died July 25th, is that what you said? A Yes.
Q How old was the one that died first when it died? A It was
born the 15th of June and died the 25th of July.
Q How old was it when it died? Was it a week, two weeks or
what? A It was nearly two weeks old.
Q Was it more than two weeks old? A It was over one week old
and nearly two.
Q Do you mean that that child died on July 25th or June 25th?
A July.
Q And you say that it was born on June 15th? A Yes.
Q Do you know how long a time it is between June 15th and July
25th? A I do not know.
Q How do you happen to remember these dates that you give now?
A I go by the time that the coffins were bought.
Q Who did you buy the coffins from? A A Man by the name of
Harrington.
Q Does he live in Sapulpa? A Yes.
Q Did you pay him for the coffins when you bought them, or did
you buy them on credit? A They were paid for.
Q Did you get a bill, or statement of account, from the undertaker
that you bought the coffins from? A Yes.
Q Have you that with you? A Yes.
Q Well, will you show it to me? A Yes.

Witness presents account dated July 28, 1905.

Anderson.. #2.

being the account of W. M. Anderson with
Buffington Brothers, Undertakers and Embalmers
of Sapulpa, Indian Territory.

Said account reads:

"July 25, one coffin 2/3-- \$12.00
Paid per D.H.B."

Q Have you another account? A Yes.

Witness presents another account from the
same firm, dated July 30, 1900, and reads:

"July 30, one coffin 2/3-- \$4.75
Paid per D.H.B."

- Q Now, what makes you remember that these children were born on June 15th? A I remember it because blackberries, or dewberries as you might call them, were getting ripe.
- Q Are there any dewberries ripe in July? A There are no dewberries but there are blackberries.
- Q Were the dewberries getting ripe or the blackberries getting ripe when these children were born? A They were not dewberries but they were blackberries. They were about (indicating with hand about two or three feet from the floor) high.
- Q Dewberries grow on a little bush right close to the ground do they not? A Yes.
- Q Which gets ripe first dewberries or blackberries? A Dewberries get ripe first and then not longer after blackberries get ripe.
- Q Dewberries get ripe in June, do they not? A Yes.
- Q Do you call June the dewberry month? A Yes.
- Q What do you call July? A Little Harvest.
- Q Were those children born in dewberry month or in Little Harvest month? A They were born in Dewberry month.
- Q How long did they live? A One died nearly two weeks old.
- Q And how old was the other when it died? A A little past two weeks, I was up and around when they died.
- Q You say that the children-- one lived less than two weeks and one lived a little more than two weeks, is that right? A Yes, I suppose so.
- Q Did they live as long as a month? A They might have been nearly one month.
- Q I want to know-- Are you right about that that one lived not quite two weeks? A One was nearly two weeks and the other was not hardly three.
- Q From June 15th to July 25th is one month and ten days-- It is more than five weeks-- nearly six weeks. Do you understand that? A-----
- Q You say that one of those children lived a little less than two weeks and the other lived a little more than two weeks, and you say that they were both born on June 15th; one died July 25th and the other July 30th. Now from June 15th to July 25th is nearly six weeks, and from June 15th to July 30th is more than six weeks--it is about seven weeks. Did they live that long? A That may be so but I have never kept account of the date only the statements that I presented, which I suppose were correct as they were dead when the coffins were purchased.

Anderson.. #3.

- Q But the point is this-- one of your statements must be a mistake-- you say that one child lived a little less than two weeks and one a little more than two weeks, and you say that they were born on the 15th of June; the first one died the 25th of July and the other died the 30th of July. Now, that is nearly seven weeks. Can you not see that one of those statements is incorrect? A That could not be a mistake as the statements were made when the coffins were purchased.
- Q Allowing that the record about the death is true, that they died on the 25th of July and the 30th of July--that may be true, but are you not mistaken about the time that those children were born? A No, I am not mistaken.
- Q I will ask just once more-- How old was the first child that died at the time of its death? A It might have been over two weeks. It lived a good bit.
- Q How old was the last child that died at the time of its death? A I was up then, and it possibly might have been a month.
- Q How long were you sick in bed after the children were born? A I generally get up in about four weeks.
- Q Now, there is quite a difference between two weeks and four weeks-- Can you not get nearer to that as to how old the children were? A---
- Q How long before you were up was it before the first child died? A I was just able to sit up in bed but did not get around. I was able to get up and get myself a drink of water, but did not get around on the outside.
- Q Which died first Iva or Ida? A Ida died first.
- Q Do you know how old Ida was when she died? A She must have been about eleven days old.
- Q How long after Ida died did Iva die? A About five days.
- Q Did you make a record anywhere of the date of the birth of these children? A Yes, I have got other children besides them, and I have a record of their birth that I put down with the others.
- Q Have you that record with you? A Yes.
- Q Will you let me see it? A--

Witness presents a Bible in which are written, with pen and ink, the following:

"Births

"Walter Anderson Jan. 5, 1891
"Andrew Anderson Sept. 17th, 1895
"Iva Anderson June 15th, 1900
"Ida Anderson June 15th, 1900
"Cilla Anderson Feb. 13th, 1870
"Willie Anderson June 11th, 1868."

- Q How long have you had this Bible? A About five or six years.
- Q When did you make the records that are in this Bible about the birth of these children? A I put down the dates of the first two and then I put these other two down when they were born.
- Q Did you write the date of Walter Anderson's birth in here shortly after he was born? A It was sometime after, because it was a short time after I bought the Bible.

Anderson, #4.

- I had another little bible on which the birth of these first two children were kept and I copied it when I bought my new bible.
- Q Were Iva and Ida living when you wrote these two births in this Bible? A No, shortly after they died.
- Q You wrote it in here shortly after they died? A Yes.
- Q Did you make this record the same month that they died? A Yes.
- Q Did you make these records yourself? A Yes.
- Q Do you know the English name of all the months? A Yes., I know the names of the months in English and Creek both.
- Q What month is this right now? A May.
- Q How old was Ida when she died? A I think it was eleven days.
- Q I want you to count from July 15th to July 25th and see how many days that is? A (After counting on fingers) Eleven days.
- Q Is it not a fact that these children were born on July 15th instead of June 15th? A They were born in June.

MARY GRAYSON, being duly sworn, testified as follows through JESSE MODERNOTT, Official Interpreter:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Mary Grayson.
- Q How old are you? A I do not know.
(Witness appears to be about forty-seven).
- Q What is your postoffice address? A Sepulpa.
- Q Do you know the English names of the months? A No.
- Q What month comes before Little Harvest? A June.
- Q Do you know Cilla Anderson? A Yes, I live right close to her.
- Q Did you know two children of hers named Iva and Ida? A Yes, I stayed with her, and waited on her.
- Q Were you living near her when those children died? A Yes.
- Q Do you know which one died first? A Ida died first.
- Q How old was Ida at the time she died? A About ten days.
- Q How old was Iva at the time she died? A About twenty days.
- Q In what month did those children die? A July.
- Q What part of the month? A About the middle.
- Q Do you know what date of the month it was? A No, I do not know that.
- Q Well, was it after the middle of the month, or was it before the middle of the month--do you know? A A little after the middle.
- Q Do you know how many days there are in a month? A No, I do not know that. I might be mistaken.
- Q Well, what part of the month would you call the middle of the month--what date? A About the tenth.
- Q Do you know how many weeks there are in a month? A Four weeks.
- Q How many weeks are there up to the middle of the month? A About three weeks.
- Q Were these children born in the same month that they died? A They died in the same month.
- Q Do you know what month they were born in? A They were born in June.

Anderson.. 48.

- Q What part of June-- do you know the date? A About the 15th.
- Q What makes you remember that date? A I was there when they were born.
- Q Do you know what date this is? A I do not know that.
- Q You are here now--why do you not know that? A I have not looked up the date on it.
- Q Did you look up the date that those children were born? A Yes.
- Q Did you look it up the same day that they were born? A Yes.
- Q And you say that they were born on June 15th? A Yes.
- Q How long did Ida live? A About two weeks.
- Q How long did Iva live? A Nearly three weeks.
- Q Did you look up the date of the month when Ida died? A I do not know the date.

CILLA ANDERSON, re-called, testified as follows through JESSE MODERMOTT, Official Interpreter:

- Q Did you buy a coffin for Ida the same day that she died? A I did not buy the coffin the same day but Willie did.
- Q Well, was it bought the same day that she died? A Yes.
- Q Was the coffin bought for Iva the same day that she died? A Yes.
- Q Now, you say that Ida was eleven days old when she died, is that correct? A Since I came to think that they were born in one month and died in another that one of them was over a month old. I was figuring on them dying the same month.
- Q Do you know how old these children were or are you just figuring it from one date to another? Do you know how many days old they were when they died? A From the time that the coffins were bought up to the time that they were born I have figured that I was mistaken.
- Q When you bought the coffin for Ida how old did you think she was? A She must surely have been a month old, because I was able to get up and get me a drink of water.
- Q Why did you say that she was eleven days old when she died? A I was counting that she died in the same month.
- Q Were you just counting up or did you say what you knew to be true? A Since I went and figured on it I have found that I was mistaken.
- Q When you said that she was eleven days old had you been figuring on it from the time that she was born until the time she died or did you just say it because you knew that she was eleven days old when she died? A I was guessing at that.
- Q Were you up and able to go to Ida's funeral-- burial? A No, I did not go to the funeral but I was able to go to the kitchen.
- Q Did you go to the funeral when Iva was buried? A No.
- Q Did you have a white doctor in attendance on you when these children were born? A No.
- Q Did you have a white doctor before they died? A No.
- Q What did they die from? A I do not know the name of the disease, but they have to be sick before they can die.
- Q How long were they sick before they died? A I could not tell as they were small and they did not tell me that they were sick; I do not know.

Anderson.. #8.

- Q Can you not tell when a baby is sick by the way it cries feels bad and takes on? A There are some children that do not cry even if they are sick-- These children did not cry much any way.
- Q When Ida died-- At the time she died did you think that she was as much as two weeks old? A She must have been over two weeks old because I was able to get around.
- Q Do you live in town at Sapulpa or out in the country? A I do not live in town.
- Q Do you know about the Fourth of July-- the celebration on the Fourth of July? A Yes, I have seen lots of white people celebrate it.
- Q Do you remember the celebration of the Fourth of July the year that these children were born? A Yes, I was sick at the time.
- Q About how old were these children when they were celebrating the Fourth of July? A Several days before.
- Q Do you mean that they celebrated the Fourth of July several days before these children were born? A They were born before they celebrated the Fourth of July.
- Q Have you any more witnesses? A There is one present here.

SARAH MARSHALL, being duly sworn, testified as follows, partly through JESSE HARRISOTT, Official Interpreter:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Sarah Marshall.
- Q How old are you? A I do not know, About forty-three, I guess.
- Q What is your postoffice address? A Fry.
- Q Are you a citizen of the Creek Nation? A Yes.
- Q Do you know Cilla Anderson? A Yes.
- Q Did you know two children of hers named Ida and Iva Anderson? A Yes.
- Q Were you present at the birth of these children? A No.
- Q Were you there at the time they died? A Yes, the first one that died I was there.
- Q How long after these children were born did you hear about it? A They were just three weeks old when the first one died.
- Q Well, how long after they were born before you first heard about them yourself? A I do not know-- I live so far from them.
- Q About how old were the children when you first saw them? A I guess about-- pretty near three weeks old.
- Q How long were you there before the first child died? A I was there about three days before it died.
- Q Do you think that child was as much as a month old when it died? A I do not know; I do not think she was over three weeks old. I do not know how old the children were.

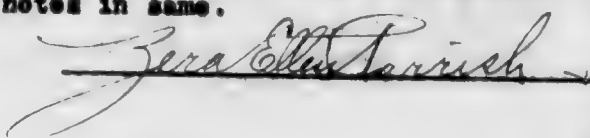
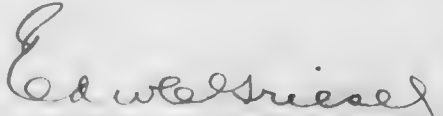
Anderson.. #7.

- Q Did they tell you anything about how old the children were? A No.
- Q And you are just guessing by looking at them that they were about three weeks old? A No, they were just about three weeks old.
- Q Did the children look to you to be more than three weeks old when they died? A They were not so small; they were good sized children.
- Q Was the mother up or was she still in bed? A She was sick in bed.
- Q Was she up when the children died? A Yes, she was up but did not get around much.
- Q You say that she was sick a long time? A Yes.
- Q Do you know what time of the month it was when the first child died? A I do not know exactly what day of the month it was, but I think it was about the fourteenth or fifteenth.
- Q The mother testified here once that the child was eleven days old when it died, and at another time she testified that it was more than a month old when it died-- Now, which of these statements do you think is correct? A I do not think that it was a month old when it died.
- Q Did you hear about these children before you came down to see her? A I was to Tulsa when they were born.
- Q When was that? A I do not know.
- Q Was it before you went to see her? A Yes, it was about a week or a little over a week before I went to see her.
- Q Did you hear that day that they had just been born, or that they had been living a week or so? A I do not know; I just heard that she was sick and I went up there.
- Q Is she related to you? A Yes, she is my sister.
- Q Who bought the coffin for these children? A I do not know who went after the coffin-- may be it was Mr. Anderson-- I was there.
- Q Did they bury the children the same day that they died? A No.
- Q How long after? A Next day.
- Q Did they buy the coffin the same day the child died? A I think they did.

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Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Subscribed and sworn to
before me this 26th day of
May, 1903.



Notary Public.

WYATT & COE
ATTORNEYS AT LAW
MUSKOGEE, . . . INDIAN TERR.

May 3d, 1905.

To Commission to the Five Tribes/
Muskogee Ind- Ty.

Dear Sirs;
inclosed find the Affidavits of Mrs Cilla Anderson as
Mother of Ida and Eva, Anderson, deceased, also the affidavit of the
Midwife, as to date of Birth, these Children were both Females and
Twins, but did not die on same date.

Please set a time that the parties may be present and give the
evidence before your Hon Body, as to said Deaths and Birth.
I desire to state that the application heretofore made was in error
so I am informed and ask that these Creek Indians be given a chance
to show by positive proof, the facts as stated herein; trusting that
you will name an early date for said hearing I am

Yours Respectfully.

J. H. Land

Mustang, Indian Territory, May 7, 1906.

R. L. ...

Mustang, Indian Territory,

Mustang, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 3, 1906, enclosing birth affidavits of Ulla Anderson "as mother of Ida and Eva Anderson" and the affidavits of the midwife as to the date of their birth; you request that you be given an opportunity to show by positive proof the facts stated therein.

In reply you are advised that you will be granted thirty days from date within which to have the mother and midwife, and such other witnesses as you may desire, to appear before the Commission and give testimony under oath in this case.

Respectfully,

Commissioner in Charge.

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

In the matter of the application for the enrollment of Iva and Ida Anderson, both deceased, as citizens by blood of the Creek Nation.

DECISION.

The record in this case shows that on April 1, 1908, Oilla Anderson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor children, Iva and Ida Anderson, both deceased, as citizens by blood of the Creek Nation. Further proceedings were had May 23, 1908.

The evidence shows that said Ida Anderson and Iva Anderson were born subsequent to July 1, 1900, and that they died prior to May 25, 1901.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Iva Anderson and said Ida Anderson, or either of them, as citizens by blood of the Creek Nation, and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
JUN 14 1905

Mustang, Indian Territory, June 27, 1903.

Gilla Anderson,

Sapulpa, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your minor children, Ida and Ivy Anderson, both deceased, as citizens by blood of the Creek Nation, denying said application.

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

Respectfully,

Chairman.

Register,
IM-6-27-80.

Muskogee, Indian Territory, June 27, 1906.

M. L. Nett,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Ida and Ivy Anderson, both deceased, as citizens by blood of the Creek Nation, denying said application.

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

Respectfully,

Chairman.

IM-6-27-01.

Mustang, Indian Territory, June 27, 1908.

The Honorable,
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Ida and Ivy Anderson, both deceased, as citizens by blood of the Creek Nation, including the decision of the Commission, dated June 14, 1908.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

IM-6-27-82.

DEPARTMENT OF THE INTERIOR,

Washington September 20, 1905

I.T.D. 8824-1905

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

Sir:

June 27, 1905, the Commission to the Five Civilized Tribes transmitted the record of the application of Cilla Anderson for for the enrollment of her two minor children, Iva and Ida Anderson, both deceased, as citizens by blood of the Creek Nation, including the decision of the Commission dated June 14, 1905, denying said application.

July 20, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission denying said application be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated June 14, 1905, denying the application of Cilla Anderson for the enrollment of her two minor children, Iva and Ida Anderson, both deceased, as citizens by blood of the Creek Nation is hereby affirmed.

Respectfully,

Thos Ryan
Acting Secretary

1 inclosure

No. 313

Muskogee, Indian Territory, September 27, 1905.

M. L. Kott,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of September 20, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1905, denying the application made by Gilla Anderson for the enrollment of her two minor children, Iva and Ida Anderson, both deceased, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

No. 113

Washington, Indian Territory, September 17, 1906.

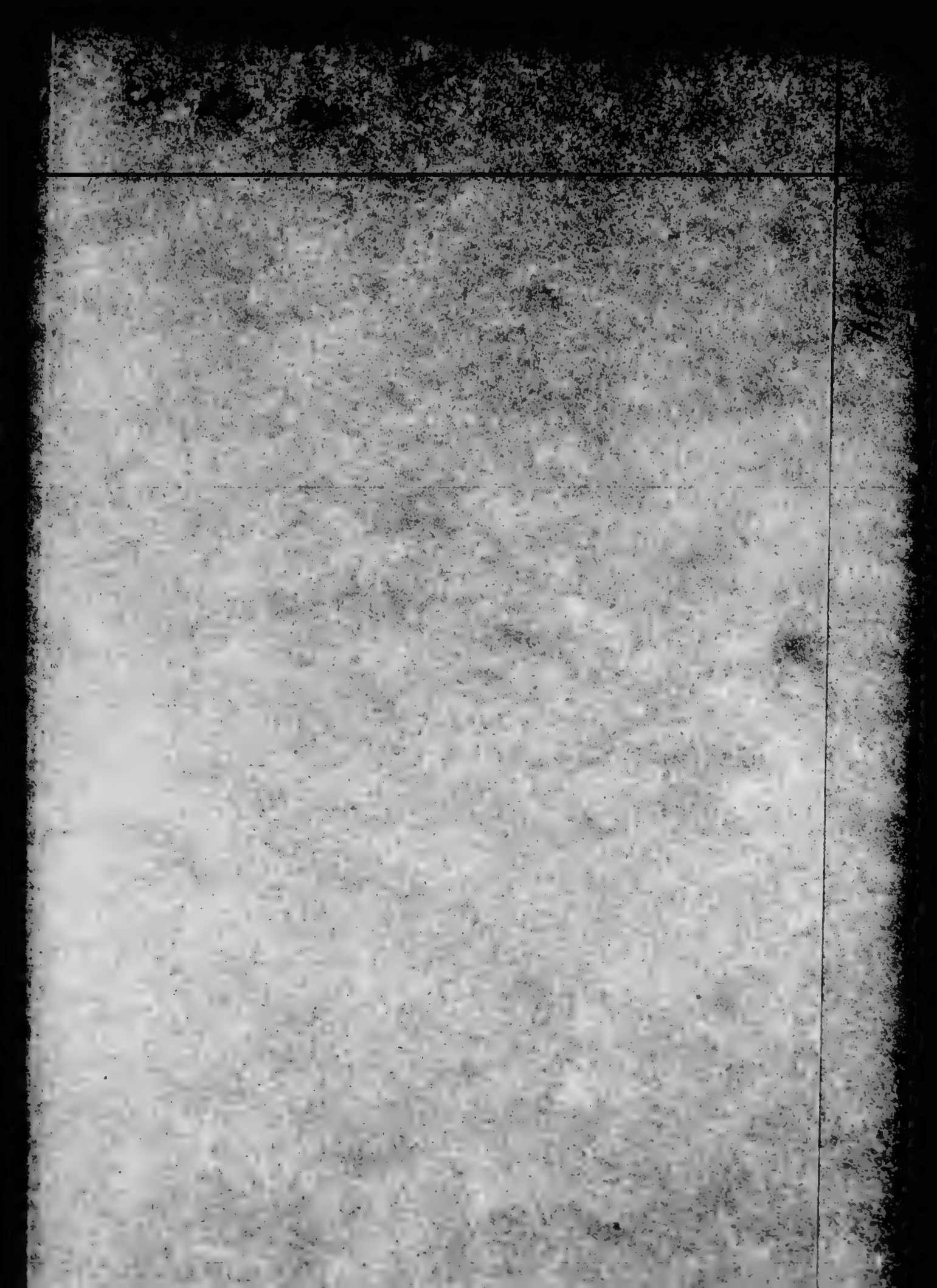
Gilla Anderson,
Sapulpa, Indian Territory.

Dear Ma'am:

You are hereby advised that under date of September 20, 1906, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1906, denying the application made by you for the enrollment of your two minor children, Iva and Ida Anderson, both deceased, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE LAND OFFICE
MUSKOGEE, I. T., SEP. 5th, 1902.

IN THE MATTER OF THE APPLICATION OF Emma Rodgers for an allotment of land in the Creek Nation to the heirs of Mack Albert Rodgers, deceased, accompanied by a proper description of the land applied for and a certificate showing that said Mack Albert Rodgers has been listed for enrollment as a citizen of said Nation.

EMMA RODGERS, being first duly sworn by
W. S. Boren, Notary Public, testified as follows:

- Q. What is your name? A. Emma Rodgers.
Q. What is your Post Office address? A. Bixby.
Q. Are you a citizen of the Muskogee Nation? A. Yes sir.
Q. Was Mack Albert Rodgers living on April 1st, 1899? A. Yes sir.
Q. On what date did he die? A. 30th of September, 1901.
Q. Was he a citizen of the Muskogee Nation? A. Yes sir.
Q. To what town did he belong? A. Arbeka.
Q. Do you claim to be an heir of Mack Albert Rodgers? A. Yes sir.
Q. What relatives had he living at the time of his death? A. Two sisters, one brother, and father and mother.
Q. Did he receive an allotment of land in the Creek Nation prior to his death? A. No, sir.
Upon examination of the records of the Commission it is found that no application for an allotment of land in the Creek Nation has ever been made by or on behalf of Mack Albert Rodgers, deceased.
Q. Have you heretofore made application to have any land set aside or reserved for allotment to the heirs of Mack Albert Rodgers, deceased? A. No.
Q. At the time of his death was Mack Albert Rodgers in possession of any land which contained improvements belonging to him? A. No.
Q. You make application to have the E. 1/2 of the W. 1/2 of S. E. 1/4; the S. 1/2 of S. W. 1/4 of S. W. 1/4 of S. E. 1/4; the N. W. 1/4 of N. W. 1/4 of S. E. 1/4; the S. 1/2 of S. W. 1/4 of S. W. 1/4 of S. E. 1/4; the W. 1/2 of S. E. 1/4 of S. W. 1/4; the S. 1/2 of S. E. 1/4 of S. W. 1/4 of S. E. 1/4 of S. W. 1/4, and the S. 1/2 of S. W. 1/4 of N. E. 1/4 of S. W. 1/4 of S. E. 1/4 of S. W. 1/4, R. 14 E., containing 90 acres, allotted to the heirs of Mack Albert Rodgers, deceased, is that correct? A. Yes sir.
Q. Are there any improvements on that land? A. No sir.
Q. Does anyone else claim that land or any part of it? A. No sir.
Q. Have you been over this land and examined it with a view of making this application for it? A. Yes sir.
Q. Is it prairie or timber land? A. Timber.
Q. Have you made this selection in good faith in all respects? A. Yes sir.
Q. Are there any churches, school-houses, court-houses or burial grounds on this land? A. No sir.

Attest:

W. S. Boren
W. S. Boren

Emma Rodgers
Emma Rodgers
mark

Subscribed and sworn to before me at
Muskogee, I. T., this 5th day of Sept.,
1902.

W. S. Boren
W. S. Boren
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., April 8, 1903.

In the matter of the application for the enrollment of Dave Cloud and Miley Cloud, both deceased, as citizens, by blood, of the Creek Nation.

LASLEY CLOUD, being first duly sworn, testified as follows, through official Creek Interpreter, James H. Lynch:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Laslie Cloud.
Q What is your age? A About sixty-two.
Q What is your post office address? A Bristow.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q For whom do you now make application for enrollment? A David and Miley Cloud.
Q What is the name of the father of Dave Cloud? A Laslie Cloud, Dave Cloud is my son.
Q What is the name of his mother? A Mary Cloud.

The records of the Commission examined and it appears therefrom that Laslie Cloud and his wife, Mary Cloud, are regularly listed for enrollment on Creek Indian Card Field No. 4052, approved roll Nos. 9287 and 9290.

It further appears that Laslie Cloud is identified on the 1890 authenticated tribal rolls of the Creek Nation, page 212, and on the 1895 Pay Roll of said nation at No. 291; that Mary Cloud is identified on the 1895 Pay Roll of the Creek Nation, No. 295, approved roll No. 9290.

- Q When was Dave Cloud born? A September 10, 1899.
Q Is he living? A No, he is dead.
Q When did he die? A May 4, 1901.
Q Have you heretofore filed with the Commission a birth and death affidavit in regard to Dave Cloud? A Yes, sir.

The records of the Commission examined and it appears that an affidavit was filed with the Commission, in the matter of the birth of David Cloud, on October 11, 1902. Said affidavit is marked Exhibit "A" and made a part of the record herein.

It also appears that an affidavit was filed with the Commission in the matter of the death of Dave Cloud on June 26, 1902, and said affidavit is marked Exhibit "B" and made a part of the record herein.

- Q Do you remember when you filed on your allotment of land?
A Yes, sir.
Q Was Dave Cloud alive then? A He was dead.
Q How long had he been dead? A I think the child was dead about a year before I filed on my allotment.

The records of the Commission examined and it appears therefrom that Laslie Cloud filed on his allotment of land in the Creek Nation, May 27, 1902.

- Q How old was Dave Cloud when he died? A Going on three years old when he died.

8 Dave and Miley Cloud.

Lassie Cloud, witness.

Examination by the Commission.

Q Why did you not apply for this child when you filed on your land?

A I did make an application, or attempted to make an application, and the Commission told me there was no provisions for filing children at that time who had died.

Q Is the mother of Dave Cloud living? A Dead.

Q Who is the father of Miley Cloud? A Dave Foster.

Q What is the name of her mother? A Lizzie Cloud.

Q Is she a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Lizzie Cloud is regularly listed for enrollment on Creek Indian Card Field No. 4052, approved roll No. 9288.

Q Do you know when Miley Cloud was born? A Yes, sir.

Q When? A The 28th day of August, 1899.

Q Is she living? A She is dead.

Q When did she die? A July 10th, 1900.

Q Were affidavits been filed with the Commission in the matter of the birth and death of Miley Cloud? A Yes, sir.

The records of the Commission examined and it appears therefrom that an affidavit in the matter of the birth of Miley Cloud was filed with the Commission, December 30, 1902. Said affidavit is marked Exhibit "C" and made a part of the record herein.

It also appears from the records of the Commission that an affidavit in the matter of the death of Miley Cloud was filed with the Commission, June 16, 1902, and said affidavit is marked Exhibit "D" and made a part of the record herein.

Q How old was Miley Cloud when she died? A Just a little over a year old.

Q Did Miley Cloud die before or after the death of Dave Cloud?

A Miley Cloud died before Dave died.

Q Do you remember when the Creek agreement was ratified at Okmulgee in 1901? A Yes, sir; I think I remember the time.

Q How long before the ratification of that treaty did Dave Cloud die? A I think Dave Cloud died about three years before the ratification of the treaty.

Q Do you know Stephen Cloud? A Yes, sir.

Q What is the name of his wife? A Icy.

Q Did he once have a wife by the name of Nancy? A Yes, sir.

Q Did they have a child named David? A They have a child by the name of David.

Q That isn't the child for whom you are now applying? A No, that is my son I am making application for.

STATEMENT BY WITNESS: In answer to the question, how long before the ratification of the treaty, I made a mistake in my answer.

Q Well how long before the ratification of the treaty made in 1901 did Dave Cloud die? A Dave Cloud died about twenty days before the ratification of that treaty.

Witness excused.

3 Dave and Miley Cloud.

LIZZIE CLOUD, being first duly sworn, testified as follows, through official Creek Interpreter James H. [unclear]

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Lizzie Cloud.
Q How old are you? A Twenty-three.
Q What is your post office address? A Bristol.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Are you the mother of Miley Cloud for whom application has been made for enrollment as a citizen of the Creek Nation? A Yes, sir.
Q Is Miley Cloud living or dead? A She is dead.
Q When was she born? A She was born on the 28th day of August.
Q What year? A I don't know anything about counting the years, it is going on three years ago.
Q When did Miley Cloud die? A July 10th.
Q What year? A Don't know the year.
Q How long has Miley Cloud been dead? A It is going on three years.
Q Since she died? A Yes, sir.
Q How old was she when she died? A About a year old.
Q What is the name of the father of Miley Cloud? A Dave Foster.
Q Did you come to the land office to file on your land? A My brother filed on the land for me.
Q Was Miley Cloud living at that time? A She was dead at that time.

The records of the Commission show that selection of land was made for the witness on May 27th, 1902.

- Q Did you keep any record of the birth and death of Miley Cloud?
A I told them to make a record, and they did.
Q Did you know Dave Cloud? A Yes, sir.
Q Is he dead or living? A He is dead.
Q When did he die? A I don't know.
Q How old was he when he died? A I think he was going on three years old when he died.
Q How long has it been since he died? A About two years ago.
Q Well has it been more than two years or less than two years?
(No response).
Q What is the name of his father? A Laslie Cloud.
Q What was the name of his mother? A Mary Cloud.
Q Is she dead or alive? A She is dead.
Q Didn't this child, Miley Cloud, die in June instead of July?
A It died in July.
Q You are sure it didn't die in June? A 10th of July.
Q Was the child living with you when it died? A Yes.
Q Were you and Dave Foster married? A No.
Q Was Dave Foster living with you when the child was born and when it died? A We lived together until about the time the child was born and then separated.
Q Where was Dave Foster when it died? A He was over in the other district.
Q How far from where you were living? A About twenty miles.
Q Where were you living when you and Dave Foster lived together?
A Lived with Dave Foster's father.
Q Was the child born at his father's? A Yes, sir.
Q How long did you live at his father's after the child was born?
A Lived there about three months after the child was born.
Q Where did you go from there? A Went with the child then to my father's house.
Q Did you and Miley live with your father from that time until Miley died? A Yes, sir.
Witness excused.

1. Dave and Wiley Cloud.

MABLE CLOUD, UNWITNESSEDLY, testified as follows, through
official Creek Interpreter James L. Smith:

Examination by the Commission.

Q. Are there any other statements you desire to make in the matter
of the application made by you at this time for the enrollment of
Dave and Wiley Cloud as citizens of the Creek Nation? A. No, Sir.

COMMISSION TO APPLICANT:

You will be furnished at a later date with a copy of the decision
of the Commission in the matter of the application made by you at
this time for the enrollment of Dave Cloud and Wiley Cloud as citi-
zens of the Creek Nation, which will be mailed to you at your paper
office address as given by you in your testimony taken at this
time.

Witness excused.

Oliver C. Hinkle, having been duly sworn, upon his oath states,
that, as stenographer for the Commission to the Five Civilized
Tribes, he reported the proceedings had in the above entitled cause
on the 8th day of April, 1903, and that the above and foregoing is
a full, true and correct transcript of his stenographic notes
thereof.

Oliver C. Hinkle

Subscribed and sworn to before me this 17th day of April, 1903,
at Muskogee, Indian Territory.

John E. Sieber

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

JGJ

EN. 314.

In the matter of the application for the enrollment of David and Miley Cloud, both deceased, as citizens by blood of the Creek Nation.

DECISION.

The record in this case shows that on April 8, 1903, Laslie Cloud appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of David and Miley Cloud, both deceased, as citizens by blood of the Creek Nation.

The evidence shows that David Cloud was born September 10, 1899 and died in May, 1901; that he was the son of Laslie Cloud and Mary Cloud whose names are contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior November 14, 1902, numbers 9289 and 9290, respectively.

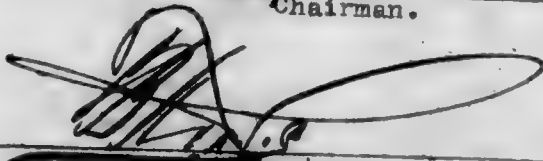
The evidence further shows that Miley Cloud was born August 28, 1899 and died subsequent to July 1, 1900; that she was the child of Lizzie Cloud whose name is contained in the partial list of Creeks by blood approved by the Secretary of the Interior November 14, 1902, number 9288.

It is, therefore, the opinion of the Commission that said David Cloud, deceased, and Miley Cloud, deceased, should be enrolled as citizens by blood of the Creek Nation in accordance with the provisions of the act of Congress March 1, 1901 (31 Stats., 861), and it is so ordered.

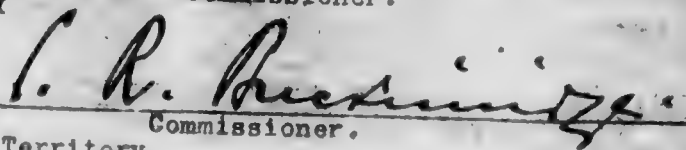
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory

April 27, 1904

Commissioner.

254

IN RE
THE DEATH OF

Dave Cloud

a citizen of the

Creek

Nation.

Approved

1

Commissioner.

Palmer + ... on Creek

Card # 1000

Ex. "B"

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

FILED

June 26, 1902

ACTING CHAIRMAN.

June 26, 1902

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

In the matter of the death of Dave Blood
(Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Bristow, Ind. Ter., and died on the 2nd day of May,
(Here insert name of post office.) 1901

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.
I, Lasley Blood, on oath state that I am 52
years of age and a citizen, by Blood, of the Creek Nation;
that my post office address is Bristow, Ind. Ter.; that I am
Father of Dave Blood
(State relationship, as: the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Blood, of the Creek Nation;
and that said Dave Blood died on the 2nd day of
May, 1902 Lasley Clavel

(Must be Two Witnesses.)

Subscribed and sworn to before me this 16th day of June, 1902
F. W. Flynn
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.
I, Colonel Jack Blood, on oath state that I am 33
years of age, and a citizen, by Blood, of the Creek Nation;
that my post office address is Bristow, Ind. Ter.;
that I was personally acquainted with Dave Blood
(Here insert name of post office.) (Here insert name of deceased.)
who was a citizen, by Blood, of the Creek Nation;
and that said Dave Blood died on the 2nd day of
May, 1901. Col Jack

(Must be Two Witnesses.)

Subscribed and sworn to before me this 16th day of June, 1902
F. W. Flynn
Notary Public.

Creek No. 514.

Muskogee, Indian Territory, April 21, 1906.

A. F. Murky,
National Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

April 9, 1906, Iaslie Cloud appeared before the Commission and made application for the enrollment of Dave Cloud and Wiley Cloud as citizens by blood of the Creek Nation.

You are further advised that the names of Iaslie Cloud and Mary Cloud, the father and mother of said Dave Cloud, and Lizzie Cloud, the mother of said Wiley Cloud, are included in a schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior, November 16, 1903.

It appears from the testimony that said Dave Cloud was born September 10, 1899, and died May 4, 1901, and that said Wiley Cloud was born August 20, 1899 and died July 16, 1900, but the record in the case is such that the Commission is not satisfied as to the right of said child's enrollment.

You are hereby notified that the Creek Nation will be given a reasonable time within which to introduce such evidence in the case as it may desire.

Respectfully,

0018
Creek No. 114.

Muskegee, Indian Territory, April 20, 1904.

Honorable P. Porter,
Principal Chief Creek Nation,
Muskegee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of David and Wiley Cloud, both deceased, as citizens by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said David and Wiley Cloud, deceased, will be regularly listed for enrollment as citizens by blood of the Creek Nation.

Respectfully,

Chairman.

RGN-1-28.

BP 315

W. Birch and Death

Mother on In. Card # 533

Born May 10, 1901

Died June 28, 1901

Mother on In. Card # 535

Ex "B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

Jany 11, 1902

ACTING CHAIRMAN

Clarksville, Ind. Dec. 1 - 7 - 1902

I, Kate Lunden, a midwife,
do hereby state that I attended
Mrs. Nellie Ruffin on the 10th
day of May 1901 and that a
boy child was born to her
and was said to have been
named Frank Ruffin and
that said child died on the
25th day of June 1901
Kate Lunden

Subscribed and sworn to
before me this 7th day of
Jan 1902
Walter B. Fowler
Notary Public

Clarksville, Ind. Nov. 1-7-1902

I Nellie Ruffin, a citizen by birth of the Greek Nation
do hereby swear that I am the lawful wife of Walter Ruffin a citizen by birth of the U.S.
That a boy child was born to my son the 10 day of May, 1901 and that said child was named Frank Ruffin. And that said child died on the 25th day of June 1901

Nellie Ruffin

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

Walter B Fowler
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., April 13, 1903.

The matter of the application of Nellie Ruffins for the
of her deceased minor child, Frank Ruffins, as a Creek

NELLIE RUFFINS, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Nellie Ruffins.
Q How old are you? A Twenty-one.
Q What is your post office address? A Redbird.
Q Are you a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears
therefrom that the name of Nellie Ruffins appears on Creek
Freedman Card Field No. 535, approved roll No. 2044.

- Q What is the name of the deceased minor child for whom you now
make application for enrollment? A Frank Ruffin.
Q When was he born? A May 25th.
Q What year? A 1901.
Q Is he living? A No, sir.
Q When did he die? A June 25th.
Q What year? A 1901.
Q Have you heretofore filed with the Commission birth and death
affidavits in the matter of the application for the enrollment of
Frank Ruffin as a Creek freedman? A Yes, sir.

Records of the Commission examined and it appears
that on January 7, 1902, affidavits, relative to the birth
and death of Frank Ruffin were filed with the Commission,
which are marked Exhibits "A" and "B", and made a part of
the record herein.

- Q How old was Frank Ruffin when he died? A Month old.
Q A month old? A Yes, sir.
Q Do you know the nature of an oath? A No, sir.
Q You don't know what the nature of an oath is? A No, sir.
Q You remember when you went up stairs and held up your right
hand before that man up there? A Yes, sir.
Q Do you know what he said to you? A No, sir.
Q You don't know that you swore there that you would tell the
truth? A Yes, sir.
Q If you don't tell the truth about this matter, do you know what
the consequences may be? A No, sir.

By the Commission to applicant: If you don't tell the truth
about this matter, you are liable to be sent to the peni-
tentiary for perjury. Perjury is swearing to something
that is false.

- Q When was Frank Ruffin born? A He was born May 25th.
Q In what year? A 1901.
Q When did he die? A Well I just can't remember when he died.
Q Now I am going to ask you again, how old was Frank Ruffin when
he died? A I don't know, sir; he was about two weeks old, as near
as I can remember it.
Q Now that is correct, as you remember it, is it? A Yes, sir.

2 Frank Ruffins.

Nellie Ruffins, witness.

Examination by the Commission.

- Q Do you know Kate London? A Yes, sir.
Q Was she present when Frank Ruffins was born? A Yes, sir.
Q Who else was there? A Nellie Prince.
Q Any one else? A And my husband, Walter Ruffin.
Q What is the name of Nellie Prince's post office? A I don't know, sir.
Q Her post office? A Redbird.
Q Did you make an affidavit before Walter B. Fowler, a notary public, in regard to the birth and death of your child, Frank Ruffin? A Yes, sir.
Q Do you remember the date of the birth of Frank Ruffins as given in that affidavit? A Yes, sir.
Q What was it? A 25th of May.
Q What year? A 1901.
Q Do you remember the date of the death of Frank Ruffin as given in that affidavit? A I think it is the 10th of June.
Q What year? A 1901.

It appears from the affidavit filed with the Commission January 7, 1902, signed by Nellie Ruffins and executed before Walter B. Fowler, a notary public, January 7, 1902, that Frank Ruffins was born on the 10th day of May, 1901, and died on the 25th day of June, 1901.

- Q Do you remember just how many days Frank Ruffin lived after he was born? A No, sir; I don't remember.
Q Do you know the exact date of the month that Frank Ruffin died? A He died the 10th of June.
Q Did you buy a coffin for him? A No, sir; they made it.
Q Who was present when he died? A Abe London, Kate London, and my husband and myself and Nellie Prince.
Q Did you buy any burial material for him? A No, sir.
Q Who made the coffin? A My husband and Abe London.
Q Did you make any record of the birth and death of Frank Ruffins? A I got his birthday in my album, but then I didn't put his death in, I didn't remember.
Q When did you make that entry about his birth in your album? A I don't know, sir, exactly, what time it was.
Q Who wrote that in the album? A I did.
Q Did you make that entry in the album before he died or after he died? A After.
Q You made the entry in regard to his birth, but you made none about his death? A No, sir.
Q Where is that album? A It is at home.
Q On what day of the week did he die? A I can't tell you that either, I don't know.
Q On what day of the week was Frank Ruffin born? A I don't know, sir; can't remember.
Q Do you know when the Creek treaty was ratified in 1901? A I heard that it was the 25th of May.

By the Commission: This case is continued for further testimony.

Witness excused.

Oliver C. Hinkle, having been duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on April 13, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof. *Oliver C. Hinkle*

Subscribed and sworn to before me this 17th day of April, 1903, at Muskogee, Indian Territory. *John H. ...*

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. Sept. 23, 1903.

En. 315.

Additional testimony

In the matter of the application for the enrollment of Frank Ruffin as a Creek Freedman.

APPEARANCES: A.P.Murphy, attorney for the Creek Nation

Kate Lunnen being called and sworn as a witness testified as follows:

Examination by the Commission:

- Q What is your name? A Kate Lunnen.
Q How old are you? A Forty six.
Q What is your post office address? A Red bird.
Q Are you a citizen of the Creek Nation? A Yes sir; born right on the Arkansas.
Q Do you know Walter Ruffin? A Yes sir.
Q Do you know his wife, Nellie? A Yes sir.
Q Did you know a child of theirs named Frank? A Yes sir right there in my house.
Q Is Frank living or dead? A Its dead.
Q When was Frank born? A April 25th.
Q What year? A I can't tell you about the year.
Q How long since the child was born? A A year ago last April.
Q When did the child die? A Died the 10th of June.
Q Were you present when the child died? A Yes sir.
Q Were you present when it was born? A Yes sir.
Q How old was the child when it died? A Two weeks old.
Q Is it just two weeks from April 25th to June 10th? A I don't know. It died when it was only two weeks old.
Q Are you positive as to the date of the birth of the child? A Yes, sir, I am positive if Dr. File put it down right.
Q Are you positive that that child was born a year from last April and on the 25th day of the month? A Yes sir.

Examination by Walter Ruffin:

- Q Wasn't it the 25th May instead of April? A Yes sir, I meant May.

Examination by Mr. Murphy:

- Q Then it was a year ago last May? A Yes sir, that's the way it is
Witness excused and Walter Ruffin called and sworn as a witness, testified as follows:

Examination by the Commission:

- Q What is your name? A Walter Ruffin.
Q How old are you? A Thirty-one this month.

- 2-
- Q What is your post office address? A Redbird; was Clarksville.
Q Are you the father of Frank Ruffin. A Yes sir.
Q When was that child born? A In 1891 in May 25th.
Q How long has it been since that child was born? A Its been over
a year.
Q How much over a year? A I don't know how much over a year.
Q Has it been as much as two years? A Two years with this years.
Q Well, I want to know has it been as much as two years from right
now since that child was born? A No sir.
Q Do you mean that that child was born a year ago the 25th day of
this last May? A No sir, its two years this last past May; I never
counted up to see how old the child was; he must be over two years
old.
Q How many crops have you gathered since that child died? A I have
gathered two crops since he died.

Examination by Mr. Murphy:

- Q What year is this? A This is 1903.
Q Can you read and write? A Yes sir.
Q What year was last year? A Last year was 1902.
Q Did you make any record of the birth and death of that child?
A No sir, no more than when I went to make out the affidavit.
Q What affidavit? A The one was made out.
Q The one that is filed here? A Yes sir.
Q Who told you when you made that out that it was 1901? A That's
what my wife said; she said it was the 25th day of May in 1901 though.
Q Then that's what you are testifying from- what they told you
about it, is it? A I knowed it was the 25th May because I was there
that morning when the child was born.
Q But you didn't know it was what year? A I knowed it was 1901.
Q How do you fix it that it was the 25th of May? A I don't fix it
its just there.
Q Tell me how you know it was the 25th day of May 1901? A I know
it cause we thought what day of the month it was when the child was
born; kept as near record of it as possible.
Q You said you never made any record of it. A My wife found te
record.
Q When was the first time you talked about when that child was born?
A I don't know only when we went before Dr. Filo.
Q You don't remember when you talked about it? A When we was
having that affidavit made out we talked.
Q When was that? A That was in January I believe.
Q What day? A I don't know.
Q What year? A 1902.
Q Not 1903? A No sir.

By the Commission:

- Q Has your wife another child? A Yes sir, has one more dead and one
living.
Q Has she got any younger than Frank? A Yes sir, this Evalena, and
she's got one older than Frank.
Q When was this youngest child born? A In November 1902.

By Mr. Murphy:

- Q Did you make an affidavit? A I got Dr. Filo to make an affidavit.
Q Well, did he swear you and did you give in your evidence? A Yes
sir.

- Q You say your wife told you when that child was born? A Well, we considered it there at the house that it was the 25th day of May.
- Q Your wife swears here in an affidavit that the child was born on the 10th day of May 1901 and died on the 25th day of June, 1901.
- A That's just a mistake.
- Q Well, now you might be mistaken yourself instead of her? A Well, we all knew the date.
- Q Well she knows just as well as you do, don't she? A Yes sir.
- Q Well, she says the 10th and you say the 25th-- which is right?
- A Well, she never said the 10th.
- Q Read that affidavit-- you say you can; don't that say she was born on the 10th day of May, 1901? Is that your wife's signature? A Yes sir.
- Q Now, see what Kate Lunnion says about it; does that say the 10th day of May? A Yes sir; that's a mistake in the parties writing that down.
- Q How what day do you say it died? A On the 10th day of June.
- Q Now your wife testified as follows: on April 13, 1903: "On what day was he born? May 25, 1901. When did he die? A June 25, 1901." Is that right? A No sir.
- Q Then she swore: "How old was Frank Ruffin when he died?" Said a month old; is that the truth? A No sir, two weeks old.
- Q Did you ever have a child named Frank Ruffin? A Yes sir.
- Q How old would he be now if living? A He would be two years old and some months if he was living.
- Q What time of the day was he born? A I wasn't there in the morning when he was born; I don't know exactly what time of the day it was in the morning.
- Q Was it after mid-night of May 25, 1901? A No sir, it was after mid-night after the 24th of May.
- Q Well, what time of the day? A I don't know; I wasn't home and come back and my child was born; I was over to see my wife and it and how it was getting along and I had to go eight miles and come back when the child was born.
- Q You say you have three other children? A I have two dead and one living.
- Q What is the name of the first child? A Willie.
- Q When was Willie born? A 1899.
- Q What month and what day? A It was in August; I believe the 25th.
- Q Are you positive of that? A Yes sir.
- Q When did you say this youngest was born? A November 25, 1903- November 17.
- Q Are you positive your first one was born on August 25th. A Yes sir; we never had no affidavit made out on that because the mid-wife was living in Coffeyville, Kansas, and we didn't know just where she was living.
- Q Tell me how you remember its being on May 25, 1901? A Why to the best of my recollection from having considered it; I remember the child's being born.
- Q Course you know the child was born but how do you know it was on May 25th? A I don't know how to answer.
- Q Well, you are just giving your best recollection, aren't you?
- A No sir, we considered it.
- Q Is that your best recollection or do you know that? A After I went home I looked in the almanack.
- Q What day of the month was it you looked in the almanac? A I never noticed the day.
- Q What time of the day was it you looked in the almanac? A About noon.

- Q What kind of an almanac was it? A The Ladies Birthday.
- Q Did you look to see what it said about the moon? A No sir.
- Q When did you next look in the almanac? A I looked often.
- Q Tell me the next time? A I don't know.
- Q How is it you can't tell anything else you did and yet you can swear positively about the birth of this child?
- A I come over home from there.
- Q What day of the week was it born on? A I don't know exactly; sometime in the middle of the week.
- Q What day? A I can't tell positively but I think it was Thursday.
- Q What kind of weather was it? A Clear fair day.
- Q Sun shining? A Yes sir.
- Q Any clouds? A I don't know.
- Q How did you go over there? A I went horseback.
- Q What kind of a horse did you ride? A Brown mare.
- Q How high? A 12 or 13 hands high.
- Q Did you have a saddle on your horse? A I don't know whether I had a saddle or not; I never got nary saddle; -- yes sir, I borrowed one.
- Q How was you dressed- did you have a coat on? A Yes sir.
- Q What color was the coat? A One of these jumpers.
- Q Pretty warm weather was it? A Yes, it was in the Spring.
- Q What kind of pants did you have on? A Overalls. And brogan shoes.
- Q Did you have on a shirt? A Yes sir.
- Q What color was it? A It was one of these old woolen blue shirts.
- Q Well, now on the 25th day of May 1902, a year after that, how was you dressed? A I never paid no attention; idont wear nothing but overalls and old blue shirt; I am working all the time.
- Q Well, you haven't got that on now? A Well, I just happened to change a week or two ago.
- Q All you took notice to was the kind of clothes you wore on just that one day? A That's my custom to dress nearly every day.
- Q Well, tell me how you was dressed at noon on May 25, 1902?
- A That's my custom to dress every day except on Sunday.
- Q How was you dressed the 25th day of May 1902? A I don't know.
- Q How was you dressed the 25th day of May last? A I don't know.
- Q Do you know what kind of weather it was last May 25th? A I don't.
- Q Know what kind of weather it was on May 25th a year ago? A No sir.
- Q But you do know what kind of weather it was on the 25th of May, 1901? A Just call my recollection to it.

Examination by the Commission:

- Q How long did that child of yours named Willie live? A Two or three hours; died next morning and was born just after mid-night; was born the 25th and died the 25th.
- Q Did you sit up with Dr. Fife when the child was sick? A We sit up all night with him; yes sir; took sick that night and died that morning.
- Q Don't you remember whether it was a dark moon or light moon; dont you remember whether it was a dark night or light night? A No sir, I don't remember how the moon was that night; it was dark when I got there and I never come out of the house till next morning; the sun was setting and I had to ride eight miles and there was no moon showing at that time.
- Q Was you up with your wife the night before this child was born?
- A Yes sir, I was there the night it was born.
- Q Was it a light moon or dark moon? A I don't know; they had a big rain that night and I lost my way; it was cloudy, stormy and I fell

into the Creek.

Witness excused and Kate Hannon recalled:

Examination by the Commission:

- Q Do you read and write? A I can't read ner write and I don't know anything.
- Q Did you make an affidavit to which you made your mark about the birth of this child? A Yes sir, I touched the pen.
- Q Was that affidavit read over to you? A He didn't read it over to me; he might have read it to the party I was in; I swore to it.
- Q In that affidavit it is stated that Frank Ruffin was born on the 10th day of May, 1901, and died on the 25th day of June 1901; is that correct? A I don't know; nosir, I didn't give him that-a-way; I didn't put it in that way.
- Q Did you give the Notary Public the dates of the birth and death of that child when he wrote the affidavit? A The papa and mama told it.
- Q I didn't ask that; did you? A No sir.
- Q Do you remember whether it was a dark night or a light night when he was born? A No sir.
- Q Wasn't you in and out of the house? A It wasn't born in the night time.
- Q Weren't you there the night before the child was born? A Yes sir.
- Q Wasn't you in and out of the house during the night? I was there in and out and I never took notice of the dark or light of the moon.
- Q What time in the day or night did the child die? A I don't know just about what time; I had a time piece too.
- Q Did the child die during the night? A No sir, between middle night and day.
- Q Were you in and out of the house the night the child died? A No sir I went to bed at that time come and papa stayed up with it and the old lady, my grandma.
- Q Have Walter and Nellie Ruffin a child younger than Frank? A Yes sir.
- Q When was that child born? A I don't know.
- Q Were you present when that child was born? A No sir; they lives about five miles from me.
- Q Did you hear of the birth of that child soon afterwards? A No sir.
- Q Now, I understood you to say a while ago that if Frank Ruffin had lived he would have been a year old last May? A Me?
- Q Yes. A No sir, I didn't say.
- Q If Frank Ruffin had lived how old would he be now? A Well, he would have been just a year old last May and this last May gone would have made him two years old.

Examination by Mr. Murphy:

- Q How do you know it was on the 25th day of May? A I don't know the day of the month but he counted it up for me after we was going to make this affidavit out and we counted up.
- Q Well, you are going by what they tell you? A Yes sir.

By the Commission:

Q What day of the week was he born on? A I don't know what day of the week he was born on; I waited on the girl too.

By Mr. Murphy:

Q As a matter of fact you don't know anything about the day of the month or anything except what they say about it? A I don't know; I waited on it as mid-wife, but to come to the day of the month I didn't know that when we went to make it out and when we counted up it was the 25th.

Q Then you are swearing from what they say? A Yes sir.

Q Well, the day you went to make out the affidavit you didn't know the day of the month? A Oh no.

Q Well, did he have to figure it up? A No sir, he didn't with me.

Q Did he with the Notary Public? A No sir.

Q What did he tell Dr. File there? A I don't know; I never paid no attention to it; I'm honest.

Q Well, what did Nellie, his wife, tell Dr. File about that?

A Well, to tell the truth he didn't question them like you do here and I just went as the mid-wife and that's all I done.

Q Have you talked with Walter lately about this matter? A No sir.

Q Did you say anything to him when you came up here to give in your evidence? A No sir.

Q Never said a word to him when you was on the road? A No sir, never was with him; he said he would meet me here.

Q Well, what did he tell you he wanted with you? A Wanted me to swear to that affidavit.

Q What did he state he wanted you to swear? A That I was the mid-wife.

Q Did he tell you what day or days it was born? A No sir.

Q Didn't he tell you not to forget it was on May 25, 1901? A No sir, he didn't tell me.

Q Do you remember when they made this affidavit before Dr. File figuring up and telling it was on the 10th of May? A No sir, the way I figured it up it was cold.

Q Aint it a fact that they just kind of guessed at it? A He knowed

Q You mean he said he knew? A Yes sir; I don't know; he was the father of it and I was just only the mid-wife and she was the mother and I didn't keep the day of the month.

Q Was it along about the last of the month the child was born?

A Well, I didn't notice the last or the first of the month.

Q Do you celebrate Emancipation Day every year? Do you go to the pic-nic on the 4th of August? A No sir.

Q Did you go the last 4th of August? A No sir, I aint been to a 4th the last 5 or 6 years.

Q Did you go to 4th of Julys? A I didn't go to them neither.

Q Do you know when they made the first treaty here? A Lord, man, no sir.

Q Over at Okmulgee? A No sir.

Q When this child was born what kind of work was they doing on the farm? A Ploughing ground; ploughing corn I mean.

Q How high was corn? A About two feet high; about so high; (showing with her hands.)

Q How was cotton? A Was planted and up.

Q In bloom? A No sir.

Q What kind of weather was it, wasn't it? A Yes sir, it was

thing was up..

Q I mean when the child was born? A Yes sir; it was warm.

Q Had it rained any on or about the time this child was born? A I never paid no attention.

Q Bidn't it rain a hard rain the night before? A Never paid no attention to it.

Q Do you know what year this is? A I know what year they call it. They call it 1903 something.

Q What year was last year? A 1901----- 1902.

Q What was the year before? A 1901.

Q You know what month this is? A This is September.

Q What day of the month? A I don't know.

Q Do you know what month last month was? A Yes sir.

Q What was that? A August.

Q What was the one before that? A It was July.

Q Then what month comes before that? A June.

Q Then what one before that? A May.

Q Do you know when New Years Day was in 1901? A No sir.

Q You remember there being a New Years don't you? A Yes sir.

Q How long was it after New Years till this child was born? A It was way long in the Spring.

Q Was it 4 or 5 or 6 months? A New Years is in January, aint it?

Q Well, how long was it? A A good long while; planting and every-thing was up; garden was all ripe; early garden peas and things was ripe.

Q Wasn't they laying corn by? A No sir; they wasn't laying nothing by; I don't do nothing but farm; I am telling you it wasn't.

Q Did they have radishes? A Yes sir, they had radishes, for they was early; peas wasn't quite ripe yet; they had lettuce.

Q Had any tomatoes? A They was green.

Q Wasn't ripe yet? A No sir.

Q Did they have any turnips? A No sir I didn't say turnips.

Q Did they have any potatoes? A Irish? Yes sir.

Q Was they in bloom? A No sir; they was up.

--

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on September 23, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 28th September, 1903.

Charles K. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, APRIL 5, 1905.

-ccOoc-

In the matter of the application for the enrollment of Frank Ruffins, deceased, as a Creek Freedman.

NELLIE RUFFINS, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Nellie Ruffins.
Q How old are you? A 23.
Q What is your postoffice address? A Redbird.
Q Are you the mother of Frank Ruffins? A I am.
Q Is he living or dead? A Dead.
Q How old was he when he died? A A little over three weeks old, I think.
Q Do you know when he died? A The 10th of May---10th of June.
Q Now which was it, the 10th of May or the 10th of June? A 10th of June.
Q How do you know it was the 10th of June, did you write it down in a book or anywhere? A Yes, in one of my albums.
Q Did you bring that with you? A No.
Q Were you not told to bring that bible in with you? A I do not remember---I remember him asking me if I had it written down.
Q Did you write that yourself? A Yes.
Q Did you write it with a pen, or pencil? A Pencil.
Q What did you write? A I wrote Frank Ruffins born May 25, died June 10th.
Q When did you write that down? A I wrote it down the year the baby was born 1901.
Q The same year? A Yes.
Q The same week? A No, not the same week.
Q How long afterwards? A I do not know exactly how long.
Q Do you know what day of the month this is? A Yes, 5th of April.
Q How do you know that? A I can tell by looking at the almanac.
Q Did you know the President was coming to town to-day? A Yes.
Q Did you hear anybody say that he was coming on the 5th? A The paper said he was coming on the 5th.
Q Is that how you know that this is the 5th? A I would know it by looking at the almanac any way.
Q How do you know it was the 25th day of May that your child Frank was born? A Because I know it was on that day.
Q Do remember anything about when the Creek Treaty was passed? A It passed in 1901.
Q Do you know what day of the month it passed? A May 25, I think.
Q Was Frank living when that Treaty was passed? A Yes.
Q Was he born before that? A No.
Q When was he born? A May 25.
Q Have you any children younger than Frank? A Yes.
Q What is the name of your child next to Frank? A Kyalyn.
Q When was she born? A November 17, 1902.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes.

Subscribed and sworn to before me this 5 day of April, 1905.

E. Phelps
Notary Public

En. 315.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, APRIL 11, 1905.

-ooOoo-

In the matter of the application for the enrollment of Frank Ruffins, as a Creek Freedman.

NELLIE RUFFINS, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

- Q What is your name? A Nellie Ruffins.
Q How old are you? A About twenty-three.
Q You have testified in this case before, have you not? A Yes.
Q Are you the mother of Frank Ruffins? A Yes.
Q When was Frank Ruffins born? A May 23rd.
Q What year? A 1901.
Q Is he living? A No.
Q When did he die? A June 10th.
Q What year? A 1901.
Q Did you put down the dates of his birth and death in a bible or anywhere? A I have the date of his birth but not the date of his death in that book.

Witness presents an album for the inspection of the Commission and, on the last page of it, fitted into a space intended for photos, is a card on which is written the following:

"The Birth of my children. Willie Ruffins Born Aug 25th 1899. Frank Ruffin Born May 25th, 1901. Everleaner Ruffin Born Nov 17th, 1902."

- Q When did you write that down? A I wrote that down in 1901 the two names there.
Q When did you write down Everleaner's name and the date of her birth? A In 1902.
Q Was Frank living when you wrote down about his birth? A No.
Q Then you wrote it down after he died? A Yes.
Q How long after? A I wrote his down when I wrote Willie's.
Q Was Frank living when you wrote down about his birth? A No.
Q How long after he died before you wrote that? A I do not know but it was after his death.
Q Why did you not write down about the death when you wrote about the birth, if he was already dead? A I never thought of it.
Q Did you ever write it in any other book before you wrote it in this album? A No.
Q You just wrote it in this book from memory then? A Yes, wrote it from recollection---from memory.
Q How do you remember the date that Frank Ruffins was born so well--do you remember anything special happening at that time? A No.

Ruffins.. #2.

- Q Do you remember when the Creek Treaty was passed? A It was passed in 1901.
- Q Do you remember hearing people talk about it at that time? A Yes.
- Q Did you hear anything about it the day Frank was born? A No. I don't appear to after that.
- Q About how long after? A I think it was the same week he died.
- Q How long did he live? A Sixteen days, I think, or a week and ten days.

From examination of the album it appears that it is used by the witness as a record book for family matters.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Zera Ellen Parrish

Subscribed and sworn to before me this
25th day of April, 1905.

Edwood Herring
Notary Public.

Copy

107-110
Creek No. 111

W.A.D.
Muskogee, Indian Territory, April 11, 1903.

J. P. Murphy,

National Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

April 13, 1903, Nellie Ruffins appeared before the Commission and made application for the enrollment of her deceased minor child, Frank Ruffins, as a Creek freedman.

You are further advised that the name of Nellie Ruffins is included in a schedule of Creek freedmen approved by the Secretary of the Interior, March 15, 1903.

From the testimony, it appears that said Frank Ruffins was born May 25, 1901, and lived about two weeks; from the affidavits of birth and death, made a part of the record in this case, it appears that said Frank Ruffins was born May 10, 1901, and died on June 25, 1901. The Commission is not satisfied as to the right of said child to enrollment.

You are hereby notified that the Creek Nation will be given a reasonable time within which to introduce such evidence as it may desire.

Respectfully,

Chairman.

S. D.

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

In the matter of the application for the enrollment of
Frank Ruffins, deceased, as a Creek Freedman.

DECISION.

The record in this case shows that on April 13, 1903, Nellie Ruffins appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child Frank Ruffins, deceased, as a Creek Freedman. Further proceedings were had September 23, 1903, April 5, and April 11, 1905.

The evidence shows that said Frank Ruffins, deceased, is a child of Nellie Ruffins, whose name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, Roll No. 2044.

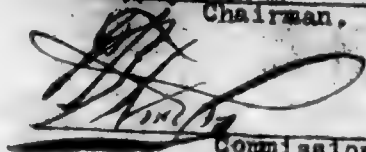
The evidence further shows that said Frank Ruffins, deceased, was born on May 25, 1901, and died June 10, 1901.

It is, therefore, the opinion of the Commission that said Frank Ruffins, deceased, should be enrolled as a Creek Freedman, in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

JUN 14 1905

Muskogee, Indian Territory, March 25, 1905.

Willie Ruffins,
Redbird, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your deceased child, Frank Ruffins, as a citizen of the Creek Nation, you are advised that the Commission desires further evidence in the case.

You are hereby notified that you will be allowed thirty days from date within which to introduce before the Commission at its office, in Muskogee, Indian Territory, additional testimony relative to the dates of the birth and death of said child, Frank Ruffins, and in the event that no further evidence be offered within the time specified the case will be adjudicated on the record now before the Commission.

Respectfully,

Chairman.

Register.

Muskegee, Indian Territory, April 6, 1906.

Nellie Ruffins,

Redbird, Indian Territory.

Dear Madam:

You are hereby notified that the Commission desires you to bring in, for its inspection, the album in which are written the dates of the birth and death of your child, Frank Ruffins, deceased. You will be allowed fifteen days from date within which to produce said record.

Respectfully,

Commissioner in Charge.

Register.

Muskogee, Indian Territory, June 26, 1902.

M. E. Holt,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Frank Ruffins, deceased, as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of that time, no protest has been filed, said Frank Ruffins, deceased, will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

AG-20-8

Chairman.

315
✓
Cr. T. 2000

Muskogee, Indian Territory, October 25, 1905.

Wollie Ruffins,

Care Walter Ruffins,

Red Bird, Indian Territory.

Dear Madam:

You are hereby advised that the name of your deceased minor child, Frank Ruffins, is contained in the partial list of Creek freedmen approved by the Secretary of the Interior October 17, 1905, and that application by the legal representative for the heirs of said child for a selection of land in the Creek Nation may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EU 316

CR EU 316

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Ind.Ter., April 13, 1903.

In the matter of the application for the enrollment of ~~Zadie Stidham~~ and her two minor children, Pearlie and Caroline Bruner, as Creek freedmen.

ZADIE STIDHAM, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A Zadie Stidham.
Q How old are you? A I am thirty-seven, born the year the war closed.
Q What is your post office address? A Bearden, Indian Territory.
Q Do you make application for the enrollment of yourself and your two minor children, Pearly and Caroline Bruner, as Creek freedmen?
A Yes, sir.
Q Where do you reside? A Live right close to Bearden.
Q Is that in the Creek Nation? A Yes, sir.
Q How long have you lived there? A I have lived there for eight years straight.
Q Where did you live before you moved there? A I lived further back west.
Q How long have you lived in the Creek Nation? A I have been there about twenty-one or twenty-two years.
Q Have you lived in the Creek Nation continuously for twenty-one years? A Yes, sir.
Q All the time? A Yes, sir.
Q Have your two children for whom you make application lived with you all their lives? A Yes, sir.
Q Does your name appear upon the Bush roll? A No, sir.

The roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867, examined, and the name of Zadie Stidham is not found thereon.

- Q Have you ever drawn any money from the Creek Nation? A Yes, sir.
Q When? A I drew the twenty-nine dollar payment.
Q Have you ever drawn any money for your two minor children, for whom you make application, from the Creek Nation? A Yes, sir.
Q When was it you drew that? A The twenty-nine dollar payment, I don't know what year that was.
Q Did your child, Pearly, ever go by any other name? A No, sir.
Q Was your child, Caroline, ever known by any other name? A Yes, sir; we called her nickname.
Q What was it? A Berthie or Birdie.

The 1891 Omitted supplemental pay roll (No.2) of the Creek Nation examined and the name of Zadie Stidham appears thereon at No. 1087, the name of "Pearly Stidham" appears thereon at No. 1088, and the name of "Birdie Stidham" appears thereon at No. 1090. Arkansas Town.

- Q Does your name, or the name of either of these children for whom you apply, appear upon the 1895 roll of the Creek Nation? A No, sir.

3 Lizzie Fisher, et al.

Lizzie Fisher, witness.

Q Have you ever drawn any money from the Creek Nation except the twenty-nine dollar payment for yourself and children? A None but the twenty-nine dollar payment.

The 1895 authenticated tribal roll of the Creek Nation and the 1895 Pay Roll and 1896 Omitted Roll of said nation, examined, and the names of none of the applicants appear thereon.

- Q Are you the mother of Pearly and Caroline Bruner? A Yes, sir.
Q What is the name of their father? A Ramsey Bruner.
Q Is he a citizen of the Creek Nation? A No, sir; he is a Seminole.
Q Have these children been enrolled as citizens of the Seminole Nation? A No, sir.
Q Has any application been made for their enrollment as citizens of the Seminole Nation? A No, sir.

The 1895 roll of doubtful citizens of the Creek Nation examined and the names of none of the applicants appear thereon.

- Q Why was it that you didn't draw money for yourself and your children at the fourteen dollar payment? A Well there was another woman that claimed to be me, and wasn't me, it wasn't my name, but there was some kind--Charley Roberts thought he knowed me and he didn't know me, and the woman he gave the money to, it wasn't me.
Q Did you ever make application to the Commission to the Five Civilized Tribes, under the act of June 10, 1896, for admission to citizenship in the Creek Nation? A Don't know anything about that.

List of persons admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes under the act of June 10, 1896, examined, and the names of none of the applicants herein found thereon.

- Q Did you apply to what is known as the Colbert Citizenship Commission to have yourself and your said two children admitted as citizens of the Creek Nation? A No, sir; after that, I told that man to have us placed back on the roll, and he said he would. He was to have us put back, and he never did.

List of persons admitted to citizenship in the Creek Nation by the Creek Citizenship Commission examined and the names of none of said applicants herein are found thereon.

Witness excused.

LIZZIE FISHER, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A My name is Lizzie Fisher.
Q Are you a citizen of the Creek Nation? A All my days, yes sir.
Q Have you filed on your allotment in the Creek Nation? A Yes, sir.
Q How old are you? A I don't know how old I am.
Q Well about how old are you? A I never kept my age at all.
Q What is your post office address? A Muskogee.

(By the Commission): Witness appears to be about fifty or fifty-five years of age.

The records of the Commission examined and it appears therefrom that Lizzie Fisher is regularly enrolled on Creek Freedman Card Field No. 912, approved roll No. 3483.

Zadie Stidham, et al.

Mrs. Fisher, Witness.

Examination by the Commission.

Q Do you know the applicant, Zadie Stidham? A Yes, sir.
Q How long have you known her? A Known her when she was a little
Q Is she any kin to you? A A sister.
Q Is she your full sister? A One father.
Q Same father but different mother? Is that it? A Yes, sir.
Q Has she some children? A Yes, sir.
Q What are their names? A Maggie, Pearly, Berthie, Caroline,
but then Caroline is the same name.
Q Same name as what? A Berthie.
Q Do you know whether she drew the twenty-nine dollar payment
or not? A Yes, sir; I know she drew it.
Q Did she also draw for those children you have named? A Yes, sir.
Q Do you know why her name was left off the roll when they made
the fourteen dollar payment? A I don't know; neglecting of the
officers, that is all I could tell you.
Q Now in her examination, she testified that they got her mixed up
in some way with another woman; do you know anything about that?
A Yes, sir; they construed her name wrong, they took another woman's
name and gave it to her.
Q Do you know why the names of her children were left off that
roll? A Well, when the mother left off, they left the children
off, they always with their mother, and when they left her name
off they left the children, Yes sir.
Q How long has Zadie Stidham been living in the Creek Nation?
A She been living there in the Creek Nation ever since she was a
little bit of girl, brought up in the Creek Nation.
Witness excused.

ZADIE STIDHAM, BEING RECALLED, testified as follows:

EXAMINATION BY THE COMMISSION,

Q Are there any other statements you desire to make in the matter
of your application at this time for the enrollment of yourself and
your two minor children, Pearlle and Caroline Bruner, as Creek
freedmen? A Wanted to get us put back on the roll and see if we
could get our rights.

COMMISSION TO APPLICANT:

You will be furnished at a later date with a copy of the decision
of the Commission in the matter of the application made by you at
this time for the enrollment of yourself and your two minor children,
Pearly and Caroline Bruner, as Creek freedmen, which will be made
known to you at your proper post office address, as given by you in
your testimony taken at this time.

Witness excused.

Oliver C. Hinkle, having been duly sworn, upon his oath states
that, as stenographer for the Commission to the Five Civilized Tribes,
he reported the proceedings had in the above entitled cause on the
13th day of April, 1903, and that the foregoing is a full, true and
correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of April, 1903,
at Muskogee, Indian Territory.

Oliver C. Hinkle

Edward H. Hinkle
Notary Public.

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

In the matter of the application for the enrollment of
Zadie Stidham and her two minor children, Pearlle and Caroline
Bruner, as Creek freedmen.

D E C I S I O N.

The record in this case shows that on April 13, 1903,
Zadie Stidham appeared before the Commission at Muskogee, Indian
Territory, and made application for the enrollment of herself and
her two minor children, Pearlle and Caroline Bruner, as Creek
freedmen.

The evidence shows that all the applicants herein are
identified on the 1891 supplemental pay roll, No. 2, of the Creek
Nation, and that their names are not found on the 1895 doubtful
roll of said nation.

The evidence further shows that the said Zadie Stidham
had resided in the Creek Nation for twenty-one years at the date
of the application herein, and that Pearlle and Caroline Bruner
had resided in said nation all their lives.

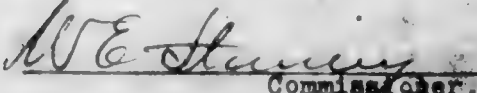
It is, therefore, the opinion of this Commission that
Zadie Stidham, Pearlle Bruner and Caroline Bruner should be enrolled
as Creek freedmen in accordance with the provisions of the acts
of Congress, June 28, 1898 (30 Stat., 495), and March 1, 1901 (31
Stat., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

OCT 22 1903

Muskogee, Indian Territory, May 2, 1903.

J. Murphy,

National Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

April 13, 1903, Edie Byrd appeared before the Commission and made application for the enrollment of herself and her two minor children, Pearlis and Carlisle Byrd, as Creek Freedmen. A copy of the testimony is inclosed.

The Creek Nation will be allowed a reasonable time within which to submit such evidence in the case as it may desire.

Respectfully,

Chairman.

OCH-40.

Mustang, Indian Territory, October 8, 1906

Commissioner in Charge,
General Land Office,
Tulsa, Indian Territory.

Sir:

There is enclosed herewith for your consideration the
report and decision prepared thereon in the following cases:

No. 171. George Wood, et al.
No. 268. Annie Roberts
No. 81. Eva Adams
No. 82. Nancy Taylor
No. 83. Frank Stinson
No. 84. Nancy Jones, et al.
No. 99. Walter Lewis, et al.
No. 266. Emma Boyd, et al.
No. 267. Sarah Beckwith
No. 267. Willie Crawford
No. 218. Maggie Stinson, et al.
No. 218. Robert Lane
No. 278. Martha Brady
No. 299. Graven Bruner.

Respectfully,

Chairman.

Cr. No. 316.

Muskogee, Indian Territory, October 23, 1903.

A. P. Murphy,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith one copy of the decision of the Commission in the matter of the application for the enrollment of Eddie Stidham and Caroline and Pearlle Bruner as Creek Freedmen.

The Creek Nation will be allowed twenty days from the date hereof within which to protest against said decision.

Respectfully,

Commissioner in Charge.

Enc. HGH-23d.

8810
Op. No. 316.

Muskogee, Indian Territory, November 18, 1903.

Edna Stidham,

Bearden, Indian Territory.

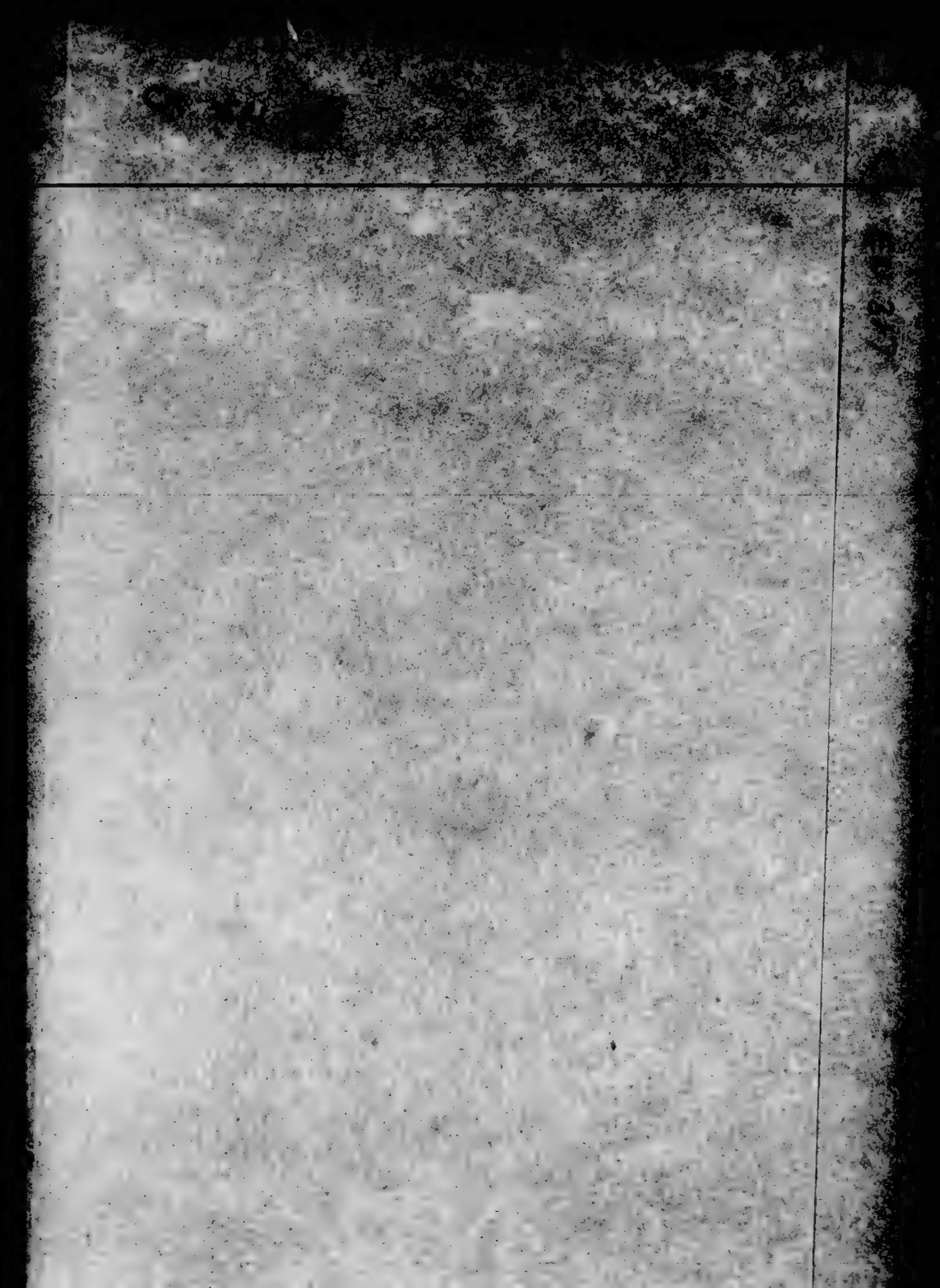
Dear Madam :

In the matter of the application made by you for the enrollment of yourself and your minor children, Caroline and Pearl Bruner, you are advised that you and your said minor children have been regularly listed for enrollment as citizens of the Creek Nation.

You are further advised that you will be permitted to make application for a selection of land for yourself and your children in the Creek Nation.

Respectfully,

Chairman.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., April 18, 1903.

In the matter of the application of Mack Harred for the enrollment of his minor child, Willie Harred, as a Creek Freedman.

APPEARANCES: Beasj. Martin, Jr., Attorney for applicant.

MAC K HARRED, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Mack Harred.
Q What is your age? A Twenty-four.
Q What is your post office address? A Ridge.
Q Are you a citizen of the Creek Nation? A Yes, sir.

Freedman
The records of the Commission examined and it appears therefrom that Mack Harred is regularly enrolled on Creek Indian Card Field No. 641, approved roll No. 2454.

Upon examination of the 1890 authenticated tribal rolls of the Creek Nation, the name of Mack Harred is found enrolled thereon at page No. 161. *North Fork town.*

An examination of the 1895 Pay Roll of the Creek Nation shows that Mack Harred is enrolled thereon at No. 309. *North Fork town.*

- Q Where do you reside? A A mile and a half this side of Ridge.
Q In the Creek Nation? A Yes, sir.
Q How long have you lived in the Creek Nation? A Been here all my life, never been out of the Creek Nation.
Q For whom do you now make application for enrollment? A Willie Harred.
Q How old is he? A Eight years old.
Q What is the name of the father of Willie Harred? A Mack Harred.
Q What is the name of his mother? A Elisabeth Harred.
Q Is she a citizen of the Creek Nation? A Yes, sir; she is making her application to file now.
Q What is the name of her father? A Mose Cobb.
Q What is the name of her mother? A Nancy Taylor.
Q How old is Elisabeth Harred? A Twenty-three.

The roll of Creek freedmen made by J. W. Dunn, prior to March 14, 1867, examined, and neither the father nor mother of Elisabeth Harred is identified thereon.

The tribal rolls of the Creek Nation now in the possession of the Commission examined and Elisabeth Harred is not identified thereon.

- Q Has any money ever been drawn from the Creek Nation for Willie Harred? A No, sir.

The 1895 authenticated roll of the Creek Nation examined and the name of Willie Harred, son of Mack Harred, not found thereon.

- Q Are you married to Elisabeth Harred? A Yes, sir.
Q Was you married to her before or after the birth of Willie Harred? A After the birth of Willie Harred.
Q To what town in the Creek Nation do you belong? A North Fork Town.

3 Willie Harred.

Mack Harred, witness.

Examination by the Commission.

Q Was you living with your present wife, Elizabeth, when Willie Harred was born? A No, sir.

Q When was you married to her? A I was married to her in 1895.

~~Q What year was Willie Harred born? (No response).~~

Q Where were you living when Willie Harred was born? A I was living on Pukkon Creek.

Q Where was your present wife living? A She was living out on Cane Creek.

Q How far from where you lived? A About eight miles.

Q How long had you been living on Pukkon Creek when Willie Harred was born? A I have been living there all my life on Pukkon Creek.

Q How long had your present wife, Elizabeth, been living on Cane Creek when Willie Harred was born? A She been living there all her life.

Q Did you and your present wife, Elizabeth Harred, live together as man and wife before you were married? A No, sir.

Q Did you know and recognize Willie Harred as your child at the time of his birth? A Yes, sir.

Q Have you always since that time owned and recognized him as your child? A Yes, sir.

EXAMINATION BY BENJ. MARTIN, JR.

Q At the time of the birth of Willie Harred, were you married or single? A I was single.

Q Have you ever been married to any other person except your present wife, Elizabeth Harred? A Never was married until I married her.

Q Did she have any other husband at the time Willie Harred was born? A No, sir.

Q You are the only husband that she has ever had? A Yes, sir.

Q How long had you known her before Willie Harred was born?

A Well I couldn't exactly tell, but then it had been a good while.

Q Did you and she know each other when you were children?

A No, not exactly--well I knowed her but she didn't know me; she had forgot me.

Q Was it more than a year that you and she knew each other before he was born? A Yes, sir.

Q How much longer than that? A Been about four years, I guess; it had been a good while before Willie was born.

Q Then you and she had known each other well for at least four years before Willie was born? A Yes, sir.

Witness excused.

RECESS, from 12, noon, until 2 p.m.

MACK HARRIED, BEING RECALLED, testified as follows:

EXAMINATION BY BENJ. MARTIN, JR.:

Q Has Willie Harred been attending school? A Yes, sir.

Q What school has he attended? A Sugar Creek School.

Q Is it a Creek school? A Yes, sir.

Q Is it what is known as a neighborhood school? A Yes, sir.

Q Are only children of citizens of the Creek Nation admitted to these schools? A Yes, sir.

Q Nobody but Creeks can attend those schools? A Well I guess they could if they would pay, but there weren't any but Creeks going there.

Q Did you have to pay anything for Willie? A No, sir; not anything.

Willie Harred.

Mack Harred, witness.

Examination by the Commission.

Q Is that school supported by the Creek government? A Yes, sir.
Q Have you always recognized Willie Harred as your child since his birth? A Yes, sir.
Witness excused.

ELIZABETH HARRED, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A Elizabeth Harred.
Q What is your age? A Twenty-three.
Q What is your post office address? A Ridge.
Q Do you know Willie Harred? A Yes, sir.
Q Are you his mother? A Yes, sir.
Q Who is his father? A Mack Harred.
Q How old is Willie Harred? A Eight years old.
Q Was he born before you were married to Mack Harred? A Yes, sir.
Q Has Willie Harred always lived with you since his birth? A Yes, sir.
Q Has Mack Harred owned and recognized Willie Harred as his child ever since the child's birth? A Yes, sir.
Q When were you and Mack Harred married? A I don't know, sir, what time in the year.
Q Well about how many years ago? A It is about four years, I guess.
Q Have you lived together ever since? A Yes, sir.
Q And this child, Willie Harred, has lived with you? A Yes, sir.
Witness excused.

MACK HARRED, BEING RECALLED, testified as follows:

EXAMINATION BY THE COMMISSION.

Q Are there any other statements you desire to make in regard to the application made by you at this time for the enrollment of your child, Willie Harred, as a citizen of the Creek Nation? A No, sir.

COMMISSION TO APPLICANT:

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of your minor child, Willie Harred, as a citizen of the Creek Nation, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Witness excused.

Oliver C. Hinkle, having been duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 13th day of April, 1903, and that the above, and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle

Subscribed and sworn to before me this 18th day of April, 1903, at Muskogee, Indian Territory.

Edward Newberry
Notary Public

8873
No. 517.

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

In the matter of the application for the enrollment of Willie Harred as a Creek freedman.

DECISION.

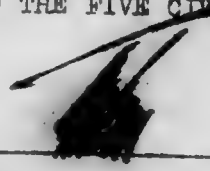
The record in this case shows that on April 13, 1903, Mack Harred appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Willie Harred, as a Creek freedman.

The evidence shows that said Willie Harred was about eight years old and living at the date of the application herein.

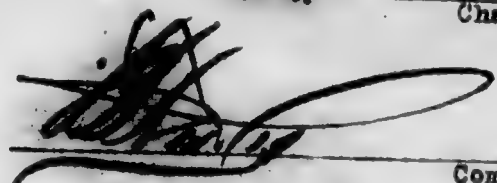
The evidence further shows that he is the child of Mack Harred whose name is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 13, 1902, No. 2454.

It is, therefore, the opinion of the Commission that Willie Harred should be enrolled as a Creek freedman in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and it is so ordered.

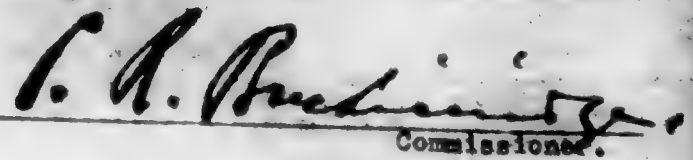
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, I.T.

July 17, 1904

188-1-6-71

Mustang, Indian Territory, Nov 3, 1903

P. Murray

National Attorney For Greek Nation,
Mustang, Indian Territory

Sir:

April 13, 1903, Mack Harred appeared before the Commission and made application for the enrollment of his minor child, Willie Harred, as a Greek freedman. A copy of the testimony is inclosed.

The Greek Nation will be allowed a reasonable time within which to submit such evidence in the case as it may desire.

Respectfully,

Chairman.

DCH-41.

RECORDED

MUSKOGEE NATION,

C O P Y.

A.C.S.

A. P. Murphy,

National Attorney.

Muskogee, Indian Territory, July 23, 1903.

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

Gentlemen:

On April 13th, 1903, Mack Harred appeared before the Commission and made application for the enrollment of his minor child, Willie, as a Creek freedman, the same being given number 317.

The Creek Nation was not represented in this matter and had no opportunity to cross examine the witness therein and I would respectfully ask that the said Mack Harred be required to appear before the Commission at a date named by you, that he may be cross examined by the Creek Nation in relation to the matter at issue.

Very truly,

A. P. MURPHY,

National Attorney.

28/10

No. 317

Muskogee, Indian Territory, September 17, 1905.

Wook Harred,

Ridge, Indian Territory.

Dear Sir:

In the matter of the application made by you for the enrollment of your minor child, Willie Harred, as a citizen of the Creek Nation, you are required to appear before the Commission at its Office at Muskogee, Indian Territory, for the purpose of being examined further concerning the right to enrollment of said child.

Respectfully,

Chairman.

Registered.

107
M. W.
Muskogee, Indian Territory, July 12, 1904.

M. D. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Willie Harred as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Willie Harred will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

HGH-3-12.

Muskogee, Indian Territory, January 4, 1906.

Mack Harred,

Ridge, Indian Territory.

Dear Sir:

You are advised that the name of your son, Willie Harred, is contained in a partial list of Creek Freedmen, approved by the Secretary of the Interior on December 24, 1904, and that application for a selection of land in the Creek Nation may now be made for him at the office of the Commission, at Muskogee, Indian Territory.

Respectfully,

Chas. Ross.

318

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskeget, Ind.Ter., April 18, 1903.

In the matter of the application of Josephine Vann for the enrollment of herself and her four minor children, Jesse Vann, Moses Vann, Sussie Vann and David Vann, as Creek freedmen.

APPEARANCES: Benj. Martin, Jr., Attorney for applicants.

JOSEPHINE VANN, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Josephine Vann.
Q What is your age? A Twenty-eight.
Q What is your post office address? A Coweta.
Q Do you make application for enrollment as a Creek freedman?
A Yes, sir.
Q What is the name of your father? A Mose Cobb.
Q Is he living or dead? A He is dead.
Q Was he a citizen of the Creek Nation? A No, sir.
Q Did he ever draw any money from the Creek Nation? A No, sir.
Q Does his name appear upon the Dunn roll? A No, sir; not as I knows of.

The roll of Creek freedmen made by J. W. Dunn prior to March 14, 1897, examined, and the name of Mose Cobb is not found thereon.

- Q How long has your father been dead? A I don't know, sir, but he has been dead a good while ago, long time, I couldn't tell you what time.
Q Did he die when you was a child? A I was quite grown.

The tribal rolls of the Creek Nation in the possession of the Commission examined and the name of Moses Cobb is not found on any of said rolls.

- Q What is the name of your mother? A Nancy Cobb, but her name is Taylor now.
Q Is she living? A Yes, sir.
Q Does her name appear on the Dunn roll? A I don't know.

The roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867, examined, and the name of the mother of applicant is not found thereon.

- Q Did your mother ever draw any money from the Creek Nation?
A I don't know.

in the possession of the Commission
The tribal rolls of the Creek Nation examined the name of the mother of the applicant herein is not identified on any of said rolls.

- Q Did you ever draw any money from the Creek Nation? A No, sir.
The tribal rolls of the Creek Nation in the possession of the Commission examined and the name of the applicant is not found thereon.

- Q Have you some minor children for whom you wish to make application?
A Yes, sir.

3 Josephine Vann, et al.

Josephine Vann, witness.

Examination by the Commission.

Q What are their names and ages, beginning with the eldest? A My oldest child is named Jesse Vann, 8 years old; Moses Vann, about 6; Susie Vann, about 4; David Vann, 3.

Q When was David born? A I couldn't tell you when he was born.

Q Is he more than two years, or less than two years old? A Over two.

Q Is he two years old today? A Was two years old some time this month; don't know the date.

Q What is the name of the father of these children? A Wesley Vann.

Q Is he a citizen of the Creek Nation? A No, sir.

Q Is he a citizen of any nation in the Indian Territory? A Cherokee.

Q Have you ever made application to the Commission for the enrollment of yourself and these children as Cherokee citizens? A No, sir; I didn't.

Q Has Wesley Vann ever made application to the Commission for the enrollment of these minor children of yours as Cherokee citizens?

A Not as I knows of.

Q Are you and Wesley Vann married? A Yes, sir.

Q How long have you been married? A We have been married now--long ago, but I couldn't tell you how long it has been.

Q Has Wesley Vann applied to the Commission to have himself enrolled as a citizen of the Cherokee Nation? A Yes, sir.

Q You don't know whether he applied for these children or not?

A No, sir; not as I knows of.

Q Did he ever tell you whether he had or had not? A No, sir.

Q Where do you reside? A I lives on the other side of the river, we call it Broken Arrow.

Q Do you live in the Creek Nation? A Yes, sir.

Q Does Wesley Vann live with you in the Creek Nation?

A Yes, sir.

Q How long has he lived there? A All his life till up to now. He raised with the Creeks, raised right amongst them.

Q Does he make any claim to be a citizen of the Creek Nation?

A No, sir; not as I knows of.

Q You make application for the enrollment of these minor children through you, and not through their father? A Through me.

Q Were you, your father or your mother ever admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes, under the act of Congress of June 10, 1896? A No, sir.

List of persons admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896, examined, and neither the name of the applicant, nor her father or mother are found thereon.

Q Were you, your father or your mother ever admitted to citizenship in the Creek Nation by the Creek Citizenship Commission, under the act of the Creek National Council approved May 30, 1898, commonly known as the Colbert Citizenship Commission? A No.

List of citizens of the Creek Nation admitted by the Creek Citizenship Commission examined and the names of the applicant, her father or her mother, not found thereon.

Q Were you, your father or your mother, ever admitted to citizenship in the Creek Nation upon an appeal to the United States court from a decision of the Commission to the Five Civilized Tribes or the Creek tribal authorities, under the provisions of the act of June 10, 1896? A No, sir.

The records of the United States court for the Northern District of Indian Territory examined and it does not appear

3 Josephine Vann, et al.

Josephine Vann, witness.

Examination by the Commission.

therefrom that the applicant, her father or her mother, were ever admitted to citizenship in the Creek Nation by a judgment of said court.

Q How long have you lived in the Creek Nation? A All my life.
Q You don't claim to be a full blooded Creek Indian? A No, sir.
Q Are there any other statements you desire to make in the matter of the application made by you at this time for the enrollment of yourself and your four said minor children as Creek freedmen?
A No, sir.

COMMISSION TO APPLICANT:

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of yourself and your four minor children, Jesse Vann, Moses Vann, Susie Vann and David Vann, as Creek freedmen, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.
Witness excused.

Oliver C. Hinkle, having been duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 18th day of April, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of April, 1903,
at Muskogee, Indian Territory.

Oliver C. Hinkle

Edward Mervin
Notary Public.

JJB

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

In the matter of the application for the enrollment of Josephine, Jesse, Moses, Susie and David Vann, as Creek freedmen.

D E C I S I O N.

The record in this case shows that on April 18, 1903, Josephine Vann appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her four minor children, Jesse, Moses, Susie and David Vann, as Creek freedmen.

The evidence shows that the principal applicant was twenty-eight years old at the date of the application herein; that she is the daughter of Mose Cobb and Nancy Taylor, and that the father of her said minor children is Wesley Vann, a noncitizen of the Creek Nation.

It does not appear from the evidence that said Mose Cobb and Nancy Taylor, or either of them, are identified on the roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867; nor does it appear that said Josephine Vann, her said minor children or either of her parents, are identified on any of the tribal rolls of the Creek Nation in the possession of the Commission; nor does it appear that they, or any of them, have ever been admitted to citizenship in the Creek Nation by the tribal authorities of said nation, nor by the Commission to the Five Civilized Tribes, or the United States court in Indian Territory, in accordance with the act of Congress, June 10, 1896 (29 Stat. L., 321).

The act of Congress, May 31, 1900 (31 Stat. L., 221), provides:

"That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final, when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Josephine Vann, Jesse Vann, Moses Vann, Susie Vann and David Vann, are not citizens of the Creek Nation and duly and lawfully enrolled or admitted as such, and that said Commission is without authority to receive, consider or make any record of their application for enrollment as such, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this 13 day of July, 1903.

Copy

885
Creek No. 316.

Muskogee, Indian Territory, July 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Josephine Vann and her four minor children, Jesse Vann, Moses Vann, Susie Vann and David Vann, as Creek freedmen, including the decision of the Commission, dated July 13, 1903, denying said application.

Respectfully,

Commissioner in Charge.

OCH-30.

Through the Commissioner of
Indian Affairs.

Copy

JFB

Creek No. 318.

Muskogee, Indian Territory, July 14, 1903.

Josephine Vann,
 Cowata, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself and your four minor children, Jesse Vann, Moses Vann, Susie Vann and David Vann, as Creek freedmen.

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

Respectfully,

Commissioner in Charge.

OCH-27.

Register.

Muskogee, Indian Territory, July 14, 1903.

Wm. J. Martin, Jr.,

Attorney for Josephine Vann, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Josephine Vann and her four minor children, Jesse Vann, Moses Vann, Susie Vann and David Vann, as Creek freedmen.

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

Respectfully,

Commissioner in Charge.

JTB

Great B. 22

Muskogee, Indian Territory, July 14, 1903.

A. P. Murphy,
National Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Josephine Vann and her four minor children, Jesse Vann, Moses Vann, Susie Vann and David Vann, as Creek freedmen.

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

Respectfully,

Commissioner in Charge.

OCH-29.

DEPARTMENT OF THE INTERIOR
Office of Indian Affairs.

Reply in reply to
the following:
Land
44843-1903.

Washington, Sept. 5, 1903.

(Copy)

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Josephine Vann for the enrollment of herself and her four minor children, Jesse, Moses, Susie, and David Vann, as Creek freedmen.

On July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that the principal applicant was 28 years old at the date of the application herein; that she is the daughter of Mose Cobb and Nancy Taylor, and that the father of her said minor children is Wesley Vann, a noncitizen of the Creek Nation.

The Commission further finds that it does not appear from the evidence that the said Mose Cobb or Nancy Taylor are identified on the roll of Creek freedmen made by J. W. Dunn, prior to March 14, 1867, or that the said Josephine Vann or any of her said minor children has ever been recognized or enrolled as a citizen of the Creek Nation by any duly constituted legal authority.

It further appears from said decision that this application was made on April 18, 1903.

By reason of the foregoing facts the Commission is of the opinion that it is without authority to receive, consider, or make any record of this application under the provisions of the Act of Congress approved May 31, 1900 (31 Stats., 221).

The office has examined the record evidence submitted in behalf of these applicants and considers said finding of facts by the Commission in accordance therewith, and, therefore, recommends that said

to be referred to the Department.

Very respectfully,

W. A. Jones,

Commissioner.

WBJ/LKS

DEPARTMENT OF THE INTERIOR

Washington,

WHR.

L. R. S.

September 15, 1903.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application of Josephine Vann, for the enrollment of herself and minor children, Jesse, Moses, Susie and David Vann, as Creek freedmen (Creek En. 318), received with your letter of July 14, 1903, and the Commissioner of Indian Affairs' letter of September 5, 1903.

At the time of the application in this case, the principal applicant was twenty-eight years of age. She is the daughter of Mose Cobb and Nancy Taylor.

The father of said children is Wesley Vann, a non-citizen of the Creek Nation.

It does not appear that either Mose Cobb or Nancy Taylor are identified upon the roll of Creek freedmen made by J. W. Dann, prior to March 14, 1867, nor does it appear that Josephine Vann, her said minor children, or either of her parents, are identified upon either of the tribal rolls of the Creek Nation in your possession, nor does it appear that they, or any of them, have ever been admitted to Creek citizenship.

Referring to the act of May 31, 1900 (31 Stats., 221), you rejected the application July 13, 1903.

The Commissioner of Indian Affairs recommends that your decision be concurred in.

Finding no reason to disturb your decision it is hereby affirmed.

A copy of the Commissioner's report is inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary.

Enclosure.

Cr. No. 318.

Muskogee, Indian Territory, October 16, 1903.

Josephine Vann,

Coweta, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of September 16, 1903, affirmed the decision of the Commission to the Five Civilized Tribes, dated July 13, 1903, denying the application made by you for the enrollment of yourself and your four minor children, Jesse, Moses, Susie and David Vann, as Creek Freedmen.

Respectfully,

Commissioner in Charge.

Registered.

Dr. Mr. 218.

Muskogee, Indian Territory, October 15, 1903.

Benjamin Martin, Jr.,
Attorney for Josephine Vann,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of September 18, 1903, affirmed the decision of the Commission to the Five Civilized Tribes, dated July 13, 1903, denying the application made by Josephine Vann for the enrollment of herself and her four minor children, Jesse, Moses, Susie and David Vann, as Creek Freedmen.

Respectfully,

Commissioner in Charge.

675-221-212

Muskogee, Indian Territory, October 16, 1903.

A. P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior under date of September 18, 1903, affirmed the decision of the Commission, dated July 13, 1903, denying the application made by Josephine Vann for the enrollment of herself and her four minor children Jesse, Moses, Susie and David Vann, as Creek Freedmen.

Respectfully,

Commissioner in Charge.

50 319

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind.Ter., October 18, 1902.

In the matter of the application of Grant Johnson for the enrollment of his minor child, Ottie Johnson, as a Creek Indian.

Thomas Sango, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Thomas Sango.
Q What is your age? A Thirty-five.
Q What is your post office address? A Catoosa.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know Grant and Katie Johnson? A Yes, sir; I have staid with them.
Q Have they got a son by the name of Ottie Johnson? A Yes, sir.
Q You say you live with Grant Johnson? A Yes, sir.
Q How old is Ottie Johnson? A He is about two years old.
Q Is he walking? A Trying to walk.
Q Does he talk? A No.
Q When was Ottie Johnson born? A April 6th, 1901.
Q Do you know the nature of an oath? A Yes, sir.
Q Do you know what the consequences are if you swear to something that is not true? A Yes, sir.
Q What are the consequences? A Consequences are punishment.
Q Do you know that you are liable to imprisonment in the United States penitentiary? A Yes, sir.
Q How do you know that Ottie Johnson was born on April 5, 1901?
A Because I was there, staid there.
Q Do you work for Grant Johnson? A Yes, sir.
Q What were you doing at that time? A Well, I was putting up some wire fence.
Q Were you ploughing? A Yes, sir.
Q Can you swear positively that Ottie Johnson was born on the 5th day of April, 1901? A Yes, sir.
Q Please state the names of some of the neighbors who live near to Grant Johnson. A Old man Jake Roberts, Joe Primus, Charley Roberts, Jack O. Roberts.
Q Are they colored men? A Yes, sir.
Q Any white men live near neighbors? A No, sir.
Q Do you live with Grant Johnson now? A Yes, sir.

Oliver C. Hinkle, being first duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause on the 15th day of October, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings, had on said date.

Oliver C. Hinkle

Subscribed and sworn to before me this 16th day of October, 1902, at Muskegee, Indian Territory.

W. A. Powell
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind.Ter., October 16, 1902.

In the matter of the application of Grant Johnson for the enrollment of his minor child, Ottie Johnson, as a Creek freedman.

Grant Johnson, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Grant Johnson.
Q What is your age? A Thirty-seven.
Q What is your post office address? A Catoosa, I.T.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.
Q What is the name of your wife? A Katie Johnson.
Q Has she been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Grant and Katie Johnson are listed for enrollment as citizens of the Creek Nation on Creek Freedmen Card, Field No. 946.

- Q For whom do you now make application for enrollment? A Ottie Johnson.
Q Is he living? A Yes, sir.
Q Are you the father of Ottie Johnson? A Yes, sir.
Q What is the name of the mother of Ottie Johnson?
A Katie Johnson.
Q She is your wife? A Yes, sir.
Q How old is Ottie Johnson? A About a year and six months old.
Q Is he a year and six months old? A Yes, sir; a little better than that.
Q When was he born? A He was born the 5th day of April, 1901.
Q Were you at Okmulgee during the session of the Creek Council in 1901? A No, sir.
Q Have you got a child by the name of Ruthie Johnson? A Yes, sir.
Q Is she living? A Dead.
Q Why did you not file a birth affidavit with the Commission until a day or so ago, in the matter of the application for the enrollment of your son, Ottie Johnson? A Why it was talked and said always telling me, couldn't be enrolled.
Q Who told you that? A Several parties told me that.
Q Did the Commission ever tell you that? A No, sir; the Commission never said that, but I heard some of the officers of the Council saying that, they had lots of folks believing that for a while, and I didn't put myself to any trouble after I heard them talking about it that it couldn't be enrolled.
Q Who is the member of Council from your section? A Joe Primus is one of them.
Q Did he attend the Council in May, 1901? A I don't know whether he was an officer then or not--I disremember whether he was an officer but I think he is an officer now, a member of Council.
Q Is Joe Primus a neighbor of yours? A Well, he lives about two miles and a half from me.
Q Please state the names of some of your neighbors. A Old man C. S. Cooper, Will Rogers here, Jake Roberts, Lon Ward.
Q Does Charley Roberts live near you? A He lives about two or three miles from me.

Subscribed and sworn to before me this 16th day of October, 1902,
at Muskogee, Indian Territory.

H. B. Brown
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind.Ter., October 16, 1902.

In the matter of the application of Grant Johnson for the enrollment of his minor child, Ottie Johnson, as a Creek freedman.

Will Rogers, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A Will Rogers.
- Q What is your age? A Twenty-three.
- Q What is your post office address? A Catoosa.
- Q Are you a citizen of the Creek Nation? A No, sir.
- Q Do you know Grant and Katie Johnson? A Yes, sir.
- Q Have they a child by the name of Ottie Johnson? A Yes, sir.
- Q How near do you live to them? A About three-quarters of a mile, I guess.
- Q Do you know when Ottie Johnson was born? A Yes, sir.
- Q When was he born? A On the 5th day of April, 1901.
- Q How do you know that Ottie Johnson was born on the 5th day of April, 1901? A Why, Mr. Johnson came over home for me that night and got me to go for the granny woman.
- Q Well, did you keep a record of when Mr. Johnson came to your house? A Yes, sir.
- Q What kind of a record did you keep? A Just kept it in my mind.
- Q Isn't it a matter of fact that Mr. Johnson told you it was born on the 5th of April, 1901? A Yes, sir.
- Q Isn't that all you know about it? A Yes, sir.
- Q When did you first see the baby? A I seen it the next morning when I went over there.
- Q Were you working at that time? A Yes, sir.
- Q What kind of work were you doing? A I was fixing a lot.
- Q Do you work on a farm? A Yes, sir.
- Q Do you raise cotton and corn? A Yes, sir.
- Q Were you working in your crops at that time? A No, sir; I wasn't working my crops at that time, I was fixing up my lot there.
- Q What condition were your crops in at that time? A I don't know.
- Q Were you picking cotton? A No, sir.
- Q Was cotton ready to pick? A I don't know.
- Q You know, though, the exact date this child was born? A Yes, sir; because I remember the time Mr. Johnson came over there that night and said he didn't have any horse up.
- Q But you can't remember whether cotton was ready to pick or not? A No, sir.
- Q Did you raise any cotton that year? A No, sir; I raised corn.
- Q How high was corn that year? A I don't know; I don't pay hardly any attention to the months.
- Q Was it in the summer or fall when Mr. Johnson came over there to your house? A It was kind of in the summer like, because it hadn't got cold at all.
- Q Well, was it early in the summer or late in the summer? A I think it was kind of late in the summer.
- Q Do you know the nature of an oath? A Yes, sir.
- Q Do you know that if you swear to something that is not true, that you are liable to be imprisoned in the United States penitentiary? A Yes, sir.

115

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W. A. Rorer
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind.Ter., May 16th, 1903.

SUPPLEMENTAL TESTIMONY In the matter of the application of Grant Johnson for the enrollment of his minor child, ^{Artie} ~~Ottie~~ Johnson, as a Creek freedman.

APPEARANCES: W. C. Jackson, attorney for applicant.
A. P. Murphy, Attorney for Creek Nation.

KATIE JOHNSON, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Katie Johnson.
Q How old are you? A I don't know.
Q About how old are you? A I don't know. My mother don't know how old I am. My idea is, about it, I am about thirty-seven; I may be older than that.
Q What is your post office address? A Broken Arrow.
Q Are you the mother of Artie Johnson? A Yes, sir.
Q Is that child's name Ottie or Artie? A Artie.
Q What is the name of the father of Artie Johnson? A Grant Johnson.
Q When was Artie Johnson born? A In 1901, the 5th day of April.
Q When did he die? A I couldn't tell you when he died. He died in March, I know, but what day it was, to be positive, I don't know. I wasn't home when it died.
Q How long has it been dead? A He has been dead ever since March.
Q How old was he when he died? A I couldn't tell you, Mister, because I can't read nor write and I never do--I never does take time to count it. From 1901 you ought to count from that, that would show how old it was.

DIRECT EXAMINATION.

EXAMINATION BY W. C. JACKSON.

- Q Do you know how long he liaved--about how long? A He lived from 1901 up until March.
Q You said he was born in April? A Yes, sir.
Q Well which is first, March or April? A Well March is before April.
Q How could he be born in April and die in March? A (Q) Be born in April and die in March?
Q (A) Yes. A Why he born in one month and died in the next two or three years after.
Q Well then about how long did he live? A In 1901, I guess,--
--till March, the following year, 1902
Q Did he live a year? A Bound to be ever a year.
Q Or two years? A Yes, sir.
Q Was it March this year? A Yes, sir.
Q Well he died in March, 1903, then? A I suppose so.
Q Was he large enough to walk? A Yes, sir.
Q Walking around? A Yes, sir; he was walking.
Q You are a Creek citizen, are you? A Yes, sir; I am a Creek citizen.
Q Grant is a Creek citizen? A Yes, sir.

CROSS EXAMINATION

BY A. P. MURPHY.

- Q How old are you? A I think I am thirty-seven years old.
Q What day was you married on? A I couldn't tell you. It was in the night when I married.

Ottie Johnson, 2. Supl., 8/15/03.

Ratie Johnson, witness.

Cross Examination by A. P. Murphy.

- Q Do you remember what day of the month? A No, sir.
Q Do you know what month? A In March.
Q Do you know what year? A No, sir.
Q Don't know what year? A No, sir.
Q Was Artie Johnson the only child you had? A No, sir; I am the mother of nine of them.
Q Give the name of the eldest one? A Alex.
Q When was Alex Johnson born? A I couldn't tell you.
Q You don't know what month, or day or year? A No, sir.
Q What is the name of the next one? A The next, she didn't have no name.
Q What day was it born on? A It wasn't in the day, it was in the night.
Q Do you know the month? A No, sir.
Q Do you know the year? A No, sir.
Q What was the name of the next one? A Didn't have no name either.
Q There were two that didn't have no name? A Yes, sir.
Q Do you know what day, or month or year it was born? A No, sir.
Q What was the name of the fourth one? A Freeland Johnson.
Q When was Freeland Johnson born? A June.
Q June, what year? A I couldn't tell you what year.
Q Do you know what day of the month? A No, sir.
Q What was the name of the next one? A Sid Washington.
Q When was Sid Washington born? A He was born in December.
Q Born in December? A Yes, sir; it was cold. They said it was the 21st of December, on Thanksgiving.
Q Thanksgiving? A Yes, sir.
Q Do you know what year it was? A No, sir; I couldn't tell you that.
Q Well now the sixth one: What was its name? A Artie Johnson.
Q When was Artie Johnson born? A He was born in 1901, the 5th day of April.
Q The 5th day of April, 1901? A Yes, sir.
Q Well now, there are three more, are there not? A All dead.
Q All dead? A Yes, sir.
Q Do you know when either one of the other three was born?
A No, sir.
Q Don't know the month? A No, sir.
Q Nor the day? A No, sir; they didn't live no length.
Q Nor the year? (No response).
Q Well when did you first find out that Artie Johnson was born on the 5th of April, when you don't know the ages of any of your others? A One of my neighbors was counting up her child's age, and her child was born just the night before mine was.
Q Well who was that woman? A Her name was Sissie Grant.
Q Is she any relation of yours? A No, sir; just a neighbor.
Q Where does Sissie live? A She lives about a quarter of a mile from where--
Q What is her post office? A Catoosa.
Q What was the name of that child? A Mason.
Q Is it living? A Yes, sir.
Q Is it a Creek citizen? A Yes, sir.
Q Has it been enrolled? A I think it has.
Q When did she first tell you that child of hers was born the night before? A We talked about that when we go over there on a visit.
Q When was the first time she told you? A About a month after her baby was born, I went over there, and she asked me, did I know how old my baby was, and I told her, no, and she told me when her child was born, and she said that hers was just a night before mine was.

3 Ottie Johnson. Supl., 5/15/03.

Katie Johnson, witness.

Cross Examination by A. F. Murphy.

Q Well then all you know about the date of the birth of your child, Artie Johnson, is what Sissie Grant told you? A But you see I can't read or write--

Q Well then, what you are testifying now about the birth of Artie Johnson is what Sissie Grant told you? A --and I know it was in April, but what day it was I don't know.

Q That is, from what you are testifying now as to Artie being born on the 5th day of April, 1901, is what Sissie Grant told you about it? A Yes, sir; but then I know it was in April, but what day I couldn't--I wasn't for for certain until she told me.

EXAMINATION BY THE COMMISSION:

Q Has Sissie Grant any other children? A She got one.

Q What is its name? A I don't know, sir, what its name.

Q Is it younger or older than Mason? A It is as old as that baby there (Pointing to a baby in the room).

Q Have you a child younger than Artie? A Yes, sir.

Q What is its name? A Its name is Scott, there it is (a child in the room).

Q When was it born? A It was born in April.

Q What day? A Thursday.

Q What day of the month? A I couldn't tellyou what day of the month it was.

Q Is that Sissie Grant that you speak of--is that a nickname--Sissie?

A Yes, sir; but her right name is Louisa Grant.

Q What is her husband's name? A Willie Grant.

The records of the Commission examined and it appears therefrom that Louisa Grant is listed for enrollment on Creek Freedman Card Field No. 645, approved roll No.2470.

Q Now what is the name of Louisa Grant's child that you say was born the day before Artie was born? A Mason.

The records of the Commission examined and it appears therefrom that Mason Grant, son of Louisa Grant, was listed for enrollment by the Commission during the month of September, 1898, his age being given, at that time, as one year.

Q Has Louisa Grant another child, younger than Mason?

A I don't understand you.

Q Has Louisa a child younger than Mason, --born since Mason was born? A Yes, sir.

Q What is that child's name? A I don't know, sir. I hav'n't seen it.

Q Has she more than one child born since Mason was born?

A I don't know, sir. She has got a baby about as old as the one there is.

Q Well has she a child between that baby and Mason? A Yes, sir.

Q Do you know the name of that child? A Well I don't know its right name, but they have nicknamed it Blue.

Q Have you a child named Washington Johnson? A Yes, sir.

Q Did you have any child born between Washington and Artie? A Artie was next to Washington.

Q Is Washington still living? A Yes, sir.

Q How old was Washington when Artie was born? about how old?

A Well I know he will be five years old the 25th of this coming December, I know, Thanksgiving month, the 25th.

Q Can't you tell about how old Washington was when Artie was born?

A Well look like Artie ought to have been about three year old, Yes, or four year old when Artie was born.

4 Ottie Johnson. Supl., 5/15/03.

Eatie Johnson, witness.

RE-CROSS EXAMINATION

BY A. P. MURPHY.

Q You say that Mason Grant was born the night before Artie Johnson was born? A Yes, sir.

Q Well now about how old was Artie when he died? A Well from what little I can count, he ought to have been about--(Q) When Artie was born, you say, after Mason was?

Q (A) No, about how old was Artie when he died? A I guess he was three year old.

Q How many summers had he lived, do you remember that? A He ought to have lived three summers. He died this March.

Q Well how long had he been walking when he died? A He had been walking about six or seven months.

Q Could he talk? A Yes, sir; he could about talk.

Q Could he talk plain? A Yes, sir; talked tolerable plain. Talked well enough for me to understand--well, asked for anything he wanted.

RE-DIRECT EXAMINATION

BY W. C. JACKSON.

Q You say he was just beginning to walk about six months before that? A I says he had been walking about six months.

Q Died March, this year? A Yes, sir.

Q Well now do you know anything about when Mason Grant was born?

A I wasn't there when it was born, but after Artie got to be old enough so I could stir about, I went over there and she asked me, how old did I think my baby was, and I said, I don't know, I knew it was a month old, and she says, My baby is just one night older than your baby.

Q Was that Mason? A Yes, sir.

Q Here (card) Mason is six or seven years old? A (Q) Six or seven years old?

Q (A) Yes. A (Q) Is he living?

Q (A) Yes. According to this record, he is.

EXAMINATION BY THE COMMISSION.

Q Do I understand you to state that Louisa Grant has a child born this year? A Yes, sir.

Q Now has she a child between the child born this year and Mason? A I couldn't tell you that---Bound to be, for Mason was born before this youngest child born. Her child might not be named Mason. I know two or three named Mason.

Q Do you know she has a child called Blance? A That is the one we calls Blue, I suppose. I don't know whether its names is Blance or not.

Q Do you know when that child Blue, or Blance was born? A I couldn't tell you when it was born.

Q You are positive that it was the child Mason that was born on the night before your child Artie was born? A I called it Mason, but they might have their own name for it.

RE-CROSS EXAMINATION

BY A. P. MURPHY.

Q Was that child a boy or a girl? A (Q) What child?

Q (A) That one that was born the night before yours? A A boy.

STATEMENT BY COMMISSION: The records of the Commission examined and it appears therefrom that Blance Grant, son of Louisa Grant, was born, March 14, 1900.

Witness excused.

8 Otis Johnson, Supl. 8/1903.

HENRIETTA NORFER, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Henrietta Norfer.
Q How old are you? A Twenty-eight.
Q What is your post office address? A Catoosa.
Q Do you know Johnson Grant and his wife, Katie? A Yes, sir.
Q How long have you known them? A I have known them ever since I knowed myself.
Q Did they have a child named Artie? A Yes, sir.
Q When was that child born? A Born in 1901, the 5th day of April.
Q Were you present when the child was born? A Yes, sir.
Q Are you married? A Yes, sir; I am married, but my husband is not here.
Q Have you got any children? A Yes, sir.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q How old is your youngest child? A Eight years old.
Q When was he born? A I don't know, sir; know she is seven years old, though.
Q Have you got a child older than that? A Yes, sir.
Q What is the name of your oldest child? A Florence Tiger.
Q How old is Florence? A I count her age, she would have been ten years old if she was living. She was born in September, but I don't know what day of the month it was.
Q Did you make any record of the birth of Artie Johnson--set it down--put it down on a book anywhere? A (Q) Did I?
Q (A) Yes. Of Artie Johnson? A No, sir; I didn't make no record of it, but I was there when it was born--what night, at least.
Q Have you ever been present when any other children were born besides Artie? A (Q) Have I ever been present?
Q Yes. When any other children was born? A No, sir.
Q This is the only child that you were ever present when it was born? A Yes, sir.
Q How is it that you fix the date of Artie's birth--how is it that you fix it? A Why we was talking about it, and I just knowed what time it was born.
Q When were you talking about it? A After it was dead.
Q Who were you talking with? A Talking with its father.
Q Is that the statement that the father of the child made to you? A No, sir; he didn't make no statement to me.
Q Who made the statement to you, that it was born the 5th day of April, 1901? A I made it myself.

DIRECT EXAMINATION

BY W. C. JACKSON.

- Q Were you living there with them at the time? A Yes, sir.
Q Were you living with them at the time the child died?
A Yes, sir; I was living with them then.
Q You were making that your home? A Yes, sir.
Q When did the child die? A Died in March.
Q This year? A Yes, sir; this year.

EXAMINATION BY THE COMMISSION.

- Q What day of the month did the child die? A The 16th.
Q The 16th of March? A Yes, sir. I was right with them all at Tulsa, and when we came the child was dead. Wasn't right there, but it was the 16th of March. I think the 16th was on Tuesday, if I am not mistaken, because we went to Tulsa on Monday.

6 Ottilie Johnson. Expt., 5/15/03.

Henrietta Norfer, witness.

CROSS EXAMINATION

BY A. P. MURPHY.

Q How old was that child when it died? A Well I count it to be three years old past when it died. This is 1903 and I count it three years old. From 1901 to 1903, that is the way I count it.

Q How long has it been dead? A Been dead near about two months, from the 16th of March until the 18th.

Q Where is it buried? A It is buried up there, south of Catoosa, down on Adam Creek.

Q In a graveyard? A I don't know what graveyard, the Spring Hill graveyard, I guess they calls it, where everybody else is buried.

Q Did it have a coffin? A Yes, sir.

Q Was it a home made coffin? A Yes, sir.

Q Who made the coffin, do you know? A No, sir; I don't know. I never came until after it was buried. I came by the graveyard and they had done left, but it was a home made coffin.

Q When did you first find out that this child was born on the 5th day of April, 1901? A Why I found it out. I never studied about it until after it was dead---

Q Aint it a fact the first you discovered it was when you came over here to be a witness? A No, sir.

Q Well aint that the first, when Grant Johnson spoke to you about coming here to be a witness? A No, sir; I didn't know he was going to file for it, because I have been at him to file for it all the time when I was living there, and he didn't do it.

Q How long was the time after the land office opened here in Muskogee that that child was born? A (No response)

Q You know when the land office opened here in Muskogee? A No, sir.

Q Do you know how long it has been here? You remember the time it opened here, don't you? A No, sir; I don't know what year it opened.

Q Well I am just asking you if you remember the circumstance of the land office opening here in Muskogee. I don't want you to fix the date, or anything like that? A (Q) Do I remember?

Q (A) Yes. You remember that this land office was opened in Muskogee? A I believe it was around in 1901, wasn't it (To a by-stander).

Q How long after the land office opened was it that this child was born? A The same year-----I said it was around 1901, but I think it has been five years since I have filed. I think it has been around about five years.

Q Who else was present when that child was born? A Miss Smith.

Q What is her first name? A I don't know. Old lady Smith was all we called her.

Q Where is her post office? A Catoosa.

Q Who else was there, anybody else? A Thomas Sango. He wasn't in the same room, but he was there that night.

Q Anybody else? A Will Rogers went after Miss Smith.

Q What name did you enroll under? A Henrietta Tiger.

Q How many children do you say you have, A Two.

Q What are their names? A Florence Tiger and Annie Tiger.

Q How old is Annie? A Seven years old.

Q How old is Florence? A I count her age about ten years, if she was living; she is dead.

Q Do you know when she died? A She died in 1901.

Q Do you know the month? A No, sir; I don't know the month. It was in July.

Q Do you know what day of the month? A No, sir; I don't know what day of the month.

Q Is Annie living? A Yes, sir.

Q Well now how much older is Annie than Artie Johnson? A Oh she is about--let's see--oh I can't count.

Q About how old? A I can't count. Haint no idea, because I aint got that much brains, but I know she was old enough to nurse Artie.

7 Ottilie Johnson. Supl., 5/15/03.

Henrietta Norfer, witness.

CROSS EXAMINATION

BY A. P. MURPHY.

- Q How long was it after you were enrolled here before the Commission that Artie was born? A I don't know. I couldn't tell you that because I never thought I would ever have to come to talk about it.
- Q Was it as much as three years? A I don't know, sir. I couldn't tell you because I never kept account of that.
- Q Don't know how many summers, or anything like that? A (Q) After Artie was born before I came to enroll?
- Q (A) No. After you was enrolled here until Artie was born?
- A No, sir. I don't know. Never kept account of that at all.
- Q Did you ever make any record of Artie's birth anywhere? A No, sir. I never did make no record, I just had it in my head.
- Q Well now what time of day was it that Artie was born? A It wasn't in the day, it was in the night.
- Q Well what time of the night? A I don't know.
- Q Well do you know what time you got up that morning? A No, didn't have no time piece.
- Q Was it before day light or after? A It was after daylight. The sun was up when I got up.
- Q Do you know what time you had breakfast? A No, I don't know. Along about twelve, I guess. We were pretty busy and I know it was well along in the day.
- Q Do you know what time it was when you had dinner? A Didn't have no dinner. Had breakfast and dinner all under one that day.
- Q Do you remember what time you went to bed that night? A No, sir.
- Q Do you remember what time you got up the next morning? A No, sir; but I know I got up earlier than the morning before.
- Q Do you remember anything you done the next day? A Yes, sir.
- Q What was it? A Yes, sir; washed the next day.
- Q That was in 1901? A Yes, sir.
- Q Do you remember when you washed the next time? A Yes, sir.
- Q Do you know what you was doing on the 5th day of April, 1902? A No, sir. I don't remember what I was doing that day.
- Q Don't know where you was? A No, sir; I don't know.
- Q Well do you know where you were on the 5th day of April, 1901, a year before that? A No, sir; I don't remember.
- Q Don't know where you was? A No, sir; I guess I was at home.
- Q Do you know where you was on April 5, 1903, two years after that? A Yes, sir. I know where I was that day.
- Q Anything about that day that you remember? A No, sir. I disremember now what day it was, but it was the 5th day of April. Don't know whether it was Saturday, Thursday or Saturday, one or the other, but it was the 5th of April when it was born.
- Q Do you know what day of the week it was it died? A Yes, sir; it was on a Tuesday it died.
- Q Tuesday the 16th day of March? A Yes, sir; that's what I said the 16th, I don't know whether it was the 16th or not.
- Witness excused.

MARY WILLIAMS, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Mary Williams.
- Q What is your age? A Twenty-one.
- Q What is your post office address? A Coweta, I. T.
- Q Do you know Grant Johnson and his wife, Katie? A Yes, sir.
- Q How long have you known them? A Long time.
- Q Did you know their child, Artie? A Yes, sir.
- Q Do you know when Artie was born? A Yes, sir.
- Q When? A 1901, the 5th day of April.
- Q Are you married? A No, sir.

8 Ottie Johnson. Sept. 1 8/18/08.

Mary Williams, witness.

Examination by the Commission.

- Q Were you present when the child was born? A Yes, sir; I passed there just a few minutes before that time. I went past there to work and then I came back the child was born.
- Q What time was it when you passed there? A About twelve o'clock, I guess.
- Q Where had you been? A I was going to Newtown.
- Q To Newtown? A Yes, sir; right there at Brokenarrow.
- Q What was going on at Newtown? A Going to trade. I was going to trade.
- Q What time did you return from Newtown? A Oh, about sundown.
- Q Was that child born between the time that you went to Newtown and the time you came back? A Yes, sir; because when I came back it was there.
- Q Did you buy goods there that time? A My mother did.
- Q What is your mother's name? A Mandy Woodward.
- Q Who did your mother trade with there? A Mr. Hills.
- Q Do you know his given name? A That is all I know, Hills.
- Q Does your mother have an account there? A Yes, sir.
- Q How often does she go there to trade? A She went to trade that day.
- Q How long had it been before she had been there before that to trade? A It hadn't been about a week, I guess.
- Q How long after that did she go there to trade again? A She would go there every other week.

DIRECT EXAMINATION

BY W. C. JACKSON.

- Q How far do you live there from Grant Johnson? A Live about a mile and a half, I guess.
- Q Was you in the house that day after you came back? A Yes, sir.
- Q You saw the child frequently? A Yes, sir.
- Q Was you at Grant Johnson's house after that--at other times? A Yes, sir.
- Q Different times, wasn't you, going visiting Grant Johnson's occasionally, didn't you--you saw the child? A Yes, sir.
- Q Do you remember when it died? A No, sir; I don't remember when it died.
- Q You wasn't there when it died? A No, sir.

CROSS EXAMINATION

BY A. P. MURPHY.

- Q How old was you when this child was born? A Same age I am now, I guess, twenty-one.
- Q Same age you are now? A Yes, sir.
- Q Well is that child living or dead? A It is dead.
- Q How old was it when it died? A I don't know how old it was.
- Q Well you seen it quite often? A Yes, sir; but I don't know how old it was.
- Q What would you judge its age to be? A About three years old, I guess.
- Q How long has it been dead? A About two months, I reckon; I don't know, for certain, I think about two months.
- Q Was you at the funeral? A No, sir.
- Q Did you see it die? A No, sir.
- Q Did you see it after it was dead? A No, sir.
- Q Somebody told you, didn't they? A Well I was at home but I didn't go, I know it was dead.
- Q Well did you stop in that day it was born as you came back there past Grant Johnson's? A Yes, sir.
- Q Had the child been born then? A Yes, sir.
- Q Was it dark? A It was mighty near sundown.

3 Oattie Johnson. Supl. 5/15/03.

Mary Williams, witness.

Cross Examination by A. P. Murphy.

Q Had they had supper at Grant Johnson's when you stopped in?

A No, sir; I think they was getting supper.

Q Well who was there? A Henry and Mrs. Smith, and that's all, I believe.

Q Do you know when you was born? A No, sir.

Q Don't know the month nor the day nor the year? A I was born in June.

Q What year? A I don't know, sir, what year; it was the first day of June.

Q Well was you ever by and seen any other young children in that neighborhood? A No, sir.

Q That is the only young baby that you ever saw around there?

A Oh I seen other young ones around there.

Q Name one of the others that you have seen. A I don't know their names--I saw them, but I don't know their names.

Q Do you know Mason Grant? A I don't go up there. Of course I know them when I see them, but I don't know their names.

Q Well do you know where you was on April 5, 1902? A No, sir.

Q Do you know whether you went to Newtown or not? A No, I don't know.

Q Do you know whether you was up at Grant Johnson's or not?

A (Q) Was I up at Grant Johnson's?

Q (A) Yes. A year after that. A No, sir; I can't remember that.

Q Do you know where you was on March 16, 1903? A No, sir.

Q Do you remember of anything that happened that day? A No, sir.

Q Do you remember of anything that was going on March 17, 1903?

A No, sir.

Q Do you know where your folks were on the 17th of March, 1902?

A No, sir.

Q Do you know where they was on March 16, 1903? A No, sir.

Q How do you know this child was born on April 5, 1901?

A Because I know that was the 5th day of April, I know the year.

Q How do you know that? A Because I just know it.

Q Who told you that? A Nobody. Because I just know it was the 5th day of April.

Q How do you know it was the 5th day of April? A I know it wasn't there when I went along, and when I came back it was there.

Q Do you know, that, two years ago, you was along there, and it was the 5th day of April, and you came back this child was born--Do you know that? A I know it was there, two years ago.

Q Do you know what day of the week it was? A I am not certain.

Q When was you up at Newtown before that? A I don't know exactly when I was up there.

Q Did you pass Grant Johnson's when you went up there before that?

A Yes, sir.

Q What time of the day was it you passed when you went up there before that? A Before dinner.

Q About what time was it? A It was about nine o'clock, I guess, or half past.

Q What day of the month was it? A I don't know, sir.

Q Do you know what day of the week it was? A I am not certain, I think it was on a Saturday.

Q But you don't know the day of the month? A No, sir.

Q Well do you know when you was up at Newtown after that?

A (Q) When I went along by Mr. Johnson's last time?

Q (A) When you was at Newtown the time after this child was born?

A I have been there so many times, I don't know.

Q You don't remember the date? A No, sir.

Q Don't remember the day of the month? A No, sir.

Q For what time you passed Grant Johnson's---? A Oh, I know the last time I passed there.

Q I am talking about the time this child was born? A I don't know, sir.

10. Etta Johnson. Supl., 5/15/03.

Mary Williams, witness.

Cross Examination by A. P. Murphy.

Q You don't know whether you passed Grant Johnson's house after this child was born or not? A Yes, sir. I know I passed his house, but I don't know the day of the month.

Q Do you remember how many times you have been up at Newtown?

A No, sir.
Q And you don't remember the date or the day of the month, or anything, that you have ever been up to Newtown except this one time? A No, sir.

Q Tell me how you remember this time so well? A Just remember, I guess.

Q Just remember? A Yes, sir.

Q Who first told you that this child was born on the 5th day of April, 1901? A I know this child was born that day, because it was the 5th day of April.

Q Who did you first tell that this child was born on the 5th day of April, 1901? A Didn't tell anybody.

Q Never did tell anybody? A No, sir.

Q Until you testified it here? A Yes, sir.

Q That is the first time you have ever told it to anybody? A Yes, sir.

Q How came you to come down here to be a witness? A I don't know, because they called on me, I guess.

Q Who called on you? A Mr. Johnson.

Q Grant Johnson? A Yes, sir.

Q What did he tell you he wanted with you? A Said he wanted me to witness for his baby.

Q What did he tell you that he wanted you to swear? A Didn't tell me to swear nothing.

Q What did he tell you? A Asked me did I know what day the child was born.

Q What did you tell him? A Yes, sir; and I said---

Q And did you tell him then when it was born? A I didn't say no more. He asked me if I would swear when the child was born.

Q You didn't tell him that you knew it was on April 5, 1901?

A No, sir; I didn't.

EXAMINATION BY THE COMMISSION.

Q Has your mother any young children? A No, sir; aint got no child but me.

Witness excused.

GRANT JOHNSON, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A Grant Johnson.

Q What is your age, A Thirty-nine years old.

Q What is your post office address? A Broken arrow.

Q You are the father of Artie Johnson? A Yes, sir.

Q When did Artie Johnson die? A Died the 24th day of March.

Q Twenty-fourth day of March, this year? A Yes, sir.

Q Was that child born in the day time or in the night? A It was born in the night.

Q Do you know about what time in the night? A No, sir; I don't know exactly what time in the night.

Q It was after dark, then? A Oh, awya after dark.

DIRECT EXAMINATION

BY W. C. JACKSON.

Q You was there, was you? A Yes, sir; I was there. I was in the other room though.

11. Oattie Johnson. Supl., 5/15/03.

Grant Johnson, witness.

CROSS EXAMINATION

BY A. P. MURPHY.

- Q. Who all was there? A. Thomas Sango was there, and this Henry, and the old lady Smith--I don't know her first name--the old lady Smith was there.
- Q. Anybody else pass by that day? A. Yes, sir; there was several there that day. This here Mary Jane--I don't know her right name, Mary Jane Derrigan, I guess, she was there the evening before this child was born. She was passing by the next day, and this Whittaker fellow, he was there.
- Q. Did you see Mary Williams the day that child was born?
- A. Didn't see her the day--she was there the evening before the child was born; then the next day, she was passing by and she called in and the child was there then.
- Q. Well what time of the day was it she passed? A. Along in the evening.
- Q. Was that the next day after the child was born^{or} the day the child was born? A. The next day. She was there the evening before the child was born; then the next day, she came by there and the child was born then.
- Q. The child wasn't born-----? A. The first time she came it wasn't born.
- Q. Well along in the evening, the child was born and she was there, where had she been? A. I think she was coming from Newtown, I think.
- Q. What time was it that she was there? A. Along in the evening.
- Q. Well was it before supper or after? A. It was away before supper.
- Q. Was it before dark? the day the child was born you said she was there in the evening? A. Three or four o'clock.
- Q. Was that the last time she was there that day? A. Yes, sir.
- Q. She wasn't there about dusk? A. No, sir; I don't think she was. No, I don't think she was, to my recollection.
- Q. How old do you say you are? A. I am thirty-nine years old the 23rd day of this last going month.
- Q. Did you testify in this case once before? A. Yes, sir.
- Q. I believe you testified then you were thisty-seven years old.
- A. I did, but my age is thirty-nine.
- Q. When did you first discover how old you was? A. I was born in sixty-four, and I had my age figured up since then, and I will tell you, you can figure from this: The very year Grant was elected for president, I was born in that year, the 29th of March. You can figure it from that. That was how old I am.
- Q. When you testified here before, was Artie living or dead? A. He was living.
- Q. How old was Artie when you testified here before? A. I disremember what time that I filed the application, but anyhow it was sometime, I believe it was last summer that I filed the application, sometime last summer, or along in the fall, I don't remember which.
- Q. Well about how old was Artie, now, when you testified in this case before? A. Well it must have been somewhere very nigh eight months old.
- Q. Eight months old when you testified before? A. The 5th day of this April would have made him exactly two years old.
- Q. When did you first figure that? A. Had it figured all the time.
- Q. Did you have a child by the name of Ruthie Johnson? A. Yes, sir.
- Q. How old is Ruthie? A. I don't know exactly.
- Q. Where is she now? A. I will tell you, we never have kept a record of our children's ages until here of late.
- Q. When did you make your first record? A. That was away year before last.
- Q. Before or after Artie was born? A. Before Artie was born.

Grant Johnson, witness.

CROSS EXAMINATION

BY A. P. MURPHY.

- Q Where is that record? A I have got the book at home. I thought I had it with me, but I don't believe I have (Searching his pockets) No, I thought I started with it, but I hav'n't got it.
- Q Is Artie's name down in that book? A Yes, sir. Artie and Freeland both, and Washington.
- Q What kind of a book is that? A Just a day book that I have.
- Q Blank book? A I never carries it with me, but I had it in this pocket here before I left home, and I may have lost it.
- Q Is there any printing in that book? A No, sir.
- Q What is the first entry--writing, that you have in that book? A Oh it is where I kept my accounts and everything like that, you know.
- Q Well now where you have these entries about the birth, What is the first child's name you have in there? A The first child is Sid Washington Johnson.
- Q Well what does it say about Sid? A Sid was born in ninety-eight, the twenty-fifth day of November.
- Q The twenty-fifth day of November, eighteen hundred and ninety-eight? A Yes, sir.
- Q Well now what is the next entry you have in there? A The next one kept on record is Artie Johnson. Then I have that littlest kid that is in here just now.
- Q What does it say about Artie? A Artie Johnson was born in nineteen hundred and one, the fifth day of April.
- Q Is that just the way it reads? A Yes, sir; just the way it reads.
- Q Have you got down in that book when he died? A No, sir; I didn't put down the death.
- Q Do you know Aleck Hawkins? A Yes, sir.
- Q Who is he? A Stepson of mine.
- Q Is Aleck Hawkins or Artie Johnson the oldest? A Aleck is away the oldest.
- Q How much older was Washington than Artie? A Well I don't know exactly now. Artie was born in 1901 and Washington was born in ninety-eight. You can count that for yourself. I don't know exactly. I guess probably five or six years.
- Q Well now was Washington born in ninety-eight or ninety-nine? A Well I got him down ninety-eight.
- Q What month do you say? A It was born in November 25th, on Thanksgiving day.
- Q Do you know what day you was married? A No, sir; I disremember now, but it was in March.
- Q Do you remember what year? A No, sir; never kept no record at all.
- Q Well do you know what date Freeland Johnson was born on? A Freeland Johnson was born on the 3rd day of June, ninety-four, I believe it was.
- Q 1894? A Yes, sir.
- Q Is he living or dead? A Living.
- Q How old is he? A He ought to be either eight or nine years old the 3rd day of this coming June, eight or nine, I disremember which.
- Q Why didn't you file for this child sooner? A I couldn't. It was always been told me that it wasn't entitled to no enrollment.
- Q Who told you that? A If there was one person told me there has been a dozen.
- Q Did you ever come up to the Commission and ask them? A No, sir; didn't come at all. I just believed what they told me, but after I found out about it, I thought I would put in an application for enrollment.
- Q When did you say that child died? A Died the 24th day of this last March going.
- Q What day of the week was that? A It was on Tuesday.

13. Ottilie Johnson. Supl., 5/15/03.

Grant Johnson, witness.

Cross Examination by A. P. Murphy.

Q Where did you get the coffin? A Out at Brokenarrow.

Q Who did you buy it from? A Didn't buy any coffin, had one made.

Q Who made it? A I disremember the carpenter's name. He lives out there at Brokenarrow now, I believe.

EXAMINATION BY THE COMMISSION.

Q What time in the day was it that Mary Williams was at your house the day after the child was born? A Well it was along towards evening. It was getting along towards the evening. I guess it was along about three or four o'clock.

Q I am talking now about the day after the child was born. A Yes, sir. What I was telling you now, it was along up in the evening.

RE-CROSS EXAMINATION

BY A. P. MURPHY.

Q Did you ever talk to Mary Jane about what she would testify to about it? A No, sir.

Q Did you ask her if she knew when that child was born? A No, sir; just wanted her to testify as to what was facts.

Q I want to know what she told you about it? A She never told me anything.

Q Did she tell you that she remembered it to be April 5, 1901? A Yes, sir.

Q Where did she tell you? A Oh she told me that a way yonder at home. I was over there one day and she was telling me about it.

Q How long ago? A I guess it has been six months ago.

Q Then you told her you wanted to use her as a witness? A Well I told her if she recollected the date that this child was born-- and I asked her, "Do you recollect what day this child was born?" she said, "Yes". And I said, "What day was it born on?" and she said "Fifth day of April, 1901" and I says, "Then you know. I might use you as a witness."

Q Did she ask you when it was born? A No, sir.

Q Did she ask you whether that was right or not? A No, sir; she didn't ask me wheht er it was right, but I knew after I seen that that she knew, you know.

Witness excused.

STATEMENT BY THE COMMISSION: The Calendar for 1903 examined, and it appears that the 16th of March of that year fell upon Monday.

HENRY WHITTAKER, being first duly sworn, testified as follows :

EXAMINATION BY THE COMMISSION.

Q What is your name? A Henry Whittaker.

Q What is your age, A About twenty-seven.

Q What is your post office address? A Brokenarrow.

Q Are you a citizen of the Creek Nation? A No, sir.

Q Do you know Grant Johnson and his wife, Katie? A Yes, sir

Q How long have you known them? A Well I have been knowing them ever since ninety-one.

Q Do you know their children? A I know some of them. I know what they got there now.

Q Do you know their child, Artie? A Yes, sir; I know him.

14. Otis Johnson. Supl., 5/15/08.

Henry Whittaker, witness.

Examination by the Commission.

- Q Do you know when that child was born? A Yes, sir; I know about the time it was born.
- Q You know about the time? A Yes, sir.
- Q Do you know the exact date the child was born? A Not exactly, no, sir. Not exactly the date, I don't.
- Q About when was that child born? A Well, I know I went there on the 3rd of April, 1901.
- Q You went out from where? A I went out from Catoosa to work in a coal mine and I was at their house on the 4th of April, and on the 5th Alex Sango told me that a baby was born there at Grant's house.
- Q He told you that on the 5th? A Yes, sir. I got out there on the 3rd, and on the 4th I went down to the banks and I went out home with Thomas, on the 4th, that evening, and I staid around there and talked with Thomas until about eight or nine o'clock, and the next morning he told me that the baby was born.
- Q That was on the 5th? A Yes, sir.
- Q Do you know what time of the night the child was born?
- A No, sir; I don't.
- Q You don't know whether it was before or after midnight?
- A No, sir; I couldn't tell. I know he told me that the next morning.

DIRECT EXAMINATION

BY W. C. JACKSON.

- Q Do you know what day of the week it was? A No, sir; I don't know.
- Q All you know about it is what that fellow told you?
- A Yes, sir.
- Q Is that all you know about it? A Yes, sir; I went over there and saw the baby.
- Q Do you know what day of the week it was you went over there?
- A No, sir.

EXAMINATION BY THE COMMISSION.

- Q What day of the week was it you went to work at that coal mine?
- A I think it was about Wednesday. It seems like to me it was Wednesday or Thursday.
- Q That you went to work at that coal mine? A Yes, sir; that is my idea. I think it was Wednesday or Thursday.

The calendar for 1901 shows that the 3rd of April fell upon Wednesday.

- Q What year was that? A 1901.
- Q How long ago has that--how many years has that been?
- A Been about two years.

CROSS EXAMINATION

BY THE ATTORNEY FOR THE CREEK NATION, A. P. MURPHY.

- Q You say you went out from Catoosa? A Yes, sir.
- Q How many times have you ever been in Catoosa before then?
- A That was my first trip.
- Q When did you go there? A Went there on the 3rd of April.
- Q And left on the 3rd of April? A Yes, sir.
- Q How long was you there? A Went there on one train and went on out in the country.
- Q Where did you come from? A Over here. I saw Alex Bonner here and he told me he would give me work if I went out there.
- Q Have you been in Catoosa ever since? A Yes, sir; I have been out there ever since.

Henry Whittaker, witness.

Cross Examination by A. P. Murphy.

- Q When was the next time you was in Catoosa? A I was there day before yesterday
- Q I mean after the first time you was talking about? A I don't know, sir. I would go over there every Saturday, or something.
- Q Do you know what day of the month it was? A No, sir.
- Q Nor the day of the week? A No, sir.
- Q Can you give any other day of the month you was in Catoosa except this first time? A No, sir.
- Q Nor the day of the week? A No, sir.
- Q How do you remember this so well? A Because I left here to go out there to work.
- Q Had you ever been in Muskogee before you went to Catoosa?
- A Yes, sir.
- Q When was you here before that? A I staid here five or six months, I guess.
- Q Do you remember the day of the month you left Muskogee any other time except the 3rd of April? A I didn't leave here the 3rd of April. I think I left here the 2nd. I went to Wagoner, and then went to Gilmore and got to Catoosa on the 3rd.
- Q Well now do you remember any other day you left Muskogee except this one time? A No, sir. Didn't leave for no special cause. I would'n have remembered that, I think, if I hadn't been going out there to work.
- Q Are you positive that was in 1901? A Yes, sir.
- Q Might it not have been in 1900? A It was in 1901.
- Q You couldn't be mistaken about it? A No, sir.
- Q Did anybody ever tell you before about any children being born?
- A No, sir.
- Q That is the only one you ever knew about--was told about it being born? A No, sir.
- Q Have you any brothers or sisters? A Yes, sir.
- Q Older or younger than you? A Older.
- Q Have you got any nieces? A I hav'n't seen my sister in about six years. She might have some.
- Q Have you got a sister? A Yes, sir.
- Q How old is she? A She is older than me.
- Q Have you any sisters or brothers younger than you? A Just two of us, me and my sister.
- Q You say it was the morning of the 5th of April that Sango told you this child was born? A Yes, sir.
- Q What time of day was it? A Both of us were working in the mine together. We might have been working a half an hour, or something like that.
- Q What time did he say it was born? A Said it was born the night after I left there.
- Q Did you ever make any record of when you went over there?
- A Yes, sir; I written it down.
- Q Where did you write it down? A In a book, you know, put when I started to work. I know I got out there on the 3rd. The 4th I didn't work any, but next morning I know I went to work, on the 5th, and I have been working out there ever since.

RE-DIRECT EXAMINATION

BY W. C. JACKSON.

- Q You say it was the next morning, now, you went to work, he told you that the child was born the night before? A Yes, sir; he told me the same day I went to work.

16. Otis Johnson. Supl., 5/15/03.

Henry Whitaker, witness.

RE-CROSS EXAMINATION.

BY A. P. MURPHY.

Q Did you ever tell anybody about that? A Never have.

Q Did you ever tell Grant Johnson about it? A No, sir.

Q Never discussed it with him, as to the birth of this child?

~~A No, sir. I know when that child was born.~~

Q What did you tell him? A Yes, sir; I told him I thought it was born on the 5th of April.

Q Did you tell him how you knew it? A I never did tell why.

Q Never did tell him? (No response).

Q How did it come you came down here to testify? A Grant was here when I came. He came before I did.

Q Did he ask you if you could testify as to the birth of that child?

A Yes, sir; I told him I could.

Q What did you tell him? A I told him it was born---

Q Did he tell you that it was on the 5th of April? A He didn't tell me, I told him.

Q Do you mean now to testify that that child was born on the 5th of April? A I mean to testify that that was when Thomas told me.

Q That it was born on the night before? A Yes, sir; he told me it was born on the 4th of April--told me on the 5th.

Witness excused.

THE ATTORNEY FOR THE CREEK NATION GIVES NOTICE to the Attorney and the applicant, that he will introduce testimony on the part of the Creek Nation on June 8, 1903.

Oliver C. Hinkle, having been duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 15th day of May, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle

Subscribed and sworn to before me this 25th day of May, 1903, at Muskogee, Indian Territory.

Edward Henry
Notary Public.

1702
IN RE

Application for Enrollment of

INFANT CHILD

Ottie Johnson
as a citizen of

Creek Nation.

Approved 190.....

Commissioner.

*Father + mother on Creek
Dr. Card No 943*

Cons + name Artie

U. S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS.

RECORDED

Filed Oct. 1902

CHIEF CLERK

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

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Ottie Johnson, born on the 5 day of April, 1901
(Here insert name of child)
Name of Father: Grant Johnson a citizen of the Creek Nation.
Name of Mother: Kattie Johnson a citizen of the Creek Nation.
Post-office Catoosa, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Kattie Johnson, on oath state that I am 30
years of age and a citizen, by God, of the Creek Nation;
that I am the lawful wife of Grant Johnson who is a citizen, by
God, of the Creek Nation; that a Male child was
(male or female.)
born to me on 5 day of April, 1901 that said child has been
named Ottie Johnson, and is now living.

WITNESSES TO MARK:
(Must be Two Witnesses.)

Grant Johnson
Edward Savage

Kattie Johnson
mark

Subscribed and sworn to before me this 14 day of Oct, 1902

My Commission Expires Nov. 5, 1905.

W W Whitman
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Sarah Jane Smith, a midwife, on oath state that I
attended on Mrs. Kattie Johnson, wife of Grant Johnson
on the 5 day of April, 1901; 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 Ottie Johnson.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Sarah Jane Smith
mark

Subscribed and sworn to before me this 11 day of Oct, 1902

Western

W G Cooper
NOTARY PUBLIC.

IN RE
THE DEATH OF

Artie Johnson

a citizen of the

Creek

Nation.

Approved

190

Commissioner

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

FILED

April 15, 1903



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Artie Johnson (Here insert name of deceased)

a citizen of the Creek Nation, who formerly resided at or near

Keatoosa Ind. Ter. and died on the 24th day of

March, 1903.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY.

Western District.

I, Grant Johnson, on oath state that I am 49 years of age and a citizen, by blood, of the Creek Nation;

that my post office address is Keatoosa Ind. Ter.; that I am

the father of Artie Johnson (State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased)

who was a citizen, by blood, of the Creek Nation;

and that said Artie Johnson died on the 24 day of

March, 1903.

WITNESSES TO MARK:

(Must be Two Witnesses)

Grant Johnson

Subscribed and sworn to before me this 11th day of April, 1903

My commission expires 7/12/1906. John B. Dickinson Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY.

Western District.

I, David Solomon, on oath state that I am 21 years of age, and a citizen, by blood, of the Creek Nation;

that my post office address is Broken Arrow Ind. Ter.;

that I was personally acquainted with Artie Johnson (Here insert name of deceased)

who was a citizen by blood, of the Creek Nation;

and that said Artie Johnson died on the 24 day of

March, 1903.

WITNESSES TO MARK:

(Must be Two Witnesses)

F. J. M. Asthett, a citizen of the United States, upon oath declare that I made a coffin for the said Artie Johnson, on March 25th, 1903.

Subscribed and sworn to before me this 11th day of April, 1903

John B. Dickinson Notary Public.

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

J. G. T. R.

No. 319.

In the matter of the application for the enrollment of Artie Johnson, deceased, as a Creek Freedman.

D E C I S I O N .

The record in this case shows that on October 16, 1902, Grant Johnson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Artie Johnson, as a Creek Freedman.

Further proceedings in the matter of said application were had at Muskogee, Indian Territory, May 15, 1903. The testimony of Thomas Sango relative to said minor child, taken October 15, 1902, is made part of the record herein.

The evidence shows that said Artie Johnson was born April 5, 1901, and died March 24, 1903; that he was the minor child of Frank and Katie Johnson, whose names are contained in a partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, Roll Numbers 3598 and 3599, respectively.

It is therefore the opinion of this Commission that Artie Johnson, deceased, should be enrolled as a Creek Freedman in accordance with the provisions of the act of Congress, June 30, 1902, (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

OCT 28 1903

JJB

Creek No. 319.

Muskogee, Indian Territory, October 30, 1903.

A. P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission in the matter of the application for the enrollment of Artie Johnson as a Creek Freedman.

The Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and, if at the expiration of that time no such protest has been made, said Artie Johnson will be regularly listed for enrollment as a citizen of the Creek Nation.

Respectfully,

Commissioner in charge.

Enc/ABC #26.

7 1904

Muskogee, Indian Territory, November 16, 1903.

Grant Johnson,

Oatoosa, Indian Territory.

Dear Sir:

In the matter of the application made by you for the enrollment of your minor child, Artie Johnson, as a Creek freedman, you are advised that said Artie Johnson has been regularly listed for enrollment as a Creek freedman.

You are further advised that you will be permitted to make application for a selection of land for said Artie Johnson upon a personal appearance at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Chairman.

OR 10 320

OR 10 320

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind. Ter., April 21, 1902.

In the matter of the application of Lewis Herod for the enrollment of his minor children, Leroy and Rena Herod, as Creek freedmen.

APPEARANCES: C. S. Lewis, Attorney for applicant.

Lewis Herod, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Lewis Herod.
Q How old are you? A Thirty-one.
Q What is your post office address? A Muskegee.
Q Are you a Creek freedman? A Yes, sir.
Q Have you been enrolled by this Commission as a Creek citizen?
A Yes, sir.

The records of the Commission examined and it appears therefrom that Lewis Herod has been regularly listed for enrollment on Creek Freedman Card Field No. 1372, approved roll No. 4613.

It further appears that said Lewis Herod is identified on the 1890 authenticated tribal roll, page No. 161, and on the 1895 Pay Roll of said Nation, No. 264.

- Q For whom do you now make application for enrollment?
A Leroy and Rena Herod.
Q Are you the father of these children? A Yes, sir.
Q How old is Leroy Herod? A Six years old--well, he would be something over six.
Q How old is Rena? A Four.
Q Do you reside in the Creek Nation? A Yes, sir.
Q How long have you lived in the Creek Nation? A All my life.
Q What is the name of the mother of these children?
A Joanna Thompson.
Q Are you married to Joanna Thompson? A I didn't.
Q Is she living or dead? A She is dead.
Q Was she a citizen of the Creek Nation? A No, sir.
Q Was she a citizen of any Indian tribe in the Indian Territory?
A No, sir; not as I know of; of course, they have been claiming with the Cherokees--well they hadn't got their rights there.
Q Are these children for whom you apply living or dead? A They are living.
Q Whom do they live with? A One of them lives with me--I have got the boy, and the girl is over here with the grandma.
Q Have you ever made application before for the enrollment of these children as citizens of the Creek Nation? A Yes, sir.
Q When was that? A Well I don't know now, I never kept no certain time it was.
Q Have you heretofore filed affidavits in regard to the birth of these children with the Commission? A Yes, sir.

The records of the Commission examined and it appears therefrom that birth affidavits for each of these children were filed with the Commission, July 17, 1902, and the same are marked Exhibits "A" and "B" and made part of the record herein.

2 Leroy and Rena Herod.

Lewis Herod, witness.

Examination by the Commission.

- Q Did you make application for the enrollment of these children when you made application for yourself? A No, sir.
- Q Why didn't you? A Because I didn't enroll myself. My father did it. He came down here and enrolled himself and the rest, and by some means left the children out. That is what caused all this trouble.
- Q Did you file on an allotment of land in the Creek Nation?
- A Yes, sir.
- Q Did you do the filing? A I did the filing, he didn't file for me at all; I did the filing.
- Q Why did you not apply for these children when you filed on your allotment? A Well I did apply then, but they claim--they put me off.
- Q Have these children resided in the Creek Nation ever since their birth? A Ever since their birth, Yes sir.
- Q How long has the mother of these children been dead? A She has been dead three or four years, I guess,--well, she died the 12th of February, '99, that is when she died.
- Q Did you and Joanna Thompson live together as man and wife from the time of the birth of Leroy until her death? A Yes, sir; right together then, as man and wife, right there out home.
- Q You were never legally married? A No, sir.
- Q Who was present when Leroy was born? A My sister, Jennetta McNac.
- Q Who was present when Rena was born? A She was, Jennetta McNac.
- Q Is Jennetta McNac living? A Yes, sir; she is living.
- Q What is her post office address? A Muskogee.

EXAMINATION BY C. G. LOWE:

- Q When you made application for the enrollment of these children, who put you off? A Well the Commissioner here told me that I couldn't enroll them. That they wasn't recognized them.
- Q Are you sure that the Commission told you that, or was it Mr. Reed or Mr. McKellop? A Well the way that was, I came to the Commissioner here about doing it. Well they put me off. I understood Reed was working up such business. They claimed to me that they would do all they can for me, but they didn't, do it.
- Q Did you pay them anything as your attorneys? A Yes, sir; I gave McKellop ten dollars.
- Q When you came to examine the records, there had been no application made? A No, sir; nothing in the record in this office.
- Q Did some one tell you it would be against the law for you to come in and make an application for the enrollment of these children?
- A Well, I never heard anything about that, whether it would be against the law or not, but I have had a lot of them to say I couldn't enroll them.
- Q Is that why you hav'n't made application? A Yes, sir; that is what they say. I couldn't enroll them, I supposed.
- Q How long did you live with Joanna? A I lived with her from ninety-four to ninety-nine--she died in ninety-nine.

EXAMINATION BY THE COMMISSION.

- Q You say you paid McKellop money? A Yes, sir.
- Q What McKellop is that? A Albert McKellop. He was--What you call it? Creek Attorney--Creek Commissioner.
- Q Did you take a receipt for the money? A No, I never took no receipt for the money.
- Q When was it you paid him that money? A It must have been in ninety-nine sometime.

3 Leroy and Rena Herod.

Lewis Herod, witness.

Examination by the Commission.

Q Was any one else present? A No, no one else was present. Got to talking with him. Paid it to him on the street, and he said he would do all he could for me, he was for that business--doing all that kind of business.

Q What is the name of Rena's grandmother with whom she is living?

A Jane Drew.

Q Have you surrendered the care and custody of that child to her?

A Well no, not exactly. After the death of the child's mother, she said she would take it and raise it, and I told her all right, to take it and raise it.

Q Has she been appointed guardian for the child? A I suppose she has; I don't know exactly, but I suppose she has.

EXAMINATION BY C. G. LOWE.

Q How many children did Joanna Thompson have when you married her?

A Well she had three, I think.

Q They are all with her grandmother, are they not? A Yes, sir.

Q And you left these of yours there with the others? A Yes, sir.

Q You don't know anything about Cuffy McIntosh having been appointed guardian of these children, at Jane Drew's request? A No, I don't know about that.

EXAMINATION BY THE COMMISSION.

Q Do both of these children live with their grandmother, both Leroy and Rena? A No, Rena is over on the other side of the river, living with Jane Drew, her grandmother, and Leroy is living with me, and he is now at my mother's, his grandmother.

Q Do you know whether any one has been appointed guardian for these children that you are applying for? A No, sir.

The attorney for the applicant states that Cuffy McIntosh has been appointed guardian for Leroy and Rena Herod.

Q Are there any other statements you desire to make in the matter of the application for the enrollment of your minor children, Leroy and Rena Herod, as citizens of the Creek Nation, at this time?

A No, sir.

COMMISSION TO APPLICANT:

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of your minor children, Leroy and Rena Herod, as citizens of the Creek Nation, which will be mailed to you at your post office address as given in your testimony taken at this time.

Witness excused.

Oliver C. Hinkle, having been duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 21st day of April, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle

Subscribed and sworn to before me this 25th day of April, 1903, at Muskogee, Indian Territory.

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T. Sept. 22, 1903.

No. 320.

Additional testimony

In the matter of the application for the enrollment of Leroy and Rena Herod as Creek Freedmen.

APPRESENTANCES: C. G. Lowe, attorney for applicant.
A. P. Murphy, attorney for Creek Nation.

Lewis Herod being called and sworn as a witness herein testified as follows:

Examination by the Commission.

- Q What is your name? A Lewis Herod.
Q What is your age? A About 33 I guess.
Q What is your post office address? A Muskogee.
Q Are you the father of Leroy and Rena Herod? A Yes sir.

Examination by Mr. Murphy:

- Q What was the name of the mother of this child? A Joanna Herod; well, Joanna Thompson.
Q She living or dead? A She's dead.
Q How long has she been dead? A I don't know exactly she died on the 12th day of February 1899.
Q When was Leroy born? A The 29th of May in 1898.
Q Living or dead? A He is living.
Q How old is Rena? A Rena is five years old.
Q Is she living? A Yes sir.
Q What is the date of her birth? A January 30, 1898.
Q How was it you didn't apply for the enrollment of these children, Mr. Herrod, when you came here and enrolled? A Well, in the first place I didn't enroll; my father did it; of course he didn't wait to see if I was coming down to enroll or not; as he was coming to enroll he just dropped our name with it.
Q Did you ever make application for the enrollment of these children before? A Yes sir.
Q When was that? A Sometime last year, I don't remember.
Q Why didn't you enroll them? A Well, they put them off on account they wasn't lawful they claimed.
Q It wasn't lawful why? A Well, this woman wasn't lawfully married as the custom is now.
Q Was your wife a citizen of the Creek Nation? A No sir she claimed part of the Cherokee but she had not yet got her rights at that time.
Q Are you the father of these children? A Yes sir.
Q Where are they living now? A The little girl Rena is over here with her grandmother, Jane Drew; and I have got the boy.

Examination by Mr. Lowe:

- Q You made a birth affidavit for these children to have them enrolled sometime this year, didn't you? A Yes sir.
Q This Spring? A Yes sir.
Q You lived with their mother as your wife? A Yes sir.
Q How many years? A From '93 to '99; I stayed with her from '93 till she died.
Q Is that fact generally known in the neighborhood where you live? A Yes sir.
Q One of the children is now with its grandmother? A Yes sir.
Q And the other with you? A Yes sir.
Q How long has that one been with you? A Since the mother died.
Q How long has that one been with Mrs. Drew? A Ever since the mother died I sent it over she took it right along there.
Q All the rest of your children are enrolled are they? A This is the only two.

Examination by Mr. Murphy:

- Q When did you say you commenced living with her? A From '93 to '99.
Q Did you live with her all the time? A Yes sir; all the time till she died.
Q Was you living with her at the time these children were born? A Yes sir.
Q What time in '93 did you go to live with her? A Well, sir, I cant tell exactly what time it was in the Fall of the year.
Q Was you married under the Creek law or no law at all? A No sir, we wasn't married at all.
Q Just went to living together? A Yes sir, just the old custom was.
Q Was you ever married to any woman? A Yes sir.
Q When? A I married last November I believe.
Q Was that the first time? A No sir, its the second time.
Q When was you married before? A I don't believe I could tell when I was married before; its been a good little while.
Q About when? A It must be '88 sometime; it might not be that far back.
Q How old was you? A Anout 23 I reckon; I am not sure.
Q You are thirty-three now? A I think I am 32 or 33.
Q How long did you live with your first wife? A I must have lived about 7 or 8 years with my first wife; I am just guessing at this now.
Q What was her name before you married her? A Belle Redmouth.
Q Is she living or dead? A She's living I suppose the last I heard of her.
Q Divorced from her? A Yes sir.
Q When was that? A It must have been in 1891; sometime along there.
Q The best of your recollection is that you were 23 years old when you married Belle Redmouth? A Yes sir.
Q And you lived with her 7 or 8 years? A Yes sir.
Q Had you any children? A Yes sir, but they died.

Examination by Mr. Lowe:

- Q How many did you have by your first wife? A Two.
Q About how old were they when they died? Did they live to get any size? A No, they both died before they got a year old; one was about two weeks.

3-

Examination by the Commission:

- Q Has any application ever been made to this Commission for the enrollment of either of these two children as a Cherokee? A I think so, but I think her mother has been the one trying to get herself enrolled, Jeanna and her mother.
- Q How long has Jeanna been dead? A She must have been dead-- she died the 12th February 1899.
- Q Has any application ever been made for the enrollment of Leroy and Rena as Cherokees? A Not as I know of,

Examination by Mr. Lowe:

- Q You say that Leroy has been with you since his mother's death? A Yes sir.
- Q And you lived with his mother up to her death? A Yes sir.
- Q Then you knew that prior to Leroy's mother's death there was no application made to enroll the child in the Cherokee Nation? A No sir.
- Q And since she has been dead none has been made that you know of? A No sir.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on September 22, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains,

Subscribed and sworn to before me this 29 day of September, 1903.

Edward Merriam,
Notary Public.

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

JJB

En. 320

In the matter of the application for the enrollment of Leroy and Rena Herod as Creek Freedmen.

D E C I S I O N .

The record in this case shows that on April 21, 1903, Lewis Herod appeared before the Commission and made application for the enrollment of his two minor children, Leroy and Rena Herod, as Creek Freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, September 22, 1903.

The evidence shows that said Leroy and Rena Herod are the minor children of Lewis Herod; that they were born prior to April 1, 1899; that they were living at the date of the application herein.

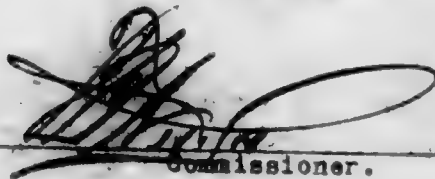
The records of the Commission show that the name of Lewis Herod is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior, March 28, 1902, roll number 4613.

It is, therefore, the opinion of this Commission that said Leroy Herod and Rena Herod should be enrolled as Creek Freedmen in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901, (31 Stats., 861) and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.

Dated at Muskogee, Indian Territory,  Commissioner.

FEB 12 1904

IN RE

Application for Enrollment of

INFANT CHILD

Haroy Howard

as a citizen of

Greece

Nation.

Approved 190.....

Commissioner.

This child is reported to
be illegitimate by a
non citizen woman

Father on In Care #1372

Ex. 2

FILED
JUL 17 1902
U.S. DEPT. OF JUSTICE

Filed July 17-1902

ANTHONY CRAFTON,

Atty for Applicant

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

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Leroy Herod (Here insert name of child), born on the 29th day of May, 1896
Name of Father: Lewis Herod a citizen of the Creek Nation.
Name of Mother: Joana Herod a citizen of the United States Nation.
Post-office Mustoge, I. T.

AFFIDAVIT OF ^{father} MOTHER, being dead

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Lewis Herod, on oath state that I am 32
years of age and a citizen, by adoption, of the Creek Nation;
that I am the lawful ~~wife~~ ^{husband} of Joana Herod, who is a citizen, by
United States, of the United States Nation; that a male child was
(male or female.)
born to me on 29th day of May, 1896; that said child has been
named Leroy Herod, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Lewis Herod

Subscribed and sworn to before me this

15th day of

July

1892

(Seal)

Geo. H. Ireland

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Genetta M^cAc, a midwife, on oath state that I
attended on Mrs. Joana Herod, wife of Lewis Herod
on the 29th day of May, 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 Leroy Herod

WITNESSES TO MARK:

(Must be Two Witnesses.)

W. Mann Geo. H. Ireland
Geo. Hillingdon Genetta M^cAc
Mann

Subscribed and sworn to before me this

15th day of

July

1892

W. C. Commissioner
July 2nd 1892

Geo. H. Ireland

NOTARY PUBLIC.

IN RE

Application for Enrollment of

INFANT CHILD

Rena Herod

as a citizen of

Greece

Nation.

Approved

190

Commissioner.

These children are reported to be illegitimate by a non citizen woman
Father on P.R. Card #1872
Ex. "A"

Filed July 17-1902

ANTHONY CRAFTON,

Atty for Applicant

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

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Reva Herod born on the _____ day of _____, 1____
Name of Father: Louis Herod a citizen of the Creek Nation.
Name of Mother: Jannia Herod a citizen of the United States Nation.
Post-office Muskogee

AFFIDAVIT OF ^{father} MOTHER, being dead

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Louis Herod, on oath state that I am 32
years of age and a citizen, by adoption, of the Creek Nation;
that I am the lawful ^{husband} wife of Jannia Herod, who is a citizen, by
_____ of the United States Nation; that a _____ child was
born to me on 30th day of January, 1898; that said child has been
named Reva Herod, and is now living.

WITNESSES TO MARK:
(Must be Two Witnesses.) } Louis Herod

Subscribed and sworn to before me this 15th day of July, 1902
Geo. H. Breeland NOTARY PUBLIC
water street

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Jenetta Ma Nae, a midwife, on oath state that I
attended on Mrs. Jannia Herod, wife of Louis Herod
on the 30th day of January, 1898, that there was born to her on
said date a female child; that said child is now living and is said to have been
named Reva Herod

WITNESSES TO MARK:
(Must be Two Witnesses.) } Jenetta Ma Nae
W. J. Mans
Joe McLaughlin

Subscribed and sworn to before me this 15th day of July, 1902
Geo. H. Breeland NOTARY PUBLIC

Muskogee (MISSISSIPPI)
A.P. Murphy
National Attorney.

ACB.

Muskogee, Indian Territory, July 25, 1903.

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

Gentlemen:

On April 21, Lewis Herod appeared before the Commission and made application for the enrollment of his minor children LeRoy and Rena Herod, as Creek Freedmen and same was given your number 320.

The Creek Nation was not represented in this matter and had no opportunity to cross examine the witness in relation thereto. I would respectfully ask that said Lewis Herod be required to appear before the Commission at a date named by you that he may be cross-examined relative to the matter at issue.

Very truly,

(Signed) A.P. Murphy

National Attorney.

2870

No. 225

Muskogee, Indian Territory, September 17, 1903.

Lewis Herod,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application made by you for the enrollment of your two minor children, Leray and Rena Herod, as citizens of the Creek Nation, you are required to appear before the Commission at its Office at Muskogee, Indian Territory, for the purpose of being further examined concerning the right to enrollment of said children.

Respectfully,

Chairman.

Registered.

Gr. No. 240.

Waskagee, Indian Territory, September 26, 1903.

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

Sir:

April 21, 1903, Lewis Herod appeared before the Commission and made application for the enrollment of his two minor children, Leroy and Rena Herod, as Creek Freedmen. Further testimony was submitted in the case September 22, 1903.

It appears from the testimony that it is claimed that the mother of said children was a Cherokee Freedman. A copy of all the testimony in the case is herewith enclosed.

You are requested to advise the Creek Enrollment Division whether application has been made for the enrollment of said Leroy and Rena Herod as citizens of the Cherokee Nation, and whether their names appear upon the Cherokee tribal rolls.

Respectfully,

Chairman.

Enc. HOKI-26.

Department of the Interior.
Commission to the Five Civilized Tribes

Commissioners.
Tams Bixby.
Thomas B. Needles.
C. R. Breckinridge.
W. E. Stanley.

Refer in reply to
the following.

Allison L. Aylesworth,
Secretary.

WJC

Address only the
Commission to the Five Civilized Tribes.

Tahlequah, Indian Territory, October 1, 1903.

Commission to the Five Civilized Tribes,
(Creek Enrollment Division),
Muskogee, Indian Territory.

Gentlemen:

Receipt is acknowledged of Commission's letter of September 26, enclosing copies of testimony of Lewis Herod in the matter of his application for the enrollment of Leroy and Rena Herod as Creek Freedmen. It is stated that the testimony shows the mother of these children claims to be a Cherokee Freedman and this office is requested to advise the Creek Enrollment Division if application has been made for the enrollment of Leroy and Rena Herod as citizens of the Cherokee Nation, and whether their names appear upon any of the Cherokee tribal rolls.

In reply you are advised that the records of this Commission do not show that application has been made for the enrollment of Leroy and Rena Herod as citizens of the Cherokee Nation, nor do their

names or the names of their mother appear upon any of the titles
of the Cherokee Nation in the possession of this Commission.
The testimony enclosed with Commission's letter of September 28
is as follows:

Respectfully,

C. R. Stackhouse

Commissioner in Charge
Cherokee Land Office

Encl-8-88
GBS

Copy

J. J. J.

No. 320.

Muskogee, Indian Territory, February 13, 1904.

A. P. Murphy,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith copy of the decision of the Commission in the matter of the application for the enrollment of Leroy and Rena Herod as Creek freedmen.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if at the expiration of that time no such protest has been made, said Leroy and Rena Herod will be regularly listed for enrollment as citizens of said nation.

Respectfully,

Commissioner in Charge.

OCK-57.

No. 120.

Muskogee, Indian Territory, May 31, 1904.

Leola Herrod,

Muskogee, Indian Territory.

Dear Sir:

You are advised that the names of your minor children, Leroy and Rena, are contained in the partial list of Creek Freedmen approved by the Secretary of the Interior May 31, 1904, and that applications for selections of land in the Creek Nation for said children may now be made at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STAMMER.

ALLISON L. AYLESWORTH,
SECRETARY.

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

REFER IN ANSWER TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, I. T.
April 24, 1902

Received of the Commission to the Five
Civilized Tribes one copy of the testimony in
the matter of the application for the enrollment of
Leroy and Rena Herod as citizens of the Creek
Nation

A. T. Seal

Attorney for applicants

CR 50 34

CR 50 321

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., April 18, 1903.

In the matter of the application for the enrollment of William Sherman Atkins as a citizen by blood of the Creek Nation.

APPEARANCES: Harry G. Davis, Attorney for Applicant.

WILLIAM SHERMAN ATKINS, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q. What is your name? A. William Sherman Atkins.
Q. How old are you? A. Well, thirty-five years old.
Q. What is your post office address? A. Wagoner.
Q. Do you make application for enrollment as a citizen by blood of the Creek Nation? A. Yes, sir.
Q. What is the name of your father? A. Call him Richard Atkins.
Q. Is he living or dead? A. He is dead.
Q. How long has he been dead? A. It will be seven years this fall.
Q. Was he a citizen by blood of the Creek Nation? A. Yes, sir.
Q. How did he become a citizen of the Creek Nation? A. Why he says his father was an Injun; of course, I don't know anything about it only just what---I wouldn't be positive.

The Creek Law Book, edition of 1893, page No. 103, examined and it appears therefrom that Richard Atkins was admitted to citizenship in the Creek Nation, October 21, 1890.

The 1890 authenticated tribal roll of the Creek Nation examined, Arkansas Town, and the name of Richard Atkins is found thereon at page 41.

The 1895 roll of the Creek Nation, Arkansas Town, examined, and the name of Richard Atkins is found thereon at No. 1326.

- Q. What is the name of your mother? A. Victoria.
Q. Victoria what? A. Victoria Atkins.
Q. Is she living or dead? A. She is dead.
Q. How long has she been dead? A. It has been dead ever since I was a baby two weeks old.
Q. Is she a citizen of the Creek Nation? A. No, sir.
Q. Have you ever drawn any money from the Creek Nation?
A. No, sir; but my father did.
Q. Do you mean that your father drew money for you? A. Yes, sir; he drew money for me.
Q. How much? A. Why he drew that twenty-nine dollar payment, he said; I wasn't sure.

The 1890 authenticated tribal roll of the Creek Nation Arkansas Town, examined, and the name of William Atkins found thereon, page No. 41.

- Q. Did you draw the fourteen dollar payment? A. Yes, sir; just the same as my father; he drew that fourteen dollar payment.
Q. What town in the Creek Nation do you claim to belong to?
A. Why Cheyaha Town, I think it ought to be.

The 1895 Pay Roll of the Creek Nation, Cheyaha Town, examined, and the name of the applicant not found thereon.

2 William Sherman Atkins.

William Sherman Atkins, witness.

Examination by the Commission.

The 1895 Pay Roll of the Creek Nation, Arkansas
Town, examined, and the name of the applicant not found
thereon.

The 1895 roll of doubtful citizens of the Creek Nation
Arkansas Town, examined, and the applicant identified
thereon as "Sherman Atkins".

- Q Where do you reside? A I live eight miles southwest of Wagoner.
Q Is that in the Creek Nation? A Yes, sir; that is right direct
in the Creek Nation.
Q How long have you lived in the Creek Nation? A Lived now
going on seven years.
Q Where did you live before that? A I lived in Missouri.
Q How long did you live in Missouri? A I lived in Missouri
all my life until I came to the Territory.
Q Did I understand you to say that you lived in Missouri all of
your life up to seven years ago? A Yes, sir; that is just exactly
what I said.
Q Were you ever admitted to citizenship in the Creek Nation by
the Creek tribal authorities? A No, sir.

The Creek Law Book, edition of 1893, examined and it
does not appear therefrom that the applicant was admitted
to citizenship by the Creek tribal authorities.

- Q Were you ever admitted to citizenship in the Creek Nation by
the Commission to the Five Civilized Tribes, under the provisions of
the act of Congress of June 10, 1896? A No.

List of persons admitted to citizenship in the Creek
Nation by the Commission to the Five Civilized Tribes
under the provisions of the act of Congress of June 10,
1896, examined, and it does not appear therefrom that the
applicant herein was admitted by said Commission under
said act.

- Q Have you ever been admitted by the Creek Citizenship Commission
under the act of the Creek National Council of May 30, 1895, com-
monly known as the Colbert Citizenship Commission? (No response).

List of persons admitted to citizenship in the Creek
Nation by the Creek Citizenship Commission, under the act
of the Creek National Council approved May 30, 1895, ex-
amined, and the name of the applicant not found thereon.

- Q Were you ever admitted to citizenship in the Creek Nation by
the United States court in Indian Territory upon an appeal from a
decision of the Commission to the Five Civilized Tribes or from a
decision of the Creek tribal authorities, under the provisions of
the act of June 10, 1896? A No, sir.

The records of the United States court for the Northern
District of Indian Territory examined and it does not appear
therefrom that the applicant was ever admitted to citizen-
ship in the Creek Nation by a judgment of said court.

- Q Why is it that you claim to belong to Cheyaha Town when your
name appears upon the 1890 authenticated roll and the 1895 roll
of doubtful citizens of the Creek Nation? A I don't know only what
my father said; my father said he moved it from Arkansas Town to

... ..

... ..

... .. the covered town and bring
... .. because these Indians said he was a citizen of

Are there any other statements you desire to make at this time
... .. your application for enrollment as a citizen of
... .. Nation? A No, sir.

... .. G. Hinkle, having been duly sworn, upon his oath states,
... .. as stenographer for the Commission to the Five Civilized Tribes,
... .. reported the proceedings had in the above entitled cause on the
... .. day of April, 1903, and that the above and foregoing is a full,
... .. true and correct transcript of his stenographic notes thereof.

Oliver Hinkle

Subscribed and sworn to before me this 22nd day of April, 1903,
... .. Indian Territory.

Edward Merwin
Notary Public

2531

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

No. 321

W. S. HALL,
Secretary

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 22, 1905.

William Sherman Atkins,
Wagoner, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen by blood of the Creek Nation, you are advised that the Commission desires further evidence in said case.

You are hereby notified that you will be allowed thirty days from date within which to introduce before the Commission at its office in Muskogee, Indian Territory, such evidence as you may desire tending to show your right to enrollment.

Respectfully,



Chairman.

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

In the matter of the application for the enrollment of
 William Sherman Atkins as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on April 18, 1903, William Sherman Atkins appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for enrollment as a citizen by blood of the Creek Nation.

The evidence shows that the name of said William Sherman Atkins appears on the 1890 Authenticated Tribal Roll of the Creek Nation and on the 1895 Doubtful Roll of said nation.

The evidence further shows that said William Sherman Atkins was a resident of the Creek Nation at the date of the application herein and that he has been a resident of said nation seven years next preceding said date.

In the Creek case of Frank London et al., the Department ruled (I.T.D. 3194-1905):

" If the applicants are otherwise entitled to be enrolled as citizens of the Creek Nation, the striking of their names from the 1895 roll by the Committee of Eighteen does not affect their rights."

It is, therefore, ordered and adjudged that, following the ruling of the Department in said case of Frank London et al., said William Sherman Atkins is entitled to be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress approved June 28, 1898, (30 Stats., 461), and March 1, 1901 (31 Stats., 861), and the application for his enrollment as such is accordingly granted.



 Commissioner.

Muskogee, Indian Territory,

JAN 12 1906

Cr Sn 381

Muskogee, Indian Territory, January 13, 1906.

M. L. Mott,

Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of William Sherman Atkins as a citizen by blood of the Creek Nation.

You are hereby advised that the Creek Nation will be allowed fifteen days from date hereof within which to protest against the enrollment of said William Sherman Atkins, and if, at the expiration of said time, no protest has been filed, said person will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

JYM-13-18

COPIES IN COPY TO THE FOLLOWING:
C. J. N. 821

W. H.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 23, 1906.

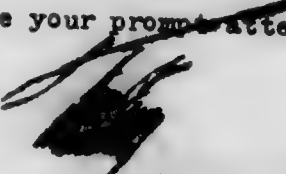
William Sherman Atkins,
Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that your name is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior June 16, 1906, and you can now make a selection of land in the Creek Nation for yourself at the Creek Land Office in Muskogee, Indian Territory.

This matter should receive your prompt attention.

Respectfully,



Commissioner.

Muskogee, Indian Territory, June 23, 1906.

Harry G. Davis,

Attorney for William Sherman Atkins,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the name of William Sherman Atkins is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior June 16, 1906, and that a selection of land in the Creek Nation may now be made for him at the Creek Land Office in Muskogee, Indian Territory.

This matter should receive prompt attention.

Respectfully,

Commissioner.

CR EN 322

CR EN 322

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., April 22, 1903.

In the matter of the application for the enrollment of Hellen Garrett, deceased, as a Creek freedman.

SARAH GARRETT, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Sarah Garrett.
Q How old are you? A Twenty-two.
Q What is your post office address? A Gatesville.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.
Q What was your name before you were married? A Sarah Harrison.
Q To what town in the Creek Nation do you belong? A Arkansas.

Records of the Commission examined and it appears therefrom that Sarah Harrison has been regularly listed for enrollment on Creek Freedman Card Field No. 721, approved roll No. 2806.

It further appears that the name of Sarah Harrison is found upon the 1890 and 1895 rolls of the Creek Nation.

- Q For whom do you make application for enrollment? A Hellen Garrett.
Q Do you make application for her enrollment as a Creek freedman?
A Yes, sir.
Q Is she living or dead? A No, sir; she is dead.
Q Are you her mother? A Yes, sir.
Q What is the name of her father? A Walter Garrett.
Q Is he a Creek freedman? A Yes, sir.
Q Has he been enrolled as a citizen of the Creek Nation by this Commission? A Yes, sir.
Q To what town in the Creek Nation does Walter Garrett belong?
A I don't know.

The records of the Commission examined and it appears therefrom that Walter Scott Garrett has been regularly listed for enrollment on Creek Freedman Card Field No. 576, approved roll No. 2180.

It also appears that he is identified on the 1890 authenticated roll and the 1895 Omitted Roll of the Creek Nation, Arkansas Town.

- Q Are you married? A Yes, sir.
Q Is Walter S. Garrett your husband? A Yes, sir.
Q When were you married? A The 21st of February,
Q What year? A 1901.
Q When was Hellen Garrett born? A Along about the 20th of May.
Q What year? A 1901.
Q Do you know the exact date of her birth? A No, sir.
Q What day of the week was she born on? A Wednesday.
Q How old was Hellen Garrett when she died? A She was seven months
and two weeks and three days over.
Q How long has she been dead? A Well I say she has been dead about
a year, a little over, I think she has been dead about a year and
five months.

2 Hellen Garrett.

Sarah Garrett, witness.

Examination by the Commission.

- Q Have you heretofore executed an affidavit in regard to the birth of that child? A Yes, sir.
- Q Do you remember when you made that affidavit? A Yes, sir; I remember when I made it.
- Q Did you at that time know the exact date of the birth of Hellen Garrett? A No, sir; I didn't know the exact date.
- Q Did you tell the notary public, or whoever made out the affidavit, the dates to put down in that affidavit? A No, sir; I didn't tell him the exact date. I told him I didn't know, but I thought somewhere along about the 20th, and he just put it down that way.
- Q Did you read that affidavit before you signed it? A No, sir; I didn't.
- Q Was it read to you? A No, sir; I don't think it was.
- Q Do you know the month in which Hellen Garrett died? A Yes, sir.
- Q What month was it? A December.
- Q Do you know the day of the month? A No, sir; I don't know the day it was. There were two died the same week, and we got the dates mixed up; no, sir; I don't know the exact date.
- Q Have you any brothers and sisters? A Yes, sir.
- Q What are their names? A David Harrison, Eddie Harrison, Lila Howell and Martha--she is dead.
- Q Has David Harrison got any children? A Yes, sir.
- Q Has Edward any children? A No, sir.
- Q Has David Harrison any children born about the time that Hellen was born? A No, sir.
- Q Has he got any children dead? A Yes, sir.
- Q Has he got any that died about the time that Hellen was born? A No, sir.
- Q Has David Harrison a child by the name of Alice Harrison? A Yes, sir.
- Q Was Alice Harrison born before or after Hellen? A Before.
- Q How old was she when Hellen was born? A I guess she was near about a year old when Hellen was born.
- Q Were there any children born in your neighborhood about the time Hellen was born? A No, sir.
- Q What are the names of the others that you say that died about the time that Hellen died? A That was my sister, Addie Draper.
- Q Did Addie Draper have a child named Ida? A Yes, sir.
- Q Did she die before or after Hellen? A Before.
- Q How long before? A About a week before.
- Q Is Walter S. Garrett the father of Hellen Garrett? A Yes, sir.
- Q Did you live with him before you were married? A No, sir.

The records of the Commission examined and it appears therefrom that on February 25, 1903, a birth affidavit was filed with the Commission in the matter of the application for the enrollment of Hellen Garrett as a citizen of the Creek Nation, which is marked Exhibit "A" and made a part of the record herein.

Witness excused.

JAMES SMITH, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A James Smith.
- Q How old are you? A Thirty-seven.
- Q Are you a citizen of the Creek Nation? A No, sir; intermarried.
- Q What is your post office address? A Choska.
- Q What is your wife's name? A Julia Smith; she was an Osborn before we were married.

3 Hellen Garrett.

James Smith, witness.

Examination by the Commission.

- Q How long have you been married? A About a year. I guess, a little over.
- Q Do you know Walter S. Garrett? A Yes, sir.
- Q Do you know his wife, Sarah? A Yes, sir.
- Q How long have you known them? A Known them about three years.
- Q Do you know when they were married? A Somewhere about that time.
- Q About when was it? A In 1901.
- Q What time of the year? A I don't know exactly, along in the spring of the year.
- Q Did you know Hellen Garrett? A I knew it as a baby.
- Q Do you know when the child was born? A I know about when it was born.
- Q About when was it born? A Well sometime along in May, I guess, somewhere along that time.
- Q In what year? A 1901. I wasn't there, I was close around there.
- Q You don't know the exact date of its birth? A No, sir; I don't.
- Q Is that child living or dead? A Dead.
- Q When did it die? A I don't know exactly, along about the 16th of December, I think.
- Q What year? A 1901, I reckon.
- Q About how long has that child been dead? A Been dead about a year, and a little better.
- Q About how old was the child when it died? A As near as I can get at it, from between seven and eight months.
- Q Was you present when the child died? A No, sir; but I was there that night and set up and helped bury it.
- Witness excused.

HARRY JOHNSON, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Harry Johnson.
- Q What is your age? A Twenty-three.
- Q What is your post office address? A Gatesville.
- Q Are you a citizen of the Creek Nation? A No, sir.
- Q Are you married or single? A Single.
- Q Do you know Walter S. Garrett? A Yes, sir.
- Q Do you know his wife, Sarah? A Yes, sir.
- Q How long have you known them? A A little better than two years.
- Q Did you know their child, Hellen Garrett? A Yes, sir.
- Q Do you know when the child was born? A Not exactly, I don't.
- Q Do you know when the child died? A About the last part of the year 1901.
- Q About how old was that child when it died? A It was about six months old, or a little older.
- Witness excused.

SARAH GARRETT, BEING RECALLED, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q Is Walter S. Garrett a farmer? A Yes, sir.
- Q What kind of work was he doing on the farm when this child was born? A He was bedding up cotton ground.
- Witness excused.

WALTER S. GARRETT, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Walter Scott Garrett.
- Q What is your age? A I am twenty-seven years old.

4 Hellen Garrett.

Walter S. Garrett, witness.

Examination by the Commission.

Q What is your post office address? A Catawilla.

Q Is Sarah Garrett your wife? A Yes, sir.

Q When were you married to her? A I was married to her the 21st day of February, 1902.

Q Did you and your wife, Sarah, have a child by the name of Hellen Garrett? A Yes, sir.

Q Are you the father of that child? A That is what I am supposed to be, that is what she says.

Q When was that child born? A The child was born the 20th day of May, that same year.

Q What day of the week was that child born on? A I don't know the day of the week, exactly; I didn't keep the day of the week at all, I don't know, but it was either a Tuesday or Wednesday, just as my wife said; I don't know positively, but I think it was either Tuesday or Wednesday.

Q Are you positive that it was either a Tuesday or Wednesday?

A No, sir; I am not positive; I don't know the exact day, or what day of the week it was, positive, but I am just thinking it was either Tuesday or Wednesday.

Witness excused.

SARAH GARRETT, BEING RECALLED, testified as follows:

EXAMINATION BY THE COMMISSION.

Q Are you positive that child was born on Wednesday? A No, sir; I am not positive.

Witness excused.

WALTER S. GARRETT, BEING RECALLED, testified as follows:

EXAMINATION BY THE COMMISSION.

Q Are you positive that the child was born on the 20th of May, 1901? A Yes, sir; the 20th of May, 1901.

Q How are you so positive? A Well, I knew it was the 20th day of May. I have got it down at home. I kept account of that, but I didn't think of the date of the week when at the same time I got the day of the month.

Q Have you got that date down in a book? A Yes, sir.

Q What kind of a book is it in? A In a bible, I guess.

Q When did you put that down in the book? A I put that down--I don't know exactly when it was, but it was two or three months afterwards.

Q What is your occupation? A I am a farmer.

Q Was you farming at that time? A Yes, sir.

Q What kind of work was you engaged in? A I was working at my cotton ground. I had planted my cotton, and part of it didn't come up, it was so dry that year, and I was fixing--bedding up to plant some more cotton--well, there was just a little I was intending to plant that I was working on that day, when that night, the child was born.

Q How old was Hellen Garrett when she died? A Why I don't know exactly, but I think she was between seven and eight months old. I don't know just up to a day how old she was, I didn't keep account of it at all, but I think it was between seven and eight months. You could tell, from the 20th of May up to its death.

Q Did you have a physician when the child died? A I didn't take it to no physician, but Dr. Williams was ever there to see its aunt--its aunt was sick at the same time, and we were up there to see her when Dr. Williams came there to tend on her, and we let him examine

6 Hellen Garrett.

Walter S. Garrett, witness.

Examination by the Commission.

the child to see what was the matter with it.

Q How long was that Dr. Williams was there before the child died?

A It wasn't very long. The child died pretty soon. I don't think it was a month, it may have been a month but I don't think it was.

Q Was the child sick a long time? A The child was sick about three or four weeks.

Q Did you purchase a coffin for the child? A Yes, sir.

Q Where did you get it? A Choska.

Q Whom did you get it of? A Well, it was the Choska Trading Company is where I got the coffin at. The man I got it from was a clerk in there by the name of Ward.

Q Did you buy it on a credit, or pay for it at the time? A Got it on a credit.

Q Who was present when this child was born? A The midwife.

Q Who was that? A Mickey Keys.

Q What is her post office? A I don't know where she gets her mail at.

Q Is she living? A Yes, sir; she is living.

Q Does she get her mail at Gatesville? A No, sir; she don't live up there.

Q Where is she living? A She lives over here in the old field, but her post office I don't know.

Q How far is it from here? A Must be seven or eight miles.

Q Have you heretofore executed death affidavits in regard to the death of Hellen Garrett? A Yes, sir.

Q Have you executed two death affidavits? A Yes, sir; I did.

The records of the Commission examined and it appears therefrom that on June 26, 1902, an affidavit was executed by Walter S. Garrett relative to the death of Hellen Garrett, which was filed with the Commission the same day. Said affidavit is marked Exhibit "B" and made a part of the record herein.

The records of the Commission further examined and it appears that on February 25, 1903, a death affidavit, executed by Walter S. Garrett, was filed with the Commission, which affidavit was executed February 11, 1903. Said affidavit is marked Exhibit "C" and made a part of the record.

Q Were there any other children born in your neighborhood about the time that Hellen Garrett was born? A Yes, sir; there were some more children born there.

Q What are their names? A I don't know.

Q What are the names of their parents? A Dan---something.

Q Was that child born before or after Hellen? A After.

Q How long after? A I don't know how long. Then there was another child born--John Lewis's wife had a child.

Q Was the child born before or after? A After.

Q How long after? A I don't know.

Q Were there any deaths in your neighborhood about the time this child was born? A I don't remember any.

Q Are there any other statements you desire to make at this time in the matter of this application for the enrollment of your minor child, Hellen Garrett, as a citizen of the Creek Nation? A When I executed that first affidavit, the first death affidavit, I didn't know positively about the death of the child, but after I went back and consulted my wife about it, we then got pretty near the exact date of its death, and if they don't correspond, why the first one is a mistake of mine, because I didn't know positively. I was fixing to have them all filled out, I didn't know how to have them all done until I got Will Owens to fill that out.

Q When you executed this first affidavit, you didn't know then the

6 Hellen Garrett.

Walter B. Garrett, witness.

Examination by the Commission.

Q exact date of the death of Hellen Garrett? A Not positively. I thought I was right, though, in guessing at it.

Q Did you know at that time the month in which she died? A Yes, I knew the month, but what day I didn't know exactly.

Q In the first affidavit you filed with the Commission concerning the death of Hellen Garrett, you stated that she died on the 12th of September, 1901, and in the second affidavit you stated that she died on the 10th of December, 1901? A If that first one says the 10th of September, that is a mistake.

Q When you executed this affidavit in which you state that Hellen Garrett died on the 10th of September, 1901, why is it that you knew the exact date of her death then and you don't seem to know now the exact date of her death? A It just slipped my remembrance is all there was to it. I knew it was in December, but as I told you before there was three deaths at the time my baby died, three out of the same family, and I got them all mixed up. I think one died on the 23rd of the month, and I think one died in the first part of the month, and my baby died between the two.

Witness excused.

BY THE COMMISSION: This case is continued for further testimony.

Oliver C. Hinkle, having been duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 22nd day of April, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver Hinkle

Subscribed and sworn to before me this 25th day of April, 1903, at Muskogee, Indian Territory.

Edward Morris
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE GENERAL LAND OFFICE
MOBILE, ALA., August 22, 1901.

In the matter of the application for the enrollment of Hellen Garrett, deceased, as a Creek Indian.

Appearance: A. M. E. Mott, attorney for Creek Nation.

Washington Barnett being duly sworn testified as follows:

Examination by the Commission:

- Q. What is your name? A. Washington Barnett.
Q. How old are you? A. About 48.
Q. What is your post-office address? A. Haynes.
Q. Do you know Walter Garrett and his wife, Sarah? A. Yes sir.
Q. How long have you known them? A. Known Walter all my life and Sarah principally all my life.
Q. Are they any kin to you? A. Walter is.
Q. What kin is he to you? A. My nephew.
Q. You are a citizen of the Creek Nation, are you? A. Yes sir.
Q. Have you a child named Fred Lee? A. Yes sir.
Q. Get any children younger than him? A. Yes sir.
Q. How many? A. Two younger than Fred.
Q. What is the one next to Fred named? A. Lillie.
Q. Do you know a child of Washington and Sarah Garrett named Hellen?
A. Yes sir.
Q. Were you living near them when the child was born? A. Yes sir.
Q. How near? A. In the same house.
Q. Which was born first, your child Lillie or Hellen Garrett? A. Mine, I think.
Q. How long first? A. I don't know just exactly how long first.
Q. Well, about, if you have any idea? (No answer.)
Q. Is your child Lillie living? A. Yes sir.
Q. About how old was your child when Hellen was born? A. It was something like three weeks old, and maybe not quite so old.
Q. They were born right close together then? A. Yes sir.

Sarah Garrett being duly sworn testified as follows:

Examination by the Commission:

- Q. What is your name? A. Sarah Garrett.
Q. How old are you? A. 22.
Q. What is your post-office address? A. Broken Arrow.
Q. Do you know Washington Barnett? A. Yes sir.
Q. What is his wife's name? A. Emma Barrett.
Q. Have they a child named Lillie? A. Yes sir.
Q. Was that child born about the time your child, Hellen, was born?
A. His was older than mine.
Q. How much older? A. A few days.
Q. What is his name?

Washington Barnett recalled:

By the Commission:

Q How much difference do you think there was in the ages of these two children? A About three weeks I suppose. It might not have been quite so long.

Q Do you know when Hellen Garrett was born? A No; not exactly but I was there all right; I was on the place.

Q Are you a member of the Council? Have you ever been? A No sir.

Q Do you know when your child, Lillie was born? A I can't really say positively, you understand now, Mr., but it was about the 4th or 5th.

Q Of what? A Of May that my boy was born, and two or three weeks on the outside--my wife was just able to stir about a little out doors when their boy was born.

The records of the Commission show that Lillie Barnett was born May 5, 1901.

Bob Reed being duly sworn testified as follows:

By the Commission:

Q What is your name? A Bob Reed.

Q How old are you? A 22.

Q What is your post office address? A Haynes, I.T.

Q Do you know Walter Garrett and his wife Sarah? A Yes sir.

Q How far do you live from them? A I don't know how far I live from them now.

Q Do you know a child of theirs named Hellen? A Yes sir.

Q Were you living near them when that child was born? A I was staying with them.

Q Do you know when that child was born? A Yes, I believe I do.

Q What was it? A About the 20th of May, 1901.

Q What fixes it in your mind? A I remember the date; I don't remember what day it was but I remember that.

Q When were you born? A 1882, on the 19th of January.

Q Are you married? A Yes sir, I am married.

Q Have you got any brothers and sisters? A I haven't got, but one sister; no brothers.

Q Have your sisters got any children? A No sir.

Q When was your sister born? A 1887, I believe; May 20th.

Q Were you present when Washington Barnett's child was born? A No sir.

Q How long did you live with Walter Garrett? A I left him shortly after the child was born. About a week.

Q How long had you been living with him when the child was born? A Not more than a week; I don't suppose.

Examination by Mr. Mott:

Q Got any children of your own? A Got one.

Q How old is it? A I guess its about 2 years old and some months.

Q What day was it born in? A On the 2nd of March I believe.

Q I don't want what you believe I want what you know. A I don't know.

Q You don't know when your own child was born? A I knows, but I don't remember now.

Q When did you know? A It was born in March all right-- the second day.

Q When did you know? A Been knowing all the time.

Q But you can't remember now? A No sir.

Q Did you put down your own child's name anywhere? A No sir.

Q When were you first called on to testify about the birth of this child here being born on the 20th of March? A They just wrote to me about four months ago, I guess.

Q Was that the first time you were spoken to about it? A No sir, they spoke to me about it when the child was born. That was the first time; then again four months ago.

Q Spoke to you at the time the child was born? A Yes sir, shortly after.

A Said they might need me as a witness to prove it was born before.
Q They told you that? A Yes sir, that they might need me as a witness.
Q Said they might need you as a witness to prove it was born before
May 25? A Yes sir.
Q Did you say you put it down anywhere? A No sir.
Q This is the first time you have been examined about it? A Yes sir.
Q They never had you up here the first time? A No sir.
Q When they told you that they wanted you to remember it so as to prove
that it was born before May 25, what did you do about it; did you make
any memorandum about it anywhere? A No sir.
Q You just recollect it? A Yes sir.
Q You have been recalling it every once in a while? A Yes sir.
Q Been thinking of it ever since? A No sir, once in a while, I tell you
Q Been studying about it every month, or so? A I wouldn't say positive-
ly; sometimes about three or four months.
Q Before you would think about it? A Yes sir.
Q Then you would think about it again? A Yes sir.
Q And every time you would say it was the 20th of May? A Yes sir; I
knewed it.
Q How long had you been living with them? A I lived with them from the
1st of Fall till May.
Q They told you before you left there that they wanted you to remember
it, didn't they? A Yes sir.
Q Who was it told you they wanted you to remember it because they wanted
you to testify that it was born before May 25th? A Walter Garrett.
Q The husband over there? The father? A Yes sir.
Q He was the one told you? A Yes sir.
Q Did the wife say anything about it? A No sir.
Q Did she hear you tell that? A No sir.
Q Where was she? A She was there on the place somewhere; I can't
tell you where.
Q What day was it he told you? A I don't know exactly what day it was
but it was on the 20th of May.
Q He told you that the day it was born? A No sir; I don't know how long
afterwards, but it was one or two days afterwards.
Q That he told you that? A Yes sir.
Q What did he say about the 25th of May-- anything? Why did he say he
wanted you to remember it? In his own language--
A He said he would want to file for the child and he didn't think he
would get to file for it after the 25th of May or something like that.
Q And that's the way you remember, is it, that it was the 20th of May?
A Yes sir.
Q You don't know figures, do you? A No sir.
Q You cannot read or write? A No sir, just a little.
Q You just remember it was the 20th of May cause he told you and he
wanted you to remember it so that he could file for it if it was before
the 25th? A Yes sir.
Q When did he come to you last and tell you he wanted you to testify?
A Yesterday was the last time he told me.
Q Did he ask you if you remembered what he told you, said to you there
about it? A Yes sir.
Q And told you it was the 20th of May? A Yes sir; I knewed what day
it was and I told him I remembered it, and I told him and he said: That's
all right."
Q Did he ask you if you remembered about his telling you that it was
before the 25th of May? A Yes sir.
Q Told you that yesterday? A Yes sir.

Washington Barnett recalled:

Q How far did you live from these people ther, Wash? A Lived right
there in the house.
Q Right in the same house? A Yes sir.
Q Did you have a wife living there? A Yes sir got her yet.
Q Were you all living together when your baby was born? A Not exactly
but she come there for the purpose, expecting to take down

Q The name of your house? A Yes sir.
Q What kin was she to your wife? A I can't tell you that exactly but
it's some way, he is my nephew.
Q How many children have you got? A Just 6.
Q How many older than this youngest's born? A Four.
Q Are you a citizen of the Free Nation? A Yes sir.
Q Are them all filed? A All but one.
Q Five of them filed? A Yes sir.
Q How many have they got? A Living?
Q Is that their first one? How many has this couple had? A There's
two dead and this one living.
Q Is that the only one that's living? A Yes sir.
Q Is that the one was born at your house? A The one born at my
house is dead.
Q Can you give the date of the death of any of your children? A Yes
sir; some of them, I think.
Q You say you don't know the date of the youngest one? A I paid very
little attention; my first baby Arthur I am not sure; I have got a
record I think.
Q You were sworn when you filed here for Arthur? A Yes sir.
Q Did you swear that you knew the date of the birth of any of them?
A Yes sir, I think so; I think Arthur born on the 14th day of February.
Q He is the oldest? A Yes sir.
Q What year? A That-- lets see; 1893 if I am not mistaken.
Q Do you know the date of the birth of the next one? A No; I don't
recollect it.
Q You don't know the year, do you? A No, not exactly; I have got the
date and the time but I can't tell, not thinking we would be called up
again; we just have the records to show you.
Q Did you know when your last child was born about the first of May?
did you know at that time that if it's born before the 25th of May you
could file? Did you know that this child Hellen had to be born before
the 25th of May before it could be filed; did you know it at that time?
A Yes sir; this is the way I was informed: Mr Durant came along when
my baby was only four or five old and he wanted us to make an affidavit
he was a Notary Public; and I think he made it, and saying that if we
went over the 25th of May it would give us lots of trouble; that's my
boy; then I goes over to my home to Wagoner after the midwife of my
baby to get her statement and also when I got it wrote to present it to
the Commission that it might not be any trouble.
Q Did you do that before the 25th? A I think so.
Q You swear you did it before the 25th? A I think so; I am not pos-
itive.
Q Who is Mr. Durant? A Nelson Durant; he is a Notary Public living at
Wagoner.
Q You say he came there a few days before to get the day the child was
born? A Yes sir.
Q Was it before the 25th or after that he came? A I don't know.
Q Did you get that statement before this child was born or after?
A I got that before.
Q And you don't know whether it was before the 25th or not? A It
bound to be.
Q You did swear a bit ago that you didn't know whether it was before.
A I guess you got me mixed up on this thing.
Q Can you read and write? A Yes, a little.
Q You say you had notice from Mr. Durant, didn't you, that you had
better take this up right away before the 25th, if you didn't you
have trouble about it? A I said that, yes sir.
Q And that was a day or two after your child was born? or say I don't
know exactly.

By the Commission:

Q Within a few days, was it? A Yes sir.

By Mr. Mott:

- Q Well, then, didn't these people know that too? Didn't you communicate that fact to them? A Didn't I?
- Q Yes; didn't you tell them about it? A I don't know; I may have.
- Q You are interested in them? Kin to you? A Yes sir; is my nephew.
- Q Then why did you put off from May, 1901, to February 1903 when you had that notice from Mr. Durant? Why did he put off that long until he put in that affidavit? A I don't know.
- Q Did you file for your children? A Yes sir.
- Q When did you file for it? A I had the Commission to do it.
- Q When? A I don't know.
- Q How long after its birth? You just said Mr. Durant told you you had better do it right away? A I was held up on it here for a long time. I think there was something the matter with the affidavit.
- Q Did you make the affidavit? A I think so.
- Q When was that? How long after it was born? A I don't know just exactly, Mr. Mott; a person aint expecting all these things.

By the Commission:

- Q Did you have your wife and the midwife execute an affidavit about the birth of this child, Lillie? A Yes sir.
- Q Do you remember about how long after the child was born before that affidavit was made? A I have no idea.

The records of the Commission show that an affidavit relative to the birth of Lillie Barnett was executed by Emma Barnett and Marcy Keys May 15, 1901.

By Mr. Mott:

- Q You did that cause Mr. Durant called it to your attention, did you? A Yes sir.
- Q And then right in your same house another child was born before the 25th and no affidavit was filed in it until the 18th month afterwards, was it? A I don't know what time.
- Q The record here shows; they knew what you knew, didn't they? She was right there in your house at that time. A I think she was in about that time.
- Q They were both there at that time, she and her husband-- when you filed this affidavit? A Yes sir.
- Q Didn't they hear you-- didn't they hear Mr. Durant tell you about getting the midwife and making it before the 25th? A Yes sir, it was discussed among us and they bound to hear it.
- Q And they knew you were having it made because you thought it was necessary to have it made before the 25th? A Yes sir, bound to know it.
- Q And yet they never made their affidavit until February 5, 1903. A I don't know what time they did.
- Q Well, that's the record; they had the same advantage of knowing the advantages of fixing that child's birth that you had, didn't they, you communicated that to them? A I would say I communicated this to them--
- Q They were right there in the house? A Yes sir.
- Q You sent for the midwife? A Sarah?
- Q No; to make the affidavit. A For the midwife? Yes sir; I sent; I went and got her.
- Q They were there when you made the affidavit? A I don't know whether that affidavit was made at home or Wagoner.
- Q You say they heard you talking about it? A Yes sir.
- Q And they knew you were making it in order to get in before the 25th? A Yes sir.

Q Have they ever made any excuse in your presence there, either yesterday, today or any other day since then why they didn't put in an affidavit sooner than they did? A No sir.

Q Would you swear that this child was born before the 25th of May? A I swear just what I have sworn.

Q I asked you whether this child was born before the 25th of May, 1901, yes or no? A I did swear that my child is two or three weeks older than theirs.

Q Might be three weeks, might it, more? A Yes sir.

Q It might have been a month? A It wasn't hardly a month.

Q It might have been over three weeks? A Yes sir, or a little less. My wife wasn't hardly able to do much.

Q And yours was born about the 5th? A Yes sir.

Q That would be exactly 20 days, wouldn't it? A Yes sir.

Q That would be 19 days before the 25th? A Yes sir.

Q Well, if you had it called to your attention by a Notary Public that it would be to your advantage to have this child filed before the 25th then a child kin to you was born, in that house before the 25th, why can't you swear it positively? A I didn't pay particular attention to it.

Q You did pay particular attention to your own? A My memory was jogged by Mr. Durant.

Q And notwithstanding that notice you had, you cannot swear that this child was born before the 25th? A No sir.

Q It might have been three weeks, a little over, or a little under, you say? A Yes sir.

Q Why didn't you, if this child was born before the 25th and you had notice to file yourself, why didn't you have them to file theirs, why didn't you have them make an affidavit there, if theirs was born before the 25th- why didn't you, you was a relative of theirs, why didn't you advise them to have the other affidavit made before the 25th, if that was the reason you made yours? A Cause they make it.

Q Aint it just because it might have been born on the 25th or afterwards? A Well, it might have been.

Q Don't you think that if your memory was jogged up about it and you had the affidavit made before the 25th, in order to protect your child, don't you think you ought to protect them, to have their affidavits made before the 25th too, provided it was before? Don't you think you would have done it? A I ought to have done it.

Q Don't you think you would have done it, now? A I don't know.

Walter Garrett being duly sworn testified as follows:
By the Commission:

Q What is your name? A Walter Garrett.

Q Were you present when your child, Hellen, was born? Were you there about the house? A Yes sir, I was right there.

Q You heard the testimony here of Washington Barnett? A Yes sir.

Q And what he said as to what this man, Durant told him? A Yes sir.

Q Did Washington Barnett or his wife speak of that matter in your presence? A --

Q Did you ever hear them speak about it? A Well, I will tell you; when Nelson Durant came there and talked to Washington about making the application-- he wanted to make the application for him, he was Notary Public and when he told him about it, I heard him telling him; they never told me any more than what I heard Nelson Durant.

Q What did he tell him? A That they had made some rule at Okmulgee some ruling; that the application must come in before the 25th of May-- well, children born before the 25th of May I believe-- that's so; I don't know just how he did have it fixed; but, anyway, he must get in the affidavit before the 25th of May.

Q. Now was it, that if your child had been born before the 25th, that you

would go immediately and arrange for your child? A. Just as I tell you before my wife taken sick and we didn't have anything to go upon, that's why we had to go up to my uncle's and my wife being taken down and we didn't have anything to go upon and we just neglected, because it was just a few days before the 25th that my wife was sick and the child was born and some way long afterwards I understood I could send in application and file for any child born before the 25th of May, so I had an affidavit made out.

Q. You are positive that that Notary Public mentioned the 25th of May?

A. Yes sir.

Examination by Mr. Mott:

Q. Did you tell this man that you wanted him to remember that so that he could swear it was on the 25th? A. Yes, I did.

Q. What did you mean when you was sitting over there and shaking your head at me? A. I was shaking the flies off my head.

Q. Wash had not sworn then when you was shaking those flies off? A. I think so.

Q. I mean under my examination? A. No sir.

Q. But you did shake your head at me every time I asked him a question.

A. Yes sir, I was laughing too.

Q. You did tell him that you wanted him to remember it was before the 25th? A. I told him I wanted him to remember that on the 20th of May this child was born, because it might come up.

Q. Did you tell him because you wanted him to remember that he had to be born before the 25th, or you couldn't get the land? A. Yes sir, that's our understanding.

Q. You told him that? A. Yes sir.

Q. That's the reason you told him you wanted him to remember it? A. Yes sir.

Q. And you now think that the child had to be born before the 25th or it couldn't get any land? A. Yes sir, I knew that.

Q. When you told him that? A. I don't know just when I told him.

Q. You heard it before- you knew it before? A. Yes sir.

Q. Now I ask you if you don't know now that nobody knew that it was the 25th--he couldn't know until the treaty was ratified, and it wasn't ratified till the 25th? A. Well, sir, that was our understanding there. I didn't know anything about what was going on until I heard Nelson Durant say that this would have to be done before the 25th.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 19th day of August, 1904.

Charles H. Sawyer
Notary Public.

IN RE
THE DEATH OF

Helena Garrett

citizen of the

Creek Nation.

Approved

1

Commissioner.

Father on Ex. Card # 576
Mother " " " # 421
as Sarah Harrison

E. B.

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

FILED

Filed June 26 1902

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Helena Garrett
a citizen of the Creek Nation, who formerly resided at or near
Gatesville, Ind. Ter., and died on the 15 day of September,
1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Walter S. Garrett, on oath state that I am 26
years of age and a citizen, by Adoption of the Creek Nation;
that my post office address is Gatesville, Ind. Ter.; that I am
Father of Helena Garrett
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Adoption, of the Creek Nation;
and that said Helena Garrett died on the 15 day of
September, 1901.

WITNESSES TO MARK:

Walter S. Garrett

(Must be Two Witnesses.)

Subscribed and sworn to before me this 26 day of June, 1902.

William Orr
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

WE, James Marshall and James Samuel, on oath state that Helena
years of age, and a citizen, by Adoption, of the Creek Nation;
that my post office address is Clarkeville, Ind. Ter.;
We were personally acquainted with Helena Garrett
(Here insert name of post office.) (Here insert name of deceased.)
who was a citizen, by Adoption, of the Creek Nation;
and that said Helena Garrett died on the 15 day of
September, 1901.

WITNESSES TO MARK:

James Marshall
James Samuel

(Must be Two Witnesses.)

Subscribed and sworn to before me this 26 day of June, 1902.

William Orr
Notary Public.

IN RE

Application for Enrollment of
INFANT CHILD.

Helen Garrett

As a citizen of the

Oreek Nation.

Approved 1

Commissioner.

OVER ENROLLMENT.

Ex. "A")

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

FILED

July 25, 1903

[Signature]
Acting Chairman.

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

IN RE Application for Enrollment, as a citizen of the Muskogee Nation,
of Nellen Garrett, born on the 20 day of May, 1901.
Name of father: H. S. Garrett, a citizen of the Muskogee Nation.
Name of mother: Sarah Garrett, a citizen of the " " Nation.
Post Office: Gatesville, Tex

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Sarah Garrett, on oath, state that I am 22 years of age and a
citizen, by adoption, of the Muskogee Nation; that I am the
lawful wife of H. S. Garrett who is a citizen, by adoption, of the
Muskogee Nation; that a girl child was born to me on the 20 day
of May, 1901; that said child has been named Nellen Garrett,
and is now living.

Subscribed and sworn to before me this 11 day of Feb, 1903.
Sarah Garrett

my Com. Expires 16th Aug 1906 J. H. Lewis
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Micy Keys, a citizen, on oath, state that I
attended on Mrs. Sarah Garrett, wife of H. S. Garrett
on the 20 day of May, 1901; that there was born to her on said date a girl child;
that said child is now living and is said to have been named Nellen Garrett

Witnessed by
Washington, Wash.
Subscribed and sworn to before me this 11 day of Feb, 1903.
Micy Keys

my Com. Expires
16th Aug 1906 J. H. Lewis
Notary Public.

IN RE
THE DEATH OF

Helen Garrett

a citizen of the

Creek

Nation.

Approved

190

Commissioner.

ORRBC

WILLIAMS ENROLLMENT.

EX "C"

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

FILED

Feb 10 1903

CHIEF CLERK

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

In the matter of the death of Hellen Garrett
(Here insert name of deceased.)
a citizen of the Muskogee Nation, who formerly resided at or near
Gatesville, Ind. Ter., and died on the 15 day of
December, 1901.
(Here insert name of post office.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Westyn District.

I, H. S. Garrett, on oath state that I am 27
years of age and a citizen, by adoption, of the Muskogee Nation;
that my post office address is Gatesville, Ind. Ter.; that I am
The Father of Hellen Garrett,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Birth, of the Muskogee Nation;
and that said Hellen Garrett died on the 15 day of
December, 1901.
(Here insert name of deceased.)

WITNESSES TO MAKE:

(Must be Two Witnesses.)

Washington Barnett
Ben W. Barnett

Subscribed and sworn to before me this 11 day of Feb 1903.

My Com. Expires 16 Aug 1906
J. L. Lewis

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Westyn District.

I, Washington Barnett, on oath state that I am 33
years of age, and a citizen, by adoption, of the Muskogee Nation;
that my post office address is Muskogee, Ind. Ter.;
that I was personally acquainted with Hellen Garrett,
(Here insert name of post office.) (Here insert name of deceased.)
who was a citizen, by Birth, of the Muskogee Nation;
and that said Hellen Garrett died on the 15 day of
December, 1901.
(Here insert name of deceased.)

WITNESSES TO MAKE:

(Must be Two Witnesses.)

Washington Barnett

Subscribed and sworn to before me this 11 day of Feb 1903.

My Com. Expires 16 Aug 1906
J. L. Lewis

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

2018
No. 522

In the matter of the application for the enrollment of Hellen
Garrett, deceased, as a Creek freedman.

D E C I S I O N .

The record in this case shows that on April 22, 1903, Sarah
Garrett appeared before the Commission at Muskogee, Indian Territory,
and made application for the enrollment of her deceased child, Hellen
Garrett, as a Creek freedman.

The evidence shows that said Hellen Garrett was born May 20,
1901, and died during the month of December, 1901; that she was the
child of Walter S. Garrett who is identified on the partial list of
Creek freedmen approved by the Secretary of the Interior March 13,
1902, No. 2180, and Sarah Garrett who is identified on the partial
list of Creek freedmen approved by the Secretary of the Interior
March 28, 1902, No. 2806.

It is, therefore, the opinion of the Commission that Hellen
Garrett, deceased, should be enrolled as a Creek freedman in accor-
dance with the act of Congress, June 30, 1902, (32 Stats., 500),
and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER.

COMMISSIONER.

DATED AT MUSKOGEE,

INDIAN TERRITORY

S. D.

J. J. B.

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

In the matter of the application for the enrollment of
Hellen Garrett, deceased, as a Creek Freedman.


DECISION.

The record in this case shows that on April 22, 1903,
Sarah Garrett appeared before the Commission to the Five Civilized
Tribes, at Muskogee, Indian Territory, and made application for
the enrollment of her deceased child, Hellen Garrett, as a Creek
Freedman.

Further proceedings in the matter of said application were
had at Muskogee, Indian Territory, August 1, 1904.

The evidence shows that said Hellen Garrett was born May
20, 1901, and died during the month of December, 1901, that she
was the child of Walter S. Garrett, who is identified on the par-
tial list of Creek Freedmen approved by the Secretary of the In-
terior March 13, 1902, No. 2180, and Sarah Garrett, who is identi-
fied on the partial list of Creek Freedmen approved by the Secre-
tary of the Interior March 28, 1902, No. 2806.

It is, therefore, ordered and adjudged that the said Hellen
Garrett, deceased, is entitled to be enrolled as a Creek Freedman,
in accordance with the provisions of the act of Congress of June
30, 1902 (32 Stats., 500), and the application for her enrollment
as such is accordingly granted.



Commissioner.

Muskogee, Indian Territory,
NOV 14 1905

Copy

J. H. B.

Creek En. 222.

Muskogee, Indian Territory, May 9, 1903.

A. P. Murphy,

National Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

April 22, 1903, Sarah Garrett appeared before the Commission and made application for the enrollment of her minor child, Hellen Garrett, deceased, as a Creek freedman. A copy of the testimony is inclosed.

The Creek Nation will be allowed a reasonable time within which to submit such evidence in the case as it may desire.

Respectfully,

Chairman.

OCH-44.

89/8

No. 322

Muskogee, Indian Territory, September 17, 1908.

Sarah Garrett,

Gatesville, Indian Territory.

Dear Madam:

In the matter of the application made by you for the enrollment of your minor child, Helen Garrett, as a citizen of the Creek Nation, you are required to appear before the Commission at its Office at Muskogee, Indian Territory, for the purpose of being further examined concerning the right to enrollment of said child.

Respectfully,

Chairman.

Registered.

COPY.

MUSKOGEE NATION,

A.C.S.

A. P. MURPHY,

National Attorney.

Muskogee, Indian Territory, July 23, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On April 22, 1903, Sarah Garrett appeared before the Commission and made application for the enrollment of her minor child, Helen Garrett as a Creek freedman, and same was given number 322.

The Creek Nation was not represented in this matter and had no opportunity to cross examine the witness therein and I would respectfully ask that Sarah Garrett be required to appear before the Commission on a day named by you to be cross examined in relation to the matter at issue.

Very truly,

A. P. MURPHY,

National Attorney.

JJB

En. 322

Muskogee, Indian Territory, July 25, 1904.

Walter S. Garrett,

Gatesville, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your deceased child, Hellen Garrett as a citizen of the Creek Nation, you are advised that the Commission desires further evidence relative to the date of birth of said child. Such evidence should be submitted at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.

28/3
No. 322.

Muskogee, Indian Territory, July 25, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

In the matter of the application for the enrollment of Hellen Garrett, deceased child of Walter S. Garrett, as a citizen of the Creek Nation, you are advised that the Commission desires further evidence relative to the date of birth of said Hellen Garrett. The post office address of Walter S. Garrett is given as Gatesville, Indian Territory.

Respectfully,

Commissioner in Charge.

In. 322

Muskogee, Indian Territory, November 14, 1905.

M. L. Matt,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Hellen Garrett, deceased, as a Creek freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made said Hellen Garrett, deceased, will be regularly listed for enrollment as a Creek freedman.

Respectfully,

Commissioner.

AG-322

Cr En 322

Muskogee, Indian Territory, January 10, 1906.

Walter Scott Garrett,
Gatesville, Indian Territory.

Dear Sir:

You are hereby advised that the name of your deceased minor child, Hellen Garrett, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior January 4, 1906, and that application by the legal representatives for the heirs of said child for a selection of land in the Creek Nation may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EU 323

CR EU 323

Creek.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 28, 1903.

In the matter of the application for the enrollment of **SISSIE MITCHELL** and **CHAPARNEY MITCHELL**, deceased, as citizens by blood of the Creek Nation.

WATIE MITCHELL, being first duly sworn, and being examined, testified as follows: (Through Official Interpreter Mrs. Merrick).

- BY COMMISSION:** What is your name? A Watie Mitchell.
Q How old are you? A About forty.
Q What is your post, office address? A Bufaula.
Q Are you a citizen of the Creek Nation? A I am a Seminole. I am enrolled with the ~~Creek~~ Seminoles.
Q You are a Creek by blood, and enrolled with the Seminoles?
A Yes sir.
Q For whom do you now make application for enrollment as a citizen of the Creek Nation? A My little daughter, Sissie Mitchell.
Q Are you the father of Sissie Mitchell? A Yes sir.
Q What is the name of Sissie Mitchell's mother? A Mandy Mitchell.

The records of the Commission examined, and it appears therefrom that Mandy Mitchell is regularly listed for enrollment on Creek Indian Card Field No. 2824; approved roll No. 7984. It further appears that the said Mandy Mitchell is identified on the 1890 authenticated tribal roll of the Creek Nation, page 191, and on the 1895 pay roll of the Creek Nation No. 72.

- Q When was Sissie Mitchell born? A March 14, she is a little over two years old. She is 26 months old.
Q Who was present when the child was born? A I was present.
Q Anyone else? A Just myself and my little girl, nobody there but myself.
Q Are you a farmer? A Yes sir.
Q What kind of work were you engaged in on the farm when the child was born? A I was renting my farm, raising cotton and corn. I get rent off the place.
Q Now, at the time this child was born, what kind of work were you engaged in, planting or hoeing corn or what, if you remember?
A I was hauling some rails.
Q How long have you been married to your present wife?
A About fifteen years.
Q Have you a child named Emma? A Yes sir.
Q Are there children between Emma and Sissie?
A Had one but it is dead, it was a boy.
Q What was his name? A He didn't have any name. We called him Chaparney.
Q When did he die? A Died in 1899.
Q What time in 1899? A The 27th of September.
Q September, 1899? A Yes sir.
Q How old was he when he died? A Nearly three years old.
Q Do you know the day, the month and year when Chaparney was born?
A I have got a record of it at home. I don't know. I don't remember whether it was -- I don't know what year it was in. He died in May. He was to be three years old just a month before he died.
Q Did you ever execute an affidavit in regard to the birth or death of Chaparney Mitchell? A No sir, never did make affidavit. I was here one time, and I remember they asked me about the child. I believe I did make affidavit. I didn't have any witnesses though.

Q Have you the date of the birth and death of Cheparney Mitchell put down in a book at home? A Yes sir.

Q What kind of a book is that entry made in? A It is recorded in the Bible. That is where I keep all my records.

Q Have you the date of the birth of Sissie Mitchell put down on that Bible? A Yes sir, got the dates of the birth of several of my children, and the death of the children.

Q Do you desire to make application for the enrollment of Cheparney Mitchell as a citizen of the Creek Nation? A Yes sir, if he can be enrolled, and I can make any application for him.

Q Was Cheparney Mitchell enrolled as a citizen of the Seminole Nation? A Yes sir.

The record of the Commission examined, and it does not appear that Cheparney Mitchell has been enrolled as a citizen of the Seminole Nation.

Supplemental proof in the matter of the application for the enrollment of Cheparney Mitchell, in the form of an affidavit, filed August 6, 1901, is marked Exhibit "A" and made a part of the record herein.

MANDA MITCHELL, being first duly sworn, and being examined, testified as follows: (Through Official Interpreter Mrs. Merriek.)

BY COMMISSION: What is your name? A Manda Mitchell.

Q What is your age? (The witness appears to be about 33 years old)

Q What is your post office address? A Bufaula.

Q Are you the mother of Sissie Mitchell? A Yes sir.

Q When was she born? A Born March 14,

Q What year? A Two years ago.

Q Have you executed an affidavit in reference to the birth of Sissie Mitchell? A Watie Mitchell, my husband, has.

Q Have you not executed one yourself? A No sir.

Q Is Sissie Mitchell living? A Yes sir.

Q Was Cheparney Mitchell your child? A Yes sir.

Q Is he living or dead? A He is dead.

Q When was he born? A He was born the 1st of May. I don't know what year. He was three years old when he died.

Q When did he die? A I don't know.

Q How long has he been dead? A He has been dead over two years.

Q Do you remember the month he died in? A I don't know.

Q Was the date of his birth put down in a book at home? A Yes sir.

Q Was that put down soon after he was born? A It was put in there the day he was born and the day he died. That entry was made the day the child was born, and the day he died.

Q Is the date when your child Sissie was born put down in that book? A Yes sir.

Q When was that entry made? A The same day she was born.

WATIE MITCHELL, recalled.

Q Who executed that affidavit in regard to the birth of the child Sissie? A My wife never did execute an affidavit. death

Q When was the entry made in the bible in regard to the birth of Cheparney? A The same day he died.

Q What about his birth? A The same day.

Q Who wrote these entries in the book? A I did. It is written in Greek.

Q Did you write the entry in the book in regard to the birth of Sissie? A Yes sir.

Q When did you give Cheparney his name? A The little children gave him the name. That is the regular baby's name for little Indians. Whenever they have not got a name everybody calls them Cheparney.

Interpreter: Cheparney means boy.

Q When Cheparney was born, what name did you write in that bible? A I wrote it in Greek, "A little baby was born", didn't give it any name, and the date.

Q What name did you write in the bible when Sisato was born? A I wrote the same thing, "A baby was born, on a certain date."

Q Are you positive in regard to the date you have given here in regard to the birth and death of Cheparney, and the birth of Sisato? A I may be mistaken.

COMMISSION: You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time, which will be mailed to your present post office address, as given in your testimony.

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 29th day of April, 1903.

Edward Herrick
Notary Public.

IN RE
THE DEATH OF

Leharney Mitchell
a citizen of the
Creek

..... Nation.

Approved

1

.....
Commissioner.

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

FILED

May 29. 1903

..... CHAIRMAN.

CREEK ENROLLMENT.

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

In the matter of the death of Leheparney Mitchell
a citizen of the Creek Nation, who formerly resided at or near
Eufaula, Ind. Ter., and died on the 29 day of September,
1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, Wattie Mitchell, on oath state that I am 40
years of age and a citizen, by blood, of the Seminole Nation;
that my post office address is Eufaula, Ind. Ter.; that I am
father of Leheparney Mitchell
(state relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Creek Nation;
and that said Leheparney Mitchell died on the 17 day of
September, 1901.

WITNESSES TO SIGN:
(Must be Two Witnesses.) } John Foley
Edina

Wattie Mitchell

Subscribed and sworn to before me this 26 day of May, 1903
L. S. McIntosh
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, Mandy Mitchell, on oath state that I am 33
years of age, and a citizen, by blood, of the Creek Nation;
that my post office address is Eufaula, Ind. Ter.;
that I ~~was~~ am the mother of personally acquainted with Leheparney Mitchell
(Here insert name of deceased.)
who was a citizen, by blood, of the Creek Nation;
and that said Leheparney Mitchell died on the 27 day of
September, 1901.

WITNESSES TO SIGN:
(Must be Two Witnesses.) } John Foley
Edina

Mandy Mitchell

Subscribed and sworn to before me this 26 day of May, 1903
L. S. McIntosh

Stock on Cr. Card 2224

22.

SUPPLEMENTAL PROOF,

IN RE

Application for Enrollment of

INFANT CHILD

Sheparney Mitchell

as a citizen of the

CREEK NATION.

Approved 190.....

.....
Commissioner.

Incor.

Hand with affids in ...

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

FILED

Aug. 6. 1901

ACTING CHIEF

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

IN RE Application for Enrollment, as a citizen of the Creek (or Muskogee) Nation, of
Cheparney Mitchell, born on the *30th* day of *May*, 1898.
(Here insert name of child.)
Name of Father: *Waite Mitchell*, a citizen of the *Seminole* Nation.
Name of Mother: *Mintie Mitchell*, a citizen of the *Creek* Nation.
Post-office, *Eufaula, Ind. Ter.*

AFFIDAVIT OF PARENT.
(To be made if child is now living.)

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, *Katie Poeb*, on oath state that I am _____
years of age and a citizen, by _____, of the Creek (or Muskogee) Nation;
that I am the _____ of _____,
(father or mother.) (Here insert name of child.)
a _____ child who was born on the _____ day of _____, 1_____,
(male or female)
and that said child is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this _____ day of _____ 190_____.

NOTARY PUBLIC.

AFFIDAVIT OF PARENT.
(To be made if child is deceased.)

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, *Waite Mitchell*, on oath state that I am *36*
years of age and a citizen, by *blood of the Seminole, of the Creek (or Muskogee)* Nation;
that I am the *Father* of *Cheparney Mitchell*,
(father or mother.) (Here insert name of child.)
a *male* child who was born on the *30th* day of *May*, 1898,
(male or female.)
and that said child died on the *27th* day of *September*, 1900.

WITNESSES TO MARK:

(Must be Two Witnesses.) } *Ed Merrier* *Waite Mitchell*
Wawallaco *mark*

Subscribed and sworn to before me this *6th* day of *August*, 190*1*.

William J. [Signature]

IN RE

Application for Enrollment of
INFANT CHILD.

Sissy Mitchell
As a citizen of the
Creek Nation.

Approved..... 1.....

Commissioner.

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

April 29, 1903

~~_____~~ CHAIRMAN.

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

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Sissy Mitchell, born on the 11 day of March, 1901.
Name of father: Waitie Mitchell, a citizen of the Creek Nation.
Name of mother: Minda Mitchell, a citizen of the Creek Nation.
Post Office: Empire St

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Minda Mitchell, on oath, state that I am 28 years of age and a
citizen, by blood, of the Creek Nation; that I am the
lawful wife of Waitie Mitchell who is a citizen, by blood, of the
Creek Nation; that a female child was born to me on the 11 day
of March, 1901; that said child has been named Sissy Mitchell
and is now living.

Witness Lewis Mcgibbon Minda Mitchell her
E. J. Ballouan X
mark

Subscribed and sworn to before me this 27th day of April, 1903

Thos. D. Jones
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, _____, on oath, state that I
attended on Mrs. _____, wife of _____
on the _____ day of _____; that there was born to her on said date a _____ child;
that said child is now living and is said to have been named _____

*No Physician or
midwife present at
time of birth*

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public.

IN RE

Application for Enrollment of

INFANT CHILD

Leheparney Mitchell

as a citizen of

Creek

Nation.

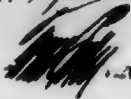
Approved, 190

Commissioner.

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

FILED

May 29, 1903



CHAIRMAN.

CREEK ENROLLMENT.

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

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Leharney Mitchell, born on the 30 day of May, 1899
(Here insert name of child)
Name of Father: Wattie Mitchell, a citizen of the Seminole Nation.
Name of Mother: Mandy Mitchell, a citizen of the Creek Nation.
Post-office, Enfauca, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District. }

I, Mandy Mitchell, on oath state that I am 33
years of age and a citizen, by blood, of the Creek Nation;
that I am the lawful wife of Wattie Mitchell, who is a citizen, by
blood, of the Seminole Nation, that a male child was
(male or female.)
born to me on the 30 day of May, 1899 that said child has been
named Leharney Mitchell, and is now dead

WITNESSES TO MARK

(Must be Two Witnesses)

John Foley
Selina

Mandy Mitchell

Subscribed and sworn to before me this 26 day of May, 1903.

L. G. McIntosh
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District. }

I, Wattie Mitchell, on oath state that I
attended on Mrs. Mandy Mitchell, my wife,
on the 30 day of May, 1899 that there was born to her on
said date a male child; that said child is now dead
(male or female.)
named Leharney Mitchell

WITNESSES TO MARK:

(Must be Two Witnesses)

John Foley
Selina

Wattie Mitchell

Subscribed and sworn to before me this 26 day of May, 1903.

L. G. McIntosh

was

copy

210

Creek No. 323.

Muskogee, Indian Territory, May 9, 1903.

A. P. Murphy,
National Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

April 28, 1903, Watie Mitchell appeared before the Commission and made application for the enrollment of his two minor children, Cheparney Mitchell, deceased, and Sissie Mitchell, as citizens by blood of the Creek Nation. A copy of the testimony is inclosed.

The Creek Nation will be allowed a reasonable time within which to submit such evidence in the case as it may desire.

Respectfully,

Chairman.

OCH-45.

C O P Y.

A. G. S.

MUSKOGEE NATION,

A. P. Murphy,

National Attorney.

Muskogee, Indian Territory, July 25, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On April 28th, 1903, Watie Mitchell appeared before the Commission and made application for the enrollment of his minor children, Cheparney Mitchell, deceased, and Sissie Mitchell, as citizens by blood of the Creek Nation, and same was given your number 323.

The Creek Nation was not represented in this matter and had no opportunity to cross examine the witness in relation thereto. I would respectfully ask that said Watie Mitchell be required to appear before the Commission at a date named by you, that she may be cross examined relative to the matter at issue.

Very truly,

A. P. MURPHY,

National Attorney.

J.H.B.

COMMISSIONERS:

THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING
No. 323

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.


Muskogee, Indian Territory, September 17, 1903.

Watie Mitchell,
Mufaula, Indian Territory.

Dear Sir:

In the matter of the application made by you for the enrollment of your two minor children, Sissie and Cheparney Mitchell, as citizens of the Creek Nation, you are required to appear before the Commission at its Office at Muskogee, Indian Territory, for the purpose of being further examined concerning the right to enrollment of said children.

Respectfully,



Chairman.

Registered.

(Copy)

Lawton, Indian Territory, May 26, 1906.

COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY.

Gentlemen:

I find it impossible to secure further evidence in the matter of the application for the enrollment of Bessie and Cheparne Mitchell as citizens by blood of the Creek Nation, and I herewith return a copy of the testimony taken in the case April 28, 1906.

The parents of the children refuse to produce the Bible record which is desired by the Commission. They state that Bessie Mitchell was born March 14, 1901, and that Cheparne Mitchell was born May 30, 1898, and died September 27, 1901; but they refuse to testify to the dates.

It appears that Jimmy Gray, alias Hocus Ela, of Kialage Town, has been given two allotments of land by the Commission. He states that he was allotted in Township 9, North, Range 14 East, Section 35, under the name of Jimmy Gray, and is informed that he was given another allotment somewhere near Bristow, under the name of Hocus Ela.

Heddie Walker, alias Micoo Martha, desires the certificate of his allotment and requests that same be sent to his address at Mellotte, I. T.

Respectfully,

(signed) ALVIN POSEY,
In Charge Creek Enrollment Field Party.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

No. 323

In the matter of the application for the enrollment of Sissie Mitchell, and Cheparney Mitchell, deceased, as citizens by blood of the Creek Nation.

DECISION.

The record in this case shows that on April 28, 1903, Waitie Mitchell appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his two children, Sissie Mitchell, and Cheparney Mitchell, deceased, as citizens by blood of the Creek Nation.

The evidence shows that said Sissie Mitchell was born during the month of March, 1901, and was living at the date of the application herein; that Cheparney Mitchell was born prior to April 1, 1899, and died subsequent to that date; that Waitie Mitchell, a citizen of the Seminole Nation, is the father of said children, and Mandy Mitchell, whose name is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 28, 1902, No. 7984, is their mother.

It is therefore the opinion of the Commission that Sissie Mitchell should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stats., 500), and that Cheparney Mitchell, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



CHAIRMAN.



COMMISSIONER.



COMMISSIONER.

DATED AT MUSKOGEE, I.T.

JUN 14 1905

Muskogee, Indian Territory, June 16, 1906.

R. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir;

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sissie Mitchell and Choparney Mitchell (deceased) as citizens by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of that time, no protest has been filed, said persons will be regularly listed for enrollment as citizens by blood of the Creek Nation.

Respectfully,

Chairman.

REFER IN REPLY TO THE FOLLOWING:

Cr. No. 323

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

Muskogee, Indian Territory, September 30, 1905.

Mandy Mitchell,

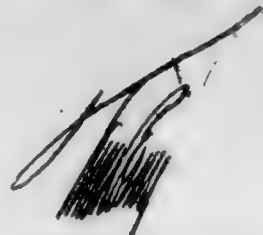
Care Waitie Mitchell,

Mufaula, Indian Territory.

Dear Madam:

You are advised that the names of your children, Sissie Mitchell and Cheparney Mitchell, deceased, are contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior September 21, 1905, and that selection of lands in the Creek Nation may now be made by you for said Sissie Mitchell, and by his legal representative for the heirs of said Cheparney Mitchell, deceased.

Respectfully,



Commissioner.

EN 324

Creek No. 245024

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Washington, Ind. 700, May 15, 1903.

In the matter of the enrollment of David Andrew, deceased,
as a citizen by blood of the Creek Nation.

STATEMENT BY THE COMMISSION: In accordance with the previous
notice to the parties in interest, this case was called for re-
hearing at one o'clock p. m. this day. The attorney for the Creek
Nation alone appeared, and on his motion the case is continued
until tomorrow morning at ten o'clock a. m.

MAY 16, 1903.

STATEMENT BY THE COMMISSION: No evidence was offered by either
party on this day.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
ROMAN, I. T. OCT. 4, 1904.

No. 324.

In the matter of the enrollment of David Andrew, deceased, as a citizen by blood of the Creek Nation.

The name of David Andrew is contained in the partial list of citizens by blood of the Creek Nation approved March 13, 1902, No. 7949. This case was re-opened by Departmental letter of April 16, 1902, (I.T.D. 1780 1902), and in accordance with said letter was set for re-hearing on May 18, 1903, of which the parties in interest were duly notified. No appearances were made on that day nor had any evidence been offered in the case prior to this time.

Nellie Aubrey being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Nellie Aubrey.
Q How old are you? A Thirty six.
Q What is your post office address? A Sapulpa.
Q Do you know David Andrew? A Yes sir.
Q Was he related to you? A He was my half brother.
Q He is dead, is he? A Yes sir.
Q Do you know when he died? A Died about-- it was in February and I thought it was 1900 but some more of them had it dated 1899, and when I got the word he was dead it was in 1900; I was sick and unable to come; I was sick in bed.
Q At what time did he die? A February.
Q What year? A I thought it was 1900; but it was 1899-- but I can't say that now-- but I thought it was 1900 when I got the letter from my aunt that lived in India.
Q When did you get that letter? A January-- no March.
Q What year? A January of course; she said it had been dead about two weeks then.
Q Do you know what year you got that letter? A I can't remember that; I don't think she had her letters dated-- she was a very poor writer.
Q Was there a coffin purchased? A Right here in Muskogee; Solomon Hoamer got it.
Q From whom was it purchased-- that coffin? A Moers; the town chief said I should come; I was entitled to the land.
Q Was David Andrew dead when you filed on your land? A On my lands first.
Q The first filing you made? A He was not dead then; he was sick; he had consumption.
Q You are positive that he was living when you filed? A Yes sir.
Q Have you a daughter named Olga? A Yes sir.
Q Was she born before he died or after? A She was born before he died of course; she died about the same year nearly.
Q You are positive that he was living when she died? A Yes sir.

Mose Smith being duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Mose Smith.
Q How old are you? A 36 or 37.
Q What is your post office address? A Fortar.
Q Did you know David Andrew? A Yes sir; was first cousin of mine.
Q Do you know when he died? A Yes sir.
Q When? A I think he died in 1900.
Q Was he living when you filed on your land? A Yes sir.

Q. You are positive of that? A Yes sir.

Q How long after that did he die? A About a year; I remember when he died and I remember he was living when I filed; used to live over there on Coons Creek about 12 miles N.W. of Sagers.

Q How far did you live from him when he died? A About 7 or 8 miles.

Q You were there present? A Yes sir, and he moved right over there by Wybark.

Q. When did he get the coffin from, do you know? A I don't know; my aunt bought it I guess; the way I knew when he died, there was three of them died the same month.

Q Who were they? A Petelle and Ellis Grayson and David Andrew, and the Dawes Commission had come here to identify them three; whoever died came here and I saw them three after the land office opened and these two had already filed.

Q Is Ellis Grayson a Freedman or a Creek? A The three of them is Creeks, belonged to that town, Tulsa Gandians.

Q Did Petelle have any other name besides that? A That's all; Petelle died in March and if I am not mistaken Ellis Grayson died in February.

It appears from an affidavit on file with the Commission that was executed by Mose Smith that Ellis Grayson died February 5, 1900. It appears from an affidavit on file with the Commission that was ~~made~~ executed by Mose Smith, that Petelle died in the Spring of 1900; both of said affidavits were executed June 17, 1901.

(By ~~my~~ witness:) The same time that David Andrew died- I can't swear whether Petelle died first or David Andrew- but there's not two weeks difference; I was member of council and I have a record of which one died first but I can't get it.

Q Was David Andrew living when you filed on your own land? A Yes sir.

Q How far were you living from him then? A About 8 miles.

Q You know he was living then? A Yes sir.

The records of the Commission show that a citizenship certificate was issued to Mose Smith April 5, 1899.

It appears from an affidavit on file with the Commission executed by Nellie Aubrey that Ola Aubrey was born April 26, 1899.

Q Do you know who came after the coffin? A No sir; I was here the next day but I don't know who came after it. I didn't know he died till the next day.

Q Do you know Abe Andrew? A Yes sir.

Q Is he living? A Yes sir, I seen him last week.

Henry G. Wains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in ~~same~~.

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

Henry G. Wains
Dorman B. Stagg
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, Indian Territory,
February 23, 1905.

In the matter of the application for the enrollment of
David Andrew as a citizen of the Creek Nation.

C. W. Moore, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A C. W. Moore.
Q How old are you? A About fifty.
Q What is your postoffice address? A Muskogee.
Q What was your occupation up to about three years ago? A Undertaker.
Q Did you sell coffins and other materials for burying--pay in the
year 1898 up to about 1900? A Yes, sir.
Q Did you know Dave or David Andrew? A Yes, sir, I knew him when
he was alive, but he is dead now.
Q When did he die? A I was informed that he died February 14, 1899.
Q Have you any other way of knowing, other than just the informa-
tion, that he died at or very near that time? A No, sir, just
what Sol Hosmer and Abe Andy told me.
Q Is there no other circumstance connected with his death that
makes you remember it? A Yes, sir, I have it on my books that
I sold a coffin to Abe Andy and Sol Hosmer stood good for it, and
I took a note and a mortgage on his horse for it.
Q Have you got that note now? A No, it is paid.
Q Did you make a note on your books of that transaction? A Yes, sir.
Q To the best of your recollection what does that state? A States
that they got a coffin and gave me in return a mortgage on a
horse and a note.
Q Do you remember making an affidavit about this matter? A Yes, sir.
Q Before whom did you make that affidavit? A Before Leaver, I
believe.
Q Was that affidavit made shortly after his death? A No I think
it was a good while after.
Q Have you your books with you? A No, sir, but I could give you
a copy of what appears on book.

Witness writes on a piece of paper a copy of
what appears on his books concerning said transaction,
as follows: "1899. Feb 14 Abe Andy. Sol
Hosmer One 60- Cass. \$30.00
Secured my note and mortgage, 30 days."

- Q Mr. Moore, if any witness stated that this boy died in 1900---
do you, from your knowledge of that transaction or from what was
told you, know whether that was true? A No, it is not true.
I would not believe them under oath.
Q As you remember that book, you was certain it was in the year
1899? A Yes, sir, I am certain.

David Andrew.....#2.

- Q And are you certain that it was the fourteenth day of February of that year? A Yes, sir. Abe Andy gave me a mortgage on a big fine horse that he was riding, and Sol Hester said that he would see that I got my pay allright. He is dead now.
- Q Who was it that got the money from you? A Abe Andy, a lawyer.
- Q Do you remember when the Greck Land Office opened? A Yes, sir.
- Q Did this transaction occur before the Greck Land Office opened? A Yes, sir.
- Q Do you know Wallis Aubrey? A No, sir.
- Q Do you know Moss Smith? A I may know him but not by that name.

I, Vera Ellen Parrish, on oath state that, as stenographer for the Commission to the Five Civilized Tribes, the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said cause.

Vera Ellen Parrish

Subscribed and sworn to before me this
24th day of February, 1908.

Edw. S. Sweeney
Notary Public.

DEPARTMENT OF THE INTERIOR,
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
 Muskogee, Ind. Ter., July 7, 1905.

In the matter of the application for the enrollment of
 David Andrew, deceased, as a citizen by blood of the Creek Nation

Jesse McDonnett, being duly sworn, testified as follows; through
 Jesse McDonnett, official interpreter.

- Q What is your name? A Susan Hogmer.
 Q What is your age? A Fifty nine
 Q What is your post office address? A Muskogee
 Q Do you know David Andrew? A Yes, sir
 Q Is he related to you? A He's my nephew
 Q Is David Andrew living or dead? A Dead
 Q How long ago did he die? A I don't know the year but it was
 six years ago last February
 Q He died in the month of February? A Yes, sir
 Q Do you remember when the land office opened here in Muskogee?
 A Yes, sir
 Q Did David Andrew die before or after the land office opened?
 A He dies the same year and he told this lady (pointing to a woman
 sitting by the door) that he had made application to be enrolled
 Q You are sure he died in the same year the land office opened
 and in the month of February are you? A Yes, sir.
 Q Do you know where a coffin was bought in which to bury him?
 A In Muskogee
 Q From whom did they buy it? A Charlie Moore
 Q Did you go to his funeral? A No, sir, it was so cold I couldn't
 go but my husband went.
 Q What is his name? A Sol Hogmer
 Q Is your husband living? A No, he is dead
 Q Do you know Abe Andy? A Yes, sir
 Q Is he living? A Yes, I suppose so, I haven't seen him for some
 time
 Q Where does he live? A I don't know, he used to live over across
 the Arkansas river
 Q You don't know his post office address? A No, sir
 Q And your husband is dead is he? A Yes, sir
 Q Have you Sol Hogmer's papers and effects? A I am not sure as I
 am uneducated I can't tell whether I have them or not
 Q Do you remember anything about Sol Hogmer giving a note to
 Charlie Moore in payment of a coffin for David Andrew? A He never
 told me anything about it

The witness is notified that testimony of Nellie or Millie Aubrey
 and Abe Andy is desired in this case.

I, Anna Garrigues, on oath state the above is a true and
 correct copy of my stenographic notes taken in said case on
 said date.

Anna Garrigues

Subscribed and sworn to before me this 7th day of July 1905

Edw. S. Sweeney
 Notary Public.

DEPARTMENT OF THE INTERIOR,
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
 Muskogee, Indian Territory, August 10, 1906.

In the matter of the application for the enrollment of David Andrew as a citizen by blood of the Creek Nation.

Millie Aubrey, being duly sworn, testified as follows:

- Q What is your name? A Millie Aubrey.
 Q What is your age? A 26
 Q What is your post office address? A Sapulpa
 Q Do you know David Andrew? A Yes, sir.
 Q What relation to you? A Half brother.
 Q In what month did David Andrew die? A I believe in February but I don't know just exactly the date.
 Q Do you know what year he died in? A 1900 but some say 1899 and that's where the mistake comes in, that is the way Mr. Moore had it.
 Q Do you know who bought the coffin for David Andrew? A My uncle but he is dead
 Q What was his name? A Solomon Hosmer
 Q Do you remember when the land office opened in Muskogee?
 A Yes, sir.
 Q Did David Andrew die the same year the land office opened or after that? A After that
 Q Did he die the same year the land office opened? A No, sir
 Q Do you know Susan Hosmer? A Yes, sir
 Q On the 7th of last month Susan Hosmer testified in here that David Andrew died in the month of February the same year the land office opened, that would be February 1899. Charles Moore the undertaker testified in this case that on the 14th of February 1899 he sold a coffin to Solomon Hosmer for the burial of David Andrew, do you think he died in 1900? A I know he was living then Thompson is the man had us come before the Commission that we were entitled to the land and the Dawes Commission notified me to come down but I was sick in bed
 Q What makes you sure it was in 1900 he died how do you remember it particularly? My cousin Josephine Fish died in 1900 and my aunt Easter but I wasn't there and my aunt notified me of their death. Josephine's husband was named Gibson.
 Q What time in the year did they notify you of Josephine Gibson's death, before or after David Andrew died? A I believe it was before but couldn't say. If he wasn't entitled to the land I don't want anything to do with it. Here is his paper.
 Witness shows certificate of allotment of David Andrew. The town chief he is the one came before the Commission and made the talk
 Q Were you living with David Andrew at the time of his death?
 A No, sir, he was down in this neighborhood.
 Q You lived at Sapulpa? A Yes, sir
 Q Did you ever see him after you filed on your land? A I didn't see him. I filed in December.
 Q You didn't file yourself until December? No, sir
 Q Was he living or dead when you filed on your land? A I don't remember.
 Q What was the first business you ever had with the Commission to the Five Civilized Tribes on your own account? A I am a citizen and I filed here
 Q You don't remember whether David Andrew was living or dead when you filed on your land? A I think he was living
 Q When you filed on your own land was he living? A I think he was. He had plenty of time to file if he wished to.

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Handwritten signature
Handwritten signature

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 29, 1905

In the matter of the application for the enrollment of David Andrew (deceased) as a Creek citizen.

G. W. Moore, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A G. W. Moore.
Q How old are you? A About 52.
Q What is your postoffice? A Muskogee.
Q Mr. Moore, were you in the undertaking business in the years 1898 and 1899? A Yes sir.
Q You have testified before in this case of David Andrew, did you not? A Yes sir.
Q Have you your record with you today showing the date on which the coffin was purchased for David Andrew? A Yes sir.

On page 192 of a "Ledger" appears the following:

1899
Abe Andy.
Feb. 16 To 1 No. 1 3/4- 6' 34 16.00
Bill of sale, 30 days.
March 16 By Cash 5.00

Q Was the coffin that you sold for David Andrew? A Abe Andrew was the man that purchased it. Abe Andrew and a man named Sel Hosmer; he is deceased. Andy was a nephew of Sel Hosmer by marriage.

Q That was sold on February 14, 1899? A Yes, they come to me and got the coffin and told me it was for David Andrew and that they didn't have money, but taken bill of sale on horse that was owned by Abe Andy to satisfy.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commissioner to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

Sworn to and subscribed before me
this the 29th day of December,
1905.

J. Y. Miller

J. M. Dermott
Notary Public

In re enrollment of
David Anderson, as a
citizen of Creek Nation:

Respectfully recommend
that substance of Mr.
Augsell's letter be reported
to Department, sending
copies of affidavits
etc., and asking that
Commission be authorized
to set case for rehearing
and proceed to take
additional testimony
upon proper notice to
Nation and interested
parties

4/23/03 J. H. Hoffman

A. T. B.

IN RE
THE DEATH OF

David Anderson

a citizen of the

Crack

Nation.

Approved

190

Commissioner.

DEPARTMENT OF THE INTERIOR,
INDIAN TERRITORY DIVISION.

FILED

Recd. 4/17/03

RECORDS OFFICE

21369

Indian Office

Incl. No. *4*

190

Department of the Interior
RECEIVED.

APR 14 1903

Exc. No. *7* of No. *372*
Indian Territory Division

(Copy)

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

In the matter of the death of David Andrew
(Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near
Muskogee, Ind. Ter., and died on the _____ day of
February, 1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Millie Aubrey, on oath state that I am 32
years of age and a citizen, by Blood, of the Creek Nation;
that my post office address is Sapulpa, Ind. Ter.; that I am
Sister of David Andrew,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Blood, of the Creek Nation;
and that said David Andrew died on the _____ day of
February, 1900.

WITNESSES TO MAKE:

[Signed] Millie Aubrey

(Must be Two Witnesses.)

Subscribed and sworn to before me this 17 day of June, 1904.

[Notarial Seal]

[Signed] John G. Fisher
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Solomon Hooper, on oath state that I am 56
years of age, and a citizen, by Blood, of the Cherokee Nation;
that my post office address is Muskogee, Ind. Ter.;
that I was personally acquainted with David Andrew,
(Here insert name of deceased.)
who was a citizen, by Blood, of the Creek Nation;
and that said David Andrew died in the month of
February, 1900.

WITNESSES TO MAKE:

[Signed] Solomon Hooper

(Must be Two Witnesses.)

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

[Notarial Seal]

[Signed] William J. Martin
Notary Public.

In re death of
David Andrews

Affidavit of
C. W. Moore

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

March 1, 1903

ACTING CHAIRMAN

of the

To hold the

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

In the matter of the death of David Andrews, a citizen of the Creek Nation, who resided at or near Muskogee, Indian Territory.

Affidavit of C. W. Moore.

I, C. W. Moore, on oath state that I am a resident of the city of Muskogee, Indian Territory, and by occupation an undertaker; that I was acquainted with said David Andrews during his life time; that he died on or about the 14th day of February 1899, and that on the 14th day of February, 1899, as appears from an examination of my books, I sold to Abe Andy a burial casket for said David Andrews.

I further state that I have no interest whatever in this matter.

C. W. Moore

Subscribed and sworn to before me this 4th day of March, 1903, at Muskogee, Indian Territory.

John E. Fieber
Notary Public.

Muskogee, Indian Territory, March 13, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Your attention is called to the enrollment of one, David Andrew, deceased, who is enrolled on Creek Indian Card, Field No. 2798, and whose name is included in a schedule of Creek citizens by blood approved by the Secretary of the Interior, March 28, 1902.

The records of this office show that the said David Andrew was listed for enrollment as a citizen by blood of the Creek Nation, May 22, 1901; that on June 17, 1901, his sister, Millie Aubrey, and on February 24, 1902, Solomon Homer, an acquaintance, respectively, made affidavits showing that the said David Andrew died in the month of February, 1900; that on February 28, 1902, said Millie Aubrey made application for an allotment of land to the heirs of said David Andrew, deceased, and in her testimony taken before the Commission at that time she stated, under oath, that he was living on April 1, 1899, and that he died February 14, 1900.

On February 26, 1902, Millie Aubrey and Walter Wiley, as the heirs of said David Andrew, deceased, instituted contest proceedings against Orlando Hesse, who had filed on the same

B Commission.

land allotted to said David Andrew; that on April 11, 1902, said Millie Aubrey, in her testimony taken before the Commission in said contest proceedings, again stated, under oath, that said David Andrew was living on April 1, 1899, and died April 14, 1900; and that thereafter, on October 5, 1902, the Commission rendered its decision, giving to said Orlando Hesse the land in controversy, and no appeal being taken within the required time, the case was closed.

On March 4, 1903, G. W. Moore, of Muskogee, Indian Territory, by occupation an undertaker, appeared before the Commission and made affidavit that the said David Andrew died on or about February 14, 1899, and that on February 14, 1899, he sold to one, Abe Andy, a burial casket for said David Andrew.

On March 4, 1903, said Millie Aubrey again appeared before the Commission and requested to be permitted to make application for an allotment to the heirs of said David Andrew, in lieu of the land lost in said contest proceedings, but her request was denied at that time, for the reason that she was then informed that proof had been filed with the Commission showing that said David Andrew died prior to April 1, 1899.

In view of the affidavit made by Mr. Moore, as aforesaid, this matter is respectfully submitted to the Commission for such action as it may deem expedient.

Copies of the death affidavits made by Millie Aubrey, Solomon Hesser and G. W. Moore, and testimony of Millie Aubrey

THE SECRETARY OF THE DEPARTMENT OF THE ARMY
WASHINGTON, D. C.

Very respectfully,

Alfred W. ...

Chief of ...

1918

J. J. B.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. B. BROWNTHORPE,
W. E. STANLEY.

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

IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 27, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

The records of the Commission show that on May 23, 1901, David Andrew was listed for enrollment as a citizen by blood of the Creek Nation; that on June 17, 1901, his sister, Millie Aubrey, and on February 24, 1902, Solomon Hosmer, an acquaintance, respectively, made affidavits, from which it appears that the said David Andrew died in the month of February, 1900; that on February 26, 1902, said Millie Aubrey made application for an allotment of land to the heirs of said David Andrew, deceased, and in her testimony taken before the Commission, she stated, under oath, that he was living on April 1, 1899, and died February 14, 1900. The Commission's records further show that on February 26, 1902, Millie Aubrey and Walter Wiley, as the heirs of said David Andrew, deceased, instituted contest proceedings against Orlando Kewey, who had filed on the land claimed by them as heirs of said David Andrew; that on April 11, 1902, said Millie Aubrey, in her testimony taken before the Commission in said contest proceedings, again stated, under oath, that said David Andrew was living on April 1, 1899, and died February 14, 1900.

Secretary.

March 4, 1903, C. W. Moore, of Muskogee, Indian Territory, by occupation an undertaker, appeared before the Commission and made affidavit that the said David Andrew died on or about February 14, 1899, and that February 14, 1899, he sold to one, Abe Andy, a burial casket for said David Andrew.

March 1, 1902, the Commission transmitted to the Department for approval a partial list of Creek citizens by blood, including the name of David Andrew (No. 7949), and said list was approved by the Department, March 28, 1902.

In view of said affidavit made by C. W. Moore, the Commission has the honor to request that the matter of the enrollment of said David Andrew, as a citizen by blood of the Creek Nation, be reopened, and that it be authorized to set the case for rehearing and proceed to take additional testimony, upon proper notice to all parties in interest.

Copies of the affidavits of Willie Adney, Solomon Hester, and C. W. Moore, and testimony of Willie Adney in the matter of her application for an allotment of land to the heirs

3 Secretary.

of David Andrew and in the contest proceedings versus ~~Gr. 1000~~
Hosey, are inclosed for Departmental consideration.

Respectfully,



~~Secretary.~~
~~Secretary.~~
L. R. ...
~~Secretary.~~

W. E. ...
~~Secretary.~~

Through the Commissioner
of Indian Affairs.

OCH-72.

(Copy)

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 13, 1903.

Reply in reply to the following:

Land.
21,369-1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a communication from the Commission to the Five Civilized Tribes, dated March 27, 1903, reciting that on May 22, 1901, David Andrew was listed for enrollment as a citizen by blood of the Creek Nation; that on June 17, 1901, his sister, Millie Aubrey, and on February 24, 1902, Solomon Hommer, an acquaintance, respectively, made affidavits, from which it appears that the said David Andrew died in the month of February, 1900; that on February 25, 1902, said Millie Aubrey made application for an allotment of land to the heirs of said David Andrew, deceased, and in her testimony taken before the Commission, she stated, under oath, that he was living on April 1, 1899, and died February 14, 1900. The Commission's records further show that on February 26, 1902, Millie Aubrey and Walter Wiley, as the heirs of said David Andrew, deceased, instituted contest proceedings against Orlando Hosey, who had filed on the land claimed by them as heirs of said David Andrew; that on April 11, 1902, said Millie Aubrey, in her testimony taken before the Commission in said contest proceedings,

again stated, under oath, that said David Andrew was living on April 1, 1899, and died February 14, 1900.

March 4, 1903, C.W. Moore, of Muskegee, Indian Territory, by occupation an undertaker, appeared before the commission and made affidavit that the said David Andrew died on or about February 14, 1899, and that February 14, 1899, he sold to one, Abe Andy, a burial casket for said David Andrew.

March 1, 1902, the Commission transmitted to the Department for approval a partial list of Creek citizens by blood, including the name of David Andrew (No. 7949), and said list was approved by the Department, March 28, 1902.

In view of said affidavit made by C.W. Moore, the Commission has the honor to request that the matter of the enrollment of said David Andrew, as a citizen by blood of the Creek Nation, be reopened, and that it be authorized to set the case for rehearing and proceed to take additional testimony, upon proper notice to all parties in interest.

The office sees no reason why said request of the commission should not be granted, and so recommends to the Department.

Very respectfully,

A.C. Tonner,
Acting Commissioner.

(W.C.B.)

P.

DEPARTMENT OF THE INTERIOR.

222.

Washington, April 16, 1903.

IED 5700-1903.
LMS.

The Commission

to the Five Civilized Tribes, Muskogee.

Gentlemen:

The Department is in receipt of your report dated March 26, 1903, transmitting copies of affidavits and testimony, and requesting that the matter of the enrollment of David Andrew, a citizen of the Creek Nation, be reopened, and that your Commission be authorized to set a date for rehearing.

The Acting Commissioner of Indian Affairs forwarded your said report on April 15th and concurs in said recommendation. The Department approves the recommendation and the papers are returned herewith together with a copy of the report of the Acting Commissioner, and you will reopen the case in accordance with your said recommendation.

Respectfully,

6 inclosures.

Thos. Ryan
Acting Secretary.

copy.

Creek I-2732.

Muskegee, Indian Territory, May 1, 1903.

A. P. Murphy,

Attorney for the Creek Nation,

Muskegee, Indian Territory.

Sir:

You are hereby advised that by letter of April 16, 1903, the Secretary of the Interior authorized the Commission to re-open the matter of the enrollment of David Andrew, deceased, as a citizen of the Creek Nation, for the purpose of taking additional testimony in the case.

Accordingly you are hereby notified that on May 15, 1903, the Commission, at its office in Muskegee, Indian Territory, will hear such evidence concerning the right to enrollment of said David Andrew, deceased, as a citizen of the Creek Nation, as may be offered by his heirs, or on their behalf.

You are further notified that the Creek Nation will at the same time and place be permitted to introduce evidence in the case.

Respectfully,

Chairman.

80
Creek I-2793.

Muskogee, Indian Territory, May 1, 1903.

Willie Aubrey,

Sapulpa, Indian Territory,

Dear Madam:

You are hereby advised that by letter of April 16, 1903, the Secretary of the Interior authorized the Commission to re-open the matter of the enrollment of David Andrew, deceased, as a citizen of the Creek nation, for the purpose of taking additional testimony in the case.

Accordingly you are hereby notified that on May 15, 1903, the Commission, at its office in Muskogee, Indian Territory, will hear such evidence concerning the right to enrollment of said David Andrew deceased, as a citizen of the Creek nation, as may be offered by his heirs or on their behalf.

You are further notified that the Creek Nation will at the same time and place be permitted to introduce evidence in the case.

Respectfully,

Chairman.

Creek I-2726.

Muskogee, Indian Territory, May 1, 1908.

Walter Wiley,
 Sapulpa, Indian Territory.

Dear Sir:

You are hereby advised that by letter of April 16, 1908, the Secretary of the Interior authorized the Commission to re-open the matter of the enrollment of David Andrew, deceased, as a citizen of the Creek Nation, for the purpose of taking additional testimony in the case.

Accordingly you are hereby notified that on May 15, 1908, the Commission, at its office in Muskogee, Indian Territory, will hear such evidence concerning the right to enrollment of said David Andrew, deceased, as a citizen of the Creek Nation, as may be offered by his heirs or on their behalf.

You are further notified that the Creek Nation will at the same time and place be permitted to introduce evidence in the case.

Respectfully,

Chairman.

Chickasha, Indian Territory, May 11, 1903.

Willie Aubrey,

Chickasha, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of May 9th, relative to David Andrew, deceased, who has been listed for enrollment as a citizen of the Creek Nation. You state that you are in receipt of a letter from the Commission, advising you that by letter of April 16, 1903, the Secretary of the Interior authorized the Commission to reopen the matter of the enrollment of David Andrew, deceased, and that on May 15, 1903, the Commission will hear such evidence as the heirs of said David Andrew, deceased, and the Creek Nation, might offer. You write at length concerning the contest of yourself against John E. Hensy.

You are now advised that the hearing set for May 15th is not concerning the contest between yourself and John E. Hensy, but is for the purpose of hearing testimony for and against the right to enrollment of your deceased brother, David Andrew, as a citizen of the Creek Nation. At that hearing, you will be permitted to offer such evidence as you may be able to produce, that David Andrew,

THE
MUSEUM
OF
THE
SMITHSONIAN INSTITUTION
WASHINGTON, D. C.

Creek No. 124.

Muskogee, Indian Territory, May 13, 1903.

Walter Wiley,

Sapulpa, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 10, 1903, relative to David Andrew, deceased, who has been listed for enrollment as a citizen of the Creek Nation. You state that you have received a letter from the Commission notifying you "to call at the office of the Dawes Commission on May 18th and give testimony in the allotment of David Andrew, deceased". You further state that if you are needed at the office of said commission, you will appear on the day mentioned.

In reply, you are advised that the hearing set for May 18th is not concerning the allotment of land to David Andrew, deceased, but is for the purpose of hearing testimony for and against the right to enrollment of said David Andrew, as a citizen of the Creek Nation. At that hearing, you will be permitted to offer such evidence as you may be able to produce, that David Andrew, deceased, is entitled to be enrolled as a citizen of the Creek Nation. At the same time, the Creek Nation will be permitted to introduce evidence against his right to enrollment as a citizen of said nation.

Respectfully,

Commissioner in Charge.

Cherokee, Indian Territory, January 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The records of the Commission to the Five Civilized Tribes show that on May 22, 1901, David Andrew was listed for enrollment as a citizen by blood of the Creek Nation; that on June 17, 1901, his sister, Millie Aubrey, and on February 24, 1902, Solomon Homer, an acquaintance, made affidavits from which it appears that the said David Andrew died in the month of February, 1900; that on February 25, 1902, said Millie Aubrey made application for an allotment of lands in the Creek Nation to the heirs of said David Andrew, deceased, and in her testimony taken before the Commission she stated under oath that he was living on April 1, 1899, and that he died February 14, 1900. The Commission's records further show that on February 26, 1902, Millie Aubrey and Walter Wiley, as the heirs of said David Andrew, deceased, instituted contest proceedings against Orlando Hecoy, who had filed on the land claimed by them as heirs of said David Andrew; that on April 11, 1902, said Millie Aubrey, in her testimony taken before the Commission in said contest proceedings again stated under oath that said David Andrew was living on April 1, 1899, and that he died

Secretary E.

February 14, 1900.

March 1, 1902, the Commission to the Five Civilized Tribes transmitted to the Department for its approval a partial list of citizens by blood of the Creek Nation, on which appeared, opposite No. 7949, the name of David Andrew. Said list was approved by the Department March 25, 1902.

March 27, 1903, the Commission transmitted to the Department copies of the affidavits and testimony above referred to, together with an affidavit of G. W. Moore, an undertaker, to the effect that on February 14, 1899, he sold to one Abe Andy a burial casket for said David Andrew, and said Commission requested that the matter of the enrollment of said David Andrew as a citizen by blood of the Creek Nation be reopened and that it be authorized to have a rehearing in the case.

April 15, 1903 (I.T.D.3780-1903), the Department directed that the case be reopened in accordance with the recommendation of the Commission to the Five Civilized Tribes. May 1, 1903, the attorney for the Creek Nation and Walter Wiley and Millie Aubrey, the heirs of David Andrew, deceased, were advised of the action of the Department, and were notified that on May 15, 1903, the Commission to the Five Civilized Tribes, at its office in

Secretary 3.

Mustagee, Indian Territory, would hear such evidence concerning the right to enrollment of said David Andrew, deceased, as they might desire to submit. On the day set, the attorney for the Creek Nation alone appeared, and, on his motion, the case was continued until the following day, when the case was again called for rehearing and, no appearance being made, it was again continued.

October 4, 1904, Millie Aubrey and Mose Smith appeared before the Commission and gave testimony in the case. Further proceedings were had February 23, 1905, July 7, 1905, August 10, 1905 and December 29, 1905.

Millie Aubrey testified that David Andrew was living when the Creek Land Office opened (April 1, 1899); that she heard of his death in January or March, and that she believes the year was 1900; that she might be mistaken about the year being 1900, but that is the way she remembers it.

Mose Smith testified that David Andrew died in 1900; that David Andrew, Fetelle and Ellis Grayson died in the same month. The records of this Office show that Ellis Grayson died February 5, 1900, and that Millie Grayson died in the spring of 1900. The proof of death in each of these cases is an affidavit executed

Secretary 4.

June 17, 1901, by the witness, Jesse Smith.

Susan Hosmer, an aunt, testified that David Andrew died in the month of February, the year that the land office opened (1899). All the witnesses testified that the coffin in which David Andrew was buried, was bought from Charley Moore of Muskogee.

G. W. (Charley) Moore testified that in the year 1899 he was an undertaker in the city of Muskogee; that on February 14, 1899, he sold to Abe Andy and Jol Hosmer a casket for the burial of David Andrew. Moore was required to produce his ledger for the inspection of this Office, and in its proper place was found an entry of the sale of a coffin to Abe Andy on February 14, 1899.

In view of the facts and the evidence in the case, I am of the opinion that said David Andrew, deceased, died in the month of February, 1899, and I have, therefore, the honor to respectfully recommend that the name of said David Andrew, deceased, be stricken from the approved roll of citizens by blood of the Creek Nation, opposite No. 7949, where it now stands.

A copy of the record in the case is enclosed for Depart-

Secretary S.

mental consideration.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

JTB-1-30

Land
4806-1906

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. January 30, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 13, 1906, saying that the records of his office show that on May 22, 1901, David Andrew was listed for enrollment as a citizen by blood of the Creek Nation; that on June 17, 1901, his sister, Millie Aubrey, and on February 19, 1902, Solomon Hosmer, an acquaintance, made affidavits from which it appeared that David Andrew died during the month of February, 1900; that on February 25, 1902, Millie Aubrey made application for an allotment of lands in the Creek Nation to the heirs of David Andrew, deceased, that her testimony was taken before the Commission and that under oath she said that he was living on April 1, 1899, and that he died on February 14, 1900.

Mr. Bixby also says that the records of his office show that on February 26, 1902, Millie Aubrey and Walter Wiley, as the heirs of David Andrew, deceased, instituted contest proceedings against Orlando Hosey, who had filed on the land claimed by the heirs of David Andrew, deceased; that on April 11, 1902, Millie Aubrey testified before the Commission in the contest proceedings that David Andrew was living on April 1, 1899 and that he died on February 14, 1900; and that on March 1, 1902, the Commission to the Five Civilized Tribes forwarded to the Department, for approval, a partial list of citizens by blood of the Creek Nation, upon which

-2-

the name of David Andrew appears opposite No. 7349.

He also says that on March 27, 1903, the Commission forwarded for consideration copies of the affidavits and testimony mentioned, together with the affidavit of C.W. Moore, an undertaker to the effect that on February 14, 1899, he sold to one Abe Andy a burial casket for David Andrew, and that the Commission requested that the matter of the enrollment of David Andrew as a citizen by blood of the Creek Nation be reopened and that it be authorized to have a rehearing in the case.

The Department, on April 16, 1903, I.T.D. 3780, directed that the case be reopened, in accordance with the recommendation of the Commission to the Five Civilized Tribes, and Mr. Bixby says that on May 1, 1903, the attorney for the Creek Nation, and Walter Wiley and Millie Aubrey, the heirs of David Andrew, deceased, were advised of the action of the Department and were notified that on May 15, 1903, the Commission to the Five Civilized Tribes would hear such evidence concerning the right of deceased citizen to enrollment as they might desire to submit; that on the date set the attorney for the Creek Nation appeared; that on his motion the case was continued until the following day, when the case was again called for rehearing; that no appearance being made, the case was again continued; that on October 4, 1904, Millie Aubrey and Mose Smith appeared before the Commission and gave testimony in the case; that further proceedings were had on February 23, 1905 July 7, 1905, August 10, 1905 and December 29, 1905; and that Millie Aubrey testified that David Andrew was living when the Creek Land Office opened, on April 1, 1899, that she heard of his death in January or March, and that she believed the year was 1900; that she might be mistaken about the year being 1900 but that is the way she remembers it.

Mose Smith, Mr. Bixby says, testified that David Andrew died in 1900, that David Andrew, Pettelle and Ellis Grayson died during the same month; that the records of his office show that "Ellis Grayson (presumably Pettelle Grayson) died February 5, 1900, and that Ellis Grayson died in the spring of 1900;" and that proof of death in each case is an affidavit executed on June 17, 1901, by Mose Smith.

Susan Hosmer testified that David Andrew died in the month of February the year the Land Office opened (1899), and all of the witnesses testified that the coffin in which David Andrew was buried was purchased from Charley Moore of Muskogee.

C.W. Moore (Charley) testified that in the year 1899 he was an undertaker in the city of Muskogee; that on February 14, 1899, he sold to Abe Andy and Sol Hosmer a casket for the burial of David Andrew.

Mr Bixby says that Moore was required to produce his ledger for his inspection, and that it was found that he sold a coffin to Abe Andy on February 14, 1899

In view of the facts and the evidence in the case, Mr. Bixby expresses an opinion that David Andrew died in the month of February, 1899, and recommends that his name be stricken from the approved roll of citizens by blood of the Creek Nation, opposite No. 7949.

A copy of the record in the case is enclosed, from which it appears that David Andrew died prior to April 1, 1899, and he is not, therefore, under section 28 of the original agreement with the Creek Nation, entitled to enrollment.

The Office concurs in the recommendation of the Commissioner to the Five Civilized Tribes, that authority be granted for the striking of his name from the approved roll of citizens by blood of the Creek Nation.

Very respectfully

C.F. Larrabee

Acting Commissioner

3 enclosures

Secretary's Office

Department of the Interior

I.T.D 1856-1906
IRS

Washington, D.C. February 8, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 1, 1906, the Indian Office transmitted your report dated January 13, 1906, relative to the Creek citizenship enrollment case of David Andrew, whose name it appears was forwarded by the Commission to the Five Civilized Tribes to the Department for approval upon a partial list of citizens by blood of the Creek Nation, opposite No. 7949, which was approved March 28, 1902.

On April 16, 1903, the Department directed that the case be reopened in order to take further evidence concerning his right to enrollment.

Further proceedings having been taken, it appeared that said David Andrew died in the month of February 1899.

You accordingly recommend that his name be stricken from the above roll.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department also concurs. Authority is hereby granted for the striking of his name from the approved roll of citizens by blood of the Creek Nation.

Respectfully

Thos Ryan
First Assistant Secretary

1 inclosure

CR EN 325

CR
EN 325

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskeges, T. T., April 28, 1935.

In the matter of the application for the enrollment of
AMOLOK HARJO, deceased, as a citizen by blood of the Creek Nation.

Appearance:

C. J. Lowe, Attorney for applicant:

WINEY TIGER, being first duly sworn, and being examined, testified as follows: (Through official Interpreter Mrs. Merrick).

BY COMMISSION: What is your name? A Winey Tiger.

Q How old are you? A Fifty-seven.

Q What is your post office address? A Beggs.

Q Are you a citizen of the Creek Nation? A Yes sir.

The records of the Commission examined, and it appears therefrom that Winey Tiger is regularly listed for enrollment on Creek Indian Card Field No. 971; approved Roll number 3157.

Q For whom do you now make application for enrollment?

A For my uncle, Aholek Harjo.

Q Is he living or dead? A He is dead.

Q Was he a citizen of the Creek Nation? A Yes sir.

Q Was he a Creek by blood? A Yes sir.

The records of the Commission examined, and it appears therefrom that Aholek Harjo is ~~regularly~~ identified on the 1890 authenticated roll of the Creek Nation at page 180, as Arher luck Harjo, and on the 1895 pay roll of said Nation, No. 122,146.

Q When did Aholek Harjo die? A Goingen four years.

Q Do you know the month, the day and year when he died?

A I don't know what year it is, but it is about three years ago, it is going on four. He died in April.

Q Was he kin to you? A He was my uncle.

Q What disease did he die of? A Consumption.

Q Do you remember when the smallpox was raging in the western part of the Creek Nation? A Yes sir.

Q Did he die before or after that? A It was after the smallpox was raging.

Q How long after? A I don't know. I remember when the smallpox was raging. I remember it was quite a while ago. They had the smallpox two years ago. He was dead this last time.

Q Did he die before or after the time when the smallpox was raging out there, when they had a camp that they took them to?

A He was living then.

Q Do you know Alex Davis? A Yes sir.

Q Is he a member of the House of Warriors from your town?

A Yes sir.

Q Do you know Sam Haynes? A Yes sir.

The records of the Commission examined, and it appears therefrom that on October 15, 1901, there was filed with the Commission affidavits relative to the death of Aholek Harjo, executed by Alex Davis and Sam Haynes, October 12, 1901. Said affidavits are made a part of the record herein.

- Q De you know Sunday Harjo? A Yes sir.
- Q Is he living or dead? A He is dead. He died in jail here.
- Q Whose child is he? A Aholek's son. His mother was Jennie.
- Q Did he die before or after Aholek? A Died before Aholek.
- Q How long before? A I don't know.
- Q Did you know Johnson Harjo? A Yes sir, he died at my house.
- Q Was he a son of Aholek Harjo?
- Q Did he die before or after Aholek? A He died before.
- Q How long before? A It was a long time, about two years before the land office was opened.
- Q Which died first, Sunday or Johnson? A Sunday, Johnson died afterwards.
- Q Did Aholek die in the winter, spring, summer or fall?
- A Died in the spring, in April. He died about this time of the year, but I don't remember the date.
- Q How far from you did Aholek live when he died?
- A About half a mile. I was with him when he died, though. I was waiting on him.
- Q Was a coffin bought for him? A It was made for him.
- Q Who made it? A All those that made it are dead.
- Q Was the lumber for the coffin bought? A Yes sir, and made the coffin.
- Q Who did they buy the lumber of? A Isparhecher.
- Q Who besides you was present when he died?
- A Man Jefferson and Sam Bruner.
- Q Are they living? A Yes sir.
- Q What is their post office address? A Beggs.
- Q How far does Alex Davis live from you? A He lives a long distance from me, I don't know how many miles.
- Q How far does Sam Haynes live from you?
- A He lives at Okmulgee, I don't know how far it is.
- Q Were either Alex Davis or Sam Haynes present when Aholek was buried? A No sir, they never were at his house.
- Q Did he have a physician in his last sickness?
- A No sir, he wouldn't touch white man's medicine at all.
- Q Did he have an Indian attending him? A Yes sir.
- Q What was his name? A I was the doctor.
- BY MR. LOWE: Ask her if her son married Aholek's widow? A Yes sir.
- Q How long after his death did he marry her, taken up with her, Aholek's death? A About five months.
- Q Ask her if she remembered when his son brought her home as his wife? A Yes sir.
- Q What month, and about what time of the month?
- A It was in August, about three years ago.
- Q Ask her if she knew Aholek's brother, by the name of George West?
- A Yes sir.
- Q Was he Aholek's brother? A They were cousins.
- Q When did George West die? A George West died before his brother died, Aholek.
- Q How long before, if you remember? A Just about nine months.
- Q Ask her if that was not the last one of the family, there was two brothers, and the two died within a year? A Yes sir.
- Q Ask her if there was not some remark made, when they were counting up, about the brothers dying, about them dying so close together?
- A Yes sir.
- Q Ask her if her son died with the same kind of sickness that her first husband died with? A Yes sir.
- Q Ask her if they died about the same time of the year? A Yes sir.
- Q Ask her if there were any remarks about her husbands, both of them, dying the same time of the year? A Yes sir.
- Q Ask her if she had planted her garden in the year in which Aholek died? A Yes sir.
- Q Ask her if the grass was green? A Yes sir.

Q Ask her if there was any cold weather after his death in that year? A No sir.

Q Ask her if she knows the months as they come in succession? A Yes sir.

Q Which one of the months of the year did Aholok die in? A April.

Q Ask her how long has her son been dead, her son Jacob Tiger, the father of the boy? A In April.

Q What year? A This year.

Q Ask her if she knows the day on which he died, the day of the month? A I don't know the day of the month.

Q Ask her how she knows it was April when he died? A Because it he died three weeks ago.

Q Ask her if she has any other means of knowing it was in April? A Well, because I know it was April.

Q Ask her, if he had died four weeks ago, then what month would that have been? A I know every month has four weeks.

Q Ask her if she ever noticed, as an Indian doctor, that people that died of the sickness with which her son Aholok died, very seldom died before the warm weather. Ask her if people with consumption ever die before warm weather? A They die in warm weather.

BY COMMISSION: What town did George West belong to? A Tulwathlocco

Q Did he have an Indian name? A Hulugy.

Q What is the name of Aholok's widow that married your son? A Mary Tiger.

Q What town did she belong to? A Concharty.

Q How old is Mary? A About twenty-six or twenty-seven.

Q How long had Mary and Aholok been married before he died? A Not quite a year.

ROBERT GRAYSON, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Robert Grayson.

Q How old are you? A Forty-seven.

Q What is your post office address? A Okmulgee.

Q Did you know Aholok Harjo? A I was acquainted with him.

Q How far did he live from you? A About four miles.

Q Is he living or dead? A He died.

Q Do you know when he died? A Yes sir.

Q When was it? A About four years ago this spring.

Q Do you know the exact date of his death, the day of the month, the month and the year? A He died in April. I don't know what day of the month he died, but along in April, about the middle of April.

Q Did anyone else die near you about that time? A No sir, not that I know of, none of the citizens died around there that I know of.

Q Any children born about the time he died, near you? A No sir.

Q Did anyone die near you three or four months before he died? A No sir, not as I remember.

Q Anyone die three or four months after? A No sir.

Q Has anyone died in that neighborhood since he died? A Since he died up to this time, yes sir.

Q Give me the name of one. A Jacob Tiger.

Q Give me the name of another? A Sam Bruner.

Q When did he die? A Died in 1900.

Q What month and day? A I don't remember. He died in the fall of 1900.

Q You don't remember the month? A No sir.

Q Why is it you remember the month in which Aholok Harjo died, and don't remember the month in which Sam Bruner died? A It was along in the fall when he died.

Q Why is it you remember the month when Aholok died, and don't remember the month that Sam Bruner died? A I remember the month, because some of the boys went over to help bury Hulugy, and it makes me remember it was this month.

Q How far did Sam Bruner live from you? A About four miles.

Q Were you well acquainted with him? A Yes sir.

Q Has anyone else died in your neighborhood since Aholok died? A Yes sir, Isparhecher died since he died.

Q When did he die? A Died somewhere along in the first of the year, 1903.

Q Do you remember the month? A It was last December, or the first of January, somewhere, the last of December or the first of January.

Q He was a noted man in the Creek Nation? A Yes sir.

Q Been Principal Chief? A Yes sir.

Q Did he live near you? A Lived about eight miles from me.

Q Why is it you remember the exact month in which Aholok Harjo died and you don't remember the month that any of these others that I have asked you about died? A I remember because some of the boys went over to help bury him.

BY MR. LOWE: How many wives did George West have?
A Considered he had only three wives.

Q What became of those three women?
A They were the daughters of his first wife, step-daughters.

Q What did he do with those wives when he died, George West?
A Gave them all away.

Q Who did he give one of them to? A I don't know.

Q Didn't he give one to his brother Aholok, didn't Aholok ~~xxxx~~ marry one of them? A He had one of them.

Q How come you to know? When did George West die? You know George West? A He died about five years ago.

Q How come you to remember when George West died?
A He died the year before his brother died.

Q How do you remember when he died? What month?
A He died in the summer, along in August.

Q How do you know? A It was roasting-ear time, that is the first part of August.

Q Didn't you have a child to die in the same month?
A Yes sir, the first part of August.

Q George West died about the time your child died? A Yes sir.

BY COMMISSION: What year was that your child died? A 1898.

BY MR. LOWE: What day of the month? A August 8th.

BY COMMISSION: Did George West die before or after your child?
A George West died a few days before my child died, I think.

Q And I understood you to say that ~~George West~~ Aholok died about nine months after George West? (Question not answered)

MR. LOWE: How long after George West died did Aholok die?
Q George West died the last part of ~~the~~ July or the first part of August, and Aholok died about the next coming spring, about April.

Q Then you know that Aholok's brother, George West, died the fall before he did.
A Yes sir, the fall before.

Q You remember that George West died in the fall, because you had a child die the 8th of August? A Yes sir.

Q You made application for the enrollment of the child? A Yes sir.

Q It was refused because it died before 1899? A Yes sir.

and the only two brothers that you remember, they both died within a year of each other? A Yes sir.

Q You state positively that Ahelok Harjo died the following spring after the death of your child? A Yes sir.

BY COMMISSION: Did Ahelok Harjo leave any children? A No sir.

COMMISSION: You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time, which will be mailed to your present post office address as given in your testimony.

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 29th day of April, 1903.

Edward Herrick
Notary Public.

E. 48

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
OKMULGEE, I. T., OCTOBER 16th, 1903.

IN THE MATTER OF accounting for those persons whose names appear on the Creek tribal rolls, who died prior to April 1st, 1899, and are not shown on said rolls to be otherwise accounted for.

Alec Davis, being first duly sworn by R. R. Gravens, notary public testified through sworn interpreter, Sam J. Cheeote, as follows:

BY THE COMMISSION:

- Q What is your name? A Alec Davis.
Q How old are you? A 50.
Q What is your postoffice address? A Okmulgee.
Q Are you a member of the House of Warriors for Tulwathlocco Town?
A Yes, sir.

The object of this examination is to ascertain who of Tulwathlocco Town have died since the opening of the Creek Land Office, (April 1st, 1899.)

1890 ROLL

- Q Winne Churper~~Harjo~~ Harjo? A Died way before the land office opened.
Q Munnoche-Page 186? A Died about the same time.
Q Jimie-Page 186? A Died about the same time.
Q Nokwa-Page 186? A He died before the land office opened; when they had that small pox.
Q Cancher; Barney-Page 186? A They died just before. Before the land office opened.
Q Holahar-Page 186? A Died before those other parties.
Q Lucy Chartie-Page 186? A She died before the land office opened.
Q Peter Nelson-Page 186? A Died way before the land office opened.
Q Miley Buflew-Page 187? A She died way before.
Q Noah; Martha;-Page 187? A They died before.
Q George Davis-Page 187? A He died before the land office opened.
Q Annie Davis-Page 187? A She died before the land office opened.
Q William Jones- Page 187? A He died before the land office.
Q Hotulky~~Tustarnuggee~~ Tustarnuggee? A He died way before.
Q Hardy Thompson-Page 187? A I believe he died before the land office opened.
Q Millarty-Page 187? A He died way before the land office opened.
Q George Powell-Page 188? A Died before the land office opened.
Q Jessie Brown-Page 188? A I think he died before the land office opened.
Q Arhuluck Harjo-Page 188? A I have some papers with reference to his death, but I have not got them with me. But he died just before the land office opened.
Q Jammie-Page 188? A Died way before that time.
Q Thomas Haynes-Page 188? A He died before.
Q James Logan-Page 188? A He died way before the land office opened
Q Susan Takky-Page 188? A She died long ago.
Q Tochee Tiger-Page 188? A She died before the land office opened.
Q Jonas Wife-Page 188? A He died long before.
Q Liza-Page 188? A She way before.
Q Wiley Scott-Page 188? A She died way long ago.
Q Sarah Brown-Page 188? A She is living. I think her name is Adams now.
Q Robert - Page 188? A He is living and I think his name is now Robert Manuel.
Q Mutoher Hardridge? A She died long before the land office opened.
Q Liza-Page 189? A She died way before the land office opened.

RECORDED BOOK NO. ALICE DAVIS.

1891 Omitted Roll.

~~Q Amos #10677 A Died before the land office opened.~~
Q Edward Ashyhead #10767 A Died before the land office.

1892 Omitted Roll.

Q Sundry Harje; Johnson Harje? A Both of them died before the land office opened.

Q Annie Reley? A She died before the land office opened.

Q Timmie Tiger Jr.? A I think that is meant for Timmie Tiger's son. He had just two children.

Q What were their names? A John and Mandy.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the testimony in the above and foregoing matter, and that the above and foregoing is a true and complete transcript of his stenographic notes thereof.

R. H. Crain

Subscribed and sworn to before me this the 23rd day of October, A. D., 1903, at Muskogee, Indian Territory.

Edward Herrick
NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmulgee, I. T., October 8, 1904.

En. 326.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Aholk Harjo as a citizen by blood of the Creek Nation.

TURNER F. TAYLOR, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Turner F. Taylor.
Q How old are you? A About thirty-six.
Q What is your post office address? A Beggs.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Okfuske Canadian.
Q Did you know Aholk Harjo? A Yes, sir, well acquainted with him.
Q What town did he belong to? A Tulwathlocco.
Q Do you know when he died? A Well I don't know what date he died but most near guess what day he died but couldn't say what date it was.
Q According to your best information and judgment when did he die?
A He died after the land office opened. About the 9th or 10th of April, 1900.
Q How far did you live from him when he died? A About two miles from him.
Q Had any body in your neighborhood filed on their land when he died?
A I don't remember that, but the filing was going on.
Q The filing was going on? A Yes, sir.
Q Were you at the burial? A No, I wasn't. I went up to see Ben Derrisaw. He died on the 6th or 7th of April.
Q Was Ben Derrisaw a citizen of the Creek Nation? A Yes, sir.
Q Has land been filed for him? A Yes, sir.
Q You started to tell why you wasn't at the burial of Aholk. Now tell us? A I went to Ben's burial and when I returned I heard he was dead. He was pretty low when I went up to Ben Derrisaw's burial. Afterwards I thought he could make file, for Ben Derrisaw got the 160 and I witnessed for Ben Derrisaw. He died on the 6th and I went up on the 7th and when I returned home Aholk Harjo was dead and he was buried after I come back home from Derrisaw's.
Q He died while you was gone to attend the burial of Ben Derrisaw?
A Yes, sir, and when I returned home he was dead.
Q He was living when you went? A Yes, sir, but I met a fellow on the road and he said Aholk Harjo was pretty low, but after a while Alex Davis and Sam Haines made a report that Aholk Harjo died with the small-pox. That is what I heard. I didn't see the evidence.
Q Are you any kin to Aholk Harjo? A No, sir.
Q You have no interest in the matter other than to see that the people who are entitled shall get their rights? A Yes, sir, that is all.
Q What disease did Aholk Harjo die with? A I don't know. They called it consumption. He had been sick quite a while.
Q Did he die with the small-pox? A No, sir, I don't think he did. It was after the small-pox.

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this

day of

1904.

Notary Public

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

CREEK LAND OFFICE

March 23, 1907

MR. MOTT, Attorney for the Creek Nation appears:

On behalf of the Commissioner:

- Q Mr Mott, for what purpose to you appear?
A In what way, do you mean?
Q In what matter?
A In the matter of the Harjo enrolling and filing, Harjo, an Indian name, I can't pronounce it --(Mr Farnsworth, assistant to the attorney gives the name Aholak Harjo)
You had better insert-- in the matter of the legality of the enrollment of Aholak Harjo.

Statement on behalf of the Commissioner

It appears that the name of Aholak Harjo appears upon the final roll of the Creek Nation opposite No. 9980 thereof, his enrollment having been approved on May 23, 1905.

It further appears that on December 2, 1905 there was arbitrarily allotted to the said Aholak Harjo deceased, the southwest quarter of the northwest quarter; north half of the southwest quarter and southeast quarter of the southwest quarter of section 3, township 17 north, range 12 east as an allotment exclusive of homestead, and the southwest quarter of the northwest quarter of section 3, township 17 north, range 12 east as a homestead, said arbitrary allotment having been made by request of Winey Tiger.

It further appears that on March 1, 1906, an allotment deed was issued to the heirs of Aholak Harjo which deed was approved by the Secretary of the Interior and was filed of record and duly recorded in the office of the Commissioner to the Five Civilized Tribes; said allotment deed conveyed to the heirs of Aholak Harjo the allotment selection above described.

It further appears that on March 1, 1906, a homestead deed signed by P. Porter, Principal Chief of the Creek Nation, was issued to the heirs of Aholak Harjo; that said deed was duly approved by the Secretary of the Interior on March 23, 1906, was filed of record and duly recorded in the office of the Commissioner to the Five Civilized Tribes on April 2, 1906; said deed conveyed to the heirs of Aholak Harjo the homestead selection above described.

It further appears that on July 2, 1906, the allotment and homestead deeds above described were delivered to Winey Tiger by registered mail and that the registry return receipt in the possession of this office shows that the said Winey Tiger accepted for said deeds on July 3, 1906, at Beggs, Indian Territory.

BY MR. MOTT :

I now appear on behalf of the Creek Nation to offer testimony tending to show that Aholak Harjo died prior to April 1, 1899 and that said enrollment was secured by fraud.

ON BEHALF OF THE COMMISSIONER:

There has never been any motion filed for the re-opening of Aholak Harjo's enrollment and the Commissioner doubts his jurisdiction to go into the matter of Aholak Harjo's enrollment, but if you will file a motion specifying the relief which the Creek Nation desires and what you intend to prove, the motion for the re-opening of Aholak Harjo's enrollment case, this office will transmit it to the Department with a recommendation. It will have some disposition, but until the case is re-opened by authority of the Department, this office will have to decline to receive any testimony on the merits of his right to enrollment.

By MR. MOTT:

I would like to have it appear in the record here that the Commissioner to the Five Civilized Tribes has heard many cases heretofore where motions have not been filed to re-open, and where the Secretary of the Interior has not been consulted as to his right to hear it, simply upon the request of the Attorney for the Creek Nation, and that the Commissioner's office has frequently volunteered of its own motion to advise the National Attorney for the Creek Nation of certain different cases in which fraud probably existed; that the notification was made with a view of having the National Attorney take them up and investigate the question of whether or not it was a fraudulent application, and no demand heretofore has ever been made that he should file a motion before the motion he desired to investigate could be heard by the Commissioner without reference to the Department.

ON BEHALF OF THE COMMISSIONER:

No demand has been made in this case for a motion to be filed. The Attorney for the Creek Nation has been notified that if he wishes to file such a motion it will receive proper consideration and the fact that no motion has been filed and the case has not been re-opened is stated as one of the reasons why the testimony on the merits of the right of Aholak Harjo's enrollment was not received at this time.

Gertrude Hanna, being duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had on March 23, 1907, in the matter of the enrollment of Aholak Harjo, and that the above and foregoing is a true and correct transcript of her stenographic notes taken therein.

Gertrude Hanna

Subscribed and sworn to before me this 23rd day of March, 1907

Francis R. [Signature]
Notary Public

JH

Creek No. 325.

Muskogee, Indian Territory, May 9, 1903.

A. P. Murphy,

National Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

April 28, 1903, Wincy Tiger appeared before the Commission and made application for the enrollment of her uncle, Aholok Harjo, as a citizen by blood of the Creek Nation. A copy of the testimony is inclosed.

The Creek Nation will be allowed a reasonable time within which to submit such evidence in the case as it may desire.

Respectfully,

Chairman.

OCH-46.

COPY

A.C.S.

MUSKOGEE NATION,

A. P. Murphy,

National Attorney.

Muskogee, Indian Territory, July 25, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On April 28th, Winey Tiger appeared before the Commission and made application for the enrollment of Aholok Harjo, deceased, as a citizen of the Creek Nation and same was given your number 325.

The Creek Nation was not represented in this matter and had no opportunity to cross examine the witness in relation thereto. I would respectfully ask that said Winey Tiger be required to appear before the Commission at a date named by you that she may be cross examined relative to the matter at issue.

Very truly,

A. P. MURPHY,

National Attorney.

J. J. B

TAMM BERRY,
THOMAS B. QUINN,
C. R. SHERKSHEDD,
W. S. STANLEY.

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

RECORDED IN ACCORD TO THE FOLLOWING
No. 100

ALLISON L. AVLEWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 17, 1898.

Winey Tiger,

Beggs, Indian Territory.

Dear Madam:

In the matter of the application made by you for the enrollment of Aholek Harjo, deceased, you are required to appear before the Commission at its Office in Muskogee, Indian Territory, for the purpose of being further examined concerning the right to enrollment of said Aholek Harjo.

Respectfully,



Allison L. Avleworth

Registered.

8. 10.
888

En. 325

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Ahelak Harjo, deceased, as a citizen by blood of the Creek Nation.

:- SUPPLEMENTAL STATEMENT :-

The records of the Commission show that Ben Derrisaw is listed for enrollment on Creek Indian Land Field No. 3716, Approved Roll No. 8828, and that said Ben Derrisaw died April 6, 1899.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Chairman

Muskogee Indian Territory

November 14, 1904.

6693
No. 325

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

In the matter of the application for the enrollment of Ahelak Harjo, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on April 28, 1903, Winey Tiger appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her uncle, Ahelak Harjo, deceased, as a citizen by blood of the Creek Nation.

Further proceedings in the matter of said application were had at Okmulgee, Indian Territory, October 16, 1903 and October 8, 1904.

The evidence shows that said Ahelak Harjo is identified on the 1890 Authenticated Tribal Roll of the Creek Nation and on the 1895 Pay Roll of said nation.

The evidence further shows that said Ahelak Harjo died subsequent to April 1, 1899.

It is, therefore, the opinion of the Commission that said Ahelak Harjo, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

CHAIRMAN.

COMMISSIONER.

COMMISSIONER.

Muskogee, Indian Territory,

FEB 21 1905

COMMISSIONERS:
TARD BIXBY,
THOMAS S. NEEDLES,
C. R. BRUSHFIELD,
W. F. STANLEY

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

REFER IN REPLY TO THE FOLLOWING
356

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muscowee I. I.
May 2, 1903

Received of the Commission to the
Five Civilized Tribes one copy of the
testimony in the matter of the application
for the enrollment of Aholok Nayis as a
Citizen of the Creek Nation

Ch. Lowe
Attorney for applicant

Muskogee, Indian Territory, February 24, 1905.

M. I. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Ahelok Harjo (deceased) as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if, at the expiration of that time, no such protest has been made, said Ahelok Harjo (deceased) will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 8, 1908

Abblak Harjo,
Okmulgee, Indian Territory.

Dear Sir:

You are hereby advised that your name is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior May 23, 1908, and that applications for a selection of land in the Creek Nation may now be made at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Aholok Harjo, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on April 28, 1903, Wincy Tager appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her uncle, Aholok Harjo, deceased, as a citizen by blood of the Creek Nation.

Further proceedings in the matter of said application were had at Okmulgee, Indian Territory, October 16, 1903 and October 6, 1904.


The evidence shows that said Aholok Harjo is identified on the 1890 Authenticated Tribal Roll of the Creek Nation and on the 1895 Pay Roll of said nation.

The evidence further shows that said Aholok Harjo died subsequent to April 1, 1899.

It is, therefore, the opinion of the Commission that said Aholok Harjo, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 881), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


CHAIRMAN.


COMMISSIONER.


COMMISSIONER.

Muskogee, Indian Territory,

FEB 21 1905

Encl. 1

No. 328

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

In the matter of the application for the enrollment of Aholok Harjo, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on April 28, 1903, Wincy Tiger appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her uncle, Aholok Harjo, deceased, as a citizen by blood of the Creek Nation.

Further proceedings in the matter of said application were had at Okmulgee, Indian Territory, October 16, 1903 and October 8, 1904.

The evidence shows that said Aholok Harjo is identified on the 1890 Authenticated Tribal Roll of the Creek Nation and on the 1895 Pay Roll of said nation.

The evidence further shows that said Aholok Harjo died subsequent to April 1, 1899.

It is, therefore, the opinion of the Commission that said Aholok Harjo, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



CHAIRMAN.



COMMISSIONER.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 21 1905

En 325

Muskogee, Indian Territory, March 27, 1907.

J. C. Stone,

Okmulgee, Indian Territory.

Dear Sir:

Your favor of March 25, 1907, relative to the citizenship case of Aholak Harjo is received.

You state that you represent the purchaser of a one-half undivided interest in the allotment of Aholak Harjo and also some of the heirs of Aholak Harjo, and also the Ridge Oil Company whose lease on the premises allotted to Aholak Harjo has been approved by the Secretary of the Interior and that you desire to be heard by brief or otherwise if any formal application is made for the hearing of said case.

If any formal petition or motion is filed in this office for the re-opening of the citizenship case of Aholak Harjo you will be given notice of that fact by letter.

Respectfully,

Acting Commissioner.

IN REPLY
TO THE DECLARATION

[Faint, illegible text]

[Faint, illegible text]

Nation.

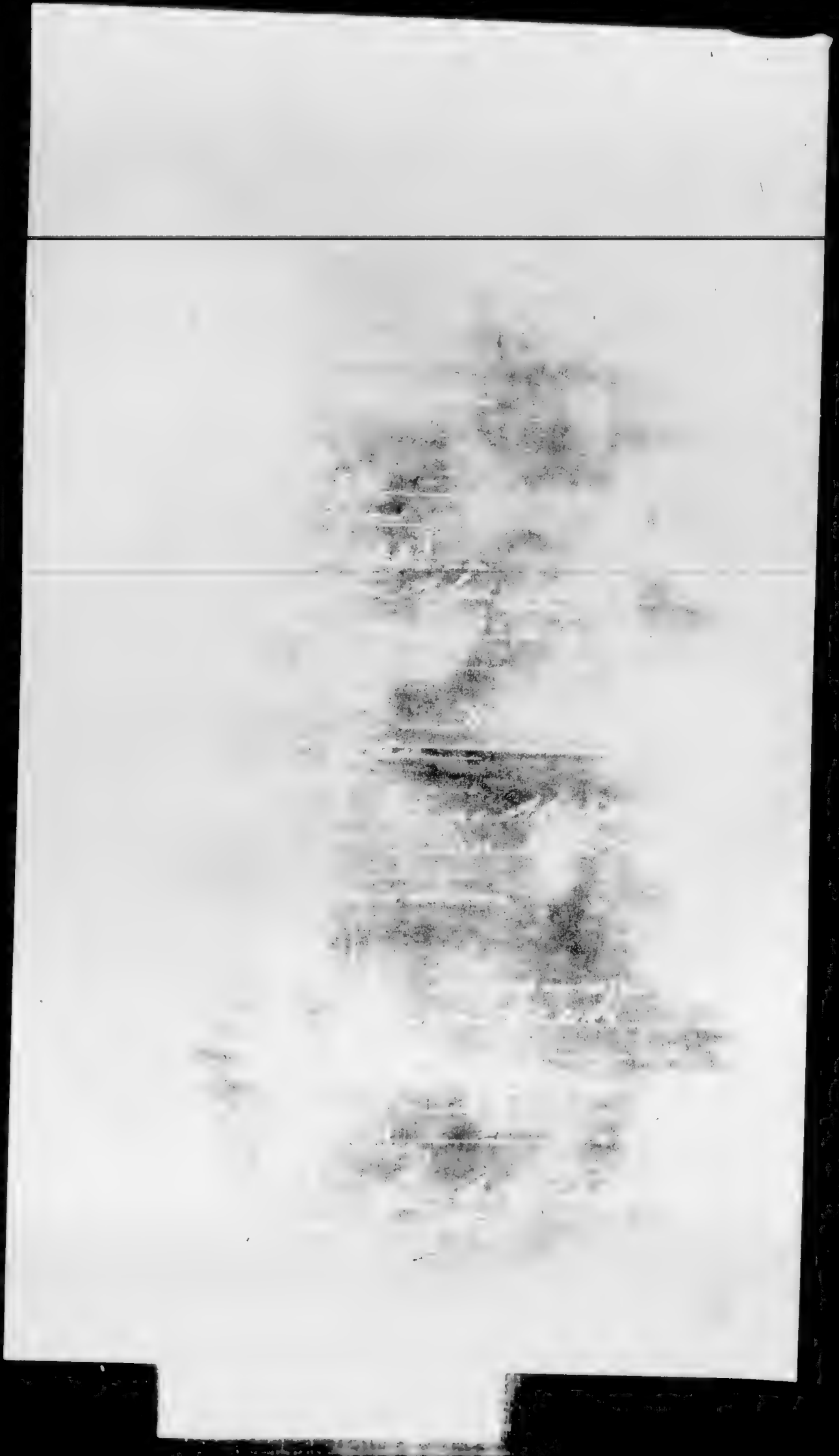
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Commissioner.

[Faint, illegible text]







CR 1 EP 326

Creek

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 26, 1903.

In the matter of the application for the enrollment of minor child, John Tiger, as a citizen by blood of the Creek Nation.

WINEY TIGER, being first duly sworn, and being examined, testified as follows: (Through Official Interpreter Mrs. Merrick).

BY COMMISSION: What is your name? A Winey Tiger.

Q What is your age? A About fifty-six.

Q What is your post office address? A Beggs.

Q Are you a citizen of the Creek Nation? A Yes sir.

The records of the Commission examined, and it appears therefrom that Winey Tiger had been regularly listed for enrollment on Creek Indian Card Field No. 971, approved roll No. 3137.

Q For whom do you now make application for enrollment as a citizen of the Creek Nation? A For my son, John Tiger.

Q How old is he? A Two years old.

Q When was he born? A September 17.

Q What year? A Year before last. He is two years old now.

Q Is he more than two years old or less than two years old? A He will be three years old next September.

Q What is the name of his father? A Jacob Tiger.

Q Is Jacob Tiger living or dead? A Dead.

Q How long has he been dead? A Three weeks ago.

Q Was he a citizen of the Creek Nation? A Yes sir.

The records of the Commission examined, and it appears therefrom that Jacob Tiger has been regularly listed for enrollment on Creek Indian Card Field No. 971; approved roll No. 3138. It also appears that Jacob Tiger is identified on the 1890 authenticated tribal roll of the Creek Nation, page 188, and on the 1895 pay roll of said Nation, No. 114.

Q What is the name of the mother of John Tiger? A Mary Tiger.

Q Did she ever go by any other name? A Mary Gooden.

Q Is she living or dead? A Living.

Q Is she a citizen of the Creek Nation? A Yes sir.

The records of the Commission examined, and it appears therefrom that Mary Gooden is regularly listed for enrollment on Creek Indian Card Field No. 1142, approved roll No. 3692. It also appears that the said Mary Gooden is identified on the 1890 authenticated tribal roll of the Creek Nation, page 88, Cussehta Town, and on the 1895 pay roll of said Nation, Concharty Town.

Q Were you present when John Tiger was born? A Yes sir.

Q Have you ever executed an affidavit as to the birth of John Tiger? A Yes sir.

The records of the Commission examined, and it appears therefrom that on September 24, 1902, there was filed with the Commission an affidavit in reference to the birth of John Tiger. Same is marked Exhibit "A", and made part of the record herein.

Q Who has the custody of John Tiger? A I have.

Q Has his mother placed him in your charge? A Yes sir.

Q Have you been appointed guardian of John Tiger by the court?
 A No sir, not yet.
 Q Why is it that the mother does not apply for the enrollment of this child? A She is a Snake Indian.
 Q Why didn't the father apply for the enrollment of John before his death? A He was sick all the time and could not come. He started out to have the baby enrolled and got sick on the way, and had to go back home.
 Q Were there any other children born in the neighborhood about the time that John Tiger was born? A No sir.
 Q Did anyone die who lived near you about the time that John Tiger was born? A No sir. There was some white people died there. I didn't have anything to do with them. I don't care for them.
 Q Did Jacob Tiger and his wife Mary have any other children? A They had one child, about a month old.
 Q What is the name of that child? A Edmund.
 Q Were you present when Edmund was born? A Yes sir, he was born at my house.
 Q When was he born? A About a month ago.
 Q How long have you had the care and custody of John Tiger?
 A About three months.

ROBERT GRAYSON, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Robert Grayson.
 Q How old are you? A Forty-seven.
 Q What is your post office address? A Okmulgee.
 Q Do you know John Tiger? A The little baby, John Tiger?
 Q Yes? A Yes sir.
 Q How old is he? A He will be three years old the coming 17th of September.
 Q Is he any kin to you? A No sir.
 Q Do you know any other children in that neighborhood? A Yes sir, I know some little children.
 Q Give me the name of one of them? A Peggy Scott.
 Q How old is she? A Seven years old.
 Q Do you know the name of a young child, two or three years old? A I know a couple around there. They are not a year old, about five or six months old.
 Q What is the name of one of them? A They have not got a certain name for them yet.
 Q Whose child is it? A It is the child of Nancy West.
 Q When was that child born? A About five or six months ago.
 Q Give me the date that the child was born, the day of the month and the year. A I am not certain now what day it was born. It was along in the fall. Two children born in the neighborhood.
 Q Are they related to you? A No sir.
 Q Why is it that you remember the exact date of the birth of John Tiger, and you don't know the exact date of the birth of these other children?
 A What caused me to know, there was a funeral at that time in the neighborhood, and there was a man there at the funeral made inquiry as to why they were not there at the funeral.
 Q Who was it that died? A Millie Yargee.
 Q Was she a citizen of the Creek Nation? A Yes sir.
 Q Do you know James Yargee? A Yes sir.
 Q Is he the father of Millie Yargee? A Yes sir.
 Q Do you know Manda Yargee? A Yes sir.
 Q What relation is she to Millie? A Mother of Millie.
 Q You are certain that John Tiger was born about the time that Millie Yargee died? A Certain, about the time of her funeral.

The records of the Commission examined, and it appears
therefrom that Millie Yargee was regularly listed for enrollment
on Creek Indian Card File No. 8547, and that from an
affidavit on file with the Commission said Millie Yargee died
on February 16, 1900, said affidavits having been executed on
May 16, 1901, by James Yargee and Manda Yargee, and filed with
the Commission on the day of their execution.

BY COMMISSION: You will be furnished at a later date with
a copy of the decision of the Commission with reference to the
application made by you at this time, which will be mailed to
your present post office address as given in your testimony.

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 29th day of April, 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 John Tiger as a citizen by blood of the Creek Nation.

DECISION.

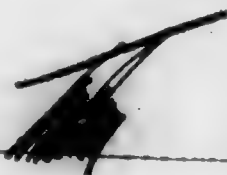
The record in this case shows that on April 28, 1903, Winey Tiger appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her grand-child, John Tiger, as a citizen by blood of the Creek Nation.

The evidence shows that said John Tiger was born prior to May 25, 1901, and was living at the date of the application herein.

The evidence further shows that said John Tiger is the child of Jacob Tiger, deceased, and Mary Gooden whose names are contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902, Nos. 3138 and 3692, respectively.

It is, therefore, the opinion of the Commission that John Tiger should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress, June 30, 1902, (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



CHAIRMAN.



COMMISSIONER.



COMMISSIONER.

DATED AT MUSKOGEE, I.T.

MAY 27 1903

IN RE

Application for Enrollment of

INFANT CHILD

John Tiger
as a citizen of the
Creek Nation.

Approved _____ 190_____

Commissioner.

Talker on Cr. Card # 971
Mother not identified
on Creek Card 1142 as
Mary Horden

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

FILED

Filed Sept. 14-1902

ACTING CHIEF

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of John Tiger, born on the 18 day of Sept 1900
(Here insert name of child.)
Name of Father: Jacob Tiger, a citizen of the Creek Nation.
Name of Mother: Mary Tiger, a citizen of the Creek Nation.
Post-Office: Baggs St.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Western District.

I, Mary Tiger, on oath state that I am 21
years of age and a citizen, by Birth of the Creek Nation;
that I am the lawful wife of Jacob Tiger, who is a citizen, by
Birth, of the Creek Nation, that a Male child was
(Male or female.)
born to me on the 18 day of Sept 1900; that said child has been
named John Tiger, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Turner Taylor
Joe Murter

Mary Tiger
mark

Subscribed and sworn to before me this 17 day of Sept 1900

Fred Constock
Notary Public.
My Commission Expires July 2, 1906

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Western District.

I, Winey Tiger, a _____, on oath state that I
attended on Mrs. Mary Tiger, wife of Jacob Tiger
on the 18 day of Sept, 1900; 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 John Tiger.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Turner Taylor
Joe Murter

Winey Tiger
mark

Subscribed and sworn to before me this 17 day of Sept 1900

Fred Constock
Notary Public.
My Commission Expires July 2, 1906

Creek No. 386.

Muskogee, Indian Territory, May 9, 1903.

A. P. Murphy,

National Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

April 28, 1903, Winey Tiger appeared before the Commission and made application for the enrollment of her grandson, John Tiger, as a citizen, by blood, of the Creek Nation. A copy of the testimony is inclosed.

The Creek Nation will be allowed a reasonable time within which to submit such evidence in the case as it may desire.

Respectfully,

Chairman.

OCH-60.

MUSKOGEE NATION,

COPY.

A.G.S.

A. P. Murphy,

National Attorney.

Muskogee, Indian Territory, July 23, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On April 28th, 1903, Winey Tiger appeared before the Commission and made application for the enrollment of her grandson, John Tiger, as a citizen by blood of the Creek Nation, and the same was given your number 326.

The Creek Nation was not represented in this matter and had not an opportunity to cross examine the witness. I would respectfully ask that Winey Tiger be required to appear before the Commission on a day required and be cross examined, in relation to the matter at issue.

Very truly,

A. P. MURPHY,

National Attorney.

J. J. B

RECEIVED

TAGG BERRY
FRANCIS B. NEEDLES
C. R. BRACKENRIDGE
W. K. STANLEY.

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

REFER IN REPLY TO THE FOLLOWING
No. 328

ALLISON L. AYLEFORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 17, 1902.

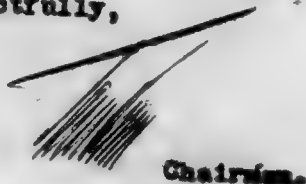
Winey Tiger,

Beggs, Indian Territory.

Dear Madam:

In the matter of the application made by you for the enrollment of your minor grand-child, John Tiger, as a citizen of the Creek Nation, you are required to appear before the Commission at its Office in Muskogee, Indian Territory, for the purpose of being further examined concerning the right to enrollment of said child.

Respectfully,



Chairman.

Registered.

9000
Creek No. 234.

Muskegee, Indian Territory, May 25, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskegee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Winey Tiger for the enrollment of her minor child, John Tiger, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if at the expiration of that time no such protest has been made, said John Tiger will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

HCH-16-25.

June 9

~~SECRET~~
~~CONFIDENTIAL~~

COMMISSION TO THE FIVE CIVILIZED TRIBES

NO. 17-10000
306

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Washington, D.C.
July 2, 1903

Receipt of the Commission to the Five
Civilized Tribes one copy of the testimony
in the matter of the application for the
enrollment of John In general citizen
of the Grand Saline

Chas. H. ...
Commissioner for Affairs

END

2

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