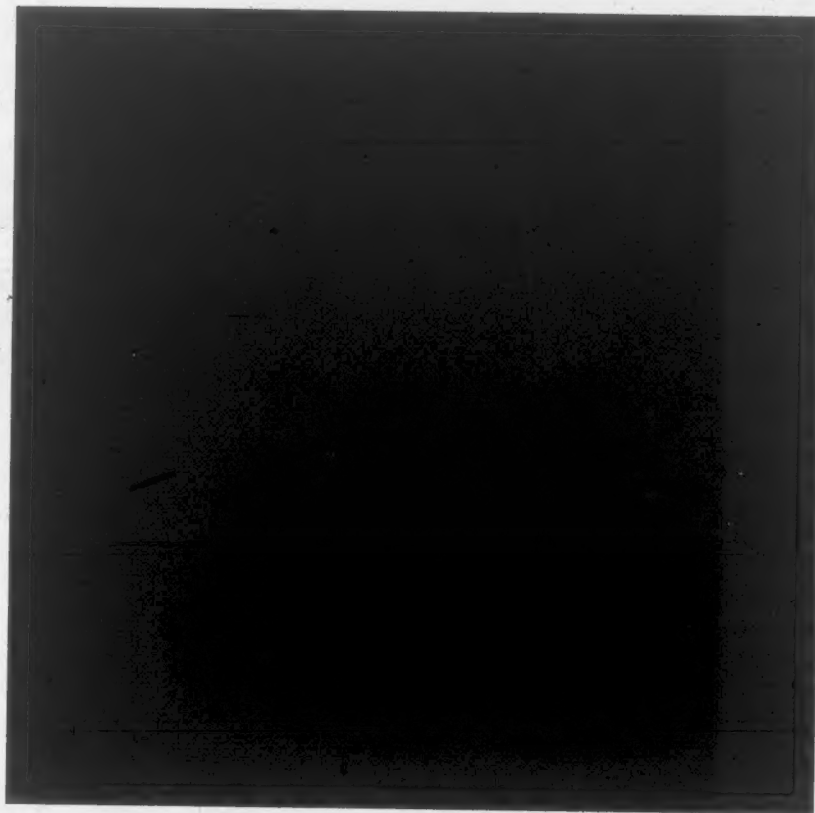
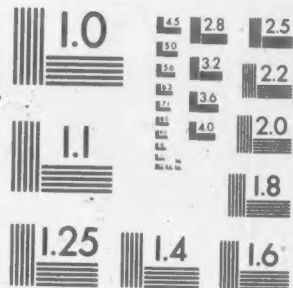
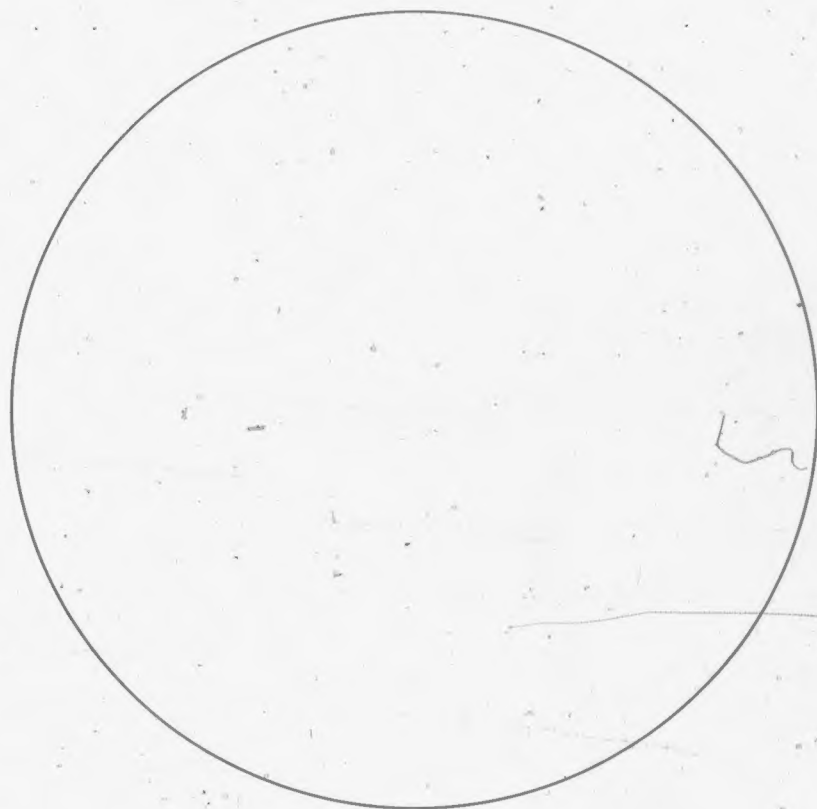
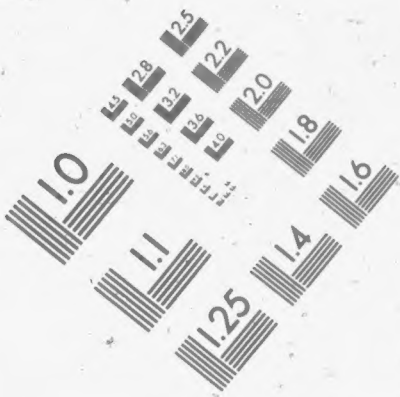
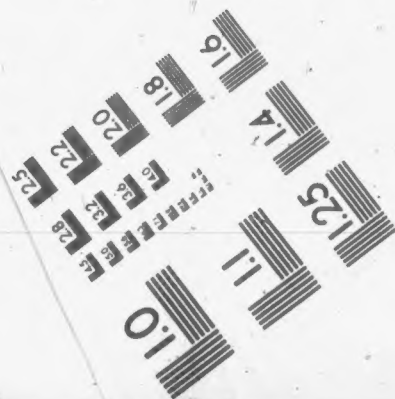
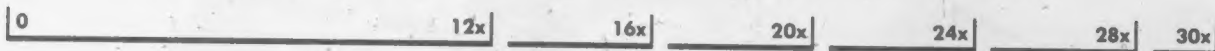




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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 450

CHICKASAW BY BLOOD 1768 - 1808

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Chic 1968

Chic 1968

Department of the Interior.
Commission to the Five Civilized Tribes.
South McAlester, Indian Territory, December 22, 1902.

Chickasaw D. 237.
Intermarried.

In the matter of the application of Maggie A. Russell for enrollment as an intermarried citizen of the Chickasaw Nation.

Maggie A. Russell, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Maggie A. Russell.
Q How old are you? A Twenty nine years old.
Q What is your post office address? A South McAlester, Indian Territory.
Q How long have you been a resident of the Choctaw Nation? A Since 1890.
Q Have you lived here continuously since 1890? A Ever since 1890.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Chickasaw Nation? A Yes sir.
Q What is the name of your Chickasaw husband through whom you claim these rights? A L. H. Priddy.
Q Was he a recognized and enrolled citizen of the Chickasaw Nation? A Yes sir.
Q Were his rights as such ever disputed? A No sir.
Q When were you married to L. H. Priddy? A In 1897.
Q Where was the marriage ceremony performed? A At Savanna.
Q At that time were both you and your husband bona fide residents of the Choctaw Nation? A Yes sir.
Q Who performed the marriage ceremony? A Sol Mackey.
Q Were you married under a license? A No sir.
Q Were you ever married before your marriage to this man? A Yes sir.
Q What was the name of your former husband? A William Wright.
Q Was he a white man? A Yes sir.
Q Was he dead at the time of your marriage to your Choctaw husband? A No sir, we were divorced.
Q Where was the divorce granted to you? A Right here in this Court house.
Q Have you any evidence of that divorce? A I can be found in the Court house here.
Q Was L. H. Priddy ever married before his marriage to you? A Yes sir.
Q How many times? A Twice.
Q What were the names of his former wives? A I don't know, his first wife was a Culbertson.
Q Were both of these women dead at the time of your marriage to him? A One of them was.
Q He had been separated from one of them? A Yes sir.
Q Had they been divorced? A Yes sir.
Q Where was that divorce granted them? A Down close to Red Oak at the Choctaw Court grounds.
Q Do you know the name of this woman from whom he had been divorced? A No sir.
Q She was the second wife? A Yes, second wife.
Q After your marriage to this man how long did you live together continuously as husband and wife? A We lived together until he died, he was killed the 21st day of October the same year we were married.

Maggie A. Russell-----2.

- Q After his death did you remarry? A Yes sir.
Q What was the name of your third husband? A J. W. Coleman.
Q Was he a white man? A Yes sir.
Q When were you married to him? A I married him in 1899.
Q How long did you live with him? A I didn't live with him but about two weeks.
Q Were you divorced from him? A Yes sir.
Q Did you marry again? A Yes sir.
Q What was the name of your next husband? A N. B. Russell.
Q Was he a white man? A Yes sir.
Q When were you married to him? A We were married two years last October.
Q Are you still living with him? A Yes sir.
Q Are you at present an actual and bona fide resident of the Choctaw Nation? A Yes sir.

---60---

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 22nd day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 14th day of January 1903.

Charles H. Sawyer

Notary Public.

9-D-231.

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

In the matter of the application for the enrollment of
Maggie A. Coleman as a citizen by intermarriage of the Chickasaw
Nation.

--:--

D E C I S I O N.

It appears from the record herein that on August 26, 1897, the applicant, Maggie A. Coleman was lawfully married to L. H. Priddy, deceased, a recognized and enrolled citizen by blood of the Chickasaw Nation, and whose name appears upon the 1896 Chickasaw Census roll, Choctaw District, page 67; that both persons above mentioned were residents in good faith of the Choctaw-Chickasaw Country and lived together therein continuously as husband and wife from the date of said marriage until the death of said L. H. Priddy on October 21 in the same year; and that subsequently thereto the applicant was married to J. W. Coleman in 1899, and afterwards to N. B. Russell, her present husband, and that both the said J. W. Coleman and N. B. Russell were non citizen white men.


Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified on the 1896 Chickasaw Census roll, Choctaw District, page 82, as Mary Priddy enrolled thereon as a citizen by intermarriage of said Nation.

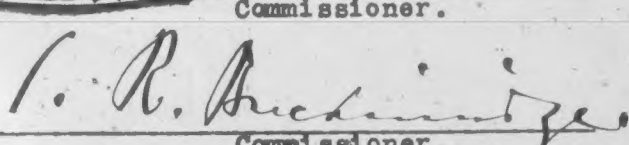
It further appears from the record herein that the applicant had been a resident in good faith of the Choctaw-Chickasaw Country from the date of her marriage to said L. H. Priddy, deceased, up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that following the ruling of the Department in the case of Thornton D. Pearce (I. T. D. 4060-1904) relative to the question of forfeiture, Maggie A. Coleman should be enrolled as a citizen by intermarriage of the Chickasaw Nation in accordance with the provisions of the Acts of Congress of June 28, 1898, (30 Stat., 495), and July 1, 1902, (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

SEP 8 1904

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Maggie A. Coleman for enrollment as
an intermarried citizen of the Chick-
asaw Nation.

---D 831---

On the 19th day of March, 1902, the applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Maggie A. Coleman for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 8th day of May, 1902, for final consideration.

Now, on this 8th day of May, 1902, this cause coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

---o---

Harry O. 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 8th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry O. Risteen

Subscribed and sworn to before me this 10th day of May, 1902.

Charles K. Hamilton

Notary Public.

CHICKASAW NATION PROTESTS THE ENROLLMENT OF

of the enrollment of the Chickasaw Nation in the matter of the enrollment of Maggie A. Coleman as an intermarried citizen of the Chickasaw Nation. The enrollment of Maggie A. Coleman as an intermarried citizen of the Chickasaw Nation is protested by the Chickasaw Nation and its attorneys.

Chickasaw D-231.

In the matter of the enrollment of Maggie A. Coleman as an intermarried citizen of the Chickasaw Nation.

PROTEST of Choctaw and Chickasaw Attorneys

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

FEB 6 1904

7600000

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Maggie A. Coleman as a citizen by intermarriage of the Chickasaw Nation, Chickasaw Field No. D-231.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of John C. Bradshaw vs. Choctaw and Chickasaw Nations, No. 3 on the Tishomingo Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Chickasaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Wm. Murray Cornish
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

W. S. P. PARAGON LINEN
MADE IN U. S. A.

Mosholatabee District
Choctaw Nation.

In Circuit Court.

Be it remembered that the Circuit Court of Mosholatabee District, met at the Circuit Court Grounds in Gaines county on Monday the 30 day of May 1897 at 9 o'clock A.M. It being the time and place designated by law for holding the Circuit Court of said District. Hon. N. J. Holson circuit Judge present and presiding. District Attorney Jerry Tolson, high sheriff Houston Nelson and Clerk D. C. McCurtain also being present. Court is proclaimed open and ready for the dispatch of business. The Court being duly organized had the following business to wit- Thursday morning May the 6th 1897. Cause No. 260

Louis Preedy
Vs. Divorce
Mollie Preedy.

This case called up and after hearing the evidence in the case, the Court is of the opinion that the Plaintiff is the aggrieved party; Therefore it is ordered, decreed and adjudged by the Court, that the bonds of matrimony heretofore existing between the Plaintiff and Defendant be forever dissolved and made null and void.

Given under my hand and seal of office this the 6th day of May 1897.

N. J. Holson
Presiding Judge.

Attest.

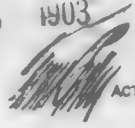
D. C. McCurtain
Circuit Clerk.

I hereby certify that the above and foregoing, is a true and correct copy of the original case as found on the Circuit Court Records now on file in my office. Given under my hand and seal of office this the 30th day of December 1902.

J. J. Sexton
Circuit Clerk.

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

FILED
JAN 3 1903

 ACTING CHAIRMAN.

No. _____

Maggie Wright
versus

Wm Wright

COPY OF ORDER OF COURT.

_____, Clerk,

By _____, Deputy.

United States of America,

INDIAN TERRITORY.
Central DISTRICT.

} 487

I, E. J. Fannin, Clerk of the District Court of the United States for
the Central District of the Indian Territory, do hereby certify the foregoing to be a true
copy of an order made by said Court on the 20th, day of Sep January 1897, 190, as
appears from the records of said Court now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, at my office in So. McAlester, in
said District, this 22nd, day of December 1902, A. D. 190

E. J. Fannin

Clerk,

By J. M. Dodge, Deputy.

COPY OF ORDER OF COURT.

United States of America,

INDIAN TERRITORY.

Central

DISTRICT.

ss:

IN THE UNITED STATES COURT in the Indian Territory, Central District, at a term thereof begun and held at South McAlester in the Indian Territory, on the 8th, day of September 1896, A. D. 190 ; Present, the Honorable Yancy Lewis, Judge of said Court.

The following order was made and entered of record, to wit:

January 20th, 1897 - September Term 1896

Maggie Wright

vs.

Decree for Divorce

William Wright

This cause came on to be heard this 20 day of January 1897, upon the report of the Master in Chancery, which said report is by the court confirmed and approved, and exhibits filed therewith; and the plaintiff appearing by her Attorney John W. Black, and it appearing that the defendant had been legally summoned, and failed to appear and make answer; and it appearing from said

Masters report that the allegations in the plaintiffs complaint are true, and the court being fully advised in the premises:

It is therefore, ordered, adjudged and decreed that the bonds of matrimony existing between the plaintiff and the defendant, be, and the same are hereby dissolved, set aside and held for naught, and that each party be restored to all property not disposed of at the commencement of this action, which each party obtained from or through the other during this marriage, and in consideration and by reason thereof, and that the plaintiff be restored to her maiden name, to-wit: Mattie Pink.

L. H. Paddy
to
Maggie a Smith
Marriage Certificate

"Copy"

Choctaw Nation
Tobuckey County
Indian Territory

This is to Certify that L. A.
Priddy and Maggie N. Funk were united
by me in holy Matrimony at Savana
O. T. on the 26th day of August 1897

S. H. Mackey
County and Probate Judge
Tobuckey County, C. T.

I hereby Certify that the above and foregoing
Marriage Certificate is a true and correct
Copy of the Original delivered to me for record
at 7 am. and duly recorded this 28th day of
August A. D. 1897.

A. W. McClure
County and Probate Clerk Tobuckey
County Choctaw Nation

Tobuckey County
Choctaw Nation
Indian Territory } I A. W. McClure Clerk in and
for the County of Tobuckey
Choctaw Nation do Certify that

the above and foregoing is a true and correct copy
of the Original as is now on record in Book G Page
120 of Tobuckey County deed records.

In testimony thereof I have hereunto set my hand and seal
this 21st day of March 1899. A. W. McClure
Clerk.

COMMISSIONERS:
HENRY L. DAVIS,
TAMM BIXBY,
THOMAS S. NEEDLES,
C. R. BRANCHERIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory

August, 18th 1900,

Maggie A. Coleman,

Alderson, Indian Territory,

Dear Madam:

You are hereby notified that the Chickasaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Chickasaw Nation.

The Commission, commencing December, 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Chickasaw Nation will be permitted to offer any additional testimony in your case, and this ~~to be~~ to be final.

Yours truly,


Acting Chairman.

9-D-231

At this session the Commission will receive written arguments in support of this application.

COMMISSIONERS.

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

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 18, 1900.

Maggie A. Coleman,

Alderson, Indian Territory.

Dear Madam:--

Since notifying you on August 18, 1900, of the protest filed by the Chickasaw Nation to your enrollment as a citizen of the Chickasaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised is that you have married out of the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Chickasaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Tans Bixby,
Acting Chairman

W. O. B.

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

ALLIBON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Chickasaw D-231.

ADDRESS ONLY
COMMISSIONERS

Muskogee, Indian Territory. March 19, 1902.

Maggie A. Coleman,
Alderson, Indian Territory

You are hereby notified that the application of yourself
.....
.....
for enrollment as a citizen of the Chickasaw Nation will be taken
up for final consideration by the Commission to the Five Civil-
ized Tribes, at its office in Muskogee, Indian Territory, on
the 8th day of May, 1902.

On said date you may, if you desire, appear before the Commis-
sion in person or by attorney when an opportunity will be given
you to introduce any additional testimony affecting said appli-
cation which you may think proper or necessary.

You are further notified that the representatives of the
Chickasaw Nation will also, at the same time, be afforded an op-
portunity to introduce testimony affecting your right to en-
rollment, but said representatives will be required to notify
you of their intention to introduce such testimony before they
will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

C. R. Breckinridge

Commissioner in Charge.

Muskogee, Indian Territory, October 16, 1902.

Arneta & Sulgin,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 11th instant, relative to the application of Maggie A. Coleman for enrollment as a citizen by intermarriage of the Chickasaw Nation.

You are advised that on March 24, 1899, Maggie A. Coleman, 26 years of age, of Alderson, Indian Territory, made application to this Commission for enrollment as a citizen by intermarriage of the Chickasaw Nation. No decision has up to this time been rendered by the Commission in the matter of such application.

You are further advised there was ratified by the citizens of the Cherokee and Chickasaw Nations on September 28, 1902, an agreement closing the rolls of the citizens of the Cherokee and Chickasaw Nations on that date and the rolls as now being made by this Commission of the citizens of these two tribes will be as of September 28, 1902, and it is necessary that the Commission ascertain the status of all applicants for enrollment as intermarried citizens on the date of the final ratification of such agreement.

It will therefore be necessary that Maggie A. Coleman

personally present herself before the Commission at one of the appointments specified in the circular enclosed you herewith, in order that her status as a intermarried citizen of the Chickasaw Nation on September 25, 1902, may be determined.

Respectfully,

Commissioner in Charge.

Enc. circular

0-3-251, 2

Muskogee, Indian Territory, January 21, 1903.

Mrs. Maggie A. Russell,
Sante McAlester, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 24
inst., enclosing a certified copy of the divorce proceedings
between Louis Freedy and Nellie Freedy; and the same has been
duly filed with the records of the Commission in the matter of your
application for enrollment as an intermarried citizen of the
Cherokee Nation.

Respectfully,

Commissioner in Charge.

Chickasaw D 221

Waskage, Indian Territory, April 28, 1906.

Mrs. Maggie A. Russell,
South McAlester, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of April 15, asking the status of your application for enrollment as an intermarried citizen of the Chickasaw Nation, and in reply you are advised that your case has not yet been reached for final determination. As soon as a decision is rendered in your case you will be notified of the action of the Commission.

Respectfully,

Chairman

Chickasaw D 23

Muskogee, Indian Territory, October 22, 1903.

Maggie A. Russell,

Krebs, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of October 15, giving information relative to your application for enrollment, in the matter of your request to be furnished ticket of admission to the Choctaw Land Office.

You are advised that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Chickasaw Nation, and it is, therefore, impossible to comply with your request for a ticket of admission to the land office. You are informed that as soon as a decision is reached in your case you will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge

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

ALLISON L. AVLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING

Chickasaw D 231

Muskogee, Indian Territory, February 9, 1904.

Maggie A. Coleman,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,



Commissioner in Charge.

Chickasaw-5-231

Muskogee, Indian Territory, June 27, 1904.

Maggie A. Russell,

Krebs, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of June 20th, in which you ask the status of your enrollment as an inter-married citizen of the Chickasaw Nation.

In reply to your letter, you are informed that the Commission has not yet passed upon your application for enrollment as an inter-married citizen of the Chickasaw Nation; but will as early as practicable, take up the same for consideration and determination and as soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Chickasaw & 221

COPY.

Muskogee, Indian Territory, September 8, 1904.

Maggie A. Coleman,
Krebs, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 8, 1904, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED,

Tamie B. Kirby

Chairman.

Registered.

Incl. 9-D-231

COPY.

Muskogee, Indian Territory, September 8, 1904.

Arnote & Bulgin,

Attorneys at Law,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 8, 1904, rendered its decision granting the application for the enrollment of Maggie A. Coleman as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed her name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Jane B. ...

Underman.

Registered.

COPY.

Chickasaw D 231

Muskogee, Indian Territory, September 8, 1904.

Manfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered September 8, 1904, granting the application for enrollment of Maggie A. Solomon as a citizen by intermarriage of the Chickasaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Yours truly,

James Bixby

Chairman

Registered.

Incl. S-D-231

See Chickasaw 1278 for registry receipt for this letter.

~~Reg #199~~
201

RETURN TO
MAILER

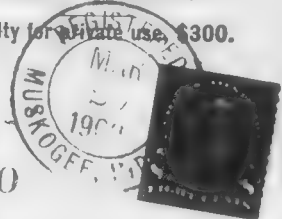
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Maggie A. Coleman

Alderson, Indian Territory.

Chic 1769

Chic 1769

8

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

In the matter of the application for the enrollment of
Joe Williford and Nannie Williford as citizens by intermarriage
of the Chickasaw Nation.

9-D-41.

9-D-41

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Ardmore, Indian Territory, October 29, 1902.

In the matter of the application for enrollment of Joe Williford and Nannie Williford as citizens by intermarriage of the Chickasaw Nation.

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

Examination by the Commission.

- Q What is your name? A Joe Williford.
Q How old are you? A Thirty eight.
Q What is your postoffice address? A Woodford.
Q How long have you resided in the Chickasaw Nation? A I come to the Territory in 1884, Fall of 1884.
Q Have you lived here continuously since that time? A Yes sir.
Q Prior to your residence in the Chickasaw Nation you were a citizen of the United States? A Yes sir.
Q What state was you a resident of? A Missouri.
Q You are a white man? A Yes sir.
Q You are an applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation? A Yes sir.
Q What is the name of your Chickasaw wife? A Margaret McGee.
Q When were you married to her? A In 1888.
Q Were you ever married prior to your marriage to her? A No sir.
Q Was she ever married prior to her marriage to you? A No sir.
Q Where were you married to her? A At Lebanon.
Q In the Chickasaw Nation? A Yes sir.
Q Were you married under a Chickasaw tribal license? A Yes sir.
Q From whom did you obtain that license? A Judge Duncan.
Q How much did you pay for it? A Fifty dollars.
Q How long did you live with Margaret McGee? A She died in May, 1893.
Q You lived with her continuously up until her death? A Yes sir.
Q Never was any separation, desertion or divorce? A No sir.
Q Have you since the death of your Chickasaw wife Margaret McGee remarried? A Yes sir.
Q To whom? A Nannie McLean.
Q Who was she? A The widow of Harrison McLean.
Q A white woman who had previously been married to a Chickasaw Indian? A Yes sir.
Q Have you and Nannie McLean lived together since your marriage? A Yes sir.
Q When was that? A In 1896.
Q You and your present wife, Nannie McLean, are now living together as husband and wife in the Chickasaw Nation? A Yes sir.
Q Never been any separation, desertion or divorce between you and your second wife? A No sir.
Q Was that second marriage to Nannie McLean under a Chickasaw tribal license? A There was no license, I went to the County Judge of this County and he told me we didn't have to have a license, we

Joe Williford, et al-2

were both citizens and all we had to do was to marry.

Witness excused.

Hannie Williford, being first duly sworn, testified as follows:

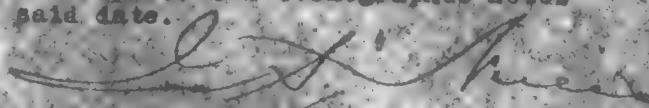
Examination by the Commission.

- Q What is your name? A Hannie Williford.
Q How old are you? A Thirty-eight years old.
Q What is your postoffice address? A Woodford.
Q How long have you resided in the Chickasaw Nation? A I've been living here ever since 1890.
Q Living here continuously since 1890? A Yes sir.
Q Where did you live prior to that time? A I lived in Cook County, Texas.
Q You were a citizen of the United States before you came to the Indian Territory? A Yes sir.
Q You claim to be an intermarried citizen of the Chickasaw Nation? A Yes sir.
Q What is the name of your Chickasaw husband? A Harrison McLane, Makana Mc-L-a-n-e? A Yes sir.
Q When were you married to him? A I was married to him in 1890.
Q Where were you married? A In Cook County, Texas? A Yes sir.
Q That was under a United States license? A Yes sir—Mr. McLane went to Judge Duncan to get a license to marry and my home was in Texas and he wouldn't give us a license.
Q But you afterwards did marry Mr. McLane under a Chickasaw license? A Yes sir.
Q When? A 1892.
Q How much was paid for that license? A Fifty dollars.
Q How long did you live with Mr. McLane? A Six years.
Q Up until his death? A Yes sir.
Q In 1896, that was? A Yes sir.
Q There was no separation, desertion or divorce? A No sir.
Q Have you since the death of your Chickasaw husband remarried? A Yes sir.
Q To whom? A Joe Williford.
Q Is he a white man? A Yes sir.
Q Joe Williford had, prior to his marriage to you, also been married to a Chickasaw woman, had he not? A Yes sir.
Q When were you married to Joe Williford? A I was married to him in 1896, the same year Mr. McLane died.
Q Married under a Chickasaw license at that time? A No sir.
Q Have you and Joe Williford lived together continuously as man and wife since your marriage in 1896? A Yes sir.
Q Now living together as actual, bona fide residents of the Chickasaw Nation? A Yes sir.

Ira B. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full

Joe Williford, et al-3

all proceedings had in the above entitled cause, heard at Ardmore,
Indian Territory, October 29, 1902, and that the above and foregoing
is a full, true and correct transcript of his stenographic notes
taken in said proceedings on said date.



Subscribed and sworn to before me this the 1 day of November, 1902.

Charles H. Sawyer
Notary Public

Not

9-D-41.

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

In the matter of the application for the enrollment of Joe Williford and Nannie Williford as citizens by intermarriage of the Chickasaw Nation.

---:--

D E C I S I O N .


It appears from the record herein that on September 4, 1888, the applicant, Joe Williford, was married in accordance with the laws, customs and usages of the Chickasaw Nation to Margaret Williford (nee McGee), a recognized citizen by blood of the Chickasaw Nation; and that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and that they lived together continuously as husband and wife, in said Nation, until the death of said Margaret Williford, in May 1893; that on July 17, 1892, the applicant, Nannie Williford (nee Lynn), was married in accordance with the laws, customs and usages of the Chickasaw Nation to Harrison McLane a recognized and enrolled citizen by blood of the Chickasaw Nation; whose name appears as H. H. McLane on the 1893 Chickasaw pay roll, No. 2, page 158, that at the time of said marriage, both persons above mentioned were residents in good faith of the Chickasaw Nation, and that they lived together continuously as husband and wife, in said Nation, until the death of said Harrison McLane in 1896, and that, thereafter, on June 21, 1896, the applicants herein were married to each other.

It further appears from the record herein that the applicants, Joe Williford and Nannie Williford, had been residents in good faith of the Chickasaw Nation from the date of their said marriages to their respective Indian spouses up to and including September 25, 1902.


Upon an examination of the tribal rolls in the possession of the Commission the name of Joe Williford is identified on the 1893 Chickasaw pay roll, No. 2, page 222, and also on the 1896 Chickasaw census roll, Pickens County, page 77; and the said Nannie Williford (as Nannie McLane) is identified on the 1893 Chickasaw pay roll, No. 2, page 158.

It is the opinion of this Commission that Joe Williford should be enrolled as a citizen by intermarriage of the Chickasaw Nation, and that, following the ruling of the Department in the case of Thornton D. Pearce (I. T. D. 4060-1904) relative to the question of forfeiture, Hannie Williford should be enrolled as a citizen by intermarriage of the Chickasaw Nation; in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902, (32 Stat., 641), and it is so ordered.


COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

SEP 8 1904

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, May 2, 1902.

.....
In the matter of the application of ::
Joe Williford for the enrollment of ::
himself and his wife, Nannie Williford ::
as citizens by intermarriage of the ::
Chickasaw Nation. ::
.....

D-41.

On the 17th day of March, 1902, the principal applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Joe Williford for the enrollment of himself and wife as citizens of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 2nd day of May, 1902 for final consideration.

Now on this 2nd day of May, 1902, this cause coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant appears by his attorney, W. I. Cruce, of the firm of Cruce, Cruce and Cruce of Ardmore, Indian Territory, and asks that fifteen days time be allowed in which to file brief of this case.

Hal Balford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 2nd day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of May, 1902.

Subscribed and sworn to before me this 2nd day of May, 1902.


Notary Public

Highway
Nov 8 1814

To Miss William Minnie
of the same place
of the pleasure, that
as a consequence we have
been authorized to purchase
the rights of the same
for the town of H. G. Clark
& Miss. Maria Lynn

J. B. Wilkey
of the same place, &c.

H. M. Lane
Maria Lynn

this is to certify that
I solemnize the rights
of matrimony between
Mr H H Mc Lane and
Miss Anne Lyon on
the 17 Day of July 1892

J W Davenport
Minister of the Gospel

Chickasaw nation
County of Pickens }
J. C. Baas O Lewis
Clerk of the County Court of
Pickens County do here by
certify that the above and
forgoing License and certy-
cate was filed for Record

and duly Recorded in
marriage Record Page
225 for Pickens county
this 1st day of August 1882

J. O. Lewis
} clk of county

Certificate
Recorded on
page 12, and
145 marriage
Record

POOR ORIGINAL -
BEST AVAILABLE COPY

Ref Creek N.T. 11

In the Name and by the authority of the
Chickasaw Nation in accordance to a
Petition presented by J. W. H. Duncan County and
Probate Judge of Pickens County do this day
grant unto Mr. Joe Williford a Citizen of
the United States and to Mrs. Margaret M. Lee
a Citizen of the Chickasaw Nation and Resident in Pickens County
she being nineteen years of age.
In Contract Marriage
given under My hand this 14th day Sept 1888

W. H. Duncan
County and Probate Judge
Pickens County, N.C.

Lebanon, S. C. Pickens Co. S. C.
Sept. 16, 1888

J. J. Brown, Minister of the Church of
Christ, certify that I have upon this
date solemnized the rites of matrimony
between Mr. Joe Williford and Miss Margaret
M. Lee said license being issued by
W. H. Duncan upon the 14th day of
Sept. A. D. 1888.

J. J. Brown (Seal)

This is to certify the above license
was filed and duly Recorded

POOR ORIGINAL -
BEST AVAILABLE COPY

in marriage Record page 142 and
143 the September 17th A.D. 1888

D. O. Lewis
Elk P. Co., C. N.

Certificate
Recorded on
page 142 and
143 and page
Record

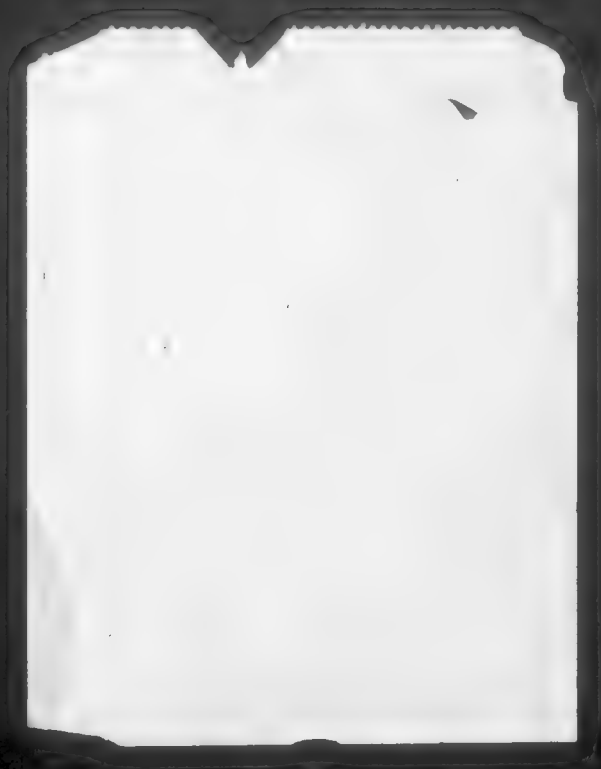
POOR ORIGINAL -
BEST AVAILABLE COPY

Tribonan, I. T. 189

I Guy Keel Clerk of the County Court
of Pickens County Chickasaw Nation
Indian Territory hereby certify that
foregoing marriage certificate is a true
and correct copy of original handed
me for record and duly Recorded
Page 300 on General Record of Pickens
County Chickasaw Nation Indian
Territory. Witness my hand
and seal This 5th day of July
A. D. 1896.

Guy Keel
County & Probate
Clerk of Pickens County
Chickasaw Nation I. T.

Charge for recording \$1.50



Jam Lee
age 32

Int Chickasaw page

~~first name~~

first married to Betty

Chickholm - (Chickasaw by
first by U.S. Law said by Chick. law
blood) & afterwards married
to white woman.

(white card)

ok by
But by

9-32

Jos Wilford
on Roll for Wilford
age 34

Int Chickasaw - Pickens Co

~~wife~~

Minnie age 33

Int Chickasaw - Pickens Co

(white card)

Richard age 9 page 19

Chickasaw - Pickens Co

D. 41

Willie B. McLane
on Roll Willie age 15 page 18
Chickasaw - Pickens Co

off Book

Hannie was married first
to McLane under U.S. law
and afterwards under Chickasaw
law. Chickasaw some-
times that she "married out"
~~if she had this~~

If this is true - you would
also "marry out" when he
married Hannie.

D⁴

Muskogee, Indian Territory, June 26, 1906.

Mr. Joe Williford,
Woodford, Indian Territory,

Dear Sir:

The Commission is in receipt of the application for enrollment as a citizen of the Chickasaw Nation of Frank Williford, the infant son of Joe and Nannie Williford, born March 5th, 1897, and of Aileen Williford, the daughter of Joe and Nannie Williford, born December 2nd, 1898, both of which applications have been refused by the Commission. The records in this case show that Joe Williford, a citizen of the United States, was married to Margaret McGee, a citizen of the Chickasaw Nation September 14th, 1892, and that Miss Nannie Lynn, a citizen of the United States was married to H. M. McLane, a citizen of the Chickasaw Nation, the 17th day of July, 1892; that both your Chickasaw wife, and the former Chickasaw husband of your present wife are dead, and that on June 21st, 1896, in accordance with the Chickasaw laws, you were married to Mrs. Nannie McLane; that at the time of said marriage you were both intermarried citizens of the Chickasaw Nation, and that neither of you had any rights to Chickasaw citizenship by blood. The Commission has not as yet determined as to the rights of you and your wife, but denies the application for the enrollment of your two children, for the reason that they are children of two white parents, having no right to Chickasaw citizenship.

S.W. 2.

ship by blood.

Yours truly,

Acting Chairman.

In reply to this letter,
please refer to S-D 41

Muskogee, Indian Territory,

August, 18th 1900.

Joe Williford,

Woodsford, Indian Territory,

Dear Sir,-

You are hereby notified that the Cherokee Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of your wife Nannie Williford as citizens of the Chickasaw Nation.

For the purpose of hearing any additional testimony which may be offered by either you or the attorneys for the Chickasaw Nation, the Commission will hold a session at Atoka, Indian Territory, commencing December, 3rd, 1900, at which time and place you will be allowed to offer any additional testimony which you may desire to submit in support of your application, such hearing to be final.

Yours truly,

9-D-41

Acting Chairman.

Muskogee, Indian Territory, September 18, 1900.

Joe Williard,

Woodsford, Indian Territory.

Dear Sir:

Since notifying you on August 18, 1900, of the protest filed by the Chickasaw Nation to your enrollment as a citizen of the Chickasaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised is that you have married one of the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Sticks beginning December 25th, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Chickasaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will reconsider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

George Sharron,

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

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Chickasaw D-41.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 17, 1902.

Joe Williford,
Woodford, Indian Territory.

You are hereby notified that the application of yourself and
your wife, Hannie Williford

for enrollment as citizen of the Chickasaw Nation will be taken
up for final consideration by the Commission to the Five Civil-
ized Tribes, at its office in Muskogee, Indian Territory, on
the 2nd day of May, 1902.

On said date you may, if you desire, appear before the Commis-
sion in person or by attorney when an opportunity will be given
you to introduce any additional testimony affecting said appli-
cation which you may think proper or necessary.

You are further notified that the representatives of the
Chickasaw Nation will also, at the same time, be afforded an op-
portunity to introduce testimony affecting your right to en-
rollment, but said representatives will be required to notify
you of their intention to introduce such testimony before they
will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Commissioner in Charge.

register,

Chickasaw Deal

COPY!

Waukegee, Indian Territory, September 8, 1904.

Sam Williford,

Woodford, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 8, 1904, granting the application for the enrollment of yourself and wife, Hattie Williford, as citizens by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as citizens of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your names will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Yours,

Tammie Bixby

Chairman.

Registered.

Incl. 9-8-04.

Chickasaw B 43

COPY.

Muskogee, Indian Territory, September 2, 1904.

Cruse, Cruse & Blackmore,
Attorneys at Law,
Arden, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 2, 1904, rendered its decision granting the application for the enrollment of Joe Williford and his wife, Nannie Williford, as citizens by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizens of the Chickasaw Nation. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tanis Bibby

Registered

Chairman

Chickasaw D 41

COPY.

Muskogee, Indian Territory, September 8, 1904.

Mansfield, McMurray & Cernaish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered September 8, 1904, granting the applications for the enrollment of Joe Williford and his wife, Mennie Williford, as citizens by intermarriage of the Chickasaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizens of the Chickasaw Nation. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Jams Bixby.

Chairman.

Registered.

Incl. 9-D-41.

19-D41

Muskogee, Indian Territory, November 15, 1904.

Collin Fraser,

Shawneetown, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your affidavit and that of Davis Brown relative to the death of your sister Susan Roberts, an application for enrollment as a Chickasaw freedman, which occurred March 20, 1903, and the same being in proper form have been duly filed with the records of the Commission as evidence of death of said person.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 8, 1905.

Joe Williford,

Woodford, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Fannie Williford and Sallie A. Dally to the birth of Daisy and Fred Clark Williford, children of Joe and Fannie Williford January 10, 1903 and November 22, 1903.

In reply you are advised that by the act of Congress approved March 3, 1905, the Commission to the Five Civilized Tribes was authorized for a period of sixty days from that date to receive applications for the enrollment of children born to enrolled citizens by blood of the Choctaw and Chickasaw Nations prior to March 4, 1905. It appears from our records that you and your wife Fannie Williford are both intermarried citizens of the Chickasaw Nation and your children would not therefore come within the class provided for in the act of Congress of March 3, 1905 above referred to.

You are further advised that the affidavits heretofore forwarded to the birth of these children were not received until June 5, 1905, subsequent to May 8, 1905, the date of the expiration of the sixty days provided for by the act of March 3, 1905.

Respectfully,

Chairman.

Chic 1770

Chic 1770

In the matter of the application for the enrollment of
Orva Colbert as a citizen by intermarriage of the Chickasaw Nation.

9-D-353.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, Indian Territory, February 11th, 1902.

In the matter of the application of Orva Colbert for enrollment as a citizen by intermarriage of the Chickasaw Nation. Orva Colbert being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Orva Colbert.
- Q How old are you? A Eighteen years old.
- Q What is your post-office address? A Kiowa, Indian Territory
- Q What nation is Kiowa in? A Choctaw Nation.
- Q How long have you resided in the Choctaw Nation? A I was borned and raised there.
- Q Never have lived any where else? A No sir.
- Q What is your father's name? A E. A. Robinson.
- Q Is your father living? A Yes sir.
- Q What is your mother's name? A Mrs. E. A. Robinson.
- Q What is her given name? A Frances.
- Q Frances Robinson? A Yes sir.
- Q Your mother and father both white people? A Yes sir.
- Q Is your mother living? A Yes sir, she's living.
- Q Have either of your parents ever made any claim to citizenship in any tribe of Indians as citizens by blood? A No sir.
- Q Have your father or mother ever been recognized in any manner as citizens of any tribe of Indians? A No sir.
- Q They never have made any claim to Indian citizenship in any tribe of Indians? A No sir.
- Q Have you ever made any claim to Indian citizenship by blood in any tribe of Indians? A No sir.
- Q Have you ever drawn any payment in any tribe of Indians? A No sir.
- Q Have you ever been recognized in any manner as a member of any tribe of Indians? A No sir.
- Q You are making application for enrollment as a citizen by intermarriage of the Chickasaw Nation? A Yes sir.
- Q What is the name of your Chickasaw husband? A Oscar Colbert.
- Q Is he a citizen by blood of the Chickasaw Nation? A Yes sir.
- Q Has he been recognized and enrolled as such by this Commission? A Yes sir.
- Q How old is he? A Twenty-one years old.
- Q Where does he live? A Kiowa, Indian Territory.
- Q How long has he lived in the Choctaw Nation? A I don't know.
- Q Ever since you have known him? A Yes sir.
- Q How long have you known him? A About seven years.
- Q You never heard of him living any where except the Choctaw Nation? A No sir.

- Q What is his father's name? A Colbert.
Q His given name? A I don't know what his given name is.
Q Is his father living? A No sir, he's dead.
Q What is his mother's name? A Mrs. Katinka Colbert.
Q Is she living? A Yes sir.

The name of Oscar Colbert, 17 years of age, of Kiowa, Indian Territory, appears upon the records of the Commission on Choctaw Roll card, field No. 282, having been so listed for enrollment September 7, 1898 upon a proper identification from the 1896 census roll of the Chickasaw Nation as a Chickasaw citizen residing in the Choctaw Nation. He was also admitted to citizenship in the Choctaw Nation as a Choctaw by blood by the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896, in Choctaw citizenship case No. 985.

- Q Where were you married to Oscar Colbert? A At Kiowa.
Q When? A The fifteenth of last month.
Q Who married you? A Brother Godfrey, Methodist preacher.

The applicant offers in evidence, there is marked Exhibit "A" filed and made a part of the record in this case, marriage license issued by the Clerk of the United States Court for the Central District, Indian Territory, to Oscar Colbert of Kiowa, Indian Territory, to marry Orva Robinson, of Kiowa, Indian Territory, the same being dated January 13, 1902. Attached thereto is the certificate of G. H. Godfrey as to the marriage of Oscar Colbert and Orva Robinson on the 15th day of January, 1902.

- Q Were you ever married to any other man before you married Oscar Colbert? A No sir.
Q Was he ever married to any other woman? A No sir.
Q Was the marriage ceremony performed by Mr. Godfrey on the 15th of January, 1902, the only ceremony that was ever performed between you and Oscar Colbert? A Yes sir.
Q You were never married by a Choctaw preacher? A No, his wife was a Choctaw but he wasn't.
Q You mean the minister's wife? A Yes sir.
Q This is the only marriage ceremony that was ever performed, under this license you got at South McAlester? A Yes sir.
Q You never have been married under any other license? A No sir.
Q You and Oscar Colbert are now living together as man and wife? A Yes sir.
Q There have been no separations or desertions since the time you were married? A No sir.

Myra Young, 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

Orva Colbert 3

entitled cause on the 11th day of February, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings in said cause.

Myra Young

Subscribed and sworn to before me this 11th day of February, 1902.

Clara Mitchell Wood
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes.
South McAlester, Indian Territory, December 22, 1902.

Chickasaw D 553
Intermarried.

In the matter of the application of Orva Colbert for enrollment as an intermarried citizen of the Chickasaw Nation.

Orva Colbert, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Orva Colbert.
Q How old are you? A Nineteen.
Q What is your post office address? A Kiowa, Indian Territory.
Q How long have you lived in the Choctaw Nation? A I was born and raised here.
Q Do you have lived here continuously all your life? A Yes sir.
Q Do you claim intermarried rights in the Chickasaw Nation? A Yes sir.
Q What is the name of your Chickasaw husband through whom you claim these rights? A Oscar Colbert.
Q Was he a recognized and enrolled citizen of the Chickasaw Nation? A Yes sir.
Q Have his rights as such ever been disputed? A No sir.
Q When were you married to this man? A 15th of January 1902.
Q Where was this marriage ceremony performed? A At the Camp Grounds.
Q Whereabouts? A At Kiowa.
Q At that time were both you and your husband bona fide residents of the Choctaw Nation? A Yes sir.
Q Who performed the marriage ceremony? A Bro. Godfrey.
Q Were you married under a license? A Yes sir.
Q United States or tribal license? A United States.
Q Were you ever married previous to your marriage to Oscar Colbert? A No sir.
Q Was he ever married before his marriage to you? A No sir.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

--000--

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 22nd day of December, 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 22nd day of January 1903.

Charles H. Sawyer
Notary Public.

RFB
D. C. W.

9-D-353.

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

In the matter of the application for the enrollment of
Orva Colbert as a citizen by intermarriage of the Chickasaw Nation.

--:--

D E C I S I O N.

It appears from the record herein that on January 15, 1902, the applicant, Orva Colbert (nee Robinson) was lawfully married to Oscar Colbert, a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name appears as number 4668 upon the list prepared by this Commission, under the act of Congress approved July 1, 1902, (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Chickasaw Nation, and approved by the Secretary of the Interior, September 12, 1903; that at the time of said marriage both parties above mentioned were residents in good faith of the Choctaw Nation, and lived together therein continuously as husband and wife from the time of said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Orva Colbert should be enrolled as a citizen by intermarriage of the Chickasaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898, (30 Stat., 495) and July 1, 1902, (32 Stat. 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

SEP 8 1904

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

FILED

FEB 11 1902



ACTING CHAIRMAN

No. 2500

Certificate of Record of Marriages.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY, } SCT:
District.

I, E. J. Hamu, Clerk
of the United States Court in the Indian Territory
and District aforesaid, do hereby CERTIFY that
the License for and Certificate of the Marriage of
Mr. Osborn Collett and
Miss Oliva Robinson was
filed in my office in said Territory and District the
17 day of January, A. D. 1902
and duly recorded in Book 10 of Marriage
Record, Page _____

WITNESS my hand and seal of said Court,
at Okmulgee this 17
day of January, A. D. 1902
[Signature]
Clerk.

By _____ Deputy.

No. 2500

FORM No. 593.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
Central DISTRICT. } SS:

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr Oscar Colbert of Kimba in the Indian Territory, aged 20 years, and Miss Ora Robinson of Kimba in the Indian Territory, aged 18 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal, this 13 day of January, A. D. 1902



Clerk of the United States Court.

Deputy.

CERTIFICATE OF MARRIAGE.

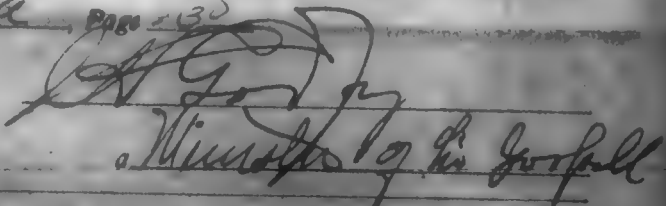
UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
DISTRICT. } SS:

I, J. G. [Signature]
a Minister of the Gospel

do hereby CERTIFY, that on the 15 day of January, A. D. 1902, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the BANNES OF MATRIMONY between the parties therein named.

Witness my hand this 15 day of January, A. D. 1902

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, Central District, Book 2, Page 30



NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of the 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).

Chickasaw 383

COPY.

Muskogee, Indian Territory, September 8, 1904.

Orva Gilbert,

Kiowa, Indian Territory,

Dear Madam

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 8, 1904, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

W. B. BIXBY

W. B. Bixby.

Chairman.

Registered.

Incl. 2-2-356

Chickasaw D 383

COPY!

Muskogee, Indian Territory, September 8, 1904.

Hansfield, Murray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered September 8, 1904, granting the application of Orva Gilbert for enrollment as a citizen by intermarriage of the Chickasaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tavis Blaby,
Chairman.

Registered.

Book, P-D-383

See Chickasaw 1279 for registry receipt for this letter.

Substitute

9-1770
9-282

Muskogee, Indian Territory, October 14, 1904.

Orva Colbert,

Kiowa, Indian Territory.

Dear Madam:-

Receipt is hereby acknowledged of your letter of the 7th instant, requesting that upon the approval of the enrollment of yourself and Katinka Colbert you be notified of the same and a voucher for your per capita payment in the Chickasaw Nation be forwarded to you.

You are informed that this office has not yet been advised as to the action taken by the Secretary of the Interior relative to the approval of the enrollment of Orva and Katinka Colbert as intermarried citizens of the Chickasaw Nation. If you will communicate with the Commission at the expiration of thirty days from date, you will be further advised in the matter.

You are further advised that the payment of moneys due the citizens of the Chickasaw Nation is under the supervision of the Indian Agent, Muskogee, Indian Territory, to whom you are respectfully referred for information.

Respectfully,

Commissioner in Charge,

Chic 1771

Chic 1771

Transferred from Chickasaw C. 107

Chic 1772

Chic 1772

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

In the enrollment of S. T. Bishop as an intermarried Chickasaw; George Odum being sworn by com'r McKennon and examined by Chickasaw Attorney Melven Coraish, testifies as follows:

- Q What is your name? A George Odum.
Q How old are you? A Thirty-five.
Q Where do you live? A At Stonewall.
Q You are a United States citizen? A Yes sir.
Q Have you in your possession a letter signed by A. J. Moore, dated November 13th, 1897, addressed to J. W. Rushton, in regard to a living wife of S. T. Bishop in Missouri? A Yes sir.

(This letter is produced, and filed as a part of the record herewith.)

- Q Explain briefly how this letter came into your possession?
A Rushton was working for Bishop and Bishop failed to come up with his money, and he got cranky with him about his pay, and found he had another living woman in Missouri through some of the family, and he wrote back to see, and he got his pay from the old man before the letter come, and he give me an order for his mail, and told me all letters that come from Missouri for me to break them open.

- Q This letter came from Missouri, and through that order you broke it open? A Yes sir.

- Q And it has been in your possession ever since? A Yes sir.

- Q He married an Indian woman about Stonewall while he had a living wife in Missouri? A Yes sir.

- Q You don't know personally of the woman in Missouri? A No sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that the foregoing is a true and correct translation of my stenographic notes.

M. D. Moore

Commission to the Five Civilized Tribes,
Atoka, I. T., June 5, 1900.
Chickasaw D-195.

In the matter of the application of S. T. Bishop for enrollment as an intermarried Chickasaw citizen; Margaret Lee being sworn and examined by Commissioner Bixby testifies as follows:

Examined by Choctaw Attorney Cowiah:

- Q What is your name? A Margaret Lee.
Q You are a citizen of the Chickasaw Nation? A Yes sir.
Q Were you at one time married to S.T. Bishop? A Yes sir.
Q When did you marry him? A In 1896, February 20th.
Q How long did you live with him? A Nearly two years.
Q Are you now divorced from him? A Yes sir.
Q Where and when did you procure a divorce from him, about when and where? A 1898, at Paul's Valley.
Q Upon what grounds did you procure that divorce? A He had a living wife in Missouri.
Q That proof was made in the court and upon that proof the court granted you a divorce from him? A Yes sir.
(Certified copy of certificate of marriage of S.T. Bishop to white woman in Missouri filed with the Commission, marked Exhibit "A".)

H.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case, and that the above is a full true and complete transcript of his stenographic notes in said case.

M.D. Green

Subscribed and sworn to before me this 7 day of June 1900.

[Signature]
Att'g Chairman.

Chickasaw D 195

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Indian Territory,
March 10, 1903.

In the matter of the application for the enrollment of
S. T. Bishop as an intermarried citizen of the Chickasaw Nation.

S. T. Bishop, being first duly sworn testifies as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name ? A. S. T. Bishop.
Q What is your age Mr. Bishop ? A. Fifty three years.
Q What is your post office address ? A. Chickasha, Indian Territory
Q That is in the Chickasaw Nation is it not ? A. Yes, sir.
Q How long have you been a resident of the Chickasaw Nation.
A. About fifteen years.
Q Have you lived there continuously for the past fifteen years ?
A. Yes, sir, you might say that has been my permanent home.
Q Has been your home ? A. Yes, sir.
Q You have never been out of the Indian Territory to establish a
residence during that time ? A. No, sir.
Q Are you a white man ? A. Yes, sir.
Q Do you claim the right to enrollment as an intermarried citizen
of the Chickasaw Nation ? A. Yes, sir.
Q What is the name of the Chickasaw woman through whom you claim
this right ? A. They called her Peggy Perry, or Margaret Perry.
Q Was she a recognized and enrolled citizen of the Chickasaw Na-
tion ? A. Yes, sir.
Q When were you married to this woman ? A. 1896.
Q What time that year ? A. February 20.
Q Where was that married ceremony performed ? A. At her house two
miles from Stonewall, Indian Territory, in the Chickasaw Nation.
Q Chickasaw Nation A. Yes, sir.
Q At that time were both you and she bona fide residents of the
Chickasaw Nation ? A/ Yes, sir.
Q Were you married in accordance with the Chickasaw tribal laws ?
A. Yes, sir.
Q Under Chickasaw license ? A. Yes, sir.
Q From whom did you get that license ? A. Mr. Perry, County Judge.
Q How much did you pay for it ? A. Fifty dollars
Q Who performed the marriage ceremony ? A. A. M. Thompson.
Q Minister of the Gospel ? A. Yes, sir.
Q Were you ever married before you were married to this woman ?
A. Yes, sir.
Q How many times ? A. Twice. Two times.
Q What was the names of these former wives ? A. The name of the
first one was Louisa Jane Coomas.

- S. T. Bishop 2
- Q What was the name of the next one ? A. Frances Alice Monroe.
- Q Were both of these women white women ? A. Yes, sir.
- Q When were you married to the first one ? A. 1874.
- Q Where were you married to her ? A. In Benton County, Missouri.
- Q How long did you live with her ? A. Nine years.
- Q At the end of that time did she die or did you separate ? A. She died.
- Q When did you marry the second one ? A. In 1884.
- Q Where ? A. Same County.
- Q How long did you live with her ? A. About three years.
- Q At the end of that time did she die or did you separate ? A. She left me.
- Q Were you ever divorced from her ? A. No, sir.
- Q She left you ? A. Yes, sir.
- Q You never attempted to obtain a divorce from her ? A. No, sir. I never did -- I never heard from her for ten years after she left, and I understood from a lawyer that the law gave a man a divorce if his wife quit his bed and board for five years and he did not hear from her.
- Q Is she living now ? A. I could not tell you -- she is some where in Missouri.
- Q Was she living at the time of your marriage to this Indian woman ? A. Yes, sir, I reckon she was -- I reckon so.
- Q Why did you not obtain a divorce from her before you married this Indian woman ? A. I did not think it was necessary to tell you the truth about it. I was told by a lawyer that where a woman quit her man and left his bed and board for five years and he did not hear from her that it gave him a divorce and I had not heard from her for nine years -- it had been nine years since I heard from her.
- Q How long did you live with this Indian woman after you were married to her ? A. Three years.
- Q At the end of that time did she die or did you separate ? A. No, sir, she didn't die.
- Q Did you separate from her ? A. Both -- she went to her children and I went to mine.
- Q Have you ever been divorced from her ? A. No, sir.
- Q There is no divorce between you two ? A. She was divorced I reckon. She married again.
- Q Were you ever married after your separation from her ? A. No.
- Q Do you know where she obtained this divorce from you ? A. At Tishomingo in the Indian Court. If she got it at all.
- Q Do you know upon what grounds she obtained that divorce ? A. No, sir.
- Q Did you ever contest that divorce ? A. No, sir.
- Q You state that you have not married since your separation from her. A. No, sir, I have not.
- Q Were you an applicant before this Commission in 1896 for admission to citizenship in the Chickasaw Nation ? A. Yes, sir.
- Q Did you then apply as an intermarried citizen of the Chickasaw Nation ? A. Yes, sir.
- Q What action was then taken by the Commission on your application ? A. I was notified by the Commission that I was accepted.
- Q Have you continued to reside in the Chickasaw Nation since that time ? A. Yes, sir.

S. F. Bishop 3

Fred V. Kinkade, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause at Atoka, Indian Territory, March 10, 1903; that the above and foregoing is a true, full and correct translation of his stenographic notes as taken therein.

Fred V. Kinkade

Subscribed and sworn before me this 29 day of March, 1903.

Charles H. Sawyer

Notary Public.

1
1
RDB
9-D-195.

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

In the matter of the application for the enrollment of
S. T. Bishop as a citizen by intermarriage of the Chickasaw Nation.

--:--

D E C I S I O N .


It appears from the record herein that on February 20, 1896, the applicant, S. T. Bishop, was married in accordance with the laws, customs and usages of the Chickasaw Nation, to Peggy, or Margaret, Bishop, (formerly Perry), a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name appears as No. 384, upon the list prepared by this Commission under the Act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Chickasaw Nation, and approved by the Secretary of the Interior, December 12, 1902; and that said persons above mentioned were residents in good faith of the Chickasaw Nation, at the time of said marriage, and lived together continuously therein as husband and wife from the date of said marriage for about two years, when they separated, and the said Peggy, or Margaret Bishop subsequently obtained a divorce from the applicant.

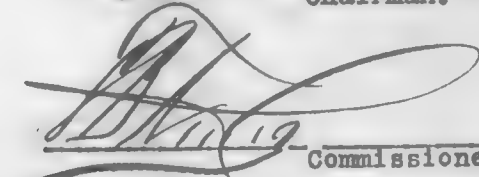
It further appears from the records in possession of the Commission that on August 31, 1896, in the case entitled S. T. Bishop vs. the Chickasaw Nation, 1896 Chickasaw Citizenship Docket, case No. 15, application was made to the Commission, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat. 321), for the admission of the applicant herein to citizenship in the Chickasaw Nation by reason of his said marriage to Peggy or Margaret Bishop; and that the said S. T. Bishop was, on November 10, 1896, admitted by the Commission as a citizen by intermarriage of the Chickasaw Nation, from which decision no appeal was taken.


It further appears from the record herein that the applicant had been a resident in good faith of the Chickasaw Nation from the date of his said marriage to Peggy, or Margaret Bishop up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that S. T. Bishop should be enrolled as a citizen by intermarriage of the Chickasaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898, (30 Stat. 495), and July 1, 1902, (32 Stat. 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner


Commissioner.

Muskogee, Indian Territory,
SEP 20 1904

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
S.T. Bishop for enrollment as an in-
termarried citizen of the Chickasaw
Nation.

---D 125---

On the 18th day of March, 1902, the applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail that the application of S. T. Bishop for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 7th day of May, 1902, for final consideration.

Now, on this 7th day of May, 1902, this cause being to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

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 7th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 8th day of May, 1902.

Charles H. Harvey

Notary Public.

A. T. Bishop age 49

Lat Chr.

Admitted by Board Com case

No 15-

(white card)

OK
Luis

(Rejected)

D. 195

7175

COMMISSION TO THE FIVE CIVILIZED TRIBES

REPORT OF THE COMMISSION

SEP 7 1900

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

FILED

SEP 7 1900



ACTING CHAIRMAN.

Stonewall IT

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

S T Bishop

vs.

NO. 15

CHICKASAW Nation.

VINITA, IND. TER NOV, 10. 1896.

SIR:

In compliance with the provisions of Act of Congress,

Approved June 10, 1896, the Commission to the Five Civilized

Tribes has considered this application, with proof, and the

same has been Granted, by the Commission.

Respectfully,

H. M. JACOWAY, JR.,

Secretary.

Ex: "A"

December 19th 1897.

Jackman Benton Co. Vt.
to Who it may concern I will
send a copy of the Marriage Record
of Mr Stephen J Bishop and Miss
Francis A Monroe to wit
Married January the 2nd 1881
in Town of Benton Co Vt
by the Rev J S C. Mr
Stephen J. Bishop and Miss
Francis A Monroe

I hereby Certify the above to be
a true ^{copy} of the Marriage Record
on my Marriage Record this 19th
Day of December 1897
J. B. Green

1.
Packer, Mo.,
Dec 19, 1897.

Mr. J. A. Raby,
Dear Sir:

Yours of
December 13 was re-
ceived and contents
noted. I also received
a letter from one who
represents himself to
be T. S. Bishop. My
recollection is that the
Bishop who lived here
signed his name S.
T. Bishop, but he usually
went by the name of
Taylor Bishop. The S.
in his name stands for
Stephen.

2.
I will give the facts
in regard to the Bishop
who lived here, and
you can judge for
yourself whether he
is the man of whom
you inquire. I do not
wish to do him any
injustice. If T. S.
Bishop is not the S. T.
Bishop who lived here,
I know nothing about
him.

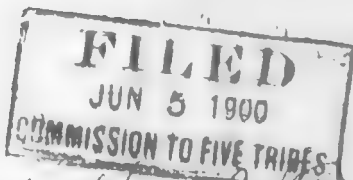
The Bishop who lived
here was of a dark com-
plexion, common size
and I would guess him
to be now at least fifty
years of age, but he may

he older. He had two children, a girl and a boy. The former was named Alice and the latter, Joseph. The girl was the older of the two children. Their relatives who live here have told me she has married since going to the Territory. They are both of a dark complexion.

Bishop sometimes attempted to preach, but he was very illiterate. He belonged to the Baptist Church. But he had not preached for some time when he left here.

He married my sister in the year 1884, but I

cannot give the exact date. They lived together two or three years. They were never divorced here. J. B. Cooney, a Baptist minister, married them at his residence. He had been married before, his first wife was a daughter of Elder Cooney, the ~~man~~ who ~~performed~~ the ~~ceremony~~ the last time. His first wife is of course dead. Elder Cooney is still living here. I ~~heard~~ ~~you~~ ~~some~~ ~~time~~ ~~ago~~ ~~from~~ ~~the~~ ~~boys~~ that he ~~intended~~ to verify a part of my statements. Now notice I do not say J. B. Bishop



is the S. J. Bishop who lived here. From the description Mr. Rushton gave, it seems to me that he is the same man. But of course I do not know for certain. Before you censure Bishop be sure of his identity for as I said before I do not wish to injure an innocent man.

Bishop intimates that he will prosecute me. Tell him if he wants to the way is open. I do not think it is against the law to tell the truth. It seems strange he would

1, 16,
threaten me for writing
about S. T. Bishop if
that is not his name.

~~When the identity of a~~
person is in doubt, one
should give his full
name.

I think I send you all
the evidence you need in
regard to the marriage.

If I have omitted any
essential fact in regard
to the matter any way
let me know and I will
write again. If T. S.
Bishop is not the man
who lived here, I want
to help him prove it.

When he has me arrested
I will prove all in regard to
S. T. Bishop I have written.
The man who said the

17.
ceremony, J. W. Coones,
Rev. C. T. Neece and
J. R. Stewart know what
I have written is true
All except J. R. Stewart
belong to the Baptist
Church.


He wants the seal of
the court on my statement
but that would cost
me a dollar, and I do
not care to pay that
much for having it done.

Very respectfully,
W. J. Monroe.

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

FILED

DEC 6 1900



ACTING CHAIRMAN.

Stoneham
This to certify that on
the 28 day of Feb 1894
that A. M. Thompson
married S. J. Bishop
and Mr. Perry in the
presence of Isaac
Edom M. H. Ware
and L. C. Atkinson

A. M. Thompson
Minister of the Gospel

This is to certify that the
above marriage certificate
is recorded in the old marriage
record of 1875 at page 20.

This the 28th of Feb. 1894

George Collier
County clerk
Pontiac Co., S. C.

Fackner, Mon
Nov 13, 1897.
Dr. J. St. Rushton,
Stonewall,
Vind. T.

Dear Sir:-

Alice Bishop
was married to S. J.
Bishop in about 1884
or '85. They lived
together for several
years. He left here
some seven or eight
years ago, maybe lon-
ger. They were never
divorced here.

His kin folks
here have reported him
to be living in the

Indian Territory
since he left here.
His daughter Alice
wrote to Alice
Bishop since they
have been in the Ter-
ritory. He had a boy
by the name of Joe.
Both were by a for-
mer wife who is
dead. There can be
no doubt but that S. J.
Bishop of whom you
inquire is the same
man that lived here.
Alice Bishop is not in
a condition of mind
to write you the infor-
mation you desired.
So I have hurriedly given
you a few facts.
Yours etc. A. J. Morroe

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

1900

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

FILED
DEC 6 1900


ACTING CHAIRMAN

February 20. 1896

Pontotoc County Chickasaw
Nation

By Authority vested in me by
law I hereby grant a license
to Mr. S. T. Bishop a U.S.
Citizen to wed.

Miss. Peggie Perry a citizen
of the Chickasaw Nation
Pontotoc County

W.C.

Billy Perry
County and Probate Judge
of Pontotoc County Chickasaw
Nation

This is to certify that the above
marriage license is duly recorded
in the marriage record of 1875 - at
(Over)

page 19th

This the 28th of Feb. 1896.

George Colburn
Co. clerk

Pontotoc county, W. T.

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

1900

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

FILED
DEC 6 1900


ACTING CHAIRMAN

In the matter of the application of S.T. Bishop for enrollment as a Chickasaw citizen.

S.T. Bishop being sworn says:

I live at Chickasha, Chickasaw Nation. I have been here two months. I came from Jacksboro, Texas. I had been there since about the 24th of May 1898. Prior to that time I was at Fort Worth from the 10th of March 1898. Prior to that I was at Galveston I went there about the 14th of January. Prior to that time I was at home with my wife, in the Territory. I was in Texas working on the railroad. I have been away from home since last January. My wife was Miss Margaret Perry. She used to be a Colbert. I married her Feb. 15th 1896. I did not know at the time that I had a wife living in Missouri. I supposed she was dead.

I married a woman in Missouri in 1884. I lived with her until 1887 when she left me. She left my home and went to her parents. I left Missouri two years afterwards. I left there in 1889. I have not been divorced from this woman in Missouri. I thought that if a man did not hear of the whereabouts of a woman that that divorced him. I think you will find that in the Missouri statutes. I was 5 years and 7 months since I had heard from her. That is the reason I thought I had a right to marry again. I received a letter in 1891 stating that she was dead. I have the letter.

I do not know that I am not married to this Chickasaw woman. Since I came back to the Territory I have not been living with her.

Chickasha 1900

COMMUNICATIONS SECTION

...in the case of ...
...the Chickasaw Nation ...
...the decision of the ...
...number 2 ...
...case of John C. ...
...decision of the ...
...sections ...
...Chickasaw

Chickasaw D-196.

the matter of the enrollment
S. T. Bishop as an intermar-
ried citizen of the Chickasaw
Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

...in the ...

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

FILED

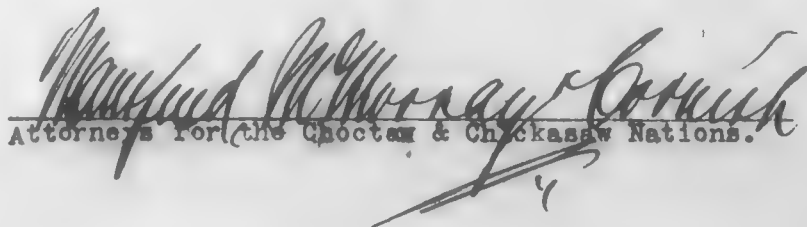
FEB 6 1904

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation of S. T. Bishop; Chickasaw field number D-195.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of John C. Bradshaw vs. The Choctaw and Chickasaw Nations, number 3, on the Tishomingo Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Chickasaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses which question is involved in the case to which this communication refers .

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.


Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Muskogee, Indian Territory,
August, 18th 1900.

S. T. Bishop,
Chickasha, Indian Territory.

Dear Sir,-

You are hereby notified that the Chickasaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Chickasaw Nation.

For the purpose of hearing any additional testimony which may be offered by either you or the attorneys for the Chickasaw Nation, the Commission will hold a session at Atoka, Indian Territory, commencing December, 3rd, 1900, at which time and place you will be allowed to offer any additional testimony which you may desire to submit in support of your application, such hearing to be final.

Yours truly,

9-D-195

Acting Chairman,

Wakarusa, Indian Territory, September 7, 1900.

B. T. Bishop,

Chickasha, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 1st instant, in which you state that all the evidence that may be necessary in your case was forwarded to the Commission in the fall of 1896 and 1897 and that you enclose a copy of your marriage license and record and also a notification of the Commission's action admitting you to citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896.

The copy of the marriage license forwarded by you is not in proper form. It is not a certified copy. In order to have this as an authenticated copy of the marriage license and certificate such would have to be certified to as a true copy by the County Clerk of the Chickasaw County in which the same was recorded. The pencil copy, however, as forwarded by you, will be retained by the Commission as a matter of record.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, December 5, 1900.

Mr. W. S. BROWN,

Chickasha, Indian Territory.

Dear Sir:

The Commission in a receipt of your letter of the 3rd instant, enclosing marriage license and certificate between yourself and Miss Foggie Perry, and the same have been duly filed with the records of the Commission.

Yours truly,

Acting Chairman.

9-D-195

COMMISSIONERS
HENRY L. DAVIS,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Chickasaw D-195.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 18, 1902.

S. T. Bishop,

Chickasha, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 9th day of May, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Register.

T. B. Needles.

Commissioner in Charge.

Chickasaw B-195.

Muskogee, Indian Territory, February 26, 1903.

H. T. Bishop,

Chickasha, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw nations April 1, 1903.

The act of Congress approved July 1, 1902, provides as follows:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Chickasaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Chickasaw 1198

Muskogee, Indian Territory, September 2, 1903.

S. T. Bishop,

Chickasha, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 29, asking the status of your application for enrollment as an intermarried citizen and requesting the return of the marriage license and certificate between your self and Peggie Perry.

In reply to your letter you are informed that your final right to enrollment as an intermarried citizen of the Chickasaw Nation has not yet been determined. As soon as a decision is reached in your case you will be notified of the action of the Commission.

No decision having yet been reached in your case, the Commission cannot return the original marriage license and certificate as requested by you, but there is inclosed herewith certified copy thereof for your use.

Respectfully,

Chairman.

Chickasaw D 195

Muskogee, Indian Territory, February 8, 1904.

S. T. Bishop,

Chickasha, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Chickasaw D 198

Muskogee, Indian Territory, August 15, 1904.

S. T. Blahp,

Chickasha, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 6, asking to be notified of final action in your case and in reply you are advised that the Commission is now considering your application for enrollment as an intermarried citizen of the Chickasaw Nation, and as soon as a decision is reached you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Chickasaw D 195

COPY.

Muskogee, Indian Territory, September 20, 1904.

S. T. Bishop,

Chickasha, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1904, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tame Bixby.

Chairman.

Registered,

Incl. W-D-195.

Chickasaw D 198

COPY!

Muskegee, Indian Territory, September 20, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered September, 20, 1904, granting the application for the enrollment of S. T. Bishop as a citizen by intermarriage of the Chickasaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

WCM:MM

James Bixby.

Chairman.

Registered.

Incl. 9-D-198.

See Choctaw 4475 for registry receipt for this letter.

9-1772

Muskogee, Indian Territory, November 3, 1904.

S. T. Bishop,

Chickasha, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation, you are requested to immediately forward the Commission the names of your father and mother. You are also requested to inform the Commission as to whether or not your parents are white, and as to whether or not they are living.

You should give this matter your immediate attention.

Respectfully,

Chairman.

Chickasaw 1725

COPY.

Muskogee, Indian Territory, November 4, 1904.

Clerk Choctaw and Chickasaw Citizenship Court,
Tishomingo, Indian Territory,

Dear Sir:

Please inform this Commission, if you can, of the
postoffice address of Sarah Jane Reynolds, admitted by your
court as a citizen of the Chickasaw Nation by marriage on
June 30, 1904, in case No. 105.

Respectfully,

EBGN:OI

James B. Bickel
Chairman,

9-1772

Muskogee, Indian Territory, November 10, 1904.

S. F. Bishop,

Chickasha, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of November 7, 1904, giving the names of your parents, and stating that they were both non citizens and this information has been made a part of the record in the matter of your enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Chairman.

Chic 1773

Chic 1773

In the matter of the application for the enrollment of
Millard F. Ball as an intermarried citizen of the Chickasaw Nation.

9-D-208.

Chick card D-208

Commission to the Five Civilized Tribes,

Muskogeha, I.T.

Oct. 10, 1899.

In the application of Millard F. Ball for enrollment as a Chickasaw; Edward S. Burney being sworn and examined by Com'r McKennon testifies as follows:

Q What is your name? A Edward S. Burney.

Q How old are you? A Thirty-eight.

Q You are a Chickasaw citizen by blood? A Yes sir.

Q by Chick Att'y Cornish:

Q Do you know Millard F. Ball? A Yes sir.

Q Is he a white man? A Yes sir.

Q How long have you known him? A About eight or ten years.

Q Did you know his wife Lucy Mayfield? A Yes sir.

Q Was she a Chickasaw citizen by blood? A Yes sir, she was understood to be a Chickasaw citizen by blood.

Q Do you know anything about her marrying before she married him?

A I know she lived with a man named Mayfield.

Q At the time she married Ball her name was Lucy Mayfield?

A Yes sir.

Q Was she divorced from this man Mayfield? A It was my understanding that she was not divorced.

Q Did you live in the community with these people?

A Yes sir.

Q Did you have a knowledge of these facts? A Yes sir.

Q Then it was your understanding and that of the community there at the time she married Ball she had not been divorced from Mayfield? A Yes sir, that's my understanding.

Q What state what transpired as to Ball killing his father-in-law and his arrest and trial and so on? A Ball's father-in-law was found dead one morning, shot, with about one hundred yards of his residence; that was the father of Lucy, Ball's wife.

Millard F. Ball-Edw S. Burney witness #2)

Ball and his brother and brother-in-law were arrested for that and tried at Paris, Texas.

Q What plea did he interpose in that trial? A His first plea was that ~~he~~ the Court had no jurisdiction over his case from the fact that he was a citizen by marriage, and old man Box was also a citizen by intermarriage.

Q In the course of that proceeding did the court hold that by reason of the fact that this woman had not been divorced from her former husband, Mayfield, that this man Ball was not a citizen of the Chickasaw Nation by intermarriage? A Yes sir. And the court further held that his wife, the daughter of old man Box, not being divorced from her first husband, she was not his wife, and her evidence could be used against him; she was therefore a competent witness against him by reason of the fact that she was not his wife.

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.

M. D. Green

Commission to the Five Civilized Tribes,

Muskogee, I. T., Jan. 5, 1900.

In the application of Millard F. Ball for enrollment as an intermarried Chickasaw citizen. (Chickasaw Card B-208)

Mr. Thompson, attorney for the applicant, appears before Commissioner Needles on this day and desires to introduce on the part of the applicant a marriage license issued by the County Clerk of Cooke County, Texas, F.L.Cleves, on the 16th day of January 1871, authorizing the marriage of S. C. Mayfield, the party who afterwards married L.O.Box, to Louisa Rogers, with a certificate of John Tyler, Minister, stating that he had joined together as husband and wife S.C.Mayfield and Louisa Rogers, on the 25th day of January, 1871, duly certified to by the Clerk.

(Filed and marked Exhibit "A".)

Next I desire to introduce the certificate of the Clerk of the District Court of Cook County Texas, showing that on the 5th day of December 1878 Louisa Mayfield filed suit for divorce against S.C.Mayfield, said cause being #1136 on the docket of the County Court, Cook County, Texas, and that it remained on the Docket until February 12th 1883, when the same was dismissed by order duly made in Volume 5, page 327, Civil Minutes of said Court for said day, which is as follows:

"Monday, February 12th, A.D., 1883,

This day came on to be heard the above entitled cause, and the said Plaintiff, Louisa Mayfield, having failed to appear and prosecute her said suit, it is therefore instructed by the Court that the plaintiff take nothing by her suit, and that the defendant S.C.Mayfield go hence without day, etc."

This is duly certified to by the Clerk of the District Court on the 29th day of November 1899.

(Filed and marked "Exhibit B".)

Millard F. Ball #2)

I desire to introduce now the marriage license issued by the Clerk of the County Court of Cook County, Texas, E.F.Bunch, on the first day of September A.D. 1881, authorizing the marriage of C.S. Mayfield and L.O.Box, with return of R.M.Hancock Minister of the Gospel, showing that he joined the parties named in this license together as husband and wife on the 4th day of September 1881. That is certified to by the Clerk on the 29th day of November 1889.

(Filed and marked Exhibit "C")

Attorney states: Our contention is that S.C.Mayfield having a living wife, Louisa Mayfield, at the time of his marriage to L.O.Box on the 4th of September 1881, that such marriage was illegal, and was a nullity and no marriage in law.

Millard F. Ball, being sworn by Commissioner Needles, and examined by Attorney Thompson, states as follows:

Q State the date that you was married to your Indian wife?

A As well as I remember it was on the 31st of August 1886, that the license was issued, and on the same day I was married to L.O. Mayfield.

Q Your wife went by what name at that time? A Some called her Lucy Box and some called her Lucy Mayfield.

Q Your license was issued as Lucy Mayfield? A Yes sir.

Q How long had you been acquainted with her? A Three or four or five months, - something like that.

Q Did you know that she had been living with a man by the name of Mayfield? A I heard that she had

Q You heard that her and Mayfield had been living together as husband and wife? A Yes sir, in the Choctaw nation.

Millard F. Ball #3)

Q Did you know anything about whether the marriage between them was legal or not? A No sir.

Q What was their common and general understanding about that in the community where they lived? A That they were not legally married.

Q Why? A Because Mr. Mayfield has a living wife at the time he married her, from whom he had not been divorced. Her father told me that.

Q You know how long they had been separated when you and her married? A Some six or eight months.

Question by Com'r Needles: Was there ever a marriage ceremony performed between Mayfield and Lucy Box? A Yes sir

(Exhibit "C" shows that there was a marriage ceremony between these parties.)

Attorney Thompson:

I have another affidavit that I want to introduce here also. I had this witness, John A. Williams, before the commission at Ardmore when this case was set down for hearing as a contested case, and when the Chickasaw Nation announced that they didn't raise any objection with reference to Mr. Ball's marriage to Lucy Mayfield, I did not have the witness examined by the commission, but took his affidavit at the time, because I didn't know what might come up about it.

I file the affidavit of John A. Williams in reference to the marriage of S. C. Mayfield and Louise Rogers and of S. C. Mayfield to Lucy Box, which marriages are shown by the records of the court.

(Filed, and marked Exhibit "B")

I also want to introduce another paper, a judgment of the Indian Court giving to Mr. Ball the custody of his two children. This is an order that was issued by the County Judge of Pickens

Millard F. Ball #4)

County on the 10th day of October 1899, awarding him the custody of two children that he and his wife had while they were living together as husband and wife. It is properly executed by an Indian Officer of the Chickasaw Nation,--Atehison Annountubby.

Filed, and Marked Exhibit "E".)

--- --- --- --- ---

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.

W. D. Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T. December 4th, 1900.

Chickasaw Nation

vs.

D. 208.

Millard F. Ball et al.

In the matter of the application of Millard F. Ball for enrollment as a citizen of the Chickasaw Nation.

On December 4th, 1900, at a session of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, the above entitled cause being called for further hearing, and the Chickasaw Nation appearing by its counsel, Melvin Cornish, and the applicant appearing by his attorney, Mr. J. C. Thompson, the following proceedings were had, viz:

MR. CORNISH: (Of counsel for Chickasaw Nation) Our contention in this case is that---Mrs. Anglin is a citizen of the Chickasaw Nation; Mr. Ball claims citizenship by intermarriage by reason of his marriage to her--our contention is that he is not entitled to enrollment as an intermarried citizen for the reason that at the time he married Mrs. Anglin she had a living husband from whom she had not been divorced.

MR. J. C. THOMPSON: (Counsel for applicant) In reply to that, if the Commission please, we state that Mr. Ball has shown by the transcript of record in this case Mrs. Anglin had a former husband by the name of Mayfield, to whom she was married, but at the time of her marriage to him he had a living wife, and for that reason the marriage between them was not legal--he had not been divorced from his former wife.

LUCY ANGLIN, being sworn by the Acting Chairman of the Commission, was examined upon behalf of the Chickasaw Nation by Mr. Melvin Cornish, and testified as follows:

Question. What is your name? A. Lucy Anglin.

Q. Where do you live? A. Near Burneyville.

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

Q. You were married at one time to Mr. Millard F. Ball? A. Yes, sir.

Q. When were you married to him? A. In 1886, I think it was.

Q. How long did you live with him? A. Some over three years.

Q. Were you at one time the wife of Cobe Mayfield? A. Yes, sir.

Q. When did you marry him? A. In 1882.

Q. Where did you marry him? A. In Texas, right across the river from Burneyville.

Q. Was Mayfield living at the time you married Ball? A. Yes, sir.

Q. Had you been divorced from him at the time you married Ball?

A. No, sir.

Q. Then, at the time you married Ball you had a living husband, Cobe Mayfield, from whom you had not been divorced? A. Yes, sir.

CROSS-EXAMINATION - - - - - By Mr. J. C. Thompson.

Q When did you become acquainted with Mr. Mayfield? A In 1882
Q Where had he lived previous to your acquaintance with him?
A Well, when I got acquainted with him he was living in my country.
Q Where had he come from there? A He had been living in Texas near Montague.
Q Near Bulcher, Texas. A Montague was my understanding.
Q You know where Bulcher is, don't you. It is towards Montague there, isn't it? A I don't know.
Q Did you know at the time you married Mr. Mayfield that he had a living wife? A No, sir; I did not, until after he married and taken me to his people and they told me.
Q After you were married you learned that he had a living wife at the time you married him? A Yes, sir.
Q From whom he had ~~been divorced~~ not been divorced? A I don't know. He always claimed to me that he was divorced.
Q What was his wife's name? A Her name was Louisa Rogers.

REDIRECT EXAMINATION - - - - - By Mr. Cornish.

Q Your statement is that he always claimed that he had a divorce from her? A Yes, sir.
Q You heard that he had not been divorced from her only from statements made to you by his people? A Yes, sir.
Q Then, you don't know that of your own personal knowledge?
A No, sir; I don't know that.

Witness excused.

MR. J. C. THOMPSON: (Counsel for applicant) Now, I suppose, if the Commission please, that in as much as the contest in this case is made by the Nation, I shall have a chance to reply to any brief the attorneys for the Nation may desire to file. If they do not file any I do not care to brief it.

MR. MELVIN CORNISH: (Counsel for Chickasaw Nation) For your information I might state that the Commission has just suggested to us that in these cases the attorneys for the Nation have until the 1st of February to file briefs, and the attorneys for applicants have until a later date, but if that arrangement is changed you will have notice of it.

Wm. S. Wellshear, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in this cause, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2th day of December A. D. 1900.

W. S. Wellshear
Acting Chairman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, May 5, 1902.

.....
11 In the matter of the application 11
11 of Millard F. Ball for the enroll- 11
11 ment of himself and his three min- 11
11 or children, Mary Gertrude Ball, 11
11 Luis Agnes Ball and Millard Byron 11
11 Ball, as citizens of the Chickasaw 11
11 Nation. 11
.....

D-200.

On the 16th day of March, 1902, the principal applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Millard F. Ball for the enrollment of himself and his minor children as citizens of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 5th day of May, 1902.

Now on this 5th day of May, 1902, upon request of J. C. Thompson, Attorney for the applicant, this case is called for final hearing, and the following proceedings were had:

APPEARANCES:

Millard F. Ball, the principal applicant in person.
J. C. Thompson, attorney for the applicant.

No appearance on behalf of the Choctaw and Chickasaw Nations.

Millard F. Ball, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Millard Fillmore Ball.
Q How old are you, Mr. Ball? A I am forty-three.
Q What is your post office address? A Atlee, Indian Territory.
Q That in the Chickasaw Nation? A Yes sir.
Q How long have you lived in the Chickasaw Nation? A Well, I don't know exactly; I have been living here about twenty years. Something near that.
Q You are a white man, are you? A Yes sir.
Q An applicant for enrollment as an intermarried citizen of the Chickasaw Nation? A Yes sir.
Q What was your Chickasaw wife's name? A Her name at the present time?
Q Yes, your Chickasaw wife's name? A Lucy Obedia Anglen is her present name. She's married to another man.
Q When did you marry her? A In 1886.
Q How long did you live with her? A Three years.
Q Married under Chickasaw license? A Yes sir.
Q After you had lived with her three years were you divorced from her? A No sir, I wasn't divorced from her until 1896.
Q Then who did you marry? A I married Mary Imeinda Lankford.
Q A white woman? A Yes sir.
Q Your three children for whom application is now made, are children by this white wife? A Yes sir.
Q Did you marry your second wife under Chickasaw license? A No sir.
Q These three children, Mary Cartrude, Lula Agnes and Millard Byron Ball have no Chickasaw blood? A No sir.
Q Children of two white persons? A Yes sir.

Examination by Attorney.

- Q You say you only lived with your wife three years. Did you ever separate from her? Did you ever leave her or abandon her? A No sir, she left me; abandoned me.
Q She left you and married another man before you got a divorce did she? A Yes sir.
Q Married Anglen? A Yes sir, four years before we were divorced.

This case is now submitted upon the record as made up.

(3).

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 5th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of May, 1902.

Subscribed and sworn to before me this 5 day of May, 1902.

Hal Belford

W. W. Mitchell Wood

Notary Public.

Chickasaw, P. 208.

Department of the Interior,
Commission to the Five Civilized Tribes,
Arkmore, I. T., October 31, 1908.

IN the matter of the application for enrollment as a citizen
by intermarriage of the Chickasaw Nation of Willard P. Ball.

Willard P. Ball being duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Willard P. Ball.
Q What is your age? A 43.
Q What is your post office address? A Atlee, I. T.
Q Mr. Ball, you have already applied for enrollment as an inter-
married citizen of the Chickasaw Nation? A Yes sir.
Q Were you before the Commission at Muskogee in May of this year?
A Yes sir.
Q How long have you been residing in the Choctaw-Chickasaw country?
A Never did reside in the Choctaw country; I have been in the
Chickasaw country about 20 years, a little more.
Q You have not been outside of the Indian Territory for the last
five years to establish a residence or make a home? A No sir.
Q What is the name of your present wife? A Talitha Lucinda Ball.
Q What is the name of your present wife? A Linda Ball, I
think she gives her name as M. L. Ball.
Q What does the "M" stand for? A I don't know; we always call
her Linda. — I will explain this mistake we have just made
here. Her first name was Talitha Lucinda when she was a child;
and when she got grown they have changed it to Mary Lucinda;
that's the straight of it since I think of it.

J. H. Martin being duly sworn on oath states that as sten-
ographer to the Commission to the Five Civilized Tribes he re-
corded in full the above proceedings at Arkmore, I. T., on the
31st day of October, 1908, and that the within and foregoing is
a full true and correct transcript of his stenographic notes in
the case.

Subscribed and sworn to before me this 17 day of November, 1908.

Charles K. ...
Notary Public.

1027
9-D-208.

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

In the matter of the application for the enrollment of
Millard F. Ball as an intermarried citizen of the Chickasaw Nation.

--:--

D E C I S I O N .

It appears from the record herein that on August 31, 1886, the applicant, Millard F. Ball, was married in accordance with the laws, customs and usages of the Chickasaw Nation to Lucy O. Ball (nee Box), a recognized and enrolled citizen by blood of the Chickasaw Nation, and whose name appears as Lucy Obedient Anglin, as No. 4590 upon the list prepared by this Commission under the act of Congress approved July 1, 1902, (32 Stat., 641), of persons entitled to enrollment as citizen by blood of the Chickasaw Nation, and approved by the Secretary of the Interior, April 11, 1903; and that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation and lived together continuously as husband and wife in said Nation from the date of said marriage to the time of their separation about three years thereafter, and that subsequently on November 16, 1896 the applicant obtained a divorce from said Lucy O. Ball, and subsequent thereto on December 14, 1896, was married to Mary Lucinda Ball (formerly Lankford) a non-citizen white woman.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified on the 1893 Chickasaw pay roll, No. 2, page 43.

It further appears from the record herein that the applicant had been a resident in good faith of the Chickasaw Nation from the date of his said marriage to Lucy O. Ball (nee Box) up to and including September 25, 1902.

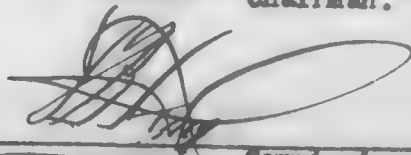
It is, therefore, the opinion of this Commission that Millard F. Ball should be enrolled as a citizen by intermarriage

of the Chickasaw Nation in accordance with the provisions of the Acts of Congress approved June 28, 1898, (30 Stat., 495) and July 1, 1902, (32 Stat., 641), and it is so ordered.

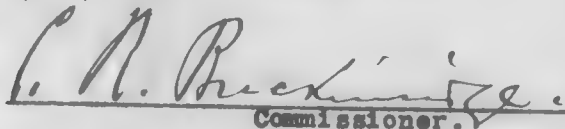
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

SEP 20 1904

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:o:-----

In the matter of the application of Millard F. Ball for enrollment as a citizen of the Chickasaw Nation.

-----:o:-----

J. C. Thompson, Esq., Attorney for the applicant.

W. B. Johnson, Esq., Attorney for the Chickasaw Nation.

-----:o:-----

Ardmore, Indian Territory, November 24th, A. D., 1898.

-----:o:-----

Millard F. Ball, being duly sworn by Commissioner T. B. Needles, on his oath, testified on behalf of the applicant as follows:

Direct Examination by Mr. J. C. Thompson:

(By Mr. Thompson) I desire to introduce his marriage license under the Chickasaw law.

Which said marriage license, above offered in evidence, is marked Exhibit A., attached hereto and made a part hereof.

Q Mr. Ball, you were married under this license according to the Indian laws to Louisa Mayfield? A. Yes sir.

Q Have you ever been on the roll of citizenship as an intermarried citizen of the Chickasaw Nation? A. Yes sir.

(By Mr. Thompson) I desire to introduce now certificate of L. C. Burris, National Secretary of the Chickasaw Nation, showing that Mr. Ball was on the 1893 roll as an intermarried citizen and drew his pro rata share of the lease district money.

Which said certificate, last above offered in evidence, is

marked Exhibit B., hereto attached and made a part hereof.

(By Mr. Thompson) I desire also to introduce the affidavit of C. D. Carter, the present National Secretary, who was then National Auditor, at the time he made this affidavit, showing that Mr. Ball was on the roll of '93 and that he drew his money at that time.

Which said affidavit, last above offered in evidence, is marked Exhibit C., hereto attached and made a part hereof.

(By Mr. Thompson) I desire next to introduce the affidavit of Isaac O. Lewis, who was a member of the Legislature of 1896. The affidavit states that the Legislature struck the name of Millard F. Ball from the roll during that sitting of the Legislature and that he was on the roll up to that time as an intermarried citizen.

Which said affidavit, last above offered in evidence, is marked Exhibit D., hereto attached and made a part hereof.

(By Mr. Thompson) I desire to introduce certified copy of a decree of divorce granted to Mr. Ball on November 16th, 1896, by the District Court of the Chickasaw Nation on the ground of abandonment by his Indian wife.

Which said certified copy of decree of divorce, last above offered in evidence, is marked Exhibit E., attached hereto and made a part hereof.

(By Mr. Thompson) Now, if the Court please, I think Mr. Ball is entitled to be enrolled as an intermarried citizen.

Cross Examination by Mr. W. B. Johnson:

Q Are you still single? A. No sir.

Q Did you marry a white woman? A. Yes sir.

Q When? A. I married her in '96.

Q '96? A. Yes sir.

Q You were a United States citizen until you married your first wife? A. Yes sir.

Q And since then you have married another United States citizen? A. Yes sir.

Q Did you marry according to the Chickasaw laws? A. No sir.

Q Mr. Ball, you were tried in the Court at Paris, Texas, for the murder of your father-in-law? A. Yes sir.

Q Did you claim then that you were a member of the Chickasaw Tribe of Indians? A. Yes sir.

Q And they held they had jurisdiction over you? A. Yes sir.

(By Mr. Needles) Who did you mean by "they"?

(By Mr. Johnson) United States Court at Paris, Texas.

2

Re-Direct Examination by Mr. J. C. Thompson:

Q What was the result of that trial, Mr. Ball? A. On motion for new trial - - - -

Q I want to know the result of the trial? A. I was acquitted.

Q You was acquitted by a jury of the charge? A. Yes sir.

Q Was you ever arrested after that on the same charge again?

A Yes sir, I was.

Q And convicted or acquitted again? A. I was convicted.

Q At another trial? A. Yes sir.

Q And was convicted? A. Yes sir.

Q Was the question of your citizenship passed upon by Judge

Bryant? A. On the motion for new trial it was.

Q What did he hold? A. He held that I was a citizen by marriage.

Q And how then did he entertain jurisdiction in your second trial when you introduced the plea that you was a citizen of the Chickasaw Tribe? A. By holding that the deceased was not a citizen of the Chickasaw Tribe.

Q (By Mr. Johnson) That was your father-in-law? A. Yes sir.

Q (By Mr. McKennon) That the father of your Chickasaw wife?

A Yes sir.

Q (By Mr. Bixby) What was the exact date of your marriage in 1896? A. Fourteenth day of December. To this last woman you have reference to?

Q Yes sir? A. Yes sir.

(By Mr. Thompson) I desire to introduce a certificate of Judge D. Bryant, of the Eastern District of Texas, stating his ruling upon the question of citizenship in this case.

Q (By Mr. Johnson) That was your last trial, Mr. Ball? A. My last trial was '94 I believe.

Q '94? A. It was in '84 I guess.

Q '84? A. Yes sir.

Q There wasn't any Court in Paris, Texas, in '84. You know when your last trial was? A. That was in '94.

Q Then you afterwards married in 1897 another United States citizen?

(By Mr. Thompson) We do not deny that.

(By Mr. Johnson) I want to correct these dates and show that

at the time Mr. Bryant made this ruling he had not again married. When Judge Bryant passed on his citizenship was before he had married a second time.

(By Mr. Thompson) Yes sir, that is admitted too.

The certificate of Judge D. Bryant, last above offered in evidence, is marked Exhibit F., attached hereto and made a part hereof.

(By Mr. Thompson) That is all I believe we have to introduce at the present time.

Commission to the Five Civilized Tribes,

Muskogee, I. T., Jan. 5, 1900.

In the application of Millard Z. Ball for enrollment as an intermarried Chickasaw citizen. (Chickasaw Card D-208)

Mr. Thompson, attorney for the applicant, appears before Commissioner Needles on this day and desires to introduce on the part of the applicant a marriage license issued by the County Clerk of Cooke county, Texas, F.L.Cleves, on the 16th day of January 1871, authorizing the marriage of S. C. Mayfield, the party who afterwards married L.O.Box, to Louisa Rogers, with a certificate of John Tyler, Minister, stating that he had joined together as husband and wife S.C.Mayfield and Louisa Rogers, on the 25th day of January, 1871, duly certified to by the Clerk.

(Filed and marked Exhibit "A".)

Next I desire to introduce the certificate of the Clerk of the District Court of Cook County Texas, showing that on the 5th day of December 1876 Louisa Mayfield filed suit for divorce against S.C.Mayfield, said cause being #1136 on the docket of the County Court, Cook County, Texas, and that it remained on the Docket until February 12th 1883, when the same was dismissed by order duly made in Volume 5, page 327, Civil Minutes of said Court for said day, which is as follows:

"Monday, February 12th, A.D., 1883.

This day came on to be heard the above entitled cause, and the said Plaintiff, Louisa Mayfield, having failed to appear and prosecute her said suit, it is therefore instructed by the Court that the plaintiff take nothing by her suit, and that the defendant S.C.Mayfield go home without day,-- etc."

This is duly certified to by the Clerk of the District court on the 29th day of November 1899 .

(Filed and marked "Exhibit B.")

Millard F. Ball #2)

I desire to introduce now the marriage license issued by the Clerk of the County Court of Cook County, Texas, R.F.Bunch, on the first day of September A.D. 1881, authorizing the marriage of G.S. Mayfield and L.O.Box, with return of R.M.Hanscock Minister of the Gospel, showing that he joined the parties named in this license together as husband and wife on the 4th day of September 1881. That is certified to by the Clerk on the 29th day of November 1889.

(Filed and marked Exhibit "C")

Attorney states: Our contention is that G.S.Mayfield having a living wife, Louise Mayfield, at the time of his marriage to L.O.Box on the 4th of September 1881, that such marriage was illegal, and was a nullity and no marriage in law.

--

Millard F. Ball, being sworn by Commissioner Needles, and examined by Attorney Thompson, states as follows:

Q State the date that you was married to your Indian wife?

A As well as I remember it was on the 31st of August 1886, that the license was issued, and on the same day I was married to L.O. Mayfield.

Q Your wife went by what name at that time? A Some called her Lucy Box and some called her Lucy Mayfield.

Q Your license was issued as Lucy Mayfield? A Yes sir.

Q How long had you been acquainted with her? A Three or four or five months, - something like that.

Q Did you know that she had been living with a man by the name of Mayfield? A I heard that she had

Q You heard that her and Mayfield had been living together as husband and wife? A Yes sir, in the Chester Section.

Millard F. Ball #3)

Q Did you know anything about whether the marriage between them was legal or not? A No sir.

Q What was the common and general understanding about that in the community where they lived? A That they was not legally married.

Q Why? A Because Mr. Mayfield has a living wife at the time he married her, from whom he had not been divorced. Her father told me that.

Q You know how long they had been separated when you and her married? A Some six or eight months.

Question by Gen'r Needles: Was there ever a marriage ceremony performed between Mayfield and Lucy Box? A Yes sir (Exhibit "C" shows that there was a marriage ceremony between these parties.)

Attorney Thompson:

I have another affidavit that I want to introduce here also. I had this witness, John A. Williams, before the commission at Ardmore when this case was set down for hearing as a contested case, and when the Chickasaw Nation announced that they didn't raise any objection with reference to Mr. Ball's marriage to Lucy Mayfield, I did not have the witness examined by the commission, but took his affidavit at the time, because I didn't know what might come up about it.

I file the affidavit of John A. Williams in reference to the marriage of S. C. Mayfield and Louisa Rogers and of S.C. Mayfield to Lucy Box, which marriages are shown by the records of the court.

(Filed, and marked Exhibit "D")

I also want to introduce another paper, a judgment of the Indian Court giving to Mr. Ball the custody of his two children. This is an order that was issued by the County Judge of Pickens

Millard P. Ball #4)

County on the 10th day of October 1899, awarding him the custody of two children that he and his wife had while they were living together as husband and wife. It is properly executed by an Indian Officer of the Chickasaw Nation,--Athenison Annountubby.

Filed, and Marked Exhibit #2.)

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, under my official oath as
Stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

Madison

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, May 5, 1902.

In the matter of the application
of Millard F. Ball for the enroll-
ment of himself and his three min-
or children, Mary Gertrude Ball,
Lula Agnew Ball and Millard Byron
Ball, as citizens of the Chickasaw
Nation.

D-208.

On the 18th day of March, 1902, the principal appli-
cant was notified by registered mail, and on the 29th day of March,
1902, the attorneys for the Choctaw and Chickasaw Nations were also
notified by registered mail that the application of Millard F. Ball
for the enrollment of himself and his minor children as citizens of
the Chickasaw Nation would be taken up by the Commission to the Five
Civilized Tribes at its office in Muskogee, Indian Territory, on the
5th day of May, 1902.

Now on this 5th day of May, 1902, upon request of
J. C. Thompson, Attorney for the applicant, this case is called for
final hearing, and the following proceedings were had.

APPEARANCES:

Millard F. Ball, the
principal applicant in person.
J. C. Thompson, attorney
for the applicants.

No appearance on behalf
of the Choctaw and Chickasaw
Nations.

(2).

Millard F. Ball, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Millard Fillmore Ball.
Q How old are you, Mr. Ball? A I am forty-three.
Q What is your post office address? A Atlas, Indian Territory.
Q That in the Chickasaw Nation? A Yes sir.
Q How long have you lived in the Chickasaw Nation? A Well, I don't know exactly; I have been living here about twenty years. Something near that.
Q You are a white man, are you? A Yes sir.
Q An applicant for enrollment as an intermarried citizen of the Chickasaw Nation? A Yes sir.
Q What was your Chickasaw wife's name? A Her name at the present time?
Q Yes, your Chickasaw wife's name? A Lucy Obedia Anglen is her present name. She's married to another man.
Q When did you marry her? A In 1886.
Q How long did you live with her? A Three years.
Q Married under Chickasaw license? A Yes sir.
Q After you had lived with her three years were you divorced from her? A No sir, I wasn't divorced from her until 1896.
Q Then who did you marry? A I married Mary Lucinda Lankford.
Q A white woman? A Yes sir.
Q Your three children for whom application is now made, are children by this white wife? A Yes sir.
Q Did you marry your second wife under Chickasaw license? A No sir.
Q These three children, Mary Gertrude, Lula Agnes and Millard Byron Ball have no Chickasaw blood? A No sir.
Q Children of two white persons? A Yes sir.

Examination by Attorney.

- Q You say you only lived with your wife three years. Did you ever separate from her? Did you ever leave her or abandon her? A No sir, she left me; abandoned me.
Q She left you and married another man before you got a divorce did she? A Yes sir.
Q Married Anglen? A Yes sir, four years before we were divorced.

This case is now submitted upon the record as made up.

(3).

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 5th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of May, 1902.

Subscribed and sworn to before me this 5 day of May, 1902.

Hal Belford
Charles H. Wood

Notary Public.

Chickasaw, D. 308.

Department of the Interior,
Commission to the Five Civilized Tribes.
Armore, I. T., October 31, 1902.

In the matter of the application for enrollment as a citizen
by intermarriage of the Chickasaw Nation of Millard F. Ball.

Millard F. Ball being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Millard F. Ball.
Q What is your age? A 43.
Q What is your post office address? A Atlas, I. T.
Q Mr. Ball, you have already applied for enrollment as an inter-
married citizen of the Chickasaw Nation? A Yes sir.
Q Were you before the Commission at Muskogee in May of this year?
A Yes sir.
Q How long have you been residing in the Choctaw-Chickasaw country?
A Never did reside in the Choctaw country; I have been in the
Chickasaw country about 20 years, a little more.
Q You have not been outside of the Indian Territory for the last
five years to establish a residence or make a home? A No sir.
Q What is the name of your present wife? A Talitha Lucinda Ball.
Q What is the name of your present wife? A Cinda Ball, I
think she gives her name as M. B. Ball.
Q What does the "M" stand for? A I don't know; we always call
her Cinda.--- I will explain this mistake we have just made
here. Her first name was Talitha Lucinda when she was a child;
and when she got grown they have changed it to Mary Lucinda;
that's the straight of it since I think of it.

W. H. Martin being duly sworn on oath states that as sten-
ographer to the Commission to the Five Civilized Tribes he re-
corded in full the above proceedings at Armore, I. T., on the
31st day of October, 1902, and that the within and foregoing is
a full true and correct transcript of his stenographic notes in
the same.

Subscribed and sworn to before me this 19 day of November, 1902.

Charles H. Manning

Notary Public.

No. _____

To the Commission to the
Five Civilized Tribes at
Fort Gibson, Ind.Ter.

Millard F. Ball,

vs.

Chickasaw Nation.

*These papers received and
filed without authority of
law*

Application of M.F.Ball,

for enrollment as a citizen
of the Chickasaw Nation
by intermarriage.

FILED

AUG 19 1897.

W. W. Faraway.
SECY.

J. C. Thompson. Attorney
For applicant, Ardmore. I. T.

Chickasaw D-208.

In the matter of the enrollment
of Millard F. Ball as an inter-
married citizen of the Chick-
asaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

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

FEB 6 1904

~~_____~~
CHIEF CLERK.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation of Millard F. Ball; Chickasaw file d number D-208.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of John C. Bradshaw vs. The Choctaw and Chickasaw Nations, number 3, on the Tishomingo docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Chickasaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.


Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Millard F. Ball.)
vs.)
Chickasaw Nation.)

J.C.Thompson, after being duly sworn on oath states:
I am attorney for Millard F. Ball, I have this day registered to
R.M.Harris Governor of the Chickasaw Nation, a true and correct copy of
the application all papers submitted in this case, as shown by Post-
Master's register receipt. No. 100 filed herewith.

J.C. Thompson

Subscribed and sworn to before me this the 9th day of August A.D.1897.

E. F. Williams
Notary Public. S.D.I.T.

William F. Ball. age 40

Int Check as ad.

Problems Co.

on page 43. Check Pay
Roll 1893 No 2.

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(white card) *1/11*

ok *Busby*

2

See testimony and
papers.

100

In Re Millard F. Ball,)
VS
Chickasaw Nation,

To the Commission To the Five
Civilized Tribes at Ft. Gibson.

Millard F. Ball, makes this application, and asks to be enrolled by your commission as a member of the Chickasaw Tribe of Indians by inter-marriage.

Said applicant states that on the 31st day of August 1886, he was duly and legally married to Mrs. L. O. Mayfield, (Nee Box) a Chickasaw Indian by blood, according to the laws and customs of the Chickasaw Tribe of Indians, as shown by a certified copy of marriage license, issued to the applicant by Willis Dickerson, county judge of Pickens County, Chickasaw Nation, Indian Territory, on the 31st day of August 1886, which certified copy is filed herewith and made a part of this application.

That after applicants' marriage with Mrs. L. O. Mayfield, he has been recognized as a citizen of the Chickasaw Tribe of Indians and that ever since said 31st day of August 1886, this applicant has enjoyed all privileges, and immunities of a citizens of the Chickasaw Tribe of Indians.

That after applicants said marriage he was recognized and exercised the right of suffrage in said Chickasaw Nation, and voted for Governor of the Chickasaw Nation, and other officers at a regular election for said officers by the Chickasaw Tribe of Indians and exercised said privileges until the same was denied by the Chickasaw Government to intermarried citizens.

Applicant further states that he has always exercised property right in the Chickasaw Nation, and the Chickasaw authorities have permitted non-citizen labor according to the customs of the Chickasaw Nation to reside here under him.

Applicant further states that his name appears upon the roll of citizen-ship of the Chickasaw Tribe of Indians, as compiled by the Indian authorities, during the year 1898, which roll was made for the purposes of determining the citizens of said tribe for a distribution of the lease district funds.

That said applicant was duly enrolled at that time and that he was paid by the National Treasurer of the Chickasaw Nation, his pro-rata of said fund during the summer of 1898.

That said roll is the only roll of citizenship of the Chickasaw Tribe of Indians made by said tribe, prior to November 1896, and that applicant's name has been on the said roll ever since the year 1898, and was on said roll on June the 10th, 1896, and still appears on said roll, as a citizen of the Chickasaw Tribe of Indians, as shown by a certificate from L. Q. Burris, National secretary of the Chickasaw Nation, and custodian of the roll of citizenship, herewith filed and made a part of this application, and also the application ^{affidavit} of C. B. Carter, National auditor, and custodian of the rolls of 1898.

Applicant further states that about August 1896, he filed a suit in the District court, of the Chickasaw Nation, Indian Territory, at Tishomingo, wherein he was plaintiff; That said court recognized him as a citizen, and took jurisdiction of said suit and same was prosecuted to a final judgment at the November term of said court 1896, and the plaintiff was granted the decree asked for in the complaint by Matt Willis, District judge of the District Court, Chickasaw Nation, Indian Territory, as shown by a certified copy of the decree in said case, filed herewith and made a part of this application.

That when the roll of citizenship was compiled by the Legislature in October or November 1896, that the Chickasaw authorities compiling said roll refused to enroll this applicant

that at the time said authorities so refused to enroll this applicant the time for making application to your Commission of the act of June the 10th, 1896, had expired, and for this reason this applicant could not make application to your Commission, as the refusal of the Chickasaws' to enroll ~~him~~ was after ~~June~~ the 10th day of September 1896,

Applicant says that by reason of his name being upon the roll of citizenship, of the Chickasaw Nation, on the 10th day of June 1896, and by reason of the recognition of his citizenship by the District court in suit before the court, in this application in 1896, ^{as shown} ~~as shown by certified copy of decree hereto attached and made a part of this application~~ That his citizenship as a member of the Chickasaw Tribe of Indians was confirmed by the act of June 10th, 1896.

Wherefore applicant asks that this Commission enroll him as a citizen of the Chickasaw Tribe of Indians.

Millard F. Ball

Subscribed and sworn to before me this the 31st day of June 1897.

W. C. McNeill
Notary Public, Southern District
Indian Territory at Ardmore.

In Re Millard F. Ball, ---)
-VS-)
Chickasaw Nation,-----)

affidavit of M.F. Ball

This day personally appeared before me Millard F. Ball, personally well known to me to be the person mentioned in the application to citizen-ship, for which this affidavit is to support, and after being dully sworn deposes and says:

My name is Millard F. Ball, and I am a resident of Pickens County, Chickasaw Nation, Indian Territory, and have resided in the said Chickasaw Nation, Indian Territory, since 1883.

I was dully and legally married to Mrs. *L.O.* Mayfield, (Nec Box), who was a Chickasaw Indian by blood on the 31st day of August 1886, by Willis Dickerson, county judge *of Pickens Co* of the Chickasaw Nation, near Willis, in the Chickasaw Nation, Indian Territory, that ever since my said marriage I have resided in the Chickasaw Nation, Indian Territory, and have been recognized as a citizen of the Chickasaw Tribe of Indians, and have exercised the right of suffrage, as a citizen of the Chickasaw Tribe of Indians, after my marriage and before the inter-married citizens was disfranchised.

I voted for governor at the regular election of the Chickasaw Tribe of Indians, at Burneyville, at the time, *Wm* Guy, and W.L. Byrd, were opposing candidates for governor. I think it was the first time that these two candidates ran for governor.

I have always exercised the *right* ~~and~~ enjoyed the privileges of a citizen of the Chickasaw Tribe of Indians, and have always been recognized as such citizen, until October 1896, when the Chickasaws' refused to put me on the roll compiled by them at that time. I was dully enrolled by the Chickasaw Authorities, in 1898, when they compiled a roll for the distribution of league district money and drew my pro-rata part of the league district money during the summer of 1898, and my name has been on the roll compiled at that time and was on said roll on the 10th day of June 1898, and

is still on said roll.

In July or August 1896, I filed a suit in the District Court, of the Chickasaw Nation, at Tishomingo, wherein I was plaintiff and my wife L.O. Ball, was defendant, which court took jurisdiction of said case and ^{rendered} a final judgment thereon at the November term of court 1896,.

The Indian Authorities have always recognized me and granted permits to non-citizen labor in my name.

Willard J. Ball

Subscribed and sworn to before me this the 31st day of July, 1897.

W. C. Williams

Notary Public, Southern District
Indian Territory at Ardmore.

J. C. Thompson
Attorney for Applicant
Ardmore, T. T.

To Who . It May Concern:-

I was the judge of the Circuit Court for the Eastern District of Texas during the year 1894; at the April term of said court in 1894, the case of M. Filmore Ball and others, wherein Filmore Ball was charged with the murder of W. T. Box, was tried before me. On this trial Filmore Ball filed a plea to the jurisdiction of the court and claimed that he was the lawful husband of Lucy Box, an Indian woman, and that the deceased, though a white man, was the lawful husband of Lucy's mother, who was an Indian woman, and that they (Filmore Ball and W. T. Box) were both citizens of the Indian Territory. During the trial the defendant offered in evidence the marriage license of Filmore Ball to Lucy Box and the return showing that Filmore and Lucy were duly married, and further showed that W. T. Box and Lucy's mother were duly married, and that Lucy and her mother were both Indian women. To rebut this proof as to jurisdiction, the Government then introduced a license and return showing that ~~Lucy Box~~ prior to her marriage with Filmore Ball Lucy Box was married to one Mayfield, and that Mayfield was still living and that they were not divorced. Under this proof I was of opinion that the marriage between Filmore Ball and Lucy Box was invalid, and so instructed the jury. After this trial and on a motion for rehearing this matter was before me again, and the defendant then showed that prior to the marriage of Lucy Box and Mayfield, that Mayfield had been married to Louisa Rogers, and that she was still living and that they had not been divorced. With all these facts before me I was of the opinion that the marriage between Mayfield and Lucy Box was a nullity for the reason that Mayfield had a living wife at the time of the marriage, and that the marriage between Filmore Ball and Lucy Box was valid. However, I overruled the plea to the jurisdiction again for the reason that the marriage between Box and his wife was shown to be illegal.

"Ex F"

A. S. August

Exhibit "A"

S. L. Mayfield }
To }
Louisa Rogers }

Be it Remembered, That on
this 16 day of Jan'y 1871 the
following Marriage license
was issued to wit:

Texas To Wit: Cooke County S.D. To all who
shall see these presents, greeting. Know ye, that
any person legally authorized to celebrate the rites
of Matrimony is hereby licensed to join
in Marriage as husband and wife S. L. Mayfield
and Louisa Rogers and for so doing this shall
be his sufficient authority.

In Testimony Whereof J. F. L. Cleaves Clerk
of Cooke County Court, herewith subscribe my name
and affix the seal of said Court this 16 day of
January 1871.

J. F. L. Cleaves

Be it Further Remembered, That on this day of
18 the following certificate was filed in my
office to wit: Texas To Wit: Cooke County

This certifies That I joined in Marriage
as husband and wife S. L. Mayfield and Louisa
Rogers on the 16 day of January 1871

John Tyler M. S.

THE STATE OF TEXAS, }
COUNTY OF COOKE.

I, A. J. THOMPSON, Clerk of the County Court of Cooke County,

hereby certify that the above and foregoing 1 page of writing is a true and
correct copy of a Marriage License as it appears of record
in my office, in Volume 7 Page 336 Record of Marriages Cooke County, Texas.

To certify which I herunto set my hand and official seal, at office, in the City of
Gainesville, Texas, this 29 day of November 1871

A. J. Thompson
County Clerk, Cooke County, Texas.

By J. N. Medkiff Deputy.

Exhibit "B"

I, W. C. Nichols, Clerk of the District
Court of Cooke County, Texas, hereby
^{certify} that on December 5th 1878 Louisa
Mayfield filed a suit for divorce
against J. C. Mayfield, said suit be-
ing cause no. 1136 on the docket of
the District Court of Cooke County,
Texas, and that said suit remained
on the docket until February 12th 1883
when the same was dismissed by
the following order which I certi-
fy to be a true and correct copy
as recorded in Vol 5 page 327 civil
minutes of said court, to-wit.

Louisa Mayfield } Monday February 12th 1883
#1136 wa } This day came on
J. C. Mayfield } to be heard the above
entitled cause and the said plaintiff
Louisa Mayfield having failed to ap-
pear and prosecute her said suit x
It is therefore considered by the court
that the plaintiff take nothing by
her ^{said} suit and that the defendant
J. C. Mayfield go hence without day
and that he have and recover of the
plaintiff his costs in this behalf ex-
pended and that he have his execu-
tion x It is further ordered by the
court that execution issue in
favor of the officers of court

against the said Louisa Mayfield
and the sureties on her bond for
costs, to-wit; M. M. Franklin, G. L. Bridge
and Robert Rogers, for all the costs
in this behalf incurred "

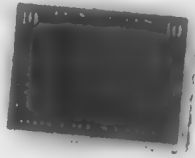
Given under my hand and the seal
of said District Court this 29th of Nov 1899

W. Nichols

Clerk District Court

Cooke Co Texas

By T. A. Cobb Deputy



Marriage License

S. C. Mayfield

AND

Miss L. O. Box

Issued Sept 1st 1881

E. F. Bunch

County Clerk.

By Harry Jackson Deputy.

Recorded in Book ³ Eight, Page 557

Marriage Records.

E. F. Bunch

Clerk.

Returned and Filed for Record the 10th day of Sept A. D. 1881
and Recorded the 10 day of Sept 1881

E. F. Bunch Clerk.

By Deputy.

THE STATE OF TEXAS, }
COUNTY OF COOKE.

I, A. J. THOMPSON, Clerk of the County Court of Cooke County,

hereby certify that the above and foregoing pages of writing is a true and
correct copy of a Marriage License as it appears of record
in my office, in Volume 3 Page 557 Record of Marriages Cooke County, Texas.

To certify which I hereunto set my hand and official seal, at office, in the City of
Gainesville, Texas, this 29 day of Nov 1899

A. J. Thompson
County Clerk, Cooke County, Texas.

By J. H. Mickiff Deputy.

Exhibit "C"

STATE OF TEXAS



To any Judge of the County or District Court, Regularly Licensed or Ordained Minister of the Gospel, ~~Justice~~ Rabbi, or Justice of the Peace in and for said County of Cooke.

GREETING

YOU ARE HEREBY AUTHORIZED TO SOLEMNIZE THE

Rites of Matrimony

Between. Mr. C. S. Mayfield
 and. Miss L. O. Box
 and make due return to the Clerk of the County Court of said
 County within Fifty days thereafter certifying your action
 under this License.

(Signature)

Witness my official signature and seal
 of office in Gainesville, this 1st
 day of September A. D. 1881

Harry Jackson
 Deputy.

E. F. Bunch
 Clerk of the County Court, Cooke Co.

I R. M. Hancock hereby certify that
 on the 11th day of September A. D. 1881
 I united in Marriage C. S. Mayfield and
 Miss L. O. Box the parties above named.

Witness my hand this 10th day of September A. D. 1881

R. M. Hancock
 M. S.

Mayfield that I knew in Salter
and Cooke Co Texas in the
year 1871 and who married
Louisa Rogers during said
year 1871 is the same
Mayfield who married the
Indian girl by the name
of Rox near Burneyville, Mo,
in the year 1881.

John A. Williams
Subscribed and sworn to before
me this the 24th day of Nov, 1898.

Walter A. Bruce
Notary Public

Affiant
W of

John A. Williams

Exhibit "B"

Chickasaw Nations
Indian Territory

Before me the undersigned
authority on this day personally appeared
John A. Williams, who now ~~resides~~ near
Duncan in the Chickasaw Nation Indian Territory,
who after being duly sworn on his oath
deposes and says that during the
year 1871 he the affiant resided in
"Sodlers Bend" Cooke County Texas
That during said year (1871) he
became acquainted with Cebé May-
field and his wife Louisa
Mayfield (whom maiden name was
Louisa Rogers) That affiant was
well acquainted with said Cebé
Mayfield and his wife Louisa
Mayfield, nee Louisa Rogers,
That this affiant ~~is~~ was well acquainted
with John Tyler, the minister who
performed the marriage ceremony
making "Cebé" Mayfield and Louisa
Rogers husband and wife. That
said minister, John Tyler married
this affiant on the 8th of Sept, 1871,
in "Sodlers Bend" Cooke County Texas,
That said Mayfield and his wife
separated about the year 1873,
in Cooke County Texas, and have

never lived together since their
separation, ~~during~~ That a few years
after the separation of Mayfield and
his wife in Cook County Texas,
in 1873, said Mayfield came
to the Chickasaw Nation IT, and lived
near Simon in the Chickasaw Nation
Indian Territory with his father who
lived near Simon P.O., I have
seen said Cebe Mayfield at
his father's ^{home} near Simon in said
Chickasaw IT, about the year
1878, I also saw said Cebe Mayfield
at or near Leon IT, about
said time, The father of Cebe
Mayfield was Alex Mayfield who
is now dead I think Alex Mayfield
died about 1893 or 94 near Harrison's
Mill in the Chickasaw Nation IT,
I understood from common
report that Cebe Mayfield
married an Indian girl by the
name of L O Boy, who lived
in the neighborhood of Bumy
in the Chickasaw Nation IT about
the 1881, Alex Mayfield told
me before his death that his
son Cebe Mayfield had

nee Rogers

married an Indian girl by
the name of Boy who lived
~~lived~~ near Burreyville ^{Mo.}
I was living near Leon in
the Chickasaw Nation ^{Mo.} from the
fall of 1893 to 1893, I married
an orphan Cousin of Louisa Mayfield
on Sept 8th 1874 in Salles Bend,
Cooke Co Texas in the year 1874,
I have known Louisa Mayfield
nee Rogers since the year 1871.
About the year 1879 Louisa Mayfield
nee Rogers, moved from Salles
Bend Cooke Co Texas to Brown Co
Texas, and now lives near San
Antonio Texas or was last
winter when I last heard from
her, she said Cebé Mayfield
and his wife Louisa Mayfield
nee Rogers have never been
divorced, at least Louisa
told me when she paid me
a visit at my home near
Duncan ^{Mo.} in the year 1895,
that she and Mayfield had
never been divorced, that
after Mayfield went and married
~~he~~ that by his marrying, he
divorced her. The Cebé

I hereby certify, as Clerk of Pickens
County Chickasaw Nation, that the above
and foregoing is a true and correct
copy of an order now on file in
this office.

Witness my hand and seal of office
this 4th day of Jan. 1900.

W. P. Datt
County Clerk Pickens County,
Chickasaw Nation.

STRICT COURT, CHICKASAW NATION,

R. B. WILLIS, DIST. JUDGE
A. T. MCKINNEY, DIST. CLERK.

convenes at Tishomingo City, Ind. Ter.

1st. Term Begins 1st Monday in May.
2nd Term Begins 1st Monday in November.

Emet, I. T. 189

The Chickasaw Nation } Nov. Term of the Dist. Court
Tishomingo, Nov. 16th 1896

W. H. Ball }
vs. } Suit in Remoet.
Lucy Ball, }

Case called and jury was empanelled
Nov. 16th 1896. Verdict rendered in favor of
Plaintiff W. H. Ball, each assessed a guilt
the Defendant Lucy Ball, for \$75.00

attest }
A. T. McKinney } R. B. Willis
Clerk } Dist. Judge C. M.

I hereby certify that the foregoing suit in Remoet
was tried at the Nov. Term of the Dist. Court of
the Chickasaw Nation 1896, and this is a true copy
of the original, as file in this office

Ex E A. T. McKinney
Dist. Clerk

Indian Territory }

Southern District }

~~Isaac O. Lewis~~ on his oath states that he is a Chickasaw Indian by blood and was a member of the legislature of the Chickasaw Nation which convened in September 1896. Affiant states that he knows that Millard F. Ball was on the rolls as it existed up to the meeting of said legislature in September 1896 and that during that session of said legislature Millard F. Ball's name was stricken from the rolls as a member of the Chickasaw Tribe.

Isaac O. Lewis

Subscribed and sworn to before me this
22nd day of November 1896.

Notary Public

Notary Public,

"Exhibit D"

Chickasaw Nation

Indian Territory

D L C Burris, National Secretary of the Chickasaw Nation and custodian of the rolls of citizenship of the Chickasaw Tribe hereby certify that M. F. Ball was duly enrolled as a citizen by intermarriage of the Chickasaw Nation on the roll made in 1893, and that his name now appears on such roll in my possession and the roll made in 1893 is the only roll of citizenship of the Chickasaw except the roll of Nov. 1896, and that M. F. Ball's name does not appear on the roll of Nov 1896, and in June 10th 1890 the only roll of citizenship we had was the roll of 1893

Witness my hand & seal of office on this the 30th day of July A.D. 1897

D L C Burris

National Secretary and
Custodian of the rolls

Ex B


Indian Territory, }
Southern District, } ss
Chickasaw Nation, }

C.D.Carter, of lawful age on oath states that he is a Chickasaw by blood, and was National Auditor, during the payment of the proceeds of the leased district sale, and by virtue of his office, was custodian of the census, and annuity rolls during said payment, and that he knows the name of M.F.Ball, appeared on said roll, and that the money was drawn in his name, the same as other citizens.



Subscribed and sworn to before me this the 4th day of August.

A.D.1897.



Notary Public. Southern District.
Indian Territory at Ardmore.

Exc

Exc

* CHICKASAW · NATION, · COUNTY · OF · PICKENS. *

To Any Judge of The County or District Court, Ordained Minister of The Gospel in and for Said County of
Pickens, GREETING:

You Are Authorized to Solemnize The
rites of Matrimony.

BETWEEN MR. *M. F. Ball* AND MRS. *L. O. Mayfield*

And make due Return to the Clerk of the County Court within
Thirty Days thereafter certifying your action Under This License.

Witness my Official Signature and Seal of Office, Pickens County Court House, this
31st day of *August* 1886

By *Willis Dickerson* Deputy Judge County Court, Pickens County

I *Willis Dickerson* hereby certify that on *31st* day of *August*

D. 1886, I United in Marriage *M. F. Ball* and *L. O. Mayfield*
the parties above named.

WITNESS my hand this *31st* day of *August* 1886
Willis Dickerson

Filed for Record *31st* day *January* 1886, Recorded *31st* day of *January* 1886
A. H. Lane

(Certificate on back hereof)
1886

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

Washoe, I.T., September 21st., 1888.

Ms. Tame Sister,

Acting Chairman,

Armore, I.T.

Dear Sir:

I am in receipt of your telegram of this date asking that there be forwarded to the Commission at Armore all the papers in the following cases:

Mildred E. Hall
W.R. Cox
Martha A. Troop
Jesse E. Troop.

Also marriage certificate for M.G. Moutray.

While I do not find any papers styled "Mildred E. Hall" I do find an application for enrollment by "Millard E. Hall", which I presume is the name intended. Neither do I find any papers under the name of M.G. Moutray. The other papers asked for are forwarded herewith.

Very truly yours,



Secretary.

Muskogee, Indian Territory,

August, 18th 1900.

Milliard F. Ball,

Atlee, Indian Territory,

Dear Sir,-

You are hereby notified that the Chickasaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Chickasaw Nation.

For the purpose of hearing any additional testimony which may be offered by either you or the attorneys for the Chickasaw Nation, the Commission will hold a session at Atoka, Indian Territory, commencing December, 3rd, 1900, at which time and place you will be allowed to offer any additional evidence which you may desire to submit in support of your application, such hearing to be final.

Yours truly,

Acting Chairman.

9-D-208

Muskogee, Indian Territory, October 27, 1900.

J. O. Thompson,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 25th instant in which you state that Mr. W. F. Hall, whom you represent in the matter of his application for enrollment as a citizen of the Chickasaw Nation has informed you that he has been notified by this Commission that the attorneys of the Chickasaw Nation have filed a protest to his enrollment which will be heard and finally disposed of by the Commission at its session at Afton beginning December 3rd, 1900.

You now desire to be informed as to the objection made by the attorneys of the Chickasaw Nation to the enrollment of Mr. Hall so that you may be prepared to present his side of the case for the consideration of the Commission.

You are informed that the Commission cannot at this time go into the merits of those cases in which the Chickasaw Nation has filed this protest. The Commission has however, required of the representatives of the Nation that they prior to October 31st, 1900 gave notice upon such protested applicants stating thereon the grounds upon which objection is made to their enrollment.

Mr. Hall will now be notified.

Very truly yours,

J C T 2

pro of it will be necessary for him to present to the Commission in the matter of his application for enrollment, as a citizen of the Chickasaw Nation.

Yours truly,

Acting Chairman.

C-2-220

Muskogee, Indian Territory, November 26, 1900.

J. C. Thompson,

Attorney at Law,

Araders, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 26th instant in which you state that Mr. Willard W. Ball, a client of yours, has been notified of the protest filed with this Commission by the representatives of the Chickasaw Nation to his enrollment as an intermarried citizen of that Nation, and that the Commission will hear additional testimony in support of his application at Atoka, Indian Territory at a session beginning at that place on the 3rd day of December, 1900.

You state in your letter that it will be a great inconvenience to Mr. Ball and yourself to be there on the 3rd day of December and have to remain there indefinitely for a hearing and that you request that a day be set for hearing this case.

The Commission cannot set any special day for the hearing of any of the contested cases at the session at Atoka, but it will be the policy of the Commission at this appointment to take up each day and hear the testimony in as many cases as may be presented, but it cannot designate as to how many cases will be heard on any one day and its appointment will be entirely limited by the amount of business that is each day presented.

There is no doubt but that Mr. Ball and Mr. Thompson will be present at Atoka on the 3rd day of December, 1900.

J. O. R. 2

Ball will be allowed to present his case at that time, but as to setting the case for hearing on any particular date, the Commission cannot do so.

Yours truly,

Acting Chairman.

9-D-208

Muskogee, Indian Territory, February 8, 1901.

J. C. Thompson,

Attorney at Law,

Ardenre, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 5th instant in which you desire to be informed if the attorneys for the Choctaw Nation have as yet filed a brief in the matter of the application of William V. Hall et al to be enrolled as citizens of the Chickasaw Nation. That you have not received a notice of the filing of such brief and if such has been filed you desire a copy of the same in order that you may prepare a reply brief.

In reply to your letter you are informed that the Commission has extended the time in which the attorneys for the Choctaw and Chickasaw Nations can submit briefs in connection with the Choctaw or Chickasaw enrollment cases to April 1st, 1901 and that the time in which the applicants can file written arguments or brief in reply, has been extended to May 15th, 1901.

The Commission has required of the attorneys for the Choctaw and Chickasaw Nations that in those cases in which they desire to file written arguments or brief that they be filed in duplicate so that a copy may be furnished the applicants whose rights to enrollment are protected.

If you will call the attention of the Commission to this matter some time after the first of April, as brief is filed in

7872

this case, you will be furnished with a copy of the same.

Yours truly,

Acting Chairman

9-11-58

COMMISSIONERS
HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Chickasaw D-203

ADDRESS ONLY IN
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 19, 1902.

Willard F. Ball,

Atlee, Indian Territory.

You are hereby notified that the application of yourself
and your two minor children, Mary Gertrude and Lila Agnes Ball,
for enrollment as citizen of the Chickasaw Nation will be taken
up for final consideration by the Commission to the Five Civil-
ized Tribes, at its office in Muskogee, Indian Territory, on
the 5th day of May, 1902.

On said date you may, if you desire, appear before the Commis-
sion in person or by attorney when an opportunity will be given
you to introduce any additional testimony affecting said appli-
cation which you may think proper or necessary.

You are further notified that the representatives of the
Chickasaw Nation will also, at the same time, be afforded an op-
portunity to introduce testimony affecting your right to en-
rollment, but said representatives will be required to notify
you of their intention to introduce such testimony before they
will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

register.

T. B. Needles.

Commissioner in Charge.

Chickasaw D 308
and 7-40

Muskogee, Indian Territory, April 20, 1902.

J. G. Thompson,

Attorney at Law,

Admore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, requesting that the final consideration of the application of Willard E. Ball for enrollment as an intermarried citizen of the Chickasaw Nation be re-set for May 5th, 1902, instead of May 5th, 1900, and that the case of Mrs. M. A. Graden be continued from May 3rd, 1902, to May 5th, 1902, and also requesting that you be furnished with the name of the legal representative of the Chickasaw Nation.

In accordance with your requests the final consideration of the matter of the application of Willard E. Ball has been re-set for May 5th, 1902, and the case of Mrs. M. A. Graden has been continued from May 3rd, 1902, to May 5th, 1902.

The legal representatives of the Cherokee and Chickasaw Nations, are Messrs. Mansfield, McHenry & Gurnish, Attorneys at Law, South McAlester, Indian Territory.

Yours truly,

Chickasaw B 208

Muskogee, Indian Territory, April 20, 1903.

J. C. Thompson,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 15, asking the status of the application of Millard F. Ball for enrollment as an intermarried citizen of the Chickasaw Nation, and in reply you are advised that the rights of Millard F. Ball to enrollment as an intermarried citizen of the Chickasaw Nation have not yet been determined. As soon as a decision is reached in this case the applicant will be notified of the action of the Commission.

Respectfully,

Chairman.

Chickasaw D 298

Waskago, Indian Territory, August 3, 1903.

M. F. Ball,

Atlee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 28, asking what decision has been rendered relative to your claim to citizenship.

In reply to your letter you are advised that it appears from our records that you have been listed among the doubtful claimants to enrollment as an intermarried citizen of the Chickasaw Nation and your final right to such enrollment has not yet been determined. As soon as a decision is reached in your case you will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, November 10, 1903.

M. F. Ball,
Atlee, Indian Territory.

Dear Sir:

Your letter of November 3, addressed to Mr. Chilion Riley, has been referred to the Commission for reply. Therein you ask the status of your application for enrollment as an intermarried citizen of the Chickasaw Nation.

In reply to your letter you are informed that the Commission has not yet passed upon your application for the enrollment of yourself and your children, Mary Gertrude, Lula Agnes and Willard Byron Ball, as citizens of the Chickasaw Nation. As soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.

Chickasaw D 208

Muskogee, Indian Territory, February 9, 1904.

Millard F. Ball,

Atlee, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of Millard F. Ball, Mary Gertrude Ball, Lula Agnes Ball, and Millard Byron Ball, as citizens of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Chickasaw D 208

Muskogee, Indian Territory, May 9, 1904.

J. C. Thompson,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 3, asking that the application of Marion F. Ball for the enrollment of himself and his three minor children be passed upon at an early date in order that they may make selection of their allotments.

In reply to your letter you are advised that it is believed you refer to the application of Millard F. Ball for the enrollment of himself and his minor children, Mary Gertrude, Lula Agnes and Millard Byron Ball, as citizens of the Chickasaw Nation. You are informed that the Commission has not yet passed upon the application of Millard F. Ball for enrollment as an intermarried citizen of the Chickasaw Nation and on February 6, 1904, there was filed with the record in this case the protest of the attorneys for the Choctaw and Chickasaw Nations, under date of January 23, 1904, in which they request that final action in this case be postponed until the decision of the Choctaw and Chickasaw Citizenship Court in the case of John E. Bradshaw versus the Choctaw and Chickasaw Nations, Number 3 on the Fishamingo Docket, in which said court will pass upon the validity of

J C T 2

that portion of the intermarriage laws of the Chickasaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question, they allege, is involved in your case.

On the same date there was filed the protest of the attorneys for the Choctaw and Chickasaw Nations, in which they request that final action in the matter of the application for the enrollment of Mary Gertrude, Lula Agnes and Willard Byron Ball, be postponed until the decision of the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al. versus the Choctaw and Chickasaw Nations, Number 37 on the South McAlester Docket, in which said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, can confer rights of citizenship upon white persons whom they may marry and upon their white children by them, which questions, they allege, are involved in this case.

Under the instructions of the Department of November 18, 1903, the Commission can take no further action in cases of this character, wherein protests have been filed by the attorneys for the Choctaw and Chickasaw Nations, until further directed by the Secretary of the Interior.

Respectfully,

Chairman.

Chickasaw B 208.

COPY.

Muskogee, Indian Territory, September 20, 1904.

Millard F. Ball,

Atlee, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1904, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

~~signed~~

James Bixby.

Chairman.

Registered.

Incl. B-2-208.

Chickasaw D 202,

COPY.

Muskogee, Indian Territory, September 20, 1904.

J. C. Thompson,
Attorney at Law,
Ardenre, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 20, 1904, rendered its decision, granting the application for the enrollment of Willard V. Ball, as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Signed

James Bixby

Chairman.

Registered.

Chickasaw D 202.

COPY.

Muskogee, Indian Territory, September 20, 1904.

Hopkins & Hill,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 20, 1904, rendered its decision, granting the application for the enrollment of Millard F. Hall, as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Yours

Tama Bixby

Chairman.

Registered.

Chickasaw D 208

COPY.

Muskogee, Indian Territory, September 20, 1904.

Mansfield, McMurray & Cornick,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered September 20, 1904, granting the application for the enrollment of Millard F. Ball as a citizen by intermarriage of the Chickasaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tame Bixby

Registered.

Chairman.

Incl. 9-D-208.

See Choctaw 4475 for registry receipt for this letter.

Chic 1774

Chic 1774

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

In the matter of the application for the enrollment of
Serena Black (formerly Mack), as a citizen by intermarriage of the
Chickasaw Nation.

--:--

9-D-88

9-D-26.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Tishomingo, Indian Territory, November 2, 1902.

In the matter of the application for enrollment of Serena Black as a citizen by intermarriage of the Chickasaw Nation.

Said Serena Black, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Serena Black.
Q What is your age? A Fifty-eight, the seventh of this month.
Q What is your postoffice address? A Enet.
Q You claim right to enrollment as an intermarried citizen of the Chickasaw Nation? A Yes sir.
Q What is the name of your husband through whom that you claim the right to enrollment? A George Washington.
Q How long have you been a resident of the Choctaw-Chickasaw country? A Going on thirty-one years.
Q You haven't been outside of the Indian Territory within the last seven years to establish a residence or make a home? A No sir.

Irvin S. Hillis, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause heard at Tishomingo, Indian Territory, November 6, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 6th day of November, 1902.

Charles H. Sawyer

Notary Public

RSS
Dole

9-D-88.

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

In the matter of the application for the enrollment of Serena Black (formerly Mack), as a citizen by intermarriage of the Chickasaw Nation.

--:--

D E C I S I O N .

It appears from the record herein that on December 23, 1871, the applicant, Serena Black (formerly Mack), was lawfully married to George Washington, deceased, a recognized citizen by blood of the Chickasaw Nation, and that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and that they lived together, continuously, as husband and wife, in said Nation, until the death of said George Washington, February 25, 1874, and that subsequently the applicant was married to Joe Mack, a Shawnee Indian, from whom she was divorced, and subsequently thereto, was married to Robert Black, a non-citizen white man.

Upon an examination of the tribal rolls in the possession of the Commission, the applicant is identified upon the 1896 Chickasaw census roll, Pickens county, page 79, enrolled thereon as a citizen by intermarriage of said Nation, and also the applicant is identified upon the 1893 Chickasaw pay roll, No. 1, page 109.

It further appears from the record herein that the applicant Serena Black, had been a resident in good faith of the Chickasaw Nation from the date of her said marriage to George Washington deceased, up to and including September 25, 1902.

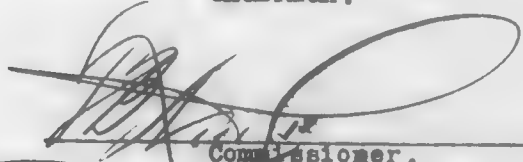
It is, therefore, the opinion of this Commission, that, Serena Black should be enrolled as a citizen by intermarriage of

the Chickasaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898, (30 Stat., 495), and July 1, 1902, (32 Stat., 641), and it is so ordered.

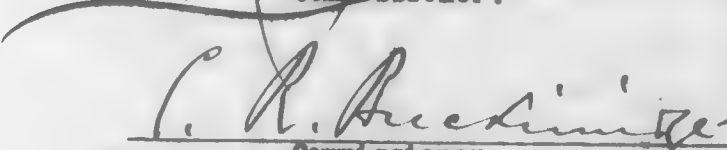
COMMISSION TO THE ~~INDIAN~~ CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of Serena
Black for enrollment as a citizen of the ---D 68---
Chickasaw Nation, by intermarriage.

On the 17th day of March, 1902, the applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail that the application of Serena Black for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the third day of May, 1902, for final consideration.

Now, on this third day of May, 1902, this cause coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant being called appeared in person, whereupon the following proceedings were had:

Serena Black, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Serena Black.
Q How old are you? A Fifty eight.
Q What is your post office address? A Emot, Indian Territory.
Q You are a white woman? A Yes sir.
Q An applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation? A Yes sir.
Q What was your maiden name? A Belan.
Q When were you first married? A Thirty one years ago the 23rd day of last December.
Q Who were you married to at that time? A George Washington, a full blood Chickasaw.
Q That was your first husband? A Yes sir.
Q He was a recognized and enrolled citizen of the Chickasaw Nation? A Yes sir.
Q Where were you married to him? A On the Washita river in Pichens county.
Q Who married you? A Fargen Bell.
Q Did you obtain a license to marry him? A Yes sir, I guess we did; it is recorded.
Q Did you obtain a license or did you just go before Bell and marry? A He got license.
Q Where did you get it? A In the Chickasaw Nation.
Q When did you get it from? A I can't remember.
Q Have you got a copy of that license or the original? A It is here somewhere, I filed it at Tishomingo before the Commission.

Serena Black-----2

- Q At the time you registered at Tishomingo you presented a certificate of Robert S. Bell, who married you to George Washington; Now, what I want to know is, Did you get a license to marry this man from the Chickasaw tribal authorities? A I suppose he did, but I can't remember back to save my life..
- Q Do you know whether he did or not? A I can't tell because I don't know whether that was in force at that time.
- Q I want to know if you have any knowledge of George Washington obtaining a license from the Choctaw tribal authorities to marry you under the Chickasaw Law? A I can't remember.
- Q You don't know whether there was a license? A I don't remember whether there was any license, but I know he had our marriage recorded.
- Q How long did you live with George Washington? A I lived with him--we married on the 23rd day of December, and I lived with him a little over two years and he taken sick on the 9th day of November and died 25th of February.
- Q What year? A Two years after we were married.
- Q Have you ever married since then? A Yes sir.
- Q Whom did you marry? A A man by name of Black.
- Q Have you married any one else since George Washington's death? Before you married Black, I mean? A Yes sir, married a Shawnee Indian named Joe Mack.
- Q When did you marry him? A I married him about four years after my first husband died, I think.
- Q How long did you lived with him? A Four years.
- Q Did he die? A No sir.
- Q Were you divorced from him? A Yes sir, I was divorced from him.
- Q Then did you marry some one else? A Yes sir, Robert Black.
- Q When did you marry him? A Four or five years after that.
- Q Is Robert Black a white man? A Yes sir.
- Q Is he living? A No sir.
- Q When did he die? A He died three years ago now.
- Q You have not married since then? A No sir.
- Q Your Shawnee husband and Robert Black had no rights of citizenship in the Chickasaw Nation? A Not that I know of, Robert Black was a white man.
- Q And your second husband was a Shawnee Indian? A Yes sir.
- Q Did you ever get any rights of citizenship in the Shawnee tribe of Indians? A No sir.
- Q You claim your right to enrollment as a citizen by intermarriage of the Chickasaw Nation by reason of your marriage to your first husband, George Washington? A Yes sir.
- Q And you don't know whether he obtained a license under the Chickasaw law to marry you or not? A I think he did; it may be we was married before there was any license; I know we was married before there was this \$50.00 license. And I don't know whether there was any license taken out then or not.
- Q That is all you know about it? A Yes sir.
- Q Have you any witnesses here this morning that know anything about your Chickasaw marriage? A No sir.
- Q Is there anything further you want to say? A That is all I have got to say.

Berona Black-----3

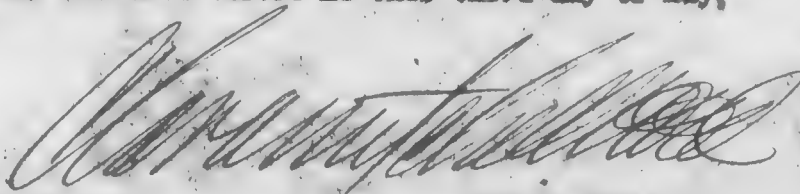
Q You want to rest your case upon such evidence as is now on file before the Commission? A Yes sir.

-----0-----

Harry O 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 case on the third day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry Risteen

Subscribed and sworn to before me this third day of May, 1902.



Notary Public.

Pickens, county C.M.,

I, **Wm. S. Bell** an Ordained Minister of the Cumberland
Presbyterian Church, do certify that on the 23rd. day of Dec, 1871
Geo. Washington & Syrens Bolin were joined in marriage by me
according to the forms and usages of the said Cumberland Church,
Given under my hand the day and year above herein written.
Wm. S. Bell

Minister of the C P Church

Pickens Co. C.M. Dec. 27th. 1871,-

I hereby certify that the above is a correct copy of a marriage
Certificate handed me for Record.
Given under my hand this, 26 & date above written.

Wm. P. Worthington

County Clerk
Thomas Pratt

Muskogee, Indian Territory,
August, 18, 1900.

Serena Black,
Emmet, Indian Territory,

Dear Madam,-

You are hereby notified that the Chickasaw Nation, through its Attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Chickasaw Nation.

For the purpose of hearing any additional testimony which may be offered by either you or the attorneys for the Chickasaw Nation, the Commission will hold a session at Atoka, Indian Territory, commencing December, 3rd, 1900, at which time and place, you will be allowed to offer any additional testimony which you may desire to submit in support of your application, such hearing to be final.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, September 18, 1900.

Worona Black,

Muskogee, Indian Territory.

Dear Madam:-

Since notifying you on August 16, 1900, of the protest filed by the Chickasaw Nation to your enrollment as a citizen of the Chickasaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised is as to you having Chickasaw blood.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 15th, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Chickasaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Chickasaw, D-88.

COPY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 17, 1908.

Serena Black,

East, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 3rd day of May, 1908.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting ~~YOUR~~ right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Register.

SIGNED:

T. B. Needles.

Commissioner in Charge

Chickasaw D 22

Muskogee, Indian Territory, April 22, 1902.

Serena Black,

Emet, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of April 17, asking if you are enrolled as an intermarried citizen of the Chickasaw Nation, and in reply you are advised, that it appears from our records that you have been listed among the doubtful claimants to enrollment in the Chickasaw Nation as an intermarried citizen, but your final right to such enrollment has not yet been determined. As soon as a decision is reached in this case you will be duly notified of the action of the Commission.

Respectfully,

Chairman.

COPY!

9-D-88

Muskogee, Indian Territory, October 13, 1904.

Serena Black,

Emmet, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) *Tams Bixby.*

Chairman,

Registered.

Incl. 9-D-88.

9-D-88

Muskogee, Indian Territory, October 15, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, granting the application for the enrollment of Serena Black as a citizen by intermarriage of the Chickasaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Chairman.

Registered.

Incl. 9-D-88.

Chic 1175

Chic 1175

In the matter of the application for the enrollment of
Mary E. Jennings as an intermarried citizen of the Chickasaw Nation.

9-D-227.

Chickasaw, D. 267.

Department of the Interior,
Commission to the Five Civilized Tribes.
Ardmore, I. T., October 30, 1908.

In the matter of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation of Mary E. Jennings.

Mary E. Jennings being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Mary Elizabeth Jennings.
Q How old are you? A 39.
Q What is your post office address? A Ardmore.
Q How long have you resided in the Chickasaw Nation? A 39 years.
Q Lived here continuously? A Well, in the Choctaw and Chickasaw Nations.
Q Maintained a continuous residence in the Choctaw-Chickasaw country for the past 39 years? A Yes sir.
Q You were born a citizen of the United States? A Yes sir.
Q You are a white woman? A Yes sir.
Q And you are an applicant for enrollment as an intermarried citizen of the Chickasaw Nation? A Yes sir.
Q What is the name of your Chickasaw husband? A Ben Lewis.
Q Was he a citizen by blood of the Chickasaw Nation? A Yes sir.
Q Always recognized as such by the tribal authorities? A Yes sir.
Q His rights as a citizen were never questioned? A No sir.
Q When did you marry him? A In 1868.
Q Have you ever married prior to that time? A No sir.
Q Has he ever married prior to that time? A Yes sir.
Q How many times? A Twice.
Q Were both his former wives dead when you married him? A Yes sir.
Q Where were you married? A Baymah in the Choctaw Nation.
Q You were living in the Choctaw Nation at that time? A Yes sir.
Q How long had you been living in the Choctaw Nation before your marriage to Lewis? A A week living there 10 or 11 years.
Q He had always lived there? A Yes sir.
Q Who married you? A Person whose name I do not know.
Q Were you married under a tribal license? A No sir, they did not issue any Indian licenses at that time.
Q Your certificate was recorded? A Yes sir.
Q How long after you married Lewis in 1868 did you live with him? A Until he died, a year and five months.
Q There was no separation, desertion or divorce between you and Lewis during his lifetime? A No sir.
Q Have you married since his death? A Yes sir.
Q When? A 1871.
Q To whom did you marry? A W. J. Jennings.
Q Was he a white man? A Yes sir.
Q Were you a citizen of the Choctaw or Chickasaw Nation when you were living with him? A Yes sir.

Mary E. Jennings—2

- Q Have you since your marriage to Lewis in 1883 maintained a continued residence in the Ghostaw-Chickasaw country? A Yes sir.
- Q And you are at this time an actual bona fide resident of the Chickasaw Nation? A Yes sir.

E. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Ardmore, I. T., on the 26th day of October, 1903, and that the within and foregoing is a full true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 6 day of November, 1903.

W. H. Martin
W. H. Stephens
Notary Public.

1283

9-D-227.

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

In the matter of the application for the enrollment of
Mary E. Jennings as an intermarried citizen of the Chickasaw Nation.

--:--

D E C I S I O N .

It appears from the record herein that on May 28, 1883, the applicant, Mary E. Jennings, was lawfully married to Benjamin F. Lewis, a recognized citizen by blood of the Chickasaw Nation, and that at the time of said marriage both of said parties were residents in good faith of the Choctaw Nation, and lived together in the Choctaw-Chickasaw Country continuously as husband and wife from the time of said marriage until the death of said Benjamin F. Lewis in September 1884; and that subsequently the applicant was married to W. J. Jennings a non-citizen white man.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1893 Chickasaw Pay Roll, No. 1, page 137.

It further appears from the record herein that the applicant had been a resident in good faith of the Choctaw-Chickasaw Country from the date of her said marriage to Benjamin F. Lewis up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Mary E. Jennings should be enrolled as a citizen by intermarriage of the Chickasaw Nation in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641) and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

In the matter of the application of Mary E. Jennings for
enrollment as a Chickasaw Indian.

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

Messrs. Cruce, Cruce & Cruce, Attorneys for applicant.
W. B. Johnson, Esq., Attorney for the Chickasaw Nation.

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

Ardmore, Indian Territory, November 26th, A. D., 1898.

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

W. J. Jennings, being duly sworn by Commissioner A. S. McKen-
non, on his oath, testified on behalf of the applicant as follows:

Direct Examination by Mr. Tams Bixby:

- Q Your wife, Mary, is a white woman, is she? A. Yes sir.
- Q Was she ever married to a Chickasaw Indian? A. She says she
was, yes sir.
- Q You didn't know B. F. Lewis? A. No sir.
- Q All you know about her marriage to B. F. Lewis is this certifi-
cate? A. There was two witnesses testified at Tishomingo in '95 --
- Q Wait a minute. Was you present? A. Yes sir.
- Q Was you present when they testified? A. Yes sir.
- Q You heard the testimony? A. Yes sir.
- Q What did they testify to? A. They testified that they knew
him. One of these women was a cousin I think to him and the other
one lived down at Savanna at the time they lived together.
- Q Lewis apply for citizenship? A. He was an Indian by blood.
- Q Always recognized? A. Yes sir.

Q How? A. I always heard that he was.

Q Do you know whether he was on the rolls or not? A. I do not.

Q How long did Mary live with Lewis? A. They married in - -
I don't remember what month. That certificate there shows.

Q Yes sir, I know? A. A year probably, only a year when he died.

Q Were they living together when he died? A. Yes sir.

Q How long after his death did you marry Mary? A. We married in '85.

Q (By Peter Maytubby, Chickasaw Com'r.) Where did this B. F. Lewis live? A. He lived at Savanna.

Q Was he a Chickasaw? A. Yes sir.

Q Whose son was he? A. He was B. F. Lewis that lived at Boggy Depot during the war, Ben Lewis. I think he married George Johnson's sister. Ben Lewis' mother is the wife of William Coleman at Savanna.

Q (By Com'r. Bixby) Do you gentlemen admit that B. F. Lewis was a Chickasaw Indian?

(By Mr. Maytubby) I have heard of such a man, but I don't know him. I would rather this case would go over until we get over into the Choctaw Nation.

(By Mr. Gruce) We are not insisting that he go on anything but a white card now.

(By Mr. Maytubby) There was such people as he claims lived down in the Choctaw Nation, and I say when we get down there we can establish the fact.

Q (By Com'r. Bixby) You are a United States citizen, are you?

A (Witness) Yes sir.

Q When did you marry? A. Married in August 1886.

Q How old is Mary E. Jennings? A. She is I believe thirty-six

years old.

Q Did she have any children by the Chickasaw Indian? A. No sir.

Mrs. Bettie Myers, being duly sworn by Commissioner A. S. McKen non, on her oath, testified on behalf of the applicant as follows:

Direct Examination by Commissioner Tame Bixby:

Q You live in the Indian Territory? A. Yes sir.

Q How long have you lived here? A. Always.

Q Are you a Chickasaw Indian? A. Yes sir.

Q Did you know B. F. Lewis and Mary E. Jennings? A. Yes sir, I know his father. His father's name was Ben Lewis. He took his name from his father. He was raised right there by me.

Q His father was a Chickasaw Indian? A. He said he was.

Q Was B. F. Lewis ever on the Chickasaw rolls that you knew of?

A No sir, I don't know.

Q Was he generally recognized as a Chickasaw Indian? A. Yes sir.

Q Do you know that he was ever married to the woman now known as Mary E. Jennings? A. No sir.

Q (By Mr. Cruce) Do you know that they lived together? A. No sir, I don't know that.

(By Mr. Cruce) I offer in evidence the affidavit of Louisa Coleman for what it is worth. She is a very old lady and may die before we get down in the Choctaw Nation. (Paper marked Exhibit A.)

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Mary E. Jennings for enrollment as
an intermarried citizen of the Chick-
asaw Nation.

---D 227---

On the 19th day of March, 1902, the applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Mary E. Jennings for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 8th day of May, 1902, for final consideration.

On the 28th day of April, 1902, Messrs Ledbetter and Bledsoe, of Ardmore, Indian Territory, attorneys for the applicant, requested that this cause be advanced to May 3, 1902, which request was granted by the Commission, and Messrs Ledbetter and Bledsoe and the attorneys for the Choctaw and Chickasaw Nations were duly notified of such action.

Now, on this third day of May, 1902, this cause coming on to be heard, the Chickasaw Nation failed to appear, and the applicant appeared by his attorney, S. T. Bledsoe, of Ardmore, Indian Territory, and there is offered, filed and made a part of the record in this case marriage license and certificate under Chickasaw tribal law of W. J. Jennings and Mrs Mary E. Lewis; also affidavit of Guy Keel as to recording of said license and certificate in the county records of Pickens county, Chickasaw Nation.

--o--

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 3rd day of May, 1902, and that the above and foregoing is a full, true and correct transcript of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 5th day of May, 1902.

Wm. H. Wood

Notary Public.

**CHICKASAW NATION, IND. TER.,
COUNTY OF PICKENS.**

of the *County*

I, *Isaac O. Lewis* Clerk
Court of Pickens County, Chickasaw Nation, Ind. Ter., do

hereby certify that the foregoing was duly filed for record and correctly recorded on page *178* on

Marriages
~~the~~ records of Pickens Co., C. N.

WITNESS MY HAND and the Seal of said county, at office in Pickens County this *13*

day of *May*

1890

I. O. Lewis

~~District and County Clerk, Pickens County, Chickasaw Nation.~~

Personally appeared before me
a Notary Public in & for the Central
District Ind Ter. Mrs Louisa Colman
of Savanna Ia.

Who deposes and
says. That she is a Citizen
of the Chickasaw Nation and
an Indian by blood. That
she resided at Savanna in
1883 and knew Mary Jemmy
well. That she was married
to her son Benjamin F Lewis
on a three quarter blood
Chickasaw on the 24th
day of May 1883. And that
the said Mary Jemmy
nee Mary Nagron, and her
son Benjamin F Lewis lived
happily together and were
never separated up to the
time of the death of Benjamin
F Lewis in Sept 1884.

The affiant further
states that her son Benjamin
F Lewis and Mary F Nagron
now Mary Jemmy, were
married according to the
laws rules and custom
of the Country at that time.

Mrs. Louisa Colman
Subscribed & sworn to this
the 8th day of October 1898

W. H. Lamberton
Notary Public
Central Dist
Ind Ter

Savanna Ia

Mary E. Jennings, ag 36
Page 137. Pay Roll 1843-70,

Sgt Child,

Dickers Co.

White Card

ok, Bunker

Manned P. F. Lewis, an
alleged Child Soldier, in

May 1883, ~~with~~ under Child Law
no license produced

He died in 1884. ~~from~~

Manned to W. J. Jennings
a U.S. Col. in Aug 1885-

CHICKASAW NATION, IND. TER.,)
County of Pickens)

I Isaac O. Lewis Clerk

of the County Court of Pickens County, Chickasaw Nation, Ind. Ter., do
hereby certify that the foregoing was duly filed for record and
correctly recorded on page 191 on Marriages records of Pickens Co. C. N.

Witness My Hand and the Seal of said county, at office in
Pickens County this 13 day of May 1890

I. O. Lewis
County Clerk, Pickens County
Chickasaw Nation.

Indian Territory,

CHICKASAW NATION.

I, Guy Keel, being duly sworn, on oath, state that I was for four years county clerk of Pickens, County, Chickasaw Nation, Indian Territory, and while acting as such clerk and inspecting the records, I saw recorded in the proper records the marriage license of Mr. W. J. Jennings and Mrs. M. E. Lewis; also, the marriage certificate of the said parties given by Willis Dickerson, County Judge.

I make this affidavit because of the fact that no registration certificate was attached to said license, and I know as a matter of fact that they were recorded.

Guy Keel

Subscribed and sworn to before

me this 8 day of May, 1899.

T. E. Roland
Notary Public.

I, Thos. Pratt, Clerk of the Pickens County Court, do hereby certify that a true and correct copy of the marriage license and return of said license is on file in my record and seal of office of Pickens County, South Carolina, this 31st day of May, 1889.

Chickasaw Nation, County of Pickens

TO ANY Judge of the County or District Court, Ordained Minister of the Gospel in and for said County of Pickens---
You are Hereby Authorized to solemnize the

ACTS OF MATRIMONY

Between Mr. W. J. Jennings and Mrs. M.E. Lewis and made due return to the Judge of the County Court, within Thirty Days thereafter, certifying your action under this license.

Witness my official Signature and Seal of Office,
Pickens County Court-House this the 31st day of
August 1888

Willis Dickerson
Judge County court Pickens Co.

I Willis Dickerson, hereby certify that on the 31st day of August A.D. 1888, I united in marriage W. J. Jennings and Mrs. M.E. Lewis the parties above named.

Witness my hand this the 21st day of August 1888

Willis Dickerson
County Judge

Filed for Record 6 day of May 1889, Recorded 6 day of May 1889

Thos. Pratt, Clerk

Form No. 260.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED
27,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

ROBERT C. CLOWRY, President and General Manager.

Receiver's No.

Time Filed

Government ^{Check} Collect.

SEND the following message subject to the terms
on back hereof, which are hereby agreed to.

1003.

Beddeter L. Medsøe,

Ardmore, Indian Territory,

Case of Mr. Jennings not yet determined. Will probably reach
same soon.

Needles,

Commissioner in Charge.

O.F.C.P.

READ THE NOTICE AND AGREEMENT ON BACK.

Muskogee, Indian Territory, July 7, 1900.

Messrs. Badger & Blodgett,

Armore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of July 5th, in which you inquire what action was taken on the application of Mrs. Mary Elizabeth Jennings for enrollment as a Chickasaw.

In reply to your letter, you are advised that the records of the Commission show that Mrs. Mary E. Jennings is listed among the doubtful claimants to enrollment in the Chickasaw Nation. The Commission has not as yet passed upon the rights of doubtful claimants to enrollment, but contemplates doing so in the near future. It is that no decision can be rendered in the case of Mrs. Jennings.

Yours truly,

Acting Chairman

Muskogee, Indian Territory, July 7, 1900.

Messrs Padgett & Madge,

Ardmore, Indian Territory,

Gentlemen

The Commission is in receipt of your letter of July 5th, in which you inquire what action was taken on the application of Mrs. Mary Elizabeth Jennings for enrollment as a Chickasaw.

In reply to your letter, you are advised that the records of the Commission show that Mrs. Mary E. Jennings is listed among the doubtful claimants to enrollment in the Chickasaw Nation. The Commission has not as yet passed upon the rights of doubtful claimants to enrollment, but contemplates doing so in the near future. Until that time no decision can be rendered in the case of Mrs. Jennings.

Yours truly,

Acting Chairman

Muskogee, Indian Territory,
August, 18th 1900.

Mary E. Jennings,
Woodford, Indian Territory,

Dear Madam,-

You are hereby notified that the Chickasaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Chickasaw Nation.

The Commission, commencing December, 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Chickasaw Nation will be permitted to offer additional testimony in your case, and this hearing will be final.

Yours truly,

9-D-227

Acting Chairman.

Muskogee, Indian Territory, August 28, 1900

Ledbetter & Bledsoe,

Ardmore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of July 31st last in the matter of the application of Mary B. Jennings for enrollment as a member of the Chickasaw Tribe of Indians by intermarriage.

You are informed that the Chickasaw Nation through its attorneys, McKennon, Mansfield, McMurray & Cornish of South Et Alister, Indian Territory, have filed with this Commission a protest to the enrollment of Mary B. Jennings, notice of which protest was mailed to her at Woodford, Indian Territory, August 18, 1900.

The Commission has required the attorneys for the Chickasaw Nation to serve on each of such contested applicants a notice stating the grounds upon which such protest is filed. Such notices to be served prior to October 31st, 1900.

The Commission will be in session at Ardmore, Indian Territory beginning December 3rd, 1900, for the purpose of a final hearing in the matter of these contested applicants in the Choctaw and Chickasaw Nations. At this session of the Commission, oral testimony will be heard in support of the claim of any applicants and written arguments and briefs will be accepted by the Commission for its consideration in any of these cases.

Yours truly,

Muskogee, Indian Territory, September 1, 1900.

Leahatter & Bledsoe,

Attorneys at Law,

Ardoers, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 29th of August in which you state that Mrs. Mary A. Jennings is in receipt of a letter notifying her that the attorneys for the Chickasaw Nation have filed a protest to her enrollment as a citizen of the Chickasaw Nation and that the Commission would, commencing December 3rd, 1900, hold a session at Atoka, at which time the Chickasaw Nation and the applicants would be permitted to offer additional testimony in this case.

You desire to be informed as to the nature of the protest filed by the Nation against Mrs. Jennings and that you be furnished with a copy of what papers there are on file with the Commission in her case.

The Commission wrote you on the 28th of August in the matter of the application for enrollment as a citizen of the Chickasaw Nation of Mrs. Jennings and informed you at that time that the Commission was in receipt of notice of a general protest filed by the Chickasaw Nation against a number of doubtful applicants to enrollment as citizens of this Nation and had in justice to such contested applicants, notified them that such protest had been filed and also required of the attorneys for the Chickasaw Nation

Muskogee, Indian Territory, September 1, 1900.

Leahatter & Bledsoe,

Attorneys at Law,

Ardeners, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 29th of August in which you state that Mrs. Mary A. Jennings is in receipt of a letter notifying her that the attorneys for the Chickasaw Nation have filed a protest to her enrollment as a citizen of the Chickasaw Nation and that the Commission would, commencing December 3rd, 1900, hold a session at Atoka, at which time the Chickasaw Nation and the applicants would be permitted to offer additional testimony in this case.

You desire to be informed as to the nature of the protest filed by the Nation against Mrs. Jennings and that you be furnished with a copy of what papers there are on file with the Commission in her case.

The Commission wrote you on the 28th of August in the matter of the application for enrollment as a citizen of the Chickasaw Nation of Mrs. Jennings and informed you at that time that the Commission was in receipt of notice of a general protest filed by the Chickasaw Nation against a number of doubtful applicants to enrollment as citizens of that Nation and had in justice to such contested applicants, notified them that such protest had been filed and also required of the attorneys for the Chickasaw Nation

L. A. B. 2--
to serve notice upon such protested applicants prior to October
31st, 1900, stating therein the reasons why such protest is made.

Yours truly,

Acting Chairman,

In reply please
refer to O-D-227

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Chickasaw D-227.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 19, 1902.

Mary E. Jennings,
Woodford, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 8th day of May, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting his right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Register.

T. B. Needles
Commissioner in Charge.

Chickasaw D 227

Muskogee, Indian Territory, October 24, 1903.

Ledbetter & Bledsoe,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of October 10, asking if the intermarried case of Mary E. Jennings has been finally disposed of.

In reply to your letter you are informed that the Commission has not yet passed upon the application of Mary E. Jennings for enrollment as an intermarried citizen of the Chickasaw nation. As soon as a decision is reached in this case she will be notified thereof.

Respectfully,

Commissioner in Charge.

Chickasaw D 227

Muskogee, Indian Territory, November 13, 1903.

Mary Jennings,

Ardmore, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of November 7, in which you state that you have been trying to secure land for your allotment but that you cannot find any that is not claimed by other persons, real estate men, people from Texas, court claimants or excessive holders, who all ask for the land more than its appraised value before they will allow a citizen to select it in allotment. You therefore ask what steps to take in this matter, and further request to be advised how long a citizen will have within which to select his allotment.

If, as you allege, lands are being held in the Chickasaw Nation by noncitizens, without their having leased the same from citizen of the Choctaw or Chickasaw Nation, covering his pro rata share of the lands of said nations, you should report the matter to the United States Indian Agent at Muskogee, Indian Territory, for such action as the premises may warrant.

If, however, such land is being fenced and held by citizens of the Choctaw and Chickasaw Nations in excess of the amount to which

M J 2

they are lawfully entitled as provided by sections nineteen, twenty and twenty one of the act of Congress approved July 1, 1902, you should personally appear before the Chickasaw Land Office of the Commission at Tishomingo, Indian Territory, and there make allegation to such fact, and designate the land which you desire to select in allotment, in the event your enrollment is approved by the Commission and the Secretary of the Interior. The Commission will then notify such citizen alleged to be maintaining an excessive holding, to personally appear before it within thirty days from the date of such allegation and designate the land he desires to select in allotment.

The Commission not having passed upon your right to final enrollment as an intermarried citizen of the Chickasaw Nation, you would not, therefore, be permitted to select your allotment, but proper notation of the land desired by you in allotment would be made upon the records of the Commission and you would be notified in the event any other person should make application for the same land or any portion thereof.

It is impossible for the Commission to proceed, under the existing law, upon the mere statement that certain persons are excessive holders and the remedy exists in the allegations which can be made as provided by section twenty five of the act of Congress of July 1, 1902, copy of which is inclosed herewith for your information

Respectfully,

Secretary-Chickasaw
agreement.

Chairman

Chickasaw D 227

Muskogee, Indian Territory, February 9, 1904.

Mary E. Jennings,
Ardmore, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

9-D-227

COPY.

Muskogee, Indian Territory, October 15, 1904.

Ladbetter & Bledsoe,

Armore, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application of Mary E. Jennings for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said Mary E. Jennings as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

James Bixby

Chairman.

Registered.

6-D-227

COPY.

Muskogee, Indian Territory, October 15, 1904.

Mary E. Jennings,

Muskogee, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Yours,
James Bixby

Chairman.

Registered.

INC. 6-D-227

OPY:

9-D-227

Muskogee, Indian Territory, October 15, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, granting the application for the enrollment of Mary H. Jennings as a citizen by intermarriage of the Chickasaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) *Tams Bixby.*

Chairman.

Registered,

Incl. 9-D-227.

See 9-D-22 for registry receipt for this letter.

9-1778

Muskogee, Indian Territory, August 16, 1908.

Ledbetter & Bledsoe,
Attorneys at Law,
Armore, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of August 11, 1908, asking for the return of the marriage certificate between Mary E. Wagoner and Benjamin Lewis, and also the marriage license and certificate of Mary E. Lewis and William Jennings, which were forwarded in connection with the application of Mary E. Jennings for enrollment as an intermarried citizen of the Chickasaw Nation.

In reply to your letter you are advised that it is impracticable to comply with your request for the return of the marriage certificate of Mary E. Wagoner and B. F. Lewis.

The marriage license and certificate of W. F. Jennings and M. E. Lewis, and the affidavit of Guy Keel to the record of the same, are herewith returned.

Respectfully,

TH 1/10

Acting Commissioner.

9-1778

Muskogee, Oklahoma, May 15, 1908.

Mary E. Jennings,

Woodford, Oklahoma.

Sir:

Please find inclosed marriage license and certificate between W. J. Jennings and M. E. Lewis which was filed in the matter of your application for enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully,

MB 5-15

Commissioner

Chic 1776

Chic 1776

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

In the matter of the application for the enrollment as
a citizen by intermarriage of the Chickasaw Nation of--

ZACHARY T. THACKER.

9-D-199

Department of the Interior
Commission to the Five Civilized Tribes
Chickasha, I.T. October 15, 1902.

Chickasaw D-199.

In the matter of the application of Zachary A. Thacker as a
citizen by intermarriage of the Chickasaw Nation.

Zachary A. Thacker being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A Zachary A. Thacker.
Q How old are you? A Fifty-two.
Q What is your post office address? A Bradley.
Q That is in the Chickasaw Nation? A Yes, sir.
Q How long have you resided in the Chickasaw Nation? A Since '75.
Q Continuously? A Yes, sir.
Q Never made your home anywhere else? A No, sir.
Q You are a white man? A Yes, sir.
Q Claim to be an intermarried citizen of the Chickasaw Nation? A
Yes, sir.
Q What is the name of your Chickasaw wife? A Matilda Alice Criner.
Q She is a citizen by blood of the Chickasaw Nation? A Yes, sir.
Q Always recognized and enrolled as such? A Yes, sir.
Q Her citizenship was never questioned? A No, sir.
Q When was you married to her? A Seventy-six.
Q Married under a Chickasaw license? A Yes, sir.
Q How much did you pay for your license? A \$1.50.
Q You a resident of the Chickasaw Nation at that time? A Yes, sir.
Q Where was you married? A At Calvip Prairie.
Q Were you ever married before you married this woman? A No, sir.
Q Was she ever married before she was married to you? A No, sir.
Q How long after this marriage did you live together as husband
and wife? A Something over two years.
Q Did you live with her until her death? A Yes, sir.
Q When did she die? A She died in seventy-eight.
Q Have you married since then? A Yes, sir.
Q When did you next marry? A '80.
Q Whom did you marry then? A Martha Selby.
Q White woman? A Yes, sir.
Q Did you marry her in accordance with the tribal laws? A Yes,
sir.
Q Got a Chickasaw license to marry that woman? A Yes, sir.
Q Are you still living with her? A Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as
stenographer to the Commission to the Five Civilized Tribes he
reported in full all the proceedings had in the above entitled
cause at Chickasha, Indian Territory, on October 15, 1902, and
that the above and foregoing is a full, true and correct
transcript of his stenographic notes in said cause on said date.

Subscribed and sworn to before me this 23rd day of October 1902.

G. Rosenwinkel
C. S. ...
Notary Public

W.F.
J.W.
9-D-199.

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

In the matter of the application for the enrollment of Zachary T. Thacker as a citizen by intermarriage of the Chickasaw Nation.

--: D E C I S I O N :--

It appears from the record herein that in the year 1876 the applicant, Zackary T. Thacker, was married in accordance with the laws, customs and usages of the Chickasaw Nation to Matilda Alice Thacker (nee Criner), a recognized citizen by blood of the Chickasaw Nation; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation; that they lived together continuously in said nation as husband and wife from the date of said marriage until the death of the said Matilda Alice Thacker in 1878; that in 1880 the applicant was married to Marthey Selby, a white woman having no rights of Chickasaw citizenship by blood and that the applicant continued to reside in the Chickasaw Nation from the date of the death of the said Matilda Alice Thacker up to and including September 25, 1902.

It appears from the records of the Commission that said Matilda Alice Thacker, deceased, has a brother, John Criner, whose name appears as number 1788 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Chickasaw Nation and approved by the Secretary of the Interior on December 12, 1902.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1893 Chickasaw Leased District Payment Roll, number 2, page 201.

It is, therefore, the opinion of this Commission that Zachary T. Thacker should be enrolled as a citizen by intermarriage of the Chickasaw Nation in accordance with the previ-

2.

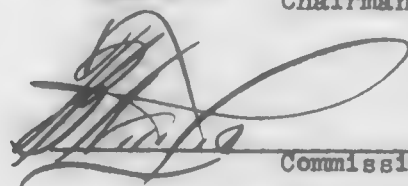
sions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.




A large, dark, and somewhat illegible signature, possibly in ink, written over a horizontal line.

Chairman.



A cursive signature, possibly reading "W. H. ...", written over a horizontal line.

Commissioner.



A cursive signature, possibly reading "C. R. ...", written over a horizontal line.

Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

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

In the matter of the application for enrollment as a citizen of the Chickasaw Nation of E. T. Thacker.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

DECISION.

It appears from the evidence in this case that the applicant is a white man; that his name appears upon the 1893 pay roll of Pickens County, Chickasaw Nation; that in the year 1876, according to the laws and customs of the Chickasaw Nation, he married Matilda Alice Griner, a Chickasaw Indian by blood, and the daughter of George W. and Matilda Griner, of Pickens County, Chickasaw Nation. That he was married according to the Chickasaw law, and by a regularly ordained Minister of the Gospel, and that the marriage license and certificate were recorded in the County Clerk's office in Pickens County, and that on page 32 of the marriage records of Pickens County appears a memorandum of the issuance of a marriage license on August 15th, 1876 to Zack Thacker and Alice Griner; that his wife Matilda died in the year 1878; that in 1880, he married Miss Martha Selby, a white woman, according to the laws and customs of the Chickasaw Nation, and that the applicant is now living in the Chickasaw Nation. That the death of his Indian wife and his marriage to a non-citizen white woman were both prior to the passage of the law of the Chickasaw Legislature of October 1, 1888, as follows:

"It is further enacted, that every United States citizen who has heretofore become a citizen of the Chickasaw Nation, or who may hereafter become such by intermarriage and be left a widow or widower by the decease of the Chickasaw wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry another United States citizen, man or woman, as the case may be, having no right of citizenship by blood, in that case all his or her rights as citizen shall terminate, and shall forfeit all rights of citizenship in this Nation.

It is therefore the judgment of the Commission that the application for enrollment as a citizen of the Chickasaw Nation of S. T. Thacker be and the same is hereby granted.

A. S. Mendenhall

Acting Chairman.

Dated this 26 day of May, 1900.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Z. T. Thacker for enrollment as an in-
termarried citizen of the Chickasaw
Nation.

---D 199---

On the 18th day of March, 1902, the applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Z. T. Thacker for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 7th day of May, 1902, for final consideration.

Now, on this 7th day of May, 1902, this cause coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

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 7th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 8th day of May, 1902.

Charles K. Lawry

Notary Public.

F. M. Fox
LAWYER AND NOTARY PUBLIC.
COMMERCIAL BUSINESS
AND COLLECTIONS A SPECIALTY.

199
Purcell, Ind. Ter. Sept 4th 1897.

Honorable Dawes Commission,
Fort Gibson, I.T.

Gentlemen: -

Enclosed find application for enrollment of D. Mr Z.T. Thacker of the Chickasaw Nation, I notice that your circular states that you would not receive any applications after Aug the 31st, but Mr Z. T. Thacker's Family has been very sick for some time & as he lives a long distance from the Rail Road it was impossible for him to have the matter attended to before to day, besides you will see from his affidavit that this is his first application to your Honorable Commission, as he thought that the Chickasaws had enrolled him self & but since he finds that by mistake or otherwise he was left off of their rolls, so under these circumstances I hope that you will consider his case & not reject it on account of a few days late.

Mr Thacker's Citizenship has never been questioned.

Yours Very Respectfully,

F. M. Fox

PS.

will you not receive any more applicants some few on account of not reading the news papers are just now finding out the true facts in the case.

F. M. Fox

LAWYER AND NOTARY PUBLIC.

COMMERCIAL BUSINESS

AND COLLECTIONS A SPECIALTY.

Purcell, Ind. Ter. Sept 4th 1897.

Indian Territory,
Southern District,
SS. Affidavit of F.M.Fox,

Before me a Notary Public in & for the Southern District of the Indian Territory personally appeared F.M.Fox, who after being by me duly sworn states that he furnished the Governor of the Chickasaw Nation a true & correct copy of all papers in the case of *P. F. Wheeler et al* Vs. the Chickasaw Nation, & that the enclosed Post Masters registered receipt is a receipt for all of said papers.

Subscribed & Sworn to before me this *4th* day of Sept 1897.

F. M. Fox

L. E. Costello

Notary Public Southern District of the Indian Territory,
at Purcell.

Application of
Zack. J. Thacker & al.
for Enrollment in the
Chickasaw Nation.

9-5-1897

FILED

SEP 7 1897

H. W. Jarway.
SECY.

J. M. Troy Atty

Purcell.

I. J.

(To be written as "Note" on face of card)

In the matter of the application of Z.T.Thacker for enrollment as Chickasaw citizen.

Z.T.Thacker claims to have married Matilda Alice Criner, a Chickasaw, in the year 1876, and that she was a Chickasaw by blood. She died in 1878. Claims to have lived with her until her death. In 1880 he married Marthey Selby, a white woman.

(On page 92 of the Marriage Record of Pickens county appears a memorandum of the issuance of a marriage license on August 15th 1876 to Zack Thacker and Alice Criner)

check 2199

Z. T. Thacker age 47

Int Ok - Pitkin Co -

page - 210 ~~001~~ P.R. 93 22

"Mammal out"

See papers attached

Ok
Pitkin

(White card)

199

Indian Territory,
Southern District,

SS. Affidavit of Mrs Nena.Shannon, nee Criner.
in behalf of Z.T.Thacker et-al

Before me a notary public in & for the Southern District of the Indian Territory personally appeared Mrs Nena.Shannon. nee Criner who after being by me duly sworn states that she is years of age a resident of Purcell, Chickasaw Nation & a Chickasaw Indian by blood. being a daughter of the late George. & ~~Matty~~. Criner of Pickens County Chickasaw Nation, that Mr Zack.T.Thacker of Bradley, Chickasaw Nation married her Sister ~~Matty~~. Criner at old Thackerville C.N. in or about the year of 1876. according to the laws & customs ~~at~~ then prevailing in the Chickasaw Nation. My Sister ~~Matty~~ only lived about two years & about two years after her death the said Z.T.Thacker married Miss Marthey. Selbey a white woman at Thackerville.C.N. they have four children .

Subscribed & Sworn to before me this ^{7th} 4th day of Sept. 1897.

Nena Shannon
.....
F. M. Fox
.....
Notary Public Southern District. Ind.Ter.:

at Purcell, I.T.

Indian Territory,
Southern District,
Gentlemen: -

Purcell, I. T. Sept 4th 1897

To the Honorable Dawes Commission,
Fort Gibson, I.T.

The undersigned your petitioner respectfully make the following statement of facts constituting my grounds for citizenship in the Chickasaw Nation. I.T. to-wit: That in the year of 1876. According to the laws & customs then prevailing in the Chickasaw Nation. Applicant intermarried with Miss Matilda. Allis. Criner, who was a Chickasaw Indian by blood, being a daughter of the late Mr George. & Mrs Matilda. Criner, of Pickens County Chickasaw Nation, My wife was also a Sister to Mr John. & Miss. Nona. Criner of the Chickasaw Nation. Applicant further states that he procured license from the late Judge Woods who was county judge of Pickens County . C.N. at that time, Mr John. Criner was present at said time, we was Married by the Rev L.D. Holsenbake who was a regular ordained minister of the gospel in Pickens County. C.N. at that time, our license marriage certificate was recorded in the county clerks office of pickens County by Judge Law who was county clerk at that time, I think that the records of pickens county was destroyed by fire some years since, & I am unable to procure a copy of the same. applicant further states that he was on the rolls of the said Chickasaw Nation in 1895. that he shared in the distrobution of the annuity funds of said nation in 1893. applicant further states that he did not file his claim for citizenship in 1896. before the Hon Dawes commission as he understood & fully believed that he was on the rolls of the said Chickasaw Nation. applicant further states that his wife Matilda, died in the year of 1878. & in 1880. he married Miss Marthey. Selby a white woman at Thackerville. C.N. also according to the Laws & customs of said Chickasaw Nation, then prevailing in said Nation . having procured license from the late Ben. Boyd who was county judge of Pickens County C.N at that time, was also married the last time by the Rev L.D. Holsenbake, said license & marriage certificate was also recorded by judge Law who was county clerk of pickens County. C.N. at that time. applicant Z.T. Thacker further states that he has (4) four children by his last wife namely: Minnie. age 16 Mertle. age 14. Wade. age 12 & Susie. age (2) Wherefore applicant prays that he & his four children be added to the rolls of the said Chickasaw Nation.

Zachary T. Thacker

Subscribed & Sworn to before me this the 4th day of Sept. 1897. & I have

by certify that I am well acquainted with the said Z.T. Thacker & know him to be a person of credibility of truth & veracity.

J. M. Fox

Notary Public Southern District of the Indian Territory.
at Purcell, I.T.

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

FILED

AUG 12 1884

[Handwritten signature]
S. S. SHAWMAN

Muskogee, Indian Territory, October 20, 1897.

Mr. W. H. C. Smith, Chairman,

Wickham, I. T.

Dear Sir:-

At the request of W. H. Cox of Parola, I forward
to you herewith, applications for enrollment.

W. T. Thacker, et al

M. S. Welford, et al.

These two papers filed with the Commission during the fall of
1897.

Very truly yours,



Secretary.

Muskogee, Indian Territory, May 28, 1900.

Mr. J. M. Fox, Attorney,
Purdell, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of May 26th, in which you call the attention of the Commission to the case of J. F. Thacker of Bradley, Indian Territory, who has been on a doubtful case as a claimant to enrollment in the Chickasaw Nation.

You are informed that the Commission, after a careful review of the evidence and facts in the case of J. F. Thacker as an applicant for enrollment in the Chickasaw Nation, held on May 26th, 1900, granted his application for enrollment as a citizen of the Chickasaw Nation. There is inclosed you herewith a copy of the decision of the Commission.

Yours truly,

Acting Chairman

In reply to this letter,
please refer to A-7 1900.

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Chickasaw D-199.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 18, 1902.

Z.T. Thacker,

Bradley, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as citizen of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 7th day of May, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. NEEDLES,

Register

Commissioner in Charge.

Chickasaw D 199

Muskogee, Indian Territory, May 8, 1902.

F. M. Fox,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Your letter of the 5th instant to our Mr. Chilion Riley has been by him referred to the Commission for consideration and appropriate action.

Therein you inclose a notice of the Commission under date of March 18, 1902, addressed to E. T. Thacker, advising him that the matter of his application for enrollment as a citizen of the Chickasaw Nation would be taken up for final consideration by the Commission at its office at Muskogee, Indian Territory, on May 7, 1902.

You further advise that Mr. Thacker had previously been furnished with a decision of the Commission in his favor and he has no additional evidence to offer in this case but that it appears that the names of his children have in some manner been lost and for the purpose of considering their application you enclose a list containing the names and ages of the children of Mr. Thacker.

Replying to your communication you are advised that it appears from our records that on October 22, 1896, E. T. Thacker's

J H B 2

47 years of age of Bradley, Indian Territory, made personal application to this Commission for enrollment as a citizen by intermarriage of the Chickasaw Nation. No application was made by him at that time nor at any time subsequent thereto for the enrollment of his children by his white wife as citizens of the Chickasaw Nation.

On May 26, 1900, A. S. McKennon, one of the members of the Commission to the Five Civilized Tribes did render an opinion finding that Z. T. Thacker was entitled to enrollment as a citizen by intermarriage of the Chickasaw Nation. This opinion has not been concurred in by the other members of the Commission up to this time and no final decision has been entered of record nor has this case been forwarded to the Secretary of the Interior for his review.

In 1897, Zack T. Thacker forwarded to the Commission to the Five Civilized Tribes a petition, in which admission to citizenship in the Chickasaw Nation was prayed for himself, his white wife, Marthay Thacker and his four children by his white wife, namely, Minnie, Myrtle, Wade and Susie Thacker.

The Commission never considered the written petition for citizenship in the Chickasaw Nation filed in 1897 for the reason that the Commission was without jurisdiction at that time to receive and consider original applications for citizenship in the Chickasaw Nation, the time designated by the act of Congress of

June 10, 1896 within which the Commission could receive and act upon applications of this character, having expired.

There is therefore no record of any personal application having been made to this Commission for the enrollment of the white children of Z. T. Thacker.

The list enclosed in your letter of the 5th instant is therefore returned with the information that if Mr. Thacker desires to submit an application to this Commission for the enrollment of his white children as citizens of the Chickasaw Nation, it will be necessary for him to personally appear before the Commission at its office at Muskogee, Indian Territory for that purpose.

Until such personal application is made no attention can be paid to or record made of any application of this character.

Yours truly,

Commissioner in Charge.

Chickasaw D199

Muskogee, Indian Territory, February 3, 1903.

F. J. Fox,

Attorney-at-Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 22, in which you ask the status of the citizenship case of Z. T. Thacker of Bradley, Indian Territory.

In reply to your letter you are advised that it appears from our records that Z. T. Thacker has been listed among the doubtful claimants to enrollment as citizens by blood of the Chickasaw Nation and that his final right to such enrollment has not yet been determined. As soon as a decision is reached in this case you will be notified of such action as may be taken.

respectfully,

Acting Chairman.

Chickasaw D 199.

Muskogee, Indian Territory, March 28, 1903.

Z. T. Thacker,

Bradley, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 23, asking whether your citizenship case has been decided and stating that you desire this information as the land office opens soon, and your attorney writes you that you are entitled to share in the division of the lands and moneys of the Chickasaws.

In reply to your letter you are advised that it appears from our records that you have been listed among the doubtful claimants to enrollment as an intermarried citizen of the Chickasaw Nation and your final right to such enrollment has not yet been determined. As soon as a decision is reached in your case you will be notified of the action of the Commission.

Respectfully,

Chairman.

9-D-199.

Muskogee, Indian Territory, July 27, 1904.

Z. T. Thacker,

Bradly, Indian Territory,

Dear Sir:

In the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation, you are advised that before further consideration can be given to your application that it will be necessary for you to furnish the Commission with the testimony of some well known Chickasaw citizen as to the citizenship of Matilda Alice Criner, and also as to your marriage with her.

This may be done by affidavit or deposition.

Respectfully,

Commissioner in Charge.

C-2-199.

Muskogee, Indian Territory, July 26, 1904.

E. F. Thacker,

Bradley, Indian Territory,

Dear Sir:

In the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation, you are advised that before further consideration can be given to your application that it will be necessary for you to furnish the Commission with the testimony of some well known Chickasaw citizen as to the citizenship of Matilda Alice Griner, and also as to your marriage with her.

This may be done by affidavit or deposition.

Respectfully,

Commissioner in Charge.

9-D199

Muskegee, Indian Territory, August 12, 1904.

F. M. Fox,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 3th inst., enclosing the affidavit of John B. Criner, a citizen by blood of the Chickasaw Nation, residing near Ardmore, stating that he is well acquainted with Z. T. Thacker, of Bradley, Chickasaw Nation, and that said Z. T. Thacker married Matilda Alice Criner in 1876, and that said Matilda Alice Criner was a sister of said John B. Criner, and the same has been duly filed with the records of the Commission in the matter of the application for enrollment of Z. T. Thacker as an inter-married citizen of the Chickasaw Nation.

Respectfully,

Commissioner in Charge.

9-D-199

Muskogee, Indian Territory, October 10, 1904.

Z. T. Thacker,

Bradley, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 5th instant, requesting information relative to the status of your application for enrollment as an intermarried citizen of the Chickasaw Nation.

You are informed the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Chickasaw Nation. As soon as a decision has been reached in your case you will be duly notified of the action taken therein.

Respectfully,

Chairman.

COPY.

3-2-199

Muskogee, Indian Territory, October 15, 1904.

Zachary T. Thacker,

Bradley, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

James Dixby.

Chairman

Registered,

Incl. 3-2-199.

C-D-199

COPY.

Muskogee, Indian Territory, October 15, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, granting the application for the enrollment of Zachary T. Thacker as a citizen by intermarriage of the Chickasaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Jams Bixby.

Chairman.

Registered.

Incl. C-D-199.

See C-D-88 for registry receipt for this letter.

COPY.

9-D-199

Muskogee, Indian Territory, October 15, 1904.

J. E. Ford

Attorney at Law,

Armore, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision, granting the application of Zachary T. Thacker for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said Zachary T. Thacker as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

James Dixby

Chairman

Registered.

9-1776

Muskogee, Indian Territory, January 25, 1906.

J. C. Little,

Roff, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 16, 1906, in which you ask if Minnie Thacker McKey, Myrtle Thacker Bonard, Wade Thacker, Susanna Thacker and Reeder Thacker children of Zachary T Thacker, a Chickasaw citizen by intermarriage, are now entitled to enrollment.

In reply to your letter you are advised that it does not appear from the records of this office that application has been made for the enrollment of the above named persons, as citizens of the Chickasaw Nation, but if it is desired to present claim for their enrollment under the ruling of the Department in the enrollment case of Mary Elizabeth Martin, there are inclosed herewith for your information circular showing fully procedure to be followed in the presentation of cases of this character, and copy of the opinions of the Assistant Attorney General in the enrollment case of Mary Elizabeth Martin.

Respectfully,

Circular.

Acting Commissioner.

Chic 1777

Chic 1777

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

In the matter of the application for the enrollment of
Mark Bean as a citizen by intermarriage of the Chickasaw Nation.

9-D-168.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory,
December 1, 1903.

Chickasaw D 168, -----:-----
Intermarried.

In the matter of the application for the enrollment of
Mark Bean as a citizen by intermarriage of the Chickasaw Nation.

Mark Bean, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Mark Bean.
Q Where do you live? A McMillan.
Q What Nation? A Chickasaw Nation.
Q How long have you lived in the Chickasaw Nation? A Twenty years.
Q Never made your homw any where else during that time? A No, sir.
Q Are you a white man? A Yes, sir.
Q You claim no rights as a citizen by blood, do you? A No, sir.
Q Either in the Choctaw or Chickasaw Nation? A No, sir.
Q Did your parents claim any rights as Indians by blood? A No, sir.
Q Through whom do you claim rights as an intermarried citizen?
A Susanna Istah.
Q Was she a recognized and enrolled citizen by blood of the Chickasaw Nation? A Oh yes, yes, sir.
Q What county did she live in? A Pickens County.
Q Did she live in any other county? A Yes, she lived some in Tishomingo County -- Pickens and Tishomingo Counties.
Q Were you married before you were to her? A No, sir.
Q Was she married before she was married to you? A No, sir.
Q Where did you marry her? A At Judge Dickerson's.
Q Chickasaw Nation? A Yes, sir.
Q Get a license? A Yes, sir.
Q From whom did you get the license? A Judge Dickerson.
Q D-i-o-k-e-r-s-o-n; is that it? A Yes, sir, I think it is.
Q How long had you been living in the Chickasaw Nation at the time you married Susanna Istah? A I don't know exactly -- three or four years, I think, -- may be five.
Q When did you marry her; know the date? A No, sir, I don't. Think it was in '87.
Q Do you know what month of the year? A In February, I believe.
Q Early part of the year? A Yes, sir.
Q You said you had a license, didn't you? A Yes, sir.
Q What became of it? A Why they blowed away when the County Clerk blowed off -- blowed the records and everything.
Q You say you got a license? A Yes, sir.
Q Did you record it? A Yes, sir.
Q Where did you record it? A At Judge Dickerson's, County Judge.
Q What County? A Pickens County.
Q How soon after you married, did you record it? A I believe it was the next day -- day or so.

Chickasaw D 168

Mark Bean 2

- Q Did you get the license back? A No, sir, I never got it back.
- Q What became of that license? A They blew away in the storm.
- Q When was that? A Burned up or some way was destroyed by fire or storm.
- Q Did the storm burn up the records? A Killed the County Clerk, one of them Keel boys house burned up and well, he was the clerk, and destroyed it.
- Q Did you try to get a copy of the license? A Yes, sir, I tried to get it but it was gone.
- Q From whom did you try? A I tried to get it.
- Q From whom? A From Dickerson.
- Q What did he say? A He said I could go off and I sent it back and had it recorded.
- Q When did you first find out that your license was destroyed? A Never found out until -- why, it was a good while after everything burned up --- the records.
- Q Do you know yourself whether or not the records were burned? A Only what they said -- Keel.
- Q Did you ask Keel? A Yes, sir, I tried to get it.
- Q Did you ask Keel, the County Clerk of Pickens County? A No, I never tried to get it from him. When this come up they said every fellow to get his license and Keel told me it was burned up and I never went back.
- Q How much did you pay for that license? A Fifty dollars.
- Q How long did you and Susanna Istah live together as man and wife? A We didn't live together long; she ran off and left me.
- Q How long? A About two days or three.
- Q She ran away from you? A Yes, sir.
- Q Why did she leave you, if you know? A I don't know.
- Q Did you see her after that? A Yes, sir.
- Q How long after that? A It was about a month.
- Q Where did you see her? A Tishomingo.
- Q Did you ask her what the trouble was? A No, sir, I never asked her.
- Q Did you ever have a conversation with her after she left you? A No, sir, she would not talk.
- Q Did you ever attempt to get her to come back and live with you? A Yes, sir, I tried to get her uncle to go see her and see what was the matter.
- Q How long had you known her before you married her? A A good while; I don't remember just how long.
- Q Is she alive now? A No, sir, she died.
- Q When did she die? A She died that fall -- the coming fall after that.
- Q What was her father's name? A John Istah.
- Q What was her mother's name? A I don't know.
- Q Is her father living? A No, sir, he died.
- Q When did he die? A He died before we married. I don't know just how long.
- Q Has your wife got any brothers or sisters living to-day? A No, sir, got some cousins.
- Q Who are they? A Hawkins.
- Q His first name? A Jimson.
- Q Is he alive? A I don't know; he was the last time I knew him.
- Q How long is that? A Been about five years since I have seen him.
- Q What did she tell you before she left you? A She never told me anything. She said she would stay over at Hugo and for me to come on over with her, and I went and went to work, and she skipt out

Chickasaw D 168

Mark Bean 3

- and I don't know anything about it.
- Q Never had a quarrel with her? A No, sir, never had a quarrel with her.
- Q Did you give her any reason for leaving you? A No, sir, that I might ever think of.
- Q How old were you at that time? A I was about -- I guess twenty-five, may be.
- Q How old are you now? A I will be fifty-two next August.
- Q You were thirty-six years old at the time you married Susanna Istah? A Yes, sir.
- Q How old was she? A I think she was eighteen.
- Q At that time? A Yes, sir, I don't know exactly now -- did know.
- Q How long did you remain unmarried? A About nine years, I believe it was.
- Q Where did you live in the meantime? A In Pickens County.
- Q Whom did you marry then? A I married a white woman.
- Q What was her name? A Carter -- Lou Carter.
- Q Did you get a divorce from Susanna Istah? A Yes, sir.
- Q How soon after you married did you get a divorce from Susanna? A Why, it was the next fall sometime.
- Q You still live with this white woman? A Yes, sir.
- Q She is now your wife? A Yes, sir.
- Q She is not an applicant, is she? A Not that I know of.
- Q Got any children? A No, sir.
- Q Were you married to any one else than Susan Istah and this Lou Carter? A No, sir.
- Q Your wife, Susan, was living in the Chickasaw Nation at the time of her marriage to you? A Yes, sir.
- Q Had been for some time? A Yes, sir.
- Q How many years? A Good while; I don't know.
- Q Was she raised there? A Yes, sir, born and raised in the Chickasaw Nation.
- Q She had a home in the Chickasaw Nation at the time you married her? A Yes, sir.
- Q Anybody around your neighborhood that knows the circumstances under which your wife left you? A Yes, sir, G. W. McMillan.
- Q Who knows about it, any one else? A Bud Norton.
- Q Who else? A Overton Lavis.
- Q How long had these people known you? A They knew me before I was married.
- Q When you got married to Susan, did you live in their neighborhood? A Yes, sir.
- Q Do you want to make a statement with respect to the separation between you and your former Indian wife, Susan Istah? A Why, I could, for I married her and would have staid with her.
- Q You can offer no explanation at all as to why she left you? A No, sir, I cannot.
- Q You treated her all right? A Yes, sir, treated her all right.
- Q What's your business? A Farmer.
- Q Always been a farmer? A Yes, sir.
- Q Did you have a farm at that time? A Yes, sir, had, I think, thirty-five acres.
- Q Did you have a house on it? A Yes, sir.
- Q Have any stock? A Had several horses and two hogs.
- Q Did you have a fairly good home? A Yes, sir, it was a nice home -- rented home -- I had just started out.
- Q Do you own any improvements in the Chickasaw Nation now? A No, sir, I sold them out.

Chickasaw D 168

Mark Bean 4

Q What are you doing now? A Farming.

-----:

Wirt Franklin, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported all proceedings had in the above entitled cause at Muskogee, Indian Territory, on December 1, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, taken in said case.

Wirt Franklin

Subscribed and sworn to before me this 2th day of December, 1903.

Charles H. Newyer
Notary Public.

-----:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory,
December 14, 1903.

Chickasaw D 168, -----:
Intermarried.

In the matter of the application for the enrollment of Mark Bean as a citizen by intermarriage of the Chickasaw Nation.

George W. McMillan, being duly sworn, on oath, testified as follows:

Examination by the Commission.

- Q What is your name? A George W. McMillan.
Q What is your post-office address? A McMillan.
Q You are a Chickasaw by blood? A No, sir, Chickasaw by intermarriage.
Q How long have you lived in the Chickasaw Nation? A Twenty years.
Q Do you know Mark Bean? A Yes, sir.
Q How long have you known him? A I expect I have known him seventeen or eighteen years.
Q Did you know him when he first came to the Chickasaw Nation? A I don't know, sir, whether or not I did. I did when he first came to my neighborhood.
Q How near do you live to him now? A I live about four miles.
Q Have you both lived in the same neighborhood during the last seventeen years or so? A Yes, sir, I lived about ten miles from him at the time he was married.
Q Did you know his former wife? A Susan Istah? A Yes, sir.
Q Do you know about how long ago he was married? A Well, I can say about how long ago. It must have been about fifteen or sixteen years ago. It was in 1887 or 1888.
Q What was she; was she an Indian by blood? A Yes, sir, Chickasaw Indian.
Q Do you know her family? A No, sir, not very well. I knew Istah.
Q Is she living today? A No, sir, I think not.
Q How long has she been dead? A Well, it was not a great while after they married that I understood she died. I don't know just how long it was. It wasn't a great while.
Q Were they both living in your neighborhood at the time they were married? A Yes, sir, lived about ten miles.
Q Did you know her any length of time prior to their marriage? A Well, no, sir, I didn't.
Q Do you know whether they separated or not? A Yes, sir.
Q They were separated? A Yes, sir, they were separated.
Q How soon after their marriage did they separate? A Why, it wasn't but a little while. I cannot remember just a short time.
Q Do you know anything at all, Mr. McMillan, with respect to the circumstances of the separation between Mark Bean and Susan Istah? A No, sir, only what neighbors say.
Q Of your own knowledge you do not know anything? A No, sir.

- Q Please state all you know about the circumstances connected with the separation. A I don't know anything about the circumstances connected with the separation.
- Q Do you know something that followed after that? A Yes, sir.
- Q You may relate it. A He came to me and asked me to go see his wife, and he didn't know what was the matter. And I went to old Billy Hawkins, the preacher, and told him what Mr. Bean said to me and he gave me to understand that it would not do any good; and I got hold of it some way that she was afraid of her people; and I told Mr. Bean that I didn't care to go unless he would go with us, me understanding that she was afraid to live with him, and her people objected to her living with a white man. It was her people.
- Q You never had any conversation with her people? A No, sir. They lived somewheres off from where I did and didn't talk English much.
- Q From what you know of her family do you think it was dangerous for her to stay with him? A Well, I don't know much about them. Mr. Bean told me he thought she was afraid of them. But I don't know about that.
- Q What do you know, Mr. McMillan, about the reputation of Mr. Bean in the neighborhood in which he resides? A Mr. Bean is a good man. I don't know a better man.
- Q Is he reputed among the neighborhood as being a peace-abiding citizen? A Yes, sir.
- Q How is his reputation with respect to truth and veracity? A It is good.
- Q Do you know whether he was in a position at the time he married Susan Istah to provide for her? A Yes, sir, he was.
- Q Prosperous farmer? A Yes, sir.
- Q Did he provide a good home for her? A Why, really, I don't know whether you would call it a good home or not. He didn't live with her but a short time. He was a renter. He provided for her so far as I know. He was a good thrifty man.
- Q From what you know of Mark Bean and his reputation in the neighborhood, do you know whether Mark Bean was at fault in the matter of the separation between him and his wife? A I don't think he was, no, sir.
- Q Was he of a quarrelsome disposition? A No, sir, very pleasant man.
- Q Do you know where she staid after she left Mark Bean? A No, sir, I don't. They lived across the river from me, and I seldom was over that way.
- Q What people of hers were they that she was afraid of to live with him? A They were her uncles, not old Billy Hawkins; he was in favor of the marriage.
- Q He is now living with a white woman as his wife? A Yes, sir.

Wirt Franklin, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Muskogee, Indian Territory, on December 14, 1903, and that the above and foregoing is a full, true and correct transcript of his

Chickasaw D 168

Mark Bean 3

stenographic notes, taken in said cause.

W. Franklin

Subscribed and sworn to before me this 15th day of
December, 1903.

Charles H. Sawyer
Notary Public.

RAM
DLD
9-D-168.

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

In the matter of the application for the enrollment of
Mark Bean as a citizen by intermarriage of the Chickasaw Nation.

---:---
D E C I S I O N .


It appears from the record herein that in the early part of 1887 the applicant, Mark Bean, was married, in accordance with the laws, customs and usages of the Chickasaw Nation, to Susanna Bean (nee Istah), deceased, a recognized citizen by blood of the Chickasaw Nation, and that at the time of said marriage both persons above mentioned were residents in good faith of said Nation, and that they lived together as husband and wife for two or three days when the said Susanna Bean, without cause, left the applicant; and that subsequently thereto, on July 23, 1887, the applicant obtained a divorce from said Susanna Bean; and thereafter, in the same year, the said Susanna Bean died; and that subsequently thereto, and about nine years thereafter, the applicant was married to Lou Bean (formerly Carter), a non citizen white woman.

Upon an examination of the tribal rolls in the possession of the Commission, the applicant is identified upon the 1896 Chickasaw census roll, Panola county, page 83, enrolled thereon as a citizen by intermarriage of said Nation; and also upon the 1893 Chickasaw pay roll, No. 2, page 109.

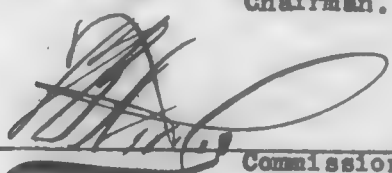
It further appears from the record herein that the applicant, Mark Bean, had been a resident in good faith of the Chickasaw Nation from the time of his marriage to said Susanna Bean up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Mark Bean should be enrolled as a citizen by intermarriage of the Chickasaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898, (30 Stat. 495), and July 1, 1902, (32 Stat., 641), and it is so ordered.

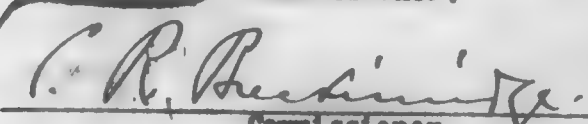
COMMISSION TO THE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of
Mark Bean for enrollment as an inter-
married citizen of the Chickasaw Na-
tion.

---D 168---

On the 19th day of March, 1902, the applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Mark Bean for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 7th day of May, 1902, for final consideration.

Now, on this 7th day of May, 1902, this cause coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

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 7th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 8th day of May, 1902.

Charles H. Sawyer

Notary Public.

Chickasaw I-168.

In the matter of the enrollment
of Mark Bean as an intermar-
ried citizen of the Chickasaw
Nation.

PROCEEDING of
Chester and Chickasaw Attorneys

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

FILED

FEB 6 1904

[Handwritten Signature]
CHAIRMAN.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mark Bean as a citizen by intermarriage of the Chickasaw Nation; Chickasaw field number D-168.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of John C. Bradshaw vs The Choctaw and Chickasaw Nations, number 3, on the Tishomingo docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Chickasaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.


Attorney for the Choctaw & Chickasaw Nations.

January 23, 1904.

United States of America
Indian Division
Southern District

Oakland, Cal. Oct 8 1898

Be it known that on this 8th day of Oct 1898
before me in my assigned authority, personally came
and appeared Mrs. Flora Thompson (nee Flora
Dickerson) to me personally known to be the
daughter of the late Judge Willis Dickerson,
who being duly sworn by me according
to law, deposed and sayeth:

I know Mark Bean and know he was
married to a full-blood Indian girl
at my father's house. my father who was
at that time county and probate judge
of Pickens county. performed the marriage
ceremony.

attest

Flora Dickerson
Ammanda Dickerson

Subscribed & sworn to for me this 8th day of
Oct 1898

J. E. Grinstead
Notary Public

To all whom these presents may come
Touching

Know ye that by the
Authority of Law in me vested I have
this day decreed a Decree of Divorcement
between Mark Beane & his wife Susannah
Beane dissolving the marriage ~~relation~~
relation between the said Mark Beane
& his wife Susan in accordance to the
Verdict of the Jury trying the case

Given under my hand & official
Signature with the seal of the
Court attached this the 23rd July 1887
B. N. Carter

Attest

N. H. Norman
Dist. Clerk Pro Tem

Dist. Judge
B. N.

Abandonment changed

See

Sworn to & taken
by the Clerk

J.M.

And Norton being duly sworn states
that he is 42 years of age his present
office is Constable.

In 1886 (to the best of my recollection)
Moss Beane came to me with Chickasaw
marriage licenses, and ask me to take
them to the County Clerk ^{of Pickens Co} and have
them recorded & I took them & carried
them to him & gave him one dollar
to have them recorded.

J. M. Norton
Subscribed and sworn to before
me on this 8 day of Oct 1898
Wm Lucas
Notary Public

Southern State of
The Good Law

11

Eliza T. Sawkins being duly
sworn deposes and says, (through her
cousin J. L. Lewis who was also duly
sworn) my name is Eliza T. Sawkins
age about 49 years. My post office
address is Russell, S. T. -

I know Mark Bean, several years
ago he married Susan a Stephens
a Chickasaw woman. My husband
(Wm. Hawkins) went with Mark Bean
to the County Judge of Pickens Co.
and got the license and they were
married; at that time she was
long until she left Mark Bean
and went home. Mark told me he wanted
her to live with him, and if she did not
agree to live with him she ought not
to have married him.

I am a true & lawful Eliza T. Sawkins
Chickasaw Indian

Subscribed & sworn to before
me on this 8 day of Dec 1898

Wm. Lewis

Notary

Muskogee, Indian Territory
August, 18, 1900.

Mark Bean,
Oakland, Indian Territory,

Dear Sir,-

You are hereby notified that the Chickasaw Nation, through its attorneys, ~~James McKennon~~, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the ~~Chickasaw~~ Nation.

For the purpose of hearing any additional testimony which may be offered by either you or the attorneys for the Chickasaw Nation, the Commission will hold a session at Atoka, Indian Territory, commencing December, 3rd, 1900, at which time and place you will be allowed to offer any additional testimony which you may desire to submit in support of your application, such hearing to be final.

Yours truly,

Acting Chairman.

9-D-166

COMMISSIONERS
HENRY L. DAWES,
TANS BIXBY,
THOMAS B. NEEDLES,
C. R. BROWNBRIDGE.

ALLISON L. AYLWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING
Chickasaw D-168.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 17, 1902.

Mark Bean,

Oakland, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 7th day of May 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Register.

Commissioner in Charge.

9-D-168.

Muskogee, Indian Territory, October 29, 1903.

Mark Bean,

McMillan, Indian Territory.

Dear Sir:

It appears from the records of the Commission that you are an applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation, but it does not appear that you have ever appeared before the Commission for the purpose of giving your testimony as to your intermarried status on September 25, 1902.

You are advised that it will be necessary for you to appear in person before the Commission at its office in Muskogee, Indian Territory and testify as to your intermarried status on September 25, 1902, and that until you do so appear nothing further can be done in the matter of your enrollment as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

Commissioner in Charge.

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

ALLISON L. AVLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Chickasaw D 168

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 8, 1904.

Mark Bean,
Oakland, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,



Commissioner in Charge.

COPY.

9-D-188

Muskogee, Indian Territory, October 15, 1904.

Mark Bean,

McMillan, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

W. J. BIRNEY
JAMES BIRNEY

Chairman

Registered,

Incl. 9-D-188.

9-D-168

COPY.

Muskogee, Indian Territory, October 18, 1904.

Manfield, McDurray & Gernish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered October 18, 1904, granting the application for the enrollment of Mark Dean as a citizen by intermarriage of the Chickasaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

James Bixby.

Chairman.

Registered.

1001. 9-D-168.

See 9-D-168 for registry receipt for this letter.

Mark House on 45
Int Chr - Pickens / pg 83

First married to ~~James~~
Hatch in 1857. She

died in 1887 - lived with wife
one week.

Married again to white woman
in 1898 -

" married out

(white man)

copy. D. 168
Bulby /

Chic 1778

Chic 1778

In the matter of the application for the enrollment of
Samuel Owens as a citizen by intermarriage of the Chickasaw Nation.

9-D-110.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, DECEMBER 3, 1900.

Chickasaw D 110 .

In the matter of the application for enrollment as an intermarried citizen of the Chickasaw Nation of Samuel Owen.

Rachel Yates, having been first duly sworn, and being examined through Peter Maytubby, Chickasaw Interpreter, testified as follows:

Examination by the Commission.

- Q What is your name? A Rachel Yates.
Q What is your age? A About forty.
Q What is your post office address? A Ardmore.
Q Are you a citizen of the Chickasaw Nation? A Yes sir.
Q Were you once married to a man named Owens? A Yes sir.
Q Samuel Owens? A Yes sir.
Q He is a white man? A Yes sir.
Q Are you divorced from him? A Yes sir.
Q Now married to a man named Yates, are you? A Yes sir.
Q Your father a Chickasaw? A Yes sir.
Q What was your mother? A Cherokee.
Q Where is Mr. Owens now do you know anything about him? A I don't know where he is. He lives somewhere--

Examined by Mr. Cornish.

- Q How long did you live with Mr. Owens, Mrs. Yates? A About two years or three years.
Q Did you procure a divorce from him after you were separated?
A Yes sir.
Q Where did you procure that divorce? A Tishomingo.
Q Tishomingo in the Chickasaw Court? A Yes sir.
Q What ground did you allege as a reason why you should be divorced?
A Why, he would not stay at home and he would not work.
Q The divorce was granted you by the court? A Yes sir.
Q What are the facts about his conduct while you were married to him? How did he conduct himself; what are the facts as to his conduct while you were married? Did he or did he not do his duty?
A No.
Q Did he work while he was your husband? A No he would not work, he just stayed at Ardmore; when he goes he would just stay around Ardmore all the time.
Q How far did you live from Ardmore? A About five miles.
Q Where does he live now? A He lives close to Durwood I believe.

Attorney for Chickasaw Nation asks to have a copy of the testimony of Rachel Yates in the matter of her application for enrollment as a Chickasaw made a part of the record in this case, and the request is granted.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings in the above entitled cause on the third day of December, nineteen hundred, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause.
Subscribed and sworn to before me this *4* day of December, 1900.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I.T. December 8, 1900.

Chickasaw Nation

vs.

D. No. 110

Samuel Owens

On the matter of the application of Samuel Owens for enrollment as a citizen by intermarriage of the Chickasaw Nation.

On December 8th, 1900, at a session of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, the above entitled cause being called for further hearing, and the Chickasaw Nation appearing by its counsel, Mr. Melvin Cornish, and the applicant appearing by his counsel Mr. Thomas Norman, the following proceedings were had, viz:

Samuel Owens, being sworn by Acting Chairman Bixby, was examined in his own behalf by Mr. Norman, and testified as follows:

Q - What is your name? A Samuel Owens.

Q - Where do you live? A I live at Providence, Pickens County, Chickasaw Nation.

Q - How long have you lived there in the Chickasaw Nation? A Why I have lived in the Chickasaw Nation ever since 1873.

Q - Have you lived there continuously since that time? A Yes, sir.

Q - You are asking for citizenship in the Chickasaw Nation by virtue of a marriage with a woman named Rachel Lee, I believe, are you not? A Yes, sir.

Q - When did you marry Rachel Lee? A I married her in 1887.

Q - Was she an Indian? A Yes, sir.

Q - Did you marry her under license issued by the Chickasaw Nation? A Yes, sir.

MR. NORMAN: (Attorney for applicant) We offer in evidence certified copy of the marriage license issued by the Chickasaw Nation to Samuel Owens to marry Rachel Lee, and also the certificate of marriage, and ask it to be made a part of the record.

ACTING CHAIRMAN BIXBY: All right.

(Papers filed in the case)

Q - How long did you live with Rachel Yates, Mr. Owens? A About four years.

Q - When you married her did you pay your fee, marriage fee? A Yes, sir.

Q - How much was it? A Fifty dollars.

Q - You lived with her about three years? A Yes, sir. Between three and four years, somewhere along there.

Q - Did you know a man named A. Owens or Albert Owens?

A Yes, sir.

Q - Was he related to you in any way? A No, sir.

Q - Where was he when you first met him? A He was teaching school in a mile of where I lived, about a mile.

Mr. Owens, state to the Commission the cause of the separation of you and your wife. A Well, this man Albert Owens, he was teaching school there and he boarded at Dr. Jones and later he got to boarding at my house, and my wife and him got too intimate, and finally

she got so that I couldn't stay at home. She drew a pistol on me and threatened to shoot me and told me to go.

MR. NORMAN: (Attorney for applicant) We offer in evidence a certified copy of the judgment in the district court of the United States for the Eastern District of Texas, at Paris, case No. 845 on the criminal docket of said court, entitled United States vs. A. Owens, in which case A. Owens was charged with on or about the 1st day of July, 1891, living in adultery with one Rachel Owens. We ask that this be made a part of the record herein.

(Certified copy of record filed herewith as requested.)

ACTING CHAIRMAN BIXBY: What is the contention of the Nation in this case?

MR. CORNISH: (Counsel for Chickasaw Nation) The circumstance of separation and also the Cherokee blood of his wife.

MR. BIXBY: (Acting Chairman of Commission) Both contentions?

MR. CORNISH: (Counsel for Chickasaw Nation) Yes, sir.

Q. Was A. Owens mentioned in this judgment of the Court the Albert Owens whom you have just spoken of? A. Yes, sir.

Q. Who was the Rachel Owen mentioned in this judgment?

A. That was my wife.

Q. Mr. Owens, when you were brought before the Commission before you failed to state that your wife had committed adultery. Now, please state to the Court your reason for that.

A. Well, my reason for not mentioning it then was she lived in the same community or settlement where I was, and had married, and I did not want to rake up old things or put her to shame.

Q. After the adultery you speak of did you apply for a divorce?

A. Yes, sir.

Q. In what court did you apply? A. In the Chickasaw court.

Q. At what place and before what Judge? A. At Tishomingo before Judge J. M. Kemp.

Q. Did you file a petition for a divorce yourself? A. Yes, sir.

Q. Have you a certified copy of that petition? A. No, sir.

Q. Have you endeavored to find it? A. Yes, sir; I went down there and tried to find it, but I couldn't. Joe Brown could not find it.

Q. What were the grounds for divorce alleged in that petition?

A. For adultery and abuse in running me off.

Q. Who was your lawyer? A. Sobe Lewis.

Q. Was she represented by any one? A. Yes, sir.

Q. State to the Commission how it was that the decree of divorce was granted her against you. A. Well, I set out for the divorce and the term was put off a time or two, and she came down with her lawyer to my lawyer, and they didn't want to put it as it was by adultery, and fixed it up to allow her to get the divorce, and let her get it on the case of abandonment, and they come to me and I didn't care, and I told them just to do it. I had been away from her then a year.

Q. Mr. Owens have you ever been recognized as a citizen of the Chickasaw Nation, and if so in what way? A. Yes, sir; I have been voting here at the elections; they have issued me permits; I have been on the rolls; I was on the roll of 1893 and I drew \$150, and I was on the roll of 1896, and passed through the Chickasaw legislature, so they told me, my friends that was there.

MR. NORMAN: (Counsel for applicant) We would like to know whether his name appears on the roll which was approved by the act of the Legislature in 1896.

MR. BIXBY: (Acting Chairman of Commission) It appears on the roll which we have in our possession, but I don't know whether that was ever approved by the Chickasaw legislature. It was the roll furnished us by the authorities of the Chickasaw Nation.

Q Has the recognition of you by the Chickasaw nation been continued since your separation and divorce from your wife? A Yes, sir.

Q Have you any property interests anywhere? A Yes, sir.

Q Where are they? A Up there close to Province, in Pickens County, Chickasaw Nation.

Q What do your property interests consist of? A Improvements, houses and fencing and farms and orchards.

Q Did you make these improvements upon the faith and credit which the Chickasaw nation had held out to you as a citizen, by its recognition of you as a citizen? A Yes, sir.

Q Would you have done it if they had not? A No, sir.

Q When was the first time you ever heard your right as a citizen questioned? A I was notified by the Dawes Commission after enrollment at Ardmore.

Q Had the Indian authorities up to that time questioned it in any way? A No, sir.

Q They were familiar with the circumstances of your separation were they not? A Yes, sir.

CROSS-EXAMINATION - - - - - By Mr. Cornish.

Q Have you since remarried? A Yes, sir.

Q To whom have you married? A I married a white woman.

Q When did you marry? A About eight months ago.

Q What was the date of your marriage to the white woman?

A The 7th day of March.

Q 2th day of March, 1900. A Yes, sir.

Q All right. You spoke of this suit in the Paris court wherein Rachel Yates is charged with adultery. What became of that suit in the Paris Texas court? A Why it was acquitted.

Q The case was tried, was it not? A Yes, sir; I think so.

Q Witnesses were introduced? A Yes, sir.

Q Arguments were made, were they not? A I don't know.

Q Submitted to the jury, was it not? A Yes, sir.

Q Mrs. Yates was acquitted on that charge? A Mr. Norman did you apply for a certified copy of that judgment of the court?

MR. NORMAN: (Counsel for applicant). Yes, sir; I have a certified copy.

MR. CORNISH: (Counsel for Chickasaw nation). Have you a certified copy of the proceedings showing a disposition of that suit?

MR. NORMAN: (Counsel for Applicant). It was against A. Owens. It shows that A. Owens was

MR. CORNISH: (Counsel for Chickasaw Nation) (interrupting) Your record shows that he was acquitted of the charge?

MR. NORMAN: (Counsel for Chickasaw Nation) Yes, sir.

Q Who represented you in the divorce suit in the Indian Court? A Bobb Lewis.

Q Who represented Mrs. Yates? A Ben Carter.

Q You say you filed the original petition? A Yes, sir.

Q She filed a cross petition and procured the divorce? A Yes, sir.

Q The court granted her divorce? A Yes, sir.

Q Do you know of the Cherokee blood of your wife, Mr. Owens?

A I didn't know of it. I have heard that her mother was a Cherokee.

Q You have heard that her mother was a Cherokee? A Yes, sir.

I have heard that her father was a Chickasaw, and that is what they counted her all the time.

Q Upon what ground was the divorce granted her against you in the Chickasaw Court? You alleged adultery; she filed a cross petition. What grounds did she set up as a reason why she should be granted a divorce from you? A Abandonment, I think it was.

Q What other ground did she set up? A I don't know as she set up any other.

Q Not it was upon the cross petition charging abandonment that the court granted her the divorce? A Yes, sir.

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

Q Your attorney was present? A Yes, sir.

Q And she and her attorney were present? A Yes, sir.

REDIRECT EXAMINATION - - - - - By Mr. Norman.

Q Did you have anything to do in the way of effecting the agreement about the divorce proceedings? A Why, these lawyers had talked together and come to me and told me I could get the divorce that way, and it would be best, and I just told them to go ahead.

Q That is the truth about how the divorce was obtained? A Yes, sir.

Q Have you endeavored to secure the evidence of Mr. Sebe Lewis? A Yes, sir.

Q He is an attorney practicing, is he? A Yes, sir.

Q Now, regarding the suit in which A. Owens was prosecuted for adultery with your wife, I will ask you if that suit didn't practically go by default, and if you did not appear as a witness against him.

MR. CORNISH: (Counsel for Chickasaw nation. He might be permitted to state whether he was a witness against him, but as to whether it went by default I think would not be competent.

Q Was any prosecution of him made? A No, sir; I think not.

MR. CORNISH: (Counsel for Chickasaw nation) How does this witness know that. Were you present? A Yes, sir; I was present. They didn't get the witnesses there.

Q There is no question about his having committed the adultery with your wife is there? A No, sir.

Q Did she ever admit it to you? A Yes, sir.

RECROSS-EXAMINATION - - - - - By Mr. Cornish.

Q You were present then in the Paris court when this proceeding came up? A Yes, sir.

Q Upon whose information was it that this charge was instituted against A. Owens? A Mine.

Q Upon your information? A Yes, sir.

Q And it was upon that that he was indicted? A Yes, sir.

Q And when the matter came up you went down to Paris to see about it, did you? A Yes, sir.

Q And he was acquitted? A Yes, sir.

REDIRECT EXAMINATION - - - - - By Mr. Norman.

Q Well, now were you the only prosecutor? A No, sir. Our main witness was not there.

Q Who was the main prosecutor? A Told by the name of Leonard Adair.

RECROSS EXAMINATION - - - - - By Mr. Cornish.

Q Did you make an effort to get him to go? A Yes, sir. He was gone.

Q You made every effort you could to get him to go to the Paris court, didn't you? A Yes, sir.

Q Any other prosecuting witness see? A No, sir; none that I can remember just now.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceed-

ings in this case at the time and place abovementioned, and
that the foregoing is a correct, true and complete transcript of
his stenographic notes thereof.

Wm. J. M. Shea
Subscribed and sworn to before me this 10th day of September
A. D. 1900.

[Signature]
Acting Chairman.

Chickasaw, B. 110.

Department of the Interior,
Commission to the Five Civilized Tribes.
Arkmore, La. T., October 22, 1903.

In the matter of the application of Samuel Owens for enrollment as a citizen by intermarriage of the Chickasaw Nation.

Samuel Owens being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Samuel Owens.
Q How old are you? A 40.
Q What is your post office address? A Providence.
Q How long have you lived in the Chickasaw Nation? A Lived here about 20 years.
Q Continuously for the past 30 years? A Yes sir.
Q Never made your home elsewhere? A No more than a year; I was out 2 year.
Q When was that? A In '85.
Q You are a white man? A Yes sir.
Q And an applicant for enrollment as an intermarried citizen of the Chickasaw Nation? A Yes sir.
Q What is the name of your Chickasaw wife? A Rachel Yates.
Q Is that her present name? A Yes sir.
Q What was her name when you married her? A Rachel Lee.
Q When were you married to her? A I was married in '87.
Q Was she ever married before she married you? A Yes sir.
Q To whom? A Jim Lee.
Q What was her maiden name? A I think it was Wolf, Rachel Wolf I think.
Q Was she a recognized and enrolled citizen by blood of the Chickasaw Nation? A Yes sir.
Q Her rights were never questioned? A No sir, not that I know of, until this Commission notified her here.
Q She is possessed of some Cherokee blood is she not? A Yes sir, her father was Chickasaw and her mother was Cherokee.
Q You say you were married to her in 1887? A Yes sir.
Q And prior to your marriage to her she had been married to Lee? A Yes sir.
Q That was the only husband she had had? A She had one Indian husband, Jack Riley.
Q Were both Riley and Lee dead when you married her? A Yes sir.
Q Had you ever been married before you married her? A Yes sir.
Q To whom? A Miss Nancy Parker.
Q Was she dead when you married this woman? A No sir.
Q Were you divorced from her? A Yes sir, that is she was living with another man, married.
Q Were you divorced from her? A I never was divorced from her, she had been married 6 or 8 or 10 years, I don't know whether she was divorced or not.
Q You did not try to find out? A No sir.
Q You don't know whether there was any divorce between you and

Samuel Owens—2

- Q This woman or not? A She was old Gov. Parker's, a Chickasaw's, wife, and he had taken her back again.
- Q I don't understand what you mean; You say that before you married this Chickasaw woman you had been married to another woman? A Yes sir.
- Q Who was that? A Nancy Parker, Gov. Parker's widow.
- Q Now were you married to that woman? A Yes sir.
- Q Is she still living? A I don't know.
- Q She was alive at the time you married Rachel Yates? A I don't know whether she was or not.
- Q Were you divorced from this Parker woman? A No I wasn't divorced from her; she had gone married and was living with her husband 5 or 6 or 7 years when I married.
- Q Did you obtain a divorce from her? A No sir.
- Q When you married this Chickasaw woman, Rachel Wolf, or Lee, you did not know whether you had a living wife or not from whom you had not been divorced? A No sir.
- Q Did not take the trouble to find out? A No sir, they said I hadn't violated no law, another man was living with her.
- Q How do you know she was married to that other man? A I knew that.
- Q How do you know it? A I seen them together.
- Q They had lived together? A Yes sir.
- Q People live together some times without being married don't they? A Yes sir.
- Q You were lawfully married to that woman were you not? A Yes sir.
- Q And you were never divorced from her? A No sir, I never was divorced from her.
- Q Did you know whether she obtained a divorce or not? A I heard that she did, but I don't know it.
- Q Don't know anything about it? A No sir.
- Q You didn't know whether you were the husband of this other woman or not when you married this Rachel Lee? A No sir, I didn't know it of course.
- Q You were married to her in 1857? A Rachel Lee? Yes sir.
- Q Where were you married? A At Berwyn.
- Q Under a Chickasaw license? A Yes sir.
- Q From whom did you obtain that license? A Judge Dickerson.
- Q How much did you pay for it? A Fifty dollars.
- Q Are you still living with this woman? A No sir.
- Q How long did you live with her? A Four years.
- Q Until 1861? A Yes sir.
- Q Were you divorced from her? A Yes sir.
- Q Who obtained the divorce? A We put in application for it up in the court at Fishwings.
- Q On wat grounds? A I don't recall now what grounds it was; I sued because she was disagreeable and tried to kill me; I don't know what grounds she put in; I brought the suit for divorce; I instituted the suit; I first instituted it and then she filed an interplea or something.
- Q What did you allege? A I alleged that she was disagreeable and couldn't live with her; and she tried to kill me with a pistol.
- Q In 1861 that divorce was granted? A Yes sir.
- Q Have you since that time remarried? A Yes sir.
- Q To whom? A Georgia Worley.

Samuel Owen-----

- Q A white woman? A Yes sir.
Q You are now living with her? A Yes sir.
Q You have lived in the Chickasaw Nation continuously since your marriage to Rachel Lee? A Yes sir.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Ardmore, I. T., on the 28th day of October, 1902, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 6 day of November, 1902.

C. Stephen
Notary Public.

N.F.

9-D-110.

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

In the matter of the application for the enrollment of
Samuel Owens as a citizen by intermarriage of the Chickasaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on June 7, 1887 the applicant, Samuel Owens, was married in accordance with the laws, customs and usages of the Chickasaw Nation to Rachel Owens, (formerly Lee) a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name appears as Rachel Yates, number 3870 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Chickasaw Nation and approved by the Secretary of the Interior, December 12, 1902; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation and lived together therein as husband and wife continuously up to the time of their separation in 1891; and that thereafter the said Rachel Owens obtained a divorce from the applicant, and the applicant was afterwards married to Georgia Owens (formerly Worley) a white woman, having no rights of Chickasaw citizenship by blood.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1896 Chickasaw Census Roll, Panola County, page 83.

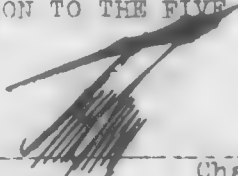
It further appears from the record herein that the applicant had been a resident in good faith of the Chickasaw Nation from the date of his said marriage to said Rachel Owens up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that following the ruling of the Department in the case of Thornton D. Pearce (I. T. D. 4060-1904) relative to the question of forfeiture,

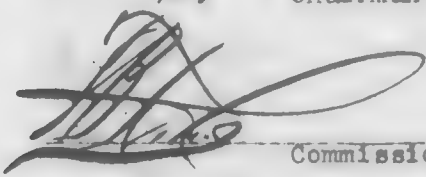
- 2 -

Samuel Owens should be enrolled as a citizen by intermarriage of the Chickasaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Samuel Owens for enrollment as an intermarried citizen of the Chickasaw Nation.

---B 110---

On the 17th day of March, 1902, the applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail that the application of Samuel Owens for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskegee, Indian Territory, on the 5th day of May, 1902, for final consideration.

Now, on this 5th day of May, 1902, this cause coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

---0---

Harry O 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 5th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry O Risteen

Subscribed and sworn to before me this 5th day of May, 1902.

[Signature]

Notary Public

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:o:-----

In the matter of the application of Samuel Owens for enrollment as an intermarried citizen of the Chickasaw Nation.

-----:o:-----

-----:o:-----

T. Norman, Esq., Attorney for the applicant.

W.B. Johnson, Esq., Attorney for Chickasaw Nation.

-----:o:-----

Ardmore, Indian Territory, November 25th, A. D., 1898.

-----:o:-----

Samuel Owens, being duly sworn by Commissioner T. B. Needles, on his oath, testified on behalf of the applicant as follows:

Direct Examination by Mr. T. Norman:

Q Were you married to Mrs. Yates? A. Yes sir.

Q In what year? A. In 1887.

Q Were you married under the license issued by the Chickasaw Nation? A. Yes sir.

Q How long did you live with your wife? A. About four years, close on to it.

Q What was the cause of your separation? A. Well, her temper was very bad, and we just couldn't live together agreeable.

Q Were you at fault or was she at fault in the separation?

(By Com'r. McKennon) Let him tell what was done.

Q (By Mr. Norman) Go ahead and state all the facts? A. I considered that she was at fault.

(By Com'r. McKennon) Tell what she did.

A. She got after me with a six shooter, and I run off. I left

and run off and left my watch. She said she was going to shoot.

Q (By Com'r. Needles) Did she shoot? A. No sir, she didn't shoot but I expected to hear it pop.

Q (By Com'r. Needles) You couldn't find the watch? A. Yes sir, Annie, the girl, found it.

Q (By Mr. Norman) After that did either one apply for divorce?

A Well, yes.

Q Just state the circumstances of that? A. We couldn't live together, and we wanted a division. I applied for the divorce and she got the divorce. I don't know which one applied for it first, but she beat me and got the land, stock.

Q Got the land and property? A. Yes sir.

Q What land and property was it that she got? A. Home place out here on Caddo. She didn't have anything when I married her. I took her to the place and put it in. I gave Frank Gatewood \$75. for the house. The claim was her's though.

Q What proportion of the property that you owned, you and her, was given to Mrs. Yates? A. All the land there. I made a division of it myself. I had about eight hundred acres and I gave Annie two hundred and Will two hundred, her son, and the balance I let go with the home place. I put in about two hundred myself.

Cross Examination by Mr. W. B. Johnson:

Q Did you have any children by Mrs. Owens? A. No sir.

Q Who was this Willie and Annie you gave this land to? A. Her first husband's children.

Q You didn't have any children at all? A. No sir.

Q Have you since remarried anybody? A. No sir.

Q Who paid the debts when you left? A. We was owing Mr. Hardy the sum of \$25.00 or \$30.00, and the Iron Store about \$60.00, and

and run off and left my watch. She said she was going to shoot.

Q (By Com'r. Needles) Did she shoot? A. No sir, she didn't shoot but I expected to hear it pop.

Q (By Com'r. Needles) You couldn't find the watch? A. Yes sir, Annie, the girl, found it.

Q (By Mr. Norman) After that did either one apply for divorce?

A Well, yes.

Q Just state the circumstances of that? A. We couldn't live together, and we wanted a division. I applied for the divorce and she got the divorce. I don't know which one applied for it first, but she beat me and got the land, stock.

Q Got the land and property? A. Yes sir.

Q What land and property was it that she got? A. Home place out here on Caddo. She didn't have anything when I married her. I took her to the place and put it in. I gave Frank Gatewood \$75. for the house. The claim was her's though.

Q What proportion of the property that you owned, you and her, was given to Mrs. Yates? A. All the land there. I made a division of it myself. I had about eight hundred acres and I gave Annie two hundred and Will two hundred, her son, and the balance I let go with the home place. I put in about two hundred myself.

Cross Examination by Mr. W. B. Johnson:

Q Did you have any children by Mrs. Owens? A. No sir.

Q Who was this Willie and Annie you gave this land to? A. Her first husband's children.

Q You didn't have any children at all? A. No sir.

Q Have you since remarried anybody? A. No sir.

Q Who paid the debts when you left? A. We was owing Mr. Hardy the sum of \$25.00 or \$30.00, and the Iron Store about \$60.00, and

the rents on the place, when I left, I told her "You take them and pay them".

Q She got a judgment against you in the divorce proceedings. She got a divorce from you? A. Yes sir.

Q (By Mr. Norman) Have you always been recognized as a citizen by the Chickasaws? A. Yes sir, I have voted here and drew my annuity money here.

Q (By Com'r. Needles) You are a white man? A. Yes sir.

Q (By Com'r. McKennon) You say you don't know which one commenced divorce proceedings first? A. She had Ben Carter for her lawyer, a mighty nice man, and I had Sobe Lewis to defend me.

No. 743

United States District Court,
Eastern District of Texas.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 8 1900


ACTING CHAIRMAN.

United States

vs.

A. Owen

COPY OF

Judgment

In the District Court of the United States
For the Eastern District of Texas

United States

Nov 25th, 1892

vs

District Court

A. Owen

No 743

Criminal Docket

This cause coming on this day to be heard, came the United States by her Attorney and announced ready for trial and the defendant A. Owen in his own proper person and by Attorney appeared and announced ready and the said defendant being arraigned plead not guilty and thereupon came a jury of ¹² good and lawful men to wit R. S. Brann Joseph Adamson J. C. Spout Robt Maddox S. C. Rose J. W. Harris R. H. Boyne F. Root J. J. Simpson B. R. Aen P. N. Rodgers A. G. Smith who having been duly tried impaneled and sworn as required by law and having heard the evidence and the argument of counsel and received the charge of the Court retired to deliberate their verdict and on the same day brought into open Court their verdict in words and figures as follows to wit "The the Jury find the defendant not

guilty as charged

P. O. Braine

Nov 20 1892

Foreman

It is then for consideration by the Court
that the defendant is not guilty as
charged in the indictment and as found
by the jury and it is ordered that
he be discharged.

IN THE DISTRICT COURT OF THE UNITED STATES,

DISTRICT OF TEXAS AT PARIS.

IN THE DISTRICT COURT OF THE UNITED STATES,
FOR THE EASTERN DISTRICT OF TEXAS, AT PARIS.

I, *J. B. Parker*, Clerk of the District Court of the United States, for the Eastern District of Texas, at Paris, in the fifth Circuit, and District aforesaid, do hereby certify the foregoing to be a true and correct copy of *the verdict of the jury and Judgment of the Court*

in cause No. *743* on the *Criminal* Docket of said Court, entitled *United States vs A. Owen* in which cause *A. Owen* was charged with on or about the *10th day of July 1891* living in adultery with one *Rachel Owen*

of record as the same now appears in my office.

To Certify which, witness my hand and the seal of said Court, at Paris, in said

District, this the *24* day of *Nov* A. D., 19*00*

John B Parker
Clerk U. S. District Court, E. D. T., at Paris.

Deputy.

Before the Commission to the Five Civilized Tribes.

In Re the citizenship
of Samuel Owens.

.....

Affidavit of W. B. Burney.

.....

I, W. B. Burney, do solemnly swear that my name is
W. B. Burney; that I am fifty five years old; and that I reside at
at Ardmore, I.T? I am personally well acquainted with Samuel
owens, and have known him for twenty five or thirty years.

I also well knew a girl whose maiden name was Nancy Isbell.
I knew her for several years before her marriage. She and her fathers
family were living on my place at the time of her marriage to Ex
Gov. Thos. Parker, formerly Governor of the Chickasaw Nation. She
married at my house about the year 1873, and I was present at the
marriage. This was the time she married Gov. Thos. Parker. After
living with him a while, this girl Nancy Isbell, then Nancy Parker
quit Gov. Thos. Parker; and afterwards she, while still the lawful
wife of said Thos. Parker, was living with Samuel Owens as his wife.
I did not then know that she and Samuel Owens claimed to be married,
and all I know is that they were then living as husband and wife.

After she and Samuel Owens lived together a while, this Nancy
Isbell, then Nancy Parker, went back to her husband, Gov. Thos. Parker,
and lived with the Gov. Thos. Parker. At the time she and Samuel Owens
were living together, she was then the lawful wife of said Gov. Thos.
Parker. I know all the parties well, and know all the facts mentioned
above by me, and know them to be true.

Subscribed and sworn to before me this the 19th day of July, 1904.

W. B. Burney
J. M. Mathis
Notary Public

AFFIDAVIT OF A. H. LAW.

.....

My name is A. H. Law; I am fifty nine years of age, and reside at Ardmore, Indian Territory. I have lived here in Pickens County, Chickasaw Nation, ever since the year 1870. I am an intermarried Citizen of the Chickasaw Nation. About the year 1873, I knew of the Isbell family; they lived then on my brother-in-law's place, my brother-in-law being named W. B. Burney. I knew one of the Isbell girls, whose name was Nancy. She married Gov. Thos. Parker, a Chickasaw Indian by blood. I was well acquainted with Gov. Thos. Parker, and visited his house on several occasions after he and Nancy Isbell were married. Gov. Thos. Parker and his wife Nancy aforesaid separated, but I do not remember the year. It was about the year 1874. I understood that after their said separation, the said Nancy Parker, ^{and Samuel Owens} lived for a short time together as husband and wife. After living with the said Samuel Owens for a while, Nancy Parker went back to her husband, Gov. Thos. Parker, and lived with him until his death. All three of the parties lived in Pickens County, and During the occurrences related above, I was County Clerk of Pickens County, Chickasaw Nation, and as such was custodian of the Court records of that court. If Nancy Parker was ever divorced from her husband, Gov. Thos. Parker, I do not ~~remember~~ remember of it.

After Nancy Parker went back to her husband, Gov. Thos. Parker, she never lived with Samuel Owens again so far as I know.

A. H. Law

Subscribed and sworn to before me this the 22nd day of July, 1904.

J. B. Mathers
Notary Public.

AFFIDAVIT OF SAMUEL OWENS.

.....

I, Samuel Owens do solemnly swear that I am fifty one years old, and reside at Prevence, I.T. In regard to my marriage to Nancy parker, I solemnly swear that at the time of my pretended marriage to her she was, unbeknown to me at the time, the lawful wife of Ex/ Gov/ Thomas Parker, then living; and that my marriage to her was null and void. This woman, who before her marriage to Gov. Thos. Parker, was named Nancy Isbell, was married to Gov: Thos. Parker, the Ex Gov- enor of the Chickasaws, about the year 1873; and she separated from him a short time thereafter, and she and I were married about 1874 or 1875. We were not married under a license. We had no license what- ever. I thought at the time that there were no ties existing between herself and her husband, and she represented that she was divorced. This I found to be untrue. She was then the lawful wife of said Gov. Thomas Parker, and as soon as I discovered that she was his lawful wife, she and I immediately separated, and she went back to her husband aforesaid. There was some talk about prosecuting us for adultery, and that is the way I discovered that she was still the lawful wife of her husband. I never secured any divorce from her for the reason that my attorney told me that the marriage was a nullity, and that I did not have to get a divorce. And in fact, the marriage was a nullity in the way I have just described. As a further evidence that what I say is true, I herewith attach and enclose to you the affidavit of W.B.Burney, Chickasaw Townsite Commissioner, and A.H.Law, formerly clerk of the County Court of Pickens County, and can and will get many more to the same effect if it be required, as the above facts are well known hereabouts.

Samuel Owens

Subscribed and sworn to before me this the 22nd day of July, 1904.

Howe P. Bee
Notary Public.

*My Commission
expired - 1907.*

Chickasaw D-110.

In the matter of the enrollment
of Samuel Owens as an intermar-
ried citizen of the Chickasaw
Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

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

FEB 6 1904

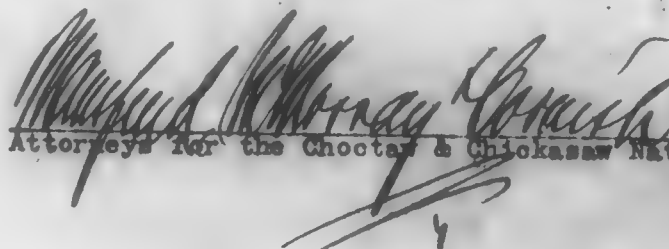
~~_____~~
J. CHAMBERLAIN

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation of Samuel Owens; Chickasaw field number D-110.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of John C. Bradshaw vs. The Choctaw and Chickasaw Nations, number 3, on the Tishomingo docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Chickasaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.


Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

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

FILED

DEC 8 1900



ACTING CHAIRMAN.

[Handwritten notes on the right margin, partially obscured]

I Guy Neil Clerk
of the County Court
of Pickens County
Cherokee Nation
I do hereby certify
that foregoing
is a true and correct
copy of the original
written in my hand
this 6th day of
Oct A.D. 1896.

Guy Neil
County Clerk
Pickens County
C.N.

CHICKASAW
NATION



COUNTY OF
PICKENS.



To Any Judge of The County or District Court, Ordained Minister of The Gospel in and for Said County of Pickens,
GREETING: *«««*

You Are Authorized to Solemnize The
»»» RITES OF MATRIMONY «««

BETWEEN MR. *Samuel Owens* And Mrs. *Rachel Lee*

And make due Return to the clerk of the County Court within
Thirty Days thereafter certifying your action Under This License.

Witness my Official Signature and Seal of Office, Pickens County Court-House, this
7th day of *June* 18*87*.

By _____ DEPUTY *William Dickerson*
Judge County Court, Pickens County.

I, *Elder H. Bass* hereby certify that on *7th* day of *June*
A. D. 18*87*, I United in Marriage *Samuel Owens* and *Rachel Lee*
the parties above-named.

WITNESS my hand this *7th* day of *June* 18*87*
Elder H. Bass

Filed for Record *7th* day *June* 18*87*, Recorded *7th* day of *June* 18*87*.
A. H. Stewart Clerk.

Muskogee, Indian Territory,

August, 18, 1900.

Samuel Owens,

Provence, Indian Territory,

Dear Sir,-

You are hereby notified that the Chickasaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with the Commission a notice of protest to your enrollment as a citizen of the Chickasaw Nation.

For the purpose of hearing any additional testimony which may be offered by either you or the attorneys for the Chickasaw Nation, the Commission will hold a session at Atoka, Indian Territory, commencing December, 3rd, 1900, at which time and place you will be allowed to offer any additional testimony which you may desire to submit in support of your application, such hearing to be final.

Yours truly,

Acting Chairman.

9-D-110

*Substituted
for letter
Jan 4*

Muskogee, Indian Territory, January 5, 1901.

F. C. Lewis,

Oakland, Indian Territory.

Dear Sir:

The Commission is in receipt of your affidavit given in behalf of Samuel Owens and the same is returned to you herewith for the reason that an opportunity was given Mr. Owens at Atoka, Indian Territory, from December 3rd, to 12th, 1900, to offer any additional testimony that he might desire in support of his application for enrollment as a citizen of the Chickasaw nation. The Commission cannot now accept written evidence as to his rights to enrollment but will at any time hear the evidence of any witnesses he may desire to present before the Commission, proper notice of the taking of such testimony to be given to the attorneys for the Choctaw and Chickasaw Nations.

Yours truly,

Acting Chairman.

Enc 2

9-2-110

Saul. Ocas -

Int. Chickasaw

on doubtful list

page 83

OK
Nashby

~~577~~
1040

Sept 27 1870

My dear Mr. [unclear] [unclear]
I have just received your letter
concerning the [unclear] [unclear]
case that you mention
on the 20th [unclear] [unclear]
on this case he got the
deposition [unclear] [unclear]
in the case [unclear] [unclear]
they married a [unclear]
and the name of
Riley & [unclear] [unclear]
married [unclear] [unclear]
boy of [unclear] [unclear] she married
ed [unclear] [unclear] then
she quit him & had
a divorce from him
& took the [unclear] was
the judge that made
decision his son [unclear]

on your hand you
can see him
it: she is living with
a man age 70
if I could see the
entire to see how the
one that I am
in a way it is the
to be the the
she to draw her
money from the
Government. They told
her that she could not
draw it here she has
to go to the
nation. A Supreme Court
is in the
your commission he has
been selling in town
to his at Providence so
he is beating the
indians at the time
he drew his part of
the funds

you get Governor
Harris to state the
case over he how he
states it: & I want
you to tend to this
case & not let him
beate you in such
a manner as that
yours truly
A. A. Arnold
provincer p. 93 the

My wife is one
& I indrownd she is
check tow her maiden
name is miss parish
I have never travel for
some enoy write
Jerrin Tailcom would
be do so but I never
tried for do an

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Chickasaw D-110.

Muskogee, Indian Territory, March 17, 1902.

Samuel Owens,

Provence, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on 5th day of May, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Register.

Commissioner in Charge.

9-D110

Muskogee, Indian Territory, October 24, 1903.

Samuel Owens,
 Provenoe, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 8, asking the status of your enrollment as an intermarried citizen of the Chickasaw Nation.

In reply to your letter you are informed that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Chickasaw Nation. As soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Chickasaw D 110

Muskogee, Indian Territory, February 8, 1904.

Samuel Owens,
Provence, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the Attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Chickasaw D 110

Muskogee, Indian Territory, May 7, 1904.

Thomas Norman,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 30, asking the cause of the delay in the determination of the case of Sam Owens who claims to be an intermarried Chickasaw.

In reply to your letter you are advised that on February 6, 1904, the attorneys for the Choctaw and Chickasaw Nations filed a protest in the case of Samuel Owens, an applicant for enrollment as an intermarried citizen of the Chickasaw Nation, in which they request that final action be suspended until final decision by the Choctaw and Chickasaw Citizenship Court in the case of John C. Bradshaw versus the Choctaw and Chickasaw Nations, Number 3 on the Fish-omingo docket, in which said court will decide the validity of that portion of the intermarriage laws of the Chickasaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question, they allege, is involved in this case.

Under the instructions of the Department of November 12, 1903, the Commission is stopped from further action in cases of

T N 3

this character, wherein protests have been filed by the attorneys
for the Choctaw and Chickasaw nations, until further directed by the
Secretary of the Interior.

Respectfully,

Commissioner in Charge.

8-2-110

Muskogee, Indian Territory, June 25, 1904.

Thomas Hornum,

Attorney at Law,

Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 15, 1904, in which you state that you have been informed that the Secretary of the Interior has issued an order directing the Commission to proceed with the adjudication of all cases similar to that of Samuel Owen, and you therefore ask when this case will be reached and that you be notified of the decision thereon.

In reply to your letter you are informed that on June 7, 1904, the Secretary of the Interior overruled the protest of the attorneys for the Choctaw and Chickasaw Nations in the matter of the application of Samuel Owen for enrollment as an intermarried citizen of the Chickasaw Nation and the Commission will now proceed to take the case up for consideration and determination as early as practicable.

It is impossible to state at this time, however, when the case will be reached for consideration but as soon as a decision is reached, you and the applicant will be notified of the action taken thereon.

Respectfully,

Commissioner in Charge

9-D-110.

Muskogee, Indian Territory, July 9, 1904.

Samuel Owens,

Evance, Indian Territory,

Dear Sir:

It appears from the records of the Commission that you are an applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation. The record in your case shows that you were married to Nancy Parker, before your marriage to your Chickasaw wife, Rachel Wolf, or Lee, now Rachel Yates, but there is no proof on file of your divorce from said Nancy Parker.

You are advised that before further consideration can be given to your application as an intermarried citizen of the Chickasaw Nation, that it will be necessary for you to procure a certified copy of the decree of divorce from your former wife, Nancy Parker, and file the same with this Commission.

Respectfully,

Chairman.

Chickasaw Nation

Muskogee, Indian Territory, July 23, 1894.

Thomas Jordan,

Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 23, transmitting affidavits of Samuel Owens, A. H. Law, and W. B. Burney, relative to the marriage between Samuel Owens and Nancy Owens, and the same have been filed with the records in the matter of the application of Samuel Owens for enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, September 14, 1904.

Thomas Norman,

Attorney at Law.

Admore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 8th inst., requesting information relative to the disposition made with the application for enrollment of Samuel Owens as a citizen by intermarriage of the Chickasaw Nation.

You are informed that the application for the enrollment of Samuel Owens as an intermarried citizen of the Chickasaw Nation has not been passed upon by the Commission. As soon as a decision is reached therein due notice of the action taken will be forwarded to you.

Respectfully,

Chairman.

COPY,

9-D-110

Muskogee, Indian Territory, October 15, 1904.

Samuel Owens,

Provenca, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Chickasaw nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.
Chairman.

Registered,

Incl. 9-D-110.

COPY.

9-D-110

Muskogee, Indian Territory, October 15, 1904.

Mansfield, McFurray & Gernish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, granting the application for the enrollment of Samuel Owens as a citizen by inter-marriage of the Chickasaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation; if at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

JAMES BIRBY.

Chairman.

Registered.

Incl. 9-110.

See 9-180 for registry receipt for this letter.

COPY.

9-D-110

Muskogee, Indian Territory, October 15, 1904.

Thomas Norman,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application of Samuel Owens for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said Samuel Owens as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

James Bloddy.

Chairman.

Registered.

9-1778

Muskogee, Indian Territory, November 18, 1904.

A. P. Yates,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing a certified copy of the divorce proceedings between Samuel and Rachel Owens, and the same has been duly filed with the records of the Commission in the matter of the application for enrollment of Samuel Owens as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Chairman.

9-1778
7-272
7-458
7-3911
7-4410

Muskogee, Indian Territory, April 5, 1907.

S. T. Bledsoe,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 1, 1907, in which you state that the final enrollment of Margret Hyden and Georgia Hyden as members of the Choctaw tribe was approved last November, and you ask when they may file. Receipt is also acknowledged of your letter of March 27, 1907, asking if the following named persons were affected by the recent order of the Secretary of the Interior striking names from the rolls: Sam Owens, George Hewitt, Emma Sisney, Frank Hyden and Visey Lewis.

In reply to your letter you are advised that the name of Sam Owens appears upon the roll of citizens by marriage of the Chickasaw Nation and the names of Emma Sisney and George W. Hewitt appear upon the roll of citizens by marriage of the Choctaw Nation and their enrollment was not affected by the opinion of the Attorney General of the United States of February 19, 1907.

You are further advised that the enrollment of Frank S. Hyden was not affected by the opinion of the Attorney General

6. 7. 3. 74

above referred to but the enrollment of Georgia Hyden, wife of Frank S. Hyden, was cancelled by the Department by an order of March 4, 1907 and the enrollment of Eva Marguerite Hyden was disapproved by the Secretary of the Interior March 4, 1907.

It further appears that the enrollment of Vicky Lewis as a citizen by marriage of the Cheateau Nation was cancelled by the Department on the same date.

Respectfully,

Acting Commissioner.

Chic 1779

Chic 1779

79
7--68.

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

In the matter of the application for the enrollment of
Florence Carter as a citizen by blood of the Chickasaw Nation.

--: D E C I S I O N :--

It appears from the census card record in this case that on September 8, 1898 the applicant, Florence Carter, appeared before the Commission and made personal application for enrollment as a citizen by blood of the Choctaw Nation.

It appears from the record herein and the records in the possession of the Commission that the applicant is the son of Eli Carter, a white man, and Mary Jane Carter, a recognized citizen by blood of both the Choctaw and Chickasaw Nations, and that he is identified upon the 1893 Chickasaw Leased District Payment Roll, number 2, page 53; and also upon the 1896 Chickasaw Census Roll, Pickens County, page 86, enrolled on said rolls as a citizen by blood of said nation.

It further appears that the applicant was a resident in good faith of Indian Territory on June 28, 1898; all applicants listed upon census cards in 1898 having been first examined as to such fact although their testimony was not reduced to writing.

It is, therefore, the opinion of this Commission that Florence Carter should be enrolled as a citizen by blood of the Chickasaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

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

FILED
JUN 15 1904



CHAIRMAN.

98418

Waldon, D. T.

Jan 2nd 1904.

To the Commission of the Five Civilized Tribes.
We Thomas Waldon and my wife Sophia Waldon have raised the boy Lawrence or Florence Carter from the age of about three years old and he is the same person who is registered from Waldon P. O. We put him on the Chickasaw Rolls in 1893. He is a full brother to Eda Wornack.

Witness my hand and seal
Bertram Brown
Witness for record
The 2nd District
Southern District
Indian Territory

His X Thomas Waldon
Her X Sophia Waldon

On this 2nd day of Jan 1904,
Personally appeared before me a Notary Public, Thomas Waldon and Sophia Waldon. To me well known and stated and acknowledged that the above statement is true.

Witness my hand and seal this the day and year above written
my com - expires Jan 26 1907 J. H. Carlisle

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 2 1904

[Handwritten signature]

[Faint handwritten notes or signatures]

Territory of Oklahoma
Cleveland County

85

Marion Carter of lawful age, being first duly sworn, upon oath says that he is the same identical person whose name appears upon both the Chickasaw and Choctaw Indian rolls, being enrolled in the Chickasaw and Choctaw on the Choctaw; that he desires to take his allotment by the Chickasaw Indian roll to be enrolled as a Chickasaw Indian.

Marion Carter

Subscribed and sworn to before me this 2nd day of July, 1904.

W. M. Daniel

Notary Public.



April 10 1907

RECORDS OF THE TERRITORY OF OKLAHOMA
CIVIL DIVISION
CIVIL RECORDS
APR 10 1907

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Lawrence Carter as a citizen by blood of the Choctaw Nation, Choctaw
Field No. 68.

We heroby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs. Choctaw and Chickasaw Nations, No. 59 on the Tishomingo Docket, in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the third or the fourteenth article of the treaty of 1830 was necessary in order to be entitled to enrollment and to participation in the distribution of tribal property of the Choctaws and Chickasaws, notwithstanding their recognition as citizens by the tribal authorities of the Choctaw Nation, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.


Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

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

List of questions to be answered by

T H O M A S W A L D O N .

Int. 1 Do you know Florence Carter?

Ans.

yes.

Int. 2 How long have you known him?

Ans.

26 years.

Int. 3 What is his age?

Ans.

29 years.

Int. 4 What is the name of his father?

Ans.

Eli Carter

Int. 5 Is he living or dead?

Ans.

Dead.

Int. 6 What is the name of his mother?

Ans.

Mary Jane Carter

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

JUN 27 1904



CHIEF

HICKASAW.

8148

Case H. J. 67

Int. 7 I she living or dead?

Ans. *Dead.*

Int. 8 Were his parents citizens by blood of the Chickasaw Nation?

Ans. *Father. a white man.
Mother 1/2 Chickasaw & 1/2 Chectaw. Blood*

Int. 9 What degree of Chickasaw blood is possessed by Florence Carter.

Ans. *1/4 Chickasaw.*

Int. 10 Is he also know as Lawrence Carter.

Ans. *yes.*

Int. 11 What is his postoffice address?

Ans. *Waldon. J. T.*

Int. 12 Do you know if any application was ever made to the Commission to the Five Civilized Tribes by him or by any other person in his behalf, if so, state time and place and by whom such application was made.

Ans. *at Stone wall J T about 1898. by
himself.*

Witnessed to me,

*B. J. Shewey
E. B. Q. Dicks*

(Sign Here) *Thomas Waldon*

Subscribed and sworn to before me this *24* day of *June*, 1904.

*my Commission Expires
Nov 23 1915*

H. H. Trooper
Notary Public.



Muskogee, Indian Territory, April 2nd, 1901.

Mr. Florence Carter,

c/o Cyrus G. Kean,

Wynnewood, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of Florence Carter and John Walner relative to the death of Thomas L. Carter which occurred March 6, 1899. The records of the Commission do not show that any person by the name of Thomas L. Carter was ever listed by this Commission for enrollment as a citizen of the Choctaw Nation, nor do the records disclose the name of Florence Carter as a citizen of the Choctaw Nation. The records do show, however, that on September 15, 1898, one William Carter, thirty six years old and a male was duly listed by this Commission as a citizen of the Choctaw Nation.

The records also show that on September 8, 1898, one Lawrence Carter, age twenty four, and a male was duly listed by this Commission for enrollment as a citizen of the Choctaw Nation.

You are now requested to inform the Commission, at your earliest convenience whether the William L. Carter referred to in your affidavit as having died on March 6, 1899, is the

#2 .P.C.

identical William Carter, who was listed for enrollment by this Commission as a citizen of the Choctaw Nation on September 15, 1898.

You are also requested to state if Lawrence Carter and Florence Carter are one and the same person. Your prompt attention to this matter will be appreciated by this Commission.

Respectfully,

Acting Chairman.

7-68.

Chectaw-68.

Muskogee, Indian Territory, December 9, 1903.

W. H. Lewis,

Attorney-at-Law,

Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 1, 1903, relative to Florence Carter, whose postoffice at the time he was registered, was Waldon, Indian Territory. You state that Mr. Carter went to the Chickasaw Land Office but they would not allow him to select his allotment. You therefore ask if it will be necessary for him to submit further evidence in order that he be allowed to file on his allotment.

In reply to your letter you are informed that it appears from our records that Lawrence Carter, whose postoffice was Waldon, Indian Territory, was listed for enrollment as a citizen by blood of the Chectaw Nation, but it does not appear that his name is found on the tribal rolls of the Chectaw Nation in the possession of the Commission, and his name has not therefore been placed upon the schedule of the citizens by blood of the Chectaw Nation prepared for forwarding to the Secretary of the Interior. It is believed that this is the person referred to in your letter as Florence Carter.

Respectfully,

Choctaw 48

Muskogee, Indian Territory, February 9, 1904.

Lawrence Carter,

Waldon, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 28, 1904, no further action will be taken relative to your enrollment as a citizen by blood of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Mustang, Indian Territory, June 10, 1904.

Thomas Walden,

Walden, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the joint affidavit of Thomas and Sophia Walden, stating they raised a boy known as Lawrence or Florence Carter, from the time he was three years old and that he is on the 1875 Dickman rolls and a full brother to Ida Wrenn, and the same has been duly filed with our records in the matter of the application for enrollment of Florence Carter as a citizen by blood of the Chickasaw Nation.

Respectfully,

W. H. ...

9-3-18

Muskogee, Indian Territory, June 18, 1884

Thomas Walden,

Walden, Indian Territory

Dear Sir:

Enclosed herewith you will find a list of questions which you are kindly requested to answer in writing and when answered certify to the correctness of same before a Notary Public and return in the enclosed envelope which requires no postage.

Respectfully,

Chas. Smith

9-23
Muskogee, Indian Territory, June 20, 1904.

Thomas Walden,

Walden, Indian Territory.

Dear Sir:

Referring to the application for enrollment of Florence or Lawrence Caries, and to your sworn statement relative to his identity, dated June 24, 1904, you are advised it appears that his name is found upon the tribal rolls of the Choctaw Nation, and also upon the tribal rolls of the Chickasaw Nation. You are therefore requested to have him furnish the Commission at his earliest convenience with a sworn statement stating which Nation he desires to be finally enrolled with.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, June 25, 1904

Thomas Waldon,
Halls, Indian Territory

Dear Sir:

Receipt is hereby acknowledged of your recent statement relative to the application for enrollment and identity of Florence or Lawrence Carter, and the same has been duly filed with the records of the Commission in the matter of the application for enrollment of said Florence Carter as a citizen by blood of the Cherokee Nation.

Respectfully,

Commissioner in Charge

Muskogee, Indian Territory, July 6, 1904.

Thomas Waldon,

Waldon, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your sworn statement relative to the application for enrollment and the identity of Florence or Lawrence Carter, and the same has been duly filed with the records of the Commission in the matter of the application for enrollment of said Carter, as a citizen by blood of the Choctaw Nation.

You are advised it appears that the name of Florence or Lawrence Carter is found upon the tribal rolls of the Choctaw Nation, also upon the tribal rolls of the Chickasaw Nation. You are, therefore, requested to have him furnish the Commission at his earliest convenience with a sworn statement electing which Nation he desires to be finally enrolled in.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, August 2, 1904.

Viriano Carter,

Norman, Oklahoma Territory,

Dear Sir:

Receipt is hereby acknowledged of your affidavit relative to the appearance of your name upon the Choctaw and Chickasaw rolls, and stating that you desire to take an allotment in the Chickasaw Nation, and the same has been duly filed with the records of the Commission in the matter of your application for enrollment.

Respectfully,

Commissioner in Charge

Muskogee, Indian Territory, August 27, 1904.

Florence Carter,

Norman, Oklahoma Territory.


~~Dear Madam:~~

Receipt is hereby acknowledged of your letter of the 19th inst., requesting to be advised what has been done in the matter of your application for enrollment.

You are informed that the application of Lawrence Carter as a citizen by blood of the Choctaw Nation is now under consideration by this Commission and a decision will probably be reached within the near future. It is believed that you are the same person as the Lawrence Carter referred to, if not a communication from you will receive prompt attention.

Respectfully,

Chairman.

COPY.

Choctaw 68

Muskogee, Indian Territory, October 15, 1904.

Florence Carter,
Norman, Oklahoma.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by blood of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, your name will be placed upon the final roll of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

James Bixby

Chairman.

Registered.

Encl. 7-68

Muskogee, Indian Territory, October 15, 1904.

W. M. Lewis,
Attorney at Law,
Davis, Indian Territory.

Dear Sir:

You are hereby notified that on October 15, 1904, the Commission to the Five Civilized Tribes rendered a decision granting the application of Florence Carter for enrollment as a citizen by blood of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling the said Florence Carter as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, the name of this applicant will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,



Chairman.

Registered.

COPY

October 18

Muskogee, Indian Territory, October 18, 1904.

Thomas Waldon,

Waldon, Indian Territory.

Dear Sir:

You are hereby notified that on October 15, 1904, the Commission to the Five Civilized Tribes rendered a decision granting the application of Florence Carter for enrollment as a citizen by blood of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling the said Florence Carter as a citizen of the Chickasaw Nation. If at the expiration of said time no protest had been filed, the name of this applicant will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary for his approval.

Respectfully,

James Bliby

Chairman.

Registered.

COPY

Chectaw 68

Muskogee, Indian Territory, October 15, 1904.

Mansfield, McMurray & Cornish,
Attorneys for the Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting the application of Florence Carter for enrollment as a citizen by blood of the Chickasaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling Florence Carter as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, this name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Jams Bixby

Registered.

Chairman.

Encl. 7-68

For registry receipt in this case see Chectaw 67

7-68

Muskogee, Indian Territory, October 26, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:-

Referring to original Choctaw enrollment card number 68
Lawrence Carter, you are requested to stamp the same "Cancelled"
and place thereon the following notation,

"And transferred to Chickasaw card number 1779 Oct.
31, 1904."

Respectfully,

Chairman.

9-1779

Muskogee, Indian Territory, December 15, 1904.

Florence Carter,

Newcastle, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 10, 1904, asking to be advised at Newcastle, Indian Territory, whether or not you have been enrolled as a Chickasaw Indian.

In reply to your letter you are informed that your name has been placed upon a schedule of citizens by blood of the Chickasaw Nation which has been forwarded to the Secretary of the Interior for approval, but the Commission has not yet been advised of Departmental action therein. As soon as your enrollment has been approved by the Secretary of the Interior you will be notified at your present address at Newcastle, Indian Territory.

Respectfully,

Chairman.

Choctaw Roll,

Lead No. 68.

Lawrence Carter (Apr 24) on
LBR No 2, in pencil; — Not
on 1896 Choctaw Roll.

Lavinia Carter

age 24

C C R. No 2 - 127

Charles Henry in
Whiskum Hill - N. Co

OK Henry

68

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



NOV
16/67
16/1

W. M. Lewis,

Davis,

Indian Territory.

Amelamed

W. M. Lewis

DAVIS
NOV
15
IND. TER.



REGISTERED
OCT 15 1904
MUSKOGEE, IND. TER.

Chic 1780

Chic 1780

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

-oOo-

In the matter of the application for the enrollment as a
citizen by intermarriage of the Chickasaw Nation of--

J O H N W. M O R R I S - - - - - 9-D-46.

-oOo-

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 Muskogee, Indian Territory August 17, 1904.

In the matter of the application for the enrollment of
 John W. Morris as an intermarried citizen of the Chickasaw Nation.

John W. Morris being first duly sworn testifies as follows;

Examination by the Commission:

- Q What is your name? A John W. Morris.
 Q What is your post office address? A Hastings.
 Q How old are you? A Fifty-one years old.
 Q White man? A Yes, sir.
 Q Claim no rights as an Indian by blood? A No, sir.
 Q You claim rights as an intermarried citizen do you? A Yes, sir.
 Q Through whom do you claim your rights? A Emma Love.
 Q Is she a Chickasaw? A Yes, sir.
 Q When were you married to her? A 21st March 1883.
 Q Was she your first wife? A Yes, sir.
 Q Were you her first husband? A Yes, sir.
 Q Where were you living at the time you married her? A Chickasaw Nation.
 Q Where was she living? A Chickasaw Nation.
 Q How long did you and she live together? A About eight months.
 Q Did you live together as husband and wife for eight months? A Yes, sir.
 Q What took place then? A She got up and left me.
 Q Then what took place? A She sued me for divorce.
 Q Did she get it? A Yes, sir.
 Q When did she get it? A About a year after we were separated, I don't remember what month it was in.
 Q Then after that did you remarry? A Yes, sir, I married a Choctaw woman.
 Q What was her name? A Lizzie Perkins.
 Q Where did you marry her? A Chickasaw Nation.
 Q Were you and she both living in the Chickasaw Nation at that time? A Yes, sir.
 Q How long did you live with her? A About a year and a half.
 Q Then what took place? A She went wrong and I made her leave.
 Q She got a divorce didn't she? A I don't know whether she did or not.
 Q Have you been married since then? A No, sir.
 Q Since your marriage to Emma Love where have you resided? A In the Chickasaw Nation most of the time.
 Q Did you ever make your home any where else? A I lived in Oklahoma about three years.
 Q When? A About nine years ago stayed nearly three years.
 Q What were you doing in Oklahoma? A Farming.

9-D-46---2.

- Q Did you own a farm there? A No, sir, I had a farm in the Chickasaw Nation and had it rented out.
- Q Did you have property in the Chickasaw Nation all the time that you were in Oklahoma? A Yes, sir.
- Q Did you consider your residence Oklahoma or Indian Territory? A Indian Territory, my home was there.
- Q Did you have any children? A No, sir.
- Q When you married Emma Love did you obtain a tribal license? A Yes, sir.

Tribal license and certificate on file; license issued by J. D. Harris, County and Probate Judge of Tishomingo County, dated March 21, 1883 - marriage certificate same date. shows that John Morris and Emma Love were married by said J. D. Harris, County ~~Probate~~ Judge.

- Q Is Emma Love the woman through whom you claim now living? A No, sir.
- Q When did she die? A I couldn't tell you hardly.
- Q About how long? A About eight years ago.
- Q Was she living in 1893? A I reckon so.
- Q After she got a divorce from you did she marry someone else? A Yes, sir, Bill Snowden.
- Q Were you ever recognized by the Chickasaws as a citizen by intermarriage? A Yes, sir.
- Q When? A Ever since I was married.
- Q How long had you lived in the Chickasaw Nation before you married Emma? A Ever since I was a little boy, I came to the Chickasaw Nation in 1868.
- Q How old would Emma Love be if living today? A About thirty-two or 'three.
- Q When did her mother die? A I couldn't tell you as I know nothing about them only from hearsay; they lived in one part of the country and I lived in another; I don't know anything about them.

Witness excused.

Chas. T. Difendaf being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. T. Difendaf

Subscribed and sworn to before me this 27th day of August 1904.

Charles W. Sawyer
Notary Public

9-D-46

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

O.L.J.

D. L. J.

-oOo-

In the matter of the application for the enrollment of John W. Morris as a citizen by intermarriage of the Chickasaw Nation.

---: D E C I S I O N :---

It appears from the record herein that on March 21, 1883, the applicant, John W. Morris, was married in accordance with the laws, customs and usages of the Chickasaw Nation, to Emma Morris, nee Love (or Low), a recognized citizen by blood of the Chickasaw Nation; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation; that they lived together continuously as husband and wife in said Nation for a period of eight months when they separated and were subsequently divorced, and that thereafter the applicant herein married Lizzie Perkins, whom he claims was a Choctaw by blood, from whom he subsequently separated, since which time they have continued to reside apart.

It further appears from the evidence submitted in support of said application that the applicant has resided continuously in the Chickasaw Nation from the date of his said marriage to Emma Morris, nee Love (or Low), up to and including September 25, 1902, with the exception of a period of three years when he resided temporarily in Oklahoma.

It is therefore the opinion of this Commission that John W. Morris should be enrolled as a citizen by intermarriage of the Chickasaw Nation under the provisions of the Acts of Congress approved June 28, 1898, (30 Stats., 495), and July 1, 1902, (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]
Chairman.

[Signature]
Commissioner.

C. R. Bucklin
Commissioner.

Muskogee, Indian Territory.

NOV 10 1904

Department of the Interior.
Commission of Five Civilized Tribes:
Muskogee, Indian Territory, May 2, 1902.

.....
: In the matter of the application :
: of J. W. Norris for enrollment as :
: a citizen by intermarriage of the :
: Chickasaw Nation. :
:.....

D-46.

On the 19th day of March, 1902, the applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of J. W. Norris for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 2nd day of May, 1902, for final consideration.

Now on this 2nd day of May, 1902, this cause coming on to be heard, pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant appears by his attorney, W. I. Cruce, of the firm of Cruce Cruce & Cruce, of Ardmore, Indian Territory, and asks that fifteen days time be allowed in which to file brief of this case.

Hal Belfere, being first duly sworn, upon all oaths states that as stenographer to the Commission to the Five Civilized Tribes he reported to said Commission the proceedings in the above cause on the 2nd day of May, 1902, and that the above is a full, true and correct report of his stenographic report of said cause on the said day of May, 1902.

Indian Territory }
Southern District }

John Farley Workman having been
duly sworn on oath deposes & says -
that he was acquainted with a Chickasaw
girl named Emma Love this girl
married a J. V. Morris on the 21st day of
March ~~1892~~ they got a divorce in
the Chickasaw Court. and this girl then
married one Bill Snowden they then
separated and she married again dont know
who or what is name was - I know
her to be a Chickasaw Indian by blood -
and that she was a Grand Daughter
of Governor Harris whose home was
at Mill Creek I. T.

John F. Workman
sworn to and subscribed to before me
this 22nd day of August A.D. 1902

W. A. Darling
Notary Public

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

FILED

AUG 29 1904

[Handwritten signature]

CHARLES

Indian Territory
Southern District 7 12.

Noah McNeil having been duly
sworn on oath deposes and says
that he was acquainted with
a Chickasaw girl named Emma
Cove. This girl married J. M. Moore
on the 21st day of March 1853

They got a divorce in the
Chickasaw Court and this girl
then married Bill Snowden
then they separated and she
married again but I don't know
his name. I know her to be a
Chickasaw Indian by blood.

Witness A. M. Cleghorn Noah ^{McNeil}
Subscribed and sworn to before me
this 18th day of Aug 1954
A. M. Cleghorn
Notary Public

Southern District
Indian Territory 301

B. J. Kemp having been
duly sworn on oath before and
says that about the year 1883
he knew a Chickasaw girl named
Emma Lowy. She was a Chick
saw Indian by blood and
was recognized as a member
of the Chickasaw Tribe of Indians.

B. J. Kemp
Subscribed and sworn to before
me this 18th day Aug 1904

A. M. Clippard
Notary Public

Chickasaw D-46.

In the matter of the enrollment
of J. W. Morris as an intermar-
ried citizen of the Chickasaw
Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

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

FEB 6 1904

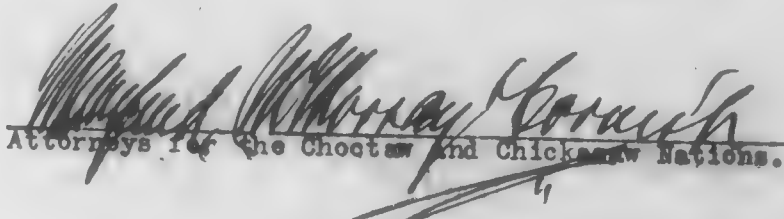
CHAIRMAN

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of J. W. Morris for enrollment as a citizen by intermarriage of the Chickasaw Nation; Chickasaw field number D-46.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of John C. Bradshaw vs. The Choctaw and Chickasaw Nations, number 3, on the Tishomingo Docket, in which the said court will decide the question of the validity of the intermarriage laws of the Chickasaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.


Attorneys for the Choctaw and Chickasaw Nations.

January 23, 1904.

G. W. Latta,

Court and Probate Clerk,
Tobacco Co., Chickasaw Nation.

This is to certify by authority of
Law in me vested I have this day granted
Marriage license unto John Morris
to unite in the holy bonds of matrimony
to Miss Emma Love. Given under
my hand and date this the 21st day of
March A. D. 1883,
Wishomingo County C. N.

J. D. Harris
County & Probate Judge
C. N.

I here by certify this is a true and
correct copy of this Marriage license
of John Morris.
Given under my hand and
seal of Office this the 9 day of
Sept 1898.

G. W. Latta
Clerk
C. N.

G. W. Latta,

Court and Probate Clerk,

Tishomingo Co., Chickasaw Nation.

Emet, Ind. Sept. 1889
This is to certify that I have this
day united John Mazria a citizen of
the U. S. to Agnes Emma Love a
citizen of Tishomingo County, Okla.
This the 21st day of August A. D. 1888
Tishomingo County }
Chickasaw Nation } County & Probate Judge
T. C. C. N.

Recorded March 2, 1888.

C. H. Seal.

C. H. Seal.

I hereby certify this is a true
and correct copy of this marriage
Certificate of John Mazria.

Given under my hand and
seal of Office this the 9 day of
Sept 1898.

G. W. Latta
Clerk
T. C. C. N.

J. W. Morris
age 45-

Int. Chickasaw

first married to Chick-
woman. who got a divorce

next married to Choctaw
woman who also obtained
a divorce.

Not on any roll,

(White card)

Okp
Hunting

846

Muskogee, Indian Territory,

August, 18th 1900.

J. W. Norris,

Chagris, Indian Territory,

Dear Sir,-

You are hereby notified that the Chickasaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Chickasaw Nation.

For the purpose of hearing any additional testimony which may be offered by you or the attorneys for the Chickasaw Nation, the Commission will hold a session at Atoka, Indian Territory, commencing December, 3rd, 1900 at which time and place you will be allowed to offer any additional testimony which you may desire to submit in support of your application, such hearing to be final.

Yours truly,

Acting Chairman.

9-D-46

(Copy)

Chickasaw D-46.

Muskogee, Indian Territory, March 17, 1902.

J. W. Morris,

Chagris, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 2nd day of May, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Commissioner in Charge.

Register.

Chickasaw D-46.

Muskogee, Indian Territory, February 26, 1903.

J. W. Morris,

Chagris, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw nations April 1, 1903.

The act of Congress approved July 1, 1902, provides as follows:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Chickasaw Nation can be determined, that you appear before the Commission and testify as to your status on September 28, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 15, 1903, and you should personally appear at this place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Chickasaw D 46

Muskogee, Indian Territory, August 31, 1903.

Burris & Bourland,

Attorneys at Law,

Tishomingo, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of August 21 relative to the status of John W. Morris, an intermarried citizen of the Chickasaw Nation, in which you state that owing to the high water Morris was unable to attend the meeting of the Commission to give additional evidence.

In reply to your letter you are informed that it appears from our records that J. W. Morris, of Chagris, Indian Territory, has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Chickasaw Nation, and before any further consideration can be given his right to such enrollment it will be necessary for him to appear in person before the Commission at its office at Muskogee, Indian Territory, for the purpose of testifying relative to his intermarried status on September 25, 1903.

Respectfully,

Commissioner in Charge.

Chickasaw D 46

Muskogee, Indian Territory, February 9, 1904.

J. W. Morris,

Chagris, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by intermarriage of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, June 16, 1904.

Mr. J. W. Morris,

Chagris, Indian Territory,

Sir:

It appears from the records of the Commission that you are an applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation. You have heretofore been notified two or three times to appear before the Commission to testify as to your intermarried status on September 25, 1902.

You are again notified that before consideration can be given to your application as an intermarried citizen, it will be necessary for you to appear before the Commission at its office at Muskogee, Indian Territory, at as early a date as practicable, and testify as to your intermarried status.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 16, 1904.

Mr. J. V. Morris,

Chagris, Indian Territory,

Sir:

It appears from the records of the Commission that you are an applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation. You have heretofore been notified two or three times to appear before the Commission to testify as to your intermarried status on September 25, 1902.

You are again notified that before consideration can be given to your application as an intermarried citizen, it will be necessary for you to appear before the Commission at its office at Muskogee, Indian Territory, at as early a date as practicable, and testify as to your intermarried status.

Respectfully,

Chairman.

9-D-46.

Muskogee, Indian Territory, August 11, 1904.

J. W. Morris,

Chagris, Indian Territory,

Dear Sir:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Chickasaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the land office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the land office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

9-D-46

Muskogee, Indian Territory, August 29, 1904.

J. W. Morris,

Chagris, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 23rd inst., enclosing the affidavit of John F. Workman, Noah McGill and B. F. Kemp relative to the identity of your former wife Emma Love, and the same have been filed with the records of the Commission in the matter of your application for enrollment as a citizen of the Chickasaw Nation.

Respectfully,

Chairman.

9-D-46

Muskogee, Indian Territory, October 3, 1904.

John V. Morris,

Chagris, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 23, 1904, requesting to be advised relative to the status of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation, stating that you have mailed several affidavits in support of the same and you desire to be advised if it will be necessary for you to furnish evidence and about what time your case will be decided.

You are informed that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Chickasaw Nation. Should further evidence be required you will be advised.

When a decision is reached in your case you will be duly advised.

Respectfully,

Chairman.

9-D-46

COPY

Muskogee, Indian Territory, November 10, 1904.

John W. Norris,

Chagris, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 10, 1904, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

James Blacby

Chairman.

Registered.

Incl. 9-D-46.

COPY.

9-D-46

Muskogee, Indian Territory, November 10, 1904.

Burris and Bourland,
Attorneys at Law,
Tishomingo, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 10, 1904, rendered its decision granting the application for the enrollment of John W. Morris as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said John W. Morris as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tame Bixby

Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 10, 1904.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered November 10, 1904, granting the application for the enrollment of John W. Morris as a citizen by inter-marriage of the Chickasaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Jams Bixby

Chairman.

Registered.

Incl. 9-D-46.

See 9-D-46 for registry receipt for this letter.

Chic 1781

Chic 1781

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

-oOo-

In the matter of the application for the enrollment as a
citizen by intermarriage of the Chickasaw Nation of-

B E T T I E S U M M E R S - - - -9-D-252.

-oOo-

Chickasaw, D. 350.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tishomingo, I. T., November 3, 1908.

In the matter of the application for enrollment as a citizen
by intermarriage of the Chickasaw Nation of Bettie Summers.

Bettie Summers being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Bettie Summers.
Q What is your age? A Going on 67 years old.
Q What is your post office address? A Platter, I. T.
Q Are you a white woman? A Yes sir.
Q You claim the right to enrollment as an intermarried citizen
of the Chickasaw Nation? A Yes sir.
Q What is the name of your husband through whom you claim citi-
zenship? A Stephen Colbert.
Q Is he living? A No sir, he got killed.
Q Was he a citizen by blood of the Chickasaw Nation? A Yes sir.
Q When were you married to him? A In '54.
Q Where were you living at that time? A Right here in the
Territory.
Q In which Nation? A In the Chickasaw Nation.
Q How long had you been living in the Chickasaw Nation at the
time you married Stephen Colbert? A I came here in '53 and
married him in '54.
Q Where had he been living at the time you were married? A In
here.
Q In the Chickasaw Nation? A Yes sir.
Q Who performed the marriage ceremony? A Old Father Carr of
Bloomfield Academy.
Q He was a minister of the Gospel? A Yes sir.
Q Did you have any marriage license from the tribal authorities
at that time? A No sir, there was no license in here then.
Q There was no marriage law at that time? A No sir.
Q When did your husband, Stephen Colbert, die? A He was killed
at Sherman just before the war ended. I can't tell you exactly
what time it was.
Q Did you and Stephen Colbert live together as husband and wife
from the time of your marriage up to the time of his death?
A We did, never separated.
Q Have you continued to reside in the Chickasaw Nation all the
time from your marriage up to the present time? A All my days.
Q Never have established a residence or home outside of the In-
dian Territory? A No sir.
Q Did you remarry after the death of your husband, Stephen Col-
bert? A Yes sir.
Q To whom were you married after his death? A I married a fel-
low in time of the war after Colbert got killed, and they
said it was not legal, by the name of Len Carr, and he got
killed and I married this man Summers standing here at my
back.
Q Was Carr a citizen by blood of the Choctaw or Chickasaw Nation?
A No sir.
Q What is the name of your present husband? A James Summers.

Bettie Summers—2

- Q Is he a citizen by blood of the Choctaw or Chickasaw Nation?
A No sir.
Q When did you marry Mr Summers? A In 179.
Q Does your husband claim any rights as a citizen of any Nation?
A Never has.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Tishomingo, I. T., on the 3rd day of November, 1908, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 19 day of November, 1908.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Tishomingo, I.T., September 8, 1904.

9 D - 262

-----XX-----

In the matter of the Application for Enrollment of
BETTIE SUMMERS
As a citizen by intermarriage of the Chickasaw Nation.

BETTIE SUMMERS, having been first duly sworn by Chairman Bixby
testified as follows:

Examination by the Commission:

- Q What is your name ? A Bettie Summers.
Q How old are you ? A I am going on 47 years old.
Q What is your postoffice address ? A Platter.
Q You claim to be an intermarried citizen of the Chickasaw Nation,
do you not ? A Yes sir.
Q You claim you were married to Stephen Colbert ? A Yes sir.
Q Here in the Chickasaw Nation, in 1862, I believe ? A Yes sir,
I was married at Bloomfield Academy.
Q Were you ever married before you married him ? A No sir, I was
just a young strip of a girl.
Q Was he ever married before he married you ? A No sir, we were
both you might say children.
Q Is there anybody now living that knew Stephen Colbert ? A Yes
sir, I have got plenty of witnesses.

JANE TUSSEY

Jane Tusser, having been first duly sworn by Chairman Bixby,
testified as follows:

- Q What is your name ? A Jane Tussey
Q Are you a citizen of the Chickasaw Nation by blood ? A Yes sir.
Q How old are you ? A I am going on 71.
Q Where do you live ? A I live here in Tishomingo.
Q Do you know Bettie Summers ? A Yes sir.
Q How long have you known her ? A Ever since she was a young girl,
before she married.
Q Whom did she marry ? A Stephen Colbert.
Q Was he a Chickasaw ? A Yes sir.
Q When was she married to Stephen Colbert ? A It was away before
the war.
Q Were you present when they were married ? A No sir.
Q How long after their marriage did they live together before
Stephen Colbert was killed over in Sherman ? A I don't know, a
good while.
Q You saw them together as man and wife, did you ? A Yes sir,
they lived on one side of the street and I lived on the other
in Matsboro (?) right below Fort Washita during the war.
Q You knew them to be man and wife ? A Yes sir.

Q And you knew Stephen to be a Chickasaw Indian? A Yes sir.

BETTIE SUMMERS (Recalled)

- Q Mrs Summers, did you ever have any children by Stephen Colbert?
- A Yes sir, one; she is dead but has grandchildren are here.
- Q What was her name? A Evaline Colbert.
- Q What are the grandchildren's names? A A girl named Tishie and a boy named Ponty McKinney, and the oldest one named Granville McKinney.
- Q Where do they live? A I have got two of them and McKinney has got the other.
- Q Have you lived here in the Chickasaw Nation ever since you married Stephen Colbert? A Ever since.
- Q Have you been on all the rolls? A Yes sir.
- Q There has never been any question about your citizenship?
- A None at all.
- Q How many times have you married since Stephen Colbert's death?
- A Once.
- Q How long have you been living with Summers? A Going on 20 years.
- Q He does not claim to be a citizen? A No sir, he is just a white man.
- Q Have you any children by him? A No sir, none at all.
- Q Have you a certificate of your marriage with Stephen Colbert?
- A No sir, that has been away back and it was lost.

PEGGY COLBERT

Peggy Colbert, having been first duly sworn by Chairman

Bixby, testified as follows:

- Q What is your name? A Peggy Colbert.
- Q How old are you? A I don't know exactly my age; I have been here a long time though.
- Q Were you living here at the time of the war? A Yes sir.
- Q Are you a Chickasaw freedman? A Yes sir.
- Q How old a girl were you at the time the war broke out? A I don't know.
- Q Were you grown? A Yes sir.
- Q Did you have children? A Yes sir.
- Q Whom did you belong to? A Morgan Colbert, Stephen Colbert's father.
- Q Stephen Colbert was a young man when the war broke out? A Yes sir.
- Q How long before the war did you know Stephen? A I have been knowing him all my life.
- Q And he was a son of old Morgan Colbert? A Yes sir.
- Q Did you know Stephen Colbert's wife? A Yes sir.
- Q Whom did he marry? A A white lady by the name of Bettie.
- Q Bettie what? A I don't know, but she was a white lady; he brought her on this side and married her.
- Q Where did he bring her from? A Texas.
- Q How long before the war was that? A Long before.
- Q About how many years would you say? A I reckon about four or five years before the war. I was a young girl, grown.
- Q Was Steve married at his father's house? A No sir, at Bloomfield Academy.

- Q And he brought this girl back home with him? A Yes sir.
- Q Have you known her ever since then? A Yes sir.
- Q What is her name now? A She was married again; I don't exactly know her husband's name, but Mr Summers, I believe.
- Q You knew that Stephen was a son of Morgan Colbert and married this woman at Bloomfield Academy and you have known her ever since?
A Yes sir.
- Q And after he married her he brought her home to Morgan's?
A Yes sir.
- Q Were you Morgan's slave? A Yes sir.
- Q How long did they live there at Morgan's after they were married?
A Not so very long; stayed there a week or two, backwards and forwards.
- Q Do you remember when Stephen was killed? A Yes sir, I remember.
- Q How long had he been married then? A Married a long time.
- Q Did they always live together as husband and wife up to the time Stephen was killed? A Yes sir.
- Q When was it Stephen was killed? A I don't know.
- Q About how long had they been married then? A I reckon about ten or twelve years.

W. J. Jones on oath states that he reported the testimony taken in the matter of the application for enrollment of Bettie Summers as a citizen by intermarriage of the Chickasaw Nation, at the Chickasaw Land Office, Tishomingo, I. T., on September 8, 1904, and that the foregoing is a true and correct transcript of his stenographic notes taken in said matter at said time and place.

W. J. Jones

Subscribed and sworn to before me this
the 16 day of September, 1904.

W. J. Jones
Notary Public

9-D-252.

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

O.L.J.
[Handwritten initials]

-oOo-

In the matter of the application for the enrollment of
Bettie Summers as a citizen by intermarriage of the Chickasaw Nation.

---: D E C I S I O N :---

It appears from the record herein that in about the year 1854, the applicant, Bettie Summers, was lawfully married to Stephen Colbert, a recognized citizen by blood of the Chickasaw Nation; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation; that they resided continuously together as husband and wife in said Nation from the date of their said marriage until the death of Stephen Colbert in about the year 1864; and that thereafter the applicant herein was successively married to Len Carr and James Summers, both noncitizen white men.

It appears from the evidence herein that the applicant has resided continuously in the Chickasaw Nation from the date of her said marriage to Stephen Colbert up to and including September 25, 1902.

It appears from the records in the possession of the Commission that the applicant is identified upon the 1896 Chickasaw Census Roll, Panola County, page 83.

It is therefore the opinion of this Commission that Bettie Summers should be enrolled as a citizen by intermarriage of the Chickasaw Nation, under the provisions of the Acts of Congress approved June 28, 1898, (30 Stats., 495), and July 1, 1902, (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Handwritten signature]
Chairman

[Handwritten signature]
Commissioner.

[Handwritten signature]
Commissioner.

Muskogee, Indian Territory,

NOV 10 1904

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

In the enrollment of Bettie Summers as an intermarried Chick-
asaw; Charles Smith being sworn and examined by Com'r McKennon
testifies as follows:

- Q What is your name? A Charles Smith. (colored.)
Q How old are you? A Eighty-one.
Q Did you know Stephen Colbert? A Yes sir.
Q Did you know his wife, Bettie? A Yes sir.
Q This is her? A Yes sir.
Q Do you know anything about their marriage? A I was there,
present when they married. I was at the dance, I patted for them
when they danced.
Q And you know in that way that they were married? A Yes sir
Q Do you know they lived together as husband and wife after
that? A Yes sir. He got stabbed there in Texas, and I helped
bury him.
Q Did she live with him until he died? A Yes sir.

Bettie Summers being sworn and examined testifies:

- Q What is your name? A Bettie Summers.
Q How old are you? A Sixty-four.
Q You claim to have been married to Steven Colbert, you were
lawfully married to him were you? A Yes sir.
Q Did you live with him until his death? A Yes sir I did.
Q Since that time you have married a white man? A Yes sir.
Q What is his name? A James Summers.
Q When did you marry him? A I married him in 1873.

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.

M. D. [Signature]

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Bettie Summers for enrollment as an
intermarried citizen of the Chick-
asaw Nation.

---D 252---

On the 19th day of March, 1902, the applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Bettie Summers for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 9th day of May, 1902, for final consideration.

Now, on this 9th day of May, 1902, this cause coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

---o---

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 9th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

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

Charles H. Sawyer

Notary Public.

Chickasaw D 252

Muskogee, Indian Territory, May 17, 1902.

W. S. Bolan,

Colbert, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, requesting information regarding the case of Bettie Summers, an intermarried citizen of the Chickasaw Nation.

Replying to your letter you are advised that on May 9, 1902, the matter of the application of Bettie Summers for enrollment as a citizen by intermarriage of the Chickasaw Nation was taken up for final consideration at the office of the Commission at Muskogee, Indian Territory, pursuant to notice given the applicant and the attorneys for the Choctaw and Chickasaw Nations.

No appearance was made on that day either by or on behalf of the applicant or on behalf of the Chickasaw Nation.

The Commission will now at as early a date as practicable render a decision in the matter of the application of Bettie Summers for enrollment as a citizen by intermarriage of the Chickasaw Nation and if such decision is unfavorable to her, she will be duly notified thereof and of the forwarding of the record in the case to the secretary of the Interior for review.

Yours truly,

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

ALLISON L. AYLESWORTH.
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING.

Chickasaw D-252.

Muskogee, Indian Territory, March 19, 1902.

Bettie Summers,

Colbert, Indian Territory.

You are hereby notified that the application of yourself
for enrollment as citizen of the Chickasaw Nation will be taken
up for final consideration by the Commission to the Five Civil-
ized Tribes, at its office in Muskogee, Indian Territory, on
the 9th day of May, 1902.

On said date you may, if you desire, appear before the Commis-
sion in person or by attorney when an opportunity will be given
you to introduce any additional testimony affecting said appli-
cation which you may think proper or necessary.

You are further notified that the representatives of the
Chickasaw Nation will also, at the same time, be afforded an op-
portunity to introduce testimony affecting your right to en-
rollment, but said representatives will be required to notify
you of their intention to introduce such testimony before they
will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Commissioner in Charge.

Register.

Chickasaw D 283

Muskogee, Indian Territory, February 6, 1904.

Betty Summers,

Blatter, Indian Territory,

Dear madam:

Receipt is hereby acknowledged of your letter of January 29, asking if your enrollment has been approved by the secretary of the Interior, and in reply you are advised that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Chickasaw Nation. As soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

2-D-209.

Muskogee, Indian Territory, July 28, 1904.

Bettie Sumner,

Platter, Indian Territory,

Dear Madam:

In the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation, you are advised that your Indian spouse, Stephen Colbert, through whom you claim your right to citizenship is not sufficiently identified as a citizen by blood of the Chickasaw Nation. You are advised that it will be necessary for you to appear yourself, with such other witnesses as you may have, to testify as to the identity of said Stephen Colbert, deceased.

For this purpose you and your witnesses are requested to appear before the Commission at Muskogee, Indian Territory, as soon as possible, or at the land office in Atoka, Indian Territory, September the 6th or 7th, 1904, or at the land office at Tishomingo, Indian Territory, September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

9-D-252

COPY.

Muskogee, Indian Territory, November 10, 1904.

Bettie Summers,

Platter, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 10, 1904, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

James Birby

Chairman.

Registered.

Incl. 9-D-252.

9-D-252

COPY.

Muskogee, Indian Territory, November 10, 1904.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered November 10, 1904, granting the application for the enrollment of Bettie Summers as a citizen by inter-marriage of the Chickasaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

James Bixby

Chairman

Registered.

Incl. 9-D-252.

See 9-520 for registry receipt for this letter.

Chic 1782

Chic 1782

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

In the matter of the application for the enrollment
as a citizen by intermarriage of the Chickasaw Nation of—

ALFRED OWENS.

9-D-293.

Commission to the Five Civilized Tribes,

Atoka, I. T., Dec. 6th, 1899.

In the application of Alfred Owens for enrollment as an inter-married Chickasaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? - Alfred Owens.

Q How old are you? A Thirty-two.

Q Are you a white man? A Yes sir.

Q You present here a license issued by Atchison Enontubby, County Judge of Pickens County, Chickasaw Nation, dated November 14th 1899, for the marriage of Alfred Owens to Margaret ~~OWENS~~ Alberson, together with a certificate of marriage of November 15th 1899, these are correct dates upon which this license was issued and upon which you were married? A Yes sir.

Q She is a Choctaw citizen or a Chickasaw? A She is a Chickasaw.

Q Was she admitted by the Court, or is she an old citizen?

A She is an old citizen.

Q How long have you been living in the Chickasaw Nation?

A About nine years.

Q Did you ever live in the Choctaw Nation? A No sir.

Q Where was she living when you married her, in what Nation?

A In the Chickasaw Nation. She had been teaching at Paul's Valley.

(Captain Peter Maytubby, Chickasaw com'r, here states that he knows applicant's said wife, and that she is a Chickasaw citizen.)

--- ---

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.

W. D. Green

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 Ardmore, Indian Territory, October 29, 1902.

In the matter of the application for enrollment of Alfred Owens as a citizen by intermarriage of the Chickasaw Nation.

Said Alfred Owens, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Alfred Owens.
 Q How old are you? A I am thirty-four--thirty five I reckon, now.
 Q What is your postoffice address? A Ardmore.
 Q How long have you resided in the Chickasaw Nation? A About thirteen years.
 Q Have you lived here continuously for thirteen years? A Yes sir.
 Q Never have made your residence elsewhere? A No sir.
 Q You are a white man? A Yes sir.
 Q An applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation? A Yes sir.
 Q Prior to your residence in the Chickasaw Nation were you a citizen of the United States? A Yes sir.
 Q What is the name of your Chickasaw wife? A Bindy Pickens.
 Q Is that the woman through whom you claim your rights? A I first married Margaret Albersen.
 Q Is she a Chickasaw? A Yes sir.
 Q When did you marry her? A In 1892.
 Q Were you ever married prior to your marriage to her? A Yes sir.
 Q To whom? A Ida Sanders.
 Q Who was she? A A white woman.
 Q Was Ida Sanders dead when you married Margaret Albersen? A No sir.
 Q Were you divorced from her? A Yes sir.
 Q When were you divorced? A Here at Ardmore.
 Q What year? A I think it was in 1896.
 Q Was Margaret Albersen ever married prior to her marriage to you? A No sir.
 Q When were you married to Margaret Albersen? A In 1890.
 Q Was Margaret Albersen a recognized citizen by blood of the Chickasaw Nation? A Yes sir.
 Q Always recognized as such by the tribal authorities? A Yes sir.
 Q Were you married to her under a Chickasaw tribal license? A Yes sir.
 Q How much did you pay for that license? A Fifty dollars.
 Q Who married you? A Parson Smith.
 Q That was the only marriage ceremony between you and Margaret Albersen, that & under that Chickasaw license? A Yes sir.
 Q How long did you live with her? A About ten months.
 Q Until the time of her death? A Yes sir.
 Q When did she die? A She died in September, the 10th of September, I believe.

Alfred Owens-2

- Q Have you remarried since her death? A Yes sir.
Q To whom? A Bindy Pickens.
Q Who was she? A She was the wife of Hiram Pickens, deceased.
Q What was her maiden name? A Calhoun.
Q Was she a Chickasaw citizen? A Yes sir.
Q A citizen by blood? A Yes sir.
Q Recognized as such? A Yes sir.
Q When did you marry her? A Last April, ¹⁹⁰² 1902.
Q Did you marry her under a Chickasaw license? A Yes sir.
Q Married under a United States license too? A Yes sir.
Q Are you still living with your last wife? A Yes sir.
Q Did you live with Margaret Alberson without any separation, desertion or divorce up to the time of her death? A Yes sir.
Q What relation was Margaret Alberson to Bindy Calhoun? A I think they were cousins, perhaps, related in some way. I don't know what relation. Margaret Alberson's brother married Bindy Calhoun's sister.
Q You are now living with your second Chickasaw wife as an actual bona fide resident of the Chickasaw Nation? A Yes sir.

Ira S. Niles, being first duly sworn, testifies that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Ardmore, Indian Territory, October 29, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles
Subscribed and sworn to before me this the 1 day of November, 1902.

Charles H. Hays
Notary Public.

9-D-293.

J. H. D.

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

In the matter of the application for the enrollment of Alfred Owens as a citizen by intermarriage of the Chickasaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on November 15, 1899 the applicant, Alfred Owens, was married in accordance with the laws, customs and usages of the Chickasaw Nation to Margaret Alberson, a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name (as Margeret Alberson) appears upon the 1893 Chickasaw Leased District Payment Roll, number 1, page 107 and also upon the 1896 Chickasaw Census Roll, page 27; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation and that they lived together continuously as husband and wife in said nation until the death of Margaret Alberson on September 10, 1900 and that thereafter in April, 1902 he married Bendy Pickens, a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name (as Bendie Owens) appears as number 2228 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Chickasaw Nation and approved by the Secretary of the Interior on December 12, 1902.

It appears from the evidence herein that the applicant has resided continuously in the Chickasaw Nation from the date of his said marriage to Margaret Alberson up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Alfred Owens should be enrolled as a citizen by intermarriage of the Chickasaw Nation in accordance with the provisions of the

acts of Congress approved June 2, 1898 (30 Stat., 495) and
July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

NOV 10 1904

[Handwritten mark]

No.

versus

COPY OF ORDER OF COURT

....., Clerk

By, Deputy

7-345

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 26 1903

[Signature]
ACTING CHAIRMAN

CHICKASAW.

D 293

United States of America,

INDIAN TERRITORY,

Southern DISTRICT.

I, C.M. Campbell, Clerk of the District Court of the United States for the Southern District of the Indian Territory, do hereby certify the foregoing to be a true copy of an order made by said Court on the 30 day of Oct., 1894, as appears from the records of said Court now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, at my office in Ardmore, in said District, this 20 day of Feby., A. D. 1903.

C.M. Campbell, Clerk,
By _____, Deputy.

No.

versus

COPY OF ORDER OF COURT.

Clerk,

Deputy.

By

T-346

COPY OF ORDER OF COURT.

United States of America,

INDIAN TERRITORY,

Southern DISTRICT

SSC

IN THE UNITED STATES COURT in the Indian Territory, Southern District, at a term thereof begun and held at Ardmore in the Indian Territory, on the 15th day of Oct., A. D. 1894 ;

Present, the Honorable Chas. B. Stewart, Judge of said Court.

The following order was made and entered of record, to wit:

Alfred Owens)
2009 -vs)
Ida Owens)
DECREE OF DIVORCE:

This cause coming on to be heard this 30th day of Oct. 1894, upon the report of the Master in Chancery, which said report is by the court confirmed and approved and exhibits filed therewith; and the plaintiff appearing by his attorney, O.W. Patchell and it appearing that the defendant had been legally summoned and failed to appear and make answer; and it appearing from said Master's Report that the allegations in the plaintiff's complaint are true, and the Court being fully advised in the premises:

It is therefore ordered, adjudged and decreed that the bonds of matrimony existing between the plaintiff and the defendant, be, and the same are hereby dissolved set aside and held for nought.

CHICKASAW
MATION



COUNTY OF
PICKENS.



To Any Judge of The County or District Court, Ordained Minister of The Gospel in and for Said County of Pickens,
GREETING.

You Are Authorized to Solemnize The
»»» RITES OF MATRIMONY «««

BETWEEN MR. *Alfred Owens* And Miss *Margaret Alberson*

And make due Return to the Clerk of the County Court within
Thirty Days thereafter attesting your action Under This License.

Witness my Official Signature and Seal of Office, Pickens County Court-House, this

This *14th* day of *Nov* 189*9*

By

DEPUTY

Uchison ^{his} *Montebby*
mark Judge County Court, Pickens County.

I, *Henry B. Smith* hereby certify that on *15th* day of *November*
A. D. 189*9*, I United in Marriage *Alfred Owens* and *Margaret Alberson*
the parties above-named.

WITNESS my hand this

16th day of *November* 189*9*

Henry B. Smith, Episcopal Minister

Filed for Record *15th* day of *Dec* 189*9*, Recorded *15th* day of *December* 189*9*.
W. S. Craft Clerk.

MEMORANDA.

Alaska

(Date) *December 6* 1899.

we
32

Name *Alfred Owens*

~~County~~ County Year No.

Chickasaw? *yes* County Year Page

Citizen by blood? Mother's citizenship *us*

Intermarried citizen? *yes*

Married under what law? *Chick*

License filed this day, *yes*

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

~~Name~~ 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.

County Year Page No.

as to marriage see his testimony

Chick D. 12/9/93

Lawrence, Indian Territory, June 1, 1901.

Mr. M. M. Jones,

Lawrence, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of June 28th, in which you ask the status of your claim to intermarried citizenship in the Chickasaw Nation. In reply to your letter, you are advised that you have been listed for enrollment as an intermarried citizen of the Chickasaw Nation; but the Commission has not yet passed upon the rights of doubtful claimants to citizenship in the Chickasaw Nation, and until this is done, no decision can be rendered in your case.

Yours truly,

Chickasaw D 893

Muskegee, Indian Territory, May 26, 1902.

Alfred Owens,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, requesting that you be advised what disposition was made of your application for enrollment as a citizen by intermarriage of the Chickasaw nation.

You are advised that the Commission has not up to this time rendered a decision in the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw nation but when such decision is rendered you will be advised thereof and also notified of the forwarding of the records in the case to the Secretary of the Interior.

Yours truly,

Acting Chairman.

Cross & Cross

S O P Y.

A. S. Cross
W. I. Cross

Lawyers

Office, Johnson, Cross & Cross Building.

Armore, I. T. July 5, 1902/

Commission to the Five Civilized Tribes,

Washago, I. T.

Gentlemen:

We herewith return to you the applications for the enrollment of George W. Pickens and Edward Hiram Pickens.

The only objection we can see to these affidavits is that they are signed "Binnie Pickens" instead of "Binnie Owens". We have therefore had her to re-sign them, and had acknowledgment taken by another notary public.

Mrs. Owens' maiden name was Binnie Calhoun. She does not know how it happened that her name is on the roll of 1898 as "Binnie Calhoun". She informs us that Margaret Alberman's brother, Simon Alberman, married her sister Binnie Calhoun, and she supposes that this is the reason that Margaret Alberman called her, (Binnie Calhoun) her sister in law. We are satisfied from what she says that she is the same person that was on the roll of September 20th, 1898, as "Binnie Calhoun". She is in the office now, is a full blood Chickasaw Indian. She also has the two children with her that she said to have perished. They are Indians beyond any question, look to be fullbloods.

She says that she was married to Hiram Pickens in October, 1899; that she lived with him until he died in 1901; that these two children were born to her at the time stated in her affidavits.

2-

She was married to Alfred Owens on the last day of March, 1902.

Alfred Owens is the same Owens that is listed as Thirty-two years of age, and she married Margaret Albergen on the 15th day of November, 1899. She is dead, and died on the 15th day of September 1900.

We enclose you an additional affidavit for the enrollment of these three children, please let us know what further proof is required, and we will get it up in the form you desire. We know there is no question about Mrs. Owens being a full-blooded Indian, and are satisfied that she is the same person who was listed for enrollment September 29, 1898, as "Senta Walkow".

Yours respectfully,

(signed) Gross & Gross.

Substituted

9-754
9-2-200 ✓

Muskogee, Indian Territory, July 24, 1902.

Crane & Crane,
Attorneys at Law,
Armore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you state that you will send proof of the death of Alfred Owen's first wife, Margaret Owen, nee Albersen, as soon as you are able to procure the same. You say that you are going to have some trouble in finding a relative and that her husband knows but little concerning her kindred.

You are advised that it appears from our records that Dena Calhoun, the present wife of Alfred Owen, is a sister-in-law of Margaret Albersen who was Alfred Owen's first wife. If this is correct she should be able to subscribe to the affidavit as a relative.

The marriage license and certificate or a certified copy thereof between Alfred Owen and Dena Calhoun should be forwarded to the Commission without delay.

Yours truly,

Commissioner in Charge

9-724
9-D-293

Muskogee, Indian Territory, July 24, 1902.

Crace & Crace,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you state that you will send proof of the death of Alfred Owen's first wife as soon as you are able to procure the same. You say that you are going to have some trouble in finding a relative and that her husband knows but little concerning her kinfolks.

You are advised that it appears from our records that Bessie Calhoun, the present wife of Alfred Owen, is a sister-in-law of Margaret Alburnon who was Alfred Owen's first wife. If this is correct she should be able to subscribe to the affidavit as a relative.

The marriage license and certificate or a certified copy thereof between Alfred Owen and Bessie Calhoun should be forwarded to the Commission without delay.

Yours truly,

Commissioner in Charge.

2-754,
9- 2-293.

Muskogee, Indian Territory, August 5, 1909.

Grace & Grace,

Attorneys at Law,

Admore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 2nd inst., enclosing the affidavits of Binnie Owens and W.A. Gray, relative to the death of Margaret Albenon Owens, a citizen of the Chickasaw Nation, which occurred September 10, 1909; and the same being in proper form have been duly filed with the records of the Commission.

Receipt is also acknowledged of the marriage license and certificate between A. Owens and Binnie Pickens, and the same have been duly filed as authority for the change on our records of the name of Binnie Pickens from her maiden name to her present married name, Binnie Owens.

Yours truly,

Acting Chairman

Chickasaw D-293.

Muskogee, Indian Territory, February 11, 1903.

Alfred Owens,

Ardmore, Indian Territory.

Dear Sir:

It appears from your testimony given before the Commission at Ardmore, Indian Territory, on October 29, 1902, that you were formerly married to Ida Sanders, a white woman, from whom you were divorced prior to your marriage to your Chickasaw wife, Margaret Alberson; and that at the time of your marriage to Margaret Alberson your former wife was living. It will be necessary that you furnish the Commission with evidence of your divorce from the said Ida Sanders, either in the form of a certified copy of the decree of divorce, or the sworn statements of at least two witnesses to said divorce.

It also appears from your testimony that you were married to your present wife, Binky Owens, under a United States license and also under a Chickasaw license; and, if this is correct, you are requested to furnish the Commission with a certified copy of the Chickasaw license.

Kindly give this matter your immediate attention.

Respectfully,

Acting Chairman,

9-D-293.

Muskogee, Indian Territory, February 27, 1903.

Alfred Owens,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th inst., enclosing certified copy of the divorce proceedings between Alfred and Ida Owens; and the same has been duly filed with the records of the Commission in the matter of your application for enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Chairman.

Muskogee, Indian Territory, September 15, 1903.

Alfred Owen,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, requesting to be advised relative to your application for enrollment as an intermarried citizen of the Chickasaw Nation and whether same has yet been approved.

You are informed it appears from our records that you are listed as a doubtful claimant to enrollment as an intermarried citizen of the Chickasaw Nation.

No decision relative to your final right to enrollment as such has yet been rendered by the Commission. As soon as a decision is reached in your case you will be duly notified of the action taken by the Commission therein.

Respectfully,

Chairman.

COMMISSIONERS.
TAMM BIXBY,
THOMAS S. NEEDLES,
C. R. BRACKINRIDGE.
WM. O. BEALL,
Secretary

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

REFER IN REPLY TO THE FOLLOWING

9-D-293

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 10, 1904.

Alfred Owens,

Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 10, 1904, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,



Chairman.

Registered.

Incl. 9-D-293.

COPY.

S-D-293

Muskogee, Indian Territory, November 10, 1904.

Hansfield, McMurray and Gornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered November 10, 1904, granting the application for the enrollment of Alfred Owens as a citizen by intermarriage of the Chickasaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED,

JAMES DIXIE

Chairman

Registered

Inst. S-D-293

See S-320 for registry receipt for this letter.

9-D-295

COPY.

Muskogee, Indian Territory, November 10, 1904.

Cruise and Cruise,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 10, 1904, rendered its decision granting the application for the enrollment of Alfred Owens as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said Alfred Owens as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Yours,

James Blaby

Chairman.

Registered.

Chic 1783

Chic 1783

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

Herein is the record in the matter of the application for the enrollment as a citizen by intermarriage of the Chickasaw Nation of-

MARY LONG AGNEW . . . 9-D-331.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., AUGUST 1, 1900.

In the matter of the application for enrollment as citizens by intermarriage of the Chickasaw Nation, of Mary Long Agnew, and her minor child, Albert Agnew, an citizen of the Chickasaw Nation, Mary Long Agnew, being first duly sworn, testified as follows:

- Q What is your name? A Mary Long Agnew.
- Q What is your age? A I was born in 1853. About 47.
- Q What is your post office address? A At the Pension Office, Washington, D. C., when I am in the East, and Colbert, Indian Territory, when I am here.
- Q You live in Washington? A No, I live in the Indian Territory. My present occupation is in the Pension Department at Washington.
- Q Where is your home in the Territory? A Two and one-half miles from Colbert, Panola County, Indian Territory.
- Q Your place, or official residence is in the Territory? A Yes sir?
- Q And you are an employee of the government in the Pension Office at Washington? A Yes sir.
- Q How long have you been in Washington? A I have been there ten years, this time, but I have been off and on there more than that. I was appointed after my husband's death, in the Indian office.
- Q When did you first live in the Indian Territory? A I was married August 4, 1874, and came here the following month, in September, 1874.
- Q After you came to the Territory in September, 1874, how long did you remain in the Territory? A Until my husband's death, in 1876.
- Q After that you left the Territory? A Yes sir, I had no means of making a living here, then I went to Washington.
- Q And you have been an employe of the government ever since then? A Yes sir.
- Q What was your husband's name? A Albert Callatin Long.
- Q Was he a citizen of the Chickasaw Nation? A Yes sir.
- Q Always been recognized as a Chickasaw citizen? A Yes sir, his father was agent for the Chickasaws and married a Chickasaw Indian woman.
- Q Then your husband was a citizen by blood of the Chickasaw Nation? A He was.
- Q And was enrolled as such by the Chickasaw authorities? A Yes, and was elected to the legislature.
- Q You were married to him in 1874? A Yes sir.
- Q Where were you married? A In Washington, he was there as a delegate at that time.
- Q You were married in accordance with the laws of the District of Columbia? A Yes sir.
- Q Were you ever married in accordance with the laws of the Chickasaw Nation? A Do you mean remarried? My marriage was regarded as legal here, so I presume it was in accordance with the laws of the Chickasaw Nation.
- Q Was your name ever placed upon any of the rolls, tribal rolls, of the Chickasaw Nation? A Yes sir, I was on the roll of 1893, and before that. I drew a payment in 1893.
- Q At the time you drew that payment in 1893 you were a resident of the District of Columbia? A I was working there.
- Q Your name was not placed upon the census rolls of 1893? A No, I was not here to see about that and I didn't know about that, but I did send my proof before that to Mr. McKimmon and asked them if the proof covered my case, and I didn't come to the Nation at that time for I didn't know that there was any other roll to be made, and having no number of my family name to look after the matter, it was not put on.

Mary Long Agnew

- Q What was your father's name? A J. S. Davis.
Q Is he living? A He is dead.
Q What was your mother's name? A Mary Davis. She is dead.
Q Your parents were both white people? A Yes sir.
Q Never made any claim to Indian blood? A No sir.
Q In addition to yourself, you desire to make application for enrollment of your minor child? A Yes sir.
Q What is this child's name? A Albert Agnew.
Q How old is he? A He is 15 years old.
Q Who is the father of that child? A S. H. Agnew.
Q Are you the mother? A Yes sir.
Q This child lives with you? A Yes sir.
Q When did your husband, Albert Gallatin Long, through whom you claim your rights as an intermarried citizen, die? A He died in November, 1876.
Q When did you marry S. H. Agnew? A July 3, 1884.
Q Where were you married to S. H. Agnew? A At Bowling Green, Va.
Q According to the laws of Virginia? A Yes sir.
Q He is a white man? A Yes sir.
Q And has never made any claim to citizenship here? A No sir.
Q Have you any evidence of your marriage between yourself and S. H. Agnew? A No sir, I have not. I did not suppose that would be required. I can get it if necessary.
Q That will be necessary for establishing the identity of the child.
A It is on the record.

Q Is there any additional statement that you desire to make in support of your claim and in behalf of your minor child?
A Yes, that statement that I want to make is that I expected to pass my entire life here, and that the death of my husband changed the color of my life so that it was impossible for me to live here and I looked out for means of support, and that my friends suggested that I go to work in the Indian office, being from the Indian Territory. I was recommended by friends here to that office and I did work there many years, until I was transferred to another, and I have returned at intervals here to look after my property, and have looked after its interests here through my agent, Mr. Balls, who has power to meet my tenants, and to make my business arrangements with them, and that after having married with the full expectation of spending my life here, it seems hard that I should lose my interests here now.

Cross-examination by Mr. J. C. Balls, attorney for applicant: Q, When you were enrolled in the Chickasaw Nation, on the Leased District Rolls of 1893, you were enrolled as Mrs. Mary Long? A Yes sir, that was an error of the rolls. I sent my full name, but in copying it on the record they did not take the full name?
Q And your son, Albert Agnew, was enrolled as Albert Long, Jr. on the same roll? A Yes sir.

Statement of J. C. Balls, attorney for applicant: You have filed with your usual proof in this case a certified copy of your marriage certificate to Dr. Albert Gallatin Long, and you have also filed with your brief a certificate of L. C. Burris, Acting Secretary of the Chickasaw Nation, dated February 24, 1897, showing that you and your son were enrolled on the Leased District Roll in 1893 by the proper Chickasaw authorities. And attached to the same brief you have filed a certificate of E. M. Harris, the governor of the Chickasaw Nation, dated Sept. 24, 1897, showing that L. C. Burris was at the date of his certificate, National Secretary of the Chickasaw Nation. And you have also attached to your brief the affidavit of Alex Rennie, showing that you and your son were enrolled on the Leased District Roll in 1893. You have also attached to your brief a letter from Mr. C. Schurz, Secretary of the Interior, dated November 27, 1877

Mary Long Agnew ————— 2 —————

Showing your appointment in the Indian Office.
Statement from applicant: My interests are suffering by the delay, and I hope the Dawes Commission will give me an early answer and a favorable one.

- Q Have you any written evidence that you desire to file with the Commission for consideration in the support of the claim of yourself and your minor child? A Yes sir.

Commissioner: The petition and proofs of Mary Long Agnew, as a citizen of the Chickasaw Nation, offered in evidence, filed and made a part of the record in this case, and marked Exhibit A; and the brief in behalf of the application of Mrs. Mary Long Agnew for citizenship in the Chickasaw Nation, offered in evidence, marked Exhibit B, filed, and made a part of the record in this case.

Mrs. Agnew, the decision of the Commission as to your application and the application you make in behalf of your minor child for enrollment as citizens of the Chickasaw Nation, will be based upon the oral testimony given at this time, and such written evidence as you have offered in support of your ~~claim~~ ~~application~~. The decision of the Commission will be mailed to you in the near future at your present post office address.

Kate De Bord, being first duly affirmed, states: that as stenographer to the Commission to the Five Civilized Tribes, she reported the above case, and the foregoing is a full, true and correct transcript of her stenographic notes taken in said case.

Kate De Bord

of *Aug.* 1900. Subscribed and affirmed to before me this 14 day


Acting Chairman.

9-D-331

O.L.J.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the enrollment of Mary Agnew Long as a citizen by intermarriage of the Chickasaw Nation.

---: D E C I S I O N :---

It appears from the record herein that on August 3, 1900, Mary Long Agnew appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor son, Albert Agnew, as a citizen of the Chickasaw Nation. The application for the enrollment of said Albert Agnew being differently classified is not passed upon in this decision.

It further appears from the record herein that the applicant Mary Long Agnew, a white woman, and a resident of the State of Virginia, was, on August 4, 1874, in the City of Washington, District of Columbia, lawfully married to Albert Gallatin Long, a recognized citizen by blood of the Chickasaw Nation, who, at that time, was a delegate to Congress, representing the Chickasaw Nation before that body; that thereafter in September, 1874, the applicant and her said husband removed to the Chickasaw Nation, Indian Territory, where they resided continuously as husband and wife until the death of the said Albert Gallatin Long, on November 22, 1876, that soon thereafter the applicant removed to the City of Washington where she, on November 27, 1877, was appointed to a position in the office of the Commissioner of Indian Affairs, since which time she has continued in the employ of the United States government in said City; that on July 3, 1884, at Bowling Green, Virginia, she was lawfully married to Samuel H. Agnew, a white man, who was a citizen of the State of Virginia having no rights to Chickasaw citizenship by blood; that she remained his lawful wife until the year 1901 when they were divorced, and that she has resided continuously in said City of Washington from a time shortly after the death of her Chickasaw husband in 1876 up to and including September 25, 1902.

Upon an examination of the tribal rolls in the possession of the Commission, the applicant is identified upon the 1893 Chickasaw Leased District Payment Roll, page 123 (as Mrs. Albert Long).

It further appears from the records herein that the applicant has held lands in the Chickasaw Nation and collected rents therefrom; that she has returned to said nation at intervals to look after her said property, and that she has maintained her residence in said nation since her removal thereto in 1874.

It is therefore the opinion of this Commission that following the ruling of the Department in the case of Thornton D. Pearce (I.T.D.4060-1904), relative to the question of forfeiture, and also the case of Clement George Clarke (I.T.D.1370-1903), relative to the question of residence, Mary Long Agnew should be enrolled as a citizen by intermarriage of the Chickasaw Nation in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902, (32 Stats., 641), and it is so ordered.


COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory.

NOV 3-1904

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

In the matter of the application of Mary Long Agnew for the enrollment of herself as an intermarried citizen of the Chickasaw Nation, and for the enrollment of her minor son, Albert Agnew, as a citizen of the Chickasaw Nation.

--D-351--

On the 19th day of March, 1902, the principal applicant was notified by registered mail, and on the 20th day of March, 1902, the Attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, the the application of Mary Long Agnew for enrollment as an intermarried citizen of the Chickasaw Nation and for the enrollment of her son Alabar Agnew as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 12th day of May, 1902, for final consideration.

Now, on this 12th day of May, 1902, this cause coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear and the principal applicant being called failed to appear either in person or by attorney.

000-000

Harry G. 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 12th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

(signed)

HARRY G. RISTEEN.

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

(signed)

CHARLES H. SAWYER,
Notary Public.

114

To the Honorable,

The Commission to the Five Civilized Tribes,

Muskogee, I. T.

Application of Mrs. Mary Long Agnew, for enrolment as a citizen of the Chickasaw Nation of Indians under the provisions of Section 21, of the act approved June 28, 1898.

Your petitioner Mrs. Mary Long Agnew, respectfully represents:

1. That she is a citizen of the Chickasaw Nation of Indians by intermarriage, and has heretofore removed to, and in good faith settled in, said Nation.

2. That she was born in the State of Virginia, of American parentage, and on August 4, 1874, being of lawful age, was married in the City of Washington, District of Columbia, to Dr. Albert Gallatin Long, according to the laws of said District of Columbia, by Rev. J. H. Cuthbert, a minister of the gospel, as is shown by copy of Marriage Certificate attached hereto and marked Exhibit A.

3. That the said Dr. A. G. Long, was a Chickasaw Indian by blood, a citizen of the Chickasaw Nation and duly enrolled as such upon the tribal rolls. That during his lifetime he served conspicuously and rendered valuable aid and counsel to the said nation in various capacities; that he was a member of the ^{Legislature} Council of said nation from Panola County at the time of his death, which occurred at the residence of Alex. Rennie, Esq., at Tishomingo, I. T. on November 22, 1876.

4. That directly and within a month after her marriage to the said Dr. A. G. Long, she removed with him to Panola County, Chickasaw Nation, where they made ~~an~~ a claim about 2 1/2 miles north of Colbert Station, on the M. K. & T. Railroad, which estate they called "Glennary", built a home thereon and inclosed by a fence.

5. That the said Dr. A. G. Long and your petitioner resided upon their said estate Glenmary as man and wife continuously until the death of the former, and that since then your petitioner has continued to reside thereon or rent the same to her tenants for a valuable consideration; that she has made valuable improvements thereon, and still exercises full control and ownership thereof.

6. That upon the death of her husband, the said Dr. A. G. Long, your petitioner being without adequate means of support, applied as his widow, for a position under the Government of the U. S., and was appointed to a clerkship in the U. S., Indian Office, from Indian Territory; as is shown by the certified copy of said appointment attached hereto marked Exhibit B. That pursuant to said appointment your petitioner was obliged to remove from Indian Territory to Washington, D. C., and that since her said removal she has been almost continuously an employee of the U. S., Government, and is now so employed as a clerk in the U. S., Pension Bureau, but that she has at divers times returned to her home in the Chickasaw Nation upon temporary visits, and has never desired or intended to relinquish or lose her home there, but that, on the contrary, she has always intended and still intends, to return to, and to reside in said Chickasaw Nation.

7. That during the 24 years since her marriage to the said Dr. A. G. Long, your petitioner has at all times openly asserted and exercised her rights as a citizen of the Chickasaw Nation, and that her title to such citizenship has never, to her knowledge, been denied or questioned.

8. That she has remarried to one Samuel H. Agnew, a citizen of the United States, by whom she has a son Albert Agnew, and that your petitioner and her said son, were enrolled upon the "1895" roll of citizens of the Chickasaw Nation as "Mrs. Albert Long" and "Albert Long Jr." as is shown ^{copy of} by the affidavit of Alex. Rennie attached hereto and marked Exhibit C and the certificate of the Secretary of said Chickasaw Nation of which a copy is hereto attached marked Exhibit D. ^{of the Chickasaw Fund which was} your petitioner was paid a per capita share distributed in that year.

8

9. That the material facts set forth above are fully corroborated by the accompanying proofs of which the originals are in her possession and will be furnished Your Honorable Commission forthwith upon request for them and she prays that these proofs may be made a part of this application; your petitioner stands ready to furnish any further proof that may be required by Your Honorable Commission.

10. Wherefore your petitioner prays that her name be inscribed upon the completed rolls of citizens of the Chickasaw Nation to be made by Your Honorable Commission in pursuance of Section 21, of the Act approved June 28, 1898, and prior Acts of Congress and for such further relief as may be proper in the premises.

Mary Long Agnew
.....
Petitioner .

A. S. Dright
.....

Attorney for Petitioner Mrs. Mary Long Agnew.

District of Columbia,
City of Washington, ss:

Personally appeared before me, Mrs. Mary Long Agnew, and who being duly sworn, declares that she has read the foregoing petition by her subscribed, and that each and every allegation therein contained is true to the best of her knowledge and belief.

Mary Long Agnew
.....

Subscribed and sworn to, before me, this ~~20~~ 21 day of August 1898.

James H. Thomas
.....

Notary Public.

Exhibit A.

THIS CERTIFIES

That on the fourth day of

AUGUST

IN THE YEAR OF OUR LORD

1874

Albert G. Long, Indian Territory
and Miss Mary O. Davies, Virginia.

were by me united in

MARRIAGE

at the residence of the minister

according to the laws of the ~~State of~~ District of Columbia.

J. H. Cuthbert

Pastor 1st Bap. Ch.

Geo. W. Calvert

James H. Mandeville

James G. Long

E. C. Boudinot

Rhoda Cornish, Aiken *South Carolina*

I hereby certify that the above is a true copy of the marriage certificate of Albert G. Long and Mary O. Davies now in possession of Mrs. Mary Long Agnew, formerly Miss Mary O. Davies,

William C. Prentiss

Notary Public.

Dist of Col.

Washington, D. C. August 12, 1898.

Exhibit D.

R. B.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, D. C.,

Novem. 27, 1877.

MARY O. LONG of the Indian Ter. is hereby appointed a Temporary Copyist in the Office of Indian Affairs, at a salary of Nine Hundred dollars per annum, to take effect November 12, 1877.

C. Schurz,

Secretary.

DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY

Washington, D. C. August 10 1899.

I certify that this is a correct copy of the original

W. H. Decker
CHIEF OF THE APPOINTMENT DIVISION

Exhibit C.

State of Texas

SS

Grayson County

In the matter of the citizenship of Mrs. Mary Long Agnew, personally appeared before me, Mr. Alexander Rennie, of Dennison Texas, who being by me duly sworn, deposes and says; That he is a citizen of the Chickasaw Nation by blood adopted by the treaty of 1866, that he is personally acquainted with Mrs. Mary Long Agnew and has been for more than twenty years; that he was personally acquainted with her former husband, Mr. Albert Gallatin Long, who was also a citizen of the Chickasaw Nation by blood; that Mrs. Mary Long Agnew has been enrolled as a citizen of the Chickasaw Nation to the best of deponent's knowledge and belief, ever since the death of the said Dr. Long; that he fully identifies Mrs. Mary Long Agnew as the identical person who is enrolled as "Mrs. Albert Long;" upon the roll of citizens of the Chickasaw Nation, known as the "1893" Roll; that he fully identifies the son of Mrs. Mary Long Agnew, Albert Agnew, as the identical person who is enrolled as Albert Long Jr. upon the roll of the Chickasaw Nation known as the "1893 Roll" that he fully knows of his own knowledge that the correct names of these persons are Mary L. Agnew and Albert Agnew, and not Long as they are entered upon the roll.

Alex. Rennie.

Subscribed and acknowledged before me this 29th day of March
1897

S. A. Gilbert

Notary Public in and for Grayson County
Texas.

(SEAL)

I hereby certify that the above is a true copy of affidavit
now in the possession of Mrs. Mary L. Agnew

Washington, D. C. August 12, 1898.

Notary Public

William C. Crentz
Dist of Col.

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Exhibit D.
Office of

L. C. Burris,
National Secretary,
Chickasaw Nation.

Tishomingo, I. T. Feby 24, 1897.

This is to certify that Mrs. Albert Long, now known as Mrs. Mary Long Agnew, is enrolled on page 43 of Tishomingo County roll of the Chickasaw Nation A. D. 1893, said enrollment was made for the purpose of enrolling citizens of the Chickasaw Nation for the payment of the "Leased District Fund".

I further certify that Mrs. Albert Long, now known as Mrs. Mary Long Agnew is registered on page 123, of the payroll of Tishomingo County Chickasaw Nation A. D. 1893.

I further certify by virtue by being National Secretary of the Chickasaw Nation, I am custodian of all the rolls of citizens of the Chickasaw Nation.

Given under my hand and seal of office this 24th day of Feby A. D. 1897.

L. C. Burris
National Secretary
Chickasaw Nation.

National Secretary's Office.

Chickasaw Nation

(SEAL)

Exhibit D. (2)

Executive Department, Chickasaw Nation.

R. M. Harris, Governor.

R. L. Boyd, Attorney General H. W. Burris, National Treasurer.
L. C. Burris, National Secretary I. A. Burris, National Auditor.

Tishomingo, I. T. Feby 24th 1897.

This is to certify that L. C. Burris is the regularly appointed, confirmed and commissioned National Secretary of the Chickasaw Nation, and all his official acts as said National Secretary have due credit and legal effect.

Given under my hand and the great seal of the Chickasaw Nation affixed, this 24th day of Feby A. D. 1897.

R. M. Harris,
Governor
Chickasaw Nation.

(THE GREAT SEAL OF THE CHICKASAW NATION.)

I hereby certify that the foregoing are true copies of certificates now in the possession of Mrs. Mary L. Agnew.

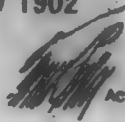
William C. Prentiss

Notary Public.

Washington, D. C., August 12, 1898.

Dist of Col.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 10 1902



ACTING CHAIRMAN.

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112

Filed December 10, 1901, J. R. Young, Clerk.
IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Mary O. Agnew,)
 Petitioner,)
-against-): In Equity No. 22,262
Samuel H. Agnew,)
 Respondent.)

This cause having come on for consideration by the Court upon the pleadings and testimony and having been submitted to the Court and by the Court considered, IT IS THIS 10th day of December, A. D. 1901, Adjudged, Ordered and Decreed that the petitioner, Mary O. Agnew, be, and she hereby is, divorced from the bond of marriage with the respondent, Samuel H. Agnew. And It Is Further Adjudged, Ordered and Decreed that as respects the question of alimony and the prayers of the petition in relation thereto, this cause be, and the same hereby is, kept open for such further consideration from time to time as to the Court may seem meet upon proper showing.

A TRUE COPY.
TEST:

J. R. Young
W. Williams

A. B. HAGNER,
Asso. Justice.

... at a recent ...
... Messrs. Hixy and Mc Kannon, of ...
... it was stated by them that the Commission was satisfied of Mrs. Agnew's title to such citizenship provided it was shown that her name was enrolled upon the "1893" roll of citizens, and that she had not forfeited her rights by her remarriage to Mr. S. H. Agnew, a citizen of the United States.

As to the first question it does not seem to be necessary to do more than to refer you to a certificate under the hand and seal of the national secretary of the Chickasaw Nation, showing that Mrs. Agnew is enrolled on page 43 of the Tishmingo^{County} roll of the Chickasaw Nation, 1893, and on page 123 of the pay roll of said county, 1893. You are also referred to copies of affidavits made by Mrs. Agnew and Alex Rennie, on file with her papers, showing that she was on the 1893 roll and received her pro rata share of the "Leased District Fund," which she could not lawfully have received if her name had not been inscribed on said roll.

As to the second question raised by your Commission, I have the honor to submit the following brief synopsis of the laws and decisions upon the following points:

1. Citizenship once acquired can be lost only by expatriation.
2. Divorce and marriage as affecting citizenship.
3. The relations between the United States and the Indian Tribes, are peculiar.
4. Citizens of the United States who reside within the Indian Territory within the territorial limits of the United States, but they do not, thereby, forfeit their citizenship.

in the United States.

5. As to Indians acquiring citizenship in the United States.

6. The laws of the Chickasaw Nation under which Mrs. Agnew acquired citizenship in said Nation, and which protect her in said rights.

7. Conclusion from above as to Mrs. Agnew's rights.

From a consideration of the decisions and opinions referred to ^{herein} ~~above~~, it will appear that citizenship in a country, when once acquired, can be lost only by the consent of the community and the citizen, or by voluntary expatriation of the citizen under some law of the state permitting such expatriation. There is no distinction in this or any other respect between citizens by naturalization and citizens by birth. Mere domicile in a foreign country does not amount to expatriation nor does the marriage of a woman citizen to an alien, accompanied by removal with her husband to a foreign country amount to expatriation in the absence of a law permitting voluntary expatriation.

But the Indian Nations or Tribes within the territorial limits of the United States are not foreign nations. The relation of the Indians to the United States is marked by peculiar and cardinal distinctions which nowhere else exist. They may be denominated domestic nations and having jurisdiction over questions of a domestic character. They may adopt other persons as members of their nations or tribes. Citizenship in one of these Nations can be acquired only under some law or usage of such nation, but mere domicile within its territorial limits for however long a period is not sufficient to confer citizenship. Citizens of the United States may acquire citizenship in one of these nations, but they do not thereby forfeit their citizenship in the United States. And the converse of these two last propositions is true. Citizenship in the United States can be acquired only under some law of the United States.

but mere domicil within its territorial limits, for however long a period, is not sufficient to confer citizenship. Members of these Indian Nations or tribes may acquire citizenship in the United States, but they do not thereby forfeit their rights as members of such tribes or nations. There is no law of the Chickasaw Nation by which the marriage of a citizen to a non-citizen shall work a forfeiture of such citizenship, however acquired; nor is there any law of said nation by which citizenship is forfeited by domicil outside the territorial limits of the Nation.

Prior to her marriage to the late Dr. Long, Mrs. Agnew was a citizen of the United States. By virtue of her marriage to him her domicil in law became that of her husband, whatever her domicil of choice might have been. She removed with him to the Chickasaw Nation in good faith and settled there, remaining there until after his death, and when obliged to reside elsewhere, still retaining her home in the Chickasaw Nation. After Dr. Long's death she could have changed her domicil but the facts are that she has all along asserted her rights as a citizen of the Chickasaw Nation, and established that nation, so far as it has been possible for her to do, as her domicil of choice. When she married Mr. Agnew she did not acquire citizenship in the United States--she had always enjoyed that--but she did acquire his domicil in the eye of the law, whatever her domicil of choice might have been. And her domicil in law would have continued to be whatever his has been, even though she had never resided outside of the Chickasaw Nation, and he had never resided in it. The only change in her status by reason of her marriage to Mr. Agnew was a change of domicil, which, as ~~is~~ ^{has} been, does not, of itself constitute expatriation under the Roman law, the common law, the law of the United States, or the law of the Chickasaw Nation. The Commission must hold, therefore, that Mrs. Agnew is a citizen of the Chickasaw Nation and entitled to be enrolled upon the complete roll of citizens of said Nation to be

name by your honorable Commission.

Respectfully submitted.

1. Citizenship once acquired can be lost only by expatriation.

Citizenship is the state of being vested with the rights and privileges of a citizen. A citizen is one who, by birth, naturalization or otherwise, is a member of an independent political state and as such is subject to its laws and entitled to its protection in the enjoyment of civil and private rights. Citizenship is lost by expatriation.

6 Am. & English Encycl. of Law, 2nd Ed., title Citizenship.

Under the Roman law, citizenship, when once acquired could be lost only by consent of both the government and the citizen. The sentence of the people could deprive the citizen of his life, but never of his citizenship without his consent.

Morse on Citizenship, p. 60.

At common law the right of voluntary expatriation is altogether denied.

1 Bl. Comm., 370.

2 Kent's Comm., 12th Ed., p. 49, and cases there reviewed.

"Expatriation includes not only emigration out of one's native country, but naturalization in the country adopted as a future residence." Naturalization x x x in its popular, etymological and legal sense, signifies the act of adopting a foreigner and clothing him with all the privileges of a native citizen or sub-

ject.

"There can be no doubt that naturalization does, ipso facto, place the native and adopted citizen on precisely the same relations with the government under which they live, except in so far as the express and positive law of the country has made a distinction in favor of one or the other.

"In regard to the protection of our citizens in their rights at home and abroad we have no law which divides them into classes or makes any difference whatever between them."

9 Atty. Gen. Op., 356.
(Jeremiah S. Black,
July, 4, 1859.)

In Williams case--29, Fed. Cases, p.1330,--the facts were that in 1792 Williams received from the Consul General of the French Republic a warrant appointing him Third Lieutenant on board the "Jupiter". In the same year he was by law naturalized as a French citizen, renouncing his allegiance to all other countries particularly to the United States, all according to the laws of said Republic. He was then commissioned as Lieutenant and continued under said government, and most of the time actually resided in said country. During said period he was not a resident of the United States, except for a period of six months, and then only to visit his friends.

Chief Justice Ellsworth, of the United States Supreme Court, held that "the present question is to be decided by two great principles; one is that all the members of a civil community are bound to each other by compact. The other is that one of the parties of this compact cannot dissolve it by his own act. The compact between our community and its members is that the community will protect its members, and on the part of the members, that they will at all times be obedient to the laws of the community and faithful in its defence. It necessarily results that the members

cannot dissolve this compact without the consent or default of the community. Default is not pretended. Express consent is not claimed."

The Court also found that the United States had not given its consent by implication. The Court proceeded to state that when a foreigner presents himself here and proves himself to be of a good moral character, etc., we grant him the privilege of a citizen. "We do not inquire what his relation is to his own country. We have not the means of knowing and the inquiry would be indelicate. We leave him to judge of that. If he embarrasses himself by contracting contradictory obligations the fault and the folly are his own." x x x.

"Having been naturalized and become a citizen of a country, one may be de-naturalized and deprived of the rights of citizenship, only by some act which is recognized by his mother country as sufficient. While it has been held by the United States Courts that no citizen of the United States can throw off his allegiance without the consent of Congress, several of the states have provisions in their constitutions permitting citizens to expatriate themselves and the decisions of the Courts of several states are very liberal in such matters, but it is obvious that whatever be the legislation or decisions in the states, these cannot furnish a rule for the Federal Government."

Williams Case, 29, Fed. Cases, 1330.

Prior to the enactment of a general statute on the subject of expatriation there had been great divergence in the decisions of our courts upon the right of a citizen to expatriate himself, but the better opinion would seem to have been that the common law rule obtained in this country and that he could not,

See review of cases on this point at Williams case; supra.

Congress has declared that the right of voluntary expatriation is "a natural and inherent right of all people, indispensable to their enjoyment of happiness."

No such Act has, however, been passed by Congress as to the relation of citizens of the United States with Indian tribes, or, by the Chickasaw Nation as to the relations of its citizens with the United States.

As Mrs. Agnew was a citizen of the United States prior to her marriage to the late Dr. A. G. Long, under the decisions cited above she did not forfeit her citizenship in the United States by such marriage and removal to the Chickasaw Nation; unless, under the laws of the United States, such acts would constitute expatriation. And, also, if she acquired citizenship in the Chickasaw Nation, she did not forfeit such citizenship by remarriage to a citizen of the United States unless, under the laws of the Chickasaw Nation, such conduct constituted expatriation, which as ~~heretofore~~ ^{will be} shown, it does not, by either the constitution or laws of that nation.

2. Domicil and Marriage as affecting citizenship.

One's domicil, in a strict and legal sense, is where he has his fixed and permanent home and principal establishment, and to which, whenever he is absent, he has the intention of returning.

Story on Conflict of Laws, 8th Ed. p. 41.
10 Am. & Eng. Encycl. Law, 2nd Ed., 8, and cases there cited.

The domicil of a married woman is generally that of her husband.

10 Am. & Eng. Encycl. Law; supra.

The early Roman law was essentially personal, not territorial. A man enjoyed the benefits of its institutions and of its protec-

tion not because he happened to be within Roman territory but because he was a citizen--one of those for whom its laws were established. We have an illustration of this recorded in holy writ. Saul of Tarsus was a Jew of the sect of Pharisees, but when he was delivered to the Roman Governor at Jerusalem for sentence, charged with blasphemy--a heinous crime punishable under the Jewish law by death-- he claimed the right of appeal to Caesar, which was one of the privileges enjoyed by Roman citizens only. His claim to such citizenship was not based upon the fact that he had ever been in Rome, for he had not, but it is generally supposed that he derived such citizenship through his ancestor who had had Roman citizenship conferred upon him for some service rendered the State. This case is also a perfect illustration of dual citizenship in a superior and a dependent state.

The common law rule was similar to that of the Roman law, and the contention so strenuously held by Great Britain that citizenship was not affected by foreign domicile even when accompanied by naturalization, was one of the causes which led to the war of 1812 between the United States and that country.

In regard to the rule in our own country, it is stated in Wharton's International Law, vol. 2, at page 363, "It is therefore, by no means to be assumed that Congress and the several legislatures which assented to the Fourteenth amendment contemplated that the temporary withdrawal of the person of the citizen from subjection to National jurisdiction should forfeit the rights of citizenship. Such a construction would do violence to good sense and the customs of Americans, who from the foundation of ~~the~~ Government have been in the habit of residing in foreign countries and engaging in commerce there, retaining their nationality; and to the general jurisprudence of nations which recognizes such a residence with the preservation of nationality."

Persons born in the United States, who, having left them, reside abroad, with no apparent intention of returning, and who do not contribute to their support, do not necessarily discharge the United States Government from its obligation to interpose for their protection in proper cases. Foreign domicile is not the equivalent of expatriation.

"The declaration in the Act of July, 27, 1868, Chap. 249, [1909 R.S., U. S.] that the right of expatriation is 'a natural and inherent right of all people', comprehends our own citizens as well as those of other countries; and where a citizen of the United States emigrates to a foreign country, and there, in the mode provided by its laws, formally renounces his American citizenship with a view to become a citizen or subject of another country, this should be regarded by our Government as an act of expatriation. The selection and actual enjoyment of a foreign domicile, with an intent not to return, would not alone constitute expatriation."

Geo. H. Williams,
14 Op. Atty. Gen. 296.

(U.S.)
In *Shanks v. Dupont & Peters*,²⁴² the Supreme Court held in a decision rendered by Justice Story that the marriage of a woman citizen of the state of South Carolina to a British officer did not destroy her allegiance to the state of South Carolina, because marriage with an alien, whether friend or enemy, produces no dissolution of the native allegiance of the wife. The general doctrine is that no person can, by any act of their own, without the consent of the Government, put off their allegiance and become aliens.

An alien woman, domiciled in the United States, who married a naturalized American citizen, acquired citizenship in the U. S., and did not lose such citizenship by remarriage to an alien who subsequently died without becoming a citizen of the United States.

Atty. Gen. S. F. Peters, 15 Op. Atty. Gen. 599, citing *Shanks v. Japan*; supra.

A woman, (alien) who acquires citizenship by marriage to a citizen of the United States does not lose her citizenship by the death of her husband and her remarriage to an alien.

Krietz v. Behrensmeyer, 125 Ills., 141; 8 Am. State Reports, 570.

In *Comitis v. Parkerson*, 33 Fed. Rep., 599, it was held that a native citizen of Louisiana did not lose her citizenship and become an alien by marriage with an Italian subject, resident in La., the husband having no intention to return to Italy, but continuing to reside in Louisiana without being naturalized.

were residence and marriage in a foreign country, even though war intervened between such country and the United States did not, in the absence of special enactment, deprive a citizen of the United States of his rights as an American citizen, he taking no part in the war.

U. S. v. Gillies, Peters (C.C.) 159.

It has even been stated that a married woman may be naturalized without the concurrence of her husband.

Priest v. Cummings, 16 Wend. N.Y., 617; 20 Wend. N.Y., 338.

In 10 Op. Atty. Gen., 321, it was decided that Mrs. Preto, a woman born in this country who married a Spanish subject residing here, and then removed to Spain with her husband and child, and subsequently died there, was still an American citizen at her death. The Attorney General held:

"We have no law forbidding intermarriage between citizens and aliens. Such marriages are as legal and legitimate as any other marriages, but they do not change the

political status of the parties to them. x x x

"The removal of Mrs. Preto and her daughter to Spain and their residence in that country, under the circumstances, is, in my judgment, no evidence of an attempt on their part to exercise the right to cast off her native allegiance and adopt a new sovereign."

It is ~~submitted~~ ^{submitted} that under the laws of the United States, and the laws of nations, marriage to an alien, accompanied by foreign domicile, do not, of themselves, constitute expatriation. Therefore, even if the Chickasaw nation was, as regards the United States, a foreign nation, it is by no means clear that Mrs. Agnew's marriage to a Chickasaw Indian and removal to the Chickasaw nation, would have operated to forfeit her citizenship in the United States

And if she acquired citizenship in the Chickasaw nation she would not have forfeited her citizenship in said nation by her remarriage to a citizen of the United States and domicile in this country, even if, the United States, as regards the Chickasaw Nation, was a foreign nation, unless there should be some law of the Chickasaw Nation (more stringent than the general rule) under which such acts would constitute expatriation.

3. The relations between the United States and the Indian Nations or Tribes are peculiar, growing out of the anomalous position which these tribes bear to the United States.

According to the principles of International Law as understood by the European powers, the Indian tribes in America were regarded as mere temporary occupants of the soil. Their right to the soil was considered to be in the nature of revocable or defeasible licenses, or tenancies at will.

The absolute right of property and dominion were consid-

ered to belong to the European nations by which any portions of the soil were first discovered. (See cases cited in 23 Am. & Eng. Enc. of Law, p. 40.)

The Courts of the United States have always upheld the legal title of the United States to the land occupied by the Indians and the absolute right of the Government to extinguish, by purchase or conquest, the Indian title by occupancy.

(See 1 Kent p. 257 and cases cited in 9 Am. and Eng. Enc. of Law, pp. 49 and 50.)

The title to their lands, whatever that title may be, is in the tribe as a community, and not in the individual members, and the only way by which an individual Indian can obtain a title to land held by his tribe is to avail himself of the homestead laws of the United States under the Acts of March 3, 1875 and July 4, 1884, in which case the United States holds the lands in trust for him for twenty-five years.

Sec. 2079, R. S., U. S., provides that no Indian nation or tribe within the territory of the United States shall be recognized as an individual nation, tribe, or power with whom the United State may contract by treaty.

As the law of the United States now stands, the Indian is not recognized as a person, and has no legal right to any personal property. The peculiar protection which he enjoys, or is supposed to enjoy, is due to his tribal relations as a member of a tribe with which the United States are at peace under treaty stipulations.

Morse on Citizenship, p. 132.
See, passim, Pennock v. Bd. of County Com., 103 U.S.;
13 Otto, p. 44.

An Indian residing within the United States is not a "foreign citizen or subject" within the meaning of Sec. 2, Art. 3, of the Constitution, and cannot on the ground that he is a "foreign citi-

2^d zen or subject" maintain a suit in the Circuit Court of the United States. nor is ^{an Indian} ~~a citizen~~ an alien.

Karrahoo v. Adams, 1 Dill, C. C., 344.

Said Justices Harlan and Wood in their dissenting opinion in the case of Elk v. Wilkins, 112 U.S., p. 94:

"There is still in this country a despised and rejected class of persons with no nationality whatever, who, born in our territory, owing no allegiance to any foreign power, and subject, as residents of the states, to all the burdens of government, are yet not members of any political community, nor entitled to any of the rights, privileges or immunities of citizens of the United States."

In the case of Cherokee Nation v. Georgia, 6 Peters, 1, it was held that "the acts of our Government plainly recognize the Cherokee Nation as a state, and the Courts are bound by those acts.

"The condition of the Indians in relation to the United States is, perhaps, unlike that of any other two peoples in existence. In general, nations not owing a common allegiance are foreign to each other. The term foreign nation is with strict propriety applicable, by either to the other. But the relation of the Indians to the United States is marked by peculiar and cardinal distinctions which nowhere else exist.

"It may well be doubted whether those tribes which reside within the acknowledged boundaries of the United States can, with strict accuracy, be denominated foreign nations. They may, more correctly, perhaps, be denominated domestic dependent nations."

U.S. v. Kajama, 118 U.S., 375
 Choctaw Nation v. U.S., 119 U.S., 375.
 The Cherokee Tobacco, 11 Wall, 616.
 Choctaw Nation v. U.S., 119 U.S., 1.
 Worcester v. State of Ga., 6 Peters, 512.

In the case of *U.S. v. Kagoule*, 10 Comp. Cas. 417, it was held that "the United States has never acknowledged or treated the native tribes of Indians as independent nations, nor regarded them as the owners of the territory they respectively occupy. On the contrary, they have always considered and treated them as dependent nations or tribes, subject to their dominion and control, and have exercised legislative power over them by the punishment of crimes committed within their limits no matter whether the offender be a white man or an Indian. But this dependent condition has never prevented them from having laws and usages for their own individual government, and of adopting other persons as members of their tribes."

"I add that so far as the United States recognize political organizations amongst Indians, the right of occupancy is a right in the tribe or nation. It is, of course, competent for the United States to disregard such organizations and treat Indians individually, but their policy has generally been otherwise. In such cases they presumptively remit all questions of individual right to the definition of the Nation, as being purely domestic in character. The practical importance here of this proposition is that in the absence of express contradictory provisions by treaty or by statutes of the United States, the Nation (and not a citizen) is to declare who shall come within the boundaries of its occupancy, and under what regulations and conditions. x x x The treaties of 1855 and 1868 show, of course, by their very existence, an intention by the United States, to resort to the National organization of these Indians as a means of their civilization. In other words the existence of these treaties indicates a general purpose by the United States to leave to these Nations control of that class of questions which in ordinary diplomatic intercourse, is

styled domestic."

10 Op. Atty. Gen. 37 and 37,

S. F. Phillips, Acting Atty. Gen.

"If the Chickasawa were still resident within the state of Miss., it is not to be doubted that this state, whilst not encroaching on any lawful jurisdiction of the United States, might take to itself the jurisdiction of all controversies to which any one of its citizens might happen to be a party, even although such citizen should, so far as he might possess the power, have naturalized himself, by marriage or adoption, into the Chickasaw Nation. But the Chickasaws are now wholly without the limits of any state or of any organized territory of the United States. In regard to Indians thus situated, also, it cannot be doubted that the Congress of the United States may abstract a citizen from the jurisdiction of any Indian nation even although such citizen shall have done everything possible to merge his personality and his rights in the body of such Indian nation."

7 Atty. Gen. Op. 170.

As showing the peculiar relations existing between the several states and the Indians, see,

The Kansas Indians, 5 Wall, 761
 U. S. v. Payne, 4 Dill, 394
 Lowry v. Weaver, 4 McLean, 82
 U.S.v. Indian Sun, 1 Dill, 275
 U. S. v. Tobacco Factory, 1 Dill, 264
 Cases cited in Am. and Eng. Encycl. of Law, tit. Indians.

The decisions under the two preceding topics show ^{what} ~~what~~ Mrs. Agnew's status would have been, if as regards each other, the United States and the Chickasaw Nation were two foreign nations. But the decisions referred to under this topic show that the United States and the Chickasaw Nation are not, as regards each other, foreign nations, but their relations are peculiar. Therefore, even

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32 if Mrs. Agnew would have forfeited her citizenship in the United States by marriage to Dr. Long, and subsequently forfeited her citizenship in the Chickasaw nation by remarriage to Dr. Long, in case the United States and Chickasaw nation were foreign to each other, the rules in such a case do not apply, for they are not deemed to be foreign nations as regards each other.

4. Citizens of the United States may acquire citizenship in the Indian nations within the territorial limits of the United States, but they do not thereby forfeit their citizenship in the United States.

Citizenship in these nations is acquired under the laws and usages of the several tribes by intermarriage, or adoption, or both. But such citizenship cannot be acquired by a citizen of the United States by removing and settling within the territorial limits of the nation, with a desire to become such citizen. In other words, domicile within the nation for however long a period is not sufficient under the laws of these nations to confer citizenship therein.

Said Hon. Caleb Cushing, Attorney General of the United States,

"In the first place, it is certain that the agent errs in assuming the legal impossibility of a citizen of the United States becoming subject, in civil matters, or, criminal either, to the jurisdiction of the Choctaws. It is true that no citizen of the United States can, while he remains within the United States, escape their constitutional jurisdiction, either by adoption into a tribe of Indians or any other way. But the error in all this consists in the idea that any man, citizen or non-citizen, becomes divested of his allegiance to the United States, or throws off their jurisdiction or government, in the fact of becoming subject to any local juris-

diction whatever. This is an inconsistency entirely; the whole theory of the Federal Government, which theory is, that all the inhabitants of the country are, in regard to certain limited matters, subject to the Federal jurisdiction, and in all others to the local jurisdiction, whether political or municipal. The citizen of Mississippi is also a citizen of the United States and he owes allegiance to, and is subject to the laws of, both governments. So, also, an Indian, whether he be Choctaw or Chickasaw, and while subject to the local jurisdiction of the councils and courts of the nation, yet, is not in any possible relation or sense divested of his allegiance and obligations to the government of the United States. x x x Cheadle may be subject to the jurisdiction of the Choctaws without affecting his allegiance to the United States.

* * *

"When it is affirmed or intimated that by reason of the question of allegiance, or of any other relation to the constitution, a citizen of the United States cannot lawfully enter into an Indian Nation, a compound error is committed. The idea seems to assume unconsciously that the Indian nation constitutes a foreign state; for how else can the question of change of allegiance arise?"

7 Op. Atty. Gen., 178.

In the case of U. S. v. Thomas Ragsdale, Hempstone Rep., 147, (9th Cir. C.C.) it was held that "A white man who is incorporated with an Indian tribe at mature age, by adoption, does not thereby become an Indian, so as to cease to be amenable to the laws of the United States.

"He may, however, become entitled to certain privileges in the tribe, and also make himself amenable to their laws and usages."

34 "As the district of country occupied by the Choctaws is within the territorial limits of the United States and as the sovereignty of the United States has been only partially relinquished, white citizens of the United States, or other white men owing allegiance to them, cannot divest themselves of that allegiance by a residence among the Choctaws, nor even by becoming, by adoption, members of the Choctaw nation."

H. F. Butler, 2 Op. Atty. Gen., 1894.

A citizen of the United States, by entering an Indian ~~tribe~~^{tribe} ~~tribe~~ within our limits, and becoming one of them by adoption, cannot claim to be exempt from the laws of the United States which regulate intercourse with them. "A citizen of the United States cannot divest himself of his allegiance to this government so long as he remains within the limits of its sovereignty for in that condition this individual most manifestly is. Is it not doubted that the Cherokees west of the Mississippi are within the limits of the United States? The grant to them is of soil, not sovereignty."

2 Op. Atty. Gen., 402, (Jn. Macpherson Berrien).

A Choctaw law of October 1840, provides that any white man parting from his wife without just provocation shall forfeit and pay over to his wife such sum or sums as may be adjudged by the District Court for said breach of marriage contract and be deprived of citizenship.

John Bragg, a citizen of the United States, married a Choctaw Indian. She applied for a divorce from him on the ground of non-support, which did not appear to have been granted. Subsequently he applied for a divorce from her on the ground that she had married another man and was living with him as his wife. The record of the granting of this last divorce was informal. Upon the question

of the citizenship of John Bragg, the Attorney General of the United States held,

"First, if there is a legal record of the proceedings upon the petition of John Bragg and there is included therein a final decree of divorce, and the finding of the Court was based upon the allegations of the petition, in which just provocation is sufficiently averred, then John Bragg is entitled to Choctaw citizenship

18 Op. Atty. Gen. 179.

See, also, case of ex parte Reynolds, 5 Hill (C.C.) 394.

As far as I have been able to learn there is no other law of the Chickasaw Nation governing the rights of intermarried citizens, and there is no law of said nation upon the question of expatriation.

From a consideration of the above it is manifest that Mrs. Agnew continued to be a citizen of the United States notwithstanding her marriage to Dr. Long and removal to the Chickasaw Nation. Nor did that fact operate to prevent her from acquiring citizenship in the Chickasaw Nation and retaining all of her rights as a Chickasaw even after her remarriage to a citizen of the United States.

3. Indians, members of these several tribes or nations may acquire citizenship in the United States under the laws of the U. S., by naturalization, but mere domicile in the United States with intent to become such citizen is not sufficient in the absence of United States statutes to that effect. by becoming citizens of the United States they do not forfeit their rights as members of such tribes or citizens.

The peculiar protection which one of our tribal Indians enjoys or is supposed to enjoy is due to his tribal relations as a mem-

36 ber of a tribe with which the United States are at peace under treaty stipulations. The United States has exercised a form of guardianship over these Indians and it has been the policy and desire of this government to induce them to renounce their tribal form of government, become skilled in the arts and industries of modern civilization with the intention of conferring upon them citizenship in the United States as soon as they are capable of fulfilling its obligations and duties.

But by various Acts of Congress, Indians have been naturalized without observing any of the forms required by naturalization laws in the case of a foreigner becoming a citizen of the United States, and in no case has a naturalized Indian lost his Indian rights by such naturalization.

Brotherton Indians, 5 Stats, 349
Stockbridge Indians, 5 Stats, 646-7
Wyandotte Indians, 10 Stats. 1159

See also, provisions in the following treaties:

Choctaws, 7 Stats, 335
Cherokees, 7 Stats. 483
Ottawas, 12 Stats, 1237
Pottawatomies, 12 Stats. 1192
Delawares, 14 Stats. 796
Confederated Tribes, 15 Stats. 520
1 Supp. R. S., U. S., 738.

Section 2119 of the Revised Statutes of the U. S., provides that whenever any Indian, being a member of any band or tribe with whom the Government has, or shall have entered into any treaty stipulations, being desirous to adopt the habits of civilized life has had a portion of the lands belonging to his tribe allotted to him in severalty in pursuance of such treaty stipulations, the agent or superintendent of such tribe shall take measures not inconsistent with law as may be necessary to protect such Indian in the quiet enjoyment of the lands so allotted to him.

See, also,

Act of Feb., 8, 1887, 1st Supp. R.S., U.S., p. 536

Act of Aug. 9, 1899, 1 Supp. H.S., U.S., p. 705.
 Act of May, 2, 1900, 1 Supp. H.S., U.S., p. 738.

"In cases where the United States has not by its legislation or other acts, incorporated these people into the political body known as the people of the United States, who, according to our republican institutions, form the sovereignty, and who hold the power and conduct of the government, they are not citizens. These nations or tribes may not be absolutely independent powers--they may be domestic, dependent nations; but as long as the Government of the United States, through its legislative department, continues to treat them as beyond the jurisdiction of the United States, so long they must be held to be quasi-foreign nations, whose citizens are not regarded as American citizens and not subject to the full responsibility of such citizens.

Ex parte, Reynolds, 5 Hill., (C.C.) p. 394.

In the leading case of Elk v. Wilkins, the Supreme Court held:

"An Indian born a member of one of the Indian tribes within the United States, which still exists and is recognized as a tribe by the Government of the United States who has voluntarily separated himself from his tribe and taken up his residence among the white citizens of a state, but who has not been naturalized, or taxed, or recognized as a citizen either by the United States or by the state, is not a citizen of the United States, within the meaning of the First section of the Fourteenth Amendment to the Constitution."

And, further, that Indians cannot be naturalized without the special consent of Congress.

112 U. S. 94

See, also, U.S. v. Osborne, 6 Sawyer, (U.S.) 404.

In the case of U. S. v. Holliday it was shown that Holliday was a citizen and voter of the state of Michigan, but was so far connected with his tribe that he lived among them and received his annuity under the treaty with the United States. The Supreme Court held that he was still a member of his tribe and under the charge of an Indian agent.

3 Wall, 407.

And see,

U.S. v. Joseph, 94 U.S., 614

U.S. v. Mullen, 71 F. R. 352.

heads of Creek families who otherwise would be entitled to a patent for lands in Alabama, have not forfeited their right to the same by having become residents and citizens of Georgia before the expiration of five years from the time when his reservation was selected.

3 Op. Atty. Gen. 555, (H. D. Gilpin.)

In passing upon the question of citizenship in the Cherokee Nation, the hon. Attorney General held:

"The right of citizenship cannot be forfeited by legislative act, directly or indirectly, no more than can be the right of property."

19 Atty. Gen. Op. 232, A. H. Garland.

Inasmuch as Mrs. Agnew continued to be a citizen of the United States notwithstanding her marriage to a Chickasaw Indian and removal to the Chickasaw Nation, which facts, under the laws of the Chickasaw Nation conferred upon her citizenship in that Nation, it must follow that she did not become any more a citizen of the United States by virtue of her remarriage to Mr. Agnew. But even

if by such remarriage she had acquired citizenship in the United States (which she did not do) that fact would not have operated to forfeit her rights as a member of said Chickasaw Nation.

6. The laws of the Chickasaw Nation under which Mrs. Agnew claims citizenship.

The first reference to intermarried or adopted citizens contained in the treaties between the United States and the Chickasaw Indians is in Article 15 of the treaty of Oct., 20, 1802, as follows:

"It is therefore agreed, that no person whatsoever, who is not Chickasaw or connected with the Chickasaws by marriage shall be permitted to come into the country, etc."

Article 7 of the treaty of May 2^d, 1834 provides that "When any white man, before the date hereof, has married an Indian woman, the reservation he may be entitled to under this treaty, she being alive, shall be in her name, and no right of alienation of the same shall pertain to the husband, unless he divest her of the title after the mode and manner that females covertes usually divest themselves to title to real estate; that is by the acknowledgment of the wife, which may be taken before the agent and certified by him that she consents to the sale freely and without compulsion from her husband, who shall at the same time certify that the head of such family is prudent and competent to take care of and manage his affairs x x x Rights to reservations as are herein and in other articles of this agreement secured, will pertain to those who have heretofore intermarried with the Chickasaws and are residents of the Nation."

It is worthy of note that intermarried citizens are not mentioned in any other of the articles of the treaty of 1834; therefore, the above article confers upon them precisely the same

rights to reservations that are conferred upon native citizens, the only distinction between the two classes of citizens being that in the case of the intermarriage of a non-citizen to a Chickasaw woman, his reservation was in her name, and he could not dispose of the same without divesting her of the title in the mode prescribed. Having done this, however, his title to such reservation was absolute, as it was in case of her death.

Articles 11 to 24 inclusive of the treaty of April 25, 1864, provides that the land held by the Choctaw and Chickasaw Nations in common may be allotted to the citizens of these nations in severalty. Article 13 provides that notice "shall be given not only in the Choctaw and Chickasaw nation, but by publication in newspapers printed in the states of Mississippi and Tennessee, Louisiana, Texas, Arkansas and Alabama, to the end that such Choctaws and Chickasaws as yet remain outside of the Choctaw and Chickasaw nations may be informed and have opportunity to exercise the rights hereby given to resident Choctaws and Chickasaws."

This shows that domicile within the nation was not considered an essential element of citizenship. But, in order to obtain a reservation under the treaty it was provided that non-residents must become residents within five years after making selection of land therein.

Article 23 of the same treaty provides that "the right here given to Choctaws and Chickasaws respectively shall extend to all persons who shall have become citizens by adoption or intermarriage of either of said nations, or, who may hereafter become such." It will be noted that this article is in the nature of a stipulation between the two governments that there shall be no discrimination between citizens by marriage and adoption and native citizens in relation to the rights conferred under the treaty of 1866, which is the last treaty made with the United States. Citizens by adoption and intermarriage are thereby given by the Choctaw and Chickasaw

Y' nations precisely the same status as native citizens. Probably this led to the agreement on the part of the United States to the 38th article of the same treaty, which provides:

"Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw Nations, or who has been adopted by the legislative authorities, is to be deemed a member of said Nation, and shall be subject to the laws of the Choctaw and Chickasaw Nations, according to his domicile, and to prosecution and trial before their tribunals and to punishment according to their laws in all respects, as though he was a native Choctaw or Chickasaw."

It will be noted in reference to this provision that it applies to all who have once acquired citizenship, while they reside within the territory, and its operation could not be avoided by an intermarried citizen on the ground that he, or she, had remarried a non-citizen, or for any other reason.

In the constitution of the Chickasaw Nation, Section 7 of the general provisions is as follows:

"That every white person, who having married a Chickasaw Indian, or who has been adopted by the legislative authorities of said Nation, shall be entitled to all the rights, privileges and immunities guaranteed to them only by the 38th article of the treaty of 1866 with the Choctaws and Chickasaw Indians."

Section 10 of the same provides that, "The legislature shall have power by law to admit or adopt, as citizens of this Nation, such persons as may be acceptable to the people at large."

These provisions form part of the fundamental law of the Chickasaw Nation, and they place the intermarried and adopted citizens upon precisely the same footing in every respect as native citizens. In other sections of the constitution it is provided that only certain citizens shall be eligible to hold certain offi-

ces, but otherwise the constitution confers the same status upon all of its citizens no matter how such citizenship is acquired.

42 Section 19 of the general provisions of said constitution also provides that, "All rights and powers not herein granted or expressed, are reserved to the people; and any law that may be passed contrary to the provisions of this constitution shall be null and void."

Section 3 of an Act regulating marriages between citizens and non-citizens of the Chickasaw Nation provides:

"Be it further enacted that no marriage heretofore solemnized, or which may hereafter be solemnized, between a citizen of ~~the~~ the United States and a member of the Chickasaw Nation, shall enable such citizen of the United States to confer any right or privilege whatever, in this nation, by again marrying another citizen of the United States, or upon such other citizen of the United States, or their issue, and in case any citizen of the United States shall have married a member of the Chickasaw Nation, and shall have heretofore abandoned her, or should hereafter voluntarily abandon or separate from such member of the Chickasaw Nation, such citizen of the United States shall forfeit all right acquired by such marriage in this nation and shall be liable to removal as an intruder from the limits thereof."

Act of Oct., 19, 1876.

It is a question how far the provisions of this section are operative. They apply to only one class of citizens and are at variance with that clause of the constitution which provides that intermarried citizens shall be entitled to all the rights, privileges and immunities guaranteed to them only in the treaty of 1866. But whether operative or not it is important as showing the intention of the legislature.

Note first, that by its terms citizenship acquired by intermarriage with a Chickasaw woman, shall be forfeited by such inter-

43

married citizen who shall "hereafter voluntarily abandon or separate from" such ~~native~~ citizen.

Note, second, that the remarriage to a non-citizen on the part of an intermarried citizen shall not confer citizenship in the Chickasaw Nation upon the former, or upon the issue of such second marriage.

Note, third, that the remarriage to a non-citizen on the part of an intermarried citizen does not under this law affect the status of the intermarried citizen. Upon this point compare the provision of the Choctaw marriage Act of 1840, which provides:

"Be it further enacted, that should any white woman, a citizen of the United States, or of any foreign country, become a member of the Choctaw Nation by intermarriage, and he or she be left a widow or widower, he or she shall continue to enjoy the rights of citizenship, unless he or she shall marry a white woman or man, or person, as the case may be, having no rights of Choctaw citizenship by blood; in that case all his or her rights acquired under the provisions of this act shall cease:

"Any white man parting from his wife without just provocation shall forfeit and pay over to his wife such sum or sums as may be adjudged by the District Court for said breach of marriage contract and be deprived of citizenship."

Choctaw Act of October, 1840, Sec 7.

As far as I have been able to learn there are no other laws of the Chickasaw Nation governing the rights of intermarried citizens, and there is no law of said nation upon the question of expatriation.

Respectfully submitted.
 H. S. Bright
 H. S. Hinrichs
 Attys for Mrs. Agnew

Office of L. C. Burris,
National Secretary,
Chickasaw Nation.

Tishomingo, I. T. Feby, 24, 1897

This is to certify that Albert Long, Jr. son of Mrs. Albert Long, now known as Mrs. Mary Long Agnew; is enrolled on page 23 of Tishomingo County roll of the Chickasaw Nation A. D. 1893. Said enrollment was made for the purpose of enrolling citizens of the Chickasaw Nation for the payment of "The Leased District Fund."

I further certify that said Albert Long, Jr. is registered on page 123, of the pay roll of Tishomingo County Chickasaw Nation A D 1893.

I further certify that by virtue of being National Secretary of the Chickasaw Nation I am custodian of all the rolls of citizens of the Chickasaw Nation.

Given under my hand and seal of office this 24th day of Feby. A D 1897

(signed) L. C. Burris
National Secretary
Chickasaw Nation.

Seal.

National Secretary's Office
Chickasaw Nation.

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

ALLISON L. AYLESWORTH,
SECRETARY

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

Muskogee, Ind. Ter., September 18, 1900.

Mary Long Agnew,

Pension Office, Washington, D.C.

Dear madam:

You are hereby notified that the Chickasaw Nation, through its attorneys, Messrs. McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Chickasaw Nation.

The objection raised is that you married out of the nation and that you do not reside in the nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900, when the Commission will hold a session at said place.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Chickasaw Nation at any time prior to February 1st 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

9-2-331.

Acting Chairman.

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

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

RECEIVED

Chickasaw D-331.

Muskogee, Indian Territory, March 19, 1902.

Mary Long Agnew,

Care Pension Office, Washington D. C.

You are hereby notified that the application of yourself and your minor child, Albert Agnew, for enrollment as citizens of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of May, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Register.

Commissioner in Charge.

Chickasaw T 361

Muskogee, Indian Territory, May 12, 1901.

Frank S. Bright,

Attorney at Law, 14 and 3 Streets,

Washington, D. C.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, enclosing copy of decree of divorce between Mary O. Agnew and Samuel H. Agnew, and the same has been duly filed with the records of this office in the matter of the application of Mary Long Agnew for enrollment as a citizen by intermarriage of the Chickasaw Nation.

Yours truly,

Acting Chairman.

9-P-531.

Muskegee, Indian Territory, September 29, 1904.

F. S. Bright,
Attorney-at-Law,
Washington, D. C.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 31, 1904, requesting to be advised relative to the present status of the application of Mary Long Agnew for enrollment as an inter-married citizen of the Chickasaw Nation.

You are informed that the Commission is now considering the application for the enrollment of Mary Long Agnew as an inter-married citizen of the Choctaw Nation and as soon as a decision is reached you and the applicant will be notified of the action taken therein.

Respectfully,

Chairman.

Chickasaw D 331

COPY

Muskogee, Indian Territory, November 3, 1904.

Mary Long Agnew,
Pension Office,
Washington, D.C.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 3, 1904, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

James Dixby
Chairman

Registered,
Incl. 9-D-331,

Chickasaw D 331

COPY.

Muskogee, Indian Territory, November 3, 1904

F. S. Bright,
Attorney at Law,
Washington, D.C.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 3, 1904, rendered its decision granting the application for the enrollment of Mary Long Agnew as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tama Bixby
Chairman.

Registered.

Chickasaw D 331

COPY.

Waukego, Indian Territory, November 3, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 3, 1904, rendered its decision granting the application for the enrollment of Mary Long Agnew as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

James B. ...

Chairman.

Registered.

Chickasaw D 331

COPY,

Muskogee, Indian Territory, November 3, 1904.

Manafield, McDurray & Cornish,

Attorneys for Cheetaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered November 3, 1904, granting the application for the enrollment of Mary Long Agnew as a citizen by intermarriage of the Chickasaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Yours,

Tanis Bibby
Chairman.

Registered.

Incl. S-D-331.

See Chickasaw 1644 for Registry receipts for this letter.

Chic 1784

Chic 1784

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

-oOo-

In the matter of the application for enrollment as a
citizen by intermarriage of the Chickasaw Nation of
G E O R G E R. T U C K E R - - - 9-D-356.

-oOo-

Chickasaw D. 356.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ardmore, I. T., October 30, 1902.

In the matter of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation of George R. Tucker.

George R. Tucker being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A George R. Tucker.
Q Your name is George is it? A Yes sir.
Q How old are you? A 46.
Q What is your post office address? A Orr.
Q How long have you resided in the Chickasaw Nation? A 15 years I guess.
Q Maintained a continuous residence here for that length of time? A Yes sir, it has been my home.
Q Have you lived here? A Yes sir.
Q Actually been here? A Yes sir; I have been out and in; I have been out in Texas and other places.
Q For how long? A Some times for two or three months probably.
Q This has been your actual place of residence? A Yes sir.
Q What is your occupation? A Farmer.
Q Have a farm here all the time? A No sir, never had any farm before I was married, since 1894.
Q You were married in 1894? A Yes sir, I think it was 1894.
Q You were born a citizen of the United States? A Yes sir.
Q You are a white man? A Yes sir, I reckon so. I always claimed to be that.
Q You are an applicant for enrollment as an intermarried citizen of the Chickasaw Nation? A Yes sir.
Q What is the name of your Chickasaw wife? A Her maiden name was Johnson, Eliza Johnson.
Q Was she a citizen by blood of the Chickasaw Nation? A Yes sir, I guess so.
Q Was she always recognized by the tribal authorities as such? A Yes sir, she said she had.
- By Mr Murray, Chickasaw Commissioner:
Q Who was your wife's mother? A Margaret Riddle, they lived up at Savannah I think.
Q In the Choctaw Nation? A Yes sir, she was a Choctaw, her daddy was a Chickasaw.
Q Your wife's mother's name was Margaret Riddle? A Yes sir.
Q You said your wife was a Johnson? A Yes sir, his Indian name was Martin Gutchubby; her English name was Johnson.
Q Where did you marry your wife? A Wynnewood, by old Judge Colbert.
Q Has her name always been carried on the Indian rolls? A I suppose so.
Q You married her in 1894? A Yes sir.
Q Did she draw the leased District money in 1893? A I think so.

George R. Tucker----2

By Mr. Maytubby, Chickasaw Commissioner:

- Q Was Martin Gutchubby a Choctaw? A Yes sir.
Q Who was her relatives? A She was related to old man Collins at Stonewall: I dont know who all.
Q Was she G. W. Riddle's daughter? A No, her mother was Riddle, her daddy was Johnson.
Q Who was the mother of your wife? A Riddle was her maiden name.

By the Commission:

- Q Your wife claimed to be Choctaw? A Her daddy was a Chickasaw, and her mother was Choctaw.
Q When did you marry this woman? A 1894 I think.
Q Were you ever married prior to that time? A Yes sir.
Q To whom? A A Chatman 22 years ago.
Q Just once? A Yes sir, once before that.
Q Was your first wife dead when you married this woman? A Yes sir.
Q Was your wife ever married before she married you? A Yes sir.
Q How many times? A Twice I think.
Q Both of her former husbands dead when you married her? A No sir, I think not; one of them was.
Q Was she divorced from the other one? A I guess she was, she said she was.
Q Did you find out? A No sir, I couldn't say that I knew it only what she said.
Q You say you were married to her in 1894? A Yes sir.
Q Married under a Chickasaw license? A Yes sir.
Q How much did you pay for that license? A Fifty dollars.
Q Where did you obtain it? A Out here close to Center from Judge Burrows.
Q Who married you? A A preacher named Lovett.
Q How long did you live with this woman? A From 1894 until 1897.
Q Did she die? A Yes sir.
Q Did you live with her up until the time of her death? A Yes sir.
Q Was there any separation, desertion or divorce between you and this woman during that time? A No sir.
Q Have you since her death remarried? A Yes sir.
Q To whom? A A girl named Case.
Q Her full name? A Annie.
Q Is she a white woman? A Yes sir.
Q No rights to Indian citizenship by blood? A No sir.
Q Your original marriage to your Chickasaw wife was in 1894? A Yes sir.
Q You lived with her until she died and afterwards married a white woman? A Yes sir.
Q Still living with that white woman? A Yes sir.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Ardmore, I. T., on the 50th day of October, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

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

W. H. Martin
C. S. Stephens
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

O.L.J.

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-300-

In the matter of the application for the enrollment of
George R. Tucker as a citizen by intermarriage of the Chickasaw
Nation.

---: D E C I S I O N :---

It appears from the record herein that on June 15, 1884,
the applicant, George R. Tucker, was married in accordance with the
laws, customs and usages of the Chickasaw Nation, to Eliza Hampton
(nee Johnson), a recognized and enrolled citizen of the
Chickasaw Nation, whose name (as Louisa Tucker) appears upon the
1882 Chickasaw Census Roll, Pickens county, page 14; that at the
time of said marriage the applicant herein was a resident in good
faith of the Chickasaw Nation; that they resided together continu-
ously as husband and wife in said Nation from the date of their said
marriage until the death of Eliza Hampton (nee Johnson) in 1897; and
that thereafter the applicant married Annie Case, a noncitizen white
woman.

It appears from the evidence herein that the applicant has
resided continuously in the Chickasaw Nation from the date of his
said marriage to Eliza Hampton (nee Johnson) up to and including
September 25, 1902.

It appears from the records in the possession of the
Commission that the name of the applicant is found upon the 1896
Chickasaw Census Roll, page 78 (as George Tucker).

It is therefore the opinion of this Commission that
following the ruling of the Department in the case of Thornton D.
Pearce (I.T.D.4000-1904), relative to the question of forfeiture,
George R. Tucker should be enrolled as a citizen by intermarriage of
the Chickasaw Nation, in accordance with the provisions of the Acts
of Congress approved June 22, 1892, (50 Stat., 496), and July 1,
1902, (52 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

NOV 10 1904

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

X-----X
: :
: In the matter of the application of :
: G. R. Tucker for enrollment as an :
: intermarried citizen of the Choctaw :
: Nation. :
: :
X-----X

----D 54----

On the 5th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, and on the 25th day of February, 1902, the applicant was also notified by registered mail that the application of G. R. Tucker for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 2nd day of April, 1902, for final consideration.

Now, on this 2nd day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

Harry C. Risteen, being first duly sworn, on 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 2nd day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 3rd day of April, 1902.

Charles H. Wood

Notary Public.

To whom it may concern
I am to say that I have this day
summarized the rate of subscription between
G. B. Tucker, workman of the United
States and Miss Olga F. de Hampton
a native of the Choctaw Nation.

This June 25th 1894

J. J. Lovett,
Minister of the Gospel
Methodist Episcopal Church
South.

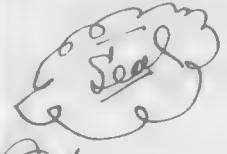
Recorded this the 28th day of Sept. 1894
Geo. Robert, Co. Clerk

a marriage
Office of County and Probate Judge:
Poultice County C. W.

Page 175

Well to witness it more correct, That J. J. W.
Burris, County and Probate Judge of Poultice
County Chickasaw Nation, having authority by
Law do this day grant and issue marriage
Licenses unto G. R. Tucker, a Citizen of the
United States to marry Miss Eliza Belle
Haupton, a Citizen of the Chickasaw Nation
in accordance with the existing Law of the
Chickasaw Nation, the said G. R. Tucker having
complied with the requirements of the Law
with Petition for the same, and paid \$5.00 to the
Clerk under my hand this 24th day of June 1894

J. J. W. Burris.
County Probate Judge
Poultice Co. C. W.



Wynnewood St.

To whom this may concern.
This is to certify that I have this day solemnized the
Rights of Matrimony between G. R. Tucker a
Citizen of the United States, and Miss Eliza Belle
Haupton a citizen of the Chickasaw Nation
this June 25th 1894.


J. J. Lovitt, Minister of the
Gospel, Methodist Episcopal Church South

I hereby certify that the foregoing
is a true and correct
copy of my record
Sam Donnatiskey
Clerk of P. C.

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

FILED

SEP 29 1904



E. M. EVERIDGE, Judge.
P. C. HARRIS, District Attorney.
WILL EVERIDGE, Clerk.

CIRCUIT COURT THIRD DISTRICT
CHOCTAW NATION
WILL EVERIDGE, CLERK

TERMS OF COURT:
FIRST MONDAY FEBRUARY AND
SECOND MONDAY IN AUGUST.

GRANT, I. T.

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This is to certify that the foregoing instrument of writing a full true and correct copy of the proceedings of District Court of the Third Judicial District, Choctaw Nation in the Equity Docket February Term of Court 1894. In testimony whereof I hereunto set my hand and caused the seal of said ^{Court} to be affixed hereto, This the 17th day of September, 1904.

W. M. Smith
Circuit Clerk Third
Judicial District C. N.

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

FILED

SEP 29 1904

A handwritten signature in dark ink, appearing to be 'G. P. ...', written over the typed name 'CHAIRMAN'.

CHAIRMAN.

BILL OF DIVORCE

Copy

The Choctaw Nation,

In Circuit Court of the Third Judicial District, Regular *February* term
~~1890~~ *1894*, a petition of *Ben Hampton*
being presented by *his* Attorney in said Court, for a Bill of Divorce, setting forth the facts, etc.,
and after the Court hearing the Testimony in regard to the petition do order and decree that a Bill of
Divorce be issued to the applicant, *Ben Hampton*

THEREFORE, I do issue a Bill of Divorce to said applicant *Ben Hampton*
forever releasing *him* from the ^{*Bonds*} ~~Bands~~ of Matrimony heretofore existing
between *Ben Hampton* and *Eliza Hampton*

Given under my hand and seal of office, this the *17th* day of *February* A.D. ~~1890~~ *1894*

J. E. Tucker
Circuit Clerk, 3d District, C. N.

By _____

Deputy _____

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

SEP 29 1804

~~XXXXXXXXXX~~
J. G. SWANSON

Copy

Pushmataha Court
February term 1904
Saturday morning.

Now comes the petition of Ben
Hampton praying for a bill of
divorce from his wife Ediza Hamp-
ton presented by his Attorney Roney
Bijurton, the witnesses were sworn
and the Court hearing the evidence
granted the petition.

This the 17th day of February ad 1894.

Attest.

H. Tucker
Circuit Clerk
3rd District -
Choctaw Nation

N. W. Hampton
Circuit Judge
3rd District, Choctaw
Nation

Muskogee, Indian Territory,

August 18th, 1900,

F. Tucker,

W. G. Orr, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys Messrs McKenzen, Mansfield, McMurphy, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December, 3rd, 1900, held a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case and this hearing will be final.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, September 18, 1900.

G. R. Tucker,

Orr, Indian Territory,

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest against you is, that you have married out of the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

Chester D-
54

Muskogee, Indian Territory, February 26, 1903.

George H. Tucker,
Atlee, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Cheataw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 2nd day of April, 1903.

On said date you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Cheataw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Register

Commissioner in Charge.

Muskogee, Indian Territory, March 25, 1902.

G. R. Tucker,

Sagden, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, replying to our communication of February 26, 1902, in which you were advised that the matter of your application for enrollment as a citizen of the Choctaw Nation would be taken up for final consideration at the office of the Commission at Muskogee, Indian Territory on the 2nd day of April, 1902.

In your letter of the 20th instant you state that you do not see any use of coming before the Commission.

Our letter of February 26, 1902, was merely to notify you that if you desired, you might appear before the Commission in person or by attorney on April 2, 1902, and give any additional testimony you might desire material in the matter of your application for enrollment as a citizen of the Choctaw Nation.

Very truly,
Your obedient servant,
Commissioner

Chickasaw N 356

Muskogee, Indian Territory, November 25, 1902.

G. R. Tucker,

Gov., Indian Territory.

Dear Sir:

Receipt is here by acknowledged of your letter of the 17th instant, in which you state that you appeared before the Commission at Ardmore, Indian Territory, as an intermarried citizen and desire to be advised if there is any doubt in the minds of the Commission about your wife being Indian by blood.

In reply to your letter you are advised that it appears from our records that on October 30, 1902, George H. Tucker, appeared before the Commission at Ardmore, Indian Territory, and testified in the matter of his application for enrollment as a citizen by intermarriage of the Chickasaw Nation. No decision has up to this time been rendered by the Commission in the matter of your application.

Respectfully,

Acting Chairman.

7 - D 41
9 - D366

Muskogee, Indian Territory, September 16, 1903.

George R. Tucker & J. C. Ormsby,
Orr, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your joint letter of August 31, 1903, requesting information relative to your applications for enrollment as intermarried citizens.

You are advised that it appears from our records that G. R. Tucker, forty-three years of age, Orr, Indian Territory, has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Chickasaw Nation. No decision, however, has yet been rendered by the Commission relative to his right to final enrollment as such.

It further appears from our records that James C. Ormsby, twenty-seven years of age, of Orr, Indian Territory, is listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation. No decision, however, has yet been rendered by the Commission relative to his right to final enrollment as such. When a decision has been reached in your cases, you will be notified of the action of the Commission therein.

Respectfully,

Chairman.

W.O.B.

COMMISSIONERS
TAMM DIXBY,
THOMAS S. NEEDLES,
C. R. BRECKINRIDGE.

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

REFER IN REPLY TO THE FOLLOWING
Chickasaw-D-356

WM O BEALL,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 17, 1904.

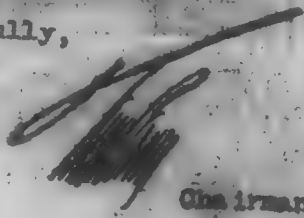
G. R. Tucker,
Snyder, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 8th, in which you ask the status of your enrollment as an inter-married citizen of the Chickasaw Nation.

In reply to your letter, you are informed that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Chickasaw Nation but will as early as practicable take up the same for consideration and determination. As soon as a decision is reached in this case, you will be notified of the action taken therein.

Respectfully,



Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WM O BEALL,
Secretary

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

93
REFER IN REPLY TO THE FOLLOWING

9-D-356.

Muskogee, Indian Territory, July 27, 1904.

G. R. Tucker,
Snyder, Indian Territory,

Dear Sir:

In the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation it appears from your testimony given before the Commission at Ardmore, Indian Territory, October 30, that your Chickasaw wife Eliza Johnson, was married prior to your marriage to her and obtained a divorce from her former husband.

You are advised that before further consideration can be given to your application that it will be necessary for you to furnish a certified copy of the decree of divorce, divorcing your Chickasaw wife from her former husband.

Respectfully,



Commissioner in Charge.

Chickasaw B 356

Muskogee, Indian Territory, August 11, 1904.

G. R. Tucker,

Admore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 8, asking if your application for enrollment as an intermarried citizen of the Chickasaw Nation has been determined.

In reply to your letter you are advised that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Chickasaw Nation, and before further consideration can be given the same it will be necessary for you to furnish a certified copy of the decree of divorce between your Chickasaw wife, Eliza Johnson, and her former husband. This matter should receive immediate attention.

Respectfully,

Commissioner in Charge.

Mustoge, Indian Territory, September 30, 1904.

W. R. Tucker,

Arden, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 19th instant, enclosing a certified copy of the bill of divorce granted Ben Hampton from Eliza Hampton February 17, 1894, requesting to be advised if it will be necessary for you to furnish any further evidence in support of your application.

The evidence of divorce forwarded by you has been duly filed with the records of the Commission in the matter of your application for enrollment as an intermarried citizen of the Chickasaw Nation. Should further evidence be deemed necessary you will be properly notified.

Respectfully,

Chairman.

9-D-356

Muskogee, Indian Territory, November 2, 1904.

Leibetter & Blodgett,

Ardmore, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of October 26, 1904, asking the cause of the delay in the disposition of the case of George R. Tucker as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that the Commission is now considering the case of George R. Tucker as an intermarried citizen of the Choctaw Nation, and as soon as a decision is reached in his case, you and the applicant will be notified of the action taken.

Respectfully,

Chairman.

COPY.

9-D-356

Muskogee, Indian Territory, November 10, 1904.

George R. Tucker,

Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 10, 1904, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

MANE

Tatis Bixby

Chairman

Registered.

Incl. 9-D-356

9-D-566

COPY.

Muskogee, Indian Territory, November 10, 1904.

Lodbetter and Bledsoe,

Attorneys at Law,

Armore, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 10, 1904, rendered its decision granting the application for the enrollment of George R. Tucker as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said George R. Tucker as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tavis Bixby

Chairman

Registered.

9-D-386

Muskogee, Indian Territory, November 10, 1904.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered November 10, 1904, granting the application for the enrollment of George R. Tucker as a citizen by intermarriage of the Chickasaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Chairman.

Registered.

Incl. 9-D-386.

See 9,529 for registry receipt for this letter.

G. R. Tucker

43

Int Ch. Stato-

Warrant in 1898 to white

Int Chs Roll Pickens Co
page 78

(white Card)

2500

OK Bismar

Chic 1785

Chic 1785

Chickasaw 1785

Muskogee, Indian Territory, November 26, 1904.

James P. Cassada, Clerk,
Choctaw and Chickasaw Citizenship Court,
Tishomingo, Indian Territory,

Dear Sir:

Please advise the Commission the post office address of Elizabeth Ann Evans, who was admitted by the Choctaw and Chickasaw Citizenship Court as an intermarried citizen of the Chickasaw nation in Case Number 91 on the Tishomingo Docket, as it appears from the records of your court.

Respectfully,

Commissioner in Charge.

Chickasaw 1785

Muskogee, Indian Territory, November 30, 1904.

James B. Cassada, Clerk,
Cherokee and Chickasaw Citizenship Court,
Tishomingo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 28, advising that the present post office address of Elizabeth Ann Evans is Cumberland, Indian Territory. You have the thanks of the Commission for your prompt attention to the matter.

Respectfully,

Commissioner in Charge.

Chic 1786

Chic 1786

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T. December 7, 1900.

The Choctaw Nation

vs.

D-492

Lizzie Jennings et al

APPEARANCES.

For the Choctaw Nation.
For the Applicant,

Melvin Cornish, Esq.
A. Telle, Esq.

Mr. Bixby: What is your contention in this case
Mr. Cornish.
Mr. Cornish. A Question of mixed blood. Mixed
blood; I mean Creek or Choctaw.

SIMON E. LEWIS being duly sworn by Acting Chairman
Bixby, testified as follows:

EXAMINATION BY MR. CORNISH:

- Q Your name is S. E. Lewis? A Yes sir.
Q How old are you? A Fifty nine.
Q You are a Choctaw Commissioner? A Yes sir.
Q You are a Choctaw by blood? A Yes sir.
Q Do you know Lizzie Jennings? A Yes sir.
Q Do you know R. P. Jennings? A Yes sir.
Q Lizzie Jennings has some children has she? A Yes sir.
Q Do you know their names? A No sir.
Q What is the blood of Lizzie Jennings? A Her mother is
a Creeky her father a Chickasaw.
Q Do you remember the name of her father? A No sir.
Q Do you know if Lizzie Jennings is enrolled in the Creek
Nation? A Only from hearsay. Her husband told me she was on the
Creek roll.
Q Is it your understand that she is enrolled in the Creek
Nation and participates as a citizen of the Creek Nation? A Yes
sir.

CROSS EXAMINATION BY MR. TELLE.

- Q You say the mother of Lizzie Jennings is a Creeky? A Yes
sir.
Q And her father a Chickasaw? A Yes sir.
Q Do you know R. P. Jennings? A Yes sir.
Q What is his citizenship? A He is a Choctaw.
Q How do you know whether or not the name of Lizzie Jennings
is on the Chickasaw roll? A Yes sir.
Q Are the names of her children on the Chickasaw or Choctaw
roll? A I don't know whether they are on both or not but they are
on the pay roll of 1893 on the Chickasaw roll; that is where they
drew the money. I am not certain about that either. I think probably
they might have been on both rolls.

Lizzie Jennings 2

Q You say you don't know whether they drew as Choctaws or Chickasaws? A No sir.

Q But it is a fact that they drew from one or the other?

A Yes sir.

Q Then if I understand you, Lizzie Jennings while her mother is a Creek and her father a Chickasaw, her husband is a Choctaw and she is on, or at least it is your understanding that she is on the Creek roll? A Yes sir.

Q Do you know whether or not her children are on the Creek roll? A No sir.

Q Then the children would partake of Choctaw, Chickasaw and Creek blood? A Yes sir.

RE DIRECT EXAMINATION BY MR. CORNISH:

Q What roll of the Choctaw and Chickasaw Nations do these children appear on? A They are on the payroll and the 1896 roll both.

Q The pay roll and 1896 roll? A Yes sir.

Q The first roll would be the Ieshatubby roll? A Yes sir.

Q Was that their first enrollment? A They were born and raised there.

Q There is no question among the Choctaw people as to their status? A No sir.

Q Just a question as to where they will be enrolled by the Commission? A Yes sir.

RE CROSS EXAMINATION BY MR. TELLE.

Q There is one question I forgot to ask you. Lizzie Jennings was born and raised in the Choctaw Nation was she? A Yes sir.

Q And her children were born and raised in the Choctaw Nation?

A Yes sir.

Q She and her children are still living in the Choctaw Nation?

A Yes sir. Mr. Jennings asked me to state that she has a brother and sister there that I don't think had been enrolled any where. I just state that for him.

Myra Young, 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 7th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 10th day of December, 1900.


Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Territory, January 22, 1901.

In the matter of the application of Lizzie Jennings for herself and her three minor children to be enrolled as citizens of the Chickasaw Nation, and their right to select as such citizens under the Act of Congress of June 28, 1898. Said Lizzie Jennings having been first duly sworn, testifies as follows, through Lena Cummings, a duly sworn interpreter:

Examination by the Commission.

Q What is your name? A Lizzie Jennings.
Q How old are you? A Twenty-nine.
Q What is your post-office address? A Bower.
Q What is your father's name? A Cenawah Harjo.
Q Is your father living? A No sir.
Q Was he a Choctaw or Creek Indian? A Chickasaw.
Q What is your mother's name? A Mary Harjo.
Q Is she living? A She is dead.
Q Was she a Choctaw or Creek? A Creek.
Q Did your parents live in the Creek Nation when you were born?
A They all lived in the Choctaw Nation when I was born, and I have lived there since.
Q You never have lived in the Creek Nation. A No sir, I never did live in the Creek Nation.
Q What is your husband's name? A Dick Jennings.
Q Have you any children? Three.
Q What are their names? A Neah, Martha and Robert Jackson.
The name of Lizzie Jennings and of her three children appear upon the records of the Commission as doubtful claimants for citizenship and enrollment in the Choctaw Nation, on Choctaw roll card, field No. B-492; the name of her husband, Richard P. Jennings, upon roll card, field No. B-4762.

The name of Lizzie Jennings and her two children, Neah and Martha, also appear upon Creek Census card No. 1197, Okfuska Town.

Q Have you ever received any benefits as a citizen of the Creek Nation? A No sir, I never have.
Q Ever draw any money as a citizen of the Chickasaw Nation?
A Yes sir, I draw as Chickasaw.
Q When was the last time you ever drew any money as a Chickasaw?
A Nearly ten years.
Q How much did you draw? A Over \$100.
Q Was that what was known as the Leased District payment?
A Don't know.
Q Did you draw for anyone besides yourself? A I drew for my two sisters.
Q Didn't you draw for your two children? A Yes sir and she for her two children.
Q For Neah and Martha? A Yes sir. Got \$150, a piece for them. (By interpreter) I made a mistake; she drew her Chickasaw money for her and her brother and sister. Her husband was a Choctaw, and her children drew the Choctaw money.
It appears from the record that this woman has been enrolled and recognized as a citizen of both the Creek and the Chickasaw Nation, and is not married to a recognized citizen by blood of the Choctaw Nation.

Lizzie Jennings -22.

The eighth paragraph of the twenty first section of the Act of Congress, of June 28, 1898, as follows:

"The several tribes may, by agreement, determine the right of any person 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 with in the tribe with which he has resided, and there be given an such allotment and distributions, and not elsewhere."

read to applicant.

- Q Is it your desire to elect to be enrolled on the final roll being prepared by the Commission as a citizen of the Chickasaw or Creek Nation? A. I have got a home in the Choctaw Nation and I want to get my home there, and my allotment.
- Q Is it your desire to be finally enrolled as a Chickasaw or as a Creek? A. Chickasaw.
- Q Do you want to have your three children enrolled with you in the Chickasaw Nation? A. Yes sir.
- Q In the event the Commission enrolls you and your three children as citizens of the Chickasaw Nation, do you relinquish all right, title, claim and interest as a citizen of and to interest in the land of the Creek Nation? A. Yes sir.
- Q (Witness excused).

Richard P. Jennings, being first duly sworn, testifies as follows.

Examination by the Commission.

- Q What is your name? A. Richard P. Jennings.
- Q How old are you? A. I am going on forty-eight.
- Q Are you a citizen of the Choctaw Nation? A. Yes sir.
- Q By blood? A. Yes sir.
- Q Husband of Lizzie Jennings? A. Yes sir.
- Q How long have you been married to her? A. I have been married close on to eighteen years.
- Q During that time has she always lived in the Choctaw Nation? A. Yes sir.
- Q Did you ever know of her deriving any benefits as a Creek citizen? A. It has been sometime, well, I recollect, I think a year after - the second year after we were married she drew, and she drew again and they ruled her out on account of her being on the Chickasaw roll.
- Q When was that? A. The first or second year after we married.
- Q Do you remember what year that was? A. No sir, I don't.
- Q Never has drawn since that? A. No sir.
- Q Lizzie Jennings is your second wife? A. Yes sir.
- Q You had a child by Annie Jennings? A. Yes sir.
- Q She is a white woman? A. Yes sir.
- Q What is that child's name? A. Rescoe.
- Q At the time that the census was made by the Choctaw tribe of Indians, it appears that you gave in the names of yourself, of your son Rescoe, by your first wife Annie Jennings, and also the names of your two children, Noah and Martha? A. I gave in Rescoe's name; I didn't give in the mother's name.
- Q No, but I say you gave in Rescoe, your first child, and it also seems the names of Noah and Martha as Choctaws? A. I said

Lizzie Jennings - 3.

Chickasaws or Choctaws.

- Q Has your wife, Lizzie Jennings, and your children always lived in the Choctaw Nation since your marriage? A Yes sir.
- Q All born in the Choctaw Nation? A Yes sir, at the mouth of Gaines Creek in Gaines County.

Additional testimony in the matter of the application for enrollment of Noah and Martha Jennings, children of Lizzie Jennings, and also in the matter of the application for enrollment as citizens of the Chickasaw Nation of Louana and Albert Kanawah.

It appears that at the time the application was made for the enrollment of Lizzie Jennings and her three children as citizens of the Chickasaw Nation, they were enlisted for enrollment on Choctaw Field Card No.D-492; that Lizzie, Noah and Martha Jennings were identified by the Commission from the Ieshatubby roll of the Chickasaw Nation under the Act of the Chickasaw Legislature of June 26, 1893, on page 3 of said roll, at the bottom of the page; it appears that the payment was made to Lizzie Jennings, one boy and one girl, a total of three payments. It is stated on Choctaw card D-492, that on said Ieshatubby roll appeared No.1 by name, the children not named, but their enrollment indicated by numbers. It now appears that the 1893 Leased District payment for Noah and Martha Jennings was not drawn by Lizzie Jennings, but by their father, Richard P. Jennings, as Choctaws, and they appear upon the 1893 Leased District payment roll of Choctaws, Gaines County, page 28, numbers 260 and 261 as Noel and Martha Jennings.

Testimony of Lizzie Jennings, she being duly sworn, testifies as follows, through a duly sworn interpreter:

Examination by the Commission.

- Q At the time you drew the \$130. for yourself in 1893, did you draw for anyone besides yourself? A I drew for my sister - my oldest sister, she is dead, and for my little sister and little brother.
- Q What are their names? A. Louana and Albert. (By Interpreter) She don't know what her oldest sister went by, but her given name was Hanna.
- Q What are the names of your little brother and sister? A Albert and Louana.
- Q Did you get \$130. for these? A Yes sir.
- Q You drew as a Chickasaw then, did you? A Yes sir.
- Q You drew for your brother and sister as Chickasaws? A Yes sir.
- Q You didn't draw any money for your children, the children of you and your husband, Richard P. Jennings, did you? A No sir.
- Q Who drew their money? A Their father.
- Q Richard P. Jennings? A Yes sir.
- Q They drew as Choctaws? A Yes sir.
- Q Then your children, by your husband Richard P. Jennings, were not on the Chickasaw roll in 1893? A Don't know.

It is evident from the testimony of this woman that the money she drew, \$130. apiece for herself, one boy and one

Lizzie Jennings -4.

girl, in 1893, as shown on the Ieshatubby roll, was for herself and her brother and sister, Louana and Albert, and not for her two children, Noah and Martha Jennings, as it appears on the face of Choctaw card D-492.

(Witness excused.)

Richard P. Jennings, being duly sworn, testifies as follows:

Examination by the Commission.

Q Now, Mr. Jennings, in the 1893 payment, known as the Leased District payment, did you draw for your children by your wife, Lizzie Jennings? A Yes sir, Noah and Martha.
Q You drew for them as Choctaws? A Yes sir.
Q As residents of what County? A Gaines County.
Q How much did you get for each of these children? A \$103.
Q They did not receive any money as Chickasaws? A No sir.

The names of Noel Jennings and Martha Jennings appear upon the Leased District payment rolls of Gaines County, on page 28, number 260 and 261.

(Witness excused.)

A. Telle, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

Q What is your name? A A. Telle.
Q What is your age? A Forty-one.
Q You are a Choctaw citizen, are you? A Yes sir.
Q Been an officer of the Choctaw Nation? A Yes sir.
Q Are you familiar with the payments that were made of what is known as the Leased District funds in 1893? A Yes sir.
Q How much per capita was paid to the Chickasaws? \$130.00.
Q To the Choctaws? A \$103.00
Q Then the testimony of this woman, Lizzie Jennings, as to the payment made to this boy and girl, would be the payment of \$130.00, made to her brother and sister? A Yes sir.
Q As Chickasaws? A Yes sir.
Q \$103.00, was drawn by Richard P. Jennings for Noah and Martha would be as Choctaws? A Yes sir.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings in the above entitled cause, and the foregoing is a full, true and correct transcript of his stenographic notes in the above entitled cause.

Subscribed and sworn to before me this 22nd day of January 1901.

Notary Public.

2/7

7-D-1111

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS.

In the matter of the application for the enrollment of Lizzie Jennings and her two minor children, Robert J. Jennings and Mary Jane Jennings, as citizens by blood of the Chickasaw Nation for the enrollment of their minor children, Noah Jennings, Martha J. Jennings, and Robert J. Jennings, as citizens by blood of the Creek Nation.

--- D E C I S I O N ---

It appears from the census card record in this case that on September 11, 1899 Lizzie Jennings (thirty-five years old) appeared before the Commission and made personal application for the enrollment of herself and her three minor children, Noah Jennings (four years, seven months old), Martha J. Jennings (ten years old) and Robert J. Jennings (one year old), as citizens by blood of the Chickasaw Nation. Subsequently on June 3, 1901 there was filed with this Commission written application for the enrollment of Mary Jane Jennings, born April 1, 1901 as a citizen by blood of the Chickasaw Nation. Further proceedings were had in this case at Alicka, Indian Territory on December 1, 1900 and at Muskogee, Indian Territory on January 11, 1901.

It further appears from the census card record in this case and the record herein that the principal applicant, Lizzie Jennings, is a daughter of Conaway Harjo, deceased, a recognized citizen by blood of the Chickasaw Nation, and Mary Harjo, deceased, a recognized citizen by blood of the Creek Nation, and that the minor applicants herein, Noah Jennings, Martha J. Jennings, Robert J. Jennings and Mary Jane Jennings, are the children of Richard P. Jennings, a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name appears as number 131 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Chickasaw Nation and approved by the Secretary of the Interior on March 13, 1903, and the principal applicant, Lizzie Jennings.

2.

It appears from an examination of the tribal rolls in the possession of the Commission that the principal applicant, Lizzie Jennings, is identified upon the 1885 Choctaw Census Roll, Gaines County, number 627 and upon the 1893 Chickasaw Leased District Payment Roll (Ieshatubby Roll); that the applicants, Lizzie Jennings and Noah Jennings, are identified upon the 1891 omitted roll of the Creek Nation and that the applicants, Noah Jennings and Martha J. Jennings, are identified upon the 1893 Choctaw Leased District Payment Roll, Gaines County, page 28, numbers 260 and 261, respectively, and upon the 1896 Choctaw Census Roll, Gaines County, numbers 6621 and 6622, respectively. The minor applicants, Robert J. Jennings and Mary Jane Jennings, having been born subsequent to the preparation of said rolls, are identified by proper proof of birth filed with and made a part of the record in this case.

It further appears from the record herein that on January 22, 1901 the principal applicant, Lizzie Jennings, appeared before the Commission and, under the provisions of a portion of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), elected that she and her minor children, then living, be enrolled as citizens by blood of the Chickasaw Nation and take their allotment of lands and distribution of moneys as citizens of said nation.

It further appears from the record herein that all of the applicants herein, who were then living, were on June 28, 1898 residents in good faith of Indian Territory.

It is the opinion of this Commission that, inasmuch as the names of the applicants, Noah Jennings and Martha J. Jennings, appear upon the Choctaw tribal rolls of 1893 and 1896 and that inasmuch as the names of said applicants do not appear upon any of the Chickasaw tribal rolls in the possession of the Commission, said applicants are not entitled to be enrolled as citizens by blood of the Chickasaw Nation but are entitled to and should be enrolled as citizens by blood of the Choctaw Nation; and that Lizzie Jennings, Robert J. Jennings and Mary Jane Jennings should be enrolled as citizens by blood of the Chickasaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.

Commissioner.

Muskogee, Indian Territory,
NOV 28 1904


Commissioner.

IN RE

Application for Enrollment of

INFANT CHILD

Robert J. Jennings.
as a citizen of the

Chickasaw

Approved, JAN 30 1901



Commissioner.

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

FILE

JAN 30 1901



ACTING CHAIRMAN

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation,
 of Robt. J. Jennings, born on the 17 day of Oct, 1898
 Name of Father: R. P. Jennings, a citizen of the Choctaw Nation.
 Name of Mother: Lizzie Jennings, a citizen of the Chickasaw Nation.
 Postoffice: Bowen, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
 Northern District.

I, Lizzie Jennings, on oath state that I am 35 years of age and a citizen, by blood, of the Chickasaw Nation; that I am the lawful wife of R. P. Jennings, who is a citizen, by blood, of the Choctaw Nation; that a male child was born to me on the 17th day of Oct, 1898; that said child has been named Robert J. Jennings, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

J. L. Smock
 J. T. Mc Mahan

Lizzie Jennings her mark

Subscribed and sworn to before me this 28 day of Jan 1901
 J. F. Jones
 NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
 Northern District.

I, Louisa Canahwa, a _____, on oath state that I attended on Mrs. Lizzie Jennings, wife of R. P. Jennings, on the 17th day of Oct, 1898; that there was born to her on said date a male child; that said child is now living and is said to have been named Robert J. Jennings.

WITNESSES TO MARK:

(Must be Two Witnesses.)

J. T. Mc Mahan
 J. L. Smock

Louisa Canahwa her mark

Subscribed and sworn to before me this 28 day of Jan 1901
 J. F. Jones
 NOTARY PUBLIC.

CHOCTAW.

20

INDEXED
IN RE

Application for Enrollment of

INFANT CHILD

Mary Jane Jennings
as a citizen of the

Chickasaw Nation.

Approved, JUN 5 1901 190

[Signature]
Commissioner.

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

FILED

JUN 8 1901

[Signature]
ACTING CHAIRMAN

CHOCTAW.

D-492, ✓

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation,
 of Mary Jane Jennings, born on the 1st day of April, 1901
 Name of Father: R. P. Jennings, a citizen of the Choctaw Nation.
 Name of Mother: Elizabeth Jennings, a citizen of the Chickasaw Nation.
 Postoffice, Bower, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Central District.

I, Elizabeth Jennings, on oath state that I am 35
 years of age and a citizen, by blood, of the Chickasaw Nation;
 that I am the lawful wife of R. P. Jennings, who is a citizen, by
blood, of the Choctaw Nation; that a female child was
 born to me on the 1st day of April, 1901; that said child has been
 named Mary Jane Jennings, and now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

R. F. Lerner
Bernie Herstein

Elizabeth Jennings
 mark

Subscribed and sworn to before me this 3rd day of June, 1901.

M. C. Young
 NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Central District.

I, Luwany Canawa, a midwife, on oath state that I
 attended on Mrs. Elizabeth Jennings, wife of R. P. Jennings,
 on the 1st day of April, 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 Mary Jane Jennings.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Frederic A. Pipkins
James Hopkins

Luwany Canawa
 her mark

Subscribed and sworn to before me this 3rd day of June, 1901.

M. C. Young
 NOTARY PUBLIC.

all in e

MEMORANDA.

(ate) Sept 14 1899.

Name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

35X

Wife's name, Lizzie Jennings

Choctaw? yes County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship no

Intermarried citizen? yes

Married under what law?

License filed this day,

Names of children:

14X ✓ Noah Jennings County Gaines Year 96 Page 162 No. 6621

10X = Martha J. " County Year Page " No. 6622

11ms Robert G. " 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 Mat Jennings

= " " Martha J. " 5492

* On Eschattubby Chickasaw Roll - # 4 by name, the children not named but their enrollment indicated by numbers - # was a Creek & with # 2 # 3, and on Creek rolls. See to this. # 4 is also Creek, - whether enrolled, don't know - see testimony of father & husband, Richard S. Jennings

Muscogee, Indian Territory,

August 15th, 1900.

Lizzie Jennings,

Bower, Indian Territory.

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Gornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Neah, Martha J., and Robert J. Jennings as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-p-492.

Talla,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 7th instant in which you desire to be informed as to what date will best suit the Commission for Mrs. Elizabeth Jennings and those of like status to appear and elect as to the nation in which they desire to be enrolled or take their final allotment.

You state further in your letter that it will be impossible for Mrs. Jennings to appear before the 15th of the present month but that any date thereafter convenient to the Commission will be suitable to her.

You are informed that the Commission will at its office in Muskogee give Mrs. Jennings a hearing and her personal appearance at which time she may give evidence and her children may be enrolled as citizens of the United States.

The Commission has at this time been filled with our records and will be ready to receive the same at any time.

A T S

Because there is an
enrollment of an Indian child,
to the Commission, will receive proper and

In view of the desire of the Commission to submit the rolls
of the citizens of the Choctaw Nation to the Secretary of the
Interior for his approval at as early a date as possible, it
would be advisable that Mrs. Jennings make this appearance for her
selection at as early a date as practicable.

Yours truly,

Acting Chairman.

4-7-292

BC

Chickasaw 1848
Choctaw 4763

McKees, Indian Territory, November 11, 1906.

M. P. Jennings,

Bower, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 7, asking the status of the enrollment of yourself and your family, Lisie, Noah, Martha J., Robert J. and Mary J. Jennings, and your wards, Albert and Leamy Knower.

In reply to your letter you are advised that you have been enrolled as a citizen by blood of the Choctaw Nation, and that Louana and Albert Knower have been enrolled as citizens by blood of the Chickasaw Nation, and such enrollment has been approved by the Secretary of the Interior.

The Commission has not yet passed upon the application of Lisie, Noah, Martha J., Robert J. and Mary Jane Jennings for enrollment as citizens of the Choctaw Nation. As soon as a decision is reached therein the applicants will be notified of the action taken.

Respectfully,

Choctaw Division

Muskogee, Indian Territory, December 17, 1903.

Commission to the Five Civilized Tribes,

Creek Enrollment Division,

Gentlemen:

Receipt is hereby acknowledged of your letter of December 15, in which you state that the names of Lizzie and Noah Ganning are found on the 1891 omitted roll of the Creek Nation; that it appears from your records that Lizzie Ganning is the wife of a Choctaw and that she and Noah Ganning have been listed for enrollment as citizens of the Choctaw Nation, and you therefore ask to be informed if application has been made for their enrollment as citizens of the Choctaw Nation and the status of such application.

In reply to your letter you are advised that it appears from our records that Lizzie Jennings, wife of Richard P. Jennings, and her children, Noah, Martha J., Robert J. and Mary Jane Jennings, have been listed on Choctaw enrollment card D 492, and that no decision has been rendered relative to their right to enrollment up to this time. A copy of the testimony in this case taken at Atoka, Indian Territory, December 7, 1900, and at Muskogee, January 22, 1901, is herewith inclosed.

Respectfully,

AM 2-17

Chairman.

7-5-12
Muskogee, Indian Territory, August 19, 1904.

R. P. Jennings,

Canadian, Indian Territory.

Dear Sir :-

Receipt is hereby acknowledged of your letter of the 16th inst., requesting to be advised whether or not Lizzie, Noah, Martha J., Robert J., and Mary J. Jennings, have been approved.

You are informed that the applications of the above named parties for enrollment as citizens by blood of the Choctaw Nation are still under consideration, but their right to final enrollment as such has not yet been decided. As soon as a decision is reached you will be duly notified.

Respectfully,

Chairman.

Chectaw D 492

COPY.

Muskogee, Indian Territory, November 28, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Chectaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered November 28, 1904, granting the application for the enrollment of Noah Jennings and Martha J. Jennings as citizens by blood of the Chectaw Nation, and of Lizzie Jennings, Robert J. Jennings and Mary Jane Jennings, as citizens by blood of the Chickasaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizens of the Chectaw and Chickasaw Nations. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Chectaw and Chickasaw Nations to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

I. B. Needles

Commissioner in Charge.

Registered.
Incl. 7-D-492.

See Chectaw 2245 for registry receipt for this letter.

Chester D 492

COPY.

Muskogee, Indian Territory, November 20, 1904.

Lizzie Jennings,

Bower, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 20, 1904, granting the application for the enrollment of Noah Jennings and Martha J. Jennings as citizens by blood of the Choctaw Nation, and of yourself, Robert J. Jennings and Mary Jane Jennings as citizens by blood of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling above named persons as citizens of the Choctaw and Chickasaw Nations. If at the expiration of that time no protest has been filed, your names will be placed upon the final rolls of the citizens of the Choctaw and Chickasaw Nations to be submitted to the Secretary of the Interior for his approval.

Respectfully,
SIGNED

T. B. Needles,

Commissioner in Charge.

Registered.
Incl. 7-D-492.

Chic 1787

Chic 1787

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

-oOo-

In the matter of the application for enrollment as a citizen
by intermarriage of the Chickasaw Nation of-

JAMES J. CARR - - - - -9-D-42.

-oOo-

9-D-42.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Territory August 1, 1904.

In the matter of the application for the enrollment of
James J. Carr as a citizen by intermarriage of the Chickasaw Nation.

APPEARANCES:

Chillion Riley representing Riley & Gotner, attorneys
for applicant.

James J. Carr being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A James J. Carr.
Q What is your post office address? A Miami, Texas.

Examination by attorney Riley:

- Q What was your Indian wife's name through whom you claim? A Her maiden name was Jennie James, but when I married her her name was Factor.
Q She had been married before her marriage to you then? A Yes, sir.
Q How many times had she been married before you and she were married? A Just once.
Q Was her first husband living or dead at the time? A He was dead.
Q Had you ever been married prior to your marriage to your wife Jennie Factor? A No, sir.
Q She was your first wife? A Yes, sir.
Q Did you and she live together from the time of your marriage up to September 25, 1902? A Well part - I made one trip -
Q Did you live together as husband and wife - no separation? A No, sir.
Q Is she living now? A No, sir, she is dead.
Q When did she die Mr. Carr? A July 1890.
Q Were you and she living together as husband and wife at the time of her death? A Yes, sir.
Q Where were you living at the time your wife died? A In Tishomingo County Chickasaw Nation.
Q Where were you living in June 1898? A I was living in the same place.
Q In the Chickasaw Nation? A Yes, sir.
Q Were you living there on June 28th of that year? A Yes, sir.
Q Since your first wife's death have you married again? A Yes, sir.
Q When did you marry the last time? A August 1898 I think.
Q Is your last wife a recognized citizen of either the Choctaw or Chickasaw Nation? A No, sir, she has Choctaw blood but she didn't get on the roll.

9-3-42---2.

Q Did you have any children by your first wife? A No, sir.
Q Did your wife have any children by her first husband? A Yes, sir, one.
Q What was its name? A Henry Factor.
Q Who is he living with? A I don't know, when my wife died his aunt, the woman that raised my wife, come and got him.

By the Commission:

Henry Factor the son of Jennie Factor, through whom the applicant claims, is identified on Chickasaw field card #853 and is numbered 2520 upon the lists prepared by this Commission and approved by the Secretary of the Interior December 12, 1902.

Q What was the name of your second wife? A Cordell.
Q What was her first name? A Maudie.
Q Is she an applicant before the Commission now? A I attempted to have her enrolled but they wouldn't allow me, me and her was married under the Choctaw laws.
Q Did she apply as Maudie Carr? A Yes, sir.
Q You don't claim any right through Maudie Carr? A No, sir.
Q You claim through Jennie Factor? A Yes, sir.
Q How long had you been living in the Chickasaw Nation at the time of your marriage to Jennie? A I declare I don't remember.
Q Several years? A Probably a year.
Q Where was she living at the time you were married to her? A Panola County.
Q You were both residents of the Chickasaw Nation at the time you were married? A Yes, sir.
Q There is on file with the Commission a marriage license and certificate between J. J. Carr and Mrs. Jimmie Factor; is that J. J. Carr mentioned in that marriage license and certificate yourself? A Yes, sir.
Q And the Jimmie Factor is the woman through whom you claim? A Yes, sir.
Q Are you living in Texas now? A Yes, sir.
Q When did you move there? A Last spring.
Q Where were you living September 25, 1902? A Oklahoma.
Q Since your marriage to Jennie Factor in 1886 where have you resided up to and including September 25, 1902? A I lived principally in the Chickasaw Nation, about two years in the Choctaw.
Q What is your answer to my question - from the time you were married to Jennie Factor up to September 25, 1902? In the Choctaw-Chickasaw country until five years ago, I went to Oklahoma.
Q How long did you stay there? A Five years, I filed on some land and stayed long enough to prove up.
Q What year did you go? A It was in the winter following after the Davenport Commission was around making up the final roll - will be six years next winter.
Q How long did you stay? A Five years.
Q Did you have any property in the Chickasaw Nation during that time? A I had sold the place on credit, of course it was mine until it was paid for. I have property there yet I have horses and mules.
Q Did you have property in the Chickasaw Nation all the time you were in Oklahoma? A Yes, sir, and have yet.

9-D----3.

- Q Where did you consider your home all that time? A I had to consider my home where I was living, I had sold my place down there.
- Q Have you got a home in the Chickasaw Nation now? A No, sir I sold it.
- Q You haven't had a home in the Choctaw or Chickasaw Nation since the fall of 1898? A No, sir, not permanently.
- Q And you are now residing in the State of Texas? A Yes, sir.
- Q And on September 25, 1902 you were residing in Oklahoma? A Yes, sir.
- Q You say your wife died in 1890? A I think it was.
- Q How old was your wife when you married her? A About twenty-four.
- Q What was her father's name? A John James.
- Q And what was her mother's name? A I have forgot, her father and mother both died and she was raised by her aunt.
- Q What was her aunt's name? A Liddy Finch, Liddy Hardy was her maiden name.
- Q How much blood did she have? A She claimed to be a full blood half Choctaw and half Chickasaw - John Jones was a full blood Choctaw and her mother was a full blood Chickasaw.

Examination by attorney Riley:

- Q In June 1898 you were living in the Chickasaw Nation were you six years age? A Yes, sir.
- Q When you applied to the Dawes Commission on September 20, 1898 where were you living? A I was living in the Chickasaw Nation, Tishomingo County.
- Q And you never left there until after you made your application to the Dawes Commission in 1898? A No, sir.
- Q And the reason that you left you understood from the Commission that you wouldn't be enrolled, is that is it? A Yes, sir.
- Q Do you expect, Mr. Carr, if you are enrolled to make your home in the Chickasaw Nation? A Yes, sir.

By the Commission:

- Q Mr. Carr were you a resident in good faith of the Chickasaw Nation from the time of your marriage in 1886 up to June 28, 1898? A Yes, sir.
- Q And during the time that you were married was there no separation, abandonment or divorce? A No, sir.

Witness excused.

Chas. T. Difenderfer being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. T. Difenderfer

Subscribed and sworn to before me this 1st day of August 1904.

Charles H. Sawyer
Notary Public

9-D-42

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

O.L.J.

-oOo-

In the matter of the application for the enrollment of James J. Carr as a citizen by intermarriage of the Chickasaw Nation.

---: D E C I S I O N :---

It appears from the record herein that on December 26, 1886, the applicant, James J. Carr, was married in accordance with the laws, customs and usages of the Chickasaw Nation, to Jennie Carr, formerly Factor, a recognized citizen by blood of the Chickasaw Nation, whose child, Henry Factor, as a full blood, appears as No. 2520 upon the lists prepared by this Commission under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Chickasaw Nation, and approved by the Secretary of the Interior December 12, 1902; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation; that they resided continuously in said Nation as husband and wife from the date of their said marriage until the death of Jennie Carr, formerly Factor, in 1890; and that thereafter, in August, 1895, the applicant herein married Maudie Carr (nee Cordell), a noncitizen.

It further appears from the evidence in this case that the applicant herein was a resident in good faith of Indian Territory on June 28, 1898.

It appears from the records in the possession of the Commission that the name of the applicant (as J. J. Carr) is found upon the 1893 Chickasaw Leased District Payment Roll, No. 1, Tishomingo county, page 111.

It is therefore the opinion of this Commission that James J. Carr should be enrolled as a citizen by intermarriage of the Chickasaw Nation under the provisions of the Acts of Congress approved June 28, 1898, (30 Stats., 495), and July 1, 1902, (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman

Commissioner


Commissioner

Muskogee, Indian Territory,

NOV 29 1904

Department of the Interior,
Commission on the Five Civilized Tribes,
Muskogee, Indian Territory, May 2, 1902.

.....
: In the matter of the application :
: of J. J. Carr for enrollment as a :
: citizen by intermarriage of the :
: Chickasaw Nation: :
:.....

D-42.

On the 17th day of March, 1902, the applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of J. J. Carr for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 2nd day of May, 1902, for final consideration.

Now on this 2nd day of May, 1902, this cause coming on to be heard, pursuant to said notice, the Chickasaw Nation failed to appear and the applicant being called, failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 2nd day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of May, 1902.

Subscribed and sworn to before me this 3rd day of May, 1902.

Hal Belford

Notary Public

1887

Marriage License of
J. J. Carr and

Mrs Jimmie ^{W. Carr} Foster

Filed for Record
and duly recorded in
Record Book A for
Marriages at Page
8. This 1st Day of February
1887

C. Graham Clerk
Tanola County

C. G.

Sonola County
Chickasaw Nation

License is here by granted to any person
legally authorized by the laws of the
Chickasaw Nation to solemnize marriages
upon one J. J. Carr a citizen of Miss
and one Mrs Jimmie Hactor a citizen
of said Nation and County
and the person joining in marriage
is also required ^{to make} due return of said
license within 30 days with certificate
and names of 2 witnesses certifying their
action

Given under my hand at my office
this the 26 day of Dec 1886

Jas. H. Franklin
County & Probate Judge
of S. C. & S.

Marriage Certificate

This certifies that on the 26 day of Dec 1886 that
J. H. Franklin County & Probate Judge of Sonola County
Chickasaw Nation did on this day and date solemnize
the rites of Marriage on one J. J. Carr a citizen
of the Miss. and Mrs Jimmie Hactor a citizen
of the Chickasaw Nation according to the laws
of said the Chickasaw Nation

Given under my hands at my office
this the 26 day of Dec 1886

Jas. H. Franklin
County & Probate Judge
of S. C. & S.

Witnesses
Lydia H. H. H. H.
Marian Davis

Muskogee, Indian Territory,

August, 18th 1900.

J. J. Carr,

Norton, Indian Territory,

Dear Sir,-

You are hereby notified that the Chickasaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurry and Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Chickasaw Nation.

For the purpose of hearing any additional testimony which may be offered by either you or the attorneys for the Chickasaw Nation, the Commission will hold a session at Atoka, Indian Territory, commencing December, 3rd, 1900, at which time and place you will be allowed to offer any additional testimony which you may desire to submit in support of your application, such hearing to be final.

Yours truly,

Acting Chairman,

... of the Commission ...
... the Commission ...
... on which objection is raised to your appointment. In an examination of the records of this Commission, it has been found that the proof of your marriage is sufficient.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Alaska beginning September 1st, 1901.

The Commission will accept and consider any written arguments on questions of law which you may desire to submit before the time you visit to Alaska, August 1st, 1901, and on your behalf at the same time to March 1st, 1902.

... and finally determined ...

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING:

Chickasaw D-42.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, February 26, 1902.

J. J. Carr,

Norton, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish
land offices in the Choctaw and Chickasaw nations April 1, 1902.

The act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as
herein provided shall be entitled in any manner to participate
in the distribution of the common property of the Choctaw and
Chickasaw tribes."

It will be necessary, before your right to enrollment as
an intermarried citizen of the Chickasaw Nation can be determined,
that you appear before the Commission and testify as to your status
on September 25, 1902.

For this purpose the Commission has made an appointment
at Atoka, Indian Territory, March 10 to 13, 1902, and you should
personally appear at said place on one of the above dates for the
purpose herein indicated. No further action can be taken relative
to the determination of your right to enrollment until this testi-
mony is received.

Respectfully,


Chairman.

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Chickasaw D-42.

ADDRESS BY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 17, 1902.

J. J. Carr,

Norton, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 2nd day of May, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Register.

C. R. Breckinridge

Commissioner in Charge.

Chickasaw B 42
Choctaw B 328

Muskogee, Indian Territory, June 28, 1906

Riley & Cotner,

Attorneys at Law,

Flushing, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 10, in which you ask the status of the application for the enrollment of Nan Polson as a citizen by blood of the Choctaw or Chickasaw Nation; also the status of the applications of James J. Carr and John Bolin as intermarried citizens of the Choctaw Nation.

In reply to your letter you are advised that the information contained therein is not sufficient to enable the Commission to identify Nan Polson upon its records as an applicant for enrollment in the Choctaw or Chickasaw Nation. If you will state her full name, her age, the names of her parents, and when and where application was made for her enrollment, the matter of your inquiry will receive further consideration.

You are further advised that the Commission has not yet passed upon the application of John Holis for enrollment as an intermarried citizen of the Choctaw Nation or of J. F. Carr for enrollment as an intermarried citizen of the Chickasaw Nation.

You are informed that it does not appear from our records

R & S R

that the testimony of J. J. Carr relative to his intermarried status on September 25, 1902, has been secured, and letters notifying him of this fact, addressed to Horton, Indian Territory, his last known post office, have been returned unclaimed.

Respectfully,

Chairman,

COPY

9-3-48

Muskogee, Indian Territory, November 29, 1904.

James J. Carr,
Miami, Texas.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 29, 1904, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

WARRANT

T. B. Needles

Commissioner in Charge

Registered.

Incl. 9-3-48.

9-D-42

CONF

Muskogee, Indian Territory, November 29, 1904.

Riley and Cotner,
Attorneys at Law,
Tishomingo, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 29, 1904, rendered its decision granting the application for the enrollment of James J. Carr as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said James J. Carr as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Registered.

9-D-42

COPY.

Muskogee, Indian Territory, November 29, 1904.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered November 29, 1904, granting the application for the enrollment of James J. Carr as a citizen by intermarriage of the Chickasaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,
SECRET

T. B. Needles
Commissioner in Charge.

Registered.

Incl. 9-D-42

9-D-59

Muskogee, Indian Territory, November 30, 1904.

S. Heard,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th instant, requesting that the case of John Paul an applicant for enrollment as a citizen of the Chickasaw Nation be adjudicated as early as possible.

You are advised that on November 29, 1904, the Commission rendered its decision granting the application of John Paul for enrollment as an intermarried citizen of the Chickasaw Nation, and due notice of the same was forwarded to you and the applicant on the above date.

Respectfully,

Commissioner in Charge.

9-D-59

Muskogee, Indian Territory, November 30, 1904.

S. Heard,

Attorney at Law.

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th instant, requesting that the case of John Paul an applicant for enrollment as an intermarried citizen of the Chickasaw Nation be adjudicated as early as possible.

You are informed that the application for the enrollment of John Paul as an intermarried citizen of the Chickasaw Nation is now under consideration by the Commission and as soon as a decision is reached in his case you and the applicant will be duly notified of the action taken therein.

Respectfully,

Commissioner in Charge.

9-1787

Muskogee, Indian Territory, June 5, 1906.

James A. Cotner,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 31, 1906, inclosing affidavits of Ella Maud Carr and D. A. Chisum to the birth of Lovay Maude Carr, child of James J. and Ella Maude Carr, April 7, 1905.

You are advised that under a recent opinion of the Attorney General white children of intermarried citizens of the Choctaw and Chickasaw Nations are not entitled to enrollment and allotment in said nations.

Respectfully,

Commissioner.

Chic 1788

Chic 1788

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

-oOo-

In the matter of the application for enrollment as a
citizen by intermarriage of the Chickasaw Nation of-

J O H N P A U L - - - - - - - - - -9-D-59.

-oOo-

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tishomingo, Indian Territory, September 27th, 1898.

Statement to be attached to the white card of John Paul,
applicant for enrollment, Chickasaw Nation.

John Paul, being duly sworn by Commissioner T. B.
Needles, testified as follows:

By Commissioner Tams Bixby:

- Q Where do you live? A. I live four and a half miles North
East of Roth.
- Q How long have you lived in the Chickasaw Nation? A. Ever
since '61.
- Q How long were you gone from the Nation? A. About five years.
- Q How long have you been back this time? A. About three years.
- Q When were you married? A. In '61.
- Q To whom? A. Kittie Bruce.
- Q Chickasaw? A. Chickasaw Indian .
- Q How much Chickasaw? A. Half breed.
- Q How long did you live with her? A. Eight years.
- Q Then you separated by mutual consent? A. Yes sir.
- Q Did you take good care of her while she was living with you?
A Yes sir, I did.
- Q How long after you separated until she died? A. She died
about three or four years ago.
- Q And you remarried about six months after you separated?
A Yes sir.
- Q Did you get a divorce? A. No sir, she got a divorce. Judge

Oheadle, Chickasaw Court .

Q She applied for it? A. Yes sir.

Q Then you married a white woman? A. Yes sir.

Q Are you living with her yet? A. No sir, she died.

Q Married again? A. No sir.

Q How old are you? A. I will be sixty-three years old the first day of October.

Q Who was the mother of Kittie Bruce? A. He name was Mary. That is the only name I know her by. She was a one-half sister of William Harney.

Q Have you any children by this woman? A. Yes sir, they were reported at Stonewall.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Ind. Ter., June 4, 1900.

In the Matter of the Application of John Paul ;
to be enrolled as an intermarried citizen of the
Chickasaw Nation. :

Chick- D. 59.

M. C. Condon, being first duly sworn, testified as follows:

By Judge Hurd:

- Q Please state your name? A M. C. Condon.
Q And your residence? A Eight miles east of Tishomingo.
Q Are you an intermarried citizen? A Yes sir.
Q How long have you lived there? A Been there ever since the war.
Q Do you know John Paul? A Yes sir.
Q How long? A Since the war.
Q State whether or not you ever lived with him, and if you knew his wife? A Yes sir.
Q Whom did he marry? A An Indian woman by the name of Kitty Borth.
Q Did you know her? A Yes sir.
Q Have you ever been at his house? A I staid there two years with the them; I worked there.
Q How long did they live together as husband and wife, or did they live as husband and wife? A Yes, they was so recognized.
Q Do you know who performed the marriage ceremony? A Yes, but only by report.
Q Did you ever see the certificate of marriage? A I can only state well; I think I saw it once, but I could not state positively.
Q Do you know how long they lived together as husband and wife? A No I do not.
Q Do you know anything about his treatment of her while you worked for them. A Yes sir.
Q How was it? A Good, all the way through as far as I was able to see.
Q Do you know anything about the causes of separation, or anything about that? A No, not of my own knowledge.

Thomas West, being first duly sworn by Acting Chairman Dixby, testified as follows:

By Judge Hurd:

- Q What is your name? A Thomas West.
Q Where do you live? A Newton, Choctaw Nation.
Q Are you an intermarried Choctaw? A Yes sir.
Q How long have you lived in this Territory? A Since '58.
Q Did you ever know John Paul? A Yes sir.
Q Do you know about the time he was married? A About the time I hear he was married; I knew his wife before he married her.
Q Did you ever have occasion to stop at his house while he was living with his wife? A Yes sir.
Q How often? A Two or three times as I was passing along the road.
Q Did you know her people? A I knew her mother.
Q You don't know of your own knowledge, anything about the separation?
A No sir.

John Paul, being first duly sworn, testified as follows:

By Judge Hurd:

- Q State to the Commission how you were married, when and by whom the ceremony was performed, and what place you staid? A At that time there was no marriage licence issued at all. I went before Judge Mc Lish, the judge in the district; I paid him his fee, and that was all there was of it. It was in the Thompson county Clerk's office.
Q Did you have a certificate of marriage? A Yes, and I left it in my

2-John Paul.

trunk in Colo. and lost it.

Q What year were you married? A The 14th of Feb., '61.

By Mr. Cornish:

Q Did you procure a license under either Choctaw or Chickasaw law to marry this woman? A No sir.

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above mentioned witness, and that the foregoing transcript is a true, and complete transcript of the evidence as delivered by him in the above entitled cause.

Frances R. Brown

Subscribed in my presence and sworn to before me this
5th day of June, A. D., 1900

[Signature]
Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, June 6, 1901.

D-59.

In the matter of the application of John Paul for his enrollment as a citizen by intermarriage of the Chickasaw Nation.

A R G U M E N T .

By Judge Hurd, Attorney for applicant.

In this case, the evidence shows that the applicant married in 1861, and in 1869 re-married a white person, before the retroactment of the act of Chickasaw law in 1890 prohibited re-marriage.

I take it that the Commission, if they should hold the law valid, prohibiting remarriage, will not, in this case, give it the retroactive construction. That question has been thoroughly argued.

In this case the records show that there was no license issued. As to his marriage, it was conclusively established. The last testimony taken was at Atoka this day a year ago, of Mr. West and Mr. Condon, ex-judge of Atoka county. Their testimony was to the effect that they both knew the applicant, and knew of the marriage, and that they lived together as husband and wife. That was in 1861. Under the law of that time the Commission has held that it made them full blood Indians.

What the Commission has been taking into consideration, was some testimony as to whether the applicant married merely for a right. Under the construction of the law, as I hold, there is no testimony in the records that goes to show anything of that kind, but even if there was any such testimony, at the time of the treaty of 1866, would make him a full blood citizen, and I cannot see what is in the way of the enrollment of this party. If your Honor, or any member of the Commission, investigating the case, has any recollection of the points that are in doubt as to the right of this applicant for enrollment, we would like to have them investigated.

{Here attorney reads all testimony taken in behalf of applicant up to this date.}

It has been intimated to the Commission, both at Tishomingo and other points, by some of the Indian Committees, that there was a kind of rumor in the neighborhood that the applicant and his wife did not get along well together. The records do not say anything about that. The testimony of the applicant himself, and of Judge Condon, who lived there two years, was that he treated her well. There is no testimony in the records at all as to his maltreatment of his wife. The records, I think, show that if there is an applicant in the Chickasaw Nation who is entitled to enrollment as an intermarried Chockasaw, he is one. His marriage to this white woman occurred before the passage of the retroactive act could have any any effect.

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9-D-59.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory July 26, 1904.

In the matter of the application for the enrollment of
John Paul as a citizen by intermarriage of the Chickasaw Nation.

John Paul Being first duly sworn testifies as follows:

Examination by the Commission:

- Q Your name is John Paul? A Yes, sir, that is my name.
Q What is your post office address? A Tahlequah at present.
Q How old are you? A I am sixty-eight.
Q Are you a white man? A Yes, sir.
Q You claim no right as an Indian by blood? A No, sir, by intermarriage.
Q Through whom do you claim? A Her maiden name was Kittie Bruce.
Q When were you married to her? A I was married in 1861, the 14th day of February.
Q Have you got your marriage license with you? A No, sir, there was no license.
Q Did you have one? A I had a certificate and it was recorded but I never could find it on the books; I lost the marriage certificate.
Q At the time that you were married to Kittie Bruce where were you living? A About twelve miles east of Tishomingo.
Q In the Chickasaw Nation? A Yes, sir.
Q Where was Kittie Bruce living at that time? A She was living in the Chickasaw Nation.
Q How long had you been living in the Chickasaw Nation at that time? A I come there in 1855 as a United States Soldier.
Q You were discharged from the United States Army in 1860 were you? A Yes, sir, in Utah, I come back to the Chickasaw Nation then; I got acquainted with this woman at Fort Washita in 1857 before I went to Utah.
Q And then you came back? A Yes, sir.
Q Were you married before you went up to Utah? A No, sir.
Q Have you got any children by Kittie? A Yes, sir.
Q What are their names? A C. W. Paul, but he is dead now, but I have grand-children on the roll.
Q Was Kittie your first wife? A Yes, sir.
Q Were you her first husband? A No, sir, she was a widow, she was married to Dixon Durant.
Q Who was Dixon Durant? A He was a Choctaw, he left her.
Q Did he obtain a divorce from her? A I suppose so, I don't know.
Q Was Dixon Durant dead at the time you married her? A No, sir, he is living now I guess.

9-D-59---2.

In the matter of your enrollment, Mr. Paul, it will be necessary for you to furnish the Commission with a certified copy of the decree of divorce between Kittie Bruce, your first wife, and her former husband.

- Q Since your marriage to her in 1861 how long have you and she lived together? A Between eight and nine years.
- Q What took place then? A Why she quit me twice and the last time we quit for good.
- Q Do you know what year that was? A Fall of '68, yes, sir.
- Q Up to that time you had lived together as husband and wife? A Yes, sir.
- Q In the Chickasaw Nation? A Yes, sir, on Blue.
- Q Did you get a divorce from her? A She got a divorce from me.
- Q When was that? A '69 I guess, but they never notified me, if thou did I never got any notification. I went up to Fort Sill to work for the Government and I had been gone about a year and if they sent me notice I didn't get it.
- Q You didn't appear in the case? A No, sir.
- Q Did you marry again? A Yes, sir, along in 1870.
- Q Who did you marry then? A Harriet Jennings.
- Q Is she a white woman? A Yes, sir, Judge Cheadle married us.
- Q Is she living? A No, sir, she is dead.
- Q When did she die? A She died about 1878 or '9.
- Q Did you marry after her death? A Yes, sir.
- Q Whom did you marry next? A America Gordon.
- Q Is she a white woman? A Yes, sir.
- Q Is she living? A Yes, sir.
- Q You are living with her now? A ~~HM~~ Yes, sir.
- Q Since your marriage to Kittie Bruce in 1861 where have you resided? A I lived on the Washita river most of the time.
- Q Have you lived in the Chickasaw Nation all the time since you were married to Kittie Bruce? A Yes, sir, I have voted for governor and I have been on the jury.
- Q You haven't made your home any where else than in the Chickasaw Nation since your marriage to Kittie? A No, sir, only temporarily.
- Q Is Columbus W. Paul your son? A Yes, sir.

Columbus W. Paul, son of the applicant and Kittie Paul, is identified on field card Q-174.

Witness excused.

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Chas. T. Difendauer being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. T. Difendauer

Subscribed and sworn to before me this 26th day of July 1904.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, AUGUST 3, 1904.

In the matter of the application of John Paul as a citizen by intermarriage of the Chickasaw Nation.

Dixon Durant, being first duly sworn on his oath, testified as follows:

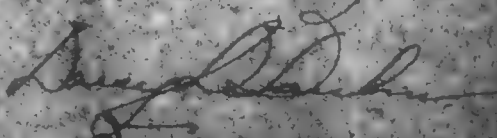
Examination by the Commission.

- Q Your name is Dixon Durant? A Yes sir.
Q You live in the Choctaw Nation? A Yes sir.
Q And you are a Choctaw Indian? A Yes sir.
Q Do you know John Paul? A Yes sir, I seen him nearly three times.
Q White man? A Yes sir.
Q Do you know to whom he is married? A Yes sir.
Q What was her maiden name? A Katie Bows, I believe.
Q Her name was Kittie Bruce? A Yes sir.
Q Do you remember what year you married them? A No. I did not marry them at all. I married Katie and lived together about five years and parted and I got divorce after that.
Q You did not marry him to Kittie Bruce? A Yes sir.
Q Was she married before to John Paul? Kittie Bruce was your wife? A Yes sir.
Q Before she was married to John Paul? A Yes sir.
Q And you obtained a divorce from her? A Yes sir.
Q Where did you get the divorce, Mr. Durant? A Got my divorce in Dubuque County, Armstrong Academy by Judge Rufus Polson.
Q How long before she married John Paul did you get divorce? A I could not tell you, many years, though.
Q Was she married to any body else? A No sir. And John Paul and her parted and she died close to home.
Q You say Kittie Paul is dead? A Been dead three or four years; do not remember the date; not later than three years.
Q Has she a son called Columbus? A Yes sir. I have two children by her, raised them and they always come to see me.
Q John Paul says he was married to Kittie in 1861, is that about right? A I can't tell you, must be though. Yes, I believe about that time, I was in the army, I could not tell you.

John Paul.--2.

Q Where was she living at the time she was married to John Paul? A She lived in the Chickasaw Nation by McCoy's home.
Q You know them married do you? A Yes sir.
Q John Paul and Kittie Bruce? A Yes sir.
Q They lived together as husband and wife? A They parted good while, then she died.
Q They lived together for few years did they? A I do not know how long.
Q They were separated? A Yes sir.
Q Were they divorced? A I do not know.
Q But you procured a divorce from her before she was remarried to John Paul? A Yes sir.
Q You were her only husband before John Paul? A Yes sir.
Q Do you know whether she got divorce from John Paul? A I got divorce.
Q Did she get divorce from John Paul? A I do not know.
Q You have not got the original of your divorce? A No sir. The sheriff notified her I was divorced, that was all.
Q Do you think it is possible to get a copy of the divorce between you and Kittie? A I do not know.
Q Do you live near John Paul? A No sir, I do not know where he is.

Daisy D. Daubin, stenographer to the Commission to the Five Civilized Tribes, states on oath that the above and foregoing is a full, true and correct transcript of her stenographic notes as taken in the above entitled cause on August 3, 1904 at Muskogee, Indian Territory.



Sworn to before me this the 2 day of September, 1904,



Notary Public.

9-D-59

O.L.J.

Ok

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

-oOo-

In the matter of the application for the enrollment of John Paul as a citizen by intermarriage of the Chickasaw Nation.

---: D E C I S I O N :---

It appears from the record herein that on February 14, 1861, the applicant, John Paul, was lawfully married to Kittie Paul, formerly Durant, a recognized citizen by blood of the Chickasaw Nation, whose son by said marriage, Columbus W. Paul, (now deceased), is identified upon the 1896 Chickasaw Census Roll, page 60; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and that they resided continuously in said Nation from the date of their said marriage for a period of about eight years when they separated and were subsequently divorced, since which time the applicant herein has successively married Harriet Jennings and America Gordon, both noncitizen white women.

It further appears from the evidence herein that the applicant has resided continuously in Indian Territory from the date of his said marriage to Kittie Paul, formerly Durant, up to and including September 25, 1902.

It is therefore the opinion of this Commission that John Paul should be enrolled as a citizen by intermarriage of the Chickasaw Nation under the provisions of the Acts of Congress approved June 28, 1898, (30 Stats., 495), and July 1, 1902, (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]
Chairman.

[Signature]
Commissioner.

[Signature]
Commissioner.

Muskogee, Indian Territory,

NOV 29 1904

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

In the enrollment of John Paul as intermarried Chickasaw;
being sworn and examined by Com'r McKennon he testifies:

- Q What is your name? A John Paul.
- Q How old are you? A Sixty-four.
- Q When were you married? A 14th day of February 1861.
- Q Is your wife living yet? A No sir.
- Q She is dead? A Yes sir.
- Q Did you live with her until she died?
A No sir we were separated.
- Q How long did you live with her? A About eight and a half
years.
- Q You were separated? A Yes sir, mutual separation.
- Q Were you divorced? A I heard she got a divorce from me,
yes sir.
- Q But you don't know? A No sir.
- Q You know where? A I suppose at Tishomingo.
- Q You know what the ground of divorce was?
A No sir, I do not; between her and her relations they got the
divorce up.
- Q This is the marriage upon which you depend? A Yes sir
- Q Have you married since that time? A Yes sir.
- Q To a white woman? A Yes sir
- Q When? A In the fall of 1868.
- Q And you are living with her? A Yes sir.
- Q These are the facts in regards to your case? A Yes sir
- Q What is the name of the woman to whom you were first married?
A Kittie Boos.
- Q Where were you married? A At Judge McClish's house, a
mile south-east of Tishomingo.

(John Paul #2)

Q Who knows about your marriage and separation that are living now? A A man by the name of Mike Conton, he lives about eight miles east of Tishomingo.

Q Who else now? A Joe Brown, of Tishomingo.

Department of the Interior,
Commissioner of the Five Civilized Tribes.
I hereby certify upon my official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

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

In the enrollment of John Paul as an intermarried Chickasaw;
Captain Josiah Brown being sworn and examined by Com'r McKennon
testifies as follows:

Q What is your name? A Josiah Brown.

Q How old are you? A Sixty-four.

Examined by Chickasaw Attorney Coraish:

Q You live at Tishomingo and are a Chickasaw citizen?

A Yes sir.

Q Do you know John Paul? A Yes sir.

Q Do you know his wife, a Chickasaw woman named Kitty?

A Yes sir.

Q Do you know that they were married in 1861? A Yes sir.

Q About how many years did they live together? A Several
years.

Q Did they separate? A Yes sir.

Q How far did she live from you? A About thirty miles.

Q You knew them well? A Yes sir.

Q What was your understanding as to the cause of their separation?

A I ascertained why they separated.

Q Did he give you to understand ~~why they~~ that it was voluntary?

A Yes sir.

Q Do you know any cause? A Yes sir.

Q Were they divorced afterwards? A Yes sir.

Q Which one procured the divorce? A Kitty I think.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
John Paul for enrollment as an in-
termarried citizen of the Chickasaw
Nation.

---D 59---

On the 17th day of March, 1902, the applicant was notified by registered mail, and on the 20th day of April, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail that the application of John Paul for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee Indian Territory, on the 3rd day of May, 1902, for final consideration.

Now, on this 3rd day of May, 1902, this cause coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

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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 3rd day of May, 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 5th day of May 1902.

Harry C Risteen

Notary Public.

C O P Y.

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

To Judge Condren,

Tishomingo, Ind. Ter.

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at Ottawa, Ind. Ter. in the Choctaw Nation, Indian Territory, on the 4th day of June, 1900, to testify before said Commission in making rolls of citizens as provided by Act of Congress of June 28th, 1898, in the matter of the application of John Paul, for enrollment as a citizen of the Chickasaw Nation, Indian Territory.

Herein fail not under penalty of the law.

Dated at Muskogee, I.T. this 28th day of May, 1900.

.....
Commissioner.

The usual witness fees and expenses of witness to be borne by the applicant for enrollment.

Endorsed across face in red pencil:

Copy. Filed May 28.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation of John Paul; Chickasaw field number D-59.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of John C. Bradshaw vs. The Choctaw and Chickasaw Nations, number 3, on the Tishomingo docket, in which the court will decide the question of the validity of that portion of the intermarriage laws of the Chickasaw Nation providing for the forfeiture of the citizenship right of white persons who separate from their Indian spouses which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

W. H. Murray
Attorneys for the Choctaw and Chickasaw Nations.

January 23, 1904.

John Paul
Vs.
Chickasaw Nation.

BRIEF FOR APPLICANT.

In this case the record shows that the applicant married a Chickasaw Indian in 1861, and remarried a white person in 1869, before the enactment of the Act of the Chickasaw Legislature in 1890 prohibiting remarriages. I take it that the commission, even if they should hold that law valid, will not in this case give it a retroactive construction, that question has been fully argued, and I do not wish to add anything further.

Respectfully submitted.

*J. Keenan
for applicant*

RECORDED

CHICKASAW NATION

FILED

SUBPENA FOR WITNESSES.

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

To Judge Condron,
Dishouingo, Ind. Ter.

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at
Ottawa, Ind. Ter in the Choctaw Nation, Indian
Territory, on the 4th day of June 1900, to testify before said Commis-
sion in making rolls of citizen as provided by Act of Congress of June 28th, 1898, in the matter of
the application of John Paul.

for enrollment as a citizen of the Chickasaw Nation, Indian Territory.

Herein fail not under penalty of the law.

Dated at Muskogee, I. T. this 28th day of May 1900

The usual witness fees and expenses of witness to be borne by the
applicant for enrollment
Commissioner.

Muskogee, Indian Territory, May 22, 1900.

Honorable Mansfield, Robinson & Corning,

County Solicitor, Indian Territory,

Centerville.

The Commission has today issued a summons to Judge Gordon of Chickasaw, Indian Territory, to appear before this Commission at Atoka June 4th, 1900, to testify in the matter of the application of John Paul for enrollment in the Chickasaw Nation. John Paul appears upon the doubtful list of Chickasaws, being upon Chickasaw roll case Field Number 5 89. This information is furnished you so that you may appear in behalf of the Chickasaw Nation, if you desire, at the time the evidence is taken in this case. A copy of the subpoena is inclosed you herewith.

Very truly,

Acting Chairman.

In reply to this letter,
please refer to 540 89.

Muskogee, Indian Territory,

August, 18, 1900.

John Paul,

Roff, Indian Territory,

Dear Sir,-

You are hereby notified that the Chickasaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Chickasaw Nation.

For the purpose of hearing any additional testimony which may be offered by either you or the attorneys for the Chickasaw Nation, the Commission will hold a session at Atoka, Indian Territory, commencing December, 3rd, 1900, at which time and place you will be allowed to offer any additional testimony which you may desire to submit in support of your application, such hearing to be final.

Yours truly,

Acting Chairman.

9-D-59

Muskogee, Indian Territory, September 13, 1900.

John Paul,

Pittsburg, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 7th instant, in the matter of the protest filed by the Choctaw and Chickasaw Nations as to your enrollment as an intermarried citizen of the Chickasaw Nation.

Your letter will be filed with the other records in your case and as soon after the session of the Commission at Alicka next December, as possible, the Commission will determine the rights of these parties whose enrollment has been protested and a decision will be rendered stating fully therein the reasons for any action that the Commission may take.

Yours truly,

Acting Chairman.

9-13-00

Muskogee, Indian Territory, June 7, 1901.

Manfield, Hatturray & Cornish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Referring to the application of John Paul for enrollment as a citizen of the Chickasaw Nation:

Mr. S. Heard, the attorney for the applicant in this case has recently been before the Commission and urged that some action be taken relative to the rights of this person to enrollment as a citizen of the Chickasaw Nation.

It seems that the only contention in this case is the fact that Mr. Paul did not obtain a Chickasaw license to marry Elvira Booth in 1891. You have a copy of all the testimony that has been taken in this case and it is now called to your attention so that if you desire you can offer any testimony on behalf of the Chickasaw Nation or submit any brief or argument you may desire.

The Commission, while not taking up for general consideration any Choctaw or Chickasaw cases, considers it advisable in cases of this kind to render some decision so that the same may be finally disposed of.

If you therefore desire to offer any further testimony or submit any brief or argument in this case, it is requested that you do so as early as practicable.

Yours truly,

HENRY J. LEWIS
TAMM DIXBY
THOMAS H. NEEDLES
D. BRACKENRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

- 14 -

A. LINCOLN AYLESWORTH
CLERK

Muskogee, Indian Territory,

March 17, 1902.

John Paul,

Roff, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 3rd day of May, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

Commissioner in Charge.

Chickasaw D 59

Muskegee, Indian Territory, July 3, 1903.

Shelton Heard,

Box 207, Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 28 asking the status of the application for enrollment of John Paul as an intermarried citizen of the Chickasaw Nation.

In reply to your letter you are advised that the final rights of John Paul to enrollment as an intermarried citizen of the Chickasaw Nation have not yet been determined. As soon as a decision is reached in this case you will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

9-D-59.

Muskogee, Indian Territory, October 10, 1903.

John Paul,

Fitzhugh, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation, you are advised that it will be necessary for you to personally appear before the Commission at its office in Muskogee, Indian Territory, for the purpose of testifying as to your status on September 25, 1902.

This matter should receive your attention at the earliest practicable date as until you do so appear, nothing further can be done in the matter of your enrollment as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

Chairman.

Chickasaw D 59

Muskogee, Indian Territory, February 9, 1904.

John Paul,

Fitzhugh, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Chickasaw, D-52,
D-224, D-56,
D-31, D-336.

Wetumpka, Indian Territory, May 14, 1904.

W. P. Hoar,

Attorney at Law,

Wickesburg, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 11, in which you ask that the application of Elisabeth Bardin, for the enrollment of herself and her children be passed upon by the Department as early as practicable. You also ask the status of the enrollment of T. P. Hoar, John Paul, William Talley, and Joe Rushing as inter-married citizens of the Chickasaw Nation.

In reply to your letter, you are informed that on August 7, 1903, the original record and the decision of the Commission granting the application of Elisabeth Bardin for the enrollment of herself and her children as citizens by blood of the Chickasaw Nation, and the enrollment of Andrew J. Bardin as an inter-married citizen of the Chickasaw Nation, together with the protest of the Attorneys for the Choctaw and Chickasaw Nations, of July 29, 1903, were forwarded to the Secretary of the Interior, and the Commission has not, as yet, been notified of Departmental action thereon.

You are further informed that the Commission has not yet passed upon the applications of Thomas P. Hoar, John Paul, Joe Rushing and William Talley, for enrollment as inter-married citizens of

B. S. H.

the Chickasaw Nation. As soon as a decision is reached in these cases, you and the applicants will be notified of the action taken.

Respectfully,

Commissioner in Charge.

Chickasaw D 80
Chickasaw D 318
Chickasaw D 336

Muskogee, Indian Territory, June 18, 1904.

S. Heard,

Tishomingo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 12, asking the status of the applications of John Paul, T. P. Bean and Joe Rushing for enrollment as intermarried citizens of the Chickasaw Nation.

In reply to your letter you are advised that the Commission has not yet passed upon the applications of the above named persons for enrollment as intermarried citizens of the Chickasaw Nation, and it appears from our records that Thomas P. Bean and John Paul, have not, up to this time, appeared before the Commission for the purpose of testifying relative to their intermarried status on September 25, 1902. Before further consideration can be given these applications, it will be necessary that such personal testimony be secured. When decisions are reached in these cases you will be notified of the action taken therein.

Respectfully,

Chairman.

9-1788

Muskogee, Indian Territory, September 29, 1906.

John Paul,

Chism, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, advising of the change of your post office address from Fitchugh to Chism, Chickasaw Nation, Indian Territory, and the same has been made a matter of record.

Respectfully,

Commissioner.

Chickasaw D 59

COPY:

Muskogee, Indian Territory, November 29, 1904.

John Paul,

Fitzhugh, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 29, 1904, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

F. B. Needles.

Commissioner in Charge.

Registered.

Incl. 9-D-59.

Chickasaw D 89

COPY

Muskogee, Indian Territory, November 29, 1904.

Shelton Heard,

Attorney at Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 29, 1904, rendered its decision granting the application for the enrollment of John Paul as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

I. B. Needles.

Registered.

Commissioner in Charge.

Chickasaw D 59

COPY.

Muskogee, Indian Territory, November 29, 1904.

Manafield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered November 29, 1904, granting the application for the enrollment of John Paul as a citizen by intermarriage of the Chickasaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully
(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered,
Incl. 9-D-59.

See Chickasaw 71 for registry receipt for this letter.

Chickasaw D 59

COPY!

Waskogee, Indian Territory, November 29, 1904.

John Paul,
Fitzhugh, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 29, 1904, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Registered.

Incl. 9-D-59.

Chickasaw D 59

COPY.

Muskogee, Indian Territory, November 29, 1904.

Shelton Heard,
Attorney at Law,
Tishomingo, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 29, 1904, rendered its decision granting the application for the enrollment of John Paul as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Registered.

Chickasaw D 59

COPY.

Muskogee, Indian Territory, November 29, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered November 29, 1904, granting the application for the enrollment of John Paul as a citizen by intermarriage of the Chickasaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

Incl. 9-D-59.

See Chickasaw 71 for registry receipt for this letter.

RECORDED



Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Summit Hill

John Paul,

Roff, Indian Territory.

Chic 1789

Chic 1789

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

In the matter of the application for enrollment as
a citizen by intermarriage of the Chickasaw Nation of-

JENNIE IRWIN

9-D-317.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 7, 1903.

In the matter of the application for the enrollment of Jennie Irwin as a citizen by intermarriage of the Chickasaw Nation.

Said Jennie Irwin, being first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- What is your name? A Jennie Irwin.
- Q How old are you? A I was 54 last December.
- Q What is your postoffice address? A Wyatt, I.T.
- Q What nation is that in? A Chickasaw Nation.
- Q How long have you lived in the Chickasaw Nation? A I've lived here since--in '63.
- Q Have you lived in the Chickasaw Nation continuously since 1863? A Yes sir.
- Q Never went outside to make a home or establish a residence? A No sir.
- Q Are you a citizen by blood of the Creek Nation? A Yes sir.
- Q Do you also claim right to enrollment as a citizen of the Chickasaw Nation? A No sir, I just claim there intermarried citizenship.
- Q You claim to be an intermarried citizen of the Chickasaw Nation? A Yes sir.
- Q You make no claim to having any Chickasaw Indian blood? A No sir.
- Q What is the name of the Chickasaw Indian through whom you claim your intermarried right? A Jerry Brown.
- Q Was he a recognized and enrolled citizen of the Chickasaw Nation? A Yes sir.
- Q When were you married to Jerry Brown? A I married in '67.
- Q Where was this marriage ceremony performed? A It was performed at below Tishomingo, the capital, about six miles--in the Rock Academy there, by Professor Robinson.
- Q Was this Professor Robinson a minister of the Gospel? A Yes sir.
- Q Were you ever married before your marriage to Jerry Brown? A No sir.
- Q Was he ever married before his marriage to you? A No sir.
- Q After that marriage in 1867 how long did you live together continuously as husband and wife? A We lived together continuously 13 years, going on 14.
- Q What happened at the end of that time? Did he die or did you separate? A He died.
- Q There was no separation during his life? A No sir.
- Q Was the name of Jerry Brown ever placed upon any roll of citizens of the Chickasaw Nation? A Yes sir.
- Q What roll--do you know? A Well, I don't know what roll.
- Q Do you know of any payment of money which Jerry Brown received from the Chickasaw Nation? A Why, yes, I don't know what date but I know I married him the year of '67 and they drew annuity that same year, just a few months or few weeks after we married. Us Indians wasn't like you white people--of course we was poor and hard up directly after the war and they allowed us to go to the store

Jennie Irwin-2

and take up what we wanted for our annuity money. I spent some of my annuity right in that store of Alec Rennie's.

Q You received a share of this annuity money also? A Yes sir, always since I married a Chickasaw man.

Q Do you know of any other annuity payment which was made to Jerry Brown before he died--between your marriage and his death? A Why, yes--I don't know what year that was but that was after ~~we~~ I had three children by him we drew annuity again--Oh, its been so long--I couldn't tell you the amount. Us Indians aint like you smart white folks and anything that happens we let it happen and go on. We never kept records of anything.

Q During your married life with Jerry Brown where were you living? A I was living on Washita.

Q In the Chickasaw Nation? A Yes sir.

Q Do you know what County you were living in or what district? A Tishomingo County.

Q Do you know whether your husband Jerry Brown drew any money in the year 1878? A I couldn't tell you--I guess he did.

Q Do you know of any payment being made in the Chickasaw Nation known as the "bread payment"? A No, I don't.

Q Who acted as your husband's agent down there in drawing this annuity money? A I guess his uncle might have.

Q What was his name? A Hosichi--some white folks calls him old man Greenwood but he always went by Hosichi.

Q Do you know anyone by the name of George James? A Yes sir.

Q Did he ever act as your husband's agent in drawing money? A Yes, he drew money for us once.

Q What time was that? A I couldn't tell you--as I told you we Indians didn't keep records.

Q Who was this George James? A He was a Chickasaw man.

Q Did he live in your neighborhood? A Yes sir, in Tishomingo.

The name of Jerry Brown is found upon the 1878 Chickasaw annuity roll prepared by Captain Henderson Greenwood, as No. 163.

Q After the death of your husband Jerry Brown, did you re-marry? A Yes sir, I married that man there.

Q What is his name? A John Irwin--I was married by Chickasaw law--fifty dollar license.

Q Where were you married to him? A I married six years ago last November.

Q That is your only marriage since the death of your Chickasaw husband? A Yes sir.

Q Does John Irwin make any claim to having any Indian blood? A No sir.

Q He is a white man? A Yes sir.

Q Have you got any evidence of your marriage to Jerry Brown? A Well, I can't prove that anybody seen me stand up and married, but I can prove by this woman where I went and married that day and come back to Tishomingo to Alex Rennie's and took up some of my annuity money there.

John Thomas, witness on behalf of applicant, being duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A John Thomas.

Jennie Irwin--3

- Q How old are you? A I'm about 55 years old the 10th of last January.
- Q What is your postoffice address? A Baum.
- Q Is that in the Chickasaw Nation? A Yes sir.
- Q How long have you been a resident of the Chickasaw Nation? A All my life.
- Q Are you a citizen by blood of the Chickasaw Nation? A Yes sir.
- Q Are you acquainted with the applicant Jennie Irwin? A Yes.
- Q How long have you known her? A I don't know hardly just how long but I've known her off and on and I believe--its 25 or 30 years.
- Q You have known her intimately during that time? A Yes sir.
- Q Do you know anything about her marriage to a Chickasaw Indian prior to her marriage to John Irwin? A I don't know anything about when they married or anything of that kind--I didn't see the marriage and I don't believe I knowed her before she married--I got acquainted with her after she was married--I know of them living as man and wife ever since they married and I was living about fifteen miles from them when they married--then I moved over about three miles from them when her husband died, Jerry Brown.
- Q How long before Jerry Brown's death was it when you became acquainted with these persons? A I couldn't tell you that--I don't know.
- Q Was it several years? A Its been, I don't know exactly how long.
- Q Was it a few years or a few months? A A few years.
- Q And you know that they were living together as man and wife?
- A Yes sir.

Martha Maze, witness on behalf of applicant, being first duly sworn testified, through sworn Choctaw interpreter Rufus York, as follows:

Examination by the Commission.

- What is your name? A Martha Maze.
- Q How old are you? A Fifty-four years old.
- Q What is your postoffice address? A Troy.
- Q Is that in the Chickasaw Nation? A Yes.
- Q Are you a citizen by blood of the Chickasaw Nation? A Yes sir, she's a Chickasaw full blood.
- Q Are you acquainted with the applicant Jennie Irwin? A Yes sir, she knows it.
- Q How long have you known her? A She says at the end of the war--when they married, she saw them ever since.
- Q Do you know the name of the man whom she married at that time?
- A Yes, Jerry Brown.
- Q Was he a citizen by blood of the Chickasaw Nation? A Full blood Chickasaw.
- Q Were you present at the marriage ceremony between Jerry Brown and Jennie Irwin? A She didn't see them when they was married but she saw them after that, a little while after that, a few hours, and she went in a store there somewheres and him and her was trading there. That's when she saw them after they married.
- Q Did you know them from the time of this marriage up to the death of Jerry Brown? A Yes sir, she knowed them.
- Q Did you see them frequently during that time? A Yes.

Jennie Irwin--4

Q Did they live together all the time as husband and wife? A Yes sir, after they married they stayed together--made home together.

John Thomas, witness on behalf of applicant, being recalled testified as follows:

Examination by the Commission.

Q Was this Jerry Brown, the first husband of Jennie Irwin, an Indian? A Yes, he was an Indian.

Q What tribe was he a member of? A He was Chickasaw.

Q He was recognized by the tribal authorities as a Chickasaw?

A He was recognized as a Chickasaw there.

Q How much blood did he have? A He must have been a full blood Chickasaw man.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, March 7, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 7th day of March, 1903.

Charles J. Harrison

Notary Public.

COPY

D.S. 15074

I.T.D. 8026-1902
LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

MAY 18, 1903.

WHR.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Under date of January 24, 1903, there was transmitted, with a request that you explicitly inform the Department certain facts in connection therewith, the record in the Chickasaw application of Jennie Irwin, (D 317).

As reports having been received you are requested to give the same early attention.

Respectfully,

(Signed) Ches Ryan,

Acting Secretary.

975
260

9-D-317.

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

In the matter of the application for the enrollment of Jennie Irwin as a citizen by intermarriage of the Chickasaw Nation.

--: D E C I S I O N :--

It appears from the census card record in this case that on February 7, 1900 Jennie Irwin, a citizen by blood of the Creek Nation, appeared before the Commission and made personal application for enrollment as a citizen by intermarriage of the Chickasaw Nation. Further proceedings were had in this case at Muskogee, Indian Territory on May 12, 1902 and March 7, 1903.

It appears from the record herein that in 1867 the applicant, Jennie Irwin, (nee Watson) was lawfully married to Jerry Brown, a recognized and enrolled citizen by blood of the Chickasaw Nation, who is identified upon the 1878 Chickasaw Annuity Roll, Tishomingo County, number 163; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation; that they lived together continuously as husband and wife from the date of said marriage until the death of the said Jerry Brown about 1881; that in November, 1896 the applicant was married to John S. Irwin, a white man having no rights of Chickasaw citizenship by blood and that the applicant had been a resident in good faith of the Chickasaw Nation from the date of her said marriage with the said Jerry Brown up to and including September 25, 1902.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1893 Chickasaw Leased District payment Roll, number 1, page 108.

It appears from the records of the Commission that on May 21, 1901 application was made to the Commission by the town officers of Eufaula Canadian Town for the enrollment of the applicant herein as a citizen by blood of the Creek Nation and that subsequently the name of the applicant (as Virginia Irwin)

2.


was placed opposite number 7693 upon the lists prepared by this Commission under the act of Congress approved June 28, 1898 (30 Stat., 495), of persons entitled to enrollment as citizens by blood of the Creek Nation and approved by the Secretary of the Interior on March 28, 1902.

It further appears from the record herein that on May 12, 1902 the applicant appeared in person before the Commission and, under the provisions of a portion of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), elected to be finally enrolled by this Commission as a citizen by intermarriage of the Chickasaw Nation and to take her allotment of lands as a citizen by intermarriage of said nation.

It further appears from the record herein that on October 31, 1902 the Commission rendered a decision denying the applicant enrollment as a citizen by intermarriage of the Chickasaw Nation and on the same day forwarded the original record in said case together with said decision of the Commission to the Honorable Secretary of the Interior for review; that on January 24, 1903 (I.T.D. 6179, 6984, 8025-1902, 347-1903), the Honorable Secretary of the Interior remanded said case with the request that the Commission explicitly inform the Department of the facts in said case in order that the Department might be able to determine whether the claimant was still entitled to elect to be enrolled as a citizen of the Chickasaw Nation and that on June 30, 1904 said enrollment of the applicant as a citizen by blood of the Creek Nation was, under the direction of the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes of that date (I.T.D. 5304-1904), duly cancelled.

It is, therefore, the opinion of this Commission that the denial of Jennie Irwin by this Commission in its decision rendered October 31, 1902 should be rescinded; and it is further the opinion of this Commission that Jennie Irwin should be enrolled as a citizen by intermarriage of the Chickasaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

NOV 29 1904

200.
GE.

0-D-517.

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

In the matter of the application for the enrollment of Jennie Irwin as an intermarried citizen of the Chickasaw Nation.

--:--: D E C I S I O N :--:--

It is shown by the census card records of the Commission that Jennie Irwin appeared before the Commission at Atoka, Indian Territory, during the month of August, 1899, and made personal application for enrollment as an intermarried citizen of the Chickasaw Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on May 12, 1902.

It appears from the evidence offered that the applicant is the daughter of Fannie Watson, a Creek Indian, and Daniel Watson, a non-citizen white man; that in the year 1867 she was married to Jerry Brown, a Chickasaw citizen by blood, with whom she lived until his death; that subsequently she was married to John Irwin, a non-citizen white man, and that she has been recognized and enrolled by the tribal authorities of both the Creek and Chickasaw Nations as a citizen of said tribes in Indian Territory.

On an examination of the records in the possession of the Commission the name of Jennie Irwin (written Virginia Irwin) appears at No. 7693 upon the final roll of citizens by blood of the Creek Nation, prepared in accordance with the provisions of the Act of Congress of June 28, 1898, (30 Stats., 495), and approved by the Secretary of the Interior on March 28, 1902.

It is therefore the opinion of this Commission that Jennie Irwin should not be enrolled as a citizen by intermarriage of the Chickasaw Nation, in accordance with the provisions of Section 21 of said Act of June 28, 1898, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee,
Indian Territory, this

OCT 31 1902

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of
Jennie Irwin for the enrollment of
herself as an intermarried citizen
of the Chickasaw Nation.

---D 317---

On the 19th day of March, 1902, the applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Jennie Irwin for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 12th day of May, 1902, for final consideration.

Now, on this 12th day of May, 1902, this cause coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant appeared in person and by her attorney, S. Heard, of Muskogee, Indian Territory, whereupon the following proceedings were had:

Jennie Irwin, the applicant, being first duly sworn by Acting Chairman Bixby, upon her oath testifies as follows:

Examination by the Commission:

- Q. What is your name? A. Jennie Irwin.
Q. Is your name Jennie or Virginia? A. Well, when I was small I went by name of Virginia, but since I married a Chickasaw I always have went by Jennie.
Q. Well, is it Jennie or Ginny? A. Jennie.
Q. How old are you? A. Fifty four years old next December.
Q. What is your post office address? A. My post office address now is Wyatt.
Q. In what nation is that? A. Chickasaw Nation.
Q. How long have you lived in the Chickasaw Nation? A. Ever since 1863, and I married a Chickasaw in 1867.
Q. Have you resided in the Chickasaw Nation continuously since 1863? A. Yes sir.
Q. Where did you live before that? A. I was born and raised in the Creek Nation until the time of the war and we went to the Chickasaw Nation, and after peace was made I married a Chickasaw and didn't come back, but my folks came back.
Q. What is your father's name? A. Daniel Watson.
Q. He is dead? A. Yes sir.
Q. Was he a member of any tribe of Indians in Indian Territory? A. No sir, white man.
Q. What was your mother's name? A. Fannie Hicke before she married.
Q. Of what tribe of Indians in Indian Territory was she a member? A. She was a member of the Creeks.
Q. Was she a full blood Creek? A. No sir, just a half breed.
Q. You have always been recognized and enrolled by the Creek tribal authorities as a citizen of the Creek tribe of Indians in Indian Territory? A. Yes, I guess I did, I never knowed.

Jennie Irwin-----2

nothing; I guess I was enrolled, and I think the Creeks must have always kept my name. I have been enrolled as a Chickasaw ever since I married a Chickasaw in 1867.

Q Your application at this time is for enrollment as a citizen by intermarriage of the Chickasaw Nation? A Yes sir.

Q When were you married to a Chickasaw Indian? A In 1867.

Q What was his name? A Jerry Brown.

Q Where were you married to him? A I married to him at Tishomingo, just below there. There used to be an academy there by name of Robinson academy and we was married by Colonel Robinson, the old gentleman who ran the school there.

Q Did you obtain a license to marry him? A Indians didn't get license them days.

Q Did you get a certificate as to your marriage to Jerry Brown?

A He gave us a piece of scrip and we put it upon the record.

Q Have you any evidence of your marriage to Jerry Brown at this time? A No sir, I didn't bring any with me; I could get lots of evidence. Lots of Chickasaws know I did marry Jerry Brown.

Q Jerry Brown was an undisputed citizen of the Chickasaw Nation

A Yes sir, he was a nephew of old Captain Hoshichee.

Q How long did you live with Jerry Brown? A We lived together fourteen years and he got killed.

Q That was up until 1881 then? A Yes sir.

Q And after his death did you marry again? A No sir, lived single until I married this man, and me and him has been married five years last fall.

Q What is your present husband's name? A John Irwin.

Q He is a white man? A Yes sir.

Q Were you ever recognized and enrolled by the Chickasaw tribal authorities as a citizen of the Chickasaw Nation? A Yes.

Q Did you draw annuities that were paid to the members of the tribe? A Yes sir, I drew annuities the first day I was married, and I have been drawing ever since, and they allowed me to have a farm there, and I have collected permit money for the Chickasaws ever since.

Q The Chickasaws always regarded you as an intermarried citizen? A Yes sir.

Q You have no Chickasaw blood? A No sir.

Q You never made any claim as a citizen by blood of the Chickasaw Nation? A No sir.

The name of this applicant appears upon the 1893 leased district pay roll of the Chickasaw Nation at page 108 as Jennie Brown.

Q Did you draw the Creek payment in 1895? A No, but I think my brother must have drawn it.

Q What is your brother's name? A David Watson.

Q Who is Josiah Watson? A My brother.

Q And Curtis Brown is your son? A Yes sir.

An examination of the Buffalo-Canadian pay roll, 1895, for the Creek Nation, shows the following names: No. 116, David Watson, 117, Josiah Watson, 118, Jennie Brown, 119, Curtis

Jennie Irwin

Brown; this money was drawn by David Watson, a brother of the applicant.

Q Did you draw the Creek money in 1890? A No sir, ever since I left the Creek Nation, I never had nothing to do with the Creeks.

Q Somebody drew the money for you in 1895? A Well, I guess they must have.

Q You think that your brother drew that money? A Yes sir.

Creek pay roll, 1890, of Bufala-Canadian town examined and the name of Jennie Brown found thereon in the family of David Watson.

Q Who is Sarah McFarland? A My niece.

Q And David McFarland? A That is her little boy.

(Sarah and David McFarland are found in the same family as David Watson, Jennie Brown, Curtis Brown and Jesiah Watson)

Examination by Mr Heard, attorney for applicant:

Q How long have you lived at the place where you now live? A Twenty five years.

Q You have an improved farm there? A Yes sir.

Q How does your name appear on the Chickasaw rolls, as Jennie Brown? A Yes sir.

Q You have drawn annuities with that tribe? A Yes sir.

Q And been recognized by the tribal authorities? A Yes sir.

By the Commission:

Q What is your desire at the present time? A I wish to keep my home in the Chickasaw Nation if there is any chance for me.

Q On what theory? A On the ground that I have lived there so long and lived with the Chickasaws; and I thought it was my home and I hate to give it up and have to start again to make another home.

By Mr Heard:

Q Do you claim the right to elect to take that as your home? A Yes sir, as a Chickasaw.

(Applicant excused)

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 12th day of May, 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 12th day of May, 1902.

Charles H. ...

Notary Public

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

In the application of Jennie Irwin as an intermarried Chickasaw; being sworn and examined by Com'r McKennon she states:

Q What is your name? A Jennie Irwin.

Q How old are you? A Fifty-one.

Q You are a Creek by blood? A Yes sir.

Q You came to the Chickasaw Nation during the War? A Yes sir.

Q You have not returned to the Creek Nation since that time?

A No sir.

Q In 1867 you were married to a Chickasaw citizen?

A Yes sir.

Q Since that time you have been recognized as a citizen of the Chickasaw Nation? A Yes sir.

Q You have drawn annuities as a citizen? A Yes sir.

Q Up to the present time? A Yes sir.

Q I find that you are on the leased District Pay Roll of the Chickasaw Nation, in 1893, on Page 108, in the name of Jennie Brown; you are now married to a white man? A Yes sir.

Q When did you marry him? A It will be three years ago this coming November.

Q What is his name? A John S. Irwin.

Q You have never, since you came here during the War, lived anywhere else except in the Chickasaw Nation? A No sir, and all I have got is right there where I am living, and when I married the last time I married according to the Chickasaw law.

Com'r McKennon: You being an Indian, your marriage to a Chickasaw would not give you the rights of an intermarried person, because no one except a white person can have those rights, under the provisions of the treaty, and as you are not a Chickasaw Indian the commission will not have authority to enroll you, but will make

Jennie Irwin #2)

special report of your case to the Secretary of the Interior for his consideration.

-
- Q You have no children living? A No sir.
- Q What was your mother's name? A Fannie Niohke, she was a half-breed Creek Indian
- Q What was your father's name? A Daniel Watson, he was a white man.
- Q Was your mother a citizen of the Creek Nation?
- A Yes sir, I guess she was.

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.

M. D. Green

P. O. Address
Acho, Ar.

S. Hard Atty,
Stonewall Ar.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Jennie Irwin for the enrollment of
herself as an intermarried citizen
of the Chickasaw Nation.

---D 317---

On the 19th day of March, 1902, the applicant was notified by registered mail, and on the 29th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Jennie Irwin for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 15th day of May, 1902, for final consideration.

Now, on this 15th day of May, 1902, this cause coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant appeared in person and by her attorney, S. Beard, of Muskogee, Indian Territory, whereupon the following proceedings were had:

Jennie Irwin, the applicant, being first duly sworn by Acting Chairman Bisby, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Jennie Irwin.
Q Is your name Jennie or Virginia? A Well, when I was small I went by name of Virginia, but since I married a Chickasaw I always have went by Jennie.
Q Well, is it Jennie or Ginny? A Jennie.
Q How old are you? A Fifty four years old next December.
Q What is your post office address? A My post office address now is Wyatt.
Q In what nation is that? A Chickasaw Nation.
Q How long have you lived in the Chickasaw Nation? A Ever since 1863, and I married a Chickasaw in 1867.
Q Have you resided in the Chickasaw Nation continuously since 1867? A Yes sir.
Q Where did you live before that? A I was born and raised in the Creek Nation until the time of the war and we went to the Chickasaw Nation, and after peace was made I married a Chickasaw and didn't come back, but my folks come back.
Q What is your father's name? A Daniel Watson.
Q He is dead? A Yes sir.
Q Was he a member of any tribe of Indians in Indian Territory? A No sir, white man.
Q What was your mother's name? A Fannie Sims before she married.
Q Of what tribe of Indians in Indian Territory was she a member? A She was a member of the Creeks.
Q Was she a full blood Creek? A No sir, just a half blood.
Q You have always been recognized and enrolled by the Creek tribal authorities as a citizen of the Creek tribe of Indians in Indian Territory? A Yes, I guess I did, I never moved

Jennie Irwin-----2

nothing; I guess I was enrolled, and I think the Greeks must have always kept my name. I have been enrolled as a Chickasaw ever since I married a Chickasaw in 1867.

Q Your application at this time is for enrollment as a citizen by intermarriage of the Chickasaw Nation? A Yes sir.

Q When were you married to a Chickasaw Indian? A In 1867.

Q What was his name? A Jerry Brown.

Q Where were you married to him? A I married to him at Fishamingo, just below there. There used to be an academy there by name of Robinson academy and we was married by Colonel Robinson, the old gentleman who ran the school there.

Q Did you obtain a license to marry him? A Indians didn't get license them days.

Q Did you get a certificate as to your marriage to Jerry Brown?

A He gave us a piece of scrip and we put it upon the record.

Q Have you any evidence of your marriage to Jerry Brown at this time? A No sir, I didn't bring any with me; I could get lots of evidence. Lots of Chickasaws know I did marry Jerry Brown.

Q Jerry Brown was an undisputed citizen of the Chickasaw Nation?

A Yes sir, he was a nephew of old Captain Hesichee.

Q How long did you live with Jerry Brown? A We lived together fourteen years and he got killed.

Q That was up until 1861 then? A Yes sir.

Q And after his death did you marry again? A No sir, lived single until I married this man, and he and his has been married five years last fall.

Q What is your present husband's name? A John Irwin.

Q He is a white man? A Yes sir.

Q Were you ever recognized and enrolled by the Chickasaw tribal authorities as a citizen of the Chickasaw Nation? A Yes.

Q Did you draw annuities that were paid to the members of the tribe? A Yes sir, I drew annuities the first day I was married, and I have been drawing ever since, and they allowed me to have a farm there, and I have collected permit money for the Chickasaws ever since.

Q The Chickasaws always regarded you as an intermarried citizen? A Yes sir.

Q You have no Chickasaw blood? A No sir.

Q You never made any claim as a citizen by blood of the Chickasaw Nation? A No sir.

The name of this applicant appears upon the 1875 leased district pay roll of the Chickasaw Nation at page 100 as Jennie Brown.

Q Did you draw the Creek payment in 1867? A No, but I think my brother must have drawn it.

Q What is your brother's name? A David Watson.

Q He is Josiah Watson? A My brother.

Q And Curtis Brown is your son? A Yes sir.

An examination of the Bureau-Canadian pay roll, 1876, for the Creek Nation, shows the following names: No. 116, David Watson, 117, Josiah Watson, 118, Jennie Brown, 119, Curtis

Jennie Irwin-----3

Brown; this money was drawn by David Watson, a brother of the applicant.

Q Did you draw the Creek money in 1890? A No sir, ever since I left the Creek Nation, I never had nothing to do with the Creeks.

Q Somebody drew the money for you in 1890? A Well, I guess they must have.

Q You think that your brother drew that money? A Yes sir.

Creek pay roll, 1890, of Bufala-Canadian town examined and the name of Jennie Brown found thereon in the family of David Watson.

Q Who is Sarah McFarland? A My niece.

Q And David McFarland? A That is her little boy.

(Sarah and David McFarland are found in the same family as David Watson, Jennie Brown, Curtis Brown and Josiah Watson)

Examination by Mr Heard, attorney for applicant:

Q How long have you lived at the place where you now live?

A Twenty five years.

Q You have an improved farm there? A Yes sir.

Q How does your name appear on the Chickasaw rolls, as Jennie Brown? A Yes sir.

Q You have drawn annuities with that tribe? A Yes sir.

Q And been recognized by the tribal authorities? A Yes sir.

By the Commission:

Q What is your desire at the present time? A I wish to keep my home in the Chickasaw Nation if there is any chance for me

Q On what theory? A On the ground that I have lived there so long and lived with the Chickasaws; and I thought it was my home and I hate to give it up and have to start again to make another home.

By Mr Heard:

Q Do you claim the right to elect to take that as your home?

A Yes sir, as a Chickasaw.

(Applicant ceased)

Harry G. 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 18th day of May, 1902, and that the above 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 18th day of May, 1902.

Charles H. [Signature]

Jennie Irvin
Vs.
The Chickasaw Nation.

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)
)
BRIEF FOR APPLICANT.

The record shows in this case that the applicant who was a Creek Indian woman married during the war a Chickasaw Indian, and has lived continuously in the Chickasaw Nation every since drawing her annuities, enjoying all the rights and privileges of a Chickasaw, and was placed on all their rolls. Now then, the contention of the applicant is that under Sec. 21 Curtis Act reads as follows, to wit:

" The several tribes by agreement determine the right of persons, who for any reason may claim citizenship in two or more tribes, and to allotment of land or distribution of money 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 rights, but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and here be given such allotment and not elsewhere. "

The applicant has a right clearly defined by that law to take her allotment in the Chickasaw Nation. It clearly and expressly gives her the option to take her allotment in either nation, and she chooses to take it in that nation in which she has her home, having intermarried according to the laws and customs of the Chickasaws and having lived in said nation for so many years, I submit that it was the evident intention of the act to mean just this class of people. It seems to me that the right of the applicant to be enrolled comes literally within not only the letter but the spirit of the act.

Respectfully submitted,

J. H. Hearce

RECEIVED
BY
CHICKASAW
NATION
JAN 11 1892

Muskogee, Indian Territory,
August, 18th 1900.

Jennie Irwin,

Nebo, Indian Territory,

Dear Madam,

You are hereby notified that the Chickasaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Chickasaw Nation.

The Commission, commencing December, 18th 1900, holds a session at Atoka, Indian Territory. At that time both you and the Chickasaw Nation will be permitted to offer additional testimony in your case as well as written arguments, and this hearing will be final.

Yours truly,

Acting Chairman.

9-D-317

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

ALLISON L. AVLESWORTH.
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING:

Chickasaw D-315

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 19, 1902.

Jennie Irwin,

Nebo, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of May, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Register.

Commissioner in Charge.

Chickasaw D 337

Muskogee, Indian Territory, May 13, 1902.

Creek Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

It appears from the records of the Choctaw-Chickasaw Enrollment Division that Jennie Irwin, who is an applicant for enrollment as a citizen by intermarriage of the Chickasaw nation, is the identical Elizabeth Irwin appearing upon your Creek roll card, 2546 field No. 3616 and No. 7683 on the roll of the citizens of the Creek Nation submitted to the Secretary of the Interior for his approval.

Jennie Irwin appears from our records to be the daughter of Daniel Watson a white man, and of Fannie Watson, formerly Fannie Nicks, a citizen of the Creek Nation but in 1863 removed to the Chickasaw Nation where she was married in 1867 to Jesse Brown, a citizen by blood of the Chickasaw Nation and has since resided in the Chickasaw Nation.

The name of this applicant is found upon the 1898 Leased District payment roll of the citizens of the Chickasaw Nation as a resident of Richwood County, page 1581.

It also appears that she has always been recognized and enrolled by the tribal authorities of the Creek Nation as a citizen of the Creek Tribe of Indians in Indian territory.

Creek Division 2

On March 19, 1902, the applicant was notified by registered mail that the matter of her application for enrollment as a citizen of the Chickasaw Nation would be taken up for final consideration at the office of the Commission at Muskogee, Indian Territory, on May 12, 1902.

Notice of this final hearing was also furnished the attorneys for the Choctaw and Chickasaw Nations and on May 12, 1902, the applicant, Jennie Irwin and her attorney, S. Heard, of Muskogee, Indian Territory, personally appeared before the Commission and further procedures were had in this case.

While this woman appears to have been recognized as a citizen of both the Creek and Chickasaw Tribes of Indians in Indian Territory, the Commission in view of the facts in the case, did not deem it advisable to allow her to elect in which tribe she would be finally enrolled under the provisions of the twenty-first section of the act of Congress of June 26, 1898.

Mrs. Irwin did, however, signify her desire to retain her home in the Chickasaw Nation and be finally enrolled as a citizen of that tribe.

The Choctaw-Chickasaw Enrollment Division will prepare a decision in this case at the earliest practicable date and when the same is approved and signed by the Commission, your Division will be furnished with a copy thereof.

Creek Division 3

Copies of the record of procedures of May 12, 1902,
are enclosed herewith for your information.

Yours truly,

Acting Chairman.

Enc Y 172

Chickasaw D 517

Muskogee, Indian Territory, June 25, 1902.

Jennie Irwin,

Nebo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you state that the Governor of the Chickasaw Nation had stated to you that he had no objection to you being enrolled as a Chickasaw, and requesting that you be informed as to what action has been taken by the Commission as to your application.

You are advised that there has been no further action taken in the matter of your application for enrollment as a citizen of the Chickasaw Nation since your personal appearance before the Commission at Muskogee, Indian Territory on May 12, 1902.

Yours truly,

Commissioner in Charge.

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

ALLISON L. AYLESWORTH,
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

Creek Indian Card,
Field No. 2616.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, October 25, 1902.

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

Gentlemen:

You are hereby advised that Virginia Irwin, age 53 years, is regularly enrolled on Creek Indian Card, Field No. 2616, and that her name is included in partial roll of Creek citizens by blood approved by the Secretary of the Interior, March 28, 1902.

It appears from the records of the Creek Enrollment Division that on May 12, 1902, said Virginia Irwin appeared before the Chickasaw Division of the Commission and elected to be enrolled as a citizen of the Chickasaw Nation.

Respectfully,

C. R. Breckinridge

Commissioner in Charge.
~~Acting~~

Hebo, Indian Territory,
October 31, 1902.

The Secretary of Interior,
Washington, D. C.

Sir:

I am a Creek Indian by blood. In 1867 I married Jerry Brown, a Chickasaw Indian by blood. My husband, Brown, died in the year 1882. In the year 1896 I married John Irwin, a United States citizen, with whom I am now living, in compliance with all laws and usages of the Chickasaw Nation.

Ever since my marriage to Jerry Brown I have lived in the Chickasaw Nation, and have always had the rights of and have been treated as a Chickasaw Indian, and have ever since been on the Chickasaw Rolls of citizens, and have drawn my share of money distributed among the Chickasaws.

I went before the Dawes Commission on the 30th day of October, last, to enroll as a Chickasaw citizen, and was informed that I had already been enrolled as a Creek citizen, which was not authorized by me.

I desire to state that my enrollment as a Creek citizen was without any application on my part. I have never claimed any Creek rights since my marriage with my husband, Brown.

The Commission advised me that they could not enroll me as a Chickasaw citizen now, without authority from you, and advised me to write you about the matter, and this is why I do so.

I wish you would write to the Dawes Commission to enroll me as a Chickasaw.

Yours respectfully,

Jennie Irwin

COPY.

Lawson, Indian Territory, October 21, 1908.

Jennie Irwin,
Mabel, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for your enrollment as an intermarried citizen of the Chickasaw Nation.

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

Respectfully,

(SIGNED)

John D. Kirby

Acting Chairman.

Enclosure
10-21-08

copy.

Muskogee, Indian Territory, October 22, 1902.

Mansfield, McMurtry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Jennie Irwin as an intermarried citizen of the Chickasaw Nation.

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

Respectfully,

(SIGNED) *Tamo Dixie*

Acting Chairman.

Enclosure
Chick. D-217 (A)

November 8, 1902.

The Secretary of the Interior,

Washington, D.C.

Sir:

We enclose herewith a letter signed by one Jennie Irwin, which will explain itself. She states to us that the Juries Commission advised her to write your office in regard to the matter contained in her letter and we beg to be advised of what will be the proper course to pursue to have the correction made which she desires.

Respectfully,

(Signed) Soper, Rider & Lewis.

Chickasaw D 317

Muskogee, Indian Territory, November 11, 1902.

Zennie Irwin,

Wyatt, Indian Territory,

Dear Madam:

Your letter of October 4, addressed to the Secretary of the Interior, has been referred to this Commission for consideration and appropriate action. You state therein that you wish to be transferred from the Creek to the Chickasaw roll.

In reply to your letter you are advised that on October 31, 1902, the Commission rendered its decision refusing your application for enrollment as an intermarried citizen of the Chickasaw Nation, and on the same date you were notified of this decision, and the record in the case was forwarded to the Secretary of the Interior.

It appears from the records of the Commission that your enrollment as a citizen of the Creek Nation was approved by the Secretary of the Interior March 28, 1902, and your attention is invited to the following provision of the recent agreement between the United States and the Choctaw and Chickasaw Nations, approved by act of Congress of July 1, 1902, which was ratified September 25, 1902:

J. I. P.

The names shall have precedence upon the rolls made by the Commission to the Interior and shall be entitled to the rights of citizenship of any other tribe which he acquired as a citizen or freedman of the Creek or Chickasaw nations."

Respectfully,

Acting Chairman.

Refer in reply
to the following:
land.
66,030-1902.

(Copy)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Dec. 22, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Jennie Irwin for enrollment as an intermarried citizen of the Chickasaw Nation.

On October 31, 1902, the commission rendered a decision in said case, as follows:

"It is shown by the census card records of the Commission that Jennie Irwin appeared before the Commission at Atoka, Indian Territory, during the month of August, 1899, and made personal application for enrollment as an intermarried citizen of the Chickasaw Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on May 12, 1902.

"It appears from the evidence offered that the applicant is the daughter of Fannia Watson, a Creek Indian, and Daniel Watson, a non-citizen white man; that in the year 1859 she was married to Jerry Brown, a Chickasaw citizen by blood, with whom

"she lived until his death; that subsequently she was married to
"John Irwin, a non-citizen white man, and that she has been
"recognized and enrolled by the tribal authorities of both the
"Creek and Chickasaw Nations as a citizen of said tribes in
"Indian Territory.

" On an examination of the records in the possession of the
"Commission the name of Jennie Irwin (written Virginia Irwin) ap-
"pears at No. 7693 upon the final roll of citizens by blood of
"the Creek Nation, prepared in accordance with the provisions of
"the Act of Congress of June 28, 1898, (30 Stats., 495), and ap-
"proved by the Secretary of the Interior on March 28, 1902.

" It is therefore the opinion of this Commission that Jennie
"Irwin should not be enrolled as a citizen by intermarriage of
"the Chickasaw Nation, in accordance with the provisions of
"Section 21 of said Act of June 28, 1898, and it is so ordered."

The office has reviewed the record evidence submitted in
support of the applicant's claim, which evidence together with
the record facts set forth by the commission in said decision
seem to clearly support the opinion of the commission that said
Jennie Irwin should not be enrolled as a citizen by inter-
marriage of the Chickasaw Nation for the reason that her name
appears upon the final roll of citizens by blood of the Creek
Nation. The office therefore respectfully recommends that said
decision be affirmed by the Department.

Very respectfully,

W. A. Jones,
Commissioner.

(W.C.B.)

P.

D.C. 2860
I.T.D. 6179-1902.
6984-
8025-
1947-1903.

COPY
DEPARTMENT OF THE INTERIOR,
WASHINGTON. JANUARY 24, 1903.

T.P.
WHH

IRS

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

Gentlemen:

It appears in the case of Jennie Irwin, applicant for enrollment in the Chickasaw Nation, application having been filed in August, 1899, that the party has been recognized and enrolled by the tribal authorities of both the Creek and Chickasaw Nations as a citizen of said tribes.

The case (# 517), was received with your letter of October 21, 1902. You rejected the application October 21, 1902, because

"On an examination of the records in the possession of the Commission the name of Jennie Irwin (written Virginia Irwin), appears at number 7693 upon the final roll of citizens by blood of the Creek Nation, prepared in accordance with the provisions of the act of Congress of June 26, 1896 (30 Stat., 498), and approved by the Secretary of the Interior on March 28, 1902."

The party claims a right under section 21 of the act of June 26, 1896, to elect to be enrolled in the Chickasaw Nation, where she has had her home since 1868.

You failed to show that the applicants applied for enrollment in the Creek Nation, and then, or that her name was

-2-

placed on the Creek roll with her consent, or that it was placed there after she had had due opportunity to object to such action and had not objected. It is therefore requested that you explicitly inform the Department of the facts in this particular, in order that it may be able to determine whether the claimant is still entitled to elect to be enrolled in the Chickasaw Nation. The record is herewith returned.

Respectfully,

(Signed) THOS KYAN

Acting Secretary.

1 inclosure.

COMMISSIONERS
HENRY L. DAVIS,
TAMM HIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AVLEWORTH,
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

Creek I. 2616.

Waskoee, Indian Territory, February 13, 1903.

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

Gentlemen:

Referring to Departmental letter of January 24, 1903, in the case of Jennie Irwin (I.T.D. 6179, 6984, 8025-1902; 347-1903), you are advised that the records of the Creek Enrollment Division show that the name of Virginia Irwin, aged 53, appears upon Creek Indian Card Field No. 2616, and that her name is included in a schedule of Creek citizens by blood approved by the Secretary of the Interior, March 28, 1902.

It does not appear that the said Virginia Irwin at any time made personal application for enrollment as a citizen of the Creek Nation, but the application for her enrollment was made by the town officers of Mufaula Canadian Town, on May 21, 1901.

It does not appear that application for allotment of lands in the Creek Nation to the said Virginia Irwin has been made, nor does it appear that any land has been allotted to her in said nation.

Respectfully,

Acting Chairman.

C O P Y

Chickasaw D 317

Muskogee, Indian Territory, February 18, 1903.

Soper, Rider & Lewis,

Attorneys at Law,

Madill, Indian Territory.

Gentlemen:

The Commission has had before it for some time your letter of November 8, with which was inclosed petition of Jennie Irwin, relative to her right to enrollment as a citizen by intermarriage of the Chickasaw Nation. This petition has been filed with the record in the matter of her application for enrollment as a citizen by intermarriage of the Chickasaw Nation, the same having recently been returned by the Secretary of the Interior for additional procedure.

You are advised that Jennie Irwin has been notified that she would be allowed thirty days from this date within which to submit to this Commission proof of the tribal recognition of her Chickasaw husband, Jerry Brown, as a citizen by blood of the Chickasaw Nation, and also of her marriage to the said Brown. This proof should be submitted at the office of the Commission at Muskogee, Indian Territory.

Respectfully,

Acting Chairman.

Chickasaw D 317

Muskogee, Indian Territory, February 10, 1903.

Mrs. Jennie Irwin,

Wyatt, Indian Territory,

Dear Madam:

In the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation now before the Secretary of the Interior for final disposition, it appears that you claim your right as an intermarried citizen of the Chickasaw Nation by reason of your marriage in 1867 to a Chickasaw Indian by blood by the name of Jerry Brown. There is nothing in the record now before the Department to show that Jerry Brown was, during his lifetime, a recognized and enrolled citizen by blood of the Chickasaw tribe of Indians, nor has there been filed with the record any evidence of your marriage to your Chickasaw husband.

For the purpose of perfecting the record in the matter of your application you are hereby advised that you will be allowed thirty days from the date hereof within which to appear before the Commission to the Five Civilized Tribes at its office at Muskogee, Indian Territory to introduce such evidence as you may be able to procure relative to the tribal recognition as a citizen of the Chickasaw Nation of Jerry Brown, and of your marriage to Jerry Brown.

J I 2

in the year 1867.

Respectfully,

Acting Chairman.

Register.

DC. 15074

HWR.

I.T.D.8025-1902.

DEPARTMENT OF THE INTERIOR.

L.R.S.

WASHINGTON.

May 18, 1903.

The Commission

to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

Under date of January 24, 1903, there was transmitted, with a request that you explicitly inform the Department certain facts in connection therewith, the record in the Chickasaw application of Jennie Irwin, (D 317).

No report having been received you are requested to give the same early attention.

Respectfully,

Thos. Ryan,
Acting Secretary.

1

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

ALLISON L. AYLESWORTH,
SECRETARY.

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

17.8.19

REFER IN REPLY TO THE FOLLOWING

Cr. I. 2616.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 7, 1903.

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

Gentlemen:

There is on file with the Creek Enrollment Division a copy of the testimony in the matter of the application for the enrollment of Jennie Irwin as a citizen of the Chickasaw Nation, taken May 12, 1902.

February 18, 1903, the Creek Enrollment Division was advised that said Jennie Irwin had that day been notified that she would be allowed twenty days within which to submit additional evidence in the case.

If further evidence has been submitted you are requested to furnish the Creek Enrollment Division with a copy thereof.

Reference is made to Chickasaw D. 317.

Respectfully,



Chairman.

Chickasaw D 317

Muskogee, Indian Territory, October 19, 1903.

Creek Enrollment Division,

Commission to the Five Civilized Tribes,

Gentlemen:

For your information there is inclosed you herewith a copy of a letter this day forwarded to the Secretary of the Interior relative to the right to enrollment of Jennie Irwin as an intermarried citizen of the Chickasaw Nation.

The name of this applicant appears upon your approved roll of citizens by blood of the Creek Nation as Number 7693, and in accordance with the recommendation made to the Department you will continue such name upon such roll until after decision is rendered by the Choctaw and Chickasaw Citizenship Court on the question of "marrying out" in the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

(COPY)

Refer in reply to
the following:

LAND
72220-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Nov. 12, 1903.

(COPY)

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith a communication from the Commission to the Five Civilized Tribes, dated October 19, 1903, relative to the matter of the application of Jennie Irwin, for enrollment as a citizen by intermarriage of the Chickasaw Nation, which communication is in reply to Departmental letter of May 18, 1903, (I.T.D. 8025-1902).

Very respectfully,

W. A. Jones.

Commissioner.

W.C.B.-L.C.

D. C. No. 36220-1903.

J.P.
VHR.

DEPARTMENT OF THE INTERIOR.

ITD 6142-1903. WASHINGTON.

L. R. S.

November 21, 1903.

The Commission

to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

It appears from your decision of October 31, 1902, in the matter of the application of Jennie Irwin, for enrollment as a citizen of the Chickasaw Nation, that said applicant was enrolled as a citizen of the Creek Nation, and the Creek partial roll upon which her name appears was approved by the Department on March 28, 1902.

Referring in your letter of October 19, 1903, to departmental letter of January 24, 1903, inquiring whether this applicant's name was placed upon the Creek roll with her consent; you state that she never made any personal application to your Commission for enrollment as a citizen of the Creek Nation, but application was made in her behalf by the two officers of Muskogee-Cumadian Town on March 21, 1901, and upon satisfactory identification of the applicant's name upon the tribal rolls of the Creek Nation, she was enrolled as a citizen of said Nation; that it appears, however, that in 1867 she married Jerry Brown, who was during his lifetime a recognized citizen by blood of the Chickasaw Nation, and that after said marriage she and her

husband lived together continuously in the Chickasaw Nation for more than thirteen years and up to the time of his death; that the applicant has since resided in the Chickasaw Nation and in 1898 married, in said Nation, one John Irwin, a white man.

It also appears that on March 19, 1902, Jennie Irwin personally elected before your Commission to be enrolled as a citizen by intermarriage of the Chickasaw Nation.

As it is contended by the attorneys for the Choctaw and Chickasaw nations that intermarried citizens of the Chickasaw Nation, who, subsequent to the death of their citizen spouses, married white persons having no rights as citizens by blood of the Chickasaw Nation, forfeited their right to citizenship, and in view of the position taken by the Department in letter of October 23, 1902, in the Matt Davis case, and of the request of the attorneys for the Choctaw and Chickasaw nations in their letter of September 17, 1903 (which was disposed of in departmental letter of November 18, 1903), you do not feel warranted in rendering any further decision or opinion relative to the enrollment of Jennie Irwin as an intermarried citizen of the Chickasaw Nation.

You recommend, however, that as the applicant's name was placed upon the final roll of citizens of the Creek Nation without any application having been made by her, and as the application made in her behalf was without her consent and she has not been negligent in objecting thereto, no allotment of the

lands of the Creek Nation be made to her until such time as the Choctaw and Chickasaw citizenship court adjudicates the question of "marrying out;" also that her name be continued upon the approved roll of the citizens of the Creek Nation until after the adjudication of the "marrying out" question by the citizenship court, in order that she may be fully protected as a citizen of the Creek Nation in the event that the decision of the Department relative to her rights as an intermarried citizen of the Chickasaw Nation should be adverse to her claim.

The Department concurs in your recommendation and the case will be held to await the action of the citizenship court upon the question involved in this case relative to rights in the Chickasaw Nation, and for readjudication, with the understanding, however, that neither your Commission nor the Department will necessarily be bound by such decision of the court.

You will advise Mrs. Irwin fully in accordance herewith, and also the attorneys for the Choctaw and Chickasaw nations of the action taken.

A copy of the Commissioner's letter of December 22, 1902, transmitting the papers in the Chickasaw citizenship case, and a copy of his letter of November 12, 1903, transmitting your report of October 19, 1903, are inclosed.

Respectfully,

(SIGNED) Theo Ryan
Acting Secretary.

2 inclosures.

9 B 217
9 B 303
N O R 239

Muskogee, Indian Territory, December 5, 1903.

H. S. Dean,
Fishemingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 27, asking information relative to the citizenship of J. S. and Jennie Irwin. You also wish to be informed if D. S. Ward and others claiming rights as Mississippi Choctaws, were or were not rejected by the Commission last spring.

In reply to your letter you are informed that the application of Jennie Irwin for enrollment as an intermarried citizen of the Chickasaw Nation is pending before the Commission and her final right to such enrollment has not yet been passed upon.

The application of John S. Irwin, husband of Jennie Irwin, for enrollment as an intermarried citizen of the Chickasaw Nation has not yet been passed upon by the Commission.

Further replying to your letter you are informed that it appears from our records that on April 17, 1903, the Commission rendered a decision refusing the application made by David C. Ward.

H.C.B.

for the identification of himself and his minor children as Missis-
sippi Choctaws, and on July 10, 1903, the record in said case, to-
gether with the decision of the Commission refusing his application,
was forwarded to the Secretary of the Interior. Up to the present
time the Commission has not been informed of Departmental action
therein.

Respectfully,

Chairman.

92317

Muskogee, Indian Territory, December 7, 1903.

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
Gentlemen:

There is inclosed you herewith copy of Departmental letter of November 21, 1903, (8142-1903) in the case of Jennie (Virginia) Irwin, in which the Commission is instructed to withhold action in the matter of her application for enrollment as an intermarried citizen of the Chickasaw nation pending the action of the Choctaw-Chickasaw Citizenship Court upon the question involved in this case, with the understanding that neither the Commission nor the Department will necessarily be bound by such decision of the court.

Respectfully,

Chairman.

AB 7-9

Chickasaw D 317

Muskogee, Indian Territory, December 7, 1903.

Jennie Irwin,

Wyatt, Indian Territory,

Dear Madam:

There is inclosed you herewith copy of a letter from the Secretary of the Interior of November 21, 1903, in the matter of your application for enrollment as an intermarried citizen of the Chickasaw Nation, in which the Commission is directed to withhold further action pending the decision of the Choctaw-Chickasaw Citizenship Court on the questions involved therein.

Respectfully,

Chairman.

AD 9-7

Chickasaw D317

Muskogee, Indian Territory, December 7, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

There is inclosed you herewith copy of Departmental letter of November 21, 1903, (I.T.D. 8142-1903) in the matter of the application of Jennie Irwin for enrollment as an intermarried citizen of the Chickasaw Nation, in which the Commission is directed to withhold further action in this matter until the action of the Choctaw-Chickasaw Citizenship Court on the question involved therein.

Respectfully,

Chairman.

Chickasaw D 317

Muskogee, Indian Territory, December 29, 1903.

Jennie Irwin,

Wyatt, Indian Territory,

Dear Madam:

Your letter of December 10, addressed to the Secretary of the Interior, has been by him referred to this Commission for consideration and appropriate action. You state therein that you were placed on the Creek rolls without your consent and request that you be allowed to take your allotment in the Chickasaw nation.

In reply to your letter you are advised that your right to enrollment as an intermarried citizen of the Chickasaw nation has not yet been finally determined, but the record therein is held, pending the action of the Choctaw-Chickasaw Citizenship Court on similar questions as those involved in your case. As soon as a decision is reached you will be notified of the action taken in your case.

Respectfully,

Chairman.

Chickasaw D 317
Chickasaw D 322

Muskogee, Indian Territory, March 29, 1904.

H. G. Dean,
Spiral, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 24, in which you ask the status of the citizenship of J. S. and Jennie Erwin.

In reply to your letter, you are informed that the Commission has not yet finally passed upon the applications of Jennie Erwin and her husband, John G. Erwin, as citizens of the Chickasaw Nation. As soon as decisions are reached in these applications, the applicants will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Chickasaw D 317

Muskogee, Indian Territory, June 8, 1904.

Creek Enrollment Division,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

For your information there is transmitted herewith a copy of Departmental letter of May 30, 1904, (I.T.D. 6025-1902, 8142-1903) instructing the Commission to proceed with the adjudication of the application of Jennie Irwin for enrollment as an intermarried citizen of the Chickasaw Nation, in accordance with departmental letters of January 24 and November 21, 1903.

You are now instructed to prepare a letter to the Secretary of the Interior recommending the cancellation of the enrollment of Virginia Irwin upon the approved roll of the citizens of the Creek Nation, and requesting authority to cancel her enrollment upon the rolls of the Creek Nation in the possession of the Commission. After her enrollment as a citizen by blood of the Creek Nation has been cancelled by the Department, the Commission will then take up her application for enrollment as an intermarried citizen of the Chickasaw Nation and enroll her as such intermarried citizen.

Respectfully,

Chickasaw-D-317.

Muskogee, Indian Territory, June 23, 1904.

S. Heard,

Attorney at Law,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 21st, in which you state that you have been informed by Mr. John Irwin that his wife, Jennie Irwin, has been placed on the Chickasaw roll, and has been approved by the Secretary of the Interior; you also state that the Land Office has not been advised of the approval of the enrollment of Jennie Irwin by the Secretary of the Interior and that you, as Attorney of Record, have not been notified of any action taken herein.

In reply to your letter, you are informed that the Commission has recommended to the Secretary of the Interior the cancellation of the enrollment of Jennie Irwin upon the approved roll of citizens by blood of the Creek Nation and as soon as we are advised of Departmental action on this recommendation, the Commission will then proceed to consider the application of Jennie Irwin for enrollment as an intermarried citizen of the Chickasaw Nation and when a decision is rendered you and the applicant will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

COPY

Refer in reply to the following.

Land
39999-1904

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington, June 27, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of May 20, 1904-I.T.D. 8025, 8142-1903, there is enclosed a report from the Commission dated June 13, 1904, recommending that inasmuch as Jennie Irwin has elected to be enrolled as an intermarried citizen of the Chickasaw Nation her name be stricken from the roll of citizens by blood of the Creek Nation, No. 7693.

From the Commission's report it would seem that the name of Jennie Irwin should be stricken from the Creek roll, and it is recommended that the office and the Commission be authorized to strike her name therefrom.

Very respectfully,

A. C. Tomer,

Acting Commissioner.

CAV-12.

COPY

U.S. DEPARTMENT OF THE INTERIOR,

THE

WASHINGTON.

I.V.D. 5304-1904.

June 30, 1904.

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

Gentlemen:-

Pursuant to the recommendation contained in your report of June 13, 1904, you are hereby authorized to strike the name of Virginia Irwin from the partial roll of citizens by blood of the Creek Nation, approved by the Department March 25, 1902, at No. 7695. The Commissioner of Indian Affairs has also been authorized to strike said name from the copy of the partial roll in his office.

Inclosed is a copy of the Acting Commissioner's letter of June 27, 1904, concurring in your recommendation.

Respectfully,

(Signed) E.A. Hitchcock.

Secretary.

I inclosure.

Chickasaw H-217.
B-303.

Muskogee, Indian Territory, July 29, 1904.

John Irwin,

Box 267,

Fishamingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 25, in which you ask if it will be necessary for you to appear before the Commission at Fishamingo, on August 8, in the matter of your application for enrollment as an intermarried Chickasaw. You also ask what action has been taken in the matter of the enrollment of your wife, Jennie Irwin.

In reply to your letter, you are informed that the Commission will hold an appointment at Fishamingo, September 8 and 9, 1904, instead of August 8 and 9, and if it is your desire to introduce additional evidence in your case at that time, you will be permitted to do so.

You are informed that the Commission is now considering the application of Jennie Irwin for enrollment as an intermarried citizen of the Chickasaw Nation, and when a decision is reached she will be notified of the action taken.

Respectfully,

Special Agent in Charge

COMMISSIONERS:
TAMM BERRY,
THOMAS B. NEEDLES,
C. E. WEECHENRIDGE,
WM. O. SMALL,
Secretary.

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

W.C.S.

REFER IN REPLY TO THE FOLLOWING:
Chickasaw D 317

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 29, 1904.

Jennie Irwin,
Tishomingo, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 29, 1904, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,



Commissioner in Charge.

Registered.

Incl. 9-D-317.

Chickasaw B 317

COPY.

Muskogee, Indian Territory, November 29, 1904.

Shelton Heard,

Attorney at Law,

Fishemingo, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 29, 1904, rendered its decision granting the application for the enrollment of Jennie Irwin as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

T. B. Needles

Commissioner in Charge.

Registered.

Chickasaw D 317

Copy

Muskogee, Indian Territory, November 29, 1904.

Soper, Rider & Lewis,
Attorneys at Law,
Madill, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 29, 1904, rendered its decision granting the application for the enrollment of Jennie Irwin as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles

Commissioner in Charge.

Registered.

Chickasaw D 317

COPY.

Muskogee, Indian Territory, November 29, 1904.

Mansfield, McMurray & Garnish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered November 29, 1904, granting the application for the enrollment of Jennie Irwin as a citizen by intermarriage of the Chickasaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Yours truly,

T. B. Needles.

Commissioner in Charge.

Registered.

Incl. V-D-317.

See Chickasaw 71 for registry receipt for this letter.

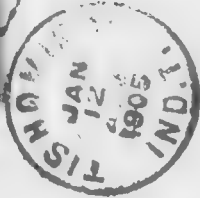
Department of the Interior.
Communications to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



JAN 14 1905

REGISTERED

JAN 1 1904
MUSKOGEE, IND. TER.



Jemite Lewin,

Fishingo, Indian Territory.

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Chic 1790

Case No. 12
Application of N.H. Norman.
Presented by Commissioner McKenna.

N.H. Norman says:

I am 48. I was admitted by the Dawes Commission and the case was appealed to the U.S. court at Ardmore and has not yet been decided. I have been living in the Chickasaw nation 26 years. I have lived here continuously since that time.

N.H. Norman

Paul's Valley, Sept. 15 1898.

enrolled.

COPY

Tebucksey County, Choctaw Nation,

Indian Territory, Dec. 2nd, 1877.

To whom it may concern

This is to certify that I did on this
2nd day of Dec. 1877, unite in marriage Mr. Nelson H. Norman
and Miss Alice E. Harrison according to the land and customs of
the country.

(SIGNED) J. A. Trenchara, Minister,
of the Gospel and Missionary to the Choctaw Indians, under
appointment from the American Baptist Home Mission Society of
the city of New York.

FILED

Nov. 22, 1900

Tams Bixby, Acting Chairman,
Returned to Alice E. Norman April 7, 1908.
L.C.G.

COMMISSIONERS

FRED L. DAVIS
TAMM BIXBY
ALEXANDER S. MCKENNON
THOMAS D. HESLER

ALFRED L. AYCOFFER, Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ARDMORE, Ind. Ter., Dec. 19th, 1899.

Hon. Tamm Bixby, Acting Chairman,

Muskogee, I. T.

Sir:—

In reply to your letter of December 14th relative to case of N. H. Norman, appealed to this Court from Dawes Commission, I beg to say that this case is still pending; no judgment yet being taken.

Respectfully,

C. M. Campbell

Clerk.

Copy of original letter #7814, received December 21st, 1899.

Muskogee, Indian Territory, November 22, 1900.

N. H. Norman,

Wynnewood, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 19th instant enclosing the certificate of J. A. Trechard to the marriage of Nelson H. Norman and Alice E. Harrison on the 2nd of December, 1899, and the same has been duly filed with the records of the Commission.

Yours truly,

Acting Chairman.

9-6-12

9-1790

Muskogee, Indian Territory, March 15, 1905.

Ledbetter & Bledsoe,

Attorneys at Law.

Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 7, 1905, asking the present status of the case of W. H. Norman as a citizen of the Chickasaw Nation.

In reply to your letter you are informed that Nelson H. Norman has been enrolled as an intermarried citizen of the Chickasaw Nation and his name has been placed upon a schedule of intermarried citizens of said Nation which has been forwarded the Secretary of the Interior for approval. The Commission has not yet, however, been advised of Departmental action thereon, but when his enrollment is approved you will be duly notified.

Respectfully,

Chairman.

9-1790

Muckgee, Indian Territory, March 13, 1905.

W. H. Norman,

Wynnewood, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 6, 1905, addressed to the United States Indian Agent which has been by him referred to this Commission for appropriate action. Therein you ask if you have yet been approved by the Secretary of the Interior.

In reply to your letter you are informed that the Commission has not yet been notified of Departmental action on the schedule of intermarried citizens of the Chickasaw Nation upon which your name appears but you will be advised when your enrollment is approved by the Secretary of the Interior.

Respectfully,

Chairman

R-1790

Muskogee, Indian Territory, February 5, 1906.

R. B. Coleman,
Attorney at Law,
McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of a petition of Luella Hotchkin for enrollment as a citizen by blood of the Choctaw Nation in which she alleges that she is the daughter of N. H. Norman, who is a citizen of the Choctaw tribe of Indians, and Princess I. Norman, a daughter of Dollie B. Turnbull, a Choctaw Indian by blood.

It is further stated that she appeared before the Commission to the Five Civilized Tribes at South McAlester, on December 23, 1902, for the purpose of being placed on the final roll of the Choctaw Nation, which she thought had been done until a final investigation was made, and that her home was in the Choctaw Nation until 1902.

In reply you are advised that personal appearance was made at this office recently by Luella Hotchkin and from her statement at that time it appears that she is the daughter of Nelson H. Norman, who is an intermarried citizen of the Chickasaw Nation, by a former wife to whom he was married before his marriage to his

H. B. C. #2

Chickasaw wife. At that time she stated that she had never made application to the Commission to the Five Civilized Tribes for enrollment as she had been living in Colorado and did not return to Indian Territory until too late to make out an application, but that she did see a United States Commissioner at South McAlester relative to her enrollment; at that time she was advised that if she claimed to have made application to the Commission to the Five Civilized Tribes prior to December 25, 1902, for enrollment as a citizen of the Chickasaw Nation, her testimony would be heard but as she did not claim to have made an application in accordance with the act of Congress of July 1, 1902, and in fact stated that no such application had been made by her, her testimony could not be taken.

It further appears from the records of this office that Lowell H. Hotchkin was denied citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the act of Congress approved June 10, 1896, in Choctaw Citizenship case No. 404, Mary S. Hotchkin et al., versus the Choctaw and Chickasaw Nations, claiming their rights to citizenship in said nation by reason of being the descendants of a missionary. Luella Hotchkin claimed a right through her marriage to Henry Hotchkin, who is a son of Mary S. Hotchkin.

Respectfully,

Acting Commissioner.

Chic 1791

Chic 1791

Muskogee, Indian Territory, November 11, 1901.

Hon. J. George Wright,
United States Indian Inspector,
Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant in which you desire a report from this Commission as to whether or not T. Graham of Comanche, Indian Territory, is a recognized citizen of the Choctaw or Chickasaw Nations or whether he is an applicant for citizenship before this Commission and in which attention is invited to the following extract from Departmental letter of October 29, 1901, addressed to you:

"In case you shall find that said Graham is a citizen of the Choctaw Nation or that his case is pending before the Dawes Commission you will direct the Indian Agent to suspend action in regard to the removal of said Graham and you will also request the Commission to the Five Civilized Tribes to adjudicate Mr. Graham's right to citizenship as speedily as possible."

In concluding your letter you request that in case the rights of this applicant to citizenship are now pending before this Commission, that in order that his status may be determined, that such rights be adjudicated as soon as possible.

Replying to your letter you are informed that it appears from our records that on September 22, 1896, Thomas M. Graham, 44

J O V R

years of age, of Bailey, Indian Territory, was listed for enrollment by this Commission as a citizen of the Chickasaw Nation, having been so admitted to citizenship by a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, Indian Territory, December 22, 1897, in Chickasaw citizenship case No. 67.

It also appears from our records that on September 29, 1898, Tammie Graham, 31 years of age, of Arthur, Indian Territory, with his wife, Zula Graham and his minor child Freda Graham, were listed for enrollment by this Commission as citizens of the Choctaw Nation in pursuance with a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, Indian Territory, December 21, 1897, in Choctaw citizenship case No. 122.

As the post-offices of these two applicants are in the near neighborhood of Gomanche, it is believed that one or the other of these applicants is the person referred to in your communication. It is impossible however, to so definitely state unless the Commission is furnished with more definite information as to the age, parentage, and members of the family of the T. Graham concerning whom you desire this statement.

Yours truly,

9-5104

9-5119

Acting Chairman.

Muskogee, Indian Territory, November 14, 1901.

Mansfield, Holway & Cornish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 11th instant in which you desire to be advised if one, Thomas Graham, whose post-office is Velsa, Indian Territory, has applied to this Commission for citizenship in either the Choctaw or Chickasaw Nations.

Replying to your inquiry, you are informed that it appears from our records that on September 22, 1892, Francis Graham, 31 years of age, of Ardmore, Indian Territory, together with his wife, Dais Graham and his daughter, Freda Graham, 4 years of age, were listed for enrollment as citizens of the Choctaw Nation in pursuance of a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, Indian Territory, December 21, 1897, in Choctaw citizenship case No. 122. The names of these applicants do not appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission.

You are further informed that it appears from our records that at Ardmore, Indian Territory, on September 22, 1892, Thomas M. Graham, 44 years of age, together with his infant son, Tip Graham,

K M M & C 2

one year old, were listed for enrollment as citizens of the Chickasaw Nation in pursuance of a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, Indian Territory, December 28, 1897, in Chickasaw citizenship case No. 67. The postoffice address of these parties as given at the time they were so listed for enrollment was Bailey, Indian Territory.

The postoffice addresses of these two parties being in the proximity of Velma, it is presumed by the Commission that one or the other of these parties is the person referred to in your letter of the 7th instant.

If you are desirous of further information relative to this matter, it will be necessary that the Commission be supplied with a further statement.

Yours truly,

Acting Chairman,

V-5199

9-0106

RECEIVED

Chickasaw C 105.

Muskogee, Indian Territory, March 16, 1903.

B. H. Poff,

Poster, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 2, in which you ask if a noncitizen man who marries an Indian woman and after her death marries a white woman can still hold a right, and refer to the case of Tom Graham of Bailey, Indian Territory.

In reply to your letter you are advised that the Commission cannot render an opinion upon hypothetical questions of citizenship and enrollment. You are advised, however, that it appears from our records that Thomas M. Graham, of Bailey, Indian Territory, was admitted to citizenship in the Chickasaw Nation by a judgment of the United States Court for the Southern District of the Indian Territory rendered December 22, 1897, in court case Number 57. On December 17, 1902, the Choctaw-Chickasaw Citizenship Court, created under the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902, vacated and set aside all judgments of the United States Courts in Indian Territory admitting persons to citizenship in the Choctaw and Chickasaw Nations.

Respectfully,

Muskogee, Indian Territory, August 17, 1903.

John M. Miller,

Bailey, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 10, asking if Thomas Graham and his son, Tip, are on the Chickasaw citizenship rolls.

In reply to your letter you are informed that it appears from our records that Thomas M. Graham was admitted to citizenship in the Chickasaw Nation by judgment of the United States Court for the Southern District of Indian Territory, rendered at Ardmore, December 22, 1897, in court case, Citizenship Docket No. 67.

Under the provisions of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 25, 1902, the Commission is prohibited from enrolling or making any allotment of the lands of the Choctaw and Chickasaw Nations to persons whose citizenship is dependent upon the judgment of the United States Court in Indian Territory until their rights have been finally determined.

Respectfully,

Commissioner in Charge.

Chickasaw C-105

Waukegee, Indian Territory, May 9, 1904.

C. L. Herbert,

Attorney-at-Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 26, in which you state that Sophia Lee, a Chickasaw Indian woman, was married to Tom Graham in 1886 and died in the year 1898. You further state that Tom Graham has a case pending in the Choctaw and Chickasaw citizenship court, and you desire to be informed if the name of Sophia Lee appears upon any of the Choctaw or Chickasaw rolls in the possession of the Commission.

In reply to your letter you are informed that the name of Sophia Lee is not found on the 1878 Chickasaw Annuity Roll, nor the 1885 Census Roll of the citizens of the Choctaw Nation.

Respectfully,

Chairman.

Thomas M. Graham

Lips

"
born July 3^d 1897

Chickasaw

Ordmore, 67, Dec 22, 1897

Chic 1792

Chic 1792

Department of the Interior.
Commission to the Five Civilized Tribes.
South McAlester, I. T., December 22nd, 1902.

Chickasaw D-73
Intermarried

In the matter of the application of Joe Trentham for enrollment as an intermarried citizen of the Chickasaw Nation.

Joe Trentham being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A The name I go by now and always went by -- I want to tell you the straight of the thing at the commencing. My right name is Dallas Brown Trentham. That was the name I give when I married my first wife, and the people when I first came here wouldn't call me Dallas at all. They just called me Joe Trentham.
- Q Well what is your name? A Really my name is Dallas Brown Trentham.
- Q Now what is your name; what name do you go by? A Joe Trentham.
- Q Have you any money in a bank? A No sir, don't have enough to keep in a bank.
- Q Do you run a store account? A Yes sir.
- Q Known by the name of Joe Trentham? A Yes sir.
- Q How old are you? A If I live I will be -- Christmas will be fifty-eight years old.
- Q What is your post office address? A Healdton.
- Q What Nation is that in? A Chickasaw.
- Q How long have you resided in the Chickasaw Nation? A I have lived as a citizen of the Chickasaw Nation ever since '69.
- Q Lived there continuously since '69? A Yes sir.
- Q Where did you live before that? A Choctaw Nation.
- Q How long did you live in the Choctaw Nation? A Ever since '62.
- Q Where did you come from to the Choctaw Nation? A Tennessee.
- Q Born in Tennessee? A Yes sir, Giles county.
- Q You are a white man? A Yes sir.
- Q Before you came to this country were you a native born citizen of the United States? A Yes sir.
- Q You are claiming as an intermarried citizen of the Chickasaw Nation are you not? A Yes sir.
- Q When was you first married? A I was married in '49, the 29th I think, the 29th day of December, '49.
- Q Who was you married to that time? A Mary McCarty at that time.
- Q Was Mary McCarty a Chickasaw Indian? A Yes sir.
- Q You had never been married until you married here in '49, is that right, sir?
- Q Had she before you married her? A Yes sir, married Jim McCarty.
- Q What was her maiden name? A Mary Lewis.

Joe Trentham-----2

- Q Was Jim McCarty dead when you married her? A Yes sir.
- Q Were you married to this woman in the Chickasaw Nation? A Yes sir.
- Q Married under a Chickasaw license? A There was no license at that time.
- Q Who married you? A Old Parson Bacon.
- Q How under what name was you married to Mary McCarty? A Dallas Brow Trentham.
- Q Are you the identical person as the Dallas Brown Trentham who married Mary McCarty in 1869? A Yes sir, I am the man.
- Q How long did you live with her? A About nine years.
- Q Until her death? A Yes sir.
- Q When did she die? A In '78. December '78, as well as I can recollect.
- Q After the death of Mary McCarty did you marry anybody else?
- A I married one Sophia Wright.
- Q Was she a citizen of the Chickasaw Nation? A No sir, she claimed to be, but I didn't marry her under that.
- Q When were you married to her? A '82.
- Q At the time you married her she had no rights to citizenship in the Chickasaw Nation? A No sir.
- Q She was always recognized and considered by the tribe as a white woman? A Yes sir, I guess so.
- Q She never had any tribal recognition as a citizen? A No sir.
- Q How was you married to her? A I was married sir - -paid fifty dollars.
- Q Obtained a tribal license to marry that woman in 1882? A Yes sir.
- Q How long did you live with her? A About twenty-one years.
- Q Are you still living with her? A Yes sir.
- Q After your marriage to this Sophia Wright in 1882, and after the act of Congress of June 10, 1896/ did you and your wife make application to be admitted to citizenship by the Dawes Commission?
- A I did. I went to Colbert at the time they put her in down there and she said that Ledbetter & Bledsoe said they had to have my name, or the head of the family, is the reason they put it down.
- Q What was your wife's name? A Sarah Palmer.
- Q Then your name and your wife's name and the names of your family were included in the application made by Sarah Palmer to the Dawes Commission in 1896? A My wife and one little boy.
- Q Wasn't your name included too? A It was in that, but I didn't do it.
- Q It was in there--the application was made? A Yes sir.
- Q How what action did the Dawes Commission take on that case?
- A I don't know as far as I am concerned. I have got a letter here from the Dawes Commission stating to me to appear before them.
- Q What action was taken upon that application? A I suppose they enrolled them; I don't know.
- Q You don't know anything about it? A No sir.

The application of Sarah Palmer, et al., for citizenship in the Chickasaw Nation made to the Commission to the Five Civilized Tribes in 1896, was denied by said Commission, and thereafter appeal was affected to the United States Court, Southern District, Indian Territory, and that Court, on February 4, 1898.

Joe Trentham-----3

rendered a judgment in favor of the plaintiff, Sarah Palmer, et al., and among the persons admitted to citizenship in the Chickasaw Nation by virtue of that judgment was Joseph Trentham, the applicant herein.

- Q It appears then that your citizenship, from our records, is dependent upon a judgment of the United States Court for the Southern District of the Indian Territory. You was admitted by a judgment of the United States Court in February, 1898? A Well, I came to the Dawes Commission when you was all about to leave there and I told the Commission that I didn't claim it under that at all, and if you recollect the circumstances--I don't know whether you was there or not--Bill Bollin just made the remark that I was married out man and that was all that was ever said.
- Q Where is your evidence of your first marriage? A I have got a letter here from my step-son, just a written statement from my step-son and sister Mrs. Coffey.

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 22nd day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 10 day of February, 1903.

Charles H. Sawyer

Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

In the matter of the application of Joseph Trentham for enrollment as an intermarried citizen of the Chickasaw Nation.

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

Messrs. Ledbetter & Bledsoe, Attorneys for the applicant.
W. B. Johnson, Esq., Attorney for the Chickasaw Nation.

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

Ardmore, Indian Territory, November 25th, A. D., 1898.

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

William Bourland, being duly sworn by Commissioner T. B. Needles, on his oath, testified on behalf of the applicant as follows:

Direct Examination by Mr. Bledsoe:

Q Mr. Bourland, do you know Joseph Trentham? A. Yes sir. They call him Joe Buckskin.

Q How long has he been residing in the Chickasaw Nation? A. I don't know.

Q How long have you known him? A. About sixteen or eighteen years. He came from the Choctaw Nation up here.

Q Choctaw Nation? A. Yes sir.

Q Do you know who he married the first time? A. I don't know the person, I know of her. She is a sister of Sobe Lewis.

Q Trentham has lived in the Chickasaw Nation all this time?

Q I think part of the time he lived in the Choctaw Nation.

Q Do you know of the death of his first wife? A. No sir, he

was a widower when I first met him.

(By Mr. Bledsoe) Now we desire to introduce in evidence the certificate that the Commission has in its possession, the marriage license originally issued in his favor December 30th, 1869.

(By Com'r. A. S. McKennon) What was the date of his last marriage.

(By Mr. Bledsoe) I have not got it. I will secure it now. The second is issued by R. M. Harris, County and Probate Judge of the Chickasaw Nation, dated the 21st day of May, 1882, to Miss. Sophia Wright, a citizen of the United States, to marry Mr. Joseph Trentham, a citizen of the Chickasaw Nation.

(By Mr. Bixby) Then he was an Indian at that time?

(By Mr. Bledsoe) Yes sir.

(By Mr. Tams Bixby) White man when he married the first time and an Indian when he married the second time?

(By Mr. Bledsoe) Yes sir.

(By Mr. Johnson) This is merely a certificate from the preacher that he married them. There is no marriage license about it.

(By Mr. Bledsoe) They had no marriage license but they have their records.

"I hereby certify that the above is a true and correct copy of the certificate, etc. (Here copy paper marked Exhibit A., found on card D.73)

(By Mr. Bledsoe) This is the second certificate:

"This is to certify that I have joined together in the holy bonds of matrimony Joseph Trentham and Sophia Wright", etc. (Here copy paper marked Exhibit B., attached to card D.73)

(By Mr. Bledsoe) That is all that I care to introduce.

(By Mr. Johnson) I have sent in to get the papers in that other case, and they are coming now.

Q (By Mr. Bledsoe) Mr. Bourland, Mr. Trentham was on the roll and recognized up to the time of his second marriage? A. I think he was. I think he drew his leges district money.

(By Mr. Johnson) Here is his application filed in the other case:

"The petitioners whose names are hereinafter mentioned", etc.
(Here copy application in the case of Sarah Palmer, et al. Also marked Ex. A.)

(By Mr. Johnson, reading from testimony) "Q. By whom were you married? A. R. M. Harris." (Here copy the testimony in the case of Sarah Palmer, et al, vs. Chickasaw Nation. Also marked Ex. B.)

(By Mr. Johnson) Here is the judgment. It was prepared by the attorneys for the applicant:

"On this day this cause coming on to be heard and the Court having heard the evidence", etc. (Here copy page 244 of citizenship record A.)

Card C. 152

Application of Joseph Trentham and others.

by Clerk McKennon

Sophia Trentham says:

I was admitted as "Sophia P. I. wife of Joseph Trentham. I have been living in the Chickasaw Nation since 1872 continuously. My husband was admitted as an intermarried citizen.

Ardmore, Sept. 23 1898.

Joseph Trentham
Sophia Trentham
Adolphus Trentham

enrolled.

C. & P. Judge of the

Texas County Court

I, R. M. Harris, C. & P. Judge of Texas County Court, do
by virtue of authority as we vested by law, Grant license to Mrs. Georgia
Wright, a citizen of the United States, to marry Joseph Irwin, a cit-
izen of the Chickasaw Nation.

Given under my hand, this the 21st, day of May, 1882.

R. M. Harris,

C. & P. Judge of T.C.C.N.

Recorded in book of Records, Page 241 this the 3rd, day of June
1882.

O. H. Heald,

Clk. T.C.C.N.

C. & P. Judge Office,
Tishomingo County, (Iowa.)

As to [unclear] I have [unclear] [unclear] [unclear]
of [unclear], Joseph [unclear] & Mrs. [unclear].

Given under my hand this the 23rd, day of May 1882.

R. M. Harris,

C. & P. Judge of T. C. C. N.

Ex B

Endorsed on back as follows:-

Recorded in book of records, Page 241, this the 3rd,
day of June, 1882.

C. H. Hwald,

Clk. T.C.C.N.

(COPY)

MARRIAGE CERTIFICATE OF HELAS BROW TRUTTHAM AND MISS MARY MCCARTY.

Know all men by these presents, that I, H. Bacon, a minister of the Gospel, have this day united in marriage, Mr. Helas Brow Truttham to Miss Mary McCarty, this Dec. 50th, 1869.

I. H. Bacon.

I hereby certify that the above is a true and correct copy of the marriage certificate of Helas Brow Truttham and Miss Mary McCarty, which is on record in my office in Book A & page 163.

Given under my hand and seal of office, this 22d, day of Sept. 1898.

T. W. Short, Clerk,
of Panola Co. G.N.

EX A

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

FILED

JAN 6 1909



ACTING CHAIRMAN

Dec 7 1902

This is to certify that
Joe Trencham is my step
father. and claimed to
have married my Mother
Mary McLearty when
she was about four
years old.

Will McLearty

Southern District -
Indian Territory
Personally appeared before
me on this 17th day
of Dec. 1902.

Will. Mc. Larty, who
states on oath that -
the above is correct -
to the best of his
knowledge.

Chas. O. Bigbie
Notary Public

Southern District
Indian Territory
This 17 day Dec 1902

Southern District-

Anderson Territory
Personally appeared before
me on this the 17th
Day of Dec. 1902 Mrs
M. V. Coffey to me known
to be the person signed
this the 17 day Dec 1902

Chas. H. Bigbie
Notary Public

Southern District

Ind Terr

This 17. Day Dec. 1902

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

FILED
JAN 3 1903



ACTING CHAIRMAN.

Brook N.T.

Dec 17 1902

This is to certify that
Mary McLearty wife of
Joe Brentham was my sister
and a Cheekawaw by
blood.

M. J. ^{for} ~~McLearty~~
mark

John Trenton age 53

John C. - Pickens Co.

Married twice - second time
to white woman

(white card) 27³

copying

Groups to set

Adolphus

New ... bent ...

©15

Muskogee, Indian Territory,

August, 18th 1900.

Joe Trentham,

Healdton, Indian Territory.

Dear Sir,-

You are ~~thereby notified~~ that the Chickasaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Chickasaw Nation.

For the purpose of hearing any additional testimony which may be offered by either you or the attorneys for the Chickasaw Nation, the Commission will hold a session at Atoka, Indian Territory, commencing December, 3rd, 1900, at which time and place you will be allowed to offer any additional testimony which you may desire to submit in support of your application, such hearing to be final.

Yours truly,

Acting Chairman.

9-D-78

Muskogee, Indian Territory, August 31, 1900

McKennon, Mansfield, McFarrey & Spruill,

Attorneys at Law,

South, McAlester, Indian Territory.

Gentlemen:

Among the Chickasaw cases in which your firm filed notice of protest with this Commission, the name of Joe Trenton, who appears on Chickasaw roll card, Field No. H-73. There is a notation thereon that the correct name of this man is Joseph Trenton and a reference is made on that card to Chickasaw Court Card No. C 150, also a notation as follows: "Married twice. Second time to white woman." There is filed with the Commission a certified copy of a marriage certificate between Mr. Dejus Brow Trenton and Miss Mary McCarty, December 30th, 1869. Also the original marriage license issued by R. M. Harris, County and Probate Judge of Tishomingo County, Chickasaw Nation, to Mrs. Sophia Wright, a citizen of the United States to marry Joseph Trenton a citizen of the Chickasaw Nation, issued May 21st, 1862. Also the certificate of R. M. Harris as to the marriage of the above parties, May 23rd, 1862. Said marriage license and certificate being recorded in book of records of Tishomingo County, Chickasaw Nation, page 241, June 3rd, 1862.

By reference to Chickasaw court card, Field No. C 150, it appears that Joseph Trenton and his wife Sophia A. Trenton and son Adolphus Trenton were parties to the original application made by Sarah Turner et al. for citizenship in the Chickasaw Nation.

McK. M. McK. & Co. S--

under the act of Congress of June 10th, 1896, the original application having in this case been filed September 10th, 1896 and numbered upon our citizenship docket under that act of Congress, Chickasaw Case No. 147. The answer of the Chickasaw Nation was filed thereto and on November 23rd, 1896, the Commission denied the application of Sarah Berner et al. Appeal was thereupon taken to the United States Court for the Southern District of the Indian Territory and that court on February 4th, 1898, reversed the decision of this Commission and admitted to citizenship in the Chickasaw Nation, thirty applicants including Joseph Trenthen, as an intermarried citizen of the Chickasaw Nation and Sarah A. Trenthen, his wife and his son, Asolphus Trenthen as citizens by blood of the Chickasaw Nation. In accordance with that judgment, Mr. Trenthen appeared before the Commission as an applicant for the enrollment of himself, his wife and son at Ardmore, Indian Territory, November 3rd, 1898, and was at that time duly listed for enrollment by this Commission with his wife and child as citizens of the Chickasaw Nation.

You will notice that both of these marriages were prior to the act of June 10th, 1896, and that the Commission had no information that he has since the enrollment of himself, his wife and child in any way jeopardized the rights granted him under the judgment above recited.

Thinking that you had perhaps protested the enrollment of Mr. Trenthen alone from the knowledge of the records filed with card No. D 75, the Commission has thought it advisable to call your attention to the existing facts.

Will you please inform us at your earliest convenience whether it is your intention to still maintain this protest against

Wok, N. McM, & C. 3 ---

Mr. Trentham and have him appear at Afton, December 3rd. We are in receipt of letters from both Mr. Trentham and his attorneys in regard to this matter and it is the desire of the Commission to be advised as to the intentions of the Chickasaw Nation in this case.

Yours truly,

Acting Chairman.

In reply please refer to 9-C-158 and 9-D-73.

Wickago, Indian Territory, August 31, 1900

McKennon, Mansfield, McGowan & Corvick,

Attorneys at Law,

South, McAlester, Indian Territory,

gentlemen:

Among the Chickasaw cases in which your firm filed notice of protest with this Commission, the name of Joe Trenton, who appears on Chickasaw roll card, field No. D-75. There is a notation thereon that the correct name of this man is Joseph Trenton and a reference is made on that card to Chickasaw Court Case No. C 150, also a notation as follows: "Married twice, second time to white woman." There is filed with the Commission a certified copy of a marriage certificate between Mr. Elias Erav Trenton and Miss Mary McCarty, December 30th, 1869. Also the original marriage license issued by R. M. Harris, County and Probate Judge of Tishomingo County, Chickasaw Nation, to Mrs. Sophia Wright, a citizen of the United States to marry Joseph Trenton a citizen of the Chickasaw Nation, issued May 21st, 1862. Also the certificate of R. M. Harris as to the marriage of the above parties, May 28th, 1862. Said marriage license and certificate being recorded in book of records of Tishomingo County, Chickasaw Nation, page 841, June 3rd, 1862.

By reference to Chickasaw court case, field No. C 152, it appears that Joseph Trenton and his wife Sophia A. Trenton and son Alaphus Trenton were parties to the original application made by Sarah Farmer et al. for citizenship in the Chickasaw Nation.

W.K.M.M. & C. L.

under the act of Congress of June 10th, 1896, the original application having in this case been filed September 10th, 1896 and numbered upon our citizenship docket under that act of Congress, Chickasaw Case No. 247. The answer of the Chickasaw Nation was filed thereto and on November 3rd, 1896, the Commission denied the application of Sarah Ferwer et al. Appeal was thereupon taken to the United States Court for the Southern District of the Indian Territory and that court on February 4th, 1898, reversed the decision of this Commission and admitted to citizenship in the Chickasaw Nation, thirty applicants including Joseph Trentham, as an intermarried citizen of the Chickasaw Nation and Sophia A. Trentham, his wife and his son, Adolphus Trentham as citizens by blood of the Chickasaw Nation. In accordance with that judgment, Mr. Trentham appeared before the Commission as an applicant for the enrollment of himself, his wife and son at Ardmore, Indian Territory, November 22nd, 1898, and was at that time duly listed for enrollment by this Commission with his wife and child as citizens of the Chickasaw Nation.

You will notice that both of these marriages were prior to the act of June 10th, 1896, and that the Commission has no information that he has since the enrollment of himself, his wife and child in any way jeopardized the rights granted him under the judgment above recited.

Thinking that you had perhaps protested the enrollment of Mr. Trentham alone from the knowledge of the records filed with card No. D 75, the Commission has thought it advisable to call your attention to the existing facts.

Will you please inform us at your earliest convenience whether it is your intention to still maintain this protest against

Mr. H. J. ...

Mr. Trentham and have him appear at Atoka, December 3rd. We are in receipt of letters from both Mr. Trentham and his attorneys in regard to this matter and it is the desire of the Commission to be advised as to the intentions of the Chickasaw Nation in this case.

Yours truly,

Asst. Chairman.

In reply please refer to 9-C-153 and 9-D-73.

Wakarusa, Indian Territory, August 31, 1900

Leadbetter & Bledsoe,

Attorneys at Law,

Ardenore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 27th instant, in which you state that Mr. Joe. Trentham has handed you our letter of the 18th instant notifying him that a protest had been filed with the Commission, as to his enrollment as a citizen of the Chickasaw Nation and that the same will be heard at Atoka, on December 3rd, 1900. You state in your letter that when the Commission was at Ardenore last year that Mr. Trentham filed with it, his marriage license and other papers and has informed you that they are still among the records of the Commission. You now request that a search be made for these papers and if found that you would like to have copies of all the papers he has filed with the Commission or else have the originals returned to you so that you may make copies thereof.

You are informed that the Commission cannot allow original papers once filed for its consideration, to be withdrawn from its records. All the papers that have been filed with the Commission will be considered by the Commission in the final disposition of Mr. Trentham's case.

There is on file with the Commission, the petition of Mr. Trentham as an applicant for enrollment as an intermarried citizen of the Chickasaw Nation, at Ardenore, November 26th, 1900. The

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testimony of his wife as given before the Commission at Ardmore September 23rd, 1898 and a certified copy of the marriage certificate of Delas Brew Trentham to Miss Mary McCarty, December 30th, 1889; Also the marriage license issued by the County and Probate Judge of Tishomingo County, Chickasaw Nation, issued to Mrs. Sophia Wright, a citizen of the United States and Joseph Trentham, a citizen of the Chickasaw Nation, May 1st, 1888 and a certificate of R. M. Harris, County and Probate Judge as to the marriage of Joseph Trentham and Mrs. Sophia Wright, May 23rd, 1888, such marriage license and certificate being recorded in book of records of Tishomingo County, Chickasaw Nation, page 241, June 5th, 1888.

If you desire a copy of these records, the Commission will allow such to be made in its office in Muskogee but they cannot be withdrawn from the files.

Yours truly,

Acting Chairman.

In reply please
refer to B-D-73 -

Muskogee, Indian Territory, September 18, 1900.

Joe Trentham,

Healdton, Indian Territory.

Dear Sir:-

Since notifying you on August 15, 1900, of the protest filed by the Chickasaw Nation to your enrollment as a citizen of the Chickasaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. However, the notice of protest to your enrollment has been withdrawn in your case, by the attorneys for the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered, and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments or questions of law submitted on behalf of the Chickasaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman

Chickasaw D 78

Muskogee, Indian Territory, November 19, 1908.

George Dick Rodgers,

Clerk in Charge Choctaw-Chickasaw Enrollment Party,
Atoka, Indian Territory.

Dear Sir:

There are enclosed you herewith copies of letter from Joe Trentham, of Wadlton, Indian Territory, to the Secretary of the Interior and our reply to the same.

We desire to obtain the testimony of Joe Trentham and while he has been admitted as an intermarried citizen by a judgment of the United States court, it appears from the testimony in our records that he may possibly have a right by reason of his first marriage in 1869 to Mary McCarty, an alleged citizen by blood of the Chickasaw Nation.

Respectfully,

Acting Chairman.

Enc. 7 108

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

ALLISON L. AYLESWORTH,
SECRETARY.

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

417013

REFER IN REPLY TO THE FOLLOWING

Chickasaw D 73

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 21, 1902.

Joe Trentham,

Healdton, Indian Territory.

Dear Sir:

Your letter of the 6th instant addressed to the Secretary of the Interior, Washington, D. C., has been by him referred to this Commission for consideration and appropriate action.

Therein you state that you have been an actual resident of the Chickasaw Nation, Indian Territory, since 1862; that you are a white male American citizen and in the year 1869 were married to a recognized citizen by blood of the Chickasaw Nation with whom you lived nine years until her death; that before her death three children were born to you all of whom have been recognized and enrolled as citizens of the Chickasaw Nation and that after the death of your Chickasaw wife, you were on May 24, 1882 married to a non citizen white woman in accordance with the tribal laws of the Chickasaw Nation and obtained a license for which you paid the sum of \$50 .00 to ex-governor R . K. Harris, who was then Probate Judge of the County in which you were married.

You further state that you have participated in the payment of annuities, have held the office of constable and have served on Chickasaw juries.

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You then state that on October 30, 1902, you appeared before the representatives of the Commission at Ardmore, Indian Territory, and was at that place refused a hearing.

In conclusion you desire to be advised if in view of the statements made in your communication you are entitled to enrollment as a citizen of the Chickasaw Nation.

The refusal on the part of the representatives of the Commission to accept any further testimony in your case at Ardmore, on October 30, 1902, was undoubtedly owing to the fact that the record in your case shows that you were admitted to citizenship in the Chickasaw Nation as an intermarried citizen by a judgment of the United States Court for the Southern District of the Indian Territory and that apparently your rights to such enrollment were dependent on your marriage to Sophia Wright, who was also admitted as a citizen by blood in the same case in which you were admitted as a citizen by intermarriage.

The act of Congress approved July 1, 1902, entitled, "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", provides as follows:

"No person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of

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the United States court in the Indian Territory under the act of June 10, 1896 (29 Stats., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal property until his right thereto has been finally determined."

Under this provision of law the Commission considers it has no authority at this time to further consider the applications of persons for citizenship in the Choctaw and Chickasaw Nations whose rights are dependent upon judgments of the United States Courts in Indian Territory rendered under the provisions of the act of Congress of June 10, 1896, the final disposition of your rights having been submitted under the provisions of the act of Congress of July 1, 1902 (32 stats., 641) to the recently created Choctaw and Chickasaw Citizenship Court.

There is no doubt that it was for this reason that the representatives of the Commission at Ardmore refused to hear you on October 30, 1902.

The statements made in your letter leading to a further investigation of your rights to enrollment as a citizen by inter-marriage of the Chickasaw Nation would indicate that on December 30, 1899 you under the name of Delia Ebow Trentham were married to Mary McCarty, an alleged citizen by blood of the Chickasaw Nation. There is nothing, however, in the record to indicate that the Delia Ebow Trentham is the identical person as Joe Trentham has any

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evidence of any character been submitted to the Commission tending to show that Mary McCarty was at the time of her marriage to Delas Brow Trentham a recognized and enrolled citizen by blood of the Chickasaw Nation.

We further find that on May 21, 1882, a Chickasaw license was issued by R. M. Harris, County and Probate Clerk of Tishomingo County, to Joseph Trentham, a citizen of the Chickasaw Nation, to marry Mrs. Sophia Wright, a citizen of the United States.

It would further appear that the Mrs. Sophia Wright named in the Chickasaw marriage license of May 21, 1882 is your present wife and the daughter of Sarah Palmer. While the marriage license of May 21, 1882 states this woman to be a non citizen white person, we find that under the act of Congress of June 10, 1896 in the citizenship case of Sarah Palmer, et al. vs. the Chickasaw Nation (Daves Commission 1896 Chickasaw case No. 147), that a Sophia A. Trentham made application to be admitted as a citizen by blood of the Chickasaw Nation. The original application in the case of Sarah Palmer et al., prays for the admission of Sophia A. Trentham and her son Adolphus Trentham as citizens by blood of the Chickasaw Nation and for the admission of her husband, Joseph Trentham, as a citizen by intermarriage of the Chickasaw Nation.

On November 23, 1896, the Commission rendered a decision in the case of Sarah Palmer, et al. vs. the Chickasaw Nation

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denying the several persons included in this petition. From this decision of the Commission an appeal was perfected to the United States Court for the Southern District of the Indian Territory and on February 4, 1898, judgment was rendered in favor of the plaintiffs Sarah Palmer, et al. and among the persons admitted to citizenship in the Chickasaw Nation by virtue of that judgment we find, Joseph Trentham admitted as a citizen by intermarriage.

The original record in the Sarah Palmer citizenship case is not in the possession of the Commission and it is probable that the same was destroyed by fire at Ardmore in 1897. It is the presumption, however, that the admission by the United States Court of Joseph Trentham as an intermarried citizen of the Chickasaw Nation was by reason of his marriage to Sophia A. Trentham, nee Palmer, who was adjudged a citizen by blood of the Chickasaw Nation in the decree of the court above referred to.

As we now understand the case it appears that you were first married in 1869 under the name of Delas Brow Trentham to Mary McCarty, an alleged citizen by blood of the Chickasaw Nation; that you lived with this woman up until the time of her death and subsequently married Sophia Wright under a Chickasaw license of May 21, 1882; that at the time of this second marriage Sophia

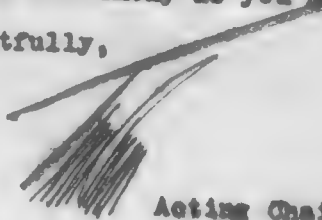
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Wright made no claim as a citizen by blood of the Chickasaw Nation but subsequently under the act of Congress of June 10, 1896, Sophia A. Trentham was by the United States Court for the Southern District of the Indian Territory, admitted as a citizen by blood of the Chickasaw Nation and you as a citizen by intermarriage of that nation.

It is suggested that in view of the unsatisfactory condition of the record of your application for enrollment as a citizen of the Chickasaw Nation, that you personally present yourself before the Commission at one of the appointments designated in the circular enclosed you herewith.

The representatives of the Commission have been fully instructed in regard to this matter and if you will present this letter at any of the appointments, full opportunity will be granted you to introduce such additional testimony as you may desire.

respectfully,



Acting Chairman.

Enc. circular

Chickasaw
G-158

Muskogee, Indian Territory, January 30, 1903.

Indbetter & Hledsoe,

Attorneys-at-Law

Armore, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of January 7, asking the status of the case of Joe Trentham.

In reply to your letter you are informed that it appears from our records that Joseph Trentham and his wife Sophia A. Trentham and his child Adolphus Trentham were admitted to citizenship in the Choctaw Nation by judgment of the United States Court for the Southern District, Indian Territory, rendered at Armore, February 4, 1898, in Citizenship Case #78.

On December 17, 1902, the "Choctaw-Chickasaw Citizenship Court", created under the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations, September 26, 1902, annulled and annulled all judgments of the United States Courts in Indian Territory, admitting persons to citizenship in the Choctaw and Chickasaw Nations. It may be added, however, that lands upon which so-called court claimants have improvements, not in excess of annual allotments, will not be allotted to any citizen.

L. G. Bledsoe--2

sen until the rights of such court claimants have been finally de-
termined.

Respectfully,

Acting Chairman

Subst

Muskogee, Indian Territory, May 24, 1904.

Ledbetter & Bledsoe,

Attorneys at Law,

Tishomingo, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of May 17, in which you ask that the marriage license between Joe Trentham and his wife, who was a Mrs. Chas. Palmer, be forwarded you for use in a case pending before the Citizenship Court.

In reply to your letter you are informed that it does not appear from our records that the marriage license referred to by you has been filed in the matter of the application of Joe Trentham for enrollment as an intermarried citizen of the Chickasaw Nation, and it is, therefore, impracticable to comply with your request.

You are advised that it appears from our records that Joseph Trentham, his wife Sophia Trentham, and their child, Adolphus Trentham were denied citizenship by this Commission under the provisions of the act of Congress of June 10, 1896, in Chickasaw Citizenship case Number 147, and on appeal, the papers in this case were transferred to the United States Court for the Southern District of the Indian Territory. It is probable that the marriage license

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referred to in your letter was filed with the Commission in 1896,
in support of his application for citizenship in the Chickasaw Nation
but if so, it was transmitted to the United States Court for the
Southern District of the Indian Territory, together with the other
papers in the case.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, June 13, 1904.

Ladbetter & Kieldsos,

Attorneys at Law,

Ardenore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of May 30th in which you give further information relative to the identity of Joe Trentham and _____ Lewis and state that Mr. Trentham may have married under the name of Dallas Brown or Dallas Brown Trentham. In compliance with your request there are enclosed you herewith a certificate of R. M. Harris under date of May 23, 1882 between Joseph Trentham and Mrs. Sophia Wright, the license issued by R. M. Harris under date of May 21, 1882 between Joseph Trentham and Mrs. Sophia Wright and a certified copy of the marriage certificate under date of December 30, 1869 between Delas Brown Trentham and Miss Mary McCarty. We are unable to determine from our records whether either Sophia Wright or Mary McCarty, referred to herein, is the person, referred to in your letter of May 30th as _____ Lewis and in your letter of May 17th as Mrs. Chas. Palmer; but it does not appear from our records that any other marriage licenses or

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or certificate has been filed in the matter of the application
of Joseph Trentham for the enrollment of himself and family as
citizens of the Chickasaw Nation.

Respectfully,

Chairman.

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

Record in the matter of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation of:

D. J. Thurston

9-1793.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JULY 27, 1904.

In the matter of the application of D. J. Thurston as an
intermarried citizen of the Chickasaw Nation.

D. J. THURSTON, being first duly sworn, testified as
follows:

EXAMINATION BY THE COMMISSION.

Q. What is your name? A. D. J. Thurston.
Q. Your age? A. 44 the 13th day of last December.
Q. Your post office address? A. Halseyville, Indian Territory.
Q. You are a white man, are you? A. Yes, sir.
Q. You have alleged in a communication to this Commission that you made application to this Commission for enrollment as an intermarried citizen of the Chickasaw Nation at Caddo, Indian Territory in the year 1899, and subsequently appeared before the Commission at its office at Muskogee, Indian Territory for the purpose of making application on both of these occasions the Commission refused to hear your application. Is that correct? A. Yes, sir; now I will tell you just how this Caddo business happened. I first addressed Governor McCurtain regarding this matter as I had heard that an intermarried citizen wasn't going to be enrolled and he wrote me a long letter. He said that they had rules invariably that where a man had married a white woman afterward he had forfeited his right. I went to see about my son if they had enrolled him and after I found that he had been enrolled I asked them what show there would be for myself and stated my case to them, and I asked if there was any show for me whatever and they told me they had decided -- the Indian Commissioner had decided that where a person married a white woman after marrying an Indian woman, they forfeited their rights and referred to a woman and her three daughters standing there and said that the old lady and two of those daughters had been enrolled and that one daughter that married a white man and moved just across the line in Texas and she had forfeited her right. He says we don't recognize her at all. Her is three got their rights and the other one hasn't; so I went away. I paid no more attention to it thinking I had no right. During this three months extension--some time ago-- Dr. Halsey asked me if I attended to this matter and if I had been enrolled yet. I told him about going to Caddo and he told me that there had been some change he thought in the laws and they had granted three months extension and the best thing I could do was to go to Muskogee and try again if I couldn't do anything; then I came right here and met a man named McDonald and I told him my business and he brought me to the room, I think it was in the back end, and went and stated my case and they asked me if I had married a white woman, and I told them I had and they said I had forfeited my right and as I had been insisted upon by those others to ask if there was any other course to take, I rather insisted. I said to the young gentleman if there be nothing I can take in order to get my rights, I want to get them if I am entitled to them, so I need it badly enough but if not, of course, I do not want it. He said, now I have told you every

word I am going to tell you and turned me away and he walked into the side room and shut the door- in a room on the right hand. So I went down and told McDonald. He asked me first what I done and I said they turned me down as I expected. So when I saw that the higher courts had ruled that way, they asked me again why I didn't take it up again. They advised me to get a lawyer so I went to Mr. Coleman and he addressed this Commission and received that letter in return, and I addressed the Commission myself.

Q. Have you ever personally made an application? A. Yes, sir; I was right here at this office. I suppose this is the same office. I went back myself and attempted to make this application. There was an old gentleman sitting behind the desk and he reached over here and pulled off a piece of paper and a young gentleman stayed on the outside and I was on the outside myself and he asked me when I was married and all about it and if my Indian wife was living and I told him no that she was dead and I told him I had married a white woman and he said their ruling was invariably that he forfeited his rights. Then I insisted on him telling me if there was no action I could take and he said I have told you all I am going to tell you.

Q. Is that the only application you have ever made or attempted to make? A. The one at Caddo and this.

Q. And there you say you talked to some other people? A. I went before the people who were enrolling the people there and after they looked over the rolls and found my boy I---

Q. Did you at that time actually make an application, or was it just a discussion? A. I do not know whether they took anything down or not.

Q. Did you make an application. You say you inquired about your boy. A. Yes, sir and then I stated my case and asked them if there was any show.

Q. What day was that? I paid no more attention to the date than anything.

Q. What date was it that you were here at the office of the Commission in Muskogee? A. The date is something I could not give you.

Q. About when was it? A. All I remember is it was some time during the extension of time--three months they gave and I paid little attention to the date at all, but I came here to this office.

Q. We want to get at the date. A. I am not able to give the date at all. I wouldn't swear to it at all.

Q. You do not remember when it was you made the alleged application at Caddo? A. No, I paid no attention to that.

Q. Was there anybody with you when you made this application here? A. This man McDonald.

Q. What is the name of your Chickasaw wife? A. Kizsie Ella Johnson.

Q. When did you marry her? A. In the year of '80.

Q. Where were you married? A. Savannah.

Q. In the Chickasaw Nation? A. Yes, sir.

Q. Under tribal license? A. Yes, sir.

Q. Have you got your license? A. No, sir, I have a certificate but---

Q. Did you marry her under a tribal license? A. Yes, sir, I did and paid \$25.00 to Judge Craigs.

Q. Both of you were living in the Chickasaw Nation at that time?

A. Yes, sir.

Q. How long did you live with this wife? A. She lived hardly a year and a half. My lawyer has all the dates down.

- Q. After her death you were remarried? A. Yes, sir.
Q. Who did you marry? A. Jennie Houben.
Q. Is she a white woman? A. Yes, sir.
Q. You are still living with her? A. Yes, sir.
Q. Where have you been living the last twenty years? A. The most of the time in Indian Territory. At Savannah, and Wilburton, and Hartshorne and Haleyville.
Q. You have maintained a continuous residence in the Choctaw Nation Indian Territory? A. Yes, sir, all the time. My mother lives here and my son.
Q. You are now living in the nation? A. Yes, sir.

WITNESSES EXCUSED.

W. A. McDONALD, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q. What is your name? A. W. A. McDonald.
Q. Your age? A. Thirty-five.
Q. Post office address? A. Muskogee, Indian Territory.
Q. Are you a citizen of the United States? A. Yes, sir.
Q. Are you acquainted with B. Jeff Thurston? A. Yes, sir; I have been for about four years.
Q. Mr. Thurston alleges that some time past he appeared before the Commission at this office, in Muskogee, for the purpose of making an application for the enrollment of himself as an intermarried citizen of the Chickasaw Nation and that the Commission or some of its representatives, refused to hear him and that you were present at that time. Have you any recollection of that?
A. It was while I was in the bowling alley. He used to work for me when I was back in the bowling alley and he said I have come up here to enroll and asked me to show him the place and come with him; and I showed him to the door and showed him the way in and then I went away and he came back and told me afterwards that they turned him down; the words he used was "they ignored me".
Q. When was that? A. It was two years ago, if I recollect. Something like that.
Q. Do you remember what month it was in? A. As well as I remember it was in November. I know I had been in the bowling alley only a little while and I took it and opened up in October. It was sometime either the latter part of October or November.
Q. It was in 1902? A. I think it was.
Q. Before Christmas? A. Yes, sir.

WITNESSES EXCUSED.

D. J. THURSTON, recalled.

- Q. Were you ever married before you married your Chickasaw wife?
A. No, sir.
Q. Was she ever married before she married you? A. No, sir.

WITNESS EXCUSED.

Mildred S. Cummings, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she correctly reported the testimony in the above entitled cause and that the foregoing is a true and correct transcript of her stenographic notes thereof.

Mildred S. Cummings

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

Charles H. Sampson
Notary Public.

9-1793.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IND. TER.? JANUARY 16, 1905.

In the matter of the application for the enrollment
of D. J. Thurston as a citizen by intermarriage of the Chick-
asaw Nation.

R. B. Coleman attorney for applicant.

D. J. Thurston being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A D. J. Thurston.
Q How old are you? A Forty-five years old.
Q What is your post office address? A Haileyville, Choctaw Nation.
Q What is your father's name? A John Thurston.
Q Is he living? A No, sir, dead.
Q Is he a white man? A Yes, sir.
Q What is your mother's name? A Betsie.
Q Is she living? A Yes, sir.
Q White woman? A Yes, sir.
Q You are a white man? A Yes, sir.
Q Claim no rights as a Choctaw or Chickasaw by blood? A No, sir.
Q What rights do you claim? A Intermarried citizen of the Chickasaw Nation.
Q Through whom do you claim your rights? A Kizzie Ella Johnson.
Q When were you married to her? A July 29, 1860.
Q At that time where were you living? A Savanna Choctaw Nation.
Q Where was your wife living at that time? A The same place.
Q Choctaw Nation? A Yes, sir.
Q You were both residents of the Choctaw Nation at the time of your marriage? A Yes, sir.
Q How long had you been a resident of the Choctaw Nation? A Nearly four years.
Q How long had she been a resident of the Choctaw Nation? A She always lived there.
Q Did you obtain a tribal license? A Yes, sir.
Q From whom did you obtain it? A Judge Krebs.
Q Who was he? A He was judge of the County court of Cole county.
Q That is Tebucky? A Yes, sir.
Q Were you married prior to your marriage to Kizzie Ella? A No, sir.
Q Was she married prior to her marriage to you? A No, sir.

1793-2.

- Q Did you and she live together as husband and wife? A Yes, sir.
- Q How long? A Until her death about two years.
- Q During all that time where did you and she reside? A At Savanna.
- Q In the Choctaw Nation? A Yes, sir.
- Q Since her death have you married? A Yes, sir.
- Q Whom did you marry? A Married a white woman her name was Jennie Heuben, we have been married ten years.
- Q Where have you lived from the time you married Kizzie Ella Johnson? A Choctaw Nation.
- Q Made your home any where else? A No, sir.
- Q Been a bona fide resident of the Choctaw Nation from the time of your marriage to Kizzie Ella Johnson up to and including September 25, 1902? A Yes, sir.
- Q How do all these people know you had a license? A They were all at my wedding.
- Q Did you have any children by Kizzie Ella Johnson? A Yes, sir.
- Q Are they living? A Yes, sir.
- Q What are their names? A David Jeff Thurston.
- Q What year did your wife die? A 1888.

David Jeff Thurston, the son of the applicant by his wife Kizzie Ella Johnson, is identified on Chickasaw field card number 182 and is numbered 587 upon the lists prepared by this Commission of persons entitled to enrollment as citizens by blood of the Chickasaw Nation and approved by the Secretary of the Interior on December 12, 1902.

Examination by attorney Coleman:

- Q You had a regular marriage license that got burned up? A Yes, sir. I got a license from Judge Krebbs; I paid Judge Krebbs twenty-five dollars for the license and parson Bryce married us at my wife's aunt's house.

Witness excused.

Chas. T. Difendaker being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. T. Difendaker

Subscribed and sworn to before me this 17th day of January 1905.

Charles S. Sawyer
Notary Public.

9-1793.

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

In the matter of the application for the enrollment of D. J. Thurston as a citizen by intermarriage of the Chickasaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on July 29, 1880 the applicant, D. J. Thurston, was married in accordance with the laws, customs and usages of the Choctaw Nation to Kizzie Ella Thurston (nee Johnson), a recognized citizen by blood of the Chickasaw Nation whose child, David Jeff Thurston, by said marriage is numbered 587 upon the lists prepared by this Commission, under the provisions of the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Chickasaw Nation and approved by the Secretary of the Interior on December 12, 1902; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation and lived together continuously as husband and wife in the Choctaw-Chickasaw country from the date of said marriage until the death of the said Kizzie Ella Thurston in 1894; that the applicant was subsequently married to Jennie Houben a white woman having no rights of Chickasaw citizenship by blood; and that the applicant had been a resident in good faith of the Choctaw-Chickasaw country from the date of his said marriage to the said Kizzie Ella Thurston (nee Johnson) up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904) relative to the question of forfeiture, D. J. Thurston should be enrolled as a citizen by intermarriage of the Chickasaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.


Commissioner.

Muskogee, Indian Territory,
FEB 8 - 1905

5061 FEB 8 - 1905


Commissioner.

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

.....

In the matter of the application of D. J. Thurston for enrollment as a citizen by intermarriage of the Chickasaw Nation.

.....

From the record in this matter it appears that D. J. Thurston appeared in person before the Commission, on July 27, 1904, at Muskogee, Indian Territory, and presented testimony in support of his contention that he had theretofore made application to this Commission for enrollment as a citizen by intermarriage of the Chickasaw Nation.

From his testimony given at that time it appears that he is 44 years of age, is a resident of the Choctaw Nation, and has resided in said Nation continuously for the past twenty years; that he claims the right to enrollment as a citizen of the Chickasaw Nation by intermarriage, by reason of his marriage, in 1880, under a tribal license, to Kizzie Ella Johnson, a Chickasaw Indian, who died about a year and a half thereafter.

He testifies that he made application to the Commission for enrollment, at Caddo, Indian Territory, but says he does not remember the date, and was then told that as he had married a white woman after the death of his Indian wife, he had forfeited his rights; that, believing this statement to be correct, he paid no more attention to the matter until some time during what he refers to as "this three months extension", during which period of time he says he was asked if he had been enrolled, and was advised to come to Muskogee and try again; that he came to Muskogee right away and met a man by the name of McDonald, who came with him to the office of the Commission, and that he then made application for enrollment, but was again told that he had forfeited his rights, and that was all the information he could get.

One W. A. McDonald testified that he is personally acquainted with D. J. Thurston, and has been for some four years; that while the witness was running a bowling alley in Muskogee, Indian Territory, Thurston came in to see him and stated that he was here for the purpose of being enrolled, and requested the witness to come with him to the office of the Commission; that the witness came with Thurston as far as the door of the Commission's office, and shewed him the way in, and then went away, and that Thurston soon came back and told the witness that the Commission had turned him down, had ignored him. The witness swears that this was either in October or November, 1902, and fixes the time by the fact that he had been running the bowling alley but a little while when this incident happened, and that he took it and opened it up in October, 1902.

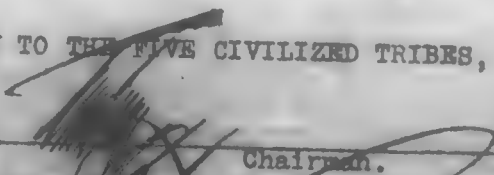
The records of the Commission do not show any application made by D. J. Thurston for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The Commission is of the opinion that the evidence is sufficient to establish that said D. J. Thurston did make personal application to this Commission for enrollment as a citizen by intermar-


riage of the Chickasaw Nation, within the time limited by the Act of Congress approved July 1, 1902, (32 Stats. 641), and that it should now proceed to hear and determine said application, and

IT IS SO ORDERED.

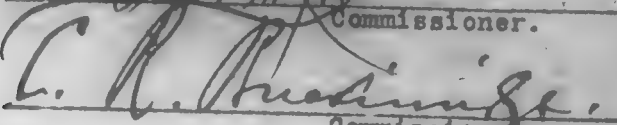
COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

JAN - 6 1905, 1904.

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

AUG 20 1904

~~Handwritten signature~~
CHAIRMAN

DEPARTMENT OF THE INTERIOR.
UNITED STATES INDIAN SERVICE.
COMMISSION TO THE FIVE TRIBES.
MUSKOGEE INDIAN TERRITORY.

In the application of David J. Thurston, for enrollment as an
intermarried citizen of the Chickesaw Nation of Indians in the
Indian Territory.

Comes now *B. P. Grubbs* and after being duly
sworn as the law directs states and avers, that my name is

B. P. Grubbs my post office is *Chickesaw, Okla.*

Indian Territory, my age is *49* years, I have been a resident of
Tombuxy County Choctaw Nation Indian Territory for the last *35*
years, I am acquainted with the claimant David J. Thurston, and know
his wife Kizzie Ella Johnson before she was married to claimant
Kizzie Ella Johnson was a Chickesaw Indian by blood and a member of
the Chickesaw Tribe of Indians in the Indian Territory, Kizzie
Ella Johnson lived at Savanna Indian Territory at the time of her
marriage to the claimant, and claimant had lived at Savanna in
The County of Tombuxy in the Choctaw Nation for two years or more
before he was married to Kizzie Ella Johnson.

They were married according to the laws and customs of the
Indian Tribes and the claimant voted at the Indian Elections and
was recognized as a member and citizen of the Choctaw Nation by
the Indian authorities.

I have always understood that claimant had an Indian license
to marry, ~~I was present at the marriage and saw the ceremony~~
~~performed by *W. J. Brown* a Methodist minister.~~

Subscribed and sworn to before me this the *17* day of *August*
1904.

*Witness was made before
at *Wagon* *Okla.**

B. P. Grubbs
Notary Public
My Commission Expires the *10* day of *October* 1904

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

AUG 20 1904


J. C. CHAPMAN

DEPARTMENT OF THE INTERIOR.
UNITED STATES INDIAN SERVICE.
COMMISSION TO THE FIVE TRIBES.
MUSKOGEE INDIAN TERRITORY.

In the application of David J. Thurston, for enrollment as an
Intermarried Citizen of the Chickasaw Nation of Indians in the
Indian Territory,.

Comes now J. S. Davis and after being duly
sworn as the law directs states and avers, that my name is

J. S. Davis my post office is Savanna

Indian Territory, my age is 58 years, I have been a resident of
Tombuckay County Choctaw Nation Indian Territory for the past 28
years, I am acquainted with the claimant David J. Thurston, and know
his wife Kizzie Ella Johnson before she was married to claimant
Kizzie Ella Johnson was a Chickasaw Indian by Blood and a member of
the Chickasaw Tribe of Indians in the Indian Territory. Kizzie
Ella Johnson lived at Savanna Indian Territory at the time of her
marriage to the claimant, and claimant had lived at Savanna in
the County of Tombuckay in the Choctaw Nation for two years or more
before he was married to Kizzie Ella Johnson.

They were married according to the laws and customs of the
Indian Tribes and the claimant voted at the Indian Elections and
was recognized as a member and citizen of the Choctaw Nation by
the Indian authorities.

I have always understood that claimant had an Indian license
to marry, I was present at the marriage and seen the ceremony
performed by Reverend J. J. Bryan a Methodist minister.

Subscribed and sworn to before me this 12 day of April

1903.

James S. Davis
Notary Public

My Commission Expires the 20 day of October 1905

DEPARTMENT OF THE INTERIOR.

UNITED STATES INDIAN SERVICE.

Commission to the Five Tribes.

#####

Affidavit, of David J. Thurston.

In the matter of the application of David J. Thurston of the town of Hartshorn, Indian Territory, to be enrolled by the Commission to the Five Tribes, sitting at Muskogee Indian Territory as a citizen and a member of the ^{Chickasaw} Choctaw Tribe of Indians in the said Indian Territory, under and by virtue of Intermarriage into said ^{Chickasaw} Choctaw Tribe of Indians, in and by virtue of an act of Congress, commonly called the Atoka Agreement, approved June the 28th 1898 (30 Stat., 495),

Comes now the said David J. Thurston the claimant in this cause and after being duly sworn as the law directs states and swears that My name is David J. Thurston, that my Post Office address is ^{Hartshorn} Hartshorn James County, Choctaw Nation Indian Territory.

That I am a member of the ^{Chickasaw} Choctaw Tribe of Indians in said Indian Territory, I was legally married according to the strict letter of the Choctaw marriage law as it existed in 1860 in the Choctaw Nation that I have continuously lived and resided in the Choctaw Nation since the time of my marriage in the year 1860, I married a ^{Chickasaw} Choctaw Indian Woman at Sawanna in the Choctaw Nation in 1860, and at that time was a bonified resident of the Choctaw Nation, and had been so for more than two years prior to that time.

That I made application to the Commission to the Five Tribes to be enrolled as a member of said ^{Chickasaw} Choctaw Tribe, at Caddo in the Choctaw Nation Indian Territory, or at least tried to make application for enrollment by going before the said Commission and asking to be placed upon the trial rolls of said ^{Chickasaw} Choctaw Tribe of Indians, but was not allowed to do so or was not placed upon said rolls by said Commission. I then at another time appeared in person at the Office of said Dawes Commission at Muskogee in the Creek Nation and tried

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

AUG 20 1994

 CHAIRMAN

a second time to be placed upon the trial rolls as an intermarried
^{Cherokee}
Cherokee Citizen. The Clerk telling me he had told me all he
was going to tell me and he walked away and would not answer me
I tried every way that I knew how to be placed on the doubtful roll
if nothing more, but the Commission stoutly refused to do anything
for me.

D. J. Phurston

Subscribed and sworn to before me this the 12 day of August 1894

*Expressed with Madam
Wilson
Notary Public*

D. J. Phurston

My Commission will Expire on the 15 day of August 1895

DEPARTMENT OF THE INTERIOR.
United States Indian Service.
COMMISSION TO THE FIVE TRIBES.
Muskogee Indian Territory.

In The Application for enrollment: of David J. Thurston of Hatley-
ville in the County of Glines in the Choctaw Nation Indian Terr-
-itory, as an Intermarried citizen: of the ^{Chickasaw} Choctaw tribe of Indians
in the Indian Territory,

^{Louisa} Comes ~~Eliza~~ Coleman, and after being duly sworn as the law
directs states and avers as follows, in a law cited case that my
name is ^{Louisa} ~~Eliza~~ Coleman my age is (81) eighty one years, my
residence is Sawann Indian Territory in Tenchney County in the
Choctaw Nation Indian Territory, where I have resided for the
past (30) thirty years,

I know David J. Thurston: of Hatleyville in the Choctaw Nation
Indian Territory, have been personally acquainted with him for the
past 26 twenty six years: or more. I know Eliza Ella Johnson who
lived at Sawann in the Choctaw Nation about 26 twenty six years
ago, she was my Niece and a Chickasaw Indian by blood and a member
of the Chickasaw tribe of Indians in the Indian Territory.
On the 29 twenty ninth day of July 1880 at my house in the town
of Sawann in the Choctaw Nation Indian Territory, the claimant
in this case David J. Thurston a Citizen of the United States who
had resided at Sawann in the said Choctaw Nation Indian Territory
and had resided in said Nation and Territory for more than 2 two
years prior to that time and was a bonafide resident at that time
and had been continuously and continued to so reside, was married
according to the laws and customs of the Choctaw Nation then in
force in said Choctaw Nation Indian Territory, by procuring a proper
Licence from Edward Kretz the then Judge of the County and Peace
Court of the County of Tenchney and of the Choctaw Nation and
Tribes of Indians in said Indian Territory, to my Niece the said
Eliza Ella Johnson, who was then a bonafide resident of Sawann in
the County of Tenchney in the Choctaw Nation Indian Territory.

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

~~FILED~~
AUG 28 1904

CHAIRMAN:

The Ceremony was performed: of Marriage by Reverend J.Y. Bryce
a regular Ordained Minister of the Gospel: of the Methodist persua-
-sion, at my dwelling house in Sawann in the Choctaw Nation Indian
Territory, who was a citizen of the United States and then resi-
-ded near Kiawa in the Choctaw Nation Indian territory.

I witnessed the ceremony myself and many others witnessed it
David J. Thurston and his wife Kizzie Ella Thurston still remained
and lived in and around Sawann until the death of said Kizzie Ella
Thurston some years after their marriage.

her
mark
X

Witness.
H. W. House
Ella Thurston

Subscribed and sworn to before me this the 17 day of *August*
1904.

R. B. Robinson

My Commission Expires *10* the *1st* 1905

Affidavit of
Forbis Grubbs
in
Matter of the
Estate of
David J. Thurst
a Member of
the Chickasaw
Tribe of Indians

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE INDIAN TRIBES.

AUG 25 1904

STAN.

DEPARTMENT OF THE INTERIOR.
UNITED STATES INDIA SERVICE.
COMMISSION TO THE FIVE CIVILIZED Tribes
Muskogee Indian Territory.

In the matter of the enrollment of David J. Thurston, as a member
by Inter-marriage of the Chickasaw Tribe of Indians in the Indian
Territory.

Comes now Fort's Grubbs and after being duly sworn as
the law directs states and swears in said case, . . . That my name is
Fort's Grubbs, that my age is 47 years, that my post office address
is Snow Arpeller Choctaw Nation Indian Territory, that I am a Choctaw
Indian by blood that I am a member of the Choctaw Tribe of Indians
in the Indian Territory. . . I know and do now know David J. Thurston
the claimant in this case who lives at Baileyville Choctaw Nation.
I know Kizzie Ella Johnson, who was a Chickasaw woman by blood and
resided at Savanna in the County of Tobacco in the Choctaw Nation
Indian Territory, and who married the said David J. Thurston, the
applicant in this case, David J. Thurston lived and continuously
resided more than two years at Savanna in the Choctaw Nation before
his marriage to Kizzie Ella Johnson, and after that time lived in
and around Savanna Indian Territory.

I was present at the marriage between David J. Thurston and Miss
Kizzie Ella Johnson at William R. Coleman's in Savanna in the Choctaw
Nation Indian Territory, which was on the twenty ninth day of August
1890, W.R. Coleman's wife was an Aunt of Kizzie Johnson, the ceremony
was performed by Rev. J.Y. Bryce of Klaw in the Choctaw Nation who
was a Methodist Preacher, David J. Thurston was married according to
the Choctaw Marriage law in regard to white persons, and always did
exercise all the privileges of a Choctaw Citizen, voting at all elec-
tions working the roads and other matters.

I think and it is a fact to the best of my knowledge and
I have issued the license for Thurston.

Forbes G. Grubbs

Sworn to and Subscribed before me this 10th day of _____ 1905

W.R. Coleman

My Commission Expires 10 day Oct 1905 Notary Public

C O P Y

Haileyville, I.T.

July 5th, 1904.

Hon. J. Blair Shoenfeldt.

Dear Sir:

As I am an intermarried citizen or what was at one time termed as such, and have not been enrolled, I have been advised by friends to address you explaining my case and ask you what course I shall pursue. I was married in 1880 to an Indian woman. We had born to us one son who is now living and has his allotment. My wife died and I afterwards married a white woman. I was before the Dawes Commission between four and five years ago while they were at Caddo. They would not accept my application for enrollment claiming that I had married out. I tried again three winters ago while they were at Muskogee. They again would not accept my application, still claiming I had married out; I asked if there was no way in which I could regain my rights and they said they had told me all they would tell me, so I thought there was no use trying any more, but about two months ago I was told by friends that there was no way in which they could keep me out of my rights and insisted that I go before the Indian Commission which I at once did. The told me there that there was no doubt, if I could prove what I claimed I could, but what I was entitled to enrollment, but that I was too late, that if the Dawes Commission had not taken my application that there was no use without there was another law passed, but at pres-

ent there was nothing of the kind even talked of. But I, a short time ago, saw in the papers that the higher courts had decided that if a person was once an Indian, he was always an Indian, and I have questioned several persons and have been advised to address you and you would tell me just what, and how, to do. Of course if I am entitled to anything I would like very much to have it as I badly need it, and if my not being registered in time is the cause of my losing out, it is no fault of mine, as I have made two attempts to register. So now, Mr. Shoenfeldt, if I am entitled to anything and you will furnish me with the necessary information I will be very thankful to you and what ever charges you make let me know and I will settle with you.

Hoping you will pardon my writing so at length, I am
Very Respectfully,

D. J. Thurston,

Haileyville, I.T.

C O P Y

9-182.

Muskogee, Indian Territory, July 20, 1904.

D. J. Thurston,

Harleyville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th inst., addressed to the United States Indian Agent, Muskogee, Indian Territory, and by him referred to this Commission for appropriate action. Therein you state that you were married in 1880 to an Indian woman, by whom you had one son born, who is now living and has his allotment; that after the death of your wife, you married a white woman, subsequent to which time you were before the Dawes Commission some four or five years ago, at Caddo, Indian Territory, but that they would not accept your application for enrollment, claiming that you had married out. You state further that three winters ago you tried again, before the Commission at Muskogee, Indian Territory, and they would not then accept your application, still claiming that you had married out, and you request to be advised in the matter.

You are informed it does not appear from our records that any application has been made by you to this Commission for enrollment as an intermarried citizen of the Choctaw or Chickasaw Nations. If, however, you insist that such application has been made, or that you have attempted upon two different occasions to make such applica-

D.J.T.2.

tion, it will be necessary for you to appear before the Commission at its office in Muskogee, Indian Territory, together with witnesses to the fact of your having made such application.

Respectfully,

T. B. Needles,

Commissioner in Charge.

COPY

9-182.

Muskogee, Indian Territory, July 20, 1904.

B. J. Thurston,

Harleyville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th inst., addressed to the United States Indian Agent, Muskogee, Indian Territory, and by him referred to this Commission for appropriate action. Therein you state that you were married in 1860 to an Indian woman, by whom you had one son born, who is now living and has his allotment; that after the death of your wife, you married a white woman, subsequent to which time you were before the Dawes Commission some four or five years ago, at Caddo, Indian Territory, but that they would not accept your application for enrollment, claiming that you had married out. You state further that three winters ago you tried again, before the Commission at Muskogee, Indian Territory, and they would not then accept your application, still claiming that you had married out, and you request to be advised in the matter.

You are informed it does not appear from our records that any application has been made by you to this Commission for enrollment as an intermarried citizen of the Choctaw or Chickasaw Nations. If, however, you insist that such application has been made, or that you have attempted upon two different occasions to make such applica-

D. J. T. R.

tion, it will be necessary for you to appear before the Commission at its office in Muskogee, Indian Territory, together with witnesses to the fact of your having made such application.

Respectfully,

T. B. Needles,
Commissioner in Charge.

Chickasaw 1708

Muskogee, Indian Territory, January 9, 1905.

D. J. Thurston,

Haileyville, Indian Territory.

Dear Sir:

You are hereby advised that on January 6, 1905, the Commission entered an order holding that you made application for enrollment as an intermarried citizen of the Chickasaw Nation within the time provided by the act of Congress approved July 1, 1902.

You should therefore appear before the Commission at its office in Muskogee, Indian Territory, at the earliest date practicable, for the purpose of testifying relative to your right to enrollment as an intermarried citizen of said nation.

Respectfully,

Chairman.

Chickasaw 1702

Muskogee, Indian Territory, January 9, 1902.

R. B. Coleman,

Attorney at Law,

McAlester, Indian Territory,

Dear Sir:

You are hereby advised that on January 6, 1902, the Commission entered an order holding that D. J. Thurston made application for enrollment as an intermarried citizen of the Chickasaw Nation within the time provided by the act of Congress approved July 1, 1901.

He has this day been advised of this order, and has been notified that he should appear before the Commission at its office in Muskogee, Indian Territory, as early as practicable, for the purpose of testifying relative to his right to enrollment as an intermarried citizen of the Chickasaw nation.

Respectfully,

Chairman.

Chickasaw 1793.

COPY.

Muskogee, Indian Territory, February 8, 1908.

D. J. Thurston,

Haileyville, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 8, 1908, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Encl. 3-1792.

Chickasaw 2793.

COPY.

Muskogee, Indian Territory, February 8, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered February 8, 1905, granting the application for the enrollment of D. J. Thurston as a citizen by intermarriage of the Chickasaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

~~Wm. B. B. B.~~

James B. B. B.
Chairman.

Registered.

Incl. 2-1905.

9-1793

Muskogee, Indian Territory, July 24, 1908.

Jefferson Guiney,
Havener, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 5, 1908, asking if Mrs. D. G. Thurston, wife of Jeff D. Thurston a citizen by blood of the Chickasaw Nation, is entitled to enrollment as an intermarried citizen of the Chickasaw Nation, and stating that they were married on July 20, 1904.

In reply to your letter you are advised that under the provisions of the act of Congress approved July 1, 1902, no person who married a citizen of the Choctaw or Chickasaw Nation subsequent to September 25, 1902, the date of the ratification of said act, is entitled to enrollment and allotment in either of said Nations.

Respectfully,

Commissioner.

9-1793

Waskagee, Indian Territory, August 11, 1905.

Boyd & Moore,

Attorneys at Law.

South McAlester, Indian Territory.

Gentlemen:

In compliance with your request of August 5, 1905, there is inclosed you herewith a copy of the decision of the Commission to the Five Civilized Tribes enrolling D. J. Thurston as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Acting Commissioner.

MB 1-11

Chic 1794

Chic 1794

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

Record in the matter of the application for enrollment
as a citizen by intermarriage of the Chickasaw Nation of-

Tom Leming.

9-1794.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, JULY 29, 1904.

In the matter of the application of Tom Leming for enrollment as an intermarried citizen of the Chickasaw Nation.

Tom Leming, having been first duly sworn, testifies as follows:

Examination by Commission.

- Q What is your name? A Leming.
Q Your full name? A Tom Leming.
Q How old are you? A Forty-four.
Q What is your post office address? A Mead.
Q Indian Territory? A Yes sir.
Q Do you claim to be an intermarried citizen of the Chickasaw Nation?
A Yes sir.
Q Have you ever personally made application to the Commission for such enrollment? A Yes sir.
Q Where? A Colbert.
Q When was that? A When the Commission met at Colbert.
Q Did you personally make the application? A Yes sir.
Q Were you sworn? A Yes sir.
Q Did you testify? A Yes sir; we didn't have the certificate; we had the license, a copy of the license but couldn't get the certificate.
Q When was it you made this alleged application? A The latest?
Q When was it you made this application? (Witness to some one beside him. When was the Commission at Colbert?)
Q Wait a minute, we want your testimony? A In 1894 or 1895 I don't just remember when it was there.
Q What Commission was it? A Dawes Commission.
Q Do you know any member of the Commission that was there? A Yes sir.
Q Who was it? A Bixby and Mr. Needles here. Bixby was the man that I was before, Captain Bixby.
Q What did he tell you? A Why he told me to get a copy of the certificate and we could not get it. The County Clerk had failed to record it and he told me to get it or -- and we went to the County Clerk and it hadn't never been recorded and he told me to get an affidavit from the County Judge who issued the license and also married us and he -- he was a member of the Council and had gone to Tishomingo.
Q Is that the only time you were before the Commission? A No sir.
Q What other time? A At Durant.
Q When was that? A That was in -- later on, I don't remember, the next year probably; any way it was when they met at Durant and Captain Kennen (McKennon) had charge at the time, Bixby was not there.
Q What did you do at Durant? A Why I taken this away with me, I went to boarding there and in the license or in the certificate he had his name J. F. Gooding and Frank Gooding, and Captain Kennen (McKennon) -- he was a County Judge at that time, and he was related to that or something like that.

- Q Was your testimony taken on either of these occasions? A It was at Colbert; Bixby taken it himself at Colbert I know for I saw him write it down at Colbert.
- Q Saw him write it down? A Yes sir.
- Q What time in the day was this? A In the afternoon.

(Witness excused.)

Zachariah T. Watson, having been called and sworn as a witness in this case, testified as follows:

Examination by the Commission.

- Q What is your name? A Watson is my name.
- Q Full name? A Zachariah T. Watson.
- Q How old are you? A Fifty five.
- Q What is your post office address? A Mead.
- Q Are you a citizen of the Choctaw or Chickasaw Nation? A No sir.
- Q White man? A Yes sir.
- Q How long have you lived in the Choctaw or Chickasaw Nation?
- A I could not say just exactly; seventeen or eighteen years or nineteen; somewhere along there.
- Q Do you know this man, Tom Leming? A Yes sir.
- Q How long have you known him? A Well, ever since I been there; about seventeen or eighteen years, I don't recollect just exactly the year that I come there.
- Q Have you any personal knowledge of Mr. Leming ever appearing before the Commission to the Five Civilized Tribes and making application for enrollment? A Not only at Durant.
- Q You personally know that he did go before the Dawes Commission at Durant. Was you with him? A Yes sir, I went with him.
- Q Where did you go with him? A I went to the Commission with him.
- Q Where did you go, what place? A I went to Durant with him to the Commission at the time they were at Durant.
- Q Well, who were the Commission? A Well he named them all, I am not acquainted with them much.
- Q Was this man Leming sworn? A I guess he was; I don't know, sir, whether he was or not; not at that place; if he was I didn't see him. I was not with him at Colbert. This was after he went to Colbert.
- Q That is all you know about it, is it? A Yes sir.

Examination by T. J. Vaughn.

- Q Do you know of any conversation that took place there at Durant?
- A None only there was something wrong about the certificate and he told Mr. Leming, and I was with him, like today, and he told Mr. Leming to go get the certificate and come back and they would enroll him tomorrow or next day and I never went back.
- Q Do you know what year that was? A I don't recollect.

(Witness excused.)

Applicant, Tom Leming, being recalled:

- Q To Leming: What is the name of your Chickasaw wife? A Lydia Finch.
Q Is she a recognized citizen by blood of the Chickasaw Nation?
A Yes sir.
Q When was you married to her? A '94.
Q Were you ever married before your marriage to Lydia Finch?
A No sir.
Q Is that Fitch or Finch? A Finch.
Q Was she ever married before her marriage to you? A Yes sir.
Q Who was she married to? A She married a man by the name of Finch;
her right name was Harney.
Q That was her maiden name? A Yes sir.
Q At the time you married her she was Finch? A Yes sir.
Q Did she have any children by Finch? A No sir.
Q You say you were married to her in '94. Where were you married?
A I was married at Mead.
Q How long have you been living in the Chickasaw Nation? A Twenty
years.
Q Living there continuously for twenty years before you were married?
A No, I have only been there about twenty years since I first came
there.
Q Where was she living? A She was living there.
Q In the Chickasaw Nation? A Yes sir.
Q Were you married under a Chickasaw tribal license? A Yes sir.
Q Where did you buy your license? A Colbert.
Q How much did you pay for it? A Fifty Dollars.
Q Who married you? A Gooding, County Judge, J. F. Gooding, I believe,
Frank Gooding we call him.
Q That was in '94? A Yes sir.
Q Did you apply to the Dawes Commission in 1896? A I went with the
copy of this license, I couldn't get the copy of the certificate.
Q Wait a minute; that is not the question. Did you make a written
application to the Dawes Commission when they were at Vinita in 1896?
A When they were at Vinita?
Q Yes, A No sir.
Q Did you have anybody make an application for you, was there any
petition? A No sir.
Q You say you were married to this woman in '94, have you got your
marriage license and certificate? A Yes sir.
Q Let's see them? A Mr. Vaughn has them.

T. J. Vaughn, presenting the marriage license. I will state
that this is a remarriage; he had previously married this
woman under Texas law; and this is the affidavit he had
referred to.

- Q When were you married to this woman? On what date? A March 4, I
believe, 1894.
Q Was you ever married to this woman before? A Yes sir.
Q When? A In '87.
Q Where was you married then? A In Sherman.
Q You were living in the Chickasaw Nation at that time? A Yes sir,
at the same place.
Q I understand you first married her under a license issued in Gray-
son County, Texas? A Yes sir.
Q Lived with her until 1894 and married her under a Chickasaw li-
cense? A Yes sir.
Q Did you live with her continuously from 1887 to 1894? A No sir.
Q Is your wife living? A No sir.
Q When did she die? A July 26, 1894.
Q Did you live with her continuously up to the time of her death?
A No sir.

- Q Did you marry after her death? A Yes sir.
 Q Who did you marry? A Nancy Neeks.
 Q A white woman? A Yes sir.
 Q When did you marry her? A In '96 I believe.
 Q Are you still living with her? A Yes sir.
 Q Living in the Chickasaw Nation at this time? A Yes sir.
 Q You have never made your residence any where else since your marriage to this woman? A No sir.
 Q Did you ever draw any money as a Chickasaw? A No sir.

Examination by T. J. Vaughn.

- Q Does your wife appear upon any of the tribal rolls that you know of? In other words does she appear upon the roll of 1893?
 A Yes sir, I know she does.
 Q What name does she appear upon that roll? A Lydia Leming; it was spelled wrong, Roark put it down there, I think it is spelled Lemon.

(Witness excused.)

Edward Q. Franklin, being called and sworn as a witness, testified as follows:

Examination by T. J. Vaughn.

- Q You may state your name? A Edward Q. Franklin.
 Q How old are you Mr. Franklin? A Forty five.
 Q What is your post office? A Mead, Indian Territory.
 Q Do you know Tom Leming? A I do.
 Q Did you know Lydia Leming, his wife, during her life time? A Yes sir.
 Q Is he the identical person who married Lydia Leming? A He is the identical person who married Lydia Leming.
 Q When were they married? That is, I am talking now, under the Chickasaw tribal law? A They were married in March '94.
 Q Were you present? A Yes sir I was present, saw the license issued and signed and the ceremony performed.
 Q How long have you been living in the Chickasaw Nation? A Well, ever since about '74.
 Q Are you a member of the Chickasaw tribe? A Yes sir, I am an intermarried citizen.

(Witness excused.)

Anna Bell, having been first duly sworn, on 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 July 23, 1904, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this August 2, 1904.

Charles H. Sawyer

Notary Public

9-1794.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IND. TER. JANUARY 16, 1905.

In the matter of the application for the enrollment of Tom Leming as a citizen by intermarriage of the Chickasaw Nation.

T. J. Vaughn of Durant, Indian Territory appears as attorney for applicant.

Tom Leming being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Tom Leming.
Q What is your post office address? A Mead, Indian Ter.
Q How old are you? A Forty-four years old.
Q What is your father's name? A Sam Leming.
Q White man? A Yes, sir.
Q Is he living? A No, sir.
Q What is your mother's name? A Martha Leming.
Q White woman? A Yes, sir.
Q Is she living? A No, sir.
Q Have either your or your parents ever claimed rights as Chickasaws by blood? A No, sir.
Q What right do you now claim? A Intermarriage.
Q Of what nation? A Chickasaw.
Q Through whom do you claim your intermarried rights? A Lydia Finch.
Q When were you married to her? A First married in 1887 I believe, and in 1894 we were married according to the Chickasaw laws.
Q In 1887 you married under United States license? A Yes, sir.
Q And you remarried her in 1894? A Yes, sir.
Q At the time where were you residing? A Mead.
Q What nation? A Chickasaw.
Q How long had you been living in the Chickasaw Nation at that time? A I don't remember just exactly how many years, I had been there - came to the Chickasaw Nation in 1881 and lived here ever since.
Q In the Chickasaw Nation? A Yes, sir.
Q Never made your home any where else than in the Chickasaw Nation since 1881? A No, sir.
Q Where was she residing at the time of your marriage to her? A At Mead.
Q How long had she been living in the Chickasaw Nation when you were married to her? A I don't know how long.

1794---2.

- Q Many years before you were married to her? A Yes, sir, most of her life.
- Q At the time of your marriage to her you were both residents of the Chickasaw Nation and had been for over two years? A Yes, sir.
- Q I am referring to the Chickasaw marriage? A Yes, sir.
- Q Was she your first wife? A Yes, sir.
- Q Were you her first husband? A No, sir.
- Q How many times had she been married? A Once.
- Q What was the name of her former husband? A Wash Finch.
- Q Was he a white man? A Yes, sir.
- Q Was Wash Finch living at the time of your marriage to Lydia Finch? A No, sir.
- Q How long had he been dead? A I don't know, several years.
- Q Before you married her first? A Yes, sir.
- Q Since your marriage to her in 1894 have you and she lived together up to the present time? A Until she died.
- Q When did she die? A In 1894, we were married in March.
- Q Have you got any children by her? A No, sir.
- Q In what county was she living in 1893? A Panola County.
- Q Did you draw the 1893 money? A No, sir, we wasn't married according to the Chickasaw law at that time.
- Q Did your wife draw the money? A Yes, sir.
- Q Do you know under what name? A Lemon Or Lemons I think as well as I remember.
- Q Did your wife have any children? A No, sir.
- Q Have you been recognized and enrolled by the tribal authorities? A No, sir, I reckon not. I appeared before the Commission.

Lydia Finch (as Lydia Lemmons), the Chickasaw through whom the applicant claims his right as an intermarried citizen, is identified on the 1893 Chickasaw Leased District Payment Roll No. 2, number 409, page 13. (not indexed)/

- Q You state that you were married under a tribal license? A Yes, sir.
- Q Where did you get the tribal license - from whom? A Gooding.
- Q Who was he? A County judge.
- Q What county? A Panola.
- Q By whom were you married? A Gooding.
- Q And where were you married? A At Mead.
- Q Chickasaw Nation? A Yes, sir.

There is on file with the records of the Commission the marriage license and certificate between T. Leming and Lydia Finch showing that said parties were married on March 9, 1894 by J. P. Gooding.

- Q How long did you live with her after your second marriage? A From March 2nd until July 26 when she died.

1794-3.

Q The same year? A Yes, sir.

Q Did you and she live together as husband and wife from the time of your first marriage in 1887 up until her death? A Yes, sir.

Q No separation abandonment or divorce? A No, sir.

Witness excused.

Edward Q. Franklin being first duly sworn testifies as follows:

Examination by the Commission:

Q What is your name? A Edward Q. Franklin.

Q Are you a Chickasaw by blood? A No, sir, intermarried citizen.

Q Of what nation? A Chickasaw.

Q How long have you lived in the Chickasaw Nation? A About thirty years.

Q Do you know the applicant Tom Leming? A Yes, sir, I know him.

Q What do you know about his marriage? A I was present when he was married, saw the county judge issue the license and perform the ceremony.

Q Where was that? A Mead, Chickasaw Nation.

Q Is this the identical Tom Leming that married Lydia Fitch?

A Yes, sir.

Q On March 9, 1894? A Yes, sir.

Witness excused.

Tom Leming recalled testifies as follows:

Examination by the Commission:

Q You married a white woman Nancy Meeks after your first wife's death? A Yes, sir.

Q And are living with her today? A Yes, sir.

Witness excused.

Chas. T. Difendafer being first duly sworn states that the above and foregoing, is a full, true and correct transcript of his stenographic notes taken on said date in said cause.

Chas. T. Difendafer

Subscribed and sworn to before me this 16th day of January 1905.

Dromund L. Shaggs
Notary Public.

1-1904.

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


In the matter of the application of Tom Leming for enrollment as a citizen by intermarriage of the Chickasaw Nation.

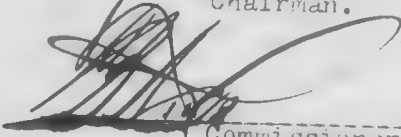
--- D E C I S I O N ---

It appears from the record herein that in the year 1887, the applicant was married under the laws of the State of Texas, to Lydia Leming (formerly Lydia Finch), and that on March 2, 1894, the applicant was remarried to the said Lydia Leming, in accordance with the laws of said State and of the Chickasaw Nation, that said Lydia Leming is a recognized and enrolled citizen by blood of the Chickasaw Nation, and is identified (as Lydia Lemmons) upon the 1895 Leased District Payment Roll, No. 2, Page 15, No. 409; that at the date of said last-mentioned marriage both the persons above named were residents in good faith of the Chickasaw Nation, and that they lived together in said nation as husband and wife continuously since said date until the death of said Lydia Leming, on July 21, 1904; that thereafter the applicant was married to Nancy Weeks, a noncitizen white woman, and the applicant has been a resident in good faith of the Chickasaw Nation, since the date of his first marriage to the said Lydia Leming, in 1887, up to and including September 20, 1902.

It is, therefore, the opinion of this Commission that following the ruling of the Department in the case of Thornton D. Pearce, (I. T. D. 4080-1904) relative to the question of citizenship, Tom Leming should be enrolled as a citizen by intermarriage of the Chickasaw Nation, in accordance with the provisions of the Acts of Congress approved June 2, 1897 (30 Stat., 45) and July 1, 1902 (32 Stat., 41), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.


Commissioner.



Commissioner.

Muskogee, Indian Territory,

MAR 25 1905

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

.....

In the matter of the application of Tom Leming for enrollment as a citizen by intermarriage of the Chickasaw Nation.

.....

From the record in this matter it appears that Tom Leming appeared in person before the Commission, on July 29, 1904, at Muskogee, Indian Territory, and presented testimony in support of his claim that he had theretofore made application to this Commission for enrollment as a citizen by intermarriage of the Chickasaw Nation.

From his testimony given at that time it appears that he is 44 years of age, and has resided in the Chickasaw Nation for twenty years, his present post-office address being Mead, in the Chickasaw Nation; that he claims the right to enrollment as a citizen by intermarriage of the Chickasaw Nation by reason of his marriage, in March, 1894, to Lydia Finch, a Chickasaw Indian.

He testifies that he made application to the Commission for such enrollment at Colbert, Indian Territory, he thinks in 1894 or 1895, (the Commission was there in 1898), and again at Durant, Indian Territory, "the next year probably", (the Commission was there in 1899); that Mr Bixby and Mr Needles were the members of the Commission present at Colbert, and that he appeared before Mr Bixby, and his testimony was then taken; that he had with him at that time his marriage license, but not his certificate, and that he was told he would have to procure and present his certificate of marriage; that when he applied at Durant, he presented his marriage license, together with the affidavit of J. F. Gooding to the effect that he was County Judge of Panola County, Chickasaw Nation, in 1894, and that he performed the marriage ceremony between T. Leming and Lydia Finch, on March 9, 1894, in accordance with the laws of the Chickasaw Nation, but that Commissioner McKennon, who was then present, objected to said affidavit.




The affidavit of J. F. Gooding, referred to, bears date August 14, 1899, and is attached to the record herein.

One Zachariah T. Watson testified that he was personally acquainted with Tom Leming, and had been for some 17 or 18 years; that he knows of his own knowledge that said Leming appeared before the Dawes Commission at Durant, and that he was with Leming at the time that he so appeared. On being asked if he knew of any conversation that took place at Durant, he testified that there was something wrong about the certificate, and that Leming was told to go and get the certificate and come back and they would enroll him tomorrow or next day.

The Commission is of the opinion that the testimony and evidence presented establishes that said Tom Leming did make application to this Commission for enrollment as a citizen by intermarriage

of the Chickasaw Nation, in due time, as claimed by him, and that it should now proceed to hear and determine said application, and
IT IS SO ORDERED.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JAN - 6 1905, 1904.

To Whom it may Concern
I hereby Certify that Frank Gooding
was County and Probate Judge of
Pine Bluff Arkansas

The year 1894 and that the above and within
Licenses were issued by me to the within
named parties, G. Lanning and Lydia French
on the 9th day of March 1894. - And I
do further Certify that on that same day
the 9th of March 1894 I did solemnize
the Rites of matrimony between the
above named parties, and they were
married in accordance with the Laws
of the Chickasaw Nation.

This the 14 of August 1899

J. B. Gooding

Subscribed and sworn to before me
the 14th August 1899

E. J. Franklin

Notary Public
Southern District of Arkansas

Office of County Judge
Lincoln County O.K.

To any ordained Minister of
the Gospel or County Judge of
this Nation. Notice is hereby
given that on this day a
Marriage License has been
granted to J. Johnson and
Mrs Lydia Finch and you
are duly authorized to solemnize
the rite between the above named
contracting parties and they are
ordered to have the same recorded
at the clerk's of this County
within one month from
date or be dealt with according
to the law governing such
cases

March 9 1894

Frank Fording

County Judge

I do hereby certify that the
above is a true and correct
copy of the original given
me for record.

Given under my hand

this the 22 day of March 1894

A. B. Roark County Clerk O.K.

4 11
I do hereby certify that foregoing
is a true and correct copy of
the Marriage License of
J. Lennon and Mrs. Lydia Finch
Given under my hand and
~~official signature~~
the 24 day of Aug. 1899

J. W. Shortwell
P. C. C. N.

Office of County Judge
Paula County, Georgia
I have a document minister
of the Gospel in County of Georgia
of this nation; a document
which you have that a marriage
license has been lawfully
granted to the same and
you are hereby authorized to solemnize
the same between the same
persons concerned and you are
ordered to have the same
recorded at the Clerk of this
County within a month from
date of this date with a recording
to have your copy such as is,
March 5, 1894.

Frank G. Ginn
County Judge
I do hereby certify that the above
is a true and correct copy of the
original given you for recording
Given under my hand
this 22 day of March
A. D. 1894.
W. B. Roark, County Clerk
Paula County, Georgia.

County of Panola,
Chickasaw Nation.

I, Johnson Krause, Clerk of the
County and Probate Court of Panola
County, Chickasaw Nation, and acting
as such Clerk, do hereby certify
that the above license is a
true and correct copy of the
Original license of V. Linn
and Mrs. Lydia Finch as found
of Records in Book E of Marriage
Records on Page 31 in my office.

Given under my hand
and Seal officially on this the
1st day of August A.D. 1904.

Johnson Krause,
County and Probate Clerk,
Panola County,
Chickasaw Nation.
Chickasaw Nation

C O P Y

Mead, I.T., Jan 6th, 1903.

Commission, Five Civ. Tribes,
Muskogee, I.T.

Dear Sirs:

In regard to the papers of T. Leming and Mrs. Lydia Finch Mr. Leming met the Commission at Colbert, I.T. He had the liciens there but did not have the certificate. The Commission informed him that he would have to have the certificate. Afterwards met the Commission at Durant I.T. He applied for enlistment under the name of Tom Lemming and Lydia Lemons. His proper name is Leming but his wife went herself when she was enrolled in 1893 and the clerk put it as Lydia Lemon which is the same person as shown in the certificate as Lydia Finch. Her conection is Lucy Newbery was her sister in law. Martin and Joe Newbery was her Neifews. William Harney was her father Kitsey Harnes was her mother. Sam Harney was her brother Julie Kemp and Betsy Meeks was her blood kin. Lidia Lemon was on the old rool before 1893 as Lydia Finch and was put on the Rool by her self in 1893 as Lydia Lemon and Julia Kemp was present at the same time. F. Roark was cleark at the time I think. Mr. Robert L. Muray was present at Durant I.T. when Mr. Leming applied for enrrollment and explained the matter to the Commission and Mr. Bixby told Mr. Leming to get this certificate which I send with these papers. Please let me

- 2 -

hear from you soon.

Yours truly,
Direct to Tom Leming,
Care of E. O. Franklin.

C O P Y

Muskogee, Indian Territory, February 7, 1903.

Tom Leming,

Care E. Q. Franklin,

Mead, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 6, enclosing the affidavit of Frank Gooding and the marriage certificate between T. Leming and Lydia Finch of March 9, 1894, and giving information concerning the enrollment of Lydia Lemons. You state that the proper name of these persons is Leming but that Lydia Leming appears on the 1893 roll as Lydia Lemon.

In reply to your letter you are advised that it appears from our records that the name of Lyddy Lemmons is found on the 1893 Leased District Payment Roll of the Chickasaw Nation and that beside her name is a pencil notation "dead".

You are further advised that it does not appear from the records of the Commission that any application has been made for the enrollment of Lydia Lemons or Leming or T. Leming or Lemons as citizens of the Chickasaw nation. If they are listed for enrollment, kindly state the games under which application was made and any other information you may possess which would enable the Commission to identify these persons upon its records.

The affidavit and marriage certificate enclosed by you are

T.Leming-----2.

herewith returned.

Respectfully,

Tams Bixby,

Acting Chairman.

Enc.

Hh25.

COPY

Maplewood, Indian Territory, February 7, 1903.

Tom Leming,

Care E. C. Franklin,

Maplewood, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 6, enclosing the affidavit of Frank Gooding and the marriage certificate between T. Leming and Lydia Finch of March 9, 1904, and giving information concerning the enrollment of Lydia Lemons. You state that the proper name of these persons is Leming but that Lydia Leming appears on the 1893 roll as Lydia Lemons.

In reply to your letter you are advised that it appears from our records that the name of Lyddy Lemons is found on the 1893 Leased District Payment Roll of the Chickasaw Nation and that beside her name is a pencil notation "dead".

You are further advised that it does not appear from the records of the Commission that any application has been made for the enrollment of Lydia Lemons or Leming or T. Leming or Lemons as citizens of the Chickasaw Nation. If they are listed for enrollment, kindly state the names under which application was made and any other information you may possess which would enable the Commission to identify these persons upon its records.

The affidavit and marriage certificate enclosed by you are

T. Laming

has not returned

Respectfully,

Tom Dickey,

Acting Chairman.

Enc.

1955

Chickasaw 1794

Muskegee, Indian Territory, January 9, 1905.

Tom Leming,

Mead, Indian Territory,

Dear Sir:

You are hereby advised that on January 6, 1905, the Commission entered an order holding that you made application for enrollment as an intermarried citizen of the Chickasaw Nation within the time prescribed by the act of Congress approved July 1, 1902.

You should, therefore, appear before the Commission at its office in Muskegee, Indian Territory, for the purpose of testifying relative to your right to such enrollment at the earliest date practicable, in order that disposition of your case may not be delayed.

Respectfully,

Chairman.

Chickasaw 1794

Muskogee, Indian Territory, January 9, 1906.

T. J. Vaughan,

Durant, Indian Territory,

Dear Sir:

You are hereby advised that on January 6, 1905, the Commission entered an order holding that Tom Leasing made application for enrollment as an intermarried citizen of the Chickasaw Nation within the time prescribed by the act of Congress approved July 1, 1902.

He should, therefore, appear before the Commission at its office in Muskogee, Indian Territory, for the purpose of testifying relative to his right to such enrollment at the earliest date practicable, in order that disposition of his case may not be delayed.

Respectfully,

Chairman,

9-1794

COPY.

Muskogee, Indian Territory, March 28, 1905.

Tom Loring,
Head, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 28, 1905, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

W. G. BROWN

Wm. Bixby

Registered.

Chairman.

Incl. 9-1794.

9-1796

COPY.

Muskogee, Indian Territory, March 25, 1906.

T. J. Vaughn,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 25, 1906, rendered its decision granting the application for the enrollment of Tom Louing as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

W. B. BIRBY

Wm B. Birby

Chairman.

Registered.

9-1794

COPY.

Muskogee, Indian Territory, March 25, 1905.

Mansfield, Mc Murray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered March 25, 1905, granting the application for the enrollment of Tom Leming as a citizen by intermarriage of the Chickasaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

W. B. Bixby

W. B. Bixby

Chairman

Registered.

Incl. 2/1/05

9-1794

COPY.

Muskogee, Indian Territory, March 25, 1905.

Tom Loring,

Head, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 20, 1905, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

W. H. H. H.

James Bixby

Registered,

Chairman,

Incl. 9-1794.

9-1794

COPY.

Muskogee, Indian Territory, March 25, 1905.

T. J. Vaughn,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 23, 1905, rendered its decision granting the application for the enrollment of Tom Loring as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

WITNESSED:

Tams Bixby

Registered.

Chairman.

9-1784

COPY.

Muskogee, Indian Territory, March 25, 1905.

Mansfield, Murray & Corwin,

Attorneys for Choctaw and Chickasaw Nations,
North McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered March 25, 1905, granting the application for the enrollment of Tom Boring as a citizen by intermarriage of the Chickasaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

EDWIN BERRY

James Bisby

Chairman.

Registered.

Incl. 9-1784.

Chic 1795

Chic 1795

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

In the matter of the application for the enrollment
as a citizen by intermarriage of the Chickasaw Nation of

W. R. N E A L ----- 9-D-89.

9-1-99

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, DECEMBER 16, 1904.

In the matter of the application of W. R. Neal for
enrollment as a citizen by intermarriage of the Chickasaw Nation.

W. R. NEAL

Being first duly sworn testified as follows:

EXAMINATION BY THE COMMISSION

- Q What is your name? A W. R. Neal.
Q What is your post office address? A W. Lowe.
Q In what Nation is that? A Chickasaw Nation.
Q How long have you lived in the Chickasaw Nation? A 25
years.
Q How old are you? A I am 36 years old.
Q Was your father a white man? A Yes sir.
Q Your mother too? A Yes sir.
Q You claim no rights as an Indian by blood? A No sir.
Q All the rights you claim is by intermarriage? A Yes sir.
Q Of what nation? A Chickasaw Nation.
Q Through whom do you claim rights as an intermarried citizen?
A Elizabeth Jane Strickland.
Q Is she living? A Yes sir.
Q What is her name now? A Benton.
Q When were you married to Elizabeth Strickland? A It was
in July '88.
Q Where were you married? A Pauls Valley.
Q What Nation? A Chickasaw Nation.
Q Where were you residing at the time you were married?
A at Pauls Valley, Chickasaw Nation.
Q How long had you been living in Pauls Valley? A Ten or
twelve years.
Q Where was your wife living at the time of your marriage to
her? A She was living there in the Chickasaw Nation;
she had been raised there.
Q Did you have a tribal license at the time you married her?
A Yes sir.
Q Who issued the tribal license? A Billy Parry.
Q What was he? A He was County Clerk.
Q Of what County? A Benton County.

- Q By whom were you married? A Morrett.
Q What was he? A Preacher--- a Presbyterian preacher.
Q Was Elizabeth Strickland your first wife? A Yes sir.
Q Were you her first husband? A Yes sir.
Q After your marriage where did you live? A We lived out at her father's close to Pauls Valley; about 7 miles from Pauls Valley.
Q What Nation? A Chickasaw Nation.
Q How long did you live together? A Four or five or six months.
Q Then what took place? A We separated.
Q Did you get a divorce from her? A She got the divorce.
Q Did you remarry? A Yes sir.
Q Did she remarry? A Yes sir.
Q What is her present husband's name? A Theodore Benton.
Q Have you any children? A Yes sir, one.
Q By Elizabeth Strickland? A Yes sir.

Elizabeth Benton, through whom the applicant claims his right as an intermarried citizen of the Chickasaw Nation is identified on Chickasaw field card 1568 and is number 4618 upon the final roll approved by the Secretary of the Interior April 11, 1903; the child of the applicant by his said wife Elizabeth Benton is identified on the same card with her mother and is number 4622 upon the final roll approved by the Secretary of the Interior April 11, 1903.

- Q Since your marriage to Elizabeth Jane Strickland in 1886 have you lived continuously in the Chickasaw Nation? A Yes sir.
Q You have never made your home anywhere else? A No sir I've been there all the time.
Q Have you filed your marriage license with the Commission? A No sir.

The applicant files with the Commission what purports to be a certified copy of the marriage license and certificate between Miss Elizabeth Jane Strickland and W. R. Neal.

- Q Is this your marriage license? A Yes sir, a certified copy of it.
Q Who is this W. R. Neal mentioned in this license? A That's myself.
Q This Elizabeth Jane Strickland mentioned in this license is your wife through whom you claim rights as an intermarried citizen? A Yes sir.
Q Have you been married since your marriage to Elizabeth Strickland? A Yes sir.
Q What was the name of your wife? A Roberts.
Q She is a white woman? A Yes sir.

9-D-89 ---3

Mattie V. Vaughn states upon oath that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Mattie V. Vaughn

Subscribed and sworn to before me this 16th day of December 1904.

Charles H. [Signature]
Notary Public.

W.R.N.
DBW

9-D-89.

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

In the matter of the application of W. R. Neal for enrollment as a citizen by intermarriage of the Chickasaw Nation.

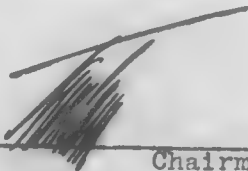
-- : D E C I S I O N : --

It appears from the record herein that on July 19, 1888, the applicant, W. R. Neal, was married in accordance with the laws, customs and usages of the Chickasaw Nation to Elizabeth Jane Neal (nee Strickland), a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name (as Elizabeth Benton) appears as number 4619 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat. 641), of persons entitled to enrollment as citizens by blood of the Chickasaw Nation, and approved by the Secretary of the Interior on April 11, 1903; that at the date of said marriage both the persons above mentioned were residents in good faith of the Chickasaw Nation, and that they lived together as husband and wife in said Nation for four or five months, when they separated and were subsequently divorced; that thereafter the applicant was married to Roberts, a white woman having no rights of Chickasaw citizenship by blood; and that the applicant has been a resident in good faith of the Chickasaw Nation from the date of his marriage to Elizabeth Jane Neal (nee Strickland) in the year 1888, up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060- 1904) relative to the question of forfeiture, W. R. Neal should be enrolled as a citizen by inter-

marriage of the Chickasaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat. 495) and July 1, 1902 (32 Stat 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

JAN 20 1905

Department of the Interior.

Commission to the Five Civilized Tribes.

On the application of
of enrollment as an inter-D 89---
citizen of the Chickasaw Na-
tion.

On the 17th day of March, 1902, the applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Cherokee and Chickasaw Nations were notified by registered mail, that the application of W. R. Deal for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 5th day of May, 1902, for final consideration.

Now, on this 5th day of May, 1902, this case coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

Harry C. Bixteen 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 5th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Bixteen

Subscribed and sworn to before me this 5th day of May, 1902.

Clarence B. ...

Notary Public

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:o:-----

In the matter of the application of W. R. Neal for enrollment as a Chickasaw Indian.

-----:o:-----

O. W. Patchell, Esq., Attorney for the applicant.

-----:o:-----

Ardmore, Indian Territory, November 22nd, A. D., 1898.

-----:o:-----

Mrs. Elizabeth Benton, being duly sworn by Commissioner A. S. McKennon, testified on behalf of the applicant as follows:

Direct Examination by Mr. Patchell:

Q Were you ever married prior to your marriage with your present husband, and if so, to whom? A. Married to William Neal.

Q Is he a white person or Indian? A. He is a white man.

Q Where were you married? A. At Pauls Valley.

Q Do you know whether or not a license was obtained from the Chickasaw Nation for the celebration of that marriage? A. I never did see the license.

Q Do you know whether or not he went after the license?

A. No sir, I don't.

Q You don't know? A. No sir.

Q Who performed the marriage ceremony? A. I couldn't tell you now, but I believe his name was Moffett, as well as I remember.

Q After that marriage did William R. Neal continue to live in the Chickasaw Nation? A. What time I was living with him he did; I don't know what he has been doing since.

- Q How long did you live with him? A. About two months.
- Q Then you separated? A. Yes sir.
- Q Afterwards a divorce was granted? A. Yes sir, about three years afterwards.
- Q To whom was that divorce granted? A. To me.
- Q In what court? A. Tishomingo.
- Q What year did this marriage occur in? A. 1887 I believe.
- Q Were there any children born of that marriage? A. Yes sir, one little girl.

Cross-Examination by Mr. Bixby:

- Q Why did you separate from Mr. Neal? A. He just said he was going to leave me.
- Q He said he was going to leave you? A. Yes sir.
- Q He left you, did he? A. Yes sir.
- Q Do you know why he left you? A. I don't know, he just said he was going to leave me.
- Q Didn't he give any reason? A. No sir.
- Q Did he ever try to come back to you? A. No sir, he never came back himself. There was others come and said he wanted to come back, but he never came himself.
- Q Would you have been willing to have gone back to him? A. No sir.
- Q Why not? A. Because he wanted to leave first he would want to leave again.
- Q Did you have any quarrel with Mr. Neal? A. No sir, no quarrel at all.
- Q Did he ever allege any reasons why he went away? A. No sir, he just came home and said he wanted his clothes, he was going to

leave.

Q Did he accuse you of anything? A. No sir, he just said he was going to leave.

Q What grounds did you allege in your application for divorce?

A I never alleged any at all. Mr. Burts got the divorce. He came there and talked to the lady I was working for, and she said I had better get a divorce and he said all right.

Q You didn't say why you wanted it? A. No sir.

Re-Direct Examination by Mr. Patchell:

Q Did you go to court when this divorce was granted? A. No sir.

Q Did you ever give any testimony in regard to it? A. No sir.

Q The divorce was granted? A. Yes sir, just brought it and give it to me.

Q Did all of your family, so far back as you remember, live in the Chickasaw Nation?

(By Com'r. McKennon) What case is that in, her own case?

(By Mr. Patchell) Yes sir, I presume so. It is the question of the citizenship of the whole family.

Q Have you lived in the Chickasaw Nation all your life? A. Yes sir.

Q And all the other members of your father's family done the same? A. Yes sir.

Q How many children are there living of the family of your mother? A. Of my mother?

Q Yes 'man? A. Only two.

Q Only two? A. Yes sir.

Q That is yourself and Mr. Blevin's wife? A. Yes sir.

Cross Examination by Mr. Kemp, Chickasaw Com'r.:

Q Did you say Mr. Byrd got your divorce for you? A. Mr. John Burts.

Q Have you a certificate from the court? A. Yes sir, I did have but I have not got it now.

Q You don't know who married you to Neal? A. I suppose it is on the marriage certificate.

Q You say you don't know who married you to Neal, when you were married? A. I don't remember the preacher's name exactly, but to my best recollection I believe it was Moffett.

Q And you say you was not in court when he got the divorce for you? A. No sir.

(By Mr. Bixby) That is not unusual, Judge Kemp.

(By Mr. Kemp) Yes sir, it is,- either one party or the other present.

In the matter of the application of W.R. Neel for enrollment as a Chickasaw citizen:

T. C. Walker being sworn states:

I used to know Josephine Belvin and Elizabeth Jane Benton. I do not know that they are sisters. I do not know the mother of Josephine. I know the mother of Elizabeth if she was Martha Marshall. She was ~~me~~ the daughter of Ben Marshall. I knew her intimately. I suppose they were Creeks. They came from the Creek Nation. They claimed to be Creeks.

W. R. Neel being sworn states:

I live near Roff, I. T. I have lived in the Chickasaw Nation 16 years. I married a Chickasaw woman, Elizabeth Strickland in 1888. I lived with her a little over 3 months. She told me to leave and I left. I tried to make up with her four or five times. She got a divorce from me. I was not present at the trial. I did not hear what she charged against me. I was in the Choctaw nation. -I have since married a white woman. I did not apply to the Dawes Commission in 1896. I enrolled two or three years ago with the nation, at Stonewall.

I married the a Chickasaw woman July 13th 1888. I married the white woman June 15th 1894.

In the matter of the application of W.R. Neel for enrollment as a Chickasaw citizen.

Reuben Garney being sworn says :

I live at Stonewall, I. T. I am a Chickasaw Indian. I know Martha Marshall well. I do not know confidently about what tribe she belonged to, only what I heard. I heard that she was a Creek. I heard that from Charley Strickland.

Martin B. Goadle being sworn says:

I live about ten miles east of Fish Springs. I have lived in the Nation all my life. I know Charles Strickland. He was my first cousin. I know his wife, she was Martha Marshall. I do not know definitely to what tribe she belonged. It was always understood that she was a Creek. Her father is buried on the place where I now live. I never heard her say she was a Creek. It was talked among the family and generally and notoriously understood that they were Creeks. I do not know of any question to that point that was asked to which she replied that she was a Creek but this was the general information. She was here as a refugee, and was with Creeks that refuged here. Her father was understood to be a Creek.

United States of America
Southern District
Indian Territory

I, Elizabeth Benton
do solemnly swear that my maiden
name was Elizabeth ~~Stick~~ Stick-
land, that in 1888 I married
William Neal, that after we
had lived together about 2 months
he told me he did not want to
live with an Indian woman and
that he only married me to get a
right in the Nation. He left me
and has not lived with me
since that time. I procured
a divorce from him in 1891
in the Indian Court at Fishomingo
Elizabeth Benton

Sworn and subscribed to before
me this 19th day of Sept 1898.

J. C. Anderson
J.P.

Tishomingo City
Chickasaw Nation

J. B. Kemp. District Judge of
the C. H. do by virtue of authority
vested in me by the Constitution
and Laws of the Chickasaw Nation
and verdict of the jury do this day
grant a Decree of Divorcement to
Elizabeth Neal from her
husband William Neal
this November the 30th A. D. 1841.

Ben Kemp

District Judge

of the C. H.

attest
J. Brown
Dist. Clerk

Chickasaw D-89.

In the matter of the enrollment
of W. R. Neal as an intermarried
citizen of the Chickasaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

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

FEB 6 1904

~~_____~~ CHAIRMAN.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation of W. R. Neal; Chickasaw field number D-89.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of John C. Bradshaw vs. The Choctaw and Chickasaw Nations, number 3, on the Tishomingo docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Chickasaw Nation providing for the forfeiture of the citizenship of white persons who separate from their Indian spouses which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.


Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

30 STATE ST. BOSTON MASS 02108

TO: THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

FROM: [Illegible Name]
[Illegible Address]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
M. H. RHO
DEC-16 1904

[Illegible body text]

CHARITY.

[Illegible body text]

[Illegible body text]

July, 12th 1888.

This is to Certify that I have granted Mr W.R. Neal, a united state
Citizen a license to marry Miss Elizabeth Jane Strickland, a Citizen
of the Chickasaw Nation. he have paid the amount of \$50.00

B.F. Ferry
County Clerk of
Pontotoc Co; C.N.

Billy Ferry,
County Judge of Pontotoc
County Chickasaw Nation.

This is to Certify that I William J Muffatt, a regularly ordain
Minister of the gospel of the Pres church, of the U.S.A. did on the
19th day of July 1888, solemnize the Holy wedlock the above name
W.R. Neal, Miss Elisabeth Jane Strickland parties receiving the above
written license given under my hand at Paul Valley, I.T.

recorded on
July 22nd
B.F. Ferry,
Clerk.

Rev William J. Muffatt.

This is to Certify that the
above foregoing license and Marriage Certificate, is a true and corr-
ect copy of the original on file in my office this the 14 days of Dec
1904.

Sam S. Motichy,
County & Probate Clerk of
Pontotoc County. C.N.

Muskogee, Indian Territory,

August, 18, 1900

W. R. Neal,

Fitzhugh, Indian Territory,

Dear Sir,-

You are hereby notified that the Chickasaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Chickasaw Nation.

For the purpose of hearing any additional testimony which may be offered by either you or the attorneys for the Chickasaw Nation, the Commission will hold a session at Atoka, Indian Territory, commencing December, 3rd, 1900, at which time and place you will be allowed to offer any additional testimony which you may desire to submit in support of your application, such hearing to be final.

Yours truly,

Acting Chairman.

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING:

Chickasaw D-89.

Muskogee, Indian Territory. March 17, 1902.

W. R. Neal,
Pitahugh, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as citizen of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 5th day of May, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Register.

Commissioner in Charge.

Chickasaw D 89

Muskogee, Indian Territory, October 22, 1902.

J. B. Thompson,

Attorney at Law,

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you desire to be advised if W. R. Neal is enrolled as a citizen of the Choctaw or Chickasaw Tribes of Indians and if so, his status as a citizen of either of these tribes.

In reply to your letter you are advised that it appears from our records that on September 28, 1898, W. R. Neal, 30 years of age, of Widdowh, Indian Territory, made application to this Commission for enrollment as a citizen by intermarriage of the Chickasaw Nation. The Commission has not up to this time rendered a decision in the matter of such application.

Respectfully,

Acting Chairman.

Chickasaw D 80

Muskogee, Indian Territory, March 11, 1903.

O. W. Patchell,

Attorney at Law,

Pauls Valley, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 1, asking what disposition has been made of the application of William R. Neal, and in reply to your letter you are advised that it appears from our records that W. R. Neal has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Chickasaw Nation, and his final right to such enrollment has not yet been determined. As soon as a decision is reached in this case you will be duly notified of the action of the Commission.

Respectfully,

Chairman.

Chickasaw D 60

Muskogee, Indian Territory, February 8, 1904.

W. R. Neal,

Fitzhugh, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 16, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Chickasaw D 87

Muskogee, Indian Territory, March 10, 1904.

W. B. Neal,

— Roff, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 7, asking the status of your enrollment as an intermarried citizen and in reply you are advised that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Chickasaw Nation, and on February 6, 1904, there was filed by the attorneys for the Choctaw and Chickasaw Nations under date of January 28, 1904, in which they request that final decision in your case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of John G. Bradshaw versus the Choctaw and Chickasaw Nations, Number 3 on the Pickens' docket, in which the said court will decide the question of the validity of that portion of the intermarriage law of the Chickasaw Nation providing for the forfeiture of the citizenship of white persons who separate from their Indian spouses, which question, they allege, is involved in your case.

Notice of the filing of this protest was forwarded to you on February 6, 1904, at Pitsburg, Indian Territory, your last known post office, and you were advised that under the instructions of the

W H H :

Secretary of the Interior the Commission is stopped from taking further action in cases of this character, wherein protests have been filed by the attorneys for the Choctaw and Chickasaw Nations until further directed by the Department.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, June 28, 1904.

W. R. Neal,
Roff, Indian Territory,

Dear Sir:

It appears from the records of the Commission that you are an applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation, but it does not appear that you have ever appeared before the Commission for the purpose of giving your testimony as to your intermarried status on September 25, 1902.

You are advised that it will be necessary for you to appear in person before the Commission at its office at Muskogee, Indian Territory to testify as to your intermarried status on September 25, 1902, and that until you do so appear, nothing further can be done in the matter of your enrollment as a citizen by intermarriage of the Chickasaw Nation.

You are further advised that it will be necessary for you to file your marriage license and certificate, showing

W. R. H. Co.

your residence to Jany Hill (near Strickland), your Indian
agents, to have been in accordance with the laws, customs and
usages of the Chickasaw Nation.

Respectfully,

Chairman.

9-2-04

Muskogee, Indian Territory, June 25, 1904.

W. R. Neal,

Boff, Indian Territory.

Dear Sir:

It appears from the records of the Commission that you are an applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation, but it does not appear that you have ever appeared before the Commission for the purpose of giving your testimony as to your intermarried status on September 25, 1902.

You are advised that it will be necessary for you to appear in person before the Commission at its office at Muskogee, Indian Territory to testify as to your intermarried status on September 25, 1902, and that until you do so appear, nothing further can be done in the matter of your enrollment as a citizen by intermarriage of the Chickasaw Nation.

You are further advised that it will be necessary for you to file your marriage license and certificate, showing

W. R. Y. -2.

YOUR request to Jane Neal (nee Strickland), your Indian
spouse, to have been in accordance with the laws, customs and
usages of the Chickasaw Nation.

Respectfully,

Chairman.

W. R. Neal

COMMISSIONERS
TAMM BIXBY,
THOMAS E. NEEDLES,
C. E. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:
9-D-29.

COMMISSIONERS

TRIBES

Muskogee, Indian Territory, August 12, 1904.

W. R. Neal,
Roff, Indian Territory,

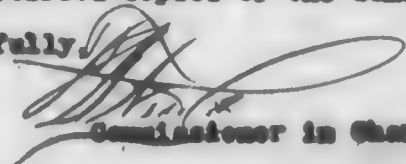
Dear Sir:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Chickasaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your inter-married status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the land office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the land office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

You are further advised that it will be necessary for you to file your marriage license and certificate showing your marriage to Jane Neal (nee Strickland) your Indian spouse to have been in accordance with the laws, customs and usages of the Chickasaw Nation, and if the original cannot be supplied then you should procure and file with the Commission certified copies of the same.

Respectfully


Commissioner in Charge.

Muskogee, Indian Territory, October 15, 1908.

W. R. Neal,

W. R. Neal
Reff, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation, it will be necessary for you to appear before this Commission at its general office at Muskogee, Indian Territory, and testify relative to your status as such inter-married citizen on September 25, 1908.

When such appearance is made you are requested to bring with you the original or certified copies of license and certificate, showing your marriage to Jane Neal Strickland, through whom you claim your intermarried rights.

Respectfully,

JD

Commissioner in Charge.

COMMISSIONERS:
TAMM BERRY,
THOMAS B. NEEDLES,
C. B. BRACKENRIDGE.
Wm. O. BEALL,
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:
9-D-69

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory, November 10, 1904.

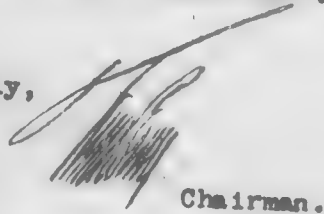
W. R. Neal,
c/o O. W. Patchell,
Roff, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation, it will be necessary for you to appear before this Commission at its general office at Muskogee, Indian Territory, and testify relative to your status as such intermarried citizen on September 25, 1902.

When such appearance is made you are requested to bring with you the original or certified copies of license and certificate showing your marriage to Jane Neal Strickland, through whom you claim your intermarried rights.

Respectfully,


Chairman.

JD

Chickasaw D 89

COPY.

Muskogee, Indian Territory, January 20, 1905.

V. R. Neal,

Law, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 20, 1905, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Yours,

James Bixby

Registered.

Chairman.

Encl. 9-2-05.

Chickasaw D 86

COPY.

Muskogee, Indian Territory, January 30, 1908.

O. W. Patchell,

Attorney at Law,

Pauls Valley, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 30, 1908, rendered its decision granting the application for the enrollment of W. R. Neal as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Cherokee and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Yours,

Tatns Bixby
Chairman.

Registered.

Chickasaw D 89

COPY

Muskogee, Indian Territory, January 20, 1908.

J. B. Thompson,

Attorney at Law,

Pauls Valley, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 20, 1908, rendered its decision granting the application for the enrollment of W. R. Neal as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Yours,

James Dixby

Chairman.

Registered.

Chickasaw D 89

COPY.

Muskogee, Indian Territory, January 20, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered January 20, 1905, granting the application for the enrollment of W. R. Neal as a citizen by intermarriage of the Chickasaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

James Bixby

Chairman.

Registered.

Incl. D-D-57.

See Chickasaw 1200 for registry receipt for this letter.

W. R. Neal age 30

Original license & certificate to be supplied

but cks.

Married in July 13 1888 to

Ely. Jane Shunkland (Chick woman)

Separated from her in 3 months,

Married to white woman as is

July 13th 1894

(White Card)

~~189~~
Meyers

Three questions in this case

1st - Was his former wife a
Christiana citizen -

2nd - Did he marry out

3rd - Did he abandon
his Christ. wife. ~~DS~~

OK Bishop

John Paul -

In case of W.R. Neal et al

Chic 1796

Chic 1796

88

88

88

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 Muskogee, Indian Territory August 25, 1904.

In the matter of the application for the enrollment of
 George Riley Lynn as an intermarried citizen of the Choctaw Nation.

George Riley Lynn being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A George Riley Lynn.
 Q What is your post office address? A Lone Elm.
 Q What is your age? A I am forty-nine years old 4th last
 November, will be fifty next November 4th.
 Q Do you claim rights as a citizen by intermarriage of the Chicka-
 saw Nation? A Yes, sir.
 Q What is the name of the Chickasaw woman through whom you claim?
 A Mary Ann Calhoun was her maiden name.
 Q Is she living now? A Yes, sir.
 Q What is her name now? A Pickens.
 Q Mary Ann Pickens? A Yes, sir.
 Q What is the name of the present husband of your former wife? A
 Clayborn Pickens.

The Indian through whom the applicant claims is identified
 as Anna Pickens on Chickasaw card field number 962 and is numbered
 2855 upon the lists prepared by this Commission and approved by
 the Secretary of the Interior December 12, 1902.

- Q When were you married to Anna Pickens? A 1892.
 Q Were you ever married before your marriage to Anna Pickens? A
 Yes, sir.
 Q How many times before that? A One time.
 Q What was the name of your former wife? A Annie Dalton.
 Q Was Annie Dalton dead at the time of your marriage to Anna
 Pickens? A Yes, sir.
 Q How was Annie Pickens ever married before her marriage to you?
 A No, sir.
 Q She was never married before her marriage to you? A No, sir.
 Q Of what nation were you a resident at the time of your marriage
 to Anna Pickens? A Chickasaw.
 Q Were you married to Anna Pickens under a Chickasaw tribal license?
 A Yes, sir.
 Q What has become of that license? A I don't know whatever did
 become of the license I had then and I have lost then and I can't
 find them.
 Q Have you got the certificate of marriage? A No, sir.
 Q You lost that too? A Yes, sir.
 Q Do you know what month and day of the month of 1892 you were
 married to her? A It was in December a little before Christmas.

9-D-139---2.

It will be necessary in the matter of your application for enrollment that you furnish the Commission with the affidavits of at least two disinterested parties who were present and witnessed your marriage to Anna Pickens.

Q How long did you live with Anna Pickens after your marriage? A Me and her quarreled I believe in the fall of 1895.

Q Did you get a divorce from her? A Well no I don't reckon I did.

Q She got a divorce from you? A Yes, sir, I applied for a divorce myself.

Q When was the divorce granted? A I can't tell you.

Q Have you remarried since your divorce? A No, sir.

Q Where have you continued to reside since your marriage to Anna Pickens? A Chickasaw Nation.

Q You have lived in the Chickasaw Nation ever since you were married to Anna Pickens in 1892? A No, sir, I have gone for several months at a time but the Chickasaw Nation has always been my home.

Q You have always considered that your home? A Yes, sir.

Witness excused.

Chas. T. Diefenderfer being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. T. Diefenderfer

Subscribed and sworn to before me this 27th day of August, 1904.

Charles T. Sawyer

Notary Public.

9-D-139

O.L.J.

DD

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

-000-

In the matter of the application for the enrollment of George Riley Lynn, as a citizen by intermarriage of the Chickasaw Nation.

---: D E C I S I O N :---

It appears from the record herein that in December, 1892, the applicant, George Riley Lynn, was married in accordance with the laws, customs and usages of the Chickasaw Nation to Anna Pickens, a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name appears as number 2855 upon the lists prepared by this Commission under the Act of Congress approved July 1, 1902, (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Chickasaw Nation, and approved by the Secretary of the Interior, December 12, 1902; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation; that they lived together continuously as husband and wife in said Nation until the fall of 1895 when they separated and were subsequently divorced, since which time the applicant herein has never remarried.

It further appears from the evidence in this case that the applicant herein has resided continuously in the Choctaw-Chickasaw country from the date of his said marriage to Anna Pickens up to and including September 25, 1902.

It further appears from the records in the possession of the Commission that the name of the applicant as George Lynn is found upon the 1896 Chickasaw census roll, Pickens county, page 83.

It is therefore the opinion of this Commission that following the ruling of the Department in the case of Thornton D. Pearce (I.T.D.4060-1904), relative to the question of forfeiture George Riley Lynn should be enrolled as a citizen by intermarriage of the Chickasaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902, (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]
Chairman.

[Signature]
Commissioner.

Muskogee, Indian Territory,
JAN 20 1905.

[Signature]

Dry Goods, Groceries,
Hardware, Farm Implements, etc.

L. W. HOWE,

All Kinds of Deere Plow Goods
and Moline Wagons.

—DEALER IN—



HOUSES AT OAKLAND AND LEBANON.

S. H. WOOTTON, Manager.

Oakland, I. T.,

189

Indian Territory }
Chickasaw Nation } 38

L. V. Colbert upon oath says that he is 35 yrs. old, is a Chickasaw Indian by blood and was County Judge of Pickens Co., Ok., in the year 1893. That during said year while acting as such County Judge he issued marriage licenses to Geo. R. Lynn to wed Mary A. Colhoun. That said Mary A. Colhoun was and is a Chickasaw Indian by blood and the said Geo. R. Lynn was a United States citizen. That the said Lynn accompanied his petition for license with the signatures of five members or citizens of the Chickasaw Tribe of Indians, and the license I issued to him was a Chickasaw license and was issued in conformity to the marriage laws of the Chickasaw Nation. The said Lynn having fully complied with every requirement of the marriage laws of said Chickasaw Nation.

L. V. Colbert

Subscribed and sworn to before me this the 3rd day of
October - 1898

W. D. Roberts

In the matter of the application of George R. Lynn for enrollment as a Chickasaw citizen by intermarriage.

Annie Pickens being sworn says:

I was married 3 years ago to a man by the name of Lynn; I lived with him about one year. He left me and I got a divorce from him; I do not know why he left me. He did not treat me well. He abused me but he never whipped me. He never did accuse me of doing anything wrong. I do not remember anything he ever said to me. He would call at me in English and I did not understand very good what he was saying. I knew ~~how~~ he was talking rough to me. He finally left me at my stepfather's. I do not remember that he said he had got a place and that he wanted me to go with him and live on it.

George R. Lynn being sworn says:

I applied for a divorce but she cross-filed and got it. She was a good woman and I never heard anything wrong of her; I believe I can tell the grounds of our separation. Nick Russell and her were cousins. The next morning after I was married he came to where we were, and I could hear him in the next room talking Chickasaw. Annie told me that he said he was going to kill me; I told her that if I had something I would kill him as he went out of the gate. Annie told her Aunt, and she went to making trouble for me. That is the ground of our separation.

I had one child by her. It died.

I had a good place for her. When we separated I had 25 acres that we were getting rent on. I gave it all to her. I came back to her and begged her to go home. I told her we could make a good living. I have never remarried.

2.

After she got the divorce I went to her and tried to get her to make it up so that we could marry again. I did not abandon her. I had no place to make a living. I was hired to Thompson Pickens. I bought a place and went up to it. I built a house and fenced 80 acres of land, and during this time I went back three times and begged her to go with me. She was at her Aunt's.

When I first married her I took her to Frazier McLish's and afterwards to my father's. I bought a housekeeping outfit. She paid \$20.00 on it and I paid \$25.00 I put one of her ponies in on the improvements on the place and I sold the other one. When we separated I had nothing but the place and she got it all. I gave her one half of the place, and when she got the divorce the court gave her all of it.

I applied for the divorce because I could not get her to come back and live with me. I did not mean to get a divorce when I first talked about it. I just kept on trying to get her to go with me, and talked of getting the divorce to bluff her. I began talking of the divorce for a bluff. I had a good house for her to go to.

Zena Pickens being sworn says:

I know George R. Lynn, and his wife. ~~xxxx~~ They were camping and he put her in my yard and left her there. He had no house for her to live in. He would borrow cabins and go into them. I guess he was a poor man. He got away with all Annie's property.

She had several ponies and several head of cattle.

When they were around me they were quarreling ~~xxxx~~ all the time. I do not know how it was when they were away. It seemed to be George who was quarreling all the time. I never saw him strike her. He finally went off on his own accord.

3.

Q. by Lynn:

Was I not hired by Thompson Pickens, for three months, and did I not buy ~~xxx~~ a place from Ellis, while I was there, and did I not try to get ~~xxx~~ Annie to go to the place with me?

Ans:

I heard you say something about buying a place, but I never heard of your trying to get Annie to go to it.

Q:

Do you remember that I came back two or three times and ~~tried~~ ^{tried} to get her to go.

A:

I do not recollect that.

Calvin Brown being sworn says:

I know Lynn and his wife.

Q by Lynn:

Did I ever ask you to talk to Annie and ~~xxxx~~ to help me to try to get her back.

A:

Yes sir.

Q:

Did I not tell you that I thought more of her than any woman that ever lived?

A:

Yes. And I told you I would help you if I could.

Q:

Did you try.

A:

I had no chance to talk with her.

4.

I know nothing of the separation; I do not know what kind of a man Lynn is. I do not know anything of his relations with his wife. I was around them a good deal. I never saw him mistreat her.

Thompson Pickens being sworn says:

I know George Lynn and his wife. I am an Uncle by marriage to her. I was a member of the Legislature and it was in session, and while I was off there they came and camped at my place;

When I came home they had separated. I do not know why they separated. I guess the man went off, for the woman was at my house when I came back. When they first married they went out on the prairie, and when I came back was the first time I saw them after they were married. I heard that Mr. Lynn was a little jealous but I know nothing about it.

I think Lynn applied for the divorce, and the his wife applied and got it. I do not know what kind of a worker he is. I had him to feed my stock while I was at the Legislature. I heard something ^{about} ~~that~~ he was buying a place near Durwood. I went up there once to where he was. He had cleared a field, had built his house and was fixing to floor it when I was there.

I do not remember that he said anything about getting his wife to go there.

98139

and the said man and woman are now a Christian woman and a Christian man.

They were before me and I have seen them and they are now a Christian man and a Christian woman.

The said man and woman are now a Christian man and a Christian woman.

Witness my hand and seal of office at the City of New York, this 1st day of September, 1904.

John H. ...

and the said man and woman are now a Christian man and a Christian woman.

and the said man and woman are now a Christian man and a Christian woman.

and the said man and woman are now a Christian man and a Christian woman.

and the said man and woman are now a Christian man and a Christian woman.

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and the said man and woman are now a Christian man and a Christian woman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 2 1904

George H. ...
Indian ...
United States of ...

495139

United States of America,
Indian Territory
Southern District,

Thomas Pratt, being duly sworn says that ^{he is acquainted with} George Riley Lynn, and also acquainted his wife whose name was before her marriage to the said George Riley Lynn, Mary Ann Calhoun. Affiant says that he is an Indian Citizen by blood, and is the present County Clerk of Pickens County, and an 27 years old.

I was present at LeFlore Indian Territory and witnessed the marriage that saw the the marriage, of the said George Riley Lynn, and the said Mary Ann Calhoun marry each other, in the month of December just a short time before Christmas, in the ^{year} 1892, and they were married by one Minister Shafer who was then pastor of the Methodist Church, and that the said parties lived together as man and wife for some time.

That said parties were married under the Indian Law, The affiant says the said Mary Ann Calhoun was born a Chickasaw Indian by blood

I have known the said Mary Ann Calhoun all my life, and is distant-ly related to me, or that is what our people say. I have known George Riley Lynn, about 13 years. Further affiant sayeth not.

Thomas Pratt

Subscribed and sworn to before me this the 9th day of September, 1904.

Geo. A. Leushan
Notary Public.

My Commission expires on the
20th day of February, 1906.

95139.

...and the said Mary Ann Galhoun, and that they were married, so each
acknowledged with Mary Ann Galhoun, a Chickasaw Indian, and alliant aforesaid
and was known him about twenty years, and that alliant was also

Alliant further aforesaid that he is acquainted with George Klitz Taylor,
near a resident of said Territory, for about 20 years last past.

Office address is Love Elm, and that he is _____ years of age and has
Territory, residing about ten miles north of Madill, T. T. that his post

resident of the Southern District (Chickasaw Nation) of the Indian
Territory, first named, known, and that he is a

Southern District,
Indian Territory,
United States of America.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 20 1904

 CHAIRMAN.

19 8 139

United States of America,
Indian Territory,
Southern District,

J.M.Cates, first being duly sworn, deposes and says that he is a resident of the Southern District (Chickasaw Nation) of the Indian Territory, residing about Ten miles south of Madill, I.T. that his Post Office address is Lone Elm, and that he is 40 years of Age and has been a Resident of said Territory, for about 20 years last past.

Affiant further states that he is acquainted with George Riley Lynn, and have known him about twenty Years, and that affiant was also acquainted with Mary Ann Gaihoun, a Chickasaw Indian, and affiant states that he was present and witnessed the marriage of the said George Riley Lynn, and the said Mary Ann Gaihoun, and that they were married to each other in December, a few days before Christmas, in the year 1892, the exact day of the month having been forgotten. Affiant says the said George Riley Lynn, and the said Mary Ann Gaihoun were married under the Laws of the Chickasaw Nation, and that affiant saw the license and the same was Indian License, such as were obtained from the Indian County Judge of Pickens County, that the above parties were married by one _____ Shaffer, or some name that had that sound, who was a Methodist minister in charge and the pastor of the Methodist Church at Lamanon, I.T. That the above parties were married about 8 o'clock in the after noon, at the residence of said minister. Further affiant sayeth not.

J.M. Cates

Subscribed and sworn to before me this the 20 day of Aug 1894

L.P. Shook
Notary Public.

My commission expires on the 4
day of Jan 1898

Affidavit.

I, J. E. Gammell, the undersigned, a
notary public within and for
the Southern District of the Indian
Territory, on this 1st day of Oct
1898, personally came and appeared
Isaac O Lewis, who being duly sworn
to make oaths.

I was county clerk of Rich-
mond county, Ok. during the
years 1893 & 1894, and by virtue
of said office I was custodian
of the records thereof and there
in January 1894 I recorded the
marriage license of Geo R. Lyman
and Mary A. Lyman (neé Mary A. Cal-
houn)

Isaac O. Lewis
Subscribed and sworn before me
this 1st day of Oct 1898.
J. E. Gammell

Chickasaw D-139.

In the matter of the enrollment
of George Riley Lynn as an in-
termarried citizen of the Chick-
asaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

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

FEB 6 1904

~~_____~~
CHAIRMAN.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation, of George Riley Lynn; Chickasaw field number D-139.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of John C. Bradshaw vs. The Choctaw and Chickasaw Nations, number 3, on the Tishomingo docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Chickasaw Nation providing for the forfeiture of citizenship of white persons who separated from their Indian spouses which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.


Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

George R. Allen - 1870. age 25

Wm. C. - Perkins Co.

ok
B. H. C.

(1000)

1879

9-D-139.

Muskogee, Indian Territory, August 11, 1904.

George Riley Lynn,
Grantham, Indian Territory,

Dear Sir:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Chickasaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 26, 1904.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the land office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the land office at Fitchings, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

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

ALLISON L. AYLESWORTH,
SECRETARY

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

100018
KEEP IN REPLY TO THE FOLLOWING.

Chickasaw D-139.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory, February 26, 1903.

George Riley Lynn,
Grantha, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw nations April 1, 1903.

The act of Congress approved July 1, 1902, provides as follows:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Chickasaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,



Chairman.

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:

Chickasaw D 139

ALLISON I. AYLESWORTH,
SECRETARY

ADDRESS OF THE
COMMISSION

Muskogee, Indian Territory, February 8, 1904.

George Riley Lynn,
Grantham, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
JAMES H. BECK
THOMAS H. HARRIS
W. J. HARRINGTON

W. M. C. HALL
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

LETTERS IN REPLY TO THESE SHOULD BE SENT TO THE SECRETARY

9-p-139

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 1, 1902.

George Riley Linn,
Grantham, Indian Territory.

Dear Sir:

It appears from the records of the Commission that you are an applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation.

You are advised that before consideration can be given to your application as an intermarried citizen of the Chickasaw Nation it will be necessary for you to appear in person before the Commission at its office at Muskogee, Indian Territory, at as early a date as practicable, to testify as to your intermarried status on September 25, 1902.

Respectfully,



Chairman.

Chickasaw

Muskogee, Indian Territory, July 23, 1904.

Mr. [Name],

Attorney at Law,

Madill, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of July, 1904, in which you ask the status of the case of George Riley Lynn, an intermarried Chickasaw citizen.

In reply to your letter you are advised that before further consideration can be given the application of George Riley Lynn for enrollment as an intermarried citizen of the Chickasaw Nation it will be necessary for him to appear and testify relative to his intermarried status on September 25, 1904.

Such appearance may be made at the general office of the Commission in Muskogee, Indian Territory at any time, or he may appear during the appointment of the Commission at the Choctaw Land Office, Atoka, Indian Territory, September 8 and 9, or at the Chickasaw Land Office, Tishomingo, Indian Territory, September 8 and 9, 1904.

Respectfully,

Commissioner in Charge

9-2-199

Winkago, Indian Territory, September 30, 1904.

George A. Henshaw,

Attorney at Law.

Mailli, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 14th instant, enclosing the affidavits of J. M. Gates and Thomas Pratt relative to the marriage between George Riley Lynn and Mary Ann Galhous, and the same have been duly filed with the records of the Commission in the matter of the application for enrollment of said George Riley Lynn as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Chairman.

Chickasaw D 139

COPY.

Muskogee, Indian Territory, January 20, 1906.

George Henry Ryan,
Lenaha, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 20, 1905, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

W. H. H. H.

W. H. H. H.

Registered.

Chairman.

Incl. 9-2-100.

Chickasaw D 129

COPY.

Muskogee, Indian Territory, January 20, 1908.

Headshaw & Falkner,
Attorneys at Law,
Muskogee, Indian Territory,
Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 20, 1908, rendered its decision granting the application for the enrollment of George Riley Lynn as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

WITNESSED

JAMES BIRBY

Registered.

Chairman.

Chickasaw D 139

COPY,

Muskogee, Indian Territory, January 20, 1905.

Mansfield, Murray & Gornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered January 20, 1905, granting the application for the enrollment of George Riley Lynn as a citizen by intermarriage of the Chickasaw Nation.

You are hereby advised that you will be allowed thirty days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

~~XXXXXXXX~~

Tarne Bixby

Registered.

Chairman.

Incl. 4-D-139.

See Chickasaw 1202 for registry receipt for this letter.

Chic 1797

Chic 1797

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

-oOo-

In the matter of the application for the enrollment as a
citizen by intermarriage of the Chickasaw Nation of-
L I L L I E M. T A Y L O R - - - 9-D-143.

-oOo-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Colbert, I. T., June 14, 1900.

In the Matter of proof of marriage :
certificate of Lillie May Taylor nee :
Mrs. Robert Overton Harney. :

Chick D 163

James P. Thompson, being first duly sworn by Acting Chairman Bixby, testified as follows:

By Cyrus G. King, attorney of Mrs. Taylor.

- Q How old are you? A 49 years.
- Q Where do you reside? A I live in Pickens Co.,
- Q What is your postoffice address? A Woodsville, Chickasaw Nation, Indian Territory
- Q Did you know Robert Overton Harney in his lifetime? A Certainly.
- Q Were you present at the marriage of the said Robt. Overton Harney to Miss Lilly May Taylor on the 20th day of Nov., 1887?
- A I don't remember the date, but I was present when Robert Overton Harney married May Taylor, this lady here; I have known her ever since she was a kid.
- Q You was present when she was married to Harney? A A I don't remember what year it was; its been about 8 or 9 years ago.
- Q Do you know who the minister was who solemnized the marriage?
- A Yes sir.
- Q Who was it? A His name was Moon.
- Q Do you know whether ir was J. T. Moon or not? A No, I don't; I don't go to church, and don't mix with them; Moon was the man.
- Q Was you with Robt. Overton Harney when he obtained his marriage license to marry this lady, Lilly May Taylor? A I was present.
- Q From whom did he obtain this license? A Judge Willis Dickerson of Pickens County.
- Q Was he the judge of Pickens County at that time? A Yes sir, he was.
- Q Was you present when the liscence was issued? A Yes, I went with him up there, and I don't know whether he paid for the license or h whether I did; he is my step son.
- Q How much was paid for the liscence? A \$50 in greenbacks; all of it; no silver.
- Q What is your relation to the chickasaw Nation? Are you a citizen of the Chickasaw Nation, or an intermarried Chickasaw citizen.
- A I am an intermarried citizen; I married Robt. Overton Harney's mother, previous to his marriage.
- Q What year did you marry her? A In '86.
- Q Was Overton Harney a member of the Chickasaw Nation? A Certainly, his mammy and daddy was Chickasaw and Choctaw.
- Q Was he looked upon as a Chickasaw citizen by the authorities of the Chickasaw Nation? A Sure.
- Q You are the stepfather of Robert Overton Harney, are you? A Yes.
- Q And Lilly May Taylor married Robert Overton Harney in 1887, did she?
- A Yes sir.
- Q Do you know where she resided previous to that time? A Yes.
- Q Where had she lived? A She lived on my place right above where I live.
- Q What county? A Pickens Co.
- Q She had lived in Pickens Co. how many years before she married Robt. Overton Harney? A I couldn't tell you; she was a little bit of a tot.
- Q Was it for more than 2 years? A Sure.
- Q About how many years? A 5 - 6 - 7 years.
- Q Your wife was Robert Overton Harney's mother, was she? A Yes.
- Q She was a recognized member of the Chickasaw Nation, was she?
- A Yes sir.
- Q By blood? A Yes sir.
- Q Did you know anything about the separation of Lilly May Taylor and Robt. Overton Harney at the time? A I do-- but I don't-- that's a critical question; they was just like two kids. if you want to

- ask the facts about it; there was no trouble one way or the other.
- Q You was a witness to the marriage certificate, was you? A Yes sir.
- Q Was you present at the marriage of Robert Overton Harney to Lilly May Taylor? A Yes, they was married in the east parlour of my house.
- Q In what nation? A In Pickens Co. Chickasaw Nation.
- Q Do you know who married them? A A minister by the name of Moon.
- Q Do you know his initials? A No, I don't.
- Q Was you present when Robt. Overton Harney secured his marriage license to marry Miss Lilly M. Taylor? A Yes, I was present.
- Q How much was paid? A \$50 in greenbacks; I don't know whether I paid it or whether Overton did it; it was all the same.
- Q How long had you known Lilly May Taylor up to that time? How long had she lived or resided in Pickens Co. previous to her marriage to Robt. Overton Harney? A About 7 or 8 years. I would not be positive as to that; I don't remember these things; when I went there to procure the marriage license the judge asked me how long she had lived there; I told him long enough; she had lived there as much as two years.
- Q Do you remember Mr. Shelton, who was present at that time? A Yes.
- Q Do you remember whether he was with you at the marriage? A Yes he was there in the parlour.
- Q Do you remember his initials? A No, and I don't know where he resides now.
- Q You remember whether Shelton was present when the marriage license was issued? A Yes, he lived there in Preston Bend; that is in Gresham Co., Tex.
- Q That was just across the river? A Yes sir.

Lillie May Taylor, being first duly sworn by Acting Chairman Bixby, testified as follows:

- Q What is your name? A Lillie May Taylor.
- Q What is your age? A 27 years.
- Q What is your postoffice address? A Wynnewood, I. T.
- Q How long have you lived in this Twp? A About 15 or 16 years.
- By Mr. King:
- Q After you were divorced from Robt. Overton Harney, did you marry after that time? A Yes sir.
- Q Who did you marry? A Nelson Price.
- Q Who is he? A He seemed to be a native of the Ind. Ter.
- Q What nation? A Choctaw or Chickasaw, I don't remember.
- Q Or Cherokee? A I don't remember.
- Q Do you know what law you married him under? A U. S. law.
- Q Was the license obtained in Ardmore, I. T.? A Yes sir.
- Q Did you have any children by him? A One.
- Q What is its name, age and sex? A Her name is Irene Price, age 7 years.
- Q Her father's name was what? A Nelson Price.
- By Mr. Bixby:
- Q You are not living with Price now? A No sir.
- Q Are you divorced from him? A Yes sir.
- Q Did you marry again after that? A Yes sir.
- Q What is the name of the man you married after that? A W. E. Swinford.
- Q Are you living with him? A No sir.
- Q He was a U. S. citizen? A Yes sir.
- Q You married him under U. S. law? A Yes sir.
- Q What year was it you married him? A Going on three years ago.
- By Mr. King:
- Q You have no children by him that you want registered? A No sir.
- Q You had no child by Harney? A Yes, one; he is not living.
- By Mr. Bixby:
- Q Is Mr. Price living? A Yes, supposed to be living; he was near dead the last time I heard from him.
- Q Is he a recognized citizen of either of the tribes? A He is recog-

3-L.H. Taylor.

nized over in the Chickasaw Nation.

By Mr. King.

Q Is he not Cherokee instead of Chickasaw? A I don't know am sure, what he claims to be.

Q Do you know the name of Nelson Prices' mother? A No, I don't; she has been dead for several years.

Q Do you know about how old his father is? A He must be 64-5 years.

Q Do you know what his present wife's name is? A Her name is Vacey Price.

Q Is she Choctaw or Chickasaw? A She is Chickasaw I think.

Q Nelson Price is probably Cherokee, isn't he? A I can't say, but I heard an old negro lady that said she knew Mr. Prices' mother, and she was a Cherokee Indian.

Q Overton obtained a divorce from you, didn't he? A Yes.

Frances H. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above named witnesses, and that the foregoing transcript is a true and complete transcript of all testimony as given by them.

Frances H. Brown

Subscribed in my presence and sworn to before me this 15th day of June, A. D., 1900.

[Signature]
Acting Chairman.

9-D-143.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory,
November 10, 1903.

-----:-----
In the matter of the application for the enrollment of
Lillie M. Taylor as a citizen by intermarriage of the Chickasaw
Nation.

Applicant represented by attorney, Cyrus G. Kean.

Said Lillie M. Taylor, being first duly sworn, testified
as follows:

Examination by the Commission.

- Q What is your name? A Lillie M. Taylor.
Q L-i-l-l-i-e? A Yes, sir.
Q What is your post-office address? A Wynnewood, Indian Territory.
Q How old are you? A Thirty or thirty-one years old -- thirty, I
guess.
Q You are a white woman? A Yes, sir.
Q Don't claim any rights at all as an Indian by blood? A No, sir.
Q What is your father's name? A Ira A. Taylor.
Q White person? A Yes, sir.
Q And your mother's name? A Elizabeth Taylor.
Q White? A Yes, sir.
Q They made no claim to be Indians by blood? A No, sir.
Q Your father dead? A Yes, sir.
Q Where were you born? A I was born in Garrard, Kansas.
Q How long did you live there? A I didn't live there -- lived
there when I was quite small.
Q Where did you remove to? A Gotham, Missouri.
Q How long did you stay there? A Lived there until I was seven
years old.
Q Where did you go then? A To Denison, Texas until I was nine.
Q When did you first come to the Territory? A Came over when I was
nine years old to the Territory.
Q Have you lived in Indian Territory ever since? A Yes, sir.
Q What Nation? A In the Chickasaw Nation.
Q Entirely? A Yes, sir.
Q Since you were nine years old made your home entirely in the
Chickasaw Nation? A Yes, sir.
Q Never made your home outside? A No, sir.
Q Still live in the Chickasaw Nation? A Yes, sir.
Q How many times have you been married? A Three times.
Q What is the name of your first husband? A Robert Overton Harney.
Q Was he a recognized and enrolled citizen of the Chickasaw Nation?
A Yes, sir.
Q Where did he live at the time of his marriage to you? A At Harney-
ville.
Q What Nation? A Chickasaw Nation.

Lillie M. Taylor 2

- Q Did you have a marriage license? A Yes, sir.
- Q Is this the correct date of the marriage -- November 20, 1887?
A Yes, sir.
- Q By whom were you married? A Parson Moon.
- Q Was he a minister of the gospel? A Yes, sir.
- Q How much did you pay for that license? A Fifty Dollars.
- Q How long did you live with Mr. Harney? A Little over two years.
- Q What happened then? A We were separated.
- Q Divorced from him? A Yes, sir.
- Q Who obtained the divorce? A He did.
- Q Do you know the grounds upon which the divorce was granted? A I think that they got grounds of desertion, but they had no right to.
- Q When was the divorce obtained and where? A It was obtained at Tishomingo, Indian Territory.
- Q Were you notified? A No, sir.
- Q Some one make appearance for you? A Yes, sir, we went. We had always -- that is, my father went -- we -- my -- we had always tried to get part of the property. He sued me for divorce and so went to Tishomingo. We got there too late -- didn't learn anything about the trial -- divorced me? He went -- he sued for it.
- Q So you didn't appear then at the time of the trial? A No, sir, I don't know anything about it.
- Q Didn't appear in person or by attorney? A No, sir.
- Q And you were not notified? A No, sir, we were not notified.
- Q Do you know the date of that divorce? A No, I don't, think it was the year '89 -- don't know what month.
- Q How long did you remain single? A Something over a year, I think.
- Q Whom did you marry then? A Nelson Price.
- Q Was he an Indian? A Yes, sir, Cherokee.
- Q What Nation? A Cherokee.
- Q Where were you married to him? A At Price, Indian Territory.
- Q What Nation? A Chickasaw Nation.
- Q On a Chickasaw license? A No, sir, he didn't get a Chickasaw license.
- Q How long did you live with him? A I lived with him, I think, nearly a year.
- Q What took place then? A Why, we separated.
- Q Was a divorce granted? A Yes, sir.
- Q To Whom? A He obtained the divorce.
- Q What was the grounds? A I don't know what he blamed.
- Q Were you notified? A No, sir.
- Q Didn't appear at all? A Didn't appear at all. I believe too, I was notified. I will take that back.
- Q How long did you remain single this time? A I declare I don't know how long it was -- two years, I think.
- Q When did you marry your third husband? A Married him six years ago -- '97.
- Q Who was your third husband? A Harry Swinford.
- Q What was he, a white man? A Yes, sir.
- Q How long did you live with him? A I lived with him nearly a year.
- Q Then what took place? A We separated.
- Q Divorced? A I suppose so. I heard he was married and had obtained a divorce in Oklahoma the next year after we was separated. I have not seen him since.
- Q You didn't obtain a divorce from him, did you? A No, sir.
- Q Have you remarried? A No, sir.

Lillie M. Taylor 3

- Q Have you any children? A Yes, sir, I have one little girl.
 Q What is her name? A Irene Price.
 Q Who is the father of that child? A Nelson Price.
 Q Cherokee? A Yes, sir.
 Q Is he a recognized and enrolled citizen of the Cherokee Nation?
 A I don't know whether he is or not; he is dead.
 Q Did you ever make application for your child, Irene Price? A Yes, sir.
 Q Where? A At Colbert.
 Q When was that? A That was (No further answer). So hard for me to remember dates; I think so little about them.
 Q Your name is not Lillie M. Taylor? A I go by that name since I heard he was married.
 Q Swinford your last husband? A Yes, sir, but I have not gone by his name since I heard he was married. No one calls me that at home.
 Q Where does your mother reside? A My mother lives at Wynnewood.
 Q Was your first husband, Harney, married before he was married to you? A No, sir.
 Q Is Harney living to-day? A No, sir, he is dead.
 Q When did he die? A He has been dead about eleven years.
 Q Do you know whether your name appears upon any of the rolls of the Chickasaw Nation? A No, sir, I don't think they do.
 Q Your Indian Spouse's name was Robert Overton Harney? A Yes, sir.
 Q What was his father's name? A Eastman Harney.
 Q Is he alive? A No, he's dead.
 Q How long has he been dead? A Sixteen or seventeen years.
 Q Who was Harney's mother? A Her name was Lucy Juzan before she was married.
 Q What was her name in 1893? A Lucy Thompson.
 Q Who was her husband? A J. P. Thompson

The names of both Lucy Thompson and J. P. Thompson appear upon the 1893 Chickasaw Pay Roll, number 2, page 210.

- Q Was Lucy Thompson a Chickasaw by blood? A Yes, sir.
 Q Was Harney's father a Chickasaw? A He was a Choctaw.

Examination by applicant's attorney, Cyrus G. Kean.

- Q Did you desert your husband, Harney, or did he desert you? A He deserted me.
 Q What was the cause of the desertion? A His mother was the cause of it.
 Q His mother? A Yes, sir.
 Q In what way was she the cause? A We were at her home and we separated. She got between us. She got him to drinking up stairs and she came down and told me that they didn't intend for him to live with me any more. And so I didn't believe her when -- what she told me and I went up to a friend's of mine to ask her what to do and while I was there she sent my trunk up to me. His mother sent it up. That is all there was to it. Of course I went home to my father.
 Q Didn't she let you to go up to see him? A No, sir, I started to go up to see what was the matter with him.

Lillie M. Taylor 4

- Q How long had you been at her house at that time? A We had been there three or four days. She had been wanting to borrow more money and Overton told me not to let her have it and she got angry with me over it.
- Q Did you intend when you went to Colbert to put your daughter, Irene -- to enroll her? A Yes, sir.

Examination by the Commission:

- Q Were you married November 20, 1887? A Yes, sir.
- Q And how old a man was Harney at the time he married you? A Seventeen, I think.
- Q Where did you live then? A We lived at Harneyville.
- Q Did you have a house of your own? A Yes, sir.
- Q Who owned the property, your husband? A Yes, sir.
- Q Anybody live with you? A Just he and I.
- Q How long did you live in Harneyville? A Well, it was ten miles from Harneyville. We built our house ten miles from Harneyville.
- Q And you lived together on his place? A Yes, sir, nearly two years.
- Q Anybody live with you? A No, sir.
- Q How was his treatment of you? A He was kind to me -- treated me just as good as he could.
- Q How did you treat him? A I was always kind to him.
- Q What took place at the time you and he separated? A Well, we went to his mother's.
- Q Where was that? A Down at his mother's at Harneyville.
- Q You went over to visit your mother-in-law? A Well, we didn't exactly go there to visit. We stopped out there and she begged Overton to stay over and we staid there three or four days before we separated.
- Q Did you leave him? A No, he left me.
- Q I thought you stated a while ago that you went over to some neighbors? A I -- I -- they would not let me come home -- not intentionally to leave him. I started to go to ask --
- Q How is it you didn't write to him? A Well, they told me that she would not allow me to come home.
- Q Who told you that? A (No answer).
- Q Did your husband tell you not to come? A No, sir.
- Q Did your mother-in-law? A Yes, sir.
- Q Did he never ask you after that to go and live with him? A No, sir.
- Q Did you offer to go back? A Yes, sir, I did once.
- Q Did he come after you? A No, sir.
- Q How did you happen to see him? A I was at his uncle's when I saw him. Well, I went to take possession of my home and he told me that he would not go over there himself for him and his mother had some trouble.
- Q What was the conversation took place between you and your husband when you separated? A I don't exactly remember what it was.
- Q Didn't he at that time go back with you? A Yes, he told me to go home and take possession and if his mother came too, he would see that she would not interfere.
- Q Was he with you? A Yes, sir, he came over there. We didn't live together but he came over there.
- Q How long did you stay at that house? A I staid there about three or four weeks.

Lillie M. Taylor 5

- Q Was he staying there at this time? A Yes.
- Q Who was with you? A Dr. Brown and his wife.
- Q You had made up by this time? A Yes, sir, we had made up.
- Q Then you say your mother-in-law came over and put you out? A Yes, sir she put me out of the house and got a constable and he came but he went back when the people told him about it.
- Q After you left the second time, did you see him any more? A No, sir.
- Q Did you look for him? A Yes, sir.
- Q Did you write to him? A No, sir.
- Q Did he write to you? A No, sir.
- Q Where was your husband living at the time your mother-in-law came over? A He was there.
- Q Didn't he offer to protect you at all? A Yes, sir.
- Q How soon did you leave the house? A I didn't leave for two or three days after that.
- Q You didn't see your mother-in-law after that? A Yes, sir she came back once.
- Q How long did you stay after you saw your mother-in-law the last time? A I staid over two or three days.
- Q You had made up with your husband in the meantime? A Yes, sir.
- Q And you lived in the same house? A Yes, sir.
- Q Live as husband and wife? A No, no.
- Q Just lived in the same house? A Yes, sir.
- Q Didn't cohabit at all? A No, sir.
- Q What was said between you and your husband when you went away the last time? A Why, after his mother took him off home -- after that -- I went to his uncle's and she got him and took him away to Denison. I never saw him any more.
- Q Your husband never told you to leave? A No, sir.
- Q You simply left of your own accord as far as he was concerned? A Yes, sir.
- Q Second time left of your own accord? A Yes, sir, it was dangerous for me to stay there.
- Q Then afterward your husband got a divorce on the grounds of desertion? A Yes, sir, applied for divorce before we made up this time.
- Q It was granted afterwards? A Yes, sir, it was granted afterwards.
- Q But you didn't live with him? A No, sir.
- Q Have you got any property in the Chickasaw Nation? A Yes, sir I have a little farm of eighty acres.
- Q Did you get that from Harney? A No, sir, I didn't get any of his property.

Examination by applicant's attorney, Mr. Kean.

- Q What became of his property? A After he died I think his people got it.
- Q Before he died what became of it? A He had it.
- Q Did you have property of your own? A He kept that and his mother took it after he died.
- Q You spoke about a while ago that you were visiting his mother. Would he live with you? A He said that he was going to live with me.
- Q His mother spoke to him, didn't she, when she came over there to take possession of the premises? A Yes, sir, she ordered me all off and then went and got the constable.

Lillie M. Taylor 6

Q Did you ever see Harney after she came over and tried to take possession of your house? A No, sir I didn't see him after that.

Examination by the Commission?

Q How much blood did Harney have? A I don't know how much. His mother and father were both Indians.
Q Fullbloods? A No, sir, they were not fullbloods.

Examination by attorney, Mr. Kean.

Q Make a statement of the trouble you had when you separated. A Just before he left with his mother the last time, I saw him; I told him that I would go home and he said that he expected it would be best for me for a while, until his mother got in a good humor; was all he told me. That is all, I believe. He said that he would write to me but I never got any letter from him.
Q Did he ever write to you? A No, sir.
Q Did you ever see him any more after that? A No, sir.
Q When you staid at his mother's, you had not been at home for two or three weeks? A No, sir we had been over to Fort Smith, attending Court.
Q When you left Fort Smith, where did you go? A Came to his mother's house.
Q Your mother-in-law's house? A Yes, sir.
Q Did your mother-in-law get mad at you while you were there? A I suppose she did, yea, sir, she got mad.
Q Just state the account of the quarrel. A Well, in the first place she got mad because I refused to let her have some money -- we let her have several hundred dollars -- and my husband told me not to let her have any more. She first called him up stairs. She had him drinking all morning and she was herself, too; so when she came down, she told me I had better go home; said he was not going to live with me any more. I started up stairs and she told me I had better not go and I told her I would go, but she held me back. Then I went to one of my neighbor's to ask advice and I was there about fifteen minutes when she sent my trunk.
Q Who sent your trunk? A His mother.
Q Sent it where? A To the neighbor's house where I had gone.
Q Did she send you any word not to come back? A Yes, sir she did.
Q When did you first see your husband after you left there that morning and she sent the trunk to you? A I didn't see him any more at all. I went to take possession of my home.
Q Was he there when you took possession? A No, but I met him and we made up to go back there. Then his mother came over and interfered with us.
Q Did you and him live together from the time you left there that morning; did you live together as husband and wife? A We staid there as husband and wife; he staid there with me and I have witnesses to prove it. The reason I didn't staid it a while ago was because I didn't want to. I correct it; I did live with him as husband and wife.
Q The reason you left him was because you were prevented from staying? A Yes, sir, every one told me it would be dangerous for me to stay there.

Lillie M. Taylor 7

- Q Just state fully what your mother-in-law done? A She started to tie me -- come over with six shooters -- and put me out of the house and got and ordered a man to take my trunk out and wouldn't a one of them touch it.
- Q Was your husband present? A He told her to go and tend to her own business and let me alone.
- Q Did he protect you? A Yes, sir.
- Q He had sued for divorce at that time? A Yes, sir.
- Q Do you know what his grounds for divorce were? A No, sir, never saw the papers.
- Q Don't know then? A No, sir.

Examination by the Commission:

- Q You were not admitted to citizenship by any court? A No, sir.
- Q You have been recognized by the tribal authorities? A No, sir.
- Q Now admitted by the Daves Commission in 1896? A No, sir.
- Q You claim the right solely through your marriage to Robert Overton Harney? A Yes, sir.
- Q When you were married in 1887? A Yes, sir.

o-----!-----o

Wirt Franklin, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the above entitled case, and that the above and foregoing is a true and correct transcript of his stenographic notes, taken in said case on November 10, 1903.

Wirt Franklin

Subscribed and sworn to before me this 12th day of November, 1903.

Charles H. Brown
Notary Public.

9-D-143.

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

O.L.J.

Olw

-oOoo

In the matter of the application for the enrollment of Lillie M. Taylor as a citizen by intermarriage of the Chickasaw Nation.

---: D E C I S I O N :---

It appears from the record herein that on November 20, 1887, the applicant, Lillie M. Taylor, was married in accordance with the laws, customs and usages of the Chickasaw Nation to Robert Overton Harney, (deceased), a recognized citizen by blood of the Chickasaw Nation, the name of whose mother, Lucy Thompson, a Chickasaw by blood appears upon the 1893 Chickasaw Leased District Payment Roll, No. 2, page 210; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation; that they resided together continuously as husband and wife in said Nation from the date of their said marriage for a period of two years, when they separated and were subsequently divorced, and that thereafter she successively married Nelson Price, an alleged Cherokee by blood, and Harry Swinford, a noncitizen white man.

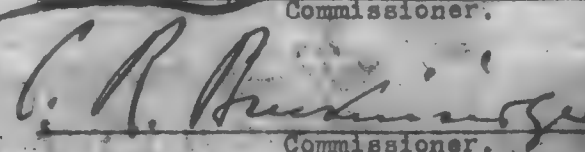
It appears from the evidence herein that the applicant has resided continuously in the Chickasaw Nation from the date of her said marriage to Robert Overton Harney, up to and including September 25, 1902.

It is therefore the opinion of this Commission that Lillie M. Taylor should be enrolled as a citizen by intermarriage of the Chickasaw Nation under the provisions of the Acts of Congress approved June 28, 1898, (30 Stats., 495), and July 1, 1902, (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

JAN 20 1905

enrollment in a public school and the same was reported to the Commission by the Commissioner to the Five Civilized Tribes in Muskogee, Indian Territory, on the 6th day of May, 1902, for final consideration.

Now, on this 6th day of May, 1902, this case being set to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

--0--

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 6th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 6th day of May, 1902.

Charles W. Thompson

Robert S. Ball

INDIAN TERRITORY
SOUTHERN DISTRICT.

J.P.Thomson being duly sworn says that he is _____ years of age and that his post office is Woodville, Chickasaw Nation, Indian Territory; that he knew Robert Overton Harney in his life time, knew him to be a citizen of the Chickasaw Nation, by blood; that he was present at the marriage of the said Robert Overton Harney to Miss Lillie May Taylor on the 20th day of November 1887; that said marriage was solemnized by Rev. J.T.Hoon in the Chickasaw Nation, Indian Territory.

The said J.P.Thomson further states that he was present when the said Robert Overton Harney obtained his marriage license to marry the said Lillie May Taylor; that the said marriage license were issued by Judge Willis Dickerson, County and Probate Judge of Pickens County, Chickasaw Nation, Indian Territory; and that he saw the said Robert Overton Harney pay to the said Judge Willis Dickerson fifty dollars for said license.

The said J.P.Thomson further states that he is a citizen of the Chickasaw Nation, and that he is the step-father of the said Robert Overton Harney.

Subscribed and sworn to before me, this the 24th day of December 1889

..... *J. P. Thomson*

..... *Robert S. Ball*

Notary Public.

(Seal)

Indian Territory }
Chickasaw Nation }
Sickens County }

I, Thomas Pratt Clerk of Sickens County, Chickasaw Nation, Indian Territory, do hereby certify that all the Marriage Records of Sickens County for the year 1887, have been destroyed by fire and that the same can not now be produced.

Witness my hand and seal of office this the 5th day of October 1898.

Thomas Pratt
county clerk
P. C. C. N.

Married Certificate

Given at the County of York

in the County of York
this 10th day of the month of December 1857
By the Hon. William C. C. Smith
Judge of the County of York
Matthew Costello

I J. P. D. do hereby certify that on
10th day of Dec 1857 I have had the
marriage of Miss Catherine Harvey
and William W. Brown the parties
being present.

Witness my hand and seal this 10th day of
Dec 1857
J. P. D.

J. P. D.
J. H. Smith

I hereby certify that the above marriage
certificate is a correct copy of original
and is on Record this 2nd day of Dec
1857.

J. H. Smith

Clark A. C. C. C.

I hereby certify that foregoing is a
true and correct copy of original
This 12th day of Oct 1856

Wm. Neil
County Clerk

In the matter of the application of Lottie M. Taylor for enrollment as a Chickasaw citizen.

Lottie M. Taylor being sworn says:

I live at Wynnewood. I have lived there about 10 years. My father is dead and my mother lives there. I have been living in the Territory most of the time for the past 10 years.

I was married to Robert O Harney, a Chickasaw citizen in 1887. I lived with him nearly two years. We separated. He refused to live with me. He did not give any reason for it. He got a divorce from me. I did not know what reason he gave. I went to the trial but it was over when I got there. I was in the Indian Court.

In about two years I married Nelson Price. I lived with him about one year and three or four months. He got a divorce from me. He applied for the divorce. I left him and on good grounds.

I then married Swinford. He got a divorce from me. I do not know why he got the divorce. He got it in Oklahoma. I never received any notice of it.

I saw the license under which Harney married me. I saw him give it to the preacher, and after he got it back, from where I suppose he had sent it to be recorded. Mr. Thompson was with him when he got the license.

I know he paid \$50. for the license. When he came back after procuring the license he was teasing me and said he had taken \$100. to pay for it, but that he had to pay only \$50. and that I was right cheap.

His mother separated us. He was drunk at the time. I thought that if his mother had more influence over him than I had that she had better keep him.

2.

I have never lived in Oklahoma. I was with a friend of mine near Whitesboro. She was a school friend, and lived about five miles from there. My father and mother have lived in the Territory 15 years.

In the Matter of-

The application of Lillie
May Taylor for enrollment as a
member of the Chickasaw Nation.
.....

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 14 1904

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

In the Matter of-

The application of Lillie May Taylor,

For enrollment as a citizen of the Chickasaw Nation.

Indian Territory, #
#88:
Southern District #

Robert Humes being duly sworn says that he is 42 years of age; that his post office address is Woodville, Indian Territory; that he is acquainted with Lillie May Taylor and that he knew her first husband, Robert Overton Harney during his life time; that he knew them while they were living together as husband and wife near Woodville Ind. Ter., then called Harneyville; that he was at Lillie May Taylor's house where she was living in the Chickasaw Nation near Woodville, I.T. after her and her husband, Robert Overton Harney had separated, when he and his mother, Lucy Thompson, were there with the Indian Sheriff, Wallace Gaby, trying to dispossess the said Lillie May Taylor or Lillie May Harney as her name was then and that after considerable wrangling and fussing among them the sheriff went away without dispossessing her. It seemed that Lucy Thompson, Robert Overton Harney's mother had caused her son to get out papers and have the sheriff go there to dispossess the said Lillie May Harney and put her out of possession of the house and farm. Lillie May Taylor remained there a day or two or a few days and then left and I learned that she went to her father's near Wynnewood, I. T., and I never heard of them living together after this.

Robert Humes

Subscribed and sworn to before me this the 20th day of July 1904

S. R. Johnston
Notary Public

In the Matter of-
The application of Lillie
M. Taylor for enrollment as a citizen
of the Chickasaw Nation.

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

AUG 14 1904

~~W. S. Brown~~

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

In the Matter of-

The application of Lillie May Taylor,

For enrollment as a citizen of the Chickasaw Nation.

Indian Territory,
Southern District.

Rebecca McDuffy being duly sworn says that she is thirty three years of age; that her post office address is Woodville, Ind. Ter.; that she is a citizen of the Chickasaw Tribe of Indians; that she is acquainted with Lillie May Taylor of Wynnewood, Ind. Ter. and that she knew Robert Overton Harney during his life time; that she was present at Harneyville, Ind. Ter. now known as Woodville, Ind. Ter., in the year 1887 and saw the said Lillie May Taylor and Robert Overton Harney united in marriage; they were married by a minister by the name of Meen, but I do not remember his given name; that the said Harney was a Chickasaw Indian by blood and they were married according to the Indian Laws; that she saw the license and they had been issued by the Chickasaw Authorities; that after their said marriage they lived in the same neighborhood with affiant and were recognized by the people in the community as husband and wife.

Rebecca McDuffy

Subscribed and sworn to before me this the 23^d day of July 1904.

Robert S. Bell

Notary Public.

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

Lillie May Taylor,

vs/

Affidavit.

Chickasaw Nation.

XXXXXXXXXXXX

W/

William Davenport being duly sworn says that he is sixty four years of age; that he resides at Woodville, Indian Territory and has resided at a said place for the past twenty seven years; that he is acquainted with Lillie May Taylor and knew her husband, Robert Overton Harney, during his life time and has known both of them from child-hood up; that he was present at this place, then called Harneyville, when they were married by Parson Hoon about the year 1887. I knew Robert Overton Harney's mother, her name at that time was Lucy E Thompson, wife of Jim Thompson.

About one year after the marriage of Lillie May Taylor to Robert Overton Harney, they were staying at his mother's Lucy Thompson's when she (Lucy Thompson) got her son, Robert Overton, drunk and had him lock ed up up stairs and refused to let ~~XXXXXXXXXXXX~~ his wife go up to him and when she attempted to go up she turned her back and told her that Robert was not going to live with her any more and for her to get her old clothes and leave there, which she did and went to one of the neighbor's houses, Mrs. Latrois, about one quarter of a mile away, soon after she left her mother-in-law told me to take her trunk to her and to tell her that Robert was not going to live with her any more and for her not to come back. Robert Overton Harney made his home with his mother from that time until his death which was about two years afterwards.

Lillie May Harney went from Mrs. Latrois to her father's, who then lived at Wynwood, Ind. Ter., and about one year afterwards she came back to a place near Harneyville, which her husband gave her, and his mother, Lucy Thompson, took her pistol and said that she was going to run her off, that she was going to ~~shoot her up~~ if she did not leave, she sent after the Indian Police, *Wallace Coffey*, to ~~arrest her~~ and when the officer refused to do any thing or get her out Mrs. Lucy Thompson reared and cut up and threatened to shoot her and said that she had started in to separate them and that they should not live together, her threats and demonstrations were such that Lillie May Harney left in a

few days afterwards and went to her father's at Wilmington, Ind/ Ter.,
 I know that Robert Overton Harney made his home at with his mother
 Lucy Thompson from the time that his mother, Lucy Thompson, had no take
 Lillie May 's trunk over to Mrs. Lattrel's. In a few days after ~~something~~
 Robert's Overton Harney's wife left the place from where Lucy Thompson
 had run her off, the said Lucy Thompson went and moved all their house-
 hold goods and furniture over to her house. I know that Lucy Thompson,
 Robert Overton Harney's mother was the cause of her son and Lillie May
 Taylor of not living together, I have heard her say that Overton should
 not live with her that she had started in to separate them and she was
 going to do so. I am a colored man and was cooking for Lucy Thompson
 during this time.

William J. Greenheart
 Wm. J. Greenheart

Subscribed and sworn to before me this the 14th day of July 1904.

Ellis L. Brad
 Ellis L. Brad
 Notary Public

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14
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COMMISS. OF

RES.

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CHIEF

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation of Lillie M. Taylor; Chickasaw field number D-147.

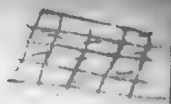
We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of John C. Bradshaw vs. The Choctaw and Chickasaw Nations; number 3, on the Tishomingo docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Chickasaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Walter Murray Currier
Attorneys for the Choctaw and Chickasaw Nations.

January 23, 1904.

Lillian M. Taylor age 25



Post Cks. Providence Co.

(White Card)

"Mailed out"

W. Bentley
D. 143

After receipt of June 25th
7/1/14

COMMISSIONERS.

HENRY L. DAVIS,
TARA BIRDY,
ARCHIBALD I. MCKENNON,
THOMAS B. NEEDLES,
ALLISON L. ATLASWORTH, Secretary.

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

Tushkahoma, Indian Territory, May 24, 1899.

J. P. Thompson, Esq.,
Woodville, Indian Territory.

Dear Sir:—

Herewith I return to you an affidavit, signed by your-
self, stating that you were present when Robert Overton Harney
obtained his marriage license to marry Lillie May Taylor.

No such party as Lillie May Taylor or Lillie May Harney
has ever been enrolled by this Commission and it will be ne-
cessary for her to appear before us before she can be placed
on our rolls.

Kindly return your affidavit, together with this letter,
to Lillie May Harney and inform her that she must appear at
one of our appointments, a list of which is enclosed.

Respectfully,

J. S. McKennon

[Faint mirrored text bleed-through from the reverse side of the page]

COMMISSIONERS.

HENRY L. DAVIS,
TAMM BERRY,
ARCHIBALD S. MCKENNON,
THOMAS B. NEEDLES,
ALISON L. AVLESWORTH, Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Calvin, Indian Territory, August 10, 1899.

Cyrus G. Kean, Esq.,

Wynnewood, Indian Territory.

Dear Sir:-

In reply to yours of August 8th, 1899. Upon examination we find that Lillie May Taylor was enrolled, as you state. I do not know how it was that we did not find her name before the writing of my letter dated May 24th, as you state. You can therefore send in the certificate as suggested.

Very truly yours,

A S McKennon

Commissioner.

COMMISSIONERS.

HENRY I. HAWES,

TAMM HENRY,

ALBARTUS S. MCKENNON,

THOMAS H. NEEDLES,

ALLISON L. AYLESWORTH, Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

South Canadian, I. T., September 25, 1899.

Cyrus S. Kean, Esq.,

Wynnewood, Indian Territory.

Dear Sir:-

I herewith return the affidavit of J. P. Thompson as to the marriage of Robert Overton Harney and Miss Millie May Taylor, on the 24th day of November, 1897. The commission does not accept affidavits as testimony. It is required that witnesses come before the commission and their statements be taken down under oath by the commission.

Very truly yours,

A. M. Kenyon

Commissioner.

(enc.)

Assistant At-Large,

Winnemucca, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the first instant in the matter of the application for enrollment of Willie M. Taylor, and in which you state that you desire to have J. P. Thompson appear before the Commission and give testimony in behalf of this applicant and you desire to be informed whether he will be allowed to testify in this case at the Commission's appointment at Colbert, June 11th to 16th. You are informed that the Commission will hear any further evidence that the applicant may desire to submit, at either its appointment in the Chectaw Nation or in the Chickasaw Nation, or at its office in Muskogee.

Yours truly,

James Chalfont

In replying to this letter
please refer to 8-2143.

Muskogee, Indian Territory,

August, 18th 1900

Lillie M. Taylor,

Wynnewood, Indian Territory,

Dear Madam,-

You are hereby notified that the Chickasaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Chickasaw Nation.

For the purpose of hearing any additional testimony which may be offered by either you or the attorneys for the Chickasaw Nation, the Commission will hold a session at Atoka, Indian Territory, commencing December, 3rd, 1900, at which time and place you will be allowed to offer any additional testimony which you may desire to submit in support of your application, such hearing to be final.

Yours truly,

9-D-143

Acting Chairman.

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

ALLIBON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Chickasaw D-14

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 17, 1902.

Lillie M. Taylor,
Wynnswood, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 6th day of May, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

Commissioner in Charge.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 4, asking the status of the citizenship case of Lillie May Taylor.

In reply to your letter you are informed that it appears from our records that Lillie M. Taylor has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Chickasaw Nation, but her final right to such enrollment has not yet been determined. As soon as a decision is reached in this case she will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

D-143.

Muskogee, Indian Territory, October 26, 1903.

Billie M. Taylor,

Wynnewood, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation, you are advised that it will be necessary for you to personally appear before the Commission at its office in Muskogee, Indian Territory and testify as to your intermarried status on September 25, 1902.

This matter should receive your immediate attention as until you do so appear nothing further can be done in the matter of your enrollment as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

Commissioner in Charge.

C-D-143.

Muskogee, Indian Territory, July 9, 1904.

Willie N. Taylor,

Wynnewood, Indian Territory.

Dear Madam:

It appears from the records of the Commission that you are an applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation, and that you claim your right through your marriage to Robert Overton Harney.

You are advised that before further consideration can be given your application it will be necessary for you to procure a certified copy of your marriage license and certificate showing your marriage to said Robert Overton Harney and file the same with the Commission.

Respectfully,

Chairman.

Chickasaw D 145

Kuskagee, Indian Territory, February 8, 1904.

Lillie M. Taylor,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, August 13, 1904.

Cyrus G. Kean,
Attorney at Law,
Wynnewood, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 7, referring to our letter of recent date to Lillie M. Taylor, relative to her claim to enrollment in the Chickasaw Nation, in which she is advised that it will be necessary for her to procure a certified copy of the marriage license and certificate between herself and Overton Harney before her application can receive further consideration.

You state that she has already filed with the Commission, about the year 1898 or 1899, a certificate from the clerk of Pickens County that the records of that county had been destroyed by fire, and also a certified copy of her marriage license and certificate. You state that if these papers are not now on file with the Commission, you will secure other evidence showing their marriage.

In reply, you are advised that it appears from our records that the certificate of Thomas Pratt, county clerk of Pickens County, Chickasaw Nation, to the destruction of the records of that county by fire, and the certified copy of the marriage license and certificate between Robert Overton Harney and Lillie M. Taylor are

G. J. K. S.

now with the records in this case, and the letter requesting that
such evidence be furnished was inadvertently forwarded the applicant.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, August 15, 1904.

Cyrus G. Keen,
Attorney at Law,
Ryanswood, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th
inst., enclosing the affidavits of Rebecca McDuffie, William Daven-
port, and W. B. Hams, relative to the marriage and separation between
Robert Overton Harney and Billie May Taylor, and the same have been
only filed with the records of the Commission in the matter of the
application for enrollment of Billie M. Taylor as an intermarried
citizen of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

9-D-148

Muskogee, Indian Territory, October 25, 1904.

Millie M. Taylor,

Wynnewood, Indian Territory.

Dear Madam:-

Receipt is hereby acknowledged of your letter of the 19th instant, requesting to be advised relative to the status of your application for enrollment as an intermarried citizen of the Chickasaw Nation, and whether or not it will be necessary for you to furnish further proof in support of your application for enrollment.

You are advised that your case is now under consideration and as soon as a decision is reached therein, you will be duly notified of the action taken in the matter. It is not believed you will be required to furnish any further testimony.

Respectfully,

Chairman.

COPY

S-D-142

Waskage, Indian Territory, January 20, 1905.

Lillie M. Taylor,

Wynnewood, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 20, 1905, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

~~ENCLOSURE~~

Tate Bixby

Chairman,

Registered,

Incl. S-D-142

COPY

7-3-143

Mustoge, Indian Territory, January 20, 1905.

Cyrus U. Kean,
Attorney at Law,

Wynnewood, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 20, 1905, rendered its decision granting the application for the enrollment of Lillie W. Taylor as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

James Bixby

Registered.

Chickasaw

9-D-142

COPY.

Washoe, Indian Territory, January 20, 1905.

Manfield, McMurray & Gornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered January 20, 1905, granting the application for the enrollment of Willie M. Taylor as a citizen by intermarriage of the Chickasaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Lams Bixby
Chairman.

Registered.

Incl. 9-D-142.

See Chickasaw 1208 for registry receipt for this letter.

COPY!

9-2-14.

Waukegan, Indian Territory, January 20, 1905

Lillie M. Taylor,

Wynnewood, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 20, 1905, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Yours truly,

Laura Braxby

Chairman.

Registered.

Inc. 9-2-14.

COPY

9-D-145

Muskogee, Indian Territory, January 20, 1905.

Cyrus C. Keane,
Attorney at Law,
Wynnewood, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 20, 1905, rendered its decision granting the application for the enrollment of Millie M. Taylor as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final roll of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Jame Bixby

Registered

Chairman

COPY

9-2-143

Muskogee, Indian Territory, January 20, 1906.

Mansfield, McBarry & Cornish,
 Attorneys for Choctaw and Chickasaw Nations,
 South McAlester, Indian Territory,
 Gentlemen:

Inclosed herewith you will find a copy of the decision of
 this Commission, rendered January 20, 1906, granting the applica-
 tion for the enrollment of Millie M. Taylor as a citizen by inter-
 marriage of the Chickasaw Nation.

You are hereby advised that you will be allowed thirty
 days from the date of this notice within which to file protest
 against the action of the Commission in enrolling said applicant
 as a citizen of the Chickasaw Nation. If at the expiration of that
 time no protest has been filed, her name will be placed upon the
 final rolls of the citizens of the Chickasaw Nation to be submitted
 to the Secretary of the Interior for his approval.

Respectfully,

~~Signature~~

James Bixby

Chairman.

Registered.

Incl. 9-2-143.

See Chickasaw 1206 for registry receipt for this letter.

Chic 1798

Chic 1798

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

In the matter of the application for the enrollment of
William McDonald as a citizen by intermarriage
of the Chickasaw Nation.

--:--

9-D- 154.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
Atoka, I.T. December 8th, 1900.

Chickasaw Nation

vs. No. D. 154.

William McDonald.

In the matter of the application of William McDonald for enrollment as a citizen by intermarriage of the Chickasaw Nation.

On December 8th, 1900, at a session of the Commission to the Five Civilized Tribes, at Atoka, Indian Territory, the above entitled cause being called for further hearing, and the Chickasaw Nation appearing by its counsel, and the applicant appearing by his counsel, the following proceedings were had, viz:

William McDonald, being sworn by Acting Chairman Bixby, was examined in his own behalf by Mr. Person, and testified as follows:

Q What is your name? A William McDonald.

MR. BIXBY: (Acting Chairman of Commission) What is the contention of the nation in this case?

MR. CORNISH: (Counsel for Chickasaw Nation.) It is a question of separation, as I understand.

Q Where do you live now? A Choctaw Nation, Blue County.

Q I will ask you whether or not you are intermarried with a Chickasaw Indian? A Yes, sir.

Q What was her name? A Mary Jane Cravat.

Q Do you remember the time that you were married? A Yes, sir.

Q When did you marry? A In 1872.

Q In the Choctaw Nation? A No, sir; in the Chickasaw Nation. There is an affidavit here alleging that your wife died at Bloomfield, and said nothing about having a husband, that you were not present at her death and not present during her sickness. A No, sir; I wasn't there.

Q Now explain to the Court where you were, why you had gone and whether you intended to return. A I was gone to my mother's in Texas. My mother was sick and when I was gone there. It was an understood thing between us.

Q Was there anything said about what she was to do while you were gone? A Yes, sir. She had been at work at Bloomfield before I married her.

Q And you received information that your mother was sick. Where was she? A In Fort Griffin, Texas.

Q And made arrangements with your wife that during the absence of yourself your wife was to stay at Bloomfield Academy? A Yes, sir.

Q Did you hear anything about her sickness while you were gone? A No, sir; I never heard anything about her until I got back to Denison.

Q Now, I will ask you, Mr. McDonald if you had abandoned her, or if you ever intended to abandon her? A No, sir.

Q You left her at Bloomfield, you say. She had worked there before? A Yes, sir.

Q And it was agreed that you were to make this visit to your mother and you would return to her?

MR. CORNISH: (Counsel for Chickasaw Nation). If you will pardon me a moment! You will not contend but that your question is out of order being leading. I do not care to have an objection in the record, but merely suggest it and will not insist upon it.

William McDonald-----2.

Mr. Person: (Counsel for applicant) It is leading.

Q I will ask you whether or not you ever intended to abandon her or quit living with her? A No, sir.

Q I will ask you whether or not you intended to return and continue the relation of husband and wife with her? A I did.

Q When did you first learn of the fact that she was dead? In other words, how long were you at Griffin? A About three months before I got back.

Q How came you to remain there so long? A My mother got worse, and one of my brothers was killed while I was there.

Q One of your brothers killed and your mother was seriously sick? A Yes, sir.

Q When did you first learn of the death of your wife? A As quick as I got back to Denison Levi Colbert told me she was dead. He met me right there.

Q If you had had any information of her being sick, seriously sick, I will ask you whether or not you would have returned sooner? A I would have returned just as quick as I could have got there.

Q Then, I understand you to say that you did not abandon her, and never intended to abandon her? A No, sir.

CROSS-EXAMINATION - - - - - By Mr. Cornish.

Q You had only been away from her for a short while when she died? A Not a great while.

Q About how long? A I don't remember.

Q As near as you can get it, how many months? A Nearly four months, I expect. I don't know.

Q Get at it as near as you can come to it, about four months? A Yes, sir.

Q How long did she work at the school before she died? A I can't tell that.

Q You had been away about four months, you say? A Yes, sir.

Q Where did you send her when you started away to Port Griffin? A We separated at my sister's. She came there to go to work at the Academy and I went to my mother's.

Q As you started to Texas, she started to work at the Academy. A Yes, sir.

Q How long had you lived with her before this separation? How long had you lived with her continuously before this separation?

A Let's see, it was October--I don't remember, it was next summer--it was about eight months, I guess.

Q You had lived with her continuously about eight months before the separation occurred after which she went to the school?

A Oh, no. Sometimes I was off for a week.

Q By continuously I mean you have lived with her continuously as husband and wife? A Yes, sir.

Q You had lived with her continuously about eight months before the separation occurred after which she went to school, and you went to Texas? A Yes, sir.

Q Where did you live during that time? A We lived close to Bacon Springs.

Q What sort of a place did you live in? A A log house.

Q Did you make a crop? A No, sir.

Q She lived there in the house with you? A Yes, sir.

Q And you with her? A Yes, sir; we lived there with her brother and my sister.

Q Did she work at the school before that time? A Yes, sir.

Q Now, when was it that this separation occurred when she went to the school and you went to Texas, and she died four months after that time? A In 1873.

Q That was the year, was it? A Yes, sir.

Q What year was it she died? A She died 1873; she died about a year after we were married.

William McDonald ---3.

Q Now, when was it she worked at the school before this four months period at the end of which she died? A I can't tell you, before we married, 1869 or 1868--I can't tell you the exact year it was.

Q Now, she had not worked at the school then, she hadn't worked at the school during the time you were married to her except this time she was there after you went to Texas and she went to the school? A No, sir.

Q That is the only time she worked at the school after you married her? A Yes, sir.

Q She had worked at the school before you married her? A Yes, sir.

Q Did she have any children? A Yes, sir.

Q How many? A Two.

Q Girls or boys? A A boy and a girl.

Q Whose children were they? A I can't tell you.

Q Did she have them when you married her? A Yes, sir.

Q Her children were a boy and a girl? A Yes, sir.

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

Q These are the only children she had? A All she had when I married her.

Q Did these children live with you during the eight months you lived in the log house? A No, sir.

Q Where were they? A First one place and then another.

Q Well, where? A I can't tell you the names of the houses now.

Q Well, where was the boy? A Why he stayed at Uncle Byger Colbert's the biggest portion of the time.

Q Where did the girl stay? A First one place and then another.

Q State one place now. A She stayed at Hillhouses.

Q Where else? A I couldn't tell you.

Q Now, tell where the boy and girl----why didn't the boy and the girl live with you during this period of eight months? A Why she didn't want them to live with us.

Q She wouldn't let them live with her? A They didn't stay with her.

Q She didn't want them to live with you when you were living in the log house? A No.

Q Where were these children when she went down and staid at the school these four months? A I can't tell you where they were then.

Q They didn't go with her then? A I think they did, yes, sir.

Q What was the name of your wife? A Mary Jane.

Q Had she been married before she married you? A Yes, sir. They say she had.

Q How did you marry her? A I married her according to Chickasaw law.

Q How did you marry her? Of course I understand it is your judgment it was according to the Chickasaw law. Did you procure a license? A No, sir, we didn't have to.

Q Well, the question is, did you procure a license? A No, sir.

Q Now, these children, the boy and the girl were the only children she had so far as you know? A Yes, sir, the only children she had.

Q You do not know of any other children she had? A No, sir.

Witness excused.

Wm. S. Wellshear, being sworn, upon his oath that as stenographer to the Commission to the five Civilized Tribes he re-

William McDonald.-----4.

ported in full all proceedings in this case at the time and place
abovementioned, and that the foregoing is a correct, true and complete
transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of December
A. D. 1900.


Acting Chairman.

Department of the Interior.
Commission to the Chickasaw Nation.
Wash., D. C., August 10, 1900.

In the matter of the application of William McDonald for enrollment as an intermarried citizen of the Chickasaw Nation.

William McDonald being first duly sworn testified as follows:

Examination by the Commission:

- Q Your name is William McDonald? A Yes sir.
- Q What is your age? A Forty-seven.
- Q What is your post office address? A Cale.
- Q What Nation is that in? A Choctaw Nation.
- Q How long have you resided in the Choctaw Nation? A I been--
- Q D, I couldn't tell you---seven, eight or ten years, maybe longer.
- Q Somewhere in the neighborhood of ten years? A O, not right there.
- Q Well, in the Choctaw Nation you have lived here continuously for that time? A Yes sir.
- Q Where did you live before you lived in the Choctaw Nation? A Chickasaw Nation.
- Q How long did you live in the Chickasaw Nation? A I don't remember how long; off and on for the last twenty-five or thirty years in both Territories together.
- Q Have you made your home outside of the Territory during that time? A Not any length of time.
- Q Do you claim intermarried rights in the Chickasaw Nation? A Yes sir.
- Q What is the name of your Indian wife through whom you claim these rights? A Mary Jane Gravatt.
- Q Is she dead now? A Yes sir.
- Q When did she die? A She's been dead I can't know exactly how many years---good many years.
- Q Was she a recognized citizen of the Chickasaw Nation? A I suppose she was.
- Q Her rights were never questioned? A No sir.
- Q When were you married to Mary Jane Gravatt? A In 1872. I think it was in 1872.
- Q Where was the marriage ceremony performed? A At Parson Gravatt's at Cale, Choctaw Nation.
- Q How long have you lived in the Choctaw Nation? A I been here five years.
- Q How long have you lived in the Chickasaw Nation? A I been here ten years.

William McDonald--2

- Q Did you procure a license? A No sir, didn't have no license them days, just went to the Parson and had the ceremony said and he recorded it.
- Q Were you ever married before your marriage to Mary Jane Cravatt?
A No sir.
- Q Was she ever married before she married you? A Yes sir.
- Q How many times? A I don't know how many times.
- Q Do you know the names of any of her former husbands?
A No sir.
- Q Were all of them dead at the time you married her? A I don't know.
- Q Do you know whether Cravatt was living at that time? A No sir, I don't.
- Q Do you know anything about any of them? A No sir.
- Q Didn't make any inquiries regarding them? A No sir, didn't make any inquiries about it.
- Q From the time of your marriage to Mary Jane Cravatt did you live with her continuously to the time she died? A No sir, I wasn't with her at the time she died; I went to see my mother and when I came back she was dead.
- Q There wasn't any separation or divorce? A No sir, and when I came back she was dead.
- Q When did you say she died? A I couldn't tell you what date she did die.
- Q Since her death have you remarried? A Yes sir.
- Q How many times? A Once.
- Q What is the name of your second wife? A She was a Busby.
A white woman? A Yes sir.
- Q When did you marry her? A '88.
- Q Where did this marriage take place? A Sherman, Texas.
- Q Were you married under the Texas law? A Yes sir.
- Q Were you living in Texas at that time? A No sir, I was living in Blue County.
- Q You are at present a bona fide resident of the Choctaw Nation?
A Yes sir.
- Q Intend to make this your permanent home? A Yes sir, I intend to live and die here.

Examination by R. L. Murray:

- Q How long after you married Mary Jane till she died?
A Something over a year.
- Q Had you been living with her as man and wife up to the time she died at the Bloomfield Academy? A Yes sir.
- Q How long was that--how many years? A I don't remember, it wasn't quite a year; something along there.
- Q Was it a year? A It seemed to me like it was, I never paid no attention to it, I never thought anything about this coming up.
- Q How long had you been in Arkansas when you went back and found she was dead? A I didn't go to Arkansas; I went to Fort Griffith; I was there I think some three or four months.
- Q You had been there three or four months and when you came back she was dead? A Yes sir, the first fellow I met was Levi Colbert and he told me she was dead.

William McDonald--3

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 17th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 20th day of November, 1902.

H. R. Rosten
Notary Public

R 213
566
9-D-154.

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

In the matter of the application for the enrollment of William McDonald as a citizen by intermarriage of the Chickasaw Nation.

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D E C I S I O N.

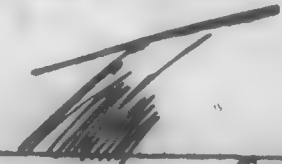
It appears from the record herein that on October 28, 1872, the applicant, William McDonald, was married in accordance with the laws, customs and usages of the Chickasaw Nation, to Mary Jane McDonald (formerly Cravatt), deceased, a recognized citizen by blood of the Chickasaw Nation, and that said parties were residents in good faith of the Chickasaw Nation at the time of said marriage, and lived together as husband and wife in the Choctaw-Chickasaw country from the date of said marriage until the death of said Mary Jane McDonald in the year 1873, and that subsequently the applicant, in the year 1888, was married to a non-citizen white woman, whose name is not given, except that she "was a Busby" before her marriage to the applicant.

It further appears from the record herein that the applicant had been a resident in good faith of the Choctaw-Chickasaw country from the date of his marriage to said Mary Jane McDonald, deceased, up to and including September 25, 1902, excepting that the applicant was temporarily residing in the state of Texas when the said Mary Jane McDonald died, and had been about four months prior thereto, on account of the sickness of his mother, and with the knowledge and consent of his Chickasaw wife, the said Mary Jane McDonald; the applicant intending to return and continue the relation of husband and wife with her.

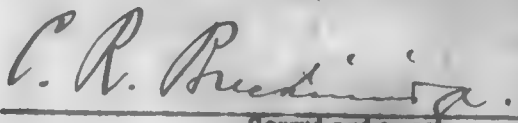
--2--

It is, therefore, the opinion of this Commission that William McDonald should be enrolled as a citizen by intermarriage of the Chickasaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898, (30 Stat., 495) and July 1, 1902, (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
JAN 20 1905

In the matter of William M. McDonald for enrollment as a member of
the Chickasaw Tribe of Indians by intermarriage.

Argument and Brief of Council.

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The evidence taken in this case show that William M. McDonald, a citizen of the United States, was married to Mary Jane Grevat, a Chickasaw Indian by blood, on the day of 1872, and that thereafter during the year of 1874, Mary Jane McDonald (nee Grevat) died, and that sometime during the year 1887 or 1888, the said William M. McDonald married again, his second wife being a citizen of the United States.

The Chickasaw Nation seeks to contest the enrollment upon the grounds; 1st, Because, (as they claim) that claimant abandoned his Indian wife. 2nd. Because Claimant married a Citizen of the United States, after the death of his Indian wife.

The treaty of 1855, between the United States and the Choctaw and Chickasaw Indians provided, among other things, for a separate government for the Chickasaws, and providing further that any laws now in operation, and not incompatible with the treaty shall be and remain in full force and effect within the limits of the Chickasaw Nation, until the Chickasaws shall enact laws superceding, abrogating or changing the same.

On the 15th day of October 1858, the Chickasaw Legislature, (with D. Colbert, Governor,) passed an act declairing "all laws passed by the Choctaw General Council prior to the adoption of the Constitution of the Chickasaw Nation, null and void, within the Chickasaw Nation, except such laws and parts of laws as may govern any judicial proceeding commenced prior to the adoption of said Constitution." See Chickasaw Laws 1860, Page 115 & 116. And previous to the passage of the act above referred to, the Chickasaw Legislature on November 23rd 1857, passed a law regulating marriages in said Nation and providing that the same shall be solemnized by "any Judge or ordained minister of the gospel" and further providing that same to be "recorded in the Clerks office of the County Court in the County which they may reside." See Chickasaw Laws 1860, Page 86 & 87.

The evidence in this case shows that the marriage of William M. McDonald to Mary Jane Grevat, was solemnized by Harvey Mason, a minister of the gospel, and recorded in the County Clerks office in the County of Panola, Chickasaw Nation, and we contend that said marriage was in compliance with the Chickasaw Laws, as they existed at the time of said marriage.

In answer to the contention of the Chickasaw Nation that Claimant had abandoned his Indian wife, we desire to call attention to the evidence taken herein. The Chickasaw Nation, relies on the testimony of Mrs. Frank Gooding, the substance of which is that

she nursed Mrs. Mary Jane McDonald in her last illness and that she had no husband present, and that she had never heard of her being married to claimant and so far as she knew, none came to claim her effects, and from these circumstances alone, they ask that you conclude that Claimant abandoned her. Claimant testifies that work was scarce in the territory at that time and that he had gone to Texas to hunt work, having first secured for his wife a place as laundress at the Bloomfield Academy, in Panola County, and that soon after, he was called to the bedside of his sick mother, at Fort Griffin and that when he returned home, he found his wife dead.

Claimant further testifies that he had not abandoned her nor had he any such intention. See testimony of William M. McDonald.

We desire further to call the attention of the Commission to the fact that at the time of the death of the wife of Claimant, the Chickasaw law of abandonment was not in existence, not having been enacted for some years after her death, which occurred in 1874.

And in this connection we desire also to call attention to the fact that the second marriage of Claimant occurred in 1887 or 1888, and that the "marrying out" law, as it is commonly called, was not passed until October 1st 1890.

Now as to the legal aspect of this case we claim that neither the "marrying out law" nor the "abandonment law" will apply to this case for the reason that neither had been enacted at the death of Claimant's wife, nor was the "marrying out law" enacted at the time of his second marriage.

The Legislature of the Chickasaw Nation are expressly forbidden by their Constitution to pass any retrospective law, or law impairing the obligation of a contract. See Constitution of the Chickasaw Nation. Art. 1, Sec. 14.

To give the acts above referred to, a retrospective effect, would be placing on said laws, a construction not warranted by the laws themselves, as there is nothing in said acts of the Legislature which would indicate that it was intended that either of said laws should act retrospectively, and further, to give them such a construction would be in direct conflict with the Chickasaw Constitution above cited, as being both retrospective and impairing the obligation of a contract.

"Legislatures may", (according to Mr. Cooley, top page 456, 5th Ed.) "pass statutes which reach back to, and change or modify the effect of prior transactions, provided, retrospective laws are not forbidden. No. Nemine by the State Constitution and provided further, that no other objection exists to them than their retrospective character, nevertheless legislation of this character is exceedingly liable to abuse; and it is a sound rule of construction that a Statute should have prospective operation only, unless its terms show clearly a legislative intention that it should operate retrospectively". We contend that said acts of the Legislature, do not show that they, or either of them, were intended to act retrospectively, and if they did so show a retrospective intention, then it would be an act that was forbidden. No. Nemine by the Constitution of the Chickasaw Nation.

It has been the policy, both of the United States and the Chickasaw Tribe of Indians, to encourage marriages between the Indians and Citizens of the United States, believing it to be one of the most effectual ways of elevating the standard of civilization among

(5.)

the Indians, and for that reason inducements have been held out to the white man, to come among and intermarry with them, making him a citizen of the tribe and giving to him all the rights, benefits and immunities of a Chickasaw Indian upon the confirmation of such a marriage. And the Legislature of the Chickasaw Nation could no more deprive him, by subsequent legislation, of a right thus acquired than they could an Indian by blood. Neither could they pass a law which would act retrospectively and work a forfeiture of a substantial right, because of a committed act, which at the time said act was committed, did not work a forfeiture. As well might they try to pass a law which would declare that any Chickasaw Citizen, who had been convicted of larceny, should forfeit all right to lands and monies belonging to the Chickasaw Tribe of Indians; and then go back 15 or 20 years and dig up some old record where a Citizen had thus been convicted and attempt to deprive him of his right to Citizenship, because of a act committed 15 years before it was legislatively declared that the commission of said act should work such a forfeiture. Not only would they be retrospective laws (if such interpretation be given them) but they would also be laws violating the obligation of a contract.

"A contract" says Mr. Bishop, "is a promise from one or more persons to another, or others, either made in fact or created by law to do, or refrain from, some lawful thing ;.....being executed and not being in a form forbidden or declared inadequate by law." Bishop on Contracts, Sec. 22. "And contracts between any parties capable of binding themselves are within this provision....as between a State and an individual." Bishop on Contracts, Sec. 555.

Now the United States by treaties with the Chickasaws and Choctaws and the Chickasaws by direct legislation, promised to every white man, who was legally competent to contract marriage, and who would bring himself within the statutory requirements, that in consideration of his marriage with a Chickasaw Indian, according to the laws governing marriages in said tribe, that he should become a Chickasaw Citizen and have all the rights and privileges of a Chickasaw.

And we contend that Claimant having brought himself within the requirements of the law, and thus accepting the proposition on the part of the Chickasaws, that the Contract became an executed one and that it is beyond the power of the Chickasaw Legislature to pass a law thus impairing the obligation of that contract. And more especially is this the case when the act complained of was committed prior to the passage of the law and at a time when the act itself did not work any such forfeiture.

Respectfully Submitted,

J. J. Vaughan

Atty for Claimant.

In the matter of

William M. McDonald for enrollment
as a member of the Chickasaw Tribe
of Indians by intermarriage.

Argument and Brief of Council.

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

MAR 1 1901


ACTING CHAIRMAN

William McDonald
ap. 40

Int. Cks.

Marrried in 1872 to Mary
Jane Cozatt a Ok. woman
she died -

Marrried in 1888 to white woman

"Marrried out"
(white card)

ok. 1874
1874

T. J. VAUGHAN,
ATTORNEY-AT-LAW.
NOTARY PUBLIC.

Papers herein mentioned
filed Oct 16/97. Taken
to Ardmore I. S. by
Commissioner Nov 21/98.

Calh. Ind. Ter. 11/18 1898

The Hon Daves Commission
Mustkoge
I. S.

Gentlemen:

In the month of August 1898 I filed for W. M. McDonald with your honorable body application and evidence of marriage & cohabitation, together with the affidavit of J. K. Kemp, N. H. Bacon & E. M. Mead. & I would like if you will bring all the papers in that case with you to Ardmore
Yours, Truly
T. J. Vaughan
for McDonald.

of mine. She was a Chickasaw
Indian ^{and so recognized by the tribal authorities} by blood. She was
married to William M. McDonald
about the year 1877. That they were
married in Panola County Chick
asaw Nation, ^{Ind Ter} under what was
then termed the two year law.
Mary Jane McDonald (ne Harris)
is dead. She died in about one
year after she married William
M. McDonald. At the time of said marriage she was
the widow ^{of} Cravatt.
Affiant makes this his sworn state-
ment from his own personal
knowledge and acquaintance
with the aforesaid Mary Jane
(Harris) McDonald and her husband
William M. McDonald and also
from his knowledge of the family
the said Mary Jane (Harris) McDon-
ald, she being a cousin of mine.
Affiant further states that he is
not directly or indirectly interested
in the prosecution of the claim of
said William M. McDonald for citizen-
ship in the ~~Ind~~ Chickasaw Nation
Indian Territory. J. K. Kemp

sworn to and subscribed to before me
by Jackson Kemp this the 18 day of August
1897

J. P. Bevel
Notary Public

Indian Territory
Southern Judicial District

Be It remembered that on this
15 day of August, 1897, personally
appeared before me Jackson Kemp
who is a reliable and credible
Citizen of the Southern Judicial District
Chickasaw Nation, Indian Territory
and after being by me duly
sworn, according to law, deposed
and says, that he is a resident
of the Southern Judicial District
Chickasaw Nation Indian Territory,
that his age is 53 years and his
occupation that of a farmer and
that he is County Judge of Panola
County Chickasaw Nation, that
he is ~~a~~ member of the Chickasaw
Tribe of Indians and is an Indian
by blood. That he is well
acquainted with William M.
McDonald and has been
so acquainted with him for
more than 25 years. I was
well acquainted with his wife
Mary Jane (Harris) McDonald,
she was a daughter of Syrus
Harris and ^{she} was an own cousin

Indian Territory
Southern Judicial District

Be it remembered that on this
18 day of August 1897 personally
appeared before me Jackson Kemp
who is a reliable and credible
Citizen of the Southern Judicial District
Chickasaw Nation, Indian Territory
and after being by me duly
sworn, according to law, deposed
and says, that he is a resident
of the Southern Judicial District

Chickasaw Nation Indian Territory,
that his age is 53 years and his
occupation that of a farmer and
that he is County Judge of Panola
County Chickasaw Nation, that
he is ~~a~~ member of the Chickasaw
Tribe of Indians and is and Indian
by blood. That he is well
acquainted with William M.
McDonald and has been
so acquainted with him for
more than 25 years, and is
well acquainted with his wife
Mary Jane (Harris) McDonald,
she was a daughter of Syrus
Harris and ^{she} was an own Cousin

Indian Territory, about the year 1872,
They were married under what was termed the
two year law, at the time of her marriage
with ~~Mr~~ ~~Wm~~ McDonald. She was ~~the~~ ^a widow
~~Cravatt~~ having previously married Jeff. Cravatt
Mary Jane McDonald (Harris) is dead. She
died in about one year after her marriage
with William M. McDonald

Wm McDonald lives at Cule in the Choctaw
Nation, Ind. Ter.

Affiant made this his sworn statement from his
own personal knowledge and acquaintance with
the aforesaid Mary Jane McDonald (Harris) also
from his personal knowledge of her said hus-
band William M. McDonald

Affiant further states that he is not directly
or indirectly interested in the prosecu-
tion of the claim of said William M. McDonald
for citizenship in the Chickasaw Nation, Ind. Ter.
S. M. Mead

Subscribed and sworn to before me
by S. M. Mead this 27th day of August
1897,
J. H. Crossford,
Notary Public Central Judicial District, T.

Indian Territory
Central Judicial District }

Be it remembered that on this the 27 day of August 1897, personally appeared before me S. M. Mead, who is a reliable and credible person and a citizen of the Central Judicial District, Choctaw Nation Indian Territory and after being by me duly sworn, according to law, deposed and says, that he is a resident of the Central Judicial District Choctaw Nation Indian Territory. That his post office is Lake Indian Territory. That his age is 48 years, and his occupation a farmer.

That he is a member of the Chickasaw Tribe of Indians, and is so recognized by the tribal authorities,

That he is well and personally acquainted with William M. McDonald and has been so acquainted with him for more than 25 years, that he was also acquainted with his wife Mary Jane (Harris) McDonald, she was a daughter of Cyrus Harris, once Governor of the Chickasaw nation, and that she was a Chickasaw Indian by blood and was so recognized by the tribal authorities; That she was lawfully and legally married to Wm M McDonald in Panola County, according to the laws, customs and usages of the Chickasaw Nation

Application for Enrollment
Before the United States Commission
to the five Civilized Tribes of Indiana
William M McDonald of Cuba, T.
Petitioner

VS.

Chickasaw Nation Respondent
Your petitioner Wm M McDonald
states that he resides in Blue County Choctaw
Nation, that his wife Mary Jane McDonald
whose maiden name was Harris, was
a Chickasaw Indian by blood and
was duly recognized by the proper au-
thorities as such and enjoyed all the
rights privileges, benefits and annuities
as other Chickasaw Indians by blood in
said Chickasaw Nation or Tribe of Indians.
That his said wife Mary Jane McDonald, whose
maiden name was Harris, was at the time of
her marriage with petitioner, a widow
and that her lawful name was Mary
Jane Cravatt.

That on or about the 28 day of October
1872 petitioner was, duly and legally
married according to the laws, usages
and Customs of the Chickasaw Nation
or Tribe of Indians, to the said Mary Jane
McDonald (nee Harris nee Cravatt)
That said marriage Ceremony was

performed in Panola County Chickasaw
Nation Indian Territory, by the Rev. Harry
Bacon a minister of the Gospel, of the
Methodist Episcopal Church, ^{and a certificate of same,} ~~and~~ was
duly and legally placed ^{on} record in the clerk's
office of the County of Panola Chickasaw
Nation Indian Territory.

That a certified copy of said certificate
is hereto attached as evidence herein.

That under the Constitution, laws, usages
and Customs of said Chickasaw Nation
or Tribe of Indians and the laws of the United
States and Treaties with said Indians
your petitioner is entitled to be admitted
and enrolled as a citizen and member of
said Chickasaw Tribe of Indians in said
Indian Territory, and entitled to all the
rights, privileges and immunities of other
Chickasaw Indians.

Wherefore premises considered your petitioner
prays that his name be enrolled and
admitted to all rights, privileges, benefits
and immunities of other Chickasaw
Indians in and to the Chickasaw
Nation or Tribe of Indians and this
your petitioner will ever pray

J. J. Vaughan
atty for Petitioner

The aforementioned petitioner Wm M
McDonald says that statements set
forth in the above and foregoing pe-
tition are true according to his
best knowledge information and belief.
William M. McDonald

Seen to and subscribed to before
me by Wm M McDonald this 27
day of August 1897.
R. P. Bowler
Notary Public Cent. Jud. Dist, Ind. Ter.

In the matter of the application of William McDonald for enrollment as a Chickasaw citizen.

Mrs. S.W. Gooding being sworn says:

I live near Colbert in the Chickasaw nation. I do not know William McDonald. I knew Mary Jane. I knew her quite a while.

I was with her when she died. She had no husband in fact, that I knew of. I knew her intimately for a year and I never heard of McDonald. She had been married frequently. She was an old time Indian woman and did not know much about the marriage relation.

She was laundress and I was at that time an assistant teacher at Bloomfield Academy. She had two daughters in school, and we felt some considerable interest in her and them. We talked to her a good deal about the way she lived. She was rather an intelligent woman. We called her Mary Jane. She had two children Emma Love and Sophia Gravatt.

When she died no one purporting to be her husband attended the funeral. There was a man who came to see her, Levi Colbert, but he was not her husband. I never heard her speak of McDonald, as being her husband.

She took sick and I, and Mrs. Godfrey, who was then a student at the Academy, went to see her. She had Pneumonia and I told her she was very sick. I and the girls remained with her day and night until she died. Laura Kemp and some of the older girls will remember the circumstances.

I never heard of McDonald. He was not there and nothing was said about him.

Mrs. Melissa Godfrey being sworn says:

I live at Krebs, Choctaw nation. I knew Mary Jane Cravatt.

I know about her death. I was with her when she died.

I did not hear of any husband. William McDonald did not come to see her during her illness . He did not come to her funeral.

I had known her for a few months. All that time I did not see or hear of William McDonald.

My marriage certificate of William Mc
Donald & Mary Jane Cravatt

This is to certify that H. Bacon
a minister of the Gospel this day the
28th of Oct 1872 Married William
McDonald & Mrs Mary Jane Cravatt
according to the laws of the C.N.

H. Bacon

Minister of the Gospel

here certify that the above is a true
and correct copy of the original

I give under my hand & official
signature this the 22 day of Aug 1897

J. H. Applebark
P.C. C.N.

Where by certify that the above is a true
& correct copy of the marriage
certificate of William McDonald &
Mary Jane Cravatt. I give under
my hand & official signature the
the 4 of Oct 1898

J. W. Applebark
P.C. C.N.

Chickasaw D-154.

In the matter of the enrollment
of William McDonald as an in-
termarried citizen of the
Chickasaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

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

FEB 6 1904

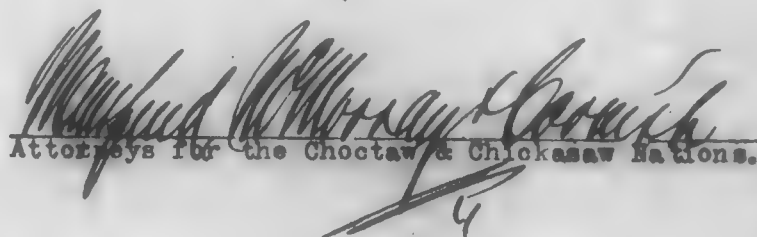
 CHAIRMAN.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation of William McDonald; Chickasaw field number D-154.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of John C. Bradshaw vs. The Choctaw and Chickasaw Nations, number 3, Tishomingo docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Chickasaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes, upon the subject, dated November 18, 1903.


Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Marriage of William
McDonald & Mrs Mary Jane Cravatt

This is to certify that J. H.
Bacon a minister of the gospel
this day the 28th of October 1812
married William McDonald &
Mrs Mary Jane Cravatt according
to the laws of the U. S.

J. Bacon, minister
of the gospel.

I hereby certify that the
above is a true and a correct
copy of the original marriage
certificate of William McDonald
and Mrs Mary Jane Cravatt.

Given under my hand and
Seal of Office this the 25th day
of August A. D. 1891.

J. L. Harper, Clerk
of Parola County, U. S.

Muskogee, Indian Territory, September 13, 1900

T. J. Vaughn,

Storrett, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 10th instant, in the matter of the protest filed by the Chickasaw Nation as to the enrollment of William H. McDonald as an intermarried citizen of the Chickasaw Nation.

You desire to be furnished with a copy of the protest filed as to Mr. McDonald's enrollment and as to what additional evidence will be required of him at the session of the Commission at Atoka, next December.

You are informed that the Commission cannot at this time go into the merits of this case. We are only in possession of a general protest filed by the attorneys for the Choctaw and Chickasaw Nations as to the enrollment of certain persons whose rights have not been fully determined by the Commission. In justice to these parties whose rights have thus been protested, the Commission has notified them of such objection and has required of the attorneys for the Choctaw and Chickasaw Nations that prior to October 31st, 1900, they serve notice upon such protested applicants, stating therein the grounds on which said objection is made. Mr. McDonald will undoubtedly be furnished with such notification and he can then determine as to what will be required of him at the session of the Commission at Atoka.

Acting Chairman

Muskogee, Indian Territory,

William McDonald,

Cale, Indian Territory,

Dear Sir,-

You are hereby notified that the Chickasaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Chickasaw Nation.

For the purpose of hearing any additional testimony which may be offered by either you or the attorneys for the Chickasaw Nation, the Commission will hold a session at Atoka, Indian Territory, commencing December 3rd, 1900, at which time and place you will be allowed to offer any additional testimony which you may desire to submit in support of your application, such hearing to be final.

Yours truly,

Acting Chairman.

S-D-154

any other person or persons who may be interested in the matter of the application of Dr. McDonald for citizenship as an intermarried citizen of the Chickasaw Nation.

The content and brief submitted by you has been duly filed in the matter of the application of Dr. McDonald and will receive the consideration of the Commission in the disposing of his right as an intermarried citizen of the Chickasaw Nation.

Yours truly,

Acting Chairman.

9-D-184

Chickasaw B 154

Muskogee, Indian Territory, August 1, 1902.

T. J. Vaughn,

Starratt, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 30, 1902, in which you desire to be advised the status of the application of William W. McDonald for enrollment as a citizen by intermarriage of the Chickasaw Nation, and in which you state that in February, 1901, a brief was filed in the case but you have never heard if the Commission had taken any action.

You are advised that it appears from the records of this office that you on March 1, 1901, as attorney for applicant filed a brief in the matter of the application of William McDonald for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The Commission has not up to this time rendered a decision in the matter of the application of William McDonald; but when a decision is rendered he will be duly advised thereof and of the forwarding of the record in the case to the Secretary of the Interior for his review.

Yours truly,

Henry G. ...

Chickasaw D 154

Muskogee, Indian Territory, February 5, 1904.

William McDonald,

Calo, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

9-1-154

Muskogee, Indian Territory, December 9,

T. J. Vaughan,

Attorney at law.

Murant, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of December 3, 1904, in which you ask the status of the application of William M. McDonald for enrollment as an intermarried citizen of the Chickasaw Nation.

In reply to your letter you are informed that the Commission is now considering the application of William McDonald for enrollment as an intermarried citizen of the Chickasaw Nation, and as soon as a decision is reached in this case, he will be notified of the action taken therein.

Respectfully,

Chairman

COPY!

Chickasaw D-154.

Muskogee, Indian Territory, January 20, 1905.

William McDonald,

Starrett, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 20, 1905, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

JAMES BIRBY

Chairman.

Registered.

Encl. C-P-154.

COPY!

Chickasaw D-154.

Muskogee, Indian Territory, January 20, 1905.

T. J. Vaughn,

Attorney at Law,

Devant, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes on January 20, 1905, rendered its decision, granting the application for the enrollment of William McDonald as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tenne Bixby

Chairman.

Registered.

Chickasaw D-154.

COPY,

Muskogee, Indian Territory, January 30, 1905.

Manfield, McHurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission rendered January 30, 1905, granting the application for the enrollment of William McDonald as a citizen by intermarriage of the Chickasaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

~~W. H. H. H.~~

Tammie Bixby
Chairman.

Registered,
Encl. D-3-154.

See Chickasaw 1208 for registry receipt for this letter.

Chic 1799

Chic 1799

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

-oOo-

In the matter of the application for enrollment as a citizen
by blood of the Chickasaw Nation of-

WINFIELD SCOTT ALLREN-9-D-184.

-oOo-

9-D-184.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory July 18, 1904.

In the matter of the application for the enrollment of
Winfield Scott Allen as a citizen by blood of the Chickasaw Nation.

Winfield Scott Allen being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Winfield Scott Allen.
Q What is your post office address? A Kittie, in the Choctaw Nation.
Q You are an applicant as a citizen by blood of the Chickasaw Nation are you? A Yes, sir.
Q How old are you? A About fifty-five.
Q Where were you born? A Born in the Choctaw Nation about seven miles from Fort Smith.
Q In the Choctaw Nation? A Yes, sir.
Q What is your father's name? A Samuel Allen.
Q And what is your mother's name? A Nancy Allen.
Q Were they both Chickasaws by blood? A No, sir, my father was a white man.
Q And your mother was a Chickasaw? A Yes, sir.
Q How much blood did she have? A She was a full blood Chickasaw.
Q You say you were born in the Choctaw Nation, please give a short history of your life, where have you been ever since? A In 1877 I started to the Black Hills Dakota but I didn't get there and I went to Arizona.
Q That was in 1877, where have you been living since then? A I have been all over that country.
Q During all that time where was your home? A I had no home in that country.
Q Did you have a home in the Choctaw Nation? A Since '94 or '96 I have had a claim in the Chickasaw Nation.
Q Are you a married man? A No, sir.
Q Never have been married? A No, sir.
Q You have really made no permanent home any where? A No, sir.
Q Have you any brothers and sisters? A Yes, sir.
Q What are their names? A Kittie Howard.
Q And the other? A J. G. Allen.
Q Are they on the final roll? A Yes, sir.
Q Same father and same mother? A Yes, sir.
Q When you left the Choctaw Nation in 1877 for the first time did you leave with the intention of making your permanent home some where else? A No, sir.
Q Did you return to the Indian Territory after 1877, if so when? A I returned in 1898.
Q Do you remember what month it was? A Came back in December, about the 20th of December 1898.

9-3-184--2.

- Q Was that the first time you come back since 1877? A Yes, sir.
Q Since then where have you made your home, Mr. Allen? A I was here in the Territory about six months then I went back to Nevada.
Q When did you return again? A About a month ago.
Q Did you consider your home in the Indian Territory? A Yes, sir.
Q You intended to return sooner or later? A Yes, sir.
Q And had made no home any where else? A No, sir.
Q When you were here in 1898 where did you stop? A At Kittie with my brother.
Q Did you draw any of the annuities? A Yes, sir, until this last annuity, the Bower Commission objected this last time and I didn't get it.
Q Did you draw the money in 1893? A Yes, sir.
Q Who draw it for you? A My nephew I guess.
Q Have you ever taken any part in the elect one in the Chickasaw Nation? A Oh yes.
Q Vote very often? A No, sir, not more than twice before I left.
Q You appeared before the Commission in 1899 didn't you? A Yes, sir.
Q In March 1899? A Yes, sir.
Q You have always considered the Choctaw-Chickasaw country as your home? A Yes, sir.
Q And has it always been your intention to return? A Yes, sir.
Q Your permanent home is with your brother at Kittie? A Yes, sir.

Witness excused.

Chas. F. Difondalar being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. F. Difondalar

Subscribed and Sworn to before me this 19th day of July 1904.

Charles H. Sawyer

Notary Public.

9-D-184

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

In the matter of the application for the enrollment of
Scott Allen as a citizen by blood of the Chickasaw Nation.

- Q What is your name? A *Windward & Scott Allen*
- Q What is your age? A *Born Oct. 22nd 1848*
- Q What is your postoffice address? A *At present Nicoma* *Nebr*
- Q When were you last in Indian Territory? A *Dec 1898*
- Q How long did you remain there? A *about five months*
- Q Where did you reside previous to that time? A *I have had no*
permanent place of residence for a while in New
Mexico, Arizona, Nevada, Utah, Colorado, Idaho & Montana
- Q Did you ever acquire a residence in Indian Territory? A *Yes, our*
old home place on the Potomac about 9 miles south of Ft. Smith
was considered our residence.
- Q At what place? A *on the Potomac Choctaw nation*
- Q Where were you living on June 28, 1898? A *with Brother & Sister*
- Q How long did you live there? A *about 5 months*

Scott Allen

Subscribed and sworn to before me this the 13th day
of February 1903.

J. R. McManis
Notary Public

9-D-184.

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

O. L. J.

860

-oOo-

In the matter of the application for the enrollment of Winfield Scott Allen as a citizen by blood of the Chickasaw Nation.

---: D E C I S I O N :---

It appears from the Census card record in this case that on October 17, 1898, application was made to this Commission for the enrollment of Winfield Scott Allen as a citizen by blood of the Chickasaw Nation.

It appears from the records in the possession of the Commission that the applicant herein is identified upon the 1893 Chickasaw Leased District Payment Roll, No. 2, page 31, and also upon the 1896 Chickasaw Census Roll, Pontotoc County, page 66.

It appears from the evidence herein that the applicant was born in the Choctaw Nation in the year 1849 and resided there continuously until the year 1877 when he left the Territory on a prospecting tour for minerals, since said time, until his return to the Indian Territory in December 1898, he was temporarily located in California, Colorado, Idaho, Nevada, New Mexico, Arizona and Montana. On his return to the Indian Territory, in December, 1898, he remained until June, 1899, when he returned to Nevada where he continued to prospect for mineral, from which date, up to and including September 25, 1902, he did not return to the Indian Territory. It further appears that the applicant herein has never abandoned his residence in Indian Territory, as he has at all times intended to return and resume his residence therein.

It is therefore the opinion of this Commission that following the ruling of the Department in the case of Joseph D. Yeargain (I. T. D. 2900-1903), Winfield Scott Allen should be enrolled as a citizen by blood of the Chickasaw Nation in accordance with the provisions of the Acts of Congress approved June 28, 1898,

(30 Stats., 495), and July 1, 1902, (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.

Commissioner.


Commissioner.

Muskogee, Indian Territory.

JAN 7 - 1905

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Scott Allen for enrollment as a cit-
izen by blood of the Chickasaw Na-
tion.

---D 184---

On the 18th day of March, 1902, the applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Scott Allen for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 7th day of May, 1902, for final consideration.

Now, on this 7th day of May, 1902, this cause coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

---o---

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 7th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 8th day of May 1902.

Charles H. Sawyer

Notary Public.

(C O P Y)

Kiernan, Nevada.

March 1st, 1903.

Commission to the Five Tribes.

Gentlemen:

Yours of February 20 to hand, and will say that about 8 years ago, Mr. J. H. Kiernan proposed to grub stakes me to prospect such you have an equal interest in all find in regard to minerals, and I accepted about April 1894 I took a trip into eastern part of California prospecting and was there about four months, then returned to Kiernans, and along in August same year there was a new mining district discovered in south eastern part of Tin Co., Nev., and I went down there and was there until January, 1895, I then came back to Kiernans and worked on the ranch about 3 months, again I pulled on a prospecting trip in south east part of Utah (Washington County) I was away about 6 months. I returned again to Kiernans and worked about one month on ranch. We then took another partner, and other partner and I went to work on some of the locations we had made in new district. While Kiernan furnished with what we needed, we worked about one year on these claims and then abandoned them. I then took another into Hay County, the adjoining county on the west. I didn't get back till Feb. or March, '97, from then on until end '97 I do work a while and then prospect awhile. In the early part of 1898 I took a prospecting trip into Mohave County, Arizona, and was out about 6 months. I then returned to Kiernans and worked on ranch till about middle of October, '98. I then started for the I. T., went broke in Colo. and went to work on the R. G. W. H. R. for 2 mon. I then went to Mrs. Kitty Howards place (who is my sister) on Rush Creek, Pontotoc county, Chickasaw Nation. I stayed her a 1/2 mon. then went to J. G. Allen's (my

brother) and stayed with him till May '99. I then returned to my
sister's and stopped with her about 1 mon. when I returned to Kierman,
Nev. about middle of July '99. I then worked on Kierman's ranch
about 3 mos. and went to prospecting again; made some locations
in southern part of county and worked on them 6 mos. I worked on
the ranch about 2 mos. when Kierman and I located some abandoned
claims about 9 miles from his place. We did about a month's work on
them. I then went down south part of the country and did some ap-
praisal work which kept me 3 mos. I then took another trip into
Southern Utah and was gone till June 1901. I then worked on ranch
3 mos. We then went to work on those claims that had been aban-
doned and worked on them till last of July, from July till 1st of
Nov. I worked on ranch. I then worked on some claims 1 1/2 mos.
came back, stopped on ranch 2 weeks, went down southern part of
county again; was gone till middle of Feb. 1903, since which time
have been working for Kierman on the ranch. This has been my head-
quarters; Kierman and I have been prospecting. When I am off
where he always knows where I am and forwards my mail to me, and
whenever I am on the ranch he finds work for me. This is about as
plain as I can make the case; hope it will do.

Yours obediently,

G. B. Coke,

Scott Allen

Notary Public.

Sgd.

STATE OF NEVADA,

County of Lincoln.

} 88

On this ¹⁹⁰⁸ ~~1900~~ *Second* day of *March* A. D.
personally appeared before me, a Notary Public, in and for said County,
Scott Allen Swearing to and
Alleging his citizenship and is
known to me to be the person described in and who executed the foregoing instrument,
and acknowledged to me that *he* executed the same freely and
voluntarily and for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand, and affixed my
Official Seal, at my office in the said County of Lincoln, the
day and year in this Certificate first above written.

G. B. Case

Notary Public.

The applicant has been
a rover, seeking through in
the Western States for the
fortune which ever eluded
him. Whenever mineral was
found in a new field he would
rush to that place with the
crowd, but he has never
established a residence out-
side of Indian Territory nor
can he be considered a
citizen of any other juris-
diction.

He, apparently, has
always considered Indian
Territory as his home and
has returned occasionally
to that home.

His name appears on the
tribal rolls.

Recommend approval.
12/1/04. J. H.

Scott Allen age 47

Chas. Pontotoc Co page 66-

Now in Colorado on his way to the
Nation.

Has resided in Nevada and other
States for the past twenty years.

Thinks claims that he has never lost
his residence there, but has voted
in the nation frequently.

(White card)

at Berkeley

D. B. C.

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Chickasaw D-184.

ADDRESS ONLY IN
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory. March 18, 1902.

Scott Allen,

Johnsonville, Indian Territory.

You are hereby notified that the application of yourself

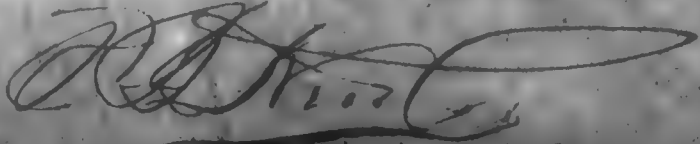
for enrollment as a citizen of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 7th day of May, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting YOUR right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.


Commissioner in Charge.

Chickasaw D 184

Muskogee, Indian Territory, December 6, 1902.

Scott Aller,

Elmore, Nevada.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 13, stating that you have received notice of the appointments of the Commission in the Choctaw and Chickasaw Nations for the purpose of securing evidence in the preparation of the rolls of the citizens of these two tribes for submission to the Secretary of the Interior, and you ask if it will be necessary for you to appear again before the Commission.

You are advised that if it is necessary to take any further steps to determine your right to enrollment as a citizen by blood of the Chickasaw Nation you will be duly advised thereof.

Respectfully,

Acting Chairman.

Chickasaw D-124

Muskogee, Indian Territory, January 9, 1903.

Scott Allen,

Kiernan, Nevada.

Dear Sir:

Before anything further can be done in the matter of your enrollment as a citizen by blood of the Chickasaw Nation, it will be necessary that you furnish the Commission with additional evidence regarding your place of residence on June 23, 1898, and thereafter.

Kindly give this matter your prompt attention.

Respectfully,

Commissioner in Charge.

6-D-154

Muskogee, Indian Territory, January 27, 1908.

Scott Allen,
Fitzman, Nevada.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, in regard to your application for enrollment as a citizen by blood of the Chickasaw Nation.

You are requested to furnish the Commission with sworn answers to the inclosed questions. Give this matter your immediate attention as nothing further can be done in the matter of your application for enrollment until the desired information has been obtained.

Respectfully,

Acting Chairman.

Chickasaw D-124.

Huskoga, Indian Territory, February 20, 1903.

Scott Allen,

Kiernan, Nevada.

Dear Sir:

The Commission is in receipt of your letter of February 13, 1903, and in reply would say that your answers to the questions propounded in our last letter to you were not sufficiently definite to enable the Commission to arrive at any decision in your case.

You are requested to go before a notary public and make a sworn statement, giving in detail your places of residence for the past eight years together with the exact duration of your stay at each place, and the object of your stay, i. e., whether or not you required a residence there. Be particularly exact regarding your stay in Indian Territory, giving the month, year, and the name of the town or county in which you lived while in the Territory.

Kindly give this matter your immediate attention.

Respectfully,

Chairman.

Chickasaw B-184.

Muskegee, Indian Territory, March 9, 1903.

Scott Allen,
Kiernan, Nevada.

Dear Sir:

Receipt is hereby acknowledged of your sworn statement of March 1, 1903, in regard to your place of residence for the past eight years, and the same has been filed with the record in this case.

Respectfully,

Chairman.

Chickasaw D 184.

Muskogee, Indian Territory, May 16, 1908.

Scott Allen,

Kiernan, Nevada.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 6, asking the status of your enrollment, and inquiring if you will be permitted to share in the tribal allotment of the lands of the Choctaw and Chickasaw nations. You state that you desire this information for the reason that you have a place on Bush Creek which you have been holding for the last four years, and you are afraid some other citizen will select the same in allotment if you are not soon permitted to file.

In reply to your letter you are advised that it appears from our records that you have been listed among the doubtful claims with the enrollment as a citizen by blood of the Chickasaw Nation, but your final right to such enrollment has not yet been determined. As soon as a decision is reached in your case you will be notified of the action of the Commission. In the event of a favorable decision in your case you will be enrolled by the Commission and your name will be placed upon the schedule of citizens by blood of the Chickasaw Nation prepared for forwarding to the Secretary of the Interior. Relative to the selection of your allotment at this time,

S A S

Your attention is invited to section fifteen of the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations, a copy of which is herewith inclosed you.

You are informed, however, that if you will furnish a description of the land on which you have improvements, and which you desire to select in allotment, in case you are finally entitled to allotment, you will be notified in the event any other citizen attempts to select the same land or any portion thereof, and you will be permitted to institute contest proceedings for the possession of the land on which your improvements are located.

Respectfully,

Commissioner in Charge.

Rules for allotment.

Chickasaw D 184

Muskogee, Indian Territory, January 16, 1904.

Scott Allen,

Kearman, Nevada,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 5, asking if the Commission has reached a decision in your case yet.

In reply to your letter you are informed that the Commission has not yet passed upon your application for enrollment as a citizen by blood of the Chickasaw Nation. As soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.

Chickasaw-D-184.

Muskogee, Indian Territory, July 7, 1904.

Blanton & Andrews,

Attorneys at Law,

Pauls Valley, Indian Territory.

Gentlemen,

Receipt is hereby acknowledged of your letter of June 29th, in which you ask for a copy of the testimony in the matter of the application of Scott Allen for enrollment as a citizen by blood of the Chickasaw Nation, together with information as to the present status thereof.

In reply to your letter, you are informed that it does not appear from our records that any testimony has been given by Scott Allen in the matter of his application for enrollment as a citizen by blood of the Chickasaw Nation; nor does it appear that the testimony of any witnesses has been introduced in this case.

You are advised that it appears from our records that the question in this case is that of non-residence and the Commission has not yet passed upon his application for enrollment. It is suggested that it would be well for Scott Allen to appear before the Commission at its office at Muskogee, Indian Terri-

B. & A.--2.

tory as early as practicable for the purpose of testifying
relative to his right to enrollment in the Chickasaw Nation.

Respectfully,

Commissioner in Charge.

Chickasaw II 184

Muskogee, Indian Territory, August 11, 1904.

Hanton & Andrews,

Attorneys at Law,

Paris Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of August 4, asking if further evidence is necessary in the Chickasaw doubtful case of Scott Allen, and when a decision will likely be rendered in his case.

In reply to your letter you are advised that it is not believed that further evidence is necessary in the matter of the application of Scott Allen for enrollment as a citizen by blood of the Chickasaw Nation. The Commission is taking up all applications for enrollment in the Choctaw and Chickasaw Nations pending before it as rapidly as practicable, and as soon as a decision is reached in this case you and the applicant will be notified thereof.

Respectfully,

Commissioner in Charge.

9-D-184

Muskogee, Indian Territory, October 24, 1904.

Blanton & Andrews,

Attorneys at Law.

Pauls Valley, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 19th instant, requesting to be advised relative to the status of the application for enrollment of Scott Allen as an intermarried citizen of the Choctaw Nation.

You are advised that the Commission has not yet passed upon the application for enrollment of Scott Allen as an intermarried citizen of the Chickasaw Nation. His case, however, is under consideration and as soon as a decision has been reached therein, you and the applicant will be duly notified of the action taken in the matter.

Respectfully,

Chairman.

Chickasaw D 184

Muskogee, Indian Territory, December 15, 1904.

Blanton & Andrews,

Attorneys at Law,

Pauls Valley, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of December 10, asking if the case of Scott Allen has yet been passed upon and in reply you are advised that the Commission is now considering the application of Scott Allen for enrollment as a citizen by blood of the Chickasaw Nation, and as soon as a decision is reached you and the applicant will be notified of the action taken therein.

Respectfully,

Chairman.

COPY.

9-D-184.

Muskogee, Indian Territory, January 7, 1908.

Winfield Scott Allen,

Kittie, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 7, 1908, granting your application for enrollment as a citizen by blood of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

CHICKASAW

JAMES BIRBY

Chairman.

Registered.

Encl. 9-D-184.

7-2-104.

COPY

Wankogee, Indian Territory, January 7, 1906.

Hixson & Andrews,

Attorneys at Law,

Pauls Valley, Indian Territory.

Dear Sirs:

You are hereby notified that the Commission to the Five Civilized Tribes on January 7, 1906, rendered its decision, granting the application of Winfield Scott Allen for enrollment as a citizen by blood of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

JAMES DWYER

Chairman.

Registered.

COPY

9-D-184

Waukegon, Indian Territory, January 7, 1905.

Mansfield, McHurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.
Gentlemen;

Enclosed herewith you will find a copy of the decision of the Commission rendered January 7, 1905, granting the application of Winfield Scott Allen for enrollment as a citizen by blood of the Chickasaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,
THOMAS BIRBY

Thomas Birby

Chairman.

Registered.

Encl. 9-D-184.

See Choctaw 3556 for registry receipt for this letter.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCHEE, IND. TER.

101

37
46

10086



Forwarded



FEB 24 1905

~~Winfield Scott Allen,~~

~~Indian Territory.~~

Rush Springs

REGISTERED

Chic 1800

Chic 1800

(6)

(1)



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

--oOo--

Record in the matter of the application for enrollment
as a citizen by intermarriage of the Chickasaw Nation of
Boon Helford, 9-D-189.

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 Pankle Valley, Indian Territory, October 24, 1902.

In the matter of the application for enrollment of Boon Holford as a citizen by intermarriage of the Chickasaw Nation.

Said Boon Holford, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Boon Holford.
 Q How old are you? A I will be forty-nine in February.
 Q What is your postoffice address? A Elmore.
 Q How long have you lived in the Chickasaw Nation? A Since '67.
 Q Maintained a continuous residence here since '67? A Yes sir.
 Q You are a white man? A Yes sir.
 Q An applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation? A Yes sir.
 Q What is the name of your Chickasaw wife? A Amanda James.
 Q She was a citizen by blood of the Chickasaw Nation? A Yes sir.
 Q Always recognized as such? A Yes sir.
 Q Her rights were never questioned? A No sir.
 Q When did you marry her? A The twenty-second of November, '77.
 Q Where were you married? A Fishemingo.
 Q Were you ever married prior to your marriage to this woman?
 A No sir.
 Q Was she ever married prior to her marriage to you? A No sir.
 Q Were you married to her under a Chickasaw tribal license? A Yes sir.
 Q How much did you pay for that license? A Two dollars and a half.
 Q How long did you live with this woman? A Two years.
 Q Up to the time of her death? A Yes sir.
 Q When did she die? A In '79.
 Q Have you since her death remarried? A Yes sir.
 Q To whom? A Georgia Cox.
 Q A white woman? A Yes sir.
 Q Are you still living with her? A No sir.
 Q Is she dead? A Yes sir.
 Q Have you married since her death? A No sir.
 Q Have you since your marriage to your Chickasaw wife lived continuously in the Chickasaw Nation? A Yes sir.
 Q Were you married to your second wife under a Chickasaw tribal license? A Yes sir.
 Q How much did you pay for that license? A Fifty dollars.
 Q You say she is now dead? A Yes sir.

Ira B. Hiles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full

Boon Holford-3

all proceedings had in the above entitled cause, heard at Pauls Valley, Indian Territory, October 24, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.


Subscribed and sworn to before me this the 7 day of November, 1902


Notary Public.

OK
2660

9-D-189.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

In the matter of the application of Boon Holford for enrollment as a citizen by intermarriage of the Chickasaw Nation.

--oOo--

:-D E C I S I O N:-

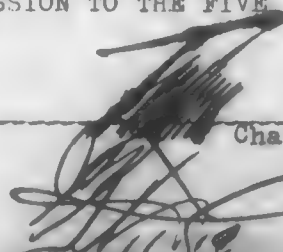
--oOo--

It appears from the record herein that the applicant, Boon Holford, in the year 1877, was married in accordance with the laws, customs and usages of the Chickasaw Nation to Amanda Holford (nee James), a recognized citizen by blood of the Chickasaw Nation; that at the date of said marriage both the persons above mentioned were residents in good faith of the Chickasaw Nation, and that they lived together as husband and wife in said Nation for about two years, and until the death of the said Amanda Holford; that thereafter, and about the year 1883, the applicant was married to Georgianna Cox, a white woman claiming no right to Chickasaw citizenship by blood; that the applicant has been a resident in good faith of the Chickasaw Nation continuously since the date of his marriage to said Amanda Holford in the year 1877 up to and including September 25, 1902.

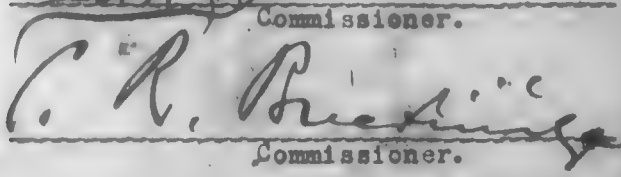
Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1893 Chickasaw Leased District Payment Roll Number 2, page 100.

It is therefore the opinion of this Commission that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904), relative to the question of forfeiture, Boon Holford should be enrolled as a citizen by intermarriage of the Chickasaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



 Chairman.



 Commissioner.

Muskogee, Indian Territory,

JAN 20 1905

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Boon Halford for enrollment as an
intermarried citizen of the Chick-
asaw Nation.

---D 189---

On the 18th day of March, 1902, the applicant was notified by registered mail, and on the 26th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail that the application of Boon Halford for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 7th day of May, 1902, for final consideration.

Now, on this 7th day of May, 1902, this case coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

--0--

Harry G 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 7th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry G Risteen

Subscribed and sworn to before me this 8th day of May, 1902.

Charles K. Sawyer
Notary Public.

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

DEC 14 1904

[Handwritten signature]
CHURMAN

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o000o-----

IN THE MATTER OF, the application of Boon Holford for enrollment as a citizen by ~~his~~ intermarriage of the Chickasaw Nation.

On this 16th day of December, A.D. 1904 before me the undersigned authority personally appears R. M. Harris who being by me first duly sworn deposes and says:- I am a member of the Chickasaw Nation of Indians by blood, duly enrolled as such, I am 34 Years of age and my Post Office address is Wishomingo, I.T. I am personally well acquainted with Boon Holford, the applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation and was personally acquainted with him in the year of 1877.

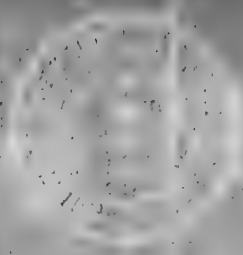
I was personally well acquainted with Amanda James, a citizen by blood of the Chickasaw Nation in her life time, and was so acquainted with her in the year 1877.

The said Boon Holford and the said Amanda James were married ^{at Wishomingo, I.T.} ~~in presence of~~ at the home of George James the Uncle of said Amanda James in the Fall of the year 1877, by Ben Boyd, County Judge according to the rules, regulations, forms and ceremonies of law.

R. M. Harris

Subscribed and sworn to before me on this 16th day of December, A.D. 1904.

Geo. W. Harris
Notary Public.



DEPARTMENT OF THE INTERIOR,
COMMISSION ON THE FIVE CIVILIZED TRIBES

FILED

DEC 1 1904

CHAS. H. ...

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----000-----

IN THE MATTER OF, the application of Beas. Holford for enrollment as a citizen by blood intermarriage of the Chickasaw Nation.

On this 6th day of December, A.D. 1904 before me the undersigned authority personally appears G. M. D. Holford who being by me first duly sworn deposes and says:- I am a member of the Chickasaw Nation of Indians ~~and~~ duly enrolled as such, I am 40 Years of age and my Post Office address is Laharon I. T. I am personally well acquainted with Beas. Holford, the applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation and was personally acquainted with him in the year of 1877.

I was personally well acquainted with Amanda James, a citizen by blood of the Chickasaw Nation in her life time, and was so acquainted with her in the year 1877.

The said Beas. Holford and the said Amanda James were married in my presence at the home of George James the Uncle of said Amanda James in the Fall of the year ^{about} 1877, by Jas Boyd, County Judge according to the rules, regulations, forms and ceremonies of law.

G. M. D. Holford

Subscribed and sworn to before me on this 6 day of December, A.D. 1904.

H. L. Howe

Notary Public.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0000-----

IN THE MATTER OF, the application of Boone Holford for enrollment as a citizen by intermarriage of the Chickasaw Nation.

I, Boone Holford, do solemnly swear that I am the identical person who has heretofore made application for enrollment as a citizen by intermarriage of the Chickasaw Nation through my marriage with Amanda James, a citizen by blood of said Nation.

I do solemnly swear that in the month of November, 1877, I presented to Ben Boyd, County Judge, a petition according to the existing laws of the Chickasaw Nation signed by Governor Brown, Jarvis Hancock, Ben Harris, Gov. Cyrus Harris, Hobart Heald; all duly recognized citizens of the Chickasaw Nation, asking for and recommending that a license be issued to this affiant authorizing his marriage to the said Amanda J James; that said Ben Boyd issued to this affiant a marriage license authorizing said marriage and this affiant was married to said Amanda James under said license by the said Ben Boyd at the home of George James the Uncle of said Amanda James in said Month of November, 1877, in the presence of Cliff Love, George M.D. Holford, Robert M. Harris, Ben Harris, and many others.

I further swear that said marriage license and certificate of said marriage were left by me with the said Ben Boyd to be recorded and that I never afterwards saw the same.

I further swear that I am informed and verily believe said information to be true that the records of the County Court of Pickens County on two occasions have been destroyed by fire and that there is not now existing any record of said marriage, and I have been unable to find any such record.

I further swear that since the date of my said marriage I have always been recognized as a citizen by intermarriage of the Chickasaw Nation, that I never heard of my citizenship being questioned until this Honorable Commission made its first round in taking the census of the

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

DEC 14 1904

[Signature]
CHAIRMAN

members of said Nation. I have drawn my pro rata share of the annuities paid by said Nation since my said marriage and have always been recognized by the Courts of said Nation as being a member thereof; that I have been arrested and held for trial before the District Court of said Nation charged with working white labor, and was afterwards arrested by the militia of said Nation on the same charge at a cost to me of about \$1500.00 that I have suffered the pains and penalties of citizenship, have always been recognized as a citizen thereof and through regulations not permitting me to select my allotment my improved lands have been filed on by others although listed to me and although designated as mine.

Boon Hayward

Subscribed and sworn to before me this 24 day of November, A.D. 1904.

Spencer E. Taylor

Notary Public, Southern District, Indian Territory.

United States of America,
Indian Territory,
Southern Judicial District.

D
Mrs. Georgia Spain, ~~Sw~~ being first duly sworn,
deposes and says, that she is a Chickasaw Indian by blood and is the
daughter of Simon and Elsie James; that Amanda James was her sister
of the full blood, and that said Amabda James was married to Boone
Holford, a citizen of the United States, about November, 1877; that
said marriage was celebrated at the home of affiant's uncle, George
James, in the Chickasaw Nation, ^{In affiant's presence,} and was according to the laws and cus-
toms of the Chickasaw Nation; that said Amanda and said Boone Holford
lived together as husband and wife until the death of said Amanda about
two years afterwards, and during said time said Holford treated his
wife well and was well regarded by her family and kins-people.

Mrs. Georgia Spain

Subscribed and sworn to before me this 16th day of September, 1898.

O. W. Pattee
Notary Public

Witness

1897

Indian Territory,

SS.

Southern District,

Before me a Notary Public in & for the Southern District of the Indian Territory Personally appeared *Frank M. Roy* who after being by me duly sworn states that he furnished the Governor of the *Chickasaw* Nation a true & correct copy of all of the papers in the case of *D. B. Holford* Vs. the *Chickasaw* Nation & that the enclosed Post Masters receipt is a receipt for all of said papers.

F. M. Roy

Subscribed & Sworn to before me this 27th day of aug 1897.

O. L. Costello

Notary Public Southern District Indian Territory.

F. M. Fox

LAWYER AND NOTARY PUBLIC.

COMMERCIAL BUSINESS

AND COLLECTIONS A SPECIALTY.

Purcell Ind. Ter. Aug 30 1897

Hon. Dawes Commission,

Fort Gibson, I.T.

Gentlemen: -

Enclosed find application for enrollment of D.B. Holford & his three children which was left off of the rolls in 96. as they did not make application at that time, you will find that the Chickasaw laws did not require a license to marry in '76 & '77.

Very Respectfully,

F. M. Fox

Office of County Judge,
Pickens County, C. N.

To all whom these presents
may come greeting

Know ye

That application having
been made to this office by D. B. Helford, a citizen of the Chickasaw
Nation, and Mrs. George Cox, a citizen of the United States, for auth-
authority to be united in marriage, they having complied with all the
law regulating marriages ~~license~~ between U. S. citizens and members
of the Chickasaw tribe of Indians.

Therefore these are to authorize
any Judge of this Nation or ordained minister of the gospel to unite
in marriage the above named parties according to the laws, rules
and customs of the Chickasaw Nation. A certificate of marriages
shall be issued to the parties married and presented to the County
Clerk's office for record within 30 days, under penalty of law.

Given under my hand and official signature this 2nd day
of July, ~~1885~~- 1883, A. D.

A. H. Law,

County and Probate Judge,
Pickens
Pickens County, Chick. Nation.

(Seal)

Indian Territory ,
Southern District,

SS. Application of D.B.Holford Emma.Holford,
Franklin.Holford, & Alley.Holford,
for enrollment before the Dawes Commission,

Gentlemen: -

The undersigned your petitioners respectfully make the following statement of facts to wit: that D.B.Holford intermarried with Miss Mandy James in 1876 at Tishomingo, Chickasaw Nation, I.T. in accordance with the Laws & customs of said nation then prevailing she being a Chickasaw Indian by blood being a daughter of the late Simon James, of Tishomingo County Chickasaw Nation & a niece of the late Hon George James of the same County & Nation, that Mandy Holford nee James died in about 1880. & in 1883 the said D.B.Holford married Miss Georgeanna Cox of Pauls Valley, I.T. that there was born to them in lawful wedlock the following named children to wit: Emma, Franklin, & Alley, ages respectfully, (13) (11) & (9) years. applicants further state that the Laws of said Nation did not require a License for a Citizen to marry a non citizen in 1876. that the enclosed marriage license & marriage certificate for the last marriage is hereto attached marked exhibit A. & made a part of this application. wherefore applicants pray that they be added to the rolls of said Chickasaw Nation. that we did not file our claim for enrollment in 1896. *witness our hands this the 30th day of aug, 1897.*

Witnesses.

F. M. Fox

D. B. Holford
Alley Holford
Franklin Holford
Emma Holford

by W. S. Taylor agt.

Emma-Helford-
Franklin-Helford
Alley-Helford
Versus the
~~Georgia Nation~~
Chickasaw Nation

Application for enrollment

Appeared before me James-Rennie Notary Public Southern District, Ind
Ter-William Janeway and-Tennessee-Farmer both well known to me to be
credible witnesses who on their oath being duly sworn deposed as
follows-

That they were present at the marriage of -D-B-Helford of
the Chickasaw Nation to Georgiana Cox of the United States- who were mar-
ried ~~were~~ in Paul-s Valley I-T in July 1885- by Rev J-C-Powell a minister
of the Methodist Church-

They further state that they were both well acquainted with the above
parties & knew them both at the time to be unmarried & competent to
engage in the binds of matrimony-

Witness our hands this 27th day of August 1897-

William Janeway
Tennessee Farmer

Sworn & subscribed to before me this 27 th day of August 1897-

James Rennie

Notary Public Southern
District Ind-Ter
My Commission Expires Mar 15 99

Application of
 J. B. Baird
 Ally
 Franklin
 Emma
 Enrollment - before the
 Hon. **FILED** Commission

SEP 10 1897

This **H. W. Farway** Secy. of
 a white man marrying a
 black woman who dies
 & he afterwards marries
 a white woman and has
 children by her. He now
 seeks to be a husband
 to the children by this last mar-
 riage annulled.

There is no J. M. Fox
 evidence except
 appearance of witness Pincell
 that he was ever married
 to Nancy James, the first
 wife

681

Office of County Judge, ..)
Pickens County-C.N.)ss.

To all whom it may concern;-come greeting

Knew Ye-that application having been made-to this office-by D.B.Halford-
a citizen of the Chickasaw Nation-and Mrs George Cox-a citizen of the
United States- for authority-to be united in marriage-and they having
complied with the law regulatin marriage- between U.S.Citizens
and members of the Chickasaw- tribe of Indians-;therefore these are to
authorize any Judge of this Nation-or ordained minister of the Gospel-
to unite in marriage the above named parties-according to the laws-
rules and customs- of the Chickasaw tribe of Indians. A certificate
of marriage shall be issued to the parties married-and shall be presented
to the County Clerks office for record-within thirty days under penalty
of law under my hand and official signature- this the 2nd day of July-
A.D.1883.

A.H.Law-

~~CONFIDENTIAL~~

Probate and County Judge-
P.Co.C.N.

Marriage License-of- D.B.Helford- and Mrs.George Cox. Issued July 2nd-
1883.

Indian Territory-)
Southern District-)ss.

Be it known that I, W.I. Gilbert-a Notary Public
in and for the Southern District of the Indian Territory-certify
that the above and foregoing instrument is a true and correct copy of
the original instrument this day exhibited to me.



Notary Public

Boon Holford age 47

Int Cks - Perkins Co -
page 100 RR 43 No 2

Marr'd to Amanda James a
Cks Indian - in Nov 1877. She
died two years later -

Marr'd to George Cox a white
woman in 1883.

"Marr'd out" ~~D 189~~
(white card)

at Holford

Muskogee, Indian Territory, October 19, 1898.

Hon. Tams Bixby, Actg. Chairman,
Chickasha, I. T.

Dear sir:-


At the request of P. H. Tom of Purcell, I forward
to you herewith, applications for enrollment,

E. T. Thacker, et al

D. B. Holford, et al. ✓ filed with 97 NO. 189.

These are papers filed with the Commission during the fall of
1897.

Very truly yours,


Secretary.

... by order of the
... the Secretary of the
... Indian Territory, Oklahoma
... and ...
... to ...
... to ...
... to be fatal.

Yours truly,

Acting Chairman.

COMMISSIONERS:
HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Chickasaw D-189.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 18, 1902.

Roan Halford,

Elmore, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 7th day of May, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting YOUR right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. NEEDLES,

Register.

Commissioner in Charge.

Muskogee, Indian Territory, April 9, 1902.

Albert Rennie,

Attorney at Law,

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, in which you desire to know the status of the record in the matter of the application of Boone Helford for enrollment as a citizen by intermarriage of the Chickasaw Nation.

Replying to your letter you are advised that it appears from the records of this office, that Boone Helford, a white man, was married to Amanda James, a citizen of the Choctaw Nation, in November, 1877, and lived with her until her death, after which he married Mrs. George Cox, a citizen of the United States.

The matter of the application of Boone Helford will be taken up for final consideration by the Commission at Muskogee, Indian Territory, on May 7, 1902, of which Mr. Helford was duly notified by registered letter March 16, 1902.

Yours truly,

Commissioner in Charge.

Chickasaw D 189

Muskogee, Indian Territory, August 15, 1904.

D. P. Holford,

Elmore, Indian Territory,

Dear Sir;

Receipt is hereby acknowledged of your letter of August 9, asking if further evidence is necessary in the matter of your application for enrollment as an intermarried Chickasaw.

In reply to your letter you are advised that it is not believed that further evidence is necessary at this time to enable the Commission to determine the rights of Boon Holford to enrollment as an intermarried citizen of the Chickasaw Nation, but in the event the same should be necessary you will be notified.

Respectfully,

Commissioner in Charge.

9-D-189

Muskogee, Indian Territory, October 20, 1904.

Boon Holford,

Elmore, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation, it will be necessary for you to furnish this Commission with either the original or certified copies of your Chickasaw marriage license and certificate, showing your marriage to Amanda James.

An envelope for reply is enclosed herewith.

Respectfully,

Enc. Env.

Chairman.

9-D-189

Muskogee, Indian Territory, November 10, 1904.

Boon Holford,

Elmore, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation, it will be necessary for you to furnish this Commission with either the original or certified copies of your Chickasaw marriage license and certificate, showing your marriage to Amanda James.

An envelope for reply is enclosed herewith.

Respectfully,

Enc Env

Chairman.

9-D-189

Muskogee, Indian Territory, December 15, 1904.

Albert Rennie,
Attorney at Law.

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 10, 1904, enclosing the affidavits of R. M. Harris, N. D. Holford and Boon Holford relative to the marriage of Boon Holford and Amanda James and you are advised that the same have been filed with the records in the matter of the application of Boon Holford for enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Chairman.

Chickasaw D 189

COPY.

Muskogee, Indian Territory, January 20, 1905.

Albert Rennie,

Attorney at Law,

Pauls Valley, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 20, 1905, rendered its decision granting the application for the enrollment of Boon Holford as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Registered.

Chairman.

Chickasaw D 189

COPY.

Muskogee, Indian Territory, January 20, 1905.

Boon Holford,

Elmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 20, 1905, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tamm Bixby

Chairman.

Registered.

Incl. 9-D-189.

Chickasaw D 189

COPY.

Muskogee, Indian Territory, January 20, 1908.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered January 20, 1908, granting the application for the enrollment of Boon Holford as a citizen by intermarriage of the Chickasaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED).

James Bixby

Chairman.

Registered.

Incl. 9-D-189.

See Chickasaw 1208 for registry receipt for this letter.

Chic 1801

Chic 1801

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

-oOo-

In the matter of the application for the enrollment as a
citizen by intermarriage of the Chickasaw Nation of-

O L I V E J. M O R R I S - - - - -9-D-190.

-oOo-

Chickasaw, D. 190.

Department of the Interior,
Commission to the Five Civilized Tribes.
Ardmore, I. T., October 28, 1902.

In the matter of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation of Olive Morris.

Olive Morris being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Olive Morris.
Q How old are you? A 42.
Q What is your post office address? A Loco,
Chickasaw Nation? A Yes sir.
Q How long have you lived in the Chickasaw Nation? A About 27
years.
Q Have you lived here continuously for the past 27 years? A
No sir, a few years, maybe six years, I was gone away from here,
but came back.
Q When was that? A I couldn't tell you exactly; it has been
about 15 years ago.
Q You have been here for the past ten years continuously? A
Yes sir, for 15 years.
Q You are a white woman? A Yes sir.
Q And an applicant for enrollment as an intermarried citizen of
the Chickasaw Nation? A Yes sir.
Q What is the name of your Chickasaw husband? A James Jones.
Q He is a citizen by blood of the Chickasaw Nation? A Yes sir.
Q Always been recognized as such by the tribal authorities?
A Yes sir.
Q When did you marry him? A In 1865.
Q In 1865? A '75.
Q Were you ever married before you married him? A No sir.
Q Was he ever married before he married you? A No sir.
Q Where were you married to him? A Willis.
Q Who married you? A Parson Beyer.
Q Have you the evidence of your marriage to your Chickasaw hus-
band? A Why, our marriage is on record.
Q You say you were married to James H. Jones in 1875? A Yes
sir.
Q Was he ever married before he married you? A No sir.
Q Was that married under a Chickasaw tribal license? A No sir.
Q Were there any licenses issued at that time? A No sir, none
issued at that time.
Q How long did you live with him? A I think about two years.
Q Lived with him until he died? A Yes sir.
Q During his lifetime you lived together as man and wife? A
Yes sir.
Q There was no separation, desertion or divorce? A No sir.
Q After his death did you remarry? A Yes sir.
Q To whom?
A William Slaten.
Q When was that? A In 1877 or '78.

Olive Morris—2

- Q Was he a white man? A Yes sir.
Q How long did you live with him? A About six years.
Q Lived with him until he died? A Yes sir.
Q You married again after that? A Yes sir.
Q Whom did you marry that time? A Andrew Pickett.
Q When did you marry him? A In— I can't tell exactly, in '80
some time.
Q How long did you live with Pickett? A About ten years.
Q Up until his death? A Yes sir.
Q Have you married since the death of Pickett? A Yes sir.
Q Whom did you marry the next time? A S. P. Morris.
Q Your present husband? A Yes sir.
Q He is a white man? A Yes sir.
Q Since your marriage to Jones in 1875 have you lived here in
the Chickasaw Nation as an actual bona fide resident? A
Yes sir.

W. H. Martin being duly sworn on oath states that as
stenographer to the Commission to the Five Civilized Tribes he
recorded in full the above proceedings at Ardmore, I. T., on the
28th day of October, 1902, and that the within and foregoing is
a full, true, and correct transcript of his stenographic notes
in the same.

W. H. Martin

Subscribed and sworn to before me this 6 day of November, 1902.

C. Stephens
Notary Public.

D-190
O. J. J.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the enrollment of
Olive J. Morris as a citizen by intermarriage of the Chickasaw Nation.

---: D E C I S I O N :---

It appears from the record herein that on January 3, 1875, the applicant, Olive J. Morris, was lawfully married in the Chickasaw Nation under the then existing laws of said nation, to James Jones, a recognized citizen by blood of the Chickasaw Nation; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation; that they lived together continuously as husband and wife in said nation from the date of said marriage until the death of James Jones in 1877; and that thereafter the applicant herein successively married William Slaten, Andrew Pickitt and S. F. Morris, all noncitizen white men.

It further appears from the evidence herein that the applicant has resided continuously in the Chickasaw Nation from the date of her said marriage to James Jones up to and including September 25, 1902.

It appears from the records in the possession of the Commission that the applicant is identified upon the 1893 Chickasaw Leased District Payment Roll, No. 2, page 180 (as Olive J. Pickitt).

It is therefore the opinion of this Commission that Olive J. Morris should be enrolled as a citizen by intermarriage of the Chickasaw Nation under the provisions of the Acts of Congress approved June 28, 1898, (30 Stats., 495), and July 1, 1902, (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JAN 7 - 1905

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of
Olive Morris for enrollment as an in-
termarried citizen of the Chickasaw
Nation.

B-190

On the 18th day of March, 1902, the applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Olive Morris for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 7th day of May, 1902, for final consideration.

Now, on this 7th day of May, 1902, this cause coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant being called failed to appear, either in person or by attorney.

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 7th day of May, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 8th day of May, 1902.

Charles H. Sawyer

Notary Public.

Olin Morris age 28
Lut. Chr.

Married Jimmy Jones a Chr. Indian
in 1875 - He died white yet his
descendant,

Married Wesley Clayton (a white man)
in 1879. He died.

Married Andrew P. Cook a white
man in 1888. He died.

Married Fleury Morris a white
man in April 1898.

"Married out" (white Card)

D. 90

copy

Record of Marriage
of James H. Jones and
Olivia J. Buckley on page

88- Pickens Co Record

Recorded Jan 20th 1875

Olivia

J. 190

No

ARDMORE, IND. TER.,

Indian Territory }
Southern District }

Before me the undersigned
authority personally appeared, Brit Willis,
~~who~~ ~~has~~ ~~sworn~~ ~~that~~ ~~he~~ ~~is~~ ~~forty~~ ~~five~~ ~~years~~
of age, ~~and~~ ~~has~~ ~~been~~ ~~a~~ ~~resident~~ ~~of~~ ~~Pickens~~ ~~County~~
Chickasaw Nation all his life and is now living
at ~~the~~ ~~Indian~~ ~~Territory~~. That he knows Ellic
Morris, who was first married to J. H. Jones at
the ~~place~~ ~~Indian~~ ~~Territory~~ about the year 1874.
That he was present at said marriage and saw
and heard the marriage ceremony performed.
That the said Ellic Morris, then Ellic Jones
lived with the said J. H. Jones, as his wife, until
his death. That the said J. H. Jones was a Chickasaw
Indian by blood, being a half brother to affiant,
on the mother's side on which they claim their
Indian blood.

Affiant further states that said marriage
between J. H. Jones & Ellic Morris, who was then Ellic
Buckley was duly performed in accordance
with the laws & customs then in force in the
Chickasaw Nation.

Brit Willis

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

DEC 20 1902


ACTING CHAIRMAN

Chickasaw Nation
Southern District
Indian Territory

Before me the undersigned a
Notary Public in and for the Southern
District Indian Territory personally
appeared R. B. Willis and Henry
Bourland to me well known and
after being duly sworn each for
himself deposes and says that
they were personally present at
the marriage of Ollie J. Morris
(nee Jones nee Bushy) with one
J. H. Jones a citizen by blood of
the Chickasaw Nation and a blood
relation said marriage was during
the year 1875 but they cannot
testify as to the month or day
Signed

R. B. Willis

Henry Bourland

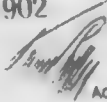
Sworn to and subscribed to
before me this the 22nd day of
December A.D. 1902

C. H. Thomas
Notary Public
Southern District
Indian Territory

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

FILED

DEC 22 1902



ACTING CHAIRMAN.

Chickasaw Nation

County of Pickens

To whom it may concern,

I am Will Hamy as County Clerk of
Pickens County, Chickasaw Nation
This is statement I made for Ollie
J. ^{Morris} ~~of~~ of Loco. Ind Terr. and to my
Best acknowledgement the record that
she was recorded on has been destroyed
by fire and I have not the record for
1875 and I have not the books in my possession
and I am County Clerk of Pickens County, Okla.
Will Hamy,
Clerk.

98 190

UNITED STATES OF AMERICA.
INDIAN - - - - TERRITORY.
SOUTHERN - DISTRICT.

Personally appeared before me

a Notary Public, in and for the District above mentioned, Olive Morris, who being first duly sworn, makes answer to the following interrogatories as follows:

Q What is your name, age and postoffice address?
A Olive Morris 17 1/2 years 131 1/2 Ave S.D.

Q What is the name of your Chickasaw husband through whom you claim rights as an intermarried citizen of the Chickasaw Nation?
A James H Jones

Q In what month and year were you married to James Jones? A Jan 3rd 1875

Q At the time of your marriage to James Jones, of what Nation were you a resident? A Chickasaw Nation

Q At the time of your marriage to James Jones, of what Nation was he a resident? A Chickasaw Nation

Q After your marriage to James Jones in what Nation did you both reside? A Chickasaw Nation

Olive J. Morris

Subscribed and sworn to before me this 26 day of Oct, 1904.

H. H. Highpower
Notary Public.

Mus

August, 18th 1900.

Olive Morris,

Loco, Indian Territory.

Dear Madam,-

You are hereby notified that the Chickasaw Nation, through its attorneys, Messrs McKemmon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Chickasaw Nation.

For the purpose of hearing any additional testimony which may be offered by either you or the attorneys for the Chickasaw Nation, the Commission will hold a session at Atoka, Indian Territory, commencing December, 3rd, 1900, at which time and place you will be allowed to offer any additional testimony which you may desire to submit in support of your application, such hearing to be final.

Yours truly,

Acting Chairman.

D-D-180

Chief Clerk,
U.S. Indian Territory.

Dear Sir:-

Your notification on August 18, 1900, of the protest made by the Chickasaw Nation to your enrollment of a member of the Chickasaw Nation, the Commission has been furnished by the Chickasaw Nation upon which objection is made to your enrollment. However, the nature of protest to your enrollment has been suggested in your case, by the attorneys for the Nation.

The Commission is in possession of a sufficient number of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment to attend beginning December 21, 1900.

The Commission will accept and consider any petition presented on questions of law submitted on behalf of the Chickasaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, October 5, 1900.

Olive Morris,

Leed, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 26th of September, in regard to the protest filed against your final enrollment by the representatives of the Chickasaw Nation.

As stated in the Commission's letter of the 18th of September, the protest filed against you by the representatives of the Chickasaw Nation has been withdrawn and therefore it will not be necessary for you to appear before the Commission at its session at Atoka next December. The protest to your enrollment being withdrawn, the status of your case is the same as it was prior to the filing of such protest, namely that you are a doubtful claimant to citizenship in the Chickasaw Nation by intermarriage.

Yours truly,

Acting Chairman.

S-D-190

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Chickasaw D-190.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 18, 1902.

Olive Morris,

Looco, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as citizen of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 7th day of May, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting YOUR right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. NEEDLES,

Register.

Commissioner in Charge.

Chickasaw DL90

Muskogee, Indian Territory, December 4, 1902.

Olive Morris,

Looco, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 15, stating that you cannot secure your original marriage certificate and that you have tried to secure a certified copy of the record but have been informed that it will be impossible to procure the same. You ask if you will be permitted to introduce witnesses to prove your marriage.

In reply to your letter you are advised that it will be necessary for you to supply the Commission with evidence of your marriage. You should secure the original marriage license and certificate and forward that to the Commission if possible. If this cannot be done, you are advised that it appears from our records that the record of the marriage between James H. Jones and Olive J. Beckley is found on page 23 of the Pickens County Records, and that the same was recorded on January 20, 1870, and you should procure a certified copy of this record for forwarding in the matter of your application for enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Wakarusa, Indian Territory, December 30, 1908.

Ollie J. Morris,

Law, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of December 20, 1908, enclosing a joint affidavit of R. B. Willis and Henry Bourland, and statement of Will Keady, County Clerk of Pickens County, relative to the marriage of Ollie J. Buckley and J. H. Jones during the year 1878, and the same has been filed with the record in the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

Acting Chairman.

she will be notified.

As a decision is reached in

X9 - p 190

Muskogee, Indian Territory, May 7, 1903.

Mrs. Olive J. Morris,

Loco, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of April 25, 1903, in which you ask if the Secretary of the Interior has approved your application for enrollment as a citizen of the Chickasaw Nation.

In reply to your letter you are advised that it appears from our records that Olive Morris has been listed among the doubtful claimants for enrollment as a citizen by intermarriage of the Chickasaw Nation, but her final right to enrollment has not yet been determined. As soon as a decision is reached in her case she will be notified.

Respectfully,

Chairman.

Chickasaw D 190
Chickasaw 1291

Muskegee, Indian Territory, August 31, 1903.

Olive J. Morris,

Loon, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 17, asking relative to the enrollment of yourself and your daughter Minnie Leftwich and her children as citizens of the Chickasaw Nation.

In reply to your letter you are informed that it appears from our records that you have been listed among the doubtful claimants to enrollment as an intermarried citizen of the Chickasaw Nation, and your final right to such enrollment has not yet been determined. As soon as a decision is reached in this case you will be notified of the action of the Commission.

It further appears from our records that Minnie C. Leftwich and her children, Velma, George C., Dewey and James Brooks Leftwich, have been listed for enrollment as citizens by blood of the Chickasaw Nation, but their names have not yet been placed upon the schedule of citizens by blood of said nation prepared for forwarding to the Secretary of the Interior.

It also appears that James T. Leftwich, husband of Minnie Leftwich, has been listed for enrollment as an intermarried citizen

O J M 2

of the Chickasaw Nation, but his final right to such enrollment has not yet been determined. As soon as a decision is reached in this case he will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

G-D-190

Muskogee, Indian Territory, October 21, 1904.

Olive Morris,

Loca, Indian Territory.

Dear Madam:

You are hereby notified that before any further action can be taken in the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation, it will be necessary for you to furnish this Commission with a sworn statement stating the place of residence of yourself and your Chickasaw husband prior to your marriage to each other; also the month in the year of 1878 you were married.

For this purpose there is enclosed you herewith a blank affidavit in interrogatory form, which you are requested to take before some Notary Public and answer under oath the questions therein propounded, and return to this Commission at the earliest practicable date.

This matter should receive your immediate attention. An envelope for reply is enclosed herewith.

Respectfully,

Enc. Rev & JB -1

Chairman.

9-D-180

Muskogee, Indian Territory, October 31, 1904.

Olive J. Morris,

Lece, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit in interrogatory form in the matter of your enrollment as a citizen of the Chickasaw Nation, and the same has been filed with the records of the Commission in this case.

Respectfully,

Chairman.

COPY.

9-p-100.

Muskogee, Indian Territory, January 7, 1905.

Olive J. Morris,

Loce, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 7, 1905, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

James Bixby

Chairman.

Registered.

Encl. 9-B-100.

9-D-190.

COPY.

Muskogee, Indian Territory, January 7, 1905.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission rendered January 7, 1905, granting the application of Olive J. Morris for enrollment as a citizen by inter-marriage of the Chickasaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tamm Bixby

Chairman.

Registered,
Encl. 9-D-190.

See Choctaw 3856 for registry receipt for this letter.

9-1801

Muskegon, Indian Territory, March 8, 1906.

Mrs. O. J. Morris,
Loco, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of March 3, 1906, asking if you have been approved by the Secretary of the Interior.

In reply to your letter you are advised that the name of Olive J. Morris has been placed upon a schedule of citizens of the Choctaw Nation which has been forwarded the Secretary of the Interior for approval but the Commission has not yet been advised of Departmental action thereon.

Respectfully,

9-1803

Muskogee, Indian Territory, March 16, 1905.

S. J. Morris,

Leoco, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 6, 1905, in which Olive J. Morris has been approved.

In reply to your letter you are informed that the name of Olive J. Morris has been placed upon a schedule of intermarried citizens of the Chickasaw Nation which has been forwarded the Secretary of the Interior, but the Commission has not yet been advised of Departmental action thereon.

Respectfully,

Chairman.

9-1801

Muskogee, Indian Territory, February 20, 1906.

Mrs. Olive J. Hall,
Lindsay, Indian Territory.

Dear Madam:

Your letter of February 2, 1906, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you state that you are an enrolled intermarried citizen of the Chickasaw Nation and have selected your allotment; you now desire to present an application for the enrollment of your children by a non citizen husband.

In reply to your letter you are advised that if you desire to present a claim for the enrollment of your children under the ruling of the Department in the Mary Elizabeth Martin case, there is inclosed herewith for your information circular showing procedure to be followed in the presentation of cases of this character.

Respectfully,

Circular.

Acting Commissioner.

Chic 1802

Chic 1902

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

-oOo-

In the matter of the application for the enrollment as
a citizen by intermarriage of the Chickasaw Nation of

W I L L I A M V. T A Y L O R - - - - -9-D-221.

-oOo-

Department of the Interior
Commissioner of the Five Civilized Tribes
Ola Valley, I. T. October 22, 1902.

Chickasaw D-221.

In the matter of the application for enrollment as a citizen of the
intermarriage of the Chickasaw Nation of W. V. Taylor.

W. V. Taylor being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A W. V. Taylor.
Q Your age? A I am forty-four.
Q Your post office address? A Purcell.
Q How long have you resided in the Chickasaw Nation? A Since the
latter part of seventy.
Q You have been an actual-benafide resident of the Chickasaw
Nation since that time? A Yes, sir.
Q You are a white man? A Yes, sir.
Q Claimant to enrollment as an intermarried citizen of the Chicka-
saw Nation? A Yes, sir.
Q As I understand the position in your case you was married to
Lucy McLaughlin in 1883? A Yes, sir.
Q A Chickasaw woman? A Yes, sir.
Q With whom you lived about three years? A Yes, sir.
Q Then she obtained a divorce from you and after that time you
married a white woman Nettie Watkins, in 1887? A Yes, sir.
Q You are still living with her? A Yes, sir.
Q Has your first wife recognized as a citizen of the Chickasaw
Nation? A She was a niece of Mr. Burneys.
Q No question about her citizenship? A No, sir.
Q Was you married to her in 1883 under a Chickasaw tribal license?
A Yes, sir.
Q How much did you pay for that? A Fifty dollars.
Q Had you ever been married prior to your marriage to her? A No,
sir.
Q Had she ever been married prior to her marriage to you? A No, sir
not that I know of.
Q Who obtained that divorce? A She had.
Q Upon what grounds? A I don't know, I was never notified.
Q Were you ever served with a notice of the institution of that
divorce? A No, sir.
Q How long after that separation was it before you were divorced?
A It must have been four years; I would not swear to the dates
I was in the Choctaw Nation at that time.

G. Besenwinkel being duly sworn on his oath states that as
stenographer to the Commission to the Five Civilized Tribes he
reported in full all the proceedings had in the above entitled
cause on October 22, 1902, and that the above and foregoing is a
full, true and correct transcript of his stenographic notes in
said cause on said date.

Subscribed and sworn to before me this 22 day of November 1902.

G. Besenwinkel
Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

In the matter of the application of W. V. Taylor for enrollment as a citizen of the Chickasaw Nation.

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

Messrs. Cruce & Cruce, Attorneys for the applicant.
Volney B. Johnson, Esq., Attorney for the Chickasaw Nation.

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

W. V. Taylor, being duly sworn by Commissioner A. S. McKennon, on his oath, testified on behalf of the applicant as follows:

Direct Examination by Com'r. Tams Bixby:

- Q How old are you? A. Fifty-nine the 10th day of February.
Q Fifty-nine? A. Yes sir.
Q You married a Chickasaw Indian at one time? A. Yes sir.
Q What was her name? A. Louisa McLaughlin.
Q Louisa McLaughlin? A. Yes sir.
Q When did you marry her? A. 1883.
Q When? A. First day of March.
Q How long did you live with her? A. I couldn't say exactly.
Not over five or six months.
Q Did she die? A. Afterwards. She married afterwards --
Q You lived with her five or six months and separated from her?
A Yes sir.
Q Did you get a divorce? A. I think she did.
Q You are not sure? A. I heard that she did, I don't know.
Q You have never seen the papers? A. No sir.

- Q You have married again though? A. Yes sir.
- Q Why did she get a divorce from you? A. We had been separated then about three or four years.
- Q Why did she separate from you? A. I couldn't hardly tell you.
- Q Did she leave you? A. Yes sir.
- Q Left you after living with you four or five months? A. Yes sir.
- Q You don't know why? A. I can tell you why.
- Q I want to know why? A. Her cousin, a young lady, visiting her there once and it seems she didn't like this white girl that was there and I didn't think she treated her right, and I asked her why she treated her the way she did, and I thought she treated her wrong, and one word brought on another - - -
- Q She was a little jealous of the white girl? A. Yes sir.
- Q You were a pretty good looking young man? A. I wasn't much of a masher.
- Q That is strange, that you would live with her only five or six months? A. If you knew the woman you wouldn't think so. She lived with her sister and wouldn't speak to her for years. She lived in the house with her brother-in-law the same way.
- Q You treated her well? A. Yes sir.
- Q (By Com'r. A. S. McKennon) How long had you known her when you married her? A. I had known her for three or four year.
- Q And you knew of these facts about her character? A. About her character?
- Q Of these facts that you have been telling? A. I knew she didn't speak to her sister.
- Q (By Com'r. Bixby) You say she left of her own accord? A. Yes sir.
- Q And with no reason except she was jealous of this white girl?

A That's all, is what I have told you.

Q (By Com'r. McKennon) Do you know what the grounds of divorce were? A. I don't know.

Q You never thought enough about it to investigate and find out?

A Governor Burney told me to have nothing to do with her, to let her go her way.

Q And he advised you not to investigate and ascertain what the grounds of divorce were? A. I don't know as he brought it in in those words, but he advised me to let her go her way.

Q (By Mr. Bixby) Did you ever try to get her back? A. Yes sir, time and again.

Q (By Mr. McKennon) You disregarded the Governor's advice on that subject? A. This was afterwards. The Governor never told me that until three years afterwards, and he finally told me that there was no use, she wouldn't listen to him.

Q (By Mr. Bixby) Then after hearing that possibly she might have got a divorce from you you remarried? A. I remarried in 1868. After she married I moved up near Purcell.

Q Who did you marry? A. I married a Miss Watkins.

Q What was her first name? A. Nettie.

Q (By Mr. Cruce) You were married in 1868 you say? A. Yes sir.

(By Mr. Cruce) If the Commission is not satisfied in the matter we can put his want on the stand.

(By Mr. Johnson) As to that contention I presume it has the effect upon this case that it has on every other case.

(By Mr. Bixby) The question of abandonment will probably cut some figure in this case.

Mrs. Jane McLaughlin, being duly sworn by Commissioner A. S. McKemmon, on her oath, testified on behalf of the applicant as follows:

Direct Examination by Mr. Cruce:

- Q Did you know Charley Taylor's first wife? A. Yes sir.
- Q What kin, if any, was she to you? A. She is my niece.
- Q Do you know about the time they separated? A. Yes sir.
- Q Do you know the cause of the separation? A. No sir.
- Q Did you ever make any effort to get them to go together?
- A Yes sir. He got me to talk to her.
- Q He got you to talk to her? A. Yes sir.
- Q What did she say? A. She didn't say much. She said she would see about it.
- Q Did she ever go back to him? A. Yes sir.
- Q How long did she live with him that time? A. I don't know. You see I lived away up here about a hundred miles.
- Q Have you talked to her after they went back together again?
- A Yes sir.
- Q Did you ever see her after they separated this last time?
- A Yes sir.
- Q Did you ever talk to her about going back again? A. No sir. I never seen her I reckon it was over a year after they were separated. She had got a divorce and was married.
- Q She had gotten a divorce and was married then? A. Yes sir.
- Q Did you ever hear her say anything after she was married about the cause? A. She never would talk about it. When I asked her why she didn't live with him, that he was a good man, she said "I don't know, I reckon I was to blame".
- Q Did she ever say anything to you about her relation with her second husband, how they were getting along? A. I know about that.

Q How was that? A. They got along pretty bad.

Q Did you ever hear her say anything about her regretting having left Taylor and married this man? A. She said if she had took a little off Mr. Taylor, she had to take so much off of her last husband, that she would have been living with her first man yet.

Q What did she say about leaving her first man? A. She said she hated to leave him, she had separated from one man and she reckoned she would have to put up with him.

Q She reckoned she would have to put up with him? A. Yes sir.

Q Did she ever at any time talking about Charley lay any blame to him? A. She never would say anything about him, against him or for him.

Q But she told you at one time that she guessed she was to blame for it? A. Yes sir.

W. V. Taylor, being recalled for further examination, testified as follows:

Direct Examination by Mr. Cruce:

Q What name do you go by? A. I go by --my right name among my folks at home is William or Billy, but a great many people know me as Charley Taylor, and I rather like the name better than I do Billy and I let it go.

Q But your right name is William? A. Yes sir.

Q Did you separate from this woman more than once? A. Yes sir.

Q How long was it between the two separations? A. It must have been a year or more.

Q A year or more? A. Yes sir.

Q She went away then and stayed about a year? A. Yes sir, she went to her sister's. Her brother was out in Western Texas, he was on the ditch, and after he came back he seems to have more influence with her than anybody-else. Our baby was born then and he got her

to go live with me and we lived together awhile, and she went back home again.

Q Do you know the reason why she left you the second time?

A Nothing only what she told me.

Q What did she tell you? A. She said she wasn't satisfied and that she had made a mistake.

Q How long were you married the last time? A. Only a short time.

Q After she went back then the second time did her uncle or anyone-else intercede in your behalf and try to get her back? A. Yes sir, Governor Burney tried more than once, in fact every time he would come down there. It was on his way to Denison, he would come up there and stay all night and he talked to her very often.

Q But she never would come back? A. No sir.

Q Did you ever mistreat her in any way? A. No sir.

Q Did she have any cause to be jealous of that cousin of her's?

A It was not her cousin. It was a lady that was with her cousin. This girl was as good as anybody.

Q Nice girl? A. Yes sir.

Q (By Mr. Bixby) How many times did you separate from her? A. I will tell you, we lived together the first time, a certain length of time, and after her baby was born and her brother came back from out West, we lived together again not over two months.

Q She only went away twice then? A. Yes sir, that's all.

9-D-221.

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

O.L.J.

-c0o-

In the matter of the application for the enrollment of William V. Taylor as a citizen by intermarriage of the Chickasaw Nation.

---: D E C I S I O N :---

It appears from the record herein that on March 1, 1883, the applicant, William V. Taylor, was married in accordance with the laws, customs and usages of the Chickasaw Nation to Lucy McLaughlin (deceased), a recognized citizen by blood of the Chickasaw Nation; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation; that they resided together continuously as husband and wife but a short period of time, when they separated and were subsequently divorced; and that thereafter, in 1888, the applicant married Hettie Watkins, a noncitizen white woman.

It appears from the evidence herein that the applicant has resided continuously in the Chickasaw Nation from the date of his said marriage to Lucy McLaughlin up to and including September 25, 1902.

It appears from the records in the possession of the Commission that the applicant is identified upon the 1893 Chickasaw Leased District Payment Roll, No. 2, page 210 (as Charley Taylor).

It is therefore the opinion of this Commission that William V. Taylor should be enrolled as a citizen by intermarriage of the Chickasaw Nation under the provisions of the Acts of Congress approved June 28, 1898, (30 Stats., 495), and July 1, 1902, (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

JAN 20 1905

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
W. V. Taylor for enrollment as an
intermarried citizen of the Chick-
asaw Nation.

---D 221---

On the 19th day of May, 1902, the applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of W. V. Taylor for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 8th day of May, 1902, for final consideration.

Now, on this 8th day of May, 1902, this cause coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

---0---

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 8th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 13th day of May, 1902.

Charles H Sawyer

Notary Public.

W. V. Taylor age 39
on Roll as Charley Taylor

Int Chick.

Marrind to Lucy McLoughlin
Chick Larkin Mar 1 - 1883.
Divorced in 1886.

Marrind to Nettie Watkins
in 1888 a U.S. Cit.

Pickens Co.

D 221

Page 210 Pay Roll 1893 No 2.

(White Card / "Name out" of Roll)

Schenectady, N. Y. 189

Marriage Record for 1883.

This is to certify
that Mr. W. V. Taylor and Miss Lucy W. Taylor
a member of Chickasaw Tribe of Indians
were by me united in holy bonds of
Matrimony this March 14 - 1883. Under
Authority of license issued to them by
the Judge of Pickens County C. N., bearing
date March 14 1883.

J. H. Dickerson
Minister of the Gospel.

I hereby certify that this is a true copy
of the original, handed for Record.

M. B. Overton
Clerk Pickens Co. C. N.

J. P.

I hereby certify that foregoing is a true
copy of the original. This 4th day of
Oct. 11, 1896.

Guy Keel
County Clerk
Pickens County C. N. S. P.

Office of

L. C. BURRIS,
NATIONAL SECRETARY,
CHICKASAW NATION.

Fishomingo, D. T. Aug 17th 1897

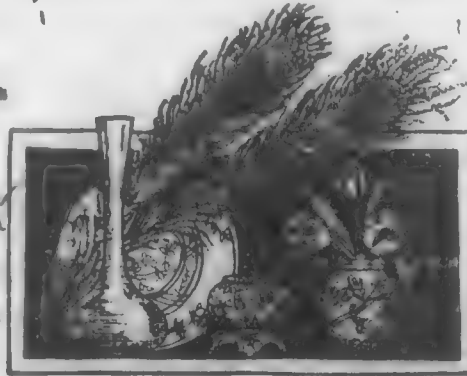
I, L. C. Burris, National Secretary of the
Chickasaw Nation, do hereby certify that
by virtue of my office I am Custodian
of all the Rolls of citizenship of the
Chickasaw Nation, and I certify that I
have retained the Roll of Citizens made
up in 1893 for the "Leased District" annuity pay-
ment, and I know the name of Charles or
W. D. Taylor, to be registered there as a
citizen of the Chickasaw Nation and that
she drew his pro rata share of the money.
Witness my hand and official seal
this the 17th day of August A. D. 1897.

L. C. Burris
National Secretary
Chickasaw Nation

CHICKSAW

NATION

COUNTY



To Any Judge of The County of Pickens Court, Ordained Minister of The Gospel in and for
GREETING: «»

You are Authorized to Solemnize The
»» RITES OF MATRIMONY ««

BETWEEN MR *H. V. Taylor* And Miss *Lucy McLaughlin*

And make due Return to the clerk of the County Court
Thirty Days thereafter certifying your action Under This

Witness my Official Signature and Seal of Office Pickens County Court

first day of *March* 18*92*

By _____ DEPUTY

I. J. Dickerson hereby certify that on *1st* day of *March*
A. D. 18*92*, I United in Marriage *H. V. Taylor* and *Lucy McLaughlin*
the parties above-named.

WITNESS my hand this *first* day of *March* 18*92*

Filed for Record _____ day _____ 189, Recorded _____ day of _____ 189

M. B. Overton Clerk.

POOR ORIGINAL -
BEST AVAILABLE COPY

United States of America)
Indian Territory) ss
Southern District,)

Clemie G. Sacra first being duly sworn according to law, depose and say, That I am a citizen of the Choctaw Nation and have resided in the Indian Territory for 4 1/2 years and that I knew Lucy McLaughlin, wife of W.V. Taylor, during her life time and know of my own knowledge that she was recognized as a citizen by blood of the Chickasaw Nation. I was personally acquainted with said Lucy McLaughlin for 12 years prior to her death.

Clemie G. Sacra

Subscribed and sworn to before me the undersigned authority this
26th, day of October, A.D. 1904.

G.M. Crump Clerk
U.S. Court
By J.F. Green Deputy

LINEN
TYPEWRITER
NEW YORK CHICAGO
U.S.A.

United States of America)
Indian Territory) ss
Southern District,)

Carline Brady, of Purcell Indian Territory
being first duly sworn according to law, deposes and say, That I am a
member of the Choctaw Nation by blood, and have resided in the Indian
Territory for 18 years last past. that I knew Lucy McLaughlin, wife
of W.V. Taylor, during her life time and know of my own knowledge that
she was recognized as a citizen by blood of the Chickasaw Nation,
I was personally acquainted with said Lucy McLaughlin for 20
years prior to her death.

Carline Brady
Deponent

Subscribed and sworn to before me the undersigned authority this 26th,
day of October, A.D. 1904.

O. M. Campbell
County U.S. Court
By *J. A. Green*
Deputy

Chickasaw D-111.

In the matter of the enrollment
of W. V. Taylor as an intermar-
ried citizen of the Chickasaw
Nation.

PROJECT of
Choctaw and Chickasaw Attorneys

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

FILED
FEB 6 1904



CHAIRMAN.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation of W. V. Taylor; Chickasaw field number D-221.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of John C. Bradshaw, vs. The Choctaw and Chickasaw Nations, number 3, on the Tishomingo docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Chickasaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Wm. H. Murray
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Muskogee, Indian Territory,
August, 18th 1900.

W. V. Taylor,
Purcell, Indian Territory,

Dear Sir,-

You are hereby notified that the Chickasaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Chickasaw Nation.

For the purpose of hearing any additional testimony which may be offered by either you or the attorneys for the Chickasaw Nation, the Commission will hold a session at Atoka, Indian Territory, commencing December, 3rd, 1900, at which time and place you will be allowed to offer any additional testimony which you may desire to submit in support of your application, such hearing to be final.

Yours truly,

Acting Chairman.

9-D-221

COMMISSIONERS
HENRY L. DAWES,
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRICKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Chickasaw D-821.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 19, 1903.

W. V Taylor,
Purcell, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 8th day of May, 1903.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Register.

Commissioner in Charge.

Chickasaw B 201

Muskogee, Indian Territory, June 9, 1902.

Dorset Carter,

Attorney at Law,

Percell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, in which you desire to be advised if a decision has been rendered in the case of W. V. Taylor, applicant for Chickasaw citizenship.

Replying to your inquiry you are advised that on May 2, 1902, the matter of the application of W. V. Taylor for enrollment as a citizen by intermarriage of the Chickasaw Nation was called for final consideration and no appearance was made either by or on behalf of the applicant or on behalf of the Chickasaw Nation.

The Commission has not up to this time rendered a decision in this matter but when such decision is rendered, Mr. Taylor will be advised thereof and of the forwarding of the record in the case to the Secretary of the Interior for his review.

Yours truly,

Acting Chairman.

W. V. Taylor

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

Chickasaw D 221

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 9, 1904.

W. V. Taylor,

Purcell, Indian territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

1904, holding the position of the Secretary of the Chickasaw Nation, as an intermarried citizen of the Chickasaw Nation.

In reply to your letter you are informed that the Commission has not yet passed upon the application of W. J. Taylor for enrollment as an intermarried citizen of the Chickasaw Nation, but will as early as practicable take up the same for consideration and deliberation and as soon as a decision is reached you will be notified of the action taken therein.

Very respectfully,

Special Agent in Charge

9-D-221.

Wankagee, Indian Territory, July 25, 1904.

V. V. Taylor,

Pureell, Indian Territory,

Dear Sir:

In the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation, it does not appear from the record in your case to whom your Indian spouse (Lucy or Louisa) was married after she was divorced from you. It is necessary in order to identify her upon the rolls to have her present name.

You are therefore requested to write to the Commission and give her present name, or if she is dead, the date of her death and her name at that time.

Respectfully,

Commissioner in Charge.

Purcell, I. T. Aug. 23rd. 1904.

Commission to the Five

Civilized Tribes,

Muskogee, Ind. Ter.

Gents:-

Re your 9-D-221.

Your letter of the 25th. inst. has been received and in reply will say that she was married after divorce to one Robert Hume of Woodville, I. T. and lived with him until her death about ten years ago but I am unable to give you the exact date of death. She has an uncle living in Ardmore, I. T. by the name of Wesley Burney who is her mothers brother. Her name at the time of her death was Lucy Hume.

Yours very truly,

H. V. Taylor

Muskogee, Indian Territory, August 29, 1904.

W. V. Taylor,

Furbell, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 23rd inst., stating that after your wife Lucy was divorced from you she married a man by the name of Robert Rums of Woodville, Indian Territory with whom she lived until his death which occurred about ten years ago.

You state further that she was the niece of Wesley Burney who was a brother of her mother and that at the time of her death her name was Lucy Rums.

You are advised that the information contained therein has been made of record in the matter of your application for enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 22, 1904.

W. V. Taylor,

Purcell, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation, it will be necessary for you to furnish this Commission with sworn statements of at least two disinterested parties, who know of their own knowledge, that your former wife, Lucy McLaughlin, was a recognized citizen by blood of the Chickasaw Nation.

This matter should receive your immediate attention. An envelope for reply is enclosed herewith.

Respectfully,

Enc. Env.

Chairman.

9-D-221

COPY

Waskogee, Indian Territory, January 20, 1906.

William V. Saylor,

Parcell, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 20, 1906, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

James Bixby

Chairman.

Registered.

OPY

D-221

Muskogee, Indian Territory, January 20, 1908.

Derest Carter,
Attorney at Law,
Pawnee, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 20, 1908, rendered its decision granting the application for the enrollment of William V. Taylor as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

James Bizby

Chairman

Registered,

COPY

9-D-221

Muskogee, Indian Territory, January 20, 1905.

Cruse, Cruse & Cruse,
Attorneys at Law,
Ardmore, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 20, 1905, rendered its decision granting the application for the enrollment of William V. Taylor as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

BY

James Birby

Chairman.

Registered.

9-D-221

COPY.

Muskogee, Indian Territory, January 20, 1905.

Hansfield, McMuray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered January 20, 1905, granting the application for the enrollment of William V. Taylor as a citizen by intermarriage of the Chickasaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

~~XXXXXXXXXX~~

Tacne Bixby

Chairman

Registered.

Incl. 9-D-221.

See 9-1205 for registry receipt for this letter.

Chic 1803

Chic 1803

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

-c0c-

Herein is the record in the matter of the application for
enrollment as a citizen by intermarriage of the Chickasaw
Nation of-

F R A N K H O W A R D, - - - - 9-D-241.

-c0c-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, DECEMBER 10, 1900.

Chickasaw Nation

vs

Chickasaw D 241.

Frank Howard.

Frank Howard, having been first duly sworn, and examined by Acting Chairman, Tams Bixby, testifies as follows:

- Q What is your name? A Frank Howard.
- Q You claim to be an intermarried citizen of the Chickasaw Nation do you? A Yes sir.
- Q What ~~was~~ is your post office? A It was Burt but there aint no post office at Burt now, it is Bailey.
- Q Do you live at Bailey? A About five miles east of Bailey on Rush Creek.
- Q How long have you lived in Indian Territory? A About four years; four or five years.
- Q You are a white man, are you? A Yes sir.
- Q Who did you marry? A Kitty Jolly the first time; she enrolled at the Valley.
- Q She is a Choctaw Indian? A She is a Choctaw and Chickasaw both but she enrolled on the Chickasaw side; her mother was Chickasaw.
- Q Is she your present wife? A Yes sir.
- Q You married her first under United States law? A Its been about three years. In April it will be three years.
- Q And you remarried under Chickasaw law? A Yes sir.
- Q When was the second marriage performed? A A year ago the 10th of August, a year ago last August a year ago.
- Q Who married you? A I think his name was Gilmore. I got the license from Simon Wolf.
- Q What is the name of the woman you married the second time?
- A The second marriage?
- Q Yes. I married her under the name of Kitty Howard.
- Q Well, that is your name? A Yes sir.
- Q Well, what was her name when you married her the second time?
- A Why, it was my name of course.
- Q It was Howard? A Yes sir.
- Q Then you married your own wife? A ~~Yes~~ The second time.
- Q How did you happen to marry a second time? Was not the first marriage good? A They claimed that I had to marry her under the Indian law.
- Q Why, for what purpose; was not the first marriage good? A Why she didn't think so.
- Q You were married weren't you? A Yes sir.
- Q Lawful marriage was it not? A Yes sir.
- Q Why did you marry the second time? A Because it was according to the Indian law.
- Q For what purpose? It would not marry you any tighter? A No sir, but she wanted me to marry under that law.
- Q What interest was it to her? A Why she wanted me to marry her ~~at~~ that was the first time, that was the first kick, I told her there was no Indian law, and when we come to be enrolled she wanted to know what they were going to do with me and they told her that I was not married under Indian law. And so we were married under Indian law.

Howard-2

- Q Is it your understanding that marriage under Chickasaw law is any better than under United States law? A No sir, I don't know that it is any better.
- Q So you married the second time to please your wife? A Yes sir, and to be a citizen here. She claimed I could not be a citizen.
- Q So ~~the purpose~~ the purpose of your second marriage was to obtain citizenship in the Chickasaw Nation? A Yes sir.
- Q And the reason you didn't marry her first under the Chickasaw law was because there was no Chickasaw law for marriage? A That is what they claimed that the law was all done away with and everything was transacted under United States law.
- Q Well, were Indians marrying under United States laws, or just white men and Indians? A I could not ~~not~~ say about that.
- Q You didn't know? A No sir.
- Q Anything else you think of that you would like to state to the Commission? A Nothing that I know of; that is all I know of.

Witness excused.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full the proceedings in the above entitled cause on the 10th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause.

Anna Bell

Subscribed and sworn to before me this 11th day of December, 1900.


Acting Chairman.

Department of the Interior
Commission to the Five Civilized Tribes
Washington, D. C., October 2, 1902.

Chickasaw D-241.

In the matter of the application for enrollment as a citizen
of the Chickasaw Nation of Frank Howard.

Kittle Howard being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Kittle Howard.
Q How old are you? A Fifty-seven years old.
Q What is your post office address? A Salsby.
Q Chickasaw Nation? A Yes, sir.
Q You are a citizen by blood of the Chickasaw Nation? A Yes; I am
mixed blooded.---My grandmother was a Chickasaw.
Q You have always been a citizen? A Yes; I have always been a
citizen.
Q In 1899 you was married to a white man? A In 1898.
Q What was his name? A Frank Howard.
Q Married to him first under a United States license? A Yes, sir.
Q Then a year after that you married him under a Chickasaw license?
A Yes, sir.
Q Where is he now? A I don't know.
Q Did he leave you? A No, sir; I left him.
Q What was the matter? A Just separated.
Q Have you ever brought suit for a divorce? A Yes, sir.
Q How long have you been separated? A Last April a year ago; I
got the divorce at Caddo.
Q You have been legally divorced from him? A Yes, sir.
Q You know what became of him since that divorce? A No, sir; I
do not.
Q Don't know where he is now? A No, sir; the last I heard of him
he was at Cheek.

G. Rosenwinkel being duly sworn on his oath states that as
stenographer to the Commission to the Five Civilized Tribes
reported in full all the proceedings had in the above entitled
cause on October 22, 1902, and that the above and foregoing is a
full, true and correct transcript of his stenographic notes in
said cause on said date.

Subscribed and sworn to before me this 22nd day of November 1902.

Charles H. ...
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory,
January 13, 1904.

Chickasaw D 241. -----
Intermarried.

In the matter of the application for the enrollment of
Frank Howard as a citizen by intermarriage of the Chickasaw Nation.

Said Frank Howard, being first duly sworn, on his oath,
testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Frank Howard.
Q What is your post-office address? A At the present time Purcell.
Q Chickasaw Nation? A Yes, sir.
Q Do you live in the Chickasaw Nation? A Yes, sir.
Q How long have you lived in the Chickasaw Nation? A About six years.
Q You are a white man? A Yes, sir.
Q You possess no Indian blood at all? A No, sir.
Q Don't claim as an Indian by blood, do you? A No, sir.
Q What rights do you claim? A Intermarried.
Q In the Chickasaw Nation? A Yes, sir.
Q Did you marry a Chickasaw woman? A Yes, sir.
Q What was her name? A Kitty Howard.
Q What was her maiden name? A Allen.
Q When were you married to her? A Been about -----
Q Married twice to her? A Yes, sir.
Q You were married the first time under United States law? A Yes, sir.
Q And after that you married her under a Chickasaw license, didn't
you? A Yes, sir.
Q When were you married under the Chickasaw license? A Why, I forget.
Q August 9, 1899; is that right? A Yes, I know we were married in
August.
Q From whom did you get the license? A Wolf.
Q Judge Simon Wolf? A Yes, sir.
Q County Judge of Pentotoc County? A Yes, sir.
Q And when were you married by? A Gilmore, Dr. Gilmore.
Q Was he a minister of the gospel? A Yes, sir.
Q Were you married previous to your marriage to your wife, Kitty?
A Yes, sir.
Q To whom? A To a white woman.
Q What was her name? A Her name was Mary E. McGill. She died in
Colorado.
Q Was she dead at the time you married Kitty Howard? A Yes, sir.
Q Were you married to any other woman? A No, sir.
Q Was she married to anybody else than to you, your wife, Kitty?
A Yes, sir, she was married three or four times.
Q Don't you know how many times? A No, sir. All I know for sure is
that she was married to a man by the name of Jelly.

Chickasaw D 241

Frank Howard 2

- Q Who else? A I don't know only just what I was told. I was told that she was married to a man by the name of Miller and she was married to another man named Hegue, and I think she was married to one by the name of Wiley Johnson, and William Jelly. She was married to a man by the name of Hammend, too.
- Q Is that all? A Yes, sir, that's all I know of.
- Q Were these five men dead at the time you married her? A Hegue was dead, Johnson was dead and Jelly was dead. The others I don't know about.
- Q That leaves two. You don't know whether they were living or not? A No, sir.

It will be necessary for you to furnish the Commission with evidence with respect to these former husbands of your wife.

- Q How long had you been living in the Chickasaw Nation at the time you married her under the Chickasaw license? A Two years.
- Q Over two years? A Yes, sir, three or four months over two years.
- Q Where was your wife living at the time you married her, Kitty Howard? A She was living in the Chickasaw Nation.
- Q How long had she lived in the Chickasaw Nation before you married her? A About twenty years or twenty-five.
- Q Have you got any children by her? A No, sir.
- Q Since you married her in 1899, did you live together as husband and wife in the Chickasaw Nation up to and including September 25, 1902? A Yes, sir.
- Q You are positive that you and she lived together as husband and wife up until September 25, 1902? A Yes, sir.
- Q She didn't leave you until after September 25, 1902? A No, sir.
- Q You had a home, didn't you? A Yes, sir.
- Q Did you have any property? A We was -- that was her property where we was living.
- Q Didn't you provide a home for her? A Yes, sir, any time she wants a home.
- Q What time did you and your wife separate, what year? A I think it was in 1902.
- Q What time of the year was it? A As far as I knew along about the first of October, 1902.
- Q You are positive of that now? A First I knew anything of it.
- Q Now, isn't it a fact that you left her long before that? A No, sir, we didn't separate. I went off to work in April.
- Q In what year? A Let me see, that was in 1901.
- Q Did you have a home for her up to that time? A Yes, sir, I had a home right adjoining hers.
- Q You both lived together up to April, 1901? A Yes, sir.
- Q Then, what took place? A She just went away to her brother's and rented out the farm and when she come back she said she was going to live with her boy.
- Q When did she tell you that? A She wrote and told me.
- Q Have you got that letter? A No, sir, I don't think I have it.
- Q Isn't it a matter of fact that since April, 1901 you have not lived at all with that woman? A No, sir, 'cause she told me she didn't want to live with me. I told her she could come whenever she wanted to.
- Q Have you been divorced? A No, sir, not that I know of.
- Q Were you ever notified of any divorce proceedings between you and Kitty Howard? A No, sir, only from hearsay. No, officers served any papers on me.
- Q No papers were served on you? A No, sir.

Chickasaw D 241

Frank Howard 3

- Q Do you live at Check? A Yes, sir, I been to Check.
- Q Where did you live after April, 1901? A Coalgate a while and I was up near Glebe a while and I was up by Francis a while. Then in the spring I went over to Ardmore and to Check.
- Q All of these places in the Chickasaw Nation? A No, sir, Coalgate is in the Choctaw, and Glebe.
- Q So you have lived in the Choctaw-Chickasaw country since your marriage to Kitty Howard? A Yes, sir, most of the time in the Chickasaw.
- Q Do you know where your wife is living now? A I think at Rush Springs. I am not certain.
- Q Didn't you have some quarrel with her before she left you in April, 1901? A I never did quarrel with her.
- Q Did she quarrel with you? A She does the quarreling all the time.
- Q Have you ever seen her since April, 1901? A No, sir.
- Q When did you receive this letter from her that you mentioned a while ago? A I think it was in May, 1902. I believe it was -- may be June.
- Q What did she say? A She just told me she wasn't going to live with me.
- Q Did she give any reason for it? A No, sir, she didn't say.
- Q Did she tell you anything about the divorce? A I cannot say for certain whether she did or not.
- Q Is that the only letter you received? A No, sir, I got, I think it was two letters from her and one letter she told me she had a divorce, but whether or not she did I don't know. There was several wrote and told me she got a divorce.
- Q Did you provide for her as long as you and she were living together as husband and wife? A Yes, I did everything there was to do.
- Q Did you provide for her? A She had plenty. The trouble was on account of her boys, about twenty and twenty-one years old, 'cause I would not furnish him money all the while.
- Q Did the boy live with you? A Yes, sir. If I didn't borrow money she raised thunder.
- Q What was the names of the Boys? A Henry Hegue and John Lewis.
- Q Did you ever write to her? A Yes, sir, I wrote several times to her.
- Q Did you ask her to come back? A Yes, sir, never answered the letter.
- Q Did you offer to provide a home for her? A Yes, sir, I did -- had one.
- Q Were you able to provide a home? A Yes, sir.
- Q What is your business? A Farming.
- Q Got any property? A Got some horses.
- Q Anything else? A Had some hogs and cattle and left them with her -- left them with her, and went away and she got away with them -- two milk cows and she got away with them and some horses.
- Q You don't own any improvements in the Chickasaw Nation, do you? A Yes, sir.
- Q What improvements do you own? A I own that place adjoining here unless she sold it.
- Q How old are you? A Fifty-five years old in February.
- Q You said you wrote to her several times? A Yes, sir.
- Q And received letters from her? A Yes, sir, I got two.
- Q Were they in reply to yours? A One of them was.
- Q In that letter you wrote to her, did you at that time ask her to come back? A I told her she could come home any time she wanted it. Her boy is the only one that makes all the trouble.

Chickasaw D 241

Frank Howard 4

Q You never had any trouble with her? A She done all the fussing herself. Never had any trouble myself.

Q Did you write a letter to her from Cheek? A Yes, sir and from Ardmore and Coalgate and Glebe.

The wife of the applicant is identified on Chickasaw card, field number 452 and numbered 1328 upon the final roll of citizens by blood of the Chickasaw Nation, approved by the Secretary of the Interior on December 12, 1902.

Wirt Franklin, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported all proceedings had in the above entitled cause at Muskegee, Indian Territory, on January 13, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, taken in said cause.

Wirt Franklin

Subscribed and sworn to before me this 16th day of January, 1904.

Charles H. Sawyer
Notary Public.

Commission to the Five Civilized Tribes,

Calvin, Indian Territory.

In the enrollment of Frank Howard as an intermarried Chickasaw being sworn and examined by Com'r McKennon he testifies:

Q What is your name? Frank Howard

Q How old are you? A Fifty-one.

Q When were you first married to your wife? A A year ago last April. Her name was Jolly then.

Q You were married under United States laws? A Yes sir, first time.

Q Were you separated from her? A No sir.

Q Nor divorced from her? A No sir.

Q You present here a marriage license dated August 8th, 1899, you married her under this license again did you? A Yes sir.

Q This was a second marriage for the purpose of complying with the Chickasaw law? A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to the named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Mohr

9-D-241.
O. L. J.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the enrollment of Frank Howard as a citizen by intermarriage of the Chickasaw Nation.

---: D E C I S I O N :---

It appears from the record herein that on August 9, 1899, the applicant, Frank Howard, was married in accordance with the laws, customs and usages of the Chickasaw Nation to Kitty Howard, a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name appears as No. 1328 upon the lists prepared by this Commission under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Chickasaw Nation, and approved by the Secretary of the Interior, December 12, 1902; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation; that they lived together continuously as husband and wife in said Nation until April, 1901, when they separated and were subsequently divorced, since which time the applicant herein has not re-married.

It further appears from the evidence in this case that the applicant herein has resided continuously in the Choctaw-Chickasaw country from the date of his said marriage to Kitty Howard up to and including September 25, 1902.

It is therefore the opinion of this Commission that following the ruling of the Department in the case of Thornton D. Pearce (I.T.D.4060-1904) relative to the question of forfeiture, Frank Howard should be enrolled as a citizen by intermarriage of the Chickasaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898, (30 Stats., 495), and July 1, 1902, (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

JAN 20 1905

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Frank Howard for enrollment as an
intermarried citizen of the Chick-
asaw Nation.

---B 241---

On the 19th day of March, 1902, the applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Frank Howard for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 9th day of May, 1902, for final consideration.

Now, on this 9th day of May, 1902, this cause coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

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 9th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

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

Charles W. Hays

Notary Public

U S America } I John J. Gelmore
Indian Territory } an Elder of Christian
Central Division } Church

Do hereby certify that on the 9th day
of August A D 1889 I did solemnize
according to law the Rites of matrimony
between Frank Howard a US Citizen
and Kitty Howard ne Jolly a
Chickasaw Indian by Blood
Witness my hand this 9th day of August 1889

My execution also is Recorded in the
Clerks office in South McAlester 19.

Book B Page 34

John J. Gelmore
an Elder Christian Church

County of Pontotoc
Indian Territory

By authority in me vested by
law, I, Simon Wolf, County and
Probate Judge of Pontotoc County, Chickasaw
Nation, do this day issue marriage
license to Frank Howard, a U. S.
Citizen to marry Little Jolly Howard,
a Chickasaw Citizen by blood, residing
in the Chickasaw Nation.
This 8th day of August, 1899.

Simon Wolf
County and Probate Judge
Pontotoc County.

I hereby certify that the foregoing
marriage license and marriage certificate
being recorded by me in marriage
record book C Page 68 this 9th
day of August 1899.

Sam Imotchey Clerk
Pontotoc County Clerk
as an Nation

Chickasaw D-241.

In the matter of the enrollment
of Frank Howard as an intermar-
ried citizen of the Chickasaw
Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

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

FEB 6 1908

CHIEF

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frank Howard as a citizen by intermarriage of the Chickasaw Nation, Chickasaw Field No. D-241.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of John C. Bradshaw vs. Choctaw and Chickasaw Nations, No. 3 on the Tishomingo Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Chickasaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Wayland Murray Corwin
Attorneys for the Choctaw and Chickasaw Nations.

January 23, 1904.

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

FILED

OCT 10 1904

[Handwritten signature]

[Faint text]

United States of America
Southern District of Indian Territory,
Kitty Howard vs. Kitty Miller ne. Kitty Allen
being duly sworn according to law
testifies as follows to wit - My name is
Kitty Allen, that was my maiden
name I was married to John S. Miller
in the year 1871 and lived with
him for the period of 7 years, we were
then separated, I sued him for divorce
in the year 1878 in the Circuit Court
at Skullyville in the Choctaw Nation
Indian Territory, and at the Spring term
1878 of the Choctaw Circuit Court at
Skullyville I was granted a divorce
from my then husband John S. Miller,
Wm. Owen Watkins was clerk of the
Court when the same was granted,

x Kitty Howard
Subscribed & sworn to before me this
the 2nd day of September 1904

My Commission expires
on the 2nd day of July 1906

J. H. Lindsey
Notary Public Southern
District Indian Territory

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

OCT 10 1904

~~W. J. C. [unclear]~~

United States of America
Central District Indian Territory
Wingenon Watkins being duly Sworn
says, I am 36 years old my Post Office
is Spire Indian Territory, I know Kitty
Miller ne Kitty Allen, I was Clerk of the
Indian Circuit Court in the year 1878
of Skullyville County Choctaw Nation
I remember the pendency in the Court
of which I was Clerk of the divorce
proceedings of Kitty Miller against
John S. Miller, I do not now remember
the decree in the divorce proceedings
whether it was favorable or not, but
do know that she sued Miller for
severance, Nat Cobbo and Mr Burgon
her attys are now dead, The records
of Skullyville County including the
Records of the Circuit Court proceedings
were destroyed by fire in the
year 1881 or 1882 to the best of my
knowledge, I am not related to
Kitty Miller or John S. Miller

Wingenon Watkins
Subscribed & Sworn to before me this
the 29th day of September 1904

J. Wesley Smith

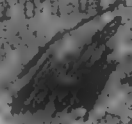
Notary Public

My Commission expires } Central District Indian
on the 29th day of Oct. 1905. } Territory

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

FILED

DE 28-1-04



United States of America, }
Indian Territory, } ss. A F F I D A V I T.....
Southern Judicial District. }

I, Josiah Brown, upon oath state that I am a citizen by blood of the Chickasaw Nation; that I am 70 years of age and a resident of Tishomingo, Ind. Ter.; that I now hold the office of District Clerk of the Chickasaw Nation and as such am the custodian of all the records of the District Court of said Nation; that the representatives of Kittie Howard have asked me for a certified ^{copy} of the decree of divorce of one Mrs Kittie Howard, a citizen by blood of the Chickasaw Nation from her former husband, A. K. Hamon; also a certified copy of the decree of divorce of the said Howard from her first husband, J. S. Milles; that after a thorough search of my records, in which an entry in the premises should appear, I have been unable to find any record of said decrees of divorce.

I further state that upon diverse occasions the records have of said court have been scattered and lost and it could be possible that a record of the aforesaid have in this way been destroyed or lost.

Subscribed and sworn to before me this the 23rd day of September, A.D., 1904.

Geo. W. Smith
Notary Public.

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

FILED

DEC 10 1904

[Handwritten signature]
J. CHAMBERLAIN

United States of America,
Southern Judicial District,
Indian Territory. ss. AFFIDAVIT.....

I, Benjiman F. Kemp, upon oath state that I am a citizen by blood of the Chickasaw Nation, of the age of 71 years and a resident of ^{Delaware} Ind. Ter.; That I held the office of District Judge of the Chickasaw Nation during the year 1894-1896 that as such, I decreed a divorce to one Mrs Kittie Howard, a citizen of the Chickasaw Nation; that at that time her name was Kittie Hamon and by such decree the bonds of matrimony between her and H.C. Hamon, a citizen of the United States, were severed; that I can not say positively as to what year but to the best of my recollection the same was had out of my court in the year 1894 or 1895;

B. F. Kemp

Subscribed and sworn to before me this the 10th day of October A.D., 1904.

Geo. W. ...
Notary Public

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

FILED

OCT 10 1894

~~W. D. ...~~

United States of America, }
Southern Judicial District, } ss. A F F I D A V I T.
Indian Territory. }

I, A.T. McKinney, upon oath state that I am a citizen by blood of the Chickasaw Nation, of the age of 49 years and a resident of Emet, Ind. Ter; that I held the office of District Clerk of the Chickasaw Nation during the years 1894 to 1902 inclusive; that as such official I had personal care and custody of the records of said office; that in the year _____ a decree of divorce was granted out of the District Court of the Chickasaw Nation in favor of Mrs Kittie Howard, then Kittie Hamon, Hamon, being the one from whom she was divorced as aforesaid; that I as Clerk of said Court, in the fulfillment of my duties as such, personally made a record of said decree in the Civil Record Book of said Court wherein all Chickasaw marriage records were entered and kept.

I further state that Burr F. Kemp SEN of Sithouing, Ind. Ter., was, at the time of the granting of said decree of divorce, the District Judge of the Chickasaw Nation and was presiding over the said Court.

That I am not in a position to know whether the record of this said divorce, preserved or not, since I am no longer the proper official to whom the custody of the District Clerk's books belong, but I do know of my personal knowledge that records of said office have been very poorly kept and upon several occasions that a portion of same have been lost or destroyed.

A. T. McKinney
Subscribed and sworn to before me on this the 22nd day of September, A.D., 1904.

Geo. W. Purvis
Notary Public.

Muskogee, Indian Territory,

August, 12th 1900.

Frank Howard,

Burt, Indian Territory.

Dear Sir,

You are hereby notified that the Chickasaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Chickasaw Nation.

Commencing December, 3rd, 1900, this Commission will hold a session at Atoka, Indian Territory. At that time both you and the Chickasaw Nation will be permitted to offer additional testimony in your case, and this hearing will be final.

Yours truly,

Acting Chairman.

8-D-241

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Chickasaw D-241.

ADDRESS ONLY
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 19, 1902.

Frank Howard,

Railey, Indian Territory,

You are hereby notified that the application of yourself

for enrollment as a citizen of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 9th day of May, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles,

Commissioner in Charge.

Register.

Chickasaw D 241

Muskogee, Indian Territory, September 4, 1902.

West & Skinner,

Attorneys at Law,

Ada, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of August 28, 1902, in which you desire to be informed if Frank Howard is an enrolled citizen of the Choctaw or Chickasaw Nations.

Replying to your inquiry you are advised that it appears from the records of this office that on August 10, 1899, Frank Howard, 51 years of age, of Bailey, Indian Territory, made application to this Commission for enrollment as a citizen by intermarriage of the Chickasaw Nation, claiming such right by virtue of his marriage on August 8, 1899 to Kitty Jolly Howard, a citizen by blood of the Chickasaw Nation.

It further appears from our records that prior to this marriage on August 8, 1899, the applicant, Frank Howard, was married to the same woman under the name of Kitty Jolly under a United States license.

No decision has as yet been rendered by the Commission in this case but when the same is rendered applicant will be duly advised thereof and of the forwarding of the record in the

11

1908

Case to the Secretary of the Interior for his review.

Yours truly,

Acting Chairman

Chickasaw D 384

Muskogee, Indian Territory, October 20, 1902.

Ester Holish,

Durwood, Indian Territory.

Dear Madam:

Referring to the matter of the application for the enrollment of Holmes Holish, Jr., as a citizen by blood of the Chickasaw Nation, you are advised that it will be necessary that you furnish the Commission with further evidence of your marriage to the father of this child.

The Commission will be at Ardmore next week, and at Tishomingo the week after next. Any witnesses which you may see fit to present before the Commission at either one of these appointments will be thoroughly examined by the Commission on this point.

Respectfully,

Acting Chairman.

9-5-241
9-5-242
9-898
9-7-104
9-1445

Muskogee, Indian Territory, July 2, 1903.

E. L. Wyatt,

Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 7, in which you ask relative to the status of the enrollment of Frank Howard, W. S. Lanham, Susie Lanham and her daughter Malisia.

In reply to your letter you are informed that it appears from our records that Scott Lanham, husband of Susie Virginia Lanham, has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Chickasaw Nation and his final right to such enrollment has not yet been determined.

It further appears from our records that Susie Virginia Lanham and her daughter Malissa Johnson have been enrolled by this Commission as citizens by blood of the Chickasaw Nation and on December 12, 1902, their enrollment was approved by the Secretary of the Interior.

It also appears from our records that Oelia and Mind Lee Wyatt, wife and child of E. L. Wyatt have been enrolled by this Commission as citizens by blood of the Chickasaw Nation and on March 12, 1903 their enrollment was approved by the Secretary of the Interior.

It appears from our records that Frank Howard has been

217-2

listed among the consular documents to enrollment as an internat-
citizen of the Chidmaw Nation and his final right to such enroll-
ment has not yet been determined.

The matter of the Classification of the lands referred to
by you has been made the subject of another communication.

Respectfully,

Commissioner in Charge

9-7-241

Muskogee, Indian Territory, November 9, 1903.

Frank Howard,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th inst., requesting to be advised relative to the status of your application for enrollment as an intermarried citizen of the Choctaw Nation, and whether or not the same has been acted upon favorably by the Commission.

You are informed it appears from our records that Frank Howard, of Bailey, Indian Territory, now about 54 years of age, is an applicant to this Commission for enrollment as an intermarried citizen of the Chickasaw Nation, claiming rights to such by virtue of his marriage with Kitty Howard, a citizen by blood of the Chickasaw Nation.

You are further informed that before your application for enrollment can receive further consideration it will be necessary that you appear in person before the Commission at its office in Muskogee, Indian Territory, for the purpose of giving testimony relative to your status as an intermarried citizen of the Chickasaw Nation on September 25, 1903.

Respectfully,

Commissioner in Charge.

Chickasaw D 241

Waskogee, Indian Territory, February 9, 1904.

Frank Howard,
Bailey, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

9 D-241

Received of the Commission to the five civilized tribes
one copy of the protest filed by the attorneys for the Choctaw and
Chickasaw Nations, on February 6, 1904, dated January 23, 1904, in
the matter of the application of Frank Howard for enrollment as an
intermarried citizen of the Chickasaw Nation.

Muskogee, Indian Territory, (

April 26, 1904.

*Attorney
atty for Frank Howard*

Muskogee, Indian Territory, June 23, 1904.

Frank Howard,

Purcell, Indian Territory.

Dear Sir:

Your letter of May 6, 1904, addressed to the Secretary of the Interior has been by him referred to this Commission for consideration and appropriate action. Therein you ask why the Commission has been instructed to withhold action on your application for citizenship.

In reply to your letter you are informed that on June 7, 1904, the Secretary of the Interior overruled the protest of the attorneys for the Choctaw and Chickasaw Nations requesting suspension of action in your case until the action of the Choctaw-Chickasaw Citizenship Court in the case of John C. Brashears, vs the Choctaw and Chickasaw Nations, 46 Fishwings Decket, and the Commission will now proceed to take up the same for consideration and determination as early as practicable.

As soon as a decision is reached you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Chickasaw-D-241

Muskogee, Indian Territory, June 23, 1904.

J. W. Hooker,
Attorney at Law,
Pawcell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 24th in which you ask the status of the application of Frank Howard for enrollment as an intermarried citizen of the Chickasaw Nation.

In reply to your letter, you are informed that the Secretary of the Interior having overruled the protest of the attorneys for the Choctaw and Chickasaw Nations in the matter of the application of Frank Howard for enrollment as an intermarried citizen of the Chickasaw Nation, the Commission will as early as practicable take up this case for consideration and determination; as soon as a decision is reached you and the applicant will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Chickasaw-D-241.

Muskogee, Indian Territory, June 23, 1904.

Riley & Cotner,
Attorneys at Law,
Tishomingo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 10, 1904 enclosing petition in duplicate addressed to the Secretary of the Interior requesting that the protest in the case of Frank Howard be overruled and the Commission be directed to proceed with the adjudication of his right.

In reply to your letter, you are informed that on June 7, 1904 the Secretary of the Interior overruled the protest of the attorneys for the Choctaw and Chickasaw Nations in the case of Frank Howard and the Commission will, as early as practicable, take up the same for consideration and determination.

The petition enclosed with your communication is therefore herewith returned.

Respectfully,

Commissioner in Charge.

DED. 4-22.

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COMMISSIONERS
TAMM BAKBY,
THOMAS E. NEEDLES,
C. R. BRACKENRIDGE.

WM. O. BEALL,
Secretary

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

11308
REFER IN REPLY TO THE FOLLOWING

9-2-261.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 25, 1904.

Frank Howard,

Bailey, Indian Territory,

Dear Sir:

In your testimony before the Commission at Muskogee, Indian Territory, on January 15, 1904, you stated that your Indian spouse Kitty Howard, through whom you claim your right to enrollment had several husbands before she was married to you. You are advised that it will be necessary for you to show whether or not she had a living husband at the time you married her and if so you should produce evidence of her legal divorce from such husband.

For this purpose you should appear before the Commission as soon as possible at Muskogee, Indian Territory, or on September the 6th or 7th at the land office at Apsala, Indian Territory, or on September the 8th or 9th at the land office at Tishomingo, Indian Territory.

Respectfully



Commissioner in Charge.

9-7-241

Muskogee, Indian Territory, October 10, 1904.

Riley & Cotner,

Attorneys at Law.

Tishomingo, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 7th instant, enclosing affidavits of Kittie Howard, Wingenon Watkins, A. T. McKinney, S. F. Kemp and Josiah Brown relative to the divorce of Kittie Howard from her former husband, and the court records in relation to the same, and said affidavits have been duly filed with the records of the Commission in the matter of the application for enrollment of Frank Howard as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Chairman.

COPY

9-D-241

Muskogee, Indian Territory, January 20, 1905.

Frank Howard,

Purcell, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 20, 1905, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

~~XXXXXXXX~~

Tame Bixby

Chairman.

Registered.

Encl: 9-D-241.

6-D-241

COPY

Muskogee, Indian Territory, January 20, 1908.

J. W. Hooker,

Attorney at Law,

Parcell, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 20, 1908, rendered its decision granting the application for the enrollment of Frank Howard as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

W. B. BIXBY

W. B. Bixby

Chairman.

Registered.

COPYL

9-D-241

Muskogee, Indian Territory, January 20, 1905.

Chilton Riley,

Attorney at Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 20, 1905, rendered its decision granting the application for the enrollment of Frank Howard as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

BY ORDER

Tamas Bibby

Chairman.

Registered.

COPY.

9-D-241

Muskogee, Indian Territory, January 20, 1905.

Riley & Cotner,
Attorneys at Law,
Tishomingo, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 20, 1905, rendered its decision granting the application for the enrollment of Frank Howard as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

W. B. BIRBY

James Birby

Chairman.

Registered.

COPY

9-D-241

Maskogee, Indian Territory, January 20, 1905.

West & Skinner,
Attorneys at Law,
Ada, Indian Territory,

Gentlemen

You are hereby notified that the Commission to the Five Civilized Tribes, on January 20, 1905, rendered its decision granting the application for the enrollment of Frank Howard as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

~~XXXXXXXX~~

Tams Bixby
Chairman.

Registered.

9-D-241

COPY!

Waskogee, Indian Territory, January 20, 1905.

Mansfield, McFarrey & Cornish,
Attorneys for Cheataw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered January 20, 1905, granting the application for the enrollment of Frank Howard as a citizen by intermarriage of the Chickasaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

~~XXXXXXXX~~

Jame Bixby

Chairman.

Registered.

Incl. 7-D-241.

See Chickasaw 1208 for registry receipt for this letter.

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Chic 1804

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 11, 1901.

In the matter of the application of Thomas P. Bean, to be enrolled as a citizen by intermarriage of the Chickasaw Nation. The said Thomas P. Bean, having been first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A T.P.Bean.
Q What is your full name? A My full name?
Q Yes sir? A Thomas Preston Bean.
Q How old are you? A I will soon be forty-three years old.
Q What is your post-office address? A Teller, Indian Territory.
Q You appeared before the Commission before this time as an applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation? A Yes sir, I appeared at Stonewall.
Q That was when? A Why, when they first, I believe it was 1898 when they first started out; I don't know just what time; I mean what day it was.
Q
The name of this applicant, Thomas P.Bean, appears upon the records of the Commission upon Chickasaw roll card, Field Number 336. There is filed with the records of the Commission the sworn statement of T.P.Bean, given before the Commission at Stonewall, Indian Territory, September 3, 1898.
Q After that appearance at Stonewall, you went before the Commission again did you? A Yes sir; at Atoka.
Q
There is also on file with the records of the Commission in this case, the testimony of Thomas P.Bean before the Commission at Atoka, Indian Territory, in August 1899. The testimony taken on these two occasions is included herewith, and made a part of the testimony taken at this time.
Q How long have you lived in the Chickasaw Nation? A Why, let me see, I don't remember just how long it has been, though I reckon some fourteen years; I can't say just how long; I don't remember just the time I come here.
Q Have you ever been recognized or enrolled by any other tribe of Indians in the Territory? A Any other except the Chickasaw?
Q Yes sir? A No sir.
Q Have you ever drawn any money as a member of any other tribe of Indians in the Territory? A None except the Chickasaw.
Q Have you ever been enrolled by the Chickasaw tribal authorities as a citizen of the Chickasaw Nation by intermarriage?
A Whereabouts and how; I don't understand your question.
Q Have you ever been upon any of the tribal rolls of the Chickasaw Nation? A I am on the 1898.

Thomas P. Bean, #2.

Q In what county? A Pontotoc.

The name of T.P.Bean is found upon page 45 of the 1893 payment roll of the citizens of the Chickasaw Nation, Pontotoc County.

Q How much did you draw in 1893? A One hundred and thirty dollars.

Q As an intermarried citizen? A Yes sir.

Q Was that payment made to intermarried citizens? A Yes sir.

Q Are you sure of that? A I know it, because I drew it, and I have got no Indian blood in me.

Q Did you draw for yourself? A Yes sir.

Q Was your wife living at that time? A Yes, but we were separated.

Q Did she draw? A I suppose she did.

Q What was her name? A Harriet Seely.

Q What is her name at this time? A Well, her name is Harriet Bean, but she went by the name of Malinda Seely, that was a nick name. I don't know what name she drew her money under; I can't say whether it was Bean or Seely.

Q You claim your right then as an intermarried citizen of the Chickasaw Nation by reason of your marriage to-

A Yes sir.

Q To whom; what is your wife's name? A Seely.

Q Seely what? A Harriet Seely.

Q How do you spell her name? A I don't know just how she does; whether it is Sealy or Seely.

Q When was you married to her? A The eighth of February 1892.

Q Married under a Chickasaw license? A Yes sir.

Q Have you got the license with you? A I think Mr.Bixby has that; I have got a copy of that; I will show you the copy, not of the license but of the certificate.

Q Have you got a copy of the license? A I had it, and let Mr.Heard have it, and he told me yesterday that he gave it to Mr. Bixby, and that it was in Mr.Bixby's possession; they are wrote in Chickasaw language. And he wrote me that they could not be interpreted in this country.

Q What did you say after that; go ahead and make that statement over again? A I let Mr.Heard have the license and certificate, and he turned them over, he said, to Mr.Bixby. They were wrote in Chickasaw, and he wrote me that they could not be interpreted in this country, and I got that to show what they was.

Q How much did you pay for the license? A Fifty dollars. That is, for the marriage license; the license forty-five and five to the judge, making fifty.

There is offered in evidence filed and made a part of the record in this case, the certificate of Rubin Garney, County and Probate Judge of Pontotoc County, Chickasaw Nation, of the marriage of Thomas P.Bean to Harriet Seely on the eighth day of February 1892, the same being recorded on the 16th of February 1892 on the records of Pontotoc County, Chickasaw Nation.

Thomas F. Bean, #3.

Q Is your wife living? A Yes sir.

Q Are you living with her? A No sir.

Divorced from her? A Yes sir.

Q When were you divorced from her? A I was divorced in 1893.

Q How long did you live with her after your marriage to her in 1892? A Why, we were married in February, and she left me about the fifteenth of September of the same year.

Q Why did she leave you? A She just went off with her mother.

Q Without any cause at all? A No cause that I know of.

Q Did you ever mistreat her? A No sir.

Q Did you live together happily as man and wife up until the time of the separation in 1892? A We lived together, - Let me hear that again.

Q You lived together as man and wife, without any difficulty until this separation in 1892? A Yes sir, with the exception of the short time she was with her mother, but it was not a separation. She went off with her mother and stayed some time, I don't know how long. I went to see her, and she said she wasn't coming back. We never had any quarrels or anything of that kind. She was gone a while; I don't know how long.

Q After she left you in 1892, did she ever come back to live with you? A No sir.

Q Now, when was the divorce procedure instituted? A Why, it was in the May term of court, if I am not mistaken, in 1893.

Q Who sued for the divorce? A I did.

Q At the May term, 1893? A Yes sir.

Q Did you make any attempt to get your wife to come back and live with you? A Yes sir, I went to see her, and she refused to come.

Q Did she have notice of the divorce? A Have notice?

Q Yes? A I can't say whether she did or not. My lawyer, M.B. Cheadle, he said she would have to be notified, but I don't know whether he notified her or not.

Q Was you present at the Chickasaw Court during the term? A No sir.

Q Did she make any defense? A None that I know of.

Q Have you got any proof of notice of service upon her of the institution of the divorce procedure? A No sir.

Q Is she living now? A Yes sir. At least she was a short time ago, I guess she is yet. She was living in January for I seen her.

Q Has she ever married since that divorce? A Not that I have heard of.

Q What name does she go by now? A Malinda Seely. Malinda is a nick-name in that country down there. She goes by the name of Malinda Seely.

Q How old was this woman when you married her? A I don't know; I never heard her state.

Q About how old was she? A She must have been about eighteen. I can't know; I can't say.

Q Did you ever hear of her living with a man by the name of Greenwood? A Hear of her living with one?

Q Yes? A I heard that she taken up a while with a man by the name of Greenwood; I don't know.

Q Do you know whether she has got any children now or not?

A Yes sir.

Q What are their names? A I can't tell you.

Thomas P. Bean, Et.

Q Did you ever hear of her having any children by the name of Greenwood? A I have heard, but I don't know who is the father.

Q Do you know where she is living now? A Why, I think the post-office is Viola.

Q Is that anywhere near Conner? A That is east of Conner; near Wapanucka; eight miles I reckon east of Conner, probably southeast.

The name of Malinda Sealy, twenty-one years of age, appears upon Chickasaw roll card, Field number 296, upon which card she was listed on September 7, 1898, and there was listed with her at that time, two children, said to be the children of Isaac Greenwood and Malinda Sealy, both of said children now dead.

Q Was you enrolled by the Chickasaw tribal authorities in 1896? A 1896, let me see; they was making a roll - why, yes, I appeared at McGee and enrolled.

Q Did they enroll you? A They put my name down, but I think they took my name off again.

Q Why, did they refuse to enroll you? A I don't know; I never had no notice of it at all. They enrolled me at McGee, but then I have never seen my name appear upon the roll since; that is, on that roll, and I appeared at Stonewall and couldn't find it.

The name of this applicant is found upon page 97 of the 1896 Census Roll of the citizens of the Chickasaw Nation, entitled, "names found on the 1895 and not found on the 1896 roll."

Q When the Commission was hearing original applications for citizenship in the Chickasaw Nation in 1896, did you make an application? A You mean the Dawes Commission?

Q Yes sir? A No sir.

Q Have you ever married since this divorce? A Hee sir.

Q Do you live in the Chickasaw Nation now? A Yes sir.

There is filed and made a part of the evidence in this case the decree of divorce issued in the District Court of the Chickasaw Nation to T. P. Bean from Mrs. Harriet Bean.

Q Is there any additional statement you want to make sir?

A No sir; I don't know that there is.

Q What is your father's name? A T. P. Bean.

Q Is he living? A No sir.

Q Was he a white man? Yes sir.

Q Never made any claim to citizenship in the Chickasaw Nation by blood? A No sir.

Q What was your mother's name? A Her name was Nancy Beane; that was her maiden name.

Q Is she living? A No sir.

Q Was she a white woman? A Yes sir.

Q Have you ever made any claim to Indian citizenship by blood? A By blood; no sir.

Thomas P. Swan, 60.

The Commission to the Five Civilized Tribes,
Washington, D. C.,
Notice, was delivered to you at your present address at
address.

R. S. Streit, having been first duly sworn, upon his oath
stated that as stenographer to the Commission to the Five Civilized
Tribes, he reported in full the proceedings in the above entitled
cause, and that the copy and forgoing is a full, true and correct
translation of his stenographic notes in said cause.

R. S. Streit

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

J. S. Johnson

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, June 6, 1901.

D.-316.

In the matter of the application of T. P. Bean for his enrollment as a citizen by intermarriage of the Chickasaw Nation.

A R G U M E N T .

By Judge Hurd, Attorney for applicant:

Before going over this testimony, I want to make this suggestion, that Mr. Bean was before the Commission sometime ago, and had his wife there, and she got tired of waiting on the Commission, at Atoka, and went off and left him. She was ready and willing to show that he treated her all right so far as she had anything to say.

The principal points of the testimony are: When he married her he lived with her as his wife nearly a year. The record shows that she became dissatisfied. Her mother came up there and she got dissatisfied and left him; then subsequent to that time, a year or so, he procured a divorce; the record does not disclose at that time, what the divorce was for; the testimony in the record shows that it was a good cause beyond question, and the testimony also, affirmatively shows that he treated her all right; also, that he has never since married. The record shows that he procured his license and paid \$50, and it was issued in the original language. The license was issued and the money paid, and the whole question in the case before the Commission is one of treatment by him. That is the only question. The legality of the marriage, drawing money, his being recognized as a citizen of the Chickasaw Nation, there is no question. The only question is the one of his treatment of her, and if ill treatment is to be maintained, there is no proof of it whatever. There is not a single scintilla of proof in the record that shows any ill treatment of her; and as to the cause of the divorce, that is evidenced from an examination of the record.

I cannot say upon what ground, unless it is that the

Commission is satisfied that he did not treat her as a husband should treat his wife, and to come to that conclusion, there must be some information--only from the testimony; there is no direct proof at all. When you examined her you brought out the cause for divorce, and there was good ground for it, and there has been no testimony from any source to show that he mistreated her at any time.

-----o-----

SD-336.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory July 12, 1904.

In the matter of the application for the enrollment of
Thomas P. Bean as a citizen by intermarriage of the Chickasaw
Nation.

Thomas P. Bean being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Thomas P. Bean.
Q What is your post office address? A Lavada, Texas.
Q How old are you? A I am forty-seven.
Q Where do you live? A I live in Lavada.
Q In Texas? A Yes, sir.
Q How long have you lived in Texas? A I went there in the fall
of 1901 with the intention of coming back but I didn't I married
down there.
Q Are you a white man? A Yes, sir.
Q You don't claim any rights yourself as an Indian by blood? A
No, sir.
Q You claim by intermarriage? A Yes, sir.
Q Through whom? A Her name is Harriet Sealy, she goes by the
name of Malinda.
Q When were you married to her? A I was married the 16th day
of February 1892.
Q At that time where were you living? A In the Chickasaw
Nation.
Q Where was your wife living? A She was living in the Chickasaw
Nation.
Q How long had you been living in the Chickasaw Nation at the time
of your marriage to Harriet Sealy or Malinda Sealy? A About
three years.
Q Did you get a tribal license? A Yes, sir.
Q You were married on the 8th day of February weren't you? A
I was mistaken.

There is a on file with the Commission a marriage license
and certificate between T. P. Bean and Harriett Sealy which shows
that they were married on February 8, 1892; is that T. P. Bean
yourself? A Yes, sir.

- Q And this Harriett Sealy is the woman to whom you were married?
A Yes, sir.
Q Were you married before you were married to her? A No, sir.
Q Was she ever married before you married her? A Not that I
ever heard of.
Q Don't know? A Yes, sir, I know she was not.
Q How long did you and she live together? A I believe it was the
15th day of September same year she went away.

9-D-336.--2.

- Q Did she leave you or did you leave her? A She left me.
Q Did you procure a divorce from her? A Yes, sir.
Q When? A In the May term of Court in 1893.
Q Did you remarry? A Not until I married in 1902.
Q When? A In March.
Q March 1902? A Yes, sir.
Q To whom were you married then? A Mollie B. Jones.
Q Is she a white woman? A Yes, sir.
Q Where did you marry her? A At Wimsboro, Texas.
Q How since your marriage to Harriet Sealy where have you lived?
A I lived in the Chickasaw Nation until December 1901 then I lived in Texas since.
Q You have lived in Texas ever since? A Yes, sir.
Q What did you go to Texas for? A I went with my sister to help her buy a home.
Q Did you go there for a temporary purpose? A I went temporarily.
Q When you went to Texas in December 1901 was it your intention at that time to return to the Chickasaw Nation? A Yes, sir.
Q Did you still have that intention on September 25, 1902? A Yes, sir, of returning back to the Nation.
Q Do you own any property in the Chickasaw Nation? A No, sir.
Q Or Choctaw Nation? A No, sir.
Q You have no improvements at all? A No, sir.
Q On September 25, 1902 did you consider the Chickasaw Nation as your home? A I considered it my home and I was waiting on the action of the Commission; I didn't buy me any home there for the reason that I intended to come back.
Q Up to September 25, 1902 you had not abandoned your intention of returning to the Chickasaw Nation? A No, sir.
Q Your wife Harriett Sealy is also known as Malinda Sealy? A Yes, sir?
Q She goes by the name of Malinda Sealy now? A Yes, sir.
Q Is that a nickname? A Malinda is a nickname.
Q Did you draw the money in 1893? A Yes, sir.
Q In what county? A Pontotoc, I drew it at Tishomingo but I lived in Pontotoc.
Q You are not on the 1896 rolls? A No, sir.
Q Is it your intention now to take up your residence in the Chickasaw Nation? A Chickasaw or Choctaw one of them, I may want to go to the Choctaw.

Witness excused.

Chas. T. Rifendaefer being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. T. Rifendaefer

Subscribed and sworn to before me this 16th day of July 1904.

Charles N. Sawyer
Notary Public.

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

FILED

MAR 11 1901


ACTING COMMISSIONER

Department of the Interior

Commission to the Five Civilized Tribes

I hereby certify, under my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Commission to the Five Civilized Tribes,

Ateka, Indian Territory.

In the enrollment of Thomas P. Bean as an intermarried Chickasaw; being sworn and examined by com'r McKennon he states:

Q What is your name? A Thomas P. Bean.

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

Q When were you married to a Chickasaw? A In February, 1892.

Q What was her name? A Harriet Sealy. She goes by the name of Malinda.

Q How long did you live with her? A From February until the 15th of September following.

Q She left you? A Yes sir.

Q What was the cause of her leaving you? A She went off with her mother.

Q Has she got any children by you? A No sir.

Q Where did she go to? A To where the old lady lived.

Q That is the last you have seen of her? A No sir, she went off and left me a short time once before, and I got her back, and then she left again.

Q That was the last of it was it, - you haven't lived with her since have you? A No sir, I got a divorce the next year after she left, at Starkman, Tishomingo.

Q In the Choctaw court? A No sir, in the Chickasaw court.

Q You got a divorce from her and married again? A No sir, I am single.

Q Where have you been living? A On South Canadian, about twenty-eight miles from Paul's Valley.

Q You are still living there? A Yes sir, I made application at Stonewall before Mr. Bixby for enrollment, and was there rejected. My wife was present at Stonewall, but her testimony was not taken there.

9-D-336.
O.L.J.

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

Held

-000-

In the matter of the application for the enrollment of Thomas P. Bean as a citizen by intermarriage of the Chickasaw Nation.

---: D E C I S I O N :---

It appears from the record herein that on February 8, 1892, the applicant, Thomas P. Bean, was married in accordance with the laws, customs and usages of the Chickasaw Nation, to Harriet Sealy, a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name (as Malinda Sealy) appears as No. 944 upon the lists prepared by this Commission under the Act of Congress approved July 1, 1902, (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Chickasaw Nation, and approved by the Secretary of the Interior December 12, 1902; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation; that they resided together continuously as husband and wife in said Nation for a period of about seven months, when they separated and were subsequently divorced; and that thereafter in March, 1902, the applicant herein married Mollie B. Jones, a noncitizen white woman.

It appears from the evidence herein that the applicant was a resident in good faith of the Chickasaw Nation on June 28, 1898.

It appears from the records in the possession of the Commission that the name of the applicant is found upon the 1893 Chickasaw Leased District Payment Roll, No. 2, page 45, and also on the 1896 Chickasaw Census Roll, page 97, in a list of "names found on the 1893 and not found on the 1896 roll."

It is therefore the opinion of this Commission that following the ruling of the Department in the case of Thornton D. Pearce (I.T.D.4060-1904), relative to the question of forfeiture, Thomas P. Bean should be enrolled as a citizen by intermarriage of the Chickasaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898, (30 Stats., 495), and July 1, 1902, (32 Stats. 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]
Chairman

[Signature]
Commissioner.

[Signature]
Commissioner.

Muskogee, Indian Territory,
JAN 20 1905

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Thomas P. Bean for enrollment as an
intermarried citizen of the Chick-
asaw Nation.

--D 136--

On the 19th day of March, 1902, the applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Thomas P. Bean for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 12th day of May, 1902, for final consideration.

Now, on this 12th day of May, 1902, this cause coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant appeared by his attorney, S. Heard, of Muskogee, Indian Territory, and submitted this case upon the record as now made up, and the attorney for applicant is allowed fifteen days from this date in which to file brief.

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 12th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

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

Charles K. ...

Notary Public

T. P. Bean, Plaintiff, -:-
 vs. -:-
Chickasaw Nation, Defendant. -:-

Brief of Applicant

The record in this case shows that on the 8th of February, 1892, the applicant intermarried with one Harriett Sealy, a Chickasaw Indian, and it also shows that he obtained license in accordance with the laws of the Chickasaw Tribe of Indians and paid the sum of fifty dollars; that in September following he procured a divorce and has not since remarried. The record shows also that he drew the annuities in 1893, and that his name is on the pay-roll of that year on page 47. The record shows also that he is on the Chickasaw Roll of 1896.

The record discloses that he treated his wife humanely, and at various times after she left him he tried to get her to live with him. It is manifest from the record and from the testimony of Mrs. Bean herself, at Stonewall, that the ground for divorce on the part of the applicant, T. P. Bean, was the adultery of his wife, because she testified that she had two children by one Greenwood, and had never married again after having married the applicant, Bean.

We submit, on the part of the applicant, that he has complied with all the conditions required by the laws of the Chickasaw Nation, or Tribe of Indians, and that his right to be enrolled as an intermarried Chickasaw is sustained completely by the record in this case.

There is no allegation, no proof, that he mistreated his wife; he has never remarried and there is no cause whatever from the record here why he should not be enrolled. It has never been claimed that he ever remarried, thus bringing himself within the inhibition of the Chickasaw Marriage Act of 1890. It is not claimed that he mistreated his wife, or that he at any time did not comply with the laws of the Chickasaw Tribe of Indians under which he was married. He has always lived in the Chickasaw Nation, has been recognized by that Tribe of Indians as an intermarried citizen; has issued permits to parties under him, has drawn the annuities and is on both the Roll of 1893 and

the roll of 1896. What more therefore could he do to entitle himself to be enrolled as an intermarried citizen? He has complied with the laws, married according to the laws of the Tribe, paid his money, has been recognized all the time as a citizen of that Tribe of Indians, and we submit he should now be enrolled as a member of that Tribe of Indians.

I shall not allude to the right of the Commission to go into the facts after the marriages, if shown to be regular and ascertain whether or not the applicant treated his wife humanely or not. Whether or not the Commission has that right is not in this case. If the record shows that he has at all times treated his wife humanely and kindly by every principle of law and of right and justice he should be enrolled as a member of the Chickasaw Tribe of Indians.

Respectfully submitted.

*I Heard
say for
Applicant*

Chickasaw D-336.

In the matter of the enrollment
of Thomas P. Bean as an inter-
married citizen of the Chicka-
saw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

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

FEB 6 1904


- J CHAIRMAN.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Thomas P. Bean as a citizen by intermarriage of the Chickasaw Nation,
Chickasaw Field No. D-336.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of John C. Bradshaw vs. Choctaw and Chickasaw Nations, No. 3 on the Tishomingo Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Chickasaw Nation providing for the forfeiture of citizenship of white persons who separate from their ~~Indian~~ spouses, which question is involved in the case to which this communication refers.

This request is filed upon authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.


Wesley Murray Green
Attorneys for the Choctaw and Chickasaw Nations

January 23, 1904.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 11 1901



ACTING CHIEF

The Chickasaw Nation
District Court Room

May term 1873

By virtue of the
authority with me vested by
the Constitution and laws of
the Chickasaw Nation. I do, A.
- Burris District Judge of
the Chickasaw Nation do this
the 10th day of May A. D. 1873
In accordance with the verdict
of the Petit jury trying the
Case - Grant vs. P. P. Beau
a Divorce from his wife
Mrs Harriet Beau formerly
Harriet Seely - Given this day
and date above written

C. A. Burris
District Judge of
the Chickasaw Nation

Attest

J. Brown
Dist. Clerk C. N.

Protem T. B. Mc. Clisk

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

FILED

MAR 11 1901

[Signature]
ACTING CHAIRMAN

T. P. Bear being duly sworn says:

My name I was married to Horriet Sealy on the 5th day of February 1892. She is a Chickasaw Indian - We lived together as husband & wife until September 10th 1892 - when she left me - Her mother persuaded her to do so - I do not know why she persuaded her to leave me - We were living on Gibson Grayson's farm at the time - We never had any trouble or misunderstanding except that she at one time thought I called her a dog, when I only meant to shame her for something she had done or said - I do not remember what it was - I had always treated her kindly - Some two or three weeks after she left I went to see her & carried John Ned with me to try to get her to come back and live with me - She refused to speak to me & John Ned did the talking for me - I understand she is living in the Choctaw Nation - I should think her post office is Waponaucka - I had known her about eight months before I married her - T. P. Bear subscribed and sworn to before me this 3^d day of September 1898

A. S. McKeen, Comr

Faint, illegible text, possibly bleed-through from the reverse side of the page.

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

AUG 2 1904

~~Handwritten signature or initials~~
S. CHAPMAN

Faint text at the top of the page, possibly a header or reference number.

OFFICE OF THE COUNTY JUDGE.

Pentotock County, Chickasaw Nation, February 8, 1892.

----- : -----

May all men know this: That I, Lobin Kiani, the County and probate Judge of Pentotock County, Chickasaw Nation, do, this day issued a license to this T. P. Bean a member of the white race (a United States citizen) to marry this Harriet Sealy a member of the Chickasaw tribe, resident of Pentotock County. This was executed according to the law governing intermarriage between members of white race and Chickasaw tribe.

Witness my hand this day.

I am,

R. Carney,

County & Probate Judge.

Feb. 8, 1892.

As the duty imposed upon me by law, I have united a man and a woman in marriage.

These two: T. P. Bean and Harriet Sealy.
You B. F. Perry put it in a county record.

I am,

Lobin Kiani,
County Judge.

Recorded this the 16th day of Feb. 1892, on page 147 of record book.
B. F. Perry,
Clerk.

Louis G. Battiest, Interpreter to the Commission to the Five Civilized Tribes, being duly sworn on oath, states that the above and foregoing is a full, true, and correct translation, from the Choctaw into the English language, of what purports to be the original marriage license and certificate issued to T. P. Bean and Harriet Sealy on February 8, 1892.

L. G. Battiest

Subscribed and sworn to before me this 10th day of August, 1904.

J. B. [Signature]

Notary Public.

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

FILED

MAR 11 1901


ACTING CHIEF

County of Pontotoc Chickasaw Nation

This is to certify that I have
this day join in wedlock T. B. Bean
a United States citizen and Harriett
Seely a resident citizen of said county
and Nation agreeable to the laws
of the Chickasaw nation.

Given under my hand this the 8th
day of February 1892

Rubin Barney
County and Probate Judge
of Pontotoc Co N

Recorded this Feb. 10th 1892

B. F. Perry Clerk

I hereby certify that the foregoing
marriage certificate of T. B. Bean and
Harriett Seely is true and correct copy
on file in my office.

Attest Sam J. Motiskey Clerk
Pontotoc County Co N

Muskogee, Indian Territory, June 1, 1901.

Mansfield, McMurray & Cornish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Referring to the matter of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation of Thomas F. Bean, the records in this case show that applicant first made appearance to the Commission for enrollment at Atoka, Indian Territory in the month of August, 1899, claiming his rights as a citizen by intermarriage of the Chickasaw Nation by virtue of his marriage to Harriet Sealy in February, 1892.

It further appears that he lived with her from February of that year to the 15th of the following September when she departed him and that the year after that he obtained a divorce from her from the Chickasaw court, at Tishomingo, Indian Territory.

In accordance with this information the applicant was placed upon a doubtful card but he was duly identified from the 1898 roll of citizens of the Chickasaw Nation.

On March 11, 1901, the Commission heard the additional testimony of Thomas F. Bean.

There is enclosed you herewith a copy of all the proceedings in this case and in addition thereto the copy of brief of S. Beard, attorney for the applicant, filed with the Commission March 29, 1901. Mr. Beard has been importuning the Commission for the rendition of a decision in this case and it is now called to

your attention so that if you desire to submit any additional testimony or argument you can do so.

While it is not our intention to take up for consideration and discussion these doubtful Shoraw and Chickshaw cases we deem that it would be advisable in cases of long standing where we are continually importuned for some action that such be taken whenever it seems expedient to do so.

Yours truly,

Acting Chairman.

9-D-336

COMMISSIONERS
HENRY L. DAVIS,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. B. BARKINSIDE.

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Chickasaw D-436.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 19, 1902.

Thomas P. Bean,
Teller, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of May, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Register.

Commissioner in Charge.

Muskogee, Indian Territory, February 26, 1903.

Thomas P. Bean,

Teller, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw nations April 1, 1903.

The act of Congress approved July 1, 1903, provides as follows:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Chickasaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1903.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Chickasaw D 433

Muskogee, Indian Territory, February 9, 1904.

Thomas P. Bean,

Teller, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by intermarriage of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 7, 1904.

T. P. Bean,

Lavada, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 22, asking the status of your enrollment as an intermarried citizen and stating that you have seen by the papers that the Choctaw-Chickasaw Citizenship Court had declared the Choctaw marrying out law invalid.

In reply to your letter you are advised that it appears from our records that on February 6, 1904, there was filed with the Commission to the Five Civilized Tribes the protest of the attorneys for the Choctaw and Chickasaw Nations in which they request that final decision in this case be postponed until decision of the Choctaw and Chickasaw Citizenship Court in the case of John G. Bradshaw versus Choctaw and Chickasaw Nations, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Chickasaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question, they state, is involved in this case.

Under the instructions of the Department of November 12,

T P B 2

1903, the Commission is estopped from taking further action in cases of this character, wherein protests have been filed by the attorneys for the Choctaw and Chickasaw Nations, until further directed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Chickasaw, D-22,
D-224, D-50,
D-518, D-200.

Muskogee, Indian Territory, May 19, 1904.

Shelton Heard,

Attorney at Law,

Tickowings, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 11, in which you ask that the application of Elizabeth Hardin, for the enrollment of herself and her children be passed upon by the Department as early as practicable. You also ask the status of the enrollment of T. P. Bean, John Paul, William Talley, and Joe Rushing as inter-married citizens of the Chickasaw Nation.

In reply to your letter, you are informed that on August 7, 1903, the original record and the decision of the Commission granting the application of Elizabeth Hardin for the enrollment of herself and her children as citizens by blood of the Chickasaw Nation, and the enrollment of Andrew J. Hardin as an inter-married citizen of the Chickasaw Nation, together with the protest of the Attorneys for the Choctaw and Chickasaw Nations, of July 22, 1903, were forwarded to the Secretary of the Interior, and the Commission has not, as yet, been notified of Departmental action thereon.

You are further informed that the Commission has not yet passed upon the applications of Thomas P. Bean, John Paul, Joe Rushing and William Talley, for enrollment as inter-married citizens of

Chickasaw D 25
Chickasaw D 318
Chickasaw D 404

Muskogee, Indian Territory, June 13, 1904.

G. Heard,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 12, asking the status of the applications of John Paul, T. P. Bean and Joe Rushing for enrollment as intermarried citizens of the Chickasaw Nation.

In reply to your letter you are advised that the Commission has not yet passed upon the applications of the above named persons for enrollment as intermarried citizens of the Chickasaw Nation, and it appears from our records that Thomas P. Bean and John Paul, have not, up to this time, appeared before the Commission for the purpose of testifying relative to their intermarried status on September 26, 1902. Before further consideration can be given these applications, it will be necessary that such personal testimony be secured. When decisions are reached in these cases you will be notified of the action taken therein.

Respectfully,

Chairman.

R. S. H.

The Chickasaw Nation. As soon as a decision is reached in these cases, you and the applicants will be notified of the action taken.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
TAMM DIXBY,
THOMAS B. NEEDLES
C. R. BRACKENRIDGE.

WM. O. BEALL,
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

Chickasaw 2-334

W.O.B.

Muskogee, Indian Territory, June 21, 1904.

Thomas P. Dean,
Teller, Indian Territory.

Dear Sir:-

In the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation, it will be necessary, before the Commission can determine your rights as such citizen, for you to appear in person before the Commission at its office in Muskogee, Indian Territory, there to testify as to your status on September 25, 1902, as an intermarried citizen of the Chickasaw Nation.

Respectfully,



Chairman.

LAW OFFICE
S. HEARD.

Special Attention Given to Contest Cases
Before the Dawes Commission and In-
terior Department at Washing-
ton, D. C.

Testimony, P. J.
July 10 1904

Col T. B. Suddles
Missouri

Dear Sir

In the matter of the application
of My T. P. Bean the bearer of this letter
to be enrolled as an intermarriage
Chickasaw My Dixie when here last
months informed me that the record
in his case. He had stated that he appeared
before the Commission in 1902. Since that
it was necessary for him to appear
more before, any action could be taken
by the Commission in the matter. And he had
informed me that soon as his appearance
an early adjudication would be taken
by the Commission

Yours
S. Heard
Att'y for Mr Bean

9-D-836.

Muskogee, Indian Territory, August 2, 1904.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

Enclosed please find what is supposed to be a marriage license in the Indian language, between Thomas P. Beck and Harriet Sealy. Please have the same translated and the translation verified and return to this office.

Respectfully,

Commissioner in Charge,

W. J. K. R.

B-D-240
9-D-538

Winkoget, Indian Territory, December 6, 1904.

S. Heard,

attorney at law.

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 2, 1904, in which you state that as you failed to receive official notice of the action of the Commission of November 29, 1904, in the John Paul case it may be possible that other cases have been passed on and you have not received information in regard thereto. You therefore ask the status of the applications of T. P. Bean and John O'Donnell as intermarried Chickasaws.

In reply to your letter you are informed that the Commission has not yet passed upon the applications of Thomas P. Bean and John O'Donnell for enrollment as intermarried citizens of the Chickasaw Nation, but as soon as decisions are reached in these cases you will be notified of the action taken therein.

Respectfully,

Chairman.

9-D-240
9-D-226

Muskogee, Indian Territory, December 10, 1904.

S. Heard,

Attorney at Law.

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 2, 1904, in which you state that as you failed to receive official notice of the action of the Commission of November 29, 1904, in the John Paul case it may be possible that other cases have been passed on and you have not received information in regard thereto. You therefore ask the status of the applications of T. P. Bean and John O'Donnell as intermarried citizens of the Chickasaw Nation.

In reply to your letter you are informed that the Commission has not yet passed upon the applications of Thomas P. Bean and John O'Donnell for enrollment as intermarried citizens of the Chickasaw Nation, but as soon as decisions are reached in these cases you will be notified of the action taken therein.

Notice of the decision of the Commission of November 29, 1904, in the case of John Paul was forwarded you on that date by registered mail. The letter has not been returned to this office and it is presumed that it is now in the post-office at Tishomingo.

8. 71. 48

where it is suggested you make inquiry for it.

Respectfully,

Chairman.

7-D-586

Muskogee, Indian Territory, December 12, 1904.

T. P. Bean,

Randolph, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 7, 1904, advising your change of post-office to Randolph, Indian Territory, and this change of address has been made a matter of record.

Respectfully,

Chairman.

COPY

Chickasaw B 334

Muskogee, Indian Territory, January 30, 1905.

Thomas P. Bean,
Randolph, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 20, 1905, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

~~XXXXXXXX~~

James Bixby

Registered,

Chairman.

Incl. S-D-334.

COPY.

Muskogee, Indian Territory, January 20, 1906.

S. Heard,

Attorney at Law,

Tishomingo, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 20, 1906, rendered its decision granting the application for the enrollment of Thomas P. Bean as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

~~XXXXXXXX~~

Tamm Bixby

Registered.

Chairman.

Chickasaw D 324

COPY!

Muskogee, Indian Territory, January 20, 1905.

Hansfield, McMurray & Cornick,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Pennington

Inclosed herewith you will find a copy of the decision of this Commission rendered January 20, 1905, granting the application for the enrollment of Thomas P. Bean as a citizen by inter-marriage of the Chickasaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

~~James Bixby~~

James Bixby

Registered,

Chairman.

Incl. 9-2-124.

See Chickasaw 1200 for registry receipt for this letter.

9-D-336

Muskogee, Indian Territory, January 24, 1905.

E. Heard,

Attorney at Law.

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 19, 1905, asking what action has been taken in the matter of the application of Thomas F. Bean for enrollment as an intermarried citizen of the Chickasaw Nation.

In reply to your letter you are informed that on January 20, 1905, the Commission to the Five Civilized Tribes rendered its decision granting the application of Thomas F. Bean for enrollment as an intermarried citizen of the Chickasaw Nation, and notice thereof was forwarded you by registered mail on that date.

Respectfully,

Chairman.

Chickasaw D 336

Muskogee, Indian Territory, January 27, 1906.

Shelton Beard,

Attorney at Law,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 25, asking if the registered notice of the action of the Commission in the matter of the application of T. P. Bean for enrollment as an intermarried citizen of the Chickasaw Nation has been forwarded.

In reply to your letter you are advised that it appears from our records that the notice of the decision of the Commission granting the application of Thomas P. Bean for enrollment as an intermarried citizen of the Chickasaw Nation was forwarded you by registered mail on January 20, 1906, and that such notice was on that date deposited in the post office in Muskogee, Indian Territory.

Respectfully,

Chairman.

9-1804.

Muskogee, Indian Territory, January 27, 1906.

Thomas P. Bean,
Amber, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 18, 1906, in which you ask if the rolls are open for the enrollment of children of intermarried citizens as you have one born September 21, 1903, whom you would like to have enrolled and desire information as to the course to pursue.

In reply to your letter you are advised that the Act of Congress approved March 3, 1905, provided for the enrollment of children born between September 25, 1902 and March 4, 1905, to citizens by blood of the Choctaw and Chickasaw Nations whose enrollment had prior to that time been approved by the Secretary of the Interior.

You are further advised that the Commission to the Five Civilized Tribes was authorized for a period of ninety days from March 3, 1905, to receive such applications, and there is now no provision for the reception of applications for the enrollment of children of citizens of the Choctaw and Chickasaw Nations.

Respectfully,

Acting Commissioner.

9-1804

Muskogee, Oklahoma, May 15, 1908.

Thomas P. Bean,
Randolph, Oklahoma.

Sir:

Please find inclosed marriage license which was filed with the records of this office in the matter of your application for enrollment as an intermarried citizen of the Chickasaw Nation, a certified copy thereof having been made for the files of this office.

Respectfully,

EB 5-15.

Commissioner.

Chic 1805

Chic 1805

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., OCTOBER 21, 1904,

In the matter of the application for the enrollment of
Joe and Dillard Perry, as citizens by blood of the Chickasaw Nation.

STATEMENT BY THE COMMISSION.

On September 2, 1898, at Stonewall, Indian Territory, an application was made by Harriet Clark for the enrollment of her two grandchildren, Joe and Dillard Perry, as Chickasaw freedmen. These two children appearing as 11 and 9 years of age, were enrolled by the Commission as Chickasaw freedmen and their names were included upon a schedule constituting a part of the final roll of the Chickasaw freedmen submitted to the Secretary of the Interior October 4, 1902, and approved by him on December 12, 1902, their names appearing upon said schedule opposite Nos. 267 and 268.

Since their enrollment and the approval thereof by the Secretary of the Interior as Chickasaw freedmen, it has been contended that the children are entitled to enrollment as citizens of the Chickasaw Nation.

The proceedings herein had are in conformity with Departmental instructions of September 14, 1904, in which the Commission was instructed to allow the applicants thirty days from the date of notice to present additional facts in support of their claim.

On September 26, 1904, Eliza Perry, of Center, Indian Territory, King & Currie, attorneys at law at Ada, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were advised that the Commission would at its office at Muskogee, Indian Territory, up to and inclusive of October 26, 1904, receive such testimony as might be offered in reference to the right to enrollment of these children as citizens of the Chickasaw Nation.

APPEARANCES:

King & Currie, represented by Wm. G. Currie,
for the applicants.

Mansfield, McMurray & Cornish, represented by O. Rosen-
winkel,
For the Choctaw and Chickasaw Nations.

THE COMMISSION:

There is filed a copy of notice directed to Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations that the applicants would offer the testimony of R. S. Floyd, Mount Morris, Margaret Lee, Harriet Taylor and Eliza Perry in the matter of the application of Joe and Dillard Perry for enrollment as citizens by blood of the Chickasaw Nation, at the office of the Commission at Muskogee, Indian Territory, on October 21, 1904, between the hours of 9:00 o'clock A.M. and 5:00 o'clock P. M. The notice bears proof of service of a copy thereof upon Mansfield, McMurray & Cornish on October 15, 1904.

Margaret Lee, being first duly sworn, testified as follows:

Statement by the Commission.

Margaret Lee, the witness, is enrolled on Chickasaw Roll Card No. 130 and on the approved roll of Chickasaws by blood, as approved by the Secretary of the Interior December 12, 1902, opposite No. 384.

THE COMMISSION:

- What is your name? Mrs. Margaret Lee.
- Q. How old are you? A. About 59 years old.
- Q. Where do you live? A. Four miles North of Stonewall.
- Q. Is Stonewall your post office? A. Yes, sir.
- Q. Are you a citizen of the Chickasaw Nation? A. Yes, sir, I am an Indian by blood.
- Q. How long have you lived in the Chickasaw Nation? A. I was born and raised in the Territory.

MR. CURRIE:

- Are you the mother of Charlie Perry? A. Yes, sir.
- Q. Is he alive or dead? A. He is dead.
- Q. When did he die, Mrs. Lee? A. He died in 1896.
- Q. The month if you recollect? A. I have it on the record but I forget. I believe it was the 20th day of February, if I am not mistaken.
- Q. Did he have any brothers and sisters? A. Yes, sir.
- Q. Name them, please. A. George Perry; he is dead. Tom Perry, Lizzie Rodke and Alice Walker.
- Q. Were they all full brothers and sisters of Charlie Perry? A. Yes, sir; they had one mother and one father.
- Q. What was the name of their father, Mrs. Lee? A. We called him Frank, but he signed his name B. F. Perry; Benjamin Franklin Perry.
- Q. Is he alive? A. No, sir, he is dead.
- Q. How long has he been dead? A. He died in 1892, November 30th I believe it was.
- Q. You afterwards married? A. Yes, sir.
- Q. To whom? A. S. T. Mahop.
- Q. Is he living? A. I do not know. He ran off and left me. I do not know where he went to.
- Q. Were you later married again? A. Yes, sir.
- Q. To your present husband? A. Yes, sir.
- Q. His name is what? A. F. G. Lee.
- Q. Mrs. Lee, do you know Joe and Dillard Perry, the applicants in this case? A. I just heard of them, I do not know them, I have been told they were his children.

MR. ROSENWINKEL:

I object to the witness testifying as to what she has been told.

THE COMMISSION:

Objection sustained.

MR. CURRIE:

Did Charlie Perry, your son, live with you the last few years of his life, from 1892 up to 1893? The time he died? A. He lived at times with me. He didn't live with me all the time. He would go off and come back and stay a week or two and go off again.

Q. Do you know where he lived the time when he was away from you? A. No, sir.

Q. I will ask you to state, Mrs. Lee, whether Charlie ever told you that Joe and Dillard Perry were his sons? A. He told me he had two children.

Q. By whom? A. By Eliza.

Q. Eliza Perry, the witness here? A. Yes, sir.

Q. Do you recollect whether or not some time in 1892 or 1893 Charlie Perry, your son, was arrested and taken to Paris, Texas, to be tried upon the charge of living with this woman as man and wife? A. Yes, sir.

Q. Do you know what became of that case? A. No, sir, I do not know. He never told me.

MR. ROSENWINKEL:

We object to that testimony because there is a record of it. He was arrested and any proceedings taken by the United States Court is a matter of record.

MR. CURRIE:

It was a fact that he was arrested and taken there.

THE COMMISSION:

The testimony is admissible insofar as she knew her son was arrested. The objection is sustained as to what action was taken by the Court.

MR. CURRIE:

Do you know where this woman, Eliza Perry, lived from 1892 to 1896? A. No, sir. He said they lived on Sandy, but I do not know.

Q. How far is Sandy from where you live? A. It is about 15 or 20 miles I guess. I don't know what direction they lived on Sandy, I never was out there.

Q. Where did Charlie Perry die? A. He died at my house. I took care of him.

Q. Did Eliza Perry visit him during his last sickness? A. She went there once. She went over to Dan Grayson's and stayed all night and in the morning she stopped in and saw him a little while, and went on home.

Q. Will you tell the Commission whether your feelings and the feelings of your sons and daughters-- your family were kindly or otherwise toward this woman?

MR. ROSENWINKEL: I do not see how that could possibly be material what her feelings were toward the woman.

MR. CURRIE:

It is material in this sense. That is, this woman is generally accepted and is now known as a freedman and these people are Chickasaw Indians by blood. We expect to produce in evidence in this case the fact that every inducement was offered by different

members of Charlie Perry's family to induce him to quit the companionship of the said Eliza.

THE COMMISSION:

The objection is noted, and the witness may answer the question.

- A. We all were apposed to him living with her but we couldn't help it. All my children were apposed to his living with her.
- Q. State whether you ever made any kind of inducement, you and your children, for him to quit her companionship. A. No, sir, I never offered him anything, but we persuaded him.
- Q. You didn't offer him anything? A. No, sir.
- Q. You do not know about the others? A. No, sir.
- Q. You know the fact that he was living with her? A. Yes, sir.
- Q. And he told you that he had two sons by her? A. Yes, sir.

MR. ROSENWINKEL:

- Q. Were you ever at your son's house? A. No, sir.
- Q. You never saw him living with her? A. No, sir.
- Q. All you know is what your son told you and what was rumored about the community? A. Yes, sir.
- Q. Do you know whether or not they were ever married or whether there was ever any ceremony performed? A. Not that I know of.

WITNESS EXCUSED.

HARRIET TAYLOR, being first duly sworn, testified as follows:

THE COMMISSION:

- Q. What is your name? A. Harriet Taylor.
- Q. How old are you? A. I do not know.
- Q. About what age? A. I gave my age to the Commission I guess about 54.
- Q. Where do you live? A. At Ada, Indian Territory and Center.
- Q. Is Ada your post office address? A. No, sir, Center.
- Q. Are you a citizen or freedman of the Chickasaw Nation? A. Yes, sir.
- Q. What are you, freedman? A. Yes, sir.

STATEMENT BY THE COMMISSION:

The witness is identified as Harriet Taylor, approved roll Chickasaw Freedman No. 260.

MR. GURKIN:

- Q. How long have you lived in the Chickasaw Nation? A. I have always lived there. Born and bred here.
- Q. Are you or not the mother of Eliza Perry, or Eliza Harris? A. Yes, sir.
- Q. Did you know Charlie Perry? A. Yes, sir.

Q. How long did you know him? A. I do not know; about 10 years I guess.

Q. Is he living or dead? A. He is dead.

Q. I will ask you whether or not Charlie Perry and Eliza Perry were ever married? A. He told me that they were.

MR. ROSENWINKEL: We object to the answer of the witness on the ground that it is hearsay.

MR. CURRIE: I wish to submit a question of the evidence that that proposition proves the contention of the applicant that marriage may be proved by reputation.

THE COMMISSION:

Is it contended that there was ever any formal marriage ceremony performed between Charlie Perry and Eliza James?

MR. CURRIE: The evidence that we have on that point is the positive declaration of the woman that she and Charlie Perry were married in Paris in 1892 or 1893 when they were down there arrested and on trial of this charge.

MR. ROSENWINKEL:

I do not see how you can attempt to prove that. I do not know what Texas statute is-- I do not know what the Texas statute is, but I do not see how they could have been married in the state of Texas. I do not think that a marriage between a negress and a white person or an Indian is permissible.

MR. CURRIE:

She is on the freedman roll but she is fully an eighth Indian.

Q. Were they at Paris, Texas under arrest taken there under a criminal charge for trial there before the criminal court? A. They were arrested; they arrested Eliza at my house and carried her to Paris for living with Charlie, and Charlie's father went with them to Paris.

Q. State whether it was before or after their return from Paris that Charlie told you that they were married? A. It was after they came back.

Q. How long did Charlie live after they came back? A. I could not tell you exactly how long. After Dillard was born, Joe was a baby when they were arrested.

Q. State how they conducted themselves after their return from Paris; as husband and wife, or otherwise? A. They stayed together and they stayed at my house before they were married. Before that he was afraid, though, and stayed more at home.

Q. State whether or not they lived a good deal of that time at your house. A. Eliza lived with me and he would stay a week at a time. He would be back and forth from my house to his mother's house.

Q. State whether he lived with her and whether they lived together as man and wife after their return from Paris? A. After they came back from Paris they stayed off by themselves a while and then they came back to me again.

Q. They kept house together? A. Yes, sir.

Q. Are these two children, Joe and Dillard Perry the sons of Eliza Perry? A. Yes, sir; I was midwife with both of them.

Q. State whether Charlie Perry recognized and publicly proclaimed the fact that they were his children also. A. Yes, sir, he did.

Q. What did they call Charlie Perry? A. They called him Papa.

Q. What did he call them? A. He called them by their names, Joe and Dillard.

Q. Did he name them? A. He named Dillard. My daughter Amanda named Joe.

Q. State whether he called Eliza Perry his wife. A. Yes, sir.

Q. Did she take her name of Perry from him? A. Yes, sir.

Q. Before they went to Paris on that charge what was her name? A. They called her Eliza James.

Q. And after their return and until her marriage with Harris was she known throughout the community and called Eliza Perry? A. Yes, sir.

Q. Did they go about over the country? A. Yes, sir; they went around some times.

Q. As man and wife? A. Yes, sir.

Q. Roomed together? A. Yes, sir.

Q. Lived in their own house-- keep house together as man and wife? A. A while and then they came back and lived with me again.

Q. State whether the community generally in which you lived regarded them as man and wife? A. Yes, sir, they did.

Q. Did he help support and clothe Eliza after they returned from Paris, and these children after their birth? A. Yes, sir, he did.

MR. ROSENWINKEL:

How much Chickasaw blood do you claim to be possessed of?

A. None at all.

Q. What is your blood? A. I am colored.

Q. Any other blood? A. My father was a white man my mother said.

Q. Your father was a white man and your mother a negro? A. Yes, sir.

Q. You say that Charlie Perry publicly proclaimed these children to be his children? A. Yes, sir.

Q. Where did you ever hear him say that? A. At home and when they went around out any where from home.

Q. Where is the first time that he -- that you ever heard him go out and tell a lot of people? A. I never knew him to go out and tell them; but at church he would call them his children.

Q. What church? A. The colored church.

Q. With the other colored people? A. Yes, sir.

Q. Just where is that colored church? A. It is the Athens Church near Ada.

Q. Your statement is that he would go there and tell the people at church that these were his children? A. I do not say that he went there and told them so; I say he would be there with the children and he said they were his children. We all went to church together. I would not state that, because it would not be right.

Q. You say that the community there regarded them as husband and wife. A. Yes, sir.

Q. Who did you ever hear say that they were husband and wife? A. I have heard lots of them.

Q. Give me the name of the first person and when it happened and all about it, that you heard say that Charlie and Eliza were man and wife. A. Do you know Elder Fagins the preacher at our church? I have heard Charlie Perry tell him that Eliza was his wife.

Q. In your direct examination you stated that the community in and around where they lived regarded Charlie and Eliza as man and wife. Now I ask you who there was around there that you ever heard say they were man and wife. (No answer.)

Q. I will ask you this question. Did you ever hear anybody in your neighborhood there say that Charlie Perry and Eliza were man and wife? A. Yes, sir.

Q. Who was it? A. I have heard Margaret Clark, Simon Clark who is dead now, and there are lots of other but they are dead.

Q. Who is Margaret Clark? Simon Clark's wife.

Q. Is she related to Eliza? A. No, sir.

Q. When was it and what was the occasion? A. We would just be together the way people get together and talk about things.

Q. You were talking about them? A. Yes, sir.

Q. And she said they were man and wife? A. Yes, sir.

Q. Now you state that these two children were born prior to the time of this alleged marriage, I believe you stated that--which of these children, if any of them, was born prior to the occurrence at Paris? A. Joe was born before they were arrested and Billard was born after they came back.

Q. Did you ever see them in their house any marriage license?

A. No, sir.

Q. Do you know who married them at Paris? A. No, sir.

Q. Were you there with them? A. No, sir, I was at home.

MR. CORRELL:

Who is Eliza's father? A. Calvin Hoady.

Q. Was he an Indian or not? A. His mother was a half Indian, his father a colored man.

Q. Will you state whether or not Charlie and Eliza lived and cohabited together before they went to Paris? A. Yes, sir.

Q. And Joe Perry was born before they were arrested and taken to Paris? A. Yes, sir.

Q. And Charlie Perry publicly acknowledged that he was the father of Joe Perry? A. Yes, sir.

Q. And also Billard? A. No, sir.

Q.

MR. ROSENWINKEL:

How often was Eliza Perry married altogether, someone now and state the first time she married. A. She married James First.

Q. Did she have any children by him? A. No, sir.

Q. How did she marry him? A. I do not know, I think it was under the law of matrimony, I do not think by license; I was not at the wedding.

Q. Did she get a divorce or did he die? A. I do not know; I do not know whether he is dead or not.

Q. Did they separate? A. Yes, sir.

Q. Who was the next person she married? A. Charlie Perry.

Q. Those were the only two people that she was married to up to that time? A. Yes, sir.

Q. She had no children by any man then except Perry? A. That is all.

THE COMMISSION:

When was Joe born, I do not know I could not tell you, I think he is thirteen years old.

Q. Do you remember when they made the payment to the Chickasaws in 1893 and the Chickasaws got \$130.00 apiece? A. I heard about it, I do not recollect it.

Q. Was Joe living then? A. I could not tell, I do not remember enough about the payment. We colored people do not know everything about the Indians and the white people, we stay out in the country.

WITNESS EXCUSED.

- 2 -

ELIZA HARRIS, being first duly sworn, testified as follows:

- Q. What is your name? A. Eliza Harris; it used to be Perry.
Q. How long have you been named Harris? A. Two years.
Q. How old are you? A. Going on 30 I think. I am not sure.
Q. Where do you live? A. At Ada; about six miles west of Ada.
Q. What is your post office address? A. Ada; sometimes Center.

STATEMENT BY THE COMMISSION:

Witness is identified as Eliza Perry, approved roll of Chickasaw freedmen, No. 256.

MR. CURRIE:

- Q. Are Joe and Dillard Perry your sons? A. Yes, sir.
Q. How old is Joe Perry? A. He is 12 years old the 20th of last March.
Q. How old is Dillard? A. He was 10 the 5th day of last May.
Q. Who is the father of these children? A. Charlie Perry.
Q. Were you and Charlie Perry married or not? A. Yes, sir, we were married.
Q. Where were you married? A. Paris, Texas.
Q. When? A. I cannot hardly remember when it was; it was about 11 years ago I guess. It was in 1891 or 1892-- somewhere along there.
Q. What were you doing in Paris, Texas? A. I went down there to court.
Q. Were you and Charlie Perry arrested and taken down there?
A. Yes, sir.
Q. You were married while you were there? A. Yes, sir.
Q. Did you live together before you were arrested and taken there?
A. Yes, sir.
Q. As man and wife? A. Yes, sir.
Q. After you returned from Paris were your relations as man and wife maintained and kept up until his death or not? A. Yes, sir.
Q. Did you, or not, keep house a while by yourselves? A. Yes, sir, we lived with my mother when we first came back and then we kept house by ourselves afterwards.
Q. Did you go around in the community together? A. Yes, sir.
Q. With your children? A. Yes, sir.
Q. Attend church and other public gatherings together? A. Yes, sir, we went everywhere except to his mother's. I did not go there with him.
Q. Why didn't you visit his family? A. They didn't like me much and I didn't go around there.
Q. State whether his family knew that you were living together as man and wife?

MR. ROSENWALD: We object to that.

THE COMMISSION: Objection noted.

A. Yes, sir, we all lived in the same country.

MR. CURRIE:

State whether or not of your knowledge any inducements were ever offered Charlie Perry to quit you; quit living with you by any of his family. A. He told me his brother-----

MR. ROSENWINKEL:

We object-- (Objection noted).

MR. CURRIE:

Anything you knew yourself? A. No, sir; I did not go around his folks.

THE COMMISSION:

Did anyone ever offer you anything to induce you to leave him? A. No, sir.

MR. CURRIE:

- Did they ever have anything to do with you? A. No, sir.
- Q. Did they speak to you? A. Sometimes.
- Q. Did Charlie Perry help to support you and your children?
- A. Yes, sir.
- Q. State whether you bought goods and supplied on his account at the stores? A. Yes, sir.
- Q. Did you have them charged to him? A. Yes, sir.
- Q. State whether to your knowledge after you returned from Paris he ever denied the fact of your marriage. A. Not that I know of.
- Q. State whether or not to your knowledge he admitted you were married? A. Yes, sir.
- Q. Did you ever hear him tell people? A. Yes, sir.
- Q. He publicly recognized you as his wife? A. Yes, sir.
- Q. And these children as his sons? A. Yes, sir.
- Q. Did Charlie Perry and his brother, George Perry, ever have a difficulty at your house? A. Yes, sir, one.
- Q. What was that about? A. I do not know, sir, George Perry wanted Charlie to go home with him and Charlie didn't want to go and they got into it.
- Q. Did he try to get Charlie to go home with him and leave you?
- A. He wanted him to go home with him.
- Q. He wouldn't go and they got into a fight? A. Yes, sir.
- Q. When you were at church and other public places with Charlie and these children, state whether he would help to take care of them.
- A. Yes, sir.
- Q. Acted toward these children as any other father would act toward his own? A. Yes, sir.

MR. ROSENWINKEL:

- Who married you in Paris, Texas? A. I do not know who it was.
- Q. You don't know a thing about it? A. I do not know who it was.
- Q. Was he an officer or a preacher? A. I do not know who he was, he was white that is all I know.
- Q. Did you get a marriage license? A. Yes, sir.
- Q. Where did you get that? A. He got it down there, I do not know where. He got it after we got there. I knew it was after we went to Paris because we didn't have it before.
- Q. Did the man who married you give you a certificate of marriage?
- A. I never saw it.
- Q. You didn't bring any paper with you when you came back here?
- A. No, sir.

- Q. How did you come to get married down in Paris? A. The lawyer told us to marry.
- Q. You married to avoid a criminal prosecution? A. Yes, sir.
- Q. One of your children were born before you went down there? A. Yes, sir.
- Q. It was about the time that child was born that they commenced to make you trouble? A. No, sir, some time afterwards.
- Q. You say that Charlie and you were recognized in the community where you live as man and wife? A. Yes, sir.
- Q. And the children were recognized as his children? A. Yes, sir.
- Q. Whose store did you ever buy goods at? A. Of Mr. R. Duffer, Mr. Welser, Mr. Morris and Mr. Floyd.
- Q. At Stonewall? A. Yes, sir, from Mr. Morris at Stonewall.
- Q. How long at any one time did Charlie ever live with you in the same house? A. We always lived together. He would go off down to his mother's and stay a week or two sometimes but would come back.
- Q. Isn't it a fact that he would slip out over to your place occasionally and stay a few days and then go back to his mother's? A. No, sir; nothing like that. He stayed right at home. He would go and stay two or three weeks and come back.
- Q. Then he would stay with you how long? A. A long time.
- Q. What is the longest time? A. I do not know; he made that his home.
- Q. Who was your first husband? A. Mose James.
- Q. Under what law did you marry him? A. Under no law I don't reckon. The preacher married us out of the bible.
- Q. What became of him? A. I do not know.
- Q. Did you get a divorce from him? A. No, sir.
- Q. Did he get a divorce from you? A. No, sir, we didn't get any divorce then and no license.
- Q. Were you lawfully married to Mose James? A. Yes, sir.
- Q. He was living at the time you contracted the alleged marriage with this man Perry? A. Yes, sir.
- Q. How did you come to do it? Did the clerk at Paris ask you any questions? A. No, sir.
- Q. Did the man who married you? A. Yes, sir.
- Q. He asked you if you were married? A. Yes, sir.
- Q. And he went right on and married you? A. Yes, sir. He said it wasn't a lawful marriage.
- Q. That is your statement now, that you went before an officer and told him that you had a living husband and not withstanding that he married you to Perry? A. He said it wasn't lawful.
- Q. What wasn't? A. The way I married the first time, I should have been married with a license.
- Q. What did you say to the officer down there about your racial status? Did you tell him you were white, Indian, or colored? A. He knew I was colored; he didn't ask anything about it.
- Q. But he married you to Perry? A. Yes, sir.
- Q. Do you know whether he regarded you as a white woman or a colored woman? A. He didn't ask me any question about it; I think he knew, I suppose he did.
- Q. There was no question asked as to whether you were Indian or what your race was? A. No, sir.
- Q. He did say to you that your first marriage was not lawful? A. Yes, sir, he said that.
- Q. You married Mose James; went to a preacher and was married? A. Yes, sir.
- Q. You lived with him? A. Two months.
- Q. As his wife? A. Yes, sir.
- Q. Just the same and more so than with Perry? A. No, sir.
- Q. When you and Perry first lived together you slept around, didn't you? A. Yes, sir.
- Q. But you didn't with this other man? A. No, sir.

- Q. You were married at church? A. At my mother's house.
Q. By a preacher? A. Yes, sir.
Q. And went to living together? A. Yes, sir.
Q. And you never were divorced? A. No, sir.

MR. CURRIE:

- How long since you saw James? A. I never saw him since I married Charlie Perry.
Q. You had separated from him sometime before you married Charlie Perry? A. Yes, sir.
Q. Was he in the country at the time you married Charlie Perry or not? A. No, sir; I guess he is in the Creek country somewhere; he is a Creek.
Q. You do not know whether he is living or dead since you married Charlie? A. No, sir.
Q. You do not know whether at the time you married Charlie he was living or dead? A. No, sir; I do not know now whether he is living or dead.

MR. ROSENWINKEL:

- You say Joe is 12 years old? A. Yes, sir.
Q. And it has been at least thirteen years since you first went to living with Charlie Perry? A. Yes, sir.
Q. How long before that was it that you and Rose separated? A. About two years I think.
Q. Did you marry Rose when you were 15 years old? A. I don't know if I was that old or not.

MR. CURRIE:

- How long had it been since you had separated from Rose at the time Joe was born? A. I do not know, sir; somewhere about three years; I know it was over two years.

MR. ROSENWINKEL:

- At Paris at the time of this marriage were there any witnesses to the marriage? A. No, sir; I do not know. There were people there.
Q. Did they act as witnesses? Were they present with you? Did you take anybody with you? A. No, sir.
Q. Just married by yourselves? A. Yes, sir.
Q. There were a good many people down there at the same time on the same errand that you were? A. Yes, sir; a good many married before they went there and some afterwards.
Q. The man who married you down there knew you had been arrested and brought down? A. I do not know.
Q. Who made this arrangement about the marriage down there, you or Charlie? A. He did.
Q. He got the license and attended to all the preliminaries, got you and went before this man? A. Yes, sir.
Q. And you were married? A. Yes, sir.

MR. COMMISSIONER:

- Were you with your mother, Harriet Taylor, when she went to Stenwall in 1898 to have those children enrolled? A. No, sir, I was in Pauls Valley.
Q. Your mother had the children enrolled? A. Yes, sir.

- Q. You applied to have them enrolled as Chickasaw freedmen?
A. Either did, yes, sir.
Q. You knew that? A. That is what she said the Commission said.
Q. When did you first claim these children were entitled to enrollment as Chickasaw citizens by blood? A. I believe it was last June; no, sir, last August.
Q. August of what year? A. 1903.
Q. How had you ever prior to that time made any application to the Commission to have these children enrolled as citizens by blood of the Chickasaw Nation? A. No, sir.
Q. The first time was in August, 1903? A. Yes, sir.
Q. You had always accepted the enrollment of the children as Chickasaw freedmen up until that time? A. Yes, sir.
Q. Didn't you go before the Chickasaw Land Office at Tishomingo on April 7, 1903 and select allotments for your children? A. Yes, sir.
Q. Didn't you claim they were Chickasaw freedmen? A. Yes, sir.
Q. Didn't you select allotments? A. Yes, sir.
Q. Didn't you go back on July 9, 1903, for the purpose of having the allotments straightened out at that time? A. Yes, sir.
Q. You still claimed these children as Chickasaw freedmen? A. Yes, sir.
Q. You never made any claim as to their rights as Chickasaw citizens until after the second time you were back? A. No, sir.

MR. ROSENWINKEL:

Who first put the idea in your head to make an application for these children as Chickasaws by blood? A. One of the Commissioners; I do not know which it was, down at Tishomingo. He told me where to go.

- Q. Do you know his name? A. No, sir.
Q. Where did he tell you to go? A. He told me to go down to the First National Bank in Tishomingo and go upstairs to see some lawyer.
Q. Do you know the name of the lawyer? A. No, sir.
Q. Would you know the name if you heard it? A. I guess I would.
Q. Was Allen one of the lawyer's names? A. No, sir.
Q. Cobb? A. No, sir.
Q. Was it Von Weiss? A. I do not know. He was right white and had black hair, and I think he had a scar on his face.
Q. Was it over the stone bank? A. Yes, sir.
Q. What kind of a looking Commissioner was it? A. It was a kind of old fellow.
Q. It wasn't a Commissioner, was it? A. I do not know. He was up there.
Q. What work did he perform at the land office? A. He was busy at the door and around down stairs and up.
(Addressing the Commission); I would like to have you inquire of the witness who this was. That while she went there to straighten out her allotment as a freedman, an employe told her to go to—

THE COMMISSION: The witness has not made that statement.

- Q. Do you know who it was who told you to see the lawyer? A. No, sir; he was busy over there.

MR. ROSENWINKEL:

- He was a man attending to your work there? A. No, sir, not him.
Q. You don't know whether the man you talked with was an employe of the Commission, or some person in the building? A. The man belonged there, I have seen him there every time I have went there.
Q. Describe the man the best you can that told you to go down to see a lawyer; what kind of looking man was he? A. He was white.

Q. Did he have a mustache? A. I do not remember.

THE COMMISSION:

It seems to me that this is all immaterial as to the investigation of the rights of these children.

MR. ROSENWINKEL: It shows how the case originally--

THE COMMISSION: It has no possible bearing on this case.

MR. ROSENWINKEL:

Q. How did he know anything about the children? A. I don't know.

WITNESS EXAMINED:

MONDY MORRIS, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q. What is your name? A. Monty Morris.
Q. How old are you? A. 47.
Q. What is your post office address? A. Ada.
Q. Are you a citizen of the Chickasaw Nation? A. No, sir.
Q. A citizen of the United States? A. Yes, sir.
Q. A white man? A. Yes, sir.
Q. How long have you lived in the Chickasaw Nation? A. Something over 14 years in the Chickasaw Nation.
Q. Been a continuous resident for that length of time? A. Yes, sir.

MR. CURRIE:

Do you hold any office? A. Yes, sir. United States constable for the 6th recording district.
Q. Did you know Charlie Perry in his life time? A. Yes, sir.
Q. Did you know Eliza Perry during the life time of Charlie Perry? A. Yes, sir.
Q. How long have you known them, Mr. Morris? A. I have known Charlie Perry I guess 14 years. I got acquainted with him immediately after coming out. I had a business at Stencowall.
Q. Mercantile business? A. General merchandises.
Q. How long afterwards before you became acquainted with Eliza? A. Two or three years afterwards, two years anyhow.
Q. Do you know anything of her having been taken to Paris under arrest? A. Well, I don't know that of my own knowledge, but I knew that they arrested all the darkies in that country. I know they were away at Paris.
Q. Did you know them after they came back from Paris? A. Yes, sir.
Q. State whether or not after they returned from Paris they lived together as man and wife? A. Yes, sir.
Q. State whether they were publicly regarded and recognized in that community as man and wife? A. I heard them call man and wife and man and woman. I have heard it both ways.

Q. You heard Charlie Perry refer to Eliza as his wife and as his woman? A. That I believe was in the fall of 1893; I sold out my business at Stonewall just before the payment and put in a business off between McGee and Sandy, at the crossing of the Canadian Sandy and the public road, I put in a good stock of goods there and Charlie Perry and his wife, this Eliza Perry, traded with me over there and he would tell me -- he would go off frequently and he told me to let her have what she needed while he was away and he would pay for it when he came back, and he paid for it.

Q. Was he referring to Eliza then as his wife? A. She was the woman that got the goods.

Q. Were they ever in the store together? A. Yes, sir.

Q. I will ask you what you know, if anything, as to how the community there regarded them and their relationship after they returned from Paris, whether as man or wife, or how? A. The community some said they were man and wife and some said different because they didn't talk much. They were considered man and wife by the business men for they held him for their pay and he paid it.

Q. He referred to her as his wife? A. Yes, sir.

Q. Do you know how he regarded these children, whether his or not? A. Those two boys he said were his.

Q. That was Joe and Dillard Perry? A. Yes, sir.

Q. Before they went to Paris what was her name? What was she called? A. I don't know. Before that I didn't know her, I had seen her but I couldn't say what or who she was.

Q. After they came back she was always known as Eliza Perry?

A. Yes, sir.

Q. Have you seen them associating together? A. Yes, sir; I have seen them at one or two gatherings there and maybe more, I paid no attention to the matter.

Q. Were you ever at the house? A. Yes, sir; went collecting bills.

Q. Were they living together at that house as man and wife? A. Yes, sir.

Q. Do you know the brothers and sisters of Charlie Perry? A. Yes, sir.

Q. Do you know how they regarded the relationship and how they referred to it? A. They didn't like it, I have heard George Perry curse Charlie several times for being up there.

Q. How did he refer to it, as married to her? A. Yes, sir.

Q. Or living with her? What would he call her? A. Charlie's woman or Charlie's wife, sometimes his woman or sometimes his wife. They used both expressions.

Q. Both as his woman and as his wife? A. Yes, sir.

Q. You have heard him curse Charlie for living with her? A. Yes, sir.

Q. Do you know Mrs. Rodke? A. Yes, sir.

Q. Is she a sister of Charlie Perry? A. Yes, sir.

Q. Do you know anything about how she regarded it? A. I heard her speaking about him being there and she got mad and said he wasn't doing right about living over there with her, I didn't pay much attention to it.

Q. Do you know how she took on about it? A. Yes, sir; she was crying and mad at the time, I do not know how the conversation came up.

Q. You did know that his family was very much opposed to this relationship with the woman? A. All I heard said so, yes, sir.

Q. And they were unfriendly with her? A. Yes, sir.

Q. Had at Charlie because he lived with her? A. Yes, sir.

Q. You heard them refer to her? A. Those two, George Perry and Mrs. Rodke; I may have heard Tom too, I do not remember; he was the youngest of the children and young then.

Q. They lived together; kept house together; conducted themselves in the community and held themselves out to the community as man and wife? A. Yes, sir, or man and woman, just as they expressed it.

Q. They expressed it both ways? A. Yes, sir.

Q. He bought supplies at your store? A. Twice I think.

MR. ROSENWINKEL:

Those are leading questions, I do not want to burden the record objecting to it all the time.

MR. MERRIN:

State whether he helped to support her and the children?

A. I suppose he did.

MR. ROSENWINKEL:

I object to what the witness supposes. (Objection noted).

A. He paid a couple of bills at my store.

Q. He directed you to let her have that? A. No did.

Q. I believe you say that when he was asking about letting her have that he referred to her as his wife? A. I think he said let my woman or let my wife; I do not remember just which expression he used.

Q. Did you state whether or not you had heard him say that these two boys were his children? A. Yes, sir, I have heard him express that these two boys were his.

MR. ROSENWINKEL:

You do not know much about these people at all, do you, Mr. Merrin? A. Not at that time; I had just come in.

Q. Did you know a man by the name of Moss James? A darky over there? A. I heard of him; I do not know him.

Q. You have testified that Charlie Perry and Eliza, this woman, were living together as man and wife? A. They did at that time.

Q. How long a time? A. That was just before he died; he got sick and went away and died at home near Stonewall.

Q. Is it your statement that they at any time lived together continuously and kept house? A. They lived about, I suppose, a mile off from my store and every time I was over there he was there. His folks lived at Stonewall about 12 or 14 miles below that.

Q. Isn't it a fact that most of the time they lived together there at her mother's house? A. That is what I say; and after that they went to housekeeping separate.

Q. You say that most of the people in the community regarded them as man and wife? A. Up on Sandy where they lived.

Q. That is where you lived, wasn't it? A. Yes, sir, at that time.

Q. Who did you ever hear say that they were man and wife? A. I heard Orrin Johnson who married a sister of Eliza's, Amanda.

Q. Is he a white man? A. A darky. That is a settlement of darkies. I talked with one or two and asked them that question and I believe he was the only man who made the expression.

Q. That is the only man you ever talked with? A. Yes, sir, he was a brother-in-law and I asked him.

Q. Was was the other person? A. I might have met a dozen.

Q. The only one person that you can recollect now that you ever heard refer to them as man and wife was a colored man and a brother-in-law? A. Yes, sir, and Simon Clark who is one of the old recognized first settlers. He told me about the same time.

Q. Is he a darkey? A. Yes, sir.

MR. CURRIE:

They are the only two that you ever asked about it?

A. Yes, sir, the only two I ever asked directly about it.

WITNESS EXCUSED.

R. B. FLOYD, being first duly sworn, testified as follows:

THE COMMISSION:

What is your name? A. R. B. Floyd.

Q. How old are you? A. 85.

Q. Where do you live? A. Ada.

Q. Is that your post office address? A. Yes, sir.

Q. Are you a citizen of the Choctaw and Chickasaw Nation? A. No, sir.

Q. A citizen of any Indian tribe? A. No, sir.

Q. A white man? A. Yes, sir.

Q. How long have you lived in the Chickasaw Nation? A. About 25 or 30 years.

MR. CURRIE:

Did you know Charlie Perry during his life time? A. Yes, sir.

Q. How long had you known him? A. About five years.

Q. Before he died? A. Yes, sir.

Q. Did you, during that time, know Eliza Perry? A. Yes, sir.

Q. What business were you engaged in at that time? A. Mercantile business.

Q. Where? A. At Ada.

Q. Were they living together at the time you knew them? A. Yes, sir.

Q. State what you know, if anything, about the fact of their being man and wife. A. All I knew is just that they lived together as man and wife and he claimed her as his wife. And she claimed Charlie as her husband.

Q. And he claimed her as his wife? A. Yes, sir.

Q. Did they buy goods of you? A. Yes, sir.

Q. Shopped together at your store? A. I do not remember whether he ever came over with her. He came there alone and her too.

Q. He gave me orders once to let her have some goods at the store, and she came there and got them.

Q. He left orders there? A. He sent the order by her.

Q. She brought the order? A. Yes, sir.

Q. He referred to her in that order as his wife? A. Yes, sir.

Q. State whether you have ever heard him call her his wife. A. No, sir; I do not know as I ever heard him call her his wife.

Q. Did you ever hear him refer to her as his wife? A. Yes, sir, I have been at their place once or twice and he called her Fiza.

Q. But in his order written to your store he referred to her as his wife? A. Yes, sir, to let his wife have some goods.

Q. Did they live in a house to themselves part of the time? A. They did all the time I know them. Two different places there.

Q. And they lived together? A. Yes, sir.

Q. Were these two boys Joe and Billars born at this time? A. The first time I knew them the youngest one wasn't born; the oldest one was.

Q. They were living together at the time of the birth of the youngest child, Dillard Perry? A. Yes, sir.

Q. Did you ever hear him refer to those boys as his children? A. No, sir, I never heard him refer to them. I heard the oldest one call him Papa; that is the only time I ever heard him.

Q. Did he reply to him? A. I do not remember now what he asked. The boy called Charlie Perry Papa? A. Yes, sir.

Q. Could the youngest one talk? A. No, sir, he couldn't talk. Was he ever with the two boys? A. Yes, sir, he and his wife both.

Q. You say they kept house together and he stayed with her there as her husband? A. Yes, sir.

Q. I will ask you, Mr. Floyd whether you were ever at their house any time after night? A. No, sir, I never was.

Q. Do you know how the community generally regarded them, whether or not as being married? A. Yes, sir, that is my understanding that they were man and wife.

Q. That was the current opinion throughout the neighborhood? A. Yes, sir.

Q. The goods that she bought at your store were charged to his account? A. Yes, sir.

Q. By his order? A. Yes, sir.

Q. They conducted themselves in that community, did they, or did they not, during their relationship, as husband and wife? A. Yes, sir.

Q. Go to public gatherings and associate with each other as husband and wife? A. Yes, sir; I seen them one time down there to a picnic, the 4th of July-- the 6th of August amongst the darkies, and they were there together as man and wife.

Q. I will ask you whether you ever heard their marriage disputed or called in question after their return from Paris? A. No, sir, I never did.

Q. Do you know the brothers and sisters of Charlie Perry? A. Yes, sir.

Q. You know Mrs. Redke? A. Yes, sir.

Q. Did you ever hear her say anything about it? A. No, sir, I never did.

Q. Did you ever hear any of the brothers say anything? A. I heard Charlie say that he referred to Charlie as being married to her.

Q. I believe you stated that you had heard that these two boys were his sons. A. I believe you got out of that was; that was the oldest one.

Q. State whether or not they were living together at the birth of the youngest one? A. Yes, sir; I think they were; I am not positive. I think they lived together there all the time right west of about five or six miles.

MR. ROSENWINKEL:

You say you never heard their marriage called in question at all? A. I never heard anybody discuss it but George Perry.

Q. What did George say about it? A. He just talked about his brother marrying that negro woman and he was guessing about it.

Q. Isn't it a fact that they were not regarded as being married at all; people generally understood that they were living together?

A. They all claimed they were man and wife as far as I know.

Q. You are pretty well acquainted with them, are you not? A. Yes, sir.

Q. Did you ever know Hoss James, the darky formerly married to this woman? A. No, sir, I did not.

Q. Did you know that this woman was formerly married? A. No, sir, I did not know that she had been married before she married Charlie.

WITNESS EXCUSED.

MR. ROSENWINKEL:

I would like to enter another objection and ask that all the testimony tending to show the alleged marriage at Paris, Texas, on the ground that there is better evidence, that there was such a marriage, aside from this evidence,

THE COMMISSION: Objection noted.

The attorney for the applicants is allowed until November 1, 1904, within which to file brief with proof of service of a copy thereof on Mansfield, McMurray & Cornish, the attorneys for the Chectaw and Chickasaw Nations, and said attorneys will be allowed ten days within which to file a reply.

Mildred E. Gannings, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she correctly reported the testimony and proceedings in the above entitled cause, and that the foregoing is a true and correct transcript of her stenographic notes thereof.

Mildred E. Gannings

Subscribed and sworn to before me this 22nd day of October, 1904.

Charles H. Sawyer
Notary Public

Chick Card -1805-

" Fr " 61 -

1.50

1.00

Text of Harriet Clark 9/2/98 (C. 61)

.50

" of Margaret Lee, et al, 12/12/02

8.50

Manuscript 10/21/04

1.50

Letters dated 9/18/03 - 3 pp.

1.20

" " 9/30/03 - 3 pp

1.20

" " 11/11/05 - 6 pp

2.40

" " 7/17/06 - 6 pp

2.40

26.

RHL

Age Record on Joe Perry
Chick. 5013

204.5

9/18/28

FIVE CIVILIZED TRIBES

OFFICE OF THE

DEPARTMENT OF THE INTERIOR

Dr. Sept. in Charge

C. F. ELLIS

ADDRESS ONLY

ALL REMITTANCES PAYABLE TO

DEPARTMENT OF THE INTERIOR

WASHINGTON, D. C.

COPY

DEPARTMENT OF THE INTERIOR.

In re, Application for the enrollment of Joe Perry and Dillard Perry as citizens by blood of the Chickasaw Nation.

P E T I T I O N

Come now your petitioners, Joe Perry and Dillard Perry, through their attorneys Charles von Weise and Albert J. Lee, and respectfully represent to the Honorable Secretary of the Interior that the decision of the Department of the Interior of November 11, 1905 in their application (I.T.D. 12092-1904 & 3687-1905) is erroneous and should be set aside for the following reasons, to-wit:

That said decision was based solely upon section 34 of the act of July 1, 1902 (36 Stats., 641, 649), and in said decision the Department held:

"In the present case it does not appear that any application or assertion of right, of these applicants for enrollment as citizens by blood was ever made until August, 1903, after December 24, 1902. If such was made under the act of 1896, or at any time prior to and including December 24, 1902, the record before me is incomplete. This opinion is based solely on the fact that no right to enrollment of these applicants as citizens by blood was asserted until after December 24, 1902."

Thus it is seen that the Department denied the right of these applicants to have their names transferred from the roll of Chickasaw freedmen to that of Chickasaws by blood, for the sole reason that the record before it failed to show that an assertion of right on the part of these applicants to be enrolled as Chickasaws by blood was made prior to August 1903, and that therefore, their application for such transfer was within the limitation of section 34 of the act of July 1, 1902, and was made too late.

In said decision the Department further held that these applicants are entitled to enrollment as Chickasaws by blood "if they applied on or before December 24, 1902."

Petitioners allege that according to the report of the Commission to the Five Civilized Tribes of November 14, 1904, to the Secretary of the Interior in the matter of their application for a transfer of their names from the roll of freedmen of the Chickasaw Nation to that of citizens by blood of said Nation, it would appear that the first assertion of their right to enrollment as blood citizens was made in August 1896, when in truth and in fact an application was made for their enrollment as citizens by blood of the Chickasaw Nation by their mother on August 25, 1896, which application was in writing and duly verified, and was filed with the Commission to the Five Civilized Tribes on September 7, 1896, as will more fully appear from a copy of said petition which is filed herewith, marked exhibit "A" and made a part hereof.

Petitioners further allege that the Choctaw and Chickasaw Nations were aware of the filing of said petition and that they through their attorneys filed a written demurrer thereto, with the Commission on October 17, 1896, as will appear from an examination of the records in said application now in the custody of the Commissioner to the Five Civilized Tribes.

Petitioners allege and charge the truth to be, that at the time the record in their application was transmitted by the Commission to the Five Civilized Tribes to the Department of the Interior, to-wit, on November 14, 1904, that the petition filed by their mother in September 1896 WAS IN THE CUSTODY OF THE SAID COMMISSION, and that it was willfully, maliciously and wrongfully retained in the files of said Commission at Muskogee, and was not transmitted to the Department with the other records in said cause.

That petitioners believe that said petition was suppressed by said Commission for the sole purpose of depriving them of their just rights as Chickasaw citizens by blood, and that said Commission well knew of the existence of said petition at the time it made its report of November 14, 1904, above referred to, and well knew the importance of said petition to these applicants. Petitioners further believe that they can show by facts and circumstances the truth of these allegations.

Petitioners further state, that on May 6, 1906, they, through one of their attorneys addressed a letter to the Commissioner to the Five Civilized Tribes, requesting to be advised as to the amount of money required by said Commission for a certified copy of the petition or application that was filed by the mother of Joe and Dillard Perry with the Commission in 1896 wherein she applied for their enrollment as citizens by blood of the Chickasaw Nation, and also for a certified copy of any judgment that might have been rendered by the Commission in 1896 in connection with said application. That no reply has as yet been received to said letter, and petitioners' counsel were obliged to apply in person at the office of the Commissioner in Muskogee to secure a copy of said document (EXHIBIT "A") as they desired to make their application for review of the Departmental decision in their case prior to the expiration of the sixty days next following the passage of the act of April 26, 1906, in order thereby to save themselves the right of making such motion for review. See Exhibit "B" hereto attached.

Petitioners are informed by the Acting Commissioner, that within the past two weeks a report of some nature has been furnished by the office of the Commissioner to the Five Civilized Tribes to the Secretary of the Interior in this case, the nature of which report the petitioners are not able at this time to disclose, as their

attorneys were not permitted to examine said report, and the personal verbal request of one of the petitioners' counsel that he be permitted to examine said report was denied.

WHEREFORE, the premises considered, petitioners pray that the decision of the Department denying their application for a transfer of their names from the roll of freedmen of the Chickasaw Nation to that of citizens by blood of the Chickasaw Nation, be cancelled and set aside, and that an order issue cancelling their enrollment as freedmen of the Chickasaw Nation, and enrolling them as citizens by blood of the Chickasaw Nation.

Respectfully submitted,

(Signed) Charles von Weise

Albert J. Lee

Attorneys for Petitioners.

Chickasaw 1805

Joe Perry
Dillard ..

Cancelled and
transferred to 19-61
Mar 4 1907

2 lbs.

3.00
50

18.50

Text

9.00

Statement by board

17.20

Letter

21.20

"

2.50

18.40

Petition

23

Letter

94.90

"

54.00
2.60

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

PHE

I.T.D. 6292-1903.
D.C. 24389
L.R.S.

August 26, 1903.

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

Gentlemen:

The Department is in receipt of a letter from B. C. Franklin, of Pichomingo, Indian Territory, dated August 10, 1903, which was forwarded August 18, 1903, for departmental consideration, by the Acting Commissioner of Indian Affairs.

Mr. Franklin says that Mrs. Eliza Harris, formerly Perry, of Centar, Indian Territory, a Chickasaw freedman, has two children by Charley Perry, a Chickasaw full blood; that these children have been enrolled upon the freedman roll, and that Mrs. Harris desires to know whether or not she can have their names transferred to the Chickasaw Indian roll.

In his report of August 18, 1903, the Acting Commissioner recommended that this matter be submitted to you for report. The Department concurs in the Acting Commissioner's recommendation, and Mr. Franklin's letter is accordingly inclosed herewith.

Respectfully,

H. W. Miller,

Acting Secretary.

1 inclosure.

DEPARTMENT OF THE INTERIOR.

JEN

I.T.D. 7054-1903.

WASHINGTON.

October 5, 1903.

L.R.S.

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

Gentlemen:

With the Commissioner of Indian Affairs' letter of September 30, 1903, was received your report of September 18, 1903, relative to a letter from B. C. Franklin, of Tishomingo, Indian Territory, in which he states that Eliza Harris, formerly Perry, a Chickasaw freedman, has two children by Charles Perry, a Chickasaw full blood; that these children have been enrolled upon the freedman roll, and that Mrs. Harris desires to know whether she can have their names transferred to the Chickasaw full blood roll.

It appears that on September 2, 1898, Harriet Clark, now Taylor, made application to you for the enrollment of herself and her children and grand-children as Chickasaw freedmen, including her daughter, said Eliza Harris, and Eliza Harris' two children, Joe and Dillard Perry. It was testified that the father of Joe and Dillard Perry was a Chickasaw Indian, Charles Perry, who was dead.

You state that you find from the tribal rolls that the name of Charles Perry appears on the 1895 leased District payment roll as a citizen of the Chickasaw Nation; that it is possible that said Perry was the father of Joe and Dillard Perry; that the name of Charles Perry does not appear on the 1896 Chickasaw census roll; that there has never been filed with the Commission any evidence of any character showing that Eliza Harris, the daughter of Harriet Clark, was ever married to a Chickasaw Indian by the name of Charles Perry;

that as no evidence had been submitted showing said children to be lineal descendants of a Chickasaw Indian, and as the testimony was conclusive relative to their right to enrollment as the children of a slave of a Chickasaw Indian, they were enrolled as Chickasaw freedmen, on roll approved by the Secretary, at numbers 267 and 268, respectively.

It appears that Joe Perry was living at the time of the preparation of the 1893 roll, and both Joe andillard Perry were living at the time of the preparation of the 1896 census roll. A thorough examination has been made of both of these rolls, and the names of neither of the children appear thereon.

The Commissioner recommends that as no satisfactory evidence has been submitted of the descent of said children from Charlie Perry, a Chickasaw Indian, that your action in enrolling them as Chickasaw freedmen should be allowed to stand.

As the information before the Department is not sufficient to warrant granting the request contained in Mr. Franklin's letter, you will furnish him a copy of the Commissioner's letter and advise him that if it is desired to proceed further in this matter apparently the proper course to pursue would be by formal application to you for the enrollment of said children as Chickasaws by blood.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY

DEPARTMENT OF THE INTERIOR,

Land
60696-1903

OFFICE OF INDIAN AFFAIRS,
Washington, Sept. 30, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit letter of the Commission to the Five Civilized Tribes of the 18th instant, acknowledging receipt of departmental communication of August 26, 1903, (I.T.D. 6292-1903) with which was enclosed letter of B. C. Franklin of Tishomingo, Indian Territory, dated August 10, 1903, which is referred to the Commission for report.

Mr. Franklin in his letter states that Mrs. Eliza Harris, formerly Perry, of Center, Indian Territory, a Chickasaw Freedman, has two children by Charlie Perry, a Chickasaw fullblood Indian; that these children have been enrolled upon the Freedman roll; that Mrs. Harris desires to know whether or not she can have their names transferred to the Chickasaw Indian roll.

The communication of Mr. Franklin is returned by the Commission with the report that at Stonewall, Indian Territory, on September 2, 1898, Harris Clark whose name is now Taylor, made personal application to the Commission for the enrollment of herself and her children and grandchildren as Chickasaw Freedmen, including her daughter Eliza Perry, whose age was at that time given as 24 years, and Eliza Perry's two children, Joe and Dillard Perry whose ages were given as 7 and 5 respectively.

Harriet Clark at the time of her submission of her application testified that the father of Joe and Dillard Perry was a

Chickasaw Indian, Charlie Perry, who was then dead. The Commission finds from an examination of the tribal rolls of the Chickasaw Nation that the name of Charlie Perry appears upon the 1893 leased district payment roll as a citizen of the Chickasaw Nation; that it is possible that the said Charlie Perry was the father of the children Joe and Dillard Perry; that Charlie Perry, according to the best information of the Commission died some time between the preparation of the 1893 leased district payment roll and the preparation of 1896 Chickasaw census roll, as his name does not appear upon the latter roll.

There has never been submitted to or filed with the Commission any evidence of any character showing that Eliza Perry, the daughter of Harriet Clark was ever married to any Chickasaw Indian by the name of Charlie Perry.

In the final determination of the rights of the children, Joe and Dillard Perry the Commission considered that inasmuch as no evidence had been adduced showing them to be lineal descendants of a Chickasaw Indian while the testimony was conclusive relative to their rights to enrollment as the children of a slave of a Chickasaw Indian, they were accordingly enrolled as Chickasaw Freedmen and their names now appear upon the roll of Chickasaw Freedmen approved by the Department as Nos. 267 and 268 respectively.

The Commission also states that Joe Perry was living at the time of the preparation of the 1893 leased district payment roll to the Chickasaw Nation, and both Joe and Dillard Perry were living at the time of the preparation of the 1896 census roll. A thorough examination has been made of both of these rolls of the citizens of the

Chickasaw Nation and the name of neither of the children appears thereon.

No satisfactory evidence having been submitted of the descent of these children from Charlie Perry a Chickasaw Indian I am of the opinion that the action of the Commission enrolling them was correct and should be permitted to stand. I recommend accordingly.

Very respectfully,

W. A. Jones

Commissioner.

E.B.H. (B)

C O P Y.

Muskogee, Indian Territory, September 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental communication of August 26, 1903 (ITD 6292-1903), with which was inclosed letter of B. C. Franklin, of Tishomingo, Indian Territory, dated August 10, 1903, which is referred to the Commission for report.

Mr. Franklin, in his letter, states that Mrs. Eliza Harris, formerly Perry, of Center, Indian Territory, a Chickasaw freedman, has two children by Charlie Perry, a Chickasaw fullblood Indian; that these children have been enrolled upon the freedman roll, and that Mrs. Harris desires to know whether or not she can have their names transferred to the Chickasaw Indian roll.

The communication of Mr. Franklin is returned herewith, and reporting in the matter the Commission has to say: That at Stonewall, Indian Territory, on September 2, 1898, Harriet Clark (whose name is now Taylor), made personal application to the Commission for the enrollment of herself and her children and grandchildren as Chickasaw freedmen, including her daughter, Eliza Perry, whose age was at that time given as twenty-four, and Eliza Perry's two children, Joe and Dillard Perry, whose ages were given as seven and five respective.

ly.

Harriet Clark, at the time of the submission of her application, testified that the father of Joe and Dillard Perry was a Chickasaw Indian, Charley Perry, who was then dead. We find from an examination of the tribal rolls of the Chickasaw Nation that the name of Charlie Perry appears upon the 1893 Leased District Payment roll as a citizen of the Chickasaw Nation; that it is possible that the said Charlie Perry was the father of the children Joe and Dillard Perry. Charlie Perry, according to our best information, died sometime between the preparation of the 1893 Leased District Payment roll and the preparation of the 1896 Chickasaw Census roll, as his name does not appear upon the latter roll. There has never been submitted to or filed with the Commission, any evidence of any character showing that Eliza Perry, the daughter of Harriet Clark, was ever married to any Chickasaw Indian by the name of Charley Perry.

The Commission, in the final determination of the rights of the children Joe and Dillard Perry, considered that inasmuch as no evidence had been adduced showing them to be lineal descendants of a Chickasaw Indian, while the testimony was conclusive relative to their right to enrollment as descendants of a slave of a Chickasaw Indian, they were accordingly enrolled as Chickasaw freedmen, and their names now appear upon the final roll of Chickasaw freedmen approved by the Secretary of the Interior, as Nos. 267 and 268, respectively.

-3-

The Commission has further to advise that Joe Perry was living at the time of the preparation of the 1893 Leased District Payment roll of the Chickasaw Nation, and both Joe and Dillard Perry were living at the time of the preparation of the 1896 Chickasaw census roll. A thorough examination has been made of both of these rolls of the citizens of the Chickasaw Nation, and the names of neither of these children appear thereon.

Respectfully,

(SIGNED) TAMS BIXBY.

Through the

Commissioner of Indian Affairs.

Enc-H-13.

COPY:

Mustang, Indian Territory, October 12, 1902.

S. T. Wiggins,

Box 222, Tishomingo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 23, inclosing a motion for re-opening and a rehearing in the matter of the application for enrollment of Joe and Dillard Perry as citizens by blood of the Chickasaw tribe of Indians.

In reply to your letter you are advised that Joe and Dillard Perry, the minor children of Alisa Perry, have heretofore been enrolled by this Commission as Chickasaw freedmen and on December 12, 1902, their enrollment as such was approved by the Secretary of the Interior. Inasmuch as the Commission considers that this matter is now beyond its jurisdiction, the motion for the re-opening and rehearing in this case has this day been forwarded to the Secretary of the Interior for such action as he may deem proper.

1061
COPY!

Muskogee, Indian Territory, October 12, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

On September 18, 1903, the Commission had the honor to reply to departmental communication of August 26, 1903, (I.T.D. 6292-1903) with which was inclosed a letter of B. C. Franklin, Tishomingo, Indian Territory, dated August 10, 1903, which was referred to the Commission for report. The letter of B. C. Franklin of August 10, and our letter of September 18, 1903, above referred to, were relative to the right to enrollment as citizens of the Chickasaw Nation of Joe and Dillard Perry, the minor children of Eliza Perry, a Chickasaw freedman.

The Commission has now to advise that under date of September 23, 1903, S. T. Wiggins, of Tishomingo, Indian Territory, forwarded for the consideration of the Commission a motion for the re-opening and a rehearing in the matter of the application of Joe and Dillard Perry, represented by their next friend and natural guardian, Eliza Perry, for enrollment as citizens by blood of the Chickasaw Nation, which petition and exhibits attach-

of thereto are herewith inclosed for the consideration of the
Department in connection with our letter of September 18, 1903.

Respectfully,

SIGNED *Jams Bixby.*

Chairman.

AB 2-12

Through the Commissioner
of Indian Affairs.

(Sup.)

D.C. 22224-1903.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

J.V.H.
JH

I.T.R. 6592-2903.

7024-

7025-

November 17, 1903.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

Receipt is acknowledged of your report of October 12, 1903, relative to the Chickasaw Freedman case of Joe and Billard Perry, who were represented by their next friend and natural guardian, Eliza Perry. Your said report was forwarded by the Commissioner of Indian Affairs with his letter of November 4, 1903, relating to the matter.

With your report you transmitted a petition, on behalf of Joe and Billard Perry, signed by E. F. Wiggins, as attorney for claimants, and verified by Elizabeth Perry Harris. In support of said petition and attached to it, are the birth certificates of the Perry children, and the affidavit of Margaret Lee. The object of the petition is to secure a rehearing, with the end in view that the names of Joe and Billard Perry be canceled from the Chickasaw Freedman roll and placed upon the roll of Chickasaws by blood.

It is noted that the petition signed by Mr. Wiggins has not been served upon the attorneys for the Chickasaw Nation.

It is also found, by reference to the records of the Department, that Mr. Wiggins has never been admitted to practice before it as an attorney. The petition is therefore returned to you, to be forwarded to Mr. Wiggins with the information that it will be necessary for him to serve it upon the attorneys for the Choctaw and Chickasaw Nations, of which satisfactory evidence must be furnished the Department showing that such service was made, either personally or by registered mail. If by registered mail, the postal registry receipt must be attached to the petition, and the affidavit of the party who mailed the same. You will also advise Mr. Wiggins that the papers should be returned through your office. In returning the same to the Department you will also furnish the papers which constitute the original record in this case.

Until final action is taken in this matter you will suspend all proceedings looking to the allotment of

Chickasaw lands to Joe and Willard Perry as Chickasaw
Freedmen.

To be forwarded with the petition to Mr. Higgins
there is inclosed a copy of the regulations governing the ad-
mission of attorneys to practice before the Department, also a
copy of the form of oath required. A copy of the Commis-
ioner's letter is also inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

4 inclosures.

Refer in reply to the following:

Inst.
66961-1903,

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Nov. 4, 1903.

COPT,

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed herewith a report from the Commission to the Five Civilized Tribes dated October 12, 1903, transmitting a notice for a rehearing and reopening of the case of Joe and Willard Perry applicants for enrollment as citizens of the Chickasaw Nation. The notice is made by Elizabeth Harris, mother and natural guardian of the applicants. It is alleged that these minors are the children of Charles Perry, deceased, who was a Chickasaw Indian. These applicants have been enrolled as Chickasaw freedmen and their names appear on the approved partial rolls opposite numbers 267 and 268, respectively. The office in report of September 30th last concerning this subject, stated that inasmuch as no evidence had been submitted of the descent of these minor applicants from Charles Perry, it was believed that the action of the Commission in enrolling them as freedmen, their mother having been a slave,

was correct and recommended its approval. From the statements
contained in the motion it is believed that the case should be
reopened and the applicants given an opportunity to show that
they are entitled to enrollment as Chickasaw citizens by blood
instead of Chickasaw freedmen. It is therefore respectfully
recommended that the motion be allowed.

Very respectfully,

Commissioner.

CAW/LEE.

3 Inclosures.

19061

COPY.

Muskogee, Indian Territory, December 30, 1903.

The Honorable,
The Secretary of the Interior,
Sir:

Receipt is hereby acknowledged of Departmental letter of November 17, 1903, (I.T.D. 4292, 7024, 7000 - 1903) relative to the report of the Commission of October 12, 1903, with reference to the Chickasaw freedman case of Joe and Dillard Perry, represented by their next friend and natural guardian, Eliza Perry, with which was transmitted a petition on behalf of the said Joe and Dillard Perry, signed by S. T. Wiggins as attorney for claimants, to which are attached the birth certificates of the Perry children and the affidavit of Margaret Lee, all of which were forwarded for the purpose of securing a rehearing to the end that the names of Joe and Dillard Perry be cancelled from the Chickasaw freedman roll and placed upon the roll of Chickasaws by blood.

The Department, in its letter of November 17, 1903, notes that the petition has not been served upon the attorneys for the Chickasaw nation and that Mr. Wiggins has never been admitted to practice before it as an attorney. The petition is therefore returned and the Commission is directed to forward the same to Mr. Wiggins with the information that it will be necessary for him to serve it

upon the attorneys for the Choctaw and Chickasaw Nations, and that satisfactory evidence of such service must be furnished the Department.

The Department further directs that until final action is taken in this matter all proceedings looking to the allotment of Chickasaw lands to Joe and Dillard Perry as Chickasaw Freedmen be suspended.

Reporting in this matter I have to advise that G. T. Wiggins, attorney for Joe and Dillard Perry, has been notified that it will be necessary for him to furnish satisfactory proof of service of his petition upon the attorneys for the Choctaw and Chickasaw Nation, and he has also been advised as to the steps necessary to his admission as an attorney before the Department.

I have further to report that it appears from our records that at the Chickasaw Land Office of the Commission on April 27, 1903 allotments were selected on behalf of Joe and Dillard Perry as Chickasaw freedmen. It further appears that on July 9, 1903, Eliza Perry in behalf of her children, Joe and Dillard Perry, appeared before the Chickasaw Land office and relinquished the land theretofore filed on by her in the Chickasaw Nation, in their behalf, for the reason that a mistake had been made in giving the numbers, and on July 11, other land was selected in allotment for the said Joe and Dillard Perry as Chickasaw freedmen.

I have also to advise that upon the return of the petition of S. T. Wiggins, with proof of service upon attorneys for the Choctaw and Chickasaw nations, together with application to practice before the Department of the Interior, the papers returned with Departmental letter of November 17, 1903, and the original record in the matter of the enrollment of Joe and Willard Perry as Chickasaw freedmen will be transmitted for Departmental consideration.

Respectfully,

SIGNED *Tams Bixby.*

Chairman.

Through the Commissioner
of Indian Affairs.

COPY.

Chickasaw Freedman
61

Muskogee, Indian Territory, December 20, 1905.

S. T. Wiggins,

Attorney at Law,

Fishomings, Indian Territory,

Dear Sir:

There is inclosed you herewith copy of Departmental letter of November 17, in the matter of the enrollment of Joe and Billard Perry as citizens by blood of the Chickasaw nation, returning the petition and affidavits forwarded by you for the reason that the petition had not been served upon the attorneys for the Choctaw and Chickasaw nations, and for the further reason that you have not been admitted to practice as attorney before the Department of the Interior.

The Commission is directed to advise you that the petition above referred to should be served upon the attorneys for the Choctaw and Chickasaw Nations and that satisfactory proof of service of same either by registered mail or personally must be furnished the Department; that if the petition is served by registered mail return registry receipt must be attached to the petition and the affidavit of the person who mailed the same, and that the papers should be returned through the Commission to the Five Civilized Tribes.

S T V 2

The petition and affidavits forwarded by you are herewith returned, and there are also inclosed herewith a blank attorneys' oath and copy of the Laws and Regulations governing the recognition of agents, attorneys, and other persons to represent claimants before the Department of the Interior and the Bureaus thereof.

Respectfully,

SIGNED *Jams Bixby.*

Chairman.

AD 6-30

COMMISSIONER
TAMM LIXBY
THOMAS B. NEBLE
C. R. BRECKINRIDGE

WM. O. DEAN,
SPECIAL AGENT

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

LETTER IN REPLY TO THE FOLLOWING

Chickasaw Freedman
61

Muskogee, Indian Territory, May 11, 1904.

B. C. Franklin,

Tishomingo, Indian Territory,

Dear Sir:

In the matter of the application of Eliza Harris to have the names of her children, Joe and Dillard Perry, transferred from the Chickasaw freedman to the Indian roll, there is inclosed herewith a copy of Departmental letter of October 5, 1903, transmitting a report of the Commissioner of Indian Affairs of September 30, 1903, in which it is recommended that the enrollment of the above named children as Chickasaw freedmen should be permitted to stand.

In the Departmental letter of October 5, 1903, the Secretary of the Interior directs that you be advised that the information before the Department is not sufficient to warrant granting the request contained in your letter of August 26, 1903, namely, that Joe and Dillard Perry be transferred from the Chickasaw freedman roll and be enrolled as citizens by blood of said nation, and if it is desired to proceed further in this matter, apparently the proper course to pursue would be by formal application to the Commission for the enrollment of said children as Chickasaws by blood.

You are now advised, however, that in accordance with an opinion of the Assistant Attorney General of March 22, 1904, Con-

3072

gress having adjourned without legislation in this matter, the Commission is now without jurisdiction, under the provisions of the act of Congress of July 1, 1902, to receive or consider any original applications for enrollment in the Choctaw and Chickasaw Nations.

Respectfully,



Chairman.

AB 2-11

COPY!

Chickasaw Fr.
41

Muskogee, Indian Territory, May 11, 1904.

S. T. Wiggins,

Attorney at Law,

Fishemingo, Indian Territory,

Dear Sir:

Referring to the matter of the request of Eliza Harris to have the names of her children, Joe and Dillard Perry, transferred from the Chickasaw freedman to the Indian roll, you are advised that it does not appear from our records that application has been made to this Commission by or on behalf of the said Joe and Dillard Perry for enrollment as citizens by blood of the Chickasaw Nation. In accordance with the opinion of the Assistant Attorney General of March 22, 1904, Congress having adjourned without action in this matter, the Commission is now without authority, under the provisions of the act of Congress approved July 1, 1902, to receive or consider any original applications for enrollment in the Choctaw and Chickasaw Nations.

Respectfully,

SIGNED *Tams Bixby.*

Chairman

D C 16616-1904

I.T.D. 786-1904

L.R.S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

May 14, 1904.

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

Gentlemen:

Calling attention to your letter of December 30, 1903, relative to the Chickasaw Freedman case of Joe and Dillard Perry, it is requested, if no further action has been taken by the parties, that you advise the natural guardian of these children, Eliza Perry, and Mr. S. T. Wiggins, that thirty days from notice will be allowed within which to file a proper petition and other papers with a view to having the Department consider whether said children are entitled to be enrolled as Chickasaws by blood and not as freedmen.

Mr. Wiggins was admitted to practice before the Department January 25, 1904.

Respectfully,

Thos. Ryan

Acting Secretary.

COPY.

Chickasaw Freedman
61

McKosge, Indian Territory, June 1, 1904.

Manfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

On May 14, 1904, (I.T.D. 706-1904) the Department instructed the Commission to notify S. T. Wiggins and Eliza Perry that thirty days from date of notice would be allowed within which to file a proper petition and other papers, with a view to having the Department consider whether Joe and Billard Perry, children of the said Eliza Perry, are entitled to be enrolled as Chickasaws by blood and not as freedmen.

In accordance with these instructions S. T. Wiggins, of Tishomingo, Indian Territory, and Eliza Perry, of Center, Indian Territory, have this day been notified that they would be allowed up to and inclusive of July 1, 1904, within which to file petition and other papers for transmission to the Department, in the matter of the application of Joe and Billard Perry to be enrolled as citizens by blood of the Chickasaw Nation instead of Chickasaw freedmen.

For your information copy of Departmental letter of May 14, 1904, is herewith inclosed.

Respectfully,

SIGNED *Jane Birby*
Chairman.

COPY.

Chickasaw Freedmen
61

Muskogee, Indian Territory, June 1, 1904.

Eliza Perry,
Center, Indian Territory,

Dear Madam:

You are hereby notified that on May 16, 1904, the Department instructed the Commission to inform you that thirty days from this date will be allowed within which to file a petition and other proper papers, with a view to having the Department consider whether Joe and Dillard Perry, children of Eliza Perry, are entitled to be enrolled as Chickasaws by blood and not as Freedmen.

The Commission will, therefore, up to and inclusive of July 1, 1904, receive for transmission to the Department, petitions and such proper papers as may be offered in the matter of the application for the enrollment of Joe and Dillard Perry as citizens by blood of the Chickasaw Native instead of Chickasaw Freedmen.

Respectfully,

SIGNED *Tame Kirby*

Chairman.

COPY:

Chickasaw Freedmen
61

Muskogee, Indian Territory, June 1, 1904.

B. T. Wiggins,

Attorney at Law,

Fishamingo, Indian Territory.

Dear Sir:

You are hereby notified that on May 14, 1904, the Department instructed the Commission to inform you that thirty days from this date will be allowed within which to file a petition and other proper papers, with a view to having the Department consider whether Joe and Dillard Perry, children of Wissa Perry, are entitled to be enrolled as Chickasaws by blood and not as freedmen.

The Commission will, therefore, up to and inclusive of July 1, 1904, receive for transmission to the Department, petition and such proper papers as may be offered in the matter of the application for the enrollment of Joe and Dillard Perry as citizens by blood of the Chickasaw Nation instead of Chickasaw freedmen.

Respectfully,

SIGNED *Fame Bixby.*

Chairman.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JP
FHE

DC 24453-1904
I.T.D. 786-1904

July 12, 1904.

L HB

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

Gentlemen:

On May 14, 1904, you were requested, in the matter of the Chickasaw freedman case of Joe and Dillard Perry, to advise the natural guardian of said children, Elisa Perry, and Mr. S. T. Wiggins, their attorney, that thirty days from notice would be allowed within which to file a proper petition and other papers, with a view to having the Department consider whether said children are entitled to be enrolled as Chickasaws by blood and not as freedmen.

It is desired that you make a report to the Department in this matter at an early date.

Respectfully,

Thos. Ryan,
Acting Secretary.

COPY.

Muskogee, Indian Territory, July 20, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental communication of July 12, 1904, (I.T.N. 700-1904) referring to Departmental letter of May 14, 1904, in which the Commission was directed to advise Miss Perry, natural guardian of Joe and Millard Perry, and S. T. Wiggins, their attorney, that thirty days from notice would be allowed within which to file a proper petition and other papers with a view to having the Department consider whether said children are entitled to be enrolled as Chickasaw by blood and not as freedmen, and requesting an early report thereon.

Reporting in this matter I have the honor to advise that on June 1, 1904, in accordance with Departmental directions of May 14, 1904, Miss Perry, the mother and natural guardian of Joe and Millard Perry, at Center, Indian Territory, S. T. Wiggins, their attorney, at Chickasaw, Indian Territory, and Mansfield, Bellamy & Cornick, the attorneys for the Cherokee and Chickasaw Nations, at South McAlester, Indian Territory, were notified that the Commission would, up to and inclusive of July 1, 1904, receive, for transmission to the Department, petition and other papers with a view to having

the Department consider whether said children are entitled to enrollment as citizens by blood of the Chickasaw Nation instead of Chickasaw freedmen.

I now have to advise that since that time no petition or papers of any character have been filed with the Commission by Eliza Perry, mother of Joe and William Perry, or H. T. Wiggins, their attorney, or by any one in behalf of said Joe and William Perry, nor does it appear that any extension of time has been requested for the purpose of submitting such petition and other proper papers.

Respectfully,

SIGNED *I. B. Needles*

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Chickasaw Freedmen
Cl.

COPY.

Muskogee, Indian Territory, July 28, 1904.

King & Currie,
Attorneys at Law,
Ada, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of July 21, in which you state that our letter of June 1, 1904, to Eliza Perry, Center, Indian Territory, notifying her that she would be allowed thirty days from that date within which to file petition and other proper papers with a view to having the Department consider whether Joe and Billard Perry, her children, are entitled to be enrolled as Chickasaws by blood in stead of freedmen, was delayed in delivery and you are informed that she did not get the same until the time allowed had about expired.

You state that she has just brought the letter to you and asks that you take the matter up before the Commission. You therefore wish to be advised if anything has been done in this matter since the extension was granted, and if not, whether under proper application you cannot have the time extended in order to properly present her application for the enrollment of her said children as Chickasaws by blood.

K & C 2.

In reply to your letter, you are informed that no action has been taken by Elisa Perry or anyone in her behalf under our letter of June 1, 1904, advising her of Departmental Instructions of May 14, 1904.

On July 23, 1904, the Secretary of the Interior requested an early report in the Chickasaw Freedmen case of Joe and Dillard Perry, and on July 30, 1904, the Commission reported that on June 1, 1904, Elisa Perry, the mother and natural guardian of Joe and Dillard Perry, at Wenter, Indian Territory, S. T. Wiggins, their attorney, at Tishomingo, Indian Territory, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations at South McAlester, Indian Territory, were notified that the Commission would, up to and inclusive of July 1, 1904, receive for transmission to the Department, petitions and other papers with a view to having the Department consider whether said children are entitled to enrollment as citizens by blood of the Chickasaw Nation instead of Chickasaw Freedmen; that since that time, no petition or papers of any character have been filed with the Commission by Elisa Perry, mother of Joe and Dillard Perry, or S. T. Wiggins, their attorney, or by anyone in behalf of said Joe and Dillard Perry, nor did it appear that any extension of time had been requested for the purpose of submitting such petition and other proper papers.

However, if you will forward, at once, such petition and papers as you desire to submit in this matter, the Commission will

2 2 3 5.

transmit them to the Secretary of the Interior for consideration in connection with this case.

Respectfully,

SIGNED *T. B. Needles*

Commissioner in Charge.

Land.
49486-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, August 1, 1904.

(COPY).

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Department letter of July 12, 1904- I.T.D. 786 -, there is enclosed a report from the Commission to the Five Civilized Tribes dated July 20, 1904, in which it is stated that on June 1, 1904, in accordance with Departmental instructions of May 14, last Elisa Perry, mother and natural guardian of Joe and Dillard Perry, and her attorney, S. T. Wiggins, were advised that they would, up to and inclusive of July 1, 1904, receive, for transmission to the Department, petition or other papers, with a view to having the Department consider whether said children are entitled to enrollment as citizens by blood of the Chickasaw Nation instead of Chickasaw freedmen, and that on the same date the attorneys for the Choctaw and Chickasaw Nations were given similar notice.

It is said that no papers of any character have been filed by any of the persons mentioned, and that no extension of time has been requested by the applicants or any person representing them.

From the Commission's statements, and considering that the applicants have had sufficient opportunity in which to make any showing they might desire in the premises, it is believed that the enrollment of Joe and Dillard Perry as Chickasaw freedmen should be allowed to stand, and the office so recommends.

Very respectfully,
A. C. Tomner, Acting Commissioner.

04V-12

DC-28125-1904.
ITD.6292-1903.
6204-1904.
L.R.S.

(COPY).
DEPARTMENT OF THE INTERIOR, J.W.H. PHE.
WASHINGTON, August 4, 1904.

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

Gentlemen:

The Department is in receipt of your report of July 20, 1904, rendered in compliance with Departmental letters of May 14, and July 12, 1904, relative to the matter of transferring the names of Joe and Dillard Perry from the roll of Chickasaw freedmen to the roll of Chickasaws by blood.

You report that in accordance with departmental instructions you informed the parties in interest that they would be allowed thirty days within which to submit a petition and other papers, with a view to having the Department consider whether the children named above are entitled to enrollment as citizens by blood of the Chickasaw Nation instead of Chickasaw freedmen, but that no petition or papers of any character have been filed on behalf of these children, nor has any request been presented for an extension of the time allowed.

Transmitting your report August 1, 1904, the Acting Commissioner of Indian Affairs recommends that the enrollment of Joe and Dillard Perry as Chickasaw freedmen be allowed to stand.

In the absence of any showing on behalf of the applicants in support of their enrollment as Chickasaws by blood, and for the further reason that no explanation has been offered why such showing was not made, it must be presumed that it is the wish

of the applicants, and those representing them, to forego further action in the matter. The recommendation of the Acting Commissioner is accordingly affirmed.

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

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

COPY.

Chickasaw Freedmen
61

Muskogee, Indian Territory, August 9, 1904.

King & Currie,

Attorneys at Law,

Ada, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of August 9, inclosing petition of Eliza Perry, supported by affidavits of R. S. Floyd and Harriet Taylor, for the enrollment of her two sons, Joe and Dillard Perry, as Chickasaws by blood instead of Chickasaw freedmen. You state that you have had no opportunity to examine the record and do not know what testimony is on file, and ask what evidence has been submitted in this matter.

In reply to your letter you are advised that there were forwarded by S. J. Wiggins, attorney at law, Fish Springs, Indian Territory, petition for the enrollment of Joe and Dillard Perry as citizens by blood of the Chickasaw Nation, verified by Elizabeth Perry Harris, mother of the children; attached thereto were birth certificates of the Perry children and the affidavit of Margaret Lee.

This petition was returned by the Secretary of the Interior to the Commission and we were directed to notify Mr. Wiggins, with the return of the above papers, that it would be necessary for him to serve it upon the attorneys for the Choctaw and Chickasaw Nations,

K a c 2

the petition and affidavits, and attach proof of service, either personally or by registered mail, to said petition. Mr. Wiggins was also advised that it would be necessary for him to be admitted to practice before the Department.

These papers were returned to Mr. Wiggins, in accordance with Departmental instructions, and it does not appear that they have been returned to the Commission.

The papers forwarded by you have been transmitted to the Secretary of the Interior for consideration in connection with the case.

Respectfully,

SIGNED *F. B. Needles*

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 9, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith petition of Eliza Perry for the enrollment of her children, Joe and Dillard Perry, as Chickasaw Indians instead of Chickasaw freedmen, accompanied by the affidavits of R. S. Floyd and Harriet Taylor. These are forwarded for consideration in connection with the report of the Commission of July 20, 1904, in this case.

Respectfully,

SIGNED *I. B. Needles*

Commissioner in Charge.

19-01

Through the Commissioner
of Indian Affairs.

COPY.

Chickasaw Freedmen
61

Muskogee, Indian Territory, August 25, 1904.

Miss Perry,

Santer, Indian Territory,

Dear Madam:

For your information there is inclosed herewith copy of Departmental letter of August 6, 1904, concurring in the recommendation of the Acting Commissioner of Indian Affairs, that the enrollment of Joe and Dillard Perry as Chickasaw freedmen be allowed to stand.

Respectfully,

SIGNED *Tammie Birby.*

Chairman.

COPY:

Chickasaw Freedman
61

Muskogee, Indian Territory, August 25, 1904.

S. T. Wiggins,
Tishomingo, Indian Territory.

Dear Sir:

For your information there is inclosed herewith copy of
Departmental letter of August 4, 1904, concurring in the recommenda-
tion of the Acting Commissioner of Indian Affairs, of August 1, 1904,
that the enrollment of Joe and Dillard Perry as Chickasaw freedman
be allowed to stand.

Respectfully,

SIGNED

James Dixby

Chairman.

AB 7-26

COPY!

Chickasaw Freedmen
61

Muskogee, Indian Territory, August 25, 1904.

King & Currie,

Attorneys at Law,

Ada, Indian Territory,

Gentlemen:

For your information there is inclosed herewith copy of Departmental letter of August 4, 1904, concurring in the recommendation of the Acting Commissioner of Indian Affairs, of August 1, 1904, that the enrollment of Joe and Dillard Perry as Chickasaw freedmen be allowed to stand.

You are advised, however, that on August 9, 1904, just prior to the receipt of Departmental letter of August 4, 1904, the petition of Elias Perry, accompanied by the affidavits of R. S. Floyd and Harriet Taylor, which were forwarded with your communication of August 3, 1904, were transmitted to the Department and the Commission has not been advised of further Departmental action in this case.

Respectfully,

SIGNED *E. S. Dyer*

Chairman.

COPY.

Chickasaw Freedman
61

Muskogee, Indian Territory, August 25, 1904.

Manfield, Mc Murray & Cornish,

South McAlester, Indian Territory,

Gentlemen:

For your information there is enclosed herewith copy of Departmental letter of August 4, 1904, concurring in the recommendation of the Acting Commissioner of Indian Affairs of August 1, 1904, that the enrollment of Joe and Willard Perry as Chickasaw freedmen be allowed to stand.

You are advised, however, that on August 9, 1904, just prior to the receipt of Departmental letter of August 4, 1904, and subsequent to the report of the Commission of July 26, 1904, referred to in Departmental communication of August 4, 1904, there were transmitted to the Secretary of the Interior the petition of Willard Perry, accompanied by the affidavits of A. S. Floyd and Harriet Taylor, and the Commission has not been advised of further departmental action on this matter.

Respectfully,

SIGNED

Jams Bixby.

Chairman.

COPY.

Mustang, Indian Territory, August 25, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of August 4, 1904, (L. T. D. 4292-1904, 4294-1904) concurring in the report of the Acting Commissioner of Indian Affairs of August 1, 1904, (L. A. 4442-1904) recommending that the enrollment of Joe and Edward Perry as Chickasaw Freedmen be allowed to stand.

I have the honor to report, in this matter, that Eliza Perry, the mother of the applicants, and their attorneys and the agent for the Choctaw and Chickasaw Nations have been furnished copies of Departmental letter of August 4, 1904.

I have further to report that on August 9, 1904, just prior to the receipt of Departmental communication of August 4, 1904, there were transmitted for the consideration of the Department in connection with our report of July 25, 1904, the petition of Eliza Perry, accompanied by the affidavits of R. G. Floyd and Harriet Taylor, for the enrollment of her sons, Joe and Edward Perry, as citizens by blood of the Chickasaw Nation, instead of Chickasaw Freedmen.

Respectfully,

Through the Commissioner

SIGNED *Fannie Birby*

Chief Clerk

COPY.

Chickasaw Freedmen
61

Mustoge, Indian Territory, September 1, 1904.

Messrs. Mansfield, Murray & Cornish,
Attorneys for the Cheate & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 27th
instant in reference to our letter of August 25, 1904, furnishing
you with copies of the report of the Indian Office under date of
August 1, 1904, and the communication of the Secretary of the In-
terior of August 7, 1904, in reference to the application of Joe and
Willard Perry, Chickasaw freedmen, to be enrolled as citizens by
blood of the Chickasaw Nation.

In our letter of the 25th instant you were advised that
on August 9, 1904, prior to receipt of Departmental letter of August
4, 1904, and subsequent to the report of the Commission of July 20,
1904, referred to in Departmental communication of August 4, 1904,
there were transmitted to the Secretary of the Interior the petition
of Willard Perry, accompanied by the affidavits of R. S. Floyd and
Harriet Taylor and that the Commission had not been advised of
further Departmental action in the matter.

In your letter of the 27th instant, you state that you
have received no copy of the petition referred to and are unable to
understand, in view of the rules and regulations governing such an

Commission is proceeding, why such a petition should have been received for transmission for Departmental action without proof of service that a copy thereof had been furnished you. In connection you request to be advised if such petition bore the required proof of service of a copy thereof upon you, and if not, request that the Commission communicate with the Secretary of the Interior, asking that the matter receive no further consideration at the hands of the Department until you are furnished with a copy of the papers in the case.

In reply to your letter you are informed that the petition of Elias Perry, and the affidavits of S. S. Floyd and Harriet Taylor, in the matter of the enrollment of Joe and Willard Perry as citizens by blood of the Chickasaw Nation, instead of Chickasaw Creek, was received by the Commission on August 1, 1906, and there was no proof of service of a copy thereof upon you as attorneys for the Cherokee and Chickasaw Nations. The petition was not transmitted to the Commission by the Secretary of the Interior in accordance with the practice and procedure of the Commission; the petition was transmitted for such consideration and action as the Department might deem advisable. It is more than probable that the petition not bearing proof of service of a copy thereof on you as attorneys for the Cherokee and Chickasaw Nations, will be returned by the Sec-

H. M. & C.

- 2 -

partment. I have, nevertheless, in accordance with your request of the 27th instant, submitted this matter to the Department for such action as the premises may warrant.

Yours truly,

BIGNED *James Dixby.*

Chief Clerk.

COPY.

Muskegee, Indian Territory, September 1, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

On August 9, 1904, there was transmitted for the consideration of the Department in connection with the Commission's report of July 20, 1904, in the matter of the enrollment of Joe and Billard Perry as citizens by blood of the Chickasaw Nation, instead of Chickasaw freedmen, the petition of Eliza Perry, accompanied by the affidavits of L. S. Floyd and Harriet Taylor.

Subsequent to the forwarding of this petition, the Commission was in receipt of Departmental letter of August 4, 1904 (I.T.D. 4222-1904, 6294-1904), concurring in the recommendation of the Acting Commissioner of Indian Affairs of August 1, 1904 (49422-1904), that the enrollment of Joe and Billard Perry, as Chickasaw freedmen, should be allowed to stand.

On August 22, 1904, Messrs. Mansfield, Heston & Dornick, the attorneys for the Choctaw and Chickasaw Nations, were furnished with a copy of Departmental letter of August 4, 1904, of the report of the Commissioner of Indian Affairs of August 1, 1904, and were further advised that on August 9, 1904, the Commission had transmitted to the Secretary of the Interior the petition of Eliza Perry, above referred to.

Secretary, R.

The Commission is now in receipt of a letter from Messrs. Hunnifield, McBarry & Cornish, under date of August 27, 1904, in reference to this matter in which they state that they received no copy of the petition referred to and are unable to understand, in view of the rules and regulations under which the Commission is proceeding, why such petition should have been received for transmission for Departmental consideration without proof of service that a copy thereof had been furnished them. In conclusion they request that the Commission communicate with the Department, asking that the matter receive no further consideration until they have been furnished with a copy of the papers transmitted with our letter of August 9, 1904.

This matter is invited to the attention of the Department for such action as the premises may warrant.

Respectfully,

SIGNED, *James Dixby,*

Chairman.

Langhorne, Indian Territory, September 2, 1904.

Messrs. Mansfield, McMurtry & Cornish,

Attorneys for the Cherokee & Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of the 27th
instant in reference to our letter of August 25, 1904, furnishing
you with copies of the report of the Indian Office under date of
August 1, 1904, and the communication of the Secretary of the In-
terior of August 4, 1904, in reference to the application of Joe and
Billard Perry, Chickasaw Freedmen, to be enrolled as citizens by
virtue of the Chickasaw Nation.

In our letter of the 25th instant you were advised that
on August 2, 1904, prior to receipt of Departmental letter of August
4, 1904, and subsequent to the report of the Commission of July 20,
1904, referred to in Departmental communication of August 4, 1904,
there were transmitted to the Secretary of the Interior the petition
of Eliza Perry, accompanied by the affidavits of L. E. Floyd and
Harriet Taylor and that the Commission had not been advised of
further Departmental action in the matter.

In your letter of August 27th, you state that you have
received no copy of the petition referred to and are unable to
understand, in view of the rules and regulations under which the

M. Hall, & Co.

- 2 -

Commission is proceeding, why such a petition should have been received for transmission for Departmental action without proof of service that a copy thereof had been furnished you. In conclusion you request to be advised if such petition bore the required proof of service of a copy thereof upon you, and if not, request that the Commission communicate with the Secretary of the Interior, asking that the matter receive no further consideration at the hands of the Department until you are furnished with a copy of the papers in the case.

In reply to your letter you are informed that the petition of Elias Ferry, and the affidavits of R. G. Elyse and Harriet Taylor, in the matter of the enrollment of Joe and Dillard Ferry as citizens by blood of the Chickasaw Nation, instead of Chickasaw freedmen, were received by the Commission on August 9, 1904, and bore no proof of service of a copy thereof upon you as attorneys for the Choctaw and Chickasaw Nations. The petition was not addressed to the Commission, but was in accordance with the practice and procedure of the Commission transmitted for such consideration and action as the Department might deem advisable. It is more than probable that the petition, not bearing proof of service of a copy thereof on you as attorneys for the Choctaw and Chickasaw Nations, will be returned by the Department. I have, nevertheless, in an

M. H. W. & C.

- 3 -

accordance with your request of the 27th ultimo, submitted this matter to the Department for such action as the premises may warrant.

Yours truly,

Chairman.

DC/20064.

J. P.

DEPARTMENT

INTERIOR

J. S.

LLB

September 10, 1904.

I.T.D. 6204)

6713)

1904.

7332)

7497)

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

Gentlemen:

The receipt is acknowledged of your communication of August 9, 1904, transmitting the petition of Eliza Perry for the enrollment of her children, Joe and Dillard Perry, as Chickasaws by blood instead of Chickasaw freedmen. This petition is accompanied by the affidavits of R. S. Floyd and Harriet Taylor.

Further investigation was ordered in this matter on May 14, 1904. Of this action the applicant and her attorney and the attorneys for the Choctaw and Chickasaw Nations were notified June 1, 1904. No appearance was made by or on behalf of the applicants within the 30 days allowed for presenting testimony.

Accordingly on July 20, 1904, you so requested in a communication which was forwarded by the Commissioner of Indian Affairs August 1, 1904, with the recommendation that the enrollment of said children as Chickasaw freedmen be allowed to stand. On August 4, 1904, the Department concurred in this recommendation stating:

"In the absence of any showing on behalf of the applicants in support of their enrollment as Chickasaws by blood, and for the further reason that no explanation has been offered why such showing was not made, it must be presumed that it is the wish of the applicants, and those representing them, to forego further action in the matter. The recommendation of the Acting Commissioner is accordingly affirmed."

In transmitting the petition referred to above of Eliza Perry the Commissioner of Indian Affairs on August 24, 1904, quoted that portion of departmental letter which appears above and stated that in view of the circumstances under which the Indian Office recommended that the enrollment of said children be allowed to stand and under which the Department approved said recommendation, it was the opinion of the Indian Office that the petition of their mother, Eliza Perry, for a reopening of their case should be allowed. It was accordingly recommended.

On August 25, 1904, you acknowledged the receipt of departmental letter of August 4, 1904, referred to above, and advised the department that prior to the receipt thereof you had transmitted the papers herein referred to, filed by Eliza Perry, in support of the rehearing requested.

The Department is also in receipt of a communication from Messrs. Mansfield, McMurry & Garnish, attorneys for the Choctaw and Chickasaw nations, relative to Eliza Perry's petition in which they inquire if the petition referred to bears evidence of the service of a copy upon us, and if not, would ask that same be given no further consideration, until a copy of all the papers

Filed have been furnished us, and due proof thereof made."

The petition of Mrs. Perry is in the nature of a request for the continuance of the rehearing proceedings ordered by the Department May 14, 1904. She furnishes excellent reasons why she failed to comply with the opportunities afforded her. The granting of continuances is a matter within the discretion of the Department, to be exercised by it upon proper showing made by a party to the case, or of its own motion where the proper and timely discharge of the Department's business demands.

As an instance where a continuance was granted upon motion of one of the parties to the case even though service was not made upon the opposite party, reference is here made to the request of Messrs. Mansfield, McMurray & Cornish themselves, granted January 20, 1904, in the matter of a rehearing in the Mississippi Choctaw case of Samuel B. Gee et al.

As stated above the attorneys for the Choctaw and Chickasaw nations were advised on June 1, 1904, of the rehearing ordered May 14, 1904, of the time within which the case was to be had and the questions at issue. Their interests have been fully protected.

Furthermore while exercising its discretion in the matter of ordering rehearing continuances the Department desires it to be understood, of course, that all reasonable care will be had concerning the giving of notices to all parties in all cases.

The Department concurs in the recommendation of the

Indian Commissioner of August 24, 1904, referred to herein. A copy of his letter is inclosed.

You will allow the applicants 30 days from date of notice to present additional facts in support of their claim, and so notify all parties in interest, at the same time advising the attorneys for the Choctaw and Chickasaw Nations of the disposition made herein respecting their letter of August 27, 1904.

Respectfully,

Thomas Ryan,

Acting Secretary.

1 inclosure.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, August 24, 1904.

Refer in reply to the following:

LAND
84892-1904.

(COPY)

The Honorable,

The Secretary of the Interior:

Sir:

Referring to Departmental letter of August 4, 1904, (I.T.D. 6292-1903--6204-1904), there is enclosed a report from the Commission dated August 9, 1904, transmitting petition of Eliza Perry, for the enrollment of Joe and Dillard Perry, her children, as Chickasaw Indians instead of Chickasaw freedmen, which petition is accompanied by the affidavits of R. S. Floyd and Harriet Tayler.

August 1, 1904, the office transmitted a communication from the Commission, dated July 20, last, concerning this subject and recommended that the enrollment of Joe and Dillard Perry as Chickasaw freedmen be allowed to stand, as it was shown that their mother had not taken any steps to introduce evidence relative to their right to enrollment as Chickasaws by blood. In letter above referred to the Department said:

"In the absence of any showing on behalf of the applicants in support of their enrollment as Chickasaws by blood, and for the further reason that no explanation has been offered why such showing was not made, it must be presumed that it is the wish of the applicants, and those representing them, to forego further action in the matter. The recommendation of the Acting Commissioner is accordingly affirmed."

Eliza Perry sets forth in her petition that the Commission's notice of June 1, 1904, was mailed to her at Center; that she was living at Wewoka, Seminole Nation; and that she did not learn until August 1 that the time in which she was granted permission to file additional testimony had expired. She asks that the case of Joe and Dillard Perry be re-opened, and that she be allowed to introduce proof touching their right to enrollment as citizens by blood of the Chickasaw Nation.

In view of the circumstances under which this office recommended that the enrollment of these parties as Chickasaw freedmen be allowed to stand, and under which the Department approved such recommendation, it is believed that the petition of their mother for the re-opening of their case should be allowed, and I so recommend.

Very respectfully,

W. A. Jones,

Commissioner.

G.A.W.-L.C.

COPY.

Chickasaw Freedman
61

Muskogee, Indian Territory, September 26, 1904.

Eliza Perry,

Center, Indian Territory,

Dear Madam:

You are hereby notified that , the Department having, on September 14, 1904, granted your petition for a rehearing in the matter of the application of Joe and Billard Perry for enrollment as citizens by blood of the Chickasaw Nation instead of Chickasaw Nation, the Commission will, at its office in Muskogee, Indian Territory, up to and inclusive of Wednesday, October 26, 1904, receive such testimony as may be offered in support of said application. Notice of this action of the Department has also been forwarded to your attorneys, King & Currie, Ada, Indian Territory.

Respectfully,

SIGNED *Jams Bixby.*

Chairman.

COPY!

Muskegee, Indian Territory, September 26, 1904

King & Currie,
Attorneys at Law,
Ada, Indian Territory,
Gentlemen:

You are hereby notified that on September 14, 1904, the Department granted the petition of Eliza Perry for a rehearing in the matter of the application of Joe and Dillard Perry for enrollment as citizens by blood of the Chickasaw Nation instead of Chickasaw freedmen, and the Commission was directed to allow the applicants thirty days from date of notice within which to submit testimony in this matter.

You are therefore hereby notified that the Commission will, at its office in Muskegee, Indian Territory, up to and inclusive of Wednesday, October 26, 1904, receive such testimony as may be offered in support of the application of Joe and Dillard Perry for enrollment as citizens by blood of the Chickasaw Nation, service of notice of the date of taking such testimony to be made upon Mangfield, McFarrey & Gernish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, and proof thereof to be submitted at the time of the introduction of testimony.

Respectfully,

SIGNED *Tams Bixby.*
Chairman.

COPY.

Chickasaw Freedman
61

Muskogee, Indian Territory, September 26, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

On September 14, 1904, (I. T. D. 6204, 6862, 7232, 7497-1904) the Secretary of the Interior directed the Commission to notify the applicants, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations that the Department had granted the petition of Eliza Perry for a rehearing in the matter of the application for the enrollment of Joe and Dillard Perry as citizens by blood of the Chickasaw Nation instead of Chickasaw freedmen.

You are, therefore, hereby notified that the Commission will, at its office in Muskogee, Indian Territory, up to and inclusive of Wednesday, October 26, 1904, hear such testimony as may be introduced in the matter of the application of Joe and Dillard Perry for enrollment as citizens by blood of the Chickasaw Nation.

The Commission is also directed to advise you of the receipt of the Department of your letter inquiring if the petition of Eliza Perry bears evidence of service of copy upon you, and if not that the same receive no further consideration until service of copy of petition and affidavits in support thereof upon you as

M McM & C 2

attorneys for the Chickasaw Nation, and proof thereof made with the Department.

In view of the action of the Department on January 30, 1904 in granting the motion of Mansfield, McMurray & Cornish for a rehearing in the Mississippi Choctaw case of Samuel B. Gee, et al. in which no proof of service of copy of petition upon applicants was furnished, the Department holds that such proof of service is not necessary in the case of Joe and Dillard Perry.

For your information there is inclosed herewith copy of Departmental letter of September 14, 1904, herein referred to.

Respectfully,

SIGNED *Tams Bixby.*

Chairman.

AB 1-26

Chickasaw freedmen
61.

Muskogee, Indian Territory, October 4, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Cheetaw and Chickasaw Nations,
South McAlester, Indian Territory.

Dear Sirs:

Receipt is hereby acknowledged of your letter of September 28 in which you request that the applicants in the matter of the application of Eliza Perry for the enrollment of Joe and Dillard Perry as citizens by blood of the Chickasaw Nation be requested to advise you of the time proposed for the introduction of further testimony before the Commission in order that you may be present at such hearing.

In reply you are advised that on September 26, 1904, the attorneys for the applicant Eliza Perry were notified that service of notice of the date of taking testimony should be made upon you as attorneys for the Cheetaw and Chickasaw Nations, and proof thereof submitted at the time of the introduction of the testimony.

Respectfully,

Chairman.

COPY!

Chickasaw Freedman
61

Muskogee, Indian Territory, October 24, 1904.

Mansfield, McMurray & Cornish,
Attorneys for the Cheatew and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

There is inclosed you herewith copy of the testimony taken at Muskogee, Indian Territory, before the Commission to the Five Civilized Tribes, on October 21, 1904, in the matter of the application for the enrollment of Joe and Dillard Perry as citizens by blood of the Chickasaw Nation.

Respectfully,

SIGNED *James Dixby.*

Chairman.

AB 3-24

COPY!

Chickasaw Freedman
61

Muskogee, Indian Territory, October 24, 1904.

King & Currie,

Attorneys at Law,

Ada, Indian Territory,

Gentlemen:

There is inclosed you herewith copy of the testimony taken at Muskogee, Indian Territory, before the Commission to the Five Civilized Tribes, on October 21, 1904, in the matter of the application for the enrollment of Joe and Billard Perry as citizens by blood of the Chickasaw Nation.

Respectfully,

SIGNED *Tams Bixby.*
Chairman.

AB 2-24

COPY.

Chickasaw Freedman
61

Muskogee, Indian Territory, October 22, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory,

Dear Sir:

Referring to the enrollment of Joe and Dillard Perry, Chickasaw freedman roll numbers 227 and 268 respectively, Chickasaw freedman card number 61, you are advised that under date of September 14, 1904, the Secretary of the Interior granted the petition of Mrs. Eliza Perry, the mother of these children, requesting that she be allowed to introduce the testimony of witnesses for the purpose of showing that said children are entitled to enrollment as citizens by blood of the Chickasaw Nation.

You are further advised that a hearing has been had in the matter of the enrollment of these children as citizens by blood of the Chickasaw Nation and that a report thereon will be made to the Secretary of the Interior. Your office is accordingly directed to take no further action in reference to the allotments to Joe and Dillard Perry, Chickasaw freedman roll numbers 227 and 268, respectively, until disposition by the Secretary of the Interior of the matter of the enrollment of said children as citizens by blood of the Chickasaw Nation.

Chickasaw I. O. S.

It appears, however, that under date of July 11, 1903, allotments were selected for Joe and Willard Perry, and that Chickasaw freedmen allotment certificates Numbers 171 and 173 describing the land selected by Eliza Perry for her two children on July 11, 1903, have been issued and delivered.

Your office is directed, if possible, to secure the return of Chickasaw freedmen allotment certificates Numbers 171 and 173 and forward the same to this office to be held pending the disposition by the Department of the matter of the enrollment of said children as citizens by blood of the Chickasaw Nation.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

DEPARTMENT OF THE INTERIOR,

F.T.D. 10842-1904.
D.C. 41172
L.R.S.

WASHINGTON.

J.P.
FHE

October 25, 1904.

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

Gentlemen:

Replying to your letter of September 1, 1904, relative to your report of August 9, 1904, in the matter of the enrollment of Joe and Dillard Perry, you are advised that the matter was disposed of in departmental letter of September 14, 1904, which you have doubtless received by this time.

The Indian Office has been requested to furnish you a copy of its letter of October 21, 1904, submitting your report of September 1st.

Respectfully,

H. W. Miller,

Assistant Secretary.

Refer in reply
to the following:
Land
66812/1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Oct. 21, 1904.

D. C. 41172
(C O P Y)

The Honorable,

The Secretary of the Interior.

Sir:

Permit me to invite your attention to letter of the Commission to the Five Civilized Tribes of September 1st, referring to the fact that on August 9, 1904, there was transmitted for the consideration of the Department in connection with the Commission's report of July 20th in the matter of the enrollment of Joe and Dillard Perry as citizens by blood of the Chickasaw Nation instead of Chickasaw Freedmen, the petition of Eliza Perry accompanied by the affidavits of R. S. Floyd and Harry Taylor.

Subsequent to the forwarding of this petition, the Commission was in receipt of Departmental letter of August 4th, (I.T.D. 6292/1903, 6204/1904), concurring in the recommendation of this office of August 1st that the enrollment of Joe and Dillard Perry as Chickasaw freedmen be allowed to stand.

On August 25, 1904, Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, were furnished with a copy of Departmental letter of August 4th, of the report of this office of August 1st, and were further advised that on August 9, 1904, the Commission had transmitted to the Department the petition of Eliza Perry above referred to.

The Commission is now in receipt of a letter from Messrs. Mansfield, McMurray & Cornish, under date of August 27, 1904, in reference to this matter, in which they state that they received no copy of the petition referred to and are unable to understand in view of the rules and regulations under which the Commission is proceeding why such petition should have been received for transmission for Departmental consideration without proof of service that a copy thereof had been furnished them. In conclusion they request that the Commission communicate with the Department, asking that the matter receive no further consideration until they have been furnished with a copy of the papers transmitted with the Commission's letter of August 9th. This matter is brought to the attention of the Department by the Commission for such action as it may warrant.

I believe the attitude of Messrs. Mansfield, McMurray & Cornish relative to notice due them of petitions and motions in citizenship matters is correct and should be adopted by the Department, and so recommend.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

EBH-H

COPY:

Chickasaw Freedman
41

Muskogee, Indian Territory, November 4, 1904.

King & Currie,

Attorneys at Law,

Ada, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of October 30, transmitting brief of applications in the matter of the application of Joe and Willard Perry for enrollment as citizens by blood of the Chickasaw Nation. The same has been duly filed in this case.

Respectfully,

SIGNED *Tame Bixby.*

Chairman.

COPY.

Chickasaw Freedmen
61

Muskogee, Indian Territory, November 5, 1904.

King & Currie,

Attorneys at Law,

Ada, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of November 2, enclosing registry receipt of Mansfield, McMurray & Cornish for copy of brief in the matter of the application of Joe and Dillard Perry for enrollment as citizens by blood of the Chickasaw Nation, attached to which is the affidavit of W. G. Currie who mailed such brief. The same have been attached to the brief forwarded by you.

Respectfully,

Respect

SIGNED *Tams Birby.*

Chairman.

COPY!

Chickasaw Freedman
61

Muskogee, Indian Territory, November 14, 1904.

Mansfield, McFurray & Cornish,
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of November
11, inclosing brief in the matter of the application of Joe and
Dillard Perry for enrollment as citizens by blood of the Chickasaw
Nation.

Respectfully,

SIGNED *Jams Bixby*
Chairman.

Refer in reply
to the following:

Land
46812/1904.

D.S. 41172
(C O P Y)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Oct. 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Permit me to invite your attention to letter of the Commission to the Five Civilized Tribes of September 1st, referring to the fact that on August 9, 1904, there was transmitted for the consideration of the Department in connection with the Commission's report of July 20th in the matter of the enrollment of Joe and Dillard Perry as citizens by blood of the Chickasaw Nation instead of Chickasaw Freedmen, the petition of Eliza Perry accompanied by the affidavits of R. S. Floyd and Harry Taylor.

Subsequent to the forwarding of this petition, the Commission was in receipt of Departmental letter of August 4th, (I.T.D. 6292/1903, 4804/1904), concurring in the recommendation of this office of August 1st that the enrollment of Joe and Dillard Perry as Chickasaw freedmen be allowed to stand.

On August 25, 1904, Messrs. Mansfield, Halmurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, were furnished with a copy of Departmental letter of August 4th, of the report of this office of August 1st, and were further advised that on August 9, 1904, the Commission had transmitted to the Department the petition of Eliza Perry above referred to.

The Commission is now in receipt of a letter from Messrs. Mansfield, McMurray & Cernish, under date of August 27, 1904, in reference to this matter, in which they state that they received no copy of the petition referred to and are unable to understand in view of the rules and regulations under which the Commission is proceeding why such petition should have been received for transmission for Departmental consideration without proof of service that a copy thereof had been furnished them. In conclusion they request that the Commission communicate with the Department, asking that the matter receive no further consideration until they have been furnished with a copy of the papers transmitted with the Commission's letter of August 9th. This matter is brought to the attention of the Department by the Commission for such action as it may warrant.

I believe the attitude of Messrs. Mansfield, McMurray & Cernish relative to notice due them of petitions and motions in citizenship matters is correct and should be adopted by the Department, and so recommend.

Very respectfully,

A. C. Tenney,

Acting Commissioner.

HRH-N

DEPARTMENT OF THE INTERIOR,

I.T.D. 10842-1904,
D.C. 41172
L.R.S.

WASHINGTON,

J.F.
THE

October 26, 1904.

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

Gentlemen:

Replying to your letter of September 1, 1904, relative to your report of August 9, 1904, in the matter of the enrollment of Joe and Dillard Perry, you are advised that the matter was disposed of in departmental letter of September 14, 1904, which you have doubtless received by this time.

The Indian Office has been requested to furnish you a copy of its letter of October 21, 1904, submitting your report of September 1st.

Respectfully,

M. V. Miller,
Assistant Secretary.

19-61
COPY.

Waukegee, Indian Territory, November 14, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of September 14, 1904, (I. T. D. 6204, 6262, 7232, 7407-1904) directing the Commission to allow the applicants in the case of Joe and Dillard Perry thirty days within which to present additional facts in support of their claim to enrollment as citizens by blood of the Chickasaw Nation instead of Chickasaw freedmen.

In accordance with Departmental instructions, the Commission, on September 20, 1904, notified the applicants and the attorney for the Choctaw and Chickasaw Nations that thirty days would be allowed the applicant within which to introduce additional evidence in support of the application of Joe and Dillard Perry for enrollment as citizens by blood of the Chickasaw Nation.

Appearance was made by the applicants, their attorneys and the attorneys for the Choctaw and Chickasaw Nations, on October 21, 1904, and there are now transmitted herewith, for the consideration of the Department, copy of the proceedings on that date, copy of the brief of King & Surrie, attorneys for the applicants, which was filed with the Commission November 4, 1904, and copy of the brief

of Mansfield, McFarrey & Gornish, attorneys for the Choctaw and Chickasaw Nations, which was filed with the Commission November 14, 1904.

I have the honor to report in this matter that Charlie Perry was, during his lifetime, recognized and enrolled as a citizen of the Chickasaw Nation, and his name appears upon the 1893 Leased District Payment Roll of the citizens of said nation.

Respectfully,

SIGNED *Tame Bixby.*

Chairman.

Through the Commissioner
of Indian Affairs.

19-61

COPY

LAND.
60419/1904.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, Nov. 26, 1904.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commission to the Five Civilized Tribes dated the 14th instant, acknowledging receipt of Departmental letter of September 14th, (I. T. D. 6294-6862-7232-7497/1904), directing the Commission to allow the applicants in the case of Joe and Dillard Perry thirty days in which to present additional facts in support of their claim to enrollment as citizens by blood of the Chickasaw Nation, instead of Chickasaw Freedmen.

In accordance with departmental instructions the Commission on September 28, 1904, notified the applicants and the attorneys for the Choctaw and Chickasaw Nations that thirty days would be allowed the applicants within which to introduce additional evidence in support of their claim of a right to enrollment as citizens by blood of the Chickasaw Nation.

Appearance was made by the applicants, their attorneys, and the attorneys for the Choctaw and Chickasaw Nations on October 21, 1904, and there are now transmitted for the consideration of the Department copy of the proceedings on that date, copy of the brief

(2)

of King & Currie, attorneys for the applicants, which was filed with the Commission November 4, 1904, a copy of the brief of Mansfield, McElroy & Cernish, attorneys for the Choctaw and Chickasaw Nations, which was filed with the Commission November 14, 1904.

The Commission reports that Charles Perry was, during his lifetime, recognized and enrolled as a citizen of the Chickasaw Nation, and his name appears upon the 1893 Leased District Payment Roll of the citizens of that Nation.

Enrollments in the Chickasaw Nation are made under Section 21 of the Act of June 28, 1896, under the following language-----

Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful rights thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes.

Also the provisions of Section 27 of the supplemental agreement with the Choctaws and Chickasaws approved July 1, 1902, (32 Stats. 641), as follows-----

The rolls of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw Freedmen shall be made by the Commission to the Five Civilized Tribes, in strict compliance with the Act of Congress approved June 28, 1896, (30 Stats., 495), and the Act of Congress approved May 31, 1900, (31 Stats., 231), except as herein otherwise provided: Provided, that no person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the U. S. Court in the Indian Territory under the Act of June 10, 1896, (29 Stats., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall

(3)

be enrolled or receive allotment of lands or distribution of tribal property until his right thereto has been finally determined.

The proof in this case satisfactorily establishes the fact that Joe and Dillard Perry are the descendants of Charlie Perry, a recognized citizen of the Chickasaw Nation, the only attack upon their rights as his descendants being based upon a question as to their legitimacy.

The attorneys for the Choctaw and Chickasaw Nations cite a law of the Legislature of the Chickasaw Nation, approved March 16, 1858, prescribing penalties for persons other than negroes co-habiting with negroes, but this law in no way affects the citizenship of a Chickasaw who violated its terms and became subject to its penalties.

Citation is also made to the case of Melsie Butler vs the Choctaw and Chickasaw Nations, recently decided in the Choctaw and Chickasaw Citizenship Court, as bearing upon this subject. The office has not sufficient knowledge of the circumstances shown in that case upon which the Court acted, to enable it to follow fully the reasons upon which the Court based its action.

In the case of John W. Shirley, an applicant for enrollment as a Cherokee citizen by blood, the Department hold under the following language-----

All native born Cherokees . . . and their descendants, who reside within the limits of the Cherokee Nation, shall be taken, and deemed to be, citizens of the Cherokee Nation.

(4)

that---

The provision does not say legitimate descendants, or children born in lawful wedlock. Descendants and legitimate children are not synonymous terms. Descendant is any offspring, in any degree, legitimate or illegitimate. Legitimacy is conclusive proof of descent but not the sole proof of it.

In my opinion this decision of the Department is determinative of the point at issue in this case, and I therefore recommend that Joe and Dillard Perry be declared to be citizens by blood of the Chickasaw nation, and that the Department direct the transfer of their names from the roll of Chickasaw Freedmen to the roll of Chickasaws by blood.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

HHH-R

C O P Y

COPY.

DEPARTMENT OF THE INTERIOR.

J.R.V.
W.C.P.
S.V.P.

Office of the Assistant Attorney-General.

I.T.D.
12992-1904.

WASHINGTON.

February 21, 1905.

The Secretary of the Interior.

Sir:

I received by reference of January 26, 1905, with request for opinion thereon, the record in the case of Joe and Dillard Perry for enrollment as citizens by blood of the Chickasaw Nation. In connection therewith my attention is directed to the decisions of the Cheetaw and Chickasaw Citizenship Court in the cases of Nelsie Butler and F. J. Miner.

Joe and Dillard Perry were born in the Chickasaw country of Eliza Perry, who was a Chickasaw freedwoman, shown by the evidence to be one-half negro, one-quarter white and one-quarter Indian blood, born in the Cheetaw country about 1874. It is not shown whether her parents were married, but both were freedmen and her father one-half Indian, her mother one-half white. As both parents were of the freedman class, whether they were married or not is immaterial. Eliza first married one Ross James, a Creek, without license, but by a clergyman, as she describes it, "out of the Bible," unlicensed marriage by religious ceremony. He deserted her two months later, and two years thereafter, hearing nothing from him, not being divorced, she took up with Charley Perry, a recognized Chickasaw citizen by blood, and they exhibited

as husband and wife until after Joe was born. They were arrested for unlawful cohabitation and taken to Paris, Texas, where they were advised to marry, and did so, and the prosecution was dropped. She informed the man who performed the second ceremony of the former marriage, his learning from her the circumstances was of the opinion that it was invalid proceeded with the ceremony. They returned to their home, were recognized in the neighborhood as husband and wife, and the second son was born. Harry spoke of Eliza as his wife, of the boys as his children, and they continued to cohabit to his death in 1906. If the proportions of blood are rightly given, the applicants are $\frac{3}{8}$ Chickasaw, $\frac{1}{8}$ negro, and $\frac{1}{8}$ white blood. The children were not recognized by the father's relatives. Their maternal grandmother applied for and obtained their enrollment as Chickasaw freedmen, which was approved December 19, 1902, and allotments were taken for them as such. In August, 1904, application was made to transfer them to the roll of Chickasaws by blood, and September 14, 1904, the Department instructed the Commission to the Five Civilized Tribes to allow them thirty days to adduce evidence. Notice was given to both parties, and at a hearing in which both participated the above facts were elicited. Upon the facts there seems to be no controversy. Counsel on both sides have submitted briefs.

The contentions of counsel seem to be, on part of the applicants, that the marriage of applicants' parents is well proven, and that the applicants have legitimate right to en-

(5)

cession to their father, a Chickasaw citizen by blood; and, on part of the nation, that the marriage is not well proved, but that, were the proof sufficient, intermarriage of negroes and Chickasaws are prohibited and void. *Melsie Butler's* case is cited, claimed to be identical, and is relied upon.

In that case the facts, as shown by a certified copy of the opinion before me, were that *Melsie* was born of the intermarriage, after the war of the rebellion, of *Salina Maharty*, a former negro slave, and *Alesh Foster*, a Choctaw Indian, when no law forbade such intermarriage. *Melsie* was thus half negro and half Choctaw. The court held that:

The lands embraced in what is known as the Choctaw and Chickasaw nation in the Indian Territory, were ceded to the members of these two tribes and their descendants by the United States Government. . . . No persons except those mentioned in the Treaty were to take any part of these lands; but there is a provision in the 38th article of the Treaty of 1846 conferring rights upon white people who have married Choctaw or Chickasaw Indians, but there is no provision in any treaty with these tribes, that I have been able to find, conferring any rights upon colored persons, or their descendants, who may have married an Indian.

In *Minor's* case the court found:

The evidence shows that *Lucy Seely*, the plaintiff's grandmother, was part Chickasaw and part negro. That her grandfather was a full blood Chickasaw. Consequently, *Sarah Seely*, their daughter, and mother of the plaintiff was more than half Chickasaw. That *Sarah's* husband, and plaintiff's father, *F. J. Minor, Sr.*, is a white man. Therefore, the plaintiff is one half white and more than one-quarter Chickasaw. There is no proof that his mother was ever held as a slave, and the evidence is not conclusive that her grandmother was ever so held.

There is no proof in this case that *Bob Seely* and *Lucy* were ever married, but the testimony shows they lived together as husband and wife. It is contended by the Nation that the

marriage, at best, was but a common law marriage and no common law marriage was recognized in the Indian Territory until 1889, which was long after the relation of these people was terminated by the death of Bob Sealy. Taking this to be true, then, if there was no marriage, the children of Lucy were illegitimate, begotten by a full blood Chickasaw Indian. This court has held in a case (Althea Paul et al. vs. Choctaw and Chickasaw Nations) that when there was a natural child begotten by a Chickasaw Indian on a white woman, the child was entitled to enrollment as a member of the tribe by reason of the Chickasaw blood of his father.

This court is asked to follow in this case the decision heretofore rendered in the case of Melcie Butler vs. the Choctaw and Chickasaw Nations, in which we held that an applicant for citizenship whose father was a Choctaw Indian, and whose mother was a negro and until emancipation was a slave, was not entitled to citizenship or enrollment. That case and this are not parallel. There there was no claim or proof of Indian blood on the part of the mother. She was beyond question and entirely a negro and unquestionably had been a slave. Here there is testimony that the mother was possessed of some Chickasaw blood and it is not proven she was a slave. The legal presumption, she having some Indian blood, is in favor of her freedom, and the burden would rest on the defendants to show that the contrary was true, which they have not conclusively done.

The blood of T. J. Minor, Jr., was thus shown to be $\frac{1}{2}$ white, $\frac{1}{8}$ negro, and $\frac{3}{8}$ Choctaw. The distinction is not made on the quantum of negro, white, or Choctaw blood, but on the fact that Melcie Butler's negro descent was from a slave grandmother, while Minor's was presumably from a free negro woman. As Melcie was one-half Choctaw and half freedman, born of a legal marriage, the disqualifying contamination of her greater quantum of Choctaw blood was either due to the former servitude of her mother, or else the higher merit of Minor's $\frac{3}{8}$ less quantum of Indian blood was due to white infusion by intermarriage. But the white intermarriage could work no rehabilitation of Choctaw

blood in one of partial negro blood, unless the mixed blood spouse was entitled to be considered a Choctaw. The contamination of the greater quantum of Choctaw blood must therefore have been considered as due to the former servitude of Holsie's grandmother, not to the quantum of negro blood. This is the necessary deduction from an analysis of the two cases. No such fact is shown in the present record. There is no proof that Eliza's mother was ever a slave, and the case is therefore identical with Minor's, except as to the quantum of the various bloods, the applicants here having more Indian, less white, and one-eighth more negro blood. The logical basis of the Butler and Minor decisions being, as shown, the contamination of servile descent, not of negro blood, and the meritorious blood being Indian, the present case, if decided by the rule of those cases alone, entitles the applicants to enrollment, as they have more Indian blood than Minor, and are not shown to have servile descent.

It is proper, however, here to notice that I am unable to see any basis in the treaty of 1806, or in the legislation of Congress, that justified the distinction made that descent from a former slave negro works any greater contamination of blood than descent from a free negro, and can not but regard the two decisions as irreconcilably at variance -- the distinction drawn by the court unfounded, and the Butler case so shaken by that in the Minor case as to be of no weight or authority for decision of other cases, even though it may conclude the particular parties to the record.

As to the other point, I deem the marriage sufficiently proven. By section 31 of the act of May 2, 1890 (26 Stat., 31), 94-5), certain of the laws of Arkansas, and among others the laws relating to descents and distributions, and to evidence and to marriages, chapters 49, 59, 103, as shown in Mansfield's Digest of 1884, were extended to Indian territory, saving that (14-98) Indian marriages theretofore contracted in accordance with tribal laws or customs were declared valid and their issue made legitimate. As to evidence or proof of marriage, it was held in *Kelley's Heirs v. McGuire* (15 Ark., 555), that:

Reputation or hearsay, is admissible in all matters of pedigree; and so, the repeated declarations of the father, that he had married, and by the marriage had two children, naming them; his recognition of them as his legitimate children, their recognition of him as their father, and of each other as brother and sister; and the fact that the marriage and legitimacy of the children were known and spoken of in the family, are sufficient to prove the marriage of the father and the legitimacy of the children.

It would not, however, be permissible by reputation to prove a marriage prohibited by law and incapable by any proof to be rendered valid. March 16, 1888, the Arkansas legislature prohibited any person other than a negro from "cohabiting with a negro," imposing penalties of fine and imprisonment for such offense. Whether this by implication should be construed to prohibit and invalidate such an intermarriage, or whether it even subjected one contracting such a marriage to the penalty, need not here be considered, as it imposed no disability of blood upon the innocent issue of such cohabitation or of such marriage. A statute of this kind cannot by mere implication be

(7)

construction be extended to impose upon innocent issue a contamination of blood not expressly imposed by the statute.

The treaty right was to the Choctaw and Chickasaw Nations and their "descendants." Descendants, as pointed out in the case of James W. Shirley, is a term of wider significance than heirs, or legitimate issue, and includes those springing from an ancestor, whether legitimate issue or not. The descent of the applicants is fully and indubitably shown to be from Charles Perry, a Chickasaw by blood, recognized by him and born of a union that he and Eliza evidently regarded as a lawful one, openly avowed and by the Chickasaw Nation tolerated, which it did not compel him to abandon, or impose the penalties of its law upon him for contracting and observing. That law properly enough imposed no penalty of contamination of blood upon the innocent issue of such union. I am therefore clearly of the opinion that applicants are entitled to be transferred to the roll of Chickasaws by blood.

Very respectfully,

Frank L. Campbell,

Assistant-Attorney-General.

Approved:

February 21, 1905.

E. A. Hitchcock,
Secretary.

C O P Y

D. C. 10950
I.T.D. 12092-1904.
1944-1908.

G.R.

U. S. DEPARTMENT OF THE INTERIOR, LEB
Washington.

February 25, 1905.

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

Gentlemen:

November 14, 1904, you transmitted report of proceedings had and additional evidence taken in the matter of the applications of Joe and Dillard Perry for their enrollment as citizens by blood of the Chickasaw Nation instead of Chickasaw freedmen.

November 26, 1904 (Land 80819), the Acting Commissioner of Indian Affairs reporting in the matter recommended that Joe and Dillard Perry be declared to be citizens by blood of the Chickasaw Nation, and that the Department direct the transfer of their names from the roll of Chickasaw freedmen to the roll of Chickasaws by blood. A copy of said letter is inclosed.

January 26, 1905, the Department referred your report to the Assistant Attorney-General for this Department for his opinion as to whether Joe and Dillard Perry were entitled to enrollment as citizens by blood of the Chickasaw Nation, and in an opinion therein rendered February 21, 1905, approved by the Sec-

(2)

retary of the Interior the same day, a copy of which opinion is herewith inclosed, the Assistant Attorney-General held that Joe and Dillard Perry are entitled to enrollment as citizens by blood of the Chickasaw Nation.

In accordance with said opinion the Department holds that said applicants are entitled to enrollment as citizens by blood of the Chickasaw Nation, and you are directed to transfer the names of Joe Perry and Dillard Perry from the Chickasaw freedmen roll to the roll of Chickasaws by blood and cancel their enrollment as Chickasaw freedmen.

Respectfully,

THOS RYAN

2 inclosures.

Acting Secretary.

COPY!

Muskogee, Indian Territory, March 17, 1905.

D. C. Franklin,
Attorney at Law,
Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that under date of February 25, 1905, the Secretary of the Interior directed the Commission to transfer the names of Joe Perry and Dillard Perry from the roll of Chickasaw Freedmen to the roll of citizens by blood of the Chickasaw Nation and cancel their enrollment as Chickasaw freedmen.

You are further advised that in accordance with such departmental instructions the Commission has this date cancelled the enrollment of Joe Perry and Dillard Perry as Chickasaw freedmen and their names will now be placed upon a schedule of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

When the enrollment of Joe Perry and Dillard Perry as citizens by blood of the Chickasaw Nation has been approved by the Secretary of the Interior you will be advised thereof, and selections of allotments as such citizens will then be permitted in their names.

Respectfully,

SIGNED

James Kirby
Chairman.

COPY.

Muskogee, Indian Territory, March 17, 1905.

E. Y. Viggins,

Attorney at Law,

Post Office Box 4082,

Fishawingo, Indian Territory.

Dear Sir:

You are hereby advised that under date of February 20, 1905, the Secretary of the Interior directed the Commission to transfer the names of Joe Perry and Billard Perry from the roll of Chickasaw freedmen to the roll of citizens by blood of the Chickasaw Nation and cancel their enrollment as Chickasaw freedmen.

You are further advised that in accordance with such departmental instructions the Commission has this date cancelled the enrollment of Joe Perry and Billard Perry as Chickasaw freedmen and their names will now be included upon a schedule of Chickasaws by blood to be submitted to the Secretary of the Interior for his approval.

When the enrollment of Joe Perry and Billard Perry as citizens by blood of the Chickasaw Nation has been approved by the Secretary of the Interior you will be advised thereof, and selections of allotments as such citizens will then be permitted in

S T V S

their names.

Respectfully,

SIGNED

Tame Bixby,

Chairman.

COPY.

Muskogee, Indian Territory, March 17, 1906.

Miss Harris,

Ada, Indian Territory.

Dear Madam:

You are hereby advised that on February 25, 1906, the Secretary of the Interior directed the Commission to transfer the names of your two minor children, Joe Perry and Dillard Perry, from the roll of Chickasaw freedmen to the roll of citizens by blood of the Chickasaw Nation and to cancel their enrollment as Chickasaw freedmen.

You are further advised that in accordance with such departmental instructions the enrollment of your two minor children, Joe and Dillard Perry, as Chickasaw freedmen has this day been cancelled by the Commission and their names will be included upon a schedule of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for approval. When their enrollment as citizens by blood of the Chickasaw Nation has been approved by the Secretary of the Interior you will be notified thereof, and allotments may then be selected for them as such citizens.

Respectfully,

SIGNED *Jams Birby*

Chairman.

COPY.

Muskogee, Indian Territory, March 17, 1905.

Miss Harris,

Center, Indian Territory.

Dear Madam:

You are hereby advised that on February 25, 1905, the Secretary of the Interior directed the Commission to transfer the names of your two minor children, Joe Perry and Dillard Perry, from the roll of Chickasaw freedmen to the roll of citizens by blood of the Chickasaw Nation and to cancel their enrollment as Chickasaw freedmen.

You are further advised that in accordance with such departmental instructions the enrollment of your two minor children, Joe and Dillard Perry, as Chickasaw freedmen has this day been cancelled by the Commission and their names will be included upon a schedule of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for approval. When their enrollment as citizens by blood of the Chickasaw Nation has been approved by the Secretary of the Interior you will be notified thereof, and allotments may then be selected for them as such citizens.

Respectfully,

SIGNED

James Dixby

Chairman

COPY.

Muskogee, Indian Territory, March 17, 1906.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that under date of February 25, 1906, the Secretary of the Interior directed the Commission to transfer the names of Joe Perry and Dillard Perry from the roll of Chickasaw freedmen to the roll of citizens by blood of the Chickasaw Nation and cancel their enrollment as Chickasaw freedmen.

You are further advised that in accordance with such departmental instructions the Commission has this day cancelled the enrollment of Joe Perry and Dillard Perry as Chickasaw freedmen and their names will now be included upon a schedule of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

For your information there is enclosed you herewith copy of departmental letter of February 25, 1906, of the opinion of the assistant attorney-general for the Department of the Interior of February 21, 1906, and the report of the Acting Commissioner of Indian Affairs of November 26, 1904, in reference to this matter.

Respectfully,

SIGNED *Tains Dixby.*

Chairman

McM.

COPY.

Muskogee, Indian Territory, March 1st, 1905.

King & Currie,
Attorneys at Law,
Ada, Indian Territory.

Gentlemen:

You are hereby advised that under date of February 26, 1905, the Secretary of the Interior directed the Commission to transfer the names of Joe Perry and Willard Perry from the roll of Chickasaw freedmen to the roll of citizens by blood of the Chickasaw Nation and cancel their enrollment as Chickasaw freedmen.

For your information there is enclosed you herewith copy of departmental letter of February 26, 1905, directing the enrollment of Joe and Willard Perry as citizens by blood of the Chickasaw Nation, accompanied by the report of the Acting Commissioner of Indian Affairs of November 26, 1904, in reference to this matter, and the opinion of the assistant attorney-general for the Department of the Interior of February 21, 1905.

You are further advised that the Commission has this day cancelled the enrollment of Joe Perry and Willard Perry as Chickasaw freedmen and that their names will now be included upon a schedule of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

K A C S

When the enrollment of Joe Perry and Dillard Perry as citizens by blood of the Chickasaw Nation has been approved by the Secretary of the Interior you will be advised thereof, and selections of allotments as such citizens will then be permitted in their names.

Respectfully,

SIGNED *Jams Bixby.*

Chairman.

MEM 2

COPY!

McKague, Indian Territory, March 17, 1905.

Commissioner in Charge,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

Under date of October 22, 1904, this office called your attention to the matter of the enrollment of Joe Perry and Billard Perry, Chickasaw freedmen roll numbers 267 and 268, respectively, Chickasaw freedmen card number 51, and that under date of September 14, 1904, the Secretary of the Interior granted the petition of Eliza Perry, the mother of these children, wherein she prayed that she be permitted to introduce the testimony of witnesses for the purpose of showing that said children were entitled to be enrolled as citizens by blood of the Chickasaw Nation.

Your office was directed on October 22, 1904, to take no further action in reference to the allotments of Joe Perry and Billard Perry, Chickasaw freedmen roll numbers 267 and 268, respectively, until disposition by the Secretary of the Interior of the matter of the enrollment of said children as citizens by blood of the Chickasaw Nation.

Your office was further directed to secure if possible and forward to the general office Chickasaw freedmen allotment

(2)

certificates numbers 171 and 173, issued to Joe and Billard Perry.

You are now advised that under date of February 23, 1905, the Secretary of the Interior directed the Commission to transfer the names of Joe Perry and Billard Perry from the Chickasaw freedmen roll to the roll of citizens by blood of the Chickasaw Nation and cancel their enrollment as Chickasaw freedmen.

For your information there is enclosed you herewith copy of departmental letter of February 23, 1905; of the opinion of the assistant attorney-general for the Department of the Interior of February 21, 1905; and of the report of the Acting Commissioner of Indian Affairs of November 26, 1904, in reference to this matter.

In accordance with departmental instructions of February 23, 1905, the Commission has this day cancelled the enrollment of Joe Perry and Billard Perry as Chickasaw freedmen and their names will now be included upon a schedule of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

You are further advised that Chickasaw freedmen allotment certificates numbers 171 and 173 issued in the names of Joe and Billard Perry have this date been cancelled and will be forwarded your office under separate cover. ~~Chickasaw~~ Chickasaw freedmen patents numbers 503 and 349, issued in the names of Joe and Billard Perry have also been cancelled.

(3)

Your office is directed to cancel from the approved roll of Chickasaw freedmen in the possession of your office the names of Joe Perry and Dillard Perry appearing opposite numbers 247 and 248 respectively.

There will be forwarded your office under separate cover copies of Chickasaw freedmen card No. 61, upon which the names of Joe and Dillard Perry originally appeared, and copy of Chickasaw roll card, field No. 1808, to which the names of said Joe and Dillard Perry have been transferred.

It appears that Joe Perry has been allotted the N/2 of the SE/4 of the NE/4 of section 4, township 7 north, range 4 west, Chickasaw Nation, Indian territory, containing 20 acres, which is involved in Chickasaw allotment contest No. 407 entitled "Phillip McBride by his father and natural guardian William P. McBride vs. Joe Perry by his mother and natural guardian Eliza Perry."

It further appears that Dillard Perry has been allotted the south 20 acres of lot No. 1 in section 4, township 7 north, range 4 west, Chickasaw Nation, containing 20 acres, and that said land is involved in Chickasaw allotment contest No. 406 entitled "Phillip McBride by his father and natural guardian William P. McBride vs. Dillard Perry by his mother and natural guardian Eliza Perry."

From memorandums attached by your office to Chester Chickasaw freedmen patents, numbers 248 and 249, it appears that Chick-

(4)

new allotment contests numbers 406 and 407 were set for trial on December 18, 1904.

Notwithstanding specific instructions contained in general office letter of October 22, 1904, to take no further action in reference to the allotments to Joe Perry and Billard Perry, Chickasaw Freedmen roll numbers 267 and 268, respectively, your office did, on December 18, 1904, call for hearing Chickasaw allotment contest number 405, with which was consolidated cases numbers 406, 407 and 408, and that a hearing was had therein on said date, the contestees not appearing. This matter has been called to the attention of the contest division at the general office in order that the matter of the further disposition of Chickasaw allotment contests numbers 405, 406, 407 and 408 may be taken up with the contest division of your office.

Your office is directed to note upon your list of undetermined applicants for enrollment as citizens by blood of the Chickasaw Nation the names of Joe Perry and Billard Perry and also to note upon the allotment plat that the south 20 acres of lot 1 of section 4, township 7 north, range 4 west is claimed by Billard Perry, and that the N/2 of the E/2 of the NE/4 of section 4, township 7 north, range 4 west is claimed by Joe Perry.

Your office is further directed to consider the applications of July 11, 1903, made on behalf of Joe Perry and Billard Perry, Chickasaw Freedmen roll numbers 267 and 268, as a portion of their blood allotments as citizens by blood of the Chick-

(5)

asaw Nation, transferring said applications to the jackets of Joe Perry and Dillard Perry when their enrollment as citizens by blood of the Chickasaw Nation has been approved by the Secretary of the Interior. This action is taken to protect any rights they may have in Chickasaw allotment contracts numbers 406 and 407.

Respectfully,

SIGNED *Tame Dixby.*

McM 300

Chairman.

Chickasaw 1805

Muskogee, Indian Territory, March 31, 1905.

Commissioner in Charge,
Chickasaw Land Office,
Ardmore, Indian Territory,

Dear Sir:

There is inclosed herewith copy of Chickasaw roll card Number 1805, Joe Perry, et al. and you are directed to make the duplicate of corresponding number in the possession of your office conform to the information thereon.

You are also directed to add the names of Joe and Dillard Perry, Chickasaw 1805, to the list of undetermined applicants for enrollment in the Chickasaw Nation.

Respectfully,

Chairman.

AB 4-21

(COPY)

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

LAND
16,135-1905.
32,533-1905.

May 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I am in receipt of Department letter of April 20, 1905--
I.T.D. 3687, 3689, 3691, and 3693 -- requesting the return of
the records in the following Choctaw and Chickasaw enrollment
cases, to wit:

Joe and Dillard Perry,
William C. Thompson, et al.,
Mary Elizabeth Martin,
Loula West, et al.

In reply, I have the honor to report that the records of
this Office show that the records in the case of William C.
Thompson, et al., are on file with the Department; that the
records in the Mary Elizabeth Martin case were returned to the
Commission to the Five Civilized Tribes with Department letter
of March 30, 1905 -- I.T.D. 3130, and that the records in the
Loula West, et al., case have never been before the Department
or the Office. There was simply a memorandum with reference to
this case, and the Assistant Attorney General in opinion of
February 10, 1905, held that if the facts as set forth in the
record were true, the Commission to the Five Civilized Tribes

had jurisdiction to examine the case upon its merits and to adjudicate it regardless "of any judgment of the Choctaw-Chickasaw citizenship court."

The records with reference to the applications of Joe and Dillard Perry are enclosed, and as stated by the Department the record in the matter of the application of R. B. Coleman, et al., for enrollment, was informally returned to the Department.

Very respectfully,

U. F. Larrabee,

Acting Commissioner.

(G.A.W.) F.

South McAlester, Indian Territory, October 14, 1905.

Honorable Toms Bixby,

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

Dear Sir:

As you are aware there are pending before the Assistant Attorney-General for the Interior Department certain Choctaw and Chickasaw Enrollment cases as follows:

Mary Elizabeth Martin,
William C. Thompson, et al.
Lula West, et al.
Richard B. Coleman, et al.
Joe and Dillard Perry, et al.

In which we have filed motions for a reconsideration of the decisions of the Assistant Attorney-General.

These motions were orally argued on October 19, and following and taken under advisement by the Assistant Attorney-General. Twenty days from that time was allowed up as attorneys for the Choctaw and Chickasaw Nations to file written synopsis of the oral arguments in each case, and the attorney for applicants was given ten days thereafter to file replies thereto.

In the Coleman case we first submitted a request to have the record returned to the Commission to the Five Civilized Tribes for a finding of facts; but that request was denied by written decision dated September 29, 1905. Thereafter the motion for a reconsideration was argued upon its merits and submitted along with the other cases and will be

conducted and disposed on the same way.

As you are further aware the first four cases mentioned raise questions of law upon the decision of which will depend the decision of various other citizenship cases of applicants similarly situated. In all of these cases, where we have been served with notice, we have requested that no further action be taken pending the decision of the test cases and such requests have been in every instance granted. We write this letter relative to the status of these cases in accordance with the request of Mr. Beall the Secretary of the Commission.

Very respectfully,

Mansfield, McMurray & Cornish.

(COPY)

DEPARTMENT OF THE INTERIOR.

J.R.W.
W.C.P.
S.V.P.

I.T.D. Office of the Assistant Attorney-General
3687-1905.

WASHINGTON.

November 11, 1905.

The Secretary of the Interior.

Sir:

I received by reference of April 22, 1905, "for consideration," the motion by counsel for the Choctaw and Chickasaw Nations for reconsideration of my opinion of February 21, 1905, in case of Joe and Dillard Perry (I.T.D. 18092-1904), for enrollment as citizens by blood of the Chickasaw Nation. The motion is based on a general assignment of error, that "the findings of fact and conclusions of law reached are erroneous." Counsel upon request have been orally heard, and the general assignment is in oral argument limited and defined to be that the application was made too late and is barred by section 34 of the act of July 1, 1902 (32 Stat., 641, 649), and by the act of May 31, 1900 (31 Stat., 22, 236.)

For all purposes of the case as now presented it is conceded that the applicants are the children of Eliza Perry, who was one-quarter Indian, one-quarter white, and one-half negro; or in another part of the evidence one-half white and one-half negro, a Chickasaw freedman.

Their father was Charley Perry, a recognized Chickasaw citizen by blood, but the record does not show whether his Chickasaw blood was unmixed. Assuming it to be so, the children were five-eighths Chickasaw, one-eighth white, and one-quarter negro, or one-half

Chickasaw, one-quarter white and one-eighth negro. Elisa and Charley cohabited as husband and wife, and Joe was born to them March 20, 1892. After his birth, in 1892, his parents were married at Paris, Texas, when under arrest for illicit cohabitation. They returned to the nation and continued to cohabit as husband and wife until Charley's death, February 20, 1896. Dillard was born to them May 5, 1894. The father always acknowledged the children as his own. There is in the record an admission that she was previously married, without a license, "out of the Bible," by a clergyman, when about fifteen years old, about 1889, to one Moss James, a Creek, who deserted her two months thereafter, and after lapse of two years without hearing from him she began cohabitation with Perry. At one place in her testimony she testified that James, her first spouse, was living when she married Perry, in another that she does not know whether James at the time she married Perry was living or dead. She informed the officer who performed the second marriage of the first and its circumstances, and he told her that the former one was illegal for lack of a license and performed the second marriage ceremony. I have found no Chickasaw statute, and counsel have cited none, prohibiting marriage between a Chickasaw and a negro, and the constitution, treaties and law of the Chickasaw Nation published at Atoka 1890, appear to contain no such act, though there are acts requiring record of marriages (P.76), validating marriages irregularly celebrated before October 12, 1876, (p.78).

marriage "by mutual consent," and those under Choctaw law prior to August 30, 1876 (p. 112), and one of October 19, 1876, amended September 24, 1887, requiring a license for marriage between a citizen and non-citizen (p. 142). I therefore am advised of no objection to the marriage of these parties, except the admission of the mother that about two years before meeting with Perry, and about four years prior to her marriage to him, she was married to James, who may have then been living, though that fact is left in doubt. Upon such facts I was, February 21, 1905, of opinion that Joe and Dillard Perry were shown to be descendants of Charley Perry, a recognized citizen of the Chickasaw Nation, born within the nation and to its allegiance.

At the time of my former opinion the question now presented by counsel for the nation--while the facts raising it were contained in the record--was not discussed in the briefs, and failed to be considered.

Section 34 of the act of July 1, 1902, supra, so far as here material, provides that:

During the ninety days first following the date of the final ratification of this agreement, the Commission to the Five Civilized Tribes, may receive applications for enrollment only of persons whose names are on the tribal rolls, but who have not heretofore been enrolled by said Commission, commonly known as "delinquents,".....and such infant children as may have been born to recognized and enrolled citizens on or before the date of the final ratification of this agreement; but the application of no person whomsoever for enrollment shall be received after the expiration of said ninety days.

The act, sections 72 and 73, provided for the holding of an election for ratification on part of the Indian nations, and that it should not be effective until ratified at a tribal election, and, if ratified, should operate from that date. I am advised that

it was ratified by the tribes at an election held September 25, 1902, so that the ninety days limited for presentation of applications extended to include December 24, 1902.

There are distinct classes of persons provided for by section 34, the last of which are, infant children born to recognized and enrolled citizens, which would include these applicants who are infants and were born to Charley Perry during his life a recognized Chickasaw citizen. They are therefore entitled, if they applied on or before December 24, 1902. The mother of the applicants testified, October, 1904, as to the date of their application, as follows:

Q. When did you first claim these children were entitled to enrollment as Chickasaw citizens by blood?

A.....Last August.

Q. August of what year? -----A. 1903.

She further testified to circumstances fixed by dates of record respecting allotments, which definitely fix the date of the first assertion of their claim as being made after July 9, 1903.

In the Chickasaw Nation freedmen are not citizens, but are a class of non-citizen persons, resident within the Chickasaw Nation, to whom certain rights are granted by the nation and the Congress of the United States. Were they a class of citizens, their application would not be, within the meaning of the limitation in the act of 1902, supra, one for enrollment, but for correction of the record by their removal from one class of citizens to another class of citizens. Freedmen not being citizens of the Chickasaw Nation,

the application can not be considered as one to correct the record, but to admit and enroll them into a citizenship to which they previously did not belong and their right to which the record shows had not been asserted or applied for. Their application was therefore within the limitation of section 34 of the act of 1902, supra and was made too late.

Though this question was not presented by counsel for themation in the former brief, it is a question as to the jurisdiction of the Commission over the subject matter, and may be taken at any stage of the cause. It does not admit of doubt that the subject of limiting the time within which such rights must be asserted is within the power of Congress, and that its action is conclusive. I am therefore of opinion that the application must be denied.

A memorandum by counsel for the applicants refers to the judgment of the Citizenship Court, November 28, 1904, in case of T. J. Minor, Jr. (No. 117), and states that:

I am informed that a number of transfers have been made from the freedman roll. Its importance as a reference in the Joe and Dillard Perry case consists mainly in the fact that transfers were so made after the limit of time had expired when original applications could be made.

I have examined the judgment in the Minor case, and while it does not show at what time his right to enrollment as a citizen by blood was first asserted, I infer from the nature of the jurisdiction of the Citizenship Court that he must have made application under the act of June 10, 1896, for enrollment as a citi-

sen by blood, as otherwise his case could not have reached that court for adjudication.

In the present case it does not appear that any application, or assertion of right, of these applicants for enrollment as citizens by blood was ever made until August, 1903, after December 24, 1902. If such was made under the act of 1896, or at any time prior to and including December 24, 1902, the record before me is incomplete. This opinion is based solely on the fact that no right to enrollment of these applicants as citizens by blood was asserted until after December 24, 1902.

It is stated in the brief of counsel for the applicants that their allotments as freedmen have been cancelled, and that their applications to take allotments as citizens were denied. It is needless to say that such procedure, if the statement be true, was erroneous. The applicants are enrolled freedmen, and having selected allotments as such, were entitled to hold them until their right to enrollment as citizens was fully established, and their allotments, if cancelled, should be reinstated.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved: November 11, 1905.

E. A. Hitchcock,

Secretary.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D C

82732-1905.

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1964-1905.
15132-1905.

November 18, 1905.

LRS

Commissioner to the Five Civilized Tribes.

Sir:

On April 21, 1905, there was filed, on behalf of the Choctaw and Chickasaw Nations, a motion for reconsideration of the opinion of the Assistant Attorney General for this Department of February 21, 1905, relative to the enrollment of Joe and Dillard Perry as citizens by blood of the Chickasaw Nation.

Upon review of said opinion a second opinion was rendered by the Assistant Attorney General November 11, 1905, approved by the Department the same day, to the effect that Joe and Dillard Perry are not entitled to enrollment as citizens by blood of the Chickasaw Nation. Said opinion is based upon Section 34 of the act of July 1, 1902 (32 Stat., 641, 649).

It is further advised in said opinion that if the allotments of Joe and Dillard Perry as freedmen have been cancelled, such action was erroneous, inasmuch as they were entitled to hold them until their right to enrollment as citizens was fully established, and accordingly that their allotments if cancelled should be reinstated.

Following this opinion, the decision of the Department of February 25, 1905, based upon said opinion of February

-2-

21, 1905, is hereby rescinded, and you are directed to restore their names to the rolls of Chickasaw freedmen, and, if their allotments as Chickasaw freedmen have been cancelled, to take such steps as may be necessary to secure the same to them.

A copy of said opinion of November 11, 1905, is inclosed herewith.

Respectfully,

THOS. RYAN
First Assistant Secretary.

1 inclosure.

9-1906

COPY:

Muskogee, Indian Territory, December 1, 1905.

Eliza Harris,

Ada, Indian Territory.

Dear Madam:

You are hereby advised that on November 18, 1905, the Secretary of the Interior rescinded his decision of February 25, 1905, enrolling Joe and Dillard Perry as citizens by blood of the Chickasaw Nation and directed their enrollment as Chickasaw freedmen in compliance with an opinion of the Assistant Attorney General of November 11, 1905.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

9-1805

COPY.

Muskogee, Indian Territory, December 1, 1905.

B. C. Franklin,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that on November 18, 1905, the Secretary of the Interior rescinded his decision of February 25, 1905, enrolling Joe and Dillard Perry as citizens by blood of the Chickasaw Nation and directed their enrollment as Chickasaw freedmen in compliance with an opinion of the Assistant Attorney General of November 11, 1905.

Respectfully,

SIGNED

Wm. O. Beall.

Acting Commissioner.

9-1806

COPY.

Muskegee, Indian Territory, December 1, 1905.

S. T. Wiggins,
Attorney at Law,
Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that on November 18, 1905, the Secretary of the Interior rescinded his decision of February 25, 1905, enrolling Joe and Dillard Perry as citizens by blood of the Chickasaw Nation and directed their enrollment as Chickasaw freedmen in compliance with an opinion of the Assistant Attorney General of November 11, 1905.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

9-1805

COPY:

Muskogee, Indian Territory, December 1, 1905.

King & Currie,

Attorneys at Law,

Ada, Indian Territory,

Gentlemen:

You are hereby advised that on November 18, 1905, the Secretary of the Interior rescinded his decision of February 26, 1905, enrolling Joe and Dillard Perry as citizens by blood of the Chickasaw Nation and directed their enrollment as Chickasaw freedmen in compliance with an opinion of the Assistant Attorney General of November 11, 1905.

For your information there is inclosed herewith copy of Departmental letter of November 18, 1905, above referred to, transmitting the opinion of the Assistant Attorney General of November 11, 1905 in this case.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

HB 2-1

9-1805

COPY.

McKogee, Indian Territory, December 1, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on November 18, 1905, the Secretary of the Interior rescinded his decision of February 25, 1905, enrolling Joe and Dillard Perry as citizens by blood of the Chickasaw Nation and directed their enrollment as Chickasaw freedmen in compliance with an opinion of the Assistant Attorney General of November 11, 1905.

For your information there is inclosed herewith copy of Departmental letter of November 18, 1905, above referred to, also transmitting the opinion of the Assistant Attorney General of November 11, 1905 in this case.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

KB 1-1

COPY

DEPARTMENT OF THE INTERIOR
WASHINGTON

JWH

FHE

I.T.D. 6255-1906.

IRS

June 9, 1906.

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

Sir:

There is enclosed herewith a motion, bearing proper evidence of service upon the attorneys for the Choctaw and Chickasaw nations, filed by attorneys von Weise and Lee, requesting a reconsideration of departmental decision of November 11, 1905, in the matter of the enrollment of Joe and Dillard Perry as citizens by blood of the Chickasaw Nation.

This motion is forwarded to you for report and recommendation; also that record of its filing may be made in your office in compliance with section 1 of the act of April 26, 1906, (Public No. 129). In reporting, it is requested that you advise the Department particularly, whether an application was made by or on behalf of these applicants, prior to the act of June 28, 1898.

In all cases involving the question whether an application was made by or on behalf of any applicant, it is considered advisable that you inform the Department whether an application was made for such person under the act of June 10, 1896, and you

(2)

are directed so to do. See the next to the last paragraph of the approved opinion of the Assistant Attorney-General of November 11, 1905, in the Perry case.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

9-1805

COPY.

Muskogee, Indian Territory, December 2, 1905.

Eliza Harris,

Center, Indian Territory.

Dear Madam:

You are hereby advised that on November 18, 1905, the Secretary of the Interior rescinded his decision of February 25, 1905, enrolling Joe and Dillard Perry as citizens by blood of the Chickasaw Nation and directed their enrollment as Chickasaw freedmen in accordance with an opinion of the Assistant Attorney General of November 11, 1905.

Respectfully,

SIGNED

Wm. C. DeWitt

Acting Commissioner.

9-1808

9-61

Muskogee, Indian Territory, December 4, 1905.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

There is inclosed herewith copy of Chickasaw roll card No. 1808 Joe Perry et al., and you are directed to make the duplicate of this card in your possession conform to the information thereon.

Referring to Chickasaw freedman roll card No. 61 Harriet Taylor et al., you are directed to restore the names of Joe Perry No. 8 and Dillard Perry No. 9 thereon. The following notation in red ink has been placed on the original of this card:

"See reverse side of card for information as to cancellation of enrollment of Joe and Dillard Perry as Chickasaw freedmen."

and on the reverse side has been placed the following notation:

"Nos. 8 and 9 hereon Joe and Dillard Perry restored to this card December 1, 1905, in accordance with Departmental letter of Nov. 18, 1905, (I.T.D. 1964, 15132-1905) D.C. #52732-1905 rescinding Departmental instructions of Feb. 25, 1905 and directing their enrollment as Chickasaw freedmen. Notices forwarded applicants' mother and attorneys and attorneys for Choctaw and Chickasaw Nations this date."

You are therefore directed to make duplicate of this card in the possession of your office conform to the above information.

Respectfully,

Acting Commissioner.

COPY.

Muskogee, Indian Territory, June 26, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter of June 9, 1906 (I.T.D. 6255-1906), enclosing a petition signed by Charles von Weise and Albert J. Lee, as attorneys for the petitioners, and bearing proper evidence of service of a copy thereof upon the attorneys for the Choctaw and Chickasaw Nations, praying for a reconsideration of Departmental decision of November 11, 1905, in the matter of the enrollment of Joe and Dillard Perry as citizens by blood of the Chickasaw Nation.

The Department transmitted the motion or petition to this office for report and recommendation and also that record of its filing might be made in compliance with section 1 of the Act of Congress approved April 26, 1906 (Public 129), and requested that in reporting thereon the Department be particularly advised whether an application was made by or on behalf of the applicants prior to the Act of June 23, 1898.

The petition alleges that the decision of the Department of November 11, 1905, is erroneous and should be set aside for the

(2)

reason that the record failed to show that an assertion of right on the part of the applicants to be enrolled as Chickasaws by blood was made prior to August 1903.

Attention is invited to the report of the Commission to the Five Civilized Tribes of November 14, 1904, reciting that no assertion of rights of the applicants to enrollment as citizens by blood of the Chickasaw Nation was made until August 1903.

The petition alleges that as a matter of fact application was made for the enrollment of the two children as citizens by blood of the Chickasaw Nation by their mother August 25, 1896, which application was in writing, duly verified, and filed with the Commission to the Five Civilized Tribes September 7, 1896.

It is further alleged that the Choctaw and Chickasaw Nations were aware of the filing of said petition and that they, through their attorneys, filed a written demurrer thereto October 17, 1896 and that said application and demurrer are now in the custody of the Commissioner to the Five Civilized Tribes.

Messrs. von Weise and Lee then allege and charge that at the time the record in the Joe and Dillard Perry case was transmitted to the Department by the Commission to the Five Civilized Tribes on November 14, 1904, the petition filed by their mother in September 1896 was in the custody of said Commission and that it was willfully, maliciously and wrongfully retained in the files of the

(3)

Commission and was suppressed for the sole purpose of depriving the applicants of their just rights as Chickasaw citizens by blood and that the Commission to the Five Civilized Tribes well knew of the existence of said petition at the time of the submission of its report of November 14, 1904.

It is further alleged that on May 6, 1906, one of the attorneys for the applicants addressed a letter to the Commissioner to the Five Civilized Tribes requesting to be advised as to the required charge for a certified copy of the petition or application filed by the mother of Joe and Dillard Perry with the Commission to the Five Civilized Tribes in 1896, wherein she applied for their enrollment as citizens by blood of the Chickasaw Nation; that no reply has been received to said letter and that one of the petitioners' attorneys was obliged to apply in person at the office of the Commissioner at Muskogee, Indian Territory, for the purpose of securing a copy of said petition.

It is further claimed that the petitioners' attorneys have been informed by the Acting Commissioner that "within the past two weeks" a report has been furnished the Secretary of the Interior in this case but that the nature of said report was not disclosed to them nor were they permitted to examine the same and that their personal verbal request to be permitted to make such examination was denied.

(4)

Attached to the petition, marked Exhibit "A", is an alleged copy of the petition subscribed and sworn to by Eliza Perry August 25, 1896, and Exhibit "B", purporting to be a copy of a letter dated May 6, 1906, from Charles von Weise and addressed to the "Five Tribes Commissioner, Muskogee, I. T."

With the return of the motion or petition I have the honor to report as follows:

There was filed with the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896 (29 Stats., 321), on September 7, 1896, an application for citizenship in the Chickasaw Nation submitted by Eliza Perry and praying for the admission and enrollment of herself and her three minor children, Joe Perry, Dillard Perry and Harret Perry, as citizens of the Chickasaw Nation.

This petition was docketed as "1896 Chickasaw citizenship case No. 116" and appears upon the docket of Chickasaw citizenship cases filed with the Commission in 1896 as follows:

"116. Eliza Perry Filed Sept. 7, 1896. Answer filed.

vs.

Application denied, without prejudice to rights as freedmen.

Chickasaw Nation

I. M. King, Center, I. T."

(6)

September 7, 1896, and the answer or demurrer of the Chickasaw Nation filed October 17, 1896.

An examination of the original petition discloses beyond question that it was the purpose and intent of Eliza Perry to pray for the admission of herself and her three children, Joe Perry, Dillard Perry and Harret Perry, as citizens of the Chickasaw Nation.

The docket entry in the case and the judgment annotated upon the original petition would seemingly indicate that the Commission to the Five Civilized Tribes only docketed and considered such petition as to the rights of the principal petitioner, Eliza Perry.

I am of the opinion, however, that the petition filed in 1896 was and should be considered as an assertion of right upon behalf of Joe and Dillard Perry to admission and enrollment as citizens by blood of the Chickasaw Nation.

As to the effect and force to be given such petition I desire to respectfully invite the attention of the Department to the fact that if the rights of these children were considered by the Commission to the Five Civilized Tribes in 1896 as a part of the petition of Eliza Perry, then they must be bound by the judgment of said Commission rendered under the Act of June 10, 1896,

(5)

The petition was filed by I. M. King, of Center, Indian Territory, and was briefed, "Application for citizenship of Eliza Perry. Eliza Perry vs. Chickasaw Nation."

The answer or demurrer of the Chickasaw Nation was filed with the Commission to the Five Civilized Tribes October 27, 1896.

November 10, 1896, the petition was considered and acted upon by the Commission to the Five Civilized Tribes and the judgment or decision of said Commission was entered in lead pencil upon the back of the original petition as follows: "Rejected without prejudice to rights as freedmen."

The following entry was also placed upon the citizenship docket, as will appear from the copy of said docket heretofore referred to, "Application denied, without prejudice to rights as freedman."

From this decision of the Commission to the Five Civilized Tribes of November 10, 1896, no appeal was taken to the United States Court in Indian Territory, nor does there appear to have been any other judicial determination of the petition since that date.

I transmit herewith for the information and consideration of the Department, the original petition and exhibits attached thereto, filed with the Commission to the Five Civilized Tribes

(7)

which denied them the right to admission as citizens of the Chickasaw Nation and from which decision no appeal was taken within the time prescribed by the provisions of that Act.

It is not alleged, nor has it ever been contended that these two children were prior to 1896 ever in any manner enrolled or recognized by the tribal authorities of the Chickasaw Nation as citizens thereof. Such being the fact, the petition, if considered on their behalf, came within the jurisdiction of the Commission and the judgment of November 10, 1896, denying the petition of Elias Barry was properly rendered within the authority vested by the Act of 1896 and is conclusive and determinate as to the rights of said children to enrollment as Chickasaw citizens.

The decisions of the Department in reference to the finality of the judgments rendered by the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896, have been the subject of numerous letters addressed to this office. It has been uniformly held that the Commission to the Five Civilized Tribes acquired no jurisdiction over any applicant whose petition was filed under the Act of 1896, who was prior to that time an enrolled citizen of either the Choctaw or Chickasaw Nation, but as to those persons whose petitions were filed in 1896 and who were not prior to that time recognized by the tribal authorities, the

long line of rulings of the Department are to the effect that such decisions or judgments became final when not appealed from within the statutory time.

I find in Departmental letter of July 20, 1904 (I.T.D. 2774-1904), in reference to the application for the enrollment of Charles L. Haughton and his family as citizens of the Choctaw Nation the following language:

"The Department considers the question settled by the opinion of the Assistant Attorney General of March 17, 1899, to which the Acting Commissioner refers. There is a wide difference between the Adams case and the one under consideration. The Commission had no jurisdiction under the Act of 1896 in the Adams case. Adams was a citizen by admission by the National Council of the Nation. His right to citizenship had not "been denied or not acted upon" by the Nation's authority relative to which class of cases your Commission had jurisdiction under the Act of 1896. Haughton's right had not been acted upon, or if so, apparently his claim had been rejected. He therefore had a right to apply to your Commission in 1896 under the Act of 1896 and your Commission having jurisdiction in his case, your decision based upon evidence which is not before the Department, not appealed from, became final."

Analogous facts exist in reference to the case under consideration. Eliza Perry and her three children had a right to apply to the Commission under the Act of 1896. Their rights had either been denied or not acted upon by the Chickasaw tribal authorities and they were not at the date of the submission of the petition recognized and enrolled citizens of the Chickasaw Nation.

(9)

The Commission accordingly, under the Act of 1894, had jurisdiction of the petitioners and its decision, which was not appealed from, became final as to the rights of the applicants named therein.

I am therefore of the opinion that construing the petition submitted by Eliza Perry in 1894 as an application or an assertion of right on behalf of Joe and Dillard Perry as citizens of the Chickasaw Nation, they must abide by such action as was taken upon said petition by the Commission to the Five Civilized Tribes in 1894 and that the denial thereof on November 10, 1894, is conclusive and determinate as to their right to citizenship in the Chickasaw Nation.

As to the allegations made by Messrs. von Wetze and Lee concerning the action of the Commission to the Five Civilized Tribes, its successor and the employees of this office, in the Joe and Dillard Perry case, I desire to specifically take up each of these separate insinuations and charges and submit for the consideration of the Department a full report thereon.

The first allegation is to the effect that the Choctaw and Chickasaw Nations were aware of the filing of the petition on behalf of Joe and Dillard Perry in 1894 and that they filed an answer or demurrer thereto as will appear from an examination of the records now in the custody of the Commissioner to the Five Civilized

Tribes.

It is an admitted fact that such a petition and answer were filed and have been continuously in the custody and possession of the Commission to the Five Civilized Tribes and its successor, since October 17, 1894. The evident intent of the allegation made by Messrs. von Weise and Lee is to assume or charge that the present legal representatives of the Choctaw and Chickasaw Nations had knowledge of the petition filed on behalf of Joe and Dillard Perry in 1894 and that they knew of, or were parties to, its alleged suppression from the record in the case as submitted to the Department.

In this connection I desire to invite the attention of the Department to the fact that the answer or answer filed with the Commission in 1894 is signed in typewriting "The Chickasaw Nation, by its Attorneys" and does not bear the signature of any person. At the time this answer or answer was filed with the Commission in 1894, Messrs. Mansfield, McMurtry & Cornish, the present attorneys for the Choctaw and Chickasaw Nations, were not employed as the legal advisors of said Nations nor as far as my knowledge extends, were they at that time in any manner interested in the affairs of the Choctaw and Chickasaw Nations.

The next allegation and charge is that at the time the record in the Joe and Dillard Perry case was transmitted by the

Commission to the Five Civilized Tribes to the Department on November 14, 1904, the petition filed by Eliza Perry in September 1896 and in the custody of said Commission and that it was willfully, maliciously and wrongfully retained in the files of said Commission at Muskogee and was not transmitted to the Department with the other records in said case.

Messrs. von Voise and Lee assume that the attitude of the Commission to the Five Civilized Tribes was at all times unfavorable to their clients and the absurdity and utter falseness of this insinuation or charge is demonstrated in the fact that there could have been no possible purpose or reason for the suppression of a judgment rendered by the Commission under the Act of 1896 adverse to Joe and Dillard Perry, rendered with full authority of law and which was unappealed from and was, in the opinion of the Commission, conclusive and final to their right to enrollment.

A review of the Joe and Dillard Perry case will show that the question of the right to enrollment of these children as citizens of the Chickasaw Nation under the Act of Congress approved June 26, 1898, did not originate with this office, nor has any decision at any time been rendered by the Commission to the Five Civilized Tribes or its successor upon the right to enrollment of the children as citizens of the Chickasaw Nation.

Application was originally made for the enrollment of Joe and Dillard Perry as Chickasaw freedmen at Stonewall, Indian Territory, September 2, 1896. No rights were asserted at that time nor was any question of any former application for their admission to citizenship in the Chickasaw Nation referred to. The application of September 2, 1896, was not made for the enrollment of the children as citizens of the Chickasaw Nation, but was simply for their enrollment as Chickasaw freedmen, and the Commission undoubtedly did not examine the Chickasaw citizenship docket of 1896 to determine whether or not any application had been made for the children as citizens of the Chickasaw Nation.

The first the record discloses of any rights claimed for these children as Chickasaw Indians is in 1903, the earliest reference made thereto found in the records of this office, is Departmental letter of August 26, 1903 (I.T.D. 6292-1903), requesting a report upon a letter of E. G. Franklin, of Tishomingo, Indian Territory, written on behalf of Eliza Harris, a Chickasaw freedman, who claimed to have two children by Charley Perry, a Chickasaw full-blood Indian. Mrs. Harris desired to learn whether or not she could have the names of the two children transferred to the Chickasaw Indian roll. There was considerable correspondence interchanged between the Department, this office and the attorneys and

and representatives of Joe and Dillard Perry during the latter part of the year 1903 and the early part of 1904.

The Department on September 14, 1904, directed that the applicants be allowed thirty days within which to present additional facts in support of their claim and that all parties in interest be notified thereof.

Under these instructions a hearing was had before the Commission to the Five Civilized Tribes at its office at Muskogee, Indian Territory on October 21, 1904. At this hearing, the applicants were represented by their attorney, William S. Currie, of King & Currie, Ada, Indian Territory, and the Choctaw and Chickasaw Nations by G. Rosenwinkel, appearing on behalf of Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations.

The testimony of the witnesses at this hearing was elicited by the attorney for the applicants and the representative of the Choctaw and Chickasaw Nations and no question was asked nor any intimation presented that any application had been made or submitted for the enrollment of the two children, Joe and Dillard Perry, as citizens by blood of the Chickasaw Nation prior to 1904.

I desire to invite the attention of the Department to the testimony of Eliza Harris, formerly Eliza Perry, appearing in the

record of proceedings of October 21, 1904, pages 8 to 13, inclusive, and especially concerning the application made for the enrollment of the two children as Chickasaw Indians, as follows:

Q Were you with your mother, Harriet Taylor, when she went to Stonewall in 1898 to have these children enrolled? A No, sir, I was in Pauls Valley.

Q Your mother had the children enrolled? A Yes sir.

Q You applied to have them enrolled as Chickasaw freedmen?

A Mother did, yes sir.

Q You knew that? A That is what she said the Commission said.

Q When did you first claim these children were entitled to enrollment as Chickasaw citizens by blood? A I believe it was last June; no sir, last August.

Q August of what year? A 1903.

Q Now had you ever prior to that time made any application to the Commission to have these children enrolled as citizens by blood of the Chickasaw Nation? A No sir.

Q The first time was in August 1903? A Yes sir.

Q You had always accepted the enrollment of the children as Chickasaw freedmen up until that time? A Yes sir.

Q Didn't you go before the Chickasaw Land Office at Tishomingo on April 7, 1903, and select allotments for your children? A Yes sir.

Q Didn't you claim they were Chickasaw freedmen? A Yes sir.

Q Didn't you select allotments? A Yes sir.

Didn't you go back on July 9, 1903, for the purpose of having the allotments straightened out at that time? A Yes sir.

Q You still claimed these children as Chickasaw freedmen?

A Yes sir.

Q You never made any claim as to their rights as Chickasaw citizens until after the second time you were back? A No sir.

At the time this testimony was submitted, October 21, 1904, the then members of the Commission to the Five Civilized Tribes had no knowledge or intimation of the existence of any application having been made for the admission to citizenship in the Chickasaw

Nation of Joe and Dillard Perry prior to the assertion of Eliza Perry in June or August 1903.

The petitions and other papers filed with the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896, have recently been carefully reviewed and indexed and in making this review it was discovered by an employee of this office in March 1906, that the petition filed by Eliza Perry also prayed for the enrollment of her three minor children, Joe Perry, Dillard Perry and Harret Perry. This discovery was made subsequent to the rendition by the Assistant Attorney General of his opinions of February 21, 1905, and November 11, 1905, in the Joe and Dillard Perry case.

My attention was called to the fact that the names of Joe and Dillard Perry appeared in the original petition filed by Eliza Perry under the Act of 1896, while I was in the city of Washington in the latter part of the month of April 1906 and I directed that a copy of the original petition be forwarded me. A copy of the petition was prepared and forwarded to my Washington address, but before the receipt thereof I had returned to the Indian Territory and it was subsequently returned to the Muskogee office.

The charge that the petition was willfully, maliciously and wrongfully suppressed by the Commission to the Five Civilized

Tribes in transmitting the record in the case on November 14, 1904, is unqualifiedly denied and is without foundation of truth or fact.

I also desire to invite the attention of the Department to the fact that the proceedings had before this office on October 21, 1904, were upon a motion filed with the Department on behalf of the two children and that the Commission did not consider or in any manner pass upon the rights of the two children to enrollment as citizens of the Chickasaw Nation.

It is to be particularly noted that the letter of this office of November 14, 1904, simply transmitted the record in the case as made in conformity with the Department's instructions of September 14, 1904, and with the advice that Charlie Perry was during his lifetime recognized and enrolled as a citizen of the Chickasaw Nation and that his name appeared upon the 1893 Leased District payment roll of the citizens of said Nation.

The allegation made by Messrs. von Weise and Lee that the petition was suppressed for the sole purpose of depriving their clients of their just right to enrollment as citizens by blood of the Chickasaw Nation is so absurd as to hardly warrant any reply thereto.

Had the Commission known at the time that the two children, Joe and Dillard Perry, were included in the original petition made by Eliza Perry in 1893, reference thereto would have been made

in the proceedings of October 21, 1904, and would, under the holdings of the Commission to the Five Civilized Tribes and of the Department as they existed at that time, been conclusive as to the fact that judicial determination had been made of the rights of said children to enrollment as citizens of the Chickasaw Nation and that the decision of November 10, 1896, adverse to them, was conclusive and final.

The petition or motion also alleges that one of the attorneys on May 6, 1906, addressed a letter to the Commissioner to the Five Civilized Tribes requesting to be advised as to the required fee for a certified copy of the original petition filed by Eliza Perry with the Commission in 1896; that no reply was received to said letter and that the petitioners' counsel were obliged to apply in person for a copy of said petition. A copy of the letter referred to is attached to the petition, marked Exhibit "B" and would appear to have been written from Ardmore, Indian Territory, May 6, 1906, and signed by Charles von Weise and addressed to the "Five Tribes Commissioner, Muskogee, I. T."

I have caused a thorough and careful examination to be made of the files of all letters received at this office since May 1, 1906, and can find no record of any such letter having been received at this office, nor of any other communication, either from

(18)

Charles von Weise or Albert J. Lee, during the month of May 1906, requesting a certified copy or in any other manner referring to obtaining a copy of the petition filed by Elisa Perry in 1896.

As to the last allegation, I have the honor to report that this case has not been the subject of any communication between this office and the Department since the receipt of Departmental letter of November 18, 1905, enclosing a copy of the approved opinion of the Assistant Attorney General for the Department of November 11, 1905.

I can see nothing in the case under consideration which would benefit the applicants by a reconsideration thereof. The Assistant Attorney General has held that they are not entitled to enrollment as citizens by blood of the Chickasaw Nation for the reason that application was not made for their enrollment within the time prescribed by section 34 of the Act of Congress approved July 1, 1902 (32 Stats., 641). Admitting that the petition for citizenship in the Chickasaw Nation herewith transmitted, which was filed in 1896, was and is to be construed as an application made for their enrollment within the time prescribed by law, then such petition was considered and the rights of the petitioners adversely determined, which decision of the Commission must, under the rulings of the Department, be considered final and conclusive and no benefits would result to the applicants by reason thereof.

(19)

I therefore have the honor to respectfully recommend the denial of the motion or petition, herewith transmitted.

I have to request that the original papers filed in the Eliza Perry case under the Act of June 10, 1896, be returned for the files of this office when they have served the purpose desired by the Department.

I note that the Department in concluding its letter of June 9, 1906, desires that in all cases involving the question of whether an application has been made by or on behalf of any applicants, that the Department be informed whether application was made under the Act of June 10, 1896 (29 Stats., 321).

I have the honor to report that this procedure and policy has been carefully adhered to by both the Commission to the Five Civilized Tribes and this office and that in addition to examining the applications for enrollment made under the Act of June 28, 1898, examination is also made of the applications submitted for citizenship in the Choctaw and Chickasaw Nations under the Act of Congress approved June 10, 1896.

It is possible, owing to the incoherent manner in which petitions were submitted under the Act of 1896, and the limited time in which the same could be received and considered, that in a few exceptional cases the names of persons denied under the Act of 1896 and whose cases were not appealed from, do not appear upon the

(20)

indexes prepared by the Commission.

I can assure the Department, however, that the greatest care is exercised in examining all records that might in any manner pertain to the right to enrollment of applicants before any determination is made of their cases.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

Through the
Commissioner of Indian Affairs.

OP 26-5

(COPY)

DEPARTMENT OF THE INTERIOR,
D. C. 49653-1906. OFFICE OF INDIAN AFFAIRS,
Land WASHINGTON.

GAW

55098-1906.

July 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of June 9, 1906, I.T.D. 6255, there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated June 26, 1906, concerning the application of Joe and Willard Perry for the transfer of their names from the roll of Chickasaw freedmen to the rolls of citizens by blood.

It is shown by the report of the Commissioner that application was made for the enrollment of Joe and Willard Perry as citizens by blood on September 7, 1896, in accordance with the provisions of the Act of June 19, 1896. Eliza Perry, the mother of these applicants, the report shows not only made application for the enrollment of herself, but also for the enrollment of her minor children, Joe, Willard, and Harriet Perry, as citizens of the Chickasaw Nation. The application is among the papers.

It is also shown that on December 19, 1896, the Com-

mission held that these applicants were not entitled to enrollment as citizens by blood and "that their applications were rejected without prejudice to rights as freedmen," and no appeal was taken from the Commission's decision to the United States Court in the Indian Territory.

Without entering into an extended discussion of the position of the Commissioner to the Five Civilized Tribes with reference to the right of these applicants to have their names transferred from the freedman to the blood roll, it is thought to be sufficient for the Office to say that Mr. Bixby reaches the conclusion that inasmuch as no appeal was taken from the Commission's decision of November 10, 1896, that decision is final, and the Department is now without power or authority to in any way modify that action.

Considering the position taken by the Assistant Attorney General for the Interior Department in this case, in opinion of November 11, 1905, the Office cannot agree with Mr. Bixby's position. The record in the case shows that Eliza and Charlie Perry lived together as husband and wife, and that Joe Perry was born to them on or about March 20, 1892. After his birth his parents were married, at Paris, Texas, which seems from the record to have been brought about because of their arrest for living together as husband and wife without being married. They returned to the Chickasaw Nation and Charlie Perry died about February 20, 1896. Billard Perry was born on May 5, 1904.

The Assistant Attorney General in opinion mentioned said, among other things.

I therefore am advised of no objection to the marriage of these parties, except the admission of the mother that about two years before meeting with Perry, and about four years prior to her marriage to him, she was married to James, who may have then been living, though that fact is left in doubt. Upon such facts I was, February 21, 1903, of opinion that Joe and Dillard Perry were shown to be descendants of Charley Perry, a recognized citizen of the Chickasaw Nation, born within the nation and to its allegiance.

.....
In the present case it does not appear that any application, or assertion of right, of these applicants for enrollment as citizens by blood was ever made until August, 1903, after December 24, 1902. If such was made under the act of 1896, or at any time prior to and including December 24, 1902, the record before me is incomplete. This opinion is based solely on the fact that no right to enrollment of these applicants as citizens by blood was asserted until after December 24, 1902.

From the last quotation it will be observed that the Assistant Attorney General, by inference, at least, held that if an application was made for these people in 1896 for enrollment as citizens by blood, their names should be transferred from the freedman roll to the roll of citizens by blood.

The record as it now stands shows that on September 7, 1906, there was filed with the Commission to the Five Civilized Tribes application of Eliza Perry, executed on August 28, 1906, for the enrollment of herself and her children, Joe, Perry, Dillard, and Harret, as citizens of the Chickasaw Nation. Eliza Perry applied for the enrollment of herself as an inter-married citizen and asked that she and her children be adjudged

to be citizens of said Chickasaw Nation and entitled to all the rights and privileges pertaining to such citizenship, in accordance with the laws and treaties made within said nation of Indians.

The fact that Joe Perry was born prior to the marriage of his parents does not take from him the right to enrollment as a citizen by blood if otherwise entitled thereto, for the reason that section 2325 of Mangfield's Digest of the Statutes of Arkansas, which were put in force in the Indian Territory by section 31 of the Act of May 2, 1890 (25 Stats., 81), declares that:

If a man have by a woman a child or children, and afterward shall intermarry with her, and shall recognize such children to be his, they shall be deemed and considered as legitimate.

This statute was in force in the Indian Territory prior to the birth of Joe Perry, which was on March 20, 1892.

From the record in the case as it now stands, and considering the opinions of the Assistant Attorney General of February 21, 1905, and November 11, 1905, in this case, the Office believes that if its construction of the last quotation from said opinion is correct, in view of what is said in the former opinion, these applicants are entitled to have their names transferred from the roll of Chickasaw freedmen to the roll of Chickasaws by blood, as it will be observed that the Assistant Attorney General in the former opinion said:

I am therefore clearly of the opinion that applicants are entitled to be transferred to the roll of Chickasaws by blood.

and in the latter declared that they were not so entitled to transfer, and that his expressions therein contained were based solely on the fact that no right to enrollment of these applicants as citizens by blood was asserted until after December 24, 1902.

Very respectfully,

C. F. LARRABEE,

Acting Commissioner.

CAV-CH.

COPY.

J. R. V.
W. G. P.
S. V. P.

DEPARTMENT OF THE INTERIOR,
Office of the Assistant Attorney-General,
WASHINGTON.

I. T. D.
18723-1906

September 23, 1906.

The Secretary of the Interior.

Sir:

I received by reference of August 18, 1906, the record in the case of Joe and Billard Perry for enrollment as citizens of the Chickasaw Nation by transfer from the roll of freedmen. The case, upon defective and incomplete record, was subject of my opinions of February 21, 1905, and November 11, 1906.

The applicants are the recognized and, perhaps, the legitimate children of Charley Perry by Eliza, a Chickasaw freedman of some Indian and white blood, born to him during a cohabitation as husband and wife, the pair having been ceremonially married. In my opinion of November 11, 1906, I deemed them within the provisions of the act of July 1, 1902 (32 Stat., 642), entitled to be enrolled had they applied prior to December 31, 1902, but upon the defective record I deemed them barred for default of application prior thereto.

It now appears that their mother duly applied on their behalf in 1906, but they were "impliedly denied" by the Commission at that time, as the present Commissioner reports. The Commissioner deems that "implied denial" final, as no appeal was

taken to the courts from its action. It is unnecessary to consider whether the applicants would be barred by failure to appeal from a merely implied adverse action, never clearly expressed, as shown by the record. Granting that the Commission did decide adversely to them and that such action was final by their failure to appeal, yet it is established by the decision in Stevens v. Cherokee Nation (174 U.S., 445), that the conclusiveness of such a determination may be opened by Congress and it has repeatedly exercised that power, as in creation of the Chester-Chickaw Citizenship Board. By the act of July 1, 1902, supra, the Commission was authorized to enroll "such infant children as may have been born to recognized and enrolled citizens on or before the date of the final ratification of this agreement", but no application would be received after ninety days subsequent to such ratification. The record now shows that applicants are of the class described, and that their application was duly made in 1894. I therefore am of opinion that they are not barred by the former adverse action of the Commission, and are entitled to be enrolled as citizens of the nation, in the allegiance of which they were born.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved: September 28, 1906.

Thos. Ryan,

Acting Secretary.

J.F.Jr.

DEPARTMENT OF THE INTERIOR,

W.M.H.

WASHINGTON.

I.F.D.

6222-1000; 722, 8224,
6222-1000, 1000,
12722-1000; 8-4-1000;
12722, 10000-1000.

October 10, 1906.

J.F.

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

Sir:

On July 17, 1906 (Land 55000), the Indian Office transmitted your report dated June 24, 1906, concerning the application of Joe and Billard Perry for the transfer of their names from the roll of Chickasaw freedmen to the rolls of citizens by blood, and forwarding a petition praying for a reconsideration of departmental decision of November 14, 1902. You recommended the denial of this petition.

The Indian Office refused to concur in your recommendation. A copy of its letter is enclosed.

On September 24, 1906, the Assistant Attorney-General rendered a decision in the matter, which was approved by the Department on the same day. A copy of this opinion is enclosed for your information.

In accordance with said opinion, departmental decision of November 14, 1902, is rescinded, and the motion for review is granted. You are directed to enroll Joe and Billard Perry as citizens by blood of the Chickasaw Nation.

-2-

The record, motion and accompanying papers have been returned
for the files of the Indian Office.

Respectfully,

Thos. Ryan

First Assistant Secretary.

Through the
Commissioner of Indian Affairs.

2 encls. & 22 to Ind. Of.

COPY.

Muskogee, Indian Territory, October 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter of October 10, 1906, enclosing an approved opinion of the Assistant Attorney General of September 26, 1906, in reference to the application of Joe and Dillard Perry for the transfer of their names from the roll of Chickasaw freedmen to the roll of citizens by blood of the Chickasaw Nation.

I am directed by the Department, in conformity with said opinion, to enroll Joe and Dillard Perry as citizens by blood of the Chickasaw Nation.

The Department in its letter of October 10, 1906, refers to a report of the Commissioner of Indian Affairs of July 17, 1906 (Land 56698-1906), and states that a copy of said letter is enclosed.

The report of the Indian Office referred to is not found among the enclosures transmitted and I have to request that copy thereof be furnished this office in order that the records in this case may be made complete.

Respectfully,

BIGNED *Jams Bixby.*

Commissioner.

Through the Commissioner
of Indian Affairs.

19-61

Muskogee, Indian Territory, October 22, 1906.

Miss Harris,

CCF

Ada, Indian Territory,

Dear Madam:

You are hereby advised that the Secretary of the Interior on October 10, 1906, rescinded Departmental decision of November 16, 1905, enrolling Joe and Dillard Perry as Chickasaw freedmen, and directed their enrollment as citizens by blood of the Chickasaw Nation.

The names of Joe Perry and Dillard Perry will be placed upon a schedule of citizens by blood of the Chickasaw Nation, prepared for forwarding the Secretary of the Interior.

Respectfully,

SIGNED *James Bixby*
Commissioner.

19-61

Muskogee, Indian Territory, October 22, 1906.

Eliza Harris,
Center, Indian Territory,

COPY.

Dear Madam:

You are hereby advised that the Secretary of the Interior on October 10, 1906, rescinded Departmental decision of November 18, 1905, enrolling Joe and Dillard Perry as Chickasaw freedmen, and directed their enrollment as citizens by blood of the Chickasaw Nation.

The names of Joe Perry and Dillard Perry will be placed upon a schedule of citizens by blood of the Chickasaw Nation, prepared for forwarding the Secretary of the Interior.

Respectfully,

SIGNED

Tom - P. 1906

Commissioner.

19-61

Waukegee, Indian Territory, October 22, 1906.

W. C. Franklin,
Tishomingo, Indian Territory,

COPY

Dear Sir:

You are hereby advised that the Secretary of the Interior on October 10, 1906, rescinded Departmental decision of November 18, 1905, enrolling Joe and Dillard Perry as Chickasaw freedmen, and directed their enrollment as citizens by blood of the Chickasaw Nation.

The names of Joe Perry and Dillard Perry will be placed upon a schedule of citizens by blood of the Chickasaw Nation prepared for forwarding the Secretary of the Interior.

Respectfully,

SIGNED *James P. ...*
Commissioner.

19-61

McAlester, Indian Territory, October 23, 1906.

COPY.

S. T. Wiggins,

Attorney at Law,

Aramore, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior on October 10, 1906, rescinded Departmental decision of November 18, 1906, enrolling Joe and Dillard Perry as Chickasaw freedmen, and directed their enrollment as citizens by blood of the Chickasaw Nation.

The names of Joe Perry and Dillard Perry will be placed upon a schedule of citizens by blood of the Chickasaw Nation, prepared for forwarding the Secretary of the Interior.

For your information there is inclosed herewith a copy of Departmental letter of October 10, 1906, above referred to.

Respectfully,

SIGNED *Jams Bixby*

Commissioner.

LX 5/22

19-61

Muskogee, Indian Territory, October 22, 1906.

King & Currie,
Attorneys at Law,
Ada, Indian Territory,

copy

Gentlemen:

You are hereby advised that the Secretary of the Interior on October 10, 1906, rescinded the decision of the Department of November 18, 1905, enrolling Joe and Dillard Perry as Chickasaw freedmen and directed their enrollment as citizens by blood of the Chickasaw Nation.

The names of Joe Perry and Dillard Perry will be placed upon a schedule of citizens by blood of the Chickasaw Nation, prepared for forwarding the Secretary of the Interior.

For your information there is inclosed herewith a copy of Departmental letter of October 10, 1906, above referred to.

Respectfully,

SIGNED *James Bixby*
Commissioner.

LH 6/23

19-61

Muskogee, Indian Territory, October 23, 1906.

Chas. von Weise,
Attorney at Law,
Ardmore, Indian Territory.

COPY.

Dear Sir:

You are hereby advised that on October 10, 1906, the Secretary of the Interior rescinded Departmental decision of November 18, 1905, enrolling Joe and Dillard Perry as Chickasaw freedmen, and directed their enrollment as citizens by blood of the Chickasaw Nation.

The names of Joe Perry and Dillard Perry will be placed upon a schedule of citizens by blood of the Chickasaw Nation, prepared for forwarding the Secretary of the Interior.

For your information there is inclosed herewith a copy of Departmental letter of October 10, 1906, above referred to.

Respectfully,

SIGNET *Jame Bixby*

Commissioner.

EX 7/25

19-61

Muskogee, Indian Territory, October 22, 1906. ^{COPY}

Albert J. Leo,

Ardmore, Indian Territory,

Dear Sir:

You are hereby advised that the Secretary of the Interior on October 10, 1906, rescinded Departmental decision of November 18, 1905, enrolling Joe and Dillard Perry as Chickasaw freedmen, and directed their enrollment as citizens by blood of the Chickasaw Nation.

The names of Joe Perry and Dillard Perry will be placed upon a schedule of citizens by blood of the Chickasaw Nation, prepared for forwarding the Secretary of the Interior.

For your information there is inclosed herewith a copy of Departmental letter of October 10, 1906, above referred to.

Respectfully,

LM 8/22

SIGNED *Jame Birb*
Commissioner.

19-61

Muskogee, Indian Territory, October 22, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that the Secretary of the Interior on October 10, 1906, rescinded Departmental decision of November 18, 1905, enrolling Joe and Dillard Perry as Chickasaw freedmen, and directed their enrollment as citizens by blood of the Chickasaw Nation.

For your information there is inclosed herewith a copy of Departmental letter of October 10, 1906, above referred to.

Respectfully,

Samuel D. ...

Commissioner.

LM 9/22

9-1805

Muskogee, Indian Territory, November 1, 1906.

Chief Clerk,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on October 10, 1906, the Secretary of the Interior rescinded Departmental decision of November 18, 1905 enrolling Joe and Dillard Perry as Chickasaw freedmen and directed their enrollment as citizens by blood of the Chickasaw Nation; their names have accordingly been restored to Chickasaw roll card No. 1805 by erasing therefrom the red lines heretofore drawn through the names of Nos. 1 and 2 and the following notations in red ink have been placed on said card:

"June 9, 1906 Petition of von Weise and Lee Attorneys at Law, referred by Department for report and recommendation.
June 26, 1906 Report to Department.
Oct. 30, 1906, Departmental decision of Nov. 18, 1905 rescinded and Nos. 1 and 2 enrolled as citizens by blood of the Chickasaw Nation."

You are therefore directed to make duplicate card of this number in your possession conform to this information.

Respectfully,

Commissioner.

19-61

Muskogee, Indian Territory, November 1, 1906.

Chief Clerk,

Chickasaw Land Office,

Armore, Indian Territory.

Dear Sir:

Referring to Chickasaw freedman roll card No. 61, Harriet Taylor et al., you are advised that red lines have been drawn through the names of numbers 8 and 9 thereon Joe and Dillard Perry and the following notations in red ink placed thereon:

"June 9, 1906 Petition of von Weise and Lee Attorneys at Law, referred by Dept. for report and recommendation. June 26, 1906 Report to Department. Oct. 10, 1906 Departmental decision of Nov. 18, 1905 rescinded and Nos. 8 and 9 enrolled as citizens by blood of Chickasaw Nation."

You are directed to make duplicate card of this number in your possession conform to this information.

Respectfully,

Commissioner.

D. C. 10699-1907.

KLM.
LLB.

DEPARTMENT OF THE INTERIOR,

LRS.
I. T. D. 3950-1907.

WASHINGTON.

February 20, 1907.

DIRECT.

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

Sir:

January 30, 1907, you transmitted a schedule of citizens by blood of the Chickasaw Nation, Nos. 5013 and 5014, found to be entitled to enrollment under the provisions of the act of Congress approved July 1, 1902 (32 Stat., 641).

Reporting February 15, 1907 (Land 13760), the Indian Office recommended that said schedule be approved. A copy of its letter is inclosed.

Said schedule has been approved this day, and three parts thereof are returned herewith. The original and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos. Ryan,

4 inc. and 1 to Ind. Of. First Assistant Secretary.

A F Mc
2-21-07.

Land.
13760-1907.

Copy.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
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 30, 1907, transmitting a schedule in quintuplicate of citizens by blood of the Chickasaw Nation numbers 5013 and 5014, found by Mr. Bixby, to be entitled to enrollment and who were living on September 25, 1902, as provided by the Act of Congress approved July 1, 1902, (32 Stat. L., 641), entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," and ratified by the citizens of the Choctaw and Chickasaw Nations at a special election held September 25, 1902. October 25, 1902. October 10, 1906, (I. T. D. 18962-1906), the Department directed that Joe Perry, and Dillard Perry be enrolled as citizens by blood of the Chickasaw Nation.

The schedule is herewith transmitted and it is respectfully recommended that it be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

CTC-MEM.
7 encls.

Chickasaw 1808

Muskogee, Indian Territory, March 29, 1907.

Elisa Perry,

Ada, Indian Territory,

Dear Madam:

You are hereby advised that in accordance with an opinion of the Attorney General of the United States of February 19, 1907, the Secretary of the Interior, on March 4, 1907, directed the cancellation of the enrollment of your children, Joe and Dillard Perry, as citizens by blood of the Chickasaw Nation, and restored the names of these children to the roll of Chickasaw freedmen.

Their names have accordingly been stricken from the copy of the roll of citizens by blood of the Chickasaw Nation, and re-instated upon the roll of Chickasaw freedmen in the possession of this office.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, April 25, 1907.

Charles von Weise,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Your letter of March 30, 1907, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you state that you are one of the Attorneys for Joe and Dillard Perry and have been advised at the Chickasaw Land Office that the enrollment as citizens by blood of the Chickasaw Nation had been cancelled; you state that you have received no notice of this action and desire to be officially informed if such an order was made and to be furnished with a copy thereof and advised as to the authority under which such order was made.

In reply to your letter you are advised that it appears from the records of this office that Joe and Dillard Perry was denied citizenship in the Chickasaw Nation by the Commissioner to the Five Civilized Tribes under the Act of Congress approved June 10, 1898 and that no appeal was taken from said decision by the

C. ven V. #2.

United States Court in Indian Territory as provided by said act.

On February 19, 1907, the Attorney General of the United States rendered an opinion holding that the action of the Commission to the Five Civilized Tribes in 1896 was final when not appealed from and on March 4, 1907, the Secretary of the Interior directed the cancellation of the enrollment of Joe and Dillard Perry as citizens by blood of the Chickasaw Nation and the restoration of their names from the rolls of Chickasaw freedmen.

In compliance with your request there is inclosed herewith copy of that portion of Departmental letter of March 4, 1907, which refers to Joe and Dillard Perry.

Respectfully,

EB 3-25.

*Commissioner.

COPY

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Address only
The Secretary of the Interior.

January 19, 1900.

Pfile-6-51.

The Commissioner to the
Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

November 30, 1900, the Supreme Court rendered decisions in what are known as the Goldsby and Allison cases. These suits were brought to obtain mandates against the Secretary of the Interior to correct the rolls as to said Goldsby and Allison, on the ground that the Secretary of the Interior after placing their names upon approved rolls of citizenship had attempted to strike them from those rolls without notice and an opportunity to be heard. The decision of the Supreme Court is that mandate shall issue in these cases.

There are many suits of a similar nature pending against the Secretary of the Interior, and after careful conferences between this Department and the Department of Justice it was decided that judgment should be allowed in all pending mandamus actions in which the relators stand exactly in the same position as Goldsby and the Allison. Pursuant to these conferences and to the judgments which may be entered on account of the above decisions of the Supreme Court, you are hereby directed to erase the interdictions

and notations which purport to strike any of the following names from the rolls of citizens of the respective nations of the Five Civilized Tribes:

PERSONS WHO HAD PRIOR TO THE GOLDSBY DECISION INSTITUTED SUITS, THE PRINCIPLES OF WHICH ARE UNDOUBTEDLY SIMILAR TO THE OPINION OF THE SUPREME COURT IN THAT DECISION:

CHICKSAW BY BLOOD.

<u>Roll No.</u>	<u>Name.</u>	<u>Suit No.</u>	<u>Court.</u>
4986	Goldsby, John E.	248	U. S. D. C.
4985	Goldsby, Linnell H.	50033	S. C. D. C.
4986	Goldsby, Bessie	50034	S. C. D. C.
4987	Goldsby, Murray H.	50035	S. C. D. C.
4969	Vaughan, Edward A.	372	U. S. D. C.
4970	Vaughan, Grever S.	371	U. S. D. C.
4971	Vaughan, Oscar S.	373	U. S. D. C.

CHICKSAW BY INTERMARRIAGE.

621	Wiams, John Quincy	50032	S. C. D. C.
620	Lancaster, William T.	50031	S. C. D. C.
606	McGee, Gray	49350	S. C. D. C.
622	England, James F.	51025	S. C. D. C.
504	St. John, Thomas	50353	S. C. D. C.
605	Vaughan, Benjamin F.	375	U. S. D. C.

Shooters by Breed.

<u>Roll No.</u>	<u>Name</u>	<u>Roll No.</u>	<u>Court</u>
15027	Adams, Wiley	50033	S. C. D. C.
15045	Antrey, Columbus S.	49722	S. C. D. C.
15040	Beaver, Gertrude	50033	S. C. D. C.
15041	Beaver, Clarence	50033	S. C. D. C.
15042	Beaver, Nellie	50033	S. C. D. C.
15043	Beaver, Myrtle	50033	S. C. D. C.
15047	Beagles, Nellie F.	50033	S. C. D. C.
15011	Brewster, Van	50033	S. C. D. C.
15016	Crowder, Willie	50033	S. C. D. C.
15005	Crowder, Belwood	50033	S. C. D. C.
15008	Crowder, Joe	50033	S. C. D. C.
15007	Crowder, Louise	50033	S. C. D. C.
15006	Crowder, George V.	50033	S. C. D. C.
15050	Green, Teddy	49724	S. C. D. C.
15049	Green, Lenora	49724	S. C. D. C.
15035	Howard, Thomas J.	50033	S. C. D. C.
15034	Howard, Horace	50033	S. C. D. C.
15035	Howard, Lennie	50033	S. C. D. C.
15038	Howard, Mary	50033	S. C. D. C.
15037	Howard, Elmer	50033	S. C. D. C.
15036	Howard, Bettie Penney	50033	S. C. D. C.
15039	Howard, Dora Lee	50033	S. C. D. C.
15451	Jama, (or Richardson), Maggie M.	50033	S. C. D. C.

<u>Roll No.</u>	<u>Name.</u>	<u>Suit No.</u>	<u>Court</u>
15452	James, Ellis R.	50033	S.C.D.C.
15453	James, Analaurie	50033	S.C.D.C.
15454	James, Evalina	50033	S.C.D.C.
15941	James, Agnes	50033	S.C.D.C.
15894	Kirk, Gabriella	50368	S.C.D.C.
15893	Kirk, Sarah	50368	S.C.D.C.
15983	Kelton, Emma	51240	S.C.D.C.
15952	Kelton, Frank	51240	S.C.D.C.
15645	Kumpter, John	50033	S.C.D.C.
15646	Kumpter, Amanda Isabella	50033	S.C.D.C.
15647	Kumpter, Jim Andy	50033 51240	S.C.D.C.
15648	Kumpter, Beate Taylor	50033 51240	S.C.D.C.
15649	Kumpter, Dixon B.	51240	S.C.D.C.
15912	Wright, Estay	50033	S.C.D.C.
15913	Wright, Thomas H.	50033	S.C.D.C.
15914	Wright, Mary M.	50033	S.C.D.C.
15915	Wright, Leonard D.	50033	S.C.D.C.

Shoptake by Marriage.

1828	Allen, Andrew J.	50033	S.C.D.C.
1499	Atwood, Chester W.	50368	S.C.D.C.
1875	Boul, Andrew	50947	S.C.D.C.
1898	Bowling, Mary M.	51026 50033	S.C.D.C.

Bell No.	Name	Suit No.	Court.
1543	Carter, John W.	50534	S. C. D. C.
1464	Cummings, Henry A.	50053	S. C. D. C.
1524	Crowder, Parlee B.	50053	S. C. D. C.
1529	Harris, Calvin R.	49723	S. C. D. C.
1876	Howard, Carrie	50033	S. C. D. C.
1598	Kirk, J. W.	50354	S. C. D. C.
290	Klugh, August	50033	S. C. D. C.
1027	Perkins, Mattie A.	50355	S. C. D. C.
1491	Raichert, William	51026	S. C. D. C.
1400	Rice, Ambrose L.	374	S. C. D. C.
1423	Shulte (or Shults), Fannie	51026	S. C. D. C.
1495	Shelton, John	50945	S. C. D. C.
1469	Sumpter, Jacob D.	50033	S. C. D. C.
546	Travis, Robert A.	50948	S. C. D. C.
1403	White, Angelina	51026	S. C. D. C.
565	Woodard, Charles A.	49494	S. C. D. C.

High Charters

Act of Congress Approved April 26, 1906.

567	Barnett, Effie	50033	S. C. D. C.
457	Beaver, Hazel Calvin	50033	S. C. D. C.
459	Beaver, Gland D.	50033	S. C. D. C.
459	Herbert, Howard	50033	S. C. D. C.
474	Crowder, Nettie Myrl	50053	S. C. D. C.
522	Green, Leo	49724	S. C. D. C.
253	Wright, Fannie Jane	50033	S. C. D. C.

Checked by Flood.

<u>Roll No.</u>	<u>Name.</u>	<u>Suit No.</u>	<u>Court.</u>
31910	Allison, John	49454	S.C.D.C.
31940	Allison, Johnnie S.	49456	S.C.D.C.
31961	Allison, Frankie P.	49457	S.C.D.C.
31956	Allison, Ida B.	240	U.S.S.C.
31957	Allison, George A.	250	U.S.S.C.

A careful investigation of those names concerning which no suits were brought, but which, after being upon an approved roll of citizens or freedmen of any of the Five Civilized Tribes, were stricken therefrom without notice and an opportunity to be heard, has thus far developed a list which undoubtedly falls within the principles expressed by the Supreme Court in the Goldsby decision. All these persons are in the same position as those named in the above list of those who had filed suits prior to that decision. It follows necessarily that, if suits were instituted in these cases, judgment must be allowed as was done in the case of the names on the above list. For this reason I have decided that it would be improper to delay the correction of the rolls as far as these persons are concerned. Such delay would continue the rolls in an incorrect condition according to the opinion of the Supreme Court, would bring hardship and expense upon the citizens and freedmen involved, and would delay completion of the work of the Commission to the Five Civilized Tribes.

The correction of the rolls in these cases does not add names to the rolls, but merely erases from the rolls interlineations and notations which the court says the Secretary of the Interior has no power to place there. For those reasons you are hereby directed to erase the interlineations and notations which purport to strike any of the following names from the rolls of citizens of the respective nations of the Five Civilized Tribes:

PERSONS WHO HAD NOT INSTITUTED SUITS PRIOR TO THE GORDGEY DECISION BUT WHOSE CASES FALL INDEBUTABLY UNDER THE PRINCIPLES OF THAT DECISION.

Chickasaw by Blood.

<u>Roll No.</u>	<u>Name.</u>	<u>Roll No.</u>	<u>Name.</u>
5013	Ferry, Joe	5014	Ferry, Willard

Chickasaw by Marriage.

622	Archerd, John W.	629	Shanks, Mary A.
626	Hargis, Sallie J.	514	Ramsay, Gustavus A.

Chectawh by Blood.

16103	Allen, Elizabeth	16110	Crutchfield, Louella
16112	Bungarner, George A.	16106	Crutchfield, Everett
15928	Crowder, John A.	16111	Crutchfield, George W.
15924	Crowder, Finkie B.	16460	James, Alice E.
15923	Crowder, Mattie B.	15972	Jennings, Arthur
15921	Crowder, Ed W.	15973	Jennings, Clyde
15922	Crowder, James	15918	Keifer, Ardella
15925	Crowder, Winnie Gertrude	16003	Long, James H.
15904	Crowder, John Y.	16004	Long, Joseph

<u>Roll No.</u>	<u>Name.</u>	<u>Roll No.</u>	<u>Name.</u>
15903	Crowder, William H.	16008	Long, Forbiss
15902	Crowder, Ross	921	Long, Josephine DeFlora
15901	Crowder, Maggie	923	Long, Jake Laflere
15900	Crowder, Abigail	9256	Febworth, Henry
15899	Crowder, William J.	15928	Randall, Grover
16105	Crutchfield, Ida	16104	Ritter, David
16107	Crutchfield, Ida	15856	Robinson, Mary E.
16108	Crutchfield, Lavinia	15961	Shelton, Daisy
16109	Crutchfield, William	15857	Tries, Mary A.

Choctaws by Marriage.

1436	Beagles, Allen	1414	McClure, Masell
1537	Buckholts, Jeannette H.	1514	McGahy, Martha J.
1559	Choate, Amanda	1407	McKarty, Lucy
1412	Crowder, Lydia Ann	1580	McC, Julia
1523	Crowder, Josephine	1410	Paxton, William D.
885	Foster, Mary A.	1406	Rahon, Robert L.
1421	Freemy, Mattie	1490	Rading, M.L.
1469	Gann, William Newton	1478	Rigacy, Ross E.
1814	Gray, John Calvin	1219	Roberts, George W.
1816	Gunter, Benjamin B.	1531	Robinson, Frederick E.
1400	Kelly, William I.	1363	Russell, Mervie M.
1475	Lewis, Vicer	1137	Smith, Ira C.
1158	Lindsay, Selden T.	1428	Staton, John I.

(9)

1408	Marryman, Sarah	668	Sutherland, Henry
1218	Mitchell, Virginia F.	1476	Tucker, William H.
1519	Mitchell, Mattie S.		
1416	Moran, Mary	1466	Vincent, Charlie S.

Minor Choctaw Citizens.

<u>Roll No.</u>	<u>Name</u>	<u>Roll No.</u>	<u>Name</u>
724	Braudrick, Jennie Louisa	791	Kiefer, Burana
4	Crowder, Rufus Gray	669	Long, Francis
790	Kiefer, Odis A.		

Cherokee by Blood:

31958	Allison, Elmer C.	31959	Allison, Jasper P.
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In order that the action of erasures may be uniform for all names and upon all rolls, you will make such erasures in the following manner: The lines drawn through and purporting to cancel the names from the rolls shall be lined out by drawing across them short transverse lines in red ink. The notations purporting to cancel the names from the rolls shall be lined out by drawing through each line of said notations red horizontal lines. In addition to lining out the interlineations and notations you will insert a note at the foot or side of each page containing any of these corrections, said note to be indicated by stars placed before the names involved. The note shall read as follows:

"Words and lines purporting cancellation erased by authority of departmental letter of January 19, 1907 (File 5-51)."

You will notify all persons whose status on the rolls

(10)

has been recognized as above, of the action taken, and that they have all the rights to allotment and payments enjoyed by other citizens, as though no attempt had ever been made to cancel their names from the rolls.

Except for the Allisons named in above lists, I am not ready to give you a list of the Cherokees and Greeks whose status upon the rolls will be corrected under the principles of the Goldsby decision. Direction concerning them will follow within a week.

There are other names which were upon approved rolls and were erased or stricken therefrom by the Secretary of the Interior without notice. Some of these are already the subject of injunction or mandamus actions against the Secretary of the Interior, and in other cases such action has not been instituted. There are reasons which make it doubtful whether these persons fall indubitably under the principles of the Goldsby decision. Careful consideration of the matter will be given at once, and, according to the decision reached in each case, the persons involved will be left to such court action as they deem wise or will have the rolls corrected by departmental action in the manner indicated for the two lists set forth above.

A sample page is inclosed, showing the method of erasure to be followed by all officers in the correction of the rolls.

Very respectfully,

(Signed) James Rudolph Garfield
Secretary

Muskogee, Oklahoma, February 3, 1909.

Subject:
Relative to restora-
tion of names of Joe
and Dillard Perry to
roll of Chickasaws by
blood.

The Honorable,

The Secretary of the Interior,

Sir:

January 19, 1909, in accordance with a decision of the Supreme Court of November 30, 1908, in what are known as the Goldsby and Allison cases, the Secretary of the Interior directed the restoration of certain names to the rolls of citizens by blood and intermarriage of the Choctaw and Chickasaw Nations, among which were Joe and Dillard Perry, Numbers 5013 and 5014 respectively, upon the roll of citizens by blood of the Chickasaw Nation.

March 4, 1907, when the Department authorized the cancella-
tion of the enrollment of Joe and Dillard Perry at numbers 5013
and 5014 on the roll of Chickasaws by blood, this office was
directed to reinstate their names at numbers 267 and 268 upon
the roll of Chickasaw freedmen, which was accordingly done.

I have, therefore, the honor to recommend that the follow-
ing or a similar notation be placed opposite numbers 267 and 268
upon the roll of Chickasaw freedmen:

2

"Numbers 257 and 268 enrolled as Chickasaws by blood;
no allotments to be made at these numbers."

and that this office be authorized to make like notation upon
the copies of the Chickasaw freedmen roll in its possession.

Respectfully,

Commissioner.

AB

GGA
CMW
File 5-51
D-6303

T W L

J.V.H.
J.V.H.
W.C.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

February 10, 1909.

Commissioner to the Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

Receipt is acknowledged of your letter of February 5, 1909, wherein you refer to the fact that, on January 19, 1909, the Department directed the cancellation of the notations and interlineations purporting to cancel the names of Joe and Dillard Perry from the rolls of citizens by blood of the Chickasaw Nation, and, in view thereof, recommend that the following or a similar notation be placed upon the roll of Chickasaw freedmen in connection with their names, which appear thereon opposite Nos. 267 and 268:

Nos. 267 and 268 enrolled as Chickasaws by blood; no allotments to be made at these numbers, and that your office be authorized to make like notation upon the copies of the Chickasaw freedmen roll in its possession.

The authority requested is hereby granted, but the notation should read as follows:

Nos. 267 and 268 enrolled as Chickasaws by blood; no allotments to be made at these numbers. See departmental letter of February 10, 1909 (File 5-51).

This notation should be entered upon the margin or at the foot of the roll, with proper reference, as in other cases, to connect it with the persons to whom it relates.

Like notations will be made upon the records in the possession of the Department and the Indian Office.

Very respectfully,

(Signed) Jesse E. Wilson
Assistant Secretary.

Through the Indian Office.

9-1806

C-8013

C-8014

Muskogee, Oklahoma, February 11, 1909.

Mrs. Eliza Perry,

Ada, Oklahoma.

Sir:

I am instructed by the Department of the Interior that the cases of your two children, Joe and Dillard Perry, fall within the principles of the decision of the Supreme Court of the United States in the case of John B. Goldsby et al., seeking to have their names restored to the rolls of citizens of the Choctaw and Chickasaw Nations, and that the notations striking their names from the roll of citizens by blood of the Chickasaw Nation shall be erased and that they have all the rights to allotments and payments enjoyed by other citizens as if no attempt had ever been made to cancel their names from this roll.

Said instructions have been carried out by this office, and you are now advised that the status of the names of your two said children on the approved roll of citizens of the Chickasaw Nation and of their allotment selections in said nation is the same as prior to March 4, 1907, when the Secretary of the Interior directed that their names be stricken from the rolls.

Respectfully,

WHA(04)

Acting Commissioner.

Chic 1806

Chic 1806

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskegee, I. T., February 23, 1906.

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In the matter of the application for the enrollment of
John Y. F. Blake as a citizen by intermarriage of the Chickasaw
Nation.

Applicant represented by C. L. Herbert, Attorney.

STATEMENT by Mr. Herbert:

I want to file, marked exhibit
"A", copy of notice served upon the attorneys for the Choctaw
and Chickasaw Nations that this matter would be presented at
ten o'clock on the 25th day of February, 1906, at Muskegee,
before the Dawes Commission.

Now, I want to file an additional notice which I state
under oath was served upon Mr. Boyd about 1:30 o'clock P. M.
on the 22nd day of February, 1906, in the offices of Mansfield,
McMurray & Cornish, and let it be designated as exhibit "B",
and in connection therewith I make this statement:

I made an agreement with Mr. Boyd, on account
of the absence of Mr. Moore, when he said was
looking after matters of this kind, that I would
not take the case up on the 23rd of February,
provided, they wired me care of the Dawes Commis-
sion by ten o'clock A. M. of that day that they
desired to postpone until the 24th; and I make
the further statement that no telegram has been
received at this hour - two P. M.

John Y. F. Blake, being first duly sworn, testified as
follows:

Examination by the Commission.

- Q What is your name? A J. Y. F. Blake; John Y. F. Blake.
Q How old are you? A I am twenty-four years old the 24th of
this coming July.
Q Where do you live? A I live five miles north of Marietta,
Chickasaw Nation.
Q Marietta is your post office address? A Yes sir.
Q Are you a white man? A Yes sir.

John Y. F. Blake 2

- Q Claimed at one time to be a Choctaw Indian did you not? A Sir?
Q Claimed at one time to be a Choctaw Indian did you not, by blood? A No sir.

The applicant, John Y. F. Blake, appears from the records of the Commission as a party petitioner in the application of L. L. Blake, et al. for citizenship in the Choctaw Nation, submitted to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

The petitioner was denied by the Commission to the Five Civilized Tribes, from which an appeal was taken to the United States Court for the Southern District of the Indian Territory, and on December 21, 1897 John Y. F. Blake with others was admitted as a citizen and member of the Choctaw tribe of Indians, and in pursuance of said judgment he was on September 22, 1898, listed for enrollment as a citizen of the Choctaw Nation by the Commission to the Five Civilized Tribes.

The judgment of the United States Court for the Southern District of the Indian Territory of December 21, 1897, was annulled, vacated and set aside by a decree of the Choctaw and Chickasaw citizenship court of December 17, 1902, in the test case of The Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle Et Al., and the case of L. L. Blake was subsequently certified to the Choctaw and Chickasaw citizenship court for trial de novo and was docketed as Tishomingo Case No. 98.

On November 30, 1904, the Choctaw and Chickasaw citizenship court ordered, adjudged and decreed that the petition of John Y. F. Blake with others for admission as citizens of the Choctaw Nation be denied and that they be declared not citizens of said Nation and not entitled to enrollment as such.

- Q As I understand you now Mr. Blake you claim the right to enrollment as a citizen by intermarriage of the Chickasaw Nation independent of any action of the United States Court or the Commission to the Five Civilized Tribes taken on your application made in 1896? A I don't exactly understand that. You mean that I don't claim that I ever - - - that I claim now my citizenship by Choctaw or by the Court?
Q In other words, you don't claim anything now through your father or through this court judgment; you claim by virtue of your marriage to a Chickasaw woman? A Yes sir.
Q What is the name of the Chickasaw woman that you married?
A Callie Chase.
Q Has she been enrolled as a citizen by blood of the Chickasaw Nation? A Yes sir.
Q Under what name? A Sir?
Q Under what name? A Well, she's been enrolled I suppose all her life, but she took her allotment under Callie Blake.

The name of the applicant's wife, Callie Blake, appears upon the records of the Commission as a citizen by blood of the Chickasaw Nation on Chickasaw roll card, field number 590,

John Y. P. Blake 3

and upon the final roll of citizens by blood of the Chickasaw Nation as approved by the Secretary of the Interior opposite number 1784.

- Q When was you married to Callie Chase? A On the 11th of September, 1901.
- Q Had you ever been married prior to that time? A No sir.
- Q Had she ever been married prior to her marriage to you? A No sir.
- Q Where were you married? A At Ardmore.
- Q Where were you living at that time? A Ardmore.
- Q How long had you been a resident of the Chickasaw Nation? A Why, I disremember exactly. It's been about seventeen or eighteen years.
- Q How long had your wife, Callie Chase, resided in the Chickasaw Nation? A All her life.
- Q Were you married to her under a Chickasaw tribal license? A Yes sir.
- Q Who married you? A I believe his name was Witt; Charles Witt.
- Q From whom did you obtain the license? A Buck Paul.
- Q Is Buck Paul his right name or nickname? A I always called him Buck; I don't know his right name.
- Q How much did you pay for that license? A How much did I pay him, individually?
- Q Yes sir? A I didn't pay him - let me see - I don't believe I paid him anything at all for the license.
- Q Did you pay anybody? A No, the way I got them they cost me something to get them, but I didn't pay him individually anything for them at all. I had to hunt him up was where I was out my expense, in finding him.
- Q The license that you obtained from Buck Paul was issued by him as the county and probate judge of Pickens County, Chickasaw Nation, without the payment of any fee by you? A Yes sir.
- Q How long after you were married to this woman before you personally appeared before the Commission and made application to be enrolled as an intermarried citizen of the Chickasaw Nation? A I don't remember exactly what time it was. It was the first time they come to Ardmore. You mean that I went personally?
- Q Yes? A First time they come to Ardmore after I was married; I believe 1902.
- Q Do you remember what month? A No sir.
- Q Where was the Commission holding its sessions? A Court house.
- Q And you personally appeared before them? A Yes sir.
- Q Why didn't they receive your application at that time?
- A I couldn't tell you why they didn't. It seems that - - They asked me a few questions about my marriage and one thing and another, and asked me - - I can't remember what they asked me; I think you done the asking but I can't tell why they turned me down, but they said they couldn't do anything for me was the expression I think they used.
- Q That was while this case of your father's was still pending before the citizenship court? A I don't know whether it was before the citizenship court then or not, but it was pending in the courts at that time.

- Q Have you lived with this woman ever since you married her?
A Yes sir.
Q Never been any separation? A No sir.

By Mr. Herbert:

- Q Now Mr. Blake, was the Commission at Ardmore in the fall of 1902 to receive applications of intermarried citizens for enrollment; were they there then when you applied to them?
A Yes sir.
Q What, if anything, was said concerning your claim as a court citizen when you applied? A Was there anything said?
Q Yes? A Well, I disremember whether there was or not.
Q What is your best memory? A I believe there was.
Q Believe there was? A Yes sir, but I cannot say for sure.
Q At any rate, you applied to become enrolled as a citizen by intermarriage by reason of your marriage to Miss Callie Chase; that was the basis of your claim at that time? A Yes sir, that's what I went there for.
Q And they declined to entertain the application then? A Yes sir.
Q After your marriage, and before this time, did you or not report your marriage to the Dawes Commission? A After this time?
Q Before this time? A Yes, I wrote, as well as I can remember, I don't remember what time I wrote it, but I wrote in regard to the matter and they said to send a certified copy of my license.
Q Did you do so? A Yes sir.
Q I will get you to examine this and say if that is the certified copy you sent? (Hands witness paper) A Yes sir, that's it.

By Mr. Herbert:

We offer that in evidence in support of his application; the certified copy; the original is with the citizenship court; let the certified copy be put in the record.

- Q In 1896 when Mr. L. L. Blake, your father, applied to the Dawes Commission to be enrolled as a member of the tribe of Choctaw Indians and joined in the application all of his children and his grandchildren, you may state if your father or if his children or grandchildren claimed to have any Choctaw Indian blood?
A No sir, they didn't claim to have any at all. My father claimed that he married a Choctaw Indian woman, and she died afterwards; had no children by his first wife and he afterwards married to my mother, a white woman, and he claimed Choctaw by intermarriage.
Q What was the name of your father's first wife if you recollect?
A No answer.
Q Virginia Wall? A Yes sir.
Q What was your mother's maiden name? A Thedie Crowder.
Q She never claimed any Indian blood? A No sir, she never claimed any Indian blood that I knew anything about.
Q The Choctaw-Chickasaw citizenship court admitted your father, Mr. L. L. Blake, as a member of the tribe by intermarriage to his first wife? A The citizenship court admitted him.

John Y. F. Blake 5

- Q I mean the Choctaw citizenship court? A Yes sir, they admitted him.
- Q And denied the application of his children and grandchildren?
A Yes sir.
- Q Among the number was yourself? A Yes sir.
- Q You stated that you hadn't paid Buck Paul anything for the license; now you may state if he demanded pay of you?
A No sir, I asked him what he - - I got them up where Dick's office was and I think he wrote it on Dick's paper, and I asked him how much I owed him for them and he said nothing at all.
- Q What official position did he fill at that time? A County Judge.
- Q Of what? A Pickens County, Chickasaw Nation.
- Q He was then the County Judge of Pickens County, Chickasaw Nation? A Yes sir.
- Q Your wife has taken her allotment? A Yes sir, we are living on it now.

Witness excused.

T. O. Coffee, being called as a witness and duly sworn, testified as follows:

By the Commission:

- Q What is your name? A T. O. Coffee.
- Q Your age? A Thirty-two years old.
- Q Where do you reside? A Seven miles west of Ardmore.
- Q Are you a citizen of the Chickasaw Nation? A Yes sir.
- Q Held any official position? A I am County Judge of that County there.
- Q What County? A Pickens.
- Q How long have you held that position? A Since the sixth of January this year.
- Q Do you know Smith W. Paul? A Yes sir, well acquainted with him; known him for years.
- Q Was he your predecessor in office? A No sir, Walter Colbert was.
- Q How long is the county and probate judge appointed for in the Chickasaw Nation? A Two years.
- Q Was Smith W. Paul ever county and probate judge of Pickens county? A Yes sir, he was, but I don't remember the year. I remember voting for him and remember him being elected as judge. It must have been six years ago when he was county judge.
- Q Do you know this applicant, John Y. F. Blake? A Yes sir.
- Q How long have you known him? A Ten or twelve years.
- Q Where has he been residing during that time? A Mostly at Ardmore; lived out west of Ardmore some of the time. He would go out in the summer and work on a farm.
- Q Do you know his wife? A Lived right close to her for fifteen or sixteen years, but never remember seeing her but once in her life.

John Y. F. Blake 6

- Q Have you any knowledge of the application that he is said to have made to the Commission to the Five Civilized Tribes at Ardmore in 1902? A Yes sir, me and him went up there and I don't know whether he asked for enrollment as an intermarried citizen or by blood, but anyhow he went before the Commission and asked for enrollment and they told him to stand aside, that they couldn't do anything for him.
- Q Where was that? A In the court house.
- Q You was there present with him at that time? A Yes sir.
- Q Did you go there with him? A Yes sir, we went together. I went before you all at the same time. I failed to get in that day, but went at the same time.

By Mr. Herbert:

- Q Do you recollect when he applied in 1902 for enrollment, the person in charge of the Commission there stated that he was a court claimant and couldn't entertain his application?
- A Yes sir, something of that kind was said.
- Q Something of that kind said? A Yes sir, that he was a court claimant and they couldn't do anything for him. Them words was spoken there, but I don't know how he asked for enrollment.
- Q Now you are positive that Paul was the county and probate judge of Pichens county? A Yes sir, at one time.
- Q You don't recollect the date? A No sir. We have our elections in August and I think it was six years ago this last August.

By the Commission:

- Q Elected for two years? A Yes sir.
- Q What time do they qualify? A Why the first day of September.
- Q The first day of September? A Yes sir.
- Q That would make him - - How many terms was he elected?
- A One term.
- Q One term? A Yes sir!
- Q And your opinion was that was six years ago? A Well, it may be wasn't but four years ago; let's see - No, it was six years ago.

By Mr. Herbert:

- Q Are you positive about the time he was elected county judge, Mr. Jeffee? A No sir.
- Q Can you state he was county judge in September, 1901? A Why, yes sir, he was county judge at that time.
- Q Then you must be mistaken as to the date of his service; six years ago - ? A Six years ago last August would be when he was elected.

John Y. F. Blake 7

- Q Well 1901 and six would be 1907; September, 1901 plus six would be 1907. Can you state whether he was elected in September, 1901, or September, 1900? A Might have been September, 1900.
- Q You are not positive of that? No answer.

Witness excused.

John Y. F. Blake, recalled, testified as follows:

By the Commission:

- Q Now, Mr. Blake, I want to ask you a question: The time that you obtained this license from Smith W. Paul wasn't you advised or informed that there was a fee of \$1000 required of white men marrying Chickasaw women in order to become a citizen?
- A Yes sir, I had heard something in regard to that and I spoke of it to an attorney one day in a drug store and asked him if that was a law and he said it wasn't. He said it wasn't a law. I don't know though whether it was or not. I couldn't say for sure that he did know.

By Mr. Herbert:

The applicant offers in evidence the marriage laws of the Chickasaw Nation existing on the 8th day of September, 1901, which were duly approved by the President and in force at that time, as follows:

(COPY)

***BE IT ENACTED BY THE LEGISLATURE OF THE CHICKASAW NATION.

That Section 1 of the act of October 19, 1876, as amended by the acts of September 24, 1877 entitled 'An act requiring all non-citizens to remain in the Chickasaw Nation for a period of two years before they can procure a license to marry a citizen of this Nation' be amended so as to read as follows:

Section 1. That before a non-citizen can procure a license to marry a citizen of this Nation, he or she shall be of good moral character and industrious habits, and shall have resided in the county where such marriage license is sought to be procured, for a period of two years immediately preceding such application, and shall be recommended by ten good and responsible citizens by blood of this Nation; and such citizens shall certify that the applicant is of good moral character and industrious habits, and has resided in the county where such license are sought to be procured for a period of two years immediately preceding such application; and the county judge being satisfied with the petition shall grant the license to marry under the existing law, and the person so applying for such marriage license shall pay the sum of one thousand dollars, five of which shall be retained by the County Judge issuing such license, and nine hundred ninety-five dollars shall be

John Y. F. Blake 8

placed in the national treasury of the Nation for national purposes; and that this act take effect from and after its passage and the approval by the President of the United States."

By the Commission to applicant:

- Q The certified copy of your marriage license and certificate to Callie Chase referred to in this record was filed with the Commission on May 2, 1902? A I disremember what day I sent it to them.
- Q Did you send it here? A Yes sir.
- Q Did you state for what purpose? A Well, I wrote to them first and told them I wanted to find out - rather shortly after I got married in regard to my case, and in my letter I stated I had married a Chickasaw girl and wanted to know about my right, and they wrote back to me that if I had married a Chickasaw I had better send my license or duplicate--certified copy of them, at once and they would see into it. I don't know as that was the words they said, but something to that effect, but my best recollection is that I wrote to them that I wanted to be an intermarried citizen - claimed a right - in other words as an intermarried citizen and said my wife was a Chickasaw and I had married under the Indian laws and they wrote to me to send the license, or a copy, which I done, and they wrote back and give me a receipt of the license that I had sent them, the statement or certified copy, rather. That's the last I heard until they came to Ardmore and when they came to Ardmore I went before them.

Albert G. McMillan, being first duly sworn, on 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 23rd day of February, 1905, and that the above and foregoing is a true and correct transcript of stenographic notes taken by him in said cause.

Albert G. McMillan

Subscribed and sworn to before me this 24th day of February, 1905.

W. O. Beall
Notary Public.

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

In the matter of the application for the enrollment
of John Y. F. Blake as a citizen by intermarriage of the Chickasaw
Nation.

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It appears from the record herein that on February 23,
1905, John Y. F. Blake appeared in person before the Commission
at Muskogee, Indian Territory, and testified relative to an
application alleged to have been made for his enrollment as a
citizen by intermarriage of the Chickasaw Nation within the
time limited by the provisions of the Act of Congress, approved
July 1, 1902. (32 Stat., 641).

From the record herein it appears that the applicant
was married on September 11, 1901, and he testifies that he appeared
before the Commission at Ardmore, Indian Territory, "The first
time they came to Ardmore after I was married." The Commission
was at Ardmore, Indian Territory, for the purpose of receiving
applications for enrollment, from October 27, 1902 to October 31,
1902. The applicant states that the Commission would not receive
his application at that time saying that they could not do
anything for him.

T. O. Coffey was produced as a witness and testified
that he went with the applicant before the Commission at Ardmore,
Indian Territory, in 1902, and that the applicant then asked to
be enrolled and was told that as he was a Court claimant the
Commission could not do anything for him.

It is the opinion of this Commission that the evidence
establishes that application was made for the enrollment of the
said John Y. F. Blake as a citizen by intermarriage of the
Chickasaw Nation within the time limited by the provisions of said
Act of Congress approved July 1, 1902 (32 Stat., 641), and that
said application should now be heard and determined on the merits,
and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
APR 1 1905

9-1806.

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

In the matter of the application of John Y. F. Blake for enrollment as a citizen by intermarriage of the Chickasaw Nation.

--: D E C I S I O N :--

It appears from the record herein, and from the records of the Commission, that on September 7, 1896, in the case entitled "L. L. Blake et al., vs. Choctaw Nation (1896 Choctaw Citizenship Docket, case No. 9029 application was made to this Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321), for the admission to citizenship in the Choctaw Nation of (among others) the applicant herein (as John Y. Blake); that on December 4, 1896, this Commission rendered its decision denying said application; that from this decision of the Commission an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on December 21, 1897, in the case entitled "L. L. Blake et al., vs. Choctaw Nation", (Citizenship case No. 122), entered of record a judgment reversing the decision of this Commission and admitting the applicant (among others) to citizenship in said Nation. It further appears from the records of the Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 841), "set aside, annulled, vacated and held for naught", the aforesaid judgment of the United States Court for the Southern District of Indian Territory, admitting the applicant to citizenship in said Nation. Said cause was thereafter duly certified to said Choctaw and Chickasaw Citizenship Court for a trial de novo, and on November 30, 1904, said Court entered of record a decree denying the petition of the applicant herein for admission as a citizen of the Choctaw Nation, and declaring that he is not a citizen of said Nation. That in and by said decree it was further provided as follows:

"And it is further ordered that this decree shall not affect any claim which the petitioner John Y. Blake may have as a citizen by intermarriage of the Chickasaw Nation by reason of his marriage to Callie Chase."

It further appears from the record herein that application was duly made to this Commission by the said John Y. F. Blake for enrollment as a citizen by intermarriage of the Chickasaw Nation.

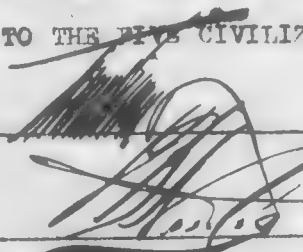
It further appears from the record herein that on September 11, 1901, the applicant was married, under the laws, customs and usages of the Chickasaw Nation, to Callie Blake, a recognized and enrolled citizen by blood of said Nation, whose name appears as No. 1764 upon the lists prepared by this Commission under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 841), of persons entitled to enrollment

as citizens by blood of the Chickasaw Nation, and approved by the Secretary of the Interior, December 12, 1902; that at the date of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and that they have lived together as husband and wife in said Nation continuously since said date up to and including September 28, 1902.


It is the opinion of this Commission that the denial by said Choctaw and Chickasaw Citizenship Court of the application of said John Y. F. Blake for admission to citizenship in the Choctaw Nation in no way affects the jurisdiction of this Commission to hear and determine the present application.

It is further the opinion of this Commission that John Y. F. Blake should be enrolled as a citizen by intermarriage of the Chickasaw Nation in accordance with the provisions of the Acts of Congress approved June 28, 1898, (30 Stat. 498), and July 1, 1902, (32 Stat. 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.

C. R. Bushinger

Commissioner.

Muskogee, Indian Territory,

MAY 3 1905

7-5091
7-5119
7-5121

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

In the matter of the application for the enrollment of L. L. Blake, John Y. F. Blake, Julia C. Blake, Nellie Blake, Lafayette Blake, Virginia Blake, Ruth Blake, Zula Graham, Freda Graham, Tommys Coleman, Geraldine Coleman and Helts Coleman as citizens of the Choctaw Nation, and for the enrollment of Thedia D. Blake, Tommis Graham and T. N. Coleman as citizens by inter-marriage of the Choctaw Nation.

The applicants' attorney of record, C. D. Herbert of Ardmore, Indian Territory, is represented at this hearing by A. C. Cruce.

Statement by the Commissioner: The applicants herein named applied for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896 (39 Stats. 321), in 1896, Choctaw Citizenship Case No. 902. On December 4, 1896, the applicants were denied admission to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, from which decision an appeal was taken to the United States Court for the Southern District, Indian Territory, which Court, on December 21, 1897, in the case of L. L. Blake et al vs. Choctaw Nation, Citizenship Case No. 122, rendered a judgment reversing the decision of the Commission to the Five Civilized Tribes, and admitted the applicants to citizenship in the Choctaw Nation. This judgment remained in full force and effect until December 17, 1902, when the same was vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), in the test case of the Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle et al. After the vacation of the judgment of the United States Court for the Southern District, Indian Territory by the Choctaw and Chickasaw Citizenship Court, all papers and records in the proceedings before the Commission to the Five Civilized Tribes and the United States Court under the provisions of the Act of Congress approved June 10, 1896, were certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo. A trial was had before said Choctaw and Chickasaw Citizenship Court, and on June 30, 1904, a judgment was rendered in Tishomingo case No. 98, admitting the principal applicant, L. L. Blake to right to enrollment as a citizen by inter-marriage of the Choctaw Nation. A subsequent decree was rendered in the Choctaw-Chickasaw Court on November 30, 1904, in Tishomingo case No. 98, denying the

2-B. L. Blake et al.

right to admission as citizens of the Choctaw Nation of Thedia Blake, John Y. Blake, Julia Blake, Nellie Blake, LaFayette L. Blake, Virginia Blake, Ruth Blake, Zula Graha,, Tommie Graham, Freda Graham, Tommye E. Coleman, T. N. Coleman and Geraldine Coleman. Said decree ordered that the same should not affect any claim which John Y. F. Blake might have as a citizen by intermarriage of the Chickasaw Nation by reason of his marriage to Callie Chase.

On May 3, 1905, the Commission to the Five Civilized Tribes rendered a decision holding that John Y. F. Blake was entitled to enrollment as a citizen by intermarriage of the Chickasaw Nation by virtue of his marriage on September 11, 1901, to Callie Chase, a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name appears upon the final roll of citizens by blood of the Chickasaw Nation opposite No. 1784.

On June 30, 1905, the Secretary of the Interior reversed the decision of the Commission to the Five Civilized Tribes enrolling John Y. F. Blake as a citizen by intermarriage of the Chickasaw Nation, and returned the records in the case for further investigation and adjudication in conformity with the opinion of the Assistant Attorney General of March 24, 1905 in the Choctaw enrollment case of Mary A. Archard, and his opinion of the same date relative to the Chickasaw enrollment case of Mary Elizabeth Martin.

The attorneys for the applicants herein named now desire to introduce testimony in conformity to the Department's instructions of June 30, 1905, to be applicable not alone to the question to the right to enrollment of John Y. F. Blake, but also to the other persons whose citizenship was denied by the decree of the Choctaw and Chickasaw Citizenship Court of November 30, 1904 in the case of L. L. Blake et al, Tishomingo No. 98.

L. L. Blake being first duly sworn testified as follows:

Examination by the Commissioner:

Q What is your name? A L. L. Blake.

Q Your age and postoffice address? A My age is 60 or 61. Ardmore is my postoffice.

Q You are the principal applicant in the case of L. L. Blake et al vs. the Choctaw Nation, which was filed with the Commission to the Five Civilized Tribes in 1896? A Yes sir.

Q In that petition you applied for yourself, your wife, your children by your present wife and your descendants by such marriage, together with such white persons as had intermarried in your family? Is that correct? A Yes sir.

Q And your wife and all the descendants for whom you applied are white people? A Yes sir.

Q None of you are possessed on any Choctaw or Chickasaw blood in any degree whatever? A No sir.

S-L.L.Blake et al.

- Q Your rights as a citizen of the Choctaw Nation have been finally determined, have they not? A Yes sir.
- Q By what tribunal were your rights determined? A The Choctaw and Chickasaw Citizenship Court at Tishomingo.
- Q Were you admitted by that Court? A Yes sir.
- Q Upon what is your citizenship based? A Intermarriage.
- Q Whom had you married? A Virginia Wall, a Choctaw.
- Q She was a citizen by blood of the Choctaw Nation? A Yes sir.
- Q When were you first married to her? A The 10th of June, 1866.
- Q Since that time you have always been a recognized citizen of the Choctaw Nation? A Yes sir.
- Q How long did you live with Virginia Wall? A I lived with her-- she died the 28th of June, 1867.
- Q How long after her death was it before you married your present wife, Thedia D. Blake? I married her on August 2, 1869.
- Q How many children have you you by your present wife, Thedia, Mr. Blake? A Eight.
- Q What is the name of the eldest one? A Zula Blake--her present name is Graham.
- Q The next one? A Tommye Coleman.
- Q The next? A John Y. F. Blake.
- Q The next? A Julia C. Blake.
- Q The next? A Nellie Blake.
- Q The next? A Lafayette Blake
- Q The next? A Virginia Blake
- Q The next? A Ruth Blake.
- Q Are those all of your children? A Yes sir.
- Q You gave the name of your oldest child as Zula Graham? A Yes sir
- Q What is the name of her husband? A Tommie Graham.
- Q Have they any children? A Yes sir.
- Q How many? A I think two. Only one for whom any claim has been made.
- Q Who is that? A Freda.
- Q You gave the name of your second child as Tommye Coleman? A Yes sir.
- Q Has she any children? A Yes sir.
- Q How many? A Two.
- Q What are their names? A Geraldine and Neltz.
- Q What is the name of her husband? A T. N. Coleman.
- Q The only persons for whom any claim is made in this application is your white wife, Thedia D. Blake, your eight children, two sons-in-law and three grand children? Is that correct? Freda Graham and Geraldine and Neltz Coleman, your grand children? A Yes sir.
- Q You stated that your daughter, Zula Graham has two children? A Yes sir.
- Q What is the name of the second child? A Charles Granville.
- Q When was he born? A The 10th day of April, two years ago.
- Q Was any application ever made to the Commission to the Five Civilized Tribes for the enrollment of that child? A No sir.
- No application was made for the enrollment of Charles Granville Graham as a citizen of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 or July 1, 1902.
- Q Did you have any children by your first marriage, to Virginia

4-L.L.Blake.

Wall? A No sir.

Q She died in 1867? A Yes sir.

Q And left no descendants at all? A No sir.

It appears from the records of the Choctaw-Chickasaw Citizenship Court in the possession of this office, that the citizenship of Virginia Wall as a citizen by blood of the Choctaw Nation was satisfactorily established in said Court in the trial of the case of L. L. Blake at al., vs. The Choctaw and Chickasaw Nations. Virginia Wall having died in 1867 with issue, it is impracticable to properly identify her upon any of the tribal rolls of the Choctaw Nation now in the possession of this office.

Q Mr. Blake, was your son-in-law, Tommie Graham, married to your daughter, Zula Graham, in conformity with the tribal laws of the Chickasaw Nation? A Yes sir.

Q Was your son-in-law, T. N. Coleman, married to your daughter Tommie in conformity with the tribal laws of the Chickasaw Nation? A Yes sir.

Q As I understand you Mr. Blake, you claim your right to enrollment by virtue of your marriage in the year 1866 to Virginia Wall? A Yes sir.

Q And that you claim now that your wife, and children and grandchildren, who are white, descend to the right to enrollment by virtue of the fact that Thedia D. Blake became an intermarried citizen when she married you, and that your children and grandchildren are the off-spring of that issue? A Yes sir.

Q Have you any evidence of your marriage to Thedia D. Crowder?

A I have none with me; I have a marriage certificate.

Q Are all of these children and grand-children living at the present time? A Yes sir.

Q None of them have died since the petition was submitted in 1896? A No sir.

Examination by M^r. Cruce.

Q Have any of these applicants lived outside of the Indian Territory within the last ten years? A No sir.

Witness excused.

T. N. Coleman being first duly sworn testified as follows:

Examination by the Commissioner:

Q What is your name? A T. N. Coleman.

Q What is your age and postoffice address? A Age 37; Ardmore.

Q Do you claim right to enrollment as a citizen of the Choctaw Nation? A Yes sir.

Q By virtue of your marriage to Tommie Blake? A Yes sir.

Q When were you married to her? A In 1895, February 12.

Q Were you ever married prior to your marriage to Tommie Blake?

A No sir.

Q Had she ever been married prior to her marriage to you? A No sir

Q Where were you married? Where were you living when you married this woman? A Ardmore .

Q How long had you been living there? A Six years.

Q How long had she been living there? A About three years I think.

Q Did you obtain a Chickasaw tribal license to marry this woman?

A Yes sir.

5-L.L.Blake.

- Q From whom did you obtain it? A Joe Paul.
Q How much did you pay for that license? A \$50.
Q Who married you? A Volney Johnson.
Q Are you and this woman still living together as man and wife?
A Yes sir.
Q Lived together all this time since your marriage in the Chickasaw Nation? A Yes sir.
Q How many children have you? A Two.
Q What are their names? A Geraldine and Neltz. Neltz is a girl.

By Mr. Cruce:

- Q You say the license was issued by Joe Paul? What official was he? A He was county judge.
Q County judge in the Chickasaw Nation? A Yes, Pickens County.

Witness excused.

L. L. Blake being recalled, testified as follows:

By the Commissioner:

- Q Were you ever married before you married Virginia Wall? A No.
Q You were only, then, married twice, once to Virginia Wall and the second time, after her death, to Thedia D. Crowder?
A Yes sir.
Q Was your wife Thedia ever married before he married you?
A No sir.
Q How old was she when you married her? A Sixteen.
Q Was Virginia Wall ever married before you married her? A No sir.
Q How old was she when you married her? A She was nineteen.
Q You and all these people whom you have named and are included in this petition, are now residents of the Choctaw Nation? A Yes.
Q How long have you been such residents? A I think about eighteen years.
Q You have retained continuous residence there for that length of time, have you? A Yes sir.
Q Have any of these persons besides you ever been recognized by the Choctaw and Chickasaw tribal authorities as citizens? A They were not on the Choctaw or Chickasaw rolls; not any more than their licenses, and also, they issued permits under them for farms. I am the only one on the roll.
Q There is no claim that any of the rest of them were ever on the roll, or ever participated in any payment? A No sir.

Examination by Mr. Cruce:

- Q Do you know whether or not your on the Choctaw Census Roll of 1896?

By the Commissioner: Our records show that.

- Q There has never been any question by the Choctaw-Chickasaw Citizenship courts that Virginia Wall was on the roll--was a Choctaw by blood? A No sir.
Q Did the attorneys for the Nation admit that? A Yes sir.

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly reported the testimony in the above entitled cause and that the foregoing is a true and complete transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this August 21, 1906.

Edward Morrison
Notary Public.

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

In re application of John Y. F. Blake
for enrollment as a citizen by inter-
marriage of the Chickasaw Nation.

MEMORANDUM OF ARGUMENT FOR NATIONS.

Applicant originally applied to the Commission under the Act of June 10, 1896 for enrollment as a citizen of the Choctaw Nation, and was by the Commission denied. By successive appeals the case finally reached the Choctaw and Chickasaw Citizenship Court, where on November 30, 1904, a similar judgment was rendered and the applicants were again denied. (Record page 2).

On September 11, 1901, while the foregoing litigation was pending, applicant intermarried with Callie Chase, an enrolled citizen of the Chickasaw Nation. (Record pages 2 and 3).

It is on this marriage that he bases his present claim to the right to enrollment.

This marriage took place at a time when applicant was claiming the right to enrollment by virtue of a void judgment of the United States Court and there was no attempt to comply with the laws of the Chickasaw Nation at that time in force governing the marriage of non-citizens with citizens of that Nation. Whatever may have been the effect of such non-compliance on the validity of the marriage, (and on this point it is not now necessary for us to express an opinion), no citizenship rights could be conferred by a marriage where its provisions were not complied with. If he had been a citizen of the Choctaw Nation, as he then claimed to be,

no citizenship rights would have accrued to him by virtue of such marriage, for he would have been possessed of all those rights in his own proper person.

He never claimed to possess Indian blood. His original claim was based upon the fact that his father, prior to his marriage to applicant's mother, had been married to a Choctaw woman; and that having become thus possessed of citizenship rights was capable of transmitting such rights to his white descendants by a subsequent white wife. On this contention the Choctaw and Chickasaw Citizenship Court held against him. The facts in his case are undisputed. The error he made was in supposing that such facts entitled him to enrollment as a Choctaw. Now, if while laboring under such error, he married without complying with the Chickasaw law governing the marriage of non-citizens into the tribe, his mistake was one of law and not of fact, and against ignorance of the law there is no relief. For whatever the reason, the facts remain, that he failed to do the things which the law then in force prescribed as necessary to confer on him citizenship rights. Having failed to comply with the law, however such failure may be explained, he cannot now invoke such disregarded law and seize the benefits which it conferred only on the condition which he has failed to perform.

We had hoped that applicants very able counsel, skilled as he is, in suggesting plausible pretexts for conferring Indian property on white men, would submit his views on the present case by brief and we had promised ourselves some considerable entertainment in discovering by what particular kind of legal hocus-pocus, now-you-see-it and now-you-don't legerdemain and by what strained construction, he would seek to justify his client in claiming under a law with the conditions of which he confessedly has not even

4

attempted to comply. But being disappointed in this we shall content ourselves with these few remarks, confident that neither this Honorable Commission nor the Department at Washington will lend its aid or countenance to this novel assault on tribal property.

Respectfully submitted,

Mansfield McMurray & Cornish
Attorneys for Choctaw and Chickasaw Nations.

INDIAN TERRITORY,
CENTRAL DISTRICT.

W. H. Moore, on oath states that he has this day mailed by registered mail to C. L. Herbert, at Ardmore, Indian Territory, a true and correct copy of the above and foregoing brief, as evidenced by the registry receipt of the postmaster at South McAlester hereto attached.

W. H. Moore

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

E. Allan Boyd
Notary Public.

(Endorsed) DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

MAR 16 1905

Tams Bixby Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
SITTING AT MUSKOGEE.

NOTICE

In the matter of the application of J. Y. F. Blake
to be enrolled as a member of the Tribe of Chickasaw Indians.
To the Choctaw and Chickasaw Nations, or to Messrs,
Mansfield, McMurry & Cornish, Attorneys for said Nations.

You will take notice that on Wednesday, the 23rd day
of February, 1906, in the City of Muskogee, in the Indian
Territory at ten o'clock A. M. of that day, or as soon there-
after as said Commission will hear same, that J. Y. F. Blake
will present to said Commission his application and the evi-
dence in support thereof, to be enrolled as a member of the
Tribe of Chickasaw Indians by intermarriage. And of all this
you will take due notice and govern yourselves accordingly.

Herbert, Dolman & Cannon,
Attorneys for J. Y. F. Blake.

(501)

United States of America,
Southern District,
Indian Territory.

I, L. V. Mullen, a Notary Public in and for the Southern District
certify that the above said foregoing is a correct copy of an instrument
of writing purporting to be a marriage license between J. Y. F. Blake
and Callie Chace and that the same was handed me by J. Y. F. Blake.
Witness my hand and seal as such Notary this the 30th day of April,
1902.

L. V. Mullen
Notary Public, So. Dist.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 2 1902

[Signature]
ACTING CHAIRMAN.

Book 108 recorded 26th day of Sept. 1901
1901 recorded 26th day of Sept. 1901
the Page 108 book marriage
Record in
T. C. C. V.

*County Clerk
T. C. C. V.*

(Seal)

United States of America,
Southern District,
Indian Territory.

I, L. V. Mullen, a Notary Public in and for the Southern District certify that the above and foregoing is a correct copy of an instrument of writing purporting to be a marriage license between J. Y. F. Blake and Callie Chase and that the same was handed me by J. Y. F. Blake.

Witness my hand and seal as such Notary this the 30th day of April, 1902.

L. V. Mullen
Notary Public, So. Dist.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 2 1902

[Signature]
ACTING CHAIRMAN

Publicate

Chickasaw Nation
Indian Territory

Pickens County
To wit judge of the County or Justice
court be obtained, minister of the
 Gospel

You are hereby authorized to
 solemnize the rights of matrimony
 between Mr J. F. Blake & Callie
 Chase and make full return to
 the County Court of Pickens County
 within my thirty days showing when
 solemnized this 12th day of Sept. 1901.
 South W. Paul

Witness
 J. W. Coleman
 G. E. Chan
 John F. Early
 J. S. Kearney

County Probate judge
 Pickens County, Ark.
 Attest: S. T. Sept. 12, 1901.

I hereby certify that I joined in and
 took the above name J. F. Blake & Callie Chase
 at Arkansas S. T. Sept. 11, 1901. Chas. C. Smith
 a minister of the Presbyterian Church of
 the United States of America.

COPY.

Cheotaw 5091
Chickasaw 590

Muskogee, Indian Territory, April 25, 1902.

J. Y. P. Blake,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you desire to be advised if you have been enrolled by this Commission as a citizen of the Cheotaw Nation.

Replying to your inquiry you are advised that it appears from our records that on September 22, 1898, John Y. Blake, 16 years of age, the son of L. L. Blake, was listed for enrollment by this Commission as a citizen of the Cheotaw Nation, having been admitted to such citizenship by a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, Indian Territory, on December 21, 1897, in Cheotaw citizenship case No. 128.

Relative to the enrollment of your wife, Callie Chase, as a citizen of the Chickasaw Nation, you are advised that it appears from our records that on September 23, 1898, Callie Chase, the daughter of Abel D. and Nancy Chase, was listed for enrollment by this Commission as a citizen by blood of the Chickasaw Nation, having been identified from the 1890 census roll of the citizens of the Chickasaw Nation as a resident of Pickens County.

J J J J J

It appears from your letter that you have since the time you were listed for enrollment by this Commission, married Callie Chase and the Commission has to request that in this matter there be forwarded as early as practicable either the original or certified copy of the marriage license and certificate between you and Callie Chase as authority for the changing of her name upon our records from her maiden name of Chase to her present married name.

This matter should receive your prompt attention.

Yours truly,

SIGNED *T. B. Needles*

Commissioner in Charge.

COPY.

Choctaw 5091
Chickasaw 590

Muskogee, Indian Territory, April 3, 1903.

J. Y. F. Blake,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 29, asking if you are on the roll as an intermarried citizen of the Chickasaw Nation and stating that you married Callie Chase, a Chickasaw by blood, and forwarded evidence of your marriage to her in April 1902.

In reply to your letter you are advised that it appears from our records that you were admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Southern District of the Indian Territory, and on December 17, 1902, the Choctaw-Chickasaw Citizenship Court, created under the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902, vacated and set aside all judgments of the United States Courts in Indian Territory, admitting persons to citizenship in the Choctaw and Chickasaw Nations.

It further appears that on March 12, 1903, your case was appealed to the Choctaw-Chickasaw Citizenship Court and is docketed as Tishenings case Number 98 on the docket of said court.

JYFB2

Pending action on your case by the Choctaw-Chickasaw Citizenship Court the commission cannot pass upon your right to enrollment as a citizen of the Choctaw Nation, or render any opinion relative to your right to enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully ,

SIGNED

T. B. Needles

Commissioner in Charge.

COPY.

9-590
7-5991

Muskogee, Indian Territory, August 12, 1903.

Allen & von Weiss,

Attorneys at Law,

Fishamingo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of August 8, asking the status of the citizenship case of J. Y. F. Blake of Fishamingo, Indian Territory. You state that Mr. Blake was married to Gullie Chase, a citizen of the Chickasaw Nation, whose name appears upon Chickasaw roll card number 590. You also state that if no decision has been reached in this case and further evidence is required to establish the right of Mr. Blake as a citizen by intermarriage of the Chickasaw Nation, that it is your desire to present such evidence.

In reply to your letter you are informed that it appears from our records that John Y. Blake, who is now husband of Gullie Chase, whose name appears upon Chickasaw roll card number 590, was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Southern District, Indian Territory, rendered at Ardmore on December 21, 1897, in Court Case number 122.

Under the provisions of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on

A 5 7 V 2

September 25, 1902, the Commission is prohibited from enrolling or making any allotment of land in the Choctaw and Chickasaw Nations to persons whose rights to citizenship are dependant upon judgments of the United States Courts in Indian Territory, until their rights to such citizenship are finally determined.

You are further advised that it does not appear from our records that any application has been made to this Commission by or on behalf of John Y. Blake, husband of Callie Chase, for enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully,

SIGNED

T. B. Needles

Commissioner in Charge.

COPY.

Choctaw 5092

Muskogee, Indian Territory, July 16, 1904 .

C. L. Herbert,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 12, in which you state that J. Y. F. Blake, son of L. L. Blake, made application to the Commission for citizenship in the Choctaw Nation in the case of L. L. Blake, et al. which application was denied; that he was subsequently admitted by the United States Court, but subsequently the judgment of the United States Court admitting him to citizenship was vacated and set aside by a decree of the Choctaw and Chickasaw Citizenship Court.

L. L. Blake, the father of J. Y. F. Blake, has now been admitted by the Choctaw and Chickasaw Citizenship Court as an intermarried citizen of the Choctaw Nation, but you state his children will probably be refused as they cannot inherit the status of their father.

You also state that subsequent to the passage of the act of Congress approved July 1, 1902, Mr. J. Y. F. Blake presented himself before the Commission and attempted to make application for enrollment as an intermarried of the Chickasaw Nation, by reason of his marriage to Callie Chase, a recognized citizen of the Chickasaw Nation.

C. I H 2

At that time, however, you allege that he was not permitted to make such application for the reason that he was a "court claimant". You therefore request to be advised if Mr. Blake will be permitted to make his application for enrollment as an intermarried citizen of the Chickasaw Nation as of the date of his attempted application before the Commission at Ardmore in the fall of 1902.

In reply to your letter you are advised that if Mr. Blake can introduce testimony showing that he appeared before the Commission at one of its appointments in the fall of 1902, and attempted to make application for enrollment as an intermarried citizen of the Chickasaw Nation, but was not permitted to do so, upon such a showing by two or three persons of an attempted application, the Commission will hear his testimony and that of his witnesses to that effect.

Respectfully,

SIGNED *Tame Bixby*

Chairman

COMMISSIONERS
TAMM BIXBY,
THOMAS E. NEEDLES,
C. E. BECKINRIDGE.

WM. O. BEALL,
Secretary

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

REFER IN REPLY TO THE FOLLOWING:

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, a Indian Territory, February 25, 1905.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony given by John Y. F. Blake and his wit-
ness, T. O. Coffee, on February 23, 1905, at Muskogee, in the
matter of the application of John Y. F. Blake for enrollment as an
intermarried citizen of the Chickasaw Nation.

MANSFIELD, MCMURRAY & CORNISH,

By

W. H. Moore

COPY.

Muskogee, Indian Territory, February 25, 1905.

C. L. Herbert,

Attorney at Law,

Admore, Indian Territory.

Dear Sir:

In compliance with your verbal request there is herewith enclosed you one copy of the testimony of John Y. F. Blake and his witness, T. G. Coffee, given before the Commission at Muskogee, Indian Territory, February 25, 1905, in support of the application for the enrollment of John Y. F. Blake as an intermarried citizen of the Chickasaw Nation.

Respectfully,

SIGNED *Tama Bixby.*

Chairman

McK 2/25

COPY.

Mem. 58

Muskogee, Indian Territory, March 8, 1905.

G. L. Herbert,

Attorney at Law,

Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 27, asking permission to introduce evidence to prove that Smith W. Paul was County and Probate Judge of Pickens County when he issued license to J. Y. P. Blake to marry Miss Callie Chase, in support of the application of John F. Y. Blake for enrollment as an intermarried citizen of the Chickasaw Nation, and that you be allowed to file short brief in the matter.

In reply to your letter you are advised that you will be permitted to introduce the evidence above referred to provided that the same is submitted within the near future as it is the desire of the Commission to dispose of all matters of this character pending before it at an early date.

Respectfully,

SIGNED *C. R. Breckinridge*

Commissioner in Charge.

COPY.

Mem. 55

Muskogee, Indian Territory, March 15, 1905.

Mansfield, McMurray & Cernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 11,
inclosing memorandum of argument in behalf of the Choctaw and Chick-
asaw Nations in the matter of the application of John Y. Blake for
enrollment as an intermarried citizen of the Chickasaw Nation and
the same has been filed with the papers in this case.

Respectfully,

SIGNED *James Bixby.*

Chairman

COPY.

Chickasaw 1006

Muskogee, Indian Territory, April 4, 1905.

Commissioner in Charge,

Chickasaw Land Office,

Ardenro, Indian Territory,

Dear Sir:

There is inclosed herewith copy of Chickasaw roll card Number 1006, John Y. F. Blake, in order that you may make duplicate Chickasaw card of the same number in your possession conform thereto.

You should also place the name of John Y. F. Blake upon the list of undetermined applicants for enrollment in the Chickasaw Nation in the possession of your office.

Respectfully,

SIGNED

James Bixby

Chairman.

AD 2-4

9-2804

Muskogee, Indian Territory, May 3, 1906.

COPY.

John Y. Y. Blake,
Marietta, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 3, 1906, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorney's for the Cheatew and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tamm Bixby

Chairman,

9-1806

Muskogee, Indian Territory, May 3, 1906.

COPY,

C. L. Herbert,

Attorney at Law,

Ardeners, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 3, 1906, rendered its decision, granting the application for the enrollment of John Y. F. Blake as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

'SIGNED'

Tame Bixby

Registered,

Chairman.

9-1806

Muskogee, Indian Territory, May 8, 1906.

COPY.

Emmelfield, McCurray & Gernish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission rendered May 8, 1906, granting the application for the enrollment of John Y. E. Black as a citizen of intermarriage of the Chickasaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tame Bibby*

Chairman.

Registered.

Incl. 9-1806.

Chickasaw 1006

Muskogee, Indian Territory, May 12, 1906.

John Y. F. Blake,

Marietta, Indian Territory,

Dear Sir:

You are hereby advised that on May 9, 1906, there was filed in this office the protest of Mansfield, McFurray & Cornish, on behalf of the Choctaw and Chickasaw Nations, to the action of the Commission of May 3, 1906, granting your application for enrollment as an intermarried citizen of the Chickasaw Nation, and on this date the record in this case, together with the decision of the Commission and the protest of said attorneys, has been forwarded to the Secretary of the Interior.

Respectfully,

Chairman.

Chickasaw 1806

Muskogee, Indian Territory, May 18, 1906.

O. L. Herbert,

Attorney at Law,

Arkmore, Indian Territory,

Dear Sir:

You are hereby advised that on May 9, 1906, there was received at this office the protest of Mansfield, McMurray & Gornish, on behalf of the Choctaw and Chickasaw Nations to the decision of the Commission granting the application of John Y. P. Blake for enrollment as an intermarried citizen of the Chickasaw Nation, and the record in the case, together with the decision of the Commission of May 5, 1906, and the protest of said attorneys, has been transmitted to the Secretary of the Interior.

You will be notified when the Commission is advised of Departmental action in this case.

Respectfully,

Chairman.

Chickasaw 1800

Muskogee, Indian Territory, May 12, 1908.

Mansfield, McMurray & Gernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of May 8,
transmitting protest on behalf of the Choctaw and Chickasaw Nations
to the action of the Commission in granting the application of John
Y. F. Blake for enrollment as an intermarried citizen of the Chickasaw
Nation.

The record in this case, together with the decision of the
Commission and the protest thereto, has this day been transmitted to
the Secretary of the Interior.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 12, 1905.

The Honorable,

The Secretary of the Interior

Sir:

On May 3, 1905, the Commission to the Five Civilized Tribes rendered its decision granting the application of John Y. F. Blake for enrollment as an intermarried citizen of the Chickasaw Nation.

On May 9, 1905, the attorneys for the Choctaw and Chickasaw Nation filed their protest to this action of the Commission, and the record in this case, together with the decision of the Commission of May 3, 1905, and the protest filed by the attorneys for the Choctaw and Chickasaw Nations, is herewith transmitted for the consideration of the Department.

Respectfully,

Chairman

Through the Commissioner
of Indian Affairs

Chickasaw 1806

Land.
37627-1905.

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

June 21, 1905.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 12, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation by John Y. F. Blake.

May 3, 1905 the Commission decided favorably to the applicant.

The record shows that on December 4, 1896, the Commission denied this applicant's application for admission to citizenship in the Choctaw Nation and upon appeal, the United States Court, Southern District, Indian Territory, on December 21, 1897, entered of record a judgment reversing the decision of the Commission and admitting the applicant (among others) to citizenship in the Choctaw Nation. It further appears that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court "set aside, annulled, vacated and held for naught" the judgment of the United States Court; that the same was thereafter certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo and on November

30, 1904, said Court entered of record a decree denying the applicant admission to and declaring that he is not a citizen of the Choctaw Nation; that the decree further ordered that it should not effect any claims the applicant might have as a citizen by intermarriage of the Chickasaw Nation by reason of his marriage to Callie Chase.

It further appears that the applicant was on September 11, 1901, married under the laws, customs and usages of the Chickasaw Nation, to Callie Chase Blake, a recognized and enrolled citizen by blood of the Chickasaw Nation whose name appears at No. 1784 upon a list of citizens by blood of said nation approved by the Department December 12, 1902; that at the date of said marriage both were residents in good faith of the Chickasaw Nation and that they have lived together therein, continuously, since marriage up to and including September 25, 1902.

There is filed the protest of the Chickasaw Nation and an argument in behalf of the applicant in the case which has received due consideration.

In view of the record the approval of the Commission's decision favorable to the applicant is recommended.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

M.M.M.
W.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS

Land,
37627-1908,

WASHINGTON,

June 21, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 12, 1908, transmitting the record of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation by John I. V. Elkins,

May 3, 1908, the Commission decided favorably to the applicant.

The record shows that on December 4, 1896, the Commission denied this applicant's application for admission to citizenship in the Choctaw Nation and upon appeal, the United States Court, Southern District, Indian Territory, on December 21, 1897, entered of record a judgment reversing the decision of the Commission admitting the applicant (among others) to citizenship in the Choctaw Nation. It further appears that on December 27, 1902, the Choctaw and Chickasaw citizenship Court "set aside, annulled, vacated and held for naught" the judgment of the United States Court, that the same was thereafter certified to the Choctaw and Chickasaw citizenship Court for a trial to move and on November 20, 1904,

said Court entered of record a decree denying the applicant admission to and declaring that he is not a citizen of the Choctaw Nation; that the decree further ordered that it should not affect any claim the applicant might have as a citizen by intermarriage of the Chickasaw Nation by reason of his marriage to Nellie Chase.

It further appears that the applicant was on September 11, 1902, married under the laws, customs and usages of the Chickasaw Nation, to Nellie Chase Klabe, a recognized and enrolled citizen by blood of the Chickasaw Nation whose name appears as No. 1704 upon a list of citizens by blood of said Nation approved by the Department December 13, 1902; that at the date of said marriage both were residents in good faith of the Chickasaw Nation and that they have lived together therein, continuously, since marriage up to and including September 25, 1902.

There is filed the protest of the Chickasaw Nation and an argument in behalf of the applicant in the case which has received due consideration.

In view of the record the approval of the Commission's decision favorable to the applicant is recommended.

Very respectfully,

E. V. Larrabee,
Acting Commissioner.

M. I. K.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

W.C.P.

YHS

June 30, 1908.

D.C.
I.T.L.
LRS

3337-1908
7678-1908.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
Gentlemen:

May 13, 1908, you transmitted the record in the matter of the application of John Y. F. Blake for enrollment as an intermarried citizen of the Chickasaw Nation, including your decision of May 3, 1906, granting said application, and the report of the attorneys for the Choctaw and Chickasaw Nations dated May 9, 1908, against your decision.

You state in your decision that in the case of L. L. Blake et al., vs. the Choctaw Nation, in which the applicant was a party, your Commission rendered a decision rejecting the applications of the applicants for citizenship in the Choctaw Nation on December 4, 1896, under the act of Congress approved June 10, 1894; that an appeal was taken from your decision; that the United States Court for the Southern District, Indian Territory, on December 22, 1897, reversed your decision and admitted the applicant to citizenship in the Choctaw Nation; that on November 20, 1904, the Choctaw and Chickasaw Citizenship Court rendered a decision denying the petition of the applicant for admission as a citizen of the Choctaw Nation, stating that the

-2-

decree of the Court should not affect any claim the applicant might have as a citizen by intermarriage of the Chickasaw Nation.

The record also shows that on September 11, 1881, the applicant was married to Callie Blake, a recognized and enrolled citizen by blood of the Chickasaw Nation, under a license obtained from Smith V. Paul, County ^{and} Probate Judge, Pickens County, Chickasaw Nation; that they continued to live together as husband and wife in the Chickasaw Nation up to the date of the application herein. The record also shows that while the marriage was performed under the license obtained from Chickasaw authorities, the applicant did not pay the \$1,000 fee required by the law of the Chickasaw Nation.

Reporting June 21, 1885, the Indian Office recommends that your decision of May 3, 1886, favorable to the applicant, be approved. A copy of its letter is inclosed.

The act of Congress approved June 28, 1838, authorized your Commission to enroll "such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The Choctaw law approved October 19, 1876, and amended September 24, 1887, provides that:

"Hereafter no marriage between a citizen of the United States and a member of the Chickasaw Nation shall confer any right of citizenship or any right to improve or select lands within the Chickasaw Nation, unless such marriage shall have been solemnized in accordance with the laws of the Chickasaw Nation, and all marriages between citizens of the United States and members of the Chickasaw Nation shall be duly certified by the officer or minister of the Gospel who shall have performed

the marriage ceremony, to the Clerk of the County Court of the county where such marriage took place, who shall record the same, and every such officer or minister of the Gospel (if a citizen of the Chickasaw Nation) who shall marry a citizen of the United States to a member of the Chickasaw Nation, without such license, shall be subject to a fine of fifty dollars, to be imposed by the County Court and collected as other fines, for county purposes; and if such minister be a citizen of the United States, he shall be removed from the Nation."

The record contains what purports to be a copy of the marriage law of the Chickasaw Nation existing on the 5th day of September, 1901, which is as follows:

"Section 1. That before a non-citizen can procure a license to marry a citizen of this Nation, he or she shall be of good moral character and industrious habits, and shall have resided in the county where such marriage license is sought to be procured, for a period of two years immediately preceding such application; and shall be recommended by two good and respectable citizens by blood of this Nation; and such citizens shall certify that the applicant is of good moral character and industrious habits, and has resided in the county where such license is sought to be procured for a period of two years immediately preceding such application; and the county judge being satisfied with the petition shall grant the license to marry under the existing law, and the person so applying for such marriage license shall pay the sum of one thousand dollars, five of which shall be retained by the County Judge issuing such license, and nine hundred and ninety-five shall be placed in the national treasury of the Nation for national purposes; and that this act take effect from and after its passage and the approval by the President of the United States."

It is claimed by the attorneys for the Choctaw and Chickasaw Nations that no citizenship rights could be conferred by the applicant's marriage with his Chickasaw wife, unless the conditions required by the law previous to the obtaining of the Chickasaw license were complied with, and that the applicant is entitled to no benefits as an intermarried Chickasaw citizen.

by reason of his failure to pay the \$1000 fee required by the Chickasaw law.

The attorney for the applicant claims that inasmuch as the license was issued by proper authority, inquiry can not be made as to whether the conditions precedent were complied with, and that the failure to pay the \$1000 fee does not affect the applicant's right as an intermarried citizen of the Chickasaw Nation.

It is evident from the laws quoted that it was the intention of the Chickasaw Nation not to confer citizenship rights on intermarried whites unless such white persons should have first been married to citizens of the Chickasaw Nation under the authority of Choctaw licenses, and that the requirements necessary to the procurement of the Chickasaw license should be complied with. Such a license, of course, is prima facie evidence that the conditions precedent were complied with, but in the present instance it is shown that the applicant did not pay the required fee. It would seem that the object of such a fee was to require persons who wished to acquire property rights by intermarriage in the nation to contribute to the financial interests of the nation \$1000 in payment for such rights. In the present case no claim is made that the fee was paid. The Department does not believe that a technical construction of the law should be allowed to defeat its object. Inasmuch as it is

shows that this condition was not complied with, the Department believes that the applicant is not entitled to any of the rights of an intermarried citizen of the Chickasaw Nation.

It would seem, however, that if the applicant's father was enrolled as a citizen of the Choctaw Nation, a further investigation may show that the applicant is also entitled to enrollment as a citizen of the Choctaw Nation, in accordance with the opinion of the Assistant Attorney General approved March 14, 1908, in the Chickasaw enrollment case of Mary E. Archerd, and his opinion of the same date relative to the Choctaw enrollment case of Elizabeth Martin.

Your decision of May 3, 1908, is reversed, and you are directed not to enroll the applicant as an intermarried Chickasaw. The record is returned, however, and it is desired that you make a further investigation and adjudicate whatever rights the applicant may have as a citizen of the Choctaw Nation.

Respectfully,

H. A. Kitchcock,
Secretary.

2 inclosures.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D. 7678-1905.

June 30, 1905.

IRS

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

Gentlemen:

May 12, 1905, you transmitted the record in the matter of the application of John Y. F. Blake for enrollment as an inter-married citizen of the Chickasaw Nation, including your decision of May 3, 1905, granting said application, and the protest of the attorneys for the Choctaw and Chickasaw Nations dated May 9, 1905, against your decision.

You state in your decision that in the case of L. J. Blake et al., vs. the Choctaw Nation, in which the applicant was a party, your Commission rendered a decision rejecting the applications of the applicants for citizenship in the Choctaw Nation on December 4, 1896, under the act of Congress approved June 10, 1896; that an appeal was taken from your decision; that the United States Court for the Southern District, Indian Territory, on December 21, 1897 reversed your decision and admitted the applicant to citizenship in the Choctaw Nation; that on November 30, 1904, the Choctaw and Chickasaw Citizenship Court rendered a decision denying the petition of the applicant for admission as a citizen of the Choctaw Na-

tion, stating that the decree of the Court should not affect any claim the applicant might have as a citizen by intermarriage of the Chickasaw Nation.

The record also shows that on September 11, 1901 the applicant was married to Callie Blake, a recognized and enrolled citizen by blood of the Chickasaw Nation, under a license obtained from Smith W. Paul, County and Probate Judge, Pickens County, Chickasaw Nation; that they continued to live together as husband and wife in the Chickasaw Nation up to the date of the application herein. The record also shows that while the marriage was performed under the license obtained from Chickasaw authorities, the applicant did not pay the \$1.000 fee required by the law of the Chickasaw Nation.

Reporting June 21, 1905, the Indian Office recommends that your decision of May 3, 1905, favorable to the applicant, be approved. A copy of its letter is inclosed.

The act of Congress approved June 28, 1898, authorized your Commission to enroll "such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The Choctaw law approved October 19, 1876, and amended September 24, 1887, provides that:

"Hereafter no marriage between a citizen of the United States and a member of the Chickasaw Nation shall confer any right of citizenship, or any right to improve or select lands within the

Chickasaw Nation, unless such marriage shall have been solemnized in accordance with the laws of the Chickasaw Nation, and all marriages between citizens of the United States and members of the Chickasaw Nation shall be duly certified by the officer or minister of the Gospel who shall have performed the marriage ceremony, to the Clerk of the County Court of the county where such marriage took place, who shall record the same, and every such officer or minister of the Gospel (if a citizen of the Chickasaw Nation) who shall marry a citizen of the United States to a member of the Chickasaw Nation, without such license, shall be subject to a fine of fifty dollars, to be imposed by the County Court and collected as other fines, for county purposes; and if such minister be a citizen of the United States, he shall be removed from the Nation."

The record contains what purports to be a copy of the marriage law of the Chickasaw Nation existing on the 8th day of September, 1901, which is as follows:

"Section 1. That before a non-citizen can procure a license to marry a citizen of this Nation, he or she shall be of good moral character and industrious habits, and shall have resided in the county where such marriage license is sought to be procured, for a period of two years immediately preceding such application, and shall be recommended by ten good and responsible citizens by blood of this Nation; and such citizens shall certify that the applicant is of good moral character and industrious habits, and has resided in the county where such license are sought to be procured for a period of two years immediately preceding such application; and the county judge being satisfied with the petition shall grant the license to marry under the existing law, and the person so applying for such marriage license shall pay the sum of one thousand dollars, five of which shall be retained by the County Judge issuing such license, and nine hundred ninety-five dollars shall be placed in the national treasury of the Nation for national purposes; that this act take effect from and after the passage and the approval by the president of the United States."

It is claimed by the attorneys for the Choctaw and Chickasaw Nations that no citizenship rights could be conferred by the applicant's marriage with his Chickasaw wife, unless the conditions required by the law previous to the obtaining of the Chickasaw license were complied with, and that the applicant is entitled to no benefits as an intermarried Chickasaw citizen by reason of

his failure to pay the \$1000 fee required by the Chickasaw law.

The attorney for the applicant claims that inasmuch as the license was issued by proper authority, inquiry can not be made as to whether the conditions precedent were complied with, and that the \$1000 fee does not affect the applicants right as an intermarried citizen of the Chickasaw Nation.

It is evident from the laws quoted that it was the intention of the Chickasaw Nation not to confer citizenship rights on intermarried whites unless such white persons should have first been married to citizens of the Chickasaw Nation under the authority of Chickasaw licenses, and that the requirements necessary to the procurement of the Chickasaw license should be complied with. Such a license, of course, is prima facie evidence that the conditions precedent were complied with, but in the present instance it is shown that the applicant did not pay the required fee. It would seem that the object of such a fee was to require persons who wished to acquire property rights by intermarriage in the nation to contribute to the financial interests of the nation \$1000 in payment for such rights. In the present case no claim is made that the fee was paid. The Department does not believe that a technical construction of the law should be allowed to defeat its object. Inasmuch as it is shown that this condition was not complied with, the Department believes that the applicant is not entitled to any of the rights of an intermarried citizen of the Chickasaw Nation.

It would seem, however, that if the applicant's father was enrolled as a citizen of the Choctaw Nation a further investigation may show that the applicant is also entitled to enrollment as a citizen of the Choctaw Nation, in accordance with the opinion of the Assistant Attorney General approved March 24, 1905, in the Chickasaw enrollment case of Mary E. Archerd, and his opinion of the same date relative to the Choctaw enrollment case of Elizabeth Martin.

Your decision of May 3, 1905, is reversed, and you are directed not to enroll the applicant as an intermarried Chickasaw. The record is returned, however, and it is desired that you make a further investigation and adjudicate whatever rights the applicant may have as a citizen of the Choctaw Nation.

Respectfully,

E. A. Hitchcock,

Secretary.

2 inclosures.

9-1806

COPY.

Muskegee, Indian Territory, July 29, 1905.

John Y. P. Blake,

Marietta, Indian Territory.

Dear Sir:

On June 20, 1905, the Secretary of the Interior reversed the decision of the Commission to the Five Civilized Tribes of May 3, 1902, granting your application for enrollment as an intermarried citizen of the Chickasaw Nation and held that inasmuch as you did not comply with the tribal laws of the Chickasaw Nation governing intermarriage with citizens by the payment of the \$1000 license fee, you are not entitled to any of the rights of an intermarried citizen of the Chickasaw Nation.

It is stated, however, that if your father was enrolled as a citizen of the Choctaw Nation further investigation may show that you are entitled to enrollment as a citizen of the Choctaw Nation.

In accordance with the opinion of the Assistant Attorney General of March 24, 1905, in the Chickasaw enrollment case of Martha A. Archerd the record in your case is returned for further investigation and adjudication of any rights you may have as a citizen of the Choctaw Nation.

J. F. Y. B. #2

For your information there are inclosed herewith copies of Departmental letter of June 30, 1906, and the report of the Commissioner of Indian Affairs of June 21, 1906, and you are advised that in accordance with Departmental instructions the Commissioner to the Five Civilized Tribes will at his office in Muskogee, Indian Territory, at 1 o'clock P. M. Wednesday, August 15, 1906, hear the testimony of such witnesses as may be presented tending to establish your right to enrollment as a citizen of the Choctaw Nation.

Respectfully,

SIGNED

Tames Bixby.

Commissioner.

EE 2-29

Muskogee, Indian Territory, July 28, 1906.

Mansfield, McMurray & Gernick,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

On June 30, 1905, the Secretary of the Interior reversed the decision of the Commission to the Five Civilized Tribes of May 3, 1905, granting the application of John Y. P. Blake, for enrollment as an intermarried citizen of the Chickasaw Nation and held that inasmuch as he did not comply with the tribal laws of the Chickasaw Nation governing intermarriage with citizens by the payment of the \$1000 license fee, he is not entitled to any of the rights of an intermarried citizen of the Chickasaw Nation.

It is stated, however, that if his father was enrolled as a citizen of the Choctaw Nation further investigation may show that he is entitled to enrollment as a citizen of the Choctaw Nation.

In accordance with the opinion of the Assistant Attorney General of March 24, 1905, in the Chickasaw enrollment case of Martha A. Archer the record is returned for further

M McM & C #2

investigation and adjudication of any rights he may have as a citizen of the Choctaw Nation.

For your information there are inclosed herewith copies of Departmental letter of June 20, 1905, and the report of the Commissioner of Indian Affairs of June 21, 1905, and you are advised that in accordance with Departmental instructions the Commissioner to the Five Civilized Tribes will at his office in Muskogee, Indian Territory, at 1 o'clock P. M. Wednesday, August 16, 1905, hear the testimony of such witnesses as may be presented tending to establish the right to enrollment as a citizen of the Choctaw Nation of John Y. P. Blake.

Respectfully,

SIGNED *Tarns Bixby*
Commissioner.

EB 1-25(A)

9-1806

COPY.

Muskogee, Indian Territory, July 29, 1908.

C. L. Herbert,

Attorney at Law.

Armore, Indian Territory.

Dear Sir:

On June 30, 1908, the Secretary of the Interior reversed the decision of the Commission to the Five Civilized Tribes of May 3, 1908, granting the application of John Y. F. Blake for enrollment as an intermarried citizen of the Chickasaw Nation, and held that inasmuch as he did not comply with the tribal laws of the Chickasaw Nation governing intermarriage with citizens, by the payment of the \$1000 license fee, he is not entitled to any of the rights of an intermarried citizen of the Chickasaw Nation.

It is stated, however, that if his father was enrolled as a citizen of the Choctaw Nation further investigation may show that he is entitled to enrollment as a citizen of the Choctaw Nation.

In accordance with the opinion of the Assistant Attorney General of March 24, 1908, in the Chickasaw Enrollment case of Martha A. Archer the report in this case is returned for further investigation and adjudication of any rights he may have as a citizen of the Choctaw Nation.

C. I. N. S.

For your information there are inclosed herewith copies of Departmental letter of June 30, 1908, and the report of the Commissioner of Indian Affairs of June 31, 1908, and you are advised that in accordance with Departmental instructions the Commissioner to the Five Civilized Tribes will, at his office in Muskogee, Indian Territory, at one o'clock P. M. Wednesday, August 16, 1908, hear the testimony of such witnesses as may be presented tending to establish the right to enrollment as a citizen of the Choctaw Nation of John Y. F. Blake.

Respectfully,

SIGNED *James Bixby*
Commissioner.

NS 1-29

Chickasaw 1806

GOPY.

Waskoge, Indian Territory, August 9, 1903.

C. L. Herbert,

Care Great Northern Hotel,

Hot Springs, Arkansas,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 8, asking for copies of the opinions of the Assistant Attorney General in the cases of Mary A. Archer and Elizabeth Martin. You also ask that the hearing in the matter of the application of John Y. F. Blake for enrollment as a citizen of the Choctaw or Chickasaw Nation be postponed until September 28, 1903, or some time after that date on account of your ill health and for the further reason that there is no other attorney familiar with the case to represent Mr. Blake.

In compliance with your request there are inclosed herewith copies of the opinions of the Assistant Attorney General of March 26, 1903, in the Chickasaw enrollment cases of Mary A. Archer et al. and Mary Elizabeth Martin.

You are advised that the hearing in the case of John Y. F. Blake, will, in accordance with your request, be continued until nine o'clock A. M. Wednesday, September 27, 1903, at the general office in Waskoge, Indian Territory.

Respectfully,

SIGNED *Wm. O. Bball.*

Chief Commissioner

Chickasaw 1806

COPY.

Muskogee, Indian Territory, August 9, 1908.

John Y. F. Hales,

Marietta, Indian Territory,

Dear Sir:

You are hereby advised that upon the request of your attorney, Mr. C. H. Herbert, the hearing in your case has been continued until nine o'clock A. M. Wednesday September 27, 1908, at the general office of the Commission to the Five Civilized Tribes, Muskogee, Indian Territory.

Respectfully,

SIGNED *Wm. O. Beall*

Acting Commissioner.

Chickasaw 1006

COPY.

Muskogee, Indian Territory, August 7, 1906.

Mansfield, Mc Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that in accordance with the request of Mr. G. L. Herbert, attorney for the applicant, the hearing in the matter of the application of John T. F. Blain for enrollment as a citizen of the Choctaw or Chickasaw Nation has been continued until nine o'clock A. M. Wednesday, September 27, 1906.

Mr. Herbert advised this office that he is now in Hot Springs, Arkansas, under the care of a physician, and will be unable to attend to business until after the middle of September, which is the reason given for the request for continuance.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, J.P.

D.C. 40493-1905.
I.T.D. 7873, 7878-1905.
LRS

LHB
August 23, 1905.

DIRECT.

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

Sir:

The attorneys for the Choctaw and Chickasaw Nations on August 14, 1905, requested that you be directed to suspend action upon the case of John Y. F. Blake, the subject of departmental letter of June 20, 1905, until a motion by said attorneys in the analogous case of Lulu West is disposed of, of the pendency of which motion you were advised April 21, 1905.

You will suspend action in the Blake case after making the investigation directed in letter of June 20, 1905, until the motion in the West case has been disposed of.

You will advise said attorneys in accordance herewith.

Respectfully,

THOS. RYAN,
Acting Secretary

C O P Y.

Ardmore, Indian Territory,
January 15, 1906.

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

Sir:-

Your petitioner, J.Y.F. Blake, states that he is a son of L.L. Blake, who has been duly enrolled as a member of the Choctaw Tribe of Indians.

Petitioner states that in due time he filed with the Commission his application for enrollment as a member of said Choctaw Tribe of Indians, and he therefore prays that he may be enrolled as a member of such Tribe.

Cruce, Cruce & Bleakmore.

I, J.Y.F. Blake, state upon oath that the foregoing statements are true.

J.Y.F. Blake

Subscribed and sworn to before me this the 22 day of January, 1906.

W. T. McCarty
Notary Public.

(SEAL)

9-1806

COPY

Muskogee, Indian Territory, June 5, 1906.

John Y. P. Blake,
Ardmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 5, 1906, denying your application for enrollment as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tamo Dixby
Commissioner.

Registered.

Incl. 9-1806.

9-1806

COPY

Muskogee, Indian Territory, June 5, 1906.

A. C. Cruce,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 5, 1906, denying the application for the enrollment of John Y. F. Blake as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamo Binby*
Commissioner.

Registered.
Incl. 9-1806.

Incl. 9-1806. /

9-1806

COPY

Muskogee, Indian Territory, June 5, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 5, 1906, denying the application for the enrollment of John Y. F. Blake as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,
SIGNED

Incl. 9-1806.

James H. H. H.
Commissioner.

COPY

Muskogee, Indian Territory, June 5, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application for the enrollment of John V. F. Blake as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated June 5, 1906, denying said application.

Respectfully,

SIGN:

Tamo Birby

Commissioner.

2 Incl. 9-1806.

Through the
Commissioner of Indian Affairs.

9-1806

Muskogee, Indian Territory, July 14, 1906.

Cruce, Cruce & Bleakmore,
Attorneys at Law,
Ardmore, Indian Territory.

Dear Sirs:-

Receipt is hereby acknowledged of your letter of June 22, 1906, stating that you desire to appeal to the Secretary of the Interior from the decision of the Commissioner to the Five Civilized Tribes denying the application of John Y. F. Blake for enrollment as a citizen of the Choctaw Nation.

In reply you are advised that on June 8, 1906, the decision of the Commissioner to the Five Civilized Tribes, together with the record in this case, was transmitted to the Secretary of the Interior for review, and you will be notified of Departmental action thereon.

Respectfully,

Commissioner.

D.C.-11835

(C O P Y.)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

October 24, 1906.

Land.
49088, 1906.

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 June 5, 1906, enclosing the record in the matter of the application of John Y. F. Blake for enrollment as a citizen of the Choctaw Nation.

The record in this case consists of the testimony taken on February 23, 1905, copy of marriage license issued to John Y. F. Blake and Miss Callie M. Chase, by Smith W. Paul County and Probate Judge of Pickens County, Chickasaw Nation and the certificate of marriage signed by Charles C. Weitt, Minister of the Gospel, showing that the marriage was celebrated between these parties September 11, 1901, the brief of Mansfield McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, and a transcript of the record in the case of application for enrollment of L. L. Blake and others, among whom was John Y. F. Blake, together with the decision of the Commissioner in the present case.

It appears from the record that the present applicant was one of the applicants included in the case of L. L. Blake and

other for enrollment as citizens by blood of the Choctaw Nation, the application having been filed on September 7, 1896, and was denied enrollment by the Commission on December 4, 1896; that an appeal was taken from the decision of the Commission denying the application to the United States Court for the Southern District of the Indian Territory, and on December 21, 1897, this court entered of record a judgment reversing the decision of the Commission and admitting the applicant, among others, to citizenship in the Choctaw Nation; that thereafter, on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created by Act of Congress approved July 1, 1902 (32 Stats., 641), set aside, annulled, and vacated the judgment of the United States Court for the southern district of the Indian Territory admitting the applicant to citizenship in the Choctaw Nation. Thereafter the case was tried de novo before the Choctaw and Chickasaw Citizenship Court, and judgment entered denying the petition of the applicant for admission as a citizen of the Choctaw Nation. In the decree and judgment it is provided--

It is further ordered that this decree shall not affect any claim whatever the petitioner, John Y. Blake, may have as a citizen by intermarriage of the Chickasaw Nation by reason of his marriage to Callie Chase.

Application was thereafter duly made to the Commission to the Five Civilized Tribes by John Y. F. Blake for enrollment as a citizen by intermarriage of the Chickasaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902, and on May 5, 1905, the Commission rendered its decision enrolling the applicant as a citizen by intermarriage of said Nation, and the Department, on June 30, 1905, (I.T.D.3678,

1904), reversed the decision of the Commission and directed that John Y. F. Blake be not enrolled as a citizen by intermarriage of the Chickasaw Nation, but returned the record with instructions to the Commission to make further investigation and adjudication of whatever right the applicant might have as a citizen of the Choctaw Nation in accordance with the opinion of the Assistant Attorney-General on March 24, 1905.

In accordance with the instructions of the Department, further proceedings were had in this case on August 16, 1905 and September 27, 1905. The evidence in this case shows that the applicant, John Y. F. Blake, is a son of L. L. Blake, a white man enrolled as an intermarried citizen of the Choctaw Nation; that he has no Indian blood; that he was twenty-four years old at the time of the hearing of 1905; that he was married to Callie Chase on September 11, 1901, at Ardmore, Indian Territory, under a Chickasaw tribal license obtained from the county Probate Judge of Pickens County, Chickasaw Nation; that he paid nothing for his license individually to the judge or to the Chickasaw Nation, as required by the Chickasaw law governing the marriage of non-citizens into the tribe, section 1 of which provides, among other things, that the applicant shall be recommended by ten good and responsible citizens by blood of this Nation, and that the county judge shall be satisfied with the petition before he shall grant the license and that the person so applying for such marriage license shall pay the sum of \$1,000.00, \$5.00 of which shall be retained by the county

judge issuing the license, and \$995.00 shall be placed in the National Treasury of the Nation, for National purposes.

The Commissioner to the Five Civilized Tribes denied the application for enrollment of John Y. F. Blake as a citizen of the Choctaw Nation, following the ruling of the Department in the Mary Elizabeth Martin case (I.T.D. 4048, 1906).

Since the applicant in no way complied with the requirements of the Choctaw law with regard to the marriage of non-citizens into the tribe, so far as paying the sum of \$995.00 into the National Treasury is concerned, the question is naturally raised as to the effect this failure to comply with the law has on his status as an alleged intermarried citizen. If the question of the validity of the marriage was at issue the omission of a precedent act would unquestionably not invalidate the marriage. In the case of *Hofire vs. the United States*, 164 U. S. 657, which was a case of conflicting jurisdiction between the United States and the Cherokee Nation, which turned on the question of citizenship by marriage in that Nation, it was held that where a marriage license has been issued it carries with it a presumption that all statutory prerequisites thereto have been complied with, and that one who claims to the contrary must affirmatively show the fact. The Cherokee law regulating the marriage of non-citizens to citizens of the tribe differs from that of the Chickasaw Nation in two material points; requiring the payment of only \$5.00 to the National Treasury and

requiring the applicant to take an oath of allegiance to the Cherokee Nation. In the Nofire case there was no showing made as to any of the precedent acts except the petition required of ten Cherokee citizens; the only question raised seems to have been as to the validity of the license issued by a de jure officer instead of by a de facto officer. In the case at bar the presumption would be in favor of the statutory requirements having been complied with, but that presumption, like all other presumptions of the law, may be overcome by evidence. The evidence of the applicant himself is that he paid nothing to the officer issuing the license as a fee, and nothing to be paid into the National Treasury. It was the evident intention of the Nation to make the payment of this sum a prerequisite to conferring any property rights on such intermarried citizens: in other words, the lands and funds of the Nation was a sort of partnership, and any new partner that was to be admitted was to pay in his proportionate share to the capital. Those who did not desire to do this and become partners (intermarried citizens sharing in the National property) were privileged to enter into the marriage relation under a different form of license issued out of the Office of the Clerk of the United States Court.

The applicant, John Y. F. Blake, being a white man without Indian blood, and not having complied with the requirements of the tribal law precedent to the issuance of a license that would

confer on him citizenship by intermarriage, the Office would respectfully recommend that the decision of the Commissioner to the Five Civilized Tribes denying the applicant enrollment as a citizen of the Choctaw Nation be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWB-HCC.

D.O. 11835

DEPARTMENT OF THE INTERIOR,

JFJr

W.H.M.

I.T.D. 21306.

WASHINGTON.

February 26, 1907.

LRB

DIRECT.

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

Sir:

June 5, 1906, you transmitted the record in the matter of the application for the enrollment of John Y. F. Blake, as a citizen of the Choctaw Nation, including your decision of the same date, denying said application.

Reporting October 24, 1906 (Land 49088), the Indian Office recommended that your decision be approved. A copy of its letter is enclosed.

In view of the opinion of the Attorney-General, dated February 19, 1907, your decision is hereby affirmed.

The papers in the matter have been returned for the files of the Indian Office, together with a copy hereof.

Respectfully,

Jesse B. Wilson,

Assistant Secretary.

1 enclosure, and
2 enclosures to Ind. Of.,
with copy hereof.

AFMS

2-27-07

9-2806

Muskogee, Indian Territory, April 10, 1907.

John Y. F. Blake,
Araders, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 5, 1906, denying the application for your enrollment as a citizen of the Cheataw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

9-1808

Muskogee, Indian Territory, April 10, 1907.

A. C. Cruse,
Attorneys at law,
Armore, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 1, 1906, denying the application for the enrollment of John Y. F. Blake as a citizen of the Choctaw Nation.

Respectfully,

Eco. D. Rodgers.

Acting Commissioner.

9-2806

Wankagon, Indian Territory, April 10, 1907.

Manfield, McTurray & Geraish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:--

You are hereby advised that on February 26, 1907,
the Secretary of the Interior affirmed the decision of this
office of June 5, 1906, denying the application for the enroll-
ment of John Y. F. Blain as a citizen of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner

Chic 1807

Chic 1807

Department of the Interior.
Commission to the Five Civilized Tribes.
South McAlester, I. T., December 22nd, 1902.

Chickasaw D-306
Intermarried

-----oOo-----

In the matter of the application of Benjamin J. Vaughn for enrollment as an intermarried citizen of the Chickasaw nation.

Benjamin J. Vaughn being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Benjamin J. Vaughn.
Q How old are you? A Forty-seven years old.
Q What is your post office address? A Chickasha.
Q Do you live in the Chickasaw nation? A Yes sir.
Q How long have you lived there? A Twenty-four years.
Q Maintained a continuous residence there for the past twenty-four years? A Yes sir.
Q You are a white man? A Yes sir.
Q An applicant for enrollment as an intermarried citizen of the Chickasaw nation? A Yes sir.
Q What is the name of your Chickasaw wife? A Emily Burney.
Q Is she a recognized and enrolled citizen by blood of the Chickasaw Nation? A Yes sir.
Q Have her rights ever been questioned? A No sir.
Q When were you married to her? A In 1882 I believe.
Q Where were you married? A In Pickens county at Judge Dixon's.
Q Were you ever married before you married this woman? A Yes sir.
Q How many times? A Once.
Q Was your former wife dead when you married this woman? A No sir, I don't think she was.
Q Was you divorced from her? A Yes sir.
Q You say you was married to Emily Burney in 1882? A I think so.
Q Did you obtain a tribal license to marry her? A Yes sir.
Q How much did you pay for your license? A Fifty dollars.
Q Was she ever married before she married you? A No sir.
Q Who married you? A Judge Dixon.
Q Where were you married? A At his residence in Pickens county.
Q Is your wife still living? A No sir.
Q When did she die? A Died in 1892.
Q Did you live with her up to the time of her death? A Yes sir.
Q Ever any separation, desertion or divorce? A No sir.
Q Have you since the death of Emily Burney ever married to any other woman? A Yes sir.
Q Who? A I married twice since then.
Q When did you first marry? A When?
Q Yes? A '87 I believe.
Q Who did you marry then? A Julia Carbaugh.
Q How long did you live with her? A About eleven months I think.
Q She died? A No sir.

Benjamin J. Vaughn-----2

- Q Divorced from her? A Yes sir.
Q Did you marry again? A Yes sir.
Q Who did you marry the next time? A Lizzie Colclasure.
Q Was she a white woman? A Yes sir.
Q Are you still living with her? A Yes sir.
Q In 1896 after the death of your Chickasaw wife and prior to your marriage to either of these white women, you made application to the Dawes Commission to be admitted as an intermarried citizen did you not? A Yes sir.
Q Was you admitted or denied? A I was admitted.
Q Was any appeal taken from that decision? A Yes sir.
Q What action was taken on the appeal? A Well, I got a court judgment.
Q Admitted by the United States Court? A Yes sir.
Q What district? A Southern District I believe it is, Ardmore.
Q Was that before your marriage to those white women? A After I married one of them; before I was married to the last one.
Q But the question of your second marriage to your white woman was not considered by the court in the appeal? A I don't know anything about whether it was considered.
Q Well it wasn't in your original application; you didn't state anything about being married to a white woman? A No sir.
Q Well you wasn't married to a white woman when you made application in 1896 was you? A No sir.

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 22nd day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 10 day of February, 1903.

Charles H. Sawyer
Notary Public.

Chickasaw 1807.

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

Muskogee, Indian Territory, May 3, 1905.

In the matter of the application for the enrollment of Benjamin J. Vaughn as a citizen by intermarriage of the Chickasaw, and for the enrollment of his minor children Edward A. Vaughn, Grover Cleveland Vaughn and Oscar S. Vaughn as citizens by blood of the Chickasaw Nation.

Additional proceedings had in accordance with Departmental instructions of April 1, 1905.

-----o-----
W. H. Moore appears for Messrs. Mansfield, McMurray & Cornish on behalf of the Chickasaw Nation.
-----o-----

Benjamin J. Vaughn being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Benjamin J. Vaughn.
Q Your age? A Fifty years old.
Q What is your postoffice address? A Alex, I. T.
Q You are the father of Edward A., Grover Cleveland and Oscar S. Vaughn are you? A Yes sir.
Q You claim to be an intermarried citizen of the Chickasaw Nation? A Yessir.
Q What is the name of the Chickasaw woman that you married?
A Emily Burney.
Q When were you married to Emily Burney? A In 1882 I believe; January 11th I believe it is.
Q Were you ever married prior to your marriage to her? A Yes.
Q How many times? A Once.
Q What was the name of your former wife? A Mary Hancock.
Q Was Mary Hancock living when you married Emily Burney?
A Yes sir.
Q Were you ever divorced from Mary Hancock? A Yes, I have a copy of the divorce.
Q When were you divorced from her? A I think it was March, '81
Q Have you got a copy of that decree of divorce? A Yes sir.
Applicant offers in evidence (marked Exhibit A), which is filed and made a part of the record herein, a certified copy of the decree of divorce of Benjamin J. Vaughn from Mary A. Vaughn, dated March 10, 1881.
Q That is the only time you have ever been married prior to your marriage to Emily Burney? A Yes sir.
Q Was Emily Burney ever married before she married you? A No sir
Q You say you were married to Emily Burney in 1882? A Yes sir.
Q Were you married under a Chickasaw tribal license? A Yes sir.
Q From whom did you obtain the license? A Judge Willis Dickerson.

2-B.J.Vaughn.

Q Have you the original or a certified copy of that marriage license and certificate? A I have got a certified copy. You have the original here in this office I believe; you did have it.

Applicant offers in evidence a copy of what purports to be a marriage license issued by Judge Willis Dickerson, county and probate judge of Pickens county, Chickasaw Nation of B. J. Vaughn to Emily Burney, dated January 11, 1882, which is filed and marked Exhibit B.

Q How much did you pay for the license? A Fifty dollars.

Q When were you married to Emily Burney? A January 11th.

Q The same date you got the license? A Yes sir.

Q How long had you been living in the Chickasaw Nation when you obtained this license to marry Emily Burney? A Let me see--I think I came here in 1876 or '77; I can't be positive.

Q Had you lived in the Chickasaw Nation continuously from 1876 up to the time you married Emily Burney? A Yes sir.

Q In the divorce proceedings between your former wife Mary Hancock and yourself, was the suit instituted by you or by her? A No, by her.

Q Where were you living at that time? A I lived here in this country- the Chickasaw Nation.

Q How long after your marriage to Emily Burney did you live together? A Ten years.

Q Did you live with her up until the time of her death? A Yes.

Q Was there ever any separation during that time? A No sir.

Q How many children were born to you by your marriage to Emily Burney? A Five.

Q How many of these children were living on the 25th day of September, 1902? A I believe only three of them. One of them got killed, one of my little boys; I forgot about when he was killed. I think it was prior to that time though.

Q What are the names of the three children that were living prior to September 25, 1902, and on that date? A Edward A., Grever Cleveland and Oscar B.

Q Were they the children of Emily Burney? A Yes sir.

Q And you are their father? A Yes sir.

Q Were these children all born in the Chickasaw Nation? A Yes.

Q And have always lived there? A Yes sir.

Q You say that you lived with Emily Burney ten years? A I believe it was just about ten years.

Q And you lived with her up to the time of her death? A Yes sir.

Q When did she die? A February, 1892 I think.

Q Have you since the death of Emily Burney re-married? A Yes.

Q Who did you marry? A I married Lizzie Colclasure.

Q Is she a citizen of either the Choctaw or Chickasaw Nation? A No sir.

Q A white woman? A Yes sir.

Q You are still living with her? A Yes sir.

Q You say that Emily Burney was a Chickasaw Indian? A Yes sir, born and raised in the Chickasaw Nation.

Q And she died in 1892? A Yes sir, February, 1892.

Q Died before the leased district payment was made to the Chickasaws? A Yes sir.

Q Do you know of any roll of the Chickasaws that the name of Emily Burney appears upon? A No, I don't-- yes, I guess it appears on the 1892 roll; we drew four dollars then.

Q Was that after you married her? A Yes, in the summer following; I think it was in August.

Witness excused.

3-B.J.Vaughn et al.

Edward S. Burney being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Edward S. Burney.
Q How old are you? A Forty-four years old.
Q Your postoffice address? A Chickasha.
Q Are you a citizen of the Chickasaw nation? A Yes sir.
Q Have you been enrolled by the Commission to the Five Civilized Tribes? A Yes sir.
Q Received your allotment as a citizen of the Chickasaw Nation?
A Yes sir.

Witness is identified as Edward Schon Burney, Chickasaw Roll Card No. 1297, final roll of citizens by blood of the Chickasaw Nation as approved by the Secretary of the Interior opposite No. 3722.

- Q Are you acquainted with the principal applicant in this case? Benjamin J. Vaughn? A Yes sir.
Q What relation is he to you? A Brother-in-law.
Q What was his Chickasaw wife's name? A Emily Burney.
Q Is she your full sister? A Yes sir.
Q Same father and same mother? A Yes sir.
Q Do you know that Benjamin J. Vaughn was married to your sister Emily Burney? A Well, I wasn't present at the wedding, but I know that she was supposed to have been married; he lived with her until her death.
Q Were they married in conformity with the tribal laws of the Chickasaw Nation? A Yes sir.
Q Do you know of your own knowledge that they obtained a license from the tribal officials of the Chickasaw Nation? A I have seen the license.
Q You know that a license was issued? A Yes sir.
Q Do you know who issued it? A Judge Dickerson.
Q What is his full name? A I don't think I can tell you his full name; I can't be sure.
Q How long after the marriage did Benjamin J. Vaughn and your sister Emily Burney live together? A Up until her death.
Q Were there any children by this marriage? A Yes sir.
Q How many? A There were five.
Q How many of the children were living September 25, 1902?
A Only three.
Q What are their names? A Edward A., Grover Cleveland and Oscar S Vaughn.
Q They were the children of your sister Emily Burney and Benjamin J. Vaughn? A Yes sir.
Q These children are all living? A Yes sir.

Witness excused.

Mrs. J. J. McAlester, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Rebecca McAlester.
Q Your age? A I don't know my age exactly.

4-B.J.Vaughn et al.

- Q You are of lawful age? You are over twenty-one? A Oh yes, I suppose I might be a little over that.
- Q Where do you live? A At McAlester, Choctaw Nation.
- Q Are you a citizen by blood of the Choctaw-Chickasaw Nations?
- A Yes sir.
- Q Of which nation? A I am Chickasaw. I have both blood in me, both Choctaw and Chickasaw; I have my land in the Chickasaw Nation.
- Q Are you acquainted with the principal applicant in this case, Benjamin J. Vaughn? A Yes sir.
- Q How long have you known him? A I don't know exactly how long; I don't remember the exact date.
- Q Did you know his Chickasaw wife? A Yes sir.
- Q What was her name? A Emily Burney was her first name.
- Q Are you any relation to Emily Burney? A I was her sister.
- Q Had the same father and mother? A No, a different mother; same father.
- Q What is your father's name? A David Burney.
- Q That was the name of the father of Emily Burney? A Yes sir.
- Q You had a different mother? A Yes, different mother.
- Witness is identified ~~as~~ as Rebecca McAlester, Chickasaw roll card 1125, final roll of citizens by blood of the Chickasaw Nation, and approved by the Secretary of the Interior opposite No. 3533.
- Q Mrs. McAlester, have you any knowledge of the marriage of Benjamin J. Vaughn to your sister, Emily Burney? A I was not at the wedding, but they were married according to the Chickasaw law.
- Q When were they married? A I couldn't tell you exactly what date it was.
- Q Do you know that they were married under Chickasaw license?
- A Yes, that is what I have always been told, they was.
- Q You don't know of your own knowledge whether they were or not?
- A No, I don't know but I have always heard them say they were.
- Q How long did Benjamin J. Vaughn and Emily Burney live together? A I can't tell you the exact date of that either; we didn't live very close together.
- Q Do you know how many children they had? A They have three; they had more than that but they lost some of them.
- Q They have three living now? A Yes sir.
- Q Do you know the names of those children? A Yes sir.
- Q What is the oldest one? A Ed.
- Q The next? A Grever.
- Q The next one? A Oscar.
- Q Those are the children of Emily Burney by her white husband Benjamin J. Vaughn? A Yes sir.
- Q Since the marriage of Benjamin J. Vaughn and Emily Burney have Vaughn and these children, to your own knowledge, always lived in the Choctaw-Chickasaw nations? A Yes sir.

Witness excused.

5-B.J.Vaughn.

Edward S. Burney being first duly sworn testified as follows:

Examination by the Commission:

- Q What was your mother's name? A Emily.
Q The same name as your sister? A Yes sir.
Q How old are you now? A Forty-four years.
Q How many children did your mother have? A Altogether?
Q Yes. A I will have to figure up on that; she had one child by her first husband before she married my father and then there was Wesley and Mary, Margaret, Francis and myself and Nancy and Emily. There were two that died in infancy that I didn't call their names.
Q Do you remember when what is known as the annuity payment was made in 1878 to the Chickasaws? A I remember a small payment being made but I don't remember the date exactly when it was made.
Q How old would Emily Burney have been in 1878? A That would make her 12 years old.
Q How many children would your mother, Emily Burney, have had in 1878 who were miners then living with her? A My recollection is only two.
Q And one of those would have been Emily? A Yes sir.
Q And the other one? A Myself.
Q That would be you? A Yes sir.

The 1878 annuity payment roll, Pickins County, Chickasaw Nation, page 1, No. 25 shows the name of Mrs. E. Burney who receipted for the annuity payment for herself and one male and one female child, both of whom were miners.

-----0-----
Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this May 4, 1905.

M. Maupell
Notary Public.

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

In the matter of the application of Benjamin J. Vaughan for enrollment as a citizen by intermarriage of the Chickasaw Nation, and for the enrollment of his children, Edward A. Vaughan, Grover Cleveland Vaughan and Oscar S. Vaughan, as citizens by blood of said Nation.

-- : D E C I S I O N : --

It appears from the record herein that on January 11, 1882, the principal applicant, Benjamin J. Vaughan, was married in accordance with the tribal laws, customs and usages of the Chickasaw Nation to Emily Vaughan (nee Burney), a recognized and enrolled citizen by blood of the Chickasaw Nation, who is identified upon the 1878 Chickasaw Annuity Payment Roll, Pickens County, Page 1, Number 25; that at the date of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and that they lived together as husband and wife in said nation from the date of said marriage until the death of the said Emily Vaughan in the year 1892; that thereafter the applicant married Lissie Cololasurg, a white woman claiming no right to Chickasaw citizenship; that the said Benjamin J. Vaughan has been a resident in good faith of the Chickasaw Nation continuously since the date of his said marriage to the said Emily Vaughan, up to and including September 25, 1902.

The name of the said Benjamin J. Vaughan is found upon the 1893 Chickasaw Leased District Payment Roll, Page 221, and the names of the applicants, Edward A. Vaughan (as Edward Vaughan), Grover Cleveland Vaughan (as Grover Vaughn) and Oscar S. Vaughan (as Oscar Vaughn) are found upon the 1897 Chickasaw Census Roll, Pickens County, Page 19.

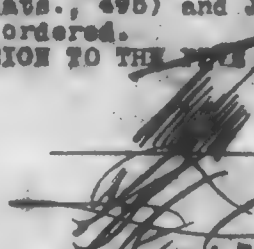
On September 20, 1904, an order was entered of record in this cause dismissing the application for the enrollment of Benjamin J. Vaughan as a citizen by intermarriage of the Chickasaw Nation, and on September 23, 1904, an order was entered of record by the Commission in this cause dismissing the application for enrollment of Edward A. Vaughan, Grover Cleveland Vaughan and Oscar S. Vaughan as citizens by blood of the Chickasaw Nation, both of said orders being entered in accordance with the opinion of the Acting Attorney General of May 3, 1904 (I.T.D. 2824-1904), and the opinion of the Assistant Attorney General for the Department of the Interior of July 30, 1904 (I.T.D. 6246-1904).

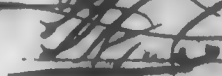
In conformity with the instructions of the Acting Secretary of the Interior of April 21, 1906 (I.T.D. 1912-1906) the

action of the Commission of September 20 and 23, 1904, in dismissing the application for the enrollment of Benjamin J. Vaughan, Edward A. Vaughan, Grover Cleveland Vaughan and Oscar S. Vaughan as citizens of the Chickasaw Nation is hereby rescinded.

It is the opinion of this Commission that, in accordance with the opinion of the Assistant Attorney General for the Department of the Interior in this case, of March 24, 1906, and following the ruling of the Department in the case of Ella Jones (I.T.D. 6818-1904), Benjamin J. Vaughan should be enrolled as a citizen by intermarriage of the Chickasaw Nation, and that Edward A. Vaughan, Grover Cleveland Vaughan and Oscar S. Vaughan should be enrolled as citizens by blood of the Chickasaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE MORE CIVILIZED TRIBES.



Chairman.


Commissioner.
C. R. Beckham

Commissioner

Muskogee, Indian Territory,

MAY 23 1905

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of
B. J. Vaughan for enrollment as an
intermarried citizen of the Chick-
asaw Nation.

---D 306---

On the 19th day of March, 1902, the applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw nations were notified by registered mail, that the application of B. J. Vaughan for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 10th day of May, 1902, for final consideration.

Now, on this 10th day of May, 1902, this cause coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

Myra Young, being 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 case on the 10th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young.

Subscribed and sworn to before me this 10th day of May 1902

Charles K. Sawyer

Notary Public.

719.

9-D-306.

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

In the matter of the application for the enrollment of Benjamin J. Vaughn as a citizen by intermarriage of the Chickasaw nation.

It appears from the records of the Commission to the Five Civilized Tribes that on September 6, 1896, in the case entitled "B. J. Vaughn and others vs. Chickasaw Nation" (1896 Chickasaw Citizenship Docket, case number 92), the applicant, Benjamin J. Vaughn, made original application to said Commission under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), for admission to citizenship in the Chickasaw Nation, and on November 10, 1896, the said Benjamin J. Vaughn was by the Commission to the Five Civilized Tribes admitted to citizenship in the Chickasaw Nation as a citizen by intermarriage. From this decision of the Commission an appeal was taken by the Chickasaw Nation to the United States Court for the Southern District of Indian Territory, which court, in the case entitled "B. J. Vaughn, et al. vs. Chickasaw Nation" (citizenship case number 45) affirmed the decision of the Commission admitting the said Benjamin J. Vaughn as an intermarried citizen of the Chickasaw Nation.

It further appears from the records in the possession of the Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created by the provisions of the act of Congress approved July 1, 1902 (32 Stat., 841), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Southern District of Indian Territory. Said cause has not been appealed or certified to the said Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the provisions of said act of Congress approved July 1, 1902.

In accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I. T. D. 3824-1904) and the opinion of the Assistant Attorney General for the Department of the Interior dated July 20, 1904 (I. T. D. 3346-1904) the Commission

to the Five Civilized Tribes is without authority to take any action of any character looking to the enrollment of Benjamin J. Vaughn as a citizen by intermarriage of the Chickasaw Nation, and it is, therefore, hereby ordered that the application of Benjamin J. Vaughn for enrollment as a citizen by intermarriage of the Chickasaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.

Muskogee, Indian Territory,

SEP 20 1904

W.F.
9-1314-

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

In the matter of the application for the enrollment of Edward A. Vaughan, Grover Cleveland Vaughan and Oscar S. Vaughan as citizens by blood of the Chickasaw Nation.

It appears from the records of the Commission to the Five Civilized Tribes that on September 10, 1896, in the case entitled "B. J. Vaughan, Emily Vaughan, Edward A. Vaughan, Grover C. Vaughan, Benjamin C. Vaughan and Oscar S. Vaughan vs. Chickasaw Nation." (1896 Chickasaw Citizenship Docket, case number 92), original application was made to this Commission under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321) for admission to citizenship in the Chickasaw Nation of the applicants, Edward A. Vaughan, Grover Cleveland Vaughan and Oscar S. Vaughan as citizens by blood thereof, and on November 10, 1896 the said Edward A. Vaughan, Grover Cleveland Vaughan and Oscar S. Vaughan were by the Commission to the Five Civilized Tribes admitted to citizenship in the Chickasaw Nation as citizens by blood. From this decision of the Commission an appeal was taken by the Chickasaw Nation to the United States Court for the Southern District of Indian Territory, which court in the case entitled "B. J. Vaughan, et al. vs. Chickasaw Nation." (Citizenship Case, number 43), affirmed the decision of the Commission admitting the said Edward A. Vaughan, Grover Cleveland Vaughan and Oscar S. Vaughan as citizens by blood of the Chickasaw Nation.

It further appears from the records in the possession of the Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created by the provisions of the act of Congress approved July 1, 1902 (32 Stat., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Southern District of Indian Territory. Said cause has not been appealed or certified to the said Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the provisions of said act of Congress approved July 1, 1902.

In accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I.T.D. 3824-1904) and the opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904 (I.T.D. 5246-1904) the Commission

to the Five Civilized Tribes is without authority to take any action of any character looking to the enrollment of Edward A. Vaughan, Grover Cleveland Vaughan and Oscar S. Vaughan as citizens by blood of the Chickasaw Nation, and it is, therefore, hereby ordered that the application of Edward A. Vaughan, Grover Cleveland Vaughan and Oscar S. Vaughan for enrollment as citizens by blood of the Chickasaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED
TRIBES.

(Signed) Tamm Bixby.
Chairman.

Muskogee, Indian Territory.
Sep 23 1904.

COPY

CERTIFIED COPY OF ORDER

STATE OF MISSOURI,

COUNTY of PULASKI

SS

March Term, 1881.

In the Circuit-----Court of said County, on the 10th day of March 1881, the following among other proceedings were had, viz:

Mary A. Vaughn, -----

VS

-----Divoras-----

Benj. J. Vaughn, -----

-----Motion to remove Marriage disability filed, Motion taken up and evidence having been introduced in support of said Motion, and it appearing to the Court that Defendant is entitled to the relief asked for the Motion, is by the Court sustained

It is therefore considered by the Court that Defendant Benjamin J. Vaughn, by failure to file the right and proper affidavit of a single person that the same has been done by him, is not entitled to this court and the appeal is dismissed therefrom.

STATE OF MISSOURI

C O P Y

Chickasaw Nation,
Pickens County.

To all whom these presents may come greeting,
Know Ye, that application
having been made to me the undersigned Judge of the County Court &
Probate Court by B. J. Vaughan and Emily Burney, for authority to
be united in marriage, the above parties having complied with the
laws governing marriages.

Therefore these are to authorize any Judge or
Minister of the Gospel to unite the above named parties in the
holy bonds of matrimony.

Given under my hand this the 11th day of January
A. D. 1882.

(Signed) Willis Dickerson,
County & Probate Judge,
Co. N.

I, Willis Dickerson, County & Probate Judge do
hereby certify that Mr. B. J. Vaughan and Emily Burney were united
in the holy bonds of Matrimony by me according to the laws and
usages of the Chickasaw Nation.

Given under my hand this the 11th day of
January A. D. 1882.

(Signed) Willis Dickerson,
County & Probate Judge,
of Pickens Co. C. N.

Edward A. Vaughan age 16
on Roll Edward

George Cleveland age 14
on Roll George

Benjamin C. age 10
on Roll Ben.

Oscar J. age 8
on Roll Oscar

All in previous Co.

All on page 19.

1314

OK [Signature]

COMMISSIONERS

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Chickasaw D-306

Muskogee, Indian Territory, March 19, 1902.

B. J. Vaughan,

Chickasha, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of May, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles,

Commissioner in Charge.

Chickasaw D 306

Muskogee, Indian Territory, April 9, 1902.

J. Vaughan,

Chickasaw, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, relative to your application for enrollment as an intermarried citizen of the Chickasaw Nation.

As stated in our communication of the 10th of March, 1902, the matter of your application for enrollment as an intermarried citizen of the Chickasaw Nation will be taken up by the Commission for that consideration as soon as the Commission is organized. You will please advise any additional persons affected by the same.

Yours truly,

W. H. Hendon,

Commissioner.

U. S. 308
- 1314

Muskogee, Indian Territory, May 8, 1903.

E. J. Vaughan,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 24th, asking what disposition has been made of your application for the enrollment of yourself and your minor children as citizens of the Chickasaw Nation.

You state that there has been no appeal in your case to the "Choctaw-Chickasaw Citizenship Court", and you therefore wish to know what action has been taken by the Commission since March 25, 1903.

In reply to your letter, you are advised that it appears from our records that E. J. Vaughan was admitted as an intermarried citizen of the Chickasaw Nation, and his children, Edward A., Grover Cleveland, Benjamin S., and Oscar V. Vaughan, were admitted as citizens by blood of the Chickasaw Nation under a judgment of the United States Court for the Southern District of Indian.

2 J V 2

Territory, rendered at Arsene December 21, 1897, in Court case (citizenship docket) No. 43, an appeal from a decision of the Commission admitting said person to citizenship in the Chickasaw Nation under the provision of the act of Congress approved June 10, 1896.

The Commission has not, however, up to this time taken up for consideration the rights of the applicants named herein. As soon as a decision is reached in your case, you will be duly notified of such action as may be taken.

Respectfully,

SIGNED *Tame Bixby.*

Chairman.

Chickasaw D-308.

COPY.

Muskogee, Indian Territory, December 21, 1903.

B. J. Vaughan,

Chickasha, Indian Territory.

Dear Sir:-

You are hereby advised that on Monday, January 11, 1904, at nine o'clock A. M. at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, oral argument will be heard by the Commission on the question of its jurisdiction to now enroll as citizens of the Choctaw and Chickasaw Nations those persons admitted to citizenship in these two nations by the Commission under the provisions of the act of Congress approved June 10, 1896, and where an appeal was taken from such decisions to the United States Courts for the Southern and Central Districts of the Indian Territory.

These decisions of the Commission being subsequently affirmed by judgments of the United States Courts and such judgments vacated and held to be null and void by the decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902; and such persons not having appealed or had certified to the Choctaw and Chickasaw Citizenship Court their cases for a trial in 1902, it is contended by the attorneys for the Choctaw and Chickasaw Nations that

by the nullification of the judgments of the United States Courts by the decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902, the rights of such persons to citizenship in the Choctaw and Chickasaw Nations under the decisions of the Commission became extinguished.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Chickasaw 1314.

COPY!

Muskogee, Indian Territory, December 21, 1903.

Edward A. Vaughn,

Chickasha, Indian Territory.

Dear Sir:

You are hereby advised that on Monday, January 11, 1904, at nine o'clock A. M. at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, oral argument will be heard by the Commission on the question of its jurisdiction to now enroll as citizens of the Choctaw and Chickasaw Nations those persons admitted to citizenship in these two nations by the Commission under the provisions of the act of Congress approved June 10, 1896, and where an appeal was taken from such decisions to the United States Courts for the Southern and Central Districts of the Indian Territory.

These decisions of the Commission being subsequently affirmed by judgments of the United States Courts and such judgments vacated and held to be null and void by the decree of the Choctaw and Chickasaw Citizenship Court of December 14, 1903; and such persons not having appealed or had certified to the Choctaw and Chickasaw Citizenship Court their cases for a trial de novo, it is contended by the attorneys for the Choctaw and Chickasaw Nations that

E A V

by the nullification of the judgments of the United States Courts by the decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902, the rights of such persons to citizenship in the Choctaw and Chickasaw Nations under the decisions of the Commission became extinguished.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

2-1-1904

Mustagee, Indian Territory, April 14, 1904

Dond & Nelson,

Attorneys at Law,

Wichita, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 10th inst., enclosing the affidavits of Linnie Vaughn and B. M. Johnson, relative to the birth of Benjamin C. Vaughn, Jr., August 21, 1902.

You are requested to state whether any previous application for the enrollment of the above named child had ever been made to this Commission, and if so, state time and full particulars relative to the same.

Respectfully,

SIGNED *Jame Dobby*

Chairman

Muskogee, Indian Territory, April 23, 1904.

Boyd & Melton,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 22nd inst., written in reply to our communication of April 10, 1904, acknowledging receipt of the affidavits of Lizzie Vaughn and Dr. H. Johnson, relative to the birth of Benjamin G. Vaughn, August 21, 1902, and requesting to be advised whether or not, any previous application for the enrollment of said child has ever been made to this Commission.

It is stated in your letter that no previous application for the enrollment of Benjamin G. Vaughn, Jr., has ever been made.

You are advised that under the provisions of the Act of Congress, approved July 1, 1902, the Commission is now without authority to receive or consider the original application for enrollment of any person whatsoever as a citizen of the Choctaw or Chickasaw Nation.

Respectfully,

SIGNED *Tams Bixby.*

Chairman.

Land,
34449-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 31, 1904.

(COPY).

The Honorable,

The Secretary of the Interior.

SIR:

Referring to Department letter of May 21, 1904, approving partial roll of citizens by blood of the Chickasaw Nation, Nos. 4827 to 4834, inclusive, and to office report of May 26, 1904 (Land 34484); I have the honor to enclose herewith a communication from Messrs. Mansfield, McHurray & Garrick, attorneys for the Choctaw and Chickasaw Nations, dated May 20, 1904, in which they invite attention to the names of Edward A. Vaughan, Greger Cleveland Vaughan and Oscar S. Vaughan, which appear on said roll opposite numbers 4827, 4828 and 4829, and say that in the Commission's report of April 30, 1904, transmitting said roll the following remark appears opposite each name mentioned:

"Admitted by Commission 1896 Chickasaw citizenship case No. 92. On appeal decision sustained by United States Court, Southern District, Indian Territory, case No. 43."

An examination of a copy of the Commission's report of April 30, last, shows that the statements of the attorneys with reference to said remarks are correct. They take the position that under the decision of the Choctaw and Chickasaw Citizenship Court in the test suit the decision of the United States Court in 1896 in this case was nullified and reversed. In view of the opinion of the Acting Attorney General of May 9, 1904, say that these applicants have been recognized by the tribal authorities of the Chickasaw Nation as cit-

means of that nation and that their names appear upon the Fickens
County census roll of 1856; that their mother was a recognized and
enrolled citizen by blood of the Chickasaw Nation and request that
the Commission to the Five Civilized Tribes be directed to enroll
them without any reference to the action taken by the Commission un-
der the provisions of the Act of June 20, 1896.

From the remarks in the Commission's report, it is evident these
applicants are not entitled to enrollment by virtue of a favorable
court decision in 1896 and it is recommended that their enrollment
be cancelled and the Commission be directed to take such action in
the premises as is in accordance with law and the facts in the case
and forward the case for the Department's consideration.

Very respectfully,

A. G. Turner,

Acting Commissioner.

AM-2

Mustang, Indian Territory, June 23, 1904

Benjamin Walton,

Attorneys at Law,

Chickasha, Indian Territory

Dear Sirs:

Receipt is hereby acknowledged of your letter of June 9, 1904, in which you ask the status of the application of Benjamin J. Walton for enrollment, and also when his case will be passed upon.

In reply to your letter you are informed that the Committee has not yet passed upon the application of Benjamin J. Walton for enrollment as an intermarried citizen of the Chickasha Nation, and it is impracticable to state when the case will be reached for consideration and final action, but as soon as a decision is reached in this case you and the applicant will be notified of the action taken thereby.

SIGNED *Texas Kirby*

Special Agent

C O P Y

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Land.
40496-1904.

Washington, June 24, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated June 8, 1904, in which they say that Clay McCoy, a white man, who has resided in the Chickasaw Nation for 35 years last past, was married to Sallie Goldsby, a recognized and enrolled citizen of the Chickasaw Nation, on April 17, 1895; that said marriage was performed in accordance with the laws of the Chickasaw Nation, and was solemnized on April 17, 1895, by Rev. J. S. Mayrow; that the applicant's wife has been enrolled as a citizen by blood of the Chickasaw Nation; that her name appears on the approved partial roll opposite No. 3905; that McCoy has lived in the Chickasaw Nation continuously since his marriage, and that he and his wife have lived together as husband and wife since said marriage; that under provisions of the act of June 10, 1896, Clay McCoy applied to the Commission for admission to citizenship in the Chickasaw Nation as an intermarried citizen, claiming right by virtue of his marriage to Sallie McCoy, nee Goldsby;

that on November 23, 1896, the Commission rendered a decision admitting Clay McCoy as an intermarried citizen of the Chickasaw Nation; that an appeal was taken from the Commission's decision, and that on March 15, 1898, the United States Court for the Southern District of the Indian Territory affirmed the Commission's decision.

They then say that by the decision of the Choctaw-Chickasaw Citizenship Court of December 17, 1902, in the test suit that of the Choctaw--Chickasaw Nation vs. J. T. Riddle, et al., the judgment of the United States Court in the case mentioned was annulled and vacated; that after the rendition of the judgment mentioned Clay McCoy on December 22, 1902, addressed a communication to Mansfield, McMurray and Cornish, attorneys for the Choctaw and Chickasaw Nations, relative to his status at that time as an intermarried citizen of the Chickasaw Nation, and that on December 24, 1902, they advised him as follows:

"The decision of the Choctaw and Chickasaw Citizenship Court is that all court claimants' judgments are void. The effect of this would be of course to leave the judgments of the Dawes Commission as they were before they were appealed from. As to whether or not the Commission would permit application in pursuance of this judgment we are unable to say but it might be well for you to make such an application along the line suggested in your letter."

It is shown by said report that Clay McCoy did not appeal from the decision of the United States Court, or have certified to the Choctaw and Chickasaw Citizenship Court within the time prescribed by the act of July 1, 1902 (32 Stats. 641) the record and proceedings in his case before the United States Court for the Southern District of the Indian Territory, and that

the Commission, at a session held at the general office at Muskogee Indian Territory, on February 15, 1904; with reference to persons occupying an analogous status to that of Clay McCoy, adopted the following resolution:

"Resolved that the status of these applicants in whose cases appeals to the Choctaw and Chickasaw Citizenship Court have not been taken be considered by the Commission without reference to any action by the United States Court in the Indian Territory or by the Choctaw and Chickasaw Citizenship Court and that the original judgment as entered by the Commission to the Five Civilized Tribes in 1896 be held valid and in full force and effect."

To this action of the Commission the attorneys for the Choctaw and Chickasaw Nations entered objections, and all of the papers received with the Commission's report of February 15, 1903, concerning this subject were transmitted to the Department with office report of March 13, 1904. This office did not agree with the the position taken by the Commission, and the Acting Attorney General, in an opinion dated May 9, 1904, said:

"That annulment of the United States Court judgments affirming a favorable decision of the Commission to the Five Civilized Tribes upon an application for citizenship so far deprives the applicant of a favorable judgment as to devolve upon him the duty of causing his cause to be transferred to the Citizenship Court.

"I am further of opinion that annulment of the United States Court judgment did not revive and put into force and effect the judgment of the Commission to the Five Civilized Tribes admitting such person to citizenship and that enrollment by the Commission based upon such theory would be a clear violation of the rights of the Indian nations."

The Commission say that in view of this opinion they are apparently without jurisdiction or authority in any manner to

determine the application of Clay McCoy for enrollment as an intermarried citizen of the Chickasaw Nation, and ask for instructions in the premises.

The opinion of the Acting Attorney General is in plain and unmistakable language. He says that it was the duty of all persons who had favorable court judgments, which judgments were annulled by the decision in the test suit, to appeal to the Citizenship Court within the time prescribed by the supplemental agreement, and that it was the duty of causing the record and proceedings had in the United States Court to be transferred to the Citizenship Court was incumbent upon the applicant, and that by a failure to cause such transfer to be made within the time prescribed by law the applicant was not entitled to enrollment. Under this opinion it is evident that inasmuch as the character of the one under consideration the Commission has no power or authority in the premises, and that the Department has no duty to perform.

It is therefore respectfully recommended that the Commission be advised that they are without authority to take action of any character looking to the enrollment of Clay McCoy, or any person similarly situated.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

GAW-Ma

Chickasaw B-506.

Muskogee, Indian Territory, June 30, 1904.

Bond & Melton,

Attorneys at law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 24, in which you state that about fifteen days ago you wrote making inquiry as to the status of S. J. Vaughn's citizenship case, and have not yet received a reply thereto.

In reply to your letter, you are informed that on June 25, 1904, a letter was addressed to you, giving you information relative to the status of the application of Benjamin J. Vaughn as an inter-married citizen of the Chickasaw Nation.

Respectfully,

SIGNED

T. B. Needles

Commissioner in charge.

C O P Y

EXECUTIVE OFFICE, CHICKASAW NATION.

Wapanucka, Indian Territory, July 26, 1904.

To the Honorable,

The Secretary of the Interior,

Washington, D. C. ,

Sir:

I am advised that Mr. B. J. Vaughn and his children Edward A. Vaughn, Grover C. Vaughn and Oscar S. Vaughn are experiencing some difficulty in connection with their enrollment as citizens of the Chickasaw Nation.

The purpose of this letter is to set forth the facts as they exist with reference to these persons, and to urge, on behalf of the Chickasaw Nation that they be enrolled.

The first wife of Mr. Vaughn was a duly recognized and enrolled citizen of the Chickasaw Nation, she being the full sister of Wesley B. Burney, of Ardmore, Indian Territory, who is at present the Chickasaw representative on the Chickasaw Townsite Commission, and also of Edward S. Burney of Chickasha, Indian Territory, and has been for many years a member of the Chickasaw Citizenship Commission. She was the mother of the three children of Mr. Vaughn, above mentioned.

There has never been any question as to the right of these persons to enrollment as citizens of the Chickasaw Nation, their names appearing upon the 1893 "Leased District" pay roll, and also upon the 1896 Census roll of the Chickasaw Nation.

It seems the whole difficulty arose out of the fact that through a misapprehension Mr. Vaughn made application for himself and his children to the Commission to the Five Civilized Tribes, under the Act of Congress approved June 10, 1896. They were admitted and an appeal was taken by the Nation to the United States Court, where they were again admitted. The decision of the United States Court granted in their favor was then set aside by the decision of the Citizenship Court in the test suit, known as the Riddle case, and Mr. Vaughn, through a further misapprehension, failed to appeal to the Citizenship Court within the time required by law.

It is urged on behalf of Mr. Vaughn, and such is the view urged by the attorneys representing the Chickasaw Nation, that the Commission to the Five Civilized Tribes acquired no jurisdiction in 1896 over those persons whose names were upon the tribal rolls, and who were in the enjoyment of a tribal status; and that since the names of Mr. Vaughn and his children were upon the tribal rolls of the Nation and in the enjoyment of a tribal status, the adjudications of the Commission and the Courts, having no jurisdiction were without effect, either for or against him, and that he should not be enrolled, if the Commission finds, acting under the Act of Congress approved June 28, 1898, that the tribal enrollments of himself and his children is a proper one, and

SI.3.

that their names were not placed upon the tribal rolls "by fraud or without authority of law".

Mr. Vaughn will present the matter to the Department and the purpose of this letter is to assist him insofar as I am able to do so on behalf of the Chickasaw Nation, feeling as I do that it would be unfair and unjust in the extreme for Mr. Vaughn and his children to not be enrolled.

Very respectfully,

(Signed) Palmer S. Mosely.
Governor, Chickasaw Nation.

C O P Y

I.T.D.
5246-1904.

DEPARTMENT OF THE INTERIOR,
Office of the Assistant Attorney-General,
Washington,

J. H. W.
S. V. P.

July 30, 1904.

The Secretary of the Interior.

Sir:

I received by reference of July 23, 1904, the papers in the application of Dr. Clay McCoy, for enrollment as a citizen, by intermarriage, of the Chickasaw Nation, transmitted by the Commission of the Five Civilized Tribes, with request for specific instructions for their guidance in similar cases. I am requested to render an opinion upon the case presented.

The record show that McCoy, a white man, April 17, 1895, according to the usages and customs of the Chickasaw Nation, under a Chickasaw tribal license, married Sallie Goldsby, a recognized and enrolled citizen by blood of the Chickasaw Nation. She has been enrolled by the Commission number 3905, of the rolls approved by the Secretary of the Interior, December 12, 1902. Since the marriage McCoy has lived continuously with her in the Chickasaw Nation.

Under the act of June 10, 1896 (29 Stat., 321), McCoy, August 29, 1896, applied to the Commission to be enrolled as a citizen by intermarriage, which was allowed, November 23, 1898, and the Chickasaw Nation alone appealed to the United States

Court, Southern District, Indian Territory, and by that court the judgment of the Commission was affirmed, March 15, 1898. Under the act of July 1, 1902 (32 Stat., 641), in a suit instituted by the Choctaw and Chickasaw Nations against J. T. Riddle and others, this judgment admitting McCoy to enrollment was vacated December 17, 1902. McCoy did not appeal or obtain certification of his case to the citizenship court under sections 31, 32, and 33 of the act of July 1, 1902 (32 Stat., 645-8), but, at suggestion of counsel for the Chickasaw Nation, given him December 24, 1902, applied to the Commissioner to the Five Civilized Tribes for enrollment. February 15, 1904, with reference to this and like cases, the Commission adopted a rule that:

Resolved, that the status of these applicants in whose cases appeals to the Choctaw and Chickasaw Citizenship Court have not been taken be considered by the Commission without reference to any action by the United States Court in the Indian Territory or by the Choctaw and Chickasaw Citizenship Court and that the original judgment as entered by the Commission to the Five Civilized Tribes in 1896 be held valid and in full force and effect.

The Choctaw and Chickasaw Nations objected, and such proceedings were taken that May 3, 1904, the Secretary of the Interior requested the opinion of the Attorney General as to the effect of the decree of the citizenship court, who, May 9, 1904, rendered his opinion.

That annulment of the United States Court judgment affirming a favorable decision of the Commission to the Five Civilized Tribes upon an application for citizenship so far deprives the applicant of a favorable judgment as to devolve upon him the duty of causing his cause to be transferred to the Citizenship Court.

I am further of opinion that annulment of the United States Court judgment did not revive and put into force and effect the judgment of the Commission to the Five Civilized Tribes admitting such person to citizenship and that enrollment by the Commission based upon such a theory would be a clear violation of the rights of the Indian nations.

The Commission to the Five Civilized Tribes expresses the opinion that:

In view of this recent opinion the Commission is apparently without further jurisdiction or authority in any manner to determine the application of Clay McCoy for enrollment as a citizen by intermarriage of the Chickasaw Nation. Seemingly his failure to appeal or have certified to the Choctaw and Chickasaw Citizenship Court the record in the case before United States Court for the Southern District of the Indian Territory has so far deprived him of a favorable judgment as to prohibit his enrollment as an inter-married citizen of the Chickasaw Nation.

The Indian Office recommends that:

It is therefore respectfully recommended that the Commission be advised that they are without authority to take action of any character looking to the enrollment of Clay McCoy, or any person similarly situated.

My attention is by the letter of reference specially directed to sections 27, 28 and 34 of the act of July 1, 1902, supra, which sections, so far as here material, are as follows:

27. The rolls of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen shall be made by the Commission to the Five Civilized Tribes, in strict compliance with the act of Congress approved June 28, 1898 (30 Stats., 495), and the act of Congress approved May 31, 1900 (31 Stats., 221), except as herein otherwise provided: Provided, That no person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in the Indian Territory under the act of June 10, 1896 (29 Stats., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal property until his right thereto has finally determined.

28. The names of all persons living on the date of the final ratification of this agreement, entitled to be enrolled as provided in section 27 hereof shall be placed upon the rolls made by said Commission:-----

34. During the ninety days first following the date of the final ratification of this agreement, the Commission to the Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls, but who have not heretofore been enrolled by said Commission, commonly known as "delinquents," and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this act by Congress, -----

McCoy was clearly a person whose right was "contested" within the meaning of section 27. Whether he was or was not made party to the Representative suit contemplated by section 31, 32, 33, he had right to be made a party on application and the judgment in the action operated to annul the favorable judgment that he before had recovered.

It is not my province to question the opinion of the Attorney General herein rendered, May 9, 1904, supra; that opinion is conclusive in the present case. I therefore concur in the view expressed by the Indian Office.

Very respectfully,

(Signed) Frank B. Campbell,

Assistant Attorney-General

Approved: July 30, 1904.

Thos Ryan,
Acting Secretary.

C O P Y

J. W. H.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D. 5246-1904.
6174-1904

August 3, 1904.

L. R. S.

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

Gentlemen:

June 8, 1904, you transmitted the papers in the matter of the application of Clay McCoy, for enrollment as a citizen by intermarriage of the Chickasaw Nation.

It appears that McCoy, was married in 1895 to a citizen by blood of the Chickasaw Nation, in accordance with the laws of that nation; that his wife's name is now borne upon the rolls of the Chickasaw Nation prepared by you and approved by the Department, and that they have resided continuously in said nation since their marriage. In 1896 McCoy, was "admitted" as a citizen by intermarriage by your Commission. Your decision was affirmed, in 1898, by the United States Court for the Southern District of Indian Territory. The decision of the United States Court was vacated, however, by a decree of the Choctaw-Chickasaw Citizenship Court rendered December 19, 1902, in the test case of J. P. Riddle Vs. the Choctaw and Chickasaw Nations.

You express the opinion that your Commission is apparently without further jurisdiction or authority in any manner to determine McCoy's application. You request, however, inasmuch as

the case of a number of applicants occupy an analogous status with that of Clay McCoy, that your Commission be specifically instructed as to what disposition should be made of such cases.

Reporting in the matter June 24, 1904, the Acting Commissioner of Indian Affairs recommends "that the Commission be advised that they are without authority to take action of any character looking to the enrollment of Clay McCoy, or any person similarly situated."

In an opinion rendered July 30, 1904, approved by the Department the same day, relative to the question submitted by you, the Assistant Attorney General for this Department concurred in the views of the Indian Office. A copy of his opinion is inclosed herewith, for your guidance, together with a copy of the Acting Commissioner's letter.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary

2 inclosures.

Chickasaw 2806

Muskogee, Indian Territory, August 6, 1904.

B. J. Vaughan,

Alex, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 26, asking what has been done with your applications for enrollment, and in reply you are advised that the names of your children, Edward A. Vaughan, Grover Cleveland Vaughan and Osgar B. Vaughan were placed upon a schedule of citizens by blood of the Chickasaw Nation which was forwarded to the Secretary of the Interior, but the Secretary of the Interior cancelled the same, and no further action has been taken by the Commission since that time in the matter of their enrollment.

The Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Chickasaw Nation but when a decision is rendered therein you will be notified of the action taken.

Respectfully,

SIGNED *I. B. Needles*

Commissioner in Charge.

Chickasaw 1314

Muskogee, Indian Territory, August 6, 1904.

McKennon & Dean,

Attorneys at Law,

South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of July 28, requesting copy of the record in the case of B. J. Vaughan and his minor children, who you understand are in the same status as Ida K. Southard, in order that you may file brief and argument in this case.

In reply to your letter you are advised that it does not appear from our records that any testimony has been taken in this case except the testimony of Benjamin J. Vaughn, of December 23, 1902, relative to his intermarried status, copy of which is herewith inclosed, together with receipt therefor which please sign and return to this office.

Respectfully,

SIGNED *I. B. Needles*

Commissioner in Charge.

Chickasaw 1314

Muskogee, Indian Territory, August 19, 1904

B. J. Vaughn,

Chickasha, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 13, in which you ask for what reason the Secretary of the Interior cancelled the schedule of citizens by blood of the Chickasaw Nation on which were the names of your sons.

In reply to your letter you are advised that it appears from our records that you and your children, Edward A., Grover Cleveland and Oscar B. Vaughan were admitted to citizenship in the Chickasaw Nation by a judgment of the United States Court for the Southern District of the Indian Territory, that said judgment was vacated by the decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902, and that no appeal was taken in this case to the Choctaw and Chickasaw Citizenship Court in accordance with the provisions of the act of Congress approved July 1, 1902.

Under an opinion of the Acting Attorney General of the United States of May 11, 1904, the Commission is now without authority to enroll or make allotment of lands in the Choctaw and Chickasaw Nations to persons who come within this class.

Respectfully,

SIGNED *Fame Bixby.*

Chairman.

C O P Y.

LAW OFFICES OF
MANSFIELD, Mc MURRAY & CORNISH.

South McAlester, Indian Territory, August 22, 1904

Honorable Palmer S. Mosely,
Governor Chickasaw Nation,
Wapanucka, Indian Territory,

Dear Governor:

We are in receipt of your letter dated August 11th, enclosing a letter from the Honorable Secretary of the Interior dated August 6, 1904, relative to the application of B. J. Vaughn and children for enrollment as citizens of the Chickasaw Nation, in which he states:

"The Department will be gratified if you will transmit statement of the attorneys representing the Chickasaw Nation, setting forth their views in the premises."

The purpose of this letter is to make such a statement, in order that you may comply with the request of the Secretary.

The first wife of B. J. Vaughn was a Chickasaw Indian woman, duly recognized and enrolled. She was the sister of Benjamin Burney, a former Governor of the Chickasaw Nation, now deceased; of Wesley B. Burney, the present Chickasaw town site commissioner, and of Edward B. Burney, a member of the Chickasaw Citizenship Commission for the past five years. Her name appears upon all the rolls of the Chickasaw Nation made prior to her death, and she drew her proportion of such tribal moneys as were distributed during her life time.

As the wife of Mr. Vaughn, she had the following children: Edward A. Vaughn, Grover Cleveland Vaughn and Oscar S. Vaughn, who, with their father, B. J. Vaughn, above mentioned are the applicants at this time.

The names of B. J. Vaughn as an intermarried citizen, and of his children above referred to as citizens by blood appear upon all the tribal rolls of the Chickasaw Nation, and they have drawn their proportion of the tribal moneys distributed from time to time.

Through a misunderstanding of the Act of June 10, 1896, Mr. Vaughn made application for himself and his children for enrollment.

The view urged on behalf of Mr. Vaughn and his children with which we fully agree on behalf of the Choctaw and Chickasaw Nations, is that since his name and the names of his children appeared upon the tribal rolls of the Chickasaw Nation at the time of the application to the Commission under the Act of June 10, 1896, the Commission had no jurisdiction over them; and that its decision, either for them or against them, was of no validity since under the Act of June 10, 1896 the tribal rolls were confirmed, and the Commission and the United States Court given jurisdiction only over those persons not on the tribal rolls.

The Act of June 10, 1896, bearing upon this view is as follows:

"----and provided further That the rolls of citizenship of the several tribes as now existing are hereby confirmed----

We do not wish to be understood as contending that the tribal rolls stand confirmed under the law as it exists at this time, for the government of the Commission to the Five Civilized Tribes and the Department. The confirmation contained in the Act of June 10, 1896 was specifically removed by the subsequent Acts of June 7, 1897 and June 28, the latter act stating that:

" Said Commission is authorized and directed to make correct rolls of citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as have lawful right thereto."

The Act of June 10, 1896 not only confirmed the right of Mr. Vaughn and his children, by confirming the rolls upon which their names appeared, and specifically defined the jurisdiction of the Commission and the United States Courts, as applying only to those persons whose names were not on the tribal rolls. If the Act of June 10, 1896 had stood, without being modified and amended by the subsequent Acts of June 7, 1897 and June 28, 1898, the rights of Mr. Vaughn and his children would, according to our view be fully and finally confirmed by specific legislative act. In view of the two subsequent acts, the effect of the Act. of June 10, 1896 is to relieve Mr. Vaughn and his children of the jurisdiction of the Commission and the United States Courts under the Act, and to leave their rights

PSM -4-

to be passed upon by the Commission and the Department under the Act of June 28, 1898. This view has been sustained by the Department in the Choctaw enrollment case of Wiley Adams.

That Act provides, as above shown, that the Commission shall make a roll of the citizens of the tribes, eliminating from the tribal rolls those whose names may have been placed thereon by fraud or without authority of law, and enrolling such only as may have lawful right thereto.

Proceeding then under the Act of June 28, 1898, and without reference to the Act of June 10, 1896, it becomes the duty of the Commission and the Department to inquire whether or not the names of Mr. Vaughn and his children were placed upon the tribal rolls "by fraud or without authority of law". If they were so placed thereon, they should be stricken therefrom, and they should be denied enrollment. If they were not so placed thereon, they should be enrolled by the Commission and the Department, under and in pursuance of the jurisdiction conveyed under the Act of June 28, 1898.

We state on behalf of the Choctaw and Chickasaw Nation that the names of Mr. Vaughn and his children are properly upon the tribal rolls of the Chickasaw Nation; that they were not placed thereon "by fraud or without authority of law"; and according to our view they should be enrolled.

Very respectfully,

(Signed) Mansfield McMurray & Cornish

Dictated.

C O P Y

Chickasaw D 306

Muskogee, Indian Territory, September 20, 1904.

Benjamin J. Vaughn,

Alex, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated September 20, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

(Signed) Ians Bixby,

Chairman.

Registered.

Incl. 9-D-306.

C O P Y .

Chickasaw D -306.

Muskogee, Indian Territory, September 20, 1904.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory,

Gentlemen:

Enclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated September 20, 1904, dismissing the application for the enrollment of Benjamin J. Vaughn as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

(Signed) Tams Bixby,
Chairman.

Registered.

Incl. 9-D-306.

C O P Y

Chickasaw 306.

Muskogee, Indian Territory, September 20, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nation,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated September 20, 1904, dismissing the application for the enrollment of Benjamin J. Vaughn as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

(Signed) Tama Bixby,

Chairman.

Incl. 9-P-306.

C O P Y

Chickasaw 1314

Muskogee, Indian Territory, September 23, 1904.

Edward A. Vaughan,

Chickasha, Indian Territory.

Dear Sir:

There is enclosed you herewith a copy of the order of the Commission to the Five Civilized Tribes, of September 23, 1904, dismissing the application for enrollment of yourself and your brothers, Grover Cleveland Vaughan and Oscar S. Vaughan, as citizens by blood of the Chickasaw Nation.

You are advised, however, that the Secretary of the Interior, on September 7, 1904, directed the Commission to withhold from allotment until further instructed the homes and improved lands of such persons whose names appear upon the tribal rolls of the Choctaw and Chickasaw Nations, and who were admitted by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), and by the United States Court on appeal, and whose cases were not certified or appealed to the Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the Act of Congress approved July 1, 1902, (32 Stats., 641), and March 3, 1903, (32 Stats., 982).

EAV---2.

You are hereby notified that if you are the owner of improvements in the Choctaw or Chickasaw Nation, you will be allowed thirty days from the date hereof within which to appear before the Land Office of the Commission for the Nation in which such improvements are located, in order that your rights may be protected as contemplated by the Secretary of the Interior, under the directions of September 7, 1904, above referred to.

Respectfully,

(Signed) Tams Bixby,

Chairman.

Registered.

Enc. 9/1314.

C O P Y

Chickasaw 1316

Muskogee, Indian Territory, September 23, 1904.

McKennon & Dean,
Attorneys at Law,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed you herewith a copy of the order of the Commission to the Five Civilized Tribes, of September 23, 1904, dismissing the application for the enrollment of Edward A. Vaughan, Grover Cleveland Vaughan and Oscar S. Vaughan, as citizens by blood of the Chickasaw Nation.

You are advised, however, that the Secretary of the Interior, on September 7, 1904, directed the Commission to withhold from allotment until further instructed the homes and improved lands of such persons whose names appear upon the tribal rolls of the Choctaw and Chickasaw Nations, and who were admitted by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), and by the United States Court on appeal, and whose cases were not certified or appealed to the Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the Act of Congress approved July 1, 1902 (32 Stat., 641), and March 3, 1903, (32 Stat., 982).

You are further notified that if the applicants herein

McK & P--2

are the owners of improvements in the Choctaw or Chickasaw Nation, they will be allowed thirty days from the date hereof within which to appear before the Land Office of the Commission for the Nation in which such improvements are located, in order that their rights may be protected as contemplated by the secretary of the Interior under the directions of September 7, 1904, above referred to.

Respectfully,

(Signed) Tams Bixby,

Chairman

Registered.

Enc. 9-1314.

C O P Y

Chickasaw-1314.

Muskogee, Indian Territory, September 23, 1904.

Hansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed you herewith a copy of the order of the Commission to the Five Civilized Tribes, of September 23, 1904, dismissing the application for enrollment of Edward A. Vaughan, Grover Cleveland Vaughan and Oscar S. Vaughan, as citizens by blood of the Chickasaw Nation.

You are advised, however, that the Secretary of the Interior, on September 7, 1904, directed the Commission to withhold from allotment until further instructed the homes and improved lands of such persons whose names appear upon the tribal rolls of the Choctaw and Chickasaw Nations, and who were admitted by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 321), and by the United States Court on appeal, and whose cases were not certified or appealed to the Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the Act of Congress approved July 1, 1902, (32 Stat., 641), and March 3, 1903, (32 Stat., 982).

You are further notified that if the applicants herein

MEMORANDUM C-2-2

are the owners of improvements in the Choctaw or Chickasaw Nations, they will be allowed thirty days from the date hereof within which to appear before the Land Office of the Commission for the Nation in which such improvements are located, in order that their rights may be protected as contemplated by the Secretary of the Interior under the directions of September 7, 1904, above referred to.

Respectfully,

(Signed) Tans Bixby,

Chairman

Enc. 2-1314

B-D-506
B-1514
B-C-209

Muskogee, Indian Territory, October 17, 1904.

Boni & Melton,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 7th instant, requesting to be advised whether or not Benjamin J. Vaughn or his children were on the Chickasaw roll of 1896, also whether or not T. H. East was on said roll.

You are advised that the names of Benjamin Vaughn and Theophilus H. East are not found upon the 1896 Chickasaw census roll.

You are further advised that the names of Edward J. Grover Cleveland, Benjamin B., and Cesar S. Vaughn are found on the 1896 Chickasaw census roll, Wokona County, page 18.

Respectfully,

SIGNED *Tams Bizby*

Chickasha,

9-D-508
9-1814
9-C-209

Muskogee, Indian Territory, October 17, 1904.

Bond & Melton,

Attorneys at Law.

Chickasha, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 7th instant, requesting to be advised whether or not Benjamin J. Vaughn or his children were on the Chickasaw roll of 1896, also whether or not T. H. East was on said roll.

You are advised that the names of Benjamin Vaughn and Theophilus H. East are not found upon the 1896 Chickasaw census roll.

You are further advised that the names of Edward A. Grover Cleveland, Benjamin G., and Oscar J. Vaughan are found on the 1896 Chickasaw census roll, Pickens County, page 19.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

Chickasaw D306
Chickasaw 1314

Muskogee, Indian Territory, October 26, 1904.

B. J. Vaughn,

Chickasha, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 22, requesting that the record in the matter of the enrollment of yourself and your children as citizens of the Chickasaw Nation be forwarded to the Secretary of the Interior, and in reply you are advised that in accordance with your request the record in the matter of the enrollment of yourself and your children as citizens of the Chickasaw Nation has this day been forwarded to the Secretary of the Interior.

Respectfully,

SIGNED *Tams Bixby.*

Chairman.

Muskogee, Indian Territory, October 27, 1904.

B. J. Vaughan,

Chickasha, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty-second instant, in which you state that a few days ago you appeared before the Chickasaw Land Office of the Commission, for the purpose of having set aside the allotments of yourself and your family, in accordance with the recent order of the Secretary of the Interior; that upon your recent appearance at the land office you found your children were upon the list for whom such reservations were to be made but that your name did not appear thereon. You request to be advised whether or not the omission of your name from the list in the possession of the Chickasaw Land Office was through error.

In reply to your letter you are advised that your name was intentionally omitted from the list of persons for whom reservations were to be made in accordance with the directions of the Secretary of the Interior.

These reservations are being made under the specific directions of the Department of September 7 and 13, 1904 to make reservations for those persons whose names appear upon the tribal rolls

B J V R

of the Choctaw and Chickasaw Nations who were admitted by the Commission to the Five Civilized Tribes under the provisions of the act of Congress approved June 10, 1896 and, on appeal, by the United States Courts in Indian Territory, but whose cases were not certified or transferred to the Choctaw and Chickasaw Citizenship Court for a trial de novo.

The Commission has been unable to identify your name upon any of the tribal rolls of the Chickasaw Nation in its possession, and for this reason we were without authority to include your name upon the list of persons for whom such reservations were to be made.

Further referring to your letter of the twenty-second instant, I have today, in accordance with the instructions of the Secretary of the Interior and upon the request of your son, Oscar Vaughan, forwarded to the Department the papers in the matter of the dismissal of the applications for the enrollment of Benjamin J. Vaughan and Edward A., Grever Cleveland and Oscar S. Vaughan as citizens of the Chickasaw Nation.

I have also this day forwarded to your son, Oscar Vaughan, a letter fully explaining the attitude and position of the Commission in reference to your enrollment and the enrollment of your three children as citizens of the Chickasaw Nation.

I trust that this explanation given your son will fully elucidate to you the position of the Commission with reference to

B J V S

persons occupying an analogous status as to citizenship in the
Choctaw and Chickasaw Nations.

Respectfully,

SIGNED *Jame Bixby.*

Chairman.

Chickasaw D 306

Muskogee, Indian Territory, November 5, 1904.

E. S. Burney,

Chickasha, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 30, stating that if the name of E. J. Vaughan is not on the 1896 census roll of the Chickasaw Nation it has been taken off without his knowledge, but that he drew the leased district payment and you ask that the rolls be examined in order to ascertain if his name does not appear upon the 1896 Chickasaw rolls.

In reply to your letter you are advised that a careful examination of the records of the Chickasaw Nation in the possession of the Commission discloses that the name of E. J. Vaughan is found upon the 1896 Leased District Payment Roll Number 2. A reservation will therefore be made of his home and improved lands upon his personal appearance at the land office for the nation in which his land is located, within thirty days from this date, in accordance with the directions of the Secretary of the Interior of September 7, 1904.

Respectfully,

SIGNED *Tame Bixby*.

Chairman.

Chickasaw D 306

Muskogee, Indian Territory, November 6, 1904.

B. J. Vaughan,

Chickasha, Indian Territory,

Dear Sir:

You are hereby advised that your name having been identified upon the 1893 Leased District Payment Roll of the Chickasaw Nation, the Commission will, in accordance with Departmental directions of September 7, 1904, withhold from allotment your home and improved lands, upon your personal appearance at the land office for the nation in which the same are located, within thirty days from this date.

Respectfully,

SIGNED *James Bixby.*

Chairman.

(COPY)

Refer in reply to the following:
Land 13715-1905.

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

Feb. 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes dated February 15, 1905, concerning a communication addressed to the Department by A.S. McKennon, on February 6, 1905, relative to the case of Clay McCoy, an applicant for enrollment as an intermarried Choctaw, which was referred to the Commission for report by the Department on February 8, 1905. Mr. McKennon states that Clay McCoy has not been enrolled as a citizen by reason of the fact that he had a judgment in his favor in the United States Court under the Act of June 10, 1896, which was vacated by a decision of the Choctaw-Chickasaw Citizenship Court, and that he failed to take an appeal to the court last mentioned within the time allowed by law. He also says that the orders heretofore made by the Department directing the Commission to protect the improved lands in possession of this class of persons against the filings of other citizens, do not include Clay McCoy and he asks that the Commission be directed to protect the improved lands belonging to Clay McCoy against the filing of

other citizens until further notice.

The Commission says that Clay McCoy was an applicant for enrollment as an intermarried citizen of the Chickasaw Nation, that he was admitted in 1896; that on appeal the decision of the Commission was affirmed by the United States Court for the Southern District of the Indian Territory; that he did not, within the time allowed by law, appeal or have certified to the Choctaw-Chickasaw Citizenship Court for trial de novo the record in his case; that on June 8, 1904, the record in the case was transmitted to the Department and the opinion was expressed that in accordance with the opinion of the Attorney General of May 3, 1904, the Commission was without jurisdiction to in any manner determine the right of Clay McCoy to enrollment as an intermarried citizen. Although Mr. McKennon says that McCoy is an applicant for intermarried citizenship in the Choctaw Nation, the records of the office show, as stated by the Commission, that he applied for intermarried citizenship in the Chickasaw Nation.

The Commission invites attention to the fact that the Assistant Attorney General in an opinion of July 30th last, concurred in the recommendation of this office "that the Commission be advised that they are without authority to take action of any character looking to the enrollment of Clay McCoy or any person similarly situated," and say that said application was dismissed; that on September 7, 1904, the Commission was directed to reserve from allotment the homes and improved lands of such persons who were admitted by the Commission and by the United States Court on appeal, but in whose cases no appeal had been taken to the Choctaw-

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Chickasaw Citizenship Court and whose names were found upon the tribal rolls of the Choctaw and Chickasaw Nations in the Commission's possession; that this direction does not include Clay McCoy, as his name is not found on any of the Choctaw or Chickasaw rolls in the possession of the Commission; and that on October 22, 1904, the Department instructed the Commission as follows:

Washington, D.C.

Dawes Commission,
Muskogee, I.T.

Referring to telegrams September seventh and thirteenth, and your report October eleventh you are directed to take similar action authorized relative to all persons intermarried with Choctaw or Chickasaw citizens by blood according to Choctaw or Chickasaw laws, who were admitted by U.S. Court and failed to appeal to Citizenship Court in time, and were denied enrollment 'under the late ruling', whether such intermarried persons have been enrolled by tribal authorities or not. This included Clay McCoy. Letter follows.

E. A. Hitchcock,
Sec'y.

This telegram, it is shown, was confirmed by Department letter of October 25, 1904 (I.T.D. 8879). The Commission says to act in accordance with that portion of said telegram as follows

You are directed to take similar action authorized relative to all persons intermarried with Choctaw or Chickasaw citizens by blood according to Choctaw or Chickasaw laws, would necessitate opening up the cases before the Commission in 1896 for the purpose of determining whether such persons coming within the class referred to had been married in accordance with tribal laws; that it was impracticable to do this for the reason that in cases where appeals were taken from the Commission's decisions, the original papers were transmitted to the Court, and for the further reason that the decisions of the Commission of

4--

1896 have been deemed final when not appealed from "and it is considered inadvisable at this time to open up such decisions for further investigation."

It is then stated that upon conference with A. S. McKennon and Melvin Cornish, of the firm of Mansfield, McMurray and Cornish, it was determined that Mr. McKennon and the attorneys for the Nations, should agree upon the persons coming within the class mentioned, and that the Department would be requested to direct the Commission specifically as to those persons with reference to the reservation of their homes and improved lands.

McCoy has been notified to appear before the land office for the Nation in which his improvements are located, for the purpose of testifying relative to the designation of his home and improved lands, and the Choctaw and Chickasaw Land Offices, the Commission says, have been notified to receive his testimony pertaining thereto upon his appearing in person. The Commission recommends that Mr. McKennon be advised that when he and Messrs. Mansfield, McMurray & Cornish have agreed upon the persons for whom reservations should be made, that a list will be forwarded to the Department, and that the Commission will be directed to withhold from allotment the homes and improved lands of the persons named by them, "and no others."

From Mr. McKennon's communication it does not seem that he represents all of that class of persons situated as Clay McCoy is. However, in view of the Department's instructions of October 22, 1904, if the attorneys for the Choctaw and Chickasaw Nations are willing to confer with Mr. McKennon concerning the subject, and prepare a list of persons whose homes and improved lands should

5--

be protected against the claims or filings of other citizens,
I see no objections to proceedings in accordance with the
Commission's recommendation, and it is therefore concurred in.

Very respectfully,

(Signed) C.F. Larrabee,
Acting Commissioner.

GAW-H.

(COPY)

I.T.D.
1450-1903.
6585-7303,
6697, 11952-1904.

J. R. W. W. C. P. S. V. P.

DEPARTMENT OF THE INTERIOR,

Office of the Assistant Attorney General,

Washington, March 24, 1905.

The Secretary of the Interior.

Sir:

I received by reference of December 23, 1904, with request for my opinion thereon, the record in the applications of Benjamin J. Vaughan to be enrolled as citizen by intermarriage of the Chickasaw Nation, and of his children Edward A., Grover C., Oscar S., and Benjamin C. (deceased November 10, 1900), to be enrolled as citizens by blood.

About 1882 Benjamin J. Vaughan was married to Emily Burney, a recognized Chickasaw citizen by blood. The record does not show that his name is found on any of the Chickasaw rolls, but July 22, 1904, the governor of the nation states in a letter that the father and first three of his children appear upon the leased district pay-roll and 1896 census roll, and August 22, 1904, counsel for the nation state in a letter that their names "appear upon all the tribal rolls of the Chickasaw Nation." September 20, 1904, in the father's case, and September 23, 1904, in that of the children, the Commission found that November 10, 1896, the principal applicants, as citizen by intermarriage, and the first three children named, as citizens by blood, were admitted to citizenship of the Chickasaw Nation, from which decision the nation appealed to the United States District Court.

the Southern District of Indian Territory, which affirmed the decision. December 17, 1902, the Choctaw and Chickasaw citizenship court, under act of July 1, 1902, (32Stats., 641, 646-8), set aside the judgment, and no further steps of appeal or certification of the case to the citizenship court for a trial de novo were taken within the time prescribed by said act, and the commission decided that:

In accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I. T. D. 3824-1904), and the opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904 (I. T. D. 5246-1904), the Commission---is without authority to take any action of any character looking to the enrollment of (the applicants)---and it is therefore hereby ordered that the application-----be dismissed.

November 22, 1904, the Indian Office transmitted the records recommending affirmance of the action of the Commission.

As to the opinion of the Acting Attorney-General of May 9, 1904, it must be observed that an opinion, like the decision of a court, applies only to such facts as are predicated as the basis of such opinion or judgment. The question submitted by the Department to the Attorney-General was, whether the annulment by the citizenship court, of the judgment of the United States District Court, in these appealed citizenship cases, operated to leave the decision of the Commission appealed from in force. This necessarily assumed that the Commission itself had original jurisdiction to render, and did render, a valid decision.

The point here involved is, whether the Commission in 1896 had original jurisdiction to admit or to deny citizenship to these applicants. It is the settled rule of the Department, in the case of Wiley Adams (I. T. D. 4398), May 21, 1903, and those following it, that the Commission had no jurisdiction under the act

of 1896, supra, to admit to citizenship or to refuse to admit to citizenship those borne on the rolls, as the rolls were confirmed by the act, and as to such persons the commission was without power except the ministerial one of inscribing their names on its rolls when they were identified as upon the tribal rolls.

It is also held by the Commission, and by my opinion in case of Mary Elizabeth Martin (I.T.D. 11856-1904), that intermarriage as to the white person operates under Article XXXVIII of the treaty of April 28, 1866 (14 Stat., 769, 779), as admission to the tribes, and is the full equivalent of enrollment, so that, whether such inter-married persons was enrolled or not, the Commission in 1896 were without power to exclude them from the rolls.

It is also conclusively shown that the Choctaw and Chickasaw Nations did not contend otherwise before the Attorney General. It was stated in their brief presented and considered by the Attorney General that:

If there are persons falling within the class to which this brief refers, who had a tribal enrollment and recognition as citizens by blood of the Choctaw or Chickasaw Nation, or who have intermarried in accordance with tribal laws to citizens by blood so enrolled and recognized none of the proceedings of the Commission to the Five Civilized Tribes or the United States Courts can effect or did affect their status one way or the other. Such proceedings are void as held by the Choctaw and Chickasaw Citizenship Court and are not subjects of consideration as weighing either for or against a citizen applicant. As to the persons who are applicants before the Commission to the Five Civilized Tribes for enrollment, under the act of Congress approved June 28, 1898, and later acts, their citizenship rights are to be determined upon their merits, without reference to what may or may not have been done either for or against them by void proceedings had before the Commission to the Five Civilized Tribes or the United States Court under the act of June 10, 1896.

As to them the 1896 proceedings should be eliminated entirely and their citizenship rights determined under the Curtis act and later acts. Our contentions apply and can only to those persons falling within this class who have no tribal enrollment and recognition or v

or who have not intermarried with citizens by blood in accordance with tribal laws, but who rely as a basis for their citizenship upon proceedings had under the act of June 10, 1896.

We submit that the act of June 10, 1896, is itself conclusive of the correctness of this view. Furthermore, in addition to the construction which must appear from an examination of the face of the act itself, the Department of the Interior has so held in the noted Choctaw enrollment case of Wiley Adams. Under the act of June 10, 1896, the tribal rolls were confirmed (this confirmation was of course removed by the Curtis act and does not affect the Commission in the exercise of its jurisdiction therein); and by the Wiley Adams case it is held that the act of June 10, 1896, means what it says, and that as to persons having a tribal status the Commission acquired no jurisdiction over them; and anything which may have been done thereunder either for or against them was in excess of the Commission's jurisdiction and is to be given no consideration.

The Acting Attorney-General, May 9, 1904, stated the contention, the question submitted, and his opinion as follows:

It is now maintained by the Indian nations that it was the duty of applicants, decrees in whose favor were annulled and who desired to insist on their claims, to give notice and transfer their cause to the citizenship court, as provided by statute, and to have the same there determined. On the other hand, the applicants insist that annulment of judgments of United States courts in their favor left the action of the Commission to the Five Civilized Tribes admitting them to enrollment in force, and that they are now entitled to rely upon the same and to be recognized as citizens.

In view of the foregoing facts and to enable you to determine what course to pursue, you request my opinion whether the annulment of the United States court judgment affirming a favorable decision of the Commission to the Five Civilized Tribes upon an application for citizenship, so far deprived the applicant of a favorable judgment as to devolve upon him the duty of causing his cause to be transferred to the Choctaw and Chickasaw citizenship court, as provided in section 31 of said act of July 1, 1902, to protest and preserve his claimed rights, or whether the annulment of the United States court judgment revived and put in force and effect the judgment of the Commission to the Five Civilized Tribes admitting such person to citizenship.

I am of the opinion that annulment of the United States court judgment affirming a favorable decision of the Commission to the Five Civilized Tribes upon an application for citizenship so far deprived the applicant of a favorable judgment as to devolve upon him the duty of causing his cause to be transferred to the citizenship court.

I am further of the opinion that annulment of the United States court judgment did not revive and put in force and effect the judgment of the Commission to the Five Civilized Tribes admitting such person to citizenship, and that enrollment by the Commission based upon such a theory would be a clear violation of the rights of the Indian nations.

It is obvious that the question here presented was not in the contentions considered by the Attorney-General, and whether the general terms of the opinion might be wide enough to cover such case, yet the opinion can not be construed to apply to or affect a case wherein the Commission in 1896 was without jurisdiction to deny citizenship to the applicant.

My opinion of July 30, 1904, in Dr. Clay McCoy (I.T.D. 5246-1804), is also cited by the commission as authority preventing its consideration of the present cases. McCoy, a white man, April 17, 1898, in conformity to Chickasaw law, married an enrolled citizen by blood of the Chickasaw Nation, and had continuously lived with her in the nation. He applied to the commission, and his enrollment was allowed November 26, 1896, and upon appeal of the Chickasaw Nation the decision was affirmed by the United States District Court March 15, 1898. This judgment was vacated December 17, 1902, by the citizenship court under the act of July 1, 1902, supra, and no appeal was taken or certification obtained of the case to that court. After rendition of the Attorney-General's opinion of May 8, 1904, supra, the commission making reference thereto held that

In view of this recent opinion the Commission is apparently without further jurisdiction or authority in any manner to determine the application of Clay McCoy for enrollment as a citizen by intermarriage of the Chickasaw Nation. Seemingly his failure to appeal or have certified to the Choctaw and Chickasaw Citizenship Court the record in the case before the United States Court for the Southern District of the Indian Territory has so far deprived him of a favorable judgment as to prohibit his enrollment as an intermarried citizen of the Chickasaw Nation.

The Indian Office recommended that the Commission be advised that it was without authority to take action of any character looking to the enrollment of Clay McCoy or any person similarly situated. Setting out section 27, 28 and 34 of the act of July 1, 1902, supra, I expressed the opinion that:

McCoy was clearly a person whose right was "contested" within the meaning of section 27. Whether he was or was not made party to the representative suit contemplated by sections 31, 32, 33, he had right to be made a party on application, and the judgment in the action operated to annul the favorable judgment that he before had recovered.

Upon re-examination of the files referred in the case of Dr. Clay McCoy, I find that neither by brief of counsel nor suggestion of the commission, Indian Office, or letter of reference, was it called to my attention that there was lack of original jurisdiction to exclude the applicant. Nor were the opinion and brief of counsel upon the question submitted to the Attorney-General then before me. I was led to assume that McCoy's case was within the question then submitted and was controlled by the decision. That assumption was clearly erroneous in fact and for that reason, and reasons stated herein and in the case of Mary Elizabeth Martin, I recede from the opinion then expressed, and am of the opinion that the commission is not precluded by the opinion of the Attorney-General of May 8, 1904 from consideration of the present cases, or those of like facts, upon their merit.

Very respectfully,

(Signed) Frank L. Campbell

Approved: March 24, 1905. Assistant Attorney-General.

(Signed) E. A. Hitchcock
Secretary.

C O P Y

DEPARTMENT OF THE INTERIOR
WASHINGTON

J. W. H.
FHE

D. C. 17557-1905
I. T. D. 11952-1904.
3128-1905.

April 1, 1905.

LRS.

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

Gentlemen:

On October 27 and 31, 1904, respectively, you transmitted the papers in the matter of the dismissal of the application of Benjamin J. Vaughan for enrollment as a citizen by intermarriage, and for the enrollment of his children, Edward A., Grever Cleveland and Oscar S. Vaughan as citizens by blood, of the Chickasaw Nation.

The principal applicant, Benjamin J. Vaughan, claims enrollment by intermarriage with Emily Burney, a recognized citizen by blood of said nation. The other applicants herein are the children of this marriage. It is claimed on behalf of all the applicants that their names are borne upon the rolls of the Chickasaw Nation. That this is the true so far as the names of the children of Benjamin J. Vaughan are concerned is seen from your report of October 11, 1904, relative to certain persons whose names appear upon the tribal rolls of the Choctaw and Chickasaw Nations concerning whom your Commission and the United

States Courts exercised jurisdiction under the act of Congress approved June 10, 1896 (29 Stat., 321).

On September 20, 1904, you dismissed the application of Benjamin J. Vaughan from your records, and on September 23, 1904, you took like action concerning the other applications, deeming your Commission without jurisdiction as to any of them, by reason of the opinion of the Acting Attorney General of May 9, 1904, and the opinion of the Assistant Attorney General for this Department in the case of Dr. Clay McCoy, dated and approved July 30, 1904.

In an opinion rendered March 24, 1905, approved by the Department the same day, the Assistant Attorney General receded from the views expressed in the McCoy opinion, and held that the applicants herein, as well as all persons similarly situated, including McCoy, are entitled to have their cases considered upon their merits.

At the hearing of December 22, 1902, the testimony of Benjamin J. Vaughan was taken, showing that his second wife, Emily Burney, was a citizen by blood of the Chickasaw Nation, but no testimony was furnished, save the mere statement of said applicant, that his marriage to her was performed in accordance with the tribal law. Record evidence that his marriage was so performed should have been furnished, or its absence satisfactorily explained. Furthermore, Mr. Vaughan states that he was married about 1882 to this Chickasaw woman, but that at the time of said

(3)

marriage a former wife of his was living from whom he claims he had obtained a divorce. It should be shown by the best evidence obtainable that Mr. Vaughan obtained a legal divorce from his first wife; otherwise, the benefits of citizenship would not inure to him by reason of his marriage with the said Emily Burney. It is true that the principal applicant states that he obtained a divorce, but if his statement is true, record evidence should be produced, or its absence satisfactorily explained and secondary evidence furnished in lieu thereof.

It is noted that no testimony was taken concerning the other applicants herein, and that, other than certain statements appearing in the correspondence, there is no evidence showing that they are the children of Mr. Vaughan by the said Emily Burney. It therefore appears that the testimony contained in the record is insufficient to warrant the final adjudication of the case at this time. The record is therefore returned to you, with a copy of the said opinion of the Assistant Attorney of March 24, 1905, in order that additional testimony may be taken and the case adjudicated upon its merits.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

4 inclosures.

Muskogee, Indian Territory, April 18, 1906.

B. J. Vaughan,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you state that your son, Oscar B. Vaughan, under date of April 1, 1906, received from the Secretary of the Interior a letter which reads as follows:

"You are advised that in an opinion recently rendered by the Assistant Attorney-General for this Department it was held that the decision of the Choctaw-Chickasaw citizenship court in the test suit of E. F. Riddle, et al., rendered December 19, 1902, is not applicable to persons who were admitted upon appeal by the United States Court in Indian Territory, who were recognized citizens of the Chickasaw and Choctaw Nations.

Inasmuch as it appears that you and your brothers were recognized citizens, there is no reason why your case should not be heard upon its merits; accordingly, the Department has this day directed the Commission to the Five Civilized Tribes to take additional testimony in the cases and readjudicate the same upon its merits. For further information you will address said Commission at Muskogee, Indian Territory."

In concluding your letter you request to be advised at the earliest practicable date of the manner and method to be pursued in order to have the rights of yourself and children as enrollment as citizens of the Chickasaw Nation reopened and reconsidered by the Commission.

B. J. Vaughan 2

Replying to your letter you are advised that under date of April 1, 1905, the Secretary of the Interior directed the Commission to the Five Civilized Tribes to permit the introduction of testimony for the purpose of securing sufficient information upon which to adjudicate the rights of Benjamin J. Vaughan, Edward A. Vaughan, Grover Cleveland Vaughan and Oscar S. Vaughan to citizenship in the Chickasaw Nation.

You are further advised that such hearing will be had at the general office of the Commission at Muskogee, Indian Territory, on Wednesday, May 3, 1905, at 10 o'clock A. M. You should upon that date present such evidence as you may possess tending to show that you are entitled to enrollment as a citizen by intermarriage of the Chickasaw Nation, and that your minor children are the children of Emily Burney and that she was during her life time a recognized citizen by blood of the Chickasaw Nation.

Respectfully,

SIGNED *T. B. Needles*

Commissioner in Charge.

Muskogee, Indian Territory, April 15, 1905.

Bond & Kelton,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

For your information there is herewith enclosed you copy of a letter under date of April 1, 1905, to the Commission to the Five Civilized Tribes, from the Secretary of the Interior, accompanied by an opinion of the Assistant Attorney-General for the Department of the Interior of March 24, 1905, relative to the right to citizenship in the Chickasaw Nation of Benjamin J. Vaughan and his three minor children, Edward A. Vaughan, Grover Cleveland Vaughan and Oscar S. Vaughan.

You are advised that in conformity with departmental instructions the Commission will at its office at Muskogee, Indian Territory, on Wednesday, May 3, 1905, at 10 o'clock A. M., hear the testimony of such witnesses as may be presented, tending to show that Benjamin J. Vaughan is entitled to enrollment as a citizen by intermarriage of the Chickasaw Nation and that Edward A., Grover Cleveland and Oscar S. Vaughan are his children by Emily Burney and that the said Emily Burney was during her life time a

James A. Holton 2

recognized citizens by blood of the Chickasaw Nation.

Respectfully,

SIGNED *T. B. Needles*

Commissioner in Charge.

Nov 19/8

Muskogee, Indian Territory, April 15, 1905.

McKenna & Dean,

Attorneys at Law,

South Hallaster, Indian Territory.

Gentlemen:

For your information there is enclosed you herewith copy of a letter under date of April 1, 1905, to the Commission to the Five Civilized Tribes, from the Secretary of the Interior, accompanied by an opinion of the assistant attorney-general for the Department of the Interior of March 24, 1905, relative to the right to citizenship in the Chickasaw Nation of Benjamin J. Vaughan and his three minor children, Edward A. Vaughan, Grover Cleveland Vaughan and Oscar S. Vaughan.

You are advised that in conformity with departmental instructions the Commission will at its office at Muskogee, Indian Territory, on Wednesday, May 3, 1905, at 10 o'clock A. M., hear the testimony of such witnesses as may be presented, tending to show that Benjamin J. Vaughan is entitled to enrollment as a citizen by intermarriage of the Chickasaw Nation and that Edward A., Grover Cleveland and Oscar S. Vaughan are his children by Emily Vaughan and that the said Emily Vaughan was during her life time a recognized citizen by blood of the Chickasaw Nation.

Respectfully,

SIGNED *T. B. Needles*

Commissioner in Charge.

COPY

Muskogee, Indian Territory, April 15, 1905.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed you herewith for your information copy of Departmental letter of April 1, 1905, to the Commission to the Five Civilized Tribes, accompanied by an opinion of the Assistant Attorney-General for the Department of the Interior of March 24, 1905, in reference to the right to enrollment as citizens of the Chickasaw Nation of Benjamin J. Vaughan, Edward A. Vaughan, Grover Cleveland Vaughan and Oscar S. Vaughan.

You are hereby advised that in conformity with Departmental instructions the Commission will at its office at Muskogee, Indian Territory, on Wednesday May 3, 1905, at 10 o'clock A. M., hear such testimony as may be presented by the applicants tending to show that Benjamin J. Vaughan is entitled to enrollment as a citizen by intermarriage of the Chickasaw Nation and that his three minor children, Edward A., Grover Cleveland and Oscar S. Vaughan, are the children of Emily Burney and that said Emily Burney was during her life time a recognized citizen by blood of the Chickasaw Nation. You will at such hearing be permitted to introduce any testimony you desire on behalf of the Choctaw and Chickasaw Nations.

Respectfully,

(Signed) T. B. Needles,

Commissioner in Charge.

noM 15/5

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.W.H.
P.H.B.

I.T.D. 1912-1905.
D.C. 21620-1905.

April 21, 1905.

LRS

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

Gentlemen:

On February 15, 1905, in reply to Departmental letter of February 8, 1905, you reported upon a communication from A. S. McKennon, of February 6, 1905, relative to the case of Dr. Clay McCoy.

It appears that on October 22, 1904, the following telegram was sent you:

"Washington, D.C.

Daves Com.,
Muskogee, I.T.

Referring to telegram September seventh and thirteenth and your report October eleventh, you are directed to take similar action authorized relative to all persons intermarried with Choctaw or Chickasaw citizens by blood according to Choctaw and Chickasaw laws, who are admitted by U.S. Court and failed to appeal to Citizenship Court in time, and were denied enrollment 'under the late ruling', whether such intermarried persons have been enrolled by tribal authorities or not. This includes Clay McCoy. Letter follows.

B. A. Hitchcock, Secy."

Inasmuch as you failed to reserve from allotment the lands of Clay McCoy, the matter was brought on his behalf to the attention of the Department by Mr. McKennon.

You report that you neglected to act in conformity with the Department's request because the name of McCoy did not appear

upon the rolls of the Choctaw and Chickasaw nations, and for the further reason that you believed to act in accordance with that portion of the telegram quoted above which reads:

"You are directed to take similar action authorized relative to all persons intermarried with Choctaw or Chickasaw citizens by blood according to Choctaw or Chickasaw laws, etc.",

would necessitate opening up the cases before the Commission in 1896, for the purpose of determining whether or not the persons apparently coming within the class referred to, had been married in accordance with tribal laws.

At the date of your report you considered this impracticable for the reason that in all cases where appeals were taken from the judgments of the United States Court under the provisions of the act of June 10, 1896 (29 Stat., 321), the original papers were transferred to said court and consequently were not in your possession, and for the further reason that the decisions of the Commission in 1896 were deemed final in the absence of appeal.

In said report you recommended that Mr. McKennon and Messrs. Mansfield, McMurray and Cornish be permitted to agree upon the persons coming within the class for whom reservations should be made, and that they be allowed to request the Department to direct the Commission, specifically, as to said persons.

Since your report under consideration was rendered, opinions have been rendered by the Assistant Attorney General for this Department in the cases of Benjamin J. Vaughn, et al, and Mary Elizabeth Martin, holding that marriage in accordance with the tribal laws to enrolled citizens by blood of either of said nations is

3--

the legal equivalent to enrollment, and that persons so married prior to the act of June 10, 1896, were recognized citizens of the nations of which their spouses were citizens. Accordingly, the Action of your Commission and of the courts under the act of June 10, 1896, was without force or effect, owing to the lack of jurisdiction.

In anticipation of said opinions, and for the further reason that it was considered improper to limit the right to further investigation to such applicants only as might be the clients of any particular attorney, you were wired, on February 25, 1905, as follows

"Referring to your communication of fifteenth instant you will reserve from allotment until further advised the improved lands in the Choctaw and Chickasaw nations of all persons referred to in departmental telegram of October 22, 1904."

You have no doubt complied with the Department's instructions contained in said telegram. It follows, accordingly, that there are a number of persons for whom improved lands have been reserved, pending the determination of their citizenship rights claimed through intermarriage. You are now directed where you have heretofore dismissed the citizenship applications of such persons, to rescind such action and to advise the parties, as well as all others, coming within the rule, who may hereafter make application, of their rights under the law, and afford them an opportunity to present further testimony, if more is required, in support of their claims to enrollment.

A copy of Indian Office letter of February 20, 1905, is inclosed.

Respectfully,
Thos Ryan
Acting Secretary.

1 inclosure.

9-1807

Muskogee, Indian Territory, May 23, 1908.

COPY.

Benjamin F. Vaughan,

Atoka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 23, 1908, granting the application for the enrollment of yourself as a citizen by intermarriage, and of your children, Edward A. Vaughan, Grover Cleveland Vaughan and Oscar E. Vaughan, as citizens by blood, of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as citizens of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your names will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Jama Bixby

Registered.
May 9-1907

Chairman.

9-1807

Muskogee, Indian Territory, May 23, 1905.

Boyd A. Malton,

COPY.

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 23, 1905, rendered its decision granting the application for the enrollment of Benjamin J. Vaughan as a citizen by intermarriage, and of his children, Edward A. Vaughan, Graves Cleveland Vaughan and Oscar B. Vaughan, as citizens by blood, of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizens of the Chickasaw Nation. If at the expiration of said time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered,
P. O. Box 100,

SIGNED

Tamas Bixby

Chairman

9-1807

COPY

Muskogee, Indian Territory, May 23, 1908.

Manafield, McNair & Carnish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 23, 1908, granting the application for the enrollment of Benjamin J. Vaughan as a citizen by intermarriage, and of his children, Edward A. Vaughan, Grover Cleveland Vaughan and Oscar S. Vaughan, as citizens by blood, of the Chickasaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizen of the Chickasaw Nation. If at the expiration of said time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

WED

James Bloddy

Registered.
No. 9-1807

Chairman.

Substitute

9-1807

Muskogee, Indian Territory, July 22, 1906.

B. J. Vaughan,

Alex, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 9, asking if the names of yourself and your children, Edward A., Grover C. and Oscar S. Vaughan have been placed upon the rolls.

In reply to your letter you are advised that the names of Benjamin J. Vaughan, Edward A. Vaughan, Grover Cleveland Vaughan and Oscar S. Vaughan have been placed upon schedules of citizens by blood and intermarriage of the Chickasaw Nation, prepared for forwarding to the Secretary of the Interior and you will be notified when your enrollment is approved by the Department.

Respectfully,

Commissioner.

Muskogee, Indian Territory, October 11, 1905.

The Commissioner,
of Indian Affairs.

Sir:

Receipt is hereby acknowledged of Indian Office letter of October 3, 1905, asking the status of the intermarried Chickasaw enrollment case of Benjamin J. Vaughn et al., which was returned to the Commission to the Five Civilized Tribes by the Secretary of the Interior for readjudication under date of April 1, 1905.

Reporting in this matter I have to advise that the application of Benjamin J. Vaughn et al., for enrollment as citizens of the Chickasaw Nation was adjudicated in accordance with Departmental directions of April 1, 1905, and the name of Benjamin J. Vaughn was placed at number 605 upon a schedule of intermarried citizens of the Chickasaw Nation and the names of his children, Edward A., Grover Cleveland and Oscar S. Vaughn were placed at numbers 4969, 4970 and 4971, respectively, upon a schedule of citizens by blood of the Chickasaw Nation both of which were forwarded with letters of July 17, 1905, and approved by the Secretary of the Interior August 23, 1905, and September 7, 1905.

Allotments have now been selected in behalf of the above named persons.

Respectfully,

Commissioner.

9-1807

Muskogee, Indian Territory, May 21, 1906.

Benjamin J. Vaughan,

Alex, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of
Lissie Vaughan and D. M. Johnson to the birth of Benjamin C. Vaughan,
child of Benjamin J. and Lissie Vaughan, August 21, 1902, and the
same have been filed as an application for the enrollment of said
child.

Respectfully,

Acting Commissioner.

8-1807

Muskogee, Indian Territory, May 22, 1906.

Benjamin J. Vaughan,

Alex, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Lissie Vaughan and D. M. Johnson to the birth of Benjamin C. Vaughan, Jr., child of Benjamin J. and Lissie Vaughan, August 21, 1902, and the same have been filed as an application for the enrollment of said child.

Respectfully,

Acting Commissioner.

(COPY)

SPECIAL

DEPARTMENT OF THE INTERIOR,

J P Jr
U.S.B.

D.O. 18278-1907

WASHINGTON,

February 28, 1907.

I.F.D. 3128-1905.

L.R.S.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of February 26, 1907, in the matter of the application for the enrollment of Benjamin C. Vaughan, Jr., as a citizen of the Chickasaw Nation, your attention is called to the father of this applicant, one Benjamin J. Vaughan, and to the children of said Benjamin J. Vaughan, Edward A., Grever C., and Oscar S. Vaughan.

It appears that the names of these persons have been placed upon the rolls of the Chickasaw Nation. From the information available to the Department it also appears that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, by setting aside the decree of the United States court favorable to these applicants, rendered a decision which, in accordance with the opinion of the Attorney-General dated February 19, 1907, was final.

You are accordingly directed, in the absence of reasons not known to the Department, to strike the names of said Benjamin J. Vaughan and his descendants from the rolls of the Chickasaw Nation as of this date, and to report to the Department your action,

giving roll numbers, in order that this action may be noted upon
the copies of the rolls in the possession of the Department and
the Indian Office.

A carbon copy heretofore has been sent to the Indian Office.

Respectfully,

(Signed) Jesse H. Wilson,
Assistant Secretary.

A.P.W.
3-1-07

(over)

SPECIAL

DEPARTMENT OF THE INTERIOR,

J. P. Jr.
T. L. B.

D. O. 12276-1907

WASHINGTON,

February 28, 1907.

I. O. 307-1708

L. S. 9.

Special.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

SIR:

Referring to Departmental letter of February 26, 1907, in the matter of the application for the enrollment of Benjamin C. Vaughan, Jr., as a citizen of the Chickasaw Nation, your attention is called to the father of this applicant, one Benjamin J. Vaughan, and to the children of said Benjamin J. Vaughan, Edward A., Grover C., and Oscar E. Vaughan.

It appears that the names of these persons have been placed upon the rolls of the Chickasaw Nation. From the information available to the Department it also appears that on December 17, 1903, the Cherokee and Chickasaw Citizenship Court, by setting aside the decree of the United States court favorable to these applicants, rendered a decision which, in accordance with the opinion of the Attorney-General dated February 19, 1907, was final.

You are accordingly directed, in the absence of reasons set down to the Department, to strike the names of said Benjamin J. Vaughan and his descendants from the rolls of the Chickasaw Nation as of this date, and to report to the Department your action,

giving roll numbers, in order that this action may be noted upon
the copies of the rolls in the possession of the Department and
the Indian Office.

A carbon copy hereof has been sent to the Indian Office.

Respectfully,

(signed) Jesse E. Wilson,
Assistant Secretary.

A.F.M.
3-1-07

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

COPY

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Acknowledgment is hereby made of the receipt of Departmental letter of this date, (I.T.D. 6902-1907), enclosing for report copy of letter of February 27, 1907, from the Commissioner to the Five Civilized Tribes, relative to the names of persons who have heretofore been placed on the final roll of citizens by blood of the Choctaw and Chickasaw Nations, who are affected by the opinion of the Attorney General of the United States of February 19, 1907.

Commissioner Nixby, sets out in his letter the names of all the persons now appearing on the rolls who are deemed by him to be without right to enrollment under the opinion of the Attorney General mentioned. In some of these cases patents have been executed and recorded, and in others no patents have been issued.

The Office is of the opinion that the list prepared by the Commissioner contains the names of persons who in the light of the opinion of the Attorney General are not entitled to enrollment, and it is therefore recommended that the action of the Commissioner in striking the names of these persons from the roll be

approved, and that their names also be stricken from the copies
of the rolls in the possession of the Department and of this
office.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

RM-10

Muskogee, Indian Territory, March 3, 1907.

The Honorable,

The Secretary of the Interior.

Sir:-

On this date I telegraphed the Department as follows:

"In accordance with Departmental instructions of February twenty-eighth, name of Benjamin J. Vaughan, opposite number six hundred five on final roll of citizens by inter-marriage of Chickasaw Nation, and names of his three minor children, Edward A., Grover Cleveland and Oscar S. Vaughan, opposite numbers forty-nine hundred sixty-nine to forty-nine hundred seventy-one, inclusive, on final roll of citizens by blood of Chickasaw Nation, have been stricken from such rolls,

and this will confirm same.

Respectfully,

Commissioner.

D.C. 21268
I.T. 7794-1907
L.S.
P.L.C.

J.P.
LLB.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 4, 1907.

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

Sir:

In answer to Departmental telegram of February 23, 1907, and letter of the same date, you reported in letter of February 27, 1907, after inspection of the partial rolls of the Choctaw and Chickasaw nations, prepared under the act of June 22, 1906 (34 Stat., 498), and subsequent legislation, the persons whose names have been placed on such partial rolls, in your opinion, contrary to the views expressed in the Attorney-General's opinion of February 19, 1907, in the case of Myrtle Hambleigh and others, copy of which was transmitted to you with letter of February 23, 1907, and which names you recommend to be stricken from the partial rolls, opposite the numbers mentioned by you.

Your list is as follows:

CHOCTAW BY BLOOD AND INTERMARRIAGE.

Charley S. Vincent, opposite No. 1462, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1894 in case No. 231; no appeal. Patents recorded.

John Salvia Gray, opposite No. 1510, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 29, and denied by the United States Court for the central district of Indian Territory on appeal; no appeal to the Choctaw and Chickasaw Citizenship Court.

Naisy Shelton, Frank Shelton, Russ Shelton, opposite Nos. 15081, 15082, 15083, respectively, upon the final roll of citizens by blood of the Choctaw Nation. All denied by Commission in 1896 in case No. 1497; admitted by United States court for southern district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. - Patents for No. 15081 recorded.

John Shelton, opposite No. 1495, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1497; admitted by United States court for southern district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Jacob S. Supter, opposite No. 1469, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1573; no appeal. Patents recorded.

John Supter, Amanda Isabella Supter, Jim Andy Supter, and Scott Taylor Supter, opposite Nos. 15446, 15447, 15448, and 15449, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No.

1873; no appeal. Patents for No. 15648 recorded; homestead patent for No. 15649 recorded.

Bixen D. Sumpster, opposite No. 15649, upon the final roll of citizens by blood of the Choctaw Nation. Son of Nancy Sumpster, deceased, who was denied by Commission in 1896, in case No. 1073, and no appeal. Born in 1897.

Mattie E. Mitchell, opposite No. 1519, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1299; no appeal.

Georgia Hyden, opposite No. 1601, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1898 in case No. 1344; admitted by United States Court for the central district of Indian Territory; denied by the Choctaw and Chickasaw Citizenship Court; Decision of Commissioner of October 2, 1906, granting enrollment affirmed by Department of Interior 17, 1906 (I.T.D. 22524-1906).

Mrs Marguerite Hyden, opposite No. 1612, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1244; admitted by United States Court for central district of Indian Territory; denied by Choctaw and Chickasaw Citizenship Court. Application for enrollment granted

by Commissioner October 1, 1906; affirmed by Department November 17, 1906 (I.R.D. 2222-1906).

J. W. Kirk, opposite No. 1379, upon the final roll of citizens by intermarriage of the Cherokee Nation. Denied by Commission in 1896 in case No. 648; appeal to United States district court dismissed.

Sarah Kirk and Gabriella Kirk, opposite Nos. 15293 and 15294, respectively, upon the final roll of citizens by blood of the Cherokee Nation. Denied by Commission in 1896 in case No. 648; appeal to United States district court dismissed. Patents recorded.

William J. Crowder, Abigail Crowder, Maggie Crowder, Rosa Crowder, William H. Crowder, and John F. Crowder, opposite Nos. 15077, 15008, 15001, 15002, 15003, and 15004, respectively, upon the final roll of citizens by blood of the Cherokee Nation. Denied by the Commission in 1896 in case No. 740; no appeal. Patents for No. 15077 recorded.

Miss Gertrude Crowder, born June 8, 1868, opposite No. 15008 upon the final roll of citizens by blood of the Cherokee Nation. Daughter of William J. Crowder, who was denied by Commission in 1896 in case No. 740; no appeal.

Josephine Crowder, opposite No. 1523, upon the final roll of citizens by intermarriage of the Cheataw Nation. Denied by Commission in 1896 in case No. 768; no appeal. Wife of William J. Crowder opposite No. 15079.

George W. Crowder, Louisa Crowder, Joe Crowder and Belsera Crowder, opposite Nos. 15006, 15007, 15008 and 15009, respectively, upon the final roll of citizens by blood of the Cheataw Nation. Denied by Commission in 1896 in case No. 712; no appeal. Patents for Nos. 15006, 15007 and 15008 recorded.

Willie Crowder, born October 16, 1898, opposite No. 15910, upon the final roll of citizens by blood of the Cheataw Nation. Son of George W. Crowder, who was denied by Commission in 1896 in case No. 712; no appeal. Patents recorded.

Parson C. Crowder, opposite No. 1524; upon the final roll of citizens by intermarriage of the Cheataw Nation. Denied by Commission in 1896 in case No. 699; no appeal.

Sam Crowder, opposite No. 15011, upon the final roll of citizens by blood of the Cheataw Nation. Denied by Commission in 1896 in case No. 949; no appeal. Patents recorded.

Andrew L. Rice, opposite No. 1600, upon the final roll of citizens by intermarriage of the Cheataw Nation. Denied by Commission in 1896 in case No. 662; no appeal. Patents recorded.

Betsy Wright, Thomas H. Wright, opposite Nos. 15912 and 15913, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 507; no appeal. Patents recorded.

Mary M. Wright and Edward Balce Wright (both born since 1896), opposite Nos. 15914 and 15915, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Children of Betsy Wright, who was denied by Commission in 1896 in case No. 507; no appeal. Patents recorded.

Andrew J. Allen, opposite No. 1616, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 485; admitted by United States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court.

Elizabeth Allen, opposite No. 16104, upon the final roll of citizens by blood of the Choctaw Nation. Admitted by Commission in 1896 in case No. 488; admitted by United States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court.

William H. Tucker, opposite No. 1470, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 488; admitted by United States

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court for central district of Indian Territory; no appeal to the
Choctaw and Chickasaw Citizenship Court. Patents recorded.

Arthur Jennings and Clyde Jennings, opposite Nos. 15972
and 15973, respectively, upon the final roll of citizens by blood
of the Choctaw Nation. Denied by Commission in 1896 in case No.
1048; admitted by United States court for Southern district of
Indian Territory; no appeal to Choctaw and Chickasaw Citizenship
Court.

William Reichert, opposite No. 1491, upon the final roll
of citizens by intermarriage of the Choctaw Nation. Denied by
Commission in 1896 in case No. 1117; no appeal. Patents recorded.

Ella Reding, opposite No. 1490, upon the final roll of
citizens by intermarriage of the Choctaw Nation. Admitted by Com-
mission in 1896 in case No. 1243; admitted by United States court
for central district of Indian Territory; no appeal to Choctaw
and Chickasaw Citizenship Court.

Ardella Kiefer, opposite No. 18918, upon the final roll
of citizens by blood of the Choctaw Nation. Admitted by Com-
mission in 1896 in case No. 1243; admitted by United States
court for central district of Indian Territory; no appeal to Choctaw
and Chickasaw Citizenship Court.

Angelina White, opposite No. 1495, upon the final roll
of citizens by intermarriage of the Choctaw Nation. Denied by

Commission in 1896 in case No. 488; no appeal. Enrollment ordered by Department February 3, 1905 (I.T.D. 1120-1905).

David Ritter, opposite No. 16104, upon the final roll of citizens by blood of the Choctaw Nation. Admitted by Commission in 1896 in case No. 488; denied by Commission in 1896 in case No. 1107; admitted by United States Court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Ida Crutchfield, Ima Crutchfield, Louvinia Crutchfield, William Crutchfield, and Leutisia Crutchfield, opposite Nos. 16105, 16107, 16108, 16109 and 16110, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Admitted by Commission in 1896 in case No. 488; admitted by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Everet Crutchfield, opposite No. 16106, upon the final roll of citizens by blood of the Choctaw Nation. Born in 1897 and son of Ida Crutchfield, above mentioned. Was not before the Commission in 1896 and possesses no tribal status.

George W. Crutchfield, opposite No. 16111, upon the final

roll of citizens by blood of the Choctaw Nation, born since 1896, and child of Ida Crutchfield, opposite No. 13103.

James T. Lewis, opposite No. 1383, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1383; admitted by United States court for the central district of Indian Territory; denied by the Choctaw and Chickasaw Citizenship Court.

Robert E. Nelson, opposite No. 1406, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1406; no appeal. Patents recorded.

Bernie Newcomb, opposite No. 1408, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1408; no appeal.

Nellie F. Peoples, opposite No. 1501V, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1501; no appeal. Patents recorded.

August Hugh, opposite No. 150, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 150; no appeal. Patents recorded.

Henry Fulkerson, opposite No. 2343, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1506; no appeal. Patents recorded.

Mary M. Bowling, opposite No. 1400, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by

Commission in 1896 in case No. 2031; no appeal. Patents recorded.

Alice B. James, Maggie M. James, Elie B. James, Annabelle James, and Evalina James, opposite Nos. 18480, 18481, 18482, 18483, and 18484, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 2031; no appeal. Patents for Nos. 18480, 18481, 18482 and 18484 recorded.

Chester C. Almond, opposite No. 1809, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1187; no appeal. Patents recorded.

William B. Fenton, opposite No. 1419, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 521; no appeal. Patents recorded.

Charles L. Woodward, opposite No. 408, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 521; denied by United States court for central district of Indian Territory; on appeal to the Choctaw and Chickasaw Citizenship Court. Suspended patent reported.

Frederick H. Robinson, opposite No. 1531, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 478; admitted by United

States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Virginia P. Mitchell, opposite No. 1215, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 389; no appeal. Patents recorded.

Andrew Deal, opposite No. 1493, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 77; no appeal.

Benjamin B. Gunter, opposite No. 1216, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 267; denied by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

Calvin Q. Harris, opposite No. 1329, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 423; denied by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Homestead patent recorded.

Lydia Ann Crowder, opposite No. 1412, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by

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-12-
Mary J. McCune, opposite No. 1411, upon the final roll of citizens by intermarriage of the Cherokee Nation. Denied by Commission in 1896 in case No. 1326; no appeal.

Mary M. Robinson and Mary A. Talco, opposite Nos. 1885 and 1887, respectively, upon the final roll of citizens by blood of the Cherokee Nation. Denied by Commission in 1892 in case No. 1411; no appeal. Patents for Nos. 1885 recorded.

Lucy B. Murray, opposite No. 1497, upon the final roll of citizens by intermarriage of the Cherokee Nation. Denied by Commission in 1896 in case No. 1324; no appeal.

Eli W. Crowder, James Crowder, Martin B. Crowder and Pinkie B. Crowder, opposite Nos. 1892, 1893, 1894, and 1895, respectively, upon the final roll of citizens by blood of the Cherokee Nation. Denied by Commission in 1892 in case No. 752; no appeal.

John A. Crowder, opposite No. 1896, upon the final roll of citizens by blood of the Cherokee Nation. Born in 1877, and son of Eli W. Crowder, opposite No. 1892. Patents recorded.

Henry Sutherland, opposite No. 848, upon the final roll of citizens by intermarriage of the Cherokee Nation. Denied by Commission in 1896 in case No. 1351; no appeal. Patents recorded.

Robert A. Travis, opposite No. 849, upon the final roll of citizens by intermarriage of the Cherokee Nation. Denied by

Commission in 1896 in case No. 430; no appeal.

Mary Moran, opposite No. 1418, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 360; no appeal. Patents recorded.

George W. Roberts, opposite No. 1319, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 659; denied by United States Court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Patents recorded.

Viccy Lewis, opposite No. 1476, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 1219; admitted by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

Ira L. Smith, opposite No. 1127, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1894 in case No. 790; denied by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

Hattie Freemy, opposite No. 1421, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 448; no appeal. Patents recorded.

Wm. E. Rigby, opposite No. 1478, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 708; admitted by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

Josiah T. Marshal, opposite No. 1341, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in Case No. 372; denied by United States court for the central district of Indian Territory; appeal to Choctaw and Chickasaw Citizenship court dismissed on May 4, 1905, on general demurrer, in case No. 3 upon the McAlister docket.

Fannie Shultz, opposite No. 1423, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1067; no appeal. Patents recorded.

Hattie A. Perkins, opposite No. 1027, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 554; no appeal. Patents recorded.

John T. Staten, opposite No. 1428, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1072; no appeal. Patents recorded.

Annada Cheate, opposite No. 1589, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by

Commission in 1896 in case No. 757; no appeal.

Eva Coleman, opposite No. 1586, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 971; no appeal.

William F. Kelly, opposite No. 1480, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 1198; admitted by United States Court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court.

Mattie K. Russell, opposite No. 1355, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1116; no appeal.

Greter Randall, opposite No. 15929, upon the final roll of citizens by blood of the Choctaw Nation. Admitted by Commission in 1896 in case No. 607; admitted by United States Court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Agnes James, opposite No. 15961, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1919; no appeal.

Martha Hyden, opposite No. 1899, upon the final roll of

citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1344; admitted by United States Court for Eastern District of Indian Territory; denied by Choctaw and Chickasaw Citizenship Court.

Wiley Adams, opposite No. 18027, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1128; no appeal.

Mary A. Foster, opposite No. 985, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 437; no appeal.

Jeanette K. Buckholtz, opposite No. 1657, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 943; no appeal.

Weldon T. Lindsey, opposite No. 1189, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 24; Denied by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patent recorded.

Henry A. Cummings, opposite No. 1406, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 243; admitted by United

States court for central district of Indian Territory, no appeal
to the Choctaw and Chickasaw Citizenship Court. Ordered enrolled
by Department April 3, 1908 (I.T.D. 3181-1908). Patents recorded.

Allan Beagley, opposite No. 1400, upon the final roll of
citizens by intermarriage of the Choctaw Nation. Denied by Com-
mission in 1896 in case No. 31, no appeal. Patents recorded.

William Newton Sahn, opposite No. 1401, upon the final
roll of citizens by intermarriage of the Choctaw Nation. Ad-
mitted by Commission in 1896 in case No. 1610; admitted by United
States court for central district of Indian Territory, no appeal
to the Choctaw and Chickasaw Citizenship Court.

John W. Carter, opposite No. 1402, upon the final roll of
citizens by intermarriage of the Choctaw Nation. Denied by Com-
mission in 1896 in case No. 923, no appeal.

Julia One, opposite No. 1403, upon the final roll of
citizens by intermarriage of the Choctaw Nation. Denied by Com-
mission in 1896 in case No. 1487; admitted by United States Court
for Southern District of Indian Territory, no appeal to Choctaw
and Chickasaw Citizenship Court.

Robert C. Malendon, opposite No. 1404, upon the final
roll of citizens by blood of the Choctaw Nation. Denied by Com-

1384; no appeal. Directed to be enrolled by Department April 6, 1906 (I.T.D. 5364-1904).

Bettie Ferner Howard and Dora Lee Howard, opposite Nos. 16038 and 16039, respectively, upon the final roll of citizens by blood of the Chectaw Nation. Born in 1897 and 1899, respectively, children of Thomas J. Howard, opposite No. 16031.

Carrie Howard, opposite No. 16032, upon the final roll of citizens by intermarriage of the Chectaw Nation. Denied by Commission in 1896 in case No. 1584; no appeal. Wife of Thomas J. Howard, opposite No. 16031.

Gertrude Beaver, Clarence Beaver, Nellie Beaver, and Myrtle Beaver, opposite Nos. 16040, 16041, 16042 and 16043, respectively, upon the final roll of citizens by blood of the Chectaw Nation. Nos. 16040 and 16041 denied by Commission in 1896 in case No. 1584; no appeal. Nos. 16042 and 16043 born in 1896 and 1900, respectively, and children of Gertrude Beaver, opposite No. 16040. Ordered enrolled by Department April 6, 1906 (I.T.D. 5364-1904).

Darrell F. McLendon, John R. McLendon, Thomas McLendon, Ida M. McLendon, Ralph McLendon, Harry McLendon, and Fannie McLendon, opposite Nos. 16025, 16026, 16027, 16028, 16029, 16030 and 16031, respectively, upon the final roll of citizens by blood

of the Choctaw Nation. All but Nos. 16030 and 16031 denied by Commission in 1896 in case No. 1271; no appeal. Nos. 16030 and 16031 born in 1896 and 1898, respectively, and children of No. 16028. Directed to be enrolled by Department April 6, 1906 (I.T.D. 6372-1904).

Cornelia McLendon, opposite No. 1577, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1271; no appeal. Wife of Harrell F. McLendon, opposite No. 16028.

George A. Bungarner, opposite No. 16112, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 620; no appeal.

James S. Long, Joseph Long, Forbis Long, opposite Nos. 16003, 16004, and 16005, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Placed on 1896 Choctaw Census Roll by Choctaw Revisory Board without authority of law, as in William G. Thompson case. Ordered enrolled by Department January 19, 1905 (I.T.D. 3192-1905).

Columbus B. Antry, Lenora Green and Taddy Green, opposite Nos. 16048, 16049 and 16050, respectively. Nos. 16048 and 16049 placed on 1896 Choctaw Census Roll by Choctaw Revisory Board without authority of law as in William G. Thompson case. No. 16050 born

February 14, 1901, and of 18949. Record transmitted to Department
December 21, 1906, for consideration in case of Haskiah Murch
Autry.

CHOCTAW MINORS' ACT OF CONGRESS APPROVED
APRIL 25, 1906 (34 Stat., 127).

Hettie Myrl Crowder, opposite No. 674, child of George
W. Crowder, opposite No. 15006, upon the final roll of citizens
by blood of the Choctaw Nation, and Parice C. Crowder, opposite
No. 1524, upon the final roll of citizens by intermarriage of the
Choctaw Nation.

Rufus Elay Crowder, opposite No. 4, child of William J.
Crowder, opposite No. 15099, upon the final roll of citizens by
blood of the Choctaw Nation, and Josephine Crowder, opposite No.
1523, upon the final roll of citizens by intermarriage of the
Choctaw Nation.

Fannie Jane Wright, opposite No. 293, child of J. W.
Wright, non-citizen, and Betsy Wright, opposite No. 15012, upon
the final roll of citizens by blood of the Choctaw Nation.

Lee Green, opposite No. 325, child of W. F. Green, non-
citizen, and Lenora Green, opposite No. 15040, upon the final roll
of citizens by blood of the Choctaw Nation.

Ruth McLendon, opposite No. 706, child of Robert W. McLendon, opposite No. 16032, upon the final roll of citizens by blood of the Chestatee Nation, and Maria McLendon, a non-citizen.

Ray E. McLendon, opposite No. 204, child of Darrell V. McLendon, opposite No. 16028, upon the final roll of citizens by blood of the Chestatee Nation, and Cornelius McLendon, opposite No. 1577, upon the final roll of citizens by intermarriage of the Chestatee Nation.

Jennie Louise Brandrick, opposite No. 784, child of Mary A. Trice, opposite No. 15357, upon the final roll of citizens by blood of the Chestatee Nation, and William M. Brandrick, non-citizen.

Hazel Calvina Beaver, Elwood Dawson Beaver and Herbert Howard Beaver, opposite Nos. 457, 458, and 459, respectively, children of Gertrude Beaver, opposite No. 10040 upon the final roll of citizens by blood of the Chestatee Nation, and Calvin Beaver, a non-citizen.

Effie Barnett, opposite No. 257, child of Amanda Isabella Sumpter, opposite No. 15314, upon the final roll of citizens by blood of the Chestatee Nation, and A. V. Barnett, a non-citizen.

Edis A. Kiefer and Emma Kiefer, opposite Nos. 700 and

791, respectively, children of Artella Kiefer, opposite No. 18916, upon the final roll of citizens by blood of the Choctaw Nation, and Charles Kiefer, a non-citizen.

Josephine Laflere Long, Francis Long and Jake Laflere Long, opposite Nos. 921, 4689, and 922, respectively, children of Verbis Long, opposite No. 16005, upon the final roll of citizens by blood of the Choctaw Nation, and Lennie Long, a non-citizen.

CHICKASAW BY BLOOD AND INTERMARRIAGE.

Gustavus A. Ramsey, opposite No. 514, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 123; denied by United States court for Southern District of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Patents recorded.

Ellie J. Hargin, opposite No. 626, upon the final roll of citizens by intermarriage of the Chickasaw Nation; denied by Commission in 1896 in case No. 231; no appeal.

John E. Goldsby, Linniel E. Goldsby and Beatie Goldsby, opposite Nos. 4984, 4985 and 4986, respectively, upon the final roll of citizens by blood of the Chickasaw Nation. All admitted by Commission in 1896 in case No. 254; admitted by United States

court for Southern District of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Decision of Commission of May 23, 1905, granting application affirmed by Department October 6, 1905 (I.T.D. 2148-1905).

Murray Milton Goldsby, opposite No. 4987, upon the final roll of citizens by blood of the Chickasaw Nation. Born in 1898, and son of John E. Goldsby, opposite No. 4986.

Joe Perry and Dillard Perry, opposite Nos. 5013 and 5014, respectively, upon the final roll of citizens by blood of the Chickasaw Nation. Denied by Commission in 1896 in case No. 116; no appeal. Ordered enrolled as citizens by blood of the Chickasaw Nation by Department on October 10, 1906 (I.T.D. 18963-1906). The names of these persons formerly appeared opposite Nos. 267 and 268 upon the roll of Chickasaw freedmen, approved by the Secretary of the Interior December 12, 1902; and in the event their names are stricken from the approved roll of citizens by blood of the Chickasaw Nation, their names should be re-instated upon the Chickasaw freedmen roll.

Benjamin J. Vaughan, opposite No. 606, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 92; admitted by United States court for Southern district of Indian Territory; no appeal.

to the Choctaw and Chickasaw Citizenship Court. Patents recorded.

Edward A. Vaughan, Grever Cleveland Vaughan and Oscar S. Vaughan, opposite Nos. 4969, 4970 and 4971, respectively, upon the final roll of citizens by blood of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 92; affirmed by United States court; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

William T. Lancaster, opposite No. 612; upon the final roll of citizens by intermarriage of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 202; appealed to United States Court and affirmed; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

John W. Archard, opposite No. 622, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 178; appealed to United States court for Southern district of Indian Territory and affirmed; no appeal to Choctaw and Chickasaw Citizenship Court.

James W. England, opposite No. 631, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Denied by Commission in 1896 in case No. 86; appealed to United States court for Southern district of Indian Territory, and appeal dismissed.

Action of the Commissioner of October 25, 1905, annulling applicant affirmed by the Department January 9, 1906 (I.T.N. 17406-1905).

Thomas St. John, opposite No. 596, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Denied by Commission in 1896 in Chester case No. 1050; no appeal. Patents recorded.

John Quincy Adams, opposite No. 621, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 2; denied by United States court for Southern district of Indian Territory; no appeal to Chester and Chickasaw Citizenship Court.

Mary A. Shanks, opposite No. 629, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Denied by Commission in 1896 in case No. 219; admitted by United States court for Southern district of Indian Territory; no appeal to Chester and Chickasaw Citizenship Court.

Wm. McCoy, opposite No. 606, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 141; admitted by United States court for Southern district of Indian Territory; no appeal to the Chester and Chickasaw Citizenship Court. Directed to be recorded.

by Department April 1, 1906 (I.S.B. 3129-1906).

The Indian Office, to which was referred your letter of the 27th ultimo for report, concurs in letter of March 2, 1907, in your recommendation that such names be stricken from the rolls.

The Department is compelled to rely upon your investigation, as the act of April 26, 1906 (34 Stat., 137), provides in section 2 that the rolls of the Chestaw and Chickasaw nations shall be completed on or before the 4th day of March, 1907, and that the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after such date. Assuming, therefore, that your information is correct, the names of the persons mentioned, not heretofore stricken from the partial rolls, are stricken from such rolls this day, notwithstanding any decision that may have been made by the Department in favor of such persons.

As recommended by you, the names of Joe and Dillard Perry have been reinstated upon the Chickasaw freedman roll, opposite Nos. 267 and 268.

The Department concurs in your views relative to the following persons:

John Mitchell and Allen Yates Mitchell, opposite Nos.

18655 and 18656, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1299; no appeal. Patents recorded.

David E. Strickland and Mertie P. Strickland, opposite Nos. 15919 and 15920, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 941; no appeal.

Nettie P. McMurtry and Martha E. McMurtry, opposite Nos. 15448 and 15449, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1324; no appeal. Homestead patents recorded.

Rufus Satterfield, opposite No. 15930, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1062; no appeal.

Charles William Thompson, opposite No. 4969, on the final roll of citizens by blood of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 162; admitted by United States Court for southern district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

You state that such persons are minor children of duly enrolled citizens by blood of the Choctaw or Chickasaw Nation, and that the names of one parent of each of these children appears upon

the final roll of citizens by blood of the Choctaw or Chickasaw Nation approved by the Department prior to March 5, 1905, and that while under the opinion of the Attorney-General of February 19, 1907, it would appear that these children are not entitled to enrollment as citizens by blood of the Choctaw or Chickasaw Nation under the acts of June 20, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), you believe that such children can be enrolled under a provision of the act of March 3, 1905 (33 Stat., 1060), which is as follows:

"That the Commission to the Five Civilized Tribes is hereby authorized for sixty days after the date of the approval of this act to receive and consider applications for enrollment of infant children born prior to September twenty-fifth, nineteen hundred and two, and who were living on said date, to citizens by blood of the Choctaw and Chickasaw tribes 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."

In this the Department concurs, and as you suggest, the names of these children will be permitted to stand as they are at present on the rolls of citizens by blood of these two nations.

If by inadvertence the name of anyone has been left on any partial roll after decision adverse to him was made by the Department prior to March 5, 1907, and since the opinion of the

Attorney-General referred, to, the name of such person will be stricken from the roll as of this date.

A copy of Indian Office letter of March 2, 1907, is inclosed.

Respectfully,

B. A. Hitchcock,

Secretary.

1 inclosure.

Chickasaw 1807

Muskogee, Indian Territory, March 23, 1907.

Benjamin J. Vaughan,
 Chickasha, Indian Territory,

Dear Sir:

You are hereby advised that in accordance with an opinion of the Attorney General of the United States of February 19, 1907, the Secretary of the Interior, on March 1, 1907, the Secretary of the Interior cancelled your enrollment as a citizen by intermarriage of the Chickasaw Nation and the enrollment of your children, Edward A. Vaughan, Grover Cleveland Vaughan and Oscar E. Vaughan as citizens by blood of the Chickasaw Nation. Your names have accordingly been stricken from the rolls of such citizens in the possession of this office.

Respectfully,

Commissioner.

D 53
H. T.

J. W. H.
J. W. H.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

July 10, 1907.

Subject:

Enrollment of various members of
the Vaughan, Lancaster, Armstrong,
and Sumpter families as citizens of
the Choctaw and Chickasaw Nations.

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

Sir:

In order that you may stand advised in the premises
there are inclosed herewith copies of letters of even date to the
Attorney-General and to Messrs Kappler & Merrillat, of this city,
relative to the enrollment of Edward A. Vaughan and others as
citizens of the Choctaw and Chickasaw Nations.

Copies of the same letters are also inclosed herewith
for the information of the Commissioner of Indian Affairs.

Very respectfully,

(Signed) George H. Woodruff

Acting Secretary.

4 Enclosures.
(Through the Commissioner of
Indian Affairs.)

L. E.

J. W. E.
Copy.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

Jul 16, 1907.

Subject:

Enrollment of various members of
the Vaughan, Lancaster, Armstrong,
and Sumpter families as citizens of
the Choctaw and Chickasaw Nations.

The Attorney-General.

SIR:

There is inclosed for your information a copy of a letter
of even date, addressed to Messrs. Kapples & Merrill, relative to
the enrollment of R. A. Vaughan and others as citizens of the Choctaw
and Chickasaw Nations.

You will observe that said attorneys suggest that certain
agreements and stipulations be entered into in connection with the
suits which they propose to file. As such suits will be under your
supervision, they have been advised to make the desired arrangements
with your Department.

Very respectfully,

(Signed) George W. Woodruff.

Acting Secretary.

1 Inclosure.

L. E.

Copy
J. V. H.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

Jul 10, 1907.

Subject

Enrolment of various members
of the Vaughan, Lancaster,
Armstrong, and Sumpter
families as citizens of the
Chester and Chickasaw Nations.

Messrs. Kaypler & Merrillat,
Bond Building,
Washington, D. C.

Gentlemen:

Receipt is acknowledged of your letter of July 8, 1907,
requesting that the Department cause to be restored to the rolls of
citizens of the Chester and Chickasaw Nations the names of certain
persons, identified by you as follows:

- Edward A. Vaughan, #4969, Chickasaw Roll, by blood.
- Grever Cleveland Vaughan, #4970, Chickasaw Roll, by blood.
- Cesar S. Vaughan, #4971, Chickasaw Roll, by blood.
- Benjamin J. Vaughan, #4985, Chickasaw Roll, by marriage.
- William T. Lancaster, #422, Chickasaw Roll, by marriage.
- Mattie L. Armstrong, #16,054, Chester Roll, by blood.
- Layton E. Armstrong, #16,055, Chester Roll, by blood.
- Bonnie D. Armstrong, #16,056, Chester Roll, by blood.
- Rebecca K. Armstrong, #15,057, Chester Roll, by blood.
- Jim Andy Sumpter, #15,447, Chester Roll, by blood.
- Scott Taylor Sumpter, #15,448, Chester Roll, by blood.
- Dixon D. Sumpter, #15,449, Chester Roll, by blood.

You state that it is your understanding that these people
were all put upon the rolls of said tribes after a due inquiry into
their rights and after notice to all parties interested, but that
later a line was drawn through their names on the supposed application

to their cases of some opinion of the Attorney-General and without notice to them.

Following the precedent heretofore adopted in analogous cases, the Department must decline to accede to your request, leaving the matter to be determined by the courts.

You state further that you are willing, as stated in a previous letter, that it may be stipulated that if the cases of such persons are similar to other cases heretofore filed by you the result in one case may determine the result in another; that the three members of the Sumpter families, included in the list quoted above, are, as you understand, all minors, represented by Jacob C. Good, as guardian, and that it would save expense if the Department would accede to a plan whereby all three of their cases might be brought in one suit, in the name of the guardian, instead of a suit in behalf of each one separately.

To both of these suggestions no objection is seen by this Department. On the contrary, they seem entirely proper, but inasmuch as the defense of the suit, if one is filed, will be under the direct supervision of the Department of Justice, it is suggested that the necessary arrangements and stipulations be made with it. A copy of this letter will be furnished said Department.

Very respectfully,

(Signed) George W. Woodruff.
Acting Secretary.

F. R.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.V.H.

S.V.P.

I.T. D. 3128-1905.
D.-457.

August 13, 1907.

The Commissioner

to the Five Civilized Tribes.

Sir:

April 1, 1905, in a letter addressed to the Commission to the Five Civilized Tribes the Department returned the record in the case of embracing the application of Benjamin J. Vaughn for enrollment of himself as citizen by intermarriage and his children, Edward A., Grover Cleveland, and Oscar S. Vaughn as citizens by blood, of the Chickasaw Nation, in order that further testimony might be taken respecting Mr. Vaughn's alleged divorce from his first wife and for the further purpose of ascertaining whether his marriage to his second wife Emily Burney was solemnized in accordance with the laws of the Chickasaw Nation, rehearing was also desired to determine whether the persons named above, alleged to be the children of Benjamin J. Vaughn, were in fact his offspring.

The records of the Department fail to show that any reply to said letter of April 1, 1905 was ever received either at the office of the Secretary or by the Indian Office. Nor does it appear that the record was ever returned. It may be, however,

that the records of the Department are defective in this respect, you are therefore requested to ascertain and report to the Department whether the hearing authorized by said letter of April 1, 1905 was had in accordance therewith, also whether the record in the case was ever returned to the Department, if it was not returned you will please forward it with your report in the matter which should be rendered at an early date for use in connection with a suit recently filed by Benjamin J. Vaughn to secure recognition of himself and children as citizens of the Chickasaw Nation, notwithstanding the cancellation of their names from the tribal rolls March 4, 1907.

Very Respectfully,

(SIGNED) Jesse E. Wilson,
Acting Secretary.

Muskogee, Indian Territory, September 20, 1907.

Subject -
 Return of record
 in Chickasaw case
 of Benjamin J.
 Vaughan, et al.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of August 13, 1907, inviting attention to a letter from the Department of April 1, 1906, returning the record in the matter of the application for the enrollment of Benjamin J. Vaughan as a citizen by intermarriage of the Chickasaw, and for the enrollment of his children, Edward A., Grover Cleveland and Cesar E. Vaughan, as citizens by blood of said nation, in order that further testimony might be taken respecting Mr. Vaughan's alleged divorce from his first wife and his marriage to his second wife, Emily Murray, in accordance with the laws of the Chickasaw Nation; a rehearing was also desired to determine whether the persons named above were the children of Benjamin J. Vaughan.

The records of the Department fail to show that any reply to the letter of April 1, 1906, was ever received nor does it appear that the record was returned, and a report is requested as to whether the hearing authorized by said letter of April 1, 1906, was had in accordance therewith, and whether the record

Secretary 2.

in the case was ever returned to the Department; if not its return is requested together with a report for use in connection with a suit recently filed by Benjamin J. Vaughan to secure the restoration of the names of himself and children to the Chickasaw rolls.

Reporting in this matter I have the honor to advise that immediately upon receipt of Departmental letter of April 1, 1905, notices were forwarded the parties in interest of a hearing to be had in accordance with said letter at the General Office of the Commission to the Five Civilized Tribes May 3, 1905, on which date testimony was taken relative to the divorce of Benjamin J. Vaughan from his former wife, Mary Hancock, and his marriage to Emily Burrey under the Chickasaw law. Testimony was also taken relative to the children of the said Benjamin J. Vaughan and Emily Burrey.

On May 23, 1905, the Commission to the Five Civilized Tribes rendered a decision rescinding its notice of September 20 and 25, 1904, dismissing the application for the enrollment of Benjamin J. Vaughan, Edward A., Grever Cleveland and Oscar S. Vaughan, as citizens of the Chickasaw Nation, and granting the applications for the enrollment of Benjamin J. Vaughan as a citizen by intermarriage and his children, Edward A. Vaughan, Grever Cleveland Vaughan and Oscar S. Vaughan, as citizens by

Secretary S.

blood of the Chickasaw Nation.

In accordance with this decision, no protest being offered by the attorneys for the Choctaw and Chickasaw Nations, the name of Benjamin J. Vaughan was placed at number 606 upon a schedule of citizens by marriage of the Chickasaw Nation which was approved by the Secretary of the Interior August 23, 1906, and the names of his children, Edward A. Vaughan, Grover Cleveland Vaughan and Oscar S. Vaughan, were placed at numbers 4960, 4970 and 4971, respectively, upon a schedule of citizens by blood of the Chickasaw Nation which was approved by the Department September 7, 1906.

October 11, 1906, a letter was addressed to the Commissioner of Indian Affairs in reply to Indian Office letter of October 2, 1906, reporting on the status of the application for the enrollment of Benjamin J. Vaughan and his children above mentioned.

February 26, 1907, this office was directed to strike the names of Benjamin J. Vaughan and his descendants from the rolls of the Chickasaw Nation and of that date had to report to the Department its action. On March 3, 1907, the Department was advised that the names of Benjamin J. Vaughan and his children above referred to, had been stricken from the final rolls of citizens by marriage and blood of the Chickasaw Nation.

Secretary

The original record in this case is enclosed herewith.

Yours,

Respectfully,

Acting Commissioner

Through the Commissioner
of Indian Affairs

W. S. G.

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

The Secretary of the Interior

S W W

January 29, 1908.

File 6-51.

Chief Commissioner to the
Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

November 25, 1906, the Supreme Court rendered decisions in what are known as the Goldsby and Allison cases. These suits were brought to obtain mandamus against the Secretary of the Interior to correct the rolls as to the said Goldsby and Allisons, on the ground that the Secretary of the Interior after placing their names upon approved rolls of citizenship had attempted to strike them from these rolls without notice and an opportunity to be heard. The decision of the Supreme Court is that mandate shall issue in these cases.

There are many suits of a similar nature pending against the Secretary of the Interior, and after careful conferences between this Department and the Department of Justice it was decided that judgment should be allowed in all pending mandamus actions in which the relators stand clearly in the

same position as Goldsby and the Allisons. Pursuant to these conferences and to the judgments which may be entered on account of the above decisions of the Supreme Court, you are hereby directed to erase the interlineations and notations which purport to strike any of the following names from the rolls of citizens of the respective nations and the Five Civilized Tribes:

PERSONS WHO HAD PRIOR TO THE GOLDSBY DECISION INSTITUTED SUITS THE PRINCIPLES OF WHICH ARE UNDOUBTEDLY SIMILAR TO THE OPINION OF THE SUPREME COURT IN THAT DECISION.

Decisions by Blood

Roll No.	Name	Roll No.	Court
2004	Goldsby, John E.	245	U. S. S. C.
2005	Goldsby, Linnell E.	30033	S. C. D. C.
2006	Goldsby, Bessie	30032	S. C. D. C.
2007	Goldsby, Murray E.	30035	S. C. D. C.
2008	Vaughan, Edward A.	372	U. S. S. C.
2070	Vaughan, Grever W.	371	U. S. S. C.
2071	Vaughan, Oscar E.	371	U. S. S. C.

Decisions by Intermarriage

211	Alms, John Quincy	30033	S. C. D. C.
212	Lawster, William T.	30033	S. C. D. C.
213	McLoy, Clay W.	30032	S. C. D. C.
214	England, James W.	31022	S. C. D. C.
215	St. John, Thomas	30353	S. C. D. C.
216	Vaughan, Benjamin B.	372	U. S. S. C.

Continued by Block

<u>Roll No.</u>	<u>Name</u>	<u>Roll No.</u>	<u>Court</u>
15037	Adams, Wily	50033	E. C. D. C.
15048	Astrey, Columbus E.	49722	E. C. D. C.
15045	Beaver, Gertrude	50033	E. C. D. C.
15042	Beaver, Clarence	50033	E. C. D. C.
15042	Beaver, Nellie	50033	E. C. D. C.
15041	Beaver, Myrtle	50033	E. C. D. C.
15017	Beagles, Nellie F.	50033	E. C. D. C.
15011	Brewer, Van	50033	E. C. D. C.
15018	Brewer, Vixie	50033	E. C. D. C.
15006	Brewer, Buford	50033	E. C. D. C.
15008	Brewer, Joe	50033	E. C. D. C.
15009	Brewer, Louise	50033	E. C. D. C.
15000	Brewer, George W.	50033	E. C. D. C.
15030	Brown, Fanny	49720	E. C. D. C.
15040	Brown, Emma	49724	E. C. D. C.
15033	Brown, Thomas J.	50033	E. C. D. C.
15034	Brown, Myrtle	50033	E. C. D. C.
15028	Brown, Louie	50033	E. C. D. C.
15035	Brown, Mary	50033	E. C. D. C.
15037	Brown, Elmer	50033	E. C. D. C.
15036	Brown, Nettie Potney	50033	E. C. D. C.
15032	Brown, Dora Lee	50033	E. C. D. C.
15451	James, (or Richardson) Maggie M.	50033	E. C. D. C.

Roll No.	Name	Roll No.	Grade
15402	James, Willie E.	50033	E.C.D.C.
15403	James, Archibald	50033	E.C.D.C.
15404	James, Evelyn	50033	E.C.D.C.
15405	James, James	50033	E.C.D.C.
15394	Kirk, Gabriella	50555	E.C.D.C.
15395	Kirk, Sarah	50555	E.C.D.C.
15033	Shelton, Anna	51240	E.C.D.C.
15033	Shelton, Frank	51240	E.C.D.C.
15045	Supter, John	50033	E.C.D.C.
15046	Supter, Amanda Isabella	50033	E.U.D.C.
15047	Supter, Jim Andy	50033 51240	E.C.D.C.
15048	Supter, Scott Taylor	50033 51240	E.C.D.C.
15049	Supter, Miss E.	51240	E.C.D.C.
15012	Wright, Selva	50033	E.C.D.C.
15013	Wright, Thomas E.	50033	E.C.D.C.
15014	Wright, Mary E.	50033	E.C.D.C.
15015	Wright, Lemart E.	50033	E.C.D.C.
Students in Maternity			
1538	Allen, Andrew J.	50033	E.C.D.C.
1499	Wood, Chester G.	50562	E.C.D.C.
1473	Neal, Andrew	50547	E.C.D.C.
1498	Wooling, Mary E.	51025 50033	E.C.D.C.

Roll No.	Name	Roll No.	Grade
1543	Carter, John W.	60634	E.C.D.C.
1544	Cummings, Henry A.	60033	E.C.D.C.
1524	Foster, Parlee G.	60032	E.C.D.C.
1320	Harris, Salvin G.	49784	E.C.D.C.
1878	Hewart, Harrie	60023	E.C.D.C.
1399	Kirk, J. W.	60364	E.C.D.C.
200	Kings, August	60025	E.C.D.C.
1027	Perkins, Mattie A.	60363	E.C.D.C.
1401	Reichert, William	61026	E.C.D.C.
1400	Rice, Andrew L.	974	E.C.U.S.
1420	Smith (or Smith) Fannie	61920	E.C.D.C.
1408	Smilton, John	60044	E.C.D.C.
1400	Snyder, Jacob D.	60013	E.C.D.C.
140	Trevis, Robert A.	60040	E.C.D.C.
1404	White, Angelina	61025	E.C.D.C.
642	Woodward, Charles A.	60494	E.C.D.C.

MISS CHRISTIAN

LIST OF STUDENTS ADMITTED AUGUST 22, 1924

307	Barnett, Myie	60033	E.C.D.C.
407	Beaver, Hazel Calvin	60023	E.C.D.C.
454	Bever, Glad M.	60023	E.C.D.C.
400	Herbert, Howard	60026	E.C.D.C.
670	Growler, Nettie Myr	60026	E.C.D.C.
600	Green, Leo	60720	E.C.D.C.
601	Wright, Fannie Jane	60023	E.C.D.C.

~~Excluded by Roll~~

Roll No.	Name	Roll No.	Court
21910	Allison, John	49434	D.C.D.C.
21960	Allison, Johnnie E.	49436	D.C.D.C.
21961	Allison, Frankie P.	49437	D.C.D.C.
21966	Allison, Ian E.	240	D.C.D.C.
21967	Allison, George A.	250	D.C.D.C.

A careful investigation of those names concerning which no suits were brought, but which, after being upon an approved roll of citizens or freedmen of any of the Five Civilized Tribes, were stricken therefrom without notice and an opportunity to be heard, has thus far developed a list which undoubtedly falls within the principles expressed by the Supreme Court in the Goldsby decision. All these persons are in the same position as those named in the above list of those who had filed suits prior to that decision. It follows necessarily that, if suits were instituted in these cases, judgment must be allowed as was done in the case of the names on the above list. For this reason I have decided that it would be improper to delay correction of the rolls as far as these persons are concerned. Such delay would continue the rolls in an incorrect condition according to the opinion of the Supreme Court, would bring hardship and expense upon the citizens and freedmen involved, and would delay completion of the work of the Commission to the Five Civilized Tribes.

The correction of the rolls in these cases does not add names to the rolls, but merely erases from the rolls interlineations and notations which the court says the Secretary of the Interior has no power to place there. For these reasons you are hereby directed to erase the interlineations and notations which purport to strike any of the following names from the rolls of citizens of the respective nations of the Five Civilized Tribes:

PERSONS WHO HAD NOT INSTITUTE SUITS PRIOR TO THE COLDEST DECISION BUT WHOSE CASES FALL INDUBITABLY WITHIN THE SPHERE OF THAT DECISION.

Chickasaw by Blood.

Roll No.	Name	Roll No.	Name
8013	Perry, Jas	8013	Perry, Willard

Chickasaw by Marriage.

822	Archard, John W.	830	Shanks, Mary A.
826	Margin, Sallie E.	814	Ramsay, Gustavus A.

Chickasaw by Blood.

15103	Allen, Elizabeth	15110	Crutchfield, Leuitia
15112	Burgener, George A.	15106	Crutchfield, Everett
15025	Crowder, John A.	15111	Crutchfield, George W.
15936	Crowder, Finkie B.	15450	James, Alice E.
15925	Crowder, Katie B.	15972	Jennings, Arthur
15921	Crowder, Eli V.	15973	Jennings, Clyde
15922	Crowder, James	15916	Kelifer, Ardella
15906	Crowder, Winnie Gertrude	15005	Long, James H.
15994	Crowder, John F.	15004	Long, Joseph

Roll No.	Name	Roll No.	Name
15903	Greener, William H.	16005	Long, Verbis
15902	Greener, Ross	922	Long, Josephine Leffler
15901	Greener, Maggie	923	Long, Mike Harlow
15900	Greener, Abigail	924	Peabody, Henry
15899	Greener, William J.	15928	Randall, Grever
16108	Gratchfield, Ida	16294	Ritter, David
16107	Gratchfield, Ida	15854	Robinson, Mary E.
16106	Gratchfield, Louisa	15961	Whitton, Daisy
16105	Gratchfield, William	15887	Trice, Mary A.

Children by Marriage

1406	Baughman, Allen	1414	McClure, Madell
1337	Buchholz, Jeannette M.	1614	McShay, Martha J.
1556	Chase, Annie	1407	McCarthy, Lucy
1418	Greener, Lydia Ann	1598	Quo, Julia
1528	Greener, Josephine	1419	Faxton, William B.
900	Foster, Mary A.	1406	Rosen, Robert L.
1421	Froony, Mattie	1490	Seeding, Ella
1402	Gann, William Newton	1478	Rinney, Ross L.
1513	Gray, John Calvin	1323	Roberts, George E.
1216	Gunter, Benjamin B.	1551	Robinson, Frederick E.
1460	Kelly, William F.	1563	Randall, Mattie M.
1474	Lewis, Vicky	1187	Smith, Ira L.
1150	Lindsay, Nelson T.	1428	Staten, John T.

1405	Morrison, Sarah	808	Rutherford, Henry
1818	Mitchell, Virginia F.	1470	Tucker, William H.
1819	Mitchell, Mattie S.		
1816	Noran, Mary	1468	Vincent, Charlie S.

Minor Queaker Citizens.

Roll No.	Name	Roll No.	Name
724	Brambrick, Jennie Louise	781	Kiefer, Berona
4	Crowder, Rufus Clay	609	Long, Francis
790	Kiefer, Odie A.		

Charokoe By Flood.

31958	Allison, Elmer C.	31959	Allison, Jasper P.
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In order that the action of erasures may be uniform for all names and upon all rolls, you will make such erasures in the following manner: The lines drawn through and purporting to cancel the names from the rolls shall be lined out by drawing across them short transverse lines in red ink. The notations purporting to cancel the names from the rolls shall be lined out by drawing through each line of said notations red horizontal lines. In addition to lining out the interlineations and notations you will insert a note at the foot or side of each page containing any of these corrections, said note to be indicated by stars placed before the names involved. The note shall read as follows:

"Words and lines purporting cancellation erased by authority of departmental letter of January 19, 1909 (File S-81)."

You will notify all persons, whose status on the rolls

has been recognized as above, of the action taken, and that they have all the rights to allotment and payments enjoyed by other citizens, as ~~the~~ attempt had ever been made to cancel their names from the rolls.

Except for the Allison named in above lists, I am not ready to give you a list of the Cherokees and Creeks whose status upon the rolls will be corrected under the principles of the Goldsby decision. Direction concerning them will follow within a week.

There are other names which were upon the approved rolls and were erased or stricken therefrom by the Secretary of the Interior without notice. Some of these are already the subject of injunction or mandamus actions against the Secretary of the Interior and in other cases such action has not been instituted. There are reasons which made it doubtful whether these persons fall indisputably under the principles of the Goldsby decision. Careful consideration of the matter will be given at once, and, according to the decision reached in each case, the persons involved will be left to such court action as they deem wise or will have the rolls corrected by departmental action in the manner indicated for the two lists set forth above.

A sample page is inclosed, showing the method of erasure to be followed by all officers in the correction of the rolls.

Very respectfully,
(Signed) James Rudolph Garfield
Secretary

9-1807
D- 605
C-4971

Muskogee, Oklahoma, February 11, 1909.

Mr. Benjamin J. Vaughan,
Alex, Oklahoma.

Sir:

I am instructed by the Department of the Interior that in accordance with the decision of the Supreme Court of the United States in the suit instituted by you for yourself and in behalf of your son, Oscar I. Vaughan, against the Secretary of the Interior seeking to have erased from the final roll of citizens of the Chickasaw Nation any notations indicating an attempt to strike your names from said roll, said notations shall be erased and that you and your said son have all the rights to allotments and payments enjoyed by other citizens as if no attempt had ever been made to cancel your names from this roll.

Said instructions have been carried out by this office, and you are now advised that the status of your name and the name of your said son on the approved roll of citizens of the Chickasaw Nation and of your allotment selections in said nation is the same as prior to March 4, 1907, when the Secretary of the Interior directed that your names be stricken from the roll.

Respectfully,

WIA (CK)

Acting Commissioner.

9-1507
C-4970

Muskogee, Oklahoma, February 11, 1909.

Mr. Grover Cleveland Vaughan,
Alex, Oklahoma.

Sir:

I am instructed by the Department of the Interior that in accordance with the decision of the Supreme Court of the United States in the suit instituted by you against the Secretary of the Interior seeking to have erased from the final roll of citizens by blood of the Chickasaw Nation any notations indicating an attempt to strike your name from said roll, said notations shall be erased and that you have all the rights to allotment and payments enjoyed by other citizens as if no attempt had ever been made to cancel your name from this roll.

Said instructions have been carried out by this office, and you are now advised that the status of your name on the approved roll of citizens by blood of the Chickasaw Nation and of your allotment selection in said nation is the same as prior to March 4, 1907, when the Secretary of the Interior directed that your name be stricken from the roll.

Respectfully,

WHA(CM)

Acting Commissioner.

9-1807
C-4969

Muskogee, Oklahoma, February 11, 1909.

Mr. Edward A. Vaughan,
Alex, Oklahoma.

Sir:

I am instructed by the Department of the Interior that in accordance with the decision of the Supreme Court of the United States in the suit instituted by you against the Secretary of the Interior seeking to have erased from the final roll of citizens by blood of the Chickasaw Nation any notations indicating an attempt to strike your name from said roll, said notations shall be erased and that you have all the rights to allotment and payments enjoyed by other citizens as if no attempt had ever been made to cancel your name from this roll.

Said instructions have been carried out by this office, and you are now advised that the status of your name on the approved roll of citizens by blood of the Chickasaw Nation and of your allotment selection in said nation is the same as prior to March 4, 1907, when the Secretary of the Interior directed that your name be stricken from the roll.

Respectfully,

Acting Commissioner.

WHA(CM)

Chic 1808

Chic 1808

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskegee, Indian Territory,
January 26, 1904.

Chickasaw C 110. -----
Intermarried.

In the matter of the application for the enrollment of
Clay McCoy as a citizen by intermarriage of the Chickasaw Nation.

Said Clay McCoy, being first duly sworn, on his oath,
testified as follows:

Examination by the Commission.

- Q What is your name? A Clay McCoy.
Q How old are you? A I am fifty-nine, going on sixty.
Q What is your post-office address? A Ardmore.
Q Chickasaw Nation? A Chickasaw Nation.
Q How long have you lived in the Chickasaw Nation? A That and the
Choctaw Nation together about thirty-three years.
Q What is your father's name? A Henry R. McCoy.
Q Dead? A Yes, sir.
Q And your mother's name? A Salina A. She is dead, too.
Q They were both white people and citizens of the United States?
A Yes, sir.
Q You claim no rights as an Indian by blood? A None whatever.
Q You claim as an intermarried citizen? A Intermarried citizen.
Q Through whom do you claim? A Intermarried with my wife, Sallie
Goldsbey; Sallie Goldsbey McCoy, sister of John E. Goldsbey.
Q Is your wife alive? A Yes, sir.
Q When were you married to Sallie McCoy? A I was married in April,
1898.
Q Where were you married? A I was married at Riverside, near Cob-
bert.
Q What nation? A Chickasaw Nation.
Q Where was your wife a resident of at that time? A Riverside,
Chickasaw Nation.
Q How long had she been a resident of the Chickasaw Nation? A I
don't know.
Q A good number of years? A Oh, yes, sir.
Q And you had been at that time a resident of the Chickasaw Nation
for some years? A Yes, sir.
Q Were you married prior to your marriage to Sallie Goldsbey? A Yes,
sir, once.
Q Who was your former wife? A Her name was Houston. She was dead
when I married Sallie Goldsbey.
Q Was your wife, Sallie Goldsbey, ever married before she was married
to you? A No, sir.
Q How much did you pay for that license? A Fifty dollars -- complied
with the Chickasaw law.
Q Who performed the marriage ceremony? A Rev. J. S. Harrow.
Q Was he a minister of the Gospel? A Yes, sir.
Q What was the date of the marriage? A I think it was about April
17, 1898.

Chickasaw C 110

Clay McCoy 2

- Q Have you any children by Sallie McCoy? A No, sir.
- Q Since your marriage to Sallie Goldsby in 1898 have you and she lived together continuously as husband and wife in the Chickasaw Nation? A Yes, sir.
- Q You have made your home nowhere else than in the Chickasaw Nation during that time, neither you nor your wife? A No, sir.
- Q Have you been enrolled by the tribal authorities? A Yes, sir.
- Q When? A My license was recorded at Reck Springs. They call that enrolling.
- Q You are not on the 1896 roll? A No, sir.
- Q Your wife was a recognized Chickasaw? A Yes, sir.
- Q Was she part Cherokee and part Chickasaw? A I don't know whether she was Cherokee or not but I do know that she was Chickasaw.

The wife of the applicant, Sallie Goldsby McCoy, is identified on Chickasaw card, field number 1404 and is numbered 3905 upon the final roll of citizens by blood of the Chickasaw Nation, approved by the Secretary of the Interior on December 12, 1902.

- Q You applied to the Dawes Commission in 1896? A Yes, sir.
- Q Were you admitted? A Yes, sir.
- Q Was an appeal taken? A Yes, sir.
- Q To what court? A Federal court at Ardmore.
- Q There what was done with your case? A Judgment in my favor -- decree of the court in my favor.

There is on file with the Commission a certified copy of the transcript of proceedings in the United States Court, Southern District, in the case of Clay McCoy vs. Chickasaw Nation, case number 42, showing that on March 14, 1898, Clay McCoy, the applicant herein, was adjudged and decreed a Chickasaw by intermarriage, thereby sustaining and affirming the decision of the Commission.

- Q Do you know, Mr. McCoy, that the Cheetaw and Chickasaw Citizenship Court on December 17, 1902, rendered a decision annulling, vacating and setting aside the judgments of the United States Courts in Indian Territory in citizenship matters? A I don't know it. I saw a notice in the papers of it, yes, sir.
- Q Do you know as to whether your case was appealed to or certified to the Cheetaw and Chickasaw Citizenship Court after the rendition of said judgment of said court? A No, sir, it wasn't.
- Q Have you any evidence of that? A I furnished Mr. Bixby with a certificate from the court.
- Q Have you a marriage certificate with you, Doctor? A No, sir. I furnished that to the Dawes Commission, you know, when I made my application. I furnished my marriage license.
- Q Have you got a certificate, too? A No, sir, only got it on the back of the license. Mr. Murrew --

The applicant herein was admitted by the Commission in 1896 as a citizen by intermarriage of the Chickasaw Nation (1896 Chickasaw Citizenship Docket, Case number 141).

- Q Did you apply for yourself in 1896? A Yes, sir.
- Q You didn't apply for any one else besides yourself? A No, sir.
- Q Your wife is not a court citizen? A No, sir.

Chickasaw C 110

Clay McCoy 3

Q she did not apply in 1896? A No, sir.

Wirt Franklin, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported all proceedings had in the above entitled cause at Muskogee, Indian Territory, on January 26, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, taken in said cause.

Wirt Franklin

Subscribed and sworn to before me this 26th day of January, 1904.

Charles H. Lawrence
Notary Public.

M.F.

9-C-110

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

In the matter of the application for the enrollment of Clay McCoy as a citizen by intermarriage of the Chickasaw Nation.

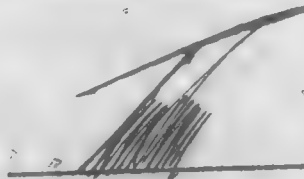
It appears from the records of the Commission to the Five Civilized Tribes that on August 29, 1896, in the case entitled "Clay McCoy vs. Chickasaw Nation" (1896 Chickasaw Citizenship Docket, case number 141) the applicant, Clay McCoy, made original application to said Commission, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321) for admission as an intermarried citizen of the Chickasaw Nation and on November 23, 1896, the said Clay McCoy was by the Commission to the Five Civilized Tribes admitted to citizenship in the Chickasaw Nation as a citizen by intermarriage. From this decision of the Commission an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, in the case entitled "Clay McCoy vs. Chickasaw Nation" (citizenship case number 42) affirmed the decision of the Commission admitting the said Clay McCoy to citizenship in the Chickasaw Nation.

It further appears from the records in the possession of the Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created by the provisions of the act of Congress approved July 1, 1902 (32 Stat., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Southern District of Indian Territory. Said cause has not been appealed or certified to said Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the provisions of said act of Congress approved July 1, 1902.

In accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I.T.D. 3824-1904) and the

opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904 (I.T.D. 5246-1904) the Commission to the Five Civilized Tribes is without authority to take any action of any character looking to the enrollment of Clay McCoy as a citizen by intermarriage of the Chickasaw Nation, and it is, therefore, hereby ordered that the application of Clay McCoy for enrollment as a citizen by intermarriage of the Chickasaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Muskogee, Indian Territory,

SEP 20 1904

77

9-C-110

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

In the matter of the application for the enrollment
of Clay McCoy as a citizen by intermarriage of the Chickasaw
Nation.

It appears from the records of the Commission to the
Five Civilized Tribes that on August 23, 1896, in the case
entitled "Clay McCoy vs. Chickasaw Nation" (1896 Chickasaw
Citizenship Docket, case number 141) the applicant, Clay
McCoy, made original application to said Commission, under
the provisions of the act of Congress approved June 19, 1896
(29 Stat., 521) for admission as an intermarried citizen of
the Chickasaw Nation and on November 23, 1896, the said Clay
McCoy was by the Commission to the Five Civilized Tribes ad-
mitted to citizenship in the Chickasaw Nation as a citizen
by intermarriage. From this decision of the Commission an
appeal was taken to the United States Court for the Southern
District of Indian Territory, which court, in the case en-
titled "Clay McCoy vs. Chickasaw Nation" citizenship case
number 42) affirmed the decision of the Commission admitting
the said Clay McCoy to citizenship in the Chickasaw Nation.

It further appears from the records, in the posses-
sion of the Commission that on December 17, 1902, the Choctaw
and Chickasaw Citizenship Court, created by the provisions
of the act of Congress approved July 1, 1902 (32 Stat., 641),
"set aside, annulled, vacated and held for naught" the afore-
said judgment of the United States Court for the Southern
District of Indian Territory. Said case has not been ap-
pealed or certified to said Choctaw and Chickasaw Citizenship
Court for a trial de novo within the time prescribed by the
provisions of said act of Congress approved July 1, 1902.

In accordance with the opinion of the Acting Attor-
ney general dated May 9, 1904 (I.T.D. 3224-1904) and the

opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904 (I.T.D. 5246-1904) the Commission to the Five Civilized Tribes is without authority to take any action of any character looking to the enrollment of Clay McCoy as a citizen by intermarriage of the Chickasaw Nation, and it is, therefore, hereby ordered that the application of Clay McCoy for enrollment as a citizen by intermarriage of the Chickasaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Washoe, Indian Territory.

SEP 20 1904

DEPARTMENT OF THE INTERIOR.

Commission To The Five Civilized Tribes.

In the matter of the application for
the enrollment of Clay McCoy, John E.
Goldsby, Sadie Goldsby, Linniel E.
Goldsby, Bessie Goldsby and Murray
Milton Goldsby, as citizens of the
Chickasaw Nation, and of William F.
Kelly, Ida M. Southard and Eagle Southard, as
citizens of the Choctaw Nation.

The Honorable,

The Secretary of the Interior,

Washington, D. C.,

Sir:

We have the honor to represent that, in April, 1895, Clay McCoy, a white man, was married, according to the laws of the Chickasaw Nation, to Sallie Goldsby, a duly enrolled and recognized member of the Chickasaw tribe of Indians; and, within the time prescribed by law, he, in 1896, made application to the Commission to the Five Civilized Tribes, under provisions of the act of congress approved June 28, 1896, for enrollment as a member of said tribe, by intermarriage, and his application was, by said Commission, granted. That the Chickasaw Nation appealed from the decision of said Commission to the United States court for the Southern District of Indian Territory; That the name of said McCoy was not placed upon the roll made by the Chickasaw tribal authorities, in 1896, for the use of said Commission. That said United States court, on March 14, 1898, rendered judgment, sustaining the decision of the Commission, aforesaid, enrolling said McCoy as a citizen by marriage of the Chickasaw Nation. That the said McCoy failed to have the record of his case transferred to the Choctaw-Chickasaw Citizenship Court within the time prescribed by the Act of Congress, approved July 1, 1898. That the papers in the case were transmitted by the said Commission to the Secretary of the Interior and, on July 26, 1904, the Assistant Attorney General rendered an opinion, which was approved by the Secretary of the Interior on the same date, approving the recommendation that:

"The Commission be advised that they are without authority to take action of any character looking to the enrollment of Clay McCoy,

or other persons similarly situated."

And pursuant to said opinion of the Assistant Attorney General, said Commission, on September 20, 1904, dismissed the application of said Clay McCoy for enrollment as an intermarried Chickasaw citizen.

That John F. Goldsby and his wife Sadie, a white woman, were married January 5, 1883, under license then issued by McKee James, Circuit Clerk of Atoka County, Choctaw Nation. That they and their children, Linniel E., and Bessie Goldsby, were duly enrolled upon the Chickasaw Leased District payment Roll No. 2, said Sadie as an intermarried Chickasaw citizen and the others as Chickasaw citizens by blood, and they all made application to the Commission to the Five Civilized Tribes, under Act of Congress approved June 10, 1898, for enrollment as Chickasaw citizens, which application was granted by said Commission. That the Chickasaw Nation appealed from such decision to the United States Court for the Southern District of Indian Territory, and said court, on March 14, 1898, rendered judgment sustaining the decision of said Commission, enrolling all of said applicants as Chickasaw citizens. That subsequent thereto said John F. and Sadie Goldsby made application to said Commission for enrollment of their infant son, Murray Milton Goldsby, and, upon proper affidavits of birth, said child was listed for enrollment as a Chickasaw citizen by blood. That said John F. Goldsby, Sadie Goldsby, Linniel E. Goldsby and Bessie Goldsby failed to have the record of their case transferred to the Choctaw-Chickasaw Citizenship Court within the time prescribed by the Act of Congress, approved July 1, 1902.

That said Commission, pursuant to the opinion of the Assistant Attorney General, supra, dismissed the said application of said John F. Goldsby, et al., for enrollment as citizens of the Chickasaw Nation.

That William F. Kelly, a white man, was, on August 27, 1886, married, according to Choctaw laws, to Lorena Harlan, a Choctaw citizen by blood, duly enrolled and recognized as such, under license issued by Edmond M. Bond, Clerk of Webster County, Choctaw Nation; and made application to said Commission under Act of Congress, approved June 10, 1898, for enrollment as an intermarried ^{Choctaw} citizen, and said Commission

granted his said application, and said Kelly was duly enrolled by the tribal authorities of the Choctaw Nation, upon the roll prepared by them in 1896, for the use of said Commission. That the Choctaw Nation appealed from the decision of the Commission to the United States Court for the Central District of Indian Territory, and said United States Court, on the 15th day of July, 1897, rendered a judgment, sustaining the decision of said Commission and enrolling said Kelly as a Choctaw citizen by marriage.

That said William F. Kelly failed to have the record of his case transferred to the Choctaw-Chickasaw Citizenship Court within the time prescribed by the Act of Congress, approved July 1, 1902.

That said Commission, pursuant to the opinion of the Assistant Attorney General, supra, dismissed the application of said William F. Kelly for enrollment as a citizen of the Choctaw Nation by marriage.

That Henry Gummis, a white man, and Dora Crowder, a Choctaw Indian woman, duly enrolled and recognized citizen of the Choctaw Nation, were married the 18th day of January, 1893, according to the laws of the Choctaw Nation, and there was born to them a female child named Ida M., who, also, was duly enrolled as a Choctaw citizen by blood.

That said Dora (Crowder) Gummis died, and thereafter said Henry Gummis married a white woman. That in 1896, while said Ida M. Gummis was a minor, her father, Henry Gummis, made application to the Commission to the Five Civilized Tribes, for the enrollment of himself and his said minor child Ida M., as Choctaw citizens, and said Commission granted said application. That the Choctaw Nation appealed the case of Henry Gummis to the United States Court for the Central District of Indian Territory, but did not appeal as to said Ida M. Gummis, and said court, on the 28th day of August, 1897, rendered judgment sustaining the decision of the Commission, erroneously including in the record of said judgment the name of Ida M. Gummis. That said Ida M. Gummis was duly enrolled upon the 1896 roll, prepared by the Choctaw authorities, for the use of said Commission.

That said Ida M. Gummis failed to have the record and papers in this case transferred to the Choctaw-Citizenship court, for trial anew,

and on the 25rd day of September, 1904, said Commission dismissed the application of said Ida M. Cummins and her child, Engle Southard, she having, on the 24th day of February, 1898, married N. T. Southard, of which union her said child was born the 30th day of April, 1902.

That part of the Act of Congress, approved June 10, 1898, conferring upon the Commission to the Five Civilized Tribes authority to receive and determine applications for citizenship, in, and for making rolls of the membership of the several tribes, is as follows:

"That said Commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said Nations, and after said hearing they shall determine the right of said applicant to be so admitted and enrolled: Provided, however, That such application shall be made to such Commissioners within three months, after the passage of this act. That said commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with ~~said~~ each of the said nations or tribes, and shall give due force and effect to the rolls, usages and customs of each nation or tribe: And provided further, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of the said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

In the performance of such duties said commission shall have power and authority to administer oath, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witness giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter ^{to be} true and correct rolls of persons entitled to the rights of citizenship in ^{said several tribes:} Provided, that if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the

commission provided for in this act, it or he may appeal from such decision to the United States district court; Provided, however, That the appeal shall be taken within ^{SIXTY} ~~ninety~~ days, and the judgment of the court shall be final.

That the said commission, after the expiration of six months, shall cause a complete roll of the citizenship of each of the said nations to be made up from their records, and add thereto the names of the citizens whose right may be conferred under this act and said roll shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States Courts, as provided herein.

The commission is hereby required to file the lists of the members as they finally approve them with the Commissioner of Indian Affairs to remain there for use as the final judgment of the duly constituted authorities."

Note specially these words: "And provided further, That the rolls of citizenship of the several tribes as now existing are hereby confirmed." This language is not ambiguous. It cannot be misinterpreted. It is beyond question that congress intended the rolls of citizenship, as made by the several tribes, and as then existing, should be absolutely final as to every person whose name was found thereon, and this embraced not only the rolls of citizenship, as formulated by the tribes, but every judgment of a citizenship court, or committee, granting tribal citizenship, and every other record of the tribes, upon which the names of any person appeared as a citizen. The citizenship of every such person was, by this confirmation, finally settled, and each was then and thereafter a citizen of the tribe in which he had been so enrolled.

What was the effect of this confirmation of tribal rolls? Did it not place these rolls and the citizenship of the persons whose names were found thereon, beyond the jurisdiction of the Commission; or, in other words, did it not specifically withhold from the Commission jurisdiction as to all persons whose citizenship was confirmed by this act? The Commission could have exercised no jurisdiction except that expressly conferred by the words of the law - none could be implied. What was the jurisdiction expressly conferred upon the Commission? Note the words: "That said Commission is further authorized and directed to proceed at

once to hear and determine the application of all persons who may apply to them for citizenship in any of the said nations, and after said hearing, they shall determine the right of said applicant to be so admitted and enrolled." This is the sole jurisdiction conferred upon the Commission to hear and determine questions as to citizenship. There can certainly be no question as to the class of persons thus authorized to make application to the Commission for citizenship and enrollment. They were not enrolled citizens. Persons whose names were found upon the tribal rolls, so confirmed by this act were not included. Of this there can be no question. It relates solely to the persons who were applying for citizenship and to none other. If this be the correct construction of the law, then the Commission had absolutely no jurisdiction over Ida M. Cummins. She was born a citizen of the Nation, and her name had been placed by the authorities, upon the tribal rolls, and her citizenship was by this act, confirmed.

Could her citizenship, by any means whatsoever, have been more perfectly and absolutely fixed and settled? Certainly not. If, therefore, the Commission had no jurisdiction over her, or of the question of her citizenship, could it by any act relating thereto, in any manner, disturb or affect her citizenship? If it assumed to act, could it confer upon her any better right than she already had? Had it chosen to refuse her application, would its action or judgment therein have, in the least degree, affected her right to Choctaw citizenship? These interrogations need no reply.

But the Commission did, in effect, assume to say: "She is a Choctaw citizen by blood", and at the same time it said "Henry Cummins is a Choctaw citizen by intermarriage." The Choctaw Nation was "aggrieved with the decision . . . of the Commission" declaring Henry Cummins a Choctaw citizen by intermarriage, and within sixty days, the time prescribed by said act, appealed as to him to the United States Court for the Central District of Indian Territory. But no appeal was taken from the decision of the Commission, declaring Ida M. a Choctaw citizen by blood. See particularly the language of the petition, as certified by the clerk of

the said court.

When the court heard the case of Henry Cummins, upon appeal, and rendered judgment in his favor, it included in that judgment the name of his Choctaw child, Ida M. Did the court have jurisdiction or authority to do this? If so, how and when did it acquire such jurisdiction or authority? And if it had none, in what manner, in what degree, could its action, in thus including her name in the judgment, affect her right to Choctaw citizenship, which had already been expressly conferred by the act of June 10, 1896? Need this be answered? Could two forums, the Commission to the Five Civilized Tribes and the United States Court, neither having any jurisdiction or authority whatever over her or her right to Choctaw citizenship, by any act decitizenize her? Could they or either of them, by any act they might do, or seek to do, in any manner, or, in any degree, disturb her right to enrollment as a Choctaw citizen? Need this be answered? If this be the case, then, what is ⁱⁿ the way of her enrollment, and why should not she and her child be enrolled? Would it not be monstrous for the rights of this Choctaw woman and her child, to Choctaw citizenship to which they were born, to be so trifled with and they, in this manner, deprived of their inheritance? Would not such a thing shock the sense of right and justice of any one having the least conception of what is right and of what is wrong?

If anything further than the language above quoted were necessary to satisfy our minds as to the specific limits of the Commission's jurisdiction, in the matter of the citizenship, it may be found in the language of the act quoted above specifying the duties of the Commission in making rolls of the membership of the several tribes, within six months and after it completed this work of determining the rights of applicants for citizenship. The law says: "That the said Commission, after the expiration of six months, shall cause a complete roll of the citizenship of each of the said nations to be made up from the records, and add thereto the names of the citizens whose rights may be conferred by this act." From what records were such rolls to be made? From the records of the tribes, of course; the rolls and the other records of the tribes as con-

firmed, by this act. To these were to be added the names of all the persons who had applied to the Commission, "for citizenship", and whose rights to be admitted and enrolled had been favorably determined by it; "subject, however, to the determination of the United States Court as provided," in said act. That is; to the determination of such courts upon the appeal by either the tribe or the applicant, if aggrieved by the decision of the Commission.

It is unnecessary, in the consideration, of this case, to discuss the modification of the words, "Rolls of citizenship", found in this act, by the provisions of the act of June 7, 1897, specifying what rolls should be deemed thereby confirmed; or any other subsequent legislation upon the subject, as the jurisdiction conferred upon the Commission, by the act of June 10, 1896, expired on the 10th day of December, 1896, it being authorized to receive applications for three months, only, from the date of the said act, June 10, 1896, and its time for considering such applications being limited to ninety days from the time such application was made. Such modification, made June 7, 1897, could not, therefore, affect the jurisdiction of the Commission, at the time it assumed to act upon the application of Ida M. Cummins, or the binding effect of the confirmation of the tribal rolls at that period.

The facts as to the case of John E. Goldsby, Sadie Goldsby and their children, Linniel E. Goldsby and Bessie Goldsby, are substantially the same as those of the case of Ida M. Southard except that an appeal to the United States court from the decision of the Commission was taken as to the Goldsbys, whereas her case was not appealed. But, the bare fact that the Commission had no jurisdiction to receive or consider their application, since their citizenship was confirmed, in manner aforesaid, needs only to be stated. No argument is necessary to sustain the contention, that, if the Commission had no jurisdiction, an appeal to the United States court could confer no jurisdiction upon that court to render any judgment which would, in any manner, or in ^{any} degree, affect their citizenship. Said court could by appeal acquire no jurisdiction not possessed by the Commission from whose decision the appeal was taken.

Clay McCoy was, in 1895, married to a Chickasaw citizen in conformity to the Chickasaw laws. The record of his marriage was confirmed by the terms of said act of congress of June 10, 1896, as is clearly shown by the provisions whereby the Commission was required to make final rolls of citizenship of the several tribes, viz.:

"That said Commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, etc."

The marriage of William F. Kelly to a Choctaw citizen, under Choctaw laws, August 27, 1896, entitled him to enrollment as a Choctaw citizen by intermarriage. His right to enrollment was unquestionable, and his case did not, therefore, come within any class of persons who might apply to the Commission under said act of June 10, 1896, and over whom the said Commission was given jurisdiction by the terms of said act.

Our argument as to jurisdiction in the case of Ida M. Southard is applicable to the cases of said Clay McCoy and William F. Kelly.

We respectfully submit that the Commission to the Five Civilized Tribes has now the same authority to enroll these persons as any other citizens of the Choctaw and Chickasaw Nations whose names are regularly upon the rolls of said nations; that the Commission is not, by its action in dealing with these persons, in 1896, or by the judgments of the United States courts, estopped, or, in any manner, hindered, from performing its plain duty of placing the names of these people upon the final rolls of the Choctaw and Chickasaw, now being prepared by it.

We, therefore, respectfully pray, on behalf of said persons, that all the papers relating to their cases be, by the Commission, forwarded, through the Commissioner of Indian Affairs, to the Secretary of the Interior for consideration, and that said Commission be instructed to place the names of all these persons upon the Choctaw and Chickasaw rolls, as their several rights may appear.

Respectfully,

McKennon Dean
Attorneys for Applicants.

Through the Commission to the
Five Civilized Tribes.

C O P Y.

Chickasaw Court Card C. 110

In re application of Clay McCoy.

Sworn by Commissioner McKennon,

Clay McCoy says:

I am an intermarried citizen. I have been living
in the Chickasaw Nation continuously for 27 years.

Clay McCoy

Ardmore, Sept 23 1898.

enrolled.

INDIAN TERRITORY,)
SOUTHERN DISTRICT.)

I, C. M. Campbell, Clerk of the U. S. Court within and for the Southern District, Indian Territory, do hereby certify that the papers in Indian Citizenship cases No. 42, C. McCoy an applicant for citizenship of Chickasaw Nation by intermarriage, and No. 58, John E. Goldsby, Lemuel H. Goldsby and Bessie Goldsby, applicants for citizenship of Chickasaw Nation by blood, and Sallie Goldsby, applicant for citizenship of said Nation by intermarriage, have not transferred to the Indian Citizenship Court on writ of error as to any of the parties above mentioned, nor has this court received notice, request or order relative to same.

The papers in said cases are still in this Court.

IN TESTIMONY WHEREOF I hereunto set my hand and affix the seal of said Court on this the 15th day of December A. D. 1903.

(Seal)

C. M. Campbell
Clerk.

Wirt Franklin, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the above copy of a certificate made by C. M. Campbell, Clerk of the United States Court, Southern District, Indian Territory, and that said copy is a full, true and correct one.

Wirt Franklin

Subscribed and sworn to before me this 27th day of January, 1904.

Charles H. Sawyer
Notary Public.

C O P Y.

Law office of
MANSFIELD, McMURRAY & CORNISH.

South McAlester, Indian Territory, December 24,
1902.

Dr. G. McCoy,
Ardmore, Indian Territory,

Dear Sir:

Your letter of December 22nd addressed to our Mr. Cornish has been received. The decision of the Choctaw and Chickasaw Citizenship Court is that all "Court Claimant" judgments are void.

The effect of this would be of course to leave the judgments of the Dawes Commission as they were before they were appealed from.

As to whether or not the Commission would permit applications in pursuance of these judgments we are unable to say, but it might be well for you to make such an application along the lines suggested in your letter.

Yours very truly,

Mansfield, McMurray & Cornish.

Dictated.

Chickasaw C
Chickasaw C 110

Muskogee, Indian Territory, January 16, 1903.

C. McCoy,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your two letters of December 30, 1902, and January 13, 1903, inclosing decisions of the Commission admitting Clay McCoy as an intermarried citizen and John E. Goldsby and children as citizens by blood and his wife as an intermarried citizen of the Chickasaw Nation, dated November 23, 1896, in Dawes Commission cases Numbers 141 and 254 respectively, together with a communication from Mansfield McMurray & Cornish of December 24, 1902, advising you that the decision of the Choctaw and Chickasaw Citizenship Court that all "Court claimant" judgments are void would leave the judgments of the Dawes Commission as they were before they were appealed from; and you ask if these decisions of the Commission inclosed by you are good.

The copies of the decisions of the Commission and the letter of Mansfield, McMurray & Cornish are returned to you herewith for the reason that the right of a trial de novo in this cause still lies with the "Choctaw-Chickasaw Citizenship Court" above referred to and the Commission cannot adjudicate this case at this time.

Respectfully,

SIGNED *I. B. Needles*

Commissioner in Charge

Chickasaw C 139

Muskogee, Indian Territory, March 6, 1903.

C. McCoy,

Post Office Box #64,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, in which you state that you have a decree of this Commission, number 141, admitting you as a citizen by intermarriage, and you wish to know the present status of your case as you do not understand the judgment of the citizenship court.

In reply to your letter you are advised that it appears from our records that you were admitted to citizenship in the Chickasaw Nation by this Commission, in Chickasaw case number 141, under the provisions of the act of Congress of June 10, 1898.

The vacation of the judgments of the United States courts in Indian Territory, admitting persons to citizenship in the Chickasaw and Chickasaw Nations, by the decree of the "Choctaw-Chickasaw citizenship court" of December 17, 1902, would presumably leave in effect the original decision of the Commission to the Five Civilized Tribes admitting you as an intermarried citizen of the Chickasaw Nation. The Commission, however, will not render any decisions in cases of this character until after March 15, 1903.

U. S. 2

when the time within which appeals can be taken to the Choctaw
Chickasaw citizenship court will have expired.

Respectfully,

SIGNED *James Bixby*.

Chairman.

Chickasaw C 110

Muskogee, Indian Territory, August 26, 1903.

Clay McCoy,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 22, asking the status of your case and in reply thereto you are advised that it appears from our records that you were admitted as an inter-married citizen of the Chickasaw Nation by a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, March 14, 1898, in court case, citizenship docket, Number 42. Under the provisions of the act of Congress of July 1, 1902, the Commission is prohibited from enrolling or making any allotment of land in the Choctaw and Chickasaw Nations to persons whose citizenship is dependent upon judgments of the United States Courts in Indian Territory, until their right to such citizenship is finally determined.

Respectfully,

SIGNED *Tama Bixby.*

Chairman.

Chickasaw-C-4
Chickasaw-C-110

Muskogee, Indian Territory, December 8, 1903.

H. C. Potterf,

Attorney-at-Law,

Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 24, in which you state you have been informed that the Commission has decided to enroll all applicants for citizenship in the Choctaw and Chickasaw Nations, who had been favorably passed on by the Commission in 1896 and whose taxes had been appealed to the District Court by the Nation in such cases as had not been appealed to the Citizenship Court established under the act of Congress of July 1, 1902. You further state that in the cases of G. McCoy and family and J. E. Goldsky and family, these persons were admitted to citizenship by this Commission on or about November 25, 1896, and that no appeal has been taken to the Choctaw-Chickasaw Citizenship Court in said cases. You therefore request that early action be taken in order that these applicants may be permitted to make selection of their allotments.

In reply to your letter you are informed that if these persons will forward a description of the land which they desire to select in allotment for themselves and family, proper notation

H. C. Patterf --42.

thereof will be made upon our records and they will be notified in the event any other person or persons attempt to make application for the same land or any portion thereof and they will be permitted to institute contest proceedings therefor.

You are further advised that if C. McCoy and J. E. Goldsby desire to present testimony showing that their cases are not now pending before the Choctaw-Chickasaw Citizenship Court, they will be permitted to do so upon their personal appearance before the Commission at its office at Muskegee, Indian Territory.

Respectfully,

SIGNED *James Bixby*
Chairman.

SPENCER B. ADAMS,
Chief Judge.

WALTER L. WEAVER,
HENRY S. FOOTE,
Associate Judges.

DEPARTMENT OF JUSTICE,
CHOCTAW AND CHICKASAW CITIZENSHIP COURT,
INDIAN TERRITORY,

South McAlester, Ind Ter., Dec. 14, 1903., 190

Ino E Goldsby,
Lemuel E
Besau
Sallie

H.C.Potterf, Esq.,
Ardmore, I.T.

Sir;--

In reply to your letter of Dec. 11, 1903, will say that there is no case on this Docket styled C.M.McCoy, or E.J. Goldsby, though in a great many instances we find that the cases in the lower Courts were divided up into several parts and may be styled differently from what appears on the Docket of the lower Court and it is impossible from the information furnished in your letter ^{to state} that some of the parties mentioned in your letter are not included in some case styled differently, from the way it appears on the Docket of the lower Court.

However, I would suggest, that you see the Clerk of the United States Court in which these cases were tried and have him certify whether or not the papers in the cases above mentioned have been sent up to this Court on our writ of error

Very Respectfully,

James B. Cassin
Clerk.

Chickasaw C-110.

COPY!

Muskogee, Indian Territory, December 21, 1903.

Clay McCoy,

Ardmore, Indian Territory.

Dear Sir:-

You are hereby advised that on Monday, January 11, 1904, at nine o'clock A. M. at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, oral argument will be heard by the Commission on the question of its jurisdiction to now enroll as citizens of the Choctaw and Chickasaw Nations those persons admitted to citizenship in these two nations by the Commission under the provisions of the act of Congress approved June 10, 1896, and where an appeal was taken from such decisions to the United States Courts for the Southern and Central Districts of the Indian Territory.

These decisions of the Commission being subsequently affirmed by judgments of the United States Courts and such judgments vacated and held to be null and void by the decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902; and such persons not having appealed or had certified to the Choctaw and Chickasaw Citizenship Court their cases for a trial de novo, it is contended by the attorneys for the Choctaw and Chickasaw Nations that

by the nullification of the judgments of the United States Courts by the decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902, the rights of such persons to citizenship in the Choctaw and Chickasaw Nations under the decisions of the Commission became extinguished.

Respectfully,

(SIGNED)

Tame Dixby.
Chairman.

9-C-110

Muskogee, Indian Territory, January 18, 1904.

Clay McCoy,

Ardmore, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation, you are hereby notified that, before further consideration can be given your application, it will be necessary for you to appear in person before the Commission at its office in Muskogee, Indian Territory, to testify as to your intermarried status as a citizen of the Chickasaw Nation on September 25, 1902.

Respectfully,

SIGNED *Jame Bixby.*

Chairman.

Muskogee, Indian Territory, June 8, 1904,

The Honorable,

The Secretary of the Interior,

Sir:

The Commission to the Five Civilized Tribes has the honor to transmit herewith the papers in the matter of the application of Clay McCoy for enrollment as a citizen by intermarriage of the Chickasaw Nation. The applicant, Clay McCoy, is a white man, and has, for the past thirty three years, been a resident of the Chickasaw Nation, Indian Territory. On April 17, 1898, he was married, in accordance with the laws, customs and usages of the Chickasaw Nation, to Sallie Goldsby, a recognized and enrolled citizen by blood of the Chickasaw Nation. This marriage was under a Chickasaw tribal license issued by Jackson Kemp, County and Probate Judge of Pancha County, Chickasaw Nation, and the marriage was solemnized on April 17, 1898, by J. S. Harrow, a Minister of the Gospel.

The applicant's wife, Sallie Goldsby McCoy, has heretofore been enrolled by the Commission to the Five Civilized Tribes as a citizen by blood of the Chickasaw Nation, her name appearing upon the schedules constituting part of the final roll of the citizens by blood of the Chickasaw Nation, prepared under the provisions of

the act of Congress approved July 1, 1902, (32 Stat., 641) and approved by the Secretary of the Interior, December 12, 1902, opposite Number 3005.

McCoy, since his marriage on April 17, 1896, to Sallie Goldsby, has lived with her continuously in the Chickasaw Nation where they now are living together as man and wife.

Under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321) the applicant, Clay McCoy, submitted a petition to the Commission to the Five Civilized Tribes for admission as a citizen by intermarriage of the Chickasaw Nation claiming such right by virtue of his marriage with the said Sallie McCoy. This petition was filed with the Commission to the Five Civilized Tribes on August 20, 1896, and was docketed as 1896 citizenship case, Number 141, entitled Clay McCoy versus the Chickasaw Nation. On November 23, 1896, the Commission rendered a judgment admitting Clay McCoy as an intermarried citizen of the Chickasaw Nation. From this decision of the Commission admitting Clay McCoy as an intermarried citizen of the Chickasaw Nation, appeal was taken to the United States Court for the Southern District of the Indian Territory and the case was docketed upon the citizenship docket of that court as case Number 43, entitled Clay McCoy versus the Chickasaw Nation, and a judgment was rendered therein on March 18, 1900, affirming the decision of the Commission admitting Clay McCoy as an intermarried citizen of the Chickasaw Nation.

3

By the provisions of the act of Congress approved July 1, 1902 (32 Stat., 641), the Choctaw and Chickasaw Citizenship Court was created, which court, by a decree, rendered December 17, 1902, in a case entitled the Choctaw and Chickasaw Nations or Tribes of Indians versus J. T. Riddle, et al, annulled and vacated all judgments of the United States Courts in Indian Territory in favor of the ten defendants named in the bill, as well as to those who have since in and made themselves parties defendants, and all persons so situated,

After the rendition of the decree of December 17, 1902, by the Choctaw and Chickasaw Citizenship Court, the applicant, Clay McCoy, on December 22, 1902, addressed a communication to Mansfield, McMurray & Gornish, the attorneys for the Choctaw and Chickasaw Nations, relative to his status at that time as a citizen by intermarriage of the Chickasaw Nation. Messrs. Mansfield, McMurray & Gornish in reply to his communication, on December 24, 1902, advised Mr. McCoy as follows:

"The decision of the Choctaw and Chickasaw Citizenship Court is that all 'court claimants' judgments are void. The effect of this would be of course to leave the judgments of the Issues Commission as they were before they were appealed from.

As to whether or not the Commission would permit application in pursuance of this judgment we are unable to say but it might be well for you to make such an application along the line suggested in your letter."

The applicant, Clay McCoy, did not appeal or have certified to the Choctaw and Chickasaw Citizenship Court, within the time prescribed by the act of Congress approved July 1, 1902, (32 Stat., 641)

The Attorney General of the United States, in an opinion dated May 3, 1904, used the following language:

"That annulment of the United States Court judgments affirming a favorable decision of the Commission to the Five Civilized Tribes upon an application for citizenship so far deprives the applicant of a favorable judgment as to devalue upon him the duty of causing his cause to be transferred to the Citizenship Court, Court for the Southern District for a trial de novo."

The Commission to the Five Civilized Tribes, at a session held at the general office at Muskogee, Indian Territory, on February 18, 1904, in reference to persons occupying an analogous status to that of Clay McCoy, adopted the following:

"Resolved that the status of those applicants in whose cases appeals to the Choctaw and Chickasaw Citizenship Court have not been taken be considered by the Commission without reference to any action by the United States Court in Indian Territory or by the Choctaw and Chickasaw Citizenship Court and that the original judgment as entered by the Commission to the Five Civilized Tribes in 1884 be held valid and in full force and effect."

To this action of the Commission the attorneys for the Choctaw and Chickasaw Nations entered objections and the matter having been before the Department for some time, was on May 3, referred by the Secretary of the Interior to the Attorney General of the United States for an expression of opinion as to the effect of the decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902, in the first case wherein the Choctaw and Chickasaw Nations were complainants and J. T. Middle, et al. were defendants.

The Attorney General of the United States, in an opinion dated May 7, 1904, used the following language:

"That annulment of the United States Court judgments affirming a favorable decision of the Commission to the Five Civilized Tribes upon an application for citizenship so far deprives the applicant of a favorable judgment as to devalue upon him the duty of causing his cause to be transferred to the Citizenship Court."

I am further of opinion that annulment of the United States Court judgment did not revive and put into force and effect the judgment of the Commission to the Five Civilized Tribes admitting such person to citizenship and that enrollment by the Commission based

POOR ORIGINAL -
BEST AVAILABLE COPY

upon such a theory would be a clear violation of the rights of the Indian nations.⁹

In view of this recent opinion the Commission is apparently without further jurisdiction or authority in any manner to determine the application of Clay McCoy for enrollment as a citizen by intermarriage of the Chickasaw Nation. Seemingly his failure to appeal or have certified to the Choctaw and Chickasaw Citizenship Court the record in the case before the United States Court for the Southern District of the Indian Territory has so far deprived him of a favorable judgment as to prohibit his enrollment as an intermarried citizen of the Chickasaw Nation.

Inasmuch as the cases of a number of applicants occupy an analogous status to that of Clay McCoy, the Commission desires to be specifically instructed at the earliest practicable date, whether or not the failure of these applicants to appeal or have the records in their cases certified to the Choctaw and Chickasaw Citizenship Court acts as an estoppel from further prosecuting their claims to enrollment or whether the Commission should now proceed to an adjudication of their rights as citizens of the Choctaw and Chickasaw Nations under the provisions of the act of Congress approved June 28, 1898.

Respectfully,

SIGNED *Jams Bixby.*
Chairman.

SIGNED *I. B. Needles*
Commissioner.

SIGNED *C. R. Breckinridge*
Commissioner.

Special Commissioner
of Indian Affairs.

(COPY)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Band,
40495-1904.

Washington, June 24, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated June 8, 1904, in which they say that Clay McCoy, a white man, who has resided in the Chickasaw Nation for 35 years last past, was married to Nellie Goldsby, a recognized and enrolled citizen of the Chickasaw Nation, on April 17, 1895; that said marriage was performed in accordance with the laws of the Chickasaw Nation, and was solemnized on April 17, 1895, by Rev. J. S. Murray; that the applicant's wife has been enrolled as a citizen by blood of the Chickasaw Nation; that her name appears on the approved partial roll opposite No. 3905; that McCoy has lived in the Chickasaw Nation continuously since his marriage, and that he and his wife have lived together as husband and wife since said marriage; that under provisions of the act of June 10, 1896, Clay McCoy applied to the Commission for admission to citizenship in the Chickasaw Nation as an intermarried citizen, claiming right by virtue of his marriage to Nellie McCoy, nee Goldsby; that on November 23, 1896, the Commission rendered a decision admitting Clay McCoy as an intermarried

citizen of the Choctaw Nation; that an appeal was taken from the Commission's decision, and that on March 15, 1902, the United States Court for the Southern District of the Indian Territory affirmed the Commission's decision.

They then say that by the decision of the Choctaw-Chickasaw Citizenship Court of December 19, 1902, in the last suit, that of the Choctaw-Chickasaw Nations vs. J. T. Riddle, et al., the judgment of the United States Court in the case mentioned was annulled and vacated, that after the rendition of the judgment mentioned Clay McCoy on December 22, 1902, addressed a communication to Mansfield, Hamrsey and Corvick, attorneys for the Choctaw and Chickasaw Nations, relative to his status at that time as an intermarried citizen of the Chickasaw Nation, and that on December 22, 1902, they advised him as follows:

The decision of the Choctaw and Chickasaw Citizenship Court is that all "court claimants' judgments are void. The effect of this would be of course to leave the judgments of the Dunes Commission as they were before they were appealed from.

As to whether or not the Commission would permit application in pursuance of this judgment we are unable to say but it might be well for you to make such an application along the line suggested in your letter.

It is shown by some reports that Clay McCoy did not appeal from the decision of the United States Court, or have certified to the Choctaw and Chickasaw Citizenship Court within the time prescribed by the Act of July 1, 1902 (32 Stat. 341), the record and proceedings in his case before the United States Court for the Southern District of the Indian Territory.

and that the Commission, at a session held at the general office at Muskogee, Indian Territory, on February 15, 1904, with reference to persons occupying an analogous status to that of Clay McCoy, adopted the following resolution:

"Resolved that the status of these applicants in these cases appeals to the Choctaw and Chickasaw Citizenship Court have not been taken be considered by the Commission without reference to any action by the United States Court in Indian Territory or by the Choctaw and Chickasaw Citizenship Court and that the original judgment as entered by the Commission to the Five Civilized Tribes in 1895 be held valid and in full force and effect."

To this action of the Commission the attorneys for the Choctaw and Chickasaw Nations entered objections, and all of the papers received with the Commission's report of February 15, 1903, concerning this subject were transmitted to the Department with office report of March 12, 1904. This office did not agree with the position taken by the Commission, and the Acting Attorney General, in an opinion dated May 9, 1904, said:

"That annulment of the United States Court judgments affirming a favorable decision of the Commission to the Five Civilized Tribes upon an application for citizenship so far deprived the applicant of a favorable judgment as to devolve upon him the duty of causing his cause to be transferred to the Citizenship Court."

I am further of opinion that annulment of the United States Court judgments did not revive and put into force and effect the judgment of the Commission to the Five Civilized Tribes admitting such persons to citizenship and that enrollment by the Commission based upon such theory would be a clear violation of the rights of the Indian nations."

The Commission say that in view of this opinion

they are apparently without jurisdiction or authority in any manner to determine the application of Clay McCoy for enrollment as an intermarried citizen of the Chickasaw Nation, and ask for instructions in the premises.

The opinion of the Acting Attorney General is in plain and unmistakable language. He says that it was the duty of all persons who had favorable court judgments, which judgments were annulled by the decision in the test suit, to appeal to the Citizenship Court within the time prescribed by the supplemental agreement, and that the duty of causing the record and proceedings had in the United States Court to be transferred to the Citizenship Court was incumbent upon the applicant, and that by a failure to cause such transfer to be made within the time prescribed by law the applicant was not entitled to enrollment. Under this opinion it is evident that in cases of the character of the one under consideration the Commission has no power or authority in the premises, and that the Department has no duty to perform.

It is therefore respectfully recommended that the Commission be advised that they are without authority to take action of any character looking to the enrollment of Clay McCoy, or any person similarly situated.

Very respectfully,

R. C. Towner,
Acting Commissioner.

(COPY)

I.T.D.
5245-1904.

DEPARTMENT OF THE INTERIOR,
Office of the Assistant Attorney-General,
Washington,

J.R.W.
S.V.P.

July 30, 1904.

The Secretary of the Interior.

Sir:

I received by reference of July 23, 1904, the papers in the application of Dr. Clay McCoy, for enrollment as a citizen, by intermarriage, of the Chickasaw Nation, transmitted by the Commission of the Five Civilized Tribes, with request for specific instructions for their guidance in similar cases. I am requested to render an opinion upon the case presented.

The record shows that McCoy, a white man, April 17, 1895, according to the usages and customs of the Chickasaw Nation, under a Chickasaw tribal license, married Sallie Goldsby, a recognized and enrolled citizen by blood of the Chickasaw Nation. She has been enrolled by the Commission, number 5805, of the rolls approved by the Secretary of the Interior, December 13, 1902. Since the marriage McCoy has lived continuously with her in the Chickasaw Nation.

Under the act of June 10, 1896 (29 Stat., 321), McCoy, August 27, 1895, applied to the Commission to be enrolled as a citizen by intermarriage, which was allowed, November 23, 1895, and the Chickasaw Nation along applied to the United States

Court, Southern District, Indian Territory, and by that court the judgment of the Commission was affirmed, March 15, 1898. Under the act of July 1, 1902 (32 Stat., 641), in a suit instituted by the Choctaw and Chickasaw Nations against J. T. Riddle and others, this judgment admitting McCoy to enrollment was vacated December 17, 1902. McCoy did not appeal or obtain certification of his case to the citizenship court under sections 31, 32, and 33 of the act of July 1, 1902 (32 Stat., 646-8), but, at suggestion of counsel for the Chickasaw Nation, given him December 24, 1902, applied to the Commission to the Five Civilized Tribes for enrollment. February 15, 1904, with reference to this and like cases, the Commission adopted a rule that:

Resolved, that the status of these applicants in whose cases appeals to the Choctaw and Chickasaw Citizenship Court have not been taken be considered by the Commission without reference to any action by the United States Court in Indian Territory or by the Choctaw and Chickasaw Citizenship Court and that the original judgment as entered by the Commission to the Five Civilized Tribes in 1896 be held valid and in full force and effect.

The Choctaw and Chickasaw Nations objected, and such proceedings were taken that May 3, 1904, the Secretary of the Interior requested the opinion of the Attorney-General as to the effect of the decree of the citizenship court, who, May 9, 1904, rendered his opinion:

That annulment of the United States Court judgments affirming a favorable decision of the Commission to the Five Civilized Tribes upon an application for citizenship so far deprives the applicant of a favorable judgment as to devolve upon him the duty of causing his cause to be transferred to the Citizenship Court.

I am further of opinion that annulment of the United States Court judgment did not revive and put into force and effect the judgment of the Commission to the Five Civilized Tribes admitting such person to citizenship and that enrollment by the Commission based upon such a theory would be a clear violation of the rights of the Indian nations.

The Commission to the Five Civilized Tribes expresses the opinion that:

In view of this recent opinion the Commission is apparently without further jurisdiction or authority in any manner to determine the application of Clay McCoy for enrollment as a citizen by intermarriage of the Chickasaw Nation. Seemingly his failure to appeal or have certified to the Choctaw and Chickasaw Citizenship Court the record in the case before the United States Court for the Southern District of the Indian Territory has so far deprived him of a favorable judgment as to prohibit his enrollment as an intermarried citizen of the Chickasaw Nation.

The Indian Office recommends that:

It is therefore respectfully recommended that the Commission be advised that they are without authority to take action of any character looking to the enrollment of Clay McCoy, or any person similarly situated.

My attention is by the letter of reference specially directed to sections 27, 28, and 24 of the act of July 1, 1902, supra, which sections, so far as here material, are as follows:

27. The rolls of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen shall be made by the Commission to the Five Civilized Tribes, in strict compliance with the act of Congress approved June 25, 1896 (30 Stats., 496), and the act of Congress approved May 31, 1906 (31 Stats., 221), except as herein otherwise provided: Provided, That no person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in the Indian Territory under the act of June 10, 1896 (29 Stats., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal property until his

right thereto has been finally determined.

28. The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 27 hereof shall be placed upon the rolls made by said Commission;

34. During the ninety days first following the date of the final ratification of this agreement, the Commission to the Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls, but who have not heretofore been enrolled by said Commission, commonly known as "delinquents," and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this act by Congress; . . .

McCoy was clearly a person whose right was "contested" within the meaning of section 27. Whether he was or was not made party to the representative suit contemplated by section 31, 32, 33, he had right to be made a party on application, and the judgment in the action operated to annul the favorable judgment that he before had recovered.

It is not my province to question the opinion of the Attorney-General herein rendered, May 9, 1904, supra; that opinion is conclusive in the present case. I therefore concur in the view expressed by the Indian Office.

Very respectfully,

Frank L. Campbell,
Assistant Attorney-General.

Approved July 30, 1904.

Miss Ryan,
Acting Secretary.

DEPARTMENT OF THE INTERIOR,

J. W. H.

WASHINGTON.

I. P. D. 6246-1904.
3174- "

August 3, 1904.

L. R. S.

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

Gentlemen:

June 8, 1904, you transmitted the papers in the matter of the application of Clay McCoy for enrollment as a citizen by intermarriage of the Chickasaw Nation.

It appears that McCoy was married in 1895 to a citizen by blood of the Chickasaw Nation, in accordance with the laws of that nation; that his wife's name is now borne upon the rolls of the Chickasaw Nation prepared by you and approved by the Department, and that they have resided continuously in said nation since their marriage. In 1896 McCoy was "admitted" as a citizen by intermarriage by your Commission. Your decision was affirmed, in 1898, by the United States Court for the Southern District of Indian Territory. The decision of the United States Court was vacated, however, by a decree of the Choctaw-Chickasaw Citizenship Court rendered December 19, 1902, in the test case of J. T. Hiddle vs. the Choctaw and Chickasaw Nations.

You express the opinion that your Commission is apparently without further jurisdiction or authority in any manner to determine McCoy's application. You request, however, inasmuch as

the cases of a number of applicants occupy an analogous status with that of Clay McCoy, that your Commission be specifically instructed as to what disposition should be made of such cases.

Reporting in the matter June 24, 1904, the Acting Commissioner of Indian Affairs recommends "that the Commission be advised that they are without authority to take action of any character looking to the enrollment of Clay McCoy, or any person similarly situated."

In an opinion rendered July 30, 1904, approved by the Department the same day, relative to the question submitted by you, the Assistant Attorney General for this Department concurred in the views of the Indian Office. A copy of his opinion is inclosed herewith, for your guidance, together with a copy of the Acting Commissioner's letter.

Respectfully,

Thos Ryan
Acting Secretary.

2 inclosures.

Chickasaw C 118

COPY

Muskogee, Indian Territory, September 29, 1904.

Clay McCoy,

P. O. Box, 64,

Ardmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated September 20, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

SIGNER

James Bixby.
Chairman.

Registered,

Incl. 9-C-118.

Chickasaw C 110

COPY!

Muskogee, Indian Territory, September 20, 1904.

Wansfield, McMurray & Cernish,

Attorneys for Cheatah and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated September 20, 1904, dismissing the application for the enrollment of Clay Mosby as a citizen by inter-marriage of the Chickasaw Nation.

Respectfully,

SIGNED

Jams Bixby.

Chairman.

Incl. 9-6-11.

Chickasaw C 110

Muskogee, Indian Territory, January 23, 1906.

McKennon & Dean,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of January 7th, asking why Dr. Clay McCoy, of Ardmore, Indian Territory, one of the persons who failed to take an appeal to the Citizenship Court, and whose improvements were to be protected from allotment by other citizens, has not yet been notified to appear at the land office and file a list of the improved lands he owns.

In reply to your letter I have to advise that it was my understanding at a conference between Captain McKennon of your firm and Mr. Cornish of the firm of Mansfield, McMurray & Cornish, the attorneys for the Cheataw and Chickasaw Nations, in this office, you and the attorneys for the Cheataw and Chickasaw Nations were to agree upon a list of persons similarly situated as Clay McCoy, and the Secretary of the Interior would then be requested to instruct the Commission specifically as to such persons in lieu of the general order of the Department of October 22, 1904.

I thought this matter was thoroughly understood and have, awaiting instructions from the Department, taken no further action

McK 4 2 2

Relative to reservations by this class of persons.

Respectfully,

SIGNED *James Bixby.*

Chairman.

Mustogee, Indian Territory, February 18, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

On February 8, 1908, the Secretary of the Interior referred to the Commission for report and recommendation, a communication of A. S. McKennon, of February 6, 1908, relative to the case of Glay McCoy, an intermarried Choctaw.

Mr. McKennon states that Glay McCoy has not been enrolled as a citizen, by reason of the fact that he had a judgment in his favor in the United States Court which was vacated by a decision of the Choctaw and Chickasaw Citizenship Court, and failed to take an appeal to the last mentioned court within the time provided by law; that it is believed provision will be made at the present session of Congress for his enrollment with other persons in like condition.

He further states that the orders heretofore made by the Department, directing the Commission to protect the improved lands in possession of this class of persons against the filings of other citizens, do not include McCoy. He, therefore, requests that the Commission be directed to protect the improved lands belonging to Glay McCoy against the filings of other citizens until further notice.

Reporting in this matter I have to state that Clay McCoy was an applicant to this Commission for enrollment as an intermarried citizen of the Chickasaw Nation; he was admitted by the Commission in 1896 as an intermarried citizen of the Chickasaw Nation, and on appeal this judgment of the Commission was affirmed by the United States Court for the Southern District of the Indian Territory. Clay McCoy did not, however, within the time provided by law appeal or have certified his case to the Choctaw and Chickasaw Citizenship Court for trial de novo. On June 8, 1904, the record in the case of Clay McCoy was transmitted to the Department, and the opinion was expressed that in accordance with the opinion of the Attorney General of May 3, 1904, the Commission was without jurisdiction or authority in any manner to determine McCoy's application.

In an opinion of the Assistant Attorney General of July 30, 1904, which was approved by the Department on the same date, he concurs with the recommendation of the Commissioner of Indian Affairs:

"That the Commission be advised that they are without authority to take action of any character looking to the enrollment of Clay McCoy, or any person similarly situated."

Copy of this opinion of July 30, 1904, was transmitted to the Commission with departmental communication of August 3, 1904 (I.T.D. 2246, 6174-1904).

Accordingly on September 20, 1904, the Commission to the Five Civilized Tribes dismissed the application of Clay McCoy for enrollment as an intermarried citizen of the Chickasaw

Nation.

On September 7, 1904, the Commission was directed to reserve from allotment the homes and improved lands of such persons who were admitted by the Commission to the Five Civilized Tribes and by the United States Court on appeal, but in whose cases no appeal had been taken to the Choctaw and Chickasaw Citizenship Court, and whose names were found on the tribal rolls of the Choctaw and Chickasaw Nations in the possession of the Commission.

This direction did not include Clay McCoy for the reason that his name did not appear on the rolls of the Choctaw and Chickasaw Nations in the possession of the Commission.

On October 22, 1904, the following telegram was received by the Commission:

Washington, D. C.

James Conn,
Muskogee, I. T.

Referring to telegrams September seventh and thirteenth, and your report October eleventh, you are directed to take similar action authorized relative to all persons intermarried with Choctaw or Chickasaw citizens by blood according to Choctaw or Chickasaw laws, who were admitted by U. S. Court and failed to appeal to Citizenship Court in time, and were denied enrollment 'under the late ruling', whether such intermarried persons have been enrolled by tribal authorities or not. This includes Clay McCoy. Letter follows.

H. A. Hitchcock,
Secy."

which telegram was confirmed by Departmental letter of October 22, 1904 (I.T.D. 2079-1904).

It was believed that to act in accordance with that

portion of telegram of October 22, 1904 which read-

"You are directed to take similar action authorized relative to all persons intermarried with Choctaw or Chickasaw citizens by blood according to Choctaw or Chickasaw laws, etc."

would necessitate opening up the cases before the Commission in 1896 for the purpose of determining whether or not the persons apparently coming within the class referred to, had been married in accordance with tribal laws. This it was impracticable to do, for the reason that in all cases where appeals were taken from judgments of the Commission to the United States Court in Indian Territory under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 821), the original papers were transferred to said court, and consequently were not in the possession of the Commission, and for the further reason that the decisions of the Commission in 1896 have been deemed final when not appealed from and it is considered inadvisable, at this time, to open up such decisions for further consideration.

It was therefore determined, upon a conference with A. S. McKenna and Melvin Gornish of the firm of Mansfield, McMurray & Gornish in the office of the Commission at Muskogee, that Mr. McKenna and Mansfield, McMurray & Gornish would agree upon the persons coming within this class for whom reservations should be made, and request the Department to direct the Commission specifically as to those persons in the matter of the reservation of their homes and improved land.

I have further to report that Clay McCoy has been notified to appear before the land office for the nation in which his improvements are located, for the purpose of testifying relative to the designation of his home and improved lands, and the Choctaw and Chickasaw land offices have been notified to receive his testimony relative thereto, upon his personal appearance before their office,

I have to recommend that Mr. McKennon be advised that when he and Messrs. Mansfield, McHurray & Cornish have agreed upon the persons for whom reservations are to be made, that a list be furnished the Department and that the Commission be directed specifically to withhold from allotment the homes and improved lands of those persons named by them, and no others.

The communication of A. S. McKennon, of February 6, 1906, is herewith returned.

Respectfully,

SIGNED *Tame Bixby.*

Chairman.

Through the
Commissioner of Indian Affairs.

PT. 1/10.

Chickasaw 1697
Chickasaw & 110
Choctaw 4718

Muskogee, Indian Territory, March 15, 1905.

A. E. McKenna,
South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 10, asking for a full statement of the facts in the cases of Clay McCoy, John E. Goldsby and family and William P. Kelly, beginning with the marriage and enrollment.

In reply to your letter you are advised that it appears from our records that Clay McCoy made application to this Commission in 1896 under the provisions of the act of Congress approved June 10, 1896 for intermarried citizenship in the Chickasaw Nation by reason of his marriage, in April, 1893, to Nellie Goldsby, a citizen by blood of the Chickasaw Nation; that the Commission in 1896 admitted him as an intermarried citizen of the Chickasaw Nation, from which judgment appeal was taken to the United States Court for the Southern District of the Indian Territory, which court, on March 14, 1898, in court case Number 43 on the citizenship docket sustained the judgment of the Commission and admitted Clay McCoy as an intermarried citizen of the Chickasaw Nation. It further appears that Clay McCoy did not have transferred or verified to the Choctaw and Chickasaw Citizenship Court for a trial do have the record in his case, and on June 3,

A 5 NoK 2

1904, the papers in this case were transmitted to the Secretary of the Interior, together with a full statement of the facts herein set out, and on July 30, 1904, the Assistant Attorney General rendered an opinion, which was approved by the Department on the same date, approving the recommendation of the Commissioner of Indian Affairs that:

"It is therefore respectfully recommended that the Commission be advised that they are without authority to take action of any character looking to the enrollment of Clay McCoy, or any person similarly situated."

In accordance with the opinion of the Assistant Attorney General above referred to, on September 20, 1904, the Commission dismissed the application of Clay McCoy for enrollment as an intermarried citizen of the Chickasaw Nation.

You are further advised that the name of Clay McCoy is not found on the 1896 census roll of the Chickasaw Nation in the possession of the Commission.

It further appears that John E. Galsby, his wife, Sadie Galsby, and their children, Daniel E. and Bessie Galsby made application for enrollment as citizens of the Chickasaw Nation on September 14, 1898 and their names were identified upon the 1898 Chickasaw League District Payment Roll Number 1, John E. Galsby and his children claiming as citizens by blood and his wife Sadie Galsby claiming as an intermarried citizen of the Chickasaw Nation.

It also appears that John E. Galsby and his wife and children above named, presented a petition to this Commission in 1896 for citizenship in the Chickasaw Nation and were admitted to citizenship.

A S McK 3

citizenship in said nation, from which decision appeal was taken to the United States Court for the Southern District of the Indian Territory, which court, on March 14, 1898, sustained the decision of the Commission and admitted said claimants to citizenship in the Chickasaw Nation, in court case Number 88 on the citizenship docket.

Application was subsequently made for the enrollment of Murray Milton Goldsby, son of John E. and Sadie Goldsby, and upon proper affidavits of birth the child was listed for enrollment as a citizen by blood of the Chickasaw Nation.

It not appearing that these applicants had their case appealed or certified to the Choctaw and Chickasaw Citizenship Court for a trial in novo under the provisions of the act of Congress approved July 1, 1902, in accordance with the opinion of the Assistant Attorney General in the case of Clay McCoy, and the opinion of the Attorney General of May 9, 1904, on September 23, 1904, the Commission dismissed the applications for enrollment of these persons as citizens of the Chickasaw Nation.

It appears that John Goldsby and Sadie Benine were married on January 2, 1892 under a license issued on the same date by McKee James, Circuit Clerk of Atoka County, Choctaw Nation.

Referring to the case of William F. Kelly you are advised that William F. Kelly was admitted to intermarried citizenship in the Choctaw Nation by this Commission, under the provisions of the act of Congress approved June 10, 1896; that appeal was taken to the United States Court in the Indian Territory which sustained the de-

A B NoK 4

cision of the Commission and admitted said William F. Kelly as an intermarried citizen of the Choctaw Nation.

William F. Kelly was also identified from the 1896 census roll of the citizens of the Choctaw Nation whereon his name appears as an intermarried citizen of said nation.

There is on file with the record in this case marriage license issued to William F. Kelly on August 27, 1896 by Edmund M. Bond Clerk of Tehucsky County, Choctaw Nation; also certificate of D. C. Yeargin of the same date to the marriage of these persons.

It not appearing that William F. Kelly had appealed or certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo under the provisions of the act of Congress approved July 1, 1902, on September 23, 1904, under the opinion of the Attorney General of May 9, 1904, and the opinion of the Acting Attorney General of July 30, 1904, the Commission dismissed the application of William F. Kelly for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

SIGNED *Jame Bixby.*

Chairman.

Y.F.D.
1480-1903.
8588, 7303,
8497, 11952-1904.

(COPY). J.R.W. U.C.P. S.V.P.

DEPARTMENT OF THE INTERIOR,
Office of the Assistant Attorney-General,
Washington, March 24, 1905.

The Secretary of the Interior.

Sir:

I received by reference of December 23, 1904, with request for my opinion thereon, the records in the applications of Benjamin J. Vaughan to be enrolled as citizen by intermarriage of the Chickasaw Nation, and of his children Edward A., Grever C., Oscar E., and Benjamin C. (deceased November 10, 1900), to be enrolled as citizens by blood.

About 1882 Benjamin J. Vaughan was married to Emily Burney, a recognized Chickasaw citizen by blood. The record does not show that his name is found on any of the Chickasaw rolls, but July 22, 1904, the governor of the nation states in a letter that the father and first three of his children appear upon the leased district pay-roll and 1896 census roll, and August 22, 1904, counsel for the nation states in a letter that their names "appear upon all the tribal rolls of the Chickasaw Nation." September 20, 1904, in the father's case, and September 23, 1904, in that of the children, the Commission found that November 10, 1896, the principal applicant, as citizen by intermarriage, and the first three children named, as citizens by blood, were admitted to citizenship of the Chickasaw Nation, from which decision the nation appealed to the United States District Court for the Southern District of Indian Territory, which affirmed the decision, December 17, 1902, the Choptaw and Chickasaw citizenship court, under the act of July 1, 1902 (32 Stat., 841, 845-6), set aside the judgment, and so further

steps of appeal or certification of the case to the citizenship court for a trial ~~in error~~ were taken within the time prescribed by said act, and the commission decided that:

In accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I.T.D. 3826-1904), and the opinion of the Assistant Attorney General for the Department of the Interior dated July 20, 1904 (I.T.D. 5246-1904), the Commission . . . is without authority to take any action of any character looking to the enrollment of (the applicant) . . . and it is therefore hereby ordered that the application . . . be dismissed.

November 23, 1904, the Indian Office transmitted the records recommending affirmance of the action of the Commission.

As to the opinion of the Acting Attorney-General of May 9, 1904, it must be observed that an opinion, like the decision of a court, applies only to such facts as are predicated as the basis of such opinion or judgment. The question submitted by the Department to the Attorney-General was, whether the enrollment by the citizenship court, or the judgment of the United States District Court, in these appealed citizenship cases, operated to leave the decision of the Commission appealed from in force. This necessarily assumed that the commission itself had original jurisdiction to render, and did render, a valid decision.

The point here involved is, whether the commission in 1896 had original jurisdiction to admit or to deny citizenship to these applicants. It is the settled rule of the Department, in the case of Wiley Adams (I. T. D. 4590), May 21, 1903, and those following it, that the commission had no jurisdiction under the act of 1894, ~~public~~, to admit to citizenship or to refuse to admit to citizenship those borne on the rolls, as the rolls were confirmed by the act, and as to such persons the commission was without power except the ministerial one of inscribing their names on its roll when they were identified as upon the tribal rolls.

It is also held by the commission, and by my opinion in case of Mary Elizabeth Martin (I.T.D. 11856-1904), that intermarriage as to the white person operates under Article XXXVIII of the treaty of April 23, 1866 (14 Stat., 769, 779), as admission to the tribe, and is the full equivalent of enrollment, so that, whether such intermarried person was enrolled or not, the commission in 1896 were without power to exclude them from the rolls.

It is also conclusively shown that the Choctaw and Chickasaw Nations did not contend otherwise before the Attorney-General. It was stated in their brief presented and considered by the Attorney-General that:

If there are persons falling within the class to which this brief refers, who had a tribal enrollment and recognition as citizens by blood of the Choctaw or Chickasaw Nation, or who have intermarried, in accordance with tribal laws to citizens by blood so enrolled and recognized, none of the proceedings of the Commission to the Five Civilized Tribes or the United States Courts can affect or did affect their status one way or the other. Such proceedings are void as held by the Choctaw and Chickasaw Citizenship Court and are not subjects of consideration as weighing either for or against a citizen applicant. As to persons who are now applicants before the Commission to the Five Civilized Tribes for enrollment, under the act of Congress approved June 23, 1898, and later acts, their citizenship rights are to be determined upon their merits, without reference to what may or may not have been done either for or against them by void proceedings had before the Commission to the Five Civilized Tribes or the United States Court under the act of June 10, 1896.

As to them the 1896 proceedings should be eliminated entirely and their citizenship rights determined under the Curtis act and later acts. Our contentions apply and can apply only to those persons falling within this class who have no tribal enrollment and recognition or who have not intermarried with citizens by blood in accordance with tribal laws, but who rely as a basis for their citizenship upon proceedings had under the act of June 10, 1896.

We submit that the act of June 10, 1896, is itself conclusive of the correctness of this view. Furthermore, in addition to the construction which must appear from an examination of the face of the act itself, the Department of the Interior has so held in the noted Choctaw enrollment case of Wiley Adams. Under the act of June 10, 1896, the tribal rolls were confirmed (this confirmation was of course removed by the Curtis act and does not affect the commission in the exercise of its jurisdiction therein); and by the Wiley Adams case it is held that the act of June 10, 1896, means what it says; and that as to persons having a tribal status the commission acquired no jurisdiction over them; and

anything which may have been done thereunder either for or against them was in excess of the Commission's jurisdiction and is to be given no consideration.

The Acting Attorney-General, May 9, 1904, stated the contention, the question submitted, and his opinion as follows:

It is now maintained by the Indian nations that it was the duty of the applicants, decrees in whose favor were annulled and who desired to insist on their claims, to give notice and transfer their causes to the citizenship court, as provided by statute, and to have the same there determined. On the other hand, the applicants insist that annulment of judgments of United States courts in their favor left the action of the Commission to the Five Civilized Tribes admitting them to enrollment in force, and that they are now entitled to rely upon the same and to be recognized as citizens.

In view of the foregoing facts and to enable you to determine what course to pursue, you request my opinion "whether the annulment of the United States court judgment affirming a favorable decision of the Commission to the Five Civilized Tribes upon an application for citizenship, so far deprived the applicant of a favorable judgment as to devolve upon him the duty of causing his cause to be transferred to the Choctaw and Chickasaw citizenship court, as provided in section 21 of said act of July 1, 1902, to protect and preserve his claimed rights, or whether the annulment of the United States court judgment revived and put in force, and effect the judgment of the Commission to the Five Civilized Tribes admitting such person to citizenship."

I am of opinion that annulment of the United States court judgment affirming a favorable decision of the Commission to the Five Civilized Tribes upon an application for citizenship so far deprived the applicant of a favorable judgment as to devolve upon him the duty of causing his cause to be transferred to the citizenship court. I am further of opinion that annulment of the United States court judgment did not revive and put into force and effect the judgment of the Commission to the Five Civilized Tribes admitting such person to citizenship, and that enrollment by the Commission based upon such a theory would be a clear violation of the rights of the Indian nations.

It is obvious that the question here presented was not in the contentions considered by the Attorney-General, and whether the general terms of the opinion might be wide enough to cover such case, yet the opinion can not be construed to apply to or affect a case wherein the commission in 1896 was without jurisdiction to deny citizenship to the applicant.

My opinion of July 30, 1904, in Dr. Clay McCoy (I.F.D. 2046-1904)

is also cited by the commission as authority preventing its consideration of the present cases. McCoy, a white man, April 17, 1898, in conformity to Chickasaw law, married an enrolled citizen by blood of the Chickasaw Nation, and had continuously lived with her in the nation. He applied to the commission, and his enrollment was allowed November 26, 1898, and upon appeal of the Chickasaw Nation the decision was affirmed by the United States District Court March 25, 1898. This judgment was vacated December 17, 1902, by the citizenship court under the act of July 1, 1902, HERRA, and no appeal was taken or certification obtained of the case to that court. After rendition of the Attorney-General's opinion of May 9, 1904, HERRA, the commission making reference thereto held that:

In view of this recent opinion the Commission is apparently without further jurisdiction or authority in any manner to determine the application of Clay McCoy for enrollment as a citizen by intermarriage of the Chickasaw Nation. Seemingly his failure to appeal or have certified to the Choctaw and Chickasaw Citizenship Court the record in the case before the United States Court for the Southern District of the Indian Territory has so far deprived him of a favorable judgment as to prohibit his enrollment as an intermarried citizen of the Chickasaw Nation.

The Indian Office recommended that the Commission be advised that it was without authority to take any action of any character looking to the enrollment of Clay McCoy or any person similarly situated, getting out sections 27, 28, and 34 of the act of July 1, 1902, HERRA, I expressed the opinion that:

McCoy was clearly a person whose right was "contested" within the meaning of section 27. Whether he was or was not made a party to the representative suit contemplated by sections 31, 32, 33, he had right to be made a party on application, and the judgment in the action operated to annul the favorable judgment that he before had recovered.

Upon re-examination of the files referred in the case of Dr. Clay McCoy, I find that neither by brief of counsel nor suggestion of the

commission, Indian Office, or letter of reference, was it called to my attention that there was lack of original jurisdiction to consider the applicant. Nor were the opinion and brief of counsel upon the question submitted to the Attorney-General then before me. I was led to assume that McJury's case was within the question then submitted and was controlled by the decision. That assumption was clearly erroneous in fact and for that reason, and reasons stated herein and in the case of Mary Elizabeth Martin, I recede from the opinion then expressed, and an opinion that the commission is not precluded by the opinion of the Attorney-General of May 9, 1904, from consideration of the present cases, or those of like facts, upon their merit.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved, March 24, 1905.

H. A. Hitchcock,

Secretary.

DC. 17553-1903.
ITD. 5246-1904.
2122-1903.
L. R. S.

(COPY). J. V. K. PER.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, April 2, 1903.

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

Gentlemen:

June 8, 1902, you transmitted the papers in the matter of the application of Clay McCoy for enrollment as a citizen by intermarriage of the Chickasaw Nation.

McCoy is a white man who has resided for more than thirty years in the Chickasaw Nation. April 17, 1896, he was married in accordance with the laws, customs and usages of the Chickasaw Nation to Nellie Goldsby, a recognized and enrolled citizen by blood of the Chickasaw Nation. This marriage was under a Chickasaw tribal license issued by Jackson Kemp, County and Probate Judge of Pancha County, Chickasaw Nation, and was solemnized April 17, 1896, by J. B. Harrow, a minister of the gospel.

McCoy made application to your Commission for admission as a citizen by intermarriage of said nation under the act of June 10, 1896. November 25, 1896, you granted this application. Upon appeal to the United States Court for the Southern District of the Indian Territory, your decision was affirmed in a judgment rendered March 15, 1898. No appeal was taken to the Choctaw-Chickasaw Citizenship Court, as required by the act of July 1, 1902 (32 Stat. 841).

December 17, 1902, in the case of the Choctaw and Chickasaw Nations vs. J. F. Kiddle et al., the citizenship court in said nations annulled and vacated all judgments of the United States Courts in the

Indian Territory in favor of the defendants named in the bill, as well as other persons similarly situated.

You requested to be advised whether, as to persons occupying an analogous status to that of Clay McCoy, your Commission should proceed to an adjudication of their rights as citizens of said nations.

August 3, 1904, the Department transmitted for your guidance a copy of the opinion of the Assistant Attorney General of July 30, 1904, approved the same day, relative to the questions submitted by you in the case of Clay McCoy. In said opinion the Assistant Attorney General, concurring in the report of the Acting Commissioner of Indian Affairs, of June 24, 1904, held "that the Commissioner is without authority to take any action of any character looking to the enrollment of Clay McCoy or any persons similarly situated."

However, in an opinion rendered and approved March 24, 1905, relative to the application of Benjamin J. Vaughan et al, for enrollment as citizens of the Chickasaw Nation, the Assistant Attorney General receded from his opinion expressed in the case of Clay McCoy, and held that all such persons were entitled to have their claims considered upon their merits.

Inasmuch as the papers transmitted by you furnish satisfactory testimony respecting all material points, further investigation seems unnecessary, and, as the applicant is, according to the opinion in the Vaughan case, entitled to enrollment, you are directed to place his name upon the final rolls of the Chickasaw Nation as a citizen thereof by intermarriage.

Respectfully,

THOS. RYAN,
Acting Secretary.

Chickasaw C 110

Waukegee, Indian Territory, April 10, 1906.

McKennon & Dean,

Attorneys at Law,

South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of the seventh instant, transmitting a petition in duplicate addressed to the Honorable Secretary of the Interior, praying for the enrollment of Clay McCoy, John E. Goldsby, Sadie Goldsby, Linniel M. Goldsby, Bessie Goldsby and Murray Milton Goldsby as citizens of the Chickasaw Nation and of William F. Kelly, Ida M. Southard and Eagle Southard as citizens of the Choctaw Nation.

You are advised that in conformity with your request the same has this day been forwarded to the Secretary of the Interior, a copy thereof being retained for the information of the Commission.

Respectfully,

SIGNED *T. B. Needles*

Commissioner in Charge.

Mustoge, Indian Territory, April 10, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith, upon the request of Messrs McKennon & Dean, attorneys at law, South McAlester, Indian Territory, a petition for the enrollment of Clay McCoy, John E. Goldsby, Sadie Goldsby, Lincoln E. Goldsby, Beattie Goldsby and Murray Milton Goldsby as citizens of the Chickasaw nation and of William F. Kelly, Ida M. Southard and Angie Southard as citizens of the Choctaw Nation.

The attention of the Department is invited to the fact that no proof of the service of a copy of this petition upon Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, accompanied the same.

Respectfully,

SIGNED *T. B. Needles*

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Chickasaw # 118

Muskogee, Indian Territory, April 17, 1908.

Dr. Clay McGay,
Post Office Box #64,
Armore, Indian Territory.

Dear Sir:

You are hereby advised that under date of April 1, 1908, the Secretary of the Interior directed the Commission to the Five Civilized Tribes to enroll you as a citizen by intermarriage of the Chickasaw Nation.

You are further advised that in accordance with said instructions your name has been included upon a list of persons entitled to enrollment as citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval, and that when the same is approved you will be permitted to make selection of allotment of the lands of the Choctaw and Chickasaw Nations.

Respectfully,

SIGNED *Tamie Biaby*

Chairman.

Muskogee, Indian Territory, April 17, 1905.

H. C. Potterf,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

For your information there is enclosed you herewith copy of departmental letter of April 1, 1905, accompanied by copies of the opinion of the Assistant Attorney-General for the Department of the Interior of July 30, 1904, and March 24, 1905, in reference to the Chickasaw enrollment case of Clay McCoy.

You are advised that in accordance with departmental instructions of April 1, 1905, the name of Clay McCoy has now been included upon a list of persons entitled to enrollment as citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval, and when so approved he will be entitled to select an allotment of the lands of the Choctaw and Chickasaw Nations.

Respectfully,

SIGNED *Tammie Birby*

Chairman.

MMK 17/5

Muskogee, Indian Territory, April 17, 1906.

McKenna & Dean,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

For your information there is herewith enclosed you copy of departmental letter of April 1, 1906, accompanied by copies of the opinion of the Assistant Attorney-General for the Department of the Interior of July 30, 1904, and March 24, 1905, in reference to the Chickasaw enrollment case of Clay McCoy.

You are advised that in accordance with departmental instructions of April 1, 1906, the name of Clay McCoy has now been included upon a list of persons entitled to enrollment as citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval, and when so approved he will be entitled to select an allotment of the lands of the Choctaw and Chickasaw Nations.

Respectfully,

SIGNED *James Dixby*

McK 17/6

Chairman.

Muskogee, Indian Territory, April 17, 1905.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

For your information there is enclosed you herewith copy of departmental letter of April 1, 1905, accompanied by copies of the opinion of the Assistant Attorney General for the Department of the Interior of July 30, 1904, and March 24, 1905, in reference to the Chickasaw enrollment case of Clay McCoy.

You are advised that in accordance with departmental instructions of April 1, 1905, the name of Clay McCoy has now been included upon a list of persons entitled to enrollment as citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval, and when so approved he will be entitled to select an allotment of the lands of the Choctaw and Chickasaw Nations.

Respectfully,

SIGNED *James Bixby.*

Chairman.

McM 17/10

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DEPARTMENT OF THE INTERIOR,
WASHINGTON,

D.C. 28843-1905

T.T.D. 2200-1905

L.S.S.

May 16, 1905.

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

Gentlemen:

There is returned herewith the petition of Messrs. McKernan & Dean, forwarded to the Department with your letter of April 10, 1905, inviting attention to the fact that no proof of the service of a copy of this petition upon Messrs. Mansfield, Edgeway & Scribner attorneys for the Creek and Chickasaw Nations, accompanied the same.

You are directed to return petition to petitioner's attorneys, Messrs. McKernan & Dean, and at the same time advise said attorneys of the present status of the cases of Clay McCoy, Henry A. Cummins, Ida E. Southard, nee Cummins, and others similarly situated and named therein, as affected by the recent decisions and instructions of this Department relative thereto.

Respectfully,

Wm. R. R.

Acting Secretary.

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Chickasaw 1807
Chickasaw 1808
Chester 4712, 5017.

Muskogee, Indian Territory, June 8, 1908.

McKenna & Dean,

Attorneys at Law,

South Muskogee, Indian Territory,

Gentlemen:

In accordance with Departmental direction of May 16, 1908, there is returned herewith your petition in the matter of the application for the enrollment of Clay Kelley, John E. Goldsby, Sadie, Linniet E., Beasia and Murray Milton Goldsby, as citizens of the Chickasaw Nation, and of William F. Kelly, Ida M. Southard and Eagle Southard, as citizens of the Chester Nation.

The Commission was also directed to inform you as to the status of the persons above named and you are advised that the names of Ida M. Southard and her child, Eagle Southard, have been placed upon a schedule of citizens by blood of the Chester Nation, and the name of Henry A. Cummins has been placed upon a schedule of citizens by intermarriage of the Chester Nation, which have been forwarded to the Secretary of the Interior for approval, but the Commission has not yet been notified of Departmental action thereon. You will be advised when their enrollment is approved by the Secretary of the Interior.

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You are further advised that on May 23, 1906, the Commission to the Five Civilized Tribes rendered a decision granting the application for the enrollment of William F. Kelly as an intermarried citizen of the Choctaw Nation and if, at the expiration of fifteen days from that date, no protest is filed by the attorneys for the Choctaw and Chickasaw Nations, his name will be placed upon a schedule of citizens by intermarriage of said nation prepared for forwarding to the Secretary of the Interior.

On May 23, 1906, the Commission to the Five Civilized Tribes also rendered a decision granting the application of John H. Galdy for the enrollment of himself and his children, Linniel H., Bessie and Murray Milton Galdy as citizens by blood of the Chickasaw Nation and refusing the application for the enrollment of his wife, Sadie Galdy, as an intermarried citizen of the Chickasaw Nation and at the expiration of fifteen days from that date, if no protest is filed by the attorneys for the Choctaw and Chickasaw Nations, the names of John H. Galdy and his children above referred to will be placed upon a schedule of citizens by blood of the Chickasaw Nation for forwarding to the Secretary of the Interior.

You are further advised that on April 1, 1906, the Commission was directed by the Secretary of the Interior to enroll Clay McCoy as an intermarried citizen of the Chickasaw Nation, and his name will be placed upon a schedule of citizens by intermarriage of the Chickasaw Nation to be forwarded to the Secretary of the Interior.

WAX & D 3

You will be notified when the enrollment of the above
named persons is approved by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

AB 1-3

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

C O P Y

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Acknowledgment is hereby made of the receipt of Departmental letter of this date, (I.F.D. 4902-1907), enclosing for report copy of letter of February 27, 1907, from the Commissioner to the Five Civilized Tribes, relative to the names of persons who have heretofore been placed on the final roll of citizens by blood of the Choctaw and Chickasaw Nations, who are affected by the opinion of the Attorney General of the United States of February 19, 1907.

Commissioner Bixby, sets out in his letter the names of all the persons now appearing on the rolls who are deemed by him to be without right to enrollment under the opinion of the Attorney General mentioned. In some of these cases patents have been executed and recorded, and in others no patents have been issued.

The Office is of the opinion that the list prepared by the Commissioner contains the names of persons who in the light of the opinion of the Attorney General are not entitled to enrollment, and it is therefore recommended that the action of the Commissioner in striking the names of these persons from the roll be

approved, and that their names also be stricken from the copies
of the rolls in the possession of the Department and of this
office.

Very respectfully,

G. T. Larrabee,

Acting Commissioner.

18-14.

D.C. 17922
I.T.D. 7794-1907
H.P.S.
V.L.C.

J.P.
L.L.B.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 4, 1907.

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

Sir:

In answer to Departmental telegram of February 23, 1907, and letter of the same date, you reported in letter of February 27, 1907, after inspection of the partial rolls of the Choctaw and Chickasaw nations, prepared under the act of June 25, 1898 (30 Stats., 495), and subsequent legislation, the persons whose names have been placed on such partial rolls, in your opinion, contrary to the views expressed in the Attorney-General's opinion of February 19, 1907, in the case of Myrtle Randolph and others, copy of which was transmitted to you with letter of February 23, 1907, and which names you recommend be stricken from the partial rolls, opposite the numbers mentioned by you.

Your list is as follows:

CHOCTAWS BY BLOOD AND INTERMARRIAGE.

Charley S. Vincent, opposite No. 1468, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 251; no appeal. Patents recorded.

John Calvin Gray, opposite No. 1515, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 80, and denied by the United States Court for the central district of Indian Territory on appeal; no appeal to the Choctaw and Chickasaw Citizenship Court.

Daisy Shelton, Frank Shelton, Emma Shelton, opposite Nos. 15051, 15052, 15053, respectively, upon the final roll of citizens by blood of the Choctaw Nation. All denied by Commission in 1896 in case No. 1407; admitted by United States court for southern district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patents for No. 15051 recorded.

John Shelton, opposite No. 1495, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1407; admitted by United States court for southern district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Jacob D. Supter, opposite No. 1449, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1073; no appeal. Patents recorded.

John Supter, Amanda Isabella Supter, Jim Andy Supter, and Scott Taylor Supter, opposite Nos. 15445, 15446, 15447, and 15448, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No.

1073; no appeal. Patents for No. 15648 recorded; homestead patent for No. 15647 recorded.

Dixon D. Sumpter, opposite No. 15649, upon the final roll of citizens by blood of the Choctaw Nation. Son of Nancy Sumpter, deceased, who was denied by Commission in 1896, in case No. 1073, and no appeal. Born in 1897.

Mattie S. Mitchell, opposite No. 1519, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1299; no appeal.

Georgia Hyden, opposite No. 1601, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1344; admitted by United States Court for the central district of Indian Territory; denied by the Choctaw and Chickasaw Citizenship Court; Decision of Commissioner of October 1, 1906, granting enrollment affirmed by Department November 17, 1906 (I.T.D. 22824-1906).

Eva Marguerite Hyden, opposite No. 16102, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1344; admitted by United States Court for central district of Indian Territory; denied by Choctaw and Chickasaw Citizenship Court. Application for enrollment granted

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by Commissioner October 1, 1906; affirmed by Department November 17, 1906 (I.T.D. 23324-1036).

J. W. Kirk, opposite No. 1399, upon the final roll of citizens by intermarriage of the Chectaw Nation. Denied by Commission in 1896 in case No. 948; appeal to United States district court dismissed.

Sarah Kirk and Gabriella Kirk, opposite Nos. 13393 and 13394, respectively, upon the final roll of citizens by blood of the Chectaw Nation. Denied by Commission in 1896 in case No. 948; appeal to United States district court dismissed. Patents recorded.

William J. Crowder, Abigail Crowder, Maggie Crowder, Rosa Crowder, William H. Crowder, and John F. Crowder, opposite Nos. 15099, 15000, 15001, 15002, 15003, and 15004, respectively, upon the final roll of citizens by blood of the Chectaw Nation. Denied by the Commission in 1896 in case No. 760; no appeal. Patents for No. 15099 recorded.

Winnie Gertrude Crowder, born June 6, 1901, opposite No. 15905 upon the final roll of citizens by blood of the Chectaw Nation. Daughter of William J. Crowder, who was denied by Commission in 1896 in case No. 760; no appeal.

-2-

Josephine Crowder, opposite No. 1523, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 743; no appeal. Wife of William J. Crowder opposite No. 15099.

George W. Crowder, Louisa Crowder, Joe Crowder and Belzori Crowder, opposite Nos. 15906, 15907, 15908 and 15909, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 712; no appeal. Patents for Nos. 15906, 15907 and 15908 recorded.

Willie Crowder, born October 16, 1898, opposite No. 15910, upon the final roll of citizens by blood of the Choctaw Nation. Son of George W. Crowder, who was denied by Commission in 1896 in case No. 712; no appeal. Patents recorded.

Parlee S. Crowder, opposite No. 1524; upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 499; no appeal.

Van Crowder, opposite No. 15911, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 749; no appeal. Patents recorded.

Ambrose L. Rice, opposite No. 1400, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 642; no appeal. Patents recorded.

-4-

Betsy Wright, Thomas H. Wright, opposite Nos. 15912 and 15913, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 507; no appeal. Patents recorded.

Mary M. Wright and Leonard Balce Wright (both born since 1896), opposite Nos. 15914 and 15915, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Children of Betsy Wright, who was denied by Commission in 1896 in case No. 507; no appeal. Patents recorded.

Andrew J. Allen, opposite No. 16102, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 488; admitted by United States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court.

Elizabeth Allen, opposite No. 16103, upon the final roll of citizens by blood of the Choctaw Nation. Admitted by Commission in 1896 in case No. 488; admitted by United States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court.

William H. Tucker, opposite No. 1490, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 288; admitted by United States

Court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Patents recorded.

Arthur Jennings and Clyde Jennings, opposite Nos. 15972 and 15973, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1048; admitted by United States court for Southern district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

William Reichert, opposite No. 1491, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1117; no appeal. Patents recorded.

Ella Reding, opposite No. 1490, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 1243; admitted by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Ardella Kiefer, opposite No. 15016, upon the final roll of citizens by blood of the Choctaw Nation. Admitted by Commission in 1896 in case No. 1243; admitted by United States Court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Angeline White, opposite No. 1402, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by

Commission in 1896 in case No. 980; no appeal. Enrollment ordered by Department February 3, 1906 (Y.T.D. 1120-1906).

David Ritter, opposite No. 16106, upon the final roll of citizens by blood of the Choctaw Nation. Admitted by Commission in 1896 in case No. 483; denied by Commission in 1896 in case No. 1197; admitted by United States Court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Ida Crutchfield, Eas Crutchfield, Louvinia Crutchfield, William Crutchfield, and Leuitia Crutchfield, opposite Nos. 16105, 16107, 16108, 16109 and 16110, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Admitted by Commission in 1896 in case No. 483; admitted by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Everet Crutchfield, opposite No. 16106, upon the final roll of citizens by blood of the Choctaw Nation. Born in 1887, and son of Ida Crutchfield, above mentioned. Was not before the Commission in 1896 and possesses no tribal status.

George W. Crutchfield, opposite No. 16111, upon the final

roll of citizens by blood of the Choctaw Nation, born since 1896,
and child of Ida Crutcherfield, opposite No. 14108.

James T. Beard, opposite No. 1426, upon the final roll
of citizens by intermarriage of the Choctaw Nation. Denied by
Commission in 1896 in case No. 1287; admitted by United States
court for the central district of Indian Territory; denied by the
Choctaw and Chickasaw Citizenship Court.

Robert L. Baker, opposite No. 1404, upon the final roll
of citizens by intermarriage of the Choctaw Nation. Denied by
Commission in 1896 in case No. 1017; no appeal. Patents recorded.

Sarah Hurt, opposite No. 1405, upon the final roll of
citizens by intermarriage of the Choctaw Nation. Denied by Com-
mission in 1896 in case No. 342; no appeal.

Wells F. Beagle, opposite No. 18917, upon the final
roll of citizens by blood of the Choctaw Nation. Denied by Com-
mission in 1896 in case No. 11; no appeal. Patents recorded.

August Klingh, opposite No. 290, upon the final roll of
citizens by intermarriage of the Choctaw Nation. Denied by Com-
mission in 1896 in case No. 223; no appeal. Patents recorded.

Henry Fehworth, opposite No. 9258, upon the final roll of
citizens by blood of the Choctaw Nation. Denied by Commission in
1896 in case No. 1376; no appeal. Patents recorded.

Mary E. Bowling, opposite No. 1408, upon the final roll
of citizens by intermarriage of the Choctaw Nation. Denied by

Commission in 1896 in case No. 1031; no appeal. Patents recorded.

Alice E. James, Maggie M. James, Ellis E. James, Annette James, and Evelyn James, opposite Nos. 15450, 15451, 15452, 15453, and 15454, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1031; no appeal. Patents for Nos. 15450, 15451, 15452 and 15454 recorded.

Chester E. Aywood, opposite No. 1409, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1187; no appeal. Patents recorded.

William D. Paxton, opposite No. 1410, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 522; no appeal. Patents recorded.

Charles A. Woodard, opposite No. 642, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 522; denied by United States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Remanded patent recorded.

Frederick B. Johnson, opposite No. 1321, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 675; admitted by United

States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Virginia P. Mitchell, opposite No. 1215, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 389; no appeal. Patents recorded.

Andrew Deal, opposite No. 1473, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 77; no appeal.

Benjamin B. Guter, opposite No. 1216, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 267; denied by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

Salvin Q. Harris, opposite No. 1329, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 423; denied by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Homestead patent recorded.

Lydia Ann Crowder, opposite No. 1612, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by

W. Russell McClure, opposite No. 1414, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1388; no appeal.

Mary B. Robinson and Mary A. Travis, opposite Nos. 18884 and 18887, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 661; no appeal. Patents for No. 18884 recorded.

Louy McMurtry, opposite No. 1407, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1324; no appeal.

Ell W. Crowder, James Crowder, Katie B. Crowder and Fannie B. Crowder, opposite Nos. 18921, 18922, 18923, and 18924, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 762; no appeal.

John A. Crowder, opposite No. 18925, upon the final roll of citizens by blood of the Choctaw Nation. Born in 1827, and son of Ell W. Crowder, opposite No. 18921. Patents recorded.

Henry Sutherland, opposite No. 654, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1381; no appeal. Patents recorded.

Robert A. Travis, opposite No. 140, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by

Commission in 1896 in case No. 433; no appeal.

Mary Moran, opposite No. 1416, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 350; no appeal. Patents recorded.

George W. Roberts, opposite No. 1219, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 659; denied by United States Court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Patents recorded.

Viccy Lewis, opposite No. 1476, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 1239; admitted by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

Ira L. Smith, opposite No. 1127; upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 790; denied by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

Hattie Freemy, opposite No. 1481, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 468; no appeal. Patents recorded.

Ream E. Rigney, opposite No. 1478, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 708; admitted by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

Josiah T. Marshall, opposite No. 1341, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 372; denied by United States court for the central district of Indian Territory; appeal to Choctaw and Chickasaw Citizenship court dismissed on May 4, 1903, on general demurrer, in case No. 3 upon the McAlister docket.

Fannie Shultz, opposite No. 1423, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1067; no appeal. Patents recorded.

Hattie A. Perkins, opposite No. 1027, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 584; no appeal. Patents recorded.

John T. Staten, opposite No. 1420, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1072; no appeal. Patents recorded.

Ananda Cheate, opposite No. 1089, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by

Commission in 1896 in case No. 737; no appeal.

Eva Coleman, opposite No. 1384, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 971; no appeal.

William F. Kelly, opposite No. 1450, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 1193; admitted by United States Court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court.

Mattie M. Russell, opposite No. 1353, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1116; no appeal.

Greter Randall, opposite No. 15928, upon the final roll of citizens by blood of the Choctaw Nation. Admitted by Commission in 1896 in case No. 667; admitted by United States Court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Agnes James, opposite No. 15961, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1019; no appeal.

Martha Hyden, opposite No. 1609, upon the final roll of

citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1344; admitted by United States Court for Southern district of Indian Territory; denied by Choctaw and Chickasaw Citizenship Court.

Wiley Adams, opposite No. 15027, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1128; no appeal.

Mary A. Foster, opposite No. 988, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 437; no appeal.

Jeanette H. Buckholts, opposite No. 1237, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 245; no appeal.

Selden T. Lindsay, opposite No. 1120, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 28; denied by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

Henry A. Jennings, opposite No. 1464, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 243; admitted by United

States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Ordered enrolled by Department April 1, 1903 (I.P.D. 311-1903). Patents recorded.

Allen Beagles, opposite No. 1486, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 11; no appeal. Patents recorded.

William Newton Gann, opposite No. 1489, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 1010; admitted by United States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court.

John V. Carier, opposite No. 1543, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 242; no appeal.

Julia Goo, opposite No. 1580, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1895 in case No. 1407; admitted by United States Court for Southern District of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Robert G. Jenkins, opposite No. 16032, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Com-

mission in 1894 in case No. 1329; no appeal. Directed to be enrolled by Department April 5, 1906 (I.T.D. 5032-1906).

Martha J. Metchey, opposite No. 1614, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1894 in case No. 1248; no appeal. Decision of Commissioner of June 5, 1906, granting application affirmed by Department October 30, 1906 (I.T.D. 21230-1906).

Hattie L. Armstrong, Layton S. Armstrong, and Bennis D. Armstrong, opposite Nos. 16054, 16055 and 16056, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1898 in cases No. 477 and 478; admitted by United States Court for Southern district of Indian Territory denied by Choctaw and Chickasaw Citizenship Court. Decision of Commissioner of July 9, 1906, granting application affirmed by Department August 11, 1896 (I.T.D. 15700-1906).

Rebecca K. Armstrong, opposite No. 16057, upon the final roll of citizens by blood of the Choctaw Nation. Born in 1878 and child of Hattie L. Armstrong opposite No. 16054.

Thomas J. Howard, Horace Howard, Lonnie Howard, Henry Howard and Elmer Howard, opposite Nos. 16032, 16034, 16035, 16036 and 16037, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No.

1334; no appeal. Directed to be enrolled by Department April 6, 1906 (I.T.D. 3284-1904).

Bettie Percy Howard and Della Lee Howard, opposite Nos. 16038 and 16039, respectively, upon the final roll of citizens by blood of the Chectaw Nation. Born in 1897 and 1899, respectively, children of Thomas J. Howard, opposite No. 16035.

Carrie Howard, opposite No. 16040, upon the final roll of citizens by intermarriage of the Chectaw Nation. Denied by Commission in 1896 in case No. 1354; no appeal. Wife of Thomas J. Howard, opposite No. 16035.

Gertrude Beaver, Clarence Beaver, Nellie Beaver, and Myrtle Beaver, opposite Nos. 16040, 16041, 16042 and 16043, respectively, upon the final roll of citizens by blood of the Chectaw Nation. Nos. 16040 and 16041 denied by Commission in 1896 in case No. 1354; no appeal. Nos. 16042 and 16043 born in 1896 and 1900, respectively, and children of Gertrude Beaver, opposite No. 16035. Ordered enrolled by Department April 6, 1906 (I.T.D. 3284-1904).

Durrell P. McLendon, John H. McLendon, Thomas McLendon, Ida W. McLendon, Ralph McLendon, Harry McLendon, and Fannie McLendon, opposite Nos. 16025, 16026, 16027, 16028, 16029, 16030 and 16031, respectively, upon the final roll of citizens by blood

of the Choctaw Nation. All but Nos. 16020 and 16021 denied by Commission in 1896 in case No. 1871; no appeal. Nos. 16030 and 16031 born in 1896 and 1898, respectively, and children of No. 16028. Directed to be enrolled by Department April 4, 1906 (I.I.D. 8372-1906).

Cornel McLendon, opposite No. 1577, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1271; no appeal. Wife of Barrell F. McLendon, opposite No. 16023.

George A. Bungarner, opposite No. 16112, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 620; no appeal.

James S. Long, Joseph Long, Fortis Long, opposite Nos. 16003, 16004, and 16002, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Placed on 1896 Choctaw Census Roll by Choctaw Advisory Board without authority of law, as in William G. Thompson case. Ordered enrolled by Department January 19, 1906 (I.I.D. 8192-1906).

Colman E. Atzy, Laura Green and Teddy Green, opposite Nos. 16032, 16033 and 16034, respectively. Nos. 16045 and 16046 placed on 1896 Choctaw Census Roll by Choctaw Advisory Board without authority of law as in William G. Thompson case. No. 16035 born

February 14, 1901; non of 16049. Record transmitted to Department
December 21, 1906, for consideration in case of Henakiah Rnoch
Astry.

CHOCOTAW MINORS ACT OF CONGRESS APPROVED
APRIL 26, 1906 (34 Stat., 137).

Nettie Myrl Crowder, opposite No. 874, child of George
V. Crowder, opposite No. 13908, upon the final roll of citizens
by blood of the Choctaw Nation, and Earlee G. Crowder, opposite
No. 1884, upon the final roll of citizens by intermarriage of the
Choctaw Nation.

Hufus Clay Crowder, opposite No. 3, child of William J.
Crowder, opposite No. 13979, upon the final roll of citizens by
blood of the Choctaw Nation, and Josephine Crowder, opposite No.
1523, upon the final roll of citizens by intermarriage of the
Choctaw Nation.

Fannie Jane Wright, opposite No. 253, child of J. W.
Wright, non-citizen, and Betsy Wright, opposite No. 15912, upon
the final roll of citizens by blood of the Choctaw Nation.

Lee Green, opposite No. 685, child of W. F. Green, non-
citizen, and Lenora Green, opposite No. 16049, upon the final roll
of citizens by blood of the Choctaw Nation.

Ruth McLendon, opposite No. 708, child of Robert G. McLendon, opposite No. 16052, upon the final roll of citizens by blood of the Choctaw Nation, and Emma McLendon, a non-citizen.

Ray D. McLendon, opposite No. 263, child of Barrell V. McLendon, opposite No. 16025, upon the final roll of citizens by blood of the Choctaw Nation, and Corneal McLendon, opposite No. 1577, upon the final roll of citizens by intermarriage of the Choctaw Nation.

Jessie Louise Brandriak, opposite No. 724, child of Mary A. Trice, opposite No. 15057, upon the final roll of citizens by blood of the Choctaw Nation, and William H. Brandriak, non-citizen.

Macl Calvin Beaver, Oland Dawson Beaver and Herbert Howard Beaver, opposite No. 457, 458, and 459, respectively, children of Gertrude Beaver, opposite No. 16040 upon the final roll of citizens by blood of the Choctaw Nation, and Galvin Beaver, a non-citizen.

Effie Barnett, opposite No. 247, child of Amanda Isabella Dwyer, opposite No. 15646, upon the final roll of citizens by blood of the Choctaw Nation, and A. B. Barnett, a non-citizen.

Edie M. Kiefer and Effraim Kiefer, opposite Nos. 790 and

921, respectively, children of Ardeala Kiefer, opposite No. 15916, upon the final roll of citizens by blood of the Chectaw Nation, and Charles Kiefer, a non-citizen.

Josephine Laflere Long, Francis Long and Jake Laflere Long, opposite Nos. 921, 922, and 923, respectively, children of Ferbie Long, opposite No. 16006, upon the final roll of citizens by blood of the Chectaw Nation, and Lemmie Long, a non-citizen.

CHICKASAW BY BLOOD AND INTERMARRIAGE.

Gustavus A. Ramsey, opposite No. 514, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Admitted by Commission in 1898 in case No. 125; denied by United States court for Southern District of Indian Territory; no appeal to the Chectaw and Chickasaw Citizenship Court. Patents recorded.

Sallie F. Hargis, opposite No. 626, upon the final roll of citizens by intermarriage of the Chickasaw Nation; denied by Commission in 1898 in case No. 131; no appeal.

John E. Goldsby, Linniel E. Goldsby and Bessie Goldsby, opposite No. 4924, 4925 and 4926, respectively, upon the final roll of citizens by blood of the Chickasaw Nation. All admitted by Commission in 1898 in case No. 134; admitted by United States

court for Southern District of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Decision of Commission of May 23, 1906, granting application affirmed by Department October 6, 1906 (I.T.D. 2149-1906).

Murray Milton Galsky, opposite No. 4987, upon the final roll of citizens by blood of the Chickasaw Nation. Born in 1896, and son of John M. Galsky, opposite No. 4984.

Joe Perry and Dillard Perry, opposite Nos. 5012 and 5014, respectively, upon the final roll of citizens by blood of the Chickasaw Nation. Denied by Commission in 1898 in case No. 116; no appeal. Ordered enrolled as citizens by blood of the Chickasaw Nation by Department on October 19, 1906 (I.T.D. 1898-1906).

The names of these persons formerly appeared opposite Nos. 267 and 268 upon the roll of Chickasaw freedmen, approved by the Secretary of the Interior December 12, 1902; and in the event their names are stricken from the approved roll of citizens by blood of the Chickasaw Nation, their names should be reinstated upon the Chickasaw freedmen roll.

Benjamin J. Vaughn, opposite No. 608, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 92; admitted by United States court for Southern District of Indian Territory; no appeal.

to the Choctaw and Chickasaw Citizenship Court. Patents recorded.

Edward A. Vaughan, Grover Cleveland Vaughan and Oscar S. Vaughan, opposite Nos. 4969, 4970 and 4971, respectively, upon the final roll of citizens by blood of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 92; affirmed by United States court; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

William T. Lancaster, opposite No. 412; upon the final roll of citizens by intermarriage of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 202; appealed to United States Court and affirmed; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

John W. Archerd, opposite No. 622, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 178; appealed to United States court for Southern district of Indian Territory and affirmed; no appeal to Choctaw and Chickasaw Citizenship Court.

James W. Hagland, opposite No. 631, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Denied by Commission in 1896 in case No. 55; appealed to United States court for Southern district of Indian Territory, and appeal dismissed.

Notice of the Commissioner of October 25, 1905, enrolling applicant affirmed by the Department January 9, 1906 (I.T.D. 17422-1906).

Thomas St. John, opposite No. 376, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Denied by Commission in 1906 in Cheater case No. 2059; no appeal. Patents recorded.

John Quincy Adams, opposite No. 421, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Admitted by Commission in 1906 in case No. 2; denied by United States court for Southern district of Indian Territory; no appeal to Cheater and Chickasaw Citizenship Court.

Mary A. Shanks, opposite No. 429, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Denied by Commission in 1906 in case No. 219; admitted by United States court for Southern district of Indian Territory; no appeal to Cheater and Chickasaw Citizenship Court.

Wm. McCoy, opposite No. 406, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Admitted by Commission in 1906 in case No. 141; admitted by United States court for Southern district of Indian Territory; no appeal to the Cheater and Chickasaw Citizenship Court. Directed to be enrolled

by Department April 1, 1906 (I.T.B. 3122-1905).

The Indian Office, to which was referred your letter of the 27th ultimo for report, concurs in letter of March 2, 1907, in your recommendation that such names be stricken from the rolls.

The Department is compelled to rely upon your investigation, as the act of April 26, 1906 (34 Stats., 137), provides in section 4 that the rolls of the Choctaw and Chickasaw Nations shall be completed on or before the 4th day of March, 1907, and that the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after such date. Assuming, therefore, that your information is correct, the names of the persons mentioned, not heretofore stricken from the partial rolls, are stricken from such rolls this day, notwithstanding any decision that may have been made by the Department in favor of such persons.

As recommended by you, the names of Jap and Dillard Perry have been reinstated upon the Chickasaw Freedmen roll, opposite Nos. 257 and 262.

The Department concurs in your views relative to the following persons:

John Mitchell and Allen Yates Mitchell, opposite Nos.

18335 and 18336, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1299; no appeal. Patents recorded.

David E. Strickland and Mertie P. Strickland, opposite Nos. 15919 and 15920, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 941; no appeal.

Hettie P. McMurtry and Martha E. McMurtry, opposite Nos. 15446 and 15447, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1334; no appeal. Homestead patents recorded.

Rufus Satterfield, opposite No. 15930, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1062; no appeal.

Charles William Thompson, opposite No. 4968, on the final roll of citizens by blood of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 162; admitted by United States Court for southern district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

You state that such persons are minor children of duly enrolled citizens by blood of the Choctaw or Chickasaw Nation, and that the names of one parent of each of these children appears upon

the final roll of citizens by blood of the Choctaw or Chickasaw Nation approved by the Department prior to March 3, 1905, and that while under the opinion of the Attorney-General of February 19, 1907, it would appear that these children are not entitled to enrollment as citizens by blood of the Choctaw or Chickasaw Nation under the acts of June 22, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 841), you believe that such children can be enrolled under a provision of the act of March 3, 1905 (33 Stat., 1060), which is as follows:

"That the Commission to the Five Civilized Tribes is hereby authorized for sixty days after the date of the approval of this Act to receive and consider applications for enrollment of infant children born prior to September twenty-fifth, nineteen hundred and two, and who were living on said date, to citizens by blood of the Choctaw and Chickasaw tribes 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."

In this the Department concurs, and as you suggest, the names of these children will be permitted to stand as they are at present on the rolls of citizens by blood of these two nations.

If by inadvertence the name of anyone has been left on any partial roll after decision adverse to him was made by the Department prior to March 3, 1907, and since the opinion of the

Attorney-General referred, to, the name of each person will be
stricken from the roll as of this date.

A copy of Indian Office letter of March 2, 1907, is inc
losed.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure.

Chickasaw 1908

Muskogee, Indian Territory, March 29, 1907.

Clay McCoy,

P. O. Box 64,

Ardmore, Indian Territory,

Dear Sir:

You are hereby advised that in accordance with an opinion of the Attorney General of the United States of February 19, 1907, the Secretary of the Interior, on March 4, 1907, directed the cancellation of your enrollment upon the roll of citizens by marriage of the Chickasaw Nation.

Your name has accordingly been stricken from the copy of said roll in the possession of this office.

Respectfully,

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Address only
The Secretary of the Interior.

C W W

January 19, 1900.

File 8-211.

The Commissioner to the
Five Civilized Tribes,
Tulsa, Oklahoma.

Sir:

November 20, 1900, the Supreme Court rendered decisions in what are known as the Goldsby and Allison cases. These suits were brought to obtain mandamus against the Secretary of the Interior to correct the rolls as to the said Goldsby and Allison, on the ground that the Secretary of the Interior after placing their names upon approved rolls of citizenship had attempted to strike them from those rolls without notice and an opportunity to be heard. The decision of the Supreme Court is that mandamus shall issue in these cases.

There are many suits of a similar nature pending against the Secretary of the Interior, and after careful conference between this Department and the Department of Justice it was decided that judgment should be allowed in all pending mandamus actions in which the petitioners stand clearly in the

same position as Goldsby and the Allisons. Pursuant to these conferences and to the judgments which may be entered on account of the above decision of the Supreme Court, you are hereby directed to erase the interlineations and notations which purport to strike any of the following names from the rolls of citizens of the respective nations and the Five Civilized Tribes:

PERSONS WHO HAD PRIOR TO THE GOLDSBY DECISION INSTITUTED SUITS
 THE PRINCIPLES OF WHICH ARE UNDERTAKEN SIMILAR TO THE
 OPINION OF THE SUPREME COURT IN THAT DECISION.

Chickasaw by Blood

Roll No.	Name	Roll No.	Court
4884	Goldsby, John B.	242	U. S. S. C.
4885	Goldsby, Linnial B.	20022	S. C. D. C.
4886	Goldsby, Beattie	20023	S. C. D. C.
4887	Goldsby, Murray B.	20024	S. C. D. C.
4888	Vaughan, Edward A.	272	U. S. S. C.
4889	Vaughan, George B.	272	U. S. S. C.
4891	Vaughan, George B.	272	U. S. S. C.

Chickasaw by Intermarriage

491	Allen, John Quincy	20025	S. C. D. C.
492	Lancaster, William T.	20026	S. C. D. C.
493	Mokey, Clay	20027	S. C. D. C.
494	England, James W.	21028	S. C. D. C.
495	St. John, Thomas	20029	S. C. D. C.
496	Vaughan, Benjamin F.	273	U. S. S. C.

Continued on Next Page

Roll No.	Name	Roll No.	Court
18001	Adam, Wily	20022	S. C. D. C.
18002	Astrey, Columbus E.	49725	S. C. D. C.
18003	Beaver, Gertrude	20023	S. C. D. C.
18004	Beaver, Clarence	10023	S. C. D. C.
20042	Beaver, Nellie	20024	S. C. D. C.
18043	Beaver, Myrtle	20025	S. C. D. C.
28017	Beagles, Nellie P.	20026	S. C. D. C.
18011	Crowder, Van	20027	S. C. D. C.
18012	Crowder, Willie	20028	S. C. D. C.
18008	Crowder, Belmont	20029	S. C. D. C.
18009	Crowder, Joe	20030	S. C. D. C.
18007	Crowder, Louise	20031	S. C. D. C.
18006	Crowder, George W.	20032	S. C. D. C.
18005	Green, Faddy	49724	S. C. D. C.
20040	Green, Louisa	49726	S. C. D. C.
18013	Howard, Thomas J.	20033	S. C. D. C.
18014	Howard, Horace	20034	S. C. D. C.
18015	Howard, Lennie	20035	S. C. D. C.
18016	Howard, Mary	20036	S. C. D. C.
18017	Howard, Kimm	20037	S. C. D. C.
18018	Howard, Nettie Percy	20038	S. C. D. C.
18019	Howard, Dora Lee	20039	S. C. D. C.
28481	James, (or Richardson) Maggie E.	20040	S. C. D. C.

Roll No.	Name	Roll No.	Grade
15452	James, Ellis E.	50023	E.C.D.C.
15453	James, Anacaria	50023	E.C.D.C.
15454	James, Evalina	50023	E.C.D.C.
15061	James, Agnes	50023	E.C.D.C.
15384	Kirk, Gabriella	50355	E.C.D.C.
15393	Kirk, Sarah	50355	E.C.D.C.
15953	Shelton, Russ	51240	E.C.D.C.
15952	Shelton, Frank	51240	E.C.D.C.
15442	Supter, John	50023	E.C.D.C.
15443	Supter, Amanda Isabella	50023	E.C.D.C.
15447	Supter, Jim Andy	50023 51240	E.C.D.C.
15448	Supter, Scott Taylor	50023 51240	E.C.D.C.
15449	Supter, Dixie D.	51240	E.C.D.C.
15912	Wright, Dotey	50023	E.C.D.C.
15913	Wright, Thomas H.	50023	E.C.D.C.
15914	Wright, Mary E.	50023	E.C.D.C.
15915	Wright, Leonard B.	50023	E.C.D.C.
Students by Marriage			
1625	Allen, Andrew J.	50023	E.C.D.C.
1409	Atwood, Chester C.	50343	E.C.D.C.
1476	Beak, Andrew	50047	E.C.D.C.
1408	Bowling, Mary E.	51026 50023	E.C.D.C.

Roll No.	Name	Roll No.	Grade
1543	Carter, John V.	50334	E. C. D. C.
1444	Cummings, Henry A.	50038	E. C. D. C.
1524	Crowder, Parlee G.	50035	E. C. D. C.
1529	Harris, Salvin G.	49724	E. C. D. C.
1578	Howard, Garrie	50033	E. C. D. C.
1599	Kirk, J. W.	50354	E. C. D. C.
200	Klugh, August	50033	E. C. D. C.
1027	Perkins, Mattie A.	50353	E. C. D. C.
1491	Reichert, William	51026	E. C. D. C.
1480	Rice, Abrams L.	374	E. C. U. S.
1423	Shultz (or Shultz) Fannie	51026	E. C. D. C.
1496	Smith, John	50948	E. C. D. C.
1449	Wagner, Jacob D.	50033	E. C. D. C.
340	Travis, Robert A.	50948	E. C. D. C.
1403	White, Angelina	51026	E. C. D. C.
362	Woodward, Charles A.	49494	E. C. D. C.

Miss Chapman

Act of Congress Approved March 26, 1904

297	Barnett, Myrie	50033	E. C. D. C.
497	Beaver, Hazel Calvin	50033	E. C. D. C.
458	Beaver, Glad D.	50033	E. C. D. C.
499	Herbert, Howard	50033	E. C. D. C.
674	Crowder, Mattie Myrl	50038	E. C. D. C.
685	Green, Lee	49724	E. C. D. C.
265	Wright, Fannie Jane	50033	E. C. D. C.

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Checked by Head

<u>Roll No.</u>	<u>Name</u>	<u>Suit No.</u>	<u>Court</u>
31910	Allison, John	49434	S. C. D. C.
31960	Allison, Johnnie S.	49436	S. C. D. C.
31961	Allison, Frankie P.	49437	S. C. D. C.
31958	Allison, Ida B.	240	U. S. D. C.
31957	Allison, George A.	250	U. S. D. C.

A careful investigation of those names concerning which no suits were brought, but which, after being upon an approved roll of citizens or freedmen of any of the Five Civilized Tribes, were stricken therefrom without notice and an opportunity to be heard, has thus far developed a list which undoubtedly falls within the principles expressed by the Supreme Court in the Goldsby decision. All these persons are in the same position as those named in the above list of those who had filed suits prior to that decision. It follows necessarily that, if suits were instituted in these cases, judgment must be allowed as was done in the case of the names on the above list. For this reason I have decided that it would be improper to delay correction of the rolls as far as these persons are concerned. Such delay would continue the rolls in an incorrect condition according to the opinion of the Supreme Court, would bring hardship and expense upon the citizens and freedmen involved, and would delay completion of the work of the Commission to the Five Civilized Tribes.

The correction of the rolls in these cases does not add names to the rolls, but merely erases from the rolls interlinations and notations which the court says the Secretary of the Interior has no power to place there. For these reasons you are hereby directed to erase the interlinations and notations which purport to strike any of the following names from the rolls of citizens of the respective nations of the Five Civilized Tribes.

PERSONS WHO HAD NOT INSTITUTED SUITS PRIOR TO THE GOLDEN BULLETS ACT BUT WHOSE CASES FALL IMMEDIATELY UNDER THE PRINCIPLES OF THAT DECISION.

Chickasaw by Blood

Roll No.	Name	Roll No.	Name
5913	Ferry, Joe	5914	Ferry, Millard

Chickasaw by Marriage

622	Archard, John W.	513	Shanks, Mary A.
625	Hargis, Sallie J.	514	Ramsay, Gustavus A.

Choctaw by Blood

16103	Allen, Minaboth	16110	Crutchfield, Louitia
16112	Bungarner, George A.	16106	Crutchfield, Sweet
16925	Crowder, John A.	16121	Crutchfield, George W.
15924	Crowder, Finkie E.	16459	Jones, Alice E.
15925	Crowder, Katie E.	15972	Jennings, Arthur
15921	Crowder, Eli V.	15973	Jennings, Clyde
15922	Crowder, James	15916	Kelifer, Ardella
15908	Crowder, Winna Gertrude	16003	Long, James E.
15904	Crowder, John Y.	16004	Long, Joseph

Roll No.	Name	Roll No.	Name
15903	Crowder, William H.	16008	Long, Ferbis
15904	Crowder, Rosa	921	Long, Josephine LeFlora
15901	Crowder, Maggie	922	Long, Fannie LeFlora
15908	Crowder, Abigail	9258	Pohworth, Henry
15909	Crowder, William J.	15998	Randall, Grover
16104	Crutchfield, Ida	16104	Ritter, David
16107	Crutchfield, Emma	15934	Robinson, Mary E.
16108	Crutchfield, Louisa	15951	Shelton, Daisy
16109	Crutchfield, William	15997	Trice, Mary A.

Specimens BY MARRIAGE:

1486	Beagles, Alist	1414	McClure, Natall
1557	Bachhults, Jannetta K.	1614	McCabe, Martha J.
1389	Cheate, Amanda	1407	McCarthy, Lucy
1412	Crowder, Lydia Ann	1559	One, Julia
1523	Crowder, Josephine	1419	Faxton, William D.
984	Fester, Mary A.	1404	Raben, Robert L.
1421	Freese, Hattie	1499	Reding, Ella
1457	Gunn, William Newton	1478	Rigney, Rosa E.
1618	Gray, John Helvis	1217	Roberts, George V.
1214	Gunter, Benjamin B.	1351	Robinson, Frederick B.
1480	Kelly, William T.	1883	Russell, Hattie M.
1476	Lewis, Victor	1127	Smith, Ira L.
1159	Lindsay, Gideon T.	1428	Staten, John K.

1406	Merryman, Sarah	630	Sutherland, Henry
2215	Mitchell, Virginia F.	1470	Tucker, William B.
1319	Mitchell, Mattie S.		
1416	Moran, Mary	1468	Vincent, Charlie R.

Minor Deceased Citizens:

Roll No.	Name	Roll No.	Name
724	Broadrick, Jennie Louise	701	Kiefer, Emma
4	Brewster, Rufus Clay	600	Long, Francis
700	Kiefer, Edis A.		

Charred By Flood:

31958	Allison, Elmer G.	31959	Allison, Jasper F.
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In order that the action of erasures may be uniform for all names and upon all rolls, you will make such erasures in the following manner: The lines drawn through and purporting to cancel the names from the rolls shall be lined out by drawing across them short transverse lines in red ink. The notations purporting to cancel the names from the rolls shall be lined out by drawing through each line of said notations red horizontal lines. In addition to lining out the interlineations and notations you will insert a note at the foot or side of each page containing any of these corrections, said note to be indicated by stars placed before the names involved. The note shall read as follows:

"Words and lines purporting cancellation erased by authority of departmental letter of January 19, 1909 (File 5-51)."

You will notify all persons, whose status on the rolls

has been recognized as above, of the action taken, and that they have all the rights to allotment and payments enjoyed by other citizens, as though no attempt had ever been made to cancel their names from the rolls.

Except for the Allisons named in above lists, I am not ready to give you a list of the Cherokees and Creeks whose status upon the rolls will be corrected under the principles of the Goldsby decision. Direction concerning them will follow within a week.

There are other names which were upon the approved rolls and were erased or stricken therefrom by the Secretary of the Interior without notice. Some of these are already the subject of injunction or mandamus actions against the Secretary of the Interior and in other cases such action has not been instituted. There are reasons which make it doubtful whether these persons fall indubitably under the principles of the Goldsby decision. Careful consideration of the matter will be given at once, and, according to the decision reached in each case, the persons involved will be left to such court action as they deem wise or will have the rolls corrected by departmental action in the manner indicated for the two lists set forth above.

A sample page is inclosed, showing the method of erasure to be followed by all offices in the correction of the rolls.

Very respectfully,
(Signed) James Rudolph Garrison,
Secretary.

9-1889
2- 608

Muskogee, Oklahoma, February 10, 1909.

Mr. Clay McBoy.

Box 44,

Ardmore, Oklahoma.

Sir:

I am instructed by the Department of the Interior that in accordance with the decision of the Supreme Court of the United States in the suit instituted by you against the Secretary of the Interior seeking to have erased from the final roll of citizens by intermarriage of the Chickasaw Nation any notations indicating an attempt to strike your name from said roll, said notations shall be erased and that you have all the rights to allotment and payments enjoyed by other citizens as if no attempt had ever been made to cancel your name from this roll.

Said instructions have been carried out by this office, and you are now advised that the status of your name on the approved roll of citizens by intermarriage of the Chickasaw Nation and of your allotment selection in said nation is the same as prior to March 4, 1907, when the Secretary of the Interior directed that your name be stricken from the roll.

Respectfully,

(S)

Acting Commissioner.

**END
OF
REEL**

