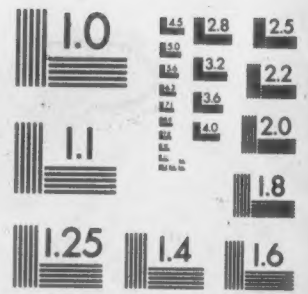
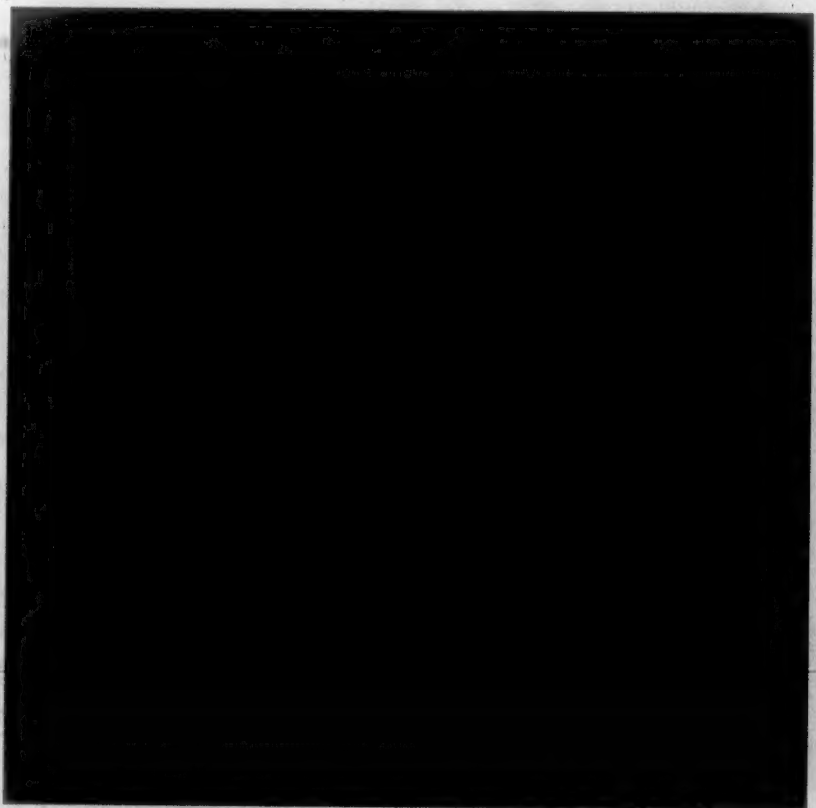
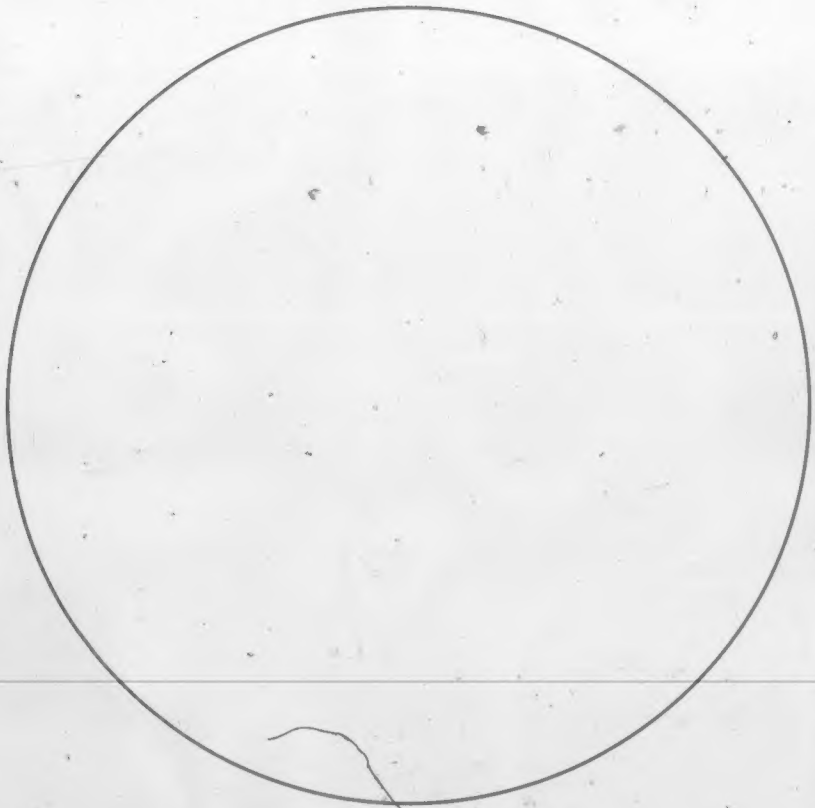
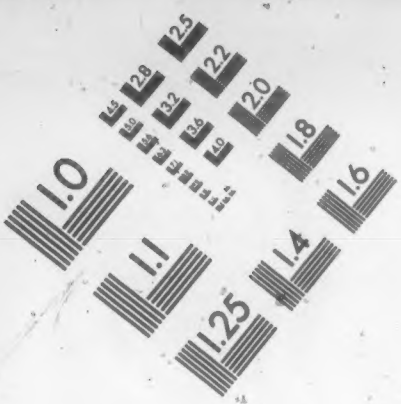
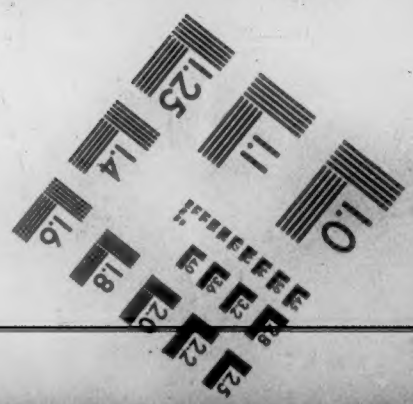
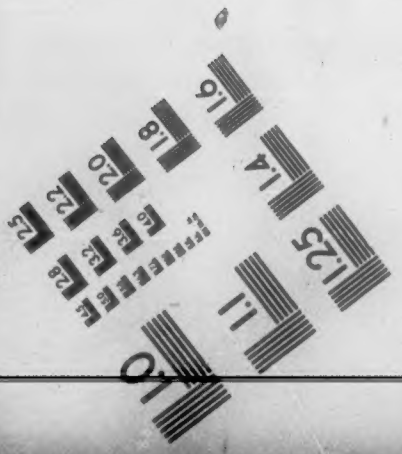


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APPLICATIONS FOR ENROLLMENT OF THE  
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DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY,  
SEPTEMBER 10, 1906.

H.B.F. 257.

In the matter of the application for the enrollment of Tobias Thompson, as a Creek Freedman.

APPEARANCES: JOHN G. LIEBER, acting for M. L. Mott,  
attorney for Creek Attorney.

Tamer Townsend, being first duly sworn by Henry G. Hains a Notary Public testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Tamer Townsend.  
Q: How old are you? A: 21.  
Q: What is your post-office address? A: Ridge.  
Q: Are you a Creek Freedman? A: Yes sir.  
Q: Do you know William and Rebecca Thompson? A: Yes sir.  
Q: Do you live near them? A: Yes sir.  
Q: Did they have a child named Tobias? A: Yes sir.  
Q: Is William a citizen of any of the Five tribes?  
A: No sir.  
Q: He is a negro? A: Yes sir.  
Q: Is Rebecca? A: Yes sir.  
Q: What is the name of her father? A: Tobe Franklin.  
Q: Is the name of ~~her~~ her mother Malinda Franklin? A: Yes sir.  
Q: Was she enrolled under the name of Rebecca Franklin?  
A: Yes sir.  
Q: How many children has she had in her lifetime? A: Three.  
Q: Name them? A: Louis, Alberta and Tobias Thompson.  
Q: Are any of these three dead? A: No sir.  
Q: All three living? A: Yes sir.  
Q: Did you wait upon her when any of these three children were born? A: Yes sir.  
Q: Which one? A: Tobias Thompson.  
Q: Is that the only one? A: And Alberta.  
Q: Not when Louis was born? A: No sir, I wasn't with her then.  
Q: Are you a professional midwife, do you do that for a living?  
A: No sir.  
Q: When was Tobias born? A: It was in March.  
Q: Well now this year? A: Yes sir.  
Q: What part of March, the 1st. part or the middle or the last part? A: It was the first part but what date, I don't know.  
Q: Why did you swear to a particular day then? A: I wasn't swearing to any particular day, I was just swearing to the birth of the child.  
Q: Didn't you know what date it was? A: No sir, I don't know what date.  
Q: Do you know what day of the week it was? A: No sir.
- Questions by J. G. Lieber, acting attorney for Creek Nation.
- Q: Don't you know whether it was Sunday or Monday or what day it was born?



- A: No sir, I don't know but I know I was with her and it was in March, but I don't know what date it was.
- Q: Well you signed an affidavit on the 11th. of June before a Notary Public about the birth of this child, didn't you?
- A: Yes sir.
- Q: Didn't you testify then as to the date of its birth?
- A: Yes sir.
- Q: You gave an exact date when you thought it was born?
- A: Yes, I heard them say but I forgets now.
- Q: You cannot now swear that the date you gave in that affidavit was a correct date can you? A: Yes it was the correct date, but since then I forget. I swear to what they said was the date.
- Q: Then when you made that affidavit you were just swearing to what they said, not what you actually knew yourself?
- A: I know it was in March but I don't know what date in March.
- Q: You cannot state now whether it was the 3rd, 4th/ fifth, six sixth, seventh or eighth of March? A: No sir. But I know it was in March.
- Q: You are willing to swear it was on the 1st. of March that the child was born? A: I don't know what of March but it was March.
- Q: Are you willing to swear it was on the second of March?
- A: I am trying to remember. Now if I am not mistaken it was on the 2nd. of March.
- Q: How do you happen to remember that date?
- A: Why because she was to my house and she went on home the next day or so, I think they sent for her.
- Q: When was it she was at your house? A: I think it was the day before she took sick.
- Q: Well do you know what time in March it was that she was at your house? A: No sir.
- Q: Do you know what it was in March that she was at your house?
- A: Yes sir.
- Q: How do you know that Tamer? A: Because we was talking about March when it came in and she wasn't sick yet, she was there.
- Q: How long was she sick? A: She was sick a month.

Questions by Commissioner:

- Q: She wasn't sick there in March when you were at her house? Did I understand you to say she was at your house in March and wasn't sick then? A: Yes sir.

Questions by John G. Lieber, acting for M. L. Mott, Attorney for Creek Nation.

- Q: You say she took sick a day or so after she left your house?
- A: Yes sir, I think she did, I am trying to tell it as near as I can tell you.
- Q: What day of the ~~month~~ week was it when she was at your house? A: I don't know sir, what day of the week it was.

- Q: Well was it Sunday or Monday or when? A: I can't remember anything about that.
- Q: How long did you stay with her after the child was born? A: I was back and forth every day we didn't stay far apart.
- Q: How far did you live from her? A: A mile.
- Q: Is Rebecca related to you? A: She is my sister.
- Q: What were the farmers doing when this child was born? A: I don't know sir, but I think Mr. Townsend was plowing, I don't think he was planting yet.
- Q: Had he planted his corn yet? A: No sir.
- Q: He was breaking up land? A: Yes sir.
- Q: You can't even tell us the day of the week this child was born on? A: No sir.
- Q: Are you sure it wasn't Sunday? A: I just can't tell you I disremember what time it was.
- Q: Do you ever go to church Tamer? A: Sometimes.
- Q: If this child had been born on Sunday you would have been pretty apt to remember it wouldn't you? A: Yes sir.
- Q: Well now Tamer what day are you going to swear that this child was born on? A: I don't know I guess I would have to swear to the date when they were enrolling it.
- Q: I am not asking you about that, I am asking you to swear from memory when it was born.
- A: Well now I was just trying to guess as good as I could remember.
- Q: You are not sure it was born on the date you put in this affidavit are you? A: Well now sir, I will tell you the truth, I don't know sir, I just took what they said, I waited on her. I never would have remembered unless it was one of my children.
- Q: You know the child was born all right? A: Yes sir.
- Q: It was born in March.
- Q: But you couldn't remember the date, you couldn't swear to the date to save your neck from your own remembrance?
- A: No sir all I can swear to is what they got up to the office and swore, but I know that the child was born in March.
- Q: Now Tamer the affidavit was made three months after the child was born? A: I don't know how long it was.
- Q: Well it was made on the 11th. of June did they have a child with them when the affidavit was made? A: Yes sir.
- Q: Do you remember how old the child was at that time? A: No sir, I don't remember how old it was.
- Q: Can you think a little Tamer and tell us what day of the week the child was born on? A: No sir, I don't remember what day that child was born on.
- Q: What is your husband's name? A: William Townsend.
- Q: Where does he trade? A: Boynton.
- Q: Did he go to town about the time this child was born? A: No sir.
- Q: Are you sure of that? A: I said no sir, but I don't know he might have.
- Q: Do you know anything that happened in that neighborhood about the time this child was born there? A: No sir.
- Q: Don't know of a thing? A: No sir.
- Q: Do you know of any other children born in that neighborhood about the time this one was? A: No sir.
- Q: Don't you know of any that died in that neighborhood about the time this one was born? A: No sir.
- Q: How often do you come to Muskogee Tamer?
- A: We don't come to Muskogee often.

- Q: Had you been to Muskogee just before this child was born?  
A: No sir.
- Q: How long after it was born until you came to Muskogee?  
A: Why it was in August.
- Q: That is the first time you came here after the child was born is it? A: Yes sir.
- Q: Do you remember of going to Boynton along about the time this child was born? A: No sir.
- Q: Don't you ever go to town? A: No sir.
- Q: About the time this child was born, didn't you go anyplace?  
A: No sir, I just stayed with her.
- Q: Did she have a doctor to wait on her? A: No sir.
- Q: Never had any doctor during all that time? A: No sir.
- Q: Did you or anybody that you know of make a record of the birth of this child any place? A: What do you mean by that?
- Q: Put it in the bible or any place like that?  
A: They might, I don't know.
- Q: Now Tamer what is your best recollection as to when this child was born, was it the first of March, or the middle of March or the last part of March? A: Well now I couldn't tell you I want to tell the truth, it was in March but what of March, I don't know, I couldn't tell you.
- Q: How do you happen to remember it was in March?  
A: Because we were talking about it, I and my sister before she took sick.
- Q: How long before? A: I don't know how long sir, but I know it was in March.
- Q: Don't you know whether it was a week or not?  
A: No sir, I don't.
- Q: Well now, you can tell us whether it was a week or so before can't you? A: No sir, I can't.
- Q: What brought on that conversation? A: That was our own affairs, I couldn't tell you what it was.
- Q: You and your sister were talking about when it was going to happen and you figured it was in March it happened, didn't you? A: Yes sir.
- Q: Well now it was sometime in March when you had that talk wasn't it? A: Yes sir.
- Q: You are sure of that? A: Yes sir.
- Q: You and your sister decided it was going to be born sometime in March, didn't you? A: Yes sir.
- Q: How long after you had that talk was it until that child was born? A: I don't know sir.
- Q: It wasn't the next day was it?  
A: I don't know whether it was or not.
- Q: Now when you and your sister had that talk she was expecting you to wait on her when the child was born, wasn't she?  
A: Yes sir.
- Q: You were trying to figure what time she would need you? She was expecting you to wait on her and she didn't want you to be away from home, and you didn't want to be away and you and your sister were simply talking about it? So there would be no danger of you being away from home when it was born? A: Yes sir.
- Q: How far ahead did you figure that that child would be born?  
A: No sir we didn't figure it.
- Q: Didn't you guess about how long it would be at that time?  
A: No sir.
- Q: You knew it wouldn't be the next day didn't you?  
A: ~~I was talking about it, it could have been~~
- A: I didn't have any guessing about it, it could have been born that evening or any time all I know



- when I went home I was just looking for somebody to call me, to come after me.
- Q: You know it was born pretty soon? A: I thought it was.
- Q: You knew it was in March when you had that conversation?
- A: Yes sir.
- Q: Do you know what part of March you had that conversation?
- A: No sir, she was to my house every week but I haven't seen her since yesterday.
- Q: You saw her yesterday did you? A: Yes sir.
- Q: Where did you see her yesterday? A: We was at church yesterday.
- Q: You can't tell the commissioner now whether this child was born the day after you and your sister had the conversation or not? A: No sir.
- Q: You won't swear that it was? A: No sir, I won't swear to nothing I don't know, I came to try to tell the truth.
- Q: Will you swear positively that that child was born the first week in March? A: No sir, I couldn't swear to that.
- Q: Will you swear that that child was born about the middle of March? A: No sir, I wouldn't swear to that. All I swore to on that paper was what they said.
- Q: All they told you? A: Yes sir. What they told me.

Questions by Commissioner:

- Q: Was it born in the night or day time? A: In the night.
- Q: What o'clock? A: It was about 12 o'clock.
- Q: Was it after 12 o'clock or before.
- A: I don't know that we didn't look at the clock, we only was talking and guessing afterwards.
- Q: Any way it was away after dark? A: Oh yes, it was after dark when they came for me.
- Q: Now Tamer do you know what day today is? A: Of the month.
- Q: Yes? A: No sir, I didn't know until I got that subpoena this morning.
- Q: Do you know what month this is? A: Yes, I know what month it is.
- Q: You know it ain't the first part of the month didn't you?
- A: No sir, I didn't know it was the 10th. until this morning.
- Q: You knew that September had not just begun didn't you?
- A: Yes sir, I knew a week have passed. I wouldn't have known the week had passed if my children hadn't been put in school.
- Q: But don't you remember as a matter of fact that some considerable part of March had gone by when they sent for you? A: Yes, some had passed but how much I couldn't tell you.
- Q: If it was only a day you could tell, couldn't you? A: No sir, I couldn't.
- Q: Couldn't you tell the difference between 1 day and 10 days?
- A: Yes sir, but I don't know that, I just know it was in March.
- Q: All we want to know is for you to try to tell us which is the closest to it one day or 10?
- A: You asked me whether 1 day had passed or not, and I said yes. You asked me about how long after the 1st. and I told you I couldn't tell you.
- Q: You know one passed, you don't know whether 10 days passed or not?
- A: How long it was I couldn't tell you, I know it wasn't the first day.
- Q: Was it the second day? A: I don't know.



- Q: You don't know whether it was the 30th. day or not, do you?  
A: I don't guess it was the 30th. day.  
Q: Do you think it was closest to the middle than the first, now there is an easy question, now here is the 10 th? which is closest to the middle of the month than the 1st. of March, now figure that way?  
The 10th. is nearer the 15th. than the 1st. now how about that March business, is it nearer the 1st. than the 15th?  
A: Well, I don't know sir.  
Q: Well you say you were talking to that woman who was expecting the child and you say it was in March? Do you mean to say you couldn't remember the date if it was near the 1st. part of March? A: Yes sir.  
Q: If it had been the next day after you talked with her, you would have remembered it wouldn't you?  
A: We carry on so much all kind of talk, I couldn't remember.  
Q: You know it was in March? A: Yes sir.  
Q: You don't know whether it was the 1st. of March or the middle of March when you talked about it? A: No sir.  
Q: About when was it in March? A: I couldn't tell you.  
Q: After that talk you had with her, how long was she sick after it was born? A: She took sick when the child was born.  
Q: You say she was sick about a month? A: Yes sir.  
Q: Was it more than a month or less? A: It was a month she stayed in the house, for a month she never puts her foot out of doors, until a month.  
Q: Where did she go? A: I hitched up the wagon and went and got her.  
Q: Did you go any place else? A: No sir, carried her right to my house.  
Q: Was anybody else at your house? A: No sir, Nobody but my husband.  
Q: What is his name? A: William Townsend.  
Q: When was that that you went and hitched up the wagon and got this woman? A: It was in April.  
Q: What part of April? A: I don't remember what time in April it was, but it was in April.  
Q: What was your husband doing in the field at that time?  
A: Oh I couldn't tell you what he was doing, but her baby was sick and I went and brought her to my home.  
Q: Has William a little bit better memory than you?  
A: No sir.  
Q: Are you sure that was just about a month? A: Yes sir.  
Q: You don't know whether it was the 1st. part or the middle or the last part of April? A: No sir, but it was in April when I got her.  
Q: And you brought her to your house in a wagon and she stayed there? A: She stayed there that evening.  
Q: Did you meet anybody on the road coming or going?  
A: No sir, we didn't meet anybody.  
Q: Did she stay in the house then after you took her back?  
A: Her month was up then, she was all up and about when I went to get her, her month was out.  
Q: You are sure she hadn't been out of the house until that time? A: No sir, she wasn't out, until that time. No sir, she hadn't been out, I had been doing her washing all and all.

- Q: Now Tamer I am asking you a simple question, everybody knows when Easter comes, don't you always go to church on Easter Sunday? A: No sir.
- Q: Don't you color eggs or anything like that? A: No sir, we don't.
- Q: Now when you want and hitched up the rig to get her, was it before or after Easter? A: I don't know when Easter comes unless we gets to talking about it.
- Q: How do you say you knew that this was not the first of September besides getting a subpoena to show it was the 10th? A: I said I wouldn't have give it any notice unless I saw it on the notice.
- Q: You said something about the children?
- A: I said last week was the first week and it rained nearly all week and they didn't get to go to school.
- Q: You know usually when the month comes in, don't you? A: Yes sir.
- Q: How do you know that, have you a calender in the house?
- A: yes sir.
- Q: Did you look at it when you went to wait on your sister?
- A: No sir.
- Q: Did you look at it when you came back from waiting on her?
- A: No sir.
- Q: Did you look at it when you came back a month after the birth of your child? A: No sir.
- Q: When did you look at it then? A: I don't hardly ever look at it unless we get to talking about something.
- Q: Didn't you look at the calender after she came to your house? A: No sir, she said she looked at it ~~the same~~ before she came from home.
- Q: Did she say she looked at it that day?
- A: She said March was to come in at such and such a time.
- Q: How long after she told you that March comes in that you had that talk? A: Well, I don't know sir.
- Q: A few days was it? A: I don't know sir whether it was a day or two days but I know it was March when we were talking about it.
- Q: Was that at least a day or two days after she told you that March came in? A: I know it was in March when we were talking about it.
- Q: How were you talking about it?
- A: We was talking about it coming in so cool and windy.
- Q: How long was it after it came in that you were talking about it? A: I don't know.
- Q: How long had it been from the time you and she talked about March coming in so cool and windy before this child was born? A: I don't know, she might know but I don't.
- Q: Has she any better education than you have?
- A: Yes, she does all the reading for me and her too.
- Q: Did you ever see any record she wrote in the family bible about it? A: No sir.
- Q: You are around the house a great deal, aren't you?
- A: Yes sir.
- Q: Did she look at the almanac when you were there?
- A: No sir, not when I was there.
- Q: What made you say it was 12 o'clock when it was born?
- A: I told you we were talking about it after the child was born we were trying to guess the time and thought it was

- about 12 o'clock. We thought may be it was 12 o'clock the chickens were crowing.
- Q: Did she get up and look at the calender? A: No sir she was sick.
- Q: Was the clock in the room? A: No sir.
- Q: Couldn't she see it? A: Yes sir. She could, but she was so sick.
- Q: Did you look at it? A: No sir.
- Q: Was anybody else in her room? A: The husband was there.
- Q: Didn't he look at it? A: No sir, we didn't look after the clock.
- Q: Did you or he look at the almanac? A: No sir, we didn't that night, we might have the next day but not while I was there.
- Q: Well now you sit here and tell me as sick as she was that you sat there and talked and guessed what hour it was?
- A: Yes, after we had done put her to bed.
- Q: Who was it guessing at the time, you and William?
- A: I and my brother-in-law I was sitting at the stove with the little girl in my lap and he said I guess it is about 12 o'clock and I said yes I guess it was about 12 o'clock but neither one of us got up.
- Q: You took enough interest to guess what hour it was and didn't take enough interest to know what date it was?
- A: No sir, I didn't give it any particular attention at all now.
- Q: Why did you give it any particular ~~time~~ notice as to the time, at that time, that it was 12 o'clock?
- A: Because I wanted to know.
- Q: Didn't you give her any medicine or buy any medicine at that time? A: No sir.
- Q: Not from the time she took sick until she got up? A: No sir.
- Q: Do you know of anything that William did up to within a week of that time, anything that you could locate the date by.
- A: No sir.
- Q: What is he a Freedman? A: Yes sir.
- Q: How many children have you waited on during this year?
- A: Just only one.
- Q: That is the only one? A: Yes sir.
- Q: How many did you wait on last year? A: One.
- Q: Is that Alberta the only one? A: She was the year before last.
- Q: What was the name of the one last year? A: I don't know sir, I just disremember what that child's name is. It is a Jane Grayson baby though, but I don't know.
- Q: What month of the year is March the 2nd. or 3rd. or what.
- A: I don't know sir.
- Q: Is it the 1st? Month?
- A: How do you mean of the year? A: Why January is the 1st. month.
- Q: What is the next month? A: February.
- Q: What is the next month after February? A: March.
- Q: What is the next month after March? A: April.
- Q: What is the next month after April? A: May.
- Q: And the next? A: June.
- Q: You know them all don't you? A: Yes, I know them all.
- Q: Do you know how many days in June? A: No sir.
- Q: Well now there are 31 days in March, are you prepared to tell me which one of these 31 days the child was born in? A: No sir, I don't know.

- Q: Don't you know positively it wasn't the 31st. day?  
A: I don't know sir, but I know it was in March.  
Q: The 31st. is the last day don't you know it wasn't the last day? A: No sir. I don't know when it was but I know it was in March.  
Q: You are not any more sure that it was the 1st. than you are that it was the 31st? A: No sir, I know it was in March.

Questions by John G. Lieber, acting for M. L. Mott, attorney for Creek Nation.

- Q: You say you and your sister were talking in March sometime and in your conversation you were mentioning how far she had to go? A: No sir, I just told her I thought she was going over in March.  
Q: You had that conversation in March didn't you? A: Yes sir  
Q: You were just remarking and wondering how far it was going over into March wasn't you? A: Yes sir.  
Q: Well now Tamer you know that child wasn't born a day after you had that conversation? A: I don't know sir, it might have been the next day.  
Q: If it had been the very next day, you would have mentioned something about it after the child was born, wouldn't you?  
A: Yes sir.  
Q: But you were wondering how far she would go over in March and the child wasn't born the next day was it?  
A: No sir, we were talking over it, but it wasn't born the next day.  
Q: Can you tell about how long after that it was that the child was born? A: No sir.  
Q: Was it as much as two or three days? A: No sir.  
Q: Do you know what day of the week it was you had that talk?  
A: No sir, I don't know that.  
Q: How far does your father live from where your sister does?  
A: I think it is about 3 miles.  
Q: Do you know whether he knows anything about when this child was born? A: I don't know he might, I know he didn't hear it that night, he might have the next day.  
Q: Do you know how old the child was before he saw it?  
A: No sir, he might have seen it the next day.  
Q: Now then the talk you and your sister had when you were wondering how far ~~she~~ she was going over into March, are you sure it was on the very first day of the Month of March? A: I don't know it might have been on the very first day, but it was in March.  
Q: You are sure it wasn't before the 1st. day of march that you had that talk? A: No sir, it wasn't in January.  
Q: You are sure it wasn't in February are you not?  
A: Yes sir, it was not.  
Q: Well now Tamer be honest, now don't you know that child was not born on the 2nd. day of March?  
A: I don't know sir.  
Q: You know it wasn't born on that day, don't you, because you had that talk with your sister.  
A: It was in March when we had that talk.  
Q: You know the child wasn't born the day after you had that talk? A: I can't say for sure, but I don't think it was the day afterwards.  
Q: You would have said something about it, wouldn't you?



- A: Well I guess so.
- Q: Then you don't think the child was born on the 2nd. day of March, was it? A: No sir, I don't think so.
- Q: When it must have been born after the second day of March was it? A: Yes sir.
- Q: But you don't know how long? A: No sir. Nobody can tell it but them two her and her husband they could tell it better than anybody could.
- Q: Do any negroes live near there?
- A: Yes sir they have some renters there in the field.
- Q: What is their name? A: Shelton. But at that time his wife was sick. They couldn't tell you anything about it, none of them had been there.
- Q: How long had his wife been sick? A: All fall.
- Q: Do you know whether she went down to see the child shortly after it was born? A: No sir, she was so she couldn't walk, she just got so she could walk the other day.
- Q: Have you got any other neighbors around there but Sheltons?
- A: No sir, none but white folks.
- Q: They never had been there? A: They might have heard about it, I don't know sir.
- Q: What white family lives nearest to your sister? A: They don't live close, they live a good ways.
- Q: About how far? A: About a half mile.
- Q: What is their name? A: Albritton.

Questions by Commissioner:

- Q: You say you waited on a child of Jane Grayson in 1905?
- A: Yes sir.
- Q: Do you know the name of the child? A: No sir.
- Q: Was it Perry? A: That is the way she put it down.
- Q: What month was that child born in? A: I don't know.
- Q: That is the only child you have waited on that year?
- A: Yes sir.
- Q: There was this child of Rebecca's you waited on in 1904 on Alberta the next year and you waited on Jane Grayson's child did you not? A: Yes sir.
- Q: And this year you waited on Rebecca's child? A: Yes sir.
- Q: You don't think it was the first ~~year~~ day, do you?
- A: No sir.
- Q: You don't think it was the 2nd. day of March?
- A: No sir, I don't think it was the second.
- Q: Do you think it was the third? A: No sir, I don't know but I know it was in March.
- Q: You say that all you know about the second of March, to which you swore in that affidavit is from what they told you and you now say you don't think that is right?
- A: Don't think what is right? A: The 2nd. of March.
- A: Has they got down the 2nd. of March? A: No sir, I don't think it was.
- Q: Now isn't it a fact that you have been told by somebody the correct date on which this child was born?
- A: I ain't been told by anybody since they was over there enrolling it? A: You heard them say then, it was the 2nd of March didn't you? A: I don't know what they said.
- Q: You heard them say some day and it was put in this affidavit and you swore to it? A: Yes sir.
- Q: Haven't you heard in that neighborhood the correct date on which it was born? A: No sir, they never talked about the date of that child until now.

- Q: There wasn't anybody else talking about the date in your hearing was there? A: No sir.
- Q: You positively swear that you don't know anything else except that date you put in that affidavit from hearsay?
- A: Yes sir, from what they said.
- Q: The only thing you say here positively is that it was in the month of March, and you don't know whether it was the 1st. or second? A: Yes sir, it was in March.
- Q: Have you ever been at the house there since that day you went and got her she she got up and went to your house?
- A: Yes, I go there all the time.
- Q: You are pretty intimate with your sister, that is you meet her often in a week? A: Yes we see one another pretty nearly every day.
- Q: In all that ~~time~~ time you saw her she never told you the exact date on which it was born? A: No sir.
- Q: And in all that time she has never shown you any record in the bible or anywhere where the child was born?
- A: I don't think she has the date of any of her children.
- Q: If it was there you haven't seen it? A: I don't know sir.

Questions by Commissioner:

- Q: Now you meet your sister most every day since that child was born, do you mean to tell me that she didn't tell you what day of the week it was born on? A: No sir, we ain't ever talked about that.
- Q: You came in today on a subpoena delivered to you by the Creek Attorney, did you? A: Yes sir.
- Q: When did they deliver that to you? A: This morning.
- Q: Did you talk with Rebecca about the time you should come in here? A: No sir, I ain't seen her this morning.
- Q: Didn't you talk with anybody about this case after receiving the subpoena? A: No sir, only to my husband.
- Q: What did you say to him? A: I told him they came and subpoenaed me to come in here. I told him I couldn't find the way up here, I guess and he came up with me.
- Q: All that time coming in, you didn't say what you would testify in here? A: No sir.

Minnie Davis, being first duly sworn by Henry G. Hains testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Minnie Davis.
- Q: How old are you? A: 33.
- Q: What is your post-office address? A: Haskell.
- Q: Are you a Creek Freedman? A: No sir.
- Q: Are you a state woman? A: Yes sir.
- Q: Do you know Rebecca Thomas and her husband? A: Yes sir.
- Q: How long have you been knowing her? A: About 7 years when they married.
- Q: How far do you live from them? A: A little better than a mile.
- Q: How long have you lived that close to them?
- A: From February until now.
- Q: What time in February did you move there?

- A: I moved there somewhere about the 17 or 18 day of February.  
Q: Are you on friendly terms with Mrs. Thomas and her husband?  
A: Yes, I ain't got nothing against them.  
Q: Are you related to them in any way? A: No sir not at all  
Q: Do you know their child Tobias Thompson? A: Well I know they have got a baby but I don't know what the name of it is.  
Q: Do you know when that baby was born Mrs. Davis?  
A: Yes, I heard it the next day after it was born, but I don't know what month it was, I don't know whether it was March or April.  
Q: Well now you know whether it was March or April don't you?  
A: No sir, I couldn't swear whether it was March or April it was somewhere in these months, I don't know for sure.  
Q: What makes you think it was one or the other of those months?  
A: Because I know when I came home it was there. I came in February and I know it must have been March or April before it was born.  
Q: How long were you there before the child was born? A:  
A: Somewhere near a month.  
Q: What time in February did you move there?  
A: Somewhere near the 17th, or 18th.  
Q: Along in there? A: Yes sir.  
Q: Where did you move from? A: Steve Franklins.  
Q: Did you ever make a trip to Weleetka last spring?  
A: Yes sir, I just got back from Weleetka.  
Q: When? A: Last Sunday a week.  
Q: Well did you come from Weleetka sometime last spring?  
A: No sir.  
Q: Is that the only trip you made to Weleetka this year?  
A: That is the only trip I made to Weleetka this year.  
Q: Now how long after you moved there where you are living now which you say was about the 17th. of February was it before this child was born? A: I couldn't positively say but I think as near as I can remember, I think it was somewhere near a month before it was born, but I ain't just for sure.

Questions by Commissioner:

- Q: Are you sure it was as much as two weeks?  
A: Yes, I think so. I think I was there about two weeks but I don't know exactly how long.

Questions by John G. Lieber:

- Q: How old is that baby you have got in your arms?  
A: 7 months it will be 8 months old the 17th. day of this month.  
Q: Your baby was born in February was it?  
A: No sir, it was born the 17th. of January.  
Q: Are you sure this child of Rebecca Thompsons wasn't born the 1st. part of March? A: No sir, I am sure but I think it was somewhere in March or April.  
Q: What makes you think it was born somewhere in March or April?  
A: But I know it was one or the other of those months I don't know which.  
Q: How old was the child when you first saw it?



- A: Well I guess-- I don't know exactly-- but the child was x about a month or two old when I saw it I guess.
- Q: Do you know of any other children in that neighborhood that were born about the time her child was born?
- A: No sir, I don't believe I do.
- Q: Do you know of anybody that died out there about the time this child was born? A: No sir, I don't believe I do.
- Q: Do you know of any unusual thing that happened in that neighborhood just about the time this child was born?
- A: No sir. I don't go out much and I don't know very much.
- Questions by Commissioner:
- Q: How old was your child when the other one was born?
- A: I don't know sir, I guess it must have been about a month old or maybe a little better than a month old.
- Q: How far do you live from Rebecca? A: Well a little better than a mile I reckon.
- Q: You say you moved out there on the 17th. of February?
- A: I said the 17 or 18th. of February.
- Q: And then you said you thought it was about a month after that that the child was born?
- A: No sir, I said I guess, I thought about.
- Q: That is what you said at first? A: I said I thought about a month.
- W: Now there is a great deal of difference between a month and two weeks, now aren't you sure it was at least 3 weeks when that child was born? A: No sir, I said I thought---
- Q: Aren't you sure it was at least as much as 2 weeks?
- A: No sir, I ain't just sure.
- Q: You say you know the exact date you moved out there?
- A: Yes I know when I moved I ~~went~~ out there.
- Q: Now you said that child was born a month afterwards, now are you not sure it was two weeks or more than 2 weeks after you moved there.
- A: No sir, I didn't pay much attention to it but I was there a good little bit before it was born.
- Q: How do you know when the child was born? A: Because I was to her house the next day and she just came from Rebecca's that night.
- Q: Did she tell you she had just delivered the child?
- A: No sir.
- Q: Do you know what she had been doing there?
- A: No sir, I guess they just came for her to see what they were doing.
- Q: How long had you been there in that country when she told you she came from Rebecca's? A: I don't know.
- Q: Had you been there 2 weeks or 3 weeks or a month?
- A: I had been there a right smart little while but I don't know.
- Q: What do you mean, ten minutes or 10 days or a month or what?
- A: I don't know whether I was there a month or 2 weeks.
- Q: Are you sure you were there 2 weeks?
- A: I don't know how long, I don't know exactly how long it was.
- Q: Do you say it was in March or April because you were here either the last of March or the 1st. of April is that your idea?
- A: I think maybe it was the last of March or the 1st. of April but I didn't pay much attention to when the baby was born because it didn't concern me.
- Q: You know it because you went to Tamer Townsend's house the next day, is that it?
- A: Yes sir.
- Q: And Tamer had just come from that house after waiting on that child? A: No sir, I don't think she waited on her

- I think she was there for company, of course they generally go for somebody too you know.
- Q: You know that you moved to that neighborhood about the 17th. or 18th. of February? A: Yes sir, I know I moved there the next day after my baby was a month old.
- Q: How old was your baby when you went to Tamer Townsend's house? A: My baby was better than two months old. Or close to it.
- Q: The 17th. of March would have made it two months old would it not? A: It wasn't quite two months then.
- Q: How close to the 17th. of March was it when you went to Tamer Townsend's house? A: Well I don't know just exactly I didn't pay any attention whether it was close to it or not.
- Q: You know that you moved in that neighborhood the 17th. or the 18th. of February because your child was a month old and the time you went to Tamer's house, you said she had just come from Rebecca's and your child wasn't quite 2 months old the truth of the matter was, it was close to the 17th. of March when you went to Tamer's house, wasn't it?
- A: I don't know whether it was close to two months or not.
- Q: What made you say your child was close to two months old didn't you mean it? A: I said she would have been two months old the 17th. of March but I didn't know just how long it was until the 17th.
- Q: How old was this baby of yours the 17th. of this month?
- A: I think eight months old.
- Q: How old was she the 17th. of last month?
- A: I think 7 months old.
- Q: The 17th. of each month do you add on one more month?
- A: Yes sir.
- Q: Don't you know whether it was close to that time when you said to yourself, now my child is two months old?
- A: I never paid any attention.

This is all the evidence that was taken in said cause on said date.

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 on said date in said cause.

Julia C. Laval

Subscribed and sworn to before  
me this 25 day of September, 1906.

Edward Hennessey  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskegee, Indian Territory, September 20, 1906.

In the matter of the application for the enrollment of Tobias Thompson as a Creek freedman.

APPEARANCES: John G. Lieber, acting for M.L.Mott, attorney for Creek Nation.

REBECCA THOMPSON, being sworn by Henry G. Hains, a duly appointed notary public for the Western District, Indian Territory, testified as follows:

- Q What is your name? A Rebecca Thompson.  
Q What is your age? A Twenty seven.  
Q What is your post office address? A Ridge.  
Q Are you a Creek freedman? A Yes, sir.  
Q What is the name of your father? A Tobe Franklin.  
Q What is the name of your mother? A Melinda Franklin; she is dead now.  
Q To what Creek Indian town do you belong? A Canadian.  
Q Name some of your brothers and sisters? A Tamer Townsend and Lewis Franklin.  
Q Is Lewis Franklin a full brother of yours? A Yes, sir.  
Q What was your name before it was Thompson? A Rebecca Franklin.

Witness is identified as Rebecca Franklin opposite Creek freedman roll No. 665.

- Q Are you married? A Yes sir.  
Q What is the name of your husband? A William Thompson.  
Q He is a State man is he? A Yes, sir.  
Q Is he living? A Yes, sir.

By Mr. Lieber:

- Q Are you the mother of Tobias Thompson? A Yes, sir.  
Q How old is Tobias at this time? A Seven months old the second day of this month.  
Q When was he born? A March 2nd.  
Q How do you know he was born on March 2nd? A I looked in the almanac.  
Q Who was present when this child was born? A My husband and my sister.  
Q Tamer Townsend? A Yes, sir.  
Q Who is George T. Robinson? A I don't know.  
Q Do you know the party before whom you made an affidavit relative to the birth of this child? A I guess that's the notary at Boynton.  
Q How far do you live from Boynton? A Eight miles and a half.  
Q Do you go to town frequently? A Yes sir, not very often.  
Q About how often? A I have been there three times this year.  
Q Where do you do your trading? A At Boynton when I trade.  
Q Do you keep an account at any of the stores there? A No, sir.

- Q Does your husband? A No, sir.
- Q Your husband goes more frequently than you? A Yes, sir.
- Q How often does he go? A I don't know.
- Q He goes every week? A No, sir not every week.
- Q Where do you get your mail? A At Ridge.
- Q Any notary public at Ridge? A No, sir.
- Q Was there a notary public there last spring? A No, sir.
- Q Do you do any trading at Ridge? A Some times.
- Q Keep any account there at any of the stores? A No, sir.
- Q How long were you sick after the birth of this child Tobias? A I staid in a month.
- Q Staid in doors a month? A Yes, sir.
- Q How do you remember you staid in doors a month? A I always do stay in a month; I goes from room to room but never out doors
- Q What day of the week was this child born? A Friday.

By Commissioner.

- Q What kind of looking man was this notary public you went before at Boynton? A Tall slender man.
- Q White or colored? A Colored.
- Q You didn't know him personally? A No, sir I didn't know what hisname was.
- Q What day of the week was this child born? A Friday.
- Q Are you sure of that? A Yes, sir.
- Q Did you write down anywhere about the birth of this child or did any one that you know of make a record of the birth of this child? A I have a record at home of all my children.
- Q Who wrote that record? A I wrote it myself.
- Q Did you write down about this child Tobias? A Yes, sir.
- Q How did you write it and where? A In a book.
- Q What kind of a book? A I couldn't tell you.
- Q Is it a bible? A No, sir, just a memorandum book.
- Q Did you write it with a pen or pencil? A Pencil.
- Q Any other writing on that same page? A Not as I noticed.
- Q That as you remember was on a page by itself? A Yes, sir
- Q What did you write down there? A His age.
- Q Tell me the words you used? A I couldn't remember all the words I used. I know he was born March 2, 1906.
- Q That is what you wrote was it, didn't you write Tobias Thompson? A I said I wrote how old he was.
- Q I asked you what you wrote? A I can't remember what I wrote.
- Q When did you write that? A I don't remember.
- Q Did you write it the day he was born? A No, sir.
- Q Did you write it before you left the house with your sickness? A I don't remember but I know I wrote it; it has been written a good while.
- Q Did you write it before you went before this Notary at Boynton? A Yes, sir.
- Q Did you have a doctor before this child was born? A No, sir.
- Q Did you have a doctor at the birth? A No, sir.
- Q Did you have any doctor that month you staid in the house? A No, sir.
- Q Is the child living? A Yes, sir.
- Q How did you say you remember it was March 2? A I looked in the almanac.
- Q When did you look in the almanac? A I couldn't tell you.
- Q Didn't look at it the day it was born? A No, sir.
- Q How old did you say this child was? A Seven months the second day of this month.



- Q Are you sure of that? A Yes, I am sure.
- Q How do you figure that out? A He was born March 2nd and the second of this month would surely make him seven months old if I don't make a mistake.
- Q Did you make a mistake? A I don't think I have.
- Q Are you as sure of the fact that it was seven months old the 2nd of this month as you are that he was born March 2nd? A Yes.
- Q Are you as liable to make a mistake in saying March 2nd as in saying it is seven months old? A I know it was born March 2nd, I am telling you it was born March 2nd.
- Q You are no surer that this child was born March 2, 1906, than you are it was seven months old the second of this month? A I am sure it was born March 2 and I am sure it was seven months old the second of this month.
- Q Have you figured it up or has some one told you? A No, sir.
- Q How are you sure? A From March 2 to April 2 would be one month, from April to May would be two, to June would be three, to July would be four, to August would be five, to September would be--the second of this month it would be seven months old.
- Q How old was this child when you went before the notary public to make the affidavit? A I don't remember.
- Q Can't you tell how many months old it was at that time? A No, sir I couldn't tell; I think it was in July I went over there and enrolled it but I am not certain..
- Q How long had you been up and out of the house when you went to make that affidavit? A I couldn't tell you.
- Q Is this the only child you have had? A I have two besides.
- Q What are their names? A Lewis and Alberta Thompson.
- Q Are they enrolled? A Yes, sir.
- Q When was your child Lewis Thompson born? A January 29.
- Q What year? A 1901 I think.
- Q You say you think; do you know what year it was born? A 1901
- Q Are you sure of that? A Yes, I am sure.
- Q When was your child Alberta born? A February 1.
- Q What year? A 1903
- Q Are you sure of that? A Yes
- Q How old is Lewis now? A Will be five the 29 of January.
- Q Then aren't you mistaken in the year in which it was born? A I don't think I am.
- Q Three from seven leaves four? A I said it was born in 1901 and will be seven the 29 of next January.
- Q How old will Alberta be next February? A Three I think
- Q What day of the week was Lewis born? A I disremember.
- Q What day was Alberta born? A I disremember.

By Mr. Lieber .

- Q You say that you staid in the house a month after this child was born? A Yes, sir
- Q That would be then the second of April that you came out of the house? A I don't know exactly what day ; I know I usually stay in a month.
- Q Now one month from the second of March would make the second of April? A Yes I guess so but I couldn't tell the exact day, I didn't pay any attention.
- Q What was the condition of your health from that time up to the present time, have you been in good health? A Yes, sir
- Q Haven't been sick any? A No, sir
- Q How you knew that the rolls closed the 4th of last March? A Yes after I got the notice.
- Q You saw that published in the paper just shortly after that time didn't you? A No, sir, I never knew until I got the notice from the Commission.

- Q What kind of a notice? A Kind they had enrolling the children.
- Q Did you get this notice before or after the child was born? A I got it in June I think.
- Q How old was the baby at that time? A I don't know; I couldn't tell; if I tried I might make a mistake.
- Q That was the first intimation you had that the rolls were closed the 4th of March? A Yes, sir.
- Q When did you say you got that? A I think June but I am not sure.
- Q And you don't know how old the baby was at that time? A No, sir
- Q You insist that this child was born the 2nd of March 1906? A Yes, sir
- Q Anybody else in your neighborhood besides Tamer Townsend that knows when the child was born? A All of my neighbors know it was born in March but whether they know the day I don't know.
- Q Is that the baby you have in your arms? A Yes, sir
- Q You say it is seven months old? A Yes, the way I count it.
- Q You are not very good at counting? A Let me see-(counting) April May, June-- Yes, seven
- Q That is the way you figure it? A Yes, sir.
- Q Who is your closest neighbor out there--white, black or red? A I have close colored neighbors and close white.
- Q Let's have the name? A Louisa Bemer is my closest colored neighbor
- Q Who else? A I don't know the white folks name, Allbrith is all I know.
- Q Never had any doctor after this child was born? A No, sir
- Q Never had a doctor with it? A No more than I had a doctor cut his tongue.
- Q When was that? A I hadn't known he was tongue tied and I had it clipped.
- Q Did you have that done before or after you came out of the house? A I had it done at Boynton.
- Q When did you first learn the child's tongue was tied? A I couldn't tell you.
- Q Did you learn it while you were yet in the house? A I couldn't tell.
- Q The fact is you don't know a thing about this child but that it was born on the second of March and you are just guessing at that? A No, sir
- Q Why did you wait to make the affidavit about this child till the 11th of June if it was born March 2nd? A My husband was busy working and till July 25 was time.
- Q You knew it was a close date? A No, sir I didn't know it was any different just so it was born before the 4th.
- Q How long was it after you got up before you took it to the doctor? A A little over two months I think but what time I couldn't tell.
- Q Did you take him there a month after you got out of the house? A I couldn't tell you, I never paid any attention.
- Q You don't know when it was that you first found out the child's tongue was tied? A I didn't pay any attention, I wasn't looking for this kind of questions to be asked.
- Q You didn't go to the doctor until you found it was tied did you? A No, sir
- Q How long after you found out before you took it to the doctor? A I don't know.
- Q This is the first time you had a child with its tongue tied? A Yes
- Q And you don't know whether you found it out during that month you were in the house or not? A I didn't pay any attention..
- Q Isn't it a fact that you know but don't want to tell? A If I knew I would tell you, I am not afraid to tell you. I try to tell you the truth all I can.
- Q How did you happen to find out that this child's tongue was tied? A I couldn't tell you.
- Q Absolutely don't know a thing about that? A No, sir
- Q How did you happen to find it out? A I had it to the doctors and he told me it was tied.

Q How old was it when you had it to the doctor? A I don't know, if I was thinking these questions would be asked I would have tried to remember.

Q You came down here to file for some of your children this year, for Lewis and Alberta Thompson? A Yes, sir

Q Do you know when that was that you came to file? A I don't know exactly what month but between January and February, one of them months I think.

Q Do you know how long it was after you came down here that the child was born? A No, sir

Q Tebe Franklin is your father isn't he? A Yes, sir

Q How old was this child when he first saw it? A I don't know but I know I was around before he saw it.

Q Don't know how long it was? A I was out of doors.

It appears from the records of this office that Lewis Thompson on the final relief newborn Creek freedmen opposite No. 341 was born January 21, 1902 and that the witness's other child Alberta was born February 1, 1904.

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 25 day of September 1906.

*Edward Merrick*  
Notary Public.



En. 1100

JLD.  
CM

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

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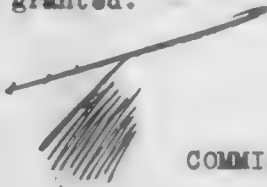
In the matter of the application for the enrollment of  
Tobias Thompson as a Creek freedman.

D E C I S I O N

The record in this case shows that on June 13, 1906 application was made, in affidavit form, supplemented on September 10, 1906 and on September 20, 1906 by oral testimony, for the enrollment of Tobias Thompson as a Creek freedman under the provisions of the Act of Congress approved April 26, 1906.

It appears from the evidence filed in this cause that Tobias Thompson was born March 2, 1906, and was living March 4, 1906, and was the child of William Thompson, a non-citizen, and Rebecca Thompson, who is identified on the approved roll of Creek freedmen as Rebecca Franklin, No. 665.

It is, therefore, ordered and adjudged that the said Tobias Thompson is entitled to enrollment as a Creek freedman, in accordance with the provisions of the Act of Congress approved April 26, 1906 (34 Stats. L. 137), and the application for his enrollment as such is accordingly granted.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 19 1907

NEW BORN 257—  
217

IN RE  
Application for Enrollment of  
INFANT CHILD

*Robius Thompson*  
as a citizen of

*Creek* Nation.

Approved \_\_\_\_\_ 190

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

NEW BORN CREEK FREEDMEN.

ACT OF CONGRESS APPROVED APRIL 26, 1906.

*Born Nov. 2, 1906.*

*June 13-06*

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,

of Tobias Thompson, born on the 2 day of March, 1906  
(Here insert name of child.)

Name of Father: William Thompson a citizen of the United States

Name of Mother: Rebecca Thompson a citizen of the Creek Nation.

Ridge, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western Judicial DISTRICT.

I, Rebecca Thompson, on oath state that I am 25

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

that I am the lawful wife of William Thompson, who is a citizen, by

of the United States Nation; that a male child was  
(Male or Female.)

born to me on 2 day of March, 1906, that said child has been named

Tobias Thompson, and was living March 4, 1906

WITNESSES TO MARK:

Rebecca Thompson

(Must be Two Witnesses.)

Subscribed and sworn to before me this 11 day of June, 1906.

My term expires Oct. 11, 1908. Geo. P. Robinson  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western Judicial DISTRICT.

I, Foster Townsend, midwife, on oath state that I

attended on Mrs. Rebecca Thompson wife of William Thompson

on the 2 day of March, 1906; 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 Tobias Thompson  
(Male or Female.)

WITNESSES TO MARK:

Foster Townsend

(Must be Two Witnesses.)

Subscribed and sworn to before me this 11 day of June, 1906.

My term expires Oct. 11, 1908. Geo. P. Robinson  
Notary Public.

CR EN 1101

CR EN 1101

7/18/06 261

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
AUGUST 29, 1906.

In the matter of the application for the enrollment of  
George Wolf as a Creek Freedman.

Fannie Youngblood being first duly sworn, testified as  
follows:

Questions by Commissioner:

- Q: What is your name? A: Fannie Youngblood now, has been  
Fannie Wolf and Fannie Thompson.  
Q: How old are you? A: I am 32 years old as near as I can  
get at it.  
Q: What is your post-office address? A: Wybark.  
Q: What is the name of your father? A: Isaiah Woodall.  
Q: Is he a citizen of any of the tribes? A: No sir.

(The brother of witness, George Woodall interrupts and says  
Isaiah Woodall is a citizen of the Cherokee Nation)

- Q: What is the name of your mother? A: Dinah Johnson.  
Q: Was she a citizen? A: Yes sir.  
Q: Creek Freedman? A: Yes sir.  
Q: Is George Woodall a full brother of yours? A: Yes sir.  
Q: This is the man here? A: Yes sir.  
Q: Have you any children enrolled? A: Yes sir, two.  
Q: What are their names? Isaih Russel and Eliza Thompson.

(Witness is identified as Fanny Thompson opposite Creek  
Freedman Roll 2851, and her said brother is identified as  
George Woodall, opposite Creek Freedman Roll 4071.

- Q: What was your maiden name before you married at all?  
A: Fanny Woodall.  
Q: What was your next name? A: Fanny Thompson.  
Q: You married a man named Warrior Thompson, did you? A: Yes  
sir.  
Q: What was your next name? A: Fannie Willis.  
Q: Is Willis dead? A: No sir, I just left him.  
Q: What was the name of your next husband? A: Fred Wolf.  
Q: Are you living with him now? A: No sir, I "divorsted" him  
Q: When were you divorced from Fred? A: About 3 years ago.  
Q: Have you had any children born in the last 12 months?  
A: No sir.  
Q: How long since your oldest child was born? A: She will be  
12 years old the 10th. of October.  
Q: That is the last child you have had, is it? A: Yes sir.  
Q: You didn't have any children by Fred Wolf did you?  
A: No sir.

- Q: Didn't have a child by him by the name of George Wolf?  
A: No sir.
- Q: You haven't lived with Fred Wolf in the last three years have you? A: No sir.
- Q: Have you lived with him since you were separated?  
A: No sir, he stopped at our house and I told him I "divorsted" him and he said he searched the record and said he couldn't find where I had divorced him and that he was going to stay and we got confusion, and after I got this notice I brought it home and asked him to read it and after he read it he said do you know what it is, and I said No. He said the Dawes Commission is asking you to come and file for the child. After that, I guess he took the paper and left because I haven't seen the paper since.
- Q: It was a letter from the Dawes Commission was it?  
Q: Yes sir.
- Q: When was that? A: About the month we got the letter.
- Q: Don't you know that letter simply acknowledged receipt of a letter inclosing blank form of affidavit? A: I don't know.
- Q: It was read to you wasn't it? (No answer)
- Q: The reason that you came up here then was, you understood from that notice that somebody was trying to say you had a child and you didn't want to get into trouble about it?  
A: Yes, I am trying to keep out of trouble I didn't have no dead children.
- Q: Can you write your name? A: No sir, I can't read or write
- Q: Have you ever heard about a man named Jesse W. Cooper?  
A: Yes sir.
- Q: Is he a Notary public that you know of? A: Not as I know of. When Fred went off from here, he went off in trouble and he was signing some papers there for the First National Bank they said, some notes and this Cooper was there and signed some notes for him.
- Q: Did you ever hear of Calvin Collins? A: Yes sir, he and Cooper was there and signed those notes, I was in bed sick when they signed those notes for the First National Bank.
- Q: Do you know a woman named Amanda Davis? A: Yes sir.
- Q: Did she ever act as mid-wife to you when a child was born?  
A: No sir.

There was filed at this office, June 6, 1906 an affidavit of Fannie Wolf, nee Thompson executed June 4, 1906 before Jesse W. Cooper to the effect that she is the lawful wife of Fred Wolf. That a male child was born to her, December 24, 1905. Said affidavit is signed by mark and witnessed by Calvin Collins and a Notary Public, J.W. Cooper. On the same form appears the affidavit of Amanda Davis midwife to the same fact.

- Q: Do you recollect of going before or having Cooper come to you on this 4th. day of last June and making an affidavit?  
A: No sir.
- Q: You didn't touch the pen to this mark then? The affidavit saying you had a child named George Wolf, born to you and Fred Wolf on December 24, 1905, you didn't sign that?

- A: No sir, I didn't sign but one note and that was the note to the First National Bank, that was the day that Cooper and Calvin was there, the day they signed the notes to the First National Bank.
- Q: Are these people Collins and Cooper in the Country?
- A: Collins is at Wybark and Cooper lives at Gibson. I never saw him until they came to sign the notes for the First National Bank.
- Q: Were they white people or black people?
- A: Cooper is a black man and Calvin is a dark colored negro.

(Said affidavits are purported to be executed before Jesse W. Cooper a Notary Public; said affidavits of the mother and midwife are signed by Jesse W. Cooper a Notary Public and has his seal attached and are dated June 4, 1906 and he states his commission expires July 28, 1909, he being a notary public in and for the Western District.)

- Q: You are sure you never had a child by Fred Wolf, are you?
- A: No sir. I have only got two children, one going on 14 years old and the other going on 12 years old.
- Q: You haven't lived with Fred Wolf for 3 years? A: No sir he got in some trouble here, he mortgaged some property he said he had, to the First National Bank and didn't have it and had to run away, and that is what they was fixing up the notes for, I was sick in bed and they asked me if I would sign the note for Fred Wolf at the First National Bank.
- Q: You didn't hold up your hand and swear to any papers at that time, did you? A: No sir but I signed a note to the First National Bank.
- Q: That wasn't this paper was it? A: No sir, it was just some small notes.
- Q: You never saw this piece of paper, an affidavit this is?
- A: No sir they had a mortgage paper there but it wasn't nothing like that.

George Woodall being first duly sworn, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: George Woodall.
- Q: How old are you? A: About 35.
- Q: What is your post-office address? A: Haskell.
- Q: Have you a wife? A: Yes sir.
- Q: What is her name? A: Alice Woodall.
- Q: Is she living? A: Yes sir.
- Q: What is the name of your father? A: Isaiah Woodall.
- Q: What is the name of your mother? A: Dina Johnson, now.
- Q: Is this witness here your sister? A: Yes sir.
- Q: Do you know if she has had any children in the last year?
- A: No sir.
- Q: What do you mean, that you don't know or that she hasn't had any? A: I don't know that she has had any.



- Q: Do you think that her youngest child is about 12 years old?  
A: Yes sir.  
Q: Wouldn't you be likely to know if she has had any child in the last three years? A: Yes sir.  
Q: You know that she hasn't any children less than a year old?  
A: Yes sir.  
Q: Do you know anything about Fred Wolf trying to fix up an affidavit? A: No sir, not until she told me about receiving a note from the Dawes Commission to file for a child that was dead.

Fannie Youngblood, a witness in this matter, interrupts and says:

I can't read and he read the notice to me that the Dawes Commission was notifying me to come in and file for George Wolf. I told him I didn't know anything about George Wolf I said who is George Wolf, and he said there is a child enrolled for you and you have to go and file for it, and I told him I wouldn't do it and after that he left. How come he to mention it to my brother, because Calvin came to my house the other day and he said he heard I was going to town to see about having a child enrolled and I was cutting up about it, and I had better cheese my racket or I would go to the pen, and I said I wouldn't either because I didn't have no child and I was going over to notify the Dawes Commission that I didn't have anything to do with it.

(Notices referred to, the one she says Fred Wolf explained to her to be a notice to come in and file for a dead child is evidently a letter to this office of recent date acknowledging receipt of affidavits) In the matter of the birth of this child) Notice was sent to the witness Fannie Youngblood in care of George Wolf and it was received by George Wolf.

- Q: What is the post-office address of Cooper? A: Gibson Station that is what they tell me.  
Q: Where does this Calvin fellow get his mail?  
A: That is his post-office, Wybark.  
Q: What is the post-office of Amanda Davis? A: Wybark.

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 on said date in said cause.

Subscribed and sworn to before me this 30 day of August, 1906.

*Julia C. Laval*  
*Edward Morris*  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE INDIAN TERRITORY.  
AUGUST 31, 1906.

F B F-261

In the matter of the application for the enrollment  
of George Wolf as a Creek Freedman.

APPEARANCES: John G. Leiber, attorney for Creek Nation,  
acting for M. L. Mott, National Attorney.

Fannie Wolf, being first duly sworn, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Fannie Wolf.  
Q: You testified here the other day, did you not?  
A: Yes sir, my name now is Fannie Youngblood.

Questions by John G. Lieber, acting for M. L. Mott, attorney for Creek Nation.

- Q: In your testimony a few days ago in this case, you stated that you had signed some notes for the First National Bank?  
A: Yes sir.  
Q: When was it you signed these notes? A: I disremember what day of the month it was, it was in June. It was about the first of June I think.  
Q: This last June? A: Yes sir.  
Q: But you never saw this affidavit that purports to have been signed by you? A: No sir, I didn't see any affidavit that I know of, I signed a note to the First National Bank and mortgage.  
Q: Did this Notary Public, Cooper or Calvin Collins read this affidavit over to you? A: No sir. Him and Cooper was the witnesses to the notes I signed to the First National Bank and Sam Watson was the Notary Public.  
Q: You never saw this affidavit until you came here before the Commission did you? A: No sir, I never.

Amanda Davis, being first duly sworn, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Amanda Davis.  
Q: How old are you? A: About 60, I don't know my age exactly.  
Q: What is your post-office address? A: Wybark.

- Q: Are you acquainted with Fannie Wolf? A: Yes sir, I know Fannie Wolf, ever since she ain't more than that high? (Witness indicatin.)
- Q: Do you know her husband, Fred Wolf? A: Yes sir.
- Q: How long is it to your knowledge since she lived with him? A: Well it has been pretty near 3 years or quite since they separated. If not longer, I don't know exactly.
- Q: Did she ever have any children by him? A: If she did I don't know it.
- Q: Did you live right there in the neighborhood with her? A: Yes sir, right there in that neighborhood within a half mile of her and then she moved over here in town and stayed here about a year and a half. I don't know just how long she stayed here.
- Q: Did you ever execute an affidavit about the birth of a child by Fred Wolf? A: No sir.
- Q: Did you ever wait on her, act as mid-wife for a child of that name? A: No sir.
- Q: Can you write you name? A: No sir.
- Q: Can you read? A: No sir. I can't read nor write.
- Q: Did you in the month of June; June 4th. of this year execute an affidavit before Jesse W. Cooper a Notary Public and state that you were the midwife who attended on Fannie Wolf, wife of Fred Wolf on the 24th. day of December, 1905, when a boy child named George Wolf was born to ~~her~~?
- A: I did not.
- Q: Look at this affidavit? A: It is no use in me looking at it because I don't know a thing more than if I hadn't saw it.
- Q: You didn't touch the pen and swear to it did you?
- A: Yes sir, I will touch the pen and swear I did not see the paper or anything like it.
- Q: But you didn't touch the pen and swear to this affidavit?
- A: No sir, I didn't because I didn't know nothing about it.
- Q: Do you know this man Jesse W. Cooper? A: No sir, I don't know him, if I ever seen him I don't know it. I never have been in his presence as I know of. Never have been in any business with him, and if I ever have seen him I don't know it.
- Q: Do you know Calvin Collins? A: Yes sir, I know Calvin Collins.
- Q: Did you ever sign a paper, by mark, to which Calvin Collins acted as a witness? A: No sir.
- Q: Did you ever sign any paper by mark to which Fred Wolf witnessed the signature? A: No sir, I didn't.
- Q: ~~Amant~~ have you heard anything about this affidavit, about the execution of it? A: Never heard anything about it until Fannie told me about it yesterday, we was coming home on the train yesterday and she told me about what Calvin and Fred did, and I told her they told a lie because I didn't know a thing about it. That is what I told her.
- Q: That is the first you ever heard about this affidavit?
- A: That is the first I ever knew in my life about it.
- Q: Do you know whether Fannie Wolf has had any children in the last ten years? A: She has two children, a boy 14 years and a girl about 12 or 13, that is all the children I have knowm of Fannie Wolf to have.
- Q: You have lived in the neighborhood with her?

- A: Inside of three miles from her ever since she was grown and before she was grown. If she ever had any more, I don't know anything about it.
- Q: Is she married now? A: Yes sir, she has a husband now.
- Q: What is his name? A: Youngblood.
- Q: When did she marry him? A: Last Winter sometime or in the spring sometime, I know it ain't been so very long.

This is all the evidence that was taken in said case.

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 on said date in said cause.

Julia C. Laval

Subscribed and sworn to before  
me this 31 day of August, 1906.

J. M. Durwell  
Notary Public.

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

In the matter of the application for the enrollment of  
George Wolf as a Creek freedman.

STATEMENT AND ORDER.

The record in this case shows that on June 6, 1906, there were filed in the office of the Commissioner to the Five Civilized Tribes, what purports to be the affidavits of Fanny Wolf and Amanda Davis, in the matter of the application for the enrollment of George Wolf as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137). Further proceedings were had on August 29, 1906, and August 31, 1906. The original purported affidavits have the jurat attached, but there is no seal of the notary public affixed to said affidavits. Said original application recites that said applicant is the child of Fred Wolf, a non-citizen, and Fanny Wolf, who is identified by the name of Fanny Thompson on a partial schedule of Creek freedmen approved by the Secretary of the Interior March 28, 1902, opposite No. 2851.

The evidence shows that Fred Wolf and Fanny Wolf, now Fanny Youngblood, were at one time husband and wife, that they were divorced about three years prior to the proceedings had on August 29, 1906, and that no children were born to them as a result of their said marriage. The evidence further shows that Amanda Davis never served as midwife to the said Fanny Wolf when she gave birth to a child and that said Fanny Wolf is the mother of two children only, and that their ages are 18 years and 14 years, respectively.

A preponderance of the evidence establishes the fact that no such child as George Wolf, the alleged applicant herein, was ever born and is sufficient to warrant the opinion that the original application is a forgery and a fraudulent attempt to secure citizenship rights in the Creek Nation.

It is, therefore, ordered and adjudged that the applicant, George Wolf, is not entitled to be enrolled as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and the application for his enrollment as such is accordingly denied.

  
Commissioner.

Muskogee, Indian Territory,

FEB 14 1907

NRF 261.

Muskogee, Indian Territory, February 16, 1907.

Fannie Youngblood,  
Wybark, 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 the enrollment of your minor child, George Wolf, 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-15.

HRF 261.

Muskogee, Indian Territory, February 16, 1907.

M. L. Nett,

Attorney for Creek Nation,

Muskogee, 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 George Wolf, 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.

MI-16.



HRF 261.

Muskogee, Indian Territory, February 16, 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 George Wolf, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

IM-17.

Through the Commissioner  
of Indian Affairs.

Refer in reply to the following:  
Land 17168-1907.

COPY

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

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of George Wolf, as a Creek freedman, including the decision of Commissioner Bixby, dated February 14, 1907, adverse to the applicant.

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

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBM-LC.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.  
O.K.

LRS I.T.D.

5796, 5798, 6244, 6274-1907.  
6254, 6484, 6504, 6510-1907.  
6526, 6668, 6670, 6676-1907.  
6678, 6698, 6702, 6706-1907.  
6712, 6720, 6766, 6770-1907.  
6812-1907.  
D.C. 12660-1907.

March 2, 1907.

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

| Title of Case.                      | Date of your Letter of Transmittal. |
|-------------------------------------|-------------------------------------|
| Winnie Atkins,                      | February 9, 1907.                   |
| Willie Nash (Freedman)              | February 11, 1907.                  |
| James Anderson et al.               | February 12, 1907.                  |
| Wallace Smith (deceased),           | February 12, 1907.                  |
| Jakie Adkins (Freedman)             | February 13, 1907.                  |
| Raster Scott et al. (Freedmen),     | February 16, 1907.                  |
| Mary Elizabeth Ellis,               | February 9, 1907.                   |
| Charles Hawkins et al. (Freedmen),  | February 9, 1907.                   |
| Jimmie Conner et al. (Freedmen)     | February 13, 1907.                  |
| John Leacher (deceased),            | February 14, 1907.                  |
| Olive Grant and Beba Goker,         | February 14, 1907.                  |
| Gannetta Peters (Freedman),         | February 16, 1907.                  |
| John Guy (deceased) (Freedman),     | February 16, 1907.                  |
| Martha Porter (deceased),           | February 14, 1907.                  |
| George Wolf (Freedman)              | February 14, 1907.                  |
| Mattie Bird, deceased,              | February 16, 1907.                  |
| Jennie Lewis (Freedman)             | February 19, 1907.                  |
| Mary McNary                         | February 15, 1907.                  |
| Alonza Franklin (Freedman)          | February 14, 1907.                  |
| Gracie Johnson (Freedman)           | February 14, 1907.                  |
| Katie Jamison, deceased (Freedman), | February 16, 1907.                  |
|                                     | February 14, 1907.                  |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

21 inc. and 42 inc.  
to Indian Office.

WUF 3/3/07.

KDF 261,  
En. 1101.

Muskegee, Indian Territory, March 12, 1907.

Fanny Wolf,  
c/o Fred Wolf,  
Wybark, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 14, 1907, denying the application for the enrollment of your minor child, George Wolf, as a Creek Freedman.

Respectfully,

Commissioner.

JBM

MEF 261.

Muskogee, Indian Territory, September 20, 1906.

Sallie Green,  
c/o Hagie Green,  
Wetumka, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor children, Nancy and Kizzie Green, as citizens of the Creek Nation, you are advised that this office cannot identify you on its rolls of citizens by blood of the Creek Nation, and you are requested to write this office stating your maiden name, the names of your parents, the Creek Indian town to which you belong, your age, and your roll number as same appears on your deeds or allotment certificates to land in the Creek Nation.

If you are not in fact an enrolled citizen of the Creek Nation, you are advised that you must furnish this office with proof of your marriage to Hagie Green, the father of said children; said proof may consist of either the original or a certified copy of your marriage license and certificate and should be forwarded to this office at an early date.

Respectfully,

Commissioner.



CR EN 1102

CR EN 1102

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
SEPTEMBER 24, 1906.

NBF. 270  
308  
330

In the matter of the application for the enrollment of  
Herman Knowles, Lula Bruner, and ~~Ignora~~ Palma Grayson as Creek  
Freedmen.

APPEARANCES: John G. Lieber, acting for M. L. Mott,  
attorney for Creek Nation.

ROSE BRUNER, being first duly sworn by Henry G. Hains,  
Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Rose Bruner. (Appears to be 30)  
Q: How old are you? A: I don't know my age.  
Q: What is your post-office address? A: Senora.  
Q: Are you a citizen of any of the 5 tribes? A: Choctaw.  
Q: Freedman or by blood? A: By blood.

Questions by John G. Lieber, acting attorney for Creek  
Nation.

- Q: Do you know Louis Bruner and Mary Bruner? A: Yes sir.  
Q: How far do you live from them? A: About 3 miles.  
Q: Were you living that distance from them last Spring?  
A: Yes sir.  
Q: Do you know Palma Grayson? A: Yes sir.  
Q: How far do you live from her? A: About 3 miles.  
Q: Did you live that close to her last Spring?  
A: Yes sir.  
Q: Do you know J. W. Knowles and Hattie Knowles his wife?  
A: Yes sir.  
Q: How far do you live from them? A: About a mile.  
Q: Did you live that close to them last Spring? A: Yes sir.  
Q: These people whose names I have mentioned, do they live  
close together, that is the Knowles people and Palma  
Grayson and Louis Bruner? A: Yes sir, about a half mile  
apart.  
Q: How often do you see these people? A: I don't see them  
hardly ever at all. I came through there yesterday and I  
didn't see any of them then, I ain't seen any of them I  
can't tell you how long.  
Q: When was the last time you saw any of the people I mentioned  
and talked with them? A: I ain't seen them and talked to  
any of them for I don't know how long.  
Q: Did you talk to them this year?

- A: I don't know as I have.
- Q: Do you know whether any of these parties had any children born to them this year?
- A: No sir, I don't. I heard the children was over there but I didn't ever see them.
- Q: You never seen any of them? A: No sir.
- Q: Do you know George W. Stidham? A: Yes sir, I know him.
- Q: Did he come to your house a couple of weeks ago and ask you about these people? A: Yes sir.
- Q: What did you tell him Rose? A: I told him I didn't know anything about it.
- Q: Well didn't you tell him at that time you knew positively that Herman Knowles, Lula Bruner and Iscarl Grayson who are children of the parties I have mentioned were born too late to be enrolled? A: I didn't tell him nothing.
- Q: Didn't you tell him that these children were born sometime the last part of May? A: No sir, I didn't. He asked me wasn't they born then and I said I didn't know and he said that Jim Knowles baby--that is the one he wanted me to swear to-- was born then.
- Q: What did you tell him? A: I told him I didn't know when it was born.
- Q: Did you tell him anything about when it died?
- A: I told him I didn't know.
- Q: Are you a married woman? A: Yes sir.
- Q: Have you a family? A: No sir, I just got one child.
- Q: Well did you say anything to Mr. Stidham at that time about you having made a trip up here to Muskogee last Spring?
- A: I told him I came up here and got that \$40 payment and I didn't know what part of the month it was, and he said Charles Bruner told him then, I went to the post-office to get my letter out and he told me that Jim Knowles's baby died that day and they was going to bury it the next day but what month it was, I don't know.
- Q: Who told you that? A: Charley Bruner. I never have seen the children, I don't know nothing at all about it.
- Q: You don't know anything about these children yourself do you? A: No sir, I don't know a thing.
- Q: Where does Charley Bruner live? A: Right amongst them Knowles, right close to Knowles. It looks like they would have got them instead of me, I don't know nothing at all about it.
- Q: Now you say you were at the post-office at the time you saw Charles Bruner? A: Yes sir.
- Q: You say you got a letter out of the post-office on that date?
- A: Yes sir.
- Q: Where is that letter? A: Uncle Prince Stidham has got it. But it was written back to Uncle Prince Stidham to bring me to Muskogee.
- Q: Did you come to Muskogee shortly after you got that letter?
- A: Yes sir.
- Q: How many days, Mrs. Bruner? A: I don't know.
- Q: Well can you tell us about how many days after that it was you came to Muskogee?
- A: Uncle Prince said he got the letter on the 17th. of May. I believe it was, well it must have taken the letter 2 days to come down to the Chectaw nation.
- Q: Prince Stidham has that letter? A: Yes sir.
- Q: He knows when he received it, does he? A: Yes sir.
- Q: Where does he live? A: Right close there to me.

- Q: How far from Senora? A: About 3 miles.
- Q: At the time you got that letter out of the post-office, Charles Bruner told you that the Knowles child had died that day, is that it? A: Yes sir.
- Q: Is Charles Bruner related to the Knowles people? A: No sir, I don't think he is.
- Q: Did he say anything about how old the child was at that time? A: He never said a word. That is all I told George Stidham and as far as the children, I never did see any of them children.
- Q: How old is Prince Stidham? A: He is 54 I believe or 60 I forget his age.
- Q: Who was that letter from that you got from the post-office at that time? A: John Gibson.
- Q: Where was it written from? A: Featherstone.
- Q: Indian Territory? A: Yes sir. He was my cousin's husband.
- Q: Well do you know which one of these children whose names I have mentioned is the youngest? A: No sir, I don't know.
- Q: Did you tell Mr. Stidham which was the youngest when he was there the other day? A: I didn't tell him. I just told him that what Charley Bruner told me that the Knowles baby died, but I don't know what month it was or nothing, but I reckon from that letter, it was in May.
- Q: You say when you got that letter it was in May? A: Yes sir.
- Q: Do you know what time it was in May? A: No sir, I don't know what time.
- Q: Didn't you tell Mr. Stidham when he was there you could tell within a few days of Iscarl Grayson? A: No sir, I didn't tell him that.
- Q: Did any of these people whose names I have mentioned know you were subpoenaed to testify here in this case? A: Yes sir.
- Q: They know it do they? A: I don't know as they know it but I suppose coming here--that is all I know.
- Q: I say, do any of these people the Knowles or Bruners or Grayson people know you have been subpoenaed? A: Yes Mose Grayson knows it, he had a subpoena coming yesterday, he knows I had one.
- Q: Is he any relation to Iscarl Grayson? A: His uncle.
- Q: Did he have a talk with you about testifying in this case? A: No sir, we were all to the church house and I passed coming on the train to Henryetta, he said he had a subpoena for me and I said I had one.
- Q: He said he had a subpoena for you? A: Yes sir.
- Q: Who was the subpoena from? A: George Stidham gave it to him.
- Q: Did he show you this subpoena? A: No sir.
- Q: Who gave you the subpoena you brought here this morning? A: George Stidham.
- Q: Are you on friendly terms with Louis Bruner and his wife and Paulina Grayson and J. W. Knowles and his wife? A: Yes sir.
- Q: Do you visit them? A: No, I don't visit her.
- Q: Do they belong to the same church you do? A: I don't belong to Nary.

Questions by Commissioner:

- Q: Do you know Louis Bruner? A: Yes sir.
- Q: What is the name of his father? A: Jesse Bruner.

- Q: What is the name of his mother? A: Creasy Bruner.  
Q: Do you know some of his brothers, what are their names?  
A: John Bruner and Ben Bruner.  
Q: Do you know the name of the father of Mary/ Louis's wife?  
A: No sir, I don't.

Sam Herrob, being duly sworn by Henry G. Hains, a Notary Public, testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Sam Herrob.  
Q: How old are you? A: 35.  
Q: What is your post-office address? A: Senora.  
Q: Are you a citizen of the Creek Nation? A: Yes sir.  
Q: By blood? A: Yes sir.

Questions by John G. Lieber, acting attorney for the Creek Nation.

- Q: Sam do you know J. W. Knowles and his wife Hattie Knowles?  
A: Yes sir.

At this point, Lona Merrick, official interpreter was called to interpret in said cause.

- Q: How long have you known them? A: About 2 years I guess.  
Q: How close do you live to them? A: Right in sight about a half mile.  
Q: Do you know Paulina Grayson? A: Yes sir.  
Q: How close do you live to ~~them~~ her? A: About a mile.  
Q: How long have you known her? A: About a year I guess.  
Q: Are you any relation to her? A: No sir.  
Q: Are you any relation to J. W. Knowles or his wife?  
A: No sir.  
Q: Did you live that close to her last Spring? A: Yes sir.  
Q: Did you live within a half mile from J. W. Knowles and his wife last year? A: Yes sir.  
Q: Do you know Louis Bruner and his wife Mary Bruner?  
A: Yes sir.  
Q: How long have you known them. A: I have known them since I was a little boy.  
Q: How close do you live to them? A: A little over a mile.  
Q: Did you live that close to them last Spring?  
A: I live that close to them nearly 5 years.  
Q: Are you related to either one of them? A: No sir.  
Q: Then you and all of these people whose names I have mentioned live in the same neighborhood, don't you? A: Yes sir.  
Q: Are you on friendly terms with these people?  
A: Yes, we are on friendly terms.  
Q: Did you see them frequently? A: Yes sir.  
Q: What is your business or occupation? A: I used to farm but I have been sick for 2 years and I am just able to be up.  
Q: Do you know what time the Creek Rolls closed last Spring?  
A: I heard of it.  
Q: Do you know when it was, what date?



- A: No sir, I don't know what day of the month or what month it was.
- Q: Well in what way did you hear that the rolls had closed last Spring? A: I just heard in the neighborhood that the rolls were closed.
- Q: That was last Spring? A: Yes sir.
- Q: Did Hattie Knowles, the wife of J. W. Knowles have a child sometime last Spring? A: Yes sir.
- Q: Do you know when that child was born? A: It was born the latter part of April or the 1st. part of May, I don't know which. I don't know exactly what month it was born in, I was in bed when I heard about it.
- Q: How do you happen to know that the child was born in April or May? A: The grass was getting pretty tall and green and I saw her just before she was confined, after that I was sick in bed and I heard that she had a child.
- Q: Now when you saw her that time just before she was confined was that before or after you had heard that the Creek Rolls were closed? A: It was after I heard that the rolls were closed.
- Q: Are you a married man? A: Yes sir.
- Q: Is your wife living? A: Yes sir.
- Q: Did you and your wife take any interest last Spring in keeping tract of the children who were born in your neighborhood after the Creek Rolls had been closed?
- A: No sir, we never made any record of any kind.
- Q: Well did you try and remember the names of the parents whose children were born after the rolls were closed?
- A: No sir, I never paid any attention to anything like that.
- Q: Are you sure that this child of J. W. Knowles and his wife was born after the 4th. day of March last?
- A: Yes I know it was born the latter part of March, I know it was after the 4th. of March that the child was born.
- Q: Have you see this child? A: I saw it after it was dead.
- Q: When did the child die? A: I don't know.
- Q: About how old was it when it died? A: I don't know.
- Q: Well couldn't you tell from its appearance about how old it was? A: It looked to be about 2 months old.
- Q: Couldn't you tell the Commissioner about what month the child died? A: No, I don't remember what month it died in.
- Q: How long has it been since the child died? A: I am just guessing at it, I may be mistaken, but I am just guessing at it.
- Q: How long has it been since the child died? A: Nearly 4 months I think.
- Q: What makes you think it has been nearly 4 months since it died? A: I am just guessing at it, I may be mistaken.
- Q: Did Palma Grayson have a child last Spring?
- A: I heard that she had a child.
- Q: Do you know about when that child was born? A: No sir.
- Q: Was it born before or after the Knowles child was born?
- A: I don't know, I don't remember.
- Q: Did Mary Bruner, the wife of Louis Bruner have a child last Spring? A: Yes sir.
- Q: Do you know about when that child was born? A: I don't remember.
- Q: Do you know whether it was born before or after you heard that the rolls were closed? A: It was after I had heard that the rolls were closed. I heard that Mary had had a child, that is all I know about it, I don't know when it was born or anything about it.

- Q: How old was the child when you heard that it had been born?  
A: I guess it was about a week old when I heard of its birth.  
Q: Was Paulina Grayson's child born before or after you heard that the Creek Rolls were closed? A: I heard of her having a child not very long ago, I don't know anything about it, I just heard it the other day.  
Q: Don't you know anything about when it was born?  
A: I just heard it not very long ago.  
Q: Do you know of any children who were born in your neighborhood just about the time the Knowles child was born?  
A: I don't know of any.  
Q: Do you know of any person who died in your neighborhood just about the time the Knowles child was born?  
A: No sir, I never heard of any death, I heard that Frank Likowski's child had died about the same time. I just heard that Mrs. Likowski said that her child was older than the Knowles child.

Jesse Bruner being first duly sworn by Henry G. Hains, a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Jesse Bruner.  
Q: How old are you? A: I don't know, I reckon about 65 somewhere around there.  
Q: What is your post-office address? A: Henryetta.  
Q: Are you a citizen of the Creek Nation, by blood? A: Yes sir  
Q: Have you a boy named Louis Bruner? A: Yes sir, I am the father of Louis Bruner.  
Q: What is the name of his mother? A: Creasy Bruner.  
Q: She is a Creek Freedman, is she? A: Yes sir.  
Q: Is your son Louis married to a woman named Mary Bruner?  
A: Yes sir.  
Q: What was her name before it was Bruner? A: Mary Henderson  
Q: What is the name of Mary's father? A: Henderson.  
Q: What is the name of her mother? A: I don't know the name of her mother.  
Q: Judy? A: That is right, Judy Bruner.  
Q: Is she a sister of Lou-Critty Henderson and John Henderson?  
A: Yes sir.

Mary Bruner, wife of Louis Bruner is identified as Mary Bruner opposite Creek Freedman Roll number 2259)

Questions by John G. Lieber, acting attorney for the Creek Nation.

- Q: You are the father of Louis Bruner, you say? A: Yes sir.  
Q: And the father-in-law of vary Bruner? A: Yes sir.  
Q: How far do you live from them, Uncle?  
A: I live about a half mile from Mary Bruner.  
Q: Does she and Louis Bruner live together? A: They do but Louis is not at home.  
Q: Did you live that close to Mary Last Spring? A: Yes sir.

- Q: Do you know Paulina Grayson? A: Yes sir.
- Q: How long have you known her? A: Ever since she had been a small girl.
- Q: How close do you live to her? A: About a mile.
- Q: Did you live that close to her last spring? A: Yes sir.
- Q: Are you related to her in any way? A: No sir no way in the world.
- Q: Do you know J. W. Knowles and his wife Hattie Knowles?  
A: Yes sir.
- Q: How close do you live to them? A: About a mile I guess, I am guessing at that, I reckon it is about a mile.
- Q: Did you live that close to them last Spring? A: Yes sir.
- Q: Are you related to the Knowles people in any way?  
A: His wife is my daughter.
- Q: Then Hattie Knowles is your daughter? A: Yes sir.
- Q: Are you on friendly terms with all of these people whose names I have mentioned?  
A: Yes, I am on friendly terms I have nothing in the world against them.
- Q: Did Hattie Knowles have a child sometime last Spring?  
A: Yes sir.
- Q: Was it a boy or girl? A: A boy.
- Q: What did they name it? A: Herman I believe.
- Q: Herman Knowles? A: Yes sir.
- Q: The child is dead isn't it Uncle? A: Yes sir.
- Q: How old was it when it died? A: I can't tell you, that is what got away with me, I don't know. Somebody asked me and I told him I didn't know and I still don't.
- Q: Were you present when the child died? A: No sir, I wasn't right at that place, I got there soon after it was dead but what day of the month, I don't know.
- Q: You saw the baby right after it was dead?  
A: Yes sir I saw the baby and was right at the burying.
- Q: How old was the child according to your judgment?  
A: According to my judgment the child must have been about 3 weeks old.
- Q: Well now do you remember when the child was born? A: No sir I can't tell you what day of the month or anything.
- Q: Well can you tell the Commissioner about what month Herman Knowles was born in? A: No sir, I can't. I am only guessing now, I don't know whether it is between March or April but I can't tell you which month.
- Q: When it was born? A: Yes sir.
- Q: Do you know what month it died? A: No sir.
- Q: How old was the child when you first saw it?  
A: I saw it in about 2 or 3 days after it was born.
- Q: You are the grand-father of the child? A: Yes sir.
- Q: You think the child was born sometime in March or April do you? A: I think it was born sometime in March or April I can't tell which.
- Q: Well would you say it was born in the early part of March?  
A: Yes I would say it because I don't know any better but what it might have been. I am only guessing, I know it was pretty early in the Spring. But there has been so many other deaths there and I would think there was others buried before he was. There was a woman and a child died sometime before that, sometimes I would have a mistake made about them, putting that woman in place of that child that occurred at the same time.

- I have studied over the matter and I don't think it was, I think the woman was buried in February sometime. They are all buried in the same grave-yard and I tried to think over everything and couldn't think it up.
- Q: Is there any record of the birth or death of Herman Knowles that you know of? A: No sir, I don't know of it, there may be.
- Q: What was the condition of the grass when you first went down to see this child, when it was 2 or 3 days old?
- A: It was just coming up.
- Q: What were the farmers doing at that time? A: The farmers some of them were planting and some of them might have been getting ready to plow new ground, if I am not mistaken corn was coming up, it appears to me like it was. I couldn't commit to memory whether the corn was up or just planting, but I think some of it was up.
- Q: Now the season last year was rather late wasn't it?
- A: Yes sir, very late.
- Q: Did you hear of anybody in your neighborhood, Uncle that planted corn along the first part of March last Spring?
- A: No sir, I don't remember it.
- Q: What is your occupation? A: My occupation is farming too.
- Q: What time do you generally plant corn in your neighborhood?
- A: In March when I can get to plant it.
- Q: What time in March generally? A: The first. Last Spring though I didn't get to plant it until very late, I think it was along in April before I got to plant any corn.
- Q: What was the reason you didn't get to plant before that last Spring? A: It was wet and I think I was building a fence along about that time and didn't get through.
- Q: Now isn't it a fact that the weather was such last Spring that you couldn't get corn in the ground in the early part of March? A: No sir, it was too much water and rain.
- Q: Now your recollection is that when you went to see this child that it was about 3 days old and that corn was then coming up? A: Yes, there were some people had corn up I think.
- Q: Well if that is the case, this Knowles child must have been born sometime the latter part of March or the first part of April, isn't that right? A: Yes that is right I should think, I am guessing at it.
- Q: Do you know of anybodyn that could tell the Commissioner the exact date of the birth of this Knowles child?
- A: No sir, I don't.
- Q: Now your daughter in law, Mary Bruner also had a child last Spring didn't she, Uncle. A: Yes sir.
- Q: Which child was born first, Mary's child or the Knowles child? A: Well I can't tell you Mister which one was born first, but I think Mary's must have been, I think Mary's is the oldest, I will always think so.
- Q: Were both of them born about the same time?
- A: Pretty near the same time about the same week I should think, there is not very much difference I don't think.
- Q: Did you see Mary's child shortly after it was born?
- A: No sir.
- Q: About how old was it when you first saw it? A: Mary was up I reckon about 4 weeks before I seen the child.

- Q: Is Mary's child living? A: Yes sir.  
Q: What is its name? A: Lula.  
Q: Lula Bruner? A: Yes sir.  
Q: Did Paulina Grayson have a child last spring? A: Yes sir.  
Q: Can you tell the Commissioner about when Paulina's baby was born? A: No sir, I can't. I don't know when it was born-- sometime along in the spring, but I don't know them dates at all  
Q: Is it living? A: Yes sir.  
Q: What is its name? A: Israel I think.  
Q: Well was Paulina's baby born before or after the Knowles' baby was born? A: You ask me something I can't answer, I don't know sir now. It came in the neighborhood of close to the time-- close together but which is the oldest I don't know.  
Q: Now what is the name of Paulina's child? A: Israel.  
Q: Now isn't it a fact that all three of these children I have mentioned were born about the same time? A: About the same time I think but the difference between them I don't know, there aint much difference between them I don't guess.  
Q: What would you say was the difference in the birth of these three children? A: A week or ten days or such a matter I reckon.  
Q: Do you know who waited on Paulina at the time her child was born? A: Yes sir, I do; Alice Grayson I think was the one who waited on her, I don't know for certain, I am guessing at this.  
Q: Your wife is name Creasy Bruner? A: Yes sir.  
Q: She waited on her at the time her child was born and also  
Q: on Mrs. Knowles, at the time her child was born, didn't she?  
A: I suppose she did.  
Q: Did they buy a coffin for that Knowles child?  
A: Yes sir, I know they did.  
Q: Do you know where they got it? A: They must have got it at Henryetta.  
Q: Do you know whose store they got it at? A: No sir.  
Q: Who got the coffin? A: I can't tell you that even.  
Q: Don't know who went for it? A: No sir.  
Q: Do you know whether they had a doctor when this Knowles' child died? A: No sir, I don't think they did.  
Q

CREASEY BRUNER, being duly sworn by H.G.Hains, a Notary Public, testified as follows:

Questions by Commissioner.

- Q: What is your name? A: Creasey Bruner.  
Q: How old are you Creasey? A: I can't tell you how old I am



- Q: You are close to 60 anyhow, aren't you? A: I suppose so.  
Q: What is your post office address? A: Henryetta.  
Q: Are you a Creek Freedman? A: Yes sir.  
Q: What is the name of your husband? A: Jesse Bruner.  
Q: Have you a son named Lewis Bruner? A: Yes sir.  
Q: Have you a daughter-in-law named Mary Bruner? A: Yes sir.  
Q: Have you a daughter named Hattie Knowles? A: Yes sir.

Questions by John G. Lieber, Acting Attorney for Creek Nation.

- Q: How near do you live to Mary Bruner and your daughter Hattie Knowles? A: I live about a mile from my daughter Hattie Knowles and I guess it aint more than three quarters from Mary Bruner's.  
Q: Did you live that close to them last spring? A: Yes sir.  
Q: Do you know Paulina Grayson? A: No sir, I don't say to know her exactly, but I know her when I sees her.  
Q: How close do you live to her? A: About a mile.  
Q: Did you live that close last spring? A: Yes sir.  
Q: Is Paulina Grayson related to you in any way? A: No sir.  
Q: Are you on friendly terms with all these people whose names I have mentioned, Paulina Grayson, Hattie Knowles and Mary Bruner? A: I am friendly with them when I sees them, but they are people I hardly ever visit, I hardly goes around.  
Q: You visit your daughter Hattie don't you? A: Sometimes when I go to church I goes there and sees her.  
Q: You also visit your daughter Mary Bruner? A: I aint got nothing against her, but I am just an old nigger woman that don't go over the world visiting.  
Q: Your daughter Hattie had a child last spring, didn't she?  
A: I don't know whether it was in the spring. I don't know just exactly about that child's age, it must have been in the spring.  
Q: She had a child this year, didn't she? A: Yes sir.  
Q: Were you present when the child was born? A: No sir, I wasn't present then, they sent for me.  
Q: How old was it when you saw it? A: They said one half hour age. Her and Mary Bruner's baby is mighty nigh one age.  
Q: You mean the Knowles' baby and Mary Bruner's baby are about the same age? A: Yes sir.  
Q: How do you happen to know, Aunt Creasey? That these children were about the same age? A: Mary Bruner told me they were about the same age, that is how I knew it.  
Q: Which baby was born first, Mary's baby or the Knowles' baby?  
A: I think it was the Knowles' baby--it might have been the Knowles' baby.--no I can't study that at all, I didn't pay much attention to it at all, but I knew when I went over to see my daughter-in-law, this baby was there, but to keep the very date of the month the baby was born on I don't know.  
Q: How old was Mary's baby when you first saw it? A: About a week old.  
Q: Well now how long did stay down there at Hattie's when you went there? A: Not more than a day or two because I came on the river where my daughter was, she had ~~some~~ ~~put~~ somebody else with her and I didn't stay with her.  
Q: Who do you mean by the other daughter? A: My own daughter.  
Q: What is her name? A: Mary. Mary Rich.

- Q: Did Mary Rich have a child about that time too? A: No, she aint got any children, they are all grown, I just want to see her, she was sick and they sent for me.
- Q: Well now you went from Hattie's house down to your daughter, Mary Rich's? A: Yes sir.
- Q: You were at Hattie's house just a few days? A: Yes sir.
- Q: And got there the same day the child was born? A: Yes sir.
- Q: How while you were down there at Mary Rich's house, didn't Knowles come to see you to get you to go up there to his house? A: Yes, he came up for me to go there but that child was one or two days old when I went up there.
- Q: That is the Knowles' child was two or three days old at that time? A: Yes sir, but when the child died I don't know nothing about that, I don't know what month it died in and I don't know what month it was born in.
- Q: Now it was the Knowles' child that you saw about a half hour after it was born, is that right? A: Yes sir.
- Q: Mary Bruner's child you saw about a week after it was born? A: Yes sir.
- Q: Now tell the Commissioner which child was born first, the Knowles' child or the Bruner child? A: The Bruner child was born two or three days first, now that is what they told me, I didn't see the child. This Mary Bruner's child is little the eldest but mighty little difference between the two children.
- Q: Is there as much as a weeks difference between them? A: It might be or two or three days I don't know.
- Q: Do you know what day of the week it was that the Knowles' child was born on? A: My Dear Master, I didn't pay a bit of attention when that nigger was born, I just thought it was a nigger child and that was all. I didn't know even he had his child on the roll, that is what he told me.
- Q: Well now Amty tell the Commissioner the best you can what month the Knowles' child was born in? A: That is what I am telling you My Dear Master, I don't know the months I tell you, I don't know when the months goes out or comes in, I can't read or write or nohging, and therefore somebody has to tell me, now if they told me I would have known it or what I was coming for, but I didn't know when the child was born any more than goose.
- Q: What were the farmers doing at the time this child was born? A: What f arners?
- Q: The farmers, how were they getting along with their crops? A: They were planting I know.
- Q: Planting what? A: Corn and garden. You know what times they plant garden.
- Q: Now tell the Commissioner what time they usually plant garden or corn? A: I don't know what time they plant corn or garden, I plant corn or garden just whenever I get ready, I plant as soon as the ground is warm enough for the little stuff to go into it.
- Q: But you do know when the Knowles' child was born, the farmers were planting corn? A: Yes sir.
- Q: The grass was up too, wasn't it Amty? A: Yes, it was up a little.
- Q: Well now how was the season last year, was it early or late? A: I don't know about the season, I didn't pay that much attention to seasons. It is just like I tell you, I didn't pay any attention to the season, I thought when the ground get warm I could plant, but to keep up with the months, that is something I don't do.

- Q: Don't you remember Aunt Creasey that it was wet last spring, and the farmers were late about getting in their crops and you were late in getting in your garden? A: Yes, I was late but I don't know what time I got it in.
- Q: You were late because it was too cold and wet to get it in any earlier, wasn't you? A: Yes sir.
- Q: you say you can't tell the Commissioner what month you generally plant your garden in? A: No sir, I don't know one month from the other unless somebody tells me. If I would know it I would tell you with grace.
- Q: Did you ever hear Mary Bruner say when her child was born? A: No sir, I didn't hear her say, she says she told George Stidham. He knows more about it than I do, he asked her more. I didn't ever ask him about it, he came and stayed two nights to my house, he didn't tell me that was his business, he didn't tell me and I didn't know it until I came here.
- Q: Did Mr. Stidham have a talk with you when he was at your house? A: No sir, I didn't hear him say a word to me any longer than I gave him his breakfast and he got in his buggy and drove off, and I had a talk with Mary Bruner and with Knowles and them but I never heard a word until I came here. I don't know the day or the week or month; and those that can read and write he went to them to find out something about the child.
- Q: ~~When~~ Well now do you know when Paulina Graysen's child was born last spring? A: No sir, I don't know anything about when it was born <sup>before</sup>.
- Q: Was it born <sup>before</sup> or after the Knowles' child? A: His mother said it was the oldest baby, I didn't see the child born.
- Q: That is Paulina said her child was the oldest of those three? A: Yes sir.
- Q: Did she tell you that? A: She didn't tell me, she told Mr. Stidham, I didn't hear a word about one of them until I came here after I was subpoenaed I asked what for and they said about the children.
- Q: Your grandson Herman Knowles died didn't he? A: Yes sir.
- Q: When did he die? A: They sent for me to come and I saw it was pretty sick; it was buried on my land.
- Q: How old was Herman when he died? A: He was going on three weeks old when he died.
- Q: You are positive of that are you, Annty? A: Yes sir, it was going on three weeks.
- Q: Was it just a little over two weeks old or nearly three weeks? A: It was nearly three weeks old when he died.
- Q: Do you know what day of the week it died on? A: On Saturday.
- Q: Died on Saturday? A: Yes sir, late Saturday evening.
- Q: Was it buried the next day? A: Yes sir.
- Q: Buried on Sunday then? A: Yes sir.
- Q: You remember that well? A: I remember that because I was there.
- Q: When would it have been three weeks old if it had lived? A: It would have been three weeks old the same day it died.
- Q: Then you might say it liked a few hours of being three weeks old? A: Yes sir.
- Q: The child was born on Saturday then, was it? A: It was born on Saturday just two hours before day, that is what its mother said and it was going on three weeks old, mighty nigh three weeks old on Saturday again.
- Q: Do you mean it was born Saturday night? A: That is, Saturday night at two o'clock,

- Q: Would you say it was Saturday night or Sunday morning?  
A: You see two o'clock don't lack very much of being Sunday morning.  
Q: Do you mean it didn't lack much of being daylight on Sunday morning? A: Yes sir.  
Q: Then if the child had lived until 2 o'clock Saturday night it would have been 3 weeks old, would it not?  
A: It was going on 3 weeks old when it took sick. Well it was bound to be, it lived 2 weeks and of course it was bound to be two weeks and a half and this last week that was making 3 weeks, when it took sick and died.  
Q: It died on Saturday; if it had lived until the next morning it would have been 3 weeks old, wouldn't it? A: Yes sir.  
Q: This child you saw about a half hour after it was born, didn't you? A: No sir, that was Mary's baby. Now for the Knowles' baby they came after me to see it, and I went and stayed a day and a half and I pulled out and went to Richs'. They sent for me down there, she was sick.  
Q: As soon as Mary's baby was born, did they send for you?  
A: Yes sir.  
Q: You got there about a half hour after it was born?  
A: After the Knowles baby was born?  
Q: Do you mean to tell the Commissioner you saw the Knowles' baby a half hour after it was born, or Mary Bruner's baby?  
A: I saw Mary Bruner's baby a half hour after it was born. I saw the Knowles baby about 2 days after it was born, I didn't go there the same day that Mary's baby was born, it was the next morning that I went to Knowles' house.  
Q: How old was the Knowles baby when you saw it?  
A: About 2 days old then.  
Q: Then both of these children were born nearly the same time?  
A: Yes sir, only a little difference between them. One was born 12 o'clock, and one was born in the evening, one was bound to be a little older than the other one.  
Q: You are satisfied there is not over a week's difference in the age of the two children? A: No sir.  
Q: Your impression is that Paulina Grayson's child was born after these two children were born.  
Q: Yes sir, but these two children are mighty nigh one age.  
Q: Well do you remember about what condition crops were in when Herman died? A: No sir, I don't know that. That is what I have been telling you, I plant whenever I feel like planting. Well you know I didn't go round to see whose crops were planted. I didn't have a thing planted  
Q: I want you to state to the Commissioner what was the condition of crops generally in that neighborhood when Herman died? That is from what you could see passing along, at the time they buried him?  
A: Well some of the crops were pretty well along. Some were planting in March for all I know or remember, but this child was born between April and March, but what day of the month between the two, I don't know. But I hadn't planted any garden when that child died.

- Q: You say Herman was born in March or April? A: Yes sir, it was between these two months but what time I don't know.
- Q: Do you mean to say that the child was born either the latter part of March or the first of April, is that what you mean to tell the Commissioner? A: I don't know whether it was born the first days of March, of course, if it was the first, I would have known it, but if it went three or four days after March; if it goes after the first day, I don't know nothing about it, ~~there~~ is all there is to it.
- Q: You knew it was not born the first day of March? A: No sir I know it wasn't the first day of March.
- Q: Then your impression is that it was the latter part of March?
- A: It might have been, I don't know what day of the month it was born in or when it died in; it looks like its father and mother ought to know that, and not me, because I didn't put it in mind, I never puts it in no mind.

This is all the evidence given in said cause on said date.

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 <sup>by me</sup> in said cause on said date.

Julia C. Laval

Subscribed and sworn to before  
me this 10th day of October, 1906.

Edward Herrick  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
JANUARY 27, 1907.

In the matter of the application for the enrollment of  
Herman Knowles and Isaacrel Grayson, as Creek Freedmen.

Appearances: J.P. Farnsworth, representing M.L. Mott,  
Attorney for Creek Nation.

JOSEPHINE JACKSON, being duly sworn, by H.G. Hains, a Notary  
Public, testified as follows:

Examination by Commissioner.

- Q What is your name? A Josephine Jackson.  
Q What is your age? A 42.  
Q What is your post office address? A Senora.

By Mr. Farnsworth.

- Q Are you acquainted with James W. Knowles? A Yes sir.  
Q Are you also acquainted with Hattie Knowles? A Yes sir.  
Q They are husband and wife? A Yes sir.  
Q Where do they live? A They live about a mile, I guess about a  
mile and a half, from me and about a mile from Senora.  
Q They live about a mile and half from your place? A Yes sir.  
Q How long have you known them? A Three years.  
Q Do you know whether or not a child was born to Hattie Knowles,  
sometimes last year? A Yes sir.  
Q Is that child living now? A No sir.  
Q When was it born? A I don't know when it was born.  
Q Well about when? A I just couldn't tell you because I don't  
know, but it was born somewhere -- seems to me, in March, but I guess  
it must not have been. I am old enough to know the child and I  
guess it was three weeks old when it died, and I nursed it when it  
died.  
Q You were present when this child died? A Yes sir.  
Q About how old was the child when it died? A About three weeks,  
to my remembrance.  
Q About three weeks old? A Yes sir.  
Q Mr. Jackson, you made an affidavit in the case of Albert Grayson,  
on June 21, 1906 before Mr. Fowler, didn't you? A I don't know,  
I don't remember.  
Q You made an affidavit before Mr. Fowler, a Notary Public, in the  
case of Albert Grayson, a minor? A Yes sir.  
Q Do you know whether this child Herman Knowles was alive at that  
time, had he been born yet? A No sir, I am pretty sure he wasn't  
born at the time I made the affidavit.  
Q You were satisfied that this child Herman Knowles was not born at  
the time you made the affidavit as midwife in the case of Albert  
Grayson, are you? A Yes sir.  
Q You are sure of that, are you? A Yes sir, I am quite sure of that.  
Q This child Herman Knowles was about three weeks old when it died,  
was it? A Yes sir, to my recollection.  
Q You were present and nursed it in its last illness, were you?  
A Yes sir, we laid it out.  
Q Who else was present when this child died? A Miss Alice Grayson.

- Q Do you know Palina Grayson? A Yes sir.
- Q How far do you live from her? A About two miles.
- Q Were you living that distance last spring? A No sir, about a mile; we moved and made it about two miles.
- Q Do you see Palina Grayson quite often? A Yes sir.
- Q Do you know that a child was born to Palina Grayson sometime in the year 1906? A Yes sir.
- Q Were you present when this child was born? A No sir.
- Q Is it living now? A Yes sir.
- Q About what month was this child born in? A In June I think, or July.
- Q How long had it been born before you saw it? A About a month.
- Q Was that the first time you saw it after it was born, in June or July? A The first time I seen it it was in July, they come to church with it.
- Q And it was about a month old? A Yes sir.
- Q Couldn't have been two months old? A No sir.
- Q The first time you saw it was in July? A Yes sir.
- Q What makes you think it was in July that you first saw the child? A Well---Mose Grayson's father is dead, and it was born on the very day they buried the old man; that is the reason why I taken notice of that.
- Q Then you heard that this child was born on the same day that Mose Grayson's father died? A Yes sir.
- Q Were you living on Mose Grayson's place? A Yes sir.
- Q So you remember when the man, Mose Grayson's father died? A Yes sir.
- Q The first time you ever saw this child, it was when she brought this child to church sometime in July? A Yes sir.
- Q How long has it been since you saw this child? A Since last Sunday.
- Q Now you are a midwife and a woman of experience in such things, how old do you think, from looking at this child, how old do you think this child was? A About six or seven months old.
- Q Not over seven months old? A Hardly seven months.
- Q Could it walk around or anything like that? A Oh yes it can walk.
- Q Josephine you are satisfied that this child of Palina Grayson called Isacrel, was born on the same day that Mose Grayson's father died, which was, you are positive, some day in June, 1906? A Yes sir.
- Q You are positive about that, are you? A Yes sir.
- Q Palina Grayson is not married is she? A No sir, she is not married.

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 cause on said date.

*Lona Merrick*

Subscribed and sworn to before me this 17th day of January, 1907.

*Edward Merrick*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
 MUSKOGEE INDIAN TERRITORY, JANUARY 25, 1907.

In the matter of the application for the enrollment of Herman Knowles, as a Creek Freedman.

APPEARANCE: Jay P. Farnsworth, representing M. L. Mott, Attorney for the Creek Nation.

EXAMINATION BY THE COMMISSIONER:

- Q: What is your name? A Alice Grayson.  
 Q: What is your Post Office? A Henryetta.  
 Q: How old are you? A I don't know.  
 A: You knew you are over 21 don't you? A Yes sir.  
 Q: Do you know Hattie Knowles? A Yes sir.  
 Q: Did you wait on her in 1906, when she had a child born to her? A Yes sir.  
 Q: What is its name? A Herman Knowles.  
 Q: It is a boy aint it? A Yes sir.  
 Q: When was it born? A Some time in April, I aint certain when, if I ain't mistaken.  
 Q: Were you the midwife? A I waited on Hattie, yes sir.  
 Q: What makes you say if you aint mistaken? A Well, I aint sure about the day, I am sure it was born in April.  
 Q: Well, you might be mistaken about the day but you are sure it was born in April? A Yes sir.  
 Q: Is there anything that makes you remember that it was born in April? A No sir, I can't remeber anything but that.  
 Q: How didn't you wait on some other women about that time of the year? A Yes sir, I did.  
 Q: Did you wait on anyone before? A I waited on Mary Bruner.  
 Q: When was her child born? A In March.  
 Q: What was its name? A Lula.  
 Q: And you are sure it was born in March? A Yes sir.  
 Q: And this one in April? A Yes sir.  
 Q: Did you wait on any other women at birth of children? A Yes sir, Lina Grayson.  
 Q: What was her child's name? Israel Grayson.  
 Q: When was he born? A It was born in May. I remember that that one was born in March, and one in April and one in May.  
 Q: So the fact that you waited on a woman a month before and one a month afterwards, makes you remember? A Yes sir.  
 Q: Can you read or write? A No sir.  
 Q: Do you remember going before a Notary Public by the name of Mitcham and swearing to an affidavit about this Herman Knowles? A Yes sir, I swear that it was her child.  
 Q: Did you swear the day it was born? A I swear it was her child.  
 Q: You did not swear that it was born on a certain day? A No sir.  
 Q: If this affidavit states that you waited on Hattie Knowles on the 28th of February, does it state something that is not true? A Yes sir, it was born in April.  
 Q: And if Hattie swore that it was born in February, she swears something that is not so? A Yes sir.  
 Q: Did he read it to you? A No sir, I just swear that the child was born.  
 Q: Have you any interest in this case? A No sir.  
 Q: Have you any bad feelings against any of these people?  
 A: No sir, none of them.

- Q: Why did she swear it was born in February? A I don't know sir.
- Q: Have you ever heard that she tried to have it enrolled through fraud? A No sir, I never.

EXAMINATION BY JAY P FARNSWORTH:

- Q: About how old was Lula Bruner when Herman Knowles was born? A About a month old, at least a month old.
- Q: Are you sure about that? A Yes sir.

EXAMINATION BY THE COMMISSIONER:

- Q: How old was this child, Herman Knowles, when you went before this Notary Mitcham, to make this affidavit?
- A: I don't know how old, it was dead.
- Q: How long did it live? A It lived to be about a month old, his mother was up going around.
- Q: It was about a month old when it died and how long had it been dead when you went there? A I don't know sir, I can't tell.

EXAMINATION BY JAY P FARNSWORTH:

- Q: How do you know it was in April? A I know it because the folks say it was April.
- Q: Who did you hear say it was April? A I hear my children say it was April, like today come in they say it is the 1st, and tomorrow they say today is the second.
- Q: When this Herman Knowles was born, had they planted corn yet? A I don't know, garden vegetables were way up.
- Q: Has James or Hattie ever asked you to swear that this child was born in February? A No sir, they just told me that they required the one that was with them to sign my name.

Witness exoused.

I, Elizabeth Knight, 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.

Elizabeth Knight

Subscribed and sworn to before me on this the 26th day of January A.D.1907.

Edward M. ...

H.B.F. 270  
Cr. En. 1102.

SAM  
AG

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

In the matter of the application for the enrollment  
of Herman Knowles, deceased, as a Creek freedman.

STATEMENT AND ORDER.

The record in this case shows that on June 19, 1906, application was made in affidavit form for the enrollment of Herman Knowles as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., L. 137). Supplemental affidavit of the midwife was filed on the same date. Further proceedings were had September 24, 1906, January 17 and January 25, 1907.

It appears from the evidence and the records in possession of this office that said applicant was the minor child of James W. Knowles, a non citizen, and Hattie Knowles, whose name appears on a partial schedule of Creek freedmen, approved by the Secretary of the Interior March 28, 1902, opposite No. 4954.

The testimony is conflicting as to the date of the birth of said child but the preponderance of the evidence shows that said child was born after March 4, 1906 and lived for a period of about three weeks.

In view of the foregoing, I am of the opinion that there is no authority of law for the enrollment of Herman Knowles, deceased, as a Creek freedman and the application for his enrollment as such is accordingly dismissed.

Muskogee, Indian Territory,

FEB 13 1907



COMMISSIONER.



NEW BORN

270-

H-4954

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved  
April 28, 1906.

*Herman Knowles*

as a citizen of

*Louis*

Nation.

Approved..... 190...

Commissioner.

NEW BORN CREEK FREEDMEN.

*Born Feb'y 28, 1906,*

DEPARTMENT OF THE INTERIOR  
COMMISSIONER OF LANDS AND MINES

*June 19-06*

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,  
 of Herman Knowles, born on the 28 day of Feb 1906  
(Here insert name of child)  
 Name of Father: James W. Knowles son a citizen of the Creek Nation.  
 Name of Mother: Hattie Knowles a citizen of the Creek Nation.  
 Tribal enrollment of father: Fordman Tribal enrollment of mother: Fordman  
 Postoffice: Murgatta IT

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }  
Western District. }

I, Hattie Knowles on oath state that I am 27 years of age and a citizen by birth of the Creek Nation; that I am the lawful wife of James W. Knowles son who is a citizen, by Marriage of the Creek Nation; that a male child was born to me on 28 day of Feb 1906; that said child has been named Herman Knowles and was living March 4, 1906.

Hattie Knowles

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 13 day of June 1906.

Oliver W. Meacham

Notary Public.

My com expires Aug 30 1906

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }  
Western District. }

I, Alice Grayson a midwife, on oath state that I attended on Hattie Knowles wife of James W. Knowles on the 28 day of Feb 1906; 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 Herman Knowles.

Alice Grayson  
Mark

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 13 day of June 1906.

Oliver W. Meacham

Notary Public.

My com expires Aug 30 1906



CR EN 1103

CR EN 1103

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
OCTOBER 12, 1906.

NBF 310.

In the matter of the application for the enrollment of  
LeRoy Breedlove, as a citizen of the Creek Nation.

APPEARANCES: J. G. Lieber acting for M. L. Mott, attorney  
for Creek Nation.

Dr. George W. McGuire being first duly sworn by Henry G.  
Hains, a Notary Public, testified as follows:

By Commissioner:

- Q: What is your name? A: George W. McGuire.  
Q: What is your age? A: I was born on the 23 of January 1860  
Q: What is your post office address? A: Checotah.  
Q: What is your profession? A: Physician.

Questions by John G. Lieber acting attorney for Creek  
Nation.

- Q: Do you know Henry Breedlove and his wife Laura Breedlove?  
A: I don't know Henry Breedlove. I never saw him to the best  
of my knowledge.  
Q: Do you know Laura Breedlove who was formerly Laura Edwards?  
A: Yes, but I know her by the name of Laura Edwards, I think  
she goes by the name of Breedlove.  
Q: Who is her father? A: Jack Edwards.  
Q: You know him do you? A: Yes sir, I know him well.  
Q: Did Laura Breedlove, nee Edwards have a child born to her  
any time this year? A: Yes sir.  
Q: Did you wait on her at the birth of the child? A: I didn't  
deliver the child but I retained the placenta.  
Q: You arrived at the house though within a few minutes or  
a half hour after the child was born?  
A: I think it was several hours afterwards, I think the child  
was possibly born in the afternoon, I think I was there in  
the night or directly after midnight.  
Q: Now when was it Doctor that that child was born?  
A: That child was born on the 22 of May 1906.  
Q: Are you positive of that? A: I might be wrong one day  
but I know that is the time the child was born, approximate-  
ly within a day of it--within 24 hours of it.  
Q: Have you a memorandum showing when you made that visit to  
the mother of the child? A: Yes sir.  
Q: Is that the memorandum Doctor? A: Yes sir.  
Q: Please show that memorandum to the Commissioner, Doctor.



There is presented a Physicians Visiting List" and on a page devoted to May 1906 and under the week commencing Sunday 20 and ending Saturday 26 is the name of J. E. Edwards. And under date of Tuesday the 22, opposite his name is found the entry Cf.)

- Q: What does that Cf. mean, Doctor? A: Confinement--labor.  
Q: Who is J. E. Edwards? A: That is the man who called me.  
Q: That is the father of this woman? A: Yes sir she makes her home there.  
Q: Does this woman who you went to wait on in the confinement case live at J. E. Edwards house? A: Yes sir.  
Q: And continuing over on the line of J. E. Edwards is found this memorandum--partially retained placenta---Laura. Does that mean you went to wait on Laura? A: yes sir. The account was charged to J. E. Edwards and Laura is put in there to show whom I waited on.  
Q: Is J. E. Edwards the father of Laura? A: Yes sir.  
Q: Do you know the name of that child? A: No sir.  
Q: Do you know whether it was a boy or girl? A: I think it was a boy I am not sure.  
Q: Doctor do you know what day of the week that child was born on? A: Tuesday.  
Q: Are you certain of that? A: Yes sir.  
Q: The 22 day of last May? A: Yes sir.

We desire to refer to the calender of May of this year for the purpose of showing that the 22 day of May fell on Tuesday)

- Q: Now Doctor you made an affidavit with reference to the birth of this child before J. E. Morrow a Notary Public, did you not? A: Yes sir.  
Q: In this affidavit it is stated that this child was born on the 22 of February 1906, will you please explain to the Commissioner how you made that affidavit, the circumstances under which it was made?  
A: Uncle Jack brought her to my office and said Laura wanted the certificate of the birth of her child, and he said it is the 22nd. Doctor, and he went on--he didn't stay any longer and I asked her--the 22nd. of what month;--if I remember right she said she didn't recollect what month and I turned to my book and I found I had attended to a confinement case of J. E. Edwards on the 22 day of February that a boy was born there that weighed 6 pounds but I was paid cash for that, and that was some other parties that were there---I don't know who it was now, and while I had no intention of making the affidavit wrong I had actually attended to two people, one on the 22 of February at their house and one on the 22 of May and without being real careful about the identity of it I gave the wrong month.  
Q: You are certain that the visit you made on the 22 of February was not to deliver a child of Laura's? A: I am positive of that.  
Q: You are positive that the visit you made on the 22 of May was to wait on Laura? A: Yes sir to deliver that child.

- Q: Does your visiting list show what person you waited on on the 22nd. day of February? A: No sir.
- Q: What is the way you happened to make that affidavit read on the 22nd. day of February? A: Yes sir. I remember that Uncle Jack came after me in the night and brought the money along to pay me. It was a bad snowy cold night and he knew I wouldn't come without it and I had that memorandum there and that is how I made the mistake, but I am just as sorry ---I wouldn't have done it for anything in the world if I had known.
- Q: Then the affidavit which you made before Mr. Morrow regarding the birth of this child Leroy Breedlove is not correct is it Doctor? A: A: It is incorrect but I would like for you to fix it some way so the record will show that I was wrong.
- Q: It is simply a pure case of mistake? A: Yes sir.

Laura Breedlove being first duly sworn by Henry G. Hains, Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Laura Breedlove.
- Q: How old are you? A: 22.
- Q: What is your post-office address? A: Checotah.
- Q: What is the name of your father? A: Jack Edwards.
- Q: What is the name of your mother? A: Malinda Edwards.

Witness is identified as Laura Edwards opposite Creek Freedmen Roll Number 2393)

- Q: What is the name of this baby you have here in your arms?  
A: Leroy.
- Q: A boy? A: Yes sir.
- Q: How old is he? A: He will be 5 months old the 22 of this Month.
- Q: When was it born? A: The 22 of May.
- Q: This year? A: Yes sir.

Questions by John G. Lieber acting attorney for the Creek Nation.

- Q: Are you married Laura? A: I have been married.
- Q: What was your husband's name? A: Henry Breedlove.
- Q: Have you any record of the birth of this child? A: Yes sir
- Q: What have you got it down in? A: In the bible.
- Q: At home? A: Yes sir.
- Q: You haven't the bible with you? A: No sir.
- Q: Are you certain the child was born on the 22 day of last May  
A: Yes sir.
- Q: You can write your name, can't you Laura? A: Yes sir
- Q: Is that your signature?

(Showing witness original application for the enrollment of Leroy Breedlove)

- A: Yes sir.

- Q: On the 22 day of June 1906 you made an affidavit before J. D. Morrow, a Notary Public about the birth of this child did you not? A: Yes sir.
- Q: In that affidavit you said that the child was born on the 22nd. day of February 1906? A: No I didn't.
- Q: Well I am telling you now what the affidavit says? A: Yes sir.
- Q: Can you explain to the Commissioner how that affidavit was made to read the 22 day of February 1906, when now you say the child was born on the 22 day of May, 1906?
- A: Well I don't know how it was made, when Papa took me to the Doctors, he told me to go to Mr. Morrow and all the papers were already fixed up and they wanted me to sign it.
- Q: Was the affidavit read over to you before you signed it? A: Yes sir, but I didn't understand it.
- Q: Did you hear him say when he read that affidavit to you that the child was born on the 22 day of February 1906? A: No sir, I di n't understand him to say that.
- Q: Who waited on you when this child was born? A: Mrs. Frazier and Mrs. Gray and the Dr. he came the next morning.
- Q: What was the name of the Doctor? A: Dr. McGuire.
- Q: Was the Doctor present when you signed that affidavit? A: No sir he was in his office.
- Q: Did you see him sign the affidavit on the same paper you signed? A: No sir.
- Q: Then you never heard the affidavit read over to him? A: No sir.
- Q: Then if this affidavit states that this child was born on the 22 day of February 1906, it states something that is not true, don't it? A: It must be untrue, because I don't know anything about that.
- Q: When you made this affidavit was it your intention to say the child was born on the 22nd. day of February or the 22nd. day of May? A: I meant to say the 22nd. day of May and that is what I told Dr. McGuire and he knows I told him that.
- Q: When did you tell him that Laura? A: Why when he sent for me that morning he asked me wasn't it the 22nd. of May and I told him Yes sir.
- Q: You are sure you said May, are you? A: Yes sir.

Questions by Commissioner:

- Q: Well do you know whether this conversation with the Doctor about the date of the month happened before the Doctor signed the affidavit? A: No sir. I don't know what day you mean.
- Q: Did you tell him that before you signed the affidavit? A: Yes sir.
- Q: At the time you signed the affidavit was the Doctor's affidavit signed? A: I didn't see the Doctor, sign it.
- Q: Couldn't you tell whether there was anything on this blank form, down there? A: I never read it and I didn't see the Doctor sign it at all.
- Q: Did you read the affidavit you signed? A: No sir, I didn't read ary one.
- Q: It was read over to you? A: Yes sir.
- Q: You can read can't you? A: Yes sir.
- Q: Well what did he read to you, did he read February or May? A: I didn't understand him to say February.
- Q: Did you understand him to say May? A: No sir, I didn't understand him to say anything, I didn't understand him.

- Q: Don't you know it is wrong to sign anything you don't understand? A: Why I thought they were making it out all right.
- Q: If you didn't understand it why didn't you have them read it to you again? Just tell us the truth about this.
- A: I am telling you the truth now.
- Q: Why didn't you have them read it again if you didn't understand it when they read it? A: I thought he was making it out a just like he had made put my other applications.
- Q: How much did you pay for this affidavit? For the writing of it? How much did you pay the Notary Public?
- A: I gave him 50 cents.
- Q: How much did you give him for the Doctors affidavit?
- A: I didn't give him anything for the Doctors he charged me 50 cents and that is all I paid him.
- Q: Did you promise to, or did you pay any money to the Doctor for what he had in that affidavit? A: No sir.
- Q: Did you have any conversation with him or anybody else about paying any money for the enrollment of this child?
- A: No sir.
- Q: About how old was the child when you went there to make that affidavit? A: I think it was in June.
- Q: About how old was the child I am asking you?
- A: I guess it was about a month old.
- Q: If you stated in that affidavit that the child was living on March 4th. ~~that~~ 1906 that was a mistake was it?
- A: Yes sir, it was a mistake.
- Q: Did he read that to you too? A: No sir, I didn't hear him read that. That the child was living March 4th. 1906.
- Q: If you had heard it would you have told him that it was wrong? A: Yes sir.
- Q: Do you know whether your husband, this Henry Breedlove had any agreement or arrangement to pay any money for the enrollment of this child? A: No sir.
- Q: Never heard of any? A: No sir.
- Q: Do you know whether your father Jackson Edwards had any such agreement or arrangement? A: No sir.
- Q: How did you come to make this affidavit out, did the Notary Public come to you? A: No sir.
- Q: Did you go to his office? A: Yes sir, I went to his office and the Doctor sent for me to come and I went.
- Q: Dr. McGuire? A: Yes sir.
- Q: Did he tell you to come down and make out an affidavit for this child? A: Why yes sir he sent for me to come.
- Q: Whom did he send? A: He sent word by my brother Willie and he told me himself, he saw me in town one day I was in a hurry, he said when I had time I should come down to make it out.
- Q: Who do you mean by your brother Willie? A: Willie Edwards
- Q: What conversation did you have with the Doctor at that time
- A: I didn't have any.
- Q: You stated that you were in town and he told you something and you were in a hurry. A: That is all he told me, he said come in and he would make out an affidavit for me to enroll the baby.
- Q: He told you he would see that it was fixed so that you could enroll the baby, did he? A: He said he would make out the affidavit for me.

- Q: How long was that before you went to enroll this baby?  
A: I don't know whether it was the same week or the week before  
Q: Did you say at that time what time the child was born?  
A: No sir, I didn't say what time it was born until I made out the application.  
Q: And that is the date you told him--that it was born in May is it? A: Yes sir.  
Q: Did he take you up to Mr. Morrow's office then?  
A: No sir he sent me over there.  
Q: Did he say whether he had been there or was coming or anything? A: No sir he didn't say.  
Q: How did he come to tell you about this the first time, when you say you were in town and when you were in a hurry, how did he come to tell you about this, do you know?  
A: He just come and told me to put in an application for my baby.  
Q: You didn't talk to him about it did you? A: No sir.  
Q: He just volunteered that information, did he? A: Yes sir.  
Q: Did you owe him any money at that time for waiting on you?  
A: No sir, Papa paid him.  
Q: Did you owe him money for anything at that time?  
A: Papa owes him a doctor bill yet for waiting on the family.  
Q: Do you know whether your father owed him any money at the time he he told you to come in and enroll the baby?  
A: He has been owing him all the years, he has been treating on us ever since we have been there.  
Q: Did you ever pay him for previous work he had done, in land? Any deed or anything of that kind to land, to Dr. McGuire?  
A: No sir, we never did pay him nothing in no land.  
Q: Was there anybody present when you had that conversation with the Doctor when he told you to come in and make application for the enrollment of this baby?  
A: No sir he just called to me and told me.  
Q: How old was the baby at the time you had that talk with the Doctor? A: He was about a month old I guess.  
Q: Did you have the baby with you at that time? A: Yes sir  
Q: And he saw it did he? A: Yes sir.  
Q: Then the only explanation that you have now for signing the affidavit that says this child was born February 22, 1906 and was living on March 4, 1906 and which you say was read to you, is--that you didn't understand it, is that right? A: No sir, I didn't understand it.  
Q: What did you think he was reading? A: I thought he was reading the affidavit right.

Jackson Edwards, being first duly sworn by Henry G. Hains, Notary Public, testified as follows, to-wit:

By Commissioner:

- Q: What is your name? A: Jackson Edwards.  
Q: How old are you? A: 53.  
Q: What is your post-office address? A: Checotah.  
Q: Are you a citizen of any of the 5 Tribes? A: A citizen of the Creek Nation.



- Q: Are you any kin to the woman who has just left the chair?  
A: That is my daughter.  
Q: Does she live with you? A: Yes sir.  
Q: Has she in the past year? A: Yes sir.  
Do you know her husband? A: Yes sir, I know him.  
Q: What is hisname? A: Henry Breedlove.  
Q: What is the name of this child your daughter has here?  
A: Leroy Breedlove.  
Q: How old is LeRoy? A: Well sir, I couldn't tell you just exactly.  
Q: When was he born, do you know? A: In May I think.  
Q: Were you present when he was born?  
A: Not at the house exactly, I was up in the field. I came shortly afterwards.  
Q: Was the Doctor present when the child was born?  
A: The doctor didn't come until the next day, if I mistake not or sometime that evening but I rather think it was the next day.  
Q: Did you go to get him? A: Yes sir.  
Q: Did you pay him for the visit? A: A: I suppose I have, I have been doing work and one thing another that he has been having done, I owes him quite a Doctors bill, I have had him in the family ever since I have been there for five years and I just pays him off whenever I can in doing work.  
Q: Did you owe him at the time this child was born?  
A: Yes sir.  
Q: Can you tell how much you owed him at that time?  
A: No sir, not exactly.  
Q: Can you tell about? A: I could not. I owes him a bill yet  
Q: Who was present when the child was born, do you know, have you heard? A: I think Mrs. Frazier and a woman by the name of Gray came there shortly after the child was born, I think the old lady sent for them.

Questions by J. G. Lieber, acting attorney for Creek Nation

- Q: You say the child was born in May? A: I think so if I mistake not Mr. Lieber.  
Q: What time in May, Jack? A: Now I couldn't tell you sure.  
Q: Were you present when your daughter and Dr. McGuires signed the affidavit with reference to the birth of this child?  
A: I was present, yes sir.  
Q: That affidavit which has been filed before the Commissioner states that the child was born on the 22 day of February 1906 and was living on the 4th. day of March, 1906; do you know how that happened that that 22nd. day of February was put in there, when you say the child was born sometime in May? A: No sir, I couldn't tell you how they made that mistake at all.  
Q: Well you knew that the child was not born in February, didn't you? A: Yes sir.  
Q: And knew that it wasn't living on the 4th. of March because it hadn't been born yet, didn't you? A: Yes sir  
Q: How did your daughter happen to go up there to Checotah then and make this affidavit?  
A: I don't know exactly sir when this was but sometime prior to that--I don't know who it was--but anyway they were talking about this filing business, to file the child, and if I mistake not Dr. McGuire had to report as Doctor all the new births that happened in that District and in that way I told Laura I guess it would be better to see the

- Doctor and have the Doctor make out a certificate to the Dawes Commission and in that way I think we went to see the Doctor to get out an application.
- Q: Well now did you first talk to the Doctor about enrolling the child, or did he talk to you? A: I can't say on that either, I don't know how it come up, whether he sprung it first or who sprung it. But talking about the enrollment business I don't know which one of us sprung that business, of course we were talking about other enrollments before that.
- Q: Well Jack you knew the child wasn't entitled to enrollment didn't you? You knew the child was born too late, didn't you? A: I never gave it a thought. I didn't know what the ruling was, I heard other people talking about it. I just thought all citizens children could be reported and enrolled, I gave it no thought. I had no idea about it.
- Q: And you didn't know how this affidavit happened to read the 22nd . of February instead of the 22nd. of May?
- A: I say I don' t know how they made it that way, but I was thinking maybe the Doctor made some mistakes on some other cases. You see because he had been there time and again because he has tended to my sick daughter and step-daughter of mine.
- Q: Did someone at your house give birth to a child sometime last February, Jack? A: Yes, there was a party there from Texas, formerly from Wild Cat, and he waited on that party.
- Q: Who waited on that party? A: Dr. McGuire. There was a party came there, a man in a wagon and he said his wife was sick and wanted to stay over night and I said we were rather crowded, but I guess we could accomodate them--and she got very sick and he said, did I know of a Doctor that I could get and I said yes, I knew one. And he said do you know whether he would come here? I said I guess he will come on my account and he said you get him to come and whatever is right I will pay him and I went and got the Doctor and it happened, and I don't just remember whether it was the next day or when but they stayed there 2 or 3 days before they left and he gave me the money to pay Dr. McGuire which was Ten Dollars, and I paid him, but that was in February, but I don't know the day or nothing of that kind.

Questions by Commissioger:

- Q: Were you present when your daughter signed that affidavit?
- A: I was in the house taking care of the baby.
- Q: Couldn't you hear what was said? A: I didn't pay much attention to it---I was in the same room walking backwards and forwards over the floor, the baby was crying and I was trying to keep it quiet.
- Q: The baby was right there? A: Yes sir, I had the baby.
- Q: How old was the baby at that time, about?
- A: Now as I say I don't recollect whether it was June or July when we went up there.
- Q: Then it was just a month or a little over wasn't it?
- A: It was between a month and a month and a half, I expect I don't recollect exactly.
- Q: Was the baby in there when Dr. McGuire signed the affidavit too? A: I didn't see Dr. McGuire when he signed it at all I saw him when he came from his office into the office of the Notary but I didn't pay any attention.
- Q: Is Dr. McGuire in the same building with Mr. Morrow?

- A: No sir there is a partition between.
- Q: And could he walk from his room into the Notary Public's?
- A: He could walk over and come in.
- Q: Which one signed first the doctor or your daughter, or do you know? A: I couldn't tell you that.
- Q: How did your daughter come to make this out, did you tell her to? To make out the application?
- A: I told her, that it was but right to make it out and send it to the Commission and get it enrolled.
- Q: And before that time you had that talk with Dr. McGuire about enrolling children?
- A: Yes I ~~think~~ asked him how was they enrolling children-- I said I thought the time went out such and such a time, I think that is the way the question came up and he said as near as I can remember that he had to report the new borne, just as I said, and I said I guess it would be time to send in this baby.
- Q: You say he told you about when the time run out?
- A: I said I was talking about the time running out.
- Q: What time did you say the time run out?
- A: If I mistake it not, I think it was the 26th. or 27th. of July when the rolls closed entirely.
- Q: Did you read or hear anything about the time of birth--when a child had to be born? A: No sir I didn't know nothing about that.
- Q: That was in the same notice in the paper wasn't it?
- A: I don't recollect of seeing it.
- Q: Do you mean to say that although you read about the time within which to make application you never read or heard when a child had to be born? A: No sir I didn't see about that, I seed about enrolling that is the way I understood it--that they didn't enroll at all these that wasn't on the roll.
- Q: Didn't you know and don't you know that if a child was born in May it wasn't entitled to enrollment?
- A: No sir, I do not. I thought as long as they was citizens I had in mind, if I was on the roll as a citizen and had a child born that the child was entitled to the same as I, that may be wrong, but that is the way I thought it was.
- Q: Did you ever have any land deals with this Doctor?
- A: No sir.
- Q: Always have paid him in Money have you? A: Yes sir.
- Q: You say you have worked for him, what kind of work do you do for him? A: I haul wood for him and plow for him, but mostly I furnish him wood.
- Q: You have some plowing to do for him? A: Yes sir breaking land. He has a couple of acres in Town he said he wanted it plowed. I breke it last year and planted some rye on it, and he said he wanted to plant some more.
- Q: You say he has just a couple of acres? A: Yes sir.
- Q: Do you know whether this Dr. McGuire is engaged in buying or leasing or renting any other lands except his own, or his childrens and wife's? A: No sir, I don't think he is if he is, I never heard of it.
- Q: Did you see this affidavit for your daughter made out?
- A: No sir, I paid no attention to it at all.
- Q: How did it get here to the Dawes Commission?
- A: If I mistake not he gave it to her there, I think Mr. Morrow gave it to her in an envelope and she mailed it in the post-office, I won't say for certain but I think that is what she done.
- Q: Then if that is the fact the Doctor must have signed before your daughter did? A: I don't know which one signed it first.
- Q: You say you don't recollect seeing the Doctor sign it?

- A: I don't recollect which one signed first---I didn't see the girl sign it.
- Q: You say when you and your daughter walked out of the house you think she had an envelope that she mailed in the post-office? A: I didn't, she had one.
- Q: Did she put the envelope in the post-office right there?
- A: I don't recollect but I think so.
- Q: Then if that is a fact the Doctor must have either signed it on that visit when your daughter was there in the room with the Notary Morrow, before she signed it or he must have signed it before, he couldn't have signed it afterwards could he? A: I don't know, couldn't say.
- Q: Well if it is true that your daughter took it to the post-office, he must have signed before she did, don't you think so? A: In fact I paid little attention to it, the child was worrying me and I wasn't paying any attention to it.
- Q: Don't you know what your daughter was doing at all?
- A: I knew she went up there to make an affidavit and I didn't think there was anything wrong and I didn't pay any attention to it.
- Q: Didn't the doctor come into the same room that your daughter was in at the same time before the Notary Public?
- A: I think so, if I mistake not.

Questions by J. G. Lieber, acting attorney for Creek Nation

- Q: You went into Dr. McGuire's office when this affidavit was signed, didn't you Jackson? You were in his office about the time this affidavit was signed, wasn't you?
- A: I went in there before I went to the Notary Public's.
- Q: Didn't Dr. McGuire tell you to go into the Notary Public's office and sign up the affidavit that it was already filled out? A: I think he said go in there and the paper was fixed up to sign, I think he said it was all fixed up.
- Q: That was before your daughter signed it? A: Yes sir as near as I understood it.

Laura Edwards, recalled testified as follows:

Questions by Commissioner:

- Q: How did this affidavit get up here to this office, do you know? A: I mailed it myself.
- Q: When did you mail it? A: I mailed it the same day it was made out.
- Q: Did you walk right from the Notary Public's office to the post-office and mail it? A: Yes sir he gave it to me to mail and I mailed it.
- Q: Which one signed it first, you or the doctor?
- A: I didn't see the Doctor write nothing, I don't know whether he signed it or not.
- Q: You say you took it right from the Notary Public's and mailed it and then if it was signed by the doctor, he must have already signed it?
- A: I guess if he signed it, he signed it before I went there.
- Q: Was he in the room when you signed the affidavit? A:
- A: No sir,



- Q: Did he come in shortly afterwards? A: When we went in I signed the paper and Mr. Morrow gave it to me to mail.
- Q: So if the doctor signed it at all, he signed it before?
- A: Yes sir he signed it before.
- Q: You wasn't present when he signed it? A: No sir.
- Q: You don't know whether he signed it or not as far as you are concerned? A: No sir.
- Q: Did the doctor at any time ask you for the correct date of the birth of this child? A: He asked me that day when I made the application how old the baby was and I told him it was born on the 22nd. of May.
- Q: That was a week or two before you signed the affidavit?
- A: No that was the same day I signed the affidavit.
- Q: You are sure you told him it was the 22nd. of May?
- A: Yes sir, I am sure.

Questions by John G. Lieber acting attorney for Creek Nation

- Q: Who was present when you told him that? A: Me and papa went to his office together and after I went to his office he went over into the Notary's office.
- Q: He told the Notary you were there to sign?
- A: The Notary Public was in his office and he called over from his window and after the Notary Public went back from his window he sent us over to his office.
- Q: Laura when was the first time you learned that this affidavit had been made out wrong, that is that the date of the birth of the child had been stated wrong in that affidavit?
- A: I didn't know anything about it until this morning.
- Q: Whom did you tell about it this morning? A: I think Papa said his name was Mr. Scott, I guess it was--he was the gentleman who was sitting down there by you.
- Q: You never had any talk with Dr. McGuire about this date being put in here wrong, did you? A: No sir.
- Q: Laura did Dr. McGuire see that baby at the time you went there and made out this affidavit? A: He ought to have seen it, I had it there in the office.
- Q: Did he ask you about the baby?
- A: He asked me wasn't the baby born on the 22nd. and I told him it was the 22nd. of May and he already knowed it so I didn't need to tell him.

Questions by Commissioner:

- Q: You had that talk in his office the same day you signed the affidavit, did you? A: Why yes sir.
- Q: Then you walked over to the Notary's office and signed it did you? A: Yes sir.
- Q: And then you took it and put it in the post-office?
- A: I took it to the post-office and mailed it myself.
- Q: That was shortly after you had that talk in the Doctor's office and told him it was born on the 22nd. of May?
- A: After I signed it the Notary sealed the envelope and gave it to me to mail and I mailed it.
- Q: Did the Notary do any writing on it that you saw?
- A: No sir, I didn't see him write anything except what he wanted me to write where I signed.
- Q: Was it already filled out? A: I don't know.
- The only writing I seen him write was above where I signed.



- He was writing that when I went in there but I didn't pay any attention to it.
- Q: Had the Notary been in the Doctor's office before you went into his office? A: No sir, the doctor called him to the window and he told the Notary what he wanted.
- Q: Did you hear him tell the Notary what he wanted?
- A: No sir, he wasn't talking to me.
- Q: Did your father hear him talk to the Notary?
- A: I don't know whether Papa did or not.
- Q: And after the Notary had been called to the window and the Doctor told him something, he began writing something above where you signed, did he? A: He written it after I went in there, but I didn't see what he was putting on there, I didn't read it but I know he was writing it.
- Q: Did the Notary Public ask you when the child was born?
- A: No sir, I don't remember of him asking that, but the Doctor did. I guess the Doctor told him himself.
- Q: Did you tell the Notary Public when the child was born?
- A: No sir, I didn't.
- Q: Did the Notary Public ask you whether it was a boy or girl?
- A: He asked me was it a boy and I said yes.
- Q: Did he ask you the name of it? A: Yes sir, he asked me was the name Leroy and I told him yes and he asked me did he have any other name besides Leroy and I said No.
- Q: Did he ask you what was the name of the father of the child?
- A: Yes sir, he asked me and I told him.
- Q: Did he ask you whether the child was living on March 4, 1906? A: No, I didn't hear him ask me nothing like that?
- Q: Did he ask you how old you were? A: Yes sir he asked how old I was.
- Q: Did he ask you what your name was? A: He already knowed my name.
- Q: Did he asked you if the child was living? A: He had seen the baby I guess, I don't know.
- Q: Did he ask you or did you tell him that that was the baby?
- A: I don't know whether he asked me that or not.
- Q: You say you saw him put his seal on it? A: Yes sir.
- Q: Did you see him put his seal on twice? A: I don't know whether he did or not.
- Q: Didn't you say you saw him seal it? A: He had the thing setting on the table but I don't know whether he stamped it or not. He sealed the envelope but I didn't see him put any seal like that on it.
- Q:
- Q: Did he swear you to that affidavit---make you hold up your hand and swear to it? A: Yes sir he had me to hold up my hand.
- Q: When did he do any writing after you had written your name?
- A: I don't know whether he did or not, I didn't pay any attention to that.

This is all the evidence given in said cause on said date.

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 on said date in said cause.

Julia C. Laval

Subscribed and sworn to before  
me this 18 day of October, 1906.

Edward Merritt  
Notary Public.

N.B.F.310  
Cr.En.1103

SAM  
AG

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

In the matter of the application for the enrollment  
of Le Roy Breedlove as a Creek freedman.

STATEMENT AND ORDER.

The record in this case shows that on June 25, 1906, application was made in affidavit form for the enrollment of Le Roy Breedlove as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., L.137). Supplemental affidavit of the attending physician was filed on the same date. Further proceedings were had October 12, 1906.

It appears from the evidence and the records in the possession of this office that said applicant is the child of Henry Breedlove, a non citizen, and Laura Breedlove, who is identified as Laura Edwards upon a partial schedule of Creek freedmen approved by the Secretary of the Interior March 13, 1902, opposite No. 2393.

The testimony is conflicting as to the date of the birth of said child but a preponderance of the evidence shows that said child was born May 22, 1906.

In view of the foregoing, I am of the opinion that there is no authority of law for the enrollment of Le Roy Breedlove as a Creek freedman and the application for his enrollment as such is accordingly dismissed.

Muskogee, Indian Territory,



COMMISSIONER.

1061 - 2 FEB 7 1907

NEW CORN

310

2293

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved  
April 20, 1906.

*Lee Roy Breedlove*

as a citizen of

*oreek*

Nation.

Approved

190...

Commissioner.

NEW CORN CREEK FREEDMEN.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED:  
*June 25-06*

*[Signature]*  
Commissioner

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

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,  
of Loe Roy Breadlove (here insert name of child) born on the 22<sup>d</sup> day of February, 1906.  
Name of Father Henry Breadlove a citizen of the United States Nation.  
Name of Mother Laura Breadlove (nee Edwards) Freedman Creek Nation.  
Tribal enrollment of father Nick Tribal enrollment of mother Creek Freedman  
Postoffice Checotah Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,  
Western District.  
I, Laura Breadlove (nee Edwards) Freedman do hereby state that I am 22  
years of age and a citizen by Creek of the Creek Nation;  
that I am the lawful wife of Henry Breadlove who is a citizen, by  
of the United States Nation; that a Male child was  
born to me on 22<sup>d</sup> day of February, 1906; that said child has been named  
Loe Roy Breadlove and was living March 4, 1906.  
Laura Breadlove

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 22<sup>d</sup> day of June, 1906.

My Commission Expires July 1, 1906.

John Morrow  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,  
Western District.  
I, Geo. W. McGuire Physician on oath state that I  
attended on Laura Breadlove wife of Henry Breadlove  
on the 22<sup>d</sup> day of February, 1906; 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 Loe Roy Breadlove.  
Geo W McGuire

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 22<sup>d</sup> day of June, 1906.

My Commission Expires July 1, 1906.

John Morrow  
Notary Public.



WFO-110  
W. No. 1103

JWH

Muskogee, Indian Territory, February 9, 1907.

Laura Breedlove,

X Henry Breedlove,

Chasotah, Indian Territory.

Dear Madam :--

There is enclosed herewith copy of statement and order of the Commissioner to the Five Civilized Tribes, dated February 7, 1907, dismissing the application made by you for the enrollment of your minor child, Le Roy Breedlove, as a Creek freedman.

Respectfully,

Commissioner.

Registered.

JWH 6-1

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DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
JUNE 25, 1906.

In the matter of the application for the enrollment of  
Amy Farres, deceased, as a Creek Freedman.

Nancy Farres, being first duly sworn, testified as follows:

- Q: What is your name? A: Nancy Farres.  
Q: That is your married name is it? Yes sir.  
Q: How old are you? A: 23  
Q: What is your Post-office address? A: Broken Arrow.  
Q: What is the name of your father? A: Jake Roberts.  
Q: What is the name of your mother? A: Amy Roberts.  
Q: Who were you enrolled as, Nancy what? A: Nancy Roberts.  
Witness is identified as Nancy Roberts, opposite Freedmen  
Roll Number 3416.  
Q: How many children have you had in your life time? A: Two.  
Q: Are any of them ~~living~~ living? A: One.  
Q: What is the name of that one living? A: Beoma.  
Q: Do you know how to spell that? A: Beoma.  
Q: Beoma is correct is it? A: Yes sir.  
Q: Is she living? A: Yes sir.  
Q: How old is she? A: She will be three years old the 25 of  
September.  
Q: What is the name of your next child? A. Amy Farres.  
Q: Is she a full sister to Beoma? A: Yes sir.  
Q: Are you married to Farres? A: Yes sir.  
Q: Where is he now? A: Texas.  
Q: How long has he been in Texas? A: Something over a year.  
Q: How much over a year? A: I don't know sir.  
Q: Has he been there right along, continuously for something  
like a year? A: No sir, he came up last Christmas and  
stayed a week.  
Q: How ~~long~~ long has it been since his going away, and his  
coming back until last Christmas? A: I don't know.  
Q: Give us the best idea you can? Did he go away the same  
year as that Christmas when he returned, or had he gone  
as much as a whole year? A: He went the same year.  
Q: What month did he go away in? A: I think he went away in  
March.  
Q: Are you separated or divorced from him? A: No sir,  
not divorced.  
Q: He was the father of Amy was he? A: Yes sir.  
Q: When was Amy born? A: October 24, 1905.  
Q: Are you sure of that? A: Yes sir.  
Q: You know you are sure of what you are saying, you positive-  
ly swear it was born on that date? A: Yes sir.  
Q: How long did she live about? A: To March 5th.  
Q: I didn't ask you the date of her death, I asked you how  
long she lived, can you answer that? A: Pretty near 6  
months I guess.  
Q: Did she live 5 months when you say pretty near 6 months,  
do you mean 5 months and over? A: Yes sir.  
Q: You are sure she lived more than 5 months? A: Yes sur,  
she died the 7th. of March.  
Q: Are you sure she lived 5 months fully and more when you  
say going on 6 months, do you mean she lived 5 months and  
more? A: Yes sir.

- Q: Are you just as sure of that as you are that she died March 7th. and was born October 24th? Are you positive of the fact that this child lived more than 5 months as you are positive of the date of the birth and death you gave, are you as sure of one as you are of the other?
- A: No sir, I can't say I am sure, I am sure she died the 7th. of March.
- Q: Does anything help you remember the date of the death of that child? A: No sir.
- Q: Now you say you don't exactly know how long the child lived, but you are positive it died March 7th., why are you positive of that, is there anything that makes you sure of that? A: Yes sir, I know the date she died.
- Q: How do you know the date she died? A: I just know the date of the month she died.
- Q: What date is this? A: The 25th.
- Q: Of what? A: June.
- Q: How long ago did this child die? A: About 3 months ago. It was in March.
- Q: How long ago, was it? A: It has been over two months.
- Q: How much more than two months? A: A couple of weeks.
- Q: Are you sure of that? A: As near as I can guess at it.
- Q: Are you sure it wasn't three months? A: It died the 7th. of March and this is the 25th. of June.
- Q: You think it would make two months and two weeks do you?
- A: Just as near as I can guess at it.
- Q: The 7th. day of this month would it have been two months since the funeral? A: Yes sir.
- Q: The 7th. day of June would have been two months, you are sure of that, are you? A: Yes sir.
- Q: Then if it was two months, then one month before that which was the 7th. day of May, then it must have died the 7th. day of April? A: No sir, it died the 7th. day of March.
- Q: You still stick to that, do you? A: Yes sir.
- Q: Where did this child die? A: Near Broken Arrow.
- Q: Who else lives in the house besides you and the father of this child? A: Nobody.
- Q: Was anybody present when the child died? A: My brother was
- Q: What is his name? A: Jeff Harrison.
- Q: How did he happen there, do you know? A: He was just there.
- Q: Did ~~he~~ you send for him? A: No sir.
- Q: Did the child die suddenly? A: No sir, it had been sick.
- Q: How long had it been sick? A: About a month and a half.
- Q: Did you have a doctor for it? A: Yes sir.
- Q: Who was the Doctor? A: Dr. Mills.
- Q: What is his post-office? A: Broken Arrow.
- Q: Was he there the day the child died? A: Yes sir.
- Q: Had he called before that? A: Yes sir.
- Q: How many times had he been to see the child? A: Once.
- Q: Only made two visits? A: He came there the day the child and he had been there once before? A: He came the day before the child died.
- Q: Is that the only time he came? A: Yes sir, and he stayed until it died.
- Q: How much did he charge you? A: I didn't pay him anything
- Q: Did anybody pay him that you know of? A: No sir.
- Q: You still owe him, do you? A: He said he would cure it for \$15.00 and he didn't cure it and I didn't pay him.
- Q: What was the matter with the child? A: Whooping cough.

- Q: How old was it when it first caught the whooping cough?  
A: About 2 months old.
- Q: Was it the truth, that as you state now, that the child was about 2 months old when it caught the whooping cough and died a month and a half after it caught it and it was about three and a half months old when it died?  
A: I take it back, I don't know exactly how old it was when the child took the whooping cough.
- Q: Now didn't you come in here to this office, the last time February 13, 1906 in the early part of this year and testify about your child Beoma? A: Yes sir.
- Q: You came here yourself? A: Yes sir.
- Q: You were asked about the spelling of your husband's name and you spelled it out, didn't you? A: Yes sir.
- Q: Was this child living at this time? A: Beoma?
- Q: Was this child Amy living at this time? When you came in that time, you remember that you even spelled the name?  
A: Yes sir.
- Q: How do you explain this then; the question was asked you:  
Q: Have you a child by him? A: ~~He~~ ~~six~~. Yes sir.  
Q: How many? A: One.
- Q: What is the name of the child? A: Beoma.  
How do you explain that? You were asked how many children you had and you said one and that was Beoma?
- A: When was that I came in here? When I came in in February?  
Q: When you came in here on February 26, 1906?  
A: Yes sir, I had two.
- Q: You were asked the plain question, and you were asked how many children you had by him and you said one, named Beoma.  
A: I was talking about the enrollment.
- Q: You wasn't asked about the enrollment, you were asked how many children you had by him and you said one, how do you explain that? Have you any explanation to make to that contradictory statement? A: I wasn't trying to remember that, or I would have said, I didn't remember.
- Q: Where is this child buried? A: On Tom Smith's place, close to Broken Arrow.
- Q: Did you have an undertaker? A: No sir.
- Q: Did you have the coffin made? A: No sir, bought it ready made.
- Q: Where did you get it? A: My brother got it.
- Q: What is his name? A: George Roberts.
- Q: You don't know who he got it from do you? A: No sir.
- Q: Did you pay for it? A: Yes sir.
- Q: How much did you pay for it? A: I don't know how much he paid for it.
- Q: Did you have a funeral service, preaching or anything like that at the house or at the grave? A: We had prayers and singing.
- Q: Who conducted the prayers and singing? A: Elder Oliver.
- Q: What is his post-office? A: Waggoner.
- Q: Where was that singing and praying, at the house or grave?  
A: At the house and grave too.
- Q: Who else was there besides Elder Oliver? A: Bettie Roberts  
Q: Anybody else? A: Nora Harrison, Lillie Roberts.  
Q: Who else? A: Myself.
- Q: Was the father of the child there? A: No sir.
- Q: Where was he? A: In Texas.
- Q: Had he been back on that visit from Texas at that time?  
A: He was back and gone.



- Q: How long had he been back before this funeral?  
A: He came on Christmas and stayed a week.  
Q: How long from the time he went back to Texas, until you had the funeral? A: Pretty near three months.  
Q: Was he present when the child was born? A: No sir.  
Q: How long after he went away was it, that the child was born?  
A: About five or six months.  
Q: How old was the child when he got back from Texas?  
A: Pretty near three months old.  
Q: If the child was pretty near three months old when he got here and it died pretty near three months after he visited here, how is it you state that the child was only three and a half months old when it died? A: I didn't say it was three and a half months old.  
Q: Yes you did, you said the child was two months old when it got the whooping cough and it was a month and a half after it got it that it died.  
A: I don't think I said that.  
Q: Your brother Jeff Harrison went for the coffin? A: George Roberts did.  
Q: What did you say about Jeff Harrison? A: He was there when it died.  
Q: Did you have a mid-wife or a doctor when the child was born?  
A: I had a mid-wife.  
Q: What is her name? A: Gertie Roberts.  
Q: Is she here today? A: No sir.  
Q: Where is Beoma Farres? A: Home.  
Q: Whom did you ~~xxxxxxx~~ leave her with?  
A: I left her with Bettie.  
Q: Who is that? A: A friend of mine.  
Q: Is that grave yard there on Smith's place a public burial ground? A: Yes sir.  
Q: Did you pay anything for the privilege of burying your child there? A: No sir.

Jeff Harrison, being first duly sworn, testifies as follows

- Q: What is your name? A: Jeff Harrison.  
Q: How old are you? A: 28  
Q: What is your post-office address? A: Broken Arrow.  
Q: Is that where Amy Marshall lives? A: She is dead.  
Q: Henry Marshall? A: That is where he used to live, he has moved.  
Q: Are you a half brother to the applicant here, Nancy?  
A: Yes sir.  
Q: Had the same mother? A: Yes sir.  
Q: Do you live near her? A: Yes sir.  
Q: How far away? A: About three quarters, I guess.  
Q: Were you present when her child Amy Farres was born?  
A: No sir, I wasn't.  
Q: How long after the birth of the child was it before you saw it?  
A: I expect it was three or four days.  
Q: Were you present when the child died?  
A: No sir, I wasn't.  
Q: Were you there the same day the child died?  
A: I was there the next day.

- Q: How do you know it died the day before? A: It died that night or morning before day so. I was told.
- Q: Who told you that? A: The boy that stayed where the child died.
- Q: Did you sister tell you it had died the night before?
- A: Yes sir.
- Q: What day of the week did you get there? A: I dis-remember now what day of the week it was.
- Q: What day of the month was it? A: I couldn't tell you.
- Q: Can you tell the month? A: I don't believe---let's see-- I think it was January or February, one.
- Q: Was it near Christmas time? A: Well I don't know I think let me see--I declare I don't know hardly exactly when it was.
- Q: You know when Christmas comes? A: Yes sir, In December.
- Q: The next month is January? A: Yes, I think it was January or February.
- Q: Are you sure it wasn't as much as three months after Christmas? A: I couldn't say I am sure.
- Q: Was it cold weather? A: Yes sir, it was cold weather.
- Q: You can't tell the exact month, but you think it was January or February? A: Yes sir, but I couldn't say positively.
- Q: How long has the child been dead about? A: I expect it has been dead about five or six months, I am not sure.
- Q: What makes you think that? A: It seems it has been a pretty good while. I don't know the exact month.
- Q: Did you go to the funeral? A: I did.
- Q: What day of the week was that, do you know? A: Let's see-- No sir, I disremember what day of the week it was.
- Q: Did you see Jarrea when he came back from Texas last winter?
- A: Yes sir.
- Q: Had it been a long time after he left before this child died?
- A: He wasn't here at that time was he? A: No sir.
- Q: How long had he gone back before the child died?
- A: Let's see--well sir, I am not able to tell you.
- Q: Was it a long or a short time? A: It wasn't very long it don't seem like.
- Q: Was it a week or month or what? A: Well sir, I couldn't swear really how long it was.
- Q: It wasn't two months was it? A: I don't think it was.
- Q: Was he here on Christmas day do you remember?
- A: I don't think he was.
- Q: Had he gone back before Christmas, or hadn't he come yet?
- A: I don't really know whether he was here before or after Christmas.
- Q: What month is this? A: This is June.
- Q: Well about 5 or 6 months ago, would be January or February as you stated.
- Q: That is about the time it died, according to your recollection is it? A: That is according to my recollection.
- Q: Your best recollection is that it died 5 or 6 months ago and that it died in January or February, it didn't die as late as March, did it? A: I don't hardly think it did I am telling you just the best I know about it.
- Q: You hadn't done any spring plowing when the child died?
- A: I don't know.
- Q: Had anybody? A: Some of them had. They plow in the winter there whenever they get ready.
- Q: Did you have anything to do with the coffin? A: No sir, I didn't. I took the box to the cemetery, me and my brother.

- Q: What is his name? A: George Roberts.  
Q: How did you get it there? A: In a buggy.  
Q: Whose buggy? A: George's buggy, my brother's.  
Q: He got the box didn't he? A: Yes sir.  
Q: Do you know whether he paid for it? A: I think she did.  
Q: How much do you know? A: I don't know exactly how much it was.  
Q: Do you know the name of the people they got it from? A: No sir, I don't. It was either Blair or Barth of Broken Arrow.  
Q: Of what did the child die? A: Whooping cough so they said.  
Q: How long had it been sick do you know? A: For some time.  
Q: Well about how long do you think? A: I don't know exactly, it had been sick better than a month to my knowing.  
Q: You know it wasn't sick three months? A: I wasn't home all the time, I don't know.  
Q: How old was it when it took sick, when it got the whooping cough? A: I don't know.  
Q: Had it the whooping cough on Christmas day? A: I don't know.  
Q: Wouldn't you know if ~~year~~ it had the whooping cough on Christmas day? A: I wasn't home all the time, really I couldn't say.  
Q: You don't remember if your half sister Nancy came in here on February of this year, do you? A: No sir.  
Q: Don't know that she came in here about that time, about the first part of the year? A: No sir, I don't.  
Q: Did she have a Doctor when this child was born?  
A: I don't know whether she did or not.

Nora Harrison being first duly sworn, testifies as follows:

- Q: What is your name? A: Nora Harrison.  
Q: How old are you? A: 25.  
Q: What is your post-office address? A: Broken Arrow.  
Q: Do you know Jeff Harrison? A: Yes sir, he is my husband.  
Q: Do you know Nancy Farres? A: That is my sister-in-law.  
Q: Do you live near her? A: Yes, about a mile and a half, I guess, not so far.  
Q: How many children has she ever had? A: Two.  
Q: How many are living? A: One.  
Q: What is her name? A: Beoma Farres.  
Q: What is the name of the dead one? A: Amy Farres.  
Q: How old was she when she died? A: About three months old.  
Q: When was she born? A: Well I don't know exactly when she was born.  
Q: Was she born in the spring, summer, autumn or winter? Fall or when? A: I disremember now.  
Q: Wasn't she born last fall? A: If I am not mistaken she was born in October.  
Q: And lived three months? A: Yes sir.  
Q: You are sure it didn't live as much as five months?  
A: I don't know sir, I hardly think it was five months.  
Q: You think it was about three months? A: Yes sir.  
Q: Are you sure when the child died? A: No sir.  
Q: Were you there close to the date of its death? A: Yes sir.  
Q: When was it, before or after it died? A: After.  
Q: Did you go to the funeral? A: Yes sir.

- Q: You know that was about three months after it was born in October? A: No sir, I am not sure.
- Q: You said it was about three months didn't you? A: Yes sir.
- Q: Don't you know the month it died in? A: I don't know exactly.
- Q: Wasn't it early in this year? A: I can't remember.
- Q: How many months has it been dead? A: I don't know exactly.
- Q: How long has it been since that funeral that you went to?
- A: Well I don't know exactly, but I can guess at it.
- Q: What do you think? A: It has been about three months ago or may be longer.
- Q: You ought to know better than that, you say it was born in October and it was about three months old, and October was 8 months ago.
- Q: Do you know any farmers in that neighborhood? A: Yes sir, I know several farmers.
- Q: Do you know whether any of them had done any plowing yet when this child died? A: Well I don't know for certain whether they had or not.
- Q: You didn't notice, did you? A: No sir.
- Q: Why did you come up here today? A: Just for company.
- Q: Did she ask you to testify in this case? A: No sir.
- Q: Didn't you think you would be likely to be called on?
- A: I never have been up here before, I didn't know anything about it.
- Q: You just happened in with her, you and your husband?
- A: Yes sir, we came down Saturday.
- Q:

Nancy Farres is advised, that she will be allowed 20 days to introduce Bettie Roberts and George Roberts, and the preacher who conducted the funeral services and if possible the man who sold the coffin, with his books. (Nancy Farres, recalled, testifies as follows: )

- Q: Was this child living on March 4, 1906? A: Yes sir.
- Q: You swear positively to that do you? A: Yes sir.
- Q: How do you know that? A: I knew it was.
- Q: What day of the week was March 4, 1906? A: I don't know.
- Q: Do you know anything about that date? Why do you answer right away that it was living? A: I know he died the 7th and the 7th comes after the 4th.
- Q: What Creek Indian Town do you belong to, Arkansas? A: Yes sir.
- Q: Did you make any record anywhere as to the date of the birth or death of this child? A: No sir.
- Q: Did anybody that you know of? A: No sir.

I, Julia C. Laval, on 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.

Julia C. Laval

Subscribed and sworn to before me  
this 26 day of June, 1906.

H. H. Haines  
Notary Public.

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

In the matter of the application for the enrollment of  
Amy Farres, deceased, as a Creek freedman.

DECISION

The record in this case shows that on June 25, 1906, application was made, in affidavit form, for the enrollment of Amy Farres, deceased, as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats. L. 137). Further proceedings were had on said date. Supplemental affidavits were filed on June 27, 1906, July 5, 1906 and February 4, 1907.

The evidence and the records of this office show that said Amy Farres, deceased, was the minor child of Nancy Farres, whose name appears as "Nancy Roberts" upon a partial roll of Creek freedmen approved by the Secretary of the Interior March 28, 1902, opposite No. 3416, and Robert Farres, a citizen of the United States.

The evidence shows that said Amy Farres, deceased, was born October 24, 1905.

The evidence is conflicting as to the exact date of death of said Amy Farres, but a preponderance of the evidence establishes such date as March 7, 1906.

It is, therefore, ordered and adjudged that said Amy Farres, deceased, is entitled to be enrolled as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats. L. 137), and the application for her enrollment as such is accordingly granted.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 20 1907



DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

July 4-1907-

*[Handwritten Signature]*  
COMMISSIONER

NO 7115.

# THE FIRST NATIONAL BANK

JOHN LONNBERG, PRES.

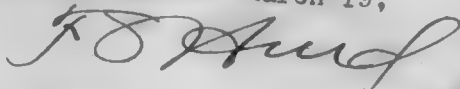
W. L. BROOKS, VICE PRES.

F. S. HURD, CASHIER.

BROKEN ARROW, IND. TER.

Jan. 26, 1907.

Mr. F. S. Hurd, Cashier of The First National Bank of Broken Arrow, Ind. Ter. first being sworn on oath deposes and says that there was issued to George Roberts on Feb. 21, 1906 a certificate of Deposit with The said First National Bank for the sum of Forty Five Dollars, that the said George Roberts received from said Bank Ten Dollars on March 1st. 1906, and the sum of Thirty Five Dollars on March 19, 1906.



Signed before me a notary public on this  
26<sup>th</sup> day of Jan, 1907

My Com Expires June 13, 1908

N. I. Brumbaugh Notary Public in  
and for the Museum District Ind. T.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

July 4-1907-

  
COMMISSIONER

**Executive Office**

MUSKOGEE NATION

P. PORTER, Principal Chief  
M. L. MOTT, National Attorney

Muskogee, Indian Territory, \_\_\_\_\_ 190\_\_

United States of America }  
Indian Territory } SS.  
Western District }

George Roberts being first duly sworn according to law, on his solemn oath deposes & says, that he was the uncle of Army Farris, deceased, as Nancy Farris Army's mother is my sister.

I was present when Army died at my house three miles northeast of Broken Arrow. Army died early in the morning and that same day I went to the First National Bank of Broken Arrow and drew out ten dollars with which I bought a coffin from Bartts the hardware man who keeps coffins.

Subscribed & sworn to before  
me this 30th day of January, 1907

George Roberts

My commission expires  
August 16, 1908

Jay P. Hamworth Notary Public

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

July 4-1907-

COMMISSIONER



United States of America )  
Indian Territory ) ss  
Western District )

Eli Harrison, of lawful age, of Broken Arrow, I. T. being first  
duly sworn on oath deposes and says:-

My wife and I were at Muskogee, I. T. the last of Feb. A. D. 1906.  
while there-Nancy Farris with her baby Amy, and George Roberts and Jeff  
Harris and ourselves slept in the same room. at the Kelly Hotel.

Nancy Farris' child was then sick and she had come back home on  
that account and that her child died soon after on or about March, 1st,  
1906.

In witness whereof the said Eli Harrison has hereunto set his hand  
and seal this the 27th day of January, A. D. 1907.

Eli Harrison  
seal.

Subscribed and sworn to before me this the 27th day of January, A. D.  
1907.

Arthur Jones  
Notary Public.

My Commission expires Jan. 19. 1909.

UNITED STATES OF AMERICA

INDIAN TERRITORIES

INDIAN TERRITORIES

The United States of America, do hereby certify that the following is a true and correct copy of the original as shown to me by the said [Name] on the 24th day of July, 1906.

Witness my hand and the seal of the Department of the Interior at Washington, D.C., this 24th day of July, 1906.

Very truly yours,  
[Signature]

Secretary of the Interior

The United States of America, do hereby certify that the following is a true and correct copy of the original as shown to me by the said [Name] on the 24th day of July, 1906.

Secretary of the Interior

Witness my hand and the seal of the Department of the Interior at Washington, D.C., this 24th day of July, 1906.

Very truly yours,  
[Signature]

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
FILED

July 5-1906  
COMMISSIONER

UNITED STATES OF AMERICA? |  
WESTERN DISTRICT? | SS.  
INDIAN TERRITORY? |

The Affiant Adam Oliver, after being duly sworn says on oath that he was present and conducted the funeral of Amy Farrés the daughter of Robert Farrés, and Nancy Farrés the latter being a Creek Freedman and on the Creek roll,

The affiant states that said Amy Farres died on the 7th. day of March, 1906.

Subscribed and Sworn to before me this the 3d day of July 1906.

Adam Oliver

W. T. Byrd  
Notary Public.

My commission Expires Aug. 12th. 1906

United States of America  
Western District  
Indian Territory

The Attorney General hereby being of lawful age and being  
sworn on oath states that he was present at the hearing of  
child of Robert Barnes and Mary Barnes and that the child on the  
day of October 1900.  
and a child of the birth of  
the day of October 1900.

Described and sworn to by me this 24 day of July 1900.

My Commission Expires on the 24 day of August 1900

COMMISSIONER OF THE INTERIOR  
F. I. HESD  
COMMISSIONER

United States of America. |

Western District. | SS.

Indian Territory. |

The Affiant Bettie Roberts being of lawful age and after being duly sworn on oath states that she was present at the funeral of Amy Farres child of Robert Farres and Nancy Farres and that the Child died on the 7th. day of March 1906.

That she was the Midwife and attended at the birth of said child on the 24th. day of October 1905.

Bettie Roberts

Subscribed and sworn to before me this the 3d. day of July 1906.

W. T. Byrd

My Commission Expires on the 12th. day of August 1907

United States of America.

Western District.

Indian Territory.

The Plaintiff J. A. Smith, of Broken Arrow Indian Territory  
 after being duly sworn upon oath and that he is a resident in Broken  
 Arrow Indian Territory and that he sells furniture and clothing and  
 on the 27th day of March 1906, he sold a coffin to George J. Smith  
 the name of A. J. Smith, the wife of Henry Smith,  
 described and agreed to be done as follows to wit:

Notary Public.

My commission expires Aug. 15, 1906.

DEPARTMENT OF THE INTERIOR  
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
 FILED

COMMISSION

July 5 1906



United States of America. |  
Western District. | SS.  
Indian Territory. |

The affiant J. A. Barth, of Broken Arrow Indian Territory  
after being duly sworn upon oath says that he is a Merchant in Broken  
Arrow Indian Territory and that he sells furniture and Coffins and that  
on the 7th. day of March 1906. He sold a coffin to George Roberts for  
the burial of Amy Farres the child of Nancy Farres

Subscribed and sworn to before me this the 31 day of July 1906.

*J. A. Barth*  
*W. H. B. B. B.*  
Notary Public.

My commission Expires Aug. 12th. 1906

CR EN 1105

CR EN 1105

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
JULY 2, 1906.

In the matter of the application for the enrollment of  
Perry Grayson, as a Creek Freedman.

Jane Grayson, being first duly sworn, testifies as follows:

- Q: What is your name? A: My name is Jane Grayson.  
Q: How old are you? A: I don't know exactly how old I am.  
Q: About how old? A: Somewhere near 34 or 35.  
Q: What is your post-office address? A: Haskell, I. T.  
Q: What Creek Indian town do you belong to? A: I don't know exactly.  
Q: Don't you know whether it is Arkansas, Canadian or what it is? A: It is Canadian, I didn't understand you.  
Q: What is the name of your father? A: Joseph Howard.  
Q: What is the name of your mother? A: Lydia Howard.  
Witness is identified as Jane Grayson, opposite Creek freedman, roll number 1025.  
Q: Have you a minor child you want to apply for, a young boy?  
A: Yes sir.  
Q: What is its name? A: Perry Grayson.  
Q: How do you spell that Perry? A: Yes sir.  
Q: Is this child living? A: Yes sir.  
Q: How old is it? A: It is about turned into 14 months old I guess.  
Q: Where is it? A: Home.  
Q: You didn't bring it in with you? A: No sir, I didn't bring it in because last August I made out an affidavit before lawyer Merriweather, and he said he would send it in He was it was on the roll.  
Q: How much did you pay him? A: I think I paid him about \$3.00 for it.  
Q: When was that last July or August? A: It must have been the last of July.  
Q: Didn't you know at that time it was too late to make application for children?  
A: No sir, I took the word of the officer from the counsel, and they said it was put on the list of July or the first of June and the enrollment was going on yet, that is the reason I didn't bring it.  
Q: When was the child born? A: May 31.  
Q: Last year? A: Yes sir.  
Q: How old was it when you made out that affidavit, about how old? A: I don't know exactly how old it was.  
Q: Just a few months or wasn't it? A: Something like that.  
Q: Did you have a mid-wife when the child was born or a Doctor?  
A: Yes sir.  
Q: What was the name of the mid-wife? A: Lucy Pace is the proper one, I guess.  
Q: You are advised that you should furnish this office with the affidavit of the midwife as to the birth of this child.  
Q: What is the name of the father of this child? A: Tobe Grayson.  
Q: Are you married to him? A: Yes sir.  
Q: Is he the father of the children you have enrolled here?  
A: Yes sir, all of them children.

- Q: He is a citizen too, is he? A: Yes sir.  
Q: What town does he belong to, do you know? Canadian,  
Arkansa, or what? A: Arkansas.  
The father of this child is identified as Tobe Grayson,  
opposite Creek Freedmen Roll number 1024.  
Q: Is Tobe living? A: No sir.  
Q: How long has he been dead? A: Not so long.  
Q: About how long? A: I couldn't tell.  
Q: About? A: About 5 months ago.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of the evidence taken by me in said cause on said date.

Julia C. Laval

Subscribed and sworn to before me  
this 2 day of July, 1906.

H. H. Hains  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, August 9, 1906.

In the matter of the application for the enrollment of  
Perry Grayson as a NewBorn Creek freedman.

TOBE GRAYSON, being duly sworn, testified as follows:

- Q What is your name? A Tobe Grayson.  
Q What is your age? A About forty; born in 60 something.  
Q Are you married? A Yes, sir.  
Q What is the name of your wife? A Jenetta Grayson.  
Q Were you previously married? A Yes, sir; Jenetta is my third wife.  
Q Who before you married Jenetta? A Irena Sugar.  
Q What was the name of your first wife? A Jane Grayson.  
Q Were you divorced from Jane? A Yes, sir  
Q When were you divorced? A In 1900.  
Q Whendid you marry your second wife? A In 1901  
Q And the third? A 1901--the same year.  
Q Your second wife died? A Yes, sir  
Q Have you lived with Jane Grayson since you were divorced? A No  
Q Have you been to her house since you were divorced? A Yes, sir several times.  
Q You had four children by Jane did you? A Yes, four living, two dead.  
Q What are the names of the living? A Allie, Jakey, Leora and Onie Belle.  
Q And two dead? A Yes, sir  
Q Did they die young? A Yes ,one was one year and one four.  
Q What were their names? A Addie and Ellis Grayson.  
Q There is on file in this office an affidavit of Jane Grayson to the effect that she has a child born to her on the 23rd of May 1905 and in her affidavit it is stated that Tobe Grayson is the father, are you the father of this child Perry Grayson? A No, sir.  
Q Have you had any children by Jane Grayson since you divorced her? A No, sir  
Q Do you know who the father of Perry Grayson is? A Jack Bailey she says.  
Q Can you account for her stating in this affidavit that you are the father? A She didn't own it to me but said she did it to keep the children together.  
Q Wanted that they should be enrolled under the same name? A Yes  
Q Do you know when this child was born? A No, sir I couldn't swear; some time in May I think.  
Q A year ago? A I think.  
Q Is it a year old? A I think it ought to be a year old past.  
Q You have seen the child? A Yes, sir.  
Q Is it living now? A Yes, sir.  
Q And what does she call the child? A I didn't know until I received the letter; Perry the letter states.  
Q You never heard her call the child by any other name? A No, sir I never and she told me why she did it.  
Q And your purpose in appearing here today is to inform this office that you are not the father of this child Perry Grayson?  
A Yes, sir

Q Is this man whom you state she claims to be the father living?  
A Yes, sir  
Q Is he a citizen of the Creek Nation? A I don't know, sir.  
Q You never heard he was a citizen? A No, 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 cause on said date.

Subscribed and sworn to before  
me this 10 day of August 1906.

*Anna Garrigues*

*Edward Merrick*  
Notary Public.



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

In the matter of the application for the enrollment of Perry Grayson, as a Creek freedman.

D E C I S I O N .

The record in this case shows that on July 2, 1906, application was made, in affidavit form, supplemented on said date by oral testimony, and on July 25, 1906 by further affidavits, and on August 9, 1906 by further testimony, for the enrollment of Perry Grayson, as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906.

A paper signed by Tamer Townsel, dated July 3, 1906 and received at this office July 6, 1906, containing statements relative to the birth of the applicant, is attached to and made a part of the record herein.

It appears from the evidence filed in this matter that the applicant was born May 23, 1905, and was living on March 4, 1906, and was the child of Jane Grayson, whose name appears on the approved roll of Creek freedmen, opposite number 1025.

There is a conflict in the evidence as to the paternity of the applicant. The testimony of Jane Grayson is to the effect that Tobe Grayson is the father of the applicant, and one of said affidavits, namely: that dated July 2, 1906, and also her testimony of same date, is to the effect that Tobe Grayson is deceased but Tobe Grayson himself appeared on August 9, 1906, and stated that he was, at one time, the husband of Jane Grayson, but that he was divorced from her in 1900, that she has had no children by him since said divorce, and that he is not the father of Perry Grayson.

This in no way effects the rights of the applicant under the law, and it is therefore ordered and adjudged that the said Perry Grayson is entitled to enrollment as a Creek Freedman, in accordance with the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L., 137), and the application for his enrollment as such is accordingly granted.

Muskogee, Indian Territory,



COMMISSIONER.

FEB 18 1907

Parents roll # F. 1024-5.  
NEW CORN 329

100

**IN RE**  
**Application for Enrollment of**  
**MINOR CHILD**

Act of Congress Approved  
April 20, 1900.

*Perry Grayson*

as a citizen of

*Creek* Nation.

Approved..... 190...

Commissioner.

NEW CORN CREEK FREEDMEN.

*Born May 23, 1905,*

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
FILED

*July 2-06*

*[Signature]*  
COMMISSIONER

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

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,  
of Perry Grayson (Here insert name of child), born on the 23 day of May, 1905  
Name of Father: Tabb Grayson a citizen of the Creek Nation.  
Name of Mother: Jane a citizen of the " Nation.  
Tribal enrollment of father: Arkansas Tribal enrollment of mother: Canadian  
Postoffice: Michell, D.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }  
Western District. }

I, Jane Grayson on oath state that I am about 34 or 35 years of age and a citizen by adoption of the Creek Nation; that I am the lawful wife of Tabb Grayson (Deceased), who is a citizen, by adoption of the Creek Nation; that a male child was (Male or Female) born to me on 23 day of May, 1905; that said child has been named Perry Grayson and was living March 4, 1906.

Jane Grayson

WITNESSES TO MARK:

[Must be Two Witnesses] {

Subscribed and sworn to before me this 2 day of July, 1906.

H. H. Hains

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }  
District. }

I, \_\_\_\_\_, a \_\_\_\_\_, on oath state that I attended on \_\_\_\_\_, wife of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 1906; that there was born to her on said date a \_\_\_\_\_ child; that said child was living March 4, 1906, and is said to have been named \_\_\_\_\_

WITNESSES TO MARK:

[Must be Two Witnesses] {

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1906.

Notary Public.

MS F 329

190

IN RE

Application for Enrollment of

**MINOR CHILD**

Act of Congress Approved  
April 22, 1906.

*Perry Grayson*

as a citizen of

*Oreek*

Nation.

Approved..... 190...

Commissioner.

July 25-06.

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 Creek Nation,  
 of Perry Grayson, born on the 23rd day of May, 1905.  
(Here insert name of child)  
 Name of Father: Tobe Grayson, a citizen of the Creek Nation.  
 Name of Mother: Jane Grayson, a citizen of the Creek Nation.  
 Tribal enrollment of father: Freedman Tribal enrollment of mother: Freedman  
 Postoffice: Haskell, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Western Judicial District.

I, Jane Grayson, on oath state that I am 35  
 years of age and a citizen by birth of the Creek Nation;  
 that I am the lawful wife of Tobe Grayson, who is a citizen, by  
birth of the Creek Nation; that a male child was  
(Male or Female)  
 born to me on 23rd day of May, 1905; that said child has been named  
Perry Grayson, and was living March 4, 1906.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 23rd day of July, 1906.

My Commission Expires Aug 28, 1909.

Car Peterson  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

Western Judicial District.

I, Lucy Pace, a Midwife, on oath state that I  
 attended on Jane Grayson, wife of Tobe Grayson  
 on the 23rd day of July, 1905; that there was born to her on said date a male  
(Male or Female)  
 child; that said child was living March 4, 1906, and is said to have been named

Perry Grayson

Lucy Pace  
mark

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 23rd day of July, 1906.

M. Mc Carthy  
J. Shipton

Car Peterson  
Notary Public.

F 329

F

|       |     |  |  |
|-------|-----|--|--|
|       |     |  |  |
|       |     |  |  |
| 27800 | JUL |  |  |

7-11-96

Tomsel, Tamer,  
Ridge, I. T.,  
Creek Nation,  
July 3, 1906.

*Not sure of name is  
of Creek*

Relative to enrollment of Perry.  
Grayson.

CREEK ENROLLMENT



Ridge and Teris

July 3 1906

to the close commissioner  
of the five civilized tribe  
this is to witness that  
Stanger townsel was  
the mid wife May  
23 1905 and was born  
of Jane Grayson a male  
child whose name  
is Perry Grayson this is  
sworn by Stanger townsel  
to be true and nothing else  
but truth so help me god

Stanger townsel

Ridge and Teris

F MB 329.

Muskogee, Indian Territory, July 11, 1906.

Tamer Tompsel,  
Ridge, Indian Territory.

Dear Madam:

Receipt is acknowledged of your letter of July 3, 1906, in which you state that you were the midwife on May 2<sup>nd</sup> 1905, when there was born to Jane Grayson, a male child named Perry Grayson.

You are advised that if said letter was intended for an affidavit it is not in proper form, as it does not appear to have been executed before an officer authorized to administer oaths.

Respectfully,

Acting Commissioner.

*also a letter to mother of child*

Haskell, I.T. July 28, 1906.

Commission to Five Civilized Tribes,

Gentlemens I received a letter a letter to Jane Grayson in of Tobe Grayson concerning the filing of one Perry Grayson suppose to be a child of mine Gentlemens there never was a child born to one Jane Grayson by the name of Perry Grayson that is a lie that she is makeing up to try to file I guess her midwife first was Mrs. Tamey Townsel now the next is this Lucy pase I am told you all can see there is something wrong in that so if you lit her file it is with you all I am telling you all how it is my wife hane is Mrs. Jeanetta Grayson file as Jeanetta Thompson on the ~~map~~ as Jeanetta fisher and we have no children by the name of Perry Grayson understand me now to say now that is something I do not no anything about such name I have no child by that name that is something new to me ~~if~~ if you all let her file it is alright with me and I am anly telling you all how it she is lieing and I will not be mixed up in it for I have no child by that name the name of my children is as follow 1 Allie Grayson, 2 Jakie Grayson, 3 Leah Grayson, 4 onie bill Grayson, 5 <sup>2</sup>, Allin Grayson, 6 Edna Grayson these are the names of my children who I own as a father of and no other this is from

Tobe Grayson,

Haskell, I.T.

N B F 320

JWH

Muskogee, Indian Territory, March 9, 1907.

Jane Grayson,

Haskell, Indian Territory.

Dear Madam :--

You are hereby advised that on March 2, 1907, the Secretary of the Interior approved the enrollment of your minor child, Perry Grayson, as a Creek freedman, and that the name of said child appears upon the roll of new born Creek freedman, enrolled under the Act of Congress approved April 26, 1906, as number 278.

This child is now entitled to allotment and application therefor should be made without delay at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 1106

CR EN 1106

KN 1106.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE INDIAN TERRITORY JANUARY, 25, 1907.

In the matter of the application for the enrollment  
of Isarel Grayson, as a Creek Freedman.

APPEARANCE: Jay P. Farnsworth, representing M. L. Mott,  
Attorney for the Creek Nation.

ALICE GRAYSON, being first duly sworn, by Henry G.  
Hains, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q: What is your name? A Alice Grayson.  
Q: How old are you? I don't know.  
Q: You know you are over 21 don't you? A Yes sir, I am older  
than that.  
Q: What is your Post Office? A Henryetta.  
Q: Do you know Palina Grayson? A Yes sir.  
Q: Are you any kin to her? A Yes sir, she is my niece.  
Q: Did she have a child born to her some time last year?  
A: Yes sir.  
Q: What was his name? A Isarel Grayson.  
Q: What is the name of its father? A William Evans.  
Q: Is that child living? A Yes sir.  
Q: Are you the midwife that attended her? A Yes sir.  
Q: When was this child born? A Some time in May, to say  
just what time, I don't know, I don't know what day  
but it appears to me like it was the second week in May,  
but I am sure it was May.  
Q: Was it warm weather? A Kinder warm.  
Q: Alice you can not read or write can you? A No sir.  
Q: Here is an affidavit, signed by Alice Grayson, who attended  
Palina Grayson on the 30th day of February, 1906, are  
you sure Isarel Grayson was not born in February? A No  
sir, it was May, just as I told you I waited on one in  
March, one in April and one in May, by that, I mean I  
waited on Mary Bruner when her child was born in March,  
on Hattie Kewles, when hers was born in April, and on  
my niece in May, and that way I know they fellow one  
another just a month.  
Q: Then this affidavit, that is supposed to have been  
signed by you, saying it was born in February is a mis-  
take, ain't it? A Yes sir.  
Q: Did he swear you to it? A I touched the pen.  
Q: Did you hold up your hand and swear? A I am not sure.  
Q: Did you hear anybody say it was born in February? A No  
sir. I thought they know when it was born.  
Q: And now if this Palina Grayson swore that this child was  
born February 30, it is not true? A No sir, she made a  
big mistake.  
Q: Did you ever hear that she was trying to get the child  
enrolled by fraud? A No sir, I never heard nothing about  
it.  
Q: You knew positively it was born in May? A Yes sir.  
Q: And it was born at least a month after Herman Kewles,  
that you waited on in April? A Yes sir.



- Q: You have no bad feelings against Palina have you?  
A: No sir, no body fer if I do I don't know it.  
Q: Who else was present when this child was born? A Her  
sister was there.

Witness excused.

I, Elizabeth Knight, 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.

Elizabeth Knight

Subscribed and sworn to before me this 26 day of Jany, A.D.1907.

Edward Merrick

Notary Public.

N.B.P.330  
Cr.En.1106

F.H.W.  
A.G.

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

In the matter of the application for the enrollment  
of Isaacrel Grayson as a Creek freedman.

D E C I S I O N .

The record in this case shows that on June 28, 1906, an application was filed, in affidavit form, for the enrollment of Isaacrel Grayson as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906. Further proceedings were had September 24, 1906, January 17 and 25, 1907.

The evidence in this case and the records in possession of this office show that the applicant, Isaacrel Grayson, is the illegitimate child of William Evans, a citizen of the United States, and Palina Grayson, whose name appears on a partial schedule of Creek freedmen approved by the Secretary of the Interior March 28, 1902, opposite roll No. 3270.

The evidence further shows that February 30, 1906, given as the date of the birth of the applicant in the original affidavit, is evidently an error as a preponderance of the evidence shows clearly that the applicant was born subsequent to March 4, 1906, and the better opinion would seem to be that the said applicant was born in the month of May, 1906.

It is, therefore, ordered and adjudged that the said Isaacrel Grayson is not entitled to be enrolled as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and the application for his enrollment as such is accordingly denied.



COMMISSIONER.

Muskogee, Indian Territory,

---

Cr. No. 1106.  
MFP 330.

Muskogee, Indian Territory, February 18, 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 Isaacrel Grayson, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

IM-332.

Through the Commissioner  
of Indian Affairs.

Cr. En. 1106.  
WHP 330.

Muskogee, Indian Territory, February 18, 1907.

M. L. Kett,  
Attorney for Creek Nation,  
Muskogee, 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 Isaac Grayson, 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.

LM-331.

HRF 330.

Muskogee, Indian Territory, February 18, 1907.

Palina Grayson,

c/o William Evans,

Henryetta, 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 the enrollment of your minor child, Isaacel Grayson, 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.  
LM-330.

Refer in reply to the following:  
Land 18324-1907.

COPY.

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

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby, dated February 18, 1907, transmitting the record relative to the application of Iscarel Grayson for enrollment as a Creek freedman, including the decision of the Commissioner, dated February 18, 1907, adverse to the applicant.

The decision of the Commissioner has been examined and found to be correct and the same is recommended for approval/

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

H.R.D. - NL



DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.  
S.P.

I.T.D.  
6210, 6606, 6616, 6686, 6728-1907.  
6744, 6748, 6750, 6752, 6768- "  
6784, 6802, 6804, 6810, 6834-1 "  
6846, 6876, 7014- "

March 2, 1907.

LRS

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

| Title of Case.                           | Date of your letter of transmittal |
|--|------------------------------------|
| Iscarel Grayson (freedman)               | February 18, 1907.                 |
| Emma Grayson (freedman)                  | February 7, 1907.                  |
| Eva Bruner (freedman)                    | February 13, 1907.                 |
| Oliver Elliott                           | February 16, 1907.                 |
| Florence M. Coker,                       | February 16, 1907.                 |
| Johnny Potter (freedman)                 | February 16, 1907.                 |
| William H. Hartridge (deceased)          | February 16, 1907.                 |
| Theodore Hawkins (freedman)              | February 16, 1907.                 |
| Amy Franklin et al (freedmen) (deceased) | February 16, 1907.                 |
| Jennie Myers (freedman)                  | February 13, 1907.                 |
| Alfred Mayfield (deceased)               | February 14, 1907.                 |
| Alice McCeeley (freedman)                | February 15, 1907.                 |
| Batricia Scott (freedman) (deceased)     | February 14, 1907.                 |
| Lurie McKinnon                           | February 14, 1907.                 |
| Washington McIntosh (freed an (deceased) | February 23, 1907.                 |
| Roman Johnson et al.                     | February 23, 1907.                 |
| Spencer Thomas et al (freedmen)          | February 23, 1907.                 |
| Number Lowe (deceased)                   | February 23, 1907.                 |

A copy hereof and the papers in the above mentioned cases have been sent to the Indian Office for its files.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

18 inc. and  
36 to Ind. Of.

AFMc

3-4-07.

NBF 330,  
Ba. 1106.

Muskogee, Indian Territory, March 12, 1907.

Palina Grayson,

Henryetta, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 18, 1907, denying the application for the enrollment of your minor child, Ismael Grayson, as a Creek Freedman.

Respectfully,

Commissioner.

JBM

A

CR EN 1107

CR EN 1107

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
JUNE 6, 1906.

In the matter of the application for the enrollment of  
Marguerite Scott, deceased, as a Creek Freedman.

Appearances: M.L.Mott, Attorney for Creek Nation.

Alice Scott, being duly sworn, testified as follows:

- Q What is your name? A Alice Scott.  
Q How old are you? A 27.  
Q What is your post office address? A Muskogee.  
Q When did you change your post office? A Last year.  
Q Well you have given your office address variously, Broken Arrow,  
Bald Hill and Muskogee.  
Q When I made application I was living at Broken Arrow then I went  
to Bald Hill and then came to Muskogee.  
Q Have you a house number, in Muskogee? A Yes sir, 512 West  
Market Street.  
Q What is the name of your father? A J. Roberts.  
Q What is the name of your mother? A Emma Harry.  
Q Have you some children already enrolled? A Yes sir.  
Q What are their names? A Fred Gaskins, Jake and Wiley Gaskins.  
Q Are you enrolled as a Creek Freedman? A Yes sir.  
Q Under what name? A Gaskins.  
Q Was your father ever known by any other name? A No sir.  
Jake Roberts is all.  
Q Who is John Kanard? A I don't know him.  
Q How long have you been in Muskogee? A Over six years.  
Q What Creek Indian town do you belong to? A Arkansas. I think.

Witness is identified as Alice Gaskins, opposite Creek  
Freedmen Roll No. 556.

- Q What is the name of your father? Jake Roberts.  
Q Your father's name is given here as John Kanard? A I don't  
know anything about him. My mother gave me to old man Roberts.  
Q He died before I knew him, I came in here to enroll my dead baby.  
Marguerite Scott.  
Q How do you spell that first name? A I can't read but very  
little.  
Q Don't know how to spell it? A No sir.  
Q M-a-r-g-u-e-r-i-t-e is the usual way to spell it, is that the  
way you want it spelled? A Yes sir.  
Q Can you write? A Yes sir, I can write my name is all.  
Q What is the name of the father of this child? A Will Scott.  
Q Is he living? A Yes sir.  
Q Are you married to him? A Yes sir.  
Q What is his father's name? A Alex.  
How mother's name Adelina Harris? A Yes sir.

He is identified opposite Creek Freedmen Roll No. 1878.

- Q When was this child born? A 2nd of March.  
C What year? A 1906.  
Q Are you sure of that? A Yes sir.  
Q Is there anything that happened that helps you to remember that  
Q Know that date.

- Q What day of the week was it born? A I don't know just what day it was.
- Q Do you know whether it was Sunday, Monday or what? A I don't know.
- Q Did you have a doctor or midwife when the child was born?
- A Yes sir.
- Q What was his name? A Dr. Waring.
- Q Did you pay him the charges at that time? A Yes sir.
- Q Do you know whether he put down in his book? A No sir, I don't know.
- Q Don't know whether he made any record of it or not? A No sir.
- Q Was anybody else present besides the doctor when the child was born? A My mother was there.
- Q Your mother? A Yes sir.
- Q What is her name? A Annie Harry.
- Q What is her post office? A Muskogee.
- Q Was that child born at the house, the street number of which you gave me? A Yes sir.
- Q How long did the child lived? A Seven days.
- Q When did she die? A Died the 7th.
- Q Of what month? A 7th of March.
- Q What time of the day or night was it when the child was born?
- A Five o'clock in the evening.
- Q Of what day? A I don't know. The 2nd day of March.
- Q What day of the week did she die on? A I don't know, I don't remember.
- Q Was she buried the same she died? A Next day
- Q What time of day did she die? A Along in the morning between 10 and 11 o'clock.
- Q And was buried the next day? A Yes sir.
- Q Did you have a chitã doctor attending her when she died?
- A No sir.
- Q How it is you can remember the exact date of the month on which she died and you can't remember the day of the week on which she was born and died, or either one, how does that happen----
- A I don't know I just really didn't keep count.
- Q You can't tell what day of the week it was born on? A No sir.
- Q And don't know what day of the week it died on? A No sir.
- Q But you do know the exact date on which the child died?
- A Yes sir.
- Q And the exact date on which the child was born? A Yes sir.
- Q Now in what way did you keep count of these dates? A After I had taken the trouble then the Lord to take them away.
- Q Isn't that fact more likely to impress on your mind---the day of the week she was born on and died on, as well as the date of the month? No answer.
- Q Isn't it likely that you would be more apt to remember that that child was buried on Sunday and died on Saturday than to remember that it died on the 7th and was buried on the 8th? A I guess so.
- Q Did you have an undertaker to bury this child? A No sir.
- Q Who buried it? A A state man buried it.
- Q What is his name? A I don't know his first name, all I know is Watts.
- Q Black man? A Yes sir, he is a colored man.
- Q Where does he live--near you? A I don't know where he lives.
- Q Does he live in town? A Yes sir.
- Q Can you get him up here to testify about this case? A Yes sir.
- Q What graveyard was the child buried --she was buried in the graveyard was, 't she? A Yes sir.

- Q Which one? A At the old Agency.
- Q Was any mark put on the grave? A No sir.
- Q No head board or anything put on the grave? A Yes sir.
- Q Was there anything written on there? A No sir.
- Q Can't you tell me the names of the people that were at the burying? A Me and ~~mamma~~ and this man that buried her.
- Q Did you get permission to bury that child out there? A Its a ~~free~~ free graveyard.
- Q Didn't you talk to anybody about it about it? A No sir.
- Q Didn't anybody in that school up there or the church come down to see the burying? A No sir.
- Q Don't you remember? A No sir.
- Q Didn't you have preaching at the house? A No sir.
- Q Didn't you have any visitors there when the child died? A No sir.
- Q The fact of the matter is the child ~~was~~ died <sup>the day</sup> it was born? A No sir. We buried it the next day after it died, but it lived seven days.
- Q Did anyone make a coffin for the child? A Yes sir.
- Q What did they make it out of? A Lumber.
- Q They didn't make it out of an old cracker of anything like that? A No sir. Q They don't make a very big coffin for a child that young. Did you ~~put~~ clothes on it? A Yes sir.
- Q Didn't buy the clothes especially for the burying? A No sir, I had them there made.
- Q Did you go to the burying? A No sir, I wasn't able to go.
- Q You were still sick. A I couldn't go.
- Q Who went? A ~~Mamma~~ and Mr. Watts, and my boy.
- Q Only those three? A Yes sir.
- Q How did they go? A They went in a one horse buggy.
- Q Where did they get it? A He owns it.
- Q Who Watts? A Yes sir.
- Q Didn't go to the livery stable for it? A No sir.
- Q They just put the box right in the buggy with them? A Yes sir.
- Q Couldn't you be mistaken in the date of the birth just as you are mistaken in the length of time it lives? A She was born the 2nd of March and died on the 7th.
- Q Q Have you seen these notices about the enrollment of new born children? A Yes sir.
- Q Has anyone read it to you? A No sir.
- Q Have you heard any one say that children had to be living a certain date? A No sir.
- Q You didn't hear that? A No sir.
- Q You think a ~~he~~ child born ~~and~~ yesterday and died today would be entitled to enrollment, do you know anything about that? A No sir.
- Q It was born right here in town? A Yes sir.
- Q Was your child born on Sunday? A I don't know.
- Q Wouldn't be likely to know if such a child was born on Sunday. I didn't take particular notice of that.
- Q You just paid particular notice ~~to~~ the March 2, how did you come yo pay attention to that, instead of paying attention to when it was born? A I don't know why I didn't.
- Q A person could easily forget that a child was born on--especially a date like March 2, even if it is a couple of months ago, how do you think you would be likely to forget that a child of yours was born on Sunday when everybody goes to church, but you can't remember that? A Yes sir, I can remember the exact date it was born and when it died.



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 9th day of June, 1906.

*H. H. Haines*

Notary Public.

N.B.F.335.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, October 27, 1906.

In the matter of the application for the enrollment of  
MARGUERITE SCOTT, deceased, as a Creek freedman.

APPEARANCE:

JOHN G. LIEBER appears for M. L. Mott,  
attorney for the Creek Nation.

ALICE SCOTT, being first duly sworn by Henry G. Hains,  
a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Alice Scott.  
Q How old are you? A Be 27 next month.  
Q Have you testified in this case before? A Yes sir.  
Q Is your street address still 512 West Market? A No sir,  
it is 571 Altamont.  
Q Did you ever have a child named Marguerite Scott? A Yes  
sir.  
Q How long did it live? A Well it was born the 4th and died  
the 7th; she lived six or seven days.

BY MR. LIEBER:

- Q You say she was born on the 4th day of March? A Yes sir.  
Q How do you remember it was on the 4th day of March? A Why  
the calendar was hanging up there right where I could see it.  
I first asked Mama and she didnt know. I looked on the  
almanac.  
Q What kind of weather was it when the child was born? A I  
think it was kind of cloudy weather.  
Q Are you certain the child was born in March? A Yes sir.  
Q What day of the week was the child born on? A I disremember  
what day of the week she was born on.  
Q What time of the day was she born? A Five o'clock in the  
evening, if I make no mistake.  
Q Well you know whether the child was born in the daytime or  
night time, dont you? A Yes.

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- Q Why did you say then, if you make no mistake? A Well, why I say that, I sent for the doctor in the night; he didnt come until the next morning, and she was born between four and five o'clock.
- Q In the afternoon? A Yes sir.
- Q Well, did you send for the doctor as soon as you took sick? A Yes sir.
- Q The child wasnt born yet when you sent for the doctor was it? A No.
- Q I thought you just said you sent for the doctor in the night and he didnt come until the next morning? A He didnt come that night.
- Q You say you sent for him in the night? A Yes sir.
- Q The child wasnt born yet when you sent for him? A No.
- Q He came then the next morning? A Yes sir.
- Q Was the child born then? A No.
- Q How long did the doctor stay with you? A He was there all day with me.
- Q All day? A Yes sir.
- Q He was there all day, up until the child was born, then? A Yes sir.
- Q And you say you dont remember the day of the week? A No sir.
- Q Do you know whether it was on Sunday or not? A No I dont think it was on Sunday; dont know.
- Q Is your husband living? A Yes sir.
- Q Live with you now? A No sir.
- Q How long since he lived with you? A Well it has been eleven months now.
- Q Who was living with you when this child was born? A My Mamma
- Q Anybody else? A No.
- Q What had you and your Mamma been doing the day before this child was born? A We were washing, taking in washing.
- Q How often did you wash during the week at that time; did you have certain days that you washed? A We always washed on Monday and Tuesday.
- Q Did you wash any other days during the week or just on Monday and Tuesday? A Well sometimes I would wash my clothes during the latter part of the week.
- Q What were you doing now the day before the child was born; were you washing your own clothes or were you washing for other people, you and your mother? A I was tacking a comfort.
- Q Before you took sick were you busy before you sent for the doctor? A Yes sir.
- Q Then you hadnt been washing that day at all had you? A No sir.
- Q Do you know what your mother did the day this child was born? A No I couldnt tell what she was doing.
- Q Do you know whether she was washing or not? A No, she stepped out of the house. I dont know really what she was doing.
- Q Who came in thereto see the child after it was born? A No one.
- Q Not a soul? A No sir.
- Q You mean to say that nobody saw that child from the time it was born until it died? A No one but Mamma.
- Q Did the doctor see it? A Yes sir, the doctor saw it because he was there and tended on it.
- Q Did he ever come back to visit you after he left the house

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- that time? A No.
- Q Didnt you have some neighbors there? A No sir.
- Q How far was it to your closest neighbor? A I lived among white people. They didnt visit me and I didnt visit them.
- Q What is the name of some white people that lived next to you? A Merryman; I knew his name because I bought wood from him.
- Q George Merryman? A Yes sir.
- Q What other people lived next to you? A I dont know their names.
- Q You know what day of the week this child died on? A No sir.
- Q Do you know how many days it lived? A She lived six or seven days.
- Q And died when? A Died on the 7th.
- Q 7th of March and born on the 4th? A Yes sir.
- Q Do you know how to read and write? A No sir.
- Q Dont know a thing about it? A No sir.
- Q Are you sure the child lived six or seven days? A Yes sir.
- Q Who buried it? A Watts.
- Q What is his other name? A I dont know his given name.
- Q Do you know what business he was in-- what he did for a living? A I dont know really whether he was a brick layer or plasterer; I dont know his occupation.
- Q Did he live close to you? A No sir, he lived out of town-- what part of town I dont know.
- Q You dont know what part of town? A No.
- Q Who went to the funeral? A Watts he carried it and buried it.
- Q Who else? A Mamma.
- Q Did you go? A I didnt go.
- Q Why didnt you go? A I was sick.
- Q You are positive that that child was born on the 4th day of March? A Yes sir.
- Q You cant be mistaken? A No, not mistaken.
- Q Now Alice, you testified before in this case? A Yes sir.
- Q When you testified before you said that this child was born on the second day of March, and you were satisfied that you were not mistaken about that either; now you say it was born on the 4th of March; what explanation have you to make about the two different dates you have given about the birth of this child? A I stated before it was the 4th.
- Q The testimony says that you said second; You never mentioned the 4th of March in your testimony? A I dont see how that could be.
- Q Does your mether know how to read or write? A No sir.
- Q You dont either? A No sir.
- Q Your mother know one figure from another? A I dont know whether she do or not.
- Q Do you? A Well not high figures I dont; know one, two, three, four, five, along like that.
- Q Does your mother know one figure from another; does she know a four from a five, five from six? A I dont know.
- Q You say you know the difference in figures do you? A I know the difference in five and four.
- Q What figure is that (showing the witness calendar)? A Six.
- Q What figure is that right there (showing the witness figure 8)? A I dont know.
- Q What figure is that right there (showing the witness the figure 2)? A I dont know.
- Q What figure is that right there (showing the witness the figure 9) A Nine.
- Q What figure is that right there Alice (showing the witness the figure 7) A That is seven.
- Q What figure is that right there (showing the witness the

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- figure four)? A Four.
- Q What figure is that? A Three.
- Q What figure is that? A Five.
- Q Well you dont know them all, do you Alice? A No sir.
- Q Does your mother know as much about figures as you do? A I dont know, couldnt say.
- Q You know whether she does or not, dont you? A She would know them if she count them just like I did, one, two, three, four.
- Q Still you say your mother looked at the almanac and told you that this child was born on the 4th of March, is that right? A Yes sir.
- Q Iant it a fact, Alice, that you dont know what day of the month this child was born on? A On the 4th. I had Mamma look at the calendar.

BY THE COMMISSIONER:

- Q Why are you laughing continually during this trial? Do you see anything to laugh at about the questions now? A Yes sir, I was laughing at for you to see whether I knew figures or not.
- Q But you laughed long before Mr. Lieber showed you this calendar you have been grinning all through this examination. A I just want to smile; you dont object to that do you?
- Q I want to know if you think it is a joke when you are testifying; this is serious business not to be truthful, and not to be laughed at.

BY MR. LIEBER:

- Q Now when you were taken sick on the eve of the 4th of March you sent for the doctor that night? A Yes sir, on the third night, I sent for the doctor that night? A Yes sir, and he didnt come.
- Q Didnt come until the next morning? A Yes sir.
- Q Didnt you tell me a while ago that when the doctor got to your house the child was already born? A No sir.
- Q Didnt you tell me that up in my office not more than an hour ago, that the doctor never got there until after the child was born? A No answer.
- Q And now you say that the child was born after the doctor got there? A Yes sir.
- Q Alice, how did you come to tell the Commissioner here that the child was born on the 2nd day of March and now you say the child was born on the 4th of March; what makes you give these two dates; how does that happen? A Somebody put it down wrong then.
- Q Where does your mother live now? A She lives over on north third.
- Q Well what number? A I dont know the number.
- Q Near what place does she live? A She live down near the M.O. & G. track on north third.

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- Q Her name is what? A Annie Harris.
- Q And you say there was nobody there saw that child from the time it was born and died except your mother? A Mamma and the doctor.
- Q What did you pay the doctor in when you paid him for that visit? A I paid him money.
- Q What kind of money, silver or bills? A Silver.
- Q How much did you pay him? A Ten dollars.
- Q You dont know the given name of that man Watts who buried the child? A No sir.
- Q Does he know when the child was born? A I dont know whether he did or not.
- Q How did you happen to get him to bury that child? A He sometimes called in to bring kindling.
- Q How long had you know him? A I have been knowing him slightly since last fall.
- Q Did he come to your house about the time the child was born? A No he was not there that day at all.
- Q Was he there the next day? A No.
- Q Well, how long after the child was born was it before Watts came to the house the first time? A He come there after the baby was four or five days old. He didnt come in the room where I was; he come in where Mamma was.
- Q He knew the baby was in there, didnt he? A I dont know whether Mamma told him or not.
- Q Where was the child buried? A I told him to carry it out to Old Agency graveyard.
- Q You dont know whether he did or not? A No, sir.
- Q Did Watts come on back to your house after he went to the cemetery? A No.
- Q Ever seen him since that time? A I seen him, but it was quite a while afterwards; I was walking around.
- Q Did you ask him anything about the child? A I didnt
- Q Ask him where he buried it? A No.
- Q You got any other children buried out at Old Agency? A No.
- Q Any relatives buried out there? A Well my father is buried out there some place, I think; I am not positive where they buried Papa.
- Q What is the reason you havent brought this man Watts up here to testify about this case? A Why I dont know how come I didnt. I went back home, stayed there three or four days, well I stayed there a month, then I moved and went away; I just got back a few days ago.
- Q What is the reason you havent brought your mother up here to testify about this case? A I just really didnt brought her.
- Q Alice who told you to come up here and try to enroll that child; who told you to do that? A No one told me.
- Q Now, you know somebody told you to come up here and enroll that child; who told you to do that? A No.
- Q What lawyer did you talk to about it? A I havent seen any lawyer at all.
- Q Talk to some Notary Public? A No sir.



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Well, how did you happen to get it into your head that the child was entitled to enrollment? A Well I hear 'em read it in the paper that all the newborn babies born in March was entitled.

- Q Who did you hear read it Alice? A Why I heard Mr. Carroll for one, heard him read it.
- Q How long had that child been dead when you came up here and gave that testimony before the Commissioner? A I think she was nearly two months old, would have been if she was living.
- Q Nearly two months old? A Yes sir.
- Q Then she would have been not quite two months old, or a little over two months old when you came up here and gave testimony before the Commissioner? A I dont know what day it was I come up here; I could count from that if I knowed just what it was.
- Q Now you heard the people reading about these newborn children in the newspapers you say A Yes sir.
- Q What is the reason you didnt come up and try to get that child enrolled since you heard them reading about it in the paper? A Well I didnt take time to come out; I didnt want to come out so soon.
- Q How long was it before that child was born before you moved away from that place on Market street? A After the baby was born.
- Q How long after the baby was born was it before you moved away from up there? A I moved away from there in August, what day I dont know.
- Q This last August? A Yes sir.
- Q When did you move into that house on Market street? A I moved in there last fall.
- Q Who did you rent from? A Perryman.
- Q White fellow or colored? A Colored.
- Q What is his other name? A John Perryman.

BY THE COMMISSIONER:

- Q Where does he live, Perryman? A Perryman, he did live with his mother; lives down on South Second.
- Q How much did you pay him a month for the rent of that place? A Six dollars.
- Q Pay him every month? A Yessir.
- Q Would he come around there to collect himself? A Yes sir, no one else called but him.
- Q When did he collect for the month of February? A Just what date?
- Q When would he call; like for last month, when would he call; on the first of this month? A Sometimes come there on the first and second and I would not have his money, sometimes come back for it.
- Q Did you pay him? A Yes sir.
- Q Every month? A Yes sir.

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Q He came there himself, would he? A I got back in my <sup>house</sup> renting two months, but I paid him all of it.

BY MR. LIEBER:

- Q Alice, what is the reason you didnt bring that doctor up here to testify about this case? A Why I dont know; I was up here and I thought the Commissioner would say something about it. He stepped at the phone and called him up, and I dont think that he was in his office.
- Q You have never tried to get him by yourself? A No sir, not after he did.
- Q How long had you known Dr. Waring when you sent for him to come up and wait on you for your child? A I had never seen him but once when he come up there to see Mamma.
- Q How long had he waited on your mother? A I dont know.
- Q How often did he go to see your mother? A He didnt go there only once.
- Q Did you pay him when he visited your mother, or she pay him before he left the house? A They was in the room, talking to Mamma, said she had oughtto pay him a little; said she didnt have enough to pay him; said she would pay him some, what she said.
- Q Where was your husband when this child was born? A I couldnt say where he was.
- Q Did he ever see the child? A No he never saw it.
- Q You swear positively that that child was born on the 4th day of March? A Yes sir.
- Q You cant be mistaken about it now? A No, because that is what I said when I was here before; he was born the 4th.

BY THE COMMISSIONER:

- Q You understand the nature of an oath, holding up your hand and swearing? A Yes sir.
- Q You understand the penalty for false swearing; you know that you are liable to imprisonment if you are guilty of swearing to a falsehood; do you know that? A That is what I hear 'em say.
- Q Then you will not plead ignorance if it is found out that this is not true? A No because I always heard them say if you swear false they will punish you for it.

WITNESS EXCUSED

Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on October 27, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Cora Moore*  
Subscribed and sworn before me October 30, 1906.

*Edward M. Harris*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY.  
OCTOBER 29, 1906.

In the matter of the application for the enrollment of  
Marguerite Scott, as a Creek Freedman.

Appearances: John G. Lieber, acting for M.L.Mott, attorney  
for Creek Nation.

A. T. Waring, being duly sworn, by H.G.Hains, a Notary  
Public, testified as follows:

Examination by Commissioner.

- Q What is your name? A A.T.Waring.  
Q What is your age? A I am forty-one years old.  
Q What is your post office address? A Muskegee.  
Q What is your profession? A Practitioner.  
Q Of what? A Practice of medicine..  
Q Do you live near the corner of Ninth and Fondulac?  
A Yes sir.  
Q How long have you practiced medicine in this town?  
A About--near four years.  
Q Where is your office? A In the Estes Building.  
Q Do you know Alice Scott? A Yes sir, I think I --I have just  
a faint idea of her; there are two parties that were inquiring about  
her and I made inquiries, and I think I would know her if I was  
to see her.  
Q Do you know her husband? A No sir.  
Q Well, did you wait on her when a child was born to her?  
A If I did, I don't remember, of course there are times that  
I have waited on people and never return again it is true, and if  
they pay me sometimes I never enter in on my books, that is, un-  
til recently since they have passed a new law requiring records  
be made of the birth and death of children.  
Q When was that new law passed? A I think sometime this spring.  
that is it is a twenty-five dollar fine if you don't make a  
record of it.  
Q Don't you remember what time in the spring that new law came  
into effect? A I have papers sent me from the secretary of  
the Board of Health and I have the envelope up there in my office  
I can find out that way by looking it up.  
Q Since that time you have been required by the Board of Health  
to make a record of all babies that you know were born and that  
you have waited on? A Yes sir and all deaths too.  
Q So if you did wait on this woman when her child was born, it  
must have been before that time, is that correct? A Yes sir.  
Q You have obeyed that order? A Yes sir, pretty closely,  
except one or two cases that come under peculiar circumstances  
that I haven't reported, but they got another doctor. In other  
cases besides these two, I was pretty punctual.  
Q And your remembrance alone does not help you to remember that  
you ever did wait on this woman Alice Scott when her child was  
born? A No sir.  
Q This might help you to remember it, she says she lives in a  
house up here about 500 and something Market Street, right around

white people, Marriam and some other people?

A I waited on some people on Market street, but I don't think I waited on Alice Scott; I waited on some people at Altemont and Market corner and also some near 7th and Market, but I don't remember any of the numbers of houses; I remember waiting on a family by the name of Walkter, the Walker family, they live on Market Street.

Q Have you examined your record since these gentlemen came up to see you about this?

A Yes sir, I looked it up there in the office and I also looked it up in my bank book. When I have cash cases I made no record of it; these gentlemen said she said she paid me and if she did I did not put it on my books nor prescriptions. That is about all I have to say about it I believe---that where I receive cash, I do not enter matters on my books, that is until recently when this new law was passed. They said she said she paid me \$10.00 Now my bank book showed that I had deposited five dollars in the morning and six dollars in the evening on or about the day these men called my attention to it, but I didn't remember just what I got that Ten dollars for, just where I got it.

Q But your recollection do not help you to remember how you got that five and six dollars? A No sir.

By Mr.Lieber.

Q Doctor, do you know a woman by the name of Emma Harris?

A Yes sir, I don't know her first name but I know one Mrs. Harris that I treated; she lived on 7th street and her husband's name is Robert, and he works up here at the Turner Hotel.

Q Now has this woman got a daughter that you know of?

A I think so, married daughter you mean?

A Any kind? A Yes sir, she has a daughter.

Q Do you know her name? A No sir, but she has a little girl; lives on 7th street near Girard.

Q Now Doctor what is your usual charge in waiting on a woman in confinement? A Ten dollars in an ordinary case.

Q Is that for just one visit or more than one? A It means that I visit ---it means one visit or more than one; if I get that Ten dollars in and if they don't send for me again I don't go back.

Q You have no recollection of waiting on this woman at all, Alice Scott? A For delivering a baby, no sir. Of course there are lots of cases where I am called upon to wait on people that I don't know their names and if they pay meright there ~~there~~ don't think any more about it; I don't always remember the names of my patients, and of course there are some that I wait on that I know by name; there are some names that I rarely ever forget, even for a year or more, and some that I can't remember.

Q Have you been away from town during any time this year?

A No sir.

Q Have you ever been out of town for as much as a week any time this year? A No sir. I haven't been out of town since I have here except once and I went to Nashville, Tennessee.

Q Your books do not show any record of having waited on this woman, Alice Scott? A No sir.

Q Have you any account on your books against Emma Harris?

A I have against Mrs. Harris, that is I know I have on my books about some person I was talking to you about, Merchant is the way it is on my books and later I learned that her husband's name was Robert, and I inserted on my books that way; I think there is a Dr.Waterford, here, people sometime get us mixed.

Q Dr. have you any record on your books of this woman Mrs. Harris sending for you to wait on her or some member of her family in confinement? A <sup>we</sup> sir.

Q You are not in the habit of making notes of the persons you wait on during confinement, that is you did not until the passage of this City Ordinance? A No, not unless they paid me.

Q Since the passage of the City Ordinance to report all birth of children, you have kept no record of waiting on this woman during confinement?

A Well I have kept it in this way that where good many of them live where I couldn't get to my office, I got blanks and made <sup>up</sup> of it.

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 cause on said date.

Lona Merrick

Subscribed and sworn to before me this 10th day of November, 1906.

Edward Merrick  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, October 30, 1906

In the matter of the application for the enrollment  
of MARGUERITE SCOTT as a Creek Freedman.

APPEARANCE:

JOHN G. LIEBER appears for M. L. Mott,  
Attorney for the Creek Nation.

ANNIE HARRIS, being first duly sworn by Henry G.  
Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Annie Harris.  
Q How old are you? A About forty-five years old.  
Q What is your post office address? A Muskogee  
Q What house do you live in; what street address have you?  
A Hill and Howard Streets, north part of town.  
Q Do you live in any of the additions? A I live in the  
north part of town.  
Q This side of Reeves Addition? A Way on this side.  
Q Do you know Alice Scott? A Yes, sir.  
Q Is she any kin to you? A My daughter.  
Q Was she ever known by any other name than Alice Scott?  
A Been married twice; went by Alice Gaskill, first husband.  
Q Give the names of her children. A Freddie Gaskill, Jake  
Gaskill, Wiley Gaskill.  
Q Any others? A This last one by Jimmie Scott.  
Q What is its name? A Marguerite Scott.

BY MR. LIEBER:

- Q Annie, do you understand the nature of an oath? A Yes, sir  
Q When you held up your hand and take an oath before an  
officer to tell the truth, the whole truth and nothing but  
the truth, you understand you are expected to tell the  
truth, don't you? A Yes, sir.  
Q You understand what the penalty is, if, after taking an  
oath, you swear to a falsehood? A Yes, sir.



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- Q What? A Punish you for it.
- Q Imprisonment in the penitentiary? A That's what they say.
- Q You say Alice Scott is your daughter? A Yes, sir, my oldest child.
- Q Who was present when this child, Marguerite was born? A I and Dr. Waring.
- Q Anybody else? A No, sir, just we two and her little boy.
- Q Was there anybody there shortly after the child was born? A Yes, sir.
- Q Who? A Mr. Watts.
- Q How soon did he get there after the child was born? A Good while; we sent for him, sent the little boy.
- Q Was it the same day? A Yes, sir.
- Q What did you send him for? A I sent for him to fetch us some coal; I sent for him to bring a lot of coal; I couldn't leave the house at present.

Adjourned until one o'clock

Case continued

BY MR. LIEBER:

- Q Did he come there to the house the same day the child was born? A Yes, sir, he came to bring the coal that evening.
- Q How much coal did he bring? A Brought fifty cents worth.
- Q Was he in the coal business at that time? A No, sir, he went and bought it; I sent for him by the little boy, and he bought it, and brung it up to the house.
- Q Do you know who he bought it from? A Some coal man down there, I think it was Pickens; he had some coal down there.
- Q How long did that child live? A Lived three days.
- Q Who else was there at the house during the time it was alive besides you and your daughter and Watts? A He was at the house that same evening she had the child; he didn't come back any more till the child died, and I sent for him again.
- Q Wasn't there anybody else there at the house from the time it was born till it died, except you and your daughter and her children? A No, sir.
- Q Didn't any of the neighbors come in to see the child? A No, sir; they were white folks; white folks didn't visit with us; we lived tight among white folks.
- Q What folks live around there? A Mr. Merryman, all the one I know, white man.
- Q When did the child die? A Died on a Wednesday.
- Q What month? A March.
- Q What day? A It died --- born on the fourth day of March, on a Sunday, died the seventh of March, that was on a Wednesday.
- Q How do you remember that? A I had the almanac, I kept count.
- Q You can't read? A No, sir, can't read. Know figures.
- Q You can't write either? A No, sir.
- Q Your daughter can't write? A No, sir.
- Q What figure is that right there? A Figure five.
- Q What figure is that? A Two.
- Q That? A Six.
- Q That? A Seven.
- Q What figure is that? A Three.
- Q What figure is that? A Eight.

- Q When was the last time that you saw your daughter, Alice?  
A I have seen her off and on all this week and last week too.
- Q When was the last time you saw her? A I seen her this morning.
- Q She was talking to you this morning, wasn't she? A Yes, sir.
- Q Talking about this child, too, wasn't she? A Yes, sir.
- Q She was coming, she was to be here, I guess she will soon get here.
- Q You and Alice got your heads together, and you decided this child was born on Sunday? A Know it was on Sunday.
- Q How do you remember it was on Sunday? A Because I had the book, had the almanac.
- Q What time was the child born, daytime or night time?  
A Born that evening, Sunday evening.
- Q What time? A Between four and five o'clock.
- Q That was in the afternoon? A Yes, sir.
- Q Who was present when that child was born? A Me and Dr. Waring.
- Q Sure the doctor was there when it was born? A Yes, sir, he was right there.
- Q How long did he stay there, Annie, after it was born?  
A No longer than he got through and went off.
- Q How long had he been there at the house? A To the house quite a little while.
- Q What do you mean? A Come there at seven o'clock, went away shortly after he was through.
- Q Came there at seven o'clock in the morning? A Yes, sir.
- Q You say that Watts went and bought some coal for you the same day the child was born? A That ~~same~~ evening; fetched it that evening; I sent by the little boy, my little grandson.
- Q Did you give him money to buy the coal? A Yes, sir.
- Q Did he tell you where he got the coal? A Told me, think it was Pickens coal place there; Pickens had coal there down on Fourth Street somewhere.
- Q What had you been doing that day? A Washing and ironing, ironing day.
- Q That day child was born? A Yes, sir Ironing, ironing; stopped when she took sick.
- Q When did you send for the doctor? A That morning.
- Q Who went after him? A I sent the little boy down to the shop there to ring him up.
- Q Seven o'clock in the morning? A Yes, sir.
- Q And you had been ironing before that? A Yes, sir.
- Q Do you iron on Sunday? A I had been ironing Saturday night, Sunday I dont iron; yes, sir, I did press some things that Sunday morning, I ironed a few pieces that morning; my daughter says, Mama, what are you doing? I said I was ironing. She said, dont you know it is Sunday? I had done forgotten about that.
- Q Annie, you are quite sure you are not mistaken about that?  
A No, I aint a bit mistaken, because I was a thinking it was Saturday until I looked at the almanac.
- Q Remember, you are under oath, and we dont want you to tell anything that is not true. A It is the truth; do you think I would set down here, and tell you a bare-faced lie? No, sir, I would never do it.
- Q You say the child lived three days? A Yes, sir. Lived till Wednesday evening.
- Q What time did it die? A About five o'clock.
- Q Was it sick from the time it was born? A Seemed like it was kind of peart, couldn't tell. It had the hives.

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- Q Is that what caused its death? A Yes, sir, think it is.
- Q Did the doctor ever come back there after he left that night?
- A No, sir, he never came back after he left that evening.
- Q Do you know why he didn't come back? A No, sir.
- Q Didn't send word to him that the baby wasn't doing well?
- A No, sir, didn't send the little boy because he didn't know where his office was.
- Q You sent the little boy to telephone for him? A Yes, sir. He went down to Mr. Carroll's butcher shop.
- Q Couldn't he have gone down to the butcher shop and told the doctor to come up. A No, sir he didn't know.
- Q Annie, he could have gone to the butcher shop and told them to telephone for the doctor to come up same as he phoned for the doctor to come up and wait on her? A Yes, sir, he could, but I didn't send him.
- Q You knew the child wasn't doing well, didn't you? A Yes, sir, I see it wasn't doing well.
- Q And still you never sent for the doctor? A No, sir, I never sent for the doctor; I give him tea, what I knowed for the hives.
- Q Did you pay the doctor for his services? A My daughter paid him.
- Q When did she pay him? A She told me she paid him.
- Q She didn't pay him there when the child was born? A No, sir, didn't have it right then.
- Q You know that to be a fact, don't you? A Yes, sir.
- Q In fact, you didn't have enough money to buy fuel, did you Annie? Yes, sir, I had plenty of grubb.
- Q You didn't have very much money, because you only bought fifty cents worth of coal. A I had money. You know a person cant make much money washing and ironing.
- Q You didn't have enough money for the doctor when he was there? A No, sir.
- Q Did you pay the doctor anything before he left the house?
- A No, sir, didn't pay him anything, he told her he would wait on her a little while.
- Q Do you know when your daughter did pay him? A No, sir, she told me she did pay him.
- Q Did you ever see her pay him anything? A No, sir, never saw her pay him anything.
- Q When did she tell you she made the last payment to him?
- A She told me Saturday.
- Q Last Saturday? A Yes, sir.
- Q Whendid she say she had made the last payment to him?
- A Some time last week, what day I don't remember, couldn't remember.
- Q Said she paid him some time last week? A Yes, sir.
- Q Say that doctor's name is Waring? A Yes, sir.
- Q Where is his office, Annie? A Down there across the street in that big rock building, right off that store there, on the same street that Patterson's store is on, right there by the grocery store.
- Q Was it right close, up above there, where Dr. Sims has an establishment? A Right upstairs there,
- Q And where that colored man has a clothing, a dry goods store? A Yes, sir.
- Q Adams is his name? A Yes, sir.
- Q Is this the doctor that waited on your daughter? (Referring to Dr. Waring who has previously testified in this case)
- A Yes, sir.
- Q Now, does your daughter ever go by any other name besides Alice Scott? A Before she married him, she went by Alice Gaskill.

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- Q Now, what name did you folks give the doctor here when you called him over there to wait on your daughter? A Alice Scott.
- Q Annie, have you ever owed Dr. Waring anything yourself? A Yes, sir.
- Q He has an account against you, has he? A No, sir, done paid him.
- Q You have done paid him in full? A Yes, sir.

BY THE COMMISSIONER:

- Q Did you go to church about that time? A No, sir
- Q I mean that time of year? A Yes, sir
- Q What church did you go to? A Central Baptist.
- Q Who is pastor there? A Dr. Roseby.
- Q Did you go there the Sunday before the child was born? A No, sir, couldn't
- Q Go to church the Sunday after it was born? A No, sir.
- Q Did any of the sisters, any of the women of the church, ever come to your house while that child was there? A No, sir.
- Q None ever came? A No, sir.
- Q Any go to the funeral with you when you buried that child? A No, sir, this Mr. Watts carried it.
- Q Didn't tell the preacher? A No, sir, didn't need no preacher.
- Q I mean when it was dead? A Yes, sir, after it was dead I told Brother Haywood.
- Q The same one you called Rosewood, awhile ago? A No, sir, another one.
- Q When did you tell Brother Haywood about that? A Been long time, couldn't tell you.
- Q How long after the death of the child? A Couple of Sundays after that.
- Q Where was Brother Haywood's church? A Second Baptist.
- Q Didn't he say anything about why he didn't tell any of them about it when the child was buried? A Didn't say anything
- Q Didn't say anything about it? A I wasn't exactly talking to him - talked to his wife, too; he and his wife were together.
- Q Did they live near the church? A I think they lived in the south part of town; they used to stay over there; think they moved away.

WITNESS EXCUSED

DOCTOR A. P. WARING, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A A. P. Waring
- Q You testified the other day in this case? A Yes, sir.

BY MR. LIEBER:

- Q Doctor, you saw the woman who has just testified in this case, did you? A Yes, sir.
- Q Do you know her? A Yes, sir, I know her.
- Q Since seeing her, do you recall to your mind the fact of having waited on someone at her house? A Yes, sir, I just tell the whole thing, the way that thing is. Of course now, I remember, since seeing her, that I have waited on a daughter of hers. Of course, while I would not like for you to prosecute 'em, she missed a month or so, and then got through, and the thing come in this form, couldn't tell whether it was a boy or girl.
- Q In other words, it was what we commonly call a miscarriage? A Common expression. And we call them from the third month up to the seventh month fetus; from the eighth we call it a baby; from the first up to the third, embryo.
- Q Then you remember about that, do you, doctor? A Yes, sir, I remember about that.
- Q Since having seen this woman? A Yes, sir.
- Q Can you state to the Commissioner, doctor, about when that took place? A I declare I cant do that, exactly. It was sometime, I think, since Christmas.
- Q Since Christmas? A Possibly. I would not be certain in making the guess.
- Q Do you remember now, since seeing this woman whether you made any charge for your services in that case? A I know I made charges, tell you the fact, think this woman has paid me all she ever owed me, that is, the witness that just testified; but the other one, if she paid me, I don't remember.
- Q Doctor, have you examined your books since testifying in this case a few days ago? A Yes, sir, of last year.
- Q Have you found any charges against Alice Scott? A No, sir, I have three or four different Scotts.
- Q Doctor, have you any charges on your books against Mrs. Will Scott? A No, sir, neither one Will Scott; in fact, I think each Scott that I have on my books is a woman.
- Q You remember very clearly now though that the woman you waited on at this old lady's house that just testified in this case did not give birth to a child; that it was a miscarriage? A Yes, sir.
- Q You are satisfied, Doctor, are you, that you are not mistaken about the identity of the party, are you? A I am yes, sir.
- Q Doctor, what day of the week was it you went there to wait on that woman? A Honestly, I cant recall. I remember only that it was one night, I think it was.
- Q One night? A I think it was, yes, sir, one night; what day of the month, or what month, I don't recall it.
- Q You said a while ago that you thought it was after Christmas A I do think so.
- Q Was it in January, or could it have been later on this year? A Yes, sir, it could have been later on. As my recollection, it is since Christmas, and it might have been probably in February.
- Q As a matter of fact, you know that there was no child born alive there? A Yes, sir, there was a embryo, that is, it hadn't even reached three months, we call that an embryo.

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- Q How long did you stay there waiting on that woman? A I went there and stayed about three hours, about two or three hours.
- Q You didn't stay all day, you are sure of that, are you?  
A Yes, sir.

BY THE COMMISSIONER:

- Q Then, if this old lady testified here that you came there in answer to a phone call at seven o'clock on a Sunday morning, and stayed all day, and that a child was born, and born alive, and lived three days, she has testified something that is not true, has she? A She has testified something I don't know anything about.
- Q The only time you waited on any woman at her house, this woman you positively identify now, was when you went to wait on this woman who had this embryo? A Yes, sir, except herself; I waited on the old lady.
- Q I mean for a child, or anything approaching a child?  
A Yes, sir.

WITNESS EXCUSED

PETER WATTS, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY MR. LIEBER:

- Q What is your name? A Peter Watts
- Q How old are you? A Forty-seven
- Q What is your post office address? A I live in Caesar Addition. I dont have any number out there.
- Q In town here? A Yes, sir.
- Q What is your business? A Plasterer.
- Q Do you know Annie Harris, who has just testified in this case? A Yes, sir, I know her.
- Q How long have you known her? A Since last summer.
- Q Last summer, a year ago? A Yes, sir.
- Q Do you know her daughter who lives with her? A Yes, sir.
- Q What is her name? A Alice
- Q Have you known her that long? A Yes, sir.
- Q Are you kin to them? A No relation in this country at all, none but myself.
- Q What is Alice's surname, Peter? A I dont know, sir, really what is her name.
- Q Is it Scott? A Scott, I believe. Think it is Scott.
- Q Have you been pretty well acquainted with her, Peter, since you been there? A For a while, there was two young men boarding there that worked for me. I got alop from there. I told her if she had any to save it for me; I would carry it away; I got acquainted with her.
- Q Do you know whether Alice Scott gave birth to a child any time this year? A No, sir, not this year, last year; I dont remember just when, but I think she did, but when I am not sure, but when I went there to burry the little child for her, dont know exactly when it was, but it been since I been acquainted with her.
- Q Well, was it before or after last Christmas? A I think it was before Christmas. I keep no definite account for I just thought when a person is dead, no matter come when



- thought  
they died, went and burried them; that is all we ~~did~~ about it.
- Q Peter, did you see that child when it was dead? A No, sir, put it in a coffin, didn't see it, didn't go in there.
- Q And you dont know whether what you burried there was a child or not, do you? A Something in the box all right.
- Q I say, Peter, from your personal knowledge, do you know what was in the box? A From my personal knowledge, I dont know what was in the box.
- Q You never saw it before it was put in the box? A No, sir.
- Q What kind of a box was it? A Wooden box. I had made them myself.
- Q What did you do with it? A I took it out to some cemetery. My first trip out in the country; I have only been here August, a year ago, and dont know whose cemetery it was. It was out north of town.
- Q Peter, do you know whether that child, or what was regarded to be a child, was born dead or alive? A No, sir, I dont know.
- Q Did you ever hear Annie Harris or her daughter say anything about it? A No, sir, I never heard anything about it.
- Q How did it come that they called on you to burry that box? A You see, I was getting slop there, often there, every evening, or two, and they asked me would I. Of course, I couldn't refuse. I told them, yes, as I have often did at home.
- Q Didn't they say when the child was born - anything about that? A I know when she was sick; I paid no particular attention to the time; it was some days after that before I burried the child. I never asked them a question because I knew she was sick. Men was boarding there, and they had no one to cook for them. I knew she was sick, wasn't my place to do so.
- Q Who were the men boarding there? A Mr. Anderson and Mr. Dean, when I worked that time out to your house.
- Q Is Dean living in town yet? A No, sir, not here.
- Q Anderson is here, isn't he? A Yes, sir.
- Q That is W. F. Anderson? A Yes, sir. Of course, I keep nothing of it. I just suppose when a person is dead, that is the end of it.
- Q You dont know what you burried, do you? A No, sir, I just supposed it was a child, I thought.
- Q You could not swear it? A No, sir, I see the doctor there I never ask questions. I knew she was in that condition, as far as that was concerned, I knew that all right enough.
- Q Now, couldn't you call to mind about when that wamp Peter? A No, I cannot. I thought no more of it.
- Q Are you certain it was before last Christmas? A No, sir, I aint. I know it was cool weather, pretty cold, I know that, but I just couldn't, because I thought no more of it. I think this woman come out there, and asked me if I would help to burry the child, and I did.
- Q Was you there at the house the day that child was born, Peter? A I didn't know anything about it. I cant study, I see the doctor there. I cant remember whether it was in the evening, what time of day he was there. I see his buggy - there. I knew his buggy. I paid no attention to the time, whether morning or evening.
- Q Did Annie Harris ever send you to buy any coal for her? A Yes, sir, I think she sent her daughter's little boy one time to buy some coal for her.
- Q When was that, Peter? A I dont know, sir, when that was. I told the little boy, all right, I would bring the coal; ~~when I come home, I brought the coal.~~
- Q Where was you when the little boy came to you? A I was in

- Bryant's Coal Yard, close to the Central Baptist Church.
- Q What were you doing at that time, Peter? A I dont know, doing nothing.
- Q Do you know what time of the week that was? A I dont know.
- Q Do you know whether it was on Sunday; are you certain that it wasn't on Sunday? A I dont know; well, sir, I dont know.
- Q You say you had just come from work? A Some place - Oh I know where I was, not certain, down there by Bryant's, I think, let me see, I did some work for Bryant; I am not sure I was there at that little store there where Carroll keeps there.
- Q Where did you get the coal, Peter? A Bryant's yard. Runs coal yard up there.
- Q Does he sell coal on Sunday? A I dont know, sir, whether he does or not, I am not sure that he does. I cant remember what day it was, because I just thought no more of it when I did the favor.
- Q Is that the only time you ever bought coal for this woman? A I carried her coal several times; ask me to bring 'em some coal; would bring it if he couldn't bring it. I have carried coal for 'em when he couldn't go. He would say you take this coal up for me to Alice's.
- Q Do you remember when you took that coal to Alice's; was it when you hurried this box? A It was after I got the coal.
- Q How long after? A I dont exactly remember, I know it was a few days after; I tried to study what day I see the doctor there, I dont know, thought no more of it; it has passed away. Saw his buggy standing there, said, must be someone sick -- always took bucket away, and left one to get more slop in.
- Q Just think a little, Peter, and see if you cant remember what you had been doing that day when the little boy got you to take the coal up there. A I told you I dont know, I cant get at my memory what I was doing at the time, tell you the truth, Sunday and Monday I dont remember.
- Q You had your horse hitched up, didn't you Peter? A I think I had my horse hitched up.
- Q You were down there at the coal house? A I was at Bryant's
- Q Had your horse hitched up? A I was down there at the wagon. My horse is blind and cant see. I always drive more than I ride, I dont remember what day it was.
- Q When was the last time you had a talk with Annie Harris, or her daughter, Alice Scott? A I dont know, sir, I had no talk with her; what do you mean?
- Q Just talked to 'em. A See 'em som times, I dont know, sir, I see 'em very often.
- Q When was the last time you saw them, Peter? A I see Alice in distance, I wasn't in speaking distance.
- Q When was the last time you spoke to either one of them before noon to-day? A Sunday, I believe, yes, saw old lady Sunday.
- Q Speak to her Sunday? A Yes, sir.
- Q Say anything about having hurried this box? A Never said anything to me about it at all, never said nothing about it.
- Q Peter, do you remember what job of plastering you were working on when this little boy came after you to bury this child? A No, sir, we had plastered a house for Bryant, dont remember whether I had finished his house, or one for Mr. Oscar Reed; plastered one on east side for him, dont remember whether it was Bryant's house or not, I cant remember about it. Of course, I never thought that I would

have to know anything about it when it was done, when it was done, there was nothing more of it, didn't think no more of it. I do know that I helped to bury a box. That was in it, I dont know. I know that, that is all I do know, and I know the woman was sick because the men had to quit boarding there, and I knew her condition before.

- Q Were you in the house, Peter, when she was sick? A No, sir.
- Q Did you go in the house during the day you took the coal up there? A No, sir, always threw the coal in the back window on the outside. I went into the kitchen.
- Q Did you generally go into the house when you went there to get slop? A I would always be late, sometimes I would stop in, eat supper with the boys. Sometimes I didn't; before she was sick, we would go in there, set by the fire until supper was ready; we would set there, and talk a while but after she was sick, I didn't go in.
- Q Do you know when those boys quit boarding there? A No, sir, I dont. Dont know what time it was.
- Q How long before the boys quit before the woman took sick? A Why, I think it was before the time that she taken sick, as well as I remember because I was deviling them about getting a boarding place, and I says, now, boys, get a good place, so I can get some swill for my pigs. I dont know just about the time.

BY THE COMMISSIONER:

- Q Now, just think, Watts, and tell us what is your best recollection as to the time of the year it was that you went and buried that box; you say it was cold weather; now, was it before or after Christmas, according to your best recollection; was it last year or this year? A No, sir, no use for me trying to say.
- Q Didn't you begin this testimony by saying you thought it was last year? A No, sir, I wasn't positive; I think it has been since I have been acquainted with them; I wont say positive just what time it was.
- Q I was asking you what was your best opinion about it? A I know the weather was a little cool, now, I am not sure, no, sir, don't believe it was last year, dont think it was. I cant get it to memory. I know the weather was a little cool.

WITNESS EXCUSED

Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on October 30, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

Subscribed and sworn to before me Cora Moore this November 1st, 1906

Edward H. Hickey Notary Public

N.B.F.335.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, October 31, 1906.

---

In the matter of the application for the enrollment of  
MARGUERITE SCOTT as a Creek freedman.

---

APPEARANCE:

JOHN G. LIEBER appears for M. I. Mott,  
Attorney for the Creek Nation.

---

W. M. ANDERSON, being first duly sworn by Henry  
G. Hains, a Notary Public, testifies as follows:

BY MR. LIEBER:

- Q What is your name? A W. M. Anderson.  
Q How old are you Anderson? A 29.  
Q What is your postoffice address? A Well I have 552, my  
residence, Altament.  
Q East or west, or north or south? A North.  
Q Do you know Alice Scott? A Yes sir.  
Q How long have you known her? A Well something like,  
my idea about it, eleven months.  
Q Did you ever board at her house? A Yes sir.  
Q Did anyone else board there with you? A Yes sir, fellow  
by the name of W. Y. Dean; he was a plasterer; I worked  
with him during his stay here.  
Q Where is Dean now? A I dont know, he has been gone out  
of town now about five or six months.  
Q How long did you board with her Anderson? A I didnt keep  
any account Mr. Lieber, something like two or three months  
maybe.  
Q When did you quit boarding there? A Sometime in March.  
Q About what time in March, Anderson? A I have no idea  
Mr. Lieber what time it was, I never kept no statement,  
I believe it was something like the first of March, I would  
not be positive.

Marguerite Scott-----2

- Q Have you any way that you could find out when you quit boarding there? A I was working when the weather was so I could work, and I didnt keep count of anything only plastering, work I had around.
- Q Where did you go to when you quit boarding there? A I eat at Wiley Stafford's and at John Lee's and another fellow by the name of Nelson. I eat first at one place and then another.
- Q Are you a man of family? A No sir.
- Q How long have you been living at 552 Altamant? A Something like sixteen or eighteen months.
- Q Then when you boarded with Alice Scott last winter you roomed at the same place you room now? A Yes sir, same place.
- Q Do you remember what job you was working on Anderson when you quit boarding at Alice's? A No sir, I dont.
- Q Did you ever go back there after you quit boarding there? A I went back, but not after I quit a while; I didnt have any business back there.
- Q How did you generally pay her for your board, in cash or with a check? A What are you speaking?
- Q When you paid for your board pay her money or check? A Money.
- Q Do you remember of ever paying her your board by giving her a check? A No sir.
- Q You cant state exactly how long you boarded there? A No sir.
- Q You think it was sometime in March that you quit boarding there? A My idea it was something along the first, I am not positive, last of February, or the first of March, something like that. But I am not positive of that.
- Q Who was living there with her? A Her mother, what they tell me her mother; I guess it is, they resemble very much.
- Q What was her mother's name? A Name was Harris, I dont know her other name.
- Q Annie Harris? A I am not positive, but I think that is it.
- Q Why did you quit boarding there Anderson? A Well she taken sick, Mr. Lieber, and for that reason I just began eating out in town.
- Q Do you know what the nature of her sickness was? A Well I could only say from an outside observation as far as I know.
- Q Well was she expecting to be confined? A Seemingly was to my idea; I determined it that way.
- Q Do you know whether she was confined shortly after you left there? A Well I think she was; I am not positive; I know that she was in for quite a while.
- Q You never went back there for sometime after you quit? A Sometime after I quit.
- Q Well did she tell you Anderson that she was expecting to be confined? A No sir.
- Q They ever have any people to visit them there while you boarded at the house? A None that I know of; I dont think they had a great deal of business with people; Mr. Merryman was on one side, another woman on the other side, then on the east side another woman; I dont think they had much dealings with them.
- Q When you quit boarding there did Alice have the appearance of a woman who was about to give birth to a child? A Yes sir.

Marguerite Scott-----3

- Q How long had you noticed that she was in that condition? A Well she was in that condition to my idea when I first see her, directly after.
- Q When you first went to board there? A Not a great while afterwards, might be four or five months, something like that.
- Q Dont you remember what place you went to board when you first left there? A I dont remember, had no special place; I eat at Lee's more than any place; it's right east of the Court-house, right near that jewelry store; eat there all last winter; in the spring they went to California; moved from Second street next to old man Slunker's blacksmith shop.
- Q When you boarded there with Lee; how did you pay him, by the week? A Pay him just any time, let it run three or four weeks, any time, I paid when I had the money.
- Q He kept an account with you did he? A Yes sir, kept count of what I eat, understand.
- Q You know where Lee is now? A He is in California now, dont know whether in San Francisco or Los Angeles. Mr. Slunker could tell you where they are. That was his intention to go to California.
- Q You dont remember what job you was working on when you quit boarding there at Alice's house? A No sir, I dont; different flue work, little stone job; it was so very cold couldnt do much anywhere. Dight pay no attention.
- Q You know how long you boarded with Lee before you went out and boarded with anybody else? A I didnt board steady there, eat from one restaurant to the other; I run a little bill down at Stafford's; I didnt eat there, wasnt regular boarder, just eat anywhere when I feel like I was getting hungry. A restaurant is a place I dont eat at any great while, make changes.
- Q Do you know the husband of Alice Scott? A No sir.
- Q Do you know how long it was after you left there Anderson that it was she took sick? A No sir.
- Q Well when you left there she was still able to get around and do some work, wasnt she? A No sir, she wasnt doing anything at the time.

WITNESS EXCUSED

Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on October 31, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Cora Moore*

Subscribed and sworn to before me November 1, 1906.

*Edward Herrick*  
Notary Public.



L.K.P.

Cr. En. 1107.

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

In the matter of the application for the enrollment of  
Marguerite Scott as a Creek freedman.

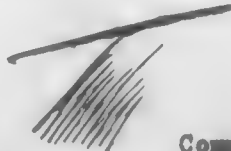
DECISION.

The record in this case shows that on June 6, 1906, Alice Scott appeared before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of her minor daughter, Marguerite Scott as a Creek freedman. Further proceedings in the matter of said application were had on October 27, 1906, October 29, 1906, October 30, 1906 and October 31, 1906.

The evidence in this case shows that it is claimed on behalf of the applicant that she was the daughter of Will Scott, whose name appears upon a partial roll of Creek freedmen, approved by the Secretary of the Interior, March 28, 1902, opposite number 1878 thereof, and of Alice Scott, formerly Alice Gaskine, whose name appears upon a partial roll of Creek freedmen approved by the Secretary of the Interior September 21, 1905, opposite number 5562.

The evidence as to the purported birth and death of the applicant is, in the main, confined to the testimony of three witnesses. The testimony of the purported mother, Alice Scott, and of the latter's mother, is to the effect that a child was born to the former at 5 o'clock, in the afternoon of March 4, 1906, and died on March 7, 1906. The evidence of these two persons, even if taken by itself, is so uncertain and contradictory, and there are so many suspicious circumstances indicated thereby, that it is of little value. The other witness, who it is admitted was the only person besides the other two, who saw the alleged child, was Doctor Waring, who attended upon Alice Scott. His testimony is positive and circumstantial that Alice Scott did not, as she claims, give birth to a living child, but to what he designates an embryo. The Commissioner sees no reason to doubt the truth of Doctor Waring's testimony, and believes that it should be given the greater weight herein.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Marguerite Scott as a Creek freedman, and the application for her enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory,

JAN 29 1907

Cr. En. 1107.

Muskogee, Indian Territory, January 31, 1907.

Alice Scott,

c/o Will Scott,

571 Altament Street,

Muskogee, 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 the enrollment of your minor child, Marguerite Scott, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the record in this 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,

Register  
In-42.

Commissioner.

Cr.En.1104 .

Muskegee, Indian Territory, January 31, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskegee, 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 Marguerite Scott, deceased, 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.

LM-45.

Cr.No. 1104.

Muskogee, Indian Territory, January 31, 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 Marguerite Scott, deceased, as a Creek Freedman, including the decision of the Commissioner, denying said application.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

IM-46.

Refer in reply to the following:  
Land 11096-1907

COPY

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

February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Marguerite Scott, as a Creek freedman, including the decision of the commissioner dated January 29, 1907, adverse to the applicant.

The record shows that on June 6, 1906, Alice Scott appeared before the Commissioner to the Five Civilized Tribes and made application for the enrollment of her minor daughter, Marguerite Scott, as a Creek freedman.

The evidence in this case shows that it is claimed in behalf of the applicant that she is the daughter of Will Scott, whose name appears on a partial roll of Creek freedmen, and Alice Scott, formerly Alice Gaskine, whose name also appears on a partial roll of Creek freedmen.

Commissioner Bixby says that the evidence is confined to the testimony of three witnesses. The testimony of the purported mother, Alice Scott, and of the mother of Alice Scott is to the effect that a child was born to Alice Scott at five o'clock in the afternoon of March 4, 1906, and died on March 7, 1906. The other witness, who it is admitted was the only person besides the

other two, who saw the alleged child, was Dr. Waring, who attended upon Alice Scott. His testimony is positive that Alice Scott did not, as she claims, give birth to a living child, but to what he designated an embryo.

Commissioner Bixby reports that he sees no reason to doubt the testimony of Dr. Waring and believes that it should be given the greater weight. Therefore by reason of the Act of April 26, 1906 (34 Stat. L. 137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of Marguerite Scott as a Creek freedman.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EEM-D



LRS

I.T.D. 4880, 4890, 4904, 4960, 4962-07.  
 4964, 5022, 5166, 5202, 5328-  
 5342, 5374, 5376, 5378, 5380-  
 5394, 5398, 5400, 5402, 5404-  
 5410, 5412, 5418, 5424, 5428-  
 5466, 5488, 5498, 5548, -  
 D.C. 12430-1907.

March 1, 1907.

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases  
 adverse to the applicants are hereby affirmed, viz:

| Title of case.                               | Date of your<br>letter of transmittal. |
|--|--|
| Rhoda Walker,                                | December 19, 1906                      |
| Josiah McIntosh                              | January 18, 1907                       |
| Tony Harlings,                               | January 18, 1907                       |
| George Allen, (Freedman),                    | January 28, 1907                       |
| Henry Edwards, (Freedman)                    | January 28, 1907                       |
| Lewis Davis, deceased,                       | January 28, 1907                       |
| Robert Scott, deceased,                      | October 19, 1906                       |
| Tom and Mattie Jeffries, deceased,           | February 8, 1907                       |
| Emma Dodge, (Freedman)                       | February 8, 1907                       |
| Georgia Davis, deceased, (Freedman)          | February 7, 1907                       |
| Thelma Maud Gibson,                          | February 7, 1907                       |
| Magie Wola Poe, (Freedman)                   | January 28, 1907                       |
| Welson McIntosh,                             | January 19, 1907                       |
| Calley Caesar, deceased,                     | January 28, 1907                       |
| Sarah Buck, deceased,                        | January 28, 1907                       |
| Willie Perryman, (Freedman)                  | January 28, 1907                       |
| Joshua Gentry et al.,                        | January 28, 1907                       |
| Dennis Taylor, (Freedman)                    | January 22, 1907                       |
| Paul and Pauline Bruner,                     | January 28, 1907                       |
| Gennie Sanders, (Freedman)                   | January 28, 1907                       |
| Eddie Levi, (Freedman)                       | January 28, 1907                       |
| Gabriel Hawkins, (Freedman)                  | January 28, 1907                       |
| Lottie Dickson, (Freedman)                   | January 22, 1907                       |
| Charles Tiger, deceased,                     | January 29, 1907                       |
| Herford Barnett, deceased,                   | January 28, 1907                       |
| C-bern Holt, (Freedman)                      | February 7, 1907                       |
| <u>Margarita Scott, deceased, (Freedman)</u> | January 31, 1907                       |

Copies of Indian Office letters submitting your reports and  
 recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above mentioned  
 cases have been sent to the Indian Office.

Respectfully,  
 (Signed) Jesse R. Wilson,  
 Assistant Secretary.

27 inc. and 61 for Ind. Of.

ATMc  
 5-1-07.

JWH

Cr. En. 1107

Muskogee, Indian Territory, March 3, 1907.

Alice Scott,

1/2 Will Scott,

Muskogee, Indian Territory.

Dear Madam :--

You are hereby advised that under date of March 1, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Marguerite Scott, as a Creek freedman.

Respectfully,

Commissioner.

CR EN 1108

F

CR EN 1108

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
SEPTEMBER 20, 1906.

In the matter of the application for the enrollment of  
Emma Grayson, as a Creek Freedman.

Appearances: J.G. Lieber, representing M.L.Mott, attorney for  
the Creek Nation.

Lucy Pace, being duly sworn, by H.G.Hains, a Notary Public,  
testified as follows:

Examination by the Commissioner.

- Q What is your name? A Lucy Pace.  
Q What is your age? A Forty years old.  
Q What is your post office address? A Haskell.  
Q Are you a citizen of the Creek Nation? A No sir.  
Q Do you know Annie Grayson? A Yes sir? A Yes sir.  
Q Do you live near her? A Yes sir.  
Q What is the name of her husband? A Willie Grayson.

By Mr.Lieber.

- Q How near do you live to Willie Grayson? A I don't know sir,  
pretty near two miles.  
Q How long have you lived that distance from him? A I don't know  
exactly, I have only been here a year and eight months.  
Q How long have you lived within two miles from him? A They just  
moved there last January.  
Q How close to the Graysons were you living during February and  
March? A About two miles.

- Q Same place that you live now? A Yes sir.  
Q Do you know a child of theirs by the name of Emma Grayson?  
A Yes sir.  
Q Do you know when that child was born? A Yes sir, it was in the  
morning of what day or month I don't know, but I went to nurse  
her like this Sunday, and the next Sunday in April, Bob Lovett's  
child was born, that is how I know. I keeps all the dates down but  
this one I don't think I put down.  
Q You waited on Mrs. Grayson when Emma was born, and also Bob  
Lovett's wife when her child was born? A Yes sir on the <sup>next</sup> Sunday  
night.  
Q And that was born when? A The first night in April, Annie's  
baby is a week older than Bob Lovett's wife's.  
Q What day of the week was Emma Grayson born on? A Sunday morn-  
ing and the next Sunday following, Rebecca Lovett was confined.  
Q Now you are sure you are not making any mistakes about this,  
Mrs.Pace? A No sir. When they carried me to enroll this baby, the  
man that takes them down, I can't read or write now mister/ ----  
when she went to enroll the baby they came back for me to go  
with them to enroll it--  
Q Went to Haskell to make the affidavit? A Yes sir.  
Q Who made the affidavit? A I don't know who he was .  
Q Carl Peterson? A I guess so, he said he was a lawyer.  
Q And Notary Public? A Yes sir.  
Q You mean you made an affidavit before that fellow? A Yes sir,  
at Haskell.  
~~Q What did you tell him? A He asked me was I present when the  
child was born and would swear if I was at the birth, and I said  
yes sir.~~

- Q Didn't he ask you what day the child was born on? A No sir, he asked the mother.
- Q What did she say? A I don't know what she said, I don't know whether she said April or March, cause he asked me if I could swear I was there and I said yes sir? and then he swore me--I don't want to tell anything that is true, I want to tell the truth.
- Q Who took you before that Notary Public? A Annie Grayson and Willie Grayson, father and mother of the baby.
- Q Did they have any talk with you about when it was born while they were taking you to the Notary Public? A No sir, only when the young man brought me the subpoena---I looked at it and it was about Emma Grayson, and I said I didn't know when it was birthed and if I was going to tell them when it was birth I might be mistaken, so I went to see Ann.
- Q Did you go to see Annie? A Yes sir, I went to her house.
- Q Did you see her? A No sir.
- Q You signed that paper before the Notary Public by mark, touched the pen? A Yes sir.
- Q And was sworn to it? A A Yes sir.
- Q Didn't he read it over to you before you touched the pen? A He read it to Annie, the child's mother.
- Q You heard hm read it? A Yes sir, I was right there.
- Q Who witnessed your signature? A One of the Bankers, Pork Chop the fellow that got killed at Haskell.
- Q Didn't he have some other name? A If he did I didn't know.
- Q Was the affidavit filled out when you touched the pen and swore to it? A Yes sir, when they asked me to be sworn if I was there at its birth.
- Q Now this affidavit that you signed says that this child was born the 27th day of February, 1906, is that true? A I can't say how much of it is true--Emma is a week older than Beckie's child, I got sense enough to know that much. Annie Grayson's child was born Sunday morning and the following Sunday night, Beckie's child was born, One was born Sunday morning and the other on Sunday Night. I don't think either one of the children is a February baby.
- Q I show you an affidavit filed before the Commission for the enrollment of Rosetta Lovett, is that the name of the child you refer to? A Yes sir.
- Q You also made an affidavit with reference to the birth of that child? A I was there.
- Q In that affidavit you stated that Rosetta Lovett was born on the first day of April, 1906? A Yes sir, that is what she says.
- Q That is right? A Yes sir.
- Q Now the first dat of April this year was on Sunday? A Yes sir.
- Q Now you know positively that Emma Grayson, child of Annie and Willie Grayson, was born on the 25th of March? A Yes sir, but what day of the month it was I don't know.
- Q Which would be according to the calendar the 25th of March? A Yes sir. Yes sir, I know it was in March, but I don't know just what date it was, it was about the last of March, I remember.
- Q Now Lucy you mean to say that these people never said anything to you about when this child was born while on your way to the Notary Public? A No sir. Annie came to my house, liek today, and wanted to know if I was going to town on Saturday, and if I was for me to meet them in town and help her about enrolling this child, and I went to town, and I was there when they came.
- Q Then this affidavit you made before Carl Patterson, Notary Public saying this child was born February 27, 1906, is not correct? A Not to my remembrance it isn't.

Q Now you know that March comes between February and April?

A Yes sir, that is the reason I know it couldn't have been in February.

Q Then this affidavit is not correct if it says the child was born February 27, 1906? A No sir, it can't be correct if Mrs. Lovett's baby is a week younger than Emma.

By Mr. Lieber:

We desire to have the application for the enrollment of Rosetta Lovett, NBF 181, be made a part of the record in this case.

Q Did you hear these people having a talk with the Notary Public

A No sir. They just got me to there about the birth of the child, I can't read or write.

Q Do you know this fellow, Carl Paterson? A No sir, I know him when I see him, know him when I meet him.

Q Is he a white man or colored? A I don't, know he's got a white face.

Q Are you on friendly terms with Annie Grayson and her husband Willie Grayson? A Yes sir.

Q Did you make any record at all of the birth of Emma Grayson?

A Just sworn that I was there when it was birthed.

Q Did you make any record of the birth of Rosetta ~~xx~~ Lovett?

A I think I have it.

Q Was Willie Grayson present when this affidavit was made?

A Yes sir.

Q Right there before the Notary Public? A Yes sir, he was there.

Q What ~~say~~ did he have to say to the Notary Public? About the birth of this child? A Never heard him say anything.

Q And did the Notary Public -- who did he talk to when he was preparing this affidavit? A Annie, the child's mother.

Q Was anybody else present besides yourself? A Mrs. Tucker, her mother-in-law.

Q What is her given name? A Fannie Tucker.

Q Where does Fannie Tucker live? A Not far from me about two miles.

Q How far about? A About a quarter of a mile.

Q What direction? A North of Annie.

Q Mrs. Tucker lives near ~~that~~ there? A Mrs. Tucker lives in the west and Annie lives in the south of Mrs. Tucker.

Q Anybody else present besides the parties you have mentioned?

A Nobody but Mrs. Tucker and me and Annie, and her husband came after me that morning and said Mrs. Tucker, come there and I went there.

Q What is her husband's name? A Richard Tucker.

Q Was he there at Willie's house? A Yes sir, at the house.

Q When the child was born? A I don't know whether he was in the house or out doors, but he was there.

Q How much did they pay you for waiting on this child? A \$5.50.

Q Did they pay you anything for making this affidavit? A No sir.

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 cause on said date.

*Lona Merrick*

Subscribed and sworn to before me this 27th day of September, 1906.

*Edward Merrick*  
Notary Public.



Cr.En.1108.

I. S. W.  
A. G.

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

In the matter of the application for the enrollment of Emma Grayson as a Creek freedman.

D E C I S I O N.

The record in this case shows that on July 11, 1906, application was filed in affidavit form for the enrollment of Emma Grayson, a minor, as a Creek freedman under the Act of Congress approved April 26, 1906 (34 Stats., 137).

Further proceedings were had in the matter of said application on September 20, 1906.

It appears from the evidence above referred to and from the records in the possession of this office that Emma Grayson is the child of Willie Grayson, whose name appears upon a partial schedule of Creek freedmen approved by the Secretary of the Interior March 13, 1902, opposite No. 1402, and Annie Grayson, nee Rowe, alleged to be a citizen of the Cherokee Nation but an examination of the records of this office fails to show that said Annie Grayson, nee Rowe, is a citizen or an applicant for citizenship in said latter nation. Said affidavits also fix the date of the birth of Emma Grayson to be on February 27, 1906. However, the testimony of Lucy Pace, the midwife who officiated at the birth of Emma Grayson, which was taken on September 20, 1906, is to the effect that the date of birth fixed in said affidavits is erroneous, and that Emma Grayson was born on March 25, 1906. The witness, Lucy Pace, was subject to a thorough cross-examination as to the date of the birth of said child when she appeared before the Commissioner on September 20, 1906, and it developed from said examination that she fixed the date of the birth of Emma Grayson with reference to the birth of one Rosetta Lovett, who is shown by the records of this office to have been born on April 1, 1906, the witness testifying that she acted as midwife at both births, and that Emma Grayson was born on the Sunday preceding the birth of the said Rosetta Lovett, which fell on April 1, 1906.

I am of the opinion that a preponderance of the evidence shows that Emma Grayson was not living on March 4, 1906.

It is, therefore, ordered and adjudged that said Emma Grayson is not entitled to be enrolled as a Creek freedman under the provisions of the Act of Congress approved April 26, 1906, (34 Stats., 137), and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory,

COMMISSIONER.

FEB 6- 1907

Copy 1108  
190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved  
April 22, 1900.

Rosetta Lovett

as a citizen of

Creek

Nation.

Approved..... 190...

Commissioner.

Copy

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 23, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,  
 of Rosetta Lovett [Here insert name of child] born on the 14 day of April 1906.  
 Name of Father: Bob Lovett a citizen of the Creek Nation.  
 Name of Mother: Rebecca Lovett a citizen of the Creek Nation.  
 Tribal enrollment of father: Creek Tribal enrollment of mother: Creek  
 Postoffice: Haskell Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,  
Western District. }

I, Rebecca Lovett 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 Bob Lovett who is a citizen, by  
adoption of the Creek Nation; that a female child was  
 born to me on 1st day of April 1906; that said child has been named  
Rosetta Lovett  
 (signed) Rebecca Lovett

WITNESSES TO MARK:

[Must be Two] (Signature)

Subscribed and sworn to before me this 22nd day of May 1906.  
 (signed) R. Brownbridge  
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,  
Western District. }

I, Lucy Pace a midwife, on oath state that I  
 attended on Rebecca Lovett wife of Bob Lovett  
 on the 1st day of April 1906; that there was born to her on said date a female  
 child; that said child was living March 4, 1906, and is said to have been named Rosetta  
Lovett  
Lucy Pace

WITNESSES TO MARK:

[Must be Two] (Signature)  
W. J. Dille

Subscribed and sworn to before me this 22nd day of May 1906.  
 (signed) R. Brownbridge  
 Notary Public.

Cr. No. 1108.

JWK

Muskogee, Indian Territory, February 7, 1907.

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 Russ Grayson as a Creek freedman, including the decision of the Commissioner, dated February 6, 1907.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

JWH 7-10

Cr. No. 1108.

JWH

Muskogee, Indian Territory, February 7, 1907.

Annie Grayson,

X Willie Grayson,

Haskell, 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 the enrollment of your minor child, Anna Grayson, 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.

Registered.

JWH 7-8

Cr.No.1108.

JWH

Muskogee, Indian Territory, February 7, 1907.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, 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 Eben Grayson 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.

JWH 7-9



Refer in reply to the following:  
Land 13727-1907.

COPY.

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

February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a record of the proceedings in the matter of the application for the enrollment of Emma Grayson as a Creek freedman, including the decision of the Commissioner to the Five Civilized Tribes, dated February 6, 1907, adverse to the applicant.

The record shows that on July 11, 1906, application was filed in affidavit form for the enrollment of Emma Grayson, a minor, as a Creek freedman. Further proceedings were had on September 20, 1906. The record further shows that Emma Grayson is the child of Willie Grayson, whose name appears on a partial schedule of Creek freedmen, and Annie Grayson nee Rowe, alleged to be a citizen of the Cherokee Nation, but Commissioner Bixby reports that the records of his office do not show that Annie Grayson, nee Rowe, is a citizen or an applicant for citizenship in the Cherokee Nation. The affidavits fix the date of the birth of Emma Grayson to be on February 27, 1906. The affidavit of Lucy Pace, the midwife who officiated at the birth of the applicant, is to the effect that the date of birth fixed in the affidavits is

erroneous, and that Emma Grayson was born March 25, 1906.

The preponderance of the evidence shows that Emma Grayson was not living on March 4, 1906.

Therefore, by reason of the provisions of the Act of April 26, 1906 (34 Stat. L. 137), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicant as a Creek freedman.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

EBM-W

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.  
S.P.

I.F.D.  
6210, 6606, 6610, 6686, 6728-1907.  
6744, 6748, 6750, 6782, 6788-"  
6784, 6802, 6804, 6810, 6834-"  
6846, 6876, 7014-"

March 2, 1907.

LRS

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship  
cases adverse to the applicants are hereby affirmed.

Copies of Indian Office letters submitting your reports  
and recommending that the decisions be affirmed are inclosed:

| Title of Case.                           | Date of your<br>letter of transmittal |
|--|---------------------------------------|
| Isacrel Grayson (freedman)               | February 18, 1907.                    |
| <del>Ema Grayson (freedman)</del>        | February 7, 1907.                     |
| Eva Bruner (freedman)                    | February 13, 1907.                    |
| Oliver Elliott                           | February 16, 1907.                    |
| Florence M. Coker,                       | February 16, 1907.                    |
| Johnny Potter (freedman)                 | February 16, 1907.                    |
| William H. Hardridge (deceased)          | February 16, 1907.                    |
| Theodore Hawkins (freedman)              | February 16, 1907.                    |
| Amy Franklin et al (freedmen) (deceased) | February 16, 1907.                    |
| Jennie Myers (freedman)                  | February 13, 1907.                    |
| Alfred Mayfield (deceased)               | February 14, 1907.                    |
| Alice McCeeley (freedman)                | February 15, 1907.                    |
| Battric Scott (freedman) (deceased)      | February 14, 1907.                    |
| Lurie McKimmon                           | February 14, 1907.                    |
| Washington McIntosh (freed an (deceased) | February 23, 1907.                    |
| Roman Johnson et al.                     | February 23, 1907.                    |
| Spencer Thomas et al (freedmen)          | February 23, 1907.                    |
| Number Lowe (deceased)                   | February 23, 1907.                    |

A copy hereof and the papers in the above mentioned  
cases have been sent to the Indian Office for its files.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

18 inc. and  
36 to Ind. Of.

AFMc  
3-4-07.

Cr.No. 1108

Muskegee, Indian Territory, March 14, 1907.

Annie Grayson,

Care of Willie Grayson,

Haskell, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907 affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Emma Grayson, as a Creek freedman.

Respectfully,

Commissioner.

CR EN 1109

CR EN 1109

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY/  
JULY 25, 1906.

In the matter of the application for the enrollment of  
Havard Luckey, as a Creek Freedman.

Appearances: M. L. Mott, attorney for Creek Nation.

Mamie Daniel being first duly sworn, testified as follows:  
Questions by Commissioner:

- Q: What is your name? A: Mamie Daniel.  
Q: How old are you? A: 36.  
Q: What is your post-office address? A: Muskogee.  
Q: Have you got any house number? A: No sir.  
Q: Are you a citizen of any of the Five tribes? A: No sir.  
Q: You are a state woman, are you? A: Yes sir.  
Q: What is the name of the child you have in your arms?  
A: Havard Luckey.  
Q: How do you spell that? A: Havard Luckey.  
Q: Is it a boy or girl? A: It is a boy.  
Q: Can you read or write? A: Yes sir.  
Q: When was this child born? A: February 24, 1905.  
Q: Are you sure of that? A: Yes sir.  
Q: Did you ever make any application for its enrollment as a  
citizen of the Creek Nation? A: No sir, I came here to  
see about it once or twice but they wouldn't do anything  
unless the father was here and he wouldn't bring it up before.  
Q: How is it, at so late a date you bring it up here, at the  
last hour and last day? Don't you know that for the last  
90 days they have been taking applications for new born  
children? A: No sir.  
Q: When did you first learn you could apply for this child?  
A: This last spring a year ago.  
Q: Why didn't you apply for it then? I did, this office was  
not here then, it was across over there and they said I was  
too late.  
Q: How old is this child? A: This child is 17 months old.  
It was 17 months old on the 25th of this month.  
Q: What was the name of the midwife that attended you?  
A: Nancy Martin.  
Q: What is her post-office? A: Fort Gibson.  
Q: What is the name of the father of this child? A: Louis  
Luckey.  
Q: Do you know what his father's name is? A: No.  
Q: What is his mother's name? A: Miss Jefferson.  
Q: Do you know what Creek Indian town he belongs to? A: No sir  
Q: Are you married to him? A: No sir.  
Q: Are you married to anybody now? A: No sir.  
Q: Where did you get the name of Mamie Davis from?  
A: From my father.  
Q: What is your maiden name? A: Yes sir.  
Q: When were you married to this man? A: I don't know what  
year it was.  
Q: How long ago? A: It has been about 12 years I guess.



- Q: How long did you live with him? A: I lived with him about 9 years I guess.
- Q: Did you get a divorce? A: Yes sir.
- Q: Where did you get that divorce, in Muskogee? A: No sir at Okmulgee.
- Q: Do you know what year that was you got the divorce, what year and what month? A: It was in September 1904.
- Q: In September 1904? A: Yes sir. But what date of the month I don't know.
- Q: You haven't lived with him since have you? A: No sir, not since I have been divorced.
- Q: Did you live with him at the time of the divorce or had you separated sometime before that? A: We had separated I guess about 3 months but he was still at home.
- Q: You say you separated 6 months before you got the divorce, what do you mean by saying he was still at home?
- A: At my home.
- Q: Does he still come around to your house? A: Why yes he does.
- Q: Does he come around since you got a divorce? A: No, not unless I send for him and write to him.
- Q: Is that a legitimate child, was it born in wedlock? or out of wedlock? A: It was born after we was divorced.
- Q: How long after you were "divorsted"?
- A: About 3 months I guess.

Further hearing of the above case is continued until 8.30 o'clock A.M.----July 26, 1906.

- Q: Have you a marriage license and a certificate showing your marriage to this man Luckey? A: I have had one but I don't know whether I have it now or not.
- Q: Where were you married? A: In the Creek nation.
- Q: What town? A: Okmulgee before it was a town.
- Q: How long ago was that? A: I don't know exactly how long it has been, but it has been sometime.
- Q: Was it been 12 years? A: I don't know whether it has been quite 12 years or not. It has been 8 or 9 years.
- Q: How long did you live with him? A: I don't know.
- Q: About how long did you live with him before you separated?
- A: We have only been separated about a year and 6 months. I don't know exactly how long.
- Q: How long have you been separated? A: I think it is about 2 years.
- Q: How do you know this child was born February 24? A: Because I put the date of the month down.
- Q: Did you ever have any other children by this man? A: No sir.
- Q: You lived with him how long? A: I don't know exactly how long I lived with him.
- Q: You stated that you were married to him 8 or 9 years ago?
- A: Yes sir.
- Q: Did you live with him as much as 3 years after you were married, right on a straight? A: Yes, I guess so.
- Q: And never had a child by him? A: Not one to live.
- Q: Had one born dead did you? Did you ever have any children at all by him besides this one? A: I don't know whether it was any of his children or not, it wasn't to the time of his children, I don't know whether it was his or not.

- Q: Was he ever married to anybody else? A: No, I never been married but once in my life.
- Q: Was he ever married to anybody else that you know of?
- A: I don't know.
- Q: Didn't you ever hear that he had a wife? A: Yes I heard he had a wife before I had him.
- Q: Do you know where that wife was before you got him?
- A: No sir, I don't know.
- Q: Do you know whether she was a citizen of any of the nations?
- A: No sir, I don't.
- Q: Is Louis Luckey here now? A: Yes sir.
- Q: Ready to testify is he? A: Yes, I guess he is here, he was out there when I came in.
- Q: Who was present when this child was born, who was the mid-wife or doctor? A: Nancy Martin.
- Q: Have you her here today? A: No sir. She is not here. (Witness is advised that she must furnish the affidavit of the midwife as to the birth of the child)
- Q: You are also further notified that we desire you to furnish certified copy of your marriage license and certificate and also the decree of divorce in Okmulgee)

Questions by M. L. Mott Attorney for Creek Nation.

- Q: Why didn't you apply for this child before this? A: This is the 3rd. time already, the first time they told me they wasn't enrolling children, I was too late at that time and for me to come back again.
- Q: When was that? A: Last April a year ago I think.
- Q: Are you certain of that? A: Yes sir.
- Q: You think you came here a year ago last April and they told you they were not enrolling children? A: They said not at the present time I could come back again sometime.
- Q: Whom did you see when you came here? Did you come in this room here? A: Yes sir.
- Q: Was it this same man? (Referring to Mr. Hains)
- A: He was in here all right, I didn't speak to him, it was someone else here. It was a man with me by the name of Grayson came with me.
- Q: You were in here after that again? A: Yes sir.
- Q: When was that? A: I think it was along in the fall after that, and they were not enrolling them then.
- Q: What did they say then? A: They told me they thought I was too late then.
- Q: Did you tell them about having been in here in April?
- A: No sir.
- Q: Why didn't you? A: I thought they knew I came in here one of them asked what we wanted, he said what do you want and Mr. Grayson said this woman wants to enroll her child and they said why didn't you come before, you are too late now.
- Q: Then were you in here again? A: This time.
- Q: Where did you live when you came in last April? A: Here in Muskogee on south 3rd between 3rd and 4th street.
- Q: How long have you lived here? A: This coming December 2 years.
- Q: Did you come from Okmulgee here? A: Yes sir.
- Q: You say you were married in Okmulgee before it was a town?
- A: Yes sir.

- Q: What was there? A: Nothing but a few houses.
- Q: What building was there? A: They called it a court-house now but we didn't call it that then, I don't know how many years ago it was.
- Q: How many years ago was it? A: Since when?
- A: Since you were married at Okmulgee? A: I don't know exactly how many years.
- Q: You said it was 8 or 9 years didn't you? A: Yes, I don't know exactly how many years it was.
- Q: Did you live at Okmulgee all the time until you came here?
- A: No sir, I went to Oklahoma to my people and then back to Okmulgee.
- Q: How long did you live in Oklahoma? A: In all about 2 years.
- Q: Was he with you? A: No sir, I went back home.
- Q: Where did he stay at Okmulgee? A: Yes sir, his home is in Okmulgee.
- Q: When did he leave you, you say you separated? A: I left Okmulgee, I left him.
- Q: When did you leave him? A: This last December a year ago
- Q: That was in December of 1904? A: Yes sir.
- Q: You came here then, did you? A: Yes sir.
- Q: Did you secure a divorce? A: No sir, he got it.
- Q: When was that? How long before you came up here?
- A: It was about a month I guess before I moved and came up here
- Q: How long had he brought suit before he got the divorce?
- A: I didn't know there was a suit.
- Q: Didn't you get any notice of it? A: Yes sir, I got a notice and have the papers at home.
- Q: How long was that before you came over here? A: About a month.
- Q: How long before that did you get a notice? How long before the decree giving him a divorce did he bring the suit for divorce? How long was it? A: How long was what?
- Q: How long was the suit pending for the divorce?
- A: The next court I think.
- Q: 6 months? A: I don't know whether it was 6 months or 3 months.
- Q: Don't you know you were not living with him after you got the divorce, were you? A: No sir. Not when I got the notice he put in for the divorce.
- Q: Where were you living then? A: At Okmulgee.
- Q: You were living at Okmulgee when you got the notice for the divorce? A: Yes sir.
- Q: When was that? A: In September I think, 1904.
- Q: Well that is when you got the notice, is it? A: Yes sir.
- Q: How long had you and him been separated, after that?
- A: About 6 months.
- Q: Were you living in Okmulgee when you got the notice?
- A: Yes sir. When I got the notice for the divorce I was at Okmulgee.
- Q: Did you live with him in the same house in Okmulgee, occupy the same room and house in Okmulgee?
- A: Of course.
- Q: How long before you got the divorce was it you quit living together? A: It was about 2 or 3 months.
- Q: You have sworn to that question once. I will ask you again now, how long before the divorce was it that you and he quit living together? You said before it was 6 months?

- A: You asked me where was I at when I got the notice of the divorce and I said at Okmulgee and you asked me how long after I got the notice was it that he got the divorce and I said I was living up here and I didn't know what time whether it was 3 or 6 months.
- Q: I asked you how long it had been when you quit living with him when you got the notice of the divorce, and you said it was 6 months.
- A: It hadn't been 6 months.
- Q: How long had it been? A: About 4 months I guess.
- Q: When did he get the divorce? A: I don't know whether it was in the next Court or not.
- Q: What year was it? A: I don't think he got it until 1905 I don't know exactly when he got it.
- Q: You left him in 1904? A: Yes sir.
- Q: When in 1904? A: I think it was in June or July.
- Q: You have been living here ever since? A: I came up here the 1st. of December a year ago, I came up here in December 1904.
- Q: How old do you think that child is? A: This child is 17 months old the 24th day of this month. He was born on the 24 of February 1905.
- Q: You say you went to Oklahoma and lived there 2 years?
- A: Not to say lived there altogether, but from time to time it was 2 years.
- Q: He was not with you? A: What was before I quit him.
- Q: Were you gone the whole of 2 years? A: Not exactly the whole of 2 years.
- Q: About how much? A: 3 months at a time and 6 months at a time.
- Q: What were you doing there? A: Visiting my grand-mother.
- Q: What is her name? A: Her name is Ellen Henderson.
- Q: Where does she live? A: Earls, Oklahoma.
- Q: Who lives with her? A: Her husband.
- Q: What is his name? A: Tom Henderson.
- Q: You visited there in 1903 did you? A: Yes sir.
- Q: Did you in 1904? A: Yes sir.
- Q: When? A: I don't just exactly say that I lived there, but that was the year I visited them in 1904 but didn't stay but a week and I visit them every year.
- Q: Every year? A: Yes sir.
- Q: For how many years? A: Ever since I have been grown about 10 years I guess.
- Q: Your husband didn't go with you at any time? A: At my Grand-mother's? No sir, when my husband and I was married it was against her will and he didn't visit her.
- Q: Did he contribute to the support of that child? A: He had been all the time.
- Q: What did he give him? A: He buys what he thinks he needs.
- Q: What did he buy? A: Shoes and dresses.
- Q: When did he buy the last pair of shoes? A: This last January 1906.
- Q: What else did he buy for the child?
- A: He ain't bought anything else that I know of except things to eat.
- Q: Did he buy groceries? A: No sir, he buys clothes and I feeds him myself.

- Q: Did he give you anything? A: What he gives me is for the child, but he don't give me anything for myself.
- Q: He don't come to see you now? A: Not unless I write and tell him to come on business or something of that kind.
- Q: What business do you mean? A: This is business now, when I asked him to come and help me out or something, that is business too.
- Q: How much has he contributed to the support of that child in the last year or two? A: I don't know I didn't try to keep account.
- Q: Is he married or living with any other woman now?  
A: Yes, he is married now.
- Q: Whom did he marry? A: I don't know the lady.
- Q: Does he live with her here? A: No, he is living in Okmulgee.
- Q: He has married since he left you? A: Yes sir.
- Q: Why didn't you tell Mr. Hains that when he asked you that a while ago? A: We didn't ask me that?
- Q: He is married now is he? A: Yes sir.
- Q: Have you ever seen his wife? A: No, I have never been to Okmulgee since he has been married.
- Q: Has he been to see you? A: Not until right now, not since he has been married.
- Q: Has he any other children by this other woman? A: Yes sir
- Q: Did you hear him say? A: Yes sir, I heard him say he had 2 other children.
- Q: By this wife? A: He just married her not long ago.
- Q: Who are they by? A: I don't know.
- Q: Are they living? A: Yes I suppose so.
- Q: Did he say he supported them too? A: I don't know. I often heard him say he had 2 x
- Q: And had to support them? A: No, he didn't tell me what he did for them.
- Q: When he said he had 2, did he say he had to do something?  
A: He didn't say he had to do nothing.
- Q: Is the same woman the mother of both of them? A: I never asked him.
- Q: Haven't you heard whether one woman is the mother of them?  
A: No sir, I never asked anything about it. I just heard he had 2 children.
- Q: Where are those children? A: I don't know.
- Q: Did he have them when he was married to you? A: I guess so, I don't know.
- Q: Has he often talked about them when he was living with you?  
A: Yes sir.
- Q: you say you were married to a man 8 or 9 years, and you say he never told you anything about those children?  
A: I didn't ask him about them, they didn't concern me.
- Q: Do you swear you lived with a man 8 or 9 years and he said he had 2 children and never told you where they were?  
A: No sir, he didn't say they was dead or living or at Muskogee or Okmulgee.
- Q: You say you don't know whether they are living or not?  
A: Surely they are living or he wouldn't say they was 2 children. The last time he told me anything about them they were living.

- Q: You don't know where they are? A: I never asked him.  
Q: You lived with him 8 or 9 years? And didn't ask him?  
A: I did not, it wasn't any of my business.  
Q: What were their names? A: I don't know.  
Q: Was he married to the woman? A: I don't know that either. I don't know whether he was married to this other woman or not.  
Q: Did he ever tell you that he was married to any other women?  
A: I never asked if he was married or not.  
Q: Did he ever say he was married or not? A: I heard he was married.  
Q: You say you lived with him 8 or 9 years and he didn't tell you that he was married to either of these women?  
A: He didn't say anything about that. He said he had 2 children.  
Q: Well you say that in the 8 or 9 years you lived with him he told you he had 2 children, and you never heard him say who was the mother of them or where they lived or anything about them, not a word?  
(Witness makes no answer)  
Q: Are you married again? A: No sir, I am not married.  
Q: Have you had any children since that child was born?  
A: No sir.  
Q: You are a state woman are you? A: Yes sir.  
Q: You are not a Creek Freedman? A: No sir, I am not.  
Q: Did he advise you to have this child enrolled or did you do it yourself? A: Why he came himself to help enroll it he came himself yesterday to help enroll it but he told me to have it enrolled.  
Q: When you came the first time how did you happen to come?  
A: I just saw where there was an opening for creek children and I knew his father was a Creek man.  
Q: You came the first time of your own motion? A: Yes sir.  
Q: How did you happen to come the second time?  
A: I just come myself.  
Q: Then did you tell him you had been trying to get it enrolled?  
A: I told him I tried to get it enrolled, and it was too late.  
Q: Did you write to him to come over here when you were going to try it again yesterday? A: I didn't write yesterday, but I did write sometime ago for him to come over and enroll it.  
Q: Why did you wait until the last day to come over here?  
A: I didn't know it was the last day.  
Q: Didn't you hear it was the last day? A: No sir.  
Q: Didn't you know they had been enrolling them for sometime?  
A: I heard a long time ago the roll was open and when I came they told me it was too late. The first time and the second time they said it was too late and I thought I would try again.  
Q: Didn't you know that they have been enrolling children for the last 2 or 3 months? A: I heard it but I didn't know it. I heard other people talking about it.  
Q: You knew other people were having them enrolled, did you not?  
A: No, I didn't.  
Q: But you heard it? A: Yes I heard they was enrolling.  
Q: You knew it was the last day? A: No, I didn't.



Questions by Commissioner:

- Q: You told Mr. Mott you came in here in April 1905, how do you know it was April? A: It was in April.
- Q: It was April or something else wasn't it? A: No sir it was April.
- Q: How do you know it was April? A: I looked and saw it was. I know it was April but I don't know what date it was.
- Q: You say you looked? A: Yes sir.
- Q: What did you look at? A: I was in the post-office to mail some letters in April 1905, what date of the month, I don't know. Then I met a man at the post-office and he said do you know they are enrolling children as creek citizens and I said I believed I would have mine enrolled and I came up her and met a man right here and he said it was too late.
- Q: Did you state that I was in here? A: You were in here you came out of there (indicating other rooms) in here but I didn't talk to you. I don't know one from the other but I think you are the same man that came out of there in here.
- Q: Was it the 1st. part of the month or the middle of the month or the last of the month? A: I think it was about the middle of the month, it wasn't the first of the month.
- Q: When you testified here yesterday, you said the first time you came up you thought it wasn't in this building?
- A: It seemed like it was over on the corner someplace.
- Q: Was it on the ground floor? A: No sir, it was upstairs.
- Q: If you thought it was over on the corner someplace, (pointing to the north) why do you say you saw me come out of that room into this room? A: I don't know whether it was the same house, but I know you came from that room in there.
- Q: Just now you state you don't know whether it is the same house or not, and just a minute ago you told Mr. Mott that I personally came out of that room adjoining this, how is that.
- A: At that time when I came to the door you were here.
- Q: How could you have come to this door and say you saw me and yet you say that it was another building that you went to over on that corner? A: When I came to that door you was there.
- Q: Was anybody with you at that time? A: Yes, there was a man with me.
- Q: What was his name? A: Colbert Grayson, came to this door with me at that time.
- Q: Where is he now? A: I don't know where he is now.
- Q: Did you have the child with you at that time? A: No sir.
- Q: How old was the child then? A: That was the first time I was up town, it was about 3 months old.
- Q: How old was it at that time? A: It was goin on 3 months old or was 3 months old.
- Q: Well if that is true, and the date you give for the birth of the child is correct, then it must have been after April 24? Then the time you came in must have been after April 24? A: I don't know the date of the month, but I know it was in April.
- Q: Going on 3 months would take it into May? (No answer)

Questions by M. L. Mott, attorney for Creek Nation.

- Q: Have you and the reputed father of this child arranged to come in and fix up this date as to being the date of the birth of this child? A: No sir, we didn't have to, it was already fixed up.

Louis Luckey being first duly sworn, testified as follows

- Q: What is your name? A: Louis Luckey.  
Q: How old are you? A: 25.  
Q: What is your post-office address? A: Okmulgee.  
Q: When were you 25? A: Last gone March.  
Q: What is the name of your father? A: Thomas Luckey.  
Q: What is the name of your mother? A: Flora Jefferson I think, that is the name, she took two names but I don't know how she is filed.  
Q: What creek Indian town do you belong to? A: Arkansas.  
Q: Are you enrolled, have you received your land? A: Yes sir  
Q: What section, township and range does your land lie in, do you know? A: I don't know exactly how it is ranged but I know it is in section 21.  
Q: Don't you know the township or range? A: No sir.  
Q: Where is it near? A: 3-1/2 miles east of Okmulgee.

Witness is identified as Lewis Luckey opposite Creek Freedman Roll, 757.)

Questions by M. L. Mott:

- Q: When did you get the divorce from this woman who was in here? A: About a year ago.  
Q: Were you ever married to her? A: Yes sir.  
Q: When were you married? A: I don't know exactly what time it must have been about 10 years ago I guess.  
Q: Where did you get the license? A: Why I never got a license but the preacher gave me a certificate.  
Q: Where did you live with her? A: In Okmulgee.  
Q: How old were you when you were married? A: Why I don't know, it must have been somewhere close to 20 years I was old. As near as I can guess at it.  
Q: I don't want you to guess, you are under oath.  
A: I couldn't exactly say how old I was at that time.  
Q: Is that the best of your knowledge? That you were 20 years old? A: Yes sir.  
Q: How long did you live with her? A: Why I lived with her until, it must have been about close to 5 years.  
Q: Did you live with her all of that time? A: Yes sir.  
Q: Never separated during that time? A: No sir.  
Q: Did you ever fall out and leave her? A: No sir.  
Q: Did you live continuously at Okmulgee all that time?  
A: Yes, until she came down here.  
Q: Did you ever live over in Oklahoma? A: No sir, I didn't live in Oklahoma.  
Q: When were you in Oklahoma? A: I have been there several times.  
Q: When? Did you go there since you left her or before?  
A: After I left her I went there to Earlshoro.

- Q: Was she away from you any time during the 5 years that you lived together? A: No sir, not until she came down here.
- Q: During the 5 years you lived together she wasn't away from you at any time? A: No sir.
- Q: Q: Not a week at a time or a night? A: Sometimes I would go and stay a week or month and work around.
- Q: That was the only time you would be away from her or she from you? You never did work around more than a month?
- A: No sir.
- Q: That is the only time you were away from her during the time you were married when you were away working? A: Yes sir. She would go to Oklahoma sometimes.
- Q: Did she stay at Okmulgee all the time you were gone?
- A: Yes sir, she wasn't away from me during that time except when she was at Oklahoma. She would take a visit sometimes "here to?" A: Earlsboro.
- Q: Who to see? A: To see her aunty.
- Q: Why didn't she say something about that? A: I don't know.
- Q: Would she go up there? A: Yes, sometimes she would.
- Q: How often did she go? A: She never went but once.
- Q: How long was she gone then? A: She wasn't gone much more than about 2 weeks.
- Q: How often was it that she was gone about 2 weeks? A: Only one time.
- Q: Are you certain of that? A: Yes sir.
- Q: You swear that do you? A: Yes sir.
- Q: That is the only time she was away from you? A: That is the only time I know.
- Q: In the 5 years you lived with her? A: Yes sir.
- Q: When did you get this divorce?
- A: I got it this last gone year. Last fall.
- Q: 1905? A: Yes sir.
- Q: You got it in 1905? A: Yes sir.
- Q: When did you leave her, when did you apply for the divorce?
- A: I never applied for it until along up in April I think.
- Q: Last April? A: Yes sir.
- Q: When did you quit living with her? A: About a year ago.
- Q: After the child was born? A: Before the child was born.
- Q: How long before you applied for the divorce in April did you leave her? A: Oh, it must have been about 6 months or more.
- Q: Well then how long had you quit living with her before you applied for the divorce? A: About 6 months, I couldn't apply for it in any shorter time than 6 months.
- Q: You say you applied for it in 1905? A: Yes sir.
- Q: Do you know when you did apply for it?
- A: I applied for it and he said I couldn't get it until the next court.
- Q: You swear you are 25 years old and lived with the woman 10 years and you married her when you were 20 or 21 years old? If that is so and you say you lived with her 12 years you must have married her when you were 15 years old.
- A: I guess so.
- Q: Did you marry when you were 15 years old? A: I guess I did when I was 15 years old according to that.
- Q: What do you mean are you just swearing anything? A: I am not trying just to swear anything.

- Q: What did you mean by swearing you were 20 years old when you married her and then say you guess you were 15?
- A: I said I guess it would be according to that.  
I said I was close to 20 years old, that is what I said.

Further hearing of above cause is discontinued until after luncheon until 1 o'clock P.M. to be continued at that time.

Witnesses are advised to return at above stated time, but failed to do so, and this is all the evidence that was taken in said cause.

I, Julia C. Laval, on my O ath state that the above and foregoing is a true and complete transcripts of my stenographic notes as taken by me in said cause on said date.

Julia C. Laval

Subscribed and sworn to, before me  
this 9th. day of August, 1906.

H. H. Hains  
Notary Public.

N.B.F.-349.  
Cr. En.-1109.

FHW  
AG

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

In the matter of the application for the enrollment of  
Havard Luckey as a Creek freedman.

DECISION.

The record in this case shows that on July 25, 1906, an application was filed in affidavit form for the enrollment of Havard Luckey as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906. Further proceedings were had on July 25 and 26, 1906.

The evidence in this case is not sufficient to support the statement made in the affidavit of the mother of applicant as to the date of the birth or the identity of the father of said applicant.

The above conclusion is arrived at from the following facts:- that the testimony is contradictory, that the mother admits giving birth to another child the identity of whose father she does not know and that the alleged father and mother failed to return for further examination on the afternoon of July 26, or to furnish this office with proof of marriage and a certified copy of the decree granting divorce as instructed by the Commissioner, or to respond to further notice to furnish further evidence.

The evidence and the records in possession of this office fail to show that the mother claims to be or is a duly enrolled Creek freedman or an applicant for enrollment as such.

It is, therefore, ordered and adjudged that the said Havard Luckey is not entitled to be enrolled as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and the application for his enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory,

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REFER IN REPLY TO THE FOLLOWING:

MBF 345.

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

Muskogee, Indian Territory, January 28, 1907.

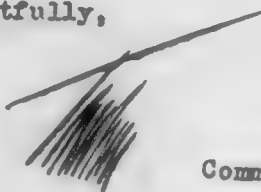
Mamie Daniel,  
General Delivery,  
Muskogee, Indian Territory.

Dear Madam:

You are advised that you will be allowed five days from this date within which to appear at this office and give testimony in the matter of the application heretofore made by you for the enrollment of your minor child, Harvard Lucky.

The evidence already submitted in this case is insufficient upon which to base a decision.

Respectfully,



Commissioner.



HRF 348.

Muskogee, Indian Territory, February 14, 1907.

Mamie Daniel,  
c/o Lewis Luckey,  
General Delivery,  
Muskogee, 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 the enrollment of your minor child, Harvard Luckey, 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.  
LM-134.

MEP 348.

Muskogee, Indian Territory, February 14, 1907.

M. L. Nett,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed the copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Havard Luckey, 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.

LM-135.

KMP 345.

Muskogee, Indian territory, February 14, 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 Harvard Luokey, as a Creek freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

IK-130.

Through the Commissioner  
of Indian Affairs.

Cr.En. 1109.

Muskogee, Indian Territory, March 12, 1907

Mamie Daniel,

Care of Lewis Luckey,

General Delivery.

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Havard Luckey as a Creek freedman.

Respectfully,

Commissioner.

LRS

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

JF

I.F.D.  
6120, 6130, 6690, 700, 7200-07,  
7330, 7412, 7434, 7444, 7500-2  
7590, 8024, 8076, 7712, 7740-2

YCR

March 4, 1907.

DIRECT.

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

Sir:

Your decisions in the following Creek enrollment cases  
adverse to the applicants are hereby affirmed, viz:

| Title of case.   | Date of your<br>letter of transmittal. |
|--|--|
| Sarah Ann Turner and Dugan Root, deceased,<br>G. D. Farrar, et al., (Freedman) | February 18, 1907.                     |
| <u>Harvard Luckey (Freedman)</u>   | February 12, 1907.                     |
| <u>Simon Mays et al.,</u>  | February 14, 1907                      |
| Minnie Davis (Freedman)  | February 19, 1907                      |
| Harjeche,  | February 18, 1907.                     |
| Frank Brown,   | February 21, 1907                      |
| Caesar Sandridge, deceased, (Freedman)   | February 2, 1907.                      |
| John Shelby Johnson,   | February 19, 1907.                     |
| Mellie Colbert, et al., (Freedman)   | February 23, 1907                      |
| Minnie Evans (Freedman)  | February 16, 1907                      |
| Austin Kennard,  | February 19, 1907                      |
| Gains Medlock, et al.,   | February 21, 1907                      |
| Jeffrey Coughthead, deceased, (Freedman)                                       | February 23, 1907                      |
| Ree Darcas, et al.,  | February 25, 1907                      |
|  | January 18, 1907.                      |

Copies of Indian Office letters submitting your reports  
and recommending that the decisions be approved, are inclosed.

A copy hereof and the papers in the above mentioned cases  
have been sent to the Indian Office.

Respectfully,

Jesse H. Wilson,

Assistant Secretary.

15 inc. and 32 for Ind. of.  
with copy hereof.

WBY 3/4/07.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

Land 1680-1907.

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Havard Luckey, as a Creek freedman, including the decision of Commissioner Bixby dated February 11, 1907, adverse to the applicant.

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

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBM.Ph.



CR ED 1110

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
SEPTEMBER 13, 1906.

N.B.F. 249.

In the matter of the application for the enrollment of  
Amandy Canard, as a Creek Freedman.

APPEARANCES: John G. Lieber, acting for M. L. Mott,  
attorney for Creek Nation.

Vina Canard, being first duly sworn by Henry G. Hains, a  
Notary Public, testified as follows, to-wit:-

Questions by Commissioner:

- Q: What is your name? A: Vina Canard.  
Q: How old are you? A: I am 36 I guess.  
Q: Do you know your age? A: No sir, not exactly.  
Q: What is your post-office address? A: Wybark.  
Q: What is the name of your father? A: Mose Davis.  
Q: What is the name of this baby you have in your arms?  
A: Amandy Canard, she is named after her grand-mother.  
Q: What is the name of your mother? A: Amanda David.  
Q: How old is this child? A: She is 5 months old.

Questions by John G. Lieber, acting attorney for Creek  
Nation.

- Q: How old do you say this child was Viney? A: I said she was  
6 months, but you said it wouldn't make it but 5.  
Q: The Commissioner now wants to know what you say about it.  
Q: I say she will be 6 months old on Sunday, you said it would-  
not make it 6 months old.  
Q: You are sure the baby is not more than 6 months old?  
A: No sir, she is not more than 6 months old, I know.  
Q: What day of the week was the child born on, Vina? A: I say  
it was born on Sunday, you say she couldn't be born on  
Sunday.  
Q: You know she was born on Sunday do you? A: Yes sir.  
Q: You are positive of that? A: Yes sir, I am positive of  
that.  
Q: Now what month was she born in? A: February.  
Q: What date in February?  
A: What day of the month?  
Q: Yes. A: I don't know the date, I couldn't tell you.  
Q: You don't know on what day of the month the child was born?  
A: No sir, I don't know what date it was.  
Q: Have you any record of the birth of the child, Vina?  
A: Just in that testament there and they claim that is wrong.  
Q: Now Vina we don't care what people claim, we are asking  
you about this child, the Commissioner wants to know what  
you know about it, you say you have a record of the birth of  
this child, is that right? A: Yes sir.  
Q: Who made it? A: My daughter.  
Q: How old is your daughter? A: She is about 17 I guess.

- Q: When was the record made, Vina, in this testament, how soon after the child was born? A: Three or 4 days.
- Q: State to the Commissioner whether or not that record is correct? A: No sir, it is not correct, that is what I told that gentleman when he came and told me that is not correct.
- Q: In what respect is it incorrect? A: Well because it is not right, that is not the child's age, he is 6 months old next Sunday.
- Q: Well now how do you figure the 6 months, you say 6 months old next Sunday are you figuring every 4 weeks as a month?
- A: Yes sir.
- Q: ~~Next Sunday~~ Next Sunday she will be 24 weeks old, that is the way you figure it, is it, four times six is 24?
- A: Yes that is the way I count it up in my head, I can't count a lick.
- Q: Now Vina if the child will be 6 weeks old on next Sunday, counting 4 weeks to a month, she would have been born on the 1st. day of April. Now was the child born on the first day of April? A: No sir, it wasn't in any April at all, it will just have to go that way.
- Q: Now isn't it a fact Vina that that baby was born on the 22nd. day of April which was Sunday.
- A: Well it might be so, I might have forgotten it. I can't write and I can't think.
- Q: Now you had a talk with Mr. Walkup the gentleman who served a subpoena on you the other day, didn't you? A: Yes sir
- Q: Didn't you tell me yesterday at your house that this child was born on the 22nd. day of April? A: April?
- Q: Yes sir A: I don't know may be I did.
- He asked me how old my baby was and I told him 6 months old
- Q: Well didn't you tell him too, that it was born on the 22nd day of April? A: I don't know maybe I did.
- Q: Now he didn't tell you what his business was when he went to your house, did he? A: No sir.
- Q: You didn't know who he was, did you? A: No sir, I didn't know who he was but I just thought that is what he came for
- Q: You didn't know why he was asking you that question, did you?
- A: No sir.
- Q: Now Vina this record which you have here, which is made in a new testament says that the child was born on the 19th. day of April 1906, now what do you say to that being correct
- A: If it is there, it must be correct I guess because I can't write.
- Q: You think this record is correct, do you Vina?
- A: Yes sir, I do.
- Q: Made by your daughter who is 17 years of age, a few days after the child was born? A: Yes sir.

(Witness presents a small book entitled New Testament and on the last blank page appears the following:

Mandy

Canard

Born April

19, 1906.

No other writing appears in said book.

- Q: Vina, do you know Jesse W. Cooper, a Notary Public?  
A: Yes sir.  
Q: Did you ever appear before him and make affidavit as to the birth of this child? A: Yes sir.  
Q: Do you know when it was you appeared before him?  
A: No sir, I don't know when it was.  
Q: Did your mother appear before him at the same time?  
A: Yes sir.  
Q: In that affidavit, Vina, you gave the birth of that child as the 25th. day of February, 1906? A: That is what ~~she~~ said.  
Q: That is what the affidavit says. Now who put that date in there? A: He did, I guess he was the writer.  
Q: He wrote the affidavit? A: Yes sir.  
Q: When you went to make this affidavit what did you tell Mr. Cooper?  
A: Well he was just the one to make out the affidavit and we was paying him to make them out, me and another lady, I don't remember her name.  
Q: Where did you go to make it out? A: Wagoner.  
Q: This affidavit was made in Wagoner, was it? A: Yes sir.  
Q: What did you pay him for making out the affidavit? A: I didn't pay him anything yet.  
Q: What were you to pay him? A: He didn't say, when I was to get my land, I was to pay him.  
Q: When you went before him Vina, what did you tell him about when the child was born? A: What did I tell him?  
Q: Yes. A: I told him it was born the 22 of February.  
Q: Told him it was born the 22 of February? A: Yes sir.  
Q: Well now that wouldn't be on Sunday Vina, the 22 of February wasn't on Sunday.  
Q: You are certain you told him it was born the 22 of February?  
A: Yes sir.  
Q: Did you swear to this affidavit? A: Yes sir.  
Q: Your Mother swore to it? A: Yes sir.  
I say I am a person  
not knowing how to read or write.  
Q: You signed the affidavit by mark, did you? A: By touching the pen.  
Q: Who was present when you signed the affidavit?  
A: Just I and another man, in a little restaurant there.  
Q: Do you know Fred Wolf? A: Yes sir.  
Q: Was he present when you signed it? A: Yes sir.  
Q: Do you know a fellow named Harrington? A: Yes that is the one I am speaking of.  
Q: Well was Fred Wolf there when you signed this affidavit?  
A: Yes sir.  
Q: Did Fred Wolf take you before this Notary public?  
A: Yes sir. He is the one who said he was a good fellow to make it out and I went before him.  
Q: Did he come to your house? A: He came down to my house and got me.  
Q: Fred Wolf did? A: Yes sir.  
Q: What talk did you have with Fred Wolf about when this child was born? A: Not anything more than that.  
Q: This fellow Harrington, did he have anything more to do with this affidavit except to witness your signature?  
A: No sir.  
Q: He didn't come down to your place with Wolf? A: No sir.

- Q: Now Viney to be honest with you don't you know that this Notary Public dated this affidavit back a couple of months?  
A: No sir, I don't know it.  
Q: Didn't he tell you you would have to date it back a couple of months in order to get the child enrolled?  
A: We haven't told me anything at all.  
Q: What did Fred Wold say to you about it? A: Nothing except he said if you make out an affidavit and file for it now you can, if you wait until later on you can't.  
Q: How old was the child when you made this affidavit, do you know? A: No sir, but she must have been about 4 month old.  
Q: But you know that the child isn't over 6 months old now.  
A: No sir it ain't any more than 6 months old.  
Q: According to your figuring it is 6 months old or will be on Sunday counting 4 weeks to a month? A: Yes sir.

Questions by Commissioner:

- Q: Well then this affidavit which would indicate that the child would be more than 6 months old next Sunday would be incorrect would it? This affidavit is not correct is it?  
A: No sir, that is what he said, that it was incorrect. (Witness referring to Mr. Lieber)  
Q: He has warned you several times not to state what he said but to state facts, according to this affidavit, if it were correct the child would be more than 6 months old.  
A: Then this affidavit is wrong.  
Q: Did you know that at the time you were making it out?  
A: No sir.  
Q: On account of your ignorance and lack of education you and your mother have made an affidavit, that is wrong?  
A: It is not my fault if it is wrong, because I didn't know it.  
Q: You stated a minute ago you would have to pay this Notary Public Cooper, you would have to pay him if you got your land, did he say how much he wanted? A: No sir, he did not state.  
Q: Didn't you have an idea how much you would have to pay him?  
A: Yes sir, I guess about a dollar and a half for writing it.  
Q: Don't you know as a matter of fact that he wanted more than that when you got your land? A: No sir.  
Q: You are positive that this child will be 6 months old next Sunday and not more than 6 months? A: Yes sir.  
Q: Counting 4 weeks to a month from the time this child was born? A: Yes sir.  
Q: You state that now, after hearing Mr. Lieber figure it back on this almanac here and that would bring it to the first of April, do you? A: Yes sir.

Mr. Frank Walkup, being first duly sworn, by Henry G. Hains a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name, age and post-office address?  
A: Frank Walkup, age 33, post-office, Mukogee.

Q: Are you employed by Mr. Lieber acting for Mr. Mett, attorney for the Creek Nation to go out in the field and serve subpoenas and other matters in regard to fraudulent enrollments? A: Yes sir.

Questions by John G. Lieber, acting attorney for Creek Nation.

Q: Do you know Vina Canard, Mr. Walkup the witness who was just in here? A: Yes sir, she answered by that name.  
Q: When did you first meet her?  
A: Yesterday.  
Q: That was the witness who just left the stand here?  
A: Yes sir.  
Q: Did you have a conversation with her about when her child Amanda was born? A: I did.  
Q: Just state what that conversation was.  
A: I saw the child in her arms and asked her if it was hers and she told me it was, and then I asked her how old it was and she answered that it was 5 months old this coming 22, and I asked her the same question two or three times and she answered me positively the same way, that it was 5 months old the 22nd. of this month.  
Q: Did she give you the date of the child's birth? A: I don't remember whether I figured it back for her or she told it to me herself, but during the interview she agreed that it was April 22nd. I believe that she told me herself that it was April 22nd. without figuring back.  
Q: You are positive though that the child would be 5 months old on the 22nd. day of this month? A: Yes sir.  
Q: Did you tell her what your business was Mr. Walkup?  
A: No sir, I stopped in there out of the rain and having procured that testimony, I didn't explain my business.

Questions by Commissioner:

Q: In other words the conversation that occurred between you and that woman ~~at about~~ was such as of any stranger that would chance to stop in that house and speak to that woman?  
A: Yes sir, just the questions about her child that any stranger might ask.  
I also asked her this morning if she made any record of the birth of the child and she said she had, and then produced that testament and showed me the date. It is April 19.  
Q: You mean this morning when you went to serve the subpoena?  
A: Yes sir, and then she said it was wrong that it should have been the 22nd. her daughter gave me the book and said she had made a mistake in there.

Maggie Neely being first duly sworn, by Henry G. Hains, a Notary Public, testified as follows:

Questions by Commissioner:

Q: What is your name? A: Maggie Neely.  
Q: How old are you? A: 25.  
Q: What is your post-office address? A: Muskogee new.



- Q: Are you a citizen of the Creek Nation? A: No sir.  
Q: State woman? A: Yes sir.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Do you know Vina Canard? A: Yes sir.  
Q: Do you know her child Amandy Canard? A: Yes sir.  
Q: Do you know Amanda Davis? A: Yes sir.  
Q: Are you related to any of them? A: No sir.  
Q: How long have you been living in Muskogee? A: Three weeks this past Monday since I moved in.  
Q: Where did you live before that time? A: Wybark.  
Q: How close to Vina Canard? A: Next farm to Vina Canard we lived on her farm until last Spring and then moved on the Porter farm.  
Q: When was it you moved off her farm on to the Porter farm?  
A: Moved off on the first day of April last year.  
Q: On this last April just past? A: This last gone April a year ago.  
Q: Are you a sister of Lula Washington? A: Yes sir.  
Q: Your sister had a child born sometime in March didn't she?  
A: Yes sir.  
Q: Do you know what time in March it was? A: The 22 of March  
Q: How where was your sister living when that child was born?  
A: Down here in Reeves Addition.  
Q: You were living over there on the Porter farm at that time?  
A: Yes sir.  
Q: Now was this child Amanda Canard born before or after your sister's child was born? A: Afterwards.  
Q: How do you know that? A: Because I had been over here to see my sister and her baby was a week or two weeks  $\frac{1}{2}$  older than Amanda.  
Q: You had been here to see your sister and then went back home? A: Yes sir.  
Q: That is close to Wybark? A: Yes sir.  
Q: How far is that from where Vina Canard lives?  
A: Oh, I don't know not very far not quite a half mile.  
Q: In the same neighborhood? A: Yes sir.  
Q: You know your sister's child was born on the 22nd. day of March? A: Yes sir.  
Q: And you went from here to your home and it was sometime after that, that Amanda Canard was born? A: Yes sir.  
Q: Have you any interest whatever in this case Maggie?  
A: No sir it ain't anything to me.  
Q: Are you on friendly terms with Vina Canard?  
A: Yes tolerable. I haven't anything against her at all.  
Q: You were subpoenaed to appear here this morning were you not to appear before the Commissioner by Mr. Walkup?  
A: Yes sir, I reckon that is who it was.  
Q: You didn't know what his business was when he subpoenaed you do you? A: No sir.  
Q: Did you know what case he was wanting you to testify to when he subpoenaed you? A: Not any more than he asked me if I knew when her baby was born, that is all I know.

Questions by Commissioner:

- Q: Is your sister's child, the child of parents who are both State people? A: Yes sir, her and her husband both are State People.



- Q: How old is this child of Vina Canard's? A: I don't know exactly how old but it was born in April.
- Q: You are positive of that are you? A: Yes sir.

Amandy Davis being first duly sworn, by Henry G. Hains testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Amandy Davis.
- Q: How old are you Amanda? A: I don't know sir.
- Q: You are about 45 or 50 ain't you? A: Yes sir. I am older than that.
- Q: What is your post-office address? A: Wybark.
- Q: Do you know Vina Canard? A: I ought to know her she is my daughter, if I don't know her, I don't know who ought to.
- Q: Do you know Amanda Canard? A: Yes sir.
- Q: You ought to know her too, ought you? A: Yes I was the first one that ever seen her.
- Q: Is she your grand-daughter? A: Yes sir.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: You acted as the midwife when Amanda Canard was born didn't you? A: Yes sir.
- Q: How old is she now? A: She is about 6 months, I don't know exactly, I don't know what date of the month she was born on, I don't know to save my life, if I am sure, I am sure, if I am not I don't know. I don't pay any attention to the ages unless they are not getting along all right but I think she is about 6 months old.
- Q: You are sure she is not more than 6 months old, aren't you?
- A: Well it looks like it--- The 22nd. of February to the 22 of March is one, the 22 of March to the 22 of April is two, the 22 of April to the 22 of May is three, the 22 of May to the 22 of June is four, the 22 of June to the 22 of July, is five, and the 22 of July to the 22 of August is six, and from the 22 of August to the 22 of September is seven.
- Q: The 22nd. of September is 7 months ain't it?
- A: Well she will be 7 months old the 22 of this month, that is a near as I can come at it.
- Q: What day of the week was the child born on?
- A: Well it was on Sunday. They said, It was the 22nd. but I don't know what day of the month it was on, but it was on Sunday.
- Q: Who do you mean by They, Amanda? A: Vina's oldest daughter and her husband they did the writing and put her date down but I don't know what they put down but I know it

- was on Sunday, and they said it was the 22nd. of February the way they had it put down.
- Q: Were you present when they made that record in the testament about the birth of that child? A: Yes sir.
- Q: What did they put down? A: I don't know I just touched the pen to my signature, that it was born, when it was written. I didn't know anything about it.
- Q: I am talking about the record made in the testament?
- A: I don't know anything about that, I wasn't there then.
- Q: Well now you don't pretend to know the date that the child was born do you Amanda? A: No sir.
- Q: What kind of weather was it? A: It was clear weather.
- Q: Did you know Mrs. LaGrand before she died?
- A: What is her other name?
- Q: Mary LaGrand? A: Yes, I was acquainted with her.
- Q: All you know about the 22nd. of February about the child being born on the 22 of February is what somebody told you ain't it Amanda? A: Yes sir.
- Q: Now if the calendar shows that the 22nd. of February wasn't on Sunday then somebody is mistaken, aint they?
- A: Yes sir, then somebody made a mistake in putting it down.
- Q: You say it was clear weather when the child was born?
- A: Yes sir.
- Q: Isn't it a fact that they were planting corn when the child was born? A: Yes, they were breaking up ground.
- Q: But people had planted around there, had they not.
- A: Some people on the hills had planted but we hadn't planted.
- Q: You are satisfied of that? A: Yes, the corn was planted in the bottoms on the first of April.
- Q: People had planted oats hadn't they? A: I don't know about that.
- Q: But you are positive that corn had been planted on the hills when this child was born? A: Yes sir.
- Q: Don't you know that people hadn't planted corn in February?
- A: Yes sir and some planted in March. Some planted in February and some planted in April and I planted some in June.
- Q: Just tell me was there some people that planted in February in this part of the country? A: I don't know I think they planted, I heard them say they had planted in February? Lee----said he planted corn in February and planted cotton in March, but whether he had it done, I couldn't swear to it I just heard him say it.
- Q: Now Amanda isn't it a fact that this child was born on the 22 day of April? A: Well it wasn't April.
- Q: How do you know it wasn't April? A: Because it wasn't April
- Q: You know it was on Sunday? A: Yes sir.
- Q: Well now the calendar shows the 22 day of April was on Sunday, yet you say the child wasn't born in April.
- A: I will be honest with you, I don't know exactly what time, but they said it was February, and I never paid any attention to it, I wouldn't tell you a lie for all the land in the territory, I am only telling you what I know and what people tell me, I can't read or write or nothing.
- Q: Who was it told you that? A: When the girl had put down the child's age. I said to her why don't you have this baby's age put down so you don't forget it and she said it was down, I said who put it down and she said Alice and I didn't know but what they put it down right and if it is wrong it is wrong, but I didn't do it.

- Q: You went before a Notary Public and signed an affidavit about the birth of this child, didn't you, and swore to it?  
A: Yes sir I thought they was putting it down just like it was.  
Q: You swore to the affidavit didn't you Amanda? A: Yes sir.  
Q: That was before Jesse W. Cooper, a Notary Public? A: I don't know who he was, I don't know this Cooper.  
Q: You know Fred Wolf? A: I know him and the father of this child, and then there was a man who was the Notary Public.  
Q: Fred Wolf came up after you didn't he? A: No he came and took me from my house to Vina's.  
Q: And then he took you both up there to his office, didn't he?  
A: No sir, the Notary Public was at Vina's house.  
Q: The affidavit was signed at Vina's house? A: Yes sir.  
Q: You are sure that affidavit wasn't signed in Waggoner?  
A: No sir, I ain't been to Waggoner in 4 years.  
Q: Where does this fellow Cooper stay? A: I don't know sir. Some says he stays at Gibson Station and some at Waggoner, I don't know where he stays and they asked me to sign it if I waited on this woman as a witness that I was the midwife, and that is what I did and that is all I know about it.  
Q: Did they tell you the date that the baby was born on?  
A: No sir, I thought they knew and had a record.  
Q: Did they read the affidavit over to you? A: No sir.  
Q: Didn't read it to you? A: No sir.  
Q: You swore to it without having it read to you?  
A: I signed it because they said it was all right, I signed the paper to file for her baby and that is all I know about it.  
Q: Did they read the affidavit over to Vina? A: Yes, I reckon they did, yes they read it over to her.  
Q: But didn't read it to you? A: No sir, I wasn't present when they was reading it to her.  
Q: Then you don't know whether they read it to her or not?  
A: No sir, I suppose they did.  
Q: But you know they didn't read the affidavit over to you?  
A: No sir.  
Q: Now didn't that fellow Cooper, when he came to make the affidavit, didn't he tell you folks that you would have to date that affidavit back in order to get that child enrolled?  
A: No sir he did not.  
Q: Didn't tell you anything about it? A: No sir.  
Q: Just give us as nearly as you can the conversation you had with this fellow Cooper and Fred Wolf when they came to you to have this affidavit signed?  
A: Vina's husband came and said they wanted me to sign this affidavit to file for this child and I said who will fix it and he said the Notary Public from Waggoner. He asked me the day before if I would come and meet him there and I said yes, and those two men, I didn't know who neither one of them was, was there. I didn't know one of their names if anybody would ask me who was these men who was fixing up these things, I couldn't tell you their names.  
Q: Just tell what happened there when you got through signing this affidavit? A: They went in the room and written it out and came out and asked me to sign it.  
Q: You touched the pen? A: Yes sir.  
Q: And swore to it? A: Yes sir.  
Q: And they never did read it over to you? A: No sir. They wanted me to sign the affidavit that I was the midwife.  
Q: Well now Amanda when this child was born the grass was growing, wasn't it? A: Very little.  
Q: I mean it was just shooting up? A: Very little.

- Q: Grass last spring was a little late wasn't it? A: Yes sir
- Q: We never have grass in this country in February, do we?
- A: Yes where we live down there, we had grass all winter.
- Q: That may be in the bottom lands but I mean on the up-lands when that child was born the grass was beginning to grow on the prairie and the grass never starts to grow on the prairie in February does it? Especially not in a late season, isn't that right Amanda? A: I reckon so, I never paid any attention to that.
- Q: How long have you lived in this country? A: About 30 years I reckon.
- Q: Do you know Lula Washington? A: Yes sir.
- Q: She lives here in town don't she Amanda? A: Yes sir.
- Q: She has a young baby that was born last spring sometime hasn't she? A: No sir.
- Q: Do you know when her baby was born? A: No sir, it was born in town, I don't know anything about it.
- Q: Do you know whether Vina's baby was born before or after that baby was born? A: No sir.

To tell you the honest fact that child wasn't born in February, my daughter-in-law went to Little Rock to see her people in March, I don't know when she started but when she came back, when she came back that baby was about 4 days old and she came back sometime the last of March and that child was born in April.

- Q: Now you are satisfied of that are you? A: Yes sir, I am satisfied of that, as soon as I started to tell you about her going to Little Rock and coming back, she was gone three weeks and since I come to think it must have been in April but they had the date and they told me and I thought it must be that way.
- Q: Now Amanda do you know why these fellows dated that affidavit on the 25th. day of February? A: No sir, I don't know a thing about it.
- Q: Then if the affidavit you signed says that the child was born on the 25th. of February, that is a mistake?
- A: That is a mistake, they have made a mistake in dating it because that child was born in April.
- Q: Since you come to think about your daughter-in-law going to Little Rock in March you are satisfied that the child was born in April? A: Yes sir.
- Q: What is that daughter-in-law's name? A: Addie Gray.

Vina Canard being recalled testified as follows:

Questions by Commissioner:

- Q: Do you remember Addie Gray makin a trip to Little Rock Arkansas? A: Yes sir.
- Q: What time did she go there? A: I don't know when it was.
- Q: Your mother said it was sometime in March? Do you think that is right? A: Yes, I think it was in March but I don't know what date it was.
- Q: Was this child born when she went away? A: No sir, it wasn't born when she went away.

- Q: Wasn't born yet, then? A: No sir, not when she went away it wasn't.
- Q: Was the child born while she was over there? A: Yes sir, it was born while she was away.
- Q: How old was it when this woman got back from Little Hock? A: I don't know how old it was. I didn't keep count of it.
- Q: You wasn't up yet were you? A: No sir.
- Q: How old was it? A: About a week old.
- Q: How long did she stay over there, do you know? A: I don't know.
- Q: Did she stay at least 3 weeks? A: No I don't know just how long she stayed, you see.
- Q: You know she stayed at least a week? A: She stayed more than a week, she stayed about 2 weeks I guess.

Questions by John G. Lieber, acting for Creek Attorney.

- Q: Vina, I believe you stated that you signed an affidavit before Cooper the Notary Public, and touched the pen and swore to it? A: Yes sir.
- Q: Where was that affidavit made? A: In Wagoner.
- Q: Was that affidavit read over to you before you signed it? A: No sir, it wasn't read over. I just touched the pen I didn't sign it at all.
- Q: They didn't read the affidavit to you at all, Vina? A: No sir.
- Q: Well did they tell you anything about what they had in the affidavit? A: No sir, they had just made it out and filled it in and I thought it would be all right because my child was a citizen and her father was a citizen and the rights had been proven, and I just thought that it was all right just so it was signed in.

Questions by Commissioner:

- Q: What did they tell you about this affidavit when you signed it Vina? A: They didn't tell me anything except they told me to touch the pen and I signed it, they said it is all right now except to send it in to the Commissioner.
- Q: Who was present when you signed it? A: Fred Wolf and the Notary, that other fellow, I don't know his name.
- Q: The Notary Public? A: Yes sir.
- Q: Was your husband there? A: No sir.

Addie Gray being first duly sworn by Henry G. Hains, a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? Addie Gray.
- Q: How old are you? A: 30.
- Q: What is your post-office address? A: Wybark.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Do you know Vina Canard here? A: Yes sir.
- Q: Are you related to her?

- A: Yes sir, sister-in-law, I married her brother.  
Q: Did you make a trip to Little Rock, Arkansas last Spring? A: yes sir.  
Q: What date did you start? A: Well I don't know just what date, it was the last week in March we went and we came back on the 9th. or 10th. of April, we spent two weeks there and it was in April when I got back.  
Q: You are satisfied of that? A: Yes, I know that.  
Q: Was this child born when you got back?  
A: Yes sir, it was born.  
Q: About how old was the child at that time?  
A: I think it was 2 or 3 days old, it was born on Thursday and we got back on Saturday.  
Q: You got back the following Saturday, you say, was Vina still in bed? A: Yes sir.  
Q: What time did you start to Little Rock?  
A: Do you mean what month, what day of the month?  
A: I know we spent 2 weeks and it took us up into April.  
Q: Do you know what month it was you left?  
A: The last of March.  
Q: Was the child born when you left? A: No sir.  
Q: Born while you were away? A: Yes sir.  
Q: How do you know that the child was born on Thursday?  
A: They told me when I got back.  
Q: You got back when? A: Saturday or Sunday. It was just 2 or 3 days old.

(The attorney for the Creek Nation refers to the calendar of April for this year for the purpose of showing that the testimony of this witness corresponds with the date of birth given in the testament, that the 19th. day of April as shown in the testament was on Thursday. )

- Q: You are on good terms with these people ain't you?  
A: Oh yes.  
Q: You were subpoenaed in this case only a few moments ago, wasn't you Mrs. Gray? A: Yes sir.  
Q: You didn't know what you were expected to testify to when you were called up, did you?  
A: I didn't have any idea.  
Q: Didn't know what case you were going to testify to did you?  
A: No sir.

This is all the evidence given in said cause on said date.

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.

Julia C. Laval.

Subscribed and sworn to before me this 27 day of September, 1900.

Edward Merrick  
Notary Public



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

In the matter of the application for the enrollment  
of Amandy Canard as a Creek freedman.

DECISION.

The record in this case shows that on <sup>Should be July 25, 1906</sup> ~~February 25~~ 1906, there was filed in the office of the Commissioner to the Five Civilized Tribes an application, in affidavit form, for the enrollment of Amandy Canard, as a Creek freedman. Further proceedings in the matter of said application were had on September 13, 1906.

The evidence in the case shows that the applicant herein is the daughter of Henry Canard, who is identified on the partial roll of Creek freedmen, approved by the Secretary of the Interior March 28, 1902, opposite number 3840, thereof, and of Vina Canard, a non citizen.

A preponderance of the evidence herein establishes the date of birth of said applicant as sometime in the month of April 1906.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Amandy Canard as a Creek freedman, and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory.

  
COMMISSIONER.

JAN 25 1907



Cr. En. 1110.  
NBF 349.

Muskogee, Indian Territory, January 31, 1907.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, 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 Amandy Canard, 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-50.

Cr. No. 1110.  
WAF 349.

Muskogee, Indian Territory, January 31, 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 Asandy Canard, as a Creek Freedman, including the decision of the Commissioner, denying said application.

Respectfully,

Commissioner,

Through the Commissioner  
of Indian Affairs.

LM- 44.

Cr. En. 1110.  
NRF 349

Muskogee, Indian Territory, January 31, 1907.

Vina Canard,  
c/o Henry Canard,  
Wybark, 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 the enrollment of your minor child, Amandy Canard, 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-43.



DEPARTMENT OF THE INTERIOR, CRW : SP  
WASHINGTON. March 1, 1907

I.T.D.5634-1907  
LRS

Direct

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

Sir:

January 31, 1907, you transmitted the record in the matter of the application of Amandy Canard for enrolment as a Creek freedman, together with your decision, dated January 29, 1907, denying said application.

Reporting February 25, 1907 (Land 11094-07), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

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

The record, together with a carbon copy hereof, has been sent to the Indian Office for its files.

Respectfully,

Jesse E. Wilson  
Assistant Secretary

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AFMc  
3 1 07

COPY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON. February 25, 1907

Refer in reply to the  
following:  
Land  
11094-1907

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Amandy Canard as a Creek Freedman, including the decision of the Commissioner, dated January 29, 1907, adverse to the applicant.

The record shows that on February 25, 1906, there was filed at the office of the Commissioner to the Five Civilized Tribes an application, in affidavit form, for the enrollment of Amandy Canard as a Creek Freedman. Further proceedings were had on September 13, 1906.

The evidence shows that the applicant is the daughter of Henry Canard, who is identified on the partial roll of Creek Freedmen, and of Vina Canard, a non citizen. By a preponderance of the evidence it is shown that the date of the birth of the applicant was sometime in the month of April, 1906. Inasmuch as the applicant was living on March 4, 1906, the Office concurs in the decision of Commissioner Bixby denying the enrollment of Amandy Canard as a Creek Freedman under the provisions of the Act of April 26, 1906 (34 Stat L.137).

Very respectfully,

C F Larrabee  
Acting Commissioner

EBM D

NBP-349

Cr.En. 1110

Muskogee, Indian Territory, March 15, 1907.

Henry Canard,

Wybark, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907 affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of your minor child Amandy Canard as a Creek freedman.

Respectfully,

Commissioner.

CR EN IIII

CR EN IIII



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Okmulgee, Indian Territory, March 21st, 1901.

In the matter of the application of Amos Ellis for enrollment as a citizen of the Creek Nation. Amos Ellis being duly sworn, testified as follows:

(Examination by the Commission).

- Q What is your name? A Amos Ellis.  
Q How old are you? A 18.  
Q What is your post office address? A Holdenville.  
Q As a citizen of what Nation do make application for enrollment? A Creek Nation.  
Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes.  
Q Does your name appear on the tribal rolls of the Creek Nation?  
A Yes.

1890 authenticated Creek roll examined and the name of Amos Ellis is found thereon on page 142. 1895 authenticated, Little River Tulsa Town Census roll examined and the name of Amos Ellis found thereon at number 330.

- Q Where do you live? A Holdenville.  
Q In the Creek Nation? A Yes.  
Q How long have you lived there? A Five years.  
Q Where did you live prior to that time? A I lived in Oklahoma.  
Q In what part? A Shawnee.  
Q Who were you living with there? A With my father.  
Q How long had you lived in Oklahoma before you came to the Creek Nation? A About 11 years.  
Q Where were you born? Were you born there? A Yes.  
Q When you say Shawnee, you mean in the Shawnee reservation over there? A Yes sir.  
Q What is the name of your father? A Edwin Ellis.  
Q Is he living? A Yes sir.  
Q Is he a citizen of the Creek Nation? A No sir.  
Q What is his citizenship? A Shawnee.  
Q Has his name ever appeared on the Creek rolls, that you know of? A No sir.  
Q Did your father take his allotment of land in the Shawnee country? A Yes sir.  
Q Did he take one over there for you? A Yes sir.  
Q Do you still own that land that was taken for you? A No sir.  
Q What did you do with it? A Relinquished it.  
Q Why did you relinquish it? A Because it was'nt any account.  
Q Did you take any other land? A No sir?  
Q When did you relinquish this land? A About four years ago.  
Q At what office? A Sac and Fox.  
Q Well, you didn't relinquish it yourself? A No.  
Q Who did? A My mother.  
Q Did she have an allotment over in the Shawnee country herself? A No sir.

#2. Amos Ellis.

- Q Did she relinquish any other allotment besides your own?  
Q Yes.  
Q Whose else did she relinquish? A My three sisters.  
Q What are their names? A Nellie, Minnie and Lizzie.  
Q What is the name of your mother? A Lushawnego.  
Q Is she living? A Yes sir.  
Q Is her name on any of the rolls of the Creek Nation? A I don't know.

1890 Authenticated Creek roll examined and the following names are found thereon on page 142: Lewis Ellis, Amos Ellis, Nellie Ellis, Miny Ellis and Annie Ellis.

- Q Are there any children in your mother's family older than yourself? A No sir.  
Q Was there anybody or is there anybody in your family by the name of Lewis Ellis? A No.

The Authenticated 1895, Little River Tulsa Town, Census Roll examined and the name of Lucy Shawnego is found thereon at number 329.

- Q What town do you and your mother belong to? A Little River Tulsa.  
Q Have you been outside the Territory during the last three years? A No sir.  
Q How much Creek blood have you? A I don't know, about a half.  
Q Are you married? A No sir.  
Q Do you intend to take another allotment in the Shawnee country in the place of the one your mother gave up for you? A No sir.  
Q Do you still claim rights in the Shawnee country because of your having received your allotment over there? A No sir.  
Q You have relinquished,---- have given up all your rights over there because your father being a Shawnee? A Yes sir.

\*\*\*\*\*

WILLIAM CHISHOLM, being duly sworn, testified as follows:

- Q What is your name? A William Chisholm.  
Q How old are you? A About thirty-one.  
Q What is your post office address? A Creek post-office.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q What town do you belong to? A Little River, Tulsa.  
Q Do you know Amos Ellis the applicant in this case? A Yes sir.  
Q Is he any relation to you? A My nephew.  
Q On which side of his family? A Mother's side.  
Q Are you a brother of his mother, Lucy Shawnego? A Yes sir youngest brother.  
Q How many children has she do you know? A I don't know the last time I saw her was about four years ago, I think she had about six then.  
Q What are their names? A One is Amos, and then Nellie and Lizzie, I don't know what the others are I hav'nt been around them you know.  
Q Do you know whether or not these children received allotments of land in the shawnee country? A Yes sir.

#3. Amos Ellis.

- Q How many of them? A Three of them been allotted.
- Q What three? A Amos and Nellie I think and Lizzie.
- Q Did your sister Lucy Shawnego go and receive allotment in the Shawnee country? A That is what I heard, that they relinquished land for them.
- Q Did Lucy herself get an allotment in the Shawnee country?
- A No I don't think she was allotted.
- Q When was the relinquishment made for these children? A About four years ago.
- Q Were any of these children married? A No sir.
- Q What was your father's name? A Jackson Chisholm.
- Q Was he a citizen of the Creek nation? A No sir, Mexican.
- Q Did he ever reside in the shawnee country? A No sir, he lived close to Purcell somewhere in the Chickasaw nation.
- Q Was he ever recognized as a citizen of one of these five Nations? A No sir.
- Q He never received an allotment of land in the Indian country?
- A No sir.
- Q Did you get an allotment of land in the Shawnee country or Oklahoma anywhere? A Yes, my brother took it for me while I was off to school and when I came back I relinquished it.
- Q What was your brother's name? A Frank Chisholm.
- Q Was he a Shawnee? A Creek.
- Q Was he a full brother of yours, -- same father and mother?
- Q Same mother, his father was a Cherokee and his mother was a Creek.
- Q What was her name? A Shakahky.
- Q Did he take an allotment of land in the Shawnee country for himself? A I guess he did, I never did know.
- Q Do you know how it happens that you and your brother got your allotments of land in the Shawnee country when you were not Shawnees? A Well I don't know, lets see,----- I don't know.
- Q Do you remember when it was when you relinquished the land over there? A When I relinquished it, it is about six years.
- Q It is about six years then since you came back from school?
- A It is about six years since I relinquished it. I was off to school.
- Q Well is'nt more than six years since you came back from school? A I guess it is over that, it is about seven years or more maybe.
- Q Do you know when it was when Lucy Shawnego relinquished Amos Ellis' allotment? A About four years ago.
- Q Do you know why she relinquished it? A Because she was no Shawnee, she was a Creek and had just come over there that's why she relinquished it, she had been living here with the Creeks.

Lona Cummings having been first duly sworn, upon her oath, states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 21st day of March, A.D., 1901, and the the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

Subscribed and sworn to before me at Okmulgee, Ind. this 22 of March, A.D., 1901.

*Lona Cummings*  
Acting Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Paden, I. T., March 14, 1906.

In the matter of the application for the enrollment of David, Sarah, Amos and Margarette Ellis as citizens by blood of the Creek Nation.

JENNIE HARPER, being duly sworn, testified as follows:

BY COMMISSION:

- Q What is your name? A Jennie Harper.
- Q How old are you? A About forty-six or forty-seven.
- Q What is your post office address? A Paden.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q To what town do you belong? A Little River Tulsa.
- Q Do you know David, Sarah, Amos and Margarette Ellis? A Yes, sir.
- Q What relation are they to you? A They are my cousins.
- Q Is David Ellis living? A No, sir, he is dead.
- Q Do you know when he died? A Last year, but I don't know what date.
- Q Did he have any other name? A Yes, sir, Chepunoskoche.
- Q To what town did he belong? A Little River Tulsa.
- Q Do you know whether or not he had made selection of land at the time he died? A No, sir, I don't know. He went to Muskogee and when he got back he was sick and he died at once.
- Q How old was he at the time he died? A He was about fifty or sixty years old.
- Q Where was he living at the time he died? A He died near Padequah in the Creek Nation.
- Q Do you know whether or not David Ellis was ever enrolled as a member of the Shawnee Tribe of Indians? A I can't tell you that, but I know he used to draw money here.
- Q Under what name? A I do not know.
- Q Was he known as Chepunoskoche over here? A Yes, sir, all the time. I never did hear any other name.
- Q Who were his parents? A Jack Ellis was his father.
- Q Do you know who his mother was? A No, sir, she was dead before I knowed them.
- Q Did you ever hear her name mentioned? A No, sir.
- Q Is Sarah Ellis living? A I don't know that Sarah Ellis.
- Q Is Amos Ellis living? A Yes, sir.
- Q What is his post office address? A Holdenville.
- Q Do you know whether or not he has made selection of land in the Creek Nation? A Yes, sir, he has already filed.
- Q Has he any other name? A No, sir.
- Q Is Margarette Ellis living? A Yes, sir.
- Q Has she any other name? A No, sir.
- Q Has she a family? A Yes, sir, she has children.
- Q What is the name of her husband? A Charlie Starr. He is a Shawnee.
- Q Do you know whether or not she is sometimes know as Cora Ellis or Cora Starr? A Charlie Starr's wife's name is Cora. I made a mistake about that. I think that is one of her children.
- Q Is she also known as Margarette? A Margarette. No, sir, but one of her children.
- Q Then you do not know who Margarette Ellis is? A No, sir.
- Q Did David Ellis have a family? A Yes, sir, he just had two boys.
- Q What was his wife's name? A Sallie Ellis.
- Q What are the names of his children? A Frank Ellis and Sargent Ellis.
- Q Has Amos Ellis a family? A No, sir.

C. 3100.---2.

Q How old is he? A He is about twenty-one. I have made a mistake about David Ellis. I thought David Ellis was meant for Chepunoskoche. I understand that David was a brother of Chepunoskoche, who lived and died among the Sac and Fox Indians.

KATY ELLIS, being duly sworn, testified as follows:

Through Jennie Harper who was duly sworn as Shawnee Interpreter:

BY COMMISSION:

- Q What is your name? A Katy Ellis.  
Q How old are you? A About forty-nine.  
Q What is your post office address? A Paden.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q To what town do you belong? A Little River Tulsa.  
Q Did you know David Ellis? A Yes, sir.  
Q Is he living? A He is dead.  
Q When did he die? A About four years ago.  
Q Where was he living at the time of his death? A Near the Sac and Fox Agency.  
Q Did he have a family? A Yes, sir.  
Q What was the name of his wife? A I do not know.  
Q Did he have any children? A He had no children.  
Q Had he taken his allotment in the Creek Nation? A No, sir.  
Q Had he taken his allotment in the Sac and Fox Reservation? A Yes, sir.  
Q Did you know Sarah Ellis? A No, sir.  
Q Do you know Amos Ellis? A Yes, sir.  
Q What relation is he to David Ellis? A A nephew.  
Q Amos is living is he? A Yes, sir.  
Q Do you know Margarett Ellis? A No, sir.

---ooo000ooo---

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 17<sup>th</sup> day of July 1905.

*D. C. Skaggs*  
*Edw. H. Hines*  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
SHAWNEE, OKLA., SEPTEMBER 17, 1906.

In the matter of the application for the enrollment of David, Sarah, Amos and Margaret Ellis, as citizens by blood of the Creek Nation.

KATIE ELLIS being duly sworn testified as follows:  
Through Annie Ellis, Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Katie Ellis.  
Q How old are you? A 45.  
Q What is your postoffice address? A Shawnee.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q To what Creek town do you belong? A Tulsa Little River.  
Q Did you know David Ellis? A Yes sir.  
Q Was he a relative of yours? A Yes sir, he was my brother.  
Q David is now dead, is he? A Yes sir.  
Q How long has he been dead? A He has been dead five years.  
Q You have heretofore testified in this case, have you not?  
A Yes sir.  
- Q Where was David living at the time he died? A He was living near Cushing, Oklahoma.  
Q With what tribe of Indians were he living at the time he died?  
A Sac and Fox.  
Q Had he taken an allotment of land as a Sac and Fox when he died? A Yes sir.  
- Q Did he claim any rights in the Creek Nation at the time of his death? A No.  
Q Did he have a family? A He had a wife.  
Q Did he have no children? A No.  
Q Did he have any other relatives besides yourself? A Had two sisters, myself and another one.  
Q What is the other one's name? A Mary James.  
Q Is Mary James Living? A Yes sir.  
Q Where does she live? A Near the Chilocco Indian Schools.  
Q Is that in Oklahoma? A Yes sir.  
Q Where has Mary James taken her allotment? A She is allotted with the Shawnees.  
Q Were there any other members of your family besides yourself, Dave Ellis and Mary James? A No.  
Q Who were your parents? A Jack and Nannie Ellis.  
Q Jack Ellis was a Shawnee, was he not? A No, a Creek.  
Q And Nannie, was she a Shawnee? A No sir, Creek.  
Q Both Creeks? A Yes sir.  
Q Did they live among the Shawnees? A Yes sir, but they were Creeks.



- Q Do you know Sarah Ellis? A No sir.  
Q Do you know Margaret Ellis? A No sir.  
Q Was your sister Mary James ever known as Margaret Ellis?  
A She might have been called Margaret, but I do not know.  
Q Do you know Amos Ellis? A Yea sir.  
Q What relation is Amos to you? A He is a son of my cousin  
Lucy.  
Q Lucy what? A Lucy Shawnego.  
Q Where is Amos living at this time? A He is living in Holden-  
ville.  
Q Has he taken his allotment of land in the Creek Nation? \*  
A Yes sir.  
Q Have you any children? A Yes sir.  
Q What are their names? A Nero Jones is my oldest ~~and~~ boy.  
Q What is the name of the next one? A Willie Brady.  
Q The next one? A Mammie Day.  
Q What is the name of the next one? A Harry Brady, he is  
the oldest one there is dead; Nero Jones is my oldest living  
child.  
Q Any other children? A That is all.  
Q Has Amos Ellis any children? A I do not know.  
Q Is Amos married? A I do not know..  
Q Has your sister Mary James any children? A Yes sir.  
Q How many? A I know just two of their children.  
Q What are their names? A Minnie and Frank Thorpe.  
Q Is the wife of David Ellis living? A Yes sir, but I don't  
know her name. She lives with the Sac and Fox Indians close  
to Cushing.  
Q Did David have any children by his wife? A No.  
Q Was he married more than once? A No sir.  
Q There are no such members of your family as Sarah and  
Margaret? \* A No sir, never heard of them before.

---

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  3  day of October, 1906.

*W. H. [Signature]*  
\_\_\_\_\_  
Notary Public.

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

---

In the matter of the application for the enrollment of David Ellis, deceased, Sarah Ellis and Margaret Ellis, as citizens of the Creek Nation.

STATEMENT AND ORDER

It appears from the records of this office that on May 23, 1901 the names of David Ellis, Sarah Ellis, Amos Ellis and Margaret Ellis were listed by the Commission to the Five Civilized Tribes on Creek Indian card, field No. 3100, the names of said persons appearing upon the 1895 authenticated tribal roll of Little River Tulsa Town, which listing was done in order to preserve whatever rights said persons might have as citizens of the Creek Nation. The listing of said names is considered in the nature of an application for the enrollment of said persons as citizens by blood of the Creek Nation.

Testimony was taken in said matter on March 21, 1901, March 14, 1905, August 10, 1905 and September 17, 1906, and copies thereof constitute the record in this cause.

Amos Ellis is identified opposite No. 6494 on the approved roll of citizens by blood of the Creek Nation, and is therefore eliminated from further consideration herein.

It appears from the testimony filed in this matter that David Ellis was of Creek parentage but there is a discrepancy therein regarding his dwelling place, and the question of his death. The testimony of John Wolf given on August 10, 1905 is to the effect that David Ellis was then living and that he was without a fixed residence, but that he went from one tribe to another in Oklahoma, sometimes living near Shawnee and at other times at Anadarko. It appears from the testimony of the other witnesses, and from the weight of the evidence introduced that he dwelt with the Sac and Fox Indians, that he received an allotment of land in the Sac and Fox reservation, and that he died in Oklahoma Territory, and it further appears from the testimony that said David Ellis had a wife but that she had no children by him.

The testimony contains no definite information about Sarah Ellis or Margaret Ellis.

This office has, through its field parties operating in the Creek Nation and by interviews in this office with prominent Creek Indians of extensive acquaintance, made every effort to ascertain the whereabouts of said Sarah Ellis and Margaret

Ellis, but no information, other than that contained in the record, has been obtained.

It is considered that these persons are not entitled to enrollment either because they died prior to April 1, 1899, or because of non-residence, or because they have been enrolled under some other names.

I am, therefore, of the opinion that the application for the enrollment of David Ellis, Sarah Ellis and Margaret Ellis as citizens of the Creek Nation be dismissed, and it is so ordered.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 25 1901

Copy

*on card #2117*

Refer in reply to  
the following:  
Land  
3298-1903

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

WASHINGTON, February 11, 1903.

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

Gentlemen:-

You are advised that under date of January 14, 1903,  
the Secretary cancelled patents issued February 6, 1892, to Lucy  
Chisholm, Lizzie Ellis, Amos Ellis, Nellie Ellis, and Minnie  
Ellis, and numbered 292, 298, 299, 300, and 332, covering their  
allotments as Absentee Shawnee Indians, they having been enrolled  
as members of the Creek Nation.

Very respectfully,

N. C. Tonner.

Acting Commissioner.

J.F.A.(G)

I. - 3100.

Muskogee, Indian Territory, August 12, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

The Commission has the honor to advise that the names of David, Sarah, Amos and Margaret Ellis appear upon the Creek tribal rolls in its possession; and that their enrollment as citizens of the Creek Nation has not been determined for various reasons, among which is, that the Commission has been informed that they have taken allotments as Absentee Shawnees.

The Department is requested to advise the Commission whether the records of the office of Indian Affairs disclose that all or any of said persons have taken allotments of land among the Shawnees, and if so whether their allotments have been canceled.

In this connection the Department is advised that on April 3, 1903, Dick Ellis appeared before the Commission and stated that his brother, David Ellis, died more than three years ago; and that he was holding an allotment among the Shawnees at the time of his death.

Respectfully,

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

Land.  
52,545-1903.

(COPY)  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, August 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, a communication from the Commission to the Five Civilized Tribes, dated August 12, 1903, in which it is stated that the names of David, Sarah, Amos and Margaret Ellis appear upon the Creek tribal rolls in its possession and that their enrollment as citizens of the Creek Nation has not been determined for various reasons, among which is that the Commission has been informed that they have taken allotments as Absentee Shawnees.

The Commission requests the Department to advise it whether the records of this office disclose that all or any of said persons have taken allotments of land among the Shawnees, and if so, whether their allotments have been cancelled. The commission adds that on April 3, 1903, Dick Ellis appeared before the commission and stated that his brother, David Ellis, died more than three years ago and that he was holding an allotment among the Shawnees at the time of his death.

Reporting upon this communication, I have the honor to state that neither the name of David Ellis, Sarah Ellis or Margaret Ellis appears on the schedule of allotments made to the Absentee Shawnee Indians. Amos Ellis, six years of age in 1889, son of Edwin Ellis and Lucy Shishholm, was allottee 299, but the patent for his allotment was cancelled January 14, 1903, Sallie Ellis nee Squirrel, 38 years of age in

1889, is allottee No. 258 on the Absentee Shawass schedule and her allotment has not been cancelled. Che-pah-nah-ee-che or Dick Ellis, 38 years of age in 1889, is allottee No. 257 on said schedule, and his allotment has not been cancelled.

It is recommended that the commission be so advised.

Very respectfully,

W.A. Jones,

Commissioner.

(J.F.A.) P.



D.C. 24963

COPY

DEPARTMENT OF THE INTERIOR.

RAF.

ITD.6540-1903.

WASHINGTON

September 3, 1903.

L.R.S.

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

Gentlemen:

The Department is in receipt of your letter of August 12, 1903, stating that the names of David, Sarah, Amos and Margaret Ellis appear upon the Creek tribal rolls; that their enrollment as citizens of the Creek Nation has not been determined for various reasons, one being that you have been informed that they have taken allotments as Absentee Shawnees. You request to be advised whether the records of the Indian Office show that all or any of the persons named have taken allotments among the Shawnees, and, if so, whether their allotments have been cancelled.

Forwarding your communication on August 29, the Commissioner of Indian Affairs sets out the information desired by the Commission. A copy of his letter is therefore inclosed herewith.

Respectfully,

(Signed) M.W. Miller

Acting Secretary.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:

C.I. 3100.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Holdenville, Indian Territory, October 4, 1906.

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

Sir:

There is inclosed herewith the testimony of Katie Ellis, taken by the Creek Field Party September 17, 1906, in the matter of the application for the enrollment of David, Sarah, Amos and Margaret Ellis, as citizens by blood of the Creek Nation.

The testimony of Amos Ellis which is desired in this case will be forwarded as soon as same has been secured.

Respectfully,

*Oliver M. May*  
In Charge,  
Creek Field Party.

JBM

REFER IN REPLY TO THE FOLLOWING:

C I 3100

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

Muskogee, Indian Territory, January 4, 1907.

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

Sir:

In the matter of the application for the enrollment of David Ellis, et al., as citizens by blood of the Creek Nation, I have the honor to report that the Creek field party is unable to secure further evidence and copies of the record in said case are returned herewith.

Respectfully,

In charge of Creek field party.

Cr.I. 3100.

Muskogee, Indian Territory, February 25, 1907.

Katie Ellis,

Shawnee, Oklahoma Territory.

Dear Madam:

There is herewith enclosed one copy of the statement and order of the Commissioner to the Five Civilized Tribes, dated February 25, 1907, dismissing the application for the enrollment of David Ellis, deceased, Sarah and Margaret Ellis, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

Register.  
IX-27.

RESIDENCE:

POST OFFICE

Sac and Fox, Okla. Terr.

Nation.

Roll.

CARD NO.

3100

FIELD NO.

| Dawes' Roll No. | NAME.  | Relationship to Person first Named. | AGE | SEX. | BLOOD. | TRIBAL ENROLLMENT.                          |             |     | TRIBAL ENROLLMENT OF PARENTS. |       |           |                 |       |             |
|-----------------|--|-------------------------------------|-----|------|--------|---|-------------|-----|-------------------------------|-------|-----------|-----------------|-------|-------------|
|                 |  |                                     |     |      |        | Year.                                       | District.   | No. | Name of Father.               | Year. | District. | Name of Mother. | Year. | District.   |
| 1               | Ellis David  |                                     | 40  | M.   | 1/2    | 1895  | L. R. Tulsa | 368 | Jack Ellis                    | dead  | Shawnee   | Nannie          |       | L. R. Tulsa |
| 2               | " Duran  |                                     |     |      |        | "   | "           | 365 |                               |       |           |                 |       |             |
| 3               | " Amos   |                                     |     |      |        | "   | "           | 366 |                               |       |           |                 |       |             |
| 4               | " Margaret   |                                     |     |      |        | "   | "           | 367 |                               |       |           |                 |       |             |
| 5               |  |                                     |     |      |        |   |             |     |                               |       |           |                 |       |             |
| 6               |  |                                     |     |      |        |   |             |     |                               |       |           |                 |       |             |
| 7               |  |                                     |     |      |        | Not on 1890 Roll, page 142, as "Dove Ellis" |             |     |                               |       |           |                 |       |             |
| 8               |  |                                     |     |      |        | " 4 "                                       | " "         | " " | " "                           |       |           |                 |       |             |
| 9               |  |                                     |     |      |        |   |             |     |                               |       |           |                 |       |             |
| 10              |  |                                     |     |      |        |   |             |     |                               |       |           |                 |       |             |
| 11              |  |                                     |     |      |        |   |             |     |                               |       |           |                 |       |             |
| 12              |  |                                     |     |      |        |   |             |     |                               |       |           |                 |       |             |
| 13              | # 3 held Absentee Shawnee                                |                                     |     |      |        |   |             |     |                               |       |           |                 |       |             |
| 14              | all about N <sup>o</sup> 299 Patent                      |                                     |     |      |        |   |             |     |                               |       |           |                 |       |             |
| 15              | Canceled January 14, 1903-                               |                                     |     |      |        |   |             |     |                               |       |           |                 |       |             |
| 16              | See Department letter 9/3/03                             |                                     |     |      |        |   |             |     |                               |       |           |                 |       |             |
| 17              | (DTP 40-1903) in closing letter from Com. Indian Affairs |                                     |     |      |        |   |             |     |                               |       |           |                 |       |             |
| 18              |  |                                     |     |      |        |   |             |     |                               |       |           |                 |       |             |

No. 3 id. opposite 6494 on approved roll w/ by blood. Status order dismissing Nos. 1-2+4 + C.C.C. 2-22-07

Residence \_\_\_\_\_

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

Creek NATION. Creek ROLL.

Post Office Sac and Fox, Okla Ter

Field No. 3100

| Dawes' Roll No | NAME         | Relationship to Person First Named | AGE. | SEX. | BLOOD. | TRIBAL ENROLLMENT  |             |     | TRIBAL ENROLLMENT OF PARENTS. |       |         |                 |       |             |
|----------------|--------------|------------------------------------|------|------|--------|--|-------------|-----|-------------------------------|-------|---------|-----------------|-------|-------------|
|                |              |                                    |      |      |        | Year.  | County.     | No. | Name of Father.               | Year. | County. | Name of Mother. | Year. | County.     |
| 1              | Ellis, David |                                    | 40   | M    | 1/2    | 1895   | L. R. Tulsa | 368 | Jack Ellis                    | Dead  | Shawnee | Mamie           |       | L. R. Tulsa |
| 2              | " Sarah      |                                    |      |      |        |  | "           | 365 |                               |       |         |                 |       |             |
| 3              | " Chuan      |                                    |      |      |        |  | "           | 366 |                               |       |         |                 |       |             |
| 4              | " Margaret   |                                    |      |      |        |  | "           | 367 |                               |       |         |                 |       |             |
| 5              |              |                                    |      |      |        |  |             |     |                               |       |         |                 |       |             |
| 6              |              |                                    |      |      |        | Not on 1890 Roll, page 142, as "Sam Ellis".  |             |     |                               |       |         |                 |       |             |
| 7              |              |                                    |      |      |        | " 4  |             |     |                               |       |         |                 |       |             |
| 8              |              |                                    |      |      |        | Nos. 2 and 3 not identified on 1890 roll.  |             |     |                               |       |         |                 |       |             |
| 9              |              |                                    |      |      |        |  |             |     |                               |       |         |                 |       |             |
| 10             |              |                                    |      |      |        | Dick Ellis says "No. 1 died over two years ago" -  |             |     |                               |       |         |                 |       |             |
| 11             |              |                                    |      |      |        | was a brother of his - that he never had a family  |             |     |                               |       |         |                 |       |             |
| 12             |              |                                    |      |      |        | other than a wife who was a Sac and Fox Indian -   |             |     |                               |       |         |                 |       |             |
| 13             |              |                                    |      |      |        | that he has no relatives answering Nos. 2, 3 and 4, and                                    |             |     |                               |       |         |                 |       |             |
| 14             |              |                                    |      |      |        | that he is unable to account for them - that "No. 1  |             |     |                               |       |         |                 |       |             |
| 15             |              |                                    |      |      |        | took allotment as a Sac and Fox and held it until his death.                               |             |     |                               |       |         |                 |       |             |
| 16             |              |                                    |      |      |        |  |             |     |                               |       |         |                 |       |             |
| 17             |              |                                    |      |      |        | No. 3 held Absentee Shawnee allotment No. 299 - Patent cancelled Jan. 19, 1903.            |             |     |                               |       |         |                 |       |             |
| 18             |              |                                    |      |      |        | See Department letter 9/3/03 (I. P. A 6540-1903) enclosing letter from Com. Indian Affairs |             |     |                               |       |         |                 |       |             |

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DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
SEPTEMBER 14, 1906.

In the matter of the application for the enrollment of Ransom Regan, as a Creek Freedman.

Robert Manuel, being duly sworn by H.G.Hains, a Notary Public testified as follows:

Appearances: J.G.Lieber, representing M.L.Mott, Attorney for Creek Nation.

- Q By the Commissioner.  
Q What is your name? A Robert Manuel.  
Q What is your age? A I guess about 48 I don't know really.  
Q What is your post office address? A Taft.  
Q Are you a Creek Freedman? A Yes sir.

By Mr.Lieber.

- Q Do you know Ransom Ragen? A Yes sir.  
Q Who is the mother of that child? A Susan Ragen.  
Q What relation is she to you? A She is my half sister.  
Q Are you on good terms with her? A Yes sir.  
Q What is your profession or calling? A Preaching.  
Q Do you know when Ransom Regan was born? A I was there in April and the child was very young. I think it was born March 3, 1906, I taken the name and the date of its birth down  
Q What time in April were you there at her house? A I think it was the latter part of April.  
Q Was that the first time you had been there since the child was born? A Yes sir.  
Q How old was the child then? A It was only two months old then.  
Q Did you make a record of its birth? A Yes sir.  
Q Where did you make that record? A For fear it might be called for.  
Q I said where did you make that record? A I taken it right there in her house.  
Q In what? A On paper.  
Q Did you just put it down on a piece of paper or a book or what? A I put it down in my day book.  
Q You got that day book with you? A Yes sir.  
Q Just show that to the Commission, will you? A Its badly tangled up (showing record.)

By the Commissioner.

- Q Now Mr. Manuel when did you make this identical writing in this book? A The last of April.  
Q Of this year? A Yes sir.  
Q You wrote down the date of birth of about one Ransom Ragen? A Yes sir.  
Q You wrote it about the last of April? A Yes sir.  
Q Are you sure of that? A Yes sir.  
Q Here is something in here about another person, son of Susan Ragen born June 2, 1904, did you write that? A Yes sir.  
Q Here is another entry about another person, looks like Eurin, when did you write that? A Same time I wrote about Ramson  
Q How did you come to write down the date about a child born in 1904 at the same time you wrote down about a child born in 1906.  
A Eurin was born in 1904.

Q Well how does it come you wrote on the same page and following that entry about Ramson that you wrote down another entry about a child born in 1904, why did you write them at the same time?

A I wrote that down just as I was told ---

Q Here in another entry which looks like Freddie or something, born October, 1903, how does it come that you wrote these entries about these two children born 1903 and 1904, just following the entry about a child born 1906-- and you only wrote those entries this last April, not a very long time ago, it seems funny that you should write all those entries all at the same time? How come you to do it. Well, I just wrote them for my own recollection, and I always put down dates about people, I asked her about the birth of the children and she gave the dates to me and I put them down just as she told me.

Q What did you do that for? A Sometimes I might have use for it in the future is the reason I put it down.

Q You don't know that this child Ramson was born on that date do you? A She told me he was born on that date.

Q All that you know is what she told you? A Yes sir.

Q You are sure she told you it was born on that date? A Yes sir.

Q Did she tell you what of the week it was born? A No sir.

Q Did she tell what the day or night it was born?

A No sir.

Q Do you know a child named Mamie May Perryman? A Yes sir.

Q When was she born? A It was born--I just disremember, I got it in the book there.

Q Was she born before or after Ransom Ragen? A I just can't think now whether it was before or after. I think she was born on the 16th of February if I am not mistaken.

Q Said entries are written with a black lead pencil and about the middle of the memorandum book, now further on, Robert, on the next to the last page of this book in indelible pencil is written the ages of two children, one of them is that Perryman child and on another page in front of that is an entry also in indelible pencil the following entry: Ransom Ragen was born March 3, 1906, mother Susan Ragen, a citizen of the Creek Nation; Jerry Ragen, father, United States citizen. When did you write that entry down? A After I came home from out there.

Q When? A After I returned from Okmulgee.

Q After your wrote this first entry? A No sir, the one written with the black pencil I wrote that down at Susan Ragen's house.

Q Why did you write it down twice in this book? A Just telling which is the citizen and which was not the citizen. I just wrote it down for my own recollection to commit to memory.

Q Did you ever hear of any fraud, attempted fraud in this case, just tell the truth? A I am telling the truth as far as I know.

Q Do you know Peggy Robison? A No sir.

Q Why did you write down in this book the date of her death?

A I just wrote it down just like I did the children just to commit to memory

Q Did you write Peggy's death down? A I don't know as I wrote down Peggy's death

Q What is this writing then? A I believe it is Peggy, but I don't remember who it is.

Q You wrote it did you? A Yes sir.

Q What did you write that down for? A To commit to memory for my own use.

Q What do you mean? A Why to keep.

Q What did you want to keep that for? A Because I might have it when it is called for.

Q Did you bury Peggy Robison? A I think I did if I am not mistaken. Many people died while I was absent from home, but I think I buried Peggy.

Q You don't know anything about the birth of this child, do you?

A No sir.

Q Now on another page in this same book is this entry: Ransom Ragen was born March 2, 1906, did you write that? A Yes sir, I wrote it.

Q How does it come you wrote that? A I made a mistake in writing it down.

Q How does it come you made a mistake? A I had written it down and had forgotten I had written it, and I found out that I had wrote it down there.

Q You wrote this then saying March 2, before you wrote the other at her house? A After I returned to her home--I had forgotten I had written it down so I wrote it again.

Q Now Robert, if I understand you, you wrote in this book this first entry where there are three children, you wrote that as she told you at her house, then you came back home and wrote down again with indelible pencil that this child was born March 3, 1906, and then forgetting that you had written ~~it~~ either of the two entries you wrote in here the child was born March 2, tell me why you wrote them so much? A I just wrote it just because I wanted to keep, I made a mistake in saying March 2, and wrote it down again, that was all.

Q You know J.H.Patrick? A Yes sir, I have met him.

Q Here is an entry which says "Deed made to J.H.Patrick," you recollect that? A Yes sir.

Q When was that entry put down? A I can't remember the date of it.

Q All you know about this is what people told you about it? A Yes.

Q And you have never heard people talking --- have never of any talk about trying to put back the date of the birth of this child?

A No sir.

Q Have you ever heard of any conspiracy or scheme to get this child enrolled? A No sir.

Q Is your purpose in coming here with this book to help them with their scheme to fraudulently enroll this child? A No sir.

Q Do you know how old that child was at the time you wrote that entry? A About two months I should judge.

Q How do you know? A She told me it was born March 3.

Q And from that you judge it was two months old? A I said I thought it was about two months old.

Q What time was it were you at her house? A Sometime after the 27th of April.

Q You wouldn't know how old the child was then? A No sir.

Q Did you see the child? A No sir.

Q You couldn't tell how old it was could you by looking at it?

A No sir.

Q Did you evr hear of a child <sup>that died</sup> in that neighborhood or around there that you have an entry in this book? A NO sir.

Q You say that your half sister told you about the birth of the child? A Yes sir.

Q You are sure she told you March 3? A Yes sir I am sure.

Q You are sure she said 1906? A Yes sir.

Q Are you sure she told the day of the week? A No sir.

Q She told you how old it was? A No sir.

Q Did she tell you the year in which it was born? A She said she was born March 3, si all.

Q ~~She~~ She didn't tell you the year? A No sir.

Q Did you ever hear what day of the week this child was born?

A No sir.

- Q How does it come that you wrote down March 2 twice?  
A I said I had forgotten that I had written it down is the reason I wrote it down again.  
Q Do you do anything else besides preaching? A Farming.  
Q Don't you deal a little in land, don't you try to buy land either for yourself or for others, and don't you do any leasing? A No sir.  
Q What is this deed transaction about? A Just owes me a little money. Patrick Harvey owes me a little.  
Q Why does he owe -- what does he owe you for? A For assisting in helping him when he was in distress.  
Q What do you mean by that? A When he was in need.  
Q Q How much did he pay you back? A He hasn't paid me back yet.  
Q What does that entry mean? A He said he would let me have the land, I just wrote that down in for my own use.  
Q Do you know the names of anybody in the neighborhood that could tell the correct date of the birth of said child? A No sir.  
Q Do you live in that neighborhood? A No sir.

By Mr. Lieber. old

- Q How many weeks was this child Ransom Ragen when you made that record of its birth, how old was the child? A They didn't tell how many weeks old it was I supposed it was nearly two months, it was born March 3, and I was out there the last of April.  
Q Then the record show -- then all the record show is what was told you? A Yes sir.  
Q What did you write these dates down for? A Just to be writing.  
Q You just scratched these things down just to be writing? A Yes sir.  
Q The fact that you wrote it three times shows that you are not very particular about your writing down dates? A Sometimes I -- I just wrote it down for my own use so I could commit it to memory, just for my own recollection.  
Q Then you simply wrote these things down just to refresh your memory and keep in touch with them? A Yes sir, and I wrote the date of this child down just as she told me.  
Q You are sure it was written the way she told you? A Yes sir.  
Q It is written two different years? A Yes sir the 3 is correct.  
Q 3rd of March? A Yes sir.  
Q That is what she told you? A Yes sir.

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 17th day of September, 1906.

*Edward Merrick*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
SEPTEMBER 17, 1906.

N.B.P. 365.

In the matter of the application for the enrollment of  
Ranson Ragen as a Creek Freedman.

Robert Manuel being first duly sworn by Henry G. Haines,  
testified as follows:

APPEARANCES: John G. Lieber, acting for M. L. Mott,  
attorney for Creek Nation.

Witness Robert Manuel sworn by Henry G. Hains.

Questions by Commissioner:

- Q: What is your name? A: Robert Manuel.  
Q: What is your age? A: 48.  
Q: What is your post-office address? A. Taft.  
Q: Are you the man who testified about Ransom Ragen, here on  
last Saturday? A: Yes sir.

Questions by John G. Lieber, acting for M. L. Mott,  
attorney for Creek Nation.

- Q: After you testified in this case the other day you told  
me that Mr. Davidson who was out to your house to see about  
this and other cases, had gotten a record of the birth of  
Ranson Ragen out of another book which you showed him at  
that time, didn't you Parson?  
A: That Mr. Davidson got the date of the birth of Ranson  
Ragen and others when he asked for that child of Robinson's  
and I told him I didn't have Robinson's child birth or  
death, that he had to go to the Secretary Amelia Ragsdale  
Q: But you did tell me that he was looking at another book  
when he was at your house and that he didn't see the book  
that you had here before the Commission the other day,  
that is what you told me? A: Yes sir.  
Q: Now then tell the Commissioner which book it was that Mr.  
Davidson was looking at when he was at your house? A: It  
was either one of these books, (The two large day books)  
Just which one I don't know. I said perhaps he might have  
seen it in a book, I don't know whether I had written it  
in there or not.  
Q: Now in the smaller book which you show here quite a number  
of pages have been torn out haven't they? A: Yes sir.  
Q: Explain to the Commissioner why these pages have been  
torn out? A: I brought these books from Okmulgee where  
they were used and the time was out for using them and I  
just brought them home. A good many of the leaves were out

- Q: Well more of the leaves have been torn out since you got possession of this book, got it from Okmulgee, haven't they?  
A: Yes, when I went to the Lodge I carried the book with me I had no tablet and I just took a leaf out.  
Q: You don't know which one of these books Mr. Davidson looked at? A: No sir, I don't know which one really.  
Q: Is there anything about the record about Ranson Ragen in either one of these books? A: No sir.

George K. Davidson, being first duly sworn by Henry G. Hains a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name, age and post-office address? A:  
A: George K. Davidson, age 24, post-office address, Muskogee.

Questions by John G. Lieber, acting for M. L. Mott, attorney for Creek Nation.

- Q: What is your occupation at present, Mr. Davidson?  
A: I am investigating fraudulent enrollment cases for the Creek Nation.  
Q: Did you visit Robert Manuel who has just testified in this case, a short time ago about an enrollment case?  
A: Yes sir.  
Q: What case did you go to see him about? A: I saw him about General Robinson's child.  
Q: While ther with him did you gain any information relative to the case of Ranson Ragen? A: Yes sir.  
Q: State to the Commi sioner what information you got and how you got it? A: Why, I asked him about this Robinson child and he said he had something about it in a book and so I said, please show it to me and he went to a trunk and got out a couple of books and looked over one of them and couldn't find anything about it and he said he thought the child died in April and he said he wasn't there when the child died, he was away somewhere and I could find out by calling on Amelia Ragsdale, and while he was turning over the pages of his book I saw the name of this Ranson Ragen and asked whose child was that, and he said it was his sister's child, I think her name is Susie and so I asked him, how did he know it was born that date and I understood him to say he was there when the child was born and so I didn't tell him my business or anything about wither one of the children, but I wrote the dates down on a piece of paper and brought it back to the Commissioner.  
Q: What was the date given in that book you saw relative to the birth of Ranson Ragen? A: March 31, 1906.



- Q: I show you two books which were brought in here by Robert Manuel, state to the Commissioner whether it was either one of these books you saw that record in?
- A: Yes sir, it was one of those books but I couldn't say which one it was because I was looking over his shoulder and when I got to that child's name I said let me see that a minute and he handed it over to me and I copied it off.
- Q: Look through these books Mr. Davidson and see if you find any record in either one of those now relative to the birth of Ranson Ragen? A: No sir.
- Q: You say there is nothing in this small book? A: No sir.
- Q: Do you find any pages torn out in that small book?
- A: Yes sir. I don't find anything with reference to the birth of Ranson Ragen in this other book either.
- Q: Then you find nothing with reference to the birth of Ranson Ragen at this time in either one of these books?
- A: No sir.
- Q: Are you positive Mr. Davidson that you did see a record of the birth of that child in one or the other of those books at the time you had a talk with Robert Manuel a short time ago? A: Yes sir.
- Q: Was there any other record on the page containing the record of the birth of Ranson Ragen? A: No, I don't remember, I just know of that special one because it was a new born child.
- Q: Are these the only two books he showed you when you were out there? A: That is all I saw.

Questions by Commissioner:

- Q: Have you that piece of paper with you that you wrote down?
- A: No sir, I gave it to Mr. Lieber.
- Q: You are positive that you made no mistake in transferring that from the book that Mr. Manuel had? A: Yes sir.
- Q: Did you have any conversation with him other than you stated, at which he said he was present? A: No sir.
- Q: Did he tell you any other date than that shown, March 31.
- A: No sir.
- Q: Never indicated to you in any way that the child was born March 3rd. A: No sir.
- Q: Was anyone present at the time you were speaking to him about that child and looking at that book? A: No sir.
- Q: You found no record in either of the 2 large books about the Robinson child? A: No sir.
- Q: That one you were looking for when you run on to this Ranson Ragen entry was for Peggie Robinson? A: Yes sir.
- Q: He didn't show you this small book he just took out of his pocket? A: No sir, he got those two books out of his trunk.

Robert Manuel, being recalled by Commissioner, testified as follows:

- Q: You remember about Mr. Davidson being out to your house sometime recently. A: Yes sir.
- Q: Did you have a talk with him about the Robinson child?



- A: He asked me concerning the Robinson child.
- Q: What did you do then? A: I got these two books but there wasn't nothing in either about the Robinson child.
- Q: Was there anything in there about the Eagen child? A:
- A: Nothing to my remembrance.
- Q: Don't you know there was in this one book an entry where the child was born March 31, 1906 and he copied on a piece of paper that entry? A: No sir, he asked what the lady was named, and I said Ella Robinson, and he said I have got it wrong then, I didn't know what he was writing.
- Q: Didn't he ask you anything about the Ragen child?
- A: He asked me something about it but I didn't pay any attention, I was looking over the ~~big~~ book looking for Robinson.
- Q: While looking through the books for Robinson, did you find anything about Ragen? A: No sir.
- Q: Do you deny that he saw this entry about this Ragen child?
- A: I don't know whether he saw it or not, I never saw it.
- Q: And you deny that he wrote from one of these two books on a piece of paper, do you deny knowledge of that?
- A: I knew that he was writing but I don't know what he was writing.
- Q: You deny knowledge that he was writing that entry of Ranson Ragen was born March 31?
- A: Yes sir, I didn't know what he was writing.
- Q: You heard him talk about that Ragen child? A: I didn't dream what his business was or what he was doing.
- Q: You also know he mentioned the name of Ranson Ragen don't you? A: Yes sir.
- Q: You made no attempt to show the entry in this small book that is recorded in there three times? A: No sir.
- Q: When you came in here to testify last Saturday to testify you pulled out this small book, which has an entry saying the child Ranson Ragen was born March 3, saying it twice, two different places and one place saying March 2nd, and you said nothing about these big books at all isn't that a fact? A: No sir, I didn't say anything about those because I didn't know whether I had written it on that book or not.
- Q: As a matter of fact when talking with Davidson about the Ragen child you got out these two books, in which he claims he saw the entry about Ranson Ragen, you said nothing about this book, and didn't get out the little book that has the entry written in it 3 times?
- A: He enquired about the Robinson child, he didn't inquire about the Ragen child.
- Q: In one of the entries in this small book the entry appears Ranson Ragen was born March and the figures are all together 3-1906. When you wrote that did you mean to write March 31, 1906 or did you mean to write March 3, 1906?
- A: I meant it to mean March 3, 1906.
- Q: And at the time Mr. Davidson was asking you about the Robinson child you showed him those two books which you got out of your trunk, and in which you or he couldn't find anything about the date of the death of Peggy Robinson's child, and you did not show him this small book in which you now find the entry of Peggy Robinson?
- A: How is that? No sir, I never thought of it once that I had it in that book really.

Q: The pages on said small book are not numbered and there appear many entries about different persons among others appear the following on one page.  
Yamah Warrior, died October 7, 1871.  
Jane Jacob died July 27, 1901  
Allie Perryman died August 15, 1899.  
Peggy Robinson died April 27, 1906 the 27 is written above the word April.

Did you write these entries? A: Yes sir.

Q: Did you write them all at the same time? A: No sir I wrote them at the cemetery while looking over their tomb-stones.

Q: Wrote them all at the same time, didn't you? A: Yes sir.

Q: When was that? A: I can't tell exactly what time I was over there.

Q: Was it this year? A: Yes, I think it was along in the Spring if I mistake not.

Q: Do you know what month it was in? A: No sir, I don't remember.

Q: Do you positively deny knowledge of the actual date of birth of this child Ranson Ragen? A: If I deny the knowledge of knowing it?

Q: That is the idea? A: I only know what they gave me.

Q: Do you positively swear that you don't know as a fact that this child Ranson Ragen was born the last part of March?

A: I don't know.

Q: Didn't you testify the other day that you were not present when this child was born? A: No sir, I wasn't present.

Q: Didn't you tell Davidson here that you were present when that child was born? A: Not to my knowledge, did I tell him that I was present.

Q: You understand the nature of an oath, do you?

A: Yes indeed I do.

Q: Do you know what the penalty is for false swearing?

A: No sir.

Q: Well if a man holds up his hand and swears to tell the truth before the proper officer and then deliberately tells a falsehood with regard to material points he is liable to imprisonment in the penitentiary. Do you understand that? A: Yes, I understand it.

Q: You swear positively now that you don't know the exact date of the birth of this child? A: No sir I don't know it

Q: Now in this small book which you introduced the other day, and which you now introduce again I find two letter pages with writing on about different people in addition to the three entries already given in this book, there is reiterated the statement that Ranson Ragen was born March 3, 1906. These were not in that book when you were here on Saturday? A: I had taken the papers out of the book and put them in my pocket on Saturday.

Q: When you handed us the book these letter pages wasn't in the book? A: No sir, I had them in my pocket.

Q: How does it come you wrote down three times in the book and twice on letter sheets that entry in this book?

A: I just wrote for practice that is all.

Q: Did you write it in this big book for practice too?

A: No sir not about Ranson Ragen.

Q: Do you swear positively you didn't write anything about Ranson Ragen? A: I swear positively to my knowledge I don't know that I did.

Q: Do you swear positively that you have not torn out these pages? A: No sir, I have not.

- Q: How long after the birth of this child Ranson Ragen before you ever saw it? A: I do not know.
- Q: Have you ever seen it? A: Yes sir, I seen the child.
- Q: Is it living? A: It was living when I was there.
- Q: Were you there only once? A: Yes sir.
- Q: When was that? A: The latter part of April if I mistake not.
- Q: How old was the child then? A: I don't know really, it might have been two months old.
- Q: Don't you know exactly how old it was? A: No sir, I don't
- Q: Couldn't you tell us by looking at the child about how old it was? A: No sir.
- Q: Didn't the mother or anybody tell you how old it was at that time? A: No sir.
- Q: Didn't the mother or anybody tell you when it was born? A: Yes, they said March 3rd.
- Q: Who told you that? A: Its mother.
- Q: Anybody else? A: No sir.
- Q: Are you sure of that, March 3rd? A: That she told me; yes sir.

Questions by John G. Lieber, acting for Creek Attorney.

- Q: How far did the Ragens live from Okmulgee?  
A: 6 miles I believe.
- Q: What direction, Parson? A: A little Northeast, more East than north and east.
- Q: What direction did they live from Morris and how far?  
A: Northwest, I don't know how far it is from Morris.

Questions by Commissioner:

- Q: Have you ever been indicted for any crime or felony?  
A: No sir.
- Q: Have you ever served any jail or penitentiary sentence?  
A: No sir.

Questions by John G. Lieber acting for Creek Attorney.

- Q: What was you to get Parson for keeping the record of the birth of this child? A: I wasn't to get anything.
- Q: Are the Ragens related to you? A: Yes sir.
- Q: What relation? A: The children and mother are. The mother is a half sister to me.

George K. Davidson, recalled by Commissioner, testified as follows:

Questions by Commissioner:

- Q: You say you wrote down on a piece of paper out of one of these two books he took out of his trunk that Ranson Ragen was born March 31, 1906? A: Yes sir.
- Q: You are sure it was out of one of these two books?  
A: Yes sir, those are the only two books I saw.

- Q: You have that piece of paper you wrote on? A: Yes, I gave it to Mr. Lieber.
- Q: Would you have any other place to have seen that date, March 31, 1906 than out of either of these books?
- A: No sir, I had no other place to get it at all.
- Q: You couldn't get that date, March 31, 1906 except from this man's books? A: No sir, no other place at all.

This is all the evidence given in said cause on said date.

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 on said date in said cause.

Julia C. Laval

Subscribed and sworn to before  
me this 20 day of September, 1906.

Edward Herrick  
Notary Public.

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

In the matter of the application for the enrollment of Ransom Ragen as a Creek freedman.

## D E C I S I O N.

The record in this case shows that on July 11, 1906, application was made, in affidavit form, supplemented by oral testimony on September 14, 1906, and by further testimony on September 17, 1906, for the enrollment of Ransom Ragen as a Creek freedman under the provisions of the Act of Congress approved April 26, 1906.

The original application consisting of affidavits of the mother of the applicant and the mid-wife in attendance at the birth, give the date of the applicant's birth as March 3, 1906.

Robert Manuel, a relative of applicant swears that he has been informed that March 3, 1906 is the correct date of said birth and he exhibited, while on the witness stand, a hand book in which he had entered, in one place, the date "March 3, 1906" as the date of the birth of said applicant and in another the date "March 2, 1906", but he stated that this latter entry was erroneous.

George K. Davidson testified that he saw, in a book belonging to Robert Manuel, a notation giving the date of Ransom Ragen's birth as March 31, 1906.

As Manuel swears he was not present at the birth of the applicant and did not see him until almost two months thereafter, and that he got his information regarding the date of said birth from others, and made entries in his books in reliance upon said information, both his own testimony and that of Davidson must be regarded in the light of hear-say.

The Commissioner is of the opinion, that from the weight of the evidence filed in this matter, it appears that the said Ransom Ragen was born on March 3, 1906 and was living on March 4, 1906 and was the child of Jerry A. Ragen, a non citizen and Susan Ragen, whose name appears on the approved roll of Creek freedmen, opposite number 2747.

The Act of Congress approved April 26, 1906, (34 Stats L. 137) provides in part as follows:

"That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate

children shall take the status of the mother, and allotments shall be made to children so enrolled."

It is, therefore, ordered and adjudged that the said Ransom Ragen is entitled to be enrolled as a Creek freedman in accordance with the provisions of the Act above quoted, and the application for his enrollment as such is accordingly granted.

Muskogee, Indian Territory.

FEB 6- 1907

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COMMISSIONER.

NEW BORN

365 *F-2747-*  
*Mattie*

**IN RE**

Application for Enrollment of

**MINOR CHILD**

Act of Congress Approved  
April 28, 1906.

Ransom Ragen

as a citizen of

Greek

Nation.

Approved

190

Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
FILED

*July 11 06*  
COMMISSIONER

*Born Mar 3, 1906.*  
*Rec'd July 11 06.*

NEW BORN CREEK FREEDMEN.



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 Creek Nation,  
of Ransom Ragen, born on the Third day of March, 1906.  
(Here insert name of child)  
Name of Father: Jerry A. Ragen non a citizen of the Creek Nation.  
Name of Mother: Susan Ragen a citizen of the Creek Nation.  
Tribal enrollment of father: Tribal enrollment of mother: 2747.  
Postoffice: Okmulgee, Indian Territory.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }  
Western Judicial District. }

I, Susan Ragen, on oath state that I am about 40 years of age and a citizen by adoption of the Creek Nation; that I am the lawful wife of Jerry A. Ragen, non who is a citizen, by of the Creek Nation; that a male child was (Male or Female) born to me on Third day of March, 1906; that said child has been named Ransom Ragen and was living March 4, 1906.

Susan Ragen

WITNESSES TO MARK:

[Must be Two Witnesses] Mark L. Bozarth  
Chas. L. Whieys

Subscribed and sworn to before me this Fifth day of July, 1906.

My Commission expires Oct. 21st. 1906. Mark L. Bozarth  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }  
Western Judicial District. }

I, Viney Johnson, a mid-wife, on oath state that I attended on Susan Ragen, wife of Jerry A. Ragen on the Third day of March, 1906; 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

Ransom Ragen Viney Johnson

WITNESSES TO MARK:

[Must be Two Witnesses] Mark L. Bozarth  
Chas. L. Whieys

Subscribed and sworn to before me this Fifth day of July, 1906.

My Commission expires Oct. 21st. 1906. Mark L. Bozarth  
Notary Public.

CR EN 1113

CR EN 1113

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
SEPTEMBER 29, 1906.

N.B.P. 372.

In the matter of the application for the enrollment of  
Gennie Sanders, as a Creek Freedman,

APPEARANCES: John G. Lieber, acting for M. L. Mett/  
attorney for Creek Nation.

Louis Fulson, being first duly sworn by Henry G. Hains, a  
Notary Public, testified as follows, to-wit:-

Questions by Commissioner:

- Q: What is your name? A: Louis Fulson.  
Q: What is your age? A: I was born in '37.  
Q: What is your post-office address? A: Muskogee.  
Q: You are not a Creek Freedman are you? A: No sir. A Chec-  
taw.  
Q: Have you a daughter named Lula? A: Yes sir.  
Q: What is her other name now? I don't know her married name  
I don't bother that much with her, the child is away and I  
don't know.  
Q: Where does she live? A: In Checota.  
Q: Do you ever go to see her? A: I have been there twice  
since she has been married.  
Q: When was the first time you went to her house? A: Oh I  
don't know exactly when, Christmas sometime but when I  
don't remember.  
Q: Didn't you promise us this morning that you would go  
home and get some papers which would tell us exactly when  
you were there? A: Yes sir, that will tell you.  
Q: How long was it before you went the second time?  
A: I think I was down there in February if I am not mistaken  
in about the 1st. of february.

Witness presents papers among which there is a letter to  
Mr. Ayres from R. B. Hutchinsen dated 3/3/1906.

- Q: In what way would this letter fix the date of your visit,  
did you get this letter at the time you were down there?  
A: Yes sir the last time I was down there at my daughter Lula's  
Q: Were you there at her house? A: Yes sir.  
Q: Did you see any of her children when you were there?  
A: Only one.  
Q: How old was that child? A: Maybe a year or maybe over.  
Q: Do you know what its name was? A: No sir, it was pretty  
near train time and I could come home that same day and I  
didn't have much time to stay there.

- Q: At the time you were there the second time and saw this child a year old or over, you didn't see a child there about a month old? A: No sir, no sir, I did not.
- Q: Well from that fact and what you saw there would you take it that it was possible that she had a child about a month old? A: No sir. That was the onliest child I seen and that is all I can tell you.
- Q: But if she did have or had a child a month old you would have been likely to have seen it? A: I was right in the house and itm looks like I could have.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: How long were you there the last time? A: I was aiming to come away on the 3 o'clock train and I didn't stay there.
- Q: About how long were you there, Louis?
- A: I would say about 25 or 30 minutes.
- Q: Did you eat a meal there? A: No sir she started to fix dinner for me, but I went to my other daughter Gennie's.
- Q: You simply went to see her she was your daughter-- and that was the 3rd. day of March at the time you got that letter?
- A: Yes sir.
- Q: You say you didn't see any little baby there a couple of weeks old? A: No sir, I didn't.
- Q: Did your daughter say anything to you at that time about having a child of that age? A: No sir.
- Q: What was her condition at that time, was she in such condition that you could reasonably expect her to give birth to a child any ways soon?
- A: Well no, I couldn't say but I don't think she was but if she was, it wasn't noticeable. But then I didn't pay any attention to her.
- Q: You tell us that when you visited there, at that time you not only didn't see a child there but from your daughters appearance you had no reason to believe that she would give birth any ways soon to a child? A: No.
- Q: Well if she had been in that condition you would have noticed it wouldn't you? A: Yes, I believe I would.
- Q: You are a man of family and have had several children of your own? A: Oh yes.

Questions by Commissioner:

- Q: That one that was there a year or more old was it a boy or girl? A: I didn't ask a questions I am a sort of don't care a fide fellow and just pass on and don't pay any attention to it. I don't know.

Q:  
Questions by John G. Lieber, acting attorney for Creek Nation:

- Q: That child you saw there was old enough to walk wasn't it?
- A: I don't know it sat in the chair and I didn't pay any attention to it, I handed it my hand and it was scared and started to cry and I didn't pay any more attention to it.
- Q: Was it a high chair? A: No, I think it was a rocking chair if I am not mistaken.
- Q: And it was sitting there alone was it? A: Yes sir. I don't know whether it was tied in the chair or not.
- Q: Was that the only child you saw there?
- A: That is the onliest one I seen there.

It appears from the records of this office that Myrtle Sanders on the Final Roll of New born Freedmen Number 153 and the daughter of Sam Sanders and Lula Sanders who has been identified as Lula Fulson, daughter of Louis Fulson was born July 4, 1904.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Louis what is your daughter's husband name? A: I don't know, I have heard it called but I don't know it.  
Q: Is it Sanders? A: I don't know sir.

This is all the evidence given in said cause on said date.

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 on said date in said cause.

Julia C. Laval.

Subscribed and sworn to before  
me this 15 day of October, 1906.

Edward Herring  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY/  
OCTOBER 11, 1906.

NBF. 372

In the matter of the application for the enrollment of Gennie Sanders as a Creek Freedman.

**APPEARANCES:** John G. Lieber, acting for M. L. Mott, attorney for Creek Nation.

Katie Curlee, being first duly sworn by Henry G. Hains, a Notary Public, testified as follows, to-wit:

By Commissioner:

- Q: What is your name? A: Katie Curlee.  
Q: How old are you Katie? A: I am going on 27.  
Q: What is your post-office address? A: Checotah.  
Q: Are you a citizen of any of the 5 tribes or a State woman  
A: State woman.

Questions by J. G. Lieber acting attorney for Creek Nation.

- Q: Do you know Sam Sanders and his wife Lula Sanders?  
A: I do.  
Q: How long have you known them? A: About 10 years.  
Q: Did they have a child born to them sometime this year?  
A: They did.  
Q: What is the name of that child? A: Gennie Sanders.  
Q: When was that child born? A: It was born in June about the 26th---on the 26th. I think ---I am not positive but I think it is the 26th.  
Q: Were you present when the child was born? A: Yes sir.  
Q: How do you happen to remember that it was born in June?  
A: Because I know it was June, in the month of June.  
Q: Are you related to these people in any way?  
A: No sir not in any way.  
Q: Do you live close to them? A: Yes sir.  
Q: How did you happen to be there when the child was born?  
A: Why he came over there and asked my husband to let me come over there.  
Q: Who else was present besides you? A: Dr. McGuire and Mrs. Temple.  
Q: Is that Mrs. Temple any relation to A. Jackson Temple?  
A: His mother.  
Q: Who acted as midwife at the birth of that child?  
A: I don't know what that means, but Mrs. Temple attended to the woman.  
Q: You were present? A: Yes sir.

By Commissioner:

- Q: Do you know what the name of Lula's mother is? A: No sir  
Q: Do you know what her father's name is? A: No sir.  
Q: Do you know what it was before it was Sanders?  
A: Fulson I think.  
Q: She was a Fulson before she married Sanders was she?

Questions by J. G. Lieber acting attorney for Creek Nation.

- Q: Did you sign an affidavit relative to the birth of this child, Mrs. Curlee? A: Yes sir.
- Q: Is that the affidavit? (Showing the witness the application for the enrollment of Gennie Sanders filed before the Commissioner on July 5, 1906)
- A: Yes sir, that is my writing.
- Q: That is your signature to the affidavit is it?
- A: Yes sir.
- Q: Did you swear to that Mrs. Curlee? A: No sir.
- Q: Why didn't you swear to it? A: I wasn't asked to.
- Q: Was it read over to you before you signed it?
- A: No sir.
- Q: Was it filled out with the top of it written out at the time you signed it, as you see it now Mrs. Curlee?
- A: No sir, not that I remember.
- Q: Was there any writing in there at the time you signed it?
- A: Not that I remember, I ~~stxxxxxx~~ don't think there was.
- Q: That affidavit purports to have been signed and sworn to before A. Jackson Temple a Notary Public, was he present when you signed that affidavit? A: He was.
- Q: You say he didn't ask you to swear to it? A: No sir.
- Q: Well what did he say to you about when this child was born-- did he ask you anything about that? A: No sir he didn't ask me anything, only asked me to sign my name.
- Q: Did he tell you what you were signing? A: No sir, he didn't tell me.
- Q: Did he tell you why he wanted you to sign it? A: No sir.
- Q: Well do you mean to say that you sign papers for people without them telling you why they want you to sign it? Didn't he say anything to you except asked you to sign it?
- A: No sir.
- Sandy came over to my house and asked would I come over to his house and said he wanted to file or enroll the baby. He said would I come over he wanted me to say I was there when the baby was born---I was there when the baby was born and he asked me would I come and I said Yes and Temple said for me to sign it right there.
- Q: And you understood it was something relative to the birth of this child Gennie Sanders? A: Yes sir.
- Q: And you say it wasn't read over to you before you signed it?
- A: No sir.
- Q: You don't remember of seeing any type-writing in the affidavit at the time you signed it? A: No sir.
- Q: Is that child living now Mrs. Curlee? A: Yes sir.
- Q: Do you know what day of the week the child was born on?
- A: No sir, I didn't pay any attention to that.
- Q: How old was that child when Temple came there to the house and they sent for you to come and sign this paper?
- A: I don't know how long it was, but it wasn't but a few days old, it might have been a week old, I don't just remember.
- Q: It wasn't but a few days old though.
- Q: Did Temple see the baby there when he was there? A:
- A: Yes sir.
- Q: Did Mrs. Sanders sign that paper in your presence?
- A: No sir. Not in my presence.
- Q: Did she sign it before you got to the house? A: Yes sir.



- Q: You know her signature, do you when you see it?  
A: I have seen it I don't know whether I do or not.  
Q: Is that the signature just above the affidavit that you made? A: It looks like it.  
Q: Do you know whether there was anything type-written in the affidavit that Mrs. Sanders signed at the time she signed it? A: I am not positive but I don't think there was any, I don't remember of seeing any in there.  
Q: Was there any seal on the affidavit at the time you signed it? A: No sir.  
Q: Did you ever tell Temple that you acted as midwife at the birth of this child? A: Never.  
Q: Did you ever at any time make an affidavit before him saying that you acted as midwife at the birth of this child?  
A: No sir.

Questions by Commissioner:

- Q: Do you know of any other person by the name of Katie E. Corlee in the world? A: No sir.  
Q: Don't know of any at all do you? A: No sir.

Questions by J. G. Lieber, acting attorney for Creek Nation

- Q: Are you on good terms with the Sanders people, Sam and his wife? A: Yes sir.

By Commissioner:

- Q: How old is this child now, Gennie? A: It is over 3 months old I guess it was born in June. ~~XXXXXXXXXXXXXXXXXXXX~~  
Q: Because you know it was born in June you suppose it is over 3 months old? A: I suppose it is I haven't counted it up to see.  
Q: You know as a matter of fact that it is not as much as 6 or 7 months old, don't you? A: Yes, I know it is not 6 or 7 months old.

Questions by J. H. Lieber, acting attorney for Creek Nation.

- Q: You are positive that child was not born as early as the 4th. of March, are you? A: No sir, it wasn't born then.

This is all the evidence given in said cause on said date.

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 on said date in said cause.

Subscribed and sworn to before  
me this 18 day of October, 1906.

  
\_\_\_\_\_  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
OCTOBER 12, 1906.

NBF- 372

In the matter of the application for the enrollment of Gennie Sanders, as a Creek Freedman.

John G. Lieber, acting for M. L. Mett, attorney for Creek Nation.

George W. McGuire, being first duly sworn by Henry G. Hains a Notary Public, testified as follows, to wit:

Questions by Commissioner:

- Q: What is your name? A: George W. McGuire.  
Q: What is your age and post-office address?  
A: I was born on the 23rd. of January 1860 and my post-office address is Checotah.

Questions by J. G. Lieber, acting attorney for Creek Nation.

- Q: What is your business or profession? A: I am a physician.  
Q: Do you know Sam Sanders and his wife Lula Sanders?  
A: Yes sir.  
Q: How long have you known them Doctor? A: I think 5 years or 6.  
Q: Do you know whether or not Lula Sanders gave birth to a child any time this year? A: She did.  
Q: What was the child a boy or girl? A: I don't know which it was, I haven't got any memorandums of that here.  
Q: Did you wait on her at the time the child was born Doctor?  
A: Yes sir.  
Q: Have you a memorandum showing when you waited on her for the birth of that child? A: Yes sir.  
Q: Have you that memorandum with you? A: Yes sir.  
Q: What does that memorandum show? A: The 7th. of July.  
Q: Do you know what that child has been named? A: No sir.  
Q: But then you know she had a child born to her on the 7th. day of last July? A: Yes sir.  
Q: Was the child a full grown child, Doctor, was it matured?  
A: A full term child, yes sir.  
Q: Will you show the memorandum to the Commissioner Doctor?  
(By Commissioner)  
There is presented a small "Physicians Visiting List" a small book and on a page dated at the top July 1906, giving the days of the week from the 1st. to the 7th. are found certain entries, among others, the name Sam Sanders and on the 7th. opposite his name is note, of.  
Q: What does that mean Doctor? A: That means confinement.

- Q: That means you charged Sam Sanders for one confinement case on that date? A: Yes sir.
- Q: Is that the date you went and waited on his wife?
- A: To the best of my knowledge, yes---I think I waited on her on that date. I waited on the other one there on the same date and I think I waited on both of them the same date.
- Q: What is that name? A: Manus Perry.
- Q: Right below his name is the name of Breeden and the mark for prescription being on the same date.

By J. G. Lieber acting attorney for Creek Nation.

- Q: Where does Sam and Lula Sanders live Doctor?
- A: They live right near the oil mill in Checotah.

By Commissioner:

- Q: Do you know what the name of Lula Sanders was before she was married? A: No, but I think she was the daughter of Bettie Chambers.
- Q: And a sister of Will Fulson? A: I rather think she is a half sister or something, I don't know.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Who else was there when this child was born?
- A: I think there was an old lady there by the name of Temple. And another Bob Curless wife if I am not mistaken and it seems like there was another one but I didn't pay much attention to it.
- Q: You think Curless wife was there?
- A: Yes she was there, she is a tall slim mulatto.
- Q: Do you know whether her name is Katie? A: I don't know whether it is or not, but I remember she was there, her little child was there with her.

This is all the evidence given in said cause on said date.

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.

Julia C. Laval.

Subscribed and sworn to before  
me this 16 day of October, 1906.

Eduard Morris  
Notary Public.

N.B.F. 372.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskegee, Indian Territory, October 25, 1906.

In the matter of the application for the enrollment of  
GENNIE SANDERS as a Creek freedman.

APPEARANCE:

JOHN G. LIEBER appears for M. L. Mott,  
attorney for the Creek Nation.

LULA SANDERS, being first duly sworn by Henry G.  
Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Lula Sanders.  
Q How old are you? A 23 years old.  
Q What is your postoffice address? A Checotah.  
Q Are you a Creek freedman? A Yes sir.  
Q What is the name of your father? A Lewis Fulson.  
Q What is the name of your mother? A Bettie Harper.now.

The witness is identified as Lula Fulson opposite  
Creek freedman roll No. 1461.

BY MR. LIEBER:

- Q Are you the wife of Sam Sanders? A Yes sir.  
Q Did you have a child born to you sometime this year? A Yes  
sir.  
Q Was it a boy or a girl? A Girl.  
Q What is the name of the child? A Gennie B. Sanders.  
Q When was the child born? A Why I think it was sometime in  
July.  
Q Sometime in July you say? A Yes sir, I think it was.  
Q How old is the child now? A Well it is nearly four months  
old I think.  
Q Nearly four months old? A Think it is nearly four months.  
Q Are you positive that the child was born in July of this year?  
A Yes sir, it was born this year.

Gennie Sanders-----2

- Q I mean in July of this year? A Yes sir.
- Q Positive it was July? A Yes sir.
- Q Well dont you know the exact date of the birth of the child, the day of the month it was born on? A No sir, not just exactly.
- Q Was it born before or after the 4th of July? A Before the 4th of July.
- Q Before the 4th of July? A I think it was.
- Q Well do you know; what did you do on the 4th of July; did you go to any picnic? A No sir, I didnt go anywhere at all.
- Q Well do you remember whether the child had been born at that time or not? A It was born after the 4th.
- Q After the 4th; are you sure of that? A Uhhuh.
- Q You made an affidavit before A. Jackson Temple, a Notary Public, about the birth of this child, did you not? A Yes sir.
- Q Is that your signature, Lula (showing the witness original application for the enrollment of child)? A Yes sir.
- Q You signed that affidavit did you? A Yes sir.
- Q Did you swear to it Lula? A No sir, didnt swear to it because I wasnt asked to swear to it.
- Q Where was that affidavit made? A Where was it made?
- Q Yes. A I suppose Temple made it down town.
- Q Where did you sign it? A I signed it at my house; he come to my house, asked me to sign it; of course I signed it.
- Q Did the affidavit have that typewriting in there when you signed it? A I dont know sir whether it did or not; I just signed my name; didnt read it at all.
- Q Did nt you ask him what you were signing? A He told me what it was.
- Q What did he say it was? A He said if I would sign the certificate why he could get the baby on the roll.
- Q Did he ask you when the child was born? A No sir, he knew the case; I had his mother to stay with me.
- Q Was that affidavit made before or after the child was born? A Oh it was made after the child was born.
- Q Sure of that are you? A Yes sir, I am sure of that.
- Q Now the affidavit was made on the 30th day of June, 1906, and was filed with the Commissioner here on the 5th day of July, 1906? A Yes sir.
- Q You stated a while ago that your child was born after the 4th day of July; now which is correct; was the child born after the 4th day of July, or was that affidavit made out before it was born? A It was made out after the baby was born.
- Q You are sure of that? A Yes sir, sure of that.
- Q How old was the baby when that affidavit was made out? A Why it was bout four or five days old.
- Q Did Temple see the baby there when he come to your house? A Yes sir, he seen it.
- Q He knew it wasnt over four or five days old, didnt he? A Yes sir, he knew it.
- Q You say he didnt read that affidavit over to you? A No sir.
- Q Never asked you to swear to it? A No sir.
- Q Did you tell him that that child was born on the 19th day of February, 1906? A No sir, indeed I didnt.

Gennie Sanders-----3

- Q You say that you dont know whether that typewriting was in that affidavit when you signed it or not? A No sir, just signed my name.
- Q Well had you said anything to Temple about the birth of this child before he came to your house to get you to sign that? A No sir, never said a thing about it.
- Q Had your husband talked to him about it? A No sir, I dont know whether he did or not.
- Q Cant you remember whether that typewriting was in that affidavit when you signed it or not? A No I dont think it was in there.
- Q He just asked you to sign that paper and you signed it? A Yes sir, that was all he asked me when he come in my house there, he told me to sign it; of course that was all I did to it, just signed my name there.
- Q Did you send for him to come to your house? A No sir, indeed I didnt.
- Q Who did? A Why I dont know; I know I never; he came there himself; of course I wasnt the only one.
- Q You mean the only one he enrolled babies for? A Enrolled babies for.
- Q Do you know anybody else he enrolled babies for? A Yes sir.
- Q Who? A I heard of Mother's niece's baby.
- Q What is her name? A Sarah Bruner.
- Q She is the one that lives at Will Landrum's is she? A Yes sir.
- Q What were you to pay him for getting this child enrolled? A I didnt pay him anything.
- Q Didnt your husband have a talk with him about it? Q Well I couldnt tell you; more than half of the time he wasnt at home; of course I couldnt tell whether he talked with him or not.
- Q Wasnt your husband at home when this child was born? A Yes sir, he was right at home.
- Q Then if this affidavit says that your child Gennie was born on the 19th day of February, 1906, it says something that is not true, doesnt it? A Yes sir, I didnt know he had it made out that way until I received that letter from here, and after reading the letter I knew how it was made out.
- Q When did you get that letter from Mr. Bixby? A Well it was the same week that he sent the certificate in.

BY MR. LIEBER:

We ask that a copy of that letter be made a part of the record in this case.

- Q You received that about a week you say after he made out that affidavit? A Yes sir.
- Q Well you didnt go to him to the Commissioner to try and correct that did you? A No sir, couldnt then because I was sick.
- Q well your husband was at home at that time, wasnt he? A Yes sir.
- Q You didnt send him up here to correct that did you? A No sir.

Gennie Sanders-----4

- Q You knew that this fellow Temple had made that affidavit that way when you got that letter didnt you? A Yes sir, I knew after I got the letter; didnt know before.
- Q Well you didnt take any steps after you got that letter to correct that did you? A No sir.
- Q Never said anything to Temple about it, did you? A No sir, didnt say anything to Temple about it.
- Q You are certain that this child was not born as early as before the 4th day of March, are you? A No sir, it wasnt born before March.
- Q Are you certain that it was born after April of this year? A Yes sir, it was born after April.

BY THE COMMISSIONER:

- Q Now Lula, you mean to say that Temple had that affidavit so folded over or anything that you couldnt see if there was any writing on it? A No sir.
- Q Why cant you tell Mr. Lieber whether that affidavit had any writing on it; didnt you pay any attention to it at all? A Well I just wrote my name on there, all I had to do with it.
- Q You never looked to see what it said? A No sir.
- Q Didnt you know as a matter of fact when that affidavit said your child was born February 19, 1906, and at the time you knew it said that you also knew it wasnt born until June or July; isnt that a fact? A I didnt look to see.
- Q Even if you didnt look over it, didnt you know when you signed that affidavit stating that it was born February 19, 1906, that as a matter of fact it wasnt born until June or July? A No sir.
- Q When he came to your house werent you still sick? A No sir hadnt been out of the house.
- Q And even if you had wanted to you couldnt have gone to town to sign the affidavit at that time? A No sir.
- Q What day of the week was this child born on? A It was born on Monday.

BY MR. LIEBER:

- Q Were you present when Katie Curly signed this affidavit about your child? A Yes sir.
- Q Did you sign at the same time Katie did? A I signed before she did.
- Q At your house? A Yes sir, all there at my house.
- Q You signed before Katie did? A Yes sir.
- Q Then Katie signed just after you did, in your presence? A Yes sir.

WITNESS EXCUSED.

-----  
Cora Moore, being first duly sworn, states that as



Gennie Sanders-----3

stenographer to the Commissioner to the Five Civilized Tribes  
she reported the proceedings had in the above entitled cause  
on October 25, 1906, and that the above and foregoing is a  
true and correct transcript of her stenographic notes taken in  
said cause on said date.

*Gennie Sanders*

Subscribed and sworn to before me October 26, 1906.

*Edward Merritt*  
Notary Public.

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

In the matter of the application for the enrollment of  
Gennie Sanders as a Creek Freedman.

D E C I S I O N .

The record in this case shows that on July 5, 1906, application was made, in affidavit form, for the enrollment of Gennie Sanders as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906.


The evidence and the records in the possession of this office show that the said Gennie Sanders is the minor child of Sam Sanders, a non-citizen, and Lula Sanders, a Creek freedman, whose name appears upon a partial roll of Creek freedmen approved by the Secretary of the Interior on the 13th day of March, 1902, opposite number 1461; that she was born during the latter part of the month of June or the early part of the month of July, 1906, and that she was living on the date of the last proceeding had herein.

The Act of Congress approved April 26, 1906 (34 Stats. 137) provides in part as follows:

"That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled."

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Gennie Sanders as a Creek Freedman, and the application for her enrollment as such is accordingly denied.

uskogee, Indian Territory.

  
COMMISSIONER.

July 27, 1907

Cr. Pn. 1113

Muskogee, Indian Territory, January 28, 1907.

Lula Sanders,

Care of Sam Sanders,

Checotah, Indian Territory.

Dear Madam:

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 Gennie Sanders 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.

Inc. CM-28-15

Cr.En.1113

Muskogee, Indian Territory, January 28, 1907.

M. L. Mott,  
Attorney for the Creek Nation,  
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 Gennie Sanders 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 Commissioner is informed of the same.

Respectfully,

Commissioner.

Inc. CM-28-16

Cr.En.1113

Muskegee, Indian Territory, January 28, 1907.

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 Gennie Sanders as a Creek Freedman, including the decision of the Commissioner dated January 23, 1907.

Very respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

Inc. CM-28-17

Refer in reply to the following:  
Land 10238-1907.

COPY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON. February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 28, 1907, transmitting the record relative to the application of Gennie Sanders for enrollment as a Creek freedman.

On July 5, 1906, application was made to the Commissioner for the enrollment of Gennie Sanders as a Creek freedman.

On January 23, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that the applicant was born subsequent to March 4, 1906.

Under the provisions of Section 2 of the Act of April 26, 1906 (34 Stat. L. 137), the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner

H.R.D. - NL

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

LRS

JP  
THE

March 1, 1907.

I.T.D. 4850, 4890, 4904, 4960, 4962-07.  
4964, 5082, 5166, 5202, 5328- "  
5342, 5374, 5376, 5378, 5380- "  
5398, 5398, 5400, 5402, 5404- "  
5410, 5414, 5418, 5424, 5428- "  
5466, 5488, 5498, 5548, - "

D.C. 12430, 1907.

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases  
adverse to the applicants are hereby affirmed, viz:

| Title of case.                      | Date of year<br>letter of transmittal. |
|-------------------------------------|--|
| Rhoda Walker,                       | December 19, 1906                      |
| Josiah McIntosh,                    | January 18, 1907                       |
| Tony Harlings,                      | January 18, 1907                       |
| George Allen (Freedman)             | January 28, 1907                       |
| Henry Edwards, (Freedman)           | January 28, 1907                       |
| Lewis Davis, deceased,              | January 28, 1907                       |
| Robert Scott, deceased,             | October 19, 1906                       |
| Tom and Mattie Jeffries, deceased,  | February 8, 1907                       |
| Emma Dodge, (Freedman)              | February 8, 1907                       |
| Georgia Davis, deceased, (Freedman) | February 7, 1907                       |
| Thelma Maud Gibson,                 | February 7, 1907                       |
| Magie Nola Poe, (Freedman)          | January 28, 1907                       |
| Nelson McIntosh                     | January 19, 1907                       |
| Calley Caesar, deceased,            | January 28, 1907                       |
| Sarah Buck, deceased,               | January 28, 1907                       |
| Willie Perryman, (Freedman)         | January 28, 1907                       |
| Joshua Gentry et al,                | January 28, 1907                       |
| Dennis Taylor, (Freedman)           | January 22, 1907                       |
| Paul and Pauline Bruner,            | January 25, 1907                       |
| Gennie Sanders, (Freedman)          | January 28, 1907                       |
| Eddie Levi, (Freedman)              | January 28, 1907                       |
| Gabriel Hawkins, (Freedman)         | January 28, 1907                       |



| Title of case.                         | Date of your letter of transmittal. |
|--|-------------------------------------|
| Lettie Dickson, (Freedman)             | January 22, 1907                    |
| Charles Tiger, deceased,               | January 29, 1907                    |
| Herford Barnett, deceased,             | January 28, 1907                    |
| Cobern Holt, (Freedman)                | February 7, 1907                    |
| Marguerite Scott, deceased, (Freedman) | January 31, 1907                    |

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,  
Assistant Secretary.

27 inc. and 61 for Ind. Of.

AFMc  
3-1-07

Cr. En. 1113

Muskogee, Indian Territory, March 8, 1907.

Lula Sanders,

&amp; Sam Sanders,

Checotah, Indian Territory.

Dear Madam :--

You are hereby advised that under date of March 1, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Gennie Sanders, as a Creek freedman.

Respectfully,

Commissioner.

CR EN 1114

CR EN 1114

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY,  
OCTOBER 5, 1906.

N.B.P. 18.

In the matter of the application for the enrollment of  
Irene Tucker as a Creek Freedman.

Appearances, John G. Lieber, acting for M. L. Mott,  
attorney for the Creek Nation.

Anna Prior, being first duly sworn by Henry G. Haines,  
a Notary Public, testified as follows:

Questions by Commissioner:

- Q What is your name? A Anna Prior.  
Q How old are you Anna? A In fifties somewhere, I don't know  
how old I am I was 5 years old when they surrendered.  
Q What is your post-office address? A Gibson Station.  
Q Are you a citizen of the Creek Nation? A No sir.  
Q A State woman? A Yes sir.

Questions by Mr. Lieber:

- Q Do you know Sandy Tucker and Carlana Tucker? A Yes sir.  
Q How long have you known them? A I don't know sir, 5 or 6  
years, I don't know.  
Q How close do you live to them? A I live now about 4 or 5  
miles I reckon.  
Q How close did you live to them last spring? A The same.  
Q Do you know a child of theirs by the name of Irene Tucker?  
A I didn't know what its name was I waited on her for her  
child last March sometime.  
Q Was it a boy child or girl child? A A girl child.  
Q You acted as midwife did you not? A Yes, I waited on her.  
Q Who else was present besides you and Carlana? When that child  
was born? A This lady who is with me now, I forget her  
name---Tennessee Pearson she was with me.  
Q Who else? A I think that is all. Mrs. Pearson and her  
mother. And her sister was with me.  
Q Whose sister? A Carlana's sister was with me.  
Q She was there when the child was born? A Yes sir.  
Q How when was that child born? A It was born in March  
sometime, I don't know the exact time but it was in March.  
Q How do you happen to remember that the child was born in  
March, Anna?  
Q How does it happen that I remembers it, because she had me  
engaged before. I was staying at home waiting for her and  
my husband came by and said Carlana was kind a poorly and  
I said, Sandy said she wouldn't get down until March and  
I think it was 4 or 5 days in March before she got down.  
Q Then you think it was 4 or 5 days in March before the child  
was born?

- A Yes somewhere along in there. I didn't keep any count, I never keep any count of dates about a child.
- Q How do you remember what day of the week the child was born on?
- A I believe it was on Saturday, I don't know sir, but I think it was on Saturday.
- Q You think it was on Saturday? A I think it was on Saturday.
- Q How long did you stay there at the house after the child was born?
- A I stayed there through the night until the next morning and I went home the next morning, and four days afterwards I went back and dressed the baby, and I didn't go back any more after I dressed the child.
- Q How long did the child live Anna?
- A It lived to be 3 or 4 month or 5 months old, it was a great big child.
- Q Is it living or dead? A It is dead.
- Q How the day after the child was born you went back home?
- A Yes sir, the next day.
- Q How do you remember what day of the week it was when you went back home?
- A No sir, I don't remember but I think the child was born on Saturday night, I think.
- Q The next day after that you went back home? A Yes sir.
- Q Do you remember that the day you got back home was Sunday?
- A It was raining and so cold and I was mad anyhow I didn't pay much attention, but I think it was on Sunday, I think it was on Sunday evening and her mother went home. I never took any notice of it I waited on the child.
- Q What is the name of Carlana's mother? A Old man Poe's wife.
- Q Is it Carlana Poe? A Yes, I think her name is Carlana.
- Q Where do they live?
- A West of me about a mile. Carlana Poe is her name.
- Q Did you wait on anybody else there just before or just after this child was born, Aunty? A Yes, but she was a state woman.
- Q What was her name? A Her name was Lizzie something, her husband's name was---I don't know her husband's name.
- Q Did you wait on her before or after Sandy Turner's child was born? A About a week.
- Q Well can't you state to the Commissioner exactly how long it was before Sandy's child was born that you waited on this woman, Lizzie?
- A No sir, I didn't take any count of the time, I just go wait on them and go back home, I didn't take any notice how long it was.
- Q But you think it was a week?
- A Well I think it was a week, well it was longer than a week. I never thought anything would come up about it, I never took any note of it.
- Q Do you think it was as much as two months before that?
- A No sir.
- Q How far does this woman Lizzie live from where you live?
- A She didn't have any husband, she is gone.
- Q Do you know where she is now? A No sir, I don't know where she is, she didn't have any husband.
- Q Do you know of anyone who could tell us where she is?
- A No sir, I don't. She is just a new woman in the country there.
- Q Did she take the child with her when she left? A Yes sir.
- Q You don't know where she is now?
- A No sir, she left the country, I don't know where she is she went off with another man.

- Q Do you know the name of the fellow that she went off with?  
A No sir.  
Q Do you remember whether or not Lizzie's child was born in February or March?  
A Oh that was before March, Lizzie's child was born before Carlona's, the week before.  
Q Do you remember whether it was in February or March?  
A Oh it was in February before March.  
Q You are sure of that are you?  
A Yes sir, I waited on her before I did on Carlona.  
Q Are you sure her child was born in February? A Yes sir.  
Q What makes you remember that her child was born in February?  
A Well because I was looking for Carlona, and this woman had asked me to wait on her and I was looking for them both at the same time. They always gives me notice.  
Q Have you any writing or memorandum of any kind that would help you in getting at the birth of Sandy Turner's child?  
A This woman out here can tell you the very day because she has an almanac she keep account of it on account of Carlona asking her what day of the month it was.  
Q This woman out here?  
A Yes sir, Carlona asked her what day of the month it was. I will tell it like it was. She didn't want to get down in the full of the moon, that is the reason she inquired what date it was.  
Q Do you remember whether it was the full of the moon?  
A No sir, I don't know nothing about the moon, it I could read I could tell you.  
Q What did you mean by getting down, that she didn't want the child born in the full of the moon, is that what you mean?  
A Yes sir.  
Q This woman you refer to about having looked at the almanac is this Tennessee Pearson? A Yes sir.  
Q What time of the day or night was this child born, that is Sandy's child, Aunty?  
A It was born as near as I can remember---what time does this train come from Wagoner---coming this way at night?  
Q About 7 o'clock? A Well that is about the time, when that train comes in.  
Q What train do you mean, the Katy or the M.O.& G.?  
A The Katy train.  
Q The Katy train comes in about 9 o'clock.  
A That is about the time then.  
Q You are certain it was before midnight? A Yes sir.  
Q Yes sir sometime between sundown and midnight.

Questions by Commissioner:

- Q Are Carlona and Sandy married? A I don't know, they said they was.  
Q Were you present when this child died? A No sir.  
Q Do you know where it is buried? A It is buried at Tom Grayson's graveyard.  
Q Where is that? A It is just on the other side of where they live at.

Tennessee Pearson, being first duly sworn, by Henry G. Haines, a Notary Public, testified as follows:

Questions by Commissioner:

- Q What is your name? A Tennessee Pearson.  
Q How old are you? A 38.  
Q What is your post-office address? A Gibson Station.  
Q Are you a state woman? A Yes sir.  
Q Do you know Sandy Turner? A Yes sir, I know him when I see him, he lives up there by my house.  
Q Do you know whether he is married or not? A No sir, I do not.  
Q Do you know a woman named Carlena Turner? A Yes sir, that is the woman he calls his wife.  
Q Were you present at their house when a child was born this spring? A Yes sir.  
Q Do you know the name of that child? A Yes sir, Irene Turner.  
Q Is that child living? A No sir.  
Q When did it die? A It died in August sometime.  
Q How old was it when it died?  
A Well I don't know exactly how old it was.  
Q Were you present when it died?  
A No sir, I wasn't present when it dies but I went up there a few minutes after it died, I dressed it.  
Q Where is it buried do you know? A Yes sir on Tom Grayson's land.  
Q Near Gibson Station? A Near where I live.  
Q Do you know whether there is any mark on the grave as to how old it was when it died?  
A Yes I reckon there is I seed there was writing on the board but I didn't notice anything about its age how old it was.

Questions by Mr. John G. Lieber, acting attorney for Creek Nation.

- Q Were you present when the child was born? A Yes sir.  
Q Who else was there besides you?  
A This lady who was in here with me today, Annie Prior and her sister and her mother.  
Q Whose sister? A Carlena's.  
Q What is her name? A Nancy Wilson.  
Q Carlena's mother was also there? A Yes sir.  
Q What is her name? A Her name is Carlena, I believe. Carlena Poe.  
Q Do you know what day of the week that child was born on?  
A Yes sir.  
Q What day was it? A It was born on Saturday night.  
Q Do you mean between Saturday night and Sunday morning?  
A No sir, I mean before midnight, it was born about 10 o'clock Saturday night as near as we could guess it, they didn't have any clock.  
Q The next morning was Sunday morning?  
A Yes sir the next morning was Sunday morning.  
Q Do you know what day of the month it was born on?  
A It was born on the 10th day of March.  
Q How do you happen to remember that the child was born on the 10th day of March?



A Well I will tell you why, she was expecting to go confined and she didn't have any almanac and she aimed to be confined on the full of the moon, and I said you will sure be at that time, and that was the morning the child was born on that night, I heard about her being sick and I went home and I noticed the almanac and I said the moon fulls today and that was the 10th, and so off and on when we were together when I had the baby in my lap I said, well the little baby will be such and such a month old, I said on the 10th, and she said well sir, you know its age better than I do, that is how I come to know it.

(Attorney for Creek Nation desires to call attention to the almanac or calendar for March, 1906, for the purpose of showing that the 10th of March was on Saturday and that the moon was full on that date, the 10th.)

- Q Now Mrs. Pearson did you have anything that happened along about the 4th of March that makes you remember the 4th day of last March? A Yes sir.
- Q What was it? A Pearson, he is my husband, had a hog missing on the 3rd day and on Sunday he found it, or thought he had and I wrote that down in the Almanac, I wrote the 4th of March down so he wouldn't forget it, that is how I happened to remember the 4th of March.
- Q Now was this child of Sandy's born at that time or later? A No sir it was born later, it couldn't be born on the 4th and 10th too, it was born on the 10th.
- Q You are satisfied of that. A Yes sir, I know it of course I am satisfied of it I know it was born on the 10th and that was on Saturday night and you know the moon fulls on the 10th. I will not forget that this time next year unless I lose my mind.
- Q Are you on friendly terms with Sandy and his wife? A Yes sir, I is.
- Q You are appearing her as a witness in this case upon a subpoena issued by the Commissioner, are you not? A Yes sir. There never was a cross word between me and the Tuckers folk.

Questions by Commissioner:

- Q You are close and good friends are you. A Yes sir, we live close by and they are considered neighbors.
- Q When Sandy came in here to make application for this child he made an affidavit and gave some testimony, at the close of this testimony he was told to furnish the affidavit of his mother and the midwife and also a copy of the marriage license showing his marriage to Carlona, did you hear about that? A No sir, I did not.
- Q Do you know why he has not furnished that proof we told him to? A No sir they never have said anything to me.
- Q Haven't they said anything about the enrollment of this child, whether they were going to try to give it up or not? A Not before yesterday, he said something to me after this man was there, (this man was out there when I was there) (Witness refers to Mr. Walkup) He said then he wasn't going to have anything to do with it, but he had never said a word to me about putting in his application or nothing.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q Why was it you wrote down this 4th day of March in the almanac?  
A I wrote it down because Pearson missed his hog on the 3rd and on the 4th he found it or thought he had, he lost the hog, the boys fed it on Saturday night and it got out and on Sunday he looked for it and found it and that was on the 4th and so he wouldn't forget the date he found it if he had to have a law suit over it he had me put it down, but that don't concern the child.  
Q Then you wrote the 4th of March down because you thought he might have a law suit over that hog and he might forget the date and you wanted him to remember that date?  
A Yes sir, that is just why I wrote that down.

This is all the evidence taken in said cause on said date.

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 on said date in said cause.

(Signed) Julia C. Laval.

Subscribed and sworn to before me  
this 9th day of October, 1906.

(Signed) Edward Merriek,

Notary Public.

I, J. Winston Hill, on my oath state that the above and foregoing is a true and complete copy of the original transcript of testimony taken October 5, 1906, by Julia C. Laval.

J. Winston Hill

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

Edward Merriek

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
OCTOBER 5, 1906.

N.B.F. 398.

In the matter of the application for the enrollment of  
Willie Nash as a Creek Freedman.

APPEARANCES: John G. Lieber acting for M. L. Mott, Attorney  
for Creek Nation.

Anna Prier being first duly sworn by Henry G. Hains, testi-  
fied as follows, to-wit:-

Questions by Commissioner:

- Q: What is your name? A: Anna Prier.  
Q: How old are you? A: I am 40 or 50.  
Q: What is your post-office address? A: Gibson station.  
Q: Are you a state woman? A: Yes sir, I am from Georgia.

Questions by John G. Lieber, acting attorney for Creek  
Nation.

- Q: Do you know Will Nash and Evaline Nash his wife?  
A: Yes sir, I know them.  
Q: How long have you known them Anna? A: I have known them  
for about 6 years or 7 may be.  
Q: Do you know a child of theirs by the name of Willie Nash?  
A: I don't know what its name is.  
Q: Did Evaline Nash give birth to a child sometime last year?  
A: Yes sir.  
Q: Were you present when that child was born? A: Yes sir.  
Q: What was it a boy or girl? A: It was a boy.  
Q: When was the child born? A: Along christmas time, after  
Christmas.  
Q: Do you mean between Christmas and New Year?  
A: Yes sir, it was after Christmas, I don't know exactly what  
time but it was after Christmas.  
Q: About how long after Christmas? A: Well it was kind a in  
holiday times, we hadn't gone to work.  
Q: This last gone Christmas was it? A: Yes sir.  
Q: Is that child living or dead? A: Dead.  
Q: Do you know when the child died Anna? A: No sir, I don't  
know when it died I heard it was dead.  
Q: Did you go to the funeral? A: No sir.

- Q: How far do these people live from you? A: They live about two miles.
- Q: Did you see this child shortly before it died?
- A: No sir, I didn't see the child in a good while. I never visited them.
- Q: Who told you that the child had died? A: Why I heard one of the ladies talking about Evalina's child being dead, it was Mose Watson and his wife I heard talking about it.
- Q: Now can you tell us when it was they told you that this child was dead? Do you know what time of the year it was they told you that this child was dead? A: I think it was plowing or breaking up for plowing, picking up trash and cleaning up, somewhere around there.
- Q: How long had the child been dead when they told you about it having died? A: They didn't tell me how long it had been dead, they asked me did I know it was dead and I said no, and they said it was dead.
- Q: Now you waited on Carlena Tucker when her child Irene was born last Spring didn't you? A: Yes sir.
- Q: Now was it before that child was born that they told you this child of Evalina's had died? A: Yes sir before that.
- Q: About how long before the birth of Carlena's child was it that Evalina's child had died?
- A: I can't remember how long.
- Q: Well about how long, Aunty, we don't ask you to come down to a day you know.
- A: About how long, I reckon it would might have been a week or two weeks I can't just say how long, but it was after that.
- Q: It was after that, that Carlena's child was born? A: Yes sir.
- Q: You also waited on a State woman by the name of Lizzie when she gave birth to a child last Spring? A: Yes sir.
- Q: As you have testified here before, her child was born just a week before Carlena's child was born, wasn't it? You testified that in another case here this morning did you not? A: Yes sir.
- Q: Now do you remember whether it was before Lizzie's child was born that you heard that Evalina's child had died?
- A: I think Evalina's child was dead before Lizzie's child was born, I think.
- Q: You are not positive of that though?
- A: No sir, I am not sure but I think it was, but I think so.

Attorney for Creek Nation asks that a copy of the testimony given by this witness and also that given by Tennessee Pearson in the case of Irene Tucker be made a part of the record in this case.

This is all the evidence given in said cause on said date.

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.

Julia C. Laval.

Subscribed and sworn to before  
me this 9 day of October, 1906.

Edward Herring.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY  
OCTOBER 8, 1906.

NBP- 389.

In the matter of the application for the enrollment of Willie Nash as a Creek Freedman.

APPEARANCES: John G. Lieber acting for M. L. Mott, attorney for Creek Nation.

Sandy Tucker, being first duly sworn by Henry G. Hains, a Notary Public, testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Sandy Tucker.  
Q: How old are you? A: 45.  
Q: What is your post-office address? A: Gibson Station.  
Q: You are a Creek Freedman are you? A: Yes sir.

Questions by J. G. Lieber, acting attorney for Creek Nation.

- Q: Do you know Will Nash? A: Yes sir, when he was here, he is gone now.  
Q: Do you know his wife Evalina Nash? A: Yes sir.  
Q: How long have you known them Sandy? A: I have known Evalina about 15 years.  
Q: How long have you known Will? A: Will didn't stay more than a couple of years, 2 or 3 years---about 3 years.  
Q: How long has it been since you saw Will?  
A: I haven't seen Will since 1903.  
Q: Where is he now Sandy? A: I don't know sir.  
Q: How close do you live to where Evalina Nash lives?  
A: I lives about 2 miles and a half.  
Q: How long have you lived that close to her sandy?  
A: I have been living right near there ever since.  
Q: Over two years now have you? A: Yes sir.  
Q: Do you see here frequently or once in a while? A: Yes sir.  
Q: Are you well acquainted with her? A: Yes sir.  
Q: Talked to her at times, did you? A: Yes sir.  
Q: Are you friendly? A: Oh yes sir, yes sir.  
Q: Is she related to you in any way? A: Yes sir she is about my 4th. cousin.  
Q: Did you see her frequently during last fall and winter, Sandy? A: Why yes sir.  
Q: Did you ever go to her house? A: Yes sir.  
Q: Were you at her house any time last ~~fall~~ winter?  
A: Yes sir, very often.  
Q: You were there very often last winter? A: Yes sir.  
Q: Were you at her house during the months of January, and February and varch of this year?  
A: I was right in her house in March, the very day I came from here on Thursday, I ate breakfast with her.  
Q: Well then you are on pretty good terms?  
A: Oh yes, we are friendly.  
Q: Has Evalina got any children? A: Yes sir she has got a boy.  
Q: How old is he? A: I don't know sir, how old that boy is.

- Q: About how old candy? A: Well that boy is about 10 years old as near as I can guess at it.
- Q: How long has it been since Evalina gave birth to a child? A: To my knowledge it has been in the year 1903.
- Q: Do you know anything about her giving birth to a child last Christmas? A: Not that I know of, no sir.
- Q: Have you seen a young baby there at her house any time since last Christmas? A: No sir.
- Q: You have been there several times, have you? A: Yes sir.
- Q: Did you hear her say anything about her having a child last Christmas? A: No sir.
- Q: Did you see her several times before last Christmas? A: Why yes.
- Q: Did you see her just before Christmas? A: Yes sir.
- Q: Just before that time, that is, last Christmas did she have the appearance of a woman who was about to give birth to a child? A: She didn't look like it to me at all.
- Q: If she had been in that condition would you have known it? A: Why yes sir, yes sir.
- Q: Is your acquaintance with her such that if she had had a child to die there at her house during this last Spring you would have known it, ~~was~~ Sandy? A: Yes sir, I am very often at Gibson Station and I never heard of it at all, I never even heard anybody say she was in a delicate state.

Carlena Tucker, being first duly sworn by Henry G. Hains, a Notary Public, testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Carlena.
- Q: How old are you? A: 24.
- Q: What is your post-office address? A: Gibson Station, I. T.
- Q: You are a state woman are you? A: Yes sir.

Questions by J. G. Lieber, acting attorney for Creek Nation.

- Q: Do you know Will Nash and Evaline Nash his wife? A: Yes I knows the. I am not so well acquainted with Will Nash I have just seen him.
- Q: Are you well acquainted with Evaline? A: Yes, I am well acquainted with her.
- Q: Are you related to her in any way? A: No sir, she is a citizen and I am a state woman.--that is by marriage she claims a little kin to my husband but I don't know whether she is or not.
- Q: Are you on good terms with her? A: Yes sir, her and I is good friends, we are not exactly mad at each other.
- Q: Do you see her frequently? A: Not very---since I lived so far you know I don't see her often, you know.
- Q: How far do you live from her now? A: I don't know exactly how far it is from my house at Gibson Station---he knows because he has been to Gibson.



- Q: About 3 miles? A: Yes sir, about 3.
- Q: How long have you lived where you are living now? A: We ain't been there quite a year yet.
- Q: How close did you live to her last fall Carlana? A: I don't know exactly--where was she staying last fall-- she moved around so much before she went to Gibson.
- Q: Did you live any closer to her than than you do now?
- A: I don't think I did. No, I was staying in the bottoms and she was staying in Gibson.
- Q: You were farther away from her last fall then? A: Yes, about 2 miles I guess.
- : That is about as close or a little closer than you are now?
- A: Yes sir, about as close or a little closer.
- Q: Did you see her during last October or November or December during those three months? A: Before Christmas--Yes sir.
- Q: How often did you see her during those three months?
- A: I don't think I seen her very many times.
- Q: Do you remember now at any particular place that you saw her? A: No sir, not only in passing my house. She passed by my house one day.
- Q: Did you stop her and talk to her?
- A: Yes, she was in a kind of a hurry she said and talked a little while.
- Q: Was she riding riding or walking? A: She was walking.
- Q: Now about what time was that you stopped and talked to her?
- A: I don't know exactly what time it was but it was before Christmas.
- Q: Would you say it was as much as a month before Christmas?
- A: No sir, I couldn't exactly get at it, but I know it was before Christmas.
- Q: Are you sure it wasn't over 2 months before Christmas?
- A: No, I don't think it was, because she was hunting some eggs then for Christmas.
- Q: Now when she talked to you at that time, did she have the appearance of a woman who is about to give birth to a child?
- A: Well now I couldn't really say because some people it don't show at all, and she was kind a fleshy and I couldn't say whether it was that or not, but you know some womens go laced until they goes, don't you know?
- Q: Now if she had been in that condition, don't you think you could have known it? A: It looks so, but I never have heard of it at all.
- Q: Have you been to her house since last Christmas? A: No sir
- Q: Have you seen her since last Christmas? A: Yes, I have seen her since Christmas, she has been to my house.
- Q: Did you talk to her? A: Yes sir.
- Q: When was she at your house Carlana? A: She was to my house about 2 weeks ago.
- Q: Was she to your house shortly after Christmas?
- A: No sir, I didn't see her any more at all until I moved on the prairie.
- Q: When was that that she was at your house? A: About 2 weeks ago.
- Q: You never saw her from the time you saw her just before Christmas until you saw her about 2 or 3 weeks ago?
- A: No sir.
- Q: She came to your house? A: Yes sir.
- : And talked to you? A: Yes sir
- Q: Did she say anything in that conversation about having had a child last Christmas? A: No sir.
- Q: Did she say anything to you about having lost a child this last Spring? A: No sir she never said anything to me about the child at all.

Q: Is your acquaintance with her such that if she had had a child born to her last Christmas and it had died this last Spring, she would have told you about it? A: Well it looks like she would, for me not knowing anything about it, I never did hear about it, she never said anything to me about it.

Robert Ligons being first duly sworn by Henry G. Hains, a Notary Public, testified as follows:

Questions by Commissioner:

Q: What is your name? A: Robert Ligons.  
Q: How old are you? A: About 29.  
Q: What is your post-office address? A: Gibson.  
Q: Are you a citizen of any of the 5 Tribes? A: No sir.  
Q: A state man are you? A: Yes sir.

Questions by John G. Lieber, acting attorney for the Creek Nation.

Q: Robert do you know Will Nash? A: Yes sir.  
Q: Do you know his wife Evaline Nash? A: Yes sir.  
Q: How long have you known her? A: About 3 years I guess.  
Q: Are you pretty well acquainted with her Robert?  
A: I am pretty well acquainted with her.  
Q: See her frequently, do you? A: Yes sir.  
Q: Have you ever boarded at her house? A: Yes sir, I have boarded there.  
Q: When did you board there, Robert? A: I started to board there the 18 of June and boarded there until sometime in September.  
Q: Of this year? A: Yes sir.  
Q: Did you ever board ~~me~~ with her before that? A: I boarded with her a while. I went up there to board with her a little while this last gone November.  
Q: Did you board there for any length of time?  
A: 3 or 4 days.  
Q: Never boarded with her any time from that up until June?  
A: No sir, I went up there to board and taken meals a few days and she turned me off and said she wasn't able to cook for me.  
Q: Did you see her frequently during last winter? A: No sir not very frequently during last winter.  
Q: About how often did you see her Robert?  
A: I don't know just how often, I didn't hardly ever see her I don't hardly visit there.  
Q: Were you at her house there any time last winter?  
A: No sir, not after I quit boarding there.  
Q: Never went back to the house in June then? A: No sir, I didn't go around until June.  
Q: Are you a married man? A: Yes sir, I have been married.

- He and my wife separated.
- Q: Did you have any children Robert? A: One.
- Q: When you boarded up there last November, did she have the appearance of a woman that was about to give birth to a child? A: I don't know she wore a large dress with a big waist.
- Q: You boarded there, didn't you? A: I had taken meals there.
- Q: If she had been in that condition you would have noticed it wouldn't you? A: I noticed her wearing a large dress but to say what was the matter with her, I don't know.
- Q: Did she make any remark to you about expecting a child?
- A: No sir she was a married lady and I just went over there and got my meals.
- Q: She knew you were a married man? A: Yes sir. She knew I had been married, me and my wife separated.
- Q: Now you say you saw her sometime during last winter?
- A: Well distantly---I wasn't around her any last winter.
- Q: Did you ever talk to her last November? A: No sir, I didn't have any talk with her.
- Q: Didn't you have any talk with her at all from last November until last June? A: No sir, I wasn't around her.
- Q: Where was she? A: Around home I guess.
- Q: Gibson station? A: Yes sir.
- Q: Do you live in Gibson Station? A: Yes sir, I live in Gibson Station.
- Q: Robert if she had had a child born to her on last Christmas would you have known it? A: I don't know sir---I heard it but I don't know sir. That is I heard she was up there sick and heard some talk about her being the mother of a child, but I don't know anything about it.
- Q: Did you hear that the child lived?
- A: I heard that it lived a while but I don't know it.
- Q: How long did you hear it lived? A: I heard it lived until somewhere along about Spring.
- Q: You never saw the child? A: No sir.
- Q: Never went up there to see it? A: No sir I wasn't around up there at all.
- Q: Now if she had had a child to die there in April don't you think you would have known something about it Robert?
- A: I don't know it but I heard something about her having a child to die, I don't know it and I never seen it.
- Q: Isn't your acquaintance with her such that is she had had a child that was born last Spring you would have known it?
- A: No sir, I track lays there and one or two has died and I never went, I was at work.
- Q: Don't you think you would have heard of it?
- A: I heard it but you know I don't know it.
- Q: When did you hear that Robert?
- A: Sometime in the Spring, I don't know just what time I heard it.

Andy Tell, being first duly sworn by Henry G. Hains, a Notary Public, testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Andy Tell.
- Q: How old are you? A: I will be 33.
- Q: What is your post-office address? A: Gibson Station.

Q: Are you a citizen of the Creek Nation? A: No sir.  
Q: State man? A: Yes sir.

Questions by John G. Lieber acting attorney for Creek Nation

Q: Do you know Will Nash? A: Yes sir.  
Q: Do you know his wife Evaline? A: Yes sir.  
Q: How long have you known her? A: I have been knowing her about 12 years.  
Q: How close did you live to her during last winter? A:  
A: Why I lived the next block from her or about 2 blocks from her.  
Q: In Gibson Station? A: Yes sir.  
Q: Are you on friendly terms with her? A: Yes sir.  
Q: See her frequently? A: Well I did before along in the Spring like up in June.  
Q: Did you see her frequently during last winter, before and after Christmas? A: Well yes I seen her there 3 or 4 times before Christmas.  
Q: Did you ever talk to her? A: Yes sir.  
Q: Is she related to you in any way? A: Yes sir she is related to my wife.  
Q: What is relation? A: First cousin.  
Q: Did you have a child born about the 22 of last December?  
A: Yes sir.  
Q: Was Evaline Nash over there when the child was born or shortly before or after?  
A: She was there a day or two before the child was born.  
Q: You saw her there did you? A: Yes, I seen her.  
Q: At that time did she have the appearance of a woman who was about to give birth to a child?  
A: It didn't look like it to me, of course I couldn't tell she was wearing a Mother Hubbard around there, but I didn't hear anything of it at all.  
Q: And if she had been in that condition at that time you could have told it couldn't you? A: Yes if I had tried to mind I could.  
Q: You are a man of family? A: Yes sir.  
Q: Is she and your wife on friendly terms? A: Yes sir.  
Q: Does your wife go to see her frequently? A: Not at that time,--she does now.  
Q: Were you at Evaline's house any time shortly after Christmas?  
A: I don't think I was. After my wife got up I was very busy I was running a store and I had not been around there. I was busy every day and I couldn't tell just what time after Christmas I was in her presence.  
Q: If Evaline had given birth to a child the 25th. of December or Christmas time, don't you think you would have known something of it? A: It seems like I would.  
Q: You being a close neighbor and on friendly terms?  
A: Yes sir.  
Q: Your wife is on friendly terms with them too? A: Yes sir  
Q: Did you ever hear your wife say anything about her giving birth to any child? A: It was about a couple of weeks after Christmas that I heard anything about her giving birth to a child.  
Q: Did your wife ever say anything about that child? A: No sir, I don't think she did.

- Q: Did you ever see anything of that child? A: O sir.  
Q: How far is it from your store where Eevaline lives?  
A: About a quarter I reckon.  
Q: Do you know of a child of Eevaline's dying there at her place along last April? A: No sir, not more than I have heard them say, I didn't see it or go to the burying of it.  
Q: Now Andy, if she had had a child to die there last Spring, is your acquaintance with her such that you would have known it? A: It seems like I would, of course a child that way, you can't hardly get people to bury them, it looks like if he had had one I would have heard of it, I didn't hear anything of it until 2 weeks or more.  
Q: Do you mean you didn't hear anything of it being born until 2 weeks or more after Christmas. A: Yes sir.  
Q: You didn't hear anything of it dying, did you?  
A: It was about that time I heard it was dead.  
Q: You heard that it was dead and about it being born too, about the same time, did you? A: I couldn't swear she did have it I didn't see it and I never did go to the burying. I just heard people talking about it. I wouldn't swear that it died and I wouldn't swear that she had it, because I didn't see it.

Questions by Commissioner:

- Q: Do you mean to say that you heard they had a child that was born and that you heard that a couple of weeks after Christmas? A: Yes sir.  
Q: And less than a month ~~you~~ after that you heard it was dead  
A: No sir it was later than that I heard it was dead.  
I don't know how long it was but it was longer than that, longer than a month I am satisfied but I don't know how many months it was afterwards.  
Q: From hearsay then you are satisfied that the child didn't live up until March, aren't you? A: That is hard for me to say because I didn't keep it in mind.  
Q: What did you mean by saying you heard of the death of the child about the same time you heard of the birth?  
A: I was speaking of the death and the burying, they was speaking of that but I don't know just what time it was or how long after the birth I heard of it, I didn't pay any particular attention to it. It wasn't nothing to me you know.

This is all the evidence given in said cause on said date.

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 on said date in said cause.

Julia C. Laval

Subscribed and sworn to before  
me this 16 day of October, 1906.

Edward Morris  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
OCTOBER 15, 1906.

NBF 398.

In the matter of the application for enrollment of  
WILLIE NASH as a Creek Freedman.

APPEARANCES: J. G. Lieber acting for M. L. Mott,  
attorney for Creek Nation.

Jack Pearson, being first duly sworn by Henry G. Hains a  
Notary Public, testified as follows:

Questions by Commissioner:

- : What is your name? A: Jack Pearson.  
Q: How old are you? A: 40 years old  
Q: What is your post-office address? A: Gibson Station.  
Q: Are you a Creek Freedman? A: No sir.  
Q: State man? A: Yes sir.  
Q: Do you know Will Nash? A: Yes sir.  
Q: What is the name of his wife? A: Evaline.  
Q: Do you live near them? A: Yes sir about 2 miles.  
Q: How long have you lived that close to them? A: About 4 or  
5 years.  
Q: What is the name of Evaline's father do you know? A: No sir  
Q: Do you know the name of her mother? A: No sir, they both  
died before I came to this country. Her father was Scott  
I think.  
Q: Name some of her older children? A: One was named Arthur  
and Ellis.

Questions by J. G. Lieber acting attorney for Creek Nation

- Q: You say you have known Evaline Nash and her husband for  
several years? A: Yes sir.  
Q: And lived within 2 (two) miles of them for the past 4 years?  
A: Yes sir in fact I have been acquainted with Evaline for  
about 10 years or more.  
Q: Are you well acquainted with her? A: Yes sir.  
Q: Talk to her frequently, do you? A: Yes sir quite frequent-  
ly.  
Q: How far do you live from Gibson Station? A: About 2 miles  
Q: What direction? A: South.  
Q: Did Evaline ever live close to where you live now?  
A: No closer than about a mile, that is the closest she ever  
lived.  
Q: Where was she living at that time? A: She was living  
across the river from me in the bottom.  
Q: On whose place? A: Gabriel Jimmisons, I believe. I think  
the house she lived in was there either on Jimmisons or  
Mrs. Harrison's, I am not sure which.



- Q: Did you see her frequently while she has lived there at that place? A: Yes very often.
- Q: When was it she lived there Jack? A: Well it was about 1903 somewhere along there I think or '04.
- Q: How long did she stay there in the bottoms? A: About a year possibly.
- Q: Then where did she go to? A: To Gibson Station.
- Q: How long did she stay in Gibson Station.
- Q: Well about 4 or 5 months as well as I can remember it was about that time. It was a few months I don't know just exactly how long.
- Q: Then where did she go to? A: I think she went from Gibson to Nick Brewers place.
- Q: How far is that from where you live now? A: About a mile and a half---no, it is just exactly a mile.
- Q: What direction from your place? A: South.
- Q: How long did she stay there on Nick Brewers place? A: Stayed may be a half year, may be not so long as 6 months.
- Q: Then where did she go? A: To Gibson Station I believe.
- Q: How long did she stay at Gibson Station that time?
- A: Why they have lived in Gibson Station ever since.
- Q: Now about how long has she been living at Gibson Station this last time? A: She has lived there about 2 years all of last year about and this much of this year.
- Q: Then do you mean to say she moved to Gibson Station this last time, during the early part of ~~April~~ 1905 of last year?
- A: Yes sir.
- Q: Have you seen her frequently since she has been living there at Gibson Station? A: Yes sir.
- Q: Have you been at her house since she has been living there this last time? A: Yes sir.
- Q: Were you at her house along about last Christmas or just before last Christmas? A: I think so.
- Q: Well are you sure you were at her house as much as a month before last Christmas---or that you saw her and talked to her as much as a month before last Christmas? A: Why I am afraid to say that, but I am certain that I was at her house as much as a month before last Christmas.
- Q: How long before last Christmas was it that you saw her and talked to her or that you were at her house? A: I don't remember just how long it was. I know I have been seeing her at all times.
- Q: Do you get your mail at Gibson Station? A: Yes sir.
- Q: You are there every week are you? A: About every week.
- Q: Do you see Evaline nearly every time you go to Gibson Station? A: No sir, I don't go over there often and I don't see her and sometime s I does see her, she lives in sight of the road and sometimes I see her on the road passing and sometimes she is down in town.
- Q: Are you related to her? A: No sir.
- Q: On friendly terms with her? A: Yes sir.
- Q: Now tell the Commissioner as near as you can about how long before last Christmas it was that you saw her and talked to her? A: I can't tell just exactly how long it was.
- Q: About how long? A: Well about a month or two maybe no so long, I am not sure.
- Q: Are you quite sure it wasn't longer than 2 months before Christmas? A: Yes sir, I always see her oftener than that.



- Q: Now when you saw her about 2 months or about a month before last Christmas did she have the appearance of a woman who was about to give birth to a child? A: No sir.
- Q: If she had been in that condition would you have noticed it? A: Probably I would.
- Q: Are you a married man? A: Yes sir.
- Q: Man of a family? A: Yes sir.
- Q: Have you seen her any time this year? A: Yes sir.
- Q: How often Jack? A: I have seen her several times, a dozen times I reckon.
- Q: Did you see her any time between last Christmas and last April? A: Yes sir.
- Q: Were you at her house between those two times--- between Christmas and last April? A: I think I was.
- Q: Talk to her? A: Yes sir.
- Q: Did you see any child there at that house? A: No sir.
- Q: Did she say anything to you about having had a child there? A: No sir.
- Q: About giving birth to a child? A: No sir.
- Q: Have you seen her since last April? A: Yes sir.
- Q: Been at the house? A: Yes sir.
- Q: Talk to her? A: Yes sir.
- Q: About how often have you seen her and talked to her since last April? A: Oh a half dozen different times.
- Q: During any of the conversations she had with you since last April did she say anything to you about having a child to die at her house, one of her own children-- sometime this last Spring? A: No sir.
- Q: Is your acquaintance with her such that if she had had a child to die in her house last Spring she would have told you about it? A: I think so.
- Q: Do you know how many children Evaline had? A: No sir, I don't know how many children she has had.
- Q: Do you know when was the last time she gave birth to a child? A: The last I remember was when she lived in the house in the bottoms above me.
- Q: That was before she moved to Gibson Station the first time was it? A: Yes sir.
- Q: What was the name of that child? A: Evaline or Ella or something like that I think, I am not certain about that.
- Q: Was it a boy or a girl child? A: A girl I believe.
- Q: Is this child living yet, Jack? A: No sir.
- Q: About how long did it live? A: Oh I think about a year.
- Q: And that child--Ella or Evaline is the last child you remember of her having? A: Yes sir.
- Q: Did she have any before that child was born? A: Oh yes.
- Q: Did you attend the funeral of that child, Ella? A: Yes sir, I think I was.
- Q: Do you know where it was buried Jack? A: Yes sir.
- Q: Where? A: In the Cemetery, known as the Marshall cemetery.
- Q: Where is that located? A: At Aunt Rose Chillie's allotment.
- Q: How far from any town? A: About a mile from Wybark.
- Q: What direction? A: Nearly North.

We desire to refer to NF-248 for the purpose of showing that Ella May Nash was born on the 16 day of November 1902 and died in March 1903.

- Q: Do you think you could find that child's grave, Jack?  
A: I don't think I could. I may could find it.  
Q: Now you have known this woman ever since that child was born? A: Oh yes.  
Q: And before that? A: Certainly.  
Q: And you haven't known of her or heard of her giving birth to a child since that child Ella was born have you?  
A: No sir.  
Q: Has your acquaintance with her been such that if she had given birth to a child since that child Ella was born that you would have known it? A: I think so.  
Q: If your friend Evaline Nash had had a child to die at her house this Spring wouldn't you have known it? A: Yes sir. I think I would because the funeral would have had to pass my place going to the grave yard.

Questions by J. G. Lieber acting for Creek Nation.

- Q: What kind of a house is that she lives in now at Gibson Station, Jack? A: Two rooms.  
Q: That is the house she has been living in for now something over a year isn't it? A: Yes sir.  
Q: What has she got there, just a kitchen and bed room?  
A: Yes sir. A dining  
Q: A kitchen and ~~two~~ room together, and a bed room?  
A: She has just got two rooms a kitchen and a bed room.  
Q: When you were there between this last christmas and this April if there had been a child there you would have seen it wouldn't you? A: Yes, I think I would.  
Q: Were you in the bed room when you were there? A: Yes sir.  
Q: If there had been a child in the bed-room you would have seen it? A: Yes sir.  
Q: Did you see any baby in the kitchen when you were there?  
A: No sir.  
Q: Didn't hear any baby crying at all? A: No sir.  
Q: Did this child Ella Die while she was living there in the bottoms or while she was living in Gibson Station?  
A: When she was living in the bottoms, I believe.  
Q: That is your recollection? A: Yes sir, that is to the best of my recollection.

This is all the evidence given in said cause on said date.

I, Julia C. Laval on my oath statethat the above and foregoing is a true and complete transcript of my stenographic notes as taken by me in said cause on said date.

Julia C. Laval.

Subscribed and sworn to before  
me this 19 day pf October, 19<sup>06</sup>.

Edward Merriam.  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskegee, Indian Territory, October 17, 1906.

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In the matter of the application for the enrollment  
of WILLIE NASH as a Creek freedman.

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APPEARANCE:

JOHN G. LIEBER appears for M. L. Mott,  
attorney for the Creek Nation.

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AMELIA SANDERS, being first duly sworn by Henry G.  
Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Amelia Sanders.  
Q How old are you Amelia? A 30 years.  
Q What is your postoffice address? A Wybark.

BY MR. LIEBER:

- Q Do you know Evalin Nash, the wife of Will Nash? A Yes sir.  
Q What relation, if any, is she to you? A Evelin Nash is  
my sister.  
Q Full sister or half sister? A Full sister.  
Q Are you on friendly terms with her, Mrs. Sanders? A Yes sir.  
Q How far do you live from her? A About three miles.  
Q Did you see her frequently during last year? A No sir, not  
very often.  
Q About how often did you see her and talk to her during last  
year? A About every month or two months,  
Q Every month or so? A Yes sir.  
Q You had a child born to you on the 24th day of last November,  
did you not? A Yes sir.  
Q Did your sister, Evalin, visit you a short while after that  
child was born? A If I make no mistake she was there about  
a week after my baby was born.  
Q Are you sure that she was at your house sometime after your  
child was born and before Christmas of last year? A I dont know  
sir about that Christmas; I know she was there about a week

Willie Nash-----2

- after my baby was born; she was there on Sunday after she was born.
- Q I mean was she there between the time your child was born and Christmas? A Yes sir, she was at my house a week after my baby was born.
- Q When was it; on the last part of November or the first of December when she was at your house? A Yes sir.
- Q How long did she stay there at that time? A I dont know sir, couldnt really tell how long, might have been about an hour or two.
- Q Talk to you? A Yes sir.
- Q Did she have the appearance then of a woman who was about to give birth to a child? A No sir.
- Q If she had been in that condition Mrs. Sanders would you have known it? A Yes sir, guess so.
- Q Is your sister, Evelin, a fleshy built woman? A Tall slim woman.
- Q Did she say anything to you when she was at your house at that time about expecting to give birth to a child anyways soon? A No sir.
- Q Have you seen her during this year Mrs. Sanders? A Yes sir.
- Q Several times? A Yes sir, several times.
- Q Did you see her just after last Christmas, about New Years, somewheres along in there? A No sir, I dont think I did, dont think I have.
- Q About when was the first time you saw your sister, Evelin, and talked to her during this year, the first time this year you saw her and talked to her? A Why I just really couldnt tell; I think I remember now, if I make no mistake I saw her long about March of this year.
- Q Did she have a little baby with her at that time? A No sir.
- Q Did she say anything to you about having given birth to a child a few months before that? A No sir.
- Q Have you ever heard either from her or anybody else that she gave birth to a child long about last Christmas? A No sir, never heard of it.
- Q If she had given birth to a child long about last Christmas, do you think you would have known it? A Well I guess so.
- Q You are on friendly terms? A Yes sir.

BY THE COMMISSIONER:

- Q Has Evelin Nash the same father you have? A Yes sir.
- Q What is his name? A George Scott.
- Q Have you the same mother? A Yes sir.

WITNESS EXCUSED.

LEE SANDERS, being first duly sworn by Henry G. Hains,  
a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Lee Sanders.

Willie Nash-----3

- Q What is your age? A 33.  
Q What is your postoffice address? A Wybark.

BY MR. LIEBER:

- Q Do you know Eveline Nash and her husband, Will Nash? A Yes sir.  
Q How long have you known them Lee? A Been knowin Eveline about ten years, and Will Nash guess about the same.  
Q Have you known them ever since they have been married? A Yes sir.  
Q How many children have they had? A One.  
Q What is its name? A Arthur Ray Nash.  
Q Is he living? A He is dead.  
Q Do you know when it was born? A No sir; I think it was born about-- I dont know when he was born.  
Q Do you know when he died? A Been dead about ya three year I think; might have been longer than that.  
Q Have they had any children since Arthur died? A No sir.  
Q How often did you see Eveline during last year? A See her every month or two I guess.  
Q What? A About once or twice a month.  
Q Talk to her? A Yes sir.  
Q Where does Eveline live now? A Gibson.  
Q How long has she lived there Lee? A Little over a year, two years I guess.  
Q Where did she live before she moved to Gibson Station? A Stayed over there about two miles of Wybark.  
Q On whose place? A On Alice Brewer's place.  
Q How far is that from Wybark? A It is about a mile and a half.  
Q Now had she lived in Gibson Station before she moved to Brewer's place? A She lived in Gibson about five or six years ago, it might have been seven years ago.  
Q Do you know where her child Arthur Ray was born? A I think he was born over there; I disremember where he was born; think about a mile and a half of Wybark.  
Q On whose place? A Dont know whether it was Alice Brewer's place; might have been on her sister's place.  
Q What is her sister's name? A Amelia's place.  
Q Your wife? A Yes sir.  
Q Did you see Eveline during September, October, November and December of last year? A I dont know whether I see her during that time or not; I see her often during the last year, about twice a month.  
Q Are you satisfied that you saw her and talked to her sometime during these four months I have named, September, October, November and December of last year? A Yes sir.  
Q Did you see her anywheres near last Christmas? A She was at my house about Christmas, before Christmas.  
Q Was she there shortly after your child was born last year; was she at your house; that time was that before Christmas? A Yes sir.  
Q How long did she stay there Lee? A She wasnt there more than two or three hours.  
Q You were there at the house at that time? A Yes sir.

- Q Did you talk to her? A Yes sir, spoke to her.
- Q Did she have the appearance then of a woman who was about to give birth to a child? A Not to me.
- Q What kind of a woman is she, slim woman or a fleshy build? A Slim.
- Q Did she say anything to you at that time about expecting to give birth to a child? A No sir.
- Q Now did you see her sometime after last Christmas, or about New Year's, or during last January or last February? A Yes sir I see her after Christmas; I disremember what time though.
- Q Where was it you saw her? A Why over to her house.
- Q Did you stop there and talk to her? A Yes sir.
- Q Did you go in the house? A Yes sir.
- Q How long did you stay there Lee? A I must have been there about an hour.
- Q How many rooms are there in her house? A Two.
- Q Are the rooms connected with a door? A Yes sir.
- Q Were you in the bedroom? A Yes sir.
- Q Did you see any little child there about three months old? A No sir.
- Q Did she say anything at that time about having given birth to a child a few months before that? A No sir.
- Q Did she say anything to you about having a child there at that time? A No sir.
- Q Have you ever heard of her giving birth to a child long about last Christmas? A Never heard of her having any child at all since Arthur Ray died.
- Q Now Lee have you heard anything about her trying to get a child put on the roll here not entitled to enrollment? A No sir.
- Q You never heard anybody say anything about it? A No sir never did.

WITNESS EXCUSED.

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Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on October 17, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Cora Moore*

Subscribed and sworn to before me this October 22, 1906.

*Edward Morrison*  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, October 20, 1906.

In the matter of the application for the enrollment of  
WILLIE NASH as a Creek freedman.

MINNIE WILLIAMS, being first duly sworn by Henry  
G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Minnie Williams.  
Q Age? A 26.  
Q What is your postoffice? A Wybark.  
Q You know Evaline Nash? A Yes sir.  
Q What relation are you to her? A Sister.  
Q Did you see her frequently during last fall and winter? A No  
sir, I never seen her at all until spring.  
Q Didnt you see her last spring at all? A Saw her last summer  
while I was at Gibson.  
Q Last spring? A Yes sir.  
Q Dont know what time it was? A No sir.  
Q Were you at her house, or she at your house? A At church at  
Wybark.  
Q Do you know whether or not Evaline had a child born to her some-  
time last winter, long about last Christmas? A She has lost  
a baby, dont know exactly whether it was born in the winter or  
spring.  
Q Born dead? A Not as I knows of.  
Q How long did it live after it was born? A I dont visit  
my sister, Evaline, isnt on good terms, never do see my sister;  
been over a year since I been to her house.  
Q Last time you saw her there in the church did you talk to her?  
A No sir.  
Q But you heard of her having a child last winter? A Yes sir,  
I heard of her having a baby, dont know whether spring or  
winter.  
Q You didnt hear anything about how long it lived? A No sir,  
dont know what month it died; heard of her having one; dont  
visit her at all.

WITNESS EXCUSED

Cora Moore, being first duly sworn, states that as sten-  
ographer to the Commissioner to the Five Civilized Tribes she  
reported the proceedings had in the above entitled cause on  
October 20, 1906, and that the above and foregoing is a true and  
correct transcript of her stenographic notes taken in said cause  
on said date.

Subscribed and sworn to before me November 19, 1906.

*Edward Morris*  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, October 25, 1906.

In the matter of the application for the enrollment  
of WILLIE NASH as a Greek freedman.

APPEARANCE:

JOHN G. LIEBER appears for M. L. Mott,  
Attorney for the Greek Nation.

ANNA PRYOR being first duly sworn by Henry G. Hains,  
a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Anna Pryor.  
Q You have testified in this case before have you? A Yes sir.  
Q You are the identical person who testified here a short time ago? A Yes sir.

BY MR. LIEBER:

- Q Now Anna, you testified once before in this case and stated that Willie Nash, the child of Eualine Nash, was born on the 25th day of December, 1905? A Yes sir, but it was wrong, it was a mistake.  
Q Well, what have you to say now to the Commissioner about when this child was born? A This child was born, the one I waited on, she aint hadnairy one since, it is three year old; it has been three years ago.  
Q What was the name of that child? A I dont know that child's name; it was a girl child.  
Q Where was that child born? A It was born right, well, right at the falls, down west of my house, a mile from my house.  
Q You mean the falls on the Verdigris river? A Yes sir, the upper falls, not the lower falls.  
Q How far from the bridge where the Katy railroad crosses the Verdigris river are these falls? A I dont know, you can count it; there are three farms in twixt, half a mile apart aint they.

Willie Nash--2.

- Q These falls that you speak of are up the river from the bridge? A Yes sir, about a mile and a half above the bridge.
- Q On whose farm is it? A On Mrs. Harvison's farm.
- Q Well, was it in the bottom where the child was born? A Yes sir.
- Q You say it has been over three years ago? A Yes sir.
- Q You know how long that child lived? A That child, it lived to get nearly a year old, well, all of a year old, yes sir, it was about a year old.
- Q Can you think of the child's name? A No sir, cant think of the child's name.
- Q Did you ever see the child after it was born? A Yes sir, I see it when it was sick; I know its name but I cant give it.
- Q Was its name Ella? A Ella May, that is its name.
- Q Ella May Nash? A Yes sir, that is the name.
- Q Now Anna, was that the child you have waited on for Evaline Nash? A Yes sir.
- Q Have you been well acquainted with her since that child, Ella, was born? A Yes sir, seen her several times, well, every time I come to Gibson Station nearly.
- Q You stop in there and see her? A Sometimes.
- Q Has she ever had any child born to her since Ella May was born? A No sir, she aint had any child since that.
- Q Have you waited on her when she gave birth to a child since Ella May was born? A No sir, never waited on her for but one child, that was a girl child.
- Q How does it come that you signed an affidavit before Hesse W. Cooper, a Notary Public, on the 5th day of last July, saying that you acted as midwife for Evaline Nash on the 25th day of December, 1905, last Christmas, and that she gave birth at that time to a boy child? A Well, I told you I dont know nothing about reading and writing; Cooper had it that way and got me to testify to that; they put the child's age back in order to get it on the roll; didnt get it on before when the enrolling was; in order to get it on this enrollment why they set the child's age back, and it was a boy child.
- Q Did Cooper swear you to that affidavit? A Yes sir.
- Q You knew at the time you signed it that it said the child was born on the 25th day of December, 1905, did you? A No answer.
- Q I say you knew that he put in the affidavit that it was born December 25, 1905, did you? A Yes sir, I knowed they sot the child's age back younger than what it was and after he read it to me and told me-- how come me to do it in order to get it he said would pay me well for it-- that is just how come it.
- Q Just tell the Commissioner Anna, just what they did say there about making this affidavit in this way; just give the conversation as near as you can? A I cant remember all the conversation.
- Q Well, tell as much as you can of it? A I know she come after me to witness to her baby and I know I waited on her for one and I had no reasons not to do it and after I

Willie Nash---3.

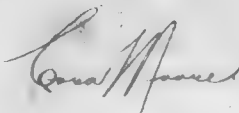
- got to Wagoner and enrolled the child, before they told me this I done swore to waiting on her and then they read it to me; said there wouldnt never be nothing to it only my testifying to it that I was the granny, wouldnt be nothing to it just my testifying that I was the granny, and that it would be money to me; that wasthe whole upshot of it.
- Q How much did they say they would give you Anna? A Said they pay me.
- Q Who told you that? A He was the first one spoke of the pay.
- Q Cooper? A Yes sir, he told me be money to me.
- Q Was Evaline present when Cooper made that statement to you? A Yes sir.
- Q She hear it? A Yes sir.
- Q She also said that it would be money to you for you to make that affidavit? A Yes sir.
- Q They both knew at the time you signed that affidavit that it stated something that wasnt true did they Anna? A Yes sir, they knowed it; they done the writing, I couldnt read nothing.
- Q And this affidavit was made in the way it was for the purpose of getting this child on the roll, wasnt it? A Yes sir, to get it on; didnt get it on before ; when she signed name here she just sot the age back younger than it was.
- Q As a matter of fact, so far as you know, Evaline Nash never gave birth to a child by the name of Willie did she? A I didnt wait on her if she did.
- Q Who else was present, Anna, when you all were having that talk about enrolling this child? A Why, I dont know them folks that was in Wagoner.
- Q Well, who is A. P. Pryor? A That is my husband.
- Q Was he there? A I believe he was; I think he was there, he was in town.
- Q You know his signature when you see it Anna? A No sir.
- Q Can he write his name? A Yes sir.
- Q Does he know anything about these people trying to get this child enrolled when it wasnt entitled to be enrolled? A I dont know sir whether he did or not I tell you. It just such a mess I cant tell you; they wanted to make a whole lot of money.
- Q Who wanted to make lots of money? A These people that enrolled children wanted to make a lot of money; done sold all their lands, wanted lot more money, that is the whole upshot.
- Q How many people did you know of Anna besides Evaline Nash? A I dont know.
- Q How many more of them have you made out affidavits for? A I have made out for it and this Jimmerson girl.
- Q What is her name Anna? A She is named --
- Q Is she Mose Jimmerson's daughter? A Gabriel Jimmerson's daughter.
- Q Did you make out affidavits for anyone else besides her, Evaline A Sandy's.
- Q Tucker? A Yes sir, and Boisy Pole's baby.
- Q Do you know Moses Watson? A Yes sir, he livs down below me.
- Q Was he present when you signed that affidavit about Evaline Nash's child? A Yes sir.

Willie Nash---4.

- Q Did he hear Cooper and Evaline talking to you about dating its age back? A Yes sir, all right there.
- Q All right there together? A yes sir.
- Q Now your husband heard him tell you that did he? A Yes sir, I reckon he was there, he was in town, several people in the house, reckon he was there too.
- Q Do you know if Moses Watson was there? A Yes sir, he was, stood right there by me.
- Q Heard Cooper and Evaline make those statements to you? A My old man was there I know; he went out to tend to some business; it was the day that the turnout was in Wagoner.
- Q Fourth of July, wasn't it? A Yes sir, I believe it was the Fourth day of July, I wouldn't be certain.

WITNESS EXCUSED.

Gora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on October 23, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.



Subscribed and sworn to before me November 24, 1906.



Notary Public.

N.B.F.398.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, October 30, 1906.

In the matter of the application for the enrollment of  
WILLIE NASH as a Creek freedman.

APPEARANCE:

JOHN G. LIEBER appears for M. L. Mott,  
Attorney for the Creek Nation.

A. P. PRYOR, being first duly sworn by Henry G. Hains,  
a Notary Public, testifies as follows:

BY THE COMMISSIONER:

Q What is your name, age and postoffice address? A A. P. Pryor,  
46, Gibson Station.

BY MR. LIEBER:

- Q Do you know Eveline Nash? A Yes sir.  
Q Do you know her husband, Will Nash? A Yes sir.  
Q How long have you known them? A I have known Eveline ever  
since I have been over there in the Creek Nation, about seven  
years; living right there where I am now for seven years  
the same place.  
Q How close do you live to her at this time? A As near as I  
know, it is about two miles.  
Q Are you pretty well acquainted with her? A Yes sir, very  
well acquainted.  
Q Do you see her frequently? A Yes sir.  
Q Where does she live now? A She lives at Gibson Station.  
Q How long has she lived there? A I dont know, I think  
something about two years.  
Q Do you ever go to her house when you are at Gibson Station?  
A I sometimes go by there, not very often though; you know  
I have no business there with her; I go that way.  
Q Were you at her house any time last winter? A No sir.  
Q Were you in her house any time last winter? A Not that I can  
remember.  
Q Did you see her any time last winter? A I think I did, yes  
sir, I think so, picked some cotton for old man Ryles.  
Q Do you know how long it has been since she gave birth to a child

- A In my judgment, I dont know, of course I never keep no track of anything of that kind; from what I know it has been about two years or more.
- Q About what time was it last fall that you saw her? A Cotton picking time.
- Q Did you speak to her? A No sir, not as I can remember, I didnt.
- Q How close were you to her? A I was over picking cotton; she was on the railroad, I know it was her; she was a noted woman she was one-armed; pretty well acquainted with her, just knew it was her from a distance.
- Q Were you at her house any time last spring, long February or March? A No sir, not as I can remember I wasnt.
- Q Did you go with your wife before Jesse W. Cooper, a Notary Public, sometime this summer to make affidavit relative to the birth of a child of Eveline Nash's? A Yes sir, I think I did; we went up to Wagoner the day of the big show there, and as we were there Cooper why he had us to testify she gave birth to a child, which I knew she did. I knew about it because it was two miles and a half from where I live now.
- Q When was it that she gave birth to that child? A It has been two years or more; that is the only child I know she gave birth to, that is what I signed to-- whether more or less I cant tell.
- Q Was the affidavit read over to your wife in your presence? A No sir, only she wanted me to sign that she gave birth to a child.
- Q Did she say what the name of the child was? A No sir.
- Q Say whether it was a boy or girl? A No sir.
- Q Did Cooper swear your wife to that affidavit? A I dont know whether he swore my wife to it or not, but he swore me to one-- which I dont really-- think he did to this one.
- Q You did really sign the affidavit to this one? A Yes sir.
- Q How long did that child live that was born there in the bottom? A That lived to be quite a good big baby.
- Q Well, year old, or so? A Why I couldnt say; I think its been about that, some place along there; I am satisfied it was a year.
- Q Did that child die before she moved to Gibson Station? A Why I dont think she went to Gibson Station with that child, moved across the river; that child died across the river over there on Mrs. Clark's place; she didnt go up to Gibson for a year or such a matter, no more till she moved back to Gibson.

WITNESS EXCUSED



Willie Nash-----3

MOSES WATSON, being first duly sworn by Henry G. Hains,  
a Notary Public, testifies as follows:

BY MR. LIEBER:

- Q What is your name? A Moses Watson.
- Q How old are you? A About 25 years old.
- Q What is your postoffice address? A Gibson Station .
- Q Do you know Evaline Nash? A Yes sir.
- Q How long have you known her Mose? A About four years.
- Q How far do you live from her? A As near as I can come at it,  
about two miles and a half.
- Q Are you pretty well acquainted with her? A yes sir.
- Q Are you related to her in anyway? A No sir.
- Q Do you see her frequently Mose? A Sometimes I see her.
- Q Where do you get your mail? A Gibson Station.
- Q There every week are you? A yes sir.
- Q Were you at Eveline's house during any time last winter? I  
dont hardly think I was, not long, but I know I was there  
sometime during last winter, but dont know exactly  
what time.
- Q How many times were you there during last winter Mose? A Dont  
know.
- Q Well several times? A I am quite sure I was there two or  
three times, I know.
- Q During cold weather was it? A Yes sir.
- Q Do you know whether or not you was there 'long last fall,  
'long last November, December, the early part of December?  
A Well I might have been there long about then; I come  
down to Gibson, goes by there, and again I dont.
- Q Did you see her long about last November or December?  
A Yes sir, I am quite sure I did.
- Q Do you know how many children she has got? A She hasnt  
got but one now living.
- Q How long has it been since she gave birth to a child?  
A As near as I can get at it, it will be about three years  
in December sometime.
- Q Where was the child born? A In the bottom down there  
by my house.
- Q Do you know how long it lived? A No sir.
- Q Do you know where it died? A No sir.
- Q Have you ever heard of her giving birth to a child since  
that child was born? A No sir.
- Q You are on friendly terms with them Mose? A Yes sir.
- Q Did you ever hear her say that she gave birth to a child  
long about last December? A No sir, not last December.
- Q You say you were at her house during last winter, in cold  
weather? A Yes sir.
- Q Several times, two or three? A Yes sir.
- Q Ever see a child there, a little baby, a couple of months old?  
A No sir.
- Q Mose, if she had given birth to a child there last winter,  
do you think you would have known it? A I suppose I would.
- Q What I mean, are you well enough acquainted with the woman,  
that if she had given birth to a child last winter, and it  
~~was there at the house two or three or four months, would you~~  
have known it? A Yes sir, I would have known it if she had  
a child, I am satisfied I would have seen it.



Willie Nash-----4

- Q You didnt see any? A No sir.  
Q Didnt hear of any? A No sir, only this one; has been about two or three years ago.  
Q You never heard of her having a child to die there at her house in Gibson Station long last spring, did you? A No sir.

WITNESS EXCUSED.

SAM REEVES, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Sam Reeves.  
Q How old are you? A 39.  
Q What is your postoffice address? A Gibson Station.  
Q You are a state man? A Yes sir, I am from Arkansas.  
Q You are not a citizen of any of these nations? A No.

BY MR. LIEBER:

- Q Do you know Evelyn Nash? A Yes sir, I do.  
Q How long have you known her? A About eighteen months.  
Q Are you pretty well acquainted with her? A Very well; of course I know her when I see her.  
Q How close do you live to her? A I live something like a mile now.  
Q How long have you been living that close to her? A Since February.  
Q This last February? A Yes sir.  
Q Are you related to her in any way? A No sir.  
Q Did you see her frequently during last fall and winter? A Yes sir, I seen her two or three times a week last fall and winter and sometimes I seen her every day.  
Q Were you at her house? A No I wasnt at her house last winter; we lived just one block.  
Q During what time last winter was it you lived one block from her? A During January and February.  
Q Were you at her house during that time any? A All February I would pass every day twice a day.  
Q You saw her last fall did you before you moved there, close to her all the time, would see her more or less all during the fall two or three times a week on up to every day here last fall? A Yes sir.  
Q During last fall, say November, December, the early part of December, did she have the appearance of a woman who was about to give birth to a child? A No sir.  
Q Are you a married man? A Yes sir.  
Q If she had been in that condition would you have noticed it? A Anything over thirty days I would.

Willie Nash ----5

- Q Well if she had given birth to a child in Gibson Station on the 25th of December, do you think you would have known it? A I think I would, that is in case that everything was carried out properly I would.
- Q If she had a child born to her last December and it lived two or three months, up until long in March or April of this year, do you think you would have known it? A Yes sir, I would have known it.
- Q You lived within one block of her during last January and February? A January and February.
- Q Ever see any little babies at her house? A No sir.
- Q Ever hear her say that she had any little babies there at her house? A No sir, she was oftener at my house and Andy Terril's than she was at her house during that time.
- Q You never saw or heard of any little baby there at her house last winter? A No sir.

WITNESS EXCUSED

---

Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on October 30, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Cora Moore*

Subscribed and sworn to before me November 8, 1906.

*H. H. Hains*

Notary Public.

---

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskegee, Indian Territory, November 14, 1906.

In the matter of the application for the enrollment of  
WILLIE NASH as a Creek freedman.

APPEARANCE:

JOHN G. LIEBER appears for M. L. Mott,  
Attorney for the Creek Nation.

EVALINE NASH, being first duly sworn by Henry G. Hains,  
a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Evaline Nash.  
Q How old are you? A 32.  
Q What is your postoffice address? A Gibson Station.  
Q What is the name of your father? A George Scott.  
Q What is the name of your mother? A Ann Scott; Calhoun is her  
name, she has married since he died.

The witness is identified as Evaline Nash, opposite  
Creek freedman roll No. 3867.

- Q Are you married? A Yes sir.  
Q What is the name of your husband? A Will Nash.  
Q He is a state man is he? A Yes sir.  
Q Name your children, beginning with the oldest? A Ellis  
Williams, Howard Williams.  
Q These are by Dave Williams? A Yes sir.  
Q Name your children by Will Nash? A Arthur Ray Nash, Ella May  
Nash.  
Q Have you any children besides those you have mentioned? A No  
sir.  
Q Have you any children dead? A All dead except one.  
Q Which one is that? A Ellis.  
Q All dead except Ellis? A Yes sir.  
Q Did you ever have any other dead ones except those you have  
mentioned? A No sir.  
Q What was the name of the last child that you had born? A Ella  
May.  
Q That is the last child you ever gave birth to? A yes sir.

Willie Nash-----2

BY MR. LIEBER:

- Q Evaline, do you know when Ella May was born? A Yes sir.
- Q When? A Born November, this month.
- Q What year? A 1902.
- Q Do you know what day of the month she was born? A 16th of November, 1902.
- Q Where was she born? A Born across the river, close to Gibson Station, born on the bottom, on the river.
- Q On whose place? A On Gabriel Jimmerson's place.
- Q Now you say that that is the last child that you have given birth to? A Yes sir.
- Q Now Evaline, there has been filed before the Commissioner here an affidavit supposed to have been executed by you before Jesse W. Cooper, a Notary Public, on the 5th day of July, 1906, in which it is stated that you gave birth to a child on the 25th day of last December, that is 1905; the child was named Willie Nash and was living on the 4th day of March, 1906. State to the Commissioner whether or not you signed that affidavit? A Yes sir, I signed it, but I didnt sign it for Willie Nash.
- Q Who did you sign it for, Evaline? A Ella May.
- Q You had signed an affidavit for Ella May a year or so ago? A Yes sir, I did, he told me I had put it down wrong; I didnt get it on straight; he told me he would straighten it for me; he made a mistake and put it in wrong.
- Q Then as a matter of fact you did not have a child born to you on the 25th day of last December, did you? A No sir.
- Q You have had no children born since the birth of Ella May on the 16th day of November, 1902, have you? A No sir.
- Q What did this man, Cooper, say to you, Evaline, when he made that affidavit for you? A We went up there on the 4th of July, we went up there on the 4th of July, were standing around on the streets looking around, he came to me and asked me if I didnt have a child to put on the roll; I said "no" didnt, tried to get it on the roll"; asked me what I would give him to fix it up for me; said I would give him anything he asked if he put it on; had it on wrong; said he would straighten it and so I told him "all right".
- Q What was you to pay him for that? A \$25.00.
- Q Who was present when he had that conversation with you?
- Q Why Mose Watson, Mrs. Pryor and Mose Watson's wife; they was there at the time.
- Q This is your signature to the affidavit, isnt it? A Yes sir.
- Q Well now, was that affidavit made out the way you see it here at the time you signed it? A No sir.
- Q Well was there anything in there in the place where Will Nash's name appears, 25th day of December, 1905, was there anything in there when you signed the affidavit? A No sir, I didnt read the affidavit at all; I cant read myself, I can write my name; I didnt read it at all, just signed it that the child was born.
- Q Did you tell him that the child was born on the 25th day of December, 1905? A Must have made a mistake, it was in November, because it died in the spring.
- Q Did you tell him anything about a child by the name of Will Nash? A No sir. I come here before the Commissioner about my child before; put it down wrong, and so he said he could straighten it for me.
- Q You mean Ella May? A Yes sir. He said he could straighten it; it was luck to me if he straightened it, so I told him to straighten it.
- Q He swore you to the affidavit when you signed it, did he?

Willie Nash-----3

- A Yes sir.
- Q Well now, Evaline, you have got a record in a frame up there at your house, giving the dates of death of your children, havent you? A Yes sir, I have.
- Q And in that record, havent you got the name of Willie Nash, and dont the record say that he was born on the 25th day of December, 1905? A That is my husband's age, Will Nash.
- Q Then you havent got anything on that record about this child Willie? A No sir, I havent.
- Q Well now, if you have got a record up there at the house that says you had a child born on the 25th of last December, and died on the 3rd of April this year, that record is not correct, is it? A Why no, if he got it that way, he didnt correct it.
- Q I say if you have got a record there that says that, if is not correct, is it? A What do you mean?
- Q I say, if you have got a record at your house which says you have got a child born on the 25th day of last December named Willie Nash, and died on the 3rd day of last April, that is not correct, is it; you say it dont say that? A No sir.
- Q Do you deny that it says that? A Yes sir, I deny that it says that, because I know.
- Q Who made that record that is up there at your house you showed to Mr. Walkup? A Hughie Perryman wrote up that record for me, and my husband writ his own age down there himself.
- Q When did you have that record framed, Evaline? A Two years ago.
- Q Has it ever been ta en out of the frame since you put it up there? A No sir, it hasnt.
- Q Will you go up to your house with Mr. Walkup this afternoon and show him that record again? A Yes sir, I will.

BY THE COMMISSIONER:

- Q Now Evaline, do you mean to say when you signed that piece of paper before Cooper and swore to it that you didnt know what was in it? A No sir, I didnt.
- Q Are you in the habit of doing that kind of business? A Sir?
- Q Do you do that kind of business, you ever swear anything you dont understand? A I give him the name of the child, I thought that was dead.
- Q Fact of the matter is you were simply swearing to an affidavit that said you had a child named Willie Nash, born December 25, 1905, and was living March, 1906? A I didnt swear that.
- Q That is what the record says? A Mr. Cooper put that right there himself.
- Q Did you read it? A No sir.
- Q Did he read it to you? A No sir, he didnt.
- Q Why didnt you ask him to? A Why, just simply didnt think about it myself, didnt ask him.
- Q You didnt know you were swearing something about Willie? A No sir, I did not.
- Q You mean to say that you didnt know you were swearing that child was born December 25, 1905? A It is November.
- Q Well November or December, do you mean to say that when you were swearing that one was born this last gone fall and was living March, 1906? A No sir, I didnt.
- Q Do you understand the nature of an oath; do you know what it is to hold up your hand and swear to tell the truth? A Do I understand it?
- Q You realize you are under oath? A Yes sir.

Willie Nash-----

- Q You know the penalty for false swearing? A Yes sir.  
Q The penalty is imprisonment in the penitentiary? A Yes sir.  
Q You realize that do you? A Yes sir, I realize that.

BY MR. LIEBER:

- Q You say one of your children is living? A Yes sir.  
Q Where does he live? A He lives with me, but he went to his grand-mother the other day to Weleetka.  
Q How long has he been there? A Just went the other day over there.  
Q How old is he? A He fourteen this coming April.  
Q Got an allotment, has he? A Yes sir.  
Q Has there been a guardian appointed for him? A Yes sir.  
Q Legal guardian? A Yes sir.  
Q Who is his guardian? A Johnnie Williams.

WITNESS RECUSED

Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on November 14, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Cora Moore.*

Subscribed and sworn to before me November 15, 1906.

*Henry G. Haines*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, November 16, 1906.

In the matter of the application for the enrollment of  
WILLIE NASH as a Creek freedman.

APPEARANCE:

JOHN G. LIEBER appears for M. L. Mott,  
Attorney for the Creek Nation.

F. H. WALKUP, being first duly sworn by Edward  
Merrick, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A F. H. Walkup.  
Q Your age? A 33.  
Q Postoffice address? A Muskogee.  
Q What is your occupation? A Investigating fraudulent  
Creek enrollment cases.  
Q You are in the employ of the Creek Nation, are you? A Yes  
sir.

BY MR. LIEBER:

- Q Mr. Walkup, did you ever examine a record which Evaline Nash  
has of the births and deaths of her family? A Yes sir I have  
examined them twice.  
Q When did you first examine them? A It was something like a  
month ago, I cant remember exactly.  
Q Did you take a copy of the record at that time? A Yes sir.  
Q Just state what the record showed at that time? A Among  
other things on the record--  
Q State the whole thing? A Among other things on the record  
I made an entry in my book "Willie Nash", being the last  
entry on that family record, and the only one in which I was  
then concerned. This showed Willie Nash, born December the  
25th, 1906, and died April the 3rd, 1906.  
Q Did you make a copy of anything else that that record showed at  
that time? A No sir.  
Q But it did show that? A Yes sir.



Willie Nash--- 2

- Q Now when did you see that record the last time? A Saw it the 14th of this month.
- Q Did you make a copy of the record at that time? A Yes sir.
- Q Just state what it showed? A You want the entire record?
- Q Yes sir, if you have it? A First one is Everleener Nash, born March 15, 1874, Ellis Williams, born April 22nd, 1893, Howard Williams, born October 21st, 1895, died September 19, 1903, Arthur Ray Nash, born July 6, 1893, died January the 14th 1904, Ella May Nash, born November the 16th, 1902, died March the 4th, 1904, Will Nash, born December the 25th, 1871. The last entry, "Will Nash", shows evidence of erasures and changes, as there seems to have been a death entry erased opposite this name, and the name, "Will", shows evidences of their having been a change.
- Q At the beginning or the ending of the word "Will"? A At the ending. I am confident that this entry "Will Nash" referred to was formerly the entry that I took on my first trip, the name "Willie Nash, born December 25th, 1905, and died April the 3rd, 1906."

Statement by Mr. Lieber.

The Creek Nation here rests this case except for rebuttal.

WITNESS EXCUSED.

Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on November 16, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Cora Moore*

Subscribed and sworn to before me November 16, 1906.

*Edward Merrick*  
Notary Public.

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

In the matter of the application for the enrollment of  
Willie Nash as a Creek freedman.

DECISION.

The record in this case shows that on July 13, 1906, application was made in affidavit form, supplemented by oral testimony on October 5, 1906, October 8, 1906, October 15, 1906, October 17, 1906, October 20, 1906, October 23, 1906, October 30, 1906, November 14, 1906 and November 16, 1906, for the enrollment

The testimony of Anna Prior and Tennessee Pearson given in the matter of the application for the enrollment of Irene Tucker as a Creek freedman is attached to and made a part of this record.

The affidavits of the original application are signed by Evaline Nash claiming to be the mother of the alleged applicant and by Anna Prior claiming to have acted as midwife at the alleged birth.

Said Anna Prior testified on October 5, 1906, that she attended Evaline Nash between Christmas and New-years, 1905 at the birth of Willie Nash. This and the said affidavits constitute the only affirmative evidence in the record to the birth of the applicant. Several witnesses have testified that they have heard of the birth and death of the applicant and a number have testified that they have been in a position to know of such birth had it occurred and that they saw, heard and knew nothing of it.

Anna Prior on October 23, 1906 testified that she had given her former evidence incorrectly for pay and she said on this occasion that Evaline Nash had ~~born~~ no child since three years prior to the date of her said testimony.

Evaline Nash herself on November 14, 1906 testified that she had ~~born~~ no child since May 2, 1904 at which time her daughter Ella May was born and that she never had a child named Willie Nash.

It appears from the weight of the evidence that there is no such person and has been no such person as the alleged applicant Willie Nash and there is no authority of law for his enrollment.

It is, therefore, ordered and adjudged that the ~~said~~ Willie Nash is not entitled to enrollment as a Creek freedman and the application for his enrollment as such is accordingly denied.

*for what*

*of Willie Nash as a Creek freedman*

*see*

*born*

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

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In the matter of the application for the enrollment of Willie Nash as a Creek Freedman.

## D E C I S I O N .

The record in this case shows that on July 13, 1906, application was made, in affidavit form, supplemented by oral testimony on October 5, 1906, October 8, 1906, October 15, 1906, October 17, 1906, October 20, 1906, October 23, 1906, October 30, 1906, November 14, 1906, and November 16, 1906, for the enrollment of Willie Nash as a Creek freedman.

The testimony of Anna Prior and Tennessee Pearson, given in the matter of the application for the enrollment of Irene Tucker as a Creek freedman, is attached to and made a part of this record.

The affidavits of the original application are signed by Evaline Nash, claiming to be the mother of the alleged applicant, and by Anna Prior, claiming to have acted as midwife at the alleged birth.

Said Anna Prior testified on October 5, 1906, that she attended Evaline Nash between Christmas and New Years, 1905, at the birth of Willie Nash. This and the said affidavits, constitute the only affirmative evidence in the record as to the said birth of the applicant. Several witnesses have testified that they have heard of the birth and death of the applicant and a number have testified that they have been in a position to know of such birth had it occurred and that they saw, heard and knew nothing of it.

Anna Prior, on October 23, 1906, testified that she had given her former evidence incorrectly for pay and she said on this occasion that Evaline Nash had borne no child since three years prior to the date of her said testimony.

Evaline Nash herself, on November 14, 1906, testified that she had borne no child since May 2, 1904, at which time her daughter, Ella May, was born and that she never had a child named Willie Nash.

It appears from the weight of the evidence that there is no such person and has been no such person as the alleged applicant, Willie Nash, and there is no authority of law for his enrollment.

It is, therefore, ordered and adjudged that there is no authority of law for the placing of the name of Willie Nash on the roll of Creek freedmen, and the application to have such name placed thereon is accordingly denied.



Commissioner.

Muskogee, Indian Territory,

FEB 20 1907

Cr.No.1114.

Muskogee, Indian Territory, February 11, 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 Willie Nash, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

LM-71.

Commissioner.

Through the Commissioner  
of Indian Affairs.

Cr.An.1114.

Muskogee, Indian Territory, February 11, 1907.

M. L. Matt,

Attorney for Creek Nation,

Muskogee, 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 Willie Nash, 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.

LM- 72.

1114 Cr. En

Muskogee, Indian Territory, February 11, 1907.

Evaline Nash,

c/o Will Nash,

Gibson Station, 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 the enrollment of your minor child, Willie Nash, 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.

LM-70.

Refer in reply to the following:  
Land 15076-1907.

COPY

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

February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the record of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Willie Nash as a Creek freedman.

Commissioner Bixby reports that the record in the case shows that on July 13, 1906, application was made in affidavit form, supplemented by oral testimony on October 5, 8, 15, 16, 20, 23 and 30, and November 14 and 16, 1906, for the enrollment of the applicant.

The Commissioner says that the testimony of Anna Pryor and Tennessee Pearson, given in the matter of the application for the enrollment of Irene Tucker as a Creek freedman is attached to and made a part of the record.

The affidavits in connection with the original application are signed by Evaline Nash, claiming to be the mother of the alleged applicant, and of Anna Pryor, claiming



to have acted as midwife at the alleged birth.

Mr. Bixby says that Anna Pryor testified on October 5, 1906, that she attended Evalina Nash between Christmas and New Year's, 1905, at the birth of Willie Nash; that this and the affidavits constituted the only affirmative evidence in the records to the birth of the applicant; that several witnesses have testified that they have heard of the birth and death of the applicant, and a number have testified that they had been in a position to know of such birth had it occurred and that they saw, heard and knew nothing about it.

He further says that Anna Pryor on October 23, 1906, testified that she had given her former evidence incorrectly for pay, and she said on the latter occasion that Evalina Nash had borne no child for three years prior to the date of her testimony, and that Evalina Nash herself on November 14, 1906, testified that she had borne no child since May 2, 1904, at which time her daughter Ella May was born, and that she never had a child named Willie Nash.

The Commissioner found from the weight of evidence that there is and has been no such person as Willie Nash, and on February 7, 1907, denied the application. It is recommended that his decision be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-Y

LRS

I.T.D.

WASHINGTON.

O. K.

5796, 5798, 6244, 6274-1907.  
6254, 6484, 6504, 6510-1907.  
6526, 6668, 6670, 6676-1907.  
6678, 6698, 6702, 6706-1907.  
6712, 6720, 6766, 6770-1907.  
6812-1907.  
D. C. 12640-1907.

March 2, 1907.

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

| Title of Case.                      | Date of your<br>Letter of Transmittal. |
|-------------------------------------|--|
| Minnie Atkins,                      | February 9, 1907.                      |
| Willie Nash (Freedman),             | February 11, 1907.                     |
| James Anderson et al.,              | February 12, 1907.                     |
| Wallace Smith, (deceased)           | February 19, 1907.                     |
| Jakie Adkins (Freedman),            | February 16, 1907.                     |
| Easter Scott et al., (Freedmen),    | February 9, 1907.                      |
| Mary Elizabeth Ellis,               | February 9, 1907.                      |
| Charles Hawkins et al. (Freedmen)   | February 13, 1907.                     |
| Jimmie Conner et al. (Freedmen)     | February 14, 1907.                     |
| John Leacher (deceased),            | February 14, 1907.                     |
| Olive Grant and Reba Coker,         | February 16, 1907.                     |
| Gennetta Peters (Freedman)          | February 16, 1907.                     |
| John Guy (deceased) (Freedman)      | February 14, 1907.                     |
| Martha Porter, (deceased),          | February 14, 1907.                     |
| George Wolf (Freedman),             | February 16, 1907.                     |
| Mattie Bird, deceased,              | February 19, 1907.                     |
| Jennie Lewis (Freedman)             | February 15, 1907.                     |
| Mary McNary                         | February 14, 1907.                     |
| Alonza Franklin (Freedman)          | February 14, 1907.                     |
| Gracie Johnson (Freedman)           | February 16, 1907.                     |
| Katie Jamison, deceased (Freedman), | February 14, 1907.                     |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

WCF 3/3/07.

21 inc. and 42 inc.  
to Indian office.

NBF 398,  
En. 1114.

Muskogee, Indian Territory, March 12, 1907.

Evaline Nash,

c/o Will Nash,

Gibson Station, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 7, 1907, denying the application for the enrollment of your minor child, Willie Nash, as a Creek Freedman.

Respectfully,

Commissioner.

JBM

CR EN 1115

CR EN 1115

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
SEPTEMBER 15, 1906.

NBP-599.

In the matter of the application for the enrollment of  
Magie Nola Poe as a Creek Freedman.

APPEARANCES: J/ G. Lieber, acting for M. L. Mett,  
Attorney for Creek Nation.

Ivey Poe, being first duly sworn by Henry G. Hains, a  
Notary Public, testifies as follows:

Questions by Commissioner:

- Q: What is your name? A: Ivey Poe.  
Q: How old are you? A: 19.  
Q: What is your post-office address? A: Gibsen station.  
Q: Are you a citizen of the Creek Nation? A: Yes sir.  
Q: Creek Freedman? A: Yes sir.  
Q: Under what name were you enrolled? A: Ivey Hardridge.  
Q: What is the name of your father? A: Monday Hardridge.  
Q: What is the name of your mother? A: Nellie Hardridge.  
She was Nellie Low when she died.

Witness is identified as Ivey Hardridge opposite  
Creek Freedman, roll number 3051)

- Q: Are you married? A: Yes sir.  
Q: What is the name of your husband? A: Willie Poe.  
Q: How many children have you had in your lifetime?  
A: Just one.  
Q: Is that it you have there in your arms now? A: Yes sir.  
Q: What is its name? A: Magie Nola Poe.  
Q: We have here an affidavit here in which it is spelled as  
Magie Nola, is that right? A: Yes sir.

Questions by John G. Lieber, acting for attorney for Creek  
Nation.

- Q: How old is this child Ivey? A: Just two months and three  
days old.  
Q: When was it born? A: July 12.  
Q: What day of the week was it born on? A: On Thursday.  
Q: Did you execute an affidavit relative to the birth of this  
child before Jesse W. Cooper, a Notary Public?  
A: No sir.  
Q: Isn't that your signature Ivey? A: Yes sir that is my  
signature.

- Q: The question I just asked you was didn't you sign an affidavit about the birth of this child before this man Cooper, a Notary Public? A: Yes sir, I will tell you how that came up. He was going to get the land for the child, he came there himself and I told him my baby wasn't a week old, it wasn't old enough to get on the roll and he said all he wanted was my name and the baby's name. He said write your name here, and I did so, and he wrote the baby's name himself.
- Q: Well did he swear you to the affidavit? A: No sir.
- Q: Didn't swear you at all? A: No sir.
- Q: Did you tell him the date of the birth of the child at that time? A: Yes sir, I told him the date of the birth of the child at that time.
- Q: What date did you tell him? A: July 12.
- Q: Did he read this affidavit over to you before he signed it? A: No sir, he didn't read it, but he didn't talk like it was an affidavit.
- Q: Was there anything written in the affidavit when you signed it? A: No sir he didn't read it at all.
- Q: Did he have the affidavit all filled in at the time you signed it? A: No sir it wasn't filled in the paper was just plain, just those few marks on it and he told me to sign my name.
- Q: Who was present when he told you that? A: Well I don't think there was anyone there.
- Q: There was no-one there but you? A: No sir.
- Q: Where was Anna Prior? A: She was at home, I guess.
- Q: Where was your husband when you signed this? A: He had went out in the field.
- Q: Well this fellow Cooper came to your house with your husband didn't he? A: Yes he told my husband he was on his way home.
- Q: Well then what? A: Along the road he told my husband he would give the baby land for it.
- Q: Then your husband brought him to the house did he? A: Yes sir, they had to come right by the house.
- Q: Well now wasn't he there when you signed this affidavit and when you had this talk with Cooper? A: He just came there and told me to sign the paper with my name and my husband said the baby wasn't old enough to have any land but he said he would get the land himself and show that he would get it.
- Q: Well what was he to get if anything for doing this? A: He said if he got the land and put it in my husbands hands he wanted seventy-five dollars.
- Q: Your husband was present when he had that conversation wasn't he? A: Yes sir.
- Q: In other words this was a fraud on the part of this Notary Public to get this child enrolled when it had no right to enrollment, wasn't it? A: Yes sir.
- Q: And to get land for it? A: Yes sir, he was going to get land for it he said.
- Q: I believe that Annie Prier acted as midwife when this child was born, didn't she? A: Yes sir.

Questions by Commissioner:

- Q: Were you present when Annie Prior signed the affidavit?  
 A: No sir.  
 Q: She wasn't at your house at that time? A: No sir.  
 Q: Don't you know Ivey, that it is wrong to sign anything in blank that way and let him fill in anything he wants to?  
 A: He said he was going to get the land himself and he wanted to show my name and that I was the baby's mother.  
 Q: Didn't you know it was wrong? A: I said the baby was too young, he talked like they was giving in names yet, and I said No, it ought to have been born on March 4th.  
 Q: Didn't you know it was wrong? A: Yes, I knew it was wrong, he just wanted my name he said.  
 Q: You are absolutely positive that this child was born on the 12th. of July on Thursday and that it is 2 months and 3 days old? (the child is present and appears to be very young, apparently about 2 months of age).  
 Q: Now have you told everything in connection with that transaction? A: Yes sir.

Willie Poe, being first duly sworn by Henry G. Hains, Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Willie Poe.  
 Q: How old are you? A: About 23.  
 Q: What is your post-office address? A: Gibson Station.  
 Q: Are you a citizen of any of these Five Tribes? A: No sir.  
 Q: A State man? A: Yes sir.  
 Q: A negro? A: Yes sir.  
 Q: Were you married to Ivey Poe used to be Ivey Hardridge?  
 A: Yes sir.  
 Q: How long have you been married to her? A: About a year and some months.  
 Q: How many months, don't you know what month you were married in? A: I was married in May.  
 Q: 1905? A: Yes sir.

Questions by John G. Lieber, acting for Attorney for Creek Nation.

- Q: Are you the father of Magie Mola Poe? A: Yes sir.  
 Q: When was that child born? A: She was born in July I think.  
 Q: This last July? A: Yes sir.  
 Q: How old is the child now? A: It is 2 months and 3 days old I think.  
 Q: Who was present when it was born? A: Mrs. Prior and my sister Nancy and a doctor from Wagoner.  
 Q: Do you know Jesse W. Cooper, a Notary Public? A: Yes sir I am kind a acquainted with him, a little.



- Q: Did he come to your house near about the 21 of July this year and talk to you and your wife relative to making an affidavit about the birth of this child?
- A: Well I didn't have much talk with him, he just told me he was going to get it on the roll and I told him I thought it was too late, I said the child isn't a week old and he said all right, I will get it on the roll. I told him I thought it is too late and he said No, it ain't, I will get it on.
- Q: That was along in July about a week after the child was born
- A: Yes sir.
- Q: You told him then that the child wasn't over a week old?
- A: Yes sir.
- Q: He told you it was all right he would get it on the roll anyhow? A: Yes sir.
- Q: Did you tell him the child was born on the 20 of February 1906? A: No sir, I didn't tell him what day I told him it wasn't quite a week old.
- Q: Well, what was he to get for getting this child enrolled?
- A: He asked me what I would be willing to pay him if he enrolled the child, I told him I didn't know, I might pay him but I think it is too late and he said would I be willing to pay him if he enrolled it and I said well if he enrolled it may be I would.
- Q: How much did he want? A: He said he wanted \$100.
- Q: He had that conversation in the presence of your wife and you didn't he? A: No sir.
- Q: Where did you have that conversation? A: He rode with me from Wagoner, he was going to Gibson Station and he asked if he could ride with me and I told him yes, he could ride as far as Gibson.
- Q: Now you were in the house when Cooper had a talk with your wife about this child were you not? A: No sir, I didn't hear him talk to her.
- Q: You don't mean to say you took that fellow to your house to see your wife about the birth of this child and then left the house and stayed away do you?
- A: No sir, I think it was his intention to ask me, I was there with the buggy and he asked if he could ride and I told him yes I was going out that way.
- Q: Wasn't you in the house when he was talking with your wife about getting this child on the roll? A: No sir, I heard him say, well Mrs. Poe I came down to get your child enrolled and I heard her say, it is too late Mr. Cooper, it is too late to get it enrolled.
- Q: Who is Norma Lee Milan? A: That is Thad Milan's daughter she stays in the neighborhood there near me.
- Q: How large is she? A: About 14 years old I reckon.
- Q: This conversation that you heard between this man Cooper and your wife you say that is all you heard them say about this matter at that time? A: Yes sir.
- Q: Now you are certain of that, are you Poe? A: Yes sir.
- Q: Now wasn't it rather an unusual thing that you would take a man to your house to see your wife relative to the enrolling of your own child as a citizen of the Creek Nation for the purpose of obtaining an allotment of 160 acres of land, and wouldn't remain there at the house while he was talking to your wife about the matter?

- A: Why after he came, I didn't stay there any time, I told him it was too late to put it on the roll and I told him I didn't think it would be necessary for me to try it, and he said I will put it on, and I said I won't have anything to do with it at all because I think it is too late, I am most sure it is.
- Q: Well what were you doing while he was in the house talking to your wife? A: I was in the field.
- Q: What doing? A: I went for corn, I was just home from Waggoner.
- Q: You could have gotten that corn afterwards couldn't you?
- A: No sir, I didn't see any need to stay, he said, you won't have to have anything to do with it, it is I and the old lady for that.
- Q: Now you knew that that fellow went there to your house to see your wife for the purpose of inducing her to commit perjury relative to the enrollment of that child, and you didn't have enough interest in your wife to stay there and see that he didn't impose on her, did you?
- A: I told my wife the same thing, I told her that it was too late and she told him the same, it was too late.
- Q: I thought you told me a few minutes ago that the conversation you heard between your wife and this fellow, Cooper as you detailed it, was all the conversation you heard them have at that time at your house, that was only a few words, about a couple of words?
- A: Yes sir, just about a couple of words.
- Q: Now isn't it a fact that your whole purpose and business was a scheme concocted by you and this man Cooper to impose on your wife and thus secure the enrollment of that child?
- A: Well I told him and my wife both, that it was too late, that he couldn't get it on by any means and he said you don't know anything about this. That he was the one who would tend to it and he said if I go and put it on now, will you pay me and I said well, if you put it on and don't have any trouble about it, I will pay you and he said all right, I will see that you all don't have any trouble about it.
- Q: You permitted him to go in your house there, to your wife with a child only about a week old and endeavor to induce her into committing a felony?
- A: No sir, my wife was sitting on the porch, he took a chair on the porch and after he sat down a little while, I said I must go get some corn and turned and walked off, and I said I wanted to hurry because I had to go to Gibson Station for some coal-oil and things and he said I must go there anyhow and just as I left to go, he said Ivey I have come to enroll the baby, and she said Mr. Cooper it is too late, it is too late.
- Q: You keep telling a little more of that conversation all the time, I will get you to tell the whole story after while if I keep on? A: No sir, I am just telling you what he said.
- Q: Now you knew that he was at your house talking to your wife trying to get her to aid him to enroll a child that you knew wasn't entitled to enrollment, a child that your wife knew wasn't entitled to enrollment and still you left him there with your wife and went away from that house, didn't you?

- A: I went in the field for some corn.
- Q: You could have gotten that corn a half hour after that as well as when you did get it couldn't you?
- A: He wasn't talking so very much when I left.
- Q: Answer my question; you could have gotten that corn a half hour after you did get it couldn't you?
- A: No sir, I didn't stay there.
- Q: Answer my questions; you could have waited a half hour and then gone and gotten the corn, couldn't you?
- A: I was in an awful hurry to go to the station.
- Q: Didn't have time to protect your wife against a man that was endeavoring to get her into the penitentiary, was you?
- A: I told him it was too late and told her both.
- Q: Instead of taking him and kicking him out of your house you let him stay there and impose on your wife? A: I didn't think he was imposing on her any because we told him it was too late and he said we didn't have to do anything with it.
- Q: Don't you know that you and this Notary Public concocted this whole scheme to go there and get your wife to sign this affidavit in blank in order to get that child on the roll, don't you know that? A: No sir, I didn't tell him to come, no sir.
- Q: Well now he rode in the buggy with you for a considerable distance didn't he? A: From Waggoner and went to the Station.
- Q: How far is Waggoner from your place? A: About 4-1/2 miles.
- Q: Just happened to run across him in Waggoner is that it?
- A: He seen me first and he hollered and asked me if I was going out towards Gibson home.
- Q: Did he tell you where he was going? A: He said he was going home or wanted to go home.
- Q: Does he live at Gibson Station? A: Yes sir.
- Q: Do you have to pass Gibson Station in going to your house?
- A: No sir, I pass my house going to Gibson Station.
- Q: Well how did he happen to find out that you had a child only a week old? A: He found it out by my brother-in-law
- Q: He found that out before he ever got into your buggy didn't he? A: Yes sir.
- Q: Well how does it happen that he had this blank with him all fixed for your wife to sign up? A: I don't know he was talking with my brother-in-law, so he told me, and Mr. Cooper saw me in the buggy and he asked if I had a baby. He had asked my brother-in-law if I had a baby and he told him I did and he said I want to go down there and have a talk with him and a few minutes afterwards he seen me.
- Q: Do you know Fred Walker? A: Yes sir.
- Q: pretty well acquainted with him ain't you? A: Yes sir.
- Q: You asked Fred Walker along about the time this Notary Public came there and had this talk with your wife, if he couldn't find a piece of land that you could allot this child on, didn't you? A: Yes, that was before the child was born, but he told me I was too late, and I asked him if it was too late to file and he said yes, it was too late.
- Q: There was it you had that conversation with Fred?
- A: About this land? A: Yes.
- A: It was in his store.
- Q: At Gibson Station? A: Yes sir.

- Q: Didn't you tell Fred Walker at that time that the enrollment of this child could be worked and that you would give him \$50 if he would get you some land for that child and help you get it on the roll? A: No sir, no sir, I didn't tell him that.
- Q: You deny that? A: Yes sir, I didn't tell him that.
- Q: You admit though that you did ask him to get land for the child? A: Yes, I asked was it too late.
- Q: Didn't you ask him if he knew where he could get some land for you? A: I said Mr. Walker do you know where I could get some land to file on if it ain't too late, and he said Willie, it is too late.
- Q: That was before the child was born? A: Yes sir.
- Q: And that was before Cooper came to your house to get that affidavit signed up? A: Yes sir.
- Q: Had you had any talk with Cooper about this matter before you had a talk with Walker? A: No sir.
- Q: Hadn't said anything to him about it? A: No sir.

Questions by Commissioner:

- Q: What is the name of your brother-in-law? A: Bobbie Reed.
- Q: Then did this man Cooper ride back from your house in the buggy? You say you started off in your buggy after you got through? A: I went to Gibson and he rode to Gibson with me.

Questions by John G. Lieber, acting for Creek Attorney.

- Q: Well didn't you have some conversation with Cooper after he left your house, on the road to Gibson Station? A: No sir nothing about the land.
- Q: Didn't you say something to him about getting your wife to sign this affidavit up? A: No sir, he didn't say nothing more about the land at all.
- Q: I didn't say anything about land, I am asking you if you didn't have a talk with him on the way to Gibson Station about getting your wife's signature to that affidavit?
- A: He asked me if I would carry that affidavit over here and I said No, I won't carry it.
- Q: Did he show you that affidavit? A: No sir.
- Q: You knew he had it didn't you? A: No sir he just asked me if I would carry the affidavit over here to the office and I said No sir I won't carry it and he said could I go over there with him and I said No, I couldn't go over there.
- Q: Don't you know that he showed you that affidavit on the road going to Gibson Station? A: No sir, he didn't.
- Q: But he asked you if you would take it to the Commission?
- A: He asked me would I fetch it over here.
- Q: What business did you have at Gibson Station that day?
- A: I went for some things.
- Q: Well you had just been up to Waggoner hadn't you? A: Yes sir I had some things already bought at Gibson.
- Q: Who had you bought them from? A: Mr. Sharron and Potter.
- Q: Had you paid for them? A: Yes sir.
- Q: At the time you bought them? A: Yes sir.

Questions by Commissioner:

- Q: Did you see that midwife sign that affidavit? A: No sir.
- Q: You were not present when it was done? A: No sir.

- Q: Did you ever see it after it was fixed up? A: No sir.
- Q: No part of it, neither your wife's nor the midwife's signature? A: No sir.
- Q: You didn't send it in nor bring it in? A: No sir.
- Q: Do you know how it got here? A: No sir.
- Q: Now you knew that this child wasn't entitled to enrolment didn't you? A: Yes sir, I knew it.
- Q: You knew that that fellow Cooper, went to your house and had your wife to sign this affidavit, he asked you if you would send it to the Commission, you said you wouldn't do it and he told you he was going to send it, didn't he?
- A: No sir, he didn't tell me whether he was going to send it or not.
- Q: Still after all that taking place, you knowing that the child was not entitled to enrollment, you didn't take enough interest in the matter to even write down here to the Commissioner and tell them about that fellow being at your house trying to get that child enrolled, did you?
- A: I knew it wasn't right, I knew he couldn't get it on, but he allowed he could get it on anyhow. I thought he knew his business better than I did. Mr. Sherron and Mr. Walker told me it was too late and after that I just dropped it.
- Q: Well why didn't you write to the Commissioner and tell him about these things? A: Well, I don't know why I didn't write, I just didn't think that much of it.
- Q: You were willing that that fellow should use your wife and child to impose on the Commissioner and Government and the Creek Nation, provided he could make it? A: I wanted him to get it fair and honest if he could, if he couldn't I didn't want him to.
- Q: You knew you couldn't didn't you? A: Yes sir, I knew he couldn't.
- Q: Fred Walker told you you couldn't didn't he?
- A: Yes sir, he told me it was too late.
- Q: Yet you were willing to let that fellow use your wife and child to defraud the Commissioner, didn't you?
- A: No sir.
- Q: You never gave the Commissioner a word of information about it did you? A: I thought he was going to get it over here some way I didn't know how he got it over here.
- Q: You never opened your mouth about this child having been born too late until the Creek Nation sent a man up there in your settlement and investigated the matter, and then you came out and told the truth, didn't you?
- A: I told him I knew it was too late, but after it was done I didn't pay any more attention to it, I didn't think any more about it.

Anna Prior, being first duly sworn, testified as follows:

Witness sworn by Henry G. Hains, a duly appointed Notary Public.

Questions by Commissioner:

- Q: What is your name? A: Anna Prior.
- Q: How old are you? A: About close to 50 now.
- Q: What is your post-office address? A: Gibson Station.
- Q: Do you know Ivey and Willie Poe? A: Yes sir.
- Q: Did you act as midwife when their child Magie Nola was born?
- A: Yes sir

- Q: When was it born? A: I don't know the days of the month it was 2 months and 3 days old now.  
Q: Don't you know what month it was born in?  
A: In August sometime---July.  
Q: This last July? A: Yes sir.

Questions by John G. Lieber, acting for attorney for Creek Nation.

- Q: You signed an affidavit about the birth of this child didn't you Anna? Before this fellow Cooper? A: Signed?  
A: Made your mark to an affidavit before Jesse Cooper a Notary Public, didn't you? A: No sir.  
Q: Don't you know Jesse W. Cooper? A: Yes sir, he lives at Gibson Station.  
Q: Who is Naomi Lee Milam, don't you know her? A: Yes I know her she lives there by Boy Poes. Some call him Willie and I call him Boy.  
Q: You say you know that fellow Cooper? A: Yes sir.  
Q: Didn't he come to your house along about the 21 day of last July about a week or so after this child was born and ask you to make a statement about its birth? A: No sir.  
Q: Didn't he ever ask you anything about when this child was born? A: No sir.  
Q: Never had any talk with him at all about when this child was born? A: No sir. I didn't know any more about it, after the birth of the child I went home, until that paper came to me, the subpoena.  
Q: Yesterday evening? A: Yes sir.  
Q: Well then you deny that you touched the pen and made a mark to this affidavit do you? A: No sir, I didn't touch any pen.

(Witness is shown affidavit filed in this case on the 23rd. day of July 1906, in the matter of the application for the enrollment of Magic Nola Poe).

- Q: You say you know this Milan girl? A: Yes sir. She lives there by Poe's.  
Q: Is that Mrs. Milam or one of her girls? A: Mrs. Milam but she has a girl too.  
Q: How old is the girl? A: I don't know sir, these people only when I see them.  
Q: Do you deny Anna that you ever made a mark to the affidavit in the presence of Nola Lee Milam and in the presence of Cooper, a Notary Public? A: Yes I deny that, God knows I didn't.  
Q: Didn't do it at all? A: No sir, I was at home I couldn't do it and he ain't been to my house this year that I know of  
Q: Have you made any affidavit at all before Cooper in the last 4 months?  
A: I don't know what time it was I was witness there for another woman, I don't know what time it was, it was sometime this year.  
Q: But you know you never signed any affidavit about the birth of Magic Nola Poe, don't you? A: Yes sir, I didn't do it.  
Q: Can you write your name? A: No sir, I can't spell much less write.



- Q: Who was the witness present when you signed the affidavit y  
you talked about, you say it was the only affidavit you  
made before Cooper? Who was present and witnessed your  
mark? A: I signed for this Jameson girl, I forget her  
name.
- Q: Do you know who was present when you signed the affidavit  
Anna, who witnesses your mark?
- Q: For this Jameson girl? My husband.
- Q: You are certain are you that you never made any affidavit  
before Cooper in which this girl Naomi Lee Milam witnesses  
your mark, are you? A: Yes sir, no sir, no sir.
- Q: You know you didn't sign any such an affidavit? A: No sir  
I aint.

This is all the evidence that was taken on said date in  
said cause.

I, Julia C. Laval on my oath state that the above and  
foregoing is a true and complete transcript of my steno-  
graphic notes as taken by me in said cause on said date.

Julia C. Laval.

Subscribed and sworn, to before  
me this 19 day of September, 1906.

Edward Herrick,  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
SEPTEMBER 17, 1906.

N.B.P. 399.

In the matter of the application for the enrollment of  
Magie Nola Poe as a Creek Freedman.

Appearances: John G. Lieber acting for M. L. Mott  
attorney for Creek Nation.

Naomi Lee Milan being first duly sworn by Henry G. Hains a  
duly appointed Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Naomi Lee Milan.  
Q: What is your age? A: 14 years old.  
Q: What is your post-office address? A: Gibson Station.  
Q: Are you a citizen of any nation? A: No sir.  
Q: You are a state woman? A: Yes sir.

Questions by John G. Lieber acting for M. L. Mott, attorney  
for Creek Nation.

- Q: Do you know Anna Prior? A: Yes sir, I know here when I  
see her.  
Q: You are not personally acquainted with her, are you?  
A: No sir.  
Q: Do you know Jesse W. Cooper a Notary Public? A: Yes sir  
I know him when I see him.  
Q: Did you see Jesse W. Cooper on the 21 day of last July?  
A: Yes sir.  
Q: Where did you see him? A: He was up to Mrs. Ivey's that is  
Willie Poe's wife.  
Q: You mean Ivey Poe? A: Yes sir.  
Q: Were you there also? A: No sir, she sent  
for me and I went and she said Naomi I want you to write  
your name on a piece of paper and I said, is it any harm,  
and Mr. Cooper said oh no, it ain't any harm, and he said  
can you write it and I said yes, I can write it, and he  
said, well write your name on this piece of paper.  
Q: Is that the paper on which you wrote your name at that time?

Witness being shown the original application for the  
enrollment of Magie Nola Poe, filed herein on July 23, 1906)

- A: I don't know sir, I never paid any attention. He had it  
folded up and just had me write my name here.  
Q: Did he tell you what you were signing when you signed your  
name to that paper?  
A: No sir, he did not, he just said write your name on this  
piece of paper.  
Q: That is your signature there ain't it Naomi?  
A: Yes sir, that is my writing.  
Q: When you signed that paper was the body of this paper  
written up? A: I don't know he had it filled up and  
showed me a line to write my name and that is all I did.

- Q: Who was present when you signed your name to that paper?  
A: Mrs. Ivey, Willie Poe's wife and her husband's sister's child and Mr. Cooper was the only ones present and me.  
Q: Was Anna Prior present? A: No sir.  
Q: Did you ever at any time sign a paper for Mr. Cooper when Anna Prior was present? A: No sir.  
Q: Did you ever see Anna Prior make her mark to any paper?  
A: No sir, no sir.  
Q: Are you on friendly terms with Mrs. Poe? A: Yes sir.  
Q: And her husband? A: Yes sir, I just been acquainted with them now about a year, I never have been around them, just seeing them pass.  
Q: You are not unfriendly towards them are you? A: No sir.  
Q: Haven't had any fuss between you or anything like that?  
A: No sir.  
Q: Have you anything against Mr. Cooper? A: No sir.  
Q: Then when you signed your name to this paper, you didn't know what you were signing, did you?  
  
A: No sir, I didn't know what I was signing and I asked him if there was any harm and he said no, write your name and I written my name.  
Q: That all took place there at Willie Poe's house? A: Yes sir.  
Q: Where was Willie when all of this took place? A: I don't know sir.  
Q: Ivey was there all right? A: Yes, that is his wife.  
Q: What did Mrs. Poe say to you when you came there to the house? A: Oh, she sent for me and I went, and she said Naomi I want you to write your name on this piece of paper and I said is it any harm and Mr. Cooper said Oh no, can you write? I said yes, and he said, write your name on this piece of paper.

This is all the evidence that was given in said cause on said date.

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.

Julia C. Laval

Subscribed and sworn to before  
me this 19 day of September, 1906.

Edward Herrick

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

In the matter of the application for the enrollment of  
Magie Nola Poe as a Creek Freedman.

D E C I S I O N .

The record in this case shows that on July 23, 1906, application was made, in affidavit form, for the enrollment of Magie Nola Poe, as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906. Further proceedings were had September 15 and September 17, 1906.

It appears from the evidence and the records in the possession of this office that Magie Nola Poe is the minor child of Willie Poe, a non-citizen, and Ivy Poe, a Creek freedman, whose name appears on a partial roll of Creek freedmen approved by the Secretary of the Interior on the 28th. day of March, 1902, opposite No. 3051; that said Magie Nola Poe was born on July 12, 1906, and was living on the date of the last proceeding had herein.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Magie Nola Poe as a Creek freedman, and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory.

  
COMMISSIONER.

---

No

SUBPŒNA.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*In the matter of the*

---

*James M. ...*  
*J. D.*

I, ..... do solemnly swear that I am ..... years  
of age, and that on the ..... day of ..... 1....., in the .....  
Nation, Indian Territory, I served the within Subpœna on the within named .....  
by then and there delivering a true copy of the same to said .....

Subscribed and sworn to before me this ..... day of .....

No. ....

**SUBPœNA.**

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the .....

*Decker has affidavit*

copy

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES

To Willie Fox, Swan, Fox & Anna Pryor

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at

Muskogean in the Creek Nation, Indian

Territory, on the <sup>day of</sup> ~~fourth~~ <sup>application for</sup> ~~fourth~~, to testify before said Commission

in the matter of the Enrollment of ~~Wala Fox~~ <sup>Wala Fox</sup> as a citizen of the Creek Nation at the expense of the ~~Creek Nation~~

Dated at Muskogee this 14<sup>th</sup> day of September 1906

*[Signature]*

Commissioner.

Roll # F. 3051  
Newborn 399

**IN RE**

**Application for Enrollment of**

**MINOR CHILD**

**Act of Congress Approved**

**April 23, 1906**

*Magie Lola Poe*

as a citizen of

*Creek*

**Nation.**

**Approved** ..... **190**...

**Commissioner.**

*Born Feby 20-1906*

*July 23-06*

*CRS*  
*1115*



DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

*Copy*

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,  
 of Magie Nola Poe, born on the 20 day of Feb, 1906.  
[Here insert name of child]  
 Name of Father: Willie Poe, a citizen of the U.S. Nation.  
 Name of Mother: Ivey Poe (nee Hardridge), a citizen of the Creek Nation.  
 Tribal enrollment of father: none Tribal enrollment of mother: 3051  
 Postoffice: Gibson Sta., D.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }  
Western District. }  
 I, Ivey Poe (nee Hardridge), on oath state that I am 19  
 years of age and a citizen by Freedman of the Creek Nation;  
 that I am the lawful wife of Willie Poe, who is a citizen, by  
U.S. of the U.S. Nation; that a female child was  
(Male or Female)  
 born to me on 20 day of Feb, 1906; that said child has been named  
 ..... and was living March 4, 1906.

(signed) Ivey Poe (nee Hardridge)

*Seal*

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 21 day of July, 1906.

My Commission expires July 28th 1909

(signed) Jesse W. Cooper

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }  
Western District. }  
 I, Anna Pryor, a mid-wife, on oath state that I  
 attended on Ivey Poe, wife of Willie Poe,  
 on the 20 day of Feb, 1906; that there was born to her on said date a Female  
(Male or Female)  
 child; that said child was living March 4, 1906, and is said to have been named Magie Nola Poe

Mid-wife Anna Pryor

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 21 day of July, 1906.

My Commission expires July 28th 1909

(signed) Jesse W. Cooper

Notary Public.

Gr.En.1118

Muskogee, Indian Territory, January 28, 1907.

Ivey Poe,

Care of Willie Poe,

Gibson Station, Indian Territory.

Dear Madam:

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 Magie Nola Poe 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.

Inc. CW-28-18

Cr.En. 1118

Muskogee, Indian Territory, January 28, 1907.

M. L. Mott,  
Attorney for the Creek Nation,  
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 Magie Nola Poe 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 Commissioner is informed of the same.

Respectfully,

Commissioner.

Inc. CM-28-19

Cr.No.1115

Muskogee, Indian Territory, January 28, 1907.

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 Magie Nola Poe as a Creek freedman, including the decision of the Commissioner dated January 23, 1907.

Very respectfully,

Commissioner.

Through the Commissioner

of Indian Affairs.

Inc. CM-28-20

Refer in reply to the following:  
Land 10239-1907.

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

COPY

February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 28, 1907, transmitting the record relative to the application of Magie Nola Poe for enrollment as a Creek freedman.

On July 23, 1906, application was made to the Commissioner for the enrollment of Magie Nola Poe as a Creek freedman. On January 23, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that the applicant was born subsequent to March 4, 1906.

In view of the provisions of Section 2 of the Act of April 26, 1906 (34 Stat. L. 137), the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD-Y

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

JP  
PHE

LRS

I.T.D. 4850, 4890, 4904, 4960, 4962-07.      March 1, 1907.  
           4964, 5082, 5166, 5202, 5328- "  
           5342, 5374, 5376, 5378, 5380- "  
           5398, 5398, 5400, 5402, 5404- "  
           5410, 5414, 5418, 5424, 5428- "  
           5466, 5468, 5498, 5548,      - "

D. C. 12430-1907.

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases  
adverse to the applicants are hereby affirmed, viz:

| Title of case.                         | Date of your<br>letter of transmittal. |
|--|--|
| Rhoda Walker,                          | December 19, 1906                      |
| Josiah McIntosh,                       | January 18, 1907                       |
| Tony Harlings,                         | January 18, 1907                       |
| George Allen, (Freedman)               | January 28, 1907                       |
| Henry Edwards, (Freedman)              | January 28, 1907                       |
| Lewis Davis, deceased,                 | January 28, 1907                       |
| Robert Scott, deceased,                | October 19, 1906                       |
| Tom and Mattie Jeffries, deceased,     | February 8, 1907                       |
| Emma Dodge, (Freedman)                 | February 8, 1907                       |
| Georgia Davis, deceased, (Freedman)    | February 7, 1907                       |
| Thelma Maud Gibson,                    | February 7, 1907                       |
| <u>Marie Nola Poe, (Freedman)</u>      | January 28, 1907                       |
| Nelson McIntosh,                       | January 19, 1907                       |
| Calley Caesar, deceased,               | January 28, 1907                       |
| Sarah Buck, deceased,                  | January 25, 1907                       |
| Willie Perryman, (Freedman)            | January 28, 1907                       |
| Joshua Gentry et al.                   | January 28, 1907                       |
| Dennis Taylor, (Freedman)              | January 28, 1907                       |
| Paul and Pauline Bruner,               | January 25, 1907                       |
| Gennie Sanders, (Freedman)             | January 28, 1907                       |
| Eddie Levi, (Freedman)                 | January 28, 1907                       |
| Gabriel Hawkins, (Freedman)            | January 28, 1907                       |
| Lottie Dickson, (Freedman)             | January 22, 1907                       |
| Charles Tiger, deceased,               | January 28, 1907                       |
| Herford Barnett, deceased,             | January 28, 1907                       |
| Cobern Holt, (Freedman)                | February 7, 1907                       |
| Marguerite Scott, deceased, (Freedman) | January 31, 1907.                      |

Copies of Indian Office letters, submitting your reports and  
recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above mentioned  
cases have been sent to the Indian Office.

Respectfully,  
(Signed) Jesse E. Wilson,  
Assistant Secretary.

27 inc. and 61 for Ind. Of.

APMc  
3-1-07.

JWH

Cr. Kn. 1115

Muskogee, Indian Territory, March 9, 1907.

Ivey Poe,

✓ Willie Poe,

Gibson Station, Indian Territory.

Dear Madam :--

You are hereby advised that under date of March 1, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Magie Nola Poe, as a Creek freedman.

Respectfully,

Commissioner.



CR EN 1116

CR EN 1116

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

In the matter of the application for the enrollment of Willie May Hawkins as a Creek freedman.

## O R D E R.

The record in this case shows that on May 25, 1905, there was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the application of Malinda Hawkins for the enrollment of her minor child, Willie May Hawkins, as a Creek freedman.

The evidence shows that said Willie May Hawkins was born July 14, 1899.

An examination of the records of this office shows that no application was made for the enrollment of said Willie May Hawkins as a Creek freedman prior to or on September 1, 1904 on which date the rolls of the Creek Nation were closed by order, dated June 13, 1904, of the Secretary of the Interior under authority in him vested by act of Congress approved March 3, 1901 (31 Stats., 1058).

The act of Congress approved March 3, 1905 (Public No. 212), provides:

" That the Commission to the Five Civilized Tribes is authorized for sixty days after the date of the approval of this act to receive and consider applications for enrollment of children born subsequent to May twenty five, nineteen hundred and one, and prior to March fourth, nineteen hundred and five, and living on said latter date, to citizens of the Creek tribe of Indians whose enrollment has been approved by the Secretary of the Interior prior to the date of the approval of this act; and to enroll and make allotments to such children."

It is, therefore, ordered that there is no authority of law for the enrollment of said Willie May Hawkins as a Creek freedman and that the application for her enrollment as such should be and the same is hereby dismissed.

  
Commissioner.

Muskogee, Indian Territory,

OCT 13 1905

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

In the matter of the application for the enrollment of Robert Hawkins as a Creek freedman.

## O R D E R.

The record in this case shows that on May 25, 1905, there was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the application of Mattie Hawkins for the enrollment of her minor child, Robert Hawkins, as a Creek freedman.

The evidence shows that said Robert Hawkins was born October 14, 1904, and that he was living March 4, 1905.

An examination of the records of this office shows that no application was made prior to May 25, 1905, for the enrollment of said Robert Hawkins as a Creek freedman.

The act of Congress approved March 3, 1905 (Public No. 212), provides:

" That the Commission to the Five Civilized Tribes is authorized for sixty days after the date of the approval of this act to receive and consider applications for enrollment of children born subsequent to May twenty five, nineteen hundred and one, and prior to March fourth, nineteen hundred and five, and living on said latter date, to citizens of the Creek tribe of Indians whose enrollment has been approved by the Secretary of the Interior prior to the date of the approval of this act; and to enroll and make allotments to such children."

It is, therefore, ordered that there is no authority of law for the enrollment of said Robert Hawkins as a Creek freedman and that the application for his enrollment as such should be and the same is hereby dismissed.



Commissioner.

Muskogee, Indian Territory,

OCT 13 1905

N.B.F.425  
Cr.En.1116.

FHW  
AG

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

In the matter of the applications for the enrollment  
of Willie May Hawkins and Robert Hawkins as Creek freedmen.

STATEMENT AND ORDER.

The record in this case shows that on May 25, 1905,  
applications were filed in affidavit form for the enrollment  
of Willie May Hawkins and Robert Hawkins as Creek freedmen.

The evidence shows that the applicants are the  
children of Malinda Hawkins and Mattie Hawkins, citizens of  
the United States, and Ben Hawkins, an alleged citizen of the  
Creek Nation.

It further appears that both applicants were born  
in Texas. It is impossible from the evidence submitted to  
identify the alleged father of the applicants as a citizen of  
the Creek Nation and the records in possession of this office  
fail to show that proof of marriage of the alleged parents of  
the applicants has been furnished this office in response to  
the request made by the Commissioner for such evidence.

In view of the foregoing, I am of the opinion that  
there is no authority of law for the enrollment of Willie May  
Hawkins and Robert Hawkins as Creek freedmen and the applications  
for their enrollment as such are accordingly dismissed.

Muskogee, Indian Territory,

FEB 7- 1907



COMMISSIONER.

May 25, 1905

Chairman

(Rec'd May 25-05.)

IN RE **2498**  
Application for Enrollment of  
INFANT CHILD

as a citizen of

Nation

Approved

190

Commissioner.

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the \_\_\_\_\_ Nation,  
of Willie May Hawkins, born on the 14 day of July, 1899  
(Here insert name of child)  
Name of Father: Ben Hawkins a citizen of the Creek Nation.  
Name of Mother: Malinda Hawkins a citizen of the United States Nation.  
Postoffice Muscogee I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
WESTERN DISTRICT.

I, Malinda Hawkins, on oath state that I am 22  
years of age and a citizen by birth, of the United States Nation;  
that I was the lawful wife of Ben Hawkins, who is a citizen, by  
birth, of the Creek Nation; that a Female child was  
(Male or Female.)  
born to me on 14<sup>th</sup> day of July, 1899; that said child has been named  
Willie May Hawkins, and is now living. and that I was  
at the time of the birth of said Willie May Hawkins  
the lawful wife of the said Ben Hawkins

WITNESSES TO MARK:  
(Must be Two Witnesses.)  
L. Green  
S. W. Wallace

Subscribed and sworn to before me this 22<sup>nd</sup> day of May, 1905.  
W. F. Jones Clerk County  
Marion County, Texas  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
WESTERN DISTRICT.

I, Eliza Gill, a Midwife, on oath state that I  
attended on Mrs. Malinda Hawkins, wife of Ben Hawkins  
on the 14<sup>th</sup> day of July, 1899; that there was born to her on said date a Female  
(Male or Female.)  
child; that said child is now living and is said to have been named Willie May Hawkins

WITNESSES TO MARK:  
(Must be Two Witnesses.)  
L. Green  
S. W. Wallace

Subscribed and sworn to before me this 22<sup>nd</sup> day of May, 1905.  
W. F. Jones Clerk  
County Court Marion County, Texas  
Notary Public.



DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FEDERALIZED TRIBES  
1911

May 25, 1905

~~Commissioner~~

Chairman

Rec'd May 25-05

IN RE 2498

Application for Enrollment of  
INFANT CHILD

as a citizen of

Nation

Approved \_\_\_\_\_ 190.

Commissioner.

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the \_\_\_\_\_ Nation,  
of Robert Hawkins, born on the 14 day of October, 1904  
(Here insert name of child.)  
Name of Father: Ben Hawkins a citizen of the Irish Nation.  
Name of Mother: Matty Hawkins a citizen of the United States Nation.  
Postoffice Muschoyee D. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
WESTERN DISTRICT.

I, Matty Hawkins, on oath state that I am 21  
years of age and a citizen by birth of the United States Nation;  
that I am the lawful wife of Ben Hawkins who is a citizen, by  
birth of the Irish Nation; that a male child was  
(Male or Female.)  
born to me on 14<sup>th</sup> day of October, 1904; that said child has been named  
Robert Hawkins and is now living.

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 19<sup>th</sup> day of May, 1905.

Mattie Hawkins  
\_\_\_\_\_  
Notary Public.  
Red River County Tex.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
WESTERN DISTRICT.

I, Sarah Cleveland, a mid-wife, on oath state that I  
attended on Mrs. Matty Hawkins, wife of Ben Hawkins  
on the 14<sup>th</sup> day of October, 1904; 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 Robert Hawkins  
(Male or Female.)

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 19<sup>th</sup> day of May, 1905.

Sarah Cleveland  
mark  
\_\_\_\_\_  
Notary Public.  
Red River County Tex.

N.P. 699

Muskogee, Indian Territory, October 14, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the order of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, dismissing the application of Mattie Hawkins for the enrollment of her minor child, Robert Hawkins, as a Creek freedman.

Respectfully,

Commissioner.

AG-91

W.F. 699

Muskogee, Indian Territory, October 14, 1905.

Mattie Hawkins,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the order of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, dismissing the application made by you for the enrollment of your minor child Robert Hawkins, as a Creek freedman.

Respectfully,

Commissioner.

AG-90

H.2699

Muskogee, Indian Territory, October 17, 1905.

M.E. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the order of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, dismissing the application of Malinda Hawkins for the enrollment of her minor child, Willie May Hawkins, as a Creek freedman.

Respectfully,

Commissioner.

G-8A

J. D.

REFER IN REPLY TO THE FOLLOWING:

.....

.....

.....

.....

H. F. 699

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

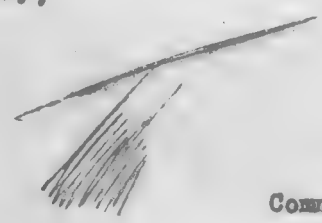
Muskogee, Indian Territory, October 17, 1905.

Malinda Hawkins,  
 Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the order of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, dismissing the application made by you for the enrollment of your minor child, Willie May Hawkins, as a Creek freedman.

Respectfully,



Commissioner.



W.F.699

Muskogee, Indian Territory, November 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the records of proceedings in the matter of the application for the enrollment of Willie May Hawkins and Robert Hawkins, as Creek freedmen, including the orders of the Commissioner to the Five Civilized Tribes, dated October 13, 1906, dismissing said application.

Respectfully,

Commissioner.

Through the  
Commissioner of Indian Affairs.

WF699

No.17177.

JP.LLB.LRS.

I.T.D.17080-1905.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, May 3, 1906.

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

Sir:

In view of the provision in the act of April 26, 1906 (Public No.129), for the enrollment of minor children of Creek citizens living March 4, 1906, the records in the matter of the applications for the enrollment of Willie May Hawkins and Robert Hawkins, received with your letter of November 20, 1905, are inclosed, in order that the matter may be readjudicated.

A copy of ~~the~~ Indian Office letter of December 11, 1905, submitting the cases, is also inclosed.

Respectfully,

Signed Thos. Ryan,  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

3 inclosures.

Copy

Refer in reply to the following:  
Land:93947-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, December 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated November 20, 1905, transmitting the records of the applications made May 25, 1905, for enrollment as Creek Freedmen, of Willie May, and Robert Hawkins.

October 13, 1905, the Commissioner decided adversely to both applications.

The record shows that Willie May Hawkins was born July 14, 1899; that no application was made for enrollment prior to closing the Creek rolls on September 1, 1904; and that she was not born subsequent to May 25, 1901, as provided by the terms of the Act of March 3, 1905 (33 Stats., 1071).

It is also shown that Robert Hawkins was born October 14, 1904, and that no application was made for his enrollment prior to May 25, as required by the Act of March 3, 1905 (33 Stats., 1071).

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

Very respectfully,

C. F. LARRABEE,  
Acting Commissioner.

M.M.M.-NL.

REFER IN REPLY TO THE FOLLOWING:

H. F. 699.

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

*J. H.*

Muskogee, Indian Territory, June 2, 1906.

Mattie Hawkins,

Muskogee, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of Robert Hawkins, as a Creek freedman, you are advised that it is required that you furnish this office with the affidavits of yourself and the midwife in attendance at the birth of said child, said affidavits showing the name of the child, the names of its parents, the date of birth and whether said child was living on March 4, 1906. For this purpose there is inclosed herewith a blank affidavit.

This matter should receive your prompt attention.

Respectfully,

  
Commissioner.

BA

REFER IN REPLY TO THE FOLLOWING:

H.F. 699.

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

Muskogee, Indian Territory, June 2, 1906.

Malinda Hawkins,  
Muskogee, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of Willie May Hawkins, as a Creek freedman, you are advised that it is required that you furnish this office with the affidavits of yourself and the midwife in attendance at the birth of said child, said affidavits showing the name of the child, the names of its parents, the date of birth and whether said child was living on March 4, 1906. For this purpose there is inclosed herewith a blank affidavit.

This matter should receive your prompt attention.

Respectfully,



Commissioner.

BA

REFER IN REPLY TO THE FOLLOWING:

WVF-425  
Cr. No. 1116

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

JWH

Muskogee, Indian Territory, February 11, 1907.

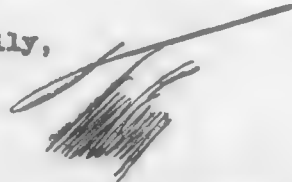
Malinda Hawkins,

Muskogee, Indian Territory.

Dear Madam :--

There is enclosed herewith copy of statement and order of the Commissioner to the Five Civilized Tribes, dated February 17, 1907, dismissing the application made by you for the enrollment of your minor children, Willie May Hawkins and Robert Hawkins, as Creek freedmen.

Respectfully,



Commissioner.

Registered.

JWH 11-2

CR EN 1117

CR EN 1117

e



Enrollment 1117.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY,  
~~NOVEMBER~~ 27, 1906.  
*October*

In the matter of the application for the enrollment of  
Jemima Bullette, as a citizen by blood of the Creek Nation.

John Bullette, being duly sworn, by H.G.Hains, a Notary  
Public, testified as follows: Through Official Interpreter,  
Lona Merrick.

Examination by Commissioner.

- Q What is your name? A John Bullette.  
Q What is your age? A 26.  
Q What is your post office address? A Hanna.  
Q What is the name of your father? A Bailey Bullette.  
Q Is he living? A No sir, he is dead.  
Q What is the name of your mother? A Hullie Yarby.  
Q What Creek Indian town do you belong? A Hillabee Canadian.

Witness is identified as John Bullette, opposite Creek  
Indian roll number 8776.

- Q Are you married? A Yes sir.  
Q What is the name of your wife? A Zoye Bullette, it was  
Zoye Lucas before I married her, she is a white woman.  
Q How many children have you and Zoye ever had? A Two living  
and one dead.  
Q What is the name of your first child? A Jemima.  
Q Is Jemima living? A Yes sir.  
Q When was she born? A She was born in May.  
Q What year? A I don't remember.  
Q How old is she now? A I guess about ten years old.  
Q Do you know when the Land Office opened, when people began  
filing? A Yes sir, I heard about it.  
Q Was Jemima living after that? A Yes sir, Jemima was living.  
Q How long before the Land Office opening was she born?  
A I don't remember.  
Q Are you married to Zoye the mother of Jemima? A Yes sir.

Witness is advised that he should furnish this office  
with the marriage license and certificate.

- Q Was Jemima born after you married the mother? A Yes sir.  
Q How long after? A I don't know.  
Q Was it about a year after? A I guess so.  
Q Did you ever make application for the enrollment of Jemima  
Bullette as a citizen of the Creek Nation? A Frank Lucas made  
application for it.  
Q Who is Frank Lucas? A My wife's father.  
Q When, do you know? A I don't remember.  
Q What did he do? A In what year did he make application?  
A He made application for it at Okmulgee, when the Commission  
was there.  
Q Before whom did he appear there? A I don't know who he  
appeared before--I gave him the name of the child and he made

application for it.

Q About how many years ago? A I don't remember how long ago it was.

Q What is the name of your next child after Jemima?

A Bettie, she is dead.

Q How long did she live? A I guess about a year.

Q No application was ever made for her was it? A No sir.

Q Then your next child is Chitto Harjo Bullette? A Yes sir.

-----oOo-----

NANIE LUCAS, being duly sworn, by H.G. Hains, a Notary Public, testified as follows:

Examination by Commissioner:

Q What is your name? A Nanie Lucas.

Q What is your age? A 27.

Q What is your post office address? A Wetumka.

Q Do you know John Bullette? A Yes sir.

Q Any kin to you? A No sir, he aint. He married my sister.

Q What is her post office address? A Wetumka.

Q What is her name? A Zoye.

Q Does she live at Wetumka? A Yes sir.

Q How does it come that she is the wife of this man; while his post office is Hanna, and hers at Wetumka? A They are parted.

Q When did they part? A About a year and a half ago.

Q Did they part before or after Chitto Harjo was born?

A He was born when they parted.

Q Is the child living with her? A Yes sir.

Q Has she any other children living with her? A Yes sir, Jemima.

Q How old is Jemima now? A I am sorter like him, I forget the child's age.

Q Well about how old? A I think seven or eight years.

Q How long was it after they were married before Jemima was born? A About a year.

Q Do you know what month she was born in? A I couldn be positive I was living right there near them then I was living up a piece from them, and I never paid much attention to it.

Q Do you know if an application for enrollment was made for Jemima as a citizen by blood of the Creek Nation? A Yes sir.

Q What did that consist of? A They went to Wetumka and got my father to tend to it; they gave him a power of attorney to enroll it when they were enrolling at Okmulgee, and he took it up there and put her on the roll..

Q Were you there? A No sir, I wasn't there.

Q All you know about then is what you heard, what has been told you? A S You see the Commissioners they came out there and theres where they always foiled us, they came out there and allotted lots of people; they allotted him and her the same day, they said she was on the roll and they were out there.

Q Who do you mean "they"? Zoye and Jemima.

Q Did they allot to John too? A Yes sir. He never came up here to Muskogee to file, and she never did come up here, but the Commissioners allotted John sametime they allotted her on her place.

- Q Is your father's name Frank Lucas? A Yes sir.  
Q Is he living? A No sir.  
Q When did he die? A Last October two year ago.

The records of the Creek Land Office examined and in reservation number 701 are found various notes on plats of township 8, range 11, section 4, reference being made to Willie Lucas, whose name appears on "not entitled affidavit", dismissed by Commissioner, and the name of Jemima Bullette, opposite whose name is a pencil notation "not listed for enrollment." On the bottom of the page is this notation: "The south half of the northeast quarter of section 4, both fortys are partially improved and the improvements owned by Frank Lucas, who is the grandfather of Willie Lucas and Jemima Bullette. The grandfather Frank Lucas asks that this change be made: Southeast quarter of northeast quarter of southeast quarter and a field in N.half of NE. quarter.

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 cause on said date.

*Lona Merrick*

Subscribed and sworn to before me this 5th day of November, 1906.

*Edward Merrick*  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
Commission to the Five Civilized Tribes

Township No. **8**

Range No. **11**

|    |    |    |    |    |    |
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| 19 | 20 | 21 | 22 | 23 | 24 |
| 30 | 29 | 28 | 27 | 26 | 25 |
| 31 | 32 | 33 | 34 | 35 | 36 |

Willie Lucas  
 Semima Bullet

Not entitled to enrollment (A.B.A. 12-00)  
 Semima Bullet not listed for enrollment

$S\frac{1}{2}$  of NE $\frac{1}{4}$  sec 4 - Both no partially improved improvements owned by Frank Lucas, who grand father of Willie Lucas, and of Semima Bullet.

Frank Lucas asks that this change be made  
 SE $\frac{1}{4}$  - Home on NE $\frac{1}{4}$  of SE $\frac{1}{4}$  & field in E $\frac{1}{2}$  of NE $\frac{1}{4}$  #

Access Enrollment # 1117

Jemima Bullett

Listed on Gen. I. Card # 4695

A.M.C.

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

In the matter of the application for the enrollment of  
Jemima Bullett as a citizen by blood of the Creek Nation.

## DECISION.

The record in the possession of this office shows that in the year 1902 a Creek field party, which had been sent into the field for the purpose of determining and reporting to the office of the Commission to the Five Civilized Tribes the location of improvements upon lands of the Creek nation belonging to Creek Indians of the full-blood, commonly known as Snakes, reported that upon a certain quarter section in the Creek Nation they had found improvements belonging to one Jemima Bullett, and their report indicated that their information was obtained from Frank Lucas, the grand-father of said Jemima Bullett. Said report is, under authority of the opinion of the Department in the matter of the enrollment of Isaac LeFlore, et al, as citizens by blood of the Choctaw Nation, dated August 5, 1905 (I.T.D., 5204, 6421, 7684, 8840-1905), considered as an original application for the enrollment of said Jemima Bullett as a citizen by blood of the Creek Nation. Further proceedings in the matter of said application were had on October 27, 1906.

It appears from the evidence in this case that the applicant is the daughter of John Bullett, a full-blood Creek Indian, who is identified upon the authenticated 1890 roll of the Creek Nation, Hillabee Canadian Town, page 116, as Jno. Bullet, and also upon the 1895 pay roll of the same town, and who appears upon a partial roll of Creek Indians by blood approved by the Secretary of the Interior, March 28, 1902, opposite number 8776 thereof, and of Zoye Bullett, a non-citizen.

It further appears from the evidence that the said Jemima Bullett was born sometime subsequent to the year 1895 and prior to the year 1899, and was living on the date of the last proceedings had herein.

It is, therefore, ordered and adjudged that the said Jemima Bullett is entitled to be enrolled as a citizen by blood of the Creek Nation, 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 her enrollment as such is, accordingly, granted.



Commissioner.

Muskogee, Indian Territory,

FEB 7 - 1907

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DEPARTMENT OF THE INTERIOR,  
 COMMISSION TO THE FIVE CIVILIZED TRIBES,  
 MUSKOGEE LAND OFFICE, Nov. 24, 1899.

In the matter of the Application of:  
 Sarah Halloway and her four child- :  
 ren for enrrollment as citizens of the Creek  
 Nation.

Mr. Cravens appearing for Sarah Halloway et al.  
 Robt. Johnson being sworn by Mr. Bixby, testified as follows:

By Mr. Bixby:

- Q What is your name? A Robert Johnson.  
 Q How old are you? A About 67 or 68, according to the last ac-  
 count I had from my old mistiss.  
 Q Where do you reside? A I live up near the Seminole agency at  
 Wewoka in the Creek Nation.  
 Q How long have you lived in the Creek Nation? A I have been here  
 all my life.  
 Q What is your post office address? A Wetumpka.  
 Q You are also known by the name of Robt. Lowe? A Yes sir.  
 Q Are you on the Dunn roll? A Yes sir.  
 Q What is your name on the Dunn roll? A I couldn't tell you ex-  
 actly how they put my name down, but I am known in this country  
 and other places as Robt. Lowe on account of belonging to ~~xxxx~~  
~~Francis Americus Lowe~~? A He was a Creek Indian.  
 Q You are a recognized citizen of the Creek Nation, are you? A Yes  
 Q How is your name on the Creek rolls now? How is it put down?  
 A It is either Robert Johnson or Robert Lowe. I am known as Robert  
 Lowe. Sugar George was my band chief. I don't know how he put  
 it down; he is my own dear uncle.  
 Q You are the father of the applicant? Sarah Halloway? A Yes.  
 Q How old is she? A She is I guess 27 or 28 years of age.  
 Q Where was Sarah born? A She was born on the Red River in the  
 Chickasaw nation.  
 Q Where does she live now? A Lives close to the Seminole agency  
 in the Creek nation.  
 Q How long has she been living there? A She has been there off  
 and on --since she was married she goes to Purcell once in a  
 while, but she has been living there six or seven years now.  
 Q Steady? A Yes sir.  
 Q What was her mother's name? A Lucindy Montgomery.  
 Q Was she a creek citizen? A She was United States.  
 Q Were you married to Lucindy Montgomery? A Yes, I was married  
 to her.  
 Q Were you married to her before this child was born? A Yes sir.  
 Q Who married you? A A man by the name of Cap Harper.  
 Q Was he a preacher? A Yes, he was a minister of the gospel.  
 Q Where were you married? A Down close to ~~xxxx~~ Talbots on the Red  
 River in Indian Territory.  
 Q Were you married under United States law? A I can't tell you;  
 he married us, and gave me a paper.  
 Q Have you got that paper now? A No, it is home; I havn't got  
 it with me.  
 Q Did you ever take out a license? A No, we was just married  
 shortly after the war; after the way of the country.  
 Q Did you have any other wife living then? A No.  
 Q Had you been married before? A Yes, twice.  
 Q What became of your ~~xxxx~~? A One of them is married here in  
 Muskogee; we parted at the time of the war; the first wife is  
 dead.

- Q How did you get parted from your second wife? A She went north and I went south with General Porter and McIntosh.
- Q Were you married ~~with~~ to this second wife by a preacher--to the one you parted with during the war, who went north and you went south? A No, I was not married to her; we just come together
- Q Were you married by a preacher to the one that died? A No.
- Q The first woman you were married to by a preacher was this woman named Lucinda Montgomery, the mother of Sarah Halloway? A Yes, the first one I was married to lawfully.
- Q Has Sarah ever applied to the Creeks to be put on the rolls? A She never, but I did.
- Q Did you get her on? A No, they said the law would not allow it; I just seen Sugar George, being my band chief, and Dick Herod, the second band chief, but Dick said he would see further about the matter, and if the law would allow it he would take her.
- Q What objection did they have to enrolling her? A Saying she was a United States citizen, she had to go with her mother. That was the objection.
- Q Who made that objection? A That was what my uncle Sugar George says: He says that if her mother was a Creek there would be no trouble at all.
- Q Did she ever go before the citizenship committee? A No.
- Q Did you take her before the Colbert Commission in '96? A No, I didn't.
- Q Do you know what the Colbert Commission was? A No.
- Q Did you ever take her to Okmulgee? A No, I never carried her there
- Q You never took her there and made a formal application did you? A No sir.
- Q Have her claims to citizenship ever been adjudicated by the district court in the Creek nation, or citizenship commission, or by the Colbert Commission, or by this commission? A No, only I just made this inquiry of the Chiefs--the band chief.
- Q Did she or you in her behalf, apply to the Dawes Commission in 1896? A No sir.
- Q Did you ever make any application to the Dawes Commission in writing in her behalf? A No, this is my first time; I aimed to come to uncle George and get some information, but when I came to his house he was at Okmulgee.
- Q You have not made your selection for allotment yet have you? A No sir.
- Q Have you a wife or minor children? A Yes.
- Q What have you? A I have got a wife and minor children.
- Q What is your present wife's citizenship? A She is a citizen of the ~~Chickasaw~~ Chickasaw nation.
- Q Your children by your present wife are Chickasaw? A Yes sir.
- Q Is there anybody here in town that knows you? A Yes, lots of people here knows me.
- By Mr. Cravens.
- Q She has always claimed to be a Creek citizen has she? A Yes sir
- Q Your home is in the Creek nation, and you have a farm here? A
- A Yes sir.

Sarah Halloway being first duly sworn, testified as follows:

By Mr. Bixby:

- Q What is your name? A Sarah Halloway.
- Q Where do you live? A I live on North Canadian in the Creek Nation.
- Q How long have you lived there? A About six years.
- Q You claim to be a Creek citizen? A Yes sir.
- Q Who is your father? A Robert Johnson.

- Q Did he ever have any other name? A Some people calls him Robert Lowe.
- Q You always knew him by the name of Robert Johnson? A Yes sir.
- Q What was your mother's name? A Lucindy Johnson.
- Q She is dead? A Yes sir.
- Q How long has she been dead? A I don't know; I can't remember.
- Q Do you remember her at all? AA No sir.
- Q Did you ever see the marriage certificate that was issued when your mother and father were married? A Yes, I have seen it several times, in the trunk
- Q Can you read English? A Yes sir.
- Q You know where that is now, do you? A My father has got it, it is home now, in the trunk. I guess.
- Q Have you seen it recently? A No, I have not seen it for a long time.
- Q Did you ever yourself, attempt to go to the court house? A No.
- Q You know nothing about any attempt to ever put your name on the Creek rolls, except from hearsay? A That's all.
- Q You never made application in writing to the Dawes Commission? A No sir.
- Q Did you ever instruct anyone else to do it? A No sir.
- Q Or did you apply to the citizenship committee or the Bolbert Commission? A No sir.
- Q Have you any children? A Yes sir.
- Q How many? A Four.
- Q Are you married to a Creek citizen? A No, United States.
- Q What are the names of your children? and ages? A Tommy, 13, Lucindy, 11; Robert, 8; Sarah, 4.
- Q Do you make any claim to them as Creek citizens? A I have not made any; yes, I want to.
- Q Where were they born? A Born in the Nation.
- Q You have not lived outside of this nation for six years? A No.

Cuffy McIntosh being duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Bixby:

- Q What is your name? A Cuffy McIntosh.
- Q How old are you? A Fifty-seven.
- Q Are you a Creek citizen? A Yes sir.
- Q Where do you live? A Between the two rivers, the Arkansaw and Verdigris, in the Creek Nation.
- Q How long have you lived there? A Have been living there pretty near all my days.
- Q Are you on the Dunn roll? A Yes sir.
- Q Do you know Robert Johnson, or Robert Lowe? A Yes, Bob Lowe.
- Q How long have you known him? A Pretty near all my days.
- Q Is he a Creek citizen? A Yes sir.
- Q Is he one of the Dunn roll Creek citizens? A I suppose so, yes; he has been here all the while.
- Q Do you know whether this man is the same Robert Lowe that is on the Dunn roll? A It is the only one I know of.
- Q Are you pretty well acquainted with the people on the Dunn roll? A Some of them I am well acquainted with.
- Q You have been in this neighborhood all your life? A Yes sir.
- Q Were you at the agency when the payment was made in 1867? A I wat at home; my stepfather drew for me.
- Q You didn't see Robert Lowe at that time? A He was here.
- Q Did you see him at that time? A Yes sir.
- Q See him in the nation at that time? A Yes sir.
- Q Do you know Robert Lowe's daughter, Sarah Halloway? A No, I am not well acquainted with her. I have seen her.
- Q You don't know whether that is his daughter? A No, I can't say.
- Q You knew Johnson or Lowe lived up here by the Agency a good many years? A Yes sir.

- Q How long did he live there? A A good while; his owner was the Chief of the Creek Nation at one time, Mose Cunard; he lived on the other side of the river from McIntosh.
- Q Chief Cunard owned Bob at that time? A Yes, that I know.
- Q You know that this man that is here now, Robert Johnson, is the same Bob Lowe? A Yes, the same one.

General Pleasant Porter, being first duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Bixby:

- Q What is your name? A Pleasant Porter.
- Q You are the present Chief elect of the Creek Nation? A Yes.
- Q You have lived here 30 or 40 years in the Creek Nation?
- A I have lived here 59 years.
- Q Do you know one a colored man by the name of Robert Lowe, or Robert Johnson? A I know Robert Lowe.
- Q When did you first know him? A About '58 or '59.
- Q Was he then in the Creek Nation? A Yes sir.
- Q Do you know whether he was here directly after the war before the Dunn roll was made? A No sir.
- Q Did you see him on or about the time the Dunn roll was made?
- A I don't remember of seeing him; I knew him before the war; I know he was with us; he belonged to Chief Cunard.
- Q How soon after the war did you see him. A I don't remember seeing him at all. I don't know anything about whether he came back; I know he was here before the war.
- Q Do you know that man sitting there to be the same man--the same Robert Lowe, that you knew a short time before the war?
- A The voice is the same; the face is changed, but I would take him to be the same man.
- Q You don't know about whether he was here just after the war?
- A No sir.

### 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.

*James R. Brown*

In the opinion of the Commission these applicants are descendants of persons whose names are found on the rolls made by J. W. Dunn prior to March 14, 1867, born since the date of said rolls, and are entitled to enrollment as citizens of the Creek Nation.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
OCTOBER 4, 1904.

F. 1417.

In the matter of the enrollment of Sarah Holloway, et al  
opposite Creek Freedman Roll numbers 4741 to 4745, inclusive  
as Creek Freedman.

APPEARANCES: JOHN G. LIEBER, acting for M. L. Nett,  
attorney for Creek Nation.

The office of Wm. M. Cravens was communicated with by phone  
and this office was advised that Mr. Cravens was not in.

Jeff Cole, being first duly sworn by Henry G. Hains,  
testified as follows, to-wit:-

Questions by Commissioner:-

- Q: What is your name? A: Jeff Cole.  
Q: How old are you? A: 28.  
Q: What is your post-office address? A: Boley, I. T.  
Q: Are you a citizen of the Creek Nation? A: No sir, I am a  
chickasaw freedman.

Questions by John G. Lieber, acting attorney for Creek  
Nation.

- Q: Do you know Robert Johnson? A: Yes sir.  
Q: How long have you known him? A: Ever since I came to my  
recollection in the world.  
Q: When did you first know him? A: Well sir he lived at  
that time at Johnsonville, he lived there ever since I can  
remember until about 3 years ago.  
Q: Johnsonville where? A: In the Chickasaw Nation.  
Q: Do you know where he lives now? A: Yes he lives at Maxwell  
in the Chickasaw Nation.  
Q: Is that on any railroad? A: No sir, it is about 14 miles  
from a railroad.  
Q: What is the nearest railroad town and on what road is it?  
A: Ada on the Frisco Road.  
Q: Is Robert Johnson married? A: Yes sir.



- Q: Is his wife living? A: Yes sir.
- Q: What is her name? A: Salina Johnson.
- Q: How long has he been married to her? A: I am not able to say really, they were married during the war or before.
- Q: Have they been married ever since you have known them?
- A: Yes sir, ever since my mother knew them.
- Q: Are you related in any way to Robert Johnson?
- A: By marriage, I am, my wife is his niece and his wife is my Aunt.
- Q: Is his wife your father's sister or your mother's sister?
- A: My mother's sister.
- Q: Then Salina Johnson is a sister of your mother?
- A: Yes sir.
- Q: What is your mother's name? A: Henrietta Cole.
- Q: Where does she live? A: In Boley.
- Q: Did Robert Johnson ever have any children?
- A: Not that I ever knew of, I just heard of it, I have never known him to have a child since I knew him at all, I never knew him to claim any child until this matter came up. Three years ago I heard it that Sarah Holloway was supposed to be his daughter.
- Q: Did you ever at any time prior to 3 years ago hear Robert Johnson or any other member of your family claim or say that Sarah Holloway was his child?
- A: No sir, not until I came to the Creek Nation 3 years ago, then I heard of this case first.
- Q: Who told you about it? A: His grand-children, supposed to be, claimed they were first cousins to my wife.
- Q: Do you mean the Holloway children? A: Yes sir.
- Q: How long has your mother known Robert Johnson?
- A: She lived with the man in the year '67 she went from her mother's to her oldest sister's and was raised in the yard with them until she was married, she always lived near in the same settlement, in the neighborhood.
- Q: Then Robert Johnson raised your mother? A: Yes sir.
- Q: Did you ever hear your mother say anything about Robert Johnson having a child by the name of Sarah Holloway?
- A: No sir.
- Q: Did you ever know a woman by the name of Lucinda Montgomery or Lucinda Johnson?
- A: No sir, I never heard the name until this morning.
- Q: Is your wife living? A: Yes sir.
- Q: Is she a citizen of the Creek Nation? A: Yes sir a Freedman.
- Q: Did you ever hear of Robert Johnson being married to a woman by the name of Lucinda Montgomery?
- A: No sir Robert Johnson and my Aunt married during slavery time, they was unregular then in the Chickasaw Nation.
- Q: Did you ever hear your mother say anything about Robert Johnson being married to a woman by the name of Lucinda Montgomery? A: No sir, I never heard of the name until this morning.
- Q: Did you live in the Chickasaw Nation from the time you were born until about 3 years ago? A: Yes sir.
- Q: 3 years ago the 15th. of this month.
- Q: Where does your mother live now? A: Boley.
- Q: With you? A: No sir she lives with my sister, she is with me part of the time and lives with my sister.

- Q: Did you ever hear of these Holloways being on the Creek Roll until you came to the Creek Nation 3 years ago?
- A: I heard they were in the Creek Nation, I knew when they sold out in Oklahoma and came over to the Creek Nation, and heard they were on here but I don't know who did say it until I came down here.
- Q: How long did they live in the Indian Territory?
- A: They didn't live in Indian Territory until they came to the Creek Nation, they lived in Oklahoma, we lived on the Chickasaw side and they lived in Oklahoma.
- Q: Near what place? A: Their post-office was Eason.
- Q: Is that on a railroad? A: No sir.
- Q: What is the closest railroad to Eason? A: Purcell would be the nearest railroad.
- Q: Is there a post-office still at Eason? A: I haven't been there for 4 years but I think it is a pretty good town, I am satisfied a post-office is there.
- Q: How far do these Holloways live from Purcell?
- A: About 17 miles east. On a Creek known as Pond Creek.
- Q: How far did they live from Eason post-office?
- A: About 3 miles I would judge, I don't know for certain.
- Q: What direction? A: South-east.
- Q: Did you know them while they lived over there?
- A: Yes, I first got acquainted with them over there when they were living over there, they used to come over and attend church whenever there was a picnic or entertainment they used to come over there.
- Q: While you knew them there in Oklahoma did they ever claim to be related to you in any way? A: No sir.
- Q: Did they know Robert Johnson at that time?
- A: They were acquainted, yes sir.
- Q: Did you ever at that time hear them claim to be related to Robert Johnson? A: Never did.
- Q: How is Robert Johnson ever known by any other name?
- A: Some call him Bob Johnson, some call him Robert Low, Robert Johnson and Robert Low and Bob Johnson and Rob Low, you see the Low comes in from his old master.
- Q: Then he is known by two names, one Johnson and one Low?
- A: Yes sir, he enrolled as Low.
- Q: How many of these Holloways are living at this time?
- A: Two that I know of.
- Q: Give their names? A: Robert and Lucinda. Lucinda is the oldest.
- Q: Did you ever know a member of the family by the name of Tommy? A: No sir, they only had the two children when I got acquainted with them.
- Q: Did you ever know a child in that family by the name of Sarah? A: No.
- Q: The mother's name was Sarah? A: Yes sir.
- Q: Who was her husband? A: Robert.
- Q: Robert what? A: Holloway. The old man's master was named Robert Holloway and the boy was named for him.
- Q: Is he living or dead? A: Dead.
- Q: Do you know when he died? A: No sir, I don't know really. He was killed by a fellow by the name of Mitchell, it had been 4 or 5 years ago, I don't know the date, I was living in the Chickasaw Nation at that time.



- Q: Do you know whether any of these people have disposed of their allotments? A: No sir, I do not.
- Q: You don't know? A: No sir, I don't think they have.
- Q: Is Lucinda married or single. A: She is married.
- Q: What is her name at this time? A: Lucinda McCormack.
- Q: Where does she live? A: She lives at Boley.
- Q: Where does Robert Holloway live? A: He stays with his sister, Lucinda.
- Q: Do you know where Okra post-office is? A: Yes sir.
- Q: Did Robert Low ever live near that place?
- A: We lived there until last January from '67 and then moved to Maxwell.
- Q: Does he live in Maxwell now? A: No sir a mile and a half from town.
- Q: What direction? A: South-east.
- Q: Is his wife still living with him? A: Yes sir.

Questions by Commissioner:

- Q: What is your object in appearing here today?
- A: They have some land I would like to allot if they are not legally holding it.
- Q: Have you any ill feeling towards these Holloways?
- A: Never did in the world.
- Q: You think they are not entitled to enrollment and if not what do you wish to do? A: I want to file on a piece of land they have got if they are not entitled.
- Q: For whom? A: One of my children.
- Q: Are they Creeks? A: Yes sir, Freedmen.

This is all the evidence given in said cause on said date.

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 on said date in said cause.

Julia C. Laval.

Subscribed and sworn to before  
me this 8 day of October, 1906.

Edward Merritt.  
Notary Public.

F. 1417.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, October 15, 1906.

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In the matter of the enrollment of Sarah Holloway and her children, Tommy, Lucinda, Robert and Sarah Holloway, whose names appear on Creek freedman roll opposite Nos. 4741 to 4745 respectively.

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APPEARANCE:

JOHN G. LIEBER appears for M. L. Mott,  
attorney for the Creek Nation.

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EDWARD ROSS, being first duly sworn by Henry G. Hains,  
a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Edward Ross.  
Q How old are you? A Going on 63.  
Q What is your postoffice address? A Clarksville.  
Q Indian Territory? A Yes sir.

BY MR. LIEBER:

Let the record show that Colonel William M. Cravens, who appears as council for the applicant in her original application was communicated with and appears before the Commissioner but declines to represent the applicant at this time, because, he says, she has had no notice and he has had no notice as claimed.

BY MR. LIEBER:

- Q Do you know Bob Johnson? A Yes sir, acquainted, called Bob Lowe sometimes.  
Q How long have you known him? A I have been knowing him ever since '67.  
Q Have you been intimately acquainted with him since that time? A Yes sir.  
Q Have you lived close to him? A Yes sir, lived with him sometimes in the same yard, within a mile, from that on to two and three and from that on.

Sarah Holloway, et al.-----2

- Q Have you lived in his neighborhood since you have known him in 1867? A Yes sir.
- Q Is he related to you in any way? A No sir.
- Q Is he married? A Yes sir.
- Q What is his wife's name? A Salina Johnson.
- Q How long has he been married to her? A Well sir, I couldnt tell you, ever since I knowed him been living with her.
- Q Living with her as his wife when you first knew him in '67 was he? A Yes sir.
- Q Has he ever had any other wife since you knew him at that time? A None that I know of.
- Q Has he ever had any children? A None that I know of.
- Q Do you know a woman by the name of Lucinda Montgomery, sometimes called Lucinda Lowe? A No sir.
- Q Do you know of Bob Johnson having ever had a wife by the name of Lucinda? A No sir.
- Q Do you know Sarah Holloway? A Yes sir I got acquainted with her.
- Q When? A It has been about, it was 1901.
- Q Is she any relation to Bob Johnson or Bob Lowe? A None as I think now; no she aint any relation to him.
- Q Does she claim to be any kin to him? A Well she didnt talk anyways to me when I saw her; he claimed her as his daughter.
- Q When did you first hear him claim her as his daughter? A Along about 1901.
- Q Where does he live? A He lives-- he used to live a mile above Okra, but he has moved down to a place called Lower Canadian, thirty-five or forty miles east of there.
- Q In the Chickasaw Nation? A Yes sir.
- Q Been living in the Chickasaw Nation ever since you have known him? A Ever since I got acquainted with him.
- Q During the time you first knew him down in the Chickasaw Nation and prior to 1901, did you ever hear him say he had a daughter by the name of Sarah? A Yes sir, since that.
- Q Ever hear him say anything like that before 1901? A Never did.
- Q How did the conversation happen to come up, his telling about his daughter? A He was with us when we was coming on down here and said we would come by his daughter's and stop; she used to live up there in Oklahoma before she come down here.
- Q Did you know her while she lived in Oklahoma. A No sir.
- Q Well when you came up here that time did you go by her house and stop there? A Yes sir.
- Q How long did you stay there? A I stayed there a couple of days I guess.
- Q That was the first time you ever heard him claim this woman as his daughter? A Yes sir.
- Q Did he say at that time who her mother was? A No sir, never did hear him say who her mother was.
- Q Did you ever hear her say who her mother was? A No sir.

WITNESS EXCUSED.

-----  
Cora Moore, being first duly sworn, states that as

Sarah Holloway, et al.-----3

stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on October 5, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Eva Moore*

Subscribed and sworn to before me October 15, 1906.

*Edward Herrick*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
JANUARY 30, 1907.

In the matter of the enrollment of Sarah Holloway, et al,  
as Creek freedmen, opposite roll numbers from 4741 to 4785,  
inclusive.

APPEARANCES: J. P. Farnsworth, representing M. L. Mott,  
attorney for Creek Nation.

ROBERT LOW, being first duly sworn by Henry G. Hains, a  
Notary Public, testified as follows:

QUESTIONS BY COMMISSIONER:

- Q: What is your name? A: Robert Low. I go by two names,  
Robert Low and Robert Johnson.
- Q: How old are you? A: Well Judge, I couldn't exactly tell  
you my age, I came from Alabama with the Creek Indians in  
'83.
- Q: What is your post-office address? A: My post-office  
address at this time is Maxville, I. T. I moved away from  
Okra, I. T.
- Q: Are you enrolled as a Creek freedman? A: Yes sir.
- Q: Taken your land, haven't you? A: Yes sir.
- Q: What is the name of your wife? A: Salina Johnson.
- Q: How long have you been married to her? A: Well Judge,  
according to the old rule that we had in the territory,  
I had her in the time of the war but I never was married  
to her until here of late, but we have been living together,  
according to what her young mistress says since '63.
- Q: Have you ever had any children by her? A: No sir.
- Q: Never had a child in your life? A: Oh yes.
- Q: But not by your present wife? A: No sir.
- Q: Did you have some before you married your present wife?
- A: Yes sir. My first wife Nellie Kernal had a child by me,  
and my second wife, Dustin Grayson had a child by me and  
my next wife, Mandy Harris had a child by me. Nellie was  
my first wife in this country.
- Q: Now have you given all the children you have had?
- A: Then I had a child by Cindy Montgomery. I lived in Texas  
when Captain Severs carried me to Texas and I lived with  
her during the time of the war.
- Q: You lived with Cinda during the time of the war?
- A: Yes sir. I would see her when I used to be a standing  
interpreter at the Court in Fort Smith and to the best of  
my judgment I lived with her 3 or 4 years after the war.
- Q: Do you mean to say you lived with her at the same time you  
lived with your present wife? A: Yes sir.
- Q: And had a child by her? A: Yes sir.
- Q: What was the name of that child you had by Lucinda?
- A: Sarah.
- Q: Do you positively swear that you had a child by this woman  
Lucinda, whose name was afterwards Sarah Holloway?

- A: Judge, according to what the woman told me that is all the fact I swear to, because she told me it was mine.
- Q: Now you modify your statement that you say you were told by this Lucinda that she told you that she had a child by you? A: Yes, I was living with her.
- Q: Did you ever see the child? A: Oh yes, I seen it.
- Q: How old was she when you saw her last? A: I couldn't exactly tell you how old she was.
- Q: Did you ever see her after she was grown up? A: Yess sir.
- Q: Did you ever recognize her as your daughter? A: Yes sir.
- Q: Have you always recognized her as your daughter?
- A: Yes as soon as she was big enough to know her mother told her Robert Lew was her father and I had a right to own her, and I had no right to deny her.
- Q: What was her other name? A: Sarah. She married a man by the name of Holloway .
- Q: Is she living? A: No sir, she is dead.
- Q: When did she die? A: It has been I reckon, Judge,---you see I am living in the Chickasaw Nation and she was on this side.
- Q: When was the last time you saw her? A: After she was enrolled I seen her up there at Voley--the town goes by the name of Voley now.
- Q: I am asking you when, and not where was the last time you saw her?
- A: That was after she was enrolled but I couldn't say when it was.
- Q: Have you seen her this year? A: No sir.
- Q: Did you see her in 1906? A: No sir.
- Q: Did you see her in 1905? A: No sir.
- Q: Did you see her in 1904? A: No sir. Judge, I couldn't tell you exactly what year it was.
- Q: How many years has it been since you seen her?
- X A: To make a rough guess--I know I am under oath to tell the truth--I expect it has been 3 or 4 or probably 5 years, I couldn't keep any exact account of it about the time, Judge.
- Q: What was the name of the young man that came in here with you? A: Leonard McCormack.
- Q: Who is Leonard McCormack? A: He married my grand daughter.
- Q: Is he the husband of Lucinda McCormack? A: Yes sir.
- Q: Is Lucinda McCormack any kin to you? A: She is my grand-daughter.
- Q: Is she the daughter of this Sarah? A: Yes sir.
- Q: Did your alleged daughter Sarah ever have any other children than Lucinda? A: Yes sir.
- Q: Can you tell me the names of any others?
- A: Robert and Lucinda and Tommy and I think she had a child named for her.
- Q: Is Tommy living? A: No sir, he is dead.
- Q: Do you know when he died? A: No sir, I couldn't tell you just when.
- Q: Is Robert living? A: Yes sir.
- Q: Where? A: He is at the town of Voley.
- Q: With whom is he living? A: Well he is going to school there now, but when he is at home, I think he makes his home with his sister.
- Q: Is that young girl daughter named after Sarah living?
- A: No sir.
- Q: When did she die? A: Well she died away after her Mamma was enrolled here, I am living in the Chickasaw Nation and I didn't keep up with the time, Judge. Not when the child died.

Questions by Jay P. Farnsworth, attorney representing Creek Nation.

- Q: Where did you go during the war? A: I went to Texas.
- Q: How long did you stay there? A: We stayed there, from the fall to the best of my recollection, until Spring.
- Q: Was that the first year of the war, or what year of the war was it? A: I think the war was going on, if I mistake not, about 2 years. Captain Severs could tell you, Judge, he is the man that carried me to Texas.
- Q: Did your wife go with you? A: No sir, I found this Lucinda in Texas and I lived with her right then and then after the war I found her in the Chickasaw Nation and lived with her again and I had this present woman I am living with too---Yes sir, I did, but I didn't marry Salina until a few years back, but I was living with her since 63, that is what her young mistress said---they said it was July 26, '63 when I asked her old Mistress for her.
- Q: How long had you been in Texas when you took up with Lucinda? A: We went there in the fall and stayed there until Spring, I don't know what month we left Texas.
- Q: Did you live with Lucinda then? A: Yes sir.
- Q: How long? A: I stayed ther until Captain Severs got ready to bring me back.
- Q: Then you came back to the Chickasaw Nation? A: Yes sir.
- Q: How long have you been in the Chickasaw Nation?  
A: Ever since.
- Q: How long was it before Lucinda came to you?  
A: Well she came just after peace to the territory.
- Q: And you lived with her, did you? A: Yes, I used to travel back and forwards from Johnsonville to Fort Smith, I was interpreter there.
- Q: She didn't live in Fort Smith, did she?  
A: No she lived in the Nation, in the Chickasaw and Choctaw Nation.
- Q: Well what was the name of the woman you asked your mistress for? A: Salina.
- Q: You lived with Salina in the Chickasaw Nation and this other woman too? A: Yes sir.
- Q: In the same town? A: No, not in the same town but at the same time. I didn't know any better, Judge according to the government law but I joined the Church, the do rights, and then I married Salina and that is the onliest woman I have got now.
- Q: How long did you live with Lucinda in the Chickasaw Nation?  
A: I reckon to the best of my knowledge, I can't count good, and I don't know my A, B, C's. I expect it was 3 or 4 years that I was with her in the Chickasaw Nation and in the Choctaw Nation both together, I used to travel over the land and when the Judge dismissed the Court on Saturday night, that was my stopping place and I stayed away from Salina two or three months and of course I didn't see her, I didn't know any better, but of course I know better now.
- Q: Who did you say you came in with this morning?  
A: Lucinda's husband, Lucinda is named after her grandmother and they named Robert after me.

This is all the evidence taken in said cause on said date.



-4-

Julia C. Laval being first duly sworn on her oath states that as Stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on January 30, 1907, and that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval

Subscribed and sworn to before  
me this 1 day of February, 1907.

Edward Hervey  
Notary Public

Muskogee, Indian Territory, November 30, 1906.

Robert Low,

Mackville, Indian Territory.

Dear Sir:

You are advised that you should appear at once before the office of the Commissioner to the Five Civilized Tribes to be examined under oath in the matter of the enrollment of Sarah Holloway, et al., as citizens of the Creek Nation.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

LAND  
21717-1907.  
21718-1907.

March 2, 1907.

The Honorable,  
The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letters of February 28, 1907, from James Bixby, Commissioner to the Five Civilized Tribes, wherein he reports:

(1) That the name of David C. Watson appears on the approved roll of Creek citizens No. 7663, and John Watson, opposite No. 977.

It having been alleged that these persons had died before April 1, 1899, and that they were therefore not entitled to enrollment, the Commissioner instituted an investigation and determined that the proof of their having died before April 1, 1899 was not sufficient and recommends that their names be allowed to stand.

(2) On October 4, 1906, the acting Attorney for the Creek Nation instituted proceedings in the matter of the enrollment of Sarah Holloway, et al appearing opposite Nos. 4741 to 4745 including, on the roll of Creek freedmen. The Commissioner reports that he made an investigation into the matter and formed the opinion therefrom that the proof submitted would not justify the striking of the names from the roll and recommends accordingly.

The matters have been investigated in the Office and it is believed that the action of the Commissioner is well founded

and it is recommended that his action be approved.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

MBH-PH.

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

JH

I.P.D.7922-1907.

VII  
March 4, 1907.

SIR. Direct.

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

Sir:

In accordance with the recommendations contained in your letter of February 28, 1907, and Indian Office letter of March 2, 1907 (Land 21717-07), copy enclosed, the names of David C. Watson and John Watson, on the Creek ~~XXXXXXXX~~ roll by blood and the name of Sarah Holloway, et al., on the Creek Freedman roll, will be allowed to stand.

A copy hereof has been sent to the Indian Office with the papers in the case.

Respectfully,

E. A. Hitchcock,  
Secretary.

1 inc. and  
4 for Ind. Of. with  
copy hereof .

WCF-3-5-07.

Cr.En.1118

Muskogee, Indian Territory, March 14, 1907.

Lucinda McGernick,

Boley, Indian Territory.

Dear Madam :--

You are hereby advised that on March 4, 1907, the Secretary of the Interior directed that the names of Sarah Holloway, Tommy Holloway, Lucinda Holloway, Robert Holloway and Sarah Holloway, be allowed to stand on the roll of Creek freedmen, opposite numbers 4741, 4742, 4743, 4744 and 4745, respectively.

Respectfully,

Commissioner.

CR EN 1119

CR EN 1119



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Okmulgee, I. T., October 22, 1904.

C. 4072.

In the matter of the application for the enrollment of Laura Ward et al., as citizens by blood of the Creek Nation.

P. K. MORTON, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A P. K. Morton.  
Q What is your post office address? A Okmulgee.  
Q How old are you? A Thirty-eight years old.  
Q Did you know Laura Ward? A I presume I knew her before her name was Ward. She was Laura Hodge.  
Q She is a daughter of Johnson Hodge? A Yes, sir.  
Q Is she any relation to you? A Cousin.  
Q Do you know where she is now? A No, sir.  
Q Did she ever reside in the Creek Nation? A I couldn't tell you.  
Q How long have you been in the Creek Nation? A About twenty-two years.  
Q Has she resided in the Creek Nation since you have been here? A I never saw her since I been in the Creek Nation.  
Q Have you ever heard of her being in the Creek Nation? A I heard that his family had moved to the Creek Nation and I don't know whether she was living or not.  
Q That was Johnson Hodge? A Yes, sir.  
Q Did you know Johnson Hodge? A Yes, sir.  
Q Did you know him in the Creek Nation? A Yes, sir.  
Q He lived here did he? A He died here. He lived here before I did and went away about '76 and came back.  
Q Was he a resident of the Creek Nation when he died? A Yes, sir.  
Q Do you know whether his daughter, Laura, was with him when he died? A I don't know. He lived up near Muskogee and I heard that he died but I wasn't present but I am sure he died.  
Q Do you know from whom the Commission might obtain information about this girl Laura Ward? A She has a brother living at Muskogee.  
Q What is his name? A Horace Hodge. I don't know whether he has any other name or not.  
Q Is he a citizen of the Creek Nation? A Yes, sir. He lives in there near Portland.

---cc0000cc---

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 4<sup>th</sup> day of November 1904.

Charles D. Skaggs  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. NOV. 28, 1904

I. 4072

In the matter of the enrollment of Laura Ward, et al., as citizens by blood of the Creek Nation.

Horace Hodge being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Horace Hodge.  
Q How old are you? A Twenty nine.  
Q What is your post office address? A Muskogee now.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Do you know Laura Ward? A Yes sir.  
Q Is she related to you? A A sister of mine.  
Q Do you know her children? A I know some of them; I don't know all of them; they have been away from here and I haven't seen her children.  
Q Where does Laura Ward live? A In Louisiana; she is dead now.  
Q How long has she been dead? A She died in 1902.  
Q Did she live in Louisiana when she died? A Yes sir.  
Q How long had she been living in Louisiana when she died? A About 16 years I believe; I won't be positive of it; been living there ever since she was married.  
Q Do you know a child of hers named John T.? A Yes sir.  
Q What is the name of Laura Ward's husband? A Mathis.  
Q What is his post office address? A Myrtis or Vivens; when I wrote there he was at Garfield; Vivens now--(Vivians).  
Q Does he live in Louisiana? A Yes sir.  
Q How long has it been since he and your sister were married? A About 18 years I suppose.  
Q And you say they have lived in Louisiana ever since they were married? A Yes sir.  
Q Do these children live with him? A Yes sir.  
Q They have lived with him all their lives? A Yes sir.  
Q None of them have ever lived in Indian Territory? A No sir, they never have.

Ed Ward being duly sworn testified as follows:

By the Commission:

- Q What is your name? A Ed Ward.  
Q How old are you? A 43.  
Q What is your post office address? A Muskogee.  
Q Did you know Laura Ward in her life time? A Yes sir.  
Q How long had you known her at the time of her death? A I guess I had been knowing her about 19 or 20 years.  
Q What is the name of her husband? A Mathis. Ward.  
Q Is he related to you? A Yes sir; that's my brother.  
Q Has your brother Mathis Ward or his wife, Laura, lived in Indian Territory since they were married? A No sir.  
Q Do you know their children? A Yes sir, know part of them; the smallest ones; I can't call their names.  
Q Do you know John T.? A Yes sir.  
Q Mary M? A Yes sir.  
Q Marshall? A Yes sir.  
Q Edmond? A Yes sir.  
Q Daniel? A Yes sir.  
Q Laura? A Yes sir; Mattie; I guess they got it named Laura but they calls her Mattie.

- Q These children are all living with their father, are they? A Yes sir  
Q And he resides in Louisiana? A Yes sir.  
Q What is his post office address? A Vivens or Myrtis.

The names of Laura, John T., Mary W., Marshall, Edmond, Daniel and Laura Ward are contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior November 14, 1902, Nos. 9332 to 9338, inclusive.

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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 30th day of November, 1904.

*Edward L. Hines*

Notary Public

Creek I-4072.

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

Muskogee, Indian Territory, January 16, 1905.

In the matter of the enrollment of Laura Ward as a citizen  
by blood of the Creek Nation.

Charlie Ward, being duly sworn, testified as follows:

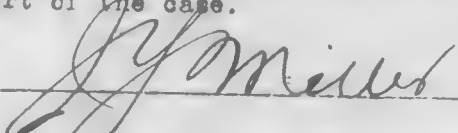
Examination by the Commission.

- Q What is your name? A Charlie Ward.  
Q How old are you? A 21 years old.  
Q What is your postoffice address? A Muskogee.  
Q Did you know Laura Ward? A Yes sir.  
Q Did she ever have any other name? A Laura Hodge.  
Q Is she living? A No sir; she is dead.  
Q Was she any relation of yours--any kin to you? A Yes, she was  
my aunt.  
Q Mother's sister or father's sister? A My mother's sister.  
Q Where did she live at the time of her death? A Louisiana.  
Q How long had she been in Louisiana before she died? A I don't  
know.  
Q About how long? A Pretty near all her life. She came to  
the Territory and stayed in the Territory two years and went back  
and then she died.  
Q About what time were those two years? A I don't know exactly.  
I believe it has been about three years ago--to my close recollec-  
tion--she was here. Three or four years ago, I can't recollect  
now.  
Q Do you think she stayed here about two years? A Yes sir; I  
think so--No, she stayed here about twelve months.  
Q Did you see her when she was here at that time? A Yes sir.  
Pretty much all of those twelve months, yes, she lived with us.  
Q How long have you lived in the Creek Nation? A About all my  
life.  
Q Did you know her children? A I know some of them.  
Q Name some. A John Ward, Mary Ward, Marshall Ward, Dan Ward,  
Lattie Ward.  
Q Sometimes called Laura? A Yes sir.  
Q Did you ever see those children? A I saw John, Mary, Marshall  
and Lattie. I haven't seen Dan and Henry--I think is his name.  
Q Were those children here you have seen--were they here in the  
Creek Nation any more than their mother? A No sir.  
Q Were they here at that time? A Yes, sir; they were.  
Q Are they here now? A No sir.  
Q To your own knowledge--have any of these people, the mother  
or any of her children, had their home here in the Indian Terri-  
tory? A No, sir; I don't think they did.  
Q They were just visiting you? A Yes sir. They could not find  
any land that suited them at that time. They had a contest against  
their land--

- Q She went back to Louisiana? A Yes sir.  
Q Any of these children you mentioned dead? A No sir.  
Q Do you know Johnson Hodge? A Yes sir.  
Q Who is he? A He is my grandfather.  
Q He is the father of Laura? A Yes sir.  
Q Do you know Charles Hodge? A Yes sir.  
Q Where is he? A At Okmulgee.  
Q Sometimes he is at Portland? A No sir. I don't think he is there.  
Q What relation is he to Laura? A Brother.  
Q Does he know more about her husband than you do? A Yes sir, he would.  
Q Are any of those children living here now? A No sir.  
Q Where are they? A In Louisiana. In Myrtistown, La; sometimes the town is called Vivians.  
Q Can you give the month and the year in which those people were up here twelve months? A I just could not recollect.  
Q You said it was about four years ago? A Yes sir.  
Q You know what year is this--what is this? A 1905--1902 I guess.  
Q You state you think it was 1902? A It is about as near as I can.  
Q Do you know what month she came to stay twelve months? A I think it was during the fall, but I can't recollect what month. My close recollection is somewhere about November or December--somewhere along there at that time.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on oath that the above and foregoing is a true and complete transcript of my notes as same appear in my stenographic report of the case.

Subscribed and sworn to  
before me this 26th  
day of January, 1905.

  
\_\_\_\_\_  
Edw. L. ...  
\_\_\_\_\_  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY  
OCTOBER 2, 1906.

Cr. I. 4072.

In the matter of the enrollment of Lakna Ward, et-al as citizens by blood of the Creek Nation:

APPEARANCES: John G. Lieber, acting for M. L. Mett,  
attorney for Creek Nation.

John Tyler Ward, being first duly sworn by Henry G. Hains a Notary Public, testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: John Tyler Ward.  
Q: How old are you? A: I am 18.  
Q: When were you 18 or will you be?  
A: I was 18 years the 18th. of last September.  
Q: What is your post-office address? A: Mytice Town, La.  
Q: What Parish? A: Caddo Parish, La.  
Q: Is that town on the railroad? A: Yes sir.  
Q: What road? A: Kansas City, Southern.  
Q: Do you live right in town? A: No sir, I live about 2 miles from town.  
Q: Who lives there at the house with you, besides you?  
A: My father.  
Q: What is his name? A: Mathis Ward.  
Q: Who else? A: Marshall Ward.  
Next? Mary Ward.  
Q: Next, A: Ed Ward---Daniel Ward--Laura Ward.  
Q: All of these live there with you? A: Yes sir.  
Q: Your mother is dead is she? A: Yes sir.  
Q: When did she die? A: December 7, 1902.  
Q: Where did she die? A: She died at the same place.  
Q: Right there at Mytice Town, the very house you are living in now? A: Yes sir.  
Q: Have you been living there ever since---you and all of these brothers you have mentioned? A: Yes sir.  
Q: You are just here on a visit now are you? A: Yes sir, just came here yesterday.  
Q: Where did you come to when you came here yesterday?  
A: I went to my Uncles.  
Q: Your Uncles where? A: Ed Wards, out here in the country.  
Q: Had you ever been in the Indian Territory before that time?  
A: No sir, never.  
Q: That was your first visit in all your life was it?  
A: Yes sir.  
Q: Have any of those brothers and sisters that you have mentioned been here in that time? A: Laura has.  
Q: That young child? A: Yes sir.



- Q: Your youngest sister is she? A: No, that ain't my youngest sister.
- Q: That is the youngest of those you mentioned? A: Yes sir
- Q: Where were you born? A: I was born in Myrtice Town.
- Q: And you have lived there all your life? A: Yes sir.
- Q: When did this last one ~~King~~ Laura, this last one you mentioned, at what time was she here? A: In 1898.
- Q: What time in '98. A: She came here in September, her mother brought her here.
- Q: How long did she stay here do you know? A: She stayed 10 months.
- Q: Do you know where she stayed? A: With my Uncle Ed Ward.
- Q: Where was he---where he is now? A: Yes sir right where he is now.
- Q: Are you positive it was in September 1898 that she came and stayed 10 months? A: Yes sir.
- Q: How do you fix that time? A: She came in September 1898.
- Q: I said how do you fix it-- how do you know it was that time she was here? A: I had a sister birthed in that year, named Effie.
- Q: Where was she born? A: She was born at my Uncles house right here in that year.
- Q: Was she on a visit on that trip when she came and stayed 10 months? A: Yes sir she was on a visit and came up to see about her rights and her lands.
- Q: Do you know if her husband was in Louisiana up to the time of her death? A: Yes sir.
- Q: And she just came up here on a visit to her Uncles?
- A: Yes sir.
- Q: Then as far as you know neither you or any of your brothers or sisters lived in Indian Territory, did they?
- A: No sir, never did.
- Q: And your mother died in Louisiana? A: Yes sir.
- Q: And outside of this 10 months visit to your Uncles how long had she lived in Louisiana before she died?
- A: All her life pretty near.
- Q: Outside of that visit in 1898 do you know of any other visits she made to Indian Territory?
- A: Yes, her father brought her here when she was a small girl.
- Q: Are you sure they stayed 10 months? A: Yes sir they stayed 10 months.
- Q: Did she tell you that before she died? A: Yes sir.
- Q: Isn't that the only way you know it?
- A: No sir, I know it she came in September and came back in July.
- Q: Then she came up here in September 1898 and came back to Louisiana in July 1899? A: Yes sir.
- Q: In addition to your having been told that--you can figure the time by the circumstance of the little child being born to her, can't you? A: Yes sir.
- Q: But you don't know that she came here--- you don't know positively of your own knowledge do you-- you didn't come with her? A: No sir, I didn't come with her.
- Q: You don't know then, do you? A: Well she wrote letters/
- Q: gave you that letter? A: No sir.
- Q: Whom did she write that letter too? A: My father.
- Q: Has he that letter yet? A: Yes, I think he has.
- Q: Your father is living there in Louisiana with you is he?
- A: Yes sir.
- Q: How long has he been there? A: Ever since '76.



- Q: Has he been in Louisiana all that time? A: Yes sir.
- Q: Neither you or Marshall or Mary or Ed or Daniel had ever been in Indian Territory prior to today? A: No sir, not before this trip.
- Q: Were you and all of your brothers and sisters born in La? A: Yes sir.
- Q: And your mother died there when? A: The 7th. day of December 1902.
- Q: How long had it been before she died that she was here visiting your Uncle? A: It has been as near as I can remember about 4 years.
- Q: At the time your mother came up here with Laura, how old was Laura? A: She was 2 years old.
- Q: A baby in Arms? A: Yes sir.
- Q: Do you know why she brought Laura along? A: Because she was a baby and she was too little to leave down there without her.
- Q: She didn't bring any of the others with her, did she? A: No sir.
- Q: Her husband Mathis, didn't come? A: No sir.
- Q: He never has been in Indian Territory has he? A: No sir.
- Q: She didn't bring anything with her except just enough traveling clothes, did she? A: That is all.
- Q: She didn't indicate to you that she was moving up here, did she? A: No sir, just on a visit.
- Q: What did she tell you about coming back?
- A: She said she would be back as soon as she could get the business attended to.
- Q: And she got back about July '06? A: Yes sir.
- Q: What did she tell you at that time? A: She said she didn't file on any of the land, she said she couldn't file on it.
- Q: Did she say why she couldn't file? A: That she didn't have all the children with her.
- Q: Do you know if your father in the last year has received a list of questions and answers to be filled out?
- A: Yes, I know he received one.
- Q: Do you know if he ever filled any out?
- A: That one he received, I don't think he filled it out and the one I received I filled out and sent it back.
- Q: Are you sure you sent it back? A: Yes sir.

**Witness**

We have here a letter written by you March 2, 1906 in which you state this is the correct roll of Laura Ward children.

|                 |                   |
|-----------------|-------------------|
| John T. Ward--- | Sept. 18, 188     |
| Mary M. Ward    | December 28, 1889 |
| Marshall Ward   | May 5, 1891       |
| Edmond Ward     | Feb 10, 1893      |
| Daniel          | Apr. 6 1894       |
| Laura           | Mac 22, 1896      |
| Effie Ward      | Oct 10, 1898      |
| Mathues Ward    | Nov 22, 1900      |
| Samuel          | Nov 21, 1902      |

Laura Ward Husbon  
Mathues Ward B. Roll.                      endorsed by his son, signed  
John B. Ward.

- Q: Is that the list you refer to? A: Yes sir.

- Q: Do you know why your father never paid any attention to the list of questions and answers we sent him?  
A: No sir, I don't know.  
Q: You know that he didn't send them in? A: No sir.  
Q: Which one of these children did you say was born while you were up here on a visit? A: Effie.

Questions by John G. Lieber acting attorney for Creek Nation

- Q: Did your mother or any of you children ever own a farm here in the Creek nation? A: No sir.  
Q: Never at any time removed to or settled in the Indian Territory, did you? A: No sir.

Questions by Commissioner:

- Q: You are only on a visit now aren't you? A: Yes sir.  
Q: Your home is in Louisiana isn't it? A: Yes sir.  
Q: And the home of all your brothers and sisters is in La?  
A: Yes sir.  
Q: And the home of your father is in Louisiana? A: Yes sir.  
Q: And the home of all of you has always been in Louisiana is that true? A: Yes sir.  
Q: Did your mother or father or brothers or sisters ever remove to Indian Territory to make it your home?  
A: No sir, we never did move here.  
: And your mother died in Louisiana? A: Yes sir.

Questions by John G. Lieber acting attorney for Creek Nation

Statement:

In view of the testimony in this case the Creek Nation asks that the applicants herein be directed by the Commissioner to show cause within a certain time why their names should not be stricken from the rolls of the Creek Nation.

This is all the evidence taken in said cause on said date.

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.

Julia C. Laval

Subscribed and Sworn to before me this 15 day of October, 1906.

Edward Herring  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE INDIAN TERRITORY.

NOVEMBER 28, 1906.

En. 1119.

In the matter of the enrollment of Laura Ward, et al  
opposite Creek Indian Roll numbers 9332-9338 inclusive

APPEARANCES: John T. Ward, one of the applicants.

Questions by Commissioner to John T. Ward, one of the applicants

- Q: Have you an attorney? A: No sir.  
Q: What do you wish to do now? A: I want this woman here to identify me that I have no right to be stricken from the roll.  
Q: You wish to introduce two witnesses now, do you, as you have been notified you will be given 60 days to show cause why the name of yourself and deceased mother and brothers and sisters should not be stricken from the approved Roll of Indians by blood of the Creek Nation, is that the idea?  
A: Yes sir.

EFFIE WARD, being first duly sworn by Henry G. Hains, a Notary Public, testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Effie Ward.  
Q: How old are you? A: I don't know exactly, I am close to 40 somewhere along there, I don't know exactly.  
Q: What is your post-office address? A: Muskogee.  
Q: Do you know Laura Ward? A: Yes sir.  
Q: What kin is she to you if any? A: Sister.  
Q: Have you the same father and mother? A: We have the same father but not the same mother.  
Q: What is your father's name? A: Johnson Hodge.  
Q: What was your mother's name? A: I was small when she died.  
Q: What is Laura Ward's mother's name? A: Laura Ward's mother's name is Margaret Hodge.  
Q: Do you know the names of your sister's children?  
A: I think I do.  
Q: What is the name of her oldest? A: John Ward.  
Q: John T. Ward? A: John Tyler Ward.  
Q: Is he the man sitting here? A: Yes sir.  
Q: What is the name of the next one? A: Mary Ward.  
Q: The next one? A: I know his name but I can't just call it.  
Q: Is it Marshall? A: Yes sir, Marshall, Henry, and Dan and Mattie and Effie and Mathis and Samuel.

Questions asked Applicant John T. Ward, by Commissioner:

Q: Do you wish to ask your witnesses any questions? A: Yes sir

Question by John T. Ward:

Q: What are you speaking about Effie, is that as near as you can come to the names that are on the Roll?  
A: Yes sir, those are the names of them.

(Question asked John T. Ward by Commissioner)

Q: What do you want to bring out from this witness, you have been given an opportunity to introduce witnesses, go ahead and do so if you can.

Statement by Witness: And questions by Commissioner.

Laura was enrolled in the same year all the rest of the children were. She is the daughter of Johnson Ward and why should she be stricken from the Roll. She has as much right as any of the rest of us.

Q: That is all you have to say is it? A: That is all I have to say right now unless you ask me some questions.

Q: Where do you live? A: Three miles from here.

Q: In the Creek Nation? A: Yes sir.

Q: How long have you lived there? A: 16 or 17 years.

Q: Do you mean to say that your sister Laura has been living here that long? A: No, she has not been living here that long.

Q: She is not living at all is she? A: She is dead.

Q: Do you know when she died? A: She has been dead about 4 years.

Q: Do you know where she died? A: She died in Louisiana.

Q: You only know that from hearsay? A: I have been there.

Q: Were you there at the time she died?

A: I wasn't there at the time she died but I know she is dead and I saw her grave, I was there last Christmas.

Q: So the best knowledge you can give is that she died in Louisiana? A: She died in Louisiana.

Q: How long had she been living there before she died?

A: I don't know how long she had been living there.

Q: When you were there did you see this young man John Tyler and his brothers and sisters? A: Yes sir.

Q: They were all there in Louisiana were they?

A: They met me at the train.

Q: They were living in Louisiana? A: Yes sir.

Q: Do you know if any of them have been here in the Creek Nation except this John Tyler <sup>Ward</sup> is here now? A: Yes sir I know it. ----Of the children do you mean?---Yes sir, one was born here.

Q: What was its name? A: Its name was Effie, but I think they have got it down there on the roll as Lila something  
I don't know what it was and Mattie was here when the land office first opened up, a baby then and Samuel and Mathis and John is here now.

- Q: I will ask you again, how long did your sister Laura live in Louisiana before she died?  
A: I don't know how long.  
Q: Can you come close to it about how long?  
A: I don't know just how long. I never kept any record and I just don't know.  
Q: Do you know if Laura Ward ever lived in the Creek Nation?  
A: Yes sir, she has lived here in the Creek Nation.  
Q: When? A: She was here when she was a girl about 30 years ago, I guess, she was here when she was a girl.  
Q: Do you know whether she ever lived in the Creek Nation after that time? A: She lived here 9 months after that time with me.  
Q: When was that 9 months? A: I don't know the year, but I know it was the year the Land Office opened up, but I don't know what year it was. The Commissioner opened up the land office for people to file and she was here then.  
Q: Was she ever here after that time? A: No sir she went back home.  
Q: And died there? A: Yes sir and died there.  
Q: Did she live here at any time before the land office opened?  
A: She came here the same year, I don't know whether it was before or not.  
Q: And lived here 9 months? A: She stayed with me 9 months to get filed.  
Q: She didn't move any of her household goods with her at that time did she? A: She moved some of it two big trunks.  
Q: But left all of her children in Louisiana and her husband too?  
A: Yes sir, she wasn't able to bring them.  
Q: Her husband has never been in the Creek Nation has he?  
A: No sir.  
Q: The best information you can give us is that she was visiting you 9 months at the time the Land Office opened and never has been here since and the only time she was here then before that was 30 years ago?  
A: Yes, she was a girl and lived here.  
Q: About how old was your sister when she died?  
A: I don't know.  
Q: She was ever 30 wasn't she? A: She was about 35 or 36, I don't know exactly how old.  
Q: Was your sister older or younger than you?  
A: She is younger.  
Q: How much younger? A: I don't know exactly I haven't got a record and I couldn't tell you straight, I know I am the oldest.  
Q: There isn't very many years difference in your ages, is there? A: There is bound to be some years difference because I am the oldest. I don't know how many years difference.  
Q: How many children between you and her? A: Two.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Your sister never owned any land here in the Creek Nation did she? A: She never took up any claim while she was here? A: I don't know the meaning of it you must tell me before I speak. If you would have asked me did she taken up a claim, we always claimed land if we had our rights.

- Q: Did your sister ever take up a claim here in the Creek Nation? A: She never taken up a claim.
- Q: Did she ever take up a claim here for herself or any of her children in the Creek Nation?
- A: She came here to file.
- Q: No---did she ever take up a claim, take a piece of land and fence it up and make a farm? A: No sir.
- Q: Neither for herself or children? A: No sir.

Commissioner asks John T. Ward, one of the applicants if he desires to ask witness any questions and he replies that he doesn't understand this at all.

Green Hodge, being first duly sworn by Henry G. Hains, a Notary Public, testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Green Hodge.
- Q: How old are you? A: 22.
- Q: What is your post-office address? A: Muskogee.
- Q: Are you a citizen of any of the Five Tribes? Yes sir.
- Q: Which one? The Indian, Creek, Choctaw or which?
- A: I am talking about the Creeks, Creek by blood.
- Q: Are you any kin to the woman who just left the stand here?
- A: Yes sir.
- Q: What relation? A: She is a sister of mine.
- Q: Do you know Laura Hodge? A: Yes sir.
- Q: Was she your half sister? A: Full sister.
- Q: Same father and mother? A: Yes sir.
- Q: Have you any statement to make now in the matter of why the names of Laura Ward and her children should not be stricken from the rolls? A: Have I any statement to make?----
- Q: We will give you a chance to make a statement, if you wish.
- A: I came in here to see why he couldn't get his land. His mother is my full sister and he has a right to an allotment I think.
- Q: Is that all? A: That is about all I can say about it.

By Commissioner to John T. Ward, one of the applicants:

- Q: Do you wish to ask any questions John? A: No sir, I don't understand it.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Did your sister Laura ever live in the Indian Territory?
- A: Yes sir, she lived here.
- Q: When? A: I disremember how long it has been.
- Q: How long did she live here? A: Well I know she lived here a year, I think.
- Q: Well she was just here on a visit at that time, wasn't she?
- A: Yes sir. That is what she was here for.
- Q: She never moved here? A: No sir.
- Q: Never brought her household goods here? A: No sir.
- Q: In fact she left her children in Louisiana at that time, didn't she? A: All but one.



- Q: That was a little baby and she brought that with her?  
A: Yes sir.  
Q: That was about the time the filing began wasn't it?  
A: Yes sir.  
Q: Is that the only time she was in the Territory?  
A: That is the onliest time to my recollection but my father said she lived here when she was small, that was before I was born.  
Q: But you know she never made the Indian Territory her residence, don't you? A: Only for a short time.  
Q: And that was when she was here on a visit? A: Yes sir.

Questions by Commissioner:

- Q: She died in Louisiana, didn't she? A: Yes sir.  
Q: Do you know how long after that short visit of something like a year in the territory it was before she died in Louisiana?  
A: No sir, I don't know.  
Q: All of her children were there in Louisiana when she died, were they? A: Yes sir.  
Q: You don't know that any of these people that are now living from the eldest boy, John of Laura's children, down to the youngest---you don't know that any of them have taken up a residence in the Creek Nation? A: Only her.  
Q: Except that visit here at the time of the filing? A: No sir.  
Q: Do you know what her husband's name was? A: Mathis Ward.  
Q: He is a non citizen, isn't he? A: Yes sir.  
Q: Do you know whether he has been in the Indian Territory?  
A: Not as I know of.  
Q: His residence has always been in Louisiana as far as you know? A: Yes sir, as far as I know of.  
Q: Have you ever been down there in their home in Louisiana?  
A: No sir, I haven't been there, I was there when I was a little bit of a boy, but I don't remember it.  
Q: Did you see Laura at the time she was here? A: Yes sir.  
Q: Outside of that baby that she had with her at that time on that visit, did you ever see any of her other children here? Is this the first time you saw this young man here, John--- on this trip he is on now, to the territory?  
A: Yes sir, that is the first time.  
Q: And you never saw any other children of Laura Ward's in the territory? A: Yes sir, his two other brothers.  
Q: I mean before this visit he is on now? A: No sir.  
Q: Did you ever write any letters to Mathis Ward or any of his boys down there in Louisiana? A: Yes sir.  
Q: You don't have to address it to Myrtetown Parish or village do you? A: No sir.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Did your sister Laura or any of her children ever own any land or improvements here in the Creek Nation? A: No sir.

Commissioner asks John T. Ward, one of the applicants appearing here as follows:

Have you any other witnesses you care to introduce before this case is closed? A: No sir, not here.

Well if you have any others, time has been allowed you  
Co in which to introduce them.



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.

Julia C. Laval.

Subscribed and sworn to before  
me this 4 day of December, 1906.

Edward Merrin  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY?  
DECEMBER 3, 1906.

Cr.En-4072  
En.1119

In the matter of the enrollment of Laura Ward, et al,  
opposite Creek Indian Roll numbers 9332-9338 inclusive.

The office of the Creek Attorney was notified by phone and  
after waiting a reasonable time no appearance was made by  
said attorney or his representative and the Commissioner  
proceeded with the hearing of the case, as follows:

Charley Ward, being first duly sworn by Henry G. Hains, a  
Notary Public, testified as follows, to-wit:

- Q: What is your name? A: Charley Ward.  
Q: How old are you? A: I am 23 years old.  
Q: What is your post-office address? A: Muskogee.  
Q: Do you know Laura Ward and her children? A: I do.  
Q: Are you any kin to them? A: I am.  
Q: What kin are you to Laura Ward? A: She is my Aunt.  
Q: Your mother's sister or your father's sister? A: My  
mother's sister.  
Q: What is your purpose in appearing here today?  
A: Why according to what I learned---to defend the case as  
far as I am able---to keep her from being stricken from  
the roll.  
Q: Well you may make a statement if you wish.  
A: Well one thing I do know she is Johnson Hodges daughter,  
he was my grand-father. And another thing I do know she  
drew the \$29 payment and also the heirs drew the \$14 payment  
Q: Anything else? Is there any other statement you wish to  
make at this time? A: Well I can't explain myself as I  
think.  
Q: What do you mean by her heirs getting the \$14 payment?  
A: John Ward and Mary Ward and Marshall Ward.  
Q: How do you know they drew the money?  
A: My mother drew it for them.  
Q: It was drawn for them then, they didn't get it themselves?  
A: No sir there was preparation made and she drew it for them.  
Q: Your Aunt Laura is dead, isn't she? A: Yes sir.  
Q: When did she die? A: I don't know exactly when.  
Q: Where did she die? A: In Louisiana.  
Q: You only know that from hear-say, don't you? A: Yes sir.

- Q: Do you know how long she lived in Louisiana before she died?  
A: I couldn't tell you exactly but several years before she died she came to the territory and then went back there.
- Q: Do you know when she came to the territory? A: Why no, I don't know exactly.
- Q: Do you know how long she stayed here in the territory?  
A: I think it was about a year, something about a year, I never kept a record.
- Q: You only knew that from hearsay? A: I have seen her.
- Q: How can you say it was a year? A: Because it was in the fall I believe, and the next fall I think she left.
- Q: Do you know what year it was she was here?  
A: Well I could if I was to study pretty seriously, but I don't know exactly, I never kept any record of it.
- Q: Well go ahead and study and give us the best idea you can of the year she was here? A: Well I don't know exactly, I think it was 8 or 9 years ago, maybe a shorter time than that.
- Q: You are not positive that she stayed fully a year are you?  
A: Yes sir, I am.
- Q: So if other people have testified that she stayed here a little less than a year would you still have the same opinion? A: Well I couldn't say.
- Q: Are you positive that she stayed a full year?  
A: To my notion it seemed like it was a year because it was cold when we met her at the train, and it was the next fall after harvest time, or during harvest time when she left.
- Q: What was she doing here, do you know? A: She came here to file on her land, to see about her land.
- Q: She didn't bring any household goods from Louisiana did she?  
A: No sir, not as I know of.
- Q: Isn't it your impression that she was here to see about her rights? A: Yes sir, I guess it was.
- Q: Did she have any of her children with her? A: Yes sir.
- Q: What was its name? A: They called it Mattie but they gave its name on the roll as Laura.
- Q: Did she bring that child from Louisiana here? A: Yes sir.
- Q: It was born in Louisiana then was it? A: Yes sir, it was.
- Q: Do you know whether all of her other children were born in Louisiana or not? A: I don't know.
- Q: Where are her other children now? A: In Louisiana.
- Q: Do you know if Laura Ward before she died or any of her children, or her husband since that time ever had a residence in the Creek Nation, or in Indian Territory?  
A: No sir, not as I know of.
- Q: You don't know that? A: No sir.
- Q: Is that child she brought with her living? A: Yes sir.
- Q: How do you know that? A: I don't know positively I just go by what I can learn by mail.
- Q: Whom do you write to? A: His father Mathis Ward.
- Q: Where does he live? A: Monticystown, Louisiana.
- Q: Has he ever been in the Creek Nation or in Indian Territory that you know of? A: No sir.
- Q: You not only know that he lives there but his place and house-hold goods are there in Louisiana, aren't they?  
A: Yes sir.
- Q: Until this young man John Tyler moved up, all the children lived there, did they? A: Yes sir.
- Q: Do you know if any of them had moved or made their residence in the Creek Nation or Indian Territory, or if John Mathis Ward himself did? A: No sir.

- Q: He don't claim citizenship, does he? A: No sir.
- Q: What is he a white man or a colored man? A: A colored man.
- Q: A full blooded colored man? A: No sir part negro.
- Q: What is the rest of him? A: White man, I suppose.
- Q: Well now I will ask you again to stop and think and figure you said you didn't know just when it was she was up here, can't you come a little closer to the time it was when she was here---don't you know what year your Aunt Laura Ward was here? A: I have no idea at all, I didn't keep any record of it at all, I don't have any idea of this at all I didn't think I would have to testify to this at all.
- Q: Can you tell me whether it was 1 year, 2 years, 3 years, 4, 5 or 6 years up to 10 years, if it was any of those years that she was here? A: Well now as near as I can recollect it seems quite a while ago, 7, or 8 or 9 years ago
- Q: Are you a citizen of the Creek Nation? A: I am.
- Q: Do you know when the Creek Land Office opened? A: No, I couldn't say positively as to that.
- Q: I don't mean the date, don't you know the circumstance of the Land office opening here and a large crowd being on the streets when they were first allowed to file? A: I can't resemble-? that.
- Q: Her visit up here was that before the land office opened or afterwards? A: Well now let me see, I am not positive but it seems to me like it was before---it seems that way to me.
- Q: Well now if she came up here before that, how would she be looking for her rights or looking after her land, nobody was allowed to file before the Land Office opened.
- A: I don't know, I said it seems that way to me, but probably she was here afterwards, but I know one thing, she was here one time while the filing was going on. I remember once there was a protest against the Hodges, against their rights and she was here at that time.
- Q: Didn't you state a minute ago that she came in the fall in cold weather and stayed until the next fall? A: I did.
- Q: Then if she came during the opening of the Land Office she must have come in the fall of '98 or 99, in other words she must have been here the fall before the land office opened or the fall afterwards? A: Yes sir, she might have been.
- Q: Now this is John Tyler Ward son of Laura Ward, is it?
- A: Yes sir.
- Q: He testified a while ago that she stayed here about 10 months and you say you think it was about a year, but you are not positive that it was a full year?
- A: No, I am not positive of it, I am not sure of it.
- Q: Well after her visit up here, how long was it before she died, do you know? A: Well, I don't know that either, about a year or so or a couple of years I reckon, it wasn't no great while before she died.
- Q: That child she brought with her was that a little baby?
- A: Yes sir that was a baby at that time.
- Q: That is the reason she brought it--because she couldn't leave it at home, isn't it? A: Oh yes, it could toddle about--it could walk about, she could have left it at home.

Commissioner asks John T. Ward one of the applicants appearing in applicant's behalf, if he desires to ask the witness any questions and is informed that he does not.

Commissioner asks witness if there is any further statement he wishes to make and his reply is "No sir, I guess not".

Ed Ward being first duly sworn by Henry G. Hains, a Notary public, testified as follows, to-wit:-

Questions by Commissioner:

- Q: What is your name? A: Ed Ward.
- Q: Have you testified before in this case? A: Yes sir, once or twice.
- Q: Have you any other statement you wish to make now? A: Yes sir.
- Q: Well you will be permitted to do so.
- A: To show cause why she should not be stricken from the roll, well, one reason is this---in 1900 old man Johnson Hodge, the father of Laura Ward had all of his children enrolled and it was approved in the Council at Okmulgee before Chief Perryman, that they had legal rights to all the land and all the funds. Since that time Laura was here, she came to this country from Louisiana in 1898, September 1st. and returned back to Louisiana July 12, 1899. Laura made an application for her rights or for her land but at that time they had a protest against the Hedges and there wasn't either one of them allowed to file until it was settled and before it was settled or in the term of the case, why Laura returned back home and she never did come back any more and she died during her absence. She died December 7, 1902. And furthermore in the protest there wasn't any witnesses against the Hedges in that protest and Mr. Bixby claimed there should never be any more and there was no protest against the Hedges and they were all admitted and Laura at that time, she was gone.
- Q: Then she went away from here as I understand you in July 1899, and never came back, in fact she died in Louisiana.
- A: Yes sir.
- Q: How do you fix that date of her coming here and leaving in June? A: I just put it down because I kept the date.
- Q: Are you pretty positive that is correct? A: That is correct.
- Q: That she came here in September 1898 and went back home in July 1899? A: Yes sir.
- Q: Did she move any house-hold goods over here when she came? A: No sir no more than a trunk and some clothes.
- Q: And she left the greater number of her children and her husband in Louisiana? A: Yes sir.
- Q: And left her house-hold goods down there? A: Yes sir.
- Q: The children were born in Louisiana, were they? A: Yes sir, one was born here.
- Q: What was its name? A: Effie.
- Q: It is not included in the names of those on the roll, is it? A: I don't know it ought to be.
- Q: I will show you a letter written to John Tyler Ward and read the names to you.

- Q: Effie is not in there, there is three more children outside of those that are on the roll.
- Q: Well now from having had a record here and this here, (Refer ring to letter) I will ask you this question, was Laura Ward the head of the family, or any of those children whose names I have read to you from the final roll, were any of them in Indian Territory on June 28, 1898?
- A: You see on the record there when she left.
- Q: Is that record correct? A: Yes sir.
- Q: If this record shows she came here on September 1, 1898 and left July 12, 1899, then she was not here in June 1898?
- A: I don't guess she was.
- Q: Nor any of her children? A: She returned back to Louisiana the 12th. of July 1899.
- : Now if she was here in June she was bound to be here, because she didn't leave until July.
- Q: I am asking you if she or any of her children were here in June 1898? A: No, she wasn't here.
- Q: That was her last visit was it, the one you speak of?
- A: Yes sir.
- Q: Then from that time until her death, she never did in good faith remove to the Creek Nation, or return here after that visit? A: No sir she never did move here after that time, but she made application through a lawyer and paid him so much to see after her rights, but he never did do it, he has only got the money and that is all.
- Q: But she never did move into the Creek Nation in good faith?
- A: No sir, she never did because she wasn't able.

This is all the evidence taken in said cause on said date.

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 on said date in said cause.

Julia C. Laval.

Subscribed and sworn to before me this 5 day of December, 1906.

Edward Merrick

Notary Public.



Refer in reply to the following:  
Land: 13188-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, February 25, 1905.

The Honorable,  
The Secretary of the Interior.

Sir:

I have the honor to submit for your consideration letter from the Commission to the Five Civilized Tribes, dated February 13, 1905, reporting that the names of Laura Ward and her six minor children are contained in a partial list of Creek citizens by blood, approved by the Department November 14, 1902, opposite Nos. 9332 to 9338 ~~inclusive~~ inclusive.

November 28, 1904, Horace Hodge, brother, and Ed Ward, brother-in-law of Laura Ward, appeared before the Commission and testified as to the whereabouts of these persons. Further testimony was taken January 16, 1905.

The Commission says from the testimony it appears that Laura Ward is dead; that at the time of her death she was a resident of the State of Louisiana, where, with the exception of a visit to the Indian Territory, during the year 1901 or 1902, she had continuously resided since her marriage about 18 years ago and that her children have been residents of that state all their lives.

The Commission recommends that the enrollment of Laura Ward and her six ~~at~~ children be reopened and Mathias Ward, the father of the children be notified of the status of the case and the



-2-

law governing it. A copy of the testimony referred to is enclosed.

The Commission does not report whether deeds have been issued and delivered in this case or not, but on account of the date of the enrollment it will be assumed that deeds have already been issued and delivered. This being accepted as the status of the case, I cannot concur in the recommendation of the Commission and for my reasons for non-~~with~~ concurrence refer to letter of this Office of the 15th instant, in the case of Will Moore, a Creek Freedman.

Very respectfully

C.F. Larrabee,

Acting Commissioner.

E.B.H.-L.M.

Creek 1-4072.

Muskogee, Indian Territory, February 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The names of Laura Ward and her six minor children are contained in the partial list of Creek citizens by blood, approved by the Department November 14, 1902, Numbers 9332 to 9338, inclusive.

November 26, 1904, Horace Hodge, brother, and Ed Ward, brother-in-law of said Laura Ward, appeared before the Commission and testified as to the whereabouts of these persons. Further testimony was taken January 16, 1905.

From the testimony it appears that said Laura Ward is dead; that at the time of her death she was a resident of the State of Louisiana, where, with the exception of a visit to Indian Territory during the year 1901 or 1902, she had continuously resided since her marriage, about eighteen years ago; that her children have been residents of said State all their lives.

It is respectfully recommended that the enrollment of

Secretary 2.

said Laura Ward and her six children be reopened and Mathis Ward, the father of said children, be notified of the status of the case and of the law governing the same.

A copy of the testimony referred to is enclosed.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

HON-1-12-6.

2092  
I.T.D. 2000-1905.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, April 5, 1906.

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

Gentlemen:

The Department is in receipt of your letter of February 13, 1905, submitting certain evidence relative to the enrollment of Laura Ward and her ~~more~~ six minor children as Creek citizens by blood, whose names appears opposite numbers 9332 to 9338 inclusive, on the partial roll of Creek citizens by blood approved November 14, 1902.

You state that it appears from the testimony submitted that said Laura Ward is dead; that at the time of her death she was a resident of the State of Louisiana, where, with the exception of a visit to the Indian Territory ~~in~~ during the year 1901 or 1902, she has continuously resided since her marriage about 18 years ago; that her children have been residents of Louisiana all their lives. You recommend that the enrollment of said Laura Ward and her six minor children be reopened, and that the father of said children be notified of the status of the case, and the law governing the same.

Reporting February 25, 1905, the Acting Commissioner of Indian Affairs states that by reason of the date of the applicants' enrollment it is assumed that deeds have already been issued and delivered. Accepting this as the status of the case, he fails to concur in your recommendation. A copy of his letter is inclosed.

The evidence before your Commission at the original hearing of the case was sufficient to warrant you in placing the names

of the applicants ~~are~~ upon the roll. For two years their right to be placed upon said roll was not questioned. While it appears that the witness Horace Hodge is a brother of Laura Ward and that Ed Ward is a brother-in-law of said Laura Ward, yet their object in appearing before your Commission and testifying against the applicants at this time is not shown. The Department therefore does not consider it advisable to reopen the case, unless you should submit ~~ix~~ the testimony or affidavits of witnesses who are ~~x~~ shown to be disinterested in the matter, and whose testimony is sufficiently strong that had it been before you at the original hearing would have warranted you in rejecting the applicants.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Myrtis Town. La.,

March 2, 1906.

Mr. W. O. Beall,

This is the correct roll of Laura Ward children.

John T. Ward Sep 18. 1888

Mary M. ward Dec 28. 1889

Marshell Ward Marc 5. 1891

Edmon Ward Feb 10, 1893

paniea Ap 6, 1894

Laura Mac. 22, 1896

Effie Ward Oct 10. 1898

Mathues Nov 22, 1900.

Samuel . Nov. 21, 1902.

Laura Ward husben Mathues Ward B. Roll endorsed by  
his son.

(Signed) John T. Ward.

C.I. 4072.

Muskogee, Indian Territory, February 28, 1906.

Nathis Ward,

Vivian, Louisiana.

Dear Sir:

January 16, 1905, Charlie Ward testified at this office in the matter of the enrollment of your wife, Laura Ward, and her children, as citizens of the Creek Nation; your post office address at that time was given as Myrtis or Vivian, Louisiana.

You are requested to advise this office at once as to the correct post office address of yourself and of your children, John T., Mary M., Marshall, Edmond, Daniel and Laura.

Respectfully,

Acting Commissioner.



C.I. 4072.

Muskogee, Indian Territory, February 28, 1906.

John T. Ward,  
Myrtis, Louisiana.

Dear Sir:

January 16, 1905, Charlie Ward testified at this office in the matter of the enrollment of Laura Ward and her children as citizens of the Creek Nation; your post office address at that time was given as Myrtis or Vivian, Louisiana.

You are requested to advise this office at once as to the correct post office address of yourself and of your brothers and sisters, Mary M., Marshall, Edmond, Daniel and Laura.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

February 13, 1905, the Commission to the Five Civilized Tribes transmitted certain evidence to the Department relative to the enrollment of Laura Ward and her six minor children, John T., Mary M., Marshall, Edmond, Daniel and Laura Ward, whose names appear opposite numbers 9332 to 9338 inclusive on a partial schedule of citizens by blood of the Creek Nation, approved by the Secretary of the Interior November 13, 1902, with the recommendation that their enrollment case be reopened, and that the parties in interest be notified to appear and show cause why their names should not be stricken from the roll.

On April 5, 1905, the Department notified the Commission to the Five Civilized Tribes that it was not deemed advisable to reopen the case, for the reason that their enrollment had been approved for more than two years, and that it was assumed that allotments of land had been selected and deeds issued to each applicant.

On October 1, 1906, one of the said persons, John T. Ward, voluntarily appeared at the office of the Commissioner to the Five

Secretary 2.

Civilized Tribes, at Muskogee, and his testimony was taken with reference to the residence of the principal applicant and all of her children, and it appearing that said principal applicant, and the other applicants, were not, on June 28, 1898, residents of the Indian Territory, and that they had never become bona fide residents of the Indian Territory, and it appearing that the principal applicant, Laura Ward, died in the year 1902, in Louisiana, notice was given the husband of said deceased person, who was also the father of all of the other applicants, by registered letter, to the effect that the said husband, and father, would be allowed thirty days within which to show cause why the names of his wife, Laura Ward, and his children, the other applicants herein, should not be stricken from the approved roll of citizens by blood of the Creek Nation. Said notice was sent on November 8, 1906, and on the same day similar notice was registered to John T. Ward, one of the applicants herein. On November 28, 1906, John T. Ward, one of the applicants, appeared at the office of the Commissioner, in the matter of the striking of the names of said applicants from the approved Creek Indian Roll, and offered the testimony of two witnesses, Effie Ward, a sister of Laura Ward, and Green Hodge, a brother of said Laura Ward. Thereafter, and on December 3, 1906, Charley Ward, a nephew of said Laura Ward, appeared at the office of the Commissioner and offered testimony in behalf of the applicants, as did also Ed Ward, a brother-in-law of said Laura Ward, being the brother of Laura Ward's husband. No further testimony has been offered in this case.

Secretary 3.

It appears from the evidence that Laura Ward, whose name appears opposite No. 9332, is a Creek Indian by blood, was born in the Creek Nation and moved to Louisiana when she was a small child; that she was married to Mathis Ward, a negro and a non-citizen; that she is the mother of the other above named applicants, all of whom were born in Louisiana, and have never lived in the Creek Nation.

The evidence shows further that Laura Ward, the mother of said children, came to the Creek Nation in the month of September, 1898 and remained until July, 1899, when she returned to her home in Louisiana.

It appears from the evidence that she came to the Creek Nation to visit her relatives and for no other purpose; it is alleged that while here she made application for enrollment for herself and her minor children; it appears that she returned to her home in Louisiana, as aforesaid, and remained there until her death, on December 7, 1902; and that she never removed to and in good faith settled and established her residence in the Creek Nation.

The evidence shows that her oldest son, John T. Ward, came to the Creek Nation for the express purpose of visiting relatives, and while here appeared before the Commissioner to the Five Civilized Tribes and testified in the proceedings had October 1, 1906.

Since not only the principal applicant, through whom alone the other applicants claim their Indian blood, but also the minor applicants have failed and neglected to remove to and establish a bona fide residence in the Creek Nation within the time fixed by the

Secretary 4.

Act of Congress approved June 28, 1898 (30 Stats., 495), and the Act of Congress approved March 1, 1901 (31 Stats., 861), in view of the opinion they were enrolled as citizens by blood of the Creek Nation without authority of law. I, therefore, recommend that their names be stricken from the approved roll.

A copy of the record in the case is herewith inclosed.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

Inc. AG-26-2.

11

| COMMISSIONER TO THE SENATE |            |          |
|----------------------------|------------|----------|
| No.                        | Received   | APPROVED |
| 8455                       | MAH 5 1906 |          |

Ward, John T.,  
Myrtistown, La.  
March 2, 1906.

Gives post office address of  
himself and others.

8456

MAR 1908

Ward, John T.  
Myrtistown, La.

Relative to enrollment of  
children of Laura Ward.

CHOC-CHIC ENROLLMENT.



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11.  
Dear Sir,  
I have the pleasure  
to inform you that  
the same has been  
sent you as  
per your order  
of the 10th inst.  
I am, Sir,  
Yours truly,  
J. W. [unclear]

Believe me  
Yours truly

J. W. [unclear]

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

THE

I.T.D. 7930-1907.

March 4, 1907.

LRS.

Direct

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

Sir:

In accordance with the recommendation contained in your letter of February 26, 1907, the names of Laura Ward and her six minor children, <sup>1</sup>John T. <sup>2</sup>Mary M. <sup>3</sup>Marshall, <sup>4</sup>Edmond, <sup>5</sup>Daniel and <sup>6</sup>Laura Ward, whose names appear opposite numbers 9332 to 9338 inclusive, on the schedule of citizens by blood of the Creek Nation approved by the Department November 13, 1902, are hereby stricken from such partial schedule. Your report and a copy of this letter will be transmitted to the Indian Office and it will be authorized upon receipt of such copy to cancel the names of said persons upon the partial schedule in its possession. You are authorized to strike their names from the partial schedule in your possession.

Respectfully,

E. A. Hitchcock,

Secretary.

2 inc. with copy hereof to Ind. Of.

3-4-07.

Cr. En. 1119

Muskogee, Indian Territory, March 13, 1907.

John T. Ward,

Myrtistown, Louisiana.

Dear Sir:

You are hereby advised that under Departmental instructions of March 4, 1907, the names of Laura, John T., Mary M., Marshall, Edmond, Daniel and Laura Ward were stricken from the approved rolls of citizens by blood of the Creek Nation opposite numbers 9332, 9333, 9334, 9335, 9336, 9337 and 9338, respectively.

Respectfully,

Commissioner.

Cr.En. 1119

Muskogee, Indian Territory, March 13, 1907.

M. L. Mett,

Attorney for Creek Nation.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under Departemental instructions of March 4, 1907, (I.T.D. 9330-1907), the names of Laura, John T., Mary M. Marshall, Edmond, Daniel and Laura Ward, were stricken from the approved rolls of citizens by blood of the Creek Nation, opposite numbers 9332, 9333, 9334, 9335, 9336, 9337 and 9338, respectively.

Respectfully,

Commissioner.

Cr. En. 1118

Muskogee, Indian Territory, March 13, 1907

Chief Clerk,  
Creek Land Office,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under Departmental instructions of March 4, 1907, (I.T.D. 7950-1907), the names of Laura, John T., Mary M., Marshall, Edmond, Daniel and Laura Ward, were stricken from the approved rolls of citizens by blood of the Creek Nation, opposite numbers 9332, 9333, 9334, 9335, 9336, 9337 and 9338, respectively.

Respectfully,

Commissioner.

File 5-31 (Creek).

(COPY)

J.W.H.  
J.W.H.  
W.C.P.  
J.W.P.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

March 19, 1909.

The Commissioner  
to the Five Civilized Tribes,  
Muskogee, Oklahoma.

Sir:

There are inclosed herewith for report and recommendation to be sent through the Indian Office; two letters dated, respectively, February 19 and March 15, 1909, from Messrs. Stanford & Cochran, attorneys at law, Muskogee, Oklahoma, relative to the enrollment of certain persons as citizens of the Creek Nation, the names and numbers of said persons, according to their letters, being as follows:

|                       |          |
|-----------------------|----------|
| Laura Ward, deceased. | No. 9332 |
| John T. Ward,         | " 9333   |
| Mary M. Ward,         | " 9334   |
| Marshall Ward,        | " 9335   |
| Edmund Ward,          | " 9336   |
| Daniel Ward,          | " 9337   |
| Laura Ward,           | " 9338   |

In preparing your report in this case, please comply with instructions contained in departmental letters of February 25, 1909, relating to the Cherokee case of Charles E. Burgess, et al., and the Creek case of Oregon M. Mastin and with the general instructions contained in departmental letter of March 15, 1909, all file 5-31.

Very respectfully,

(Signed) Frank Pierce

First Assistant Secretary.

Inclosures.  
(Send Direct).



(COPY)

Okmulgee, Oklahoma, March 15, 1909.

Secretary of the Interior,  
Washington, D. C.

Dear Sir:

Please let us hear from you in reply to our letter of February 19th, in regard to the enrollment of Creek Indians by the name of Ward. We are surprised at not having received an answer to our communication before now.

Yours very truly,

(Signed) Standford and Cochran.

(COPY)

Okmulgee, Oklahoma, Feb. 19, 1909.

Hon. James R. Garfield,  
Sec. of Interior,  
Washington, D. C.

Dear Sir:

We are attorneys for the following Creek Indian  
citizens:

|                      |          |
|----------------------|----------|
| Laura Ward, deceased | No. 9332 |
| John T. Ward,        | 9333     |
| Marry M. Ward,       | 9334     |
| Marshall Ward        | 9335     |
| Edmond Ward          | 9336     |
| Daniel Ward          | 9337     |
| Laura Ward           | 9338     |

This family were struck from the rolls, as we understand it, just prior to the time that the rolls were closed. We are further advised that John T. Ward, who is still a minor, was called into the office of Dawes Commission at Muskogee, and there made some kind of a statement that the balance of his family were not residents of Indian Territory. This family are all residents here and have been for some time, and Marry M. Ward, who is the only one of the family who is of age, is the guardian for the rest of the children.

We were informed by the Commissioner at Muskogee, that there is being made up, in your office at Washington, a supplemental list of those members of the five civilized tribes who are entitled to enrollment under the decision of the Supreme Court. We would like to get all the information possible in regard to this matter and be instructed as to what will be the necessary steps to take, if any, to have this family placed upon the rolls again without proceedings in Court. If you will kindly give us the benefit of all the information and data there is in your office with reference to the enrollment of this family, as well as their being stricken from the rolls, we will appreciate it. Also kindly advise us when the Supplemental roll, spoken of by the Commissioner, will be issued from your office.

Thanking you in advance for the information requested, and any other information that you think will be of value to us in this matter, we have the honor to remain,

Yours very truly,

HEPS/LH.

(Signed) Stanford & Cochran.

Muskogee, Oklahoma, April 6, 1909.

Subject.  
Status Relative  
to enrollment of  
Laura Ward, et al.  
-----

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is acknowledged of Departmental letter of March 19, 1909 (File B-51, Creek), inclosing for report and recommendation two letters dated, respectively, February 19 and March 18, 1909, from Messrs. Standford and Cochran, attorneys at law, at Okmulgee, Oklahoma, relative to the enrollment, as citizens of the Creek Nation, of Laura Ward, deceased, John T. Ward, Mary H. Ward, Marshall Ward, Edmond Ward, Daniel Ward and Laura Ward, opposite numbers 9332, 9333, 9334, 9335, 9336, 9337 and 9338, respectively, whose names were stricken from the approved roll of citizens by blood of the Creek Nation, such report to be rendered in compliance with instructions contained in departmental letters of February 25, 1909, (File B-51), relating, respectively, to the Cherokee Case of Charles P. Burgess, et al., and

Secretary--72

the Creek Case of Oregon M. Mastin, and with the general instructions contained in departmental letter of March 15, 1909 (File 5-51). Replying I have the honor to report as follows:

1. The names of all the above, except Laura Ward opposite No. 9338, are found on the 1898 authenticated roll of the Creek Nation. The name of Laura Ward, opposite No. 9332, is found also on the 1890 authenticated roll of said Nation.
2. On April 24, 1901, these applicants were listed for enrollment, by the Commission to the Five Civilized Tribes, on Creek Indian Card, Field No. 3681. On November 14, 1902, a partial schedule of Creeks by blood having thereon the names of these parties opposite their respective numbers as set out above, was approved by the Secretary of the Interior. On February 13, 1905, the Commission to the Five Civilized Tribes transmitted certain evidence to the Department relative to the enrollment of the Wards, with the recommendation that their enrollment case be reopened, and that the parties in interest be notified to appear and show cause why their names should not be stricken from the rolls for the reason that all were non-residents of the Indian

Territory and had never resided therein. On April 5, 1905, the Department notified the Commission that it was not deemed advisable to reopen the case, for the reason that their enrollment had been approved for more than two years, and that it was assumed that allotments of land had been selected and deeds issued to each applicant. On October 1, 1906, one of the applicants, John T. Ward, voluntarily appeared at the office of the Commissioner to the Five Civilized Tribes and his testimony was taken with reference to the residence of the principal applicant and all of her children, and it appearing that said principal applicant and the other applicants were not on June 28, 1898, residents of the Indian Territory, but resided in the State of Louisiana, and that they had never become bona fide residents of the Indian Territory, and it further appearing that the principal applicant, Laura Ward, died in the year 1902, in the State of Louisiana, notice was, on November 8, 1906, given to the husband of said deceased Laura Ward, who is also the father of all the other applicants, that he would be allowed thirty days within which to show cause why the names

Secretary--4

of his deceased wife and children should not be stricken from the approved roll of citizens by blood of the Creek Nation. On November 28, 1906, John T. Ward, one of the applicants, appeared at the office of the Commissioner, and offered the testimony of himself and other witnesses, relative to the matter of striking the names of said applicants from the approved roll, and on December 3, 1906, further testimony was heard relative to the same matter. On February 26, 1907, the Commissioner transmitted for consideration by the Department a transcript of all the testimony taken in this matter, the same being Creek Enrollment Case No. 1119, with the recommendation that all the names of these parties be stricken from the approved roll for the reason that none of the applicants had ever removed to and established a residence in the Indian Territory within the time fixed by the Act of Congress, approved June 28, 1898 (30 Stats. 495), and the Act of Congress approved March 1, 1901 (31 Stats. 861). On March 4, 1907, the Department concurred in the recommendation of the Commissioner and authorized the striking of all the names of these applicants from the approved



Secretary--#5

roll of Creek citizens by blood (I.T.D.7930-1907).

3. No action was ever taken under the Act of June 10, 1896.
4. See report in No. 3, above.
5. No certificates of allotments or patents were ever issued to any of these applicants.
6. Applicants were given notice of the proceedings looking to the cancellation of their names from the approved rolls, and were represented by John T. Ward, one of the applicants, the eldest son of Laura Ward, deceased, who appeared and testified.
7. See report in No. 2, above.

I am of the opinion that these names were rightfully stricken from the approved rolls of Creeks by blood, in view of the testimony submitted, and concur to the recommendation of the Commissioner made February 26, 1907.

Respectfully,

SCP(MPS)

Commissioner.

Through the Commissioner  
of Indian Affairs.

Land 7928-2  
27928-1909  
J E D

(Copy)  
3-28969

Enrollment case of  
Laura Ward et al.

MAY 10 1909

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of March 19, 1909,  
(File 5-51, Creek), there is transmitted herewith a report dated  
April 6, 1909, from the Commissioner to the Five Civilized Tribes  
relative to the enrollment case of Laura Ward et al.

On November 14, 1902, the Department approved a schedule  
of citizens by blood of the Creek Nation containing the names of  
Laura Ward, No. 9332, John T. Ward, No. 9333, Mary M. Ward, No.  
9334, Marshall Ward No. 9335, Edmond Ward, No. 9336, Daniel Ward,  
No. 9337, and Laura Ward, No. 9338. It appears that later the  
Commissioner obtained evidence showing that Laura Ward died in  
1902, and at the time of her death she was a resident of Louisiana,  
where she had been living for the eighteen years prior to the time  
of her death; also that her children had been residents of that  
state all their lives. The Commissioner reports that on November  
8, 1906, notice was given the husband of Laura Ward that he would  
be allowed a certain time in which to show cause why the names  
of his wife and children should not be stricken from the approved  
rolls.

It appears that the testimony of John T. Ward, one of the applicants, and other persons was taken by the Commissioner, who on February 26, 1907, transmitted for consideration by the Department the record in the case, with the recommendation that the names of all these persons be stricken from the approved roll, for the reason that none of the applicants had ever removed to and established a bona fide residence in the Indian Territory prior to June 28, 1898, as required by law. On March 4, 1907, the Department cancelled from the approved rolls of citizens by blood of the Creek Nation the names of Laura Ward and the others above-mentioned.

The Commissioner reports that no certificates of allotments or patents were ever issued to any of these applicants. As it appears that the applicants were given notice of the proceedings looking to the cancellation of their names from the approved rolls, and an opportunity to introduce testimony in reference thereto, the Office is of the opinion that the case is not analogous to that of John E. Goldsby, and that it does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908, in that case (211 U. S., 249).

In Office letter of May 4, 1909, your attention was invited to the case of Lillie Lowe, now pending in the Court of

1909

(COPY)  
DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.

D-7289  
Creek File 5-51

September 2, 1909.

The Commissioner  
of Indian Affairs.

Sir:

The Department has considered your report of May 10, 1909, relating to the Creek enrollment case of Laura Ward, et al.

It is not deemed advisable at this time to express any opinion as to whether by reason of lack of notice this case falls within the rule announced by the Supreme Court in its decision of November 30, 1908, in the case of John E. Goldsby, 211 U. S., 249.

The Department concurs, however, in your recommendation that no action be taken in this case pending final decision by the Court of Appeals of the District of Columbia, in the case of Lillie Lowe, et al., now pending therein.

The papers are returned herewith.

Very respectfully,

Signed Frank Pierce,  
First Assistant Secretary.

Appeals of the District of Columbia. As a similar question to that there presented, relative to the authority of the Secretary of the Interior to strike from the approved rolls the names of persons found by him, after due notice and a hearing, to be not entitled to enrollment, is also involved in this case, it is recommended that no action be taken by the Department to determine the case here presented pending final decision by the Court of Appeals in the Lowe case above-mentioned.

The record in the case of Laura Ward et al. is inclosed for your further information.

Very respectfully,

(Signed) R. G. Valentine,

Acting Commissioner.

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CR EN 1120

CR EN 1120

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
SEPTEMBER 20, 1906.

In the matter of the application for the enrollment of Tarskegee Harjo or Henry Scott, Creek Indian Roll Nos. 3269 and 4760, as a citizen by blood of the Creek Nation.

Appearances: I.G. Lieber, representing M.L. Mott, attorney for the Creek Nation.

Tarskegee Harjo or Henry Scott, being duly sworn, by H.G. Hains, a Notary Public, testified as follows, through Official Interpreter, Lona Merrick.

Examination by the Commissioner.

- Q What is your name? A I have three names, Tarskegee Harjo, Henry Scott and Charheneacher.
- Q What is your age? A About 24.
- Q Do you know your age? A I guess I am about 30.
- Q Do you know what year you were born in? A No sir.
- Q What is your post office address? A Eufaula.
- Q What was it before Eufaula? A Senora.
- Q What is the name of your father? A Yarhola Waega.
- Q Is he living? A No sir, he is dead.
- Q What Creek Indian town do you belong to? A Hutchechuppa.
- Q What is the name of your mother? A I don't remember, she died when I was very young.
- Q What town did she belong to? A Hutchechuppa.
- Q That is your Creek Indian town? A Yes sir.
- Q How much Creek Indian blood have you? A I am a full blood.
- Q Did you ever have any other name besides Henry Scott? A Yes sir, Charheneacher, that is the name my mother gave me--my christian name.
- Q Were you ever known by any other name? A My town name is Tarskegee Harjo. Henry Scott was my name at school.
- Q Have you a wife? A No sir.
- Q Who is Millie Perryman? A She was my wife, but she is married to another man.
- Q Who did she marry? A Eddie Perryman.
- Q Mr. Scott, did you draw the 29 dollar payment in 1890 about ten years ago? A Yes sir.
- Q Under what name? A I guess it was Henry Scott, I don't know.
- Q Did you draw that yourself? A Yes sir.
- Q You don't know under what name you drew this money, did you see your name on the roll at the time you drew it, the pay roll of 1890 of Hutchechuppa town? A No sir.
- Q Did you draw the 14 dollar payment in 1895? A Yes sir, I drew that myself also.
- Q Under what name? A I don't know, maybe it was Charheneacher.
- Q Don't you know under what name you drew that money at that payment--don't you know how your name appears on the pay roll of Hutchechuppa town? A No sir, I don't know how my name appears on the roll.
- Q Did you receive your deed to land in the Creek Nation? A Yes sir, under the name of Henry Scott.
- Q Do you know what number is on that deed? A I don't know.
- Q Have you that deed with you? A No sir, I have it at home, but not with me.
- Q Could you if we requested you to furnish that deed, produce it? A Yes sir. I can send it in.
- Q That land is covered in the deed, do you remember? A The land lies about two miles west of



There is on file in this office, Creek Indian card 3031, and a sworn statement - affidavit- of Henry Scott, which is a part of the record in the matter of his enrollment, which affidavit states --in which it is stated by Henry Scott that he filed on November 16, 1901, on the SE quarter of section 32, township 10 range 12; that he made this filing in person and has since received his deeds to same, and is putting the land in cultivation; his name is Henry Scott, his roll number is 4760, that there has come to his knowledge lately that there has been filed to a ~~person~~ Tarskegee Harjo, a certain allotment, and that he desires among other things revoked the filing made to him under that name. Said affidavit is made a part of the record herein.

By Mr. Lieber.

Q Well Mr. Scott are you persuaded that your name has been duplicated on the rolls, that is, that you have been enrolled twice, once under the name of Henry Scott, opposite roll number 4760, to which to have received your deed and have the land in cultivation, and then duplicated under the name of Tarskegee Harjo, and that you are the same person and that you desire to help this office in correcting this duplication. Yes sir, I am one and the same person.

Q There is on file in this office a letter from the Creek Land Office to the effect that the Principal Chief of the Creek Nation had on March 12, 1906, returned to said office undelivered deeds numbered 9274 and 9275, covering an allotment to Tarskegee Harjo, Creek Indian roll number 3869, and that they are now in the possession of the Creek Land Office. What was your object in writing that second statement? A For the reason that I was enrolled twice.

Q You didn't want to have that mistake passed and you didn't want to try to hold two allotments? A Yes sir.

Q And you desire your enrollment as Henry Scott, 4760, to stand?

A Yes sir.

Q And your enrollment under the name of Tarskegee Harjo be canceled?

A Yes sir.

Q And you desire to retain this land which was deeded to you under the name of Henry Scott, and which you said you selected yourself?

A Yes sir.

Q And this land which was through mistake arbitrarily allotted to you under the name of Tarskegee Harjo; that allotment you are willing to have canceled? A Yes sir.

Q You had no part in the selection of that allotment under the name of Tarskegee Harjo, No. 8269? A No sir.

Q You don't know where that is land is exactly, do you?

A No sir, I don't know where it is.

Q Have you ever leased this Tarskegee Harjo allotment to anyone?

A No sir.

Q Have you in anyway taken possession of the land of Tarskegee Harjo? A A No sir.

Q Have you put any improvements of any kind on the land of Tarskegee Harjo? A No sir.

Q Do you desire that the deeds issued for the Tarskegee Harjo land be canceled? A Yes sir.

Q Do you know where those deeds are that were issued to Tarskegee Harjo? A No sir.

By Commissioner.

It appears from the records in this ~~case~~ case that there are now in the possession of this office undelivered deeds having been returned by the Principal Chief Porter; the records of the recording division show that deeds to said Tarskegee Harjo, roll number 8269 were recorded in Book 8, April 11, 1903.

By Mr. Lieber.

Q How far do you live from Bufaula? A About a mile and a half.

Q What direction? A Southeast towards the river.

Q Do you know of any other person in Hutchechuppa town by the name of Tarskegee Harjo? A No sir.

Q Do you know of any other person besides yourself in Hutchechuppa town by the name of Charheneacher.

Q How long have you been going by the name of Henry Scott? A I don't know how long.

Q Several years? A Yes sir.

Q When did you first take that name, how old were you when you first took that name? A I guess I was 17 years old.

We ask that the 1895 roll of Hutchechuppa Town be examined for the purpose of ascertaining whether or not the name of Henry Scott or Charheneacher appears thereon.

By Commissioner.

Said roll examined and the name of Henry Scott is not found thereon, but at number 52 in a group by itself is found the name of Charheneacher, opposite said name is reference to card 1496. The name of Tarskegee Harjo appears at number 68 which has been identified as Creek Indian card number 3031. Said name appears by itself on said roll.

By Mr. Lieber.

We again ask that the 1890 Creek roll of Hutchechuppa Town be examined for the purpose of ascertaining whether or not the name of Tarskegee Harjo or Henry Scott appears thereon.

By Commissioner.

Said roll examined and neither of said names appear thereon. On page 119 of said roll the name of Charheneacher appears by itself, and has been identified on Creek Indian card field number 1496.

By Commissioner.

Q Do you know if the 14 dollar payment was made to you under two different names, and also the 29 dollar payment? A No sir.

Q You said you drew the money yourself, didn't you? A Yes sir.

Q Did you sign the pay roll yourself? A No sir.

Q Did you sign for that money by mark, did you touch the pen to the name of Charheneacher or Tarskegee Harjo? A Yes sir, I touched the pen but I do not know what name it was.

It appears from the roll that money for Charheneacher opposite number 52 of said 1895 roll, the signature is by Charheneacher by mark.

Q Who witnessed that mark? A Washington Riley, member of the Council

Q Who was Washington Riley? A A member of the Tuckabatchee town.

Q Was he town king or town chief? A Yes sir.

Q Is he living? A Yes sir.

Q Do you mean that he signed that name for you or did you --do you mean to state that he witnessed your mark under the name of Charheneacher? A He witnessed the mark.

Q What is Washington Riley's post office now? A Senora.

Q How far does he live from the town of Senora and in what direction? A About five miles south of Senora.

Q Was Washington Riley town king of Hutchechuppa town at the time of the second payment, the payment of 1895? A Yes sir.

Q Did you ever hear of any other Tarskegee Harjo or Charheneacher in your town of Hutchechuppa? A No sir.

Q Don't know of any? A No sir.

L. G. McIntosh, being duly sworn, by H.G.Hains, testified as follows:

By Commissioner.

Q What is your name? A L.G.McIntosh.

Q What is your age? A 59 years old.

Q What is your post office address? A Eufaula.

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

Q And enrolled? A Yes sir.

Q What Creek Indian town do you belong to? A I belong to Tuskegee his town and my town are about the same except in electing officers.

Q Have you held office in the Creek Council? A Yes sir.

Q Are you pretty familiar with the ~~victims~~ citizens of the different towns? A Yes sir the older ones.

Q Do you know the citizens of Hutchechuppa town pretty well?

A Yes sir.

Q You state that it is pretty ~~the~~ near the same as your town except as to the electing of officers? A Yes sir, Washington Riley is member of the house and they controlled the census and the payment of the annuities.

Q Did he control the payment of 29 dollars and the 1890 payment?

A Yes sir, but I don't know whether he controlled the second one I think Jimsey Fish did, I was always around there during the payments interpreting.

Q Do you know the witness here? A Yes sir.

Q What is his name? A I know him by two names, I didn't know his town name--I know him by Charheneacher, his christian name, and Henry Scott, his school name, and Tarskegee Harjo is his town name, I didn't know that though until I came up here.

I know his father and the family pretty well.

Q Do you know Jimsey Fish? A Yes sir.

Q Is he living? A Yes sir.

Q Where is his post office address? A Now he lives between two twosn, so I don't know where he gets his mail, he lives about three miles from one and about four miles from the other.

Q He lives right between? A Yes sir.

Q Do you know a man in Hutchechuppa town by the name of Tarskegee Harjo? A No sir, never heard of such a person, oether than this man.

Q You are familiar with the members of the Hutchechuppa town?

A Yes sir.

Q If there was such a person now living and a member of that town, you would know him? A Yes sir? I would be very apt to know him.

Q What is the age of this man, do you know.

A I taught school in that part of the neighborhood about 23 or 24 years ago when he was a child, according to that he would be three or four years old at that time, he is over 29 or 30 years old.

Q What office have you held in the Creek Council? A I have been elected from this town, member of council.

Q Hitchchuppa town? A Kialigee, but I didn't serve but three days when I got my appointment in a school, then I was appointed super-intendant of all the schools for several years.

Q What is the name of this witness' father? A Yahola Waikey.

Q What is the name of his mother? A A I don't remember his mother's name. I don't know, but she id dead; this man doesn't know clearly when she died as he was very young.

Q Do you know if this witness drew the '90 or '95 payents? A Yes sir.

Q Did you see him draw? A No sir, But I know he was on the roll, I was member of Council then.

Q Do you know under what name he drew money? A No sir.

Q Do you know if there were two persons by the name of Charheneacher in Hutchechuppa town, I don't think there are, I have never heard

of two people by that name in that town.

Q How long had he had the name of Henry Scott? A Well, I don't know, he got that name ~~x~~ when he was at school.

Q His name wasn't on the payroll as Henry Scott? A I don't know. I don't know under which name he drew money.

Q Do you know Washington Riley? A Yes sir.

Q Is he an officer of the Hitchchuppa town now? A Lets see, I don't think he is, in fact I don't know whether he is or not.

Q Was he at the time of the '90 and '95 payemts? A Yes sir.

Q Did he conduct either of these payments. He conducted the first one and the second one I think Jimsey Fish may have conducted that.

Q Do you know Cornelius Carr? A No sir, I don't know him.

By Mr.Lieber.

Q Mr. McIntosh, do you know who is the present town king of Hutchechuppa town? A No sir, but it is my opinion that its Jim Fish or Washington Riley.

Q Who are the members of the house of Warriors from Hutchechuppa town at this time? A Now?

Q Yes sir. A young ~~x~~ fellow living up in there I have forgotten his name, and David Fish; the town king Jimsey Fish is another one.

Q Do you know where David Fish lives? A Yes sir, he lives there at Hutchechuppa when I knew him.

Q Do you know where he lives at the present time? A I understand he is living in Henryetta.

Statement by Commissioner: It appears from the records of this office that on November 16, 1901, Henry Scott, the witness~~x~~, appeared at the Creek Land Office and made application for the SE quarter of ~~the SE quarter~~ of Section 32, township 10, range 12, containing 160 acres for his allotment in the Creek Nation, and he signed the application himself.

It further appears from the records that on June 30, 1902, a certificate for the northeast quarter of section 9, township 18, range 7, containing 160 acres was issued to Tarskegee Harjo, Creek Indian Roll number 4869; said certificate was issued in accordance with the resolution of the Commission, adopted May 4, 1902, and said certificate is now on file in this office.

It further appears that the deeds to land above described have been returned by the Principal Chief and are now on file in this office.

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 cause on said date.

*Lona Merrick*

Subscribed and sworn to before me this 26th day of September, 1906.

*Edward Merrick*  
Notary, Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY,  
OCTOBER 23, 1906.

In the matter of the enrollment of Tarskegee Harjo or Henry Scott, opposite Creek Indian roll numbers 8269 and 4760, respectively, as a citizen by blood of the Creek Nation.

Appearances: J.G.Lieber, acting for M.L.Mott, Attorney for the Creek Nation.

WASHINGTON RILEY, being duly sworn by H.G.Hains, a Notary Public, testified as follows, through Official Interpreter, Lona Merrick.

Examination by the Commissioner.

Q What is your name? A Washington Riley.

Q What is your age? A I am about sixty-seven.

Q What is your post office address? A Senora.

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

Q What Creek Indian town do you belong to? A Hutchechuppa.

Q Do you at the present time hold any official position in the Creek Nation? A No sir, not now, but I used to be a member of Council and Town King of my town.

Q When were you town king? A About four years ago when Porter was elected chief.

Q Were you a member of the Creek Council either in the Lower or Upper House when the 1890 and 1895 payments were made? A I was member of Council during both payments.

By Mr.Lieber.

Q Do you know a member of Hutchechuppa town by the name of Henry Scott? A Yes sir.

Q Is that his english name or Indian name? A That is his english name.

Q What is his Indian name? A Charhenecher.

Q Do you know if he has any other name besides Charhenecher and Henry Scott? A His town name is Tarskegee Harjo.

Q Is there one man in Hutchechuppa town who goes by these three names, Henry Scott, Charhenecher and Tarskegee Harjo?

A Yes sir, there is one man who goes by these three names, Henry Scott, Charhenecher and Tarskegee Harjo.

Q Do you know where Henry Scott lives? A He lives near Bufaula.

Q About how old is he? A About thirty or more.

Q Young man is he, not an old man? A Yes sir, a young man.

Q Now do you know of any other member of Hutchechuppa town by the name of Henry Scott, Charhenecher or Tarskegee Harjo except the Henry Scott you have just described? A There is another man a member of my town who goes by the name of Tarskegee Harjo, also known as Josie Robert; I think he is enrolled under the name of Josie Robert.

Q Who is the father of Josie Robert? A Queschushencha. He died before the war.

Q Who was the mother of Josie Robert? A Fihoge.

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

Q What town did Josie Robert's father belong to? A Kialigee.

Q What town did his mother belong to? A Hutchechuppa.



By Mr. Lieber:

We ask that the Commissioner identify said Josie Robert on the roll if possible.

By Commissioner:

Josie Robert is identified on Creek Indian roll card field number 3026, opposite Creek Indian roll number 8257, his town appears to be Hutchechuppa; his father's name is given as Qeschusheneha, a member of Kialigee town, his mother is first indicated as unknown, but later a pencil note identifying her as Fi-ho-gee, deceased, a member of Hutchechuppa town. Said Josie Robert appears on the 1895 pay roll of the Hutchechuppa town at number 48 under the name of Josie Roberts. Another notation opposite his name on said pay roll identifies him as the Josie Robert on the card 3026. The 1890 pay roll of the Hutchechuppa town examined and said Josie Robert is identified thereon as Susan or Josie Robert, and the note opposite his name indicates that this may be a duplication of Josey on 1891 Omitted roll of said town.

By Mr. Lieber.  
Q Do you know how the name of Josie Robert appears on the 1890 pay roll of the Creek Nation? A I think "Josie". The surname Robert was afterward added to it.

Q Do you know how his name appears on the 1895 pay roll?  
A I think his name also appears on that roll as "Josie". He was away and I drew the money for him.

Q On the 1895 pay roll there appears the name of Josie Robert and it appears from the notation on the roll that you drew the money for him, is that the Josie Robert that you have been referring to? A Yes sir, he is the same person.

Mr. Lieber:

We ask that the Commissioner note in the record whether the 1895 roll of the Creek Nation contains the name of "Josie" Hutchechuppa town?

By Commissioner:

The 1895 pay roll of the Creek Nation, Hutchechuppa town, examined, and the name of Josie does not appear thereon.

By Mr. Lieber.

Q Do you know whether Josie Robert was ever enrolled on the rolls of the Creek Nation as Tarskegee Harjo? A No, I do not think so.

Q Do you know of any other person in Hutchechuppa town excepting Henry Scott and Josie Robert that were ever known by the name of Tarskegee Harjo? A There was a man by the name of Tarsekiya Harjo but not Tarskegee Harjo.

Q Then these are the only two persons in your town that were known by the name of Tarskegee Harjo? A Yes sir.

Q Are you well acquainted with the members of your town, Hutchechuppa town? A Yes sir.

Q Do you know them all? A Nearly all.

Q Do you know all the adult members of Hutchechuppa town?

A Yes sir I believe I know them all, but I am not acquainted with all the younger members of the town.

By Commissioner.

Q Is Josie Robert living now? A Yes sir.

Q Where is his post office address? A I don't know.

Q Does he live anywhere near the town of Indianola? A Yes, I think he lives near there.

By Mr. Lieber.

We ask that the record show whether or not Josie Robert has been placed on the final rolls of Creek Indians.

By Commissioner.

The name of Josie Robert, opposite Creek Indian Roll Number 8257 was contained in a schedule of Creeks by blood, approved by the Secretary of the Interior March 28, 1902, and that an allotment was made to him in the Creek Nation.

By Mr. Lieber.

In view of the testimony introduced in this case, the Creek Nation now ask that the name of Tarskegee Harjo, opposite Creek Indian Roll No. 8269 be stricken from the roll and that such steps as may be necessary be taken to cancel the allotment which has been made under that roll number.

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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 cause on said date.

*Lona Merrick*

Subscribed and sworn to before me this 25th day of October, 1906.

*Edward Merrick*  
Notary Public



DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Oklahoma, February 11th, 1910.

-----oOo-----

In the matter of the duplicate enrollment and allotment of Tarskege Harjo, Creek card, field No. 3031, Roll No. 8269, and Henry Scott, Creek card, field No. 1496, Roll No. 4760.

Testimony of Dollie Lewis taken near Bufaula, Oklahoma, February 9th, 1910.

Examination on behalf of the Commissioner, by C. H. Drew, Official Creek Interpreter.

- Q What is your name? A Dollie Lewis.  
Q What is your post office address? A Bufaula.  
Q How old are you? A I am about seventeen or eighteen.  
Q To what town do you belong? A Okfuskee Canadian.  
Q Are you a duly enrolled citizen of the Creek Nation? A Yes sir.

The witness is identified as Dollie Lewis on Creek field card, No. 3623, Roll No. 8768.

- Q Do you know Henry Scott or Tarskege Harjo? A Yes sir.  
Q Is he living? A No, he's dead.  
Q When did he die? A About two years ago, but I don't know the date. My father, Johnson Lewis, could give you the exact date.  
Q Are you related to Henry Scott or Tarskege Harjo? A Yes sir, he was my husband.  
Q Were you legally married to him? A No sir, not according to the United States laws or the laws of the State of Oklahoma, but we were living together under the old custom and ways of the Creek people.  
Q Did you have any children by him? A Yes sir, I had one little girl.  
Q What is the name of your little girl? A Jennie.  
Q How old is Jennie? A About two years old.  
Q Was your child Jennie born before the death of your husband Henry Scott or Tarskege Harjo? A No sir, she was born two months after his death.

-----  
Same place and date as above.

- Q What is your name? A Johnson Lewis.  
Q What is your post office address? A Bufaula.  
Q What is your age? A Forty-nine.  
Q To what town do you belong? A Bufaula Canadian.

Duplicate enrollment of  
Henry Scott as Tarskege  
Harjo, Creek.

(2)

The witness is identified on Creek field card No.  
3623, Roll No. 8765.

- Q Are you the father of Dollie Lewis? A Yes sir.  
Q Do you know Henry Scott or Tarskege Harjo? A Yes sir.  
Q Is he living? A No sir.  
Q When did he die? A He died September 27, 1907.  
Q Who was his wife at the time of his death? A My daughter Dollie  
Lewis.  
Q Did she have any children by him? A She has one girl by the  
name of Jennie.  
Q Who is Jennie Harjo? A Jennie Scott and Jennie Harjo is the  
same person.  
Q When was Jennie Harjo or Jennie Scott born? A About the middle  
of December, 1907, about two months after Henry Scott died.  
Q Did you know that Henry Scott or Tarskege Harjo had two allot-  
ments in the Creek Nation? A Yes sir.

-----  
Testimony of Luke G. McIntosh taken near Fame, Oklahoma,  
February 10, 1910. Examination on behalf of Commissioner, by  
C. H. Drew.

- Q What is your name? A Luke G. McIntosh.  
Q What is your post office address? A Fame, Oklahoma.  
Q You are a citizen of the Creek Nation? A Yes sir.  
Q You are the present County Superintendent of McIntosh County?  
A Yes sir.  
Q Are you the identical person that gave testimony before the  
Commissioner to the Five Civilized Tribes in regard to the  
duplicate enrollment of Henry Scott or Tarskege Harjo, on  
September 20, 1906? A Yes sir.  
Q Is Henry Scott or Tarskege Harjo alive? A No sir, he's dead;  
died about two years ago.  
Q You don't know the exact date when he died? A No sir.  
Q Do you know whether he left any children? A Yes sir, I heard  
that Dollie Lewis of Mufaula had a little girl by him and I  
understood that the child was born about two months after his  
death.  
Q Do you know the child's name? A I think they call her Jennie,  
but I am not positive.

-----  
I, C. H. Drew, Creek Interpreter in the office of the Commis-  
sioner to the Five Civilized Tribes, on oath state that the fore-  
going is a correct translation of the testimony taken by me, in  
long hand, in the above entitled cause.

*C. H. Drew*

Subscribed and sworn to before me this 11th day of February, 1910.

My commission expires *Feb 12* 1912.

*[Signature]*  
Notary Public.

COMMISSIONER TO THE CHIEF

| No.  | Received     | Book | Page |
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| 8905 | MAR - 7 1906 |      |      |

Scott, Henry,  
Eufaula, I.T.,  
Creek Nation,  
March 5, 1906.

8905

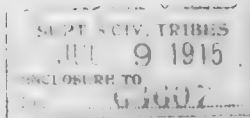
Asks that any filing made to him  
under his clan name of  
Tuskegee warjo be canceled.  
States he has filed his  
allotment.

CREEK LAND OFFICE

C-8269

Eufaula, I. T. March 5th, 1906. 1

To The Honorable Dawes Commission,  
Muskogee, Indian Territory.



Dear Sirs:-

On November 16th, 1901. I filed before W. J. Cook Clerk of the Dawes Commission on the SE1/4 of Section 32, Town 10, Range 12. I personally appeared before Mr Cook Clerk of your commission and made this filing, I have since received my deed for said filing and have been for the past four years putting said land in cultivation. My name is Henry Scott and my Roll Number is 4780. It has come to my knowledge in the last few days that there has been to my Clan Name ( which is Tuskegee Harjo ) in some part of the North West corner of the Muskogee Nation an allotment. Knowing that it will not be possible for me to hold two allotments in the Muskogee Nation and also that if there has been an allotment assigned to me other than the one that I personally made before The Dawes Commission on the Above date Viz November 16th, 1901. and which I have already spent three or four years in improving. I hereby make it known to you that should there be a filing to me under the name of Tuskegee Harjo my clan name that same was not made by me and that I desire you to revoke ~~the~~ any filing to me in the name of Tuskegee Harjo.

Respectfully Submitted,

*Henry Scott*

*Subscribed and sworn to by the said Henry Scott  
before me this 5<sup>th</sup> day of March A.D. 1906*

*Scott W. Potts  
Notary Public*

*written filing  
Muskogee Territory*

REFER IN REPLY TO THE FOLLOWING

M-416

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

Muskegee, Indian Territory, March 14, 1906.

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

In the matter of the enrollment of Tarskege Harjo, Creek Indian Roll No. 8269, you are advised that on March 12, 1906 (G.O.L. 9536-1906) the Principal Chief of the Creek Nation returned to this office undelivered deeds Nos. 9274 and 9275 covering an allotment in said Nation to the said Tarskege Harjo and they are now in the possession of the Creek Land Office.

Respectfully,

  
Acting Commissioner.

Muskogee, Indian Territory, August 6, 1906.

Henry Scott,

Eufaula, Indian Territory.

Dear Sir:

It appears from the affidavit made by you under date of March 5, 1906, now on file with this office that you claim to be one and the same person as "Tuskegee Harjo"; that the latter is your "clan" name, and that you desire to relinquish the allotment of land in the Creek Nation made under the said latter name.

It appears from the records of this office that the name of Henry Scott is listed upon the approved roll of citizens by blood of the Creek Nation, opposite Roll number 4760, and that the name of Tarskege Harjo appears on said roll opposite number 8269 .

It further appears that allotments of land in the Creek Nation have been made under the names above mentioned.

You are hereby advised that your testimony is required in this matter, and it is requested that you appear before this office at the earliest practicable date, together with such other witness or witnesses, who are acquainted with you, who are members of the Creek Indian town to which you belong, and who can testify as to the names appearing upon the tribal rolls of said town.

Respectfully,

Commissioner.



INDEXED

|            |            |
|------------|------------|
| COMMISSION |            |
| No.        | Received   |
| 42852      | OGT 1 1906 |

Scott, Henry  
Eufaula, I.T.  
Creek Nation,  
Sept. 24, 1906.

Relative to his deeds.

RECEIVED

Eufaula, I. T. Sept 24th, 1906.

To The Honorable Dawes Commission,  
Muskogee, Indian Territory.

Dear Sirs-

I herewith beg to advise that the Commission number of my Homestead Deed is 19324 and that of my Allotment deed is 19325. My real number is 4760. My Homestead deed number 39 and my Allotment deed number 40. Approved Oct 9th, 1903. Delivered Nov 26th, 1903. Filed for record on 16th day of October 1903. at 2 o'clock PM. My file number 9886

My Homestead is recored in book (P)  
page 354. My Allotment deed is recorded in book 16 page 354.

Respectfully,

*Henry Scott*

Em 1120

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

The records in the possession of this office show that on January 29, 1900, the name of Henry Scott was listed by the Commission to the Five Civilized Tribes upon Creek Indian card field No. 1496 and that on May 23, 1901, the name of Tarakege Harje was listed upon Creek Indian card field No. 3031. The name of Henry Scott appearing upon the 1890 authenticated roll of the Creek Nation as a member of Hutchechuppa town and the name of Tarakege Harje appearing upon the 1895 authenticated tribal roll of said nation as a member of said town, the names of Henry Scott and Tarakege Harje were listed upon said cards in order to preserve whatever rights they might possess as citizens of the Creek Nation.

Secretary 2.

The records further show that said Henry Scott and Tarskege Harjo are duly enrolled as citizens of the Creek Nation, the name of Henry Scott appearing upon a partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902, opposite roll No. 4760, and the name of Tarskege Harjo appearing upon a partial list of citizens by blood of said nation approved by the Secretary of the Interior March 28, 1902, opposite No. 8269.

On March 7, 1906, there was filed with this office the affidavit of Henry Scott from which it appears that claim is made that he is one and the same person as Tarskege Harjo; that the latter name is his clan name and that he desired to relinquish the allotment of land in the Creek Nation made under the said latter name. A communication was addressed to said Henry Scott by this office under date of August 6, 1906, advising him that his testimony was desired in this matter and he was requested to appear and furnish evidence. Testimony was taken in this matter September 20 and October 23, 1906.

Secretary 3.

It appears from the evidence and the records in the possession of this office that Henry Scott is also known as Tarskege Harjo and Charheneacher; that allotment selections of land in the Creek Nation have been made under two of the above names, viz' Henry Scott and Tarskege Harjo; that deeds covering the allotment under the name of Henry Scott have been duly recorded and delivered; that deeds Nos. 9274 and 9275, covering the allotment under the name of Tarskege Harjo have been prepared, were duly recorded on April 11, 1903 and are now in possession of this office. An endeavor has been made by this office to secure deeds of reconveyance of the land covered by deeds Nos. 9274 and 9275 but such efforts have been unsuccessful up to the present time.

In view of the facts in the case, as above set out, I respectfully recommend that authority be granted for the striking of the name of Tarskege Harjo from the partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite roll No. 8269 and that the matter of the cancellation of deeds

Secretary 4.

covering the allotment under said letter name be referred to  
the Department of Justice for appropriate action.

The record in the case is transmitted herewith.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.

AG-27-1

13368

1

1907

1

7864



Copy.

REFER IN REPLY TO THE FOLLOWING:

Land  
21818-1907  
21819-1907  
21820-1907  
21821-1907.

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

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith four communications from Commissioner Bixby forwarding testimony taken in the matter of striking names from the schedules of citizens of the Creek Nation.

The Commissioner recommends that in view of the record that authority be granted for the striking of Tarskege Hargo from the partial schedule of citizens by blood of the Creek Nation approved March 28, 1902, whose name appears opposite No. 8269, and the cancellation of the deeds covering the allotment made to this person be referred to the Department of Justice for appropriate action. Also recommending that authority be granted for the striking of the names of Harvey Patrick, Norman Patrick, Valdo Patrick and Cora Patrick from the approved roll of Creek freedmen, opposite Nos. 5529, 5530, 5531 and 5532, respectively; and recommending that inasmuch as deeds covering the allotment selections of these persons have been recorded and delivered, that the matter be referred to the Department of Justice to the end that proper steps

may be taken looking to the cancellation of these deeds, and also that punishment may be meted out to the person or persons guilty of perpetrating the fraud in securing the enrollment.

The Commissioner also calls attention to the fact that application was made under the provisions of the Act of April 26, 1906 (34 Stat. L., 137) for the enrollment of Royce Patrick, Loyce Patrick and Vennetta Patrick, the minor children of Harvey Patrick, as Creek freedmen; that these names were listed upon the partial schedule of Creek freedmen opposite Nos. 259, 260 and 261, respectively, and that this schedule is now in the hands of the Department. Inasmuch as these applicants have no more right to citizenship than their father, it is suggested that the Department upon arriving at a decision in the matter of the right to enrollment of Harvey Patrick and his children above mentioned, whose names already appear upon the approved Creek roll, that action also be taken looking to the disapproval of the partial schedule upon which the names of Royce, Loyce and Vennetta Patrick appear, or for the striking of these names from that schedule.

The Commissioner in view of the record, recommends that the names of Hekte Larney, Melissa Larney, Andy Jessie, Nicey Jessie, and Harper Jessie, be stricken from the approved roll of citizens by blood of the Creek Nation opposite Nos. 9507, 9508, 9509, 9510, and 9511, respectively; and that the matter of the cancellation of their selections of allotments be

referred to the Department of Justice for appropriate action, as it appears that these persons died from an epidemic of small-pox and that the evidence taken in the matter clearly establishes the fact that they died prior to April 1, 1899.

In the matter of Chester Hawkins and James Hawkins, the Commissioner is of the opinion that they are not entitled to be enrolled as Creek freedmen and recommends that authority be granted for the striking of their names from the approved roll of Creek freedmen opposite Nos. 5453 and 5454, and that the matter of the cancellation of the selections of allotments made to them be referred to the Department of Justice for appropriate action for the reason that Chester Hawkins died May 27, 1898, and that James Hawkins is the son of Alice Greer, an unmarried woman, and has always resided with her in the State of Texas and never has resided in the Creek Nation.

The Office has examined the records in these cases and is of the opinion that the evidence is ample to justify the recommendations of the Commissioner in these cases, and the Office recommends that the names be stricken from the rolls and that the Department of Justice be requested to take appropriate action to cancel the allotments, <sup>and</sup> in the cases where fraud has been shown, that steps be taken to punish the persons guilty of the offence.

Very respectfully,

C. F. LARRABEE

Acting Commissioner.

EWE.Ph.

INDEXED.

for file 1120

| COMMISSIONER TO FIVE BRIGGS. |          |    |      |
|------------------------------|----------|----|------|
| No.                          | Received | By | Date |
| 13368                        | WAR      |    |      |

Department,  
Wilson,  
Washington, D. C.,  
March 4, 1907.

Grants authority for cancel-  
lation of names of Tarskege  
Harjo, a creek; Harvey Patrick  
et al, a Creek freedmen; Royce  
Patrick, et al, a Creek freed-  
men and Hokte Larney, et al,  
Creeks from approved rolls  
and states matter of cancel-  
lation of said persons will  
be brought to attention of  
Department of Justice.

✓  
*W.M.*

SPECIAL

*CRD.*

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

I. T. D. 7864-1907.

March 4, 1907.

*R. M.*

Direct.

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

Sir:

March 2, 1907, the Indian Office transmitted four communications from you forwarding testimony taken in the matter of the striking of names from the schedules of citizens of the Creek Nation, concurring in your recommendation.

You recommend that the name of Tarsakege Harjo, appearing opposite No. 8269 upon the approved roll of citizens by blood of the Creek Nation be canceled therefrom; that the names of Harvey Patrick, Norman Patrick, Valdo Patrick, and Cora Patrick, appearing upon the the approved roll of Creek freedmen opposite Nos. 5529, 5530, 5531, and 5532, be canceled; that the names of Royce Patrick, Loyce Patrick, and Vennetta Patrick, minor children of Harvey Patrick, appearing opposite Nos. 259, 260, and 261, upon a partial schedule of Creek freedmen, be canceled; that the names of Hokte Larney, Melissa Larney, Andy Jessie, Nicey Jessie, and Harper Jessie, appearing opposite Nos. 9507, 9508, 9509, 9510, and 9511, on the approved roll of citizens by blood of the Creek Nation, be canceled, and that the names of Chester

Hawkins and James Hawkins, appearing opposite Nos. 5354 and 5454, upon the approved roll of Creek freedmen, be canceled. You also recommend that the Department of Justice be requested to take appropriate action in the matter of the cancellation of deeds covering allotments made to the persons aforesaid. The Department of Justice will be requested to take action relative to said deeds, as recommended.

Said names have been canceled from the rolls in the possession of the Department, and you are authorized to make similar cancellation upon the part of the rolls in the possession of your office. The Indian Office will cancel said names upon the parts of the rolls retained by it.

A copy of Indian Office letter is inclosed.

A carbon copy hereof has been sent to the Indian Office.

Respectfully,

  
Acting Secretary.

1 inc. . . . Carbon  
copy hereof to Ind. Off.

*JEM* 3-4-07.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

FHE.

I.T.D. 10654-1907.  
D.C. 19942-1907.

April 8, 1907.

LRS

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

Sir:

The Department is in receipt of a letter from the Department of Justice, dated April 2, 1907, acknowledging receipt of departmental letter transmitting copies of four communications from you recommending that steps be taken looking to the cancellation of the deeds issued by the Principal Chief of the Creek Nation to Hokte Larney et al., Harvey Patrick et al., Tarskego Harjo, and Chester Hawkins et al, stating that the papers have been referred to the United States Attorney for the western district of Indian Territory for appropriate action.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

Through the Commissioner  
of Indian Affairs.



Residence \_\_\_\_\_

District. CreekNATION. Creek

ROLL.

Card No. 2558Post Office Senora, Ind. Ter  
SenolaField No. 3031

| Dawes' 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.        |      |      |              |
| 8269            | 1 Harjo Tarskege |                                      | 30   | m    | Full   | 1895               | Hatchichappa | 68                            | Yahola Kaka | Dead            | Hatchichappa | Mary | Dead | Hatchichappa |
|                 | 2                |                                      |      |      |        |                    |              |                               |             |                 |              |      |      |              |
|                 | 3                |                                      |      |      |        |                    |              |                               |             |                 |              |      |      |              |
|                 | 4                |                                      |      |      |        |                    |              |                               |             |                 |              |      |      |              |
|                 | 5                |                                      |      |      |        |                    |              |                               |             |                 |              |      |      |              |
|                 | 6                |                                      |      |      |        |                    |              |                               |             |                 |              |      |      |              |
|                 | 7                |                                      |      |      |        |                    |              |                               |             |                 |              |      |      |              |
|                 | 8                |                                      |      |      |        |                    |              |                               |             |                 |              |      |      |              |
|                 | 9                |                                      |      |      |        |                    |              |                               |             |                 |              |      |      |              |
|                 | 10               |                                      |      |      |        |                    |              |                               |             |                 |              |      |      |              |
|                 | 11               |                                      |      |      |        |                    |              |                               |             |                 |              |      |      |              |
|                 | 12               |                                      |      |      |        |                    |              |                               |             |                 |              |      |      |              |
|                 | 13               |                                      |      |      |        |                    |              |                               |             |                 |              |      |      |              |
|                 | 14               |                                      |      |      |        |                    |              |                               |             |                 |              |      |      |              |
|                 | 15               |                                      |      |      |        |                    |              |                               |             |                 |              |      |      |              |
|                 | 16               |                                      |      |      |        |                    |              |                               |             |                 |              |      |      |              |
|                 | 17               |                                      |      |      |        |                    |              |                               |             |                 |              |      |      |              |
|                 | 18               |                                      |      |      |        |                    |              |                               |             |                 |              |      |      |              |

No. 8269 Tarskege Harjo stricken from approval roll by authority of Department March 4, 1902 (T. 2754-110)

See Enrollment Case No. 1120

Enrollment  
of No. 8269 Here on  
approval by the Secretary  
of Interior March 28, 1902.

May 23, 1901

Card No. 1492

Residence \_\_\_\_\_ District.

NATION.

ROLL.

Post Office

*Supona  
Cayana, In Ter*

Field No. 1496

| Dawes' 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.        |        |      |              |
| 4760            | 1 Scott Henry     |                                      | 24   | M    | Full   | 1890               | Hutchechappa  | 119                           | Garhola Naiga | Dead            | Hutchechappa | Mosey  | Dead | Hutchechappa |
| 4761            | 2 Perryman Millie |                                      | 18   | F    | "      | 1890               | Tulladegu   | 190                           | Robert Starr  | 1890            | Tulladegu    | Sarner | "    | Tulladegu    |
|                 | 3                 |                                      |      |      |        |                    |   |                               |               |                 |              |        |      |              |
|                 | 4                 |                                      |      |      |        |                    |   |                               |               |                 |              |        |      |              |
|                 | 5                 |                                      |      |      |        |                    |   |                               |               |                 |              |        |      |              |
|                 | 6                 |                                      |      |      |        |                    | No. 1 on 1890 Roll, as Char-hur-racker                |                               |               |                 |              |        |      |              |
|                 | 7                 |                                      |      |      |        |                    | No. 2 " 1890 " " Millie Star.                         |                               |               |                 |              |        |      |              |
|                 | 8                 |                                      |      |      |        |                    | No. 1 " Hutchechappa Census Roll, of 1895.            |                               |               |                 |              |        |      |              |
|                 | 9                 |                                      |      |      |        |                    | No. 2 " Tulladega Coy. Roll, of 1895.                 |                               |               |                 |              |        |      |              |
|                 | 10                |                                      |      |      |        |                    | 6/29/01 Millie Scott now wife, of Eddie Perryman      |                               |               |                 |              |        |      |              |
|                 | 11                |                                      |      |      |        |                    |   |                               |               |                 |              |        |      |              |
|                 | 12                |                                      |      |      |        |                    | ENROLLMENT  |                               |               |                 |              |        |      |              |
|                 | 13                |                                      |      |      |        |                    | of nos 4760, 4761 herein                              |                               |               |                 |              |        |      |              |
|                 | 14                |                                      |      |      |        |                    | Approved by the Secretary of Interior, March 13, 1902 |                               |               |                 |              |        |      |              |
|                 | 15                |                                      |      |      |        |                    |   |                               |               |                 |              |        |      |              |
|                 | 16                |                                      |      |      |        |                    | Issued for No. 2, as Millie Perryman                  |                               |               |                 |              |        |      |              |
|                 | 17                |                                      |      |      |        |                    | June 28, 1901   |                               |               |                 |              |        |      |              |
|                 | 18                |                                      |      |      |        |                    |   |                               |               |                 |              |        |      |              |

Indicated in Roll  
 From No. A 245  
 July 29th 1900

Residence \_\_\_\_\_

District. Creek

NATION.

Indian ROLL.

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

Post Office Confaula, Ind. Ter.

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

| Dawes' 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.    |               |          |
| 8765            | 1 Lewis, Johnson |                                      | 40   | M    | Ind    | 1890               | Confaula | 1794                          | Jackson Lewis | 1895            | Confaula | Maunah Lewis  | Confaula |
| 8766            | 2 " Lucinda      | w                                    | 34   | F    | "      | 1890               | Okfuskee | 177                           | James Watten  | Dead            | Okfuskee | Sallie Watten |          |
| 8767            | 3 " Dolman       | D                                    | 5    | M    | "      |                    | "        | "                             | No. 1         |                 |          | No. 2         |          |
| 8768            | 4 " Sallie       | Daughter                             | 7    | F    | "      | 1895               | "        | "                             | No. 1         |                 |          | No. 2         |          |
| 5               |                  |                                      |      |      |        |                    |          |                               |               |                 |          |               |          |
| 6               |                  |                                      |      |      |        |                    |          |                               |               |                 |          |               |          |
| 7               |                  |                                      |      |      |        |                    |          |                               |               |                 |          |               |          |
| 8               |                  |                                      |      |      |        |                    |          |                               |               |                 |          |               |          |
| 9               |                  |                                      |      |      |        |                    |          |                               |               |                 |          |               |          |
| 10              |                  |                                      |      |      |        |                    |          |                               |               |                 |          |               |          |
| 11              |                  |                                      |      |      |        |                    |          |                               |               |                 |          |               |          |
| 12              |                  |                                      |      |      |        |                    |          |                               |               |                 |          |               |          |
| 13              |                  |                                      |      |      |        |                    |          |                               |               |                 |          |               |          |
| 14              |                  |                                      |      |      |        |                    |          |                               |               |                 |          |               |          |
| 15              |                  |                                      |      |      |        |                    |          |                               |               |                 |          |               |          |
| 16              |                  |                                      |      |      |        |                    |          |                               |               |                 |          |               |          |
| 17              |                  |                                      |      |      |        |                    |          |                               |               |                 |          |               |          |
| 18              |                  |                                      |      |      |        |                    |          |                               |               |                 |          |               |          |

No. 10 in 1895 Roll No. 75  
 " 2 " 1895 " " 96  
 " 2 " 1890 " as " Louise nee Lewis "  
 " 4 " 1895 " " Ellen Lewis  
 " 3 " Old Creek Card # 12 38

April 24, 1901

Jan 10. 8269

Jan 11. 9274-5. Found  
in box & large + small ...  
9211

Admission ...  
Jan 30 1901

4760

14325.70 ...  
16. ...  
254 ... 354.  
9.03

11.59 Arc 32.1011  
12.58 ... 32  
10, 12 ... 11/10/01

Nov. 20, 03

CR EN- 1121

CR EN 1121

---

**IN RE  
THE DEATH OF**

**Ed Smith**

*a citizen of the*

**Creek**

*Nation.*

---

*Approved*

*1*

*Commissioner.*

---

OCT 7 - 1905

# DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of **Ed Smith,**  
(Here insert name of deceased.)  
 a citizen of the **Creek** Nation, who formerly resided at or near  
**Wybark**, Ind. Ter., and died on the **2** day of **August**,  
(Here insert name of post office.)  
**1901.**

### AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.  
**Western** District.)

I, **Luvina Smith,** on oath state that I am **thirty-three**  
 years of age and a citizen, by **adoption**, of the **Creek** Nation;  
 that my post office address is **Wybark**, Ind. Ter.; that I am  
(Here insert name of post office.)  
 mother of **Ed Smith**  
(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 **Ed Smith** died on the **2** day of  
(Here insert name of deceased.)  
**August**, **1905.**

WITNESSES TO MARR:

(Must be Two Witnesses)

*W. T. Davis*  
*Cecile M. Haines*

*Luvina X Smith*  
*mark*

Subscribed and sworn to before me this **29** day of **August** **1905.**  
*Cecile M. Haines*  
 Notary Public.

### AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.  
**Western** District.)

I, **Johnie Williams,** on oath state that I am **26**  
 years of age, and a citizen, by **adoption**, of the **United States** Nation;  
 that my post office address is **Wybark**, Ind. Ter.;  
(Here insert name of post office.)  
 that I was personally acquainted with **Ed Smith**  
(Here insert name of deceased.)  
 who was a citizen, by **adoption**, of the **Creek** Nation;  
 and that said **Ed Smith** died on the **2** day of  
(Here insert name of deceased.)  
**August**, **1901.**

WITNESSES TO MARR:

(Must be Two Witnesses)

*Johnie Williams*

Subscribed and sworn to before me this **29** day of **August** **1905.**  
*Cecile M. Haines*  
 Notary Public.



---

*IN RE*

Application for Enrollment of

INFANT CHILD **ren**

**Ed and Jesse Smith**

as a citizen of

**Creek** ..... **Nation.**

---

Approved ..... 190.....

*Commissioner.*

---

OCT 7-1905

*Gulager*

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

IN RE Application for Enrollment, as a citizen of the Creek Nation,  
of Ed and Jesse Smith, born on the 12 day of May, 1901  
(Here insert name of child.)  
Name of Father: Edward Smith a citizen of the United States, ~~Nation~~  
Name of Mother: Luvina Smith, a citizen of the (by adoption) Creek Nation.  
Post-office Wybark, Indian Territory,

AFFIDAVIT OF MOTHER.

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

I, Luvina Smith, on oath state that I am thirty-three years of age and a citizen, by adoption, of the Creek Nation; that I ~~am~~ was the lawful wife of Edward Smith, who is a citizen, by child were of the United States ~~Nation~~; that a male & female ~~were~~ children ~~were~~ born to me on 12 day of May 1901, that said ~~children~~ ~~are~~ are now dead, named Ed and Jesse Smith, and ~~is now dead~~.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Benny Marking  
Beile M. Haines

Luvina Smith  
mark

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

Beile M. Haines  
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

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

I, Lucy Luster, a midwife, on oath state that I attended on Mrs. Luvina Smith, wife of Edward Smith on the 12 day of May, 1901 that there was born to her on said date a male and female child; that said ~~children~~ children are now dead. ~~and is said to have been~~ named Ed and Jesse Smith.

WITNESSES TO MARK:

(Must be Two)

Benny Marking  
Beile M. Haines

Lucy Luster  
mark

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

Beile M. Haines  
NOTARY PUBLIC.

---

*IN RE*  
*THE DEATH OF*

**Jesse Smith**  
*a citizen of the*

**Creek** *Nation.*

---

*Approved*

*1*

*Commissioner.*

---

**OCT 7-1905**

# DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of **Jesse Smith**  
(Here insert name of deceased.)  
 a citizen of the **Creek** Nation, who formerly resided at or near  
**Wybark**, Ind. Ter., and died on the **12** day of **July**,  
(Here insert name of post office.)  
**1901.**

### AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY.  
**Western** District. )

I, **Luvina Smith**, on oath state that I am **33**  
 years of age and a citizen, by **adoption**, of the **Creek** Nation;  
 that my post office address is **Wybark**, Ind. Ter.; that I am  
(Here insert name of post office.)  
 the **mother** of **Jesse Smith**  
(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 **Jesse Smith** died on the **12** day of  
(Here insert name of deceased.)  
**July**, **1901**.

WITNESSES TO MARK  
 (Must be Two Witnesses) } *W. P. Davis*  
 } *Cecile M. Haines*

*Luvina <sup>her</sup> Smith*  
*mark*

Subscribed and sworn to before me this **29** day of **August**, **1905**.  
*Cecile M. Haines.*  
 Notary Public.

### AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY.  
**Western** District. )

I, **Johnie Williams**, on oath state that I am **26**  
 years of age, and a citizen, by **adoption**, of the **United States** ~~Indian Territory~~  
 that my post office address is **Wybark**, Ind. Ter.;  
(Here insert name of post office.)  
 that I was personally acquainted with **Jesse Smith**  
(Here insert name of deceased.)  
 who was a citizen, by **adoption**, of the **Creek** Nation;  
 and that said **Jesse Smith** died on the **12** day of  
(Here insert name of deceased.)  
**July**, **1901**.

WITNESSES TO MARK:  
 (Must be Two Witnesses) }

*Johnie Williams*

Subscribed and sworn to before me this **29** day of **August**, **1905**.  
*Cecile M. Haines.*  
 Notary Public.

B.A.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, February 21, 1906.

In the matter of the application for the enrollment of  
Ed Smith, deceased, as a citizen of the Creek Nation.

LUVINA SMITH, being duly sworn, testified as follows:

APPEARANCES: Benjamin Martin, atty. for applicant.

- Q What is your name? A Luvina Smith.  
Q What is your age? A Thirty eight.  
Q What is your post office address? A Wybark.  
Q Give the names of your children? A Willie Smith, Bennie Smith,  
Thomas Smith, Allie Smith.  
Q Is that all you have? A Living.  
Q Name the dead ones? A Jessie and Ed Smith.  
Q Are Willie, Bennie, Thomas and Allie enrolled? A Yes, sir.  
Q Were the two dead ones twins? A Yes, sir.  
Q When born? A In 1880.  
Q How old when they died? A A year old.  
Q There is on file in this office the affidavit of Luvina Smith  
executed August 29, 1905 relative to the death of her child Ed  
Smith. Do you remember making this affidavit about the death of  
Ed Smith? A Yes, sir, I remember making it.  
Q Did you ever do anything about the enrollment of Ed Smith  
before that time? A Yes, sir I came up here and tried to enroll  
him-three different times.  
Q Did you ever make an affidavit before this? A No, sir.  
Q Did you ever give testimony before this? A Never before here, I  
went before Mr. Martin.  
Q You mean when you made this affidavit about the death of Ed Smith  
A Yes, sir.  
Q When did you first try to do anything about Ed Smith? A Two years  
ago.  
Q What year? A I don't know. I can't read or write.  
Q What month? A It was along in the fall the first time I tried.  
Q What did you try to do that time? A I came to get them enrolled.  
Q Where did you come? A I came to the Dawes Commission; that's where  
they told me to come.  
Q You didn't make an affidavit? A No, sir.  
Q You didn't give testimony? A No, sir.  
Q What did you do? A Nothing; they told me to come back again.  
Q Did you come back? A Yes, I came back and they told me they were  
busy and didn't do anything.  
Q And the next thing you did was to make this affidavit? A I don't  
remember now.  
Q The next thing you did was to make this death affidavit? A Yes, sir

- Q You never did make formal application? A No, sir.
- Q Why did you not make application for Jessie Smith? A I did.
- Q There is no record of any in the Commission. On those two occasions you came up to talk about it did you talk about Jessie Smith? A Yes, sir.
- Q What did you say on those occasions? They thought I could enroll those dead children's names.
- Q Who told you that? A My attorneys.
- Q What did you say to anybody in the Dawes Commission? A All I said was I wanted to find if I could have them enrolled and they said they would let me know later on.
- Q What did you do next time? A I told them about.
- Q Did you tell them when the children were born and died? A Yes, sir.
- Q Did you identify yourself as a citizen of the Creek Nation and what did they say? A They said to come back and they would see me later on.
- Q Did you come? A No, sir.
- Q The only thing you did was to send in the fall of 1895 an affidavit which you had made out, that's all you did? A Yes, sir.
- Q Did anybody come with you when you came up? My sister-in-law from Fort Gibson.
- Q What is her name? A Rowe.
- Q Is she living? A Yes, sir.
- Q Did she hear you talk to the man? A Yes, sir.
- Q Is she hear today? A No, sir.
- Q What is the name of your father and mother? A Dave Starr; my mother Chae.
- Q Did these two children die at the same time? A Three weeks apart.
- Q Which first? A Jessie.
- Q When did Ed Smith die? A He died three weeks after Jessie died.
- Q When was that? A That was in September.
- Q What year? A I disremember the year. The ages are in the bible at home.
- Q What year? A 1901 if I aint mistaken.
- Q What season of the year? A Fall.
- Q When was Ed Smith born? A Born in October, born in the fall.
- Q Born in the fall and died in the fall? A Yes, sir the next coming fall.
- Q How old was Ed Smith -this child- in the fall of 1901 when he died, to the best of your knowledge? A He was a little over a year old.
- Q Was he thirteen months old? A Yes, sir.
- Q Was he 14 months? A 13 I guess.
- Q Wasn't he 14? A He was a little over a year old; that's as well as I can get at it.
- Q Was he as much as 12 months old? A 12 months is a year.
- Q What month was he born in? A October.
- Q What year? A 1880.
- Q What day in October was he born? A Born on the 13th.
- Q What day did you say he died? A I disremember the date but he died and he was born on the 13th.
- Q What month did he die in? A September.
- Q Are you sure of that? A I wouldn't say really sure.
- Q Was there any midwife present when the twins were born? A Yes, sir.
- Q What was her name? A Lucy Luster.
- Q Is she living? A Yes, sir.
- Q What is her post office address? A Wybark.
- Q Is there anything makes you remember the children were born in October? A I have the record of the children's ages but I couldn't remember that long.
- Q The records of this office show that you never did anything until long in August 1905? A No, sir because I didn't get the chance to do anything and I didn't know what to do.
- Q The records show that you never did anything about Jessie at all?

- A It was made out at Mr. Martin's office.
- Q How old was Allie Smith when these twins were born? A She was two years old?
- Q Sure of that? A It was either two or a year and a half.
- Q How old was she when the children died? A I don't know, I didn't keep a strict account of how old she was when they died.
- Q You know your own children? A Yes, sir.
- Q Were they at the funeral? A Yes, sir.
- Q How big a child was Allie when Ed was buried? A A little girl.
- Q How old? A Two years.
- Q Did you come in here to file for yourself on land in the Creek Nation? A Yes, sir.
- Q Were the twins born then? A Yes, sir/
- Q Why didn't you try to have them enrolled then? A They told me I couldn't.
- Q Are you sure those two children were living when you came in to file? A I am not really sure but I think they were born.
- Q Do you remember when the Creek land office opened up first for filing? A No, sir.
- Q You filed pretty early didn't you? A I don't know whether I did or not.
- Q Do you think those twins were born when you came in to file for yourself and those other children? A Yes, sir they were dead--- I am not certain they were dead when I came in to file.
- Q Have you acted as midwife for any citizens? A No, sir.
- Q Are there any Creek citizens living up in your neighborhood? A Yes, sir.
- Q Any of them have children born about the time of your twins? A I don't know whether any Creek citizens did or not; not as I remember.
- Q Is your mother living? A No, sir.
- Q Have you any sisters enrolled here? A Yes, sir.
- Q Brothers? A Yes, sir.
- Q What is the name of any brother of yours? A Babe Williams.
- Q Do you know when he filed on his land in the Creek Nation? A No
- Q Has he any children enrolled here? A Yes, sir.
- Q What is their names? A Ellis and Clifford, that's all to my knowing.
- Q You remember when you came in here to file for your land? A Yes, sir
- Q At that time did you have two children at home by the name of Ed and Jessie Smith? A I don't know whether they were born at the time I came in to file or not.
- Q Do you know whether they were born after you came in to file? A Either a little before or after I came; I disremember what time I came in to file.
- Q I didn't ask you to remember the time--you remember that you came? A Yes, sir
- Q Were these children born then? A Yes, sir they were born.
- Q Are you sure of that? A Yes, sir.
- Q About how old were they at that time? A I don't know exactly how old they were.
- Q About how big were they? A They were large enough for me to leave at home. I didn't bring them in here.
- Q How long after you filed for yourself before these twins died? A I didn't keep any account.
- Q About how long after you came in to file before these children died? No answer.
- Q Did you make application to have Allie enrolled as a citizen of the Creek Nation on the same day you came in to file for yourself? A I don't know.
- Q The records show you made an affidavit about Ed Smith on the same day you applied for yourself? A I might have, I don't know.



Q At the time you came in and made an affidavit about Allie how old were those twins? A Those twins were dead then I think. When I made out application for my other living ~~the~~ children they weren't living.

Q What makes you think that? A I know they weren't; if they were living I would have made application for them too.

The records of this office show that Luvina Smith appeared in person before the Creek Land Office March 30, 1899 and filed on land for herself.

The records of this office show that Luvina Smith executed an affidavit in the matter of the birth of her child Allie Smith before Mr. Tams Bixby on March 30, 1899.

ATTY. FOR APPLICANT/

Q You say you think you have the ages of these children and the dates of their birth and death at home? A Yes, sir.

Q Can you produce them before the Commission? A Yes, sir.

Q To what town do those children belong? Arkansas colored.

Q Who has been the town king of Arkansas colored town? A Gabriel Jamison.

Q State whether he ever had anything to do with enrolling these children? A I spoke to him about it and he said he didn't know but he would see about it but he never did.

Q State whether or not you relied on him to have the children enrolled? A Yes, sir.

Q Is that all you want to say now? A Yes, sir.

COMMISSIONER.

Q Why did you depend on Gabriel Jamison? A I didn't know what to do.

Q When did you first speak to him? A That was about a year after they started to file; two years after the death of the children.

Q Did you say it was a year after they started filing two years after they died? A I did say that but I made a mistake.

Q How long after they started filing? A I don't know.

Q Did you write this record yourself in the bible? A No, sir.

Q Who did it? A My brother.

Q Who is that? A Babe Williams.

Q When did he do it? A Directly after the death of the children.

Q What did he write down there? A I don't know; I couldn't tell you.

Q Can you read? A No, sir.

Q How do you know he wrote anything about the children? A Other people have read it.

Q What did they tell you? A I can't remember.

Q Was it written with a pen or pencil? A Pen.

Q Is Babe Williams here? A No, sir.

Q Did you ever see that writing in the bible? A Yes, sir.

Q When did you first see it? A Most any time; the bible is there at home.

Q Do you remember actually having talked to Gabriel Jamison about having those children enrolled? A Yes, sir.

Q The first time you spoke to him about it had you filed on your land? A Yes, sir. I don't know what year but I had filed.

Q The first time you spoke about it? A Yes, sir.

JOHN WILLIAMS, being duly sworn testified as follows:

- Q What is your name? A John Williams.  
Q What is your age? A Twenty six.  
Q What is your post office address? A Wybark.  
Q Are you a citizen of the Creek Nation? A No  
Q Are you any kin to the witness who just left the stand? A No, sir.  
Q Do you live near her? A Yes, sir.  
Q How long have you lived near her? A Since 1893.  
Q Thirteen years? A Yes, sir.  
Q How close to her? A Right on her place in her husband's life time.  
Q What was her husband's name? A Ed Smith.  
Q When did he die? A I don't know exactly. I wasn't right here when he died.  
Q You stated you had been in the neighborhood for thirteen years?  
A Yes, but I wasn't there when he died.  
Q When did you come back? A In '89 I came back in 89; I was working there.  
Q In '89? A No 99;  
Q He died in '99? A I think so  
Q Are you sure of that? A I am not positive but I think I am about right.  
Q About seven years ago? A Yes, sir six or seven years ago.  
Q Do you know the witness here Luvina Smith? A Yes, sir..  
Q You have known her all the time you have lived close to her? A Yes  
Q What are the names of her children? A Willie, Bennie, Thomas and Allie.  
Q Did she have any others? A Yes, sir  
Q How many? A Two.  
Q What their names? A Ed and Jessie.  
Q What was the name of the father of those children? A Ed Smith.  
Q Who was the father of the dead ones? A I suppose Ed Smith.  
Q You don't know that any one else was the father? A No, sir.  
Q It is generally believed that he was the father? A Yes, sir.  
Q Were you present when they were born? A No. I wasn't right at the house but at the edge of the field.  
Q Are they living? A No, sir.  
Q Were you present when they died? A Yes, sir.  
Q Did they die before or after Ed Smith the father? A After I think. Yes it was after Ed Smith.  
Q When did Ed Smith die? A Ed has been dead six or seven years.  
Q How long in months or weeks was it before you came back? A Not very long.  
Q How long did they tell you he had been dead? A A month or so.  
Q And you think you came back in 99? A I know I came back Christmas and Ed was dead; don't know whether it was '99 or what it was.  
Q When were these children born? A '98  
Q How do you know that? A I was there working there.  
Q Anything that fixes it in your mind? A I don't know of anything. I was working there.  
Q When did you begin working there? A In '98.  
Q How long after you began working there before they were born? A Cotton picking time. It wasn't long before they were born. I told you in October in the fall.  
Q I asked you how long you had been working there before they were born? A Six or seven months.  
Q When did they die? A In 1901  
Q How do you know that? A I was over there when they died.  
Q How do you remember the year 1901? A I was there and know it was 1901.  
Q How old were they when they died? A Nearly three years old.  
Q Are you sure of that? A That's my account; they ought to be nearly three years old

BY ATTY. FOR APPLICANT.

- Q Were you related to this child? A No, sir.  
Q Any interest in this case? A No, sir.

BY COMMISSIONER.

- Q Which one died first? A Jessie.  
Q How long after that before the other one died? A I don't exactly know. Not very long, about a month or two.

LUVINA SMITH RECALLED.

- Q Was the same man the father of all your children? A Yes, sir.  
Q What is his name? A Ed Smith.  
Q Not a citizen of any nation? A No, sir.  
Q Is he living? A No, sir.  
Q When did he die? A Been dead five years.  
Q Was he dead when you came up here to file on your land? A I don't know whether he was dead or not.  
Q You ought to know when your husband died? A No, sir, no, sir he wasn't dead because he came with me. He is dead six years the 13th of March.  
Q How do you remember it was in March he died? A I remember what time he died.  
Q How do you know it was March? A I know it was March because we had just begun to straighten up the farm.  
Q Did these children die before or after your husband, Ed Smith?  
A They died after he did.  
Q Do you know John Williams? A Yes, sir.  
Q Did he live near you? A Yes, sir.

JOHN WILLIAMS RECALLED.

- Q When did Ed Smith die? A Some time in '99 I told you. I don't know exactly when.  
Q What season of the year? A In the fall; I wasn't there.  
Q Was one of the twins named Ed Smith? A Yes, sir.  
Q When did the twin die? A Ed died after Jessie.  
What year did Ed, the child, die? A In 1901.  
Q What month? A Some time in September Jessie died.  
Q Ed? A I don't know exactly some time like a month or a little longer.  
Q Ed died about a month after Jessie? A Yes, sir.  
Q How do you remember those facts? A I remember when Jessie died but when Ed died I don't remember.  
Q Did you sign this affidavit? A Yes, sir.  
Q In this affidavit made out last summer you swore that Ed died in August, second of August 1901? A I didn't say August.  
Q That's what the affidavit says? A That's a mistake; saying he died in August is a mistake.  
Q This woman here states that the children were just about a year old when they died? A She is mistaken. I was there.  
Q You know more about it than she does? A Sure if she says that.

SIMON BARNETT, being duly sworn testified as follows:

- Q What is your name? A Simon Barnett.  
Q What is your age? A Forty nine.  
Q What is your post office address? A Tybark.

- Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Are you acquainted with Luvina Smith? A Yes, sir.  
Q Are you related to her? A No, sir.  
Q Do you live in her neighborhood? A Yes, sir.  
Q How long have you lived there? A Been living there about 20 years  
Q Continuously all that time? A Yes, sir .  
Q Do you know the names of Euvina Smith's children? A Yes, sir.  
Q What are they? A Willie, Thomas, Bennie, Allie and those two  
last children, Jessie and the other little one I don't remember  
its name.  
Q Is Jessie living? A No, sir.  
Q How long has it been since Jessie died? A It was in '98 I think.  
Q What time in the year? A Long about October I think it was.  
Q Did she have another child than Jessie born at the same time? A  
Yes.  
Q You don't know its name? A No, sir.  
Q Which died first? A I think Jessie died first.  
Q Do you know how long it was after Jessie died that the other  
child died? I think after Jessie died--the children died pretty near  
a year I think, possibl. I am just making a guess on it.  
Q Were you living in the neighborhood when Ed Smith the husband  
died? A Yes, sir.  
Q When did he die? A I can't tell what year he died but I think it  
is on to six years .  
Q Before the opening of the Creek land office? A Yes, sir I think  
so.  
Q Did Jessie die before he did? A Yes, sir long time before he died.  
Q And the other child also died before the father died? A Yes, sir.

BY ATTY.

- Q Have you any interest in this case? A No, sir.  
Q How old were those children when they died? A I think one was  
pretty close to three years.  
Q Which was that? A The last one was about three when it died.  
Q How long apart did they die? A About 6 or 7 months.  
Q Were you present when they died? A I wasn't right present but  
when I came home that is what I learnt.  
Q Did you go to the funeral? A No, sir  
Q Where are they buried? A Marshall's graveyard. They are buried  
side by side with their father.  
Q Died before their father? A Yes, sir

COMMISSIONER.

- Q How far do you live from Luvina Smith? A About a quarter of a mile  
Q You lived about a quarter of a mile from her the past 10 years?  
A Yes, sir.

RUFUS DAVIS ,being duly sworn, testified as follows:

- Q What is your name? A Rufus Davis.  
Q What is your age? A Soon be twenty seven.  
Q What is your post office address? A Wybark.  
Q Are you acquainted with this woman Luvina Smith? A Yes, sir.  
Q Are you related to her? A No, sir.  
Q How long have you known her? A All my life .  
Q Do you live in the same neighborhood? A Yes, sir.  
Q How far from Luvina Smith? A Two and a half or three miles  
Q What was the name of her husband? A Ed Smith.  
Q He is dead? A Yes, sir.  
Q When did he die? ? A In '99 I think; I am not sure. I wouldn't be  
positive. When I was a single man I traveled out and in but I think  
he died in '99.  
Q Where were you living when he died? A That's what I don't remember

Q Do you remember the opening of the Creek land office? A I don't remember exactly.

Q Are you a citizen of the Creek Nation? A My people are all citizens by I have never got my rights proved.

Q Where were you living at the opening of the Creek land office?

A I don't remember. I don't remember when the filing began exactly.

Q What are the names of Luvina Smith's children? A Willie, Bennie Thomas, Allie and Jessie and Eddie.

Q Those two you mentioned last Jessie and Eddie are they living?

A No, sir.

Q When did they die? A As near as I remember in '99, no in 1901 it was.

Q How do you reconcile this state of facts; you don't know the exact date of the death of Ed Smith the father of this child but you give the exact date of the child. How many years ago did it die? A 1901; five years if it's 1901.

Q How many years prior to the death of this child did the father die? A Their father died in 1900 if I am not mistaken, no '99 and the children died in 1901.

Q Were you living in that neighborhood continuously from the year 1899 to 1901? A I never staid there a whole year steady but my people all live there.

Q How do you know that Ed Smith died in 1901? A I said as near as I could remember.

Q Were you present when he died? A No, sir.

Q Were you present when he was buried? A No, sir.

Q Is your information based on something you were told? A When I came back they told me he was dead and I went to the house and he was gone.

Q What time of the year did you come back in what year? A The year he died--the old man--I don't remember now. Seems to me it was near Christmas..

Q Did they tell you how long before Christmas he died? A No, sir.

Q You don't know whether he died in the spring or fall? A No, sir.

Q Do you know when these children died? A I heard they died in September.

Q You are basing your information as to the death of these children on what some one told you? A Yes, sir. They told me they died in September but I wasn't present at the death or burial.

Q Do you know what time of the year they were born? A Not exactly but some time long in the fall.

Q Do you know what year they were born? A '98 .

Q How old were they when they died? A Near three years.

Q Do you know which died first? A Jessie first I was told.

Q How do you know as to the date of their birth? A They were born in '98 and died in 1901 that would make them three years nearly.

Q Were you living near them when they were born? A Yes, sir.

Q You remember distinctly of your own knowledge that they were born in '98, you know that? A I know that.

Q You know that? A Yes, sir I do.

Q Did you see them at her house as little children? A Time after time.

Q Were they children in arms or were they able to walk? A I saw them in arms and after they were crawling about in the yard.

Q How large were they the last time you saw them before they died? A Big enough to go around the yard a little.

BY STTY.

Q Are you any relation to Luvina Smith? A No, sir.

Q Have you any interest in this case? A No, sir.

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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 24 day of February 1906.

*J. M. Derwent*  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, May 15, 1906.

In the matter of the right to enrollment of Ed and Jesse Smith, both deceased, as Creek freedmen.

APPEARANCES: Benj. Martin, Jr.  
M.J.Mott, attorney for Creek Nation.

W.A.LAMON, being duly sworn, testified as follows:

- Q What is your name? A W.A.Lamon.  
Q What is your age? A Thirty five.  
Q What is your post office address? A Gibson Station.  
Q Are you a citizen of any of the Five Tribes? A No, sir.  
Q What is your purpose in appearing before the Commission this morning?  
A I have no purpose, I just happened to be in town and Mr. Martin asked me to come down. I used to know this Smith family.  
Q Are you acquainted with Lavina Smith? A Yes, sir.  
Q How long have you known her? A About thirteen years.  
Q She lives near Gibson Station? A Yes, sir.  
Q Is she a freedman of the Creek Nation? A Yes, sir.  
Q Do you know the members of her family? A Yes, sir.  
Q Did you know her husband? A Yes, sir.  
Q What was his name? A Ed Smith.  
Q Is he living? A No, sir.  
Q When did he die? A My recollection is in the spring of 1901; I am not positive but that is my recollection.  
Q Couldn't he have died in the spring of 1900? A 1901.  
Q What do you base your recollection of that date on? A I have no way really of fixing it; I had no reason for giving this matter any thought and have not given it any.  
Q Has any one refreshed your memory as to that date? A No, sir.  
Q Have any of the witnesses of Lavina Smith have they refreshed your memory as to the date? A We talked about the matter and after talking it over that's my recollection.  
Q They suggested that date did they? A No, sir no more than we discussed the date when he did die.  
Q You are not positively certain it was in the year 1901 he died?  
A No, sir.  
Q Would you be any more positive in stating he died in 1900? A No, sir I couldn't say I would.  
Q What are the names of the children of Lavina? A Do you mean those living?  
Q Yes? A Willie, Allie; I don't really know that I know all the names.  
Q Do you know anything about her having any children dead? A I never saw the children. I merely heard them spoken of.  
Q Do you know their names? A No, sir.  
Q Do you know as to how long they lived? A No, sir.  
Q Do you know when they were born? A No, sir.

BY ATTY. FOR APPLICANT.

- Q You are a merchant at Gibson Station? A Yes, sir.  
Q On the M.K.& T. four or five miles north of where these people live?  
A Yes, sir.  
Q Did they trade with you? A Yes, sir, did their trading with me a number of years. Ed used to trade with me.



- Q You are a white man? A Yes, sir.  
Q They didn't bring their children with them to the store did they?  
A No, sir.  
Q You had no occasion to remember or fix in your mind the ages or names of those children? A None whatever.  
Q You state that you heard at the time they lost these two children? A I heard them talking about the children dying.  
Q That was five or six years ago? A Yes, sir several years.  
Q You have no interest in the case? A No, sir.  
Q You were in town on other business weren't you? A Yes, sir.  
Q What is your best recollection as to the date of death of the father of these children? A My recollection is the spring of 1901.

COMMISSIONER:

- Q You stated a few minutes ago that Ed Smith died in 1901 are you positive that he died in 1901? A I can't say positive because I had no reason to impress me.  
Q What reason have you for stating the year 1901? A I was talking the matter over with these people and my recollection is it was 1901.  
Q Isn't it a fact that from the conversation you had with Lavina Smith and other members of her family you got the impression that Ed Smith had died in 1901? A No, sir I knew Ed well and knew the time he died.  
Q How many years has he been dead? A I can't say positively. I don't know positively just when he did die.  
Q How long have you lived at Gibson Station? A Thirteen.  
Q How many years after you first went there did he die? A I couldn't tell. I wouldn't say positively that he died in 1901. I don't know positively about this, didn't care anything about it, have no interest in it.  
Q It is just your impression isn't it that he died in 1901? A Yes, sir as much as I know about it.  
Q Isn't it a fact that you could just as well have the impression that he died a year or two before? A No, sir I think it was in 1901 but I wouldn't say positively that it was.

ATTY. FOR CREEK NATION.

- Q What you mean to say is that you have no definite impression about it but on the whole you would rather say it was 1901 than any other time? A Yes from talking the matter over.  
Q Have they ever spoken to you about this before today? A No, sir.  
Q He traded with you didn't he? A Yes, sir.  
Q He traded on credit? A No, sir he usually paid cash.  
Q Wouldn't your books show? A That is what I was going to say. My books might show. He usually paid cash.  
Q You are requested, if you will, to look over your books and see if there is something there that will give us any information as to the year he began trading with you and when he ceased trading with you. Do you know anything about whether this Ed Smith, husband of Lavina Smith, was an old soldier and a pensioner? A That was my understanding.  
Q Do you know where he cashed his pension checks? A I don't know.  
Q Do you know the notary public before whom he appeared? A I do not. I always had a notary public at my place of business and as he did a good deal of business with me he may have appeared there.  
Q It would seem as if the best evidence obtainable of the date of death of Ed Smith would be the statement of the notary before whom he last appeared and cashed his pension check.  
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.

Subscribed and sworn to before me this 19 day of May 1906.

*Anna Garrigues*  
*H. H. Station*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, May 25, 1906.

In the matter of the application for the enrollment of  
Ed and Jesse Smith as citizens of the Creek Nation.

APPEARANCES: Benjamin Martin Jr. attorney for applicant

G.W.WAID, being duly sworn, testified as follows:

- Q What is your name? A G.W.Waid.  
Q What is your age? A Forty years.  
Q What is your post office address? A Wybark.

BY ATTY. FOR APPLICANT.

- Q What is your occupation? A At present United States postmaster .  
Q At what post office? A Wybark.  
Q Are you interested in this case? A No, sir.  
Q Are you related to any of the parties in this case? A No, sir.  
Q How long have you lived at Wybark? A Twelve years.  
Q Do you know Luvina Smith? A Yes, sir.  
Q How long have you known her? A Ever since about 2 or 3 months after  
I came. I got acquainted with Ed Smith right at once and she was his  
wife.  
Q How far did you live apart? A Just about a mile.  
Q Is Ed Smith her husband living or dead? A Dead.  
Q Do you know when he died? A He died in the year 1901 in March. Some  
time in March--I think about the 13th or 14th of March.  
Q Did you go to the funeral? A Yes, sir.  
Q Do you know the names of Luvina Smith's children? A Yes, sir.  
Q Name them all? A Willie, Bennie, Tommie and a little girl I can't  
remember exactly--I know her name but I can't think.  
Q How many children living? A Four.  
Q You named three of these? A Yes sir and a little girl.  
Q Can you recollect her name? A I can't think of it at present.  
Q Are those all the children she had? A No, sir she had two other  
children that's dead.  
Q What were the names of the two dead ones? A Eddie and Jesse, boys.  
Q When were they born? A In 1900, I think along in September or October,  
some time in the fall of 1900.  
Q How long did they live? A About a year and a month to the best of my  
recollection . They died the next following fall; probably October or  
November; I know they lived about a year.  
Q Do you know whether or not they were living at the time their father  
died? A Both living.  
Q Do you know how long after their father died in March 1901 they  
lived? A I guess they lived about 5 or 6 months afterwards; they  
lived until in the fall after he died in March.  
Q You are positive of that are you? A Yes, sir. I know that little  
girls name now; its name is Allie.

COMMISSIONER:

- Q How long have you been postmaster? A Since July 12, 1905  
Q Is it called Wybark now? A Yes, sir.

ATTY. FOR APPLICANT.

Q Do you know whether or not Ed Smith the husband of Luvina Smith and the father of these children whom you have named was an old soldier or not? A Yes, sir he was an old soldier. I have seen his pension papers.

Q He fought in the war between the states did he? A Yes, sir.

Q Then Luvina Smith is the wife and these children are the orphans of this Ed Smith? A Yes, sir.

Q Luvina Smith has never married since Ed Smith died? A She married and was divorced since then.

It is requested by attorney for applicant that as the hour is late and there are other witnesses in the case that it be continued until tomorrow and as Mr. Wald desires to return home it is requested that he be allowed to do so at this time and if he is wanted at a later date he promises to return on notice.

Hearing resumed May 26, 1906.

JAMES MAKINS, being duly sworn, testified as follows:

Q What is your name? A James Makins.

Q What is your age? A I am about 34.

Q What is your post office address? A Wybark.

Q Are you a citizen of any of the Five Tribes? A No, sir

Q You are a colored man? A Yes, sir

Q How long have you lived at Wybark? A I have been living near Wybark 12 years past.

Q Living there continuously all that time? A Yes, sir

Q Never been away from there? A Been away about a year.

Q What year were you away? A 1898, about 10 months.

Q When did you come back? A I come back the same year

Q Were you away from there in the year 1900 and 1901? A No, sir 1900

I wasn't away from there at all because I was working at that time.

Q Were you away in 1901? A I was away in 1901 about four or five months

Q Did you work somewhere else, put in a crop in 1901? A No, sir

Q When did you leave in 1901? A I left, I was away in Muskogee in May , May 7th 1901

Q Did you stay here in Muskogee? A I had a light sentence at Ft Smith jail.

Q What were you sent down there for? A For assault and battery.

Q You have never been in for perjury have you? A No, sir

Q When did you leave Wybark in that year, what month was it? A I got over here the 7th of May.

Q You came over here the 7th of May and went to Fort Smith at that time? A Yes, sir ;the suit occurred on the 5h but the 5h was on Saturday.

Q You were arrested what day? A I came over and gave up on the 5th.

Q How long were you sentenced for? A Five months.

Q You came back in the year 1901? A Yes, sir

Q Are you acquainted with Luvina Smith? A Yes, sir.

Q What is the name of her husband? A Ed Smith.

Q How long have you known these people? A Ever since I have been in this country for 12 years past. I came in 94.

Q Do you know their children? A Yes, sir.

Q Give the names of their children? A You mean the living.

Q Give the names of the living? A Willie, Tom, Allie and Bennie.

Q Have they any dead? A Two.

Q What are their names? A Jesse and Eddie

Q How far did you live from them at the time Ed and Jesse were born?

A I don't know positively, not over three quarters of a mile I think.

Q How long after their birth did you see those children or go to the house? A I went to the house often, I was well acquainted with the old man.

- Q How long after their birth did you see the children? A Probably a month or so.
- Q Do you remember what time in the year they were born? A As near as I can get at it between September and October in 1900.
- Q How do you fix the year 1900? A The reason why I remember was because he and I was old acquaintances; I some times visited his house once a week.
- Q How did you fix that date in your mind, that it was 1900 instead of 1899 or some other year? A I just kept it in my mind.
- Q Did you make any record of the birth of those children? A No, sir I just remembered that it was some time along about that time.
- Q Could it have been 1901 they were born? A No because he died in 1901.
- Q Why? A Because he and I was on a trade; I was splitting some posts.
- Q What time did you have that trade with him? A Some time along in Jan.
- Q What time of year did he die? A Near the middle of March, in 1901 He let me have a hog for the posts.
- Q How long after he died were you sent to the Fort Smith jail? A I got my sentence on the 7th of May.
- Q Just tell me how long it was afterwards? A It was about a couple of months afterwards. His death was in March and this was in May.
- Q These children Ed and Jesse Smith did they die before or after their father? A They died after their father.
- Q How long after he died did they die. How many weeks? A I suppose the children lived 5 or 6 months after the old man died.
- Q You suppose so? A I know so.
- Q How do you know, weren't you in jail at that time? A The children died along in September or October.
- Q How do you know that? A I know it.
- Q How do you know it? A Because they were reported dead.
- Q Were you in Fort Smith at the time they were said to have died? A I don't know. I came back near the first part of October, I think before October. I only had five months and I got five days off every month.
- Q Were they dead when you returned? A One of them was dead and one lived about three weeks.
- Q Lived about three weeks? after its birth? A No after the death of the other one.
- Q Which died first? A I don't know which one.
- Q That hasn't been told you? A Nothing was told me. I know I got back some time early in October and I know one of the children was living then.
- Q All you know about the death of these children has been told you is that correct? A No, sir I said I saw one of the children before it died.
- Q When you came back one was dead? A Yes, sir.
- Q And the other died along after you came back? A I don't know what time the first child died.
- Q Do you know how long it was after you came back that that child died? A They said he lived about three weeks.
- Q Do you know yourself? A I know it was some time in October that I came and the child lived three weeks after I was there. When I said "they said" I told that they said about the first child dying.
- Q Do you know what month Ed Smith, the child, died? A He died some time in the month of October.
- Q Which died first Ed or Jesse? A I couldn't tell you which died first but I know Ed was living when I got back and I guess Jesse died first.
- Q Was Ed living when you got back? A If I haven't the names mixed I think he was.
- Q Were you present when Ed Smith the father died? A I was not present at his home. I was down in the field working.
- Q Did you attend the burial of Ed Smith? A Yes, sir.
- Q Where was he buried? A Marshall graveyard.
- Q Did they have a coffin? A Yes, sir.
- Q Did you help bury him? A Yes, sir.
- Q How many years ago was that? A About five years past.
- Q Do you know if this child died before or after he died? A They died after his death.
- Q Were those children twins? A Yes, sir.

- Q Were they born after the death of their father? A No, sir.  
Q How old when they died? A Between 12 and 13 months old.  
Q Did the child die in the same year the father died? A Yes, sir the same year.  
Q The father died in what month? A He died in March 1901.  
Q How do you know it was 1901? A Because me and him had a deal together  
Q Didn't you have some deals with him in the spring of 1900? A No, sir no more than I visited him as friends. We had this deal in 1901.  
Q You say the father of these children died five years ago in the spring, that would make it 1901 in the spring. Didn't you have deals with him in the spring of several years. A No, sir I didn't because I settled down there and he said he would let me have a hog if I would make him some posts and I didn't have any hogs, I had just settled down there.  
Q Did you ever cut posts for anybody else but him? A Yes, sir.  
Q What year was that? A That was the same year.  
Q In the spring of the same year? A Yes, sir.  
Q Before or after his death? A I brought these posts to W.A.Madden after the death of Smith.  
Q How long after? A I don't know exactly.  
Q Did you see these deceased children Ed and Jesse Smith around the house there of Ed Smith? A Yes, sir.  
Q Were they able to walk? A Yes, sir they were around.  
Q Were they crawling or walking? A I couldn't positively say. I know I saw them there.  
Q What was the cause of their death? A I don't know.  
Q Were you offered any money to come up here and testify? A No, sir.  
Q Are you related to any of these people? A No, sir.  
Q Were you offered any consideration for coming up here and testifying in this case? A No, sir nothing at all.

ATTY. FOR APPLICANT.

- Q You say Ed Smith was buried in a coffin from whom was it purchased?  
A I don't know  
Q Who purchased it? A Henry Winters.  
Q Where is he? A I don't know where he is now.  
Q Have you tried to find out from whom it was purchased? A I tried to find out.  
Q Where was it purchased? A Here in Muskogee.  
Q Do you know who were the undertakers at the time in Muskogee. A I know Mr. Moore was one, Otto Rhein was one and Bob Dowell was in a little business at that time.  
Q Is Mr. Moore still in the business? A No, sir.  
Q Is Mr. Rhein still in the business? A No, sir  
Q Do you know why Mr. Rhein is out of the business? A He got burned out.  
Q Do you know whether his records were burned? A I don't know.  
Q Did you make inquiry? A Yes, sir I did  
Q What did you find out? A Found everything was burned up.  
Q Then you have not been able to get the date on which the casket was purchased? A No, sir.  
Q State whether or not Ed Smith was an ex Union soldier? A He was  
Q Did he receive a pension at the time of his death from the government? A Yes, sir.  
Q State what relation Luvina Smith, the mother of these children, bore to Ed Smith? A Ed Smith was Luvina's husband.  
Q And what relation to the children? A The father.

COMMISSIONER.

- Q Why were you inquiring who the undertaker was when Ed Smith the father was buried, what was your object? A I didn't have any object at all.  
Q Who asked you to inquire into this? A No, one at all.  
Q Why did you do it? A Luvina Smith referred to the people who knew something about these children, that's the reason why to see about this. To get the direct date.



- Q As an ordinary thing do you when a person asks you in regard to dates go out of your way at all in looking up the matter?  
A I do in some instances.  
Q Are you a working man? A Yes, sir.  
Q Working for a living? A Yes, sir.  
Q How often do you work? A Work every day when I am home; run 35 acres of crop.  
Q Did you leave your work to come over here? A No, sir.  
Q Did she ask you to do it? A No, sir.  
Q You did it of your own will? A Yes, sir.  
Q Did you do that upon the suggestion of anybody? A I was on a land deal and while I was here I looked it up; no one told me to look up the record.  
Q Did any one suggest that it ought to be done? A No, sir only just myself.  
Q Who sent you to the undertaker to find out whether one undertaker or another had furnished the coffin? A I know she never told me anything about it. I can't remember any one.

LUCY LUSTER, being duly sworn, testified as follows:

- Q What is your name? A Lucy Luster.  
Q What is your age? A Forty some odd.  
Q What is your post office address? A Wybar's.  
Q Are you acquainted with Luvina Smith? A Yes, sir.  
Q Are you any relation to her? A Yes, sir on my mother's side but I don't know just what relation.  
Q Not a near relative? A No, sir. one and  
Q How far do you live from Luvina Smith? A About a quarter of a mile.  
Q Were you acquainted with Ed Smith? A Yes, sir.  
Q Was Ed Smith her husband? A Yes, sir.  
Q Are you familiar with dates, can you count the years? A No, sir I can't; not like people who can read and write; I can't read.  
Q Do you know what year Ed Smith died--the husband of Luvina? A I don't know just what year he died but I know what month he died.  
Q How do you know the month if you don't know the year? A I don't know the years at all.  
Q Did Ed and Luvina Smith have twin children? A Yes, sir.  
Q What were their names? A Ed and Jesse, that's what they said.  
Q How old were they when they died? A About 3 or 6 months old I reckon; they looked about that old.  
Q Do you know what year they were born? A I don't know but I know they died after Smith died.  
Q Were you present when these children were born? A Yes, sir.  
Q Did you act as midwife? A Yes, sir.  
Q Don't you remember whether it was spring, summer, winter or fall? A I don't really.  
Q Were these children born after their father died? A No, sir.  
Q Are you sure of that? A Yes, sir.  
Q How long before he died were they born? A I don't know.  
Q How many months did they live? A I don't know.  
Q Do you think they lived three months? A I think they lived over that.  
Q Do you think they lived six? A I think they did.  
Q Do you think they lived more than six months? A I don't know. I know they died after their father did.  
Q How do you know that? A Because Ed Smith died in March I think it was.  
Q How do you know it was? A Because they said so.  
Q Who said so? A People that were around the place; people that knew.

- Q What caused the death of these children? A I don't know, they was sick like anybody else.
- Q Were you present when they died? A No, sir.
- Q Which died first? A I don't know; the boy I reckon.
- Q Did they both die at the same time? A No, sir they claimed one died first.
- Q They both didn't die the same day? A No, sir.
- Q Did one live as much as a week after the other? A I can't say.
- Q Did you say these children died after Ed Smith the father? A Yes, sir
- Q But you don't know how long after? A I don't know.
- Q How do you know they died after their father? A Their father died in March and the children in September.
- Q How do you know they died in September? A They said so.
- Q You don't know the month they were born in how do you know when they died? A I don't know.
- Q You have been told that they died in a certain month? A Yes, sir.
- Q And you have been told they were born in a certain month? A No, sir I don't know what month they were born in.
- Q You were never told that but you were told they died in September? A Yes, sir.
- Q Isn't it a fact that you were also told that they died after their father? A No, sir, I know that, I know they died after their father; I know that. I can't recollect all things but I can recollect some things
- Q You don't know the month in which these children were born, do you know the day that Ed Smith the father died? A No, sir.
- Q Did you attend the burial of Ed Smith the father? A No, sir, I didn't go it was raining. I know when he died but I couldn't go.
- Q Who told you to come here and testify in this matter? A The mother of the children.
- Q Luvina Smith told you? A Yes, sir.
- Q Did she say she would pay you something for coming? A Yes, sir
- Q Did she tell you what to say when you came up here? A No, sir
- Q Are you sure of that? A Yes, sir
- Q Did she tell you to say that the children died after the father? A No, sir
- Q She didn't tell you that? A No, sir
- Q What did she tell you? A She didn't tell me nothing; no sir I wouldn't tell a lie; my home is in heaven.

ATTY. FOR APPLICANT.

- Q Who came after you to wait on Luvina Smith at the time these children were born? A Ed Smith.
- Q Her husband? A Yes, sir.
- Q Were you a neighbor of theirs? A Yes, sir.
- Q You remember the circumstance of Ed Smith's death? A Yes, sir.
- Q Do you know that these children were living at the time of Ed Smith's death? A Yes, sir.
- Q No, one told you to say that? A No sir didn't have to tell me that because I know.
- Q How long after Ed Smith died did these children live? A I don't know.
- Q Do you know about how long? A I don't know; I have an idea it might have been six months.
- Q Was it as much as three months? A It was over three months.
- Q After the father died before the children died? A Yes, sir.
- Q You are positive of that? A Yes, sir.
- Q What were these children? A One a boy and one a girl if I aint mistaken. I tend to so many I can't remember
- Q How old are you? A Forty some odd, about 49 or 50.

COMMISSIONER:



Q When these children died were they old enough to walk? A I don't know.  
Q Or were they little babies? A I think they were trying to stand up around the chairs.

Q Were they strong babies when they were born? A I don't know, just like any other little babies would be.

Q How long do you think they lived? A I think over three months, might have been six months for all I know.

Q How do you remember when Ed Smith the father died? A I know he died and the children lived a while after he died.

Q You don't remember what time he died? A No, sir

Q Do you know the season? A They said it was in March but I don't know, I couldn't swear to that.

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 29 day of May 1906.

W. G. Haines  
Notary Public.

MARTIN & GIDNEY,  
ATTORNEYS AND COUNSELORS AT LAW,  
206 1-2 NORTH MAIN ST.,  
MUSKOGEE, IND. TER

July 17, 1906.

*W 842 577 7000*

U. S. Pension Agent,  
Topeka, Kans.

Dear Sir:

It is very important that we ascertain the date of the death or as near as possible the date on which Ed Smith, a former pensioner of the United States Government *kind*

He was a member of one of the colored companies during the Civil War, and he was no doubt on the pay roll of your agency, he died we think in 1901. His post office address was Muskogee or Wybark, Indian Territory.

If we can receive this information we will be in a position to materially assist his widow and orphan children.

Your courtesy in this matter will be greatly appreciated.

Very truly yours,

*Martin & Gidney*

M./G.O.B.

*The records of this office do not show exact date of death of Edward Smith at # 842 577 but it was between 11 Feb 1900 & 30 June 1900.*

*Respectfully*

*J. M. Gidney*

*118  
1906*

Creek Enrollment No. 1121.

Ed Smith.  
Jesse Smith.

Listed on Cr. Fr. Card filed No. 2063.

L  
I.K.P.

Cr. En. 1121.

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

In the matter of the application for the enrollment of  
Ed and Jesse Smith as Creek freedmen.

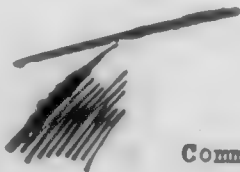
DECISION.

The record in this case shows that on October 7, 1905, certain affidavits relative to the dates of birth and death of Ed and Jesse Smith were filed in the office of the Commissioner to the Five Civilized Tribes. Said affidavits are considered as an original application for the enrollment of said Ed and Jesse Smith as Creek freedmen. Further proceedings in the matter of said application were had on February 21, 1906, May 15, 1906 and May 25, 1906.

The evidence in this case shows that the applicants were the children of Luvina Smith, whose name appears upon the authenticated 1890 tribal roll of the Creek Nation, Arkansas Colored Town, page 33, and upon the 1895 pay roll of the same town and whose name appears on a partial schedule of Creek freedmen approved by the Secretary of the Interior March 28, 1902, opposite number 4433 thereof, and of Ed Smith, a non-citizen.

The evidence as to the dates of birth and death of the two applicants is conflicting and indefinite. It appears that the said children were twins born in the month of October, and that they each lived about a year. The years in which they were born and died are best determined with reference to the date of the death of their father, Ed Smith, as to whom it is variously testified by the witnesses that he died in the year 1899, 1900 and 1901, in the spring of the year. It appears from the evidence that the said Ed Smith was a soldier in the Civil War and was a pensioner, drawing a pension from the Government prior to his death. There is attached to the record herein as a portion of the same, a letter from the United States Pension Agent, at Topeka, Kansas, which indicates that the said Ed Smith died between February 4, 1900 and June 30, 1900. This is accepted as the true date of the death. The weight of the evidence shows that the two applicants were born about six months prior to the date of his death and lived to be about a year old, which would make their birth in the fall of the year, 1899, and their death in the fall of the year, 1900.

It is, therefore, ordered and adjudged that the said Ed Smith and Jesse Smith are entitled to be enrolled as Creek freedmen, in accordance with the Act of Congress approved March 1, 1901 (31 Stats., 861), and the application for their enrollment as such is accordingly granted.



Commissioner.

Muskogee, Indian Territory,

JAN 29 1907

Muskogee, Indian Territory, *Jan. 30,* 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. Matt*

Creek National Attorney.

En 1121  
~~Creek F. 1901.~~

Muskogee, Indian Territory, March 4, 1907.

Luvina Smith,  
c/o Ed Smith,  
Wyahark, Indian Territory.

Dear Madam:

You are hereby advised that on February 27, 1907, the Secretary of the Interior approved the enrollment of your minor children, Ed and Jesse Smith, both deceased, as Creek Freedmen, whose names appear opposite Creek Freedmen roll numbers 5676 and 5677, respectively.

These children are now entitled to allotment, and applications therefor should be made without delay by the duly appointed administrator, at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 1122

CR EN 1122



C.I. 3771.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., February 8, 1906.

In the matter of the enrollment of Sissie Ceasar as a citizen  
by blood of the Creek Nation.

SUMKA, being duly sworn, testified as follows:

Through Alex Posey official interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Sumka.  
Q How old are you? A About thirty.  
Q What is your post office address? A Paden, I. T.  
Q What is the name of your father? A Anooche ( or Anogee)  
Q Was he ever known by any other name? A He was sometimes called Cabecha. That was his Town name.  
Q What was the name of your mother? A Nannie.  
Q Was she ever called Nannie Rabbit? A She was sometimes called Nannie Rabbit because her father was named Rabbit.  
Q Name all the child by these same parents? A Sumka, Cinda, Lucy, Jacob and Sissie.-----No I am mistaken, Sissie's father was Ceasar, a Seminole, but her mother was Nannie. Sissie is my half sister.  
Q Do you know any one by the name of Sowikee or Sowege? A Yes, sir.  
Q To what Creek Indian Town do all these people belong? A Little River Tulsa.  
Q That is your town is it? A Yes, sir.  
Q Do you know how the name of your half sister appears on either the 1890 or 1895 Roll of Little River Tulsa Town? A I do not know. I knew that she is enrolled in that town. Sissie was included in the family of Anogee on the Loyal Creek Pay Roll.  
Q What was the name of the father and also the mother of Sowikee? A Judy and Ceasar.  
Q Name the other children of Ceasar and Judy? A Sowikee, Sennego, Ilsey and George.  
Q Any others? A No, sir.  
Q Were there any dead? A Yes, sir.  
Q What are the names of those who are dead? A Simelee and Kalie.  
Q When did they die? A I don't know but they have been dead a long time.  
Q Do you know when the Creek Land Office opened? A Yes, sir.  
Q Did they die before that? A Yes, sir.  
Q Did Ceasar and Judy ever have a child named Sissie Ceasar? A No, sir.  
Q You are sure that this Judy, the mother of Sowikee, never had a child named Sissie? A Yes, sir, I am sure of that.  
Q Did you ever have more than one half sister, named Sissie? A No, sir, I have only had one half sister.  
Q Either living or dead? A Living or dead, I have only had one.  
Q Who is Lowina? A I did not know Lowina, but I think it was a child that died very young.  
Q What is the name of the father of your half sister, gissie? A Ceasar.  
Q What is the name of the mother of Sissie? A Nannie.  
Q She had the same mother you had, did she? A Yes, sir.  
Q But a different father? A Yes, sir.  
Q Have you known her all her life? A Yes, sir, I have known her from baby-hood.  
Q Have you lived right with her all the time? A Yes, sir.

C.I. 3771.----2.

Q Are you living with her now, in the same house? A She is now living at my house.

Q And you know that there were not two Sissies in Little River Town with parents, such as you have given for all of these people now? A Yes, sir.

Q You know that for a fact? A Yes, sir.

---ooo000ooo---

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 8th day of February, 1906.

J. M. Dermott  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUKKOGEE, INDIAN TERRITORY.  
NOVEMBER 9, 1906.

Cr. I. 3771-2628

In the matter of the enrollment of Sissy Ceasar opposite Creek Indian Roll Numbers 7718 and 8895 as a citizen by blood of the Creek Nation.

APPEARANCES: John G. Lieber, acting for M. L. Mott  
Attorney for the Creek Nation.

LEGUS PERRYMAN being first duly sworn by Henry G. Hains, a Notary Public testified as follows, through Bunny McCoser sworn interpreter.

Questions by Commissioner:

Q: What is your name? A: Legus Perryman.  
Q: How old are you? A: I am about 26.  
Q: What is your post-office address? A: Holdenville.  
Q: You are a citizen by blood of the Creek Nation, are you?  
A: Yes sir.  
Q: What is the name of your father? A: Aneche.  
Q: What is the name of your mother? A: Nannie.  
Q: Was she ever known as Nannie Rabbit? A: Yes sir.

Witness is identified as Legus Perryman opposite Creek Indian Roll number 7717.)

Questions by John G. Lieber, acting attorney for Creek Nation.

Q: Have you any brothers or sisters? A: Yes sir.  
Q: Name them? A: Sissy, Lucy, Sumka, Cinda and Legus.  
Q: Are they all your full brothers and sisters?  
A: Sissy is only a half sister.  
Q: Who was Sissy's mother? A: Nannie.  
Q: Nannie Rabbit? A: Yes sir.  
Q: Who was Sissy's father? A: Ceasar.  
Q: Did Sissy's father have any other children besides Sissy?  
A: Yes sir.  
Q: Name them? A: Sowike Ceasar, Samego Ceasar, George Ceasar, Kaley Ceasar.  
Q: Did Sissy's father have a daughter by the name of Ilsey?  
A: Yes sir.  
Q: Are the parties you have named half brothers and sisters of Sissy or full brothers and sisters of hers?  
A: They are all half brothers and sisters.

- Q: Then the Sissy Ceasar who is your half sister is also the half sister of Ilsey Davis, George Ceasar, Sewike Ceasar, Banage Ceasar and Kaley Ceasar, is she? A: Yes sir.
- Q: You enrolled your half sister Sissy Ceasar yourself, did you? A: Yes sir.
- Q: At the time you enrolled her you gave the name of her father as Arneche, is that correct? A: I don't know who had that enrolled.
- Q: Is Arneche Sissy's father or is Ceasar Sissy's father?
- A: Ceasar.
- Q: Where is Sissy living now? A: Close to Paden.
- Q: Is she living? A: Yes sir. Q: Is she married? A: Yes sir.
- Q: What is the name of her husband? A: Karlarney Harjo.
- Q: Has he any other name besides Karlarney Harjo?
- A: That is all I know of.
- Q: Did you ever hear him called London Harjo? A: No.
- Q: What is Karlarney Harjo, a Creek or a Seminole? A: He is a Creek.
- Q: Has Sissy any children? A: Yes sir.
- Q: What are their names? A: The oldest one is Panugee, I don't know the youngest one's name.
- Q: How old is the youngest child? A: I don't know how old.
- Q: Do you know about when it was born? A: No sir.
- Q: Was it born this year? A: Sometime this year.
- Q: Is it since Spring that it was born? A: Yes sir, sometime last Spring.
- Q: Was it born too late to be enrolled under this new law?
- A: I think it was born just before enrollment.
- Q: Do you know whether Sissy ever made application to have it enrolled? A: I don't know that, she lives a good ways from where I do, about 38 or 40 miles.
- From the testimony of this witness and the testimony heretofore introduced in this case it appears that Sissy Ceasar whose name appears opposite Creek Indian Roll number 7718 and Sissy Ceasar whose name appears opposite Creek Indian Roll number 8895 is one and the same person.)

It appears from the records of the Commission that on April 5, 1902, Sissy Ceasar, whose name appears opposite Creek Indian Roll number 7718, appeared at the Creek Land office and made application to have the East 40 acres of Lot 1, the East 40 acres of Lot 4, the East 40 acres of Lot 5, and the East 40 acres of Lot 8, of Section 32, Township 7 North, Range 8 East containing 160 acres, set apart as her selection for allotment and said land was on said date set apart as her allotment.

It further appears from the records of the Commission that no deeds for said allotment have yet been prepared.

It further appears from the records of the Commission that on July 15, 1902, there was arbitrarily allotted by the Commission to the Five Civilized Tribes to Sissy Ceasar whose name appears opposite Creek Indian Roll number 8895, the east one-half of the North-west quarter, the North-west quarter of the North-west quarter and Lot 2 of Section 12, Township 19 North, Range 8 East of the Indian Meridian containing 159 and seventy-three one hundredths acres.

That deeds for said Lands were issued to said Sissy Ceasar signed by the principal chief of the Creek Nation, approved by the Secretary of the Interior and recorded by the Commission in Book M, Page 171 and Book 13, Page 171.

The Creek Nation therefore asks that the name of Sissy Ceasar appearing opposite Creek Indian Roll number 3630 be stricken; that the allotment issued to said name opposite said Roll Number be cancelled and that proper steps be taken to cancel the deeds which have been issued and recorded covering said allotment.

Questions by Commissioner:

Q: Do you know of more than one Sissy Ceasar in your town, Little River Tulsa? A: Just one is all I know.

This is all the evidence given in said cause on said date.

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 on said date in said cause.

Subscribed and sworn to before  
me this 9 day of November, 1906.

Julia C. Laval

H. W. Hains  
Notary Public.

*D. D.*

C. I. 2628 & 3771.

Muskogee, Indian Territory, April 6, 1905.

Sissie Coasar,

Holdenville, Indian Territory.

Dear Madam:

The Commission desires further evidence in the matter of your right to enrollment as a citizen of the Creek Nation.

You are accordingly advised to appear before the Commission at its office in Muskogee, Indian Territory, May 5, 1905, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

Register.

COMMISSIONER TO FIVE TRIBES.

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Posey, Alex  
Okemah, I.T.  
Jan. 17, 1907.

Transmits testimony in  
certain Creek enrollment cases.

CREEK ENROLLMENT.



REFER IN REPLY TO THE FOLLOWING:

O.I. 3,77.  
En. 986.  
En. 764.

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

Okemah, Indian Territory, January 17, 1907.

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

Sir:

In the matter of the application for the enrollment of Honechike, et al; Polly, et al and Alexander, as citizens by blood of the Creek Nation, there is herewith inclosed the testimony of Itshas Harjo taken by the Creek Field Party January 10, 1907, together with copies of the testimony heretofore taken in said cases.

I have the honor to report that every means was employed by the Creek Field Party to secure the testimony and election of the applicants in these cases but without success; and I am of the opinion that further efforts along this line would be futile.

Respectfully,

*Wm. Allen*  
In Charge,  
Creek Field Party.

JBM

J.P. ILL. L.P.S.

I.T.D. 7970-1907.

Direct,

DEPARTMENT OF THE INTERIOR,

WASHINGTON, March 4, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation contained in your letter of March 1, 1907, the name of Sissie Geasar, appearing upon the roll of Creek citizens by blood opposite Nos. 8895 and 7718, is hereby stricken from the roll at No. 8895.

The attention of the Department of Justice will be called to the matter of the cancellation of the deed referred to by you.

A copy of your letter has been sent to the Indian Office, also a copy hereof, and it will make said cancellation upon the part of the roll in its possession.

You will note said cancellation in accordance herewith.

Respectfully,

E.A. Hitchcock,

Secretary.

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CR EN 1123

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY  
NOVEMBER 7, 1906.

Cr. I. 3772.

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

Sowika Caesar, being first duly sworn by Henry G. Hains, a Notary Public, testified as follows: Through sworn interpreter, Wm. McCombs.

Questions by Commissioner:

- Q: What is your name? A: Sowika Caesar.
- Q: How old are you? A: I am about 36.
- Q: Have you testified before in the matter of the application for the enrollment of your deceased brother Calley Caesar?
- A: Yes sir, I made application for his enrollment.
- Q: At the time you testified you stated that you attended the burial of your said brother and was there when he died, is that true? A: Yes sir.
- Q: You stated that you put down in a book the date of his death, have you that book now? A: It was lost by fire, my house was burned.
- Q: When was that when it was lost? A: Year before last.
- Q: That was sometime after you came here and testified in this case wasn't it? A: It was somewhere near 2 years.
- Q: Why didn't you send that in here or bring it in here before?
- A: I returned myself after that and told them that the name was lost and I just went back home.
- Q: Well now do you know what that record said about the date of the death of this brother of yours?
- A: I have forgotten the exact date of his death.
- Q: Can you remember the year? A: I don't remember.
- Q: Do you know when the Creek Land Office opened?
- A: I have forgotten it and don't know.
- Q: Don't you remember the circumstance of its opening, I don't mean the exact date. A: I don't know, it had been some time.
- Q: Then you could not state whether your brother died before or after the land office opened, can you? A: Probably it was after the land office was opened, but they told me the name was lost and I didn't bother myself any more about it.
- Q: Now when you were here in 1901 you testified that this man was buried on Tom Stewards place and that Tom Steward was dead and that he had bought some lumber and clothing, probably from Kelker & Thomas, merchants at Holdenville, is that correct? A: Yes sir.
- Q: We wrote a letter to those merchants February 1902 and in the same month received a reply from them, that the brothers

of the deceased had told them that T. A. Steward who was clerking for this firm October 15, 1898 had got some burial clothes for the man,--that T. A. Steward was dead at the time the letter was written and that they find on their books a charge for merchandise on October 15, 1898 for \$1.85, which was probably this matter. Now do you believe from this fact that their books show a charge for merchandise against T. A. Steward on October 15, 1898, I will ask you if you don't believe that is the time that Calley died, in 1898?

A: I do not know.

Q: Well it was a fact as you stated in your testimony before and as you told those merchants that T. A. Steward bought some stuff to bury your brother in?

A: Thomas Steward bought the articles.

Q: If it is seen from the merchants letter that there is a charge against Thomas Steward in 1898, don't you think that was for the stuff bought to bury your brother Calley in? A: Probably that is so.

Q: Well then if you testified here that Calley Caesar died in the fall of 1899, you must have been mistaken, wasn't you?

A: Probably I made a mistake and that it was in 1898.

Q: If you signed an affidavit saying he died on the 15th. of October, 1899 that was probably a mistake too, wasn't it.

A: Probably so, I might have been mistaken.

Q: You don't know dates very well, do you, you don't know years very well? A: I can't neither read or write and can't understand it.

Q: Your brother Samego Caesar testified on the same date you did and said you had no tomb-stone but you had a board at his grave with the date of the death on it, is that so? Do you know if that is so? A: I think they did put up a board.

Q: Do you know whether that is there now or not? A: I do not know now that it is there because I haven't visited the grave.

Q: Where is your brother Calley buried? Isn't it on Tom Stewards place? A: Probably it is on Tom Stewards place.

Q: Near what town is Tom Stewards place? A: Holdenville.

Q: How far and in what direction? A: South of Holdenville and probably 3 or 4 miles.

Q: Well now about how many years ago was it that your brother Calley died? A: I would say probably it is now 6 years or more.

Q: Can you come any closer to it than that? A: I never thought much about it and I couldn't come any closer to it.

Q: What time of the year did your brother Calley die?

A: It was in the fall of the year.

Q: You are sure of that are you? A: Yes sir.

Q: What month, can you tell us? A: I have forgotten what month it was.

Q: Can't you tell whether it was the fall before the land office opened, or the fall after the land office opened?

A: I don't remember. I am entirely ignorant of the time the land office opened.

Q: Who buried your brother? A: There were several and I think that Samego was present.

Q: Did you have any preaching or singing or funeral services over the burial of your brother Calley? A: I think not.

Q: Did you have a Doctor when your brother died, during his last illness? A: An Indian Doctor.

- Q: What was his name? A: I think it was Klego Fixico.  
Q: Is he living? A: He is dead.  
Q: What was the cause of the death of your brother Calley?  
A: Consumption. When I came here and they told me that the name was lost I just concluded that a person had no right to be enrolled.

Samego Ceasar being first duly sworn by Henry G. Hains a Notary Public, testified as follows, through sworn interpreter, Wm. McCombs.

Questions by Commissioner:

- Q: What is your name? A: Samego Ceasar.  
Q: How old are you? A: About 30?  
Q: What is your post-office address? A: Paden.  
Q: Did you have a brother named Calley? A: Yes sir.  
Q: When did Calley die? A: I do not know what year he died in because it has been sometime since he died.  
Q: About how many years ago has it been?  
A: It has been several years, I don't know and I am not able to answer.  
Q: Well when you testified here in the year 1901 that Calley died on the 15th. of October 1899 you didn't know what you were testifying to, did you? A: Calley died in December.  
Q: Well was it the December before or the December after the Creek Land Office opened in Muskegee?  
A: I do not know the time the Land office was opened.  
Q: Don't you know when people first began filing on their land in the Creek Nation? A: I do not know.  
Q: How do you fix the date of the death of your brother Calley as being in December, what makes you remember that?  
A: The reason I remember was because they called it the Christmas month---Christmas was like today and tomorrow evening he died. We died the next evening.  
Q: Are you sure that Calley didn't die in the month of January? the month after the Christmas month? A: It was Christmas time he died.  
I made several efforts to try to file for my deceased brother and I saw I couldn't do it and I just quit.  
Q: Why, was it because you were persuaded that he died too soon? A: That is just what I thought when I quit, that he must have died too soon.  
Q: Now you testified here before that there was a head-board at the grave, now do you know whether that is true or not?  
A: I do not remember of ever making such a statement.  
Q: Do you know of any being there now?  
A: We made a grave-house over it and they have all burned down and I am satisfied it has been burned down.  
Q: How many children have you? A: I have three, this one here Moser is the oldest one.  
Q: How old is he? A: He is about 6 years old.  
Q: Well your brother Calley died before Moser was born didn't he? A: Yes sir.

- Q: Now the records here show that Moser was born in June 1901, how long before Moser was born in that summer of 1901 was it that your brother Calley had died? A: It is impossible for me to know what time it was.
- Q: When were you married to the mother of Moser? A: There are 4 children that are dead before Moser.
- Q: What are their names? A: Mary Caesar, Narchey Caesar and two others that died very young.
- Q: When did your child Mary Caesar die? A: She died about October 15th. after the land office opened.
- Q: I thought you stated a minute ago that you didn't know when the land office opened? A: I do not know the time the land office opened, but I heard that people were filing on the land when Mary died.
- Q: Did your brother Calley die before that time or afterwards?
- A: Calley died before I heard that the land office opened and Mary died after I heard the Land office opened and people were filing.
- Q: Which one died first, your daughter Mary or your brother Calley? A: Calley died first.
- Q: How long before Mary? A: I don't know the time.
- Q: Well you have stated that Mary died in October after you heard that people began filing and you also stated that Calley died before and in the Christmas month---now is it a fact that Calley died the December before your daughter Mary died in that October month? A: I do not know whether it was the next October following or the second October. Thomas Steward bought the coffin for Calley and Calley died before Thomas Steward.
- Q: Which one died first, Thomas Steward or your brother Calley?
- A: Calley.
- Q: How long before? A: I think he died the same winter or probably it might have been 12 months after.
- Q: Do you know the name of the father or mother of Thomas Steward? A: I do not know.
- Q: What was the name of his wife? A: Annie Steward.
- Q: Was she ever known as Annie Homecher? A: She probably might have been named Annie Homecher, but I knew her when she was named Annie Steward.

It appears from the records of this office that Thomas A. Steward, the husband of Annie Steward died November 1, 1899 in affidavit having been executed by his wife Annie Steward on May 15, 1901 and by Robert W. Steward his father. There ~~is~~ is also on file in this office the affidavit of Shaneto Caesar in which it is stated that the daughter Mary Caesar died in the year 1898.

- Q: Do you know Palmer Mickey? A: Yes sir.
- Q: Do you know when your daughter Mary died? A: Yes sir/
- Q: Palmer Mickey is sworn here in an affidavit and it states that Mary died in 1898 before the land office opened, is that probably correct? A: Probably he testified right because they wouldn't allow me to file for Mary.
- Q: Are you sure that your brother Calley died before your daughter Mary died? A: Yes sir.
- Q: Did you execute this affidavit along with Palmer Mickey about the death of your daughter Mary in 1901, under the name of Shanego Caesar? A: Probably I did, I don't remember.
- Q: When did your daughter Notohe die? A: I do not remember the time she died.



- Q: Did she die before or after Mary? A: Notche died afterwards.
- Q: How long after Mary? A: Probably 3 years afterwards.
- Q: You never enrolled Notche did you? A: I think that Mary's name is on the roll, but that is the only one I ever seen on the roll.
- Q: But you never enrolled Notches?
- A: One of them is enrolled, but I don't know which one Mary or Notche.

Ottawa Kane being first duly sworn by Henry G. Hains, a Notary Public, testified as follows, through sworn interpreter William McCombs.

Questions by Commissioner:

- Q: What is your name? A: Ottawa Kane.
- Q: What is your age? A: I am about 42.
- Q: What is your post-office address? A: Holdenville.
- Q: Do you know Sowike and Simmollus Caesar? A: Yes sir.
- Q: Are you any kin to them? A: No kin.
- Q: Did you know a brother of theirs by the name of Calley or Calley? A: Yes sir.
- Q: Is he living? A: He is dead.
- Q: When did he die? A: I am not able to tell what time he died.
- Q: You were present when he died were you not?
- A: I was not present at his death nor at his funeral.
- Q: Do you know whether he died before or after the land office opened here in Muskogee? A: I do not know whether it was just before or just after the Land Office opened.
- Q: Well do you know as a matter of fact that he died on the 15th. day of October 1899? A: Probably it might have been but I do not know.
- Q: Well then if you swore to an affidavit before the Notary Public named I. W. Singleton on January 4, 1902 stating that you were personally acquainted with Calley Caesar and that he died on the 15th. of October 1899 you swore to something you didn't know, didn't you? A: I had kept records of my people dying in my Town but all of my records were destroyed by fire and since then I never have kept a record because I lost the first ones and therefore I have got no way to show.
- Q: Do you remember of making this affidavit? A: If I did, I don't remember. I am certain that I wouldn't swear a lie.
- Q: We know that, I was just asking you if you were mistaken.
- Q: If I did, I surely made a mistake because I don't know of any record in existence that I ever executed.
- Q: Do you know when the daughter of Samego Caesar named Mary died? A: I know that he lost children but I don't know that he ever lost one of that name.
- Q: Don't you remember of going to see this Notary Singleton with Sowike to make out an affidavit about Calley?

- A: If I did I have forgotten it, I don't remember.  
Q: Bunny McCossar was one of the witnesses to your mark?  
A: I gave a history but I do not remember anything about it if I executed that paper I have entirely forgotten it.  
Q: Just a minute ago Samego or Sowika testified you buried their brother? A: I am satisfied that I wasn't at the burial.  
Q: Then they must be mistaken are they?  
A: I am satisfied that they are mistaken but if they are not mistaken I am mistaken.  
Q: Can you give us the name of anyone who can tell us just when Calley Ceasar died? A: I think Amos Nelson would know.  
Q: Where does Amos Nelson live? A: Holdenville is his post-office. <sup>he</sup> He lives 3 miles South-east of Holdenville.  
Q: How would know when Calley died, do you think?  
A: He was a close neighbor and I am satisfied he would know.  
Q: Does he remember dates better than you do?  
A: The reason why I think he would know is that he notices things better than anybody in the community, he takes notice and keeps kind of account of it.

Samego Ceasar being first duly sworn by Henry G. Hains a Notary Public testified as follows, through sworn interpreter, William McCombs.

By Commissioner:

- Q: Who was present when your brother Calley died?  
A: He died at Tom Stewards place and Tom Steward's widow Annie was present.  
Q: Is Annie living? A: Yes sir.  
Q: Where? A: In Holdenville.  
Q: Which direction and how far? A: About 4 miles South-west of Holdenville.  
Q: Was anybody else present? A: My Aunt was present.  
Q: Was Ottawa Kane there? A: I think he was not there.  
Q: Do you think that Amos Nelson would know? A: He lived right near them and he was buried right near Nelson's house and I think he would know.

Sowika Ceasar being first duly sworn by Henry G. Hains, a Notary Public, testified as follows, through Wm. McCombs sworn interpreter.

Questions by Commissioner:

- Q: Were you not mistaken when you said that Ottawa Kane was present when your brother Calley died? A: Well I myself was sick at the time and I went away and I just supposed that Ottawa Kane was there.

- Q: You testified too that Ottawa Kane buried your brother?  
A: Well I just supposed he did because he lived right near there.  
Q: Then if Ottawa Kane states that he was not present, you must have been mistaken in 1901 when you testified that Ottawa Kane buried him? A: I don't know anything about it but I am satisfied that I am mistaken.

This is all the evidence given in said cause on said date.

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.

Julia C. Laval

Subscribed and sworn to before  
me this 8 day of November, 1906.

H. H. Hains  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.

November 9, 1906

Cr. En. 1123-1124.

In the matter of the application for the enrollment of Kaley, Mary and Narchey Ceasar as citizens by blood of the Creek Nation.

APPEARANCES: John G. Lieber acting for M. L. Mott, attorney for Creek Nation.

BUNNY McCOSER being first duly sworn by Henry G. Hains a Notary Public, testified as follows, to-wit:-

Questions by Commissioner:

- Q: What is your name? A: Bunny McCoser.  
Q: How old are you? A: 40 last August.  
Q: What is your post-office address? A: Holdenville.  
Q: Do you know Sowike Ceasar? A: Yes sir.  
Q: What is the name of his father? A: Ceasar.  
Q: What is the name of his mother? A: Judy.  
Q: Name his brothers and sisters? A: Samego, George and Kaley and Ilsey.  
Q: Those are his full brothers and sisters are they? A: A: Sissy Ceasar is his half sister.  
Q: Samego is living is he? A: Yes sir.  
Q: Is Sowike's brother George living?  
A: No, he died.  
Q: He died after the Land Office opened, did he? A: Yes sir  
Q: we have it here that he died in 1902? A: I think that is about right.  
Q: Is Ilsey Davis living? A: Yes sir.  
Q: And Sissy Ceasar is living? A: Yes sir.  
Q: Is Kaley living? A: No sir.  
Q: When did he die? A: He died before allotment commenced.  
Q: Do you mean before the Creek Land Office opened, when people began filing on their land in the Creek Nation?  
A: Yes sir.  
Q: When did the Creek Land Office open, do you know?  
A: It opened in 1899, ain't it?  
Q: What month, do you know? A: I don't know exactly the month but it opened in '99.  
Q: Well did you come down to Muskogee when the Creek Land office opened that first day? A: Yes sir.  
Q: And you are sure that Kaley died before that? A: Yes sir.  
Q: Do you know of anybody who had filed on land in the Creek Nation when this man died? A: No sir.

- Q: You think that no filing had been done? A: No sir.
- Q: That he died before the filing commenced? A: Yes sir.
- Q: Have you a child named Elisa McCoser? A: Yes sir, she is dead.
- Q: When did she die? A: December 10, 1899.
- Q: Did Kaley die before Elisa? A: Yes sir, about 2 years before.
- Q: You are sure then that Kaley died at least one year before Elisa, are you? A: Yes sir.
- Q: Now Mr. McCoser, I show you the affidavit of Sowike Ceasar in which your name appears as one of the witnesses and also as a witness to the affidavit of Ottawa Kane--do you remember of witnessing these affidavits? A: No sir, I don't think I wrote that.
- Q: Well is these affidavits state that Kaley Ceasar died in 1899, the same year that your daughter Elisa died in, and in fact a month or two before, are they correct, or not?
- A: They are not correct.
- Q: Do you know Tom Stewart? A: Yes sir.
- Q: He is dead, isn't he? A: Yes sir he died, but I don't know when he died.
- Q: Do you know where he worked? A: Sometimes he worked at Dave Kelkers Store at Holdenville.
- Q: Now this Samego you spoke about, ~~xxx~~ did he have any children? A: Yes sir.
- Q: Can you name them? A: I know one---Narche, I forget the last one's name.
- Q: Did you ever know one by the name of Mary? A: He lost two children but I know the oldest one's name is Narche, the other one I don't remember.
- Q: Did the other one die before or after Narche died?
- A: Narche died first and the other one died after Narche.
- Q: Did these children die before or after the Land Office opened? A: I think they died before the land Office opened.
- Q: You know he had some children who died before the Land Office opened---one was named Narche and the other you forget? A: Yes sir.
- Q: Now are you positive that all three of these parties, Kaley a brother of Sowike and Narche and that other child of Samego Ceasar---that they all died before anybody had filed on their land in the Creek Nation? A: Yes sir.
- Q: You are positive of that are you? A: Yes sir.
- Q: How close together was it that Narche and that other child whose name you forget died?---Did they die close together? A: I think about a year after Narche died.
- Q: Samego Ceasar testified here the other day that he had 4 children that were dead, Bunny, he said two of them died so young that they were never named and that he never made any attempt to enroll them, and that the last one of the Four to die was Narche. That Mary the second one of the 4 that he named, that she died before Narche, now you didn't know Mary? A: No sir.
- Q: You think some child whose name you don't remember died after Narche? A: Yes sir.
- Q: But you are sure that all three of those persons you have been testifying about died before anybody had filed on land in the Creek Nation.
- A: Yes sir.

This is all the evidence taken in said cause on said date.

I, Julia E. Laval on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia E. Laval.

Subscribed and sworn to before  
me this 9 day of November, 1906.

H. H. Hains  
Notary Public.

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

In the matter of the application for the enrollment of Kalley Caesar, 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 January 6, 1901 there was filed in the office of the Commission to the Five Civilized Tribes, an affidavit in the matter of the death of Kalley Caesar, which affidavit is considered as an original application for the enrollment of said Kalley Caesar, deceased, as a citizen by blood of the Creek Nation. Testimony was taken in this matter on said date and on November 7, 1906, further proceedings were had. An affidavit in the matter of the death of Kalley Caesar executed January 8, 1902, a letter from this office dated February 17, 1902, and addressed to Kelker Thomas Holdenville, Indian Territory, together with a reply thereto from Kelker Thomas, dated February 19, 1902, and a copy of certain testimony taken on November 9, 1906, in the matter of the application for the enrollment of Kalley, Mary and Narchey Caesar, as citizens by blood of the Creek Nation, are attached to and made a part of the record herein.

It appears from the evidence and the records in the possession of this office, that the name of the applicant appears upon the 1890 authenticated roll of citizens of the Creek Nation as "Katie" and on the 1895 authenticated roll of Little River Tulsa Town, of the Creek Nation, as "Fillie".

The evidence in this case is contradictory, but it appears from the weight of the evidence that Kalley Caesar died prior to April 1, 1899 and that he was about 21 years old at the time of his death.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Kalley Caesar, deceased, as a citizen by blood of the Creek Nation and the application for his enrollment as such is accordingly denied.

Muskogee, Indian Territory.

  
COMMISSIONER.



REFER IN REPLY TO THE FOLLOWING:  
1  
Gretnell P.S.  
2

*764*

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

Muskogee, Indian Territory, January 28, 1907.

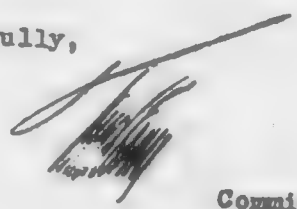
Sowika Ceasar,  
Holdenville, Indian Territory.

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 your brother, Calley Ceasar, 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 the Commissioner is informed of the same.

Respectfully,



Commissioner.

Register.  
IM-34.

Cr.No. 1123.

Muskogee, Indian Territory, January 28, 1907.

M. L. Mett,  
Attorney for Creek Nation,  
Muskogee, 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 Galley Caesar, 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.

LM-567.

Cr.No.1123.

Muskogee, Indian Territory, January 28, 1907.

The Honorable,  
The Secretary of the Interior.

Sir:

There is herewith transmitted herewith a copy of the proceedings had in the matter of the application for the enrollment of Galley Caesar, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner, denying said application.

Respectfully,

Commissioner.

LM-543.

Through the Commissioner  
of Indian Affairs.

Refer in reply to the following:  
Land 10040-1907.

COPY

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

February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 28, 1907, transmitting the record relative to the application of Kalley Caesar, deceased, as a citizen by blood of the Creek Nation.

On January 6, 1901, application was made to the Commission to the Five Civilized Tribes for the enrollment of Kalley Caesar, deceased, as a citizen by blood. On January 25, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that the applicant died prior to April 1, 1899.

Under the provisions of Section 28 of the Act of March 1, 1901 (31 Stat. L. 861), the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD-Y

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

JP  
FHE

LRE

I.T.D. 4850, 4890, 4904, 4960, 4962-07.      March 1, 1907.  
4964, 5082, 5166, 5202, 5328- "  
5342, 5374, 5376, 5378, 5380- "  
5396, 5398, 5400, 5402, 5404- "  
5410, 5412, 5418, 5424, 5428- "  
5466, 5488, 5498, 5548, - "  
D. C. 12430-1907.

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases  
adverse to the applicants are hereby affirmed, viz:

| Title of case.                         | Date of your<br>letter of transmittal. |
|--|--|
| Rhoda Walker,                          | December 19, 1906                      |
| Jesiah McIntosh,                       | January 18, 1907                       |
| Tony Harlings,                         | January 18, 1907                       |
| George Allen, (Freedman)               | January 28, 1907                       |
| Henry Edwards, (Freedman)              | January 28, 1907                       |
| Lewis Davis, deceased,                 | January 28, 1907                       |
| Robert Scott, deceased,                | October 19, 1906                       |
| Tom and Mattie Jeffries, deceased,     | February 8, 1907                       |
| Ema Dodge, (Freedman)                  | February 8, 1907                       |
| Georgia Davis, deceased, (Freedman)    | February 7, 1907                       |
| Thelma Maud Gibson,                    | February 7, 1907                       |
| Magie Nola Poe, (Freedman)             | January 28, 1907                       |
| Nelson McIntosh,                       | January 19, 1907                       |
| <u>Galley Caesar, deceased,</u>        | January 28, 1907                       |
| Sarah Buck, deceased,                  | January 28, 1907                       |
| Willie Perryman, (Freedman)            | January 28, 1907                       |
| Joshua Gentry et al.                   | January 28, 1907                       |
| Dennis Taylor, (Freedman)              | January 28, 1907                       |
| Paul and Pauline Bruner,               | January 28, 1907                       |
| Gennie Sanders, (Freedman)             | January 28, 1907                       |
| Eddie Levi, (Freedman)                 | January 28, 1907                       |
| Gabriel Hawkins, (Freedman)            | January 28, 1907                       |
| Lottie Dickson, (Freedman)             | January 22, 1907                       |
| Charles Tiger, deceased,               | January 28, 1907                       |
| Herford Barnett, deceased,             | January 28, 1907                       |
| Gebern Holt, (Freedman)                | February 7, 1907                       |
| Marguerite Scott, deceased, (Freedman) | January 31, 1907.                      |

Copies of Indian Office letters submitting your reports and  
recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above mentioned  
cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

27 inc. and 61 for Ind. Of.

APMc  
5-1-07.

Cr.No.1123

Muskogee, Indian Territory, March 8, 1907.

Sowika Ceasar,

Holdenville, Indian Territory.

Dear Sir :--

You are hereby advised that under date of March 1, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your brother, Galley Ceasar, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

CR EN 1124

CR EN 1124



DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
NOVEMBER 7, 1906.

Cr. No. I 3711.

In the matter of the application for the enrollment of  
Mary and Harchey Ceasar, deceased as citizens by blood  
of the Creek Nation.

Samego Ceasar being first duly sworn by Henry G. Hains a  
Notary Public, testified as follows, through sworn inter-  
preter, William McCombs.

Questions by Commissioner:

- Q: What is your name? A: Samego Ceasar.  
Q: What is your age? A: About 30.  
Q: What is your post-office address? A: Paden.  
Q: What is the name of your wife? A: Rachel Ceasar.  
Q: She is living is she? A: Yes sir.  
Q: How many children have you had by her altogether---living  
and dead? A: 4 dead and three living.  
Q: The three living ones have been enrolled have they?  
A: They are enrolled and filed.  
Q: What are the names of those living ones you have filed for?  
A: Moser Ceasar--Hannah Ceasar---Toche Ceasar.  
Q: You have never filed for any of the dead ones have you?  
A: No sir.  
Q: What are the names of the dead ones?  
A: Mary Noche and two others were too small to be named.  
Q: Which one was elder Mary or Notche? A: Notche.  
Q: Did you draw any money for Notche--that is the \$14 payment?  
A: Yes sir.  
Q: You didn't draw for Mary, did you? A: No sir.  
Q: She was born after that payment was she? A: Yes sir.  
Q: Which one died first, Mary or Notche? A: Mary died first.  
Q: How long a time elapsed between the death of Mary and Notche  
A: Probably two years intervened in their deaths.  
Q: When did Notche die? A: I never kept any record and I don't  
know when she died.  
Q: Did she die before or after the land office opened in  
Muskogee when people first began to file?  
A: It was after I heard that the land office was opened that  
people were filing that she died.  
Q: Why didn't you ever try to get your child Notche enrolled  
then if that is a fact?

- A: I came to have her enrolled but they told me I couldn't do it and I went back.
- Q: Did they tell you why you couldn't enroll it?
- A: They told me I was debarred by the agreement.
- Q: Do you know Palmer Mickey? A: I know him well.
- Q: Is he any kin to you? A: No sir.
- Q: Did he know ~~her~~ when your child Notche died?
- A: Palmer Mickey knows because he helped bury the child.
- Q: It is shown in this affidavit that is executed by Palmer Mickey and also by you, executed before William T. Martin on the 12th. day of September 1901 that Mary's name appears on it, look at the affidavit and tell us whether this affidavit refers to Mary, as it states here or if it refers to Notche? A: If Mary's name is down here there was a mistake in giving the name.
- Q: Did you and this fellow Palmer Mickey intend to make an affidavit about Notche instead of Mary? A: Yes sir.
- Q: This affidavit states that the child died in 1898 before people began filing.
- A: I was told that I couldn't file and I just gave the thing up and don't intend to make application for it. There was some interpreter there interpreting and he could not speak very good Creek and perhaps that is the way the mistake in the name was made, the reason the affidavit reads Mary instead of Notche.
- Q: Then you and Palmer Mickey when you made out that affidavit said your child died in 1898 and you were swearing to your child Notche, the one that died last, were you?
- A: Yes, I believe so.
- Q: This affidavit is correct is it?
- A: I am satisfied that we were correct and the interpreter made the mistake about the name.

This is all the evidence given in said cause on said date.

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.

Julia C. Laval.

Subscribed and sworn to before  
me this 8 day of November, 1906.

H. Davis

Notary Public

L.K.P.

Cr. En. 1124.

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

In the matter of the application for the enrollment of  
Notche and Mary Caesar as citizens by blood of the Creek Nation.

DECISION.

The record in the possession of this office shows that in 1895, Notche Caesar was listed upon old Census Card number 2640 as Narchy Caesar. Said listing is considered as an original application for the enrollment of said Notche Caesar as a citizen by blood of the Creek Nation. In the year 1901, certain affidavits as to the death of Mary Caesar were filed in the office of the Commission to the Five Civilized Tribes, which affidavits stated that the said Mary Caesar died in the year 1898. Further proceedings in this matter were had on November 7, 1906.

The evidence in this case shows that Notche and Mary Caesar were the children of Samego Caesar and Rachael Caesar, who are identified upon a partial roll of Creek citizens by blood approved by the Secretary of the Interior on March 28, 1902, opposite numbers 8823 and 8824 thereof. The evidence further shows that both of said children died prior to April 1, 1899.

It appears from the evidence that the affidavits filed in this office in relation to the death of Mary Caesar, as above referred to, were intended to and did in fact, refer to the death of Notche Caesar. No application was ever made before the Commission to the Five Civilized Tribes or the Commissioner to the Five Civilized Tribes for the enrollment of the applicant, Mary Caesar, prior to November 7, 1906, when her name was mentioned in the testimony taken on that day (which mention is considered as an attempted application on her behalf), and said Mary Caesar was never listed for enrollment in this office prior to said date.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Notche Caesar as a citizen by blood of the Creek Nation, and her application for enrollment as such is, accordingly, denied; that this office is without jurisdiction to receive or consider the attempted application made on behalf of Mary Caesar, on November 7, 1906, and her application for enrollment as a citizen by blood of the Creek Nation is, accordingly, dismissed.



Commissioner.

Muskogee, Indian Territory,

IAN 29 1907

Cr .No. 1124.

Muskogee, Indian Territory, January 31, 1907.

Mary Caesar,  
c/o Samgo Caesar,  
Paden, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Netche Caesar, your minor child, and dismissing the application for the enrollment of Mary Caesar, deceased, your minor child, 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 Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.  
LN-54.

Cr. En. 1184.

Muskogee, Indian Territory, January 31, 1907.

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

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Notche Caesar, and dismissing the application for the enrollment of Mary Caesar, deceased, 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 Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-58.

Cr. En. 1124.

Muskogee, Indian Territory, January 31, 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 Notohe and Mary Caesar, denying the application for enrollment of ~~the~~ Hatcher, and dismissing the application for the enrollment of Mary Caesar, deceased, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

LM-56.

GR  
SP

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 4132-1907.  
D.C.10964-1907.

February 21, 1907.

LRS

DIRECT.

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

Sir:

In accordance with the recommendation of the Indian Office of February 18, 1907 (Land 11092), a copy whereof is inclosed, your decision of January 29, 1907, denying the application for the enrollment of Notche Caesar, deceased, as a citizen by blood of the Creek Nation and dismissing the application for the enrollment of Mary Caesar, deceased, as a citizen by blood of the Creek Nation, and on the ground that Notche Caesar and Mary Caesar died prior to April 1, 1899, is hereby affirmed.

You will advise applicant of this action.

The record in the case, together with a carbon copy hereof, has been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

1 inc. and  
2 for Ind. Of.

AFMc  
2-23-07



Refer in reply to the following:

Land 11092-1907

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

February 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes dated January 31, 1907, enclosing the record in the matter of the application for the enrollment of Notche and Mary Caesar as citizens by blood of the Creek Nation, including the decision of the Commissioner dated January 29, 1907, dismissing the application as to Mary Caesar, deceased, and denying it as to Notche Caesar.

The record shows that the name Notche Caesar was listed on old Census Card number 2640 as Narchy Caesar in 1895, and this was considered as an original application for enrollment as a citizen by blood of the Creek Nation by the Commissioner. Affidavits as to the death of Mary Caesar were filed with the Commission in 1901, in which it is stated that she died in the year 1898. Further proceedings were had in the matter on November 7, 1906. It is shown that the applicants were the children of Samego Caesar and Rachel Caesar, both enrolled as Creek citizens by blood. It is further shown by the evidence that both these children died prior to April 1, 1899, and that the affidavit filed in the office of the Commissioner relative to the death of Mary Caesar was intended to and did refer to the death of Notche Caesar. No application

was ever made for the enrollment of Mary Caesar prior to November 7, 1906, when her name was mentioned in the testimony taken at that time, and which mention was construed as an attempted application on her behalf.

The Office is of the opinion that there is no authority of law for the enrollment of Notche Caesar as a citizen by blood of the Creek Nation; that the attempted application made on behalf of Mary Caesar on November 7, 1906, was not within the time limited by the Act of April 26, 1906, (34 Stats. L. 137) for receiving original applications, and that the decision of the Commissioner denying the application of Notche Caesar and refusing to receive or consider that of Mary Caesar is correct and it is recommended that it be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWE

Muskegee, Indian Territory, March 11, 1907.

Mary Caesar,  
Care of Samsel Caesar,  
Padon, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 21, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated January 29, 1907, denying the application for the enrollment of Notohe Caesar, deceased, as a citizen by blood of the Creek Nation, and dismissing the application for the enrollment of Mary Caesar, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

Cr.Rn.1124.

Muskogee, Indian Territory, March 12, 1907.

Samge Ceasar,

Paden, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of February 21, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment Notohe Ceasar, deceased, and dismissing the application for the enrollment of Mary Ceasar, deceased, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.



CR EN 1125

CR EN 1125

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, Indian Territory.  
November 14, 1906.

Gr. I. 247

In the matter of the enrollment of Eli Tiger, deceased, as a citizen by blood of the Creek Nation, opposite Roll number 825.

APPEARANCES: JOHN G. LIEBER, acting attorney for Creek Nation.

Mose Chisholm, being first duly sworn by Henry G. Hains, a Notary Public, testified as follows, to-wit:-

Questions by Commissioner:

- Q: What is your name? A: Mose Chisholm.  
Q: What is your post-office address? A: Weer, Indian Territory

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Did you know Eli Tiger? A: Yes sir, I knew him.  
Q: Is he living or dead? A: Dead.  
Q: How old was he when he died? A: Well I couldn't say he was about 20 or 21, may be.  
Q: Who was his father? A: Jim Tiger.  
Q: Who was his mother? A: I couldn't tell you she died before I was acquainted with Eli Tiger.  
Q: What town did Eli belong to? A: Well sir, I couldn't tell you, either Broken Arrow or Coweta, I couldn't tell you.  
Q: Did you know a man by the name of Josie Kelly? Or Joseph Kelly? A: Yes sir, Josie Kelly.  
Q: What was the name of his wife? A: Annie Kelly.  
Q: Did Josie Kelly have any children? A: Yes sir.  
Q: Name them? A: Minnie Kelly, Lucy Kelly, Ida Kelly and Marcy Kelly. Minnie Kelly is my wife.

Questions by Commissioner:

- Q: Annie Kelly and the four children mentioned appear on the final Roll of citizens by blood of the Creek Nation, opposite Roll numbers 602 to 606 inclusive, a notation on Creek Indian Card number 170 shows that Joseph Kelly deceased, a member of Osage Town, was the father of said children by said Annie Kelly



Statement by John G. Lieber, acting attorney for Creek Nation.

The Creek Nation now desires to call attention to the fact that the enrollment card referred to by the Commissioner shows that the information upon which said enrollment was made was given on April 13, 1899, at which time Joseph Kelly, husband of Annie Kelly and the father of the children just named, was reported to be dead.

Questions by J. G. Lieber, acting attorney for Creek Nation.

- Q: This man Josie Kelly, is dead, is he? A: Yes sir.
- Q: How do you know which one of these men died first? Eli Tiger or Josie Kelly? A: Eli Tiger died first.
- Q: How long did Eli die before Josie died? A: I couldn't keep the date that time, I wasn't there when Eli died. Me and my brother came to the house where Eli died, we stayed all night, we were up until midnight, they had an up-stairs there and they had a bed up there and we went up to bed and Eli was dead when we woke up, but I couldn't give the date at all.
- Q: Well can you tell about how long it was before Josie died before Eli died? Was it a month or a year or about how long? If you know, of course.
- A: I couldn't say at all. At that time I didn't pay any attention to it and I don't know the date or nothing, but I can swear that Eli Tiger died before Josie Kelly and that is the reason he didn't get the land.
- Q: Do you know when Josie Kelly died? A: Yes sir, March 26, 1899.
- Q: How do you Remember Mose that Josie Kelly died on the 26th. of March 1899? A: Because I can go right up to the grave-yard and see it on the stone---I live right there by where Josie lived, and the grave-yard is about 25 yards from the house.
- Q: Have you looked at the tombstone at Josie's grave lately?
- A: Yes sir.
- Q: What did you find there? A: I found he died in 1899 and on the 26th. day of March.
- Q: Do you know Mose that the Josie Kelly who is buried there where you live, is the same Josie Kelly who was the husband of Annie Kelly and the father of your wife, and the other three children you have named?
- A: No other people are buried there at all because it is just their own people who are buried there.

Johnson Martin, being first duly sworn, testified as follows, to-wit: Sworn by Henry G. Wains, a Notary Public Through Official Interpreter, Lona Merrick.  
Questions by Commissioner:

- Q: What is your name? A: Johnson Martin.

- Q: How old are you? A: 26.  
Q: What is your post-office address? A: Coweta.  
Q: Are you a citizen of the Creek Nation? A: Yes sir.  
Q: What Creek Indian Town do you belong to? A: Coweta.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Do you know Eli Tiger? A: Yes sir.  
Q: Who was his father? A: Jim Tiger.  
Q: Who was his mother? A: I don't know his mother. She is dead.  
Q: Do you know an Indian by the name of Josie Kelly? A: Yes sir.  
Q: Are you related to either Josie Kelly or Eli Tiger?  
A: No sir.  
Q: Was Josie Kelly the husband of Annie Kelly? A: Yes sir.  
Q: Did Josie have any children? A: Yes sir.  
Q: Name them? A: Minnie, Lucy, Ida and Marcey. That is all I know.  
Q: Is Josie Kelly living or dead? A: He is dead.  
Q: Do you know when he died? A: March 26, 1899, if I am not mistaken.  
Q: Well how do you remember that it was in March, 26, 1899 that Josie Kelly died? A: My uncle made a record of it. He is dead too.  
Q: What was your Uncle's name? Thompson Cousin.  
Q: Do you know where that record is? A: I have never seen the record since my Uncle died.  
Q: Now do you remember whether Josie Kelly died before or after the land office opened here in Muskogee?  
A: He died about 4 days before the land office opened.  
Q: Which one of these fellows, died first, Eli Tiger or Josie Kelly? A: Eli Tiger died first.  
Q: You are positive of that are you? A: Yes sir.  
Q: How do you happen to remember that Eli died before Josie died? A: I know Eli Tiger died first, and Josie Kelly was killed afterwards.  
Q: How long did Eli die, before Josie was killed, about how long? A: I don't know just how long.  
Q: Well was it as much as a month or more than a month before Josie died that Eli died? A: It must have been nearly a year or more than a year, I don't know.  
Q: Are you sure that it was longer than a month? A: Yes sir, it was over a month.

Questions by Commissioner:

- Q: Have you any interest in this case, that is to say, is it anything to you, any benefit to you, either way, whether this person Eli Tiger has an allotment in the Creek Nation or not? A: Eli got an allotment he was not entitled to, and if they cancel his allotment I have a new born child, maybe I can file on that allotment or there are some other children in the neighborhood and maybe they could be filed on it.  
Q: In giving your testimony you have no bad feeling and your testimony is not influenced by any feeling you have towards the deceased or any of his relatives? Are you?

Q: No sir. I don't know anything about this case at all, I came to look at some vacant land and was called in to testify.

Questions by John G. Lieber, acting attorney for Creek Nation.

Q: You were not subpoenaed as a witness in this case until this morning, were you? A: Yes sir, this morning.

Louis McHenry being first duly sworn, testified as follows

Sworn by Henry G. Hains, a Notary Public:

Questions by Commissioner:

Q: What is your name? A: Louis McHenry.  
Q: How old are you? A: 40.  
Q: What is your post-office address? A: Weer.  
Q: Are you a citizen of the Creek Nation? A: Yes sir.  
Q: What Creek Indian Town do you belong to? A: Cheyahah.  
Q: Are you acquainted with any of the people in Coweta Town?  
A: Yes sir. I know quite a few.  
Q: How long have you lived in the Creek Nation?  
A: I was born and raised here.  
Q: Near what place do you live, near Weer, all the time?  
A: Yes sir.  
Q: Did you know a man by the name of Eli Tiger? A: Yes sir.

Questions by John G. Lieber, acting attorney for Creek Nation.

Q: Who was Eli's father, Mr. McHenry? A: Jim Tiger.  
Q: Is Eli living or dead? A: He is dead.  
Q: Are you related to him in any way? A: No sir.  
Q: Are any of the members of your family related to Eli Tiger in any way? A: No sir.  
Q: About how old was Eli Tiger when he died? A: I don't know how old he was.  
Q: Was he a grown man? A: No sir, not quite grown.  
Q: Did you also know an Indian by the name of Josie Kelly?  
A: Yes sir.  
Q: Who was his wife? A: Annie Kelly.  
Q: Can you name some of his children? A: Lucy Kelly, Minnie Kelly, Ida Kelly, and Marcy Kelly.  
Q: Are you related to Joseph Kelly or any of the members of his family? A: No sir.  
Q: Josie is dead is he? A: Yes sir.  
Q: Do you know when he died, Mr. McHenry? A: He died on the 26th. of March.  
Q: What year? A: 1899.

- Q: How do you remember that he died on the 26th. of March, 1899  
Q: He was killed at that time and I helped bury him.  
Q: Well what I am trying to get at Mr. McHenry is, how do you happen to remember the time he was killed after so many years? A: I just remember that he was killed on that day and I was a witness before the Court on the case of the fellow that killed him, when they were trying him.  
Q: That is what causes you to remember the day he was killed?  
A: Yes sir.  
Q: Were you well acquainted with Eli Tiger and Josie Kelly, both? A: Yes sir.  
Q: Can you tell the Commissioner which of those men died first, Eli Tiger or Josie Kelly? A: Eli Tiger died first but I don't remember exactly what year it was.  
Q: Can you tell the Commissioner about how long it was that Eli died before Josie was killed? A: No, I can't say that. (After deliberation witness states)  
It was a man named Wilson McKellop who died just a month or so before Josie died and we went and got the burying clothes for this man McKellop, me and Josie and Josie was killed afterwards and Eli died before this other fellow died. I was at the burying but I don't exactly remember what date it was.  
Q: Are you satisfied Mr. McHenry that Eli Tiger died as much as a month before Josie Kelly was killed?  
A: I don't remember that, it might have been more than that or it might have been a year.  
Q: Are you satisfied it was more than a month? A: I know it was more than a month.  
Q: Now Mr. McHenry have you any interest at all in this case?  
A: None at all. If I had thought about it, I would have went to the books at Weer, you know and got the exact date when we got the burying clothes there but I never thought of that.  
Q: Burying clothes for whom? A: Eli Tiger. But I never thought of it when I started.  
Q: They got them at Weer, did they? A: Yes sir.  
Q: At whose store? A: Weer's store.  
Q: Do you know who is in possession of the allotment which has been selected for Eli Tiger? A: I don't know that, I suppose it fell to the heirs though.  
Q: Who is the nearest living relative of Eli Tiger?  
A: The Drew boys are related to him, and a man by the name of Lugus Sargy and Martha Brown.  
Q: By Drew do you mean Charley Drew? A: Charley Drew and David Drew and Amos Drew and Ella Drew, it is Ella now now.  
Q: Where do these people live? A: Close to Broken Arrow.

Maggie Childers, being first duly sworn testified as follows  
to-wit: Witness sworn by Henry G. Hains, a Notary Public.

By Commissioner:

- Q: What is your name? A: Maggie Childers.  
Q: How old are you? A: Over 40.  
Q: What is your post-office address? A: Coweta.

- Q: What Creek Indian Town do you belong to? A: Coweta.  
Q: Did you know a man in your town by the name of Eli Tiger?  
A: Yes sir.  
Q: Is he living? A: No sir.  
Q: How many times have you been married? A: Twice.  
Q: What was your name before you married your present husband?  
A: Bird. Childers is my name now.  
Q: Have you any children Mrs. Childers? A: Yes sir.  
Q: Give their names please? A: Eliza Bird, Anna Bird, Nancy,  
Joanna Bird, Eva Bird, that is all.  
Q: Have you a son by the name of Charley? A: He is dead.  
Q: Now have you any other children who are dead? A: Una,  
Lizzie and Charley.  
Q: Do you know when your child Una Bird died? A: Here is a  
record of the death of my children and husband Uplar Bird.

Questions by Commissioner:  
ioner, s follows:

Also statement by Commiss-

The paper presented by the witness refers to the following:  
and reads as follows;

"Death of Bird Family.  
Lizzie Bird died September 22, 1898.  
Unah Bird died Oct. 8, 1898.  
Uplar Bird died Oct. 7, 1899.  
Charley Bird died Feb. 29, 1904."

- Q: Now you stated that you knew Eli Tiger is that right?  
A: Yes sir.  
Q: Who was Eli's father? A: Jim Tiger.  
Q: Were you well acquainted with Eli Tiger? A: Yes sir..  
Q: Did he live in your same neighborhood? A: No sir, he  
never had any home, just went from place to place.  
Q: Where did he die? A: I don't know somewhere up near  
broken Arrow, I wasn't present at his death.  
Q: Do you know where Eli is buried? A: No sir.  
Q: Now which died first your son Unah Bird or Eli Tiger?  
A: Eli died first.  
Q: How do you happen to remember Mrs. Childers that Eli died  
before your son Unah died? A: I heard that he was dead  
and some of my children were sick at the time, I just heard  
that he died.  
Q: Was Una sick at that time? A: Yes sir.  
Q: Did he die as the result of the sickness he had at that time?  
A: Yes sir.  
Q: Well when you heard that Eli Tiger was dead your child Unah  
was sick in bed was he? A: Yes sir.  
Q: How long did he live after you heard that Eli was dead?  
A: I don't know I didn't pay any attention as to when Eli died.  
Q: How long was Unah sick before he died? A: He was sick  
two months.  
Q: Is this record of the dates of the deaths of your family  
which you have shown to the Commissioner the only record  
which you have of those deaths? A: That is the only  
record I have.

This is all the evidence given in said cause on said date.

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 on said date in said cause.

Julia C. Laval

Subscribed and sworn to before  
me this 16 day of November, 1906

Edward Merrick  
Notary Public.

( C O P Y )

Muskogee, Indian Territory, August 13, 1906.

Hon. Tams Bixby, Commissioner,  
To the Five Civilized Tribes,  
Muskogee, I. T.

Sir :--

Mrs. Louisiana Mingo whose postoffice address is Wagoner,  
I. T., reports that Eli Tiger whose roll No. 13 825, died in 1895.

She states that Charles Drew is in possession of the  
allotment as the nearest heir of Eli Tiger, deceased.

She further states that the date of the death of  
Eli Tiger can be established by any of the citizens of Coweta.

I return herewith deeds Nos. 20324 and 20325 in favor  
of the heirs of Eli Tiger for your investigation.

Respectfully,

P. Porter,

Prin Chief.

GMA  
Enclosure.



Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir :--

The records in possession of this office show that on May 23, 1901, an application was filed, in the form of a death affidavit, for the enrollment of Eli Tiger, son of Jim Tiger; that at a later date, the names of the said Jim Tiger and said Eli Tiger were placed upon the partial schedule of citizens by blood of the Creek Nation which was approved by the Secretary of the Interior March 13, 1902, the names appearing on the roll of Creek Indians opposite numbers 824 and 825, respectively. On April 20, 1906, a supplemental death affidavit was filed with this office. A letter from P. Porter, principal chief of the Creek Nation, dated August 13, 1906, was received by the Commissioner, stating that information had reached the office of the Principal Chief to the effect that the said Eli Tiger had died prior to April 1, 1899, and enclosing deeds in favor of the heirs of Eli Tiger, deceased, numbers 2324 and 2325. The Commissioner issued subpoenas for witnesses at the request of Mr. Leiber, acting attorney for the Creek Nation, and accordingly on November 14, 1906, the said witnesses appeared and testified in the said cause.

Secretary 2.

It appears that the testimony introduced was that of disinterested witnesses and the weight of the evidence clearly shows that the said Eli Tiger died prior to April 1, 1899.

In view of the said evidence, the Commissioner recommends that the name of said Eli Tiger be stricken from the roll of Creek Indians by blood.

It is further recommended that inasmuch as deeds covering allotment selections to the heirs of Eli Tiger, deceased, have been issued, this matter be referred to the Department of Justice to the end that proper steps may be taken toward the recovery of the lands included in the said allotment and also that punishment may be meted out to persons guilty of fraud in this matter.

The entire record in this case is herewith transmitted.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

JWH 27-11

DEPARTMENT OF THE INTERIOR,

LAND

OFFICE OF INDIAN AFFAIRS,

21798-1907

WASHINGTON.

March 2, 1907.

COPY

The Honorable,  
The Secretary of the Interior,

Sir:

There is enclosed report of Commissioner Bixby, dated February 27, 1907, in which he says that on March 23, 1901, an application was filed in the form of a death affidavit for the enrollment of Eli Tiger, son of Jim Tiger, that at a latter date the names of Jim Tiger and Eli Tiger were placed on the partial schedule of citizens by blood of the Creek Nation, which was approved by the Department on March 13, 1902, the names appearing on the roll of Creek citizens opposite Nos. 824 and 826 respectively. A letter from P. Porter, Principal Chief of the Creek Nation, dated August 13, 1906, was received by Commissioner Bixby, in which he said that he had received information to the effect that Eli Tiger died prior to April 1, 1899, and enclosing deeds in favor of the heirs of Eli Tiger, deceased, Nos. 2324 and 2325. Subpoenas for witnesses were issued and a hearing had by Commissioner Bixby on November 14, 1906, and the weight of the evidence clearly establishes that Eli Tiger died prior to April 1, 1899. In view of the evidence, the office concurs in the recommendation of Commissioner Bixby that the name of Eli Tiger be stricken from the roll of Creek citizens by blood.

It is also recommended that inasmuch as deeds covering the allotment selections to the heirs of Eli Tiger, deceased, have been issued, that this matter be referred to the Department of Justice in order that steps may be taken toward the recovery of the lands included in the allotment, and also that punishment may be meted out to the persons guilty of fraud in this case. The record is enclosed.

Very respectfully,  
C. P. Larrabee,  
Acting Commissioner.

EPM-LC.

JP  
W.H.M.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON,

March 4, 1907.

I.F.D. 7854-1907.

IRS.

Direct

Commissioner to the five civilized tribes,  
Muskegee, Indian Territory.

Sir:

For the reasons stated in your letter of February 27, 1907 (Land-21795), the name of Eli Tiger, son of Jim Tiger, upon the approved partial roll of citizens by blood of the Creek Nation, opposite number 824, is stricken from said roll.

Your recommendation that the matter of the cancellation of the deed, etc., be brought to the attention of the Department of Justice will receive attention.

A copy of said Indian Office letter is enclosed.

Respectfully,

Jesse E. Wilson.

Assistant Secretary.

1 enclosure and copy  
hereof to Ind. Of.  
WESM-3-4-07.

Cr.En. 1126

Muskogee, Indian Territory, March 18, 1907.

Chief Clerk,

Creek Land Office,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under Departmental instructions of March 4, 1907, (I.F.D. 7854-1907) the name of Eli Tiger has been stricken from the approved roll of citizens by blood of the Creek Nation, opposite number 825.

Respectfully,

Commissioner.

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:—

The records in possession of this office show that on May 25, 1901, an application was filed, in the form of a death affidavit, for the enrollment of Eli Tiger, son of Jim Tiger; that at a later date, the names of the said Jim Tiger and said Eli Tiger were placed upon the partial schedule of citizens by blood of the Creek Nation which was approved by the Secretary of the Interior March 15, 1902, the names appearing on the roll of Creek Indians opposite numbers 2324 and 2325, respectively. On April 20, 1905, a supplemental death affidavit was filed with this office. A letter from P. Porter, principal chief of the Creek Nation, dated August 15, 1906, was received by the Commissioner, stating that information had reached the office of the Principal Chief to the effect that the said Eli Tiger had died prior to April 1, 1899, and enclosing deeds in favor of the heirs of Eli Tiger, deceased, numbers 2324 and 2325. The Commissioner issued subpoenas for witnesses at the request of Mr. Leiber, acting attorney for the Creek Nation, and accordingly on November 14, 1906, the said witnesses appeared and testified in the said cause.

Secretary 2.

It appears that the testimony introduced was that of disinterested witnesses and the weight of the evidence clearly shows that the said Eli Tiger died prior to April 1, 1899.

In view of the said evidence, the Commissioner recommends that the name of said Eli Tiger be stricken from the roll of Creek Indians by blood.

It is further recommended that inasmuch as deeds covering allotment selections to the heirs of Eli Tiger, deceased, have been issued, this matter be referred to the Department of Justice to the end that proper steps may be taken toward the recovery of the lands included in the said allotment and also that punishment may be meted out to persons guilty of fraud in this matter.

The entire record in this case is herewith transmitted.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.

JWH 27-11



DEPARTMENT OF THE INTERIOR  
WASHINGTON DC

FMA  
JMK

Land-  
18004-1900  
J E B

L

JVM  
Cancellation of  
certain Creek  
allotment deeds.

August 27, 1909.

The Commissioner

to the Five Civilized Tribes,  
Muskogee, Oklahoma.

Sir:

Referring to your letter of April 16, 1909, in which inquiry is made whether suits have been brought to set aside deeds issued for allotments to Eli Tiger and certain others whose names were stricken from the roll of citizens of the Creek Nation, you are advised that suits to set aside deeds covering allotments to Herman Patrick and Sam Patrick were pending January 11, 1909, in the United States Circuit Court for the Eastern District of Oklahoma.

As these persons were parties in the case of Harvey Patrick, et al, then pending in the Supreme Court of the District of Columbia, which involves the question whether the Secretary of the Interior had authority to strike their names from the approved roll, the Department on January 19, 1909, recommended to the Attorney General that no action be taken looking to the prosecution of the suit to cancel the deeds pending final decision by the courts as to the right of the

L-23004-2.

above named persons to enrollment.

The Department in 1906 and 1907 requested the Attorney General to cause such action as might be deemed appropriate, to be taken to set aside the deeds issued for allotments to Eli Eiger, George Hombin, Felle Hombin, Wisco Harfolsky, Sam Ford, Barney Thibode, Hobbs Larnay, Malissa Larnay, Amy Jessie, Hissy Jessie, Harper Jessie, Poplin Jacobs, and James Hawkins.

The Department of Justice referred the papers to the then United States Attorney for the Eastern District of the Indian Territory, with instructions to take the necessary steps looking to the cancellation of the deeds. The Department is not advised of the present status of the case. The matter will, therefore, be taken up with the Attorney General and upon receipt of information you will be advised further. It is suggested that you call upon the United States Attorney for the Eastern District of Oklahoma for information as to whether any suits to cancel deeds in the above cases are pending in the United States Circuit Court for the Eastern District of Oklahoma.

Very respectfully,

(signed) Frank Pierce

Acting Secretary.

AG-14  
3974

Aug. 13, 1906.

Hon. Tams Hixby, Commissioner,  
To the Five Civilized Tribes,  
Muskogee, I. T.

Sir:-

Mrs. Louisiana Hixby, whose Post Office address is Wagonery,  
I. T., reports that Eli Tiger base roll No. is 825, died in 1895.

She states that Charles Drew is in possession of the allotment  
as the nearest heir of Eli Tiger, deceased.

She further states that the date of the death of Eli Tiger can  
be established by any of the citizens of Coweta.

I return herewith deeds Nos 20324 and 20325 in favor of the heirs  
of Eli Tiger for your investigation.

Respectfully,

GHA

Prin. Chief.

Enclosure.

CR EN 1126

CR EN 1126

5

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
November 12, 1906.

In the matter of the identification of John Washington, as an applicant for citizenship in the Creek Nation, in whose behalf a petition for rehearing was filed in this office, June 25, 1906.

APPEARANCES: P. L. Burkingame, attorney for Petitioner.

John Washington, being first duly sworn by Henry G. Hains a Notary Public, testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: John Washington.  
Q: How old are you John? A: About 72 I guess or 73 somewhere along there.  
Q: What is your post-office address? A: Muskogee.  
Q: How long have you been a resident of the Creek Nation?  
A: Well I have been with the Creeks all my days.  
Q: How long have you been a resident--how long have you lived in the Creek Nation? A: Possibly I guess about 20 years. Since the war, I have been here in the Nation, I came back here after the war.  
Q: What was the name of your father? A: Bob Barnett.  
Q: What was the name of your mother? A: Jimsey Barnett and some call her Gentry, but Jimsey is her proper name.  
Q: How many times have you been married? A: Once.  
Q: What are the names of your children?  
A: My oldest boy is named Arinso Washington.  
Q: What is the name of the next child? A: The next oldest one is Rose Ethel.  
Q: What is the name of the next child? A: The next child was David, he is dead.  
Q: What was the name of the next child? A: The next oldest child was Frederick Meshack Washington is his proper name. That is his initials.  
Q: What is the name of the next child? A: The next child was Rebecca.  
Q: What was the name of the next child? A: Lucus.  
Q: And the next? A: Well that is all, we only had 5, we have four dead, and five living.  
Q: Which of the children you have named, are living?  
A: Arinso, Rose Ethel, Frederick is living, Rebecca is living and Lucus is living.  
Q: Did you make application for enrollment as a citizen of the Creek Nation for yourself and other members of your family in the year 1896? A: I don't remember what year it was, but that was my intention for myself and children.  
Q: Were you informed that you were denied by the Commission at that time? A: Yes, I never went before the Commission but my attorney informed me of that.  
Q: Was an appeal taken or do you know, from the decision of the Commission to the United States Court at that time?  
A: I did not because I did not have the money to forward it.  
X: I didn't have the money and couldn't get it.

**Statement by Commissioner:**

It appears from the records in the possession of the Commission that Arinse Washington, David Washington, Frederick Washington, John Washington, and Rosetta Washington, were applicants for admission as citizens of the Creek Nation before the Commission in the year 1896, and that a decision was rendered by said Commission denying their application for admission, and that no appeal was taken from said decision to the United States Court in the Indian Territory. (Daves Commission number 155)

**Questions by Attorney for Petitioner:**

Q: Did you ever make application after that--after 1896?  
A: No sir.

This is all the evidence given in said cause on said date.

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 on said date in said cause.

Julia C. Laval

Subscribed and sworn to before  
me this 12 day of November, 1906.

H. Hains  
Notary Public.

Muskogee, Indian Territory, November 28, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith, for Departmental consideration, petition for rehearing filed with this office June 25, 1906 in the matter of the application for the enrollment of John Washington, et al as Creek Freedmen. There is also inclosed transcript of testimony taken November 12, 1906 in the matter of the identification of said John Washington.

The petitioner and principal applicant in this case is identified from the evidence and from the records in the possession of this office as the John Washington whose name appears, together with the names of Arinso Washington, David Washington, Frederick Washington and Rosetta Washington, among the list of applicants for citizenship in the Creek Nation under the provisions of the Act of Congress approved June 10, 1896. The records further show that decision was rendered by the Commission denying the application for



Secretary-2

citizenship of the persons above mentioned and that no appeal was taken from said decision.

It does not appear from the records of this office that the name of said applicant is contained in the Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, or in any other of the authenticated Rolls of the Creek Nation

In view of the facts of the case, I respectfully recommend that said petition for rehearing be denied.

Respectfully,

Commissioner.

Enclosures. L-28-1

Through the  
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS

WASHINGTON, February 18, 1907.

Refer in reply to the  
following:  
Land  
105001-1906

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated November 28, 1906, transmitting the record relative to the petition filed on June 25, 1906, for a rehearing in the matter of the application for enrollment of John Washington as a Creek Freedman. The Commissioner recommends that the petition for rehearing be denied //

The record shows application was made to the Commission in 1896 for the admission of John Washington and his children Arinzo Washington, David Washington, Frederick Washington and Rosetha Washington, as citizens of the Creek Nation, and that a decision was rendered by the Commissioner denying the application, and that no appeal was taken to the United States Court in the Indian Territory. No application for enrollment was made after 1896.

Commissioner Bixby says that it does not appear from the records of his Office that the name of the applicant is contained on the roll of Creek Freedmen made by J W Dunn prior to March 14, 1867 or in any other of the authenticated rolls of the Creek Nation.

Consequently under the provisions of the Act of April 26,

1906 (34 Stat L. 137) the applicant is not entitled to enrollment.

It is therefore recommended that the applicant's petition for rehearing be denied.

Very respectfully,

C.F. Iarrabee  
Acting Commissioner

JPB ML

DEPARTMENT OF THE INTERIOR,  
WASHINGTON. February 28, 1907

KLM PHE

I.T.D.4072-1907  
LRS  
Direct

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

Sir:

The petition for rehearing in the matter of the application for the enrolment of John Washington, et al. as Creek Freedmen, received with your letter of November 28, 1906, and Indian Office letter of February 18, 1907 (Land 105001-06), is denied, in accordance with your recommendation and that of the Indian Office, as it presents nothing which would warrant the Department in ordering a rehearing and in view of the limited time allowed by the provisions of section 2 of the act of April 26, 1906 (34 Stat.137), relative to the completion of the rolls of citizens of the Five Civilized Tribes.

The papers in the matter and a copy hereof have been sent to the Indian Office. Copy of Indian Office letter inclosed

Respectfully,  
Jesse E. Wilson  
Assistant Secretary

1 inc and 2 for Ind Of

Cr. En. 1126.

OM

Muskogee, Indian Territory, March 11, 1907.

John Washington,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1907, denied the petition for rehearing in the matter of the application for the enrollment of yourself and others as Creek freedmen.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 11, 1907.

R. L. Burlingame,  
Attorney for John Washington,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1907, denied the petition for rehearing in the matter of the application for the enrollment of John Washington et al. as Creek freedmen.

Respectfully,

Commissioner.

CR EN 1127

CR EN 1127



*Mother's name 1.2455*

*48*

IN RE *#81*

Application for Enrollment of

**MINOR CHILD**

Act of Congress Approved  
April 26, 1906.

*John Cobb*

as a citizen of

**CREEK**..... Nation.

Approved..... 190...

Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE SEMI-CIVILIZED TRIBES

MAY 7 - 1906

NEW BORN

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CREEK Nation,  
 of John Cobb born on the 31<sup>st</sup> day of Febry 1906  
(Here insert name of child)  
 Name of Father: Mack Cobb a citizen of the \_\_\_\_\_ Nation.  
 Name of Mother: Annie Cobb a citizen of the Creek Nation.  
(Can have)  
 Tribal enrollment of father: \_\_\_\_\_ Tribal enrollment of mother: North Fork  
 Postoffice: Ridge, I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }  
Western District. }

I, Annie Cobb on oath state that I am 23  
 years of age and a citizen by adoption of the Creek Nation;  
 that I am the lawful wife of Mack Cobb, who is a citizen, by  
 \_\_\_\_\_ of the U.S. Nation; that a male child was  
(Male or Female)  
 born to me on 31<sup>st</sup> day of February, 1906; that said child has been named  
John Cobb and was living March 4, 1906.  
Annie Cobb

WITNESSES TO MARK:

[Must be Two Witnesses] { \_\_\_\_\_  
 \_\_\_\_\_

Subscribed and sworn to before me this 7 day of May 1906.  
Henry H. Harris  
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }  
Western District. }

I, \_\_\_\_\_, a \_\_\_\_\_, on oath state that I  
 attended on \_\_\_\_\_, wife of \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_, 1906; that there was born to her on said date a \_\_\_\_\_  
(Male or Female)  
 child; that said child was living March 4, 1906, and is said to have been named \_\_\_\_\_  
 \_\_\_\_\_

WITNESSES TO MARK:

[Must be Two Witnesses] { \_\_\_\_\_  
 \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1906.  
 \_\_\_\_\_  
 Notary Public.

81

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
MAY 7, 1906.

In the matter of the application for the enrollment of  
John Cobb as a Creek Freedman.

Annie Cobb, being duly sworn, testified as follows:

- Q What is your name? A Annie Cobb.  
Q What is your age? A 23.  
Q What is your post office? A Ridge.  
Q How are you enrolled? A Annie Herred.  
Q Do you know what Creek Indian town you belong to? A North Fork.  
Q What is the name of your father? A Tony Herred.  
Q What is the name of your mother? A Mary Herred.  
Q Have you a brother named Mack? A Yes sir.  
Q Have you a brother named Morris? A Yessir.

Witness is identified as Annie Herred, opposite Creek  
Freedmen Roll No. 2455 .

- Q Did you have a midwife or doctor in attendance at the birth of  
the child? A No sir, I was midwife myself.  
Q You are advised that this office requires the affidavit of  
two disinterested witnesses to take the place of the affidavit of the  
midwife.  
Q What is the name of this child? A John Cobb.  
Q When born? A February 31st, 1906, the last day in February.  
Q Are you sure it was born February 31st? A Yes, sir.  
Q How do you know did you look at a calendar? A Yes, sir.  
Q And you say it was born February 31st do you? A Yes, sir.  
Q Do you know what month this is? A May.  
Q How many days in this month? A I don't know.  
Q What was last month? A April.  
Q How many days in that month? A I don't know.  
Q Do you know how many days in February? A 31 I expect.  
Q Who was present when this child was born? A My husband?  
Q Anybody else? A No  
Q Who was the first person saw this child after it was born except  
yourself and husband? A My sisterinlaw Lizzie Sanders.  
Q How many days was it before Lizzie Sanders saw it? A The same day.  
Q Anybody else see it the same day? A My motherinlaw Nancy Taylor.  
Q Do you know any white people who saw this child within two days  
after it was born? A No  
Q Did you write down anywhere when this child was born? A In a book.  
Q Who wrote it? A I did.  
Q What kind of a book? A A book I bought.  
Q What kind of a book a bible or what? A Dr. Russell's something.  
Q Is it a book to record births and deaths in? A No, sir, a doctor  
book.  
Q You wrote on one of the blank pages in that book? A Yes, sir  
Q Pen or pencil? A Pencil  
Q How long after? A The nextday.  
Q Tell me exactly what you wrote in there? A I don't know I couldn't  
tell you that.  
Q You didn't write very much did you? A I put down the name and age  
and day of the month.

- Q What date did you put down? A February 31, 1906.  
Q How did you come to write the name down if you wrote it the next day. Did you name it the next day? A I named it, gave it a nickname  
Q Did you write the nickname? A Yes, sir  
Q What nickname did you write down? A Wednesday.  
Q And you called it Wednesday Cobb? A Yes, sir born February 31, 1906  
Q Have you that book with you? A No, sir.  
Q Did you mean this child when you wrote Wednesday Cobb? A Its name is John Cobb.  
Q You meant this very child? A Yes, sir  
Q You are advised that we want you to bring that book in here.  
Q Are you married to Mack Cobb? A Yes, sir.  
Q And he is the father of the child? A Yes, sir  
Q Have you your marriage license with you? A No, sir  
You are advised that we require the original or a certified copy of your marriage license and certificate to be filed in this case.  
Q How old is this child? A Three months and eight days--7 days.

MACK COBB, being duly sworn, testified as follows:

- Q What is your name? A Mack Cobb.  
Q What is your age? A Twenty two  
Q What is your post office address? A Ridge.  
Q Have you ever been admitted to citizenship in any of the five tribes  
A Yes, sir I was admitted to make my application.  
Q You haven't been enrolled? A No, sir  
Q In what nation did you make application for enrollment? A In the Creek Nation.  
Q Were you denied? A Yes, sir  
Q What is the name of this child of yours? A John Cobb  
Q How old is he? A About three months old. Something like that because he was born the last day of February.  
Q What day was that do you know? A I don't know.  
Q Your wife said 31st of February is that right? A Yes, sir  
Q Do you know how many days there are in a month? A I expect so.  
Q How many days in this month? A Some carry 30 and some 31 and some 28.  
Q Which one is 28? A Some times March is 28 and some times February.

ANNIE COBB, recalled.

- Q Are you sure this child was born February 31, 1906? A Yes, sir  
Q Suppose that I should tell you February doesn't have that many days would you still be sure it was born on the 31st? A Yes, sir  
Q There is no such day as the 31st of February

Witness is advised to bring the two disinterested witness to this office to be examined under oath.

Further hearing had in this case on May 9, 1906.

ANNIE COBB being duly sworn testified as follows:

- Q What is your name? A Annie Cobb.  
Q What is your age? A Twenty three.  
Q What is your post office address? A Ridge.  
Q Are you the Annie Cobb who appeared here day before yesterday and testified in the matter of the application for the enrollment of your child John Cobb? A Yes, sir.  
Q At that time you were advised that it was desired by this office that you bring in the record referred to by you showing the date of birth of this child? A Yes, sir.

Q And you now have brought this in have you? A Yes, sir.  
Witness introduces a book entitled "Hand Book of Home Medicine" by Dr. Russell and about midway in said book on a blank page appears in pencil the following: "Nancie Cobb born February 24, 1904" immediately following appears this entry: "John Cobb born January 31, 1906". No other entries appear on said page.  
Q Who made this entry in this book? A I did.  
Q Do you write? A Yes  
Q How long did you go to school? A Three years.  
Q How many days in this month? A I don't know sir.  
Witness is requested to give a sample of her handwriting and she writes the name Nancy Cobb and the handwriting appears to be the same as that in the record referred to.  
Q When did you make the first entry in this book in regard to Nancy?  
A The same time I made the entry about John Cobb.  
Q Do you remember when you made that entry what day? A No, sir.  
Q How long ago? A Long time ago.  
Q Two years ago? A No, sir this year.  
Q Six weeks ago? A Been about five weeks. It's been some months ago.  
Q Do you think it was as much as four months ago you made this entry?  
A About four months.  
Q Are you guessing at that? A No, sir It was in February.  
Q You think in February? A Yes, sir in February. I made a mistake in the month the child was birthed in. I said February and it was January.

Witness is advised that she should be careful in making her statements and avoid the appearance of telling things that are not true, as perjury is a serious matter. It may be that your ignorance of dates causes you to give the different dates you have for the birth of this child. I want you to consider carefully as to when this child was born  
A I am not ignorant of the date but I just didn't pay attention and that is the way I made a mistake.

Q You swore in your previous testimony that this child was born February 31. What do you mean by swearing the child was born Feb. 31 and then coming in here today and swearing that the child was born on a different date, on January 31st? A The first time I thought I had it correct.

Q You didn't say you thought it was born in February, you swore you were sure it was born in February? A I thought I was sure.

Q Are you sure it was born in February? A No, sir I am not sure now.

Q What are you sure of now? A I am sure it was born the 31st day of January; the last day in the month.

Q How many weeks after the child was born did you make the entry in this book? A I don't know sir.

Q How do you know you got the right date in this book? A He was birthed on the last day. There is 31 days in January.

Q There are 31 days in a good many months. How many months after Christmas was this child born? A One. January the last day. Christmas is in December and January is the next month.

Q You say you had no midwife in attendance at the birth of this child?  
A No, sir Mrs Sanders wasn't present but she came after the birth.

Q How far does she live from you? A She lives just a short distance.

Q Any one else there immediately following the birth? A My mother-in-law Nancy Taylor.

Q You said in your testimony given on May 7 that you had made an entry in a book and that you made that entry under a nickname of this child. You said you had written in that book under the name Wednesday Cobb?  
A I did.

Q There doesn't appear to be any name Wednesday Cobb written in this book. What do you say to that? A It was Wednesday Cobb first put down.

Q Did you make an entry in regard to this child in any other book besides this? A No, sir I have no other.

Q Is there any other page in this book on which you have made an entry?  
A No, sir.

As has been said the only entries in this book are in regard to Nancy and John Cobb. The book does not show that there has been an erasure on this page. The paper is not worn as it would be if an erasure had been made.

Q Did you write Wednesday Cobb in this book? A Yes, sir and after the child was named I put John Cobb in the book.

Q Did you write the word Wednesday in there? A Yes, sir.

Q What day did you write this in the book? A I don't know.

Q Isn't it a fact that you wrote this entry in this book since you went home since day before yesterday? A I didn't go home. I sent my husband home and he can't write. He came this morning.

Q Did you write this entry in this book this morning? A No, sir

Q Didn't you write this entry in this book this morning? A No, sir, no, sir and I have witnesses who know I didn't.

Q What witnesses know anything about this entry in this book? A My sister-in-law and brother and my husband. He seen me when I wrote it.

Q How old is this child. How many weeks? A I don't know.

Q Is the child four weeks old? A He aint; he is 3 months and 9 days.

Q Have you settled on a definite date in your own mind and are you willing to swear and do you swear now the date of birth of this child that you have made application for? A Yes, I can give the date 31st of January 1906.

Q Is that the child you are holding in your arms now? A Yes

MACK COBB being duly sworn, testified as follows:

Q What is your name? A Mack Cobb.

Q What is your age? A I don't know, I say 22 it may be more and it may be less.

Q What is your post office address? A Ridge.

Q Are you the Mack Cobb who appeared here on the 7th and testified in the matter of the application for the enrollment of a child John Cobb? A Yes, sir

Q Your wife has presented a record here and has introduced a book on a page of said book there appears certain entries. The entry in regard to John Cobb states he was born January 31, 1906. In the testimony given by you day before yesterday you said that the child was born February 31? A The reason I said that I didn't know for sure.

Q Is that child six weeks old? A That child is over six weeks old.

Q Is it eight weeks old? A According to my knowing that child is three months old. I am satisfied it is a little over three months old.

Q Did you ever see or did you ever hear that your wife had made any other entry in this book introduced by her besides the words "John Cobb born January 31, 1906"? A The only time she wrote anything in that book was when the child was born. She staid here and I went home and got the book.

Q Did she write one name in the book and erase that and write another name? A No, sir she didn't do that.

Q Your wife swears that she wrote the name Wednesday Cobb and erased that name and wrote in the same place on the paper the name John Cobb? Do you know anything about that? A The reason she put it Wednesday they said the child would die if she gave it its right name right after it was born. There's a heap of them have horses or anything they wouldn't count. We have some pigs we didn't count. They say if we count them they will die.

Q You yourself couldn't swear exactly the day that child was born could you? A She said it was born Wednesday; she keeps the day of the week but she some times forgets.

Q On what day of the week was it born? A I can't count.

Q Do you think that child is three months old? A It should be over three months old.



Q How long after New Years was it born? A I don't hardly know.

Q Did you see your wife erase with a rubber a name on this page and write another on it? A She aint that kind of a woman.

Q You don't know whether she did? A I know she didn't because she wouldn't do anything like that.

Q She states that she wrote the name Wednesday Cobb in the book and that when you renamed the child that she wrote the name John Cobb in the place where Wednesday Cobb was written? A Yes, sir all I know is she put the name Wednesday Cobb to keep the child from dying.

Q Did she write the name Wednesday Cobb in this book or do you know? A She said she would.

Q Do you know whether she did write the name in it? A She took the book and wrote in it but I don't write. The only time I saw her have it in her hands was that day.

Q She only made one entry in regard to that child? A That is all I recollect.

Q You are satisfied are you now that the entry in this book made by your wife shows the exact date of birth of your child John Cobb? A Yes

Q You think that child is three months old and a little over? A I know he is.

Q But you don't know the day he was born? A Yes, my wife said he was born Wednesday.

Q You and your wife and informed that it will be necessary for you to introduce the affidavit of two disinterested witnesses as to the date of birth of this child in the absence of the affidavit of a physician. You were also requested to bring a copy of your marriage license showing your marriage to Annie Herred.

Witness presents marriage license and certificate.

ELIZABETH SANDERS, being duly sworn, testified as follows:

Q What is your name? A Elizabeth Sanders.

Q What is your age? A I don't know; about 26.

Q What is your post office address? A Ridge.

Q Are you acquainted with Mack and Annie Cobb? A Yes, sir Mack is my brother.

Q How far do you live from them? A I don't know. In talking distance; about a half of a quarter.

Q Can you tell me the date of birth of children of Mack and Annie Cobb? A Yes

Q When was their oldest child born? A I done forgot.

Q When was the next one born? A Last January Wednesday.

Q How do you know it was born on a Wednesday? A I was there after the baby was birthed.

Q How long after it was born? A I don't know.

Q Was it the same day or week or when? A I don't think it was a half an hour after.

Q How do you know it was born on that day? A Because that was the last day; I got the calendar and asked her what day of the month it was and we commenced to count from that day.

Q How many months old is that child now? A The way I count it is three months old.

Q Less than three months? A No, sir the last of this month will make it four months old.

Q When was it born did you say? A The last day of January.

Q Can you read and write? A No, sir.

Q Who told you it was born on a Wednesday? A I got the calendar and carried it to my sister in law, she can read and write.

Q And she told you? A I can count on the calendar.

Q You can spell out the months? A Yes and I can count the numbers.

~~She had the calendar right in her house and I took it down and carried it to the bed.~~



Q And you saw it was born on January 31 st? A Yes, sir.

MACK HERRRED, being duly sworn, testified as follows:

- Q What is your name? A Mack Herred.  
Q What is your age? A I couldn't say exactly, about 27.  
Q What is your post office address? A Ridge.  
Q Do you know a child of Mack and Annie Cobb named John? A Yes, sir.  
Q Did it ever have a nickname? A Not as I know of. That was the first name given him.  
Q When was it born? A 31st day of January.  
Q Who told you so? A Nobody told me.  
Q Can you read and write? A A little not to say very much.  
Q How do you know it was born January 31st? A Bound to be the 31st because that is the first day I saw it.  
Q What day is today? A I think the 9th.  
Q Do you keep track of the days of the month? A Not so very regular  
Q How do you know the child was born the 31st? A Because that is the first I saw it.  
Q Did you look at the calendar? A Yes, sir  
Q Did you come there the day it was born and see it? A Yes, sir  
Q How old is that child? A A little over three months right now.  
Q Are you related to Mack or Annie Cobb? A Annie is my sister.  
Q Do you know anything about any record she made about the birth of this child? A No.  
Q Didn't know she made any record of it? A Not before now.  
Q Do you know if she ever wrote anything in a book about it? A Yes wrote its age down there.

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 11 day of May 1906.

*H. H. Hains*  
Notary Public.

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199

**IN RE**

**Application for Enrollment of**

**MINOR CHILD**

Act of Congress Approved  
April 26, 1906.

.....  
as a citizen of

**CREEK**..... Nation.

Approved..... 190...

.....  
Commissioner.  
.....

MAY 8 - 1906

W. L. BORN

ACT OF CONGRESS, APPROVED APRIL 26, 1906:

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 CREEK Nation,  
 of John Cobb [Here insert name of child] born on the 31 day of January 1906  
 Name of Father: Mark Cobb a citizen of the \_\_\_\_\_ Nation.  
 Name of Mother: Annie Cobb (us named) a citizen of the Creek Nation.  
 Tribal enrollment of father: \_\_\_\_\_ Tribal enrollment of mother North Fork  
 Postoffice: Ridge, IT

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }  
Western District. }

I, Annie Cobb on oath state that I am 23 years of age and a citizen by adaptation of the Creek Nation; that I am the lawful wife of Mark Cobb who is a citizen, by \_\_\_\_\_ of the U. S. Nation; that a male child was [Male or Female] born to me on 31 day of January 1906 that said child has been named John Cobb and was living March 4, 1906.  
Annie Cobb

WITNESSES TO MARK:

[Must be Two Witnesses] { \_\_\_\_\_  
 \_\_\_\_\_

Subscribed and sworn to before me this 9 day of May 1906.  
Mary H. Hains  
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }  
Western District. }

I, \_\_\_\_\_ a \_\_\_\_\_ on oath state that I attended on \_\_\_\_\_ wife of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 1906; that there was born to her on said date a \_\_\_\_\_ child; that said child was living March 4, 1906, and is said to have been named \_\_\_\_\_

WITNESSES TO MARK:

[Must be Two Witnesses] { \_\_\_\_\_  
 \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1906.  
 \_\_\_\_\_  
 Notary Public.

Creek Enrollment #1127.

(N.B. F. 48)

Wm Cobb.

C. Ev. #1127.

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

In the matter of the application for the enrollment of John Cobb as a Creek freedman.

D E C I S I O N .

The record in this case shows that on May 7, 1906, application was made in affidavit form for the enrollment of John Cobb as a Creek freedman and that the same was supplemented on said date by oral testimony, and on May 9, 1906, by a further affidavit and further testimony.

There is a discrepancy in the evidence in the matter of the date on which applicant was born but the same is not material as both dates given are prior to March 4, 1906.

The weight of the evidence is to the effect that the applicant was born on January 31, 1906, was living on March 4, 1906 and is the child of Mack Cobb, a non citizen, and Annie Cobb, whose name appears opposite No. 2455 on the approved roll of Creek freedmen.

The Act of Congress approved April 26, 1906 (34 Stats., L. 137), provides in part as follows:

"That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof. . ."

It is, therefore, ordered and adjudged that the said John Cobb is entitled to be enrolled as a Creek freedman, in accordance with the provisions of the Act of Congress above quoted and the application for his enrollment as such is accordingly granted.



COMMISSIONER.

Muskogee, Indian Territory,

*January 15, 1907*

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY, SS  
WESTERN DISTRICT.

No. 840.

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE--GREETING:  
YOU ARE HEREBY COMMISSIONED TO Solemnize the Rite and Publish  
the Bonds of Matrimony between Mr. Mack Cobb of  
Ridge in the Indian Territory, aged 21 years, and Miss  
Annie R. Harrod, of Ridge, in the Indian  
Territory, aged 22 years, according to law, and do you officially  
sign and return this license to the parties therein named.

Witness my hand and official seal at Muskogee, Indian  
Territory, this 23 day of April, A.D. 1903.

SEAL  
By A.Z. English Deputy.

R.P. Harrison,  
Clerk of the U.S. Court.

CERTIFICATE OF MARRIAGE/

UNITED STATES OF AMERICA,  
INDIAN TERRITORY, SS  
WESTERN DISTRICT.

I, Rev. E.D. Walker, A Minister of the Gospel,  
do hereby certify that on the 24 day of April A.D. 1903,  
I did duly and according to law as commanded in the  
foregoing license, solemnize the Rite and publish the Bonds of  
Matrimony between the parties therein named.

Witness my hand this ~~23~~ 24 day of April, A.D. 1903.

My credentials are recorded in the office of the United  
States Court, Indian Territory, Western District, Book B, Page 243.  
Rev. E.D. Walker  
A Minister of the Gospel.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY, SS  
WESTERN DISTRICT.

I, ROBERT P. HARRISON, Clerk of the United States Court in the  
Western District, Indian Territory, do hereby certify that the  
instrument hereto attached was filed for record in my office the  
27 day of April, 1903, at        H., and duly recorded  
in Book 0, Marriage Record, Page 311. Witness my hand and  
seal of said Court at Muskogee, in said Territory, this 27 day of  
April, A.D. 1903. SEAL.  
By J. Harlan, Deputy. R.P. Harrison, Clerk

Lona Merrick, being duly sworn, states that the above and  
foregoing is a true and correct copy of the above Marriage License.

*Lona Merrick*

Subscribed and sworn to before me this 9th day of July, 1906.

*H. G. Hain*

Notary Public

CR EN 1128

CR EN 1128



Father's roll # F. 5529

NEW BORN 77-100

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved  
April 26, 1908.

Vennetta Patrick

as a citizen of

CREEK

Nation.

Approved..... 190...

Commissioner.

NEW BORN CREEK FREEDMEN.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

F I L E D

June 6-06

  
COMMISSIONER.

Born May 24, 1904.

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 CREEK Nation,  
of Vennetta Patrick, born on the 27 day of May 1904  
(Here insert name of child)  
Name of Father: Harvey Patrick a citizen of the Creek Nation.  
Name of Mother: Clara a citizen of the U.S. Nation.  
Tribal enrollment of father: Pending Tribal enrollment of mother: \_\_\_\_\_  
Postoffice: Taft, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }  
Western District. }

I, Clara Patrick, on oath state that I am 33  
years of age and a citizen by \_\_\_\_\_ of the U.S. Nation;  
that I am the lawful wife of Harvey Patrick, who is a citizen, by  
adoption of the Creek Nation; that a female child was  
(Male or Female)  
born to me on 27 day of May 1904; that said child has been named  
Vennetta Patrick and was living March 4, 1906.

Clara Patrick

WITNESSES TO MARK:

[Must be Two Witnesses] { \_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me this June 6<sup>th</sup> day of \_\_\_\_\_ 1906.

H. H. Hain  
Notary Public.

Father  
AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE

UNITED STATES OF AMERICA, Indian Territory, }  
Western District. }

I, Harvey Patrick state that  
I am husband of Clara Patrick  
on the 27 day of May 1904; that there was born to her on said date a female  
(Male or Female)  
child; that said child was living March 4, 1906, and is said to have been named Vennetta  
Patrick

Harvey Patrick

WITNESSES TO MARK:

[Must be Two Witnesses] { \_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me this 6<sup>th</sup> day of June 1906.

H. H. Hain  
Notary Public.

72  
Father's roll # F.5529  
199

IN RE #163

Application for Enrollment of  
**MINOR CHILD**

Act of Congress Approved  
April 26, 1906

M Royce Patrick  
as a citizen of  
Creek Nation

Approved \_\_\_\_\_ 190\_\_

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

ACT OF CONGRESS APPROVED APRIL 26, 1906

NEW DORN

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1905

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,  
of Royce Patrick, born on the 14th day of Oct, 1905  
(Here insert name of child)  
Name of Father: Harvey Patrick a citizen of the Creek Nation.  
Name of Mother: Clara Patrick a citizen of the Creek Nation.  
Tribal enrollment of father: Creek Tribal enrollment of mother: New Cet.  
Postoffice: Tahlequah

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, Indian Territory,  
Western District.

I, Clara Patrick, on oath state that I am 33  
years of age and a citizen by Birth of the State of Tex Nation;  
that I am the lawful wife of Harvey Patrick who is a citizen, by  
Birth of the Creek Nation; that a Male child was  
(Male or Female)  
born to me on 14th day of Oct, 1905; that said child has been named  
Royce Patrick, and was living March 4, 1906.  
Clara Patrick

WITNESSES TO MARK:

[Must be two Witnesses]

Subscribed and sworn to before me this 9th day of May, 1906.

My Comm. Expires Dec 12 1910

Whissell J. Rogers  
Notary Pub

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE

UNITED STATES OF AMERICA, Indian Territory,  
Western District.

I, Lucrecia Chaney, a mid-wife, on oath state that I  
attended on Clara Patrick, wife of Harvey Patrick  
on the 14th day of Oct, 1905; that there was born to her on said date a Male  
(Male or Female)  
child; that said child was living March 4, 1906, and is said to have been named Royce Patrick  
Lucrecia Chaney  
mid

WITNESSES TO MARK:

[Must be two Witnesses]

Subscribed and sworn to before me this May 9th day of May, 1906.

My Comm. Expires Dec 12 1910

Whissell J. Rogers  
Notary Public.

Frather's roll F. 5329

7 26

IN RE 162

Application for Enrollment of  
MINOR CHILD

Act of Congress Approved  
April 26, 1906

M. Loyce Patrick

as a citizen of

----- Nation

Approved ----- 190-----

-----  
Commissioner.

RECEIVED AT THE INTERIOR  
COMMISSIONER OF THE GENERAL LAND OFFICE

NEW YORK

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1905

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the \_\_\_\_\_ Nation,  
of Loyce Patrick, born on the 14<sup>th</sup> day of Oct, 1905.  
(Here insert name of child)  
Name of Father: Harvey Patrick a citizen of the Creek Nation.  
Name of Mother: Clara Patrick a citizen of the Creek Nation.  
Tribal enrollment of father: Creek Tribal enrollment of mother: non-Ind.  
Postoffice: Paft 27

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, Indian Territory, }  
Western District. }  
I, Clara Patrick, on oath state that I am 33  
years of age and a citizen by Birth of the State of Texas Nation;  
that I am the lawful wife of Harvey Patrick, who is a citizen, by  
Birth of the Creek Nation; that a male child was  
(Male or Female)  
born to me on 14<sup>th</sup> day of Oct, 1905; that said child has been named  
Loyce Patrick, and was living March 4, 1906.  
Clara Patrick

WITNESSES TO MARK:

[Must be two Witnesses]

Subscribed and sworn to before me this 9<sup>th</sup> day of May, 1906.

My Comm. expires May 12<sup>th</sup> 1910

Chas. S. Rogers  
Notary Pub

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE

UNITED STATES OF AMERICA, Indian Territory, }  
Western District. }  
I, Lucrecia Chaney, a mid-wife, on oath state that I  
attended on Clara Patrick, wife of Harvey Patrick  
on the 14<sup>th</sup> day of Oct, 1905; that there was born to her on said date a male  
(Male or Female)  
child; that said child was living March 4, 1906, and is said to have been named Loyce Patrick.  
Lucrecia Chaney  
mark

WITNESSES TO MARK:

[Must be two Witnesses]

Subscribed and sworn to before me this 9<sup>th</sup> day of May, 1906.

Chas. S. Rogers  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
MAY 10, 1906.

In the matter of the application for the enrollment of  
Loyce and Royce Patrick, as Creek Freedmen.

Harvey Patrick, being duly sworn, testified as follows:

- Q What is your name? A Harvey Patrick.  
Q What is your age? A 34.  
Q What is your post office? A Taft.  
Q What is the name of your father? A John Harrison.  
Q No it isn't, you don't know your own father's name. What is the  
name of your mother? No answer.  
Q Have you some children that were enrolled with you? A Yes sir.  
Q Name them? A Norman, Valdo, Cora.

Witness is identified as Harvey Patrick, opposite Creek  
Freedmen Roll, No. 5529. Witness presents affidavits in the  
matter of the enrollment of twin children, Loyce and Royce  
Patrick.

- Q Have you a couple of twins--twin children named Loyce and Royce?  
A Yes sir, born October 19, 1905.  
Q Are they living? A Yes sir.  
Q Both boys? A Yes sir.  
Q What is the name of the mother of these children? A Clara Patrick  
Q Is she a citizen of any of the Five Tribes? A No sir.  
Q Is she living? A Yes sir.  
Q Have you your marriage license? A No sir.

You are advised that you must file with this office a certified  
copy of your marriage license.

- Q The midwife who attended your wife was Lucretia Chaney? A Yes sir.  
Q Are you sure both of them are living? A Yes sir.  
Q You spell the names L-o-y-c-e and R-o-y-c-e. A Yes sir.

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 cause on said date.

*Lona Merrick*

Subscribed and sworn to before me this 10th day of May, 1906 .

*Henry G. Hains*

Notary Public.



N. B. F. 72

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, October 19, 1906.

In the matter of the application for the enrollment of  
VENETTA PATRICK, as a Creek freedman.

APPEARANCE:

JOHN G. LIEBER appears as attorney  
for the applicant.

FRANCES DEGRAFFENREID, being first duly sworn by  
Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Frances DeGraffenreid.  
Q How old are you? A About 53.  
Q What is your postoffice address? A I cant call the name  
of it, here in town. Dont know the name of the place.  
Q Muskogee? A yes sir, Muskogee.  
Q What is the street number? A Fourteenth and Denison.  
Q Are you a state woman? A yes sir, state woman.  
Q Do you know Clara Patrick? A I know her when I see her.  
Q Do you know her husband? A Know him when I see him.  
Q What is his name? A Harvey Patrick.  
Q Did you ever wait on Clara when any children were born?  
A Only this hereun what they got now.  
Q Only waited on her for one child? A This one.  
Q What is the name of that child? A Vinita-- I cant hardly  
call its name.  
Q When was it that you waited on her for that child; waht time  
was it when you waited on her? A I just tell you the truth;  
I never kept up any time, to tell the time, what day it was.  
Q Didnt you tell the Notary Public yesterday who refused to  
take your affidavit that the child you waited on her for  
was Cora? A That is what I call her.  
Q Why did you say Vinita now? A I didnt know her name.  
Q Just learned it now? A Call her Cora all the time.  
Q You never knew about Venetta until just now? A No.  
Q And as a matter of fact then you dont know of your own knowledge  
that you waited on her for a child by the name of Venetta, on  
Clara Patrick? A No sir.

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- Q And you dont know as a matter of fact when this little child out there in the hall was born do you? A No sir.
- Q Did you ever see that child from the time it was born until just now? A Until yesterday.
- Q And you dont know that that is the same one you saw yesterday? A Yes sir, she told me it was the same one.
- Q But you dont know yourself? A She told me it is the same one.
- Q It appears from the records that Clara has a child enrolled here by the name of Cora? A I dont know.
- Q You just said you call the child Cora you helped to deliver. A I call this one Cora.
- Q Where was it you waited on Clara Patrick? A In the country.
- Q Where did you live at that time when you waited on her? A Lived in the country.
- Q Moved in town after didnt you? A Yes sir.
- Q How long did you live in town? A About three years.
- Q Was it more than three years or less than three, what do you mean? A About three.
- Q About how long was it after you waited on this woman before you moved to town? A About a year and a half.
- Q Then if that is a fact, if you waited on this woman a year and a half before you moved to town, you waited on her out there, and you have been in town three years, how do you explain that you swore in this office before Zera E. Parish, a Notary Public, that you waited on Clara E. Patrick when Venetta was born in May, 1904, which was just about five months before two years ago; how do you know that? A I dont know sir.
- Q This affidavit that you signed, stating that you waited on Clara Patrick when a child of hers named Venetta was born on May 7, 1904, is incorrect? A Yes sir.
- Q Because you waited on her a year and a half before you moved to town; you have been in town three years; you couldnt have waited on her in 1904 when that child was born? A guess so.
- Q Was it a grown child? A Yes sir, full.
- Q It was a year and a half before you moved to town? A Yes sir, I think it was.
- Q You moved to town three years ago? A Yes sir.
- Q How old is that child you waited on? A Never kept up.
- Q About how old? A Just cant hardly guess.
- Q Didnt you tell the Notary Public yesterday when they wanted you to make affidavit that that child was four or six years old? A I said between two and three.
- Q You said between four and six didnt you; didnt you say that yesterday? A I might have said it. I never kept any time how old it was.
- Q And you never seen her or the child since the time you waited on her until yesterday? A Until yesterday.
- Q When you went thereto wait on her for this child, did you see any children there? A Might have been.
- Q How many children was there? A Never seen any.
- Q Didnt you tell the Notary Public that you saw two children there? at the time? A No sir, I never saw any there.
- Q How many children has she got altogether, do you know? A No.
- Q Do you know the names of any of her other children? A No sir, I dont think I do; I see lots of children running around; dont know whether they are hers or not.

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- Q What did you do when you lived out in the country? A Farmed.  
Q What time of the year was this child born? A Nineteen hundred something, I dont know that, I just done forgot now.  
Q What were you doing on the farm at the time you went to wait on her? A I dont know.  
Q Well after you went there to wait on this child for them you went back home did you after that? A Yes sir.  
Q And did your husband gather a crop then after you did that? A Yes sir, I believe he did.  
Q Then did you plant another crop before you moved to town? A I think so.  
Q Then you moved to town? A Yes sir.  
Q Have you spoken to these people, either Harvey or Clara this morning about testifying in this case or making an affidavit? A No sir.  
Q Never said a word to them? A No sir.  
Q They never said a word to you? A No sir.  
Q Where did you spend the night? A At home.  
Q Where did they spend the night? A At home.  
Q With you? A No sir.  
Q How long were you together after making this affidavit? A At noon.  
Q How long did you stay with them after you left here? A We just parted.  
Q You mean to say that at the time you came up with them to get the Notary Public to sign and take your affidavit, who refused because you clearly showed that you didnt know this child, you mean that they never said a word to you or talked to you about this child? A No sir.  
Q Never said a word to you? A No sir.  
Q Hasnt their lawyer Mr. Lieber talked to you about it? A No sir; that man talked to me (referring to Mr. Merrick).  
Q They never said a word to you to you from the time you came to have Mr. Merrick yesterday to make the affidavit, they never said a thing to you? A No sir, went right on home, come on back.  
Q Never said a word to you? A No sir.

BY MR. LIEBER:

- Q Frances, do you know how to read or write? A No sir.  
Q You know what month this is? A October.  
Q What month comes next? A November.  
Q What month was before this month? A September.  
Q Do you know how to figure? A No.  
Q You appeared here before the Commissioner sometime last year did you and made an affidavit relative to the birth of this child, Venetta Patrick, didnt you? A Yes sir.  
Q That affidavit was made right here in this office wasnt it? A Yes sir.

We desire now to refer to the affidavit of this witness made before the Commission on the 17th day of April, 1905, before Zera E. Parish, a Notary Public, who was in the employ of the Commission at Muskogee.

We desire also at this time to object to the leading

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questions which have been asked this witness by the examiner.

- Q Now Frances, how often have you waited on this woman at the birth of any of her children? A This is all the one.
- Q Just once? A Yes sir.
- Q Can you tell the Commissioner when that was you waited on her? A No dont guess I could mention the hour and the day.
- Q Cant you tell him the time it was? A No sir, dont guess I could; it was night when she come and got me.
- Q Had you ever known these people before this time? A No sir, they were strangers to me.
- Q Have you ever been at their house since the time that that child was born? A No sir.
- Q When was the first time that you saw this child after you was there and waited on its mother? A Yesterday.
- Q Did they name the child after it was born and while you were still at the house? A No.
- Q Did you know what the child's name was when you came here before the Commissioner here yesterday and had the talk with the Notary Public? A No sir.
- Q Why was it that you told the Notary Public at that time that the child's name was Cora? A She didnt tell me; I called it Cora; she had ought to have told its right name; always nick-named children.
- Q Cant you tell the Commissioner about when it was that this child was born, how many years ago; I mean the child you waited on? A Just as near as I could tell it good while ago.
- Q Well do you remember the year? A Year was 1804.
- Q 1804? A 1804 he was born.
- Q You dont know anything about figures do you? A No sir, dont know nothing about figures.
- Q Do you know the difference between 1804 and 1904? A Not hardly.
- Q You stated you were living out there on Pecan Creek when this child was born? A Yes sir.
- Q How far did you live from these People's house? A As near as I can guess at it, about two miles.
- Q What were you doing when they came after you to wait on this woman; to wait on this child? A Eating supper.
- Q What had you been doing during that time? A Chopping cotton.
- Q Then it was cotton chopping time when this child was born? A Yes sir.
- Q When do you chop cotton in this country? A Chop cotton in April and May too; if you plant early you have to get at it.
- Q How long did you stay there in that settlement after this child was born; how long did you live there? A Guess I stayed there about a year and a half; moved to where I do now.
- Q How do you remember that it was a year and a half after that you moved away from there? A Just can guess at it.
- Q Were you raising a crop that year that this child was born? A Yes sir, we been raising a crop all the time, Yes sir.
- Q On whose place were you living at the time the child was born? A On Reuben Morrison's.
- Q How long were you living on Reuben Morrison's place when the child was born that you waited on, altogether? A I dont know.
- Q Live on the place several years? A Several years.
- Q Did you move from Reuben Morrison's place to town here? A Yes sir.

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- Q Are you a married woman; your husband living? A Yes sir.
- Q Did you plant and raise another crop after this child was born and before you moved to Muskogee? A Yes sir.
- Q Sure of that are you? A Yes sir.
- Q What time of the year was that you moved to Muskogee? A Well I couldnt tell you; I know it was in the fall.
- Q Fall? A Yes sir.
- Q What has your husband been doing since you live here in Muskogee? A Farm.
- Q Where did he farm the first year you came here? A Cherokee Nation.
- Q Does he live over there in the Cherokee Nation? A Yes sir.
- Q How many crops has he made since you been here in Muskogee? A This makes three I believe or four, three or four.
- Q Three or four? A Yes sir.
- Q This makes the third or fourth crop you say that he has raised since you have been in Muskogee? A Yes sir, fourth crop.
- Q This makes the fourth? A Yes sir.
- Q Sure of that now? A Yes sir.
- Q Where is your husband now? A At home. I left him there.
- Q Then, if this makes the third or fourth crop that you have raised since you have been in Muskogee, this child must have been born-- the child that you waited on must have been born something like five and a half years ago; is that right? A It might; you all got to figure; I dont know nothing about figures.
- Q Was this child you waited on a girl or a boy? A Girl.
- Q Do you know of your own knowledge whether or not that child ever lived to be a year old? A Speak that word again.
- Q Do you know of your own knowledge whether or not that child ever lived to be a year old; what you know yourself-- did that child ever live to be a year old that you waited on? A Thought it would; good healthy looking baby; something now I dont know nothing about, about the child being a year old.
- Q When I ask you about your own knowledge I mean what you know yourself, not what somebody has told you; now do you know of your own knowledge that the child that you delivered from that woman ever lived to be as much as a year old? A Yes sir, lived out a year.
- Q Now I think you told the Commissioner a few minutes ago that you never saw the child from the time he was born until they showed you a child yesterday? A Yes sir, one they said I waited on.
- Q Now do you know that this was the child you waited on? A Know what people told me; asked people; they told me yes; I come out there where I come from ask if it was the child; they say yes.
- Q You dont know yourself do you? A Not until I see it yesterday.
- Q Do you know that this is the same child that you delivered from that woman at that time? A Yes sir.

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BY THE COMMISSIONER:

- Q How do you know that this is the same child; you mean to tell me of your own knowledge it is the same child; you dont know of your own knowledge do you? A Yes sir; they told me; I know it was the child.
- Q You only know it because she told you? A Knew child I delivered, new-born baby, when it was born.
- Q Didnt you state you didnt see it from the time it was born until yesterday? A Not until yesterday.
- Q See the mother or father? A Not until yesterday.
- Q Did anybody tell you about the child? A No sir.
- Q Then when you swore that this child was living on or about March 4, 1905, which was about a year after it was born, you swore to something you didnt know didnt you? A I know it.
- Q How do you know? A I know child was born.
- Q Didnt you say just a minute ago that you never saw the child until it was here yesterday, and you never saw either Clara or Harvey until yesterday? A No.
- Q Then how did they tell you last year if you never saw them until yesterday? A Not until yesterday.
- Q Did you ever see Clara Patrick last year? A No sir, I didnt.
- Q Then you are telling the truth that you never saw the child until yesterday? A No sir.
- Q Did you see the child last year when you came up here to make that affidavit? A Dont think she brought it with her.
- Q Then you didnt know as a matter of fact whether the child was living on March 4, 1905, did you? A No sir, didnt know it myself; done asked.

Attention is called to the fact that while this affidavit is made before Zera E. Parish, and her name is signed thereto as Notary Public, she also signed as a witness to the mark to the affidavit, that the body of the affidavit was filled out, the only writing done on said affidavit being in said witness to signature and her signature and jurat.

- Q But you dont know only from her telling you that that is the same child you waited on? A No sir.
- Q And they told you last year when they come to make affidavit, and they told you yesterday? A Yes sir.
- Q What did you mean by saying a while ago that they never said anything about it? A Never talked to me yesterday at all; went right home.

BY MR. LIEBER:

We refer to the affidavit made by this witness before the Commissioner in 1905 for the purpose of calling attention that the affidavit was made in the office, and that at that time the office had ample opportunity and probably did interrogate this witness regarding the birth of this child, as it is generally the practice to interrogate the witness before making an affidavit.

WITNESS EXCUSED.



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CLARA PATRICK, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A My name is Clara Patrick.  
Q How old are you? A About 32 or 33.  
Q What is your postoffice address? A Muskogee now.  
Q What is your number, street number, house number? A House isnt numbered.  
Q What street is it on? A Eighth street.  
Q Eighth and what? A I dont know the name, north Eighth street.  
Q You are a state woman are you not? A Yes sir.  
Q Are you married? A Yes sir.  
Q What is the name of your husband? A Harvey Patrick.  
Q When were you married to him? A I married in, I believe it was 1894, December 16, on Sunday.  
Q What was the name of the first child you ever gave birth to, living or dead? A Norman Patrick.  
Q That child living? A Yes sir.  
Q The next one? A Valdo Patrick.  
Q The next one? A Cora Patrick.  
Q She living? A Yes sir.  
Q What is the name of the next one? A Venetta.  
Q She living? A Yes sir.  
Q What is the name of the next one? A Loicy and Roicy.  
Q Twins? A Yes sir.  
Q Living? A Yes sir; last year.  
Q What is the name of the next child? A Aint got no name.  
Q Did you have another child? A Yes sir, before I was married to him miscarried one child.  
Q Was it just one or two? A One.  
Q That one was before; you didnt state correctly that Norman was the first one? A It wasnt a child.  
Q You had a miscarriage and then you had Norman? A Yes sir, I called that a child.  
Q Then up to those twins Roicy and Loicy you have named all your children, have you? A yes sir.  
Q Did you ever call Loicy and Roicy anything else? A No sir.  
Q Then if I understand you right, the number of times in which you had a child, or counting also this one that was born dead is six, is that right; that dead one you didnt name, was not born and miscarried, Norman, Valdo, Cora, Venetta, and Roicy and Loicy, that makes seven? A Seven yes sir.  
Q That is the only time you had anything that approached giving birth to a child? A Yes sir.  
Q Where were you married? A In Oklahoma.  
Q What city? A Guthrie.  
Q How long did you live there? A I didnt live there long.  
Q About how long? A I dont know about how long.  
Q This child that was never born, did that happen in Oklahoma? A No sir. I told you I had it before I married him.  
Q Where? A At Galveston, Texas.

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BY THE COMMISSIONER:

- Q Well now, I will ask you once more now the name of your children living and dead, miscarried, anything that approaches the birth of a child, in the order in which they come, I will ask you to carefully name every time that you were down to give birth to a living or dead child; the first one was that miscarriage, is that right? A Yes sir.
- Q What was the next one? A Norman.
- Q Sure of that are you? A Yes sir, sure.
- Q Name the next one? A Norman, Valdo, Cora, Venetta, Loicy and Roicy.
- Q And that is all living or dead that you had? A Yes sir.
- Q Now this child, Venetta, is she living? A Yes sir, see her out there.
- Q This is Venetta you have in your arms is it? A Yes sir.

BY MR. LIEBER:

We ask that the Commissioner state in the record the apparent age of the child which the witness has in her arms.

BY THE COMMISSIONER:

The child is present and appears to be about three years old and dressed like a girl.

- Q How old is Venetta? A She was born in '94, May 7.
- Q You mean 1904? A 1894.
- Q If that is true it would make this child twelve years old? A 1904.
- Q You mean 1904? A Yes sir.
- Q Who was present when that child was born? A Mrs. DeGraffenreid.
- Q Who else? A My husband and myself.
- Q Anybody else see the child after it was born that same day? A I dont know whether they did or not; I know I seen it; my husband see n it; another lady seen it, she is in Iowa now.
- Q What was her name? A Name was Mrs. Welch.
- Q Didnt you have any doctor or physician there when it was born? A No sir.
- Q Where was the child born? A Out here on Pecan Creek.
- Q You were living there then were you? A Yes sir.
- Q How long did you live there after the child was born? A I lived there up until last October.
- Q Up until this last October? A I think it was last October, in October.
- Q Well then did you move to town where you now live? A Moved to Taft.



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- Q How long did you stay there? A Until I dont know; I couldnt tell you how many months did stay there.
- Q Then where did you go? A Right here in Muskogee.
- Q Where you are living now? A Yes sir.
- Q How long have you been here in Muskogee? A Been here this month makes two months.
- Q Do you positively swear now that you did not have any children, living or dead, between Cora and Venetta? A Positively swear it?
- Q Yes. A Sure I swear it.
- Q Do you know the name of your husband's father, Harvey Patrick's father? A Yes sir, heard him say.
- Q What did you hear him say it was? A Peter Harrison; didnt know his father.
- Q What was the name of Harvey's mother? A Hear him say Tama Taylor.

BY MR. LIEBER:

- Q Mrs. Patrick have you any children that are dead? A No sir, only what I told you a while ago.
- Q That one was miscarried before you were married? A Yes sir.
- Q And you have not had any children since you married that have died? A (Witness shakes head meaning no).
- Q None at all? A (Witness shakes head meaning no).

BY THE COMMISSIONER:

- Q Now at the time that Venetta was born, do you know where this DeGraffenreid woman lived? A Yes sir, lived down there somewhere.
- Q Close to you? A Pretty close.
- Q Do you know how long she lived there after this child was born? A No I dont know; hardly ever see her.
- Q Dont live there now does she? A No sir. Never asked her how long; she lived there across like. Everybody else got her for midwife, could come to 'em; they went and got her.
- Q Did she wait on you for any other children? A No sir.
- Q Only one? A Yes sir.

WITNESS EXCUSED

HARVEY PATRICK, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Harvey Patrick.

- Q How old are you? A Well about 34 I guess.
- Q What is your postoffice address? A Why while I am here temporarily; Taft has been all the time; get the biggest part of my mail there yet.
- Q Temporarily your postoffice is Muskogee, is that what you mean? A Yes sir.
- Q What is the name of your father? A Peter Harrison.
- Q Are you married? A Yes sir.
- Q What is the name of your wife? A Clara Patrick now; I think if I am not mistaken you have the proof letter of my marriage over in Oklahoma; I sent after it.
- Q How long have you been married to her? A Well I guess about twelve years, thirteen.
- Q How many children have you had by her, living and dead now miscarriages and all? A Oh about seven or eight children, that is miscarried.
- Q Have you had any children by anyone else than Clara Patrick? A Yes sir.
- Q How many? A Three.
- Q What is the name of the first child you ever had, living or dead? A One of 'em was named Sonny.
- Q I said the first child you ever had in your life? A Did you mean by my wife?
- Q By anybody, by your wife or anybody else? A This boy Norman I expect in close touch was about the first.
- Q And he is living is he, Norman? A Yes sir.
- Q Who was the mother of Norman? A Clara.
- Q Your wife? A Yes sir.
- Q What was the name of the next one, living or dead? A Valdo.
- Q He is living too, I believe, is he? A Yes sir.
- Q What is the name of the next one? A Cora.
- Q She living? A Yes sir, living now.
- Q What is the next one? A Venetta.
- Q She living? A Yes sir.
- Q What is the name of the next one? A Why Loicy and Roicy.
- Q They twins? A Yes sir.
- Q Are they living? A Yes sir.
- Q Was Clara the mother of all these? A Yes sir.
- Q Those twins the last you had? A Yes sir.
- Q Have you named all the children that you have been the father of, that is Clara's or anybody's else? A No named all of my family by my wife.
- Q Name some other children you have been the father for? A Why I had one child by another party; named it Sonny, I guess; and there were two more that I dont know very much about that is supposed to have been mine.
- Q Well you say you had one named Sonny? A Yes sir.
- Q When was he born with reference to the names of some of the children that you have given, that you have had by Clara? A That child was born along about '94 or '5.
- Q That is eleven or twelve years ago, is that what you mean? A Pretty close to it, long in there.
- Q Do you mean to tell me now that Sonny was born eleven or twelve years ago? A He wouldnt be that old; understand the child would only be about that; he was living about -- you could say eight years old, about nine years old.
- Q Then he must have been born along about 1898? A 'Long about; he about eight years old or nine, 'long about that.
- Q What was the name of the next one? A Well there was two other

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- children; there was Sonny, and there was a girl child.
- Q Do you know her name? A Know her mother she used to call it Rachel.
- Q When was Rachel born? A Well there was about a year difference in the children.
- Q Was she born before or after Sonny; you say a year's difference; which was born first, Sonny or Rachel? A They were pretty close together, Sonny and Rachel was, that is according to their mother's affidavit.
- Q Can you tell me which was born first? A Why I couldnt just swear it, just exactly.
- Q Are you positive they were about a year apart or as much as a year apart? A Why no, if I am not mistaken, I think that Sonny and Rachel must have been close together.
- Q Well how close? A I think they were twin children, Sonny and Rachel, about eight or nine years old if they were living.
- Q What is the name of the next one? A Why there is another child; of course I never did know very much about it; I never did come in touch with it much.
- Q Who was the mother of these three children, Sonny and Rachel and the girl child you dont know the name of? A Why Mary Ivins was the mother.
- Q Where does she live? A I dont know; last I heard of her she was in Kansas.
- Q Where was she when these children were born? A In Oklahoma.
- Q What city? A I guess close to Meridian.
- Q Was she the mother of all three of these? A No.
- Q Which one was she the mother of? A Senny and Rachel.
- Q Who was the mother of that girl you dont remember the name of? A Her name was Sarah
- Q Sarah what? A Sarah Caldwell.
- Q Were these children born, all of them or any of them, before you married Clara? A No, they were born since I think I Married her.
- Q How long after your were married to her? A Well say about four years, such a matter.
- Q You mean four years after you married Clara the first of these children were born? A Yes sir.
- Q Were you living at Oklahoma at the time these children were born? A Yes sir.
- Q How long did you live in Oklahoma? A Why, I think about two or three years, something like that.
- Q Were you present when this child Venetta was born? A Yes sir
- Q Who else was present? A Right at the birth of the child?
- Q I am asking you that at the time of birth? A I dont think there was any one else present but myself, the granny lady and my wife.
- Q What was the granny lady's name? A Mrs. DeGraffenreid.
- Q Do you remember the name of anybody who came there shortly after the child was born? A The next day Mrs. Welsh she come right over and Mrs. Driver she come right over.
- Q Is that the closest any of the people came to being at the birth that you mention? A I mean while I was around the house.

- Q I am asking you who was present first after the child was born?  
A Mrs. Welsh was the first, she come, yes sir.
- Q Anyone else that day? A Mrs. Driver.
- Q Anyone else? A That is about all I remember that was there that morning.
- Q Who was the midwife that waited on your wife when the child was born? A Mrs. DeGraffenreid.
- Q Do you know Mrs. Gertrude Bruner? A I know a good deal of the Bruners, but I am not positive about knowing Gertrude.
- Q Then she wasnt present when your child was born, was she?  
A Gertrude Bruner?
- Q Yes? A No sir.
- Q And she wasnt the midwife? A No sir.
- Q Why was it when you appeared before this office on March 9, 1905, that you testified as follows:  
"Q Was there any one present when Venetta was born? A Yes sir. Q Who was the midwife? A Mrs. Gertrude Bruner."  
A It is Gertrude Driver; you have got it wrong.
- Q Was Mrs. Gertrude Driver the midwife? A No sir, she was there, the next that was there.
- Q Why did you at that time in sworn testimony in answer to the question, "Who was the midwife?", say Mrs. Gertrude Bruner, who you now say was Mrs. Driver, and you testified a minute ago that Mrs. DeGraffenreid was the midwife? A Why Mrs. DeGraffenreid was the granny I had hired to wait on my wife.
- Q You were asked the question, "Who was the midwife?" A Yes sir; Mrs. Driver and my wife are both very intimate friends, and they tell oneanother things that way, and she is just the same as a midwife.
- Q But <sup>when</sup> you were asked who was the midwife you didnt state it was Mrs. Driver. The testimony says Mrs. Gertrude Bruner, which you say now was Mrs. Gertrude Driver, and you say ~~she~~ was the same as a midwife? A Why I brought this child two or three times; I got this lady that I hired to do the work.
- Q On the 9th day of March, Harvey, you appeared here to make application for Sonny and Rachel Patrick, didnt you? A Yes sir.
- Q Is that your signature? (Showing the witness affidavit in original application for enrollment). Is that your signature there? A Yes sir.
- Q Were you sworn to that affidavit that you signed? A Why I guess so.
- Q That affidavit says that you are the husband of Clara Patrick, and that a boy and girl, twin children, were born to you on the 28th day of October, 1902; that said children has been named Sonny Patrick and Rachel Patrick, and that Sonny Patrick died January 1, 1903, and that Rachel died March 3, 1903. Does this affidavit state the correct date of birth of these children? A Must be it; put what age, would that make it.
- Q That would be about four years old, and you stated a minute ago that they would be about eight years old if they were living? A That must be about near right I guess.
- Q What would be about near right? A About the age, 1902.
- Q And at that time didnt they ask you the name of the mother of these children, Sonny and Rachel Patrick? A Why I dont remember whether they asked me the name of the mother of those children or not.

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- Q How did it come in the top of this affidavit then the name of the mother is Clara Patrick, a citizen of the U. S. Nation? You must have told them she was the mother, didnt you, although it is not sworn to, that she was the mother, didnt you?  
A I dont know.

BY MR. LIEBER:

Object to that question because the affidavit should show for itself.

BY THE COMMISSIONER:

- Q Do you remember before you signed this affidavit about those children, who you said were twins, that you were asked who the mother of those children was? A No, dont remember; if they would have, would have stipulated it in different form.
- Q On the same day you gave that testimony referred to about Venetta you were asked this question:
- "Q Have you any children born since May 25, 1901? A Yes sir. Q Name them? A Boy named Sonny, and girl Rachel Patrick; they were twins; they were born October 28, 1902.
- Q Are they living? A No sir, Sonny died January 1st, 1903, and Rachel died March 3, 1903.
- Q Sonny lived then just a little over two months? A Yes sir.
- Q Rachel lived five months? A Yes sir."
- Q Now is that true that you swore to then, or is it true that as you indicated a while ago that these children were born about '98, about eight years ago? A No sir, that is true there.
- Q Where were you living in 1902? A Right here.
- Q Muskogee? A No sir, in the Creek Nation.
- Q And where were these two children born, Rachel and Sonny? A They were born in Oklahoma.
- Q Didnt you say just a minute ago that those children were born and died while you were living in Oklahoma, and you said you were living then near Meridian? A Now I was living here in the Creek Nation at this period we are talking about, but these children were living in the precincts of Meridian, Oklahoma.
- Q The record shows you were living in Meridian? A I was living in the Creek Nation, but the children were living in the precincts of Meridian, Oklahoma.
- Q If that is a fact then, and you were living here in the Creek Nation, and the children were born over in Oklahoma, how do you know the date of their birth, and that this 1902 is correct? A Why I heard from their mother.
- Q Did you ever see these children? A Why no, I never saw them.
- Q How do you know they died on the date that is given in this testimony? A Their mother wrote me the dates of their death when enrolled them as citizens, on the statement of their mother.

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- Q In 1904, when you made application for the enrollment of yourself and children, you stated that you were born in the Creek Nation, when you was about fifteen years old you were taken to Texas, that you lived in Texas several years and when you left Texas you came to the Creek Nation; is that true?  
A Yes sir.
- Q Did you go to Oklahoma Territory after you came back to the Creek Nation? A Yes sir, I went over there and lived two or three years.
- Q After you came back to the Creek Nation? A Yes sir.
- Q How many years after you came back from Texas was it before you went to Oklahoma Territory? A Oh I left Oklahoma Territory once.
- Q How many years after you came back from Texas was it you went to live in Oklahoma Territory? A Oh, about a couple of years, such a matter.
- Q How long did you live in Oklahoma? A Why I lived in Oklahoma about two or three years.
- Q Two or three? A Yes sir.
- Q Well since you moved from Oklahoma Territory, how long have you lived in the Creek Nation? A Lived from that time until now.
- Q How long has that been, how many years? A Five or six years.
- Q About six? A Long in there, way I keep up with all records where I was living and everything.
- Q That would make then about nine or ten years since you left Texas, wouldnt it? A Yes sir.
- Q That is right, is it? A Long in that neighborhood.
- Q Then, long in 1904, when you said it was five years since you came from Texas, that wasnt true, was it, that statement? A Why if I swore that is the truth.
- Q Did you swear to the truth then, or are you swearing to it now? A Swear to the truth all the time.
- Q According to your statements now, it has been nine or ten years since you left Texas? A It has been a good reasonable time. I say now, didnt just keep a record of dates and time and all this, couldnt, didnt think it is exactly necessary; of course I dont know.

BY MR. LIEBER:

- Q Patrick, what is the name of this child that your wife had in her arms just a few minutes ago? A Venetta.
- Q You are the father of the child? A Yes sir.
- Q Clara the mother? A Yes sir.
- Q When was the child born? A Born May 27, 1904.
- Q About how old is it now? A About two years and a half old.

WITNESS EXCUSED.

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Cora Moore, being first duly sworn, states that as

Venetta Patrick-----18

stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings had in the above cause on October 19, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Venetta Patrick*

Subscribed and sworn to before me October 31, 1906.

*Edward Merriell*  
Notary Public.



IN RE

166  $\frac{1}{2}$   
2

Application for Enrollment of  
INFANT CHILD

*Vanetta Patrick*

as a citizen of

*Greek*

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 Vanetta Patrick, born on the 27th day of May, 1904,  
(Give least name of child.)  
Name of Father: Harvey Patrick a citizen of the Creek Nation.  
Name of Mother: Clara Patrick a citizen of the United States  
Postoffice Taft, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
WESTERN 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 \_\_\_\_\_, 1904; 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 \_\_\_\_\_, 1904.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
WESTERN DISTRICT.

I, Francis de Graffenried, midwife, on oath state that I  
attended on Mrs. Clara Patrick, wife of Harvey Patrick  
on the 27th day of May, 1904; that there was born to her on said date a female  
(Male or Female.)  
child; that said child is now living and is said to have been named Vanetta Patrick.

WITNESSES TO MARK:

(Must be Two Witnesses.)  
Jera E. Parrish  
J. M. Miller

Francis de Graffenried  
Mark

Subscribed and sworn to before me this 17th day of April, 1905.

My Com. expires Apr 17, 1909.

Jera E. Parrish  
Notary Public.

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

Muskogee, Indian Territory, March 9, 1906.

In the matter of the application for the enrollment of Sonny, Rachel (deceased) and Vennetta Patrick as Creek Freedmen.

Harvey Patrick, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Harvey Patrick.  
Q What is your age? A 34 past.  
Q What is your postoffice? A Taft.

The witness is identified as Harvey Patrick on Creek Freedman card, field No. 1980. The Commission has not, at this date, been informed of the action of the Department either approving or rejecting said enrollment.

- Q Have you any children born since May 25, 1901? A Yes sir.  
Q Name them. A Boy named Sonny; a girl Rachel Patrick. They were twins. They were born October 28, 1902.  
Q Are they living? A No sir. Sonny died in January first, 1903; Rachel died March 3, 1903.  
Q Sonny, then, lived just a little over two months--is that right? A Yes sir.  
Q Rachel lived five months? A Yes sir.  
Q Is Vennetta living? A Yes sir.  
Q When was Vennetta born? A May 27, 1904.  
Q How old is she now? A She is about a year old now.  
Q Sonny and Rachel have been dead over two years--have they not? A Yes, sir, over two years.  
Q Was there any one present when Vennetta was born? A Yes sir.  
Q Who was the midwife? A Mrs. Gertrude Bruner.  
Q What is her postoffice? A Taft.  
Q Did you have a doctor when she was born? A No sir; just a midwife.

INDIAN TERRITORY,  
Western District, ss.

I, J. Y. Miller, stenographer to the Commission to the Five Civilized Tribes, do hereby certify upon oath 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 19 day of April, 1906

My Comm. expires April 11, 1907

*J. Y. Miller*

*John E. Parrish*  
Notary Public.

Territory of Oklahoma, }  
County of Logan, } ss.

I, L. C. Strang, Clerk of Probate Court of Logan  
County, Oklahoma Ter., do hereby certify that this is  
a true full and correct copy of the Marriage  
License and Certificate of Marriage of Harvey Patrick  
and Clara Lockhart as on file and of record in  
this Court.

Witness my hand and the seal of this Court  
this 11 day of Oct. 1906.  
L. C. Strang  
Clerk of Probate Court

70-21-01

# MARRIAGE LICENSE.

TERRITORY OF OKLAHOMA, }  
Bogam County, } ss.

IN THE PROBATE COURT.

To Any Person Authorized to Perform the Marriage Ceremony, Greeting:

You are hereby authorized to join in Marriage Mr. Harvey Patrick and  
Miss Clara Lockhart of the County aforesaid, whose ages, residence, etc., are as follows:

| NAMES OF PARTIES                | AGE       | COLOR | PLACE OF BIRTH | RESIDENCE              |
|---------------------------------|-----------|-------|----------------|------------------------|
| <u>Harvey Patrick</u><br>Groom. | <u>22</u> |       | <u>Texas,</u>  | <u>Bogam Co.</u>       |
| <u>Clara Lockhart</u><br>Bride. | <u>20</u> |       | "              | <u>Galveston, Tex.</u> |

And of this license you will make due return to my office within thirty days from this date.



In Testimony whereof, I have hereunto set my hand and affixed the seal of said Court at my office  
in Guthrie in said County, this 15 day of December ~~18~~ 1894  
S. S. Lawrence  
Judge of the Probate Court.

TERRITORY OF OKLAHOMA, ss

## CERTIFICATE OF MARRIAGE.

I W. B. Haws Minister  
(Place Where Located.) of Bogam County, Oklahoma Territory, do hereby certify that I joined in marriage the  
persons named in and authorized by this Court to be married on the 16 day of December A. D. 1894, at  
in Bogam County, O. T., in the presence of William Barnett of \_\_\_\_\_ and  
of \_\_\_\_\_

William Barnett } Witnesses.

W. B. Haws  
Minister of the Gospel

Creek Enrollment No. 1128.

N.B.F. (4/26/04) \*72.

Royce Patrick.

Loyce Patrick.

Venetta Patrick.

N.B.F. \*72.

A.M.C.

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

In the matter of the application for the enrollment of Vennetta, Royce and Loyce Patrick as Creek freedmen.

## DECISION.

The record in this case shows that on May 10, 1906, Harvey Patrick appeared at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of his minor children, Royce and Loyce Patrick, as Creek freedmen; and that on June 6, 1906, there was filed in said office an application, in affidavit form, for the enrollment of Vennetta Patrick as a Creek freedman. Further proceedings in the matter of said applications were had on October 19, 1906.

It appears from the evidence herein that all three of the minor applicants are the children of Harvey Patrick, whose name appears upon a partial schedule of Creek freedmen, approved by the Secretary of the Interior, April 6, 1905, opposite number 5529 thereof, and of Clara Patrick, a non-citizen. It further appears that said Harvey Patrick and Clara Patrick are, and have been since December 16, 1904, lawful husband and wife.

The evidence further shows that Royce and Loyce Patrick are twins born October 19, 1905, and that they were living on March 4, 1906. The evidence as to the birth and parentage of the applicant, Vennetta Patrick, is rendered unsatisfactory and suspicious by the introduction on behalf of the applicant of the testimony of the alleged mid-wife who attended upon Clara Patrick at the time of said applicant's birth. It clearly appears from the records of this office and from said testimony, that said witness was not the mid-wife who attended Mrs. Patrick at that time, but if she ever attended Mrs. Patrick in the capacity of mid-wife, it was at the time of the birth of a former daughter, Cora Patrick, who is about six years old. In spite of this perjured testimony, however, it must be held that the evidence shows that Harvey Patrick and his wife, Clara Patrick, had a child born about three years prior to the date of the last proceedings had herein; that she was named Vennetta, and was living on March 4, 1906.

It is, therefore, ordered and adjudged that the said Vennetta Patrick, Royce Patrick and Loyce Patrick are entitled to be enrolled as Creek freedmen, in accordance with the Act of Congress approved April 26, 1906 (34 Stats., 137), and the application for their enrollment as such is accordingly granted.

  
Commissioner.

Muskogee, Indian Territory,

FEB 7 - 1907



Land-  
Allotments.  
43845-1912.  
J E D

May 20 1912

Creek Freedmen enroll-  
ment case of Harvey  
Patrick, et al.

The Honorable

The Secretary of the Interior,

Sir:

I have the honor to acknowledge the receipt, by Department reference of May 3, 1912, of a letter of May 2, 1912, from Mr. W. W. Wright, Attorney at Law, of Washington, D. C., relative to the claim of Harvey Patrick, et al., to have their names restored to the final approved roll of Creek freedmen, and requesting an opportunity to present the matter orally to the Department.

On June 11, 1909, the above mentioned attorney filed with the Department a petition for the restoration of the names of Harvey, Norman, Valde, Cora, Venetta, Loyce, and Royce Patrick to the final approved roll of Creek freedmen. It appears that at one time suit was instituted in the Supreme Court of the District of Columbia on behalf of these persons to compel the Secretary of the Interior to restore their names to the rolls, and that the suit was dismissed on application of their attorney who now seeks a hearing before the Department in relation to their claim.

The Department on October 2, 1909, referring to the petition of June 11, 1909, expressed the opinion that no action should be taken on the matter pending the decision of the Supreme Court of the United States in the case of Lucy Ann Turner, et al.

Inasmuch as the Supreme Court of the United States has rendered its decision in the Turner case (222 U. S., 204), the Office resubmits the letter and petition filed by Mr. W. W. Wright on June 11, 1909, for consideration in connection with his letter of May 2, 1912.

It appears that the names of the above mentioned claimants were stricken from the final approved rolls because their enrollment had been fraudulently obtained. For the reason that their original enrollment on the final rolls had been obtained through fraud the Department has heretofore declined to restore their names to said rolls. The attorney claimed that the testimony taken to show fraud was ex parte and that the applicants had no notice of the reopening of their case and were afforded no opportunity to submit any defense. The facts in the case are set forth in Department letter of December 15, 1908, to the Attorney General, a copy of which is with the papers transmitted herewith. In this connection attention is also invited to Department letter of October 2, 1909, to the Attorney General, relative to suits instituted for the cancellation of the allotments erroneously made to Harvey Patrick, et al.

In view of the facts as outlined in Department letter of December 15, 1908, to the Attorney General the Office is of the opinion that the case of Harvey Patrick, et al., is not analogous to that of John E. Goldsby, decided by the Supreme Court of the United States on November 30, 1908, (211 U.S., 249).

In the case of Lucy Ann Turner, et al., referred to by Mr. W. W. Wright, there was involved the question as to what authority the Secretary of the Interior had to strike from the approved rolls the names of persons found by him after investigation to have obtained their enrollment by or through fraud and were therefore not entitled thereto. The Supreme Court in its decision of December 4, 1911, in the Turner case affirmed the judgment of the Court of Appeals of the District of Columbia

L-43485-3

affirming an order of the lower court refusing to issue a writ of mandamus requiring the Secretary of the Interior to restore the names of the relators to the freedmen rolls of the Creek Nation from which they had been stricken.

In view of the record in the case of Harvey Patrick, et al., and of the action taken by the Supreme Court in the case of Lucy Ann Turner, et al., the Office recommends that the Department decline to restore the names of Harvey, Norman, Valde, Cora, Vennetta, Loyce and Royce Patrick to the final approved rolls of Creek freedmen, and that Mr. W. W. Wright be notified that the cancellation of their names upon the roll will remain unless otherwise ordered by the judgment of some Court with jurisdiction in the premises.

The papers in the case are enclosed.

Respectfully,

(Signed) C. F. Hauke.

Second Assistant Commissioner.

5-REP-16

Dec 15 1913

Approved:

(SIGNED) Lewis G. Laylin.  
Assistant Secretary.

Land-Allotments  
43845-1912  
J E D

Creek freedman  
enrollment case  
of Harvey Patrick et al.

Dec 24 1913

The Commissioner

to the Five Civilized Tribes.

Sir:

Referring to a communication of May 2, 1912, from W. W. Wright, attorney-at-law of Washington, D. C., in the matter of the claim of Harvey Patrick, et al., to have their names restored to the final approved roll of Creek freedmen, you are advised that the Department on December 15, 1913, in view of the record in said case and of the action taken by the Supreme Court of the United States in the case of Lucy Ann Turner, et al, declined to restore the names of Harvey Patrick, et al, to the above mentioned final approved rolls.

Mr. W. W. Wright has been advised in regard thereto. A copy of Office letter of May 20, 1912, approved by the Department December 15, 1913, is enclosed for your further information.

Respectfully,

E. B. Meritt  
Assistant Commissioner.

12-22-VAR

CR EN 1129

CR EN 1129

DEPARTMENT OF THE INTERIOR,  
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
 MUSKOGEE, INDIAN TERRITORY  
 OCTOBER 18, 1906.

In the matter of the application for the enrollment of Maud Perryman, as a Creek Freedman.

John G. Lieber, acting for M.L.Wett, Attorney for Creek Nation.

Leah Scales, being duly sworn by H.G.Hains, a Notary Public, testified as follows:

Examination by the Commissioner.

- Q What is your name? A Leah Scales.  
 Q How old are you? A I don't know sir.  
 Q Well about how old are you, you know? A I couldn't tell you how old I am.  
 Q You are over 21 aren't you? A I guess so.  
 Q Don't even know that? A No sir.  
 Q What is your post office address? A Haskell.  
 Q What is the name of your father? A Sonny Grayson.  
 Q What is the name of your mother? A Bettie Grayson.  
 Q Are you married? A No sir.  
 Q How many children have you had? A Three.  
 Q What is the name of the oldest one? A Josephine Scales.  
 Q Is she living? A Yes sir.  
 Q What is the name of her father? A Tom Scales.  
 Q Weren't you married to him? A Yes sir.  
 Q Is he living? A No sir, he is dead.  
 Q What is the name of the next child? A Lewis Scales.  
 Q Is he living? A Yes sir.  
 Q What is the name of his father? A Tom Scales.  
 Q What is the name of the next child? A Maud Perryman.  
 Q Is she living? A Yes sir.  
 Q What is the name of her father? A Jim Perryman.  
 Q Is he living? A Yes sir he is living.  
 Q Are you married to him? A No sir.  
 Q You were never married to him? A No sir.  
 Q Was he ever called anything else than Jim Perryman?  
 A No sir, not as I know of.  
 Q Was he ever called Noble Perryman? A If he did, I didn't know.  
 Q Is this Maud you have here in your arms? A Yes sir.  
 Q That is her correct name? A Yes sir.  
 Q We have here in an affidavit as Maud Stilwell Perryman, is that her name? A Maud Perryman is her right name, Stilwell is just a nick name.  
 Q Maud Perryman is her right name instead of Maud Stilwell Perryman? A Yes sir, Maud Perryman is her right name.  
 Q How old is she? A Nearly two months old.  
 Q When was she born? A I couldn't tell you, I know the month but I couldn't tell you the date.  
 Q What month was she born in? A In August.  
 Q You executed an affidavit about this child, haven't you?  
 A Yes sir.  
 Q Did you signed that yourself or just touched the pen?  
 A No sir, I didn't sign it myself, just touched the pen.  
 Q Do you know the man --the name of the man you made it before?  
 A Yes sir, Ralph Dresback.

Q In an affidavit on file here, you state that this child was born to you on the 22nd day of August, 1906, is that correct?

A I guess it is right, I don't know, I can't read.

Q How did that get in that affidavit? A I guess the Notary Public wrote it.

Q Did you tell the Notary Public what date to write? A I didn't my mamma told him.

Q Who is your mamma? A Betty Grayson.

Q Was she the midwife? A Yes sir.

Q We have her affidavit here also in which the name of the child is given as Maud Stilwell Perryman, is that wrong?

A No sir that is right.

Q Didn't you say a while ago that the correct name of the child was Maud Perryman? A I never put that Stilwell in.

Q I said that, that was in your mother's affidavit? A I guess--

Q Which is the correct name? A Maud Perryman.

Q It is stated in your affidavit here signed by mark that you were twenty-six years of age at the time you made the affidavit and a citizen by adoption of the Creek Nation; that you are the common lawful wife of Noble Perryman, how did that get in there, do you know; what does that mean, do you claim to be the common law wife of Noble Perryman? A I don't know how that got in there.

Q Is Noble Perryman the father of this child? A I don't know, I said a while ago that I didn't know him by Noble, I just knowed him by Jim.

Q Do you know a man by the name of Noble? A Yes sir.

Q Have you ever been married to him? A No sir.

Q Did you ever have any children by him? A Yes sir, this child here.

Q What do you mean, you said that you didn't, <sup>know</sup> that the name of the father of the child was ever known as Noble, that the father of the child was Jim Perryman? Now you say that you know a man named Noble and that you had a child by him?

A I just knowed him by Jim, and if he went by Noble Perryman, I didn't know, he never told me his name was Noble.

Q Did you ever hear that he was ever called Noble Perryman; why did you said a while ago that you knew a man by the name of Noble Perryman? A No answer.

Q Is Jim Perryman a citizen of the Creek Nation? A Yes sir.

Q Do you think that Noble Perryman is the name of the person you knew by the name of Jim Perryman? A I don't know.

Q I will ask you again what is the name of the father of this child? A He tells me Jim, that is the way I know him.

Q Jim Perryman? A Yes sir, that is all I know, if he's got another name I don't know.

Q Then this affidavit is wrong when it says Noble Perryman is the father of the child so far as you know? A Yes sir, it is wrong.

Q Can't you read or write? A No sir.



Betty Grayson, being duly sworn by H.G.Hains, a Notary Public, testified as follows:

Examination by the Commissioner.

- Q What is your name? A Betty Grayson.  
Q What is your age? A I don't know how old I am exactly, I reckon about forty.  
Q What is your post office address? A Haskell.  
Q Is that your daughter here? A Yes sir.  
Q Leah Scales? A Yes sir.  
Q Did you wait on her when her youngest child was born?  
A Yes sir.  
Q What is the child's name? A Maud Stilwell Perryman.  
Q She has just stated that the correct name of her child was Maud Perryman, and that Stilwell was just a nickname?  
A Her brother gave it that nick name before he was sent of.  
Q What is the name of the father of this child? A Noble Perryman.  
Q Your daughter has just testified that she didn't know anybody by the name of Noble Perryman; that the father of this child is Jim Perryman? A She is just mistaken; its Noble Perryman she had Ralph to put it down on there.  
Q Well can you explain how she gets that notion, do you know as a matter of fact that his name is Noble and he tells her his name is Jim Perryman? A I believe she said that was his name, Jim Perryman, she ought to know who the father is; she wasn't living where I am; she is living up on the Verdegris.  
Q Do you know the father of this child? A Well---I don't know him.  
Q You don't know him? A No sir.  
Q Why did you say his name is Noble Perryman? A She said that was his name.  
Q She has just stated that the name of the child's father is Jim Perryman? A She is mistaken in the name; I told her she ought to tell the father's name, and she said Noble Perryman was the father's name, that is all I know about it; I don't know the child father; I live at Haskell and she lives on the Verdigris; she has moved from there now.  
Q Noble Perryman is the right name? A Yes sir.

Leah Scales, being recalled, testified as follows:

Examination by Commissioner.

- Q Do you know ---did you ever hear the father of the child called Noble Perryman? A I don't know whether I did or not.  
Q And all you know about it is that his name is Jim Perryman, is it? A Yes sir.  
Q And you said the correct name of this child is Maud Perryman not Maud Stilwell Perryman? A Its Maud Perryman.

Betty Grayson, Recalled testified as follows:

- Q You said Ralph Dressback put it down Noble, you know why he did it? A I don't know, I guess she told him to put down that way  
Q Who told him? A She must have told him.  
Q Did you hear her tell him? A She must have told him.

Q I asked you if you heard her tell him? A I don't know, I was there the day he fixed it up and sent it in.

Q You think you know more about the correct name of the child than she does? A No sir, just what she tells me, I don't know. I wasn't living with her, and that is what she tells me.

Leah Scales, being recalled, testified as follows:

Examination by the Commissioner.

Q Is the father of the child a citizen of the Creek Nation?

A Yes sir.

Q Creek Freedman? A Yes sir.

By Mr. Lieber.

Q In the affidavit you made out before Dresback, it says that he is a citizen of the United States. Do you know what the name of Jim Perryman's <sup>father</sup> is? A I don't know.

Q You know the name of his mother? A No sir.

Q Do you know what Creek Indian town he belongs to? A I don't know.

Q Are you living with him now? A No sir.

Q Is he a Creek Freedman or Indian by blood? A Indian by blood I guess.

Q Indian by blood? A Yes sir.

Q Has this Man Perryman got a wife that you know of?

A No sir.

Q Do you know any of his children, besides this one here?

A No sir.

Q Did you ever hear of him having a daughter named Hattie Perryman? A No sir.

Q Where does this Perryman live? A I don't know sir where he lives now.

Q Well where did he live when you stayed with him? A Up here on the Verdigris.

By Commissioner.

Q What do you mean, outside of town here? A Up there close to Coweta.

Q Is ~~he~~ the father of the child a black man or of Indian appearing man? A He is an Indian.

Q About how old a man is the father of this child?

A I don't know sir.

Q Is he an old appearing man or middle age? A No sir, he is not old.

Q Is he as much as forty-five years old? A I don't know sir.

By Mr. Lieber.

Q Is he a young man? A Yes sir, he is a young man.

Q About how old do you think he is? A I don't know.

Q How old are? A I don't know.

Q Is the father of this child old as your mother? A I don't know, he don't look it.

Q You mean he hasn't gray hairs, he is not gray headed, he is pretty well up in years and not a spring chicken? A No sir.

Q Do you know one figure from another? A No sir.

Q Where does the father of this child live? A I couldn't tell you

Q Where did he live at the time you knew him? A Up here on the Verdigris.

Q Near Coweta? A Yes sir.

- Q How long have you known him? A I couldn't tell you that.  
Q Don't know how long you have known him? A Not long.  
Q Just some fellow you run upon? A Yes sir.  
Q Do you actually know ~~who~~ he is the father of this child,  
Leah, be honest with the Commissioner, he wants to know; do you  
actually know who is the father of the child? A I said Jim  
Perryman.  
Q Jim Perryman? A yes sir.  
Q Well you said Noble Perryman was too? A I knowed nothing  
about Noble, I said if he had that name, I didn't know, I am  
just telling you as far as I know.  
Q Did you ever see him before that before he told you his name  
was Jim? A If I would see him I would know him.

By Commissioner

- Q Did he look to you like an Indian, Creek by blood?  
A Yes sir.  
Q But you really know he was an Indian do you? A No sir.

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 cause on said date.

*Lona Merrick*

Subscribed and sworn to before me this 19 day of October, 1906.

*Edward Merrick*  
Notary Public.

Creek Enrollment No. 1129.

(N.B. 7: 91).

Maud Perrignon.

Ct En # 1129

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

In the matter of the application for the enrollment  
of Maud Perryman, as a Creek Freedman.

DECISION.

The record in this case shows that on May 11, 1906, application was made, in affidavit form, supplemented on October 18, 1906, by further affidavits and by oral testimony, for the enrollment of Maud Perryman, as a Creek Freedman, under the provisions of the act of Congress approved April 26, 1906.

It appears from the weight of the evidence filed in this matter that said Maud Perryman was born August 22, 1905, and was living on March 4, 1906. It further appears that applicant is the illegitimate child of Noble Perryman, a non-citizen, and Leah Scales, whose name appears opposite number 2274, on the approved roll of Creek Freedmen.

The Act of Congress approved April 26, 1906 (34 Stat. L. 137) in part provides:

"That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled."

It is therefore ordered and adjudged that the said Maud Perryman is entitled to enrollment as a Creek Freedman, in accordance with the provisions of the Act of Congress above quoted and the application for her enrollment as such is accordingly granted.

Muskogee, Indian Territory,

COMMISSIONER.

*January 15, 1907.*

Mother 71 2274

91 IN RE 208

Application for Enrollment of  
**MINOR CHILD**

Act of Congress Approved  
April 26, 1906.

Maud Perryman

as a citizen of

Creek Nation.

Approved..... 190...

Commissioner.

MAY 11 1906

NEW YORK

ACT OF CONGRESS APPROVED APRIL 26, 1906.

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

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 24, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the *Creek* Nation,  
of *Maud ~~Stewart~~ Perryman* *22* day of *Aug* 190*5*  
(Here insert name of child)  
Name of Father: *Noble Perryman* a citizen of the *Creek* Nation.  
Name of Mother: *Leah Seals* a citizen of the *Creek* Nation.  
Tribal enrollment of father: *U S* Tribal enrollment of mother: *Creek*  
Postoffice: *Harrell I.T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

*Western* District.

I, *Leah Seals* on oath state that I am *26*  
years of age and a citizen by *adoption* of the *Creek* Nation;  
that I am the lawful wife of *Noble Perryman*, who is a citizen, by  
*U S* of the *Creek* Nation; that a *female* child was  
(Male or Female)  
born to me on *22* day of *August* 190*5* that said child has been named  
*Maud ~~Stewart~~ Perryman* and was living March 4, 1906.

WITNESSES TO MARK:

[Must be Two Witnesses]

*W. Harrison*  
*D. J. Harrison*

Subscribed and sworn to before me this *10* day of *May* 1906.

*Leah Seals*  
*mark*  
*Leah Seals*  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

*Western* District.

I, *Betty Grayson* a *midwife* on oath state that I  
attended on *Leah Seals* wife of *Noble Perryman*  
on the *22* day of *Aug* 190*5* that there was born to her on said date a *female*  
(Male or Female)  
child; that said child was living March 4, 1906, and is said to have been named *Maud ~~Stewart~~ Perryman*

WITNESSES TO MARK:

[Must be Two Witnesses]

*W. Harrison*  
*D. J. Harrison*

Subscribed and sworn to before me this *10* day of *May* 1906.

*Betty Grayson*  
*mark*  
*Leah Seals*  
Notary Public.



**IN RE**  
**Application for Enrollment of**  
**MINOR CHILD**

Act of Congress Approved  
April 22, 1902.

*Maud Perryman*

as a citizen of

*Creek* Nation.

Approved..... 190...

Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
**FILED**

*Oct. 18, 1906,*

*[Signature]*  
COMMISSIONER

*Rec'd 10-18-06.*

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

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,  
of Maud Perryman, born on the 22 day of Aug. 1905  
(Here insert name of child)  
Name of Father: Jim Perryman a citizen of the Creek Nation.  
Name of Mother: Leah Sealer a citizen of the Creek Nation.  
Tribal enrollment of father: Creek Tribal enrollment of mother: Creek  
Postoffice: Haskell, I.D.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }  
Western District. }

I, Leah Sealer on oath state that I am about 6  
years of age and a citizen by Adoption of the Creek Nation;  
that I am the lawful wife of Jim Perryman, who is a citizen, by  
Adoption of the Creek Nation; that a female child was  
(Male or Female)  
born to me on about 22 day of August, 1905; that said child has been named  
Maud Perryman, and was living March 4, 1906, that the father of  
said child gave me his name as Jim Perryman Leah her Sealer  
looks like a Creek by blood. mark

WITNESSES TO MARK:

[Must be Two Witnesses] { H. Hains  
Louie Merrick }

Subscribed and sworn to before me this 18 day of Oct. 1906.

H. Hains

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }  
Western District. }

I, Betty Grayson a midwife, on oath state that I  
attended on Leah Sealer wife of Jim Perryman  
on the about 22 day of Aug., 1905; that there was born to her on said date a female  
(Male or Female)  
child; that said child was living March 4, 1906, and is said to have been named Maud  
Perryman

WITNESSES TO MARK:

[Must be Two Witnesses] { H. Hains  
Louie Merrick }

Subscribed and sworn to before me this 18 day of Oct. 1906.

H. Hains

Notary Public.

NRF 91.

Muskogee, Indian Territory, September 21, 1906.

Leah Scales,  
c/o Noble Perryman,  
Haskell, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor child, Maud Perryman or Maud Stilwell Perryman, born August 2, 1905, as a Creek Freedman, you are advised that you will be allowed ten days from date hereof within which to appear at this office with Betty Grayson, the midwife in attendance at her birth for the purpose of being examined under oath.

Respectfully,

Commissioner.

Note -

The mother of the child testifies that the birth occurred on Aug 22 - 1906 but as every affidavit filed gives the date as Aug 22 - 1905 and as one set of affidavits was filed prior to Aug 22 - 1906 namely May 11 - 1906 and as this discrepancy was not investigated by those who interrogated her at the hearing, I believe the affidavits are right and the testimony wrong.

J. G. Hunt

Granting

The oral evidence herein is absolutely worthless, and is ~~is~~ contradictory to the affidavits offered in behalf of applicant as to date of applicant's birth.

The affidavits in their oral testimony show such ~~an~~ ~~an~~ ignorance, I am of the opinion further testimony should be taken in an effort to establish date of birth of applicant & not overlook that fact in an effort to establish identity of applicant's father. Between affidavits & oral testimony I would give credence to the former.

*[Faint signature]*

*[Faint signature]*  
July 7, 1911

CR EN 1130

CR EN 1130

DEPARTMENT OF THE INTERIOR,  
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
 MUSKOGEE, INDIAN TERRITORY.  
 JULY 21, 1906.

In the matter of the application for the enrollment of  
 Moses Vaughn, as a Creek Freedman.

M. L. Mott, appeared on behalf of the Creek Nation.

- Q What is your name? A Ed Vaughn.  
 Q What is your age? A 21.  
 Q What is your post office address? A Muskogee.  
 Q Have you got a house number? A No sir.  
 Q Just general delivery? A Yes sir.  
 Q Are you a citizen of the Creek Nation? A No sir.  
 Q Are you married? A No sir.  
 Q Did you ever have a child? A Just one.  
 Q What is the name of that child? A Moses Vaughn.  
 Q Is it living? A No sir.  
 Q How old was it when it died? A Only two days old.  
 Q Sure of that? A Yes sir.  
 Q When was it born? A Well I can't tell you what month it was.  
 Q This year? A No sir.  
 Q 1905? A Yes sir.  
 Q How long did you say it lived? A Two days.  
 Q Just lived two days? A Yes sir.  
 Q Sure of that? A Yes sir.  
 Q What is the name of the mother of the child? A Charlotte  
 Lewis.  
 Q You are not married to her? A No sir.  
 Q Does she go by any other name? A Some call her Charlotte  
 Grayson.  
 Q And you had this child by her? A Yes sir.  
 Q How do you know it lived two days? A That is what they  
 said, and I help them bury the child.  
 Q Are you sure it was last year? A Yes sir.  
 Q Was it cold weather or warm weather? A Cold Weather.  
 Q Was it after Christmas? A If I make no mistake I think it  
 was after Christmas.  
 Q And two days after it was born you help to bury it? A Yes sir.  
 Q Why did you say that they told you that? A I wasn't there  
 when it was born but I helped bury it.  
 Q You say the child was born one day and two days after you  
 helped to bury it, did it look like a child only a few days old.  
 A Yes sir.  
 Q You know from looking at it that it wasn't a year older a  
 month old? A It wasn't a month old or a year old.  
 Q How long before the child was born had you been there?  
 A About three weeks.  
 Q She didn't have it then? A No sir.  
 Q In less than a month after that you buried the child?  
 A Yes sir.  
 Q So you know it couldn't have been a month old? A No sir,  
 it couldn't have been a month old.  
 Q Did you ever hear or did you know who the midwife was when the  
 child was born? A They said Hannah Grayson was the midwife.  
 Q You don't know yourself though whether she was or not?  
 A I couldn't swear to that.



- Q Was Charlotte in bed when the child was buried? A Yes sir.
- Q Was she still sick in bed from giving birth to the child?
- A Yes sir.
- Q You were at the house? A No sir, I didn't went to the house until the next day.
- Q But you saw her in bed? A Yes sir.
- Q Did you ever <sup>hear</sup> anything about Charlotte or any of those people trying to fix up the date to come and enroll this child unlawfully? A I heard they were trying to get ~~in~~ it on the roll.
- Q Did they come to you and try to get you to swear falsely?
- A No sir.
- Q Did they ever come to you and talked to you about it?
- A No sir.
- Q Did they say anything today about it? A Yes sir, just while ago I saw them on the street and they told me I had no business meddling with their affairs; they said they were trying to get the baby enrolled and if I didn't quit meddling they would have me arrested.
- Q Who said that? A Hannah Grayson.
- Q Is Hannah Charlotte's mother? A Yes sir.
- Q Is that all they said to you? A Yes sir.
- Q Did they mention the date the child was born or anything like that? A No sir.
- Q Just told you if you didn't quit meddling they would have you arrested? A Yes sir.
- Q Who was with Hannah? A When she spoke that?
- Q Yes. Her daughter, Charlotte and her son-in-law, Jim Grayson.
- Q Is this child Moses Vaughan your child? A Yes sir.
- Q Are you the only father Charlotte claims? A Yes sir, I am the one.
- Q She claims you are the father of the child? A Yes sir.
- Q And you think you are the father do you? A Yes sir.
- Q Has Charlotte Grayson ever had any other children except that Moses? A No sir, this is the only child she ever had.
- Q Only child she ever had? A Yes sir.
- Q What is your object in appearing here today--did you come here for spite, bearing ill feelings against her, or did you just come here in order to tell the truth? A I just came here in order to tell the truth.
- Q You know you helped bury this child, and that was sometime in the fall some times before Christmas? A Yes sir.
- Q It wasn't living last Christmas, you know that to be fact?
- A No sir, it wasn't living this last Christmas.
- Q Then you can positively swear that it wasn't living this March 6th--I mean it was <sup>not</sup> living March 4, 1906? A No sir it wasn't living March 4.
- Q Did you go with Charlotte Grayson before a Notary Public, Ed Jefferson, when she made out an affidavit about this child?
- A No sir.
- Q You admit that you are the father of the child? A Yes sir.
- Q You give this testimony of your own free will and with no hard feelings against the mother of your child? A Yes sir.
- Q You are not in any way influenced by anyone, but just your desire to come in and tell the truth. A Yes sir.
- Q You haven't any bad feelings against her or any of these people?
- A No sir.
- Q Have they against you that you know of? A Not that I know of.
- Q Did they send for you to ~~far~~ come and help bury the child?

- A Yes sir, they sent word by my father.  
Q What is the name of your father? A Steve Vaughan.  
Q Sent word by him? A Yes sir.  
Q His post office is Muskogee too? A Yes sir.  
Q Where is this child buried? A Down here by Jim McQueen.  
Q The child wasn't big enough to need an undertaker?  
A No sir.  
Q Who made the coffin? A My father.  
Q Have you ever stayed with Charlotte since that time since that child was buried? A No sir.  
Q She couldn't accuse of being the father of her child this year?  
A No sir.  
Q Do you know whether she had any children this year?  
A No sir.  
Q You know that positively? A Yes sir, I know.  
Q You think the only child she ever had was Moses? A Yes sir.  
Q And born and died last year in cold weather?  
A Yes sir.  
Q Was it born in the beginning of what---spring summer, fall or winter? A After Christmas, I think.  
Q Of 1905? A Yes sir.  
Q And you helped bury her child ever a year ago? A Yes sir.  
Q Who was it told you it was two days old when you buried it?  
A Her mother told me that.  
Q Charlotte told you that? A Yes sir.  
Q When did she tell you that? A The next days after we buried the child.  
Q Can you remember the month --what month it was? A I can't remember now what month it was.

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 cause on said date.

*Lona Merrick*

Subscribed and sworn to before me this 24th day of July, 1906.

*H. V. Haines*

Notary Public.

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

F.94

Muskogee, Indian Territory, July 23, 1906.

In the matter of the application for the enrollment of  
Moses Vaughn as a Creek freedman.

APPEARANCES: M.L.Mott, attorney for Creek Nation.

HAGAR MYERS, being duly sworn, testified as follows:

- Q What is your name? A Hagar Myers.  
Q What is your age? A Fifty.  
Q What is your post office address? A Muskogee.  
Q Are you enrolled as a Creek freedman? A Yes, sir  
Q Do you know a child named Moses Vaughn? A No, sir/ I know one  
but I don't know what its name was.  
Q What is the name of his father? A I don't know its father but  
its mother is Charlotte Lewis.  
Q When was this child you refer to born? A I couldn't tell  
exactly; along about Christmas/ I was at George Island's house  
when it was born.  
Q When did it die? A The next day after it was born .  
Q Do you know Charlotte Grayson pretty well? A Raised up in my  
yard almost.  
Q Has she been with you in the last year? A They stay in talking  
distance from my house.  
Q Has Charlotte had a child this year, 1906? A No Charlotte didn't.  
Q If Charlotte Grayson swears she had a child born the first  
of March this year by a man named Ed Vaughn she is lying? A Yes;  
she hasn't any this last March.  
Q But she did have a child somewhere near last Christmas that  
lived only one day? A Christmas before last.  
Q And hasn't had a child since that time? A No, sir  
Q You didn't know its name? A It didn't have any name.  
Q Was Charlotte Lewis ever known by any other name? A She goes  
by Charlotte Lewis.  
Q Did he ever go by Charlotte Grayson? A I don't know.  
Q Ever hear of Hannah Grayson? A Yes, sir  
Q Who is she? A Her mother.  
Q And that Charlotte who is the daughter of Hannah Grayson never  
had a child born this March? A No, sir  
Q Who is James Grayson do you know? A Pomp Grayson's son.  
Q What kin to Charlotte Grayson? A Her husband.  
Q Her name is Charlotte Grayson then? A Now it is, used to be  
Charlotte Lewis.  
Q And that child was not born March 1, 1906 but was born a year  
ago last Christmas and died the next day? A Yes, sir  
Q You are sure of that? A Yes, sir  
Q And if Charlotte and her mother swear she had a child born  
March 1 and living March 4 ,they both deliberately swore to a  
lie? A Yes, sir.

I, Anna Garrigues, on oath state that the above and fore oing is  
a true and correct transcript of my stenographic notes as taken  
in said cause on said date.

Subscribed and sworn to before me this 10 day of August 1906.

*Anna Garrigues*  
Edward Moxiey  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, January 31, 1907.

In the matter of the application for the enrollment of  
MOSES VAUGHAN as a Creek freedman.

APPEARANCE:

JAY P. FARNSWORTH, JR. appears for M. L. Mott,  
Attorney for the Creek Nation.

CHARLOTTE GRAYSON, being first duly sworn by Henry  
G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Charlotte Grayson.  
Q How old are you? A I couldnt tell you exactly how old I am.  
Q What is your postoffice address? A My postoffice address is  
Tabor, up above Bristow.  
Q Was it Muskogee just before Tabor? A Yes sir.  
Q What is the name of your father? A My father's name is  
Jim Lewis.  
Q What is the name of your mother? A Hannah Grayson.  
Q She here today as one of your witnesses? A Yes sir.

The witness is identified as Charlotte Lewis, opposite  
Creek freedman roll No. 3433.

- Q Are you married? A Yes sir.  
Q What is the name of your husband? A Jim Grayson.  
Q Did you ever have a child born to you by the name of  
Moses Vaughan? A Yes sir.  
Q What is the name of the father of that child? A Ed Vaughan.  
Q Is he a citizen of any of the five tribes, or a state man?  
A He is a state man.  
Q When were you married to this man Grayson when this child  
Moses Vaughan was born? A No sir, I wasnt married to him.  
Q When was Moses Vaughan born? A He was born the first of  
March.  
Q What do you mean by that, the first day of March or the first  
part of March? A Mean the first day of March.  
Q Sure of that? A Yes sir.

- Q How do you remember that he was born on that particular day; is there anything helps you to remember that? A No answer.
- Q I say, how do you remember; is there anything that helps you to remember that day that you can give that particular day, March first-- what year did you say it was, what year was Moses born in? A I said the first of March.
- Q What year? A I couldnt tell the year.
- Q Well now, if you cant tell the year in which the child was born, how is it you can tell the exact month and the exact day of the month? A I cant read at all, that day they said it was born on the first day of March.
- Q Who said it was born on that day? A Midwife.
- Q Can she read or write any better than you? A No.
- Q Well then, how could she tell you just waht day it was born on and how could you know it any better from her telling; can you explain that? A Told you all I know about it.
- Q Was this child, Moses Vaughan, born this year? A This year, it wasnt born this year.
- Q Was it born last year? A This last March.
- Q Well, explain to us, did you write-- how it is that you can remember that this child was born on the first day of last March-- did you or anyone for you write it down anywhere, the date of his birth? Make any note of it? A No sir, didnt write it down at all.
- Q Was there any circumstance that happened, anything happened about that time that helps you to remember that it was born on the first day of March? A No answer.
- Q What is your answer to that? A Well, when I took sick I know it was on the first of March.
- Q When you took sick? A Yes sir.
- Q You mean to say that you were sick on the first of March, and in that way you remember that the child was born on that date? A Yessir.
- Q Werent you sick any before the first of March? A No sir.
- Q Just took sick then; did you have a doctor for that sickness? A No sir, didnt have no doctor at all.
- Q How long were you sick? A No answer.
- Q Can you tell us how long you were sick? A Sir?
- Q Can you tell us how long you were sick? A No, I cant tell, I been sick a pretty good while.
- Q I mean that time you say you took sick, the first of March; how long were you sick at that time? A I said when the child was born I took sick.
- Q I asked you how long you were sick at that time? A I been sick about two or three weeks I guess.
- Q From the first of March then you were sick two or three weeks, is that your answer? A Yes sir.
- Q What day of the week was this child, Moses, Vaughan, born on? A I couldnt tell you exactly.
- Q Couldnt tell that? A No sir.
- Q Well, You can tell us that it was the first day of March, although you cant read or write? A No sir, I cant read or write.
- Q Isnt it possible that you could be mistaken about the date it was born? A No sir, I aint mistaken.
- Q Is Moses Vaughan dead? A Yes sir, he is dead.
- Q How long did he live? A He lived until the 4th of March, died the 4th of March.

- Q I asked you, not when did he die, but how long did he live; couldnt you tell me that; how many hours, days or months, or whatever it is? A No answer.
- Q Cant you tell that; instead of saying that he died on the 4th of March, cant you tell me how many days he lived? A No answer.
- Q Cant you tell me how many days he lived? A I done forgot now.
- Q What day of the week did he die on? A I disremember what day he died on.
- Q What time of the day did he die, or the night, whichever it was? A He died in the night.
- Q Died in the night time? A Yes sir.
- Q What hour, about? A I couldnt tell you exactly what hour he died.
- Q Did he die after supper, after sunset? A It was way in the night when he died.
- Q Was it after twelve o'clock, after midnight? A All had done went to bed, after ten o'clock I guess when he died.
- Q Well, do you mean to say that it was after ten o'clock on the 4th of March, or was it after ten o'clock on the 3rd of March; and then a little while after that it was the 4th of March; is that the way you mean it? A I didnt say the 3rd of March.
- Q I say about that hour; had a whole day gone around, day got through, then sometime after ten o'clock it died on the 4th of March, is that what you said? A Yes sir.
- Q Who was present when this child died? A My mother.
- Q Hannah? A Yes sir.
- Q Anybody else? A That woman what was in.
- Q What was her name? A Mary Collins.
- Q Mary Collins? A Yes sir.
- Q Anybody else? A No sir, that was all that was there.
- Q Did you have an undertaker to bury the child? A Yes sir.
- Q What was his name? A Steve Vaughan.
- Q Steve Vaughan? A Yes sir.
- Q Is he in that business, the undertaking business; does he make a profession, a business of burying people? A Yes sir.
- Q Where is he in business? A He buries lots of people.
- Q Where does he keep his store, his undertaking store? A He aint no undertaker, he buried the child.
- Q Is he any kin to you? A No sir.
- Q Any kin to the alleged father of this child, Ed Vaughan? A He is the father of this child's father.
- Q He is Ed Vaughan's father? A Yes sir.
- Q Is he here today? A Yes sir, he's here.
- Q Did you buy a coffin from the store to bury this child in? A From the store?
- Q Yes? A No sir, got a man made it.
- Q What man made it? A Steve Vaughan made it.
- Q Who buried the child? A The child's father and grandpa buried it.
- Q Ed Vaughan helped bury it did he? A Yes sir.
- Q You know Hagar Myers? A Yes sir, I knows her.
- Q Is she here today? A Sir?
- Q Is she heretoday? A No sir, she aint here.
- Q Hagar Myers appeared here July 23, 1906, and said that she was well acquainted with you, that she was raised up



Moses Vaughan--4

in her yard almost-- you were raised up in her yard almost-- that during last year you stayed at talking distance from her house and she swears that you didnt have a child in the year 1906? A She didnt know nothing about it, because she wasnt there.

Q And she further stated that you had a child though, at that time, she stated Christmas before last, and that you never had a child since? A She dont know nothing about it, she wasnt at home when that child was born, she was away.

Q She testified that your child was born "a year ago last Christmas, and died the next day"? A She dont know a thing about it, she--

Q And that if you and your mother swore that you had a child born March 1 and lived March 4, that you both deliberately swore to a lie, she says; what have you to say in explanation to that; that is what Hagar Myers said? A You say, what have I to say about it?

Q Yes? A She dont know anything about it, that is what I say.

Q You claim Ed Vaughan is the father of the child, do you? A Yes sir, Ed Vaughan is the father of the child.

Q Ed Vaughan appeared here in July, 1906, and was asked "Did you ever have a child?" He said "Yes sir, one", -- "What is the name of that child? Moses Vaughan.

Is it living? No sir.

How old was it when it died? Only two days old.

Sure of that? Yes sir.

When was it born? Well I cant tell you what month it was.

This year? No sir.

1905? Yes sir.

What is the name of the mother of the child? Charlotte Lewis.-- and testified that he helped bury the child just as you now said, that he and his father buried the child; and that he was asked this question "Who was it told you that it was two days old when you buried it? Her mother told me that.

Charlotte told you that? Yes sir.

When did she tell you that? Next day after we buried the child."

What have you to say about it, the father of the child, Ed Vaughan, said it was two days old when it died? A I aint got a thing to say about it.

Q Now isnt it possible that you could be mistaken when you say this child was born on March 1, 1906 and died March 4?

A No sir, I aint mistaken, I am telling it just like it was.

BY MR. FARNSWORTH:

Q Where was the child born Charlotte? A When was it born?

Q Where? A It was born at my mother's house.

Q Hannah Grayson? A Yes sir, Hannah Grayson.

Q Where is Pompey? A He is at home sick.

Q Was he at home when the child was born? A Yes sir, he was at home when the child was born.

Q Were you married to Ed Vaughan? A No sir, I wasnt married to him.

Q Did you live with him? A No sir, I didnt live with him.

Q Are you living with him now? A No I cant live with him, because he's dead.

Q When did he die? A He died here after Christmas this last

- gone Christmas.
- Q Did you live with him prior to his death? A No sir, I wasnt living with him, because I wasnt married to him, didnt have any right to live with him.
- Q How many days did this child live? A Well, I said once I cant tell you exactly how many days, because I dont know.
- Q Well, did he die on the day he was born? A No, didnt die the same day he was born.
- Q Did he die the next day? A No he didnt.
- Q Did he die the next day? A No.
- Q Next day? A No.
- Q Next day? A No.
- Q Die the next day after that? A No didnt die the next day after that.
- Q Then it must have lived over a week did it? A I told you it died after the 4th of March.
- Q Right after the 4th of March? A Yes sir.
- Q Well, did it live a week? A Yes sir, it lived a week.
- Q Were you able to be about when the child died? A I just could get up and around when the child died, I took a backset and was in bed when the child died.
- Q How long were you in bed at that time? A What did you say?
- Q How many days did you lie in bed when you had the child? A No sir, I dont know how many days I lie in bed.
- Q This baby, did it die on Monday, Tuesday or Wednesday, what day did it die on? A I disremember, I couldnt tell you.
- Q Was it on a week day or was it on Sunday? A I think it was on a Saturday the child died.
- Q You are positive that it wasnt-- that it didnt die on Sunday are you? A Sir?
- Q You are positive that it didnt die on Sunday are you? A No sir, it didnt die on Sunday, I remember.
- Q You would have known it if it died on Sunday and would have remembered that fact, wouldnt you? A Yes sir.
- Q You say that you know this child was born on March 1 because your mother told you March first, didnt you? A Yes sir.
- Q When did she tell you that? A She told me when I was in bed sick.
- Q Told you when you were in bed sick? A Yes sir, she told me when I first took sick.
- Q What time; you said you were sick in bed about two weeks didnt you? A No sir, didnt say two weeks.
- Q How long were you in bed sick when the child was born? A I was sick when the child was born, child was born when I first took sick I said.
- Q Well then, how long were you sick? A I told you once and I cant tell you any more.
- Q Well what did you tell us? A The record will show.
- Q You told us two weeks, but you just said that wasnt right; how long were you sick? A I didnt say two weeks.
- Q What did you say? A I said I was sick in bed with the child a week, I said; I didnt say two weeks, make a mistake there.
- Q Well, what day of that week was it that your mother told you that ~~It was~~ March 1st that the child was born? I disremember, I said that once.



Moses Vaughan--6

- Q Didnt she tell you that the day the child was born? A Yes sir, the father he got the almanac looked at it, told her and she told me.
- Q Who do you mean when you say the father got the almanac? A My stepfather.
- Q What is his name? A Pomp Grayson.

BY THE COMMISSIONER:

- Q Did this child die while you were still in bed sick? A The child died when I got so I could get up and around.
- Q You were up when the child died? A Yes sir, I was.
- Q How long had you been up and around? A I had been up about two or three days, child was living I was sick all the time.
- Q And you were in bed for a week? A Yes sir.
- Q How many days after the child was born was it when it died, can you state that? A No sir, I disremember, I couldnt tell you.
- Q Do you know what day of the week it died on? A I said I think the child died on a Saturday, if I aint making no mistake, that's what I said once,--she put it down shx there once (referring to the stenographer).
- Q How is it that you can swear positively that this child died on March 4; is there anything helps you to remember that? A No answer.
- Q Is there anything that helps you to remember it died on March 4? A I remember it all right enough.

BY MR. FARNEWORTH:

- Q Did you ever have more than one child by Ed Vaughan? A I didnt have but one.
- Q This Moses Vaughan is the only child you have had by Ed? A Yes sir, it is the only child I have had.
- Q How long after this child died was it that you appeared before the Notary Public and made this affidavit (referring to the original application for the enrollment of the child)? A No answer.
- Q How long had the child Moses been dead? A I cant tell you exactly, I disremember how long it had been dead.
- Q Disremember it? A Yes sir.
- Q Well had he been dead a week or two weeks or month, cant you give us some idea? A I said I disremember how long the child had been dead, I couldnt tell you all exactly.
- Q Tell as near as you can? A I done tell all I can tell about it.
- Q Had you been up two weeks? A I had been up about a month I guess.
- Q You are positive are you that you had been up a month? A Yes sir.
- Q Well, had you been up two months; had the baby been dead two months when you made out this affidavit? A Oh I disremember now.
- Q Was Ed Vaughan present when this child died? A No sir, he was down to his father's house when the child died.

Moses Vaughan--7

- Q How far from where you were living then? A Why it aint so very far, I couldnt tell you how far that house is.
- Q Is it a mile? A No sir, it aint exactly a mile.
- Q Was he present when the child was born? A Who, Ed Vaughan?
- Q Yes? A No sir, he wasnt there when the child was born.
- Q Did he see the child alive at all? A Did he see it alive?
- Q Yes? A Yes sir, the child was alive, he seen it before it died.
- Q Seen it before it died? A Yes sir.
- Q Did he claim it was his child? A Yes sir, he claimed it was his child.
- Q When did you marry; are you now married? A Yes sir, I am married.
- Q What is the name of your husband? A Jim Grayson is his name
- Q How long have you been married to him? A How long has he been married?
- Q How long you been married? A This coming Christmas makes it a year since I been married.
- Q This coming Christmas? I say this coming Christmas makes it a year since I been married.
- Q Were you married to this Jim Grayson when this child Moses was born? A I wasnt married when Moses was born.
- Q Werent you married at all? A No sir, I wasnt married.
- Q You have been married over a year havent you? A Over a year?
- Q Yes? A No sir, I aint been married over a year.
- Q When did you say you were married? A I say this last Christmas.
- Q Did you marry this last Christmas? A Yes sir.
- Q Last December? A Yes sir.
- Q How many months have you been married? A I mean this last Christmas going, this last Christmas a year since I been married.
- Q You mean that you have been married over a year do you?
- A I said I been married a year, I didnt say I was married over a year, you are putting that in there yourself.
- Q Was Moses Vaughan born before you married James? A Yes sir he was born before I married James.
- Q And died before you married James? A Yes sir, he died before I married James.
- Q How long had Moses been dead when you got married? A He hadnt long been died.
- Q Hadnt been dead long; well, about how long? A I couldnt tell you exactly, sure I couldnt tell you.
- Q Had Moses been dead a month when you married James? A Has he been what?
- Q Had Moses Vaughan been dead a month before you married James Grayson? A I couldnt tell you exactly because I didnt pay any attention to it.
- Q Where were you and James Grayson married? A What did you say?
- Q Where were you and James Grayson married? A We were married at his father's house.
- Q Did you have a marriage license? A Yes sir.
- Q Married by a preacher were you? A Yes sir.
- Q What was the preacher's name? A Preacher Walker.
- Q Where did you get the license? A Got it here in Muskogee.

Moses Vaughan--3

BY THE COMMISSIONER:

- Q Now Charlotte, are you sure that this child was born and died before you married James Grayson? A Yes sir, it was.
- Q Sure of that? A Yes sir, I could bring him on in here, he w would say same thing.
- Q And you are sure, are you, that you were married to James Grayson a year ago this last Christmas? A Yes sir.
- Q Well Charlotte, this last Christmas gone was 1906, say last Christmas was 1906, then the year before that when you say you were married was 1905; do you understand that, therefore, from your testimony you were married in December of 1905, and you say this child was born before and died before you were married; then dont you see that your child couldnt have been born in 1906, dont you see that you made a mistake when you say that it was born in March, 1906? A Well, the midwife is out there, if you dont believe me, you can believe her; you will have to call the midwife in here, you can ask her questions just like you did me.

WITNESS EXCUSED.

HANNAH GRAYSON, being first duly sworn by Henry G. Hains, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Hannah Grayson.
- Q How old are you? A 43.
- Q What is your postoffice address? A Muskogee.
- Q Are you the mother of Charlotte Grayson, who has just left the room? A Yes sir.
- Q Were you present when her child, Moses Vaughan, was born? A Yes sir.
- Q Did you act as midwife? A Yes sir.
- Q Well Hannah, is your daughter, Charlotte, Married now? A Yes sir, she is married now.
- Q Who is she married to? A Jim Grayson.
- Q When did she marry Jim Grayson? A She married, this Christmas made it a year when she was married.
- Q This last Christmas made it a year? A Yes sir.
- Q Sure of that are you? A Yes sir.
- Q Was her child, Moses Vaughan, born before she married Jim Grayson? A Yes sir.
- Q You sure of that? A Yes sir
- Q Did Moses Vaughan, her child, die before she married Jim Grayson? A Yes sir.
- Q Born and died both before she married Jim Grayson? A Yes sir.
- Q When was Moses Vaughan born? A Born the 1st of March.
- Q What year? A I disre ember now, I done forgot that, but I know it was born the 1st of March.

Moses Vaughan--9

- Q Was he born the 1st of March in the year in which she married Grayson, Jim Grayson?  
A I cant tell you exactly when, I didnt keep no remembrance of that.
- Q Well, was the child born the 1st of March and then Christmas that she married Jim Grayson, is that the way it was? A I dont know about that exactly, never kept count of that at all, course I know the child was birthed on the 1st.
- Q How long did Moses Vaughan live? A He lived until the 4th of March.
- Q But I asked you how long did he live, how many hours, days?  
A Till the 4th.
- Q No, cant you tell me how many hours, how many days this child, Moses Vaughan, lived? A He lived four days.
- Q Sure of that? A Lived four days.
- Q But you are sure it was born and died before she married Jim Grayson, which happened a year ago last Christmas?  
A Yes sir, I aint going to say nothing what aint so about it, what I dont know I wont say.

WITNESS EXCUSED

CHARLOTTE GRAYSON, being recalled, testifies as follows:

BY THE COMMISSIONER:

- Q Charlotte, do you remember going before Ed Jefferson last year and making out this affidavit before him about the child? A Ed Jefferson?
- Q Last year before the Notary Public, Ed Jefferson?  
A It was Merrick, it wasnt Ed Jefferson.
- Q You remember making this affidavit do you? A Yes sir I remember.
- Q Is that the first thing you ever done about the enrollment of this child, Moses Vaughan? A That is the first thing.
- Q It appears here that that was done the 10th day of May, 1906; is that as you remember it? A I dont remember that at all.

BY MR. FARNSWORTH:

- Q Were you married to James Grayson at the time you made this birth affidavit? A Yes sir.
- Q Did you ever make any birth affidavit in regard to the birth of Moses Vaughan before you were married to James Grayson?  
A No sir.
- Q This is the first and only birth affidavit you have ever made out in the Moses Vaughan case? A Yes sir.

WITNESS EXCUSED

~~Cora Moore, being first duly sworn, states that as stenogra-~~

Moses Vaughan--10

pher to the Commissioner to the Five Civilized tribes she reported the proceedings had in the above entitled cause on January 31, 1907, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Lou Moore*

Subscribed and sworn to before me February 4, 1907.

*Edward Morris*  
Notary Public.

I don't believe the testimony  
of a pertative father and a  
neighbor is sufficient to  
offset the affidavits of  
the mother of applicant  
and the attending midwife.

Think further evidence  
should be had, or parties  
appear to live here in Mustago

JAC

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

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In the matter of the application for the enrollment of Moses Vaughan as a Creek Freedman.

## D E C I S I O N.

The record in this case shows that on May 11, 1906, application was made, in affidavit form, supplemented on July 21, 1906, July 23, 1906, and on January 31, 1907, by oral testimony, for the enrollment of Moses Vaughan, as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906.

It appears from the evidence introduced in this case that applicant is the illegitimate child of Ed Vaughan, a non-citizen, and Charlotte Grayson, who is identified as Charlotte Lewis, No. 3433 on the approved roll of Creek freedmen.

The affidavits of Charlotte Grayson, applicant's mother, and Hannah Grayson, applicant's grandmother, who acted as midwife at the birth of said applicant, are to the effect that Moses Vaughan was born March 1, 1906, and was living on March 4, 1906. The sworn testimony of Ed Vaughan, the putative father of the applicant, is to the effect that the child was born about Christmas, 1904, and lived but two days, and that he, Ed Vaughan, assisted at the burial. This is corroborated by the testimony of Hagar Myers, a near neighbor of Charlotte Grayson.

Charlotte Grayson, herself, although insisting that applicant was born on March 1, 1906, and died on March 4, 1906, stated positively, in her testimony, that said child was born and died before she married Grayson, and that on Christmas, 1906, she and Grayson had been married one year. And Hannah Grayson gave similar testimony.

It is shown by a preponderance of the evidence that the applicant was not living on March 4, 1906, as required by the Act of Congress aforesaid.

It also appears from the evidence and from the records of this office, that no application was made for the enrollment of said Moses Vaughan, as a Creek freedman, prior to December 1, 1905, the date to which, by said Act of Congress, the limitation in the Act approved March 3, 1905, within which the Commissioner was authorized to receive applications, was extended.

It is, therefore, ordered and adjudged that the said Moses Vaughan, deceased, is not entitled to enrollment as a Creek freedman, in accordance with the provisions of the Act of Congress approved April 26, 1906, (34 Stat., p. 137) and the application for his enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory,

502 - 100



En. 1130.

Muskogee, Indian Territory, January 15, 1907.

Hannah Grayson,

General Delivery,

Muskogee, Indian Territory

Dear Madam:

You are hereby advised that you will be allowed five days from date hereof within which to appear at this office to be examined under oath in the matter of the application for the enrollment of Moses Vaughan as a Creek freedman.

Respectfully,

Commissioner.

Cr. No. 1130.

Muskogee, Indian Territory, February 11, 1907.

Charlotte Grayson,

c/o Ed Vaughan,

General Delivery,

Muskogee, 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 the enrollment of your minor child, Moses Vaughan, 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.  
LM-67.

Cr. En. 1030.

Muskogee, Indian Territory, February 11, 1907.

M. L. Nett,

Attorney for Creek Nation,

Muskogee, 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 Moses Vaughan, 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.

IM-60.

Cr. In. 1030.

Muskogee, Indian Territory, February 11, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted a copy of the proceedings had in the matter of the application for the enrollment of Moses Vaughan, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM-69.

Through the Commissioner  
of Indian Affairs.

Refer in reply to the following:  
Land 15072-1907.

COPY

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

February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Moses Vaughan as a Creek freedman.

Commissioner Bixby reports that the record in the case shows that on May 11, 1906, application was made in affidavit form, supplemented on July 21, 1906, July 23, 1906, and January 31, 1907 by oral testimony, for the enrollment of Moses Vaughan as a Creek freedman under the provisions of the act of Congress approved April 26, 1906 (34 Stat. L. 137); that it appears from the evidence introduced in the case that the applicant is the illegitimate child of Ed Vaughan, a non-citizen, and Charlotte Grayson, who is identified as Charlotte Lewis, at No. 3433 on the approved roll of Creek freedmen; that the affidavits of Charlotte Grayson, the applicant's mother, and Hannah Grayson, the applicant's grandmother, who acted as midwife at the birth of the applicant, are to the effect that Moses Vaughan was born March 1, 1906, and was living on March 4, 1906;

that the sworn testimony of Ed Vaughan, the putative father of the applicant, is to the effect that the child was born about Christmas 1904 and lived but two days; that he, Ed Vaughan, assisted at the burial, and that this is corroborated by the testimony of Hagar Myers, a near neighbor of Charlotte Grayson.

He also says that Charlotte Grayson herself, although insisting that the applicant was born on March 1, 1906, and died on March 4, 1906, declared positively in her testimony that the child was born and died before she married Grayson; that on Christmas 1906 she and Grayson had been married one year, and that Hannah Grayson gave similar testimony.

He finds that it is shown by a preponderance of evidence that the applicant was not living on March 4, 1906; that no application was made for his enrollment as a Creek freedman prior to December 1, 1905, the date to which, by the act of Congress mentioned, the limitation in the act approved March 5, 1905, within which the Commissioner was authorized to receive applications, was extended, and he therefore on February 7, 1907, declared that Moses Vaughan was not entitled to enrollment and denied the application. It is recommended that the decision of the Commissioner be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.D.  
O.K.

LRS I.T.D.

5706, 5722, 5792, 5794-1907.  
5814, 5816, 5828, 5830-1907.  
5832, 5838, 5840, 5856-1907.  
5862, 5868, 5872, 5874-1907.  
5882, 5884, 5966-1907.

March 2, 1907.

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

| Title of Case.                      | Date of your Letter of Transmittal. |
|-------------------------------------|-------------------------------------|
| Easter Walker,                      | January 11, 1907.                   |
| Julia Cornelius, et al,             | January 28, 1907.                   |
| Paul Bowers,                        | February 11, 1907.                  |
| Moses Vaughan (Freedman),           | February 11, 1907.                  |
| Charles Clark,                      | February 9, 1907.                   |
| Johny Carwile (Freedman),           | February 9, 1907.                   |
| Jack and Alice Bell (Freedmen),     | February 9, 1907.                   |
| Yar-mah-lee, et al. (deceased),     | February 9, 1907.                   |
| Mary Burl (Freedman),               | February 11, 1907.                  |
| Annie McClelland and Mitchell Cox,  | February 9, 1907.                   |
| Alvin Smith (deceased) (Freedman),  | February 9, 1907.                   |
| Isaac and Ethel Grayson (Freedman), | February 9, 1907.                   |
| William B. Self et al.              | February 11, 1907.                  |
| Annie Morgan (Freedman),            | February 9, 1907.                   |
| Bennie Griffin (Freedman),          | February 11, 1907.                  |
| Nose James (Freedman),              | February 9, 1907.                   |
| Dan Campbell (Freedman),            | January 26, 1907.                   |
| Josie Vofford,                      | February 9, 1907.                   |
| Daniel Gray, deceased,              | February 11, 1907.                  |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

19 inc. and 38 inc.  
for Ind. Of.

AFMc  
3-2-07.



HF 94

Muskogee, Indian Territory, March 11, 1907.

Charlotte Grayson,

Care of Ed Vaughan,

General Delivery, Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Moses Vaughan, as a Creek Freedman.

Respectfully,

Commissioner.

CR EN 1131

CR EN 1131

DEPARTMENT OF THE INTERIOR,  
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
 MUSKOGEE, INDIAN TERRITORY.  
 May 15, 1906.

In the matter of the application for the enrollment of  
 Willie Harrison, deceased, as a Creek Freedman.

Sarah Harrison, being duly sworn, testified as follows:

- Q What is your name? A Sarah Harrison.  
 Q What is your age? A 30.  
 Q What is your post office address? A Boynton.  
 Q What is the name of your father? A Hardy Colbert.  
 Q What is the name of your mother? A Dicey Colbert.  
 Q What Creek Indian town do you belong to? A Arkansas.  
 Q How many children have you had in your lifetime? A Three.  
 two dead and one child living.  
 Q What is the name of the oldest dead one? A There wasn't no  
 name, he just lived a day.  
 Q You never applied for that child? A No sir.  
 Q Did Thom Harrison have a child by the name of Emma? A Yes sir.  
 Q What town does he belong to? A Canadian.

The witness and the father of this child are identified  
 as Thomas and Sarah Harrison, oppisite Creek Freedmen Roll No.  
 1385 and 1386.

- Q You appear here to apply for your dead child, Willie Harrison?  
 A Yes sir.  
 Q Thomas Harrison the father? A Yes sir.  
 Q How old was Willie when he died? A Would have been ten  
 months old the 16th of April I think that is right, he died the  
 6th of April.  
 Q When was he born? A June 16,  
 Q What year? A 1905.  
 Q How long has he been dead? A Five weeks I think.  
 Q More or less? A More.  
 Q More than five weeks? A Yes sir.  
 Q How much over five weeks? A About three or four days.  
 Q What is the name of the midwife who was present at the birth  
 of the child, Willie Harrison? A Dr. Flem was the doctor.  
 Q What is his post office address? A Boynton.  
 Q You bring him in.

Witness is advised that we require the affidavit of said  
 doctor who attended on you at the birth of the child, and if he  
 has any entry in his book about the date of the birth of the child,  
 that should be produced.

- Q Did you have a doctor when the child died? A No sir, I didn't.  
 Q Did you have a doctor for yourself on the date of the death  
 of the child? A No sir.  
 Q Did he die last month or the month before that or when?  
 A Last month.  
 Q Are you sure of that? A Yes sir.  
 Q Did you write it down anywhere the date of its death? A No sir.  
 Q No entry was made about that? A No sir.

- Q Are you positive and prepared to swear positively that your child lived as much as nine months? A Yes sir.
- Q Are you positive-- and prepared to swear positively that that child has not been been dead as much as two months? A Yes sir.
- Q You are positive of that, are you? A Yes sir.
- Q Did you have a funeral? A Yes sir.
- Q Who preached the funeral? A Elder Straughter, and Brother Reed.
- Q What day of the week was that funeral? A Friday.
- Q What day of the week did it die? A Friday.
- Q Buried the same day it died? A Yes sir.
- Q You are sure of that, are you? A Yes sir.
- Q What time of the day did it die? A About six o'clock in the morning.
- Q What time of the day was it buried? A Buried something like five o'clock?
- Q In the evening? A Yes sir.
- Q Are you sure of the fact that it was Friday when it died as well as it was April 6? A Yes sir.

~~The calendar for the month of April examined and it appears that the 6th of April falls on Saturday.~~

- Q Can you read and write? A Yes sir .

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 cause on said date.

*Lona Merrick*

Subscribed and sworn to before me this 15th day of May, 1906.

*H. H. Haines*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
 MUSKOGEE, INDIAN TERRITORY.  
 MAY 16, 1906.

In the matter of the application for the enrollment of Willie Harrison, deceased, as a Creek Freedman.

Isaac G. Strother, being duly sworn, testified as follows:

- Q What is your name? A Isaac G. Strother.  
 Q How old are you? A 41 years old.  
 Q What is your post office address? A Boynton, Indian Territory.  
 Q What is your occupation? A Preaching.  
 Q Do you know Thomas and Sarah Harrison? A Yes sir.  
 Q Are they members of your church? A No sir, they are not members of my church.  
 Q Do you know a child of theirs named Willie Harrison? A Yes sir.  
 Q Were you present when the child was born? A No sir, I wasn't in the room when it was born.  
 Q How long after its birth before you saw it? A About three weeks seems to me, probably more than that.  
 Q You don't know of your own personal knowledge when the child was born, Willie? A No sir.  
 Q Do you know it was their child? A Yes sir, so far as my evidence of knowing a father's care and mother's care.  
 Q The child is dead isn't it? A Yes sir.  
 Q Do you know when it died? A The news came to my house on Friday morning --four o'clock in the morning Friday, April 6, the news came that the child was dead and I was asked to attend to the funeral and burying of that child.  
 Q How do you remember it was 4 o'clock on April 6? A Well, the gentlemen that brought me the news said it was four o'clock in the morning, he said it was a few minutes after four that the child deceased.  
 Q Four o'clock in the morning? A Yes sir.  
 Q Did you go to the house that day? A Yes sir.  
 Q What hour did you go? A I don't know exactly, I guess I was up there about eight o'clock that morning.  
 Q And you are sure it was Friday morning? A Yes sir.  
 Q April 6? A Yes sir.  
 Q 1906? A Yes sir.  
 Q And <sup>how</sup> do you fix that date in your mind? A I keep a record of these things of the kind of work I do. I keep a record of them.  
 Q Did you bring that record with you? A I have an abstract from it as a remembrance.  
 Q When did you write <sup>this in</sup> this memorandum book? A This week I just attended another burial on last week and I put down the two together.

Witness presents a small memorandum book on the last leaf of which is written "April burried Willie Harrison on April 6, 000, who deceased April 16 at 4 o'clock, burried at Cane Creek Semetary. Rev. I. G. Strother."

Q What did you copy that from? A My register, at home.

Q When? A That of Willie I copied this morning, the other one I put it there first.

Q That of Columbus Shaw? A Yes sir.

Q You are sure that this child Willie Harrison died and was buried in the month of April, this year? A Yes sir, 1906. I attended the burial ceremonies myself.

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 cause on said date.

*Lona Merrick*

Subscribed and sworn to before me this 16th day of May, 1906.

*H. H. Hays*

Notary Public.

DEPARTMENT OF THE INTERIOR;  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
JULY 25, 1906.

NBF...109.

In the matter of the application for the enrollment of Willie Harrison, deceased, as a creek freedman.

L. F. Flam being first duly sworn, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: L. F. Flam.
- Q: How old are you? A: 42.
- Q: What is your post-office address? A: Boynton.
- Q: Are you a practising physician? A: Yes sir.
- Q: You present here an affidavit in which you state that you were the attending physician on Sarah Harrison at the time he child Willie Harrison was born, June 16, 1905, why is it you did not state that the child was living March 4, 1906, in this affidavit?
- A: I wasn't the attending physician at the time of the death and couldn't positively swear when it died.
- Q: You are not able to swear positively that the child was living March 4, 1906? A: I know by hearsay that he was but I didn't see the child. I saw it sometime during the winter months but in the spring I did not because another physician waited on the child. I believe, if I am not mistaken, I think Doctor Settle waited on it, I wouldn't be sure of it.
- Q: Is he at Boynton? A: Yes sir.
- Q: J. H. Settle, a white man? A: Yes sir.
- Q: What make you think he waited on the child when it died?
- A: I am pretty near sure he was visiting the house and saw the child within a day of its death, one or two days or so.
- Q: The reason I am asking you so accurately, the parents have stated that it was in April when it died, and one having stated there was no Doctor; we would like to get closer to the truth if possible.
- A: I don't think it was at the time of his death but I think a week or two previous, I know Dr. Settle was called in once.
- Q: You know from hearsay that this child died in April or May?
- A: Yes sir, in these months, but I couldn't give the dates.
- Q: That is the reason you didn't put in the date in the affidavit, stating that it was living March 4, 1906, because you didn't know that positively? A: No sir.

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 on said date in said cause, and that this is all the evidence taken at this time.

*Julia C. Laval*

Subscribed and sworn to before me this 8th. day of August, 1906.

*H. H. Hains*  
Notary Public.

Enrollment No. 1131,

N.B.F. #109,

Willie Harrison.

Cr. En #1131



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

In the matter of the application for the enrollment of Willie Harrison, as a Creek Freedman.

## D E C I S I O N .

The record in this case shows that on May 15, 1906, application was made, in affidavit form, supplemented by oral testimony on said date, and by further testimony on May 16, 1906, and by an affidavit and testimony on July 26, 1906, for the enrollment of Willie Harrison, as a Creek Freedman, under the provisions of the Act of Congress approved April 26, 1906.

It appears from the evidence filed in this matter that said Willie Harrison was born June 16, 1906, and that he was living on March 4, 1906. It further appears that applicant was the child of Thomas Harrison and Sarah Harrison, his wife, whose names appear opposite nos. 1385 and 1386 respectively, on the approved roll of Creek Freedmen.

The Act of Congress approved April 26, 1906 (34 Stat. L. 137) in part provides:

"That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled."

It is therefore ordered and adjudged that the said Willie Harrison is entitled to enrollment as a Creek Freedman, in accordance with the provisions of the Act of Congress above quoted, and the application for this enrollment as such is accordingly granted.

Muskogee, Indian Territory,

*January 15, 1907.*

  
COMMISSIONER.



United States of America,  
Indian Territory,  
Western District.

SS.

I, Mr. L.F. Flamm, first being duly sworn depose and do solemnly swear that I was the attending physician who waited on Mrs Sarah Harrison at the time her child Willie Harrison was born, and that said child was born on the 16th, day of June 1905. and I do hereby so certify.

*L.F. Flamm M.D.*

Subscribed and sworn to before me this 25th, day of July 1906.

108

*Ray E. Sutton*

Notary Public.

My Commission Expires March, 7th, 1907.

Father's roll # F-1385-1

Mothers " " "

66

1007

189

IN RE

205

Application for Enrollment of

**MINOR CHILD**

Act of Congress Approved  
April 26, 1906.

Willie Harrison

as a citizen of

Creek

Nation.

Approved..... 190...

Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER IN CHARGE CIVILIZED TRIBES  
TO P. L. 343

MAY 15 1906

*[Signature]*  
COMMISSIONER

NEW BORN

ACT OF CONGRESS APPROVED APRIL 26, 1906

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

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 23, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CREEK Nation,  
of Willie Harrison, born on the 16 day of June 1905.  
Name of Father: Thomas Harrison a citizen of the Creek Nation.  
Name of Mother: Sarah a citizen of the " Nation.  
Tribal enrollment of father: Canadian Tribal enrollment of mother: Arkansas  
Postoffice: Boynton, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,  
Western District.

*testimony*

I, Sarah Harrison 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 Thomas Harrison, who is a citizen, by  
adoption of the Creek Nation; that a male child was  
born to me on 16 day of June 1905; that said child has been named  
Willie Harrison and was living March 4, 1906. ~~and died~~ 1906  
Sarah Harrison

WITNESSES TO MARK:

[Must be Two Witnesses] {  
.....  
.....

Subscribed and sworn to before me this 15<sup>th</sup> day of May 1906.  
J. H. Atkins  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,  
Western District.

I, ..... on oath state that I  
attended on ..... wife of .....  
on the ..... day of ..... 1906; that there was born to her on said date a .....  
child; that said child was living March 4, 1906, and is said to have been named.....  
.....

WITNESSES TO MARK:

[Must be Two Witnesses] {  
.....  
.....

Subscribed and sworn to before me this ..... day of May 1906.  
.....  
Notary Public.

Muskogee, Indian Territory, February 28, 1907

Thomas Harrison,  
Boynton, Indian Territory.

Dear Sir:

You are hereby advised that on February 29, 1907, the Secretary of the Interior approved the enrollment of your minor child Willie Harrison, deceased, as a Creek freedman, and that the name of said child appears upon the roll of new born Creek freedmen enrolled under the act of Congress approved April 26, 1906, as number 233.

This child is now entitled to allotment, and application therefor should be made by the duly appointed administrator without delay at the Creek Land Office in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 1132

CR EN 1132

DEPARTMENT OF THE INTERIOR,  
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
 MUSKOGEE, INDIAN TERRITORY.  
 MAY 17, 1906.

In the matter of the application for the enrollment of  
 Freeman Jones, deceased, as a ~~sixt~~ Creek Freedman.

Gerthey Jones, being duly sworn, testified as follows:

- Q What is your name? A Gerthey Jones.  
 Q How old are you? A 18.  
 Q What is your post office? A Tullahassee.  
 Q What is the name of your father? A Harry Smith, but he died  
 when I was little.  
 Q Are you sure of that? A Yes sir, its 11 years since he has  
 been dead.  
 Q What is the name of your mother? A Lucy Smith.

Witness is identified as Gerthey Smith, opposite Creek  
 Freedmen Roll No. 2504.

- Q Did you have a child ---have you a child you want to apply for?  
 A Yes sir.  
 Q What is its name? A Freeman Jones.  
 Q F-r-e-e-m-a-n J-o-n-e-s? A Yes sir.  
 Q When was he born? A July 17, 1905.  
 Q And how do you know he was born at that time? A I looked at  
 the almanac.  
 Q Is Freeman Jones living? A No sir, he died the 5th day of  
 April.  
 Q How old was he when he died? A I think he was about seven  
 months old.  
 Q Is that as near as you came come to it? A Yes sir, as near  
 as I can think, maybe he was little over.  
 Q Are you sure he wasn't little over eight months old?  
 A He was eight months old as near as I can figure it up.  
 Q After you have figured it up you think now he is eight months  
 old? A Yes sir.  
 Q Why did you say seven months before? A No answer.  
 Q What day of the week was he born on? A Monday.  
 Q Are you sure of that now? A Yes sir, Monday morning at seven  
 o'clock.  
 Q When did he die, what day of the week was it? A On Saturday  
 I believe.  
 Q Well, can you tell exactly when it was? A It was on the 5th  
 day of April when he did die.  
 Q You don't know what day of the week he died on? A No sir,  
 all I know is it was April 5th.  
 Q How does it come that you know what day of the week it was he  
 born on which is nearly a year ago, and can't tell what day of  
 the week it was he died on? A I know when he was born, but I  
 don't know what day he died.  
 Q How many days has he been dead, can you tell that? A Two  
 months.  
 Q Are you sure he die two months ago? A He died on the 5th day  
 of April.  
 Q Are you sure it was two months ago he died, how many days ago  
 did he die? A My husband can tell you better than I can.



Q How many months ago has it been since he has been dead?  
A Been dead a month and some weeks.  
Q Don't you stop to think of ~~what~~ the date of the death--didn't you stop and think of the date of the death you had given before you answered? A No sir, I didn't.  
Q Isn't it a fact that that child wasn't living in this year at all? A Yes sir he was, I can get witness on that.  
Q Did he in the first month of the year or did he die the second month? A No sir.  
Q Well, did he die in the third month? A No sir.  
Q Did he die in the fourth month? A Yes sir.  
Q How many days did he live in this year? A It lived---I couldn't tell you how many days.  
Q Can't tell how many days its has been dead or how many days it lived? A No sir, I can't tell--I can tell you how many months it live.  
Q Did you have a doctor or midwife when he ~~was sick~~ <sup>was born</sup>? A Ella McIntosh was the midwife.  
Q Was she present when it died? A No sir.  
Q Did she go to the funeral? A No sir.  
Q Was your husband there when he died? A Yes sir.  
Q What is your husband's name? A Frank Jones.  
Q Is he a citizen of any of the Five Tribes? A No sir.  
Q State man? A Yes sir.  
Q Did you have a doctor when the child died? A I had a granny lady.  
Q What is her name? A Nellie Hicks.  
Q What is her post office address? A I don't know sir.  
Q Does she live near you? A She lives at Redbird, I carried the baby up there.  
Q I am talking about the death of the child instead of the birth?  
A I thought you ~~were~~ meant if I had a doctor when the child was born. No sir, I never had no doctor, I had it ---the baby at mama house.  
Q At Lucy Smith's? A Yes sir.  
Q Did you buy any medicine for him? A Yes sir, I got some medicine from Dr. Williams here.  
Q Did you buy any medicine on the day it died or on any day near it? A I bring the baby over here on a Thursday-----no sir, I didn't get no medicine the week it died.  
Q Did you buy any as near as two weeks before it died? A Yes sir.  
Q Did you pay for it? A Yes sir, I got medicine from that old lady-----  
Q You said you got medicine from Dr. Williams? A Yes sir, when he first took sick.  
Q How long was that before the child died from the time it first took sick? A I don't know sir.  
Q You don't you? A No sir, my husband can tell you more better I can't understand you so good.  
Q How old was the child when it first took sick? A It was six months old when it first got sick.  
Q Then how long did it live from that time? A Two months.  
Q Are you sure of that? A Yes sir.  
Q Did you bury it in a coffin? A Yes sir.  
Q Where did you buy the coffin? A Porter.  
Q That's the name of the town I mean what firm or man did you buy it from? A I don't know, sir, my brother Frank went and got the coffin.

- Q Did you have an undertaker to bury the child? A No sir, just my folks was there.
- Q Did you have any preaching at the house or at the graveyard? A No much.
- Q Who did the little that was doen? A Wesley Warner.
- Q What is his post office? A Tullahassee.
- Q What Creek Indian town do you belong to? A Arkansas.
- Q Are you sure of that? A Yes sir.
- Q Did you write it down or anyone for you write the dates of the birth and death of this child? A No sir.
- Q Are you married to Frank Jones? A Yes sir.
- Q Have you got the marriage license with you? A No sir, it is at home in my trunk.
- Q Witness is advised that she must ~~file~~ file with this office either the original or a certified copy of her marriage license, you understand? A Yes sir.
- Q Freeman a boy or girl? A Yes sir.

Ella McIntosh, being duly sworn, testified as follows:

- Q What is your name? A Ella McIntosh.
- Q What is your age? A I don't know about 45.
- Q What is your post office address? A Tullahassee.
- Q Do you know Gerthey Jones? A Yes sir.
- Q Do you know that she is married to Frank Jones? A Yes sir.
- Q Do you know a child of theirs named Freeman Jones? A Yes sir.
- Q Are you any kin to these people? A Yes sir.
- Q What kin? A I don't know sir, me and her mother is second cousin.
- Q You and this girl's mother? A Yes sir, that makes us about third I guess.
- Q Did you act as midwife ~~in~~ when this child was born? A Yes sir.
- Q When was he born? A In July.
- Q What year? A Last year.
- Q Do you know what day in July? A No sir.
- Q Do you know what day of the week it was? A No sir, don't know whether it was Saturday or Sunday.
- Q Do you live near them? A Yes sir, I live near them about a quarter of a mile from them, they came for me in the night, and the child was born a little before day.
- Q Do you ~~k~~ live near them now? A Yes sir, I live at the same place.
- Q Were you present when he died? A No sir.
- Q Did you see him on Christmas? A No sir, I was sick then, I didn't see him.
- Q Do you personally know if he has been living any day this year? A Yes sir.
- Q You do swear to that do you? A Yes sir, he was living this year.
- Q How old was he when he died? A I don't know.
- Q Do you know how many weeks or days he has been dead? A No sir.
- Q You were not present when he died? A No sir.

I was coming home the day they were coming from the burying and I asked them who was dead, and they told me it was Gethery's baby that died with the croup.

Frank Jones, being duly sworn, testified as follows:

- Q What is your name? A Frank Jones.  
Q What is your age? A 24.  
Q What is your post office? A Tullahassee.  
Q What is your post office address? A Tullahassee.  
Q Did you have a child named Freeman Jones? A Yes sir.  
Q How old was he when he died? A Something over nine months, and about 18 or 19 days old.  
Q When he died he was about that old? A Yes sir.  
Q Are you sure of that? A Yes sir.  
Q How does it happen that you remember that? A It was born July 17, and died the 5th of April.  
Q Were you present when it died? A Yes sir.  
Q Did you go to the funeral? A Never had any.  
Q Did you have any preaching at all? A Yes, he talked a little  
Q Where at the house or at the graveyard? A At the graveyard.  
Q What graveyard? A Jimmerson graveyard. He is the man that is in charge of the graveyard.  
Q Are many people buried there in that graveyard? A Yes, a good deal.  
Q Was there any headboard put on the grave? A Yes sir.  
Q And was the date put on there? A No sir.  
Q Who is in charge of the graveyard? A Mose Jimmerson.  
Q Does he write down the dates of the death of people? A I don't know.  
Q Do you think he would remember the date of the death of that child that was buried there? A I don't know, sir.  
Q How many months ago was this child ~~was~~ buried? A Something over a month.

Gerthey Jones, recalled, testified as follows:

- Q Howold did you say that child was? A About 8 months old as near as I can get at it.  
Q You first said seven months? A Yes sir, until I studied it up.  
Q Is is nearer seven than eight? A If anything, it is over eight months old.  
Q Do you know whether it is nine month? A Yes, about that much.  
Q You have given seven, eight and nine months, now which of those was it when he died? A Nine months.  
Q Now you say nine month? A Yes sir.  
Q You have Mose Jimmerson, the man that is in charge of the graveyard come in here, do you think you can get him? A I don't know.  
Q You are advised to tell him to come in about this case.  
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 cause on said date.

*Lona Merrick*

Subscribed and sworn to before  
me this 17th day of May, 1906.

*W. H. Harris*  
Notary Public.

~~N.S. (3/3/65) No. 120~~

Cross Enrollment Case # 1132.

Freeman Jones.

N.B.F. #132

N.B.F. 130

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

In the matter of the application for the enrollment of Freeman Jones, deceased, as a Creek freedman.

## D E C I S I O N .

The record in this case shows that on May 17, 1906, an application was made, in affidavit form, supplemented by oral testimony, for the enrollment of Freeman Jones as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906.

It appears from the evidence filed in this matter that said Freeman Jones was born July 17, 1905, and died April 5, 1906, and was the child of Frank Jones, a non citizen, and Gerthey Jones, whose name appears opposite No. 2504 on the approved roll of Creek freedmen.

The Act of Congress approved April 26, 1906 (34 Stats., 137), provides in part as follows:

"That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled."

It is, therefore, ordered and adjudged that the said Freeman Jones, deceased, is entitled to be enrolled as a Creek freedman, in accordance with the provision of law above quoted, and the application for his enrollment as such is accordingly granted.

Muskogee, Indian Territory,



Commissioner.

JAN 24 1907

Motheis roll F. 2504

130 100

IN RE 296

Application for Enrollment of

MINOR CHILD

Act of Congress Approved  
April 26, 1906.

Freeman Jones

as a citizen of

Creek

Nation.

Approved..... 190..

Commissioner.

MAY 17 1906

NEW YORK

ACT OF CONGRESS APPROVED APRIL 26, 1906

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

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 28, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CREEK Nation,  
of Freeman Jones (Here insert name of child) born on the 17 day of July 1905  
Name of Father: Frank Jones a citizen of the U.S. Nation.  
Name of Mother: Gerthey Jones a citizen of the Creek Nation.  
Tribal enrollment of father: \_\_\_\_\_ Tribal enrollment of mother: \_\_\_\_\_  
Postoffice: Tullahoma, T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,  
Western District.

I, Gerthey Jones, on oath state that I am 18  
years of age and a citizen by adoption of the Creek Nation;  
that I am the lawful wife of Frank Jones, who is a citizen, by  
U.S. of the U.S. Nation; that a male child was  
(Male or Female)  
born to me on 17 day of July 1905; that said child has been named  
Freeman Jones and was living March 4, 1906, and died  
April 5-1906. Gerthey Jones  
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { H. H. Hains  
Lona Merrick

Subscribed and sworn to before me this 17 day of May 1906.

H. H. Hains

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,  
Western District.

I, Ella M. S. Intosh, a midwife, on oath state that I  
attended on Gerthey Jones, wife of Frank Jones  
on the 17 day of July 1905; that there was born to her on said date a male  
(Male or Female)  
child; that said child was living March 4, 1906, and is said to have been named  
Freeman Jones & died in April 1906.  
Ella M. S. Intosh  
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { H. H. Hains  
Lona Merrick

Subscribed and sworn to before me this 17 day of May 1906.

H. H. Hains

Notary Public.

CERTIFICATE OF RECORD

UNITED STATES OF AMERICA }  
Indian Territory } ss.  
Western District }

I, R. P. HARRISON, Clerk of the United States Court of the  
Western District, Indian Territory, do hereby certify that the instrument  
hereto attached was filed for record in my office the 31 day  
of Mar, 1905, at \_\_\_\_\_ M., and duly recorded  
in Book S., Marriage Record, Page 83.

Witness my hand and seal of said Court at Muskogee, in said  
Territory, this 18 day of Apr, A. D. 1905

By John Harle Deputy. Clerk.

87  
88

F. 130



# MARRIAGE LICENSE

UNITED STATES OF AMERICA  
Indian Territory  
Western District } ss.

No. 2090

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

You are *ffeteby* Commanded to Solemnize the Rite and Publish the Banns of Matrimony between Mr. *Frank Jones* of *Tallehsee*, in the Indian Territory, aged *23* years, and *Miss Gertrude Smith* of *Tallehsee*, in the Indian Territory, aged *16* years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this *28* day of *February*, A. D. 190*5*

*R. P. Harrison*  
Clerk of the U. S. Court.

By *Chas. C. Bryan* Deputy

## CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA  
Indian Territory  
Western District } ss.

I, *Rev. H. Rucker*, a Minister of the Gospel, DO HEREBY CERTIFY, that on the *1* day of *March*, A. D. 190*5* did duly and according to law as commanded in the foregoing License, solemnize the Rite and Publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this *1* day of *March*, A. D. 190*5*

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Western District, Book *39*, Page *39*

*Rev. H. Rucker*  
A Minister of the Gospel.

NOTE—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Western District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the license was issued will be liable in the amount of One Hundred Dollars (\$100.00).

CR EN 1133

CR EN 1133

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, November 2, 1906.

In the matter of the application for the enrollment of  
KIMICHA WALKER as a Creek freedman.

APPEARANCE:

JOHN G. LIEBER appears for M. L. Mott,  
Attorney for the Creek Nation.

JANE HOOKS being first duly sworn by Henry G.  
Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Jane Hooks.  
Q How old are you? A 69 years old.  
Q What is your postoffice address? A Wagoner.  
Q Are you a Creek freedman? A No sir.  
Q State woman? A Yes sir.  
Q Do you know anybody by the name of Beatrice Bean? A Yes  
sir.  
Q What is the name of her father? A I dont know her father's  
name; stepfather is Ellis Childers.  
Q What is the name of her mother? A Lucy Childers.  
Q Where does she get the name of Bean; is she married? A I  
dont know sir.  
Q Do you know whether she is a citizen of the Creek Nation?  
A yes sir, she is a citizen.  
Q Citizen by blood or Creek freedman? A By blood. I have  
known her folks ever since I been here.  
Q Do you know how she is enrolled; do you know whether under the  
name of Childers or Bean? A I dont know sir.

Said Beatrice is identified as Beatrice Bean, opposite  
Creek freedman roll No. 4732, and appears to be the daughter of  
Lucy Childers on the same card.

- Q How long have you known Beatrice Bean? A About ten years.  
Q Have you lived close to her all that time? A I have lived  
pretty close to her a long time; I knew her step-father and

Kimichia Walker-----2

mother before I did her.

BY MR. LIKBER:

- Q How close do you live to Beatrice? A Now?
- Q Yes? A Where she lives-- I dont really know.
- Q Well, how far? A I just couldnt tell you exactly how far; I dont think quite a half mile.
- Q Live in the same town? A Yrs sir.
- Q Both of you live in Wagoner? A Yes sir.
- Q Are you well acquainted with Beatrice? A Yes sir.
- Q See her frequently, do you Jane? A Yes sir.
- Q Are you related to her in any way? A No sir, aint related a bit.
- Q Is Beatrice married or single? A She is a married lady.
- Q Who is her husband? A I just couldnt tell you where she married.
- Q Did you ever see her husband? A I dont know if I seen him; I dont know him.
- Q Do you know whether Beatrice gave birth to a child any time this year? A Yes sir.
- Q Was it a boy or a girl? A Girl.
- Q Who was present when the child was born? A Her sister.
- Q What is her sister's name, Jane? A Dora.
- Q Dora what? A Dora Williams; wont be sure, think it is Dora Williams.
- Q Is she sometimes called Dora Rogers? A Yes sir, Rogers.
- Q Now who else was present besides Dora? A Young girl, her daughter, was there most of the time; young man was there; dont know whether he was at the time, he was there the next morning.
- Q What is this young girl's name you spoke of? A Miss Dora's daughter.
- Q What is Dora's daughter's name? A I think Martha.
- Q Martha what? A Nothing but a child, I just couldnt tell you.
- Q You say a young man was there? A Yes sir.
- Q Do you know what his name was? A George Williams I think, he was a stranger to me.
- Q Were you there? A Yes sir, all night.
- Q You were there when the child was born? A Yes sir.
- Q Did she have a doctor with her when the child was born? A No sir, just sent after me.
- Q Now, Jane, can you tell the Commissioner when that child was born? A She was born just about the 20th of March, March if I aint mistaken; I had it down; my drawer caught fire and burned up; my papers were in there.
- Q What makes you think it was about the 20th of March, Jane? A Well I just think it was about that time because I had it down; I most know I had it just that way on the papers.
- Q Are you satisfied that it was in March? A Yes sir.
- Q Are you satisfied that it was later than the 4th day of March? A Yes sir, about the 20th of March.

Kimichia Walker-----3

- Q Jane, do you know what you were doing, or what was going on at your house long about the latter part of February, this last February? A Well I dont know exactly what was going on at my house at that time, couldnt tell you exactly what time it was; I was out to Mrs. Hawkins in February.
- Q What is Mrs. Hawkins given name? A Mary Hawkins.
- Q What were you doing out there Jane? A Was something about a sick baby, another one of my babies.
- Q How long did you stay out there at Mary's? A Stayed out there two days and a half.
- Q You remember what time in February it was? A No sir, not exactly; I didnt have no call to set it down you know, just went out there.
- Q How old was Mary's baby at that time? A I couldnt tell you exactly that, at that time when I went out there, because her baby was born the 21st of last June a year ago.
- Q Good sized baby then? A Yes sir.
- Q Well, could you tell the commissioner whether it was the first part of February, the middle part, or the latter part, last part of February, that you were over there to Mary's? A Long about the last of February.
- Q Do you know what you were doing long about the first part of March? A Yes sir, worked over to Mrs. Moores, lawyer Moore's.
- Q When did you begin work at lawyer Moore's? A Second day of March.
- Q How long did you work there Jane? A I worked there for a week, then I come home.
- Q What kind of work did you do up there at lawyer Moore's? A Washing and scrubbing.
- Q General housework? A Yes sir.
- Q Was this child, Kimichia Walker born after you quit working at lawyer Moore's? A Yes sir.
- Q Sure of that? A Sure of that.
- Q Then you are positive that you went to work for lawyer Moore on the 2nd day of March and worked for him a week? A Yes sir.
- Q Now Jane, do you remember what day of the week this child, Kimichia was born on? A Well, I couldnt be sure of that, because I always set it down, so I couldnt remember the very day whether it was on Thursday or Friday.
- Q You dont know whether it was on Thursday or Friday? A No sir, couldnt remember exactly, because I always set it down, and it got burned up, and my recollection is gone because I have had so much trouble since.

BY THE COMMISSIONER:

- Q How long after you worked for lawyer Moore's folks was it that this child of Beatrice's was born? A Well I just couldnt tell you, I just aint going to tell you that when I dont know it.
- Q How long a time was it you worked for her? A A week.
- Q Was it after you got through working for her it was born? A Yes sir.

BY MR. LIEBER:

- Q Jane, what did Beatrice name this child that was born to her last March? A She named it but I couldnt tell you what it

Kimichia Walker---4

was named.

- Q Have you heard it called? A I have heard it, but I disremember.
- Q Is it Kimichia? A Seems like it is that; let me tell you that I have had so much I neglects things that I ought to keep in my mind; if it comes to me I will come and tell you.

WITNESS EXCUSED.

DORA ROGERS, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Dora.
- Q Dora what? A Rogers.
- Q How old are you? A 26.
- Q What is your postoffice address? A Wagoner.
- Q Are you a Greek freedman or a state woman? A Greek freedman.
- Q What name are you enrolled under? A Really I hardly-- I dont know whether it is Bean or Jones; I think it is Bean though if I aint mistaken.

The witness is identified as Dora Ann Rogers opposite Greek freedman roll No. 4720.

- Q You are a half-sister then are you to Beatrice Bean? A Yes sir.
- Q Have the same mother but different father? A Different father, my father was Jones.

BY MR. LIBBER:

- Q Is Beatrice single or married? A She is single now, but has been married.
- Q What was the name of her husband? A Kellan Davis.
- Q Do you know whether Beatrice gave birth to a child any time this year? A Yes sir.
- Q What was it, a boy or a girl? A It was a girl.
- Q Do you know what she named it? A Kimichia.
- Q Kimichia what? A Kimichia Walker.
- Q Do you know who was present when that child was born? A Their midwife and myself and another gentleman; he wasnt concerned in the case, he was there in the other room.
- Q What was the name of the midwife? A Jane Hooks.
- Q Now, Dora, can you tell the Commissioner when that child was born? A On the 23rd day of March.
- Q How do you remember that it was born on the 23rd day of March? A Because she has a record and then I was the one that helped her to sign up.



Kimichia Walker-----5

- Q You say she has a record of its birth? A She just put down when it was born.
- Q How long has it been since you say you saw the note she had it down on? A I dont know just how long.
- Q Is there anything else that helps you remember it was born the 23rd day of March? A No sir, only just remember the time.
- Q Do you live with your sister? A No, aint been with her for the last two or three weeks.
- Q Live with you before that? A Yes sir, she has been living at my house.
- Q Was this child born at your house? A yes sir.
- Q How old is the child now? A I dont know.
- Q I thought you kept track of these dates, three months old, four months old or five months old? A About seven months old, I think.
- Q Where is that note your sister made about the birth of this child? A I dont know.
- Q What did she make it in? A Just on a piece of paper. Really she didnt write it, her step-sister wrote it.
- Q Are you satisfied this child was born in March? Yes sir, it was in March.
- Q Do you know what day of the week the child was born on? A No I dont.
- Q When was the last time you ever spoke to your sister about the birth of this child? A I never have spoke to her about it.
- Q Are you satisfied, Dora, that this child wasnt born in February? A It was in March.
- Q No mistake about it? A It was in March.
- Q Now you made an affidavit before L. A. Bell, a Notary Public, regarding the birth of this child, didnt you? A I signed one, it was already made.
- Q Was it read over to you, Dora, before you signed it? A I think not.
- Q Did you swear to it? A Yes sir, he just told me it was an affidavit and I signed it.
- Q Did he tell you what was in it? A yes sir, he told me but cant remember what was in it.
- Q Did he ask you when the child was born? A Yes sir.
- Q Bell did? A Think he had the papers all fixed; just simply asked me to sign it.
- Q Who had he been talking to? A Beatrice Davis and Dora Smith; I suppose he had talked to her, she was at the house at the time.
- Q Peatrice Davis-- that is your sister Beatrice Bean? A Yes sir Beatrice Bean.
- Q Did Bell say anything to you about the date of the birth of the child? A Never at all, never said anything to me; just signed the paper to be signed.
- Q Where did you sign the paper? A Bell's office in Wagoner.
- Q Then as a matter of fact, Dora, you dont know what date he put in that affidavit as the date of birth of this child, do you? A No sir, I dont.
- Q Never read it over to you? A No sir, said it was to be signed and I signed it.

Kimichia Walker-----6

- Q Is that your signature, Dora (showing the witness the original application for the enrollment of Kimichia Walker, filed before the Commissioner on May 8, 1906)?  
A Yes sir, that is mine.
- Q This affidavit which you have signed says that this child was born on the 23rd day of February, 1906; is that correct Dora? A No sir, it was on the 23rd day of March.
- Q Was the affidavit written out just as you see it when you signed it? A I never paid no attention at all just no more than to sign.
- Q Have you any idea how or why the Notary Public made that affidavit read the 23rd of February instead of the 23rd of March? A No sir, I dont.
- Q Do you know why they didnt get the midwife to sign that affidavit in place of you? A I do not.

WITNESS EXCUSED.

DORA SMITH, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Dora Smith.
- Q How old are you? A 35 years old.
- Q What is your postoffice address? A Wagoner.
- Q Are you a Creek freedman or a state woman? A Creek freedman.
- Q Is that the way you are identified on the roll, as Dora Smith? A Yes sir.
- Q Sure of that now? A Yes sir.
- Q Do you know Beatrice Bean? A Yes sir.
- Q Are you any kin to her? A No sir.
- Q What is the name of her mother? A Lucy Childers.

BY MR. LIEBER:

- Q Are you related to Beatrice? A No sir.
- Q How long have you known Beatrice? A I have been knowing Beatrice I dont know how many years, ever since she was a little girl.
- Q Is she married or single? A She is married.
- Q Do you know whether she had a child born to her any time this year? A Yes sir.
- Q Was the child a boy or a girl? A Girl.
- Q What did she name it? A Kimichia.
- Q Kimichia what? A Kimichia Walker.
- Q Do you know when that child was born? A It was born in March, sometime in March, I dont know exactly the date, about the 23rd though I think.
- Q How do you remember that the child was born in March? A Why



Kimichia Walker-----7

she lived with me up until about three or four weeks until the child was born and she went out to her sister's, and the child was born out to her sister's.

- Q How long after she left your house was it before the child was born? A About three or four weeks, I dont exactly remember how many weeks it was.
- Q Left your house about three or four weeks before the child was born? A Yes sir.
- Q Now, do you remember when she left your house? A She left my house sometime in February, dont remember exactly what date.
- Q Was it the first part, middle part or latter part of February? A Long about the middle part of February I guess.
- Q Did you make a trip to Muskogee here any time this last spring? A Yes sir.
- Q What time was that? A It was long about the first of March.
- Q Was this child, Kimichia born when you came down here to Muskogee? A No sir, it was born while I was down here.
- Q How long did you stay down here? A I stayed down here all during the month of March.
- Q When did you come down here? A Come down here about the first of March.
- Q When did you go back to Wagoner, back home? A Long about, sometime between the first of April and the last of March, I dont know just exactly what date I got back home.
- Q How long after you got back home was it before you saw Beatrice's child? A Next day.
- Q How old was it when you saw it? A I dont know exactly how old it was; she hadnt got up yet though.
- Q She was still in bed? A Yes sir.
- Q Well, do you know how long she was in bed after this child was born? A No sir, not exactly; she come back to my house; they stayed with me when the baby was about four weeks old up until four weeks ago, then she went back to the country to see her sister.
- Q When the baby was about four weeks old she came to see you? A About four weeks old.
- Q Do you remember what month it was when she came back to your house? A It must have been sometime in April.
- Q Are you satisfied that this child wasnt born as early as the 4th of March? A No sir, it wasnt born on the 4th.
- Q Are you certain it was born sometime after that? A It was born sometime after that, yes sir.
- Q Are you on friendly terms with Beatrice? A Yes sir.
- Q She didnt leave your house because she was mad at you? A No sir, just went out in the country on a visit.
- Q Expects to come back to your house? A Yes sir.
- Q Do you know L. A. Bell, a Notary Public, at Wagoner? A Yes sir.
- Q Were you present last spring when an affidavit was made before him regarding the birth of this child? A Yes sir.
- Q Who was there at that time? A Myself and L. A. Bell and Beatrice and my daughter, Hattie Elliott.
- Q Did they have any conversation, or did you folks have any conversation about when this child was born? A No sir, L. A.

Kimichia Walker-----8

Bell asked when it was born in making out the application.

- Q What did she tell him? A The 23rd-- I am not exactly sure.  
Q 23rd of what? A 23rd of March.  
Q Are you certain that she said it was born in March? A Yes sir in March.  
Q You know that? A Yes sir.  
Q Heard her tell him that? A Yes sir.  
Q Well now, did he say anything to her about making the dates some other time than March? A No sir.  
Q Never said a word to her? A No sir.  
Q Were you present when Beatrice signed that affidavit? A Yes sir.  
Q Were you present when Dora Ann Rogers there signed it? A No sir.  
Q Is that the affidavit that Beatrice signed (showing the witness the original application for enrollment of Kimichia Walker)? A Yes sir, I guess that is it; I dont know Bee's writing.  
Q During the writing, when that was had there with this Notary Public about the date of the birth of this child, was anything said to you or Beatrice or anyone else present there about the child being born in February? A No sir.  
Q Not a word? A No sir, not as I can remember. No I know there wasnt.  
Q Can you account for the fact that the Notary Public has made the affidavit read the 23rd day of February instead of the 23rd day of March? A I dont know; I dont remember whether he did or not.  
Q You dont know why he did that? A No sir.  
Q You are sure he didnt say anything to Beatrice there about making it February instead of March? A No sir.  
Q And you heard Beatrice tell him that the child was born in March? A Yes sir.  
Q You are positive of that, are you Mrs. Smith? A I am pretty sure it was March, I am pretty sure it was March.  
Q You know as a matter of fact that the child wasnt born in February, dont you? A I may have made a mistake in the month myself when I come down here, but I dont hardly think I did.  
Q It is your recollection that the child was born in March? Yes sir my recollection.

BY THE COMMISSIONER:

- Q Have you a daughter named Hattie Elliott? A Yes sir.  
Q Youngest child? A Yes sir.  
Q Did she have a child named Helen Elliott? A Yes sir.  
Q Now was this little girl, Helen, your grand-daughter, was she sick any time this spring? A Yes sir.  
Q When? A She was taken sick in January, she was sick all during the month of February up until the last week in February.  
Q She was sick? A Yes sir.  
Q And that was before you came to Muskogee on that trip? A Yes sir.  
Q Sure of that? A Yes sir.  
Q And when you came down here to Muskogee, as you say, in the first

Kimichia Walker-----9

part of March this child, Kimichia, wasnt born yet was she?

A No sir, she wasnt born when I come to Muskegee.

Q You know as a matter of fact that she wasnt born then and was born while you were here sometime? A Yes sir, she was born while I was here.

WITNESS EXCUSED.

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Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on November 2, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Cora Moore.*

Subscribed and sworn to before me November 7, 1906.

*H. H. Harris*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskegee, Indian Territory, November 3, 1906.

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In the matter of the application for the enrollment of  
KIMICHIA WALKER as a Creek freedman.

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APPEARANCE:

JOHN G. LIEBER appears for M. L. Mett,  
Attorney for the Creek Nation.

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BEATRICE DAVIS being first duly sworn by Henry G. Hains,  
a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Beatrice.  
Q What is your name now? A Beatrice Davis.  
Q What was it before it was Davis? A Beatrice Bean.  
Q How old are you? A 18.  
Q What is your postoffice address? A Inola.  
Q What is the name of your father? A Walker Bean.  
Q What is the name of your mother? A Lucy Childers.

BY MR. LIEBER:

- Q Did you have a child born to you last spring, Beatrice? A No sir. Last spring?  
Q Sometime this year I say? A No sir, none but Kimichia Walker.  
Q Say you did have one then, Kimichia? A Yes sir.  
Q Is that child a boy or a girl? A Girl.  
Q When was it born, Beatrice? A I dont know exactly the time; I did have it on the application the 23rd of February, that is the way I put it down, but my sister told me that it was the 23rd of March.  
Q Well, what you got to say about it now; was it the 23rd of March or the 23rd of February? A I told her it was the 23rd of February; she said it was the 23rd of March though; I dont know what to say about that.  
Q Didn't you make some sort of a record of its birth, on a piece of paper or something? A yes sir I did, but the children misplaced it somewhere.

- Q How old is the baby now? A She is seven or eight months old.
- Q Seven or eight; dont you know exactly how old she is.  
A No sir.
- Q You live sometimes with Dora Smith, dont you? A Yes sir.
- Q You remember about Dora coming down here to Muskogee sometime last spring, and staying about a month? A No sir.
- Q Dont you remember that? A No sir.
- Q Now you say you cant tell whether that child was born in February or March? A No sir, I cant.
- Q Now, dont you know, Beatrice, that it wasnt born in February? A No sir, I dont.
- Q Well, can you swear that it was born in February? A No sir, I cant.
- Q What kind of weather was it when this child was born? A It was cold.
- Q What were the farmers doing? A I dont know sir.
- Q You live in town, dont you? A Yes sir.
- Q Do you remember when you made out that affidavit before the Notary Public about the birth of this child, about the birth of this Kimichia, remember when you made out that affidavit before Bell, the Notary Public? A Yes sir.
- Q How old was this baby then? A I dont know exactly how old it was.
- Q Well now, Beatrice, in that affidavit you swore that this child was born on the 23rd day of February; now you say that you are not willing to swear that it was born in February; how did you happen to make the affidavit read that way, if you didnt know the child was born in February? A I thought it was born in February until sister come and told me that it wasnt.
- Q Now, be honest with us, Beatrice, didnt that Notary Public tell you, or give you to understand that that child would not be enrolled if you said it was born on the 23rd day of March; didnt he tell you that, the Notary before whom you made that affidavit? A Never made it before anybody but Mr. Bell.
- Q Didnt he tell you that you would have to make the date in February instead of March or the child would not be enrolled?  
A No sir.
- Q Did you tell him when you made that affidavit that the child was born on the 23rd day of February? A Yes sir.
- Q He swore you to the affidavit, did he? A Yes sir.
- Q You say you dont know how many months old that child is now?  
A No sir, not exactly.
- Q How many children have you got? A One.
- Q Just this one? A Yes sir.
- Q Is that the only child you ever had? A Yes sir.
- Q You cant tell how many months old that child is? A No sir.
- Q Now dont you know, Beatrice, that the child was seven months old on the 23rd day of last month, October? A If it was born in March, it was.
- Q Now dont you know that that child is seven months going on eight, without saying whether it was born in February or March? A No answer.
- Q Didnt you keep track of the age of that child, in that month?  
A No answer.
- Q Didnt you keep track of the age of that child, Beatrice? A No sir.
- Q Well now, if the midwife that waited on you, and your sister, Dora Ann Rogers, and Dora Smith, with whom you have lived for sometime, all testified that this child was born in March, along

- the latter part of March, dont you think that they have got the correct date? A Yes sir, if they testified that she was born then I guess she was.
- Q You wont swear that she wasnt born the 23rd of March, will you? A That she wasnt born?
- Q Yes. A No sir, I couldnt swear it.
- Q Then when you swore to the affidavit which has been filed in this case that the child was born on the 23rd of February you swore to something that you didnt know was a fact, didnt you Beatrice? A Yes sir.
- Q Did you go to the Notary Public's office and make that affidavit, or did he come to your house? A He come to my house.
- Q Did you send for him? A No sir.
- Q How did he happen to know that you had a child there? A Why Dora Smith's daughter had a child there and he came to see her.
- Q How old is Dora's daughter's child? A I dont know.
- Q Older than yours? A Yes sir.
- Q How much older? A I dont know sir, it is a year; it is about three or four months older.
- Q Older than your child? A I dont know whether it is that much older than my child; I say it is that old.
- Q He came to enroll that child? A Yes sir.
- Q And saw you there? A Yes sir.
- Q What sort of a talk did he have with you; how did it come up about your child? A He asked me was I going to enroll her; I told him "yes"; he asked if he could make out the papers; I told him "yes".
- Q How much did you pay him? A One dollar.
- Q What did you tell him about when the child was born? A I told him she was born the 23rd day of February.
- Q 23rd day of February? A Yes sir.
- Q Now you dont know whether that is right or not, do you? A No sir.
- Q What do you think about it now, Beatrice; do you think the 23rd day of February is right or the 23rd day of March is right? A I think the 23rd of February is right.
- Q Still you are not willing to swear to that are you? A No sir.
- Q Dora Smith came to see you soon after this child was born, didnt she? A Yes sir.
- Q You were still in bed, were you not? A Yes.
- Q How long did you stay in bed after the child was born, Beatrice? A Four days.
- Q Then the child couldnt have been more than four days old when Dora Smith came up there to see you could it? A No sir.

BY THE COMMISSIONER:

- Q What did you do the day before the child was born? A I did day's washing.
- Q Did anybody help you with that washing the day before the child was born? A Yes sir.
- Q Who? A Dora Ann Rogers my sister.
- Q Was she present when the child was born? A Yes sir.

BY MR. LINER:

- Q You know that this child is not over eight months old, dont you? A No sir, she is not eight months old.



Kimichia Walker-----4

- Q In fact, isnt it your impression that the child is now over seven months old going on eight months old? A She is seven months old, going on eight?
- Q Yes. A Yes sir.
- Q You know what day of the month this is Beatrice? A No sir, I dont.
- Q Do you know what month this is? A Yes sir, 3rd day of October
- Q 3rd day of October? Is this October? A Yes sir, I think this is October.
- Q Last month was October, wasnt it? A No answer.
- Q Dont you know what month this is Beatrice? A No sir.
- Q You know though that this is the 3rd day of the month, dont you? A Yes sir.

WITNESS EXCUSED.

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Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on November 3, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Cora Moore*

Subscribed and sworn to before me November 9, 1906.

*Edward McPrien*  
Notary Public.

In the matter of the application for the enrollment of Kimichia Walker, as a Creek Freedman .

## D E C I S I O N .

The record in this case shows that on May 8, 1906, application was made, in affidavit form, for the enrollment of Kimichia Walker, as a Creek Freedman, under the provisions of the Act of Congress approved April 26, 1906, (34 Stats., L. 137). Further proceedings were had on November 2, and November 3, 1906.

The evidence shows that Kimichia Walker is the minor child of Beatrice Bean, whose name appears on a partial schedule of Creek Freedmen, approved by the Secretary of the Interior on the 13th day of March, 1902, opposite No.4732.

The weight of the evidence shows that said Kimichia Walker was born in the month of March, 1906, some time subsequent to March 4, 1906, and that she was living at the time the last proceedings were had herein.

It is, therefore, ordered and adjudged that the applicant, Kimichia Walker, is not entitled to be enrolled under the provisions of the above mentioned Act of Congress and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory,

  
Commissioner.

JAN 29 1907

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Cr. En. 1133.

Muskogee, Indian Territory, January 30, 1907.

M. L. Nett,  
Attorney for Creek Nation,  
Muskogee, 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 Hinchia Walker, 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.

LM-40.

Or. No. 1138.

Muskogee, Indian Territory, January 31, 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 Kimichia Walker, as a Creek Freedman, including the decision of the Commissioner, denying said application.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

LM-41.

REFER IN REPLY TO THE FOLLOWING:

Cr. No. 1135.

2687

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

Muskogee, Indian Territory, January 30, 1907.

Beatrice Bean,  
c/o Daniel Walker,  
Wagener, 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 the enrollment of your minor child, Kimichia Walker, 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-35.

CR EN 1134

CR EN 1134

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
OCTOBER 3, 1906.

H.B.F. 207.

In the matter of the application for the enrollment of  
Orlene Griffin as a Creek Freedman.

APPEARANCES: John G. Lieber, acting for M. L. Nett,  
attorney for Creek Nation.

Elisa Griffin being first duly sworn by Henry G. Hains,  
testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Elisa Griffin.  
Q: How old are you? A: I am about 20 years old.  
Q: What is your post-office address? A: Grayson or Merris  
either one.  
Q: What was your name before it was Griffin? A: Mayes.  
Q: What is the name of your mother? A: Polly Mayes.  
Q: You are a state woman aren't you? A: Yes sir.  
Q: What is the name of this child you have in your arms here?  
A: Orlene Griffin.  
Q: Can you read or write? A: Yes sir.  
Q: How do you spell that? A: Orlene.  
Q: Orlene? A: Yes sir there was a post-master at Grayson had  
that name, he said he didn't spell it exactly correct.  
Q: That is correct is it, Orlene Griffin? A: Yes sir.  
Q: And your name is Elisa Griffin? A: Yes sir.  
Q: Is that a boy or a girl? A: It is a boy.  
Q: How old is he? Can't you tell how old he is without stop-  
ping to count up from any fixed date?  
A: I was trying to tell you exactly, he is about 8 or 9 months  
old.  
Q: When was he born? A: Born in January the 24th.  
Q: What day of the week was he born on? A: On Wednesday  
I think.  
Q: In the day or night? A: It was in the night.  
Q: What hour? A: I don't just really know what hour it was,  
it was supposed to be about 10 o'clock or something like  
that.  
Q: Was your mother Polly Mayes the midwife? A: Yes sir  
Q: She was present was she? A: Yes sir.  
Q: Who else was present? A: Another woman by the name of  
Evaline Reed and my husband Robert was there.  
Q: What is her post-office? A: Marland, Texas.

- Q: Was anybody present when he was born?  
A: Only she and Robert and Polly.  
Q: Did any of the neighbors come in when he was born?  
A: They came in the next morning.  
Q: Who? A: Eliza Thomas and Hattie Smith and several.  
Q: Where do these two people live? A: Grayson.  
Q: Are they any kin to you? A: No sir.  
Q: If your name is Eliza who do you sign it Elizza, or didn't you write that there?  
A: I don't know as I did, I may have.  
Q: If you had, wouldn't you have known it?  
A: The postmaster must have written that, I don't write my name that way unless I was bothered a great deal.  
Q: Do you remember of going before that postmaster? A: Yes sir  
Q: What is his name? A: Smith.  
Q: J. S. Smith, isn't it? A: Yes sir.  
Q: Now tell us whether you wrote that or not when you went before him? A: I suppose I must have, but I made a mistake.  
Q: You just told us you would have spelled it Eliza?  
A: I must have made a mistake.  
Q: Isn't it a fact that you didn't write that name there and that the Notary Public Smith wrote it?  
A: No sir, I wrote my name on one he had there, I suppose this is my handwriting, you can see the difference in the handwriting, this is my hand-writing. My mother wrote her name on it too.  
Q: Did your mother write that? A: Yes sir, she can't write real well.  
Q: How old was this child when you went before Smith?  
A: I can't really think of the time we went there.  
Q: I don't want you to tell me what day you went before him, I want you to tell me how old the child was when you went there.  
A: Well to tell you the truth, I don't really know now.  
Q: Was it a week old? A: Yes sir, it was over a month.  
Q: Was it over two months? A: I suppose it was.  
Q: Please don't suppose and tell us what you know, was it over 3 months old? A: I know it was over a month old because I never went out in a month and I know it was somewhere near two or three, I don't know, but maybe Robert could tell  
Q: What is the name of the father of this child? A: Robert Griffin.  
Q: Is he a Creek Freedman? A: Yes sir.  
Q: And you are not? A: No sir.  
Q: What is your husband's father's name? A: Abe Griffin.  
Q: What is his mother's name? A: Amanda Griffin.  
Q: How he is enrolled here under the name of Griffin, is that your name now? A: Yes sir.  
Q: Then the full name of this child is Orlone Griffin is it?  
A: I spells it with an s, Griffins, I don't know whether he spells it that way or not.  
Q: Did you have a Doctor when this child was born?  
A: Not when it was born but I had a doctor a few days afterward  
Q: How soon after he was born? A: It was on Sunday I believe that the Doctor came.  
Q: The Sunday after the child was born? A: Yes sir.  
Q: What Doctor was that? A: Dr. Darden.  
Q: Is he a white man or a black fellow?  
A: He is a colored man.  
Q: What is his post-office? A: Grayson.

- Q: Did you buy any medicine from the drug-store close to the birth of this child? A: No sir.
- Q: Did you make any record of the birth of this child, did you write it down anywhere? A: I have it in my bible.
- Q: When was that written in the bible?
- A: It was after I got up so I could write.
- Q: How long after the birth of the child was that?
- A: The child was a month old, I know.
- Q: When you got up? A: I mean when I got to stirring around.
- Q: You have got that bible at home, have you? A: Yes sir.
- Q: Who wrote that in that bible? A: I did.
- Q: Did you have a child named Annie Griffin? A: Yes sir.
- Q: Did you have any other besides these two? A: Just this one and Annie.
- Q: When was Annie born? A: She was born in February.
- Q: What year? A: In 1905.
- Q: Do you mean to say that this child was born 11 months after the other child was born? A: I never have just counted it up.
- Q: From February 1905 until January 1906, is only 11 months?
- A: Well that is when it was.
- Q: Was Annie living when this child was born? A: No sir.
- Q: Are you sure of that? A: Why yes.
- Q: How long did Annie live? As near as you can tell how long did she live a day or a week or a month or what.
- A: Something near a month I know, it was over a week though, it was about a month I think, something near that any way.
- Q: How long was it after the birth of Annie before you got up?
- A: Oh I was up something over a week.
- Q: Is this child Orlene a 7 months baby or a nine months baby?
- A: Well you know I don't really know, I reckon he is a 9 months I don't know what he was. I couldn't say because I don't know.
- I guess he was like all the rest of them, 9 I suppose.
- Q: Who was present when your child Annie was born?
- A: My mother.
- Q: Who else? A: Ransome.
- Q: What Ransome? A: Ransome Hayes was there. He wasn't in the house.
- Q: Did he see it shortly after its birth? A: Yes sir.
- Q: Was anybody else there? A: My husband but he wasn't in.
- Q: Was there anybody else that saw Annie shortly after she was born? A: Abe Griffin and Alice Griffin.
- Q: Do they all live right out there at Grayson? A: Yes sir Very near Grayson.
- Q: Did you make the record in this bible you are talking about of the birth of the child? A: Yes sir.
- Q: You wrote down in that bible about its death too, did you?
- A: Yes sir.
- Q: When was that? A: Directly after its death.
- Q: Did you write with a pen or pencil? A: Pencil I think.
- Q: Did you have a Deeter when the child died? A: No sir.
- Q: Did you buy a coffin for it? A: No sir.
- Q: Where is it buried? A: Not so very far from my mother-in-law house, back in the field.

- Q: Who was present when the child Annie died? A: Abe Griffin and Alice Griffin and my mother was there.
- Q: Were there any white people there that you knew of shortly after the death of the child? A: No sir there ain't any white people right there.
- Q: You didn't have an undertaker, did you? A: No sir.
- Q: Did you have any preaching at the funeral? A: No sir, just some men.
- Q: Who dug the grave, do you know? A: I do not.
- Q: Who made the coffin? A: Abe Griffin.
- Q: Are you married to Robert Griffin? A: Yes sir.
- Q: Have you got ~~ex~~ your marriage license with you now?
- A: No sir they ought to be here already he sent them here before.

Questions by John G. Lieber acting attorney for Creek Nation.

- Q: Did you have a Doctor when Annie was born? A: No sir, I haven't had a Doctor when any of them was born.
- Q: Did you have a Doctor soon after Annie was born? A: No sir

This is all the evidence taken in said cause on said date.

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.

Julia C. Laval

Subscribed and sworn to before  
me this 8 day of October, 1906.

Edward Merrick  
Notary Public.



MEF 207.

Muskogee, Indian Territory, September 22, 1906.

Eliza Griffin,

c/o Robert Griffin,

Grayson, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor child, Arlane Griffin, born January 24, 1906, as a Creek Freedman, you are advised that this office requires proof of your marriage to Robert Griffin, the father of said child; said proof may consist of either the original or a certified copy of your marriage license and certificate and should be forwarded at an early date.

You are further advised that this office cannot identify the father of said child on its rolls of Creek Freedmen, and you are requested to write this office giving the names of his parents, the Creek Indian town to which he belongs, and his roll number as same appears on his deeds or allotment certificates to land in the Creek Nation.

Respectfully,

Commissioner.

CR EN 1135

CR EN 1135

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskegee, Indian Territory, October 20, 1906.

In the matter of the application for the enrollment  
of GEORGE and JULIA MCINTOSH as Creek freedmen.

APPEARANCES:

JOHN G. LIEBER appears for M. L. Mott,  
Attorney for the Creek Nation.

C. W. ELISS appears as At-  
torney for the applicants.

BETTIE MCINTOSH, being first duly sworn by Henry  
G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Bettie McIntosh.  
Q How old are you? A 26 past.  
Q What is your postoffice address? A Broken Arrow.  
Q Are you a Creek freedman? A Yes sir.  
Q What is the name of your father? A His right name is  
George Abram, but he is enrolled as Klinch Barnett; that is  
his marse's name.  
Q What is the name of your mother? A Lizzie Abram.  
Q Have you a sister enrolled with you? A No sir.  
Q Have you a brother enrolled the same time you were? A No sir.  
Q Did you ever hear of Harry Abram? A Harry Abram had filed  
for him the same time that Mamma had filed for us.  
Q Is that your brother, Harry Abram? A Yes sir.  
Q That is what I asked you? A No answer.

The witness is identified as Bettie Abrams, opposite  
Creek freedman roll, No. 2357.

- Q Are you married? A Yes sir.  
Q What is the name of your husband? A John McIntosh.  
Q When did you marry him? A I married him, can't remember, year  
1899, same year filing office had opened up, that same year.

George and Julia McIntosh----2

- Q Is John a Creek freedman? A Yes sir.  
Q What is the name of his father? A Tobe McIntosh.  
Q What is the name of his mother? A Tamie McIntosh.

He is identified as John McIntosh and appears opposite Creek freedman roll No. 2379.

- Q Have you any children by him? A Yes sir.  
Q What is the name of the oldest one? A Louisa.  
Q Living? A Yes sir.  
Q Enrolled? A Yes sir.  
Q What is the name of the next one? A George.  
Q Is George McIntosh living? A No sir.  
Q Not living? A No sir.  
Q How old was he when he died? A He was three years old; died in 1906.  
Q You say that George was three years old when he died? A Yes sir.  
Q When was he born? A 1903, 3rd day of January.  
Q When did he die? A Died the 7th of this going March.  
Q What was the name of your next child? A Julia.  
Q Is she living? A No sir, she isnt living.  
Q When was she born? A She was born in 1905.  
Q What time? A 23rd day of March.  
Q How old was she when she died? A 23rd day of this going March make her a year old.  
Q I asked you how old was it when it died? A It was a year old.  
Q Now Bettie, you remember of making the affidavit for the enrollment of your child, George McIntosh? A Yes sir.  
Q Who was that before? A That was before-- down here at Floyd's office.  
Q Where was that? A That is down the street there where Mr. George Bixby works.  
Q In this town? A yes sir.  
Q Negro Notary Public, is it? A No sir.  
Q You dont know whether it was E. M. Nelson, do you? A Dont know, fleshy man  
Q Now, at that time, was George McIntosh alive? A No sir. Aint going to story about nothing.  
Q How long had he been dead at that time? A Two months past.  
Q Who was with you when you made that affidavit? A Add Davis.  
Q She made one at the same time, did she? A For herself?  
Q For George? A Yes sir, she swore it too.  
Q At that time did you also make an affidavit about the birth of your child, Julia? A yes sir.  
Q Was Julia living at that time? A No sir.  
Q How long has she been dead? A She died about a month past, if I aint mistaken.  
Q How old was Julia, how old would she have been if she was living at the time you went before that Notary Public? A She would have been a year and three months if I aint mistaken.  
Q I will ask you again, if that man, that Notary Public, whose name you say you dont know, was a negro man or a white man?  
A It was a white man.

George and Julia McIntosh-----3

BY MR. LIMBER:

- Q You say your child, George, was born when? A 1903, the 3rd day of January.
- Q And died when? A The 7th of March, 1906.
- Q How do you know that he died on the 7th day of March? A Because I had it dated.
- Q Did you make a record of it? A Yes sir, I got it on here.
- Q Where did he die? A At home.

BY THE COMMISSIONER:

- Q Broken Arrow? A Yes sir.

BY MR. LIMBER:

- Q Where you are living now? A Yes sir.
- Q What direction from Broken Arrow? A East.
- Q Three miles? A Yes sir. He had some breaking out; they called it Cuban itch.
- Q How long had he been sick? A About a month.
- Q Did you have a doctor with it? A No sir, never had none, just give him tea and greased him with sweet oil, that is all.
- Q Who was present when the child died? A My sister, Louisa Grant.
- Q Where does she live? A In Broken Arrow now.
- Q Who else? A And my mother.
- Q What is her name? A Lizzie Abrams.
- Q Where does she live? A With me.
- Q At your house? A Yes sir; another woman from Texas.
- Q What is her name? A Lottie Shelton.
- Q Where did she live? A Right across the creek, staying right on the place.
- Q There now? A Yes sir, there now.
- Q Did you have a preacher at the funeral of this child? A Yes sir, it was a preacher there, but he didnt-- Smith McChristian was there.
- Q Was he in the capacity of a minister or just a friend of the family? A Just a friend. he
- Q Didnt sing any hymns? A Yes sir, sung.
- Q Where does he live? A Lives west of us.
- Q How far? A Cant tell you how far it is; walk there, kind of go west, cant tell you how far it is.
- Q Two or three miles or more? A About two or three miles, I expect two miles, dont know exactly.
- Q Where is the child buried? A Down there to Stringtown.
- Q How far from where you live? A About three miles and a half.
- Q What direction? A Right in the east.
- Q Called Stringtown graveyard? A Yes sir.
- Q Is there any tombstone ever its grave? A No sir, just write on a little board, that is all.
- Q What was written on the little board? A Year that it was born and died.

George and Julia McIntosh----4

- Q Who wrote that on the board? A Who written it on the board?
- Q Yes? A Smith McChristian, he written it on the board.
- Q Did he make any other record of the death of this child?  
A No sir.
- Q Who was present when George was born? A Was no one but I and the midwoman, and Marma had been in the kitchen.
- Q Who was the midwife? A Ada Davis.
- Q Where does she live? A She lives here now, in town.
- Q Know what part of town? A She called it some kind of addition.
- Q Now when did you say Julia was born? A 1905, 23rd day of March
- Q How do you remember she was born on that date? A Because I got it down.
- Q Made a record of it, did you? A Yes sir.
- Q In what? A In a bible.
- Q Have you that record with you? A No sir.
- Q When did Julia die? A On the 18th of May.
- Q Make any record of her death? A No sir, didnt put that down, but got the year when they were born in.
- Q How long was Julia sick? A She was sick at the time, but the next one died before she did.
- Q Then there was something like two months difference between the deaths of these children? A Yes sir.
- Q How old was Julia when she died? A A year old.
- Q Just a year? A Year and a few days I guess.
- Q Bettie, do you mean that she died in May or died in March?  
A In May.
- Q Who was present when Julia was born? A Ila Davis was present.
- Q Who else? A My mother; you know she is old, she stayed with me.
- Q Anybody else? A No sir.
- Q Who was present when Julia died? A My mother and my husband and my brother.
- Q What is his name? A Harry Abram.
- Q Where does he live? A He lived on the same place we do.
- Q Living there now? A Yes sir.
- Q Did you have a preacher there at the funeral of Julia? A No sir, didnt have no preacher there.
- Q Who attended the funeral? A No one, just went and buried it.
- Q Who buried it? A Folks, some neighbors.
- Q Who went? A I dont hardly know; some strange folks.
- Q Where did they live? A Lived in the same neighborhood as we do.
- Q Know their names? A Lida Shelton, Oscar Shelton.
- Q Are they living there close to you now? A Yes sir.
- Q Are they the only ones that attended the funeral Bettie? A My sister and my brotherinlaw.
- Q What is your sister's name? A Louisa Grant.
- Q What is the name of your brotherinlaw? A William Grant.
- Q Where do they live? A In Broken Arrow.
- Q Who did you get the coffin from that you buried Julia in?  
A Had it made.
- Q Who made it? A I dont know the other part of his name, know Davis is surname.
- Q How far does he live from your house? A He is in Muskogee now.
- Q Did you pay him for making the coffin? A Yes sir.

George and Julia McIntosh----5

- Q Did you buy a coffin to bury George in? A No sir, had it made.  
Q Who made that coffin? A Same man.  
Q You dont know his given name? A Dont know his given name;  
last name is Davis.  
Q About how old is he? A He is a pretty ageable man.  
Q About how old? A Looked like about 39.

BY THE COMMISSIONER:

- Q Is Ada Davis any kin to you? A No sir.  
Q Was she living out there at the time she waited on you for  
this child? A Yes sir, she was living out there in the  
neighborhood; I got acquainted with her.  
Q How long had she been living there at the time George was born?  
A She had been out there a long time.  
Q And did she live there from the time George was born until  
Julia was born? A Yes sir.  
Q How long did she live out there after Julia was born? A She  
lived out there about two months after that and then she come  
on to Muskogee.  
Q Who went after her when George was born? A My husband went  
after her.  
Q How far did he have to go? A They had to go about a mile;  
we lived pretty far apart.  
Q Who went after her when Julia was born? A My husband went  
after her.  
Q Went after her both times? A Yes sir.  
Q Who dug the grave for George? A My brother and some other  
fellows, strangers.  
Q What is your brother's name? A Harry Abram.  
Q And you dont remember the stranger's name? A No sir.  
Q Did you have a doctor for either one of these children  
at the last illness? A No sir.  
Q Did you have a doctor at the birth? A No sir.  
Q Who dug the grave for Julia? A My brother had to get  
stranger to help him.  
Q Your brother got stranger to help whose name you dont know?  
A Yes sir.  
Q Both buried in the same graveyard? A Yes sir.  
Q Have both in the same grave? A No sir.  
Q Buried close together? A Not exactly close together.  
Q How far apart? A Some other old graves between.  
Q Less than ten or twenty feet? A Yes sir.  
Q What is the name of that graveyard? A Stringtown.  
Q Who has charge, takes care of that graveyard? A I dont  
know sir.  
Q Who did you get permission from to bury? A nobody; buried  
there.  
Q Do you know if any record was kept of people buried in  
there? A No sir, dont know if any record was kept.  
Q You say you have a record in your bible about the birth of  
both of these children, do you? A Yes sir.  
Q Who wrote it? A I did myself.  
Q Write with pen or pencil? A Pencil.  
Q Are they both on the same page in the bible about both children?  
A Yes sir.  
Q Who comes first? A George.



George and Julia McIntosh----6

- Q Did you make any record of the death of George in the bible?  
A No sir, didnt put it in there.
- Q Did you put down about the death of Julia in the bible? A No sir.
- Q How long after the birth of George before you wrote that in the bible? A About a month after that.
- Q How long after the birth of Julia before you put her birthday down? A Been about that long, a month before I write it.
- Q At the time you came down here to Muskogee to make out these affidavits before Nelson, who you say you dont know, you say both children were dead? A Yes sir.
- Q Why didnt you tell the Notary Public that? A I told him that.
- Q He didnt write it down? A That was his mistake.
- Q Didnt he read those affidavits to you? A Yes sir, he read them over.

BY MR. ELISS:

- Q Was anyone present at the birth of George? A No sir, I said no one but the midwoman and my mother.
- Q You were asked a while ago if any doctor was present at the birth of George and Julia? A No sir.
- Q Was the midwife present? A Yes sir.

WITNESS EXCUSED

ADA DAVIS, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Name was Ada Johnson, Ada Davis now.
- Q Are you ever called Ida Davis? A Called Ada sometimes and sometimes Ida.
- Q How old are you? A I dont know sir, just exactly how old.
- Q You know you are at least 35? A Yes sir.
- Q What is your postoffice? A Muskogee.
- Q What is your house or street number, do you know? A Live on South Fifth, but I forget the number of the house.
- Q How far down, five or six blocks down? A Yes sir, about five blocks I guess.
- Q Live right here in Muskogee? A Yes sir, stopping in Muskogee; my home is over in Braggs, Braggs, I.T.; gets my mail here while I am here.
- Q Have you been living here very long? A Been living here back and forwards in the Cherokee Nation all my life.
- Q Been here in Muskogee and in the Cherokee Nation? A Back and forwards, in one and the other.
- Q Have you ever lived in Broken Arrow? A Yes sir.
- Q When did you live there? A Lived in Broken Arrow in 1900 and 1904 backward and forwards; I was writing on and doctoring people, selling medicine, this Indian tonic.
- Q You say 1900 and 1904? A 1900, '1, '2, '3 and '4, backward and forwards.



- Q Would you be in Broken Arrow every once in a while all these years? A Backward and forwards, right in the Creek Nation.
- Q Did you ever live in Broken Arrow, stay there any length of time? No, backward and forwards, like I come here, might keep here three or four weeks such a matter.
- Q You dont call that living, do you? A Live while I am there.
- Q How long have you been in Muskegee now, the last time, continuously; that means right along, without living anywhere else? A I been here from Redbird now ever since January I guess.
- Q Ever since this last January? A Yes sir.
- Q Been living here right along since last January? A Been backwards and forwards to Redbird and Coweta; I aint keeping no house here, aint constantly here, dont keep house at all.
- Q Are you a Creek freedman or state woman? A No sir, dont know nothing about a state.
- Q What are you? A Creek freedman.
- Q Are you a midwife by profession? A Yes sir.
- Q Wait on a lot of people do you? A Yes sir, wait on white, colored, injun and all.

BY MR. BLISS:

- Q Ada, do you know Bettie McIntosh and John McIntosh? A Yes sir.
- Q What relation are they to each other? A Man and wife.
- Q Where do they live? A They live out from Broken Arrow, out from town.
- Q About how far? A I dont know sir, how far it is, I guess it might be twixt three and four miles I guess, did live out there east of Broken Arrow.
- Q Did you ever wait on Bettie McIntosh at the birth of a child? A Yes sir.
- Q How many times? A Twice, I only waited on her twice.
- Q You may give the date of the first time? A I dont know sir, whether I can just give the date or year. You talking about the date of the month? A Yes and the year? A First child that I was with her with was a little boy; I think if I make no mistake it was along somewheres in January.
- Q Of what year? A 1903, I think.
- Q What was the name of the child, if you know? A The child was named George; that is what she always called it.
- Q When did you wait on Bettie McIntosh again, in what year? A 1905.
- Q What month, if you know? A I dont know; sir. I know it was in cold weather; I was going to Hickory, went up there; she called me in, husband did; I went up there I think it was in March.
- Q Was a boy or girl born? A It was a little girl.
- Q Do you know the name of that child? A The little girl child was named Julia, I think, Julia she told me, only I didnt name it Julia.
- Q Do you know who was present at the birth of George McIntosh? A I think her mother; I disremember now who was present; you know it was just out in the country; you know they called me by.
- Q You say her mother was present you remember? A I think her mother was present, if I make no mistake; I didnt take any

George and Julia McIntosh-----8

particular notice.

- Q Was Bettie's husband present at the birth of these two children?  
A Well, I think he was, because he come after me; I dont know whether he was right in the house when the child was born, or out about the lot; I think he was about the place.

BY MR. LINBER:

- Q Ada, do you know whether these children are living at this time?  
A I think not; I dont think nary one of them are living.
- Q Were you present when either of them died? A No sir.
- Q Do you know when either one of them died of your own knowledge?  
A If I make no mistake I think the first one lived two months after, because it was born in January,-February or March,-I think it died sometime in March; I wasnt right there when the child died; if I make no mistake.
- Q You are speaking about George now? A About the boy.
- Q He was born in 1903? A January, 1903.
- Q And you say you think he only lived about two months?  
I think he died in March, but what time I dont know.
- Q You mean March of the same year that he was born? A Same year he was born. He was born in January; I think he died in March, just what day I dont know.
- Q You were present when Julia was born, the little girl? A Yes sir.
- Q That was in March, 1905? A It was born in March, 1905.
- Q Last March a year ago? A Yes sir.
- Q The boy, George, died the year before Julia was born? A Yes sir.
- Q Then he was dead at the time that you went there as midwife for Julia? A For the little girl, yes sir.
- Q Do you know how long the little girl lived? A No sir, do not; think she was born in March, and I think she died in May, I think, I disremember; I dont know just the time the child died.
- Q How long did Julia live? A I dont know sir, just how long.
- Q May of what year did she die, Ada? A Born in 1905, in March; she died this year.
- Q Died this year? A I think she died in 1906, I think it is 1906, just exactly to be truthful and honest just what time children die I just cant think.
- Q Are you positive that George wasnot living at the time Julia was born? A I think not.

BY THE COMMISSIONER:

- Q You didnt see George at the house when you went to wait on her for Julia? A No sir.
- Q How long did you stay there that time when Julia was born?  
A Well I was backwards and forwards; never just stayed there, because I dont stay any length of time at anybody else's.
- Q How long about? A day? A I dont know just exactly, just come and wait on a woman you know; call somewheres, go somewheres else, go on, never stay.

- Q From the time George was born until Julia was born, had you ever been at her house in between there? A I just passed backwards and forwards, but would not stay there you know.
- Q Did you ever see George alive there after the third day of January, 1903, after you waited on her? A I disremember because I went on up the country selling my medicine.
- Q Why do you say then that he died about March of the same year? A Well, the reason I say he died in March is because I passed back through there.
- Q And do you know as a matter of fact that he wasnt living on the Christmas of the same year, December? A Same year he was born?
- Q Yes? A He was born in January.
- Q Upon the next following Christmas, do you know that he wasnt there alive? A Cant say.
- Q You say he died about March of the same year? A Yes sir.
- Q What makes you say that? A You see January, February or March, I cant say if he lived until the next Christmas, that is a year.
- Q Do you mean to say that he was living the next Christmas? A I mean to say he wasnt living.
- Q How do you know that; what helps you to remember that? A I told you, passed backwards and forwards now.
- Q And you would be at the house? A I wasnt at the house often; I often saw the child there.
- Q Did you ever hear from anybody, this woman, Bettie, or anybody else that he had died the same year? A I heard he was dead.
- Q Who did you hear it from? A I heard from some one; you see Itwasnt far from Coweta to Broken Arrow; you generally hear; that is the way I know; I wasnt at the funeral.
- Q How long do you say then that George lived? A He lived about two months.
- Q And how long do you say that Julia lived? A I dont know sir, how long; I wasnt right there when Julia died.
- Q Did you ever see her after you waited on Bettie after the birth of Julia, ever see Julia again? A When I got through waiting on a patient, coming on back through there I stopped to see how the baby was getting on.
- Q How long was it that after you waited on her for Julia? A Recken about two months.
- Q Was Julia alive then? A Julia was alive when I went there.
- Q When was the next time you went back to see her? A I dont just remember my going back while the baby was living; I just dont remember stopping in.
- Q You say you went back there a month or two after Julia was born? A She was living when I went back there.
- Q Did you see Julia alive after that time? A Dont remember.
- Q Dont remember, Ida? A No sir.
- Q And what time you say Julia died, in May? A Just heard people say Julia died in May.
- Q Did you hear people say she died in May, 1906? A Yes sir.
- Q When did you hear people say that? A I was here this year.
- Q When? A I cant go to work and tell you just exactly, dont know just exactly the date.

George and Julia McIntosh -----10

- Q But you never saw Julia any time after, more than a month or so after she was born? A No sir, not as I remember.
- Q Would you be there at the house in March 1905, up until March 1906, did you stop there sometimes, from that time 1905 and 1906? A No sir, passed back and forwards.
- Q And you never saw Julia alive except that time about a month after she was born? A About a month or two months.
- Q And you never saw her around the house after that? A Dont remember.
- Q Do you go in when you pass there? A Been in there once since the child died.

BY MR. BLISS:

- Q Were you present at the death of George McIntosh? A I was not.
- Q Do you know whether or not George McIntosh died in the year 1903 or in the year 1906? A I cant tell no story.
- Q We dont want a story, we want the truth. Were you present when Julia died? A I wasnt there.
- Q Then you dont know anything about the death of either George or Julia, only through hearsay? A I know the children were dead.
- Q How do you know it? A Because I passed backward and forth through there all the time; I saw the grandmother there, I saw the mother, mamma, there, and these were the hands that teched the children; they told me they were dead.
- Q How often were you at the home of Bettie McIntosh during the year 1903? A Just passed backwards and forwards; if I was to have a woman come down in that neighborhood and if I was called there after childbirth.
- Q How soon after the birth of that the child were you there, how long after the birth of the child were you there again, month or two months or three months? A Dont say month or two months; child George was born in January along about the 3rd; it was mighty cold.
- Q When were you there the next time? A I reckon month or two months; child was born in January and died in March.
- Q Were you ever there again at the house during the year 1903? A Yes sir. I passed there, stopped there, never stayed there, never make any place to stop two or three weeks; dont do that.
- Q About how long did you stay at the time that you went there? A Dont know just exactly how long I stayed.
- Q An hour? A Stayed longer than an hour, of course I did.
- Q Two hours? A Stopped by and helped her mother do some washing one evening; let my horse rest, be grazing around.
- Q Could the child have been living, and there at home and you never saw it? A Didnt I tell you I never saw George any more from the time George was born up until the time I went back, that George was born in January and died in March.
- Q Could George have been living upon and been there at home and you not have seen the child alive? A He could have been and I not have seen it because he could have been in bed somewhere there.

WITNESS EXCUSED.

George and Julia McIntosh----11

BETTIE MCINTOSH, being recalled, testifies as follows:

BY THE COMMISSIONER:

- Q Bettie, why did you come in here today? A I come in because I got that paper.
- Q Because you got a letter from this office with regard to the date of the birth of these children? A Yes sir, I got it.

WITNESS EXCUSED.

---

ADA DAVIS, recalled, testifies as follows:

BY THE COMMISSIONER:

- Q Why did you come in Ada? A Because she told me, come because I was midwife; she showed me the paper, she showed me my name on there and I thought I had to come up and give the name of the children.

BY MR. LIMBER:

- Q Ada, did you make any record of the birth of either one of these children? A Yes sir.
- Q Where is that? A I dont know sir.
- Q Did they pay you for your services asmidwife at the time the children were born? A Yes sir.
- Q How did you happen to make the record? A You mean take the names of the children?
- Q Yes? A Dont keep no count.
- Q Do you keep a record of the cases in which you act as midwife? A Sometimes fifteen or twenty on it.
- Q Did you keep a record of either one of these children? A No sir, I did not.

WITNESS EXCUSED.

---

BETTIE MCINTOSH, recalled, testifies as follows:

BY THE COMMISSIONER:

- Q Bettie, since the time you received this letter from the Commissioner to come up until now have you talked to anybody about the birth of these children? A Never have.

George and Julia McIntosh-----12

- Q Today, this afternoon, have you talked to anybody? A No sir.  
Q Have you talked to this midwife about this? A No sir.  
Q Have you talked to your attorney, Mr. Bliss? A He asked me when they were born and I told him what year.  
Q You told him that right in this room? A No sir, up to his office. He asked me if the midwife hadnt their age and I told him "no".  
Q You state positively that you havent been talking to anybody about what you were coming to testify about? A No sir.  
Q Havent been told by anybody what you were going to testify about? A No sir.  
Q Did you go and get Ada here? A Yes sir, after I got the paper I had to fool around and get her.  
Q When did you come to Muskogee? A Today is Saturday; come Thursday; had to hunt Ida yesterday all day, and I told her to come up this morning, and she was so late coming.  
Q Have you been with her this morning? A No sir, just got with her after noon.  
Q When did you employ an attorney in this case; when did you talk to any lawyer about it? A Today.  
Q You didnt have an attorney when you made out an application did you? A No sir, didnt have an attorney at all; my husband went and spoke to him today about it and I didnt speak to him about it; he just asked me the date and I told him, that is all.

BY MR. LIEBER:

- Q You have heard the testimony of Ada Davis about the length of time that your child George lived have you not? A Yes sir, I heard the testimony.  
Q How long do you say George lived? A He lived three years.  
Q You are sure you are not making any mistake about that? A I am sure I am not making any mistake.

WITNESS EXCUSED.

Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on October 20, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Cora Moore*  
Subscribed and sworn to before me November 19, 1906.

*Charles E. Webster*

Notary Public.



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

In the matter of the application for the enrollment of George McIntosh, deceased, and Julia McIntosh, deceased as Creek freedmen.

D E C I S I O N .

The record in this case shows that on October 31, 1905, application was made, in affidavit form, for the enrollment of Albert McIntosh and Emma McIntosh, both deceased, as citizens by blood of the Creek Nation.

The record in this case further shows that on June 7, 1906, application was made, in affidavit form, for the enrollment of George McIntosh and Julia McIntosh as Creek freedmen, under the provisions of the Act of Congress approved April 26, 1906, (34 Stats. 137). Testimony was taken on October 20, 1906.

It appears from the evidence and a careful examination of the records in the possession of this office that the applicant above referred to as Albert McIntosh is identical with the applicant above referred to as George McIntosh; and that the applicant above referred to as Emma McIntosh, is identical with the applicant above referred to as Julia McIntosh. Inasmuch as in the last affidavits filed herein, and in the testimony taken on November 20, 1906, they are referred to as George McIntosh and Julia McIntosh, further reference will be made to them under these names.

It further appears from the evidence that the applicants, George McIntosh, deceased, and Julia McIntosh, deceased, were the children of John McIntosh and Bettie McIntosh duly enrolled citizens of the Creek Nation, whose enrollment was approved by the Secretary of the Interior, March 13, 1902 and who appear on the partial roll of Creek freedmen, opposite numbers 2379 and 2357, under the names of John McIntosh and Bettie Abrams, respectively.

The original affidavits filed in this case contain the statements that Albert McIntosh was born January 22, 1903, and that he died March 6, 1905, and that Emma McIntosh was born on the 15th. day of March 1905, and died on the 20th. day of May, 1905. The affidavits filed in this matter on June 7, 1906 state that George McIntosh was born January 3, 1903, and that he was living March 4, 1906; and that Julia McIntosh was born March 23, 1906, and that she was living March 4, 1906.

In the testimony taken in this matter on October 20, 1906, the mother of the children testified that George McIntosh was born January 3, 1903 and died March 7, 1906; and that Julia McIntosh was born March 23, 1906, and died May 18, 1906.

In said proceeding Ada Davis testified that she was the midwife in attendance at the birth of these children, and that George McIntosh was born in January, 1903 and died about two months thereafter; and that Julia McIntosh was born

in March 1906, and died in way 1906.

It is impossible to determine from the evidence with any degree of certainty, the dates of birth and death of the applicants herein. The mother of the applicants, Bettie McIntosh, has made so many conflicting statements in this matter that her testimony or the affidavits that she executed, cannot be relied on. On October 26, 1906, Caroline Fletcher executed affidavits that she attended on the mother of these children at the time of their birth, while on June 6, 1906, Addie Davis executed affidavits that she was the midwife in attendance at the birth of said children.

In view of the foregoing, I am of the opinion, that there is a failure to establish by the evidence, that the applicants, George McIntosh and Julia McIntosh, both deceased, are entitled to be enrolled as citizens by blood of the Creek Nation or as Creek freedman and the application for their enrollment is therefore denied.



COMMISSIONER.

Muskogee, Indian Territory.

FEB 26 1907



HRF 246.

Muskogee, Indian Territory, September 28, 1906.

Bettie McIntosh,

c/o John McIntosh,

Broken Arrow, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor children, George and Julia McIntosh, as Creek Freedmen, you are requested to write this office and state your maiden name, the names of your parents and of the parents of John McIntosh the father of said children, the Creek Indian towns to which each of you belongs, and your roll numbers as same appear on your deeds or allotment certificates to land in the Creek Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, October 8, 1906.

Bettie McIntosh,

Catoosa, Indian Territory.

Dear Madam:

Receipt is acknowledged of your letter of October 4, 1906, containing information which will enable this office to identify you and John McIntosh as Creek freedmen.

You are advised that you will be allowed fifteen days from the date hereof within which to appear at this office with Ada Davis, the midwife, to be examined under oath in the matter of the application for the enrollment of your minor children, George and Julia McIntosh, as citizens of the Creek Nation, it being impossible from the proof on file in this office to determine the exact dates of their birth.

Respectfully,

Commissioner.

NBF 246.

Muskogee, Indian Territory, February 20, 1907.

Bettie McIntosh,  
c/o John McIntosh,  
Broken Arrow, 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 the enrollment of your minor children, George and Julia McIntosh, both deceased, 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 Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.  
LM-10.

MEF 246.

Muskogee, Indian Territory, February 27, 1907.

C. W. Bliss,  
Attorney at Law,  
Muskogee, 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 George and Julia McIntosh, both deceased, 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 Commissioner is informed of the same.

Respectfully,

Commissioner.

LM- 11.

NFP 246.

Muskogee, Indian Territory, February 27, 1907.

M. L. Mett,

Attorney for Creek Nation,

Muskogee, 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 George and Julia McIntosh, both deceased, 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 Commissioner is informed of the same.

Respectfully,

Commissioner.

IM- 13.

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the application for the enrollment of George and Julia McIntosh, both deceased, as Creek freedmen including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

L.M. 12  
Through the Commissioner  
of Indian Affairs.

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

JP  
FHE

I.T.F.7764-1907.

March 4, 1907.

DIRECT.

LRS.

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

Sir:

The Department has considered the following citizenship cases received with your letters of February 25, 26 and 27, 1907, and Indian Office letter of March 2, 1907, (Land 21229 et al), copy inclosed, and in accordance with the recommendation made by you and the Indian Office the application in each case is rejected:

Title of case.

George and Julia McIntosh, deceased (freedmen)  
Belle and Delpha May Brown (Freedman)  
Peggy McCoy (Freedman)  
Lena McGirt (Creek)  
Julia Grayson, deceased (Creek)  
Cosarpe, Ithas Harjo and Mewike (Creeks)  
Ophila Harjo (Creek)  
Louana Johnson (Creek)  
Sampson Harjo (Creek)  
Ivy Richardson (Cherokee freedman)  
Hester and Myrtle Powell (Cherokee freedmen)  
Geogre Sutherland (Cherokee)  
Lawrence Smith (Creek freedman)  
John W. Vaughn et al., (Cherokees)  
Louis A. Lafallier (Cherokee)

A copy hereof has been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure. WCF 3/4/06.



DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

LAND  
References at bottom  
of letter.

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There are forwarded herewith several reports of Commissioner Bixby and records in the following named citizenship cases, together with the Commissioner's decisions denying the applications for enrollment of the persons involved in each case:

|                                    |   |
|------------------------------------|---|
| Cherokee citizens by blood         | John W. Vaughn, et al.  |
| Cherokee citizens by intermarriage | George Southerland<br>Louis A Lafallier   |
| Cherokee freedmen                  | Hester and Myrtle Powell<br>Ivy Richardson  |
| Creek citizens by blood            | Sampson Harjo<br>Leuanna Johnson<br>Ophila Harjo<br>Cosarpe, Ithas Harjo, Mewike<br>Julia Grayson<br>Lena McGirt<br>Belle Brown and Delpha May<br>Brown.<br>Lawrence Smith<br><u>George and Julia McIntosh</u><br>Peggy McCoy |

The office has examined the record in each of the above cases and recommends for approval the decisions of the Commissioner denying the applications.

There are also forwarded herewith briefs and affidavits to be considered in connection with the following cases, which have heretofore been forwarded to the Department:

|                                |                      |
|--------------------------------|----------------------|
| Chickasaw citizens by blood    | M. D. Carson et al.  |
| Chickasaw intermarried citizen | Martin M. Yoakum     |
| Choctaw citizen by blood       | Hasy Ann Vandergriff |
| Choctaw intermarried citizen   | Mattie Deak          |
| Choctaw intermarried citizen   | Emma Crawford        |
| Choctaw intermarried citizen   | Mary Jane Williams   |

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH.

|            |            |            |
|------------|------------|------------|
| 21229-1907 | 21271-1907 | 21265-1907 |
| 21226      | 21270      | 21221      |
| 21230      | 21269      | 21222      |
| 21236      | 21277      | 21224      |
| 21237      | 21268      | 21224      |
| 21273      | 21267      | 21248      |
| 21272      | 21266      | 21223      |
|            |            | 21225      |

Cr.En. 1135

Muskogee, Indian Territory, March 15, 1907

Bettie McIntosh,

Care of John McIntosh,

Broken Arrow, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of your minor children, George and Julia McIntosh, as Creek freedmen.

Respectfully,

Commissioner.

CR EN 1136

CR EN 1136

N.B.F.273.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, October 18, 1906.

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In the matter of the application for the enrollment  
of CEBURN HOLT as a Creek freedman.

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APPEARANCE:

JOHN G. LIEBER appears for M. L. Mott,  
attorney for the Creek Nation.

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PEGGIE DAVIS, being first duly sworn by Henry G.  
Hains, a notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Peggie Davis.  
Q How old are you? A 41 years old.  
Q What is your postoffice? A Rentiesville, I. T.  
Q Are you a Creek freedman? A Yes sir.

BY MR. LIEBER:

- Q Do you know Henry Holt and Sarah Bruner? A Yes sir.  
Q How long have you known Sarah? A I have been knowing Sarah  
since she was a little girl, dont know how old she was; been  
knowing her that long.  
Q Is she married or single? A She is single.  
Q Has she ever been married? A No sir.  
Q How close did you live to her during last spring? A Just about  
a mile I guess; eight houses just in sight.  
Q How lang have you been living that distance from her? A Going  
on-- been three years since I moved down there.  
Q Are you and she living the same place you lived last spring?  
A Live in one place and I in another; lives in same place  
when I went down there.  
Q And you live in the same place you did last spring? A Yes sir.  
Q Do you know whether she gave birth to a child sometime during  
this year? A Yes sir.  
Q Do you know the name of that child? A Yes sir.  
Q Give the name of it? A Ceburn Holt.  
Q Do you know who was present when that child was born? A Yes  
sir.

Ceburn Holt---2

- Q Who? A Me and Hattie Landrum, and that other lady, Mrs. Sherriell.
- Q Nettie Sherriell? A Yes dr.
- Q Do you know when that child was born, Peggie? A Yes sir.
- Q Give the Commissioner the date, please? A 27th of April.
- Q This year? A Yes sir.
- Q How do you happen to remember that the child was born on the 27th day of April, 1906? A Because I looked at the almanac to see the date of its birth.
- Q Are you and Sarah Bruner on friendly terms? A Yes sir.
- Q Good friends? A Yes sir.
- Q Do you visit each other? A Yes sir.
- Q You appear before the Commissioner in obedience to a subpoena which was served on you, directing you to appear here and testify in this case do you not? A Yes sir.
- Q Did you voluntarily give out the information which you have regarding the birth of this child, or some one come and ask you about it? A Come and asked me, Miss Landrum come and asked me.
- Q I dont think you understand my question. Did you give the information about this child having been born on the 27th day of April voluntarily, or did some one come to you a few days ago and ask you about the birth of this child? A They asked me what day it was birthed on; I told them the 27th.
- Q Do you know who that was asked you about when the child was born? A It was the neighborhood down there at Rentiesville, couldn't exactly tell, somebody.
- Q Some white man a few days ago asked you about when the child was born? A Come there yesterday.
- Q Know his name? A Give his name, couldnt tell it.
- Q Was it Scott? A I believe so yes sir; I know I have seen him lots of times, never knew his name.
- Q Are you positive that this child, Ceburn Holt, wasnt born as early as March of last year? A Yes sir, I am sure it wasnt
- Q Was there any doctor there when this child was born? A No sir.
- Q Is the child living now? A Yes sir.
- Q How old is the child now, Peggie? A It will be six months old the 27th of this month.
- Q Who acted as midwife at the birth of this child? A It was the first one that come there; I stayed there and waited on her, stayed until old lady Sherriell got there, and then both of us together.

WITNESS EXCUSED.

Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on October 18, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Cora Moore*

Subscribed and sworn to before me November 13, 1906.

*Edward M. Murrell*  
Notary Public.

W.B.F. 273.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, October 20, 1906.

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In the matter of the application for the enrollment  
of CEBURN HOLT as a Creek freedman.

---

APPEARANCE:

JOHN G. LIEBER appears for M. L. Mott,  
attorney for the Creek Nation.

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LITTLETON HOLT, being first duly sworn by Henry G.  
Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Littleton Holt.  
Q How old are you? A 45 years old.  
Q What is your postoffice address? A Rentiesville.  
Q Are you a citizen of any of the five tribes? A Yes sir.  
Q What Nation? A Choctaw Nation.  
Q Choctaw freedman? A Yes sir.

BY MR. LIEBER:

- Q Do you know Henry Holt? A Yes sir.  
Q Are you any kin to him? A I am his father.  
Q Do you know Sarah Bruner? A Know her when I see her, Yes sir.  
Q Have you known her all this year? A Yes sir.  
Q How far does she live from where you live? A Somewhere in  
the neighborhood of five miles, I reckon.  
Q Who did she live with? A Will Landrum.  
Q Has she been living there at Will's house all this year?  
A Yes sir.  
Q Is she married or single? A She is single.  
Q Did she have a child born to her any time this year? A Yes  
sir, she had a child born to her this spring.  
Q Was it a boy or a girl? A Boy.  
Q What is its name? A They say his name is Ceburn Holt.  
Q Do you know when that child was born Littleton? A Not exactly  
Q Tell us you know what month it was born, about what month?  
A If I make no mistake the 8th of May.  
Q How do you happen to know anything about the birth of this

Ceburn Holt-----2

- child? A By hearing the neighbors speaking about it.
- Q Do you know who is the father of that child? A No sir, I dont know; I know who they say he is.
- Q All right, let's have that then? A It is Henry.
- Q Henry Holt, that is your son? A Yes sir.
- Q Are you satisfied that this child wasnt born as early as the first part of March? A Yes sir, I am.
- Q Are you satisfied that it wasnt born the first part of April? A I dont know whether I could be satisfied of that or not; I am of the opinion that it weren't; that it weren't born the first of April.
- Q How old was the child when you first saw it? A I couldnt tell you just exactly how old it was when I first saw it.
- Q About how old then Littleton? A One month and a half old maybe.
- Q Do you know when it was that you first saw the child? A Saw it off and on; I dont know the date when I did first see it.

BY THE COMMISSIONER:

- Q Are you on good terms with Sarah Bruner? A yes sir, I am on good terms with her; not anything I dont know of.
- Q You came up here today in obedience to summons served by the Chief of the Creek Nation did you? A Yes sir.

WITNESS EXCUSED

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KATIE LANDRUM, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Katie Landrum.
- Q How old are you? A 33.
- Q What is your postoffice address? A Rentiesville.
- Q Are you a citizen of any of the five tribes? A Yes sir.
- Q Creek freedman? A Yes sir.

BY MR. LIEBER:

- Q Katie, do you know Henry Holt? A Yes sir, I know him when I see him.
- Q Do you know Sarah Bruner? A Yes sir.
- Q How long have you known Sarah? A Ever since she was a child.



Ceburn Holt-----3

- Q Who does she live with? A With me.  
Q Is she married or single? A Single.  
Q How long has Sarah been living with you? A Two years in January.  
Q Did she have a child born to her sometime this year? A Yes sir.  
Q Was that child a boy or a girl? A Boy.  
Q What is its name? A Ceburn.  
Q Who was present when that child was born? A Myself and Peggie Davis and Nettie Sherriel.  
Q Do you know when that child was born Katie? A Yes sir.  
Q State to the Commissioner when it was born? A 27th day of April.  
Q This last April? A Yes sir, 1906.  
Q How do you happen to remember that that child was born the 27th day of April? A Because it was born in my house and I was right there.  
Q Is the child living? A Yes sir.  
Q Are you sure that the child wasnt born as early as the 4th of March? A It was born the 27th day of April.  
Q Do you know what day of the week it was born on? A Born on Friday.

Calendar of April, 1906, shows the 27th day of April was on Friday.

- Q Is Sarah still staying at your house? A Yes sir.  
Q You and she on friendly terms? A Yes sir.  
Q Is she related to you in any way Katie? A Yes sir.  
Q What way? A First cousin.  
Q Do you know where Sarah is right now? A I leave her down there on the street; said she was going to Pattersons; dont know whether she is there or not.  
Q You appear here before the Commissioner to testify in this case in obedience to a subpoena which was served on you a day or so ago by the authorities of the Creek Nation do you not Katie? A Yes sir.

WITNESS EXCUSED

Case adjourned until 1.30 P.M.

CASE CONTINUED

SARAH BRUNER, being first duly sworn by Henry O. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Sarah Bruner.

Ceburn Holt-----4

- Q How old are you? A 22.  
Q What is your postoffice address? A Bontiesville.  
Q Are you a Creek freedman? A Yes sir.  
Q What is the name of your father? A Wannie Bruner.  
Q What is the name of your mother? A Lillie Bruner, she's dead.

BY MR. LIEBMAN:

- Q Are you married or single? A Single.  
Q Did you have a child born to you ~~the~~ sometime this year? A Yes sir.  
Q Was that child a boy or a girl? A Boy.  
Q What is its name? A Ceburn Holt.  
Q Is that the child that you have in your arms there? A Yes sir.  
Q When was that child born? A April 27,  
Q 1906? A Yes sir.  
Q Who was present when it was born? A Peggie Davis, Katie Landrum and Nettie Sherriell.  
Q Are you certain that the child was born on the 27th day of April, 1906? A Yes sir.  
Q What day of the week was it born on? A Friday.  
Q Sarah, did you ever execute an affidavit before a Notary Public about the birth of this child? A Yes sir.  
Q Where did you sign that affidavit; at what place? A Down to Checotah.  
Q Before whom? A Before Temple.  
Q A. Jackson Temple? A Yes sir.  
Q What did you tell him about when this child was born? A He asked me how old was the child; I told him I didnt know.  
Q Did he ask you when it was born? A No just asked me how old it was; I told him I didnt know.  
Q Did you tell him the date of its birth? A No sir.  
Q Did he swear you to the affidavit which you signed at that time? A Yes sir.  
Q Did he read it over to you before you signed it? A No sir.  
Q Didnt read it to you before you signed it? A He read it after I signed it.  
Q Do you know what the affidavit said? A No sir.  
Q I show you an affidavit executed before A. Jackson Temple on the 16th day of June, <sup>1906</sup> ~~1906~~, for <sup>the</sup> ~~the~~ enrollment of your child, Ceburn Holt; is that your signature to the affidavit Sarah? A Yes sir.  
Q Is that the affidavit that you signed before Temple? A Yes sir.  
Q That affidavit states that this child was born on the 15th day of February, 1906, is that correct? A He put it down that way; I didnt tell him anything.  
Q Did he read it that way to you when he read the affidavit? A Yes sir.  
Q 15th day of February, 1906? A Yes sir.  
Q You knew then when you signed this affidavit, or just after you signed it, that it stated that the child was born on the 15th day of February, 1906, did you? A Yes sir.  
Q Then state to the Commissioner why you signed and swore to that affidavit when it said the child was born on the 15th day of February, 1906, and the child wasnt actually born until

- the 27th day of April, 1906? A Because he told me that was the way to get it, said it would be right to fix it that way.
- Q Who said that? A That is what all the people said; I told him I would put it down like it was born; he said no.
- Q Who said that? A Temple said it.
- Q Who else? A That is all I knew.
- Q Who was present when you signed that affidavit? A Mrs Sherriel.
- Q Who else? A I think that was all.
- Q Did Mrs. Sherriel make an affidavit before him the same time you did? A Yes sir, but she couldnt write; I think she swore to it.
- Q She swore to the affidavit did she? A Yes sir.
- Q Was Robert Malvern present when the affidavit was made? A Yes sir.
- Q Do you know John Starr? A Yes sir.
- Q Was he present? A Yes sir.
- Q Do you mean to state to the Commissioner that this affidavit when it says the child was born on the 15th day of February, 1906, says something that is not true? A I dont mean to tell you nothing.
- Q Well the child wasnt born on the 15th day of February, was it? A No sir.
- Q Then the affidavit does say something that is not true doesnt it? A Yes sir.
- Q You are certain that he swore you to this affidavit? A Yes sir.

BY THE COMMISSIONER:

- Q Have you a brother named Hackless Bruner? A Yes sir.
- Q And another named Freedman? A Yes sir.

BY MR. LIEBER:

- Q Did Nettie Sherriel, Robert Malvern, John Starr, or either one of them, hear Temple tell you that You had to make the affidavit in this way to get the child enrolled? A No sir, he didnt tell me that way; he didnt tell me ; just made it out himself.
- Q Did he tell you you had to make it out this way or the child wouldnt be enrolled? A Yes sir.
- Q Did these people, whose names I have mentioned, hear him make that statement to you? A No sir, he didnt make any statement to me; he said he would fix it so it would stick.
- Q Were these parties present in the room when he was present in the room? A No sir, he never asked me nothing; he told Mr. Landrum he would fix it so it would stick; didnt tell me.
- Q Will Landrum? A Yes sir.
- Q Do you know where he was when he told Will that? A yes sir, he was up there.

Ceburn Holt-----

Q In Checotah? A Yes sir.

WITNESS EXCUSED.

---

Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on October 20, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Cora Moore*

Subscribed and sworn to before me this October 22, 1906.

*Edward Herrier*  
Notary Public.

Cr. En. 1136.

VBC  
MK

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

In the matter of the application for the enrollment of Cebern Holt as a Creek freedman.

D E C I S I O N .

The record in this case shows that on June 19, 1906, application was made, in affidavit form, for the enrollment of Cebern Holt as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906. Further proceedings were had in this matter on October 18 and October 20, 1906.

It appears from the evidence and the records in the possession of this office that Cebern Holt is the minor child of Henry Holt, a non citizen, and Sarah Bruner, a Creek freedman, whose name appears on a partial schedule of Creek freedmen, approved by the Secretary of the Interior March 13, 1902, opposite No. 2253.

The evidence in this case as to the date of birth of said Cebern Holt is somewhat conflicting, but it appears from the weight of the evidence that he was born on the 27th day of April, 1906, and that he was living at the date of the last proceeding herein.

It is, therefore, ordered and adjudged that under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), said Cebern Holt is not entitled to be enrolled as a Creek freedman and the application for his enrollment as such is accordingly denied.

Muskogee, Indian Territory,



Commissioner.

FEB 5 - 1907

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Cr.No.1136.

JWH

Muskogee, Indian Territory, February 7, 1907.

Sarah Bruner,  
Bantleville, 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 the enrollment of your minor child, Osbern Holt, 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.

Registered.

JWH 7-11

Cr. En. 1186.

JWR

Muskogee, Indian Territory, February 7, 1907.

M. L. Nett,

Attorney for Creek Nation.

Muskogee, 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 Osborn Helt 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.

JWH 7-12

Muskogee, Indian Territory, February 7, 1907.

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 Gubern Holt as a Creek freedman, including the decision of the Commissioner, dated February 5, 1907.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

JWH 7-13



Refer in reply to the following:  
Land 13726-1907.

COPY

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

February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a record of the proceedings in the matter of the application for the enrollment of Ceborn Holt as a Creek freedman, including the decision of the Commissioner to the Five Civilized Tribes adverse to the applicant.

The record shows that on June 19, 1906, application was made in affidavit form for the enrollment of Ceborn Holt as a Creek freedman. Further proceedings were had on October 18 and 20, 1906. The record further shows that Ceborn Holt is the minor child of Henry Holt, a non-citizen, and Sarah Bruner, a Creek freedman.

The evidence as to the date of the birth of Ceborn Holt is somewhat conflicting, but the weight of the evidence shows that the applicant was born on April 27, 1906.

Inasmuch as the applicant was not living on March 4, 1906, the Office concurs in the decision of Commissioner Bixby denying the enrollment of Ceborn Holt as a Creek freedman under the provisions of the Act of April 26, 1906 (34 Stat. L. 137).

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

(BEM)W

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

JP  
718

LNS

I.T.D. 4880, 4890, 4904, 4960, 4962-07.  
4984, 5062, 5166, 5202, 5322- "  
5342, 5374, 5376, 5378, 5380- "  
5396, 5398, 5400, 5402, 5404- "  
5410, 5412, 5418, 5424, 5426- "  
5466, 5482, 5498, 5548, - "  
D.C. 12430-1907.

March 1, 1907.

DIRKOT.

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

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed, viz:

| Title of case.                         | Date of your letter of transmittal. |
|--|-------------------------------------|
| Rhoda Walker,                          | December 19, 1906                   |
| Josiah McIntosh                        | January 18, 1907                    |
| Tony Harlings,                         | January 18, 1907                    |
| George Allen, (Freedman)               | January 28, 1907                    |
| Henry Edwards, (Freedman)              | January 28, 1907                    |
| Lewis Davis, deceased,                 | January 28, 1907                    |
| Robert Scott, deceased,                | October 19, 1906                    |
| Tom and Mattie Jeffries, deceased,     | February 8, 1907                    |
| Emma Dodge, (Freedman)                 | February 8, 1907                    |
| Georgia Davis, deceased, (Freedman)    | February 7, 1907                    |
| Thelma Maud Gibson,                    | February 7, 1907                    |
| Wagie Nola Poe, (Freedman)             | January 28, 1907                    |
| Nelson McIntosh,                       | January 19, 1907                    |
| Calley Caesar, deceased,               | January 28, 1907                    |
| Sarah Buck, deceased,                  | January 28, 1907                    |
| Willie Perryman, (Freedman)            | January 28, 1907                    |
| Joshua Gentry et al.,                  | January 28, 1907                    |
| Dennis Taylor, (Freedman)              | January 22, 1907                    |
| Paul and Pauline Bruner,               | January 26, 1907                    |
| Gennie Sanders, (Freedman)             | January 28, 1907                    |
| Eddie Levi, (Freedman)                 | January 28, 1907                    |
| Gabriel Hawkins, (Freedman)            | January 28, 1907                    |
| Lottie Dickson, (Freedman)             | January 22, 1907                    |
| Charles Tiger, deceased,               | January 29, 1907                    |
| Herford Barnett, deceased,             | January 28, 1907                    |
| Gobern Holt, (Freedman)                | February 7, 1907                    |
| Marguerite Scott, deceased, (Freedman) | January 31, 1907                    |

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,  
(Signed) Jesse E. Wilson,  
Assistant Secretary.

27 inc. and 61 for Ind. Of.

APLg  
5-1-07.

Cr. No. 1136

Muskogee, Indian Territory, March 8, 1907.

Sarah Bruner,

x Henry Holt,

Rentieville, Indian Territory.

Dear Madam :--

You are hereby advised that under date of March 1, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Cabern Holt, as a Creek freedman.

Respectfully,

Commissioner.

CR EN 1137

CR EN 1137

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
Muskegee, Indian Territory, October 22, 1906.

In the matter of the application for the enrollment of  
LOLA LOVE as a Creek freedman.

APPEARANCE:

JOHN G. LIEBER appears for M. L. Mott,  
Attorney for the Creek Nation.

HELEN LOVE, being first duly sworn by Henry G. Hains,  
a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Helen Love.  
Q How old are you Helen? A I am 26 years old.  
Q What is your postoffice address? A Choctaw, Indian Territory.  
Q Are you a citizen of any of the five tribes? A No sir.  
Q State woman, are you? A Yes sir.  
Q Are you married? A Yes sir.  
Q What is the name of your husband? A Will Love.  
Q What is the name of his father? A Jane Love.  
Q What is the name of his mother? A Darius Love.  
Q When were you married to him? A I was married in 1903.  
Q 1903? A Yes sir.  
Q What time? A About the 29th of May.

BY MR. LIEBER:

- Q Did you have a child sometime this year? A Yes sir.  
Q What was it, a boy or a girl? A It was a girl.  
Q Is it living now? A No sir.  
Q When was the child born? A It was born on April the 6th.  
Q Born April the 6th? A Yes sir.  
Q What year? A This year.  
Q When did it die? A Died about two days after it was born.  
Q Did you make any record of its birth, Helen? A I didnt make  
any record, no sir.

Lola Love---2.

- Q Who did? A Why, I knew it was born in April, and on the 6th
- Q And only lived a few days? A Yes sir.
- Q Positive of that are you? A Yes sir.
- Q Well, how many days would you say it lived? A About two days.
- Q Who was present when the child was born? A Queen Coleman, my husband and Fannie Love.
- Q Did you execute an affidavit relative to the birth of this child? A Yes sir.
- Q Before whom did you execute it? A Before Mr. Temple.
- Q A. Jackson Temple, a Notary Public? A Yes sir.
- Q Did he swear you to that affidavit? A I swore that I was the mother of the child first affidavit; second affidavit I didnt swear to.
- Q What did the first affidavit say? A Why, I dont know what it said; he had it all made out when I went up there and I signed it; my husband was there when I signed it; and then I met him on the street a few days after that and he said that I had to sign the one midwife signed and I went up and signed that.
- Q Swore to that one too did you? A No sir.
- Q Well, he did swear you to the first one? A He swore me that I was the mother of the child; asked me if I was the mother of the child.
- Q Read it over to you before you signed it? A No sir, it was all made out.
- Q Did he read it over to you after you signed it? A No sir.
- Q Who got him to make out that affidavit? A My husband.
- Q Were you present when your husband was talking to him about making out that affidavit? A No sir, my husband come and got me and took me up there and I signed it.
- Q Is that the affidavit that you signed? A Yes sir, that is my signature. (Showing the witness the original application for the enrollment of Lola Love, filed before the Commissioner on June 13, 1906).
- Q Is that the one that he swore you to? A No sir.
- Q Were you present when Fannie Love made her mark to that affidavit on this same blank? A No sir.
- Q Now, what did you tell Mr. Temple when you were up there to sign that affidavit, the last one you signed? A I didnt tell him anything, because I was in a hurry to go back home, and he had it all made out, and the first when I went there I asked him did he put down the baby was dead and he said that he didnt do it that nothing in it about that.
- Q Did he read the first affidavit to you? A No sir.
- Q You are sure the first one was made before you signed up the affidavit that I have just shown you, are you? A Yes sir, because I signed the other one, but Aunt Fannie hadnt signed it.
- Q What did you tell him when you went and signed the first affidavit about the birth of the child? A., Why, I told him when it was born.
- Q What did you tell him? A Why, told him it was born April 6, and I guess about three weeks ago when I got the notice from this office that they couldnt identify Will Love I went to tell him about preparing answer to the letter and he told me if anybody asked me when the baby was born to say February 3rd, because he made a mistake.

Lola Love ---3.

- Q When you made out the first affidavit you told him the child was born on the 6th of April, did you. A Yes sir.
- Q You also told him at that time that the child was dead? A Yes sir.
- Q Did you tell him when it died? A Yes sir.
- Q Did you tell him how long it lived? A I told him it lived just two days, and I asked him once did he tell that the baby was dead.
- Q In the first affidavit that you signed, had he filled that out already when you signed it before you signed it? A yes sir.
- Q Did you read it over? A No sir.
- Q Did he read it to you? A No sir.
- Q You signed it and swore to it? A I swore that I was the mother of the child.
- Q Was your husband present when you signed the first affidavit? A yes sir.
- Q Temple knew that this child wasnt born on the 3rd day of February 1906, didnt he, from the statements you had made to him? A I told him it was born April the 6th.
- Q And yet he made out an affidavit and had you sign it, saying that the child was born on the 3rd day of February, 1906? A He must have done it, third of February, said he made a mistake.

BY THE COMMISSIONER:

- Q What day of the week was Lola born on? A I dont know the day; born on Saturday or Sunday, I dont know which.

WITNESS EXCUSED.

---

WILL LOVE, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Will Love.
- Q How old are you? A 24.
- Q What is your postoffice address? A Checotah.
- Q What is the name of your father? A June Love.
- Q What is the name of your mother? A Dorcas.
- Q Name some of your brothers and sisters? A Brother named Jimmie; Sallie is my sister.

Witness is identified as Willis Love, opposite Creek freedmen roll No. 1298.



Lola Love--4.

BY MR. LIKBER:

- Q Are you the husband of Helen Love? A Yes sir.
- Q Did she have a child born to her sometime this year? A Yes sir.
- Q Was it a boy or a girl? A Girl.
- Q What was its name? A Lola.
- Q Child living or dead? A Dead.
- Q When was it born? A It was born sometime about the first, long about the first part of April.
- Q Do you know the exact date? A No.
- Q Are you satisfied it was born in April? A It was between the 6th and 8th somewhere along there.
- Q Of this last April? A Yes sir.
- Q How long did the child live? A It lived about two days, lived a couple of nights and a day.
- Q Were you ever present when your wife made an affidavit relative to the birth of this child? A Yes sir.
- Q Before whom did she make that affidavit? A Temple, A. J. Temple.
- Q Notary Public? A Yes sir.
- Q At Checotah? A Yes sir.
- Q Did you go to see Temple about this affidavit before your wife went up there to sign it, or did you both go up there together? A We both went up there together; why, he made out one affidavit and then he made out another one; I wasn't there to that one he made out the last time.
- Q But you was present when he made the first one? A Yes sir.
- Q Had you ever had any talk to him before that time about making out an affidavit of the date of birth of the child? A Yes sir.
- Q What did you say to him before that time? A I went up town that morning and I met him on the street and he asked me what I was going to do about that child; I said "why"? He said "not going to file for it?"; he said "file for it in July"; so he told me just to come on up and we would make out an affidavit; I told him go back and see my wife about it, and we both went on up to his office; so he made out one. He said have to have a doctor to sign it and he made out one, asked me would the doctor sign it and I told him that he would; I went on out, seen the doctor there, he said it wasn't necessary to monkey with it.
- Q What doctor said that? A Doc McGuire.
- Q Why did he say it wasn't necessary to monkey with it? A Said it was born too late.
- Q Well, did you then go back to see Temple about it? A Yes sir.
- Q What conversation did you have then? A I told him what Doc McGuire said; so he said then get Aunt Fannie to sign it, because she was there to help Doc McGuire for the same purpose; I suppose he got her to sign it, I don't know.
- Q You had this talk with him, did you, before he made out the first affidavit relative to the birth of this child? A Yes sir.
- Q And he afterwards got Fannie Love to sign an affidavit up? A Yes sir.
- Q Were you present when Aunt Fannie signed that affidavit?
- A No sir.
- Q Did you ask her to go up to Temple's office and sign it? A No, but my wife did, so she said.



Lola Love--8.

- Q Well, did you tell Temple when that child was born? A Yes sir.  
Q What did you tell him? A Told him born long in April; well he knew when it was born anyhow.  
Q Tell him how long it lived? A Yes sir.  
Q Do you know what the first affidavit contained, what it said about the birth of the child? A No I couldnt tell you exactly.  
Q Either one of you tell Temple that that child was born on the 3rd day of February, 1906, you or your wife? A She didnt at the time we both went up there.  
Q Did either one tell him the child was living on the 4th of March, 1906? A No sir.

WITNESS EXCUSED.

QUEEN COLEMAN, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Queen Coleman.  
Q How old are you? A 23 years old.  
Q What is your postoffice address? A Checotah.  
Q Are you a citizen of any of the five tribes? A No sir.  
Q State woman? A Yes sir.  
Q Do you know Helen Love and her husband Willie Love? A Yes sir I live with them.  
Q How long have you been living with them? A Staying with them since last February.  
Q Since last February? A Yes sir.

BY MR. LINBER:

- Q Is Helen any relation to you? A No sir.  
Q Were you present when she gave birth to a child sometime this year? A Yes sir.  
Q Was it a boy or girl child? A Girl child.  
Q Do you know what they named it? A Named it Lola Love.  
Q Lola? A Yes sir.  
Q When was the child born? A Born the first of April.  
Q First day of April? A No, wasnt the first day, somewhere lang about the 5th or 7th, dont know exactly what date.  
Q Satisfied it was born in April, are you? A Yes Sir, I knew

Lola Love--8.

it was born in April.

- Q How long did the child live? A Lived a couple of days.  
Q Were you present when it died? A No, I was there after it died.  
Q See the corpse? A Yes sir.  
Q Who else was present when the child was born besides you and Helen and her husband? A Several; strangers to me.  
Q Was Fannie Love there? A Yes sir.

WITNESS EXCUSED.

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Cora Moore, being first duly sworn, states that as stenographer to the commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on October 22, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Cora Moore*

Subscribed and sworn to before me November 21, 1906.

*Edward Herrick*  
Notary Public.

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

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In the matter of the application for the enrollment of  
Lola Love as a Creek Freedman.

D E C I S I O N .

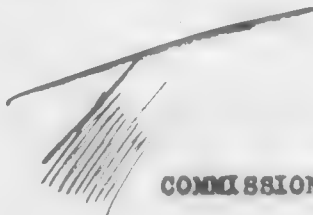
The record in this case shows that on June 13, 1906, application was made, in affidavit form, for the enrollment of Lola Love as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906, (34 Stat. L., 137). Supplemental affidavit of the midwife was filed on the same date. Further proceedings were had on October 22, 1906.

The evidence shows that the said Lola Love was the child of Willie Love, whose name appears upon a partial schedule of Creek freedmen approved by the Secretary of the Interior on March 13, 1902, opposite No. 1298, and Hellen Love, a non-citizen.

The evidence further shows that said Willie Love and Hellen Love were lawfully married at the time said child was born.

The evidence is conflicting as to the date of birth of said child. A preponderance of the evidence shows that said child was born on April 6, 1906, and died about April 8, 1906, and that said child only lived about two days.

It is, therefore, ordered and adjudged that the said Lola Love is not entitled to be enrolled as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906, (34 Stat. L., 137), and the application for her enrollment as such is accordingly denied.



COMMISSIONER.

Muskogee, Indian Territory,  
FEB 18 1907

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NBP 962.

Muskogee, Indian Territory, February 18, 1907.

Hellen Love,

c/o Willie Love,

Chocotah, 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 the enrollment of your minor child, Jola Love, 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-336.

HM 282.

Muskogee, Indian Territory, February 18, 1907.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, 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 Lola Love, 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.

IM-337.

WV 220.

Muskogee, Indian Territory, February 18, 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 Iola Iove, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM-338

Through the Commissioner  
of Indian Affairs.

JP.  
RJH

DEPARTMENT OF THE INTERIOR

WASHINGTON.

I.T.D. 5940, 6180, 7256, 7262, 7288-1907  
7296, 7310, 7384, 7334, 7342, 7386,  
7392, 7398, 7400, 7402, 7408, 7412,  
7430, 7432, 7436, 7438, 7452, 7460,  
7462, 7486, 7492, 7806, 7888, 7632,  
7670, 7702, 7704, 7712, 7720, 7736-1907.

MARCH 4, 1907.

SRS. Direct.

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

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

| Title of Case.                             | Date of your letter of transmittal. |
|--|-------------------------------------|
| Annie Davis, et al., (freedmen)            | February 8, 1907                    |
| Martha Menika Davidson,                    | February 9, 1907                    |
| William Perryman,                          | February 16, 1907                   |
| Isreal Nicco,                              | February 16, 1907                   |
| Kissie, (deceased),                        | February 16, 1907                   |
| Mary Perryman (deceased)                   | February 16, 1907                   |
| James Jarney (deceased)                    | February 20, 1907                   |
| Genetta and Isabell Rentie, (freedmen)     | February 20, 1907                   |
| Snake,                                     | February 20, 1907                   |
| James F. Pendleton, deceased,              | February 21, 1907                   |
| Lilly Valentine et al., (freedmen)         | February 20, 1907                   |
| Frank Jackson, (deceased) (freedman)       | February 19, 1907                   |
| Rose Blanton, (freedman)                   | February 20, 1907                   |
| Lola Love, (freedman)                      | February 18, 1907                   |
| Dora Lee and Savannah S. Castle (Freedman) | February 19, 1907                   |
| James Deere et al.,                        | February 2, 1907                    |
| Charley Kernell,                           | February 2, 1907                    |
| Millard Smith (freedman)                   | February 18, 1907                   |
| Lila Jefferson (freedman)                  | February 16, 1907                   |
| Bertha Anderson (freedman)                 | February 16, 1907                   |
| Katie Smith, deceased (freedman)           | February 2, 1907                    |
| Lucy Grayson, deceased,                    | February 23, 1907                   |
| Rullisen Haynie                            | February 23, 1907                   |
| Leah Thompson, deceased,                   | February 23, 1907                   |
| Nellie Graham (freedman)                   | February 20, 1907                   |
| Milechee (or Nellie Ned,)                  | February 23, 1907                   |
| William Bennett, (freedman)                | February 19, 1907                   |
| George W. Bird, deceased,                  | February 2, 1907                    |

|   |                    |
|---|--------------------|
| Joseph H. Tucker (Freedman), (Freedman)       | February 20, 1907. |
| George Allen Rowland,                         | February 23, 1907. |
| William and Lisa Parker,                      | February 23, 1907. |
| Richard Perkins, (Freedman)                   | February 20, 1907. |
| Henry Steele, (Freedman)                      | February 26, 1907. |
| James Richards, (Freedman), (Freedman)        | February 25, 1907. |
| William Maxwell, alias W. Maxwell, (Freedman) | February 14, 1907. |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian office.

Respectfully,

H.A. Hitchcock,  
Secretary.

35 inc. and 70  
ind. of. with  
copy hereof.



DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON,

Land 18318-1907.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby dated February 18, 1907, transmitting the record relative to the application for enrollment of Lola Lowe as a Creek freedman. On February 18, 1907, the Commissioner held that the applicant was not entitled to enrollment.

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

Very respectfully,

C. F. Larrabee,  
Acting Commissioner.

JPB-GH.

MBF 282.  
Gr. No. 1137.

Muskogee, Indian Territory, March 14, 1907.

Hellen Love,  
c/o Willie Love,  
Checotah, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 18, 1907, denying the application for the enrollment of your minor child, Lola Love, as a Creek Freedman.

Respectfully,

Commissioner.

JBM

CR EN 1138

CR EN 1138

CR EN 1138

CR EN 1138

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
SEPTEMBER 24, 1906.

NBF. 270  
308  
330

In the matter of the application for the enrollment of  
Herman Knowles, Lula Bruner, and Isward Grayson as Creek  
Freedmen.

APPEARANCES: John G. Lieber, acting for M. L. Nett,  
attorney for Creek Nation.

ROSE BRUNER, being first duly sworn by Henry G. Hains,  
Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Rose Bruner. (Appears to be 30  
Q: How old are you? A: I don't know my age.  
Q: What is your post-office address? A: Seneca.  
Q: Are you a citizen of any of the 3 tribes? A: Choctaw.  
Q: Freedman or by blood? A: By blood.

Questions by John G. Lieber, acting attorney for Creek  
Nation.

- Q: Do you know Louis Bruner and Mary Bruner? A: Yes sir.  
Q: How far do you live from them? A: About 3 miles.  
Q: Were you living that distance from them last Spring?  
A: Yes sir.  
Q: Do you know Palma Grayson? A: Yes sir.  
Q: How far do you live from her? A: About 3 miles.  
Q: Did you live that close to her last Spring?  
A: Yes sir.  
Q: Do you know J. W. Knowles and Mattie Knowles his wife?  
A: Yes sir.  
Q: How far do you live from them? A: About a mile.  
Q: Did you live that close to them last Spring? A: Yes sir.  
Q: These people whose names I have mentioned, do they live  
close together, that is the Knowles people and Palma  
Grayson and Louis Bruner? A: Yes sir, about a half mile  
apart.  
Q: How often do you see these people? A: I don't see them  
hardly ever at all. I came through there yesterday and I  
didn't see any of them then, I ain't seen any of them I  
can't tell you how long.  
Q: When was the last time you saw any of the people I mentioned  
and talked with them? A: I ain't seen them and talked to  
any of them for I don't know how long.  
Q: Did you talk to them this year?

- A: I don't know as I have.
- Q: Do you know whether any of these parties had any children born to them this year?
- A: No sir, I don't. I heard the children was over there but I didn't ever see them.
- Q: You never seen any of them? A: No sir.
- Q: Do you know George W. Stidham? A: Yes sir, I know him.
- Q: Did he come to your house a couple of weeks ago and ask you about these people? A: Yes sir.
- Q: What did you tell him Rose? A: I told him I didn't know anything about it.
- Q: Well didn't you tell him at that time you knew positively that Herman Knowles, Lula Bruner and Isearl Grayson who are children of the parties I have mentioned were born too late to be enrolled? A: I didn't tell him nothing.
- Q: Didn't you tell him that these children were born sometime the last part of May? A: No sir, I didn't. He asked me wasn't they born then and I said I didn't know and he said that Jim Knowles baby--that is the one he wanted me to swear to-- was born then.
- Q: What did you tell him? A: I told him I didn't know when it was born.
- Q: Did you tell him anything about when it died?
- A: I told him I didn't know.
- Q: Are you a married woman? A: Yes sir.
- Q: Have you a family? A: No sir, I just got one child.
- Q: Well did you say anything to Mr. Stidham at that time about you having made a trip up here to Muskegee last Spring?
- A: I told him I came up here and got that \$40 payment and I didn't know what part of the month it was, and he said Charles Bruner told him then, I went to the post-office to get my letter out and he told me that Jim Knowles's baby died that day and they was going to bury it the next day but what month it was, I don't know.
- Q: Who told you that? A: Charley Bruner. I never have seen the children, I don't know nothing at all about it.
- Q: You don't know anything about these children yourself do you? A: No sir, I don't know a thing.
- Q: Where does Charley Bruner live? A: Right amongst them Knowles, right close to Knowles. It looks like they would have got them instead of me, I don't know nothing at all about it.
- Q: Now you say you were at the post-office at the time you saw Charles Bruner? A: Yes sir.
- Q: You say you got a letter out of the post-office on that date?
- A: Yes sir.
- Q: Where is that letter? A: Uncle Prince Stidham has got it. But it was written back to Uncle Prince Stidham to bring me to Muskegee.
- Q: Did you come to Muskegee shortly after you got that letter?
- A: Yes sir.
- Q: How many days, Mrs. Bruner? A: I don't know.
- Q: Well can you ~~xxx~~ tell us about how many days after that it was you came to Muskegee?
- A: Uncle Prince said he got the letter on the 17th. of May I believe it was, well it must have taken the letter 2 days to come down to the Chectaw nation.
- Q: prince Stidham has that letter? A: Yes sir.
- Q: He knows when he received it, does he? A: Yes sir.
- Q: Where does he live? A: Right close there to me.

- Q: How far from Senora? A: About 3 miles.
- Q: At the time you got that letter out of the post-office, Charles Bruner told you that the Knowles child had died that day, is that it? A: Yes sir.
- Q: Is Charles Bruner related to the Knowles people?
- A: No sir, I don't think he is.
- Q: Did he say anything about how old the child was at that time?
- A: He never said a word. That is all I told George Stidham and as far as the children, I never did see any of them children.
- Q: How old is Prince Stidham? A: He is 54 I believe or 60 I forget his age.
- Q: Who was that letter from that you got from the post-office at that time? A: John Gibson.
- Q: Where was it written from? A: Featherstone.
- Q: Indian Territory? A: Yes sir. He was my cousin's husband.
- Q: Well do you know which one of these children whose names I have mentioned is the youngest? A: No sir, I don't know
- Q: Did you tell Mr. Stidham which was the youngest when he was there the other day? A: I didn't tell him. I just told him that what Charley Bruner told me that the Knowles baby died, but I don't know what month it was or nothing, but I reckon from that letter, it was in May.
- Q: You say when you got that letter it was in May? A: Yes sir
- Q: Do you know what time it was in May? A: No sir, I don't know what time.
- Q: Didn't you tell Mr. Stidham when he was there you could tell within a few days of Iscarl Grayson? A: No sir, I didn't tell him that.
- Q: Did any of these people whose names I have mentioned know you were subpoenaed to testify here in this case? A: Yes sir.
- Q: They knew it do they? A: I don't know as they know it but I suppose coming here--that is all I know.
- Q: I say, do any of these people the Knowles or Bruners or Grayson people know you have been subpoenaed?
- A: Yee Hose Grayson knows it, he had a subpoena coming yesterday, he knows I had one.
- Q: Is he any relation to Iscarl Grayson? A: His uncle.
- Q: Did he have a talk with you about testifying in this case?
- A: No sir, we were all to the church house and I passed coming on the train to Henryetta, he said he had a subpoena for me and I said I had one.
- Q: He said he had a subpoena for you? A: Yes sir.
- Q: Who was the subpoena from? A: George Stidham gave it to him.
- Q: Did he show you this subpoena? A: No sir.
- Q: Who gave you the subpoena you brought here this morning?
- A: George Stidham.
- Q: Are you on friendly terms with Louis Bruner and his wife and Paulina Grayson and J. W. Knowles and his wife? A: Yes sir
- Q: Do you visit them? A: No, I don't visit her.
- Q: Do they belong to the same church you do?
- A: I don't belong to Mary.

Questions by Commissioner:

- Q: Do you know Louis Bruner? A: Yes sir.
- Q: What is the name of his father? A: Jesse Bruner.



- Q: What is the name of his mother? A: Greasy Bruner.  
Q: Do you know some of his brothers, what are their names?  
A: John Bruner and Ben Bruner.  
Q: Do you know the name of the father of Mary/Louis's wife?  
A: No sir, I don't.

Sam Herrob, being duly sworn by Henry G. Hains, a Notary Public, testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Sam Herrob.  
Q: How old are you? A: 35.  
Q: What is your post-office address? A: Senora.  
Q: Are you a citizen of the Creek Nation? A: Yes sir.  
Q: By blood? A: Yes sir.

Questions by John G. Lieber, acting attorney for the Creek Nation.

- Q: Sam do you know J. W. Knowles and his wife Hattie Knowles?  
A: Yes sir.

At this point, Lona Merrick, official interpreter was called to interpret in said cause.

- Q: How long have you known them? A: About 2 years I guess.  
Q: How close do you live to them? A: Right in sight about a half mile.  
Q: Do you know Paulina Grayson? A: Yes sir.  
Q: How close do you live to them? A: About a mile.  
Q: How long have you known her? A: About a year I guess.  
Q: Are you any relation to her? A: No sir.  
Q: Are you any relation to J. W. Knowles or his wife?  
A: No sir.  
Q: Did you live that close to her last Spring? A: Yes sir.  
Q: Did you live within a half mile from J. W. Knowles and his wife last year? A: Yes sir.  
Q: Do you know Louis Bruner and his wife Mary Bruner?  
A: Yes sir.  
Q: How long have you known them. A: I have known them since I was a little boy.  
Q: How close do you live to them? A: A little over a mile.  
Q: Did you live that close to them last Spring?  
A: I live that close to them nearly 8 years.  
Q: Are you related to either one of them? A: No sir.  
Q: Then you and all of these people whose names I have mentioned live in the same neighborhood, don't you? A: Yes sir.  
Q: Are you on friendly terms with these people?  
A: Yes, we are on friendly terms.  
Q: Did you see them frequently? A: Yes sir.  
Q: What is your business or occupation? A: I used to farm but I have been sick for 2 years and I am just able to be up.  
Q: Do you know what time the Creek Rolls closed last Spring?  
A: I heard of it.  
Q: Do you know when it was, what date?



- A: No sir, I don't know what day of the month or what month it was.
- Q: Well in what way did you hear that the rolls had closed last Spring? A: I just heard in the neighborhood that the rolls were closed.
- Q: That was last Spring? A: Yes sir.
- Q: Did Hattie Knowles, the wife of J. W. Knowles have a child sometime last Spring? A: Yes sir.
- Q: Do you know when that child was born? A: It was born the latter part of April or the 1st. part of May, I don't know which. I don't know exactly what month it was born in, I was in bed when I heard about it.
- Q: How do you happen to know that the child was born in April or May? A: The grass was getting pretty tall and green and I saw her just before she was confined, after that I was sick in bed and I heard that she had a child.
- Q: How when you saw her that time just before she was confined was that before or after you had heard that the Creek Rolls were closed? A: It was after I heard that the rolls were closed.
- Q: Are you a married man? A: Yes sir.
- Q: Is your wife living? A: Yes sir.
- Q: Did you and your wife take any interest last Spring in keeping track of the children who were born in your neighborhood after the Creek Rolls had been closed?
- A: No sir, we never made any record of any kind.
- Q: Well did you try and remember the names of the parents whose children were born after the rolls were closed?
- A: No sir, I never paid any attention to anything like that.
- Q: Are you sure that this child of J. W. Knowles and his wife was born after the 4th. day of March last?
- A: Yes I know it was born the latter part of March, I know it was after the 4th. of March that the child was born.
- Q: Have you see this child? A: I saw it after it was dead.
- Q: When did the child die? A: I don't know.
- Q: About how old was it when it died? A: I don't know.
- Q: Well couldn't you tell from its appearance about how old it was? A: It looked to be about 2 months old.
- Q: Couldn't you tell the Commissioner about what month the child died? A: No, I don't remember what month it died in.
- Q: How long has it been since the child died? A: I am just guessing at it, I may be mistaken, but I am just guessing at it.
- Q: How long has it been since the child died? A: Nearly 4 months I think.
- Q: What makes you think it has been nearly 4 months since it died? A: I am just guessing at it, I may be mistaken.
- Q: Did Palma Grayson have a child last Spring?
- A: I heard that she had a child.
- Q: Do you know about when that child was born? A: No sir.
- Q: Was it born before or after the Knowles child was born?
- A: I don't know, I don't remember.
- Q: Did Mary Bruner, the wife of Louis Bruner have a child last Spring? A: Yes sir.
- Q: Do you know about when that child was born? A: I don't remember.
- Q: Do you know whether it was born before or after you heard that the rolls were closed? A: It was after I had heard that the rolls were closed. I heard that Mary had had a child, that is all I know about it, I don't know when it was born or anything about it.

- Q: How old was the child when you heard that it had been born?  
A: I guess it was about a week old when I heard of its birth.  
Q: Was Paulina Grayson's child born before or after you heard that the Creek Rolls were closed? A: I heard of her having a child not very long ago, I don't know anything about it, I just heard it the other day.  
Q: Don't you know anything about when it was born?  
A: I just heard it not very long ago.  
Q: Do you know of any children who were born in your neighborhood just about the time the Knowles child was born?  
A: I don't know of any.  
Q: Do you know of any person who died in your neighborhood just about the time the Knowles child was born?  
A: No sir, I never heard of any death, I heard that Frank Likowski's child had died about the same time. I just heard that Mrs. Likowski said that her child was older than the Knowles child.

Jesse Bruner being first duly sworn by Henry G. Hains, a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Jesse Bruner.  
Q: How old are you? A: I don't know, I reckon about 65 somewhere around there.  
Q: What is your post-office address? A: Henryetta.  
Q: Are you a citizen of the Creek Nation, by blood? A: Yes sir.  
Q: Have you a boy named Louis Bruner? A: Yes sir, I am the father of Louis Bruner.  
Q: What is the name of his mother? A: Creasy Bruner.  
Q: She is a Creek Freedman, is she? A: Yes sir.  
Q: Is your son Louis married to a woman named Mary Bruner?  
A: Yes sir.  
Q: What was her name before it was Bruner? A: Mary Henderson.  
Q: What is the name of Mary's father? A: Henderson.  
Q: What is the name of her mother? A: I don't know the name of her mother.  
Q: Judy? A: That is right, Judy Bruner.  
Q: Is she a sister of Lou-Crittty Henderson and John Henderson?  
A: Yes sir.

Mary Bruner, wife of Louis Bruner is identified as Mary Bruner opposite Creek Freedman Roll number 2859)

Questions by John G. Lieber, acting attorney for the Creek Nation.

- Q: You are the father of Louis Bruner, you say? A: Yes sir.  
Q: And the father-in-law of Mary Bruner? A: Yes sir.  
Q: How far do you live from them, Uncle?  
A: I live about a half mile from Mary Bruner.  
Q: Does she and Louis Bruner live together? A: They do but Louis is not at home.  
Q: Did you live that close to Mary Last Spring? A: Yes sir.

- Q: Do you know Paulina Grayson? A: Yes sir.
- Q: How long have you known her? A: Ever since she had been a small girl.
- Q: How close do you live to her? A: About a mile.
- Q: Did you live that close to her last spring? A: Yes sir.
- Q: Are you related to her in any way? A: No sir no way in the world.
- Q: Do you know J. W. Knowles and his wife Hattie Knowles?
- A: Yes sir.
- Q: How close do you live to them? A: About a mile I guess, I am guessing at that, I reckon it is about a mile.
- Q: Did you live that close to them last Spring? A: Yes sir.
- Q: Are you related to the Knowles people in any way?
- A: His wife is my daughter.
- Q: Then Hattie Knowles is your daughter? A: Yes sir.
- Q: Are you on friendly terms with all of these people whose names I have mentioned?
- A: Yes, I am on friendly terms I have nothing in the world against them.
- Q: Did Hattie Knowles have a child sometime last Spring?
- A: Yes sir.
- Q: Was it a boy or girl? A: A boy.
- Q: What did they name it? A: Herman I believe.
- Q: Herman Knowles? A: Yes sir.
- Q: The child is dead isn't it Uncle? A: Yes sir.
- Q: How old was it when it died? A: I can't tell you, that is what got away with me, I don't know. Somebody asked me and I told him I didn't know and I still don't.
- Q: Were you present when the child died? A: No sir, I wasn't right at that place, I got there soon after it was dead but what day of the month, I don't know.
- Q: You saw the baby right after it was dead?
- A: Yes sir I saw the baby and was right at the burying.
- Q: How old was the child according to your judgment?
- A: According to my judgment the child must have been about 3 weeks old.
- Q: Well now do you remember when the child was born? A: No sir I can't tell you what day of the month or anything.
- Q: Well can you tell the Commissioner about what month Herman Knowles was born in? A: No sir, I can't. I am only guessing now, I don't know whether it is between March or April but I can't tell you which month.
- Q: When it was born? A: Yes sir.
- Q: Do you know what month it died? A: No sir.
- Q: How old was the child when you first saw it?
- A: I saw it in about 2 or 3 days after it was born.
- Q: You are the grand-father of the child? A: Yes sir.
- Q: You think the child was born sometime in March or April do you? A: I think it was born sometime in March or April I can't tell which.
- Q: Well would you say it was born in the early part of March?
- A: Yes I would say it because I don't know any better but what it might have been. I am only guessing, I knew it was pretty early in the Spring. But there has been so many other deaths there and I would think there was others buried before he was. There was a woman and a child died sometime before that, sometimes I would have a mistake made about them, putting that woman in place of that child that occurred at the same time.

I have studied over the matter and I don't think it was, I think the woman was buried in February sometime. They are all buried in the same grave-yard and I tried to think over everything and couldn't think it up.

- Q: Is there any record of the birth or death of Herman Knowles that you know of? A: No sir, I don't know of it, there may be.
- Q: What was the condition of the grass when you first went down to see this child, when it was 2 or 3 days old?
- A: It was just coming up.
- Q: What were the farmers doing at that time? A: The farmers some of them were planting and some of them might have been getting ready to plow new ground, if I am not mistaken corn was coming up, it appears to me like it was. I couldn't commit to memory whether the corn was up or just planting, but I think some of it was up.
- Q: Now the season last year was rather late wasn't it?
- A: Yes sir, very late.
- Q: Did you hear of anybody in your neighborhood, Uncle that planted corn along the first part of March last Spring?
- A: No sir, I don't remember it.
- Q: What is your occupation? A: My occupation is farming too.
- Q: What time do you generally plant corn in your neighborhood?
- A: In March when I can get to plant it.
- Q: What time in March generally? A: The first. Last Spring though I didn't get to plant it until very late, I think it was along in April before I got to plant any corn.
- Q: What was the reason you didn't get to plant before that last Spring? A: It was wet and I think I was building a fence along about that time and didn't get through.
- Q: Now isn't it a fact that the weather was such last Spring that you couldn't get corn in the ground in the early part of March? A: No sir, it was too much water and rain.
- Q: Now your recollection is that when you went to see this child that it was about 3 days old and that corn was then coming up? A: Yes, there were some people had corn up I think.
- Q: Well if that is the case, this Knowles child must have been born sometime the latter part of March or the first part of April, isn't that right? A: Yes that is right I should think, I am guessing at it.
- Q: Do you know of anybody that could tell the Commissioner the exact date of the birth of this Knowles child?
- A: No sir, I don't.
- Q: Now your daughter in law, Mary Bruner also had a child last Spring didn't she, Uncle. A: Yes sir.
- Q: Which child was born first, Mary's child or the Knowles child? A: Well I can't tell you Mister which one was born first, but I think Mary's must have been, I think Mary's is the oldest, I will always think so.
- Q: Were both of them born about the same time?
- A: Pretty near the same time about the same week I should think, there is not very much difference I don't think.
- Q: Did you see Mary's child shortly after it was born?
- A: No sir.
- Q: About how old was it when you first saw it? A: Mary was up I reckon about 4 weeks before I seen the child.

- Q: Is Mary's child living? A: Yes sir.  
Q: What is its name? A: Lula.  
Q: Lula Bruner? A: Yes sir.  
Q: Did Paulina Grayson have a child last spring? A: Yes sir.  
Q: Can you tell the Commissioner about when Paulina's baby was born? A: No sir, I can't. I don't know when it was born-- sometime along in the spring, but I don't know them dates at all  
Q: Is it living? A: Yes sir.  
Q: What is its name? A: Israel I think.  
Q: Well was Paulina's baby born before or after the Knowles' baby was born? A: You ask me something I can't answer, I don't know sir now. It came in the neighborhood of close to the time-- close together but which is the oldest I don't know.  
Q: Now what is the name of Paulina's child? A: Israel.  
Q: Now isn't it a fact that all three of these children I have mentioned were born about the same time? A: About the same time I think but the difference between them I don't know, there aint much difference between them I don't guess.  
Q: What would you say was the difference in the birth of these three children? A: A week or ten days or such a matter I reckon.  
Q: Do you know who waited on Paulina at the time her child was born? A: Yes sir, I do; Alice Grayson I think was the one who waited on her, I don't know for certain, I am guessing at this.  
Q: Your wife is name Creasy Bruner? A: Yes sir.  
Q: She waited on her at the time her child was born and also on Mrs. Knowles, at the time her child was born, didn't she?  
A: I suppose she did.  
Q: Did they buy a coffin for that Knowles child?  
A: Yes sir, I know they did.  
Q: Do you know where they got it? A: They must have got it at Henryetta.  
Q: Do you know whose store they got it at? A: No sir.  
Q: Who got the coffin? A: I can't tell you that even.  
Q: Don't know who went for it? A: No sir.  
Q: Do you know whether they had a doctor when this Knowles' child died? A: No sir, I don't think they did.

Q

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CREASEY BRUNER, being duly sworn by H.G.Hains, a Notary Public, testified as follows:

Questions by Commissioner.

- Q: What is your name? A: Creasey Bruner.  
Q: How old are you Creasey? A: I can't tell you how old I am

- Q: You are close to 60 anyhow, aren't you? A: I suppose so.  
Q: What is your post office address? A: Henryetta.  
Q: Are you a Creek Freedman? A: Yes sir.  
Q: What is the name of your husband? A: Jesse Bruner.  
Q: Have you a son named Lewis Bruner? A: Yes sir.  
Q: Have you a daughter-in-law named Mary Bruner? A: Yes sir.  
Q: Have you a daughter named Hattie Knowles? A: Yes sir.

Questions by John G. Lieber, Acting Attorney for Creek Nation.

- Q: How near do you live to Mary Bruner and your daughter Hattie Knowles? A: I live about a mile from my daughter Hattie Knowles and I guess it aint more than three quarters from Mary Bruner's.  
Q: Did you live that close to them last spring? A: Yes sir.  
Q: Do you know Paulina Grayson? A: No sir, I don't say to know her exactly, but I know her when I sees her.  
Q: How close do you live to her? A: About a mile.  
Q: Did you live that close last spring? A: Yes sir.  
Q: Is Paulina Grayson related to you in any way? A: No sir.  
Q: Are you on friendly terms with all these people whose names I have mentioned, Paulina Grayson, Hattie Knowles and Mary Bruner? A: I am friendly with them when I sees them, but they are people I hardly ever visit, I hardly goes around.  
Q: You visit your daughter Hattie don't you? A: Sometimes when I go to church I goes there and sees her.  
Q: You also visit your daughter Mary Bruner? A: I aint got nothing against her, but I am just an old nigger woman that don't go over the world visiting.  
Q: Your daughter Hattie had a child last spring, didn't she?  
A: I don't know whether it was in the spring. I don't know just exactly about that child's age, it must have been in the spring.  
Q: She had a child this year, didn't she? A: Yes sir.  
Q: Were you present when the child was born? A: No sir, I wasn't present then, they sent for me.  
Q: How old was it when you saw it? A: They said one half hour ago. Her and Mary Bruner's baby is mighty nigh one age.  
Q: You mean the Knowles' baby and Mary Bruner's baby are about the same age? A: Yes sir.  
Q: How do you happen to know, Aunt Creasey? That these children were about the same age? A: Mary Bruner told me they were about the same age, that is how I know it.  
Q: Which baby was born first, Mary's baby or the Knowles' baby?  
A: I think it was the Knowles' baby--it might have been the Knowles' baby.--no I can't study that at all, I didn't ~~just~~ pay much attention to it at all, but I knew when I went bever to see my daughter-in-law, this baby was there, but to keep the very date of the month the baby was born on I don't know.  
Q: How old was Mary's baby when you first saw it? A: About a week old.  
Q: Well now how long did stay down there at Hattie's when you went there? A: Not more than a day or two because I came on the river where my daughter was, she had ~~made~~ ~~just~~ somebody else with her and I didn't stay with her.  
Q: Who do you mean by the other daughter? A: My own daughter.  
Q: What is her name? A: Mary. Mary Rich.



- Q: Did Mary Rich have a child about that time too? A: No, she aint got any children, they are all grown, I just went to see her, she was sick and they sent for me.
- Q: Well now you went from Hattie's house down to your daughter, Mary Rich's? A: Yes sir.
- Q: You were at Hattie's house just a few days? A: Yes sir.
- Q: And got there the same day the child was born? A: Yes sir.
- Q: How while you were down there at Mary Rich's house, didn't Knowles come to see you to get you to go up there to his house? A: Yes, he came up for me to go there but that child was one or two days old when I went up there.
- Q: That is the Knowles' child was two or three six days old at that time? A: Yes sir, but when the child died I don't know nothing about that, I don't know what month it died in and I don't know what month it was born in.
- Q: How it was the Knowles' child that you saw about a half hour after it was born, is that right? A: Yes sir.
- Q: Mary Bruner's child you saw about a week after it was born? A: Yes sir.
- Q: Now tell the Commissioner which child was born first, the Knowles' child or the Bruner child? A: The Bruner child was born two or three days first, now that is what they told me, I didn't see the child. This Mary Bruner's child is little the eldest but mighty little difference between the two children.
- Q: Is there as much as a weeks difference between them?
- A: It might be or two or three days I don't know.
- Q: Do you know what day of the week it was that the Knowles' child was born on? A: My Dear Master, I didn't pay a bit of attention when that nigger was born, I just thought it was a nigger child and that was all. I didn't know even he had his child on the roll, that is what he told me.
- Q: Well now Aunty tell the Commissioner the best you can what month the Knowles' child was born in? A: That is what I am telling you My Dear Master, I don't know the months I tell you, I don't know when the months goes out or comes in, I can't read or write or nohing, and therefore somebody has to tell me, now if they told me I would have known it or what I was coming for, but I didn't know when the child was born any more than geese.
- Q: What were the farmers doing at the time this child was born?
- A: What farmers?
- Q: The farmers, how were they getting along with their crops?
- A: They were planting I know.
- Q: Planting what? A: Corn and garden. You know what times they plant garden.
- Q: How tell the Commissioner what time they usually plant garden or corn? A: I don't know what time they plant corn or garden, I plant corn or garden just whenever I get ready, I plant as soon as the ground is warm enough for the little stuff to go into it.
- Q: But you do know when the Knowles' child was born, the farmers were planting corn? A: Yes sir.
- Q: The grass was up too, wasn't it Aunty? A: Yes, it was up a little.
- Q: Well now how was the season last year, was it early or late?
- A: I don't know about the season, I didn't pay that much attention to seasons. It is just like I tell you, I didn't pay any attention to the season, I thought when the ground got warm I could plant, but to keep up with the months, that is some thing I don't do.

- Q: Don't you remember Aunt Creasey that it was wet last spring, and the farmers were late about getting in their crops and you were late in getting in your garden? A: Yes, I was late but I don't know what time I got it in.
- Q: You were late because it was too cold and wet to get it in any earlier, wasn't you? A: Yes sir.
- Q: you say you can't tell the Commissioner what month you generally plant your garden in? A: No sir, I don't know one month from the other unless somebody tells me. If I would know it I would tell you with grace.
- Q: Did you ever Hear Mary Bruner say when her child was born?
- A: No sir, I didn't hear her say, she says she told George Stidham. He knows more about it than I do, he asked her more. I didn't even ask him about it, he came and stayed two nights to my house, he didn't tell me that was his business, he didn't tell me and I didn't know it until I came here.
- Q: Did Mr. Stidham have a talk with you when he was at your house? A: No sir, I didn't hear him say a word to me any longer than I gave him his breakfast and he got in his buggy and drove off, and I had a talk with Mary Bruner and with Knowles and them but I never heard a word until I came here. I don't know the day or the week or month; and those that can read and write he went to them to find out something about the child.
- Q: ~~When~~ --Well now do you know when Paulina Grayson's child was born last spring? A: No sir, I don't know anything about when it was born.
- Q: Was it born <sup>before</sup> or after the Knowles' child? A: His mother said it was the oldest baby, I didn't see the child born.
- Q: That is Paulina said her child was the oldest of those three?
- A: Yes sir.
- Q: Did she tell you that? A: She didn't tell me, she told Mr. Stidham, I didn't hear a word about one of them until I came here after I was subpoenaed I asked what for and they said about the children.
- Q: Your grandson Herman Knowles died didn't he? A Yes sir.
- Q: When did he die? A: They sent for me to come and I saw it was pretty sick; it was buried on my land.
- Q: How old was Herman when he died? A: He was going on three weeks old when he died.
- Q: You are positive of that are you, Aunty? A: Yes sir, it was going on three weeks.
- Q: Was it just a little over two weeks old or nearly three weeks?
- A: It was nearly three weeks old when he died.
- Q: Do you know what day of the week it died on? A: On Saturday.
- Q: Died on Saturday? A: Yes sir, late Saturday evening.
- Q: Was it buried the next day? A: Yes sir.
- Q: Buried on Sunday then? A: Yes sir.
- Q: You remember that well? A: I remember that because I was there.
- Q: When would it have been three weeks old if it had lived?
- A: It would have been three weeks old the same day it died.
- Q: Then you might say it liked a few hours of being three weeks old? A Yes sir.
- Q: The child was born on Saturday then, was it? A: It was born on Saturday just two hours before day, that is what its mother said and it was going on three weeks old, mighty nigh three weeks old on Saturday again.
- Q: Do you mean it was born Saturday night? A: That is, Saturday night at two o'clock,



- Q: Would you say it was Saturday night or Sunday morning?  
A: You see two o'clock don't lack very much of being Sunday morning.
- Q: Do you mean it didn't lack much of being daylight on Sunday morning? A: Yes sir.
- Q: Then if the child had lived until 2 o'clock Saturday night it would have been 3 weeks old, would it not?  
A: It was going on 3 weeks old when it took sick. Well it was bound to be, it lived 2 weeks and of course it was bound to be two weeks and a half and this last week that was making 3 weeks, when it took sick and died.
- Q: It died on Saturday; if it had lived until the next morning it would have been 3 weeks old, wouldn't it? A: Yes sir.
- Q: This child you saw about a half hour after it was born, didn't you? A: No sir, that was Mary's baby. Now for the Knowles' baby they came after me to see it, and I went and stayed a day and a half and I pulled out and went to Rich's. They sent for me down there, she was sick.
- Q: As soon as Mary's baby was born, did they send for you?  
A: Yes sir.
- Q: You got there about a half hour after it was born?  
A: After the Knowles baby was born?
- Q: Do you mean to tell the Commissioner you saw the Knowles' baby a half hour after it was born, or Mary Bruner's baby?  
A: I saw Mary Bruner's baby a half hour after it was born. I saw the Knowles baby about 2 days after it was born, I didn't go there the same day that Mary's baby was born, it was the next morning that I went to Knowles' house.
- Q: How old was the Knowles baby when you saw it?  
A: About 2 days old then.
- Q: Then both of these children were born nearly the same time?  
A: Yes sir, only a little difference between them. One was born 12 o'clock, and one was born in the evening, one was bound to be a little older than the other one.
- Q: You are satisfied there is not over a week's difference in the age of the two children? A: No sir.
- Q: Your impression is that Paulina Grayson's child was born after these two children were born.  
Q: Yes sir, but these two children are mighty nigh one age.
- Q: Well do you remember about what condition crops were in when Herman died? A: No sir, I don't know that. That is what I have been telling you, I plant whenever I feel like planting. Well you know I didn't go round to see whose crops were planted. I didn't have a thing planted.
- Q: I want you to state to the Commissioner what was the condition of crops generally in that neighborhood when Herman died? That is from what you could see passing along, at the time they buried him?  
A: Well some of the crops were pretty well along. Some were planting in March for all I know or remember, but this child was born between April and March, but what day of the month between the two, I don't know. But I hadn't planted any garden when that child died.

- Q: You say Herman was born in March or April? A: Yes sir, it was between these two months but what time I don't know.
- Q: Do you mean to say that the child was born either the latter part of March or the first of April, is that what you mean to tell the Commissioner? A: I don't know whether it was born the first days of March, of course, if it was the first, I would have known it, but if it went three or four days after March; if it goes after the first day, I don't know nothing about it, there is all there is to it.
- Q: You knew it was not born the first day of March? A: No sir I know it wasn't the first day of March.
- Q: Then your impression is that it was the latter part of March? A: It might have been, I don't know what day of the month it was born in or when it died in; it looks like its father and mother ought to know that, and not me, because I didn't put it in mind, I never puts it in no mind.

This is all the evidence given in said cause on said date.

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 in said cause on said date.

Julia C. Laval

Subscribed and sworn to before  
me this 10th day of October, 1906.

Edward Herrick  
Notary Public.

En. 1138.  
NF 308.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE INDIAN TERRITORY, JANUARY 25, 1907.

In the matter of the application for the enrollment  
of Lula Bruner, as a Creek Freedman.

Appearances: Jay P. Farnsworth, representing M. L. Mott,  
Attorney for the Creek Nation.

MARY BRUNER, being first duly sworn by Henry G. Hains,  
testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q: What is your name? A Mary Bruner.  
Q: How old are you? A I can't tell exactly, about 27 or 28.  
Q: What is your Post Office address? A Henryetta.  
Q: Are you a Creek Freedman? A Yes sir.  
Q: What is the name of your father? A Henry Henderson, he  
is a Cherokee.  
Q: What is the name of your mother? A Judy Bruner.

The witness is identified as Mary Bruner, opposite  
Creek Freedman No. 2259.

- Q: Are you married? A Yes sir, I have been married.  
Q: What is the name of your husband? A Lewis Bruner.  
Q: What is his father's name? A Jesse Bruner.  
Q: What is his mother's name? A Creacy Bruner.

Said Lewis Bruner is identified ~~as~~ opposite Creek  
Freedman roll No. 1639.

- Q: What is the name of this child you have in your arms?  
A: Lula Bruner.  
Q: Is she the identical child that you made affidavit in  
attempt to have enrolled? A: Yes sir.  
Q: How old is she? A She will be a year old the second  
day of March.  
Q: When was the child born? A Second day of March, 1906.  
Q: What day of the week was it born on, Mary? A I don't  
know.  
Q: What day of the week is today? A Friday.  
Q: What day of the month? A 25th, ain't it?  
Q: Don't you know what day it is? 25th I am sure, the 25th  
day of March, no I mean ~~Friday~~ January.  
Q: You don't remember what day of the week your child was  
born on? A It was Friday, if I ain't mistaken.  
Q: Do you think you are mistaken? A No sir, I ain't.  
Q: Did you write down the date your child was born? A No  
sir, I did not exactly write it down, but I heard the  
Commission was opening up to enroll children and I  
remembered then that mine was born two days before March  
4, 1906.  
Q: Did you sign an affidavit before a Notary named Fowler?  
A: Yes sir.  
Q: Do you remember going before him? A Yes sir, I remember  
it well.

- Q: Did the mid-wife go with you? A Yes sir.
- Q: You had to go to town, didn't you, to this man's store?
- A: Yes sir.
- Q: How old was your child, Lula, when you went before him?
- A: About three months old, if I am not mistaken, I think it was in June, it was more than three months old, I can't be exactly sure, but you could count up, I think it was in June.
- Q: The affidavit on file in this office states that this child was born on "2ond of Mch, 1906", was that meant for second or twentieth? A No sir, it was meant for the second, that was.
- Q: The affidavit was dated the 22ond day of June? A I don't know how it was.
- Q: Did he do that writing on the typewriter? A Yes sir.
- Q: Was it all done before you signed it? I don't know, he made me swear before I told him anything that I was telling the truth.
- Q: How did he know what to put in the affidavit? A Well I told him what I wanted to do, and he said all right.
- Q: Who was present when this child was born? A ALice Grayson.
- Q: Was she the midwife? A Yes sir.
- Q: This affidavit states that you are a citizen by blood of the Creek Nation, and that you are the lawful wife of Lewis Bruner, a citizen by blood of the Creek Nation. That is a mistake, you have just heard me read that you were a Creek Freedman, so that is wrong, ain't it? A Well, I am just what they think I am.
- Q: You are identified as a Creek Freedman, so this affidavit is wrong, ain't it? A Yes sir, I guess so.
- Q: Was there anybody else present beside this midwife, Alice Grayson? A My sister.
- Q: What is her name? A Lou Crity Bruner.
- Q: Is she here today? A No sir.
- Q: Where does she live? A She was living with me at that time, but she went up in the Cherokee Nation and then came back here I heard, I don't know where she is.
- Q: What time in the day was Lula born? A In the evening, after dark.
- Q: At what hour? I could not tell.
- Q: Are you sure it was before mid-night? A Yes sir, it it was a little after dark, I havent got any time piece I don't know what time it was.
- Q: Who else was there when the child was born? A My mother-in-law, Creacy Bruner.
- Q: Where does she live? A Near Henryetta.
- Q: Where was this child born, out from Henryetta? A Yes sir, at my house 3 or 4 miles East.
- Q: Was there anybody else there? A No sir.
- Q: Didn't you have a Dr? A No sir.
- Q: Could you tell me the names of any other children that were born to any Creek citizens about the time your child, Lula was born? A No sir, not when mine was born.
- Q: I say about the time? A Well there were three since.
- Q: Do you know of any that were born within a few days of yours? A That is something I can't answer, because I don't know.
- Q: These three that you started to tell about, were they born a long time after? A Well, I could not tell, I was sick, and I just heard they were born.

- Q: Do you mean you were sick when these children were born?  
A: Well, I was just getting up.  
Q: How long were you confined to your bed after your child was born? A A week, but then I stayed in the house a whole lot longer than that.  
Q: How long after that were you confined to the house?  
A: A month anyway.  
Q: Could you tell me the first place you went to after you left the house? A I went to work in the field the first I can remember.  
Q: Was anybody there that day working with you? A My sister.  
Q: Anybody not related to you? A No sir.  
Q: Who was your sister? A Lou Crity Bruner, we were chopping corn.  
Q: Can you tell us the first time you went to town or met any strangers after this child was born? A Yes sir, I went up to Senora, where Fowler lives, and did some trading about a month afterwards.  
Q: Did you make this affidavit then? A No sir.  
Q: Did you talk to him about it? A No sir.  
Q: What did you go for? A To do some trading.  
Q: Did you pay for them? A Some of them, mostly all of them.  
Q: Did you have any charged? A Some of them.  
Q: Can you tell me anything you had charged? A No sir.  
Q: Have you brought Mr. Fowler, the Notary Public, with you?  
A: No sir.  
Q: You were notified by this letter that you now present that you will be allowed seven days from January 17, within which time to furnish such witnesses as you may desire to have testify about this child? A Well I brought Alice Grayson and ~~and~~ Colbert Grayson.  
Q: Who is he, is he your father? A No sir, no kin to me.  
Q: You realize that is a pretty close date, when you tell us that the only reason you have to remember it is because you remember that you heard that the Commission was going to enroll children born ~~and~~ before March 4, 1906, and then you remembered that your child was born two days before? A Yes sir.  
Q: And you have only brought in Alice Grayson and Colbert Grayson? A Yes sir.  
Q: And you can't tell us the day of the week? A No sir, I hate to try, I might make a mistake.  
Q: At the time you were sick a whole month, did you have a Doctor? A No sir.  
Q: How was that, you were sick? A Well, I was not exactly sick, I could help myself.  
Q: Well did you not tell me you had been sick a month? A We don't go out when we get out of bed.  
Q: Do you mean ~~in~~ they were born more than a month after your child was born? A I don't know, it was in a months time that I heard that Mrs. Knowles child was born, and in May that my sister's child was born.  
Q: When did you hear that this Knowles child was born? A It was about a month, my baby was about a month old.  
Q: From the best of your knowledge, which was born first, yours or the Knowles child. A My child was born first, my baby was about a month old when I heard it, but how old it was before I hear it, I don't know, I did not hear the exact date, this woman, Alice Grayson, might tell you she waited on the Knowles child too, she could tell you

more about it than I could.

first

Alice Grayson, being duly sworn, by Henry G. Hains, testified as follows:

- Q: What is your name? A Alice Grayson.  
Q: How old are you? A I havent any idea.  
Q: You know you are over 21 years old, don't you? A Yes sir, I am elder than that.  
Q: What is your Post Office? A Henryetta.  
Q: Do you know this woman? A Yes sir.  
Q: What is her name? A Mary Bruner.  
Q: Did you wait on her when a child was born to her some time lest year? A Yes sir.  
Q: What day? A I don't know exactly what day but it was the second day of March.  
Q: You know that? A Yes sir.  
Q: Is this the child? A Yes sir.  
Q: How do you know it is? A Yes sir, I was there.  
Q: Have you seen it since then? A Yes sir.  
Q: You know it is the very child? A Yes sir.  
Q: De you know what day of the week it was born? A No sir.  
Q: What day is today? A Friday.  
Q: What day of the month? A I don't know.  
Q: You know what day of the week today is, but you do not know what day of the month? A No sir.  
Q: You know the day of the month it was born on but not the day of the week? A No sir.  
Q: How does it happen that you can remember the day of the month this child was born on? A I don't know.  
Q: Does anything help you remember? A No sir.  
Q: Did you see it written anywhere? A No sir, I never seen it written down anywhere.  
Q: Does anything help you to remember, anything that happened? No sir.  
Q: Any birth or any thing of that sort? A No sir, there was not any birth in the neighborhood at that time.  
Q: Don't you think it strange that you know the day of the week today is, and not the month, and you remember the day of the month, and not the day of the week? A No sir, I don't know the day of the month at all.  
Q: Well, how does that happen? A I don't know, well I know it was the first of March.  
Q: How do you know? A Well, that was what they say.  
Q: Oh' that was what they told you, that is the way you know? A Well, that is what they say.  
Q: What month is this? A I don't remember what month.  
Q: You don't know what month this is, how do you remember that month was March? A Well, if a child's birth is in a month, I always know what month.  
Q: Did you wait on any other children? A I waited on James Knowles wife.  
Q: When was that? A April.  
Q: What day of the month? A I don't remember.  
Q: How does it happen that you remember when this child was born and can't remember when the Knowles child was born. A Well, I know this was born in March and the other in April.



- Q: Well how does it happen that you remember the exact date of one and not of the other? A I don't know.
- Q: Isn't it a fact that you remember it because they told you the second? A No sir, no one did not tell me, no one did not.
- Q: Well, explain how it is that you remember one and not the other? A No sir, I can't explain how it is.
- Q: And did you wait on anybody else besides the Knowles woman?
- A: Yes sir, I waited on two more.
- Q: Name one of them? A Lina Grayson.
- Q: What was the name of her child? A Israel Evans.
- Q: Wasn't it Israel Grayson? A Yes sir, but she signed it in her own name.
- Q: What was the name of the father? A William Evans.
- Q: What was the name of the mother? A Lina Grayson.
- Q: When was it born? A Long in May, if I ain't making a mistake now.
- Q: Do you know what day in May? A No sir, I don't know what day in May.
- Q: Can you explain how it is that you know this Lula Bruner was born on the second day of March, and you can't remember the day in April the Knowles child was born, and you can't remember the day in May that Lina Grayson's child was born? A No sir.
- Q: And you waited on all three of them? A Yes sir, I waited on all three of them, but can't remember.
- Q: Who was present besides yourself when this Lula Bruner was born? A Me and her mother-in-law, Creacy Bruner, and her sister were there present.
- Q: What is her name? A Lou Crety, but I don't know what she goes by.
- Q: Lou Crety what? A I don't know.
- Q: Do you remember making an affidavit Alice about this child Lula Bruner? A Yes sir.
- Q: Touching a pin and swearing about this affidavit? A Yes sir.
- Q: You remember going before the Notary Public? A Yes sir.
- Q: It was in his store? A Yes sir.
- Q: How old was this child? A I don't have no idea how old she was then.
- Q: And you don't know the day of the week? A No sir, I don't know the day of the week.
- Q: Well, tell me how you remember March 2nd, did some one tell you? A No sir, I just know from one month to another when this one is born and when another is.
- Q: But you said in your testimony when asked when this child was born, the second of March? A Yes sir, it was.
- Q: And you can't tell us the day of the month today is? A No sir.
- Q: Do you know the months at all, or the days of the month?
- A: No sir, I don't know the days of the month at all.
- Q: Well how do you know that it was born on the second day of March? A I don't know.

**EXAMINATION BY JAY P. FARNSWORTH:**

**MARY BRUNER recalled.**

- Q: Is that your child Lula that you have with you there? A Yes sir.
- Q: How old is this child? A She is ten months old past. She will be a year old the second of March.

- Q: Can she talk? A No sir, it is time though.  
Q: Can she walk? A Yes sir, she can walk by standing ~~xx~~ by a chair.  
Q: How many teeth has she? A None at all.  
Q: That looks funny? A Yes sir, babies younger than that of mine have had teeth, but she hasn't any. I know that it was on the second of March, because this man Colbert, my witness came to my house on the 4th day of March and laughed at me and said "you were running a race with the Dawes Commission, the Dawes Commission is allowing people to file children born before March 4th, and you beat them two days."  
Q: What is the day of the month today? A 25th of January.  
Q: Can you read and write? A Yes sir, I can.  
Q: You keep track of the dates? A Yes sir.  
Q: Did you make arecord of it? A No sir, not at that time.  
Q: Have you since? A When I made out the application.  
Q: Have you any other children on the roll? A Yes sir, three.  
Q: Do you know the dates they were born on? A Yes sir I do.

Witness excused.

COLBERT GRAYSON being first duly sworn by Henry G. Hains testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q: What is your name? A Colbert Grayson.  
Q: How old are you? A I am 42.  
Q: What is your Post Office? A Henryetta.  
Q: Do you know this woman that just left the stand? A Yes sir.  
Q: What is her name? A Mary Bruner.  
Q: Do you know her husband? A Yes sir.  
Q: What is his name? A Lewis Bruner.  
Q: Are you any kin? A No sir.  
Q: She brought you in as a witness about her child? A Yes sir.  
Q: Do you know when it was born? A Yes sir.  
Q: Were you present? A No sir, I was in the neighborhood.  
Q: How old was it when you first saw it? A About three days old.  
Q: How do you know it was that old, was that what they told you? A Yes sir.  
Q: What day of the week was it when you got there, when you first saw it? A It was the third day of March.  
Q: And you say you were told it was three days old? A You said ~~ix~~ how old and I said three days old.  
Q: And you went there on the third of March, and you said it was three days old then, according to that, this child was born on the last of February or the first day of March?  
A: I said, as near as I could get at it, the child was about three days old, it was born on the first or second of March.  
Q: And you are sure that you got there on the third, then you would not say it was three days old, it was only one day old? A But you don't understand what I say, I don't know much about the age because I am not around much, I said I went there and it was three days old about.  
Q: And you said you knew it because that was what they told you? A Well, I said I was in the neighborhood.  
Q: Then you don't know just what day it was born? A I know it was the first or second.  
Q: You were not there, how do you know? A Because I come over to my mother's house and I heard of it.



- Q: What is your mother's name? A Rachael Grayson.  
Q: And you heard about it? A Yes sir.  
Q: What did you hear? A I just heard that Mrs Bruner had a big girl.  
Q: How do you remember it was the third of March, how do you remember you saw it at all on the third of March?  
A: Well, now I will tell you Mister, I will tell you how it is as near as I can get at it. Because she is a widow woman, and we made it up to get wood for her when we had time, and I remember it was two days after I heard it when I went there, that would make it the first, second or third day of March, as near as I can get at it, but it was last year in March, because Lewis Bruner her husband was sent off to the pen and we were supposed to see after the widow and keep after what she needed around the place.  
Q: Well, then you will swear positively that you saw this child on the first of March? A Well, I did not exactly go up and look at it in the face, I saw it laying on the bed.  
Q: Well, you will swear that you saw it on the bed and the only way you remember is that her husband had gone off and left her and you went to see about wood for her.  
A: Yes sir.  
Q: She has testified that you said something about it being born in time, do you remember that? A I said something about it being in time to get an allotment.  
Q: Did you explain anything to her about it? A No sir, I did not explain anything to her about it.  
Q: Did you tell her that she was running a race with the Dawes Commission, and that she was just in time to get it enrolled. She just got through testifying that you said that she was running a race with the Dawes Commission, that the Dawes Commission were allowing people to file children born before the 4th of March, and that she beat them just two days. She just testified that you said that when you came over that time? A Why I don't say I didn't, I might of, but I have forgotten it.

Mary Bruner recalled.

- Q: Is this the man? A Yes sir.

Colbert Grayson recalled.

EXAMINATION BY JAY P FARNSWORTH:

- Q: You say you live at Henryetta? A That is my post office, I live East of there.  
Q: How far East do you live? A About two and one half miles but then my mother lives near her and I comes over to my mother's house.  
Q: How far does she live from Mary Bruner? A She live about half mile.  
Q: Do you know what day of the month this is? A Well, its January.  
Q: What is next month? A February.  
Q: What day is this? A Friday.  
Q: What date? A I don't know, about the 16th I guess. (where-as a matter of fact, it is the 25th of Jany.)  
Q: You say it is the 16th, well it is the 25th, now that shows you don't know, how is it that you come in and swear so positively that it was the first, second, or third day of March, how do you remember? A Why I remember.

- Q: Do you think a year from now you will be able to tell what day you came in to testify before the Dawes Commission ?
- A: Well, if I put it down I would.
- Q: Well, if you didnt put it down, you couldnt tell, could you? A I would tell as near as I could.
- Q: Well you did not put down the date her child was born, nor the date you went to visit your mother? A No sir.
- Q: Now how do you know? A Because it was the month we start out farming.
- Q: Why were you not farming? A Well I was coming over to see about my farm, that is where it is.
- Q: Well, wasn't it very wet last year, and as a matter of fact, you don't know whether you saw this baby the second or twentieth of March, do you, because you did not begin farming early did you? A Yes sir, I know it was in March.
- Q: But you don't know whether it was the second, third, or fourth, it might have been the 20th? A No sir, it was not the 20th.
- Q: It might have been the 20th? A No sir, I keeps this month in mind, because I plant corn in March.
- Q: What time do you plant corn? A In the middle or last of March.
- Q: What time did you plant last year? A Last of March.
- Q: Where did you go after you left Mary Bruner's? A Back to my mother's.
- Q: How long before you began to plant corn? A It was along the last of the month.
- Q: Was it a week? A It was more than two or three weeks.
- Q: As a matter of fact, you did not plant corn until in April. A On the last of March.
- Q: And you were on your way to plant dorn when you saw Lula Bruner. A No sir, I said I was over where my farm was, I don't begin to plow until March, and a great many times we have to wait for our horses to get strength.
- Q: Have you got any children born in the last year or two?
- A: No sir.
- Q: When did Mary Bruner's leave, when was he sent to the pen?
- A: I don't know sir, I could not tell you.
- Q: You don't know? A No sir, I don't know how those folks arrange their business.
- Q: How long had he been away from Mary there? A I could not tell you.
- Q: You don't know within two or three months how long he had been away? A I did know, but I have forgotten what month it was.
- Q: Yet you were very interested in this case, seeing that she was supplied with wood? A I said that we, the Masonic brothers, was to see that she was kept wood one and another but the Court affair, I don't know, I don't know anything about Court.
- Q: You don't know how long her husband had been gone when yu planted corn or anything about it? A Here is the question about it, we don't have no certain day to plant corn.
- Q: Well, you don't have no certain day when children are horn either, how do you remember that? A Because it was in farming time.

Witness excused.

Mary Bruner Recalled.

BY THE COMMISSIONER:

Q: Is that all the testimony you have to offer? A Yes sir, that is all.

Witness is excused. Alice Grayson is told to come back at One o'clock, at which time the case would be continued.

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EN 1138, continued.

ALICE GRAYSON, being first duly sworn by Henry G. Hains, testified as follows:

EXAMINATION BY THE COMMISSIONER:

Q: Now Alice, since you have testified, and thought the matter over, are you willing to swear that you know that Lula Bruner was born on the second day of March?  
A: Yes sir, it was birthed on the second day of March.  
Q: Do you know what day? A No sir, I don't know what day.  
Q: Do you mean the first part of March? A Yes sir, just like I said just now.

BY

EXAMINATION BY JAY P. FARNSWORTH:

Q: Which comes first, the first or the fifth day of March?  
A: No sir, I don't know.  
Q: Which comes first, the second or the twentieth? A No sir, I don't know.  
Q: You don't know when your niece's child was born, nor when the Knowles child was born, how do you know then when Lula Bruner was born, isn't it a fact you were told to say the second of March? A No sir, she never told me nothing only that to say that I was there, and I don't know anything only that it was March.  
Q: You don't know what day, whether it was the second or the twentieth? A No sir, I don't know.  
Q: Who paid your expenses today? A Mary Bruner, I didn't have no way to come.  
Q: None of these three affidavits were read to you, either the Bruner, or the Grayson or the Knowles were read to you? A No sir.  
Q: Have you been away on a trip this year? A No sir, not as I knows of.  
Q: How long have you been living where you are now? A I have been living there, I don't know how long.  
Q: Several years have you? A I don't know a ~~re~~, longer than that.  
Q: Did anyone move in the neighborhood about the time Lula Bruner was born? A I don't know someone is coming and going all the time.  
Q: Did anything happen about that time? I don't know, things happen and I never hears of them.

Witness is excused.

In the event this child is enrolled by the Commission, the Creek Nation requests that the deed not be issued until they have time to investigate the matter further.

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 cause, on said date.

Elizabeth Knight

Subscribed and sworn to before me on this the 26th day of January, A.D. 1907.

Edward M. Merritt  
Notary Public.

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

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In the matter of the application for the enrollment  
of Lula Bruner as a Creek freedman.

D E C I S I O N

The record in this case shows that on June 25, 1906, application was made, in affidavit form, for the enrollment of Lula Bruner as a Creek freedman under the provisions of the Act of Congress approved April 26, 1906 (34 Stats. 137).

Further proceedings were had on September 24, 1906, and January 25, 1907.

It appears from the evidence and the records in the possession of this office that the applicant, Lula Bruner, is the minor child of Lewis Bruner and Mary Bruner, duly enrolled citizens of the Creek Nation, whose names appear on a partial schedule of Creek freedmen approved by the Secretary of the Interior March 13, 1902, opposite Nos. 1639 and 2259 respectively.

Although the evidence is somewhat contradictory as to the date of birth of the applicant it appears from the weight of the evidence that she was born on March 2, 1906, and was living at the date of the last proceedings had in this matter.

It is, therefore, ordered and adjudged that the applicant, Lula Bruner, is entitled to be enrolled under the provisions of the Act of Congress approved April 26, 1906 (34 Stats. 137), and the application for her enrollment as such is accordingly granted.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 7- 1907

NEW BORN 308

100

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 28, 1906.

*Lula Bruner*

as a citizen of

*Creek* Nation.

Approved..... 190...

Commissioner.

NEW BORN CREEK FREEDMEN.

*BORN March 20<sup>th</sup> 1906*

*June 25-06*

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

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN AN APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,  
of Lula Bruner, born on the 20nd day of March 1906.  
(Here insert name of child)  
Name of Father: Lewis Bruner a citizen of the Creek Nation.  
Name of Mother: Mary Bruner a citizen of the Creek Nation.  
Tribal enrollment of father: Breadman Tribal enrollment of mother: Freedman  
Postoffice: Sanora, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,  
Western District.

I, Mary Bruner, 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 Lewis Bruner, who is a citizen, by  
Blood of the Creek Nation; that a Female child was  
(Male or Female)  
born to me on 20nd day of March 1906; that said child has been named  
Lula Bruner and was living March 4, 1906.

Mary Bruner

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 22nd day of June 1906.

My Commission Expires July 13th 1908

J. W. Fowler  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,  
Western District.

I, Alice Grayson, a Midwife, on oath state that I  
attended on Mary Bruner, wife of Lewis Bruner  
on the 20nd day of March 1906; that there was born to her on said date a Female  
(Male or Female)  
child; that said child was living March 4, 1906, and is said to have been named Lula Bruner.

Alice Grayson

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 22nd day of June 1906.

My Commission Expires July 13th 1908

J. W. Fowler  
Notary Public.



CR EN 1139

CR EN 1139

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, October 26, 1906.

In the matter of the application for the enrollment  
of IBERINE WOODFORK as a Creek freedman.

APPEARANCE:

JOHN G. LIEBER appears for M. L. Mott,  
Attorney for the Creek Nation.

WILLIE WOODFORK, being first duly sworn by Henry G.  
Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Willie Woodfork.  
Q How old are you? A 22 years old.  
Q What is your postoffice address? A Checotah, I. T.  
Q Are you a Creek freedman or stateman? A State man.  
Q Do you know Gotten Woodfork? A No sir.  
Q Do you know Patten Woodfork? A I know Nick Woodfork,  
Q Know his wife? A Aint got no wife.  
Q Are you any kin to Nick? A Yes sir.  
Q What? A I am a brother.  
Q Do you know Annie Woodfork? A No sir.

BY MR. LIEBER:

- Q Do you know Paul Southern? A Yes sir.  
Q You say you know Nick Woodfork? A Yes sir.  
Q Do you know anyone by the name of Annie Carter? A Yes sir, I  
know Annie Carter.  
Q Do you know whether or not she had a child long last winter  
or this spring? A Either long the last part of last winter or  
the first part of the spring.  
Q You know what that child's name is? A Her name is  
Igarina Woodfork.  
Q How did it happen they call it Woodfork when this Carter woman  
was its mother? A Because they say Nick Woodfork was the  
daddy of the child.

Iserine Woodfork-----2

- Q Nick ever married to this woman? A No sir, not as I know of.
- Q Did you ever witness an affidavit regarding the birth of this child, Iserine Woodfork? A No sir, if witness was put there, Temple put it there.
- Q Were you present when an affidavit was made by Annie Woodfork before A. Jackson Temple, a Notary Public? A Yes sir, I was there.
- Q Where was it made out? A It was made out at Annie Carter's house.
- Q Who was present when the affidavit was made out? A I and Nick Woodfork and Paul Southern and a neighbor by the name of Lizzie Williams and Emma Holt and Jackson Temple.
- Q Was Lillie Sear there? A I dont know.
- Q Or Sceer? A Dont know. And the time they was making that out they sent over and got old lady Lila and brought her there.
- Q Lila who? A Lila Ceasar.
- Q Is it sometimes called Lila Sceer? A No answer.
- Q Will did you witness an affidavit which was made by that woman, Lily, at that time? A No sir, never witnessed it. I was out doors with Temple and they was in the house making out this here, and he called me in there to witness it. I told him I didnt know nothing about witnessing anything like that; that I cant read. He said well it has to be filled out there; he said that is a matter of Annie Carter's about the land. I said I didnt want to have anything to do with it and he went and signed my name down there and told me to touch the pen and I touched the pen, and what I was touching it for I dont know.
- Q Is that child living or dead? A Dead.
- Q Know when it died? A Yes sir, I think I do; it died the first or second Saturday in September and was buried on Sunday.
- Q Were you present at the funeral? A Yes sir.
- Q This last Fall it died? A Yes sir, September.
- Q Do you know how to write your name? A No sir.
- Q You did touch the pen then and Temple wrote your name down to the affidavit? A Yes sir, I touched the pen; he writ it down and after he writ it down he told me to touch the pen and I touched it.

BY THE COMMISSIONER:

- Q How long have you known Annie? A Annie Carter?
- Q Yes? A Been knowing her about eight years.
- Q What is the name of her father? A I dont know.
- Q Know her mother's name? A Named Lila.
- Q Delila Halls was it? A Told me Lila Ceasar.
- Q Do you know if she was ever married to anybody? A I dont know whether she was ever married or not; know she was living with a man by the name of John Carter.

BY MR. LIEBER:

- Q Do you know the month that this child, Iserine, was born, Willie? A No sir.
- Q What kind of weather was it when the child was born? A It was cold weather.

Iserine Woodfork--3

- Q How far did Annie live from you at the time the child, Iserine, was born? A About three miles.
- Q Are you related to her in any way? A No sir.
- Q Do you know what the farmers were doing when this child was born? A No sir, I dont.
- Q About how old was the child when you first saw it? A When I first saw the child it didnt look to be more than two weeks old.
- Q Do you know when it was that you first saw it? A No sir.
- Q Do you know how old it was when it died? A No sir, it looked to be pretty old, not very old either.

WITNESS EXCUSED.

WICK WOODFORK, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Wick Woodfork.
- Q How old are you Nick? A 22.
- Q What is your postoffice address? A Checotah.

BY MR. LIEBER:

- Q Do you know any one by the name of Halton Woodfork? A No sir.
- Q By the name of Hatton? A No sir.
- Q Do you know Annie Carter? A Yes sir.
- Q Is she married or single? A Single.
- Q She got a child named Iserine? A Yes sir.
- Q Who does she claim was the father of that child? A No.
- Q Do you know when the child was born? A No sir.
- Q Do you know when it died? A No sir, dont know exactly when it died, wasnt there when it died.
- Q Know about when it died Nick? A No sir, I couldnt tell you just when it died because I am afraid to say, because I dont know.
- Q Where was you when it died? A Out on Cane Creek.
- Q How long did you stay there? A About a week.
- Q When was it you were out on Cane Creek? If you miss the month I dont care if you dont know; if you are sure just say so? A Long about last month I think.
- Q This last month, September? A Yes sir.
- Q Sure it wasnt earlier than August? A It was one of those months.
- Q Child died whil you was out there? A Yes sir.
- Q Were you present when an affidavit was signed by Annie Carter and also by Lily Soeer, guess it is, regarding the birth of this child sometime last spring; were you present when that affidavit was signed? A Yes sir, I reckon I was; I was there when Temple was there and writing something.

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- Q How did you happen to be there Nick? A Well he come to my father's house; I was there and he come; I reckon this woman said this was my child; he come over there and told me to come over there and enroll the child; I said I didnt want to come because I wasnt married to the woman, didnt know whether it was my child or not; he kept on at me to go on over there and I went over there; he made out this affidavit; dont know what he made out because I couldnt read or write; he made me pay three and a half for it; I paid him two and a half that day; he wasnt to send it in until I paid him that other dollar; when I come in to bring the other dollar he was gone. But you did pay him two and a half right there? A Yes sir.
- Q Where was that affidavit made out? A At Annie Carter's house.
- Q Who was present when it was made out? A Five or six people in there.
- Q Five or six people? A Yes sir.
- Q What is their names? A Lizzie Williams was there, William Pittfield, Paul Southern, Emma Davis, this here-- my brother. Willie? A Yes sir.
- Q Old lady Lila there? A Yes sir; Henry Robison.
- Q What was Henry Robison doing there? A This here fellow had went and enrolled some children for him I reckon maybe had some for him.
- Henry was following him around in a buggy; he asked Henry to follow him; he was showing him some old lady's house across north.
- Q You ever married to this woman, Annie Carter? A No sir.
- Q Did Temple read these affidavits over to those people before they signed them? A No sir.
- Q Is Annie Carter a citizen of the Creek Nation? A Yes sir.
- Q Your brother, Willie, does he know how to write his name? A No sir.

WITNESS EXCUSED

Cora Moore, being first duly sworn, states that as stenographer to the commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on October 20, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Cora Moore*  
Subscribed and sworn to before me November 14, 1906.

*Edward Herring*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, October 22, 1906.

In the matter of the application for the enrollment of  
ISERINE WOODFORK as a Creek freedman.

APPEARANCE:

JOHN G. LIEBER appears for M. L. Mott,  
Attorney for the Creek Nation.

ANNIE CARTER, being first duly sworn by Henry G.  
Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Annie Carter.  
Q How old are you? A I dont know.  
Q You are about thirty, arent you, twenty-five or thirty? A Could-  
nt say how old I is, because I dont know.  
Q What is your postoffice address? A Brush Hill.  
Q What is the name of your mother? A Lila Ceasar.  
Q What is the name of your father? A Tom Harrison.  
Q Are you married? A No sir.  
Q You have been, havent you? A I was married to a man.  
Q What was his name? A John Carter.  
Q Is he living or dead? A He is dead.  
Q Did you have any children by him? A Yes sir.  
Q How many? A Three; four.  
Q Name them? A Josh Carter, Belle Carter, Jess Carter, Ada  
Carter.

The witness is identified as Annie Carter, opposite  
Creek Freedmen roll No. 3029.

- Q When did John Carter die? A Couldnt tell you when he died,  
couldnt say.  
Q How long did he die before Ada was born? A I dont know; he  
died the year Ada was born in.  
Q Have you had a child since Ada? A Yes sir.  
Q What was its name? A Iserine.

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- Q A girl or a boy? A Girl.  
Q What was the name of the father of that child? A Nick Woodfork.  
Q Were you married to him? A No sir.  
Q When was Iserine born? A I dont know when she was born.  
Q Who was present when she was born? A Lila Ceasar.  
Q That is your mother, is it? A Yes sir.  
Q Who else? A Lizzie Williams.  
Q Anybody else? A No sir.  
Q Where was she born? A At home.  
Q Where is that? A Brush Hill.

BY MR. LIEBER:

- Q Was the child born at Lila Ceasar's house? A No sir, at my home.  
Q Is Ada living or dead? A She's dead.  
Q When did she die? A I dont know when it was.  
Q This year or last year? A It didnt die this year; it died last year.  
Q What time during last year? A I couldnt say what time last year.  
Q How long did Ada live? A I dont know how long Ada lived.  
Q Well, dont you know how many months old the child was when it died? A No sir, I dont know how many months old it was when it died.  
Q What month was Iserine born in? A I dont know what month it was born in; it was born after old Christmas; dont know what month it was.  
Q What do you mean by old Christmas? A Know name-- after Christmas call it old Christmas.  
Q How long does that come after Christmas? A Week after New Year's.  
Q And this child was born before or after old Christmas? A After old Christmas.  
Q How long after old Christmas? A The week after old Christmas.  
Q You are sure that old Christmas comes after New Year's are you? A I guess it does; say it does.  
Q Is Iserine still living? A No sir.  
Q How long did she live after she was born? A I dont know how long she lived, but she died in August.  
Q What year? A This August.  
Q Did Ada die before or after Iserine was born? A She died before Iserine was born.  
Q Before? A Yes sir.  
Q How long before? A I dont know.  
Q How old was Ada when you first started to go with this fellow, Nick Woodfork? A I dont know how old she was.  
Q Well, about how old was she, month old, two months old or three months, what? A I dont know.  
Q Could it crawl or walk yet when this fellow, Nick Woodfork, started to go with you? A No sir.  
Q Did you make any record of the birth of Iserine, put it down in a book any place? A No.  
Q Make any record of Iserine's death? A No sir.  
Q How do you know then that the child died in August? A I know it was in August because it was August month, say it was August.



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- Q Do you know how to read or write? A No sir.
- Q How old was Ada when she died? A I dont know.
- Q Was she old enough to crawl or walk? A She wasnt crawling or walking.
- Q You say she died in August too? A Yes sir.
- Q Of last year? A Yes sir.
- Q How do you remember that she died in August? A They tell me the month she died in.
- Q Was Ada born before or after old Christmas? A I really dont know how it was, whether it was before or after; it was after Christmas, but I couldnt tell whether it was after old Christmas or not.
- Q How long had your husband been dead when Ada was born? A He died in July; it was between July and Christmas, born Christmas.
- Q Was it the Christmas after your husband died that Ada was born? A Born that same year; he died in July; Ada was born that Christmas.
- Q Same year? A Yes sir.
- Q Sure about that, are you Annie? A yes sir.
- Q What month is this? A I dont know.
- Q Dont know what month this is? A No.
- Q What day of the week is this? A Monday.
- Q Do you know what day of the month it is? A No sir.
- Q What will tomorrow be? A Tuesday.
- Q Dont know the months of the year? A No sir, I dont know without someone tells me.
- Q Dont know what month this is? A No.
- Q What time of the year is this? A Fall I guess.
- Q How many seasons do we have during the year? A I dont know.
- Q Do you know when winter comes and spring, summer, do you know when these seasons come around Annie? A Yes sir, I know it.
- Q In what season was Ada born? A I told you she was born on Christmas; that was a winter month I guess.
- Q What season was Iserine born? A That was in the winter too.
- Q Did you ever make an affidavit before a Notary Public about the birth of Iserine? A I dont know; Nick had it fixed and brought him there.
- Q What did Temple say to you about getting that child put on the roll? A Didnt say nothing to me; just asked me what was the child's name; I tell him.
- Q Did he ask you when it was born? A I told him it was born week after old Christmas, that is all I tell him.
- Q Was Iserine living or dead at the time A. Jackson Temple came there to your house to have you make that affidavit? A She was living.
- Q Living? A Yes sir.

BY THE COMMISSIONER:

- Q What was the cause of Iserine's death? A Fever.
- Q When did she die? A I dont know.
- Q Did she live a month? A I dont know.

BY MR. LIBBER:

- Q You have a child by the name of Jess, have you not? A Yes sir.

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- Q Jess living or dead? A Living.
- Q How many other children have you living at this time? A Three
- Q What are their names? A Belle Carter, Josh Carter and Jess Carter.
- Q Where is Ada buried? A Buried at home.
- Q In what graveyard? A I dont know.
- Q What is the name of it? A I dont know; I never hear them say what is the name of it.
- Q How far do you live from Brush Hill? A Two miles.
- Q Two miles? A Yes sir.
- Q What direction? A I dont know what direction.
- Q Do you know whether it is north, east, south or west from Brush Hill? A No sir.
- Q ~~Do you know what north is?~~ A ~~No sir.~~
- Q When you go from your house to Brush Hill do you go in the direction that the sun rises, or that it sets? A Goes where the sun rises.
- Q Go in the direction that the sun rises from your house to Brush Hill? A Yes sir.
- Q Well now, how far is this place where Ada is buried from where you live? A Two miles I guess, mile and a half from where I live.
- Q To where Ada is buried? A Yes sir..
- Q What direction is it from you? A I dont know what direction it is from me.
- Q Are there other people buried there? A Yes sir.
- Q In the cemetery is it? A Yes sir.
- Q You say you dont know the name of the cemetery? A No sir, never heard them call the name of it.
- Q How long has that cemetery been there? A Couldnt tell you.
- Q A long time? A Yes sir.
- Q Where is Iserine buried? A Buried same place that Ada is.
- Q Same place Ada is? A Yes sir, same graveyard.
- Q Is your husband buried there too? A Yes sir.
- Q Are he and the children buried right together, side by side? A No sir.
- Q How far apart are their graves? A I dont know how far apart.
- Q Werent you present when they buried these children? A Yes sir; I dont know how far apart, whole lot of other graves between, I dont know.
- Q Who was present when Ada was buried? A I dont know, so many of them.
- Q Well, tell us some of them then; cant you tell us some? A Yes sir.
- Q All right, we will have it? A Jesse Warrior was there. when she was buried.
- Q Anybody else? A Jesse's wife.
- Q What is her name? A Angeline.
- Q Anybody else? A Yes sir, but I cant tell you who all.
- Q Cant you think of somebody else now; Jess and Angeline are both kin to you arent they? A Jess is.
- Q What kin? A My brother.
- Q And he has helped to get these children enrolled, hasnt he, to get Ada and Iserine enrolled, hasnt he? A No.
- Q Didnt he go to see the Notary Public for you? A No he didnt have nothing to do with it; he did Ada and Jess.
- Q Did you have a preacher at Ada's funeral? A Yes sir.
- Q What was his name? A William Warrior.

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- Q Where does he live? A He lives close to where I does.  
Q Is he related to you too? A No, he aint no kin to me.  
Q Did you have a preacher at Iserine's funeral? A Yes sir.  
Q Who was that? A William Warrior.  
Q Who else was at Iserine's funeral besides William Warrior?  
A I cant tell you.  
Q Cant you tell us some-one? A Jesse was there too.  
Q And his wife? A Yes sir.  
Q Well now, anybody else? A Oh lots, but I cant think who.  
Q Cant you think of some of their names; just give us a few, that would be satisfactory, one or two others? A Nancy Grayson.  
Q Was she at Iserine's funeral? A Yes sir.  
Q And also at Ada's funeral? A No sir, she wasnt there at Ada's funeral.  
Q Do you live close to Jesse Warrior's? A Yes sir.  
Q How close? A I dont know how close it is.  
Q Well, is it a half mile? A I dont know whether it is half a mile or mile; know I live close.  
Q In hollering distance? A Yes sir.  
Q Live on adjoining places? A Yes sir.  
Q Your place and Jesse's join? A Yes sir.

BY THE COMMISSIONER:-

- Q Your name never was Woodfork was it? A No sir.

BY MR. LIEBER:

- Q Did that fellow, Temple, swear you to that affidavit that you signed? A No sir.  
Q Didnt he make you hold up your hand? A No sir.  
Q Did you tell him that you was the wife of Hotten Woodfork?  
A No sir.  
Q Who was present when you signed that affidavit by mark?  
A Couldnt tell who was present; Henry Robison, Doc Woodfork and Nick Woodfork, Siah Dan.  
Q Who else? A Paul Southern.  
Q Did you ever tell Temple that you was married to Nick Woodfork?  
A No sir.  
Q Did you ever tell him that you was Woodfork's wife? A No sir.  
Q Did you ever tell him that your name was Annie Woodfork?  
A No sir, he just asked me what was my name and I told him "Annie".  
Q Did he put his seal on that affidavit after you had signed it, made your mark to it, his notary seal? A I dont know.  
Q Didnt he tell you what to say about when this child were born and when it died; that is about when Iserine was born and when it died? A He just asked when she was born and I told him didnt know when it was born, the week after old Christmas.  
Q You are testifying about the birth and death of these children entirely from your memory, arent you? A Yes sir.  
Q Havent any record of it at all, have you? A No sir.  
Q And you cant even name the months of the year can you? A No sir.  
Q And dont know what month this is? A No sir.

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- Q You dont know whether Iserine lived as much as a month do you?  
A I know she lived more than a month; but you know that it was more than a month if it was born in old Christmas and it died in August, you know it was more than a month, but I dont know how many months it was.
- Q Do you know that Ada lived over a month? A Yes sir, it was more than a month.
- Q How many months did she live? A I dont know how many months she lived, but I know it was over any month.

WITNESS EXCUSED.

Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on October 22, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Cora Moore*

Subscribed and sworn to before me November 21, 1906.

*H. H. Hains*

Notary Public.

NBF 315.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, October 22, 1906.

In the matter of the application for the enrollment of  
ISERINE WOODFORK as a Creek freedman.

APPEARANCE:

JOHN G. LIEBER appears for M. L. Mott,  
Attorney for the Creek Nation.

LILA CEASAR, being first duly sworn by Henry G. Hains,  
a Notary Public, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Lila Ceasar.  
Q How old are you? A I cant tell my age.

Witness appears to be at least sixty.

- Q What is your postoffice address? A Brush Hill.  
Q Are you a Creek freedman? A Yes sir.  
Q Do you know Annie Carter? A Yes sir, she is my child.  
Q She ever married to a man by the name of Woodfork? A Never  
been married since her old man John Carter died.

PY MR. LIEBER:

- Q How long has it been, Lila, since your daughter, Annie, gave  
birth to a child? A Well sir, I am going to tell you the truth  
I dont know how long it was.  
Q Were you present when her last child was born? A ves sir.  
Q Is it a boy or a girl? A A girl.  
Q What did she name it? A Iserine.  
Q When was that child born, ~~and Lila?~~ A When it  
was born, I canttell you what time it was born; you know I dont  
know nothing at all about books; I aint knowing much as a-b-c,  
except to tell you-- ask what this month is and the next.  
Q Well, was the child born in the summer or the spring? A I  
guess it was spring; cant tell now; it wasnt so cold; but  
I cant tell in what month.

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- Q Do you know, Lila, what were the farmers doing when this child, Iserine, was born? A I cant tell if they were doing anything at that time. They were fixing up fence or something.
- Q You dont remember? A No sir, dont remember.
- Q Well, was that child born this year or last year? A Last year I think, I think it was last year sometime; I cant tell whether it was after Christmas.
- Q You say you cant tell whether it was after Christmas or before? A No sir.
- Q Who is the father of that child, Aunt Lila? A Nick Woodfork, that is what he said.
- Q You made an affidavit before a Notary Public about the birth of this child, didnt you Aunt Lila? A Sir?
- Q You made an affidavit before a Notary Public about the birth of this child, didnt you Aunt Lila? A Well I didnt know what the old man was doing; he put down a heap of things, didnt tell me what it was; I didnt know what he was doing.
- Q Did you touch the pen and sign the affidavit? A No sir, didnt touch the pen.
- Q Didnt touch it at all? A No sir.
- Q What did he ask you about this child? A Well he asked me to sign, to make 'em believe that this is my daughter's child, and I know good it was.
- Q Was the child living when that affidavit was made? A Yes sir, living then, died way afterwards.
- Q About how old did the child live to be? A Well I cant tell how old the child was; just as I told you, you know I dont know no more than from one month to the other without asking people what it is, ask what month this is and what month is the next.
- Q Do you know what month this is Aunt Lila? A No sir.
- Q You know what day of the week this is? A Yes sir, I know what day of the week this is; today is Monday.
- Q Do you know the name of the Notary Public before whom you made this affidavit about Iserine? A Sir?
- Q Do you know the name of the Notary Public before whom you made this affidavit about Iserine? A The man's name?
- Q Yes? A He was a great big yellow man.
- Q Is his name Temple? A That is the name, but I didnt know nothing about him at all; I suppose it must be man working here maybe.
- Q Did he say anything about who had him employed; say why he was enrolling these babies? A No he wasnt there when I come to the house that morning; what you talking about was there.
- Q He had the paper fixed out? A Yes sir, he had the papers all on the little table; he had done the writing; couldnt tell what he was doing.
- Q Did you tell him to make your mark to the affidavit? A He asked me how it was named; I told him named it Iserine; I was sitting on the bed; I never got up and touch ed no pen.
- Q Did he ask you to hold up your hand and swear to the affidavit? A He told me to swear if that is Annie Carter's child and I told him "yes sir", that is Annie Carter's child, I swear to that".
- Q He did then have you hold up your hand and swear to that? A Ye



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- Q sir.
- Q Did you tell him what month that child was born in? A No sir, I didnt tell; for I didnt know.
- Q Did you tell him what day of the month that child was born in? A No sir, how could I tell him when I didnt know? If I did I would tell you.
- Q Your daughter, Annie, had a child by the name of Ada, did she not? A Ada.
- Q Ada Carter? A Yes sir.
- Q How long has John Carter been dead? A I cant tell.
- Q Cant tell whether it has been one, two or three years? A No sir, cant tell whether I hear someone tell it.
- Q Was Ada born before or after John died? A A long time after.
- Q About how long after it was born, after he died before Ada was born? A Well I cant tell because it was in July when he got killed.
- Q What time of the year was Ada born, in the spring, summer or winter, Aunt Lila? A Well I cant tell what time. If a person cant tell what time it is no use trying to make something when dont know.
- Q You dont know nothing about that? A No sir, I dont know; if I did I would tell you quick.
- Q How old did Ada live to be? A Well I dont know how old Ada was, but it was a good while before it took sick and died, and how many months and what time it died I cant tell.
- Q Did she live long enough to learn how to crawl or walk? A Yes sir, it was sickly when it come here like a little child do, cant do anything, grow right big.
- Q Then it never did? A No.
- Q What time of the year was that Ada died? A I cant tell when Ada died.
- Q Did she die this year or last year? A Oh, no, more than last year.
- Q Longer ago than that? A yes sir, longer ago than that.
- Q Well what makes you think, Aunt Lila, that she died longer ago than last year? A You say Ada?
- Q Yes, I am talking about Ada? A She had to die then you know, I think; I cant ever give any time of the year; you know right well that child had to die first.
- Q Which one died first, Ada? A Yes sir.
- Q Did Ada die before? A Ada died first.
- Q Did Ada die before Iserine was born? A Yes sir, good while before Iserine died.
- Q What I want to know is this; did Ada die before Iserine was born? A Yes sir.
- Q Then when Iserine was born, Ada was dead already; Ada wasnt living? A No sir, she wasnt living.
- Q Now, can you tell how long Ada had been dead when Iserine was born? A No sir, because I didnt have it to study about and I never heard folks tell how old this little girl would be before Annie had this other one; I never heard no one tell it; I never tried to find out nothing about that.

WITNESS EXCUSED.

Cora Moore, being first duly sworn, states that as stenographer to the commissioner to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on



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October 22, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Iserine Woodfork*

Subscribed and sworn to before me November 22, 1906.

*H. H. Hains*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
OCTOBER 29, 1906.

In the matter of the application for the enrollment of  
Iserine Woodfork, as a Creek Freedman.

Appearances: J.G.Lieber, acting for M .L.Mott, attorney  
for Creek Nation.

Julia Toney, being duly sworn by H.G.Hains, a Notary  
Public, testified as follows:

Examination by Commissioner:

- Q What is your name? A Julia Toney.  
Q What is your age? A 25.  
Q What is your post office address? A Brushhill, I.T.  
Q You are a state woman? A No sir, Creek.  
Q Creek Freedman? A Yes sir.

By Mr.Lieber.

- Q Do you know Annie Carter?  
Q How long have you known her? A Over ten years I guess.  
Q How close have you lived to her in the past year? A She stayed  
only a half a mile from where I stayed.  
Q Been living that close to you for as much as a year? A Yes sir  
Q Has she had a child born to her in the past year? A Yes sir.  
Q Was it a boy or girl? A Girl.  
Q Do you know what they called it? A Iserine I think.  
Q Do you know when that child was born? A I know it was born in  
January.  
Q This year? A Yes sir.  
Q How do you know that? A Well I went there after it was born,  
the next day I guess I seen it.  
Q Do you know when that child died? A September.  
Q This last September? A Yes sir.  
Q Do you know what time in September it died? A I don't know  
she died on Saturday.  
Q Are you related to Annie Carter? A My sister-in-law.  
Q What was your name before you married? A Julia Brown.  
Q Is your husband and Annie borther and sister? A Yes sir.

-----oOo-----

Angeline Warrior, being duly sworn, by H.G.Hains, a Notary  
Public, testified as follows:

Examination by Commissioner.

- Q What is your name? A Angeline Warrior.  
Q What is your age? A 30.  
Q What is your post office address? A Brushhill, I.T.  
Q Are you related to Annie Carter? A No sir. Only by marriage.

- Q Are you related to Annie Carter? A No. Only by marriage.  
Q How what relation by marriage? A She is my husband's sister.  
Q Did Annie have a child born to her within the past twelve months? A Yes sir.  
Q What was that child, boy or girl? A Girl.  
Q What did they name it? A Iserine or some such name.  
Q Do you know when the child was born? A Sometime in January sometime after Christmas.  
Q How do you happen to remember that? A I seen the child that day, it was in February.  
Q Is it living? A Its dead.  
Q Do you know when it died? A Died in September, I don't know just what month.  
Q This last September? A Yes sir.  
Q How far do you live from Annie Carter? A About a hundred yards I guess I don't know.  
Q Have you lived that close to her for the past year? A Yes sir.

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Nancy Grayson, being duly sworn by H.G.Hains, a Notary Public, testified as follows:

Examination by Commissioner.

- Q What is your name? A Nancy Grayson.  
Q What is your age? A I don't know.  
Q You are over twenty one aren't you? A Yes sir I guess so.  
Q What is your post office address? A Brushhill, I.T.
- By Mr.Lieber.
- Q Do you know Annie Carter? A Yes sir.  
Q How long have you know her? A Been knowing her all my days.  
Q How close do you live to her? A Stays right in the house with her.  
Q Are you related to her? A She was--is my sister.  
Q Did Annie have a child born to her within the past twelve months?  
A Yes sir.  
Q What was it boy or girl? A Girl.  
Q What is it called? A Iserine.  
Q Is it living or dead? A It is dead.  
Q Do you know when the child was born? A Born in January.  
Q This year, this last January? A Last year.  
Q This last gone January or this last January a year ago?  
A This January a year ago.  
Q When did it die? A In September.  
Q What year? A 1906.  
Q How old was the child when it died? A I don't know.  
Q Well was it over a year old or just a few months or what?  
A I don't know.  
Q Live right there in the house with her all the time?  
A I live right there but I don't know.  
Q Was the child in good health while it lived? A It was sick.  
Did it live long enough to know how to crawl? A It didn't crawl.  
Q Did it live long enough to know how to walk? A No sir.  
Q Can't you tell the Commissioner whether that child was over a year old or under a year old when it died? A I don't know.

- Q How old would it be if it was living now? A I don't know how old it would be if it was living now.  
Q You don't know much of anything do you? A I don't know.  
Q And live right there in the house with them? A Yes sir.  
Q Are you married or single? A Single.  
Q You say Annie Carter is your sister? A Yes sir.

By Commissioner.

- Q Was that child living last Christmas? A Yes sir.

By Mr. Lieber.

- Q How old was it last Christmas? A I don't know.  
Q When did you say it died? A September.  
Q This last September? A Yes sir. This last September.  
Q Just a few months ago? A Yes sir.

By Commissioner.

- A Are you sure this child was living last Christmas? A Yes sir it was living last Christmas.  
Q Where did you go last Christmas, do you go to church any or any place? A I went to church.  
Q Did your sister go to church with you? A No sir.  
Q How old was the child last Christmas? A I don't know.  
Q Was it a young child or an old child? A I couldn't tell you how old it was.  
Q Was it six month old? A I don't know.  
Q You say it was born in January? A That is all I know about it, I couldn't tell you anything else.  
Q If the child was born in January a year this last January, and living last Christmas, it would have been a year old last Christmas and when it died it would have been nearly two years old when it died, how do you account for that, was it January this year?  
A January, I said I didn't know say 1905.  
Q What year, this year? A 1906, I mean.  
Q Well was it this year or last year? A 1906.  
Q 1906? Is that this year? A Yes sir.  
Q You are sure of that are you? A Yes sir. It was born in January.  
Q Don't you know as a matter of fact that it wasn't quite a year old when it died? A I guess so.

-----oOo-----

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 cause on said date.

*Lona Merrick*

Subscribed and sworn to before me this 10th day of November, 1906.

*Edward Merrick*  
Notary Public.

Em 1139

WAR 31

I consider the  
findings correct, but  
do not consider the  
treatments or languages  
used as the best.  
In

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

In the matter of the application for the enrollment of  
Iserine Woodfork, deceased, as a Creek freedman.

D E C I S I O N .

The record in this case shows that on June 27, 1906, application was made, in affidavit form, supplemented on October 20, 1906, October 22, 1906 and October 29, 1906 by oral testimony for the enrollment of Iserine Woodfork as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906.

The evidence in this case shows that the applicant is the minor illegitimate child of Hotten (Nick) Woodfork, a non-citizen, and Annie Carter, whose name appears upon an approved roll of Creek freedmen, opposite number 3029.

The preponderance of the evidence in this case shows that the child was born in January, 1906, and was living March 4, 1906.

It is, therefore, ordered and adjudged that under the evidence the said Iserine Woodfork, deceased, is entitled to enrollment as a Creek freedman, in accordance with the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and the application for her enrollment as such is accordingly granted.



Commissioner.

Muskogee, Indian Territory,

FEB 18 1907

NEW BORN

315 3029

100

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 20, 1906.

*Levine Woodfork*

as a citizen of

*Creek*

Nation.

Approved: ..... 190...

Commissioner.

NEW BORN CREEK FREEDMEN.

*From Jan'y 29, 1906*

.. 6127-06



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 citizen of the Creek Nation,  
of Issine Woodfork born on the 29 day of January, 1906.  
[Here insert name of child]  
Name of Father: Hotton Woodfork a citizen of the Creek Nation.  
Name of Mother: Annie Woodfork ne Carter a citizen of the Creek Nation.  
Tribal enrollment of father: none Tribal enrollment of mother: 3029  
Postoffice: Brush Hill, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }  
Western District. }

I, Annie Woodfork ne Carter, on oath state that I am Twenty three  
years of age and a citizen by birth of the Creek Nation;  
that I am the lawful wife of Hotton Woodfork not who is a citizen, by  
birth of the Creek Nation; that a female child was  
born to me on 29 day of January, 1906; that said child has been named  
Issine Woodfork and was living March 4, 1906.

Annie ne Woodfork ne Carter

WITNESSES TO MARK:

[Must be Two Witnesses]

Paul Sutherland  
Willy Woodfork

Subscribed and sworn to before me this 23 day of June, 1906.

A. Jackson Temple  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }  
Western District. }

I, Lillie Spear a mid-wif, on oath state that I  
attended on Annie Woodfork ne Carter wife of Hotton Woodfork  
on the 29 day of January, 1906; that there was born to her on said date a female  
child; that said child was living March 4, 1906, and is said to have been named Issine  
Woodfork.

Lillie Spear

WITNESSES TO MARK:

[Must be Two Witnesses]

Paul Sutherland  
Willy Woodfork

Subscribed and sworn to before me this 22 day of June, 1906.

A. Jackson Temple  
Notary Public.

CR EN 1140

CR EN 1140

N.B.F. 368.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, November 8, 1906.

In the matter of the application for the enrollment of  
EDWARD DEAN as a Creek freedman.

APPEARANCE:

JOHN G. LINBER appears for M. L. Mott,  
Attorney for the Creek Nation.

MARY DEAN, being first duly sworn by Henry G. Hains,  
a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Mary Dean.  
Q How old are you? A 36.  
Q What is your postoffice address? A Muskogee.  
Q Have you a street or house number? A I got street,  
but no house number, live outside of the corporation.  
Q Well, what is the street? A South Fourteenth street.  
Q What was your name before it was Dean? A Humphreys.  
Q That is your parents' name? A Humphreys; Nancy Humphreys.  
Q You have never been enrolled as a citizen of any of the five  
tribes, have you? A No.  
Q Are you married? A Yes sir.  
Q What is the name of your husband? A Jack Dean.  
Q What is his father's name? A Elias Dean.  
Q What is his mother's name? A Clara Dean.  
Q When did you marry him? A 1892; fifteen years ago this  
month.  
Q Who married you? A Sam Solomon.  
Q How many years ago? A Fifteen, isnt it?  
Q Who married you? A Sam Solomon.  
Q Is he living? A No sir, he's dead.  
Q Where were you married? A Right up in one of Captain Seaver's  
houses.  
Q Here in town? A yes sir, here in town.  
Q You didnt get a marriage license did you? A No sir, under the  
Creek law.  
Q There has been filed in this case a certificate from Rev.  
Samuel Solomon, in which he states that he joined in matrimony  
Mr. Jackie Dean; is that the Jack Dean you refer to, and is  
a Creek freedman? A Yes sir.

- Q And Miss Mary, of Muskogee; how does it come he put it that way?  
A He didnt know.
- Q Can you give the names of any people living that were present when you were married? A Wasnt anybody present but just the preacher and I and my husband, that is all.

Witness is advised that she will be allowed reasonable time to furnish witnesses here to testify, and who know that she is in fact the wife of this Jack Dean.

- Q Have you any children? A Got one.
- Q What is its name? A Its name is Edward.
- Q Is it living? A Yes sir.
- Q Is Jack Dean the father of it? A He is the father of it.
- Q When was it born? A It was born the 23rd day of July, 1900.
- Q That the only child you ever had by Jack Dean? A Yes sir.
- Q How long had you been married when this child was born? A I couldnt tell you; I dont know how long I had been married; as I told you I been married ever since 1892.
- Q You dont know how long it was from '92 to 1900? A No, didnt count it.
- Q About eight years, is it? A Yes sir.
- Q You mean to say you were married before you had your first child? A Guess I was; told you what year, born in 1900.
- Q Have you ever had any child since that? A No.
- Q And you have been married fifteen years and have had only one child? A That is all.
- Q How many years ago was that child born? A That is six years, seven now.
- Q We have here your affidavit, the affidavit of Jack Dean, and the affidavit of Nancy Hudson, executed July 23, 1906, and filed with this office August 2, 1906; was any application ever made for the enrollment of this child before this? A No never tried to make any.
- Q How did it come that neither you, or Jack, or anyone else ever tried to make application for this child born in 1900 until July this year? A He thought by me making application over there in the Cherokee Nation I would take the child with me.
- Q Did you ever make application for this child in the Cherokee Nation? A I did when I did for myself; on the doubtful roll both of us; turned us down.
- Q Application for you and this child in the Cherokee Nation was denied? A Yes sir, denied; that is why they didnt try to enroll him because I wanted him to go with me.
- Q Now these affidavits, all three of them, give the name of the child as Edmond; how do you explain that; you now say the child is Edward? A I saw the attorney I told him; he spelled the name wrong; and I thought he had changed it; he told me himself that he had spelled the name wrong; I thought he would change it.
- Q And the correct name is Edward? A - Edward A - instead of Edmond.
- Q What is the name of the midwife who attended you? A Nancy Hudson, as you see there; that is my mother.

Edward Dean-----3.

Witness is advised that she should have said Nancy, the midwife, furnish a new affidavit, giving the correct name of the child.

- Q Now Mary, this certificate of Rev. Solomon says here-- it is witnessed by S. S. Solomon; how do you explain that, You said nobody was there but you and the preacher? A That is the same man.
- Q The man who made the certificate also witnessed it? A Yes sir, same man.
- Q Now, that is a very irregular proceeding, preacher who married you also witnessed it, and not to have any witnesses to the marriage? A That is the way it was.
- Q Where did you get this certificate? A Got it at home; they copied one off mine, and they copied that and sent it back.
- Q It was just written on a piece of paper like a letter? A No sir, it was written on stiff board like that.
- Q You didnt send that in here? A Attorney sent it in.
- Q He copied it off and sent it in here? A Yes sir, and sent the copy in.
- Q Then the correct name of this child is Edward is it? A Yes.

WITNESS EXCUSED.

JACK DEAN, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Jack Dean.
- Q How old are you? A About 30 years old.
- Q What is your postoffice address? A Muskogee.
- Q What is the name of your father? A Elias Dean.
- Q What is the name of your mother? A Clara Dean.

The witness is identified as Jack Dean, opposite Creek freedman roll No. 3938.

- Q Are you married? A Yes.
- Q What is the name of your wife? A Mary Dean.
- Q When were you married to her? A I dont know exactly what year it was in; been married about fifteen years now.
- Q Have you ever had any children by her? A Yes.
- Q How many? A One.
- Q That is all you ever had is it? A Yes sir.
- Q What is the name of that child? A Name is Edward Dean.
- Q If you executed an affidavit giving the name of Edmond, E-d-m-o-n-d, that is incorrect, is it? A I gave them Edward Dean.
- Q That is not correct then? A That aint correct at all.
- Q When was Edward born? A I disremember what year he was born; my wife knows, I dont.
- Q What month? A Born in July, I think.

Edward Dean-----4.

- Q Last July was it how many years ago; this last past July how many years old was it? A He was five then; going on six years old now.
- Q Sure of that? A That is the way mother got it down on a book.
- Q Mother just said a few minutes ago he was six going on seven? A Dont know date at all.
- Q She knows that better than you? A She knows better than I do.
- Q Is Edward living? A He is at home, was this morning when I left.
- Q You have never had him in here before the Commissioner? A No sir.
- Q Before you made this affidavit for the enrollment of this child had you ever done anything to get it enrolled in the Creek Nation? A No.
- Q How did it come that you waited until 1906 to get it enrolled? A Because they told me couldnt enroll him, said no use to try it.
- Q Some lawyers told you that? A Had been in this office down stairs several times; I asked them could I enroll him; said "if you aint made no affidavit for him cant enroll him", so I never tried, never did fool with it any no more.
- Q Why didnt your wife try to have him enrolled? A No.
- Q She tried to be enrolled herself in the Cherokee Nation? Yes.
- Q And was denied? A Yes sir.
- Q Didnt she try to have this child enrolled in the Cherokee Nation? A No.
- Q She said so just now? A That is her business; I dont know nothing about it.
- Q Who married you? A Sam Solomon.
- Q Is he living or dead? A He is dead.
- Q Did you have any witnesses to that marriage? A My father and sister was up there.
- Q At the time you were married? A Yes sir.
- Q What is your sister's name? A Sister's dead, one that was up there.
- Q Your father living? A Father's living, yes sir, Elias Dean, yes sir, he's living.
- Q Out there with you? A yes sir.
- Q You are sure this is your child are you? A Guess I am.
- Q It is actually your child, and not an adopted child? A No, aint no adopted child at all.
- Q Your best understanding, you have known this to be your child? A yes sir.
- Q Born to your wife, Mary? A Yes sir.
- Q Swear positively to that? A Yes sir.

WITNESS EXCUSED.

HENRY CHALK, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

- Q What is your name? A Henry Chalk.
- Q How old are you? A Well they say I was a little over 60.
- Q What is your postoffice address? A Muskogee.



Edward Dean-----5.

- Q Are you a Choctaw freedman? A Yes sir.
- Q Do you know Jack Dean? A Yes sir, been knowing him ever since he was a little boy.
- Q What is his father's name? A Elias.
- Q Knowwhether he has ever been married or not? A Yes sir.
- Q You know that do you? A Yes sir, he has been married.
- Q What is the name of his wife? A Mary.
- Q What was it before she was married? A She went by the name of Mary Hudson.
- Q Did you see them married? A I was there when they got married down in Seaver's house down there.
- Q Were you right in the room when they were married? A I was standing out of doors, just peeping in.
- Q How do you know they were married? A Because I was there.
- Q Did you hear what was being said in there in the room that you were peeping into? A Well they was living in that old house and they got William to come down there and marry them.
- Q How do you know they did? A That is the way they said and Sam Solomon come and married them.
- Q Just supposed they were married did you; you didnt know? A Was talking to them.
- Q Did you hear what he said or what they said? A Yes sir I heard what he said to them.
- Q And you were right outside? A Yes sir, eight at the window.
- Q Was the window open? A Yes sir; little small one.
- Q Why was it you had to peep in? A I just walked up, just wouldnt go in, just standing around there looking around.
- Q Have you known them ever since that time until the present time? A Yes sir.
- Q You know that out in the neighborhood they are known as husband and wife? A Live same as man and wife.
- Q And have been living that way ever since that time you say you peeped in the window? A Seavers let them live in that house there until they got their own built.
- Q Do you know if Jack Dean ever lived with any other woman from that time until this? A Never have.
- Q Do you know whether she has ever lived with any other man? A They have been there as peaceable as could be, because I have had Jack with me all the time; Jack is the one that works with me.
- Q Do you know whether they ever had a child? A Yes sir.
- Q How do you know that? A I saw him.
- Q How do you know that this is Jack's child? A Why they claim it is Jack's, call it Jack's child.
- Q What is its name? A Edward.
- Q Do you understand the nature of an oath, understand what it means to hold up your hand and swear to tell what you know to be the truth; know what it means to tell a falsehood do you, know if you dont you are liable to a sentence in the penitentiary? A Yes sir.

BY MR. LIEBER:

- Q Was this child born while they were living together as husband and wife, Uncle Chalk? A Yes sir, five or six years after they was married, I am not sure.



Edward Dean-----6.

- Q Are these people still living together as husband and wife?  
A Yes sir.
- Q Where were these people married, Uncle Chalk, how far from Muskogee? A Right here in the edge of town.
- Q Were they married before or after the United States Court was located here? A Was before that, I think; I aint certain; but Sam Solomon, leading preacher, colored man what died here.
- Q He married 'em? A Yes sir.
- Q Are they both citizens of the Creek Nation? A No sir.
- Q Do you know whether or not they got a license from the United States Court here to get married? A I dont know whether they did or not; dont know whether Court was running, done forgot about that.
- Q What was her name before she married? A Mary.
- Q Mary what? A Mary Hudson.
- Q Was she ever known by any other name beside Mary Hudson? A I dont know; it is Miss Humphreys' daughter.

WITNESS EXCUSED.

Case adjourned until One o'clock.

CASE CONTINUED.

JOHN LYONS being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A John Lyons.
- Q How old are you? A Oh, I dont know exactly, about 43.
- Q What is your postoffice address? A Muskogee.
- Q Are you a Creek freedman or state man? A Creek freedman.
- Q Do you know Jack Dean? A yes sir.
- Q How long have you known him? A Oh, about seventeen or eighteen years.
- Q Is he a Creek freedman? A Yes sir.
- Q What is his father's name? A Elias Dean.
- Q Are you any kin to him? A No sir, none at all; I used to be his brotherinlaw.
- Q Marry his sister? A Yes sir.
- Q Is he married? A Yes sir.
- Q What is the name of his wife? A Mary.
- Q You know what her name was before she married Jack? A Her name was Mary Hudson before I knew her.
- Q Didnt you know her before she married? A Yes sir.
- Q Were you present when they were married? A Yes sir.
- Q Right in the room? A Right in the room.

Edward Dean-----7.

- Q Anybody else present? A Yes sir.  
Q Who? A Why the preacher and myself; I disremember now what others were there, two or three others.  
Q Recollect where they married? A At Captain Seavers' place up there.

BY MR. LIEBER:

- Q Muskogee, A Yes sir.

BY THE COMMISSIONER:

- Q Who married them? A S. S. Solomon.  
Q Do you know whether they were married under a license? A I dont know exactly; I think they were married under Creek Court, because they issued license.  
Q When were they married? A As far as I remember I think they were married in 1892.  
Q Know what month? A No sir.  
Q You didnt see the marriage certificate did you? A No sir.  
Q Know of anyone that did? A No sir, do not.  
Q Cant you tell the name of anybody else that was in the room when they were married? A No.  
Q Was Henry Chalk there? A Not to my recollection.  
Q Did you see him around there the day they were married? A (Shakes head meaning no).  
Q Have you known them since they were married? A Yes sir.  
Q You live near them? A Yes sir, live about three blocks from them now.  
Q Is it the general knowledge in that neighborhood that they have lived together as man and wife ever since that time? A Yes sir.  
Q Have they any children? A One.  
Q Is it living? A Yes sir.  
Q What is its name? A Call him Fred I think. They call him nickname Sam I know him by; say his name is Fred. That is what I know him by, is Sammie.  
Q You dont know as a matter of fact that that is the child of Jack Dean, do you? A No sir, couldnt swear it, anything like that; say it is his'n.  
Q Who say so? A She say so, mother say so, Jack say so.  
Q He told you that? A Yes sir.

BY MR. LIEBER:

- Q How old is this child? A Well I dont know <sup>just</sup> exactly how old, between--- ought to be going on seven years old.  
Q Remember what year it was born? A No sir.  
Q Were you living near them when the child was born? A They were living on South Main when the child was born; I was living on South Eleventh.  
Q How long had they been living there on South Main when the child was born? A Well I dont know <sup>just</sup> exactly how long.  
Q Well, year or so, month or so, or what? A Never kept any special account, couldnt exactly say just when, how long.  
Q How long had they been married at the time this child was born? A Well I dont know <sup>just</sup> exactly; they been

Edward Dean-----8.

- married quite a while though.
- Q Year, or was it several years, or what? A Oh, maybe couple of years, something like that.
- Q How old was this child when you first saw it? A Not knowing I couldnt say.
- Q You have seen the child, havent you? A Yes sir, I have seen it.
- Q How old was it when you first saw it? A I never asked about its age; I dont know.
- Q You say the child is now about seven years old? A Yes sir, about.
- Q How long has it been since you first saw the child? A Been quite a while.
- Q What do you mean by quite a while? A Been sometime.
- Q What do you mean by sometime? A Later than I can give expression to.
- Q You mean it was four, five or six years ago? A I dont mean that; I mean I dont know.
- Q You certainly can remember whether the child was an infant in its mother's arms when you first saw it, or walking around? A I seen it when it was an infant and since it was a good sized boy; couldnt be positive about its age.
- Q I asked you about its age when you first saw it? A I dont know
- Q Are you a married man? A Yes sir.
- Q Got any children? A Yes sir.
- Q Got some idea about the ages of children? A Yes sir.
- Q About how old was this child when you first saw it? A Yes sir, I have some ideas about my own; when I first saw it--
- Q About how old do you think this child was when you first saw it? A I dont know.
- Q Where was it you first saw this child? A I have seen it at church and I have seen it at different places.
- Q I asked you where it was you first saw this child? A Oh, I dont know, I have seen it a good many times; dont know just the first place I saw it.
- Q Cant you tell the Commissioner about how old the child was when you first saw it? A No sir.
- Q As much as a year old? A Remember, no I dont know.
- Q Did you ever see the child when it was nursing its mother? A Yes sir.
- Q Satisfied that this is the same child that nursed the mother, are you? A Very same child.
- Q Have these people been living together as husband and wife ever since they were married by Parson Solomon? A Yes sir.

WITNESS EXCUSED.

MARY DEAN, being recalled, testifies as follows:

BY THE COMMISSIONER:

- Q I will ask you again now, was anybody present when you were married that day? A Not in the house; there was nobody present, I told you that.
- Q Wasnt anybody in the house? A His father and sister came there directly after and his brother.

Edward Dean-----9.

- Q Directly afterward? A Yes sir, a few minutes after.
- Q Sister is dead? A Yes sir, she is dead.
- Q Was John Lyons in the house when you were married? A No sir, they were coming.
- Q Was he in the same room when you were married? A No sir.
- Q You sure of that? A Yes sir, I am sure of that.
- Q Did you see Henry Chalk around about the place anywhere when you were married? A He was down, at least I saw him about Seavers that evening; I dont know whether he was there, might have been, married us so quick.
- Q When your child, Edward, was born, did you have a doctor waiting on you? A No sir.
- Q Did you ever call Edward any other name? A Call him nickname Samuel.
- Q Call him anything else? A No sir.
- Q It was a mistake to call him Edmond? A Yes sir, it was a mistake they made; his name is Edward.
- Q Ever call him Fred? A No.
- Q Well, if this man, Lyons, testified thx he was present, not only in the house, but in the room when you were married he is telling something not true? A I dont know. Guess he was in the room if he said he was.
- Q You just said there wasnt anybody in the room? A I told you there wasnt anybody in the room.
- Q How many rooms were there in the house? A Three.
- Q I asked you a while ago if you had ever had any children. Have you ever had any children by anybody else? A You didnt ask me anything of that kind; you asked me if I had had any children by Jack Dean.
- Q Did you ever have any children by anybody else? A Yes sir, I have got one.
- Q What is his name? A His name is Gentry.
- Q Gentry Dean? A That is the name he goes by.
- Q What is the name of his father? A His name is Bob Jones.
- Q Did you ever make application for the enrollment of Gentry Dean as a citizen of the Cherokee Nation? A Yes sir, it is in there.
- Q How many children-- what is the name of the first child you ever had by any other man? A That is; it is Gentry.
- Q What is the name of the next child? A Edward.
- Q Ever have any other children? A No, I put him down Samuel in there; that is the first name come to me; that is his nickname; I call him Samuel; in place of saying Edward I said Samuel.
- Q Were you married to this man, Jones, who is the father of Gentry? A No I wasnt.
- Q When was Gentry born? A I dont remember now.
- Q How many years ago? A He was born in '87 I think.
- Q Did you state that Jack Dean was the father of Gentry? A Why yes I guess I did.
- Q Was he the father of Gentry? A No, step-father; he raised him just the same.
- Q Why did you say he was the father? A Just because I wanted to; didnt want to tell who it was.
- Q Well, as a matter of fact, if you state just because you want to things like that, was Jack Dean the father of your child, Edward Dean, that you call Samuel Dean in that Cherokee --
- A Of course he is.

Edward Dean-----10.

- Q You are not stating just what you want to? A Just state just what I know, that is a fact.
- Q How long after Gentry was born was it before you married Jack Dean? A He wasnt quite five years old.
- Q Is he dead? A Who?
- Q This Jones man that was the father of Gentry? A I dont know nothing about him, where he is at.
- Q Then this child that you now state is called Edward is the same child that you applied for along with Gentry and yourself in the Cherokee Nation? A Yes sir, it is; you see there aint but two there.
- Q And at that time you said that Jack Dean was the father of Gentry as well as Sammie? A Yes sir.
- Q You now state that a man named Jones was the father of Gentry? A Yes sir.
- Q And that Jack Dean is the father of Sammie, who you now call Edward? A Yes sir.
- Q Sure of that? A Yes sir, sure of that.
- Q Was this Jones a citizen of any of the tribes? A No sir.
- Q State man? A Yes sir.
- Q Had he quit living with you at the time Samuel was born? A Was I married to Jack? Been married to him about eight years then.
- Q Who else was present ~~was~~ beside your mother, Nancy Hudson, when this child, Edward, was born? A No one.
- Q Nobody at all? A My husband.
- Q How did you come to apply for this child in the Cherokee Nation under the name of Samuel and in the Creek Nation under the name of Edward? A Always called him Samuel.
- Q How did you come to make up your minds to call him Edward when you made application in July of this year? A That was his right name.
- Q Why didnt you apply for him under the right name in the Cherokee Nation? A That is his nickname; never hardly ever call him by his right name.
- Q Never call him by his right name? A Never call him by his right name.

BY MR. LIEBER:

- Q There wasnt any doctor with you when this child was born? A No sir, wasnt any doctor.
- Q Have a doctor with you soon after the child was born? A Didnt have none at all.

WITNESS EXCUSED

JACK DEAN, being recalled, testifies as follows:

BY THE COMMISSIONER:

- Q Has your wife ever had any other children besides this one Edward? A Yes sir, got a boy named Gentry.

Edward Dean-----11.

- Q You are not the father of that child? A No sir.
- Q Did you ever hear that you were? A No sir.
- Q Did your wife ever tell you that you were? A No.
- Q Where is that child now? A Who Gentry?
- Q Yes? A He is at work.
- Q Does he live with you when he is at home? A Yes sir, he lives with me.
- Q Ever call Edward any other name? A Yes sir, we call him Samuel most all the time, never call him by his right name.
- Q Were you present when this child, Edward or Samuel was born? A Yes sir, I was there.
- Q I will ask you once more who was present when you was married by this man Solomon? A I know my father was there. I was at work on the dray wagon, went in the house, preacher was there and married.
- Q You didnt try to get a license? A Yes sir, I had a Creek license, license Creek; was before the United States Court issued them.
- Q Why didnt you get a license before the Court like John did? A They say we didnt have to have them; we got it from the Creek Court.
- Q Was John Lyons present when you were married? A John was there somewhere. I couldnt say, never noticed nobody.
- Q Was he in the same room when you were married? A He said he was in the room.
- Q You heard him say that when you were out in the hall? A Never heard a thing.
- Q You told me there was nobody there? A I told you nobody but my father.
- Q I asked you if John Lyons was there in the same room? A I couldnt say.
- Q You mean to say, if he was there you couldnt tell; what was the matter? A I never paid any attention to nobody but the preacher.
- Q Turn around after you were married? A Yes sir, I turned around, went out the front door and went on to work.
- Q Didnt you notice whether there were a lot of people there just the same as your father and sister? A Never noticed.
- Q If there had been ten people in the room wouldnt you have noticed them? A No, I was in a hurry to go to my work.
- Q Where was this child born? A Edward?
- Q Yes? A Born down here on South Second Street.

BY MR. LIEBER:

- Q How was this marriage of yours arranged Jack; you say you got off the dray wagon, just went in there and married? A Yes sir.
- Q And got in dray wagon and went on back to work? A Yes sir.
- Q How did it happen that way? A Just guess she come from her mother's up to her sister's.
- Q Where was that? A Captain Seaves's where the old Baptist church is now.
- Q Hadnt you made any arrangements with her about getting married? A That is my business about that.



Edward Dean-----12.

- Q I say, didnt you have any arrangements with her about when you was to get married and where you were to get married?  
A Arrangements was to come up there and get married after I got the license.
- Q How long before that was it you had that understanding about when you was to get married? A I dont know how long it was.
- Q Who got the license? A Sam Solomon; I gave him the money to get it.
- Q You didnt lay off the day you got married? A No.
- Q Have you got that license? A Yes, I got 'em
- Q Signed by Sam Solomon? A Signed by Sam Solomon.
- Q The certificate that you have got, is that signed by Sam Solomon? A Signed by Sam Solomon.
- Q That is the original certificate? A Yes sir.
- Q Have you ever produced that certificate before the Commissioner here? A No sir.
- Q You and this woman been living together as husband and wife have you? A Yes sir.
- Q You recognize this child as your child do you? A yes sir.
- Q Havent lived with any other woman since you lived with her as your wife? A No.
- Q She hasnt lived with any other man as her husband? A No.
- Q Been keeping house all the time, Jack? A Yes.

WITNESS EXCUSED.

Cora Moore, being first duly sworn, states that as stenographer to the commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on November 8, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Cora Moore.*

Subscribed and sworn to before me November 10, 1906.

*Edward Merrick.*  
Notary Public.



CERTIFICATE OF MARRIAGE.

Copy

This is to certify that I have this day joined in HOLY  
MATRIMONY Mr. Mackey Dean, of Muskogee, I.T. and Miss Mary of  
Muskogee, I.T. according to the laws of the Creek Nation.

Witnesses. S.S.Solomon

Rev. Samuel Solomon.

Dated Nov. 1st, 1892.

Lona Merrick, being duly sworn, states that she  
copied the above and that the same is a true and correct copy  
of the original.

*Lona Merrick*

Subscribed and sworn to before me this 25. day of Jan'y 1907.

*Oliver H. Hunt*  
Notary Public.

CERTIFICATE OF MARRIAGE. *Copy*

This is to certify that I have this day joined in  
HOLY MATRIMONY Mr. Jackey ~~Dean~~ *Dean* of Muskogee, I.T. and Miss  
Mary of Muskogee, I.T. according to the laws of Creek Nation.

Witnesses S.S.Solomon.

Rev Samuel Solomon.

Dated Nov.1st, 1892.

Lona Merrick, being duly sworn, states that she copied  
the above and that the same is a true and correct copy of the  
original.

*Lona Merrick*

Subscribed and sworn to before me this 2nd day of August, 1906.

*Edward Merrick*  
Notary Public

NEW BORN

368 F. Father 3938

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved  
April 22, 1906.

Edmund Dean

as a citizen of

Germany Nation.

Approved..... 190...

Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

Aug 2 - 06

COMMISSIONER

Immanuel...  
attys for  
appearance

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,

of Edward Dean, born on the 23 day of July, 1900.

Name of Father: Jack Dean a citizen of the Creek Nation.

Name of Mother: Mary Dean a citizen of the Cherokee Nation.

Tribal enrollment of father: Cherokee Tribal enrollment of mother: Cherokee

Jack Dean is a son of Elias & Clara Dean Postoffice: Muskogee

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Western District.

I, Mary Dean on oath state that I am 36 years of age and a citizen by adoption of the Cherokee Nation;

that I am the lawful wife of Jack Dean, who is a citizen, by

adoption of the Creek Nation; that a male child was

born to me on 23 day of July, 1900; that said child has been named

Edmund Dean and was living March 4, 1906.

Mary Dean

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 23rd day of July, 1906.

My Commission Expires Jan. 9, 1908

Peter Ziegler, Jr.  
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

Western District.

I, Nancy Hudson, a midwife on oath state that

attended on Mary Dean wife of Jack Dean

on the 23 day of July, 1900; 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 Edmund Dean

Nancy Hudson  
mark

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 23rd day of July, 1906.

My Commission Expires Jan. 9, 1908

Peter Ziegler, Jr.  
Notary Public

*Mary Dean claims to be a Cherokee but she has been denied enrollment.*

NEW BORN

368 <sup>2</sup> Father 3938

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved  
April 26, 1906.

*Edmund Dean*

as a citizen of

*Ore. R.* Nation.

Approved..... 190.....

Commissioner.

*Born July 23, 1900,*

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
FILED

*July 25 1906*

*[Signature]*  
COMMISSIONER

NEW BORN CREEK FREEDMEN.

*Rich*

25 1906

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,  
 of Edmund Dean, born on the 23 day of July, 1900.  
(Here insert name of child)  
 Name of Father: Jack Dean a citizen of the Creek Nation.  
 Name of Mother: Mary Dean a citizen of the Cherokee Nation.  
 Tribal enrollment of father: Arkansas Tribal enrollment of mother: \_\_\_\_\_  
 Postoffice: Muskogee

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,  
Western District.

I, Jack Dean on oath state that I am 39  
 years of age and a citizen by adoption of the Creek Nation;  
 that I am the lawful husband of Mary Dean, who is a citizen, by  
 \_\_\_\_\_ of the Cherokee Nation; that a male child was  
Male or Female  
 born to me on 23 day of July, 1900; that said child has been named  
Edmund Dean and was living March 4, 1906.

WITNESSES TO MARK:

[Must be Two Witnesses]

Jack Dean  
Peter Ziegler Jr.  
Drum Donovan

Subscribed and sworn to before me this 23rd day of July, 1906.

My Commission Expires Jan. 9, 1908

Peter Ziegler Jr.  
 Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,  
 \_\_\_\_\_ District.

I, \_\_\_\_\_, on oath state that I  
 attended on \_\_\_\_\_ wife of \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_; that there was born to her on said date a \_\_\_\_\_  
(Male or Female)  
 child; that said child was living March 4, 1906, and is said to have been named \_\_\_\_\_

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1906.

Notary Public.

IN RE

Application for Enrollment of  
INFANT CHILD

*Edward Dean*

as a citizen of

*Creek* Nation

Approved

190

Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

*Nov. 8, 1906.*

*[Signature]*  
COMMISSIONER

*Recd 11-8-06.*



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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,  
of Edward Dean, born on the 23 day of July, 1900  
(Here insert name of child.)  
Name of Father: Jack Dean a citizen of the Creek Nation.  
Name of Mother: Mary " a citizen of the \_\_\_\_\_ Nation.  
Postoffice: Muskogee, I.T.

AFFIDAVIT OF MOTHER.

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

I, Mary Dean, on oath state that I am 36  
years of age and a citizen by \_\_\_\_\_ of the \_\_\_\_\_ Nation;  
that I am the lawful wife of Jack Dean, who is a citizen, by  
adoption of the Creek Nation; that a male child was  
(Male or Female.)  
born to me on 23 day of July, 1900; that said child has been named  
Edward Dean and is now living.

WITNESSES TO MARK: Mary Dean

(Must be Two Witnesses.)

Subscribed and sworn to before me this 8 day of Nov., 1900.  
H. H. Harris Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

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

I, \_\_\_\_\_, on oath state that I  
attended on Mrs. \_\_\_\_\_, wife of \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; that there was born to her on said date a \_\_\_\_\_  
(Male or Female.)  
child; that said child is now living and is said to have been named \_\_\_\_\_

WITNESSES TO MARK:

(Witnesses.)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
\_\_\_\_\_  
Notary Public.

There has been no application for  
the enrollment of Edward Dean  
as a citizen of the Cherokee  
Nation. The application for  
the enrollment of his mother  
was rejected by the Com'ee  
January 18, 1907 and the record  
forwarded Dept on that date

FEB 1 1907

Wolking

Cherokee

1/17/07

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

-----o-----

In the matter of the application for the enrollment of Edward Dean as a Creek freedman.

D E C I S I O N.

The record in this case shows that on July 25, 1906, application was made, in affidavit form, supplemented by affidavits on August 2, 1906, and by further affidavits and by oral testimony on November 8, 1906, for the enrollment of Edward Dean as a Creek freedman under the provisions of the Act of Congress approved April 26, 1906. A copy of a certificate of the marriage of Jackey Dean and "Miss Mary" under date of November 1, 1902, is attached to and made a part of the record herein.

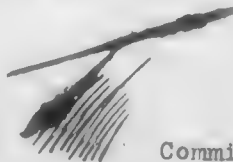
In the original application the given name of the applicant is written Edmund, but it is shown in the testimony that the said name "Edmund" was written in error and that the correct name is Edward.

It appears from the evidence filed in this matter that the said Edward Dean was born July 23, 1900, and was the child of Jack Dean, whose name appears opposite number 3938 on the roll of Creek freedmen approved by the Secretary of the Interior March 28, 1902, and Mary Dean, a non-citizen, and was living March 4, 1906.

It further appears that said Jack Dean and Mary Dean are the Jackey Dean and Miss Mary named in said marriage certificate and that they were married on November 1, 1892, as stated therein.

It is alleged in the evidence that applications were made for the enrollment of Edward Dean and Mary Dean as citizens of the Cherokee Nation, and that said applications were denied. The records of this office show that no such application was made for Edward Dean, but that application was made for the enrollment of Mary Dean as a citizen of the Cherokee Nation and that the same was rejected by the Commissioner January 18, 1907, and the record in the matter was forwarded to the Department of the Interior on that date.

It is, therefore, ordered and adjudged that the said Edward Dean is entitled to enrollment as a Creek freedman in accordance with the provisions of the Act of Congress approved April 26, 1906, (34 Stats., L/ 137), and the application for his enrollment as such is accordingly granted.



Commissioner.

Muskogee, Indian Territory,

FILED 1907

HW 368.

Muskogee, Indian Territory, November 3, 1906.

Mary Dean,

o/e Jack Dean,

General Delivery,

Muskogee, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor child, Edmund Dean, as a Creek Freedman, you are advised that you will be allowed five days from date hereof within which to appear at this office with the father of said child, to be examined under oath.

Respectfully,

Commissioner.

N B F 368

Muskogee, Indian Territory, March 9, 1907.

Jack Dean,

Muskogee, Indian Territory.

Dear Sir :--

You are hereby advised that on March 2, 1907, the Secretary of the Interior approved the enrollment of your minor child, Edward Dean, as a Creek freedman, and that the name of said child appears upon the roll of new born Creek freedmen, enrolled under the Act of Congress approved April 26, 1906, as number 279.

This child is now entitled to allotment and application therefor should be made without delay at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 114/

CR EN 114/

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE INDIAN TERRITORY.  
OCTOBER 12, 1906.

HDY. 377

In the matter of the application for the enrollment of  
Bennie Griffin as a Creek Freedman.

DINAH GRIFFIN being first duly sworn by Henry G. Hains a  
Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Dinah Griffin.  
Q: How old are you Dinah? A: About 22.  
Q: What is your post-office address? A: Wybark.  
Q: Are you a Creek Freedman? A: Yes sir.  
Q: What is the name of your father? A: Gabriel Jimmison.  
Q: What is the name of your mother? A: Fannie Jimmison.  
Q: Have you a child named Fannie Merrill? A: Yes sir.

Witness is identified as Dinah Griffin opposite Creek  
Freedman Roll number 2352.

- Q: Are you the wife of Barly Griffin? A: Yes sir.  
Q: When was Bennie born? A: The 20th. of December 1905.  
Q: You are the mother of Bennie Griffin? A: Yes sir.  
Q: Is he living or dead? A: He is dead.  
Q: How long did he live Dinah? A: He died in February, I was  
trying to find out what day it was but the children must  
have lost it somewhere, I didn't find it, I think it is  
about the 18th.  
Q: How old was this child when it died? A: It was born the  
20th. of December, it would be about 3 months old.  
Q: Well from the 20th. of December to the 18th. of  
February wouldn't make 3 months would it?  
A: No sir not quite 3 months.  
Q: The 20th. of January would be one month, wouldn't it?  
A: Yes sir.  
Q: The 20th. of February would be 2 months wouldn't it?  
A: Yes sir.  
Q: Well then do you say the child wasn't quite 2 months old  
when it died? A: No sir, it wasn't two months old when  
it died.  
Q: Are you positive that the child died in February?  
A: No, I am not positive of it, I put it down all right enough  
but I couldn't find any papers that I put it on, I don't  
know whether the children tore it up or not.  
Q: Well what makes you say then that the child died in February?  
A: Why it died in February I believe it did---I am not for  
certain, I think it was in February, I had sickness at home  
and I didn't keep up with everything.  
Q: Do you know how many weeks old it was when it died?  
A: No sir, I don't remember now how many weeks was it, I think  
it died in February.



- Q: Where was it buried? A: It was buried over there to the Marshall graveyard, there by close at the Jimmison graveyard and it is close to Pap's.
- Q: How far is that from town? A: About 2 and a half miles
- Q: What town? A: Wybark.
- Q: What direction? A: West.
- Q: Near your fathers house? A: Yes sir.
- Q: Did you buy a coffin when that child was buried?
- A: Yes sir.
- Q: Did somebody make a coffin for you? A: Yes sir.
- Q: Who made it? A: Prior and Mose Watson.
- Q: What Prior? A: A. B. Prior that is all I know.
- Q: ~~Didn't~~ Did you buy anything from any store about the time the child died? A: No sir we didn't buy anything.
- Q: You say you put down on a piece of paper when that child died? A: Yes sir. And I looked for it but I guess the reason I couldn't find it, I was bothered and had so much to do.
- Q: Is your husband living? A: Yes sir he is living but I don't know where he is at now.
- Q: How long has he been away from you? A: He ain't been away so long.
- Q: About how long Dinah? A: About 2 or 3 weeks.
- Q: Did you ever make an affidavit before S. W. Cooper a Notary Public about the birth of this child? A: Yes sir
- Q: What did you tell him about when the child was born and abot about when it died? A: Well I ain't told him nothing about when it was born, I told him when it died--about the 20th. of December.
- Q: Did he ask you when it died? A: If he did, I didn't know because the midwife was in a hurry to come home, she had gone to the Drug store to get some Medicine and she was in a hurry to get the train to come back, I was staying with my Aunt and if he came there with the medicine I don't remember it.
- Q: Are you sure that your child Bennie Griffin was not living n on the 4th. day of last March? A: Well as soon as I get the paper and see when it died then I will be willing to swear it but not before.
- Q: Then you won't swear that this time that the child was living on the 4th. day of varch? A: No sir not until I find it--when he was living and when he died.
- Q: Did you make a record of its birth too? A: Yes sir.
- Q: Was that just on a slip of paper or was it in a bible or some book? A: I have got his birth in the bible but I never had it put down when he died in the bible.
- Q: Who wrote that on that paper? A: My sister.
- Q: Does she know when this child died? A: Yes, she knows when he died.
- Q: What is her name? A: Pauline Austin.
- Q: Where does she live Dinah? A: By the Fountain Church house
- Q: Who was present when you child died?
- A: Mrs. Prior and A. P. Prior and Eda Watson.
- Q: Did you have a preacher at the funeral? A: Yes sir.
- Q: What was his name? A: His name was Sims that is all I know they call him Elder Sims.
- Q: Where does he live? A: I couldn't tell you where he lives now, I was trying to find out where he stays but I don't know. He was living down on the river close to our house, he was a fisherman.

- Q: Who else was present at the funeral of that child?  
A: I couldn't tell you who all was present.  
Q: Name some of the people who were present? A: There wasn't many people there. Jack Perryman was passing by and he stopped.  
Q: Who else was there? A: That is about all I can remember who was there.  
Q: Who dug the grave? A: Prior and Mose Watson dug the grave.  
Q: Was your father there at the funeral? A: No sir.  
Q: Was your mother there? A: No sir. She wasn't there she had a sick child of her own.  
Q: Did you have any doctor with this child during its last sickness? A: It wasn't sick long enough, for a doctor.  
Q: How long was it sick Dinah? A: It taken sick and didn't last but about 3 days.  
Q: Then your recollections is that that paper stated that your child died in February? A: Yes sir, that is the way I count it up. I said it was 3 months old but I am not for sure it was 3 months old. That would make it somewhere in March but I couldn't swear that until I got hold of the paper.  
Q: What day of the week did it die on? A: It died on Tuesday as near as I can remember.  
Q: Was it buried the next day? A: Yes sir it was buried the next day.  
Q: Did you put any board at the grave there? A: Yes sir.  
Q: Is there anything on the board to show when it was born or died? A: No sir there ain't nothing on the board that I know of.  
Q: Who has charge of that Jimmison graveyard? A: Jimmison himself.  
Q: Your father? A: Yes sir.  
Q: Do you know whether he keeps any books to show when people are buried in there? A: No sir.

This is all the evidence taken in said cause on said date.

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.

Julia C. Laval

Subscribed and sworn to before  
me this 18 day of October, 1906.

Edward Herrick  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskegee, Indian Territory, October 23, 1906.

In the matter of the application for the enrollment  
of HENNIE GRIFFIN as a Creek freedman.

APPEARANCE:

JOHN G. LIEBER appears for M. L. Mott,  
Attorney for the Creek Nation.

ANNA PRYOR, being first duly sworn by Henry G. Hains,  
a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Anna Pryor.  
Q How old are you, Anna? A Near fifty now.  
Q What is your postoffice address? A Gibson Station.

BY MR. LIEBER:

- Q Did you wait on Dinah Griffin sometime ago when she gave birth  
to a child? A Yes sir.  
Q Is she the wife of Marly Griffin? A Yes sir.  
Q When was that child born, Anna? A Seems like to me they  
were breaking up ground, something.  
Q Do you remember the date of its birth? A No sir, cant  
remember nothing like that.  
Q How close was it to last Christmas? A To last Christmas?  
Q Yes? A It was in the fall, last fall sometime; I dont know,  
in the winter, cold weather.  
Q How often did you see the child after it was born? A Didnt  
go to see it but once, and that was four days; I always  
go to see them four days after birth, sometimes five days.  
Q You went to see this one four or five days after it was born?  
A Yes sir, do all of them.  
Q Saw the child then, did you? A Yes sir.  
Q Alive? A Yes sir.  
Q What was that child, Anna, a boy or a girl? A Boy.

Bennie Griffin---2

- Q Do you know what they named it? A Told me they named it Bennie.
- Q You are sure that child was born are you Anna? A Yes sir.
- Q That is straight is it? A Yes sir.
- Q She did have a child? A Yes sir.
- Q Do you know how long that child lived? A No sir.
- Q You never saw it again after five days after it was born did you? A No sir.
- Q Have you ever heard how long it lived Anna? A No sir, I never heard; didnt pay any attention.
- Q How close do you live to Dinah Griffin and her husband? A I live about three miles I reckon, across the river.
- Q Do you know whether the child lived as much as a couple of months? A No sir, dont know nothing about how long it lived after; heard it was dead.
- Q Did you go to the funeral? A No.
- Q You dont know whether the child was living last March or not, do you Anna? A No sir, I am never home much if I wait on a woman, I am always gone.
- Q You signed an affidavit before Jesse W. Cooper about the birth of that child, didnt you? A Yes sir.
- Q In that affidavit you stated that the child was living on March 4, 1906? A yes sir.
- Q Do you know, as a matter of fact, that the child was living at that time, the 4th of last March? A No sir, I dont know; it wasnt living then.
- Q How do you know it wasnt living then Anna? A Last March?
- Q Yes? A Well I was just trying to study; somebody come to my house and Dinah's child was dead.
- Q When was it you first heard that her child was dead Anna?
- Q That was sometime after March or in March I disremember when now.
- Q Anyhow you dont know whether the child was living on the 4th of last March or not, do you Anna? A No sir.
- Q Now your husband was also present when you signed that affidavit for Dinah Griffin wasnt he? A Yes sir he was there.
- Q Attested your mark? A Yes sir; Evaline was in Wagoner that day; that was the day he was in Wagoner when I signed for Dinah Griffin; I said he was there when I signed for Evaline.
- Q Now, did these people have an understanding about getting Dinah's child on the roll when it wasnt entitled to be there? A I dont know.
- Q What did they give you for making that affidavit in Dinah's case? A When Dinah-- they always ~~pay~~ me from two to three dollars.
- Q When you made affidavit for Dinah did they pay you anything? A No sir, never paid me.
- Q Promise you anything? A Yes sir.
- Q What did they say? A I sometimes charge \$3.00; \$3.00 what I charged them.
- Q What did they say they would give you for making out this affidavit about Bennie? A \$3.00 all I charged them.
- Q You mean you charged them that for waiting on the woman when the child was born, didnt you? A No sir, for signing that.

Bennie Griffin--3.

- Q They paid you did they for waiting on the mother when the child was born? A yes sir.
- Q Then promised you \$3.00 for making out this affidavit? A Yes sir.
- Q Didnt you know, Anna, at the time you made out this affidavit that you didnt know that that child was living on the 4th of March; didnt you know that; you didnt know that the child was living on the 4th of March when you made that affidavit; understand my question, Anna? A No sir.
- Q Well you knew when this affidavit said that that child was living --- on the 4th of last March-- didnt you Anna? A I dont know whether he told me that to me or not; just to tell you the truth I dont know exactly when that child died; it dont look like that child died on the 4th of March; I dont know how long it lived, that's honest.
- Q How long has it been since the child was born Anna, Bennie? A I dont know.
- Q Was it sometime last year? A It was in the fall or winter like.
- Q This last fall? A Yes sir.
- Q Does your husband know anything about these people trying to get these children on the roll when they were not entitled to be there? A I dont know sir; he never told me.

WITNESS EXCUSED.

Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on October 23, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Cora Moore*

Subscribed and sworn to before me December 4, 1906.

*Edward McCreary*  
Notary Public.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Mustang, Indian Territory, October 20, 1906

In the matter of the application for the enrollment  
of BEANIE GRIFFIN as a Creek Freedman.

APPEARANCE:

JOHN G. LIEBER appears for M. L. Hott,  
Attorney for the Creek Nation.

A. B. NIX, being first duly sworn by Henry G. Hains,  
a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Nix  
Q Nix? A Yes, sir  
Q Nix what? A A. B. Nix  
Q What does A stand for; do you have any other name?  
A No, sir.  
Q How old are you? A About thirty-six years old  
Q What is your post office address? A Wybark  
Q Mr. Nix, do you know Dinah Griffin and her husband, Early  
Griffin? A No, sir; I know Dinah Jimmerson; she goes by  
the name of Jimmerson; she was a married lady; I think  
parted.  
Q She was Dinah Jimmerson? A All the name I know of her going  
by, but I reckon she holds the name of her husband yet, but  
they call her Dinah Jimmerson.  
Q Whose daughter is she? A Gabriel Jimmerson.

BY MR. LIEBER:

- Q Did you ever hear what his name was, her husband?  
A I dont know whether I did or not; I have heard 'em talking  
about her husband; to know his name, I dont  
Q How long have you known Dinah? A I have known her  
Christmas, it will be two years.  
Q This coming Christmas, it will be two years? A Yes, sir,  
it will be two years.

BY THE COMMISSIONER:

It appears from the records that Dinah Griffin, the  
mother of Beanie Griffin is identified opposite Creek Freedman  
Roll, number 2363; that her parents are given as Gabriel Jimmer-  
son and Fannie Jimmerson.



Bennie Griffin - 2

BY MR. LICKER:

- Q Have you ever known anyone by the name of Early Griffin?  
A No, sir.
- Q How close do you live to Dinah Jimmerson? A Well, it is about, near two hundred yards, probably over--- old man Jimmerson, she stays there, her house is in their yard.
- Q How long have you been living that close to where Dinah lives? A Have been living there, now, two years Christmas.
- Q Are you well acquainted with Dinah? A Yes, sir, I am well acquainted with her. She has not been living there all the time.
- Q Has she been living there during the past year? A Yes, sir, she moved out there last fall, sometime about this time, I suppose.
- Q Fall of last year? A 1905, yes, sir.
- Q And has been living there ever since? A Been living there off and on; sometimes be ~~ix~~ off for two weeks, I would not see her.
- Q Been her home? A Yes, sir, headquarters.
- Q Has Dinah any children? A She has got two children; they are Jimmie and Fannie.
- Q Has she had any children since you have known her? A Not as I know of.
- Q Are you a married man? A Yes, sir.
- Q Have a family? A Yes, sir, my wife and myself.
- Q Did you see Dinah frequently during the last fall and winter?  
A Yes, sir, I dont suppose it was over three weeks at a time but what I seen her during the winter and fall after she moved back there in the fall.
- Q Moved there before Christmas, I guess, was it? A Yes, sir, moved there some time about a year ago, sometime about this time of year.
- Q Did you ever go to her house ~~at six~~ during that time, to the place where she lived? A Well, I went up there to Jimmerson's, -- all there in the same yard -- she would be there in Jimmerson's house, there, all eat at the same table; I dont suppose there was a day passed but what I would be up there.
- Q How did it happen that you went there so frequently?  
A I had to get water, toted water from there.
- Q You got the water for your family there in Jimmerson's yard? A Yes, sir.
- Q Had no well or spring at your house? A No, sir, had no spring, had no water fit to drink.
- Q Anyhow, you got your supply of water from Jimmerson's yard, his well? A Yes, sir, from his well.
- Q You think it was about a year ago at this time that she moved back there? A Yes, sir.
- Q You saw her, I suppose, just after she moved there, did you?  
A Yes, sir, I seen her, I reckon, the day that ~~she~~ -- was down there --- she moved down there.
- Q You had known her before that time? A Yes, sir.
- Q You talked to her, when she first moved back there?  
A Yes, sir, I talked to her all the time when I would be up there.
- Q Are you on good terms with her? A Yes, sir.
- Q Gabriel too, her father?  
A Yes, sir.
- Q Now, during last November and the early part of last December did Dinah have the appearance of a woman who was about to give birth to a child? A Not as I could tell.



Bennie Griffin--3

- Q If she had been in that condition would you have noticed it?  
A I dont know as I would; I couldnt tell any difference in her.
- Q Did you ever hear of her giving birth to a child long last winter? A No sir.
- Q Did you ever see a child there at her house during any time last winter, a little baby only a month or so old? A No sir.
- Q Did you ever hear of a child dying there at her house during last winter? A No sir, nary one died there; there was one died there, that was her sister's baby, I disremember what time it was, I dont think-- her sister's, Pauline's baby.

BY THE COMMISSIONER:

- Q Pauline's child died there and you went to the burial?  
A Yes sir.
- Q Only one you know of? A Yes sir.

BY MR. LIEBER:

- Q How often were you there where Dinah lived during January and February of this year? A I dont know, I was over there every day, that is was in the yard and in around there, carried water from there in every day.
- Q Did you ever go over there to warm during last winter? A No sir, never did keep any fire over in that room hardly ever.
- Q Did you ever go into Gabriel's to warm? A Yes sir, went into Gabriel's several times.
- Q If Dinah had given birth to a child along last December do you think you would have known it? A Looks reasonable I would sometime, would have said something about it.
- Q If she had had a child there and it lived two or three months would you have known it? A Yes sir.
- Q You never heard of a child dying there last winter or spring? A No sir, no I never seen any there.
- Q Do you live on Gabriel Jimmerson's place? A Yes sir.
- Q Rent from him? A Yes sir.

BY THE COMMISSIONER:

- Q Are you a married man? A Yes sir.
- Q Does your wife ever go over there to their house? A Yes sir, she has been there a good deal, not any since long about January last, she werent well after spring opened up; she wasnt up there much, you might say, after March.
- Q But before that she had been up there a good deal? A Yes sir, all through January.
- Q Did she ever tell you about seeing a young child there that might have been born in January? A No sir, she said she had never seen any there.
- Q She never told you about ever seeing a child there did she, living or dead? A No sir.

BY MR. LIEBER:

- Q Did you ever hear Dinah say that she had a child born there last winter? A Well she come down there Sunday night, night before last, asked me what these men wanted with me. Told her didnt know, said I had a summons to appear before the Commissioner's Court; I said I suppose it is

something about you having an heir born; she said just tell them I had an heir born; I said I can't afford to do that; she said maybe you don't know nothing about it; I told her I didn't.

- Q Was that the first time you had ever heard her say she had a child born to her last winter? A That was the first time.
- Q You had been subpoenaed last Saturday, had you? A Yes, sir Saturday, I was summonsed to appear before the court, and she said to tell them that she had a heir born; told her I couldn't do it.
- Q Did she offer to pay you? A Never said nothing more, said maybe I didn't know nothing about it; told her I didn't; said I couldn't afford to tell them anything; I didn't know if she had an heir born, I couldn't tell a lie.

WITNESS EXHIBED

DAN JIMMERSON, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Dan Jimmerson
- Q How old are you? A Seventeen
- Q What is your post office address? A Wybark.
- Q Do you know Dinah Griffin? A Yes, sir.
- Q Any kin to you? A Sister.
- Q You know her husband? A Yes, sir
- Q What is his name? A Early Griffin
- Q

BY MR. LIEBER:

- Q Where do you live Dan? A Live on the other side of Wybark.
- Q Who do you live with? A Gabriel Jimmerson.
- Q Your father? A Yes, sir.
- Q Does your sister, Dinah, live there with your father too? A Yes, sir
- Q How long has she been living there? A She has been staying there since the first part of spring; when I come there, she was there.
- Q Where had you been? A I went down to Braggs Christmas.
- Q How long did you stay at Braggs? A I stayed there long in February, at the time of the big snow.
- Q Before you went to Braggs, you had been living with your father? A Yes, sir
- Q Your sister been living there too? A No, sir, she wasn't staying there.
- Q Where was she staying? A She was staying across the river somewhere
- Q You come back home in February? A Yes, sir.
- Q Your sister, Dinah, was then living there with your father? A Yes, sir.
- Q You have been there at your father's ever since that, have you, Dan? A Yes, sir.

Bonnie Griffin - 5

- Q Now, Dan, do you understand the nature of an oath? A No, sir
- Q You know that when you hold up your hand to swear to tell the truth, the whole truth, and nothing but the truth before an officer, that you are required to tell the truth, dont you
- A Yes, sir.
- Q You know what the penalty is if, after being sworn that way, you tell something not true? A No, sir.
- Q The punishment is imprisonment in the penitentiary.
- A Yes, sir
- Q You understand what you must do when you take an oath; that if you dont tell the truth, you are liable to imprisonment in the penitentiary. You understand, that, dont, you Dan?
- A Yes, sir.
- Q How many children has your sister, Dinah, got? A She hasn't but two.
- Q What are their names, Dan? A One named Jimmie and one named Fannie
- Q Which one is the older of those two children? A Jimmie
- Q How old is Jimmie, Dan? A I dont know, sir, how old he is
- Q Old enough to walk? A Yes, sir, old enough to walk.
- Q Talk? A Yes, sir, think he is about four years old.
- Q Has Dinah given birth to a child since Jimmie was born?
- A I dont know anything about it.
- Q Now, when you came back home, from Braggs, last February, did Dinah have a little baby, nursing it? A No, sir.
- Q You were right there in the house with her, ate meals with her at the table, and never saw any little child there?
- A No, sir.
- Q Do you know anything about a child dying there at your f father's house, Dan? that is, one of Dinah's children?
- A No, sir.
- Q Did you ever hear of Dinah having a child by the name of Bonnie? A No, sir.
- Q Dont know a thing about it? A No, sir.
- Q Now, Dan, if she had had a little baby there at your father's house during last February, when you came up there from Braggs, you would have know it, wouldn't you? A Yes, sir, guess so, would tell me about it.
- Q You know all the children in your father's family? A Yes, sir
- Q All of your brothers and sisters? A Yes, sir
- Q You know all of Dinah's children, dont you? A Yes, sir.

WITNESS EXCUSED.

PAULINE AUSTIN, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Pauline Austin
- Q How old are you? A Eighteen years.
- Q What is your post office address? A Wybark.
- Q Do you know Dinah Griffin? A Yes, sir, I know her.
- Q What kin is she to you? A Sister.
- Q What is the name of her husband? A Early Griffin.

BY MR. LIEBER:

- Q Where do you live, Pauline? A I live with Gabriel Jimmerson.
- Q That is your father, is it? A Yes sir.
- Q How long have you been living with your father? A About two weeks now.
- Q Where did you live during last winter? A I lived at my home near Tallahassee.
- Q How far is that from your father's house? A About two miles.
- Q Were you at your father's house frequently during last winter? A Yes sir, I was there every week or every two weeks.
- Q Did you see your sister, Dinah, frequently during last winter? A No sir, I didnt see her.
- Q Well, she was living at your father's house sometime last winter, was she not? staying there in your father's yard? A No sir, she wasnt staying there then.
- Q Pauline, do you understand the nature of an oath? A Yes sir.
- Q Do you know what you are expected to do when you hold up your hand before an officer and swear and take an oath that you will tell the truth, the whole truth and nothing but the truth, you know what you are expected to do when you do that? A Yes sir.
- Q What? A Tell the truth.
- Q Do you know what the penalty is, if after taking an oath in that manner you tell something that is false? A Yes sir.
- Q What is the penalty Pauline? A Punished for it if you dont tell the truth.
- Q Well you know if a person commits perjury, swears to something not true that they are liable to imprisonment in the penitentiary, dont you? A Yes sir.
- Q Now Pauline, you say your sister didnt live at your house this last winter and early this last spring? A No sir, she didnt live there last winter,
- Q She lived there along during February and March? A Yes sir, she was there then.
- Q Well, where was she last winter before she went to your father's house? A She was at Boynton.
- Q You saw her soon after she moved back to your father's house didnt you? A Yes sir, I seen her.
- Q And she was there last February? A Yes sir.
- Q Now when your sister came back to your father's house late in the winter, say in February, did she have a baby with her then? A No sir.
- Q Did you ever hear of her giving birth to a child last winter by the name of Bennie? A No sir, no more than what she told me.
- Q You never saw that child yourself did you? A No sir, never saw it.
- Q When did she tell you about giving birth to a child? A She told me long in April right after my brother died.
- Q Did she say where the child was at that time? A No sir, she didnt say.
- Q Well, how did the conversation happen to come up that she had given birth to a child; tell the Commissioner how the talk happened to come up, what Dinah said? A I was talking about

Bennie Griffin-----7

my baby, and she commenced to tell me she had a baby; wanted me to put it down on the bible where the rest of the children were, and I put it down.

- Q Well, didnt you ask where the baby was? A Yes sir, she said it was dead.
- Q Well, where did she say that it had died? A She didnt say, just said the baby was dead.
- Q Well, you did know that the baby didnt die at your father's house, didnt you? A No sir, didnt die there.
- Q You know if Dinah had had a baby there at your father's house during last February you would have known it wouldnt you? A Yes sir.
- Q Then when you made that record in the bible for Dinah, you did it on just what she told you, didnt you? A Yes sir.
- Q What kind of a record did you make in the bible, Pauline? A Bennie Griffin, born December 20, 1905, and died March 18, 1906; that is what she told me.
- Q As a matter of fact you knew that that child did not die at that time, didnt you? A Not that I knowed of.
- Q Do you know any member of your father's family that ever saw that child Pauline? A No sir, I dont.
- Q Well, Pauline did Dinah ever say anything to you about helping her to swear this child on the roll? A No sir.
- Q Didnt she ever try to get you to testify for her about it? A No sir.

BY THE COMMISSIONER:

- Q Did Dinah at the time she was talking to you at any time tell you where that child died? A No sir.
- Q You didnt ask her where it died? A No.
- Q Was it because you knew there was something crooked about it? A Yes sir, I thought there was.

BY MR. LIEBER:

- Q Now Pauline, you dont know a thing on earth about a child of hers dying at your father's house do you? A No sir.

WITNESS EXCUSED.

AARON PRYOR, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Aaron Pryor.
- Q How old are you? A 46.
- Q What is your postoffice address? A Gibson Station.
- Q Are you a Creek freedman? A No sir.
- Q State man? A Yes sir.
- Q Do you know Annie Pryor? A She is my wife.

BY MR. LIEBER:

- Q Do you know Dinah Griffin? A Yes sir.
- Q How long have you known her? A Been knowing Dinah about seven years.
- Q Know her husband? A Yes sir.
- Q How close do you live to Dinah? A I guess I live about-- between two miles and a half or two and three quarters.
- Q Are you pretty well acquainted with her Pryor? A Very well.
- Q On friendly terms? A Yes sir.
- Q How many children has Dinah got? A Why she has got two living that I know of.
- Q What are their names? A Fannie and Jimmie, boy and girl.
- Q Did she have any other children besides these two that you know of? A I wont say; what I know when she was at my house she had one child that I know of.
- Q Did you see the child that she had there at your wife's house? A Yes sir, little bit of thing, it was dead.
- Q Was it born dead? A I suppose so; I wasnt there when she birthed it.
- Q Where were you when she gave birth to the child? A I was away cutting wood.
- Q Away cutting wood? A Yes sir.
- Q Get back home that evening? A That morning.
- Q Back home that morning? A Yes sir.
- Q You had been at home at breakfast I guess that morning had you? A Yes sir.
- Q Dinah there at the house? A Yes sir.
- Q You went on to the woods to cut wood? A Yes sir.
- Q Got back at noon and the little baby was there? A Yes sir, but it was dead-- taking my wife's testimony now.
- Q Did you see the baby and it was dead? A Yes sir, little bit of thing.
- Q When was that, Pryor, that that took place? A That was, as near as I can get at it, it was last winter.
- Q This last going winter? A As near as I can get at it, I wont lie.
- Q Long about last Christmas? A Yes sir, long there sometime.
- Q What became of that corpse? A I guess they buried it.
- Q Who buried it Pryor? A They had me to make a box for it; I think they took it over to the graveyard.
- Q Do you know who took it over? A Yes sir.
- Q Who? A I think Mose Watson assisted in taking it over there.
- Q Now Pryor, are you satisfied that that child was born and died the same day? A Yes sir, I think so; I think my wife told me it was born dead.
- Q And it was somewheres around last Christmas that that took place at your house? A Yes sir, it was in cold weather I know, what time, the date of the month I couldnt tell you.
- Q Now Pryor you went with your wife before a Notary Public last summer to make an affidavit relative to this child didnt you? A Yes sir.
- Q That was before Jess W. Cooper, wasnt it? A Yes sir.
- Q You witnessed your wife's signature, her mark, to the affidavit? A No sir.



Bennie Griffin---9

- Q Can you write your name? A Yes sir.
- Q Is that your signature, Pryor (showing the witness the original application for the enrollment of this child, filed July 5, 1906)? A Yes sir.
- Q Then you did sign that paper as the witness to your wife's mark? A Well if I did I didnt know it.
- Q That is your signature, aint it? A Yes sir, that is my writing If I signed for her I didnt know it. When I signed my name I signed as a witness that this woman did give birth to a child there at my house.
- Q Didnt they read that affidavit over to your wife when you signed your name? A I was there; they had me sign my name to it, that is all I could do.
- Q Was your wife there at that time before the Notary Public? A Yes sir.
- Q Did he swear her to that affidavit? A I guess he did, swore me
- Q What was he swearing you for Pryor? A He just wanted to have my correct statement that she gave birth to a child. If I had known I would have trouble about it I would not have signed nothing, this affidavit about my wife being the midwife.
- Q Well your wife signed the affidavit didnt she? A She can write, guess she did.
- Q I mean she made her mark didnt she? A Yes sir.
- Q Did you or your wife, either one, tell Cooper that this child was born on the 20th of December, 1905 and that it lived until after the 4th day of March, 1906? A I dont think so-- I didnt.
- Q Can you tell the Commissioner how Cooper happened to make that affidavit read that way Pryor, if you folks didnt say that? A I am going to be honest: first time I saw Cooper Cooper asked me at Gibson Station if she didnt give birth to a child at my house; I told him she did, I said I dont know nothing about that; he asked me would I sign my name to the affidavit; told him yes I would; he requested my wife to do the same thing; we goes to Wagoner and there he met us there and we signed this affidavit, and that was the end of it, and I dont know nothing more about it; I was away and my wife told me they had been to my house.
- Q And you know as a matter of fact that that child wasnt living on the 4th of March, 1906? A No sir, I know it wasnt, I must tell you the truth about it.

BY THE COMMISSIONER:

- Q Was the next time you saw him when you made the affidavit, or was it the first time? A He spoke to me in Gibson and I told him I would sign an affidavit that she gave birth to a child then. He appointed a time for us to come to Wagoner and we went to Wagoner.

WITNESS EXCUSED.



Bennie Griffin---10

MOSE WATSON, being first duly sworn, by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Mose Watson.  
Q How old are you? A I am about 25 years old.  
Q What is your postoffice address? A Gison Station.  
Q Do you know Dinah Griffin? A Yes sir.  
Q Any kin to her? A No sir.  
Q What was her name before it was Griffin? A I dont know sir.  
Q Do you know her father's name? A Gabriel.  
Q Gabriel Jimmerson? A Yes sir.  
Q What is her husband's name? A I aint acquainted with her husband.

BY MR. LIBBER:

- Q How long have you known Dinah? A Oh about two years.  
Q Do you know of her giving birth to a child sometime long last winter? A No sir, dont exactly know it.  
Q Did you ever bury a child of hers last winter? A No sir; buried one but dont think it was Dinah's.  
Q Did you bury a child from A. P. Pryor's house during any time last winter, Mose? A No sir.  
Q Did not? A No sir.

WITNESS EXCUSED

Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on October 30, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said case on said date.

*Cora Moore.*

Subscribed and sworn to before me November 2, 1906.

*H. G. Hains*

Notary Public.

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

In the matter of the application for the enrollment of  
Bennie Griffin, deceased, as a Creek Freedman.

D E C I S I O N .

The record in this case shows that on July 5, 1906, application was made, in affidavit form, supplemented by oral testimony on October 12, 1906, October 23, 1906, and October 30, 1906, for the enrollment of Bennie Griffin, deceased, as a Creek Freedman, under the provisions of the act of Congress approved April 26, 1906.

The affidavits constituting the original application state that said Bennie Griffin was born December 20, 1905, and was living on March 4, 1906, and was the child of Early Griffin, a non-citizen, and Dinah Griffin, whose name appears opposite No. 2353 on the roll of Creek Freedmen, approved by the Secretary of the Interior March 13, 1902. Dinah Griffin in her testimony stated that the applicant died in February and again she stated that at the time of her making the aforesaid affidavit, she told S. W. Cooper, the Notary Public, who prepared same, that the child died about the 20th of December.

Aaron Pryor, the husband of the midwife, Annie Pryor, testified that he saw the child on the date of its birth and that it was then dead. He also stated that he made the box in which said child was buried.

There is some hearsay testimony in the record to the effect that said alleged birth occurred and that the applicant lived after March 4, 1906, and there is considerable circumstantial evidence which casts doubt upon the existence at any time of the alleged applicant.

It is the opinion of the Commissioner that from a preponderance of the evidence it appears that the applicant, Bennie Griffin was not living March 4, 1906.

It is, therefore, ordered and adjudged that said Bennie Griffin is not entitled to enrollment as a Creek Freedman in accordance with the provisions of the act of Congress approved April 26, 1906 (34 Stats.L., 137), and the application for his enrollment as such is accordingly denied.

Muskogee, Indian Territory,

FEB 2- 1907



COMMISSIONER.

MBF 372.

Muskogee, Indian Territory, February 11, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, 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 Rennie Griffin, 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.

LM-61.

REF 377.

Muskogee, Indian Territory, February 16, 1907.

Dinah Griffin,  
c/o Early Griffin,  
Wybark, 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 the enrollment of your minor child, Bennie Griffin, 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.  
LH-60.

WIP 377.

Muskogee, Indian Territory, February 11, 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 Beanie Griffin, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM-62.

Through the Commissioner  
of Indian Affairs.

Refer in reply to the following:

Land 15069-1907.

COPY

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

February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the five Civilized Tribes in the matter of the application for the enrollment of Bennie Griffin, deceased, as a Creek freedman.

The Commissioner reports that the record in the case shows that on July 5, 1906, application was made in affidavit form, supplemented by oral testimony on October 12, 23 and 30, 1906, for the enrollment of the applicant as a Creek freedman under the provisions of the act of Congress approved April 26, 1906 (34 Stat. L. 137); that the affidavits constituting the original application declared that Bennie Griffin was born December 20, 1905, was living on March 4, 1906, and was the child of Early Griffin, a non-citizen, and Dinah Griffin, whose name appears opposite No. 2353 on the roll of Creek freedmen approved by the Department on March 13, 1902; that Dinah Griffin in her testimony said that the applicant died in February and declared that at the time of her making the affidavit she told S. W. Cooper, the notary public, who prepared it, that the child died about the 20th of December.

Aaron Pryor, the husband of the midwife Annie Pryor, testified that he saw the child on the date of its birth, that it was then dead, and that he made the box in which it was buried.

The Commissioner further says that there was some hearsay testimony in the record to the effect that the alleged birth occurred and that the applicant lived after March 4, 1906, but that there is considerable circumstantial evidence which casts doubt on the existence at any time of the alleged applicant. He was of opinion that a preponderance of the evidence shows that the applicant, Bennie Griffin, was not living on March 4, 1906, and on February 2, 1907, he denied the application.

It is evident under the record that the finding of the Commissioner in this case was well founded, and it is recommended that his decision be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-Y



DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.  
O.K.

LRE I.T.D.

5706, 5722, 5738, 5794-1907.  
5814, 5816, 5828, 5830-1907.  
5838, 5839, 5840, 5866-1907.  
5862, 5868, 5872, 5874-1907.  
5882, 5884, 5966-1907.

March 2, 1907.

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

| Title of Case.                      | Date of your Letter of Transmittal. |
|-------------------------------------|-------------------------------------|
| Easter Walker,                      | January 11, 1907.                   |
| Julia Cornelius, et al.,            | January 28, 1907.                   |
| Paul Deyers,                        | February 11, 1907.                  |
| Moses Vaughan (Freedman),           | February 11, 1907.                  |
| Charles Clark,                      | February 9, 1907.                   |
| Johny Carwile (Freedman),           | February 9, 1907.                   |
| Jack and Alice Bell (Freedman),     | February 9, 1907.                   |
| Yar-uh-lee et al. (deceased),       | February 9, 1907.                   |
| Mary Burl (Freedman)                | February 11, 1907.                  |
| Annie McClelland and Mitchell Cox,  | February 9, 1907.                   |
| Alvin Smith (deceased) (Freedman),  | February 9, 1907.                   |
| Isaac and Ethel Grayson (Freedman), | February 9, 1907.                   |
| William B. Self et al.              | February 11, 1907.                  |
| Annie Morgan (Freedman)             | February 9, 1907.                   |
| Bonnie Griffin (Freedman),          | February 11, 1907.                  |
| Mose James, (Freedman),             | February 9, 1907.                   |
| Dan Campbell (Freedman),            | January 26, 1907.                   |
| Josie Wofford,                      | February 9, 1907.                   |
| Daniel Gray, deceased,              | February 11, 1907.                  |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

19 inc. and 38 inc.  
for Ind. Of.

APM  
3-2-07.

NBF 322.

Muskogee, Indian Territory, March 11, 1907.

Dinah Griffin,

c/o Early Griffin,

Wybark, Indian Territory.

Dear Madam:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Bennie Griffin, as a Creek Freedman.

Respectfully,

Commissioner.

CR EN 1142

CR EN 1142

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
NOVEMBER 17, 1906.

NEP- 429.

In the matter of the application for the enrollment of  
LOANNA JOHNSON, as a Creek Freedman.

APPEARANCES: John G. Lieber, acting for M. L. Mott, attorney for Creek Nation.

NELLIE McINTOSH, being first duly sworn by Henry G. Hains a Notary Public, testified as follows,

Questions by Commissioner:

- Q: What is your name? A: Nellie McIntosh.  
Q: How old are you? A: Well I don't understand you exactly right.  
Q: As near as you can come at it? A: I am about 40 or 50.  
Q: What is your post-office address? A: Muskogee, Indian Territory.  
Q: Have you any house number or street number? A: No sir.  
Q: What is your husband's name? A: Joe McIntosh.  
Q: Are you a citizen of the Creek Nation? A: Yes sir, I am a citizen.  
Q: Creek Freedman? A: Yes sir.  
Q: Do you know Amanda Smith? A: Yes sir, I know her, but I don't know her very long.  
Q: Where is she? A: She is in the Country, I don't know where she is now.  
Q: Just out here in Muskogee a little ways? A: I don't know where she is, first one place and then another.  
Q: Do you know a child by the name of Loanna Johnson?  
A: I never did know a child by that name. We had a law suit in town and I never did believe the child was there. He never did own it, I asked him on his dying bed and he never did own it.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Do you know Sydney Johnson? A: Yes sir, that is my son.  
Q: Did you ever know Amanda Smith to have a child? A: Yes sir she had a child.  
Q: Do you know what she named it? A: What is the name of her child?  
Q: Is it Loanna Johnson? A: Yes sir that is what it goes by.  
Q: Was your son Sydney Johnson ever married? A: Yes sir.  
Q: When was he married to? A: To a girl by the name of Stella Caesar.

- Q: Was he ever married to this woman, Amanda Smith?  
A: No sir, he never was that I know of.  
Q: This child of Amanda Smith's, named Leanna, is that child living? A: Yes sir, she is living.  
Q: Is Amanda Smith a citizen of the Creek Nation?  
A: No sir.  
Q: A non citizen, is she? A: Yes sir.  
Q: Did your son ever recognize that child Leanna Johnson as his child? A: No sir, he never did.  
Q: Did you ever hear him say anything about the child as to who was its father? A: No sir, never did.  
Q: Did you ever hear him say whether he was the father of the child? A: No sir, he never did say because I asked him several times and he never did say.  
Q: What would he say when you asked him about the father of this child? A: He said Nellie you know I never did like Amanda and I never went around her and you ought not to ask me that.  
Q: Did he deny being the father of the child? A: Yes sir. He said that when it was up in Court.  
Q: What did they have him up in Court for?  
A: About this child, Amanda's father had him arrested about that child.  
Q: When was that Mrs. McIntosh? A: That has been a good while ago, but the child will soon be 8 years old if it is not already. Mr. Dawes was our lawyer.  
Q: Who was the Judge at that time? A: Well I think Mr. Jackson was the United States Commissioner? A: Yes sir.  
Q: What did they have Sydney charged with?  
A: I don't know, I guess about the child, I don't know what.  
Q: What did they do with Sydney, anything?  
A: No sir they went and got him out on bond.  
Q: Was he ever convicted of the charge? A: No sir the Court cleared him.  
Q: What Court cleared him, the Commissioner's court ---the United States Commissioner?  
A: Yes I guess that is what it was, I don't know very much about the law.  
Q: Did you ever know your Son Sydney to recognize this child as his child? A: Never did, no sir.  
Q: Is Sydney's wife living? A: No sir she is dead, she just left one little child.

Questions by Commissioner:

- Q: Name Sydney's children? A: He has just got one.  
Q: What is its name? A: It is Sydney.  
Q: You have just been advised that the application for that child is pending in Washington by the Secretary and notice will be sent to your husband Joe McIntosh to file?  
Q: That is the only child he ever has had is it? A: Yes sir.  
Q: And that child is living? A: Yes sir, I raised it.  
Q: What was the name of the mother of that child?  
A: It was Priscilla Ceasar then, it was Priscilla Johnson.  
Q: Do you know how long ago he married Priscilla?  
A: I don't know she has been dead 5 years, and only lived 7 months after her marriage.  
Q: Did you ever hear before he was married that he ever had

- any children by any other woman? A: No sir, never did.
- Q: In fact he denied being the father of this Leanna Johnson, did he? A: Yes sir. It has always gone by the name of Smith until lately and then lately it goes by the name of Leanna Johnson.
- Q: Sydney is dead is he? A: Yes sir.
- Q: Did you ever hear anybody say that Sydney was the father of this child? A: No sir.
- Q: It wasn't reported in the neighborhood was it? A: No sir.
- Q: Did you live near Sydney? A: He stayed right with me.
- Q: Did he die in your house? A: Yes sir.
- Q: Was he at home pretty well? A: Yes sir, all the while I was there he was at home.
- Q: Would it have been possible for him to have been living with another woman before he married, that you know of?
- A: No sir he married and brought his wife right there at home.
- Q: Did you know this woman? A: Yes sir.
- Q: Have you any ill feeling towards her, any bad feeling?
- A: Towards her?---No sir I never had any bad feeling towards her at all.
- Q: Is your only object in testifying here, to tell the truth in this matter that right may prevail? A: Yes sir.
- Q: It is from no interest that you have in this matter that you are testifying is it? A: No sir.
- Q: You are persuaded from the fact that your son lived with you and the fact that he denied the child and the fact that he was tried for it and acquitted, of the charged of being the father of the child, all of these things convince you that he was not the father of the child and all those things that Amanda claims he was? A: Yes sir.
- Q: Do you know why Amanda Smith wouldn't answer our letters asking her to produce witnesses about her relations with your son? A: Well her father and some others have been after me to come in and testify, he offered me 40 acres of land if I would say that was Sydneys child.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: What was the name of her father? A: Ransom Miller.
- Q: Where does he live? A: He lives out there.
- Q: Where? A: We used to live out there, they lived up in the mountain about 2 miles from us,
- Q: Near Muskogee here? A: Yes sir.
- Q: Did anybody else offer you anything to come in and swear about this woman? A: No sir that was about all.
- Q: Who was present when Ransom Miller offered you 40 acres of land if you would claim it was Sydneys child?
- A: I was present myself and he called me off from the other people and talked to me.
- Q: Did anybody else hear the conversation? A: No sir. He said he wanted to get it on the roll.

This is all the evidence heard in said case on said date.

-4-

I, Julius G. Laval, on my oath state that the above and foregoing is a true and complete transcript of my gene-graphic notes as taken by me on said date in said cause.

Julius G. Laval

Subscribed and sworn to before  
me this 19 day of November, 1906.

Edward Merrick



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY/  
NOVEMBER 19, 1906.

N.F. 18

In the matter of the application for the enrollment of  
Loanna Johnson, as a Creek Freedman.

APPEARANCES : John G. Lieber on behalf of Creek Nation.

The Creek Nation here offers in evidence a certified Copy of the proceedings had before the United States Commissioner, W. C. Jackson, at Muskogee, on March 15, 1898 wherein Syd. Johnson, the alleged father of Loanna Johnson was charged with fornication with Amanda Miller the mother of Loanna Johnson, and herein it is shown the defendant is not guilty.

While this record does not show specifically that the defendant denied being the father of the child and because of the fact that the evidence was taken before a jury, it nevertheless tends to show that the defendant denied being the father of the child.

I, Julia C. Laval, on my oath state that the above and foregoing is a correct transcript of statement made in above case, by Attorney on behalf of the Creek Nation.

Julia C. Laval

Subscribed and sworn to before  
me this 20 day of November, 1906.

Edward Herring  
Notary Public.

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

In the matter of the application for the enrollment of  
Le-Anna Johnson as a Creek freedman.

## O R D E R.

The record in this case shows that on March 14, 1905, there was filed with the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, the application of Amanda Smith for the enrollment of her minor child, Le-Anna Johnson, as a Creek freedman.

The evidence shows that said Le-Anna Johnson was born December 15, 1897, and an examination of the records of this office shows that no application was made for the enrollment of said Le-Anna Johnson as a Creek freedman prior to or on September 1, 1904, on which date the rolls of the Creek Nation were closed by order, dated June 13, 1904, of the Secretary of the Interior under authority in him vested by the act of Congress approved March 3, 1901 ( 31 Stats., 1058).

The act of Congress approved March 3, 1905 (Public No. 212), provides:

" That the Commission to the Five Civilized Tribes is authorized for sixty days after the date of the approval of this act to receive and consider applications for enrollment of children born subsequent to May twenty five, nineteen hundred and one, and prior to March fourth, nineteen hundred and five, and living on said latter date, to citizens of the Creek tribe of Indians whose enrollment has been approved by the Secretary of the Interior prior to the date of the approval of this act; and to enroll and make allotments to such children."

It is, therefore, ordered that there is no authority of law for the enrollment of said Le-Anna Johnson as a Creek freedman and that the application for her enrollment as such should be and the same is hereby dismissed.

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

Muskogee, Indian Territory,

OCT 13 1905

---

L.K.P.

Gr. En. 1142.

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

In the matter of the application for the enrollment of  
Lo-Anna Johnson as a Creek freedman.

DECISION.

The record in this case shows that on March 14, 1905, there was filed in the office of the Commission to the Five Civilized Tribes an application, in affidavit form, for the enrollment of Lo-Anna Johnson as a Creek freedman. Further proceedings in the matter of said application were had on November 17, 1906, and November 19, 1906.

The evidence in this case shows that the said applicant is the child of Amanda Smith, a non-citizen. In the affidavits filed herein on March 14, 1905, the affiants, Amanda Smith and Ann McQueen, stated that the former was the common-law wife of Sidney Johnson, and that the latter was the father of the applicant. Sidney Johnson is identified upon the partial roll of Creek freedmen approved by the Secretary of the Interior, March 28, 1902, opposite number 3589 thereof.

On June 2, 1906, Amanda Smith was notified by letter to appear at the office of the Commissioner to the Five Civilized Tribes on June 18, 1906, and that the testimony of witnesses who had knowledge of the relations existing between her and Sidney Johnson was desired. No appearance has ever been made by or on behalf of the said Amanda Smith to furnish the evidence called for. It appears from the evidence of Nellie McIntosh, the mother of said Sidney Johnson, that the latter died in the year 1901, that he always, even on his death bed, denied being the father of the applicant. That in the year 1898, he was tried in the United States Court upon a charge in which the issue involved was whether he was the father of said applicant, and that he was acquitted of said charge; that the son, Sidney Johnson, always lived with her; that she would have known if he had lived with Amanda Smith as her common-law husband, and that he never did so; that the father of Amanda Smith had been "after her" to come in and testify before the Commissioner that the applicant was Sidney's child, and had offered her 40 acres of land, if she would say so. There has been filed as a part of the evidence in this case, a certified copy of the record in the proceedings had in the case of United States vs. Sid Johnson, from which it appears that the offense charged against the defendant was fornication, preferred by Amanda Miller (which was the name of Amanda Smith before she married). It further appears that defendant was charged with the commission of said offense on March 28, 1897. The affidavit of the mother and mid-wife as to the date of the birth of the applicant, shows that she was born on December 15, 1897. Said Johnson was acquitted of said charge.

The evidence is not sufficient to show that the applicant is the child of a citizen of the Creek Nation.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Lo-Anna Johnson as a Creek freedman, and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory,

JUN 21 1907



Commissioner.

W.F.18

Muskogee, Indian Territory, October 16, 1908.

Amanda Smith,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the order of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, dismissing the application made by you for the enrollment of your minor child, Le-Anna Johnson, as a Creek freedman.

Respectfully,

Commissioner.

AG-I

N.F.18

Muskogee, Indian Territory, October 16, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the order of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, dismissing the application of Amanda Smith for the enrollment of her minor child, Lo-Anna Johnson, as a Creek freedman.

Respectfully,

*James Dixon*

Commissioner.

AG-J

Muskogee, Indian Territory, November 20, 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 Le-Anna Johnson, as a Creek freedman, including the order of the Commissioner to the Five Civilized Tribes, dated October 13, 1908, dismissing said application.

Respectfully,

Acting Commissioner.

Through the

Commissioner of Indian Affairs.  
AG-18

Refer in reply to the following:  
Land #93950-1905.

COPY

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, December 12, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated November 20, 1905, transmitting the record of the application made March 14, 1905, for the enrollment as a Creek Freedman of ~~Lo~~ Anna Johnson. October 13, 1905, the Commission decided adversely to the application.

The record shows that Lo-Anna Johnson was born December 15, 1897; that no application was made for her enrollment prior to the closing of the Creek rolls on September 1, 1904; and that the applicant was not born subsequent to May 25, 1901, as required by the terms of the act of March 3, 1905 (33 Stats., 1071).

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

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

HCC. C.



No. 17190 .

JP. 112. 125.

I.T.D. 17116-1905.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, May 3, 1906.

Commissioner to the Five Civilized Tribes  
Muskogee, Indian Territory.

Sir:

In view of the provision in the act of April 26, 1906, (Public No. 129), for the enrollment of minor children of Creek citizens living March 4, 1906, the record in the matter of the application for the enrollment of Lo-Anna Johnson, received with your letter of November 20, 1905, is inclosed, in order that the matter may be readjudicated.

A copy of Indian Office letter of December 12, 1905, submitting the case, is also inclosed.

Respectfully,

(Signed) Thos Ryan,

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

2 inclosures.

Cr. No. 1142.

Muskogee, Indian Territory, February 2, 1907.

M. B. Nett,

Attorney for Creek nation,

Muskogee, 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 Leanna Johnson, 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.

IM- 44.

CR.W.1142.

Muskogee, Indian Territory, February 2, 1907.

The Honorable,

The Secretary of the Interior

Sir:

There is herewith transmitted a copy of the proceedings had in the matter of the application for the enrollment of Lorrna Johnson, as a Creek Freedman, including the decision of the Commissioner, denying said application.

Respectfully,

Commissioner.

LM-45.

Through the Commissioner  
of Indian Affairs.

REFER IN REPLY TO THE FOLLOWING:

Gr. En. 1142.

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

Muskogee, Indian Territory, February 2, 1907.

Amanda Smith, (nee Johnson, )

General Delivery,

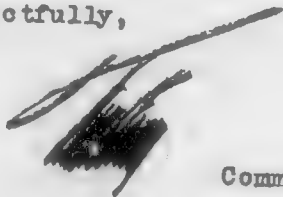
Muskogee, Indian Territory.

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 the enrollment of your minor child, Loanna Johnson, 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.  
LM-43.

No. 1142.

Muskogee, Indian Territory, March 12, 1907.

Amanda Smith,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated January 31, 1907, denying the application for the enrollment of your minor child, Leanna Johnson, as a Creek Freedman.

Respectfully,

Commissioner.

JBM

JP  
OK

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

SRS.

I. T. D.  
6134, 6144, 7028, 7054-07.  
7128, 7224, 7230, 7236-07.  
7236, 7244, 7252, 7260-07.  
7236, 7340-07.

March 4, 1907.

Direct

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

Sir:

Your decisions in the following Creek citizenship cases  
adverse to applicants are hereby affirmed. Copies of Indian  
Office letters submitting your reports and recommending that the  
decisions be affirmed are inclosed.

| Title of case.                         | Date of your<br>Letter of Transmittal. |
|--|--|
| Henry Lese,                            | February 10, 1907.                     |
| Mary Rogers, deceased, (Freedman)      | February 13, 1907.                     |
| Ellen Primer (Freedman)                | February 21, 1907                      |
| Charley Williams, deceased, (Freedman) | February 14, 1907                      |
| Clarence Bruner (Freedman)             | February 23, 1907                      |
| Maris Sears,                           | February 23, 1907                      |
| Homer Whetsel, Freedman.               | February 23, 1907                      |
| Mama Mason, et-al (Freedmen.           | February <del>23</del> , 1907          |
| Leanna Johnson (Freedman)              | February 4, 1907                       |
| Anna Charlesey, (Deceased.             | February 2, 1907                       |
| Ross Bell Brew, (Freedman)             | February 18, 1907                      |
| Hubert Humphreys (Freedman)            | February 16, 1907                      |
| Little Doctor, deceased.               | February 20, 1907.                     |
| Lenard Davis (Freedman),               | February 21, 1907.                     |

A copy of all the papers in the above mentioned cases  
have been sent to the Indian Office.

Respectfully,

R. A. Hitchcock  
Secretary.

14 inc. and 28 inc.  
for Ind. Of.  
3/4/07.

COPY

DEPARTMENT OF THE INTERIOR,

Land  
11730-1907.

Office of Indian Affairs.

Washington.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby, dated February 2, 1907, transmitting the record relative to the application for enrollment of Leanna Johnson, as a Creek freedman.

On January 31, 1907, the Commissioner held that the applicant was not entitled to enrollment.

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

Very respectfully,

C. F. Larrabee.

JPB-WLP.

Acting Commissioner.



CR EN 1143

CR EN 1143

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, October 25, 1906.

In the matter of the application for the enrollment of  
GARRIEL HAWKINS as a citizen of the Creek Nation.

APPEARANCE:

JOHN S. LIEBER appears for M. L. Mott,  
Attorney for the Creek Nation.

HATTIE HAWKINS, being first duly sworn by Henry G.  
Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Hattie Hawkins.  
Q How old are you? A 23.  
Q What is your postoffice address? A Porter, I. T.  
Q What is the name of your father? A Bill Barnett.  
Q What is the name of your mother? A Nancy Barnett.  
Q Were they ever known as Bugler? A He went by Bugler,  
because he was a bugler I guess.  
Q You mean because he played a bugle in the army? A Yes sir.  
Q How are you enrolled, under the name of Hattie what?  
A Hattie Barnett, filed as Hattie Drew.  
Q What Creek Indian town do you belong to? A Arkansas.  
Q Have you got a son enrolled with you? A Yes sir.  
Q What is his name? A Rayfield Glover.  
Q Is the father of that child dead? A No sir.  
Q Were you married to him? A Yes sir.  
Q Are you divorced from him? A yes sir.  
Q Since your divorce from him are you married again? A Yes  
sir.  
Q What is the name of your husband? A Warrior Hawkins.  
Q What is the name of Warrior's father? A William Hawkins.  
Q Mother? His Mother is named Rena Hawkins.

The witness is identified as Hattie Drew, opposite  
Creek freedmen roll No. 2116, and said Warrior Hawkins is  
identified opposite Creek freedmen roll No. 2317.

Gabriel Hawkins--2.

- Q When were you married to Warrior Hawkins? A Married in 1901
- Q Have you any children by him? A No sir, only this one.
- Q What is the name of this one you have here? A Gabriel Hawkins.
- Q Is Warrior the father of that child? A Yes sir.
- Q How old is this Gabriel? A Seven months old past.
- Q When will he be eight. A Next month.
- Q What day? A First day of next month.
- Q Are you sure of that? A Yes sir.
- Q How do you count that, how do you arrive at that conclusion?  
A He was seven months old the first day of this month.
- Q Sure of that? A Yes sir.
- Q On the first day of October he was seven months old? A Yes sir.
- Q Did you write down anywhere the date of birth of this child, make any record of it? A Why, yes sir, I have it at home in a bible.
- Q Write that yourself? A Yes sir.
- Q What did you write it with? A With a lead pencil.
- Q How long after the birth of the child did you write that down?  
A Wrote it after it was born.
- Q What does that say? A It was born the first day of March, 1906.
- Q What day of the week was Gabriel born on? A Tuesday.
- Q Who waited on you when this child was born? A Ella McIntosh.
- Q Have a doctor? A No.
- Q Who else was present? A Just me and Ella, nobody else.
- Q How long after the birth of the child was it before Warrior saw it? A About an hour.
- Q Did anybody else no kin to you see the child the same day the child was born? A Yes sir, Warrior's aunt seen it, Julia Lackey
- Q Where does she live? A Coweta.
- Q Anybody else? A No sir.
- Q How do you know this child was born on Tuesday? A I know it was Tuesday.
- Q Is there anything helps you to remember it was born on Tuesday?  
A No sir, but then I know it was born on Tuesday.
- Q Are you as positive of the fact that it was born on Tuesday as you are positive that it was born March the 1st? A Yes sir.
- Q Couldnt you be mistaken about the day of the week it was born? A No sir.
- Q Do you read and write? A Yes sir.
- Q Are you positive that child was born in March? A Yes sir.
- Q Do you remember going before a Notary Public and making an affidavit about this child? A Yes sir.
- Q What was the name of that Notary Public? A Mr. Hale at Porter.
- Q He is a colored man is he? A Yes sir, he is a banker at Porter.
- Q Now at this time was this child born? A Yes sir.
- Q How old was it? A It was two months old.
- Q Positively swear to that do you? A Yes sir.
- Q You understand the nature of an oath? A Yes sir, I guess I do.
- Q Do you know after you are duly sworn by an officer, if you then tell a lie, I mean if you say something not true

- knowingly about a material point you are liable to go to the penitentiary; did you understand that that is the penalty?
- A I guess so.
- Q Now, in that affidavit it stated that you are a citizen by blood of the Creek Nation; that is a mistake isnt it? You are a freedman are you not? A I am a citizen by blood.
- Q Your mother was on the Dunn roll? A Yes sir.
- Q That shows you are a freedman dont it? A Guess so.
- Q Now without calculating the dates Hattie, dont you know as a matter of fact that this child is not seven months old? A As far as my recollection it is seven months old.
- Q Of course if a woman that can figure, if she would sit down and figure she could tell that; now without figuring that, can you tell how old this little baby is here? A He is seven months old; that is my recollection.
- Q Couldnt you be mistaken about that? A I dont think I can, maybe.
- Q Isnt it a fact that it wasnt born in the month of March? A Yes sir.
- Q You sure it was born in the month of March? A Yes sir, I am.
- Q What time of the day or night was it it wasborn? A I dont know just exactly what time of the day it was; it was something after ten o'clock.
- Q In the morning? A Yes sir.
- Q On Tuesday? A Yes sir.

BY MR. LIEBER:

- Q You are sure that the child was born on the first day of March, are you? A Yes sir.
- Q Cant be mistaken about that? A Not from my recollection.
- Q You are sure it was born on Tuesday? A Yes sir.
- Q And cant be mistaken about that? A Certain it was born on Tuesday.
- Q Are you certain it was born in March? A Yes sir.
- Q You know that do you? A Yes sir.
- Q You are positive it wasnt born in February are you? A No sir.
- Q Are you positive it wasnt born in February? A I am satisfied that it was March.
- Q Then if the first Tuesday in March was on the 6th day of March, do you say the child was born on the 6th day of March then? A No sir.
- Q Well then what explanation have you to make to the Commissioner here about that statement, that you are certain that the child was born on Tuesday, and to your recollection it was born on the first day of March? A That is all I can recollect about it, it was born in March.
- Q If the calendar for this year says that the first Tuesday in March was on the 6th of March, then are you positive that the child was born on the 6th day of March or on some later date in March? A Why, no sir.
- Q Well, if the first Tuesday of last March was on the 6th, then you are not certain that the child was born on the first

Gabriel Hawkins--4.

- day of March, are you? A I am satisfied it was born on the first day of March.
- Q You said a while ago that you were certain that the child was born on Tuesday? A Yes sir, I said it.
- Q The calendar for this year says that the first Tuesday of last March was on the 6th day of March and that the first day of March was on Thursday. A I dont know, didnt show itte me.
- Q Well, if you are certain that the child was born on Tuesday and certain that it was born in March, it must have been born either on the first day of March or the 6th day of March? A Must have been different in the almanacs; my almanac says the first day of March.
- Q Is this the child that you have here in your arms? A yes sir.
- Q Boy is it? A Yes sir.
- Q How many teeth has it? A Has airy one yet; got two coming now.
- Q Has the child been in good health since it was born? A No sir, it has not; had two pretty hard spells.
- Q Ever had a doctor with it since it was born? A Had doctor with it twice.
- Q What doctors did you have? A Dr Adams at Porter.
- Q Had him both times did you? A Yes sir.
- Q How old was the child when you first had the doctor with it? A About two months old.
- Q Didnt you have a doctor with you when the child was born? A Had Ella McIntosh with me.
- Q I mean regular physician? A No sir.
- Q You say the child hasnt any teeth at all? A Yes sir.
- Q How long was it sick when it took this first spell? A Was sick two weeks.
- Q When did it take its next spell then? A Taken it long about in August
- Q How long was it sick that time? A About three weeks.
- Q When did it have its next spell? A That was the only two spells it had to have a doctor with it; been sick off and on, never had a doctor.
- Q Does the child sit alone? A Tries to.
- Q Crawl yet? A Tries.
- Q According to your statement the child will be eight months old on the first day of November; that is right is it? A Yes sir.
- Q You say the child was two months old when you went before the Notary Public and made out the affidavit? A Yes sir.
- Q Who was present when the child was born? A Ella McIntosh.
- Q Who else? A Just I and Ella McIntosh.
- Q Your husband living? A Yes sir.
- Q Anybody else there besides your husband and Ella McEntosh? A His aunt come over that evening.
- Q What is her name? A Julia Lackey.

BY THE COMMISSIONER:

- Q If you think your almanac was mistaken, as you say, you might have been mistaken about it being born March 1st?

Gabriel Hawkins--3.

- A The almanac might have been mistaken in the date.  
Q Isnt that the only way you know the day of the month,  
by the almanac? A Yes sir.  
Q You would know the day of the week, Tuesday, wouldnt you?  
A Yes sir.  
Q You know what day today is? A Yes sir.  
Q What day? A Thursday.  
Q You dont know the day of the month without looking at the  
almanac? A No sir.  
Q But you do keep track of the days of the week without the  
almanac, dont you? A Yes sir.

WITNESS EXCUSED.

ELLA MCINTOSH, being first duly sworn by Henry G.  
Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Ella McIntosh.  
Q How old are you? A About 45 I reckon.  
Q What is your postoffice? A Tallahassee.  
Q If your postoffice is Tallahassee how did you come to wait  
on this woman at Coweta when child was born? A Her  
husband come down after me.  
Q What is her husband's name? A Warrior Hawkins.  
Q When did he come after you Ella? A Come after me day  
before the child was born.  
Q Well, when was that? A In February, last day of February,  
child was born the first day of March.  
Q What day of the week was it he came after you? A I  
disremember, Monday or Tuesday.  
Q One of those two? A One of those days, couldnt tell which.  
Q Sure of that? A No sir, I am not sure.  
Q What day of the week was this child born on? A I dont know  
sir what day it was; it was through the week though; dont know  
whether it was on a Tuesday or a Wednesday.  
Q What made you say the child was born on the first of March,  
and that he came after you on the last of February; what  
makes you say that; is it because someone told you that?  
A No sir, I know that was the last day of the month; I had  
to come over here on the 4th day of March on a trial case, and  
that is the reason; I know I come off in the rain; the  
child was born on the first day; I went up there the  
last day of February, I knew that.  
Q Were you the midwife who waited on her? A Yes sir.  
Q Have you got a very good memory for dates? A Sometimes  
I have; the way I keep remembrance, just like month come  
in the first day of the month make a mark.



Gabriel Hawkins--6.

- Q Dont you act as midwife in a great many cases? A Yes sir.
- Q About how many this year? A Goodness, I dont know.
- Q You had waited on some this year before this child was born? A Yes sir, Lester Hardridge, and several other state men.
- Q Isnt it a fact that you have waited on so many that unless somebody told you and helped refresh your mind you couldnt tell? A That's right.
- Q Wouldnt you be more likely to remember the day of the week than the day of the month? A Looks like I ought to; I think that child was born on Wednesday; seems like I went up there on Monday.
- Q How long were you there? A Born the next day, but I stayed all night; next day I come on down to the train in the rain; come plumb through on into Muskogee.
- Q Did you make any record of waiting on this woman, write it down anywhere? A No sir.
- Q Have anyone make a record for you of the date of the birth of this child? A No sir.
- Q Then you might be mistaken about March 1st, mightnt you? A No sir, I aint mistaken.
- Q You might be, mightnt you? A No sir.
- Q You know you are under oath, Ella, and if you say something you didnt know to be the truth, it is just as bad as though you say something you dont know to be true? A No answer.

BY MR. LIEBER:

- Q Now Ella, you are sure that this child was born either on Tuesday or Wednesday, are you? A I think that is what it was; it was either Tuesday or Wednesday.
- Q It was born the day after you come to the house, was it? A Yes sir, I got there that night and child was born the next day about twelve o'clock.
- Q Following day? A Yes sir.
- Q You are satisfied you got there Monday or Tuesday? A Monday or Tuesday I think; I think it was Monday.
- Q You say the day after baby was born you came to attend a trial. What trial was it? A It was something concerning Sampson Drew's allotment; filed him Sampson McIntosh's.
- Q In the Creek or Cherokee Nation? A Creek Nation.
- Q Witness? A Some kind of a lawsuit; claimed the boy had sold land, he claimed it was one he did trade.
- Q Where did you have the trial? A Up there in some office, in Mr. DeCraffenreid's; they put the trial off.
- Q You didnt testify that day, did you? A No sir, got in in night, couldnt get there; that is the reason I am telling you now. They had the same case today; that is what brought me over here today, because I was subpoenaed on the same case; put it off until Thursday. Lando Mitchell I think was the man's name.



Gabriel Hawkins--7.

- Q How old was this baby when you came over here to testify in that case last spring? A It was a day old; I washed the next day, then tore right off in the rain, come to the train in the rain, come right on down here to Muskogee.
- Q Where did you stop Ella when you were in town that time?
- A I stopped at Malinda Saleme's.
- Q That a hotel? A No sir, just a cousin.
- Q Was that time and today the only two times that you have come over as a witness in that case? A In that, Sampson's case?
- Q Yes? A No sir.
- Q When did you come? A Last summer.
- Q The time that you came after the baby was born, was that the first time this year you came over here as a witness in this case? A Yes sir, that is the first time this year.
- Q What kind of weather was it Ella? A It was raining.
- Q What condition were the crops in at that time when you came over here? A Well the people were planting crops; couldn't say what condition the crops was in; just planting crops.
- Q Who were the lawyers in that case that you came over here as a witness on? A I don't know sir, who was the lawyers; it was something, it was something up between Lando Mitchell, subpoena read.
- Q It was about this land, Sampson's land? A They had sold it.
- Q You said Drew was sometimes called as some other name. It was about land that was filed as Sampson McIntosh's? A Yes sir.
- Q Knew who the lawyer on the other side of the case was?
- A No sir.
- Q How Ella you are positive that this child was born on the first day of March are you? A Yes sir, I think I am; may be mistaken, but don't think I am.
- Q You are positive it was born either on Tuesday or Wednesday one? A It was one of them days.
- Q You are more apt to remember the day of the week it was born on than you are to remember the day of the month, are you Ella, that is in so short a time? A It was either Tuesday or Wednesday, one of them days.
- Q Now the mother here says that the child was born on Tuesday?
- A I said it was either Tuesday or Wednesday; that case was to come up a Thursday; I stayed there oneday all day; she was just there by herself; I had no way to come to town; they live about three or four miles.
- Q You knew what day of the month that case was set for you were subpoenaed in? A No sir, I had the subpoena.
- Q That case was set for Thursday? A For Thursday. Mr. Scruggs, DeGraffenried's partner, was defending the case.
- Q You were staying there at this woman's house and washed for her the day after the child was born, and you left that same day for Muskogee? A I come right straight on.
- Q Then according to that the child was born on Tuesday just like the mother says? A Yes sir.
- Q Now Ella the calendar for this year shows that the first day of March came on Thursday? A It did, I was up there the first day of March.
- Q There is bound to be some mistake Ella, the first day of last March didn't come on Tuesday, it came on Thursday; this last year March, came on Thursday? A It was born on Tuesday or Wednesday.

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- Q And if the child was born on the first day of March, then that trial, according to your statement would be set on Sunday?
- A Trial was set for Thursday.
- Q And you are sure this child was born on Tuesday or Wednesday?
- A Yes sir; I think I went up there on Monday evening; I think I went there, I think it was a Monday evening.
- Q Then Ella, if you are certain that the child was born either on Tuesday or Wednesday, and the mother is certain it was born on Tuesday, then you must be mistaken about it being born on the first day of March; there is a mistake about it someplace, aint there Ella? A Must be.
- Q And you are bound to be mistaken about one or the other of those things aint you, either about the first day of March, or its being born on Tuesday, wasnt you? A I am pretty sure it was born on Tuesday or Wednesday.
- Q Arent you sure it was born in March? A I am sure of that.
- Q Calendar here says that the first Tuesday in March was the 6th day of March; then that child must have been born on the 6th day of March, or some day after that in March? A Must have been I guess.
- Q Then as a matter of fact Ella you dont know positively that the child was born on the first day of March do you? A Tell me it was the first day of March I come on; at Tallahassee I come and waited on Lester Hardridge's wife, I think it was on Sunday or Saturday; then I washed for her Monday; went right on home; didnt take time to change clothes, they were there after me.

BY THE COMMISSIONER:

- Q Do you know Lester Hardridge's father's name? A Yes sir.
- Q What is it? A Munday Hardridge.
- Q His wife's name Sarah? A Yes sir.
- Q They had a child born this spring? A Yes sir.
- Q You waited on it? A Yes sir.
- Q Boy or girl? A Believe boy.
- Q I believe you stated you waited on them the last part of one week, went home Saturday? A I waited on her Saturday; went to her house on Friday; I was on my way to church and couldnt go; that child was born on a Saturday and I stayed with her Saturday night and Sunday all day, and I washed for her Monday, and when I got home Monday, why this woman's husband was there ready for me.
- Q Then you are sure that Lester's child was born at least a couple of days before this child? A Yes sir.

BY MR. LIEMER:

- Q Where does Lester Hardridge live? A Porter.
- Q How far is it from Tallahassee? A Wasnt quite a half mile from Porter, quarter of a mile.
- Q You say he hasnt tried to have that child enrolled? A He has never brought it over; the baby was so small, thought it would die.

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- Q Do you know why they never tried to get it enrolled Ella?  
A I never has asked them, dont know.
- Q Do you remember going before a Notary Public named Hale to make out an application for this child? A Yes sir.
- Q How old was this child at that time? A I dont know sir.
- Q How how long had it been since you waited, had it been a week or month or year or what? A This child was going on two months old I think.
- Q How close to two months? A Well, I dont know sir, but I-
- Q What day of the month is today, do you know? A No sir.
- Q Dont know what day of the month it is; you dont know as a matter of fact then that today is October 25? A No sir.
- Q What day of the week is today? A Today is Thursday.
- Q You do know the days of the week better than the days of the month do you? A I told you when the first day of the month, if it is Monday or Sunday, when I am at home I keep count of it.
- Q How much did this woman pay you to wait on her? A \$5.00.
- Q How much did she give you to make out that affidavit? A Nothing.
- Q Were you right in town when the affidavit was made? A Yes sir, I was there in Porter.
- Q Just happened to be in town? A No sir, she sent for me.
- Q How far did you come? A Quarter of a mile.
- Q How did you get there? A Went in a buggy.
- Q Whose? A Mine. I got with them all over here; they dont pay me nothing, didnt receive a nickel.
- Q She came after you there to make that affidavit? A She sent word down there and sent word by George Johnson.
- Q You rode over by yourself did you? A No sir, Goliah; she paid my way back home.
- Q When did you see Hattie today, just a while ago? A I saw him and he said he had a notice and I asked him where was Hattie; he says "here's Hattie" and I was going up in DeGraf-fenried's office; they said to come on down here; I said "let's go right on, I got other business to see after."
- Q Did they talk to you about the birth of this child? A No sir, never said a word to me; come along talking about old man Ford.
- Q Do you mean to tell us from the time they told you you were wanted up here to testify that you had neither told them the date the child was born nor they you? A No sir, I am honest.

WITNESS EXCUSED.

WARRIOR HAWKINS, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

Q What is your name? A Warrior Hawkins.

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- Q How old are you? A I am 36 years old.  
Q What is your postoffice address? A Coweta.  
Q Are you married to Hattie Hawkins who just left the room?  
A Yes sir.  
Q Is that your child she has in her arms? A Yes sir.  
Q What is its name? A Gabriel Hawkins.  
Q Were you present when it was born? A Yes sir, I was there,  
I was at home.  
Q But you didnt see it born did you? A I wasnt right in the  
house there.  
Q How old was it before you saw it? A About, I saw it that  
day, it wasnt very old.  
Q Few hours? A Two or three hours I guess four.  
Q What day of the week was that? A I cant tell exactly just  
what day of the week it was.  
Q How old is that child? A He is about, something over seven  
months old.

BY MR. LIEBER:

- Q When was he seven months old Warrior? A In September.  
Q What time in September? A Why I dont know exactly just  
what time, but I know from the time it was born it will soon  
be eight months old.  
Q What time of the month was the child born? A It was born  
the first day of March.  
Q How do you happen to remember that it was the first day of  
March? A Simply because I know.  
Q How? A I know it was the first day of March.  
Q You are certain about the day of the month it was born on;  
you ought to be able to tell us the day of the week it was  
born on? A I just naturally cant tell now what day of the  
week it was born on; I know it was born the first day of  
March; my brother he has got his age down now at home;  
I didnt bring it.  
Q Now you went after Ella McIntosh to get her to wait on your  
wife when the child was born? A Yes sir, I did.  
Q Do you know what day of the week it was you went after her?  
A No sir, I dont know exactly; I brought Aunt Ella  
up there; she was up there a day I think before the child  
was born; stayed a day and it was born the next coming day.  
Q Now isnt it a fact though Warrior that she stayed a day  
after it was born and washed for your wife and then left?  
A She stayed a day after the child was born I know; I reckon  
she stayed a day; yes sir, I think she did, stayed a couple of  
days.  
Q You went after her long in the evening? A I driv from home  
in the morning; It was evening when I got there, when I got  
back with her, yes sir.

Gabriel Hawkins--11.

- Q Was she at home when you got there? A Yes sir, I think she was.
- Q Do you know where she had been? A No sir.
- Q Dont you know when you went there to her house she was ever at Lester Hardridge's house waiting on his wife? A I think she had been over there.
- Q And just got back? A I dont know, I am not certain.
- Q And then went from home with you to your house? A Yes sir.
- Q Dont you know that the day you went after Ella was on Monday? A I aint for certain.
- Q Think a little about it? A If I study I would know; I wouldnt say positive, for I dont know.
- Q What did you do the day before you went after Ella? A I was in town, I was plowing, my wife was sick, I was a great deal of the time around home.
- Q What were you doing, breaking or plowing? A Breaking land.
- Q You cant tell the Commissioner what day of the week the child was born? A No sir, I couldnt; I just naturally forgot the day of the week it was born on.
- Q Certain it was born in March though aint you? A Certain it was born the first day of March. would
- Q Now it is a funny thing Warrior that you remember it was born the first day of March and would not remember the day of the week it was born on; it hasnt been so long ago? A Yes sir, it do; I just dont remember; I know that it was born on, just what day, whether it was Monday or Tuesday I don't know.
- Q How do you happen to remember it was born on the first day of March? A Just because; I don't know.
- Q What helps you to remember that it was born on the first day of March? A I just know when the child was born; I looked at the almanac, no the child was born on, know it but forgot the day.
- Q What day of the month is this? A It is about, is about Thursday, it is about the 24th I think.
- Q You are certain today is Thursday, aint you Warrior? A Yes sir, I am certain today is Thursday.
- Q You are not so certain that today is the 24th of October, are you? A No sir, I am not certain about that.
- Q Well you are certain that this child was born on the first of March, but you don't know what day of the week it was born on? A No sir, I don't.
- Q Now Warrior, suppose the midwife, your aunt Ella, and your wife, both testify positively that the child was born on Tuesday? A I believe they know, they know, I never have talked to my wife about it.
- Q Get your head together there a minute Warrior, and see if you cannot satisfy yourself what day the child was born and if the women folks are mistaken in it? A I just tell you I can't tell you for my life; I don't know the day.
- Q Did you go with your wife and Ella to the Notary Public and make out the affidavit about this child? A No, I didn't go down there.
- Q Do you know Charles L. Hale, a Notary Public? A Yes sir.

Gabriel Hawkins--12.

- Q White fellow or colored fellow? A White fellow.
- Q What sort of health has this child had Warrior since it was born? A It has had pretty bad health; it is been sick several times, hard sick.
- Q Had the doctor with it? A Yes sir. Had the doctor with it. I think about, I don't know how many times.
- Q How old was it when it first took the spell of sickness and you had the doctor with it? A I don't know. I reckon about, first doctor that doctored it was a colored woman, Mulsey McKellop; she has been married, went by, called her Mulsey McKellop; I don't know the child wasn't so very old when she doctored it.
- Q How old? A Couldn't exactly tell you.
- Q You had a doctor there from Porter? A Yes sir, he has been there several times.
- Q How old was this child the first time the doctor went to see it? A I couldn't tell you; didn't keep no count how old it was. Dr. Adams been calling on it several times from Porter; Mulsey, she has been doctoring it several times; puny and small from the time it was born, little bit of thing.

BY MR. JEFFER:

- Q Warrior, how old was this child when your wife and Ella went up to make that affidavit? I don't know, I am honest I don't know.
- Q How long did your wife stay in the house after the child was born? A She is bound to stay thirty days I reckon.
- Q That is a rule among you colored folks? A Some do and some don't.
- Q How long had she been up when she went before the Notary?
- A I am honest I don't know.

WITNESS EXCUSED.

Statement by Ella McIntosh.

I can tell you one way to get at the date of the birth of this child. I know that Dr. Hardridge's child was born before Hawkins' child was as I said before, and Lester wasn't at home when his child was born; he had gone over to Okmulgee to council or something like that; I think he went over on Wednesday or Thursday and his child was born that Saturday; he come home a Sunday.

Cora Moore being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on



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October 25, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said case on said date.

*Louisa Moore*

Subscribed and sworn to before me this 10th day of December, 1906.

*Edward Merriam*  
Notary Public.



W. B. C. 122.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, October 27, 1906.

In the matter of the application for the enrollment of  
Gabriel Hawkins as a citizen of the Creek Nation.

APPEARANCE:

JOHN G. LIEBER appears for M. L. Mott,  
attorney for the Creek Nation.

SARAH HARDRIDGE, being first duly sworn by Henry  
G. Hains a Notary Public testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Sarah Hardridge.  
Q How old are you? A 36.  
Q What is your postoffice address? A Tallahassee.  
Q Are you a Creek freedman? A Yes sir.  
Q Do you know Hattie Hawkins? A Yes sir.  
Q Any kin to her? A No sir.  
Q Do you know her husband? A Yes sir.  
Q What is his name? A Warrior Hawkins.

BY MR. LIEBER:

- Q Do you know Ellen McIntosh? A Yes sir.  
Q Did you give birth to a child sometime this year, Mrs.  
Hardridge? A Yes sir.  
Q Who acted as midwife? A Mrs. McIntosh, Ella McIntosh.  
Q Is the child living? A Yes sir.  
Q What is its name, Mrs. Hardridge? A We havent got it any  
particular name, only call it Senny.  
Q Please state to the Commissioner when the child was born?  
A He was born the first day of April.  
Q The records of the Commission here fail to show that you have  
ever made application for the enrollment of this child; will  
you state why you have not made application? A Because  
they said all children born after May 4 that they could'

Gabriel Hawkins-----2

- not enroll them.
- Q March 4, you mean? A Yes sir, March 4.
- Q That is the reason you have not filed any application? A Yes sir.
- Q You say you know Hattie Hawkins? A Yes sir.
- Q How far do you live from her? A I dont know how far you would call it.
- Q Well is it three or four miles, how far is it? A It is about ten miles.
- Q Do you know whether or not she gave birth to a child sometime this year? A Yes sir.
- Q Was her child born before or after your child was? A After mine.
- Q How do you know that? A How I do know, Mrs. McIntosh she come to me on the first day of April-- last day of March, and my baby birthed the first day of April, and the next two days then she went to Hattie Hawkins. And in the next two days after she was out there to my house she come back again. she was doing some work for us; come and finish her work after she tended to Hattie Hawkins. She told me that Hattie had given birth for child while she was there.
- Q Do you know what day of the week your child was born, Mrs. Hardridge? A Yes sir, Saturday morning.
- Q You are positive that it was born too late to be enrolled? A Yes sir.

BY THE COMMISSIONER:

- Q Can you read and write Mrs. Hardridge? A yes sir.
- Q You know the dates of the month, do you? A Yes sir.
- Q What month is this? A October.
- Q What date of the month? A 27th.
- Q You know then as a matter of fact that your child was born in April, do you? A Yes sir.
- Q Couldnt have been born in March, during the first part of March? A No sir.
- Q And you know from hearsay that this Hawkins child, Gabriel Hawkins, was born after yours? A yes sir.

WITNESS EXCUSED

LESTER HARDRIDGE, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Lester Hardridge.
- Q How old are you? A 38.
- Q What is your postoffice address? A Tallahassee.

Gabriel Hawkins-----3

- Q You are a Greek freedman too are you not? A Yes sir.  
Q Are you the husband of Sarah who has just testified? A Yes sir.

BY MR. LINGER:

- Q Do you know Warrior Hawkins and his wife, Hattie Hawkins?  
A Yes sir, I know them.  
Q How long have you know them Lester? A All my life, raised together.  
Q Did you have a child born to your family sometime this year?  
A Yes sir.  
Q Who waited on your wife when that child was born Lester?  
A Mrs. McIntosh, Ella McIntosh; I wasnt at home then.  
Q You know how to read and write do you? A Yes sir, read and write.  
Q You are a member of the Greek Council? A Yes sir.  
Q Is that child of yours born this year living? A Yes sir, its living.  
Q When was it born? A First day of April, 1906.  
Q You are satisfied you are not mistaken about the date of birth of the child, Lester? A Yes sir, I am satisfied that was the date it was born on.  
Q Do you know whether Hattie Hawkins gave birth to a child sometime this year? A Yes sir.  
Q Was it born before or after yours was? A After.  
Q How do you know that? A Just by Mrs. McIntosh waiting on my wife there, and she went on up to Hawkins' place-- midwife-- and come on back.  
Q Are you related to Warrior Hawkins or his wife, Hattie?  
A Yes sir, relation to both of them.  
Q What relation? A About third cousin.  
Q To both of them? A Yes sir.  
Q Are you on friendly terms with them? A Yes sir.  
Q You appear here and testify in this case because you have been subpoenaed as a witness by the Commissioner, do you not?  
A Yes sir.  
Q You have no ill feeling towards these people? A Not any at all.

WITNESS EXCUSED

SARAH HARDRIDGE, recalled, testifies as follows:

BY THE COMMISSIONER:

- Q You are on good terms with these people are you? A Yes sir.  
Q No ill feeling between you and them of any kind? A None whatever.

WITNESS EXCUSED

Cora Moore, being first duly sworn, states that as

Gabriel Hawkins-----

stenographer to the Commissioner to the Five Civilized Tribes  
she reported the proceedings had in the above entitled cause  
on October 27, 1906, and that the above and foregoing is a true  
and correct transcript of her stenographic notes taken in  
said cause on said date.

*Lena Moore*

Subscribed and sworn to before me October 29, 1906.

*Edward Herriey*  
Notary Public

NBC 122.

Muskogee, Indian Territory, October 16, 1906.

Hattie Hawkins,  
c/o Warrior Hawkins,  
Coweta, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your child, Gabriel Hawkins, as a citizen of the Creek Nation, you are advised that this office cannot identify you or the father of said child on its rolls of citizens of the Creek Nation, and you are requested to state your maiden name, the names of your parents and of the parents of said Warrior Hawkins, the Creek Indian towns to which each of you belongs, and your roll numbers as same appear on your allotment certificates and deeds to land in the Creek Nation.

You are further advised that you and the midwife, Ellen McIntosh, will be allowed ten days from date hereof within which to appear at this office to be examined under oath in the matter of the date of the birth of said child.

Respectfully,

Commissioner.

Gr.No.1143.

Muskogee, Indian Territory, January 26, 1907.

M. L. Mott,  
Attorney for the Creek Nation,  
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 Gabriel Hawkins as a Creek freedman.

The decision, with a copy of the proceedings had in this 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.

CM-28-2

Gr.En.1143.

Muskogee, Indian Territory, January 29, 1907.

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 Gabriel Hawkins as a Creek freedman, including the decision of the Commissioner, dated January 24, 1907.

Very respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

Inc. CM-28-3



REFER IN REPLY TO THE FOLLOWING:

Cr. En. 1145

74874  
DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 28, 1907.

Hattie Hawkins,  
Care of Warrior Hawkins,  
Porter, Indian Territory.

Dear Madam:

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 Gabriel Hawkins as a citizen 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.

Inc. CM-28-1

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Gabriel Hawkins as a Creek freedman.

## D E C I S I O N

The record in this case shows that on May 14, 1906, application was made, in affidavit form, for the enrollment of Gabriel Hawkins as a Creek freedman, under the provisions of the Act of Congress approved April 26, 1906. Further proceedings were had on October 25 and October 27, 1906.

It appears from the evidence and the records in the possession of this office that the said Gabriel Hawkins is the minor child of Warrior Hawkins, a Creek freedman, whose name appears on a partial schedule of Creek freedmen approved by the Secretary of the Interior on the 13th day of March, 1902, opposite No. 2317, and of Hattie Hawkins, whose name appears on a partial schedule of Creek freedmen approved by the Secretary of the Interior on the 13th day of March, 1902, opposite No. 2116, as Hattie Drew.

The evidence in this case is contradictory, but the weight of the evidence establishes the fact that the said Gabriel Hawkins was born on or about the 1st day of April, 1906, and that he was living at the time of the last proceeding had herein.

The Act of Congress approved April 26, 1906 (34 Stat., L.137) provides in part as follows:

"That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled." . . . . ."

It is, therefore, ordered and adjudged that the applicant, Gabriel Hawkins, is not entitled to be enrolled under the provisions

of the aforesaid Act of Congress, and the application for his enrollment as such is accordingly denied.

COMMISSIONER.

Muskogee, Indian Territory,

MAR 24 1907

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Refer in reply to the following:  
Land 10241-1907.

COPY

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

February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 28, 1907, transmitting the record relative to the application of Gabriel Hawkins for enrollment as a Creek freedman.

On May 14, 1906, application was made to the Commissioner for the enrollment of Gabriel Hawkins as a Creek freedman. On January 24, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that the applicant was born on or about April 1, 1906.

By reason of the provisions of Section 2 of the Act of April 26, 1906 (34 Stat. L. 137) the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD-Y

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

LES

JP  
JHE

March 1, 1907.

I.T.B. 4860, 4890, 4904, 4960, 4962-07.  
4964, 5062, 5166, 5202, 5328-  
5342, 5374, 5376, 5378, 5380-  
5398, 5398, 5400, 5408, 5404-  
5410, 5424, 5418, 5424, 5428-  
5446, 5408, 5498, 5548, -

D.C. 12430, 1907.

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases  
adverse to the applicants are hereby affirmed, viz:

| Title of case.                      | Date of your<br>letter of transmittal. |
|-------------------------------------|--|
| Rhoda Walker,                       | December 19, 1906                      |
| Josiah McIntosh,                    | January 18, 1907                       |
| Tony Harlings,                      | January 18, 1907                       |
| George Allen (Freedman)             | January 28, 1907                       |
| Henry Edwards, (Freedman)           | January 28, 1907                       |
| Lewis Davis, deceased,              | January 28, 1907                       |
| Robert Scott, deceased,             | October 19, 1906                       |
| Tom and Mattie Jeffries, deceased,  | February 8, 1907                       |
| Ema Dodge, (Freedman)               | February 8, 1907                       |
| Georgia Davis, deceased, (Freedman) | February 7, 1907                       |
| Thelma Maud Gibson,                 | February 7, 1907                       |
| Magie Wela Fee, (Freedman)          | January 28, 1907                       |
| Nelson McIntosh                     | January 19, 1907                       |
| Galley Conner, deceased,            | January 28, 1907                       |
| Sarah Cook, deceased,               | January 28, 1907                       |
| Willie Perryman, (Freedman)         | January 28, 1907                       |
| Joshua Gentry et al,                | January 28, 1907                       |
| Dennis Taylor, (Freedman)           | January 28, 1907                       |
| Paul and Pauline Bruner,            | January 28, 1907                       |
| Gennie Sanders, (Freedman)          | January 28, 1907                       |
| Eddie Levi, (Freedman)              | January 28, 1907                       |
| Gabriel Hawkins, (Freedman)         | January 28, 1907                       |

| Title of case.                         | Date of your letter of transmittal. |
|--|-------------------------------------|
| Lottie Dickson, (Freedman)             | January 22, 1907                    |
| Charles Tiger, deceased,               | January 29, 1907                    |
| Herford Barnett, deceased,             | January 28, 1907                    |
| Coburn Holt, (Freedman)                | February 7, 1907                    |
| Marguerite Scott, deceased, (Freedman) | January 31, 1907                    |

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse K. Wilson,  
Assistant Secretary.

27 inc. and 61 for Ind. Of.

APMc  
3-1-07

Cr. En. 432

Muskogee, Indian Territory, March 8, 1907.

Hattie Hawkins,

Warrrior Hawkins,

Coweta, Indian Territory.

Dear Madam :--

You are hereby advised that under date of March 1, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Gabriel Hawkins, as a Creek freedman.

Respectfully,

Commissioner.



CR EN 1144

CR EN 1144

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, October 18, 1906.

In the matter of the application for the enrollment of  
JOSIE WOFFORD as a citizen by blood of the Creek Nation.

APPEARANCE:

JOHN G. LIEBER appears for M. L. Mott,  
Attorney for the Creek Nation.

LIZZIE WOFFORD, being first duly sworn by Henry G. Hains,  
a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Lizzie Wofford.  
Q How old are you? A 20 years old.  
Q What is your postoffice address? A Coweta.  
Q What is the name of your father? A Jackson Wiley.  
Q What is the name of your mother? A Maria Wiley.  
Q You were enrolled then under the name of Lizzie Wiley were you?  
A Yes sir.  
Q Can you read or write? A Yes sir.  
Q Your name is Wofford, isnt it? A Yes sir.  
Q We have here an affidavit signed by Lizzie Woffords, signed  
before J. J. Beavers, in which your name is written Woffords;  
you made a mistake did you not when you put an "s" on it,  
didnt you? A Yes sir.  
Q Then that wasnt right; Woffords is not right, is it? A No sir.  
Q What is the name of this baby you have here? A Josephine  
Wofford.  
Q We have an affidavit signed by you, in which its name is  
given as Josie; is that its right name? A Josephine Wofford  
is her name.  
Q Is this affidavit correct that says the name of the child is  
Josie Wofford; that is correct, you dont want the name of the  
child Josephine, do you? A No sir.  
Q The midwife isnt here today, is she? A No.  
Q What is her name? A Anna Childers.  
Q Where does she live? A Coweta.  
Q In her affidavit the name of the child is given as J-e-s-i-e  
Wofford; is that correct? A Yes sir.  
Q How old is this child Josie? A Eight months old.  
Q Sure of that? A Yes sir.

Josie Wofford----2

- Q When was she born? A 5th day of February.  
Q How old was the child when you went before this Notary Public to make this affidavit? A She was a month old.  
Q Are you sure of that? A Yes sir.  
Q Was she more than a month old? A No sir, she was just a month old that day when we got the paper fixed.  
Q What day of the week was your child born on? A On Monday.  
Q What time of the day or night? A In the day about one o'clock.  
Q One o'clock in the afternoon? A Yes sir.  
Q Who was present when the child was born? A Anna Childers.  
Q Anybody else? A No sir.  
Q Wasnt your husband present? A He wasnt at the house when the child was born.  
Q How old was the child when he saw it? A About a couple of hours old.  
Q Was anybody else there that same day the child was born? A No sir, just me and her.  
Q Did you have a doctor when this child was born? A No sir, didnt have any doctor.  
Q What is the name of the father of this child? A Shirley Wofford.  
Q Is he a citizen of any of the five tribes? A He is Cherokee.  
Q Cherokee freedman isnt he? A Yes sir.  
Q Have you ever made application for this child in the Cherokee Nation to have it enrolled? A No sir.  
Q If it should be found that this child is entitled to enrollment in either the Creek or Cherokee Nation, in which nation would you like to have it to take its land? A In the Creek Nation.

The witness is identified as Lizzie Wiley,  
opposite Creek Indian roll No. 1008.

- Q Have you any other children? A Yes sir.  
Q What is the name of the one just older than Josie? A Jackson.  
Q How long after the birth of Jackson was it before this child was born? A Wasnt quite two years old.  
Q Jackson wasnt quite two years old? A He would be three years old the next April.  
Q How much did he lack of being two years old when this child was born? A Lacked two months.  
Q Did you have any other children before Jackson? A No sir, he was my oldest child.  
Q Do you remember of going before J. J. Beavers, a notary Public to make the affidavit for Josie? A Yes sir.  
Q When did you go? A Went in March.  
Q Did you go before him more than once? A No sir, just went once.  
Q What time in March did you go before him? A I disremember now what time in March it was.  
Q It appears from the record that you were mistaken about the time that month you went before him; now I will ask you to tell me how old that baby of yours was that you went to make application before Mr. Beavers for? A He was about a month old when I went to make application.  
Q Sure of that? A Yes sir.  
Q You are not counting just because you went in March? A No sir.

Jessie Wofford-----3

- Q Have witness with you? A Yes sir.
- Q How long had you been out of bed at that time? A I had been out of bed about three weeks. That was the first time I ever carried her anywheres, was the time I made the papers out for her.
- Q How long were you in bed after the child was born? A A week.
- Q Then three weeks after you got up you went before this Notary Public? A Yes sir.
- Q Sure of that? A Yes sir.
- Q How do you live right in Coweta? A No sir, live about six miles on the other side of Coweta.
- Q What direction? A North.
- Q In the country? A Yes sir.
- Q Who are some of your neighbors around there? A Give my neighbors around there?
- Q Who lives nearest to you? A William Childers.
- Q What kin is he to you? A He is my uncle.
- Q And somebody else that lives near; give the name of somebody who is not any kin to you that lives near you and lived near you when the child was born? A Richardson lived close when the child was born.
- Q What Richardson? A Charley Richardson.
- Q Is he a citizen? A No sir, white man.
- Q Are you sure that you just stayed in bed a week after the child was born? A Yes sir, stayed at home.
- Q Are you sure that in three weeks after you got up you went before the Notary Public? A Yes sir.
- Q How did you get to his place; did he come to you? A I went there.
- Q How did you get there? A In a surry.
- Q Who took you? A Uncle.
- Q Uncle William? A Uncle Garfield.
- Q Is Beavers in the town of Coweta there, his office? A Yes sir.
- Q Did you go to his office? A Yes sir.
- Q Was anybody there? A Yes sir, midwife was there.
- Q Did she go in with you? A Yes sir.
- Q Are you sure that this child wasnt three months old when you went there? A No sir, wasnt three months old at all.
- Q And you say she was just a month old to a day? A Yes sir.

The affidavit of the witness above referred to is dated May 12, 1906, and was filed in this office May 14, 1906, It is on a form No. 199, printed by this office sometime subsequent to April 26, 1906.

- Q What day did you say this child was born on, what day of the month? A On the 5th day of February.
- Q Do you mean to say that you went before Mr. Beavers on the 5th day of March? A Yes sir.
- Q Cant be mistaken about that? A No sir.
- Q Now, Lizzie cant you figure up? A No sir, cant figure.
- Q You know the months of the year dont you? A Yes sir.
- Q What kind of weather was it when this child was born? A Kind of rainy weather.

Josie Vefford-----4

- Q Was it cold or a little warm? A Kind of warm and kind of rainy
- Q Was your husband on the farm? A Yes sir.
- Q What were you doing in the field at the time this child was born? A Fixed fence.
- Q Had he planted anything at that time? A Planted Irish potatoes
- Q Planted any cotton, any corn? A Hadnt planted any yet; was breaking the field to plant corn; fixing fence the day the baby was born.
- Q Had already done the spring plowing when the child was born? A Yes sir.
- Q Can you give us the names of any children of citizens, either by blood or freedmen, that were born in th your neighborhood at the time your child Josie was born? A No sir, she was the only one born then.
- Q Can you tell the name of any citizen, minor or old person, that died about the time your child was born? A Yes sir, Anderson Childers' wife died when the child was a little over a month old.
- Q Was she a citizen of the Creek Nation? A No answer.
- Q What was her name? A Lidia Childers.
- Q Is Anderson any kin to you? A Yes sir.
- Q What kin? A Third cousin.
- Q Does he and his wife live close to you? A No sir.
- Q Did you know their child Stella Childers? A Yes sir.
- Q How old was their child, Stella Childers, when your child was born? A Stella was two years old.
- Q Was she just two or more than two? A She was two years and one month old I guess older than she was.
- Q Why do you say that? A Because Stella was born in January.
- Q And are you sure that Lidia Childers died a month after your child was born? A She died in March somewhere.
- Q Are you sure it was a month after your child was born? A Yes sir.
- Q Did you make any record of the birth of this child, write down anywhere the date of the birth of this child in a book or a piece of paper or anything? A No sir.
- Q Did you buy any medicine in the town of Coweta about the time it was born? A No sir, never bought a bit of medicine.
- Q Is this Josie you have here? A Yes sir.

BY MR. LIEBKER:

- Q Has this child been in good health since it was born? A Yes sir in good health.
- Q Never been sick a day in its life? A Yes sir, had a little fever when she cut teeth.
- Q How many teeth has she? A Two.
- Q Upper teeth or lower? A Lower.
- Q Both lower? A Yes sir.
- Q Only teeth that she has? A Yes sir.
- Q She is not old enough to crawl is she? A She can stand alone; pretty near crawl.

Josie Wofford-----5

Q Not crawling yet? A No sir.

BY THE COMMISSIONER:

- Q Is Jackson Wofford dead? A Yes sir.
- Q When did he die? A A week ago Wednesday, yesterday was a week ago since he was buried.
- Q How old did you say Jackson Wofford was, your child, Jackson Wofford, when this baby was born? A Lacked two months of being two years old.
- Q The way you figure that was because you say the child was born in February? A February.
- Q Without figuring from the date can you tell us how old Jackson was? Without figuring from the date now Lizzie, without stopping to think that you have already said this child was born in February-- dont think of that-- can you tell us just how old this child was, Jackson, when this child was born? A Yes sir, nine months old.
- Q Then figuring from the date you have already given, how old was Jackson, the first child, when this child was born? A He was nine or ten months old.
- Q I dont think you understand the question. You had Jackson born in the year of 1904, as the record says, in the spring; was Jackson living when this child was born? A Yes sir.
- Q How old was Jackson when he died? A He was two years and six months old.
- Q Well, then how old was he when Josie here was born? A Who, Jackson? A
- Q Yes? A I dont remember how old he was.
- Q Dont remember how old he was? A He was nine months old when she was born.
- Q Were you and Shirley living in your own house at the time this child was born? A Yes sir.
- Q Any one there, your parents? A No sir.
- Q Anybody else living in there? A Our share cropper.
- Q What was his name? A Frank Banks.
- Q Indian, or white man, or colored man? A Colored man.
- Q Is he living there yet? A No sir.
- Q He was there when the child was born? A He was out there fixing fence.
- Q How long did he stay there after the child was born? A Stayed there until he laid by his crop.
- Q This year? A Yes sir.
- Q Where is he now? A In Okmulgee somewhere lives in ----
- Q Was he present when the child was born? A I reckon so. He wasnt there at the house; he was there on the place.
- Q How long after its birth till he saw it, do you know? A About an hour or two.
- Q How long did he stay there on the place altogether, I mean altogether; I dont want to know the day he came away, but how long did he stay there? A He stayed there seven months.
- Q When did he come? A He come there in February.
- Q And stayed seven months? A Yes sir.



Jessie Wofford--6.

- Q And where crept on the place? A Yes sir.  
Q Well, how long had he been there when this child was born?  
A Just came there about two weeks I guess.  
Q Was Shirley Wofford, your husband, with you when you went there to make this affidavit? A Yes sir.  
Q Was there in the room was he? A Yes sir.  
Q Was this affidavit read over to you? A Yes sir.  
Q What did you understand him to say this affidavit gave as the date of birth of this child? A We said on the 5th day of February.  
Q Did your husband hear that? A Yes sir.

WITNESS EXCUSED.

SHIRLEY WOFFORD, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Shirley Wofford.  
Q How old are you, Shirley? A About 24 years old.  
Q What is your postoffice address? A Coweta, Indian Territory.  
Q Are you the husband of Lizzie Wofford? A Yes sir.  
Q And the father of Jessie Wofford? A Yes sir, so the woman says.  
Q Is this Jessie your wife has here with her? A Yes sir.  
Q How old is that child? A Six or eight months old.  
Q Do you know how old it is? A Yes sir.  
Q What makes you say it is eight months old? A Because I know it is eight.  
Q How do you know? A Know from the date of its birth.

BY MR. LINNER:

- Q Can you read and write Shirley? A Yes sir.  
Q Do you understand the nature of an oath? A No sir.  
Q Dont know what it is to stand up and be sworn by an officer to tell the truth and nothing but the truth? A Not really explain it; I know what they say to do when they tell me.  
Q Know what the penalty is when you held up your hand and take an oath before an officer to tell the truth and nothing but the truth and deliberately swear to a falsehood? A No sir.  
Q You know it is punishment in the penitentiary do you? A Know it is punishment to swear to a lie.  
Q You know it is swearing to a lie when you tell an untruth; know that? A Yes sir.  
Q Did you write down the date of birth of this child, Jessie, anywhere, write it in the bible or a piece of paper, anything? A We sir.  
Q Did anybody do that? A No sir, not that I knew of.  
Q Well how can you tell how old it is or when it was born? Have you any other way to know it than by remembering it did happen?  
A By my remembrance.  
Q Were you present when the child was born? A Yes sir.



Josie Wofford-----7

- Q Were you right there? A Yes sir.  
Q Were you in the same room? A Yes sir.  
Q You didnt act as midwife did you? A No sir.  
Q What is the name of the midwife? A Anna Childers.  
Q Anybody else present in the room when the child was born?  
A Another woman.  
Q What is her name? A Her name is Mrs. Donaldson, all we knew.  
Q Did she help Anna Childers to deliver the child? A I employed  
her to serve, but she is an old lady, she never took any part.  
Q Anybody else present? A No sir.  
Q Where does this Donaldson woman live? A At the time  
present she was about four miles of us, if she was there;  
dont know where she is.  
Q Four miles what direction? A East.  
Q Which direction from Coweta? A To northeast.  
Q Do you know about how many miles? A About sixteen or  
fifteen miles.  
Q From Coweta? A Northeast.  
Q On whose place did she live at the time? A On Anderson  
Childers' place.  
Q Any kin to you, isshe? A No sir.  
Q Now Shirley, are you sure that you saw that child being born?  
A Yes sir.  
Q Sure that it wasnt as much as an hour or two old when you  
first saw it? A No sir, present when it was born.  
Q How long was your wife sick in bed? A That is in time  
of confinement?  
Q Yes. How long did she stay in bed after it was born?  
A About a week.  
Q And how long before she left the house? A That is to visit  
around?  
Q Yes, to leave the place for any length of time? A Well I  
suppose it was near about a month.  
Q And where did she go at that time? A I believe she went  
up to Anna Childers, if I aint mistaken; I would not be  
positive.  
Q How long after the child was born before she went to make out  
the affidavit for the child? A Well I dont exactly know the  
date, the date we made applications; at a rough guess it must  
have been a couple of months, three months, if not four.  
Q Did you have a child named Jackson Wofford? A Yes sir.  
Q How old was Jackson when this baby here was born? A About  
eight or nine months old.  
Q Was he living at the time Josie was born? A Yes sir.  
Q How long after the birth of Josie was it before Jackson died?  
A About six months.  
Q About six months? A Six or eight months. He died the 10th  
of October.

BY MR. LIEBER:

- Q What day of the week was this child born on? A On Monday.  
Q Did you go with your wife to the Notary Public when she made out  
this affidavit? A Yes sir.  
Q Take her up there to Coweta? A Yes sir.  
Q How old did you say this child was at this time? A About four  
months old I guess; I guess it must have been a little over  
four months old.

Josie Wofford-----8

- Q When did you make affidavit before that Notary, Beavers? A Dont remember.
- Q Remember the month? A Think it was in May.
- Q What was you doing at the time this child was born? A Day the child was born, day it was born I was around the house with its mother.
- Q Doing nothing? A No sir.
- Q What did you do the day after it was born? A Stayed around home all day.
- Q What had you been doing the week before the child was born? Nothing much not only hauling water, staying around the house.
- Q What did you do the week after it was born? A Nothing.
- Q Had the child been in good health since it was born? A No sir.
- Q Any express sickness? A No sir.
- Q Ever have any doctor with it since it was born? A No sir.
- Q How many teeth has it? A Two.
- Q Can it crawl? A Kind of crawl.
- Q How long has it been crawling? A It tries to crawl, aint never crawled, been at it about two weeks.
- Q You mean by that the child cant sit alone, cant get around over the floor? A Can get around.
- Q How old did you say that child was now? A Eight months old and some few days.
- Q Dont you know as a matter of fact, Shirley, that child is not eight months old; understand you are under oath now; dont you know that that child is not eight months old? A According to my knowledge that is what it is.
- Q But you swear before this Commissioner positively without any mistake that that child was born in February? A Yes sir.
- Q Positively now? A Yes sir.
- Q You are not mistaken about it? A No sir.
- Q Understand if that child wasnt born in February you are good for the penitentiary; you have sworn already this way and you swear that either the child was born in February and that it is now eight months old, do you? A Yes sir.

BY THE COMMISSIONER:

- Q You are a Cherokee freedman are you? A Yes sir.
- Q What day of the week was it that you took your wife before the Notary Public, do you remember? A I believe it was on Saturday; I wouldnt be positive.

BY MR. LIMEFR:

- Q Dont you know as a matter of fact that the first place that your wife went to when she left that place when the child was born was to the Notary Public at Coweta to make that affidavit? A I would not be positive about it; I think she went to her Uncle's, this here Andy Childers.
- Q How long did she stay there; a day or week? A She just went up there on a visit, stayed a few days, something or other.
- Q Dont you know that that child wasnt a month old when she went to Coweta and had that affidavit made out before Beavers? You swore that it was as much as a month or three months old at that time? A Yes sir.

Jessie Wafford-----9

- Q Then what explanation have you to make when your wife says that child was a month old when you went to Coweta and made out that affidavit? A I say that she made a mistake.
- Q Your wife testifies here that when she left that place, the first place she went to was to Coweta to make out this affidavit before that Notary Public regarding the birth of that child; what explanation have you to make about her testifying to that when you say she went to some place else? A I would not be positive that it was the first place, but I think she did go to her Uncle's.
- Q That is the only affidavit that you folks ever had made out with reference to the birth of this child, isnt it? A Yes sir.
- Q The only one? A Yes sir.
- Q Did you plant any potatoes this last spring? A Yes sir.
- Q Had you planted your potatoes when this child was born? A No sir, I dont believe I did.
- Q Swear to that? A No sir, I would not be positive.
- Q Just think a little, got all the time you want to think; tell the Commissioner whether you had planted potatoes at the time this child was born? A I would not give any definite answer; I couldnt.
- Q Now Shirley, you know whether you planted potatoes before this child was born? A I know I planted potatoes in February, but before or after I dont know.
- Q Dont you know you never planted potatoes as early in your life before the 4th day of February? A I wouldnt say, I think it was about.
- Q What explanation have you to say, that your wife testified that you planted potatoes before this child was born? A My idea.
- Q Didnt you ever plant potatoes on the 4th day of February? A Not as I know of.
- Q Dont you know last spring we had a late spring? Dont you know that everybody that planted potatoes last spring planted them as late as March or April? A I think I planted some in February though; dont know whether fore part or latter.
- Q When do you plant potatoes, in the dark or the light of the moon? A Plant in the dark and full of the moon.
- Q When did you plant last spring? A Planted in February, in the dark of the moon.
- Q What do you call the dark of the moon, what condition is the moon in when it is the dark of the moon? A What I call the dark of the moon after what we call the new moon, full moon and dark of the moon; Dark of the moon comes after full moon does it? A Yes sir.
- Q Now the full moon last February was on the 9th day, last quarter it was on the 15th day. Dont you know that you didnt plant potatoes last spring anywhere near the 9th day of February? A Yes sir, it may have been the dark of the moon.
- Q Dont you know that you planted potatoes last spring in the dark of the moon of March, which was somewhere between the 9th and 17th day of March; aint that when you planted potatoes last spring? A No sir.

WITNESS EXCUSED.

Josie Wofford--10.

LIZZIE WOFFORD, recalled, testifies as follows:

BY MR. LIEBER:

- Q Mrs. Wofford, do you understand the nature of an oath? A No sir.
- Q Do you know what the penalty is when you hold up your hand and take an oath before an officer that you will testify to the truth and nothing but the truth; do you know if you testify to a falsehood after taking an oath that the penalty is imprisonment in the penitentiary, dont you? A Yes sir.
- Q After asking you these questions, I will ask you if it isnt a fact that that child you hold in your arms isnt eight months old? A I dont want you people hereafter to say that you made a mistake. I am asking you if you testify positively to this child being eight months old? A Yes sir, she is eight months old.
- Q You testify positively that this child was born on the 5th of February, 1906? A Yes sir.
- Q You sure you havent made any mistake about that? A No sir, aint made no mistake.

BY THE COMMISSIONER:

- Q Who did you say was present when this child was born? A Anna Childers
- Q Anybody else? A No sir, just her.
- Q She was the only person present when this child was born? A Yes sir.
- Q Where was your husband at that time? A He was out in the field fixing fence.
- Q And how old was the child when he saw it the first time. A Two hours old.
- Q Wasnt there any other woman there in the room when the child was born? A None but her.
- Q None but Annie? A None but her.
- Q You stated a while ago that your husband had planted potatoes before this child was born; are you sure of that? A Yes sir.
- Q How do you know that? A Helped him plant it.
- Q How long before the child was born was it you helped him plant potatoes? A About a week.
- Q Sure of that? A Yes sir.
- Q What time do you plant potatoes? A Dont know what time you plant potatoes; we plant 'em along about February, January.

BY MR. LIEBER:

- Q Did you put anything on the potatoes when you planted them last spring to keep them from freezing? A No sir.
- Q Just planted them like you did later in the spring, did you? A Yes sir.
- Q Did those potatoes grow that you planted last spring? A Yes sir.
- Q Have a good stand? A Yes sir. We aint dug them yet. We nev do dig 'em, just let 'em stand all winter.

Josie Wofford-----11

- Q You know a woman by the name of Donaldson? A Yes sir.  
Q Was she present when the child was born? A She was coming, but she didnt come until after the child was born.  
Q How long after the child was born? A About an hour.

BY THE COMMISSIONER:

- Q Did you ever go to Anna Childers' house after this child was born? A No sir, my husband went to get her and we went in her surry, reason we went after her.  
Q From the time this child was born until you and your husband went up town had you been to Anna Childers in the meantime? A No sir, first time I had been out of the yard.  
Q Was the time you went to make the affidavit? A Yes sir.  
Q You hadnt been out of the house? A No sir.

WITNESS EXCUSED

BREESE BELL, being first duly sworn by Henry G. Hains, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q State your name, age and postoffice? A Breeze E. Bell, twenty years old, Muskogee.  
Q You are an employe of the Commissioner are you not? A Yes sir  
Q Working in the Disbursing Office? A Yes sir.  
Q Which is in charge of Mr. Reese Evans? A Yes sir.  
Q I will ask you to look at your books and state when Birth Affidavit, form 199, was ordered by your office? A March 26.  
Q You placed the order then for the printing of these affidavits did you? A Yes sir.  
Q It couldnt have been possible that any of those affidavits were printed and issued before that time, could it? A No sir.  
Q To the best of your knowledge, Mr. Bell, when was the first installment of these affidavits that were ordered printed? A Well I couldnt tell. It couldnt possible have been, though, before about the last of April.  
Q That is the form for the enrollment of children under the Act of Congress approved April 26, 1906? A Yes sir.  
Q To your knowledge they couldnt have been printed before that act was passed and approved? A Couldnt possibly.  
Q Does your records show when the last installment of your order on that date was received? A Yes sir.  
Q What date was that? A May 13, 1906.

BY MR. LIKNER:

- Q How soon after the date you placed this order, March 26th, 1906, were the first forms printed and turned over to you? A That is not shown in the record, cant tell that.

Josie Wofford----12

- Q Do you know whether the printer was directed to print these affidavits immediately after you placed the order, or whether he was directed to hold the form until he it was learned that act was passed? A Was to hold the form until we learned the exact date act was approved.
- Q Then as a matter of fact you didnt actually instruct the printer to print any of these forms until sometime after the 26th day of April, 1906? A Yes sir.

Statement by Mr. Lieber.

We desire to call attention to the fact that the form to which the testimony of this witness relates is the form of affidavit which was issued in the enrollment of the child, Josie Wofford.

WITNESS EXCUSED

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Gera Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on October 18, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Gera Moore*

Subscribed and sworn to before me November 13, 1906.

*Edward Herrick*  
Notary Public.



NY 615.

JLDe.  
MK

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

In the matter of the application for the enrollment  
of Johny Carwile, deceased, as a Creek freedman.

DECISION.

The record in this case shows that on April 28, 1905, application was made, in affidavit form, supplemented by oral testimony on January 22, 1907, for the enrollment of Johny Carwile, deceased, as a Creek freedman, under the provisions of the Act of Congress approved March 3, 1905.

The affidavits of the mother, Rosie Carwile, and Geo. W. Stith, the physician in attendance at the birth, state that the applicant was born February 7, 1905 and was living March 4, 1905.

The testimony of Isaac William Carwile, a non citizen, and Rosie Carwile, who is identified as Rose Smith, No. 2089, on the approved roll of Creek freedmen, the parents of the applicant, is to the effect that the applicant was born dead on February 5, 1905. Said Rosie Carwile testified that at the time she signed her said affidavit, she did not read it, neither was it read to her, and she did not know that it contained the statement that her said child was living on March 4, 1905. The only remaining evidence then that the applicant was living on March 4, 1905, is the affidavit of the Physician.

It appears from a preponderance of the evidence that the said Johny Carwile was not living on March 4, 1905, as required by said Act of Congress.

It is, therefore, ordered and adjudged that the said Johny Carwile, deceased, is not entitled to enrollment as a Creek Freedman, in accordance with the provisions of the Act of Congress approved March 3, 1905 (35 Stats., 1048), and the application for his enrollment as such is accordingly denied.

Muskegee, Indian Territory,

182-1907



Commissioner.



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

In the matter of the application for the enrollment of Josie Wofford, 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 May 14, 1906, application was made, in affidavit form, for the enrollment of Josie Wofford, as a citizen by blood of the Creek Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L., 137). Testimony was taken in this case on October 18, 1906.

The evidence in this case and the records in the possession of this office show that the applicant, Josie Wofford, is the minor child of Shirley Wofford, a citizen of the Cherokee Nation, whose name appears on the approved partial roll of Cherokee freedmen, opposite number 3113, and Lissie Wofford, a citizen by blood of the Creek Nation, whose name appears on a partial schedule of citizens by blood of said Nation, approved by the Secretary of the Interior March 13, 1902, opposite number 1008, as Lissie Wiley. It further appears from the evidence and the records in the possession of this office, that no application has ever been made for the enrollment of said Josie Wofford, as a citizen by blood or freedman of the Cherokee Nation, and that in testimony taken before this office on October 18, 1906, the mother of the applicant herein elected to have her enrolled in the Creek Nation.

The evidence as to the date of the birth of applicant is contradictory but it appears from the weight of the evidence that she was born subsequent to March 4, 1906.

It is, therefore, ordered and adjudged that the applicant, Josie Wofford, is not entitled to be enrolled as a citizen by blood of the Creek Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L., 137), and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory,


 COMMISSIONER.

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 FEB 1907

NBC 128.

Muskogee, Indian Territory, September 15, 1906.

Missie Wofford,

e/o Shirley Wofford,

Coweta, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor child, Josie Wofford, as a citizen of the Creek Nation, you are advised that you will be allowed ten days from date hereof within which to appear at this office with the father of said child, for the purpose of being examined under oath.

Respectfully,

Commissioner.

XP 815.

Muskogee, Indian Territory, February 9, 1907.

Rosie Garwile,  
o/o I.W.Garwile,  
Clarksville, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner of the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Johnny Garwile, 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.  
LM-30.

MP 615.

Muskogee, Indian Territory, February 9, 1907.

Thomas & Foreman,  
Attorneys at Law,  
Muskogee, Indian Territory.

Gentlemen:

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 Jehny Cartile, 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.

LN-31.

NY 615.

Muskogee, Indian Territory, February 9, 1907.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, 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 Johnny Carwile, 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.

IM-32.

NY 615.

Muskogee, Indian Territory, February 9, 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 Johnny Carwile, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM-83.

Through the Commissioner of  
Indian Affairs.

Gr. En. 1144  
KRC 128

Muskogee, Indian Territory, February 9, 1907.

Lizzie Wefford,

Coweta, 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 the enrollment of your minor child, Josie Wefford, as a citizen 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-27.



Cr. No. 1144.  
NBF. 128.

Muskogee, Indian Territory, February 9, 1907.

M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, 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 Jessie Wofford, as a citizen 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.

IM-28.

Cr. En. 1144.  
MBF 228

Muskogee, Indian Territory, February 9, 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 Josie Wofford, as a citizen of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM-29.

Through the Commissioner  
of Indian Affairs.

ENCLOSURE.

Refer in reply to the following:  
Land 14316-1907.

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

February 27, 1907.

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of Commissioner Bixby in the matter of the application for the enrollment of Josie Wofford as a citizen by blood of the Creek Nation.

Commissioner Bixby found from the record in the case and the records in his possession that the applicant is the minor child of Shirley Wofford, a citizen of the Cherokee Nation, whose name appears on the approved partial roll of Cherokee freedmen, opposite number 3113, and Lizzie Wofford, a citizen by blood of the Creek Nation, whose name appears on a partial schedule of citizens of that Nation, approved by the Secretary of the Interior March 13, 1902, opposite number 1008, as Lizzie Wiley; that on October 18, 1906, the mother of the applicant elected to have her enrolled in the Creek Nation. He also finds that the evidence as to the date of the birth of the applicant is contradictory, but it appears by a preponderance of the evidence that she was born subsequent to March 4, 1906, and is not, therefore, entitled to enrollment. On February 7, 1907, he rejected her.

It is recommended that the decision of the Commissioner be approved.

Very respectfully,  
(Signed) C. F. Larrabee,  
Acting Commissioner.

EEH-T

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.  
O.K.

LRS I.T.D.

5706, 5722, 5792, 5794-1907.  
5814, 5816, 5828, 5830-1907.  
5832, 5836, 5840, 5856-1907.  
5862, 5866, 5872, 5874-1907.  
5882, 5884, 5966-1907.

March 2, 1907.

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

| Title of Case.                      | Date of your Letter of Transmittal. |
|-------------------------------------|-------------------------------------|
| Easter Walker,                      | January 11, 1907.                   |
| Julia Cornelius, et al.,            | January 28, 1907.                   |
| Paul Bowers,                        | February 11, 1907.                  |
| Moses Vaughan (Freedman),           | February 11, 1907.                  |
| Charles Clark,                      | February 9, 1907.                   |
| Johny Carwile (Freedman),           | February 9, 1907.                   |
| Jack and Alice Bell (Freedmen),     | February 9, 1907.                   |
| Yar-mah-lee et al. (deceased),      | February 9, 1907.                   |
| Mary Burl (Freedman)                | February 11, 1907.                  |
| Annie McClelland and Mitchell Cox,  | February 9, 1907.                   |
| Alvin Smith (deceased) (Freedman),  | February 9, 1907.                   |
| Isaac and Ethel Grayson (Freedmen), | February 9, 1907.                   |
| William B. Self et al.              | February 11, 1907.                  |
| Annie Morgan (Freedman)             | February 9, 1907.                   |
| Bennie Griffin (Freedman),          | February 11, 1907.                  |
| Moss James, (Freedman),             | February 9, 1907.                   |
| Dan Campbell (Freedman),            | January 26, 1907.                   |
| Josie Wofford,                      | February 9, 1907.                   |
| Daniel Gray, deceased,              | February 11, 1907.                  |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

19 inc. and 38 inc.  
for Ind. Of.

AFMc  
3-2-07.

KBC 188.

Muskogee, Indian Territory, March 11, 1907.

Lizzie Wofford,  
c/o Shirley Wofford,  
Coweta, Indian Territory.

Dear Madam:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Jessie Wofford, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

Reapplication for enrollment of Josie Wofford as a citizen of Cherokee Nation.

Father Shirley Wofford.  
A Cherokee Freedman.  
Desire status of both as Cherokees.  
WB

No application has been made for enrollment of Josie Wofford as citizen or freedman of Cherokee Nation. Shirley Wofford aged 20 years is an approved partial wife of Cherokee freedman opposite No 3113  
FEB 2 1907

FEB 5 1907

Mr Dixley

This is a class case, and should dissects from conclusion but I think judgment is right  
AWC

En. 1144  
MSC 128

Deny

En. 1144

AWC

1/23/07

M

Do not concern that the weight of evidence shows that agreement was born subsequent to March 4, 1906  
AWC

CR EN 1145

CR EN 1145



This is evidently  
an fraudulent  
case and It would  
seem that more  
<sup>evidence</sup>  
~~testimony~~ should  
be introduced  
before sending a  
report recommending  
striking from the roll.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
MUSKOGEE, INDIAN TERRITORY.  
SEPTEMBER 25, 1906.

In the matter of the enrollment of Mary Alice Huckaby, as a citizen by blood of the Creek Nation.

APPEARANCES: John G. Lieber, acting for M. L. Mett, attorney for Creek Nation.

Charles Colbert being first duly sworn by Henry G. Hains, Notary Public, testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Charles Colbert.  
Q: How old are you? A: I am about 37 years old.  
Q: What is your post-office address? A: Okmulgee.  
Q: Do you know Elsie Huckaby and R. W. Huckaby?  
A: I know R. W. Huckaby but I don't know the children.  
Q: Don't know the childrens names? Elsie is the name of his wife, isn't she? A: I suppose so.  
Q: Are they citizens by blood of the Creek Nation?  
A: His wife is.  
Q: Do you live close to them? A: Yes sir.  
Q: How close do you live to them? A: I suppose about a mile, not quite so far, his place and mine adjoins.  
Q: Do you know when they had a child born this Spring?  
A: Yes sir.  
Q: Was it a boy or girl? A: Well I don't know I believe it was a girl.  
Q: Do you know when that child was born? A: Why I believe it was born in March.  
Q: Do you know what time in March? A: I do not know just what time.  
Q: Do you know Jane Colbert? A: Yes sir.  
Q: Who is she? A: My mother-in-law.  
Q: Do you know if she was present when that child was born?  
A: I believe she was, I believe she waited on her.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: You say the child was born in March? A: Yes sir.  
Q: What part of March, the first, or the middle or the latter part? A: It must have been near to the middle I guess.  
Q: How do you happen to remember that the child was born in March? A: Because I had one born a few days afterwards.  
Q: Your child was born a few days after this one was born?  
A: Yes sir.  
Q: How many days? A: I don't know-- my child was born on the 25th. day.  
Q: The 25th. of March? A: Yes sir. I didn't count the time just how long it was born.  
Q: Are you a citizen of the Creek Nation? A: Yes sir.  
Q: Now your child was born on the 25th. day of this last March?  
A: Yes sir, 1906.  
Q: Now how old was the Huckaby child when your child was born?  
A: I don't know. I didn't keep any particular tract of that, I don't know just what date of the month that Huckaby child was born, I know it was before mine and mine was on the 25th.

- Q: What we are trying to get at is how long that child was born before your child was? A: I don't know how long but I can tell when about, I think it was 5 or 6 days.
- Q: About 5 or 6 days? A: Yes sir.
- Q: Who waited on your wife when your child was born? A: Jane Colbert.
- Q: Well are you sure there wasn't as much as two weeks difference in the ages of these two children?
- A: I wouldn't be sure. My mother-in-law can tell more about it than I can, she waited on both of them and she knows.
- Q: How do you happen to remember the date of the birth of your child? A: I always bear that in mind when it was born, and put down the year and age.
- Q: Did you put down the date of the birth of your child? A: Yes sir.
- Q: In what did you write it, in the family bible or what? A: I have got a record of these things.
- Q: Have you that record with you? A: No sir, I didn't brought it with me.
- Q: When did you look at it last? A: Sometime here in the summer, sometime in August.
- Q: You are sure you are not mistaken about your child being born on the 25th. day of last March? A: No sir, I am certain of it.
- Q: Are you positive that this Huckaby child wasn't born in February? A: No, it wasn't born in February.
- Q: You are sure of that? A: Yes sir.
- Q: How far do you live from these people? A: I live on the adjoining place.
- Q: How far away? A: I live on the north-west line of my land and they live on the south-east part of theirs. It ain't over a half mile.
- Q: Do you know what day of the week this Huckaby child was born on? A: I don't know.
- Q: Are you on good terms with these Huckaby people? A: Yes sir
- Q: You appeared here as a witness because a subpoena was served on you, issued by the Commissioner, did you not? A: Yes sir.

Questions by Commissioner:

- Q: Do you ever visit these people? A: Some times but I hardly ever visit them.
- Q: Were you there close to the date of the birth of this child? A: No sir.
- Q: Haven't you been there since it was born? A: Yes sir.
- Q: When? A: Several times lately.
- Q: Did you go there in the month of August? A: I don't think I did, if I did, I ~~am~~ didn't go in.
- Q: How long before your child was born do you think this child was born, give us your best impression? A: Well I think it was 5 or 6 days old.
- Q: What makes you think that? A: According to what my wife said.
- Q: How did your wife speak to you in a way to make you think that was the age? A: She said the Huckaby child was 4 or 5 days old.
- Q: When did she tell you that? A: Not very long after it was born.
- Q: She remarked that not long after your child was born? A: Yes sir.

- Q: Did you ever hear anywhere else anything about the birth of this Huckaby child? A: No sir.
- Q: Didn't ever hear them claim it was born in February?
- A: No sir, I never heard of it.
- Q: Are you sure it wasn't born in February? A: Pretty sure it was not.
- Q: You know if what your wife says, is true and if it was born 4 or 5 days before your child, it must have been born around the 20th. of March, was it not? A: Yes sir.
- Q: Is that your best knowledge of it? A: Yes sir.

Jane Colbert being first duly sworn by Henry G. Hains, a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Jane Colbert.
- Q: How old are you? A: I don't know my own age.
- Q: You are at least 55 or 60, are you not? A: 55 or 57.
- Q: What is your post-office address? A: Okmulgee.
- Q: Do you know R. W. and Elsie Huckaby? A: Yes sir.
- Q: Do you live near them? A: Yes sir.
- Q: How close? A: About a half mile.
- Q: Do you live on the place with your son Charles Colbert?
- A: Yes sir.
- Q: Did you wait on Elsie Huckaby when her child was born this Spring? A: Yes sir.
- Q: What is the name of that child? A: I think its name is Ellen.
- Q: Isn't it Mary Alice Huckaby? A: I don't know sir.
- Q: Well it was a girl wasn't it? A: Yes sir.
- Q: Born this Spring? A: Yes sir.
- Q: When was it born what day and what month? A: It was born in March, but I don't know what week.
- Q: Are you sure it was in March? A: Yes sir.
- Q: How do you know that? A: I was right there when it was born and it was born before my daughter's child.
- Q: Hannah Colbert's child? A: Yes sir.
- Q: Did you wait on Hannah when her child Julia was born?
- A: Yes sir.
- Q: And this Huckaby child was born just before that?
- A: Yes sir, just 5 days before.
- Q: Are you sure it was just 5 days old when Hannah's child was born? A: Yes sir.
- Q: Then it must have been born about the middle of March, was it not? A: I guess so I don't know what time it was born but it was 5 days older than my daughter's child.
- Q: Isn't there something that makes you remember that? Don't you remember that because of something that happened about that time? A: No sir.
- Q: Did you ever hear anybody else say about that time that the Huckaby child was just about 5 days older than your daughter's child? A: No sir, nobody said it but me.
- Q: Now you would know if it was as much as 2 weeks latter, wouldn't you? A: Yes sir, I don't think it is.
- Q: Don't you know as a matter of fact that it wasn't as much as 2 weeks latter when your daughter's child was born?
- A: Yes sir. No sir it wasn't as much as 2 weeks.

- Q: Are you on friendly terms with the Huckabys? A: No sir, I ain't got any bad feelings towards the Huckabys at all.  
Q: Can you tell us how old that Huckaby child is now?  
A: No sir, I can't read, I can't tell you that.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Do you know when your daughter's child was born--Hannah Colbert's child? A: It was born in March the 24th. I think. That is what Charley said.  
Q: Do you remember anything about it yourself that it was born on the 24th. of March? A: I know it was in March but I don't know what date, I can't read.  
Q: You can't read or write? A: No sir.  
Q: How old was this Huckaby child when Hannah's child was born?  
A: 5 days old.  
Q: Are you certain of that? A: Yes sir, to my count it is.  
Q: You went and waited on Mrs. Huckaby's when her child was born and then you went and waited on your daughter Hannah when her child was born? A: I leve with her.  
Q: You swear positively that there wasn't over 5 or 6 days difference in the ages of them two children, do you Aunt Jane? A: I don't think it is, to my count it ain't.  
Q: That is your judgment of it, that it was 5 days old when Hannah's child was born? A: Yes sir.  
Q: Are you sure it wasn't over a week old when Hannah's child was born? A: No sir, it wasn't over a week old.  
Q: Now you made an affidavit before a Notary Public about the birth of this Huckaby child, didn't you Aunt Jane?  
A: Yes sir.  
Q: Do you know when you made that affidavit? A: No sir, I don't.  
Q: Well was the affidavit read over to you before you made your mark to it? A: No sir.  
Q: Wasn't read over to you? A: No sir.  
Q: Did they tell you what date they had put in that affidavit as the date of the birth of that child? A: No sir they didn't.  
Q: Well how does it come you signed that affidavit without knowing what was in it, Aunt Jane?  
A: I signed it because I was there on the day that the baby was birthed.  
Q: Well now if this affidavit which you signed says that the child was born on the 28th. day of February, 1906, this last February, does it say the truth? A: I reckon so. Yes, it is bound to be the truth, I can't read.  
Q: Well now you said a while ago that that Huckaby child was born in March? A: I think it was, because my daughter's child was born in March and it was 5 or 6 days older than my daughter's child and I think it was both in March.  
Q: Now if your daughter's child was born on the 25th. day of March and the Huckaby child was born 5 days before that, then the Huckaby child must have been born on the 20th. day of March, isn't that right? A: Yes, that would be right that way.  
Q: Then if that would be correct then this affidavit is wrong isn't it? A: It is bound to be. But Mr. Huckaby ought to know what time the child was born, the affidavit ought to tell.

- Q: Well now when you signed this affidavit, you say it wasn't even read over to you? A: No sir.
- Q: Did they tell you before you signed that affidavit what it contained? A: No sir, I don't think they did.
- Q: Did they tell you what date they were going to put in that affidavit as the date of the birth of that child?
- A: No sir.
- Q: Then when you signed that affidavit and swore to it you didn't know what you were signing, did you? A: No sir
- Q: You don't know what you swore to, do you? A: No sir but I know I was there when the child was birthed, that is all I know.
- Q: Well now Aunt Jane, that is all you do know about this Huckaby child, that you were there when it was born and it was 5 days old when your daughter's child was born, isn't that right? A: Yes sir, that is the way I count it now.
- Q: Do you know what day of the week the Huckaby child was born on? A: No sir, I don't know how to read, I ain't got no sense, I don't know a from B.
- Q: Do you know one month from another, Aunt Jane?
- A: Yes, when they tell me.
- Q: Do you know what month comes after February? A: March they call it.
- Q: What month comes after March? A: April.
- Q: What month comes after April? A: May.
- Q: Well you know the months pretty well too, don't you?
- A: I know the months but I can't read at all.
- Q: Well now then if you know the months, Aunt Jane tell the Commissioner here what month this Huckaby child was born in?
- A: I don't know what month, but I know what month my daughters child was born in and I know it was 5 days older than my daughter's child.

Questions by Commissioner:

- Q: Do you know what day of the week your daughter's child was born on? A: On Sunday morning.
- Q: Are you sure that there was not a Sunday that came between the birth of the Huckaby child and your daughter's child?
- A: That is right.

(It appears from the calender of March 1906, that March 25 falls on Sunday.)

- Q: You being sure because you waited on both of them, that the Colbert child was born on Sunday and that the Huckaby child was born 5 days before and having gone there to both places, can't you keep it in your mind whether one Sunday came between the birth of this Huckaby child and the birth of your daughter's child.
- A: No sir, I can't remember there was any Sunday between.
- Q: Are you positive there was not as many as two Sundays from the time the Huckaby child was born until your daughters child was born? A: No sir.
- Q: If there would have been two Sundays in between you would have known it, wouldn't you? A: Yes sir.
- Q: Do you know how many days there are in a week? A: 7 with Sunday.
- Q: Do you know or do you not know that you went and waited on the Huckaby woman when her child was born, and then the next Sunday after that your daughters child was born, do you know that? A: Yes sir. It was born on Sunday morning.

HANNAH COLBERT being first duly sworn by Henry G. Hains  
Notary Public, testified as follows, to-wit:-

Questions by Commissioner:

- Q: What is your name? A: Hannah Colbert.  
Q: How old are you? A: I am going on to 32.  
Q: What is your post-office address? A: Okmulgee.  
Q: Do you know R. W. and Elsie Huckaby? A: Yes sir.  
Q: Did they have a child born this Spring? A: Yes sir.  
Q: Did you have one too? A: Yes sir.  
Q: Which one was born first, yours or hers? A: Hers.  
Q: How long before your child? A: Hers is 5 days older than my child.  
Q: Are you sure of that? A: Yes sir.  
Q: How do you know that? A: Because I know Mamma went up there and grannied for hers.  
Q: Your Mamma grannied for yours too, didn't she? A: Yes sir.  
Q: When was yours born? A: The 25th. of March.  
Q: What day of the week? A: I forget what day of the week it was.  
Q: Was it a week day or on Sunday? A: Mine was born on Sunday morning.  
Q: Well if hers was born 5 days before yours, there could not have been a Sunday coming between the two could there?  
A: I don't know sir.  
Q: You know that from one Sunday to another is more than 5 days don't you? A: Yes sir.  
Q: Then could a Sunday have come between the Huckaby baby's birth and yours? A: I don't know, mine was born on Sunday.  
Q: Do you know what day of the week hers was born on? A: No sir.  
Q: Were you sick at the time hers was born? A: No, I wasn't sick.  
Q: Did you go to her house when hers was born? A: No sir.  
Q: Did you see her child? A: No sir, I ain't seen her child yet.  
Q: Do you know what day of the month her child was born on?  
A: No sir.  
Q: Do you know what month it was born in? A: In March I know.  
Q: What part of March? A: I don't know what date of the month.  
Q: From what knowledge you have with regard to your own child and your mother being the midwife for your child and for Mrs. Huckaby's child what part of the month do you think the Huckaby child was born in--the first or middle or the last part of the month? A: I don't know sir.  
Q: Do you know how much 5 days from the 25th. of March is?  
A: I don't know.  
Q: How many days are there in a week? A: 5 days in a week.  
Q: Do you know how many days in a month? A: I don't know.  
Q: Do you know if this Huckaby child was born as much as 2 weeks before your child? A: No sir, I couldn't tell you.  
Q: Why do you say then that it was born 5 days before yours, if you can't answer that question?  
A: Huckabys baby is 5 days older than mine.  
Q: Don't you know the difference between 5 days and 2 weeks, don't you know 2 weeks is more than 5 days?  
A: Yes sir, I know it is more than 5 days.



- Q: If you know the child was 5 days older than yours, don't you know it was not as much as two weeks older than yours?  
A: I don't think it was as much as 2 weeks older, but I don't know.  
Q: What made you say then that the child was 5 days older than yours, what makes you say that? A: I think Elsie's child was born on Monday morning, she took sick on Sunday night and it was born on Monday morning and I took sick on Saturday night and mine was born on Sunday morning.  
Q: From your recollection do you think that she took sick the Sunday night before you took sick and that her child was born the Monday before your child was? A: Yes sir.  
Q: Is there anything that makes you think that, anything that helps you know that? A: No sir.  
Q: Do you remember that in any way? Because your mother was the midwife for you and that Huckaby child does that help you to remember it? A: Yes sir, they both happened the same week? A:  
Q: You remember that because Jane went up there, do you?  
A: Yes sir.  
Q: Is it possible that you could be mistaken about that, that they both were born the same week? A: Yes I think she took sick on Sunday.  
Q: Could her child have been<sup>born</sup> as much as two weeks before yours?  
A: No sir.  
Q: Are you sure that your child was born on March 25th? on ~~Sund~~ Sunday? A: Yes sir.  
Q: Did you write that down any where in a book--make any record of it? A: No sir, I didn't, Charley might have.  
Q: You don't know whether he did or not? A: No sir.  
Q: You swore in an affidavit that your child was born March 25th. didn't you? A: Yes sir.  
Q: That is correct is it? A: Yes sir.  
Q: Your recollection is that that affidavit is correct in saying it was born March 25, on Sunday and now your recollection is that the Huckaby child was born the Monday before, and you think she took sick on Sunday and had the child on Monday morning and then the following Saturday you took sick and the Sunday right next to Saturday you had your child? A: Yes sir.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: Hannah, your mother Jane Colbert lives with you, does she?  
A: Yes sir.  
Q: You know when she left your house to wait on Hannah?  
A: Yes sir.  
Q: You know when she came back and shortly after that your child was born? A: Yes sir.

Questions by Commissioner:

- Q: How long did your mother Jane Colbert stay at Huckabys?  
A: I don't know.  
Q: Did she stay all of that day there?  
A: No sir, she came back the same day.  
Q: Have you any hard feelings towards the Huckabys? A: No sir.  
Q: You are on friendly and good terms with them? A: Yes sir.  
Q: You only object in coming in here was in answer to a subpoena issued by the Commissioner to come in, was it?  
A: Yes sir.

- Q: Is this Huckaby woman you know a citizen by blood of the Creek Nation? A: Yes sir. I have always heard that.  
Q: You have always heard that, have you? A: Yes sir.  
Q: Is Huckaby a citizen? A: No sir.  
Q: He is a white man, is he? A: Yes sir.

It appears from the records of this office that the name of Mary Alice Huckaby is contained in a schedule of minor children of citizens by blood (Act April 26, 1906) opposite No. 103)

**STATEMENT** by John G. Lieber acting attorney for Creek Nation:

In view of the testimony adduced in this case today, the Creek Nation asks that the Commissioner notify R. W. and Elsie Huckaby to show cause within a certain time why their child Mary Alice Huckaby, should not be stricken from the rolls of the Creek Nation.

This is all the evidence given in said cause on said date.

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.

Julia C. Laval

Subscribed and sworn to before me this 13 day of October, 1906.

Edmund Morris  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
MUSKOGEE, INDIAN TERRITORY  
OCTOBER 15, 1906.

WBC-137.

In the matter of the ~~application~~ enrollment of Mary Alice Huckaby, as a citizen of the Creek Nation, by blood.

APPEARANCES: JOHN G. LIEBER acting for M. L. Mott, attorney for Creek Nation.

Elsie Huckaby, being first duly sworn by Henry G. Hains, testified as follows, to-wit:

Questions by Commissioner:

- Q: What is your name? A: Elsie Huckaby.  
Q: How old are you? A: 24  
Q: What is your post-office address? A: Okmulgee.  
Q: What is the name of your father? A: William Lynch.  
Q: What is the name of your mother? A: Fanny Lasley.  
Q: Have you a child named William Huckaby? A: Yes sir.  
Q: One named Aaron? A: Yes sir.  
Q: What is the name of the next one? A: Andrew.  
Q: What is the name of the next one? A: Ora Huckaby.  
Q: What is the name of the next one? A: Mary Alice Huckaby.  
Q: Is that Mary Alice Huckaby in your arms? A: Yes sir.  
Q: How old is this little child you have here? A: She is 6 months old I guess.  
Q: When was she 6 months? A: 20th. of February when she was born.

(Witness is identified as Elsie Huckaby opposite Creek Indian roll number 1195.)

- Q: What is the name of the father of this little girl, Mary Alice? A: R. W. Huckaby.  
Q: He is a white man is he, a state man? A: Yes sir.

Questions by J. G. Lieber acting attorney for Creek Nation

- Q: How old do you say that child is now Mrs. Huckaby? A: She was born the 20th. of February.  
Q: Well can you tell the Commissioner how many months old she is now without referring to the 20 of February?  
A: She is 8 months old the 20th. of this months, I guess by that.  
Q: How do you know that child was born on the 20th. of February  
A: Well we put her age down and know it was born on that month on the 20th. of February.  
Q: Who waited on you when the child was born? A: A woman by the name of Colbert,  
Q: Jane Colbert? A: Yes sir I think so, I know her name was Colbert, I don't know what her other name was.  
Q: You are certain this child was born on the 20th. day of February are you? A: Yes sir.  
Q: What day of the week was it born on? A: I don't remember Monday or Tuesday, I don't know which it was now.

- Q: Now can't you think a little and tell us what day of the week the child was born on? A: No I don't think I can, only I think it was Monday or Tuesday.
- Q: Do you know Charley Colbert? A: Yes sir.
- Q: He lives in your neighborhood, don't he? A: Yes sir.
- Q: How far from you? A: I don't know about a mile and a half or two miles I don't know how far it is.
- Q: His wife had a child born about the same time your child was born, didn't she? A: No sir I guess maybe a month and a half after mine was born. It was a good while I don't know how long it was but I know I heard of it.
- Q: Can this child you have here walk yet? A: No sir.
- Q: Can it crawl? A: No sir she can set alone.
- Q: Has it been in good health since it has been born? A: Tolerably.
- Q: Never had any spells of sickness? A: Not much to amount to anything.
- Q: Have you had a doctor since it was born? A: No sir.
- Q: Did you have a Doctor with you when the child was born? A: No sir.
- Q: What kind of a record did you make of the birth of this child? A: At the time it was born, that is all we made.
- Q: I mean what did you make it in? A: Made it in Okmulgee.
- Q: I mean where in Okmulgee? A: I couldn't tell you where ~~the~~ at.
- Q: Did you write it down in a book? A: Yes sir I can't think of the name of the man we went before it was the place where you make letters.
- Q: Do you mean the Notary Public? A: Yes sir.
- Q: You mean you went before the Notary Public and made affidavit about the birth of this child? A: Yes sir.
- Q: Is that the only record you have of this child's birth? A: Yes sir.
- Q: You haven't it in the bible any place have you? A: Yes sir
- Q: Where is that bible? A: At home.
- Q: When did you put that in? A: After it was born.
- Q: Who put it down? A: My husband.
- Q: When did you see that record? A: It ain't been long.
- Q: What does that bible record say? A: It says Mary Huckaby was born the 20th. of February, 1906? A: Yes sir.
- Q: Now Mrs. Huckaby don't you know as a matter of fact that this child was not born until sometime in March? A: No sir all I recollect is that it was on the 20th. of February.
- Q: Are you ready to swear before this Commissioner that this child was born on the 20th. day of February, 1906? A: Yes sir, that is all I know.
- Q: Well will you swear it was born at that time? A: That is all I know. I will have to swear it.
- Q: You swear before this Commissioner that that child was born before the 4th. day of this last March, do you? A: Yes sir.
- Q: Who was present when that child was born? A: Mrs. Colbert that is all.
- Q: Just Mrs. Colbert? A: And my Husband was there.
- Q: Anybody else? A: No sir. Yes--there was another woman there--Mrs. Lowman was there.
- Q: Where does she live? A: Close to where we live.
- Q: Close to where you live? A: Yes sir.

- Q: Now you say the child was born on the 20th. day of February, 1906? A: Yes sir.
- Q: Now you executed an affidavit before Fred H. Smith a Notary Public regarding the birth of this child, didn't you? A: Yes sir.
- Q: Did you give the correct date of birth at the time you made that affidavit? A: We had two and made a mistake with the dead child and I corrected it after that.
- Q: When was this dead child born? A: Why I don't know just when it was.
- Q: How long before this child was born? A: Well it was a year I guess.
- Q: This child you have in your arms is named Mary Elise Huckaby isn't it? A: Yes sir.
- Q: Now that is your signature to that affidavit isn't it, Mrs. Huckaby? A: Yes sir.  
(Showing witness the affidavit file d in this case May 15, 1906, being application for the enrollment of Mary Alice Huckaby)
- Q: In what month was that dead child born in? A: It was born in March, March 26th. or the 29th. I don't know which it is, we have got so many records of our children, I can't remember.
- Q: It was born then in March before this child Mary Alice was born is that right? A: Yes sir, a year before.
- Q: Then there is only 11 months between the birth of that deceased child and this child is there? A: Well this child didn't live a day hardly.
- Q: Did you ever name the dead child? A: No sir.  
When we went to enroll they gave it a name, I think they named it Randolph Huckaby, or Richard I don't which it was.
- Q: When you went to enroll the child you called it Randolph? A: Yes sir, I think it was.
- Q: Now your recollection is that that child was born in March is it? A: Yes sir in March sometime but I don't recollect just what date it was.
- Q: Are you as positive that that child was born in March as you are that this child Mary Alice was born in February? A: Yes sir.
- Q: Just as positive of it? A: Yes sir.
- Q: Well now on the 10th. day of April 1905 you made an affidavit before Grennon C. Scaggs regarding the birth of your child Randolph Huckaby and in that affidavit you swear that that child was born on the 7th. day of December 1904? A: Where it is, I made a mistake right there but you know I told you that there was so many of my children I can't think of it.
- Q: Then you admit that you made that affidavit do you, before Mr. Scaggs? A: Yes sir.
- Q: Now if you are mistaken about the month that that child Randolph was born in, isn't it possible that you could be mistaken about the month that Mary Alice was born in? A: No, because he set the age down and it is there in the bible
- Q: Now you say in making this affidavit before Fred H. Smith a Notary Public regarding the birth of Mary Alice Huckaby you made a mistake in the date of birth because of this dead child Randolph. Explain to the Commissioner how you happened to get the date of birth of Mary Alice mixed up with the date of birth of Randolph.

- A: Well because I have so many children I reckon. Because I had never thought of it, that is all there was.
- Q: How soon after this child Mary Alice was born before you made that record in the bible? A: Just a little while after it was born he put her age down.
- Q: Well how long? A: 2 or 3 days.
- Q: You are positive you had that bible record put down before you went before this man Smith and made this affidavit? A: Yes sir.
- Q: You are sure of that? A: Yes sir.
- Q: This affidavit was made on the 19th. day of May 1906, then if you had a bible record of this child showing it was born on the 20th. day of February 1906, explain to the Commissioner how you made that affidavit reading that the child was born on the 28th. day of February 1906.
- A: Well he must have made a mistake that is where it was.
- Q: Well it looks like there has been quite a number of mistakes made with reference to the enrollment of this child Mary Alice. A: Yes sir.
- Q: But you don't think you could be mistaken about the date of its birth? A: No, I ain't mistaken, he put the age down, and that is all I go by, he knows the date of the month and age and everything and he put it down.
- Q: Don't you know the date on that bible record, stating when that child was born? A: I know he put it down right and that is what I am going by.
- Q: Did you appear before the Notary Public Smith and make this affidavit regarding the birth of Mary Alice and swear to it?
- A: Yes sir.
- Q: You knew at that time the affidavit stated that the child was born on the 28th day of February, didn't you?
- A: I don't recollect.
- Q: Now isn't it a fact that this child Mary Alice was born on the 20th day of March instead of the 20th day of February?
- A: The 20th day of February is when it was born.
- Q: You deny that the child was born on the 20th day of March 1906, do you? A: It wasn't born on that date.
- Q: Then you deny it do you? A: Yes sir.
- Q: You didn't bring that bible with you Mrs. Huckaby?
- A: No sir.
- Q: Who went for James Colbert when you sent to get her at the time your child was born? A: Mr. Huckaby's nephew.
- Q: What was his name? A: Martin Chastine.
- Q: Where does he live? A: On the place.
- Q: How far from you? A: About a quarter of a mile I reckon.
- Q: If Jane Colbert says that her daughter's child, that is ~~Hannah~~ Hannah Colbert's child, was born on the 25th day of March, which was on Sunday, and that your child was born just five days before Hannah's child, what have you got to say to that?
- A: I don't know what she said that for.

Questions by Commissioner.

- Q: Now I will ask you again how old is this child now, Mary Alice now? A: About six month or so you can tell by the date.
- Q: I am asking you how old your own child is?
- A: About six months and a little over, pretty near seven months I don't know just how much, I couldn't count just now.
- Q: Well I am not asking you to count it, I am asking you as a mother, to tell me how old your own child is, and your answer is that it is six months and maybe a little over, pretty near seven.



- Q: I am not asking you to count it from a certain month how old it is but I am asking you as a mother to state how old that child is.
- A: It is 7 months old the 20th. of this month.
- Q: Are you sure of that? A: Yes sir, of course it is.
- Q: How are you as sure of that as you are that it was born on February 20, 1906? A: Well I don't know I am telling you the best I can.
- Q: How near do you live to Jane Colbert who waited on you when this child was born? A: About a mile or a mile and a half.
- Q: Did she have a child born this Spring? A: She didn't her daughter did.
- Q: Which is older---her daughter's child or your child?
- A: I didn't know they had a child until here lately I heard it, I didn't visit them.
- Q: And you live about a mile from her?
- A: A mile or a mile and a half, I don't know how far.
- Q: Have you heard which child is the older Jane Colbert's daughters child or this child? A: Mine is oldest.
- Q: Did you ever hear how much older this child is?
- A: Why mine must be a month or a month and a half older.
- Q: Why do you say that--why do you say it must be a month older instead of answering my question. Instead of answering my question you said yours must be a month or a month and a half older? A: I don't know how old their child is I just know how old mine is.
- Q: I just simply asked you if you knew how much older your child is than theirs? A: Well I don't know about that.
- Q: Why did you say a while ago that yours must be a month or a month and a half older? A: Well I am just guessing by how old my baby is.
- Q: When was your child Ora born? A: I don't recollect.
- Q: You have filed for her haven't you? A: Yes sir.
- Q: How old is she? A: I guess she is about 4 years old.
- Q: You haven't a very good memory, have you about your own children, even? A: I don't ever think about it.
- Q: Do you know what month your child Ora was born in?
- A: I can tell by looking at the age in the bible.
- Q: I am asking you now---do you know? A: Why she is 4 years old, I reckon.

It appears from the records in this office that this witness on April 10, 1905 signed an affidavit stating that Ora Huckaby was born March 26, 1903)

- Q: Can you read or write? A: I can write a little and read a little.
- Q: Do you know what year this is? A: 1906.
- Q: What month and date is today, do you know? A: No, I don't.
- Q: Don't you know what month this is? A: This is October.
- Q: What day of the week is this? A: Monday.
- Q: Could you tell if we show you a calender for this month what date of the month this is? A: I guess so.

Questions by John G. Lieber acting attorney for Creek Nation.

- Q: Now Mrs. Huckaby you know whether your child is 6 months old or seven months old? A: No, she was 7 months old



- going on 8---she may be 7 or going on 8 months old now, I don't know which.
- Q: Then you mean to tell this Commissioner that you haven't kept track of the age of that child from month to month, so you can tell me right now without counting back, how many months old the child is. That is you haven't kept track of that? A: She is 7 or 8 months old this month, I don't know which, on the 20th.
- Q: 7 or 8 months old on the 20th. of this month you don't know which? A: Yes sir.
- Q: Now Mrs. Huckaby do you mean to say you don't know how many months old your child is without counting back?
- A: I can't do that unless I count back.

R. H. Huckaby, being first duly sworn by Henry G. Hains a Notary Public testified as follows:

Questions by Commissioner:-

- Q: What is your name? A: Randolph Wilton Huckaby.
- Q: Are you known as R. W. Huckaby? A: Yes sir.
- Q: How old are you? A: 33 years old.
- Q: What is your post-office address? A: Okmulgee.
- Q: You are not a citizen of any of the 5 tribes are you?
- A: No sir.
- Q: Are you married to Elsie Huckaby? A: Yes sir.
- Q: How long have you been married to her? A: I was married in '95.
- Q: How many children have you had by her? Living and dead?
- A: 7 I guess.
- Q: What is the name of the oldest one? A: William.
- Q: What is the name of the next one? A: Clarence and Clyde
- Q: Are they living? A: No they are dead.
- Q: Now what is the name of the one next oldest to the two dead ones? A: Aaron.
- Q: What is the name of the next one? A: Andrew.
- Q: Is he living? A: Yes sir.
- Q: Is he enrolled? A: Yes sir.
- Q: What is the name of the next one? A: We never named it, it died in a short time after it was born.
- Q: Didn't you name it when your wife made the affidavit for it?
- A: I don't remember, it seems like we did but I don't hardly remember.
- Q: That one is dead, is it? A: Yes sir.
- Q: What is the name of the next one? A: Mary Alice.
- Q: That is the child your wife has here is it? A: Yes sir.
- Q: How old is this child Mary Alice? A: It was born the 20th. of February, if I mistake not.

Questions by John G. Lieber, acting attorney for Creek Nation.

- Q: How many months old is the child Mr. Huckaby? A: Well you can count for yourself.
- Q: I am asking you how many months old the child is without counting back to the date of its birth.
- A: I would have to count it myself.

- Q: Then you don't keep track of the number of months old your child is? A: I could soon count back and tell a man how old it was.
- Q: I am asking you if you know without counting back?
- A: No sir, I couldn't tell you exactly without counting.
- Q: Now you say the child was born on the 20th/ day of February 1906? A: Yes sir, if I mistake not.
- Q: Do you mean to say you may be mistaken about the birth of your own child? A: The reason I state this, I don't remember just how long it was before I put the child's age down but it wasn't but a short time and I am satisfied that I put the child's age down right. I didn't put the child's age down just as soon as it was born but I put it down a short time afterwards.
- Q: How soon after the child's birth did you put the age down?
- A: I don't know just how long it was, but it was right soon afterwards.
- Q: Would you say it was as much as a week or two weeks after the child was born? A: I think that it was.
- Q: Would you think that it was as much as a month after it was born? A: I don't really think it was, of course I wouldn't be positive about this matter, because I didn't study the matter over.
- Q: What does that record show regarding the birth of this child?
- A: It shows the 20th. day of February.
- Q: Were you present when your wife made the affidavit before Fred H. Smith regarding the birth of this child, Mary Alice?
- A: Yes sir.
- Q: Now at that time had you made a record of the birth of Mary Alice Huckaby in the bible? A: Yes sir.
- Q: You are sure of that? A: I am almost sure of that.
- Q: Now when your wife made that affidavit before Smith, did you get the date of the birth of the child from the family bible or record that you had made? A: Yes sir, I think I did.
- Q: Now the affidavit made before Smith says that the child was born on the 28th. day of February 1906, can you explain how that affidavit was made to read the 28th. when you say the bible record shows it was born on the 20th.
- A: I can't explain it to you unless we just made a mistake, that is all the way I can explain it to you.
- Q: What day of the week was the child born on? A: Well I couldn't tell you that at the present time.
- Q: Did Jane Colbert act as midwife? A: Yes sir.
- Q: Who went for her Mr. Huckaby? A: A nephew of mine that lived there on the place, Martin Caften.
- Q: Do you know Charley Colbert? A: I am personally acquainted with him.
- Q: Do you know his wife Hannah? A: Yes sir.
- Q: They had a child born just about the time your child Mary Alice was born, didn't they? A: I don't know. They had a child born, I think it was after my child was born but I don't know how long.
- Q: Are you willing to swear before this Commission Mr. Huckaby that your child Mary Alice was born before the 4th. day of March 1906? A: Yes sir That is to the best of my knowledge that she was born on the 20th. of February and that is the way her age is on record, and that is all the way I can swear.

- Q: Well now you certainly know the date of the birth of your own child especially when he is not yet a year old, don't you Mr. Huckaby?
- A: Why probably if I had time to study the matter over and figure it up. I never thought of this matter very much, I could probably get at it to a day, but it might take me some time to do it. But I don't think I am mistaken I think I am right.
- Q: Do you remember what kind of weather it was when that child was born? A: No sir, I don't.
- Q: When did you last look at that bible record?
- A: A few days before I started up here.
- Q: Started up to make this trip up here? A: Yes sir.
- Q: Just a few days ago then? A: Yes sir.
- Q: You are certain that that record shows that the child was born on the 20th. day of February? A: Yes sir.
- Q: Q: How long after your child Randolph was born, that is the one that lived about a day, was it before this child Mary Alice was born?
- A: Well I couldn't tell you just how long it was without studying back a good while.
- Q: Well I would like for you to study back Mr. Huckaby and tell us? A: Well I couldn't say that at the present time I am not prepared to say how long it was.
- Q: Well now you generally keep track of the number of months or years that there is between the ages of the different children you have, don't you? A: I generally keep a record of the childrens age and when I want to know I can look at it and figure back a little, but I don't keep it in my head all the time.
- Q: Who else was there when this child was born besides you and Jane Colbert? A: Another colored woman--Charley Lowmans wife.
- Q: Do they live close to you? A: They live on my place.
- Q: You don't think you could possibly be mistaken about the month that this child was born in? A: No sir, I think I am right the way it is down.
- Q: You are not prepared to say now how many months old it is now without figuring back? A: No sir.
- Q: You are a white man I believe? A: Yes sir.
- Q: Know how to read and write? A: Yes sir.
- Q: Have a fairly good education? A: Not a very good education
- Q. I mean fairly good education---transact your own business and do your own writing? A: Yes sir.
- Q: Do you take any newspapers? A: Yes sir.
- Q: How many? A: Two.
- Q: Read them yourself? A: Yes sir.
- Q: Know how to figure? A: Yes sir.
- Q: Do all your own figuring do you Mr. Huckaby? A: Yes sir.
- Q: What is your business Mr. Huckaby? A: Farming.
- Q: Have you ever been in any other business?
- A: No sir, in no other kind of business. I handle a few cattle

Questions by Commissioner:

- Q: Why in answer to a question asking you when your child was born, do you say you think--don't you know as a matter of fact when your child was born?
- A: Under the circumstances I don't know positively because it was sometime before I put the child's age down--I could possibly have been mistaken but I don't think I was.
- Q: So that is as near as you can come to a positive answer is it? A: Yes sir.
- Q: Well can you answer this question positively that Mr. Lieber asked you, Can you swear positively that this child was

- living on March 4, 1906? A: Well I think now----
- Q: Now you think again, I am asking you can you swear positively? A: Well you see under the circumstances you just asked me I couldn't because I could have been mistaken.
- Q: You think you could have been mistaken as much as a month?
- A: I don't think it was a month, I am satisfied it wasn't a month when I put this child's age down.
- Q: I am not asking you about the time when you put it down do you think you could be mistaken as much as a month in the date of the birth of the child? A: I don't think I could.
- Q: Are you positive? A: I couldn't be positive about that.
- Q: Do you live in the same neighborhood as these Colberts?
- A: About a half mile.
- Q: Did you ever go to their house? A: I passed by there in going for some stock.
- Q: Isn't it a fact that Jane Colbert who waited on your child waited on her own daughter's child--on Hannah Colbert?
- A: I couldn't say.
- Q: Didn't you hear there was a child born close to the time your child was born? A: I don't know anything about the child's age, I heard they had a child born.
- Q: Don't you know anything about the birth of their child?
- A: No sir.
- Q: Didn't you hear which was the oldest, your child or Hannah Colbert's child? A: No sir.
- Q: Don't you as a matter of fact know which was the oldest?
- A: No sir, I don't.
- Q: Don't you as a matter of fact know that this child was not living on March 4, 1906? A: No sir.
- Q: Can you tell us what day of the week Mary Alice Huckaby was born? A: I couldn't tell you that.
- Q: Were you present? A: Yes sir. I don't remember just now.
- Q: Do you remember whether it was Sunday or not?
- A: No sir, I couldn't tell you.
- Q: Wouldn't you know if your own child, born sometime this year was born on Sunday or on a week day?
- A: No sir, I couldn't say.
- Q: Then you must have a very poor memory haven't you?
- A: I find my memory is not very good.
- Q: Do you work on Sunday like on any other common week day?
- A: No sir.
- Q: Well if it was born on Sunday wouldn't you know it from that very fact of <sup>not</sup> going to work on that day?
- A: If I could have time to study on this matter I could probably have given you an answer.
- Q: Why did you come in here today? Didn't you come in here in answer to a letter sent you 3 or 4 days ago at least and asking you to show cause why the name of this child should not be stricken from the rolls?
- A: I didn't know they wanted to strike this child from the rolls.
- Q: You came in here in answer to that letter to show cause why it should not be stricken from the rolls, didn't you?
- A: I know that.
- Q: Wasn't that enough to cause you to begin studying?
- A: I didn't know what their object was.
- Q: You didn't even bring in that record which you say was your only stand-by, did you? A: No sir I didn't bring it in.
- Q: And you didn't study long enough to say how long after the birth of the child you made that record? A: No sir.
- Q: You positively swear that you wrote down the birth of that child in the bible? A: Yes sir.

- Q: Are you willing to swear that you didn't write that down just recently? A: Yes sir.
- Q: Are you willing to swear that you didn't write it down four or five days ago? A: Yes sir.
- Q: You swore, I believe that you wrote down that record in the bible before your wife went to make out that affidavit?
- A: I think so, I couldn't be sure but I am almost sure of it.
- Q: About how long, do you think it was between the birth of the child and when you wrote that down?
- A: I don't think it was more than 2 or 3 weeks.
- Q: Are you willing to swear it wasn't as much as a month?
- A: I couldn't positively swear that.

Questions by J. G. Lieber, acting attorney for Creek Nation.

- Q: Mr. Huckaby are you willing to swear that the bible record of the birth of Mary Alice Huckaby is correct?
- A: I couldn't swear that positively because it was sometime after the child was born before it was put down.
- Q: Then you are willing to swear that you might be mistaken?
- A: I might be mistaken, but I don't think I am.
- Q: What were the farmers doing when this child was born--that is Mary Alice? A: Well I don't remember just at the present time what they were doing.
- Q: Didn't you have your cattle turned out on the grass at that time? A: I don't remember that.
- Q: Do you remember what you were doing Mr. Huckaby when that child was born---just before the child was born or just after it was born? A: Well I don't, right at the present time, I don't remember.

Questions by Commissioner:

- Q: Mr. Huckaby how did your wife come to make this application for the enrollment of that child? Can you explain that---how did she come to make that affidavit before the Notary Public? A: So as to get the child on the roll.
- Q: Did she attend to that herself? A: No sir, me and her both did.
- Q: Did you tell her to go there and do it? A: Yes sir.
- Q: You are the one that attended to it---that made the first move in the matter? A: Yes sir.
- Q: And you went with her, did you? A: Yes sir.
- Q: Were you present when she signed that affidavit? A: Yes sir.
- Q: Was that affidavit read over to her? A: Yes sir.
- Q: Did you hear it read? A: Yes sir.
- Q: Did you at that time know the date of the birth of that child? A: Yes sir.
- Q: Did you look at your bible record at that time?
- A: I did. That is why I think I couldn't be mistaken.
- Q: You are not positive whether you looked at that record before she made that affidavit or not? A: I think so.
- Q: You heard that read over to your wife before she signed it?
- A: Yes sir.
- Q: What did the man read? A: I don't remember but I guess he read what we gave him.
- Q: What did you give him? A: The 20th. of February, that is what I thought.
- Q: As stated here before, that affidavit states the 28th. of February.
- Q: Well we probably made a mistake in giving it in before the Notary, we probably made the mistake.
- Q: Then you probably make a mistake when you say the 20th. now, do you not? A: No sir, it is on record as the 20th.

- Q: Well you stated that you might have made a mistake in putting it on the record, didn't you? A: I could have done it but I don't think I did.
- Q: How old was that child when you took your wife before the Notary Public? A: I don't know.
- Q: Do you mean to say you can't tell that small length of time that must have elapsed from any given date--that is from the date of the birth of this child, you can't say how old it was? A: No sir, I can't tell you.
- Q: I am not asking you the exact number of days old it was but how many weeks old was it? A: Well I couldn't say how old it was.
- Q: Then you can't tell what day of the week it was born on, whether it was Sunday or not? A: No sir, I can't.
- Q: And you were present when it was born? A: Yes sir.
- Q: And you caused your wife to go before the Notary Public and make out an affidavit? A: Yes sir.
- Q: Don't you know as a matter of fact that this child was born too late to be enrolled? A: No sir, I don't.
- Q: Don't you know that now? A: No sir, I do not.
- Q: How close do you live to the town of Okmulgee? A: 6 or 7 miles.
- Q: How does it come that you waited as long as you did until you made application for the enrollment of this child?
- A: Well I don't know why it was, I neglected it somehow.
- Q: Had you ever talked to anybody about the enrollment of this child before you took your wife there to make this affidavit? A: Not that I remember of.
- Q: Or had anybody talked to you? A: Not that I remember of.
- Q: Did you ever read in any newspaper or anywhere else about the regulations about the enrollment of children?
- A: Yes sir.
- Q: Where did you read that? A: I think it was in the Phoenix.
- Q: Then at the time you took your wife there to make that affidavit you knew what time the child ought to be born and living in order to be entitled? A: Yes sir, I thought I knew.
- Q: From reading the paper? A: Yes sir.
- Q: What did you think was the date? A: The 24th. of March I believe.

Elsie Huckaby being recalled, testified as follows:

Questions by J. G. Lieber acting attorney for Creek Nation.

- Q: Mrs. Huckaby do you mean to tell the Commissioner that you don't pretend to remember the date of the birth of this child, Mary Alice, except by the bible record?
- A: 8 or 9 months is all I can think of.
- Q: I thought you said 7 or 8 a while ago? A: It is 7 or 8 or 9, but you can tell by the record.
- Q: Then you mean to say that if it wasn't for that record that is in the bible there, you wouldn't be able to tell exactly how old the child is, would you?
- A: Well by counting it back you could tell.
- Q: Suppose you wouldn't have that bible record to go by, do you mean to tell the commissioner you would remember the date of its birth now? A: It is on the bible.
- Q: Well suppose you didn't have that bible record, could you remember the date of the birth of this child now, without this bible record?



- A: I couldn't remember it right now.
- Q: You have been here about an hour since you first gave testimony in this case haven't you? A: I don't understand anything more about it.
- Q: Well the testimony which you have given in this case is all based on the record that was made in the bible about the birth of this child? A: Yes sir.
- Q: You haven't testified at all from your memory have you?
- A: No.
- Q: You are relying entirely on that bible record aren't you?
- A: No sir, that is in the bible.
- Q: You are depending entirely on that bible record about giving your testimony in this case? A: I know it is there and I told them it was that way.
- Q: If it wasn't in that bible record could you tell the Commissioner when it was born? A: Well it was born on the 20th. of February.
- Q: If you didn't have that bible record could you tell exactly when it was born, without that bible to tell you?
- A: Yes, I can by counting.
- Q: Well how would you count it? A: Well count from the date it was born.
- Q: How would you remember the date of its birth without the bible record?
- A: By counting the number of months I could tell you.
- Q: Do you mean by counting the number of months old it was?
- A: Yes sir from the time it was born.
- Q: Then you mean to tell the Commissioner that you can remember the date of this child's birth without the aid of this bible, do you? A: I can tell it by counting back.
- Q: Count back then and tell us.
- Q: Is this child 6 months old, 7 months old or 8 months old or 9 months old? A: 9 months old, I guess.
- Q: Are you positive about it Mrs. Huckaby? A: Well by the way, from the 20th. of February counting along every month it makes it 9 months.
- Q: Then you think from February 20 to October 20th. would be 9 months, do you? A: Yes sir.

This is all the evidence given in said cause.

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.

Julia C. Laval

Subscribed and sworn to before me  
this 8 day of November, 1906.

W. H. Harris  
Notary Public.



Mothers roll \$1195

137

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199

IN RE 269

Application for Enrollment of  
MINOR CHILD

Act of Congress Approved  
April 26, 1906

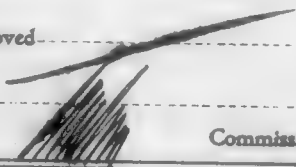
Mary Alice Huckaby

as a citizen of

Creek

Nation

Approved \_\_\_\_\_ 190



Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
FILED

May 15-1906

NEW BORN Creek #137

ACT OF CONGRESS APPROVED APRIL 26, 1906

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

ENROLLMENT OF MINORS, ACT OF CONGRESS, APPROVED APRIL 24, 1906

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,  
of Mary Alice Huckaby, born on the 28th day of February, 1906.  
(Here insert name of child)  
Name of Father: R. W. Huckaby non / citizen of the \_\_\_\_\_ Nation.  
Name of Mother: Eloy Huckaby a citizen of the Creek Nation.  
Tribal enrollment of father: \_\_\_\_\_ Tribal enrollment of mother: Indian  
Postoffice: Okmulgee, I. T.

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, Indian Territory, }  
Western District. }

I, Eloy Huckaby, on oath state that I am thirty four years of age and a citizen by birth of the Creek Nation; that I am the lawful wife of R. W. Huckaby (non citizen), who is a citizen, by \_\_\_\_\_ of the \_\_\_\_\_ Nation; that a female child was born to me on 28th day of February, 1906; that said child has been named Mary Alice Huckaby, and was living March 4, 1906.

Eloy Huckaby

WITNESSES TO MARK:

[Must be two Witnesses] { \_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me this 14th day of May, 1906.

Fred H. Smith  
Notary Public.

My commission expires March 12th 1907.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE

UNITED STATES OF AMERICA, Indian Territory, }  
Western District. }

I, Jane Colbert, a Mid-wife, on oath state that I attended on Eloy Huckaby, wife of R. W. Huckaby on the 28th day of February, 1906; that there was born to her on said date a female child; that said child was living March 4, 1906, and is said to have been named Mary Alice Huckaby.

Jane X Colbert  
mark.

WITNESSES TO MARK:

[Must be two Witnesses] { Fred H. Smith  
E. W. Morris

Subscribed and sworn to before me this 14th day of May, 1906.

Fred H. Smith  
Notary Public.

My commission expires March 12th 1907.

MBC 137.

Muskogee, Indian Territory, September 24, 1906.

Eloy Huckaby,

c/o R.W. Huckaby,

Okmulgee, Indian Territory.

Dear Madam:

You are hereby advised that you will be allowed fifteen days from date hereof within which to appear at this office with your husband, R.W.Huckaby, and shew cause why the name of your child, Mary Alice Huckaby, should not be stricken from the approved roll of minor citizens by blood of the Creek Nation, opposite number 103.

Respectfully,

Commissioner.

CR EN 1146

CR EN 1146

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
JUNE 2, 1906.

In the matter of the application for the enrollment of  
Thelma Maud Gibson, as a citizen of the Creek Nation.

Cora Gibson, being duly sworn, testified as follows:

- Q What is your name? Cora Gibson.  
Q What is your age? A 20.  
Q What is your post office address? A Bufaula.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q United States citizen? A Yes sir.  
Q Have you a child named Thelma Maud Gibson? A Yes sir.  
Q When was she born? A February 19, 1905.  
Q What was the name of the doctor or midwife? A Mrs Duncan.  
Q You are advised that this office requires her affidavit in  
this case.  
Q Is the child living? A No sir.  
Q When did she die? A February 10.  
Q The same year? A No sir, it died this year.  
Q How old was she when she died? A 11 months and ten days old.  
Q What is the name of the father of this child? A Spy Gibson.  
Q Are you sure this child didn't live a year? A Yes sir.  
Q Sure of that? A Yes sir.  
Q You are sure it died in February of this year? A Yes sir.  
Q You are positive of that? A Yes sir.  
Q Did you write down anywhere or anyone for you write down the  
dates of the birth and death of this child? A No sir, I didn't  
Q This child was not living March 4, this year, was it? A No sir.  
Q This is the first time you have ever done anything for its  
enrollment? A I went before Mr. Posey last summer.  
Q When did you go? A I don't know when it was, but it was  
when he was in Bufaula.  
Q Was it last summer? A I think so.  
Q What did you do at that time? A I just give in her age.  
Q Were you sworn? A Yes sir.  
Q Did they take testimony? A Yes sir.  
Q Didn't they tell you at that time that they were not receiv-  
ing applications at that time? A No sir.  
Q And this is the first time since that time that you have  
done anything towards her enrollment? A Yes sir.  
Q Are you married to the father of this child? A Yes sir.

Isparhechar Gibson, being duly sworn, testified as  
follows:

- Q What is your name? A Isparhechar.  
Q What is your age? A 25.  
Q What is your post office address? A Bufaula.  
Q What is the name of your father? A Micco Gibson.  
Q What is the name of your mother? A Lizzie Gibson, now Lizzie  
Sewell.

Witness is identified as Isparhechar Gibson, opposite Creek Indian Roll No. 8830.

- Q What Creek Indian town do you belong to? A Hitchite.  
Q Are you the father of Thelma Maud Gibson? A Yes sir.  
Q When was she born? A February 19, 1905.  
Q When did she die? A I am not sure--I don't know the exact date, but I think it was in February.  
Q This year? A Yes sir.  
Q Do you think that is correct? A Yes sir.  
Q Do you think she lived a year? A No sir.  
Q When was the first time you or she ever did anything towards the enrollment of this child? A Last summer.  
Q What did you do that time? A We went before Posey at Bufaula, took the baby before him.  
Q Did you make out any affidavits? A Yes sir.  
Q What affidavits did you make out? A Affidavit for the enrollment of the child, and the midwife's affidavit.  
Q Well the records have been searched and those affidavits were not found.  
Q Was that last summer? A Yes sir.  
Q What month? A I don't know.  
Q Was it hot weather? A Yes sir.  
Q Was it later than this? A I don't know just exactly when it was, seems like it was the middle or April, I am not sure.  
Q What else did you do before Mr. Posey? Was testimony taken?  
A Yes sir, mine and hers.  
Q Was that all that was done --just to take testimony? A Yes sir.  
Q Didn't take any affidavits? A Yes sir, he made out affidavits.  
Q You are advised that you will be given an opportunity to furnish witnesses to testify as to the date of the attempted application before Mr. Posey last summer, and if that is satisfactorily established then you can introduce proof of your marriage in the shape of a marriage license, and the affidavit of the midwife.

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 cause on said date.

*Lona Merrick*

Subscribed and sworn to before me this 2nd day of June, 1906.

*H. H. Harris*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, October 8, 1906.

In the matter of the application for the enrollment of Thelma Maud Gibson, deceased, as a citizen by blood of the Creek Nation.

ALEX POSEY, being first duly sworn by Henry G. Hains a Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q State your name, age and postoffice? A Alex Posey, 33 and Muskogee.
- Q What is your occupation? A Employe of the Dawes Commission.
- Q In Creek Enrollment Division? A Yes sir.
- Q Spend the most of your time in the field? A Yes sir.
- Q Were you in charge of a Creek field party last summer from about the middle of March to May 2, inclusive? A Yes sir.
- Q While filling appointment at Hufaula from April 3 to April 7, inclusive, did you, or any one in your party, take the testimony or affidavits of Cora Gibson, or her husband, Is-parhecher Gibson, sometimes known as Spike, or of the midwife who attended her at the birth of the child that you remember? A I am under the impression that Mr. Skaggs, notary and stenographer of the party, filled out affidavits for those parties, but I do not remember of taking their testimony.
- Q Do you remember that they appeared before you for the purpose of enrolling the child? A Yes sir.
- Q Who appeared, Cora or her husband? A Both of them appeared.
- Q Remember whether they had the midwife with them at the time? A I dont think they had.
- Q Did they have the child with them, about whom they talked? A No sir.
- Q Didnt have any young child? A No sir.
- Q Did they tell you they wanted to make application for the enrollment of this child? A Yes sir.
- Q Tell you its name? A No sir, do not remember.
- Q Tell you whether it was a boy or girl, do you remember? A No sir, do not remember. before
- Q You dont remember that, you personally, an application, or attempted application was made at the time? A No sir, all I remember was the circumstance of their appearing.
- Q Well if Mr. Skaggs had written out an affidavit would you know if that affidavit had been sent in? A Yes sir.
- Q You dont remember having transmitted any such affidavit or any testimony about the enrollment of their child? A No sir.
- Q You remember any circumstance which would lead you to believe



- that they had merely appeared and talked about the enrollment of that child, and had later indicated that they would send it in, that they had before neglected the matter until too late?
- Q A No sir.
- Q You personally acquainted with the parents of this child?
- Q A Yes sir, know both of them.
- Q Knew them well when you see them? A Yes sir.
- Q You are certain that they both appeared before you for the purpose of making application for enrollment of newborn child?
- Q A Yes sir.
- Q Did they tell you of intention to enroll the child? A Yes sir.
- Q Where is Mr. Skaggs now, do you know? A I understand he is in the employ of the Nashville Southern Railroad, at Marietta, Georgia.
- Q You were in charge of that party, were you not? A Yes sir.
- Q If one or more affidavits, or testimony had been taken while at Bufaula in this case would you not remember it from the fact of transmitting it? A If any testimony had been taken I would have remembered because I would have done the examining.
- Q You remember there was none? A Yes sir.
- Q Was Mr. Skaggs in the habit of making affidavits independently by himself? A Yes sir.
- Q He and you both notaries at that time? A No sir, he was.
- Q You dont know, as a matter of fact, that Mr. Skaggs mislaid any affidavits that time? A No sir.
- Q Or having failed to transmit any to this office having been made out? A He transmitted no affidavits; I transmitted all affidavits.
- Q Do you think that it could have been possible that he did take one or more affidavits in this case, and that they were through negligence not transmitted to this office? A It is possible, not probable. I have always been under the impression that the parents made application for the child, because they asked me a number of times as to when it would be acted upon by the Commission.
- Q You mean had asked you subsequent to May 2, 1905? A Yes sir.
- Q You are certain from your remembrance that both these parties appeared before you for the purpose of enrolling a new-born child? A Yes sir.
- Q And that they told you so? A Yes sir.
- Q What explanation have you of the fact that the records do not show that any application was received here for the enrollment of Thelma Maud Gibson, child of these two people? A It is possible that Mr. Skaggs made out the affidavits and mislaid them.
- Q Do you know any instance in which he did that? A No sir.
- Q Do you know of any instance in which the affidavit of the mother made out before the party was not transmitted, but was held until a later date when a promised affidavit of the midwife was furnished, and then both transmitted? A Yes sir, I think the field party in one or two instances did that.
- Q You dont know of any of these instances that any of the affidavits were lost? A No sir.
- Q Dont you know as a matter of fact that a great many of these Indians would come for the purpose of making affidavit, but when

Thelma Maud Gibson----3

finding that a midwife was necessary and not present, they would state, -"never mind now," and return with the midwife and give the proof later? A Yes sir.

- Q Do you remember pretty well the general circumstance of your filling that appointment at Eufaula? A Yes sir.
- Q You have lived at Eufaula a long time, have you? A Yes sir.
- Q Pretty well acquainted with the people that would be likely to appear before you there? A Yes sir.
- Q Any possibility of your being mistaken about their having appeared there before you on that date for that purpose? A No sir.
- Q During your five days' stay in Eufaula, were you pretty busy, Mr. Posey? A Yes sir.
- Q Great many applicants? A Yes sir.
- Q And it was likely that you would be busy at one kind of work and Mr. Skaggs, the notary, would be working independently in the rush? A Yes sir, and I remember that when the father and mother of this child appeared that they did most of their talking to Mr. Skaggs; that was the reason that I am under the impression that he received the application.

WITNESS EXCUSED.

Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on October 8, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Cora Moore*

Subscribed and sworn to before me October 9, 1906.

*Edward Merriam*  
Notary Public.

En 1146  
292

1146

1146 OK  
It is a fact that  
the records of the  
office of the  
conclusion and  
it would be too dangerous  
to enroll this child  
dismiss A.T.C.

This is a hard case. The records of this office have been thoroughly examined and no documentary evidence of any kind can be found to bar the application for the enrollment of this applicant was made within the time limited by law, namely Dec. 1, 1905.  
1-29-09. A.T.M.

En 1146

1/23/07

A.B.C.  
By

20102

MAY 21 1906

5-26-06

Abson, Spy,  
Eufaula, I. T.,  
May 23, 1905.

Asks if name of his minor child  
is on Creek roll.

Enfauila

D. T.

May-23

Dawes Com.

Mustogue

Sirs.

D. T.

Please let me know if  
Thelma Maude Gibson is  
on the Creek Roll or not.  
she was born Feb. 19, 1905 and  
I went before Alex Posey at  
Enfauila and had the application  
papers made out but do not  
know wheather it is on the roll  
or not. and if not can I enroll  
it please advise me.

and oblige

Spy Gibson

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

In the matter of the application for the enrollment of Thelma Maud Gibson, 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 June 1, 1906, application was made, in affidavit form, for the enrollment of Thelma Maud Gibson as a citizen by blood of the Creek Nation. Testimony was taken in this matter on June 2, 1906 and October 8, 1906. The affidavit of Ella Dusean in the matter of the birth and death of the applicant is attached to and made a part of the record herein.

The evidence shows that the applicant is the deceased child of Isparhecher Gibson, a citizen by blood of the Creek Nation, whose name appears on a partial schedule of citizens by blood of said Nation, approved by the Secretary of the Interior, March 28, 1902, opposite number 8830, and Cora Gibson, a non citizen, and that she was born February 12, 1905 and died February 10, 1906.

An attempt has been made to establish the fact that an application or an attempted application was made for the enrollment of said child before a Creek field party in charge of Alex Posey at Rufaula, in the summer of 1905, and there is some testimony to that effect, but the records in the possession of this office do not show or indicate that any application for the enrollment of said child was made prior to June 1, 1906.

The Act of Congress approved April 26, 1906 (34 Stats. 137) provides in part as follows:

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

I am, therefore, of the opinion that no application having been made for the enrollment of Thelma Maud Gibson as a citizen by blood of the Creek Nation prior to June 1, 1906, I am now, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), without authority to receive or consider this application for her enrollment, and the same is accordingly dismissed.

Muskogee, Indian Territory,

FEB 7- 1907

COMMISSIONER.

Cr.En.1146.

( C O P Y )

JWH

Muskogee, Indian Territory, February 7, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, 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 Thelma Maud Gibson 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.



Muskogee, Indian Territory, February 7, 1907.

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 Thelma Maud Gibson as a citizen by blood of the Creek Nation, including the decision of the Commissioner, dated February 7, 1907.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

JWH 7-4

REFER IN REPLY TO THE FOLLOWING:

Cr. En. 1146.

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

JWH

Muskogee, Indian Territory, February 7, 1907.

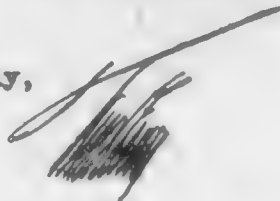
Cora Gibson,  
Isparhecher Gibson,  
Mufaula, Indian Territory.

Dear Madam :--

There is enclosed herewith 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, Thelma Maud Gibson, as a citizen by blood of the Creek Nation, dismissing 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.

Registered.

JWH 7-2

Refer in reply to the following:  
Land 13729-1907.

COPY

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

February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a record of the proceedings in the matter of the application for the enrollment of Thelma Maud Gibson as a citizen of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes dated February 7, 1907, adverse to the applicant.

The record shows that on June 1, 1906, application was made, in affidavit form, for the enrollment of Thelma Maud Gibson as a citizen of the Creek Nation. Testimony was taken relative to the application herein on June 2, 1906, and October 8, 1906. The evidence shows that the applicant was born February 19, 1905, and died February 10, 1906, and is the child of Isparhecher Gibson, a citizen by blood of the Creek Nation, and Cora Gibson, a non-citizen.

Commissioner Bixby reports that the records of his office do not show that any application for the enrollment of the applicant herein was made prior to June 1, 1906. Therefore, by reason of the provisions of the Act of April 26, 1906 (34 Stat. L. 137), the Office concurs in the decision of the Commissioner to the Five Civilized Tribes denying the enroll-

ment of the applicant as a citizen of the Creek Nation.

Very respectfully,

C. F. Iarrabee,

Acting Commissioner.

KBM-W

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

JP  
PRO

LRS

I.T.D. 4850, 4890, 4904, 4960, 4962-07.  
4964, 5082, 5166, 5202, 5328- "      March 1, 1907.  
5342, 5374, 5376, 5378, 5380- "  
5396, 5398, 5400, 5402, 5404- "  
5410, 5414, 5418, 5424, 5428- "  
5466, 5488, 5498, 5548, - "  
D. C. 12430-1907.

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases  
adverse to the applicants are hereby affirmed, viz:

| Title of case.                         | Date of your<br>letter of transmittal. |
|--|--|
| Rhoda Walker,                          | December 19, 1906                      |
| Josiah McIntosh,                       | January 18, 1907                       |
| Tony Harlings,                         | January 18, 1907                       |
| George Allen, (Freedman)               | January 28, 1907                       |
| Henry Edwards, (Freedman)              | January 28, 1907                       |
| Lewis Davis, deceased,                 | January 28, 1907                       |
| Robert Scott, deceased,                | October 19, 1906                       |
| Tom and Mattie Jeffries, deceased,     | February 8, 1907                       |
| Ema Dodge, (Freedman)                  | February 8, 1907                       |
| Georgia Davis, deceased, (Freedman)    | February 7, 1907                       |
| Thelma Naud Gibson,                    | February 7, 1907                       |
| Magie Nola Poe, (Freedman)             | January 28, 1907                       |
| Nelson McIntosh,                       | January 19, 1907                       |
| Calley Cesar, deceased,                | January 28, 1907                       |
| Sarah Buck, deceased,                  | January 25, 1907                       |
| Willie Perryman, (Freedman)            | January 28, 1907                       |
| Joshua Gentry et al.                   | January 28, 1907                       |
| Dennis Taylor, (Freedman)              | January 22, 1907                       |
| Paul and Pauline Bruner,               | January 25, 1907                       |
| Gennie Sanders, (Freedman)             | January 28, 1907                       |
| Eddie Levi, (Freedman)                 | January 28, 1907                       |
| Gabriel Hawkins, (Freedman)            | January 28, 1907                       |
| Lottie Dickson, (Freedman)             | January 22, 1907                       |
| Charles Tiger, deceased,               | January 28, 1907                       |
| Herford Barnett, deceased,             | January 28, 1907                       |
| Ceburn Holt, (Freedman)                | February 7, 1907                       |
| Marguerite Scott, deceased, (Freedman) | January 31, 1907.                      |

Copies of Indian Office letters submitting your reports and  
recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above mentioned  
cases have been sent to the Indian Office.

Respectfully,  
(Signed) Jesse E. Wilson,  
Assistant Secretary.

27 inc. and 61 for Ind. Of.

AMS  
3-1-07.

Cr.En.1146

Muskogee, Indian Territory, March 9, 1907.

Isparhecher Gibson,

Bufaula, Indian Territory.

Dear Sir :--

You are hereby advised that under date of March 1, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your deceased minor child, Thelma Maud Gibson, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

CR EN 1147

CR EN 1147



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
AUGUST 29, 1906.

YBC-498.

In the matter of the application for the enrollment of  
Lurie McKinnen, as a citizen of the Creek Nation.

APPEARANCES: John G. Lieber, acting for M. L. Mett,  
attorney for Creek Nation.

William M. Harper, being first duly sworn, testified as  
follows:

Questions by Commissioner:

- Q: What is your name? A: William M. Harper.  
Q: How old are you? A: I am 65.  
Q: What is your post-office address? A: Morris, I. T.  
Q: What is your profession? A: Practising medicine.  
Q: Are you acquainted with anyone named Amanda McKinnen, and  
her husband R. S. McKinnen? A: Yes sir.  
Q: Do they live in your neighborhood? A: 2-1/2 or 3 miles  
from me.  
Q: Did they have a child this year? A: Yes sir.  
Q: What is its name, do you know? A: I did know but I can't  
tell you now.  
Q: Have you your memorandum book with you? A: Yes sir, I  
have a book here.

J. G. Lieber acting for M. L. Mett, attorney for Creek  
Nation, interposes the following questions:

- Q: Was that child named Lurie McKinnen, Doctor? A: Yes sir  
I believe it was.  
Q: Did you wait on the mother of this child when the child  
was born? A: Yes sir.  
Q: State if you know what date the child was born on?  
A: The 11th. of April.  
Q: How do you fix that date Doctor? A: Why I had taken the  
date when I was there and put it in my little memorandum  
book and afterwards transferred it to the ledger.  
Q: Have you the original entry made by you showing the date  
when that child was born? A: This is it. (Witness  
indicates entry in book)  
Q: That entry shows what date? A: April 11, 1906.  
Q: This last April? A: Yes sir.

- Q: Have you ever made an affidavit before this as to the birth of this child, Doctor? A: Yes sir.
- Q: Is that the affidavit? (Showing witness affidavit)
- A: That is my signature.
- Q: On this affidavit it is stated that the child was born on the 27th. day of February, 1906, can you explain how it was you signed that affidavit and now say the child was born on the 11th. day of April? A: I can explain that this way, I didn't look over that to see what they wanted and just signed it, but this is correct.
- Q: This book you have here? A: Yes sir.
- Q: Did you read that affidavit when you signed it? A: No sir, I did not, if I had I would have known the date.
- Q: Do you know Hughlen the Notary Public? A: I know him he is in the First National Bank at Okmulgee.
- Q: Then do you mean to say that the affidavit which you made before Hughlen on the 14th. day of July 1906 is not correct? A: It isn't correct according to my book, I never noticed the dates and even if I had, not thinking, I might have just let it went on that way, if it was already put down you know, and I might have signed it not thinking about the date, I am getting old and I can't recollect anything, but I knew this is correct.
- Q: You know your original entry there is correct? A: Yes sir.
- Q: How old are you Doctor? A: 65, will be 66 in October.

Questions by Commissioner:

- Q: You are absolutely certain from looking at your book that this child was born in the month of April? A: Yes sir, in the month of April on the 11th. day.
- Q: You couldn't be mistaken in the month could you?
- A: No sir.
- Q: Have you any recollection outside of this book? A: I don't know as I have.
- Q: What does this book say there? A: It is dated in the month of April 1906 and there was another one I waited on 3 days afterwards.
- Q: What was its name? A: That was Mr. Kruger's.
- Q: You are a white man, are you Doctor? A: Yes sir.
- Q: You are not a citizen of any of the Nations? A: No sir.
- Q: You are not interested in this case in any way, are you?
- A: No sir, not at all.
- Q: You came in at the request of the attorney for the Creek Nation? A: Yes sir.
- Q: You are absolutely certain then that not only was this child born in April, as this book shows, but also that your affidavit and the affidavit of the mother that it was born in February are mistaken?
- A: I go by my book, I say that is correct.
- Q: Do you know who prepared this affidavit here? A: No sir. I don't know, it was done I think at the First National Bank
- Q: Where did you sign this? Where were you when you signed it?
- A: At Morris. Hughley came to me there in Okmulgee and said I want to use your name in making out an affidavit for McKinnon and I said all right and then McKinnon brought it to me from Okmulgee.

- Q: Then Doctor you didn't sign that affidavit before the Notary Public? Did you? A: No, I didn't that is right.
- Q: He spoke to you about it at Okmulgee and the affidavit was afterwards brought to you at Morris and you signed it did you? A: Yes sir.
- Q: And the Notary Public never saw you sign that affidavit, did he? A: No.
- Q: Was the mother's affidavit on there at the time you signed it Doctor? A: I think so, I won't be positive but I think so. I think McKinnon and his wife, may be were at Okmulgee I won't be certain as to his wife but I know McKinnon was.
- Q: Was there a midwife there? A: Her mother was there that is all.
- Q: Does her mother live with them, Doctor? A: No, she lives a mile West.

Questions by John G. Lieber, acting for M. L. Mott, attorney for Creek Nation.

- Q: Is the record you have the only record you know of that was made as to the date of the birth of that child?
- A: I have this whole list here of April. Now as I told you Mr. Kruger's child was born three days afterwards.
- Q: Do you know of any other record having been made as to the date of this particular child? A: No sir.

Questions by Commissioner:

- Q: In the memorandum book and among the entries that appear as made during the month of April 1906, there are a number of entries preceding and following the entry in reference to McKinnon, were these entries preceding and following the entry as to McKinnon, made during the month of April 1906? A: Yes sir.
- Q: And refer to certain services you have performed for certain people during the month of April? A: Yes sir.

(The entry is as follows: "April, 1906"  
About the middle of the page; " R.W. McKinnon".  
In a column marked "W", which  
is presumed to stand for Wednesday  
date--- "the 11th." "O.B.S. \$6.00".

- Q: Doctor what is this X opposite the amount, what does that mean? A: ~~When~~ I take it off on the ledger I cross.
- Q: This little book in which McKinnon is charged \$6.00, Obs. is that the custom you have to place it first in a small book like this, and afterwards to transfer it on your ledger? A: Yes sir.
- Q: You are certain that is the date of the birth of that child?
- A: I think I am.
- Q: Immediately after the McKinnon entry is the one by Kruger that is the one you referred to? A: Yes sir.
- Q: That is on the 14th. and the charge is \$10.
- Q: From this then, it appears that the Kruger child was born in the same month and three days after this McKinnon child?
- A: Yes sir.

This is all the evidence heard in said cause.

-4-

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 on said date in said cause.

Julia C. Laval

Subscribed and sworn to before  
me this 30 day of August, 1906.

Edward Merrick  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
SEPTEMBER 1, 1906.

WBC-408

In the matter of the application for the enrollment of  
Lurie McKinnon, as a citizen of the Creek Nation.

APPEARANCES: John G. Lieber, acting for M. L. Mott,  
attorney for Creek Nation.

Amanda S. McKinnon, being first duly sworn, testified as  
follows:

Questions by Commissioner:

- Q: What is your name? A: Amanda S. McKinnon.  
Q: How old are you? A: 25.  
Q: What is your post-office address? A: Morris.  
Q: What is the name of your father? A: John R. Ashley.  
Q: What is the name of your mother? A: Isabelle Jane Ashley.

The witness is identified as Amanda S. Ashley opposite  
Creek Indian Roll No. 202.

- Q: Mrs. McKinnon what is the name of the child you have in  
your arms? A: Lurie McKinnon.  
Q: How old is the child? A: 6 months old the 27th.  
Q: When was she born? A: The 27th. of February.

Questions by J. G. Lieber, acting for Creek Nation.

- Q: How do you know the child was born on the 27th. day of  
February, Mrs. McKinnon? How do you fix that date?  
Q: I put it on there.  
Q: Did you make any record of the birth of this child?  
A: Yes sir.  
Q: Where did you make the record; in what book?  
A: Well we signed the affidavit here.  
Q: The affidavit was not executed until the 14th. day of  
July, 1906, which was over 8 months after the child was  
born, according to your statement, is that the only record  
you have as to the date of birth of this child?  
A: Why I guess so, I never seen no other.  
Q: You never put it down in any family bible or anything?  
A: Yes sir, but it ain't down that way.  
Q: How is it down in the bible? A: I put it down different,  
this is wrong.

- Q: How is it down in the bible? A: The 11th. of April.  
Q: What is the fact, Mrs. McKinnon, about the birth of the child? A: The 11 day of April it was born. So many others put theirs on the roll and some persuaded me to put mine on the roll and told me to date it back and I just dated it back.  
Q: Can you tell me the names of any persons who ever told you that, Mrs. McKinnon? A: No sir, two or three years ago they did, but at this enrollment I don't know that they did a few years back they did.  
Q: Who was it induced you to put down the birth of this child as the 27th. of February instead of the the 11th. of April?  
A: I don't know who the men were who were telling my husband and they told us to date it back and we would get it on the roll.  
Q: Then in this affidavit which you signed here, you did not swear to the truth? A: I wasn't sworn to that at all.  
Q: Did you ever appear before Hugh E. Hughlen and make an affidavit in this case? A: No sir, I was home when I signed that. There was no swearing in that in no way.  
Q: Who brought it to you to sign it? A: They gave it to my husband and he brought it out.  
Q: And you signed it? A: Yes sir.  
Q: Do you know Hugh E. Hughlen a Notary Public? A: No sir.  
Q: How long have you been married Mrs. McKinnon? A: I married in 1900 the 21 day of October.  
Q: How many children have you had? A: Three.  
Q: Give their names, please? A: Lila Bell McKinnon, she is my oldest child and one died named Archibald McKinnon.  
Q: When was he born? A: He was born in 1901 the 25th. of July but they were enrolled last year.  
Q: Now is that the correct date of birth of this little girl, Mrs. McKinnon? A: Yes sir that is her correct date, we couldn't put her on the roll before, she was just one month too young and we never tried, and we waited until last year and filed her. That is her correct date, the 25 of July. The one that died he was born the 16th. of March 1904 and died November 4, 1904.

Questions by Commissioner:

- Q: You neither appeared before the Notary Public nor did he come to your house? A: No sir.  
Q: Who did you say brought this to you? A: My husband brought the paper out there.  
Q: Did you sign it in the presence of your husband? A: No I don't think he was about when I signed it.  
Q: What did he tell you when he brought you this affidavit?  
A: He said that is the affidavit for you to sign.  
Q: But the fact of the matter is that this child was born the 11 day of April as shown by your bible as you said  
A: Yes sir.  
Q: When you signed this affidavit without the presence of Notary Public, it is as you stated, to put back the the child in order to get it enrolled?  
A: I meant to put it on the roll.  
Q: Now Mrs. McKinnon, was Dr. Harper the man who waited  
A: Yes sir.  
Q: He would be likely to know the date of its birth,  
A: Yes sir.

- Q: He shows his books and he gives the date you now give as the correct date, the 11th. of April that is correct is it?  
A: Yes sir.  
Q: Did your husband say anything to you about having had a talk with this Notary Public about signing this affidavit?  
A: No sir, they all kept talking wanting him to put her on the roll.  
Q: Wanted whom to put her on the roll? A: My husband.  
Q: Who do you mean by "all"? A: Some men.  
Q: Was your husband one of them? A: No sir, he didn't say anything to me about putting her on the roll.  
Q: He got this affidavit and brought it to you for you to sign, didn't he? A: Yes sir.  
Q: Can you give us the name of some one man who was with your husband or who came to you and wanted you to put this child on the roll in that way? A: Nobody told me, he told my husband to tell me about it.  
Q: Well let us have his name? A: Doc Alexander was one, who said something about it.  
Q: Did he tell you husband in your presence? A: No sir.  
Q: He told your husband and your husband told you?  
A: Yes sir, he told me about it.  
Q: Where does Doc Alexander live? A: Okmulgee.  
Q: Is he a physician? A: Yes sir.  
Q: Now can you give us the name of anyone else Mrs. McKinnon?  
A: I don't know for certain.  
Q: Well give us anyone your husband told you about?  
A: I think Walter Saunders but I a not certain.  
Q: Did he tell you or your husband? A: Told my husband.  
Q: Told your husband and your husband told you? A: Yes sir.  
Q: Where does Walter Saunders live? A: In Okmulgee.  
Q: What business is he in? A: Banking I think, he runs the bank there.  
Q: Do you know what bank? A: No sir.  
Q: Now can you think of anyone else Mrs. McKinnon?  
A: No, I don't know as I do.

This is all the evidence taken in said cause on September 1 1906.

September 4, 1906, further hearing of said cause was had and evidence given is as follows:

R. W. McKinnon, being first duly sworn, testified as follows

Appearances: John G. Lieber, acting for M. L. Mott, attorney for Creek Nation.

Questions by Commissioner:

Q: What is your name? A: R. W. McKinnon.

Q: How old are you? A: 33.

Q: What is your post office address? A: Morris.



- Q: Do you know the child named Lurie McKinnon? A: Yes sir.  
Q: What is the name of its mother? A: Amanda McKinnon.  
Q: Do you know the name of the midwife or Doctor who was present? A: Yes sir.  
Q: What was his name? A: Harper.  
Q: When was this child born? A: April 11, 1906.

Questions by John G. Lieber, acting for M. L. Mott, attorney for Creek Nation.

- Q: Mr. McKinnon, I will ask you to look at this affidavit, and state whether or not you recognize it and know what it is?  
A: Yes sir, I know what it is.  
Q: Who is that affidavit signed by? A: Do you mean the Notary?  
Q: No sir the persons who made the affidavit? A: Who made it?  
Q: I mean who signed it? A: My wife signed that. Amanda S. McKinnon and Harper signed that.  
Q: Dr. Harper? A: Yes sir.  
Q: Did they both sign this affidavit in your presence? A: No not both of them, Doctor did but not my wife. I don't think I was in the house when she signed it, but I was present when the Doctor signed it, I asked him to sign it.  
Q: Was the Notary Public present when the Doctor signed it?  
A: No sir.  
Q: Where was it signed by the Doctor? A: At the post-office at Merriis.  
Q: Was the Notary Public present when your wife signed it?  
A: No sir. She signed it at home there was no Notary about.  
Q: Who got the affidavit after it was signed by your wife?  
A: She gave it to me and I sent it to the Notary.  
Q: At Okmulgee? A: Yes sir.  
Q: Then he signed it up and put his seal on it?  
A: I suppose he did, I didn't see it any more after he took it from me. I seen him take it.  
Q: Did he mail the envelope or did you mail it? A: I believe I did, I wouldn't say for sure whether I did, yet I think I did.  
Q: You are positive are you that neither of these affidavits were signed in the presence of a Notary Public are you?  
A: Yes sir. I am sure and Dr. Harper can tell you about it if you will ask him.  
Q: Will you state to the Commission Mr. McKinnon why it was that these affidavits were made in the way you have just stated? A: Well I have two or three different reasons why I did that. I knew in the first place that it wasn't really right, but moreover I thought if I could get her on the roll a little earlier I could gain the advantage in filing her. My other little girl came in just a month too late and we went to the Commission at Okmulgee 4 or 5 years ago and tried to get her on and couldn't, and from the way they talked around some was getting theirs on and I thought I would try to get her on, and I asked Walter Saunders if there would be any danger in that and he said he didn't think it would be and I had it wrote up that way.  
Q: Did you also talk with the Notary Public about that feature of the case? A: I think it was W. A. Saunders not the fellow who signed it. He was in the First National

- Bank with McClayborn but he sold out and went to Colorado.
- Q: Who went to Colorado? A: W. A. Saunders, he was in the bank with McClayborn.
- Q: Did you have any talk with this Notary Public, Hughlen about it? A: No sir, I didn't.
- Q: Have you ever had a talk with him at all? A: Not in regard to that. I suppose Walter Saunders told him. I will tell you the straight of it now. I went to Walter Saunders and told him about it and he said he would fix it up for me and he said to me, I am going away tomorrow and he said to Hughlen, will you fix this up if he comes in Saturday and I didn't say a word and he didn't to me until he was fixed up. That is the straight of it. I suppose he told him about it but I didn't.
- Q: What interest did Saunders have in your making this affidavit in that way? A: I don't know, he was a friend of mine and had been a friend of mine for 5 years, we were Odd Fellows and I had business at the bank.
- Q: You knew at the time this affidavit was signed, at the time you gave it to Saunders for the Notary Public to attach his signature that this child wasn't born on the 25th. day of February, did you not? A: Yes sir, I knew that.
- Q: Saunders knew it also did he not? A: I suppose he did I told him about it, I don't recollect everything I said you know.
- Q: He told you it would be all right for you? A: I don't know as he said it would be all right, I just asked him if he thought it would be any danger. I just wanted to get the child enrolled and I wouldn't have tried it if it was any danger or would get me into trouble, and he said he didn't think it would.
- Q: Did you ever talk with anybody else Mr. McKinnon about making this affidavit out in this way? A: I don't know as I had any talk with anybody in regard to making that out that way. Of course I asked probably one or two more if there would be any danger in undertaking it.
- Q: Whom did you ask about it? A: One is all I know. I was talking to Alexander about it and asked him if he thought it was any danger and he said he didn't think it was or something like that.
- Q: Was that before or after you made out that affidavit?
- A: Well I don't know whether it was before or not, it was before it was signed I think. I don't know whether it was filled out then or not.
- Q: Why did you go and ask Alexander about it? A: Well I was just well acquainted with him and I thought he could give me some information and I asked him if he thought it would get me into any trouble.
- Q: What business is he in? A: He is a physician.
- Q: At Okmulgee? A: Yes sir.
- Q: You knew of course that if this affidavit went through and the child was placed on the roll, you would get an allotment for it did you not? A: No, I didn't know that I would, I didn't intend to perjure myself to get an allotment. That wasn't my intention.
- Q: If this affidavit had not been corrected as it is now corrected by the Commission, this child would have been placed on the roll, wouldn't it? A: I suppose it would have been on the roll, yes sir.

- Q: If it had been placed on the roll you would have filed for it wouldn't you? A: If I would have had to swear to it I wouldn't. Of course it wasn't my intention to then.
- Q: Then as a matter of fact Mr. McKinnon this whole proceeding with reference to this child was an attempt to get it on the roll, without your wife or Dr. Harper having to swear to the affidavits, was it not? A: Yes sir.
- Q: In fact it was a plan gotten up by you and Mr. Saunders and probably the Notary Public was it not? A: Well I don't know as Saunders had anything to do with it, I just asked him, as I told you a while ago, if there was any danger, of course he drew it up as I told you without swearing me.
- Q: He understood that it was being made in that way?
- A: I suppose he did, that was my judgment about it.
- Q: He understood the purpose for which it was being made in that way, didn't he Mr. McKinnon? A: I suppose he did the way he talked.
- Q: You told him that the child wasn't born on the date mentioned in the affidavit, didn't you? A: Well I guess I did, anyhow I most know that I did. I might say that I did.
- Q: How long was this affidavit at your house before you took it to Okmulgee? A: Well I don't hardly know it was there quite a little bit before it was filled out.
- Q: Do you mean a day or week, by quite a little bit?
- A: Probably a month.
- Q: The blank I mean. A: The blank form, I had it filled out and then it wasn't but a day or so probably, until I took it.
- Q: Did your wife read the affidavit before she signed it?
- A: I suppose she did I can't say that she did or didn't. I reckon she did though.

Questions by Commissioner:

- Q: Who is this Walter A. Saunders? A: He was a banker at Okmulgee at that time.
- Q: You say he lived there? A: Yes, he sold out and went to Colorado he told me.
- Q: Left there permanently as far as you know? A: I judge so that is what I understand, I haven't been there for quite a bit.
- Q: Do you know Hugh E. Hughlen? A: Yes sir, I know him.
- Q: Does he live in Okmulgee? A: He was working for these fellows, whether he is there now or not I don't know.
- Q: Was he at the bank there? A: He was there with Saunders and McClaborn. I don't know whether he is there or not he might have gone with them or he might be there.
- Q: Who was this Alexander you referred to? A: A physician at Okmulgee.
- Q: Does he live there at the present time? A: Yes sir.
- Q: Did you tell Dr. Alexander that this child was born in April 1906? A: Yes sir.
- Q: Did you ask his advice as to whether you could enroll it?
- A: I don't know as I asked about the enrolling, I asked if there would be any danger of me getting into trouble, of course he understood what I meant by it, but I didn't ask him anything about the enrolling.
- Q: He knew that you were referring to dating back the date of

- its birth in order to get it enrolled? A: Yes, I suppose he did, I wouldn't be positive about it but I have an idea he did from the conversation.
- Q: Who wrote out this affidavit, do you know? A: Walter A. Saunders filled that out. All except the signatures, and the Notary Public's certificate. The Notary public and the names of Dr. Harper and my name and my wife's.
- Q: Then Saunders gave you this blank affidavit and you took it to your wife did you? A: Yes sir and also to Harper.
- Q: Saunders certainly understood what you were doing in the matter, did he not? A: I would judge he did, that was my judgment in the matter.
- Q: Did Wm. Harper the Doctor understand that this statement was not a correct statement or record of the birth of this child? A: I suppose he did, he took it and read it and asked if I wanted it sworn to and I said no, and he took it and signed it.
- Q: Your wife did not sign it in your presence you say? A: I think not, I wasn't in the house.
- Q: You are certain your wife and Dr. Harper never signed it in the presence of Hughlen? A: I am sure of it, that was 8 or 10 miles from there.
- Q: Is there anybody else who knew of this matter?  
A: I don't suppose there is, not that I knew of.
- Q: Did you have any talk with anybody else? A: I don't recollect that I did.
- Q: Saunders and Alexander are the only two people you talked to about it are they? A: Dr. Harper knew it, I talked to him you know. Those are the only two I recollect of.
- Q: Did you tell Harper that you were going to date back the date of the birth of this child? A: I didn't tell him anything except what he seen there.
- Q: Did you call his attention to the fact that the date was wrong? A: I didn't say a word to him and he read it over and he looked it over and said do I have to swear to this and I said No, and he signed it and that is all that was said. I didn't speak about the date in the affidavit.
- Q: He didn't speak about the date in the affidavit? A: I don't think he did.
- Q: You didn't tell him about the date being wrong? A: No sir I suppose he seen it on there, and that is all I said and all he said.
- Q: You stated a while ago you had heard of other people getting children on the rolls who were not entitled; do you know of any case like that? A: If I said it that way I made a mistake. I thought from the talk and all that they had done it, I didn't say any certain people.
- Q: Do you know of any case at all in which children have been enrolled that ought not to have been enrolled?  
A: I don't myself.
- Q: Have you heard of any cases of that kind?  
A: No sir, only outside talk, just as outsiders talk and a man comes to think it, that is all.
- Q: You can't tell the names of anybody else who was trying to do that can you? A: No sir, I can't. In the first place I am no scholar or anything of that kind.

- Q: Have you any reason to believe that any persons ever had their children enrolled when they were not entitled?  
A: I can't say as I have.  
Q: Have you any agreement with Saunders with regard to placing this child on the roll? A: Nothing more than I said.  
Q: Was he to receive any money from you or pay for that?  
A: No sir.  
Q: Did he receive any pay from you for it? A: Nobody did.  
Q: Did he offer to give you any money for having this child enrolled? A: No sir, and he didn't ask me for anything and it was just about as I said, the way we talked it over and I ain't seen him from then to now. He went to Colorado the next day.  
Q: Did you give Hughlen anything for signing this? A: No sir  
Q: Didn't you ever pay him his commission as Notary? A: No sir, I don't as much as pay for drawing up papers like that  
Q: Did Hughlen sign this in your presence when you gave it to him? A: Yes sir and put his seal on it.  
Q: You saw him sign it and put his seal on it? A: Yes sir.  
Q: And then he put it in an envelope and addressed it to the Commission? A: Yes sir.  
Q: Do you know what place in Colorado, Saunders went to?  
A: No sir, I don't know what place he went to.  
Q: You don't know where Hughlen is at the present time, do you?  
A: No sir he was there in the bank with those fellows but whether he is there or not, I don't know I haven't been to Okmulgee for quite a while. He might have gone with them.

Questions by John G. Libber, acting for L. M. Mott, attorney for Creek Nation.

- Q: Do you know what part of Colorado this man Saunders was going to? A: No sir he was going to look out for a location and he did and came back and sold out and was gone they told me. I was there once while he was gone to Colorado.  
Q: These conversations you had with Saunders and the signing of this affidavit by Hughlen, was all done this year wasn't it? A: Yes sir.  
Q: All the conversation had and the signing was done at Okmulgee, wasn't it? A: Yes sir, except my wife's and Harper's signature.  
Q: I mean the Notary Public's signature? A: Yes sir.

This is all the evidence that was taken in said cause on said date.

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 on said date in said cause.

Julia C. Laval

Subscribed and sworn to before  
me this 5 day of September, 1906.

Edward Morris  
Notary Public

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

In the matter of the application for the enrollment of  
Lurie McKinnen, as a citizen by blood of the Creek Nation.

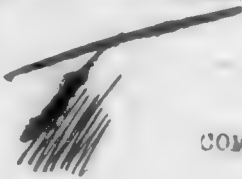
D E C I S I O N .

The record in this case shows that on July 17, 1906,  
application was made, in affidavit form, for the enrollment of  
Lurie McKinnen, as a citizen by blood of the Creek Nation, under  
the provisions of the act of Congress approved April 26, 1906.  
Further proceedings were had on August 29 and September 1, 1906.

It appears from the evidence and the records in the  
possession of this office that the applicant herein is the minor  
child of R.W. McKinnen, a non citizen, and Amanda S. McKinnen, a  
citizen by blood of the Creek Nation, whose name appears on a  
partial schedule of citizens by blood of the Creek Nation, approved  
by the Secretary of the Interior on March 13, 1902, opposite  
number 202.

It further appears from the weight of the evidence that  
the said Lurie McKinnen was born April 11, 1906, and that she  
was living at the time of the application for her enrollment.

It is, therefore, ordered and adjudged that under the  
provisions of the act of Congress approved April 26, 1906 (34  
Stats., L. 137), said Lurie McKinnen is not entitled to be  
enrolled as a citizen by blood of the Creek Nation, and the  
application for her enrollment as such is accordingly denied.



COMMISSIONER.

Muskogee, Indian Territory,

FEE

Cr.No.1147.

Muskegee, Indian Territory, February 14, 1907.

Amanda S. McKinnen,  
c/o R.W.McKinnen,  
Morris, 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 the enrollment of your minor child, Laurie McKinnen, 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- 155.



Cr.No.1147.

Muskogee, Indian Territory, February 14, 1907 .

M. L. Mett,

Attorney for Creek Nation,

Muskogee, 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 Lurie McKinnon, 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.

IX-156.

Cr. No. 1147.

Muskogee, Indian Territory, February 14, 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 Laurie McKinnen, 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.

LK-157.

Through the Commissioner  
of Indian Affairs.

Refer in reply to the following:  
Land 16578-1907.

COPY

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

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed record of proceedings in the matter of the application for the enrollment of Lurie McKinnon as a citizen of the Creek Nation, including the decision of Commissioner Bixby dated February 11, 1907, adverse to the applicant.

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

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

FBM.Ph.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.  
S.P.

I.T.D.

6210, 6606, 6616, 6686, 6728-1907.  
6744, 6748, 6750, 6752, 6768- "  
6784, 6802, 6804, 6810, 6834- "  
6846, 6876, 7014- "

March 2, 1907.

LRS

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship  
cases adverse to the applicants are hereby affirmed.

Copies of Indian Office letters submitting your reports  
and recommending that the decisions be affirmed are inclosed:

| Title of Case.                           | Date of your<br>letter of transmittal. |
|--|--|
| Isacarel Grayson (freedman)              | February 18, 1907.                     |
| Emma Grayson (freedman)                  | February 7, 1907.                      |
| Eva Bruner (freedman)                    | February 13, 1907.                     |
| Oliver Elliott                           | February 16, 1907.                     |
| Florence M. Coker                        | February 16, 1907.                     |
| Johnny Potter (freedman)                 | February 16, 1907.                     |
| William H. Hardridge (deceased)          | February 16, 1907.                     |
| Theodore Hawkins (freedman)              | February 16, 1907.                     |
| Amy Franklin et al. (freedmen, deceased) | February 16, 1907.                     |
| Jennie Myers (freedman)                  | February 13, 1907.                     |
| Alfred Mayfield (deceased)               | February 14, 1907.                     |
| Alice McGeeley (freedman)                | February 15, 1907.                     |
| Batricia Scott (freedman, deceased)      | February 14, 1907.                     |
| Lurie McKinnon                           | February 14, 1907.                     |
| Washington McIntosh (freedman, deceased) | February 23, 1907.                     |
| Roman Johnson et al.                     | February 23, 1907.                     |
| Spencer Thomas, et al. (freedmen)        | February 23, 1907.                     |
| Number Lowe (deceased)                   | February 23, 1907.                     |

A copy hereof and the papers in the above mentioned  
cases have been sent to the Indian Office for its files.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

18 inc. and  
36 to Ind. Of.  
AFMc  
3-4-07.

Cr. En. 1147.

Muskogee, Indian Territory, March 12, 1907.

Amanda S. McKinnon,  
c/o R. W. McKinnon,  
Morris, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 11, 1907, denying the application for the enrollment of your minor child, Marie McKinnon, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

JEM

CR EN 1148

CR EN 1148

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
JULY 3, 1906.

In the matter of the application for the enrollment, as citizens of the Creek Nation, of minor children born to duly enrolled citizens, members of the so called Snake faction.

Alex Posey, being duly sworn, testified as follows:

What is your name? A Alex Posey.

Q What is your age? A 33.

Q What is your post office address? A Muskogee.

Statement by Mr. Posey: The following information concerning new born children was received by me at various points in the field subsequent to May 2, 1905.

SALLIE HILL, daughter of John Hill of Okchiye town and Malindy Hill of Okfuskee Canadian town; age of child unknown; post office address of parents, Eufaula, I. T.; information received May 18, 1905.

MITCHELL, child of Waitie Mitchell, a Seminole citizen and Mandy Mitchell, of Tulledega town (see I-2824); child about two years old, sex unknown, post office address of the parents, Hanna, I. T. Information received May 24, 1905.

SEVIER, child of Louis Sevier, of Tulsa Canadian town (see I-1783), and Amanda Thompson, of Tookpafka town (see I-2207); child about four years old, female; post office address of parents, Burney, I. T. Information May 20, 1905.

SEVIER, child of Louis Sevier, of Tulsa Canadian town (C.I. 1783), and Amanda Thompson, of Tookpafka town (C.I. 2207); child about a year old, male; post office address of parents, Burney I. T. Information received May 20, 1905.

SONNIE FIELDS, child of Walter Field, of Quassarte No. 2 (C.I. 2615) and Eliza Field, nee Harjo, of Artussee town (C.I. 1558), child born June 2, 1904; male; post office address of parents, Dustin, I. T. Information received June 15, 1905.

BILLIE BIRD, child of Thomas and Sallie Bird of Weogufke town; over a year old; post office address of parents, Hanna, I. T. Information received June 15, 1905.

HETTIE MITCHELL, child of Lewis Mitchell, of Eufaula Canadian town (C.I. 3248), and Bittie Mitchell, also of Eufaula Canadian town, (C.I. 3248), child born February 19, 1896, and living; post office address of parents, Eufaula, I. T. Information received May 18, 1905.

FIRSEY MITCHELL, child of Lewis Mitchell, of Eufaula Canadian town (C.I. 3248), and Bittie Mitchell, also of Eufaula Canadian town (C.I. 3248), child born February 19, 1896, and living; post office address of parents, Eufaula, I. T. Information received May 18, 1905.



SELANIE MITCHELL, child of Lewis Mitchell, of Eufaula, Canadian town (C.I. 3248) and Bittie Mitchell, also of Eufaula Canadian town (C.I. 3248); child born May 3, 1901, and living; female; post office address of parents, Eufaula, I. T. Information received May 18, 1905.

JACOB, child of Sampson Jacob of Tulledega town and Selanie Jones, of Arbeka North Fork town; child about four years old; female; post office address of parents, Burney, I. T. Information received May 20, 1905.

JACOB, child of Sampson Jacob, of Eufaula Canadian town ~~xxxxxx~~, and Selanie Jones, of Arbeka North Fork town; child about a year old; sex unknown; post office address of parents, Burney, I. T. Information received May 20, 1905.

HETTIE TUFFER, child of Tuffer and Sene, both of Pokuni lahassee town (C.I. 6961); child about six years old; post office of the parents, Trenton, I. T. Information received June 14, 1905.

SAM POLOKE, child of Esal Poloke of Eufaula Canadian town, (C.I. 3602), and Louisa Poloke, nee Beaver, a Seminole; child born October 18, 1905; post office of parents, Eufaula, I. T. Information received May 8, 1906.

RHODA WILDCAT, child of Sandy Wildcat of Arbeka North Fork town (C.I. 1576), and Losanna Wildcat, also of Arbeka North Fork town (C.I. 1576); child over five years old; post office address of parents, Weleetka, I. T. Information received May 5, 1905.

JOHN WHITLOW, child of William Whitlow and Semhoye Whitlow; age of child unknown; post office address of parents, Dustin, I. T. Information received May 5, 1905. The Creek towns to which the parents belong are unknown.

NELLIE WEST, child of Lumsey West, of Kialigee town (C.I. 1541) and Emma West, of Thlewarthle town; child over five years old; post office address of parents, Henryetta, I. T. Information received May 5, 1905.

HANNAH MOSES (or BEAR), child of Moses Bear, a Seminole, and Nancy Bear, of Thlewarthle town; child born March 2, 1894, and living; post office address of parents, Keokuk Falls, O. T. Information received May, 1905.

MAUD MOSES (or BEAR), child of Moses Bear, a Seminole, and Nancy Bear, of Thlewarthle town; child born February 1, 1898, and living; post office address of parents, Keokuk Falls, O. T. Information received May, 1905.

TURNER MITCHELL, child of Mitchell Sarwanoka, of Okfuskee Canadian town (C.I. 3583), and Nancy Sarwanoka, of Eufaula Canadian town, (C.I. 3583), child born March 15, 1898, and living; post office address of parents, Eufaula, I. T. Information received April, 1905.

BESSIE MITCHELL, child of Mitchell Sarwanoka, of Okfuskee Canadian town (C.I. 3583) and Nancy Sarwanoka, of Eufaula Canadian town (C.I. 3583); child born February 22, 1901, and living; post office address of parents, Eufaula, I. T. Information received April, 1905.

HESSIE SMITH, child of Belcher Smith of Greenleaf town (C.I. 2218) and Hinty Smith (town unknown), child about four years old; post office address of parents, Okemah, I. T. Information received May 13, 1906.

EDMUND BARNETT, child of Austin Barnett, of Okehiye town (C.I. 3076) and Liza Barnett, (town unknown) child over four years old; post office address of parents, Mellette, I. T. Information received May, 1906.

JOHN \_\_\_\_\_, child of Sanie, of Alabama town, age unknown; post office address of parents, Weleetka, I. T. Information received March 29, 1906.

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 cause on said date.

(Signed) Lona Merrick.

Subscribed and sworn to before me this 11th day of August, 1906.

(Signed) Edward Merrick,

Notary Public.

J. Winston Hill, being duly sworn, states that the above and foregoing is a true and correct copy of the transcript of Lona Merrick taken on July 3, 1906.

J. Winston Hill

Subscribed and sworn to before me this 26th day of January, 1907.

Edward Merrick

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Lenna, Indian Territory, July 7, 1906.

In the matter of the application for the enrollment, as citizens of the Creek Nation, of minor children born to duly enrolled citizens, members of the so-called Snake faction.

LEWIS COLLINS, being duly sworn, testified as follows, through Alex Posey, official interpreter.

- Q What is your name? A Lewis Collins.  
Q How old are you? A Thirty five of thirtysix.  
Q What is your post office address? A Sapulpa, formerly Lenna.  
Q Are you a citizen of the Creek Nation?  
A Yes sir, member of Coweta town.  
Q Do you know of any minor children in your town or neighborhood for whose enrollment application has not been made?  
A Yes sir, Sam and Rachael Loney have a child born June 11, 1905; I do not think the parents have made application for its enrollment.  
Q Do you know the name of the child? A The child is named Ellen.  
Q To what Creek towns do the parents belong?  
A The father belongs to Tulahassoche town and the mother belongs to Cussehta; the father is also known as Sam Fixico or Noheart. The mother is the daughter of Doc Willingham and Harriet Willingham; I think she is enrolled as Rachael Willingham.

Sam Loney is identified opposite Creek Indian roll No. 8564.

Rachael Loney is identified opposite Creek Indian roll No. 1358 as Rachael Willingham.

- Q Is Rachael the lawful wife of Sam Loney?  
A She is according to Indian custom but not lawfully married to him.  
Q What is the post office address of the parents? A Stidham, I.T.  
Q Do you know of any other children?  
A Johnson Bruner, who is also known as Johnson Wachache, and his wife Lizzie have a child born some time in December, 1905, names Jennie.  
Q To what Creek Indian town does the father belong?  
A Weogufke and he is the son of Wachache, deceased. I have forgotten the name of his mother.

Johnson Bruner or Wachache is identified opposite Creek Indian roll No. 9046 as Johnson Wachache.

- Q To what Creek Indian town does the mother belong?  
A Cussehta and is the daughter of Doc and Harriet Willingham.

Lizzie Bruner or Wachache is identified opposite Creek Indian roll No. 1359 as Lizzie Willingham.

- Q Are the parents of this child lawfully married?  
A No sir, but they are living together.  
Q What is their post office address? A Lenna, I. T.  
Q Do you know of any other children?  
A Spencer Harjo has a minor child which has probably never been enrolled but I do not know its name or age.  
Q Is the child a boy or girl? A Girl.

- Q Who are its parents? A John and Susie Coffey, both deceased.  
Q To what Creek Indian town did the parents belong?  
A John Coffey belonged to Pukkon Tulahassee and Susie was a Seminole.

John Coffey is identified opposite Creek Indian roll No. 7763 as John Coffee.

- Q What is Spencer Harjo's post office address? A Lenna, I. T.  
Q Are all the children about whom you have given information living? A Yes sir.  
Q Do you know of any others? A Yes sir, one more; Salina, a daughter of Wilson Jones or Chitte Harjo, I have been told has a child. She may have two, I am unable to give definite information.

Salina Jones is identified opposite Creek Indian roll No. 8025.

I, Alex Posey, on oath state that the above and foregoing is a true and correct copy of my notes as taken in said cause on said date.

(Signed) Alex Posey.

Subscribed and sworn to before me this 30th day of July, 1906.

(Signed) Edward Merrick,

Notary Public.

I, J. Winston Hill, on oath state that the above and foregoing is a true and correct copy of transcript of Alex Posey taken on July 7, 1906.

J. Winston Hill

Subscribed and sworn to before me this 26th day of January, 1907.

Edward Merrick

Notary Public /

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVECIVILIZED TRIBES,  
BURNBY, I. T., AUGUST 24, 1906.

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In the matter of the application for the enrollment of an unnamed minor child of Salina Jones as a citizen by blood of the Creek Nation.

MOLLIE DAVIS being duly sworn testified as follows:

Through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

- Q What is your name? A Mollie Davis.
- Q How old are you? A About 40.
- Q What is your postoffice address? A Burney.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q To what Creek town do you belong? A Arbeka.
- Q Are you acquainted with Sampson Jacob and Salina, or Selanie, Jones? A Yes sir.
- Q Are they related to you? A I am the aunt of Salina.
- Q Application has been made for the enrollment of two minor children of her's. Do you know anything about them?
- A Yes sir, she had two minor children but one of them is now dead, the oldest child, her name was Katie.
- Q When did she die? A The child died last summer, when the watermelons were ripe, I do not know what month, probably August.
- Q How old was she at the time she died? A The child was between three and four years old.
- Q Was the child called Katie Jacob or Katie Jones? A Katie Jacob.
- Q Is Salina Jones the lawful wife of Sampson Jacob? A She was the lawful wife of Sampson Jacob according to Indian custom; they have been living together for a number of years as man and wife.
- Q To what Creek town does Sampson Jacob belong? A Tulledega.
- Q To what town does Salina belong? A Arbeka.
- Q Who are Salina Jones' parents? A Wilson Jones, <sup>Chitto Harjo is</sup> her father; her mother's name was Dollie, Dollie belonged to Tokpafka town, and has been dead many years.
- Q What is the name of Salina's other child? A Johnny Jacob.
- Q How old is Johnny? A The child is over two years old, possibly three; its able to talk quite fluently.
- Q Is it living? A Yes sir.
- Q Do you know why the parents have not made application for the enrollment of these children? A They belong to the Snake Faction and opposed to having their children enrolled and given allotments by the Commissioner.

- Q What is the postoffice address of the parents of these children?
- A Burney.
- Q Is Salina Jones now known as Salina Jacob? A Yes sir, that is the name by which she is now known.
- Q Do you know any one who would be able to give definite information about these children? A There is no one I know except the parents of the children and Wilson Jones or Chitte Harje, the grandfather of the children, but I know they would be unwilling to give you any information whatever. I know that Katie died last summer when she was three or four years old and that Johnny is two years old or over and is now living.
- Q Have they any other children? A No sir.

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 12 day of August 1906.

*Alvin P. King*  
Notary Public.



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

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

## STATEMENT AND ORDER.

The record in this case shows that on July 3, 1906, Alex Posey, a member of the Creek enrollment field party, appeared before the Commissioner to the Five Civilized Tribes and testified "in the matter of the application for the enrollment, as citizens of the Creek Nation, of minor children born to duly enrolled citizens, members of the so called Snake faction" in which reference is made to Katie Jacobs, deceased. Said testimony is herein considered an original application for the enrollment of said Katie Jacobs, deceased, as a citizen by blood of the Creek Nation, in order that the rights of the applicant be protected. A copy of the transcript of testimony taken July 7, 1906, "in the matter of the application for the enrollment, as citizens of the Creek Nation, of minor children born to duly enrolled citizens, members of the so called Snake faction", also copy of the transcript of the testimony taken August 24, 1906, in the matter of the application for the enrollment of an unnamed minor child of Salina Jones as a citizen by blood of the Creek Nation, are attached to and made part of the record herein.

It does not appear from the records of this office that any application was filed prior to December 1, 1905, for the enrollment of said Katie Jacobs, deceased, as a citizen by blood of the Creek Nation.

It appears from the evidence and the records in the possession of this office that Katie Jacobs, deceased, was the minor child of Sampson Jacobs and Salina Jacobs; that said Salina Jacobs is identified on the approved roll as Salina Jones and that the names of said parents appear upon a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite numbers 7882 and 8025, respectively.



The evidence does not disclose the exact date of birth of said child but the evidence shows that said child would have been, if living, about five years old when this application was made. It appears from the evidence that said child died in the summer of 1905, and was not living March 4, 1906.

In view of the foregoing, I am of the opinion that there is no authority of law for the enrollment of Katie Jacobs, deceased, as a citizen by blood of the Creek Nation and the application for her enrollment as such is accordingly dismissed.

Muskogee, Indian Territory,



COMMISSIONER.

1906

INDEXED.

37435

SEP 1 1906

Posey, Alex,  
Calvin, I. T.,  
Choctaw Nation,  
August 31, 1906.

Transmits testimony in re  
enrollment of two unnamed  
children of Salina Jones.

CREEK ENROLLMENT,

REFER IN REPLY TO THE FOLLOWING:

N.C. 474.

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

Calvin, Indian Territory, August 31, 1906.

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

Sir:

There is inclosed herewith the testimony of Mollie Davis taken by the Creek Field Party August 24, 1906, in the matter of the application for the enrollment of two unnamed minor children of Salina Jones, as citizens by blood of the Creek Nation.

I have the honor to report that I am unable to secure further evidence in said cause.

Respectfully,

*Alex. Macey*  
In Charge,  
Creek Field Party.

JBM

Cr.No.1140.

Muskogee, Indian Territory, February 20, 1907.

Mellie Davis,

Burney, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the statement and order of the Commissioner to the Five Civilized Tribes, dated February 20, 1907, dismissing the application made by you for the enrollment of Katie Jacobs, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

Register.  
LM-13.

CR EN 1149

CR EN 1149

73

IN RE

Application for Enrollment of

INFANT CHILD

*Mona Harjo*

as a citizen of

*Cerab*

Nation.

Approved,

190

Commissioner.

*Filed in the office of the  
C-57-13*

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

FILED

*Sept 9. 1901*

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 Mona Harjo, born on the 3 day of May, 1901  
(Here insert name of child)  
Name of Father: Lumda Harjo, a citizen of the Creek Nation.  
Name of Mother: Rizzie Harjo, a citizen of the Creek Nation.  
Post-office, Wetumta I J

AFFIDAVIT OF MOTHER.

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

I, Rizzie Harjo, 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 Lumda Harjo, who is a citizen, by  
blood, of the Creek Nation, that a female child was  
(male or female)  
born to me on the 3 day of May, 1901; that said child has been  
named Mona Harjo, and is now living.

WITNESSES TO MARK  
(Must be Two Witnesses)

Rizzie X Harjo  
mark

Subscribed and sworn to before me this 9 day of September, 1901.  
William J Martin  
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

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

I, Nancy White a Creek Citizen, 37 years of age, on oath state that I  
attended on Mrs. Rizzie Harjo, wife of Lumda Harjo,  
on the 3 day of May, 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  
(male or female)  
named Mona Harjo.

WITNESSES TO MARK:  
(Must be Two)

Nancy X White  
mark

Subscribed and sworn to before me this 9 day of September, 1901.  
William J Martin  
NOTARY PUBLIC.



702498  
BA 73

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved  
April 26, 1906.

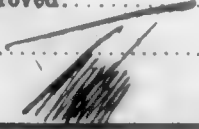
Mona Harjo

as a citizen of

Creek

Nation.

Approved..... 190...



Commissioner.

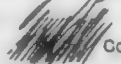
Born May 3, 1901.

Original application  
filed Sept. 9, 1906.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

Sept. 28, 1906,



COMMISSIONER

NEW BORN CREEK No. 498.

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

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation, of Mona Harjo, born on the 3rd day of May, 1901. Name of Father: Lunkar Harjo, a citizen of the Creek Nation. Name of Mother: Kizzie Harjo (or Hutty), a citizen of the Creek Nation. Tribal enrollment of father: Chickatabe. Tribal enrollment of mother: Chickatabe. Postoffice: Yeager, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Neath District.

I, Kizzie Harjo (or Hutty), on oath state that I am about 30 years of age and a citizen by blood of the Creek Nation; that I am the lawful wife of Lunkar Harjo, who is a citizen, by blood, of the Creek Nation; that a female child was born to me on the 3rd day of May, 1901; that said child has been named Mona Harjo, and was living March 4, 1906, and is now living Kizzie Harjo.

WITNESSES TO MARK:

[Must be Two Witnesses] [Signatures] Subscribed and sworn to before me this 28 day of September, 1906. [Signature] Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, Neath District.

I, Nancy White, a midwife, on oath state that I attended on Kizzie Harjo, wife of Lunkar Harjo, on the 3rd day of May, 1901; that there was born to her on said date a female child; that said child was living March 4, 1906, and is said to have been named Mona Harjo. Nancy White.

WITNESSES TO MARK:

[Must be Two Witnesses] [Signatures] Subscribed and sworn to before me this 28 day of September, 1906. [Signature] Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
YEAGER, I. T., SEPTEMBER 28, 1906.

In the matter of the application for the enrollment of  
Mona Harjo as a citizen by blood of the Creek Nation.

KIZZIE HARJO being duly sworn testified as follows:  
Through Alex Posey, Official Interpreter.

BY THE COMMISSIONER

- Q What is your name? A Kizzie Harjo.  
Q How old are you? A I do not know my age. (Witness appears to be about 30 years old).  
Q What is your postoffice address? A Yeager.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q To what Creek town do you belong? A Tuckbatche.  
Q Who are your parents? A Wachena was my father; I do not know to what town he belonged, he has been dead many years, I scarcely remember him. I think, however, that he was a Seminole. My mother was Sukey Barnett of Tuckbatche town; she has also been dead a long time.  
Q Do you know under what name you are enrolled? A I presume that I am enrolled as Kizzie Harjo; I have been married to Lumka Harjo for some years, we were living together when the last Creek Payment was made and are still living together. Sometimes I am called Kizzie Hutkey, but Kizzie Harjo is my proper name.  
Q Is your husband Lumka Harjo a citizen of the Creek Nation?  
A Yes sir.  
Q To what Creek town does he belong? A Tuckbatche.  
Q Who are his parents? A I do not know who his mother was, nor does he know himself, but his father was Wechus Harjo of Tuckbatche town.  
Q Have you a child named Mona Harjo? A Yes sir, that is the child out there in the yard.  
Q You have heretofore made application for the enrollment of this child, have you not? A Yes sir, ~~Mr~~ Nancy White, a sister of mine, and who acted as mid-wife when Mona was born, and I made affidavit as to the birth of the child several years ago before the Commission at Wetumka.  
Q When was the child born? A The child was born May 3, and was five years old last May.  
Q Was the child born May 3, 1901? A Yes sir.  
Q Where does your sister, Nancy White, the mid-wife in this case, reside? A Right down there in the hollow.

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.

Subscribed and sworn to before me,  
this 2 day of October, 1906.

JBM

  
Notary Public.

H.B.C. 498.

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

-----  
In the matter of the application for the enrollment of  
Mona Harjo as a citizen by blood of the Creek Nation.

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D E C I S I O N .  
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The record in this case shows that on September 9, 1901, there was filed with the Commission to the Five Civilized Tribes an application, in affidavit form, for the enrollment of Mona Harjo as a citizen by blood of the Creek Nation. September 28, 1906, supplemental affidavits in the matter of the birth of said applicant were filed in this office. Testimony was also taken in the case on said latter date.

The evidence shows that said Mona Harjo is the minor child of Lumka Harjo and Kissie Harjo, who are identified on the 1890 authenticated tribal roll of the Creek Nation and on the 1895 Pay Roll of the said nation, and whose names appear upon a partial schedule of citizens by blood of the Creek Nation, approved by the Secretary of the Interior March 28, 1902, opposite Nos 4827 and 4828, respectively.

The evidence further shows that said applicant was born May 3, 1901, and was living on the date of the last proceedings herein.

It is, therefore, ordered and adjudged that said Mona Harjo is entitled to be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the act of Congress approved June 30, 1902, (32 Stats., 500), and the application for her enrollment as such is accordingly granted.

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

Muskogee, Indian Territory,

NOV 23 1906  
\_\_\_\_\_

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

B. A. 73.

ALLISON L. AYLESWORTH  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 14, 1903.

Kizzie Harjo,

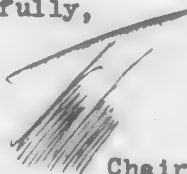
Wetumka, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the birth of your minor child, Mona Harjo, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted 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 date of the birth of said child, for the purpose of being examined under oath.

Respectfully,



Chairman.

INDEXED

43535

061

Posey, Alex.,  
Holdenville, I. T.,  
Creek Nation,  
Oct. 4, 1906.

Transmits testimony in re  
application of Mona Harjo  
for enrollment as a Creek.

REFER IN REPLY TO THE FOLLOWING:

B.A. 73.

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


Holdenville, Indian Territory, October 4, 1906.

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

Sir:

There is inclosed herewith the testimony of Kizzie Harjo taken by the Creek Field Party September 28, 1906, in the matter of the application for the enrollment of Mona Harjo, as a citizen by blood of the Creek Nation, together with the joint affidavit of herself and Nancy White relative to the birth of the said Mona Harjo.

Respectfully,

  
In Charge,  
Creek Field Party.

JBM



NBC 498.

Muskogee, Indian Territory, November 28, 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 Mona Harjo 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 Mona Harjo will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully ,



Commissioner.

LM-22.

CR EN 1150

CR EN 1150

DEPARTMENT OF THE INTERIOR'  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
OCTOBER 6, 1906.

BANK-89

In the matter of the application for the enrollment of  
Alice Jacobs as a Creek Freedman.

Flera Jacobs being first duly sworn by Henry G. Hains, a  
Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Flera Jacobs .  
Q: How old are you? A: I don't know.  
(Witness appears to be at least 45 or 50)  
Q: What is your post-office address? A: Bristow.  
Q: Are you a Creek Freedman? A: Yes sir.  
Q: Do you know Margaret Jacobs? A: Yes sir.  
Q: Is she any kin to you? A: She is my son's wife.  
Q: Is she living? A: No sir, she is dead.  
Q: When did she die? A: I don't know.  
Q: About how long ago? A: I think it is going on 3 years  
I believe.  
Q: Who was your son's wife, was she---what was the name of  
that son? A: George Jacobs.  
Q: He is here today is he? A: Yes s r.  
Q: Do you know a child of theirs named Alice Jacobs? A: Yes  
sir she is my grand-daughter.  
Q: Were you the midwife that attended on her? A: Yes sir  
Q: When was this child born?  
A: I don't know but I think it was in February, I am a kind a  
forgetful.  
Q: How many Februarys ago was it---February of what year was  
it? A: I forgets I think it is in the book.  
Q: How long did that child live? Did it live a day or a week  
or a month or what? A: It has been a living a long time,  
it died in my hands. I don't know how much years that  
child has been living, I will go and ask its Papa first.  
Q: Never mind we want to know what you know about it.  
Q: Did it live as much as a year? A: I know about it, I was  
granny to it. And the year has been put in a book.  
Q: What book do you mean? A: This here letter, it is here  
somewhere.

George Jacobs being first duly sworn by Henry G. Hains,  
testified as follows, to-wit:-

By Commissioner:

- Q: What is your name? A: George Jacobs.  
Q: What is your age? A: About 29.  
Q: What is your post-office address? A: Bristow.  
Q: Are you a Creek Freedman? A: Yes sir.  
Q: What is the name of your father? A: Smart Jacobs.

(Witness is identified as George Jacobs opposite Creek Freedman Roll number 158a) 1584

- Q: Are you married? A: Yes sir, I am married now.
- Q: What is the name of your present wife? Lydia Jacobs.
- Q: Is she a citizen of the Creek Nation.
- A: No sir she is a state woman.
- Q: How long have you been married to her? A: Pretty near 3 years.
- Q: Well when ~~it~~ will it be 3 years? A: I don't know exactly when it will be 3 years.
- Q: Don't you know in what month you were married to your present wife? A: No sir, I done forgot the time, me and her was married.
- Q: What was the name of the wife you married before you married Lydia? A: Margaret.
- Q: She was a state woman too wasn't she? A: She was adopted.
- Q: She never was admitted as a citizen of the Creek Nation, was she? A: No sir.
- Q: Is she living? A: No sir, she is dead.
- Q: When did she die? A: 1903.
- Q: When? A: Along about the 13 of February.
- Q: Were you present when she died? A: Yes sir, right there with her myself.
- Q: Do you know whether it was on the 13 of February or not? A: Yes, I think it was on the 13th.
- Q: What year? A: 1903.
- Q: Were you married to her? A: No sir we just went and took up together in the old Creek Fashion.
- Q: Did you ever have any children by her? A: Yes sir I had 3.
- Q: name the oldest? A: Alice.
- Q: What is the name of the next one? A: Jim.
- Q: What is the name of the next one? A: Joseph.
- Q: Is that all you ever had, living or dead? A: Yes sir.
- Q: Is Alice living? A: No sir.
- Q: How old was Alice when she die d? A: Why she was I believe she was 3 years old, when she died.
- Q: When was Alice born? A: She was born in 1900 the 5th? day of March.
- Q: How do you know she was born on the 5th. day of March? A: I remember that as the year, I know ir.
- Q: I asked you how you know your child was born on the 5th. day of March? A: I know the date she was born.
- Q: How do you remember that? A: I remember that because they were having the 4th. over there when that child was born. They were celebrating the 4th.
- Q: The 4th. of August? Now what do you mean when you say they were celebrating the 4th. do you mean on the 4th. of August and was it born on the 5th?
- A: That is the general way they have to celebrating it that is their freedom, they day they was freed.
- Q: Do you mean to say that Alice was born on the 5th. of August? A: Yes sir.
- Q: On the 5th. of August. Why did you say the 5th. of March a while ago then? A: That was the 4th. it was born on.
- Q: Do you know the months of the year? Yes sir.
- Q: How many are there? A: 12 months.
- Q: Which is the first month? A: March is the first month.

- Q: Which is the first month? A: March is the first summer month.
- Q: How long did your child Alice live? A: Alice lived 3 years.
- Q: You swear that do you? A: Yes sir.
- Q: How long has it been since she died? A: Well it has been about--I just don't remember what month it died in.
- Q: How long has she been dead? A: Why that is what I am trying to think---I just don't remember, I don't know how long she has been dead.
- Q: Do you know what year she died in? A: She died in 1903. It is down on the record and my wife has all these accounts
- Q: Have you these accounts with you? A: No sir it is home.
- Q: Don't you present here a letter written to you in the last two weeks in which you were told to ~~appear~~ appear here with Flora, Jacobs and Margaret Jacobs and to bring in any record you might have in regard to the birth of your child? A: Yes, but they said I didn't need it.
- Q: Who said that? A: Mr. Purdy.
- Q: Who is he? A: The banker at Bristow.
- Q: Did you talk with him about it? A: No sir, I got him to write my letter this last time to send down here to see how it was.
- Q: He is interested in it, is he? A: No sir, I couldn't write and I got him to do my writing for me, and he said I should come down and fix it up.
- Q: Where does Mr. Purdy live? A In Bristow.
- Q: Does he buy and sell land? A: He has been buying some land, but I don't know whether he is selling it or not.
- Q: Do you know what his other name is?
- A: Fred Purdy.
- Q: Is he a white or a colored man? A: He is a white man.

This is all the evidence taken in said cause on said date.

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 on said date in said cause.

Julia C. Laval

Subscribed and sworn to before  
me this 16 day of October, 1906

Edward Merrick  
Notary Public.

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

In the matter of the application for the enrollment of Alice Jacobs, deceased, as a Creek freedman.

## D E C I S I O N .

The record in this case shows that on December 14, 1901, application was filed, in affidavit form, for the enrollment of Alice Jacobs, then living and since deceased, as a Creek freedman. Supplemental proceedings were had October 6, 1906, and a transcript of the testimony in said proceedings is attached to and made a part of the record herein.

It appears from the evidence that said Alice Jacobs, deceased, was the child of George Jacobs, whose name appears upon a partial schedule of Creek freedmen approved by the Secretary of the Interior March 13, 1902, opposite No. 1584, and Margaret Jacobs, a non citizen.

The evidence is conflicting as to the date of the birth of said child but the weight of the evidence establishes such date as March 5, 1900.

The evidence further shows that said child was living May 25, 1901.

It is, therefore, ordered and adjudged that the said Alice Jacobs, deceased, is entitled to be enrolled as a Creek freedman, under and by virtue of the Act of Congress approved June 30, 1902 (32 Stats., L.500), and the application for her enrollment as such is accordingly granted.

Muskogee, Indian Territory,

JAN 29 1907

COMMISSIONER.

*New decision written.*

Cr.En.1150  
B A 89

WSC  
AG

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

In the matter of the application for the enrollment  
of Alice Jacobs, deceased, as a Creek freedman.

D E C I S I O N .

The record in this case shows that on December 14,  
1901, application was made, in affidavit form, for the enroll-  
ment of Alice Jacobs, now deceased, as a Creek freedman.  
Testimony was taken in this matter on October 6, 1906.

It appears from the evidence and the records in the  
possession of this office that said Alice Jacobs, is the deceas-  
ed child of George Jacobs, a duly enrolled citizen of the Creek  
Nation, whose name appears on a partial schedule of Creek freed-  
men approved by the Secretary of the Interior, March 13, 1902,  
opposite number 1584, and Margaret Jacobs, a non citizen.

The evidence as to the date of the birth of said  
Alice Jacobs, deceased, is very contradictory but the weight  
of the evidence is that she was born prior to May 25, 1901, and  
that she lived for a period of three years and died subsequent  
to said latter date.

I am, therefore of the opinion that in view of the  
provision of Section 8 of the Act of Congress approved June 30,  
1902 (32 Stats.,L.500), the said Alice Jacobs, deceased, is  
entitled to be enrolled as a Creek freedman, and the application  
for her enrollment as such is accordingly granted.

Muskogee, Indian Territory,



COMMISSIONER.



Sept.12th 1906.

Tans Bixby,

Muskogee, I.T.

Dear Sir:

Will you please inform me if there is not an affidavit on file in your office as to the date and time of birth of Alice Jacobs a Freedman Minor child of George Jacobs, who was born in 1899 or 1900 We made the affidavit, and have expected to be notified when to come and file for her and Mr.MoDermott to day informs me that there is no application on file for her enrollment.

Please let me hear from you at once.

Respectfully,

George Jacobs.

BA NB 89.

Muskogee, Indian Territory, September 21, 1906.

George Jacobs,

Bristow, Indian Territory.

Dear Sir:

Replying to your letter of September 12, 1906, you are advised that you and Margaret Jacobs and Flora Jacobs, a midwife, will be allowed fifteen days from date hereof within which to appear at this office with any record you may have in your possession, relative to the birth of your minor child, Alice Jacobs, for the purpose of being examined under oath.

You are also requested to bring with you proof of your marriage to the mother of said child, in the form of a certified copy of your marriage license, and certificate.

Respectfully,

Commissioner.

B A 88 & 89.

Muskogee, Indian Territory, January 4, 1907.

Margarat Jacobs,

Bristow, Indian Territory.

Dear Madam:

The evidence now before this office in the matter of the application for the enrollment of your minor children, Alice and James Jacobs, as citizens of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed twenty days from the date hereof, within which to introduce such evidence.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

DA 88 & 89.

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

Muskogee, Indian Territory, January 5, 1907.

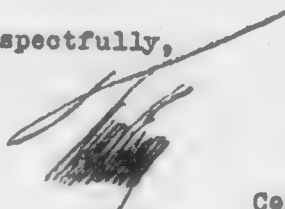
Margaret Jacobs,  
Bristow, Indian Territory.

Dear Madam:

The evidence now before this office in the matter of the application for the enrollment of your minor children, Alice and James Jacobs, as citizens of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed ten days from date hereof within which to introduce such evidence.

Respectfully,



Commissioner.

Bristow

Jan 27-87

dear Husband.

I received  
your letter Saturday.  
I got what you told me  
I know it is alright.

I hope you can come  
soon write and tell  
me when you are coming

Lydia Jacobs

315- Iowa Bld.

Wassogee  
J. H.

INDEXED

|                           |             |
|---------------------------|-------------|
| COMMISSIONER OF THE S. I. |             |
| No.                       |             |
| 543                       | JAN 30 1907 |

Jacobs, Lydia,  
Bristow, I.T.  
Creek nation,  
Jan. 27, 1907.

Returns Commission's letter to  
Margaret Jacobs.

CREEK ENROLLMENT;



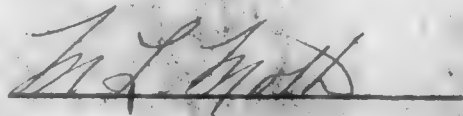
Muskogee, Indian Territory, February 7 1907

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 from fraudulent evidence.

Respectfully,



Creek National Attorney.

J.P.

Em 1150  
~~Creek T. 1908.~~

Muskogee, Indian Territory, March 18, 1907.

George Jacobs,  
Bristow, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, approved the enrollment of your minor child, Alice Jacobs, as a Creek Freedman, whose name appears opposite number 5686.

This child is now entitled to allotment, and application therefor should be made without delay at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 1151

CR EN 1151

0-0000-0000

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
Waleetka, I.T., November 9, 1904.

In the matter of the application for the enrollment of Losanna Deere and Sardy Deere as citizens by blood of the Creek Nation.

JOE DEERE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION

- Q. What is your name? A. Joe Deere.  
Q. How old are you? A. Fifty-six.  
Q. What is your post office address? A. Morse  
Q. Are you a citizen of the Creek Nation? A. Yes, sir.  
Q. To what town do you belong? A. Arbecoche.  
Q. Did you know Losanna Deere? A. Yes, sir.  
Q. Is she living or dead? A. Dead.  
Q. How long has she been dead? A. She died six days before the Creek Land Office opened.  
Q. Are you positive that she died six days before the land office opened?  
A. Yes, sir, I am positive. She had secured the numbers of her land and had made preparations to go before the Commission and file upon her land on the day the land office opened, and died before she could do so.  
Q. What relation was she to you? A. She was my wife.  
Q. Did you know Sardy Deere? A. He was my son.  
Q. Is he living or dead? A. Dead.  
Q. How long has he been dead? A. He has been dead about two years.  
Q. Did he die before or after the opening of the Creek Land Office? A. He was born after the opening of the Creek Land Office.  
Q. How long after the opening of the Creek Land Office did he die? A. I do not know but he was something like a year old when he died.  
Q. How long after the Creek Land Office opened was he born? A. About a year.  
Q. Was there a record made of the date of the birth and death of this child? A. Yes, sir, I have a record at home.  
Q. Upon what is the record made? A. In the record book of the Town.  
Q. Can you furnish the Commission with that record? A. Yes, sir, I am going to Muskogee in a short time and will carry the record with me for the inspection of the Commission.

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I, D. C. Skags, 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.

(Signed) D. C. Skags.

Subscribed and sworn to before me this 16 day of November, 1904.

SEAL

(Signed) J. B. Campbell  
Notary Public

I, Marie Prothman, on oath state that the above and foregoing is a full, true and correct copy of the original now on file with the records of the Commission.

Subscribed and sworn to before me this 17 day of November, 1904.

*Marie Prothman*  
*Dennis C. Skags*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Morse, I. T., March 2, 1905.

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

JOE DEERE, being duly sworn, testified as follows:

through Alex Posey Official Interpreter:

BY COMMISSIONER:

- Q What is your name? A Joe Deere.
- Q How old are you? A About fifty-seven.
- Q What is your post office address? A Morse.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q To what town do you belong? A Arbococha.
- Q You have heretofore testified in this case have you not? A Yes, sir.
- Q You stated in your testimony that you had a record of the death of Sarty Deere at your home. Have you that record now? A The record to which I referred is about my son, Thomas Deere, who was nicknamed Sarty. Upon investigation I find that the Sarty Deere about whom you are wanting information was another person. I want to take this opportunity to correct the statements I made. I was in error.
- Q Who are his parents? A Mahaley Johnson is his mother.
- Q Who was his father? A Barney Marshall.
- Q Are the parents of Sarty living? A The father is dead but the mother is living.
- Q Where does Mahaley Johnson live? A She lives about three miles south-east of Morse.
- Q Do you know when Sarty Deere died? A I think the child died in March of the year the land office opened and just before my wife, Losanna Deere, died. The child should have been named Sarty Marshall instead of Sarty Deere. What is what caused me to be mis-lead in the testimony I gave the other day and thought it was meant for my son, Thomas, who was nicknamed Sarty.
- Q How old was Sarty Deere at the time of his death? A The child must have been over two years old. He was running about and talking fluently at the time he died.
- Q Do you know whether or not a record was made of his death? A I think not. The mother ought to be able to give you all the information you want.
- Q When did your wife, Losanna Deere, die? A Six days before the land office opened and Sarty died before she died.

---000000000---

I, D. C. Sledge, on 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 18th day of May, 1905.

*D. C. Sledge*  
*Henry L. Harris*  
Notary Public.

En. 845.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Okemah, I. T., March 10, 1905.

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

MAHALEY JOHNSON, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Mahaley Johnson.  
Q What is your age? A I do not know how old I am. Probably 30.  
Q What is your post office address? A Okemah.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q To what town do you belong? A Arbacoche.  
Q Did you have a child named Sarty Deere? A Yes, sir.  
Q Who was Sarty's father? A Barney Marshall.  
Q Is Barney Marshall living? A Dead.  
Q Do you know when Sarty died? A I do not know when he died but the record on the grave-stone will show.  
Q Where is he buried? A Right back of the house.

A grave indicated by the witness as that of Sarty Deere is visited and upon the tomb-stone the following writing appears:  
"Elmer Deer died Oct. 1, 1898, aged 1 yr. & 2 MS."

- Q Does Elmer Deer mean Sarty Deere? A Yes, sir, Elmer is his proper name. Sarty is just a nick-name. He was named Sarty in sport by the white renters on our place and Sarty should be Shorty. He was a short fat little boy just like that boy there (indicating a very short and fat little boy) The white renters called him fatty.  
Q Were you and Barney Marshall married? A Yes, sir, according to Indian custom.  
Q Do you know whether or not Joe Deere ever had a boy named Sarty? A He had a boy by his present wife who I think was nick-named Sarty. The child died a year or two ago.  
Q Why was your child Sarty, named Deere instead of Marshall? A Joe Deere went before the Commission at Okmulgee when the Commission was there enrolling citizens and gave the child's name in as Sarty Deere. Losanna Deere, a former wife of Joe Deere, was my mother and their names were given in together and that is how the mistake was made.

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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 13th day of May, 1905.

*D. C. Skaggs*  
*Jera E. Parrish*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Okemah, I. T., February 20, 1905.

En. 845.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Sarty Deere, deceased, as a citizen by blood of the Creek Nation.

JOE DEERE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Joe Deere.  
Q How old are you? A Fifty-seven.  
Q What is your post office address? A Morse.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q To what town do you belong? A Arbicoche.  
Q Did you have a son named Sarty Deere? A Yes, sir, that was his proper name but he was afterwards named Thomas Deere.  
Q You have heretofore testified in this case have you? A Yes, sir.  
Q You stated in your testimony before the Commission, at Weleetka, November 9, 1904, that you had a record of the birth and death of Sarty, have you that record now? A Yes, sir.

The witness presents a pocket memorandum book in which is found the following entry: "Thomas Deer born Feb 19th 1901 died Jan. 8, 1903."

- Q This record refers to the birth and death of Sarty Deere does it?  
A Yes, sir, Sarty and Thomas are the same person.  
Q Who made this record? A Barney Marshall.  
Q When did he make this record? A We made the record relative to his birth the same day he was born and the record of his death the same day he died.  
Q Is this the original record that you made? A The original record was made in a book, which I have at home, containing the dates of the births and deaths of various persons. The record in the memorandum-book which you have is only a transcript.  
Q Is the record in the book which you have at home written with pen or pencil? A With a pencil.  
Q Is that record written in Creek or English? A The record which I have at home is written in Creek. The record which you have was transcribed by my daughter, Minnie.  
Q Why did you not bring the original record? A I thought that the record transcribed would answer as well as the original and when I learned yesterday that you desired the record I had my daughter transcribe it in this book so I could bring it in to-day.  
Q How large a book is that in which the original record is written?  
A It is a thin-broad book and inconvenient to carry about in one's pocket.  
Q The Commission desires to examine the book in which the original record is written? A You may do so any time you come to my house.  
Q Is Barney Marshall living? A He was killed.  
Q Did he make the record at your request? A Yes, sir. We could read and write both Creek and English and made most of the record in the book which I have at home. Some are in English and some are in Creek.  
Q How old was Sarty at the time of his death? A I do not know how old he is but he was as old as the record shows him to be.  
Q Was he old enough to walk? A Yes, sir, he could run about in the house.  
Q What is the name of Sarty's mother? A Yanah Deere.



In. 845. ---2.---

Q Is she living? A She is living.

Q To what town does she belong? A Nuyaka.

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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 8 day of April 1905.

*D. C. Skaggs*  
*Robert S. Skaggs*  
Notary Public.

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

Muskogee, Indian Territory, October 16, 1905

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

Joe Deere, being duly sworn, testified as follows through  
Alex Posey, official interpreter.

- Q What is your name? A Joe Deer  
Q Are you a citizen of the Creek Nation? A Yes, sir  
Q What is your age? A Going on 57  
Q What is your post office? A Morse  
Q You were the husband of Losanna Deer were you? A Yes, sir  
Q When did Losanna Deer die? A Just before the opening of the  
Creek land office, six days before.  
Q You stated in April 1904 that she died in July the year the  
land office opened, November of the same year you said she died  
six days before the land office opened, which is correct?  
A I made a mistake when I gave testimony the first time, I  
investigated and afterwards fixed the date of her death as six  
days before the opening of the Creek land office.  
Q How did you fix the date of her death? A By studying over it.  
Q Did you have a record of her death? A Yes, sir  
Q Who made the record? A I don't know whether it was Minda or  
Mahala made the record, Minda is my daughter, Mahala is my  
step-daughter.  
Q Was the record made shortly after Losanna died? A Yes, sir,  
probably made the same day she died.  
Q Have you that record now? A Yes, sir  
Q Have you it here? A No, sir  
Q Have you it at home? A Yes, sir  
Q Are you going to be in Muskogee inside of a month? A Will not  
be back soon.  
Q Mr Posey will be taking testimony in Creek cases up around  
Morse in about a month, will you show him the record at that time?  
A Yes, sir  
Q Was your son Sordie Deer the son of your wife Losanna or the  
son of another wife? A Sordie is the child of Mahala  
Q You had a son that was some times called Sordie Deere,  
didn't you? A Yes, sir  
Q What was that child's correct name? A Sometimes called Siab  
Q Was your child Thomas some times called Sordie? A Yes, sir  
Q When was the child Sordie that was some times called Thomas  
born? A I have forgotten. I have a record at home and the record  
on the tombstone will also show.  
Q Was this child Thomas who was some times called Sordie the  
child of Losanna or of another wife? A The child of another wife.  
Q Is your correct name Deer or Deere? A I dont know how my name  
is spelled. I dont write myself. All I know is that my name is  
Joe Deer.

Q Who is the mother of your child Thomas some times called Sordie? A Yanah.

Q How long after Losanna died before you married Yanah? A Less than a year. My son Thomas was living at the time I came and filed for my family. I called the Commission's attention to the child and was told that his case would be considered later.

Q Did you call him by the name of Thomas at that time? A I dont know whether I named the child to the Commission or not but simply remember calling their attention to him

Q Did you have the child with you when you filed? A Yes, sir/ I think it was in the next year after the opening of the land office that I came and made selection of land. I dont know just in what month it was.

Q Who was with you at the time you called the Commission's attention to that child? A There were many people present.

Q Do you know any one who has a sufficient recollection of your action in calling the Commission's attention to the child, that would be able to corroborate your statement? A Alex McIntosh would remember.

Q Where does Alex McIntosh live? A Near Council Ground Hill. The clerk who was in the land office that day could remember, because he told me that the child was too young. The clerk is not in the land office now but I see him on the street and the child's mother would remember.

Witness is advised that this office has no record of an application having been made for the enrollment of his son Sordie or Thomas Deer, prior to or on September 1, 1904 and that if he claims such application was made he should endeavor at an early date to produce testimony tending to show that such application was in fact made.

A I am certain there is no record of my having made application for the child because it was not put down in writing that day but I can furnish all the proof that is necessary and that at the time the Commission told me that the child's case would be considered and that I would be notified by letter later but I never heard from the Commission.

I will have my witnesses and records ready when you call for them.

-----  
I, Anna Garrigues, state on oath 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 16 day of October 1905.

*J. McDermott*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Morse, I. T., October 24, 1905.

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

JOE DEERE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

Q What is your name? A Joe Deere.  
Q How old are you? A About fifty-seven.  
Q What is your post office address? A Morse.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q To what town do you belong? A Arbicooke.  
Q You appeared before the Commissioner October 16, 1905, and gave testimony about a deceased child of yours named Thomas Deere, claiming that you made application for the enrollment of said child at the time you appeared before the Commission to select allotments of land for your family. You were advised that this office has no record of an application having been made for the enrollment of your son, Thomas Deere, prior to or on September 2, 1904, and that if you claim such application was made you should endeavor to produce, at an early date, testimony tending to show that such application was in fact made. Have you a record showing when the child was born and when he died? Yes, sir.

Witness presents a record book containing a record of the births and deaths of various persons, in which the following entry is found:

"Thomas Deer son of Varner & Joe Deer born Feb. 19-1901.  
Died Jan 8-1903. Age 1yr. 11 month."

Q Who made this entry? A The entry was made at my request by John Phillips. I bought a tomb-stone from him and that record was inscribed upon it.

Q When was this record made? A The entry in that book was made recently by John Phillips, at my request, and was taken from a record made by Barney Marshall. The record of the birth of the child was made by Marshall soon after it was born and the record of its death was made by him soon after the child died. Barney Marshall was my brother-in-law, being the brother of my present wife, Varner. The old record was destroyed when that record was made in the book.

Q Are you now ready to introduce evidence that you did in fact make application for the child at the time you filed for your family? A Yes, sir, my wife will testify as to that. The child was living at that time and we had him with us. It was crawling around on the floor crying while I was filing. I asked the Commission if I could not file for it also and was informed that I could not then, and that the child's case would be considered later.

Q Did the Commission tell you that you would be notified by letter as to when you could file for the child? A No, sir, they simply told me that the child's case would be considered later and that I would have to wait. Jim Lynch did the interpreting.

YARNER DEERE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

Q What is your name? A Varner Deere.  
Q How old are you? A I do not know my age.

Witness appears to be about twenty-eight years of age.

- Q What is your post office address? A Morse.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q To what town do you belong? A Nuyaka.
- Q Did you have a child named Thomas? A Yes, sir.
- Q Do you know when the child was born? A I do not know.
- Q Do you know when the child died? A I do not know.
- Q How old was the child when it died? A The child was old enough to walk at the time it died but was not walking. It could speak a few words.
- Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
- Q Was the child living at that time? A The child was living and I had him with me when we were at Muskogee filing on our land.
- Q Did you make application at that time to have the child enrolled? A Yes, sir. My husband, Joe Deere, called the Commission's attention to the child but was told that we could not file for it then. While he was in the office filing I was outside the building with the child in my arms. There were many people present and the child was crying and I was trying to quiet it. I remember the circumstances very distinctly.
- Q Was the child nursing at that time? A Yes, sir.
- Q Did the Commission tell your husband when he could file for the child? A I do not know. All I know is we did not get to file for the child.
- Q How long did the child live after that? A I died quite a while afterward. I do not know just how long it was.
- Q You can swear positively, can you, that the Commission's attention was called to the child when you and your husband were at Muskogee filing? A Yes, sir.

JOE DEERE recalled:

BY THE COMMISSIONER:

- Q Who was present when you called the Commission's attention to your child, Thomas? A There were many people present, but most of them were negroes. The only Indians that I can recall was Alex McIntosh and Jim Lynch, who interpreted for me. I was asked to have the child brought in the office and the mother brought the child in and they looked at him and told me I would have to wait, that I could not file for the child then.
- Q Who asked to have the child brought in? A It was a clerk in the office who seemed to be in charge. He was a short, small man, with mustache. I do not know his name. I do not think he is working for the Commission any longer, but I see him on the streets, in Muskogee, occasionally. I got so out of patients waiting to hear from the Commission about the child that I again called their attention to it when I was there the other day.

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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 2 day of Jan 1906

*Wm. P. ...*  
Notary Public

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
FEBRUARY 7, 1907.

In the matter of the alleged application for the enrollment of Thomas Deere, deceased, as a citizen by blood of the Creek Nation.

ALEX McINTOSH, being first duly sworn by Henry G. Hains, a Notary Public, testified as follows:

Questions by Commissioner:

- Q: What is your name? A: Alex McIntosh.  
Q: What is your age? A: 46 years.  
Q: What is your post-office address Mr. McIntosh?  
A: Hitchabee.  
Q: Are you a citizen by blood of the Creek Nation? A: Yes sir.  
Q: What Creek town are you a member of? A: Bufaula Canadian Town.  
Q: Are you acquainted with a person named Joe Deere?  
A: Yes sir.  
Q: Is he a citizen of the Creek Nation? A: Yes sir.  
Q: What town is he a member of--what Creek town?  
A: I am not sure.  
Q: Do you think it is Arbecoche? A: Yes I think so, he lives up there.  
Q: About how old is he? A: I think he is about 50.  
Q: Are you acquainted with the members of his family?  
A: No sir.  
Q: Do you know how many children he has? A: No sir.  
Q: It appears from the records of this office that on October 16, 1905, Joe Deere testified in the matter of the application for the enrollment of Louanna Deere, deceased, as a citizen by blood of the Creek Nation and at that time he stated, that at the time he appeared before the Commission for the purpose of selecting allotments for himself and other members of his family, he called the Commission's attention to the fact that he had had another child by the name of Thomas. He was asked by the Commission, as to who was present when he called attention to his child Thomas, and he said that there were many people present. He was asked the following question:  
Q: "Do you know anyone who has a sufficient recollection of your action in calling the Commission's attention to the child--that would be able to corroborate your statement?" In reply to said question he said: "Alex McIntosh would remember".

Do you remember of appearing before the Commission at the time he came here to make his selection of allotments?

- A: Yes sir.  
Q: Do you remember of anything being said about a deceased child, or a child that was living by the name of Thomas?  
A: I don't remember the name, but I remember the child being present.  
Q: You remember that the child was present? A: Yes sir.



- Q: Do you remember any of the conversation that took place at that time? A: He had me to interpret as he did the filing for his family and towards the last he brought up the child and said what can you do for this child and they stated that the child could not file now, that they would have to come back later and file for the child, and he said that he lived a good ways off and it would be a heap of trouble for him to come back and ferth, and the child being present there he saw no reason why they should put him off and he wanted to finish his filing.
- Q: Do you know whether anything was said whether an application had been made for that child?
- A: No sir, I don't remember anything outside of what I have said.
- Q: Do you know what year it was that the filing was made?
- A: I think it must have been about 1900 or 1901.
- Q: How big a child was that you saw, that you say was present with him? A: I don't think the child could walk yet. It was crawling all along the floor, it got uneasy.
- Q: Do you remember how many children he had at that time?
- A: No sir, I disremember how many. I did so much interpreting for different parties that I couldn't distinguish one from the other.
- Q: Where does Joe Deere live now? A: I don't know. I haven't had any talk with him for two or three years, I think he lives up there at Arbeka neighborhood yet.
- Q: Was there anything else that you recollect about the time you were in the main office with Joe Deere, when he was filing for his family and when that child was there?
- A: Yes the wife and mother of the child were there and the child got to crying and making so much racket in the office, finally I told him to let his wife take the child woman took the child out while he was filing and I think after he got through they brought the child in and presented it.
- Q: Do you know whether the child is living now? A: No sir.
- Q: Did you hear that it had died? A: No sir I never heard anything since I have never been at Joe Deere's house I just got acquainted with him at Okmulgee and other places I wasn't acquainted with his family at all.

This is all the evidence taken in said cause on said date.

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 8 day of February, 1907.

*Julia C. Laval*  

---

*Edward Herrick*  
Notary Public.



En.474  
En.845

I.S.N.

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

In the matter of the applications for enrollment of  
Losanna Deer (or Deere) and Sardy (or Sordie, or Sarty or Elmer)  
Deer (or Deere or Marshall), 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 April 22, 1904,  
Joe Deer appeared before the Commission to the Five Civilized  
Tribes and made application for the enrollment of his wife, Losanna  
Deer, deceased, as a citizen by blood of the Creek Nation.

It appears from the records in possession of this office  
that on April 19, 1901, Sardy Deer was listed for enrollment (from  
information) as a citizen by blood of the Creek Nation, on Creek  
Indian card No. 3536, the age of said child as of the date his  
name was listed being three and one half years, the name of his  
mother appearing as Mahala Deere, daughter of Joe and Louisiana  
Deer, the name of the father of said child not being indicated.

The listing of the name of Sardy Deer on the above  
mentioned date is considered in the nature of an application  
for his enrollment.

Further proceedings were had October 10, 21 and 26  
and November 9, 1904, February 20, March 9 and 10, and October  
16 and 24, 1905.

The weight of evidence shows that Sardy (or Sordie or  
Sarty or Elmer) Deer (or Deere or Marshall) died October 1, 1898  
and establishes the date of death of Losanna Deer (or Deere) as  
prior to April 1, 1899.

It is therefore ordered and adjudged that there is no  
authority of law for the enrollment of said Losanna Deer (or Deere)  
and Sardy (or Sordie or Sarty or Elmer) Deer (or Deere or Marshall),  
both deceased, as citizens by blood of the Creek Nation and the  
applications for their enrollment as such are accordingly denied.

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

Muskogee, Indian Territory,  
  
\_\_\_\_\_

*W. T. Thomas*

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

In the matter of the application for the enrollment of Thomas Deer, 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 November 9, 1904, Joe Deer appeared before a Creek enrollment field party at Weleetka, Indian Territory, and testified "in the matter of the application for the enrollment of Losanna Deere and Sardy Deere as citizens by blood of the Creek Nation". Inasmuch as the evidence submitted herewith establishes the fact that Sardy Deere and Thomas Deer were one and the same person, the said application is herein considered an original application for the enrollment of Thomas Deer, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had at Okemah, Indian Territory, February 20 and March 10, 1905. A copy of the report of the Commissioner in the matter of the application for the enrollment of Losanna Deer, deceased, as a citizen by blood of the Creek Nation, and as to the identity of Sardy Deere, deceased, is attached to and made a part of the record herein. A certified copy of the transcript of testimony taken in the matter of the enrollment of Losanna Deer, deceased, as a citizen by blood of the Creek Nation, on October 16, 1905, is also attached and made a part of the record. Further proceedings were had at Morse, Indian Territory, October 24, 1905, and at Muskogee again, February 7, 1907.

Although the application herein was not made within the time designated by the Secretary of the Interior, under the authority in him vested by the Act of Congress approved March 3, 1901 (31 Stats., 1010), jurisdiction to consider the same under the Act of June 30, 1902 was given to this office and the Department by the provisions of Section 1 of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It appears that the applicant herein is referred to in testimony under the various names of Sarty (or Sardy or Sordie) Deere and Thomas (or Sarty) Deer (or Deere), but inasmuch as the father is identified on the approved roll under the surname of "Deer" and as the evidence shows that the correct

name of the applicant herein was Thomas Deer, future reference to the said applicant will be made under the said latter name.

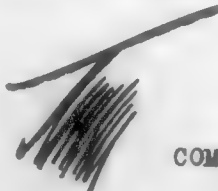
The evidence and the records in possession of this office show that the applicant, Thomas Deer, deceased, was the son of Joe and Yarnar Deer, whose names appear in a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902, opposite roll numbers 4042 and 4043, respectively.

The evidence further shows that the said Thomas Deer was born February 19, 1901 and died January 8, 1903.

It is, therefore, ordered and adjudged that the said Thomas Deer, deceased, is entitled to be enrolled as a citizen by blood of the Creek Nation, under the provisions of the Act of Congress approved June 30, 1902 (32 Stats., 500), and the application for his enrollment as such is accordingly granted.

Muskogee, Indian Territory,

FEB 21 1903



COMMISSIONER.

Creek Enrollment No. 1151.

Thomas DEER

Listed on Creek Indian  
Card File No. 4717.

(COPY)

D.C. 17808-1905.

DEPARTMENT OF THE INTERIOR,

LLB

I.T.D. 2360-1905.

WASHINGTON.

LRS

April 3, 1905.

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

Gentlemen:

February 23, 1905, you transmitted the record in the matter of the application of Joe Deer for the enrollment of his wife, Losanna Deer, deceased, as a citizen by blood of the Creek Nation, including your decision dated February 21, 1905, denying said application on the ground that "the evidence shows that said Losanna Deer, deceased, died prior to April 1, 1899."

Application appears also to have been made by Joe Deer, or Joe Deere, for the enrollment of his son, Sardy Deere, deceased, which you omitted to pass upon in your decision. The evidence submitted as to the exact date of death of Losanna Deer, whether before or after April 1, 1899, is so contradictory and conflicting that it is impossible to reach a satisfactory conclusion.

Joe Deer, the husband, on the first examination on April 22, 1904, stated that his wife died in "July, the year that the land office opened," and after the land office opened. On his second examination, November 9, 1904, Joe Deer testified posi-

tively that his wife "died six days before the Creek land office opened," and apparently contradicts this last statement by saying that his son, Sardy Deere, was born "about a year" after the Creek land office opened, and the child "was something like a year old when he died." If Sardy Deere was the son of Joe Deer, be- gotten of his wife Losanna Deer, deceased, it is a physical im- possibility for the child to have been born "about a year" after the death of its mother. Joe Deer claims to have a record of the birth and death of said child at his home, and that such a rec- ord can also be found in the record book of Arbekoche town.

Billy Yahola, a member of the House of Warriors, con- tradicts himself in the same statement made as to the date of death of Losanna Deer, to wit, "I think she died before the land office opened but I don't think she has ever got any land, she died after the land office opened?"

London Knight, also a member of the House of Warriors, and former Town King of Arbekoche town, stated that he was "quite sure that she died about a day before the Creek land office opened," which conflicts with the town record in the possession of his successor, William F. Stoddard, which reads: "Losanna fin- ished her days March 25, 1899." This last entry in the town rec- ord appears to have been made by the son of Tuske Heneha, a for- mer Town King.

To clear up all doubt as to the date of death of both Losanna Deer and Sardy Deere, you are requested to secure, if

possible, the testimony of the son of Tuske Hencha as to the authenticity and correctness of the entry claimed to have been made by him in the record book of Arbekoche town, and also to have Joe Deer to produce such records as may be in his possession or obtainable to show the exact date of death of and Losanna Deer, Sardy Deere and to inquire of him whether Sardy Deere was the son of Losanna Deer, deceased, or a later wife, and whether his true name be Joe Deer or Joe Deere.

You are requested to pass upon the application for the enrollment of Sardy Deere, deceased, as well as Losanna Deer, deceased, in your subsequent report to be made as soon as practicable.

Respectfully,

(Signed) Thos. Ryan  
Acting Secretary.



Cr En 474

Cr En 846

Muskogee, Indian Territory, April 11, 1905.

M. E. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

January 21, 1905, the Department denied the application of Joe Deere for the enrollment of his deceased wife, Rosanna Deere, as a citizen by blood of the Creek Nation.

April 5, 1905, the Department remanded said case stating "to clear up all doubt as to the date of death of both Rosanna Deere and Sardy Deere, you are requested to secure, if possible, the testimony of the son of Tuske Mencha as to the authenticity and correctness of the entry claimed to have been made by him in the record book of Arbokoché town, and also to have Joe Deere produce such records as may be in his possession or obtainable to show the exact date of death of Sardy Deere and Rosanna Deere and to inquire of him whether Sardy Deere was the son of Rosanna Deere, deceased, or a later wife, and whether his true name be Joe Deere or Joe Deere."

You are hereby notified that the case has been set for re-hearing before the Commission, at its office in Muskogee, Indian

K.L.E/. 2

Territory, May 12, 1905, and that the Creek Nation will be permitted to submit such evidence as it may desire relative to the points suggested in the letter of the Department quoted above.

You are further notified that testimony will be heard at the same time and place in the matter of the application for the enrollment of Gady Deere (deceased) as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

Cr. En. 474  
Cr. En. 845.

Muskegee, Indian Territory, <sup>apl 11</sup> ~~March 8~~, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

February 23, 1905, there was forwarded to the Department the record in the matter of the application for the enrollment of Losanna Deer, deceased, as a citizen by blood of the Creek Nation, together with decision in same dated February 21, 1905.

Under date of April 3, 1905, the Department remanded said case, directing the Commission to secure further evidence as to the exact date of death of Losanna Deer and as to the identity of Sardy Deere, further directing that the Commission pass upon both applications.

In accordance with Departmental instructions further proceedings were had in the matter of the application for the

Secretary 3.

enrollment of Losanna Deer, deceased, on October 16 and October 24, 1905.

Record of proceedings had February 20, March 9 and March 10, 1905, in the matter of the application for the enrollment of Sarty Deere, deceased, also on October 24, 1905, in the matter of the application for the enrollment of Thomas Deere, deceased, as citizens by blood of the Creek Nation, are attached to and made part of the record transmitted herewith; the application for the enrollment of Sarty Deere, deceased, being consolidated with and made part of the Creek enrollment case of Losanna Deer, deceased.

A review of the evidence in this case in chronological order shows as follows:--

April 22, 1904 Joe Deer made original application for the enrollment of his wife, Losanna Deer, deceased, as a citizen by blood of the Creek Nation, testifying that his said wife died in July of the year that the land office opened.

October 10, 1904, William Stodard testified that said applicant died March 25, 1899; that the date of death was put on record by Tuske Heneha, the town king at that time.

October 21, 1904, said William Stodard introduced

Secretary 3.

the record referred to in his previous testimony, the record therein referred to reading as follows: "Josanna finished her days March 25, 1899."

October 26, 1904, London Knight testified as follows: "I am quite sure that she (Josanna) died about a day before the Creek Land office opened".

November 9, 1904, Joe Deer testified that his wife Josanna died six days before the opening of the Creek Land office ; that his son Sardy Deere was born after the opening of the Creek Land office and "has been dead about two years". ✓

February 20, 1905, Joe Deer further testified in the matter of the application for the enrollment of Sarty (or Sardy) Deere, presenting a memorandum book containing the following entry "Thomas Deer born Feb. 19, 1901. Died Jan. 8, 1903". The testimony taken on this date further shows that the Sarty Deere for whom application was made is one and the same person as Thomas Deer whose name appears in said memorandum.

March 9, 1905, Joe Deer further testified that the child referred to in record introduced in previous hearing "is my son Thomas Deere, nicknamed Sarty"; that the Sarty referred to by the Commission was the child of Mahaley Johnson and Barney

Secretary 4.

Marshall and that said child died just before the death of his wife Losanna Deere and before the opening of the Creek land office.

March 10, 1905 Mahaley Johnson testified that she had a child named Sarty Deere; that the father of the child was Barney Marshall, deceased; that the child died and was buried back of her house. The record of proceedings on said date shows that a representative of the Commission visited the grave of said child and the following inscription was found on the tombstone "Elmer Deer died October 1, 1898, aged 1 yr & 2 ms". Said Mahaley Johnson further testified that Elmer Deer and Sarty Deere were one and the same person; that Sarty was "just a nickname"; that Sarty should be Sherty and that Joe Deere had a boy by his present wife who was nicknamed Sarty. In reply to the question "why was your child Sarty named Deere instead of Marshall", witness stated "Joe Deere went before the Commission at Okmulgee when the Commission was there enrolling the citizens and gave the child's name in as Sarty Deere. Losanna Deere, a former wife of Joe Deere, was my mother and their names were given in together and that is how the mistake was made".

October 16, 1905, Joe Deere testified that he made a mistake when he gave his testimony the first time and that his

Secretary 8.

wife Losanna died six days before the opening of the Creek land office; that Serdie (or Sarty or Sardy) Deer was his son by his wife Yanah and that Serdie and Thomas were one and the same.

October 24, 1903, Joe Deer testified in the matter of the application for the enrollment of Thomas Deer, deceased, and presented as evidence a book containing a record of the births and deaths of various persons, in which appears the following entry: "Thomas Deer, son of Yarnar and Joe Deer, born Feb. 19, 1901. Died Jan. 8, 1903. Age 1 yr & 11 months."

Palissa Key testified on the same date that Losanna Deer died six or eight days before the opening of the Creek land office and that she made a record of the death of Losanna at the instance of his father Tuske Hencha (or Tommie Key), who was town king at the time.

On the same date Joe Deer presented as evidence a book containing a record of births and deaths of a number of persons in which appears the following entry: "Saturday night, March 25, 1899, my dear mamma finished her days". He further testified that said entry was made by Mahaly Johnson, his step-daughter on the day that Losanna died.

From the evidence as briefed, the following facts



Secretary 6,

are clearly established:- that after the death of Losanna Deer (wife of Joe Deer), said Joe Deer married a woman by the name of Yanah (or Yarnar) and by her had a son named Sardy (or Sarty or Sordie or Thomas) Deer; that Mahaley (or Mahaly or Mahala) Johnson, step-daughter of Joe Deer, had a son named Sardy (or Sordie or Sarty or Elmer) Deer (or Marshall): and that the Sardy Deere whose name is listed upon Creek Indian card No. 3536, among the records of this office, is identified as Sardy Deer (or Marshall), son of Mahaley Johnson, and the applicant in this case.

It does not appear from the records of this office that application has ever been made for the enrollment of Sardy (or Sarty or Sordie or Thomas) Deer, son of Joe and Yanah Deer, as a citizen of the Creek Nation, and you are advised that the matter of the alleged application for the enrollment of said child is now under investigation.

I am of the opinion that the evidence in this case clearly establishes the dates of death of Losanna Deer and Sardy (or Sordie or Sarty or Elmer) Deer (or Deere or Marshall) as prior to April 1, 1899, the date of the opening of the Creek Land Office and that the applications for their enrollment as

Secretary 7.

citizens of the Greek Nation should be denied.

Decision of the Commissioner in the matter of the consolidated cases of Louma Deer and Sardy Deer (variously named), is inclosed herewith.

Respectfully,

~~Commissioner~~ Commissioner.

AG-1

22198.

GR.LLB.JP

I.T.D.2360-1905.  
9460-1906.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, May 28, 1906.

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

Sir:

April 11, 1906, you transmitted the remanded record in the matter of the application of Joe Deer for the enrollment of his wife Losanna Deer, deceased, and his application for the enrollment of Sarty or Elmer Marshall, or Elmer Deer, deceased, the child of Mahaley Johnson and Barney Marshall; ascitizens by blood of the Creek Nation.

In accordance with the recommendation of the Indian Office of May 22, 1906, your decision, without date, denying the application of Joe Deer for the enrollment of his deceased wife, Losanna Deer (or Deere), and Sarty or Elmer Marshall, or Elmer Deer (or Deere), deceased child of Mahaley Johnson and Barney Marshall, as citizens by blood of the Creek Nation, is hereby affirmed.

The application of Joe Deer for the enrollment of his deceased child, Thomas Deer, nicknamed Sarty, son of Yarner and Joe Deer, alleged to have been born February 19, 1901, and died January 8, 1903, is not passed upon in this decision.

A copy of the Indian Office letter is inclosed.

1 inclosure.

Respectfully,  
Jesse E. Wilson, Assistant Secretary.

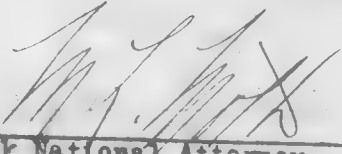
Muskogee, Indian Territory, Feb 25 1907.

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,

  
Creek National Attorney.

CR EN 1152

CR EN 1152

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., MARCH 25, 1904.

In the matter of accounting for those persons whose names appear in the Creek tribal rolls, who died prior to April 1, 1899, and are not shown on said rolls to be otherwise accounted for.

SAM SCOTT, being duly sworn, testifies as follows:

BY THE COMMISSION:

- Q. What is your name? A Sam Scott.
- Q. What is your age? A I don't know.
- Q. About how old? A I could not tell you.  
Witness appears to be about 40 years old.
- Q. What is your post office address? A Mena.
- Q. You are a citizen of the Creek Nation, Artussee town? A Yes sir.
- Q. Are you the present Town King of Artussee Town? A Yes sir.

TULMARSEY SCOTT, being duly sworn, testifies as follows through duly sworn interpreter Sam Scott:

BY THE COMMISSION:

- Q. What is your name? A Tulmarsey Scott.
- Q. What is your post office address? A Tuskegee.
- Q. What is your age? A I could not tell you.  
Witness appears to be at least 60 years of age.
- Q. You are a citizen of the Creek Nation, Artussee Town? A Yes sir, full blood.
- Q. What official position have you ever held in the Creek Nation?
- Q. I belonged to the House of Kings.
- Q. For Artussee Town? A Yes sir.

LEVI MITCHELL, being duly sworn, testifies as follows through duly sworn interpreter Sam Scott.

BY THE COMMISSION:

- Q. What is your age and post office address? A About 40 years of age. Tuskegee.
- Q. You are a citizen of the Creek Nation, Artussee Town? A Yes sir.
- Q. Do you hold any official position in the Creek Nation? A Yes sir.
- Q. Member of the house of warriors? A Yes sir.

The object of this examination is to ascertain who of Artussee Town died prior to the opening of the Creek Land Office, April 1, 1899.

1890 Roll.

Tulmarsey Scott testifies:

- Q. Martha Reed? A She is dead.
- Q. Did she die before or after the Creek Land Office opened?
- A. Before the Land office opened.
- Q. Menchecher and Willy Bear? A Both died before the land office opened.
- Q. Wise Logee? A Died before the Land Office opened.
- Q. Lamma? A I think she is living.
- Q. John White? A I think he is living.
- Q. Did you ever know John White by any other name? A No.

By Sam Scott: I think he ought to go by the name of John Atkins. His father belongs to Tulsa Canadian Town.

By Tulmarsey Scott:

- Q. Loskey? A Loskey is still living.

Q What name does she go by now? A She goes by the name of Hepsey.

Q Is she married? A Yes.

Q What is her husband's name? A I don't know. He lives over the Arkansas River.

Q Do you know what Hepsey's last name is? A No.

Q John Robert?

By Sam Scott:

A I believe John Robert is a son of Hepsey.

By Tulumarsey Scott:

Q Philip? A He is still living.

By Sam Scott:

A He used to belong to Hickory Ground Town. We took him in. I don't know what his last name is.

By Tulumarsey Scott:

Q Where does he live now? A He is living on North Fork but I don't know just where. It may be that he lives at Hickory Ground.

By Levi Mitchell.

Q Billie Hosity? A He died before the Land Office opened.

1891 Omitted Roll.

By Tulumarsey Scott.

Q No. 14 Canard Alice? A I think he died before the Land Office opened.

Q No. 22 Lucy Lewis? A I think she is a child of Lizzie Lewis. (Refer to 1895 Roll.) No. 126.

~~Question~~

By Tulumarsey Scott. 1895 Roll.

Q No. 38 Hillie Bear? A He died before the Land Office opened.

By Sam Scott:

Q No. 50 Melissa? A She died before the Land Office opened.

By Tulumarsey Scott.

Q No. 59 Lizzie? She has been dead a long time. She died before the Land Office opened.

By Sam Scott:

Q No. 82 Jim Canard? A Same as Alice Canard 1891 Omitted roll No. 1.

Q She died before the Land Office opened? A Yes sir.

By Tulumarsey Scott:

Q No. 88 William ~~William~~ Knight? A Died before the Land Office opened.

The undersigned, being duly sworn, stated that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony in the matter of accounting for those persons whose names appear on the Creek Tribal rolls and not shown to be accounted for, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*Robert E. Grunert*

Subscribed and sworn to before me this 25th day of March, 1904.

*Charles H. Sampson*  
Notary Public.



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

Muskogee, Indian Territory, December 30, 1905.

In the matter of the alleged application for the enrollment of Lanna (or Lamma) Jones as a citizen of the Creek Nation.

Lanna Jones, being sworn, testified as follows (through Jesse McDermott, Official Interpreter):

EXAMINATION BY THE COMMISSIONER:

Q What is your name? A My name is the one that you have just called there.

Q Lanna? A Yes sir.

Q How old are you? A I don't know.

Witness appears to be about 30.

Q What is your postoffice address? A Bufanla--Mellette now. *Our* Place<sup>is</sup> nearer to, Mellette. When the river is up, we are more apt to go to Mellette.

Q What is the name of your father? A George Ho la bar.

Q Is he living? A Yes sir.

Q Is he a citizen of the Creek Nation? A Yes sir, I suppose he is.

Q What Creek Indian Town does he belong to? A Arthusie.

Q What is the name of George's father? A I don't know.

Said George is identified on Creek Indian card, Field No. 3127, opposite Roll No. 8370, as George Holupe. No other name appears on said card with him.

Q What is the name of your mother? A Kete. (By the Interpreter: The meaning of that name is "Katie.")

Q Is she a citizen of the Creek Nation? A Yes sir.

Q What Indian Town does she belong to? A Artusie.

Q Is your mother living? A No. My mother died when I was very small.

Q Do you remember the \$29 payment? A Yes sir.

Q Did you draw it yourself or somebody did for you? A I drew the money myself.

Q You know in what family you drew it? A I was with my father, I think.

The 1890 roll examined, and the name of George Holupe, who has been identified as the George Holupe, opposite Roll No. 8370, is found on a list with Lucy, card 4027 written opposite, Mary who died before April 1, 1899, Wilson Brown, card 2240 and Yahola Harjo, who also died prior to April 1, 1899; another group then intervenes, and then comes a group of three as follows: Thomas Jones, with card 483 written opposite it; Lanna and Fitchee opposite whose names on said roll there is no notation.

Q Did you ever see your name on the 1890 roll for the \$29 payment?

A No.

Q You don't know, then, under what name you were put down on that roll? A My Town King enrolled me at that time, and I don't know under what name I was placed on the 1890 roll.

Q Artussie roll? A Yes sir.

Q What is the name of that Town King? A John Ben.

Q Is he living? A No, he died sometime ago.

Q Do you remember the 1896 payment of \$14.40? A Yes sir, I remember that too.

Q Did you draw that yourself? A I drew it myself.

Q Did you ever live with the family of Thomas Jones? A No.

Q Are you any kin to Thomas Jones? A He is a brother of mine.

Q Were you ever known by the name of Lona or Lanna Jones?

A No sir.

Q You have never before been known as Lila Jones? A No.

Q Do you know Lila Jones? A Yes, Lila Jones is Thomas Jones' wife.

Q Living? A No.

The 1895 pay-roll examined, and in a group certain of the following names appear:

|                              |                               |      |
|------------------------------|-------------------------------|------|
| George Hulup,                | opposite blue pencil notation | 3127 |
| Wilson Brown                 | " " " "                       | 224  |
| Lucy Brown                   | " " " "                       | 4027 |
| Millie Brown (or Robert)     | Dead                          |      |
| John <del>Brown</del> Robert | Dead                          |      |
| Janic Robert                 | Dead                          |      |

A group of three then intervenes and the following group appears:

|                |                      |   |
|----------------|----------------------|---|
| Thomas Jones,  | blue pencil notation | 483   |
| Lilma Jones    | " " " "              | 483 (over the "I" in this name an "A" has been written in red ink). |
| John Atkins,   | 5129                 |   |
| Thomas Atkins  | 14                   |   |
| Charley Atkins | Dead                 |   |
| Peggy Atkins   | Dead                 |   |

Q If you claim to be this Lanna that appears on the 1890 roll and you state that you drew the money in 1890, and if you claim to be this Lanna which name appears with your brother, Thomas Jones, on that roll, why haven't you done anything to secure an allotment of land in the Creek Nation up to this time? (No answer)

Q Have you ever made application to be enrolled as a citizen of the Creek Nation? A Sulphur Harjo and Thomas Jones told me that they had applied for me, and that I was going to be enrolled about five years ago. This little boy here, seven years old was about two years old when they told me that they applied for me.

Q Was this little boy enrolled? A I suppose so, from the way they told me.

Q Is that your child? A Yes sir.

Q Did they make application for him at that time, do you know?

A They asked me the boy's name, and I suppose they included him.

Q What did you tell them the boy's name was? A We told them that the boy's name was Choklessee.

Q You say that you were here in person and drew the 1896 payment. Have you been in the Creek Nation ever since that time? A Yes sir.

Q Have you ever received any communication, or did you ever hear anything more about that supposed application--from your application--about your enrollment? A No.

- Q Are those two men that you say asked you about your child-- and that they would apply for you--are they living? A Yes sir.
- Q What is the postoffice of each? A Sulphur Harjo's postoffice is Edna; Thomas Jones' postoffice, Mellette.
- Q You don't know anything about an application for you, then, except that you have been told by those two men about five years ago that they were going to attend to it--to have you enrolled? A Yes, that is all.
- Q You never made application, either for yourself or for your child? A No.

William Sullivan, being duly sworn, testified as follows (through Jesse McDermott, Official Interpreter):

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A William Sullivan.
- Q How old are you? A 52 years old.
- Q What is your postoffice address? A Sufaula.
- Q Do you know this alleged applicant here? A Yes, I raised her.
- Q What is her name? A Lanna.
- Q Do you know whether she has ever been enrolled by the Commission? A I was a agent that time that Thomas Jones and Sulphur Harjo were there, and they told me when I got home that they had been enrolled.
- Q Who had been enrolled? this woman and her child? A Yes sir. The woman and the boy were there and she was telling me of their enrollment.
- Q Then, you too, don't know of their having been enrolled, and they told you they tried to have them enrolled--is that right? A Yes.
- Q You never tried to have her enrolled did you? A No, they did not live with me.
- Q Is she a fullblood Creek Indian? A Yes sir.
- Q Is her boy a fullblood Creek Indian, do you know? A Yes sir.
- Q You could not give us any name under which she may be accounted for on our final rolls here, and be allotted lands, could you? A If she has any other name at all, she would be Atkins--Lanna Atkins.
- Q Where would she get that name? A Her former husband was Atkins, and her present husband is Jack Harjo or Jockey.
- Q Did they tell you that they made application to the Dawes Commission for this woman Lanna and her child, here? A Thomas Jones and Sulphur Harjo ~~told me that they had applied for their enrollment~~ did not tell me that they had applied for their enrollment, but this woman herself told me that those two men had been there and applied to have them enrolled.
- Q Both of them enrolled? A Yes sir.
- Q What is the name of the father of this little boy? A Jack Harjo is his father.
- Q Is living, is he? A Yes, he is present now.
- Q He is a fullblood, too? A Yes, he is a Seminole.
- Q You know whether this child is enrolled as a Seminole? A No, he is not enrolled in the Seminole.
- Q No application was ever made for his enrollment there? A No.

Jack Harjo, being duly sworn, testified as follows (through Jesse McDermott, Official Interpreter):

BY THE COMMISSIONER:

- Q What is your name? A Jack Harjo.

Lanna Jones-----4.

Q How old are you? A I don't know.

Witness appears to be between 40 and 50.

Q What is your postoffice? A Bellette.

Q You are a citizen of the Seminole Nation, are you? A Yes sir.

Q Do you know this woman here, Lanna? A Yes sir. She is my wife.

Q When were you married to her? A Shortly after the 1895 payment.

Q With whom was she living when you married her? A William Sullivan.

Q How long after her marriage to you before you had a child by her? A About a year.

Q Is this the one, here? A No, the first child died.

Q Then, did you have this one? A Yes.

Q You never made application to have this boy, here, enrolled in the Creek Nation, did you? A No.

Q Do you know whether your wife is enrolled in the Creek Nation or whether application was ever made for her enrollment? A I suppose she was, from the way Sulphur Harjo told of his making application for their enrollment.

Q Did he say he made application for the child's enrollment too? A I told him the boy's name; I suppose he included him in the application.

Q Then you never heard anything more about that supposed application? A No.

Blue pencil notation "483" opposite the name Lanna Jones in the 1895 roll is presumed to be an error, as the following names appear on card 483: Jones, Thomas; Jones, Lila (Alabama Town, wife of Thomas Jones); Jones, Louiney; Jones, Martha. Children of 2. (opposite Roll nos 1583 to 1586, inclusive.

<sup>witness</sup>  
The first is advised that she should have said Sulphur Harjo and Thomas Jones give testimony relative to this alleged application they made for her and her child.

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 2nd day of January,  
1906.

*J. Y. Miller*

*J. M. [Signature]*  
Notary Public.

1847

Dear Mother

I received your kind letter of the 10th

and was glad to hear from you

and hope you are all well

I am well at present

and hope to hear from you soon

Your affectionate son

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE INDIAN TERRITORY.  
DECEMBER 18, 1906.

In the matter of accounting for Rina or Lina Harjo or Holupe or White or Atkins, and for one Chuck-a-leesa Harjo, citizens by blood of the Creek Nation.

Rina or Lina Harjo, or Holupe, or White or Atkins, being  
First duly sworn by Henry G. Hains, a Notary Public, testified as follows, to-wit:- Through Lona Merrick, official Interpreter.

Questions by Commissioner:

- Q: What is your name? A: Lina Harjo.  
Q: How old are you? A: I don't know.  
(Witness appears to be 35 or somewhere around there)  
Q: What is your post-office address? A: Melette, Indian Ter.  
Q: With whom do you live now? A: I live at my own home, I don't live with anybody.  
Q: Did you at any time live with William Sullivan near Eufaula?  
A: Yes sir.  
Q: Did you ever have any other name than Lina? A: No sir.  
Q: Were you ~~xx~~ ever known as Rina? A: I have been called Lina nearly all my life.

(The interpreter explains that Indians often confuse the L & R sound and Lina might be pronounced Rina)

- Q: What is the name of your father? A: George Holupe.  
Q: What Creek Indian Town do you belong to? A: Artussee.  
Q: Do you know the name of George Holupe's father?  
A: I don't know.  
Q: Do you know the name of his mother? A: No sir.

(Opposite Creek Indian Roll number 8370 appears the name of George Holupe of Artussee Town)

- Q: Is George Holupe living? A: Yes sir.  
Q: What is his post-office address? A: Eufaula or Melette, I don't know which.  
Q: What is the name of your mother? A: Katie.  
Q: Katie what? A: I don't know.  
Q: Is she living? A: No sir.  
Q: What Creek Indian Town did she belong to? A: Artussee.  
Q: When did she die? A: She died when she was quite small.  
Q: What Creek Indian Town do you belong to? A: Artussee.  
Q: Did you draw the \$29 payment in 1890? A: Yes sir.  
Q: Did you draw that money yourself or did someone draw it for you? A: I didn't draw it someone else drew it for me.  
Q: Can you tell us who drew it for you? A: No sir, I don't know.  
Q: How do you know the money was drawn for you then? A: I took it out from the store.

- Q: What store? Who was the man who cashed the order?  
A: I don't remember what store it was. It has been so long ago I can't remember.  
Q: Do you know in what town it was in? A: It was in Eufaula.  
Q: Under what name was that money drawn for you, do you know, or what was your name in 1890? A: I guess I was going by the name of Hulupe, I don't remember.  
Q: Did you draw the 14 dollar payment in 1895?  
A: I didn't draw the Fourteen dollar payment myself either.  
Q: Did anybody draw it for you? A: I don't remember who drew it for me.  
Q: Well it was drawn for you, was it? A: I don't know.  
Q: Your name was probably hulupe at that time was it?  
A: I don't know, I don't remember.  
Q: With whom did you live after your mother died and where?  
A: I lived with William Sullivan and his wife Hagey here near Eufaula.  
Q: Then with whom did you live after you lived with them?  
A: I got married and went away and left them.  
Q: Was that your first husband? A: (No answer).  
Q: Have you been married more than once? A: I don't know.  
Q: What is the name of your present husband? A: Jack Harjo.  
Q: Is he a citizen of any of the Five tribes? Muskogee or any other? A: He is a Seminole.  
Q: Was he ever known by any other name than Jack Harjo?  
A: No, he hasn't got any other name.  
Q: Do you know if you have ever been enrolled by the Dawes Commission or the Commissioner? A: No sir, I don't know.  
Q: Did you ever appear before any of the field parties or here at the office of the Commission and give information about your name? A: No sir.  
Q: Have you any children? A: Yes, there is one there.  
Q: What is the name of this one here? A: Chuck-a-leesa.  
Q: How old is he? A: 8 years old going on Nine.  
Q: Chuck-a-leesa what? A: Chuck-a-leesa Harjo.  
Q: Has he ever been enrolled as a Creek or Seminole?  
A: He must not be enrolled in either of the Nations, they can't find his name on any roll.  
Q: Have you any other children? A: I have another.  
Q: What is its name? A: Tommy.  
Q: Tommy what? A: Tommy Atkins.  
Q: Is he living? A: Yes sir.  
Q: What is the name of his father? A: Thomas Atkins.  
Q:

(Tommy Atkins son of Thomas Atkins and Ryna Atkins, is enrolled opposite Creek Indian Roll number 46.)

- Q: Have you any other children? A: That is all, I have one dead named John.  
Q: What is the name of his father? A: Thomas Atkins.  
Q: Was he ever called anything else besides Thomas Atkins?  
A: I don't know.  
Q: Wasn't he ever known by the name of Hotka? A: Yes sir.



(John Atkins deceased, appears on Creek Indian Card number 3129 opposite Roll number 8371. His father is given as Hotka a member of Tulsa Canadian Town and his mother as Rina Atkins.

- Q: Do you know if you belong to any other town than Artusee  
A: No sir.  
Q: You never belonged to Euchee town did you? A: No sir.  
Q: Where is this child Tommy Atkins living now and with whom?  
A: I don't know where he lives, he left me when he was a small boy and I don't know where he is now.  
Q: Is his father Thomas Atkins living?  
A: I don't know whether he is or not.  
Q: Was your dead child John Atkins ever known as John White?  
A: No sir.

HAGGIE SULLIVAN, being first duly sworn testified as follows to-wit:- Witness sworn by Henry G. Hains, and testified through official interpreter, Lona Merrick as follows.  
Questions by Commissioner.

- Q: What is your name? A: Haggie Sullivan.  
Q: How old are you? A: About 50 I guess.  
Q: What is your post-office address? A: Mellette.  
Q: Are you acquainted with Lina Harjo?  
A: Yes, I raised her, I ought to know her.  
Q: How many children has Lina Harjo had? A: Three.  
Q: What is the name of the oldest one? A: Johnny Atkins or Hotka.  
Q: Do you know who is claimed to be the father of Johnny Atkins?  
A: Same father.  
Q: What is the name of the Third child? A: Chuck-a-leesa Harjo.  
Q: Who is understood to be the father of Chuck-a-leesa?  
A: Jack Harjo.  
Q: Is Jack Harjo living?  
A: He is living but he is very sick now.  
Q: What Indian Nation does he belong to?  
A: He is a Seminole citizen.  
Q: About how old is Chuck-a-leesa Harjo?  
A: Eight years going on 9 nearly nine years old.  
Q: Do you know Lina Harjo's father? A: Yes sir. He is my father's nephew.  
Q: What is his name? A: George Holupe.

The name of George Holupe appears on Creek Indian Card field number 3027 opposite Roll number 8370).

- Q: Is George Halupe living? A: Yes sir.
- Q: How many times has Lina Harjo been married? A: She has been married twice.
- Q: What was the name of her first husband? A: Thomas Atkins.
- Q: Lina's first husband, Thomas Atkins is also known as Hotke is he? A: Yes sir.
- Q: What was the name of her second husband? A: Jack Harjo.
- Q: What name does Lina go by now? A: Lina Harjo.
- Q: How long has she been known as Lina Harjo?
- A: It has been quite a while, the boy is about 8 years old, I don't know how long she has been called that.
- Q: Who was Lina Harjo's mother if you know? A: Katie, she was my sister.
- Q: Is she living? A: No, she is dead.
- Q: What was her name? A: Her husband's name was Jimmy Tony at the time of her death.
- Q: If Lina's mother Katie was your sister, then Katie was a Seminole was she? A: She was enrolled with the Creeks.
- Q: Katie was enrolled with the Creeks was she? A: Yes sir. Katie wasn't my sister she was my first cousin. I said a while ago it was my sister but I meant my first cousin.
- Q: Do you know whether Lina drew any money in 1895, that is the twenty-nine or the fourteen dollar payments?
- A: Yes sir, she drew it.
- Q: Did she draw it herself or ask the witness if anyone drew it for her?
- A: Lina was sick at the time and my uncle drew the money for her and he got some supplies at Turners store in Eufaula and took the money there to cover the debt.
- Q: What was your uncle's name? A: John Beam.
- Q: Do you know whether Lina drew any money in 1890, that is the \$29 payment? A: Yes sir.
- Q: Did Lina draw that herself or did someone draw it for her at that time? A: My mother drew the money for Lina and Lina was small.
- Q: What was your mother's name? A: Lizzie Fuswa or Hopithle.
- Q: Do you know if Lina ever went by any other name than that of Holupe or Atkins or Harjo? A: Those are the three names she was generally known by.
- Q: Have you ever been called Rina instead of Lina?
- A: That is the same.
- Q: Do you know of any person who knows about the tribal enrollment of Lina? A: Sulphur Harjo, and Levi Mitchell and Tulumarsey and Ispocogee Harjo.
- Q: What is the name of Rina's husband's father?
- A: Pahosa Harjo.
- Q: Do you know the name of his mother? A: No.
- Q: What Seminole band does your husband Jack Harjo belong to?
- A: I don't know.
- Q: Is it the William Connor band? A: I think so.

Opposite Seminole Indian Card number 754 appears the name of Jacksey, his post-office address is given as Eufaula and his father as Pahose Harjo, it stands alone on said card and no reference is made thereon as to his wife and any children. )

This is all the evidence given in said cause on said date.

I, Julia G. 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.

Julia G. Laval

Subscribed and sworn to before  
me this 7 day of January, 1907.

Edward Merrick  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, December 29, 1906.

In the matter of accounting for Rina or Lina Harjo of Holupe or White or Atkins, and for one Chuck-a-leesa Harjo citizens by blood of the Creek Nation.

SULPHUR HARJO, being first duly sworn by Edward Merrick, a Notary Public, testifies as follows:

Examination through Mrs. Lona Merrick,  
official interpreter.

BY THE COMMISSIONER:

- Q What is your name, age and postoffice address? A Sulphur Harjo, about fifty, Tuskegee.
- Q Do you come here today in answer to a subpoena that was served upon you? A Yes sir.
- Q Who served the subpoena? A Two deputy marshals.
- Q Are you acquainted with a person by the name of Rina or Lina Harjo? A Yes sir.
- Q Is she living? A Yes sir, I think she is living.
- Q What is her postoffice address? A I dont know what her postoffice is, but she lives on the other side of Eufaula.
- Q Do you know the name of her father? A Yes sir.
- Q What is it? A George Holupe.
- Q Is he a citizen of the Creek Nation? A Yes sir.
- Q Is he living? A Yes sir, I think so.
- Q Do you know whether a subpoena was served upon him to come here today? A I dont know.
- Q What was the name of her mother? A I dont know her name.
- Q Was she a Creek or Seminole, Lina's mother? A She was a Creek citizen.
- Q How many times has Lina Harjo or Lina Holupe been married? A She has been married twice that I know of. She first married a man by the name of Atkins, and her present husband's name is Jack Harjo.
- Q What was her name before she married Atkins? A His Indian name was Hotke.
- Q Was he a citizen of the Creek Nation? A Yes sir, he was a Creek citizen.
- Q Did he have any other name than Hotke? A I just knew him by the name of Hotke, he may have had another name than Hotke.
- Q Who was she living with at the time of the 1890 payment? A I dont recollect, but she may have been living with Hotke at that time.
- Q Who was she living with at the time of the 1895 payment? A I dont know.

- Q Do you know whether she received any money from the Creek Nation? A I dont know.
- Q What Indian town did she belong to? A Artussee.
- Q Was that the Indian town that her father, George Holupe, belonged to? A Yes sir.
- Q Do you suppose she could have been enrolled in some other town? A Not that I know of.
- Q Do you know who made application, or no, do you know whether she is enrolled upon any of the Creek Indian rolls, pay rolls or anything else? A I dont know what town she is enrolled with, but I know that her child is enrolled in the Artussee town, because I enrolled her myself.
- Q Is there a town king of Artussee town, and is he here today? A Sam Scott; he is not here today.
- Q Is Lina or Rina Harjo a member, and has she been a member of the Snake faction? A I think so.
- Q Has she hid out and kept away from the parties of the Commission when they were around enrolling people? A I dont know anything about that.
- Q Did you ever see her during a payment when it was being made to Creek Indians? A No sir, she may have drawn the money, but I didnt see her.
- Q Has Lina any children? A Yes sir.
- Q How many? A She has three that I know of.
- Q Three living? A I dont know, I guess so.
- Q Did she have any that are now dead? A I dont know.
- Q What are the names of her living children? A Thomas and John Atkins, Chuck-a-leesa Harjo. I had an awful time enrolling Chuck-a-leesa; I went to the parents to get the name of the child and they would not give it, so I gave it a name and enrolled it; I was notified by the Commissioner to enroll the child, got a letter from the Commissioner; I gave the name of the child there when they were enrolling at Okmulgee.
- Q When was that? A The town king of the Artussee town got the letter from the Commissioner asking him to enroll this child and (he said) I have the letter at home, but didnt bring it.
- Q Did you give in the name of Chuck-a-leesa Harjo to the Commissioner at any time? A Yes sir.
- Q When was that? I dont remember when it was; it was either in 1903 or 4.
- Q Was it three or four years ago or seven or eight years ago? A About three or four years ago.
- Q Are you sure you gave in the name of that child as Chuck-a-leesa Harjo? A Yes sir, Tulumarsey and myself we came we made application for him.
- Q Did they write the application on a blank for that purpose or did they take your testimony about it? A It was in a room like this, I dont know whether they took testimony or made out the application on an application blank.
- Q Did you make application for anyone else than Chuck-a-leesa Harjo at that time? A The town king of Artussee town was sent out on Elk Creek and I went down to enroll this child and gave its name in afterwards; that was the only name that I gave in; he may have gotten several other names I dont know.

- Q Could it have been possible that when you gave in the name of this child you gave it in different from Chuck-a-leesa?  
A I remember of giving the name as Chuck-a-leesa, but the clerk writing the application may have called it another name.
- Q Did you ever know of her receiving any money, did you ever see her have any money that she had received at one of these tribal payments? A No sir, I never saw her with any money; she may have drawn it but I never saw it.
- Q You dont know whether she has received an allotment of land or not do you? A No sir.
- Q Have you ever held office in the Creek Nation? A Yes sir.
- Q What office have you held? A Member of the House of Warriors.

WITNESS EXCUSED.

TULMARSEY SCOTT being first duly sworn by Edward Merrick, a Notary Public, testifies as follows:

Examination through Mrs. Lona Merrick,  
official interpreter.

BY THE COMMISSIONER:

- Q What is your name, age and postoffice address? A Tulumarsey Scott; I dont know my age but I guess I am about fifty-seven; Tuskegee is my postoffice.
- Q Have you ever held office in the Creek Nation? A Yes sir.
- Q What office have you held? A Member of the House of Kings.
- Q Are you a member of the House of Kings now? A No sir.
- Q How long were you a member of the House of Kings? A Four years.
- Q What Indian town do you belong to? A Artussee.
- Q Are you acquainted with one Lina or Rina Harjo? A Yes sir.
- Q How old is she? A I dont know, we live far apart, I dont see her very often.
- Q Full grown woman is she? A Yes sir.
- Q What was the name of her father? A George Holupe.
- Q What was the name of her mother? A Katie.
- Q Is George Holupe living? A I have not heard of his death; I guess he is living.
- Q He does not live near you? A No sir, he lives near Eufaula.
- Q Is Katie living? A No sir.
- Q How many times had Lina been married? A She has been married twice that I know of.
- Q What are the names of her husbands? A Her first husband



- was named Hotke.
- Q Was he also known by the name of Atkins? A I have just known him by the name of Hotke.
- Q What was the name of her second husband? A Jack Harjo.
- Q Is Hotke living? A I guess so, I dont know.
- Q Is Jack Harjo living? A Yes sir.
- Q How many children has Lina had? A Three that I know of.
- Q Are these three that you refer to now living? A I dont know whether they are living or not.
- Q Do you know the names of these children? A Yes sir.
- Q Will you give them please? A John Hotke, I dont know the other child's name; she has a child by the name of -Chuck-a-leesa Harjo.
- Q Did she have two children by Hotke and one by Jack Harjo? A Yes sir, she had two by Hotke.
- Q How long has she been living with Jack Harjo? A I dont know
- Q Has she been living with him as much as eight or ten years? A I guess they have been living together about eight years.
- Q Do you know whether she was considered as a citizen of the Creek Nation, whether she received money as a citizen? A No sir, I dont know.
- Q Was she a member of the Snake faction? A Yes sir.
- Q Did you ever see her attend at any payment? A No sir.
- Q Do you know whether her name was ever given in to the Commission when the enrolling parties were going around? A No sir, not that I know of.
- Q Do you know whether the names of any of her children were given in to the enrolling parties? A Chuck-a-leesa's name was given in.
- Q Do you know whether the child, Chuck-a-leesa had any other name? A No sir I dont know.
- Q Was Lina's mother, Katie, was she a Seminole? A She is a Creek citizen.
- Q When did she die? A She has been dead a long time, long before the land office opened.
- Q Did you ever have anything to do with the town rolls of Artussee town, or do you know whether the name of this Lina Harjo appears upon that roll? A It ought to be on there.
- Q Could she have belonged to any other Indian town than Artussee? A No sir.
- Q Was Atkins a member of Artussee town, or Hotke rather? A He belongs to another town.
- Q What town did Hotke belong to? A I think he belongs to Tulsa Canadian.
- Q Do you know anything personally about her receiving money at tribal payments yourself? A No sir.
- Q Do you remember whether Lina lived in the Seminole Nation a number of years? A She has lived in the Creek Nation, never lived in the Seminole Nation.

WITNESS EXCUSED.



SULPHUR HARJO, recalled, testifies as follows:

BY THE COMMISSIONER:

- Q How did it come that you made application for the enrollment of Chuck-a-leesa? A The parents of this child were very stubborn, they were members of Snake, they didnt want to have the child enrolled; I was a member of Artussee town and I and the town king got a letter from the Commissioner requesting me to enroll all the newborn children in this town, and they sent me down to get this child's name, and I went down there and I asked the child's name and they would not give me any name; I just named it myself and made application for it at Okmulgee.
- Q Is Chuck-a-leesa living now? A Yes sir, I think he is living.
- Q When was the last that you heard of him? A I heard they came up here not long ago, this last October, came up here before the Commissioner and that was the last time I heard of him; I guss the child is living.
- Q Is John Atkins, the son of Lina, living? A I guss he is living.

WITNESS EXCUSED.

LEVI MITCHELL, being first duly sworn by Edward Merrick, a Notary Public, testifies as follows:

Examination through Mrs. Lona Merrick,  
official interpreter.

BY THE COMMISSIONER:

- Q What is your name, age and postoffice? A Levi Mitchell, 52, Tuskegee.
- Q Are you a member of Artussee town? A Yes sir.
- Q Have you held any official positions in that town? A Yes sir.
- Q What position have you held? A I am a member of the House of Kings.
- Q Are you a member now? A Yes sir.
- Q How long have you been a member? A About three years.
- Q You acquainted with Lina Harjo? A Yes sir.
- Q About how old is she? A I dont know, she is a grown woman though.

- Q What was the name of her father? A George Holupe.
- Q Is he living? A Yes sir.
- Q Does he live near you? A No sir he lives near Eufaula.
- Q What was the name of her mother? A Katie.
- Q Did Katie have any other name? A That is all, just Katie.
- Q Are George Holupe and Katie citizens of the Creek Nation?  
A Yes sir.
- Q How long have you known Lina? A I have known her a long time, I dont know how long.
- Q Has she always lived in the Creek Nation, or has she lived a part of the time in the Seminole Nation? A She has always lived in the Creek Nation.
- Q How many times has she been married? A She has been married twice that I know of.
- Q What are the names of her husbands? A First husband was Hotke.
- Q Was he also known by the name of Tom Atkins? A I have just known him by the name of Hotke.
- Q What was the name of her other husband? A Jack Harjo.
- Q Was Hotke a citizen of the Creek Nation? A Yes sir, he is a member of the Tulsa Canadian town.
- Q Is Jack Harjo a citizen of the Creek Nation? A I have heard he was a Seminole.
- Q Has he ever lived in the Seminole Nation? A I dont know.
- Q Did you ever hear, or do you know whether Lina ever received any money at the tribal payments? A I was present at the payment, but I dont remember whether she drew it or not, it has been so long I cant remember.
- Q Did you ever see her there at any of the payments? I dont remember, it has been so long.
- Q Were her parents members of the Snake faction, and is she a member of that faction? A Her father's a member of the Snakes, and guess she is too.
- Q What are the names of her children? A She has three children that I know of.
- Q Do you know whether she ever made application for their enrollment? A I dont know.
- Q Do you know the names of the children? A Johnnie Hotke, Chuck-a-leesa, I dont remember the other child's name.
- Q Do you know whether they are living? A Yes sir, I think so. Heard Lina was up here the other day with one of her children, and she told that she was enrolled with the Seminoles, and would not give her her certificates, and they asked him (Sulphur Harjo) to come up and see about it.
- Q Can you assist the Commission any in identifying this woman and her child, Chuck-a-leesa, on the rolls by giving different names by which those people are known? A Sam Scott, the town king, has a roll of the members of his town, and he would be more able to tell you than I would.
- Q What is the postoffice address of Sam Scott? A Tuskegee.
- Q Is he in town today? A No sir, he didnt come; I tried to get him to come, but he said he wasnt subpoenaed, he wasnt coming.
- Q Did you ever hear anyone say that Lina was enrolled as a Seminole? A No sir, never heard that; she is a member of the Artussee town and ought to be enrolled with them.

WITNESS EXCUSED.

Rina Harjo et al.---7.

SULPHUR HARJO, recalled, testifies as follows:

BY THE COMMISSIONER:

- Q Do you know of any Creek citizens living near Lina who might be able to furnish information as to the names she has gone by and as to whether her name appears on any of the tribal rolls? A I dont know whether Thomas Jones would know anything about it, but he lives near Lina.
- Q What is his postoffice? A I dont know.
- Q Is Sam Scott a member of the Artussee town? A Yes sir, he is town king.
- Q Is he town king? A Yes sir.
- Q Has he any of the old tribal lists in his possession? A Yes sir.
- Q Is he acquainted with Lina and her children? A Yes sir.
- Q What is his postoffice? A Tuskegee.

WITNESS EXCUSED.

TULMARSEY SCOTT, recalled, testifies as follows:

BY THE COMMISSIONER:

- Q Do you know Thomas Jones of Artussee town? A Yes sir.
- Q Is Lina Harjo any relation of Thomas Jones? A Yes sir.
- Q What relation? A Cousin.
- Q Do you know whether Thomas Jones had the name of Lina Harjo placed on the pay roll in 1895? A I dont know, the older members of Artussee town had charge of the making of the pay roll, and it might be that Lina is enrolled with the family of Thomas Jones.
- Q Was Lina ever called Lina Jones? A I dont know.

The name of Lanna Jones appears on the 1895 roll, along with the name of Thomas Jones, and the pay roll shows that Thomas Jones drew the money for said Lanna Jones.

- Q Have you any idea who was intended by Lanna? A It was intended for Lina Harjo.

It appears from an examination of the 1895 pay roll Artussee town that the name of Thomas Jones opposite No. 15 is immediately followed by the names Lanna Jones, John Atkins, Thomas Atkins, Charley Atkins and Peggy Atkins. It also appears that Thomas Jones receipted for the payment made to each of the above named persons. It further appears from said pay roll that

Thomas Jones is listed on Creek Indian card, field No. 483, and that Lanna Jones is also listed on the same card as Lila Jones, the wife of Thomas Jones. From an examination of card, field No. 483, it appears that Lila Jones, the wife of Thomas Jones belonged to Alabama town, and an examination of the names appearing on Alabama town it is found that Lila appears opposite No. 128, and the notation after this name indicates that she is enrolled on said Creek Indian card 483. The pay roll further shows that Thomas Jones, the husband of Lila, drew the payment for said Lila in 1895. It, therefore, follows that the identification of Lanna Jones, No. 116 of Artussee town, is erroneous, and should not be identified as Lila, the wife of said Thomas Jones. The 1890 authenticated roll of Artussee town is examined, and the name of Lanna appears on page 4 of said roll directly under the name of Thomas Jones. The 1890 roll shows that Thomas Jones is listed on Creek Indian card, field No. 483, but that Lanna has no enrollment.

It would, therefore, appear from the several rolls and the testimony heretofore taken that Lanna Jones on the 1895 pay roll and Lanna on the 1890 authenticated roll Artussee town is identical with Lina Harjo, the person in whose interest this examination is made, and that said Lina Harjo is not listed for enrollment on a card as a citizen of the Creek Nation.

WITNESS EXCUSED.

---

LEVI MITCHELL, recalled, testifies as follows:

BY THE COMMISSIONER:

- Q Do you know Thomas Jones? A Yes sir.  
Q Was Lina Harjo any relative, any relation of Thomas Jones?  
A Yes sir.  
Q What relation? A She is Thomas Jones' niece.

WITNESS EXCUSED.

---

SULPHUR HARJO, recalled, testifies as follows:

BY THE COMMISSIONER:

- Q Do you know Thomas Jones? A Yes sir.

Lina Harjo et al.---9

- Q Is Lina Harjo any relation to Thomas Jones? A She is his niece.
- Q Do you know whether Thomas Jones had Lina placed on the 1895 pay roll or not? A I guess so, I guess he placed her on the roll, I dont know.

On the 1895 pay roll, Artussee town, with Thomas Jones and Lanna Jones also appear the names of John Atkins and Thomas Atkins.

From the testimony heretofore taken it appears that John Atkins is a child of Lina Harjo and that Thomas Atkins is the father of said John Atkins. Said John and Thomas Atkins are enrolled as citizens by blood of the Creek Nation on Creek Indian card 3129 and 14 respectively.

- Q You say you live at Tuskegee? A Yes sir.
- Q One mile away from town? A Yes sir.
- Q How many miles is it from Tuskegee here? A About 55 miles.

WITNESS EXCUSED.

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TULMARSEY SCOTT, recalled, testifies as follows:

BY THE COMMISSIONER:

- Q Do you live at Tuskegee? A I live about a mile and a half from Tuskegee.

WITNESS EXCUSED.

---

LEVI MITCHELL, recalled, testifies as follows:

BY THE COMMISSIONER:

- Q You live at Okmulgee? A I live at Tuskegee.
- Q How far do you live from Tuskegee? A About a mile and a half.

WITNESS EXCUSED.

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Corra Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause

Rinz Harjo et al.--10

on December 29, 1906, and that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

*Lena Harjo*

Subscribed and sworn to before me January 2, 1907.

*Edward Merrick*  
Notary Public.

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

In the matter of the application for the enrollment of Rina Harjo and Chuckaleesa Harjo, as citizens by blood of the Creek Nation.

## D E C I S I O N .

It appears from the records of this office that on March 25, 1904, evidence was heard "In the matter of accounting for those persons whose names appear on the Creek tribal rolls who died prior to April 1, 1899, and are not shown on said rolls to be otherwise accounted for", and that on said proceeding inquiry was made with reference to one "Lamma", which testimony was afterwards known as Evidence No. 121.

The records of the Commissioner further show that on December 30, 1905, testimony was offered by Lanna Jones in the matter of an application alleged to have been made for the enrollment of herself and minor child, Chocklesee, as citizens by blood of the Creek Nation, which was afterwards known as Creek Enrollment case No. 1029.

It further appears that on December 29, 1906, testimony was offered "In the matter of accounting for Rina or Lina Harjo or Holupe or Atkins and for one Chuckaleesa", citizens by blood of the Creek Nation, which was afterwards known as Creek Enrollment case No. 1152.

It appearing from these records that Lamma, Lanna Jones, and Rina or Lina Harjo or Holupe or Atkins, is one and the same person, and that Chocklesee and Chuckaleesa Harjo is one and the same person and the son of the person first above named, these cases are consolidated and reference to said persons will hereafter be made in the names Rina Harjo and Chuckaleesa Harjo. The proceeding first above mentioned is herein considered an original application for the enrollment of Rina Harjo and Chuckaleesa Harjo as citizens by blood of the Creek Nation, in order that the rights of said persons may be protected, and said testimony submitted on December 30, 1905, and December 29, 1906, as proceedings in said cause.

The evidence and the records of the Commissioner show that said Rina Harjo is identified upon the 1890 authenticated Creek tribal roll, Artussee town, as "Lamma", and upon the 1895 pay roll of said Nation and town as "Lanna Jones".

The evidence further shows that said Rina Harjo is a full blood Creek Indian woman, thirty years of age, who has been allied with the Snake or disaffected faction of the Creek Indians, and for this reason failed or refused to have the names of herself and child enrolled.



The evidence further shows that on December 30, 1905, said Chuckaleesa Harjo was about seven years of age; that he is the son of said Rina Harjo, and that his father is Jack Harjo, a citizen by blood of the Seminole Nation.

The records of the Commissioner further show that application has never been made for the enrollment of said Chuckaleesa Harjo as a citizen by blood of the Seminole Nation.

The evidence further shows that said Rina Harjo and said Chuckaleesa Harjo were living on the date of the last proceedings herein.

It is, therefore, ordered and adjudged that said Rina Harjo and said Chuckaleesa Harjo are entitled to enrollment as citizens by blood of the Creek Nation, under the provisions of the acts of Congress approved June 28, 1898 (30 Stats.L., 495) and March 1, 1901 (31 Stats.L., 861), and the application for their enrollment as such is accordingly granted.



COMMISSIONER.

Muskogee, Indian Territory,

JAN 31 1907

United States of America  
Indian Territory  
Western Judicial District

I  
I  
I  
SS.

I received the within subpoena at Okmulgee, I. T., on Dec. 22, 1906 and served same by delivering a true copy thereof personally to the within named Tulmarsey, and by reading same in the presence and hearing of said Tulmarsey, at 5 mi. S.W. Edna, Western District of Indian Territory, on Dec. 26, 1906 at 1 o'clock P. M.

Also by delivering a true copy thereof personally to the within named Levi Mitchell, and by reading same in the presence and hearing of said Levi Mitchell, at 5 mi. S.W. Edna, Western District of Indian Territory, on Dec. 26, 1906 at 1 o'clock P. M.

Lee E. Bennett, U. S. Marshal,

By Carl Gibson Deputy

12/19.  
No.

SUBPOENA.

Commissioner to the Five Civilized Tribes.

In the matter of the

## Department of the Interior,

Commissioner to the Five Civilized Tribes.

To Pulmarsee and Levi Mitchell (P. O. Okmulgee I. T.)

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Muskogee in the Creek Nation, Indian Territory, on the 28<sup>th</sup> day of December 1906, to testify before said Commissioner in the matter of the accounting for the name of Lina or Rina Karjo on the Census Rolls.

Dated at Muskogee, I. T. this 18<sup>th</sup> day of December 1906.

  
Commissioner.

I, *F. M. Eelsey* do solemnly swear that I am *64* years  
of age, and that on the *21<sup>st</sup>* day of *Dec* 190*6*, in the  *Creek*  
Nation, Indian Territory, I served the within Subpoena on the within named *George*  
*Halupe*  
by then and there delivering a true copy of the same to said *George Halupe*

Subscribed and sworn to before me this *21* day of *Dec* 190*6*

*F. M. Eelsey*  
*R. A. Harrison* clerk  
By *N. C. Loudinor*  
Deputy

No.

SUBPOENA.

Commissioner to the Five Civilized Tribes.

In the matter of the

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To George Holups, (P.O. Mellette, I.T.)

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at  
Muskogee in the Creek Nation,  
Indian Territory, on the 28<sup>th</sup> day of December 1906, to testify before said  
Commissioner in the matter of the accounting for the enrollment  
of your daughter, Lina or Rina Hays, as a Creek citizen.  
Dated at Muskogee, I.T. this 18<sup>th</sup> day of December 1906

  
Commissioner.

United States of America  
Indian Territory  
Western Judicial District

I  
I  
I  
SS.

I received the within subpoena at Okmulgee, I. T., on Dec. 22, 1906 and served same by delivering a true copy thereof personally to the within named Sulphur Harje, and by reading same in the presence and hearing of said Sulphur Harje, at 5 mi. S.W. Edna, Western District of Indian Territory, on Dec. 26, 1906 at 1 o'clock P. M.

Lee E. Bennett, U. S. Marshal,

By Leslie Libson Deputy

No.

SUBPOENA.

Commissioner to the Five Civilized Tribes.

*In the matter of the*

## Department of the Interior,

Commissioner to the Five Civilized Tribes.

To Sulphur Harjo (P. O. Edna I. T.)

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at  
 Muskogee in the Creek Nation,  
 Indian Territory, on the 28<sup>th</sup> day of December 1906, to testify before said  
 Commissioner in the matter of the accounting for the name of Lina  
 or Rina Harjo on the Creek Rolls.

Dated at Muskogee, I. T. this 18<sup>th</sup> day of December 1906.



Commissioner.



I, *D M Webb* do solemnly swear that I am *53* years  
of age, and that on the *26* day of *Dec* 190*6*, in the *Court*  
Nation, Indian Territory, I served the within Subpoena on the within named *Isapokote*  
*Harjo*  
by then and there delivering a true copy of the same to said *Isapokote Harjo*  
*D M Webb*

Subscribed and sworn to before me this *26* day of *Dec* 190*6*  
*W H C Cunningham*  
Notary Public

No.

SUBPOENA.

Commissioner to the Five Civilized Tribes.

In the matter of the

## Department of the Interior,

Commissioner to the Five Civilized Tribes.

To *Ispokoke Harjo (P. O. Weleetka I.T.)*

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at

*Muskogee*

in the

*Creek*

Nation.

Indian Territory, on the *28<sup>th</sup>* day of *December* 1906, to testify before said

Commissioner in the matter of the accounting for the name of *Lina*  
or *Pina Harjo* on the *Creek* rolls.

Dated at *Muskogee, I.T.* this *18<sup>th</sup>* day of *December* 1906,



Commissioner.

I, \_\_\_\_\_ do solemnly swear that I am \_\_\_\_\_ years  
of age, and that on the \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_, in the  
Nation, Indian Territory, I served the within Subpoena on the within named \_\_\_\_\_  
by then and there delivering a true copy of the same to said \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_

No.

SUBPOENA.

Commissioner to the Five Civilized Tribes.

In the matter of the

Copy

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To ~~Lulphur Hays (P.O. Edna I.) Hulmarcy (P.O. Kaulze) Levi Mitchell (P.O. Kaulze) Thomas Atkins (P.O. Eufaula) and Joseph Hays (P.O. Weleetka~~

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at

Mushogee in the Creek Nation,

Indian Territory, on the 28<sup>th</sup> day of December 1906, to testify before said

Commissioner in the matter of the accounting for the name of Lisa or Rina Hays on the Creek Rolls

Dated at Mushogee I.T. this 28<sup>th</sup> day of December 1906

(Signed) J. M. Bixby  
Commissioner.

I, \_\_\_\_\_ do solemnly swear that I am \_\_\_\_\_ years  
of age, and that on the \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_, in the  
Nation, Indian Territory, I served the within Subpoena on the within named \_\_\_\_\_  
by then and there delivering a true copy of the same to said \_\_\_\_\_.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_

No.

SUBPOENA.

Commissioner to the Five Civilized Tribes.

In the matter of the

## Department of the Interior,

Commissioner to the Five Civilized Tribes.

To Thomas Atkins ( P. O. Eufaula T. )

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at

Muskogee in the Creek Nation,

Indian Territory, on the 28<sup>th</sup> day of December 1906, to testify before said

Commissioner in the matter of the accounting for the name of Sina  
or Rina Harjo on the Creek rolls

Dated at Muskogee T. this 18<sup>th</sup> day of December 1906.



Commissioner.

CR EN 1153

CR EN 1153



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Senora, I. T., October 10, 1905.

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

LEWIS HARJO, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Lewis Harjo.  
Q How old are you? A About thirty.  
Q What is your post office address? A Senora.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q To what town do you belong? A Hickory Ground.  
Q Did you know Teyomhoke? A Yes, sir.  
Q Was she a member of your town? A No, sir, she belonged to Hutchechuppa, but she may have been transferred to Bufaula Deep Fork Town.  
Q Do you know when she died? A I do not know the year in which she died but I know she died long before the Creek Land Office was opened, and before the town of Henryetta was built. According to my best recollection she died in the second administration of Lucus Perryman.  
Q How many years do you think she has been dead? A something like twelve years.  
Q Was Teyomhoke a man or woman? A A woman. An old woman, probably sixty or seventy years old.  
Q What relation was she to Katy Watson, Tom Canard and Hannah Mitchell?  
A Katy Watson was her granddaughter and Tom Canard was her son-in-law, but I don't know what relation Hannah Mitchell was to her.

PHILLIP McNAC, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Phillip McNac.  
Q How old are you? A Between twenty-eight and twenty-nine.  
Q What is your post office address? A Henryetta.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q To what town do you belong? A Hickory Ground.  
Q Did you know Teyomhoke? A Yes, sir.  
Q Do you know when she died? A I do not know what year she died. She died while I was living at Hillabee and I moved here about nine years ago. At that time she had been dead about two years.  
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.  
Q Did she die before or after the opening of the Creek Land Office?  
A Yes, sir. she died before the Tribal Courts were abolished.

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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 16 day of October 1905.

*D. C. Skaggs*  
*Edw. C. Skaggs*  
Notary Public

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Henryetta, I. T., March 13, 1906.

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

KATY WATSON, being duly sworn, testified as follows:

Through Alex Posey official interpreter.

BY THE COMMISSIONER:

- Q What is your name? A Katy Watson.  
Q How old are you? A Thirty-five.  
Q What is your post office address? A Henryetta.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q What town do you belong to? A Eufaula Deep Fork.  
Q Do you know Teyomhoke? A Yes, sir, she was my grandmother.  
Q Do you know when she died? A She died October 9, 1899.  
Q How do you fix the date? A I made a record of her death.  
Q Have you that record now? A I made the record of her death in the Bible--a Creek Bible--and that Bible is now in the possession of Amos McIntosh.  
Q Where is he? A At Senora.  
Q What does that record state? A I do not think that I wrote her name in the record--I think the record simply gives the date of her death.  
Q Is the record written in Creek or English? A In English, giving the month and day and year.  
Q Were you present when she died? A She died at the home of Jack Frances near here but I was not present, in fact I did not know she was seriously ill till I was informed of her death. She was quite an old woman and her death was probably due to her age.  
Q Were you present at her funeral? A I did not attend the funeral.  
Q Is Jack Frances living? A Yes, sir.  
Q Do you remember the circumstance of the opening of the Creek Land Office? A I do not remember when people began filing upon their allotments. Most of the Indians in this part of the country were advised not to take their allotments and paid but little attention to allotment.  
Q How long after her death was it that you made the record to which you referred? A It was not long after she died. I was in the habit of making records in that book and made the record of her death shortly after she died.

---000000000---

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 14th day of March, 1906.

*Notary Public.*

B.A. 142.

DEPARTMENT OF INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Henryetta, I. T., March 13, 1908.

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

JACKSON FRANCES, being duly sworn, testified as follows:

Through Alex Posey official interpreter:

BY THE COMMISSIONER:

- Q. What is your name? A. Jackson Frances.  
Q. How old are you? A. I have ~~not~~ traveled a good distance and am probably something over forty.  
Q. What is your post office address? A. Henryetta.  
Q. Are you a citizen of the Creek Nation? A. Yes, sir.  
Q. To what town do you belong? A. Fufaula Deep Fork.  
Q. Do you know Toyomhoke? A. Yes, sir, she was my mother.  
Q. Do you know when she died? A. She died on Sunday night in October but I cannot state in what year that was. It has been a long time ago.  
Q. How many years do you think she has been dead? A. My memory is very poor and I cannot exactly state how many years she has been dead. I think she died about ten years ago, or thereabouts.  
Q. Was she living at the time the \$14.00 payment (in 1895) was made?  
Q. Yes, sir, she drew her money and kept it quite a while, I remember I asked her to let me have it but she refused, saying that I had drawn money myself.  
Q. How long was it after the payment before she died? A. I cannot tell you. It is hard for me to say.

SOOKIE FRANCES, being duly sworn, testified as follows:

Through Alex Posey official interpreter:

BY THE COMMISSIONER:

- Q. What is your name? A. Sookie Frances.  
Q. How old are you? A. I am about fifty-three years old.  
Q. What is your post office address? A. Henryetta.  
Q. Are you a citizen of the Creek Nation? A. Yes, sir.  
Q. Were you acquainted with Toyomhoke? A. Yes, sir.  
Q. What relation was she to you? A. My mother-in-law.  
Q. Do you know when she died? A. She died on the 13th day of October. I do not know what year that was or how many years it has been.  
Q. Were you present when she died? A. Yes, sir, she lived out there in the yard in a little cabin to herself.  
Q. Was she living when the \$14.00 payment (in 1895) was made? A. Yes, sir.  
Q. How long did she live after that payment? A. She did not live long after the payment was made and at the time she died she had not spent all the money she received at that payment and it was used in <sup>def</sup> paying her burial expenses.  
Q. You are positive of that are you? A. Yes, sir.  
Q. How many years ago do you think that has been? A. It has been something like ten years, I think.

JACKSON FRANCES recalled:

BY THE COMMISSIONER:

- Q. Did you ever execute an affidavit about the death of your mother, Toyomhoke? A. Yes, sir, Katy Watson, Hannah Mitchell, Tom Kaard and myself made out some papers at Henryetta, about her death.

B.A. 142.---2.

Q According to those affidavits your mother, Teyomhoke, died October 9, 1899. Is that date correct? A I did not know the date of her death at that time, and do not know now. I was called in to sign the paper and did so believing the other parties to the affidavits knew the exact date. People had not began filing when she died and our laws were still in force. I am positive of that. And the section lines had not been established in this part of the country.

---000000000---

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 14th day of March, 1906.

Wm. H. Hays  
Notary Public.

DEPARTMENT OF INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Henryetta, I. T., March 13, 1904.

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

JACKSON FRANCES, being duly sworn, testified as follows:

Through Alex Posey official interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Jackson Frances.  
Q How old are you? A I have ~~not~~ traveled a good distance and am probably something over forty.  
Q What is your post office address? A Henryetta.  
Q Are you a citizen of the Creek Nation? A yes, sir.  
Q To what town do you belong? A Eufaula Deep Fork.  
Q Do you know Teyomhoke? A Yes, sir, she was my mother.  
Q Do you know when she died? A she died on Sunday night in October but I cannot state in what year that was. It has been a long time ago.  
Q How many years do you think she has been dead? A My memory is very poor and I cannot exactly state how many years she has been dead. I think she died about ten years ago, or thereabouts.  
Q Was she living at the time the \$14.00 payment (in 1895) was made?  
Q Yes, sir, she drew her money and kept it quite a while, I remember I asked her to let me have it but she refused, saying that I had drawn money myself.  
Q How long was it after the payment before she died? A I cannot tell you. It is hard for me to say.

SOOKIE FRANCES, being duly sworn, testified as follows:

Through Alex Posey official interpreter:

BY THE COMMISSIONER:

- Q what is your name? A Sookie Frances.  
Q How old are you? A I am about fifty-three years old.  
Q what is your post office address? A Henryetta.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Were you acquainted with Teyomhoke? A Yes, sir.  
Q What relation was she to you? A My mother-in-law.  
Q Do you know when she died? A she died on the 13th day of October. I do not know what year that was or how many years it has been.  
Q Were you present when she died? A Yes, sir, she lived out there in the yard in a little cabin to herself.  
Q Was she living when the \$14.00 payment (in 1895) was made? A Yes, sir.  
Q How long did she live after that payment? A She did not live long after the payment was made and at the time she died she had not spent all the money she received at that payment and it was used in <sup>def</sup> paying her burial expenses.  
Q You are positive of that are you? A yes, sir.  
Q How many years ago do you think that has been? A It has been something like ten years, I think.

JACKSON FRANCES recalled:

BY THE COMMISSIONER:

- Q Did you ever execute an affidavit about the death of your mother, Teyomhoke? A Yes, sir, Katy Watson, Hannah Mitchell, Tom Kaird and myself made out some papers at Henryetta, about her death.

B.A. 142.---2.

Q According to those affidavits your mother, Teyomhoke, died October 9, 1899. Is that date correct? A I did not know the date of her death at that time, and do not know now. I was called in to sign the paper and did so believing the other parties to the affidavits knew the exact date. People had not begun filing when she died and our laws were still in force. I am positive of that. And the section lines had not been established in this part of the country.

---000000000---

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 14th day of March, 1906.

Allen Meyer  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Senora, I. T., March 27, 1906.

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

AMOS McINTOSH, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Amos McIntosh.  
Q How old are you? A forty-nine.  
Q What is your post office? A Senora.  
Q Are you acquainted with Katy Watson? A Yes, sir.  
Q Have you a Bible belonging to her in which the record of the death of Teyomhoke is written? A yes, sir, a Creek Testament.

Witness presents a Creek Testament, on a blank page of which appears the following entry:

"Grandma died October 19 1895."

- Q Was Teyomhoke the grandmother of Katy Watson? A I think so. I didn't know her name but I guess that was her name.  
Q Did she have any other name? A Not that I knew of.  
Q ~~What~~ Do you know whether or not this record is correct? A No, sir, I don't know when she died. I don't know only what she told me, that the old woman died before the time for allotment but her son Enoch Mitchell was going to file for her. It was one of the boys, either Enoch or Homer Watson was telling me that about a month ago. They claimed that people were filing for those who had died before she did and they were going to file for her.  
Q You were not personally acquainted with Teyomhoke? A No, sir. I have been about them quite a bit since she died and they are always talking about her. If you are going back by Katies you can take the Bible with you.

---ooo000ooo---

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 7 day of April, 1906.

Wm. M. Mays  
Notary public.



D.A. 142.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Henryetta, I. T., March 28, 1906.

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

KATY WATSON, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Katy Watson.  
Q How old are you? A Thirty-five.  
Q What is your post office address? A Henryetta.  
Q You have testified in this case before have you not? A Yes, sir.  
Q You stated in your testimony the other day that Amos McIntosh had a Creek Bible belonging to you, in which you had written the record of the death of your grandmother, Teyomhoke. Is this the book you referred to? (handing witness book) A Yes, sir.  
Q Can you turn to the record which you made? A This is the entry here. (indicating entry in book)

The entry indicated by witness reads as follows: "Grand-  
ma died October 19 1895."

- Q This is the record which you made, is it? A Yes, sir.  
Q When did you make it? A Shortly after she was buried.  
Q The date of the death of Teyomhoke, your grandmother, as given here is correct, is it? A Yes, sir.  
Q When you made a mistake when you made the affidavit which is on file in the office of the Commissioner stating that Teyomhoke died October 9, 1899? A Yes, sir, the Bible record is correct.  
Q How did you come to make the mistake? A We did not have the Bible record at the time we made the affidavits and only guessed at the dates.

---ooo000ooo---

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 2 day of April, 1906.

Alex Posey  
Notary Public.



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

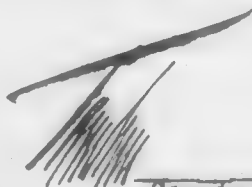
In the matter of the application for the enrollment of Teyomhoke, deceased, as a citizen by blood of the Creek Nation .

## DECISION.

The record in this case shows that on August 31, 1904, two affidavits were filed with the Commission to the Five Civilized Tribes, in Muskogee, Indian Territory, in the matter of the death of Teyomhoke, which said affidavits are considered in the nature of an application for her enrollment as a citizen by blood of the Creek Nation. Further proceedings were had October 10, 1905, March 13, March 27 and March 28, 1906.

The evidence in this case is contradictory as to the date of death of Teyomhoke, but the weight of evidence establishes such date as October 19, 1895.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Teyomhoke, 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.

JUN 28 1906

REFER IN REPLY TO THE FOLLOWING:

DA-142

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

Muskogee, Indian Territory, October 16, 1905.

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

Sir:

There is enclosed herewith testimony taken October 10, 1905, in the matter of the application for the enrollment of Teyomhoka, deceased, as a citizen by blood of the Creek Nation.

Advise me if further evidence is desired in said case.

Respectfully,

*Allen Gray*  
Clerk in Charge, Creek Enrollment Field Party.

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INDEXED

|  |          |
|--|----------|
| COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS |          |
| No.  | Received |
| <b>12133</b>                                 |          |
| APR - 4 1906                                 |          |

142

Posey, Alex,  
Wetumka, I. T.,  
Creek Nation,  
April 3, 1906.

Transmits testimony in re application for enrollment of Teyomhoke, deceased, as a citizen by blood of the Creek Nation.

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

D.A. 142.

Wetumka, Indian Territory, April 3, 1906.

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

Sir:

There is enclosed herewith testimony taken March 13, 27 and 28, 1906, in the matter of the application for the enrollment of Teyomhoke, deceased, as a citizen by blood of the Creek Nation, together with a copy of the testimony heretofore taken in said cause.

Respectfully,

*Alto May*  
In Charge Creek Field Party.

DA 142.

Muskogee, Indian Territory, June 30, 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 Teyemhoke, 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 the Commissioner is informed of the same.

Respectfully,

LX-131.

Commissioner.

DA 142.

Muskogee, Indian Territory, June 30, 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 Teyomheke, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner, dated June 28, 1906.

Respectfully,

Commissioner.

IM-132.

Through the  
Commissioner of Indian Affairs.

DA.142.

Muskogee, Indian Territory, June 30, 1906.

Jackson Frances,

Henryetta, 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 your mother, Teyomhoke, 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,

Register.  
LM-130.

Commissioner.



DEPARTMENT OF THE INTERIOR,  
WASHINGTON. LLB

I.T.D.25562-1906.

December 27, 1906.

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

Sir:

June 30, 1906, you transmitted the record in the matter of the application for the enrollment of Teyomhoke, deceased, as a citizen by blood of the Creek Nation, including your decision of June 28, 1906, adverse to the applicant.

Reporting December 17, 1906 (Land 56639), 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  
of Indian Affairs.

1 inc. and 2 to Ind. Of.

Land  
56639-1906.

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

December 17, 1906.

The Honorable,  
The Secretary of the Interior,  
Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated June 30, 1906, relative to the application for the enrollment of Teyomhoke, deceased, as a citizen of the Creek Nation.

On August 31, 1904, two affidavits were filed with the Commission to the Five Civilized Tribes at Muskogee, I.T., in reference to the death of Teyomhoke. These affidavits were considered as an application for the enrollment of Teyomhoke as a citizen by blood. Further proceedings were had in the case on October 10, 1905, and March 13, 27 and 28, 1906.

On June 28, 1906, the Commissioner held that the applicant was not entitled to such enrollment.

A preponderance of the evidence establishes the fact that Teyomhoke died prior to April 1, 1899.

In view of the provisions of Section 28 of the Act of March 1, 1901, (51 Stat. L. 861) the decision of the Commissioner adverse to the applicant is recommended for approval.

HRD-SD.

C Very respectfully,  
C.F. Larrabee,  
Acting Commissioner.

DA-142

Muskogee, Indian Territory, January 9, 1907.

Jackson Francis,

Henryetta, Indian Territory.

Dear Sir:

You are hereby advised that on December 27, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Teyomhoke, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

DA-142

Muskogee, Indian Territory, January 9, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on December 27, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Teyomhoke, deceased as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

CR EN 1154

CR EN 1154

Evidence of fraud  
but not sufficient  
to recommend  
striking name  
from the roll

J. W.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, January 19, 1906.

In the matter of the enrollment of Nancy Harjo, deceased,  
as a citizen by blood of the Creek Nation.

WILLIAM STODDARD, being duly sworn, testified as  
follows:

BY COMMISSIONER:

- Q What is your name? A William Stoddard.  
Q What is your age? A Thirty three.  
Q What is your post office address? A Morse.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Did you know Nancy Harjo? A Yes, sir.  
Q What was the name of her father? A Leetka.  
Q What was the name of her mother? A I don't know.  
Q Did you ever know her father by any other name? A Nocus Harjo.  
Q To what Creek Indian town did Nancy belong? A Nuyaka.  
Q Is Nancy living? A No, sir.  
Q When did she die? A She died some time in 1898.  
Q Are you sure she died before New Years day of 1899? A Yes, sir  
She died before the land office opened.  
Q When did the land office open? A April 1, 1899  
Q How long before the opening of the land office did Nancy die?  
A About a year.  
Q What season of the year did she die in? A Winter. The way she  
died she was a cripple and couldn't walk and was helpless and her  
family was away and she was frozen to death.  
Q Do you know of any others who know the time of her death? A Yes  
Q Give us their names and post office addresses. A George Hicks,  
Morse. Palissa Keys or Henneha, Morse.  
Q Do you know who helped to bury Nancy? A Yes, sir Losanna Deere  
was one and the other one was Annie Fields but she's dead.  
Q Isn't Losanna dead too? A Yes, sir.  
Q When did Losanna die? A March 25, 1899.  
Q Did Losanna die before the land office opened? A Yes, sir.  
Q And she helped to bury Nancy Harjo? A Yes, sir.  
Q How long after her death before you heard she was dead? A About a  
week after.  
Q And you are sure that was before New Years 1899? A Yes, sir.  
Q Where did they bury Nancy Harjo do you remember? A Right at her  
house.  
Q Is that near Morse? A About seven miles, northwest of Morse.  
Q Was there any head board over the grave? A No, sir  
Q Any mark on it at all? A No, sir  
Q Was there any reference made to it in the records of the church?  
A No, sir  
Q Have you any interest in this case? A No, sir  
Q You are not interested either for or against Nancy Harjo? A No  
Q Any kin to her? A No, sir.

I, Anna Barrigues, state on oath that the above and foregoing is a  
true and correct transcript of my stenographic notes as taken in  
said case on said date.

*Anna Barrigues*

Subscribed and sworn to before me this 23 day of January 1906.

*J. M. Darrall*

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
OKEMAH, I. T., DECEMBER 29, 1906.

In the matter of the enrollment of Nancy Harjo, deceased,  
as a citizen by blood of the Creek Nation.

JOE DEERE, being first duly sworn by and examined through  
Alex Posey, a Notary Public, and official interpreter, testified  
as follows:

BY THE COMMISSIONER:

- Q What is your name? A Joe Deere.
- Q How old are you? A About 58.
- Q What is your postoffice address? A Morse.
- Q Are you a citizen of the Creek Nation? A Yes sir, I belong to Arbekoche town.
- Q Were you acquainted with Nancy Harjo, deceased? A Yes sir, I was well acquainted with her.
- Q What relation was she to you? A She was not related to me except by marriage. She was a neice of my deceased wife, Losanna Deere.
- Q Do you know when Nancy Harjo died? A She died on the 18th of January, of the year following the opening of the Creek Land Office.
- Q Did she die January 18, 1900? A Yes sir.
- Q Where was she living at the time she died? A On Walnut Creek about six miles west of my place, she lived alone, she froze to death and had been dead two or three days before she ~~was~~ was found.
- Q We have an affidavit executed by you and Yarner Deere in which it is stated that Nancy Harjo died January 3, 1900? A The day of the month is not correct, as I have discovered from later investigation. She died January 18, 1900.
- Q What circumstances helps you to remember the exact date of her death? A Because she died in the year following the ~~day~~ death of my wife, Losanna Deere, who died in March 1899, six days before the opening of the Creek Land Office.
- Q Are you positive that she was living at the time your wife, Losanna, died? A Yes sir, she was living.
- Q Have you a record of any kind showing the date of her death? A Yes sir, I had a record, it was made by Lumsey Fields, a brother of Nancy Harjo, but the record has been lost.
- Q Was the record made in a book or on a piece of paper? A On a piece of paper.
- Q Do you know when he made the record? A Some time in March of the year in which Nancy died.
- Q Is Lumsey Fields living? A No sir, he is dead.
- Q Do you know any one besides yourself that would know the date of the death of Nancy Harjo? A There are no witnesses living except myself and wife.
- Q Was there a funeral held at the time she was burried? A No, sir, there was no one present at her burrial except my wife and Annie Fields who is now dead. My wife and Annie burried



Harjo in the cellar of the house in which she died, the ground being frozen too hard for them to dig a grave.

Q You are positive, are you, that it was not your deceased wife Losanna Deere that assisted at the burrial of Nancy Harjo, instead of your present wife Yarnor? A Yes sir, because Losanna Deere was not living at that time and had been dead something like a year. I am a member of the church and a God fearing man and do not wish to state anything except the truth.

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 9th day of January, 1907.

JBM

Wm. May  
Notary Public.

Cr.I.2579.

Muskogee, Indian Territory, May 9, 1905.

Yarner Deere,

Morse, Indian Territory.

Dear Madam:

You are hereby notified that the Commission desires further evidence in the matter of the right to enrollment of your sister, Nancy Harjo, deceased.

You are required to appear before the Commission within thirty days from date with Joe Deere and Ballissa Henaha, for the purpose of being examined under oath as to the exact date of the death of said Nancy Harjo, deceased.

Respectfully,

Commissioner in Charge.

Cr.I. 2579.

Muskogee, Indian Territory, May 9, 1906.

E.B. Miller,

Chief Clerk Creek Land Office.

Dear Sir:

A question having arisen affecting the right to citizenship of Nancy Harjo, deceased, whose name appears on Creek Indian card field No. 2579, opposite approved roll No. 7611, you are hereby directed to suspend action in the matter of the allotment of land to said Nancy Harjo, deceased, until you are further advised.

Respectfully,

Commissioner in Charge.

COMMISSIONERS:  
TAMM REEVE,  
THOMAS B. NEEDLES,  
C. R. BRACKENRIDGE.  
WM. O. REALL,  
Secretary.

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

|                                  |
|----------------------------------|
| REFER TO REPLY TO THE FOLLOWING: |
| M-388                            |

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 11, 1905.

H. G. Hains,  
Chief Clerk Creek Enrollment Division,  
Muskogee, Indian Territory.

Dear Sir:

Your File No. Cr.I. 2579. You are hereby advised that deeds Nos. 10203 and 10203 A, covering an allotment to the heirs of Nancy Harjo, Creek Indian Roll No. 7611, were sent by registered mail to Yarner Deer, care of A. Phillips, Morse, Indian Territory, on October 25, 1904.

Respectfully,



Chairman.

REFER IN REPLY TO THE FOLLOWING:

C. I. 2579.

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 enrollment of Nancy Harjo, deceased, as a citizen by blood of the Creek Nation, there is herewith inclosed the testimony of Joe Deere taken by the Creek Field Party December 29, 1906.

Please advise me if further evidence is desired in said case.

Respectfully,

  
In Charge,  
Creek Field Party.

JM

CR EN 1155

CR EN 1155

*N 4*  
16 *not entered*

IN RE

Application for Enrollment of

INFANT CHILD

*Ida ...*  
*Anna ...*

National

Approved, .....

190

Commissioner.

*Dec. 22, 1900.*

*Died 26-1900.*

*Name*

*Jessie ...*

*Not entered*

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

FILED

*Apr. 8, 1900*

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 Ida Bruner & Ena Bruner born on the 25 day of June, 1899  
(Here insert name of child)  
Name of Father: William Bruner, a citizen of the Creek Nation.  
Name of Mother: Addie Bruner, a citizen of the Creek Nation.  
Post-office, Golden Hill Ind.

Father  
AFFIDAVIT OF ~~MOTHER~~.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Northern District.

I, William Bruner, on oath state that I am 40  
years of age and a citizen, by Blood, of the Creek Nation;  
that I am the lawful ~~husband~~ Husband of Addie Bruner, who is a citizen, by  
Blood, of the Creek Nation, that a Female child was  
(male or female) children  
born to me on the 25<sup>th</sup> day of June, 1899; that said child has been  
named Ida Bruner & Ena Bruner, and is now Both Dead  
William Bruner Deid on 26 June 1899

WITNESSES TO MARK

(Must be Two)  
Witnesses

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 190...

NOTARY PUBLIC.

Acquaintance  
AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Northern District.

I, Barney Bruner, acquaintance, on oath state that I  
visited Mrs. William Bruner, wife of William Bruner,  
on the 25<sup>th</sup> day of June, 1899; that there was born to her on  
said date a two female child that said child is now children Dead June 26, 1899  
(male or female) and is said to have been  
named Ida Bruner & Ena Bruner.

WITNESSES TO MARK:

(Must be Two)  
Witnesses

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 190...

NOTARY PUBLIC.



SAM  
JWH

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

In the matter of the application for the enrollment of  
Ida Bruner and Ena Bruner as citizens by blood of the Creek  
Nation.

STATEMENT AND ORDER.

The record in this case shows that on April 8, 1900, application was made, in the form of unexecuted affidavits, for the enrollment of Ida Bruner and Ena Bruner as citizens by blood of the Creek Nation.

It would appear from the statements in said application and the records in the possession of this office that said applicants were the twin minor children of William Bruner and Addie Bruner, whose names (the latter as Ida Bruner) appear on a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite numbers 7530 and 7531, respectively; and that said children were born on June 25, 1899 and died on June 26, 1899.

In view of the foregoing, I am of the opinion that there is no authority of law for the enrollment of Ida Bruner and Ena Bruner as citizens by blood of the Creek Nation, and the application for their enrollment as such is accordingly dismissed.



Commissioner.

Muskogee, Indian Territory,

---

Muskogee, Indian Territory, February 19, 1907.

Addie Bruner,

W/o William Bruner,

Holdenville, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the statement and order of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, dismissing the application made by you for the enrollment of your minor children, Ida and Rena Bruner, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

Register.  
IM-656.

CR EN 1156

CR EN 1156

New Cr Card, 3475

IN RE  
THE DEATH OF

*He-con-con-thla*

a citizen of the

*Creek.*

Nation.

Approved

1

Commissioner.

It appearing from the within affidavits that He-con-con-thla died prior to April 1, 1899, it is hereby ordered that the application for the enrollment of the said He-con-con-thla as a citizen of the Creek Nation, be dismissed.

Commissioner.

Muskogee, Indian Territory.

Nov. 12 - 1906.

*Filed Nov. 29, 1901.*

# DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *Hee con con ihla*  
(Here insert name of deceased.)  
 a citizen of the *Creed* Nation, who formerly resided at or near  
*Philipsburg*, Ind. Ter., and died <sup>privately</sup> on the *1* day of *April*,  
(Here insert name of post office.)  
 1899

### AFFIDAVIT OF RELATIVE. *acquaintance* & *Married*

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY.  
*Northern* District. }

I, *Larry Brown*, on oath state that I am *32*  
 years of age and a citizen, by *Blood*, of the *Creed* Nation;  
 that my post office address is *Olive*, Ind. Ter.; that I am  
(Here insert name of post office.)  
*personally acquainted with* *Hee con con ihla*,  
(State relationship, as: the father; an uncle; a cousin, etc.)  
 who was a citizen, by *Blood*, of the *Creed* Nation;  
 and that said *Hee con con ihla* died <sup>privately</sup> on the *1* day of  
(Here insert name of deceased.)  
*April*, 1899

WITNESSES TO MARK:

*Larry Brown*

(Must be Two  
 Witnesses.) }

Subscribed and sworn to before me this *29* day of *Nov* 1901.  
*William J Martin*  
 Notary Public.

### AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY.  
*Northern* District. }

I, *Dickson Brown*, on oath state that I am *48*  
 years of age, and a citizen, by *Blood*, of the *Creed* Nation;  
 that my post office address is *Hillyville*, Ind. Ter.;  
(Here insert name of post office.)  
 that I was personally acquainted with *Hee con con ihla*,  
(Here insert name of deceased.)  
 who was a citizen, by *Blood*, of the *Creed* Nation;  
 and that said *Hee con con ihla* died <sup>privately</sup> on the *1* day of  
(Here insert name of deceased.)  
*April*, 1899

WITNESSES TO MARK:

*Dickson + Brown*

(Must be Two  
 Witnesses.) }  
*W. J. Martin*  
*W. J. Martin*

Subscribed and sworn to before me this *29* day of *Nov* 1901.  
*William J Martin*  
 Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, January 15, 1907.

In the matter of the application for the enrollment of  
HE-CON-CON-THLA TIGER as a citizen by blood of the Creek Nation.

Examination conducted through Jenetta Tiger, sworn interpreter

JIM TIGER, being first duly sworn by Edward Merrick, a  
Notary Public, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Jim Tiger.  
Q How old are you? A When I filed I filed under thirty-one;  
I dont know how long ago it has been since I filed.  
Q What is your postoffice address? A Sapulpa.  
Q Do you know a man by the name of He-con-con-thla? A Yes sir.  
Q Is that boy living? A Yes sir, he is living.  
Q About how old is he now? A He is about thirteen years old now.  
Q Have you a boy by the name of Co-ke-thar-ney? A Yes sir.  
Q Is he living? A Yes sir.  
Q Have you a boy by the name of Char-ko-char-ney Tiger? A Yes  
sir, that is the one that is dead.

The records of the Commissioner show that Char-ko-char-ney  
Tiger died August 15, 1901;

On Creek Indian card, field No. 3475 appears the name of  
the witness, Jim Tiger, Co-ke-thar-ney, Char-ko-char-ney and He-  
con-con-thla Tiger; that afterwards on November 29, 1901,  
Larry Brown and Dickson Brown appeared before the Commission and  
made affidavit that said He-co-con-thla died prior to April  
1st, 1899, whereupon said Creek Indian card No. 3475 was replaced  
in the file by a card bearing the same number and corrected in  
conformity to the information obtained by said affidavit, that is  
the name of said He-co-con-thla was left off. It, therefore,  
appears that said He-co-con-thla has never been listed for  
enrollment by the Commission.

It further appears from the records of this office that the  
name of He-con-con-thla appears last in the family group, of  
which the witness, Jim Tiger, is at the head, opposite No. 486.  
*Cushu Town 1895 pay roll.*

- Q Did you draw the 1895 payment for your son He-con-con-thla?  
A Yes sir.

He-con-con-thla Tiger--2

- Q You are certain that He-con-con-thla is living are you? A Yes sir.
- Q Have you ever drawn, made an allotment for this child?  
A He has got no allotment no.
- Q Now Mr. Tiger when Larry Brown and Dickson Brown appeared before the Commission in 1901 and made affidavit that your child He-con-con-thla died prior to April 1st, 1899, they made an affidavit to something that is now true did they? A They swore to something that is not true because that boy is living.
- Q Who was the mother of this child? A Yah-sah-co-con-tany.

The name of the mother appears both on the 1890 authenticated roll and the 1895 pay roll of Euchee town, and evidence on file in this office shows that she died prior to April 1st, 1899.

- Q How long has the mother of this child been dead? A Dont know just how many years ago she died, just as they commenced to filing, six or seven years ago.

WITNESS EXCUSED.

JENETTA TIGER, being first duly sworn, testifies as follows:

BY THE COMMISSIONER:

- Q What is your name? A Jenetta Tiger.
- Q How old are you? A I am forty in March.
- Q What is your postoffice? A Kelleyville.
- Q Are you in any way related to Jim Tiger, the father of He-con-con-thla? A No sir.
- Q Are you acquainted with the child, He-con-con-thla, a son of Jim Tiger? A Yes sir.
- Q Is that child living? A yes sir.
- Q About how old is he now? A He must be about thirteen or fourteen years old.
- Q Have you seen that child often during his life? A Yes sir, he has been around us two or three years, prettiest child he has got, dont look like a fullblood, he is awful white.
- Q The Commission on November 29, 1901, received the affidavits of Larry Brown and Dickson Brown, in which affidavits it was stated that said He-con-con-thla died prior to April 1st, 1899; now this statement made by these persons is a mistake is it? A Must be a mistake, because he is living, the boy; they must have got names mixed up.
- Q Do you then think that it was probable that they had reference to Char-ko-char-ney? A That is the one they had reference to, this here He-con-con-thla is living.
- Q Do you know when Char-ko-char-ney did die? A I dont know anything about Char-ko-char-ney.

He-con-con-thla Tiger--3

Q You have no interest whatever have you in this case? A No interests at all, just interpreting.

WITNESS EXCUSED.

---

WILLIE TIGER, being first duly sworn by Edward Merrick, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

Q What is your name? A Willie Tiger.  
Q How old are you? A I am 25.  
Q What is your postoffice address? A Kelleyville.  
Q Are you acquainted with one He-con-con-thla, a child of Jim Tiger? A Yes sir.  
Q Is that child now living? A Yes sir, he is living.  
Q About how old is he now? A Think about thirteen years old.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Have you any interest in this case whatever? A No I have no interests in it.  
Q How many dead children has Jim Tiger? A He has got a girl and a boy dead, girl is not on the roll at all.  
Q What is the name of the boy that is dead? A Char-ko-char-ney.  
Q Do you know when this boy died? A No I dont know when he died.  
Q Has he been dead more than five years? A I dont know.  
Q You are certain that He-con-con-thla is now living are you? A Yes sir, he is living.

WITNESS EXCUSED.

---

FULSOM YELLOWHEAD, being first duly sworn by Edward Merrick, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

Q What is your name? A Fulsom Yellowhead.  
Q How old are you? A 49.  
Q What is your postoffice address? A Kelleyville.  
Q Are you acquainted with one Jim Tiger? A Yes sir.  
Q Has he a child by the name of He-con-con-thla? A Yes sir.



He-con-con-thla Tiger--4.

- Q Is that child now living? A Yes sir.  
Q About how old is he? A About thirteen.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q You are a fullblood Euchee are you? A Fullblood Euchee  
yes sir.  
Q Have you any interest in this case.at all? A No sir.

WITNESS EXCUSED.

\_\_\_\_\_

Cora Moore, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on January 15, 1907, and that the above and foregoing is a transcript of her stenographic notes taken in said cause on said date.

*Cora Moore*

Subscribed and sworn to before me January 18, 1907.

*Edward Herriek*  
Notary Public.

L.K.P.

Cr. En. 1156.

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

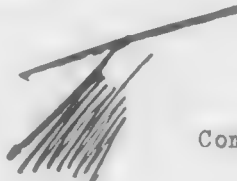
In the matter of the application for the enrollment of  
He-con-con-thla Tiger as a citizen by blood of the Creek Nation.

DECISION.

The records of this office show that in August, 1898, He-con-con-thla Tiger, the applicant herein, was listed upon old Census Card number 315 as He-con-con-thla, which action is considered as an original application for the enrollment of the said He-con-con-thla Tiger as a citizen by blood of the Creek Nation. The record in this case shows that, on November 29, 1901, there were filed certain affidavits in regard to the date of the alleged death of said applicant. Further proceedings in the matter of said application were had on January 15, 1907.

The evidence in the case shows that the applicant is the son of Jim Tiger, whose name appears upon a partial list of Creek citizens by blood, approved by the Secretary of the Interior March 28, 1902, opposite number 8616 thereof, and of Yah-sah-co-con-tany, deceased. It appears from the evidence in this case and the records in the possession of the Commissioner that the applicant appears upon the authenticated 1895 pay roll of the Creek Nation, Euchee Town, opposite number 486, as He-con-con-thla. The evidence further shows that said applicant is about 13 years of age, and was living on the date of the last proceedings had herein, and that the affidavits filed on November 29, 1901, as to his death prior to April 1, 1899, were clearly a mistake.

It is, therefore, ordered and adjudged that the said He-con-con-thla Tiger is entitled to be enrolled as a citizen by blood of the Creek Nation, 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,

JAN 29 1907

Creek Enrollment No. 1156.

Ho-con-con thla Tiger.

7 votes waived by Creek Atty.  
M. L. Mott  
Creek Atty.  
J. P. H.

Listed on C. I. Card Field #4691.

RESIDENCE:

POST-OFFICE: *Philipsburg, Ind. Ia*

Nation.

Roll.

CARD NO. \_\_\_\_\_

FIELD NO. *3455*

| Dawes' Roll No. | NAME                       | Relation sh p to Person first Named | AGE SEX BLOOD    | TRIBAL ENROLLMENT |               | TRIBAL ENROLLMENT OF PARENTS |                    |                |               |                                  |             |               |
|-----------------|----------------------------|-------------------------------------|------------------|-------------------|---------------|------------------------------|--------------------|----------------|---------------|----------------------------------|-------------|---------------|
|                 |                            |                                     |                  | Year.             | No.           | Name of Father.              | Year.              | Name of Mother | Year.         |                                  |             |               |
| 1               | <i>Tiger, Jim</i>          |                                     | <i>28 m full</i> | <i>1895</i>       | <i>Cuckee</i> | <i>482</i>                   | <i>Tiger, Jack</i> | <i>1895</i>    | <i>Cuckee</i> | <i>Jennie Tiger</i>              | <i>dead</i> | <i>Cuckee</i> |
| 2               | <i>Co. re. Char. ney</i>   | <i>son</i>                          | <i>11</i>        | <i>"</i>          | <i>"</i>      | <i>"</i>                     | <i>484</i>         | <i>Not</i>     |               | <i>Ju. sat Co. Co. Char. ney</i> | <i>dead</i> | <i>Cuckee</i> |
| 3               | <i>Char. re. Char. ney</i> |                                     | <i>1</i>         | <i>"</i>          | <i>"</i>      | <i>"</i>                     | <i>485</i>         | <i>Not</i>     |               |                                  |             |               |
| 4               | <i>He. con. con. Ala</i>   |                                     | <i>5</i>         | <i>"</i>          | <i>"</i>      | <i>"</i>                     | <i>486</i>         | <i>Not</i>     |               |                                  |             |               |

*No 4. died prior to April 1<sup>st</sup> 1899. Proof of death attached*

No. \_\_\_\_\_  
UNDEVELOPED TRIBES  
FOR ENROLLMENT IN THE FIVE CIVILIZED  
TRIBES OF JULY 10, 1903

<sup>14</sup>  
This card has been replaced  
in the Card File by a card  
bearing a similar Field Number  
and corrected in conformity to  
<sup>18</sup>  
the information hereon.

*April 27, 1901*

CR EN 1157

CR EN 1157

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Wetumka, I. T., April 12, 1906.

In the matter of the application for the enrollment of Edwin Grayson, deceased, as a Creek Freedman.

EMMA GRAYSON, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Emma Grayson.  
Q How old are you? A About forty-seven.  
Q What is your post office address? A Wetumka.  
Q Are you a citizen of the Creek Nation? A No, sir. I am a citizen of the Chickasaw Nation.  
Q A Chickasaw Freedman? A Yes, sir.  
Q Did you have a child named Edwin Grayson? A Yes, sir.  
Q Who is the father of the child? A Caesar Grayson.  
Q Is he living? A No, sir, dead.  
Q When was Edwin Grayson born? A I couldn't keep the date of the month.  
Q Is Edwin dead? A Yes, sir.  
Q When did he die? A It will be five years the last of this coming July, I think.  
Q Are you positive he will have been dead five years the last of this next July? A Yes, sir.  
Q There is on file, in the office of the Commissioner, an affidavit executed by you and Annie James stating that Edwin Grayson died July 31, 1901. Is that correct? A Yes, sir.  
Q When was the child born? A I don't know. It was a year and six months old when it died.  
Q You are positive of that are you? A Yes, sir.  
Q Do you know in what month he was born? A No, sir, I don't know what month.  
Q Have you any record showing the date of the birth and death of the child? A No, sir.  
Q Was Caesar Grayson a citizen of the Creek Nation? A Yes, sir.  
Q To what town do he belong? A North Fork Colored.  
Q When did Caesar Grayson die? A He died four years ago this last Christmas.  
Q Which died first, Carsar or Edwin? A The child died first.  
Q How long had the child been dead when Caesar died? A It was not a year.  
Q Had Caesar Grayson been enrolled and given an allotment of land in the Creek Nation at the time he died? A Yes, sir.  
Q Was Caesar ever enrolled as a citizen of the Chickasaw Nation? A No, sir.  
Q Did he ever live in the Chickasaw Nation? A Yes, sir.  
Q Did he ever participate in any per capita payment in the Chickasaw Nation? A No, sir.  
Q He has no allotment in the Chickasaw Nation? A No, sir.  
Q Are any of his children enrolld as citizens of the Chickasaw Nation? A No, sir.  
Q What are the names of your other children by Caesar Grayson? A Pauline, Gertie, Zack, Alice, Louisa, Polly, Berthenia and Doc Willard Grayson. Doc Willard isn't filed.  
Q Is Caesar Grayson the father of all these children? A Yes, sir.  
Q Are all of these children enrolled and allotted in the Creek Nation except Doc Willard? A Yes, sir.  
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.  
Q Was Edwin Grayson living at that time? A He was born after that.

- Q He was born after the opening of the land office? A Yes, sir.  
Q Who attended on you at the birth of the child? A Annie James.  
Q Where does she live? A She lives five miles this side of Shawnee Oklahoma.  
Q If it should be found that your child, Edwin, is entitled to enrollment in either the Chickasaw or Creek Nation, in which nation do you elect to have him enrolled? A In the Creek Nation.  
Q Why have you not looked after the matter of this child's enrollment before this time? A I went to Muskogee to the Commissioner to file for the child and he told me to come back and get the midwife. I had already had affidavits filled out by her and I sent them to the Commission. I was not able to pay my way up there. I had to borrow money and I couldn't pay my way and her's too.  
Q Under what name are you enrolled in the Chickasaw Nation? A As Emma James.

This testimony is made part of the record in Creek Freedman Card No. 250.

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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 14 day of April, 1906.

Wm. Davis  
Notary Public.

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

In the matter of the application for the enrollment of Edwin Grayson, deceased, as a Creek freedman.

D E C I S I O N .

The record in this case shows that on September 1, 1903, application was made, in affidavit form, for the enrollment of Edwin Grayson, deceased, as a Creek freedman. Further proceedings were had April 12, 1906.

The evidence in this case shows that said Edwin Grayson, deceased, was the child of Emma Grayson, a Chickasaw freedman, and Caesar Grayson, a Creek freedman.

The evidence and the records of this office show that the name of said Caesar Grayson appears on a schedule of Creek freedmen, approved by the Secretary of the Interior March 13, 1902, opposite number 802.

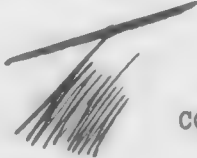
The records of this office show that said Edwin Grayson, is not enrolled as a Chickasaw freedman and no application has been made for his enrollment as such.

The evidence further shows that said Emma Grayson elects to have said Edwin Grayson enrolled as a Creek freedman.

The evidence further shows that said Edwin Grayson died July 31, 1901, and he was one and one half years old at the time of his death.

It is, therefore, ordered and adjudged that said Edwin Grayson, deceased, is entitled to be enrolled as a Creek freedman, under the provisions of the act of Congress approved March 1, 1901 (31 Stats., L.861), and the application for his enrollment as such is accordingly granted.

Muskogee, Indian Territory,



COMMISSIONER.

FEB 1 - 1907



131

IN RE  
THE DEATH OF

Edwin Grayson  
a citizen of the

Ireen

Nation.

Approved \_\_\_\_\_ 190\_\_

Commissioner.

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

FILED

September 1, 1903

CHAIRMAN

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

In the matter of the death of Edwin Grayson  
(Here insert name of deceased.)  
a citizen of the Creek Nation, who formerly resided at or near  
Wetumka, Ind. Ter., and died on the 31st day of  
July, 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Western District.

I, Emma Grayson, on oath state that I am 35  
<sup>non</sup> years of age and a citizen, by blood, of the Creek Nation;  
that my post office address is Wetumka, Ind. Ter.; that I am  
The Mother of Edwin 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 Edwin Grayson died on the 31 day of  
July, 1901.

WITNESSES TO SIGN:  
Emma <sup>her</sup> Grayson  
mark  
Jas. H. Long  
Daniel Grayson  
(Must be Two Witnesses.)

Subscribed and sworn to before me this 16 day of September 1902.

Jas. H. Long  
Jay Cow Ex 7-1-1906  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Western District.

I, Annie James, on oath state that I am 35  
years of age, and a citizen, by blood, of the Seminole Nation;  
that my post office address is Wuvoka, Ind. Ter.;  
(Here insert name of post office.)  
that I was personally acquainted with Edwin Grayson,  
(Here insert name of deceased.)  
who was a citizen, by blood, of the Creek Nation;  
and that said Edwin Grayson died on the 31 day of  
July, 1901.

WITNESSES TO SIGN:  
Annie James  
(Must be Two Witnesses.)

Subscribed and sworn to before me this 10 day of Oct 1902.

Wetumka

W. J. Ryan  
Notary Public.

Green Enrollment No. 1157.

Edwin Grayson.

Litho on Cr Fr. Card No. 2073.

My dear Mother  
I have just received  
your letter of the 10th and  
was glad to hear from  
you. I am well and hope  
this finds you the same.  
I will write you soon  
and give you my love  
from all the folks.  
I am  
Your affectionate son  
A. C.

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

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

REFER IN REPLY TO THE FOLLOWING

D. C. 131.

Muskegee, Indian Territory, February 1, 1904.

Euna Grayson,

Wetumka, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the death of your child, Edwin Grayson, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskegee, Indian Territory, with two witnesses who know the date of the death of said child, for the purpose of being examined under oath.

Respectfully,



Commissioner in Charge.

17111

| COMMISSIONER OF THE BUREAU |          |             |    |
|----------------------------|----------|-------------|----|
| No.                        | Received | Date        | By |
| 13890                      |          | APR 19 1906 |    |

Posey, Alex,  
Wetumpka, I.T.,  
Creek Nation,  
April 19, 1906.

Transmits testimony in re  
application for enrollment  
of Edwin Grayson, deceased, as a  
Creek citizen.

D.A. 131.

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

Wetumka, Indian Territory, April 19, 1906.

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

Sir:

In the matter of the application for the enrollment of Edwin Grayson, deceased, as a Creek Freedman, there is enclosed herewith the testimony of Emma Grayson, taken April 12, 1906.

The testimony of the midwife in this case will follow as soon as same can be secured.

There is also enclosed herewith the affidavit of Emma Grayson in the matter of the death of Caesar Grayson, together with a copy of Creek Freedman card field number 230.

Respectfully,

*Alex. H. Hays*  
In Charge Creek Field Party.

REFER IN REPLY TO THE FOLLOWING:

D A 131.

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

Muskogee, Indian Territory, January 5, 1907.

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

Sir:

In the matter of the application for the enrollment of Edwin Grayson, deceased, as a Creek Freedman, I have the honor to report that the Creek field party is unable to secure further evidence and copy of the testimony heretofore taken in said cause is herewith returned.

Respectfully,

In charge of Creek field party.



Muskogee, Indian Territory,

February 12

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 from fraudulent evidence.

Respectfully,



Creek National Attorney.

J.P.T.

Ex 1157  
Creek 11, 1911.

Muskogee, Indian Territory, March 18, 1907.

Caesar Grayson,  
Wetumka, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior approved the enrollment of your minor child, Edwin Grayson, as a Creek Freedman, whose name appears opposite number 5689.

This child is now entitled to allotment, and application therefor should be made without delay at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

Residence \_\_\_\_\_

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

Post Office Bearden SS

Chick

NATION.

Frederick

ROLL.

Field No. 230

| Dawes' Roll No | NAME              | Relation-ship to Person First Named | AGE.  | SEX. | BLOOD. | TRIBAL ENROLLMENT. |            |       | TRIBAL ENROLLMENT OF PARENTS. |       |            |                 |       |             |
|----------------|-------------------|-------------------------------------|-------|------|--------|--------------------|------------|-------|-------------------------------|-------|------------|-----------------|-------|-------------|
|                |                   |                                     |       |      |        | Year.              | County.    | Page. | Name of Father.               | Year. | County.    | Name of Mother. | Year. | County.     |
| 802            | 1 Grayson, Cass   |                                     | 44    | M    |        | 1890               | North Fork |       | Butler Grayson                |       | Don't know | Polly Grayson   | 1890  | W.V.        |
| 803            | 2 Paulina         | Daughter                            | 22    | F    |        | 1890               | "          |       | No 1                          |       |            | Mama            |       | Chick. F.V. |
| 804            | 3 Alice           | "                                   | 14    | "    |        | 1891               | "          |       | "                             |       |            | "               |       | "           |
| 805            | 4 Berta           | "                                   | 5 1/2 | "    |        |                    |            |       | "                             |       |            | "               |       | "           |
| 806            | 5 Corolina, Allen | gr. dau.                            | 1     |      |        |                    |            |       | Mont Carolina                 |       | W.V.       | Paulina (No 2)  |       |             |
| 6              |                   |                                     |       |      |        |                    |            |       |                               |       |            |                 |       |             |
| 7              |                   |                                     |       |      |        |                    |            |       |                               |       |            |                 |       |             |
| 8              |                   |                                     |       |      |        |                    |            |       |                               |       |            |                 |       |             |
| 9              |                   |                                     |       |      |        |                    |            |       |                               |       |            |                 |       |             |
| 10             |                   |                                     |       |      |        |                    |            |       |                               |       |            |                 |       |             |
| 11             |                   |                                     |       |      |        |                    |            |       |                               |       |            |                 |       |             |
| 12             |                   |                                     |       |      |        |                    |            |       |                               |       |            |                 |       |             |
| 13             |                   |                                     |       |      |        |                    |            |       |                               |       |            |                 |       |             |
| 14             |                   |                                     |       |      |        |                    |            |       |                               |       |            |                 |       |             |
| 15             |                   |                                     |       |      |        |                    |            |       |                               |       |            |                 |       |             |
| 16             |                   |                                     |       |      |        |                    |            |       |                               |       |            |                 |       |             |
| 17             |                   |                                     |       |      |        |                    |            |       |                               |       |            |                 |       |             |
| 18             |                   |                                     |       |      |        |                    |            |       |                               |       |            |                 |       |             |

No 1 reported dead - on '95 roll

3/23/04 Adeline Grayson, Nettie says # 2, 3 and 4 have allotment in Chickasaw Nation - probably under some other name.

CR EN 1158

CR EN 1158

Muskogee, Indian Territory, January 24, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

June 25, 1906, there were filed with this office by E. Hastain, attorney at law, motions to reopen in the following Creek enrollment cases:

Katie E. Carothers, nee Posey, and her minor child, Mary P. Carothers;  
Sarah E. Casaver, nee Barber, and her children, J. D. and Teddy Casaver;  
L. R. Barber and minor children;  
William Posey;  
H. J. Barber and minor child;  
Ambrose Posey and minor children;  
B. B. Posey and minor children;  
James M. Posey and minor children;  
Ben A., Lizzie and Eva Barber;  
George W. Stinson and minor children;  
Jessie Fant.

Said motions are inclosed herewith for Departmental consideration.

It appears from an examination of the records of this office that applications for the admission to citizen-

Secretary 2.

ship in the Creek Nation of the persons included in the following cases, among those above mentioned, were rejected by the Commission to the Five Civilized Tribes, under the Act of Congress approved June 10, 1896 (29 Stats., 321) and an appeal having been taken from said decision to the United States Court for the Northern District of Indian Territory, the judgment of the Commission was affirmed:

Katie Carothers, nee Posey,  
Sarah E. Casaver, nee Posey,  
L. E. Barber,  
Jessie Fant,  
William Posey,  
H. J. Barber and child, Jessie J. Barber,  
Ambrose Posey and children, Thomas and Laura Posey,  
Benjamin B. Posey,  
James M. Posey,  
Ben A. and Eva Barber,  
George W. Stenson and child, Jack Stenson.

The records in the possession of this office further show that the persons included in the following cases, among those hereinbefore first mentioned, were not applicants for admission to citizenship in 1896:

Mary P. Carothers, child of Katie Carothers;  
J. D. and Teddy Casaver, children of Sarah E. Casaver;  
Lizzie Barber;  
the unnamed minor children of L. E. Barber;  
the unnamed minor children of Mary L. Posey;  
the unnamed minor children of Benjamin B. Posey;  
the unnamed minor children of James M. Posey.

Secretary S.

It further appears that there were two persons by the name of Sarah E. Barber rejected in 1896 by the decision of the Commission "in the matter of the application for the enrollment of Thomas B. Posey, et al.", which was the title of the case in which the aforesaid persons were rejected by the Daves Commission in 1896.

A further examination of the records of this office fails to show that the names of any of the above mentioned persons appear upon any of the authenticated tribal rolls of the Creek Nation, that they have ever been admitted to citizenship in said nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), or the United States Court in Indian Territory on appeal, or that they have made application for enrollment as citizens of said nation subsequent to the aforesaid decision of said Commission in 1896 denying their applications for admission to citizenship.

In view of the facts in the case, I respectfully recommend that the motions to reopen filed in this consolidated cause be denied.

Very respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.

945  
301

REFER IN REPLY TO THE FOLLOWING:

( COPY )

DEPARTMENT OF THE INTERIOR,

Land.  
8253-1907.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 24, 1907, transmitting the motions relative to the application of Katie E. Carothers et al. for enrollment as citizens by blood of the Creek Nation.

On June 25, 1906, motions were filed with the Commissioner to reopen the cases of Katie E. Carothers and her minor child, Mary P. Carothers; Sarah E. Casaver and her children, J. D. and Teddy Casaver; L. E. Barber and minor children; William Posey; H. J. Barber and minor child; Ambrose Posey and minor children; B. B. Posey and minor children; James W. Posey and minor children; Ben A., Lizzie and Eva Barber; George W. Stinson and minor children and Jessie Fart, applicants for enrollment as citizens by blood.

The Commissioner recommends that the motions be denied.

The record shows that the applicants are not enrolled as citizens by blood of the Creek Nation, nor were they admitted as citizens by blood of that nation by the tribal authorities, the Commission or the United States Court.



- 2 -

The Office concurs in the recommendation of the  
Commissioner adverse to the applicants.

Very respectfully,

C. P. Larrabee,

Acting Commissioner.

HRD-Y.

Cruik

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

I.T.D.5414-1907.

March 1, 1907.

LS

Direct.

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

Sir:

February 25, 1907 (Land 8253), the Indian Office transmitted your report dated January 24, 1907, forwarding motions to reopen the Creek enrollment cases of Katie E. Carothers et al., filed in your office June 25, 1906. You recommend that said motions be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department also concurs, and said motions are accordingly denied. Even if the motions presented prima facie cases for investigation, which they do not, the Department would not be justified in ordering a reopening of the cases, in view of the limited time allowed by the act of Congress approved April 26, 1906 (34 Stat., 137), for the completion of the citizenship rolls of the Five Civilized Tribes.

The papers in the matter and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

*James E. Wilson*  
Assistant Secretary.

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3-1-07

1 inc. and 2 to Ind. Of.

Cr.En. 1158

Muskogee, Indian Territory, March 12, 1907.

E. Hastain,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 1, 1907, denied motions to reopen in the following Creek enrollment cases:

Katie E. Carothers, nee Posey, and her minor child, Mary P. Carothers.  
Sarah E. Casaver, nee Barber, and her children J.D. and Teddy Casaver.  
L.E. Barber and minor children,  
William Posey.  
H. J. Barber and minor child;  
Ambrose Posey and minor children;  
B.B. Posey and minor children;  
James M. Posey and minor children;  
Ben A., Lizzie and Eva Barber;  
George W. Stinson and minor children;  
Jessie Fant.

Respectfully,

Commissioner.

Cr.En. 1158

Muskogee, Indian Territory, March 12, 1907

Katie E. Carothers,  
Care of E. Hastain,  
Attorney at Law,  
Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 1, 1907, denied motion to reopen the case in the matter of the application for the enrollment of Katie E. Carothers, nee Posey, and her minor child, Mary P. Carothers, et al, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

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

In the matter of the application of James M. Posey and minor children for enrollment as citizens of the Creek Nation.

MOTION TO REOPEN.

Come now the applicants in the above entitled cause and move that said case be reopened for the following reasons, to-wit:

First: Because the decision was rendered in this cause in 1896 and was never affirmed or passed upon by the Secretary of the Interior.

Second: Because said applicants are entitled to be heard under the Creek Agreement and existing laws at this time.

Third: Because it was the duty of the Commission to the Five Civilized Tribes to enroll these applicants upon the passage and ratification of the Creek Agreement.

Wherefore applicants pray that said cause be reopened and a rehearing granted these applicants.

---

Attorney for Applicants.

Service of a copy of the foregoing motion accepted this 25th day of June, 1906.

---

Attorney for the Creek Nation.

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

In the matter of the application of B. P. Posey, for the enrollment of himself and minor children as citizens of the Creek Nation.

Motion to Reopen.

Come now the applicants herein and move that the above entitled cause be reopened for the following reasons, to-wit:

First: Because the decision in said cause was rendered in 1896 and was not passed upon by the Secretary of the Interior;

Second: Because ~~new~~ laws and treaties have since been enacted.

Third: Because it was the duty of the Commission to the Five Civilized Tribes to enroll applicants.

Fourth: Because under the Creek Agreement and existing laws applicants are entitled to have their case passed upon by the Secretary of the Interior.

---

Attorney for Applicants.

Service of a copy of the foregoing motion accepted this 25th day of June, 1906.

---

Attorney for the Creek Nation.

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

In the matter of the application of Andrew Posey for the enrollment of himself and minor children as citizens of the Creek Nation.

MOTION TO REOPEN.

Come now the applicants in the above entitled cause and move that said cause be reopened for the following reasons, to-wit:

First: Because said decision was rendered <sup>under</sup> undifferent laws and treaties from those existing at the present time and the applicants are entitled to have a decision rendered under the existing laws and treaties.

Second: Because said decision was not affirmed or passed upon by the Secretary of the Interior.

Therefore applicant prays that said cause be reopened and that a rehearing be granted.

---

Attorney for Applicant.

Service of a copy of the foregoing motion accepted this 25th day of May, 1906.

---

Attorney for the Creek Nation.

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

In the matter of the application of H. J. Barber, for the enrollment of himself and minor children as Creek Citizens.

NOTION TO REOPEN.

Come now the applicants herein and move that the above entitled cause be reopened for the following reasons, to-wit:

First: Because the decision in said cause was rendered in 1896 and was not passed upon by the Secretary of the Interior.

Second: Because new laws and treaties have been enacted since said decision was rendered.

Third: Because it was the duty of the Commission to the Five Civilized Tribes to enroll applicants.

Fourth: Because under the Creek agreement and existing laws applicants are entitled to have their case passed upon by the Secretary of the Interior.

---

Attorney for the Creek Nation.

Service of a copy of the foregoing motion accepted this 25th day of June, 1906.

---

Attorney for the Creek Nation



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE CIVILIZED TRIBES.

In the matter of the application William Posey for enrollment  
as a citizen of the Creek Nation.

MOTION TO REOPEN.

Comes now the applicant and moves that his case decided in  
the year 1896 be reopened and a rehearing had for the reason that  
different laws and treaties exist at the present time; and for the  
further reason that the decision rendered in his case was not  
affirmed or passed upon by the Secretary of the Interior.

---

Attorney for applicants.

Service of a copy of the foregoing motion accepted this 25th day  
of June, 1906.

---

Attorney for the Creek Nation.

DEPARTMENT OF THE INTERIOR,  
BUREAU OF INDIAN AFFAIRS.

In the matter of the application of J. J. Barber for the enrollment of his children as citizens of the Creek Nation.

**MOTION TO REOPEN.**

Comes now the applicant's herein and moves that the above entitled cause be reopened and rehearing had for the following reasons, to-wit:

Because the decision in said cause was rendered in 1896 and has not since been passed upon by the Secretary of the Interior.

Second: Because new laws and treaties have been enacted since said decision was rendered.

Third: Because it was the duty of the Commission to the Five Civilized Tribes to enroll applicants.

Fourth: Because under the Creek Agreement and existing laws applicants are entitled to have their case passed upon by the Secretary of the Interior.

---

Attorney for the Creek Nation.

Service of a copy of the foregoing motion accepted this 25th day of June, 1906.

---

Attorney for the Creek Nation.

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

In the matter of the application of Sarah E. Casaver (nee Barber) for the enrollment of herself and children J.D. and Teddy Casaver as citizens by blood of the Creek Nation.

Comes now the applicants herein and move that the above entitled cause be re-opened and consolidated with the case of James W. Barber et al. for the reasons assigned in that case in the motion to reopen said cause.

---

Attorney for Applicants.

Service of a copy of the foregoing motion accepted this \_\_\_\_\_ day of June, 1906.

---

Attorney for Creek Nation.

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

In the matter of the application of Katie E. Carothers, (nee Posey) for the enrollment of herself and minor child Mary P. Carothers as citizens by blood of the Creek Nation.

Comes now Katie E. Carothers the principal applicant herein, and moves that the above entitled cause be re-opened and consolidated with the case of George W. Posey et al and considered in connection with that case for the reason assigned in the motion to reopen said cause.

---

Attorney for applicants.

Service of a copy of the foregoing motion accepted this \_\_\_\_\_  
day of June, 1906.

---

Attorney for the Creek Nation.

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

In the matter of the application of Jesse Fant for enrollment as a citizen of the Creek Nation.

MOTION TO REOPEN.

Comes now the applicant herein and moves that his above entitled cause be reopened for the following reasons to-wit:

First: Because said decision was rendered in 1896 and was not passed upon by the Secretary of the Interior.

Second: Because new laws and treaties have been enacted since said decision was rendered.

Third: Because it was the duty of the Commission to the Five Civilized Tribes to enroll applicant.

Fourth: Because the Creek agreement and existing laws provide for the enrollment of applicant.

---

Attorney for Applicant.

Service of a copy of the foregoing motion accepted this 25th day of June, 1906.

---

Attorney for the Creek Nation.

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

In the matter of the application of George W. Stinson and  
minor children, for enrollment as citizens of the Creek Nation.

MOTION TO REOPEN.

Come now the applicants herein and move that the above en-  
titled cause be reopened and that a rehearing be had for the fol-  
lowing reasons, to-wit:

First: Because the decision in said cause was rendered in  
1896 and was not passed upon by the Secretary of the Interior.

Second: Because new laws and treaties have been enacted  
since said decision was rendered.

Third: Because it was the duty of the Commission to the Five  
Civilized Tribes to enroll applicants.

Fourth: Because under the Creek Act and existing laws,  
applicants are entitled to have this cause passed upon by the  
Secretary of the Interior.

---

Attorney for applicants.

Service of a copy of the foregoing motion accepted this 25th day of  
June, 1906.

---

Attorney for the Creek Nation.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONERS OF THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ben A.,  
Liza and Eva Barber as citizens of the Creek Nation.

MOTION TO REOPEN.

Come now the applicants herein and move that the above enti-  
tled cause be reopened and rehearing be had for the following  
reasons, to-wit:

First: Because the decision in said cause was rendered in  
1896 and was not passed upon by the Secretary of the Interior.

Second: Because new laws and treaties have been enacted since  
said decision was rendered.

Third: Because it was the duty of the Commission to the Five  
Civilized Tribes to enroll applicants.

Fourth: Because under the Creek Agreement and existing laws  
applicants are entitled to have their case passed upon by the Sec-  
retary of the Interior.

---

Attorney for applicants.

Service of a copy of the foregoing motion accepted this 25th day of  
June, 1908.

---

Attorney for the Creek Nation.

CR EN 1159

CR EN 1159

see EN #340  
cave



Records in this case see Cr. Enrollment Case #340.

CR EN 1160

CR EN 1160

See Creek memo #37

CR EN 1161

CR EN 1161

DEPARTMENT OF THE INTERIOR,

WASHINGTON, January 18, 1907.

JF Jr. LEB.

I.T.D. 160-1907.

LES.

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

Sir:

On January 4, 1907 (Land 84732-1906), the Indian Office transmitted your report dated September 25, 1906, in the matter of the alleged application of Tim Calver Cunliffe for enrollment as a Creek freedman.

Your report that the records of your office fail to show that any application has ever been made for Tim Calver Cunliffe.

The Indian Office recommends that your report be approved and that Mr. Cunliffe be notified accordingly.

Said report is hereby approved.

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

Respectfully,

Thos. Ryan,

First Assistant Secretary

Through the Commissioner  
of Indian Affairs.

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CR EN 1161 1/2

CR EN 1161 1/2

C.I. 2604-5946.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Henryetta, I. T., March 28, 1906.

In the matter of the enrollment of David C. Watson, deceased,  
and John Watson, deceased, as citizens by blood of the Creek Nation.

KATY WATSON, being duly sworn, testified as follows:

Through Alex Posey official interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Katy Watson.  
Q How old are you? A Thirty-five.  
Q What is your post office address? A Henryetta.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Did you know David C. Watson? A Yes, sir, he was my uncle/  
Q Do you know to what town he belonged? A Eufaula Canadian.  
Q Did he have a family? A Yes, sir.  
Q What was the name of his wife? A Sallie Watson.  
Q Do you know when he died? A He died March 6, 1899.  
Q How do you fix the date of his death? A By a record which I have  
in this bible.

Witness presents a Creek Testament in which the following  
entry is found: "David Watson March 6, 1899."

- Q Does this refer to the date of the death of your uncle, David C.  
Watson? A Yes, sir.  
Q Who made this record? A I did.  
Q When did you make it? A Shortly after he died---in a few days  
after. I was not able to be present at his funeral on account of  
sickness in my own family.  
Q You are positive are you that this record gives the correct date  
of his death? A Yes, sir.  
Q Do you know whether or not he was enrolled and given an allotment  
of land in the Creek Nation? A No, sir, I do not know.  
Q Do you know John Watson? A Yes, sir.  
Q What relation was he to you? A First cousin.  
Q Do you know to what Creek Indian Town he belonged? A I think  
he belonged to Hillabee.  
Q Do you know who his father was? A John Watson.  
Q What is the name of his mother? A Annie Watson.  
Q Do you know when he died? A February 15, 1899. I made a  
record of his death in that same book.

An entry in the Creek Testament, above referred to, reads  
as follows: "John Watson Pep 15 1899."

- Q Is 'Pep' an abbreviation of February? A Yes, sir.  
Q Does this entry refer to the death of John Watson? A Yes, sir.  
Q When did you make this record? A Shortly after he died. Several  
members of the Watson family died of an epidemic called meningitis.  
John was the first one that died. The second one to die was Little  
Joe Watson. He died February 15, 1899.  
Q Who was Little Joe Watson? A Little Joe was my brother. His  
father is Joe Watson, who is living. The third member of the family  
to die was Daniel Watson. He died February 22, 1899.  
Q Was there a record made of their deaths in this Bible? A Yes,  
sir.

Entries in the Creek Testament, heretofore referred to, read as follows: "Little Joe Watson Pap 15 1899." "Daniel Watson Pap 22 1899."

- Q You made all of these entries did you? A Yes, sir.
- Q What relation was Daniel Watson to you? A First cousin. He was a brother of John Watson.
- Q How old was Daniel when he died? A He was born either on the 3rd or 13th of August, 1861.
- Q How old was Little Joe at the time he died? A I think he was born sometime in 1876. I think in March.
- Q How old was John Watson at the time of his death? A He was about a year older than I was.
- Q Do you know how old David C. Watson was at the time he died? A He was an old man, I do not know his age. He was the oldest member of the Watson family.
- Q Who was the mother of Little Joe? A Nellie Watson.
- Q You do not know whether any of these people have been enrolled and allotted land? A No, sir, but my attention was called to the fact that the allotment of Daniel Watson was listed for sale.
- Q Who called your attention to that? A My father, Joe Watson. We did not know what Daniel Watson it could be.
- Q There is on file in the office of the Commissioner, affidavits executed March 7, 1902, by Sandy Watson and Joe Brown stating that John Watson died February 15, 1900. What have you to say to that? A I know that is not the correct date of his death. The day and month is correct but the year is not. The Bible record which I have shown you is the correct date.
- Q Is there any other member of the Watson family named Daniel? A There is a son of Daniel Watson named McDaniel Watson. He is an illegitimate son of Daniel Watson, deceased.
- Q What is the name of McDaniel Watson's mother? A Lizzie Salt.
- Q Is McDaniel Watson living? A Yes, sir.
- Q Do you know whether or not he is enrolled under that name? A I do not know but presume so.
- Q Is there any other member of the family named Daniel Watson? A Yes, sir, there is a little boy who is also the son of Daniel Watson, deceased. I do not know how old he is but he was a small child at the time his father died.
- Q What is the name of his mother? A Katy Watson.
- Q Was Katy Watson the lawful wife of Daniel Watson, deceased? A Yes, sir.
- Q Is she living? A Yes, sir.
- Q How old is McDaniel Watson? A He is about twenty-four years old. He has a wife and child. His wife's name is Louisa, formerly Louisa Byrd. The child's name is John, who has been enrolled as a new born.

---ooo000ooo---

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 2 day of April, 1906.

Wm. B. [Signature]  
Notary public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
OKMULGEE, I. T., OCTOBER 11, 1906.

In the matter of the application for the enrollment of David C. Watson and John Watson, both deceased, as citizens by blood of the Creek Nation.

SANDY WATSON, being first duly sworn by Alex Posey, a Notary Public, and examined, testified as follows:  
Partly through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

- Q What is your name? A Sandy Watson.
- Q How old are you? A I am about 30 years old.
- Q What is your postoffice address? A Dustin.
- Q Are you a Creek citizen? A Yes sir.
- Q Were you acquainted with David C. Watson? A Yes sir.
- Q What relation was he to you? A He was my father.
- Q Do you know when he died? A He died in 1900.
- Q How do you fix the date of his death? A He died on the 6th day of March, 1900.
- Q Have you a record showing the date of his death? A Yes, I have down home.
- Q And is it written in a book? A Yes sir, in a memoranda book.
- Q Who made the record? A I did.
- Q When did you make it? A I think at the time my father died.
- Q On the same day? A I do not know whether it was on the same day or not but it was either on the day he died or a short time afterwards.
- Q Do you know Katie Watson? A Yes sir, I know her. That was my uncle's daughter, Joe Watson.
- Q Katie Watson has testified in this case and she states that David C. Watson died March 6, 1899, and corroborates her statement by a Bible record. De you knew anything about that record? A No sir.
- Q You have never consulted that record? A No sir.
- Q What relation was she to David C. Watson? A Niece.
- Q Are you in the habit of keeping a record of the deaths in your family? A Yes sir, it was the custom of my father during his life-time to keep a record of the deaths in our family and I have continued to keep a record since his death. I now remember that I wrote the record of the death of my father when I settled the bill for his coffin. The coffin was made by Harrison Sneed, a blacksmith at Watsonville. When I went to settle up the account I had forgotten the date of my father's death but Sneed's account book showed that he had made the coffin for my father on March 6, 1900.



- Q How long was it after your father died before you paid the Sneed account? A About a year.
- Q Do you remember the amount of the account? A Three and a half or Four Dollars, I don't remember exactly but it was not much, it was a cheap rough coffin.
- Q Where is this man Sneed living at the present time? A I think he is now living at Holdenville. I have not seen him for about two years.
- Q Did you know John Watson? A Yes sir.
- Q What relation was he to you? A He was my cousin.
- Q Do you remember when he died? A It wa 15th of February.
- Q What year? A In 1900. I think he died on the 15th of February, 1900. He died just before my father.
- Q What helps you to remember the date of his death? A By reason of the fact that he was the first member of the Watson family to die in that year. I waited on him and cared for him during his illness and settled up his affairs after his death.
- Q Katie Watson has also testified with reference to the death of John Watson and her testimony corroborated by a Bible record in her possession shows that John Watson died February 16, 1899? A I never talked with Katie with reference to the death of either my father or John Watson and do not know what reason she had for making a record of their deaths, she was not present when either of them died. I am sure that the dates of their deaths furnished by me to the Commission are correct because I investigated the matter carefully before my application for their enrollment. At the time my father, David C. Watson died I belonged to the Snake Faction and was strongly opposed to allotment, in fact I was arrested and taken to Muskogee by the Federal authorities for conspiracy with a number of other persons. For that reason it was some-time after the death of my father, David C. Watson, before I concerned myself about securing their rights, but did not know that my father was entitled to any rights until I settled the account for his coffin.
- Q Do you remember the circumstance of the opening of the Creek Land Office? A I heard about it.
- Q Was your father, David C. Watson and John Watson living at that time? A I think they were both living because my father had looked over the land he desired to select as his allotment and had taken a description of it.
- Q How long was it after the opening of the Creek Land Office before your father died? A I do not know, all I knew about it is that he picked out the land he wanted to file upon in the Winter of the year in which he died. He died in the Spring. I know that he was ready to file upon his land when he died.
- Q You do not know of your own personal knowledge, do you, the exact date of the death of your father, David C. Watson?
- A No sir.

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.

Subscribed and sworn to before me,  
this, the 6 day of Nov, 1906.

JBM

*James B. Myers*  
Notary Public

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
NEAR DUSTIN, INDIAN TERRITORY,  
DECEMBER 7, 1906.

In the matter of the enrollment of David C. Watson and John Watson, both deceased, as citizens by blood of the Creek Nation.

J. R. WATSON, being first duly sworn by Alex Posey, a Notary Public, and partly examined through said Alex Posey, official Interpreter, testified as follows:

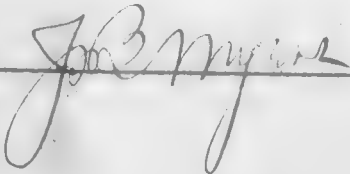
BY THE COMMISSIONER:

- Q What is your name? A J. R. Watson, am commonly known as Joe Watson.
- Q How old are you? A I am 57, 20th of last June.
- Q What is your postoffice address? A Dustin.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q To what Creek town do you belong? A Eufaula Canadian.
- Q Were you acquainted with David C. Watson, deceased? A Yes sir.
- Q What relation was he to you? A A brother.
- Q Were you acquainted with John Watson, deceased? A Yes.
- Q What relation was he to you? A He was my nephew.
- Q To what Creek town did your brother, David C. Watson, belong?  
A Eufaula Canadian.
- Q Was he married at the time of his death? A Yes.
- Q What was the name of his wife? A Sallie.
- Q Is she living? A Yes, she is living, but she is sick, been sick for about two years now.
- Q Did David C. Watson have any children? A Yes. Sarah McFarland and Sandy Watson are the only ones living.
- Q Do you know the exact date of the death of David C. Watson?  
A I don't know, I thought I did but I don't know, it was a mistake some way.
- Q Can you tell about when he died? A I have forgotten.
- Q Do you remember the circumstance of the opening of the Creek Land Office? A No sir.
- Q You don't remember then when citizens first began filing upon lands in the Creek Nation? A No sir.
- Q Do you remember in what season of the year it was that David C. Watson died? A It was in March, in the month of March.
- Q Was it in the early part of March or the latter part? A Near about the first.
- Q Are you sure of that? A Yes, from all I know it was in March.
- Q Do you know how many years it has been since he died?  
A I could not say.
- Q Are you acquainted with Katie Watson? A Yes, I am acquainted with her.

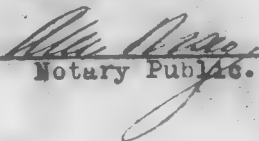
- Q Is she a relative of yours? A She was my daughter.
- Q Is she dead? A Yes sir, she is dead.
- Q Katie Watson testified in this case March 28, 1906, and stated that David C. Watson died March 6, 1899, corroborating her statement by a Bible record. Do you know if that date is correct or not? A I don't know. It has always seemed to me that that is when he died, but I cannot state positively that that is the correct date of his death.
- Q Did you ever see that Bible record? A No sir.
- Q Do you know if Katie knew when David C. Watson died? A I don't think she was there at the time he died.
- Q Was she there when he was burried? A I don't think she was.
- Q Where was Katie living at that time? A Near Henryetta.
- Q Do you know if she was in the habit of keeping a record of the deaths in the Watson family or not? A I never knew that she did until I heard of that Bible record.
- Q Do you know when you filed upon your allotment? A No sir, I could not tell you.
- Q Did you have any member of your family to die at about the time David C. Watson died? A Well, my son died.
- Q What was his name? A Joe Watson.
- Q Do you remember the date of his death? A Yes.
- Q When did he die? A It was in '99.
- Q In what month? A It was February 15th.
- Q There was no land allotted to him, was there, by the Commissioner? A No sir.
- Q How long before David C. Watson died, was it before your son Joe died? A I don't remember.
- Q Was it a few weeks, or longer. A I can't tell how long it was.
- Q Was it in the same year? A I think it was.
- Q Can't you state positively whether it was in the same year or not? A Yes sir, it was in the same year.
- Q Your son, Joe Watson, died February 15, 1899, and David C. Watson died in March of the same year. Is that correct? A Yes sir.
- Q Were you present at either the death or burrial of David C. Watson? A Yes, I was there.
- Q Where is he burried? A Over across the river at his old place.
- Q Is the grave marked by a tombstone or headboard? A By a headboard I think.
- Q Is there any ~~instert~~ inscription on that headboard showing the date of his death? A There must be though I am not certain about that.
- Q Is the headboard protected by a gravehouse? A Yes sir, there is a house over the grave.
- Q Do you know when John Watson died? A He died just a few hours before my son died.
- Q Before your son Joe? A Yes sir, John died at four o'clock that evening and my son died at nine o'clock that night.
- Q Was that on the evening of February 15, 1899? A Yes sir.
- Q Was there any member of the Watson family that died about the time that John and David C. Watson died? A Dave's brother-in-law died a little after he died.
- Q What was his name? A Ben Hawkins.
- Q In the same month was it? A It was just after, I cannot remember just when it was, but it was not long, and my nephew Daniel Watson died after my son Joe died and before David C. Watson died.

Q Do you know if allotments of land had been made to either Ben Hawkins or your nephew, Daniel Watson?  
A No sir, I don't.

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.

  
\_\_\_\_\_

Subscribed and sworn to before me,  
this 13 day of Dec, 1906.

  
\_\_\_\_\_  
Notary Public.

JBM

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IN RE  
THE DEATH OF

*John Watson*  
a citizen of the

*Creek* Nation.

---

Approved ..... 190

.....  
Commissioner.

---

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

In the matter of the death of John Watson  
(Here insert name of deceased.)  
 a citizen of the Creek Nation, who formerly resided at or near  
Watsonville Ind. Ter., and died on the 13<sup>th</sup> day of  
February, 1900.  
(Here insert name of postoffice.)

Copy  
 AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern DISTRICT.

I, Santy Watson, on oath state that I am 26  
 years of age and a citizen, by Blood, of the Creek Nation;  
 that my postoffice address is Watsonville, Ind. Ter.; that I am  
a cousin of John Watson  
(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 John Watson died on the 15<sup>th</sup> day of  
February, 1900.  
(Here insert name of deceased.)

WITNESSES TO MARK: (Signed) Santy Watson  
 { H. G. Jones (Seal)  
(Must Be Two Witnesses.) { W. E. Butler  
 Subscribed and sworn to before me this 7<sup>th</sup> day of March 1900  
M. J. Butler  
 Notary Public.

Copy  
 AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern DISTRICT.

I, Joe Brown, on oath state that I am 23  
 years of age, and a citizen by Blood of the Creek Nation;  
 that my postoffice address is Watsonville, Ind. Ter.;  
(Here insert name of postoffice.)  
 that I was personally acquainted with John Watson  
(Here insert name of deceased.)  
 who was a citizen, by Blood, of the Creek Nation;  
 and that said John Watson died on the 15<sup>th</sup> day of  
February, 1900.  
(Here insert name of deceased.)

WITNESSES TO MARK: (Signed) Joe Brown  
 { H. G. Jones (Seal)  
(Must Be Two Witnesses.) { W. E. Butler  
 Subscribed and sworn to before me this 7<sup>th</sup> day of March 1900  
M. J. Butler  
 Notary Public.

INDEXED

COMMISSIONER TO THE PEOPLE

|              |                         |              |              |
|--------------|-------------------------|--------------|--------------|
| No.<br>50869 | Received<br>NOV 23 1906 | 2000<br>3000 | 1000<br>1000 |
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9.2604  
3946

Posey, Alex  
Welsetka, I.T.  
Nov. 22, 1906.

Transmits testimony in  
re enrollment of Daniel C.  
and John Watson.

REPLY IN REPLY TO THE FOLLOWING:

C. I. 2604,  
3946.

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

Weleetka, Indian Territory, November 22, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In the matter of the enrollment of Daniel C. Watson and John Watson, both deceased, as citizens by blood of the Creek Nation, there is inclosed herewith the testimony of Sandy Watson, taken by the Creek Field Party October 11, 1906.

The testimony of Joe Watson, which is desired in this case, will be transmitted as soon as same has been secured.

Respectfully,

*Allen May*  
In Charge,  
Creek Field Party.

JBM



COMMISSIONER TO THE TERRITORY

|              |          |             |      |
|--------------|----------|-------------|------|
| No.<br>54634 | Received | DATE        | PAGE |
|              |          | DEC 17 1906 |      |

Poscy, Alex,  
Dustin, I. T.,  
Dec. 15, 1906.

Cr. J. 2604  
" 3946

**CREEK ENROLLMENT:**

Transmits testimony in re  
application for enrollment  
of David G. and John Watson,  
deceased.

REFER IN REPLY TO THE FOLLOWING:

C. I. 2604,  
3946.

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

Dustin, Indian Territory, December 15, 1906.

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

Sir:

In the matter of the enrollment of David C. Watson and John Watson, both deceased, as citizens by blood of the Creek Nation, there is herewith inclosed the testimony of J. R. Watson, taken by the Creek Field Party December 7, 1906, together with copies of record in said cause.

Please advise me if further evidence is desired in said cause.

Respectfully,

  
in Charge,  
Creek Field Party.

JBM

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

The records in the possession of this office show that on May 21, 1901, the name of David C. Watson was listed by the Commission to the Five Civilized Tribes upon Creek Indian card, field number 2604, and that on May 23, 1901, the name of John Watson was listed upon Creek Indian card, field number 3128, the name of David C. Watson appearing upon the 1890 authenticated roll of the Creek Nation, as a member of Eufaula Canadian town, and the name of John Watson appearing upon the 1890 authenticated roll of the Creek Nation, as a member of Hillabee Canadian town, the names of said persons also appearing upon the 1895 pay rolls of said town respectively. The names of David C. Watson and John Watson were listed upon said cards in order to preserve whatever rights they might possess as citizens of the Creek Nation.

The records further show that said David C. Watson and John Watson are duly enrolled as citizens by blood of the Creek Nation, the name of David C. Watson appearing upon a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite roll number 7663,

**Secretary 2.**

and the name of John Watson appearing upon a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior November 14, 1902, opposite number 9077.

There are on file at this office affidavits executed December 17, 1901, by Santy Watson and Earl Wynn, to the effect that Dave Watson died March 6, 1900, and another affidavit executed by Santy Watson, January 3, 1902, to the effect that David C. Watson, died March 6, 1900, and that the Dave Watson referred to in the death affidavit made by Santy Watson and Earl Wynn, December 17, 1901, was identical with said David C. Watson.

There are also on file in this office affidavits executed by Santy Watson and Joe Brown, on March 7, 1902, to the effect that John Watson died February 13, 1900.

Information having reached this office that said David C. Watson and said John Watson were not entitled to citizenship in the Creek Nation, by reason of having died prior to April 1, 1899, a field party of the Commissioner was instructed to procure additional evidence in the matter of the right of said persons to enrollment.

On March 28, 1906, one Katy Watson appeared before said field party, at Henryetta, Indian Territory, and gave testimony regarding the deaths of said David C. Watson and John Watson.

It appears from the transcript of this testimony that said witness, when on the stand, exhibited a copy of a testament

Secretary J.

printed in the Creek Language, in which volume was written "David Watson, March 6, 1899" and "John Watson, Feb. 15, 1899." She testified that she herself made these entries shortly after the deaths of the respective persons to whom said entries referred and that said dates were the dates on which said deaths occurred. She also testified that the letters "Feb" were intended by her to indicate the month February.

I would respectfully call attention to the fact that these parties, David C. Watson and John Watson are duly enrolled citizens of the Creek Nation, and that, as such, they should not be stricken from the roll without convincing evidence that they were erroneously placed thereon, and to the further fact that we have the affidavits of two persons as to the date of the death of David C. Watson, and one of these persons has made a second affidavit corroborating his first one, and that we have also the affidavits of two persons to the date of the death of John Watson, all of which affidavits show said parties to be entitled to enrollment, while on the other hand, there is but the testimony of one witness to the effect that these parties died prior to April 1, 1899, and although said witness has exhibited a written record, said record was made by her and same consists of nothing but the names of these persons and certain dates, which would be meaningless unless explained by her testimony.

Secretary 4.

In view of the facts above set out, I respectfully recommend that the names of David C. Watson and John Watson be not stricken from the rolls of the Creek Nation.

The record in the case is transmitted herewith.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

HK-8.

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

JE

I.T.D. 7922-1907.

FHB

March 4, 1907.

SIR, (Direct.

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

Sir:

In accordance with the recommendations contained in your letter of February 28, 1907, and Indian Office letter of March 2, 1907 (Land 21717-07), copy enclosed, the names of David C. Watson and John Watson, on the Creek ~~Free~~ roll by blood and the name of Sarah Helleway, et al., on the Creek Freedman roll, will be allowed to stand.

A copy hereof has been sent to the Indian Office with the papers in the case.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inc. and  
4 for Ind. Of. with  
copy hereof .

WCF-3-5-07.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

LAWD  
21717-1907.  
21718-1907.

March 2, 1907.

The Honorable,  
The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letters of February 28, 1907, from Tams Bixby, Commissioner to the Five Civilized Tribes, wherein he reports:

(1) That the name of David C. Watson appears on the approved roll of Creek citizens No. 7663, and John Watson, opposite No. 977.

It having been alleged that these persons had died before April 1, 1899, and that they were therefore not entitled to enrollment, the Commissioner instituted an investigation and determined that the proof of their having died before April 1, 1899 was not sufficient and recommends that their names be allowed to stand.

(2) On October 4, 1906, the acting Attorney for the Creek Nation instituted proceedings in the matter of the enrollment of Sarah Holloway, et al appearing opposite Nos. 4741 to 4745 including, on the roll of Creek freedmen. The Commissioner reports that he made an investigation into the matter and formed the opinion therefrom that the proof submitted would not justify the striking of the names from the roll and recommends accordingly.

The matters have been investigated in the Office and it is believed that the action of the Commissioner is well founded



and it is recommended that his action be approved.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

EBH-Ph.

Cr. No. 1161-1/2.

Muskogee, Indian Territory, March 15, 1907.

Joe Watson,

Dustin, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1907, concurred in the recommendation of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, that the names of David C. Watson and John Watson, appearing upon Creek Indian roll, be allowed to stand.

Respectfully,

Commissioner.

JBM

Cr. En. 1161-1/2.

Muskogee, Indian Territory, March 15, 1907.

Chief Clerk,  
Creek Land Office,  
General Office.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1907, (I.T.D. 7922-1907), concurred in the recommendation of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, that the names of David C. Watson and John Watson, opposite numbers 7663 and 9077, respectively, on the approved roll of Creek citizens by blood, be allowed to stand.

Respectfully,

Commissioner.

JBM

1766  
Row no's 7663  
9077

1761 1/2

John & David C.  
Watson

3946

1764

RECEIVED

1765

CR EN 1162

CR EN 1162

See Seminoke Jacket 505

CR EN 1163

CR EN 1163

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
WELEETKA, I. T., NOVEMBER 23, 1906.

In the matter of the enrollment of Nixie Fife as a citizen  
by blood of the Creek Nation.

NIXIE FIFE, being first duly sworn by, and examined through,  
Alex Posey, a Notary Public, and Official Interpreter, testified as  
follows:

BY THE COMMISSIONER:

- Q What is your name? A Nixie Fife.  
Q How old are you? A I am about 50 years old.  
Q What is your postoffice address? A Weleetka.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q To what Creek town do you belong? A Concharte.  
Q Who were your parents? A I do not remember the name of my  
mother, she died while I was very young, but my father was  
Chuchart Harjo, or Tully Fife.  
Q Have you a family? A Yes sir.  
Q Can you name the members of your family? A Jacob, Mellie, Sukey,  
Betsy and Robert Fife; I had ane the a grown daughter named Lize  
that died in 1902, she was the wife of Wesley Siah, she had two  
children by him.  
Q Do you know of any other member of your town named Nixie Fife?  
A No sir, there is no such member.  
Q Have you made selection of land for yourself and family?  
A No sir, I have never appeared in person before the Commission to  
file upon land for myself or for any members of my family. I  
am opposed to allotment and will never consent to the distribu-  
tion of tribal property. I have faith in the honor of the  
United States and firmly believe that it will keep its treaties  
with the Indians. I am an active member of the Eufaula Harjo  
Faction of the Snake Party and have spent much of my means in  
trying to forward the cause of my people. We have a lawyer  
at Washington named H. B. Moulton who is looking after our inter-  
ests. I have paid him about \$200.00 myself. Moulton advised  
us not long ago that a Senatorial Committee would visit Indian  
Territory and that we should appear before that committee and  
plead our cause. A delegation of our faction called upon the  
Senatorial Committee at Vinita and laid our cause before it. We  
are now waiting to see what the next Congress will do for us.  
Q Do you know if you have been arbitrarily given an allotment of  
land by the Commission to the Five Civilized Tribes? A Yes,  
sir, I have received certificates of allotment and deeds to lands  
allotted to me but I have returned all of them to the Indian Agent  
at Muskogee. I think I was given two allotments of land by the  
Commission but I will accept neither of them.

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.

Subscribed and sworn to before me,  
this 10 day of Dec, 1906.

JBM

*James B. Myers*  
\_\_\_\_\_  
*Alex Posey*  
\_\_\_\_\_  
Notary Public.

INDEXED

|                        |             |
|------------------------|-------------|
| COMMUNICATIONS SECTION |             |
| No.                    | Date        |
| 53807                  | DEC 12 1906 |

Posey, Alex,  
Austin, I. T.,  
Dec. 11, 1906.

*Ca. S - 1479*  
*3212*

Transmits testimony in re appli-  
cation for enrollment of Nixie  
Pife.

OFFER ENROLLMENT.



REFER IN REPLY TO THE FOLLOWING:

C. I. 1479,  
3212.

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

Dustin, Indian Territory, December 11, 1906.

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

Sir:

In the matter of the enrollment of Nixie Fife as a citizen by blood of the Creek Nation, there is herewith inclosed the testimony of said Nixie Fife taken by the Creek Field Party November 23, 1906, together with copies of Creek Indian Cards field numbers 1479 and 3212.

Respectfully,

  
In Charge,  
Creek Field Party.

JBM

Muskogee, Oklahoma, May 6, 1909.

Subject:  
In the matter of  
the duplicate en-  
rollment of Hixey  
Fife.

-----  
The Honorable,  
The Secretary of the Interior,

Sir:

The name "Hixey Fife" appears on Creek Indian Card, Field No. 1479, Tuckabatchee Town, and is contained in partial schedule of citizens by blood of the Creek Nation approved by the Department March 13, 1902, opposite No. 4699, together with other members of his family.

The name "Hixie Fife" appears alone on Creek Indian Card, Field No. 3212, Concharde Town, and is contained in partial schedule of citizens by blood of the Creek Nation approved by the Department March 28, 1902, opposite No. 8430.

Considering the testimony of Hixey Fife taken November 23, 1906, it would appear that the name "Hixie Fife"

Secretary of Interior--42

opposite roll number 8430 is a duplicate of "Nixey Fife" opposite roll number 4699. Fife in his testimony says that the name of his father was Chuohart Harjo or Tully Fife, and that he thinks there were two allotments of land given him but that he would accept neither.

It appears on the Card on which the name "Nixey Fife" is listed that the name of the father of said Fife is given as Tully Fife, and on the Card on which the name "Nixie Fife" is listed, the name of the father is given as Chuohart Harjo. It appears from the records of this office that arbitrary allotments were made to both Nixey Fife on Card, Field No. 1479, and Nixie Fife, on Card, Field No. 3212. The deeds covering the allotments in both cases have been issued, approved and recorded, and were in 1903 delivered to the Principal Chief of the Creek Nation.

In view of the facts and the evidence in this matter, I am of the opinion that the enrollment of said Nixie Fife (8430) was erroneous and is the result of a duplication of the record of the tribal enrollment made by the Creek tribal authorities.

This office is reliably informed that Fife died about three weeks ago, and I therefore respectfully recommend that an effort be made to secure from the heirs of

Secretary of Interior--23

said Fife, if competent to convey, a deed of re-conveyance, covering the allotment made to "Nixie Fife," approved roll number 8430, or in event of failure to so secure a re-conveyance, the matter be reported to the United States District Attorney for such action in the premises as may be deemed advisable, looking to the cancellation of said allotment.

A transcript of the testimony of Nixey Fife, above referred to, and copies of Creek Indian Cards, field Nos. 1479 and 3212, are herewith enclosed.

Respectfully,

SCP(MPC)  
Incl. 6-1

Commissioner.

Through the Commissioner  
of Indian Affairs.

Muskogee, Oklahoma, May 25, 1909.

Register of Deeds,  
Sapulpa, Oklahoma.

Sir:

Receipt is acknowledged of your reply to office communication of May 19, 1909, transmitting for record a statement concerning future action as to certain land allotted to Nixie Fife, in which you state that your office will not perform any work until the fee of sixty-five cents is paid.

In reply thereto I beg to suggest that, as this office operates under regulations promulgated by the Department, and, consequently, that for any departure from such rules, authority will have to be asked, it is requested that, if possible, you waive your office rule.

I beg to enclose herewith official envelope for reply which requires no postage.

Respectfully,

DHB (LGG)  
Encl. 25-3.

Commissioner.

Refer in reply to the following:

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DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Oklahoma, May 19, 1909.

Register of Deeds,  
Sapulpa, Oklahoma.

Sir:

There is enclosed for record a statement of this Office concerning future action as to certain land allotted to Nixie Fife. Please give this matter early consideration and forward bill for same as this Office can not defray such expense until the work has been performed.

Respectfully,

DHB(AV)  
Encl. 19-1.

*J. B. Leakey*  
Commissioner.

*This office does not do the work till  
the fee is paid.  
Fee 65 cts*

*L. J. Spurr*

CR EN 1164

CR EN 1164

Creek Indian Card 4560.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Melleete, Indian Territory, December 7, 1905.

In the matter of the enrollment of Millie Roberts ,  
deceased, as a citizen by blood of the Creek Nation.

Johnson Phillips being duly sworn testified as follows  
through Alex Posey official interpreter.

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 Eufaula.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q To what town do you belong? A Tuskegee  
Q Did you know Millie Roberts? A Yes, sir  
Q When did she die? A August 23, 1897  
Q How do you fix the date of her death? A By the record in the  
Artussee churchbook. She was a member of the church and the record  
of her death was entered in the book on the day she died.  
Q Who made the record? A Cully McNac, secretary of the church.  
Q Are you positive that the date written in the churchbook is  
correct? A Yes, sir, it is so recognized by the church.  
Q What position do you hold in Artussee church? A I am pastor of  
the church, I was pastor of the church at the time Millie Roberts  
died. I conducted the funeral services. I am positive that I am  
not mistaken.

Witness presents the record book of the Artussee  
church and on page 105 of said book appears the following  
entry: " Millie Roberts August 23, 1897".

- Q Does this entry refer to the death of Millie Roberts? A Yes, sir.  
Q Do you know whether or not any other record was made of her death?  
A The date of her death was written on the head board of her grave  
but the headboard has long since decayed.  
Q Who wrote the record on the head board? A Cully McNac secretary  
of the church.  
Q Were you present when he made the record? A Yes, sir.  
Q Did the date which he wrote on the head board correspond with  
the date in the record book? A Yes, sir  
Q Have you any interest in this case? A No, sir none whatever.  
Wilson Brown, brother of Millie Roberts, has asked me several times  
to examine the record in the book but, ~~I have~~ never done so.  
Q Do you remember the circumstance of the opening of the Creek  
land office? A Yes, sir.  
Q Was Millie Roberts living at that time? A No, sir she was dead.

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  
December 1905.

*Alex Posey*  
*J. M. Dermott*  
Notary Public.



INDEXED

|                      |                         |
|----------------------|-------------------------|
| COMMISSIONER TO FILE |                         |
| No.<br>53781         | Received<br>DEC 12 1906 |

94560

Posey, Alex,  
Dustin, I. T.,  
Dec. 11, 1906.

Returns record in Creek  
case of Millie Robert,  
deceased, and states no  
further evidence can be  
gotten.

CREEK ENROLLMENT.

REFER IN REPLY TO THE FOLLOWING:

C. I. 4560.

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

Dustin, Indian Territory, December 11, 1906.

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

Sir:

In the matter of the enrollment of Millie Roberts, deceased, as a citizen by blood of the Creek Nation, I have the honor to report that Creek Field Party is unable to secure further evidence and herewith return copies of record in said cause.

Respectfully,

*Alley P. Dewey*  
In Charge,  
Creek Field Party.

JBM



CR EN 1165

CR EN 1165

See field cards 2712-3367

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

In the matter of the application for the enrollment of Daniel, Maria, and Jessie Harjo as citizens by blood of the Creek Nation.

DECISION.

The record in this case shows that on May 22, 1901, Daniel and Maria Harjo were listed upon Creek field card number 2712, and that on May 24, 1901, Jessie Harjo was listed upon Creek field card number 3367. Said listing is considered an application for enrollment. Further proceedings in the matter of said application were had on October 28, 1904, November 8, 1904 and June 19, 1905.

The evidence in this case shows that the applicants, Daniel and Maria Harjo, are brother and sister, and appear upon the authenticated 1890 tribal roll of the Creek Nation, Weogufkee Town, and upon the 1895 roll of the same town. It further appears that Daniel Harjo died in February, 1904. It further appears that the applicant, Jessie Harjo is the son of Maria Harjo; that he was six years old on May 24, 1901, that his name appears upon the 1895 omitted roll of the Creek Nation, on page 7, Weogufkee Town, and that he was living on the date of the last proceedings had herein.

It further appears that the said Daniel Harjo (under the name of Nathan Marty), Maria Harjo (under the name of Rhoda Marty) and Jessie Harjo (under the name of Lott Marty) appear upon the final roll of citizens by blood of the Seminole Nation, opposite numbers 128, 129 and 130 thereof, respectively; the enrollment of said persons as citizens of the Seminole Nation, having been approved by the Secretary of the Interior on April 2, 1901.

It further appears that on November 1, 1901, the said Nathan Marty (Daniel Harjo) appeared before the Seminole Land Office and selected his allotment of land in the Seminole Nation, and that on June 28, 1902, allotments of land in the Seminole Nation were arbitrarily made by the Commission to the Five Civilized Tribes to Rhoda Marty (Maria Harjo) and Lott Marty (Jessie Harjo), and that deeds for said allotments have been prepared but have not been signed or delivered.

It further appears that the said applicant, Daniel Harjo, was living in the Seminole Nation at the time of his death, and that the applicants, Maria Harjo and Jessie Harjo, reside in the Creek Nation and, so far as appears, have always resided therein.

It further appears that Maria Harjo, on behalf of herself and the minor applicant, Jessie Harjo, has elected to be enrolled as a citizen by blood of the Creek Nation.

Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495) provided in part:

"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 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 whom he has resided, and there be given such allotment and distributions, and not elsewhere."

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of the said Daniel Harjo as a citizen by blood of the Creek Nation, and his application for enrollment as such is accordingly denied; that the enrollment of the said Maria Harjo and Jessie Harjo as citizens by blood of the Seminole Nation, as their names appear upon the final roll of citizens by blood of said nation opposite Nos. 129 and 130 thereof as Rhoda Marty and Lott Marty, be and the same is hereby cancelled, set aside and held for naught; and that the said Maria Harjo and Jessie Harjo are entitled to be enrolled as citizens by blood of the Creek Nation 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 their enrollment as such is accordingly granted.



COMMISSIONER.

Muskogee, Indian Territory,

JAN 29 1907

Muskogee, Indian Territory, January 29, 1907.

The Honorable,  
The Secretary of the Interior.

Sir:

On May 22, 1901, Daniel and Maria Harjo, and on May 24, 1901, Jessie Harjo, were listed upon Creek field cards numbers 2712 and 3367. On October 28, 1904, November 8, 1904, and June 19, 1905, testimony in the matter of their right to enrollment in the Creek Nation was taken.

It appears from the said testimony and the records of this office that Daniel, Maria and Jessie Harjo, are the identical persons whose enrollment as citizens by blood of the Seminole Nation was, on April 21, 1901, approved by the Secretary of the Interior, under the names, Nathan Marty, Rhoda Marty and Lott Marty, respectively, opposite numbers 128, 129 and 130 of the final Seminole roll. It further appears that on November 1, 1901, the said Nathan Marty (Daniel Harjo) appeared before the Seminole Land Office and selected in allotment lands in the Seminole Nation, and on June 28, 1902, allotments of lands in the Seminole Nation were arbitrarily allotted to Rhoda Marty (Maria Harjo) and Lott Marty (Jessie Harjo). Deeds for said allotments have been prepared but have never been signed or delivered.

It further appears that the said Daniel Harjo died in February, 1904; that he resided in the Seminole Nation at the date of his death and never during his life time made any election as

to which of the two nations he desired to be enrolled in, unless his selection of an allotment in the Seminole Nation could be considered as an election. Therefore, although it plainly appears that during his life time Daniel Harjo was entitled to be enrolled as a citizen by blood of the Creek Nation, there seems to be no reason why his enrollment as a citizen by blood of the Seminole Nation, should not stand as there has been no compliance with the provisions of the eighth paragraph of Section 21 of the Act of June 28, 1898 (30 Stats., 495).

The evidence taken in the matter of the application for these persons for enrollment as citizens by blood of the Creek Nation shows that Maria Harjo and her son, Jessie Harjo, resided in the Creek Nation and, so far as appears, they have always resided there. It does not appear that they have ever voluntarily taken any action to obtain their share of the distribution of lands and moneys in the Seminole Nation, their allotments therein having been made to them arbitrarily; their right as citizens by blood of the Creek Nation seems to be clean. On November 8, 1904, Peter Sloan for his wife, the said Maria Harjo and on June 19, 1905, the said Maria Harjo for herself and her son, Jessie Harjo, elected to take their rights in the Creek Nation. Section 21 of the Act of June 28, 1898 (30 Stats., 495) provides in part:

"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 each tribe; but if no such agreement be made then such claimant shall be entitled to such rights as 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 whom he has resided, and there be given such allotment and distributions, and not elsewhere."

I am of the opinion that the said Maria and Jessie Harjo have the right to elect to be enrolled as citizens by blood of the Creek Nation in spite of the fact that they have already been enrolled as citizens of the Seminole Nation. I therefore recommend that the enrollment of Daniel Harjo, under the name of Nathan Marty as his name appears opposite number 128 of the final roll of Seminole citizens by blood, be allowed to stand; that the enrollment of Maria and Jessie Harjo as their names appear opposite numbers 129 and 130 of the final Seminole roll of citizens by blood under the names of Rhoda Marty and Lott Marty respectively, be cancelled and that I be authorized to make such cancellation upon the copies of said roll in the possession of this office.

In view of the limited amount of time which remains during which, under the present law, the Department will have authority to enroll persons as citizens of the Creek Nation, I have prepared and transmitted herewith, a decision denying the application for the enrollment of Daniel Harjo, and granting the application for the enrollment of Maria and Jessie Harjo, as citizens by blood of the Creek Nation. In the same decision is an order formally cancelling the enrollment of said Maria and Jessie Harjo, as their names appear upon a partial roll of citizens by blood of the Seminole Nation.

To obviate the possibility that this decision might be

affirmed by your office, and either through mistake or lack of time the names of said Maria and Jessie Harjo should not be placed upon an approved schedule within the time now limited by law, I also transmit herewith a partial schedule of citizens by blood of the Creek Nation, bearing thereon, to be approved by you in the event this decision is affirmed, the names of these applicants, as follows:

| No    | Name          | Roll      | Town.     |
|-------|---------------|-----------|-----------|
| 10108 | Harjo, Maria  | 1890 1895 | Weogufkee |
| 10109 | Harjo, Jessie | 1895      | Weogufkee |

Respectfully,

TAMS BIXBY,  
Commissioner.

Through the Commissioner  
of Indian Affairs.

Inc.CM-21-1.

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

J.Y. Jr.

D.C. 10504.  
I.T.D. 3540-1907.

February 19, 1907

L RS.

Direct

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

Sir:

On January 29, 1907, you transmitted the record of proceedings had in the matter of the enrollment of Daniel Harjo or Nathan Marty, Marie Harjo or Rhoda Marty, and Jessie Harjo or Lott Marty, together with your decision of the same date, denying the application of Daniel Harjo for enrollment as a citizen by blood of the Creek Nation, and canceling from the roll of citizens by blood of the Seminole Nation the names of Rhoda Marty and Lott Marty, opposite Nos. 129 and 130, and granting the application of Maria Harjo and Jessie Harjo for enrollment as citizens by blood of the Creek Nation.

You also forward a partial roll of citizens by blood of the Creek Nation containing the names of said Maria and Jessie Harjo for approval, if your decision of January 29, 1907, is affirmed by the Department.

It appears that these applicants are entitled to rights in either the Creek or Seminole Nation and that Daniel Harjo by the selection of his allotment elected to be enrolled as a Sam-

inclose while the applicants Maria and Jessie elect to be enrolled as Creeks.

The Indian Office concurs in your decision. A copy of its letter is inclosed.

The Department considers your decision correct. The application of Daniel Harjo for enrollment as a Creek citizen is denied. You are directed to cancel the names of Rhoda and Lett Marty, opposite Nos. 129 and 130 upon the roll of citizens by blood of the Seminole Nation in your possession. The Indian Office has been requested to take like action on the rolls in that office.

Your decision approving the enrollment of Maria and Jessie Harjo is affirmed, and the partial roll of Creek citizens containing their names prepared by you has been approved this day. Three copies of said roll are inclosed. The original has been sent to the Indian Office.

Respectfully,

Thos Ryan.

First Assistant Secretary.

4 inclosures.

A F Mc  
2-20-07.

Land  
10478-1907.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

COPY

WASHINGTON, February 15, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to a report from the Commissioner to the Five Civilized Tribes, dated January 29, 1907, in the matter of ~~the~~ Daniel and Maria Harjo and Jessie Harjo, who, on May 22 and 24, 1901, respectively, were listed on Creek field cards, Nos. 2712 and 3367. On October 28 and November 8, 1904, and June 15, 1905, testimony in the matter of their rights to enrollment in the Creek Nation was taken.

From said testimony and the records of the office of the Commissioner to the Five Civilized Tribes, it appears that Daniel, Maria and Jessie Harjo are the identical persons whose enrollment as citizens by blood of the Seminole Nation was, on April 2, 1901, approved by the Department under the names of Nathan Marty, Rheda Marty, and Lott Marty, respectively, opposite Nos. 128, 129 and 130 of the final Seminole roll.

It further appears that on November 1, 1901, the said Nathan Marty (Daniel Harjo) appeared before the Seminole Land Office and selected in allotment lands in the Seminole Nation; that on June 28, 1902, allotments of land in the Seminole Nation were arbitrarily allotted to Rheda Marty (Maria Harjo) and Lott Marty (Jessie Harjo); that deeds for said allotments have been prepared, but have not been signed or delivered.

It further appears that the said Daniel Harjo died in February 1904; that he resided in the Seminole Nation at the date of his death and never, during his lifetime, made any selection as to which of the two Nations he desired to be enrolled in, unless his selection of an allotment in the Seminole Nation would be considered as an election. Therefore, although, it plainly appears that during his lifetime, Daniel Harjo was entitled to be enrolled as a citizen by blood of the Creek Nation, there is no reason why his enrollment as a citizen by blood of the Seminole Nation should not stand, as there has been no compliance with the provisions of the eighth paragraph of Section 21 of the Act of June 28, 1898 (30 Stat.L. 495).

Commissioner Bixby says that the evidence taken in the matter of the application of these persons for enrollment as citizens by blood of the Creek Nation shows that Maria Harjo and her son, Jessie Harjo, resided in the Creek Nation, and so far as appears, they have always resided there; that it does not appear that they have ever voluntarily taken any action to obtain their share of the distribution of lands and moneys in the Seminole Nation, their allotments therein having been made to them arbitrarily; that their rights as citizens by blood of the Creek Nation seems to be clear; that on November 8, 1904, Peter Sloan, for his wife, the said Maria Harjo, and on June 19, 1905, the said Maria Harjo for herself and her son, Jessie Harjo, elected to take their rights in the Creek Nation. The Commissioner quotes Section 21 of the Act of June 28, 1898 (30 Stat.L.495),

which provides in part:

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 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 whom he has resided, and there be given such allotment and distribution, and not elsewhere.

Mr. Bixby is of the opinion that the said Maria and Jessie Harjo have the right to elect to be enrolled as citizens by blood of the Creek Nation in spite of the fact that they have already been enrolled as citizens of the Seminole Nation, and he therefore recommends that the enrollment of Daniel Harjo, under the name of Nathan Marty, as his name appears opposite No. 128 of the final roll of Seminole citizens by blood, be allowed to stand; that the enrollment of Maria and Jessie Harjo, as their names appear opposite Nos. 129 and 130 of the final Seminole roll of citizens by blood, under the names of Rhoda Marty and Lott Marty, respectively, be cancelled, and that he be authorized to make such cancellation on the copies of said roll in the possession of his office.

In view of the limited time that remains during which, under the present law, the Department will have authority to enroll persons as citizens of the Creek Nation, Mr. Bixby has prepared and transmits a decision denying the application for the enrollment of Daniel Harjo, and granting the application for the enrollment of Maria and Jessie Harjo, as citizens by blood of the Creek

Nation. In the same decision is an order formally cancelling the enrollment of said Maria and Jessie Harjo, as their names appear on a partial roll of citizens by blood of the Seminole Nation.

To obviate the possibility that this decision might be affirmed by this office, and either through mistake or lack of time, the names of said Maria and Jessie Harjo should not be placed on an approved schedule within the time now limited by law, Mr. Bixby also transmits a partial schedule of citizens by blood of the Creek Nation, hearing thereon, to be approved by the Department in the event his decision is affirmed, the names of these applicants being as follows: Maria and Jessie Harjo.

The papers referred to are enclosed, and the recommendation of Commissioner Bixby is concurred in, and it is further recommended that he be authorized to make the cancellation on the copies of the Seminole roll of citizens by blood in his possession.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

CTC-SD.



CR EN 1166

CR EN 1166

Crew Enrollment No. 1166

Yanak Bearhead  
Mollie Bearhead

Listed on Lowell Station  
Card Field No. 4698.

*Creek Enrollment  
No. 1166*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Holdenville, I. T., March 29, 1905.

In the matter of the application for the enrollment of Jesse and Wylie Moses as citizens by blood of the Creek Nation.

MOSES BEAR, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Moses Bear.  
Q How old are you? A About thirty-five.  
Q What is your post office address? A Keokuk Falls, Oklahoma.  
Q Are you a citizen of the Creek Nation? A No, sir, I am a Seminole.  
Q Are you the father of Wylie and Jesse Moses? A Yes, sir.  
Q Are they both living? A Wylie is living but Jesse is dead.  
Q When did Jesse die? A March 18, 1905.  
Q How old was he at the time of his death? A About two years old.  
Q Did you make a record of his death? A No, sir.  
Q When was he born? A I have a record.

Witness presents a piece of paper on which appears a record of the births of his children, Wylie and Jesse Moses, as follows:  
"Jesse Moses was born in June 5th 1903."  
"Wylie Moses was born in September 18, 1901."

- Q Who made this record? A Willie Yammie.  
Q When did Willie Yammie make the record? A The record was made yesterday, at my request.  
Q Does Willie Yammie know when your children were born? A No, sir, but he made the record at my request and we figured out the dates together.  
Q Are you positive that these dates, given in the record which you have presented, are correct? A Yes, sir.

NANCY BEAR, being duly sworn, testified as follows:

THROUGH ALEX POSEY OFFICIAL INTERPRETER:

BY COMMISSION:

- Q What is your name? A Nancy Bear.  
Q How old are you? A About 35.  
Q What is your post office address? A Keokuk Falls, O. T.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q To what town do you belong? A Thlewathle.  
Q Do you make application for the enrollment of your minor children, Jesse and Wylie Moses, as citizens of the Creek Nation? A Yes, sir.  
Q Do you know when Jesse died? A The child has not been dead quite two weeks.  
Q Did he die in this month? A Yes, sir.  
Q On what day did he die? A On Saturday.  
Q How old was the child at the time he died? A He was about two years old but was not able to walk on account of chronic illness.  
Q What is the name of the father of these children? A Moses Bear.  
Q Is he a citizen of the Creek Nation? A He is a Seminole.  
Q Is he your lawful husband? A Yes, sir.  
Q Have you any other children besides Jesse and Wylie? A Yes, sir, Jennie, Hannah and Maude. Jennie and Maude are dead.  
Q When did Jennie die? A She has been dead a long time. I do not know when she died.

Q How old was she at the time of her death? A She would be over nine were she living.

Q How old is Hannah?

Witness presents a piece of paper on which appears the following:

"Hannah Moses born in March 2, 1894."

"Maud Moses was born in February 1st 1898."

Q Have you made selection of land for Hannah? A No, sir.

Q Do you know whether or not she has been arbitrarily filed by the Commission? A I have tried to find out but I have been unable to do so.

Q If it should be found that your children, Wylie and Jesse Moses, are entitled to be enrolled in either the Creek or Seminole Nations in which nation do you desire to have them enrolled? A In the Creek Nation.

---ooo000ooo---

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 20<sup>th</sup> day of July, 1905.

Edw. S. S. S.  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
JULY 3, 1906.

In the matter of the application for the enrollment, as citizens of the Creek Nation, of minor children born to duly enrolled citizens, members of the so called Snake faction.

Alex Posey, being duly sworn, testified as follows:

- Q What is your name? A Alex Posey.  
Q What is your age? A 33.  
Q What is your post office address? A Muskogee.

Statement by Mr. Posey: The following information concerning new born children was received by me at various points in the field subsequent to May 2, 1905.

SALLIE HILL, daughter of John Hill of Okohiye town and Malindy Hill of Okfuskee Canadian town; age of child unknown; post office address of parents, Eufaula, I.T.; information received May 18, 1905.

MITCHELL, child of Waitie Mitchell, a Seminole citizen and Mandy Mitchell, of tulledega town (see I-2824); child about two years old, sex unknown, post office address of the parents Hanna, I.T. Information received May 24, 1905.

SEVIER, child of Louis Sevier, of Tulsa Canadian town (see I-1783), and Amanda Thompson, of Tookpafka town (see I-2207); child about four years old, female; post office address of parents, Burney, I.T. Information May 20, 1905.

SEVIER, child of Louis Sevier, of Tulsa Canadian town (C.I. 1783), and Amanda Thompson, of Tookpafka town (C.I. 2207); child about a year old, male; post office address of parents, Burney, I.T. Information received May 20, 1905.

SONNIE FIELDS, child of Walter Field, of Quassarte No. 2 (C.I. 2615) and Eliza Field, nee Harjo, of Artussee town (C.I. 1558), child born June 2, 1904; male; post office address of parents, Dustin, I.T. Information received June 15, 1905.

BILLIE BIRD, child of Thomas and Sallie Bird of Weogufke town; over a year old; post office address of parents, Hanna, I.T. Information received June 15, 1905.

HETTIE MITCHELL, child of Lewis Mitchell, of Eufaula Candian town (C.I. 3248), and Bittie Mitchell, also of Eufaula Candian town, (C.I. 3248), child born February 19, 1896, and living; post office address of parents, Eufaula, I.T. Information received May 18, 1905.

PIRSIE MITCHELL, child of Lewis Mitchell, of Eufaula Canadian town (C.I. 3248), and Bittie Mitchell, also of Eufaula Canadian town (C.I. 3248), child born February 19, 1896, and living; post office address of parents, Eufaula, I.T. Information received May 18, 1905.

PIRSEY MITCHELL, child of Lewis Mitchell, of Bufaula Canadian town (C.I.3248), and Bittie Mitchell, also of Bufaula Candian town (C.I.3248); child born March 3, 1898, and living; sex unknown; post office address of parents, Bufaula, I.T. Information May 18, 1905.

SELANIE MITCHELL, child of Lewis Mitchell, of Bufaula Canadian town (C.I.3248) and Bittie Mitchell, also of Bufaula Canadian Town (C.I.3248); child born May 3, 1901, and living; female; post office address of parents, Bufaula, I.T. Information received May 18, 1905.

JACOB, child of Sampson Jacob of Tulledega town and Selanie Jones, of Arbeka North Fork town; child about four years old; female; post office address of parents, Burney, I.T. Information received May 20, 1905.

JACOB, child of Sampson Jacob, of Bufaula Canadian town ~~(C.I.3248)~~, and Selanie Jones, of Arbeka North Fork Town; child about a year old; sex unknown; post office address of parents, Burney, I.T. Information received May 20, 1905.

HETTIE TUFFER, child of Tuffer and Sene, both of Pokunt lake-see town (C.I.6961); child about six years old; post office of the parents, Trenton, I.T. Information received June 14, 1905.

SAM POLOKE, child of Esal Poloke of Bufaula Canadian town, (C.I.3602), and Louisa Poloke, nee Beaver, a Seminole; child born October 18, 1905; post office of parents, Bufaula, I.T. Information received May 8, 1906.

RHODA WILDCAT, child of Sandy Wildcat of Arbeka North Fork town (C.I.1576), and Losanna Wildcat, also of Arbeka North Fork town (C.I.1576); child over five years old; post office address of parents, Weleetka, I.T. Information received May 5, 1905.

JOHN WHITLOW, child of William Whitlow and Semhoye ~~John~~ Whitlow; age of child unknown; post office address of parents, Dustin, I.T. Information received May 5, 1905. The Creek towns to which the parents belong are unknown.

NELLIE WEST, child of Lumsey West, of Kialigee town (C.I. 1541) and Emma West, of Thlewarthle town; child over five years old; post office address of parents, Henryetta, I.T. Information received May 5, 1905.

HANNAH MOSES (or BEAR), child of Moses Bear, a Seminole, and Nancy Bear, of Thlewarthle town; child born March 2, 1894, and living; post office address of parents, Keokuk Falls, O.T. Information received May 1905.

MAUD MOSES (or BEAR), child of Moses Bear, a Seminole and Nancy Bear, of Thlewarthle town; child born February 1, 1898, and living; post office address of parents, Keokuk Falls, O.T. Information received May 1905.

TURNER MITCHELL, child of Mitchell Sarwanoka, of Okfuskee Canadian town, (C.I.3583), and Nancy Sarwanoka, of Bufaula Canadian town, (C.I.3583); child born March 15, 1899, and living; post office address of parents, Bufaula, I.T. Information received April, 1905.

BESSIE MITCHELL, child of Mitchell Sarwaneka, of Okfuskee Canadian town (C.I. 3583), and Nancy Sarwaneka, of Mufaula Canadian town (C.I. 3583); child born February 22, 1901, and living; post office address of parents, Mufaula, I.T. Information received April 1906.

BESSIE SMITH, child of Belcher Smith of Greenleaf town (C.I. 3224) and Henty Smith (town unknown), child about four years old; post office address of Parents, Okemah, I.T. Information received May 13, 1906.

EDMUND BARNETT, child of Austin Barnett, of Okohiye town (C.I. 3076) and Lisa Barnett, (town unknown) child over four years old; post office address of parents, Mellette, I.T. Information received May 1906.

JOHN \_\_\_\_\_, child of Sanic, of Alabama town; age unknown; post office address of parents, Weleetka, I.T. Information received March 29, 1906.

Lena Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

*Lena Merrick*

Subscribed and sworn to before me this 11th day of August, 1906.

*Edward A. Merrick*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
NEAR KEOKUK FALLS, OKLAHOMA,  
JANUARY 19, 1907.

In the matter of the application for the enrollment of  
Hannah and Maud Moses as citizens by blood of the Creek Nation.

NANCY BEAR (OR BEARHEAD), being first duly sworn by and  
examined through Alex Posey a Notary Public and official interpreter,  
testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Nancy Bear, or Bearhead. My husband  
is known both as Bear and Bearhead. My maiden name was Nancy  
King.
- Q What is your postoffice address? A Little, I. T.
- Q How old are you? A I do not know. (Witness appears to be  
about 30 years old).
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q To what Creek town do you belong? A Thlewaly; Golia Jones is  
my town king.
- Q Have you been enrolled and given an allotment of land in the  
Creek Nation? A Yes sir.
- Q Under what name are you enrolled? A Nancy King.
- Q Who are your parents? A Chissie Picco, or Chissie King of  
Muyaka town and Sissie Picco, or King, of Thlewaly town, were  
my parents.
- Q Have you any brothers or sisters? A Yes sir, Albert and  
Nully King are my brothers. I have a sister named Lodie who  
is now the wife of Rumsie Spencer, a Seminole citizen.
- Q Were you ever enrolled as a citizen of the Seminole Nation?  
A No sir.
- Q Have you a minor child named Hannah? A Yes sir, the child's  
proper name is Yanah.
- Q Is she living? A Yes sir.
- Q When was she born? A March 2, 1894.
- Q Have you a ~~minor~~ another minor child named Maud? A Yes sir,  
the child's proper name was Mollie.
- Q Is the child living? A No sir, she died August 15, 1901.
- Q When was she born? A February 1, 1898.
- Q Your husband is a citizen of the Seminole Nation, is he?  
A Yes sir.
- Q Do you know how his name appears upon the Tribal roll?  
A He is enrolled as Moser Bearhead.
- Q Then your two minor children should be enrolled as Yanah and  
Mollie Bearhead? A Yes sir.
- Q If it should be found that these two children are entitled to  
rights in either the Creek or Seminole Nations in which Nation  
do you elect to have them enrolled? A In the Creek Nation.

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.

Subscribed and sworn to before me,  
this, the 23rd day of January, 1907.

JBM

  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
NEAR KEOKUK FALLS, OKLAHOMA,  
JANUARY 19, 1907.

In the matter of the application for the enrollment of  
Hannah and Maud Moses as citizens by blood of the Creek Nation.

NANCY BEAR (OR BEARHEAD), being first duly sworn by and  
examined through Alex Posey a Notary Public and official interpreter,  
testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Nancy Bear, or Bearhead. My husband  
is known both as Bear and Bearhead. My maiden name was Nancy  
King.
- Q What is your postoffice address? A Little, I. T.
- Q How old are you? A I do not know. (Witness appears to be  
about 30 years old).
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q To what Creek town do you belong? A Thlewalay; Golia Jones is  
my town king.
- Q Have you been enrolled and given an allotment of land in the  
Creek Nation? A Yes sir.
- Q Under what name are you enrolled? A Nancy King.
- Q Who are your parents? A Chissie Micco, or Chissie King of  
Nuyaka town and Sissie Micco, or King, of Thlewalay town, were  
my parents.
- Q Have you any brothers or sisters? A Yes sir, Albert and  
Mully King are my brothers. I have a sister named Lodie who  
is now the wife of Yumsie Spencer, a Seminole citizen.
- Q Were you ever enrolled as a citizen of the Seminole Nation?  
A No sir.
- Q Have you a minor child named Hannah? A Yes sir, the child's  
proper name is Yanah.
- Q Is she living? A Yes sir.
- Q When was she born? A March 2, 1894.
- Q Have you a ~~minor~~ another minor child named Maud? A Yes sir,  
the child's proper name was Mollie.
- Q Is the child living? A No sir, she died August 18, 1901.
- Q When was she born? A February 1, 1898.
- Q Your husband is a citizen of the Seminole Nation, is he?  
A Yes sir.
- Q Do you know how his name appears upon the Tribal roll?  
A He is enrolled as Moser Bearhead.
- Q Then your two minor children should be enrolled as Yanah and  
Mollie Bearhead? A Yes sir.
- Q If it should be found that these two children are entitled to  
rights in either the Creek or Seminole Nations in which Nation  
do you elect to have them enrolled? A In the Creek Nation.

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.

Subscribed and sworn to before me,  
this, the 23rd day of January, 1907.

  
Notary Public.

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

In the matter of the application for the enrollment of Yanah Bearhead and Mollie Bearhead, 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 March 29, 1905, Nancy Bear appeared before a Creek enrollment field party near Holdenville, Indian Territory, and testified "in the matter of the application for the enrollment of Jesse and Wylie Moses as citizens by blood of the Creek Nation", in which said testimony the witness refers to two other minor children of hers as Hannah and Maude Moses. This reference is herein considered an original application for the enrollment of Yanah and Mollie Bearhead said latter names being shown by the evidence to be the correct names of the applicants, as citizens by blood of the Creek Nation. A certified copy of the transcript of testimony of Alex Posey taken July 3, 1906, "in the matter of the application for the enrollment, as citizens of the Creek Nation, of minor children born to duly enrolled citizens, members of the so called Snake faction", is attached to and made a part of the record herein. Further proceedings were had January 19, 1907. Supplemental affidavits filed January 25, 1907, are attached to and made a part of the record herein.

It appears from the evidence that in the original application, the names of the applicants are given as Hannah and Maude Moses but subsequent affidavits and testimony of the mother establish the fact that the correct name of the father of the applicants is Moser Bearhead; that the names of the applicants are Yanah and Mollie Bearhead; that Yanah Bearhead and Hannah Moses is one and the same person and that Maude Moses, deceased, and Mollie Bearhead is one and the same person.

The evidence further shows that the parents of the applicants are variously known under the surnames of Bear and Bearhead.

The records in the possession of this office, in connection with the evidence, show that the applicants herein referred to are the children of Moser Bearhead, a citizen of the Seminole Nation, and Nancy Bearhead, who is identified as Nancy King on a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March

13, 1902, opposite roll No. 499.

The evidence further shows that the applicant, Yanah Bearhead, was born March 2, 1894 and was still living on the date of the last proceedings herein, and that the applicant, Mollie Bearhead, was born February 1, 1898 and died August 15, 1901.

It is further shown in evidence that an election was made for the enrollment of the applicants in the Creek Nation, and the records in possession of this office fail to show that either of the applicants is enrolled as a citizen of the Seminole Nation or that there is an application pending for their enrollment as such in said nation.

Although the application herein was not made within the time designated by the Secretary of the Interior, under the authority in him vested by the provisions of the Act of Congress approved March 3, 1901 (31 Stats., 1010), jurisdiction to consider same under the Acts of March 1, 1901 and June 30, 1902, was given to this office and the Department by the provisions of Section 1 of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It is, therefore, ordered and adjudged that the said Yanah Bearhead and the said Mollie Bearhead 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), March 1, 1901 (31 Stats., 861) and June 30, 1902 (32 Stats., 1,500) and the application for their enrollment as such is accordingly granted.

Muskogee, Indian Territory,



COMMISSIONER,

FEB 11 1902

RECEIVED  
JAN 25 1907

THE  
MISERICORDIA  
HOSPITAL  
NEW YORK

RECEIVED  
JAN 25 1907

JAN 25, 1907

Indian Territory,  
Western District.

We, the undersigned, do hereby elect to have our child,  
Mollie Bear Lead, born on the 1 day of February, 1898,  
enrolled as a citizen of the Chick Nation, and to have said  
child receive Five allotment of land and distribution of moneys in  
said nation.

Witnesses to mark:

Allen May  
J. J. May  
Allen May  
J. J. May

Moran <sup>his</sup> Bear Lead  
mark  
Nancy <sup>her</sup> Bear Lead  
mark

Subscribed and sworn to before me this 19 day of Jan, 1906

Allen May  
Notary public,

DEPARTMENT OF THE INTERIOR  
COMMISSIONED TO THE LIVE OR KILLED THE  
**FILED**

*Jan. 25, 1907*

*[Signature]*  
COMMISSIONER

AFFIDAVIT OF DISINTERESTED WITNESSES.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY, ) ss.  
Western DISTRICT. )

We, the undersigned, on oath state that we are personally acquainted with Nancy Bearhead, the wife of Monas Bearhead; that there was born to her a female child on or about the 1 day of February 1898; that the said child ~~has been~~ <sup>died on or about August 15, 1901</sup> named Mollie Bearhead, and ~~was living March 4, 1906.~~

Matthew <sup>his</sup> Tiger  
<sub>mark</sub>

WITNESSES:

James <sup>his</sup> Duncan  
<sub>mark</sub>

Ally May  
W. J. [unclear]

Subscribed and sworn to before me this 19 day of Jan, 1907.

Ally May  
W. J. [unclear]

INDEXED

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Case # 1166

Posey, Alex  
Henryetta, I.T.  
Jan. 23, 1907.

Transmits testimony in re  
enrollment of Hannah and Maud  
Moses.

CREEKENROLLMENT



REFER IN REPLY TO THE FOLLOWING:

N. B. C. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Henryetta, Indian Territory, January 23, 1907.

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

Sir:

In the matter of the application for the enrollment of Hannah and Maud Moses as citizens by blood of the Creek Nation, there is herewith inclosed the testimony of Nancy Bear (or Bearhead), taken by the Creek Field Party January 19, 1907, together with the affidavits of said Nancy Bear (or Bearhead), and the joint affidavits of Mathew Tiger and James Duncan, relative to the birth of said minor child.

Respectfully,

*Allen Tracy*  
In Charge,  
Creek Field Party.

JBM

Creek I. 3998.

Muskogee, Indian Territory, March 19, 1907.

Nancy Bearhead,

Little, Indian Territory.

Dear Madam:

You are hereby advised that the names of your minor children, Yanah and Mollie Bearhead, 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 them at the Creek Land Office in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 1167

CR EN 1167

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Ind. Ter., June 3, 1903.

In the matter of the application for the enrollment of Archie Johnson as a citizen by blood of the Creek Nation.

APPEARANCES: A. P. Murphy, Attorney for the Creek Nation.

LYDIA FIELDS, being first duly sworn, testified as follows, through Mrs. Lona C. Merrick, official Creek Interpreter:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A My name is Lydia Johnson, but I am enrolled as Lydia Fields.
- Q What is your age? A About 23.
- Q What is your post office address? A Henrietta.
- Q Are you a full blood Creek Indian? A Yes, sir.
- Q Are you a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that the applicant is regularly listed for enrollment on Creek Indian Card Field No. 4096, approved roll No. 9369, under the name of Lydia Field.

- Q For whom do you now make application for enrollment? A Archie Johnson.
- Q What relation is he to you? A He was my brother.
- Q Is he living or dead? A He is dead.
- Q When did he die? A He died about six years ago, I think he died in May.
- Q Do you know the year that he died? A I believe he died in '99.
- Q How long has he been dead? A A little over three years, I guess.
- Q Of what disease did he die? A Died of the smallpox.
- Q Do you remember when the smallpox was raging in the western part of the Creek Nation? A Yes, sir.
- Q Do you remember that they had a hospital over there that they carried people to? A There wasn't a pest house out there. He died at his own home. I don't remember of any pest house out there, but they may have had some out there at other places, but they didn't have any around there.
- Q Did you live over there at that time during that smallpox epidemic? A When the smallpox began to rage, I left that part of the country.
- Q You don't know anything about the pest house they had over there? A No, I don't know of any pest house. They used to gather up all the patients though. A man by the name of Coker gave his house over to the patients, and they all brought the patients there for a pest house.
- Q Do you know whether or not that pest house was burned? A Yes, sir; it was burned.
- Q Do you know in what month it was burned? A It was burned in February.
- Q How long after that pest house burned was it that Archie died? A About a month after.
- Q Was he ever in that pest house? A They made a pest house out of Millie Cusseta's house, and he died there.
- Q Was that house also burned? A Yes, sir.
- Q When was that house burned? A They burned that at the same time they burned the other one.

Lydia Fields, witness.

By the Commission.

Q Was Archie Johnson dead when that house was burned, or living?

A He was dead.

Q He was dead when that house was burned? A Yes, sir.

EXAMINATION BY A. P. MURPHY:

Q Ask her if she knows Mollie Fixico? A Yes, sir; she was my first cousin, my uncle's daughter.

Q Did Archie Johnson die before or after Mollie Fixico died?

A He died after Mollie Fixico.

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 June, 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 3rd day of July, 1903,  
at Muskogee, Indian Territory.

*Edward Merriam*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. DEC. 19, 1903.

Supplemental testimony

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

APPEARANCE: A. P. Murphy, att'y for Creek Nation.

Sam King being sworn, testified as follows, through Mrs. Merrick official interpreter:

Examination by the Commission:

- Q What is your name? A Sam King.  
Q What is your age? A Twenty-two.  
Q What is your post office address??A Winchell.  
Q Are you a citizen by blood of the Creek Nation? A Yes sir.  
Q To what Creek Indian Twon do you belong? A Hilubbee Ketchapataka.  
Q Have you a brother named Billy King? A Yes; he's dead now.  
Q Have you ever 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 Sam King together with his brother, Billy King, is regularly listed for enrollment on Creek Indian Card 2356, approved roll Nos. 7080 and 7079, respectively.

- Q Do you know one Archie Johnson for whom application has been made as a citizen by blood of the Creek Nation? A Yes sir.  
Q Was he a citizen of the Creek Nation? A Yes sir.  
Q Was he a citizen by blood? A Yes sir.  
Q Is Archie Johnson living or dead? A Dead.  
Q How old was he when he died? A About 38.  
Q To what Creek Indian town did Archie Johnson belong? A Tullawothlocco.  
Q When did he die? A February 16; I don't know what year.  
Q How many years has it been since he died? A Maybe two years and more; I don't know.  
Q Was Archie Johnson a relation of yours? A Yes sir; my brother.  
Q Same father and same mother? A I was his cousin- instead of brother.  
Q How do you know that he died in February about 2 years ago?  
A I know cause I was there with him when he died.  
Q Was he living with you when he died? A Yes sir; we lived together  
Q Was Billy living with you when Archie died? A Billy died before Archie did; they were all living together when Billy died too.  
Q When did Billy die? A January 26.  
Q What year? A I don't know what year.  
Q About how many years ago? A I don't know; I never made any record of it.  
Q Do you know LydianFields? A Yes sir; she is my sister.  
Q What was the matter with Archie when he died? A They never did find out what was the matter with him; he had small pox first, and got well, and then took sick and died.

- Q Lydia Fields testified he died with smallpox. A I was with him when he died, and he didn't die with small pox.
- Q When did he have the smallpox? A I don't remember when it was; what year; but he took it after Christmas soon.
- Q Was it the year that there was so much smallpox in the western part of the Creek Nation? A Yes sir.
- Q The same year that so many people died? A Yes sir.
- Q You say he got well of the smallpox, do you? A Yes sir.
- Q How long after that now, till he took sick and died? A About 3 months.
- Q He died then the same year had the smallpox, did he? A Yes sir.
- Q What time of the year was it, Spring, Summer, Fall or Winter? A In the Spring.
- Q Do you remember when you filed on your allotment in the Creek Nation? A I don't know when it was.
- Q You remember the circumstance, don't you? You filed on it yourself? A Yes sir.
- Q Was Archie living when you filed? A Yes sir.
- Q Are you sure about that? A I may be mistaken; I don't know:

Examination by Mr. Murphy:

- Q They burnt Minnie Cussehta's house out there that they put the Indians in that had the smallpox, didn't they? A Yes sir.
- Q Was Archie Johnson in that house at any time with the smallpox? Did they have him over there at any time? A Yes sir.
- Q They also burnt one that they took from Charley Coker to put the Indians in when they had the smallpox, didn't they? A Yes sir, in the Western part of the Creek Nation.
- Q Well, they burnt his house didn't they? A Yes sir.
- Q Well, they burnt Minnie Cussehta's house, first, didn't they? A Yes sir.
- Q How long was it before Minnie's house was burnt that Archie Johnson died? A About three months.

By the Commission:

- Q Do you remember when the Creek land office was opened in Muskogee? A No sir, I don't remember.
- Q You remember the circumstance of the land office opening in Muskogee? A I just heard about it.
- Q Was Archie Johnson living then? A Yes sir.

By Mr. Murphy:

- Q Do you know Mollie Fixico? A Yes sir.
- Q She died with the small pox in Charley Coker's house, didn't she? A Yes sir.
- Q Did you know Mary Shepard? A No sir.
- Q Did you know Charley Foster? A No sir.
- Q Did you know Nellie Kinkahee? A No sir.
- Q Did you know Mahaley? A Yes sir.
- Q She's living, aint she? A Yes sir.
- Q Did you know Nancy, Mahaley's daughter? A Yes sir.
- Q She died in Charley Coker's house, didn't she? A Yes sir.

- Q Did you know Seluskey Fixico? A No sir.  
Q Lucy Fixico? A Yes sir.  
Q She died in Charley Coker's house too, before it was burnt, didn't she? A Yes sir.  
Q Do you know Jimsey Fixico? A Yes sir.  
Q He died in Charley ~~Fixico's~~ <sup>Coker's</sup> house before it was burnt, didn't he?  
A Yes sir.  
Q Did you know Washy Fixico? A YENS sir.  
Q He died in Charley Coker's house before it was burnt, didn't he?  
A Yes sir.  
Q Did you know Cindy Fixico? A Yes sir.  
Q Did she die in Charley Coker's house? A Yes sir.  
Q Well, Archie Johnson died before they did, didn't he? A Yes sir.  
Q Now, did Billy King die before Mollie Fixico too? A Yes sir.

The Creek Nation asks that a copy of this testimony be made a part of the case in the matter of the enrollment of Charley Foster, Mahaley Fixico, Nancy, daughter of Mahaley, Seluskey, Lucy, Jimsey, Washy and Cindy Fixico, which have been reopened for a rehearing on January 25; and the Creek Nation further asks that the further evidence be taken on behalf of the Creek Nation on January 25, 1904, for the purpose of producing Charley Coker to show that his house that was taken for a pest house as referred to in this testimony // was destroyed by fire on March 28, 1899.

By the Commission:

There is on file with the Commission an affidavit in the matter of the death of Billy King executed by Sam King, brother, and Choctaw James, an acquaintance. In the affidavit of Choctaw James the following statement is made: "Billy King died with smallpox in Jan. or Feb. 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 case December 19, 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 21st day of December, 1903.

*Edward Morris*  
Notary Public.



Department of the Interior,  
Commissioner to the Five Civilized Tribes,  
Baufala, I. T., August 18, 1906.

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

SAM KING being duly sworn testified as follows:

Through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

- Q What is your name? A Sam King.
- Q What is your postoffice address? A Fame.
- Q How old are you? A About 26 years old.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q To what Creek town do you belong? A Kechotataka.
- Q Did you have a brother named Billy King? A Yes sir, a full brother of mine, we both nursed at the same breast.
- Q Who were his parents? A Sampson and Larney King of Thlewathle and Kechotataka towns, respectively.
- Q Do you know when your brother, Billy King, died? A I do not remember the year in which he died but he died during the small pox epidemic at Hillabee Hutche which is in the western part of the Creek Nation.
- Q Do you remember the month in which he died? A About the 20th of April; vegetation was green when he died.
- Q We have an affidavit executed August 5, 1901, by yourself and Chotkey James in which it is stated that Billy King died January 25, 1900? A We must have been mistaken as to the date of his death. He died in the Spring time when the disease was about under control.
- Q Did you know at the time you executed the affidavit referred to when your brother died? A The Notary that filled out the affidavit must have made a mistake because I gave in the month of his death as April and not January. We made out the affidavit before the Commission at Muskogee and I remember distinctly that I said my brother died in April. Jim Lynch who was working for the Commission at that time did the interpreting for us.
- Q Are you positive that it was in April? A Yes sir.
- Q Where were you living at that time? A I was in the pest camp at the time he died. I was convalescence but had not been discharged; I nursed him during his sickness, made his coffin and was present when he was buried.
- Q How high was the grass at that time? (The witness indicates with his hand about four inches and states the grass was about four inches high and afforded good grazing for stock).
- Q Was your brother among the last patients that died in that pest camp? A Yes sir.

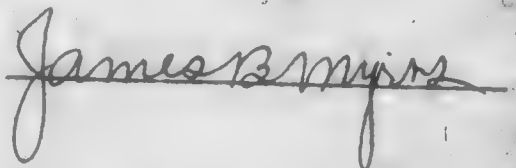
- Q Did you know a patient in that pest camp named Osa Hencha?  
A Yes sir.
- Q Did your brother die before Osa Hencha died or afterwards?  
A My brother died afterwards.
- Q About how long afterwards? A It was over three months after Osa Hencha died before my brother died. The small pox appeared in that section of the country sometime in November; a pest camp was established in the early part of December at Hillabee Hutche and the people that were stricken with the disease were gathered up and detained in that camp. I was employed by those in charge of the pest camp to go over the country near about with a wagon and gather up people that had the ~~small~~ small pox and take them to the camp. I went to Nocus Holate's house near the Greenleaf Church house and took his entire family, consisting of himself, wife, children and Osa Hencha, his son-in-law, to the pest camp; that was in the month of December. Osa Hencha lived only about four days after ~~he~~ I took him to the camp. About the middle of January I was taken down with small pox and was confined to my bed until in March. My brother was taken down with the same disease immediately after my recovery.
- Q What time in March did you recover? A In the latter part of the month I think. About the 20th.
- Q How long was it after you recovered before your brother was taken down? A The next day.
- Q How long was he sick? A A month or over.
- Q You are positive that you were taken down with the disease about the middle of January and did not recover until the latter part of March, are you? A Yes sir.
- Q And you are positive that your brother ~~was~~ Billy became ill on the day following your recovery? A Yes sir.
- Q You are positive that he was sick a month? A Yes sir, he was sick about a month.
- Q ~~Was~~ it possible that he could have been sick less than a month?  
A I think he was sick fully a month, about four weeks.
- Q Was your brother in the employ of the pest camp at the time he was taken down with the small pox? A Yes sir, he worked along the Oklahoma line and I worked in the country south and east of the pest camp.
- Q Did you know another patient in that pest camp named Archie Johnson? A Yes sir, he was a clan-kin of mine, he had one gray eye.
- Q Did he die in that pest camp? A Yes sir.
- Q Do you know the date of his death? A I am unable to fix the date.
- Q Did he die before you were sick or during your illness?  
A He died before I became sick.
- Q December 19, 1903, you appeared before the Commission at Muskogee and testified in the matter of the application for the enrollment of Archie Johnson. Among other questions you were asked, "When did he die". You answered, "February 16, I don't know what year".
- A I remember giving such testimony and that must be the correct date for the circumstances of his death were fresher in my mind than now.
- Q You have just testified that he died before you became sick, and that you became sick the middle of January. How do you reconcile the two statements? A I must have misunderstood your question when you asked me if he died before I became sick. We were lying side by side in the same tent at the time he died.

- Q You were also asked this question when you were testifying in the case referred to, "Was Billy living with you when Archie died". You answered, "Billy died before Archie did", and in answer to the question, "When did Billy die", you answered, "January 26". You now state that Archie died before Billy died and that Billy died the latter part of April. How do you reconcile these conflicting statements?
- A The Commission's interpreter did not interpret my answers correctly. In talking with her I observed that she could not speak Greek fluently, and I was afraid that she would misinterpret my statements, and I could not have made the statement that my brother died in January when I knew he died in April.

The witness at this juncture states that he is in a hurry to get back home, having come to town to make purchases for a sick woman, and asks to be excused and promises to give further testimony in a day or two.

-----

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.



Subscribed and sworn to before me, this the 28 day of August, 1906.

  
Notary Public.

JBM

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
EUPAULA, I. T., AUGUST 28, 1906.

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

SUPPLEMENTAL.

SAM KING being duly sworn testified as follows:

Through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

- Q What is your name? A Sam King.  
Q How old are you? A About 26 years old.  
Q What is your postoffice address? A Fame.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Have you succeeded in fixing the exact date of the death of  
your brother Billy King? A No sir, I have been investigating  
the matter ever since I testified the other day but I am unable  
to state positively just when he died. As soon as I can  
secure the means I am going out to the neighborhood in which  
he died and ascertain if possible when he died from the people  
who were in the Pest Camp at the time of his death.  
Q After you have found further investigated this case is it your  
intention to appear before the Commissioner to the Five Civil-  
ized Tribes and give further testimony? A Yessir, that  
is my intention. I still believe that he died in April but  
I desire to investigate the matter further and testify positively.  
Q Who at Hillabe Hutche would know the date of his death?  
A I think that Niffie Tiger and Hector Beaver would be able to  
establish the date of my brother's death.  
Q Were they present in the Pest Camp at the time your brother died?  
A Hector Beaver was present and Niffie Tiger lived not far from  
the Pest Camp.

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 28 day of August, 1906.

C. S. 2356 INDEXED!

|            |       |
|------------|-------|
| No.        | 37443 |
| SEP 1 1906 |       |

Posey, Alex,  
Calvin, I. T.,  
Choctaw Nation,  
August 31, 1906.

Transmits testimony in the  
matter of the application of  
Billy King, deceased.

CREEK ENROLLMENT.

REFER IN REPLY TO THE FOLLOWING:

C.I. 2356.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Calvin, Indian Territory, August 31, 1906.

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

Dear Sir:

There is inclosed herewith testimony taken by the  
Creek Field Party August 18, 1906, in the matter of the appli-  
cation for the enrollment of Billy King, deceased, as a citizen  
by blood of the Creek Nation.

The testimony of Niffie Tiger and Hector Beaver,  
which is desired in this case, will follow as soon as same has  
been secured.

Respectfully,

*Allen Percy*  
In Charge,  
Creek Field Party.

JBM

CR EN 1168

CR EN 1168

Cross Enrollment # 1168.

Leora Carolina

Listed on Cr. to Card No. # 2068.



202

20

*IN RE*

Application for Enrollment of

INFANT CHILD

*Lora Carolina*

as a citizen of

*Can*

Nation.

Approved

190

Commissioner.

*Father on Ex. Card # 1018*

*Filed Oct 1-1902*

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

IN RE Application for Enrollment, as a citizen of the Leora Creek Nation,  
of Leora Carolina, born on the 27 day of February, 1899  
(Here insert name of child.)  
Name of Father: Will Carolina a citizen of the Creek Nation.  
Name of Mother: Mandy a citizen of the Chickasaw Nation.  
Post-office Bearden O.T.

AFFIDAVIT OF MOTHER.

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

I, Mandy Carolina, on oath state that I am 27  
years of age and a citizen, by blood, of the Chickasaw Nation;  
that I am the lawful wife of Will Carolina, who is a citizen, by  
Blood, of the Creek Nation; that a female child was  
(male or female.)  
born to me on 27th day of February, 1899 that said child has been  
named \_\_\_\_\_, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Mandy Carolina mark  
Jas. S. Long  
Daniel Grayson

Subscribed and sworn to before me this 5th day of Sept. 1902  
Jas. S. Long NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

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

I, Greely Hill, a midwife, on oath state that I  
attended on Mrs. Mandy Carolina, wife of Will Carolina  
on the 27th day of February, 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 Leora Carolina.

WITNESSES TO MARK:

(Must be Two Witnesses.)

D. G. Dodds Greely Hill  
A. F. ...

Subscribed and sworn to before me this 27th day of September 1902.  
D. G. Dodds NOTARY PUBLIC.

9818  
B. A. 22.

Muskogee, Indian Territory, September 19, 1903

Mandy Carolina,

Bearden, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the birth of Leora Carolina, who, it is claimed, is a citizen of the Creek Nation. It is desired that testimony be submitted 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 date of the birth of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

• IN RE  
THE DEATH OF

*Leora Carolina*  
a citizen of the

*Chickasaw* Nation.

Approved ..... 190 .....

.....  
Commissioner.  
.....

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

In the matter of the death of Leora Carolina  
(Here insert name of deceased.)  
 a citizen of the Chickasaw Nation, who formerly resided at or near  
Wetumka (Here insert name of postoffice.), Ind. Ter., and died on the 29 day of  
June, 1899.

**AFFIDAVIT OF RELATIVE**

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

I, Mandy Carolina, on oath state that I am 31  
 years of age and a citizen, by adoption of the Chickasaw Nation;  
 that my postoffice address is Wetumka (Here insert name of postoffice.), Ind. Ter.; that I am  
the mother of Leora Carolina (Here insert name of deceased.)  
(State relationship: as the father; an uncle; a cousin, etc.)  
 who was a citizen, by adoption of the Chickasaw Nation  
 and that said Leora Carolina (Here insert name of deceased.) died on the 29 day of  
June, 1899.

**WITNESSES TO MARK:**

(Must Be Two Witnesses.) } G. C. Skaggs  
W. H. Ray

Mandy <sup>her</sup> Carolina  
 mark

Subscribed and sworn to before me this 12 day of April, 1906.

Dreman Skaggs  
 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 \_\_\_\_\_ (Here insert name of postoffice.), 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 \_\_\_\_\_, 18\_\_\_\_.

**WITNESSES TO MARK:**

(Must Be Two Witnesses.) }

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_\_.

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Wetumka, I. T., April 12, 1906.

In the matter of the application for the enrollment of Leora Carolina as a Creek Freedman.

MANDY CAROLINA, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Mandy Carolina.
- Q How old are you? A Thirty-one.
- Q What is your post office address? A Wetumka.
- Q Are you a citizen of the Creek Nation? A I am a citizen of the Chickasaw Nation.
- Q Are you enrolled as a citizen of the Chickasaw Nation? A Yes, sir.
- Q Under what name? A Mandy Colbert.
- Q Did you have a child named Leora Carolina? A Yes, sir.
- Q The child is dead, is it? A Yes, sir.
- Q Who is the child's father? A Will Carolina.
- Q Do you know when the child was born? A It must have been along about 1899, I think it was.
- Q Do you remember what month? A The last day of February.
- Q Do you know when the child died? A Yes, sir, she lived till the 30th of June. She died on the 29th and we buried her on the 30th.
- Q Have you a record of the birth and death of Leora? A No, sir.
- Q Are you positive it was born the last day of February, 1899, and died June 29, 1899? A Yes, sir.
- Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir, I remember when they first commenced filing.
- Q Was Leora living at that time? A No, sir, I believe not. No, sir, she was not living when they first commenced filing, but they was enrolling.
- Q They were enrolling at the time she died? A Yes, sir.
- Q When did you file on your allotment? A Two years ago next month.
- Q How many years has it been since the child died? A It has been seven years, I think.-----will be this coming June.
- Q If the child was not living when the land office opened it must have been born in 1898 instead of 1899? A It may be. I did have the remembrance of it but it has been so long. I never had her age down.
- Q Are you positive it was born in February, 1899? A I think it was that year.
- Q Is there any circumstance that fixes the date in your mind? A Yes, sir, I think so.
- Q What causes you to remember it? A Yes, sir, I think it was in that year.
- Q Is there anything which helps you remember the date? A No, nothing but just as far as I can remember in my mind.
- Q How long have you been married to Will Carolina? A We have been married fourteen years.
- Q Was Leora your first child? A No, sir, she was the fourth child.
- Q How long after your marriage was she born? A I couldn't tell.
- Q When was your first child born? A About a year after we were married.
- Q How long after your marriage was your second child born? A About three years.
- Q And your third child? A About four years or five years.

- Q And your fourth child was Leora? A Yes, sir.
- Q How long after the birth of the third child was Leora born? A The third child was about two years old when Leora was born.
- Q ~~Was~~ And your third child was born about five years after your marriage? A Yes, sir.
- Q Are you positive that Leora has not been dead more than seven years? A It may be a little longer but I don't think it has been over seven years.
- Q Is there a tomb stone at the grave of Leora? A No, sir.
- Q Is there a head board? A Yes, sir, but I think it has burned down.
- Q Was there any record on the head board? A yes, sir, there was then.
- Q Where was the child buried? A Up on North Fork.
- Q Near what place? A Northeast of Bearden.
- Q You don't think there is any head board there now? A No, sir, I don't expect there is. I haven't been there in a long while. The last time I was there I didn't see any.
- Q Who attended on you when Leora was born? A Creasy Hill, my husband's sister.
- Q Where does she live? A At Beggs.
- Q You and Creasy Hill have executed an affidavit stating that Leora was born February 27, 1899. Is that correct? A yes, sir. You see she was birth on the last day of February.
- Q Did you have a funeral when you buried the child? A yes, sir.
- Q Did you have a preacher? A Yes, sir, my father-in-law preached the funeral.
- Q What is his name? A Quash Carolina. He is dead now.
- Q Was the child living April 1, 1899? A April 1? Yes, sir.
- Q You are positive of that? A yes, sir.
- Q Why is it that you have not come before the Commission to attend to the matter of this child's enrollment before now? A A good many told me it was no need; that they was not looking after dead infants so I never tried to look it up.
- Q Had any one in your neighborhood that you know filed on his allotment when the child died? A No, sir, I don't know.
- Q If it should be found that your child, Leora, is entitled to enrollment in either the Chickasaw or Creek Nation, in which nation do you elect to have her enrolled? A In the Creek Nation.

WILL CAROLINA, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Will Carolina.
- Q How old are you? A Thirty-two.
- Q What is your post office address? A Wetunka.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q To what town do you belong? A North Fork Colored.
- Q Are you enrolled as Will Carolina? A yes, sir.
- Q Did you have a child named Leora Carolina? A Yes, sir.
- Q What is the name of the child's mother? A Mandy Carolina.
- Q when was the child born? A As near as I can remember it must have been born in the year of 1899, as near as I can recollect.
- Q In what month? A It was in February, as near as I can recollect.
- Q How do you fix the date? Is there anything which helps you remember the date? A No, sir. I did have the date on the head board of her grave.
- Q Who made the record on the head board? A I don't remember----- Tom Simpson, I believe.
- Q where does he live? A Near Bearden.
- Q When did the child die, A I think it died in June.
- Q In what year? A 1899. It didn't live but about four months.
- Q Are you positive it was four months old? A Yes, sir, as near as I can recollect.
- Q Do you remember the circumstance of the opening of the Creek Land Office? A I remember the time but I don't remember the date and year.

Q Was the child living at that time? A I don't know for certain whether it was or not. I think it was living when the land office opened.

Q Had any one that you know made selection of land when it died? A There was a couple of Indians said they had.

Q What are their names? A Eli Cornelius and Tupper Dunn.

Q They had filed when the child died? A yes, sir, they went down and made selection for their land.

Q If it should be found that your child, Leora, is entitled to enrollment in either the Chickasaw or Creek Nation in which nation do you desire to have the child enrolled? A In the Creek Nation.

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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 18 day of April, 1906.

Notary Public  
Notary public.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY.  
JANUARY 21, 1907.

In the matter of the application for the enrollment of  
Leora Carolina, deceased, as a Creek Freedman.

Appearances: Jay P. Farnsworth, representing M.L.Mott,  
Attorney for Creek Nation.

JOSIE CAROLINA, being duly sworn by H.G.Hains, a  
Notary Public, testified as follows:

Examination by Commissioner.

- Q What is your name? A Josie Carolina.  
Q What is your age? A About 29 I guess.  
Q What is your post office address? A Wetunka.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Do you know Amanda Carolina? A Yes sir.  
Q What kin is she to you? A She is my sister in law. My brother's  
lax wife.

Mr. Farnsworth.

- Q How far do you live from Amanda Carolina? A I guess about a  
little over a hundred yards, good talking distance.  
Q How long have you lived there? A I been living there; I first  
lived with my sister.  
Q When this child Leora Carolina was born were you living within  
a hundred yards? A No sir, I was living there but I wasn't at home  
when the child birthed; I came home the next day.  
Q You came home the next day after the child was born? A Yes sir.  
Q When was this child born to the best of your knowledge?  
A As far as I recollect I can't tell, I can't tell the date or  
anything like that, but the child was born in February, it was  
rather cold.  
Q In February? A Yes sir, as near as I can recollect.  
Q You don't know the year do you? A No sir, I don't know the  
years.  
Q Did you have a child born anywhere near the <sup>same</sup> time Leora Carolina  
was born? A Yes sir my baby boy is eleven months older.  
Q Your baby boy was eleven month older? A Yes sir.  
Q You are positive about that are you? A Yes sir.  
Q What is the name of the baby boy that you refer to? A Davis  
Bruner.  
Q Do you know the date that your baby boy was born on? A No sir,  
I forget the date, and I forget the year, but I know the month.  
Q What month? A 3rd day of April.  
Q Do you know how old he will be on his birthday? A Nine years;  
will be nine years old the 3rd day of April, 1907.  
Q You are sure of that? A Yes sir.  
Q Your baby boy will be nine years-----? A The 3rd day of this  
coming April.  
Q How do you know that-----?

Q How do you know when your baby boy was born and how do you remember that date? A My first cousin ; I just remember that my baby being born on the 3rd day of April on account of my uncle's son's marriage; he was married that day, and my younger brother went to wait on him when he got married, stand up with him, that is how I know.

Q How long did Leora Carolina live? A As near as I can recollect about four months I guess, I am not sure.

Q This baby Leora Carolina you say you saw it often, did you see it often? A I seen it very often, it was sickly all the time.

Q You are sure it did not live to be six months old? A No sir, it wasn't six months old as near as I can recollect, but it was about four months old.

Q You are positive then that your boy will be nine years old the 3rd day of April, 1907, and that he was eleven months old when Leora Carolina was born? A Yes sir.

By Commissioner.

Q Is your child McKinley Bruner living now? A Yes sir.

Q You have filed for him? A No sir.

Q You have been notified that you can file for him because his name is on the final roll, why haven't you filed for him.

Q Didn't have any money to come with.

Q How old is McKinley Bruner your child? A How old is he now?

He will be six years old on the 11th day of next September.

Q You are sure of that? A Yes sir.

Q Is your child Davis Bruner living? A Yes sir.

Q Well at the time McKinley Bruner was born how old was your child Davis Bruner? A ~~Yes~~ Well, I don't know sir.

Q Is it true that Davis was born on the 3rd day of April? A Yes.

Q Is it true that McKinley Bruner was born September 11th? A Yes.

Q Well then we know that Davis being born first he must have been born at least five months before McKinley, now how many years besides five months was Davis older than McKinley? A I don't know.

Q Was he one year and five months old at least? A Yes sir.

Q Was he two years and five months older, was he that old at least? A Yes sir.

Q Was he three years and five months older than McKinley, was he as much as three years and five months older? A The way I was thinking that he must be three years older than McKinley.

Q Was he older was he three years and five months older? A I don't know.

Q You don't know that? A No sir, I don't think he was that older.

Q If what you say is true that McKinley was born September 11, 1901 and that he will be six years old next September and if it is true that your child, Davis Bruner was born April 3, 1897, as you state in this affidavit handed in now then Davis must have been four or five years old when McKinley was born, is that true? A Yes, but I just don't know.

Q You can't read or write? A No sir, I can read a little print but I can't write.

Q Have you a good memory for dates, you remember things that happened from five to seven years ago? A Yes sir.

Q And if it is true as you testified a minute ago that your child, Davis will be nine years old this coming April then he must have been born April 3, 1897 as you said in the first affidavit instead of in 1899, as you stated in the matter of his enrollment; he will be nine years old this coming April? A Yes sir.

Q Is your child Davis going to school? A Yes sir.

Q Is this his first year? A No sir, second time.

Q How old was he when he first started to school? A He was seven years old.

By Commissioner.

- Q What is the name of that cousin of yours who was married the same day your baby was born? A Tony Carolina.
- Q Do you know whether he was married by a license and certificate?
- A No sir, I don't know.
- Q Don't know whether they had to go to the court house or not?
- A He was married at his father's.
- Q Who married them? A My father.
- Q What is his name? A Wash Carolina.
- Q Is he living? A No sir, he is dead.
- Q Who else was present besides your father and your younger brother, were you present? A No sir.
- Q Do you know the names of any of the witnesses that were there?
- A Yes sir my cousin Mott Carolina waited on him too.
- Q Where does he live? A Six miles above Wetumka.
- Q Anybody else? A I don't know of anyone else that was there.
- Q Did you make any record of the birth of your child, Davis Bruner, did you write it down or have any one write it for you?
- A I am not sure but I think my sister got it in a book with her children's ages.
- Q What is her name? A Sadie Hill.
- Q Where does she live? A At Beggs.
- Q Right in Beggs? A No sir, about two miles from Beggs.
- Q How long have you lived in this country? A I don't know, I was quite small when I moved here.
- Q You are enrolled as a Creek Freedman, aren't you? A Yes sir.
- Q You have been living in this Creek country about eleven years?
- A Yes sir.
- Q Now do you remember when the people first began filing on their lands in the Creek Nation, not when they first began enrolling, but when they begin to file, to come in here to Muskogee to file, do you remember that? A Yes sir. I remember, I remember when they were filing at Okmulgee.
- Q I don't want to know about the enrolling at Okmulgee, I want to know if you remember when people began to file on their allotments, right here in Muskogee, now do you remember that? A Yes sir.
- Q Was your child Davis born then? A I just can't remember.
- Q Do you remember when you filed on your own land? A Yes sir.
- Q Did you do the filing or did your father file for you?
- A I filed myself.
- Q Well now was your child, Davis born yet then? A He was living.
- Q How old was he then? A I don't know.
- Q It appears from the records that you filed May 15, 1901, and you can't tell how old Davis was, then? A No sir.
- Q You said something a minute ago about the enrolling at Okmulgee, when I asked you about the opening of the Creek Land Office at Muskogee; now was your child Davis born when they were enrolling at Okmulgee, these field parties? A Yes sir, when I came to Okmulgee, he was a good sized child. I left him home to go there.
- Q Do you know what year that was that you were at Okmulgee?
- A No sir.

By Mr. Farnsworth.

- Q Is your father a preacher? A Yes sir, but he is dead.

By Commissioner.

- Q When did he die? A June 20, 1901.
- Q Well how long after the birth of your child Davis that your father Wash Carolina died? A I don't know sir, it was a good while.
- Q What kin are you to this Toney Carolina, you say was married at that time? A Cousin, my brother-in-law, my uncle's children.

- Q Do you know any of his children? A Two of them.  
Q What is the name of the oldest? A I forget.  
Q Did you ever hear of his daughter Jane? A Yes sir.  
Q Now which one was born first? Your boy or Jane? A My boy.  
Q Your boy was born first? A Yes sir.  
Q Are you sure of that? A Yes sir. My boy was born on the day  
Tony got married.  
Q It appears from the records of this office that Jane Carolina  
was born January 13, 1899 and the enrollment of said Jane is filed  
the affidavit of Nettie Carolina, who swears October 27, 1899, that  
she is the lawful wife of Tony Carolina, and that said child, Jane  
Carolina, was born January 13, 1899. Do you know how long Tony  
Carolina, your cousin, and this Nettie Carolina, a non-citizen,  
had been married before their first child Jane was born? A No sir.  
Q You don't know how long they had been married, do you know  
whether they lived a year or ~~ax~~, as much as a year before they had a  
child? A No sir, I don't know. My brother went to wait on Tony  
Carolina at his wedding, the day my child was born. My sister  
couldn't go because she had to stay to wait on me as midwife.

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 cause on said date.

*Lona Merrick*

Subscribed and sworn to before me this 24th day of January, 1907.

*Oliver L. Hinkle*  
Notary Public.

Jessie Carolina

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

July 21-1907

COMMISSIONER

Jessie Carolina Jane  
29 years of age. I know  
Leora Carolina. I have a Boy named  
Davis Bremer. just 11 months older  
than Leora Carolina I know my  
Boy Davis borned April 3. 1897.  
I am aunt of Leora Carolina  
I lived about 100 years from  
their house <sup>where</sup> Leora died.  
She was about 2 months old  
when she died.

Jessie <sup>Le</sup> Carolina  
mark.

Witness to mark

Rich Bruner  
J. H. Fairbanks

Subscribed and sworn to before  
me this 17 day of January 1907

My Comm. Expires May 16-1908.

Bernie M. J. J. J.  
Notary Public.

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

In the matter of the application for the enrollment of Leora Carolina as a Creek Freedman.

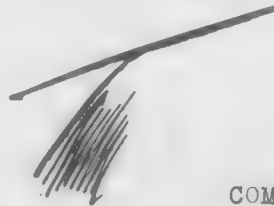
## D E C I S I O N .

The record in this case shows that on October 1, 1902, application was made, in affidavit form, for the enrollment of Leora Carolina as a Creek Freedman. Further proceedings were had on April 12, 1906, and January 21, 1907. The affidavits of Mandy Carolina, executed on April 12, 1906, and Jossie Carolina, executed on January 17, 1907, in the matter of the birth and death of said Leora Carolina, are attached to and made a part of the record herein.

It appears from the evidence and the records in the possession of this office that the applicant Leora Carolina, is the deceased child of William Carolina, a duly enrolled citizen of the Creek Nation, whose name appears on a partial schedule of Creek Freedman approved by the Secretary of the Interior, December 1, 1903, opposite number 5056, and his non citizen wife, Mandy Carolina.

The evidence as to the dates of birth and death of applicant is conflicting, but it appears from the weight of the evidence that she was born during the latter part of February, 1899 and that she died during the latter part of June, 1899.

I am therefore of the opinion, that in accordance with the provisions of the acts of Congress approved June 28, 1898, (30 Stat.L.495) and March 1, 1901, (31 Stats.L.861), the applicant Leora Carolina is entitled to be enrolled as a Creek freedman and the application for her enrollment as such is accordingly granted.



COMMISSIONER.

Muskogee, Indian Territory.

84-1907

13803 APR 20 1906

12/22

Posey, Alex  
Wetunka, T.T.,  
Apr. 19, 1906.

Transmits testimony in re  
application of Leora Carolina  
for enrollment as Greek freedman.



B.A. 22.

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

Wetumka, Indian Territory, April 19, 1906.

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

Sir:

In the matter of the application for the enrollment of Leora Carolina, deceased, as a Creek Freedman, there is enclosed herewith the testimony of Will and Mandy Carolina, taken April 12, 1906.

The testimony of other witnesses in this case will follow as soon as same can be secured.

Respectfully,

*Wm. M. May*  
In Charge Creek Field Party.

REFER IN REPLY TO THE FOLLOWING:  
.....  
B A 22.  
.....

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

Muskogee, Indian Territory, January 5, 1907.

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

Sir:

In the matter of the application for the enrollment of Leora Carolina, as a Creek Freedman, I have the honor to report that the Creek field party is unable to secure further evidence and copy of the testimony heretofore taken in said cause is herewith returned.

Respectfully,

*Alva P. Gray*  
In charge of Creek field party.

752

~~177~~  
254

2579  
3761

Muskogee, Indian Territory, Feb 5<sup>th</sup> 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,

  
Creek National Attorney.

Em 1168  
~~Creek F. 1906.~~

Muskogee, Indian Territory, March 4, 1907.

William Carolina,

Wetumka, 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, Leora Carolina, as a Creek Freedman, whose name appears opposite Creek Freedman roll number 5682.

This child is now entitled to allotment, and application therefor should be made without delay at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 1169

CR EN 1169

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

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In the matter of the application for the enrollment of Charley Williams as a citizen by blood of the Creek Nation.

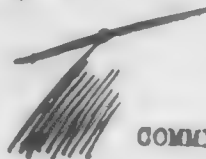
D E C I S I O N .

The records of this office show that on October 31, 1905, this office acknowledged receipt of a letter from Charley Williams relative to his right to citizenship, which is herein considered evidence of an original application for his enrollment as a citizen by blood of the Creek Nation, in order that whatever rights he may have may be protected. Further proceedings were had January 31, 1907.

The evidence shows that on January 31, 1907 said Charley Williams was more than forty years of age and that he claims his right to enrollment through China Perryman, who died about twenty-five or thirty years ago, and who, it is claimed, was a Creek Indian.

The evidence and the records of this office fail to show that the name of said Charley Williams appears upon the 1890 authenticated tribal roll or the 1895 pay roll of the Creek Nation, or that he has ever been admitted to citizenship by any of the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Charley Williams as a citizen by blood of the Creek Nation, and the application for his enrollment as such is accordingly denied.



COMMISSIONER.

Muskogee, Indian Territory,

1907

Cr. No. 1169.

Muskogee, Indian Territory, February 28, 1907.

Charley Williams,  
Reley, 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 yourself 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-14.

Cr.Mn.1169.

Muskogee, Indian Territory, February 28, 1907.

M. L. Mett,

Attorney for Creek Nation,

Muskogee, 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 Charley Williams, 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.

LM-15.



Cr.M.1169.

Muskogee, Indian Territory, February 26, 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 Charley Williams, 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.

LM-16.

Through the Commissioner  
of Indian Affairs.

Refer in reply to the following:  
Land- References in  
body of letter.

COPY

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

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith six reports from the Commissioner to the Five Civilized Tribes, all dated February 28, 1907, enclosing the records in the following citizenship cases in the Indian Territory:

21312-1907, in the matter of the application for the enrollment of Mary Jones as a Creek freedman. The application is denied for the reason that the evidence of the mother and attending physician is so unsatisfactory as not to establish conclusively either the date of birth or death of the applicant.

21313-1907, in the matter of the application for the enrollment of Margaret, deceased, as a citizen by blood of the Creek Nation. It is denied for the reason that the preponderance of the evidence shows that she died prior to April 1, 1899 in the small-pox epidemic prevailing in the Creek Nation at that time.

21314-1907, in the matter of the application for the enrollment of Maletta Cook as a Creek freedman. It is shown that the applicant died April 16, 1905, and the preponderance

of the evidence is to the effect that she did not live more than six weeks, so she must have been born about March 9, 1908. The application is denied for the reason that there is no authority of law for the enrollment.

21815-1907, in the matter of the application for the enrollment of Caesar Foster as a citizen by blood of the Creek Nation. It is denied for the reason that proof of the marriage of his parents was not sufficient.

21816-1907, in the matter of the application of Charley Williams for enrollment as a citizen by blood of the Creek Nation. The applicant is 40 years of age, and claims right to enrollment through China Perryman, who died 25 or 30 years ago, and who is claimed was a Creek Indian. The records in the office of the Commissioner fail to show the name of Charley Williams on the 1890 authenticated tribal roll or the 1895 pay roll of the Creek Nation, nor is it shown that he has ever been admitted to citizenship by any of the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory, and his application is denied for this reason.

21817-1907, in the matter of the application of Jake for enrollment as a citizen by blood of the Creek Nation. The evidence shows that the applicant has been enrolled in the Creek Nation under the name of Jake Teebe, and his name appears

on a partial roll of Cherokee Indians by blood opposite No. 21208 on that roll. It further appears that on January 8, 1907, he elected to be enrolled as a citizen by blood of the Cherokee Nation, and he is denied enrollment in the Creek Nation for that reason.

The Office has examined the records and decision in each of these cases and is of the opinion that they are correct. It is therefore recommended that Commissioner Bixby's decision in each case be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

LWE-D

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.  
RJH

I.T.D. 7878-1907.

March 4, 1907.

LRS

DIRECT.

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

Sir:

Your decisions in the following citizenship cases, adverse to the applicants, are hereby affirmed. A copy of Indian Office letter, submitting your reports, and recommending that your decisions be affirmed, is inclosed.

| Title of Case.                       | Date of your letter of transmittal |
|--------------------------------------|------------------------------------|
| Margaret (deceased), Creek by blood, | February 28, 1907.                 |
| Miletta Cook, Creek freedman,        | "                                  |
| Charley Williams, Creek by blood,    | "                                  |
| Carbar Foster, Creek by blood,       | "                                  |
| Jake, Creek by blood,                | "                                  |
| Mary Jones, Creek freedman,          | "                                  |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 inc. and 12 incs.  
for Ind. Off.

McM 3-4-07.

Cr. No. 1169.

Muskogee, Indian Territory, March 16, 1907.

Charley Williams,

Boley, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, denying your application for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

JBM

CR EN 1170

CR EN 1170

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Okmulgee, I. T., October 31, 1904.

C. 3188.

In the matter of the application for the enrollment of Warmahlee et al., as a citizen by blood of the Creek Nation.

THOMAS ADAMS, being duly sworn, testified as follows:

By Commission:

- Q What is your name? A Thomas Adams.  
Q What is your age? A Sixty-four.  
Q What is your post office address? A Okmulgee.  
Q Are you Town King of Ketchapataka Town? A Yes, sir.  
Q Do you know Warmahlee? A Yes, sir.  
Q Is he living or dead? A Dead.  
Q How long has he been dead? A Going on four years. He got killed up here--west.  
Q Some one killed him? A Yes, sir.  
Q Who killed him? A I do not know. Got killed at home. One of his renters killed him.  
Q Was the man tried in court for killing him? A I don't know.  
Q Was he ever known by any other name--did he have an English name?  
A That is all the name he goes by.  
Q Did he have some children? A He had a wife. I don't know about children.  
Q How old a man was he? A About thirty-five years old. I don't think they filed him. He had land selected and rented out.  
Q Do you know whether he filed on it? A No, sir.  
Q Do you know whether filing had opened or not? A It had opened.  
Q Did he have a wife? A Yes, sir.  
Q What was her name? A I don't know. She didn't belong to my town.  
Q What was his post office address? A Might be Arbeka. He was living up by there.  
Q Did he ever live in the eastern part of the Nation? A He lived over close to Oktaha.  
Q Do you know whether Warmahlee had any children or not? A No, sir.  
Q Do you know whether he was married or not? A He was married when he was in the western part of the Nation. He might have been married before. I didn't know whether he was married until he come to my house.

---ooo000ooo---

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 5 day of November, 1904.

  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Okmulgee, I. T., November 1, 1904.

C. 3188.

In the matter of the application for the enrollment of Yarmahlee et al., as citizens by blood of the Creek Nation.

WILLIAM YAHOLA, being duly sworn, testified as follows:

Partly through Alex Posey Official Interpreter:

By Commission:

- Q What is your name? A William Yahola.
- Q How old are you? A Thirty-three.
- Q What is your post office address? A Morse.
- Q What town do you belong to? A Nuyaka.
- Q Did you know Yarmahlee? A Yes, sir.
- Q He is dead is he? A Yes, sir.
- Q How long has he been dead? A About six years.
- Q Did he live near you when he died? A Lived in the ~~same~~ same neighborhood about eight miles apart.
- Q Did he die before the Creek Land Office opened? A Yes, sir, before the land office opened.
- Q Did he have any children? A We had a wife but no children.
- Q What was his wife's name? A Heta.
- Q Did you know Jake, Millie and Thomas? A Yes, sir.
- Q Did they live with him? A They lived together until he married.
- Q Did you know Hettie? A Hettie died in June of this year.
- Q What kin was she to Yarmahlee? A No kin.
- Q Did she live with him? A She was his wife.
- Q Did she live with Yarmahlee when he died? A Yes, sir, he was killed.
- Q What town did Hettie belong to? A Arbecoche.
- Q What name did she go by? A Heta.
- Q Do you know whether she filed on land or not? A Yes, sir.
- Q What name does Jake go by? A Simply Jake.
- Q Is he living? A Dead.
- Q How long has he been dead? A He died about six years ago.
- Q Did he die before Yarmahlee or after? A Before Yarmahlee.
- Q Is Millie living? A Dead.
- Q Did she die before Yarmahlee or after? A They all died in 1898.
- Q And Thomas too? A Yes, sir. All died in 1898.
- Q Did they have the smallpox? A Yes, sir. It didn't kill me though.
- Q How far do you live from Charley Coker? A We live some distance from each other. I live at Morse and he lives near Boley.
- Q Were you in the Pest House? A Yes, sir.
- Q With the smallpox? A Yes, sir.
- Q What house was that--what is it known by? A Barney Thlecco's place.
- Q When were you discharged from that place? A I think it was '98 but I don't remember what month.
- Q What time of the year was it? A In the early spring.
- Q Were you among the first or last that took the smallpox? A Among the last.
- Q How long after you were discharged before the smallpox ceased up in that country? A The small pox lasted until 1900.
- Q Do you know anything about when the Charley Coker pesthouse burned? A I can't remember the month--it was sometime in 1898 when the disease began down in that neighborhood and came up towards my neighborhood and it was about that time that the pesthouse was burned. It is hard to remember when it burned. The best evidence would be among the white people that lived in there.

C. 3180-----2.

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 5th day of November, 1904.

Charles H. Sawyer  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
 COMMISSION TO THE FIVE CIVILIZED TRIBES.  
 Okemah, I. T., February 18, 1905.

In the matter of the application for the enrollment of Yarmahler et al., as citizens by blood of the Creek Nation.

JAMES SCOTT, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A James Cott.  
 Q How old are you? A I do not know.

Witness appears to be about thirty-five years old.

- Q What is your post office address? A Okemah.  
 Q Are you a citizen of the Creek Nation? A Yes, sir.  
 Q To what town do you belong? A Greenleaf.  
 Q Were you acquainted with Yarmahler? A Yes, sir.  
 Q Do you know when he died? A He died about the time the Curtis Bill became a law. There was at the time much talk about the Bill.  
 Q How many years has that been? A I do not know.  
 Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.  
 Q Did Yarmahler die before or after the opening of the land office?  
 A He died before the land office opened.  
 Q How long before? A I only know that people began filing after he died.  
 Q In what time of the year did he die? A He was killed at a dance about Christmas time.  
 Q Were you present at his funeral? A No, sir.  
 Q To what town did he belong? A Ketchapataka.  
 Q Did he live near you at the time he was killed? A We lived in different neighborhoods but I saw him frequently and was well acquainted with him.  
 Q Was he married? A Yes, sir.  
 Q Is she living? A I think she died about a year ago.  
 Q What was her name? A I cannot recall her name.  
 Q Were you acquainted with her? A No, sir, I am not acquainted with her but saw her with Yarmahler frequently and supposed that she was his wife.  
 Q Did Yarmahler have any children? A No, sir.  
 Q How old a man was he at the time he died? A I do not know how old he was.  
 Q Was he an old man or a middle-aged man? A Middle-aged  
 Q Did you know Jake, Millie and Thomas? A No, sir, I do not remember them.

MITCHELL HENEHA, being duly sworn, testified as follows

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q what is your name? A Mitchell Heneha.  
 Q How old are you? A I do not know, but I think I am about 20.  
 Q what is your post office address? A Castle.  
 Q Are you a citizen of the Creek Nation? A Yes, sir, because I am an Indian.  
 Q To what town do you belong? A Weogufke.

- Q Did you know Yarmahler? A I knew him.  
Q Do you know when he died? A I do not know the date of his death only that he died in the winter. He was killed at a dance.  
Q How many years ago do you think it has been that he was killed? A I think it has been eight or nine years ago.  
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.  
Q Did Yarmahler die before or after the opening of the Creek Land Office? A He died before the land office opened.  
Q Are you positive that he died before the land office opened? A Yes, sir.  
Q Was he married? A Yes, sir, he had a woman following him around.  
Q What was her name? A I did not know her name but Wadley Heneha would know.  
Q Do you know whether or not she is living? A She died last year.  
Q Had she made selection of land when she died? A I think she had filed at the time she died, but I do not know where she took her allotment. She died in the summer.  
Q Did you know Jake, Millie and Thomas? A No, sir.

---ooo000ooo---

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 8 day of April 1905.

*D. C. Skaggs*  
*Edw. B. Hines*  
Notary Public.

Oct 31/04

~~9188~~

Geo. Adams testified  
no direct work  
the time Curtis Bill  
part of the opening  
of the mine and  
the mine.

Adams

Adams testified  
the mine was  
opened in 1891

Feb 18/05

Geo. Scott testified

no direct work

the time Curtis Bill

part of the opening

of the mine and

the mine.

Scott

Scott testified

the mine was

opened in 1891

and the mine

was opened in 1891

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

In the matter of the application for the enrollment of Yar-mah-ler, deceased, et al, as citizens by blood of the Creek Nation.

## D E C I S I O N .

The record in this case shows that on May 23, 1901, the names of Yar-mah-ler, deceased, Jake Yar-mah-ler, deceased, Millie Yar-mah-ler, deceased, Hettie Yar-mah-ler and Thomas Yar-mah-ler, deceased, were listed on Old Creek Field Card number 3188, in order to preserve whatever rights said persons might have as citizens of the Creek Nation. Testimony was taken in this matter on October 31, 1904, which action is considered as an original application for the enrollment of said persons as citizens by blood of the Creek Nation. Further proceedings were had November 1, 1904, and February 18, 1905.

It appears from the evidence and the records in the possession of this office that the names of the applicants herein appear on the 1898 authenticated tribal roll of the Creek Nation, Ketchapataka Town, and that all of the applicants, with the possible exception of Hettie Yar-mah-ler, died prior to April 1, 1899. As to the identity of Hettie Yar-mah-ler there is much confusion. The testimony of some of the witnesses tends to show that said Hettie Yar-mah-ler, was the wife of Yar-mah-ler. One of the witnesses, namely, William Yahola, testified that the name of the wife of Yar-mah-ler, was Heta, and that she was a member of Arbekeche Town, and had received an allotment in the Creek Nation. Another witness, namely, Thomas Adams, testified that the wife of Yar-mah-ler did not belong to Ketchapataka Town. On the question of the identification of the wife of Yar-mah-ler, the remainder of the witnesses, testified that they were not informed; but one of them, namely, Mitchell Hensha, testified that he thought that the wife of Yar-mah-ler had received an allotment.

A consideration of the evidence and a careful examination of the records in the possession of this office fails to lead to an identification of the applicant herein, Hettie Yar-mah-ler.

In view of the facts in this case, I am of the opinion, that there is no authority of law for the enrollment of Yar-mah-ler, deceased, Jake Yar-mah-ler, deceased, Millie Yar-mah-ler, deceased, Hettie Yar-mah-ler and Thomas Yar-mah-ler deceased, as citizens by blood of the Creek Nation, and the application for their enrollment as such is accordingly denied.

Muskogee, Indian Territory.

FEB 7 - 1907


 COMMISSIONER.

Cr.No.1170.

Muskogee, Indian Territory, February 9, 1907.

William Yahola,

Morse, 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 Yar-mah-ler, deceased, Jake Yar-mah-ler, deceased, Millie Yarmah-ler, deceased, Hettie Yar-mah-ler, deceased, and Thomas Yar-mah-ler, 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 Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.  
LM-3.

Cr.Rn.1170.

Muskogee, Indian Territory, February 9, 1907.

M. L. Hett,  
Attorney for Creek Nation,  
Muskogee, 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 Yar-mah-ler, et al., deceased, as citizens 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.

LN-4.



Cr.No.1170.

Muskogee, Indian Territory, February 8, 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 Var-mah-lee, et al., deceased, as citizens of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM-8.

Through the Commissioner  
of Indian Affairs.

Refer in reply to the following:  
Land 14315-1907.

COPY

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

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Yar-mah-ler, deceased, Jake Yar-mah-ler, deceased, Millie Yar-mah-ler, deceased, Hettie Yar-mah-ler, deceased, and Thomas Yar-mah-ler, deceased, as citizens of the Creek Nation.

Commissioner Bixby reports that the record in the case shows that on May 23, 1901, the names of the applicants were listed on old Creek Field Card No. 3188 in order to preserve whatever rights the representatives of these persons might have to have their names appear as citizens of the Creek Nation; that testimony was taken in the matter on October 31, 1904, which action is treated by him as an original application for the enrollment of the persons named as citizens by blood of the Creek Nation, and that further proceedings were had on November 1, 1904 and February 18, 1905.

He also reports that it appears from the evidence and the records in his possession that the names of the applicants appear on the 1895 authenticated roll of the Creek Nation,

Ketchapataka Town, and that all of the applicants, with the possible exception of Hettie Yar-mah-ler, died prior to April 1, 1899; that as to the identity of Hettie Yar-mah-ler, there is much confusion; that the testimony of some of the witnesses tends to show that she was the wife of Yar-mah-ler; that William Yahola, one of the witnesses, testified that the name of the wife of Yar-mah-ler was Heta, and that she was a member of Arbekoche Town and had received an allotment in the Creek Nation; that another witness, Thomas Adams, testified that the wife of Yar-mah-ler did not belong to Ketchapataka Town, and that on the question of the identification of the wife of Yar-mah-ler, the remainder of the witnesses testified that they were not informed but Mitchell Heneha, one of them, testified that he thought that the wife of Yar-mah-ler had received an allotment. A consideration of the evidence and the careful examination of the records of the Commissioner failed to lead to an identification of the applicant as Hettie Yar-mah-ler.

On February 7, 1907, the Commissioner concluded that in view of the facts in the case he was of opinion that there was no authority of law for the enrollment of Yar-mah-ler, Jake Yar-mah-ler, Millie Yar-mah-ler, Hettie Yar-mah-ler and Thomas Yar-mah-ler, deceased, as citizens by blood of the Creek Nation and accordingly rejected their applications.

The evidence in the case shows that the applicants died at such a time as to preclude their being placed on the

tribal rolls of the Creek Nation, and accordingly it is recommended that the action of the Commissioner be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-Y

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.  
O.K.

LRS I.T.D.

5706, 5722, 5732, 5794-1907.  
5814, 5816, 5828, 5830-1907.  
5832, 5838, 5840, 5856-1907.  
5862, 5868, 5872, 5874-1907.  
5882, 5884, 5966-1907.

March 2, 1907.

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases  
adverse to the applicants are hereby affirmed. Copies of  
Indian Office letters submitting your reports and recommending  
that the decisions be affirmed are enclosed.

| Title of Case.                      | DATE of your<br>Letter of Transmittal. |
|-------------------------------------|--|
| Easter Walker,                      | January 11, 1907.                      |
| Julia Cornelius, et al.             | January 28, 1907.                      |
| Paul Bowers,                        | February 11, 1907.                     |
| Moses Vaughan (Freedman),           | February 11, 1907.                     |
| Charles Clark,                      | February 9, 1907.                      |
| Johny Carwile (Freedman)            | February 9, 1907.                      |
| Jack and Alice Bell (Freedmen),     | February 9, 1907.                      |
| Yar-mah-lee, et al. (deceased)      | February 9, 1907.                      |
| Mary Burl (Freedman)                | February 9, 1907.                      |
| Annie McClelland and Mitchell Cox,  | February 11, 1907.                     |
| Alvin Smith (deceased) (Freedman),  | February 9, 1907.                      |
| Isaac and Ethel Grayson (Freedman), | February 9, 1907.                      |
| William B. Self et al.              | February 9, 1907.                      |
| Annie Morgan, (Freedman)            | February 11, 1907.                     |
| Bennie Griffin (Freedman),          | February 9, 1907.                      |
| Mose James, (Freedman)              | February 11, 1907.                     |
| Dan Campbell (Freedman),            | February 9, 1907.                      |
| Josie Wofford,                      | January 26, 1907.                      |
| Daniel Gray, deceased,              | February 9, 1907.                      |
|                                     | February 11, 1907.                     |

A copy hereof and all the papers in the above mentioned  
cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

19 inc. and 38 inc.  
for Ind. Of.

AFMc  
3-2-07.

Gr. No. 1170

CM

Muskogee, Indian Territory, March 11, 1907.

William Yahola,

Morse, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 7, 1907, denying the application for the enrollment of Yar-mah-ler, deceased, Jake Yar-mah-ler, deceased, Millie Yar-mah-ler, deceased, Hettie Yar-mah-ler, deceased, and Thomas Yar-mah-ler, deceased, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

RESIDENCE:

POST OFFICE:

Ontaha Ind. Ter.

Nation.

Roll.

CARD NO.

FIELD NO.

3188

| Dawes' Roll No. | NAME.      | Relationship to Person first Named. | AGE | SEX. | BLOOD. | TRIBAL ENROLLMENT. |             |     | TRIBAL ENROLLMENT OF PARENTS. |       |           |                 |       |           |
|-----------------|------------|-------------------------------------|-----|------|--------|--------------------|-------------|-----|-------------------------------|-------|-----------|-----------------|-------|-----------|
|                 |            |                                     |     |      |        | Year.              | District.   | No. | Name of Father.               | Year. | District. | Name of Mother. | Year. | District. |
|                 | Yar mahler |                                     | 60  | m.   | Full   | 1895               | Kechopataka | 276 | Unknown                       |       |           | Unknown         |       |           |
| 2               | " Jake     |                                     |     |      |        | 1895               | "           | 277 |                               |       |           |                 |       |           |
| 3               | " Millie   |                                     |     |      |        | 1895               | "           | 278 |                               |       |           |                 |       |           |
| 4               | " Lottie   |                                     |     |      |        | 1895               | "           | 279 |                               |       |           |                 |       |           |
| 5               | " Thomas   |                                     |     |      |        | 1895               | "           | 280 |                               |       |           |                 |       |           |
| 6               |            |                                     |     |      |        |                    |             |     |                               |       |           |                 |       |           |
| 7               |            |                                     |     |      |        |                    |             |     |                               |       |           |                 |       |           |
| 8               |            |                                     |     |      |        |                    |             |     |                               |       |           |                 |       |           |
| 9               |            |                                     |     |      |        |                    |             |     |                               |       |           |                 |       |           |
| 10              |            |                                     |     |      |        |                    |             |     |                               |       |           |                 |       |           |
| 11              |            |                                     |     |      |        |                    |             |     |                               |       |           |                 |       |           |
| 12              |            |                                     |     |      |        |                    |             |     |                               |       |           |                 |       |           |
| 13              |            |                                     |     |      |        |                    |             |     |                               |       |           |                 |       |           |
| 14              |            |                                     |     |      |        |                    |             |     |                               |       |           |                 |       |           |
| 15              |            |                                     |     |      |        |                    |             |     |                               |       |           |                 |       |           |
| 16              |            |                                     |     |      |        |                    |             |     |                               |       |           |                 |       |           |
| 17              |            |                                     |     |      |        |                    |             |     |                               |       |           |                 |       |           |
| 18              |            |                                     |     |      |        |                    |             |     |                               |       |           |                 |       |           |

Willy Kelly says No. 1. died prior to April 1<sup>st</sup> 1899.  
 Town Officers say Nos. 2, 3, 4, and 5 are either fictitious names or if living, reside in the Cherokee Nation.  
 No. 1 on 1890 roll page 133. as Yarmaska

*Strickland*

May 29, 1901

CR EN 1171

CR EN 1171

missing



CR EN 1172

CR EN 1172

( C O P Y )

JJJr

DEPARTMENT OF THE INTERIOR.

LLB

WASHINGTON.

I.T.D.11370-1906.  
14838- "

September 14, 1906.

LRS

Aney Grayson,  
Tulahassee, Ind. T.

Madam :--

In reply to your communication of July 13, 1905, the department addressed a letter to you dated July 2, 1906, in which you were advised that the rolls of the Creek Nation were closed September 1, 1904. Your attention was called to section 1 of the act of Congress approved April 26, 1906, (34 Stat., 137), which provides that the Secretary of the Interior may enroll persons whom the records of the Commissioner to the Five Civilized Tribes show made application for enrollment prior to December 1, 1905. You were also advised that the Commissioner to the Five Civilized Tribes had been requested to report as to the effect of that provision of law upon your rights in the premises. Said departmental letter of July 2, 1906, was returned to the Department undelivered, and is now transmitted herewith.

The Department is in receipt of a report from the Commissioner to the Five Civilized Tribes in relation to your case,

in which he recommends that a communication dated July 13, 1905, and addressed by you to the President of the United States should be considered as an application for your enrollment as a citizen of the Creek Nation, and that said communication having been referred by the Department to his office prior to December 1, 1905, under the provisions of section 1 of the act of Congress approved April 26, 1906, (34 Stat., 137), you should be permitted to appear before him and introduce such proper testimony as you may desire as to your rights to enrollment as a Creek citizen.

The Department has this day advised said Commissioner to notify you to appear before him and introduce testimony in support of your application.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

( C O P Y )

JJJr

DEPARTMENT OF THE INTERIOR,      LLB  
WASHINGTON.

I.T.D. 6685-1905.  
11370-1906.

July 2, 1906.

LRS

Aney Grayson,  
Tallahassee, Ind. T.

Madam :--

In further reply to your communication of July 13, 1905, relative to your application for enrollment as a Creek citizen, you are informed that the Department is now in receipt of a communication from the Commissioner to the Five Civilized Tribes, in which he states that on August 21, 1905, he informed you that the records of his office had been examined and that it did not appear that application had been made for your enrollment as a citizen of the Creek Nation. He also stated that the rolls of the Creek nation were closed September 1, 1904, by order to the Secretary of the Interior and that his office is now without authority to receive applications for enrollment as citizens of said nation.

Your attention is called to section 1 of the act of Congress approved April 26, 1906, (Public No. 129), which provides "that the Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner to the Five Civilized Tribes

show application was made prior to December 1, 1908, and which was not allowed solely because not made within the time prescribed by law.

The attention of the Commissioner to the Five Civilized Tribes has been called to this provision of law, and he has been requested to report as to its effect upon your rights in the premises.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

( COPY )

*Make enrollment case  
of this & let me  
finish docket.*

JJJr

DEPARTMENT OF THE INTERIOR.

LLB

WASHINGTON.

I.T.D. 11370-1906.  
14838- "

September 14, 1906.

LRS

Aney Grayson,  
Tallahassee, Ind. T.

Madam :--

In reply to your communication of July 13, 1905, the department addressed a letter to you dated July 2, 1906, in which you were advised that the rolls of the Creek Nation were closed September 1, 1904. Your attention was called to section 1 of the act of Congress approved April 26, 1906, (34 Stat., 137), which provides that the Secretary of the Interior may enroll persons whom the records of the Commissioner to the Five Civilized Tribes show made application for enrollment prior to December 1, 1905. You were also advised that the Commissioner to the Five Civilized Tribes had been requested to report as to the effect of that provision of law upon your rights in the premises. Said departmental letter of July 2, 1906, was returned to the Department undelivered, and is now transmitted herewith.

The Department is in receipt of a report from the Commissioner to the Five Civilized Tribes in relation to your case,

( COPY )

138

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

Muskogee, Indian Territory, September 29, 1905.

Aney Grayson,

Tallahassee, Indian Territory.

Dear Madam :--

Referring to your communication under date of July 13, 1905, in which you made certain statements as to your alleged right to citizenship, giving the names of certain members of your family, you are advised that under date of September 14, 1906, the Department concurred in the recommendation of this office and directed that you be given an opportunity to introduce testimony as to your alleged right to enrollment.

You are hereby notified that a hearing will be had in this matter at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, on Thursday, October 18, 1906, at which time you are directed to appear, together with such other witnesses as you may desire to have testify, for the purpose of introducing testimony as to your alleged right to enrollment as a citizen of the Creek Nation under the provisions of section one of the Act of Congress approved April 26, 1906, (34 Stats., 137).

Said section reads as follows:

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act: Provided, That the Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner to the Five Civilized Tribes show application was made prior to December first, nineteen hundred and five, and which was not allowed solely because not made within the time prescribed by law."

The attorney for the Creek Nation has also been notified that he will be permitted to introduce such evidence as he may desire in this matter at the same time and place.

Respectfully,

(Signed) Tamm Bixby,

Commissioner.



( COPY )

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

S.P.

JJjr.

I.T.D.14838-1906.

LRS

November 10, 1906.

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

Sir :--

There are inclosed herewith departmental communications dated July 2, 1906, and September 14, 1906, addressed to Aney Grayson, Tullahassee, Ind. T., in reference to her application for enrollment as a Creek citizen. These letters have been returned to the Department unclaimed.

In view of their importance to said applicant, you are requested to secure, if possible, her proper address and forward them.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

2 inclosures.

Through the Commissioner  
of Indian Affairs.

Muskogee, Indian Territory, February 6, 1907.

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

Dear Sir :--

In accordance with verbal instructions given me on February 5, 1907, I proceeded to Tullahassee, Indian Territory, for the purpose of ascertaining the whereabouts of one Aney Grayson, an alleged applicant for enrollment as a citizen of the Creek Nation.

I consulted with Mr. L. E. Willis, who has been a resident of Tullahassee for a number of years. He stated he did not know where said Aney Grayson is and that she had moved away from Tullahassee some time in the spring of 1906. I spoke with other persons about her and it was stated that they thought she had moved to Redbird. I asked Mr. K. J. Barber, a well known resident of Redbird, if he knew whether she lived in his town and he stated he did not know where she is. Her attorney, A. S. McRea, told me he did not know where she is; that he had not seen or heard from her for about a year. A. G. W. Sango, Superintendent of the Tullahassee Mission, was unable to give me any information as to her whereabouts.

Respectfully,

Clerk in charge Creek Field Party.

JWH

Muskogee, Indian Territory, February 6, 1907.

The Honorable,

The Secretary of the Interior.

Sir :--

Replying to your letter of November 10, 1906, enclosing letters addressed to Aney Grayson, Tullahassee, Indian Territory, and requesting this office to procure, if possible, her proper address and forward them, you are advised that this office has made repeated efforts to ascertain the whereabouts of said Aney Grayson, but without success.

A report of Mr. George K. Davidson, clerk in charge of a Creek field party, together with the letters enclosed with yours of November 10, 1906, are herewith transmitted for your consideration and appropriate action.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

4 Enclosures.

JWH 6-2

CR EN 1173

CR EN 1173

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I.T., February 6, 1907.

In the matter of the application for the enrollment as a Creek freedman of Lilly Valentine.

APPEARANCES: IRVIN DONOVAN, Attorney for Applicant.

Lilly Valentine, being duly sworn by Edward Merrick, a Notary Public, testified as follows:

BY COMMISSIONER.

- Q What is your name? Lilly.  
Q Lilly what? A Barnett.  
Q Lilly Barnett? A Yes, sir.  
Q How old are you? A I will say I am about 90 years old.  
Q What is your post office address? A I aint got no post office address. I can't read nor write--don't take no papers.  
Q If the Commissioner wanted to write you a letter, where would he address it so that you would get it? A Bristow, Ind. Ter.  
Q Do you make application for enrollment as a Creek freedman?  
A Yes, sir.  
Q Were you a slave? A No, sir.  
Q Were you a slave of an Indian? A No, sir.  
Q Where were you born? A I was born--Creek--Creek (To bystander) You know that place, Mary? It was between the two rivers or---  
Q Was you born in the Creek Nation? A Yes, sir, in the ~~South~~ Arkansas.  
Q Born in Arkansas? A Yes, sir.  
Q How long have you lived in the Creek Nation? A Oh, lived here a long time, I couldn't tell how long I lived here, to tell the truth.  
Q Were you a slave at any time during your life? A No, sir.  
Q Never was? A Never was.  
Q Did you come to the Creek Nation before or after the Civil War?  
A I was here when it was.  
Q Where? A I was here when it was.  
Q During the war? A Yes, sir; I was here when the war was--living in tents and in dut-outs, in hills.  
Q After you came to the Creek Nation, have you ever lived outside the Creek Nation? A No, sir.  
Q You have lived here ever since, have you? A We went to the Cheoky-Chick (To bystander) Didn't we, Mary?  
Q Did you ever draw any money from the Creek Nation? A Never did in my life.  
Q Do you know whether your name appears upon any of the Creek tribal rolls? A Why it ought to.  
Q Why do you say it ought to? A Cause my mother had my name put there.  
Q Your mother? A Yes, sir.  
Q How long has your mother been dead? A Oh, she has been dead about twenty years.  
Q Twenty? A Yes, sir.  
Q Was your mother a citizen of the Creek Nation? A Yes, sir; full blood.  
Q She was a full blood Indian? A Yes, sir.  
Q Now understand me, Aunty, do you claim right to enrollment as a Creek citizen by reason of the fact that you are a freedman, or that you are an Indian by blood? A I am Indian by blood.

Q You are claiming as an Indian by blood? A Yes, sir.  
Q When was it that your mother had your name phased on the Creek tribal rolls? A Why it has been so long I can't tell you.  
Q Was it before or after the war? A Why, I don't know, sir, whether it was before the war or after the war, I know it wasn't after the war.  
Q You know it wasn't after the war? A I think it weren't, I don't know, I don't know how long the war has been.  
Q Now, Aunty, do you remember of ever having received any money yourself from the Creek tribal authorities? A Never have received five cents in my life..  
Q Never have? A Never have.  
Q You don't know yourself whether your name appears on the Creek tribal rolls, do you? A Why I don't know no more than what my mother told me.  
Q Your mother told you that your name did appear? A Yes, sir.  
Q Are you ever known by ~~XXXXXXXXXXXX~~ the name of Lila Valentine?  
A (Q) Lila?  
Q Or Lilly Valentine? A Yes, sir.  
Q Is that your name now? A Yes, sir--the nickname. I married a man by the name of Valentine--or that nickname, my name, you know.  
Q How long have you gone by the name of Valentine? A I went that way all my life until I married.  
Q You mean you went by the name of Barnett all the time until you married? A Yes, sir.  
Q How long has it been since you married and took the name of Valentine? A How long has it been, Mary?(To bystander)--it has been five or six years since he has been dead, isn't it?  
Q Have you got any children by this man Valentine? A Yes, sir; I have one child.  
Q By Valentine? A Yes, sir; but one.  
Q Did you have any children before you married Valentine? A Yes, sir; I had all these children, had all the children I got before I married him.

Examination by Mr. Donovan:

Q What was the name of your child by Valentine? A ~~X~~ Jimmy.  
Q How long has he been dead? A I don't know, he's been dead since that running was opened up here. (To bystander) How long has it been, Mary). The strip.  
Q He was killed before the opening of the strip, was he?  
A No, three or four years.  
Q Three or four years since that. Was he a grwn man? A Man, grown and married.  
Q You married Valentine then many years ago? A Yes, sir; he was married and had two children.  
Q Where were you born? A I don't know.  
Q Were you born in the Creek Nation? A Yes, sir; but I don't know what part.  
Q Awhile ago you said you were born in Arkansas? A Yes, sir.  
Q Did you mean in the State of Arkansas? A No, sir.  
Q What do you mean by that? A Down here between two rivers.  
Q What Creek town do you belong to? A I can't tell you. I am getting so I can't remember anything hardly.  
Q What was your father's name? A His name was Barnett is all I can tell you, he was a Barnett.  
Q Was he an Indian or colored man? He must have been an Indian, I don't know what else.  
Q Weren't you his slave? A No, sir.  
Q You were free always, were you? A Yes, sir.  
Q Did you know anybody named Metalka Barnett? A If I ever did I have forgot that now.

Q You are claiming as an Indian by blood? A Yes, sir.  
Q When was it that your mother had your name placed on the Creek tribal rolls? A Why it has been so long I can't tell you.  
Q Was it before or after the war? A Why, I don't know, sir, whether it was before the war or after the war, I know it wasn't after the war.  
Q You knew it wasn't after the war? A I think it weren't, I don't know, I don't know how long the war has been.  
Q Now, Aunty, do you remember of ever having received any money yourself from the Creek tribal authorities? A Never have received five cents in my life.  
Q Never have? A Never have.  
Q You don't know yourself whether your name appears on the Creek tribal rolls, do you? A Why I don't know no more than what my mother told me.  
Q Your mother told you that your name did appear? A Yes, sir.  
Q Are you ever known by ~~any other name~~ the name of Lila Valentine?  
A (Q) Lila?  
Q Or lilly Valentine? A Yes, sir.  
Q Is that your name now? A Yes, sir--the nickname. I married a man by the name of Valentine--or that nickname, my name, you know.  
Q How long have you gone by the name of Valentine? A I went that way all my life until I married.  
Q You mean you went by the name of Barnett all the time until you married? A Yes, sir.  
Q How long has it been since you married and took the name of Valentine? A How long has it been, Mary?(To bystander)--it has been five or six years since he has been dead, isn't it?  
Q Have you got any children by this man Valentine? A Yes, sir; I have one child.  
Q By Valentine? A Yes, sir; but one.  
Q Did you have any children before you married Valentine? A Yes, sir; I had all these children, had all the children I got before I married him.

Examination by Mr. Donovan:

Q What was the name of your child by Valentine? A E Jimmy.  
Q How long has he been dead? A I don't know, he's been dead since that running was opened up here. (To bystander) How long has it been, Mary). The strip.  
Q He was killed before the opening of the strip, was he?  
A No, three or four years.  
Q Three or four years since that. Was he a grown man? A Man, grown and married.  
Q You married Valentine then many years ago? A Yes, sir; he was married and had two children.  
Q Where were you born? A I don't know.  
Q Were you born in the Creek Nation? A Yes, sir; but I don't know what part.  
Q Awhile ago you said you were born in Arkansas? A Yes, sir.  
Q Did you mean in the State of Arkansas? A No, sir.  
Q What do you mean by that? A Down here between two rivers.  
Q What Creek town do you belong to? A I can't tell you. I am getting so I can't remember anything hardly.  
Q What was your father's name? A His name was Barnett is all I can tell you, he was a Barnett.  
Q Was he an Indian or colored man? He must have been an Indian, I don't know what else.  
Q Weren't you his slave? A No, sir.  
Q You were free always, were you? A Yes, sir.  
Q Did you know anybody named Metalka Barnett? A If I ever did I have forgot that now.

Q Do you know Wanatka Barnett? A I am not telling anything but what I know.

Q Do you know him? A If I have I have forgot him--ever knowed him I have forgot him.

HARRY BARNETT, being duly sworn by Edward Merrick, a Notary Public, testified as follows:

By Mr. Donovan:

Q What is your name? A Harry Barnett.

Q You are a child of Lilly Valentine? A Yes, sir.

Q How long was your mother married to Valentine? A I don't know exactly, but it has been I expect thirty years--about thirty years ago.

Q Your brother, Jim, was a child of Valentine, was he? A Yes, sir.

Q How old would Jim be if he were living? A He would be about thirty years old--he would be about thirty-five years old, when he got killed.

Q Harry, was your mother, when she was young, ever able to tell you the story of her life? A Yes, sir.

Q What has she told you about her parents, her early history?

Q Oh, she used to say that her father was a full blood Indian, I think he was a Barnett, my grandfather, and how they used to run around and fish and hunt.

Q I don't want that, but what did she say was her father's name?

A Peter Barnett, if I understand it right.

Q Did she ever tell you she was a slave? A Her mother was a slave, and her father was a fullblooded Indian, and her mother was a slave under him, and my grandfather is my mother's father, the way I understood it.

STATEMENT BY MR. DONOVAN:

Lilly Valentine also makes application for the enrollment of her daughter,

Lou or Missouri Wells, age 39 years,  
and the children of Lou Wells, to-wit:

Bell Wells, age 25 years,

Albert Wells, age 19 years,

James Wells, age 14 years,

Addie Wells, age 13 years,

Roy Wells, age 10 years,

George Wells, age 5 years,

Lecla Wells, age two years.

and the children of Bell Wells, namely-

Cora Wells, age 8 years,

Oliver Wells, age 5 years,

Buster or William Wells, age 3 years,

Faola Phyllis Wells, age 1 year

and for the children of her deceased son, James Valentine, who would, if living, be now about 35 years of age, namely-

Franky, age 17 years,

Hattie, 14 years.

and it is claimed that the word "us" and the word "we", as used in the documentary evidence of an application made prior to



December 1, 1905, refers to all the descendants of Lilly Valentine, including those above mentioned, and

Harry or Henry Barnett, age 55 years, and his children

Isaac Frederick, age 21 years,

Charley, age 19 years,

Lucy, age 17 years,

Daisy, age 15 years,

Felmer, age 13 years,

Eva, age 11 years,

Clem Webster, age 9 years,

Ethel, age 7 years,

Myrtle, age 4 years,

Edith, age 2 years,

and Baby, age 1 year,

and also Lilly Valentine's daughter,

Mary Martin, age 46 years, and her daughter

Liza Porter, age 33 years.

By Donovan, to Lilly Valentine--

Q You have heard those names that I have read off? A Yes, sir.

Q Are those names and ages correct? A Yes, sir.

Q Are those children your children and grand children? A Yes, sir.

---:---:---

Oliver C. Hinkle, being duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes of the above proceeding, on said date.

*Oliver C. Hinkle*

Subscribed and sworn to before me this 7th day of February, 1907.

*H. H. Hains*

Notary Public.

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

In the matter of the application for the enrollment of Lilly Valentine, Lou or Missouri Wells, Bell Wells, Albert Wells, James Wells, Addie Wells, Roy Wells, George Wells, Leola Wells, Cora Wells, Oliver Wells, Buster or William Wells, Paola Phyllis Wells, Franky Valentine, Hattie Valentine, Harry or Henry Barnett, Isaac Frederick Barnett, Charley Barnett, Lucy Barnett, Daisy Barnett, Palmer Barnett, Eva Barnett, Clem Barnett, Ethel Barnett, Myrtle Barnett, Edith Barnett, Baby Barnett, Mary Martin and Liza Porter as citizens of the Creek Nation.

## D E C I S I O N .

The record in this case shows that on February 6, 1907, testimony was offered by Lilly Valentine in the matter of an application alleged to have been made for the enrollment of herself and her descendants as citizens of the Creek Nation, at which time she claimed her right to such enrollment as a citizen by blood of the Creek Nation and also as a Creek freedman.

The records of this office show that on April 9, 1905, Lilly Valentine addressed a communication to the Secretary of the Interior with reference to her rights to citizenship, which on April 15, 1905, was referred to the Commissioner to the Five Civilized Tribes and was received by said Commissioner April 18, 1905. Said communication is herein considered an original application for the enrollment of said Lilly Valentine, Lou or Missouri Wells, Bell Wells, Albert Wells, James Wells, Addie Wells, Roy Wells, George Wells, Leola Wells, Cora Wells, Oliver Wells, Buster or William Wells, Paola Phyllis Wells, Franky Valentine, Hattie Valentine, Harry or Henry Barnett, Isaac Frederick Barnett, Charley Barnett, Lucy Barnett, Daisy Barnett, Palmer Barnett, Eva Barnett, Clem Barnett, Ethel Barnett, Myrtle Barnett, Edith Barnett, Baby Barnett, Mary Martin and Liza Porter as citizens of the Creek Nation.

The evidence in this case shows that said Lilly Valentine is about ninety years of age; that she has lived practically all her life in the Indian Territory; that she claims to be of Indian blood; and that the persons named in her said application are her children, grand-children and great grand-children; that certain of her children, to wit: Harry (or Henry) Barnett and Mary Martin were born prior to March 4, 1867, and that all of the other applicants were born subsequent to that date.

The evidence and the records of this office fail to show that the names of said Lilly Valentine, Harry (or Henry) Barnett, or Mary Martin appear upon the roll of Creek freedmen prepared

by J. W. Dunn under authority of United States prior to March 14, 1867; that their names and the names of their said descendants for whom application is made herein, or any of them, appear upon the 1890 authenticated tribal roll or the 1895 pay roll of the Creek Nation; or that she and her said descendants, or any of them, have ever been admitted to citizenship by any of the Creek tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory.

Although the application herein was not made within the time designated by the Secretary of the Interior under authority in him vested by the provisions of the Act of Congress approved March 3, 1901 (31 Stat. L., 1010), jurisdiction to consider the same under the Acts of Congress approved March 1, 1901 (31 Stat. L., 861) and June 30, 1902 (32 Stat. L., 500), was given to this office and the Department under the provisions of Section 1 of the Act of Congress approved April 26, 1906 (34 Stat. L., 137).

It does not appear that any of the minor applicants herein are children of any person enrolled as a Creek citizen, or who had an application for enrollment pending on April 26, 1906, other than herein stated.

It is, therefore, ordered and adjudged that said Lilly Valentine, Lou or Missouri Wells, Bell Wells, Albert Wells, James Wells, Addie Wells, Roy Wells, George Wells, Leola Wells, Cora Wells, Oliver Wells, Buster or William Wells, Maola Phyllis Wells, Franky Valentine, Hattie Valentine, Harry or Henry Barnett, Isaac Frederick Barnett, Charley Barnett, Lucy Barnett, Daisy Barnett, Palmer Barnett, Eva Barnett, Clem Barnett, Ethel Barnett, Myrtle Barnett, Edith Barnett, Baby Barnett, Mary Martin and Liza Porter are not entitled to be enrolled as Creek freedmen or as citizens by blood of the Creek Nation, and the application for their enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory,

Feb 11 1906

(COPY)

"The Lord is my light and my salvation;  
whom shall I fear? Psa. 27: 1.

Only fear the Lord, and serve him in  
truth with all your heart; for consider how great  
things he hath done for you." 1 Sam. 12:24.

April the 9, 1905.

Secretary of the Interior.

Dear Sir:

I will write to you to inform you that we employed an  
lawyer in August, 1904, to look after our Indian rites an I am  
informed that he failed to get the application in Before the  
Dolf Commissioners, an I fail to get an hearing and I ask you  
to grant us a Hearing Before the Dolf Commissioners. I have  
a rite in the Territory Beyon a Doubt. I will ask you to  
answer soon.

From

Lilly Valentine,

Sapulpa, I. T.

Write in care of Wary C. Mertin.

(Endorsed on back)

19492. Department of the Interior,  
Received  
April 13, 1905  
No. 3431.  
Indian Territory Division.

Department of the Interior,  
April 15, 1905, Respectfully referred to the Commission  
to the Five Civilized Tribes for consideration and appro-  
priate action.

Thos. Ryan,  
Acting Secretary.  
L. R. S.

Received Apr 18 1905

Cr. No. 1173.

Muskegee, Indian Territory, February 20, 1907.

Irwin Denevan,  
Attorney for Lilly Valentine,  
Bristow, 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 Lilly Valentine, 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.

LM-1.

Cr. No. 1173.

Muskogee, Indian Territory, February 20, 1907.

M. L. Mott,

Attorney for Creek nation,

Muskogee, 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 Lilly Valentine, 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,

LM- 10/

Commissioner.

Cr. En. 1143.

Muskegee, Indian Territory, February 20, 1907.

Lilly Valentine,  
Bristow, 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 the enrollment of yourself, 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- 11.

Cr.An.1173.

Muskogee, Indian Territory, February 20, 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 Lilly Valentine, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM-12.

Through the Commissioner  
of Indian Affairs.



Copy  
Refer in reply to the following  
Land  
18317-1907.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON. March 1, 1907

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby dated February 20, 1907, transmitting the record relative to the application for enrollment of Lilly Valentine, Lou or Missouri Wells, Bell Wells, Albert Wells, James Wells, Addie Wells, Roy Wells, George Wells, Leola Wells, Cora Wells, Oliver Wells, Buster or William Wells, Paola Phyllis Wills, Frankie Valentine Hattie Valentine, Harry or Henry Barnett, Isaac Frederic Barnett, Charley Barnett, Lucy Barnett, Daisy Barnett, Felmer Barnett, Eva Barnett, Clem Barnett, Ethel Barnett, Myrtle Barnett, Edith Barnett, Baby Barnett, Mary Martin and Liza Porter as citizens of the Creek Nation, and also as Creek freedmen. On February 19, 1907, the Commissioner held that the applicants were not entitled to enrollment.

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

Very respectfully,  
C F Larrabee  
Acting Commissioner

JPB GH

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

JP  
RJH

I.T.D.

March 4, 1907.

I.T.D. 5946, 6130, 7256, 7262, 7252-1907,  
7398, 7310, 7324, 7334, 7342, 7386,  
7396, 7398, 7400, 7402, 7406, 7416,  
7430, 7432, 7436, 7438, 7452, 7460,  
7462, 7468, 7492, 7506, 7588, 7638,  
7670, 7702, 7704, 8718, 7720, 7736-1907.

DIRECT.

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

Sir:

Your decision in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

Title of Case.

Date of your  
letter of transmittal.

|   |                    |
|---|--------------------|
| Annie Davis, et al., (freedman)             | February 5, 1907   |
| Mantha Monika Davidson                      | February 9, 1907   |
| William Perryman,                           | February 18, 1907  |
| Ivoral Nicco,                               | February 16, 1907  |
| Kissie (deceased)                           | February 16, 1907  |
| Mary Perryman (deceased)                    | February 16, 1907  |
| James Larney (deceased)                     | February 16, 1907  |
| Genetta and Idabell Rentic, (Freedmen),     | February 20, 1907  |
| Snake,                                      | February 20, 1907  |
| James F. Pendleton, (deceased)              | February 20, 1907  |
| Lilly Valentina et al., (freedman)          | February 21, 1907  |
| Frank Jackson Jackson (deceased) (Freedmen) | February 20, 1907  |
| Rose Blanton, (freedman),                   | February 19, 1907  |
| Lola Love (freedman)                        | February 20, 1907  |
| Bora Lee and Savanna G. Castle, (freedman)  | February 18, 1907  |
| James Deere, et al.,                        | February 19, 1907  |
| Charley Kernell,                            | February 2, 1907   |
| Willard Smith, (freedman)                   | February 2, 1907   |
| Lila Jefferson (freedman)                   | February 18, 1907  |
| Bertha Andersen (freedman )                 | February 16, 1907  |
|   | February 16, 1907, |

|   |                    |
|---|--------------------|
| Katie Smith, deceased (freedman)              | February 2, 1907   |
| Lucy Grayson, deceased,                       | February 23, 1907  |
| Eulisen Haynie,                               | February 23, 1907  |
| Leah Thompson, deceased,                      | February 23, 1907  |
| Fellie Braham (freedman)                      | February 20, 1907  |
| Milochee (or Fellie Ned)                      | February 23, 1907  |
| William Bennett (freedman)                    | February 19, 1907  |
| George W. Bird, deceased,                     | February 2, 1907   |
| Joseph M. Wheeler Coachman, deceased,         | February 20, 1907  |
| Charles Galen Dymond,                         | February 23, 1907  |
| William and Lisa Parker,                      | February 25, 1907  |
| Richard Hawkins, (freedman)                   | February 25, 1907  |
| Wylie Syeola, deceased,                       | February 25, 1907  |
| Jennie Richards, deceased, freedman           | February 26, 1907  |
| William Manuel, alias Wm. McGilbra, freedman, | February 14, 1907. |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

E.A.Hitchcock,

Secretary.

35 ind and  
70 for Ind.Of. with  
copy hereof.

Cr. No. 1173.

Muskogee, Indian Territory, March 14, 1907.

Lillie Valentine,

South Fourth Street,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1907, denying your application for enrollment as a Creek Freedman.

Respectfully,

Commissioner.

JBM

Cr. En. 1173.

Muskogee, Indian Territory, March 14, 1907.

Irwin Donovan,

Attorney for Lillie Valentine,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1907, denying the application for the enrollment of Lillie Valentine as a Creek Freedman.

Respectfully,

Commissioner.

JBM

CR EN 1174

CR EN 1174

7

*Notes 6475*

IN RE

Application for Enrollment of

INFANT CHILD

*Lilli Bird*

as a citizen of

*Sweden*

Nation

Approved,

190

Commissioner.

*Handwritten notes in cursive script, mostly illegible.*

*106*

DEPARTMENT OF THE INTERIOR

COPIES

*Sep 6, 1901*

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

IN RE Application for Enrollment, as a citizen of the Creek Nation,  
of Lillie Bird, born on the 3<sup>rd</sup> day of August, 1901  
(Here insert name of child)  
Name of Father: Jim Bird, a citizen of the Creek Nation.  
Name of Mother: Nelson, a citizen of the Creek Nation.  
Post-office, Fentress - In In

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Northern District.

I, Ishuedy, on oath state that I am 65  
years of age and a citizen, by Blood, of the Creek Nation;  
that I am the lawful wife of Jim Bird, who is a citizen, by  
Blood, of the Creek Nation; that a female child was  
Nelson, my daughter born to me on the 3<sup>rd</sup> day of August, 1901; that said child has been  
named Lillie Bird, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses) { Charles Leachman  
Walter Gray

Ishuedy hu  
X  
mark

Subscribed and sworn to before me this 6<sup>th</sup> day of September, 1901.

William J Martin

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Northern District.

I, Lena Tiger, 17 years of age, a Creek Citizen by blood, on oath state that I  
attended on Mrs. Nelson, wife of Jim Bird,  
on the 3<sup>rd</sup> day of August, 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 Lillie Bird.

WITNESSES TO MARK:

(Must be Two Witnesses) { Charles Leachman  
Walter Gray

Lena Tiger hu  
X  
mark

Subscribed and sworn to before me this 6<sup>th</sup> day of September, 1901.

William J Martin

NOTARY PUBLIC.



BANK 7

Muskogee, Indian Territory, January 23, 1906.

Ishulky,

Care Jim Bird,

Pontress, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your grandchild, Lillie Bird, born August 3, 1901, as a citizen of the Creek Nation, you are advised that this office requires proof of her death and for that purpose there is herewith enclosed a blank form of death affidavit, which you should have executed before an officer authorized to administer oaths and return to this office in the enclosed envelope.

In the event that said Lillie Bird is not dead, you are advised that this office requires the affidavit of the midwife and of two disinterested witnesses setting forth the name of the child, the date of her birth, the names of her parents and whether or not she was living on March 4, 1905.

Respectfully,

DA Env.

Commissioner.

B A 7.

Muskegee, Indian Territory, January 5, 1907.

Ishulky,

Pentress, Indian Territory.

Dear Madam:

The evidence now before this office in the matter of the application for the enrollment of Lillie Bird, as a citizen of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that you will be allowed ten days from the date hereof, in which to introduce such evidence.

Respectfully,

Commissioner.

B A 7.

Muskogee, Indian Territory, January 5, 1907.

Lena Tiger, or Hill,

Fentress, Indian Territory.

Dear Madam:

The evidence now before this office in the matter of the application for the enrollment of Lillie Bird, as a citizen of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that you will be allowed ten days from the date hereof, in which to introduce such evidence.

Respectfully,

Commissioner.

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

In the matter of the application for the enrollment of Lillie Bird as a citizen by blood of the Creek Nation.

## STATEMENT AND ORDER.

The record in this case shows that on September 6, 1901, application was made, in affidavit form, for the enrollment of Lillie Bird as a citizen by blood of the Creek Nation.

It appears from the evidence and the records in the possession of this office that said applicant is the minor child of Jim Bird and Nelson, whose names appear on a schedule of citizens by blood of the Creek Nation, approved by the Secretary of the Interior, March 28, 1902, opposite numbers 6474 and 6475, respectively, as James Bird and Nelsie Bird.

The evidence shows that said child was born on August 3, 1901 and was living September 6, 1901, but there is no evidence to show how much longer she lived, although diligent effort has been made to secure such information.

In view of the foregoing, I am of the opinion that there is no authority of law for the enrollment of Lillie Bird as a citizen by blood of the Creek Nation, and the application for her enrollment as such is accordingly dismissed.

Muskogee, Indian Territory.

  
COMMISSIONER.

FEB 13 1907

BA-7.

JWH

Muskogee, Indian Territory, February 16, 1907.

Ishulky,

Care Jim Bird,

Panagra, Indian Territory.

Dear Madam :--

There is enclosed herewith copy of statement and order of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application made by you for the enrollment of your grandchild, Lillie Bird, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

Registered.

JWH 16-3

CR EN 1175

CR EN 1175

13

82.

IN RE  
THE DEATH OF

Charlie Bigpond  
a citizen of the

Creek. Nation.

Approved

1

Commissioner.

1 Month old

Nellie Tiger  
Knows about

the case

the

name

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

Filed March 22<sup>nd</sup> 1902

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *Charlie Bigpound* (Here insert name of deceased.)  
a citizen of the *Creek Nation* Nation, who formerly resided at or near  
*Sapulpa* (Here insert name of post office.) , Ind. Ter., and died on the *15* day of *Sept*  
*1901*

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY, )  
*Northern* District. )

I, *Cassey Tiger*, on oath state that I am *22*  
years of age and a citizen, by *Blood*, of the *Creek* Nation;  
that my post office address is *Sapulpa* (Here insert name of post office.) , Ind. Ter.; that I am  
*Mather* (State relationship, as: the father, an uncle, a cousin, etc.) of *Charlie Bigpound*, (Here insert name of deceased.)  
who was a citizen, by *Blood*, of the *Creek* Nation;  
and that said *Charlie Bigpound* (Here insert name of deceased.) died on the *15* day of  
*April*, *1901*.

WITNESSES TO MARK: *Cassey Tiger*

(Must be Two Witnesses.)

Subscribed and sworn to before me this *20* day of *March* *1902*  
*John Fegan*  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY, )  
*Northern* District. )

I, *Nellie Helton*, 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 *Sapulpa* (Here insert name of post office.) , Ind. Ter.;;  
that I was personally acquainted with *Charlie Bigpound* (Here insert name of deceased.)  
who was a citizen, by *Blood*, of the *Creek* Nation;  
and that said *Charlie Bigpound* (Here insert name of deceased.) died on the *15* day of  
*April*, *1901*.

WITNESSES TO MARK: *Nellie Helton*

(Must be Two Witnesses.)

Subscribed and sworn to before me this *20* day of *March* *1901*  
*John Fegan*  
Notary Public.



D.A.13  
Cr.En.1175

SAM  
JWH

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

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

STATEMENT AND ORDER.

The record in this case shows that on March 22, 1902, affidavits were filed in the matter of the death of Charlie Bigpond, which said affidavits are considered as an original application for the enrollment of said child as a citizen by blood of the Creek Nation.

It appears from the evidence and the records in the possession of this office that said applicant was the minor child of Casey Tiger, whose name appears on a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902, opposite number 3226. The name of the father of said child is not given.

It appears from the records of this office that effort has been made to secure further evidence in this case, but the effort was unsuccessful; that the name of said applicant does not appear on the 1890 authenticated tribal roll, or the 1898 pay roll of the Creek Nation; that said applicant has never been admitted to citizenship by any Creek tribal authority, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory.

The evidence shows that said child died April 15, 1901, but fails to show the date of its birth.

In view of the foregoing, I am of the opinion that there is no authority of law for the enrollment of Charlie Bigpond, deceased, as a citizen by blood of the Creek Nation, and the application for his enrollment as such is accordingly dismissed.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 20

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

ALLISON L. AYLESWORTH,  
SECRETARY.

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

9813

REFER IN REPLY TO THE FOLLOWING

D.C. 13.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 9, 1904.

Cassey Tiger,

Sapulpa, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the death of your child, Charlie Bigpond, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation.

The Commission desires evidence as to the date of the birth of said child. For that purpose a blank form of birth affidavit is inclosed herewith which should be properly filled out, duly executed before an officer authorized to administer oaths and returned to this office in the inclosed envelope which requires no postage.

Respectfully,



Commissioner in Charge.

l B. A.

H. L. N.

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

WM. O. BEALL,  
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:

DA 13.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 20, 1905.

Cassey Tiger,

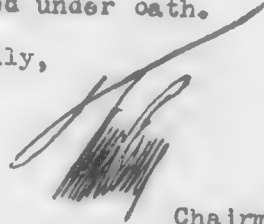
Sapulpa, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the death of your minor child, Charley Bigpond. The Commission desires further evidence in said case.

You are hereby notified to appear before the Commission at Sapulpa, Indian Territory, July 10, 1905, with at least two witnesses who know the exact dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,



Chairman

D A 15.

Muskogee, Indian Territory, January 4, 1907.

Cassey Tiger,

Sapulpa, Indian Territory.,

Dear madam:

The evidence now before this office in the matter of the application for the enrollment of your minor child, Charlie Bigpond, deceased, as a citizen of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed twenty days from the date hereof, within which to introduce such evidence.

Respectfully,

Commissioner.

DA 13.

Muskogee, Indian Territory, January 5, 1907.

Cassey Tiger,

Sapulpa, Indian Territory.

Dear Madam:

The evidence now before this office in the matter of the application for the enrollment of your minor child, Charlie Bigpend, deceased, as a citizen of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed ten days from date hereof within which to introduce such evidence.

Respectfully,

Commissioner.

West

REFER IN REPLY TO THE FOLLOWING:

Cr. No. 1175.

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

Muskogee, Indian Territory, February 21, 1907.

Cassie Tiger,  
Sapulpa, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the statement and order of the Commissioner to the Five Civilized Tribes, dated February 20, 1907, dismissing the application made by you for the enrollment of your minor child, Charlie Bigpond, deceased, as a citizen by blood of the Creek Nation.

Respectfully,



Commissioner.

Register.  
IM-425.

CR EN 1176

CR EN 1176

33

22. b. baid 1970.

IN RE  
THE DEATH OF

Willie Espatee  
a citizen of the

( Creek ) Nation.

Approved

1

Commissioner.

Died June 12<sup>th</sup> 1900  
11 Months old.

Not entitled to enrollment

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE DISTRICT OF COLUMBIA

FILED

June 27, 1901

ACTING CHAIRMAN



DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Willis Espakee age 11 mo.  
(Here insert name of deceased.)  
a citizen of the Creek Nation Nation, who formerly resided at or near  
Sapulpa, Ind. Ter., and died on the 12 day of June  
(Here insert name of post office.)  
1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY, )  
Northern District. )

I, Jennie Espakee 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 Sapulpa, Ind. Ter.; that I am  
Mother of Willis Espakee  
(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 Willis Espakee died on the 12 day of  
June, 1900. (Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two Witnesses.)  
J. Fegan  
Frank Weeks

Jennie Espakee

Subscribed and sworn to before me this 13 day of May 1901.

John Fegan  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY, )  
Northern District. )

I, J. N. Land, on oath state that I am 42  
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 Willis Espakee  
(Here insert name of post office.) (Here insert name of deceased.)  
who was a citizen, by Blood, of the Creek Nation;  
and that said Willis Espakee died on the 12 day of  
May, 1900. (Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two Witnesses.)  
J. Fegan  
Frank Weeks

J. N. Land

Subscribed and sworn to before me this 13 day of May 1901.

John Fegan  
Notary Public.

D.A.33  
Cr.En.1176

SAM  
AG

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

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

STATEMENT AND ORDER.

The record in this case shows that on June 27, 1901, affidavits were filed in the matter of the death of Willie Espakee, which said affidavits are considered as an original application for the enrollment of said child as a citizen by blood of the Creek Nation.

It appears from the evidence and the records in the possession of this office that said applicant was the minor child of Jennie Espakee, who the evidence shows to be a Creek Indian but whose name cannot be identified on the roll of citizens by blood of the Creek Nation. There is no proof as to the identity of the father of said child.

It does not appear from the evidence upon what date said child was born and there is a conflict in the evidence as to the date of its death but the preponderance of the evidence shows that it died June 12, 1900. The conflict in the evidence on the date of the death of said child is immaterial for the reason that in the absence of an affirmative showing that said child was living on April 1, 1899, it could not be enrolled.

In view of the foregoing, I am of the opinion that there is no authority of law for the enrollment of Willie Espakee as a citizen by blood of the Creek Nation and the application for his enrollment as such is accordingly dismissed.

Muskogee, Indian Territory,



COMMISSIONER.

FEB 14 1907

---

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

ALLISON I. AVLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

104  
REFER IN REPLY TO THE FOLLOWING

D.C. 33.

Muskegee, Indian Territory, January 23, 1904.

Jennie Espakee,

Sapulpa, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the death of your child, Willie Espakee, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskegee, Indian Territory, with two witnesses who know the date of his death, for the purpose of being examined under oath.

Respectfully,



Commissioner in Charge.

D A 33.

Muskogee, Indian Territory, January 4, 1907.

Jennie Espakee,

Sapulpa, Indian Territory.

Dear Madam:

The evidence now before this office in the matter of the application for the enrollment of your minor child, Willie Espakee, deceased, as a citizen of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed twenty days from the date hereof, within which to introduce such evidence.

Respectfully,

Commissioner.

DA 83

Muskogee, Indian Territory, January 5, 1907.

Jennie Espakee,

Sapulpa, Indian Territory.

Dear Madam:

The evidence now before this office in the matter of the application for the enrollment of your minor child, Willie Espakee, deceased, as a citizen of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed ten days from the date hereof, within which to introduce such evidence.

Respectfully,

Commissioner.

Or. En. 1176.

Muskogee, Indian Territory, February 16, 1907.

Jennie Ispakee,

Sapulpa, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the statement and order of the Commissioner to the Five Civilized Tribes, dated February 14, 1907, dismissing the application made by you for the enrollment of your minor child, Willie Ispakee, deceased, as a Creek Freedman.

Respectfully,

L. M. J. J.

Commissioner.

CR EN 1177

CR EN 1177

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
NEAR EVANS, I. T., FEBRUARY 12, 1907.

In the matter of the application for the enrollment of  
Millie Johnson as a Creek Freedman.

KATIE JOHNSON, being first duly sworn, by Alex Posey,  
a Notary Public, and examined, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Katie Johnson.
- Q How old are you? A I don't know my age exactly, about 39.
- Q What is your postoffice address? A Evans.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q To what Creek town do you belong? A Before I married to Grant Johnson I belonged to Arkansas town and after I married to him he had me put on the Canadian town.
- Q Were you acquainted with Millie Johnson? A Yes sir.
- Q She is not living, is she? A No sir, she is dead.
- Q What relation was she to Grant and Sallie Johnson? A Sister.
- Q Do you know when she died? A I couldn't tell you what year she died in, I can't keep track of the years, I can't read nor write, I attended to her until she died.
- Q How many years has it been since she died? A I couldn't say positively but I think Millie has been dead, if it aint seven years now it will soon be seven. This boy here was a baby when she died. (Indicating a little boy present).
- Q What is the boy's name? A Sid Johnson.
- Q How old is he? A I counted his age to be eight years old, but I aint certain.
- Q When was he eight years old? A I counted he was eight years old in last Thanksgiving month.
- Q Was Millie Johnson a grown person or a child? A She was a grown woman with a child.
- Q Is he child living? A Yes sir.
- Q What is that child's name? A Sid Kernel.
- Q Who was the child's father? A Manuel Kernel.
- Q Was Manuel Kernel the husband of Millie? A No sir.
- Q Millie then was never known as Millie Kernel? A No sir.
- Q She never had any other name? A Yes, she had her father's name, Millie Johnson.
- Q She was known simply as Millie Johnson? A Yes sir.
- Q Do you remember the circumstances of the opening of the Creek Land office? A Yes sir, I remember when people first began to go to Muskogee to file.
- Q Was Millie Johnson living at that time? A Yes sir.
- Q How long after people first began filing, was it, before she died? A I don't know but it was a good while.
- Q To whom was she married? A Joe Jackson.
- Q Was she lawfully married to him? A Yes sir, that is that they claimed.
- Q Then you must have made a mistake a while ago when you stated



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
NEAR EVANS, I. T., FEBRUARY 12, 1907.

In the matter of the application for the enrollment of  
Millie Johnson as a Creek Freedman.

KATIE JOHNSON, being first duly sworn, ~~at~~ by Alex Posey,  
a Notary Public, and examined, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Katie Johnson.  
Q How old are you? A I don't know my age exactly, about 39.  
Q What is your postoffice address? A Evans.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q To what Creek town do you belong? A Before I married to  
Grant Johnson I belonged to Arkansas town and after I married  
to him he had me put on the Canadian town.  
Q Were you acquainted with Millie Johnson? A Yes sir.  
Q She is not living, is she? A No sir, she is dead.  
Q What relation was she to Grant and Sallie Johnson? A Sister.  
Q Do you know when she died? A I couldn't tell you what year  
she died in, I can't keep track of the years, I can't read nor  
write, I attended to her until she died.  
Q How many years has it been since she died? A I couldn't say  
positively but I think Millie has been dead, if it aint seven  
years now it will soon be seven. This boy here was a baby  
when she died. (Indicating a little boy present).  
Q What is the boy's name? A Sid Johnson.  
Q How old is he? A I counted his age to be eight years old, but  
I aint certain.  
Q When was he eight years old? A I counted his age eight years  
old in last Thanksgiving month.  
Q Was Millie Johnson a grown person or a child? A She was a  
grown woman with a child.  
Q Is he child living? A Yes sir.  
Q What is that child's name? A Sid Kernel.  
Q Who was the child's father? A Manuel Kernel.  
Q Was Manuel Kernel the husband of Millie? A No sir.  
Q Millie then was never known as Millie Kernel? A No sir.  
Q She never had any other name? A Yes, she had her father's  
name, Millie Johnson.  
Q She was known simply as Millie Johnson? A Yes sir.  
Q Do you remember the circumstances of the opening of the Creek  
Land office? A Yes sir, I remember when people first began  
to go to Muskogee to file.  
Q Was Millie Johnson living at that time? A Yes sir.  
Q How long after people first began filing, was it, before she  
died? A I don't know but it was a good while.  
Q To whom was she married? A Joe Jackson.  
Q Was she lawfully married to him? A Yes sir, that is that  
they claimed.  
Q Then you must have made a mistake a while ago when you stated

- she was not known by any other name than merely Millie Johnson? A Before she was married, I meant.
- Q At the time she died then she was known as Millie Jackson?
- A Yes sir.
- Q Do you know if she had filed upon her allotment at the time she died? A She said she didn't.
- Q Was she living with Joe Jackson at the time she died?
- A Yes sir, she was living with Joe Jackson on Ash creek, she took sick and there was no one to tend to her and they brought her over here. She took sick in February and died in March.
- Q Are you positive that she became ill in February and died in March? A Yes sir.
- Q Was that in the year that people first began filing upon their land? A No sir, that was after.
- Q You had already filed upon land for yourself when she died?
- A Yes sir, my husband had already filed here for us when she died.
- Q Do you know any person that knows the exact date of her death?
- A Yes sir, Jerry Kennard would know.
- Q Where does Jerry Kennard live? A At Inola, about three and one-half miles northwest.
- Q Was he present when Millie died? A Yes sir, and I think he wrote the date of her death on the head-board of her grave.
- Q Where is Millie buried? A At the old Agency graveyard near Muskogee.
- Q Who are the parents of Millie Johnson? A Delilah Johnson and Monday Johnson.
- Q Do you know to what Creek town they belonged? A No sir.
- Q Do you know to what Creek town Millie belonged? A No sir, I couldn't tell you that.
- Q Did she belong to the same town that Grant Johnson belonged to?
- A I guess so.
- Q And he belonged to Canadian town? A Yes sir.

---

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.

Subscribed and sworn to before me,  
this 16th day of February, 1907.

JBM

  
Notary Public

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
NEAR INOLA, I. T., FEBRUARY 14, 1907.


In the matter of the application for the enrollment of  
Millie Johnson, deceased, as a Creek Freedman.

MARY KENNARD, being first duly sworn, ~~at~~ by Alex Posey,  
a Notary Public, and examined, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Mary Kennard.  
Q How old are you? A Twenty-five.  
Q What is your postoffice address? A Inola.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q To what Creek town do you belong? A Arkansas colored town.  
Q Were you acquainted with Millie Johnson? A Yes sir.  
Q What relation was she to you? A Not any, she was some  
relation to my husband, Jerry Kennard.  
Q Do you know when she died? A Not exactly, it was either in  
'97 or '98.  
Q Are you positive it was either '97 or '98? A Yes sir, if it  
wasn't in '97 I am sure it was in '98. I helped wait on her  
while she was sick.  
Q Are you positive that she died before 1899? A Yes sir, I am  
sure of that.  
Q When did you file upon your allotment? A In 1899.  
Q Was Millie Johnson living at that time? A No sir, she wasn't  
living.  
Q Are you sure of that? A Yes sir.  
Q Was Millie Johnson ~~enrolled~~ married or not? A She was the wife  
of Joe Jackson but they were parted when she died.

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.



Subscribed and sworn to before me,  
this, the 16th day of February, 1907.

JBM

  
Notary Public.

CR EN 1178

CR EN 1178

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
BOYNTON, I.T. FEB.13, 1907.

D.A.35.

In the matter of the application for the enrollment of Jessie Fields as a citizen of the Creek Nation.

Lizzie Fields being first duly sworn by Geo. K. Davidson, a Notary Public, testified as follows:

BY THE COMMISSIONER:

- Q. What is your name? A. Lizzie Fields.  
Q. What is your Post Office Address? A. Cobb, I.T.  
Q. How old are you? A. 39.  
Q. Are you a citizen of the Creek Nation? A. Yes sir.  
Q. To what Town do you belong? A. Canadian.  
Q. Did you have a child by the name of Jessie Fields? A. Yes sir.  
Q. Is it living? A. No.  
Q. When was this child born? A. October 17th, 1899.  
Q. Have you this record in a book? A. Yes sir.  
Q. Have you got it here at the house? A. Yes sir.

COPY OF RECORD:

"Jessie Fields was born the 17th of October, 1899 and died December 3, 1900."

- Q. Who wrote that record in that book? A. I did.  
Q. When did you write that record- I mean did you write that record the same day the child died? A. It was written afterwards.  
Q. About how long afterwards? A. About a month.  
Q. And you have kept that record ever since? A. Yes sir.  
Q. Did you write the record of the birth and the record of the death of the child at the same time? A. Yes sir.  
Q. Did you write down the date of the birth of this child soon after it was born? A. Yes sir.  
Q. Have you got that record or memoranda now? A. I have got that misplaced.  
Q. Have you a record of the birth of all your children? A. Yes sir.  
Q. Where is this child buried? A. Right down here at the Joe Rentic grave yard, we call it.  
Q. Did you buy a coffin? A. No sir, we had it made.  
Q. Is there a tombstone on the grave? A. No sir, there is none there.  
Q. Who was the mid-wife? A. Polly Flint.  
Q. Is she living? A. No sir, she is dead.

BEN FIELDS, being first duly sworn by Geo. K. Davidson, A Notary Public, testified as follows:

BY THE COMMISSIONER:

- Q. What is your name? A. Benjiman Fields.  
Q. What is your Post Office address? A. Cobb, I.T.  
Q. How old are you? A. 54.  
Q. Are you a citizen of the Creek Nation? A. I am.  
Q. To what Town do you belong? A. Northfork.  
Q. Are you married? A. Yes sir.  
Q. What is your wife's name? A. Lizzie Fields.  
Q. Are you the father of Jessie Fields? A. Yes sir.  
Q. Do you know when Jessie Fields was born? A. Yes sir.  
Q. When was he born? A. October 17th, 1899.  
Q. Is Jessie Fields living? A. Dead.  
Q. How old was Jessie when he died? A. About one year.  
Q. Do you know in what month Jessie died? A. December 3rd, 1900.

Q. How do you know that Jessie died on December 3, 1900? A. I never have forgotten it.

Q. Did you keep a record of it? A. My wife has. I just remember it.

Q. Where was this child burried? A. Down here in the Joe Rentic grave yard.

Q. Was there anybody right at the house when this child was born? A. No-body but the mid-wife and me at the time.

Q. Who was the mid-wife? A. Polly Flint.

Q. Is she living? A. She is dead.

TOM FLINT, being first duly sworn by Geo. K. Davidson, a Notary Public, testified as follows:

BY THE COMMISSIONER:

- Q. What is your name? A. Tom Flint.
- Q. What is your Post Office address? A. Baynton, I.T.
- Q. How old are you? A. I am 40 years old.
- Q. Are you a citizen of the Creek Nation? A. Yes sir.
- Q. To what Town do you belong? A. Arkansas.
- Q. Do you know Ben Fields and Lizzie Fields? A. Yes sir.
- Q. Are they relatives of yours? A. No sir.
- Q. Do you know of them having a child by the name of Jessie Fields? A. Yes sir.
- Q. Do you know when this child was born? A. I think it was right about the-  
Q. I mean do you know the exact date? A. No, I don't know the exact date, but I remember the month. I think it was about October, 1899.
- Q. Do you know what year the Land Office opened in Muskogee? A. I think I do.
- Q. What year was it? A. About the 1st of April, 1899 as near as I remember it.
- Q. Was that the same year that Jessie was born? A. He was born in 1899.
- Q. Was your mother mid-wife to Lizzie Fields? A. Yes sir.
- Q. Do you know what part of the year of 1899 she waited on Mrs. Fields?  
A. Yes, it was sometime in October.
- Q. Is there anything that makes you positive about this date? A. No. All I remember was the next day after the birth of the child, my mother was at my house to see me and she told me about Ben having a new born child and that she had waited on Ben Fields' wife and she had a new born child that night.
- Q. How far do you live from Ben Fields? A. I live one mile South of Ben.
- Q. What year did this child die? A. It died in 1900.
- Q. About how old was it when it died? A. About a year old when it died.
- Q. Did it die in the early part of 1900, or in the latter part? A. It died in December.
- Q. What part of December, the first or the latter part? A. Along about the first of December.

Geo. K. Davidson, being first duly sworn, states that the above is a true and correct transcript of his stenographic notes as taken in said cause on said date.

*Geo. K. Davidson*

Subscribed and sworn to before me this 18th day of February, 1907.

*E. L. Jefferson*

Notary Public.

*IN RE*

Application for Enrollment of

INFANT CHILD

*Jessie Fields*  
as a citizen of

*Creek* Nation.

Approved, 190

Commissioner.

*Father married on St. Cath. #4000*

*Denial*

RECORDED IN BOOK B,  
SERIES OF ENROLLED TRIBES.

FILED

*July 22, 1901*

ACTING CHAIRMAN

*722*

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

IN RE Application for Enrollment, as a citizen of the Creek Nation,  
of Jessie Fields (Here insert name of child), born on the 17 day of October, 1899  
Name of Father: Ben Fields, a citizen of the Creek Nation.  
Name of Mother: Lizzie Fields, a citizen of the Creek Nation.  
Post-office, Ball Hill, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Northwestern District.

I, Lizzie Fields, 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 of Ben Fields, who is a citizen, by adoption, of the Creek Nation, that a Boy (male or female) child was born to me on the 17 day of October, 1899, that said child has been named Jessie Fields, and is now dead living.

WITNESSES TO MARK

Lizzie Fields

(Must be Two Witnesses)

Subscribed and sworn to before me this 19 day of July, 1901.

David A. Lee

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Northwestern District.

I, Pallie Flint, a midwife, on oath state that I attended on Mrs. Lizzie Fields, wife of Ben Fields, on the 17 day of October, 1899, that there was born to her on said date a Boy (male or female) child; that said child is now dead living and is said to have been named Jessie Fields.

WITNESSES TO MARK:

Pallie Flint

(Must be Two Witnesses)

Jessie L. ...  
...

Subscribed and sworn to before me this 19 day of July, 1901.

David A. Lee

NOTARY PUBLIC.



D.A.35  
Cr.En.1178

S.A.M.  
A.G.

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

In the matter of the application for the enrollment  
of Jessie Fields, deceased, as a Creek freedman.

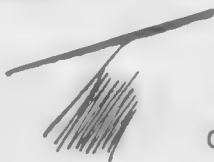
D E C I S I O N .

The record in this case shows that on July 22, 1901, application was made in affidavit form for the enrollment of Jessie Fields as a Creek freedman, under the provisions of the Act of Congress approved March 1, 1901 (31 Stats., 861). Supplemental affidavits were filed August 25, 1901.

The evidence and the records of this office show that said applicant was the minor child of Ben Fields and Lizzie Fields, whose names appear on a partial schedule of Creek freedmen approved by the Secretary of the Interior March 13, 1902, opposite numbers 1728 and 1729 respectively.

The evidence shows that said child was born October 17, 1899 and died December 3, 1900.

It is, therefore, ordered and adjudged that the said Jessie Fields, deceased, is entitled to be enrolled as a Creek freedman under the provisions of the Act of Congress approved March 1, 1901 (31 Stats., 861), and the application for his enrollment as such is accordingly granted.



COMMISSIONER.

Muskogee, Indian Territory,

---

Crest Enrollment # <sup>1178</sup> ~~2076~~

(C.F. # 2076)

Crest Enrollment 1178.

John Fieldy.

Listed on Crest Freemason  
Cord Book No. 2076.

35

IN RE  
THE DEATH OF

*Jessie Fields*

a citizen of the

*Creek*

Nation.

Approved

190

Commissioner.

*Father's name on 3rd Card #4417*

*Doubleful*

U.S. DEPT. OF  
COMMISSIONER TO

FILED

*Aug 25, 1901*

*W. H. ...* ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Jessie Fields  
(Here insert name of deceased.)  
a citizen of the Creek Nation, who formerly resided at or near  
Bald Hill, Ind. Ter., and died on the Third day of  
(Here insert name of post office.)  
December, 1900.

AFFIDAVIT OF RELATIVE.

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

I, Lizzie Fields, on oath state that I am thirty two  
years of age and a citizen, by birth, of the Creek Nation;  
that my post office address is Bald Hill, Ind. Ter.; that I am  
(Here insert name of post office.)  
Mother of Jessie Fields,  
(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 Jessie Fields died on the 3rd day of  
(Here insert name of deceased.)  
December, 1900.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 21st day of August 1902.  
Joseph W. Allen  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

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

I, William Morris, on oath state that I am 47  
years of age, and a citizen, by birth, of the Creek Nation;  
that my post office address is Lee, Ind. Ter.;  
(Here insert name of post office.)  
that I was personally acquainted with Jessie Fields,  
(Here insert name of deceased.)  
who was a citizen, by birth, of the Creek Nation;  
and that said Jessie Fields died on the 3rd day of  
(Here insert name of deceased.)  
December, 1900.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 21st day of August 1902.  
Joseph W. Allen  
Notary Public.

D.A. 35-F

Jessie Fields,  
Bald Hill, Ga.

were at Bald Hill Jan. 16-07. I called  
at the house of Siggie Fields. She said  
Jessie Fields was born Oct. 17-1899-  
Belle Blair the lady that made the affidavit  
is dead.

Lilas Jefferson also said the child  
was born Oct. 17<sup>th</sup> 1899- Mandy Su-  
row who was there when the child  
was born said it was born Oct. 17<sup>th</sup> 1899.

She also state that the child died the  
latter <sup>the year of</sup> part of 1900-

I also called at several other houses,  
but they did not remember anything defi-  
nite about the matter.

According to the best of my judgment  
I think the child should be exhumed.

Respectfully submitted,  
Geo. H. Hamilton

D. C. 35.

D. C. 35.

Muskogee, Indian Territory, January 23, 1904.

Lizzie Fields,

Baldhill, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits executed by you relative to the birth and death of your child, Ben Fields, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted 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.

DA 38.

Muskogee, Indian Territory, January 5, 1907.

Lissie Fields,

Baldhill, Indian Territory.

Dear Madam:

The evidence now before this office in the matter of the application for the enrollment of your minor child, Jessie Fields, deceased, as a citizen of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed ten days from date hereof within which to introduce such evidence.

Respectfully,

Commissioner.

D A 35.

Muskogee, Indian Territory, January 4, 1907.

Lizzie Fields,

Baldhill, Indian Territory.,

Dear madam:

The evidence now before this office in the matter of the application for the enrollment of your minor child, Jessie Fields, deceased, as a citizen of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed twenty days from the date hereof, within which to introduce such evidence.

Respectfully,

Commissioner.



REFER IN REPLY TO THE FOLLOWING:

Da. 35.

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

Boynton, I.T.,

Feb. 13, 1907.

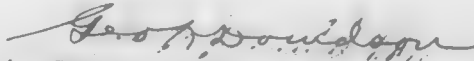
Commissioner to the Five Civilized Tribes,  
Muskogee, Ind. Terr.

Sir:

According to your instruction directing me to investigate the case of Jessie Fields, I herewith enclose you the testimony of Lizzie Fields, Ben Fields and Tom Flint. The mid-wife, Polly Flint, is dead, and I was unable to find William Morris.

I was unable to secure any further testimony in this case.

Respectfully,



Clerk in Charge of Creek Field Party.

Muskogee, Indian Territory, *Feb 21* 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,

  
Creek National Attorney.

Ev 1178  
Creek L. 1914.

Muskogee, Indian Territory, March 18, 1907.

Lizzie Fields,

c/o Benjamin Fields,

Bald Hill, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, approved the enrollment of your minor child, Jessie Fields, as a Creek Freedman, whose name appears opposite number 5692.

This child is now entitled to allotment, and application therefor should be made without delay at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 1179

CR EN 1179

D.A.84.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
TULSA, I. T., FEBRUARY 14, 1907.

In the matter of the application for the enrollment of James F. Pendleton, deceased, as a citizen by blood of the Creek Nation.

D. M. HODGE, being first duly sworn by Alex Posey, a Notary Public, and examined, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A D. M. Hodge.
- Q How old are you? A I am 65 years now.
- Q What is your postoffice address? A Broken Arrow, I. T.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q Were you acquainted with James F. Pendleton, deceased?
- A Yes sir, I knew him.
- Q Was he a citizen of the Creek Nation? I do not know.
- Q Do you know if he ever claimed to be a citizen of the Creek Nation? A I do not know.
- Q Do you know if he was ever enrolled as a citizen of the Creek Nation? A I do not know.
- Q Do you know who his parents were? A Pendleton was his father and his mother's name was Martha.
- Q Neither of his parents are citizens of the Creek Nation?
- A I do not know as to their citizenship.
- Q Do you know when James F. Pendleton died?
- A I don't remember but it has been quite a good while ago, eight or ten years I guess.
- Q Do you remember the circumstances of the opening of the Creek Land Office? A Somewhat, I do.
- Q Do you know whether or not James F. Pendleton was living at that time? A I don't know-just remember whether he was living at that time or not.
- Q Do you remember executing an affidavit with reference to his death? A No sir, I must have done that but I have forgotten just when, the only thing I remember about is about the boy coming home here to die. He died of consumption.
- Q We have a joint affidavit executed by you and Sarah B. Marts in which it is stated that James F. Pendleton died July 10, 1899? A I don't remember about it at all, I don't know who that woman is.
- Q You have no recollection then of having executed that affidavit? A No sir, I have no recollection of that. I don't remember at all of having ever made a statement of the date that that boy died because I was not personally

acquainted with him; I remember that his parents had two children and one of them is this boy and he must have been quite a big boy because he was sent off to jail and came back here and died. I believe there must be a mistake about my name being to that affidavit.

- Q Do you know anyone that would be able to give the Commissioner this information? A Yes sir, Mr. Chancy Owens ought to know all about it, the whole story complete.
- Q What relation is he to James F. Pendleton? A Step-father.
- Q You do not know who Sarah B. Marts is? A No sir, I never heard the name before.

- - - - -

Testimony of Chancy A. Owens.

CHANCY A. OWENS, being first duly sworn by Alex Posey, a Notary Public, and examined, testified as follows:

- Q What is your name? A Chancy A. Owens.
- Q How old are you? A Sixty years old.
- Q What is your postoffice address? A Tulsa.
- Q Are you a citizen of the Creek Nation? A No sir.
- Q United States citizen? A Yes sir.
- Q Were you acquainted with James F. Pendleton? A Yes sir.
- Q Any relation of yours? A Step-son.
- Q Do you know when he died? A My recollection is that he died somewhere near the middle of July, '98. He I wouldn't swear positively that that is the date but it seems to me that that is the time he died. It might have been '99, either '98 or '99, but I am not positive which.
- Q Have you any record showing the date of his death?
- A No sir, I haven't, I did have them, but my sister got them, Daisy Marts, the records were in a family Bible.
- Q Where does your sister, Daisy Marts live? A Her postoffice is Keystone, she lives about two and a half miles southwest of there.
- Q Is that in the Indian Territory or Oklahoma? A Keystone is in Oklahoma but she lives across the line in Indian Territory.
- Q She has the Bible record of when he died? A She did have but I don't know whether she has got it now or not. I haven't known much about her for several years.
- Q Who were the parents of James F. Pendleton? A Enoch Pendleton was his father and Martha Pendleton was his mother.
- Q Are the parents living? A Neither of them.
- Q Were they citizens of the Creek Nation? A His mother was.
- Q To what Creek town did she belong? A She belonged, I think, to Broken Arrow.
- Q Was James F. Pendleton enrolled as a citizen of the Creek Nation when at the time of his death? A Yes sir, drew money in the two last payments.
- Q Where did he die? A Right here in Tulsa, at my house, he died shortly after having been pardoned from the penitentiary

- at Columbus; he lived about a month after his return from there.
- Q You can't state as positively in what year that was? A It was either '98 or 1899.
- Q What president pardoned him? A McKinley.
- Q Was it during McKinley's first or second administration?
- A I think that Daisy Marts has a Bible showing his pardon.
- Q Do you remember the circumstances of the opening of the Creek Land Office? A Yes sir.
- Q Was James F. Pendleton living at that time? A I declare I don't remember whether he was or not, I don't think so.
- Q Do you know Sarah B. Marts? A She is one and the same person as Daisy Marts. Daisy's proper name is Sarah Virginia Marts. I think she is enrolled as Daisy Pendleton.
- Q Is there any circumstance that helps you to remember about when James F. Pendleton died? A He died about a month or a month and a half before my child Clarence died.
- Q Do you know who made the Bible record that Sarah Marts has?
- A I think I made it myself.
- Q When did you make that record? A Right at the time, within a day or two any how.
- Q Is it written with ink or pencil? A I don't remember.
- Q The record is in the Family Bible in the possession of Daisy Marts? A It was at one time, I don't know what she has done with it.

-----

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, the 16th day of February, 1907.

JBM

Notary Public.

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

In the matter of the application for the enrollment of James F. Pendleton, 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 November 15, 1902, affidavits were filed in the matter of the death of James F. Pendleton which affidavits are considered as an original application for the enrollment of the said James F. Pendleton, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had February 14, 1907.

The evidence as to the date of death of the applicant is conflicting but the weight of the evidence establishes the fact that he was not living April 1, 1899.

The evidence and the records of this office show that said applicant is identified on the Creek pay roll of 1890, opposite No. 124, Broken Arrow town, and the Creek pay roll of 1895, opposite No. 212, Broken Arrow town.

It is, therefore, ordered and adjudged that said James F. Pendleton, deceased, is not entitled to be enrolled as a citizen by blood of the Creek Nation, under the provisions of the Act of Congress approved March 1, 1901 (31 Stats., 861) and the application for his enrollment as such is accordingly denied.

Muskogee, Indian Territory,



COMMISSIONER.

1907

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JH3

D.C. 84.

Muskogee, Indian Territory, January 29, 1904.

Sarah V. Marts,

Tulsa, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the death of your brother, James F. Pendleton, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted 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 date of his death, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

DA 84

Muskogee, Indian Territory, January 5, 1907.

Sarah V. Marts,

Tulsa, Indian Territory.

Dear Madam:

The evidence now before this office in the matter of the application for the enrollment of your brother, James F. Pendleton, deceased, as a citizen of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed ten days from the date hereof, within which to introduce such evidence.

Respectfully,

Commissioner.

D A 84.

Muskogee, Indian Territory, January 4, 1907.

Sarah V. Marts,

Tulsa, Indian Territory.

Dear Madam:

The evidence now before this office in the matter of the application for the enrollment of your brother, James F. Pendleton, deceased, as a citizen of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed twenty days from the date hereof, within which to introduce such evidence.

Respectfully,

Commissioner.

D A 84.

Muskogee, Indian Territory, January 4, 1907.

David M. Hodge,

Tulsa, Indian Territory.

Dear sir:

The evidence now before this office in the matter of the application for the enrollment of James F. Pendleton, deceased, as a citizen of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed twenty days from the date hereof, within which to introduce such evidence.

Respectfully,

Commissioner.

DA 84

Muskogee, Indian Territory, January 5, 1907.

David M. Hodge,

Tulsa, Indian Territory.

Dear Sir:

The evidence now before this office in the matter of the application for the enrollment of James F. Pendleton, deceased, as a citizen of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed ten days from the date hereof, within which to introduce such evidence.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cr. En. 1179.

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

Muskogee, Indian Territory, February 21, 1907.

Sarah V. Marts,  
Tulsa, 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 the enrollment of your deceased brother, James F. Pendleton, as a citizen 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.  
IM-4280.

Doc. No. 1179.

Muskogee, Indian Territory, February 21, 1907.

M. L. Host,

Attorney for Creek Nation,  
Muskogee, 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 James F. Pendleton, deceased, as a citizen 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.

LM- 12.

Cr.An.1178.

Muskogee, Indian Territory, February 21, 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 James F. Pendleton, deceased, as a citizen of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM-17.

Through the Commissioner  
of Indian Affairs.



Refer in reply to the following  
Land  
18943-1907

COPY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON. March 1, 1907

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby dated February 21, 1907, transmitting the record relative to the application for enrollment of James F. Pendleton, deceased, as a citizen of the Creek Nation. On February 20, 1907, the Commissioner held that the applicant was not entitled to enrollment.

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

Very respectfully,  
C F Larrabee  
Acting Commissioner

JPB GH

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

JP  
RJH

I.T.D.

March 4, 1907.

I.T.D. 5940, 6130, 7256, 7262, 7282-1907,  
7298, 7310, 7324, 7334, 7342, 7386,  
7396, 7398, 7400, 7402, 7406, 7416,  
7430, 7432, 7436/7438, 7458, 7460,  
7462, 7488, 7492, 7506, 7588, 7638,  
7670, 7702, 7704, 8718, 7720, 7736-1907.

DIRECT.

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

Sir:

Your decision in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

| Title of Case.   | Date of your letter of transmittal. |
|--|-------------------------------------|
| Annie Davis, et al., (freedman)                        | February 5, 1907                    |
| Martha Monika Davidson                                 | February 9, 1907                    |
| William Perryman,                                      | February 18, 1907                   |
| Ireral Micco,  | February 16, 1907                   |
| Kizzie (deceased)                                      | February 16, 1907                   |
| Mary Perryman (deceased)                               | February 16, 1907                   |
| James Larney (deceased)                                | February 20, 1907                   |
| Genetta and Idabell Rentie, (Freedmen),                | February 20, 1907                   |
| Snake,   | February 20, 1907,                  |
| James F. Pendleton, (deceased)                         | February 21, 1907                   |
| Lilly Valentine et al., (freedmen)                     | February 20, 1907                   |
| Frank Jackson <del>Jackson</del> (deceased) (freedmen) | February 19, 1907                   |
| Rose Blanton, (freedman),                              | February 20, 1907                   |
| Lola Love (freedman)                                   | February 18, 1907                   |
| Dora Lee and Savanna G. Castle, (freedman)             | February 19, 1907                   |
| James Deere, et al.,                                   | February 2, 1907                    |
| Charley Kernell,                                       | February 2, 1907                    |
| Millard Smith, (freedman)                              | February 18, 1907                   |
| Lila Jefferson (freedman)                              | February 16, 1907                   |
| Bertha Anderson (freedman )                            | February 16, 1907,                  |

|   |                    |
|---|--------------------|
| Katie Smith, deceased (freedman)              | February 2, 1907   |
| Lucy Grayson, deceased,                       | February 23, 1907  |
| Rullison Haynie,                              | February 23, 1907  |
| Leah Thompson, deceased,                      | February 23, 1907  |
| Nellie Braham (freedman)                      | February 20, 1907  |
| Hilechee (or Nellie Ned)                      | February 23, 1907  |
| William Bennett (freedman)                    | February 19, 1907  |
| George W. Bird, deceased,                     | February 2, 1907   |
| Joseph M. Wheeler Coachman, deceased,         | February 20, 1907  |
| Charles Galen Dymond,                         | February 23, 1907  |
| William and Liza Parker,                      | February 25, 1907  |
| Richard Hawkins, (freedman)                   | February 25, 1907  |
| Wylie Syeels, deceased,                       | February 25, 1907  |
| Jennie Richards, deceased, freedmen           | February 25, 1907  |
| William Manuel, alias Wm. McGilbra, freedman, | February 14, 1907. |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

E.A.Hitchcock,

Secretary.

35 ind and  
70 for Ind.Of. with  
copy hereof.

Cr. No. 1179.

Muskogee, Indian Territory, March 14, 1907.

Sarah V. Marts,

Tulsa, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1907, denying the application for the enrollment of James F. Pendleton, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

JBM

10000 111

I have been thinking  
 of the fact that the  
 majority of the  
 Congress I heard  
 is that abolition  
 did not in July  
 1892. Do you  
 want me to try for  
 this further?  
 M.C.

2/16/07

HERN

I have been thinking  
 of the fact that the  
 majority of the  
 Congress I heard  
 is that abolition  
 did not in July  
 1892. Do you  
 want me to try for  
 this further?  
 M.C.

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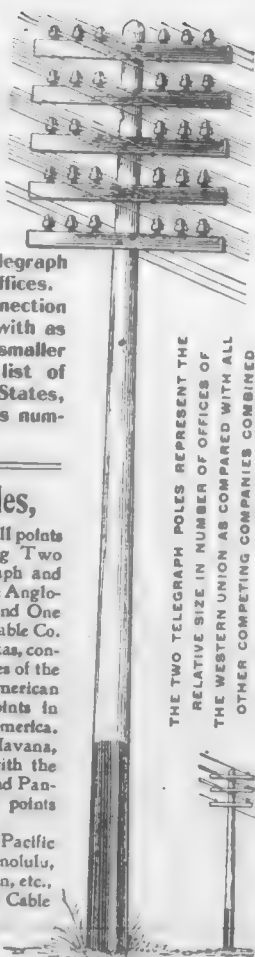
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This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.  
ROBERT C. CLOWRY, President and General Manager.

RECEIVED at

BA F D 301PM,

ND-Muskegee, I.T

Ours 21st Bixby sgd

Hedges please make check 8 Collect GOV'T

Broken Arrow, I.T. Feb 22nd 07.

MONEY TRANSFERRED BY TELEGRAPH.

CABLE OFFICE.

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ROBERT C. CLOWRY, President and General Manager.

Receiver's No.

Time Filed

Check

Of. U. Govt. Rate.

**SEND** the following message subject to the terms on back hereof, which are hereby agreed to.

February 20, 1907.

(Enrollment No. 1179).

Sarah V. Vants,  
Tulsa, I. T.

You are requested to furnish this office immediately affidavit as to date of death of James W. Pendleton.

BIXBY, Commissioner.

READ THE NOTICE AND AGREEMENT ON BACK.

Form No. 260.

**THE WESTERN UNION TELEGRAPH COMPANY.**

**INCORPORATED**  
**23,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.**

ROBERT C. CLOWRY, President and General Manager.

|                |            |                    |
|----------------|------------|--------------------|
| Receiver's No. | Time Filed | Check              |
|                |            | Of. P. Govt. Rate. |

**SEND** the following message subject to the terms on back hereof, which are hereby agreed to.

(Enrollment No. 1179). February 20, 1907.

Henry J. Owens,  
Tulsa, I. T.

You are requested to furnish this office immediately  
affidavit as to date of death of James F. Pendleton.

HIXBY, Commissioner.

READ THE NOTICE AND AGREEMENT ON BACK.

Form No. 260.

**THE WESTERN UNION TELEGRAPH COMPANY.**

**INCORPORATED**  
**23,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.**

ROBERT C. CLOWRY, President and General Manager.

*Copy*

|                |            |                    |
|----------------|------------|--------------------|
| Receiver's No. | Time Filed | Check              |
|                |            | Of. P. Govt. Rate. |

**SEND** the following message subject to the terms on back hereof, which are hereby agreed to.

February 20, 1907.

(Enrollment 1179).

D. W. Hodge,  
Broken Arrow, I. T.

You are requested to furnish this office immediately  
affidavit as to date of death of James F. Pendleton.

HIXBY, Commissioner.

READ THE NOTICE AND AGREEMENT ON BACK.



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ROBERT C. CLOWRY, President and General Manager.

*Not*

**RECEIVED at**

BA F D 115PM, 8 Collect,

Broken Arrow, I.T. Feb 21st 07.

Tams Bixby ,

Muskogee, I.T.

I do not remember when Pendleton died.

D.M.Hodge.

**MONEY TRANSFERRED BY TELEGRAPH.**

**CABLE OFFICE.**

# THE WESTERN UNION TELEGRAPH COMPANY.

24,000 OFFICES IN AMERICA. **CABLE SERVICE TO ALL THE WORLD.**

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ROBERT C. CLOWRY, President and General Manager.

**RECEIVED at**

*1191*

54 KB RD B 243 pm, # 30 collect, Govt,

DU-Columbus, Ohio, Feb. 21

Bixby, Commissioner,

Muskogee, I.T.

James Pendleton number 28189, partitioned from Ohio penitentiary by president McKinley June 9, 1898 and released on that date.

O.B.Gould, Warden

**MONEY TRANSFERRED BY TELEGRAPH.**

**CABLE OFFICE.**

Form No. 100. M. T.

# THE WESTERN UNION TELEGRAPH COMPANY.

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24,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

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ROBERT C. CLOWRY, President and General Manager.

RECEIVED at

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Muskogee, I.T.

G.B.A. Jones to paid, Govt, 20 th Marks signed Sixty part, I know

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Tulsa, I.T. 1052

MONEY TRANSFERRED BY TELEGRAPH.

CABLE OFFICE.

INDEXED.

|             |       |
|-------------|-------|
| No.         | 10286 |
| FEB 21 1907 |       |

Hodge, D. M.,  
Broken Arrow, I. T.,  
Feb. 21, 1907.

"I do not remember when Pendleton died."

CR EN 1180

CR EN 1180

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
NEAR COWETA, I. T., FEBRUARY 12, 1907.

In the matter of the application for the enrollment of  
Frank Jackson, deceased, as a Creek Freedman.

SARAH A. JACKSON, being first duly sworn by Alex Posey,  
a Notary Public, and examined, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Sarah A. Jackson.
- Q How old are you? A I was 28 years old when him and I were married, -- I am about 37 or 38. I don't know my age exactly, my parents never put it down, but I was born long after peace.
- Q Who do you mean when you say "him and I were married." A George Jackson.
- Q What is your postoffice address? A Coweta.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q To what Creek town do you belong? A Northfork.
- Q Under what name are you enrolled? A Sarah Jackson.
- Q Did you have a child named Frank Jackson? A Yes sir.
- Q Do you know when the child was born? A I think, if I aint mistaken, it was on the 17th of March.
- Q Of what year? A It was the year, -- you remember when they commenced enrolling names out there at Wellington.
- Q Was it ~~ix~~ in the year that the Commission had field parties going about over the country enrolling citizens?
- A Yes sir, they enrolled some at Muskogee and enrolled some at Wellington.
- Q The child was born in that year? A Yes sir.
- Q You don't remember what year that was? A No sir, I don't remember, but that was the year.
- Q Do you remember in what year it was that you filed upon your allotment? A No sir, I don't. It was when they were filing at Okmulgee in October.
- Q Was this child, Frank, living at that time? A No, it was dead.
- Q How long had it been dead? A A year.
- Q Are you positively that it was about a year? A Yes sir, about a year.
- Q How old was the child when it died? A It was about two months old, if I aint mistaken. Anyway, if I am not mistaken, it died in May.
- Q Have you any record showing when the child was born?
- A Lord man! no sir, I haven't. The mid-wife might have put it down, she was always particular about putting down ages of children.
- Q Who was the mid-wife in attendance at the birth of the child?
- A Friday, Peggy Friday.
- Q Is she living? A No sir, she is dead.

- Q Have you any record showing when the child died? A No sir.
- Q Was there a child born to you after Frank? A I had a miscarriage, about a year after Frank died, then I had another child about a year after I had the miscarriage, that child is living now.
- Q What is the child's name? A Elizabeth Jackson.
- Q How old is she? A She was seven years old the 26th of January, 1907.
- Q How long before Elizabeth was born was it before Frank was born? A About two years.
- Q This child, Elizabeth, then must have been born January, 1900? A Yes, I guess so, I can swear she was seven years old the 26th of January.
- Q And about a year before Elizabeth was born you miscarried with a child? Your miscarriage then must have occurred sometime in 1899? A Yes sir, it was in January, 1899.
- Q And about a year before you had the miscarriage Frank was born? A No sir, it wasn't quite a year before I got with this child, because Frank was born in March and I miscarried in January.
- Q Then according to that Frank must have been born in March, 1898? A Yes, I guess so, anyway it was when they were enrolling out here at Wellington (Lee).
- Q And the child was about two months old when it died? A Yes, sir, about two months old, it might have been a few days over or a few days less.
- Q How many years has it been since Frank died? A It must be going on about nine years.
- Q Where was the child born? A On Ash creek.
- Q How long did you live on Ash creek? A We lived there two years, made two crops there.
- Q How long had you been living on Ash creek at the time Frank was born? A We moved there in February and Frank was born in March.
- Q Where did you move to from Ash creek? A We moved on Adams' creek.
- Q How long did you live on Adams' creek? A Seven months.
- Q How long have you been living here? A Seven years this coming March.
- Q Where is the child buried? A It is buried over on Adams' creek.
- Q Is the grave marked by a head-board or tomb-stone? A We just put a board there.
- Q Is there any writing on the board? A No sir.
- Q Who is the father of your deceased child, Frank? A George Jackson.
- Q Is he living? A That is my husband now.
- Q Where is he today? A He went out to the Blue Spring ranch.

J. R. 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.

Subscribed and sworn to before me,  
this 16<sup>th</sup> day of February, 1907.

J. R. Myers  
J. M. DeWitt  
Notary Public.

BA 87  
Cr.En.1180.

S.A.M.  
A.G.

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

In the matter of the application for the enrollment  
of Frank Jackson, deceased, as a Creek freedman.

D E C I S I O N .

The record in this case shows that on December 2, 1901 affidavits showing the death of Frank Jackson were filed, which affidavits are considered as an original application for the enrollment of the said Frank Jackson, deceased, as a Creek freed man. Supplemental affidavits were filed December 18, 1901, and further proceedings were had February 12, 1907.

It appears from the evidence that said applicant died in the year that the Commission initiated the work of enrollment of Creek Indians which according to the records of this office was in the year 1898.

The evidence is conflicting as to the date of death of said applicant but the weight of evidence establishes such date as sometime prior to April 1, 1899.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Frank Jackson, deceased, as a Creek freedman and the application for his enrollment as such is accordingly denied.

Muskogee, Indian Territory,



COMMISSIONER.

J.J.B.  
B. A. 87.

Muskogee, Indian Territory, November 17, 1903

Sarah Jackson,  
Weer, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits executed by you relative to the birth and death of your minor child, Frank Jackson, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted 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,

Chairman.



BA-DA 87

Muskogee, Indian Territory, January 6, 1907.

Sarah Jackson,

Weer, Indian Territory.

Dear Madam:

The evidence now before this office in the matter of the application for the enrollment of your minor child, Frank Jackson, deceased, as a citizen of the Creek Nation is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed ten days from the date hereof, within which to introduce such evidence.

Respectfully,

Commissioner.

B.A. & D A 87.

Muskogee, Indian Territory, January 4, 1907.

Sarah Jackson,

Weer, Indian Territory.

Dear Madam:

The evidence now before this office in the matter of the application for the enrollment of your minor child, Frank Jackson, deceased, as a citizen of the Creek Nation is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed twenty days from the date hereof, within which to introduce such evidence.

Respectfully,

Commissioner.

Cr.No.1180.

Muskogee, Indian Territory, February 19, 1907.

Sarah Jackson,  
c/o George Jackson,  
Coweta, 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 the enrollment of your minor child, Frank Jackson, deceased, 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-653.

Cr.En.2180.

Muskeges, Indian Territory, February 19, 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 Frank Jackson, deceased, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM-654.

Through the Commissioner  
of Indian Affairs.

Cr. No. 1180.

Muskogee, Indian Territory, February 19, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, 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 Frank Jackson, deceased, 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.

IM-655.

22

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

LAND  
18314-1907.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby dated February 19, 1907, transmitting the record relative to the application for enrollment of Frank Jackson, deceased, as a Greek freedman.

On February 19, 1907, the Commissioner held that the applicant was not entitled to enrollment.

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

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

JPB-GH

DEPARTMENT OF THE INTERIOR

RJH JP

WASHINGTON.  
 I.T.D. 5940, 6130, 7256, 7362, 7382, -1907  
 7298, 7310, 7324, 7334, 7342, 7396,  
 7396, 7398, 7400, 7402, 7404, 7416,  
 7430, 7432, 7436, 7438, 7450, 7460,  
 7462, 7480, 7492, 7506, 7508, 7630,  
 7670, 7702, 7704, 7718, 7720, 7734, -1907.

March 4, 1907.

LRS

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

| Title of Case.                            | Date of your letter of transmittal. |
|---|-------------------------------------|
| Annie Davis, et al., (Freedman)           | February 8, 1907.                   |
| Martha Monika Davidson,                   | February 9, 1907                    |
| William Perryman,                         | February 18, 1907                   |
| Isreal Nicco,                             | February 16, 1907                   |
| Kissie, (deceased)                        | February 16, 1907                   |
| Mary Perryman, (deceased),                | February 16, 1907                   |
| James Larney (deceased),                  | February 16, 1907                   |
| Genetta and Isabell Rontie, (freedmen),   | February 20, 1907                   |
| Snake,                                    | February 20, 1907                   |
| James F. Pendleton (deceased)             | February 20, 1907                   |
| Lilly Valentins, et al., (freedmen)       | February 21, 1907                   |
| Frank Jackson, (deceased), (Freedman,)    | February 20, 1907                   |
| Howe Blanton, (Freedman),                 | February 19, 1907                   |
| Lola Love, (freedman),                    | February 20, 1907.                  |
| Bera Lee and Savanna G. Castle (freedmen) | February 18, 1907.                  |
| James Deere, et al.,                      | February 19, 1907                   |
| Charley Kernoll,                          | February 2, 1907                    |
| Millard Smith (freed man)                 | February 2, 1907                    |
| Lila Jeffersen (freedman)                 | February 18, 1907                   |
| Bertha Anderson (freedman)                | February 16, 1907                   |
| Katie Smith, deceased (freedmen)          | February 16, 1907                   |
| Lucy Grayson, deceased,                   | February 2, 1907                    |
| Eullisen Haynie,                          | February 23, 1907                   |
| Leah Thompson, deceased,                  | February 23, 1907.                  |
| Nellie Graham, (Freedman)                 | February 23, 1907                   |
|   | February 20, 1907.                  |

|   |                    |
|---|--------------------|
| Milechae (or Nellie Mad)                      | February 23, 1907  |
| William Bennett (freedman)                    | February 19, 1907  |
| George W Bird, deceased,                      | February 2, 1907   |
| Joseph M. Wheeler Coachman, deceased,         | February 20, 1907  |
| Charles Galen Dymond,                         | February 23, 1907  |
| William and Lisa Parker,                      | February 25, 1907  |
| Richard Hawkins, (freedman)                   | February 25, 1907  |
| Vyley Steele, deceased,                       | February 25, 1907  |
| Jennie Richards, deceased (freedman)          | February 25, 1907  |
| William Manuel, alias Wm. McGilbra, freedman) | February 14, 1907. |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

E.A. Hitchcock,

Secretary.

35 inc. and 70 for Ind.  
Of. with copy hereof.



Cr. No. 1180

JWH

Muskogee, Indian Territory, March 14, 1907.

Sarah Jackson,

% George Jackson,

Coweta, Indian Territory.

Dear Madam :--

You are hereby advised that under date of March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Frank Jackson, deceased, as a Creek freedman.

Respectfully,

Commissioner.

CR EN 1181

CR EN 1181

90.

IN BE  
THE DEATH OF

Alex Bruce

a citizen of the

Creek

Nation.

Approved

J

Commissioner.

U. S. DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE CIVILIZED TRIBES.  
FILED

Sept 5, 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Alex Prince (Here insert name of deceased.)  
a citizen of the Creek Nation, who formerly resided at or near  
Choska (Here insert name of post office.) , Ind. Ter., and died on the 15<sup>th</sup> day of March  
1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,

Northern District.

I, Geo Smith on oath state that I am 40  
years of age and a citizen, by \_\_\_\_\_ of the \_\_\_\_\_ Nation;

that my post office address is Choska (Here insert name of post office.) , Ind. Ter.; that I am

an Uncle (State relationship, as: the father; an uncle; a cousin, etc.) of Alex Prince (Here insert name of deceased.)  
who was a citizen, by Birth of the Creek Nation;

and that said Alex Prince (Here insert name of deceased.) died on the 15<sup>th</sup> day of  
March , 1901

WITNESSES TO MARK:  
(Must be Two Witnesses.)  
Ed Linticum  
H.D. Hopley  
Geo Smith his mark

Subscribed and sworn to before me this 2<sup>nd</sup> day of September 1901.

Geo A Ward  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,

Northern District.

I, Stephen Berry on oath state that I am 47  
years of age, and a citizen, by \_\_\_\_\_ of the \_\_\_\_\_ Nation;

that my post office address is Choska (Here insert name of post office.) , Ind. Ter.;

that I was personally acquainted with Alex Prince (Here insert name of deceased.)  
who was a citizen, by Birth of the Creek Nation;

and that said Alex Prince (Here insert name of deceased.) died on the 15<sup>th</sup> day of  
March , 1901.

WITNESSES TO MARK:  
(Must be Two Witnesses.)  
Ed Linticum  
H.D. Hopley  
Stephen Berry his mark

Subscribed and sworn to before me this 2<sup>nd</sup> day of September 1901.

Geo A Ward  
Notary Public.

COMMISSIONER'S  
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

D. C. 90.

ALLISON I. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES: Muskogee, Indian Territory, January 30, 1904.

George Smith,

Choska, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit executed by you relative to the death of your nephew, Alex Prince, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted 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 date of the death of said Alex Prince, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

D A 90.

Muskogee, Indian Territory, January 4, 1907.

George Smith,

Choeka, Indian Territory.

Dear sir:

The evidence now before this office in the matter of the application for the enrollment of Alex Prince, as a citizen by blood of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed twenty days from the date hereof, within which to introduce such evidence.

Respectfully,

Commissioner.

DA 90.

Muskogee, Indian Territory, January 5, 1907.

George Smith,

Cheska, Indian Territory.

Dear Sir:

The evidence now before this office in the matter of the application for the enrollment of Alex Prince, as a citizen of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed ten days from date hereof within which to introduce such evidence.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Da. 90

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

Porter, I.T.,

Feb. 16th, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Ind. Terr.

Sir:

According to your instruction directing me to investigate the case of Alex Prince, I herewith enclose you the testimony of Abe Prince. George Smith, one of the gentlemen that made an affidavit as to when Alex Prince died, has left that part of the country. Stephen Berry, who also signed the same affidavit, is in Kansas City. I was at the house of Hannah Fife, who is given as the mother of the child, but she was not at home.

I was unable to secure any further evidence in this case.

Respectfully,



Clark in Charge of Creek Field party.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
RED BIRD, I.T., FEB. 16, 1907.

DA.90.

In the matter of the application for the enrollment of Alex Prince as a citizen of the Creek Nation.

ABE PRINCE, being first duly sworn by Geo.K.Davidson, a Notary Public testified as follows:

BY THE COMMISSIONER:

- Q. What is your name? A. Abe Prince.  
Q. What is your Post Office address? A. Red Bird, I.T.  
Q. How old are you? A. About 61.  
Q. Are you a citizen of the Creek Nation? A. Yes sir.  
Q. To what Town do you belong? A. Canadian.  
Q. Are you the father of Alex Prince? A. Yes sir.  
Q. When was Alex Prince born? A. Well I could not tell you exactly now when that child did born. I don't remember the date of the year. I don't remember at all. I can find out.  
Q. Who knows when this child was born? A. I think its mother knows when this child was born.  
Q. Who is the child's mother? A. A woman they call Hannah.  
Q. Hannah what? A. Hannah Fife.  
Q. Is she a citizen? A. Yes sir.  
Q. Were you married at the time this child was born? A. No sir.  
Q. You were not married at all? A. No sir.  
Q. When did Alex Prince die? A. I don't remember the date of the year that child died.  
Q. Did he die before the Land Office opened in Muskogee? A. No, he died after.  
Q. Do you know what year the Land Office opened? A. No.  
Q. Well why is it that you remember so well that the child died after the Land Office opened? A. I think he did, I am not certain.

Geo. K. Davidson, being first duly sworn, states that the above is a true and correct transcript of his stenographic notes as taken in said cause on said date.

*Geo. K. Davidson*

Subscribed and sworn to before me this 18th day of February, 1907.

*E. E. Jefferson*  
Notary Public.

NSH

REFER IN REPLY TO THE FOLLOWING:  
.....  
Cr. In. 1181.  
.....

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

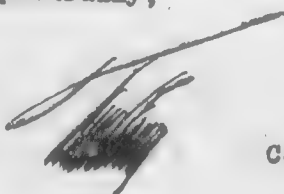
Muskogee, Indian Territory, February 18, 1907.

George Smith,  
Cheska, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the statement and order of the Commissioner to the Five Civilized Tribes, dated February 18, 1907, dismissing the application made by you for the enrollment of your nephew, Alex Prince, deceased, as a citizen of the Creek Nation.

Respectfully,



Commissioner.

Register.  
LM-333.

DA-90.  
Cr.En.1181.

FHW  
JWH

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

In the matter of the application for the enrollment of  
Alex Prince, deceased, as a citizen of the Creek Nation.

STATEMENT AND ORDER.

The record in this case shows that on September 5,  
1901, an application was filed in the form of a death affi-  
davit for the enrollment of Alex Prince as a citizen of the  
Creek Nation. Effort was made by this office to secure fur-  
ther evidence in this case, but no further evidence has been  
obtained.

It appears from the evidence that the said Alex Prince  
died March 15, 1901, and there is no evidence as to the date of  
birth of the said applicant. No evidence has been introduced to  
show that the said Alex Prince lived any period of time prior to  
the date of his death, consequently it is herein concluded that  
said applicant was either born dead or did not live long enough  
to entitle him to enrollment as a citizen of the Creek Nation.

In view of the foregoing, I am of the opinion that  
there is no authority of law for the enrollment of Alex Prince  
as a citizen of the Creek Nation and the application for his  
enrollment as such is accordingly dismissed.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 18 1907

CR EN 1182

CR EN 1182

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
NEAR WAGONER, I. T., FEB'Y 9, 1907.

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

MARY J. KENNARD, being first duly sworn by Alex Posey, a Notary Public, and examined, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Mary J. Kennard.  
Q How old are you? A I will be 47 years old the 4th of March.  
Q What is your postoffice address? A Wagoner.  
Q Are you a citizen of the Creek Nation? A No sir.  
Q United States citizen? A Yes sir.  
Q Did you have a child named Austin Kennard? A Yes sir.  
Q Who was the father of the child? A George Kennard.  
Q George Kennard is dead, is he? A Yes sir.  
Q Was he a citizen of the Creek Nation? A Yes sir.  
Q Do you know to what Creek town he belonged? A Cheyaha.  
Q When did he die? A The 14th of December, 1901.  
Q He had made selection of land for himself, he had had he, at the time of his death? A Yes sir.  
Q Was he enrolled as George Kennard? A Yes sir.  
Q How do you spell Kennard? A K e n n a r d is the way he spelled it, I think.  
Q Was he a full blood Indian? A Yes sir.  
Q How old was he at the time of his death? A I don't know, he didn't know, he was pretty gray but he didn't have no record of his age.  
Q You were lawfully married to him, were you? A Yes sir.  
Q Have you any children enrolled, by him? A I have ~~tw~~ one, Willie Kennard.  
Q When did your child, Austin, die? A He died in April '98.  
Q Have you a record showing when he died? A Yes sir.

The witness presents Family Bible in which, among other records, is found the following entry:

"Auston Kanard died April 2, 1898."

- Q Does this record refer to the death of your child, Austin Kennard? A Yes sir.  
Q When was the child born? A December 10, 1897.

The Bible record as to the birth of the child reads as follows:

"Auston Kanard was born December 10, 1897."

- Q Who made these records? A I made them myself.
- Q When did you make the record referring to the birth of the child?
- A I set up in bed after he was born and made the record of his birth and I made the record of his death right a-way after he died.
- Q Who attended on you at the birth of this child? A My daughter.
- Q What is her name? A Cora Wyley.
- Q We have an affidavit executed by you and Emma Zeigler stating that this child, Austin Kennard, was born November 10, 1898, and died April 2, 1899. Is that a mistake? A I don't remember of giving an affidavit at all. I have never made application for the child. There has been several talking to me about the child and I saw a lawyer and he said it wasn't particular, it didn't make any difference about that, that the child couldn't hold any land anyway.
- Q You have never made application then for this child's enrollment?
- A No sir, we were in Muskogee once, my husband, George, and myself, and spoke about the child but didn't make application.
- Q We also have an affidavit executed by G. W. Ruble, stating that he prescribed medicine for the child on April 2, 1899. Do you remember anything about that? A Yes sir, Ruble doctored him but I don't remember when it was.
- Q Do you know if he ever made affidavit about the child? A No sir, I don't.
- Q You never had him make an affidavit? A No sir.
- Q Do you know any such person as Emma Zeigler? A Yes sir, she is a Doctor woman.
- Q Did she attend on you? A Yes, she was at my house when the child was born. She also gave him some medicine to him when he was sick, we had Ruble first and then we had her afterwards. I can't remember of Emma Zeigler and myself making an affidavit about the child.
- Q The dates then given in the affidavit, <sup>mentioned</sup> ~~must~~ are then not correct?
- A This Bible record is correct, it was set down at the time of the child's birth and at the time of the child's death and is bound to be correct.

-----

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.

Subscribed and sworn to before me,  
this 12 day of February, 1907.

  
\_\_\_\_\_  
  
Notary Public.

COPY.

B. A. 97.

Muskogee, Indian Territory, November 18, 1903.

Mary Kennard,

Wagoner, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits executed by you relative to the birth and death of your minor child, Austin Kennard, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted 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,

Chairman.

BA 97.

Muskegee, Indian Territory, January 5, 1907.

Mary Kennard,

Wagener, Indian Territory.

Dear Madam:

The evidence now before this office in the matter of the application for the enrollment of your minor child, Austin Kennard, deceased, as a citizen of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed ten days from date hereof within which to introduce such evidence.

Respectfully,

Commissioner.



B A 97.

Muskogee, Indian Territory, January 4, 1907.

Mary Kennard,

Wagner, Indian Territory.

Dear Madam:

The evidence now before this office in the matter of the application for the enrollment of your minor child, Austin Kennard, deceased, as a citizen of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed twenty days from the date hereof, within which to introduce such evidence.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

E.A. 97.

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

Coweta, Indian Territory, February 12, 1907.

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

Sir:

In the matter of the application for the enrollment of Austin Kennard, deceased, as a citizen by blood of the Creek Nation, there is herewith inclosed the testimony of Mary J. Kennard, taken by the Creek Field Party February 9, 1907.

Respectfully,

*Wm. Peay*  
In charge,  
Creek Field Party.

JBM

Cr.I.1182.

B A 97.

Muskegee, Indian Territory, February 21, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskegee, 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 Austin Kennard, 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.

EK-2.

Cr. I. 1182.  
B A 97.

Muskegee, Indian Territory, February 21, 1907.

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 Austin Kennard, as a citizen by blood of the Creek Nation, including a decision of the Commissioner, dated February 20, 1907.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

MK-1.

Cr.I.1182.  
B.A.97.

Muskogee, Indian Territory, February 21, 1907.

Mary J. Kennard,  
Wagoner, 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 the enrollment of your minor child, Austin Kennard, 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,

Registered.

Commissioner.

Ek-3.

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

In the matter of the application for the enrollment of Austin Kennard as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on August 18, 1902, application was made, in affidavit form, for the enrollment of Austin Kennard as a citizen by blood of the Creek Nation, under the provisions of the Act of Congress approved March 1, 1901, (31 Stat. L., 861). Supplemental affidavits of the midwife and attending physician were filed on the same date. Further proceedings were had on February 9, 1907.

It appears from the evidence and the records in the possession of this office that said applicant was the child of George Kennard, whose name appears on a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902, opposite number 2723, and Mary Kennard, a non-citizen.

The evidence is conflicting as to the date of the birth and the date of the death of said child. The great weight of the evidence in this case shows that all of the affidavits filed on August 18, 1902, were false and fraudulent and that said child was born December 10, 1897, and died April 2, 1898.

It is, therefore, ordered and adjudged that the said Austin Kennard, deceased, is not entitled to be enrolled as a citizen by blood of the Creek Nation, under the provisions of the Act of Congress approved March 1, 1901, (31 Stat. L., 861), and the application for his enrollment as such is accordingly denied.



COMMISSIONER.

Muskogee, Indian Territory,

CR EN 1183

CR EN 1183

D.A. 269,  
B.A. 110.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
NEAR BROKENARROW, I.T., FEB'Y 12, 1907.

In the matter of the application for the enrollment of  
Washington McIntosh, deceased, as a Creek freedman.

LUCINDA DAVIS, being first duly sworn by Alex Posey, a  
Notary Public, and examined, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Lucinda Davis.  
Q How old are you? A I don't know my age. (Witness appears  
to be about 50 years old).  
Q What is your postoffice address? A Brokenarrow.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q To what Creek town do you belong? A Arkansas.  
Q Are you acquainted with Syrena McIntosh? A She was never  
married to McIntosh, her name was Syrena Davis.  
Q She is dead, is she? A Yes sir.  
Q When did she die? A About six years ago.  
Q Did she have a child named Washington? A No sir, I don't  
know what its name was, she had a child and it died.  
Q Who was the father of the child? A I don't know, I couldn't  
swear to that but she said Jackson McIntosh.  
Q Do you know when the child was born? A No sir, I couldn't  
tell you anything about it.  
Q Don't you know when it died? A No sir.  
Q How old was it when it died? A I don't know, it was just a  
little ~~big~~ bit-a baby.  
Q Was it as much as a month or a week old when it died?  
A No sir, that is the child what's killed its mother.  
Q Did the child live as much as an hour after it was born?  
A No sir.  
Q Was it born alive? A It was born dead.  
Q Did you attend on Syrena when the child was born? A Yes sir.  
Q You deliivered the child? A Yes sir, she got kitched there  
with me and before the Doctor come the child ~~was~~ had died.  
Q Did you ever execute an affidavit about the child? A Jackson  
carried me to Muskogee once before a lawyer and he quizzed me  
just like you are doing now and that is all I remember.  
Q Did you sign any papers about the child? A No sir, I aint  
signed nothing.  
Q Did you execute an affidavit at that time about this \* child?  
A There was no affidavit made out, all I told the lawyer was that  
this girl, Syrena, had a child.



- Q How long did the mother live after the child was born?  
A A day, the child was born Sunday night and the mother died Monday night.  
Q Is Jackson McIntosh living? A Yes sir.  
Q Do you know where he is at this time? A He sometimes stays at Charley Roberts but he is not in the neighborhood at this time.  
Q He was never married to your daughter, Syrena? A No sir.
- 

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 16<sup>th</sup> day of February, 1907.

J. McDermott  
Notary Public.

JBM

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
BROKEN ARROW, I.T. FEB. 15, 1907.

In the matter of the application for the enrollment of Washington Mc Intosh as a citizen of the Creek Nation.

SUSIE FORD, being first duly sworn by Geo. K. Davidson, a Notary Public, testified as follows:

BY THE COMMISSIONER:

- Q. What is your name? A. Susie Ford.  
Q. What is your Post Office address? A. Broken Arrow, I.T.  
Q. How old are you? A. I am 36 years old.  
Q. Are you a citizen of the Creek Nation? A. Yes.  
Q. To what Town do you belong? A. Canadian.  
Q. Do you know Syrena Mc Intosh? A. I know Syrena Davis.  
Q. Well is Syrena Davis and Syrena Mc Intosh the same person? A. Not as I know of.  
Q. Did she have a child for Jackson Mc Intosh? A. She had one that is so said to be, but she never was married and I could not prove that.  
Q. Has she a child named Washington Mc Intosh? A. Not as I know of.  
Q. Is Syrena living? A. She is dead.  
Q. Were you at one time married to Jackson Mc Intosh? A. Yes sir.  
Q. Did you have any children by the name of Washington Mc Intosh? A. No sir.  
Q. Did you have any children for him? A. Got two. Nancy and Milton.  
Q. Was he ever married to Syrena Davis? A. No sir.  
Q. How many children did Syrena Davis have? A. Two. William Mc Intosh and David Nero.  
Q. Are they living? A. They are living?  
Q. Has she any dead? A. Has one that I know of?  
Q. About how long did this child live? A. I suppose it was born dead.  
Q. Did he and his mother die about the same time? A. He died on Sunday and she died on Monday night the 17th of September.  
Q. What year? A. About 1901.  
Q. Was this child born dead? A. Yes sir.  
Q. How far did you live from them at that time? A. About a half a mile.  
Q. Were you over to see her while she was sick? A. No sir I did not go to see her while she was sick but I knew she was sick.  
Q. Did they bury the child and its mother the same day? A. I could not tell you what they did with the child.

HENRY FORD, being first duly sworn by Geo. K. Davidson, a Notary Public, testified as follows:

BY THE COMMISSIONER:

- Q. What is your name? A. Henry Ford.  
Q. What is your Post Office address? A. Broken Arrow, I.T.  
Q. How old are you? A. 38 years old.  
Q. Are you a citizen? A. No sir.  
Q. Did you know Syrena Davis or Syrena Mc Intosh? A. I know Syrena Davis.  
Q. Do you know whether Jackson Mc Intosh bought license to marry Syrena Davis? A. No.  
Q. Did you ever hear anybody say so? A. No.  
Q. Do you know how many children Syrena Davis has? A. Yes sir.  
Q. How many? A. Two living.  
Q. How many dead? A. One.

(2)

- Q. Do you know the name of the one that is dead? A. No sir.  
Q. How old was this child when it died? A. It was born dead.  
Q. Did you ever hear anybody say who was the father of the child? A. I heard that it has two fathers, one, Jackson Mo Intosh and Louis Nere. It lays between the two. Some say it was Louis' and some say it was Jackson's.  
Q. Did you ever hear any of them say that they were going to try to enroll this child? A. No sir.  
Q. What relation is Syrena Davis to Lucinda Davis? A. Her daughter.  
Q. So you are sure this child was born dead? A. Yes sir.

Geo. K. Davidson, being first duly sworn, states that the above is a true and correct transcript of his stenographic notes as taken in said cause on said date.

*Geo. K. Davidson*

Subscribed and sworn to before me this 18th day of February, 1907.

*E. D. Jefferson*

Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Washington McIntosh, deceased, as a Creek freedman.

## D E C I S I O N .

The record in this case shows that on July 22, 1902, application was filed, in affidavit form, for the enrollment of Washington McIntosh, as a citizen by blood of the Creek Nation. Inasmuch as the parents of the said applicant are identified from the evidence and the records of this office as Creek freedmen, said application is herein considered as having been made for the enrollment of said Washington McIntosh, as a Creek freedman.

Supplemental affidavits filed July 22, 1902 and a certified copy of death affidavit of Serena Davis, filed February 9, 1904, are attached to and made a part of the record herein. Further proceedings were had near Broken Arrow February 12, 1907 and February 15, 1907.

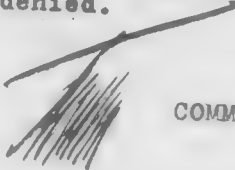
The evidence and the records in the possession of this office show that the applicant, Washington McIntosh, was the illegitimate child of Jackson McIntosh and Serena Davis, whose names appear on a partial schedule of Creek freedmen, approved by the Secretary of the Interior March 28, 1902, opposite roll number 3422 and 3237 respectively.

It appears that the name of the mother of the applicant is spelled Syrena Davis in the original affidavits and in the testimony, but the said mother is fully identified from the records of this office as Serena Davis, opposite number 3237, on the approved roll of Creek freedmen.

It appears that the evidence in this case is conflicting as to the dates of birth and death of said applicant, but the weight of the evidence shows that the said Washington McIntosh was born dead on or about the 15th day of September, 1901.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Washington McIntosh, as a citizen of the Creek Nation, and the application for his enrollment as such is accordingly denied.

Muskogee, Indian Territory,



COMMISSIONER.

004

B. A. 110.

Muskogee, Indian Territory, November 19, 1903.

Jackson McIntosh,

Muskogee, Indian Territory.

Dear Sir:

There are on file with the Commission affidavits relative to the birth and death of your minor child, Washington McIntosh, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted 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,

Chairman.

B A 110 &  
D. A. 269.

Muskegee, Indian Territory, January 4, 1907.

Jackson McIntosh,  
Catoosa, Indian Territory.

Dear sir:

The evidence now before this office in the matter of the application for the enrollment of your minor child, Washington McIntosh, deceased, as a citizen of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed twenty days from the date hereof, within which to introduce such evidence.

Respectfully,

Commissioner.

BA 110

DA 869.

Muskegee, Indian Territory, January 5, 1907.

Jackson McIntosh,

Catoosa, Indian Territory.

Dear Sir:

The evidence now before this office in the matter of the application for the enrollment of your minor child, Washington McIntosh, deceased, as a citizen of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed ten days from date hereof within which to introduce such evidence.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:  
.....  
.....  
.....

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

Catoosa, I.T.,

Feb. 15, 1907.

Commissioner to the Five Civilized Tribes,  
Muskogee, Ind. Terr.

Sir:

According to your instruction directing me to investigate the case of Washington Mc Intosh, I herewith enclose you the testimony of Susie Ford and Henry Ford. I was at the house of the mid-wife, Lucinda Davis, but Mrs. Posey had been there a day or so ahead of me and had secured her testimony.

I was unable to secure any further testimony.

Respectfully,

*Geo. J. Davidson*

Clerk in Charge of Creek Field Party.



Cr. No. 1183.

Muskogee, Indian Territory, February 23, 1907.

Serena McIntosh,

o/o Jackson McIntosh,

Catoosa, 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 the enrollment of your minor child, Washington McIntosh, 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-438.

Cr.No.1183.

Muskogee, Indian Territory, February 23, 1907.

M. L. Matt,  
Attorney for Creek Nation,  
Muskogee, 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 Washington McIntosh, 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.

LM-439.

Cr. An. 1183.

Muskogee, 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 Washington McIntosh, deceased, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

IM-440.

Through the Commissioner  
of Indian Affairs.

Refer in reply to the following:  
Land 20390-1907.

COPY

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

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed report of Commissioner Bixby, dated February 23, 1907, transmitting the record in the matter of the application for the enrollment of Washington McIntosh, deceased, as a Creek freedman, together with the Commissioner's decision of February 23, 1907, denying the application.

The record has been examined and it is believed that the Commissioner's decision is correct. Its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-W

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.  
S.P.

I.T.D.

6210, 6606, 6616, 6686, 6728-1907.  
6744, 6748, 6750, 6752, 6768- "  
6784, 6802, 6804, 6810, 6834- "  
6846, 6876, 7014- "

March 2, 1907.

IRS

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

| Title of Case.                           | Date of your letter of transmittal. |
|--|-------------------------------------|
| Isacrel Grayson (freedman)               | February 18, 1907.                  |
| Emma Grayson (freedman)                  | February 7, 1907.                   |
| Eva Bruner (freedman)                    | February 13, 1907.                  |
| Oliver Elliott                           | February 16, 1907.                  |
| Florence M. Coker                        | February 16, 1907.                  |
| Johnny Potter (freedman)                 | February 16, 1907.                  |
| William H. Hardridge (deceased)          | February 16, 1907.                  |
| Theodore Hawkins (freedman)              | February 16, 1907.                  |
| Amy Franklin et al. (freedmen, deceased) | February 15, 1907.                  |
| Jennie Myers (freedman)                  | February 13, 1907.                  |
| Alfred Mayfield (deceased)               | February 14, 1907.                  |
| Alice McCeeley (freedman)                | February 15, 1907.                  |
| Battric Scott (freedman, deceased)       | February 14, 1907.                  |
| Lurie McKinnon                           | February 14, 1907.                  |
| Washington McIntosh (freedman, deceased) | February 23, 1907.                  |
| Roman Johnson et al.                     | February 23, 1907.                  |
| Spencer Thomas, et al. (freedmen)        | February 23, 1907.                  |
| Number Lowe (deceased)                   | February 23, 1907.                  |

A copy hereof and the papers in the above mentioned cases have been sent to the Indian Office for its files.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

18 inc. and  
36 to Ind. Of.  
AFMc  
3-4-07.

Cr. En. 1183

Muskogee, Indian Territory, March 18, 1907.

Jackson McIntosh,

Catoosa, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907 affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of your minor child, Washington McIntosh, deceased, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

CR EN 1184

CR EN 1184

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. FEB. 12th, 1907.

Da. 60.

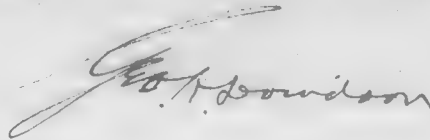
In the matter of the application for the enrollment of Kissie, deceased, as a citizen of the Creek Nation.

David Harry, being first duly sworn by Geo. K. Davidson, a Notary Public, testified as follows:

BY THE COMMISSIONER:

- Q. What is your name? A. David Harry.  
Q. What is your Post Office Address? A. Beggs, I.T.  
Q. How old are you? A. About 55.  
Q. Are you a citizen of the Creek Nation? A. Yes sir.  
Q. To what Town do you belong? A. Tuskegee Town.  
Q. Do you know Kissie the daughter of Isparhecher? A. Yes sir.  
Q. Do you know about what year she died? A. I think she died in 1898.  
Q. Is there anything that you can remember that happened about that <sup>time</sup> that you can fix the date of her death positively by? A. I don't believe I can. I think she died in 1898.  
Q. Do you know when the land office was opened in Muskogee at that time or not? I mean when this woman died? A. No sir, the land office was not opened up the year when she died.  
Q. Do you know what year the land office was opened in Muskogee? A. In 1899.

Geo. K. Davidson, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes as taken in said case on said date.



Subscribed and sworn to before me this 12th day of February, 1907.



Notary Public.



DA 60  
Cr.En.1184

F.H.W.  
A.G.

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

In the matter of the application for the enrollment of "Kissie", 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 4, 1901, an application was filed in affidavit form for the enrollment of "Kissie", deceased, as a citizen by blood of the Creek Nation. Further proceedings were had February 10, 1907.

The evidence and the records in possession of this office show that "Kissie" is identified on the 1896 pay roll as the child of Lucy (deceased) and Isparhecher, whose name appears on a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902, opposite No. 1225.

It appears from the notation on the back of the affidavit that information reached this office that the affiant Isparhecher stated that he had made a mistake in the said affidavit as to the date of the death of the applicant, that the said applicant died in March 1899.

The evidence in the proceedings of February 10, 1907 further supports the conclusion herein that the applicant died prior to April 1, 1899.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said "Kissie", deceased, as a citizen by blood of the Creek Nation and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory,



COMMISSIONER.

REFER IN REPLY TO THE FOLLOWING:

Da. 60.

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

Beggs, I.T.,

Feb. 10th, 1907.

Commissioner to the Five Civilized Tribes,  
Muskogee, Ind. Terr.

Sir:-

In compliance with your order of Feb. 6th instructing me to investigate as to the death of Kizzie, the daughter of Isparhecher, I herewith enclose you the testimony of David Harry.

Sawahee, the son of Isparhecher, did not <sup>know</sup> the date of her death. Sawahee's sister knew the date of her death but she refused to be sworn or to give any information about it. There is no record of her death nor inscription on the head-board at her grave.

I was unable to secure any <sup>further</sup> testimony in this case.

Respectfully,

*Geo. Bowdson*

Clerk in Charge of Creek Field Party.

Cr.No. 1184.

Muskogee, Indian Territory, February 16, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, 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 Kizzie, deceased, as a citizen 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.

LM-80.

Cr.No.1184.

Muskogee, Indian Territory, February 18, 1907.

David Harry,

Beggs, 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 Kizzie, deceased, as a citizen 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.

Registrar.  
IM-21.

Cr.No.1184.

Muskogee, Indian Territory, February 16, 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 Fizzie, deceased, as a citizen of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM-RC.

Through the Commissioner  
of Indian Affairs.

Refer in reply to the following  
Land 17969 1907

COPY

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON. March 1, 1907

The Honorable,

The Secretary of the Interior

Sir:

There is enclosed a report from Commissioner Bixby dated February 15, 1907, transmitting the record relative to the application for enrollment of Kizzie, deceased, as a citizen of the Creek Nation. On February 16, 1907, the Commissioner held that the applicant was not entitled to enrollment.

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

Very respectfully,  
C F Larrabee  
Acting Commissioner

JPB Y

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

JP  
BJH

I.T.D.

March 4, 1907.

I.T.D. 5940, 6130, 7256, 7262, 7282-1907,  
7298, 7310, 7324, 7334, 7342, 7386,  
7396, 7398, 7400, 7402, 7406, 7416,  
7430, 7432, 7436/7438, 7458, 7460,  
7462, 7488, 7492, 7506, 7588, 7638,  
7670, 7702, 7704, 8718, 7720, 7736-1907.

DIRECT.

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

Sir:

Your decision in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

Title of Case.

Date of your  
letter of transmittal.

|   |                    |
|---|--------------------|
| Annie Davis, et al., (freedman)             | February 5, 1907   |
| Martha Henika Davidson                      | February 9, 1907   |
| William Perryman,                           | February 18, 1907  |
| Iroal Wiece,                                | February 16, 1907  |
| Kizzie (deceased)                           | February 16, 1907  |
| Mary Perryman (deceased)                    | February 16, 1907  |
| James Larney (deceased)                     | February 20, 1907  |
| Genetta and Idabell Rentis, (Freedmen),     | February 20, 1907  |
| Snake,                                      | February 20, 1907, |
| James P. Pendleton, (deceased)              | February 21, 1907  |
| Lilly Valentine et al., (freedmen)          | February 20, 1907  |
| Frank Jackson Jackson (deceased) (freedmen) | February 19, 1907  |
| Rose Blanton, (freedman),                   | February 20, 1907  |
| Lola Love (freedman)                        | February 18, 1907  |
| Dora Lee and Savanna G. Castle, (freedman)  | February 19, 1907  |
| James Deere, et al.,                        | February 2, 1907   |
| Charley Kernell,                            | February 2, 1907   |
| Millard Smith, (freedman                    | February 18, 1907  |
| Lila Jefferson (freedman                    | February 16, 1907  |
| Bertha Anderson (freedman )                 | February 16, 1907, |

|   |                    |
|---|--------------------|
| Katie Smith, deceased (freedman)              | February 2, 1907   |
| Lucy Grayson, deceased,                       | February 23, 1907  |
| Ballison Haynie,                              | February 23, 1907  |
| Leah Thompson, deceased,                      | February 23, 1907  |
| Nellie Graham (freedman)                      | February 23, 1907  |
| Milechee (or Nellie Ned)                      | February 30, 1907  |
| William Bennett (freedman)                    | February 23, 1907  |
| George W. Bird, deceased,                     | February 19, 1907  |
| Joseph M. Wheeler Coachman, deceased,         | February 2, 1907   |
| Charles Galen Dymond,                         | February 20, 1907  |
| William and Lisa Parker,                      | February 23, 1907  |
| Richard Hawkins, (freedman)                   | February 25, 1907  |
| Wylie Myrtle, deceased,                       | February 25, 1907  |
| Jennie Richards, deceased, freedman           | February 25, 1907  |
| William Manuel, alias Wm. McGilbra, freedman, | February 25, 1907  |
|   | February 14, 1907. |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

E.A. Hitchcock,

Secretary.

35 ind and  
70 for Ind.Of. with  
copy hereof.



Cr. No. 1184.

Muskogee, Indian Territory, March 15, 1907.

David Harry,

Beggs, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 16, 1907, denying the application for the enrollment of Kissie, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

JBM

CR EP 1185

CR

53

IN RE  
THE DEATH OF

*Wilson Harry*

a citizen of the

*Cook*

Nation.

Approved \_\_\_\_\_

190 \_\_\_\_\_

Commissioner.

Three weeks old  
when he died  
Not certified

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

FILED

*Sept 4 1902*

*[Signature]*  
ACTING CHAIRMAN

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

In the matter of the death of Wilson Harry  
(Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near  
Bristow, Ind. Ter., and died on the 2 day of  
April, 1900.  
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

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

I, Sally Johnson, on oath state that I am 27  
years of age and a citizen, by Blood, of the Creek Nation;  
that my post office address is Bristow, Ind. Ter.; that I am  
Mother of Wilson Harry,  
(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 Wilson Harry died on the 2 day of  
April, 1900.  
(Here insert name of deceased.)

WITNESSES TO SIGN:

Joe Grayson  
Sally Johnson  
E. Studdell  
(Must be Two Witnesses.)

Subscribed and sworn to before me this 27 day of August 1902.

My Commission Expires Aug 1 1906  
Joe E. Studdell Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

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

I, Lizzie Surrill, on oath state that I am 30  
years of age, and a citizen, by of the United States, of the \_\_\_\_\_ Nation;  
that my post office address is Bristow, Ind. Ter.;  
that I was personally acquainted with Wilson Harry,  
who was a citizen, by Blood, of the Creek Nation;  
and that said Wilson Harry died on the 2 day of  
April, 1900.  
(Here insert name of deceased.)

WITNESSES TO SIGN:

Joe Grayson  
Lizzie Surrill  
E. Studdell  
(Must be Two Witnesses.)

The execution of August and the intention of April in this was made before a certain lady  
Subscribed and sworn to before me this 27 day of August 1902.

My Commission Expires Aug 1 1906  
Joe E. Studdell Notary Public.

*Mother*

Would it be kind to give  
for my children and  
the rest of the year  
Julia Johnson

54

IN RE  
THE DEATH OF

*Lizzie Harvey*  
a citizen of the

Nation.

Approved \_\_\_\_\_ 190

Commissioner.

Two weeks old  
when she died  
Not entitled

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

*Sept 4 1902*

~~XXXXXXXXXX~~ ACTING CHAIRMAN.

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

In the matter of the death of Lizzie Harry  
(Here insert name of deceased.)  
a citizen of the Creek Nation, who formerly resided at or near  
Bristow, Ind. Ter., and died on the 27<sup>th</sup> day of  
March, 1900.  
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

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

I, Dally Johnson, on oath state that I am 27  
years of age and a citizen, by Blood, of the Creek Nation;  
that my post office address is Bristow, Ind. Ter.; that I am  
The mother of Lizzie Harry,  
(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 Lizzie Harry died on the 27 day of  
March, 1900.  
(Here insert name of deceased.)

WITNESSES TO SIGN: Dally Johnson  
(Must be Two Witnesses.) } Ben Grason

Subscribed and sworn to before me this 27 day of August 1900  
Geo E Rendell  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

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

I, Lizzie Sunell, on oath state that I am 30  
years of age, and a citizen, by The United States, of the States Nation;  
that my post office address is Bristow, Ind. Ter.;  
that I was personally acquainted with Lizzie Harry,  
who was a citizen, by Blood, of the Creek Nation;  
and that said Lizzie Harry died on the 27 day of  
March, 1900.  
(Here insert name of deceased.)

WITNESSES TO SIGN: Lizzie Sunell  
(Must be Two Witnesses.) } Ben Grason

Subscribed and sworn to before me this 27 day of August 1900  
Geo E Rendell  
Notary Public.

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

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

911  
REFER IN REPLY TO THE FOLLOWING.

D.C. 54 & 55

ALLISON L. AYLSWORTH  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 26, 1904.

Sally Johnson,  
Bristow, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits executed by you relative to the death of your children, Wilson and Lizzie Harry, who, it is claimed, are entitled to enrollment as citizens of the Creek Nation. It is desired that further evidence be submitted 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 death of said children, for the purpose of being examined under oath.

Respectfully,

  
Commissioner in Charge.



D.A.54 & 55  
Cr.En.1185

F.H.W.  
A.G.

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

In the matter of the applications for the enrollment of Wilson Harry and Lizzie Harry, both deceased, as citizens by blood of the Creek Nation.

STATEMENT AND ORDER.

The record in this case shows that on September 4, 1902, applications were filed in the form of death affidavits for the enrollment of Wilson Harry and Lizzie Harry as citizens by blood of the Creek Nation.

The evidence in this case shows that the applicant, Wilson Harry, died April 2, 1900 and that the applicant, Lizzie Harry, died March 27, 1900.

It appears from the notation on the back of said affidavits that information was obtained by this office to the effect that said Wilson Harry was three weeks old when he died and the said Lizzie Harry was two weeks old at the date of her death. Inasmuch as the death affidavits show that Sally Johnson was the mother of both applicants, it is herein considered that the said applicants were twins and were born on or about March 13, 1900.

Every effort has been made by this office to secure more evidence in this case upon which to base the decision but such evidence has not been obtained.

In view of the foregoing, I am of the opinion that there is no authority of law for the enrollment of said Wilson Harry and Lizzie Harry as citizens by blood of the Creek Nation and the applications for their enrollment as such are accordingly dismissed.

Muskogee, Indian Territory,

FEB 19 1907



COMMISSIONER.

REFER IN REPLY TO THE FOLLOWING:

DA 54 & 55.

Cr. En. 1185.

7 Hist

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

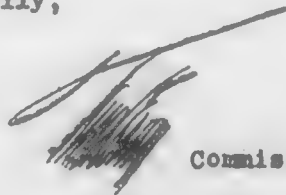
Muskogee, Indian Territory, February 19, 1907.

Sally Johnson,  
Bristow, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the statement and order of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, dismissing the application made by you for the enrollment of your minor children, Wilson and Lizzie Harry, both deceased, as citizens by blood of the Creek Nation.

Respectfully,



Commissioner.

Register.  
IM-2-21-07.

CR EN 1186

CR EN 1186

B.A.144  
Cr. En. 1186.

F.H.W.  
A.G.

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

In the matter of the application for the enrollment of Mattie Bird, 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 July 27, 1901, an application was filed in affidavit form for the enrollment of Mattie Bird, deceased, as a citizen by blood of the Creek Nation. Supplemental affidavits filed January 27, 1901 and October 30, 1902, are attached to and made a part of the record herein.

The evidence in this case and the records in possession of this office show that the applicant, Mattie Bird, was the child of Fusthlocco Bird (deceased), identified as Fusthlocco Bird on the 1896 pay roll opposite No. 27 and Susie Harjo, whose name appears in a partial schedule of citizens by blood of the Creek Nation opposite roll No. 7162.

This office has made every effort to secure further evidence in this case but the same has not been obtained.

The evidence is conflicting as to the date of the birth of the applicant but inasmuch as the said date is given in the last affidavit as January 12, 1900, said date is herein considered established by a preponderance of the evidence.

The evidence further shows that the said applicant died in June 1900.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Mattie Bird, deceased, as a citizen by blood of the Creek Nation and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory,



COMMISSIONER.

REFER IN REPLY TO THE FOLLOWING:

Cr. An. 1186.

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

Muskogee, Indian Territory, February 19, 1907.

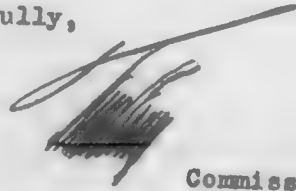
Susie Harjo,  
c/o Fusthlecco Bird,  
Maud, Oklahoma Territory.

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 the enrollment of your minor child, Mattie Bird, 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-650.

Cr.No.1186.

Muskogee, Indian Territory, February 19, 1907.

M. I. Mott,

Attorney for Creek Nation,

Muskogee, 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 Mattie Bird, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with the record of proceedings had in the case, in 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.

IM-651.

Cr. En. 1196.

Muskogee, Indian Territory, February 19, 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 Mattie Bird, deceased, 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.

IX-652.

through the Commissioner  
of Indian Affairs.

Refer in reply to the following:  
Land 18327-1907.

COPY

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

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby, dated February 19, 1907, transmitting the record relative to the application of Mattie Bird, deceased, for enrollment as a citizen by blood of the Creek Nation, including the decision of the Commissioner, dated February 19, 1907, adverse to the applicant.

The decision of the Commissioner has been examined and found to be correct and the same is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

H.R.D. - NL



8796, 8798, 6244, 6274-1907.  
6254, 6484, 6504, 6510-1907.  
6526, 6668, 6670, 6676-1907.  
6678, 6698, 6702, 6706-1907.  
6712, 6720, 6766, 6770-1907.  
6812-1907.  
D. C. 12640-1907.

March 2, 1907.

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

| Title of Case.                      | Date of your Letter of Transmittal. |
|-------------------------------------|-------------------------------------|
| Minnie Atkins,                      | February 9, 1907.                   |
| Willie Nash (Freedman),             | February 11, 1907.                  |
| James Anderson et al.,              | February 12, 1907.                  |
| Wallace Smith, (deceased)           | February 19, 1907.                  |
| Jakie Adkins (Freedman),            | February 16, 1907.                  |
| Easter Scott et al., (Freedmen),    | February 9, 1907.                   |
| Mary Elizabeth Ellis,               | February 9, 1907.                   |
| Charles Hawkins et al. (Freedmen)   | February 13, 1907.                  |
| Jimmie Conner et al. (Freedmen)     | February 14, 1907.                  |
| John Leacher (deceased),            | February 14, 1907.                  |
| Olive Grant and Reba Coker,         | February 16, 1907.                  |
| Gennetta Peters (Freedman)          | February 16, 1907.                  |
| John Guy (deceased) (Freedman)      | February 16, 1907.                  |
| Martha Porter, (deceased),          | February 14, 1907.                  |
| George Wolf (Freedman),             | February 14, 1907.                  |
| Mattie Bird, deceased,              | February 16, 1907.                  |
| Jennie Lewis (Freedman)             | February 19, 1907.                  |
| Mary McNary                         | February 15, 1907.                  |
| Alonza Franklin (Freedman)          | February 14, 1907.                  |
| Gracie Johnson (Freedman)           | February 14, 1907.                  |
| Katie Jamison, deceased (Freedman), | February 16, 1907.                  |
|                                     | February 14, 1907.                  |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

21 inc. and 42 inc.  
to Indian office.

WCF 3/3/07.

Cr. En. 1186.

Muskogee, Indian Territory, March 15, 1907.

Susie Harjo,

c/o Fusthiooco Bird,

Maud, Oklahoma Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Mattie Bird, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

IM

CR EN 1187

CR EN 1187

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, IND. TERR., FEB. 19, 1907.

RA Creek 20.

In the matter of the application for the enrollment of Annie Johnson as a citizen of the Creek Nation.

LUCY JOHNSON, being first duly sworn by Geo. K. Davidson, a Notary Public, testified as follows:

BY THE COMMISSIONER:

- Q. What is your name? A. Lucy Johnson.  
Q. What is your Post Office address? A. Muskogee, I.T.  
Q. How old are you? A. I cant tell how old I am.  
Q. Are you acitizen of the Creek Nation? A. Yes.  
Q. To what Town do you belong? A. Arkansas.  
Q. Have you a child with you or did you have a child with you by the name of Annie Johnson? A. Yes sir.  
Q. How old is this child? A. I reckon she is about 14 or 15 years old now the way they told me. I don't know how it is but when I did get her, she was about two years old.  
Q. Is the child living now? A. Yes sir.  
Q. Where is this child now? A. She is up to Bristow. I heard from her the other day.  
Q. Who has the child? A. A man by the name of Zack Roberson, living up to Bristow.  
Q. Did Zack say he was the father of this child? A. That is what I heard he said, he never told me so and he run off with her and carried her up there.  
Q. Did Johnie Johnson claim the child as his child? A. Johnie claimed the child because Johnie told me before he went to the venetentiary that he was fixing it to file for Annie and wanted me to go down and witness and when he come back he would file for her.  
Q. Who is the mother of this child? A. The mother of the child they call Shug Whinery.  
Q. Who is her people? A. Her father is Mark Whinery and her mother is Fanny Whinery.  
Q. Do you know whether her mother is a colored woman, a white woman or an Indian? A. She is a white woman.  
Q. Is she a citizen? A. No she is not a citizen.  
Q. Did you ever hear Shug say who was the father of this child? A. No, I never did hear because I never saw her but one time after she had Annie before she died. I could not tell you, because after she died ~~Mr~~ Mrs. Whinery did not want her because she was a nigger and did not want her among the rest of the children and gave her away.

Geo. K. Davidson, being first duly sworn, states that the above is a true and correct transcript of his stenographic notes as taken in said cause on said date.

*Geo. K. Davidson*

Subscribed and sworn to before me this \_\_\_\_\_ day of February, 1907.

Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, IND. TERR., FEB. 26, 1907.

BA. CRHEK 207.

In the matter of the application for the enrollment of Annie Johnson as a citizen of the Creek Nation.

BILLIE SEWELL, being first duly sworn by Geo. K. Davidson, a Notary Public, testified as follows:

BY THE COMMISSIONER:

- Q. What is your name? A. Billie Sewell.
- Q. What is your Post Office address? A. Muskogee.
- Q. How old are you? A. I don't know exactly how old I am, but I must be about 59.
- Q. Are you a citizen of the Creek Nation? A. Yes sir.
- Q. To what Town do you belong? A. Canadian.
- Q. Did you know the woman they called Shug Whinery? A. I have seen her lots of times. I know her when I see her.
- Q. Do you know whether she had a child by the name of Annie Whinery? A. Yes sir.
- Q. Did you ever hear who was the father of this child? A. Yes sir. Shug's father told me it was Jessie Johnson.
- Q. Who is Shug's father? A. Mark Whinery.
- Q. Did you ever hear that anybody else was the father of Annie? A. Yes sir, I heard Syd Johnson was the father of it.
- Q. Did you ever hear anybody else was the father of this child? A. Yes sir, I heard that Zack Roberson was the father of it.
- Q. Is Zack a citizen? A. I don't know.
- Q. Where is the child now? A. I am not able to tell you. The last I heard of it, she went out to her father, - they claim her father, Zack.
- Q. Where is Zack? A. I don't know. About Bristow I think.
- Q. Did you ever hear Jessie Johnson say that he was the father of this child? A. No, I never have.
- Q. Was this woman Shug Whinery a white woman, a colored woman or an Indian? A. She was a white woman.
- Q. Why did she give the child to Jessie Johnson? A. I could not tell you that. It was after the death of her, the child was given to Jessie.
- Q. Who gave the child to Jessie? A. Mark and his wife, the grand-mother. Mark told me that he was going to give it to Jessie.
- Q. Did you ever hear anybody say why they gave the child to Jessie? A. No, no more than Mark, the grandfather, said it was Jessie's child and he was going to give it to him.
- Q. So it has never been known who is the father of the child? A. Not by me.

SARAH DAVIDSON, being first duly sworn by Geo. K. Davidson, a Notary Public, testified as follows:

BY THE COMMISSIONER:

- Q. What is your name? A. Sarah Davidson.
- Q. What is your Post Office address? A. Muskogee.
- Q. How old are you? A. 57 years old.
- Q. Are you a citizen of the Creek Nation? A. I am a citizen of the Seminole nation.
- Q. Do you know Shug Whinery? A. Yes sir.
- Q. Did she have a child by the name of Annie? A. Yes sir.
- Q. Who is the father of this child? A. I don't know.
- Q. Did you ever hear anybody say who is the father? A. No, they laid it to a whole lot. They laid it to this one and that one.

- Q. Name some of the people that you heard they said was the father of this child? A. Some, Jessie Johnson, Willie Hawkins and Zack Roberson.
- Q. Did you ever hear Shug Whinery say who was the father of this child? A. No.
- Q. Do you know why it was that they gave the child away? A. Yes. Mrs. Whinery said that her children was so mean to the child and called it nigger and she wanted me to take it. She offered it to me and I could not take it and she gave it to Jessie Johnson.
- Q. Do you know where the child is now? A. No.
- Q. Do you know about how old the child is? A. No, I don't. I guess it ought to be about twelve or thirteen.
- Q. Did you ever hear Mrs. Whinery say they were going to try to enroll this child? A. No, I never did hear it. Jessie Johnson tried to enroll it and he could not. They would not let him enroll it.
- Q. Did you have a talk with Shug about this child? A. No.
- Q. According to your own judgment and what you have heard, who do you think is the father of this child? A. I don't know.

Geo. K. Davidson, being first duly sworn, states that the above is a true and correct transcript of his stenographic notes as taken in said cause on said date.

*Geo. K. Davidson*

Subscribed and sworn to before me this 26th day of February, 1907.

*Edward Merriek*  
Notary Public

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

In the matter of the application for the enrollment of Annie Johnson 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 31, 1904, application was made, in affidavit form, for the enrollment of Annie Johnson as a citizen by blood of the Creek Nation. A copy of a letter written to this office by John Johnson, dated September 2, 1906, is attached to and made a part of the record herein. Testimony was taken in this matter on February 19, 1907, and February 26, 1907.

It appears from the evidence that said child was born in April 1896, and that she was living on the date of the last proceeding had herein.

It further appears from the evidence and the records in the possession of this office that said Annie Johnson is the minor child of Ella May Whinery, alias Shug Whinery, deceased, a non citizen, and a father whose identity is not established.

It is, therefore, ordered and adjudged that the applicant is not entitled to be enrolled as a citizen by blood of the Creek Nation and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory.



Commissioner.



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

In the matter of the application for the enrollment of Annie Johnson 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 31, 1904, application was made, in affidavit form, for the enrollment of Annie Johnson as a citizen by blood of the Creek Nation. A copy of a letter written to this office by John Johnson, dated September 2, 1906, is attached to and made a part of the record herein. Testimony was taken in this matter on February 19, 1907.

It appears from the evidence and the records of this office that said Annie Johnson is the minor child of John Johnson, a duly enrolled citizen of the Creek Nation, whose name appears upon a partial schedule of citizens by blood of the Creek Nation, approved by the Secretary of the Interior, March 13, 1902, opposite number 1593, and Ella May Whinery, a non citizen, *Slung Whinery, deceased, a non citizen, and father* *Deh 26 1907*

It further appears from the evidence that said child was born in April 1896 and that she was living on the date of the last proceeding had herein.

It is, therefore, ordered and adjudged that the applicant is <sup>not</sup> entitled to be enrolled as a citizen by blood of the Creek Nation, ~~under the provisions of the Acts of Congress approved March 1, 1901 (21 Stat. L. 861) and June 30, 1902, (32 Stat. L. 500), and the application for her enrollment as such is accordingly granted.~~ *denied.*

*whose identity is not established.*

Muskogee, Indian Territory.

COMMISSIONER.



7. 1. 1907  
for the purpose of  
the work in the  
laboratory  
of the  
BAC

Reinhardt  
Apr 10 1907  
UBB  
Me  
1111

UNITED STATES PENITENTIARY, GRAVENWORTH, KANSAS.

John Johnson

Register No. 4387.

Tam Bixby,

Commissioner to 5 Civilized Tribes  
Muskogee, Ind. Ter.

September 2nd, 1906.

Mr. Tam Bixby commissioner to 5 Civilize Tribe dear sir I this day thought I would write you this letter in regard to the files of of some children of mine I have a child that was born May, 1904 and the mother of the child was a Simmonels Freedman. An I am a Creek Indian the mother inrold the child in 1905 in the Creek Nation an the mother died since she inrold the child she died the 18 of Aug 1905 the child name is Hera Johnson an her mother name is Deliah Sange. She is a simmonels Freedman an my name is John Johnson My Town is Tuckparkfa My Alctment is in S 23 T 14 R 16 about 12 miles west of Muskogee the child is with its ant Katie James nee Hivens I want to know have you all file for the child or not an if not I would like for her to get her land in Creek Nation I also have one child that was born the 11 day of Aug 1903 an died the 5 day of Dec 1904 My wife Vinoy Manuel ne Johnson made application have you all file for this child yet this deceast child name is Jessie Johnson Mr Bixby will you tell me what have you all done with the petishen for inrolement of one of my child Annie Johnson you all would not let me file for it in 1899 because the child mother was a menesitizen but this child is a citens for I am a citen by blood still you all hair this child at that time because her mother was a white woman but since then you

b  
all file state raise negro children whos father was a Creek  
Freedman an they was not man an wife eather this ar one I will  
name Jessie Perymen whos father ar a Creek freedmen Nick Perymen  
is the father of Jessie Perymon an Silbey Varn is he mother a  
state woman a lets more I ne of please to tell me some thing about  
Baklylise of our alctment also pleas to send me a copy of the new  
ruling goven the sale of deceast land also tell me what part of  
land de a wife hold to her deceas hesben also de they hold any if  
they live together an was not married only live as man an wife  
under the old tribble way you ne some had 2 3 4 5 an six wifes  
did you all take us like you find us or not ne more answer seen  
from Jac Johnson.

REFER IN REPLY TO THE FOLLOWING:  
BA. Creek 207.

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

Muskogee, Ind. Terr.,

Feb. 19, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Ind. Terr.

Sir:

According to your instruction directing me to investigate the case of Annie Johnson, I herewith enclose you the testimony of Lucy Johnson.

I was unable to secure any further testimony in this case.

Respectfully,

*Geo. D. Davidson*

Clerk in Charge of Creek Field party.

BA 204.

Muskogee, Indian Territory, February 27, 1907.

Lucy Johnson,  
General Delivery,  
Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision in the matter of the application for the enrollment of Annie Johnson, 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,

Register.  
987.

Commissioner.

BA 207.

Muskogee, Indian Territory, February 27, 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 Annie Johnson, 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.

IM-980.

Through the Commissioner  
of Indian Affairs.

BA 207.

Muskogee, Indian Territory, February 27, 1907.

M. L. Wott,  
Attorney for Creek Nation,  
Muskogee, 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 Annie Johnson, 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.

LM- 988.

Refer in reply to the following:  
Land References in body of letter.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 4, 1907.

COPY.

The Honorable,  
The Secretary of the Interior.

Sir:

There are enclosed herewith the records of proceedings in the matter of the applications for the enrollment of the following persons:

- 21250-1907: Heratie John Ross, as a citizen by intermarriage of the Cherokee Nation.
- 21244-1907: John F. Devaughn, " " " "
- 21232-1907: Ada E. White, as a citizen by blood of the Cherokee Nation.
- 21259-1907: Marvin T. Brake, as a citizen by blood of the Choctaw Nation.
- 21260-1907: Bessie Springer,  
Lillie Livingston,  
Jessie Springer, and  
Richard Springer, " " " "
- 21261-1907: Addie Goldsmith,  
Christie Goldsmith,  
Carrie Goldsmith,  
Stanley Goldsmith,  
Otis Goldsmith,  
Ross Goldsmith,  
Henry Goldsmith,  
Mabel Goldsmith,  
Lincoln Jefferson Goldsmith,  
Guy Goldsmith,  
Solomon Goldsmith,  
Lloyd Goldsmith,  
Tecumseh Goldsmith,  
Orange Goldsmith, as citizens by blood of the Choctaw or Chickasaw Nations.
- Rhuel Goldsmith,  
Ola Goldsmith, and  
Rosie Goldsmith, as citizens by blood of the Choctaw Nation.
- 21262-1907: Mary Eyrington, as a citizen by blood of the Choctaw Nation.
- 21276-1907: Katie Arch, et al., all deceased, as citizens by blood of the Creek Nation. (Katie Arch, Lewis Arch, Lizzie Arch and Nellie Arch).
- 21264-1907: Roy Thompson, deceased, as a citizen by blood of the Creek Nation.
- 21274-1907: Annie Johnson, as a citizen by blood of the Creek Nation
- 21238-1907: Clyde Wilton Hardrick, as a Cherokee freedman.
- 21241-1907: Maude Ella Jones, as a Cherokee freedman.
- 21240-1907: Stephen Gunter, as a Cherokee freedman.



- 21243-1907: Henry Ely,  
Joanna Ely,  
Henry Ely, Jr.,  
Jesse Ely,  
Lucinda Ely,  
Charles Ely,  
Laurenate Ely, and  
Morgan Ely, as Cherokee freedmen.
- 21259-1907: Sarah Ann Dawson, and  
Lillian Beatty, as Cherokee freedmen.
- 21242-1907: Catherine Brewer,  
Henry Brewer,  
Margaret Brewer,  
Willey Brewer, as Cherokee freedmen.
- 21263-1907: Jennie Roberson,  
Ether Roberson, and  
Fany Roberson, as Creek freedmen. (All deceased).
- 21258-1907: Frances Marshall, as a Choctaw freedman, or as a  
citizen of the Choctaw Nation.

The decisions of the Commissioner to the Five Civilized Tribes, relative to the enrollment of the above named applicants, were adverse in each case.

The decisions of Commissioner Sixty have been examined, they are found to be correct, and the Office recommends that they be approved.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

RHM-13.

## DEPARTMENT OF THE INTERIOR,

WASHINGTON, March 4, 1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following citizenship cases, adverse to the applicants, are hereby affirmed. Copy of Indian Office letter of March 2, 1907, submitting your reports and recommending that the decisions be affirmed, is herewith enclosed.

| Title of Case.                                     | Date of your letter of transmittal. |
|--|-------------------------------------|
| Stephen Gunter, Cherokee freedman                  | February 26, 1907.                  |
| Marvin T. Brake, Chestaw by blood,                 | February 27, 1907.                  |
| Addie Goldsmith, et al., Chestaws by blood,        | February 25, 1907.                  |
| Catherine Brewer, et al., Cherokee freedmen;       | February 27, 1907.                  |
| Henry Bly, et al., Cherokee freedmen,              | February 27, 1907.                  |
| Frances Marshall, Chestaw by blood,                | February 27, 1907.                  |
| Jennie Roberson, et al., deceased, Creek freedmen, | February 26, 1907.                  |
| Clyde Wilton Hardrick, Cherokee freedman,          | February 25, 1907.                  |
| Annie Johnson, Creek by blood,                     | February 25, 1907.                  |
| <del>Annie Johnson, Creek by blood,</del>          | <del>February 27, 1907.</del>       |
| Mary Byington, Chestaw by blood,                   | February 27, 1907.                  |
| Roy Thompson, deceased, Creek by blood,            | February 26, 1907.                  |
| Sarah Ann Dawson, et al., Cherokee freedmen,       | February 26, 1907.                  |
| Katie Arch, et al., deceased, Creeks by blood,     | February 27, 1907.                  |
| Bessie Springer, et al., Chestaws by blood,        | February 26, 1907.                  |
| Ada R. White, Cherokee by blood,                   | February 26, 1907.                  |
| Horatio John Rose, Cherokee by intermarriage       | February 27, 1907.                  |
| John P. Devaughn, Cherokee by intermarriage,       | February 27, 1907.                  |
| Maudie Ella Jones, Cherokee freedman),             | February 26, 1907.                  |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

1 enclosure, and  
54 enclosures to Ind.Of. with  
copy hereof.  
W.C.P. 3-4-07.

E.A. Hitchcock,  
Secretary.

I.T.D. 7628-1907.

WHM.LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, March 4, 1907.

Direct.

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

Sir:

Your decisions in the following citizenship cases, adverse to the applications, are hereby affirmed. Copy of Indian Office letter of March 2, 1907, submitting your reports and recommending that the decisions be affirmed, is herewith enclosed.

| Title of Case.                                      | Date of your letter of transmittal. |
|---|-------------------------------------|
| Stephen Gunter, Cherokee freedman                   | February 26, 1907.                  |
| Marvin T. Brake, Choctaw by blood,                  | February 27, 1907.                  |
| Addie Goldsmith, et al., Choctaws by blood,         | February 25, 1907.                  |
| Catherine Brewer, et al., Cherokee freedmen,        | February 27, 1907.                  |
| Henry Bly, et al., Cherokee freedmen,               | February 27, 1907.                  |
| Frances Marshall, Choctaw by blood,                 | February 27, 1907.                  |
| Jennie Robertson, et al., deceased, Creek freedmen, | February 26, 1907.                  |
| Clyde Wilton Hardrick, Cherokee freedman,           | February 25, 1907.                  |
| <del>Annie Johnson, Creek by blood,</del>           | <del>February 25, 1907.</del>       |
| <del>Annie Johnson, Creek by blood,</del>           | <del>February 27, 1907.</del>       |
| Mary Byington, Choctaw by blood,                    | February 27, 1907.                  |
| Roy Thompson, deceased, Creek by blood,             | February 26, 1907.                  |
| Sarah Ann Dawson, et al., Cherokee freedmen,        | February 26, 1907.                  |
| Katie Aroh, et al., deceased, Creeks by blood,      | February 27, 1907.                  |
| Bessie Springer, et al., Choctaws by blood,         | February 26, 1907.                  |
| Ada E. White, Cherokee by blood,                    | February 26, 1907.                  |
| Heratie John Rose, Cherokee by intermarriage        | February 27, 1907.                  |
| John F. Devaughn, Cherokee by intermarriage,        | February 27, 1907.                  |
| Maude Ella Jones, (Cherokee freedman),              | February 26, 1907.                  |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

1 enclosure, and  
54 enclosures to Ind. Of. with  
copy hereof.  
W.C.F.3-4-07.

E.A. Hitchcock,  
Secretary.

Cr.En.1187.

Muskogee, Indian Territory, March 30, 1907.

Lucy Johnson,  
General Delivery,  
Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Annie Johnson, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

CR EN 1188

CR EN 1188

IN RE  
THE DEATH OF

*The 20th Tiger*

a citizen of the

*China* Nation.

Approved 190

Commissioner

DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

January 13, 1903

Winton

San Francisco

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *She eo shaw Tiger* (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 *18* day of *August*, 1900

AFFIDAVIT OF RELATIVE.

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

I, *James Tiger*, 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 *Sapulpa* (Here insert name of post office) Ind. Ter.; that I am *the father* (State relationship as: the father; an uncle; a cousin, etc.) of *She eo shaw Tiger* (Here insert name of deceased) who was a citizen, by *blood*, of the *Creek* Nation; and that said *She eo shaw Tiger* (Here insert name of deceased) died on the *18* day of *August*, 1900

WITNESSES TO MARK: *James Tiger* (Must be Two Witnesses) *F. P. Lizer*

Subscribed and sworn to before me this *11* day of *January*, 1904 *W. P. Root* Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

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

I, *Long George*, on oath state that I am *47* years of age, and a citizen, by *blood*, of the *Creek* Nation; that my post office address is *Brittain* (Here insert name of post office) Ind. Ter.; that I was personally acquainted with *She eo shaw Tiger* (Here insert name of deceased) who was a citizen by *blood*, of the *Creek* Nation; and that said *She eo shaw Tiger* (Here insert name of deceased) died on the *18* day of *August*, 1900

WITNESSES TO MARK: (Must be Two) *James Tiger*

Subscribed and sworn to before me this *11* day of *January*, 1904 *W. P. Root* Notary Public.

286

D. C. 135.

Muskogee, Indian Territory, February 1, 1904.

James Tiger,  
Sapulpa, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit executed by you relative to the death of your child, Ku-co-shon, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted 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 date of the death of said child, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.



DA 136.

Muskogee, Indian Territory, June 20, 1905.

James Tiger,  
Sapulpa, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit executed by you relative to the death of your child, Ker-co-shon Tiger. The Commission desires further evidence in said case.

You are hereby notified to appear before the Commission at Sapulpa, Indian Territory, July 10, 1905, with at least two witnesses who know the exact dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

D A 135.

Muskogee, Indian Territory, January 4, 1907.

James Tiger,

Sapulpa, Indian Territory.

Dear sir:

The evidence now before this office in the matter of the application for the enrollment of Ker-co-shon Tiger, deceased, as a citizen of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed twenty days from the date hereof, within which to introduce such evidence.

Respectfully,

Commissioner.

DA 138

Muskogee, Indian Territory, January 5, 1907.

James Tiger,

Sapulpa, Indian Territory.

Dear Sir:

The evidence now before this office in the matter of the application for the enrollment of Ker-co-shon Tiger, deceased, as a citizen of the Creek Nation, is insufficient upon which to base a decision.

You are hereby advised that it will be necessary for you to furnish further evidence in this matter and that you will be allowed ten days from the date hereof, within which to introduce such evidence.

Respectfully,

---

Commissioner.

DA 135  
Cr.En.1188

FHW  
AG

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

In the matter of the application for the enrollment of Ker co shaw Tiger, deceased, as a citizen by blood of the Creek Nation.

STATEMENT AND ORDER.

The record in this case shows that an application was filed on January 13, 1903, in the form of a death affidavit, for the enrollment of Ker co shaw Tiger as a citizen by blood of the Creek Nation.

The evidence in this case shows that the applicant, Ker co shaw Tiger died August 18, 1900. This office has made every effort to obtain information as to the date of the birth of said applicant but no information has been secured. It is considered that the applicant was either born dead or did not live long enough to entitle him to enrollment.

In view of the foregoing, I am of the opinion that there is no authority of law for the enrollment of the said Ker co shaw Tiger, deceased, as a citizen by blood of the Creek Nation and the application for his enrollment as such is accordingly dismissed.

Muskogee, Indian Territory,  
JAN 20 1907

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COMMISSIONER.

Cr.En.1188.

Muskogee, Indian Territory, February 18, 1907.

James Tiger,

Sapulpa, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the statement and order of the Commissioner to the Five Civilized Tribes dated February 18, 1907, dismissing the application made by you for the enrollment of your minor child, Ker-co-shaw Tiger, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

Register.  
IX-1188.

CR EN 1189

CR EN 1189

Duplicated on N.C. 340

empty

CR EN 1190

CR EN 1190

25

20

*IN RE*

Application for Enrollment of  
INFANT CHILD

*Celestia Ditzler*  
as a citizen of

*Nebraska* Nation.

Approved, \_\_\_\_\_ 190

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

*Recd. Dec. 1 - 1901*

*Not admitted*

*wrote 1-22-06*

*Filed Oct. 28-1902*



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

IN RE Application for Enrollment, as a citizen of the Creek Nation,  
of Melcutka (Here insert name of child), born on the 11<sup>th</sup> day of October, 1901  
Name of Father: W. H. Ditzler, a citizen of the United States Nation.  
Name of Mother: Melvina Ditzler, a citizen of the Creek Nation.  
Post-office, Melcutka

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Western District.

I, Melvina Ditzler, on oath state that I am 20  
years of age and a citizen, by Blood, of the Creek Nation;  
that I am the lawful wife of W. H. Ditzler, who is a citizen, by  
of the United States Nation; that a female child was  
(male or female)  
born to me on the 11 day of October, 1901; that said child has been  
named Celestia Ditzler, and is now living.

WITNESSES TO MARK:

(Must be Two  
Witnesses)

E. Anty  
A. R. Robinson

Melvina <sup>her</sup> Ditzler  
mark

Subscribed and sworn to before me this 25<sup>th</sup> day of October, 1902

Geo. G. Calmes  
NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Western District.

I, Mrs. S. M. Ditzler, a midwife, on oath state that I  
attended on Mrs. Melvina Ditzler, wife of W. H. Ditzler,  
on the 11 day of October, 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  
(male or female.)  
named Celestia Ditzler.

WITNESSES TO MARK:

(Must be Two  
Witnesses)

E. Anty  
A. R. Robinson

Mrs. S. M. <sup>her</sup> Ditzler  
mark

Subscribed and sworn to before me this 25 day of October, 1902

Geo. G. Calmes  
NOTARY PUBLIC.

En 1193

32

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IN RE  
THE DEATH OF

.....  
*a citizen of the*

.....  
*Nation.*

---

*Approved* ..... *190*.....

.....  
*Commissioner.*

---

STAMPED  
FELIX 14 1907

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

In the matter of the death of \_\_\_\_\_  
(Here insert name of deceased.)

a citizen of the \_\_\_\_\_ Nation, who formerly resided at or near  
\_\_\_\_\_, (Here insert name of postoffice.) Ind. Ter., and died on the \_\_\_\_\_ day of  
\_\_\_\_\_, 1 \_\_\_\_\_.

AFFIDAVIT OF RELATIVE.

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

I, W H Ditzler, on oath state that I am 29  
years of age and a citizen, by \_\_\_\_\_, of the United States Nation;  
that my postoffice address is Wahveta, (Here insert name of postoffice.) Ind. Ter.; that I am  
the father (State relationship as the father; an uncle; a cousin, etc.) of Celista Ditzler (Here insert name of deceased.)  
who was a citizen, by blood, of the Creek Nation  
and that said Celista Ditzler (Here insert name of deceased.) died on the 22nd day of  
October, 1 901.

WITNESSES TO MARK:

W H Ditzler

(Must Be Two Witnesses.)

Subscribed and sworn to before me this 13th day of February 1907

J L Gary  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Wahveta DISTRICT. }

I, A. R. Robinson, on oath state that I am 35  
years of age, and a citizen by blood of the Creek Nation;  
that my postoffice address is Wahveta, (Here insert name of postoffice.) Ind. Ter.;  
that I was personally acquainted with Celista Ditzler (Here insert name of deceased.)  
who was a citizen, by blood, of the Creek Nation;  
and that said Celista Ditzler (Here insert name of deceased.) died on the about 22nd day of  
October, 1 901.

WITNESSES TO MARK:

A R Robinson

(Must Be Two Witnesses.)

Subscribed and sworn to before me this 13th day of February 1907

J L Gary  
Notary Public.

BA.NR.25

Muskogee, Indian Territory, January 23, 1906.

Melvina Ditzler,

Care W. H. Ditzler,

Weleetka, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor child, Celestia Ditzler, born October 11, 1901, as a citizen by blood of the Creek Nation, you are advised that this office requires proof of death of said child. There is herewith enclosed blank form of death affidavit which you are requested to have duly executed before an officer authorized to administer oaths and send to this office in the enclosed envelope.

In the event that said Celestia Ditzler is not dead, you should file with this office your affidavit and the affidavit of the midwife, stating the name of said child, the date of its birth, the names of its parents and whether or not it was living on March 4, 1905.

Respectfully,

DA

Commissioner.

B.A.25  
Cr.En.1190

F.H.W.  
A.G.

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

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

STATEMENT AND ORDER.

The record in this case shows that on October 28, 1902, an application was filed in affidavit form for the enrollment of Celestia Ditzler, deceased, as a citizen by blood of the Creek Nation. A supplemental affidavit filed February 14, 1907, is attached to and made a part of the record herein.

It appears that the name of the applicant is spelled Celestia in the original affidavit and Celesta in the supplemental affidavit but the evidence shows that Celestia Ditzler and Celesta Ditzler are one and the same person and future reference to the said applicant will be made under the name of Celestia Ditzler.

The evidence is conflicting as to the date of the death of the applicant but the weight of the evidence shows that the said Celestia Ditzler was born October 11, 1901 and died October 22, 1901 and there is no evidence to show that said applicant was living at a time that would entitle her to enrollment.

In view of the foregoing, I am of the opinion that there is no authority of law for the enrollment of the said Celestia Ditzler as a citizen by blood of the Creek Nation and the application for her enrollment as such is accordingly dismissed.

Muskogee, Indian Territory,

FEB 23 1907



COMMISSIONER.

# THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED  
24,000 OFFICES IN AMERICA CABLE SERVICE TO ALL THE WORLD.

This Company TRANSMITS and DELIVERS messages only on conditions imposing the liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sender for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid therefor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

This is an UNREPEATED MESSAGE, and is delivered by request of the sender under the conditions named above.

ROBERT C. CLOWRY, President and General Manager.

**RECEIVED at**

15 DA AN D 610PM,

22 Collect, GOV'T,

Wetka, I.T. Feb 13th

Commissioner, Five Tribes ,

Muskogee, I.T.

Celesta Ditzler Creek New Born Died October twenty two nineteen  
and one affidavit by mail .

Gary : .

51180

**MONEY TRANSFERRED BY TELEGRAPH.**

**CABLE OFFICE.**

Cr. No. 1190.

Muskogee, Indian Territory, February 20, 1907.

Melvina Ditzler,

c/o W.H.Ditzler,

Weleetka, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the statement and order of the Commissioner to the Five Civilized Tribes, dated February 20, 1907, dismissing the application made by you for the enrollment of your minor child, Celestia Ditzler, deceased, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

Register.  
LM-225.





CR EN 1191

CR EN 1191

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, March 5, 1906.

In the matter of the application for the enrollment  
of Mattie Davis as a citizen of the Creek Nation.

APPEARANCES:

Merritt Eslick, for M.L.Mott, attorney for Creek Nation.

Annie Harrod, being duly sworn, testified as follows:

- Q What is your name? A Annie Harrod.  
Q What is the names of your parents? Toney Harrod is my father and Mary Harrod my mother.  
Q Are they living? A Yes, sir.  
Q Did you have a child named Mattie? A Yes, sir.  
Q Have you ever been married to anybody? A No, sir.  
Q How many children have you had? A One.  
Q What was the name of it? A Mattie Davis.  
Q Isn't that yours in your arms? A Yes, sir.  
Q What is the name of the father of that one? A Matt Cobb.  
Q Never married to him? A Yes  
Q When did you marry him? A April 23, 1903, I believe.  
Q What was the name of the father of Mattie? A Rayford Davis.  
Q Was he a citizen? A Yes, sir.  
Q Is he living? A Yes, sir.  
Q Did you ever marry him? A No  
Q Did he ever live with you at all? A No, sir.  
Q Does he know when that child Mattie was born? A No, sir.  
Q Was he present when she was born? A No  
Q Present when it died? A No, sir.  
Q How long did Mattie live? A I cant say but I think she was three months old.  
Q Was she more than three months or less than three months? A I think she was three if I am not mistaken.  
Q I ask you again was she more, or less or exactly three months? A Exactly three months old as near as I can tell.  
Q Do you mean to say she was just exactly 90 days old? A I don't know; I couldn't tell now.  
Q Did you make a record of her birth? A Yes, sir.  
Q Have you it with you? A No, sir.  
Q What kind of a record was it? A It was an affidavit I made.  
Q Was that all the record? A Yes, sir.  
Q Didn't write it in a book? A No, sir.  
Q Who was the midwife when the child was born? A My mother.  
Q Mary Harrod? A Yes, sir.  
Q We notified her to come in here, why didn't she? A She is sick.  
Q Anybody else present? A My sister Jenetta Manac.  
Q Anybody else? A No, sir.  
Q Did you have any doctor when this child was born? A No, sir.  
Q Weren't you sick? A Yes, sir I was sick.  
Q How long after the birth of the child before you got up? A I don't know sir.  
Q Can you give any idea, day, week or month? A I can't tell that.  
Q What day, month and year did the child die? A July 14, 1900.  
Q Did you make any record of its death? A Yes, sir.  
Q Have you that with you? A No, sir.  
Q What do you mean by that just an affidavit--in a book? A No, sir  
Q Then you didn't make any record of it? A No, sir.

- Q Who was present when she died? A Mother, father and sister.  
Q What sister? A Jenetta  
Q Anybody else? Brother Lewis and Morris.  
Q Any doctor wait on the child when it died? A No, sir.  
Q Did you have an undertaker to bury it? A No, sir.  
Q Who made the coffin? A Brother Lewis Herrod.  
Q How do you remember she was exactly three months old when she died?  
A Because I kept it in remembrance.  
Q When did you make an affidavit about the child? A I don't know.  
Q You didn't keep that in remembrance? A No, sir.  
Q How long had the child been dead when you came in to make an affidavit? A She had been dead about a week.  
Q Your child Mattie Davis had been dead about a week when you made this affidavit about it? A Yes, sir.  
Q Are you sure of that? A Yes, sir.  
Q You are sure it hadn't been dead a month? A Yes, sir.  
Q You are sure it hadn't been dead over a month? A Yes, sir.  
Q Is that your signature did you sign that affidavit about the birth and death of Mattie? A Yes, sir.  
Q And you now state that the child had been dead just a week when you made that out? A Yes, she had been dead a week.  
Q Are you as sure of that that she had been dead just a week when you made this affidavit as you are that she was three months old when she died, you are as sure of one as of the other? A Yes, sir.  
Q What is the post office address of Rayford Davis? A Muskogee.  
Q What is the address of your mother? A Muskogee.  
Q Your brother Lewis here too? A Yes, sir.  
Q Did you put any headboard on Mattie's grave? A Yes, sir.  
Q Date of its death on there? A Yes, sir.  
Q Where is she buried? A Peoan Creek.  
Q How far is that grave from your home? A About two miles.  
Q From Tonie Herrod's? A Yes, sir.  
Q What direction? A North.  
Q How far from your place? A Twenty five miles. Ridge is my post office  
Q If you are married to this other fellow now your name is not Herrod?  
A No, sir.  
Q What is your name? Annie Cobb.

JENETTA MACNAC, being duly sworn, testified as follows:

- Q What is your name? A Jenetta Macnac.  
Q What is your age? A About 35.  
Q What is your post office address? A Muskogee.  
Q Did you know Mattie Davis? A Yes, sir.  
Q Was that your sister's child? A Yes, sir, I was there when she was born  
Q Were you with your sister when she made out an affidavit about the birth and death of the child? A Yes, sir.  
Q How long had Mattie been dead then? A That is kind of hard for me to say.  
Q About how long? A She wasn't dead long.  
Q As long as a year? A No, sir.  
Q Six months? A I think it was two months.  
Q No more than two months? A No, sir.  
Q Your sister just said a week? A I guess she knows more about it than I do.  
Q How big was it when it died? A Two months old-- because she didn't get out with it but once.  
Q Were you there when it died? A Yes, sir.  
Q And saw how big it was? A Yes, sir a little baby.  
Q About how old? A I think she was going on two months. Died of the whooping cough.  
Q Couldn't it have been less than two months? A It was two months old I think now; I can't get it right perfect but I think it was two months

- Q When was it born? A I think it was May.  
Q Do you know what day? A No.  
Q Do you know what year? A No, sir I never kept track of it.  
Q And you think it was just going on two months when it died? A Yes  
Q Are you sure it wasn't only a month old? A Yes, I am sure it was over a month.  
Q Do you know what year this child died in? A No.  
Q Do you know what month? A July I believe.  
Q What month born in? A June--no May--I can't tell exactly when it was born.  
Q If it was born in June and died in July it wouldn't be much over a month old? A Let messee--no she was born in May. I believe it was in May the child was born if I aint mistaken.  
Q Do you know what day in July it died? A No, sir.  
Q What part of July did it die in? A I don't know exactly; somewhere long about the middle part  
Q If it died in the middle part of July and was only a little over a month old it couldn't have been born very early in May? A I don't know  
Q Was it born in May or June? A The child was born in May.  
Q How do you remember that? A I can't tell exactly whether it is May or June but I know it is somewhere along there. I never tried to keep track.  
Q Is it a fact that it was born in May or the first part of June as you remember it? A Somewhere along about the last of May I think.  
Q That is your best recollection born somewhere along the last of May and died towards the middle of the following July? A Yes, sir, near as I can get at it.  
Q It must have been born in the same year your sister made out the application? A Yes, sir. She was aiming to bring it down here and enroll it but it got the whooping cough and she didn't come.  
Q You are sure she came down and made an affidavit the same year? A Yes  
Q And you think it died the same year in which she made application for it? A Yes.  
Q Are you sure it was born the last of May or first of June? A Yes, sir.  
Q Can you tell the day? A No, sir, I can't keep track of it.

ANNIE HERROD RECALLED.

- Q You have heard what your sister said that she was present when the child was born, when it died and when you made affidavit about it? Yes  
Q And that it was born either the last of May or first of June and died in the same July in which you made affidavit, is that correct? No.  
Q What is wrong? A She was born the 31st of March.  
Q How old when it died? A Three months old.  
Q How long had it been dead when you made out this affidavit? A I think it had been dead a week.  
Q Dpn't you know of any reliable people in your neighborhood that could tell the date of the birth and death of the child and how long it lived? A No, sir.  
Q Don't you know any one? A Mr. Ashworth lives there.  
Q Who is he? A He is a farmer.  
Q Did he live near you when the child was born? A Yes, sir.  
Q Was he present when it died or was buried? A His children were when it was buried.  
Q What is his full name? A I don't know.  
Q Lives out near Tonie Herrod? A Lives right at the graveyard.  
Q Does he take care of the graveyard? A No, sir.

The witness is identified on Creek freedman card 641 roll No. 2455 under the name of Annie Herrod along with her parents and two brothers.

There is on file in this office an affidavit executed June 22, 1901 by Annie Herrod and Mary Herrod midwife in which it is stated that Mattie Davis was born March 31, 1900 and died July 14, 1900 and from the testimony of the witness that the child was born and died in the same year the affidavit was made it is clear the year is a mistake. It is very difficult to elicit from either of the witnesses the exact date of the birth and death of the child. The testimony of Mary Herrod is particularly desired.

LECTA LEWIS, being duly sworn, testified as follows:

- Q What is your name? A Lecta Lewis.  
Q What is your age? A Twenty two.  
Q Are you a sister of Annie Herrod? A Yes, sir.  
Q Were you present when her child Mattie Davis was born? A No, sir.  
Q Did you ever see it alive? A Yes, sir.  
Q How long before you saw it after its birth? A I don't know.  
Q How many times did you see it? A Never saw it but once.  
Q When was that? A I can't tell you when it was.  
Q Was it closer to the birth or death of the child? A I don't know.  
Q It wasn't a very big child was it? A No, sir.  
Q How long after you saw it before you heard it was dead? A I don't know.  
Q Were you at its funeral? A No, sir.  
Q Did you ever hear how long it lived? A I couldn't tell you. It has been a good while ago and I couldn't tell you how long.  
Q Do you know what year it was you saw it? A I done forgot.  
Q How many years ago was it you saw it? A I don't know exactly/  
Q Have you any children enrolled in the Creek Nation? A No, sir.  
Q Never had any children? A Yes, sir but they are dead.  
Q Ever try to get any of them enrolled? A Tried one.  
Q What was its name? A George Lewis.  
Q How old was George when he died? A Two weeks old I guess.  
Q How long ago did he die? A Three years ago.  
Q Are you sure you tried to have it enrolled? A Yes, sir.

JENETTA MANAC RECALLED.

- Q Have you any young children? A Yes, sir I have one.  
Q Just one? A Yes, sir, Robert Manac.  
Q How old is it? A Two years past.  
Q Did you ever try to have it enrolled? A Its done enrolled and done filed for.  
Q Is that the first child you had? A No, sir.  
Q What is the name of the one before Robert? A Isaac Manac.  
Q Is he living? A No, sir.  
Q How old would he be if he were living? A He would be about six years old along about now.  
Q Ever try to get him enrolled? A Yes, sir but they wouldn't take it.  
Q You never made any formal application fr it? A No, sir.  
Q When was Isaac born? A It has been so long; I have it down in a book at home. I had him enrolled before they started to file and Rena too.  
Q Before they started to file? A Yes, sir.  
Q Which came first Isaac or Rena? A Isaac.  
Q How long after Isaac before Rena was born? A Three years.  
Q How old would Rena be if living now? A Let's see--she'd have been--  
I don't know--about four years old.  
Q Did you ever make a formal application for her enrollment? A I did come down but they said they couldn't take it it had been too long.

- Q How long did she live? A A week.
- Q Which died first Mattie Davis or your child Rena? A Mine died first.
- Q How long before? A I don't know how long that was it has been--I couldn't tell.
- Q Can you tell me the day, month or year in which your child Rena died? A I couldn't tell the date. It was born in December and died in December.
- Q What year? A I don't know; I think it was '88 if I am not mistaken. It has been a long time, its been before the enrolling.
- Q All your children except Robert died before the land office opened? A Yes, sir.
- Q Robert is only about three years old? A Robert is two past. He was three years old the 22 of this December gone.
- Q Are you sure of that? A Yes, sir.
- Q Are you sure of that? A Yes, sir.
- Q How long before the birth of your child Robert who was born in December 1902 was it that Mattie Davis died? A That child has been dead long before Robert was born.
- Q These children of yours that died before the land office opened Isaac and Rena how long did they die before your sister's child Mattie Davis was born and died? A Mattie Davis wasn't born then.
- Q How long before she was born was it that your children died? A They was just enrolling when my babies died.
- Q How long after Mattie Davis was born was it she got the whooping cough? A I don't know.
- Q Weren't you in the house with her? A I wasn't staying there exactly I was to my own home.
- Q Every day? A No, sir I come over there when I have time.
- Q About how old was it, when it took this whooping cough? A I don't know
- Q Was it born with the whooping cough? A No it wasn't born with the whooping cough, it was going around. She went out once with it and it took sick.
- Q How old was it when she went out with it? A A month old.
- Q Did it live a day after that? A It lived more than that.
- Q It died right away didn't it? A No, sir. She bought medicine for it and kept it alive a while.
- Q Did it keep alive as much as a week? A Yes, sir.
- Q Two weeks? A I think it lived a week; as near as I can get at it.
- Q When the child was a little over a month old the mother took it out and it took the whooping cough and lived about a week? A Yes, sir.
- Q Where did your sister get that medicine? A She was using horses milk
- Q Didshe buy it in a store? A No she milked a mare; they told her that was good.
- Q Did you ever hear of a man named Ashworth in your neighborhood? A Yes.
- Q Did he tell her to give that milk? A No, sir.
- Q Do you know whether he knows about the treatment they gave that child? A I don't know.
- Q Didn't anybody advise her to get a doctor? A No; she was talking about getting a doctor but didn't get any.
- Q You don't know whether she got any medicine? A Nothing but Castoria.
- Q Where did she buy it? A In Muskogee.

ANNIE HERROD RECALLED.

- Q What did your child Mattie die of? A Whooping cough.
- Q How long did it have it when it died? A About three days.
- Q Did it catch the whooping cough when you took it out the first time? A No, sir, I don't know.
- Q Did you have a doctor for it? A No, sir
- Q What did you give it? A I don't know what they gave it. Mother and them doctored it. Don't know what they gave it.
- Q Did you hear if they gave it mares milk? A No, sir.
- Q What did they give it? A I don't know
- Q Did you ever buy any medicine for it yourself? A Yes, sir



- Q Where did you buy it? A Muskegee.
- Q Do you know the name of the store? A Gavagan's
- Q Did you pay for it? A Yes sir.
- Q What did you buy? A Child's medicine.
- Q Was it Castoria? A Yes, sir.
- Q Did you give the child Castoria for the whooping cough? A No, sir I was giving it that all the time..
- Q How many bottles did you buy? A I can't tell.
- Q Did it die three days after it got the whooping cough? A Yes, sir.
- Q How old was it when it got the whooping cough? A She was about two months old I think, no three months.
- Q Was it four months old? A I say three months but it was exactly four months from the date she was birthed.
- Q Was she four months old when she got the whooping cough? A No, sir
- Q What do you mean by four months old? A I mean she was four months old when she died but I say three.
- Q I find your testimony is very unreliable and I tell you as in the first place we want your mother to come in here and testify then we would like to have that white man Mr. Ashwarth come in ? A He wasn't there when it died.

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 16 day of March 1906.

*J. M. Dermatt*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
 Muskogee, Indian Territory, March 8, 1906.

In the matter of the application for the enrollment of  
 Mattie Davis, deceased, as a Creek freedman.

MARY HERROD, being duly sworn, testified as follows:

- Q What is your name? A Mary Herrod.  
 Q What is your age? A Fifty four.  
 Q What is your post office address? A Muskogee.  
 Q Are you a citizen of the Creek Nation? A Yes, sir.  
 Q Are you any kin to Annie Herrod here? A Yes, she is my daughter  
 Q Do you know a child of hers named Mattie? A Yes, sir.  
 Q Mattie what? A Mattie Davis.  
 Q Is that child living? A No, she died.  
 Q Were you present when she was born? A Yes, sir.  
 Q Were you present when she died? A Yes, sir.  
 Q Did you stay at the house there from the time of its birth  
 till its death? A Yes, sir. She was right in my house.  
 Q Your daughter was right at your house? A Yes, sir.  
 Q Do you know when Sunday comes in any week? A Yes, sir.  
 Q Was this child born on Sunday? A On Saturday.  
 Q How many Sundays did that child live to see? A That child  
 lived to see--she was in her fourth month.  
 Q I asked you a simple plain question--you are under oath--  
 how many Sundays did that child see? A It aint but four Sundays  
 in a month.  
 Q Did it see four Sundays? A I guess yes she did.  
 Q Did she see as many as eight Sundays,--how long did that child  
 live--how many days or months did it live? A I am not educated  
 I am an ignorant darkie and I know when Sunday comes--seven  
 days and its Sunday.  
 Q When was it born? A In March--the last day of March, and died  
 the last of July.  
 Q If you are not educated enough to tell me how many days, weeks  
 or months this child lived, you are not educated enough to tell  
 me any particular day of a month, now just listen you state  
 you are not educated enough to tell how many days, weeks or  
 months that child lived but still you are educated enough to  
 give the exact day it was born and the exact day it died, how  
 do you explain that? A You have just got to take pains in asking  
 me, I have come in here before and they never asked me such  
 questions as that.  
 Q What day in March do you claim it was born? A The last day  
 Q What day was that 15, 29, 32 or what, do you know? A I dont  
 know any more than the last day of March.  
 Q You don't know what number it was? A It was the last day of  
 March.  
 Q How do you know it was born the last day of March? A From  
 the mother.  
 Q Do you know whether the 20 or 31 or what? A I don't know how  
 many days there are in March.  
 Q How do you know it was the last of March? A On account of  
 the mother saying "today is the last day of March".  
 Q She said that when it was born? A People came and asked when  
 it was born. It was born on a Saturday and it died on a Saturday.  
 She lived till she was going on four months old then she died.



- Q In what month did she die? A In July--born in March
- Q What day in July did she die? A I don't know.
- Q Was it the first, middle or last? A I tell you it was the last. Now let me tell you: she was born the last of March, April the last of that would be one month, May was one month would make two months, the last of June would make three months and she was just going on her fourth month when she took sick and died.
- Q Did she die the first, middle or last of July? A It was the last of July.
- Q Are you sure of that? A Yes, sir.
- Q If she was born the last of March and died the last of July she wouldn't be going on four months but would be four months old? A That's it; you have it right.
- Q Can you write your name auntie? A No, sir I can't.
- Q Did you ever execute an affidavit about the birth and death of this child? A Did which?
- Q Did you go before J.G.Lieber with Annie Herrod here and swear to an affidavit about the birth and death of this child Mattie Davis? A Yes, sir
- Q We have that affidavit here and in it you state that this child was born March 31, 1900 and died July 14, 1900 did you read this affidavit before you signed it by mark? A No, sir I can't read.
- Q Was the affidavit read to you? A I don't know but I don't believe it was.
- Q Do you make a practice of signing and swearing to things that you don't know? A What I knows I states and what I don't know that's something else.
- Q Did you tell him what to put in the affidavit? A I told him when the child was birthed and when it died.
- Q You told him what to put down? A Of course I told him.
- Q You swore that the child died July 14, how do you account for that? A I told him what I knew but it has been so long ago I have forgotten about it so I can only sit before you and tell you what I know about it.
- Q I want to know how you can say that this child died the last of July and the time this affidavit was made you said it died July 14? A It's so long I forget.
- Q If this affidavit is true that the child was born March 31 and died July 14, 1900, it wouldn't be four months old it would only be three and a half months old, what do you say to that? A I don't know.
- Q Are you sure that this child lived as much as a week? A Lived more than a week.
- Q Sure of that? A Yes, sir.
- Q Were you at the burial? A Yes, sir I had to go it died right in my house.
- Q How far from your house was it buried? A About a mile.
- Q How did they take the coffin to the grave did they put it in a wagon? A Yes, they put it in a wagon and we all went in a wagon. I have been before the Commissioner so many times and they never asked no such questions as that.
- Q What we want to find out is how long this child lived? A I told you.
- Q What did this child die of? A Whooping cough.
- Q How old was she when she got the whooping cough? A I don't know.
- Q How long after she was born before she got the whooping cough that she died with, was it a week, a month two months or what? About three months I reckon. The cough didn't last long, she wasn't sick long.
- Q Are you sure that it was as much as three months after she was born that she got the whooping cough? A She was going on four months old when she died and she took the whooping cough

and didn't live but a week.

Q Are you sure she didn't take that whoopingcough right after she was born? A No, sir.

Q Was Mattie ever outside the house? A I don't know.

Q Was the mother of the child sick when the child was born? A Yes

Q How long was she in bed? A About two or three weeks I reckon. I won't answer such questions; you are going on too much, you never see a woman give birth and then get up and walk & it was two or three weeks after the birth of the child before the mother got up? A Yes, sir.

Q Did the child have the whooping cough then? A No, sir. And she worked until long in July when the child was taken sick.

Q And wasn't the child taken out of the house? A She was working in the cotton.

Q Did the mother ever take the child away any distance? A She took it as far as Old Agency church.

Q How many times? A Once.

Q How old was the child when she took it there? A About two months old.

Q Are you sure it wasn't three months old? A I am not certain

Q You have given us the exact day on which it was born and very closely to the day on which it died now you ought to be able to answer an easier question viz. how old was the child when its mother took it that one time to Agency Hill, you state two months are you sure it wasn't three months? A It was in July the old man died; it was three months I gave going on four. It was in July I think.

Q It was in July when she took that child to Agency Hill? A I can't answer no more.

Q What did she take it to Agency for? A Went to a burial.

Q Whose? A Sugar George's burial.

Q Was Sugar George a Creek freedman? A Yes, sir.

Q Did this child catch the whooping cough at that church that day? A No.

Q Are you sure it didn't? Seem like she was.

Q Wasn't she taken with whooping cough right after that visit? A I believe she did.

Q You think she got it there? A I don't know; whooping cough was around among the children.

Q And you say she only lived a week after she got the whooping cough? A She lived just a week.

Q How long after Sugar George's funeral was it she died? A She died just about a week; I believe it was the next week after.

Q What was the name of Sugar George's parents? A Snow Pigeon and Nancy Lovett? I don't know anything about them.

Q Was his wife named Betsey and grand children named Rena and Julia? A Yes, sir.

Q Did you have a doctor for this child when it was sick with the whooping cough? A Nobody but me.

Q What did you give the child? A All sorts of contractions.

Q Did you give it Castoria? A Yes, sir.

Q That was bought here at Gavagans drug store? A Yes

Q Did you give the child mare's milk? A Yes, sir.

Q They don't keep 4th of July in these days with fireworks and those things? A No, sir.

Q You didn't know when the 4th of July came that year? A They have the fourth but they don't have it like they did when peace was declared.

Q Did you have a 4th of August celebration in your neighborhood that year? A Yes, sir.

Q Did you go to the picnic that year? A Yes, sir.

- Q Was Mattie Davis living then the 4th of August? A I don't know whether I went to the 4th. No I didn't go to the 4th.
- Q What were you doing in the field at the time that Mattie was born? A There was no work going on, might have been plowing but don't know what kind of work in the field.
- Q When she died? A Chopping cotton/.
- Q Was cotton up? A Yes, sir.
- Q How high was it? A I can't tell that now, I wasn't noticing that/.
- Q Are you sure that this child didn't die in August or June? A That child died in July.
- Q What fixes that in your mind? A God Almighty didn't permit us to live fools; we must know something. This child didn't die in August or June; it died in July.
- Q You say today that it died the last of July and the other day that it died the 14th, you made onemistake couldn't you make another--

The testimony on file in the Creek land office taken November 23, 1903 states that said George Sugar died June 30, 1900.

- Q You are sure that Mattie was at the funeral of George Sugar? and that she lived as much as a week after that? A Yes, sir.
- Q He was an old man wasn't he, this George? A Yes, sir/

TONIE HERROD, being duly sworn, testified as follows:

- Q What is your name? A Tonie Herrod.
- Q What is your age? A Fifty eight.
- Q What is your post office address? A Muskogee.
- Q Annie Herrod-is she your daughter? A Yes
- Q Did you know a child of hers named Mattie Davis? A Yes
- Q When was Mattie born? A I can't tell.
- Q When did she die? A I can't tell, nothing about it.
- Q How old was she when she died? A I don't know anything about it
- Q Was she a week old? A I aint come in for no witness.
- Q Did you know when Sugar George died, were you at his funeral? A Yes, sir.
- Q Where was that, at Agency church? A Yes, sir.
- Q Did your daughter Annie go to that funeral? A I don't know anything about that?
- Q Can't you remember whether she went to that? A No
- Q You don't know whether she took her baby and went to that funeral? A I don't know I aint come for no witness.

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 13 day of March 1906.

*J. M. Donnell*  
Notary Public.

B.A.33

Muskogee, Indian Territory, January 27, 1906.

Annie Herod,  
Care Rafor Davis,  
Muskogee, Indian Territory.

Dear Madam:

There is on file in this office an affidavit executed by you relative to the birth and death of your minor child, Mattie Davis, who it is claimed is entitled to enrollment as a citizen of the Creek Nation.

You are hereby requested to appear at this office at an early date with two witnesses, who know the date of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Acting Commissioner.

BA 33

Muskogee, Indian Territory, January 27, 1906.

Mary Herod,

Muskogee, Indian Territory.

Dear Madam:

In the matter of an affidavit executed by you relative to the birth and death of Mattie Davis, you are advised that you will be allowed five days from date hereof, within which to appear at this office, for the purpose of being examined under oath.

Respectfully,

Acting Commissioner.

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

In the matter of the application for the enrollment of Mattie Davis, deceased, as a Creek Freedman.

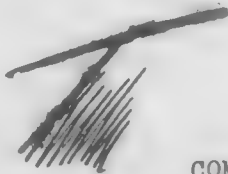
## D E C I S I O N .

The record in this case shows that on June 22, 1901, there was filed with this office, the affidavits of Annie Herod and Mary Harred, in the matter of the birth and death of Mattie Davis, which action is considered as an original application for the enrollment of said Mattie Davis, deceased, as a Creek Freedman. Further proceedings were had on March 5, and March 8, 1906.

It appears from the evidence and the records in the possession of this office that the said Mattie Davis is the deceased child of Annie Herrod, whose name appears on a partial schedule of Creek Freedmen approved by the Secretary of the Interior, March 13, 1902, opposite number 2455; and a father whose identity is not clearly established, although there is evidence to show that the father of said child is Rayford Davis, whose name appears on a partial schedule of Creek Freedmen approved by the secretary of the Interior, March 28, 1902, opposite number 3886.

The evidence is somewhat contradictory as to the dates of the birth and death of said Mattie Davis, but it appears from the weight of the evidence that she was born March 31, 1900 and died in the month of July, 1900 subsequent to the first day of said month.

It is, therefore, ordered and adjudged that the applicant Mattie Davis, deceased, is entitled to be enrolled as a Creek freedman under the provisions of the Act of Congress approved March 1, 1901 (31 Stats. 861), and the application for her enrollment as such is accordingly granted.



COMMISSIONER.

Muskogee, Indian Territory.

FEB 11 1907

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*IN RE*

Application for Enrollment of  
**INFANT CHILD**

as a citizen of the

..... Nation.

---

---

Approved, ..... 190.....

*Commissioner.*

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

IN RE Application for Enrollment, as a citizen of the Creek Nation,  
of Mattie Davis (Here insert name of child.) , born on the 31 day of March, 1900  
Name of Father: Raford Davis , a citizen of the Creek Nation.  
Name of Mother: Annie Harrod , a citizen of the Creek Nation.  
Post-office, Montkagan, Ind. Ter.

AFFIDAVIT OF MOTHER.

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

I, Annie Harrod , 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 Raford Davis , who is a citizen, by  
adoption , of the Creek Nation; that a female child was  
(male or female)  
born to me on the 31 day of March 1900 ; that said child has been ~~was~~  
named Mattie Davis , and is now living ~~and is now living~~ and died July 14, 1900.

WITNESSES TO MARK:

(Must be Two Witnesses.)

(signed) Annie Harrod

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1900.

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

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

I, Mary Harrod , a midwife , on oath state that I  
attended on Mrs. Mattie Davis , wife of \_\_\_\_\_ ,  
on the 31 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~~ now  
(male or female)  
named Mattie Davis and died July 14, 1900

WITNESSES TO MARK:

(Must be Two Witnesses.)

(signed) Mary Harrod

Subscribed and sworn to before me this 27 day of July 1900.

(signed) John G. Keebin  
NOTARY PUBLIC.



33

20

*IN RE*

Application for Enrollment of

INFANT CHILD

*Mattie Davis*  
as a citizen of

*Green* Nation.

Approved, 190

Commissioner.

*Mattie Davis*

*Not entitled to Enrollment*

*B. 1-10*

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

FILED

*June 22 1901*



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 Mattie Davis (Here insert name of child), born on the 31 day of March, 1900  
Name of Father: Raford Davis, a citizen of the Creek Nation.  
Name of Mother: Lumie Harred, a citizen of the Creek Nation.  
Post-office, Mustogee, Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Northern District.

I, Annie Harred, 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 by Raford Davis, who is a citizen, by  
adoption, of the Creek Nation, ~~that a female~~ child was  
(male or female.)  
born to me on the 31 day of March 1900; that said child ~~has been~~ was  
named Mattie Davis, and ~~is now living~~ died July 14, 1900

WITNESSES TO MARK

(Must be Two)  
Witnesses

Subscribed and sworn to before me this 22 day of June 1901.

John R. Sieber  
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Northern District.

I, Mary Harred, a midwife, on oath state that I  
attended on Mrs. Mattie Davis, ~~wife of~~  
on the 31 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~~ was  
(male or female.)  
named Mattie Davis and died July 14, 1900.

WITNESSES TO MARK:

(Must be Two)  
Witnesses

Mary X Harred  
E. Baglain  
Lona Cummings

Subscribed and sworn to before me this 22 day of July 1901.

John R. Sieber  
NOTARY PUBLIC.

J. J. G.

B. A. 33.

Muskogee, Indian Territory, September 19, 1903.

Annie Herod,

Muskogee, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the birth and death of your minor child, Mattie Davis who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that testimony be submitted 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,

Chairman.

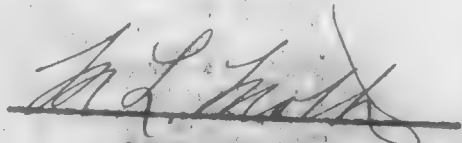
Muskogee, Indian Territory, *February* 3 1907.

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 from fraudulent evidence.

Respectfully,



Creek National Attorney.

*J. L. S.*

En 1191  
~~Creek T. 1913~~

Muskogee, Indian Territory, March 18, 1907.

Annie Harred,  
c/o Rayford Davis,  
General Delivery,  
Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, approved the enrollment of your minor child, Mattie Davis, as a Creek Freedman, whose name appears opposite number 5691.

This child is not entitled to allotment, and application therefor should be made without delay at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 1192

CR EN 1192

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskegee, Indian Territory, February 13, 1906.

In the matter of the application for the enrollment of  
Jennie Richards, deceased, as a Creek freedman.

EMILY RICHARDS, being duly sworn, testified as follows:

- Q What is your name? A Emily Richards.  
Q What is your age? A 34 or 35  
Q What is your post office address? A Haskell.  
Q What was it before Haskell? A Chesky  
Q What was the name of your father? A Willis Marshall.  
Q What was the name of your mother? A Winey Marshall.  
Q Did you have a new born child? A Yes, Sam Richards.  
Q How old when he died? A A month I think it was.  
Q What was the name of the one just before ~~Sam~~ McKinley.  
Q Is he living? A Yes, sir.  
Q Just before McKinley? A I think that was Jennie and the next Tom  
Q Is Tom living? A Yes, he is the oldest  
Q Just before Tom? A Rebecca. Tom is the oldest of my second hus-  
bands children.  
Q Did you ever have on named Austin? A That's his other wife's child  
and Rebecca and Abe are my children by another man, my first  
husband. And Tom and McKinley by Doc Richards.  
Q What was Austin's mother's name? A Lizzie, she is dead. Tom is  
my oldest by Doc and then Jennie. Jennie died when they was filing.  
Q When was she born? A I can't tell what year she was born I forget.  
She was born the same year she died, she was born in April and died  
in May.  
Q What part of April was she born? A I think the first.  
Q The first of April? A I think she was born the first of April.  
Q Do you know what day? A It's been so long I forget. We did have  
it down but after we filed they said they lost it here.  
Q I am asking you if you made any record of the birth of Jennie?  
A We just had it on a piece of paper and we lost it.  
Q Was any one present when Jennie was born? Dollie Ballud.  
Q Is she living? A Yes, sir.  
Q Is that her name now? A No, Mason.  
Q What is her address? A Haskell.  
Q Anybody else? A Indie Porter, Haskell, that's all.  
Q Was there any midwife present? A Nellie Prince was with me but  
but Dollie and Indie waited on me.  
Q Is Nellie living? A Yes, sir  
Q Where? A Redbird.  
Q About how many days did the child live? A It was born in April  
and died in May. Lived over a month.  
Q How many days, did it live ten days? A It lived a month I know.  
Q Did it live ~~ten days~~? A It lived four weeks

- Q Do you remember when the Creek land office opened, the first day they began to file? I don't know but I heard of it.
- Q Was Jennie born yet then, when they first began to file? A No, sir I don't know.
- Q Do you know J.O.Gravens? A Yes, sir.
- Q Where was he about four years ago? A About four miles over the river.
- Q Do you remember going before him and making an affidavit about the death of Jennie? A Yes, sir.
- Q How long had Jennie been dead at that time? A I reckon a year I guess. I am not certain; I forget all about it.
- Q Have you anything written down anywhere to help you remember it? A No, sir
- Q Do you remember when you filed on land? A No, sir, I don't remember the year I filed.
- Q But you remember you did file? A Yes, sir but I don't know the year.
- Q Did you go with Doc? A No, sir he came himself.
- Q Do you remember when Doc first came in here to file? A I remember when he came .
- Q At the time he came in to file was Jennie then living? A No, sir.
- Q How long had she been dead? A No answer.
- Q When was Jennie born? A The first of April.
- Q How do you know that? A I can remember first of the month but the date that something I can't remember. I remember about the first of April .
- Q Was it the first week or the second week? No response.
- Q What store did you trade at when this child died? A So many people had that store.
- Q Do you remember who had the store at the time she died? A I think it was---
- Q Was it Chosky Trading Co. A When Haraha had the store we traded there.
- Q Do you know Ralph Dresback? A Yes, sir.
- Q Did he know about your child Jennie? A I think so
- Q What day did Jennie die? A To tell right straight the day I can't I know it was in May .

DOCK RICHARDS, being duly sworn, testified as follows:

- Q What is your name? A Dock Richards.
- Q What is your age? A Forty four.
- Q What is your post office address? A Haskell.
- Q Are you married to this woman Emily? A Yes, sir.
- Q Sometimes known as Emma Richards? A Yes, sir.
- Q Did you have a child by her named Jennie? A Yes, sir.
- Q Did you have a child named Austin Richards? A Yes, sir.
- Q What was his mother's name? A Lizzie.
- Q Do you know when Jennie was born? A I know pretty close.
- Q When? A In April.
- Q What day in April? A Something about the first of April.
- Q First part of April? A Yes, sir.
- Q What day in April? A I couldn't tell you that.
- Q Do you know when the Creek land office opened? A Yes, sir.
- Q What day was that? A I don't know but I know because I was here.
- Q Were you here when the Creek land office opened? A Yes, sir.
- Q Big crowd of people here? A Yes, sir.
- Q You didn't file the first day? A No sir I didn't get in so as to file for a good bit after.
- Q At that time you were in here on that first day of April, that big day when the land office opened was Jennie born yet then?
- A Has it been 7 or 8 years ago.



- Q You say you remember that big day here in Muskogee? A Yes, sir. She was dead.
- Q Are you sure of that? A I think it was.
- Q Then you must be wrong when you say Jennie was born the first part of April? A No I aint wrong. I think it was born in April but I don't know what year it was.
- Q I am not asking you if she was dead when you did file, because you didn't file that big day, but on that big day when you came in here when there was such a lot of people here celebrating the Creek Land Office opening, do you remember that? A Yes, sir.
- Q Was Jennie born yet then? A Yes, sir.
- Q Before that? A Yes, sir.
- Q Was she living on that day? A No, sir.
- Q Are you sure of that? A Yes, sir.
- Q She died before that? A Yes, sir.
- Q About how long before? A I can't recollect.
- Q About? A I believe it was after they enrolled the children, I think I came down then to enroll my people.
- Q What has that got to do with it? A I can't remember, I am just thinking about it after I enrolled it was after that she was born.
- Q Was it close after that time? A I couldn't tell but I started to come back and enroll it and they said you couldn't enroll it.
- Q Do you know Paro Bruner, A Yes, sir.
- Q Did he file on that opening day? A I don't know because I couldn't stay.
- Q Did you see him here that day? A I don't recollect.
- Q But you are sure your child Jennie wasn't living on that day? A It was born after I enrolled and died before that die.
- Q You remember that big day? A Yes, sir.
- Q Everybody was talking about it? A Yes, sir I was here.
- Q And you know Jennie had died before that? A I didn't enroll it. If it was living I would have enrolled it but it was dead.

EMILY RICHARDS RECALLED.

- Q Was your child Jennie living when you first heard of people filing? A When they were enrolling the names that year Jennie died because we was talking about having her enrolled, we didn't think much about it until they was showing papers for the dead children.
- Q At the time people first began to file was your child Jennie dead then? A Yes, sir. We didn't file for it at all but after they was having papers for dead children that's how come we to try to fix it.
- Q You don't know the year? A No, sir.
- Q Can't keep the year in recollection? A No, sir.

DOCK RICHARDS RECALLED.

- Q You remember that big day when people came in here to file and you are positive that your child Jennie was dead then? A Yes, sir.
- Q When they were doing the enrolling in 1898, did they come to you? A I come right down here to the courthouse.
- Q Was that where the filing was going on? A No that was the enrolling it was in some little building I don't know where.
- Q And Jennie wasn't living at that big day when the filing was going on? A No, sir.
- Q She died before? A Yes, sir.
- Q You know the difference between enrolling and filing? A Yes, sir.
- Q Jennie was born after the enrolling and died before the filing? A Yes, sir.
- Q You didn't file that day, is that right? A No, sir.

- Q The records show you came back in June? A Yes, sir.  
Q And that child Jennie was dead then? A Yes, sir.  
Q How long had she been dead then? A I can't recollect.  
Q Had it been as long as six months? A I don't know.  
Q Did she die near Christmas? A No  
Q Died after or before? A She was born in April and died in May.

EMILY RICHARDS RECALLED.

- Q Do you remember when your child McKinley was born? A Yes, sir.  
Q Which was born first Jennie or McKinley? A Jennie.  
Q How long before McKinley was Jennie born? A It was bound to have been a year.  
Q How long did Jennie live? A I think a little over a month.

There is on file in this office proof that said McKinley was born in 1899; one affidavit which has not the signature of the notary public by Emily Richards that her child McKinley was born June 6, 1899 and the affidavit of Emily and Dock Richards properly executed before Guy Emerson stating that McKinley was born on the 29 of May 1899. Said latter two affidavits were executed November 23, 1899

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 15 day of February 1906.

J. M. Derricott  
Notary Public.

B.A. 93  
Cr. En. 1192.

F.H.W.  
A.G.

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

In the matter of the application for the enrollment of Jennie Richards, deceased, as a Creek freedman.

DECISION.

The record in this case shows that on September 12, 1901, an application was filed in affidavit form for the enrollment of Jennie Richard as a Creek freedman. Inasmuch as the father of the applicant is identified on the records of this office under the surname of Richards, said application is herein considered an application for the enrollment of Jennie Richards. Certified copies of affidavits filed November 23, 1899 and October 9, 1901, in the matter of the application for the enrollment of McKinley Richards are attached to and made a part of the record herein. Further proceedings were had on February 13, 1906.

The evidence in this case and the records in possession of this office show that the applicant, Jennie Richards, deceased, was the child of Emma Richards (enrolled as Emily Richards) and Dock Richards (enrolled as Doctor Richards), whose names appear on a partial schedule of Creek freedmen approved by the Secretary of the Interior March 28, 1902, opposite roll numbers 3020 and 3021 respectively.

The evidence is conflicting and indefinite as to the date of birth and death of the applicant. The date of the death is given as April 15 in the original affidavit but the certified copies of affidavits of the birth of McKinley Richards a child of the same parents, show that the said McKinley Richards was born in May or June 1899 and the testimony taken February 13, 1906 shows that the applicant, Jennie Richards, was older and probably born about a year prior to the birth of the said McKinley Richards. Inasmuch as said testimony shows that the applicant herein lived only one month, it is clear that the weight of the evidence establishes the fact that said Jennie Richards died prior to April 1, 1899.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of the said Jennie Richards, deceased, as a Creek freedman and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory.

COMMISSIONER.

FEB 25 1907

J. J. (3)

D. C. 93.

Muskogee, Indian Territory, January 30, 1904.

Emma Richards,

Choska, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the death of your child, Jennie Richards, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted 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 date of the death of said child, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

Or.No.1192.

Muskogee, Indian Territory, February 25, 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 Jennie Richards, deceased, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LM-25.

Through the Commissioner  
of Indian Affairs.

Cr.No. 1192.

Muskogee, Indian Territory, February 25, 1907.

M. L. Hett,

Attorney for Creek Nation,

Muskogee, 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 Jennie Richards, deceased, 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.

LM-27.

Cr. No. 1192.

Muskogee, Indian Territory, February 28, 1907.

Milly Richards,  
c/o Deck Richards,  
Muskogee, 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 the enrollment of your minor child, Jennie Richards, deceased, 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-26.

Cr. En .1192.

Muskogee, Indian Territory, March 13, 1907.

Emily Richards,

o/o Dec Richards,

Haskell, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Jennie Richards, deceased, as a Creek Freedman.

Respectfully,

Commissioner.

LM



DEPARTMENT OF THE INTERIOR

JP.  
RJH

WASHINGTON.

MARCH 4, 1907.

I. F. D. 5940, 6130, 7256, 7262, 7283-1907  
7298, 7310, 7324, 7334, 7342, 7386,  
7396, 7398, 7400, 7402, 7408, 7416,  
7430, 7452, 7436, 7438, 7488, 7460,  
7462, 7488, 7492, 7506, 7588, 7638,  
7670, 7702, 7704, 7718, 7780, 7736-1907.

IRS. Direct.

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

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

| Title of Case.                             | Date of your<br>letter of transmittal. |
|--|--|
| Annie Davis, et al., (freedmen)            | February 5, 1907                       |
| Martha Monika Davidson,                    | February 9, 1907                       |
| William Perryman,                          | February 18, 1907                      |
| Iseral Micoe,                              | February 16, 1907                      |
| Kissie, (deceased),                        | February 16, 1907                      |
| Mary Perryman (deceased)                   | February 16, 1907                      |
| James Larnoy (deceased)                    | February 16, 1907                      |
| Genetta and Idabell Rontie, (freedmen)     | February 20, 1907                      |
| Snake,                                     | February 20, 1907                      |
| James F. Pendleton, deceased,              | February 20, 1907                      |
| Lilly Valentine et al., (freedmen)         | February 21, 1907                      |
| Frank Jackson, (deceased) (freedman)       | February 20, 1907                      |
| Rose Blanton, (freedman)                   | February 19, 1907                      |
| Lela Love, (freedman)                      | February 20, 1907                      |
| Dora Lee and Savannah G. Castle (Freedman) | February 18, 1907                      |
| James Dears et al.,                        | February 19, 1907                      |
| Charley Kernell,                           | February 2, 1907                       |
| Millard Smith (freedman)                   | February 2, 1907                       |
| Lila Jefferson (freedman)                  | February 18, 1907                      |
| Bertha Anderson (freedman)                 | February 16, 1907                      |
| Katie Smith, deceased (freedman)           | February 16, 1907                      |
| Lucy Grayson, deceased,                    | February 2, 1907                       |
| Hullison Haynie                            | February 23, 1907                      |
| Leah Thompson, deceased,                   | February 23, 1907                      |
| Nellie Graham (freedman)                   | February 23, 1907                      |
| Milechee (or Nellie Ned.)                  | February 20, 1907                      |
| William Bennett, (freedman)                | February 23, 1907                      |
| George W. Bird, deceased,                  | February 19, 1907                      |
|  | February 2, 1907                       |

-2-

|   |                    |
|---|--------------------|
| Joseph H. Wheeler Counselor, deceased,        | February 20, 1907. |
| Charles Galen Leonard,                        | February 23, 1907. |
| William and Lina Parker,                      | February 25, 1907. |
| Richard Hopkins, (Freedman)                   | February 25, 1907. |
| Wiley Steele, deceased,                       | February 25, 1907. |
| Jennie Richards, deceased, (Freedman)         | February 25, 1907. |
| William Manuel, alias Wm. Redburn, (Freedman) | February 14, 1907. |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian office.

Respectfully,

H.A. Kitchcock,

Secretary.

36 inc. and 70  
Ind. of. with  
copy hereof.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

Land  
20845-1907

March 2, 1907.

(COPY)

The Honorable,

The Secretary of the Interior:

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby dated February 25, 1907, enclosing record of proceedings in the matter of the application for the enrollment of Jennie Richards, deceased, as a Creek freedman, including the Commissioner's decision dated February 25, 1907, denying the application.

The record shows that application in affidavit form was made September 12, 1901, for the enrollment of Jennie Richards as a Creek freedman. The evidence as to the death of the applicant is unsatisfactory and conflicting. It is shown, however, that McKinley Richards, a child of the same parents was born in May or June 1899, and the testimony shows that the applicant, Jennie Richards, was older and probably born about a year prior to the birth of McKinley Richards.

Inasmuch as the testimony further shows that the applicant lived for only one month, ~~and~~ it is clear that the weight of the evidence is that Jennie Richards died prior to April 1, 1899. Consequently, there is no authority of law for her enrollment and the decision of the Commissioner, denying the application, is correct and it is recommended that it be affirmed.

Very respectfully

C.F. Larrabee,

Acting Commissioner.

EWE-SD.

CR EN 1193

CR EN 1193

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
OKMULGEE, I. T., OCTOBER 15, 1906.

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

KATIE BROOKS, being first duly sworn by Alex Posey, a  
Notary Public, and examined, testified as follows:  
Partly through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

- Q What is your name? A Katie Brooks.  
Q How old are you? A 22 years old.  
Q What is your postoffice address? A Okmulgee.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Were you acquainted with Rose Smith? A Yes sir.  
Q She is dead, is she? A Yes sir.  
Q What relation, if any, was she to you? A She was my brother's  
wife.  
Q What is the name of your brother? A Charley Smith.  
Q Is Charley Smith living? A No sir.  
Q Do you know what Rose Smith's maiden name was? A I don't  
know.  
Q You don't know what her name was before she married Charley?  
A I think it was Rosie Low.  
Q Do you know who her parents were? A I don't know.  
Q Do you know what town she belonged to? A I don't know.  
Q Was she a full blood Indian? A No sir.  
Q Was she mixed blood? A Yes sir.  
Q Who are Charley Smith's parents? A His father is dead.  
Q What was his name? A I don't know.  
Q Who was his mother? A Lisa Hawkins.  
Q Is she living? A Yes sir.  
Q What Creek town does she belong to? A Weogufky.  
Q Did you know a child of Charley and Rose Smith's named Wallace?  
A Yes sir.  
Q Is the child living? A No, he is dead.  
Q Do you know when the child died? A No sir.  
Q How long did the child live after it was born? A I don't know.  
Q Have you no idea how old the child was when it died? A I  
can't tell.  
Q Was it walking? A No.  
Q Still a small child, was it, when it died? A Yes sir.  
Q Have you any idea how many years it has been since the child  
died? A I can't tell.  
Q Do you know when Rose Smith died? A No sir.  
Q Do you remember the circumstance of the opening of the Creek  
Land Office? A Yes.  
Q Was this child, Wallace Smith, living at that time? A Yes sir.

- Q Are you positive of that? A Yes sir.  
Q Did Rose Smith file upon her allotment before she died?  
A I don't know.  
Q Then you have no idea how long she has been dead? A I don't know.  
Q About how long after her child, Wallace, died before she died?  
A I don't know.  
Q Did the child live as much as six months after it was born?  
A I can't tell.  
Q Do you know anyone that would know when the child died?  
A My folks would know.  
Q Who are they? A My mother would know.  
Q What is her name? A Liza Hawkins.  
Q Where does she live? A Close to Calvin.  
Q Anyone else? A That is all I think.  
Q Where did this child die? A At Nocus Elle Bear.  
Q Where does Nocus Elle Bear live? A Near Calvin.  
Q Do you know where the child was born? A At Lucy Anderson's, near Calvin.  
Q You saw the child, did you, during its life time? A Yes sir.
- - - - -

ANNIE MORTON, being first duly sworn by Alex Posey, a Notary Public, and examined, testified as follows.  
Partly through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

- Q What is your name? A Annie Morton.  
Q How old are you? A I am 28.  
Q What is your postoffice address? A Okmulgee.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Did you know Rose Smith? A Yes sir.  
Q Did you know her husband, Charley Smith? A Yes sir.  
Q Both Rose and Charley are dead, are they? A Yes sir, both of them are dead; Rose staid with me about three years I guess; she went back down yonder and got married and then came back.  
Q How long did she live with you when she came back? A Two years.  
Q Do you know what her maiden name was? A Rose Low.  
Q Who were her parents? A I don't know who her parents were, but she had a brother, John Low.  
Q When did Rose Smith die? A I don't know just when she died, she married again after she came back to live, and moved down about Eufaula and died there.  
Q Did you know a child of hers named Wallace Smith? A Yes I never saw the child.  
Q Did she ever tell you she had such child? A Yes sir, I lost a child on the 14th of February, 1900, and she told me while we were talking ~~that~~ about the death of my child that she lost a child on the 15th of February, 1900, and I have a Bible in which she wrote the record of the death of her child, Wallace. The record is in her own hand write.

The witness presents a Bible, on the fly leaf of which is found the following record:

"Wallace Smith he died Feb 15, 1900".

- Q De you know whether or not she made a record of the birth of her child, Wallace Smith? A No sir, she didn't tell me, I don't know.
- Q Did this Bible belong to Rose Smith? A It is the Bible which she gave me.
- Q She made this record concerning the death of her child herself, did she? A Yes sir, I saw her write it.
- Q When did the father of the child, Charley Smith, die? A There is a record in that Bible showing when he died.

Said Bible record reads as follows:  
"Charley Smith, he died Feb 23, 1899".

---

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 15 day of Nov, 1906.

Notary Public.

JBM

B.A.150  
Cr.En.1193

P.H.W.  
A.G.

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

In the matter of the application for the enrollment of Wallace Smith, 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 May 25, 1901, an application was filed in affidavit form for the enrollment of Wallace Smith as a citizen by blood of the Creek Nation. Further proceedings were had on October 15, 1906.

The evidence in this case and the records in possession of this office show that the applicant Wallace Smith was the child of Charley Smith, deceased, identified on page 218 of the 1890 pay roll as Charles Smith, and Rosa Smith, whose name appears on a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902 opposite roll No. 7180.

The evidence is conflicting and indefinite as to the dates of the birth and death of the applicant but it is considered that the weight of evidence establishes the fact that the applicant, Wallace Smith, was born May 8, 1899, and died February 15, 1900.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Wallace Smith, deceased, as a citizen by blood of the Creek Nation and the application for his enrollment as such is accordingly denied.

Muskogee, Indian Territory,

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COMMISSIONER.



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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  
B. A. 150.

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 21, 1903.

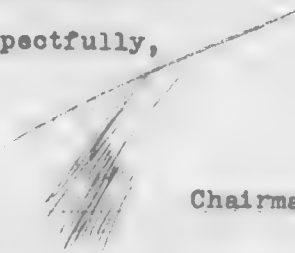
Thomas Randall,  
Town King of Cussehta Town,  
Okmulgee, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit executed by Rosa Smith relative to the birth of her child, Wallace Smith, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

The parents, Charley and Rosa Smith, were members of Cussehta town, and are now dead. It is desired that the mid-wife and two witnesses who know the date of the birth of said child, appear before the Commission at its office in Muskogee, Indian Territory, for the purpose of being examined under oath.

Respectfully,



Chairman.

B. a. 150

INDEXED

| COMMISSIONER TO THE SENATE |             |      |      |
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| No.                        | Received    | BOOK | Page |
| 50879                      | NOV 23 1906 |      |      |

Posey, Alex  
Waleetka, I.T.  
Nov. 22, 1906.

Transmits testimony in re  
enrollment of Wallace Smith,  
dec'd.

REFER IN REPLY TO THE FOLLOWING:

B.A. 150,

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Waleetka, Indian Territory, November 22, 1906.

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

Sir:

In the matter of the application for the enrollment of Wallace Smith, deceased, as a citizen by blood of the Creek Nation, there is inclosed herewith the testimony of Katie Brooks and Annie Morton, taken by the Creek Field Party October 15, 1906.

Respectfully,

*Allen Perry*  
In Charge,  
Creek Field Party.

JBM

1814

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

Cr. En. 1193.

Muskogee, Indian Territory, February 19, 1907.

Katie Brooks,  
Okmulgee, 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 the enrollment of Wallace Smith, 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.  
IM-646.

Cr. En. 1193.

Muskogee, Indian Territory, February 19, 1907.

W. L. Mott,

Attorney for Creek Nation,

Muskogee, 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 Wallace Smith, 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,

LM-648.

Commissioner.

Cr.No. 1193.

Muskogee, Indian Territory, February 19, 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 Wallace Smith, deceased, 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.

IM-649.

Through the Commissioner  
of Indian Affairs.

Refer in reply to the following:  
Land 18326-1907.

COPY.

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

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby, dated February 19, 1907, transmitting the record relative to the application of Wallace Smith, deceased, for enrollment as a citizen by blood of the Creek Nation, including the decision of the Commissioner, dated February 19, 1907, adverse to the applicant.

The decision of the Commissioner has been examined and found to be correct and the same is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

H.R.D.-NL

LRS

I.T.D.

WASHINGTON.

O. K.

5796, 5798, 6244, 6274-1907.  
6284, 6484, 6504, 6510-1907.  
6526, 6668, 6670, 6676-1907.  
6678, 6698, 6702, 6706-1907.  
6712, 6720, 6766, 6770-1907.  
6812-1907.  
D. C. 12640-1907.

March 2, 1907.

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

| Title of Case.                      | Date of your Letter of Transmittal. |
|-------------------------------------|-------------------------------------|
| Minnie Atkins,                      | February 9, 1907.                   |
| Willie Nash (Freedman),             | February 11, 1907.                  |
| James Anderson et al.,              | February 12, 1907.                  |
| <u>Wallace Smith, (deceased)</u>    | February 19, 1907.                  |
| Jakie Atkins (Freedman),            | February 16, 1907.                  |
| Easter Scott et al., (Freedmen),    | February 9, 1907.                   |
| Mary Elizabeth Ellis,               | February 9, 1907.                   |
| Charles Hawkins et al. (Freedman)   | February 13, 1907.                  |
| Jimmie Conner et al. (Freedmen)     | February 14, 1907.                  |
| John Lecher (deceased),             | February 14, 1907.                  |
| Olive Grant and Reba Coker,         | February 16, 1907.                  |
| Gennetta Peters (Freedman)          | February 16, 1907.                  |
| John Guy (deceased) (Freedman)      | February 14, 1907.                  |
| Martha Porter, (deceased),          | February 14, 1907.                  |
| George Wolf (Freedman),             | February 16, 1907.                  |
| Mattie Bird, deceased,              | February 19, 1907.                  |
| Jennie Lewis (Freedman)             | February 15, 1907.                  |
| Mary McNary                         | February 14, 1907.                  |
| Alonza Franklin (Freedman)          | February 14, 1907.                  |
| Gracie Johnson (Freedman)           | February 16, 1907.                  |
| Katie Jamison, deceased (Freedman), | February 14, 1907.                  |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

WCP 3/3/07.

21 inc. and 42 inc.  
to Indian office.



Gr.No. 1193.

Muskogee, Indian Territory, March 14, 1907.

Katie Brooks,  
Okmulgee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Wallace Smith, deceased, as a citizen by blood of the Creek Nation.

Respect fully,

Commissioner.

LM

CR EN 1194

CR EN 1194

B.A. 67  
D.A. 82.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Bristow, I. T., June 20, 1906.

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

ELLA BEAVER, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Ella Beaver.  
Q How old are you? A About twenty-three.  
Q What is your post office address? A Bristow.  
Q Are you a citizen of the Creek Nation? A No, sir.  
Q Did you have a child named Moses Grayson? A Yes, sir.  
Q The child's name of his children, as Daniel Grayson.  
Q Is he living? A No, sir.  
Q Who was the father of the child? A Daniel Grayson.  
Q Is he living? A No, sir.  
Q Was Daniel Grayson your lawful husband? A Yes, sir.  
Q Ever married to him? A Yes, sir.  
Q Have you any children enrolled by Daniel Grayson? A None but Moses, and he aint enrolled yet.  
Q When was Moses born? A I don't know just exactly but we have it down.

Witness presents a receipt-book in which the following entry is found: "Moses Grayson born December 26, 1888."

- Q Did you make this record? A Yes, sir. I made a record in the Bible and that was taken from the Bible by my brother-in-law, Charley Brady.  
Q When did your child, Moses, die? A It died along in the Spring of the year.  
Q The next year? A The next Spring after it was born.  
Q Do you know what time in the Spring? A Along in March--I don't know what day.  
Q Have you a record showing the date of its death? A No, sir.  
Q Who attended the burial of the child? A Daniel Brown and Charley Brady and my neighbors around there and my mother and my brothers and sisters.  
Q How old was the child when it died? A I don't recollect just how old it was.  
Q Was it three or four or six months old? A It was about three months old.

SUSIE BROWN, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Susie Brown.  
Q How old are you? A Twenty-nine.  
Q What is your post office address? A Bristow.  
Q Are you a citizen of the Creek Nation? A No, sir.  
Q Are you acquainted with Ella Beaver? A She is my sister.  
Q Do you know a child of hers named Moses Grayson? A Yes, sir.  
Q Do you know the dates of the birth and death of that child? A Yes, sir, I was there when it was born and was with it until it was put away.  
Q When was it born? A You have the record down there on the book.  
Q Is this record correct? A Yes, sir. My husband was the first to put it in the Bible and then we took it from it.  
Q When did the child die? A It died the following March.  
Q In the next spring? A Yes, sir.  
Q Are you positive it was born in December and died in March? A

Yes, sir.

Q You couldn't be mistaken about that? A No, sir.

Q Did you ever execute an affidavit relative to the birth of this child? A Yes, sir.

Q We have an affidavit executed by you and Ella Beaver stating that Moses Grayson was born December 6, 1899? A We had the Bible with us when we made out the affidavit. If there was any mistake made it was in taking it from the Bible and putting it on that book.

Q Which one of these is correct--this record you now present or the date given in the affidavit? A The affidavit is correct.

Q Did you ever execute an affidavit as to the death of this child? A I may have and not remembered it.

Q We have an affidavit in which you state that the child died April 14, 1899, and you now state the child died in March. Which is correct? A The first way we had it put down is correct for it was taken from the Bible.

Q Was there a record made of the death of this child? A Yes, sir, I think so.

Q Did you have that record to go by when you executed the affidavit about the death of the child? A Yes, sir.

Q You just stated positively that the child died in March and you now state the date given in the affidavit is correct? A Well it may be a mistake we made in remembering because we neither one looked in the book.

Q Did the child die in March or April? A I am not right certain just what month it did die but I thought it was in March.

Q Was there a record written on the head-board of the child's grave? A Yes, sir.

Q Is it still to be seen? A Yes, sir, I suppose it is.

Q Where is the child buried? A On Salt Creek near Beggs.

Q What is the name of the grave yard? A I don't know. There was just a few graves there.

Q Near whose place was it? A We heard Richmond Bruner filed on the land where the child was buried.

Q Did the child die before people were filing? A That land was filed on after the child died but they were filing before the child died.

Q How many months old was the child at the time it died? A I don't remember just how old it was.

ELLA BEAVER recalled:

BY THE COMMISSIONER:

Q Were you lawfully married to Daniel Grayson? A Yes, sir.

Q Have you the marriage license? A I think his uncle has them.

QQ To what town did Daniel Grayson belong? A I think it is Hilla-bee.

Q When did he die? A I don't hardly recollect. It has been six or seven years ago.

Q Did he die before or after the birth of the child? A He died after the child died.

Q How long after? A I think it was that same summer.

Q Had he filed upon his land when he died? A No, sir, he had not filed on it yet but he was talking of filing when he died and he was talking about us naming the baby and filing for it. His brother, Joe Grayson, has filed for him.

Q Your are positive are you that your child, Moses, was born in December? A Yes, sir, that is his correct age.

Q And did it die in March or April? A It was in April. I think for sure now that he died in April.

Witness is advised that this office requires either the original or a certified copy of her marriage license and the testimony of at least three witnesses who know the date of the birth and death of said child.

I, D. C. Kings, do hereby 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. Kings*

Subscribed and sworn to before me this 2nd day of July, 1906.

*Edw. Herrick*  
*Notary Public*

B.A. 67,  
D.A. 82.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
OKMULGEE, I. T., OCTOBER 11, 1906.

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

JOE GRAYSON, being duly sworn by Alex Posey, Notary  
Public, testified as follows:  
Partly through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

- Q What is your name? A Joe Grayson.  
Q How old are you? A About 24 I guess, or 25.  
Q What is your postoffice address? A Okmulgee.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q To what Creek town do you belong? A Keehopataky.  
Q Are you acquainted with Daniel Grayson? A Yes sir.  
Q Is he living? A No sir.  
Q What relation was he to you? A Brother.  
Q Same father and same mother? A No, different mother.  
Q To what Creek town did he belong? A Keehopataky.  
Q Do you remember know when he died? A I couldn't say what time  
it was, by looking on my papers I could find out, I couldn't  
say what year it was.  
Q Did you know his wife, Ella Beaver? A Yes, saw her, that  
is about all.  
Q Did Daniel Grayson and Ella Beaver ever live together as  
husband and wife? A I never saw them but once while they  
were living together.  
Q Do you know how long they lived together? A No, I don't.  
Q Where were they living when you saw them? A Between  
here and Beggs.  
Q Did they have a home there? A They was in a camp.  
Q Do you know how long they lived together? A No, I don't.  
Q Ella Beaver is a non-citizen, is she? A Yes sir, a white  
woman.  
Q Did they have any children that you know of? A Not that I  
know of.  
Q They had no children when you saw them? A No sir.  
Q Then you do not know whether they had a child named Moses  
Grayson or not? A No sir.  
Q Did you ever hear that they had a child while they lived  
together? A Yes, I heard they had a child, I think one of  
the Adamses was telling me about it.  
Q Did you ever hear how long that child lived? A Two days  
I heard.

- Q Which of the Adamsons gave you this information? A Lewis, I think it was.
- Q Do you know about when this child was born? A No, I don't.
- Q Do you remember in what year it was that you saw them, that you saw Daniel and Ella Beaver living together between here and Beggs? A It was before the survey of this country, a year or two before that.
- Q You are positive of that, are you? A Yes sir.
- Q Do you remember the circumstance of the opening of the Creek Land Office? A I remember the time, I don't remember what year it was, I was in the Mufaula High School at that time.
- Q Were Daniel and Ella living together at that time, or not? A I don't know, I don't think they were.
- Q The child was born prior to that time? A Yes sir.
- Q Are you positive of that? A I couldn't swear to that, I just heard it, I didn't see it myself.
- Q Had Daniel Grayson made selection of land for himself at the time he died? A Yes sir, he went there to file but he didn't have the homestead picked out, and they held up that homestead and before he picked out that homestead he took sick and died.
- Q Do you know whether or not this child was living then? A No sir.
- Q Was he living with Ella Beaver at the time he went before the Commission? A No.
- Q He was separated from her? A Yes sir, he was separated sometime before that.
- Q Do you know whether or not when he went before the Commissioner at Muskogee he made any attempt to select land for this child? A Not that I know of.
- Q You saw he had been separated from his wife Ella sometime before he went to Muskogee to file? A Yes sir.
- Q About how long, do you remember? A I expect it was about a year I guess.
- Q Do you know whether or not Daniel Grayson and Ella Beaver were lawfully married or not? A That is what Ella Beaver claimed and I asked her once once who was the preacher that married her and she didn't know the preacher's name, that is what she claimed, I don't know anything about it.
- Q You were told by Lewis Adams that they had a child and that it lived only two days? A Yes sir.
- Q According to the best information that you have this child was born prior to the date that the section lines were established? A No, a little before that.
- Q Did Daniel Grayson during his live-time ever speak of his marriage to Ella Beaver? A Not that I know of, I didn't hear him.
- Q Did he ever say anything to you about having a child by her? A No sir.

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.

Subscribed and sworn to before me,  
 this, the 12 day of Nov, 1906.

James B. Myers

JBM

[Signature]  
 Notary Public.



B.A.67  
Cr.No.1194

F.H.V.  
A.G.

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

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

DECISION.

The record in this case shows that an application was filed on December 23, 1902, for the enrollment of Moses Grayson, deceased, as a citizen by blood of the Creek Nation. An additional affidavit filed on the same date is attached to and made a part of the record herein. Further proceedings were had June 20, 1906, and October 11, 1906.

The evidence in this case and the records of this office show that the applicant, Moses Grayson, deceased, was the child of Ella Beaver, formerly Ella Grayson, a citizen of the United States, and Daniel Grayson, whose name appears on a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite roll No. 8849.

The evidence is conflicting as to the date of the death of the applicant but it is considered that the weight of the evidence establishes the fact that the said applicant died prior to April 1, 1899.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Moses Grayson, deceased, as a citizen by blood of the Creek Nation and the application for his enrollment as such is accordingly denied.

*F. H. V.*

COMMISSIONER.

Muskogee, Indian Territory,

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98/6

B.A. 67.

Muskogee, Indian Territory, November 13, 1903.

Ella Beaver,  
Bristow, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits relative to the birth and death of your minor child, Moses Grayson, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further testimony be submitted 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 your child, for the purpose of being examined under oath.

Respectfully,

Chairman.

B. a. 67

D. a. 82

INDEXED.

| COMMISSIONER TO THE COMMISSIONER. |             |
|-----------------------------------|-------------|
| No.                               | Received    |
| 50881                             | NOV 23 1906 |
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Posey, Alex

Weleetka, I.T.

Nov. 22, 1906.

Transmits testimony in  
re enrollment of Moses  
Grayson, dec'd. :

REFER IN REPLY TO THE FOLLOWING:

B.A. 67,

D.A. 82.

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

Weleetka, Indian Territory, November 22, 1906.

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

Sir:

In the matter of the application for the enrollment of Moses Grayson, deceased, as a citizen by blood of the Creek Nation, there is herewith inclosed the testimony of Joe Grayson, taken by the Creek Field Party October 11, 1906.

The testimony of Lewis Adams, which is desired in this case, will be transmitted as soon as same has been secured.

Respectfully,

*Wm. H. Perry*  
In Charge,  
Creek Field Party.

JBM.

REFER IN REPLY TO THE FOLLOWING:

B A 67 & D A 282.

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

Muskogee, Indian Territory, January 4, 1907.

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

Sir:

In the matter of the application for the enrollment of Moses Grayson, deceased, as a citizen by blood of the Creek Nation, I have the honor to report that the Creek field party finds it difficult to secure further evidence and there are returned herewith copies of the testimony heretofore taken in said cause.

Respectfully,

  
In charge of Creek field party.

BA 67.  
Cr.En.1194.

Muskogee, Indian Territory, February 21, 1907.

Ella Beaver,  
Bristow, 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 the enrollment of your minor child, Moses Grayson, 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.

Registered.

HK-4.

B A 67.

Cr.En.1194.

Muskogee, Indian Territory, February 21, 1907.

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 Moses Grayson, as 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.

EF-6.

B A 67.  
Cr.No.1194.

Muskogee, Indian Territory, February 21, 1907.

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 Moses Grayson, as a citizen by blood of the Creek Nation, including the decision of the Commissioner, dated February 19, 1907.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

HK-6.

## DEPARTMENT OF THE INTERIOR,

WASHINGTON.

March 4, 1907.

I.T.D.

6174, 7010, 7116, 7234, 7240-1907.

7244, 7246, 7320, 7316- "

7422, 7466, 7474, 7476- "

7498, 7592, 7658, 7672, 7748- "

LRS. 7758- "

DIRECT.

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

Sir:

Your decisions in the following Chickasaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your report and recommending that the decisions be affirmed are inclosed.

| Title of Case.            | Date of your letter of transmittal. |
|---------------------------|-------------------------------------|
| Virgie Goldsberry, et al. | February 19, 1907                   |
| Dollie A. Holston, et al. | February 18, 1907                   |
| Louella Jones, et al.     | January 16, 1907                    |
| James E. Davis, et al     | January 23, 1907                    |
| May Sparks, et al.        | January 23, 1907                    |
| Angie Owens, et al        | January 19, 1907                    |
| Homer Smith               | January 23, 1907                    |
| Richard Love (freedman)   | February 20, 1907                   |
| Jewell Shelton            | February 20, 1907                   |
| Moses Grayson             | February 21, 1907                   |
| Kate Duncan, et al.       | January 19, 1907                    |
| Jessie M. Graham          | February 21, 1907                   |
| Ethel C. Boyd, et al.     | February 21, 1907                   |
| Carolyn B. Ryan           | February 21, 1907                   |
| Joanna Freeman (freedman) | February 21, 1907                   |
| Melissa Woods, et al. "   | February 20, 1907                   |
| A. B. Roff, et al.        | February 21, 1907                   |
| Gordentia McKinney, et al | January 24, 1907                    |
| Aleck Brown, et al.       | February 4, 1907                    |
| C. N. Weeks, et al.       | February 26, 1907                   |
|                           | February 26, 1907                   |

A copy hereof and the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,  
E. A. Hitchcock,  
Secretary.

20 inc. and  
40 to Ind. Of.  
WCF-3-4-07



D. C. 12852  
LAND.  
18981-1907.

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

--COPY--

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby dated February 21, 1907, transmitting the record relative to the application for enrollment of Moses Grayson as a citizen by blood of the Creek Nation. On February 19, 1907, the Commissioner held that the applicant was not entitled to enrollment.

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

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

JPB-GH

Cr.En.1194.

Muskogee, Indian Territory, March 28, 1907.

Joe Grayson,

Okmulgee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Moses Grayson, as a citizen of the Creek Nation.

Respectfully

Commissioner.

EMPTY

CR EN 1196

CR EN 1196

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
HOLDENVILLE, I. T., OCTOBER 18, 1906.

In the matter of the application for the enrollment of Roman and Jennie Johnson, both deceased, as citizens by blood of the Creek Nation.

EDWARD JOHNSON, being first duly sworn by Alex Posey, a Notary Public, and examined, testified as follows:  
Through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

- Q What is your name? A I am known as Edward Johnson, as Palmer Mickey and Latah Yahola.
- Q Under what name are you enrolled? A I am enrolled as Palmer Mickey.
- Q How old are you? A 30 or over.
- Q What is your postoffice address? A Holdenville.
- Q Are you a citizen of the Creek Nation? A Yes sir, I belong to Tuckabatche town.
- Q Do you know Lucy Beaver? A Yes sir.
- Q Is she living? A Yes sir.
- Q What is her postoffice address? A She lives near Bilby, between Holdenville and Calvin.
- Q Is she a citizen of the Creek Nation? A Yes sir, she belongs to Okchiye town.
- Q Do you know under what name she is enrolled? A I think she is enrolled as Lucy Leader.
- Q Who are her parents? A Her father was Tom Leader and her mother was Argie Kernel.
- Q Were you ever married to Lucy Beaver? A Yes sir.
- Q Have you separated from her? A Yes sir.
- Q Did you have two children by her named Roman and Jennie Johnson? A Yes sir.
- Q Were these two children twins? A Yes sir.
- Q Do you know the exact dates of their births? A The two children according to my best recollection were born in April; Jennie died first, some time in June, Roman died in August.
- Q Did both children die in the same year in which they were born? A Yes sir.
- Q Do you know what time in April and in what year, these two children were born? A On the 4th day of April, I cannot recall the year but they were born seven years ago last April.
- Q Were they born April 4, 1899? A Yes sir, I think that is the correct. I know it has been seven years since the two children were born.
- Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes sir.
- Q Were your two children born prior or subsequent to that time? A They were born the first day after people began filing on their land.
- Q Have you any record showing the date of the birth and death of these two children? A Yes sir, I had such record but I have

- misplaced it.
- Q Were you and Lucy Beaver living together at the time these two children were born and died? A Yes sir. It was some time after the two children were born and died before we separated.
- Q Were you and Lucy Beaver lawfully married? A No sir, we were just living together, and were recognized as husband and wife.

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 the 5 day of November, 1906.

*Allen May*  
Notary Public.

JBM

D.A.120  
Gr.En.1196

FHV  
AG

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

In the matter of the application for the enrollment of Roman Johnson and Jennie Johnson, both deceased, as citizens by blood of the Creek Nation.

DECISION.

The record in this case shows that an application was filed in affidavit form on April 18, 1903, for the enrollment of Roman and Jennie Johnson, both deceased, as citizens by blood of the Creek Nation. Further proceedings were had October 18, 1906.

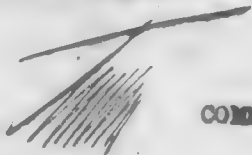
The evidence in this case and the records in the possession of this office show that the applicants herein were the children of Edward Johnson, enrolled as Palmer Mickey, and Lucy Beaver, whose names appear on a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 25, 1902, opposite roll numbers 8576 and 7539 respectively.

The evidence shows that the applicants herein were twins and that both died in April 1899.

It appears that in the original application the date of the birth of the applicants is not clear but the weight of the evidence establishes the fact that both of said applicants were born April 4, 1899 and died during the month of April 1899.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of Roman Johnson and Jennie Johnson, both deceased, as citizens by blood of the Creek Nation and the application for their enrollment as such is accordingly denied.

Muskogee, Indian Territory,



COMMISSIONER.

West

Creek DA-120.

Muskogee, Indian Territory, January 23, 1906.

Lucy Beaver,  
Calvin, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit, executed by you April 18, 1903, relative to the birth and death of your minor children, Loman and Jennie Johnson.

You are hereby notified that the Commission desires further evidence relative to the birth and death of said children. You are therefore required to appear before the Commission, at its office, in Muskogee, Indian Territory, with the midwife, and one witness who knows the dates of the birth and death of said children, for the purpose of being examined under oath.

Respectfully,

Chairman.

Register



265A

COMMISSIONERS:  
TAMM HIKBY,  
THOMAS B. NEEDLES,  
C. E. BRACKENRIDGE.

WM. O. BRALL,  
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:

Creek DA-120

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 23, 1905.

Edward Johnson,

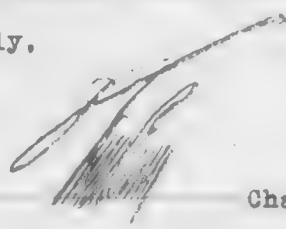
Calvin, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit, executed by Lucy Beaver April 18, 1903, relative to the birth and death of your minor children, Loman and Jennie Johnson.

You are hereby notified that the Commission desires further evidence relative to the birth and death of said children, and that it will be necessary for you to appear before the Commission, at its office in Muskogee, Indian Territory, with the midwife, and one witness who knows the dates of the birth and death of said children, for the purpose of being examined under oath.

Respectfully,



Chairman.

Register.

B. a. 120

INDEXED

| COMMISSIONER TO FIVE TRIBES. |             |          |      |
|------------------------------|-------------|----------|------|
| No.                          | Received    | RECORDED |      |
|                              |             | Book     | Page |
| 50867                        | NOV 23 1906 |          |      |

Posey, Alex  
Weleetka, I.T.  
Nov. 22, 1906.

Transmits testimony in  
re enrollment of Roman and  
Jennie Johnson.

REFER IN REPLY TO THE FOLLOWING:

B. A. 120.

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

Weleetka, Indian Territory, November 22, 1906.

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

Sir:

There is herewith inclosed the testimony of Edward Johnson, taken by the Creek Field Party October 18, 1906, in the matter of the application for the enrollment of Roman and Jennie Johnson, both deceased, as citizens by blood of the Creek Nation.

Respectfully,

*Ally Posey*  
In Charge,  
Creek Field Party.

JBM

D. A. 120  
Cr. No. 1196

Muskogee, Indian Territory, February 23, 1907.

Mr. Johnson,

Council Hill, 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 the enrollment of your deceased minor children, Roman and Jennie Johnson, 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 Commissioner is informed of the same.

Respectfully,

Commissioner.

Registered.

JWH 23-7

D.A.120  
Cr.En.1196

Muskogee, Indian Territory, February 23, 1907.

M. L. Nett,  
Attorney for Creek Nation,  
Muskogee, 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 Roman and Jennie Johnson 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 Commissioner is informed of the same.

Respectfully,

Commissioner.

JWH 23-8

D.A.120  
Cr.No.1196

Muskogee, Indian Territory, February 23, 1907.

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 Roman Johnson and Jennie Johnson as citizens by blood of the Creek Nation, including the decision of the Commissioner, dated February 19, 1907.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

JWH 23-9

Refer in reply to the following:  
Land 19714-1907.

COPY

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

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith communication of Commissioner Bixby, dated February 23, 1907, enclosing the record of proceedings in the matter of the application for the enrollment of Roman Johnson and Jennie Johnson, as citizens by blood of the Creek Nation, including the Commissioner's decision of February 19, 1907, denying the application.

The record shows that the applicants herein are the children of Edward Johnson, enrolled as Palmer Mickey, and Lucy Beaver, whose names are on a partial schedule as citizens by blood of the Creek Nation, approved by the Department March 28, 1902. The evidence further shows that the applicants herein were twins, and that both died in April 1899.

There is therefore no authority of law for their enrollment as citizens by blood of the Creek Nation, and it is recommended that the decision of the Commissioner denying the application be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWE-LC

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.  
S.P.

I.T.D.

6210, 6606, 6616, 6686, 6725-1907.  
6744, 6748, 6750, 6752, 6768- "  
6784, 6802, 6804, 6810, 6834- "  
6846, 6876, 7014- "

March 2, 1907.

LRS.

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

| Title of Case.                           | Date of your letter of transmittal. |
|--|-------------------------------------|
| Isacarel Grayson (freedman)              | February 18, 1907.                  |
| Ema Grayson (freedman)                   | February 7, 1907.                   |
| Eva Bruner (freedman)                    | February 13, 1907.                  |
| Oliver Elliott                           | February 16, 1907.                  |
| Florence M. Coker                        | February 16, 1907.                  |
| Johnny Potter (freedman)                 | February 16, 1907.                  |
| William H. Herdrige (deceased)           | February 16, 1907.                  |
| Theodore Hawkins (freedman)              | February 16, 1907.                  |
| Amy Franklin et al. (freedmen, deceased) | February 16, 1907.                  |
| Jennie Myers (freedman)                  | February 13, 1907.                  |
| Alfred Hayfield (deceased)               | February 14, 1907.                  |
| Alice McFeeley (freedman)                | February 14, 1907.                  |
| Batricia Scott (freedman, deceased)      | February 14, 1907.                  |
| Lurie McKimmon                           | February 14, 1907.                  |
| Washington McIntosh (freedman, deceased) | February 23, 1907.                  |
| Roman Johnson et al.                     | February 23, 1907.                  |
| Spencer Thomas, et al. (freedmen)        | February 23, 1907.                  |
| Number Lowe (deceased)                   | February 23, 1907.                  |

A copy hereof and the papers in the above mentioned cases have been sent to the Indian Office for its files.

Respectfully,

(Signed) Jesse S. Wilson,

18 inc. and  
36 to Ind. Of.

AFK  
3-4-07.

Assistant Secretary.



Cr.En. 1196

Muskogee, Indian Territory, March 15, 1907

Roma Johnson,

Council Hill, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior on March 2, 1907 affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Roman Johnson and Jennie Johnson as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

CR EN 1197

CR EN 1197

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

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

DECISION

The record in this case shows that on April 28, 1903, application was made, in affidavit form, for the enrollment of Marthy Porter, deceased, as a citizen by blood of the Creek Nation.

The affidavits of Lena Porter and Felix Canard in the matter of the death of the applicant and the affidavits of Lena Porter and Wincy Scott in the matter of the birth and death of the applicant, together with the petition of Lena Porter in this matter, are attached to and made part of the record herein. Further proceedings were had December 19, 1906. In the affidavits filed subsequent to the time of the original application herein and in the testimony taken on December 19, 1906 the name of the applicant is given as Martha Porter, and further reference will be made to her under that name.

It appears from the evidence and the records in the possession of this office that the applicant herein is the deceased child of Ben Porter and Lena Porter, whose names appear on a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite Nos. 5583 and 5584 respectively.

Although the evidence is somewhat contradictory as to the dates of birth and death of the applicant it appears from the weight of the evidence that she was born December 2, 1899, and died December 22, 1899.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Martha Porter, 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,

FEB 18 1907

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
NEAR WETUMPKA, INDIAN TERRITORY,  
DECEMBER 19, 1906.

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

LENA PORTER, being first duly sworn by and partly-examined  
through Alex Posey, a Notary Public and official interpreter,  
testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Lena Porter.  
Q How old are you? A 26.  
Q What is your postoffice address? A Wetumpka.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q To what Creek town do you belong? A Kialigee.  
Q Did you have a child named Martha Porter? A Yes sir.  
Q The child is dead, is it? A Yes sir.  
Q Who is the father of the child? A Ben.  
Q Ben Porter? A Yes sir.  
Q Is he living? A He is dead.  
Q Was Ben Porter your lawful husband? A Yes sir.  
Q Was he the father of your deceased child, X Martha? A Yes,  
sir.  
Q When was Martha born? A December 2, 1900.  
Q How long did the child live? A It died on the 22nd of the  
same month.  
Q Was the child born December 2, 1900, and died December 22, 1900?  
A Yes sir.  
Q It only lived twenty days, is that correct? A Yes sir.  
Q We have a joint affidavit executed by you and Winney Scott April  
25, 1903, in which it is stated that Martha Porter was born on  
the 2nd day of December, 1899. Is the date as given in that  
affidavit not correct? A I was mistaken in the year when  
I said 1900 a while ago. The child was born December 2, 1899.  
Q The child died December 22, 1899, did it? A Yes sir.  
Q We have another affidavit executed by you and Winnie Scott May  
16, 1906, in which it is stated that Martha Porter was born on  
the 2nd day of December, 1900, and was living May 25, 1901.  
Do you remember executing such affidavit? A Yes sir, my  
husband, Ben Porter, had the affidavit filed filled out by  
H. E. P. Stanford of Okmulgee and had me to sign it. I knew  
at the time that the dates given in the affidavit relative to  
the birth and death of the child were not correct and I signed  
the affidavit against my will. The dates given in the original  
affidavits filed by me are correct. My mother, Winney Scott,  
was not present when the affidavit stating that the child was  
born December 2, 1900 and was living May 25, 1901, was executed,  
and if her name is signed to the affidavit it was a forgery.  
Q I was assured if I signed the affidavit that it would not be  
filed.

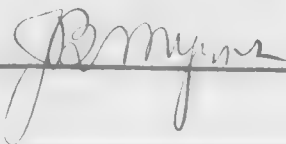
Q Who assured you that the affidavit would not be filed?

A Ben Porter.

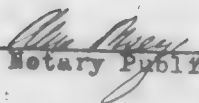
Q Who induced you to sign the affidavit? A Ben Porter. He telephoned to me from Okmulgee asking me to come up. I went and when I arrived there he told me that he wanted me to sign an affidavit about our deceased child, Martha, and it seems that Stanford had induced him to have me make the affidavit. In case the child was given an allotment of land it was to be divided between him and Stanford, and I did not know what dates were given in the affidavit until after I had signed it, then I protested, telling Ben that I did not want to be a party to such transactions because it was not right and then they assured me that it would not be filed and I thought that the matter ended there. The child was born December 2, 1899 and died December 22, 1899 and if it is not entitled I would not resort to fraud to secure its rights.

---

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.

  
\_\_\_\_\_

Subscribed and sworn to before me,  
this 9 day of January, 1907.

  
\_\_\_\_\_  
Notary Public.

JBM

REFER IN REPLY TO THE FOLLOWING:

DA 105.

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

Muskogee, Indian Territory, October 20, 1906.

Alex Posey,  
Okmulgee, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the record on file in this office in the matter of the application for the enrollment of Martha Porter, deceased, as a citizen of the Creek Nation. You will note that the dates of birth and death as shown in the affidavits on file in this office are contradictory and you are requested to secure the testimony of persons having knowledge of the correct date of birth and death of said applicant.

Respectfully,

Commissioner.

IM-262.



**STANFORD & EATON**

ATTORNEYS AT LAW

OKMULGER AND KENNYETTA  
INDIAN TERRITORY

507 1/2 S. W. CORNER  
OKMULGER, I. T.

507 1/2 S. W. CORNER  
KENNYETTA, I. T.

H. B. F. STANFORD  
JOS. S. EATON

OKMULGER, IND. TERR., May 19, 1906.

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

Dear Sir,-

Enclosed I hand you petition and affidavit in re the application of Martha Porter for Citizenship in the Creek Nation.

The mother, Mrs. Lena Porter states to me that formal application was made by her, but that she does not know what became of the matter.

Will you kindly advise me in regard to the facts, and place the enclosed petition on file.

Yours very truly,

*H. B. F. Stanford*



Muskogee, Indian Territory, May 22, 1906.

H.E.P. Stanford,

Attorney for Mrs. Lena Porter,

Okmulgee, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter of May 19, 1906, inclosing petition and affidavit in re application for enrollment of Martha Porter, deceased, as a citizen of the Creek Nation. You state that you are informed by Mrs. Lena Porter, mother of said applicant, that formal application has been previously made by her but that she does not know what has become of the matter and you request to be advised as to the facts in the case.

In reply you are advised that it appears from the records of this office that on April 28, 1903, there was filed with the Commission to the Five Civilized Tribes, an affidavit signed by Lena Porter, mother of Martha Porter,

and by Winey Scott, the midwife in attendance at the birth of said child,

It further appears from the records that on July 20, 1904, there was filed with said Commission an affidavit in the matter of the death of said Martha Porter, signed by Lena Porter and by Felix Ganard, an acquaintance.

You are further advised that a child born on the date mentioned in the affidavits previously filed and heretofore referred to and who died on the date mentioned in said affidavits would not be entitled to enrollment as a citizen of the Creek Nation. The dates of birth and death indicated in the affidavit transmitted by you are not the same as shown in the affidavits previously filed and you are informed that the testimony of Lena Porter, Winey Scott and Felix Ganard is desired in this matter. Such evidence may be introduced at the office of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, within twenty days from the date hereof.

Respectfully,

Acting Commissioner.

D. A. - 105

INDEXED

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| COMMISSIONER TO FIVE TERMS. |             |        |      |
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Poscy, Alex  
Stilwell, I.T.  
Jan. 9, 1907.

Transmits affidavit in  
re enrollment of Martha  
Porter dec'd.

REFER IN REPLY TO THE FOLLOWING:

D.A. 105.

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 Martha Porter, deceased, as a citizen by blood of the Creek Nation, there is herewith inclosed the testimony of Lena Porter, taken by the Creek Field Party December 19, 1906, together with copies of record in said cause.

Respectfully,

*Allen Tracy*  
In Charge,  
Creek Field Party.

JBM

Cr. No. 2197.

Muskogee, Indian Territory, February 14, 1907.

Lena Porter,

Wetumka, 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 the enrollment of your minor child, Martha Porter, 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.  
IM-177.

Cr. No. 1197.

Muskogee, Indian Territory, February 14, 1907.

M. L. Nett,

Attorney for Creek Nation,

Muskogee, 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 Martha Porter, 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.

IM-178.

Cr.En.1197.

Muskogee, Indian Territory, February 14, 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 Martha Porter, deceased, 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.

IM-179.

Through the Commissioner  
of Indian Affairs.

Cr. En. 1197.

Muskogee, Indian Territory, February 14, 1907.

H. E. P. Stanford,

Attorney for Lena Porter,

Muskogee, 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 Martha Porter, 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.

INI-100.



Refer in reply to the following:  
Land 16588-1907.

COPY

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

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed record of the proceedings in the matter of the application for the enrollment of Martha Porter, deceased as a citizen of the Creek Nation, including the decision of Commissioner Bixby dated February 13, 1907, adverse to the applicant.

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

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

ERM.Ph.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.  
O.K.

LES I.T.D.

5796, 5798, 6244, 6274-1907.  
6254, 6484, 6504, 6510-1907.  
6528, 6668, 6670, 6676-1907.  
6678, 6698, 6702, 6706-1907.  
6712, 6720, 6766, 6770-1907.  
6812-1907.  
D.C. 12640-1907.

March 2, 1907.

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

| Title of Case.                      | Date of your Letter of Transmittal. |
|-------------------------------------|-------------------------------------|
| Minnie Atkins,                      | February 9, 1907.                   |
| Willie Nash (Freedman)              | February 11, 1907.                  |
| James Anderson et al.               | February 12, 1907.                  |
| Wallace Smith (deceased),           | February 19, 1907.                  |
| Jakie Adkins (Freedman)             | February 16, 1907.                  |
| Easter Scott et al. (Freedmen),     | February 9, 1907.                   |
| Mary Elizabeth Ellis,               | February 9, 1907.                   |
| Charles Hawkins et al. (Freedmen),  | February 13, 1907.                  |
| Jimmie Conner et al. (Freedmen)     | February 14, 1907.                  |
| John Leacher (deceased),            | February 14, 1907.                  |
| Olive Grant and Reba Coker,         | February 16, 1907.                  |
| Gonnetta Peters (Freedman),         | February 16, 1907.                  |
| John Guy (deceased) (Freedman),     | February 14, 1907.                  |
| Martha Porter (deceased),           | February 14, 1907.                  |
| George Wolf (Freedman)              | February 16, 1907.                  |
| Mattie Bird, deceased,              | February 19, 1907.                  |
| Jennie Lewis (Freedman)             | February 15, 1907.                  |
| Mary McNary                         | February 14, 1907.                  |
| Alonza Franklin (Freedman)          | February 14, 1907.                  |
| Gracie Johnson (Freedman)           | February 16, 1907.                  |
| Katie Jamison, deceased (Freedman), | February 14, 1907.                  |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

21 inc. and 42 inc.  
to Indian Office.

WCF 3/3/07.

BA 105.

Muskogee, India Territory, March 14, 1907.

Lena Porter,

Wetumka, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Martha Porter, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

IM

EA 105.

Muskogee, Indian Territory, March 14, 1908.

H.E.P. Stanford,  
Attorney for Lena Porter,  
Okmulgee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907 affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Martha Porter, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

LM

**IN RE**

**Application for Enrollment of**

**MINOR CHILD**

**Act of Congress Approved  
April 20, 1900.**

.....  
as a citizen of

..... **Nation.**

**Approved**..... 190...

.....  
**Commissioner.**

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

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the... Creek ..... Nation,  
of Martha Porter ..... born on the 2nd day of December 1900  
[Here insert name of child]  
Name of Father: Ben Porter ..... a citizen of the Creek ..... Nation.  
Name of Mother: Lena Portar ..... a citizen of the Creek ..... Nation.  
Tribal enrollment of father: Creek ..... Tribal enrollment of mother: Creek .....  
Postoffice: Wetumka, Ind. Ter. ....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }  
Western ..... District. }

I, Lena Porter ..... on oath state that I am 26 .....  
years of age and a citizen by blood ..... of the Creek ..... Nation;  
that I am the lawful wife of Ben Porter ..... who is a citizen, by  
blood ..... of the Creek ..... Nation; that a female child was  
born to me on 2nd day of December 1900; that said child has been named  
Martha Porter ..... and was living ~~Martha Porter~~ May 25, 1901  
but is now dead, having died on December 22, 1901.  
Lena Porter .....

WITNESSES TO MARK:

[Must be Two Witnesses] { Joe S. Eaton .....  
Chas. R. Risar ..... }

Subscribed and sworn to before me this 16th day of May 1906.

My Com. exp. May 26, 1907. H. E. P. Stanford .....  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }  
Western ..... District. }

I, Winnie Scott ..... a midwife ..... on oath state that I  
attended on Lena Porter ..... wife of Ben Porter .....  
on the 2nd day of December 1900; that there was born to her on said date a female  
child; that said child was living ~~Martha Porter~~ May 25, 1901  
and is said to have been named Martha Porter .....  
Winnie Scott X Her Mark .....

WITNESSES TO MARK:

[Must be Two Witnesses] { Ben Portar ..... }

Subscribed and sworn to before me this 18 day of May 1906.

SRAL ..... W. D. Diamond .....  
My Com. Exp. Oct. 24-1909. Notary Public.

---

IN RE  
Application for Enrollment of  
INFANT CHILD

Marthy Porter  
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 Marthy Porter, born on the 2nd day of December, 1899

Name of Father: Ben Porter a citizen of the Creek Nation.

Name of Mother: Lena Porter a citizen of the Creek Nation.

Postoffice: Wetumka, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western DISTRICT.

I, Lena Porter, on oath state that I am 26 years of age and a citizen by blood of the Creek Nation; that I am the lawful wife of Ben Porter, who is a citizen, by blood of the Creek Nation; that a female child was born to me on 2nd day of December, 1899; that said child has been named Marthy Porter, and is not ~~now~~ dead.

WITNESSES TO MARK: Lena Porter

(Must be Two Witnesses.)

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

J.R.Dunzy Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western DISTRICT.

I, Winey Scott, a Midwife, on oath state that I attended on Mrs. Lena Porter, wife of Ben Porter on the 2d day of December, 1899; that there was born to her on said date a female child; that said child is now ~~alive~~ dead and is said to have been named Marthy Porter

WITNESSES TO MARK: Winey Y Her Mark Scott

(Must be Two)

David C. Hurley

Louisa Tiger

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

SEAL

J.R.Dunzy Notary Public.



*Enc (202)*

---

IN RE  
THE DEATH OF

.....  
*a citizen of the*

..... *Nation.*

---

*Approved* ..... *190*

.....  
*Commissioner.*

---

          
*D. A. 105*

32

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

In the matter of the death of Martha Porter  
(Here insert name of deceased.)  
a citizen of the Creek Nation, who formerly resided at or near  
Wetumka  
(Here insert name of postoffice.), Ind. Ter., and died on the 22 day of  
December, 1899.

AFFIDAVIT OF RELATIVE.

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

I, Lena Porter, on oath state that I am 27  
years of age and a citizen, by blood, of the Creek Nation;  
that my postoffice address is Wetumka  
(Here insert name of postoffice.), Ind. Ter.; that I am  
the mother of Martha Porter  
(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 Martha Porter  
(Here insert name of deceased.) died on the 22 day of  
December, 1899.

WITNESSES TO MARK:

Lena Porter

(Must Be Two Witnesses) {  
\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me this 20 day of July, 1904.

SEAL  
My Commission expires January 19th, 1908. Wm. T. Martin, Jr.  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

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

I, Felix Canard, on oath state that I am 25  
years of age, and a citizen by blood of the Creek Nation;  
that my postoffice address is Wetumka  
(Here insert name of postoffice.), Ind. Ter.;  
that I was personally acquainted with Martha Porter  
(Here insert name of deceased.)  
who was a citizen, by blood, of the Creek Nation;  
and that said Martha Porter  
(Here insert name of deceased.) died on the 22 day of  
December, 1899.

WITNESSES TO MARK:

Felix Canard

(Must Be Two) {  
\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me this 20 day of July, 1904.

SEAL  
My Commission expires January 19th, 1908. Wm. T. Martin, Jr.  
Notary Public.

CR EN 1198

CR EN 1198

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

Muskogee, Indian Territory, December 1, 1905.

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

APPEARANCE: C. D. Rogers, (Okmulgee, I. T.) Attorney for the applicant.

Robert Grayson, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Robert Grayson.  
Q How old are you? A About fifty years old, last October.  
Q What is your postoffice address? A Okmulgee.  
Q What Creek Indian Town do you belong to? A Ketchopataka.  
Q What is the name of your father? A Sandy Grayson.  
Q The name of your mother? A Ten Tiger.  
Q Did you ever have a wife named Annie? A Yes sir.  
Q And a child named Lena? A Yes sir.

The witness is identified as Robert Grayson on Creek Indian card, Field No. 1163, opposite Roll No. 3758.

- Q Did you also have a child named Julia Grayson? A Yes sir.  
Q When was Julia Grayson born? A 1899, in the spring.  
Q You know the month and day? A The first part of February.  
Q Don't you know the day in February? A No sir.  
Q She is dead, isn't she? A Yes sir.  
Q When did she die? A That coming Fall, in the month of November.  
Q When was your child, Lena, born? A Born in 1896, in the fall.  
Q When did she die? A 1898, in August.  
Q In August, 1898? A Yes sir.  
Q Are you sure of it? A I think it was in 1898.  
Q In August she died? A In August.  
Q How old was Lena when she died? A Little over two years old.  
Q And you say she was born in 1896? A Yes sir.  
Q What month? A On the first of November.  
Q What month did she die in? A Died in August.  
Q Two years after she was born? A Yes sir.  
Q What year was that she died in, you think 1898? A 1898.  
Q Robert, did you make any record anywhere of the dates of the birth and death of your children, Lena and Julia, or either of them--did you write it down anywhere? A I put down about Julia down wrong, put down 1899. It was born in-- I had one child died in 1897, October 5, died in November.  
Q What was that child's name? A Hadn't named it.  
Q It was born in October '99 and died in November? A Born in October and died in November, lived one month and half.  
Q Born the first of October and died in November? A This was born in 1897.  
Q That one was born in October and died in November and that was

in 1897, was it? this is what you mean? A Yes sir.  
 Q You didn't have the child named? A No sir.  
 Q What is the name of the mother of those children, Julia and  
 Lona? A Annie.  
 Q Is she living? A She died.  
 Q When did she die? A Died here last fall, a little before Christ  
 mas.  
 Q Do you remember going before a notary public named J. J. Owen  
 and signing an affidavit by mark, which was witnessed by J. J.  
 Yates and Mr. Owen, about the birth and death of your child, Julia  
 Grayson? A Yes sir.  
 Q You remember making that, do you? A Yes sir.  
 Q That was on July 23, 1901? A Yes sir.  
 Q You remember that, do you? A Yes sir.  
 Q Robert Spear also made out an affidavit on that date about the  
 birth and death of Julia Grayson. A Yes sir.  
 Q You remember that circumstance? A Yes sir.  
 Q What do you say about that? A There'a-- maid a mistake in  
 Julia's. It was born 1897.  
 Q She didn't you put down "1897" if you thought it referred to  
 the other child? A That's what I ought to.  
 Q What do you mean? Do you mean when you made out an affidavit  
 and said your child Julia Grayson was born October 3, 1899, and  
 died some time in November, 1899; you mean that you referred to  
 another child than Julia? A This one was born '97, instead he  
 put Julia down. I put one down that was born in 1897.  
 Q When you were making that affidavit, did you intend that to ap-  
 ply to Julia Grayson? A That's what I made a mistake.  
 Q Did you intend for Julia or for the other child? A Yes sir.  
 Q Now, then, did you put down that it was born in October, 1899,  
 and died in November, 1899? if you intended it for Julia, for  
 who's birth and death you gave different dates, why did you put  
 down in that affidavit that it was born in October, 1899 and died  
 in November, 1899? A I just made a mistake in giving her name  
 about this one that was born in '97. They asked me when Julia  
 was born and I said 1899.  
 Q Did the notary public put down what you said? A Yes sir.  
 Q This affidavit is just what you said, is it? A Yes sir.  
 Q How do you explain the mistake, if there was one? Was it read  
 to you? A I put it down.  
 Q He took it the way you gave him. Said he would like to attend  
 to it.  
 Q You knew Robert Spear? A Yes sir.  
 Q Is he living? A Yes sir.  
 Q What is his office address? A Beggs.  
 Q You've got him with you today--he is with you today? A He is  
 here.  
 Q Had you another affidavit here made out November 14, 1899, be-  
 fore John G. Lieber, which was signed by mark and was witnessed  
 by John Yates and John Brown. You remember making that affidavit; do you  
 remember making that? A They were taking names of the children  
 and signing them. They was one day and asked me.  
 Q At that time had you said that Julia Grayson was born Octo-  
 ber 4, 1899. A I told them.  
 Q Is that correct? A Yes sir.  
 Q Just about the same way you gave in this one, that you made  
 out before Owen and said that it died in November, '99? A Yes  
 sir.  
 Q Was Julia Grayson dead when you made out this affidavit before  
 John Lieber? A Let's see--no.  
 Q Was Julia Grayson dead when you made out this affidavit before

Owen? A Yes sir.  
 Q She was dead then? A Yes sir.  
 Q How long had she been dead at that time? She has been dead about two years, I think; she died going on two years when Owen was about it.  
 Q When did you say Julia died? A Julia died in the fall of 1899.  
 Q Have you any record with you now--anything written down on a piece of paper or anything, giving the dates of the birth and death of Julia? A No sir.  
 Q Have you anything at home or anywhere? A No sir.  
 Q Did you have a doctor when Julia was born or died? A Had an Indian doctor.  
 Q What is his name? A Winney Tiger.  
 Q Is he living? A Yes sir.  
 Q She is here, is she? A Yes sir.  
 Q Was there any doctor present when Julia died? A She was doctoring him when she died.  
 Q Winney was both at birth and death? A Some medicine man, he lived close by.  
 Q Do you know when the land office opened? A I don't understand it. I thought it was when they come taking the names down.  
 Q That is the enrollment party, making up a census? A Yes sir.  
 Q And that was before the filing? A Yes sir.  
 Q Was the land office open when Julia Grayson died? A Yes, several around there in the neighborhood had filed when Julia died.

BY MR. ROGERS:

Q How long have you been blind, Robert? A 23 years.  
 Q In making these dates--in placing the number of years, how do you arrive at them--from hearsay, what people say about them, or do you have to depend on your memory? A Yes, sir. A good many times.  
 Q You can't read? A No sir.  
 Q How many children have you had, Robert? A Three of them.  
 Q Which was your oldest child? A Lena.  
 Q Which was your youngest and oldest child? A The one that died in 1897, born in 1887.  
 Q Boy or a girl? A Boy.

BY THE COMMISSIONER:

Q When Julia was born was Lena living? A No sir.  
 Q Had died? A Yes sir.  
 Q You are sure of that? A Yes sir.  
 Q How long before had Lena died? A About a little over a year, nearly two years.  
 Q Was she living at the time you made out the affidavit before Owens? A Julia, you know, she had been dead; Julia was born in 1899.  
 Q When these affidavits were made, were they read ~~through~~ over to you? A No, he just put them down.  
 Q You gave them the names and about when they died and he just put them down? A Yes sir.  
 Q In the affidavit that you made before J. J. Owens at which time J. J. Yates was present, did you give him the date as to when that child was born? A Yes sir. I gave him the date and made a mistake, gave the year when that died before; she died in the spring. Made a mistake and gave him when that was born in the fall.

Grayson-----4.

- Q The boy died in 1897? A In the fall.  
Q How, when was Julia born according to your best recollection and information that you have now? when was Julia born? A Born in 1899.  
Q What month? A In the spring.  
Q Name the month, if you can. A February.  
Q When did she die? A In the fall--  
Q Who was present at the time she was born? A Robert Spears was there and a woman that aided on the woman, one by the name-- it was Haines; she died.  
Q Was Winny Tiger present? A She was not present, just got medicine from her.  
Q Did she know the time that Julia was born? A Yes, she says so.  
Q How do you know that it was in the year 1899 that she was born? A The year 1900 I remember that my wife and I separated.  
Q Tell how do you know that it was in September, 1900. A That same fall she had another child--along in November and that makes me know that it was born in 1899.

On old Creek card 1163 appears the name of Julia Grayson, being listed on the card and from information thereon it appears that she died in November, 1899. Said listing on said card is considered an application for the enrollment of said Julia Grayson.

Robert Spears, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Robert Spears.  
Q How old are you? A 44.  
Q What is your postoffice? A Boggs.  
Q Are you a citizen of the Creek Nation? A No sir.  
Q Do you know Robert Grayson? A Yes sir.  
Q That is the man, there, is it? A Yes sir.  
Q Did you know his wife, Annie? A Yes sir.  
Q You know their children Julia and Lona Grayson? A Yes sir.  
Q When was Julia Grayson born? A Born in either February or March. It was very early in the spring; it was cold weather. They were just finishing, getting ready for a crop.  
Q What year? A 1899.  
Q How old was she when she died? A I don't know; she died in November--latter part of November.  
Q You are sure of that? A Yes sir.  
Q Is that your signature here? did you sign your name there?  
A I expect so, yes sir.  
Q Answer frankly. A Yes sir.  
Q You remember making that affidavit and signing it? A I remember signing that before a notary public in Okmulgee. I don't know whether that's in--I went down there with Robert and made out some papers; he called me, asked me if I was working out there and I told him, "yes;" he said "do you know such children was the children, I said, "Yes;" then he said, "sign this paper." I didn't testify to him as to when they was born. Just asked me if such children was there, he told me.  
Q He asked you when they died? A He didn't ask.  
Q This affidavit says Julia died November, 1899, did you tell him that? A He asked me, "have you been working around Robert's place?" I told him, "yes;" "do you know if such children were there? and I told him "Yes;" he said sign your name.  
Q You were there when Robert Grayson made the affidavit?



A I took him to the office.

Q You remember witnessed by J. J. Yates? A I remember signing, but I think--

Q In Robert Grayson's affidavit he says that Julia Grayson was born October 5, 1899, and died sometime in ~~February~~ November, '99; do you remember that? A I don't remember when she was born. "Have you been working around Grayson's?" and I said, "Yes;" "Do you know them such children was there?" "Yes;" they are there. "Then sign your name here." I signed my name.

Q Is that all you know? A I never kept any record when they were--no particular date. I come around to work made a coffin, fixing the fence.

Q All you know, then, about your affidavit and his affidavit is that the noyary public asked you if you weren't around the house and have seen the children; that they have been born? Is that right? A Yes sir.

Said affidavit was executed on the 23rd day of July, 1901, and states that "Robert Spears being sworn deposes and say I was well acquainted with the family of Robert Grayson in 1899, and know that a daughter of Robert and Annie Grayson, called Julia, died sometime in November, 1899."

Q You were not asked at that time when she was born or how old she was? A No sir.

Q On the same date you and Robert Grayson made affidavit about Lena; you remember that? A I remember that.

Q Is this your signature here? A Looks just the other. It is mine.

Q This affidavit states: "Robert Spears being sworn deposes and say I was well acquainted with the family of Robert Grayson in 1899, and know that Lena, the daughter of said Robert and Annie Grayson died on the 8th day of \_\_\_\_\_, 1899;" is that correct? A I don't know anything about date, when she died.

Q You heard that that affidavit says, in the last part in there: "that said child died on the 8 of August, 1899;" is that correct? A No didn't ask me when that child died.

Q Then you didn't know what you were signing? A No never read to me.

Q Now, as a matter of fact, when did Lena Grayson die, do you know? A I don't know.

Q Were you present when she died? A I wasn't there when she died. Sometimes I worked there, sometimes I gone off.

Q On that same day Robert Grayson made affidavit by mark in which he said that he was the father of Lena Grayson who was born in 1897 and died on August 8, 1899. Do you know anything about that affidavit? A That's the same you just now asked.

Q It is. Do you know whether that was read to him? A No sir.

BY MR. ROGERS:

Q Did you know the child, Julia? A Yes, I know there was a child there called Julia.

Q Did you see her prior to the time of its death? A Yes sir.

Q When was the first time you saw the child, Robert? A It might have been a week or such matter.

Q What time of the year did you first see the child, Robert?

A It was cold weather, February or Mar h--I think it was February because I was fixing a fence and getting ready for raising. Made a coffin for that child.

Q What time of the year did you make the coffin? A Along in November.



Grayson-----6.

Q Your best recollection is you saw her early in the spring and made the coffin in November? A Yes sir.

Q Had you been around Robert's house during the summer? A Yes sir.

Q Did you see the child in the summer? A Yes sir.

Q You remember what year that was? A That was the year I farmed I suppose.

Q What year was that? A 1899.

BY THE COMMISSIONER:

Q Do you remember--were you present when Lena was born? A No sir.

Q Did you ever see her around the farm? A I saw it.

Q Did you see her shortly before or at the time of its death? A I saw her sometime before--I don't remember just when.

Q Don't you remember any year it was living? A It's kind got out of my memory. I never paid much attention. I remember about Julia 'cause I was farming; a fellow remarked I was making a coffin

Q Was Lena living--to the best of your recollection was she living at the time that Julia was born? A My opinion is that she was.

Q You think you saw those two children at the same time? A Yes sir.

Q Julia and Lena? A This one, a baby and another one, were able to be about.

Q Robert says--as a matter of fact he now states that Lena was born in 1896 and died in 1898. Says he is positive of that. If that were true, would it be possible that Lena was at any time living when Julia was? A No sir, it would not. I told you I did not remember distinctly about it. I just worked there for a while and didn't paid much attention to it. Only know the two children were there.

BY MR. ROGERS:

Q How many coffins did you make for, Robert? A Made one.

Q Are you certain that you made--? A One child was born still born, I don't remember now just ~~was~~ exactly when it was; didn't make much of a coffin, don't remember the year now.

Q You farmed there in the year 1899, did you? A Yes sir.

Q Did you see two children there that year? Just tell what you-- A I said while ago I don't remember whether they was two or one.

Q Did you ever see two children? You saw two children at the same time, did you? A Yes sir.

Q Do you know whether they were Robert's children? A No sir. They claimed to be, he says.

Q They were children of the house? A Yes sir.

Q One a baby? A Yes sir.

Q About how old was he? A It could walk about.

Q Do you know of his losing two children in the same year? A Yes, he lost two. I think it was the same year, but wouldn't be positive about it.

Q Was that year that you farmed there that you saw the children? A I told you it was the year I farmed. I started in 1899. Made a crop in 1898. I rented and finished working a crop that another fellow had started and quit. I don't remember now just when it started.

Robert Grayson, recalled.

BY MR. ROGERS:

Q Robert, did you lose two children the same year? A One died



enrolling them in 1898. They went around to get their names. When "the land office opened" means when they first began filing--was she living then? A Yes sir. She was living when they put on the roll.

Q Was she living when they began filing on their lands? People were not filing in 1898; didn't begin to file until April, 1899. They were simply making a census--making a roll of the Indians.

A That is the time.

Q That is what you mean? A Yes sir.

BY MR. ROGERS:

Q Is there any circumstance connected with it by which you remember the birth of this child--Lena--as to when she was born?

A Yes sir.

Q What do you date that from? A 1896.

Q How long did she live--how many years did she live after she was born? A A little over two years.

Q Do you remember now--can you give anything--the exact date of her birth? A No sir, I don't remember what date it was. It was the month of August when she died, the first part of August.

Q You remember the year? A Yes sir.

Q What year? A 1898.

Q In this affidavit, made before Owens, was there any suggestion made by the notary public to you as to what date you should put in in order to get lands? A No, I didn't ask him such questions about that.

Q At that time, did you tell him from the information you had of the dates of the birth and death of Lena Grayson? A Yes sir. I told him about it at that time.

Q The way in which you place these dates now would place Lena before the time that she would be entitled to enrollment. A Yes sir.

Q At the time you made that affidavit, was there anything to make it fresh in your mind as to the birth and death--the date they happened? Did anybody tell you or suggest to you what year that you would have to make her birth and death in order to get ~~land~~ allotment for her so she could have a right to file--would have to be on the roll so she could have a right to file.

A They told me if I give her name they would have file for her.

Q Did you suggest dates or year to the notary public--the date of her death--did you tell him the year?

A I told me that I could file if she died in 1898.

Q Was anybody present besides you, that you knew, when she died?

A Robert Spear.

BY THE COMMISSIONER:

Q Now, Robert, this affidavit you made out says the child was born in '97 and died in '99; you now say it was born in '96 and died in '98--a whole year's difference, isn't you see? A Yes sir.

Q If it is true, as you state, that she was born in '96 and died in '98, she is not entitled to enrollment and should be stricken from the roll on which she now is? A Yes sir.

Q I say this to you to get you to make an explanation; you are blind and may be mistaken about the births and deaths of Julia and Lena both. Isn't that possible? A I could hardly tell them one from another. At the time they all told me I would have a right to file. I must have made a mistake about Julia, she lived about four or five years. I might have been mistaken as to the year when we were married.

BY MR. ROGERS:

Q When were you married? A I married this woman in 1896. Lived together about thirteen months before Lena was born; my first wife died in the latter part of 1895.

Q How long did Lena live? A Going on about two years old when she died.

BY THE COMMISSIONER:

Q Was Annie your first wife? A She was my second wife. My first wife died in 1895.

(ADJOURNED UNTIL TOMORROW.)

.....  
 Muskogee, Indian Territory, December 2, 1905.

In the matter of the enrollment of Julia and Lena Grayson (both deceased) as citizens of the Creek Nation.

(Mr. J. D. Rogers, Attorney).

Winey Tiger, being duly sworn, testified as follows (through Alex Posey, Official Interpreter):

EXAMINATION BY THE COMMISSIONER:

Q What is your name? A Winey Tiger.

Q How old are you? A I am 67 years old.

Q What is your postoffice address? A Beggs.

Q Do you know Robert Grayson? A Yes sir.

Q Did you know his wife, Annie? A Yes, I nursed her when she was a child.

Q Are you any kin to Robert or Annie Grayson? A No relation.

Q Did you ever live in the same house with them any length of time? A I never lived with them but visited them frequently.

Q You lived close to them when their children were born, did you? A Yes sir.

Q Can you tell me what time their child, Julia Grayson, was born? A The child was born in February.

Q What year? A All I know is the child was born in February. I don't keep the record of the year as white people do.

Q Don't you remember hearing what year the land office opened out here in Muskogee, a whole lot of people came in to file. Do you remember that circumstance? A Yes sir.

Q Was it that year--was it the February of that year when she was born? A Yes sir.

Q Are you sure of that? A I am positive.

Q What makes you positive or sure of the fact--that it was a fact? how do you remember that? A I have taken an oath before God to tell the truth. My recollection is the child was born that month. I have no record, however, to go by.

Q Were you present when Julia was born? A I didn't wait on the mother at the birth of the child. Tochee, an Indian woman living near, waited on the mother when the child was born. Tochee was the wife of Thomas Haines.

Q Is she living? A She is dead; her husband is dead also.

Q How long after the birth of the child before you saw it? A On the second day after the child was born.

Q Can you read or write? A No sir, I was born and raised before there were any schools among the Creeks.

Q How do you reckon the month? How do you know it was February?

A There are twelve months in the Creek calendar; one is February; February comes just before March.  
Q Is Julia living? A Is dead.  
Q How old was she died, do you know? A The child died in November.  
Q Of the same year it was born? A Yes sir.  
Q Were you present when it died? A No, I visited the mother three days after the child died.  
Q It was already buried, was it? A Yes sir.  
Q Did you know a child of theirs named Lena? A Yes sir.  
Q How old was Lena when she died? A It was something over two years old--nearer three years, I think.  
Q Did you give medicine to Lena? A Yes sir.  
Q When was she born--Lena--do you know? A Lena died in August. I am not certain as to when she was born, but I think she was born in December.  
Q You say she died in August. Do you know the year--what year she died? A No sir. All I know is she died in August.  
Q Was she living when Julia Grayson was born? A She was dead.  
Q You say she died in August; did she die in August before the February in which Julia was born--or two years before you say she was dead? A Probably two years, because she had another child after Julia was born--a boy. Julia was the third child that was born to Robert Grayson and his wife. Lena was the oldest child. The next child was a boy and the third child was Julia.  
Q Are you positive that Lena was dead before Julia was born? A Yes sir.  
Q You say that you got to the house the second or third day after Julia was born; are you sure that Lena was not living then? A She was not living.

Said Lena Grayson is identified on Creek Indian card, field No. 1165, opposite Bell No. 3760.

BY MR. ROGERS:

Q Ask her if she was present when Lena died. A No sir.  
Q Was she present when Julia died? A I ~~kan't~~ wasn't present when any of the children died.  
Q Ask her if Lena was there the time she went to see Julia's mother at Julia's birth. A No sir, wasn't but one child there. Had two children there at that time; only one living; that was Julia.

Robert Grayson, recalled.

BY MR. ROGERS:

Q In what year were you married to Annie, this last wife? A 1896, first of February.  
Q How long after you were married was it until Lena was born? A Twelve or thirteen months.  
Q How old was Lena when she died? A She was a little over two years old.  
Q Are you positive that those dates are correct? A If I remember it pretty well.  
Q Did you get a license at the time you were married? A No, just married according to the Indian custom.  
Q Have you any record of that marriage, Robert? A I haven't. Annie had it, my wife, at the house, burned down.  
Q Who married you? A Jim Yargee.

Winey Tiger, recalled.

BY THE COMMISSIONER:

- Q Ask her if she remembers the 1896 payment? A Yes sir.
- Q Do you know if Robert and Annie were married that year? A They were married afterwards.
- Q Were they married the year after? A The next year.

Robert Crayson, recalled.

BY THE COMMISSIONER:

- Q Was your child, Lena, living when Julia was born? A Yes sir.
- Q Winey, here, just testified that she was not; that she died before. Are you not mistaken about that? A She was living in February when the child was born.
- Q You have been blind about twenty years, have you? A 23 years.
- Q You don't remember dates very well, do you? A No sir.
- Q Winey seems to remember pretty well. She says when your child, Julia was born, she was the only living; that the other two had been dead; that Lena had died first, a boy in between. Don't you think she is right and you are mistaken when you say they were both living? A Lena was living when Julia was born.
- Q Who made Lena's coffin, Robert? A I think fellow named Haynes at Okmulgee.
- Q Is he living? A He has been south. I don't know where he is now.
- Q Do you know who he got the coffin from? A No sir.
- Q Was it made in Okmulgee? A Yes sir.
- Q Do you know anybody that attended the funeral of Lena? A Thomas Haynes, he and his wife and mother.
- Q Are they living? A All three dead.
- Q Did you have any preacher dead? A No sir.
- Q Who else was present besides Thomas Haynes and his wife? A Mrs. Yergee.
- Q Where is she living? A Ten miles west of Boggs.--Mrs. Yergee.
- Q Who else was present when she died, you remember? A Three or four Indians, three or four colored fellows.
- Q Who doctored her when she died. A This woman here (Winey Tiger).

Winey Tiger, recalled.

BY MR. ROGERS:

- Q How old was Lena when she died? how large a child was she? A She was two years and half old or a little over.

BY THE COMMISSIONER:

- Q And makes you so positive, Winey, that Lena died before Julia was born? A By the birth of the second child. Lena died in August, Julia died in November, in different years. They had four children: One Lena, the second a boy, died while very young, the third child was Julia and the fourth child was Marie. The boy was living not living when Julia was born. Lena was living. Lena and Julia died in the same year. Julia was born in February; Lena died in August of the same year; Julia died in November. I meant the second child was not living.

BY MR. ROGERS:

- Q Did you ever get Lena's deed? A No sir.
- Q Did you ever get your deed? A No sir.



Grayson-----12.

Q Did you have any white neighbors at the time of the birth and death of these children? A Not close. Tiger was my nearest neighbor.

Q Any white neighbors? A Old man\_\_\_\_\_. White fellows lived there and moved away. Old man McCloskey was living close by.

Winey Tiger, recalled.

BY THE COMMISSIONER:

Q Winey, before you made this switching around on these points, had you been talking to Robert? Did he tell you anything to make you change your mind? A No sir.

Robert Grayson, recalled.

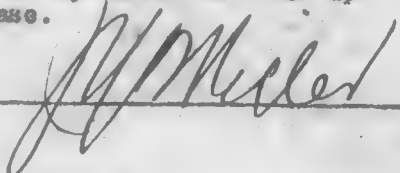
BY MR. ROGERS:

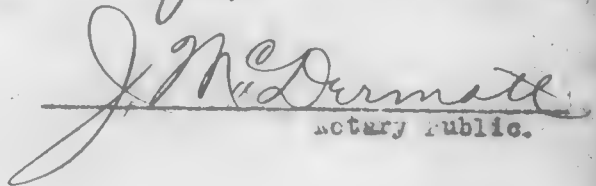
Q Did you have two children by the name Lena? A No sir.

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 5th day of December,  
1905.

  
\_\_\_\_\_

  
\_\_\_\_\_  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
 Muskogee, Indian Territory, December 14, 1905.

In the matter of the application for the enrollment of Julia Grayson, deceased, as a citizen of the Creek Nation; also in the matter of the enrollment of Lena Grayson, as a citizen by blood of the Creek Nation.

APPEARANCES: C.D. Rogers attorney for applicant.  
 Merritt Eslick representing the Creek Nation--by  
 letter from M. L. Mott, attorney for Creek Nation.

David Berryhill, being duly sworn, testified as follows:

- Q What is your name? A David Berryhill.  
 Q What is your age? A 58 years  
 Q What is your post office address? A Okmulgee.  
 Q Do you know Robert and Annie Grayson? A Yes, sir  
 Q Do they live near you? A Yes, sir, they live at Okmulgee.  
 Q How long have they lived near you? A They have been living there a long time.  
 Q Have they been there as long as seven years? A Yes, longer  
 Q Do you know two of their children by the name of Julia and Lena Grayson? A Yes, sir  
 Q Do you know them by those names? A Yes, sir  
 Q Which was older? A Lena, if I mistake not.  
 Q Is either one of them living? A No, sir  
 Q Do you know when Julia was born? A No, sir, I don't  
 Q Do you know when Lena was born? A No, sir  
 Q Do you know when Julia died? A I couldn't tell  
 Q Do you know when Lena died? A I think about '99  
 Q Do you know the month? A I don't know  
 Q Do you know when the Creek land office opened? A Yes, sir, about.  
 Q Do you know whether Lena was living then? A Let me see, I don't know, I don't recollect. I just saw the two children there, I didn't pay any attention  
 Q You just said Lena died in 1899, didn't you? A Yes, sir  
 Q Do you know what season of the year she died? A I don't know. I don't remember.  
 Q You remember that the land office opened in 1899, don't you? A Yes, sir  
 Q And you also remember it was in April? A Yes, sir, I was the sixteenth one that filed the day the land office opened, but I don't remember whether she died before or after

By Attorney.

- Q How long have you known the Graysons? A All our lives.  
 Q State whether or not you ever saw these two children of Robert's living at the same time? A Yes, sir  
 Q Do you know about how old the oldest one was? A No, sir



- Q How old was the youngest child? A It was quite small.  
Q Do you remember the time that Ben Grayson at Okmulgee went to the penitentiary? A Yes, sir.  
Q Did you see them living at that time? A Yes, sir.

Commissioner.

- Q You are certain that there was two children of Robert and Annie living there at the same timethis man was sent to the penitentiary?  
A Yes, sir  
Q Do you know the childrens' names? A I just remember the name of Lena.  
Q Do you know whether Robert and Annie ever had any other children besides these two? A They had one but it died long before.  
Q That one wasn't either of these two? A No, 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 cause on said date.

*Anna Garrigues*

Subscribed and sworn to before me this 15 day of December 1905

*J. M. Dermott*  
Notary Public.

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 Julia Grayson and in the matter of the enrollment of Lena Grayson (deceased) as citizens of the Creek Nation.

APPEARANCE: C. D. Rogers, Attorney for the applicants.

Silas Smith, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Silas Smith.  
 Q How old are you? A 67 years old.  
 Q What is your postoffice address? A Okmulgee.  
 Q Are you a citizen of the Creek Nation? A No sir.  
 Q How long have you lived in Okmulgee? A I lived there since 1867.  
 Q You know Robert Grayson? A Yes sir.  
 Q You know his wife? A Yes sir.  
 Q Did you know two children of his named Julia and Lena Grayson? A I know--they had two children and they both died, I think.  
 Q Do you know when Julia died--how old was she when she died? A No sir, I don't know how old she was.  
 Q Don't know much about Julia? A No sir.  
 Q Do you know when Lena died? A Yes sir, I know near when she died; I don't know the exact date when she died.  
 Q About when did she die? A It has been in--I think it was August, 1899.  
 Q Were you present when she died? A No sir.  
 Q Did you go to her funeral? A No sir.  
 Q How do you remember that date? A I made the coffin.  
 Q Did you make any sort of record? did you put down in a book anywhere? A I had a record of it, but lost it--misplaced, I could not find it.  
 Q Did you go to the house when you made that coffin? A No sir, I did not go to the house.  
 Q You don't know, then, whether he had a child living when you made that coffin for Lena? A No sir.  
 Q You are positive, are you that you made a coffin for a child who you think was Lena, in August, 1899? A Yes sir. They told me it was Lena that died.  
 Q They told you that? A Yes sir.  
 Q And that way you know it was Lena that you made the coffin for in 1899? Yes, sir, that's way. I thought it was Lena by their telling me that Lena died.  
 Q You know how old Lena was when she died? A No sir, I don't know how old.  
 Q Could you tell from the size of the coffin, about what age the child could be to put in it? A She couldn't have been over two or three years old.  
 Q Could it be less than a year? A Yes sir. It might have been; I don't remember just the size of the coffin, I don't know particularly of the age.  
 Q But you know the child the coffin was made for was Lena Grayson and it was in August, 1899? A It was August or September; I am

not positive which month. It was early in the fall or late in the summer, 1899.

Q What year makes you so certain that it was 1899? A It was Ben Grayson was sent off to the pen before that child died. He was not at home. Roberts' nephew was not at home.

Q That helps you remember that it was 1899? A And his wife was there when I made the coffin. She was at my shop.

Q Were you the undertaker? A Yes, I made other coffins, I alone at the shop. There was no undertaker in the town.

Q You furnished the wood and made the coffin? A Yes, I made the coffin myself.

Q You didn't make a coffin for Julia, then? A No, I don't think I made it. I think some carpenter made it--some other carpenter.

Q That is all you know about this case? A Yes, that is all.

BY MR. ROGERS:

Q Do you know if Ben Grayson's wife is any blood relation to Robert Grayson or not? A No sir. Ben Grayson is a nephew to Robert.

Q And his wife is not related by blood to him? A Not that I know of.

INDIAN TERRITORY, Western District.

I, J. Y. Liller, 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 29th day of December,  
1905.

*J. Y. Liller*

*J. McDermott*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., January 29, 1906.

In the matter of the application for the enrollment of Julia Grayson and in the matter of the enrollment of Lena Grayson, deceased as citizens of the Creek Nation.

C. D. Rodgers, Attorney for applicants.

APPEARANCES:

An attempt was made to notify the Creek Attorney but he could not be found.

MARY GRAYSON, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Mary Grayson.  
Q How old are you? A Thirty-four.  
Q What is your post office address? A Okmulgee.  
Q Do you know Robert Grayson? A Yes, sir.  
Q Is he living? A Yes, sir.  
Q Do you know Annie Grayson? A Yes, sir.  
Q Is she living? A No, sir.  
Q Are they the parents of Lena and Julia Grayson? A Yes, sir.  
Q Are these children living? A No, sir.  
Q Which died first? A Lena.  
Q When did she die? A August 8, 1899.  
Q How do you fix that date? A She died at my house.  
Q Is there anything else which helps you remember the year in which that child died? \* Yes, sir.  
Q What is it? A My husband was sentenced to go to Kansas about that time and he was gone at the time of Lena's death.  
Q What was the name of your husband? A Ben Grayson.  
Q Was he taken the month before Lena died? A Yes, sir.  
Q For what crime? A I don't know.  
Q When did Julia Grayson die? A She died in the fall.  
Q What year? A 1899.  
Q Did she die the same year Lena died? A Yes, sir. The same year, sometime in the fall.  
Q About how long after Lena died? A It was in the fall---November 1899.  
Q Does the circumstance of your husband being sent to Kansas help you remember her death also? A No, sir, I just remember.  
Q Did she die at your house? A No, sir.  
Q Was she at your house when Lena died? A Yes, sir.  
Q Are you sure that you saw both of these children alive together?  
A Yes, sir.  
Q In the summer of 1899? A Yes, sir.  
Q You are not any relation to these people are you? A No, sir.  
Q How did they come to be at your house? A I married the nephew of Robert Grayson.  
Q How did they come to bring those children to live with you? A They did not come to live with me. They lived fifteen miles in the country and just came in to the Doctor.  
Q Did they bring Julia too? A Yes, sir, she was a baby and they had to bring her.  
Q How long had they been at your house until Lena died? A They got there in the evening and she died in the morning.  
Q How long did Julia stay at your house? A They went back that same day.  
Q All you know is that Julia was living that day they came to your house? A Yes, sir.

- Q How old was Julia at the time they came to your house? A About six months old.
- Q How do you know that she was about six months old? A I judged from her size that she was about six months old. She was born in February.
- Q How did you know that? A By her mother telling me.
- Q Her mother is dead? A Yes, sir.
- Q Had you known her mother before that time? A Yes, sir.
- Q Had you seen this child before that time? A Yes, sir.
- Q When was the first time you saw Julia? A She was about a month old the first time I seen her.
- Q About what month was that? A I was out there to their place about the first of March.
- Q And saw Julia? A Yes, sir.
- Q Your understanding is that she was about a month old then? A Yes, sir, something like that.
- Q Are you sure that Lena and Julia died in the same year? A Yes, I sir.
- Q Were you present at Julia's funeral? A No, sir.
- Q How do you know she died in November? A I know but I don't know how to explain it. After that I seen her mother and father and I supposed she was dead, they said she was dead.
- Q When was that you seen them and they told you that? A In November.
- Q That same year? A Yes, sir.
- Q Your best recollection is that Julia was born in the early Spring of 1899 and died in the fall of that same year? A Yes, sir.

There has been filed in this case a certified copy of the judgment, sentence and order of committance of Ben Grayson to two years and six months in the penitentiary, on June 21, 1899.

MRS. J. W. FRANKS, being duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Mrs. J. W. Franks.
- Q What is your age? A Twenty-three.
- Q What is your post office address? A Okmulgee.
- Q How long you lived in Okmulgee? A Fourteen years.
- Q Right in the town? A Yes, sir.
- Q Do you live near this Mrs. Grayson, who just testified? A Yes, sir, within four blocks of her.
- Q Were you at her house when a child named Lena Grayson died? A Yes, sir.
- Q What time was that? A That was in the 1898--1899-----
- Q Which was it, 1898 or 1899? A 1899.
- Q How do you remember that? A It was the summer that Mrs. Grayson lived at the Keldy Harris place.
- Q Is there any other way you remember the year? A Well, nothing more than just that is all I can say.
- Q Do you know the names of the parents of that child, Lena? A Yes, sir.
- Q What are they? A Robert Grayson and Annie.
- Q Were they there too when the child died? A Yes, sir.
- Q Are you any relation to them? A ~~Yes~~ No, sir.
- Q Have you any interest in this case, of any kind? A No, sir.
- Q Do you know what month or season of the year Lena died? A It was about August----in August, I am sure.
- Q Is there anything that helps you fix that in your mind that it was in August, 1899, that Lena died? Do you know that Mrs. Grayson's husband, Ben Grayson, was sent to the penitentiary about that time? A Yes, sir.

Q Was it before or after the child died that he was sent to the penitentiary? A I am not sure whether it was before or after.

BY MR. RODGERS:

Q Do you remember of two children being there at that time? A Yes, sir, there was a baby besides the one that died.

Q Do you remember its name? A Julia.

Q What was the other? A Lena.

Q Do you know of Julia dying afterwards, to your own knowledge? A I never seen her.

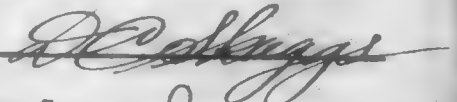
Q How do you remember so well that there were two children there?

A Because I know there was two. I nursed them both.

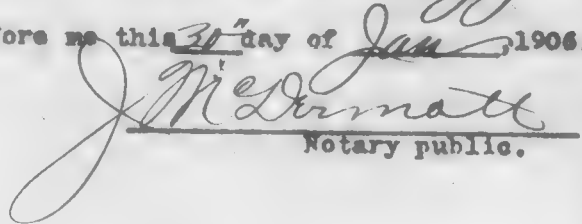
Q How old were you then? A I must have been sixteen years old.

---ooo000ooo---

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 30 day of Jan, 1906.

  
Notary public.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
BEGGS, I.T., FEB. 9, 1906.

C.I. 1163.

In the matter of the application for the enrollment of Julia and Lena Grayson as citizens of the Creek Nation.

William Crossland, first being duly sworn by Geo. K. Davidson, a Notary Public, testified as follows:

BY THE COMMISSIONER:

- Q. What is your name? A. William Crossland.  
Q. What is your Post Office Address? A. Beggs, I.T.  
Q. How old are you? A. 62.  
Q. Are you a citizen of the Creek Nation? A. No not in the sense that they call citizen here.  
Q. Do you know Robert Grayson? A. Yes.  
Q. How long have you known him? A. About 8 years.  
Q. Do you rent Robert Grayson's land? A. I did until I bought it.  
Q. How long have you been in the Indian Territory? A. 8 years.  
Q. Do you know when Lena or Julia Grayson were born? A. No.  
Q. Have you lived very near to Robert Grayson ever since you have been in the Indian Territory? A. I was within about 3 miles of him until he left here. (Speaking of his farm.)  
Q. During the eight years you were in the Territory, do you know whether these children were living at that time or not? A. No sir they were not. I never seen them.  
Q. Did you get acquainted with Robert Grayson directly after you came to the Territory? A. Yes.  
Q. Are you positive that these children were not living while you were acquainted with Robert Grayson? A. Not positive, but I don't remember ever seeing the children here at the house.  
Q. During the eight years that you have known him, do you remember of seeing any children of his at this place. (Speaking of Robert Grayson's home.) A. No.  
Q. Did you ever hear anybody say that these children died before you came to the Territory? A. No sir I could not say now-if I have, I have forgotten it.

The two children, Lena and Julia, are buried in the South-west corner of Robert Grayson's yard and the following is a correct copy of the inscription on the tombstone:-

"Lena Grayson born Nov. 23, 1897- Died Aug. 18, 1898."  
"Julia Grayson born, October 5, 1900- Died November 25, 1900."

Robert Spears, first being duly sworn by Geo. K. Davidson, a Notary Public, testified as follows:-

BY THE COMMISSIONER:-

- Q. What is your name? A. Robert B. Spears.  
Q. What is your Post Office address? A. Beggs, I.T.  
Q. How old are you? A. About 54 years old.  
Q. Are you a citizen of the Creek Nation? A. No indeed.  
Q. Do you know Robert Grayson? A. Yes.  
Q. How long have you known Robert Grayson? A. Since 1894. I think that was the year I built that house for him. I think that was the first time I saw him.  
Q. Do you know any of his children? A. I know two, the one they call Lena and Julia.  
Q. Did he have any other children? A. There were some others but I could not say anything about their names. They claim there were some others.  
Q. Do you know what year Lena and Julia died? A. I know as near as I can remember it was 1899.  
Q. Why do you think it was 1899? A. Because that year I was working at

C. I. 1163.

- Robert's place and they died that year before Fall.
- Q. Do you know when those children were born? A. No sir.
- Q. Did Julia die the same year she was born? A. Yes.
- Q. About how long did Julia live? A. Well I don't know but my opinion is she was born about February or March and died somewhere in November. She died somewhere along about Thanksgiving.
- Q. Are you positive that Julia died the same year she was born? A. Yes, I am certain.
- Q. Do you know how long she lived? A. No I could not say.
- Q. About how long did Lena live? A. I don't know. She died sometime that year. It was in warm weather.
- Q. Did you attend the funeral? A. No.

Geo. K. Davidson, being first duly sworn, states that the above and foregoing is true and correct transcript of his stenographic notes as taken in said case on said date.

*Geo. K. Davidson*

Subscribed and sworn to before me this 18th day of February, 1907.

*E. D. Jefferson*  
Notary Public



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

In the matter of the application for the enrollment of Julia Grayson, 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 November 20, 1899, the name of Julia Grayson was listed, on information, on Old Creek Field Card, number 1163, which action is considered as an original application for her enrollment as a citizen by blood of the Creek Nation. Further proceedings were had December 1, 1905, December 28, 1905, January 29, 1906, and February 9, 1907. The affidavits of Robert Grayson, Robt. Spears and Annie Grayson executed on various dates, together with a certified copy of the record of the judgment, sentence and Order, issued by the United States Court for the Northern District of Indian Territory on June 21, 1899, in the case of The United States vs Ben. Grayson, and certain memoranda purporting to show the dates of birth and death of the applicant herein, and her sister, Lena Grayson, deceased, are attached to and made a part of the record herein. There is also attached to and made a part of the record a brief filed in this matter by C. D. Rogers, attorney for the applicant.

The record in this case shows that Julia Grayson is the deceased child of Robert Grayson and Annie Grayson, deceased whose names appear on a schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior, March 13, 1902, opposite numbers 3758 and 3759, respectively.

As to the dates of birth and death of applicant, there is much confusion in the evidence. At the time that the name of the applicant was listed on Old Creek Field Card, number 1163, viz: November 20, 1899, her age was given as one month, and this corroborated by the affidavits of Annie Grayson and Robert Grayson executed on November 14, 1899, and the affidavit of Robert Grayson executed on July 23, 1901. Before passing, it should be noted that the affidavits of Annie Grayson and Robert Grayson, last mentioned above, were executed on November 14, 1899, only a little over a month subsequent to the date of birth of the applicant as given therein. Over six years elapsed before the testimony was taken therein, which tends to establish the date of birth of said child as of February or March 1899. Robert Grayson testified on December 1, 1905, that the said Julia Grayson was born in the Spring of 1899, and died in November 1899, but he made many conflicting statements while being examined on said date, which tend to discredit his testimony. The name found on the tombstone over the grave of Julia Grayson, deceased, which is conceded by counsel for the applicant only adds to the confusion.

While it might be said that the weight of the evidence shows that Julia Grayson was born in the month of October, 1899 and died in November, 1899, I am of the opinion that there is a failure to establish by the evidence, the dates of birth and death of the said Julia Grayson.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of the applicant, Julia Grayson, deceased, as a citizen by blood of the Creek Nation, and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory.

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COMMISSIONER.

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

In the matter of the application for the enrollment of Julia Grayson, 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 November 20, 1899, the name of Julia Grayson was listed, on information, on Old Creek Field Card number 1163, which action is considered as an original application for her enrollment as a citizen by blood of the Creek Nation. Further proceedings were had December 1, 1905, December 29, 1905, January 29, 1906, and February 9, 1907. The affidavits of Robert Grayson, Robt. Spears and Annie Grayson executed on various dates, together with a certified copy of the record of the judgment, sentence and order, issued by the United States Court for the Northern District of Indian Territory on June 21, 1899, in the case of the United States vs Ben Grayson, and certain memoranda purporting to show the dates of birth and death of the applicant herein, and her sister, Lena Grayson, deceased, are attached to and made a part of the record herein. There is also attached to and made a part of the record a brief filed in this matter by C. D. Rogers, attorney for the applicant.

The record in this case shows that Julia Grayson is the deceased child of Robert Grayson and Annie Grayson, deceased whose names appear on a schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior, March 13, 1902, opposite numbers 3758 and 3759, respectively.

As to the dates of birth and death of applicant, there is much confusion in the evidence. At the time that the name of the applicant was listed on Old Creek Field Card, number 1163, viz: November 20, 1899, her age was given as one month, and this is corroborated by the affidavits of Annie Grayson and Robert Grayson executed on November 14, 1899, and the affidavit of Robert Grayson executed on July 23, 1901. Before passing, it should be noted that the affidavits of Annie Grayson and Robert Grayson, last mentioned above, were executed on November 14, 1899, only a little over a month subsequent to the date of birth of the applicant as given therein.

Over six years elapsed before the testimony was taken herein, which tends to establish the date of birth of said child, as of February or March 1899. Robert Grayson testified on December 1, 1905, that the said Julia Grayson was born in the Spring of 1899, and died in November 1899, but he made many conflicting statements while being examined on said date, which tend to discredit his testimony. The memorandum taken from the tombstone over the grave of Julia Grayson, deceased, which is connected by counsel for the applicant to be a correct copy of the writing on said tombstone, only adds to the confusion.

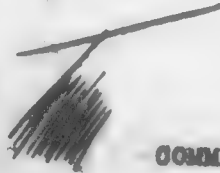
While it might be said that the weight of the evidence shows that Julia Grayson was born in the month of October, 1899, and died in November, 1899, I am of the opinion that there is a failure to establish by the evidence, the dates of birth and death of the said Julia Grayson.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of the applicant, Julia Grayson, deceased, as a citizen by blood of the Creek Nation, and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory.

FEB 20

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COMMISSIONER.

Cr.En.1198.

Muskegee, Indian Territory, February 26, 1907.

C. D. Rogers,

Attorney at Law,

Okmulgee, 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 Julia Grayson, 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-15.

Cr.En.1198.

Muskegee, Indian Territory, February 26, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskegee, 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 Julia Grayson, 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.

LM-16.

Cr.No.1198.

Muskogee, Indian Territory, February 26, 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 Julia Grayson, deceased, 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.

LM- 17.

Through the Commissioner  
of Indian Affairs.

742

REFER IN REPLY TO THE FOLLOWING:

Cr. En. 1198.

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

Muskogee, Indian Territory, February 26, 1907.

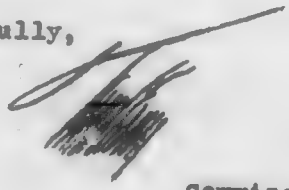
Annie Grayson,  
c/o Robert Grayson,  
Creek, Indian Territory.

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 the enrollment of your minor child, Julia Grayson, 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.  
IM- 14.



DEPARTMENT OF THE INTERIOR  
WASHINGTON.

I.P.V.7764-1907.

JP  
PHE  
March 4, 1907.

DIRECT,

LRS.

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

Sir:

The Department has considered the following citizenship cases received with your letters of February 26, 26 and 27, 1907, and Indian Office letter of March 2, 1907, (Land 21289 et al), copy inclosed, and in accordance with the recommendation made by you and the Indian Office the application in each case is rejected:

Title of case.

George and Julia McIntosh, deceased (freedmen)  
Belle and Delpha May Brown (Freedman)  
Peggy McCoy (Freedman)  
Lena McGirt (Creek)  
~~Julia Grasser, deceased (Creek)~~  
Cosarpe, Ithas Harjo and Mewike (Creeks)  
Ophila Harjo (Creek)  
Leuana Johnson (Creek)  
Sampson Harjo (Creek)  
Ivy Richardson (Cherokee freedman)  
Hester and Myrtle Powell (Cherokee freedmen)  
Geogre Sutherland (Cherokee)  
Lawrence Smith (Creek freedman)  
John W. Vaughn et al., (Cherokees)  
Louis A. Lafallier (Cherokee)

A copy hereof has been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure. WCF 3/4/06.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

(Copy.)

Land  
References  
at bottom  
of letter.

March 2, 1907.

The Honorable,  
The Secretary of the Interior.  
Sir:

There are forwarded herewith several reports of Commissioners Bixby and records in the following names citizenship cases, together with the Commissioner's decisions denying the applications for enrollment of the persons involved in each case:

|                                    |  |
|------------------------------------|--|
| Cherokee citizens by blood         | Jehn W. Vaughn, et al.   |
| Cherokee citizens by intermarriage | George Sutherland<br>Louis A. Lafallier.   |
| Cherokee freedmen                  | Hester and Myrtle Powell<br>Ivy Richardson/  |
| Creek citizens by blood            | Sampson Harje<br>Louana Johnson<br>Ophila Harje<br>Cosarpe, Ithas Harje and<br>Mewike, Julia Grayson<br>Lena McGirt<br>Belle Brown and Delpha May<br>Brown,<br>Lawrence Smith,<br>George and Julia McIntosh<br>Begy McCey. |

The office has examined the record in each of the above cases and recommends for approval the decisions of the Commissioner denying the applications.

There are also forwarded herewith briefs and affidavits to be considered in connection with the following cases, which have heretofore been forwarded to the Department:

Chickasaw citizens by blood M. D. Carson, et al.

Chickasaw intermarried citizen Martin M. Yeakum

Cheetaw citizen by blood Mary Ann Vandergriff

Cheetaw intermarried citizen Mattie Deak

Cheetaw intermarried citizen Emma Crawford

Cheetaw intermarried citizen Mary Jane Williams

Very respectfully,

C. F. Larrabee, .

Acting Commissioner.

AJW-KH

|            |            |            |
|------------|------------|------------|
| 21229-1907 | 21271-1907 | 21265-1907 |
| 21226      | 21270      | 21221      |
| 21230      | 21269      | 21222      |
| 21236      | 21277      | 21224      |
| 21237      | 21268      | 21248      |
| 21273      | 21267      | 21223      |
| 21272      | 21266      | 21225      |

Cr.En.1198.

Muskogee, Indian Territory, March 16, 1907.

Annie Grayson,  
c/o Robert Grayson,  
Creek, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Julia Grayson, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

LM

Cr. En. 1198.

Muskogee, Indian Territory, March 16, 1907.

C. D. Rogers,

Attorney at Law,

Okmulgee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Julia Grayson, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

LM

CR EN 1199

CR EN 1199

Cr. En. 1199.

Waskagee, Indian Territory, February 14, 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 Alonsa Franklin, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, denying said application.

Respectfully,

Commissioner.

LW-161.

Through the Commissioner  
of Indian Affairs.

Cr. En. 1199.

Muskogee, Indian Territory, February 14, 1907.

M. L. Nett,

Attorney for Creek Nation,

Muskogee, 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 Alenza Franklin, 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.

LM-160.



REFER IN REPLY TO THE FOLLOWING:

Cr. In. 1199.

74-4  
DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1907.

Viola Smith,

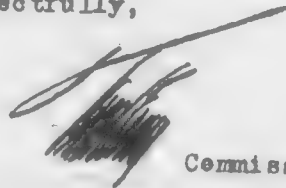
Ridge, Indian Territory.

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 the enrollment of your minor child, Alonza Franklin, 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.  
LM-159.

Refer in reply to the following:  
Land 16585-1907.

COPY

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

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Alonza Franklin as a Creek freedman, including the decision of Commissioner Bixby dated February 13, 1907, adverse to the applicant.

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

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBM.Ph.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.  
O.K.

LRS I.T.D.

5796, 5798, 6244, 6274-1907.  
6284, 6484, 6504, 6510-1907.  
6526, 6668, 6670, 6676-1907.  
6678, 6698, 6702, 6706-1907.  
6712, 6720, 6766, 6770-1907.  
6812-1907.  
D.C. 12640-1907.

March 2, 1907.

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

| Title of Case.                      | Date of your Letter of Transmittal. |
|-------------------------------------|-------------------------------------|
| Minnie Atkins,                      | February 9, 1907.                   |
| Willie Nash (Freedman)              | February 11, 1907.                  |
| James Anderson et al.               | February 12, 1907.                  |
| Wallace Smith (deceased),           | February 12, 1907.                  |
| Jakie Adkins (Freedman)             | February 12, 1907.                  |
| Raster Scott et al. (Freedmen),     | February 16, 1907.                  |
| Mary Elizabeth Ellis,               | February 9, 1907.                   |
| Charles Hawkins et al. (Freedmen),  | February 9, 1907.                   |
| Jimmie Conner et al. (Freedmen)     | February 13, 1907.                  |
| John Leacher (deceased),            | February 14, 1907.                  |
| Olive Grant and Reba Coker,         | February 14, 1907.                  |
| Gennetta Peters (Freedman),         | February 16, 1907.                  |
| John Guy (deceased) (Freedman),     | February 16, 1907.                  |
| Martha Porter (deceased),           | February 14, 1907.                  |
| George Wolf (Freedman)              | February 14, 1907.                  |
| Mattie Bird, deceased,              | February 16, 1907.                  |
| Jennie Lewis (Freedman)             | February 19, 1907.                  |
| Mary McNary                         | February 15, 1907.                  |
| Alonza Franklin (Freedman)          | February 14, 1907.                  |
| Gracie Johnson (Freedman)           | February 14, 1907.                  |
| Katie Jamison, deceased (Freedman), | February 16, 1907.                  |
|                                     | February 14, 1907.                  |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

WCF 3/3/07.

21 inc. and 42 inc.  
to Indian Office.

Cr.En.1199.

Muskogee, Indian Territory, March 15, 1907.

Viola Smith,

Ridge, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, Alonza Franklin, deceased, as a Creek freedman.

Respectfully,

Commissioner.

IM

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

In the matter of the application for the enrollment of Alonza Franklin, deceased, as a Creek freedman.

DECISION

The records of this office show that the name of Alonzo Young was listed for enrollment as a Creek freedman on Field Card number 375, and from said card it appears that said Alonzo Young was the child of Viola Young who is identified on the approved roll of Creek freedmen as Viola Smith number 4724, and of Steve Franklin who is not identified as a citizen of, nor an applicant for citizenship in, the Creek Nation, and that the said Alonzo Young died October 16, 1898.

Said records further show that on May 3, 1901, Viola Smith and Louisa Franklin made affidavit that one Alonza Franklin died October 20, 1899, and on June 13, 1901, said Viola Smith and one Jim Worl made affidavit that said Alonza Franklin died October 20, 1898. Both affidavits of Viola Smith state that she is the mother of the said Alonza Franklin and the Commissioner believes that under the evidence he is warranted in finding that said Alonzo Young and Alonza Franklin are identical, and this applicant will be referred to hereafter as Alonza Franklin.

The evidence as to the death of the applicant consists of the affidavits of three several persons as aforesaid and the card notation as to date of death. The first affidavit of Viola Smith gives the date of applicant's death as October 20, 1899, but her second affidavit gives it as October 20, 1898, and may be considered as a correction of the earlier one. We then have the affidavits of Viola Smith and Jim Worl that the applicant died October 20, 1898, together with the card notation that he died in October 1898, against the single affidavit of Louisa Franklin that he died October 20, 1899.

It appears from a preponderance of the evidence that the said applicant was not living on April 1, 1899, as required for enrollment by the Act of Congress approved March 1, 1901 (31 Stats. L., 861).

It is therefore ordered and adjudged that the said Alonza Franklin, deceased, is not entitled to enrollment as a Creek freedman in accordance with the provisions of the Act of Congress aforesaid, and the application for his enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory.

FEB 3 1901

CR EN 1200

CR EN 1200

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskegee, Indian Territory, February 14, 1907

In the matter of the application for the enrollment  
of Ellen Primmer as a Creek freedman.

APPEARANCES: H.A. Gibson attorney for applicant.  
J.P. Farnsworth for M.L. Mott atty. for  
Creek Nation.

ELLEN PRIMMER being duly sworn by H.G. Hains notary  
public testified as follows:

- Q What is your name? A Ellen Primmer.  
Q What is your age? A Thirty six.  
Q What is your post office address? A Muskegee.  
Q Have you ever made application for enrollment as a citizen of  
the Creek Nation? A I thought it was an application.  
Q What do you refer to by it? A I was up in the enrollment  
when it was down stairs.  
Q Were you sworn at that time? A No, sir.  
Q Then this is the first time you have been sworn and your  
testimony taken in this matter? A Yes, sir.  
Q You claim to be a citizen of the Creek Nation? A Yes, sir.  
Q In what way? A By my father.  
Q Do you claim that any money has ever been drawn for you in  
the Creek Nation? A My father drew money.  
Q For you? A I suppose he did; he drew money.  
Q To what Creek Indian town do you claim to belong? A Colored  
Canadian.  
Q How much money do you claim was drawn for you by your father?  
A I don't know.  
Q Do you know when it was drawn? A I know the last time.  
Q When was that? A That was when the payment was at Okmulgee  
Seems like it has been about 16 years ago.  
Q That was the last money you claim was drawn for you? A Yes, sir  
Q Do you claim that your name is on any of the Creek rolls?  
A I don't know. I don't claim that my name was on the rolls.  
Q Do you know that your father drew any money for you at that  
time? A Only what he said.  
Q When did he tell you that? A Sixteen years ago.  
Q Where were you born? A On Elk Creek.  
Q Is that in the Creek Nation? A Yes, sir  
Q How long did you live in the Creek Nation after your birth?  
A I was about 10 or 11 years old.  
Q Then where did you go? A To Kansas.  
Q How long did you stay there? A Until I was about 16.  
Q Then did you leave Kansas? A Yes, sir.  
Q Where did you go then? A To Muskegee.  
Q How long did you stay here? A Been here ever since.

There is presented a letter dated July 26, 1905  
I.T.D. 6707-1905 as follows: M. Ellen Primmer, Box 332, Muskegee  
Ind. T. Nation: The Department is in receipt of your communica-  
tion dated July 17, 1905, relative to your claim to citizenship  
in the Indian Territory, and you are advised that the same has  
been referred to the Commissioner to the Five Civilized Tribes



for appropriate action. Respectfully, Edward M. Dawson  
Chief Clerk

- Q What was the name of your father? A Spencer White.  
Q What was the name of your mother? A Lana Vann--Lana White.  
Q Were you married at the time you were told your father drew money for you at Okmulgee? A I wasn't married the first time.  
Q I am talking about that last time? A Yes, sir I was married then.  
Q Then if any money was drawn for you it would probably have been in the name of Ellen Primmer? A I don't know  
Q Have you been known by any names except Ellen Primmer and Ellen White? A That is the only two names.  
Q Where were you at the time when you claim your father drew that money at Okmulgee? A Living over here on Robert L. Owen's place.  
Q You weren't at Okmulgee? A No, sir. I wasn't there. He was there.  
Q Is your father living? A No, sir.  
Q When did he die? A About 6 or 7 years ago.  
Q Was he enrolled by the Dawes Commission before he died? A I don't know; I think he was on the Dunn roll.  
Q I am asking you if he was enrolled by the Dawes Commission and had received his land when he died? A I don't know; they was all talking about taking up a claim.  
Q Is your mother living? A I don't know.  
Q How long since you have seen her? A Way before my father died  
Q Has it been ten years? A Yes, sir  
Q Fifteen years? A I have a little girl seventeen years old; I haven't seen her since she was a baby.  
Q About 17 years ago was when you saw your mother? A Yes, sir  
Q no you claim your mother was a citizen of the Creek nation?  
A No, sir.  
Q Any claim you have is through your father? A Yes, sir  
Q You claim he was a Creek freedman? A Yes, sir  
Q Did he get his land? A I don't know sir

1890 Pay roll for Creek Nation examined, Canadian town and neither the name of Ellen Primmer nor of Ellen White found thereon; the 1895 pay roll for said town examined and neither of said names are found. The roll of Creek freedmen prepared by J.W. Dunn examined and no person by the name of Spencer Hutke or Spencer White can be identified thereon. The final roll of Creek freedmen approved by the Secretary of the Interior examined and neither the name of Spencer Hutcke or Spencer White found thereon. The index to Creek freedmen census cards in this office examined and neither the name Ellen Primmer nor Ellen White are found listed on any of said cards.  
Q Were you ever admitted to citizenship in the Creek Nation by the Dawes Commission in 1896 under the Act of June 10, ? A No sir ; I was just up in the office there once talking about it.

Attorney for applicant admits there was no application of any kind.

- Q Were you admitted to citizenship in the Creek Nation by the United States Court on appeal? A No, sir  
Q Said records examined and it does not appear that any application was ever made to the Dawes Commission in 1896 or that her case was carried to the United states Court on appeal.

Mr Gibson, atty. for applicant, states that he does not desire

3

to introduce anything further and are willing that the case be  
dropped.

I, Anna Garrigues, on oath state that the above and  
foregoing is a true and correct copy of my stenographic notes  
as taken in said case on said date.

Anna Garrigues

Subscribed and sworn to before me this 15 day of February 1907

Edward Merrick  
Notary Public.

Cr. En. 1137.

ISW  
CM

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

In the matter of the application for the enrollment of  
Ellen Primer as a Creek freedman.

DECISION.

The record in this case shows that on July 17, 1905, application was made by this applicant by letter to the Department of the Interior for the enrollment of Ellen Primer as a Creek freedman. Further proceedings were had on February 14, 1907.

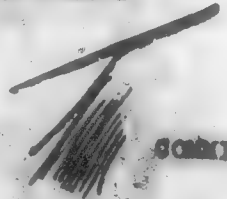
The evidence and the records in the possession of this office show that said applicant is the child of Spencer White, who was sometimes known by the name of Spencer Hutke, and who was alleged to be a Creek freedman, and Lanna Vann, or Lanna White, a non-citizen.

Although the application herein is not made within the time designated by the Secretary of the Interior under the authority in him vested by the provisions of the Act of Congress approved March 3, 1901 (31 Stats. L. 1010), jurisdiction to consider the same under the Act of Congress approved June 30, 1902 (32 Stats. L. 500) was given to this office and the Department by the provisions of Section 1 of the Act of Congress approved April 26, 1906 (34 Stats. L. 137).

The evidence and the records of this office fail to show that the name of said Spencer White, or Spencer Hutke, appears upon the roll of Creek freedmen prepared by J. W. Dunn under the authority of the United States prior to March 14, 1867; that the names of said Spencer White, or Spencer Hutke, nor Ellen Primer, or Ellen White, or either of them, appear upon the 1890 authenticated tribal roll, or the 1895 pay roll of the Creek Nation, or that they, or either of them, have ever been admitted to citizenship by any Creek tribal authority, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, ordered and adjudged that the said Ellen Primer is not entitled to be enrolled as a Creek freedman

under the provisions of the Act of Congress approved March 3, 1906 (34 Stat. L. 1048), and the application for her enrollment as such is accordingly denied.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 26 1907

---

En. 1200

Department of the Interior,  
RECEIVED  
FEB 18 1907  
No. 2337  
Indian Territory Division.

INDEX  
COMMISSIONER TO FIVE TRIBES  
No. 10865 Received FEB 25 1907  
AMOUNT  
Dollars Page

Printer, Ellen,  
Muskogee, I.T.,  
Feb. 14, 1907.

En 1200

Department of the Interior,  
Feb. 21, 1907.  
Respectfully referred to the  
Commissioner to the Five Civil-  
ized Tribes for consideration  
and approval.  
First Assistant Secretary.

Asks information relative to  
status of his Creek  
citizenship.

CREEK ENROLLMENT.

Feb 14/07

Muskogee

Ind. Ter

Mr. Hiram Cook

Secretary of Five Tribes  
Indian Territory

Washington

D.C.

Dear Sir

I thought I would write  
to you & have my attorney  
send me a copy of your  
Application in 1904  
My father's name was Spencer  
White he belong to Col  
White who was of full  
Blood Creek Indian.

So I was ben to my  
Commission and have not  
heard the

I have my witness and  
will not hear from

7

So I thought I would write  
to you and see if you  
could assist the Lord give  
me some instruction.  
My name was Ellen White  
before I married.

Your Ellen Prentiss

Cr.No. 1137.

Muskegee, Indian Territory, February 21, 1907.

Ellen Primmer,

General Delivery,

Muskegee, 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 the enrollment of yourself 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-38.



Cr. En. 1137.

Muskogee, Indian Territory, February 21, 1907.

H. A. Gibson,  
Attorney at Law,  
Muskogee, 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 Ellen Primmer, 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.

IM-39.

Cr. An. 1137 .

Muskogee, Indian Territory, February 21, 1907.

M. L. Mett,

Attorney for Creek Nation,

Muskogee, 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 <sup>Ellen Binnick</sup> ~~Leah Davis~~, 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.

IM- 40.

Cr. Am. 1200

Muskogee, Indian Territory, February 21, 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 Ellen Primer, as a Creek Freedman, including the decision of the Commissioner to the Five Civilized, denying said application.

Respectfully,

IM- 41.

Commissioner.

Through the Commissioner  
of Indian Affairs.

J.P.  
O.K.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

LRS.

March 4, 1907.

I . T . D.

6134, 6244, 7088, 7084-07.  
7126, 7226, 7230, 7236-07.  
7238, 7248, 7252, 7260-07.  
7336, 7340-07.

DIRECT

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

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

| Title of Case.                        | Date of your Letter of Transmittal. |
|---------------------------------------|-------------------------------------|
| Henry Lowe,                           | February 16, 1907.                  |
| Mary Rogers, deceased (Freedman),     | February 13, 1907.                  |
| <u>Kilen Primmer</u> (Freedman)       | February 21, 1907.                  |
| Charley Williams, deceased (Freedman) | February 14, 1907.                  |
| Clarence Bruner (Freedman),           | February 23, 1907.                  |
| Maria Sears,                          | February 23, 1907.                  |
| Homer Whetsel, (Freedman),            | February 23, 1907.                  |
| Euna Hagon, et al (Freedmen),         | February 2, 1907.                   |
| Leanna Johnson, (Freedman)            | February 2, 1907.                   |
| Anna Charlessey, deceased,            | February 2, 1907.                   |
| Rose Bell Drew (Freedman)             | February 18, 1907.                  |
| Hubert Humphreys (Freedman)           | February 16, 1907.                  |
| Little Doctor, deceased,              | February 20, 1907.                  |
| Lenard Davis, (Freedman),             | February 21, 1907.                  |

A copy of all the papers in the above mentioned cases have been sent to the Indian Office.

14 inc. and 28 inc.  
for Ind. Of.

Respectfully,

E.A. Hitchcock  
Secretary.

( C O P Y )

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land  
19705-1907.

Washington.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir :--

I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 21, 1907, enclosing record of proceedings in the matter of the application for the enrollment of Ellen Primmer as a Creek freedman, including the decision of the Commissioner, dated February 21, 1907, denying the application.

The record shows that the applicant is a child of Spencer White, sometimes known as Spencer Hutke, who is alleged to be a Creek freedman, and Lanna Vann (or Lanna White), a non-citizen.

The records in the office of the Commissioner fail to show that the name of Spencer White, or Spencer Hutke, appears on the roll of Creek freedmen prepared by J. W. Dunn, under the authority of the United States, prior to March 4, 1867; that neither the name of Spencer White, or Spencer Hutke, nor Ellen Primmer, or Ellen White, or either of them appear on the 1890 authenticated tribal roll, or the 1895 pay-roll of the Creek Nation, or that they, or either or them, have ever been admitted to citizenship by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory.

It is recommended that the decision of the Commissioner denying the application for the enrollment of Ellen Primmer, under the provisions of the Act of Congress approved March 3, 1905, (33 Stat. L., 1048), be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWE-SD

Gr.En.1200.

Muskogee, Indian Territory, March 16, 1907.

Ellen Primer,  
General Delivery,  
Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying your application for enrollment as a Creek Freedman.

Respectfully,

Commissioner.

LM

CR EN 1201

CR EN 1201

C.3067.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Creek Enrollment Field Party.  
Hitchitee, I. T., August 30, 1905.

In the matter of the application for the enrollment of B. H. Freeman as a citizen by blood of the Creek Nation.

L. C. Freeman, being duly sworn, testified as follows:

BY COMMISSIONER:

- Q What is your name? A L. C. Freeman?  
Q How old are you? A Fifty-six.  
Q What is your post office address? A Hitchitee.  
Q Are you a citizen of the Creek Nation? A I am an intermarried citizen of the Creek Nation.  
Q Do you know B. H. Freeman? A He was my son.  
Q I he living? A He is not.  
Q When did he die? A April 26, 1899.  
Q Where was he living at the time of his death? A In Louisiana.  
Q Had he ever removed to and settled in the Creek Nation prior to his death? A No, sir.  
Q Was he a non resident of the Creek Nation ~~from~~ June 28, 1898? A He was.  
Q Did he have a family? A No, sir.  
Q How old was he? A He was seventeen years old. He might have been eighteen.  
Q He was a Creek citizen was he? A Yes, sir, by blood.  
Q Do you know to what Creek Town he belong to? A Tuskegee. He was accidentally killed while we were on the road. We had started to move to this country at that time and he was accidentally shot by his brother who has since lost his mind and is now confined in the Muskogee jail.  
Q You were coming her to settle in the Creek Nation and make it your home? A Yes, sir.  
Q The accident causing his death happened in Louisiana did it? A Yes, sir, on the road. The reason I had not removed here sooner was the educational facilities in Louisiana were better than here and I wanted to educate my children. I sold out everything I had there ~~and~~ in 1891 and started to move to this country and on the way I stopped at Oxford, Louisiana where there were good schools and I remained there until 1899 and then started for this country and my son was killed on the road.  
Q Did you consider Louisiana your home after you sold out? A No, sir, we had not home. I did not vote there or pay any taxes. I was intending all the time to come here and make this our home. Didn't claim any other place home but this country.

---ooo000ooo---

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 16 day of Oct, 1905.

D. C. Skaggs  
Edw. Schriener  
Notary Public.



7  
C.I.Card 3067

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Hitchita, Indian Territory, December 16, 1905.

In the matter of the application for the enrollment of  
B.H. Freeman <sup>as</sup> a citizen by blood of the Creek Nation.

L.C. Freeman, being duly sworn, testified as follows:

- Q What is your name? A L.C. Freeman.  
Q What is your age? A Fifty seven.  
Q What is your post office address? A Hitchita.  
Q Are you a citizen of the Creek Nation? A Intermarried citizen.  
Q You had a son named B.H. Freeman did you not? A Yes, sir.  
Q You have heretofore testified in this case have you not? A Yes, sir.  
Q Did your son B.H. Freeman live in the Creek Nation at any time prior to his death? A No, sir, he was born and raised in Louisiana and was never in the Creek Nation.  
Q He was a minor at the time of his death? A Yes, sir, he was going on eighteen years old when he got killed.

I, Alex Pesey, 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.

Subscribed and sworn to before me  
this 23 day of December 1905.

Alex Pesey  
Edw. B. Griesel  
Notary Public.

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

In the matter of the application for the enrollment of B. H. Freeman as a citizen by blood of the Creek Nation.

DECISION.

It appears from the records in the possession of this office that on May 23, 1901, the name of B. H. Freeman was listed for enrollment by the Commission to the Five Civilized Tribes on Creek Indian card, field No. 3067, the name of said person appearing upon the 1895 authenticated tribal roll of Tuskegee Town, Creek Nation; which listing was done in order to preserve whatever rights said person might have as a citizen of the Creek Nation. The listing of the name of said person is considered in the nature of an original application for the enrollment of said person as a citizen by blood of the Creek Nation.

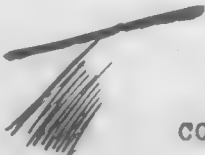
Testimony was taken in this case on August 30, 1905 and December 16, 1905, and on May 2, 1902 an affidavit as to date of death of applicant was filed in this office.

The testimony in this case, taken on the dates above mentioned, shows that said B. H. Freeman had never removed to, nor become a resident of, the Indian Territory, and that he died on April 26, 1899, while enroute to the Indian Territory.

The Act of Congress approved June 28, 1898 (30 Stats. 495), reads in part as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship" . . .

It is therefore ordered and adjudged that under the provision of law above quoted the applicant, B. H. Freeman, is not entitled to enrollment as a citizen of the Creek Nation, and the application for his enrollment as such is accordingly denied.



COMMISSIONER.

Muskogee, Indian Territory,

FEB 15 1906

Cr. No. 201.

Muskogee, Indian Territory, February 19, 1907.

L. C. Freeman,

Hitchita, 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 your minor child, B.H. Freeman, 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 643.

Cr.No.1021.

Muskogee, Indian Territory, February 19, 1907.

M. L. Mett,

Attorney for Creek Nation,

Muskogee, 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 F.H. Freeman, 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.

12-644.

Cr. In. 1021.

Muskogee, Indian Territory, February 19, 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 B. H. Freeman, deceased, 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.

MI-048.

Through the Commissioner  
of Indian Affairs.

Refer in reply to the following:  
Land. 18325-1907

Copy

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

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby, dated February 19, 1907, transmitting the record relative to the application of B. H. Freeman, deceased, for enrollment as a citizen by blood of the Creek Nation, including the decision of the Commissioner, dated February 19, 1907, adverse to the applicant.

The decision of the Commissioner has been examined and found to be correct and the same is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

H.R.D. - NL

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

JP  
O.K.

I.T.D.  
5844, 5858, 6058, 6062-1907.

March 2, 1907.

LRS

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

| Title of Case.  | Date of your<br>Letter of Transmittal. |
|---|--|
| Maaw Cudgo (Freedman),<br>Johnny White et al (all deceased),<br>(Freedmen), | February 13, 1907.                     |
| Arseny Wefferd et al.,  | February 9, 1907.                      |
| B. H. Freeman (deceased),   | February 18, 1907.                     |
|   | February 19, 1907.                     |

a copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,  
Assistant Secretary.

4 inc. and 8 inc.  
to Ind. Of.

AFMc  
3-2-07.

Cr. En. 1201

JWR

Muskogee, Indian Territory, March 9, 1907.

L. C. Freeman,

Hitchita, Indian Territory.

Dear Sir :--

You are hereby advised that under date of March 2, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your minor child, B. H. Freeman, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.



CR EN 1202

see choctaw case 4564

CR EN 1202

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Atoka, Indian Territory, November 21, 1902.

Choctaw 4564.  
Intermarried.

In the matter of the application of Mary Dyer for enrollment as an intermarried citizen of the Choctaw Nation.

Mary Dyer, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Mary Dyer.  
Q What is your age? A Twenty three.  
Q What is your post office address? A Russelville, Indian Territory.  
Q What nation is that in? A Choctaw Nation.  
Q How long have you been a resident of the Choctaw Nation? A Fifteen years.  
Q Have you lived here continuously for the past fifteen years?  
A Yes sir.  
Q Never made your home anywhere else during that time? A No sir.  
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.  
Q What is the name of your Choctaw husband through whom you claim these rights? A Edmond K. Henry.  
Q Was he a recognized and enrolled citizen of the Choctaw Nation?  
A Yes sir.  
Q His rights were never disputed? A No sir.  
Q When were you married to him? A In 1897.  
Q Where was the marriage ceremony performed? A AT the residence of my father at Russelville.  
Q In the Choctaw Nation? A Yes sir.  
Q Who performed the marriage ceremony? A A. J. McCully I believe.  
Q A minister of the gospel? A Yes sir.  
Q Were you ever married before your marriage to Edmond K. Henry? A No sir.  
Q Was he ever married before his marriage to you? A No sir.  
Q After that marriage how long did you live with Mr Henry? A Three years.  
Q Until his death? A Yes sir.  
Q Did you live together continuously as husband and wife up to the time of his death? A Yes sir.  
Q Since his death have you remarried? A Yes sir.  
Q What is the name of your present husband? A T. D. Dyer.  
Q Did you marry him under United States law? A Yes sir.  
Q You are at present a bona fide resident of the Choctaw Nation?  
A Yes sir.

--006--

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 21st day of November, 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 \_\_\_\_\_ day of January 1903.

*Harry C Risteen*  
*Charles W. Searcy*  
Notary Public.

C. I. 3199

C. E. 1202

*M*

2-18-07

A peculiar case  
but consider findings  
correct *M*

7/10/20 11/11/11

Cr. I. 3199  
Cr. En. 1202

I. S. N.  
A. G.

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

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

D E C I S I O N.

It appears from the records in the possession of this office that on May 23, 1901, the name of Edmond Henry was listed for enrollment by the Commission to the Five Civilized Tribes, on Creek Indian card field number 3199, the name of said person appearing upon the 1890 authenticated roll and the 1895 payroll of Kechopataka town, Creek Nation; which listing was done in order to preserve whatever rights said person might have as a citizen of the Creek Nation. The listing of said name is considered in the nature of an original application for the enrollment of said Edmond Henry, deceased, as a citizen by blood of the Creek Nation.

Copies of affidavits of W. D. Henry and Sam Gibson in the matter of the death of Edmond K. Henry (identified as Edmond Henry the applicant herein), also a copy of transcript of testimony taken November 21, 1902, in the matter of the application of Mary Dyer for enrollment as an intermarried citizen of the Choctaw Nation are attached to and made a part of the record herein.

It further appears from the records of this office that said Edmond Henry is also identified as a citizen by blood of the Choctaw Nation, his name appearing upon the 1896 Choctaw Census roll, Sans Bois County, opposite No. 5065.

The evidence and the records of this office show that said Edmond Henry died December 22, 1900; that he was twenty three years of age as of May 23, 1901, the date on which his name was listed for enrollment.

Notwithstanding the fact, as shown by the evidence and the records of this office that said applicant resided for several years in the Choctaw Nation and that no election was made by or for him as to which nation, the Creek or Choctaw, it was desired that he be enrolled as a member of, I am of the opinion that as said applicant would not be entitled under the

law to enrollment as a citizen by blood of the Choctaw Nation, having died prior to September 25, 1902, there is no forfeiture of whatever rights he may have possessed as a citizen by blood of the Creek Nation.

It is, therefore, ordered and adjudged that said Edmond Henry, deceased, 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., 495) and March 1, 1901 (31 Stats., 861) and the application for his enrollment as such is accordingly granted.

Muskogee, Indian Territory,

FEB 23 1907



COMMISSIONER.

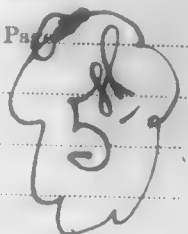
MEMORANDA.

14 ✓

Name Edmond K. Henry (Date) Sept 5 1899.  
 Choctaw? yes County Saint Paul Year 96 No. 5065  
 Chickasaw? County Year Page 124  
 Citizen by blood? yes Mother's citizenship Choc  
 Intermarried citizen?  
 Married under what law?

19

License filed this day,  
 Wife's name, Mary Henry  
 Choctaw? yes County Year No.  
 Chickasaw? County Year Page  
 Citizen by blood? Mother's citizenship us  
 Intermarried citizen? yes  
 Married under what law? Choc  
 License filed this day yes



Names of children:

14 mo

|                        |        |      |      |     |
|------------------------|--------|------|------|-----|
| <u>Jessie R. Henry</u> | County | Year | Page | No. |
|                        | County | Year | Page | No. |
|                        | County | Year | Page | No. |
|                        | County | Year | Page | No. |
|                        | County | Year | Page | No. |
|                        | County | Year | Page | No. |
|                        | County | Year | Page | No. |
|                        | County | Year | Page | No. |
|                        | County | Year | Page | No. |

✓ On roll Edmond Henry

Choctaw 4564

Waukoguee, Indian Territory, June 17, 1902.

Mary Dyer,

Russellville, Indian Territory.

Dear Madam:

The Commission has information of the death of your former husband, Edmond K. Henry, since the time he was listed for enrollment by this Commission as a citizen of the Choctaw Nation.

For the purpose of making his death a matter of record there is enclosed you herewith a blank for proof of death, which you are requested to have properly executed and return to this office in the enclosed envelope which requires no postage.

You will notice that there is an affidavit for a relative and an acquaintance. In having the same executed be careful to see that all blanks are properly filled, all names written in full and in event either of the persons whose names are to be affixed to the affidavits are unable to write and their signatures are by mark, that such signatures be attested by two disinterested parties, witnesses thereto. The notary public before whom the affidavits are acknowledged, must affix his notarial jurat and seal to each separate affidavit.

Yours truly,

D C  
Env

Acting Chairman

DEPARTMENT OF THE INTERIOR,  
Commission to the Five Civilized Tribes.

In the matter of the death of Edmond K Henry a citizen of the Choctaw Nation, who formerly resided at or near Russellville, Ind. Ter., and died on the 22 day of December, 1900.

Affidavit of Relative.

United States of America, )  
Indian Territory, )  
Central District, )

I, W. D. Henry, on oath state that I am 28 years of age and a citizen, by Blood, of the Choctaw Nation; that my post office address is Russellville, Ind. Ter.; that I am Brother of Edmond K Henry who was a citizen, by Birth, of the Choctaw Nation; and that said Edmond K Henry died on the 22 day of December, 1900.

W. D. Henry

Subscribed and sworn to before me this 23 day of June 1902.

(SEAL)

S. P. Davis  
Notary Public.

My commission expires March 4, 1903.

Affidavit of acquaintance.

United States of America, )  
Indian Territory, )  
Central District, )

I, Sam Gibson, on oath state that I am 22 years of age, and a citizen, by Birth, of the Choctaw Nation; that my post office address is Russellville Ind. Ter.; that I was personally acquainted with Edmond K Henry who was a citizen, by Birth, of the Choctaw Nation; and that said Edmond K. Henry died on the 22 day of December, 1900.

Sam Gibson..

Subscribed and sworn to before me this 21 day of June 1902.

(SEAL)

S. P. Davis  
Notary Public.

(On Back)

In re the death of Edmond K. Henry a citizen of the Choctaw Nation. Approved June 25, 1902. T. B. Needles, Commissioner. Filed Jun 26 1902 Tams Bixby Acting Chairman. Choctaw 4564.



Ex. 1262  
Creek T. 672 0

Muskegee, Indian Territory, March 19, 1907.

Mary Dyer,

Russelville, Indian Territory.

Dear Madam:

You are hereby advised that the name of Edmond Henry, deceased, is 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 a selection of land in the Creek Nation can now be made for him by the administrator at the Creek Land Office in Muskegee, Indian Territory.

Respectfully,

Commissioner.

Creek Enrollment # 1202

Edmond Henry.

Listed on Creek Indian  
Card File No. 4720.

RESIDENCE: \_\_\_\_\_

POST OFFICE: Enterprise & J.

Choctaw  
**CHEROKEE NATION.**

Choctaw  
**CHEROKEE ROLL.**

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

FIELD No. 4564

| Dawes' Roll No. | NAME                            | Relationship to Person first Named. | AGE | SEX | BLOOD. | TRIBAL ENROLLMENT. |           |      | TRIBAL ENROLLMENT OF PARENTS.                   |                        |                                       |                 |       |           |
|-----------------|---------------------------------|-------------------------------------|-----|-----|--------|--------------------|-----------|------|---|------------------------|---------------------------------------|-----------------|-------|-----------|
|                 |                                 |                                     |     |     |        | Year.              | District. | No.  | Name of Father.                                 | Year.                  | District.                             | Name of Mother. | Year. | District. |
| Head 1          | Henry, Edmund <sup>of ad</sup>  |                                     | 24  | m   | 1/4    | 1896               | San Bois  | 5065 | Pat Henry                                       |                        | breck cit                             | Martha Henry    | ad    | San Bois  |
| DW 1023         | Pyer, Mary                      | Wife                                | 19  | F   | Sw     |                    |           |      | a a Ellis                                       |                        | non cit                               | Corra B Ellis   |       | non cit   |
| 12650           | Henry Jesse                     | son                                 | 14  | m   | 1/8    |                    |           |      | no 1  |                        |                                       | no 2            |       |           |
| 12651           | " Britton                       | son                                 | 2m  | m   | 1/8    |                    |           |      | no 1  |                        |                                       | no 2            |       |           |
| DW 1024         | Pyer Thomas <sup>33</sup>       | husband of no 2                     | 33  | m   | Sw     |                    |           |      | Jos. Pyer                                       |                        | non cit                               | Jusan Pyer      |       | non cit   |
| 6               |                                 |                                     |     |     |        |                    |           |      |   |                        |                                       |                 |       |           |
| 7               | no 1 hereon dismissed           |                                     |     |     |        |                    |           |      | no 1 died                                       | Dec 22nd 1900          | Evidence of death filed June 26, 1902 |                 |       |           |
| 8               | under order of the Commission   |                                     |     |     |        |                    |           |      | no 4 Enrolled                                   | Oct 16th 1900          |                                       |                 |       |           |
| 9               | to the Five civilized Tribes of |                                     |     |     |        |                    |           |      | no 2 is the wife of Thomas Pyer on Choctaw Card |                        |                                       |                 |       |           |
| 10              | March 31, 1905 -                |                                     |     |     |        |                    |           |      | #A433, June 17, 1902 -                          |                        |                                       |                 |       |           |
| 11              |                                 |                                     |     |     |        |                    |           |      | Evidence of birth of no 3                       | filed June 17, 1902    |                                       |                 |       |           |
| 12              | ENROLLMENT.                     |                                     |     |     |        |                    |           |      | no 5 transferred from Choctaw Card #A433 see    |                        |                                       |                 |       |           |
| 13              | OF NOS. 2 & 5 HEREON            |                                     |     |     |        |                    |           |      | decision of August 31, 1904                     | Sept 15, 1904          |                                       |                 |       |           |
| 14              | APPROVED BY THE SECRETARY       |                                     |     |     |        |                    |           |      | For child of nos 2 & 5 see                      | nr 13 (Apr 26.06) #116 |                                       |                 |       |           |
| 15              | OF INTERIOR. Oct. 21 1904       |                                     |     |     |        |                    |           |      |   |                        |                                       |                 |       |           |
| 16              | ENROLLMENT.                     |                                     |     |     |        |                    |           |      |   |                        |                                       |                 |       |           |
| 17              | OF NOS. 2 & 4 HEREON            |                                     |     |     |        |                    |           |      |   |                        |                                       |                 |       |           |
| 18              | APPROVED BY THE SECRETARY       |                                     |     |     |        |                    |           |      |   |                        |                                       |                 |       |           |
|                 | OF INTERIOR. March 6 1903       |                                     |     |     |        |                    |           |      |   |                        |                                       |                 |       |           |
|                 | P. O. Russellville, May 1904    |                                     |     |     |        |                    |           |      |   |                        |                                       |                 |       |           |



CR EN 1203

CR EN 1203

H.A. 43

Maakegoe, Indian Territory, February 19, 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 Minnie Evans as a Creek Freedman, together with the decision of the Commissioner to the Five Civilized Tribes.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

NON-8-19-1907.

B. A 43

Muskogee, Indian Territory, February 19, 1907.

Hannah Steele,  
General Delivery,  
Muskogee, Indian Territory.

Dear Madam:

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 child, Minnie Evans, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in said 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.

HGN-R-22-1907.

Muskogee, Indian Territory, February 19, 1907

M. L. Nett,

Attorney for Creek Nation.

Muskogee, Indian Territory.

Sir:

There is herewith transmitted one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of ~~the~~ application for the enrollment of Minnie Evans 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 Commissioner is informed of the same.

Respectfully,

Commissioner.



DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Minnie Evans as a Creek freedman.

## D E C I S I O N .

The record in this case shows that on June 3, 1901, application was made, in affidavit form, for the enrollment of Minnie Evans as a Creek freedman, under the provisions of the Act of Congress approved June 30, 1902, (32 Stats., 500). A supplemental affidavit of the midwife was filed on the same date.

The only evidence as to the paternity of said child is the ex parte affidavit filed by the mother of said child in which the statement is made that the father of the child was a man by the name of Frank Evans, and that the latter was, on June 3, 1901, the date of the affidavits, dead. It appears from the evidence that the said mother, Hannah Steele, was a non-citizen. It appears from the records of this office that there is, upon a partial schedule of Creek freedmen approved by the Secretary of the Interior March 13, 1902, opposite number 2214, the name "Frank Evans".

Every reasonable effort has been made by this office to procure from the mother, and from other sources, evidence as to the paternity of the applicant and the identity of her father, but no additional evidence could be obtained. The evidence in the case is insufficient to establish either the paternity of the applicant or the identity of the alleged father with the Frank Evans who appears upon said roll of Creek freedmen.

It is, therefore, ordered and adjudged that the said Minnie Evans is not entitled to be enrolled as a Creek freedman, under the Act of Congress approved June 30, 1902 (32 Stats., 500), and the application for her enrollment as such is accordingly denied.



Commissioner.

Muskogee, Indian Territory,

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CR EN 1204

CR EN 1204

(COPY)

Muskogee, Okla.  
July 28, 1909.

Hon. J. George Wright,  
United States Indian Inspector,  
Muskogee, Oklahoma.

Dear Sir:-

As guardian of Calvin Durant Bradley, enrolled upon the rolls of the Creek Nation under the Minor Creek Indian Roll No. 14, to whom there was allotted the following described land:

Lot One (1), Lot Nine (9), the North Nineteen and fifty-three one hundredths (19.53) acres of Lot Ten (10), the West Five (5) Acres of the South West Ten (10) Acres of Lot Ten (10); lot Eleven (11) and Lot Six (6), of Section Five (5); the South Half of the South East Quarter of The North East Quarter and the South West Quarter of the North West Quarter of the South East Quarter of the North East Quarter of Section Eleven (11), Township Nineteen (19), North, Range Nine (9) East, as surplus allotment, and the South West Quarter of the North East Quarter of Section Eleven (11), Township Nineteen (19), North and Range Nine (9) East as the homestead allotment, for all of which patents were issued on March 27th, 1909

I desire to call your attention to the following facts.

There appears upon the Freedman Roll of the Creek Nation, under No. 161 the name of Ned Bruner, enrolled as twenty years of age, whose enrollment was made by Winnie Davis, alleging herself to be his mother, and alleging that he was the son of Warrior Bruner. There was allotted to him the North Half of the North West Quarter of Section Seven (7), and the North East Quarter of the North West Quarter of Section Seven (7), and Lot Five (5) of Section Six (6), all in Township Fourteen

(14), North, and Range Nine (9) East.

There also appears upon the same Roll, under No. 3759, the name of Ned Bruner, enrolled as ten years of age, which enrollment was made by Warrior Bruner, asserting himself to be the father of the allottee, and that the mother of the allottee was Mary Bruner. There was allotted to him under this enrollment the South East Quarter of Section Eighteen (18), Township Nineteen (19) North and Range Fifteen (15) East.

From information which I consider reliable, I believe and represent to you that the same person, Ned Bruner, is enrolled under both numbers and has received the two allotments described above in the Creek Nation.

I have made a very careful investigation of this matter and believe that there is no question but that there is only one Ned Bruner, and that his enrollment under 3759 is fraudulent, and that he is really the child of Winnie Davis and Warrior Bruner, and that there was never any person by the name of Mary Bruner, who was the mother of this Ned Bruner, or of any other Creek Citizen by that name.

The allotment to my son and ward, Calvin Durant Bradley, is of practically no value, but was the best that I could find unallotted at the time of the selection of his allotment.

The Fraudulent allotment made to Ned Bruner, No. 3759, covering the South East Quarter of Section Eighteen (18) Township Nineteen (19) and Range Fifteen (15), includes land of great value. I desire to have proceedings begun to cancel the last allotment of Ned Bruner on the South East Quarter of Section 18-19-15, and desire to be permitted to reconvey under the proper orders of the County Court of Muskogee COUNTY, the allotment made to my said son and ward, and to be permitted to select in lieu thereof said land so fraudulently allotted to Ned Bruner as an allotment therein, and I respectfully ask that you cause to be instituted proceedings against the said

Ned Bruner for the cancellation of the allotment made to him under No. 3759, and that when such cancellation is made that I, as the guardian of my said son, be permitted to re-convey to the Creek Nation the allotment made to him and to select for him the said South East Quarter of Section 18-19-15.

Yours very respectfully,

N.A.Gibson  
Atty for Gdn.

(Signed) CassM. Bradley

Muskogee, Oklahoma, August 2, 1909.

Mr. Edward Herrick,  
General Office.

Sir:

You are hereby directed to proceed without delay to Haskell and Porter, Oklahoma, and such other places as may be necessary for the purpose of making an investigation as to the alleged duplication of enrollment of Ned Bruner, appearing opposite Nos. 161 and 3759 on the Creek Freedmen Roll.

For your information your attention is invited to the fact that Ned Bruner, appearing opposite No. 161, is shown by the records of this office to be about thirty-one years of age and is the son of Winnie Davis and Warrior Bruner, the former living about three miles north of Haskell, and that Ned Bruner, appearing opposite No. 3759, is shown by the records to be about twenty years of age and is the son of Mary and Warrior Bruner, the former residing near Porter, Oklahoma. It is further alleged that the said Ned Bruner lives "back and forth" with Warrior Bruner and Winnie Davis.

For your further information there are herewith transmitted plats of allotment and census cards showing the

E.M.-2

name of the said Ned Bruner.

Your actual and necessary expenses incurred in the performance of this duty will be paid upon the presentation of proper vouchers to the Special Disbursing Agent.

Respectfully,

Commissioner,

Through C. F. Bliss,  
Clerk in Charge,

Allotment Control Division.

DMB(GM)  
Encl. 2-1



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

-----0-----

Gatesville, Oklahoma, August 4, 1909.

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In the matter of the duplicate enrollment of Ned Bruner as a Creek freedman, whose name appears on Creek freedman card Field No. 42, opposite approved Roll No. 161, and also on Creek freedman Card Field No. 990, opposite approved Roll No. 3759.

.....000.....

WARRIOR BRUNER, being first duly sworn by Edward Merrick, Deputy United States District Clerk for the Eastern District of the State of Oklahoma, testified as follows:

By Edward Merrick on behalf of the Commissioner:

Q What is your name ?

A Warrior Bruner.

Q How old are you ?

A About 47.

Q What is your postoffice address ?

A Gatesville, Oklahoma.

Q You are a regularly enrolled Creek freedman, are you ?

A Yes sir.

NOTE:

From an examination of the records of the office of the Commissioner to the Five Civilized Tribes it appears that the witness Warrior Bruner is regularly enrolled as a Creek freedman on Creek freedman card field No. 990, opposite Roll No. 3757.

Q Warrior, on your card on which appears the name of your wife, Mary, and other members of your family, also appears the name of one Ned Bruner, I will ask you if you have a son by that name ?

A Yes sir, said to be.



- Q Referring to card field No. 990 it appears that the mother of said Ned Bruner is given as Mary Bruner - I will ask you if that is correct ?
- A No sir.
- Q Mary Bruner, who appears on the card with you, is your wife ?
- A Yes sir.
- Q Is she the mother of Joseph, David, Viola, Thomas and Lewis ?
- A Yes sir.
- Q Are they children of yours ?
- A Yes sir.
- Q Have you any other child by the name of Ned or Edward Bruner ?
- A No sir.
- Q Then, Warrior, the records of the Commission are not correct when they show that the mother of your son Ned is given as Mary ?
- A No sir.
- Q By referring to Creek freedman card field No. 42 there appears the name of Ned Bruner opposite Roll No. 161, and it further appears that Warrior Bruner is the father and that one Winnie Davis is the mother, I will ask you, Warrior, if Winnie Davis is the mother of your son Ned ?
- A Yes sir.
- Q Did your wife Mary ever have a child by the name of Ned Bruner ?
- A No sir.
- Q You are lawfully married to Mary are you ?
- A Yes sir.

- Q Do you remember when you gave in the names of the members of your family to the Commission at the time they were enrolled ?
- A Yes sir.
- Q And at that time did you give in your son Ned ?
- A I guess I did, yes sir.
- Q But if the records show that you gave the name of Ned's mother as Mary that was a mistake, was it ?
- A Yes sir.
- Q It should have been Winnie Davis ?
- A Winnie Londen had been her name.
- Q Do you know what her name is now ?
- A No sir.
- Q It appears from her card, Warrior, that she has three children by the names of Millie, Mary and Sarah Vann; do you know whether that is correct ?
- A Yes sir.
- Q Winnie Davis is the mother of these three Vann children ?
- A Yes sir.
- Q She is also the mother of your son Ned ?
- A Yes sir.
- Q About how old is Ned now ?
- A Ned is near about 23 or 24 years old.
- Q At the time your family was listed for enrollment, which was in September 1898, it appears from your card that your son Ned's age was at that time 10 years - is that about correct ?
- A Yes sir, that is about correct.
- Q Do you know whether or not he is of age now ?
- A Yes sir.
- Q He would be about of age anyway ?

- A Yes sir.
- Q You don't know his exact age ?
- A No sir.
- Q Do you know of your own knowledge how his name appears on the card with Winnie Davis ?
- A No sir.
- Q It appears that the Winnie Davis card was made in August 1898 and that Ned Bruner's age was given at that time as 20 years - that would be 11 years ago, would that be correct ?
- A I don't know.
- Qn That would make him too old would it not ?
- A Yes sir.
- Q He was 20 years old when he was listed for enrollment ?
- A He was not that old at that time.
- Q On her card it appears that at the time of the listing of Winnie Davis, Ned Bruner and the Wann children, the age of Winnie Davis was given as 13 - that would be about 11 years ago - I will ask you if 13 would be about right ?
- A I don't know it might be, she is a pretty old little woman.
- Q And your son Ned was given as 20 years, and according to that Winnie Davis would have only been 13 years old when Ned was born - that is not probable ?
- A No sir.
- Q See, Warrior, you have but one child named Ned, have you ?
- A Yes sir.
- Q And he is the son of Winnie Davis ?
- A Yes sir.
- Q And he was an illegitimate child ?
- A He was a stolen child.

- Q And you repeat, Warrior, that Mary never had a son by the name of Ned ?
- A No sir, she never.
- Q Do you know where Winnie Davis lives now ?
- A She lives in a place that they call Comhanty just above Haskell.
- Q How far from Haskell ?
- A About 4 or 5 miles; I don't know exactly where she lives.
- Q Warrior you filed for your son Ned at the time you filed for other members of your family, did you ?
- A Yes sir.

NOTE:

The records of the office of the Commissioner to the Five Civilized Tribes show that Warrior Bruner filed for himself, his wife, and other members of his family, including Ned, on April 21, 1899, and on January 12, 1903, he filed for a son by the name of Lewis.

- Q You say you have another child younger than Lewis ?
- A Yes sir, she is enrolled.
- Q Warrior do you know anything about Ned having secured any other allotment besides the one you selected for him ?
- A No, sir.
- Q Did you select Ned's allotment along with other members of your family ?
- A Yes sir.
- Q Does he still own his allotment ?
- A I don't know whether he do or not - I hardly think he does. I heard him and McKay had made a trade.
- Q Does Ned Bruner live with you ?
- A No sir.
- Q Where does he live ?
- A He lives with my sister at Clarksville, Mary Lewis.
- Q He sometimes visits with you, does he ?
- A Yes sir.

Q Did Ned ever tell you whether or not he had more than one allotment ?

A No sir.

NOTE:

It appears from the records of the office of the Commissioner to the Five Civilized Tribes that an arbitrary allotment was made on July 11, 1902, to Ned Bruner, opposite approved Roll No. 161.

Q As to any other allotment except the one that you selected for your son Ned you know anything about ?

A No sir.

Q Is your wife Mary Bruner at home ?

A No sir.

Q Where is she ?

A Up to Dave Harris.

Q She knows that you have a son by the name of Ned by Winnie Davis ?

A Yes sir.

Q She has never claimed to be the mother of Ned, has she ?

A No sir, only a step-mother.

Q So you think that Ned's age now is about 20 or 21, do you ?

A Yes sir.

Q You don't know his exact age ?

A No sir, I didn't get no record of it.

Q At the time you had him listed for enrollment with other members of your family in September, 1895, his age was given as 10 years, is that about correct ?

A I think that is about correct.

Q According to that he would be 21 years old sometime in September this year would he ?

A Yes sir.

Q You think Ned sold his allotment that you selected for

him ?

- A I think so; I am most sure he is.
- Q The homestead also ?
- A I don't know whether he sold the homestead. I heard that McKay bought his land.
- Q Ned don't live at home, does he ?
- A No sir.
- Q Does he stay with you at any time, Warrior ?
- A No sir.
- Q Did he ever live with you ?
- A Yes sir, he lived with me quite a while.
- Q Did he ever live with Winnie Davis ?
- A Yes sir.
- Q Has he lived with Winnie Davis within the last 8 or 9 years ?
- A Yes sir, he lived with her until last year. He came over here this spring to make a crop with my sister.
- Q Warrior, if the records of the Commissioner's office show that there has been two Ned Bruners enrolled, you given as the father of each, is that or is that not a mistake ?
- Q It is a mistake.
- Q You solemnly swear to that ?
- A Yes sir.
- Q And he is the son of Winnie Davis ?
- A Yes sir.
- Q And you say your wife Mary Bruner never had a child by the name of Ned ?
- A No sir.
- Q Is there any other statement you desire to make with reference to this, Warrior ?
- A No sir.

Testimony taken in the vicinity of HASKELL, OKLAHOMA,  
August 5, 1908.

-----  
WINNIE WRIGHT, formerly Winnie Davis, being first duly  
sworn by Edward Merrick, a Notary Public,  
testified as follows:

By Edward Merrick on behalf  
of the Commissioner.

Q What is your name ?

A Winnie Wright.

Q What is your postoffice address ?

A Haskell, Oklahoma.

Q How old are you ?

A I don't know how old I am.

Q Was your name Winnie Davis at the time you were enrolled  
by the Commission ?

A Yes sir.

Q The records of the Commission show that in 1898 you listed  
yourself and Ned Bruner, Millie, Mary and Sarah Wynn, for  
enrollment as Creek freedmen ) I will ask you if that is  
correct ?

A Yes sir.

Q What is your age now Winnie ?

A I cannot guess at my age.

Q What town do you belong to ?

A Arkansas.

Q What was the name of your father ?

A His name is Jesse London.

Q What was the name of your mother ?

A Vincy Barnett.

NOTE:

Witness is identified on Creek freedman card  
field No. 42, opposite No. 150.

Q Are you acquainted with Ned Bruner ?



- A : Yes sir.
- Q What relation is Ned Bruner to you ?
- A My son.
- Q Did you at the time you listed the other members of your family give in the name also of Ned Bruner ?
- A Yes sir.
- Q Who is the father of Ned Bruner ?
- A Warrior Bruner. Ned is the oldest child.
- Q Are you acquainted with Warrior Bruner's present family, that is, do you know his family that he has got now ?
- A Yes sir.
- Q Do you know whether he has another boy by the name of Ned Bruner ?
- A Ned is the only one I know.
- Q It appears that when Warrior Bruner had himself and his family listed for enrollment that he gave in with his children the name of Ned Bruner, and the card shows that the name of the mother of said Ned Bruner was given as Mary Bruner - I will ask you if that is correct ?
- A No sir.
- Q Are you acquainted with Mary Bruner, the wife of Ned Bruner ?
- A Yes sir.
- Q Did Mary Bruner ever have a child by the name of Ned Bruner ?
- A No sir; She has not got no child named Ned.
- Q At the time you selected an allotment of lands for yourself and your children Millie, Mary and Sarah Vann, did you select an allotment for Ned Bruner ?
- A No sir.



- Q So when you selected land for yourself and members of your family you left Ned Bruner out ?
- A Yes sir, he was living then with his daddy. I was living in the Seminole Nation when I enrolled them, then I moved down here and then filed for these three girls.
- Q You thought at the time that Warrior Bruner would look out after the filing for Ned ?
- A Yes sir.
- Q Ned was living at that time with Warrior ?
- A Yes sir.
- Q Has Ned lived with you since that at any time ?
- A He has not lived with me but he comes back and forth to see me.
- Q About how old is Ned now ?
- A I don't know how old he is.
- Q Is Ned Bruner older than your daughters Millie, Mary and Sarah ?
- A He is the oldest.
- Q At the time you listed yourself and children for enrollment you gave the name of Millie Vann as 11 years old, that was about 11 years ago, is that correct ?
- A Yes sir.
- Q How old is Millie Vann now ?
- A 22.
- Q And you say that Ned is older than Millie ?
- A Yes sir.
- Q In 1898 when you listed yourself and children you gave the age of Ned as being at that time 20 years of age, that would make him about 31 now, is that correct ?
- A Yes sir.
- Q Are you certain that Ned is more than 21 years of age ?
- A Yes sir, he is of age now I know.

- Q Is Ned married ?
- A No sir.
- Q Do you know where his allotments are ?
- A No sir, I don't know where it is.
- Q Did you ever talk to him about his allotments ?
- A Yes sir, I asked him and he said it was at Oatcross.
- Q Did he ever tell you that he had sold his allotment ?
- A He said he had sold it to somebody but I have forgotten who.
- Q Did Ned ever tell you that he had two allotments ?
- A No sir.
- Q You didn't have anything to do with the selection of any allotment for Ned, did you ?
- A No sir.
- Q You left that matter to Warrior Bruner ?
- A Yes sir, I didn't file for him.
- Q You at one time was the wife of Isaac Davis, a Seminole ?
- A Yes sir.
- Q Is Wesley Vann the father of Millie, Mary and Sarah ?
- A Yes sir.
- Q You are certain then that there are not two Neds Bruners, are you ?
- A I am certain of that.
- Q And you know it to be a fact that Mary Bruner, the wife of Warrior Bruner, never had a boy by the name of Ned ?
- A No sir, she never had a boy named Ned.
- Q And Ned Bruner is your child by Warrior Bruner ?
- A Yes sir.
- Q Do you know where Ned Bruner is now ?
- A He is over there with his granter living at Clarksville.
- Q Does he ever come to see you ?
- A Once and awhile he comes over.

- Q He has never talked to you very much about his allotments has he ?
- A No sir.
- Q Are you certain that he is more than 21 years of age ?
- A Yes sir, he is older than the rest of the children.
- Q Do you know, Winnie, how old you was when you were enrolled ?
- A I was a woman - I cannot tell my age.
- Q Do you know whether you were over 30 years old ?
- A I was over that.
- Q On your card it appears that Ned's age was given as 20, do you know whether that was correct or not; and you were given as 33 and according to that you would have been but 13 years old when Ned was born - I will ask you if you were older than that ?
- A I was older than that.
- Q According to Warrior Bruner's Census card it appears that at the time he gave in the name of Ned that Ned's age was given as 10 years old and that would make Ned at this time about 20 years of age or nearly 21, and you state in your testimony that you believe that he is more than 21 years of age at this time, I will ask you if your statement that he is more than 21 years is correct to the best of your knowledge ?
- A Yes sir.
- Q At the time you had Ned enrolled did you know his age ?
- A I didn't quite know it.
- Q And you may have been mistaken when you said he was 20 years of age ?
- A It may have been a mistake.

Q You don't think he was 20 years old at that time ?

A I may have made a mistake; I have forgotten the age; I don't know how old they all were.

Q Do you know about how much older Ned is than Millie, your daughter ?

A He is way yonder older than Millie; I guess there is about three years difference between Millie's age and Ned's.

NOTE:

Millie Vann, the oldest daughter of Winnie Vann, is present and from her appearance she looks to be about 20 or 21 years of age.

Q So you are satisfied that Ned is three years older than Millie ?

A Yes sir.

Q And you are further satisfied that there is but one Ned Bruner and that <sup>he</sup> was your child ?

A Yes sir; Mary aint got marry children named Ned.

(Witness excused)  
-----

GRAYSON WATT, being first duly sworn by Edward Merrick, a Notary Public, testified as follows:

By Edward Merrick on behalf of the Commissioner:

Q What is your name ?

A Grayson Watt.

Q How old are you ?

A About 65.

Q What is your postoffice address ?

A Haskell, Oklahoma.

Q Are you acquainted with Ned Bruner the child of Winnie Wright ?

A Yes sir.

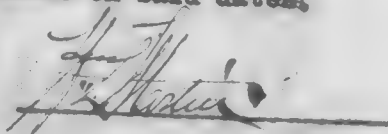
Q How long have you known Ned ?

A About 16 years or more.

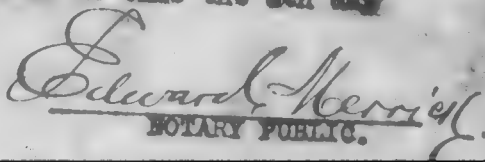
- Q From your judgment what would you think would be the correct age of Ned at this time ?
- A I think Ned's age would be about 21 or 22.
- Q You say you have known him about 16 years ?
- A Yes sir.
- Q Are you acquainted with Warrior Bruner's family ?
- A Yes sir.
- Q Are you acquainted with his wife Mary ?
- A Yes sir.
- Q Did Mary ever have a boy by the name of Ned Bruner ?
- A No sir.
- Q If Mary had had a child by the name of Ned you would have known it ?
- A Yes sir.
- Q Are you related to Winnie Wright, Warrior Bruner and Ned Bruner ?
- A No sir.
- Q Have you any interest either direct or indirect in this matter ?
- A No sir.

(Witness excused)

Wm. L. Martin, upon oath, states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said dates.



Subscribed and sworn to before me this the 6th day of August, 1909.



EDWARD HERRICK  
NOTARY PUBLIC.

Muskogee, Oklahoma, August 14, 1909.

Subject:

In the matter of the  
duplicate enrollment  
of Ned Bruner.

... ..

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the fact that the name of Ned Bruner appears upon Creek Freedman Field Card No. 42 and is contained in a partial schedule of Creek freedmen approved by the Department March 13, 1902, opposite Roll No. 161, together with his mother, Winnie Davis, and his three half sisters, Millie, Mary, and Sarah Vann; also that the name of Ned Bruner appears upon Creek Freedman Field Card No. 990 and is contained in a partial schedule of Creek freedmen approved by the Department March 23, 1902, opposite Roll No. 3759, together with his father, Warrior Bruner, his step-mother, Mary Bruner, his half brothers, Joseph, David, Thomas, and Lewis Bruner, and his half sister, Viola Bruner.

By referring to said Creek Freedman Field Card No. 42, it appears that in August, 1898, Winnie Davis had the

names of herself and children, including said Ned Bruner, listed for enrollment as Creek freedmen; that Warrior Bruner is the father of said Ned Bruner; that the age of said Ned Bruner was given as twenty years, and that he is a member of Arkansas Town, identified on the 1890 Creek Freedman Tribal Roll, Page 19, and on the 1895 Creek Pay Roll at No. 1867.

It further appears from the records of this office that on July 16, 1902, Lot 5 of Section 6 and the N/2 of the NE/4 and the NE/4 of the NW/4 of Section 7, Township 14 North, Range 9 East, containing 162.91 acres, was arbitrarily allotted to said Ned Bruner, approved Roll No. 161, by the Commission to the Five Civilized Tribes, and that allotment Patent No. 5998, covering the N/2 of the NE/4 and the NE/4 of the NW/4 of Section 7, Township 14 North, Range 9 East, and Homestead Patent No. 5999, covering Lot 5 of Section 6, Township 14 North, Range 9 East, signed by the Principal Chief of the Creek Nation November 18, 1902, approved by the Department January 15, 1903, and filed for record in the office of the Commission to the Five Civilized Tribes January 30, 1903, were, on March 31, 1903, transmitted to the Principal Chief of the Creek



Nation for delivery to the allottee, Ned Bruner. This office is advised by the Principal Chief of the Creek Nation that said Patents No's. 5998 and 5999 have not been delivered to Ned Bruner, but are now with the files in the Principal Chief's office.

By referring to said Creek Freedmen Field Card No. 990, it appears that in September, 1898, Warrior Bruner had the names of himself, wife and children, including said Ned Bruner, listed for enrollment as Creek freedmen; that the name of the mother of said Ned Bruner was given as Mary Bruner; that the age of said Ned Bruner was given as ten years, and that he was a member of the Arkansas Town, identified on the 1890 Creek Freedman Roll, Page 19, and on the 1895 Roll at No. 1867.

It further appears from the records of this office that on May 4, 1899, the SE/4 of Section 18, Township 19 North, Range 15 East, containing 160 acres, was selected in allotment for said Ned Bruner, approved Roll No. 3759, by his father, the said Warrior Bruner, and a certificate of allotment issued on that date, and that Allotment Patent No. 21864, covering the E/2 of the SE/4 and the NW/4 of the SE/4 of Section 18, Township 19 North, Range 15 East, and Homestead Patent No. 21865, covering the SW/4 of the SE/4 of Section 18, Township 19 North, Range 15 East, signed by



the Principal Chief of the Creek Nation November 7, 1903, approved by the Department December 2, 1903, and filed for record in the office of the Commission to the Five Civilized Tribes December 7, 1903, were, on January 6, 1904, transmitted to the Principal Chief of the Creek Nation for delivery to the allottee, Ned Bruner. This office is advised by the Principal Chief of the Creek Nation that said Patents No's. 21864 and 21865 were delivered to Warrior Bruner, the father of said Ned Bruner.

It appears from an examination of the records of the Register of Deeds of Creek County, Oklahoma, that the following conveyances have been made of the land allotted to said Ned Bruner under his enrollment as a Creek freedman opposite approved Roll No. 161:

WARRANTY DEED

Ned Bruner, Grantor,

To

Jacob A. Bearman, Grantee.

Conveying all of the allotment; dated August 8, 1908.

.....

WARRANTY DEED

Jacob A. Bearman, Grantor,

To

Frederick B. Righter, Grantee.

Conveying all of the allotment;  
Dated September 4, 1908.

.....

It also appears from an examination of the records of the Register of Deeds of Wagoner County, Oklahoma, that the following conveyances have been made of the land allotted to Ned Bruner under his enrollment as a Creek freedman opposite approved Roll No. 3759:

GENERAL WARRANTY DEED

Ned Bruner, single, grantor,

To

Perry M. McKay, grantee.

Conveying all of the allotment exclusive of the homestead.  
Dated November 21, 1904.

.....

WARRANTY DEED

Perry M. McKay, Grantor,

To

John S. Bilby, Grantee.

Conveying all of the allotment ex-  
clusive of the homestead.  
Dated June 22, 1908.

.....

WARRANTY DEED

Ned Bruner, single, grantor,

To

Abe Morrison, grantee.

Conveying all of the homestead  
allotment.  
Dated July 27, 1908.

.....

GENERAL WARRANTY DEED

Abe Morrison, single, grantor,

To

Jacob A. Bearman, grantee.

Conveying all of the homestead  
allotment.  
Dated August 10, 1908.

.....

GENERAL WARRANTY DEED

Jacob A. Bearman and  
Alice T. Bearman, his wife, Grantor,

To

Josiah W. Shippey, Grantee.

Conveying all of the homestead  
allotment.  
Dated September 4, 1908.

.....

QUIT CLAIM DEED

Janiah H. Shippey, Grantor,

To

Jacob A. Bearman, Grantee,

Conveying all of the homestead  
allotment;

Dated March 18, 1909.

.....

WARRANTY DEED

Jacob A. Bearman and  
Alice F. Bearman, his wife, grantors,

To

John S. Bilby, grantee.

Conveying all of the homestead  
allotment.

Dated March 18, 1909.

.....

On August 4 and 5, 1909, a representative of this office secured the testimony of said Warrior Bruner and Winnie Davis, now Winnie Wright, and of Grayson Watt, an acquaintance of the family, relative to the duplicate enrollment of said Ned Bruner as a Creek freedman. The testimony of these parties establishes, beyond any doubt, that the Ned Bruner whose name appears upon Creek Freedman

Field Card No. 42, opposite approved Roll No. 161, is the same person as the Ned Bruner listed on Creek Freedman Field Card No. 990, opposite approved Roll No. 3759; that the mother of said Ned Bruner is Winnie Davis, as appears on said Card No. 42, and not Mary Bruner, as appears on said Card No. 990, and that said Warrior Bruner is the father of Ned.

Mary Bruner, the wife of Warrior Bruner, never had born to her a son named Ned, and the notation on said Card No. 990, shewing Mary Bruner to be the mother of Ned Bruner, was erroneously made at the time of the listing for enrollment the said Warrior Bruner and the members of his family. Ned Bruner is an illegitimate son of said Warrior Bruner and Winnie Davis, and was living with said Winnie Davis in August, 1898, and was listed for enrollment with her and her three children by Wesley Vann. Warrior Bruner testified that he also listed Ned for enrollment in September, 1898, when he and the other members of his family were listed.

While it appears that Winnie Davis had Ned Bruner listed for enrollment, she did not, so she testifies, select an allotment for him, for the reason that, at the time she filed for herself and her other children, he was

not living with her, but with his father, Warrior Bruner, and that she supposed Warrior would attend to Ned's filing. The records of this office and the testimony in this case show that Warrior Bruner did attend to this matter, and a selection was made for him under his enrollment as a Creek freedman opposite No. 3759. No selection of an allotment having been made for Ned under his enrollment opposite No. 161, an arbitrary allotment was made by the Commission, as above stated, thus resulting in two full allotments being made to said Ned Bruner.

Under the enrollment of Ned Bruner opposite No. 161, he became of age in August, 1899, however, under his enrollment opposite No. 3759, he will not be twenty-one years of age until September, 1909. Therefore, the conveyances executed by him under such enrollment are voidable and the vendees thereunder are not innocent purchasers. Consequently, it would seem, by reason of the sales of the arbitrary allotment, that same should not be cancelled, but that the cancellation of the selection of the allotment made by Warrior Bruner can be had without serious complication, and, in view of the fact of the close proximity of the date on which the said Ned Bruner, Roll No. 3759, will attain

his majority, even though I have caused to be made of record in the office of the register of deeds of the county in which said land is located a notice of these proceedings, it is extremely important that this matter be given immediate consideration, and that I be advised as soon as practicable.

In view of the facts and the evidence in this case, I respectfully recommend that opposite the name of Ned Bruner on the copy of the approved roll of Creek freedmen, No. 3759 in your office; on that of the Commissioner of Indian Affairs, and that in this office, the following notation be placed:

"Duplicate enrollment;  
not entitled to allotment",

and 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 cancellation of the allotment and evidences of the title in the said Ned Bruner opposite Roll No. 3759.

A transcript of the evidence in this matter, together with copies of Creek Freedmen Field Cards No's.

11.

42 and 990 are herewith enclosed.

Respectfully,

MM(VR 14-14)

Commissioner.

Through the  
Commissioner of  
Indian Affairs.



Muskogee, Oklahoma, January 4, 1910.

Mr. Cass M. Bradley,

Muskogee, Oklahoma.

Sir:

For your information, there is herewith enclosed a copy of Departmental letter of December 5, 1909, relative to the duplicate enrollment of Ned Bruner as a Creek freedman.

The Department directs that the following notation be placed upon the Creek Rolls in connection with the name of Ned Bruner, appearing thereon opposite No. 3759:

"Duplicate enrollment;  
not entitled to land or money,"

but holds that the possibility of recovering for the Creek Nation the land embraced in the duplicate allotment is too remote to warrant the institution of a suit to cancel the patents issued in the name of said Ned Bruner.

Respectfully,

WHA(VR 4-2)

Acting Commissioner.

*Del in person May 15, 1903*

F.161, Ned Bruner,  
Certificate No. 17259, mailed to Winnie Davis, Wewoka.  
Deed No. 5998 and 5999, mailed to Chief 3-31-03

F.3759, Ned Bruner,  
Certificate No. 1809, mailed to Warrior Bruner,  
Choska  
Deed Nos. 21864-5, mailed to Chief 1-6-04

*Del to ~~Winnie~~ Bruner, March 5, 1904*

Winnie Davis lives 3 miles north of Haskell.

Warrior Bruner lives near Porter

Ned Bruner goes lives back and forth with Warrior  
Bruner and Winnie Davis.

It appears from an examination of the records of the Register of Deeds of Creek County, Oklahoma, that the following conveyances have been made of the land allotted to Ned Bruner under his enrollment as a Creek freedman, opposite approval roll number 161:-

Warranty Deed

Ned Bruner, grantor  
to

Jacob A. Bearman, grantee

Description:  $\text{N}\frac{1}{2}$  of the  $\text{N}\frac{1}{4}$  and  $\text{N}\frac{1}{4}$  of  $\text{N}\frac{1}{4}$  of section 7, and Lot 5 of section 6, Township 14 North, Range 9 East.

Consideration, \$500.00

Date of execution, August 8, 1908,

Date of acknowledgment, August 8, 1908,

Recorded in ~~Book 5~~ August 21, 1908

in Book 5, <sup>on</sup> page 381

Warranty Deed

Jacob A. Bearman and Alice J. Bearman, grantors  
to

Frederick B. Rightler, grantee,

Description;  $\text{N}\frac{1}{2}$  of  $\text{E}\frac{1}{4}$  and  $\text{E}\frac{1}{4}$   
of  $\text{E}\frac{1}{4}$  of section 7, and  
Lot 5 of section 6, of Township  
14 North, Range 9 East,

Consideration, \$3200<sup>00</sup>

Date of execution, September 4, 1908

Date of acknowledgment, September 4, 1908

Recorded September 5, 1908 in Book 17  
on page 203

It also appears from an examination  
of the records of the Register of Deeds of  
Nowata County, Oklahoma, that the  
following conveyances have been made  
of the land allotted to Fred Bruner  
under his enrollment as a Creek Freedman,  
opposite <sup>approval</sup> roll number 3759: -

General Warranty Deed

Wes. Bruner, single, grantor,  
to

Perry McKay, grantee,

Description;  $\text{N}\frac{1}{2}$  of the  $\text{S}\frac{1}{4}$  and  $\text{S}\frac{1}{4}$  of  
the  $\text{S}\frac{1}{4}$  of section 18, Township  
19 North Range 15 East

Consideration, 1000<sup>00</sup>

Date of execution November 21, 1904

Date of acknowledgment November 21, 1904

Recorded November 21, 1904 in Book 10 on page 110

Warranty Deed

Perry M. McKay, grantor  
to

John S. Kilby, grantee

Description: E $\frac{1}{2}$  of the S E $\frac{1}{4}$  and of W $\frac{1}{4}$  of  
S E $\frac{1}{4}$  of section 18, Township 19 North,  
Range 15 East,

Consideration, \$1750.00

Date of execution June 22, 1905

Date of acknowledgment June 22, 1905

Recorded June 24, 1905 in Book 24 on page 357

~~No. 3~~ Warranty Deed

Abe Brunner, <sup>single,</sup> grantor  
to

Abe Morrison, grantee,

Description: NW $\frac{1}{4}$  of the S E $\frac{1}{4}$  of section 18  
Township 19 North, Range 15 East

Consideration, \$1.00 and other valuable consideration

Date of execution, July 27, 1908

Date of acknowledgment July 27, 1908

Recorded July 27, 1908 in Book 66 on page 380

General Warranty Deed

Abe Morrison single, grantor  
to

Jack A. Beaman, grantee,

Description: NW $\frac{1}{4}$  of the S E $\frac{1}{4}$  of section 18 of  
Township 19 North, Range 15 East.

Consideration, \$400.00

Date of execution August 10, 1908

Date of acknowledgment August 10, 1908

Recorded August 11, 1908 in Book 67 on page 449

General Warranty Deed

Jacob Bearman and Alice T. Bearman his wife grantors  
to

Joseph A. Shippey grantee,

Description: SW<sup>1</sup>/<sub>4</sub> of the S E<sup>1</sup>/<sub>4</sub> of Section  
18 Township 19 North, Range 15  
East.

Consideration \$800<sup>00</sup>

Date of execution, September 4, 1908

Date of acknowledgment, September 4, 1908

Recorded September 8, 1908 in Book 64 on page 552

Quit Claim Deed

Joseph A. Shippey grantor  
to

Jacob A. Bearman grantee,

Description: SW<sup>1</sup>/<sub>4</sub> of the S E<sup>1</sup>/<sub>4</sub> of Section  
18, Township 19 North, Range 15 East.

Consideration \$600<sup>00</sup>

Date of execution, March 18, 1909

Date of acknowledgment, March 18, 1909

Recorded March 20, 1909 in Book 70 on page 492

Warranty Deed

Jacob A. Bearman and Alice T. Bearman, his wife, grantors,  
to

John S. Bilby, grantee

Description: SW<sup>1</sup>/<sub>4</sub> of the S E<sup>1</sup>/<sub>4</sub> of Section 18, Township  
19 North, Range 15 East, and other lands  
not alluded to in the previous

Consideration \$3600<sup>00</sup>

Date of execution, March 18, 1909

Date of acknowledgment, March 18, 1909

Recorded March 22, 1909 in Book 70 on page 522

3

B64- 552 552

Land Office Receipt

Sept 4-1908.

Jacob A. Krauman & Alice T. Krauman

to

Joseph W. Shipley, of Wash. D.C. on behalf

of the U.S. Govt.

for the sum of \$1000.00 - 19-15

Witness Jacob A. Krauman

Alice T. Krauman

and signed in presence of

Sept 4-1908

Com. Expenses met 28-1908

John J. ...

Sept 5-1908 Sam

J. W. ...

Aug 10 - 1908. Book 64 - <sup>571</sup>Page 449 (2)

Abe Morrison of Wagoner (a single man)  
to  
Jacob A Bearman of Broken Arrow Okla

Consideration \$-  
400

SW<sup>4</sup> of SE - Sec 18 - T19N R15E.  
40 acrs.

Witnesses

A L Laws  
E R Taltot

Signed  
Abe Morrison

State of Okla  
Tulsa Co

A L Laws - notary Public in and for

10th day of August 1908 - personally appeared Abe Morrison and  
made known to me to be the identical person as

Com. Exp. March 28 - 1912  
A L Laws - notary Public



I did for record. Aug 11 - 1908 - 3 PM

J W Riddle  
Notary Public



①

# Warranted Deed

2000

Rec'd by <sup>Paul</sup> ~~Ben~~

for Money - (at interest)

Amount - \$1.00 and other should be paid

and

SW of SE of 18 19 N 15 E.  
40 acres.

July 27-1908

St. Louis

Alta E. Hall

F. L. Scammon

his  
Wm X Brown  
220.00

Attest my hand

Flanagan

2/10/12

F. L. Scammon

Notary Public

Was approved Jan 21-1912

Filed for record 27 July 1908. 9<sup>14</sup> am

J. W. White Notary

70-500

Warranty bond

Jacob A. Beerman  
and wife to Wm. A. ...

Filed for record  
Mar 22 1909. Chas  
J. W. ...

John J. Belby

Consideration \$3000

Receipt NW 1/4 of 28 of 18-19-15 + NE 1/4 of 19-15

NW 1/4 33-19-15 - NW 1/4 33-19-15.

SW 1/4 32-19-15.

Signed

Jacob A. Beerman  
Abie J. Beerman

Act - Mar 18-1909-

Jacob A. Beerman  
Abie J. Beerman

con. of  
Mar 28-1912

A. L. Laws.  
Noty Public

7123

(2)

B. 24-357

W.D.

From Perry in May - Hackberry  
to ...  
and ...  
Consolidation 1750.00  
of 18-19-15

Perry in May - Hackberry and Gustaf  
in May ... to John Riley  
June 22-1905

Lynne Perry in May  
Gustaf ...

ACK. June 22-1905

E B Harris

Com E May 15-1907

with ...

Filed for ...

June 20-1905. S. A. ...

J L Spenser  
Agent, ...

① 4871-  
21<sup>st</sup> by W.D.  
November - 1904

B  
12 ~~700~~ <sup>Page</sup>  
410

Red Brown, a such man

to Perry M McKay - of  
Hartsville

\$ consideration  
1000

Des. N<sup>o</sup> 08 & 06 of 06 - 18 - 19 - 15

Witnesses

Paul Crowder  
R. Brownbridge

Red Brown <sup>his</sup> <sub>hand</sub>

Ack. Nov 21-1904-

Com Ed Sep 17-1908 H J Dilley  
Wm Parker

B 70-492<sup>P</sup>

Quit claim deed

Jonah N Shippey

Filed for record

to

Mar 20 1908

Jacob S. Beaman

Sam

Just. Prob. Reg. dist.

March 1909

Jonah N Shippey - Celia M Shippey his wife of

Brookline Avenue Olla Tuba County

Considered in 600<sup>00</sup>

2 N<sup>o</sup> of 26<sup>o</sup> of Sec 18. 9 19 - N R 15 E

Jonah N Shippey

Celia M Shippey

Com. of Tuba. ss Act.

A L Laws - on 18 March 1909 - appeared

Jonah N Shippey & Celia M Shippey his wife

A L Laws

Com. Act March 26 - 1912

Notary Public

(4)

B P  
59-477

Oil Gas Lease

Filed for Record July 20, 1908  
at 11:00 am

John S Bilby

J V Shuffman et al

Witnessable by 7.000

this agreement made 17 day of July ad 1908 by between  
John S Bilby first part and J V Shuffman and George  
Beringer of the second part

Consideration 720.<sup>00</sup> and other good & valuable considerations

Description E 1/4 of NW 1/4 of the SW 1/4 and the E 1/4 of  
SE 1/4 NW 1/4 Sec 18 - T 19 N R 15 E

all Rentals to be paid to Commercial Bank of Colorado 240 acres

Act:

Signed sealed & del. in

Presence of Geo E. Hoster

John S Bilby

Geo Beringer

James V Shuffman

Witnesed and Subscribed

July 17 - 1908

Com Exp May 20 1911 Thomas W Waller

For value received I hereby transfer assign the interest in and to the within have to the Toledo Oil Gas Company

January 20 - 1908. James Shuffman

13 68-259

Notice

Filed for record

Aug 10, 1919

at 8 o'clock AM

J. W. P. Public Reg. Secy

Minneapolis Minn

Aug 7, 1919

J. G. Wright

Public

Dept of Interior

Upon me hereby notified that the Brown Creek Iron  
Lode No. 3759 has been found to be a  
sublocation upon the roll and that immediate  
steps will be made for the cancellation of  
the 26<sup>th</sup> of Sec 16 T 19 N R 13 E 40<sup>th</sup>  
and the selection of all other lands  
and minerals

J. G. Wright Com

RECORD OF CONVEYANCE.  
\*\*\*\*\*

Character of Instrument W. H.  
Grantor Med. Bures { Flood citizen \_\_\_\_\_  
P. C. \_\_\_\_\_ { Nation, Roll No. \_\_\_\_\_  
Juntee Jacob A. Beasman;  
P. C. Broken Arrow, Okla  
Description W<sup>2</sup> of NE4 & NE4 of NW4 of  
Sec 7 32 Lat 5 of Sec 6 Twp 14  
R 9 East.  
Consideration \$500<sup>00</sup>  
Date of execution 8-20-1908.  
Date acknowledged 8-20-1908.  
Name of Notary Charles C. Crain,  
Date filed for record 8-21-1908.  
County Creek Book 5 Page 281

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

-----\*-----  
Foregoing is a correct abstract of the records of said conveyance, taken  
from the records of said county Aug 10 -, 1909, by

C. J. Barrett.  
District Agent.  
By W. Rodgers.



RECORD OF CONVEYANCE.

Character of Instrument 70. H.

Grantor Jacob A. Beasman + Alice T. Beasman  
lost citizen

P. O. Broken Arrow, Okla. Nation, Roll No.

Grantee Frederic B. Righter,

P. O. Broken Arrow, Okla.

Description W 2 of NE 4 + NE 4 of NW 4 of  
Sec 7 Twp 14 - R. 9 East + Lot 5  
of Sec 6 Twp 14 R. 9 East,

Consideration \$3200<sup>00</sup>

Date of execution 9-4-1908,

Date acknowledged 9-4-1908,

Name of Notary A. J. James,

Date filed for record 9-5-1908.

County Creek Book 17 Page 203,

REMARKS:

Forfeiting is a correct abstract of the records of said conveyance, taken  
from the records of said county Aug-10-, 1909, by

O. J. Harrett,  
Act District Agent.  
By J. W. Rodgers,

F 161.

Allotment

No of 2<sup>1/2</sup> and 4<sup>1/2</sup> of 7<sup>1/2</sup> of 7-14-9 = 120 ac

Homestead

Lot 5 of 6-14-9 = 42.91 acres

Net Pruner. Value \$ 628.80

F 3759.

Allotment

No of 2<sup>1/2</sup> and 7<sup>1/2</sup> of 2<sup>1/2</sup> of 18-19-15 = 120 ac

Homestead

No of 2<sup>1/2</sup> of 18-19-15 = 40 acres

Net Pruner. Value \$ 792.00

628.80

1420.80

Drew

Ned Bruner

Possible duplicate enrollment

There are two persons by this name enrolled as Creek freedmen

Ned Bruner who is enrolled in Creek Freedmen Census Case No. 42, approved roll number 161 is a son of Harrison Bruner and Minnie Davis. He was 22 years of age on the date of his enrollment on Aug. 1898. He was identified on the 1890 roll at page 19 and on the 1895 roll at No 1867 and an arbitrary allotment was made to him by the Commissioner.

Ned Bruner who is enrolled in Creek Freedmen Census Case No. 990, approved roll No. 3759 is a son of Harrison and Mary Bruner. He was 10 years of age in September 1898 the date of his enrollment. He was identified on the 1890 roll at page 19 and on the 1895 roll at No. 1867.

It will be noticed that they have the same father but different mothers. One was 10 and the other 20 years of age in 1898. Both were identified on the same page of the 1890 roll and all the same on the 1895 roll. The father

checked his statement,

It is very probable, there may be a  
duplicate enrollment - but in view of  
the fact that the records show that they  
have different mothers and <sup>there is a</sup> wide difference  
in their ages it would be necessary to  
investigate the matter to determine definitely  
whether the Tanner at age 12 and 375 g  
is one and the same person.

CR EN 1204

CR EN 1204

JP

LJH

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

I.T.D. 5940, 6130, 7256, 7262, 7292, -1907  
7296, 7310, 7324, 7334, 7342, 7366,  
7396, 7398, 7400, 7402, 7406, 7416,  
7430, 7432, 7436, 7438, 7450, 7460,  
7462, 7488, 7492, 7506, 7568, 7638,  
7670, 7702, 7704, 7718, 7720, 7736, -1907.

March 4, 1907.

LRS

DIRECT.

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

Sir:

Your decisions in the following Creek citizenship cases  
adverse to the applicants are hereby affirmed. Copies of Indian  
Office letters submitting your reports and recommending that the  
decisions be affirmed are inclosed.

| Title of Case.                            | Date of your<br>letter of transmittal. |
|---|--|
| Annie Davis, et al., (Freedman)           | February 8, 1907.                      |
| Martha Menika Davidson,                   | February 9, 1907                       |
| William Perryman,                         | February 18, 1907                      |
| Israel Micoe,                             | February 16, 1907                      |
| Kizzie, (deceased)                        | February 16, 1907                      |
| Mary Perryman, (deceased),                | February 16, 1907                      |
| James Larnoy (deceased),                  | February 20, 1907                      |
| Genetta and Isabell Rentie, (freedmen),   | February 20, 1907                      |
| Snake,                                    | February 20, 1907                      |
| James F. Pendleton (deceased)             | February 21, 1907                      |
| Lilly Valentine, et al., (freedmen)       | February 20, 1907                      |
| Frank Jackson, (deceased), (Freedman,)    | February 19, 1907                      |
| Rose Blanton, (freedman),                 | February 20, 1907.                     |
| Lela Love, (freedman),                    | February 18, 1907.                     |
| Bera Lee and Savanna G. Castle (freedmen) | February 19, 1907                      |
| James Deere, et al.,                      | February 2, 1907                       |
| Charley Kernell,                          | February 2, 1907                       |
| Millard Smith (freed man)                 | February 18, 1907                      |
| Lila Jefferson (freedman)                 | February 16, 1907                      |
| Bertha Anderson (freedman)                | February 16, 1907                      |
| Katie Smith, deceased (freedmen)          | February 2, 1907                       |
| Lucy Grayson, deceased,                   | February 23, 1907                      |
| Eullison Haynie,                          | February 23, 1907,                     |
| Leah Thompson, deceased,                  | February 23, 1907                      |
| Nellie Graham, (Freedman)                 | February 20, 1907.                     |

-2-

Nilechoe (or Nellie Red)  
William Bennett (freedman)  
George W Bird, deceased,  
Joseph M. Wheeler Coachman, deceased,  
Charles Galen Dymond,  
William and Lisa Farber,  
Richard Hastings, (freedman)  
Wyley Steele, deceased,  
Jennie Richards, deceased (freedman)  
William Hannel, alias Wm. McGillbra, freedman)

February 21, 1907  
February 19, 1907  
February 8, 1907  
February 20, 1907  
February 23, 1907  
February 23, 1907  
February 25, 1907  
February 25, 1907  
February 25, 1907  
February 14, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

H. A. Kibbeok,

Secretary.

35 inc. and 70 for Ind.  
Of. with copy hereof.

Refer in reply to the following  
Land  
18319-1907

COPY  
DEPARTMENT OF THE INTERIOR/  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON. March 1, 1907

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby dated February 20, 1907, transmitting the record relative to the application for enrollment of Snake, deceased, as a citizen by blood of the Creek Nation. On February 19, 1907, the Commissioner held that the applicant was not entitled to enrollment

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

Very respectfully,  
C F Larrabee  
Acting Commissioner

JPB GH



JP  
OK

DEPARTMENT OF THE INTERIOR,

LBS.

WASHINGTON.

I. T. D.  
6134, 6144, 7028, 7054-07.  
7128, 7226, 7230, 7236-07.  
7238, 7248, 7252, 7260-07.  
7336, 7340-07.

March 4, 1907.

Direct

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

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

| Title of case.                         | Date of your Letter of Transmittal. |
|--|-------------------------------------|
| Henry Lowe,                            | February 16, 1907.                  |
| Mary Rogers, deceased, (Freedman)      | February 13, 1907.                  |
| Ellen Primmer (Freedman)               | February 21, 1907                   |
| Charley Williams, deceased, (Freedman) | February 14, 1907                   |
| Clarence Bruner (Freedman)             | February 23, 1907                   |
| Maria Sears,                           | February 23, 1907                   |
| Homer Whetsel, Freedman.               | February 23, 1907                   |
| Euna Mason, et-al (Freedmen.           | February 2, 1907                    |
| Leanna Johnson (Freedman)              | February 2, 1907                    |
| Anna Charlesoy, (Deceased.             | February 14, 1907                   |
| Rose Bell Brew, (Freedman)             | February 18, 1907                   |
| Hubert Humphreys (Freedman)            | February 16, 1907                   |
| Little Doctor, deceased.               | February 20, 1907.                  |
| Lenard Davis (Freedman),               | February 21, 1907.                  |

A copy of all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock  
Secretary.

14 inc. and 28 inc.  
for Ind. Of.  
3/4/07.

COPY

DEPARTMENT OF THE INTERIOR.

Land.  
18320-1907.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON.

March 1, 1907.

The Honorable,

The secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby, dated February 20, 1907, transmitting the record relative to the application for enrollment of Little Doctor, deceased, as a citizen by blood of the Creek Nation. On February 19, 1907, the Commissioner held that the applicant was not entitled to enrollment.

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

Very Respectfully,

C. F. Larrabee,

Acting Commissioner,

JPB-GH

CR EN 1205

CR EN 1205

Son of C4623 & C4624

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Oklahoma, January 21, 1910.

IN THE MATTER of the application for the enrollment of Lewis Bird-Creek, as a citizen by blood of the Creek Nation.

Testimony of Peggie Bird-Creek taken at Weleetka, Oklahoma, January 19, 1910.

EXAMINATION ON BEHALF OF THE COMMISSIONER, Conducted by Charles H. Drew.

- Q What is your name? A Peggie Bird-Creek.  
Q What is your age? A 22 years old.  
Q What is your post office address? W Weleetka, Oklahoma.  
Q To what town do you belong? A Tuckabatchee.  
Q How many brothers have you? A Five.  
Q Have all of them been allotted land in the Creek Nation? A Yes sir, except Lewis. He was not allotted.  
Q How old is Lewis and when was he born? A He was born March 26, 1902.  
Q Your mother and his mother are the same person? A Yes sir.  
Q What was the name of your mother? A Mandy Bird-Creek.  
Q Is she living? A No sir, she died May 29, 1907.  
Q What is the name of your father? A Jesse Bird-Creek.  
Q Is he the father of your brother Lewis? A Yes sir.  
Q Is your father living? A Yes sir, he is living and his post office is Weleetka, Oklahoma.  
Q Can you account why your father did not make application for his enrollment before the Commission to the Five Civilized Tribes? A All I know that he don't believe in this allotment and he is a Snake Indian. I suppose that was his reason for not making application for his enrollment.  
Q Are you positive that he was born March 26, 1902? A Yes sir.  
Q Will you select an allotment for your brother Lewis in the event this application is approved? A Yes sir.

Witness excused.

I, Charles H. Drew, Clerk to the Commissioner to the Five Civilized Tribes, state on oath that the above and foregoing is a true and correct transcript of my notes taken in long hand on the date before mentioned.

*Charles H. Drew*  
C L E R K .

Subscribed and sworn to before me this 21st day of January, 1910.

COMMISSIONER EXPIRES *Mar 21* 1912.

*J. J. Morrison*  
NOTARY PUBLIC.

CR EN 1206

CR EN 1206

SAC Creek Section 2/

#1200

In the matter of application  
for enrollment of

Annie Creechowl  
and Concharty Mico Creechowl  
as a citizen of Creek  
Nation

See JK# 4049  
CC# 4049

12/12/10

Testimony used in  
Creek cases no 21  
(new investigation)

14

Etal

Application of  
Annie Creechowl

#1206

#1206

Application of  
Annie Creechowl  
Etal

Warrant

12/12/10  
Jury trial in  
Court Room no 21  
(see proceedings)

See JK # 449  
C # 449

Motion

Annie Creechowl  
and Cora Kelly, Mrs Creechowl  
Administrators of Creek

for settlement of

In the matter of application

#1206

EMPTY



CR EN 1208

CR EN 1208

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Hasson, I. T., July 19, 1904.

C. 3071.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Bonie and Toby Wiley as citizens by blood of the Creek Nation.

GIBSON JAMES, being duly sworn, testified as follows:

Through L. G. McIntosh, Official Interpreter:

By Commission:

- Q What is your name? A Gibson James.
- Q What is your age? A About 33.
- Q What is your post office? A Hasson.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q What town do you belong to? A Weogufke.
- Q Do you hold any official position in the Creek Nation? A No, I did fill out at one time.
- Q Was that as a member of the house of kings or house of warriors? A Warriors.
- Q Did you know Bonie Wiley? A Knew him well.
- Q Do you know Toby Wiley? A Yes, sir.
- Q What is their father's name? A Wiley Lasley.
- Q What town did he belong to? A Hillabee Canadian.
- Q Is he living? A He died.
- Q What was their mother's name? A Linoche.
- Q What town did she belong to? A Okohiye.
- Q How old was Toby? A I don't know.
- Q About how old is he? A I don't know exactly. He is a married man.
- Q Which was older, Toby or Bonie? A Bonie was the oldest. Barney is the name he went by here among the Indians and he was the oldest of the two.
- Q Did Toby have a younger brother named Bonie? A I don't know that some have died.
- Q Is Barney living? A Died.
- Q What date did he die? A A pretty good while ago.
- Q Did you know the family well? A I knew these pretty well but didn't know about the younger ones that died.
- Q Were you at the funeral of Barney? A No, sir.
- Q Where were you when he died? A I can't say exactly where I was at the time.
- Q Can you tell me how long it was after he died until you was told he was dead? A When any one dies the town goes to work and builds a house over the grave and sometimes it took a day and sometimes two days and I heard they were working there but I didn't go.
- Q How long after that until you found out about the death of Barney? A I was at the funeral and I probably heard of it the same day.
- Q Can you tell me whether that was before or after the Creek Land Office was opened at Muskogee? A I don't remember that.
- Q Do you know whether there was a record made of the date of his death? A No, sir, I don't know.
- Q Is Toby Wiley living? A Yes, sir.
- Q What is his post office address? A Hasson.
- Q Where is he living? A Stays at Wiley Buckner's.
- Q How old is he? A I don't know.
- Q Were Bonie and Toby Wiley full bloods? A Yes, sir.

C. 3071--2.

SUDIE JAMES; being duly sworn, testified as follows:

Through L. G. McIntosh, Official Interpreter:

By Commission:

- Q What is your name? A Sudie James.  
Q What is your age? A I don't know.  
Q About how old are you? A About 20 I suppose.  
Q What is your post office address? A Hasson.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q To what town do you belong? A Weogufke.  
Q Did you know Barney and Toby Wiley? A Yes, sir.  
Q What relation are they of yours? A Wiley was my uncle and Bonie and Toby were my cousins.  
Q Is Toby Wiley living? A Yes, sir.  
Q Is Barney living? A He died.  
Q To the best of your ~~memory~~ recollection how long has he been dead?  
A I don't know because I was quite young.  
Q What is your best recollection? A I quit school about three years ago and he died about two years before I quit school.  
Q As I understand you, you quit school about three years ago and you think that Barney died about two years before you quit school is that correct? A Yes, sir.  
Q Under what name are you enrolled by the Commission? A Sudie Lasley.

WILEY BUCKNER, being duly sworn, testified as follows:

Through L. G. McIntosh, Official Interpreter:

By Commission:

- Q What is your name? A Wiley Buckner.  
Q What is your age? A 45 years old.  
Q What is your post office address? A Hasson.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q What town do you belong to? A Hokchiye.  
Q What official position do you hold in the Creek Nation? A Member of house of kings.  
Q Did you know Bonie Wiley and Toby Wiley? A Yes, sir.  
Q Is Bonie also called Barney? A Yes, sir.  
Q Is he living? A dead.  
Q Can you tell me when he died? A Not able to tell.  
Q Did he die before or after the Creek Land Office opened in Musko-gee? A I don't know.  
Q Is Toby Wiley living? A Yes, sir.  
Q Where does he live? A He has got no home he is an orphan. He lives here most of the time.  
Q Do you know whether or not he has received an allotment in the Creek Nation? A I don't know whether he has an allotment or not but Amos Robison came down and said his land was up there and a man wanted to lease it and he leased it through Amos Robison.  
Q Do you know whether he has ever received any moneys from it? A No, sir, he didn't rent his land for money but he rented it for improvements and in case of any taxes within the time it was rented the man who rented it was to pay them.  
Q Do you know whether it was a written contract or not? A I don't think there was. Amos was authorized to act for the man and to come down and make a verbal contract.  
Q Do you know how old Toby is? A I don't know but I think he is about 16 or 17 years old.  
Q Do you know this Toby by the name of Toby Wiley? A He don't go by that? Goes by Toby Lasley.  
Q Did he have a brother by the name of Bonie or Barney Wiley? A They didn't go by Wiley here. He goes by the name of Barney Lasley.  
Q What was Toby Lasley's father's name? A Wiley Lasley.

C. 3071--3.

- Q What town did he belong to? A Hillabee Canadian.  
Q What was Toby Lasley's mother's name? A Linoche.  
Q Is she living? A Dead.  
Q What town did she belong to? A Okchiye.

---ooo000ooo0ooo000ooo---

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct transcript of his stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 21st day of July, 1904.

*(Signature)*

*D. C. Skaggs*

*Oliver C. Hinkle*

Notary Public.

*My Commission Expires June - 1908.*

C.I. 3071.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Wetumka, I. T., April 14, 1906.

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

JACK HICKMAN, being duly sworn, testified as follows:

Through Alex Posey official interpreter:

BY THE COMMISSIONER:

- Q What is your name? A Jack Hickman.  
Q How old are you? A About fifty-seven.  
Q What is your post office address? A Wetumka.  
Q Are you a citizen of the Creek Nation? A Yes, sir, I belong to Okchiye Town.  
Q Do you know a member of your town named Boney Wiley? A Yes, sir, he was a distant kinsman of mine and lived with me until a short time before his death.  
Q Do you know when he died? A I am unable to fix the exact date of his death but he has been dead quite a long time.  
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.  
Q Was he living at that time? A No, sir, he was dead. The Creek Tribal Courts had not been abolished at the time he died. Dave Barnett was judge of this district.  
Q Who were his parents? A Wiley Lasly and Linoche. Boney is not his correct name. His proper name was Barney Wiley.  
Q Did he have a brother named Tobey Wiley? A Yes, sir. Tobey is living. I drew money for Boney when the 1895 Payment was made and settled an account that he owed at Cummings' store at Proctor. He died less than two years after that payment.

---ooo000ooo---

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 20 day of April, 1906.

Alex Posey  
Notary public.

C. 3071.

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

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

STATEMENT AND ORDER.

It appears from the records in the possession of this office that on May 23, 1901, the name of Boney Wiley was listed for enrollment by the Commission to the Five Civilized Tribes, on Creek Indian card field No. 3071. The listing of said name is considered in the nature of an original application for the enrollment of said Boney Wiley as a citizen by blood of the Creek Nation. Further proceedings were had July 19, 1904 and April 14, 1906.

The evidence in this case is for the most part indefinite as to the date of death of said Boney Wiley but the weight of evidence establishes such date as prior to April 1, 1899.

It is therefore adjudged that there is no authority of law for the enrollment of said Boney Wiley, deceased, as a citizen by blood of the Creek Nation and the application for his enrollment as such is hereby ordered dismissed.



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

Muskogee, Indian Territory,

JUN 6 - 1908

INDEXED

COMMISSIONER TO FIVE COUNTRIES

No.

Indexed

14010

APR 21 1906

Posey, Alex,  
Wetumka, I.T.,  
Creek Nation,  
April 20, 1906.

Transmits testimony in re  
application for enrollment  
of Poney Wiley, deceased.  
as Creek citizen.

C.I. 3071.

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

Wetumka, Indian Territory, April 20, 1906.

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

Sir:

In the matter of the application for the enrollment of Boney Wiley, deceased, as a citizen by blood of the Creek Nation, there is enclosed herewith the testimony of Jack Hickman, taken April 14, 1906, together with other papers in relation to said cause.

Respectfully,

  
In Charge Creek Field Party.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
Muskogee, Oklahoma, January 21, 1910.

IN THE MATTER of the application for enrollment of Tobey Lasley  
as a citizen by blood of the Creek Nation.

Testimony of Tobey Lasley taken at his home 4 Miles south of  
Wetumka, Oklahoma, January 19, 1910.

EXAMINATION ON BEHALF OF THE COMMISSIONER, conducted by  
Charles H. Drew in the Creek Language.

- Q What is your name? A Tobey Lasley.  
Q What is your post office address? A Wetumka, Oklahoma.  
Q What is your age? A 22 years old.  
Q What town do you belong? A Okchiye.  
Q What was your mother's name and to what town did she belong? A  
Her name was Linoche and belonged to Okchiye town.  
Q What was your father's name and to what town did he belong? A  
Wiley Lasley and he belonged to Hillabb Candaian.  
Q Is your father and mother living? A No sir they died in about  
1898 or before the Land Office opened.  
Q Did you draw any money from the Creek Nation in 1895? A I do  
not remember for I was very small at that time.  
Q Did you ever make application before the Commission or Commissioner  
to the Five Civilized Tribes, at Muskogee, Oklahoma, to have land  
set aside as your allotment? A No sir.  
Q What was your reason? A Because I was young and was altogether  
depending on my town Chief Buckner, of Hanna, Oklahoma, to look  
after my business as he had promised to do but I understand he  
failed to do it and now I am without an allotment.  
Q You are now willing to make application before the Commissioner  
and accept your allotment? A Yes sir.

Witness excused.

Testimony of Eliza Hickman taken 4 miles south of Wetumka,  
Oklahoma, January 19, 1910.

- Q What is your name? A Eliza Hickman.  
Q What is your age? A 65 years old.  
Q What is your post office address? A Wetumka, Oklahoma.  
Q Are you a duly enrolled citizen of the Creek Nation? A Yes sir.  
Q Are you related to Tobey Lasley the applicant herein? A Yes sir  
he is my nephew and I have had charge of him since the death of  
his parents.  
Q Do you know the parents of the applicant? A Yes sir.  
Q How old is Tobey Lasley? A He is now past twenty years old.  
Q Can you account why Tobey Lasley was not allotted land in the  
Creek Nation? A Yes sir he was very young and depended upon his  
town King to file for him but some how the town King did not file  
him and after it was too late we discovered that he did not have  
any allotment.

(It appears from Old Indian Field Card, Creek No. 3071 (Inventory) that an erroneous identification was made of the name Teby Wiley with Tobey Lasley, Creek Field Card No. 2828, opposite roll No. 6008, as the parents of these two persons are entirely different. Old Indian Field Card No. 3071 shows the parents of Teby Wiley to be Wiley Lasley and Linche and Creek Field Card No. 2828 shows the parents of Tobey Lasley to be Gilbert Lasley and Kinzie Long.

Witness excused.

I, Charles H. Drew, Clerk to the Commissioner to the Five Civilized Tribes, State on oath that the above and foregoing is a true and correct copy of my transcript taken in long hand on the date before mentioned.

*Charles H. Drew*  
CLERK.

Subscribed and sworn to before me this 21st day of January, 1910.

My commission expires *Mar 21* - 1912.

*J. P. Morrison*  
NOTARY PUBLIC.

Residence \_\_\_\_\_

Post Office Ne-tun-ka 25,

Creek

NATION.

Creek

ROLL.

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

Field No. 3091

| Dawes' Roll No | NAME                | Relationship to Person First Named | AGE.      | SEX.     | BLOOD.     | TRIBAL ENROLLMENT. |                 |           | TRIBAL ENROLLMENT OF PARENTS. |            |                      |                 |            |                 |
|----------------|---------------------|------------------------------------|-----------|----------|------------|--------------------|-----------------|-----------|-------------------------------|------------|----------------------|-----------------|------------|-----------------|
|                |                     |                                    |           |          |            | Year.              | County.         | Age.      | Name of Father.               | Year.      | County.              | Name of Mother. | Year.      | County.         |
| 1              | <u>Niley, Boney</u> |                                    | <u>13</u> | <u>M</u> | <u>Ind</u> | <u>1895</u>        | <u>Oklahoma</u> | <u>76</u> | <u>Niley Lasley</u>           | <u>Ind</u> | <u>Ne-tun-ka Co.</u> | <u>Lina che</u> | <u>Ind</u> | <u>Oklahoma</u> |
| 2              | <u>" Tobey</u>      | <u>Mo.</u>                         | <u>22</u> | <u>"</u> | <u>"</u>   |                    |                 | <u>77</u> |                               |            |                      |                 |            |                 |
| 3              |                     |                                    |           |          |            |                    |                 |           |                               |            |                      |                 |            |                 |
| 4              |                     |                                    |           |          |            |                    |                 |           |                               |            |                      |                 |            |                 |
| 5              |                     |                                    |           |          |            |                    |                 |           |                               |            |                      |                 |            |                 |
| 6              |                     |                                    |           |          |            |                    |                 |           |                               |            |                      |                 |            |                 |
| 7              |                     |                                    |           |          |            |                    |                 |           |                               |            |                      |                 |            |                 |
| 8              |                     |                                    |           |          |            |                    |                 |           |                               |            |                      |                 |            |                 |
| 9              |                     |                                    |           |          |            |                    |                 |           |                               |            |                      |                 |            |                 |
| 10             |                     |                                    |           |          |            |                    |                 |           |                               |            |                      |                 |            |                 |
| 11             |                     |                                    |           |          |            |                    |                 |           |                               |            |                      |                 |            |                 |
| 12             |                     |                                    |           |          |            |                    |                 |           |                               |            |                      |                 |            |                 |
| 13             |                     |                                    |           |          |            |                    |                 |           |                               |            |                      |                 |            |                 |
| 14             |                     |                                    |           |          |            |                    |                 |           |                               |            |                      |                 |            |                 |
| 15             |                     |                                    |           |          |            |                    |                 |           |                               |            |                      |                 |            |                 |
| 16             |                     |                                    |           |          |            |                    |                 |           |                               |            |                      |                 |            |                 |
| 17             |                     |                                    |           |          |            |                    |                 |           |                               |            |                      |                 |            |                 |
| 18             |                     |                                    |           |          |            |                    |                 |           |                               |            |                      |                 |            |                 |

The date of the death of No. 1 is desired—  
 No. 2 is enrolled as "Tobey Lasley" on Creek Card # 2828.  
 Both on 1890 Oklahoma roll, with Lina che, Belle (identified as Belle Little, P.O. Ne-tun-ka 25.)  
 Gannan Willie (enrolled as "Gannan Lasley" on Creek Card # 2828) as "Borne" and "Tobe Willie".  
 No. 2 duplicated on 1890 Tullahoma roll (with Kagea Chupka, Jessie Chupka, Jannie Chupka, Annie Chupka, Lucy Chupka, William Lee, Mary Givie and Ganna Lasley) as "Tobie Lasley" — No. 1 does not appear thereon.  
 Both on '95 Oklahoma roll, with Lina che, as "Boney" and "Toby Niley". Money drawn for them by Jack Nickman, P.O. Ne-tun-ka, 25.  
 No. 2 duplicated on '95 Tullahoma roll (with Katcha Chupka, Jessie, John, Kizzie and Lucy Long and Gannan Lasley) as Tobey Lasley — Money drawn by Arbell Yohala (Jesse Brown, P.O. Indianola 25.).  
 No. 1 does not appear thereon. He was enrolled on Creek Card # 2828, P.O. Mallette, 25. The father of Tobey given thereon as Col. Herb Lasley — mother, Kizzie Long.

RESIDENCE:

POST OFFICE:

Wetumka, Ind. Ter.

Nation.

Roll.

CARD No.

FIELD No.

3071

| Dawes' Roll No. | NAME.        | Relationship to Person first Named. | AGE | SEX. | BLOOD. | TRIBAL ENROLLMENT. |           |     | TRIBAL ENROLLMENT OF PARENTS. |       |                |                 |       |           |
|-----------------|--------------|-------------------------------------|-----|------|--------|--------------------|-----------|-----|-------------------------------|-------|----------------|-----------------|-------|-----------|
|                 |              |                                     |     |      |        | Year.              | District. | No. | Name of Father.               | Year. | District.      | Name of Mother. | Year. | District. |
| 1               | Wiley, Bonny |                                     | 13  | m    | Full   | 1895               | Okchige   | 76  | Wiley Lasley                  | Deaf  | Billabe Gendin | Sinochel        | Deaf  | Okchige   |
| 2               | " Toby       | Bro                                 | 22  |      |        | "                  | "         | 77  | "                             | "     | "              | "               | "     | "         |
| 3               |              |                                     |     |      |        |                    |           |     |                               |       |                |                 |       |           |
| 4               |              |                                     |     |      |        |                    |           |     |                               |       |                |                 |       |           |
| 5               |              |                                     |     |      |        |                    |           |     |                               |       |                |                 |       |           |
| 6               |              |                                     |     |      |        |                    |           |     |                               |       |                |                 |       |           |
| 7               |              |                                     |     |      |        |                    |           |     |                               |       |                |                 |       |           |
| 8               |              |                                     |     |      |        |                    |           |     |                               |       |                |                 |       |           |
| 9               |              |                                     |     |      |        |                    |           |     |                               |       |                |                 |       |           |
| 10              |              |                                     |     |      |        |                    |           |     |                               |       |                |                 |       |           |
| 11              |              |                                     |     |      |        |                    |           |     |                               |       |                |                 |       |           |
| 12              |              |                                     |     |      |        |                    |           |     |                               |       |                |                 |       |           |
| 13              |              |                                     |     |      |        |                    |           |     |                               |       |                |                 |       |           |
| 14              |              |                                     |     |      |        |                    |           |     |                               |       |                |                 |       |           |
| 15              |              |                                     |     |      |        |                    |           |     |                               |       |                |                 |       |           |
| 16              |              |                                     |     |      |        |                    |           |     |                               |       |                |                 |       |           |
| 17              |              |                                     |     |      |        |                    |           |     |                               |       |                |                 |       |           |
| 18              |              |                                     |     |      |        |                    |           |     |                               |       |                |                 |       |           |

No. 1 on 1890 Roll, page 174, as "Barne Willie"  
 "2" " " " " 174 " "Toby Willie"  
 Could not find any trace of death in the  
 names of Charles & his wife & family  
 names of Buckner, Chumman & gradually  
 Had no proof of death  
 = "died"  
 No. 1. denied by Commissioner June 1906  
 5/23/1901

Justified 7/19/04  
 that he did not know  
 when not died -

CR EN 1209

CR EN 1209

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
Muskogee, Oklahoma, January 21, 1910.

IN THE MATTER of the application for enrollment of Eli Fish  
as a citizen by blood of the Creek Nation.

Testimony of Sylla taken at her home 5 miles North of Wetumka,  
Oklahoma, January 19, 1910.

EXAMINATION ON BEHALF OF THE COMMISSIONER, conducted  
by Charles H. Drew, in the Creek Language.

- Q What is your name? A Sylla.  
Q What is your age? A 60 years old.  
Q What is your post office address? A Wetumka, Oklahoma.  
Q What town do you belong? A Arbeka.  
Q What is the name of your husband? A Wilyunka.  
Q Is he a citizen of the Creek Nation and has he received an allotment of land? A Yes sir.  
Q To what town does he belong? A Alabama.

(The names Wilyunka and Sylla appears on Creek Field Card  
No. 4104 opposite roll No. 9382 and 9383, respectively.)

- Q Have you a child that has not received an allotment? A Yes sir.  
Q What is the name of that child? A Eli Fish.  
Q Who is the father of this child? A Wilyunka.  
Q How old is your son? A 7 or 8 years old.  
Q When was he born? A I do not know because I am an uneducated Indian and did not make a record of it.  
Q Why did you not make an application for his enrollment? A Because I am a member of the Snake Band of Indians and am opposed to allotting the land in severalty.  
Q In the event the application for the enrollment of this child is favorable received, will you accept the land allotted to him as his share of the tribal property? A Yes sir.  
Q Are you willing to make an affidavit that he is over six years old? A Yes sir.

Witness excused.

I, Charles H. Drew, Clerk to the Commissioner to the Five Civilized Tribes, state on oath that the above and foregoing is a true and correct transcript taken in long hand on the date before mentioned.

*Charles H. Drew*  
CLERK.

Subscribed and sworn to before me this 21st day of January, 1910.

My commission expires *Feb 21* 1912.

*S. P. Morris*  
NOTARY PUBLIC.

CR EN 1210

CR EN 1210



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
Muskogee, Oklahoma, January 31, 1910.

IN THE MATTER of the application for enrollment of James Berry and Susie Berry as citizens by blood of the Creek Nation.

James Berry testified as follows at his home in one and one half miles S. E. of Kufaula, Oklahoma, January 14, 1910.

EXAMINATION ON BEHALF OF THE COMMISSIONER.  
(Conducted by Charles H. Drew)

Charles H. Drew, Official Interpreter.

- Q What is your name? A James Berry.
- Q What is your age? A About 30 years old.
- Q What is your Post Office address? A Kufaula, Oklahoma.
- Q Are you a full blood Creek Indian? A No sir, I am one half Creek and one half Chickasaw Indian. My father was a full blood Chickasaw and my mother was a full blood Creek Indian.
- Q Have you been enrolled as a citizen of either Nation, Creek or Chickasaw, by the Commission or the commissioner to the Five Civilized Tribes? A No sir.
- Q You never made application for enrollment in either nation? A No sir.
- Q Do you know whether any one ever made application for you? A No sir.
- Q In what Nation are you making an application to be enrolled as a citizen? A Creek Nation.
- Q What town do you belong in the Creek Nation? A Okfuskee Canadian.
- Q Did you ever participate in any payment in 1890 or 1895? A No sir.
- Q Did you ever participate or draw any money in the Chickasaw Nation? A Yes sir, I received \$100.00 when I was about 18 or 20 years old.
- Q Where did you receive that money, in what county? A I received the money through my friends and they claim to have received them at Canadian, Oklahoma, through mail. I only knew it was one hundred dollars and did not inquire where it was paid.
- Q What is the name of your father? A Gibson Perry, a full blood Chickasaw Indian. He died when I was an infant.
- Q What was the name of your mother? A Kepossarr. She died when I was fifteen or sixteen years old.
- Q What town did she belong? A Okfuskee Canadian.
- Q Did you ever reside in the Chickasaw Nation? A No sir I was born and raised in this neighborhood.
- Q Why have you not made application for enrollment in either Nation? A Because I belong to the so called Snake Indians and was opposed to allotting the land in severalty; believing and having confidence in the treaty of 1838 between the Government and Creek Indians.



- Q When did you discover that you had no allotment? A Here recently when John Kelly called at your Office to ascertain whether or not I had an allotment as a citizen by blood of the Creek Nation, also in the Chickasaw Nation.
- Q Who is this man John Kelly? A He is Official Interpreter for the Snake Indians and a leader of that Band and he looks after the interests of that band in this neighborhood and has also represented them at Washington, D. C.
- Q Of what Nation do you desire to be enrolled, the Creek or the Chickasaw? A Creek Nation. As I was raised here and accustomed to their ways and the only language that I speak is the Creek I desire to be allotted here.
- Q Have you any children? A Yes sir. I only have one child by Peggy Henry and she is a girl.
- Q What is her name and when was she born? A Susie Berry and she was born November 10, 1905, and she is now living.
- Q Who is the mother of Susie? A Peggie Henry but Peggie is now dead.

(It appears on Creek Field Card No. 3496, opposite roll No. 8633, that one Peggie Henry was enrolled and her enrollment approved by the Secretary of the Interior March 28, 1902. It also appears that land was allotted to the said Peggie Henry January 14, 1902.)

- Q When did Peggie die, what year? A Last March 1909.
- Q Was she your legal wife? A Yes sir in the old way and in their customs.
- Q Who was the attending Physician or mid-wife, if you had any, when Susie was born? A I had a mid-wife, her name was Missie Tiger but she is dead now.
- Q Are you positive that she was born November 10, 1905? A Yes sir.
- Q Are you willing to make an affidavit to that effect? A Yes sir.
- Q Why did you not make an application for Susie Berry ~~XXXXX~~ before this time? A I understood that Alex Posey took her name when he was in this neighborhood taking the names of all the new born and minor Creeks and my understanding at all times was that she was enrolled and had an allotment in the Creek Nation but at the same time when Mr. Kelly made inquiry at your office found out that she was not enrolled.
- Q Of what Nation do you desire your daughter to be enrolled? A Creek Nation.
- Q Are you married now? A Yes sir.
- Q What is the name of your present wife? A Sallie Berry but she is enrolled as Sallie Johnson and she is a citizen of the Creek Nation and has taken an allotment.

(Sallie Johnson is identified on Creek Field Card No. 3593 opposite roll No. 8726.)

- Q Do you now desire to now take an allotment in the Creek Nation in the event that some legislation is enacted looking to the enrollment of yourself and child? A Yes sir.

I, Charles H. Drew, Clerk to the Commissioner to the Five Civilized Tribes, state on oath that the above and foregoing is a true and correct transcript of my notes taken in long hand on the date before mentioned.

*Charles H. Drew*  
CLERK.

Subscribed and sworn to before me this 21st day of January, 1910.

My commission expires *March 20* - 1912.

*J. P. Morrison* Notary Public

CR EN 1211

CR EN 1211

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
January 21, 1910.

IN THE MATTER of the application for enrollment of Sam, Della  
and Amanda Simmons, as citizens by blood of the Creek Nation.

Charley Simmons testified as follows at his home near Hanna,  
Oklahoma, on January 15, 1910.

EXAMINATION ON BEHALF OF THE COMMISSIONER:  
(Conducted by Charles H. Drew, in the Creek Language.)

- Q What is your name? A Charley Simmons.  
Q What is your post office address? A Hanna, Oklahoma.  
Q What is your age? A 37 or 38 years old.  
Q What town do you belong? A Weegufkee.  
Q What was the name of your father and mother? A My father's name  
was unknown to me as he was a Cherokee and died when I was a small  
boy and my mother's name was named Houston and she is living.  
Q What is your wife's name? A Dechee Simmons.

(Charles and Dechee Simmons are identified on Creek Field  
Card No. 2715, opposite roll No's 7529 and 7830, respectively)

- Q How many children have you whose names do not appear on the final  
roll of citizens of the Creek Nation? A Three--Sam, Della and  
Amanda.  
Q When was Sam born? A August 14, 1899. In the year when Chief  
Porter was elected Principal Chief of the Creek Nation.  
Q When was Della born? A December 16, 1901.  
Q When was Amanda born? A February 2, 1903.  
Q Are all these children living? A Yes sir.  
Q Why did you not appear before Alex Posey when he was in this  
country and make application to have these children enrolled? A  
Because I thought he would come around to get my children enrolled  
and I had the impression all the time that they were duly enrolled  
and had received allotments but upon recent investigation in your  
office I found out that they never was enrolled or neither ap-  
plication had been made for them. And when I found that they were  
not enrolled it was too late to make application.  
Q Do you now desire to have these children enrolled in the Creek Na-  
tion and have land allotted to them? A Yes sir.

Witness excused.

I, Charles H. Drew, Clerk to the Commissioner to the Five  
Civilized Tribes, state on oath that the above and foregoing is a  
true and correct copy of testimony taken in long hand by me on the  
date above mentioned.

*Charles H. Drew*  
CLERK.

Subscribed and sworn to before me this 21st day of January, 1910.

My commission expires *March 21-1912*

*S. P. Morrison, J. P.*

(COPY)

MISCELLANEOUS  
Enrollment of  
children of Charles  
Simmons, a Creek  
citizen.

Holdenville, Oklahoma, May 18, 1910.

Hon. Thos. Ryan,  
Acting Commissioner,  
Muskogee, Oklahoma.

Sir:

Referring to your letter of December 31, 1909,  
and my letter of December 14, 1909, relative to the  
enrollment of Sam, Stella and Amanda Simmons, children  
of Charley Simmons, a Creek citizen, Roll No. 7829, I  
beg to advise that the name of the mother of these  
children is Dochee Simmons, Creek Roll No. 7830.

If these children have been enrolled under another  
name I hope you will be able to locate them as the family  
is in very needy circumstances.

Respectfully,

(Signed) Jno Cordell,  
District Agent

EMPTY

CR EU 1213

CR EU 1213

DEPARTMENT OF THE INTERIOR,  
UNITED STATES INDIAN SUPERINTENDENT,  
Tulsa, Oklahoma, January 4, 1912.

ooooo

Before Mr. A. J. Ward, representing  
the Commissioner to the Five Civilized  
Tribes.

ooooo

INHERITED LAND CASE NO. 569.

In the matter of the right of  
Judy Barnett to enrollment as a full-  
blood citizen of the Creek Nation,  
whose death occurred prior to April  
1st, 1899.

ooooo

APPEARANCES:

- Mr. M. L. Mott, Attorney for the Creek Nation.  
Mr. C. F. Bliss, Representing the Commissioner  
to the Five Civilized Tribes.  
Mr. William A. Collier, representing M. Board,  
Guardian of Jonas Barnett.  
Mr. O. A. Morton, Representing James Barnett and  
Billy Barnett.  
Mr. Benjamin Moss, Representing B. C. Barnett and the  
March Oil Company.  
Mr. Irwin Donovan, Representing W. D. Cornelius.

THOMAS MOORE, having been first duly sworn  
by Mr. Charles F. Bliss, Deputy United States Clerk,  
Eastern District Oklahoma, testified as follows:

EXAMINATION BY MR. BLISS:

- Q What is your name?  
A Thomas Moore.  
Q How old are you, Mr. Moore?  
A 45 years old.  
Q What is your post office address?  
A Fame.  
Q Are you a citizen of the Creek Nation?  
A Yes, sir.  
Q Where do you live from Fame, which direction?  
A I live North a mile and then West a mile from Fame.  
Q How long have you lived in that locality?  
A I have lived there 22 years.  
Q Did you know Judy Barnett in her life-time?  
A Yes, sir.  
Q Did you know her husband?  
A Yes, sir.  
Q What was his name?  
A Yarda Barnett.  
Q Judy Barnett is the mother, or was the mother of  
Billy and Jim Barnett?  
A Yes, sir.

Mr. Morten:

I object to the question  
because it is leading.



Q Was the party that you mention as having known, Judy Barnett, the mother of Billy Y. Barnett and Jim Barnett, the two Creek Indians here present?

Mr. Norton:

I object, on the ground that the question is leading.

A Yes, sir.

Q Who are the children of Judy Barnett?

A James Barnett and Billy Barnett, Jesse Barnett and Louisa Barnett.

Mr. Norton:

I object to that question, because it is leading, and move that it be stricken on that ground.

Q When did you first get acquainted with Judy Barnett?

A Why, I couldn't call to memory. I have known them every since I was quite a small boy.

Q Do you remember the occasion of the death of Yarde Barnett, husband of Judy?

A Not exactly the date of his death.

Q Which died first, Yarde Barnett or Judy Barnett?

A Yarde Barnett.

Q Do you know about how much difference there was between the date of the death of Yarde and Judy Barnett?

A There was something like three years.

Mr. Morton:

We object upon the ground that he doesn't say that he knows at what time she died; the information might be hear-say.

A She died about the year of 1896.

Q 1896?

A Yes, sir.

Q How do you fix that as the year in which the death of Judy Barnett occurred?

A Along about that time, in the Fall of 1895, they had some trouble with a man by the name of Newsome - they had leased some land to him - I think to him in the year '95, and the Fall of 1897 they got me to go with them before the Indian Agent and make the reports and get him off their lands.

Q Did you geto Muskogee?

A Yes, sir.

Q Before the Indian Agent?

A Yes, sir.

Q What year did you say that was?

A In the Fall of '97.

Q The Fall of 1897?

A Yes, sir.

Q What was done at the office of the Indian Agent?

Mr. Morton:

Objected to as being incompetent,  
irrelevant and immaterial.

A Why, the Indian Agent put Newsome off there some time afterwards, I don't remember the exact date, some time the following year - put him off of their land.

Q Do you know that Judy Barnett was dead at that time?

A Yes, sir.

Q Did you have some children who died before allotment?

Mr. Norton:

I object to that on the ground that it is incompetent, irrelevant and immaterial.

A Yes, sir.

Q What were their names?

A The only one that I had was named Lotty.

Q Lotty?

A Yes, sir.

Q Did she die before or after the death of Judy?

A She died the year after the death of Judy Barnett, in 1897.

Q She died in 1897?

A Yes, sir.

Q Did you make application to have Lotty enrolled as a citizen of the Creek Nation?

A No, sir.

Q Why didn't you?

Mr. Collier:

We object to that as illegal, irrelevant and immaterial.

A Why, I understood that she couldn't be enrolled, because she had been dead too long.

Q Was this child, Lotty, that you mention, the only child you had who died prior to making allotment?

A Yes, sir.

Mr. Morton:

Objected to as incompetent, irrelevant and immaterial, and move that the answer be stricken.

EXAMINATION BY MR. MOFF:

Q When did you say that the lease had been executed on --- or was this lease executed on the land of Judy that was in the possession of Judy Barnett and her husband?

Mr. Morton:

I object to that question, because the allotment was Louisa Barnetts.

Q What do you mean by allotment? Do you mean the allotment they were in possession of?

A Yes, sir.

Q There was no land allotted at that time. It was the land that Louisa Barnett was in possession of at that time?

Mr. Morton:

Objection.

A The land she was in possession of at that time was the "old home place."

Q Such land as was occupied by citizens of the Tribe

where they lived was called "their land?"

A Yes, sir.

Mr. Norton:

I object to that, because it is leading and calls for a conclusion of the witness.

Q That lease was made when? To whom?

Mr. Norton:

We object to that, because it is not the best evidence and is irrelevant and immaterial. The lease itself is the best evidence as to when it was made.

Q Made to whom?

A Robert Newsome.

Q Did you know Robert Newsome?

A Yes, sir.

Q Well, when was that lease executed?

A I don't know. The lease, when it come to my knowledge, I think the year 1896. He had a contract or a lease that was drawn up in the country. It wasn't before no Notary Public or anything of the kind.

Q What was the lease of?

A It was a lease of allotment of land down there that they were in possession of.

Q That who was in possession of?

A Lewis Barnett.

Q Do you know how long that lease purported to run?

A Ten years.

Mr. Morton:

I object to that, because  
the lease is the best evidence of the time.

Q Are you sure that Louisa Barnett was living when  
it was called to your attention in 1896?

A Yes, sir.

Q Who had you to go to Muskegee to see the Indian  
Agent?

A Louisa Barnett and Sophia Herring.

Q Did you go there at Louisa Barnett's request?

A Yes, sir.

Q What did they go before the Indian Agent for?

A To make their report against Newsome, because he  
was not paying them rentals on the allotted land  
that he had in his possession.

Q Well, did you have a conversation with the Indian  
Agent about it?

A No, I just taken him there and he had his report.  
I just told them what he was there for.

Q Well, was Judy Barnett living, then, or dead?

A She was dead. She was dead before we went there.

Q What year did you go?

A In the Fall of '97.

Q In the Fall of '97?

A Yes, sir.

Q What did the Agent do?

A Well, he didn't do anything there, except he said  
he would take the matter up, and along some time after  
that, I disremember just exactly the time, he put

Newsome off of the allotment of the land that he claimed.

Q Put Newsome off?

A Yes, sir.

Q And you know that Judy Barnett was dead when Newsome was put off?

A Yes, sir.

Q And at the time that Newsome was put off there had been no allotting of any land?

A None that I know of.

Q What was your child's name that died?

A Lotty Moore.

Q How old was she?

A She was a little better than a year old when she died.

Q Was Judy Barnett living when your daughter was born?

A She was living at the time.

Q Are you satisfied, in your own mind, to fix the date of Judy Barnett's death, because you know she died before your daughter died?

Mr. Norton: Objected to, because it is incompetent, irrelevant and immaterial.

A Why, the reason that I know that she was dead, and died in that year, the year 1907, I sold this girl of hers and a boy who was living on the homestead --- and I have the account on my book.



Mr. Merton:

I move that that answer be  
stricken.

Q Did you mean to say, a moment ago, 1897 or 1907?

A 1897.

Q What is your occupation or business?

A Farming, stock raising. I run a gin. Do a  
little of everything to make a living that's  
honorable.

Q You can read and write?

A Yes, sir.

Q Have you a pretty fair school education?

A Nothing extra.

Q Have you a common school English education?

A Yes, sir.

Q What degree of blood are you?

A Quarter.

Q You three-quarters white, one-quarter Indian?

A Yes, sir.

Q How near did you live to Judy Barnett during her  
life-time - at the time of her death?

A I lived about three-miles.

Q Did you attend the funeral of Judy Barnett?

A No, sir.

Q Where was Judy Barnett buried?

A She was buried over there southwest of her old home  
place.



Mr. Norton:

We object on the ground that  
he does not know, of his own knowledge,  
where she was buried.

Q Have you ever seen the grave?

A Yes, sir.

Q Is there any mark upon the grave?

A There is a tomb stone at the old man's grave,  
and I presume there was one at the old lady's too.  
The Indians, in burying them, built houses over  
the graves, and I never do pay no attention. Now,  
this place where this grave yard is I got a lease  
from Louisa Barnett. She gave me the lease in  
1900. I put the place in where this grave yard  
is there, and it is in the field.

Q You got a lease for where this grave yard is,  
from whom?

A Louisa Barnett.

Q What did you get that lease there for?

A I got the lease for 5 years. In 1900.

Q That was after the allotment?

A Yes, sir.

Q And this grave yard, was that included in the allotment  
of whom?

A That was in the allotment of Louisa Barnett.

Q What kin was she to Judy Barnett.

A She was a daughter.

Q What was in 1900?

A Yes, sir.

Q Well, did you see the tomb stone of old man Barnett over there?

A Yes, sir.

Q Was it on the outside or the inside of the house over the grave?

A It was on the outside.

Q Was there any tomb stone on the outside of the grave of Judy?

A I never noticed any.

Q Well, had you seen those graves before that time?

A Yes, sir.

Q How long before?

A Oh, I seen those graves there six or seven years before that.

Q Were the houses over them?

A It seems like to me that they built the houses after the old lady died - some time after that. Just what time I don't know. I have seen them there before there was no tomb stones.

Q How long was it before 1900 when you leased it?

A Why, it was six or seven years, I guess, before that time.

EXAMINATION BY MR. COLLIER:

Q If you leased that property six or seven years before her death, and that death occurred before

1900, how do you fix her death at 1896 or '7 --

By. Mr. Miss:

Who do you refer to in there,  
Judge, as "her?"

By. Mr. Collier:

Judy Barnett.

And that Judy Barnett died in 1896 or '7, you  
said that didn't you?

A Yes, sir.

Q Now, you say that she died six or seven years  
before you got that lease, didn't you?

A Yes, sir.

Q Now, how do you reconcile that?

A She was dead at the time Newsome had the lease,  
you understand.

Q But you said that in 1900 you had a lease; is that  
right?

A Yes, sir.

Q And that she died six or seven years before then?

A Yes, sir.

Q Well, if she died six or seven years before 1900,  
what date did she die?

A Well, it was about that time, as well as I  
recollect, she died in the Fall of 1896, and  
some time in January or February.

Q What date did your child die?

A My child died in the Fall of '97.

Q What date?

A I couldn't hardly call that to memory now.

Q Can't tell when your child died?

A It was December or in September.

Q Didn't you know that Judy Barnett was living in 1888?

A No, sir, I didn't.

Q Wasn't she living in 1888?

A No, sir.

Q Other than this going to see the Indian Agent, have you anything to fix your memory as to the date of the death?

A I know when we went to see the Indian Agent, I know what time that was. The whole time we went up to see the Indian Agent the old lady had died.

Q Do you know whether any record of your visit was made to the Indian Agent at that time?

A None that I know of, only what I made myself.

Q And you made a record then?

A I made a record of the account I loaned him.

Q At that time you filed with the Department an account of your expenses?

A No, sir, I didn't file anything with the Department.

Q With the Indian Agent then?

A Yes, sir, the Indian Agent was there.

Q Did you make any statement in writing, or did you make any statement of the account which you left with the Indian Agent?

A No, sir.

Q Was the entire transaction --

A Yes, was a private transaction between me and the parties I taken up there.

Q You made a record of that?

A Yes, sir.

Q Where is that record?

A It is at home in a book account.

Q A book account?

A Yes, sir.

Q Who did you say got you to go there?

A Louisa Barnett and Sophia Herring.

Q Louisa was the daughter of Judy, was she not?

A She was the daughter of old lady Judy Barnett.

Q Now, are you positive that Judy Barnett did not die in January, 1899?

A She was dead some time before that.

Q She died some years before that?

A Yes, sir.

Q You say that Judy Barnett was dead when you went up to the Agency?

A She died in the year 1896.

Q Before you went up to the Agency about this lease?

A Yes, she was dead before we went up there.

Q How did you know she was dead?

A I knew it because the ----

Q You were not at Judy Barnett's funeral?

A No, sir.

Q Never saw her after she was dead?

A No, sir.

Q Then you know she was dead because you heard it?

A Because I heard she was dead and I never had seen the old lady any more.

Mr. Donevon:

We ask that the testimony of the witness as to the death of Judy Barnett be stricken, on the ground that its offer was incompetent.

EXAMINATION BY MR. MORTON:

Q Who was the Indian Agent when you went down there?

A I don't remember his name at the time; in fact, I wasn't acquainted with him. But this old gentleman who was acting as a Clerk then, he did run that Katy Hotel there. I don't remember his name.

Mr. Bliss:

Adams?

Witness:

Yes, sir.

Q Who was in the office there?

A I knew him, is the only one I knew.

Q What time of the year did you say that was you were down there - in the Fall?

A Yes, sir.

Q What time; what month?

A It was in the month of October, as well as I can remember.

Q How long were you there?

A We went up there on the noon train, I believe, and we stayed all night and came back the next morning. This girl and my brother, the blind one --- there was three in the bunch and we had complaints against this man, Newsome.

Q Well, you did not make any written complaint?

A I didn't; no, sir.

Q Did they make written complaint?

A Yes, sir; I think so.

Q At that time?

A Yes, sir.

Q They file them?

A On the --- they did.

Q Did you see the complaints?

A Well, that's what they went there for and I suppose that the Clerk wrote out the complaints and filed them; I don't know. I just taken them there.

Q Well, you don't know whether they filed any complaints or not?

A No, I don't know of my own knowledge. The Agent and the Clerk tended to the business.

Q You wasn't in there and you don't know what took place?

A I suppose they made the complaints though.

Q How long after that before he was removed?

A Well, it must have been something like on to a year before they got around to it.

Q Can't you say how long it was, fixing the date more definitely than that?

A Well, I didn't pay any attention further to it.

Q What time of the year was it he was removed?

A In the Spring.

Q Do you remember what time in the Spring?

A Well, I judge it was about some time in February - in March - or somewhere along there.

Q Do you know when it took place?

A No, I don't know, exactly, when he was removed.

Q Do you know whether he was removed at all or not?

A Yes, sir. I know he was removed from the place.

Q Do you know that he didn't move of his own voluntary free will.

A No, sir. About all I know about his being removed was told me by Louisa Barnett, herself, and she told me that they had put Robert Newsome off the place.



Q She told you that?

A Yes, sir.

Q You don't know anything more than what she told you?

A No, sir.

Q Did anybody else tell you about it?

A No, sir.

Q Just Barnetts?

A Yes, sir.

Q What is the description of this land, and that land that was in controversy at the time you went over to Muskogee? What was the description of it - the numbers? Can you give the description?

A No, I can't.

Q Can you give the description of the land that you taken a lease on in 1900?

A No, I can't. It was the Louisa Barnett allotment. I leased the 120 acres and put it in.

Q Where had you been living prior to that time?

A Where I am living now.

Q How far is it from this place?

A Three miles, the way we used to come through is about three miles.

Q Where was Billy Barnett and Jim Barnett living then?

A (Q) At this time?

Q (A) Yes.

A Well, Jim Barnett was living southwest of me about

a section line between me and Jim.

Q Right just across the section line?

A Yes, sir.

Q And where was Billy Barnett living?

A At the time I had this lease, as well as I remember, I think he was living at something like six or seven miles southwest of where I lived, at a place known as Bald Knob, somewhere in that locality.

Q Did Judy Barnett talk English?

A No, sir.

Q Do you talk Creek?

A Yes, sir.

EXAMINATION BY MR. NOTT:

Q Did Judy Barnett die before or after the year 1889?

A She died before the year 1889.

Q Which comes first, 1889 or 1898?

A 1889 comes first.

Q Well, did Judy Barnett die before or after 1898, '98 now?

A She died in the year 1896.

Q Well, did she die, then, before or after 1898?

A She died before the year 1898.

Q Well, then, did she die before or after the year 1899?

A She died after the year 1899?

Q Well, if you said that she died after the year 1898, are you mistaken or not?

- A If you stated ---
- Q Awhile ago you stated that she died after the year 1898?
- A Yes, sir.
- Q Well, then, did you state, then, she died before or after 1899?
- A It is my recollection that she died before the year 1888.
- Q Well; then, now think, did she die before or after 1889?
- A She died before the year 1888.
- Q Well, what year did she die in then?
- A 1896.
- Q Well, which comes first, '89 or '96?
- A '89.
- Q She died in 1899?
- Q Well, then, did she die before '89 or after '89?
- A She died before the year 1898, she died before that year. She died in 1896.
- Q Well, then, if you stated that she died in 1899, before that, were you mistaken or not?
- A She died, as I said, in the year 1896; and if I made that statement I don't recollect.
- Q You were mistaken, then, if you stated that she died in 1899?
- A Yes, sir, if he brought out that question.

Mr. Horton:

I object to that, on the ground that it is leading.

Q Were you about Judy Barnett's house after her death, in 1896?

A Why, I don't remember whether I was anyways soon after that, but I was about the place there.

Q Did you see her daughters? Was Judy Barnett her daughter, and Louisa Barnett? Did you see her often, or members of the family?

A Not very often, unless I passed there. The road coming to town is right past the house and probably I would see them.

Q Well, was it, or was not it, a matter of common knowledge that Judy Barnett was dead after 1896?

Mr. Morton:

Objected to as being improper and irrelevant, and for the reason that it calls for a conclusion of the witness.

Q Was it generally understood in the neighborhood that she was?

A Yes, that was my knowledge about it.

Q Did you ever see her after 1896?

A No, sir.

EXAMINATION BY MR. MORTON:

Q Who have you ever talked to about this case before coming here to-day?

A That young fellow and another one came and asked me about some dates, but at that time I couldn't tell them anything, because it wasn't fresh in my mind

and I hadn't give it any thought. They came over to my house and asked me some questions regards the death of old lady Barnett. I couldn't remember anything. They didn't get anything out of me that day, because I didn't have it in my mind.

Q Who was it you say came there and asked you?

A This young Indian, I believe they call him Jesse McDermott.

Q Who else - who was the other party with him?

A I don't remember.

Q Bliss?

A I can't recall him; no, sir.

Q Who have you ever heard - you stated that it was the common report in the neighborhood that she was dead at that time, who have you ever heard talking about it?

A Why I have heard several. I have heard the daughter talk about the death of her mother, while I had transactions with her, and several talking about the old lady being dead.

Q Can you name some of them?

A No, not at this day, I can't. I don't remember who it was.

Q Do you remember when it was that you heard the talk?

A No, I can't give you dates. Probably some passing around the store that I heard the talk that old lady Barnett was dead.

Q But you don't know when it was that you heard that talk?

A I don't remember the exact dates that the conversation was passed.

Q Well, now, can't you fix the date any more definite than that?

A I couldn't fix the date, that is the day of the conversation.

Q Did anybody ever suggest to you about the date - anything with reference to the date of the death?

A No, sir.

Q Never suggested to you anything about the date at all?

A No, sir.

Q Have you ever talked with Lewis McGilbray about the matter.

A No, sir.

Q How did you become to be a witness in this case anyway?

A You will have to ask the man that had me summonsed here. I don't know anything about that part of it. They called up over the telephone yesterday, I believe it was, and wanted me to be here to-day.

Q And when they talked to you you told them that you didn't know anything about it?

A They asked me about the date of the old lady's death.

Q Well, at that time, you didn't know what the date of her death was, did you?

A I didn't remember it; no. I know pretty close what the date of her death was, but the exact date, I don't remember it. I am not as apt in memory, I guess, as you people are, because I didn't keep up with it.

Q Yet, you are positive that she died in 1896, in the Fall?

A No, she didn't, in the Fall. It was either in January or February. I don't know. It was right along the last day of February.

Q In the Fall of 1896?

A Yes, sir.

Mr. Doreven:

On behalf of W. D. Coraelius, we request that, if the record is permitted to show the correction of the witness in the date from 1906 to 1896, the record also show the conversation which preceded the correction held between the stenographer taking the testimony and the representatives of the Government Officers and the Attorneys, in which the discrepancy between the date 1906 and the witness' former testimony was brought to the attention of the witness.

Mr. Mott:

The Attorney for the Creek Nation

asks that this go in the record: It is apparent from the record that the Attorneys, by the question to the witness, make it appear that he had sworn that she died in 1906, when the witness had not so sworn, and the witness was in doubt enough to appreciate the purpose of the Attorney and naturally assumed that it referred to 1896 rather than in 1906.

Mr. Norton:

We suggest the remarks of the Attorney for the Creek Nation would be better as a part of his argument on the proposition than a part of his record in the case. His correction of the witness, the discussion of his qualifications and his competency is a matter of argument and not a matter of record.

Mr. Collier:

I desire to move to strike from the record the speech just made by the attorney for the Creek Nation.

Witness excused.



R. P. Ewen, after having been first duly by Mr. Charles F. Bliss, Deputy United States Clerk, Eastern District Oklahoma, testified as follows:

EXAMINATION BY MR. BLISS:

Q What is your name?

A R. P. Ewen.

Q How old are you?

A I am somewhere about 50.

Q What is your Post Office address?

A Eufaula.

Q Did you know Judy Barnett in her life time?

A Yes, sir.

Q How far did you live from her?

A Just about four and a half miles.

Q Is Judy Barnett living, or is she dead?

A Dead.

Q What was her husband's name?

A Yarda Barnett.

Q Did she leave any children surviving her at the time of her death?

A Yes, sir.

Q What was their names?

A James Barnett, Billy Barnett, Jonas Barnett.

Q Can you give me the date of the death of Judy Barnett?

A Not exactly.

Q About when did she die?

A From my knowledge, 1897.

Q How do you fix the date of her death as 1897?

A Well, at one time Mr. McComb, he was running this school up here, and during his administration I taught school just for the unexpired time of one of the teachers, and I went with him to get some warrants to pay the teachers.

Q Where did you go?

A Okmulgee, and we come back from Okmulgee, and it was dark, and we missed our train and we went up to that house.

Q Whose house?

A Old lady Barnett's; she was dead.

Q She had died prior to that time?

A Yes, sir.

Q What year was that?

A 1897.

Q Did you get any warrants or money up there at Okmulgee?

A Yes, sir.

Q Who were they issued by?

A Well, Tony Proctor was the Secretary and the Deputy was H. M. Hadley.

Q Were you well acquainted with Judy in her life time?

A Yes, sir.

Q And knew her daughter?

A Yes, sir.

- Q What was the daughter's name?
- A Lenine or Louisa.
- Q Now, which died first, Judy or Yardia?
- A The old gentleman first.
- Q Are you a citizen of the Creek Nation?
- A Yes, sir.
- Q Full-blood?
- A Full-blood.
- Q Do you speak and write the Creek language?
- A I can write it in Creek all right; very little in English.

EXAMINATION BY MR. MOSSMAN:

- Q Did you see Judy Barnett when you called there at her house on your way back from Okmulgee?
- A No, sir. She was dead then.
- Q How long before that had you seen her? Before this trip you made to Okmulgee.
- A She died before I made the trip. I don't know the exact date, but I know that she was dead before I made the trip all right.
- Q Did you attend the funeral?
- A No, sir.
- Q You don't know, then, of your own knowledge that she was dead at that time?
- A I heard it.
- Q Your only knowledge, then, is from hear-say?
- A I don't know what you call it, but I heard it all right.

Q Did any one mention to you at that time when you stopped at the house that she was dead at that time?

A No, I knowed that she was dead.

Q Who told you that she was dead?

A I saw the funeral material taken out there, and that was for her.

Q How did you know that it was for her?

Q Well, most everybody in town told me that old lady Barnett was dead.

Q Can you recall any one person that told you she was dead at that time or prior to that time?

A No, I didn't pay any attention, but I heard it.

Mr. Donovan:

We move that the testimony of this witness be stricken, because it is purely hear-say, and that it be stricken on that ground.

Q You say you saw them getting material for the burial?

A Yes, sir.

Q Where did they get that material?

A I don't know, but they went out from Eufaula.

Q From Eufaula?

A Yes, sir.

Q Now, did they have the material with them?

A Yes, sir.

Q But you don't know whether they did or did not of your own knowledge?

A No, I don't.

Q You don't know whether they had any material for the burial, only from what you heard?

A That's all.

Q And you were going out from this town at that time?

A Yes, sir.

Q Didn't you go to Okmulgee more than once to get warrants for the teacher's?

A No, sir.

Q Didn't you go repeatedly?

A No, sir.

Q Didn't you often go to Okmulgee to get warrants in different years?

A No, sir.

Q Didn't you go more than once?

A Never went but once to Okmulgee to get warrants. They sent them through the mail.

Q What McCombs was that?

A Old man.

Q William McCombs you mean?

A Yes, sir.

Q Well, as to her death, as to the material for her burial, or anything connected with her burial, you have no personal knowledge at all?

A No, sir.

EXAMINATION BY MR. MORTON:

Q I believe you stated you did not see anybody take the stuff out, but you heard it?

A But the reports, I heard they were taking the burial outfit to old lady Barnett.

Q Now, who did you hear this report from?

A Well, I couldn't tell most.

Q Name one, one person who made the report?

A Let's see; a nephew of mine who is a son of Billy Barnett, he is young though, but then he said his Grandmother was dead and they taken out the burial outfit.

Q When was it, now, that he made that statement?

A Well, that ~~time~~<sup>day</sup> I can't recollect.

Q What year was it?

A I don't know.

Q You don't know when he made that statement?

A No, sir.

EXAMINATION BY MR. MOTT:

Q Was that statement made before you went to Okmulgee?

A Yes, sir.

- Q Did you teach school here?
- A I taught three months.
- Q Did you have charge of the schools around here?
- A Yes, sir.
- Q When you went to Okmulgee at that time for warrants, did they include anybody's warrant other than your own?
- A Yes, several teachers up here.
- Q There was quite a number of teachers?
- A These teachers up here only.
- Q In what locality?
- A Rufaula school up here, they called it ---
- Q You had been teaching for three months and was McGee the Superintendent?
- A Yes, sir.
- Q Do you know the amount of warrants you got?
- A I think just about a little over Nine Thousand Dollars, including teachers' warrants and for the expenses.
- Q A little ~~more~~ over Nine Thousand Dollars?
- A Yes, sir.
- Q Who was those warrants signed by?
- A By Tony Proctor; he was the Tribe's Secretary then.
- Q Tony Proctor has been Secretary since 1900, has he?
- A No, sir.

Mr. Norton:

Objection.

Q Has he been Secretary since '99?

A Not after this expired administration.

Q Well, the \_\_\_\_\_ administration expired before January, '99, didn't it.

A Yes, sir.

Mr. Morton:

Objection.

Q Did McCombs return with you from Okmulgee?

A Yes, sir.

Q Did he go with you to the home of Louisa Barnett?

A Yes, sir.

Q Was the place where Louisa was living, then, the old home of Judy?

A Yes, sir.

Q Was Judy there?

A No, sir.

Q What year was that?

A It was in 1897.

Q Did I understand you to state, on your examination preceding mine, that it was in general report in 1896 that Judy Barnett was dead? Generally reported

A here?

A Yes, sir, somewhere about that time.

Q Prior to '97?

A Yes, sir. That was the general report around.



Q That was the general report?

A Yes, sir.

EXAMINATION BY MR. MORTON:

Q About the only person you heard say anything about it was this little boy, your nephew?

A Yes, sir.

Q How old was that boy at that time?

A I don't just exactly know; let me study about that. I think he was about 14 or 15 years old.

Q Whose son was he?

A Billy Barnett.

Q Where did he live?

A He lived out West about three miles from here.

Q Who did he live with, Billy Barnett, then?

A No, sir.

Q Did he live with --

A No, sir; he lived with my sister.

Q He lived with your sister?

A Yes, sir.

Q And you don't know where he got this information he gave you?

A No, sir.

Q Are you related to the Barnetts?

A No, sir.

Q Your wife related to them?

A No, sir; but my sister - Billy Barnett married my sister, and he quit that woman and he married another lady, and that's the reason that boy - nephew of mine - is living with my sister.

Q And where did you say he lived, this boy and his mother?

A About three miles from here.

Q How far did they live from where Judy Barnett resided?

A About four miles and a half.

Q You lived nearer to Judy Barnett than that?

A No, sir; we all lived together then.

EXAMINATION BY MR. DONOVON:

Q Have you had any trouble with Billy Barnett?

A No, sir; we never did have trouble.

Q You are on perfectly friendly relations?

A Yes, sir; always.

Q Is it not a fact that Billy Barnett married your sister and abandoned her, and that you and Billy Barnett have not been on friendly relations since that time?

A No, sir; always been friendly. I don't think that

I have an enemy in this country around here for my part.

Q I am not asking whether Billy is unfriendly to you, but are you unfriendly to Billy?

A No, sir.

Q You don't bear him any resentment for his treatment to your sister?

A No, sir; because she is of age, and I have nothing to do with it.

Witness excused.

ALBERT MOORE, having been first duly sworn by Mr. Charles F. Bliss, Deputy United States Clerk, Eastern District Oklahoma, testified as follows, through Johnson Tiger, interpreter, who was also duly sworn by Mr. Bliss:

EXAMINATION BY MR. BLISS:

Q What is your name?

A Albert Moore.

Q How old are you, Mr. Moore?

A I am 39 years old.

Q What is your Post Office address?

A Lenna.

Q Are you a citizen of the Creek Nation?

A Yes, sir.

Q How much Indian blood have you?

A Half.

Q Did you know Judy Barnett in her life time?

A Yes, sir.

Q What was her husband's name?

A The Indians called him Yarda.

Q Is Judy Barnett living or dead?

A She is supposed to be dead.

Q Is Yarda Barnett living or dead?

A I heard that Yarda Barnett died also. I never saw his body.

Q Who died first?

Mr. Norton:

I believe I will object to that question, because it is - he doesn't know whether he is dead or not.

A I first heard of Yarda's death.

Q How far were you living from Judy Barnett at the time of her death?

Mr. Norton:

I object to that question.

A I don't know just how far I lived from Judy.

Q Do you know whether or not Judy Barnett is dead?

A I take it that she is dead because I have never seen her since the time she was said to be dead.

Q Do you remember when you first heard of her death?

Mr. Collier:

Objected to, for the reason that it calls for hear-say testimony, and for the reason that it is incompetent, irrelevant and immaterial.

A I got the news of her death along about noon of a certain day, the day and year as to that day I don't know, and I went over to the place where she died to attend the funeral, but I was told that she was already buried; and I then went back home.

Q You have never seen her since that time?

A No, sir.

Q Is there any event that happened about that time that you remember?

A About all the event that I remember incident of Judy's death was that surveying parties were right near my field, who were at the time section-alizing the country.

Q Is there any other event by which you can fix the time of her death?

A No, sir.

Q Did Yada Barnett and Judy Barnett leave any children?

A Yes, sir.

Q What was their names?

A There was one girl that's dead, and if I am not mistaken there are three boys.

Q What are their names?

A One is named Jim Barnett, Billy Barnett and Jonas Barnett.

Q Did any of your relatives die about the time that Judy Barnett died?

Mr. Norton:

I Object to the question, because it is leading and suggests to the witness that he knew when she died when he does not state that in the testimony.

A My wife died somewhere about that time, but I rather think that my wife died something like two years after Judy died.

Q Do you know how long it was after Judy's death until your wife died?

A It is now 12 years since my wife died.

Q Was your wife enrolled and did she receive an allotment of the lands of the Creek Nation?

A No, sir.

Mr. Domoven:

At this time, on behalf of William D. Cornelius, we move that the testimony of the witness as to the time of the death of Judy

Barnett be stricken on the ground that it is incompetent and because it is hear-say testimony and not within the personal knowledge of the witness.

EXAMINATION BY MR. MORTON:

Q I want to ask you, Mr. Moore, - you stated that your wife had died subsequent to the date of the death of Judy Barnett, I believe, did you not?

A Yes, sir.

Q And that your wife was not enrolled and did not get an allotment?

A Yes, sir.

Q I will ask you, was your wife a citizen of the Creek Nation?

A No, sir.

Q She was never enrolled, then, as a citizen, that's the reason she wasn't enrolled and didn't get an allotment, wasn't it?

A Yes, sir.

EXAMINATION BY MR. COLLIER:

Q What year did Judy Barnett die?

A I don't know.

EXAMINATION BY MR. MORROW:

- Q What year did your wife die?
- A I recollect that it is 12 years since my wife died; that's the only way I recollect years. I have no record.
- Q How did you reach that conclusion?
- A By the farming seasons that have come and gone since that time. I am uneducated.
- Q Then you just guessed that day has been 12 years past since she died?
- A Yes, sir.
- Q You don't know, for sure, that there has been that many years?
- A No, sir.

EXAMINATION BY MR. MOTT:

- Q You say you went over to attend the funeral of Judy Barnett?
- A Yes, but before I got to the place where they were to bury her I met a white man coming in an opposite direction to the way I was going and he told me that she was already buried, and I went back home.
- Q Was that prior to the time or before the time you saw the surveying party sectionalizing the country.
- A It was during the time the surveying parties were doing the work. They were right at the corner of



my field and I passed them as I went on to attend the funeral.

Q Did you talk to them any?

A No, sir.

Q How did you know what they were doing?

A I saw them surveying.

Q Was there anything being said in the community about whether they were a surveying party or not, and what they were surveying for in the neighborhood or in the country?

A I heard they were sectionalizing the country.

Q For what purpose?

A I didn't hear as to that.

Q Was that before the Land Office opened?

Mr. Collier:

We object on the ground that he assumes he knows when the Land Office opened, and there is no evidence in the record upon that point, and the question is illegal, irrelevant and immaterial.

A I don't know as to that.

Q Had there been any allotments made at that time?

A I don't know.

Q Was that before you selected your allotment?

A I had not ~~then~~ taken an allotment then. I lived on Coon Creek at the time and I went away up in this direction (indicating by pointing) and selected a piece of land for myself.

Q At the time you saw the surveyors, was that before anybody had taken an allotment?

A (Q) Do you refer to my wife?

Q (A) Any of the citizens of the Creek Nation, had any of them been allotted their land at the time you say the surveying parties?

A I don't remember.

EXAMINATION BY MR. MORTON:

Q Who did you hear say that they were section-  
alizing the country at that time?

A Several people said they were there for that purpose.

Q Well, name some of them that you heard?

A I couldn't begin to name all those. I don't remember those particular parties.

Q Do you remember any one?

A No, sir. It has been so long ago I have forgotten.

Q You don't remember anybody that you heard say it?

A No, sir.

Q Are you acquainted with the people out there pretty well?

A (Q) Where?

Q (A) In that community?

A Yes, sir. I know a good many.

- Q I mean at that time, did you know the people there then?
- A (Q) At what time?
- Q (A) At the time these people were surveying out there?
- A I am not living there where the surveying parties were there; I am at a new place.
- Q I am not asking him that question. I am asking him if he knew the people who were living in that community at that time?
- A Yes, sir; I knew some few there.
- Q How long had you lived there?
- A I was there something like three or, may be, four years.
- Q Where did you live prior to that time?
- A I was raised south of Eufaula, about two miles. Lived there prior to the time I lived down there on Cook Creek.
- Q And how far did you move from there when you left there?
- A I don't know.
- Q About how far?
- A I couldn't guess at the distance.
- Q More than five miles?
- A Yes, sir; more than five miles.

Q More than ten?

A May not be over ten miles I couldn't say exactly how many miles.

Q And you have lived there continuously since that time?

A No, sir.

Q Where did you live from there?

A I lived a little west of a place called Bald Knob, and moved from there to where I now live.

Q Is Bald Knob, then, ten miles further away from this place?

A No, sir; not quite ten miles.

Q And you have lived right around that community all this time since?

A No, sir; I moved to where I now live about a year ago.

Q Where do you live now?

A I live south of post office by the name of Lenna.

Q Where is that with reference to this first location?

A (Q) You mean at the time I lived on Cook Creek?

Q (A) What I am trying to get is where he lived all of this time?

A I have lived on Cook Creek, and moved from there to place they call Bald Knob, and from there south of Lenna, and I am living on my children's

allotment.

Q Well, none of these places where you lived at during this time is over ten miles from the place where you say you first lived?

A Yes, sir; says that's about the way of it.

Witness excused.

DAVE CUMMINS, having been first duly sworn by Mr. Charles F. Bliss, Deputy United States Clerk, Eastern District Oklahoma, testified as follows, through Johnson Tiger, interpreter, who was also duly sworn by Mr. Bliss:

EXAMINATION BY MR. BLISS:

Q What is your name?

A Dave Cummins.

Q How old are you?

A About 72.

Q What is your post office address?

A Hanna.

Q How long have you lived in the vicinity of Hanna?

A 44 years.

Q Are you a Creek citizen?

A Yes, sir.

Q Did you know Judy Barnett in her life time?

A Yes, sir; well acquainted with her.

Q What was her husband's name?

A He went by the name of Yada Barnett.

Q Is Judy Barnett living or dead?

A She is dead.

Q Is Yada Barnett living or dead?

A He is dead.

Q Which died first, Yada or Judy Barnett?

A Yada Barnett died first.

Q About how much difference was there between the date of the death of Yada and the date of the death of Judy Barnett?

A I don't know.

Q Did Yada and Judy leave any children?

A Yes, sir.

Q What were their names?

A They all just named Jim Barnett, Jonas Barnett, Louisa Barnett.

Q To what church in the Creek Nation did Judy Barnett belong?

Mr. Morton:

Objection.

A Member of the Baptist denomination.

Q Were you a member of the same church?

A Yes, sir.

Q Did you take part in any exercises that were conducted after the death of Judy Barnett?

Mr. Morton:

Objection.

A The boys - he says the sons requested that I should preach the funeral or conduct memorial services for the mother, and I did so.

Q Did you attend the funeral of Judy Barnett?

A No, sir.

Q About how long after the death of Judy Barnett did you preach this memorial sermon?

A I don't know how long it was after her death that I preached the memorial.

Q About how long was it, Mr. Cummins?

A I don't know.

Q Can you give me the date of the death of Judy Barnett?

A No, sir.

Q Is there any event by which you can approximate the date of the death of Judy Barnett, or the year?

A I lived at a place called Hilliby, and it was during the time that I lived in Hilliby tribal community that I was requested to conduct the memorial services, and I remember that it was prior to the time of my moving to the place where I now live, which I call my "prairie home"; and I also remember that just about the time I moved to the new place out on the prairie that I bought a little store and remember stocking it with merchandise, and my moving to the new place was somewhere during the year 1898. The time I preached the memorial was prior to that time.

Q Is there any date on the building in which you now live - the house - that shows the date that that house was erected?

A Yes, sir; I told a certain party to build stone chimneys, what they called at that time stack chimneys, and the party building the chimneys for me placed an inscription on one of the rocks toward the top of the chimney the year 1894. Since that time the chimney wouldn't draw very well and I had a white man to tear these chimneys down and rebuild them. In rebuilding these chimneys - I had one on the north side and one on the south side - the stone bearing the inscription of the year has been put out of place, and just a part of the numbers of the year can be seen.

EXAMINATION BY MR. MOTT:

Q Do you know when the Land Office in the Creek Nation opened?

A No, sir; heard about it, but I don't know in what year it was opened.

Q Do you know when allotments, when people were allowed to select allotments?

A I knew about the time of the selection of the lands, but I don't know in what year selections were being made.

Q Did Judy Barnett die before that time?

A I don't know.



Q Have you an allotment?

A Yes, sir.

Q When did you select it?

A I don't remember when I selected that land.  
I have the deed and probably I can tell by the  
date on the deed.

Q Did you select the land you are living on?

A Yes, sir.

Q Well, do you remember your selecting that  
land, or filing on it?

A Yes, sir; I know, but I don't know just what  
year it was I selected that land.

Q Well, was it soon after the right was given you  
to select?

Mr. Collier:

I object to that question,  
on the ground that it is illegal, ir-  
relevant and immaterial.

A Yes, sir; soon after that.

Q Where did you go to select it?

A I went to Muskogee.

Q Did you appear before the Commission?

A Yes, sir.

Q Did Judy Barnett die before or after you went to  
Muskogee to select your allotment?

A I don't know.

Q You don't know whether Judy Barnett died before or after you selected your allotment?

A No, sir.

Q Do you know when P. Porter was elected Chief of the Creek Nation?

A Yes, sir.

Q Do you know that he was elected?

A Yes, sir; I heard that he was elected Chief.

Q Did you vote in the election?

A Yes, sir.

Q Did Judy Barnett die before or after you voted for Porter?

A I don't know.

Q Is there any members of your family dead or died in the last fifteen years?

A I don't know of any.

Q Did you know Isparhecher, Chief of the Creek Nation?

A Yes, sir.

Q Did you vote for his election?

A I don't remember of taking part in that election. I may have taken part.

Q Well, did Judy Barnett die before or after Isparhecher's election?

A I don't know.

Q Were you ever a member of the Creek Council?

A Yes, sir.

Q When?

A That was before the Oklahoma Laws went into effect. I served as a member of Council during the administration of Chief Checotah, and then during the administration of Legus Perryman, Joe Perryman and General Porter.

Q Had you moved to the prairie home when you were in the Council under Porter's administration?

A I don't know just in what year General Porter was elected Chief.

Q Have you been a member of the Council since you moved to the prairie home?

A No, sir.

Q When, and what year, did you move to the prairie home?

A I remember rather distinctly, it was on January 18, 1893, when I moved my family to my home out on the prairie, moving from the Hilliby community.

Q Well, you haven't been in the Creek Council since you moved on the prairie, in January 3, 1893?

A I have no recollection of ever having served since that time. I may have been a member.

Q Well, don't you know that Porter was never elected Chief of the Creek Nation until 1898?

A I don't remember in what year he was elected Chief.

Q How far is the prairie home from the old home?

A Three miles.

Q Did you frequently go from the prairie home back into the neighborhood of the old home?

A Yes, sir. I had farms down there.

Q Are you a minister?

A Yes, sir.

Q You were in the habit of going back into the neighborhood of the old home and preaching after you went to the prairie home?

A Yes, sir. I have been there almost continuously in the old settlement, because my church house is right near my old home place.

Q Are you in the habit, now, since you went to the old prairie home of being called on by the neighbors of your old home to preach the memorial or funeral services?

A Well, he says that he has never kept any record, but he has preached several memorial services and if they were all recorded it would take a sheet of paper probably that long (indicating) to contain the record.

Q And you preach them up to the present, do you, in that old neighborhood?

A Yes, sir.

Q Now, might or might not you be mistaken when you stated that you preached the memorial of Judy Barnett before you went to the prairie home in 1893, and might it not be possible that you preached that memorial after that date?

A I may be mistaken as to that, but I fixed the Judy Barnett memorial service with the time I moved. I just made a matter of guess.

Q And do you now say that it might be the case that you were at the prairie home, and living there, when you preached the memorial of Judy Barnett, at the old place or in the old neighborhood?

A I may be mistaken.

EXAMINATION BY MR. DONOVAN:

Q What is your best recollection as to whether you preached that memorial sermon before or after you moved to the new home?

A I have no distinct recollection, only that I thought I preached the memorial service before going out to the prairie home.

Q I will ask you to take this piece of paper and pencil and write down the figures that were on the chimney (handing witness a blank piece of paper and a pencil).

A Witness wrote on paper the figures "1894."

Which said piece of paper was admitted in the evidence and identified by the stenographer as Exhibit "A."

EXAMINATION BY MR. MOTT:

Q Mr. Cummins, in your best judgment, how many years had it been since Judy Barnett died?

A I don't know.

Q How many years has it been since 1900?

A I don't know.

Q What year is this?

A '12.

Q 1412, 912, or what?

A 1912.

Q If this is 1912, how many years has it been since 1900?

A I don't know; I haven't made any calculation, so I don't know just now.

Q You have a very indistinct recollection as to time, when computed by years and months, haven't you?

A Yes, sir.

Witness excused.

Exhibit "A."

1894

JOHN INGRAM, having first been duly sworn by Mr. Charles F. Bliss, Deputy United States Clerk, Eastern District Oklahoma, to testify to the truth, the whole truth and nothing but the truth, testified as follows:

EXAMINATION BY MR. BLISS:

Q What is your name?

A Ingram.

Q John Ingram?

A Yes, sir.

Q How old are you?

A 72 years old.

Q Your post office address Eufaula, Oklahoma?

A Yes, sir.

Q How long have you lived in and around Eufaula?

A I don't remember now, but it has been 40 years, I guess.

Q Are you a citizen of the Creek Nation?

A Yes, sir.

Q Were you acquainted with Judy Barnett in her life time?

A Yes, sir.

Q What was her husband's name?

A They called him Yards.



Q Were you well acquainted with the family?

A Yes, sir. Old man Barnett and I was together in the War.

Q Is Judy Barnett living or dead?

A She is dead.

Q Is Yada Barnett living or dead?

A No, sir; he is dead.

Q Which died first?

A The old man died first.

Q About how much difference was there between the date of the death of Yada and Judy?

A I don't remember; I couldn't say.

Q Did you attend the funeral of Judy Barnett?

A No, sir.

Q Can you give me the date of her death?

A I couldn't, exactly.

Q About how long ago did she die?

A Well, as near as I can come at it, just judging by the time that I have been living out at my place, I think it is about fifteen years.

Q How long have you been living where you now live?

A About thirteen years.

Q And how long was it before - prior to that time that Judy died?

A It was about a year or so before I moved out there.

Q What business were you in before you moved in to where you now live?

A I was keeping a hotel here then.

Q And you state that you moved to where you now live 15 years ago?

A Yes, sir.

Q You are not certain as to just how long it was prior to that time that Judy died?

A No, sir; I couldn't say exactly.

Q How did you find out Judy was dead?

A I just heard people that were acquainted with the family speaking of it here in town, is the way I heard it.

EXAMINATION BY MR. MOTT:

Q You lived in Eufaula and kept a hotel?

A Yes, sir.

Q Did you keep a register?

A No, sir; I didn't.

Q Did you conduct the hotel in your own building or did you rent it.

A In my own building.

Q In your own building?

A Yes, sir.

Q Did you - when you left the building did you lease it or sell it?

A No, sir; I gave it to my daughter after she married.

Q And then moved out on the farm?

A Yes, sir.

Q Do you know what year you moved to your farm?

A I don't know exactly. I couldn't say exactly what year it was in.

Q What year is this?

A This is 1912 now.

Q Well, how many years did you say it has been since you went to the farm?

A It has been about 13 years.

Q Well, if this is the first of January, 1912, and you have been on the farm 13 years, what year did you go to the farm?

A I never took notice of the time I moved out there.

Q Well, how many is 13 off of 1911?

Mr. Donovan:

If the Court please, we object to this line of questioning on the ground that it is apparent from the witness' testimony that he is estimating the number of years, and this testimony endeavors to change that estimate into the appearance of a corrected statement; and this line of questioning would be misleading to one reading the record.

Mr. Mott:

I withdraw the question and concur in the objection, with the understanding, of course, that that principle is to apply when examined by the other gentlemen.

Q You were on the farm, then, 13 years?

A Yes, sir.

Q Did you have any special members of your family to move out there with you when you went?

A I went out there by myself.

Q But were any of your family here?

A Just the one daughter, the only daughter I had. She married and I gave her up the place here and went out on the farm.

Q And about how long before you went out there did you here that Judy Barnett was dead?

A As near as I could come at it it was about a year.

Q Who did you hear it from?

A I couldn't say exactly. I heard it about around here.

Q Did you know the family well, yourself?

A Yes, sir. When I was keeping a hotel down here I used to drive out in the country to buy eggs, and chickens and ---

Q Did you go to Judy Barnett's house?

A Yes, sir.

Q On your mission for the purchase of eggs, etc.?

A I just hunted eggs and chickens.

Q Did you go out there after the time you heard she was dead, in the neighborhood?

A Yes, sir; I rode up there where her ---

Q Did you ever see her after that common conversation among those that knew her that she was dead?

A No, sir.

Q Before that time, had you seen her occasionally?

A Yes, sir; I used --

Q Any relation of yours, any of these people?

A No, sir.

Q Have you any interest in this matter at all?

A None at all.

Q Have you got any enemies on either side of this case?

A No, sir.

Q Have you got any grievance to satisfy against anybody?

A No, sir.

Q Did you say you are a citizen of the Creek Nation?

A Yes, sir.

Q Do you remember when the Land Office - I do not say the time, but the date - opened?

A No, I don't remember.

Q When did you take your allotment?

A Well, I couldn't state that; it was some time - I guess it was very near a year after they began to take their allotments. The reason that kept me off is because I was right here close to town and thought that the town was going to take me in and it held me off for filing on my place on account of being right at the edge of town. After I found out where the town line ran, then I went and filed.

Q And how long was that after they began filing after the Land Office opened?

A It must have been six months, or something like that; may be a year.

Q Did Judy Barnett die before then or after then?

A Before then, I believe. Yes, it was before that.

MR. Morton:

We move that the testimony of the witness be stricken on the ground that it is not as to matters of his personal knowledge, but is purely hearsay.

Witness excused.

Billy Barnett was next called as a witness.

Mr. Morton:

Now, before we proceed, I want to make this statement: On behalf of

Billy Barnett, and as his counsel and representative in this matter, I appeared before the Commission some time previous to this hearing and requested an opportunity to see the records and files in this matter, in accordance with a letter of the Department remanding the same to the Commissioner of the Five Civilized Tribes for further investigation.

The Commissioner, at the time of my said appearance, declined to permit me to examine said files and records, and took the position that we would not be entitled to examine any of said files and records until the date of the hearing of the matter, which is this present date.

Subsequent to the time of the said appearance before the said Commissioner, I had a conversation with Mr. C. F. Bliss, who is representing the Department, in reference to said matter and it was agreed that, after the records and files had been submitted at the hearing and we had been permitted to examine the same, if we saw fit to introduce rebuttal testimony and desired a continuance for that purpose, and for the purpose of securing of same, such a continuance would be had.

After having examined the records and files

in this case, we desire to offer testimony which we think is positive in support of our position and in support of the former adjudication of this matter by the Commissioner at the time of the application for the enrollment of the said Judy Barnett; and the records examined show, upon their face, that Billy Barnett, one of the interested parties, and one of the parties for whom I appear, has been examined and testimony taken and reduced to writing touching this matter in the absence and without the knowledge, advice or counsel of his counsel in this case.

In the said testimony, a statement appears which is at variance with other testimony given by the said Billy Barnett in a different case, but touching the subject matter, and the said record shows, upon its face, that this variance was not called to the attention of the said Billy Barnett at the time the same was made, and the said Billy Barnett has not had an opportunity of consulting counsel with reference to his rights and to take the witness stand in this matter for the purpose of testifying further in the premises; and inasmuch as it has been agreed that a continuance of the case shall be had, for the purpose of introducing other testimony by, and on behalf of, the said heirs of the said Judy Barnett at a future



date, we, at this time, decline to give any testimony in the premises and pray that we may be given an opportunity to offer testimony at the adjourned hearing relative to the said variance or to any other matter or matters that may be suggested that is relative, competent and pertinent to the issues at the time of the said adjourned hearing, and with this we decline to give any testimony further, and the said Billy Barnett declines to testify for either party in the premises at the present time and until after he has been given an opportunity to consult his counsel.

Before any questions are asked I desire to state to Billy, as his counsel, that he is not bound to answer any questions at this time and I will advise him not to answer any questions in the premises.

BILLY BARNETT, having been first duly sworn to testify to the truth, the whole truth and nothing but the truth by Mr. Charles F. Bliss, Deputy United States Clerk, Eastern District Oklahoma, the following questions were propounded to him, through Johnson Tiger, interpreter, who was also duly sworn by Mr. Bliss, but which questions, upon advice of counsel,

he refused to answer.

EXAMINATION BY MR. BLISS:

Q Billy Barnett, on June 1st, 1899, you appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen of blood of the Creek Nation. At that time you stated that your mother, Judy Barnett, was dead. On June 8th, 1901, you made affidavit before W. F. Fears, Notary Public, that your mother, Judy Barnett, died on the 17th day of January, 1900. April 15, 1911, you testified, relative to the date of the death of your mother, stating at that time that her death occurred January 29th, 1899. You also produced a little memorandum book containing an entry showing that she died on that date, which you said was made from memory of a notation that was in a book that was destroyed by fire. On the next day you again testified to the fact that your mother died on the 29th day of January, 1899. Now, I have called you, at this time, to give you an opportunity to explain the discrepancy in these dates and to give you an opportunity if possible, to state the correct date.

Q Mr. Norton:

All of which questions the witness, on advice of counsel, declines to answer at this time.

Q Mr. Barnett, do you decline to answer the question or make any explanation?

A Yes, sir.

JOHNSON TIGER, having first been duly sworn by Mr. Charles F. Bliss, Deputy United States Clerk, Eastern District Oklahoma, testified as follows:

EXAMINATION BY MR. MOTT:

Q Do you know Billy Barnett?

A Yes, sir.

Q Was he just called in this case and sworn by the Commission to testify?

A Yes, sir.

Q Did you act as interpreter?

A Yes, sir.

Q Did you administer the oath?

A No, sir.

Q Did you interpret the oath to him?

A No, sir.

Q Does Billy Barnett talk English sufficient enough to understand an oath in the English language?

A I think he knows the nature of an oath; all Indians do.

Q Did you propound to him the question that was submitted by the Commission, asking him to explain the discrepancy in certain evidence he has heretofore given affecting the subject matter now being investigated.

A Yes, sir.

Q Did he, or did he not, decline to answer?

A He declined to answer.

EXAMINATION BY MR. NORTON:

Q He declined to answer on advice of counsel did he not? and he did not decline to answer, positively, but on the condition that he would answer the questions later? That was explained to him was it not? He declined to answer at this time?

A He did not qualify that statement when he said he said he declined to answer.

Q But he declined on advice of counsel to answer at this time?

A He did not make any qualification to this statement?

Q Counsel made the qualification in advising him, did he not?

A Yes, sir.

Witness excused.

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Further hearing of this cause continued  
until January 16, 1912, at Muskogee, Oklahoma.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
Muskogee, Oklahoma, March 23, 1912.

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In the matter of the enrollment of Judie Barnett,  
deceased, as a citizen of the Creek Nation.  
Creek Roll No. 1343.  
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APPEARANCES:

For the Commissioner: C. F. Bliss, Muskogee, Oklahoma.  
For the Creek Nation, M. L. Mett, Muskogee, Oklahoma.  
For the heirs of Judy Barnett, O. A. Morton, Tulsa, Okla.  
For W. D. Cornelius, W. W. Hoffsinger, appearing for  
Irwin Donovan, Muskogee, Oklahoma.  
~~For B. C. Bennett and the March Oil Company,  
Benjamin Mossman, Muskogee, Oklahoma.~~

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By Mr. Bliss:

I have just received a communication by telephone  
from Fred Raines stating that both of the notices  
heretofore mailed Benjamin Mossman, who represented  
at the former hearing of this case, B. C. Bennett  
and the March Oil Company, are still in Muskogee.  
Mr. Mossman has been in Washington ever since the  
notices were mailed by the Commissioner, and it  
would seem has had no notice of this hearing. In view  
of this fact final action will not be taken in this  
case until Mr. Mossman is given an opportunity to  
take such further action as he may desire.

-----  
William McCombs, being first duly sworn by C. F.  
Bliss, Deputy United States Clerk of the Court,  
testified as follows:

Examination by Mr. Bliss:

- Q What is your name? A William McCombs.  
Q How old are you? A About sixty-seven.  
Q You are a citizen of the Creek Nation? A Yes sir.  
Q What is your postoffice address? A Eufaula, Oklahoma.  
Q As a member of the Creek tribe have you held any offices  
of trust in the Creek Nation? A Yes sir.  
Q What offices have you held? A Member of Council, Supreme  
Judge, Superintendent of Public Instruction, about all the  
offices I have held.  
Q Were you acquainted with Judy Barnett in her lifetime?  
A Yes sir.

- Q Was she a full-blood Creek? A Yes sir.
- Q How far did you live from Judy Barnett? A About five miles--five or six miles.
- Q Were you acquainted with her? A Yes sir.
- Q Did you know the different members of her family? A Yes.
- Q What was her husband's name? A Yarder Barnett.
- Q Did they have any children? A Yes sir.
- Q What are the names of their children? AA The names of the children I knew was James Barnett, Billy Barnett, and a daughter was Miss Barnett, the first name I cannot tell her first name; she was a grown daughters; she died; she was married before she died, and Jonas Barnett.
- Q Which died first, Yarder or Judy Barnett? A Yarder died first.
- Q Can you approximate the date of the death of Judy Barnett--can you give about the date? A Approximating the date of her death, it would have been about 1897 I guess; somewhere along there.
- Q Just state by what you fix that as being the date of her death? A I was superintendent of Eufaula High School, and I commenced that work in 1897-98 and 99, and I know she was dead then.
- Q Is there any incident that occurred during your term of office by which you remember the occasion of visiting the house where Judy Barnett lived? A Yes, I was coming to Okmulgee and stopped to inquire the way there, and they was the last Creek warrants I got to pay off the teachers, and I stopped there to inquire the way, and when I got to school house I heard one of my neighbors was dead, and the next morning I went there, and was at the funeral.
- Q Can you give the date? A That was about May 4th.
- Q What year? A Well, I think it was in the year 1898. That was the last payment I made.
- Q Are you certain that Judy Barnett was dead at that time? A Yes sir.
- Q Had she died shortly before that date, or had she been dead some little time? A I couldn't give the date, but it was eighteen or twenty months after her death I guess. I couldn't give the date.

Examination by Mr. Nott:

- Q Did you visit Okmulgee in the year 1898? A Yes sir.
- Q For what purpose? A For the purpose of getting school warrants to pay off the teachers.
- Q Teachers where? A Eufaula High School.
- Q Were you the Superintendent of that school? A Yes sir.
- Q On your return from Okmulgee, did you stop at the home of Judy Barnett? A Yes sir.
- Q Who did you see there? A I saw Jonas, his sister and Jim Barnett's daughter.
- Q Did you spend the night there? A No, just stopped there; we inquired the way and went on.
- Q Was Judy Barnett dead or living then? A She was not living then; just the children were living there themselves.
- Q And you knew she was dead at that time? A Yes sir.
- Q I am going to hand you a stub book of Creek warrants, issued in the year 1898, and I want to introduce this in evidence.

Stub-book introduced and marked "Exhibit  
YRL-3/23/12."

- Q Were those warrants you went to Okmulgee for delivered to you? A Yes sir.
- Q Was there a memoranda made on the stub that they were delivered to William McCombs? A Yes, a memoranda on the stub book.
- Q Were those warrants issued in your name or in the names of the different parties? A I think they were to the different parties--the teacher's names.
- Q You think the stub book shows that they were delivered to you? A Yes sir.

By Mr. Morton: I object to the introduction of the memoranda for the reason that it is not the best evidence and is incompetent, irrelevant and immaterial, and does not tend to prove or disprove the issues in this case; and further, that the Creek Nation appears as an interested party, and these warrants, or whatever they are, are in their possession and in their power to introduce, if they want to, and therefore this stub book is incompetent.

By Mr. Bliss: The objection will be noted.

Mr Morton: And we further object for the reason that the stub book has not been identified as being the stub book from which these warrants of the Creek Nation have been issued.

By Mr. Mott:

- Q "\$100. 5-26-1898. School Fund. Pay to Wm. McCombs, Support E. H. School." Who does "E.H." stand for?

By Mr. Morton: Question objected to for the reason that the witness has not shown that he is competent to answer the question.

By Mr. Bliss: Your objection is noted.

A For Eufaula High School.

- Q "For 3rd Quarter Scholastic yr., 1897- & 8, under Act of Oct., 1897. No. 2919, Delivered to Wm. Mc." Was such warrant as that delivered to you on May 26, 1898? A Yes sir.
- Q Was a warrant for \$63.00 in favor of Wm. McCombs, dated May 26, 1898, also delivered to you? A Yes sir.
- Q By whom? A By the clerk.
- Q What clerk? A Private Secretary of the Chief.
- Q Was he authorized to issue those warrants and deliver them?

By Mr. Morton: The question is objected to as incompetent testimony.  
Objection noted.

A He issued them; I suppose he was authorized.

- Q Was a warrant for \$24.50 in favor of Wm. McCombs, in support of the Eufaula High School, issued May 26, 1898?
- A Yes sir.
- Q All issued in the same way? A All issued in the same way at the same time.
- Q Was a warrant for \$87.50, May 26, 1898 also delivered to



- you for the support of the Bufaula High School? A Yes sir.
- Q Was one for \$87.50, May 26, 1908, delivered to you for the support of the Bufaula High School? A Yes sir.
- Q There were an additional number of warrants issued to you at the same time, were there not? A Yes sir.
- Q Did you go to Okmulgee for the express purpose of getting these warrants? A Yes sir.
- Q And do you know that it was on that trip and on your return to Bufaula that you visited the home of Judy Burnett? A Yes sir.
- Q Does the fact of your going to Okmulgee after these warrants, and having them in your possession, and returning to Bufaula, fix it in your mind definitely as having stopped at Judy Burnett's house? A Yes sir.
- Q On that date, May 26, 1898? A Yes sir.
- Q What is your occupation now? A I am a minister. I used to be a farmer but I quit that.
- Q You are now in the ministry? A Yes sir.

Cross Examination by Mr. Morton:

- Q What year did you say that was you were there? A 1908.
- Q Who was with you on that trip? A P. R. Ewing.
- Q Did you take any other trip than that one occasion for warrants? A Yes sir.
- Q Who was with you on the other trips? A Man by the name of Flanagan and from Checotah Alex McIntosh.
- Q Two different occasions? A Yes sir.
- Q Were there any other occasions you went to Okmulgee for Creek warrants? A Went twice.
- Q Did you get warrants at each of these two times you went? A Yes sir.
- Q Do you remember the dates upon which these other two visits were made? A I don't remember the exact date. I went every time in May--both times in May; the third time they was sent to me.
- Q You received such warrants about three times?
- Q And both times you went to Okmulgee was in the month of May? A Yes sir.
- Q What years were these two trips? A It was--I have forgotten the dates, but I think it was 1907.-- It may have been 1909. I don't know exactly what year it was.
- Q Do you remember what year it was that Alex McIntosh was with you? A A No sir.
- Q Do you remember upon your return whether you stopped anywhere, or anything about the details of that trip, when you were with McIntosh? A We went through Checotah and came back through the same way.
- Q Do you remember any particular places that you stopped on that trip? A No.
- Q Do you remember the amount as stated in any one of the warrants you drew on that trip? A No, there was so many; Of course the reports were turned over the following fall.
- Q How do you remember there were certain warrants delivered to you this time when you were with Ewing, and the amount of the warrants? A The whole amount I don't know. I know the teachers was paid different and others were paid; there was several warrants issued for different amounts.
- Q How do you remember what they were for on May, 11th, 1898, the warrant for \$62.50? A That was one of the teachers.
- Q Do you remember which teacher it was for?

- A That was Billy McIntosh.
- Q Do you remember the number of the warrant? A No sir.
- Q How do you remember you had such a warrant? A I remember because I paid the teachers what was due each month--each quarter.
- Q You paid them every year they worked for you didn't you?
- A Yes sir.
- Q What I am trying to get at, why is it that you can remember this warrant when you cannot remember the other warrants you paid at any other time?
- A All the warrants I had was the same amounts for the different teachers-- you have been Superintendent and you know how they was paid.
- Q You think this warrant was paid to Billy McIntosh for \$62.50? A Yes, I am satisfied; either him or it was Hattie Crabtree; they both got the same.
- Q If the records show it was made out to someone else, it would be a mistake? A I don't know about that; there were several paid different prices. I paid no attention to them after I made the payment.
- Q How do you remember you received a warrant at that time for \$150? You testified awhile ago that you received a warrant for \$150 for expenses? A Well, that was my warrant.
- Q Made out for your salary? A Yes sir.
- Q Do you remember the date of it? A No.
- Q You testified that you received a warrant on that date for \$100, how do you remember that? A That was for one of the teachers.
- Q Remember which one? A No, I don't remember.
- Q Was it made out to this particular teacher to whom you say it was issued? A For what particular teacher?
- Q Yes, made payable to what teacher? A That was Cornelius or John Emery.
- Q Made payable to them? A Yes; it was in the warrant and I paid it to them.
- Q In issuing these warrants were they made out payable to you and you endorsed them to the teachers, or were they made out to the teachers? A I think they was made payable to the teachers.
- Q You are not sure about that are you? A No, I am not sure.
- Q What day of the month did you say that was on? Do you recall the date of the month on which you received these warrants now? A No sir.
- Q You don't remember? A No, I couldn't remember the date, the exact date I delivered the warrants.
- Q Do you remember the date you received them? A No not to my personal knowledge.
- Q Do you remember the date, then, on which you went to Okmulgee for them? A No, it was in May though; I know that.
- Q You don't remember the day of the month? A No sir.
- Q You don't remember the day of the week do you? A No
- Q You say that on your return from Okmulgee on that trip you stopped at whose place? A Barnetts.
- Q Yarder Barnetts? A Yes sir.
- Q Who did you see at Yarder Barnett's house at that time?
- A I saw three persons I think while I was there.
- Q What were their names? A Jonas Barnett, Barnett's daughter-- I don't know her maiden name.
- Q Louisa? That was Billy's sister; the third person was Jan Barnett's daughter.

- Q You didn't see Louisa then? A Louisa wasn't there. I don't know her first name. She was a Miss Barnett then but she married afterwards.
- Q You didn't see anybody else? A No sir.
- Q How long did you stay there? A I guess about ten minutes.
- Q Do you remember anything concerning what took place while you were there? A The conversation was an inquiry for the road; it was in the night, and we was trying to make it through to Bufaula that night.
- Q How far was that from Bufaula. A About six or seven miles; somewhere along there.
- Q Did you go into the house or just stay in the buggy?  
A It was in the yard on the porch.
- Q You were on horseback? A No, we was in a buggy; we got out and went in to the porch.
- Q Did you go into the house? A No sir.
- Q You don't know whether there was anybody else there or not?  
A No sir.
- Q What time of night was it? A About eight or nine o'clock; Somewhere along there.
- Q Who did you talk to? A We talked to Billy's sister--Miss Barnett it was then.
- Q Louisa? A Yes.
- Q And you talked to her? A Yes sir.
- Q You only staid around there ten or fifteen minutes? A Yes
- Q Did Ewing get out of the buggy and go into the porch?  
A Yes sir.
- Q The only conversation you had with them was as to the road going into Bufaula--talking about the road into town?  
A Yes.
- Q When was it that you learned Judy Barnett was dead?  
A I didn't learn anything about her death that night.
- Q You didn't? A No.
- Q When did you learn then? A I heard she was dead like you would hear of any neighbor dying.
- Q You stated a minute ago on direct examination that from the fact that you went to Okmulgee to get those warrants, and that you returned on the 26th of May, 1898, that it was fixed in your mind so that you knew from that fact that she was dead--- you heard at this house that she was dead?  
A The best way I can answer that question is this. We are all sitting here. You and I know that Porter is dead- its just an occasion of that kind.
- Q It was just common talk was it? A Yes sir.
- Q At that time did you learn that she was dead? A No, I didn't inquire about it at all.
- Q How often did you see these people? A Sometimes I would see them in town pretty often through the year; sometimes in town and sometimes in church.
- Q You didn't visit them? A Occasionally I went to their house.
- Q You were not intimately acquainted with them? And didn't keep any track of them at all? A I was pretty intimately acquainted with them. Saw them at church.
- Q But when you heard she was dead, you didn't know how long or when she died, and don't have any knowledge at all about it at this time? A Just like any other person I could tell what time they died.
- Q Do you remember the first time you heard that she was dead?  
A No, I don't remember the date.
- Q But you remember now because you had been to Okmulgee and was returning through the country and had got lost and

- stopped at the house ten or fifteen minutes to inquire the road, that she was dead at that particular time?
- A Yes, it was known by everyone.
- Q Then this event had nothing to do with fixing the event of her death in your mind? A No, only I knew she was not living.
- Q Was she living when you first went to take charge of the school? A If you was to go to a person's house after she was dead, wouldn't you know she was dead?
- Q I have been to a good many people's houses that was dead, and I didn't know it. A That was my knowledge of it, and I have answered that question fifty times.
- Q Was she dead when you first took charge of the school? A Yes, I guess she was dead.
- Q Don't you know whether she was or not? I know more and more---I know one thing, she was not with us poor people in this world.
- Q When you took charge of the school? A Yes.
- Q When was that? A January 1, 1907.
- Q You say she was dead before 1907? A Yes sir.
- Q She was dead than January 1, 1907? A Yes.
- Q Yet you say you know that she died in 1908? A I didn't say that.
- Q Didn't you testify awhile ago that she died in 1908? A Its--I testified that she had been dead 18 or 20 months; that's the testimony I give in.
- Q Yet you don't know when you first heard that she was dead? A No.
- Q Do you remember when the land office opened at Myskogee? A Yes sir.
- Q Do you remember when it opened in Okmulgee? A No.
- Q You don't remember anything about the land office having been opened at Okmulgee at all, do you? A No.
- Q Do you remember who signed these warrants as Chief, that you say you drew? A Well, I guess Isparhechie signed them; he was Chief then.
- Q Who was Secretary of the Chief? A It was hard to tell; Sometimes Warjo and sometimes Dave Watson.
- Q Did anybody else ever act for Isparhechie as secretary when he was chief? A If them two wasn't there he would call on any citizen of the Creek nation.
- Q Do you remember who acted as Secretary when these warrants were issued? A No.
- Q As a matter of fact you still swear that you know about the date of the death of Judy Barnett--that what you swear to you only know by what you heard? A Yes.
- Q You don't know about it of your own personal knowledge? A Yes sir.
- Q And you think you heard she was dead prior to the time when you went to Okmulgee and received the warrants? these warrants you testified about receiving? A Yes.
- Q And that's all you know about it? A Yes.

Examination by Mr. Mott:

- Q Mr. McCombs, did you get any other warrants in Okmulgee in 1898 for the support of the Rufaula High School?
- A In paying different working hands I got warrants at different times, but when the teacher's warrants were to be issued they were all issued in a book.

- Q But you went into Okmulgee in 1898, in May? A Yes sir.  
 Q Who went with you? A Ewing.  
 Q And you came back by Judy Barnett's house? A Yes sir.  
 Q Was that the time Ewing was with you? A Yes sir.  
 Q Did Ewing go with you at any other time? A Yes.  
 Q And the time that Ewing went to Okmulgee and came back by Judy Barnett's house, at that time was Judy Barnett dead. A Yes sir.  
 Q Was it common knowledge that Judy Barnett was dead at that time? A Yes, that's why I knew it. I don't know the date and was not at the funeral.

Witness excused.

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 Jesse McDermott being first duly sworn by C. F. Bliss, Deputy Clerk of the United States Court, testified as follows:

Examination by Mr. Mott:

- Q State your name, age and postoffice address?  
 A Jesse McDermott, Muskogee, Oklahoma, age 32 years.  
 Q Are you a member of the Creek tribe of Indians?  
 A I am.  
 Q What position at present are you holding? A Executive Secretary to the Chief of the Creek Nation.  
 Q As such chief clerk are the files and records of the office of the Chief of the Creek Nation in your custody?  
 A Yes sir.  
 Q I hand you a stub book or memoranda of a warrant book that has just been introduced in evidence, which contains the stubs of a number of checks issued to William McCombs on May 5, 1898, to defray expenses of the Rufala High School, and will ask you if that stub book has been in your custody as chief clerk in the Chief's office? A Yes sir.  
 Q Is that the official record of stub book of warrants issued during that time? A Yes sir.

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 Examination by Mr. Norton:

- Q When was the first time you saw that stub book?  
 A The best I can get at it was in June, 1911.  
 Q Where did you get it? A I packed these old warrant stubs away in a box just prior to our removal from the Masonic building to this building, and the removal was in July, 1911.  
 Q You say you packed the box of stubs away, and where did you get this particular one I am speaking about-- you say the first time you saw it was in June, 1911?  
 A Yes sir.  
 Q Where did you get it? A They were in an old sack that had been left in the office.

By Mr. Mott: What office? A The Principal Chief's office

For my own convenience I packed them into these boxes and marked them 1 and 2.

- Q De you know who put them into that sack? A No, I don't.
- Q De you know who left the sack in the Chief's office? A No I don't.
- Q Bid you receive them from anybody, or did you simply find them in that sack in the office? A They had been in that old sack since 1908 to my knowledge, but they were there in the Executive's office.
- Q How do you know they were in that sack in 1908? A Because I was appointed national interpreter for the Creek tribe and upon looking through the old records I found everyone of these books--some 11 or 12 of them I have on hand now.
- Q In 1908 you say? A Yes sir.
- Q Were they in the Executive's office at Okmulgee or Muskogee at that time? A At Muskogee.
- Q That was where you first found them? A Yes sir.
- Q But you don't know whether those books were regular Creek warrants books or not? You just think it because you found them in that sack? Isn't that a fact? You just think that is a warrant book?
- A It states on the stubs they are warrant stubs.
- Q And that is the reason you say they are warrants issued by the Creek tribe? You don't know from your own personal knowledge as to whether that is the stub book or not, do you? A No, I don't.
- Q Its just your supposition you are basing your belief on isn't it? A Yes.
- Q And you have no facts to base that belief on except the fact that you found these stubs in the Chief's office in 1908? A Yes.
- Q And you say you went through a sack and found or saw this book in that sack in 1908? A Yes sir.
- Q That particular book that you have in your hand? A I couldn't be able to state that I saw this particular book in 1908, because there are a number of others.
- Q You don't know whether this particular book was there in 1908, do you? A No.
- Q You wasn't secretary at that time and didn't have the charge or custody of the records at that time, did you? A A. No, I didn't.
- Q And you never received this book from the hand of anybody who was in authority as secretary to the Chief? A No.
- Q No one who had authority to know, or had a right to know has ever told you that was a warrant book issued by the Chief? A No.
- Q You don't know anything about the fact as to whether that was really a Creek warrant book or not, do you? You don't know that to be a fact? A No, I don't.

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Examination by Mr. Mett:

- Q You don't know whether Theodere Roosevelt signed that parchment behind you on the wall, do you?
- A No, I don't.

By Mr. Morton. I object to that because it is irrelevant and immaterial.

By Mr. Bliss on behalf of the Commissioner:  
Your objection will be noted.

- Q You took charge of the Chief's office when? A February, 1911.



- Q Who preceded you? A John Q. Adams.  
 Q Were you appointed following his death? A Yes sir.  
 Q And you took charge of the Chief's office? A Yes.  
 Q Did you find that book among other records turned over to you as the Chief's clerk? A Yes sir.  
 Q That is similar to other stub warrants you found there--books, same class of book isn't it; the same as other stubs of books you have mentioned? A Yes sir.  
 Q The Chief of the Creek Nation's office is not an office of record is it?

By Mr. Morton. I object to the question. The witness is not competent to answer that question.

Objection notes.

- Q The office of the Chief of the Creek Nation is not an office of record--well, if it is a question of law as to whether it is or not, I won't ask you, but I thought it was a matter of such common knowledge he might know it was not. You are now holding that stub book as a part of the records of the Chief's office, are you not?  
 A I am.

Examination by Mr. Morton:

- Q As Secretary of the Creek tribe is it your duty to issue warrants to various parties? A It is.  
 Q In keeping the records, or in the discharge of your duties, how do you keep a record of the warrants you issue? A The name of the party to whom issued, date and warrant number.  
 Q Did you keep a separate record in the stub book? A I do.  
 Q Is it a fact that prior to your coming into office they kept a record of all the warrants issued and statement of the fact when and to whom they were issued, etc.?  
 A Yes, since December 4, 1899.  
 Q They have kept a book since that time have they? A Yes.  
 Q Since December 4, 1899? A Yes.  
 Q There was no record kept of warrants issued prior to that time? A I never have seen a record of that kind among the old records turned over to the Executive office.  
 Q Have you examined all of the records that are in the office? A Yes sir.  
 Q You examined all the records that were turned over to you as secretary--all records in the possession of the chief executive, and you found no record of any warrants kept prior to 1899? A No.  
 Q The secretary, in the discharge of the duties of clerk to the chief, keeps a regular set of books, don't he, now?  
 A Yes sir.  
 Q And has for a long time past? A Yes sir.  
 Q It is a fact they have always kept a set of books ever since the office has been established, isn't it? A My knowledge to that fact is only from December 4, 1899.  
 Q And upon what do you base that knowledge? A Among the other records I have on hand at the present time.  
 Q You find complete books, which you suppose to be a full set of books as having been kept by the Chief's office since that time? A Yes sir.  
 Q And you didn't find anything prior to that time? A No.  
 Q Did you find anything in the office which would indicate

that a change of keeping accounts in the Chief's office had been ordered and directed? A No sir.

Q But you say that John Q. Adams preceded you as secretary?

A Yes sir.

Q Did you find any notations in that book which you hold there in the hand writing of John Q. Adams, your predecessor? A No sir.

Q You testified on your direct examination that you had found this memoranda, or that it had been found, as a part of the records of the Chief's office? Who pointed it out to you as a part of the records of the Chief's office? A It had been turned over to the office before I took charge.

Q And you think it was part of the records simply because you found it in that sack in the office? A Yes sir.

Witness excused.

The Commissioner rests.

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Billy Y. Barnett, being first duly sworn by  
C. F. Bliss, Deputy Clerk of the United States  
Court, testified as follows, through Interpreter  
T. W. Tiger, who was also sworn by Mr. Bliss:

Examination by Mr. Norton:

Q State your name? A Billy Y. Barnett.

Q Your place of residence and age? A Seventeen miles west of Rufaula.

Q Are you the Billy Y. Barnett who has appeared in the controversy as to the enrollment of Judy Barnett heretofore?

A Yes sir.

Q Who was the Judy Barnett referred to? A My mother.

Q Who enrolled Judy Barnett as a citizen of the Creek Nation?

A The Daves Commission.

Q On whose application? A It was the Daves Commission came down to Rufaula and enrolled Judy Barnett.

Q Who made the application for her enrollment? Did you make application for her enrollment? A I don't know who made the application.

Q Was Judy Barnett dead at the time she was enrolled?

A No, she was living.

Q Who filed for Judy Barnett? A I did.

Q Was she living at that time? A She was dead then.

Q It appears from the records of the Commission that you filed an affidavit with the Daves Commission on the 8th day of June, 1901, stating that Judy Barnett had died on the 17th day of January, 1900. Do you remember about that affidavit?

At this point it is agreed between counsel that Jesse McDermott may act as interpreter, and he is duly sworn as such by C. F. Bliss, Deputy Clerk of the United States Court, T. W. Tiger being excused.

Q I will ask you before when you made that statement?



- A A man by the name of Judge Fears, who was at one time counsel, and who lived at Eufaula.
- Q At the time you made that statement were the facts set up in that statement by you true? A Yes sir.
- Q Did you know them to be true of your own personal knowledge?
- A Yes sir.
- Q Are they true now? A Yes.
- Q It also appears from the records that at a subsequent time you have appeared before the authorities of the Commission and made a statement to the effect that Judy Barnett died in 1899. Do you remember about that?
- A Yes.
- Q It appears here from the records that on the 19th day of April, 1911, you testified out at your place west of Eufaula, before Mr. Bliss, to the effect that Judy Barnett died in January, 1899. Do you remember giving that testimony? A Yes, I remember having testified before Mr. Bliss through Louis McGilbray who interpreted, and at that time I produced a memoranda on which the date of the death of Judy was given, and Mr. Bliss asked if the date in that book was the same as the date that appeared on the headboard, and I told him I didn't know about that, because someone else made the record in that book.
- Q On the next day Mr. Bliss came back to your house and asks you again about this matter, and you then told him that she died in January, 1899; do you remember making that statement? A I don't remember ever having testified about giving the date of the death as 1899 only the one time they was over at my house.
- Q I will ask you if at the time you testified there before Mr. Bliss, you were testifying from your own personal knowledge, or whether you were testifying from a record made in this little memorandum book? A At a previous proceeding the testimony referred to this book and that's how come them to be out there making inquiry.
- Q When you were testifying before Mr. Bliss at your house, you were not testifying from your own personal knowledge, were you? A That was all; I was testified on dates as furnished by the little book.
- Q The record shows that you testified there at that time that this little book containing this memoranda was copied by you from another memoranda book which you found among the papers of your son, who is deceased. Is that true?
- A Yes, I stated that.
- Q I will ask you now, how long had your son been dead when you found this little book containing this memoranda?
- A After my son was shot and killed I was examining the clothes. I am unable to state just for what reason, but I found that book in one of his pockets, and found a record which I thought to be the date of the death of the old lady, and I cannot be able to state just how long my son had been dead at the time I found the record.
- Q Was it as much as a month? A It was sometime afterwards. Probably a year and a half afterwards. The Indians don't like to tamper with the clothes of a dead person, but it just happened at that time that I did.
- Q You think it was a year and a half after Alex, your son, died, before you found this memoranda book? A Yes, it was over a year and a half; I couldn't be able to state just how long.
- Q How long had your mother been dead when your son was killed? A I wouldn't be able to state just how long it

- was after my mother died, but he was killed December 21, 1906.
- Q And you say your mother died in 1900? A Yes sir.
- Q Where was this clothing all this time? A At my house.
- Q What time after his death did you take them to yourhouse?
- A After they were removed from the body of my son I had them washed and laid away. I don't know how long I had them.
- As is usual the Indians always keep any little bit of clothing that belong to their dead kindred.
- Q What garment was this memoranda in? Coat, vest or shirt?
- A Found it in the trunk.
- Q The memoranda you speak of was not on his person at the time he was killed, but was in his trunk? A I don't know as to what. The parties who did the washing of the clothing may have taken it out and put it in the trunk.
- Q You didn't get this book out of your son's clothing then, yourself, did you? A No, I didn't. I opened the trunk and in looking at the clothing I found that little book.. I studied quite awhile over the way things was left at the time he was killed.
- Q And had you ever seen this book before you found it a year and a half after your son was killed? A Never had paid any attention to it.
- Q Did you ever see it in the possession of your son?
- A Never had.
- Q Do you know that your son had ever written in that book, of your own personal knowledge?
- A Yes, he had made notations in the book long before I got it. I noticed there was some leaves there he had not used and I took them for my own use, but I was at Eufaula and lost my hat and along with my hat I lost the book.. I will not state how come to lose the book or the hat.
- Q Do you know of your own personal knowledge that your son wrote in that book? A Yes, I identified it by his handwriting.
- Q You say the reason you say he wrote in this book is because you think the hand writing in this book was his?
- A Yes, I had often seen him write his name.
- Q But did it ever occur to you that this book might not be his writing, and did you then examine it carefully and critically to determine whether or not it was his hand writing or not? A I never had any doubts as to the book belonging to him, but I examined it just to see if he had any money due him from parties he had loaned to, and other items that I might be able to collect in case he did have something coming to him.
- Q Isn't it a fact that simply because you found this book in his trunk, and that the hand writing resembled your son's hand writing, you thought it was his? A I did; I knew it was his from that.
- Q But you never examined it critically? A No I didn't
- Q As a matter of fact, so far as you know of your own personal knowledge, your son has never written in that book, has he? A No, I don't know.
- Q Where was your son when your mother died? A At that time he was attending school.
- Q Where? A Wetumka, but just at the time of the death of my mother he was home, but I usually send him to school somewhere; sent him back. He was present at the burial.

- Q Do you know of your own personal knowledge as to whether there was any record kept of the date of the death of your mother? A No, only those records which the Commission had which Judge Fears fixed out for me that I brought and left with them. Sometime after the enrollment was made I got a description of the land from Henry Land which I brought and left with them. Sometime after the enrollment was made I got a description of the land from Henry Land which I brought and was told by the Commission that I had a right to file on it and I did.
- Q Mr. Barnett, since this controversy has arisen as to the date of the death of your mother and you have had occasion to examine this memoranda book and think about it, what have you to say now as to the correctness of this little memoranda as having been copied from the one found in the effects of your son? A Since I have found out that the question was raised by some other parties as to its being correct, I haven't much to say about it.
- Q You say now that this memoranda which you showed to the Commissioner as having been copied from the book which you found among your son's effects, is incorrect?
- A Yes sir.
- Q And when you testified before the Commissioner to the effect that your mother was dead January, 1899, you were mistaken, were you? A Yes, because the interpretation was incorrect at the time I testified. I never had testified before a hearing like this.
- Q And if you did make the statement that your mother had died in January, 1899, I will ask you if that was a mistake?
- A Yes, that was a mistake.
- Q I will ask you now if at any time and at any hearing before the Commissioner relative to this matter, have you intentionally testified falsely? A No, I always wanted everything right.
- Q And you state the fact to be now, that your mother died in January, 1900, do you? A Yes, to bear out the affidavit that you have in the record.
- Q You mean to say by that that the affidavit you made before Fears is correct, do you? A Yes sir.

By Mr. Mott: The most of this testimony is objected to by the attorney for the Creek Nation on the grounds that it is leading.

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Examination by Mr. Bliss, on behalf of the Commissioner:

- Q Do you remember when you made application for enrollment, Mr. Barnett? A Yes, but I would not be able to state just when. The only thing I could refer to is the patents that I have.
- Q The records of the Commissioner to the Five Civilized Tribes show that you made application for enrollment on June 1, 1899. Can you state whether or not that is the date you made application? A I remember the incident of having made application for enrollment, but I cannot say just when it was.
- Q Did you make application for the enrollment of any other person at the time you made application?

A Since I was told that they were making applications, or receiving applications by families, I made application for the enrollment of my wife, Lizzie.

Q Did you make application for the enrollment of any of your brothers and sisters at that time. No, I didn't, because my brothers as well as the next boy Jim, had made application for enrollment.

Q Did you make application for the enrollment of your mother, Judy Barnett, when you made application for yourself?

A No, she had already been enrolled when I made application for my enrollment.

By Mr. Bliss: The records of the office of the Commissioner to the Five Civilized Tribes show that on June 1, 1899, Billy Barnett made application for the enrollment of himself, his wife Lizzie, and his children, as follows: Aleck, Polly and Susie.

Q Were Aleck, Polly and Susie your children? A Yes sir.

Q You now state do you, that the death of your mother occurred January 17, 1900? A Yes sir.

Q The records of the office of the Commissioner also show that when you made application for enrollment in June, 1899, you stated that your mother was dead. How do you explain that statement?

A I never did appear before the Dawes Commission at any time and make a statement as to the death of my mother. If such record appears it must have been made by some other person besides myself.

Q Where did you go to make this application for your enrollment? A I don't remember; there's been so many dates when they had cases of that kind, but as well as I remember I think it was at Okmulgee I made application for my enrollment, unless I am mistaken.

Q You state now that if the records of the Commissioner to the Five Civilized Tribes show that when you made application for enrollment in June, 1899, you stated that your mother was dead at that time, then those records are in error?

A Yes, inasmuch as I never made any statement as to the death of my mother. I inquired of Tama Bixby and he told me the date was on record, but I never made inquiry as to when the records showed it occurred.

Q You also stated at that time, did you at this time, that if the testimony which you gave before myself as the representative of the Commissioner, on April 20, 1911, showed that you stated your mother died January 29, 1899, that that testimony is in error?

A Yes, because I never had furnished the date of her death at any time.

Q What is the name of your son who was in school at the time of your mother's death? A Alex.

Q Where was he in school? A Wetumka

Q What school in Wetumka was he attending at that time?

A It was at the old Mission below the town of Wetumka; he afterwards attended school at Rufaula and other places, and became quite educated before he died. It was the school known as Wetumka Mission.

Q How long did he attend school there? A I would not be able to state; he began to go to school--after he learned

his A.B.C.'s. I sent him to Wetumka, and finally he finished schooling at Bufaula.

- Q How long was he in school at Wetumka? A I don't know.  
 Q How long did he attend school there after the death of your mother? A Probably a year.  
 Q While attending school at Wetumka, did he board and room at the Mission? A Yes, that was a boarding school.
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Examination by Mr. Nott:

- Q You told Mr. Bliss, Billy, that when you made application for enrollment, your mother had already been enrolled. Is that right? A Yes sir.  
 Q Who made application for her enrollment? A I don't know; I didn't make application myself. Probably Jim did it, because he was older.  
 Q You made application on June 1, 1899, didn't you, for your enrollment? A I don't know as to that.  
 Q When was it you made affidavit before Mr. Fears as to the death of your mother? A I think it was, as well as I remember, 1900.  
 Q You made this affidavit before Fears after you had made application for your own enrollment?  
 A Yes, after I was informed that it was necessary for me to have papers regarding her death I went back and had Judge F Fears fix them up for me, and when I brought the affidavit in with me was when I filed.  
 Q The purpose of bringing this affidavit in was to get your mother enrolled? A No, it was for the purpose of filing on land for her.  
 Q Had your mother been enrolled before the making of this affidavit? A Yes.  
 Q If she had been enrolled before June 8, 1901, then why was it necessary for you to make affidavit as to the date of her death?

By Mr. Morton: The question is objected to because it is calling for ~~the~~ a conclusion of law rather than fact.

By Mr. Bliss: The objection will be noted.

- A I was told that was the rules the Commission had.  
 Q You are just as certain now, aint you Billy, that she was enrolled before you made your application as you are that she died in January, 1900? A No, I am not, because I don't remember when I made the application for my enrollment.  
 Q Well, you said she was enrolled before you were, didn't you? A I didn't file on my land or make application for my enrollment because I was rather inclined towards the Snake Indians, and it was quite awhile before I filed on my land.  
 Q You say you didn't make application to enroll your mother because she had already been enrolled. Was that it?  
 A ~~It was quite awhile before I filed on my land.~~  
 A At the time I was making application for my enrollment I thought I would let the matter stand regarding her land.  
 Q Had she been enrolled when you made your application?  
 A She had already been enrolled by the Dawes Commission at Bufaula.

- Q If she had not been enrolled would you have made application for her when you made yours? A Yes, that same day.
- Q You knew then, when you made your application, that she had already been enrolled? A Yes, my previous testimony as stated I made application for myself and wife. I was mistaken as to that because my three children, Alank, Polly and Susie were also included in my application, but they being members of other towns I had to go and get the consent of the Town Kings before I could make application for their enrollment; that's why I just made application for myself and wife

My Mr. Norton: Mr. McDermott, didn't he say that he had been informed by her that she had already been enrolled, and therefore he didn't ask for her enrollment at that time?

By Mr. McDermott: No, he didn't say that.

Mr. Mott:

- Q Did you make that application for your enrollment to the Commission? A Yes.
- Q Did the Commission tell you that your mother had been enrolled? A No sir.
- Q Who told you so?
- A Since she had been enrolled at Eufaula, I presumed that she was on the roll.
- Q How do you know that she had been enrolled at Eufaula?
- A Jim Barnett told me at Eufaula they had made application to be enrolled, and I told him that it was proper.
- Q That who had made application for your mother?
- A Jim Barnett.
- Q Who was Jim Barnett? A He is my brother.
- Q Did he live with Judy? A No, he married while a little boy and left his mother. Jim left the family a little while after the civil war.
- Q Did Jim say he had enrolled his mother, Judy? A No, he said they had enrolled themselves.
- Q Who had enrolled themselves? A Judy Barnett and the children.
- Q Judy Barnett and the children? A Yes.
- Q How did he know? A I never asked him as to that. I suppose he had seen them.
- Q Did he say Judy had been enrolled at the same time he was?
- A No, he just merely told me that Judy and the rest of the family had enrolled.
- Q When was Jim enrolled? A I don't know.
- Q Wasn't Jim enrolled the same day you were? A Perhaps, he did, but I didn't have any interest in his case.
- Q Hadn't all the members of the Judy Barnett family, - all the children and you, enrolled about the same day? A That may be true, but Judy had been enrolled quite awhile before I was enrolled.
- Q Judy was enrolled quite awhile before you were?
- A Yes.
- Q Now, suppose it appears as a fact that Judy was not enrolled at the time you were enrolled. How is it that all the Barnett family, you and your children and all, were enrolled on that day, and no one left off but Judy?



By Mr. Morton: The question is objected to as it is now shown that he knows when these other parties were enrolled, and he says he don't know

- Q If it is shown from the records that it is a fact that all the Barnett family--you and all the other children, and the children of you all were enrolled, why was it that you were all enrolled on the same day except Judy, the mother of the family?
- A I don't know as to that because the Daves Commission had the making of the records and I cannot say why they separated the enrollment of my mother.
- Q Was Judy an old lady? A According to the estimation of the people who lived near and have seen her she was said she was about seventy-three years old.
- Q Was she weakly? A No, she was in strong health.
- Q Was she able to go to Okmulgee? A Yes, up to along previous to her death she had been sick sometime.
- Q How long had she been sick previous to her death? A I don't know just how long she was sick. She was troubled with heart complaint for a longtime.
- Q How long before her death had she been away from home?
- A I don't know as to that.
- Q Was it two years? A I don't know.
- Q Was it that long, do you think. A I don't know; she wasn't subject to visiting noway.
- Q She hadn't left home for a long time before she died, had she? A She occasionally went to church; that was the extent of her trips away from home.
- Q How far would she go to church? A Little over two miles away.
- Q That was as far away from home as she had been for a long time before she died, wasn't it? A Yes; at times she went to Bufaula.
- Q Now, if that was her condition, sickly and confined at home and unable to leave, and you knew it and her other children knew it, when you went and made application for yourself for enrollment, why didn't you enroll her?
- A She was in good health at the time they began receiving applications for enrollment.
- Q If she was in good health at the time of the beginning of the enrollment, why didn't she go and enroll herself.

By Mr. Morton: The question is objected to because it calls for the conclusions of the witness.

By Mr. Bliss: The objection will be noted.

- A I just awhile ago stated that she made application for herself. She made application for the enrollment of herself because she told me she made application.
- Q Who did she make it to? A Daves Commission.
- Q Where at? A Bufaula.
- Q Then if she made application to the Commission for her enrollment, and if there is no record of that application, it has been lost has it? A I don't know as to that.
- Q The only record that the Commission has of Judy Barnett being a member of the Creek tribe at all, appears on your enrollment card, and that appears and fixes her as having

been dead when you made application for enrollment,---

By Mr. Norton: I object to the statement for the reason that it a statement of a conclusion of fact of the Commission and also is a conclusion of law. That card has several different dates on there, and different notations.

By Mr. Bliss: The objection will be noted.

- Q (Continued) and you made application on June 1, 1899, and Judy Barnett appears on that application card or enrollment card as being dead. Did you report to the Commission that she was dead when you made that application?
- A That is what I was talking about awhile ago when I said I never made any such statement that she was dead.
- Q Well, was she dead at the time you made your application?
- A No, she was planting corn and making sofka at that time.
- Q At the time you made your application on June 1, 1899?
- A Yes, she was then able to pick cotton.
- Q You say she was planting corn and picking cotton and making sofka at the time you made your application?
- A Yes, she was a very strong woman then.
- Q A very strong, healthy woman then? A Yes, she was able to make blue sofka at that time and felt better and eat good, but since she died I have got to eat Mott's kind of grub.
- Q When did she die? She was strong and healthy was she?
- A Yes.
- Q When did she die? What month of the year did she die in?
- A January 17, 1900; that's what I know until this day.
- Q January, 1900? A Yes sir.
- Q Now, you say when you made application on June 1, 1899, she was strong and making sofka and planting corn and picking sorghum; how do you reconcile that with your statement awhile ago that for two years she was unable to go anywhere and had heart trouble and was sick and feeble?
- A But though she was sick she worked all the time. It is the white people that go to bed with even a tooth ache but an Indian is different when it comes to sickness; they generally continue to work after they are sick.
- Q How long after you were enrolled until you made your filing?
- A It was probably two years or three years after they began filing I filed on my land. I couldn't state positively.
- Q How long had your mother been dead when you filed? A I don't know as to that.
- A Two years or one year or three years--four years?
- A I don't know.
- Q Was your mother dead when you filed? A When I filed my land in the first place she was then living, but she was sick.
- Q How long after you made application for enrollment before you filed? A I don't know; I never made any record of that.
- Q Was it right away? A It was sometime after my enrollment because I was a believer in the Snake idea and I didn't care about filing on land for a long while.
- Q Was it a year? A Perhaps so; in the absence of any record as to that I cannot say.
- Q And you refused to file after you had made your enrollment because you believed in the Snakes and was supposed to allotment? A At times I felt like going to their meetings. Jim went at times.  
June.
- Q If you made application on ~~January~~ 1, 1899, and you filed June 2, 1899, what have you got to say about that?



- A I can't account for that because that are a lot of notations regarding my enrollment that I didn't furnish.
- Q Are there a lot of notations about your filing that you didn't furnish? A I don't deny that because I filed on the land myself.
- Q You selected your land yourself. A Yes, I got a description of my land and filed.
- Q Did you select the day after you enrolled? A I don't remember as to that.
- Q You said awhile ago it was a year after you had enrolled.
- A That's my knowledge, if the records shows it.
- Q Did you file your wife? A Yes,- not the same day that I filed for myself.
- Q Did you file your three children? A I filed for two. I was told Alex was of age and I let him file for himself.
- Q Were you a Town King? A Yes, I served 17 or 18 years as King.
- Q You were Town King at the time you made application for enrollment, wasn't you? A Yes, sir.
- Q It was a part of your duty wasn't it, to aid the Commission in getting a correct roll of your town? A Yes, I realized that fact, but I didn't have much to do with them. I have communications from the Commission requesting me to come th there in making a correct roll.
- Q That was a part of your duty as a Town King in the Creek Nation wasn't it? A Yes, so we was informed and we was members of the council.
- Q As Town King, and as one of your duties, it would be within your duties to have enrolled Judy Barnett, wouldn't it?
- A Yes, but at that time my mother was reluctant about filing on land and wouldn't permit us to select land for her.
- Q Did she object to your enrolling her? A Yes, at first she objected by making statements that even if she did file on land it wouldn't be doing her any good, and since she was a mother of mine and had used a stick on me several times I was afraid to insist on her enrollment.
- Q And she didn't want to be enrolled, did she? A Yes--that was my impression but I don't know why but she seemed to have changed her mind and made application for herself.
- Q Where did she make it? A Made it at Bufaula.
- Q Who told you that? A She herself told me.
- Q She herself told you that she made application for enrollment? A Yes, she told me herself.
- Q Was that the reason you didn't make application for her?
- A Yes, because she was enrolled..
- Q Well, if that is the reason you didn't make application for her, because she said she had made it herself, what did you mean when you said awhile ago that the only information you had was that your brother had told you that she had been enrolled? A I didn't mean it that way. Jim told me the old lady had told him that they had made application for enrollment, and also, he said they had been enrolled.
- Q And now you say she told you so too? A Yes.
- Q And that was the reason you didn't make application?
- A Yes, since she had already been enrolled I never paid any particular attention to her enrollment.
- Q Now Billy, you have been talked to a lot about this case, haven't you? A The Commission had several meetings and requested me to be present, and from the way I feel now, if this case is continued I don't expect to be living to see

it finished.

- Q You have been talked to a good deal about it by people other than the Commission, haven't you?
- A About what?
- Q About this case. A Yes, and the old folks ask me about that matter of ours as to what was going to be decided, or what the outcome was going to be.
- Q The attorneys and parties interested in this case have talked to you lots about this case in the last few months, haven't they? A Yes, every time we have a hearing like this.
- Q They have talked to you about these several affidavits you have made, haven't they? A I don't know anybody knows anything about the affidavits.
- Q About the affidavits you made before Bliss and the affidavit before Fears, and three different affidavits.
- A That's the only slips of paper in that stack somewhere that was brought and delivered to me by our friend over there in the corner (indicating Mr. Cornelius), over which we had a long talk, about the only paper I know anything about.
- Q You have not been interviewed, or have not been shown that there was a good deal of discrepancy in this matter, have you? A Yes, this man who is present now-- I cannot tell his name (indicating Mr. Bliss), when we had a hearing before him, he said for me to straighten that out.
- Q You have talked to Mr. Norton a good deal about this; hasn't he told you there is a good deal of difference in your testimony that had to be straightened out? A Yes, he has talked to me quite a bit, but its because he is an attorney and employed in the matter.
- Q And he has shown you where you have mixed your dates about the death of your mother, hasn't he? A He never did tell me that directly, but said the Commission had quite a lot of dates upon which my mother died.
- Q Well, I don't mean that Norton has advised you not to tell the truth; I know he wouldn't do that, but he has told you that you have given different dates about the death of your mother, and he wanted you to get the right dates and support it by what evidence you could. He has done that, hasn't he? A No, he never has.
- Q You have been advised that if your mother died before April 1, 1899, she was not entitled to this allotment, haven't you?
- A I don't know as to that.
- Q Well, Billy, the fact is that you are not clear about the dates and months and years about this matter, are you?
- A At one time I had a good memory, but I got drunk on alcohol once and since that my mind is in such shape I cannot recall anything very clearly now-days, and it is my hope that Mr. Mott will attend to this as soon as he can in order that I may realize something out of it before I die.
- Q I want to ask you one more question. Do you know Barney Riley? A Yes sir.
- Q Did you at any time state to Barney Riley that you had filed for Judy Barnett when you knew good and well that she was not entitled to enrollment, but that others were filing for others who were not entitled and so you thought you would file for her. A I don't remember it. Barney Riley is a near neighbor of mine and we have had talks on various subjects but not that matter in particular.
- Q Do you say that you didn't say that to him? A Yes, I would be willing to swear to it. I have heard it indirectly

- here stated that the Commissioner had requested him to make his appearance before the hearings, but inasmuch as he didn't know anything, he didn't care about appearing.
- Q Have you been to see him? A Yes, I saw him last Thursday, the day the snow flew.
- Q He is sick isn't he? A Yes, I was at his house last Thursday night, sitting up with one of his boy's corpses.
- Q Did you say anything to him about this matter? A No, I didn't. I wasn't like white people about talking over what they heard--
- Q Did you tell him you heard that he was going to be a witness in this case? No, I didn't talk to him about that.
- Q You never did speak to him about that? A Never did.
- Q Who told you he was going to be a witness? A Lewis Collins, a preacher who lived right near me told me Riley said he didn't know anything about this matter, and that he was not going to attend, and that he didn't attend.

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Examination by Mr. Morten.

- Q Billy, when you made this affidavit for the enrollment of your mother, did you have anything to do with the for, of the papers which you executed? A At my request Judge Fears drew up the paper.
- Q But you didn't tell the Judge what was necessary to put in to the paper, did you? A Mr. Fears asked me about when my mother died, and I told him, and on the strength of that he prepared the paper before two witnesses who signed the affidavit with me.
- Q I want to ask you how many times you have talked with your lawyer since we were at Eufaula last year?
- A I never have seen my attorney since that day until this morning.
- Q Has anyone ever been to you and talked with you about this case, and told you that your lawyer had sent him to you?
- Q No, no one has ever talked to me about representing my attorney.
- Q Has your lawyer ever asked you to testify to anything that was not true in this matter? A No sir.
- Q Has your lawyer ever said anything outside of court that that he didn't say to you here on your examination in chief?
- A No sir.

By the interpreter: In a statement the witness says he was advised by his attorney not to converse with anyone relative to this matter but Mr. Bliss. The Commissioner came to his house and told him he had been directed by the Commissioner to the Five Civilized Tribes to verify the dates as shown by the records and he absolutely refused.

- Q Did Mr. Bliss tell you that you were entitled to counsel on the hearing of this matter? A No sir. (Do you mean at the time he was at Eufaula or at the time Mr. Bliss was over at his place?)
- Q I will ask you this question. When they came out to your house and took this testimony, and when they got that little memorandum back and you told them about these different dates, did they tell you then what they wanted, and that they were taking testimony for the purpose of cancelling this allotment?

- A No, they didn't explain that to me that they were taking testimony looking to the cancellation of the Judy Barnett allotment, but stated that they wanted to see a little memoranda that I had, and after producing the same and after a careful examination, one question was in which he asked me whether the date was the same as that appeared on the head board of Judy Barnett's grave, and I told him I didn't know because the date made in the memoranda was made by someone else, but I find now that Lewis McGilbra told Mr. Bliss the date shown on the memoranda was the same as that made on the head board.
- Q Did they tell you at that time you were entitled to counsel and that you were entitled to consult counsel before you answered such questions? A No, they didn't; they never said anything about it. The only thing I know anything about Br. Bliss became quite friendly with me and wanted to go hunting with me, and by that I got an idea he was going to recommend the payment of the money and we would have a good time. He also asked me about whether I had ever killed a bear. When he was talking to me about hunting I told him I had killed bears, and he seemed to think there was some bears in my country by what he said.
- Q Your lawyer has always told you to tell the truth on this hearing has he Billy? A He told me to testify to the truth and not to testify to anything I didn't know anything about.

Witness excused.

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Henry Hicks being first duly sworn by C. F. Bliss, Deputy Clerk of the United States Court, testified as follows: Through Jesse McDermott, Official Interpreter:

Examination by Mr. Norton:

- Q State your name, place of residence and age?  
 A Henry Hicks, Salem; forty-five.
- Q Did you know Judy Barnett in her lifetime? A Yes sir.
- Q Do you remember the time she died? A Died in 1900.
- Q Were you present at the time of her death? A Yes, and assisted at her burial.
- Q Subsequent to that time did you make an affidavit as to the date of her death? A Yes sir.
- Q Who did you sign that affidavit before? A Judge Fears.
- Q In that affidavit did you give the correct date as to the death of Judy Barnett? A Yes sir.
- Q Do you remember what month it was in? What month she died?  
 A January 18.
- Q What year? A It was either the 17th or 18th, 1900.

Examination by Mr. Mott.

- Q Are you any kin to Judy Barnett? A No sir.
- Q How far do you live from her? A I was living about five

miles from her where I formerly lived.

Q How come you there when she died? A She being a member of my town I was asking for information from Billy, and happened to be at her house when she died.

Q Who else died in January, 1899, in that country?

A I don't know of anyone that died in that country in January, 1899.

Q Who died in the year 1899 in that country? A I don't know anyone who died in the year 1899

Q Who died in the year 1898 in that country? A I don't know that.

Q Give the name of anyone who died either in the year 1898 or the year 1899 other than Judy Barnett?

A Since I don't know of anybody who died in those two years, I couldn't say. I will have to state just what I know.

Q Give the date of the death of anybody who died in 1910?

A There were several people who died in that year, but I cannot recall their names.

Q How long was it from January 17, 1899 to June 8, 1901? It was about 17 months wasn't it? A Yes, about that.

Q Well, from 1910 to March 1912 wouldn't be any longer than that, would it? A No, not very much.

Q Yet you don't know the name of a single person, and cannot give it, who died in 1910? A No, I don't remember the name of anybody.

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Examination by Mr. Morton:

Q Do you read and write? A No, I don't.

Q You are not educated then? A No sir.

Q Understand English? A No.

Q Have you been in the habit of making affidavits and signing up papers generally for people? A No, I don't.

Q Then the fact that you had been requested to sign up this affidavit, and that you did sign it up before Judge Fears, impressed it on your mind and you remember it more distinctly than other matters of import, did it? A Yes, I signed that by mark because I couldn't write.

Q Has anyone shown you this affidavit since you have been here? A No sir.

Q As a matter of fact you state that Judy Barnett died on the 17th day of January, 1900, did you? A Yes, I am positive of that.

Witness excused.

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Joe Hutton being first duly sworn by C. F. Bliss,  
Deputy United States Clerk of the Court, testified  
as follows:

Examination by Mr. Morton:

Q State your name and age? A Joe Hutton. I have no certain knowledge of my age; its between eighty and ninety years.

- Q Where do you live? A Living round about twenty miles west of Rufaula.; ten miles from Hanna.
- Q Did you know Judy Burnett during your--her lifetime; the mother of Billy Barnett and Jim Barnett? A Yes sir.
- Q How long had you known her before she died? A About forty years.
- Q How far had you been living from her place during her lifetime? A About a mile and a half; before she died e moved and lived about two miles.
- Q How long had you been living that close to them? A I had been living there about thirty years.
- Q Been living within two miles of her for about thirty years? A Yes sir.
- Q Do you know when she died? A I know but I have no way to tell the years, but I know of her dying and putting her away; I helped to do it.
- Q Were you present when she died? A No, she died in the night and the next morning I was there; I belonged to their church; they reported they wanted us to come.
- Q Were you at her burial? A Yes, I dug the grave.
- Q You may state when that was, if you know.
- A I can't tell exactly; I can tell we had went and filed and had come home and it was three or four church meetings before she was took sick and died, and we had church meeting every four weeks--it something like four months.
- Q After you filed--it was about three or four months after you filed she lived? A Yes.
- Q Was she living when you filed? A Yes sir.
- Q You know of your own personal knowledge that she was living when you filed on your land? A Certain. She told me she had not filed yet, but was looking for the boys to file for her.
- Q And you say she was living about three or four months after you filed? A Yes, about four church meetings, and the meetings was every four weeks; that was the rule of the church; I was deacon in the church and attended regular.
- Q State whether she died in the winter, summer or spring time? A I don't know exactly; the first of October we filed, and it was about three or four church meetings afterwards.
- Q Was it cold weather when she died? A It was pretty cool weather.
- Q Was it winter time? A It was in the fall I guess. It was in the fall I think; we filed the first of October; when we got home church meetings come on; she was sick and sent for us, and it was three or four church meetings after we filed before she died.
- Q She died three or four months after you filed? A Yes sir.
- Q Have you lived in that community ever since, down in that country? A Yes sir.
- Q Do you remember anyone who was present at the funeral besides yourself? A Well, there was several of the neighbors there. I think the neighbor women were there, and some of Jim Hutten's boys--no, they wasn't there; they was at school; but there was several of the neighbors in.
- Q Was Henry Hicks there? A I wouldn't know for certain whether he was.
- Q Was Lewis McGilbray there? A Yes, Lewis McGilbray was there, but I don't know whether he was there when she died



but he was at her burial.

- Q Was Billy Barnett there? A He came afterwards; I don't think he was there when she died.
- Q Did he come before she was buried? A Yes sir.
- Q He was there when she was buried? A Yes sir.
- Q Have you continuously lived in that country for the last thirty years, you say? A Yes, I lived there; I lived there when peace was declared and we colored people have been there ever since.

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Examination by Mr. Bliss:

- Q When did you make application for enrollment? A I couldn't tell exactly what time. I enrolled at a place called Wellington; that was where we enrolled.
- Q Is that near Fufaula? A I think it is over here close to Boyington (Boynton); a place the people called Cane Creek; used to be Leeds.
- Q When was that? About what time? A A good while after we enrolled before we filed, but the Commission was camped there and we went up there and enrolled.
- Q Who was present there at the time you made application? Do you remember; remember any others that made application at that time? What other citizens made application at that time? If you know any of them?
- A Just my family was there and several of the neighbors. Some of them dead now that was around there; a widow woman that lived there was there.
- Q Were any of them members of the Barnett family there at that time? A Amelia Hutton; Christy Ann Grim was there, and my daughter was there; just a small family of us went up and enrolled.
- Q Did you see any of the members of the Barnett family at that time? A Yes.
- Q What members of the Barnett family did you see there at the time you made application? A Not a great many of them.
- Q I mean the Billy Barnett and Billy Barnett and Judy Barnett families; any members of her family there at that time?
- A Judy Barnett family?
- A Yes. A No sir.
- Q None of them there? A No, just the colored folks went up there.
- Q How long was it after that you say until Judy Barnett died?
- A I didn't say how long it was after we enrolled. I said after we filed. After we filed and went home she sent for my old lady to come; they wanted to talk over church matters; and the next four weeks that come--every four weeks the meetings and they was the two treasurers of the church matters and they was talking that over.
- Q When did you file? A I filed on the 1st of October.
- Q What year? A I couldn't tell you; I wouldn't be able to explain, but the general council; the creeks had their general council about the 1st of October.
- Q But you are not able to give the year?
- A No, I am not; I have no learning; what I have is just a little mother wit and I am looking for it to carry me along without any difficulty.
-

## Examination by Mr. Norton:

Q What place was the Commission located when you took your allotment? A Okmulgee; the Commission was camped there.

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## Examination by Mr. Nott:

Q You filed at Okmulgee? A Yes sir.

Q Were there many members of that church? A There was at that time. Pretty near all dead now.

Q Pretty big membership at that time? A Yes, Out of all the Indians in that church I think there are about three left.

Q Pretty large membership at that time? A Yes, there was a pretty large membership.

Q Who else died about three meetings after you filed? A A good many of them. Women in the tribe, and Wiley and Thomas died.

Q What year did they die? A Just before they all had filed; some of them died before and some afterwards.

Q When did the old lady file? A I don't know. I don't go any further than the time I filed, and the time I buried, or helped, to bury her. I couldn't tell about the time she filed.

Q Is there any way for you to fix the time of anybody's death in that church except by the time of filing? A I expect there is some of the other members of other churches might know.

Q I say is there any way for you to fix the time of the death of any member of that church except by the date of your filing--the time of your filing?

A I reckon that is knowing pretty well, what time we filed at Okmulgee. A good many of them filed after I filed. How come we to file ---

Q You don't understand my question. You told me the date of Judy Barnett's death by the date of your filing.

A Yes, and of our church meetings.

Q You say it was about three or four months after you filed?

A Yes sir.

Q Is there any other way of your fixing any other death except by your filing? A I said three or four church meetings after my filing. When would that bring it?

Q Is there any way for you to fix anybody else's death except by the time you filed?

A Yes, nearly all of my own people was there; Jim Hutton and I believe his wife. Just the ~~hunk~~ bunch of us went up and filed, and I didn't stay any time after I filed and went on home; about all I can tell you about it; my own outfit and relation was there; about all.

Q Now, if you hadn't have filed, could you have fixed when she died? A I don't understand you.

Q If you had not have filed, could you have fixed any time that she died? A Yes, I reckon so.

Q How could you have fixed it?

A That's a pretty hard question; I can't tell anything I have never done; I am telling about what I have done.

Q Do you know anyone who died before you filed? A There's



a great many, I suppose, died before.

- Q How could you fix the date of their death?
- A Just the way I go after the filing business in this. A man says to me, "You will sit here until they file you out," and I fixed up and went up, and the Commission asked me what they could do for me and I handed him the numbers of my land, and he said, right here is the land, and we was filed. "In ninety days you can come for your papers". When I got home that lady was still living, and she wanted to know of my old woman when we come by if we filed and I told her. She said "I havn't filed yet, but I expect my boys will file for me". From that time on she tended the meetings regular until she caldn't attend the meeting, and when sheaded she sent for my people, and we went down and put her away; dug the grave and put her away; about all I know I have done.
- Q Who else in that congregation, if anyone, died four church meetings after you filed?
- A None as I know of; none as I can explain about that.
- Q Who else died in six months after you filed, belonging to that congregation? A That's right sort of a hard question; you see, I didn't take time to go around and see who died.
- Q Who else died in one year, belonging to that congregation, after you filed? A I just couldn't tell you; I would be raking up something I don't know anything about; it was a large country.
- Q What citizen of the Creek Nation, and member of the Creek Nation, died within twelve months after you filed?
- A I couldn't answer that. You will have to get at it plainer than that.
- Q What member of the Creek tribe died at any time within twelve months after you filed? A After I filed Billy Barnett's wife died.
- Q Within twelve months? A Yes--no, it wasn't in twelve months, but she died after the old lady died. Her child died and we buried them in one grave.
- Q Did they died within twelve months after you filed?
- A I reckon they died in less than that time.
- Q Are you willing to swear that anybody there died within twelve months after you filed? A I am not willing to swear to anything I don't know.
- Q You don't know that? A I don't know for certain. I know that she died, and I know there were several more of her people died, and that's as far as I can go.
- Q When did you first hear about this Judy Barnett case, and wanting to be a witness in this case?
- A I didn't want to be no witness.
- Q When did you first hear about it? A Some of the boys, Billy Barnett I think, wanted me to be a witness, and several more I can name.
- Q When was the first time anybody said anything to you?
- A That's been a good while ago; along in the latter part of the summer and fall.
- Q Last summer and fall? A Yes, I think so.
- Q That the first time anybody said anything to you about it?

- A First time I heard anything of that kind.
- Q The first time you heard anything about it being important as to the date when Judy Barnett died was last summer or fall? A Along last summer--spring, along in there; heard of their wanting me as a witness something that way.
- Q How many years has it been since Judy died? A Well, I don't know; its been several years though.
- Q Who came to our house to see you about this? A I don't know the man's name; think he's a white man though.
- Q Who was with him? A I don't know.
- Q How many were there? A Two.
- Q An Indian with him? A No.
- Q Did they come before Billy Barnett came, or before (after)? A Come after Billy Barnett come.
- Q Who come with Billy? A Come by himself.
- Q Did Billy tell you then that this matter was being investigated? A He come and said they wanted me for a witness about his mother.
- Q Did he ask you what you knew? A No sir.
- Q Did you tell him what you knew? A No, I asked him in what way he wanted me to witness; something that way; the white men, when they come I wasn't at home, and I met them at Bufaula.
- Q You didn't tell anybody what you knew? A No sir.
- Q Didn't tell the white men what you knew? A No sir.
- Q And you didn't tell Billy Barnett? A No sir.
- Q Didn't tell anybody what you knew until you told it here the first time? A I got to a place where I had to think.
- Q You just told them you would tell it on the stand, and you wouldn't tell it until you got on the stand?
- A I didn't think that I had to tell it to the world.
- Q And this is the first time today you have told it?
- A No, not exactly either; I have told some little sketch of it, but this is the first time I went on the stand.
- Q If you didn't tell Billy, nor the two white men who came to see you, who did you tell? Some of your family?
- A I had no family--
- Q Who did you tell? A I told when I got down here.
- Q Today? A Been here two or three times.

By Mr. Morton: Tell them ho you told--you told me that, didn't you? A Yes.

- Q Mr. Morton has told you on the stand just now to tell us you told him? A Yes.
- Q If Mr. Morton hadn't told you to tell us, would you have told us? A When I was called on I would tell it; you didn't call on me in the right way. You blustered at me and didn't give me time to bat my eyes. I am a man about ninety-five years old-- and I want a man to talk to me like he thought I was human. There's a heap of matters a man has to think over to save his soul--
- Q You say you are ninety-five years old?
- A I am ninety-five years old.
- Q Ninety-five are you? A Yes, and I reckon I am older. I was in Alabama rounding up these Indians east of the Mississippi river.
- Q You said when you went on the stand that you were eighty-five, didn't you? A No, I said I was between eighty-five and ninety-five
-

## Examination by Mr. Norton:

- Q You stated awhile ago on your cross examination the reason you went to file when you did was because someone told you that your neighbors was trying to get your property?
- A Yes sir.
- Q You are not in a habit of going away from home much, are you? A No sir.
- Q Have you ever been in a habit of going away from home to Muskogee or Okmulgee or different towns?
- A Just as quick as I heard it I fixed up and went on up. Alex Posey took the numbers of my land and advised me to go ahead and file, and I went up and filed.
- Q When he told you that it made you uneasy? A Yes sir.
- Q And when you went there and appeared before the Commission and they allotted you this land, it made you feel good?
- A Yes, it made me feel better.
- Q And that was impressed upon your mind as one of the most important events of your life? A Yes.
- Q That is why you remembered it? A Yes sir.
- Q In reference to your conversation with me in regard to this matter, I want you to be frank with Mr. Mott and tell him whether I ever advised you to tell him anything but what was true? A No sir.
- Q What did I tell you about that? A I have got to the age to know good advice from bad and you can't make me go wrong. You never advised me to nothing.
- Q When you say Judy Barnett died four or five church meetings after you filed, that is a true statement is it?
- Q She was actually living at the time you made your filing?
- A Yes sir- yes, that's a fact.

By Mr. Norton: I would like to have the record show at this time that the witness, Joe Hutton, made application for allotment on the 23rd day of October, 1899.

## Examination by Mr. Bliss:

- Q When were you admitted as a citizen of the Creek Nation?
- A I don't know exactly what time that was; long before this filing by the Commission. It was in the council. I was a citizen here from the states and they tried to beat me to it. I counseled with them about twenty-five years before I beat them to it.
- Q Where was that hearing finally had in regard to your admission? A At Okmulgee.
- Q Before whom? What official of the Creek Nation was it before? A Some of the Chiefs. Old man Sam Charlie is one, and Perryman was Chief.
- Q Perryman was Chief when you were admitted? A No, Checote was Chief when I was admitted.
- Q How long was that before you filed? A It was a good long while. Filing was not mentioned when they was trying to dispute me of my rights. The faction hadn't come in then.
- Q Who were witnesses for you at the time of your admission? Do you remember?

A Yes, several of them. Tom Adams and several more of them pretty well all dead now. Jim Smith, Seliah Herod and Hedeshki Hood, and I ain't certain, Billy McCombs might have been, and I couldn't tell all. And I think maybe this man (Mr. Norton); he was attorney for me I think..

Witness excused.

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Mary Ann Hutton being first duly sworn by  
C. F. Bliss, Deputy Clerk of the United  
States Court, testified as follows:

Examination by Mr. Morton:

Q State your name? A Mary Ann Hutton.  
Q How old are you? A Something over seventy years old.  
Q Where do you live? A I live the other side of Hustonville  
Q In what county? A I don't know.  
Q Near what town? A Bufaula. The other side of Bufaula,  
close to Hanna.  
Q How long have you been living in that country? A Not very  
long.  
Q How long have you lived near Hanna? A About forty years.  
Q Did you know Judy Barnett, mother of Billy and Jim Barnett?  
A Yes sir.  
Q Do you know when she died? A Yes.  
Q You may state when that was?  
A It was along in October sometime.  
Q You think it was in October when she died? A Yes sir.  
Q Did you ever go to school? A No, sir.  
Q Know how to read and write? A N, sir.  
Q Know how to count? A Yes sir.  
Q How to calculate? Figure? A No sir.  
Q Can you tell about how long it has been since Judy Barnett  
died? A She died somethink like ever twelve years I think  
Q Is there anything by which you can fix the date of her death?  
Any event in your life by which you can fix the date?  
A I can fix it by one thing, and that is by us filing; I can  
tell that way.  
Q Was she living when you filed? A Yes sir.  
Q Do you know that of your own personal knowledge? A Yes,  
I am bound to know it. I went to see her.  
Q You went to the land office and filed? A Yes sir.  
Q After that you saw her living? A Yes, several times.  
Q How long did she live after you filed?  
A She come to church three or four times; we attended one  
church.  
Q How often did you have church? A Every month.  
Q Did you make selection of your allotment the same time your  
husband did? A Yes sir.  
Q You are the wife of Joe Hutton? A Yes sir.  
Q You made selection of your allotment the same time Joe  
Hutton did? A Yes sir.  
Q You know of y ur own personal knowledge that Judy Barnett  
was living at that time? A Yes sir.

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## Examination by Mr. Mett:

- Q Who else was living at that time that died within a year after you filed? A Lizzie Barnett, and Lizzie Barnett's little baby.
- Q How long after Judy Barnett died did they die?
- A About twelve months, I reckon.
- Q Did anyone else die in that year? A Just her and that little baby.
- Q Who else? A That's all I remember.
- Q What other family died that year? A I don't know; its been so many years that I can't remember.
- Q You don't know of anybody's family that had a death in it after you filed except Judy Barnetts' did you?
- A Judy Barnett and her daughter-in-law and her grandchild.
- Q You don't know of any other family? A No sir.
- Q And that's been at least twelve years ago? A Yes.
- Q When did you first hear you would be a witness in this case? A Heard it when they told me I was going to be a witness.
- Q Who told you? A Morton wrote me if I knowed anything he wanted me to come.
- Q Anyone come to see you? A No 'sir.
- Q Did they write to your husband and you? A I guess so.
- Q Was that letter sent through the mail? Get it out of the postoffice? A Yes.
- Q Who was it addressed to? A My old man.
- Q Did the letter state it wanted you and him to come as witnesses in this case? A Yes sir.
- Q Was that the first you heard about it? A No, I heard it before; heard they wanted me to this before sometime.
- Q Who told you? A I heard the men talking about it; heard father was coming down for a law suit.
- Q Did anyone come to your house to see you about it?
- A Nobody.
- Q Anyone ever come to see the old man about it?
- A I can't tell you; I don't stay home all the time.
- Q Did he tell you anyone had been there to see you about it?
- A No.
- Q Where do you stay? A Going around among other folks.
- Q You are at home nights? A Yes, sometimes I am and sometimes I aint.
- Q Did you tell anybody what you knew about this?
- A I told Morton.
- Q When? A Told him a little last night.
- Q That the first time you told him? A Yes.
- Q The first time you told anybody? A Yes, me and him had a talk about it.
- Q You hadn't told anybody before about that--was he the first one? A He didn't hear anything I was going to say; I told him I was here.
- Q Didn't you tell him what you was going to say?
- A No, he didn't ask me.
- Q Did you ever tell anybody before now that you knew Judy Barnett was living before you filed?
- A Yes, I told several.
- Q Who did you tell? A Morton, and that man there, and I told you the last time, and I told them the other time I came down.
- Q When I was there--when I was down here; don't remember.

- Q In February. You came here to testify?  
 A Yes sir.  
 Q Havn't you told anyone before you came here?  
 A I couldn't.  
 Q Not a soul? A No, I couldn't tell anybody because they just sent word that they wanted us to come.  
 Q And you hadn't told anybody before coming here in February anything about this? A No sir.  
 Q Have you talked to your husband about this?  
 A Talked to him after I heard it.  
 Q Did he know what you were going to say? A No, he couldn't. I hardly knew what I was going to say myself.  
 Q Did he tell you what he was going to say and I knowed what I was going to say.  
 Q You didn't tell him you were going to swear that Judy Barnett didn't die until after you filed? A No, I didn't have to; he knew, and I knew just the same as to what he knew.  
 Q Did he tell you that he was going to say that he knew Judy Barnett didn't file until after you and him went to Okmulgee and filed? A No, he didn't.  
 Q And you didn't tell him that youknew that?  
 A No sir.  
 Q You and your husband live together don't you?  
 A Yes, we lives together.  
 Q You are friendly? A Yes sir.  
 Q As friendly as a husband and wife ought to be? A Sure.

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 Examination by Mr. Morton.

- Q How long have you been living with Uncle Jee?  
 A About forty years.  
 Q You didn't tell your husband what you were going to swear to? A No.  
 Q Because he knew what you knew about this matter, didn't he?  
 A Yes sir.  
 Q And you knew what he knew about it? A Yes sir.  
 Q And you didn't have to talk about it? A Both was right together, and both could see.  
 Q And you knew in your own mind what he would testify to?  
 A Yes sir.  
 Q And you are positive that Judy Barnett was living when you made your selection? of allotment?  
 A Yes, I couldn't tell nothing but what I know.

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 Examination by Mr. Mett:

- Q If you never told anybody until you came down here in February to attend the hearing on this matter, which hearing was continued, then why did you come here? A Well, I told you--(To Mr. Morton--Didn't you write to us to come?) Mr. Morton wrote to us to come.  
 Q Well, if you never told anyone until you came here in February, and no body now, what you were going to state, then why did Mr. Morton write you to come here?

By Mr. Morton? The question is objected to because it calls for the conclusion of the witness.

Mr. Bliss: The objection will be noted.



- A Well, I just come because he wrote me to come; a persons sends word to me to come and I am going to come.
- Q You hadn't told him what you knew? A No sir.
- Q He hadn't talked to you and nobody else had talked to you about this matter? A No, and I don't know how my name got here.
- Q You had not told anybody? A No sir.
- Q And nobody had been to see you? A No sir.
- Q And nobody talked to you about it? A No sir.

----- ---Witness-ex-----

Examination by Mr. Morton.

- Q I will ask you if you were ever offered any reward to come here and testify? A Never did. I am just telling what I know and I want to just tell the truth; I don't want to tell one thing that is not right.

Witness Excused.

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Jim Barnett being first duly sworn by E. F. Bliss, Deputy Clerk of the United States Court, testified as follows, through Jesse McDermott, Official Interpreter.

Examination by Mr. Morton:

- Q Are you the Jim Barnett who is a party to these proceedings and testified before at Bufaula? A Yes sir.
- Q You are the son of Judy Barnett, whose enrollment is being questioned in these proceedings, are you? A I am
- Q How old are you? A Probably 64 or 65 years old.
- Q Do you remember when your mother died? A I remember the occasion, but I could not be positive about the year
- Q Do you remember whether the land office had been opened at Muskogee, or not, at the time she died?
- A The land office was opened at that time.
- Q Do you remember whether you had filed before she died?
- A Yes, I filed first, and insisted on her filing.
- Q You have testified in these proceedings before. Have you ever at any previous time fixed the date of the death of your mother? A Yes.
- Q You say you have fixed the date at previous hearings?
- A Yes sir.
- Q Do you remember what date you have fixed as the date of your mother's death? A That's where I am off, personally.
- Q You don't know the date? A No, I don't.
- Q But you do know that she was living when you took your allotment, do you? A Yes, she was living at that time.
- Q You know that of your own personal knowledge? A Yes sir.
- Q Were you present at the time she died? A Yes, I was present when she died.
- Q And you actually know that she died subsequent to the time you took your allotment? A Yes, I am positive of that fact

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Examination by Mr. Bliss:

- Q Did you make application for enrollment yourself?
- A Yes, I made application personally.

- Q Where were you when you made application? A Bufaula.
- Q Was your testimony taken? A Yes sir.
- Q Do you remember the date of that application?
- A No, I don't; had I made a record on that date it would have been alright.
- Q How long was it after the Creek land office was opened?
- A Not very long afterwards; I am rather in a hurry about everything--rushed.
- Q At that time were you asked about different members of your family? A Yes sir.
- Q The records of the office of the Commissioner show that you made application for enrollment on June 1, 1899. Can you state whether or not that is about the date of your application? A I expect that's right.
- Q The records also show that you stated at that time that both your father and mother were dead. What have you to say as to that?
- A I couldn't have made such a statement because my mother was then living.
- Q Jim, give me the names of your brothers and sisters--the children of Judy Barnett who were living at the time of her death?
- A Louisa, Billy, Jonas and myself.
- Q Is Louisa living now? A No, dead.
- Q How long has she been dead? A I don't know as to that.
- Q Did Louisa leave any children? A Yes, a girl, but she has since died.

Witness excused.

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Billy Y. Barnett, being recalled, testified as follows, through Interpreter Jesse McDermott.

Examination by Mr. Bliss:

- Q At the time of your mother's death, what children did she leave--give their names?
- A Jim Barnett, Billy Y. Barnett, Louisa, and Jonas.
- Q Are they all living at this time? A No, Jonas, Jim and myself are the only surviving children.
- Q When did Louisa Barnett die? A In 1905, April 10th.
- Q Was she married at the time of her death? A Yes sir.
- Q What was her husband's name? A Taylor Creek.
- Q Known as Taylor Timothy? A Yes sir.
- Q Is he living? A Yes, he is present.
- Q Did your dead sister leave any children?
- A Yes; she left an infant who died a few days afterwards.
- Q How long after your sister died was it this infant child of hers died? A Lived 10 or 15 days after the mother died.
- Q Were your sister and Timothy Taylor married? A Yes sir.
- Q How long did they live together as husband and wife?
- A I am not positive about the time they were married, but it was in the neighborhood of two years; probably a little longer.
- Q Did they live together continuously from the time of their marriage until the time of your sister's death?
- A Yes sir.
- Q And this child was born then, while they were living together as husband and wife? A Yes sir.
- Q Is your brother Jonas Barnett present? A He is living but



not present.

- Q What is the physical condition of Jonas?  
 A At present he is in an unfit condition to take any.  
 Q He is not in a condition either physically or mentally to testify at a hearing of this character?  
 A Questions put to him like Mr. Mott put to me would throw him into a fit.

Witness excused.

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 Jenetta Ingram, being first duly sworn by  
 C. F. Bliss, Deputy United States Clerk of the  
 Court, testified as follows, through Interpreter  
 Jesse McDermott:

Examination by Mr. Morton:

- Q State your name and place of residence? and age?  
 A Jenetta Ingram; little over thirty; near Stidham, 2-1/2 miles east.  
 Q How long have you lived in that part of the country?  
 A About seventeen years.  
 Q Did you know Judy Barnett during her lifetime? A Yes sir.  
 Q Do you remember the time when she died? A She died in 1900; I don't remember the day of the month. I know the month, but I don't know the exact date.  
 Q What month was it? A January, I think..  
 Q Were you present at the time she died? A No, I wasn't present at the time of her death.  
 Q Did you attend the funeral? A No, I didn't; I was informed of her death but I didn't attend her funeral.  
 Q How far away from Judy Barnett's place do you live?  
 A About a mile and a half.  
 Q Did you see her quite frequently during her lifetime?  
 A Yes sir.  
 Q Were you friendly with her? A Yes sir.  
 Q And you say she died in January, 1900? A Yes sir.  
 Q You know that of your own personal knowledge do you?  
 A Yes, I am positive of that of my own knowledge.  
 Q Do you remember whether or not the land office at Muskogee was opened and people filing on their land at the time she died? A When they was filing on land she was living.  
 Q She was living when they were filing on land? A Yes sir.  
 Q What degree of blood are you? Full blood?  
 A Yes, full blood.

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 Examination by Mr. Mott:

- Q Have you got a daughter named Mary Ingram? A Yes sir.  
 Q Do you know the date of her birth? A I think it was December 7th  
 Q How old is she now? A She is now 14 years old.  
 Q How old was she when Judy Barnett died? A She was two years old at the time the old lady died.  
 Q Do you know Mr. Bliss, here? A Yes, I know him because I saw him once.

- Q Did you make a statement to him about this? A Yes, I told him that the child was 14 years old.
- Q Did he write down what you told him? A Yes, I told him at the time the child was only one year old when the old lady died, but I have since found I was mistaken, and that the child was two years old then.
- Q When did you find that out? A At the request of Mr. Bliss for me to study over the matter, and after being summoned to Rufaula to appear, I found that I had made a mistake.
- Q Who did you tell that to first, that you had made a mistake? A I never mentioned that to anybody.
- Q Did you tell Mr. Bliss that Judy Barnett died long before the land office opened? A Yes, I told him at the time--I wasn't positive about it but perhaps she did die before the land office opened.
- Q You know when the land office opened do you? A No sir.
- Q Well, you know when folks had a right to commence filing, didn't you? A I remember the incident, but I don't know the year.
- Q You told Mr. Bliss that Judy Barnett died before folks began to file, didn't you? A Yes, I did at that time, but at his request I determined I had been mistaken.
- Q When was that you told Mr. Bliss this? A I don't know when it was.
- Q Last year sometime? A A I don't remember just when it was; may have been a little before Christmas, or after.
- Q Before this last Christmas? A Yes sir.
- Q In what year did Judy Barnett die? A 1900.
- Q Have you got any dead children? A No sir.
- Q Are your mother and father living? A No, dead.
- Q What year did your father die? A I don't know that.
- Q What year did your mother die? A It will be two years next month.
- Q Do you know what year she died in? A No, it was year before last.
- Q Do you know what year this is? A I can't tell just now.
- Q Have you talked with anybody about this case before you came here? A No, I haven't.
- Q Did you tell anybody what you were going to say? A No, I have not.
- Q Who told you Judy Barnett died in 1900? A There was no one told me; I figured that out myself.
- Q How could you figure it out by yourself that she died in 1900, when you don't know what year this is? A If you have been requested to tell the truth about anything it is always best to figure it out and be positive about it,, how come me to be positive as to when she died.
- Q Could you tell what year this is when somebody told you? A Yes, I could if I was to figure it out without anybody telling me.
- Q Can you read and write? A Very little. I can't read very much.
- Q If A died in 1899; B died in 1900, C died in 1901, which died first, A., B., or C?
- A The first would have been the first one to die.
- Q Which was it? A, B, or C? Do you know which one died first? A A died first.
- Q Well, if C died in 1902; B in 1903 and A died in 1904, which died first? A C died first.
- Q And you don't know what year this is? A No, I don't.

- Do you know John Phillips? A Yes sir.
- Q Did John ever talk to you about this case?
- A Not much only to tell me that all the witnesses was wanted to testify.
- Q Did he come over to your house to tell you that? A Yes.
- Q How many times has he been to your house to see you about this? A Once. He notified me when the case was to come up.
- Q Did you tell him what you had told Mr. Bliss?
- A No, I didn't tell him anything about the matter, very much. I was absent when he arrived at my house and he waited until I came home; after notifying me he left.
- Q Did you tell him that you had told Mr. Bliss that she had died before the land office was opened, and that you were mistaken about that?
- A Yes, because I found out that I had been mistaken and I wanted to tell the truth about it.
- Q Did you tell him that you told Mr. Bliss that your child was not more than a year old, and that you were mistaken about that? A No I didn't, because he never made any inquiry as to that. I thought I didn't have to tell anything until I was called to testify.

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Examination by Mr. Morton:

- Q When did you arrive at the conclusion you had made a mistake when you talked to Mr. Bliss? When you saw John?
- A Long before I saw John.
- Q After you had talked to Mr. Bliss they subpoenaed you to come to Eufaula to a hearing there didn't they?
- A Yes, and I went to Eufaula.
- Q Did you go to Eufaula to the hearing? A Yes sir.
- Q Did they ask you then about what your conclusion was?
- A No, they never asked me any questions.
- Q Nobody didn't ask you any questions down there at all?
- A On the outside he told me that it was reported that she had been dead eighteen years, and if I didn't think that was right, and I told him that was not right. He came to me in the store and made the above statement and ~~was right~~ ~~was right~~ I told him that was not right.
- Q Who came to you in the store? A Bliss.
- Q Did you tell him then as to what your conclusions were?
- A I told him that it was 12 or 13 years, and after I made that statement he never ask me any questions.
- Q He never asked you any further questions about the case?
- A No sir.
- Q These statements which you are now making, and which you have given here as being the date of the death of Judy Barnett, and as to the date of the birth of your child, are true, are they? A Yes, as to the age of my child being two years at the time of her death is correct.
- Q I will ask you if John Phillips, after he came to your house ever made any statement to you with reference to what you should testify to in this case? A No, he never made any statements of any kind.
- Q Never asked you to testify to any statement of facts proposed by him at all? A He never told me what to testify to other than notifying me that they wanted witnesses in this case.
- Q Had anybody else told you what to swear to in this case?
- A No, I haven't seen anybody except Phillips.

- Q And the statements you are making are of your own personal knowledge, and the truth? A Yes, I am making these statements on my own knowledge.
- 

Examination by Mr. Mott:

- Q Between the time you made the statement to Mr. Bliss and your coming to Bufaula, who did you talk to about the date of the death of Judy Barnett?
- A I never talked with anybody about the case.
- Q Who paid your expenses for coming to Bufaula at that time?
- A There was nobody paid by expenses.
- Q Didn't anyone pay you anything for coming? A No, there was no one paid me a nickle.
- Q Wasn't you examined as a witness down there? A No sir.

Witness excused.

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Millie Fife being first duly sworn by C. F. Bliss, Deputy Clerk of the United States Court, testified as follows, through Jesse McDermott, Interpreter:

Examination by Mr. Morton:

- Q State your name? A Millie Fife.
- Q How old are you? A About forty years old.
- Q Where do you live? A Fame.
- Q How long have you lived in that country? A Seventeen years.
- Q Are you a full blood Indian? A Yes sir.
- Q Did you know Judy Barnett in her lifetime? A Yes sir.
- Q Were you present at the time she died? A Yes I was there.
- Q Do you remember when that was, what year?
- A Along about 1900.
- Q Remember what time of the year? A It was in January.
- Q Do you remember when the Creek land office was open at Muskogee, and whether the Creek people were filing on their lands or not at the time of her death? A The land office was open.
- Q And they were filing on land? A Yes.
- Q You know these facts of your own personal knowledge, do you?
- A Yes sir.
- 

Examination by Mr. Bliss:

- Q Mrs. Fife, did you have at one time a child named Silla?
- A Yes sir.
- Q Is that child living? A No, dead.
- Q When was she living about, with reference to the death of Judy Barnett? A The child was born after Judy died.
- Q Can you give me the date of the birth of that child?
- A August 25th
- Q What year? A I have forgotten; I don't know that.
- Q When did the child die? A I have forgotten that.
- Q How old was Silla when she died? A Three years.
- Q And you say Judie Barnett died before Silla was born?
- A Yes sir.
-

## Examination by Mr. Mott:

- Q How old did you say Silla was when she died?  
 A Three years old.  
 Q And you say Silla was born after Judy died? A Yes sir.  
 Q Was there a tomb stone at the grave of Silla? A Yes sir.  
 Q Does the tombstone state the date Silla was born?  
 A Yes sir.  
 Q Do you know what that date was on the tombstone? A Yes.  
 Q What is it? A August 25th  
 Q What year? A I didn't remember that.  
 Q Who had that put on the tombstone? A I did. Jim Price was the man that put the date on there.  
 Q What is on the tombstone as to the date of her birth and the date of her death is correct, isn't it? A Yes sir.

## Examination by Mr. Morton:

- Q You stated in your examination that you had a child named Silla, and that Silla had died, and that Silla was born after Judy Barnett died. Is that correct?  
 A Yes sir.  
 Q When you say that ~~Silla~~ Judy Barnett died before Silla was born, you mean that Judy Barnett died before Silla did, don't you?

Question objected to by Mr. Mott on the ground that it is leading.

By Mr. Bliss: The objection will be noted.

- A No, I am not.  
 Q You are positive that Judy Barnett died before Silla was born, and could not be mistaken about that? A I am not mistaken about that.  
 Q When you say the land office was opened and people were filing on their land when Judy Barnett died, are you mistaken about that? A No, I am not mistaken about that.  
 Q You are sure the land office was opened and people were filing on their land when Judy Barnett died, are you?  
 A Yes, I am positive about that.  
 Q Had you filed on any portion of your land at that time?  
 A Yes, I had filed.  
 Q Before Judy Barnett died? A Yes.  
 Q Now Millie, I want you to think about this carefully now. We want the truth and don't want anything else. Answer this question again. Couldn't you be mistaken when you say Judy Barnett died before Silla was born? A No, I couldn't be mistaken.  
 Q And you couldn't be mistaken about the land office being opened at the time Judy Barnett died, could you? A No sir.  
 Q Then I will ask you this question. If you told Mr. Bliss at the time you talked with him that Silla was born in 1899 and died in 1901, if it isn't a fact that you were mistaken about that question?

By Mr. Mott: I object to the attorney cross examining his own witness, or asking questions that tend to impeach her. Noted.

- A No, I am not.

- Q You are not mistaken about anything you said in this matter to Mr. Bliss, or in anything you said to the Commissioner here today, are you? A No sir.
- Q You are positive that every statement you have made is true and correct, are you? A Yes, I am.
- Q Have you any other children living now? A Yes, one.
- Q What's its name? A Lena Fife.

Witness excused.

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C. P. Bliss, being first duly sworn by Jesse McDermott, testified as follows:

Examination by Mr. Mott.

- Q You are the officer representing the Government in this case, and conducting it for the Commissioner to the Five Civilized Tribes? A I am.
- Q Did you make a visit to the cemetery where the child Silla Fife, the daughter of Millie Fife, who just left the stand, was buried? A I did.
- Q Did you inspect the tombstone on that grave? A I did.
- Q Did you find there any date as to the birth and death of that child? A Yes sir.
- Q Just state what it was? A My notes show that on December 27, 1911, I visited that cemetery, and at that time I copied this from the tombstone.
- Q Read what appeared on the tombstone?
- A "Silla, daughter of Millie Fife,"  
"Born August 19, 1899."  
"Died October 23, 1901."

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Examination by Mr. Norton:

- Q Who went with you to that tombstone? A Jesse McDermott was with me, and I am not sure whether Johnson Tiger was along or not.
- Q What time did you say that was that you were there?
- A My notes show December 27, 1911, and I believe that was the date.
- Q You don't know from your own individual knowledge as to when you are there? A I can look up from the records of the office and get the exact date, but I am positive that this memoranda I have here shows the date I was there.
- Q You don't testify now, from your own personal knowledge that that inscription was on the stone.
- A I testify from my notes I made at the time of the visit.
- Q Had you talked with either the parents of this child before you went to visit this grave? A We went direct from the house of Millie Fife to the cemetery.
- Q Did she go with you? A No sir.
- Q Point out the grave?
- A She described the location of the grave to Jesse McDermott, the interpreter, and he had no trouble in finding the grave in the cemetery; he located the grave.



- Q She told you there was a grave there and there was a tombstone on the grave, and you went and found it?
- A Yes sir.
- Q Any other graves there? A Yes, there were a number of mounds and little houses showing where people were buried.
- Q What kind of a tombstone was this? A As I remember a slab
- Q It wasn't marble? A I couldn't say; I didn't pay any attention to the character of the stone. The only thing that was of interest to me were the dates. She told us before we left her house exactly what she has told you here about the death of Silla in connection with the death of Judy Barnett.
- Q Do you know who placed the inscription upon this stone, or who directed it? A I do not.
- Q Do you know that this stone was placed on the grave of Silla? A I do not.
- Q Are you prepared to say that the party who placed that stone there knew that they were placing it at the grave of Silla, and didn't make a mistake and place it at the grave of someone else? A I am not.
- Q Are you prepared to say that the inscription which appeared upon that stone is true? A I am not.
- Q Are you prepared to say that the grave which you visited was the grave of Silla, the child of the witness who just left the stand? A I cannot swear to that.
- Q Did the witness, at the time you talked with her there say anything about what you have testified to here today with reference to the land office being opened at the time Judy Barnett died? A My notes do not show that she did.
- Q From your own personal recollection, you don't know that she made any such statement? A I wouldn't state positively as to whether she did or not. My notes don't show that.
- Q You are testifying solely from the notes you made then?
- A Yes sir.

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By Mr. Bliss, on behalf of the Commissioner:

In view of the fact that Benjamin Mosaman, one of the attorneys of record in the matter of this investigation, did not receive notice of this hearing, the hearing will be continued indefinitely, and after Mr. Mosaman is communicated with, will be set for further hearing on ten days' notice, of which hearing all parties interested will be given due notice, and at which time any of the parties interested may introduce such competent testimony as they may desire.

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By Mr. Morten: I desire the record to show that the records of the Creek Land Office show that Millie Fife, who has just been excused, filed upon a portion of her allotment on the 19th day of October, 1899L

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Frances R. Lane, upon oath, states that as stenographer to the Commissioner to the Five Civilized Tribes she

reported the testimony in the above entitled cases, and that the above and foregoing is a true and correct transcript of her stenographic notes taken therein.

*Faunce Hane*

Subscribed and sworn to before me this 18th day of April, 1912.

*R. P. Harrison*

Clerk of the United States Court  
for the Eastern District of  
Oklahoma

By *A. M. Millan*

Deputy.



DEPARTMENT OF THE INTERIOR.

U. S. INDIAN SERVICE.

Muskogee, Oklahoma, July 1, 1912.

In the matter of the enrollment of Judy  
Barnett, deceased, as a citizen of the  
Creek Nation, Creek Roll No. 1343.

Hearing before C. F. Bliss,  
representing the Commissioner to  
the Five Civilized Tribes.

Appearances:

Mr. Dixon H. Bynum, for M. L. Nett, National Attorney for the Creek  
Nation.

Mr. O. A. Morten, of Tulsa, Oklahoma, for the heirs of Judy Barnett,  
deceased.

O. E. Greer, for Benjamin Mosman, representing B. C. Barnett and the  
Marsh Oil Company.

Erwin Donovan, who appeared at the former hearing for W. B. Cornelius,  
not present.

William A. Collier, who appeared at the former hearing as attorney  
for the guardian of Jonas Barnett, son of Judy Barnett, not  
present.

LEWIS MCGILBRA, having been first duly sworn by C. F. Bliss,  
Deputy Clerk of the U. S. Court for the Eastern District of Oklahoma, testi-  
fied as follows:

Mr. Bliss. Q. What is your name? A. Lewis McGilbra.

Q. How old are you? A. Fifty-one years old.

Q. What is your post office address? A. Muskogee, Oklahoma.

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

Q. Full-blood? A. Yes, sir.

Q. Do you, at this time, hold any position in the Interior Department?

A. Yes, sir.

- Q. What is that position? A. I hold the position of Policeman.
- Q. Indian Police? A. Indian Policeman.
- Q. Did you know Judy Barnett in her lifetime? A. Yes, sir.
- Q. During her lifetime, how far did she live from where you lived? A. It must be about five miles north of me. Just about five miles north of me.
- Q. Were you well acquainted with her? A. Acquainted with her for forty years.
- Q. Did you know her husband? A. Yes, sir.
- Q. What was his name? A. Yardy Barnett.
- Q. Is he living or dead? A. He is dead.
- Q. Is Judy Barnett living or dead? A. She is dead.
- Q. Which died first, Yardy or Judy? A. Yardy.
- Q. Yardy? A. Yes, sir.
- Q. About how much time intervened between the death of Yardy and the death of Judy Barnett? A. Well, I don't know hardly what to say. I had no way of telling.
- Q. Do you remember the occasion of the death of Judy Barnett? A. Yes.
- Q. Did you attend her funeral? A. Yes, sir.
- Q. You are acquainted with the heirs of Judy Barnett, are you? A. Yes, sir.
- Q. Can you recollect their names? A. At that time, there was Jennie Barnett, Louisa Barnett, Jim Barnett, and Billie Barnett.
- Q. Are they all living now? A. No, sir. Only two are living now.
- Q. What two are living now? A. Billie Barnett, and Jim Barnett.
- Q. Louisa Barnett, and Jennie Barnett have died? A. Yes, sir.
- Q. When did Louisa die? A. Louisa died—I don't know, it must have been five or six years ago—maybe longer.

- Q. You made no note of the time of her death? A. No, sir, that's something that Indians hardly ever do.
- Mr. MORTON: Q. You don't recall, you say, the exact date of her death, but you think it was possibly two years? A. Something like that.
- Q. Before your wife died? A. Yes, something like that, near something like that. I couldn't say just exactly.
- Q. It wasn't as much as four or five years? A. Oh, no, no. It wasn't that long, I know.
- Q. It wasn't as much as three years before your wife died? A. No. She died in the winter—the old lady Judy Barnett died in the winter. I know it was awful cold when we buried her, and the next coming fall, why, my wife died.
- Q. You say Judy Barnett died in the winter, and the following fall your wife died? A. The year following—the fall.
- Q. Explain what you mean by that? A. Judy Barnett died and the second fall after that my wife died in September.
- Q. You think it was the second fall after? A. I am satisfied it was.
- Q. What makes you think that? A. Well, we always had a little crop at home, and all these Indians fellows call a year from summer to summer.
- Q. Yes, and you think you made two crops, then, between the date of the death of Judy Barnett and the date of the death of your wife? A. Yes, sir, that's it.
- Q. You were present at the time she died. You made an affidavit for the Department, subsequent to her death, in which you set out the date she died, didn't you? A. No, I don't know whether I did.
- Q. Do you remember what was contained in that affidavit that you made?  
A. No, sir, I don't.
- Mr. Morton: Let me see that affidavit, please (Papers handed to Mr. Morton.)

- Q. Was she married at the time of her death? A. Yes, sir.
- Q. Did she have any children? A. I think she had one.
- Q. What was that child's name? A. I don't know, sir.
- Q. Are you sure that she had a child at the time of her death. A. No, I don't think so. I think the child was dead when she died. I don't exactly remember. I am satisfied she had one child.
- Q. But you don't know whether this child died before the mother died or not?
- A. No, sir, I do not.
- Q. Did Louise Barnett leave a husband living at the time of her death?
- A. Yes, sir.
- Q. What is his name? A. Taylor Timothy.
- Q. When did James Barnett die? A. I think it was sometime in the latter part of May. Something like that—this last May.
- Q. Was he married? A. No, sir.
- Q. He left no children? A. No, sir.
- Q. Q. Can you give me the date of the death of Judy Barnett? A. No, sir.
- Q. About when did she die? A. Well, I—I wouldn't say when, positively the date, because I have no way of knowing dates, only I can come by it, by the death of my wife. I know when my wife died and she died before my wife.
- Q. When did your wife die? A. My wife died in 1900. September 17.
- Q. How long had Judy Barnett been dead when your wife died? A. To the best of my knowledge, something like two years before my wife died.
- Q. She didn't die the same year that your wife did? A. No, sir.
- Q. You are positive of that? A. I think I am pretty well positive of that. I made the coffin for the old lady, and all these things, but I just can't tell exactly when she did die.

- Mr. Morton looks at papers) Q. You say you don't remember what that affidavit contained, that you made with reference to the death of Judy Barnett? A. No, I don't remember.
- Q. So far as you know—so far as you know now, the date of the death of Judy Barnett was set out in that affidavit wasn't it? A. Yes, I think it was. I never hardly sign any affidavit unless I know what I was doing. I never like to sign everything unless I was satisfied.
- Q. Your recollection is now that the affidavit contained the date of the death of Judy Barnett, didn't it? A. I don't know whether it was or not. If it was, I have forgot it. It was a long time ago.
- Q. Do you remember anything about that occasion at all? A. Making the affidavit before the Notary Public?
- Q. Yes. A. Yes.
- Q. Do you remember for what purpose you made that affidavit? A. Yes, sir.
- Q. What was the purpose? A. I signed the affidavit—I thought she was entitled to her allotment—asking the commission to allow Billie Barnett to select the allotment for her. I signed that before Judge Fears.
- Q. Q. You knew at that time, then, what the law was with reference to the allotment of the Creek Tribe of Indians? A. Yes, a little bit about it.
- Q. You knew that the law had fixed a date, prior to which an allottee dying, would not be entitled to an allotment, didn't you? A. Yes. That is all the talk that everybody had along at that time.
- Q. At that time you understated that Judy Barnett was entitled to an allotment and signed an affidavit to that effect? A. Yes, sir.
- Q. As to the time lapsing between the death of Judy Barnett and the death of your wife being two years, you may be mistaken? A. I didn't say two years. I said near two years.

- Q. You might be mistaken when you say it was more than one year? A. Sure.
- Q. You are not positive—Are you positive that you grew two crops after Judy Barnett died and before your wife died, or could you be mistaken about that? A. I don't know.
- Q. But could you be? A. Sure, I haven't any definite way at all. That is my understanding.
- Q. You wouldn't say positively that you raised two crops between the dates of the death of these two parties? A. No.
- Q. You think that possibly two years had elapsed, that you had grown two crops? A. Even if I did make two crops, that wouldn't make two years.
- Q. Just answer my question. You say you think now you had grown two crops after the date of the death of Judy Barnett, and prior to the death of your wife? A. Yes.
- Q. But, you may be mistaken. A. Yes, I might be mistaken.
- Q. Have you any other way of determining the length of time elapsing between the deaths of these two parties? A. No, sir.
- Q. But when you say that your wife died the second fall after Judy Barnett died, you are simply stating what you think to be true? A. Yes, sir. I believe that's the way it was.
- Q. But you are not sure? A. No.
- Mr. GRUBBS: Q. What was your business during the period between the date of the death of Judy Barnett and your wife? A. I was a farmer.
- Q. When were you appointed to the Police force—the Government police force? A. The 16th of last May was six years ago.
- Q. When did you say Judy died? A. I didn't say when—what year.
- Q. When did you say your wife died? A. September 17, 1900.
- Q. September 17, 1900? A. Yes.
- Q. You were appointed a policeman six years ago. A. Yes, sir, six years ago last May.

- Q. Where were you living prior to that time? A. Where I am living now.
- Q. Where was Judy living? A. Right there.
- Q. At the same place? A. Yes, sir.
- Q. How long had she been living at this place? A. When I knew her she was living there, just after the war.
- Q. You have lived there all these years? A. Yes, sir.
- Q. You built the coffin for Judy? A. Yes, sir.
- Q. Where did you get the lumber? A. At the house, and some of it off of the porch.
- Q. Right there at the house? A. Yes, sir. They had some lumber, and I took some of the floor off of the porch.
- Q. You are positive Judy didn't die in the summer time? A. Yes, sir. It was winter, and I was cold—
- Q. Was there anybody to help you make that coffin at that time? A. Well, there was a fellow by the name of Joe Barnett.
- Q. Is he related to Judy? A. He is Jim Barnett's son, Judy's grandson.
- Q. What crops were you growing all these years? A. Corn.
- Q. And you say you made two crops between the death of Judy and your wife? A. I believe I did.
- Q. When did you sell your crops? A. How is that?
- Q. When did you sell your crops? A. I don't sell my crop. Always keep it—the corn, I never did raise cotton.
- Q. You feed your corn? A. Yes, sir, and make socks out of it.
- Q. You have no way of determining when you received returns from your crops? A. No, sir.
- Q. You use it at home? A. Use them right there at home.
- Q. Could it be that your wife died the same year that Judy died, during that summer? A. No, sir, I don't think she did. They might have been,

- Q. You are liable to be mistaken? A. Yes, sir.
- Q. You are not positive at all? A. No, sir.
- Q. At whose instance did you make this affidavit here? A. Judge Fears.
- Q. At his request? Did he summon you in? A. No, Billie Barnett asked me to make it.
- Q. For the purpose of helping Judy's heirs get an allotment? A. Yes, sir.
- MR. MORTON: Q. At the time you made this affidavit, Lewis, Billie Barnett made an affidavit also, before the same Notary Public? A. Well, I suppose he did.
- Q. You're not sure? A. I was called up myself, and signed it and went out, and then he signed it, and I guess the other fellow signed it, Henry Hicks.
- Q. Was Billie Barnett present when you signed it? A. He was in town.
- Q. Was he present with the Notary Public? A. I don't remember; they had all the papers.
- Q. Do you recall whether or not Billie had or did sign the affidavit?  
A. I expect he did sign it, I never seen him sign up with me.
- Q. Do you remember whether the affidavit was separate, or whether it was one affidavit that you all three signed? A. I have no way of telling. I never noticed the affidavits that he signed for somebody else.
- Q. I hand you an instrument and ask you to examine it and say as to whether or not that is the affidavit that you signed at that time? (Handing paper to Witness) A. That is my signature.
- Q. That is your signature there? A. Yes, sir, I can tell that anywhere. I have got no education and always write it down by guess.
- Q. Do you remember any other features of the instrument besides your signature? A. No, sir.
- Q. Do you remember whether or not—I will ask you to examine that and see if the affidavit of Billie Barnett is on that sheet of paper? A. Billie Barnett;



- Q. Yes. You know Billie's handwriting don't you? A. No. I don't know anybody's handwriting, I have no education.
- Q. You don't know whether that's Billie's affidavit there or not do you?  
A. No, sir.
- Q. Do you remember whether that name was signed to this instrument at the time you signed it or not? A. I don't know. That's sure my handwriting, though.
- Q. That is—you don't remember, then—I believe you said that Billie Burnett was not present when you signed it? A. I don't think he was.
- Q. And Henry Hicks was not present when you signed it? A. They all was in town.
- Q. I mean present before the Notary at the same time. A. No.
- Q. Do you remember whether this affidavit had been prepared previous to the time of your going before the Notary Public, or whether it was prepared after you were up there? A. I don't remember.
- Q. Do you remember whether there was any writing after you went up to the notary's office, before you signed the instrument? A. Any writing?
- Q. Whether there was any instrument prepared? A. No, this paper was ready and I signed.
- Q. It was already there at the time you went up? A. And the Notary Public signed it there too, after he took my—swore me to it.
- Q. Do you remember whether you had any talk with the Notary Public before you signed this instrument or not? A. No, sir.
- Q. You don't recall? A. What?
- Q. Did you or did you not have any talk with him? A. He read the paper to me.
- Q. What I am trying to get at, Lewis, is this: As to whether or not you went up and told the Notary Public what you would swear to and he then prepared the instrument for you to sign, or whether it was prepared when you was there.

went there? A. The paper was there and he read it to me, and I took his word for it, I can't read, and I thought <sup>I</sup> he knew what it was and I signed it.

Q. You say he read it over to you before you signed it? A. Yes, sir.

MR. BYNUM: Q. Lewis, you testified as to the date of death of Judy Barnett, to the best of your knowledge and recollection, didn't you?

A. Yes, sir.

Q. And it is your best recollection that Judy Barnett died about two years before your wife died? A. Near about two years.

Q. Near about two years? A. Something like that.

Q. You fixed that time in your testimony, by the fact that you made two crops of corn between the death of Judy Barnett, and the death of your wife? A. Yes, sir.

Q. And you say that you couldn't read at the time this affidavit was made?

A. No, sir.

Q. Who asked you to make this affidavit? A. Billie Barnett asked me if I would sign that affidavit and I told him I would.

Q. Did he ask you what you would swear to? A. No, sir, just told me what kind of an affidavit he wanted.

Q. Well, what did he tell you then? A. He told me he wanted to file his mother; that she was entitled to it according to the rules of the Bureau Commission.

Q. He told you that she was entitled to file? A. Yes, sir.

Q. What else did he tell you? A. That's all he wanted. I told him I thought she was too.

Q. Why did you think that she was entitled to file on land? A. Well, there was a good many people filing at that time that had been dead.

Q. Had been dead longer than Judy? A. Yes, sir, and I knew my wife had filed some time before that, before she died.

Q. You didn't know anything about the law of enrollment at that time, did you?

Mr. Morton: I object to that, because he did know the law.

Mr. Byrnes: We were lenient with Mr. Morton in his examination, and I contend that we could bring that out--

Mr. Bliss: Answer the question, Lewis.

~~WAS~~ A. No, sir, I didn't know the law, because I couldn't read the law. Every body knows when we filed and when we quit, by the Deane Commission.

Q. And you thought she was entitled to file, then, because other persons had been enrolled, who had died prior to Judy Barnett? A. Yes, sir. I said I thought she was entitled to enrollment, on account of the people has been filing.

Q. That other people had filed who had died prior to Judy Barnett? A. That was my understanding.

Q. Didn't you know, as a matter of fact, in the Creek Nation, at that time that many persons were enrolled, who weren't entitled to enrollment?

Mr. Morton: I object to that because it is incompetent, irrelevant, and immaterial. The question of enrollment is a different proposition. He said they had been filing prior to this time.

Mr. Bliss, note the objection.

A. No, sir, I don't know that either. That's something I had very little to do with, enrolling the people.

Q. What kind of an affidavit did Gillie Barnett ask you to make? A. Just as I stated before, that he wanted to make a petition to the commission to enroll his mother.

Q. What did he want you to say? A. Well, he wanted me to make affidavit that she was entitled to it, and I signed the paper according to my judgment that she was entitled to it.

Q. And do you think that your affidavit states that Judy Barnett was entitled to enrollment? A. That's what I signed.

Q. That's what you think you signed? A. Yes, sir.

MR. MORTON: Billie didn't ask you to testify, or give an affidavit for anything that wasn't true in this matter, did he? A. I didn't know it was anything wrong.

Q. When you signed the affidavit they read over to you, you understood that the statements contained in that affidavit were true? A. Yes, sir.

MR. ELIEN: Q. Lewis, the affidavit that you made, you have identified the signature as your, this affidavit states as follows:

"Lewis McGillbra, of lawful age, being by me first duly sworn according to law, deposes and says: My name is Lewis McGillbra, I am forty years of age, I am a Creek citizen by blood, and reside near Balfoula, I. T.; I know Billie Barnett, he is the son of Judy Barnett, I know Judy Barnett, I was present just after Judy died at her home near Billie Barnett's, I set up with her and knew her to be Judy Barnett; I attended her funeral. Signed Lewis McGillbra.

"Subscribed and sworn to before me this 8th day of June, 1901.  
"W. T. Fears, Notary Public."

That is the affidavit that you made at that time? A. Yes, sir.

Q. That was in 1901? A. 1901.

Q. Now, why is it that your affidavit here don't set out the date of the death of Judy Barnett? A. I don't know. I don't reckon they asked me the question.

Q. The other two affidavits executed at the same time, one by Billie Barnett, and the other by Henry Hicks state the death—the date of the death of this woman, but yours doesn't, and what I want to know is why your affidavit didn't contain the date of the death of Judy.

A. Well, I don't reckon they asked me the question.

Q. Well, you say this affidavit was prepared before you went up to Fears' office. A. Well, they didn't put that in.

MR. MORTON: If they had asked him he would have stated it.

MR. BLISS: Q. If they had asked you, would you have stated the date of the death of Judy Barnett? A. Just as I did here.

Q. You have stated that she died about two years before your wife died, and that your wife died in September, 1900.

MR. MORTON: We object to the question as incompetent, irrelevant and immaterial and calling for a conclusion of the witness.

MR. BLISS: Q. Didn't you talk with Willie Barnett, before you went up there to sign this affidavit? A. Yes.

Q. Did you tell him that you could or could not remember the date of her death? A. No.

Q. Did you tell him anything? A. I just—I was satisfied that she was entitled to it, or I wouldn't have signed it.

Q. Why were you satisfied that she was entitled to it? A. Well, when she died, I was satisfied that the land office was open, and that's why I thought she was entitled to it.

Q. How long had the land office been open when your wife died? A. Why. I have to take a little bit more time. I can't tell you all this, but I have it here.

Q. Take all the time you want. A. I have forgot them all. I have no way of keeping it except in my head.

Q. How long did the land office open before your wife died? A. My wife died in 1890, and the land office opened in 1897 or 8, I don't remember just exactly.

Q. When did a person have to be alive to be entitled to enrollment in the Creek Nation? A.

MR. MORTON: I object as incompetent, irrelevant and immaterial. An examination as to law is not proper.

MR. BLISS: Note the ~~objection~~ Objection.

A. I have forgotten that too, I don't remember just how it was, I never tried to keep it.

Q. Well, you made the statement in answer to a question asked by Mr. Morton and Mr. Byrum, that you thought Judy Barnett was entitled to enrollment, because other people who were dead had been enrolled and had filed, I believe you stated that people who died before Judy Barnett died. I wish you would name these people you know, who died before Judy Barnett died, and who had been enrolled. A. I don't know them personally, who was enrolled, but that's what you always hear.

Q. You said in answer to that question you thought Judy Barnett was entitled to enrollment, because you know of other people who died before Judy died, were enrolled. I want to know these people. A. I didn't know them personally, but that's what my understanding was and I thought that Judy was entitled to it. I thought the other people was enrolled, and well there was a whole lot of people was telling, there was a whole lot of people enrolled, I guess, the Dawes Commission knows that better than I do.

Q. You cannot name any of these people? A. No, I cannot name any of these people.

Q. Now, Lewis, I believe you made the statement that the land office was opened when Judy Barnett died. The land office open? I said my wife died after the land office opened.

Q. Was the land office open when Judy Barnett died? A. I don't think it was. I knew it wasn't.

MR. MORTON: Q. You stated a little while ago, that other persons had been filed before Judy Barnett died. How had they been filed when the land office wasn't opened at that time.

Mr. Byrnes: I object to the question, for he is assuming that the witness testified that persons were filing before Judy Barnett died, whereas in fact, the witness testified that persons who had died prior to Judy Barnett were being enrolled.

Mr. Morton: He said subsequent to that time, that's the reason he signed that affidavit.

Mr. Bliss: Note the exception.

The Witness: Well, I must of didn't understand the question, but I was—I thought when I was answering the question was this—why before—people had died before Judy Barnett and they was filing when the land office was open. That's the question I was trying to make it.

Mr. Morton: Q. The question you answered then was that people who died prior to the time Judy Barnett died had been filing at the time you made this affidavit. A. Yes, sir, after the land office was open.

Q. Q. And you say your wife ~~she~~ filed before she died. When did she file? A. I don't know that either.

Q. Do you remember how about how long it was before she died that she filed?

A. Well, I don't remember—there—it was in the summer when we filed, but then, I disremember.

Q: You don't know whether it was one, two or three years before she died when she filed? A. I don't think it was that long.

Q. But you don't remember. A. No, don't remember.

Q. As a matter of fact, you don't know how long Judy Barnett had died before your wife died, you don't remember?

Mr. Byrnes: I object to the question. The witness has answered it two or three times.

Mr. Bliss: Note the objection.

The Witness: A. No.

Q. You don't know whether the land office was open or not, then, at the time

of her death?

Mr. Bynum: The same objection.

Mr. Bliss: Note the objection.

The Witness: A. I believe I stated that she died before the land office opened.

Q. You stated a while ago that the land office was opened before she died. Which of those questions is true?

Mr. Bynum: I object. I contend that the witness corrected the statement, and said he referred to his wife when he said that the land office was open before the time she died.

The Witness: A. She died before the land office was open.

Q. How long before? A. I don't know.

Q. How do you know she died before the land office was open? A. Well, the only way I can tell that she was dead when the people was filing, and that's—they had—they had a certain time before that that people could file after they have died, when the land office was open.

Q. You say that at the time you signed this affidavit you thought she was entitled to enrollment? A. That's what I told you.

Q. You are a member of the Creek council at the time that treaty was made? A. Yes, sir.

Q. You were familiar with that treaty at the time it was exhibited to the people, weren't you? A. Yes, sir, I understood it pretty good.

Q. At that time it was discussed thoroughly among the people as to the contents? A. Oh, yes.

Q. You understood the contents fairly well, didn't you? A. Yes, sir.

Q. You have a pretty fair memory, haven't you? A. Yes, sir, I have.

Q. And at the time he submitted this affidavit to you and asked you to sign it, you understood then that she was entitled to enrollment, according to the terms of that treaty? A. That's what I stated here a while ago.



Q. And what happened—you stated a while ago that there was no way by which you can determine as to the time elapsed between the date of Mr. death and the date of your wife's death, except you grew two crops of corn. What enables you to state that she died prior to the date of the land office, when you say you didn't know the date the land office opened?

A. Well, the only way I can see, that she died in the winter and my wife died in the fall. Of course by that, the way I got it in my head she must have died in 1899 and my wife she died in 1900.

Q. And when did the land office open? A. The land office opened in 1899, or somewhere along there.

Q. 1899. If the land office opened in 1899 and she died—if the land office opened in 1899 and she died in 1899, the land office was opened when she died, wasn't it? A. 1899?

Q. Yes. A. No, I couldn't—

Q. If the land office opened in 1899 and she died in 1899, the land office was opened prior to the date of Mr. death. A. Did I say 1899?

Q. Yes. A. I didn't aim to say that.

MR. Bliss: What did you aim to say?

A. 1899 is what I should have said.

~~Q. What is your understanding of the date of the land office opening?~~

Q. Then you say the land office opened the same year she died? A. That's my understanding.

Q. But you can't remember? A. No, sir.

Q. You are not positive as to whether the land office opened in 1899 or not are you? A. No.

Q. You are not sure as to whether she died in 1899 or not, but you just think that? A. Yes, I think it was. That's all I said, I just think.

- Q. When you say that she died prior to the time the land office opened, you may be mistaken, mayn't you? A. Well, I might be.
- Q. What I am trying to get at is whether you are positive about it or not.
- A. I might be mistaken, of course.
- Q. You say that simply because it is your best recollection, but you are not sure about it? A. That's all, My best recollection.
- Q. You have nothing by which you can fix the date, except from reliance upon your memory? A. That's all.
- Q. You have been farming prior to this time? A. Yes, sir, and still yet.
- Q. And farming subsequent to that time? A. Yes.
- Q. It was nothing unusual for you to raise a crop of corn? A. No. I raised a crop of corn every year.
- Q. That's what I thought. A. Except last year.
- Q. You say you remember the time Louisa Barnett died, her daughter, Judy Barnett's daughter? A. Yes, sir, I knew she died.
- Q. You don't remember when she died? A. No, sir.
- Q. Do you remember when Jonas died? A. I can't say exactly the date, but it seems to me like May this year, I was there too, at the Barnetts.
- Q. I will ask you, Lewis, if prior to this time you have been a member of the Creek council and prominent in the tribal affairs of the Creek Nation? A. Yes, I have held different office under the Creek law.
- Q. And yet—and you are familiar with all that took place relative to the disposition of the tribal property ~~among~~ along about that time? A. Yes.
- Q. You were cognizant of all that the Department and Congress did with reference to the disposition of tribal property at that time, weren't you? You kept pretty well posted along at that time? A. Well, yes, I did try to keep up with it.
- A. And along about that time, the Dawes Commission came here and opened up their office, and made the rolls of the Creek Tribe of Indians, didn't they?

A. Yes.

Q. Subsequently they opened the land office and allotted lands to the different members of the tribe? A. Yes, sir.

Q. And along about that time there was a per capita payment to the different members of the tribe? A. Yes.

Q. There was more than one draft of the Creek Tribal treaty submitted to the people relative to the disposition of these tracts of land?

Mr. Bynum: I object to this line of questions as incompetent, irrelevant, and immaterial, and argumentative.

Mr. Morton: Simply to test the witnesses memory.

Mr. Bliss: Note the objection.

Mr. Morton: Q. There was an election or two held along about that time, was there not, with reference to the election of a Chief, and the disposition of the Creek Tribal authorities? A. Yes. Always is an election every four years.

Q. There was along about that time—there was along, from 1899 to 1900, the time of the death of your wife, there was a controversy between the authorities, and a contingent of Creek Indians known as the Snakes? A. Yes.

Q. Considerable of a controversy was there not? A. Yes, sir.

Q. And the different treaties that were submitted were seriously contested by a certain contingent of the Creek Tribe? A. Yes, sir, I think it was.

Q. And with all these special and important happenings with reference to the Creek Tribal authorities there is no way by which you could fix the date and the date of the death of your wife? of the death of Judy Barnett ~~with reference to the date of the death of your wife?~~

There is nothing to fix that date, except that you grew two crops of corn?

A. I know the date of the death of my wife thoroughly.

Q. You reckon the date of the death of Judy Barnett, from the date of your wife's death? A. Well, I said just about, that's the only way I can get by it. It may not be, that's my understanding.

Mr. CRAMER: Q. Who was present at the time Judy Barnett was buried? A. There was a big crowd there.

Q. Do you remember any names—any white people there? A. No, no white people. A good deal of niggers.

Q. Do you know any of their names? A. Several of the Huttons, Joe Jutton, and Jim Hutton, and a whole lot of Indians there.

Q. Name some of the Indians that were there? A. Indians? Well, I was there, Jim Asbury was there.

Q. Any others there, so far as you know, who can read and write? A. I don't know. I don't think anybody there.

If there was it was some of the old lady's relatives. Jim Barnett's son was there. He can read and write.

Q. Any other darkies there besides the Huttons? A. A man by the name of Monday Pure.

Q. Where does he live? A. West of Rafmala, about six miles.

Q. Can you think of some others? A. There was a big crowd there, I couldn't hardly name them all.

Q. I don't want you to name them all, but some of the most prominent ones who are living now. All these darkies I have named are living now. Jim Asbury was there, he's living.

MR. BLISS: Where does he live? A. About a mile south of me, four miles from town.

MR. CRAMER: Q. Can you think of any others? Can you think of any children who were born in the neighborhood about the time Judy died? A. No, sir.

Q. None of your own family? A. No, sir.

Q. None of your relatives? A. Not a one of them.

MR. BYRNE: Q. What caused the death of your wife? A. Consumption.

Q. Was she sick a long time? A. She was in bed about three months.

POOR ORIGINAL -  
BEST AVAILABLE COPY

IN RE  
Application for Enrollment of  
INFANT CHILD

as a citizen of

Nation

Approved ..... 190

Commissioner.

043

Department of the Interior.

Commissioner to the Five Civilized Tribes.

This is to certify that I am the officer having custody of the records pertaining to the enrollment of the members of the Choctaw, Chickasaw, Cherokee, Creek and Seminole Tribes of Indians, and the disposition of the land of said tribes, and that the above and foregoing is a true and correct copy of the birth-affidavit in the matter of birth of Sillar Fife, Creek by blood, Roll No. 398.

*J. W. Wright*  
Commissioner to the Five Civilized Tribes,

BY *W. C. Humphrey, Jr.*  
Clerk in charge of Creek Records.

Muskogee, Oklahoma,

December 28, 1911.

*WLD*

IN RE

Application for Enrollment of  
INFANT CHILD

as a citizen of

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 Sillar Life, born on the 19<sup>th</sup> day of August, 1899,  
(Here insert name of child.)  
Name of Father: Elijah L. Life a citizen of the CREEK Nation.  
Name of Mother: Millie Life a citizen of the CREEK Nation.  
Postoffice \_\_\_\_\_

AFFIDAVIT OF MOTHER: Father

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Northern DISTRICT. }

I, Elijah L. Life, 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 Millie Life, who is a citizen, by  
blood of the CREEK Nation; that a female child was  
(Male or Female.)  
born to me on the 19<sup>th</sup> day of August, 1899, that said child has been named  
Sillar Life, and is now living.

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this 11<sup>th</sup> day of December, 1899.

Tamo Bisco

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

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

I, \_\_\_\_\_, on oath state that I  
attended on Mrs. \_\_\_\_\_, wife of \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 1899; that there was born to her on said date a  
(Male or Female.)  
child; that said child is now living and is said to have been named \_\_\_\_\_

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1900.

Judy Barville  
Case

Notary Public.

TOH, Jr-VR

Muskogee, Oklahoma, November 16, 1911.

Mr. Irwin Donovan,

Muskogee, Oklahoma

Sir:

On October 19, 1911, the Department remanded for further investigation the enrollment case of Judie Barnett, involving the question as to the date of her death and right to enrollment and allotment as a citizen of the Creek Nation. The Department instructed that, at any further hearing which might be had, the representatives of the heirs and the representatives of the purchasers and lessees should have an opportunity to participate in the proceedings, and that they should also be allowed to examine the record and papers in the office of the Commissioner to the Five Civilized Tribes touching upon the rights of said Judie Barnett to enrollment.

In compliance with the instructions of the Department, you are hereby advised that a hearing will be had in the enrollment case of Judie Barnett at Eufaula, Oklahoma, Tuesday, November 28, 1911, at 10 o'clock, A. M., at which time all interested parties will be given an opportunity to be heard and to submit such evidence as they may desire to introduce in the matter.

Respectfully,

Register.

Commissioner.



TCH, Jr-VR

Muskogee, Oklahoma, November 16, 1911.

Collier, Turner & Turner,  
Eufaula, Oklahoma.

Gentlemen:

On October 19, 1911, the Department remanded for further investigation the enrollment case of Judie Barnett, involving the question as to the date of her death and right to enrollment and allotment as a citizen of the Creek Nation. The Department instructed that, at any further hearing which might be had, the representatives of the heirs and the representatives of the purchasers and lessees should have an opportunity to participate in the proceedings, and that they should also be allowed to examine the record and papers in the office of the Commissioner to the Five Civilized Tribes touching upon the rights of said Judie Barnett to enrollment.

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Respectfully,

Register.

Commissioner.

TOH, Jr-VR

Muskogee, Oklahoma, November 16, 1911.

Mr. Benj. Mossman,  
Muskogee, Oklahoma.

Sir:

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Respectfully,

Register.

Commissioner.

TCH, Jr-VR

Muskogee, Oklahoma, November 16, 1911.

Monroe & Morton,

Tulsa, Oklahoma.

Gentlemen:

On October 19, 1911, the Department remanded for further investigation the enrollment case of Judie Barnett, involving the question as to the date of her death and right to enrollment and allotment as a citizen of the Creek Nation. The Department instructed that, at any further hearing which might be had, the representatives of the heirs and the representatives of the purchasers and lessees should have an opportunity to participate in the proceedings, and that they should also be allowed to examine the records and papers in the office of the Commissioner to the Five Civilized Tribes touching upon the rights of said Judie Barnett to enrollment.

In compliance with the instructions of the Department, you are hereby advised that a hearing will be had in the enrollment case of Judie Barnett at Eufaula, Oklahoma, Tuesday, November 28, 1911, at 10 o'clock, A. M., at which time all interested parties will be given opportunity to be heard and to submit such evidence as they may desire to introduce in the matter.

Respectfully,

Register.

Commissioner.

Muskogee, Oklahoma, November 16, 1911.

Mr. M. L. Mott,  
Attorney for Creek Nation,  
Muskogee, Oklahoma.

Sir:

On October 19, 1911, the Department remanded for further investigation the enrollment case of Judie Barnett, involving the question as to the date of her death and her right to enrollment and allotment as a citizen of the Creek Nation. The Department instructed that, at any further hearing which might be had, the representatives of the heirs and the representatives of the purchasers and lessees should have an opportunity to participate in the proceedings, and that they should also be allowed to examine the record and papers in the office of the Commissioner to the Five Civilized Tribes touching upon the rights of said Judie Barnett to enrollment.

In compliance with the instructions of the Department, you are hereby advised that a hearing will be had in the enrollment case of Judie Barnett at Eufaula, Oklahoma, Tuesday, November 28, 1911, at 10 o'clock, A. M., at which time all interested parties will be given opportunity to be heard, and to submit such evidence as they may desire to introduce in the matter.

Respectfully,

Commissioner.

Muskogee, Oklahoma, November 17, 1911.

Mr. Charles F. Bliss,  
Supervising District Agent,  
Muskogee, Oklahoma.

Sir:

On October 19, 1911, the Department remanded for further investigation the enrollment case of Judie Barnett, involving the question as to the date of her death and right to enrollment and allotment as a citizen of the Creek Nation. The Department instructed that, at any further hearing which might be had, the representatives of the heirs and the representatives of the purchasers and lessees should have an opportunity to participate in the proceedings, and that they should also be allowed to examine the record and papers in the office of the Commissioner to the Five Civilized Tribes touching upon the rights of said Judie Barnett to enrollment.

In compliance with the instructions of the Department you are hereby advised that a hearing will be had in the matter at Eufaula, Oklahoma, on November 28, 1911, at 10 o'clock, A. M., and all parties in the case have been so notified.

You are requested to be present at that place on said date to conduct the hearing on behalf of this office, and to receive testimony of interested parties pertaining to the case.

Respectfully,

Commissioner.

FOH, Jr-VA

Muskogee, Oklahoma, November 21, 1911.

Mr. M. L. Matt,

Attorney for the Creek Nation,

Muskogee, Oklahoma.

Sir:

Referring to my communication to you of November 16, 1911, relative to the enrollment and allotment case of Judie Barnett, deceased, set for hearing at Eufaula, Oklahoma, Tuesday, November 28, 1911, at 10 o'clock, A. M., you are advised that the hearing in this case has been postponed to January 3, 1912.

This action was taken at the request of one of the principal attorneys in the case, who was subpoenaed to appear before the United States Court in Arizona on November 27, 1911, and it is desired that all interested parties be present at this hearing, in order that they may participate therein, and final report in the matter made to the Department.

Respectfully,

Commissioner.

TOH, Sr-VR

Muskogee, Oklahoma, November 21, 1911.

Mr. Irwin Donovan,  
Muskogee, Oklahoma.

Sir:

Referring to my communication to you of November 16, 1911, relative to the enrollment and allotment case of Judie Barnett, deceased, set for hearing at Eufaula, Oklahoma, Tuesday, November 28, 1911, at 10 o'clock, A. M., you are advised that the hearing in this case has been postponed to January 3, 1912.

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Respectfully,

Register.

Commissioner.

TCH, Jr-VR

Muskogee, Oklahoma, November 21, 1911.

Monroe & Morton,  
Attorneys at Law,  
Tulsa, Oklahoma.

Gentlemen:

Referring to my letter to you of November 16, 1911, relative to the enrollment and allotment case of Judie Barnett, deceased, set for hearing at Eufaula, Oklahoma, November 28, 1911, at 10 o'clock, A. M., you are advised that the hearing in this case has been postponed to January 3, 1912.

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Respectfully,

Register.

Commissioner.



TOH, Jr-VR

Muskogee, Oklahoma, November 21, 1911.

Collier, Turner & Turner,  
Eufaula, Oklahoma.

Gentlemen:

Referring to my communication to you of November 16, 1911, relative to the enrollment and allotment case of Judie Barnett, deceased, set for hearing at Eufaula, Oklahoma, Tuesday, November 28, 1911, at 10 o'clock, A. M., you are advised that the hearing in this case has been postponed to January 3, 1912.

This action was taken at the request of one of the principal attorneys in the case, who was subpoenaed to appear before the United States Court in Arizona on November 27, 1911, and it is desired that all interested parties be present at this hearing, in order that they may participate therein, and final report in the matter made to the Department.

Respectfully,

Register.

Commissioner.

TOH, Jr-VR

Muskogee, Oklahoma, November 21, 1911.

Mr. Benj. Mossman,  
Muskogee, Oklahoma.

Sir:

Referring to my letter to you of November 16, 1911, relative to the enrollment case of Judie Barnett, deceased, set for hearing at Eufaula, Oklahoma, November 28, 1911, at 10 o'clock, A. M., and your recent personal request that the date of hearing be postponed in order that you may be present, you are advised that the date of hearing has been changed to January 3, 1912, and all interested parties have been so advised.

Respectfully,

Register.

Commissioner.

Right of Judie  
Barnett, deceased,  
ed, to an allot-  
ment.

Muskogee, Oklahoma, August 20, 1912.

The Honorable .

The Secretary of the Interior.

Sir:

On July 24, 1911, the Commissioner to the Five Civilized Tribes invited your attention to the alleged fraudulent enrollment of Judie Barnett, whose name appears upon Creek Indian Field Card No. 412 and is contained in the partial schedule of Creek citizens by blood approved by the Department March 13, 1902, opposite Roll No. 1343.

The Commissioner was of the opinion, from the evidence before the office at that time, that Judie Barnett died prior to April 1, 1899, and was consequently not entitled to enrollment as a citizen of the Creek Nation, and that her enrollment had been procured by fraud, and recommended that opposite the name, Judie Barnett, Roll No. 1343 on the approved roll of Creek Indians by blood in your office and the copy of said roll in the office of the Commissioner of Indian Affairs, and in this office, the following notation be placed:

" Died prior to April 1, 1899. Not entitled to land or money."

It was further recommended that request be made of the Department of Justice for direction to the United States Attorney

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for the Eastern District of Oklahoma to institute suit looking to the cancellation of the allotment and of evidence of title to land of the estate of Judie Barnett, deceased.

On October 20, 1911, the matter was returned to this office with directions that further investigation be made and that in the investigation the testimony of Lewis McGilbra and Henry Hicks be secured, and that Billie Barnett, one of the heirs of Judie Barnett, be called upon to explain the lack of harmony between his affidavit and testimony given by him at the oral hearing, as well as the testimony of such other witnesses as might be available.

In compliance with your directions, further proceedings were had in the matter of the enrollment of Judie Barnett, deceased, at Eufaula, Oklahoma, January 4, 1912, and at Muskogee, Oklahoma, March 23, 1912, and July 1, 1912.

The first witness called on January 4, 1912, was Thomas Moore, Fame, Oklahoma, who lived in the immediate neighborhood and knew Judie Barnett during her lifetime and is acquainted with her heirs at law who now claim her allotment. Mr. Moore testified, and was positive in his statements, that Judie Barnett died as early as 1896. His testimony shows that he had some business transaction shortly after the death of Judie Barnett, deceased, with her heirs in reference to an agricultur-

Secretary - 3.

all ease on the lands occupied by the said Judie Barnett in her lifetime, and that in company with Louisa Barnett, daughter of the said Judie Barnett, he made a trip to Muskogee, Oklahoma, and presented the matter of the lease to the United States Indian Agent, and that as a result of his visit to Muskogee, Newsome, who was claiming the land, was removed therefrom. (If any record was made, it was destroyed by fire which occurred in 1899). Mr. Moore also stated that he had a daughter named Lotty Moore who died shortly after the death of Judie Barnett, and that his daughter died in the year 1897; that his daughter, who died subsequent to the date of the death of Judie Barnett, was not enrolled, having died prior to April 1, 1899.

The second witness called was R. P. Ewen, Eufaula, Oklahoma, who is a citizen by blood of the Creek Nation and lived, during the lifetime of Judie Barnett, in the immediate neighborhood in which she lived. Mr. Ewen stated that in the year 1897 he made a trip with Billy McCombs, who had charge of the Eufaula High School, to Okmulgee, Oklahoma, where Mr. McCombs secured some warrants to pay the teachers in his school. Mr. Ewen testified that he and McCombs returned to Eufaula, Oklahoma, overland and that they lost their way west of Eufaula and called at the former home of Judie Barnett, deceased, to inquire the way to Eufaula. He stated that Judie Barnett was dead at that time but that he could not give the date of her death nor the number of months that had elapsed between the date of her death

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and the date of his visit to her former home with Mr. McCombs.

The third witness called was Albert Moore, Lenma, Oklahoma, who lived in the immediate neighborhood and was acquainted with Judie Barnett in her lifetime. Mr. Moore testified that he is a citizen of the Creek Nation and that the death of Judie Barnett occurred at a time when surveying parties were camped near his field sectionalizing the country. He stated that he got news of the death of Judie Barnett and went over to the place where she died to attend the funeral but was told that she was already buried. He testified that his wife died something like 2 years after Judie Barnett's death and that his wife died 12 years ago.

The fourth witness called was Dave Cummins, Hanna, Oklahoma, who is a citizen of the Creek Nation and the person who preached the funeral sermon of Judie Barnett. The testimony of this witness was most unsatisfactory and clearly shows that he could not even approximate the number of years which have elapsed since the death of Judie Barnett.

The fifth witness called was John Ingram, Eufaula, Oklahoma, a citizen of the Creek Nation, who was acquainted with Judie Barnett in her lifetime and who testified that Judie Barnett died some time before he moved from

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the town of Eufaula, where he was keeping a hotel, to his present home, and that he moved to his present home 13 years ago.

The sixth witness called was Billie Barnett, son and one of the heirs at law of Judie Barnett, deceased. Billie Barnett was called and asked to explain the discrepancy in the dates as to his mother's death given by him in his affidavit executed June 8, 1901, when her enrollment was secured showing date of her death as January 17, 1900, and in his oral testimony of April 15, 1911, when the date of January 29, 1899, was given by him as the date of the death of Judie Barnett. Mr. Barnett refused, on advice of counsel, to make any statement.

The seventh witness called, in compliance with directions of the Department of October 19, 1911, was William McCombs, a citizen of the Creek Nation and the person referred to by witness Ewen. Mr. McCombs testified that in 1897, with Mr. Ewen, he made a trip overland from Okmulgee, Oklahoma, where he had gone to secure vouchers to pay the teachers of the Eufaula High School, to Eufaula, Oklahoma, and related the circumstance of getting lost west of Eufaula and of stopping at the former home of Judie Barnett, deceased. He stated that Judie Barnett was not living at the time of his visit to her home in 1897 and

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that she died some time prior to that. He stated that he knew she was dead at that time and that her daughter and son lived at the old homestead. Record made at the Creek Office at Okmulgee at the time of Mr. McCombs' visit is with the record in this case.

The following witnesses were called and testified on behalf of the heirs of Judie Barnett, deceased:

First witness, Billie Y. Barnett, Muskogee, Oklahoma, son of Judie Barnett, deceased. Mr. Barnett testified that his mother, Judie Barnett, died in January, 1900, but could not satisfactorily explain why in his application for enrollment on June 1, 1899, he had stated that his mother was dead, or why he had given oral testimony before the representatives of the Commissioner in April, 1911, that his mother had died in January, 1899.

The next witness called on behalf of the heirs was Henry Hicks, Salee, Oklahoma, full blood citizen of the Creek Nation, who, on June 8, 1901, before W. T. Fears, Notary Public, made affidavit that the death of Judie Barnett occurred in January 17, 1900. Mr. Hicks stated in his testimony that the death of Judie Barnett occurred the 17th or 18th of January, 1900. He could mention no circumstance by which he could fix the date and could remem-



Secretary - 7.

her the date of the death of no other person which occurred about that time or any other event which would add strength to his statement that Judie Barnett died January 17th or 18th, 1899.

The next witness called on behalf of the heirs was Joe Hutton, a Creek freedman, who testified that he knew Judie Barnett in her lifetime and that he attended the same church that Judie Barnett attended. Joe Hutton testified that he attended the funeral of Judie Barnett, deceased, and that she died some four church meetings after he filed, the date of his filing being October 23, 1899. This witness was positive in his statements that Judie Barnett died three or four church meetings after he filed. He, however, was unable to remember any other circumstance or give any other information which would add strength to his testimony.

The next witness called on behalf of the heirs of Judie Barnett, deceased, was Jennetta Ingram, who testified that Judie Barnett died in January of 1900. The testimony of this witness was not satisfactory. She testified absolutely as to the month date of the death of Judie Barnett in January, 1900, but could not give the date of her father's death or her mother's death and could not tell the year in which she was giving her testimony.

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Millie Fife of Fame, Oklahoma, was the next witness called. Mrs. Fife testified that she could not give the year in which Judie Barnett died but that her death occurred about the year 1900. She testified that the land office had opened at the time of the death of Judie Barnett. Mrs. Fife also testified that her child, Silla, died at the age of three years and that Judie Barnett died before Silla was born. The tombstone at the grave of Silla Fife, daughter of Millie Fife, has been examined and the following notation

found: "Silla Fife, daughter of Millie Fife, born August 19, 1899, died October 23, 1901."

This witness was positive in her statement that Judie Barnett died before her daughter, Silla, was born.

On July 1, 1912, as directed by the Department, the testimony of Lewis McGilbra was secured. The testimony of this witness was most unsatisfactory. He gave no definite information as to the date of the death of Judie Barnett. He testified that his wife died September 17, 1900, and that Judie Barnett's death occurred prior to the death of his wife and Judie Barnett did not die the same year. Mr. McGilbra stated that he made the affidavit at the request of Billy Barnett before W. T. Fears June 8, 1901, and the only explanation he offered as to

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why his affidavit made at that time did not show the date of the death of Juda Barnett was that he "guessed they did not ask <sup>him</sup> that question."

From the above testimony, I am of the opinion that the date of the death of Judie Barnett occurred prior to April 1, 1899, and that she was not entitled to enrollment as a citizen by blood of the Creek Nation. The records in the possession of this office bear out this conclusion, for on June 1, 1899, William Barnett, Jim Barnett and Jonas Barnett made application for enrollment as citizens of the Creek Nation and the application of each of these persons, who are children and heirs at law of Judie Barnett, deceased, shows that their mother, Judie Barnett, was dead at the time of making said application. The testimony of all <sup>of</sup> the heirs taken at the hearings in this case, as well as of the witnesses introduced on behalf of the heirs, shows that the death of Judie Barnett occurred in the month of January. It would seem that this fact is well established by the evidence. It is a little unusual that the children of Judie Barnett, deceased, would appear at the office of the Commission to the Five Civilized Tribes in June, 1899, and state that their mother was dead if, in fact, her death occurred in January, 1900. In view of all the evidence heard, I am of the opin-

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ion that action should be taken in reference to the enrollment of Judie Barnett, deceased, as recommended by the Commissioner in his report of August 21, 1911.

Transcript of the testimony taken at Muskogee, Oklahoma, January 4, 1912, and at Muskogee, Oklahoma, March 23, 1912, and July 1, 1912, together with the original record transmitted with my report of August 21, 1911, are herewith.

Respectfully,

Acting Commissioner to the Five Civ. Tribes.

QFB/B  
Enc.

D-114-1913  
WIA-MO

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Oklahoma, January 24, 1913.

Mr. Irwin Donovan,  
Muskogee, Oklahoma.

Sir:

Referring to my letter to you of December 24, 1912, notifying you that you would be allowed thirty days within which to submit direct to the Commissioner of Indian Affairs at Washington, D. C., your argument as to the matters in issue in the case of the fraudulent enrollment of Judy Barnett, Creek by blood, roll No. 1343, you are advised that the time for filing briefs in this case has been extended by the Secretary of the Interior to February 20, 1913, and that the attorneys for the Creek Nation have been allowed fifteen days after that date in which to file their briefs in argument.

Respectfully,

Commissioner.

D-114-1913  
WIA-MO

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Oklahoma, January 24, 1913.

Mr. O. A. Morton,

Tulsa, Oklahoma.

Sir:

Referring to my letter to you of December 24, 1912, notifying you that you would be allowed thirty days within which to submit direct to the Commissioner of Indian Affairs, at Washington, D. C., your argument as to the matters in issue in the case of the fraudulent enrollment of Judy Barnett, Creek by blood, roll No. 1343, you are advised that the time for filing briefs in this case has been extended by the Secretary of the Interior to February 20, 1913, and that the attorneys for the Creek Nation have been allowed fifteen days after that date in which to file their briefs in argument.

Respectfully,

Commissioner.

D-114-1913  
WHA-MS

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Oklahoma, January 24, 1913.

Mr. H. L. Mott,

National Attorney Creek Nation,

Muskogee, Oklahoma.

Sir:

Referring to my letter to you of December 24, 1912, notifying you that you would be allowed thirty days from date thereof within which to submit direct to the Commissioner of Indian Affairs at Washington, D. C., your argument as to the matters at issue in the alleged fraudulent enrollment case of Judie Barnett, Creek by blood, roll No. 1343, you are advised that the time for filing briefs, in this case has been extended to February 20, 1913, and that you will be allowed fifteen days after that date within which to file your briefs in the case. This notice is in accordance with authority contained in Departmental telegram of January 23, 1913.

Respectfully,

Commissioner.

D-114-1913  
WHA-MD

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Oklahoma, January 24, 1913.

Mr. Benjamin Roseman,

Muskogee, Oklahoma.

Sir:

Referring to my letter to you of December 24, 1912, notifying you that you would be allowed thirty days within which to submit direct to the Commissioner of Indian Affairs at Washington, D. C., your argument as to the matters in issue in the case of the fraudulent enrollment of Judy Barnett, Creek by blood, roll No. 1343, you are advised that the time for filing briefs in this case has been extended by the Secretary of the Interior to February 20, 1913, and that the attorneys for the Creek Nation have been allowed fifteen days after that date in which to file their briefs in argument.

Respectfully,

Commissioner.



D-114-1913  
WIA-ED

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

\*  
Muskogee, Oklahoma, January 24, 1913.

Mr. William A. Collier,

Mufaula, Oklahoma.

Sir:

Referring to my letter to you of December 24, 1913, notifying you that you would be allowed thirty days within which to submit direct to the Commissioner of Indian Affairs at Washington, D. C., your argument as to the matters in issue in the case of the fraudulent enrollment of Judy Barnett, Creek by blood, roll No. 1543, you are advised that the time for filing briefs in this case has been extended by the Secretary of the Interior to February 20, 1913, and that the attorneys for the Creek Nation have been allowed fifteen days after that date in which to file their briefs in argument.

Respectfully,

Commissioner.

In the matter of the  
enrollment of Judie  
Barnett, deceased, as  
a citizen of the Creek  
Nation.

Muskogee, Oklahoma,  
February 10, 1913.

To the Honorable,

The Secretary of the Interior,  
Washington, D. C.

Sir:

One of the most difficult tasks before the Dawes Commission has been to weed out the enrollments of persons who died prior to the time when any right could be acquired to share in the division of tribal property. Some of these enrollments may not have been from fraudulent motives but resulted from the ignorance of the persons giving testimony as to the date of death or ignorance of the law as to the right to enrollment. In the case at bar the tenacity with which some of the parties in interest cling to the date of Judie Barnett's death as in the month of January, 1900, after formal and informal statements otherwise, shows a scheme, beginning with the affidavit of the death of Judy Barnett before Walter Fears at Eufaula, to defraud the Creek Nation of one hundred and sixty acres of land. The fact that oil has been subsequently discovered on this tract has probably added to the zeal of these parties.

When there is taken into consideration the lack of records of death, the ignorant character of the witnesses and the lapse of time, the Dawes Commission has made out an exceedingly strong case

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and with the conviction that Judie Barnett died prior to April 1, 1899, I am espousing the side of the Creek Nation rather than that of the Creek citizens who would be the beneficiaries in the event the said allotment was perfected finally and absolutely.

Let us examine the testimony offered, weighing carefully, the interest of the witness, his education and by what his memory is directed or refreshed. Thomas Moore, a quarter blood Creek Indian about forty-five years of age, was first called by the plaintiff. He has a fair education and has engaged in farming, stock raising and owns a gin. After being questioned by McDermott, an interpreter for the Commission, he refreshed his memory from his accounts and fixes Judie Barnett's death in January or February, 1897; that his child Lotty died subsequent to Judie and was never enrolled; that he accompanied the Barnetts to Muskogee to lay an intruder's complaint against one Newsome in the fall of 1897, and that Judie Barnett was dead then. Moore has no interest in this case other than that of any other Creek citizen, has land close to the Barnetts, been their neighbor and has evidently had their confidence.

The next witness is R. P. Ewen, a full blood Creek Indian about fifty years of age, who fixes the time of death of Judie Barnett in 1897 for the reason that he was teaching a tribal school at such time; that he accompanied William McComb, Superintendent, to get some warrants at Okmulgee and becoming lost on the way to Eufaula stopped at the Barnetts' to inquire the way and that Judie was dead.

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Ewen's sister was married to Billy Barnett, son of the deceased, and was subsequently abandoned by him. Ewen stated that he had no ill feeling toward Billy and to anyone who is familiar with Indian customs such statement is perfectly reasonable.

Albert Moore, a half blood Creek about forty years of age, testified that the time of his wife's death, which occurred twelve years ago (1900), was two years subsequent to Judie's. Moore was a neighbor and started for the funeral when he was informed before he reached the house that the body had been interred. Furthermore, he had no records but fixed his date by the fact that surveying parties were sectionizing the country and were then at the corner of his field. Of necessity this survey was a considerable time prior to allotment and will be so shown by the records of the Interior Department and reference is particularly called thereto.

Dave Cummins, an elderly Creek Indian preacher, was next called and testified that the death of Judie occurred prior to his removal of his residence on January 18, 1893. It is probable, however, that he preached the memorial service for Judie at the request of her sons subsequent to such time. His testimony is valuable for its tendency to show that the death occurred prior to the time of enrollment.

John Ingram, a Creek citizen about seventy-two years of age, fixes the date of Judie Barnett's death at fifteen years ago

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(1897) by reason of the fact that he was conducting a hotel and drove about the surrounding country for chickens and eggs and would drop in at the Barnetts' house. That thirteen years ago he gave up the hotel to a daughter who had just married, and went to live at his present home. Furthermore, that Judie died before he selected his allotment.

The testimony of William McComb is the strongest offered. McComb is a citizen who has been much honored by his tribe, having held the positions of Member of Council, Supreme Judge and Superintendent of Public Instruction. His testimony corroborates Ewen as to every particular of the trip to Okmulgee for warrants. He furthermore was able to recall for whom warrants were drawn upon the stub of the book dated May 5, 1898, which were exhibited to him. He fixes the date of death of Judie prior to his taking charge of the Eufaula High School in January, 1897.

Jesse McDermott, chief clerk in the office of the Chief of the Creek Nation, was called to introduce the stubs of the Creek warrant book in corroboration of McComb's testimony. The sufficiency of the evidence was attacked by defendants. However, McDermott found these stubs in the office of the Chief upon his appointment as chief clerk, consequently the identification was complete.

Billy Y. Barnett's testimony for the defense is one, so

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filled with contradictions that it is not worthy of consideration. With his old affidavit upon which Judie was allotted land stating the death occurred January 17, 1900, there rises to smite him his statement to the enrolling party June 1, 1899, that his mother was dead. This was made thirteen years ago when his memory was fresh and when no controversy had arisen. He was consistent in this statement with exception of the affidavit (and I doubt whether he understood its contents at that time) until this controversy arose. In fact it came about by his statement on a hearing for the approval of a deed to Judie's land, that she died in January, 1899. Charles F. Bliss of the Interior Department service stopped the hearing on the approval of the deed and when he interviewed Barnett subsequently on April 19, 1911, it was again stated that the death occurred in January 1899. Billy Barnett further turned over to Mr. Bliss a small memorandum book containing such date as the time of death of his mother. He weakly attempts to explain these discrepancies by stating that the interpretations of his statements were not correct and that the memorandum book used was a copy of one made by his son who had died December 21, 1906. Granted for argument that the son did make the original entry. He was at such time a student at Wetumka and came home to his grandmother's funeral. This young man had some education and undoubtedly made a correct entry.

6.

Henry Hicks for the defendants fixes the date on January 17th or 18th, 1900. However, he can neither read nor write nor even remember any other deaths which occurred in the years, 1898, 1899 or 1900.

Joe Hutton, a freedman citizen of the Creek Nation about ninety-five years of age, testified that Judie died about three or four months after he filed on October 1, 1899. Hutton cannot read or write and was unable to tell of any one else who died that year except Louisa Barnett and child. However, Louisa is shown to have died April 10, 1905. The already weak testimony was practically destroyed when he stated that he had not talked to any one as to the date of Judie's death until it was suggested to him by counsel.

Mary Ann Hutton, a Creek freedman about seventy years of age and wife of Joe Hutton, testified practically identically as her husband, even to the death of Louisa Barnett and child a year after Judie. Taking this in connection with her statement that she had not talked about the matter with her husband or in fact any one but counsel and then just before she went to the stand, seems to be so unreasonable as to discredit her entirely.

Jim Barnett, another son of Judie, testified that his mother was alive when the land office opened, yet in his application for enrollment on June 1, 1899, he stated that she was dead.

7.

Jenneta Ingram, a full blood Creek Indian about thirty years of age, testified that Judy died in 1900. However, she admitted having stated that she had a daughter born December 7, 1898, and that the child was one year old when Judy died. Mrs. Ingram attempted to explain this statement by saying that after she had time to think the matter over, she was convinced that the child was two years old at the time of Judie's death.

Millie Fife, a full blood about forty years of age, was very positive that Judy died in January, 1900, however, she was equally positive that her child Silla was born after Judie's death. The tombstone at the grave of Silla bears the inscription, "Born Aug. 19, 1899. Died Oct. 31, 1901."

With this brief summary of the evidence, in which we have attempted to call your attention to the material features, we submit that beyond all doubt Judie Barnett died prior to April 1, 1899, and consequently her estate is not entitled to participate in the division of the tribal property of the Creek Nation. We further pray that the usual notations and erasures be made upon the rolls of the Creek Tribe and that appropriate steps be taken to cancel said allotment of land.

Respectfully,



Representing office, National  
Attorney, Creek Nation.



Muskogee, Oklahoma, February 20, 1913.

In the Matter of the Enrollment  
of Judy Barnett, Deceased, as a  
Citizen of the Creek Nation. }

The Honorable

Secretary of the Interior.

Sir:

The impossibility of determining so many years after the event the exact date of the death of a full blood Creek Indian could not better be shown than by the testimony of the witnesses in the case now under consideration. The witnesses offered by the Commissioner (and by the Creek Nation) place the date of the death of Judy Barnett at various times from 1893 to January, 1899. The witnesses offered by the heirs and by the parties claiming under the heirs corroborate the evidence upon which Judy Barnett was enrolled that she died in January 1900.

The only witnesses who profess to have actual knowledge of the date of the death uniformly fix it as January, 1900. The others profess to having heard that she was dead at different times in 1893, 1896, 1897, 1898 and 1899.

We regret exceedingly that in matters of this kind the zeal of the Commissioner's office should often have the effect of turning that office from its duty of impartial investigation and should cause those charged with the conduct of investigations to become zealous prosecutors determined to establish the fraud, the existence of which they honestly suspect.

An example of this mistaken zeal appears at page 9 of the Commissioner's report to the Department in this matter. We quote:

"The records in possession of this office bear out this conclusion, for on June 1, 1899, William Barnett and

Jonas Barnett made application for enrollment as citizens of the Creek Nation and the application of each of these persons, who are children and heirs at law of Judy Barnett, deceased, show that their mother, Judy Barnett, was dead at the time of making said application. . . . .  
It is a little unusual that the children of Judy Barnett, deceased, would appear at the office of the Commission to the Five Civilized Tribes in June, 1899 and state that their mother was dead if in fact her death occurred in January, 1900."

We unqualifiedly assert that this statement of the Commissioner is untrue. When we first read the report we made an investigation of the records of the Commission and were unable to find any transcript of the testimony or of statements made by these children of Judy Barnett at the time of her enrollment. We called upon the Department to require the Commissioner to furnish us with copies of the records upon which the statement above quoted was based. The Department directed the Commissioner to accede to our request, but to this date no transcript or other record of such statements made by these children have been furnished.

The Commissioner has furnished us, as his authority for the words quoted, the census cards of William Barnett, James Barnett and Jonas Barnett.

The card of Jonas Barnett shows that he made application for enrollment not on June 1, 1899 as stated by the Commissioner, but on April 11, 1900.

The card of Jonas Barnett shows that he made application for enrollment on June 1, 1899, and the card of William Barnett shows that he made application for enrollment on June 1, 1899.

It is hardly necessary to state that these cards do not purport to contain transcripts of the testimony of any one or of all the persons whose names appear thereon, but that they do contain matter descriptive of the persons whose names appear thereon and nothing more.

The statements on the cards in the matter descriptive of James Barnett and of William Barnett do not even warrant the inference that Judy Barnett was dead on June 1, 1899 at the time of their applications for enrollment.

The card of William Barnett is number 412. The card of James Barnett is number 413. The roll number of William Barnett is 1338. The roll number of Lucy Barnett, the last name on the card of James, is 1349. From 1338 to 1349 inclusive are on these two cards, and in the middle of the sequence on the card of William Barnett is Judy Barnett at No. 1343.

What is the significance of this?

Prior to the placing of these names on the schedule for transmission to the Department these cards were but memoranda from which the rolls were to be made up. As such memoranda they were subject to correction at any time. Judy Barnett was placed upon the card with William and his family. She was placed upon the card at the time of the filing of an affidavit giving the date of her death as January, 1900, and this date was copied onto the face of the card. It is reasonable to suppose that Judy Barnett would have been listed for enrollment as a citizen who died in January, 1900 if at the time she was so listed, and on the very card on which her name was placed the Commission had had under its eyes what the Commissioner is now pleased to regard as a transcript of the testimony of William Barnett that she died prior to June 1, 1899? Is it reasonable to suppose that the name of Judy Barnett would have been placed upon the schedule, made up from the information on these cards, if at that time the Commission had had under its eyes what it is now pleased to regard as a transcript of the testimony of William Barnett and James Barnett that the statement as to the date of her death, upon which she was enrolled, was untrue, and that she in fact

died in January and died prior to June 1, 1899?

Will not the truth of the matter be found in the obvious explanation, that, either at the time Judy's name was placed upon the card with William and his family, or later, when the names of the two families were placed upon the schedule, the data on the card was made to conform to the fact as it was then shown to be and that because the card showed that Judy Barnett had died in January, 1900, the descriptive matter after the names of William and James was completed by inserting after the name of their mother the word "dead"?

As for the card of Jonas Barnett, we have already called attention to the fact that the statement quoted from the report of the Commissioner was simply untrue for Jonas did not make application for enrollment on June 1, 1899, but on April 11, 1900, at which time Judy Barnett was in fact dead.

The testimony of the witnesses introduced by the Commissioner scarcely merits serious consideration. It indeed needed the bolstering up of the statement quoted from his report and here shown to have been <sup>made</sup> utterly without warrant. One witness produced by the Commissioner, Dave Cummins, preached the funeral sermon for Judy Barnett. He preached it after her death and before he moved to his prairie home. The date of the building of the prairie home is carved in stone, it was 1894. Could anything be more positive than testimony based upon a record carved in stone? And yet the force of this testimony is completely overcome by the testimony of all the other witnesses who appeared at the hearing. One witness fixed the date of the death at 1896. His information was obtained from neighborhood gossip. A group of witnesses, their information coming from like source, fixed the date of the death at 1898. Another group, the source of their information also being neighborhood gossip, fixed the date of the death at 1899. It

appears then from the testimony of the witnesses produced by the Commissioner that Judy Barnett died in 1893 or 1894 and in 1896, 1898 and 1899.

Against this hearsay and gossip we have the positive testimony of a group of witnesses who saw Judy Barnett alive as late as October, 1899 and who fixed the date of the death at January, 1900, exactly as it was determined eleven years ago, before the passage of time had dimmed the recollection of the event.

Joe Hutton filed on his land in October, 1899. The Commissioner failed to state, as he might have done, that the records of his office show that Joe Hutton filed on his land at Okmulgee in October, 1899. Joe testified that Judy Barnett was an intimate of his wife and was the Treasurer of the Church to which his wife belonged; that as they were returning from filing, Judy, who was sick, sent for his wife to talk over Church matters; that they went to Judy's house and talked with her; that Judy recovered from that illness and that she died about four Church meetings later. He fixed the intervals between the Church meetings and thereby showed that Judy Barnett died about January, 1900. He attended her funeral.

Jannetta Ingram testified that Judy Barnett died in January, 1900. Henry Hicks testified that Judy Barnett died in January, 1900.

Against this positive testimony of witnesses who knew that Judy was living until January, 1900, against the testimony of Joe Hutton who visited her in October, 1899 and several times after that, the Commissioner accepts the evidence of witnesses who profess to remember, after a lapse of twelve years, the exact date upon which they heard neighborhood gossip say that

Judy Barnett was dead. It is possible for every word of the testimony given by the witnesses produced by the Commissioner to be accepted as true and yet it proves nothing. Not one of those witnesses profess to know of his own knowledge that Judy Barnett was dead: Each might testify truly that he had heard that Judy Barnett was dead, but none could say that of their own knowledge they knew that fact to be true.

Not one word of the testimony upon which the Commissioner bases his findings would be competent in a Court of law. All the evidence produced by the Commissioner and the Creek Nation would be insufficient to obtain the payment of life insurance policy had Judy Barnett carried one, and yet upon such testimony the Commissioner recommends that the earlier judgment of the Commission be set aside.

We respectfully submit that no competent testimony has been offered tending to show that Judy Barnett died prior to April 1, 1899, and that the only competent testimony introduced conclusively shows that the Commission's finding at the time of her enrollment was correct, and that she died in January, 1900. It must be borne in mind that for more than ten years this judgment that Judy Barnett was entitled to an allotment in the Creek Nation has remained undisturbed; that in reliance upon that judgment - innocent investors have paid out their money, and that should the Department take the action recommended by the Commissioner, the title to this land would be clouded until after prolonged litigation, in which on the testimony such as that offered in this hearing the Government could not hope to prevail.

Respectfully submitted,

(Signed) Irwin Donovan

Attorney for William D. Cornelius.

D-208-1914  
TCH/KJE

Muskogee, Oklahoma, February 7, 1914.

Enrollment case of  
Judie Barnette, Creek,  
Roll No. 1343.

Mr. Gordon C. Hughes,  
Sapulpa, Oklahoma.

Sir:

You are hereby advised, it having been ascertained that Judie Barnette, enrolled opposite No. 1343 on the approved roll of citizens by blood of the Creek Nation, died prior to April 1, 1899, and was not entitled to allotment in the Creek Nation, the Department on January 17, 1914, authorized that there be placed opposite her name on the final approved roll of citizens by blood of said nation the notation, "Died prior to April 1, 1899; not entitled to land or money".

You are further advised that the Attorney General has been requested to cause suit to be instituted for the cancellation of the allotment erroneously made to Judie Barnette, and to clear the title to said land in the Creek Nation.

Respectfully,

Commissioner.

D-208-1914  
TOH/KJE

Muskogee, Oklahoma, February 7, 1914.

Enrollment case of  
Judie Barnette, Creek,  
Roll No. 1343.

Mr. William A. Collier,  
Att'y for M. Board, Guardian of Jonas Barnette,  
Eufaula, Oklahoma.

Sir:

You are hereby advised, it having been ascertained that Judie Barnette, enrolled opposite No. 1343 on the approved roll of citizens by blood of the Creek Nation, died prior to April 1, 1899, and was not entitled to allotment in the Creek Nation, the Department on January 17, 1914, authorized that there be placed opposite her name on the final approved roll of citizens by blood of said nation the notation, "Died prior to April 1, 1899; not entitled to land or money".

You are further advised that the Attorney General has been requested to cause suit to be instituted for the cancellation of the allotment erroneously made to Judie Barnette, and to clear the title to said land in the Creek Nation.

Respectfully,

Commissioner.



Muskogee, Oklahoma, February 7, 1914.

Enrollment case of  
Judie Barnette, Creek,  
Roll No. 1343.

Mr. O. A. Morton,  
Att'y for James and William Barnette,  
Tulsa, Oklahoma.

Sir:

You are hereby advised, it having been ascertained that Judie Barnette, enrolled opposite No. 1343 on the approved roll of citizens by blood of the Creek Nation, died prior to April 1, 1899, and was not entitled to allotment in the Creek Nation, the Department on January 17, 1914, authorized that there be placed opposite her name on the final approved roll of citizens by blood of said nation the notation, "Died prior to April 1, 1899; not entitled to land or money".

You are further advised that the Attorney General has been requested to cause suit to be instituted for the cancellation of the allotment erroneously made to Judie Barnette, and to clear the title to said land in the Creek Nation.

Respectfully,

Commissioner.

D-208-1914  
TCH/KJB

Muskogee, Oklahoma, February 7, 1914.

Enrollment case of  
Judie Barnette, Creek,  
Roll No. 1343.

Mr. William Barnette,  
Lenna, Oklahoma.

Sir:

You are hereby advised, it having been ascertained that Judie Barnette, enrolled opposite No. 1343 on the approved roll of citizens by blood of the Creek Nation, died prior to April 1, 1899, and was not entitled to allotment in the Creek Nation, the Department on January 17, 1914, authorized that there be placed opposite her name on the final approved roll of citizens by blood of said nation the notation, "Died prior to April 1, 1899; not entitled to land or money".

You are further advised that the Attorney General has been requested to cause suit to be instituted for the cancellation of the allotment erroneously made to Judie Barnette, and to clear the title to said land in the Creek Nation.

Respectfully,

Commissioner.

D-208-1914  
TCH/KJE

Muskogee, Oklahoma, February 7, 1914.

Enrollment case of  
Judie Barnett, Creek,  
Roll No. 1343.

Mr. Benjamin Mossman,  
Att'y for B. C. Burnett and March Oil Co.,  
Muskogee, Oklahoma.

Sir:

You are hereby advised, it having been ascertained that Judie Barnette, enrolled opposite No. 1343 on the approved roll of citizens by blood of the Creek Nation, died prior to April 1, 1899, and was not entitled to allotment in the Creek Nation, the Department on January 17, 1914, authorized that there be placed opposite her name on the final approved roll of citizens by blood of said nation the notation, "Died prior to April 1, 1899; not entitled to land or money".

You are further advised that the Attorney General has been requested to cause suit to be instituted for the cancellation of the allotment erroneously made to Judie Barnette, and to clear the title to said land in the Creek Nation.

Respectfully,

Commissioner.

D-206-1914  
TCH-LJB

Muskogee, Oklahoma, February 7, 1914.

Enrollment case of  
Judie Barnette, Creek,  
Roll No. 1343.

Mr. Irwin Donovan,  
Attorney for W. D. Cornelius,  
Muskogee, Oklahoma.

Sir:

You are hereby advised, it having been ascertained that Judie Barnette, enrolled opposite No. 1343 on the approved roll of citizens by blood of the Creek Nation, died prior to April 1, 1899, and was not entitled to allotment in the Creek Nation, the Department on January 17, 1914, authorized that there be placed opposite her name on the final approved roll of citizens by blood of said Nation the notation, "Died prior to April 1, 1899; not entitled to land or money."

You are further advised that the Attorney General has been requested to cause suit to be instituted for the cancellation of the allotment erroneously made to Judie Barnette, and to clear the title to said land in the Creek Nation.

Respectfully,

Commissioner.

D-208-1914  
TOH/KJB

Muskogee, Oklahoma, February 7, 1914.

Enrollment case of  
Judie Barnette, Creek,  
Roll No. 1343.

Mr. M. L. Mott,  
Attorney for the Creek Nation,  
Muskogee, Oklahoma.

Sir:

You are hereby advised, it having been ascertained that Judie Barnette, enrolled opposite No. 1343 on the approved roll of citizens by blood of the Creek Nation, died prior to April 1, 1899, and was not entitled to allotment in the Creek Nation, the Department on January 17, 1914, authorized that there be placed opposite her name on the final approved roll of citizens by blood of said nation the notation, "Died prior to April 1, 1899; not entitled to land or money".

You are further advised that the Attorney General has been requested to cause suit to be instituted for the cancellation of the allotment erroneously made to Judie Barnette, and to clear the title to said land in the Creek Nation.

Respectfully,

Commissioner.

D-208-1914

TCM/KJB

Muskogee, Oklahoma, February 7, 1914.

Enrollment case of  
Judie Barnette, Creek,  
Roll No. 1343.

Mr. James Barnette,

Stidham, Oklahoma.

Sir:

You are hereby advised, it having been ascertained that Judie Barnette, enrolled opposite No. 1343 on the approved roll of citizens by blood of the Creek Nation, died prior to April 1, 1899, and was not entitled to allotment in the Creek Nation, the Department on January 17, 1914, authorized that there be placed opposite her name on the final approved roll of citizens by blood of said nation the notation, "Died prior to April 1, 1899; not entitled to land or money".

You are further advised that the Attorney General has been requested to cause suit to be instituted for the cancellation of the allotment erroneously made to Judie Barnette, and to clear the title to said land in the Creek Nation.

Respectfully,

Commissioner.

Muskogee, Oklahoma, February 7, 1914.

Enrollment case of  
Judie Barnette, Creek,  
Roll No. 1343.

United States Indian Superintendent,

Union Agency,

Muskogee, Oklahoma.

Sir:

You are hereby advised, it having been ascertained that Judie Barnette, enrolled opposite No. 1343 on the approved roll of citizens by blood of the Creek Nation, died prior to April 1, 1899, and was not entitled to allotment in the Creek Nation, the Department on January 17, 1914, authorized that there be placed opposite her name on the final approved roll of citizens by blood of said nation the notation, "Died prior to April 1, 1899; not entitled to land or money".

You are further advised that the Attorney General has been requested to cause suit to be instituted for the cancellation of the allotment erroneously made to Judie Barnette, and to clear the title to said land in the Creek Nation.

Respectfully,

Commissioner.

State of Oklahoma, }  
Muskegee County. } ss.

Maude D. Roberts, being first duly sworn, deposes and says that on the 19th day of February, 1913, she deposited in the postoffice at Muskogee, Oklahoma, true copies of the attached brief properly addressed to Benjamin Mossman, Muskogee, Oklahoma; Irvin Donovan, Muskogee, Oklahoma; Monroe and Morton, Tulsa, Oklahoma, and Collier, Turner & Turner, Eufaula, Oklahoma, and with the full amount of postage affixed thereto, all of which were properly registered by the postmaster of said postoffice, copies of the registry receipts of which are hereto attached.

Maude D. Roberts

Subscribed and sworn to before me this 19<sup>th</sup> day of February, 1913.

Jose McDermott  
Notary Public.

My commission expires  
Jan 21, 1916



Land- Five Tubes

89466-'15 5-185

134981-'15

J.E.D.

OFFICE OF INDIAN AFFAIRS

Washington, D. C., Jan. 13, 1916.

The matter to which this slip

is attached is referred to the

Mr. Gabe E. Parker  
Superintendent for the  
Five Civilized Tribes,  
Muskogee, Okla.

for { information and file  
~~action and file~~  
~~report and return of papers~~

105  
J. E. D.  
Chief, Land Division

DO NOT REMOVE THIS SLIP

Land-Five Tribes  
89466-15  
134981-15  
J E D

JAN 5 1916 405

U. S. v. Barnette et al,  
Barnett et al v. Burnett et al.

Dear Mr. Attorney General:

Reference is herein made to the suit of the United States v. William Y. Barnette et al, which was instituted in the United States Court for the Eastern District of Oklahoma for the purpose of cancelling the allotment in Creek Nation erroneously made to the heirs of one Julie Barnett, and to extinguish the right of said heirs to participate in the tribal property, it being alleged by the Government that Julie Barnett died prior to April 1, 1899 and therefore was not entitled to enrollment or allotment in the Creek Nation.

The above named United States Court in June 1915 rendered a decision adverse to the Government. It appears that the allotment of land was made to the heirs of said Julie Barnett and that the patents conveying the lands to said heirs were issued, and that a large number of conveyances had been made by the heirs and by others holding thereunder.

The Court found against the Government as to the facts concerning the date of death of Julie Barnett. Said case is discussed by Mr. Archibald Bonis, Special Assistant to the United States Attorney for the Eastern District of Oklahoma, in his communication of June 9, 1915, a copy of which was re-

a/r

ceived with the letter of August 13, 1915 (EK-088 170172-11) of Assistant Attorney General Knobel.

It appears from Mr. Bond's letter that the Court refused to admit as evidence of the death of Julie Barnett the inscription found on the footboard at the grave, and a statement made by William Y. Barnette before the Commission in 1911, said William Y. Barnette having died a few months prior to the time of the trial of the case. Mr. Bond expresses the view that it would be a difficult matter to have the finding reversed in the Circuit Court of Appeals unless the Court's refusal to admit said matters as evidence was an error. It appears also that in the testimony taken in the case the defendants claimed to be innocent purchasers for value and without notice of any fraud, but as the Court found against the Government as to the date of death of said Julie Barnett, and in favor of the allottees, it was not necessary for the Court to make any finding relative to whether or not the parties holding interests under said allottees were innocent purchasers.

In my telegram of May 27, 1915 to you I expressed the belief that the evidence in the case was sufficient to establish that Julie Barnette died prior to April 1, 1899, and that the alleged sale to Gordon G. Hughes by the heirs was fraudulent. The land involved in the suit is very valuable by reason of its oil production. In view of the importance

of the case and of the value of the property involved, I shall be pleased to have an appeal taken in the case, provided, in your opinion, the law and the facts warrant the conclusion that such appeal might be successfully maintained.

In connection herewith there is transmitted for your information, a communication of December 15, 1915, from the Superintendent for the Five Civilized Tribes referring to a petition filed in the District Court of McIntosh County, Oklahoma, by James Barnett et al against Birch C. Barnett et al including Mr. Gabe E. Parker, Superintendent for the Five Civilized Tribes, for the recovery of the allotment of Judie Barnett and the royalties accruing thereon. The papers submitted by the Superintendent are also inclosed.

The Superintendent has requested that the United States Attorney for the Eastern District of Oklahoma be instructed to appear in his behalf in the last mentioned suit and to take such action as may be necessary to protect the interests of the Government therein. From the Superintendent's communication it appears that the answer to the petition is required.

to be filed on or before January 7, 1918.

In view of the above I have the honor to request that appropriate action be taken to afford the Superintendent for the Five Civilized Tribes the necessary legal assistance, and to protect the interests of the United States and of the Creek Nation in said case.

Cordially yours,

(Signed) Be Sweeney.

Assistant Secretary.

1-117-8

The Honorable,

The Attorney General.

Inclosure 15570





Residence

District

CREEK NATION.

CREEK ROLL.

Card No. 108

Post Office Enfauca, Ind. Ter.

Field No. 108

| Dawes' Roll No. | NAME | Relationship to Person First Named | AGE      | SEX  | Blood | TRIBAL ENROLLMENT |      | TRIBAL ENROLLMENT OF PARENTS |               |                |             |        |          |               |      |               |
|-----------------|------|------------------------------------|----------|------|-------|-------------------|------|------------------------------|---------------|----------------|-------------|--------|----------|---------------|------|---------------|
|                 |      |                                    |          |      |       | Year.             | No.  | Name of Father               | Year          | Name of Mother | Year        |        |          |               |      |               |
| 393             | 1    | Wife                               | Elijah L | 40   | M     | Fall              | 1890 | Okfuska Canal                | 178           | Ben Dife       | Head        | Arbuka | Head     | Okfuska Canal |      |               |
| 394             | 2    | "                                  | Millie   | wife | 29    | F                 | "    | 1890                         | Quasady No. 1 | 182            | Artelo Mico | "      | Tuskegee | Loosee        | 1890 | Quasady No. 1 |
| 395             | 3    | "                                  | Nancy    | Law  | 6     | "                 | "    | 1895                         | "             | Number 45      | No. 1       |        | No. 2    |               |      |               |
| 396             | 4    | "                                  | Millie   | "    | 5     | "                 | "    | 1895                         | "             | 46             | No. 1       |        | No. 2    |               |      |               |
| 397             | 5    | "                                  | Lena     | "    | 7     | "                 | "    | "                            | "             |                | No. 1       |        | No. 2    |               |      |               |
| 398             | 6    | "                                  | Sillar   | "    | 3 mo  | "                 | "    | "                            | "             |                | No. 1       |        | No. 2    |               |      |               |
| 7               |      |                                    |          |      |       |                   |      |                              |               |                |             |        |          |               |      |               |
| 8               |      |                                    |          |      |       |                   |      |                              |               |                |             |        |          |               |      |               |
| 9               |      |                                    |          |      |       |                   |      |                              |               |                |             |        |          |               |      |               |
| 10              |      |                                    |          |      |       |                   |      |                              |               |                |             |        |          |               |      |               |
| 11              |      |                                    |          |      |       |                   |      |                              |               |                |             |        |          |               |      |               |
| 12              |      |                                    |          |      |       |                   |      |                              |               |                |             |        |          |               |      |               |
| 13              |      |                                    |          |      |       |                   |      |                              |               |                |             |        |          |               |      |               |
| 14              |      |                                    |          |      |       |                   |      |                              |               |                |             |        |          |               |      |               |
| 15              |      |                                    |          |      |       |                   |      |                              |               |                |             |        |          |               |      |               |
| 16              |      |                                    |          |      |       |                   |      |                              |               |                |             |        |          |               |      |               |
| 17              |      |                                    |          |      |       |                   |      |                              |               |                |             |        |          |               |      |               |
| 18              |      |                                    |          |      |       |                   |      |                              |               |                |             |        |          |               |      |               |

CITIZENSHIP CERTIFICATE ISSUED April 5th 1899

CITIZENSHIP CERTIFICATE ISSUED for no. 6 (new born) no. 35 Dec. 9. 1899

ENROLLMENT OF Nos 393-398 under APPROVED BY THE SECRETARY OF INTERIOR March 13, 1902

April 5/99. No. 6 enrolled Dec. 11th 1899

DEPARTMENT OF THE INTERIOR.

Comptroller to the Five Civilized Tribes.

This is to certify that I am the officer having custody of the records pertaining to the enrollment of the members of the Choctaw, Chickasaw, Creek and Seminole Tribes of Indians and the disposition of the lands of said tribes and that the above and foregoing is a true and correct copy of the same.

Indian Census card no. 108

MUSKOGEE, Oklahoma

DEC 28 1911

ED

DEPARTMENT OF THE INTERIOR,  
Commissioner to the Five Civilized Tribes.

This is to certify that I am the officer having custody of the records pertaining to the members of the Cherokee, Chickasaw, Choctaw, Creek and Seminole Tribes of Indians, and the disposition of the same, and that the above and foregoing is a true and correct copy of Creek Indian Roll No. 1011

MUSKOGEE, Oklahoma

DEC 28 1911

*W.D.*

*W.D. Wright  
Commissioner  
Washington D.C.  
Creek Indian*

Residence Enfanta, Ind. Ter. District CREEK NATION CREEK ROLL. Card No. 1011  
Post Office Enfanta, Ind. Ter. Field No. 1013

| Dawes' Roll No. | NAME               | Relationship to Person First Named. | AGE | SEX | BLOOD | TRIBAL ENROLLMENT |          | TRIBAL ENROLLMENT OF PARENTS. |                |                |              |         |      |          |
|-----------------|--------------------|-------------------------------------|-----|-----|-------|-------------------|----------|-------------------------------|----------------|----------------|--------------|---------|------|----------|
|                 |                    |                                     |     |     |       | Year.             | No.      | Name of Father                | Year           | Name of Mother | Year         |         |      |          |
| 3261            | ✓ 1 Stover, Daniel |                                     | 40  | M   | Full  | 1890              | Tuskegee | 209                           | Sax-ho-wr-thle | Dead           | Quaranty No. | Set-kah | Dead | Tuskegee |
| 3262            | 12 " Lavina        | Wife                                | 30  | F   | "     | 1890              | Cowata   | 50                            | Monkey         | "              | Artaka       | "       | "    | Cowata   |
| 3263            | 3 " Lillie         | Son                                 | 10  | F   | "     | 1890              | "        | 50                            | No. 1          |                |              | No. 2   |      |          |
| 3264            | 4 " Eli            | Son                                 | 7   | M   | "     | 1895              | "        | <del>no</del> 535             | No. 1          |                |              | No. 2   |      |          |
| 3265            | 5 " Wasa           | "                                   | 3   | M   | "     | "                 | "        |                               | No. 1          |                |              | No. 2   |      |          |
| 3266            | 6 " Nellie         | "                                   | 1   | M   | "     | "                 | "        |                               | No. 1          |                |              | No. 2   |      |          |
| 7               |                    |                                     |     |     |       |                   |          |                               |                |                |              |         |      |          |
| 8               | (642)              |                                     |     |     |       |                   |          |                               |                |                |              |         |      |          |
| 9               |                    |                                     |     |     |       |                   |          |                               |                |                |              |         |      |          |
| 10              |                    |                                     |     |     |       |                   |          |                               |                |                |              |         |      |          |
| 11              |                    |                                     |     |     |       |                   |          |                               |                |                |              |         |      |          |
| 12              |                    |                                     |     |     |       |                   |          |                               |                |                |              |         |      |          |
| 13              |                    |                                     |     |     |       |                   |          |                               |                |                |              |         |      |          |
| 14              |                    |                                     |     |     |       |                   |          |                               |                |                |              |         |      |          |
| 15              |                    |                                     |     |     |       |                   |          |                               |                |                |              |         |      |          |
| 16              |                    |                                     |     |     |       |                   |          |                               |                |                |              |         |      |          |
| 17              |                    |                                     |     |     |       |                   |          |                               |                |                |              |         |      |          |
| 18              |                    |                                     |     |     |       |                   |          |                               |                |                |              |         |      |          |

CITIZENSHIP CERTIFICATE ISSUED for nos. 5 and 7  
April 10th 1900  
CITIZENSHIP CERTIFICATE ISSUED for nos. 1 and 2  
Nov 7. 1899  
CITIZENSHIP CERTIFICATE ISSUED for nos. 3 and 4  
May 24th 1900

ENROLLMENT.  
OF NOS. 3261-3266 IN HEREON  
APPROVED BY THE SECRETARY  
OF INTERIOR, March 13 1907

Oct. 19th 1899



END

OF

ROLL

